

MINUTES OF A REGULAR MEETING OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON MONDAY, MAY 1, 2006, AT 1 P.M.

Present: Commissioners: *Walter, Hancock, Cordero, Hankla, Topsy-Elvord
Absent: " None
(*Commissioner Walter was present at the Committee Meetings)

Also present:

R. D. Steinke	Executive Director
S. B. Rubin	Managing Director
G. T. Hein	Executive Officer to the Board
D. A. Thiessen	Chief Harbor Engineer
T. K. Whitesell	Director of Administration
H. C. Morris	Director of Communications
M. J. Slavin	Chief Financial Officer
D. L. Albrecht	Director of Information Management
W. D. Bower	Assistant Director of Maintenance
R. G. Kanter	Director of Planning
K. J. McDermott	Director of Properties
C. Perrone	Director of Security
D. B. Snyder	Director of Trade & Maritime Services
C. A. Kemp	Director of Community Relations
D. T. Holzhaus	Principal Deputy City Attorney

PRESIDENT TOPSY-ELVORD PRESIDED AS CHAIRPERSON.

APPROVAL OF MINUTES.

Upon motion by Commissioner Cordero, seconded by Commissioner Hankla and unanimously carried, the minutes of the regular meeting of April 17, 2006, were declared read and approved as read.

PUBLIC COMMENTS.

Mr. Larry Herrera, City Clerk, thanked the Board and Mr. Steinke for allowing volunteers from the Harbor Department staff to assist with staffing needs at the polls for the City election on April 11. He stated the upcoming election on June 6 will present two challenges; one is that the City will be conducting a concurrent election along side the State Wide Primary, so voters will need to remember to vote the county/state ballot, and then also vote the City ballot. And, secondly, he stated the City is facing a

catastrophic shortage of poll workers and his office is again working with other City departments to recruit as many City employees to assist with staffing the 311 polls for "two vote" Tuesday, June 6.

In response to a question by Commissioner Hancock, Mr. Herrera stated the ballots need to be picked up separately and voted separately. Additionally, he added that his office is educating the public on "two vote" Tuesday and working with local businesses and Long Beach Transit on displaying "two vote" Tuesday posters.

CONSENT CALENDAR – ITEMS NOS. 1-8.

Item No. 8 was removed from Consent Calendar for discussion.

1. CITY OF LOS ANGELES/CITY OF LONG BEACH - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE AMENDMENT TO MASTER COST SHARING AGREEMENT FOR THE STUDY OF TSUNAMIS THAT COULD POTENTIALLY IMPACT SAN PEDRO BAY - DOCUMENT NO. HD-5849L.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 26, 2006, requesting approval of an amendment to Master Cost Sharing Agreement with the City of Los Angeles for the study of tsunamis that could potentially impact San Pedro Bay, for services provided between July 1, 2005, and June 30, 2006, in the shared amount of \$300,000, was presented to the Board. The request was approved by the Acting Executive Director.

2. KLEINFELDER, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENT TO CONTRACT FOR GEOTECHNICAL INVESTIGATION – DOCUMENT NO. HD-6829A.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 26, 2006, requesting approval of an amendment to Contract with Kleinfelder, Inc., for geotechnical and underground investigation services, extending the contract to June 30, 2008, and revising the schedule of hourly fees, was presented to the Board. The request was approved by the Acting Executive Director.

3. MANSON CONSTRUCTION COMPANY – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE, UPON SATISFACTION OF CERTAIN CONDITIONS BY CONTRACTOR, CONTRACT FOR THE BP COLD IRONING PROJECT ON PIER T UNDER SPECIFICATION NO. HD-S2279 – CITY ATTORNEY REQUESTED TO PREPARE CONTRACT – DOCUMENT NO. HD-7040 AND CWO NO. HD-1253, SUPPLEMENT NO. 4 - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 26, 2006, requesting conditional authorization of a Contract with Manson

Construction Company for the BP Cold Ironing Project on Pier T, Berth T121, under Specification No. HD-S2279, in the amount of \$7,324,890, and CWO No. 1253, Supplement No. 4, in the amount of \$9,200,000, was presented to the Board. The request was approved by the Acting Executive Director.

4. LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Robert Kanter, Director of Planning, dated April 19, 2006, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #06-033	California United Terminals (CUT) – Guard House Installation
HDP #06-034	Verizon Wireless – Replacement of a Radio Frequency Cabinet
HDP #06-035	T-Mobile – Antennae Installation
HDP #06-037	Phillips Steel Company – Fence Installation
HDP #06-038	Total Terminals International (TTI) – Substation Maintenance
EMP #06-041	Tidelands Oil Production Company – Emergency Water Injection Line Repair

was presented to the Board. The request was approved by the Acting Executive Director.

5. HARBOR REVENUE FUND – APPROVAL OF FUND TRANSFER JOURNALS AND AUTHORIZATION OF TRANSFER OF FUNDS.

Communication from Michael J. Slavin, Chief Financial Officer, dated April 18, 2006, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
643,959.09	Employee Benefits and Insurance Funds – transfer of the March 2006 cost of employees’ fringe benefits
730,481.50	Fire Department – Fire boats for April 2006 Fire Department – Fire stations for April 2006
8,307.25	Fire Department – Vessel patrol charges for April 2006

546,846.00	Police Department – Police services for February and March 2006
12,689.00	Information Services Bureau – data processing operations and maintenance for March 2006
117,996.60	Gas, Water, and Sewer for March 2006
2,066.47	Reprographic charges for April 2006
1,838.08	Public Works Department – reimbursement for assistance in the Maersk case for the period of 1/21/06 to 2/17/06
205.78	Utility user’s tax billed for March 2006
54.00	Information Services Bureau – pager service charges for February 2006
98.46	Energy Department – Compressed Natural Gas (CNG) consumption for March 2006

was presented to the Board. The Fund Transfer Journals were approved by the Acting Executive Director.

6. AUDITED FINANCIAL STATEMENTS FOR THE LONG BEACH HARBOR DEPARTMENT FOR FISCAL YEAR 2005 – RECEIVED AND FILED.

Communication from Michael J. Slavin, Chief Financial Officer, dated, April 17, 2006, transmitting the audited financial statements for the Long Beach Harbor Department for the fiscal year ending September 30, 2005, was presented to the Board. The audited financial statements were approved by the Acting Executive Director.

7. REVENUE AUDIT OF PORT TENANTS FINAL REPORT – RECEIVED AND FILED.

Communication from Michael J. Slavin, Chief Financial Officer, dated April 26, 2006, transmitting the Revenue Audit of Port Tenants Final Report, performed by the City Auditor’s office, was presented to the Board. The Revenue Audit of Port Tenants Final Report was approved by the Acting Executive Director.

Commissioner Cordero moved, seconded by Commissioner Hancock that the communications be received and filed and that Items Nos. 1-7 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Hancock,Cordero,Hankla,Topsy-Elvord
NOES:	“	None
ABSENT:	“	Walter

8. SPECIFICATION NO. HD-S2289 - APPROVED AND NOTICE INVITING BIDS AUTHORIZED – FURNISHING TRASH REMOVAL AND DISPOSAL SERVICES.

Communication from Randy Rich, Director of Maintenance, dated April 25, 2006, submitting Specification No. HD-S2289 for furnishing trash removal and disposal services for the Port of Long Beach and requesting authority to advertise for bids for said work, was presented to the Board. The request was approved by the Acting Executive Director.

In response to a question by Commissioner Cordero, there was a discussion about obtaining this service with clean fuel vehicles and such vehicles may be commercially available, but requiring their use for local service could limit the number of bids.

As a compromise, Commissioner Hankla suggested including a clean fuel option in the bid package.

Mr. Holzhaus clarified that under such an option, the contract would still be awarded to the low bidder on the six base bid items, but the Board would then have the option of paying an additional amount to obtain the service with clean fuel vehicles.

Commissioner Cordero moved, seconded by Commissioner Hankla that the communication be received and filed, that Specification No. HD-S2289, with the option section referencing Clean Fuels powered 100% by either CNG or LNG fuels be approved, and that the Executive Director be authorized to advertise for bids therefore. Carried by the following vote:

AYES:	Comms:	Hancock,Cordero,Hankla,Topsy-Elvord
NOES:	“	None
ABSENT:	“	Walter

REGULAR AGENDA.

9. THE PORT OF LONG BEACH – THE PORT OF LOS ANGELES – THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY – THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS – EXECUTIVE DIRECTOR AUTHORIZED TO APPROVE THE FOUR-PARTY EASEMENT DEED AND AGREEMENT – DOCUMENT NO. HD-7041 – ORDINANCE NO. HD-1958 - ADOPTED.

Ordinance entitled, “AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN EASEMENT DEED AND AGREEMENT AMONG THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, THE CITY OF LOS ANGELES, ACTING BY AND

THROUGH ITS BOARD OF HARBOR COMMISSIONERS, ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY, AND COUNTY OF LOS ANGELES, DEPARTMENT OF PUBLIC WORKS FOR THE USE OF CERTAIN PREMISES AND RELATED DETERMINATION," was presented to the Board for its second and final reading.

Commissioner Hankla moved, seconded by Commissioner Hancock that said ordinance be declared read for the second time and adopted as read. Carried by the following vote:

AYES:	Comms:	Hancock,Cordero,Hankla,Topsy-Elvord
NOES:	"	None
ABSENT:	"	Walter

NEW BUSINESS.

Ms. Morris stated she and Mr. Pope had attended the annual conference of the California Association of Public Information Officers (CAPIO) and the Communications Division was presented the top award for our quarterly community newsletter, Re:Port and that we had won a second place award for our new Pulse of the Port cable TV show.

Ms. Morris gave a presentation on the recent Harbor Arbor Days held on Friday at Hudson Elementary School and on Saturday at Coolidge Park.

President Topsy-Elvord congratulated Commissioner Hancock on being awarded the Entrepreneur of the Year at the Long Beach Chamber of Commerce Conference.

Commissioner Hankla left the meeting.

CLOSED SESSION.

At 3:40 p.m., President Topsy-Elvord recessed the Board meeting to hold a closed session:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- A. Brutoco Engineering & Construction, Inc. vs. Port of Long Beach, et al., Superior Court Case No. NC034761.
- B. Colonial American Casualty and Surety Company (Nordrhein Corp.) vs. Port of Long Beach, et al., Superior Court Case No. BC321083.
- C. Shanghai Zhenhua Port Machinery Co., Ltd., vs. Port of Long Beach, et al., Superior Court Case No. NC037336.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- D. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (two cases).

At 4:05 p.m., the meeting was again called to order by President Topsy-Elvord.

ADJOURNED.

At 4:06 p.m., Commissioner Cordero moved, seconded by Commissioner Hancock that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Comms:	Hancock,Cordero,Topsy-Elvord
NOES:	"	None
ABSENT:	"	Walter,Hankla

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S**M A R C H 2, 2 0 0 6**

The regular meeting of the City Planning Commission and public hearing convened on March 2, 2006 at 1:31pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, California.

PRESENT: COMMISSIONERS: Matthew Jenkins, Charles Greenberg,
Charles Winn, Mitch Rouse,
Nick Sramek

ABSENT: EXCUSED: Leslie Gentile, Morton Stuhlberg

CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyne Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Craig Chalfant, Planner
Lemuel Hawkins, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Rouse.

S W E A R I N G O F W I T N E S S E S**C O N S E N T C A L E N D A R**

Commissioner Greenberg moved to approve the Consent Calendar as presented by staff. Commissioner Rouse seconded the motion, which passed 5-0. Commissioners Gentile and Stuhlberg were absent.

1a. Case No. 0510-12, Conditional Use Permit, CE 05-192

Applicant: Permit Place c/o Mike Robinson
Subject Site: 2201 Lakewood Boulevard (Council Dist. 5)
Description: Conditional Use Permit for a check cashing/money transfer store in an existing neighborhood shopping center.

Continued to the March 16, 2006 meeting.

1b. Case No. 0512-12, Tentative Tract Map, CE 05-265

Applicant: Nady Hebish c/o Kenneth Davis
Subject Site: 1055 Orizaba Avenue (Council District 4)
Description: Request for approval of Tentative Tract Map No. 063802 to convert a twenty three unit residential apartment building into condominiums.

Approved Tentative Tract Map No. 063802 subject to conditions.

1c. Case No. 0512-03, Conditional Use Permit, CE 05-259

Applicant: T Mobile USA Inc.
Trillium Telecom Inc. Authorized Agent
Gil Gonzalez, Representative
Subject Site: 3747 Atlantic Avenue (Council District 8)
Description: A Conditional Use Permit to construct and maintain a roof-mounted cellular and personal communication facility, consisting of twelve (12) panel antennas and accessory equipment.

Approved Conditional Use Permit subject to conditions.

1d. Case No. 0512-11, Tentative Tract Map, CE 05-264

Applicant: Robert Wallstrom for Villa del Sol LB, LLC
c/o K.C. Coultrup
Subject Site: 3225 Long Beach Blvd. (Council District 7)
Description: Request for approval of Tentative Tract Map No. 064890 to convert an existing fifty-three unit apartment building into condominiums.

Approved Tentative Tract Map No. 064890 subject to conditions.

1e. Case No. 0509-09, Site Plan Review, Lot Merger, Standards Variance, Sign Standards Waiver, ND 02-06

Applicant: Highland Carwash LLC c/o Alan Burks
Subject Site: 4000-4040 Atlantic Ave. (Council Dist. 8)
Description: Request for approval of a Site Plan Review, Lot Merger, Sign Standards Waiver and a Standards Variance to construct a one-story 11,843 sq.ft. commercial building with a request to locate a two-way driveway on Marshall Place with a reduced setback from the intersection of Atlantic Avenue and an architectural element over 28' in height.

Continued to the March 16, 2006 meeting.

1f. Case No. GPC 3-2-06

Applicant: Konti Chongo
Subject Site: 325 E. Anaheim Street (Council Dist. 1)
Description: Finding of conformity with the General Plan for an alley vacation.

Found the proposed alley vacation north of Anaheim Street between Alamo Court and Elm Avenue, as depicted in Exhibit A, in conformance with the adopted goals and policies of the City's General Plan.

R E G U L A R A G E N D A

2. Case No. 0405-15, Modification to an Approved Permit, ND 17-04

Applicant: Marisa Semense, IURD - Project ACHIEVE
Subject Site: 1368 Oregon Avenue (Council District 1)
Description: Modification of a previously approved Administrative Use Permit allowing establishment of a homeless shelter in an industrial building.

Craig Chalfant presented the staff report recommending approval of the request since it was minor and would not result in any substantial changes to the previously approved homeless shelter land use that could adversely impact surrounding properties; and since previously approved conditions of operation provide adequate safeguards against noise, loitering and other potentially adverse effects.

Deputy City Attorney Mais noted that the applicant had considered changing the name of the operating corporation which could possibly constitute a violation of Condition 37, but had decided not to transfer operations to a separate corporation.

Marisa Semense, 1368 Oregon Avenue, applicant, explained how they needed to extend the hours of operation to be able to successfully transport residents to their jobs.

In response to a query from Commissioner Greenberg, Mr. Chalfant confirmed that as per the Long Beach Police Department, there had been no recorded criminal activity at the site.

Commissioner Rouse added that he had talked to area businesses and reported that none of them seemed to have problems with the operation in the area.

Geoff Bennett, 655 W. 14th Street, President, Magnolia Industrial Group, expressed support for the request, confirming that it had operated above expectations as a model shelter.

Jack C. Smith, 2453 Golden Avenue, spoke against the request, saying that he felt the applicant should have known they needed extended hours of operation.

Mary Coburn, 100 W. Broadway, Suite 120, Operations Manager, Downtown Long Beach Association, expressed support for the request, saying she felt it was reasonable, but adding that she opposed any transfer of ownership of the operation.

Annie Greenfeld-Wisner, 1951 Chestnut Avenue, resident, spoke against the request, saying she thought the timing of the request along with a potential transfer of operating corporation could be precedent-setting.

Jane Kelleher, 1724 Santa Fe, Westside PAC representative, said they thought the applicant should abide by the recently approved conditions of approval, and that they were concerned about a possible transfer of ownership.

Tom Popplewell, representing the shelter operator, stated they understood the City's concern and were trying to form a local committee to run the shelter under the direction of IURD sometime in the future.

In response to a question about future operations, Mr. Carpenter added that the City did not intend to end up as the operator of this shelter.

Mr. Mais noted that Condition 37 also required that the applicant enter into a recorded deed restriction requiring that they operate the facility, so any shift to another entity would be in violation of that condition and the Administrative Use Permit would be revoked unless it was modified through the City.

Commissioner Rouse asked why the operator would consider transferring responsibility so soon since being established, since they had approved the original request based on the trusted reputation of the current operator.

Commissioner Winn stated he felt it would be acceptable for the current operator to consult a locally-based group since they had demonstrated cooperation with the community in the past.

Commissioner Winn moved to approve the Administrative Use Permit Modification request, subject to conditions.

Commissioner Greenberg seconded the motion, saying he was impressed with the facility operations and the quality of the management, but confirming that the requirement for a deed restriction would guarantee that any management change would be overseen by the City.

Commissioner Sramek agreed that the facility was operating successfully, but reminded the applicants that the City would remain very sensitive to any changes at the facility.

The question was called and the motion passed 5-0.
Commissioners Gentile and Stuhlberg were absent.

3. Case No. 0508-23, Conditional Use Permit, Administrative Use Permit, Standards Variance, CE 05-152

Applicant: Dr. Lawrence A. Lasisi, Pastor
Subject Site: 1925 & 1951 Pacific Ave. (Council District 6)
Description: Conditional Use Permit to allow the establishment of a church in the CNP Zone; a Standards Variance request for a reduced number of parking spaces and off-site parking without a deed restriction, and an Administrative Use Permit for off-site joint use parking.

Lynette Ferenczy presented the staff report recommending approval of the requests since positive findings could be made to support them, and a proposed bookstore would provide a pedestrian-oriented use in the district, while requiring completion of these improvements in a timely manner.

Pat Brown, 5390 E. 8th Street, representing the applicant, stated that they agreed with all the conditions of approval and felt the project would improve the area and increase sales tax revenues.

Pastor Lawrence A. Lasisi, 1925 Pacific Avenue, in response to queries from Commissioners Greenberg and Winn, explained that his church had been open one year and that there were no other churches with bookstores nearby.

Jane Kelleher, 1724 Santa Fe, Westside PAC member, stated that the group had voted unanimously against the applicant's requests.

Pat Paris, 3409 Colorado Street, CPAC Chairperson, also asked that the requests be denied since the group felt that a storefront church could become a code enforcement problem.

Joan Greenwood, 2091 San Francisco Avenue, President, Wrigley Association, said her group was not in support of the application because it was an inappropriate use for the already parking-impacted area.

Martha Thuente, 6670 Millmark Avenue, member, North PAC, also asked that the variances be denied because the operation could detract from the area's quality of life.

Annie Greenfeld-Wisner, 1951 Chestnut Avenue, spoke against the request saying she understood that the applicant had been located nearby without appropriate permits and was asking for parking variances in a very impacted area.

Colleen McDonald, 525 W. 19th Street, agreed that the area was already parking impacted, and said she felt that allowing the use would make things worse for residents.

Gavin McKiernan, 1891 Ocean Avenue, Chairman, Neighborhood Advisory Committee for Wrigley area, spoke against the application, claiming that there was heavy opposition from area residents who worried about making the parking problem worse.

Craig Ward, Wards Furniture Company, 1855 Pacific Avenue, adjacent commercial use, objected to the applicant's request, saying that the use would be detrimental to the retail spirit of the shopping center, driving away potential customers and further impacting parking.

Allen Tolhoff, 2851 Chestnut Avenue, also objected to the request, saying he felt it would create a dangerous precedent for the CNP zone, given the applicant's history of ignoring codes and ordinances and inappropriateness of use in a retail center. Mr. Tolhoff also said he hoped a deed restriction would be mandatory to safeguard the parking impacted area.

Pat Brown said he felt the applicant would be a good neighbor serving the community and that the bookstore would be successful. Mr. Brown also noted that the church would mainly operate on Sundays with various after school, tutoring, computer learning and business seminars planned for other evenings.

In response to a query from Commissioner Greenberg regarding possible social service outreach efforts on the part of the church, Mr. Brown claimed that it was not their intention to establish homeless or drug counseling programs.

Commissioner Rouse said he could not support the request since the church would be sponsoring a broad range of activities in the facility without a deed restriction in the parking component.

Commissioner Sramek agreed, and added that the use was inappropriate for the area and would negatively affect retail growth, revitalization efforts and parking. Mr. Sramek added he felt the bookstore seemed to be an afterthought designed to fit into the shopping center.

Commissioner Sramek moved to deny the Conditional Use Permit, Administrative Use Permit and Standards Variance requests.
Commissioner Greenberg seconded the motion.

Pat Brown said he had thought the Pastor had already acquired the deed restriction, but that he would be able to get one in three weeks.

Commissioner Greenberg withdrew his second and the original motion died.

Commissioner Greenberg made a new motion to continue the item for one month to allow the applicant to obtain the deed restriction and return to the Commission. Commissioner Winn seconded the motion on the floor.

City Attorney Mais noted that Federal law protected this type of operation against religious discrimination and to a certain extent removed the City's ability to impose certain land uses. Mr. Mais said that even though the area was zoned for commercial use, turning down this application for lack of adequate parking would be permissible, but turning it down because of its location in a commercial zone and potential negative effect on business revitalization would not be.

Commissioner Winn withdrew his second of the motion on the floor, which then died.

Commissioner Greenberg moved to continue the item to the April 6, 2006 meeting to see if a deed restriction for the life of the church could be obtained. Commissioner Rouse seconded the motion, which passed 5-0. Commissioners Gentile and Stuhlbarg were absent.

4. Case No. 0512-30, Conditional Use Permit, Site Plan Review, Zone Change, NC 20-04

Appellant: Public Storage Inc c/o Martin Parker
of Pacific Planning Group
Subject Site: 4100 Cherry Avenue (Council District 7)
Description: Request for approval of a Zone Change for a portion of an existing self-storage facility from Regional Highway Commercial District (CHW) to Commercial Storage District (CS) and a Site Plan Review and Conditional Use Permit to expand the self storage facility by adding floor area within the existing building.

Lynette Ferenczy presented the staff report recommending approval of the Zone Change since the site is currently improved with an existing self-storage facility that has been operating for four years without any reported complaints or negative impacts to the neighborhood, and because it would provide consistency between the existing uses and the proposed zoning designation.

Jennifer Lauro, 23412 Moulton Parkway, #140, Laguna Hills, applicant, stated that they accepted all the conditions of approval.

Ray Pok, 7th District Council Office, stated that he had worked with the applicant to mitigate traffic impacts along Cherry to the satisfaction of the City Council.

Commissioner Sramek moved to certify the Addendum to Mitigated Negative Declaration 20-04; to recommend that the City Council approve a Zone Change from CHW (Regional Highway Commercial District) to CS (Commercial Storage), and to approve the Site Plan Review and Conditional Use Permit, subject to conditions. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Gentle and Stuhlberg were absent.

5. Case No. 0512-01, Conditional Use Permit, CE 05-256

Appellant: Sprint/Nextel Communications, Inc.
c/o Courtney Schmidt, Suresite Consulting
Subject Site: 5290 Long Beach Blvd. (Council District 8)
Description: A Conditional Use Permit to construct and maintain a ground-mounted cellular and personal communication services facility, consisting of a forty-five foot high monopole antenna structure designed as a palm tree with accessory equipment.

Lemuel Hawkins presented the staff report recommending denial of the request since the proposed monopole would be located within a half mile of another one run by the same carrier, and since the applicant has the ability to establish a roof-mounted facility on an existing multi-level structure with less visual impact.

Courtney Schmidt, 10640 Sepulveda Blvd., Mission Hills, applicant representative, noted that their intent was to camouflage the monopole, and she outlined their unsuccessful attempts to find other locations, including roof-mounted ones. Ms. Schmidt also asserted that they were not able to co-locate with Nextel at the site on the next agenda item.

Julio Hernandez, 18200 Von Karman, Suite 300, Irvine, applicant engineer, used detailed maps to explain the coverage objectives of the proposed installation.

In response to a query from Commissioner Rouse regarding staff's preferred location, Mr. Hawkins said that it would be the roof-mounted location and that the applicant would need a variance of 3' through the Site Plan Review. Ms. Schmidt stated that the parapet on the building in question would mandate a much higher antenna.

Commissioner Winn moved to temporarily table the item to allow staff to present Item #6. Commissioner Rouse seconded the tabling motion, which passed 5-0. Commissioners Gentile and Stuhlberg were absent.

6. Case No. 0512-25, Conditional Use Permit, CE 05-273

Appellant: Nextel Communications Inc.
c/o Ed Gala, Representative
Subject Site: 5115 Atlantic Avenue (Council District 8)
Description: A Conditional Use Permit to construct and maintain a ground-mounted cellular and personal communication services facility, consisting of a forty-seven foot high monopole antenna structure designed as a palm tree with accessory equipment.

Lemuel Hawkins presented the staff report recommending denial of the request since the proposed monopole would be located within a half mile of another one run by the same carrier, and since the applicant has the ability to establish a roof-mounted facility on an existing multi-level structure with less visual impact.

Ed Gala, 310 Commerce, Irvine, Sprint/Nextel representative, clarified that the two permits involved different technologies and coverage goals, and that the goal for this facility was to offload phone traffic from the facility located at Market and Atlantic--a capacity issue, not a coverage one. Mr. Gala added that they planned to decommission a nearby site when this one was up and running. He also mentioned that they were unable to secure their first choice, the YMCA building, and that other locations did not have sufficient height for the purpose.

Lou Bucello, 310 Commerce Drive, Irvine, applicant representative, reiterated that the YMCA location had been their first choice but it would have required a tower, and the City was the underlying ground owner which would require revenue-sharing, an aspect that the YMCA refused to sign off on. Mr. Bucello detailed other sites examined, including a railroad yard.

Vince Jones, 2730 Monument Court, Concord, property owner of the Sprint site, expressed concern about the longevity of the different cell sites.

Mr. Carpenter noted that staff could research alternatives and help both applicants explore other options, including the CVS building, the YMCA and the railroad options.

Ms. Schmidt stated that while Sprint and Nextel were working together to locate both networks' overlapping sites, these two sites had already been examined and engineers had determined there were no synergy opportunities here.

Commissioner Greenberg moved to continue the item to the April 6, 2006 meeting to allow staff to explore other sites.
Commissioner Sramek seconded the motion, which passed 5-0.
Commissioners Gentile and Stuhlbarg were absent.

TABLED ITEM

5. Case No. 0512-01, Conditional Use Permit, CE 05-256

Appellant: Sprint/Nextel Communications, Inc.
c/o Courtney Schmidt, Suresite Consulting Group

Subject Site: 5290 Long Beach Blvd. (Council District 8)

Description: A Conditional Use Permit to construct and maintain a ground-mounted cellular and personal communication services facility, consisting of a forty-five foot high monopole antenna structure designed as a palm tree with accessory equipment.

Commissioner Greenberg moved to continue the item to the April 6, 2006 meeting to allow staff to explore other sites.
Commissioner Sramek seconded the motion, which passed 5-0.
Commissioners Gentile and Stuhlbarg were absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Greg Carpenter introduced Cuentin Jackson, a new planner.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 5:03pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S**M A R C H 1 6 , 2 0 0 6**

The regular meeting of the City Planning Commission and public hearing convened on March 16, 2006 at 1:31pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, California.

PRESENT: COMMISSIONERS: Charles Winn, Charles Greenberg,
Morton Stuhlbarg, Mitch Rouse,
Nick Sramek

ABSENT: EXCUSED: Leslie Gentile, Matthew Jenkins

ACTING CHAIRMAN: Charles Winn

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Steven Valdez, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Greenberg.

M I N U T E S

The minutes of January 19, 2006 were approved on a motion by Commissioner Sramek, seconded by Commissioner Rouse, and passed 4-0-1, with Commissioner Greenberg abstaining and Commissioners Gentile and Jenkins absent.

The minutes of February 2, 2006 were approved on a motion by Commissioner Sramek, seconded by Commissioner Rouse and passed 5-0. Commissioners Gentile and Jenkins were absent.

S W E A R I N G O F W I T N E S S E S

C O N S E N T C A L E N D A R

1. Case No. 0507-22, Standards Variance, Local Coastal Development Permit, CE 05-137

Applicant: Mark Malan
Subject Site: 2533 E. 2nd Street (Council Dist. 2)
Description: Appeal of the Zoning Administrator's decision to deny a Local Coastal Development Permit and Standards Variances for an accessory structure located in the front yard setback that exceeds the allowable height and floor area.

Mark Malan, 2533 E. 2nd Street, appellant, objected to the recommended continuation of his item saying he wanted to give a presentation.

Carolyn Bihn explained that the appellant had already had a month to present revised plans based on the Commission's recommendations from the original hearing. Ms. Bihn added that staff had met with Mr. Malan to discuss the issues and a possible resolution to the conflict, but no revised plans had yet been received, so a continuation was being requested.

Commissioner Greenberg pointed out that last-minute presentations were not recommended because the Commissioners then did not have enough time to review the material.

Commissioner Rouse observed that maybe the appellant didn't want to revise his original plans, in which case he could re-present them on their original merits.

Commissioner Stuhlbarg moved to continue the item to the April 6, 2006 meeting. Commissioner Greenberg seconded the motion, which passed 5-0. Commissioners Gentile and Jenkins were absent.

C O N T I N U E D I T E M S

2. Case No. 0510-12, Conditional Use Permit, CE 05-192

Applicant: Permit Place c/o Mike Robinson
Subject Site: 2201 Lakewood Blvd. (Council District 5)
Description: Request for approval of a Conditional Use Permit for check cashing/money transfer store in a neighborhood shopping center.

Steven Valdez presented the staff report reiterating the previously recommended denial of the request since there are already numerous financial institutions in the area, and because the use has the potential to raise the crime rate and calls for police service. Mr. Valdez presented a summary of police service calls for four similar use locations, showing that the only service call in the past six years at the site in question was regarding a repossessed vehicle.

Lt. Steven Ditmars, Long Beach Police Dept., explained that even if not criminal activity, the towing problems took time and attention from the police. Lt. Ditmars confirmed that these types of service calls were no more prevalent at check cashing facilities than they were in any high-density area.

Commissioner Greenberg remarked that he didn't see any difference in the impact of a check cashing operation vs. a payday advance, in comparing the police information.

Lt. Ditmars stated that anecdotally he had handled various instances at both types of facilities, and he felt they drew a criminal element more frequently than banks because of the cash being exchanged and the perception that banks were better protected.

Commissioner Rouse commented that many other businesses dispensed cash, and it was difficult to deny this one its rights because of a perception that customers could become crime victims.

Acting Chairman Winn added that he felt this was a necessary service since many residents did not have bank accounts and that the CUP would mandate security at this site.

Lt. Ditmars stated that if the request was approved, he strongly recommended requiring a security guard.

Mike Robinson, 5617 Van Nuys Blvd., Van Nuys, applicant representative, discussed the community meeting they had held.

Commissioner Greenberg suggested adding a condition requiring a review of the use's safety record with the Police Department and the possible requirement of a security guard.

Marina Miller-Foley, 13629 Rachel Road, Yucaipa, 92399, applicant representative, agreed to that condition, noting that security guards were always in their other locations to protect

customers and employees. Ms. Miller-Foley added that they were only planning on being open limited hours Monday through Saturday, and that the amount of cash given to customers was limited by corporate rules.

Commissioner Greenberg moved to approve the Conditional Use Permit, with an additional condition to require a review after six months and yearly thereafter to the satisfaction of the Director of Planning and Building.

Commissioner Sramek said he felt this type of business would be an attractive nuisance and a risky proposition, so he would not support the motion.

Commissioner Stuhlberg seconded the motion, saying that he could support the need for the use given the limited hours of operation. The question was called, and the motion passed 4-1, with Commissioner Sramek dissenting. Commissioners Gentile and Jenkins were absent.

3. Case No. 0509-09, Site Plan Review, Lot Merger, Sign Standards Waiver, Standards Variance, ND 02-06

Applicant: Highland Carwash, LLC c/o Alan Burks
Subject Site: 4000-4040 Atlantic Ave. (Council District 8)
Description: Request for approval of Site Plan Review, Lot Merger, Sign Standards Waiver for signage located above the awning, and a Standards Variance to construct a one-story, 11,843 sq.ft. commercial building with a request to locate a two-way driveway on Marshall Place with a reduced setback from the intersection of Atlantic Avenue and an architectural element over 28' in height.

Lynette Ferenczy presented the staff report recommending approval of the requests since the proposed building was consistent with special development standards and the North Long Beach Design Guidelines for commercial development; and because the project would remove a nonconforming auto-related use and replace it with a conforming commercial use with code-required parking while minimizing pedestrian conflicts with the reduced driveway setback and enhancing the corner element of the building with the over height architectural element.

Alan Burks, 235 E. Broadway #406, project architect, responded to a concern of Commissioner Greenberg's regarding potential vandalism, saying that any problems would be fixed immediately.

Commissioner Stuhlberg moved to certify Mitigated Negative Declaration 02-06 and to approve the Lot Merger, Site Plan Review, Sign Standards Waiver and Standards Variance requests, subject to conditions. Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Gentile and Jenkins were absent.

R E G U L A R A G E N D A

4. PRESENTATION - Preliminary Downtown Visioning Tool

Suzanne Frick presented a new computer modeling program with three-dimensional maps of existing buildings and landmark structures to illustrate the overall low scale of current development in the City. Ms. Frick then projected an image of how the City would look if all the projects in development were approved and built, noting that this exercise demonstrated the need to evaluate whether additional density requirements were necessary in the downtown area, saying staff would be looking for input from the Commission and public on the matter.

5. PRESENTATION - Press Telegram Lofts Project

Jim Brophy, Managing Partner, October Five Development, LLC, stated that the project would address the need for affordable entry-level housing in the City while demographically connecting the different areas of the downtown area.

Mark Donahue, 1278 E. 34th Steet, Oakland, project designer, presented a model of the proposed project along with elevations and a site plan, and outlined the basis for the various design elements.

Commissioner Sramek said he had no problem with the number of condominiums planned, but was leery about the height of the project, which he thought could be precedent-setting and might lead to similar development in the area, compromising views on a large scale. Mr. Sramek said he didn't want to see spot zoning, but agreed the Press-Telegram building had to be preserved.

Commissioner Greenberg said he had doubts about committing to the project before it was further defined, and he expressed strong concern about why there was such a decrease in the parking requirements, suggesting that first a sector-wide analysis be done to test impacts if density was increased. Mr. Greenberg also said he felt the height and density at the core of the building was acceptable as long as it was well-planned

and would produce an urban infrastructure in the area. He added that he felt there was a definite need for this type of housing.

Commissioner Rouse applauded the quality of the project but noted that the mass and density looked out of place in this location; however, he agreed that as development moved up from Ocean Avenue, Pine was probably the most appropriate and inevitable location for these larger developments. Mr. Rouse also expressed concern about the parking issue, citing the heavy demand for the urban loft units.

Commissioner Stuhlbarg pointed out the urgent need for affordable housing for local university and medical staff, and suggested that special units be set aside for these types of employees. Mr. Stuhlbarg added that he wasn't concerned about the mass and density of the structure but rather the impact of the additional traffic on local streets.

Acting Chairman Winn declared the project looked terrific, and he was not concerned about the height or density either, but observed that it would only be economically feasible to build this kind of massive building without supporting parking if it was pedestrian oriented, with specially reserved areas for those types of commercial uses.

Jim Hansen, 651 - 5th Street, Hermosa Beach, 90254, Economic Development Director, Downtown Long Beach Association, said that their Board had not yet taken a position on the project, but said he felt that so far it was consistent with their goals--and creative and visionary--and would take development up Pine Avenue.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Carolyn Bihn introduced Cuentin Jackson, a new planner.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

Commissioner Greenberg noted that he had nothing against check cashing operations, but that because the staff and Police Department didn't like them, there was never enough evidence

presented to the Commission to allow a more balanced decision, and he asked that more site-specific evidence and information be presented in these types of cases in the future.

A D J O U R N

The meeting adjourned at 3:35pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk