

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 1 7, 2 0 0 6

The regular meeting of the City Planning Commission and public hearing convened on August 17, 2006, at 1:30pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA.

PRESENT: COMMISSIONERS: Matthew Jenkins, Leslie Gentile,
Mitchell Rouse, Charles Winn

ABSENT: EXCUSED: Charles Greenberg, Morton Stuhlbarg,
Nick Sramek

CHAIRMAN: Matthew Jenkins

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

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Dave Roseman, City Traffic Engineer
Barbi Clark, Redevelopment Agency
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 Winn, seconded by Commissioner Rouse and passed 4-0. Commissioners Greenberg, Stuhlbarg and Sramek were absent.

1A. Case No. 0605-29, Conditional Use Permit, CE 06-101

Applicant: Orange Rocket, LLC c/o Melinda Byrd
Subject Site: 6640 Cherry Avenue (Council District 9)
Description: Conditional Use Permit to allow the operation of a 1,610 sq.ft. check cashing/payday advance business in an existing retail center.

Continued to the September 7, 2006 meeting.

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

2. Case No. 0308-11, Site Plan Review, Conditional Use Permit, Parcel Map, Local Coastal Development Permit, Standards Variance, EIR 10-04

Applicant: Greenberg Farrow c/o Vasanthi Ramanathan
Subject Site: 400 Studebaker Road (Council District 3)
Description: Certification of Environmental Impact Report (EIR)(State Clearinghouse No. 2004031093); adoption of a Resolution certifying the FEIR; adoption of a Resolution with a Statement of Overriding Considerations; approval of Site Plan Review; Conditional Use Permit; Tentative Parcel Map No. 067384; Local Coastal Development Permit, and two Standards Variances to construct a 140,000 sq.ft. home improvement and garden center, a 6,000 sq.ft. restaurant, and two retail/commercial buildings totaling 12,000 sq.ft., with 752 parking spaces; a subdivision of the project site in order to create a separate lot for above-ground storage tank(s); an exception from code requirements to allow three driveways that exceed the maximum allowable width; and an exception from requirements in PD-1 (Southeast Area Planned Development Improvement Plan) to provide less than 30 percent required open space.

Angela Reynolds gave a slide presentation detailing the project location, CEQA history and significant unavoidable impacts. Carolyne Bihn continued the presentation listing project components, entitlements, the site plan, elevations and building design, and the benefits of the proposed project vs. unavoidable adverse impacts. Ms. Bihn stressed that the project would remediate a contaminated site, while incorporating green building elements, contributing to maintenance and repair of Loynes Drive, and expanding a nearby open space resource into a publicly accessible area.

Maryce White, Home Depot representative, outlined their extensive community outreach efforts and response to comments received, including the addition of the retail component and high end design, plus the planned upgrading of the sewer system and roadway improvements to deal with traffic impacts.

Professor Joseph Magadino, Regional Economist, CSULB, outlined his analysis of the economic boost created by the Home Depot project which he felt would increase jobs and build up the General Fund.

Jan Dahl, Universal Park Estates representative, expressed opposition to the project, citing unsafe streets and intersections due to any increase in area traffic.

Jim Breslauer, 5984 Spinnaker Drive, stated support for the project, saying the streets were already unsafe and that Home Depot had committed millions to upgrading them. Mr. Breslauer added that the project would rid the area of a blighted site and benefit all area communities.

Don Mills, 6320 Vista Street, opposed the project, saying he felt the project's top jobs might go to out-of-area employees.

Art Bullard, 110 Mira Mar Avenue, commercial real estate broker, expressed support for the project, saying he felt it would be a revenue generator and that the opposition was giving the City a reputation for being unfriendly towards business.

Vitaly Lee, 690 N. Studebaker Road, representing adjacent energy plant AES Alamitos, asked that if their emergency response plans had to change, the cost be borne by Home Depot; and that the 10' wrought iron fence between the two properties was insufficient and should be conditioned instead to be a 12' masonry wall. Mr. Lee added that the two parties had been unable to reach a mutually agreeable option.

Karen Lamantia, 341 Bonita, spoke in opposition to the project, saying it should be left as wetlands and cleaned up.

Dean Richardson, 6810 E. 11th Street, also opposed the project due to increased area traffic impacts on the neighborhood.

Greg Whelan, 618 Terraine, expressed support for the project, saying the project would be a tremendous improvement over the current blighted site, adding that there would always be fears

of traffic congestion in any big project, but that historically, those concerns had never been realized.

Bill Townsend, 3731 Cedar Avenue, expressed support for the project, saying he wanted to spend his home improvement money in Long Beach.

Maria Hansen, 104 Santa Ana Avenue, agreed that business income should stay in Long Beach and help improve other areas, alleviating many problems. Ms. Hansen said she felt the applicant had responded well to community concerns.

Hank Snapper, 346 Long Point, Vice President, Spinnaker Bay Homeowners Association, said his organization was heavily in favor of the project, and that any proposed moratorium endorsed by opponents would just drive up the costs of the project with unnecessary delays, sending the wrong message to other business owners. Mr. Snapper added that the project would not affect any wetlands area since the site in question was industrial.

Jack Humphrey, 620 Alta Loma, reviewed the project at the request of Home Depot, and noted that it was sited in an industrial sanctuary district that could accommodate a wide range of industries such as chemical manufacturing and food processing, and considering these possible legal alternatives, the Home Depot use was benign. Mr. Humphrey added that this would be a high-quality activity that had already been subjected to an unusually thorough vetting process with the applicant making significant changes to the original design to address the concerns and wishes of all interested people and agencies.

Gabrielle Weeks, 321 Obispo, representing Long Beach Greens, expressed opposition to the project, saying she appreciated the applicant's efforts but she still felt it was the wrong location for the project since there were other hardware and DIY locations in the City that could be negatively impacted.

Theresa Bixby, 501 Margo Avenue, expressed support for the project, saying she felt the applicant had committed to actively supporting the adjacent school district while making concessions and improvements that made their project more attractive than other possible industrial uses.

Doug Drummond, 6242 Monita Street, spoke in opposition to the project, saying he felt it was spot zoning and that instead the whole area should be developed instead to include the wetlands.

Lee Whittenberg, Planning Director, City of Seal Beach, asked that \$2.2 million in additional mitigation fees be imposed on the developer to help fund improvements on Route 22 to deal with the long-term impacts of this project.

Bonnie Sutherland, 5622 2nd Street, interior designer, expressed support for the project, saying that the City needed an alternative design center for those who could not afford the higher prices at smaller, similar businesses.

Kathy Meyer, 626 Flint Avenue, also expressed support for the applicant, saying she felt it would be a big upgrade for the east side of the City and an overall boost for the tax base.

Hayley Brandt, 6842 Almada Street, spoke against the project, saying she felt the economic benefits of the project would be outweighed by increased traffic and crime.

Melinda Cotton, P. O. Box 3310, Long Beach, Past President, Belmont Shore Residents' Association, said she opposed the project because she felt it would be precedent-setting in that it would give a signal to other developers that spot zoning was acceptable.

Frank Marchese, 6312 E. 5th St., also opposed the project due to increased traffic, saying it should be sited near bigger roads.

Denis Craig, 38 Windjammer Court, Public Agency Coordinator, Island Village Homeowners Association, claimed that of the 14 homeowner groups involved, ten had unanimously opposed the project because of potential traffic impacts.

Ann Denison, 6931 E. 11th Street, Vice President, Los Cerritos Wetlands Trust, expressed opposition to the project, citing lack of adequate mitigation and open space deficiencies. Ms. Denison said she thought the neighborhood would prefer wetlands on the site and would support a moratorium until a Master Plan was developed.

Ann Cantrell, 3106 Cluremore, Board Member, Los Cerritos Wetlands Trust, said she was speaking for the 500-member group concerned about the effect of the project's light and noise on nearby wetlands.

Karen Hutchinson, 4415 E. Vermont Street, also spoke in opposition to the project, saying it was too close to the power plant which could create a danger of terrorist attacks.

Patricia Nielson, 194 Rivo Alto Canal, also spoke against the applicant, citing a potential increase in accidents on Loynes Drive.

Mary Beth Mashburn, 2 Rivo Alto Canal, opposed the requests because she felt the traffic studies were inadequate and the EIR flawed and judicially weak.

Suzanne Beck, 10 Corinthian Walk, also spoke against the project, agreeing that the traffic studies were inadequate.

Rhea Mealey, 510 Peralta Avenue, also expressed opposition, saying it would negatively impact the area's quality of life and decrease property values.

Don May, 4927 Minturn, Lakewood, President, California Earth Corps, spoke against the project, questioning the ownership of the third party parcel conditioned to be used for traffic mitigation. Mr. May purported that the current owner did not have the right to deed or sell the five acres as they had been obtained as mitigation for building the power plant, and were earmarked to go to the JPA or Los Cerritos Land Trust to be used solely for wetlands expansion.

Deborah Clawson, 30 Giralda Walk, spoke against the requests and presented photos supporting her claim that the special design center model was already built in Brea and looked to her like the usual Home Depot.

Lisa Rinaldi, 5624 La Paz Street, also expressed opposition to the project, saying she felt there were already unsafe levels of air pollution on the project site that would require further analysis by CEQA.

Jerry Trent, 213 Harvard Lane, Seal Beach, stated that he lived near a potentially impacted intersection and feared huge traffic backups if the project was approved.

Judy Hess, 330 Laurinda, read a letter from a neighbor opposed to the project.

Sandie Van Horn, 845 Stevely Avenue, also spoke against the requests, saying she supported a moratorium on development in east Long Beach, and claiming that eight other Home Depots were within reasonable driving distance from the site.

Mary Suttie, 331 Linares Avenue, claimed she represented 2700 plus affected residents opposed to the development due to negative impacts on traffic and pollution.

Kerry Martin, 7890 E. Spring Street, questioned data in the EIR regarding trip generation numbers.

David Robertson, 331 Linares, also spoke against the requests, saying he felt the EIR was inadequate and biased in favor of the developer.

Tina Craig, 38 Windjammer Court, asked that the trip generation numbers in the EIR be clarified.

Bryn Myown, 776 Raymond Avenue, also expressed opposition to the project due to loss of open space and potential wetlands.

Patricia Bliss, 7215 E. Killdee, spoke against the requests citing concerns about the accuracy of the traffic numbers.

Jane Boyce, 157 Rivo Alto Canal, spoke against the project citing concerns about subsidence on Loynes and impacts on traffic in Naples.

Michael Tinsley, 2383 Belmont Avenue, objected to the project on the grounds that the EIR did not address the cumulative effects of all future and current projects in the area.

Dr. Arthur Belan, 5615 Naples Canal, also opposed the project, saying he felt the EIR contained conflicting data.

John Sabo, 6830 E. 11th Street, objected because he felt the area traffic would be negatively affected and asked for a two-year moratorium on building.

Anna Christensen, 259 Termino, objected to the project, expressing fears about noise, traffic and impact on nearby wetlands.

C. J. Hentzen, 30 Windjammer, also objected to building on the site because he felt the canals could be impacted and were an important part of the wetlands system, which he felt could be restored.

Jay Lieber, 6267 E. 6th Street, said he supported the project because it would actually reduce trips for City residents who currently have to drive a long ways to the nearest Home Depot.

Mike Lanterman, 6214 E. 6th Street, said he represented 12 University Park families who supported the project because Home Depot would fix the problematic sewer while ridding the area of unsightly tank farms and bringing in new restaurants and retail stores.

Nancey Kredell, 1633 Seal Way, Seal Beach, expressed concern that the project could bring traffic to Seal Beach not mitigated by the conditions of approval.

Don Sundeen, 5571 Corso di Napoli, said he supported the project because he did not like dealing with smaller local businesses or having to drive long distances to other Home Depots.

Heather Altman, 41-1/2 Ximeno, stated her opposition to the Home Depot, saying she felt the EIR would not be able to stand up to judicial review and was inconsistent, misleading and flawed.

Mary Anne Golden, 6016 Bixby Village Drive, opposed the project on the grounds that potential air pollution and traffic could affect the nearby school.

Mike Kowal, 3756 Pine Avenue, talked about the General Fund and the City's infrastructure needs.

Debbie Wall, 2049 Lees Avenue, opposed the development because of traffic, proximity of other Home Depot locations and lack of monetary compensation for potential severe environmental impacts.

Tom Marchese, 6312 E. 5th Street, representing Los Cerritos Wetlands, also opposed the project, saying the truck traffic would undermine area roads.

Doug Otto, applicant representative, in rebuttal, noted that the traffic study was done by the City via a very conservative methodology with many credits not taken, which would most likely result in impacts far below those listed in the EIR. Mr. Otto suggested comparing the traffic situation to those around similar big box stores, noting that any impacts would be more than mitigated by conditioned measures. Mr. Otto also claimed that the main problem on Loynes Street was single-car, high-speed accidents, not density, and added that the applicant would be contributing 25% of resurfacing costs per cycle to the street. Mr. Otto also pointed out that this was not spot zoning, but rather a permitted use on the land, and he added that every

retail development in the City had received opposition from neighbors who ended up enjoying the conveniences.

Ms. Reynolds addressed the ownership of the northeast corner of Studebaker and 2nd, stating that the title belongs to Pacific Terminals LLC, and is considered private property. Regarding the sewer, Ms. Reynolds noted that this is in the project description, but could be mandated by a condition of approval.

Dave Roseman, City Traffic Engineer, confirmed that the City had attempted to make conservative estimates of traffic impacts and had discussed the situation with CalTrans, who had requested that the applicant modernize traffic signals as well as other improvements not in the ICU calculations.

Ken Wilhelm, LSA Associates, City Traffic Consultant, stated that the intersections discussed by the Seal Beach Planning Director were not within the scope of the City study, but that all studies had been done using standard County of Orange methodology, and had noted a small addition to level of service heading into Seal Beach. Mr. Wilhelm also noted that rates used were lower than the national standards, and that any cumulative effects of other area projects did not alter the numbers enough to affect the recommendations.

Lisa Williams, Project Manager, LSA Associates, in response to a query from Commissioner Gentile, explained the state CEQA guidelines used to interpret EIR data.

Denis Craig, 38 Windjammer Court, regarding the ownership of the northeast corner of Studebaker and 2nd, claimed the owner of record was the California Earth Corps, who would not permit the construction of a right hand turn lane on the site.

In response to a query from Commissioner Winn regarding the AES security request, Mr. Mais noted that AES had the right to maintain the current fence between the properties.

In response to a query from Commissioner Rouse, Carlyne Bihn explained that the proposed project was in a subarea specifically zoned for industrial uses, including retail subject to a conditional use permit.

Commissioner Winn said he understood all the concerns expressed about potential traffic impacts, but was swayed by the use of conservative estimates in the traffic studies, and the fact that the site was not wetlands. Mr. Winn said the project would

generate jobs, and from an environmental standpoint, be an improvement over the tank farm. He also pointed out that the applicant would be paying to improve area streets which would also improve traffic, and that if the project went elsewhere Long Beach would only have the traffic, not the income.

Commissioner Rouse said he believed all uses for the property were potentially more onerous than this one; that the traffic mitigation would be adequate, and the sewer and school improvements important.

Commissioner Gentile commented that the Home Depot design team had gone far beyond what was normal for a project of this size, and she said she felt they would provide a high quality development regardless of a potentially contentious use.

Commissioner Winn then moved to certify the Environmental Impact Report EIR 10-04/SCH #2004031093 and to adopt a Resolution with Findings of Fact and a Mitigation Monitoring Program. Commissioner Rouse seconded the motion, which passed 4-0. Commissioners Greenberg, Stuhlbarg and Sramek were absent.

Commissioner Winn then moved to adopt a Resolution with a Statement of Overriding Consideration. Commissioner Rouse seconded the motion, which passed 4-0. Commissioners Greenberg, Stuhlbarg and Sramek were absent.

Commissioner Winn moved to approve the Site Plan Review, Conditional Use Permit, Tentative Parcel Map, Local Coastal Development Permit and Standards Variances, subject to revised conditions. Commissioner Gentile seconded the motion, which passed 4-0. Commissioners Greenberg, Stuhlbarg and Sramek were absent.

3. Case No. 0605-44, Site Plan Review, Standards Variance, Administrative Use Permit, Lot Merger, ND 18-03

Applicant: Alain M. Sarfatti
Subject Site: 201 The Promenade (Council District 2)
Description: Request for approval of Site Plan Review and a Lot Merger for construction of a new seven-story 165-room hotel, with Standards Variance requests for less than code-required parking and driveway slope exceeding 14 percent, and an Administrative Use Permit for shared parking.

Derek Burnham presented the staff report recommending approval of the requests since the hotel project is consistent with the

Downtown Planned Development District and the Promenade Master Plan; will be an asset to Downtown Long Beach by enhancing pedestrian activities; will provide a physical link between Pine Avenue and the Promenade, and has been approved by the RDA.

Commissioner Rouse expressed support for the hotel but concern about the request for relief from parking requirements in such an impacted area. Mr. Carpenter noted that other area projects would be contributing to the public parking bank.

Commissioner Winn commented that he felt parking requirements for the hotel were sufficient since most nights not all the rooms would be rented, and many guests would use taxis.

Alain Sarfatti, 600 E. Ocean Blvd., applicant, noted that the success of the hotel would be based on its quality of service, including parking, so they felt they had sufficient spaces, especially since they would be using valets, and hotel staff would park off site.

Michael Chasteen, 9424 Dayton Way, Suite 230, Beverly Hills, 90210, applicant architect, explained the building's articulation and planned rooftop design improvements in response to a query from Commissioner Gentile, who suggested that the northern elevation get more attention and articulation.

Barbi Clark, Redevelopment Agency, stated the RDA was satisfied with the design.

Commissioner Gentile moved to review and consider Mitigated Negative Declaration No. 18-03, and to approve the requests for Site Plan Review, Standards Variances, Lot Merger and Administrative Use Permit, subject to conditions. Commissioner Rouse seconded the motion, which passed 4-0. Commissioners Greenberg, Stuhlbarg and Sramek 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 6:10pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk