

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 2, 2005, AT 1 P.M.

Present: Commissioners: Hancock, Cordero, Hankla, Topsy-Elvord,
Calhoun
Absent: " None

Also present:

R. D. Steinke	Executive Director
G. Knatz	Managing Director
S. B. Rubin	Managing Director
T. Teofilo	Managing Director
G. T. Hein	Executive Officer to the Board
D. A. Thiessen	Chief Harbor Engineer
T. K. Whitesell	Director of Administration
A. W. Wong	Acting Director of Communications
M. J. Slavin	Director of Finance
D. L. Albrecht	Director of Information Management
W. D. Bower	Acting 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 CALHOUN PRESIDED AS CHAIRMAN.

APPROVAL OF MINUTES.

Upon motion by Commissioner Hankla, seconded by Commissioner Topsy-Elvord and unanimously carried, the amended minutes of the regular meeting of April 25, 2005, were declared read and approved as read.

WELCOME.

President Calhoun recognized and welcomed Mr. John Jamian, Acting Administrator of U.S. Maritime Administration for the U.S. Department of Transportation, and Mr. Randy Rogers.

Mr. Jamian stated he was pleased to be in Long Beach and to be working with Mr. Randy Rogers, Director of the Gateway Office. He stated he recognizes all of the challenges this community is faced with in moving the nation's freight and with the

implementation of this office. The President and Secretary Mineta, has made this challenge a priority for us to work with you in all of your endeavors and to help find the proper solutions so that we can continue to meet the challenges of the cargo that is coming into our Ports.

Mr. Jamian introduced Dr. Wassel Mashagbeh, Chief Economist for the U.S. Department of Transportation and Maritime, Mr. Richard Walker, Director of Ports and Intermodal Ports System, and Ms. Elvira May, Director of Public Affairs Department.

In response to a question by Commissioner Hankla, Mr. Jamian stated Mr. Rogers will work in a collaborative effort with the local community and your groups.

Commissioner Hankla asked if we could expect in the upcoming round of the Congressional debate on TEA-21 that the office would be an advocate for the goods movement infrastructure that we need to keep the nation moving.

Mr. Jamian stated that was correct.

In response to a request by President Calhoun, Mr. Jamian gave an update on the status of SEA-21.

CONSENT CALENDAR – ITEMS NOS. 1-8.

1. ABHE AND SVOBODA, INC. - ACCEPTANCE OF WORK UNDER SPECIFICATION NO. HD-S2195.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 27, 2005, advising that Abhe and Svoboda, Inc., has satisfactorily completed, as of January 12, 2005, the Gerald Desmond Bridge spalling nets, as described in Specification No. HD-S2195 and recommending that said work be accepted as complete as of that date, was presented to the Board. The recommendation was approved by the Executive Director.

2. DYNALECTRIC - ACCEPTANCE OF WORK UNDER SPECIFICATION NO. HD-S2213.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 27, 2005, advising that Dynalectric has satisfactorily completed, as of February 3, 2005, the traffic signal and lighting at Anaheim Street and Farragut Avenue, as described in Specification No. HD-S2213 and recommending that said work be accepted as complete as of that date, was presented to the Board. The recommendation was approved by the Executive Director.

3. TRAYLOR PACIFIC - ACCEPTANCE OF WORK UNDER SPECIFICATION NO. HD-S2249.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 27, 2005, advising that Traylor Pacific has satisfactorily completed, as of October 28, 2004, two sector light towers at Pier B and Pier F, as described in Specification No. HD-S2249 and recommending that said work be accepted as complete as of that date, was presented to the Board. The recommendation was approved by the Executive Director.

4. SEQUEL CONTRACTORS, INC. – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE, UPON SATISFACTION OF CERTAIN CONDITIONS BY CONTRACTOR, CONTRACT FOR NEW GATE CONSTRUCTION AT PIER E UNDER SPECIFICATION NO. HD-S2254A – CITY ATTORNEY REQUESTED TO PREPARE CONTRACT – DOCUMENT NO. HD-6932 AND CWO NO. HD-1197, SUPPLEMENT NO. 15 - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 27, 2005, requesting conditional authorization of a Contract with Sequel Contractors, Inc., for Pier E, Berths D28-E27, new gate construction under Specification No. HD-S2254A, in the amount of \$5,874,000, and CWO No. 1197, Supplement No. 15, in the amount of \$7,803,000, was presented to the Board. The request was approved by the Executive Director.

5. DMJM+HARRIS, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR THE COLD-IRONING PROJECT AT PIER T - CITY ATTORNEY REQUESTED TO PREPARE CONTRACT - DOCUMENT NO. HD-6933 - CWO NO. 1253, SUPPLEMENT NO. 2 - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 27, 2005, recommending authorization of a Contract with DMJM+HARRIS, Inc., for the British Petroleum cold-ironing project at Pier T, Berth T121, in the amount of \$1,000,000, and approval of CWO No. 1253, Supplement No. 2, in the amount of \$1,250,000, was presented to the Board. The recommendation was approved by the Executive Director.

6. MCKAY INTERNATIONAL ENGINEERS, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE SECOND AMENDMENT TO CONTRACT FOR CRANE CONSULTING SERVICES – DOCUMENT NO. HD-6702B.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated April 27, 2005, requesting approval of an amendment to Contract for crane consulting services with McKay International Engineers, Inc., extending the contract to January 31, 2007, was presented to the Board. The request was approved by the Executive Director.

7. HDR ENGINEERING, INC. – TERMINATE CONTRACT – PARSONS TRANSPORTATION GROUP - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR CONSULTANT TO PROVIDE QUALITY ASSURANCE AND QUALITY CONTROL SERVICES - DOCUMENT NO. HD-6934.

Communication from Robert Kanter, Director of Planning, dated April 26, 2005, recommending termination of a contract with HDR Engineering, Inc., and authorization of a Contract with Parsons Transportation Group for a CEQA and NEPA quality assurance consultant, in the amount of \$100,000, was presented to the Board. The recommendation was approved by the Executive Director.

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

Communication from Michael J. Slavin, Director of Finance, dated April 26, 2005, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
\$18.00	Information Services Bureau – voice charges for March 2005
12,010.24	Information Services Bureau – wireless communication for March 2005
1,310.09	Reprographics for April 2005
128.00	Fingerprinting for March 2005
597.81	Energy Department – Compressed Natural Gas (CNG) usage for March 2005
54.00	Information Services Bureau – pager service charges for March 2005

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

Commissioner Topsy-Elvord moved, seconded by Commissioner Cordero that the communications be received and filed and that Items Nos. 1-8 be approved as recommended. Carried by the following vote:

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

REGULAR AGENDA.

9. FINANCIAL STATEMENTS FOR THE LONG BEACH HARBOR DEPARTMENT FOR SECOND QUARTER ENDED, MARCH 31, 2005 – RECEIVED AND FILED.

Communication from Michael J. Slavin, Director of Finance, dated April 25, 2005, requesting the financial statements for the Long Beach Harbor Department for the second quarter ended March 31, 2005, be received and filed, was presented to the Board. The financial statements were approved by the Executive Director.

Commissioner Hankla moved, seconded by Commissioner Topsy-Elvord that the communication and financial statements transmitted therewith be received and filed. Carried by the following vote:

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

10. LOREN SCALE COMPANY, INC. – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE A FIRST AMENDMENT TO REVOCABLE PERMIT AND CONSENT TO SUBPERMIT ARRANGEMENT FOR LAND ON PICO AVENUE NORTH OF OCEAN BOULEVARD - DOCUMENT NO. HD-6848A – RESOLUTION NO. HD-2250 - ADOPTED.

Communication from Kathryn McDermott, Director of Properties, dated April 27, 2005, recommending approval of an amendment to a Revocable Permit and Consent to Subpermit Arrangement with Loren Scale Company, Inc., for land use on Pico Avenue north of Ocean Boulevard, was presented to the Board together with the authorizing resolution therefore. The recommendation was approved by the Executive Director.

Commissioner Cordero moved, seconded by Commissioner Topsy-Elvord that the communication be received and filed and that the resolution entitled "A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO REVOCABLE PERMIT AND CONSENT TO SUBPERMIT ARRANGEMENT BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND LOREN SCALE CO., AND CONSENT TO BY GREAT PACIFIC COAST CORP. FOR THE USE OF CERTAIN PERMISES IN THE HARBOR DISTRICT, AS SHOWN ON HARBOR DEPARTMENT DRAWING HD-2-623, AND MAKING A DETERMINATION RELATING THERETO," be declared read and adopted as read. Carried by the following vote:

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

ANNOUNCEMENT.

Mr. Gus Hein announced that the City of Long Beach was selected, by the State of California Employment Development Department, to receive the Employer of the Year Award for providing outstanding employment services to veterans. The presentation ceremony will take place on Friday, May 6, in the City of Industry.

CLOSED SESSION.

At 2:15 p.m., President Calhoun recessed the Board meeting to hold a closed session:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Closed session pursuant to Section 54956.9(a) of the Government Code regarding APM Terminals Pacific Ltd., etc., vs. City of Long Beach, etc., et al., Superior Court Case No. BC303695.

At 2:45 p.m., the meeting was again called to order by President Calhoun.

ADJOURNED.

At 2:46 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, Hankla, Topsy-Elvord, Calhoun
NOES:	"	None
ABSENT:	"	None

RECEIVED
CITY CLERK
LONG BEACH, CALIF.

CITY PLANNING COMMISSION MINUTES

05 MAY -9 PM 1:55
APRIL 7, 2005

The regular meeting of the City Planning Commission convened Thursday, April 7, 2005, at 1:32pm in the City Council Chambers, 333 W. Ocean Boulevard.

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

ABSENT: EXCUSED: Charles Winn

CHAIRMAN: Morton Stuhlbarg

STAFF MEMBERS PRESENT: Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning
Jayme Mekis, Planner
Derek Burnham, Planner

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Donna Guin, Sr. 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

Commissioner Rouse led the pledge of allegiance.

M I N U T E S

The minutes of January 20, 2005 were approved on a motion by Commissioner Sramek, seconded by Commissioner Jenkins, and passed 4-0-2. Commissioners Rouse and Jenkins abstained, and Commissioner Winn was absent.

The minutes of February 17, 2005 were approved on a motion by Commissioner Rouse, seconded by Commissioner Jenkins and passed 4-0-2. Commissioners Greenberg and Stuhlbarg abstained, and Commissioner Winn was absent.

The minutes of March 3, 2005 were approved on a motion by Commissioner Greenberg, seconded by Commissioner Gentile, and passed 4-0-2. Commissioners Rouse and Jenkins abstained, and Commissioner Winn was absent.

The minutes of March 17, 2005 were passed on a motion by Commissioner Rouse, seconded by Commissioner Jenkins and passed 4-0-2. Commissioners Greenberg and Gentile abstained, and Commissioner Winn was 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

Greg Carpenter noted that Item 1A had been withdrawn by the applicant. Commissioner Greenberg inquired about the specific TAC requirements that applied to Item 1B.

Items 1B, 1C, 1D and 1E of the consent calendar were approved as presented by staff on a motion by Commissioner Jenkins, seconded by Commissioner Greenberg, and passed 6-0. Commissioner Winn was absent.

1A. Case No. 0502-24, Administrative Use Permit, CE 05-30

Applicant: Renew Integrated Program, Inc.
c/o Pat Brown
Subject Site: 4000 Long Beach Blvd. (Council District 8)
Description: Hearing to consider a request to establish an outpatient counseling facility for small groups and individuals with mental and substance abuse disorders.

Item withdrawn by applicant.

1B. Case No. 0501-12, Conditional Use Permit, CE 05-10

Applicant: Robert Stewart
Subject Site: 1621 Spring Street (Council District 7)
Description: Conditional Use Permit to allow a retail sales use (spa sales) on an industrially zoned parcel.

Approved the Conditional Use Permit, subject to conditions.

1C. Case No. 0502-03, Tentative Subdivision Map, CE 05-15

Applicant: Kadee Della Donna
Subject Site: 1066 Gladys Avenue (Council District 4)
Description: Hearing to consider Vesting Tentative Map No. 65267 to convert an existing eight-unit property into condominiums.

Approved Tentative Map No. 62567, subject to conditions.

1D. Case No. GPC 4-7-04

Applicant: Ben Besley, The Olsen Company
Subject Site: 133 The Promenade North (Council District 2)
Description: Finding of conformity with the General Plan for a subterranean space vacation and a public rights-of-way vacation and dedication.

Found the proposed vacation of the subterranean space along The Promenade North and public rights-of-way vacation and dedication in conformance with the adopted goals and policies of the City's General Plan.

1E. Mills Act Historic Property Contracts

Applicant: Cultural Heritage Commission
Subject Site: 3040 First Street (Council District 3)
Description: Mills Act Historic Property Contract for 3040 First Street.

Recommended that City Council approve the execution of a Mills Act Historic Property Contract.

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

2. Case No. 0408-18, Standards Variance, Local Coastal Development Permit, CE 04-166

Applicant: Robert Schneider
Appellants: Judith Cannavo and John and Marguerite Morel
Subject Site: 116 Termino Avenue (Council District 3)
Description: Appeal of the Zoning Administrator's decision to approve a Local Coastal Development Permit and Standards Variance for a second story home addition with a building height of 31 feet from grade (instead of not more than 25 feet).

Derek Burnham presented the staff report recommending denial of the appeal and upholding the Zoning Administrator's decision, since the subject site was physically unique; the addition would be in character with the surrounding neighborhood, and since positive findings could be made to support the variance request.

It was noted that Commissioner Jenkins had listened to the tapes of the previous hearing on the item so he could vote on it today.

Judith Cannavo, 4000 E. 2nd Street, appellant, expressed her opposition to the variance, stating she felt there was no hardship involved for the applicant, and that it would be the largest home in the area. Ms. Cannavo agreed that the adjacent condominium building was too large for the street.

Marguerite Morel, 125 Termino, appellant, asked that the second story be lowered to 25', and showed photos of nearby homes with similar roof heights.

Douglas Otto, 444 Ocean, applicant representative, stated they had addressed community concerns by downsizing the proposed addition to the lowest possible height.

Paul Altimari, 27 Prospect Avenue, project architect, described the lowered addition and noted that the change in lot grade was the driving force behind the variance request.

In response to a concern expressed by Commissioner Greenberg about the precedent-setting aspects of the case, Mr. Carpenter noted that the property is unique as shown by the height of the retaining wall at the front of the lot.

Mr. Otto presented a panoramic photograph of the block in question showing the large condominium building directly adjacent to the subject property in relation to the requested roof height.

Marguerite Morel also presented a photograph showing the height of the original requested variance, and she also expressed concern that the decision could be precedent-setting.

Mark Baxus, 115 Termino, neighbor, agreed that the decision could be precedent-setting.

Melinda Cotton, 158 Park Avenue, spoke against the applicant, saying she felt this could lead to 'mansionization' of the area.

Mr. Carpenter noted that staff had determined that the intent of the district zoning allowed two-story homes, which due to the slope of the lot in this case, could not be built to code without a variance. He added that the condominium building dwarfed the subject site, adding to the unique factors that had

to exist before staff would ever recommend a variance for future requests.

Commissioner Jenkins noted that in the panoramic photo, the proposed addition seemed much lower than many existing buildings around the site.

Commissioner Jenkins then moved to deny the appeal and uphold the Zoning Administrator's decision to grant the Local Coastal Development Permit and Standards Variance, subject to revised plans and conditions of approval.

Commissioner Greenberg pointed out that the City's way of measuring grade in this case made it difficult to apply normal rules, but that he felt the final appearance of the proposed addition as seen in the panoramic photo was more persuasive, and it would be smaller than other homes on the street that met code requirements. Mr. Greenberg added that this case would not be precedent-setting because of the lot grade issue.

Commissioner Greenberg then seconded the motion, which passed 6-0. Commissioner Winn was absent.

3. Case No. 0502-35, Zoning Amendment, ND 11-05

Applicant: Jim Najah and Greg Carpenter, Planning Manager, City of Long Beach
Subject Site: Broadway Corridor of the East Village sub area of Downtown Planned Development District (PD-30) (Council District 2)
Description: Hearing to consider an amendment to the Downtown Long Beach Planned Development District to adjust the density and building height standards in a portion of the East Village Mixed Use District of PD-30.

Carolyne Bihn presented the staff report recommending that the Commission certify the Negative Declaration and recommend that the City Council adopt the ordinance since the proposed zoning code amendment has received widespread public support and was designed to provide opportunities for infill development in the area while helping to create a complete, vibrant and human-scaled urban neighborhood consistent with the goals, objectives and provision of the General Plan.

Ms. Bihn also noted three minor changes to the Conditions of Approval triggered by a re-examination of the density and building height standards in the PD.

In response to Commissioner Sramek's inquiry about the Redevelopment Agency's input for the item, Mr. Carpenter noted that they were not required by the MOU to review the item, but had expressed support for the program as proposed.

Jim Najah, 125 & 145 Linden Avenue, applicant, said he felt this would be a key project that would revitalize and reactivate the street and neighborhood.

Hang Chu, 101 Alamitos, property owner, also expressed his support for the project, saying it would unify the look of the area while improving the City's image and adding to the tax base. Mr. Chu noted that it would also increase investment and home ownership opportunities.

Todd Cutts, no address given, Economic Development Manager, Downtown Long Beach Associates, expressed the group's support for the amendment.

Commissioner Greenberg moved to certify Negative Declaration 11-05 and to recommend that the City Council adopt an ordinance to amend PD-30 relative to residential density and building height in the East Village Mixed Use Sub area. Commissioner Sramek seconded the motion, which passed 6-0. Commissioner Winn was absent.

4. Case No. 0406-30, Conditional Use Permit, Site Plan Review, Tentative Subdivision Map, ND 27-04

Applicant: Jim Najah
Subject Site: 125 & 145 Linden Avenue (Council District 2)
Description: Hearing to consider a request for a Conditional Use Permit to waive density regulations for the Broadlind Hotel at 145 Linden Avenue and a request for Site Plan Review and Tentative Subdivision Map to allow the new construction of a four-story mixed-use development.

Commissioner Greenberg asked the developer how the project architecture reflected the historic aspects of the area.

Chairman Stuhlberg moved to certify Negative Declaration 27-04, and to approve the Tentative Map, Site Plan Review and Conditional Use Permit, subject to the revised conditions. Commissioner Jenkins seconded the motion, which passed 6-0. Commissioner Winn was absent.

REGULAR AGENDA

5. Case No. 0502-02, Conditional Use Permit, CE 05-14

Applicant: Art Rodriguez & Associates
Subject Site: 2222 Bellflower Blvd. (Council District 4)
Description: Hearing to consider a Conditional Use Permit request to allow the sales of general alcoholic beverages for off-premise consumption at a Trader Joe's retail grocery store.

Jayne Mekis presented the staff report recommending approval of the Conditional Use Permit since the request was consistent with the General Plan and Municipal Code, and because operational conditions of approval relating to maintenance, loitering and hours of operation would ensure that the proposed project would not adversely impact adjacent land uses, but would instead be an asset to the surrounding community with significant improvements to the center.

Mr. Carpenter noted the addition of revised conditions relating to traffic control measures, pedestrian and cart management that had been agreed to by the applicant.

Peter Impala, 2222 Bellflower, applicant representative from Art Rodriguez and Associates, stated they were in agreement with all the conditions of approval, including the revised ones.

In response to a query from Commissioner Sramek regarding alcohol sales licenses, Mr. Impala stated that the licenses were so crucial to store profits that Trader Joe's would not build a new store without one.

In response to a query from Commissioner Greenberg regarding increased traffic in the area, Mr. Carpenter replied that Trader Joe's would be opening the back of the store to the rear parking lot to minimize and disperse traffic impacts.

Rodney Bickle, 2222 Bellflower Blvd., applicant's project manager, in response to a query from Commissioner Gentile about a wall at the rear of the store, explained that it was for a handicapped ramp.

Commissioner Sramek moved to approve the Conditional Use Permit, subject to the revised and new conditions. Chairman Stuhlberg seconded the motion, which passed 6-0. Commissioner Winn 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**

Greg Carpenter announced that the new Director of Planning and Building, Suzanne Frick, would be starting on April 18th.

Angela Reynolds gave an update on the General Plan, noting that the preliminary land use concepts had been completed, and that a traffic model would be run to examine consequences of the various uses proposed.

**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 3:25pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk