

**CITY PLANNING COMMISSION MINUTES**

**March 20, 2003**

The regular meeting of the City Planning Commission convened Thursday, March 20, 2003 at 1:35 pm in the City Council Chambers, 333 W. Ocean Boulevard.

**PRESENT: COMMISSIONERS:** Randal Hernandez, Lynn Moyer, Nick Sramek, Gregg Whelan, Charles Winn

**EXCUSED: COMMISSIONERS:** Charles Greenberg, Thomas Fields

**CHAIRMAN:** Nick Sramek

**STAFF MEMBERS PRESENT:** Gene Zeller, Director of Planning & Bldg.  
Greg Carpenter, Zoning Officer  
Craig Chalfant, Planner II  
Ron Cruz, Planner I  
Lynette Ferenczy, Planner III  
Joe Recker, Planner I  
Angela Reynolds, Advance Planning Officer  
Heidi Eidson, Minutes Clerk

**OTHERS PRESENT:** Mike Mais, Principal Deputy City Atty.

**PLEDGE OF ALLEGIANCE**

Gene Zeller led the pledge of allegiance.

**MINUTES**

Commissioner Winn made a motion to approve the minutes of February 6, 2003 and Commissioner Hernandez seconded the motion, which passed 5-0. Commissioner Winn then made a motion to approve the minutes of March 6, 2003 and Commissioner Hernandez seconded the motion which passed 4-0-1 with Commissioner Whelan abstaining. Commissioners Fields and Greenberg were absent.

**SWEARING OF WITNESSES**

**CONSENT CALENDAR**

Commissioner Moyer moved to approve Consent Calendar Items 1B and 1D as presented by staff. Commissioner Whelan seconded the motion, which passed 5-0. Commissioners Fields and Greenberg were absent.

**1B. Negative Declaration 04-03**

Applicant: City of Long Beach Department of Parks, Recreation and Marine  
Subject Site: 2125 Santa Fe Avenue  
Description: Demolition and reconstruction of the existing community center at Admiral Kidd Park, construction of an additional parking lot with 53 stalls, new landscaping, and various upgrades and improvements to existing park facilities.

Certified Negative Declaration 04-03.

**1D. Case No. 0301-09, Conditional Use Permit, CE 03-09**

Applicant: Gloria Leon, Ria Telecommunications  
Subject Site: 1168 E. 4<sup>th</sup> Street  
Description: A request for a Conditional Use Permit to allow the operation of a check cashing business in an existing market.

Application was withdrawn.

**1A. Case No. 0209-11, Conditional Use Permit, Local Coastal Development Permit, CE 02-148**

Applicant: Mindy Marciuliano  
Subject Site: 190 La Verne Avenue  
Description: Conditional Use Permit and Local Coastal Development Permit request to allow beer and wine sales for off-site consumption from an existing market.

Mr. Carpenter stated that staff had met with the applicant to discuss the condition which limits the area for alcohol sales.

In response to a query from Commissioner Hernandez, the applicant stated that she agreed with the conditions that staff had presented.

Commissioner Hernandez made a motion to approve the Conditional Use Permit and Local Coastal Development Permit. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Fields and Greenberg were absent.

**1C. Case No. 0210-04, EIR 47-02**

Applicant: 100 East Ocean Investments, LLC  
c/o Jack Highwart of Cunningham Group  
Subject Site: 100 E. Ocean Boulevard and 207 Seaside Walk  
Description: Request for approval of a Local Coastal Development Permit, Site Plan Review, Standards Variance, Vesting Tentative Tract Map, Administrative Use Permit for shared use parking, and encroachment permit to allow subterranean parking below Victory Park, for construction of a 23-story high rise building with a 165 room hotel with a restaurant/bar, retail, conference rooms, health club and pool, 108 condominium units, and two-levels of parking below Ocean Boulevard grade with multiple code exceptions and off-site five story parking structure with 353 parking spaces at 207 Seaside Walk.

Gary Shelton, 1243 E. Ocean Boulevard, commented that a lot of changes have occurred in the immediate neighborhood since the EIR was originally written. He remarked that he would be studying the EIR before deciding whether he was in favor of the project.

Don Darnauer, 801 Pine Avenue, DLBA ex-officio Board Member, commented that the DLBA Board voted unanimously to support the project in concept.

Commissioner Whelan made a motion to receive testimony and continue the item to April 3, 2003. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Fields and Greenberg were absent.

## **REGULAR AGENDA**

### **2. Case No. 0301-03, Conditional Use Permit, CE 03-04**

Applicant: Verizon Wireless  
c/o John Koos, Whalen and Company, Inc.  
Subject Site: 2745 E. Broadway  
Description: A request for a Conditional Use Permit to construct a fifty-foot (50'0") high cellular monopole, disguised as a utility pole, and appurtenant equipment.

Commissioner Sramek stated that correspondence was received from the applicant requesting a continuance to April 17, 2003.

Commissioner Moyer made a motion to continue the item to April 17, 2003. Commissioner Whelan seconded the motion, which passed 5-0. Commissioners Fields and Greenberg were absent.

### **3. Case No. 0301-08, Conditional Use Permit, ND 06-03**

Applicant: Darren Puffert  
Subject Site: 2200 W. Pacific Coast Highway  
Description: Conditional Use Permit request to establish a warehouse in the Light Industrial Zone.

Ron Cruz presented the staff report recommending the certification of Negative Declaration 06-03 and approval of the Conditional Use Permit.

In response to a query from Commissioner Sramek regarding the business operating within 2000 feet of a residential zone, Mr. Cruz responded that the business does not handle the transfer, treatment or disposal of hazardous waste and therefore that restriction would not apply.

In response to a query from Commissioner Winn regarding the necessity of a Conditional Use Permit for the project, Mr. Carpenter responded that because the project is located within the Light Industrial Zone a Conditional Use Permit is required.

In response to a query from Commissioner Hernandez, Darren Puffert, applicant, responded that he was in agreement with the conditions and was happy to see the project moving forward.

Commissioner Hernandez made a motion to certify Negative Declaration 06-03 and approve the Conditional Use Permit, subject to conditions. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Fields and Greenberg were absent.

### **4. Case No. 0301-04, Conditional Use Permit, CE 03-05**

Applicant: Bill Ridgeway  
Subject Site: 1465-1495 Judson Avenue  
Description: Conditional Use Permit to allow expansion of a legal, nonconforming recycling processing center in the General Industrial (IG) Zone to permit construction of a two-story office

building and installation of automated sorting/processing equipment.

Craig Chalfant presented the staff report recommending approval of the Conditional Use Permit.

In response to a query from Commissioner Sramek, Mr. Carpenter remarked that Condition No. 36 allows the Director of Planning and Building to change the number of truck trips allowed to the site per the Conditions of Approval to reflect the number of trips that the developer may have renegotiated with the Redevelopment Agency. Further, Michael Betts of the Redevelopment Agency added that should the applicant want to renegotiate the number of truck trips, they would go to the Westside PAC to discuss the need for additional trips and a vote would be taken. The item would then go to the Redevelopment Agency subcommittee for approval.

Bill Ridgeway, 5633 Sorrento Drive, applicant, stated that they had met with the Westside PAC, the Redevelopment Agency and Planning staff to address any concerns that were raised and agree with the conditions set forth.

Hugh Miles, owner of property at 2267 West Gaylord Avenue, saw trucks using property that's not specified for use in the permit and didn't feel that the property was large enough to accommodate the turnaround of 16 wheeler trucks. He also remarked that other properties in the area have repaved to cut back on the dust that's created by this kind of a use. He additionally asked that a solid block wall be built to cut back on the spread of dust.

Mr. Ridgeway responded that they were temporarily using dirt lots next door to the project site to store trucks during the shipping strike but this was not a permanent situation. He then stated that the subject site was completely paved and that a neighboring business had requested that they not erect a solid block wall on Judson.

Commissioner Whelan made a motion to approve the Conditional Use Permit with changes to Condition 34 regarding rewording of the fencing requirement and Condition 36 regarding the revision to reflect the renegotiated number of truck trips. Commissioner Winn seconded the motion, which passed 5-0. Commissioners Fields and Greenberg were absent.

#### **5. Case No. 0301-11, Appeal**

Applicant: Kurt Schneiter  
Subject Site: 4901-4911 E. 2<sup>nd</sup> Street  
Description: Appeal of the Zoning Administrator's determination regarding the number of nonconforming (grandfathered) parking spaces that are maintained after the remodel of a restaurant/bar (North Woods Inn).

Greg Carpenter presented the staff report recommending denial of the appeal.

In response to a query from Commissioner Moyer, Mr. Carpenter stated that he was not aware of any immediate plans for the applicant to reconfigure the space, but that the applicant would like the

flexibility to bring back the credit of the 3 unused parking spaces in the future should he decide to reconfigure it.

In response to a query from Commissioner Hernandez, Mr. Carpenter stated that historically the Zoning Administrator has ruled that the nonconforming rights were gone if a new project required less spaces. Mr. Carpenter added that if the Commission finds that the Zoning Administrator is not interpreting the ordinance correctly, they would be making a ruling on the practice of how nonconforming rights are extended or not extended in the future for other projects.

Kurt Schneider, applicant, 259 Belmont, stated that his appeal was based on his interpretation of the ordinances. He felt that according to Ordinance 21.27.070 an applicant would need to add more parking if a new use required more parking than an existing use. However, since he didn't change the use and didn't increase the parking demand, he felt there was no standing on this ordinance.

He further stated that according to Ordinance 21.10.045 he could appeal the Zoning Administrator's interpretation of an ordinance if he didn't agree with it. He felt that the Ordinance 21.27.070 was being too loosely interpreted.

Mr. Schneider remarked that he was not trying to get something he didn't already have, however, since he purchased the property rights he didn't want them taken away. He further stated that if he knew how the Ordinance was going to be interpreted he wouldn't have separate parceled the retail from the restaurant because he had enough parking with grandfathered uses.

Commissioner Moyer remarked that losing nonconforming parking spaces was not restricting Mr. Schneider from doing what he wanted to do with his property.

Art Bullard, 110 Mira Mar, stated that he felt there was a misrepresentation by the City when Mr. Schneider was initially told that he needed all of his grandfathered parking plus eight deed restricted spaces. He added that the City should not take away his grandfathered spaces and still ask that he provide all of the deed restricted spaces.

In response to a query from Commissioner Whelan, Mr. Carpenter replied that the eight deed restricted parking spaces were already there. The deed restriction came about because the eight spaces are off-site and zoning regulations require they be deed restricted to prevent them from being sold.

Mr. Mais added that the North Woods Inn site originally had 17 on-site parking spaces which were removed, causing a net loss of actual usable parking spaces.

Commissioner Moyer remarked that deed restricted parking spaces were not what was at issue at this meeting and that Mr. Schneider had already agreed to conditions requiring him to provide them.

Bill Sullivan, 4617 Livingston Drive, stated that cars can't be parked in "virtual" spaces and asked that the Commission support the staff recommendation.

Jeff Miller, 158 Park, stated that he wants to see parking improve in the neighborhood. A multiplication of the number of businesses and employees at the site, intensifies the land usage.

Melinda Cotton, 158 Park, stated that she also wanted the Commission to support the decision of the Zoning Administrator. She added that businesses such as restaurants and bars create impacted parking in the evening hours when residents need neighborhood parking.

In response to a query from Commissioner Moyer, Mr. Mais stated that the Commission could make a ruling on the Zoning Administrator's interpretation of the code. He also responded that cities frequently restrict the ability of an owner to use their property, but this does not constitute a taking of rights. As long as there is an economically viable use left, rights have not been taken.

Commissioner Moyer made a motion to deny the appeal and uphold the determination of the Zoning Administrator. Commissioner Whelan seconded the motion, which passed 5-0. Commissioners Fields and Greenberg were absent.

#### **MATTERS FROM THE AUDIENCE**

Don Darnauer, 801 Pine Avenue, commented on the large, visible water shut-off valves and back-flow devices in the downtown area and asked about conditions to screen or disguise them. Mr. Zeller replied that back-flow devices fall under the purview of the water department. The need to disguise them along with the technical merits of doing so should be discussed with the Water Department.

Mr. Darnauer also asked about zoning enforcement for the removal of temporary banners that have become outdated or weathered. Mr. Zeller agreed that these banners were a violation however, the enforcement of violations with more of a negative community impact such as illegal dwelling units and businesses operating out of residences take a priority over sign violations.

#### **MATTERS FROM THE DEPARTMENT OF PLANNING AND BUILDING**

Mr. Zeller commented that Planning staff had been working to bring Ordinance Amendments to the Commission for review to implement changes previously suggested by the Commission.

Angela Reynolds stated that staff had brought a draft policy for green sustainable procurement and green buildings guidelines to the City Council. It was referred to the State Legislature and Environmental Committee for adoption.

Mr. Carpenter stated that the Bixby Knolls Design Guidelines would be presented at the April 17<sup>th</sup> Planning Commission meeting.

#### **MATTERS FROM THE PLANNING COMMISSION**

There were no matters from the Planning Commission.

#### **ADJOURN**

The meeting adjourned at 3:35 p.m.

Respectfully submitted,

Heidi Eidson  
Minutes Clerk