

CITY PLANNING COMMISSION MINUTES

DECEMBER 4, 2008

The regular meeting of the City Planning Commission and public hearing convened Thursday, December 4, 2008 at 5:06 p.m. in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA.

PRESENT: COMMISSIONERS: Philip Saumur, Becky Blair, Charles Durnin, Alan Fox, Leslie Gentile, Melani Smith

ABSENT: EXCUSED: Donita Van Horik

CHAIRMAN: Philip Saumur

STAFF MEMBERS PRESENT: Craig Beck, Director of Development Services
Derek Burnham, Current Planning Officer
Jill Griffiths, Advance Planning Officer
Jaime Ustin, Planner
Jorge Ramirez, Planner
Scott Kinsey, Planner
Mark Hungerford, Planner
Steve Valdez, Planner
Heidi Eidson, Minutes Clerk

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Dennis Eschen, Department of Parks, Recreation and Marine

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Fox.

MINUTES

The minutes of September 4, 2008 were approved on a motion by Commissioner Gentile, seconded by Commissioner Durnin and passed 4-0-2. Commissioners Smith and Fox abstained and Commissioner Van Horik was absent.

Commissioner Gentile stated that she felt that the minutes of September 18th did not reflect the breadth of the comments made by the Commission at the Study Session.

Commissioners Blair and Smith also commented that they felt that changes to the minutes were necessary.

The minutes of September 18, 2008 were approved in concept on a motion by Commissioner Blair with the stipulation that changes would be made and Commissioner Smith seconded the motion, which passed 5-0-1. Commissioner Fox abstained and Commissioner Van Horik was absent.

The minutes of October 2, 2008 were approved on a motion by Commissioner Gentile, seconded by Commissioner Smith and passed 5-0-1. Commissioner Fox abstained and Commissioner Van Horik was absent.

DIRECTOR'S REPORT

Craig Beck reported that the middle block of the Promenade development had opened and he encouraged the Commissioners to visit it.

SWEARING OF WITNESSES

STUDY SESSION

Jaime Ustin gave a brief introduction of the META mixed-use retail/housing development located at Long Beach Boulevard and Anaheim Street.

Mark Wolf, Vice President of META Housing, briefly discussed the components of the project and the funding sources.

Brian Ulaszewski and Michael Bohn, Studio One Eleven, gave a PowerPoint presentation and discussed the plans in depth including mobility components, sustainability, open space, and architectural elements.

In response to a query from Commissioner Smith, Mr. Wolf reiterated that the project qualifies for the infill-infrastructure grant and part of that grant budget is for streetscape improvements at the intersection of Long Beach Boulevard and Anaheim.

In response to a query from Commissioner Durnin, Mr. Bohn stated that he was confident that the development would be certified LEED silver.

In response to a query from Commissioner Fox, Mr. Bohn stated that by minimizing the footprint of the tower, no views would be obstructed.

In response to a query from Commissioner Saumur, Mr. Ulaszewski and Mr. Bohn discussed the layout of the parking areas.

In response to a query from Commissioner Saumur, Mr. Wolf stated that with regards to the senior living component, there would be no medical facilities on site.

Commissioner Durnin asked that consideration be given to providing adequate accessibility to disabled seniors traveling from residential units to transportation.

REGULAR AGENDA

1. Application No. 0809-04

Applicant: Ramez and Linda Karma
Subject Site: 3020 Woodruff Avenue (District 5)

Jorge Ramirez presented the staff report recommending approval of the Conditional Use Permit request. Mr. Ramirez explained that the lease had expired at the applicants' previous business site and therefore would be transferring their liquor license to the new location.

Erica Odom, Zoning and Land Use Solutions, applicant's consultant, stated that the applicants were asking for the removal of Condition 4H which prohibits the sale of single cans of alcoholic beverages.

In response to a query from Commissioner Fox, Derek Burnham explained that this condition is placed on all new Conditional Use Permit applications at the suggestion of the Police Department.

In response to a query from Commissioner Saumur, Ramez Karma, applicant, stated that many companies produce single-serving sizes of beer and the sales of these items are an important part of his business.

Lorna Lockwood, 2820 Neva Circle, Costa Mesa, building owner, stated that her family had spent money to accommodate this tenant in their facility, but the tenant had stated that they would most likely back out of the perspective lease agreement if this condition was not remedied. She asked that the Commission consider the applicant's request.

Commissioner Blair made a motion to approve a Conditional Use Permit to operate a new liquor store (Type 21 license) with sales of beer, wine and distilled spirits for off-site consumption within an existing 1,500 square foot commercial space with a modification to Condition 4H to restrict sales of single cans of alcoholic beverages to cans above 12 ounces and cans of 7 ounces only.

Commissioner Fox made a motion to approve the Conditional Use Permit and eliminate Condition H. Commissioner Blair withdrew her original motion and seconded Commissioner Fox's motion.

Mr. Beck asked that the Commission consider the possibility that another store could move in and there would no longer be conditions in place on single can sales.

The question was called and the motion failed 2-4.

Commissioner Blair made a motion to approve the Conditional Use Permit with a modification to Condition 4H to allow the sales of cans in excess of 12 ounces and specialty single cans. Commissioner Smith seconded the motion, which passed 6-0. Commissioner Van Horik was absent.

2. Application No. 0810-08

Applicant: Fresh & Easy Neighborhood Market
Subject Site: 1340 E. 7th Street (District 2)

Derek Burnham presented the staff report recommending approval of the Conditional Use Permit request to allow sales of beer and wine at a new Fresh and Easy Market.

Commissioner Blair made a motion to approve the Conditional Use Permit to allow the sale of beer and wine (Type 20 license) for off-site consumption in conjunction with a full-service market and Commissioner Fox seconded the motion which passed 6-0. Commissioner Van Horik was absent.

3. Application No. 0808-03

Applicant: Donald Bailey

Subject Site: 27 Cerritos Avenue (District 2)

Mark Hungerford presented the staff report recommending approval of the project.

Don Bailey, applicant, stated that the existing home would be torn down to allow for the development of three condominium units and seven on-site parking spaces.

In response to a query from Commissioner Saumur, Mr. Burnham stated that the Historic Preservation Officer did a field visit to the site and had indicated that the existing building does not meet historic criteria and can be removed.

Commissioner Gentile made a motion to approve Tentative Parcel Map No. 70614 and the Local Coastal Development Permit. Commissioner Durnin seconded the motion, which passed 6-0. Commissioner Van Horik was absent.

(Item #7 was taken out of order)

7. Application No. 0810-04

Applicant: City of Long Beach Redevelopment Agency
Subject Site: 1199 E. Artesia Boulevard (District 9)

Scott Kinsey presented the staff report recommending approval of the new 11,080 square foot fire station, 4,632 square foot emergency resource center and 100 foot tall radio antenna. Mr Kinsey also stated that the project will achieve LEED gold status for its environmentally friendly design.

Elvia Delgadillo, Long Beach Redevelopment Agency, gave a brief overview of the project.

Jeffrey Reeb, Deputy Chief of Operations, Long Beach Fire Department, briefly discussed the existing fire station and the need for the new facility.

Mary McGrath, 222 Sutter Street, San Francisco, lead architect, gave a PowerPoint presentation and discussed the building design, materials, landscaping and site plan in depth.

In response to a query from Commissioner Durnin regarding the use of jacaranda trees, Ms. McGrath stated that the tree type was the recommendation of the City Arborist, but added that she would be willing to go back to him for other recommendations.

In response to another query from Commissioner Durnin, Ms. McGrath stated that as a public safety facility, the City's communications tower has been designed for different objectives than a cellsite and it has been integrated into the project's architecture as a design element of the facility to prevent negative visual impacts that could result from a plain steel-lattice tower at this height.

Gene Snyder, 6105 Lemon, stated that the fire station was much needed, but asked why the location was selected as opposed to a site across the street.

Mr. Beck responded that the chosen site was better suited for the needs of the fire station and would have less impact on residents.

Shirley Rayhill, 6636 Orange Avenue, #101, stated that she was concerned about the decrease of her property value caused by having a fire station located so close to her condominium. She also expressed concern about the loud noise associated with the use.

Robert Rayhill, 6636 Orange Avenue, #101, stated that he was concerned that the quality of life and character of the neighborhood would be disturbed by this project.

Mark Bonham, P.O. Box 91922, stated that he has a rental property in the area and also was concerned about the noise levels.

In response to a query from Commissioner Durnin, Deputy Chief Reeb commented that foliage on the walls would absorb some of the noise. He further stated that the California Department of Transportation requires that the siren sound continuously and that the warning lights be displayed, but the tone and intensity of the siren can be varied based upon traffic safety needs.

Commissioner Blair made a motion to approve the Site Plan Review, Lot Merger and Standards Variances, make a finding of General Plan Conformity for alley vacation, recommend City Council approve a General Plan Amendment to change Land Use District designation from 1 and 8a to 10, and a Zone Change from CCA and R-1-N to I (Institutional) and certify Negative Declaration 14-08. Commissioner Saumur seconded the motion, which passed 4-0. Commissioners Gentile and Smith had recused themselves and Commissioner Van Horik was absent.

4. Application No. 0810-13

Applicant: City of Long Beach
Department of Development Services
Subject Site: Citywide

Steven Valdez presented the staff report and gave a brief description of check cashing uses.

In response to a query from Commissioner Fox, Mr. Beck stated that the City Council moratorium came in response to a proliferation of check cashing and payday advance businesses downtown and the fact that a majority of the businesses were unlicensed. Having the proposed regulations in place would help with business license enforcement.

In response to a query from Commissioner Smith, Mr. Mais stated that check cashing and payday advance businesses are being lumped together because the enforcement issues and the safety issues are the same between these two types of businesses.

In response to another query from Commissioner Smith, Mr. Mais stated that these regulations are based on California State Law.

Ray Pok, representative from the 7th District Council office, stated that their office had a concern with the restriction of payday advance businesses not being located within 500' of banking institutions. He

commented that payday advance businesses require a customer to have a bank account to use their service and they are therefore frequently located next door to banks.

Alan Fisher, California Reinvestment Coalition, San Francisco, stated that he was in support of the regulations as an important way to protect citizens from predatory lending practices.

Adama Iwu, Advance America, stated that her organization adheres to practices aimed at protecting customers and which allow them to operate in a way which adheres to all applicable laws. She commented that her organization took issue with the distance requirements outlined in the proposed regulations and with the general tone of the comments made about payday advance businesses in the staff report.

Sergio Carillo, Community Financial Services Association of America, advised that State law regulates payday advance businesses differently than check cashing businesses and that payday advance businesses were regulated by the same organization that regulates banks. He commented that his organization takes issue with the restriction of not being located within 500' of banking institutions as payday advance businesses work closely with banks, even giving customers vouchers to cash at banks rather than keeping large quantities of cash onsite.

Mr. Carillo also commented that his organization feels that the issue at hand was proliferation of these types of establishments not crime or competition with financial institutions and that a requirement of a 500' radius between check cashing and payday advance businesses would address the concerns brought forth by City Council.

In response to a query from Commissioner Fox, Mr. Valdez commented that these regulations are modeled after Oakland's ordinance, but Oakland requires a 1000' separation between uses.

Mr. Burnham added that these types of regulations are an emerging trend in other jurisdictions.

In response to a query from Commissioner Durnin regarding existing unlicensed check cashing businesses, Mr. Beck stated that business license enforcement will take place and those businesses will be required to conform to the new regulations.

Commissioner Durnin asked that staff provide a map of where check cashing businesses would be allowed, what the density would be and a number tally of current licensed check cashing businesses.

In response to a query from Commissioner Smith, Mr. Mais commented that several Councilmembers articulated concerns that the proliferation of check cashing businesses would inhibit banks from locating in the community.

Commissioner Durnin stated that he felt that it was important to have a better Ordinance in place which would allow for reputable businesses to operate in a controlled manner, but he felt that he needed more data to make an informed decision.

Commissioner Saumur made a motion to continue the item to a date to be renoticed and ask that City Council extend the current moratorium 6

months. Commissioner Gentile seconded the motion, which passed 6-0. Commissioner Van Horik was absent.

5. Application No. 0705-14

Applicant: Sam Kim
Subject Site: 1100 E. 10th Street (District 1)

Jaime Ustin presented the staff report recommending denial of the Conditional Use Permit request to legalize a check cashing use at an existing market. Ms. Ustin clarified that the application had been submitted prior to the City Council moratorium on check cashing uses and that the market sold beer and wine only, not liquor.

Desiree Koze, representative for the applicant, stated that the applicant offered check cashing as a service to his existing clientele, charging only a 1% fee, and that there was no signage advertising this service. She further commented that the market had existed for 40 years and had been offering check cashing services for 17 years.

Ms. Koze reiterated that the application had been filed prior to the Council moratorium on check cashing and cited a section of the City Council Resolution stating that no pending applications should be affected by the moratorium.

In response to a query from Commissioner Durnin, Mr. Burnham stated that under the current regulations if the applicant was charging a fee of \$2.00 or less then it would not fall under the City's definition of check cashing and would not require a Conditional Use Permit.

Mr. Burnham suggested that the Planning Commission continue the item until the Zoning Regulations governing check cashing uses were adopted.

Commissioner Durnin made a motion to continue the item to a date uncertain with renoticing of the application hearing and Commissioner Gentile seconded the motion, which passed 6-0. Commissioner Van Horik was absent.

6. Application No. 0809-10

Applicant: City of Long Beach Department of Parks,
Recreation and Marine
Subject Site: 2125 Santa Fe Avenue (District 7)

Steven Valdez presented the staff report recommending approval of the park expansion and asked for the deletion of Condition of Approval #2 requiring the park to close at dusk.

In response to a query from Commissioner Fox, Mr. Valdez stated that 21st Street must be vacated to allow for a contiguous parcel.

Dennis Eschen, Manager of Planning and Development, Department of Parks, Recreation and Marine, stated that the project includes development of three acres of land to be used as passive park as well as renovation of the existing park by adding lighting, converting a

baseball field into an additional soccer field, and adding a new ADA compliant playground.

In response to a query from Commissioner Durnin, Mr. Eschen stated that security lighting is on from dusk until dawn and the sport lighting is turned off at various times depending on the game schedules, but always off no later than 9:45 p.m. He further commented that the lighting is focused down onto the field with very little spillage beyond the actual playing field.

Commissioner Fox made a motion to certify Mitigated Negative Declaration No. 13-08 and recommend that the City Council approve Zone Changes from Commercial Automobile Oriented (CCA) to Park (P) and recommend that the City Council approve the amendments to the General Plan from LUD #3A (Townhome) to LUD #11 (Open Space and Park) and approve the Site Plan Review, Lot Merger and General Plan Conformity Finding, subject to conditions. Commissioner Blair seconded the motion, which passed 4-0. Commissioners Gentile and Smith recused themselves and Commissioner Van Horik was absent.

(Item re-opened)

5. Application No. 0705-14

Applicant: Sam Kim
Subject Site: 1100 E. 10th Street (District 1)

Commissioner Smith asked that the item be re-opened for consideration since the applicant had indicated that they would be willing to cap the service fee charged to 1%.

Commissioner Smith then made a motion to re-open agenda item 5 and Commissioner Gentile seconded the motion which passed 6-0. Commissioner Van Horik was absent.

Commissioner Blair made a motion to approve the Conditional Use Permit and directed staff to prepare positive findings, with a limitation of 1% for fees charged for check cashing services, for adoption at the next Planning Commission meeting. Commissioner Gentile seconded the motion which passed 5-1, with Commissioner Durnin dissenting. Commissioner Van Horik was absent.

MATTERS FROM THE PLANNING COMMISSION

There were no matters from the Planning Commission.

ADJOURN

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Heidi Eidson
Minutes Clerk