

CITY PLANNING COMMISSION MINUTES**May 4, 2006**

The regular meeting of the City Planning Commission convened Thursday, May 4, 2006 at 1:30 pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Leslie Gentile, Charles Greenberg, Matthew Jenkins, Mitchell Rouse, Nick Sramek, Morton Stuhlbarg

ABSENT: COMMISSIONERS: Charles Winn

CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Bureau Manager
Angela Reynolds, Advance Planning Officer
Carolyn Bihn, Zoning Officer
Jeff Winklepleck, Planner
Heidi Eidson, Minutes Clerk

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Mark Christoffels, City Engineer
Christine Edwards, Airport Bureau

PLEDGE OF ALLEGIANCE

Commissioner Rouse led the pledge of allegiance.

MINUTES

The minutes of March 2, 2006 were approved on a motion by Commissioner Sramek, seconded by Commissioner Greenberg and passed 4-0-2, with Commissioners Gentile and Stuhlbarg abstaining and Commissioner Winn absent.

The minutes of March 16, 2006 were approved on a motion by Commissioner Sramek, seconded by Commissioner Stuhlbarg and passed 4-0-2, with Commissioners Jenkins and Gentile abstaining and Commissioner Winn absent.

SWEARING OF WITNESSES

CONSENT CALENDAR

Commissioner Sramek made a motion to approve Items 1A, 1B and 1C as presented by staff. Commissioner Gentile seconded the motion which passed 6-0. Commissioner Winn was absent.

1A. Case 0601-33, Vesting Tentative Parcel Map, CE 06-14

Applicant: Robert G. Taylor
Subject Site: 557 Nebraska Avenue (Council District 2)
Description: Request for approval of Vesting Tentative Parcel Map No. 064213 for the conversion of four (4) apartment units into condominiums.

Approved Vesting Tentative Parcel Map No. 064213, subject to conditions.

1B. Case No. 0601-21, Tentative Tract Map, CE 06-07

Applicant: SUBTEC
c/o Robert Vargo, Representative
Subject Site: 1918 Chestnut Avenue (Council District 6)
Description: Request for approval of Tentative Tract Map No. 065189 to convert twelve (12) residential dwelling units of an existing apartment building into condominiums.

Approved Tentative Tract Map No. 065189, subject to conditions.

1C. Case No. 0601-34, Tentative Tract Map, CE 06-16

Applicant: Dan Harney
Subject Site: 1200 Ohio Avenue (Council District 4)
Description: Request for approval of Tentative Tract Map No. 065894 to convert eight (8) residential dwelling units of an existing apartment building into condominiums.

Approved Tentative Tract Map No. 065894, subject to conditions.

REGULAR AGENDA

2. Case No. 0602-14, Certification of Final Environmental Impact Report, Site Plan Review, EIR 37-03 (SCH#200309112)

Applicant: City of Long Beach - Airport Bureau
Subject Site: 4100 Donald Douglas Drive (Long Beach Airport)
(Council District 5)
Description: Long Beach Airport Terminal Improvement Project. The entitlements include Certification of Environmental Impact Report (State Clearinghouse No. 200309112), Resolution with a

Statement of Overriding Considerations and Site Plan Review to allow the consolidation of existing uses into 46,530 square feet of new building (total area of terminal building with consolidation will be 102,850 square feet) and construction of a new 279,300 square foot parking structure. The scope of work consists of a combination of new terminal facilities, new parking structure, adjacent satellite yard development, existing terminal optimization, existing parking structure modifications and new/existing paving/roadway reconstruction and modifications.

Commissioner Jenkins gave a brief history and timeline of the EIR process for the project.

Angela Reynolds, Planning Officer, noted that the Planning Commission is the regulatory body acting on the entitlements, but the City Council would make the ultimate decision on the project. Once that decision is made then the project would come back to the Planning Commission for Site Plan Review approval.

Ms. Reynolds stated that the Environmental Impact Report analyzed the approximately 102,850 square foot project which provides construction of or alteration to the hold rooms, concession areas, baggage security screening, baggage claim devices, baggage service office, restrooms, office base, ticketing facilities, airline gates, aircraft parking positions, vehicular parking and traffic and pedestrian circulation.

She continued that the Environmental Impact Report also considered three project alternatives. Scenario A is a 97,545 square foot scenario which was generally the same as the proposed project with the exception of a smaller ticketing facility, scenario B at 79,725 square feet, is also similar to the project but with no addition to the ticketing facilities and no additional airport office space, and scenario C which is a no project alternative.

Mark Christoffels, City Engineer, discussed the existing facilities at the airport that would be impacted by the project including the core terminal, remote lot B and an undeveloped parcel. He then showed a photo indicating where the proposed improvements would occur, including the construction of a parking structure, modification of an existing parking structure and the rental lot area, modifications to the terminal buildings and the aircraft parking area.

Mr. Christoffels discussed the current vehicular parking, stating that there are currently a little over 1,000 spaces in the parking structure (lot A), 65 short-term parking spaces and 313 longer-term spaces in lot B and 591 employee and tenant parking spaces in lot C.

He then discussed the lot housing the rental car facilities, currently located in temporary trailers, and commented that there were 216 spaces for the rental vehicles.

Mr. Christoffels then discussed remote lot D, which is an area leased from Boeing. He explained that this is on a month-to-month lease and Boeing could at any time reoccupy the property creating an immediate need to replace the 2,100 parking spaces.

He discussed the proposed parking structure, which would accommodate 4,000 vehicles and be located on what is currently lot B and a portion of lot C. He further explained that the existing parking structure would be modified and a portion of it would be allocated for the rental car parking and offices, clearing up the area directly in front of the historic terminal building.

Mr. Christoffels then discussed in depth the existing terminal facilities and the issues surrounding them, including exposure to weather, security concerns, and clearance issues. He then discussed the proposed facilities and improvements.

Mr. Christoffels then discussed aircraft parking. He explained that currently the asphalt is failing and needs to be replaced, planes do not have the ability to tie into any landside services for power or air, and there is not enough room to park planes and allow them easy in/out accessibility.

Mr. Christoffels concluded his presentation by explaining that CEQA requires a certified Environmental Impact Report be in place before any improvements can be made. He further explained that there was an immediate need for several components of the proposal.

Christine Edwards, Long Beach Airport Bureau, answered a query from Commission Sramek with regards to the needed number of airplane parking spaces. Ms. Edwards stated that the airport's consultant looked at the operations with the full 41 air carrier flights and 25 commuter flights and how they would be distributed throughout the day and recommended that a minimum of 14 and a maximum of 16 parking positions were needed. She further stated that the City Council decided that they should limit the study to looking at a minimum of 12 and a maximum of 14 parking positions. In order to eliminate aircraft idling on taxiways while waiting for gates to open up and the emissions associated with that and to avoid passenger delays, she stated that the airport felt strongly that 14 gates was the optimal number needed to operate.

In response to a query from Commissioner Sramek regarding the square footage of the project and the allocation of space, Mr. Christoffels stated that the Airport Commission had an expert look at the 97,000 square foot figure that staff had recommended and reevaluate what was

really needed to be fully functional. They recommended the larger 102,000 square foot figure.

Kathleen Brady of Bonterra Consulting discussed the Environmental Impact Report and the project objectives. She stated that the key objective was to provide an airport terminal facility that adequately accommodates the minimum number of flights provided for the Airport Noise Compatibility Ordinance as well as the passengers served by those flights. The objectives for the design were to maximize the safety and security of the passengers and visitors and to adhere to standards to ensure that the project sizing and design was in keeping with the parameters of the Airport Noise Compatibility Ordinance.

She continued that the project was sized to basically serve the minimum number of flights, to maintain and enhance the character of the historic terminal building, and to provide an operationally efficient building.

Ms. Brady then discussed the short-term impacts associated with construction activities including visual impacts, emissions from equipment, the potential release of hazardous materials from the historic terminal building, and noise impacts. She added that the Environmental Impact Report recommended different mitigation measures and the only impact that was identified as an unavoidable impact was the short-term construction air emissions.

In response to a query from Commissioner Gentile, Mr. Christoffels explained the phasing of the project with some elements starting immediately after the certification of the Environmental Impact Report and others taking longer as more formal plans would need to come back to Planning Commission again for approval.

In response to a query from Commissioner Sramek, Mr. Christoffels stated that it may be necessary to have night time construction on Parcel O due to the proximity to the main runway and the inability to work as large aircraft are coming and going. Mr. Christoffels stated that the construction activities would be similar to what was encountered when the main runway was recently repaved.

In response to a query from Commissioner Sramek, Ms. Reynolds stated that the Planning Department or some other City entity would act as the monitoring agency during the mitigation monitoring phase of the project.

Candy Robinson, 2631 E. Spring Street, President of the Long Beach Airport Association, stated that her organization supported the project because the Environmental Impact Report was adequate under the terms of CEQA, there were no links between the terminal improvement project and

the addition of more flights, and it was necessary to accommodate passengers and modernize antiquated and cramped airport facilities.

Phyllis Ortman, 5302 E. Greenmeadow, President of the Lakewood Village Neighborhood Association, stated that her group supported the project and felt that the Environmental Impact Report was adequate for what was being proposed.

Domingo Leon, 3605 Long Beach Boulevard, Suite 235, representing the Society of Hispanic Engineers, stated that his group opposed the project and that concerns they raised with the Environmental Impact Report had not been addressed.

Mr. Leon also stated that he was disappointed that the small engineering firms within the city were not invited to participate in the process.

Don May, 4027 Minturn Avenue, California Earth Corps, stated that he was concerned about the impact of the airport on air quality and felt that a condition should be included to continue air quality monitoring to form the basis for a pollution bucket to determine the health risk to the community.

Angel Perea, 4002 Terry Lyn Circle, expressed concerns regarding the impact of traffic congestion that would be created on Lakewood Boulevard, Carson, and the 405 freeway and the impacts of emissions in those residential neighborhoods.

Mark Bixby, 501 Margo Avenue, spokesperson for the Long Beach Alliance, stated that his group supported the project and reminded the Commissioners that the forecast growth within the framework of the Noise Compatibility Ordinance would occur with or without the proposed project and doing nothing would impose growing safety, security and environmental burdens.

Mr. Bixby added that limiting the number of parking pads to less than 14 would increase jet idling and create unnecessary emissions and inconvenience to passengers waiting to disembark and embark on planes.

Matt Kinley, 785 Havana, Vice Chair for Public Policy for the Long Beach Chamber of Commerce, stated that his group endorsed the EIR and supported the proposed expansion of the airport facility.

Mr. Kinley stated that the Chamber supports the Noise Compatibility Ordinance and that the ordinance is what regulates the number of flights at the airport, not the facility, not the improvements and not the comfort of the passengers.

He also stated that he felt the temporary facilities hurt the city because they created a negative impression on passengers coming into the city.

John Eastman, 840 E. 37th Street, stated that it was his belief that if the airport increased in size, then the noise ordinance would not last.

He asked that the EIR consider how large a capacity on flights and passengers the new increased buildings would support and then run an environmental impact on that capacity.

Mookie Patel, P. O. Box 68900, Airport Affairs Manager for Alaska Airlines, stated that he was concerned that the issue of space allocation was not properly addressed and asked that Alaska Airlines, along with the other carriers servicing Long Beach, be allowed to further address how the various space allocations are permitted to help allocate cost among the carriers.

Tin Cheung, 13415 Benbow Street, senior noise scientist with the Planning Center, representing the Long Beach Unified School District, stated that they had concerns that the EIR did not adequately evaluate the impacts of noise generated by the additional flights that could be created under the optimized flight scenario. Specifically the Long Beach Unified School District asked that the City analyze the noise generated during single-event flyovers as opposed to looking at a 24-hour average.

Mr. Cheung stated that they were concerned that adding additional flights would lead to interruptions in the classroom and that there were 25 schools that would be exposed to additional aircraft noise.

In response to Mr. Cheung's remarks, Commissioners Greenberg stated that the optimized flight scenario and the 24-hour average were not an effect of the project and his concerns could happen whether the project was built or not.

Dennis Lord, 1650 E. 52nd Street, Vice Chairman of the LA County Aviation Commission, stated that TSA is responsible for aircraft and passenger safety and it is important to provide them with adequate facilities needed to do their jobs correctly and he felt that the EIR supported that.

Commissioner Sramek moved to continue the meeting to Thursday, May 11, 2006 at 6:00 pm, Commissioner Greenberg seconded the motion which passed 6-0. Commissioner Winn was absent.

MATTERS FROM THE AUDIENCE

There were no matters from the audience.

MATTERS FROM THE DEPARTMENT OF PLANNING AND BUILDING

There were no matters from the Department of Planning and Building.

MATTERS FROM THE PLANNING COMMISSION

There were no matters from the Planning Commission.

ADJOURN

The meeting adjourned at 3:40.

Respectfully submitted,

Heidi Eidson
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**J U N E 1 5 , 2 0 0 6**

STUDY SESSION A study session was held at 12:00pm for a presentation of the Final Report by the Los Cerritos Wetlands Study Group.

The regular meeting of the City Planning Commission and public hearing reconvened on June 15, 2006 at 1:37pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, California.

PRESENT: COMMISSIONERS: Matthew Jenkins, Charles Greenberg,
Morton Stuhlbarg, Nick Sramek,
Leslie Gentile

ABSENT: EXCUSED: Mitchell Rouse, Charles Winn

CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Lynette Ferenczy, Planner
Lemuel Hawkins, Planner
Monica Mendoza, Planner
Scott Mangum, Planner
Steve Gerhardt, Planner
Mercedes McLemore, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
David White, Project Officer, Central
Project Area
Stephanie Reich, Urban Design Officer
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 Sramek.

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

CONSENT CALENDAR

Commissioner Greenberg moved to approve the Consent Calendar as presented by staff, with adjusted conditions of approval on Items 1B and 1C. Commissioner Stuhlbarg seconded the motion, which passed 5-0. Commissioners Winn and Rouse were absent.

1A. Case No. 0511-25, Site Plan Review, Standards Variance, ND 08-06

Applicant: Enter-Arc c/o Lance Brown
Subject Site: 2200 Lakewood Boulevard (Council District 4)
Description: Request for approval of Site Plan Review for a new 6,400 sq.ft. commercial building with a Standards Variance for front and side setbacks of five feet (instead of not less than 10 feet).

Continued to the July 6, 2006 meeting.

1B. Case No. 0605-03, Conditional Use Permit, CE 06-85

Applicant: Bixby Land Company
c/o Tom Turner for Northeast Auto Dealers
Subject Site: 3350 E. 29th Street (Council District 5)
Description: Request for approval of a Conditional Use Permit to allow the replacement of an electronic message center sign. The application includes requests for waiver of several special conditions for electronic message centers.

Approved the Conditional Use Permit subject to revised conditions of approval.

1C. Case No. 0603-98, Conditional Use Permit, CE 06-59

Applicant: Vestar Property Management
c/o SSOE Inc. for PetsMart, Inc.
Subject Site: 7631 Carson Boulevard (Council District 5)
Description: Request for approval of a Conditional Use Permit to allow boarding of animals as an accessory use to the PetsMart store.

Approved the Conditional Use Permit subject to revised conditions of approval.

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

5. **(Heard Out of Order)**
Case No. 0605-35, Site Plan Review, Standards Variance, Tentative Map, General Plan Conformity 06-15-06, Mitigated Negative Declaration 08-05

Applicant: Peter Zak, Lyon Realty Advisors
Subject Site: 210 E. 3rd Street (Council District 2)
Description: Request for approval of a Finding of General Plan Conformity for a proposed alley vacation and Site Plan Review, Standards Variance and Vesting Tentative Map No. 64636 to construct a five-story mixed-use development and parking structure with 104 residential units, approximately 15,000 sq.ft. of commercial space and 394 parking spaces.

At the request of the applicant, the item was continued to the July 20, 2006 meeting on a motion by Commissioner Gentile, seconded by Commissioner Stuhlbarg and passed 5-0. Commissioners Winn and Rouse were absent.

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

2. **Case No. 0601-07, Amendment to Zoning Ordinance CE 06-54**

Applicant: City of Long Beach c/o Suzanne Frick,
 Director of Planning and Building
Subject Site: Long Beach Boulevard Planned Development District (PD-29)
Description: Proposed amendments to Long Beach Boulevard Planned Development District (PD-29) for automobile sales businesses.

Lemuel Hawkins presented the staff report recommending adoption of the amendments since they will address problems arising from the establishment of new businesses that sell new and used automobiles.

In response to queries from Commissioner Gentile, Planner Hawkins confirmed that the amendment would also apply to existing dealerships who wished to expand their business onto an adjacent property or add additional square footage or structures.

In response to a query from Commissioner Gentile about making the amendment retroactive, Suzanne Frick noted that the Commission could determine that the same standards would be

imposed on existing dealerships, with a specific time frame for compliance.

Deputy City Attorney Mais recommended that staff work with his office to develop appropriate amortization schedules for such compliance with the new amendment.

Commissioner Gentile moved to continue the item and directed staff to return to the Commission with a revised set of recommendations to include compliance with the amendments for existing auto dealers. Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Winn and Rouse were absent.

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

3. **Item #3 was temporarily removed from the Regular Agenda to allow discussion with the applicant**

4. **Case No. 0412-06, General Plan Amendment, PD-25 Amendment, Zone Change, Site Plan Review, Lot Merger, ND 32-04**

Applicant: Menorah Housing Foundation
 Anne Friedrich, President
Subject Site: 2555 Atlantic Avenue (Council District 6)
Description: Request for approval of a Zone Change,
 Amendments to the General Plan and the Atlantic Avenue
 Planned Development district (PD-25), Site Plan Review and
 a Lot Merger for a four-story, 66-unit low-income senior
 citizen apartment complex.

Lemuel Hawkins presented the staff report recommending approval of the project since it is consistent with subdivision regulations and the Land Use Element, will replace and provide housing for low-income senior citizens and since positive findings can be made to support the requests.

Stephanie Reich, Urban Design Officer, City of Long Beach, outlined the intent, development envelope and general standards of each sub area, along with the elevations and orientation of the proposed structures.

Anne Friedrich, Executive Director, Menorah Housing Foundation, 2555 Atlantic Avenue, gave a history of the project. In response to a query from Commissioner Greenberg as to why the project was in the path of Memorial's planned extension, Ms. Friedrich explained that they would be including affordable housing for

hospital employees, which they hoped would trigger economic growth in the area.

Commissioner Greenberg expressed concern about the location of the project, saying he felt it should not be the closest to the hospital since this specific property would better used for workforce housing.

Planner Hawkins noted that the intent was to provide workforce housing off of Willow, starting with this project as a kickoff to encourage development.

David White, Project Officer, Central Redevelopment Project Area, noted that the City was in the process of acquiring parcels in the area to include in this project as well as other potential workforce housing development, and that this project would provide its residents with easier access to hospital services and retail needs.

Commissioner Sramek pointed out that under the General Plan revision, this corridor had been specifically earmarked for workforce housing.

Greg Carpenter noted that community input indicated support for this type of use in this location.

Karen Afashehlamantia, 3041 Bonita, suggested that the project incorporate green building standards.

Ms. Frick noted that there was a green building policy in place for public buildings, not private development projects, but that the RDA encouraged applicants to incorporate those elements. Mr. Hawkins added that since this was a HUD project, green standards would be in place.

Sandy Redding, 2530 Atlantic Avenue, adjacent property owner, asked for more information about the project before making a decision.

Polly Johnson, 735 Sunrise Blvd., said she also wanted more information about possible noise and traffic impacts of the project.

Commissioner Stuhlberg moved to certify Mitigated Negative Declaration No. 32-04; and to recommend that the City Council approve Zone Changes from single-family residential (R-1-N) and Community Automobile-Oriented (CCA) to the Atlantic Avenue

Planned Development District (PD-25); to recommend that the City Council approve the Amendments to the General Plan from LUD #1 and #8A to LUD #7, Mixed Uses; to recommend that the City Council approve Amendments to the Atlantic Avenue Planned Development District (PD-25); and to approve the requests for Site Plan Review and Lot Merger subject to conditions.
Commissioner Gentile seconded the motion.

Commissioner Greenberg said he could not support the motion because the location was a vital one for workforce housing, and he asked why the project could not be moved to another site, since this seemed to him to be the wrong project for the wrong location.

In response to a query from Chairman Jenkins regarding the RDA's awareness of the need for workforce housing, David White noted that they were working with the Housing Development Company on a 50-unit project nearby, and added that the project under discussion had received a 15-month HUD grant.

Chairman Sramek stated he would support the motion, but believed there was a need for carefully planned, not piecemeal, workforce housing.

Commissioner Greenberg objected to what he agreed was piecemeal development on a key parcel, and said it would make sense to pull together a master plan involving the Commission earlier than the first project.

Ms. Frick suggested a study session to explain the long-term strategic plan in the area.

The question was called, and the motion passed 4-1-0.
Commissioner Greenberg dissented, and Commissioners Winn and Rouse were absent.

3. (Heard Out of Order)

Case No. 0510-02, Site Plan Review, Vesting Tentative Tract Map, Standards Variance, ND 01-06

Applicant: Jay Scheppmann
Subject Site: 1223-1227 Long Beach Blvd. (Council Dist. 1)
Description: Request for approval of Site Plan Review, Vesting Tentative Tract Map No. 65484 and Standards Variance for less than code-required dimensions for open space and courtyard area for a 51-unit condominium complex with ground floor commercial and live/work uses.

Mr. Carpenter noted that the applicant had agreed to a continuation to the July 6, 2006 meeting. Commissioner Gentile moved to continue the item to the July 6, 2006 meeting. Commissioner Sramek seconded the motion, which passed 5-0. Commissioners Winn and Rouse were absent.

5. Case No. 0605-35, Site Plan Review, Standards Variance, Tentative Map, General Plan Conformity 06-15-06, Mitigated Negative Declaration 08-05

The item was heard out of order at the beginning of the Regular Agenda. (see page 2)

6. Case No. 0509-12, Modification, Site Plan Review

Applicant: Robert J. Norris, Jr.
Subject Site: 2198 San Gabriel Avenue (Council Dist. 7)
Description: Modification to Master Development Plan, Site Plan Review to allow the construction of two one-story family shelters at Century Villages at Cabrillo.

Monica Mendoza presented the staff report recommending approval of the modification since the project was well-designed and architecturally consistent with the design of the existing development at the site and would comply with the standards of PD-31, and she presented slides showing the layout and elevation of the proposed shelters.

Peter W. Postlmayr, 2001 River Avenue, Long Beach, applicant, outlined the history of the project, and said he felt two conditions regarding security were unnecessary since they had not had any problems in the area before.

Mr. Mais explained that the two conditions had been recommended by the Long Beach Police Department.

In response to a suggestion from Commissioner Sramek, Mr. Carpenter said that the condition could be modified to require that if problems arose, the Director of Planning and Building and the Police Department could place additional security requirements on the development, and the applicant would have the right to appeal to the Commission.

Commissioner Sramek moved to approve the Site Plan Review, subject to the modified conditions. Commissioner Gentile seconded the motion, which passed 4-0. Commissioner Greenberg

had left the meeting, and Commissioners Winn and Rouse were absent.

7. Case No. 0601-11, Amendment to Zoning Ordinance and Subdivision Regulations, CE 06-120

Applicant: City of Long Beach c/o Suzanne Frick
Subject Site: Citywide
Description: Proposed amendment to the Zoning Ordinance and Subdivision Regulations to establish a fee related to Condominium Conversions to support the Housing Trust Fund.

Steve Gerhardt presented the staff report requesting review and a recommendation to the City Council that a new fee be established for condominium conversions.

In response to queries from Chairman Jenkins as to the reasoning behind the flat fee of \$4000, Ms. Frick explained that it was based on the average sales price of \$400,000. Mr. Jenkins suggested it be tied to a percentage of the sales price to better track overall housing prices, and Ms. Frick replied that staff believed a flat fee would cost less administratively and help fund the Housing Trust Fund sooner.

Katie Della Donna, 3540 Lemon, expressed opposition to the amendment saying it would hurt small developers who wouldn't be able to afford the additional cost and would be forced to move their operations elsewhere. Ms. Della Donna noted that this would represent a 200% increase in fees and be difficult to administer and enforce.

Adrienne Bridges, 100 Ocean #1200, also expressed disapproval of the proposed fee, agreeing it would hurt the smaller developer immensely, and if necessary should only be imposed on new applications, not existing ones.

Tom Wurzl, 5703 Seaside Loft, agreed that the fees would halt much development in Long Beach and end the user-friendly aspect of working with the City.

Bob Hildebrand, 555 Main Avenue, representing the Long Beach Interfaith Community Organization, expressed support for the amendment, since the Housing Trust Fund would help increase area workforce housing.

Karen Hudson, 1650 Ximeno #120, Coldwell Banker, expressed opposition to the amendment agreeing it would hurt her smaller

clients who are upgrading eyesores in the City, eating prohibitively into the profits of many developers, potentially flattening sales prices and compromising building quality. Ms. Hudson added that many sales prices were nowhere near \$400,000, and that setting a flat fee would discourage investment in area properties.

Valerie Clark, P. O. Box 886, Silverado, CA 92676, stated that she is a small-scale developer, objected to the proposed fee, saying that in the end it would discourage development of affordable housing.

Curtis Gay, 301 Magnolia, said he supported the fee since he was a disabled vet unable to find affordable housing and this might help provide the Housing Trust Fund with continued resources.

Suzanne Brown, 2750 E. Spring Street, said she felt the fee would help offset the ongoing loss of affordable housing stock. Ms. Brown agreed that the fee should be percentage-based, which she said would be consistent with other jurisdictions and since \$4000 per application would be insufficient, and that ten percent of all new units should be set aside for low-income residents.

Ryan Baumgarner, 141 Corona Avenue, said he thought developers would pass the fee on to purchasers, making housing in Long Beach even less affordable.

Sandra Kroll, 5280 Atherton St. #138, said she supported the idea to assist low-income residents and replace housing stock.

Andrew Kincaid, 110 W. Ocean Blvd. #350, Associate Director, Long Beach Affordable Housing Coalition, stated that he believed there should be a more equitable way to garner monies for the Housing Trust Fund.

Maria Giesey, 1901 E. Ocean Blvd., #302, Chair, Mayor's Committee on Homelessness, said she felt everyone had a moral obligation to help low-income renters.

Adil Karamally, 1440 S. State College Blvd., Anaheim, Meridian Properties LLC, expressed strong opposition to the amendment, noting that developers were already working with the City to improve and upgrade housing stock, both for low-income renters and for the workforce. Mr. Karamally added that he felt the fee would hurt the revitalization process and inhibit developers from providing cost-efficient housing.

Chairman Jenkins stated that he did not support the retroactive fee imposition, and said there would have to be more discussion about how to assist in building up low-income housing stock and funding without penalizing developers.

Commissioner Stuhlbarg said he did not want to see a retroactive fee, and that he felt more discussion was needed on the item.

Commissioner Sramek agreed that the fee should not be retroactive, and that research was needed to determine the profits of condominium conversion. Mr. Sramek expressed concern that a flat fee would discourage developers, and he encouraged everyone to explore other avenues of funding the Housing Trust Fund.

Commissioner Stuhlbarg moved to continue the item to the July 20, 2006 meeting to allow a public study session to be held on the issue. Commissioner Sramek seconded the motion, which passed 4-0. Commissioner Greenberg had left the meeting and Commissioners Winn and Rouse were absent.

8. Case No. 0601-10, Amendment to Zoning Ordinance, CE 06-115

Applicant: City of Long Beach c/o Suzanne Frick
Director of Planning and Building
Subject Site: Citywide
Description: Proposed amendments to the Zoning Ordinance regarding large retail establishments.

Scott Mangum presented the staff report recommending adoption of the amendments to prohibit "super stores" and ensure that large-format retail development promotes the efficient use of land and preserves and enhances the urban fabric through more urban site planning and building design process.

Doug Otto, 111 W. Ocean, Suite 1300, representative of Home Depot, stated that he felt the amendments were problematic because they could put projects currently under long-term development in violation of standards. Mr. Otto added that although his client was working with the City to meet revised standards, using the Site Plan Review process might be a more focused way to work with so-called 'big box' retailers.

Ray Polk, Councilmember representative, stated that their priority was to protect the viability of existing commercial areas and maintain competition by preventing a single retailer

from dominating the local market. Mr. Polk suggested that the Commission take separate actions on the two-part amendment.

Commissioner Sramek agreed that more input was needed on the amendments, because he did not feel they would achieve the City's goals at this point.

Commissioner Sramek moved to recommend that the City Council adopt Part I of the Amendment dealing with the prohibition, but not Part II dealing with design standards. Commissioner Gentile seconded the motion, which failed 2-2. Commissioners Jenkins and Stuhlberg dissented. Commissioners Winn and Rouse were absent.

Commissioner Gentile moved to continue Part I of the item to the July 20, 2006 meeting and Part II to a date uncertain to allow bifurcation of the issues and further review of each. Commissioner Stuhlberg seconded the motion, which passed 4-0. Commissioner Greenberg had left the meeting and Commissioners Winn and Rouse were absent.

9. Case No. 0601-12, Amendments to Downtown Planned Development District, CE 06-114

Applicant: City of Long Beach c/o Suzanne Frick
Director of Planning and Building
Subject Site: Citywide
Description: Proposed amendments to the Downtown Planned Development District related to adaptive reuse of commercial buildings.

Greg Carpenter presented the staff report recommending adoption of the amendments to consolidate all regulations related to adaptive reuse of existing buildings.

Chairman Jenkins stated he felt it was a great idea to recycle old buildings, relieving the City of eyesores.

Commissioner Gentile moved to recommend that the City Council adopt the amendments to the Downtown Planned Development District (PD-30). Commissioner Sramek seconded the motion, which passed 4-0. Commissioner Greenberg had left the meeting and Commissioners Winn and Rouse were absent.

10. Case No. 0601-13, Amendment to Zoning Ordinance, CE 06-116

Applicant: City of Long Beach c/o Suzanne Frick
Director of Planning and Building
Subject Site: Citywide
Description: Proposed amendment to the Zoning Ordinance
Chapter 21.63, regarding incentives for affordable housing.

Mercedes McLemore presented the staff report recommending adoption of the amendment to update the qualifications for a density bonus and the density bonus limitations.

Commissioner Gentile moved to recommend that the City Council adopt the amendment to the Zoning Ordinance. Commissioner Sramek seconded the motion, which passed 4-0. Commissioner Greenberg had left the meeting, and Commissioners Winn and Rouse 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**

There were no matters from the Department of Planning and Building.

**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 4:44pm.

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**J U L Y 6 , 2 0 0 6**

STUDY SESSION A study session was held at 12:00pm to review the recirculated draft Environmental Impact Report for the proposed Home Depot located at 400 Studebaker Road.

The regular meeting of the City Planning Commission and public hearing reconvened on July 6, 2006, at 1:40pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, California.

PRESENT: COMMISSIONERS: Matthew Jenkins, Charles Greenberg,
Morton Stuhlbarg, Nick Sramek,
Charles Winn

ABSENT: EXCUSED: Mitchell Rouse, Leslie Gentile

CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lynette Ferenczy, Planner
Jeff Winklepleck, Planner
Ira Brown, Planner
Derek Burnham, Planner
Steve 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 Winn.

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**

The Consent Calendar was approved as presented by staff on a motion by Commissioner Winn, seconded by Commissioner Stuhlbarg and passed 5-0. Commissioners Rouse and Gentile were absent.

**1A. Case No. 0604-32, Modification to an Approved Permit
CE 06-131**

Applicant: Marcus Crawshaw
Subject Site: 3131 E. Broadway (Council District 3)
Description: Request to modify an existing Conditional Use Permit for a retail wine store with wine tasting (Case No. 0405-22) to expand into adjacent suite and relocate the wine tasting area.

Approved the modification subject to revised conditions of approval.

1B. Case No. 0605-12, Conditional Use Permit, CE 05-126

Applicant: Long Beach Airport for US Aero
Subject Site: 2845 E. Spring Street (Council District 5)
Description: Request to allow the sales of aircraft in conjunction with aircraft parts.

Approved the Conditional Use Permit subject to conditions of approval.

1C. Case No. 0603-86, Tentative Tract Map, CE 06-52

Applicant: Monica Masuda c/o Robert Vargo/SUBTEC
Subject Site: 5505 Ackerfield Avenue (Council District 8)
Description: Request for approval of Tentative Tract Map No. 65469 to convert a 55-unit apartment building into condominiums.

Approved Tentative Tract Map No. 65469 subject to conditions.

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

**2. Case No. 0510-02, Site Plan Review, Vesting Tentative
Tract Map, ND 01-06**

Applicant: Jay Sheppmann
Subject Site: 1223-1227 Long Beach Boulevard (Council District 1)
Description: Request for approval of Site Plan Review, and Vesting Tentative Tract Map No. 65484 for less than code-required dimensions for open space and courtyard area for a 51-unit condominium complex with ground floor commercial and live/work uses.

Carolyn Bihn presented the staff report recommending approval of the requests because the proposal is consistent with the Subdivision Regulations and Land Use Element of the General Plan; is an attractive and innovative design complying with PD-29 development standards; will add a very contemporary mixed use building and improve the image and appearance of the long-vacant site and Long Beach Boulevard Corridor, and that no negative environmental impacts were identified.

David Rosenfeld, RNH Design, 4611 Teller Avenue, Newport Beach, 92660, project architect, presented slides showing the project.

Commissioner Greenberg remarked that he thought the off-street parking entry should be better marked. Ms. Bihn suggested directional signs on the alley wall, which could be required through the sign program.

Dr. Ana Chang-Smith, 12th and Long Beach Blvd., adjacent medical building owner, expressed concern about noise, dust and traffic created by construction, but said she had talked with the developer who had promised to work out those issues.

Commissioner Stuhlbarg moved to review and certify Mitigated Negative Declaration No. 01-06, and to approve the requests for Site Plan Review and Vesting Tentative Tract Map No. 65484. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Gentile and Rouse were absent.

3. Case No. 0511-25, Site Plan Review, Standards Variance, Finding of General Plan Conformity, ND 08-06

Applicant: Enter-Arc c/o Lance Brown
Subject Site: 2200 Lakewood Boulevard (Council District 4)
Description: Request for approval of Site Plan Review for a new 6,400 sq.ft. commercial building with a Standards Variance for front and side setbacks of five feet (instead of not less than 10 feet) and a Finding of General Plan Conformity for a partial street vacation.

Derek Burnham presented the staff report recommending approval of the requests, since the project will allow redevelopment of an underutilized commercial lot.

Lance Brown, Enter-Arc, 2901 W. MacArthur Blvd., S. 101, Santa Ana, stated he was available to answer questions.

Prayuth Panichpakdee, 5721 Malaga Place, nearby building owner, expressed concern that this application would hinder his ability to undertake a similar project.

Greg Carpenter explained the private-to-public history of the property and the right-of-way, and noted that the parking is designed to be shared by everyone on the site, with landscaping and street improvements done by the applicant.

Commissioner Greenberg said he thought all adjacent property owners should have a say in the shared parking.

Commissioner Greenberg then moved to certify Mitigated Negative Declaration No. 08-06; to find the proposed street vacation consistent with the Land Use Element of the General Plan, and to approve the Site Plan Review and Standards Variance requests, subject to conditions. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Gentile and Rouse were absent.

4. Case No. 0407-05, Conditional Use Permit, Administrative Use Permit, Standards Variance, CE 04-259

Applicant: Loretha Pennix
Subject Site: 6160 Atlantic Avenue (Council District 9)
Description: Conditional Use Permit to allow the establishment of a church in the CAN Zone, with Administrative Use Permit for shared parking and Standards Variance requests for the number of parking spaces, and for off-site parking located further than 600 sq.ft. without a deed restriction.

Steve Valdez presented the staff report recommending denial of the requests since the proposed use does not meet the parking requirements for a church and positive findings cannot be made to support them.

Loretha Pennix, P. O. Box 18527, Long Beach 90807, applicant, stated she was in possession of assessment papers proving her claim that the church use dated back to 1976.

Ms. Bihn stated that the material had been reviewed, and that staff had done extensive research, which had identified the property as a market with no permit history to legally establish the use as a church.

Commissioner Greenberg announced that he had visited the site on Sunday morning and had found no parking impacts. Ms. Bihn

reported that there had been complaints about parking from the surrounding community.

Willie Cockroft, P. O. Box 330671, Pacoima, 91333, read a letter from a member claiming the existence of the church at this location in 1979. Mr. Cockroft also declared that the church had been in existence since the early 1970s, and he stated that there was enough parking on-site for members, many of whom did not own cars.

Dennis Browne, 7021 Pearl Avenue, said he had been a church member for over 40 years and agreed there was enough parking on Sunday since all the other businesses in the area were closed.

Commissioner Greenberg explained the precedent-setting aspect of the decision to the applicant, but agreed that the City had some responsibility in that they had been unable to establish a history of the site. Mr. Greenberg added that the testimony of Mr. Browne could serve as proof in the absence of anything more concrete, and he agreed that there was enough parking on the weekend for members, creating a unique case and allowing approval of the request.

Commissioner Greenberg moved to continue the item to the August 3, 2006 meeting to allow staff to prepare new conditions of approval and findings, and to look at building and fire code issues.

At the suggestion of Deputy City Attorney Mike Mais, language was added to the motion to acknowledge the hearsay testimony of the letter and the witness in support of the longtime location and existence of the church.

Commissioner Winn declared he was leery of circumstantial evidence and reminded the applicant that the Commission had gone out of its way to accommodate her and the church.

Commissioner Winn seconded the motion, which passed 5-0. Commissioners Gentile and Rouse were absent.

REGULAR AGENDA

5. Case No. 0605-06, Site Plan Review, Zone Change, CE 06-89

Applicant: Dr. Michele Winterstein, Exec. Dir.
Subject Site: 4565 California Avenue (Council District 8)
Description: Request for approval of a Zone Change from Three-Family Residential (R-3-S) District to Community Automobile-Oriented (CCA) District, and a Site Plan Review for a 2,921 sq.ft. addition to expand an existing building housing a non-profit institution.

Greg Carpenter presented the staff report recommending approval of the requests, since the proposed development would expand a long-established social service institution, and because the design of the project exterior was compatible with the historic design of the original structure, while the zone change would provide consistency between the existing uses and the proposed designation.

Dr. Michele Winterstein, 4565 California Avenue, Executive Director, For the Child, stated the expansion was much needed, and that they had held a community open house and incorporated community input on the project.

Commissioner Stuhlberg moved to recommend that the City Council approve the Zone Change from Three-Family Residential (R-3-S) District to Community Automobile-Oriented (CCA) District and to approve the Site Plan Review, subject to conditions.
Commissioner Sramek seconded the motion, which passed 5-0.
Commissioners Gentile and Rouse were absent.

6. Case No. 0312-15, Appeal, CE 03-242

Applicant: Jerry Maize c/o Ed Gulian
Appellants: Bob and Debbie Autry
Subject Site: 5519 E. Ocean Boulevard (Council District 3)
Description: Appeal of the Zoning Administrator's decision to deny a Local Coastal Development Permit and Standards Variance request to allow over-height structures in the front yard setback area fronting Alamitos Bay.

Commissioner Winn recused himself from hearing the item.

Lynette Ferenczy presented the staff report recommending denial of the appeal and upholding of the Zoning Administrator's decision since through lots on the Peninsula are required to

have two front yard setbacks to maintain an open feel, and because granting of a variance is inconsistent with the intent of the Zoning Code and could be precedent-setting.

Ed Gulian, 5855 E. Naples, architect representing both appellants and applicant, stated he felt this was a unique situation because the lot was unique, and the applicant had acted in good faith based on information from the City's counter staff.

Mr. Gulian showed slides of similar walls in the area, and added that the applicant had pulled construction permits to upgrade the property two years earlier, and could have easily made the required changes at that time, if he had been informed by staff.

Graham Stanley, 3601 Serpentine Drive, Los Alamitos, 90740, landscape architect, stated that City staff had informed him upon presentation of the plans that they could have a 6'6" wall, so they never pulled a permit because they were not over 3' high on the back slab, and he had always been under the assumption that the design was within code.

Jerry Maize, 5519 E. Ocean Blvd., applicant, said he was shocked by the Code violation accusation, and he had since visited the City counter and been given the same information that a 6' wall was acceptable, without any further explanation about whether that was above the slab or sidewalk.

Joe Railey, 9582 Hamilton Avenue, Hermosa Beach, project contractor, expressed concern that the City had incorrectly informed the applicant and his contractors. Mr. Railey added that they had even received a Certificate of Occupancy, which always confirmed to a contractor that a project was accepted by the City issuing the certificate.

Jan Maize, 5519 E. Ocean, applicant, said she had asked many times to meet with Alamitos Bay Beach Preservation Group Board to discuss a compromise, but was never able to set a meeting date.

Steve Scott, 60-60th Place, expressed support for the variance request, saying he felt there were many more egregious violations in neighborhood than this, which was so close to the spirit of the regulations.

In response to queries from Chairman Jenkins about the alleged misinformation from counter staff, Ms. Bihn agreed that lack of

consistency in information was unacceptable, and that she had talked to staff about giving correct answers at the counter or over the phone. Ms. Bihn added that if architects and applicants would work with the assigned City project planner through their entire process, it would help avoid this kind of problem.

Bob Chrisman, 6300 E. Bayshore Walk, said he understood both sides of the issue, but said he felt the applicant should be granted the variance because he had built a beautiful home and shouldn't be penalized for the City's misinformation.

August Cigliano, 6009 E. Seaside Walk, agreed that the applicant's house was one of the more beautiful ones in the neighborhood, and that this design instead of being denied should be considered as a prime example of a step in the right direction. Mr. Cigliano added that having to tear down the wall would not only be expensive for the applicant, but would also negatively impact the look of the block.

Brigida Knauer, 40-57th Place, added that the applicants were exemplary residents and community members, but expressed support for the staff recommendation, saying she felt their architect should have known the Code and made sure City regulations were followed exactly.

Rob Bellevue, 6018 E. Bayshore Way, Board Member, Alamitos Bay Beach Preservation Group, said he had called the City during construction of the wall to confirm that the applicant would not build up to 6'. Mr. Bellevue added that he had tried to reach a compromise with the applicants but had only been offered re-landscaping of the City median.

Dr. Sherri Bates, 5616 Bayshore Walk, expressed support for the applicants, saying that within the area of eclectic homes, the wall was not a problem.

Joe Villaescusa, 2-60th Place, agreed that the applicants should be permitted to keep their wall.

Jerry Maize, applicant, commented that the City did approval inspections all the way through construction and never brought up the issue. Mr. Maize asked why a Certificate of Occupancy had been issued if the wall was not within Code.

Commissioner Greenberg observed that granting variances could be a precedent-setting process, but in some situations, it was unfair and hard not to grant a variance. Mr. Greenberg added

that the City was not legally responsible for its own errors, including erroneously grating a Certificate of Occupancy, and the homeowner could be forced to correct the error. Commissioner Greenberg expressed concern that the builder and architect did not really know Code regulations. Mr. Greenberg also remarked that aesthetically, the applicants' home was one of the nicer ones in the area, so the request was not substantially wrong, but historically, the reason behind the strict regulations was to standardize through lots. He noted that the Alamitos Bay Beach Preservation Group had always demanded that the Commission enforce rigid area rules with no exceptions, and if they had issues with the project, they should have pursued their concerns with the City. Commissioner Greenberg said he felt it would be very hard to force the applicant to re-do the project, but that it was also important to assure that this situation would not arise again. Mr. Greenberg concluded that perhaps the City, the Alamitos Bay Beach Preservation Group and the applicants all bear some share of blame.

Commissioner Greenberg moved to accept the appeal and overturn the Zoning Administrator's decision to deny the Local Coastal Development Permit and Standards Variance request.

Commissioner Sramek agreed that ignorance of the law isn't an excuse for doing the wrong thing and that the precedent-setting aspect was very troubling, but he agreed that there were enough mistakes made by the City, and the applicant did his due diligence trying to do the right thing.

Commissioner Sramek then seconded the motion, which passed 4-0. Commissioner Winn had recused himself, and Commissioners Rouse and Gentile were absent.

Chairman Jenkins suggested that all through lots be tagged by the City to avoid this kind of mistake in the future

7. Case No. 0505-19, Site Plan Review, Zone Change, Tentative Tract Map, ND 05-06

Applicant: 4200 Anaheim, LLC c/o Gerald Sappington
Subject Site: 4200 E. Anaheim Street (Council District 4)
Description: Request for a Zone Change from Three-Family Residential District (R-3-S) to Community R-4-N District (CCN), approval of Site Plan Review and a Tentative Tract Map for a three-story, 32-unit condominium complex and a Standards Variance to allow an architectural feature 40'3" in height (instead of not more than 38'0" in height).

Jeff Winklepleck presented the staff report recommending approval of the requests since the proposal was consistent with Subdivision Regulations, the amended Zoning Ordinance and the Land Use Element, while providing attractively designed home ownership opportunities.

Bozena Jaworski, 3837 E. 7th Street, RPP Architects, expressed appreciation for staff's assistance on the project.

Commissioner Winn moved to certify Negative Declaration No. ND 05-06; to recommend that the City Council approve the Zone Change from Three Family Residential (R-3-S) to Community R-4-N District (CCN), and to approve the Site Plan Review, Tentative Tract Map No. 065281 and Standards Variance, subject to conditions. Commissioner Sramek seconded the motion, which passed 4-0. Commissioner Stuhlberg had left the meeting, and Commissioners Gentile and Rouse were absent.

8. Case No. LDR-06

Applicant: City of Long Beach
Subject Site: Citywide
Description: The 2005-2006 Local Development Report and its conformance with the 2005 Congestion Management Program (CMP).

Ira Brown presented the staff report recommending adoption of the resolution.

Commissioner Sramek expressed concern with the CMP's unequal application of development data to overrule local City traffic management issues, noting that in the past data supporting specific impacts was included.

Suzanne Frick said the City would have substantial input to insure that meaningful measures were being suggested.

Angela Reynolds added that the Commission would still have input on localized traffic issues, although they still would not be able to mitigate extra-regional traffic impacts under jurisdictions like CalTrans.

Commissioner Greenberg moved to recommend that the City Council adopt a resolution self-certifying the Local Development Report and its conformance with the Congestion Management Program. Commissioner Winn seconded the motion, which passed 4-0.

Commissioner Stuhlberg had left the meeting, and Commissioners Gentile and Rouse 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**

There were no matters from the Department of Planning and Building.

**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 Sramek mentioned that he had a problem with the language in the turnkey conditions of approval that require removal of graffiti within 24 hours, saying he felt this kind of requirement needed some enforcement teeth. Commissioner Winn said he felt that residents should deal with the problem themselves.

A D J O U R N

The meeting adjourned at 4:45pm.

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**A U G U S T 3, 2 0 0 6**

The regular meeting of the City Planning Commission and public hearing convened on August 3, 2006, at 1:30pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA.

PRESENT: COMMISSIONERS: Matthew Jenkins, Charles Greenberg, Morton Stuhlbarg, Nick Sramek, Charles Winn, Mitchell Rouse

ABSENT: EXCUSED: Leslie Gentile

CHAIRMAN: Matthew Jenkins

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Lemuel Hawkins, Planner
Larry Rich, 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**

The Consent Calendar was approved as presented by staff on a motion by Commissioner Sramek, seconded by Commissioner Stuhlbarg and passed 6-0. Commissioner Gentile was absent.

1A. Case No. 0312-15, Local Coastal Development Permit, Standards Variance, CE 03-242

Applicant: Jerry Maize c/o Ed Gulian
Subject Site: 5519 E. Ocean Boulevard (Council District 3)
Description: Appeal of the Zoning Administrator's decision to deny a Local Coastal Development Permit and Standards Variance request to allow overheight structures in the front yard setback area fronting Alamitos Bay.

Adopted revised findings to overturn the decision of the Zoning Administrator and to approve the Local Coastal Development Permit and Standards Variance.

Commissioner Greenberg asked that the staff report be corrected to replace language in Findings from "conflicting information" to "incorrect information".

1B. Case No. 0407-05, Conditional Use Permit, Administrative Use Permit, Standards Variance, CE 04-259

Applicant: Loretha Pennix
Subject Site: 6160 Atlantic Avenue (Council District 9)
Description: Conditional Use Permit to allow the establishment of a church in the CNA Zone, with Administrative Use Permit for shared parking, and Standards Variance requests for the number of parking spaces and for off-site parking located further than 600 feet without a deed restriction.

Approved Conditional Use Permit, Administrative Use Permit and Standards Variance, subject to conditions.

1C. Case No. 0604-07, Condominium Conversion, CE 06-65

Applicant: Klieman Family Trust
Subject Site: 1225 Belmont (Council District 4)
Description: Request for approval of Vesting Tentative Tract Map No. 066297 for the conversion of eight apartment units into condominiums.

Approved Tentative Tract Map No. 066297 subject to conditions.

1D. Case No. 0605-10, Condominium Conversion, CE 06-92

Applicant: Linda Hunter
Subject Site: 4231 E. 10th Street (Council District 4)
Description: Approval of Tract Map No. 066650 to convert six townhome apartments into condominiums.

Continued to the September 7, 2006 meeting.

1E. Case No. 0605-07, Condominium Conversion, CE 06-90

Applicant: Alan Cullen
Subject Site: 37-39 Belmont Avenue (Council District 3)
Description: Approval of Parcel Map No. 066881 and Local Coastal Development Permit to convert an existing duplex into condominiums.

Approved Parcel Map No. 066881 and Local Coastal Development Permit, subject to conditions.

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

2. Case No. 0605-09, Conditional Use Permit, CE 06-91

Applicant: Anthony Morris & Edgar Martinez
Subject Site: 737 W. Pacific Coast Highway
(Council District 6)
Description: Conditional Use Permit to allow the establishment of a tattoo studio within an existing commercial retail strip center.

Lemuel Hawkins presented the staff report recommending approval of the request since the use will not be detrimental to the surrounding community and because positive findings can be made to support it.

Anthony Morris & Edgar Martinez, 737 Pacific Coast Highway, applicants, stated in response to a query from Chairman Jenkins that they were both certified tattoo artists with four years' experience.

Commissioner Rouse moved to approve the Conditional Use Permit subject to conditions. Commissioner Greenberg seconded the motion, which passed 6-0. Commissioner Gentile was absent.

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

3. Redistricting 06-1

Subject Site: Citywide
Description: Analysis of the 2006 population balance among the nine councilmanic districts of the City of Long Beach for use in potential councilmanic redistricting.

Larry Rich presented a staff analysis recommending that the Planning Commission transmit a memorandum to the City Council

suggesting a continuation of the issue until better population data could be obtained from the County of Los Angeles, since this data is used in redistricting and had been found to be significantly inaccurate.

In response to a query from Commissioner Greenberg, Mr. Rich confirmed that the population numbers include illegal aliens, unregistered voters and children.

Commissioner Sramek moved to transmit the memorandum.
Commissioner Winn seconded the motion, which passed 5-0.
Commissioner Rouse had left the meeting, and Commissioner Gentile was 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**

There were no matters from the Department of Planning and Building.

**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 suggested that the Planning Commission Chairs receive an extra year of experience before they are voted to the position. Chairman Jenkins demurred, saying he felt that everyone came to the Commission with adequate experience.

A D J O U R N

The meeting adjourned at 2:01pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk

MINUTES
REGULAR MEETING OF THE BOARD OF WATER COMMISSIONERS
LONG BEACH, CALIFORNIA
AUGUST 3, 2006

The Board of Water Commissioners of the City of Long Beach met in the Board Room of the Administration Building, 1800 E. Wardlow Road, Long Beach, California, on August 3, 2006.

The meeting was called to order at 9:15 a.m. by President Conley.

PRESENT:	Stephen T. Conley	Commissioner
	Frank Clarke	Commissioner
	William B. Townsend	Commissioner
	Lillian Y. Kawasaki	Commissioner
	Helen Z. Hansen	Commissioner
	Donna Gwin	Senior Deputy City Attorney
	Kevin L. Wattier	General Manager
	Sandra L. Fox	Secretary to the Board of Water Commissioners
	Robert C. Cheng	Deputy General Manager – Operations
	B. Anatole Falagan	Deputy General Manager - Business
	Ryan J. Alsop	Director, Government & Public Affairs
	Matthew P. Lyons	Director, Planning & Conservation
	Paul T. Fujita	Director of Finance
	Isaac C. Pai	Director of Engineering
	K. Eric Leung	Director of Water Resources
	David Honey	Administrative Officer
	Robert Swain	Division Engineer
	Melissa L. Keyes	Administrative Analyst II/Special Projects Coordinator
	Dynna Long	Senior Secretary
	Mary Williams	Administrative Analyst III
	Theresa Wu	Senior Engineer
	Sara Mathis	Division Engineer
	James Tejani	Administrative Intern

ABSENT: None

1. PLEDGE OF ALLEGIANCE

Sara Mathis led the Board and audience in the Pledge of Allegiance.

2. PUBLIC COMMENT

President Conley opened the public comment period. As there were no requests to address the Board, the public comment period was closed.

3. PRESIDENT'S REPORT

- **Stephen T. Conley, President, Board of Water Commissioners**

AUGUST 10, 2006 COMMITTEE OF THE WHOLE MEETING

President Conley reviewed with the Board possible upcoming absences for the August 10, 2006 Committee of the Whole meeting. Commissioner Hansen reported her schedule had changed and she would now be in attendance at that meeting.

RECENT LOS ANGELES TIMES ARTICLES RELATED TO OCEANS

President Conley commented on the recent series of articles in the *Los Angeles Times* regarding ocean pollution and how this pollution problem is affecting the oceans and global weather patterns. President Conley also commented on how the heating of the ocean affects coral growth and the health of the coral reefs.

4. GENERAL MANAGER'S REPORT

- **Kevin L. Wattier, General Manager**

Mr. Wattier provided the following report to the Board:

JULY 2006 WATER DELIVERIES

Mr. Wattier asked Robert Cheng, Deputy General Manager – Operations to provide a report on July water deliveries during the recent heat wave. Mr. Cheng advised that 7,000 acre feet of water (or 80 million gallons/day) had been used in July 2006 in comparison to 6,500 acre feet of water (or 73 million gallons/day) for July 2005. He advised potable water deliveries were up 6% for the month, and that reclaimed water deliveries were up 11% for the month.

CONJUNCTIVE USE UPDATE

Mr. Cheng reported on the conjunctive use account.

METROPOLITAN WATER DISTRICT (MWD) BROMATE UPDATE

Mr. Wattier reported that MWD will no longer hold to the Long Beach Water Department requested bromate levels. MWD advised that this request had been denied as it was not reasonable. He further reported MWD has reverted to their operations that will bring the level back to .10 (which meets State standards). There was general discussion regarding options to further pursue this matter.

DISTRIBUTED ARTICLES

Mr. Wattier reviewed various articles that had been distributed to the Board:

- Mr. Wattier advised the Board that a copy of the *Los Angeles Times* article dated August 2, 2006, entitled "Plague of Plastics" had been included in this week's cubbyhole folders. He pointed out the reference to the pollution from the Los Angeles River that flows into Long Beach and commented on the picture that accompanied the article. He also commented on how the pollution affects the ocean with carbon dioxide lowering the PH of the ocean. He also mentioned Mr. Charles Moore (a respected authority on recycling and beach pollution) who was featured in the article and the work that he does locally to educate and prevent beach and ocean pollution.
- Mr. Wattier reviewed the thank you letter the Long Beach Water Department had received from the Long Beach Education Foundation for the recent *Beautiful Long Beach Landscape Grant* award made to Prisk Elementary School.
- Mr. Wattier commented on the article that highlighted the troubled sewer construction project affecting San Jacinto and the Eastern Municipal Water District, and mentioned the importance of continuing to work closely with developers on new projects in our city to avoid these kinds of problems.
- Mr. Wattier reviewed the *North County Times* editorial regarding the North County coast desalination project.

President Conley advised that he would like to see the Long Beach Water Department apply for the Association of California Water Agencies Theodore Roosevelt Environmental Award that identifies excellence by California Water Agencies in managing the state's natural resources, and seeks out and recognizes programs in natural resources. Staff advised they would review the application for appropriateness.

Commissioner Clarke commented on ocean pollution related to fish nets.

5. LEGAL COUNSEL REPORT

• **Donna F. Gwin, Senior Deputy City Attorney**

Senior Deputy City Attorney, Donna F. Gwin reported on the recent California Supreme Court decision Bighorn Desert View Water Agency vs. Virjil relating to Prop 218.

There was general discussion regarding this matter. Mr. Wattier requested direction from the attorney's office to put the administrative process in place; to notify rate payers and hold a public hearing.

Ms. Gwin advised that she would provide to the Board at a future meeting a summary of major related cases.

NOTE: At 9:50 A.M. Commissioner Kawasaki joined the meeting.

It was requested that the General Manager lead a discussion at a future meeting regarding the Bighorn decision and the implications of this decision for the Long Beach Water Department.

6. CONSENT CALENDAR

Donna Gwin, Senior Deputy City Attorney advised that consent calendar item 6c. needed to be pulled from the consent calendar for a roll call vote.

It was moved by Commissioner Townsend and seconded by Commissioner Clarke, that the Board approve Consent Calendar Items 6a., and 6b.

6a. Approval of Transfer of Funds by Journal Entry Dated August 3, 2006

Transfers No. 210 through No. 217 in the total amount of \$464,046.52, covering the Water and Sewer Funds, was submitted to the Board for approval.

6b. Adopt Specifications WD-09-05 for the Norwalk/Artesia Emergency Inter-tie Project and Authorize the General Manager to Sign a Construction Contract with Robert G. Castongia, Inc. in the amount of \$81,516

A communication was presented to the Board from Isaac C. Pai, which is on file at the Long Beach Water Department.

Action:

- Adopt Specifications WD-09-05 for the Norwalk/Artesia Emergency Inter-tie Project and Authorize the General Manager to Sign a Construction Contract with Robert G. Castongia, Inc. in the amount of \$81,516

President Conley called for the vote.

AYES:	COMMISSIONERS:	<u>STEPHEN CONLEY, FRANK CLARKE,</u> <u>WILLIAM TOWNSEND,</u> <u>LILLIAN KAWASAKI, HELEN HANSEN</u>
NOES:	COMMISSIONERS:	<u>NONE</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>

Motion was carried unanimously.

6c. Adopt Resolution No. WD-1216 Authorizing the General Manager to Execute a Contract to Purchase Replacement and Repair Parts from Pall Corporation for an Amount not to Exceed \$200,000, in Connection with the Prototype Seawater Desalination Testing Facility (PSDTF)

Mr. Wattier, General Manager, gave a brief overview on the background for the need to purchase these replacement parts. He reminded the Board the LBWD had purchased this used piece of equipment from the Orange County Water Department for use at the PSDTF. He advised that there was now a need to rehabilitate and repair this unit by replacing the membranes.

A brief presentation was made on the life of the membranes, and a total cost for the unit since its purchase.

It was moved by Commissioner Kawasaki and seconded by Commissioner Townsend, that the Board adopt Resolution No. WD-1216 Authorizing the General Manager to Execute a Contract to Purchase Replacement and Repair Parts from Pall Corporation for an Amount not to Exceed \$200,000, in Connection with the Prototype Seawater Desalination Testing Facility (PSDTF). A roll call vote was taken as follows:

AYES:	COMMISSIONERS:	<u>STEPHEN CONLEY, FRANK CLARKE,</u> <u>WILLIAM TOWNSEND,</u> <u>LILLIAN KAWASAKI, HELEN HANSEN</u>
NOES:	COMMISSIONERS:	<u>NONE</u>
ABSENT:	COMMISSIONERS:	<u>NONE</u>
ABSTAIN:	COMMISSIONERS:	<u>NONE</u>

9. **AWARD BEAUTIFUL LONG BEACH LANDSCAPE PROGRAM GRANTS**

Mr. Lyons provided background on the process that led to the recommended grant awards to Birney Elementary School; Carmelitos Housing Development and Los Cerritos Elementary. He reviewed the application for each of the successful applicants, which included the location of their projects, scopes of work, and the issues posed by the expert panel that reviewed and recommended the successful projects.

President Conley requested that Mr. Lyons publicly acknowledge the members of the expert panel. Mr. Lyons reported the members of the group as follows, and provided a brief background for each individual:

- Jorge Ochoa – Horticulture Program – Long Beach City College
- Joe Geever – Surfrider, Southern California
- Ed Mealey – Long Beach Water Department Park Maintenance Supervisor
- Chris Ward – City of Long Beach Naturalist and associated with other local organizations

Commissioner Kawasaki inquired how many *Beautiful Long Beach Landscape Grant* applications the LBWD had received, and in what council districts these applicants were located. Mr. Lyons advised that a total of six applications had been received, but he did not have a breakdown on the council district participation. Mr. Lyons reported that e-mail solicitations had been sent to a list of neighborhood groups regarding this program.

President Conley suggested that when staff meets with the Mayor and Council for the upcoming budget briefings, that a component on conservation and various LBWD programs be made available as part of the briefing packet.

Mr. Lyons summarized the grant amounts requested by each applicant, and recommended approval of these awards contingent on applicants adequately addressing the issues posed by the expert panel.

There was general discussion about the various projects which included comments on scope of work; recommendations and suggestions and grant award amounts. There was also general discussion on approach, distribution of funds, and performance obligations of grant recipient's coordination with panel recommendations, and reporting requirements.

Discussion ensued regarding the recommended project from Carmelitos Housing Development. It was decided that this grant application would be pulled, and the applicant would be asked to revise their project, which would be returned at a later date for separate consideration.

It was moved by Commissioner Townsend and seconded by Commissioner Hansen, and unanimously approved that the Board award the *Beautiful Long Beach Landscape Program* grants to Birney Elementary School, and Los Cerritos Elementary school, conditioned on staff determining that applicants have adequately addressed issues related to plant palette, irrigation and control of runoff. The Board also directed staff to work with Carmelitos Housing Development to revise their application, and return their project to the Board for consideration at a later date.

8. LEGISLATIVE ISSUES/ACTIONS/BILLS

- **Ryan J. Alsop, Director, Government & Public Affairs**

INTEGRATED REGIONAL WATER MANAGEMENT PLAN (IRWMP) BILL

Mr. Alsop reported this bill would probably be converted to a study bill, and he would update the Board at future meetings regarding this issue.

SECRETARY OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

President Conley reported that he had recently met Ms. Linda S. Adams, Secretary of the California Environmental Protection Agency, at a meeting at the Aquarium of the Pacific. He requested that staff prepare a letter for his signature acknowledging their meeting and suggested it include general background on the leadership role that the Long Beach Water Department has taken in intelligent water management.

OUTREACH TO NEW COUNCILMEMBERS

Commissioner Townsend inquired about LBWD outreach and education of new councilmembers regarding the Long Beach Water Department. President Conley reminded the Board that each year during the yearly Mayor and Council budget briefings, staff and officers of the Board have an opportunity to highlight the activities of the LBWD. Mr. Alsop reported that LBWD staff had already reached out to the new Mayor and councilmembers, and their legislative staff.

MAYOR, COUNCIL AND LEGISLATIVE ORIENTATION TOUR OF LBWD FACILITIES

Mr. Alsop reported that staff has scheduled an orientation tour and lunch for the Mayor, Council and their legislative staff on August 11, 2006. He advised the Board that he would provide them with an itinerary for this tour, and invited the Board members to come to the lunch after the tour to meet the attendees, and discuss Water Department issues.

9. NEW BUSINESS

PROPOSITION 84

Commissioner Kawasaki asked staff how the Board's support for Proposition 84 was being advertised. Mr. Alsop advised that he has contacted the Yes on 84 group, and reported to this group that the LBWD Board of Water Commissioners had taken a position of support. He reported that it was okay for the Board's support to be posted on their website.

AUGUST 10, 2006 COMMITTEE OF THE WHOLE MEETING

Commissioner Kawasaki reported to the Board that she will now be able to attend the August 10, 2006 Committee of the Whole meeting. It was determined that there would be a quorum for this meeting, so it would remain on the Board meeting calendar.

GREATER LOS ANGELES IRWMP MEETING

Commissioner Kawasaki reported that she had recently attended a Greater Los Angeles IRWMP meeting where she learned that the sub-region did not yet have any workshops scheduled regarding the IRWMP process. She suggested that the LBWD, City, or both sponsor a workshop.

President Conley suggested this could be done in conjunction with the Aquarium of the Pacific.

RECENT LBWD "DO YOU KNOW" AD IN THE *PRESS TELEGRAM*

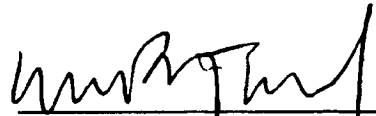
Commissioner Townsend advised he liked the recent LBWD ad in the *Press Telegram* regarding the rising costs for water and sewer, and remarked it was easy to read and understand.

UPCOMING PROJECTS

Commissioner Clarke recommended that LBWD staff prepare presentations to be made before civic groups, such as the Chamber of Commerce, regarding the proposed WRD Central Basin pipeline/Montebello well field project (or "Legacy Project"); the Long Beach Water Department Desalination program and the LBWD Conservation Programs.


10. ADJOURNMENT

There being no further business to come before the Board, President Conley adjourned the meeting at 11:15 a.m. to the next Regular Meeting of the Water Commission to be held on Thursday, August 17, 2006, at 9:15 a.m., in the Board Room of the Administration Building, 1800 E. Wardlow, in Long Beach, California.



William B. Townsend, Secretary

Attest:



Stephen T. Conley, President