AGENDA / CITY OF LAKEWOOD
PLANNING AND ENVIRONMENT COMMISSION
REGULAR MEETING / SEPTEMBER 7, 2023 / 7:00 p.m.
City Council Chambers – Lakewood Centre – 5000 Clark Avenue

Public comments and questions pertaining to any item on the agenda will be accepted via email sent to ckojaku@lakewoodcity.org up to 4:00 p.m. on the day of the meeting. We ask that you please indicate the specific item on which you wish to be heard or whether your comments will be submitted under oral communications.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Chairperson Bill Baca
Vice Chairperson Ung
Commissioner Samaniego
Commissioner Stuckey
Commissioner Cole

APPROVAL OF MINUTES

ANNOUNCEMENTS AND PRESENTATIONS

PUBLIC HEARINGS

1. Conditional Use Permit No. 1016
   4949 Coldbrook Avenue
   Request approval for front yard hedge and gate over 42” in height.
   Spencer

2. Conditional Use Permit No. 990, A-2
   Modification of conditions – BEYOND FOODS
   11747-11755 Carson Street

3. Conditional Use Permit No. 1014
   Request for approval of a drive-thru restaurant.
   HART HOUSE (continued)
   4720 Candlewood Street

REPORTS

None

PUBLIC COMMENTS

STAFF COMMUNICATION

ADJOURNMENT

NEXT MEETING: OCTOBER 3, 2023

Any qualified individual with a disability that would exclude that individual from participating in the above meeting should contact the Community Development Department Administrative Secretary at (562) 866-9771, ext. 2303; at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting or other reasonable auxiliary aids may be provided.
CALL TO ORDER

A regular meeting of the Lakewood Planning and Environment Commission was called to order by Chairperson Baca at 7:00 p.m. in the City Council Chambers, 5000 Clark Avenue, Lakewood, California.

PLEDGE OF ALLEGIANCE

Chairperson Baca led the Pledge of Allegiance.

ROLL CALL: Present: Chairperson Baca
              Commissioner Samaniego
              Commissioner Stuckey

                              Absent: Vice Chairperson Ung
                                      Commissioner Cole – excused

ALSO PRESENT: J. Patrick McGuckian, Assistant Director of Community Dev.
              Paul Kuykendall, Senior Planner
              Ivy Tsai, City Attorney
              Cindy Kojaku, Administrative Secretary

APPROVAL OF MINUTES

There being no objections, Chairperson Baca ordered the Minutes of the Regular Meeting of July 6, 2023, approved as submitted.

ANNOUNCEMENTS AND PRESENTATIONS

Assistant Director McGuckian made the following announcements:

  • Abel left on his summer vacation to Mexico with his family, and we wish him well.

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT NO. 1015, 5625 WOODRUFF AVENUE, REQUEST APPROVAL FOR A DRIVE-THRU RESTAURANT – CASSIDY’S CORNER CAFE.

Senior Planner, Paul Kuykendall, presented the staff report and exhibits which recommended approval of Conditional Use Permit Number 1015 for a drive-thru restaurant for Cassidy’s Corner Café. These documents are on file with the
Community Development Department. The proposed DRB Conditions of Approval are incorporated by reference in the proposed Resolution of Approval and are also on file with the Community Development Department. This project is categorically exempt under the CEQA Guidelines. Senior Planner Kuykendall asked if there are any questions of staff.

**Chairperson Baca asked if there are any questions of staff.**

Chairperson Baca stated he has a question and asked to see Exhibit “G” and stated there is only one required van accessible handicapped parking according to ADA and asked if parking was removed to put the trash bin in? Senior Planner Kuykendall responded no to the question.

**Chairperson Baca opened the public hearing.**

Applicant, Ali Olfati, stated he has read all the conditions and accepts all the conditions, but if anyone has questions, he will gladly address those.

Commissioner Stuckey stated she believes it is self-explanatory.

Commissioner Samaniego stated that when Senior Planner Paul made his presentation, Paul stated there would be baking at this building for the other locations also. Is that something that is going to be happening?

Applicant, Ali Olfati, stated the majority of this is a kitchen, there will be baking there, and there is a possibility of them sending or selling products to other stores.

Senior Planner Kuykendall said it is pretty common for bagel shops, especially for bagel chains, that one facility makes all the bagel dough, does all the forming, and then they bring it to the individual stores where they are baked onsite.

There being no one else wishing to be heard on the matter, Chairperson Baca closed the public hearing and asked the Commission, if there was any discussion or a motion.

**Commissioner Stuckey moved and Commissioner Samaniego seconded approval of staff recommendation to approve Conditional Use Permit No. 1015, 5625 Woodruff Avenue, and its related categorical exemptions.**

**AYES:** COMMISSIONERS: Stuckey, Samaniego and Baca

**NOES:** COMMISSIONERS: None

**ABSENT:** COMMISSIONERS: Cole and Ung

**ABSTAIN:** COMMISSIONERS: None

Chairperson Baca announced that the Motion has passed.
REPORTS: None.

PUBLIC COMMENTS: None.

STAFF COMMUNICATIONS:

Commissioner Samaniego stated that there is a bee handout.

Assistant Director McGuckian stated that the PEC Commission took an action to encourage the Council to study the allowance of backyard beekeeping and to except it from the definition as a public nuisance just for domesticated backyard beekeeping. That has been put into the Resolution that will go to the City Council on August 8, 2023 as a recommendation to study honey bee beekeeping as an allowed use in some areas of Lakewood.

Assistant Director McGuckian stated there will be a Study Session with the City Council on Tuesday August 8, 2023 to clarify the child safety safe passage quarter zone, and originally when it was proposed, it was a ¼ mile radius, but the PEC recommended a ½ mile radius, and we are advising them of that recommendation.

In addition, we have added a section in the Ordinance regarding additional residential parking, and it has been included as a minor modification. There is a consensus with several City Council members to allow expansion of the existing driveway width on almost every residential lot. This would allow an additional 10 feet to the interior edge of driveway to allow an additional parking space. That is a major change for parking problems and many lots that have such paved areas and are currently receiving tickets for parking on such spaces. Those are the two big changes. This will now allow you to have the driveway, to expand the area to the nearest property line, and to expand to the interior not to exceed the maximum hardscape. It significantly expands the opportunity for parking.

Commissioner Stuckey asked if most of the people adding these ADUs, are they residents owner-occupied or are they rentals adding additional rentals to their property?

Assistant Director McGuckian stated a majority of the garage conversions, single ADUs, are predominantly owner-occupied. The 20 or 30 that are adding the 2nd or 3rd unit are universally investors, but some of these have picked up derelict homes.

Chairperson Baca asked are they allowed to widen that?

Assistant Director McGuckian stated 8 ½ wide driveway that extends to the street, the minimum we allow is 8 ½.
Chairperson Baca questioned if the width of the driveway can be expanded between the sidewalk and the home?

Assistant Director McGuckian stated if the Council adopts this, then you can take an existing driveway and add 10 feet to it on the internal edge of the driveway.

Chairperson Baca asked if the access from the street to the driveway can be widened?

Assistant Director McGuckian stated probably not—that would be an encroachment permit that is in the public right-of-way, and that would be up to Public Works.

Senior Planner Kuykendall confirmed it would be up to Public Works.

**ADJOURNMENT:** The meeting was adjourned at 7:26 p.m.

Next meeting will be September 7, 2023.

__________________________
Secretary
APPLICATION FOR: Conditional Use Permit No. 1016

ADDRESS: 4949 Coldbrook Avenue

APPLICANT: Milissa Ann Spencer

PROPOSED USE: Front Yard Hedges, Gate, & Metal Archway in Excess of 42 Inches in Height

ZONING: R-1 (Single-Family Residential)

INTRODUCTION

The applicant, Milissa Ann Spencer, is requesting approval of Conditional Use Permit (CUP) No. 1016 to maintain existing hedges, gate, and an existing metal archway in excess of 42 inches in height within the required front yard setback area on the subject property. She has not modified the home or the front yard since she received the property on April 23, 2015, as a bequest from her mother. The hedges and gate were in place when she inherited the property.

Section 9302.51 of the Lakewood Municipal Code (LMC) defines the front yard, LMC Section 9322.4 defines the required front yard in the R-1 zone, LMC Section 9384.A and 9384.B state that a wall, fence, or hedges shall not exceed 42 inches in height in the required front yard, except where authorized by a Conditional Use Permit (CUP) and where adequate protection is otherwise provided for light, air, open space, and vision, and if not obnoxious or detrimental to the surrounding property or neighborhood.

STATEMENT OF FACTS

Area Description

The following table lists the land uses and zoning designations for the site and surrounding properties (see Vicinity Map and Aerial View).

<table>
<thead>
<tr>
<th>AREA</th>
<th>EXISTING LAND USE</th>
<th>ZONE DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>Single-Family Home</td>
<td>R-1 (Single-family Residential)</td>
</tr>
<tr>
<td>North</td>
<td>Single-Family Homes</td>
<td>R-1 (Single-family Residential)</td>
</tr>
<tr>
<td>East</td>
<td>Single-Family Homes</td>
<td>R-1 (Single-family Residential)</td>
</tr>
<tr>
<td>South</td>
<td>Single-Family Homes</td>
<td>R-1 (Single-family Residential)</td>
</tr>
<tr>
<td>West</td>
<td>Single-Family Homes</td>
<td>R-1 (Single-family Residential)</td>
</tr>
</tbody>
</table>
Site Description

The site is located on the west side of Coldbrook Avenue and is an interior lot between Hardwick Street and Del Amo Boulevard. The site is designated by the General Plan for Low-Density Residential Uses. The lot is rectangular in shape with an area of approximately 5,079 square feet in area and is developed with a 1,734 square-foot single-story residence and a two-car garage. There are unpermitted additions attached to the residence and garage that block vehicular access to the garage.

Project Description

The applicant is requesting approval of CUP No. 1016 to maintain the hedges, gate, and a metal archway over 42 inches in height within the required front yard, built without the benefit of a permit. The applicant has stated that the motivation to maintain the hedges is “privacy and safety.” The height of the hedges height varies between 3'-10” and 5’-0”, metal archway is 7’-3” high, which includes a metal entry swing gate that is 5’-2” in height and 3’-2” wide and located entirely within the subject property. The hedges extend 40'-10” feet across the width of the property just behind the front property line, 25'-2” north along the west side property line, and 9'-9” north along the east side property line for a total length of 76'-9”. The proposed CUP has been filed in response to a Code Enforcement Case (CE 22-0004) with Notice of Violation dated 11/7/2022 on the subject property (APN 7173-023-021) regarding the over height hedges.

Code Requirements

LMC Section 9401, et seq., establishes the basis for approval or denial of a Conditional Use Permit. LMC 9401.A establishes the principles and standards that each case must comply with, in order to be granted a Conditional Use Permit. A review of the subject application, in light of LMC 9401.A, reveals the following:

1. The proposed conditional use shall not be in substantial conflict with the General Plan.

   The General Plan designates the subject site for Low-Density Residential uses. The subject landscaping is ancillary to the primary residential use of the subject property. The property will continue to be used for Low-Density Residential purposes. The hedges, gate, and metal archway are not in conflict with the City’s General Plan.

2. The nature, condition, and development of adjacent uses, buildings, and structures shall be considered, and no Conditional Use Permit shall be permitted where such will adversely affect or be materially detrimental to said adjacent uses, buildings, or structures.

   LMC Sections 9384.A and 9384.B state that a wall, fence, or hedges may not exceed 42 inches in height in the required front yard except where authorized by a conditional use
permit where adequate protection is otherwise provided for light, air, open space, and vision, and if not obnoxious or detrimental to the surrounding property or neighborhood.

The height of the hedges varies from 3'-10" to 5'-0", the archway measures 7'-3" and in height. Front-yard hedges in excess of the standard front yard height limit of 42" (3'-6") interferes with visibility as vehicles exit a property. A proposed condition shall require that the hedges, gate, and archway shall be maintained in good condition and at approved heights at all times. The existing hedges do not significantly affect adjoining properties adversely and are not materially detrimental to the surrounding neighborhood or adjacent uses and buildings.

3. The site for a Conditional Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features required by this chapter, or as required as a condition in order to integrate such uses with the uses in the neighborhood.

The subject site is adequate in size and shape to accommodate the development features required by the zoning code, including off-street parking requirements for the residence. The excess height of the hedges and archway affects visibility with vehicular and pedestrian traffic. The property would continue to be used as a single-family residence.

4. The site for the conditional use is served by highways or streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.

The subject site is served by Coldbrook Avenue which is designated by the General Plan as a Local Street. The proposed hedges do not generate any additional traffic or create any circulation problems.

5. All other conditions and limitations imposed by this chapter in connection with the proposed application for a Conditional Use Permit have been met.

There are no other zoning requirements that address excess hedge height.

Development Review Board (DRB)

The DRB considered Case No. 9238 to allow the subject hedges, gate, and metal archway in the required front yard to exceed 42 inches in height. In their letter dated August 22, 2023, the DRB recommends the PEC deny this application. The proposed PEC Resolution for denial includes conditions requiring the hedges, gate, and archway be lowered to not more than 42 inches in height.
Conditional Use Permit No. 1016
September 7, 2023

Public Notice

Notification of the public hearing for this CUP was posted on the City’s webpage, mailed to property owners within a 300-foot radius of the subject property, posted at the subject site and in three public places on August 23, 2023, pursuant to Section 9422, et seq., of the Lakewood Municipal Code and State Law.

SUMMARY

The applicant is requesting approval of Conditional Use Permit (CUP) No. 1016 to maintain hedges, gate, and a metal archway in excess of 42 inches in height within the required front yard on the subject property. The height of the hedges fluctuate between 3'–10” and 5’–0” with no portion to exceed 5’–0” in height and the metal archway would be 7’–3” high for the applicant’s property. The existing height of the hedges and archway are not in compliance with LMC Section 9384.A and 9384.B and affects visibility with vehicular and pedestrian traffic.

RECOMMENDATION

The Development Review Board recommends that the Planning and Environment Commission hold a public hearing regarding Conditional Use Permit No. 1016 and following the public hearing, move to ADOPT a Resolution denying CUP No. 1016.

Frankie J. Griffiths
Assistant Planner

Abel Avalos
Director of Community Development

ATTACHMENTS

2) Vicinity Map
3) Aerial View
4) Exhibit “A” – Plans
5) Exhibit “B” – Photo: East Elevation
6) Exhibit “C” – Photo: Northeast Elevation
7) Exhibit “D” – Photo: Metal Archway and Entry Gate
8) Proposed Resolution of Denial
August 22, 2023

DRB Recommendation for Denial to PEC

Milissa Ann Spencer
4949 Coldbrook Avenue
Lakewood, CA 90713
E-mail: None
Phone: (562) 866-4464

DRB CASE NO. 9238 (CUP#1016)/ APN: 7173-023-021/ CE 22-0004 NOV (11/7/22)
Site: 4949 Coldbrook Avenue, Lakewood, CA 90713 (Lot 112/Tract 16216)
Project Description (“Project”): Requests approval of an over height hedge and garden gate

The Project application has been reviewed by the Development Review Board (“DRB”) and they hereby RECOMMEND DENIAL to the Planning and Environment Commission (PEC), of Conditional Use Permit (CUP) Number 1016, which requests authorization to allow the existing perimeter hedges in the front yard setback area to remain in excess of 42 inches, but less than 60 inches and to allow an existing arched garden gate at a height of no more than 90 inches.

This recommended action was taken by unanimous vote of a quorum of the Development Review Board (DRB) in consideration that not all the required findings specified by the Lakewood Municipal Code (LMC) Section 9484.1 were able to be made in a positive manner supporting the development of the related project. This action is not appealable as it is an advisory recommendation only. The Development Review Board is recommending to the PEC the following conditions, which if adopted by the PEC to approve the CUP shall be completed by the applicant to the satisfaction of the Community Development Department:

The DRB recommends to the PEC that if the PEC determines to allow this Project, then it can be found exempt from the California Environmental Quality Act (CEQA), in accordance with Public Resources Code Section 21084 and the CEQA Guidelines Article 19 Section 15301, Existing Facilities, Class 1, as it includes renovation of an existing building, and the project is in area where all public services are available, and the area is not environmentally sensitive. A Notice of Exemption (NOE) may be prepared and recorded based on this finding, if requested.

LAND USE/PROJECT DENIAL

1. Project Description. The following DRB “Project” below is recommended by the DRB to be denied by the Planning and Environment Commission (PEC) as described and requested in proposed Conditional Use Permit No.1016. The Project request is to allow the property owner to continuously maintain:
   a) The existing Texas Privet perimeter hedge in the front yard setback area and the adjacent side yard setback area, subject to the following height restrictions:
1) The hedge shall not exceed forty-eight (48”) inches in height (4-feet tall) within the first four (4’) feet from the front sidewalk.

2) The hedge shall not exceed sixty (60”) inches in height (5-feet tall) in any area between four feet from the front sidewalk and twenty feet from the front sidewalk.

3) The hedge shall not exceed ninety (90”) inches in height (7.5-feet tall) in any area along the side property line greater than twenty feet from the front sidewalk extending to the rear property line.

b) The existing front arched garden gate to remain as built and shall not exceed ninety (90”) inches in height (7.5 feet tall), provided a building permit for the gate installation is obtained, inspected, and approved, as is normally required for a fence structures in excess of seventy-two (72”) inches in height.

All the above requests are recommended by the DRB to be denied.

2. Required Correction. After denial of CUP 1016 by the PEC, the applicant shall trim and continuously maintain the perimeter hedge to be no more than 42” in height within any area that is or is closer than twenty (20’) feet from the front yard sidewalk. The remainder of the hedge shall be trimmed and continuously maintained to be no more than 42” in height. The gate shall be removed and replaced with a gate no taller than 42” in height.

3. Compliance. All existing structures shall be properly permitted and sited in compliance with the Lakewood Municipal Code. Any non-complying structures shall either be removed or properly permitted, prior to final inspection of the requested improvements. The applicant shall either remove or properly permit any such structure.

4. Code Enforcement. There is an active code enforcement case related to this property. A Notice of Violation CE 22-0004 was issued on November 7, 2022. This case shall be resolved, and all violations cleared prior to final inspection of the proposed construction. The violations listed include the following and these shall be modified in order to comply.

   a) Over height hedge in excess of 42” in the front yard setback area.
   b) Over height garden arch gate in excess of 42” in height in the front yard setback area and installed without permit at height exceeding 72”.

5. Property lines. Locations and distances from structures to property lines (P/L) are not verified by this review. Any property lot line disagreements shall be resolved by a professional surveyor, who is retained by the property owner requesting such information.

6. Maintenance/SFR. Property owners are required to maintain their properties at all times in an aesthetically pleasing manner in compliance with the Lakewood Municipal Code (LMC 4323 and 4221.1). This means proper and continuous maintenance of all landscaping and structures including all buildings, roofs, painting, fences, and walls. There shall be no dead, diseased, missing, or overgrown vegetation. Vegetation shall be properly trimmed in proportion to adjoining structures and shall not encroach onto or into public sidewalks or roadways. Drought tolerant landscaping does require periodic trimming.

Sincerely,

J. Patrick McGuckian, AICP
Assistant Director of Community Development
Copies to: Code Enforcement and to Building and Safety
EXHIBIT A

GENERAL NOTES:
1. EXISTING WINDOWS
2. EXISTING SCREEN DOOR
3. EXISTING HEDGE
4. EXISTING HOUSE

Top View Plan
SCALE: 1/16" = 1'-0"

Site Plan
SCALE: N.T.S.

Front View Plan
SCALE: 1/16" = 1'-0"

Height of Arch: 7'-3"
Height of Gate: 5'-2"

Side View Plan
SCALE: 1/16" = 1'-0"
RESOLUTION NO. -2023

A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD DENYING THE APPLICATION FOR CONDITIONAL USE PERMIT NO. 1016, LOCATED AT 4949 COLD BROOK AVENUE, LAKEWOOD, CALIFORNIA, TO ALLOW HEDGES, GATE, AND A METAL ARCHWAY IN EXCESS OF FORTY TWO INCHES IN HEIGHT IN THE REQUIRED FRONT YARD.

THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Planning and Environment Commission of the City of Lakewood, having had submitted to it the application of Milissa Ann Spencer, homeowner, requesting a Conditional Use Permit, pursuant to the provisions of Sections 9302.51, 9322.4, and 9384.B of the Lakewood Municipal Code for hedges in excess of forty-two inches in height in the required front yard, on that certain real property within the City of Lakewood described as a portion of Lot 112 of Tract 16216 as per Map Book 375, Pages 4-6, inclusive of maps, in the Office of the County Recorder of Los Angeles County and more particularly described as 4949 Coldbrook Avenue, Lakewood, California; all as shown in the attached minutes and report of the Planning and Environment Commission, attached hereto and made a part hereof as though set forth in full, the Planning and Environment Commission does hereby find and determine as provided in this Resolution.

SECTION 2. The Planning and Environment Commission of the City of Lakewood does hereby report that a public hearing was held before the Planning and Environment Commission in respect to said application on the 7th day of September 2023, and the Planning and Environment Commission does hereby find and determine that said application hereinafter should be denied for the following reasons:

A. The nature, condition and development of adjacent uses, buildings, and structures have been considered and it has been found that the proposed use will jeopardize, or adversely affect, or be detrimental to the public health, safety and welfare, or to the surrounding property and residences for the following reasons:

1. The subject hedges are in conflict with the Safety Element of the General Plan. It creates a visual obstruction between the adjacent driveway and vehicular and pedestrian traffic. The existing hedges will interfere with safe vehicular ingress and egress at the subject site.

2. The subject hedges, gate, and metal archway are out of character with other single family homes in the City of Lakewood.

B. The applicant has failed to demonstrate a compelling need for the subject hedges, gate, and metal archway.
C. The applicant has failed to show that the hedges, gate, and metal archway meets the principles and standards specified in Section 9384, Section 9401.A, and Section 9401.B of the Lakewood Municipal Code.

D. Denial of Conditional Use Permit No. 1016 shall be based on Exhibits “A”, “B”, “C”, and “D”.

E. The applicant shall be required to remove or modify the hedges, gate, and metal archway such that no part exceeds 42 inches in height within twenty (20) days of adoption of this Resolution.

SECTION 3 A certified copy of the excerpts of the minutes applicable to this case and this Resolution shall be delivered to the applicant.

ADOPTED AND APPROVED this 7th day of September 2023, by the Planning and Environment Commission of the City of Lakewood voting as follows:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Bill Baca, Chairperson

ATTEST:

Abel Avalos, Secretary
TO: Planning and Environment Commission

SUBJECT: Modification of Conditional Use Permit No. 990 (Amendment No. 2)

LOCATION: 11747-11755 Carson Street

ZONING: C-4 (General Commercial)

INTRODUCTION

At its July 2, 2020 meeting, the Planning and Environment Commission (PEC) considered the application of Cadence Acquisition, LLC for Conditional Use Permit No. 990, for the construction and operation of a service station (gasoline sales), for a convenience store offering beer and wine for off-site consumption (a Type 20 License), and for a lot merger of two properties located at 11747-11755 Carson Street (Lot Merger No. 2023-1). At that hearing, the PEC approved the application and adopted Resolution No. 8-2020 establishing the conditions of approval for CUP No. 990. The project was granted a three (3) year extension on June 2, 2022 when the PEC adopted Resolution 5-2022 approving CUP No. 990 Amendment No. 1.

Approval of this CUP and the ability to sell alcoholic beverages for off-site consumption depended on the existing 7-Eleven located at 11767 Carson Street closing and moving to the subject site. This would have resulted in the existing license being transferred to the new location to prevent a net increase in the number of ABC licenses which would be prohibited by Section 9340.C.4 of the Municipal Code. Subsequently, Cadence Acquisition, LLC sold the entitled project to Beyond Food Mart. To preclude this CUP from being exercised contrary to the conditions of approval or in violation of LMC Section 9340.C.4, this case is being brought back to the PEC for modification of conditions.

STATEMENT OF FACTS

Site Description

The site for the project is located on the north side of Carson Street approximately 100 feet west of Pioneer Boulevard. The site is comprised of two lots with a combined lot area of 39,670 square feet (0.91 acres). The Lot Merger (Lot Merger No. 2023-1) is currently under review by the City’s engineering consultant.

The project consists of a 4,088 square-foot, single-story convenience store, a fuel sales canopy with 16 fuel pumps, exterior signage, and 18 parking spaces. Site access is from westbound...
Modification of Conditional Use Permit No. 990 (Amendment No. 2)
September 7, 2023
Page 2

Carson Street via two driveway aprons. Four-foot-wide sidewalk easements will wrap around the driveway aprons to allow pedestrians walking on the sidewalk to access the convenience store. The project was submitted to Building Plan Check on December 20, 2022.

Sale of Alcoholic Beverages for Off-Sale Consumption

The sale of beer and wine for off-site consumption requires a Type 20 license from the California Department of Alcoholic Beverage Control (ABC). A Type 20 license authorizes the sale of beer and wine for consumption of the premises where sold and permits minors to be allowed on the premises. LMC Section 9340.C.4 provides that “no conditional use permit shall be approved to sell alcoholic beverages for off-site consumption where the gross floor area of the establishment is less than 6,500 square feet and where there are two or more active off-site licenses within 300 feet of the proposed off-site license location. For the purposes of this section, the distance between the proposed and active license locations shall be measured from the property boundary of the proposed off-site license premise to the nearest property boundaries of the active off-site licenses.”

There is an existing 7-Eleven at 11761 Carson Street, which is at the northwest corner of Pioneer Boulevard and Carson Street and is approximately 100 feet to the east from the project site. There is also a liquor store at 11801 Carson Street within the City of Hawaiian Gardens, approximately 250 feet north of the intersection of Pioneer Boulevard and Carson Street. Both the existing 7-Eleven and the liquor store are within 300 feet of the proposed project.

Since the existing 7-Eleven store at 11761 Carson Street will remain open, Beyond Food Mart would need to obtain a new ABC license to sell alcoholic beverages from this location, which would result in a net increase in off-site licenses at this location in violation of LMC Section 9490. The proposed Resolution of Approval specifies that the sale of alcoholic beverages for off-site consumption is prohibited from this location.

Development Review Board
On August 23, 2023, the Development Review Board review DRB Case No. 8952, and recommends approval of the modification to the original CUP with conditions as contained in the DRB letter dated August 23, 2023.

Code Requirements

Pursuant to Section 9405 of the Lakewood Municipal Code, the PEC may, after a public hearing, held in the manner prescribed in Chapter 3, Part 12 governing variances and Conditional Use Permits, revoke or modify any variance or permit issued on any one or more of the following grounds:

A. That the approval was obtained by fraud.
Modification of Conditional Use Permit No. 990 (Amendment No. 2)
September 7, 2023
Page 3

B. That the permit or variance granted is being, or recently has been exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law or regulation.

C. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or as to constitute a nuisance.

In this instance, the PEC may modify CUP 990 on the basis that the CUP is being exercised contrary to the terms or conditions of such approval because the existing 7-Eleven store at 11761 Carson Street has not transferred or surrendered their ABC license and that modification is necessary to preclude this CUP from being exercised in violation of LMC Section 9340.C.4.

CEQA

This action is categorically exempt from CEQA requirements; pursuant to Section 15321.(a) of the California Environmental Quality Act Guidelines. This Section establishes that the following is exempt from the CEQA process: "Actions by regulatory agencies to enforce or revoke a lease permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard or objective, administered or adopted by the regulatory agency."

Public Notice

Notification of the public hearing for this CUP was posted on the City’s webpage, mailed to property owners within a 300-foot radius of the subject property, posted at the subject site and in three public places on Thursday, August 24, 2023, pursuant to Section 9422, et seq., of the Lakewood Municipal Code and State Law.

RECOMMENDATION

It is the recommendation of staff that the Planning and Environment Commission move to adopt the proposed resolution modifying CUP No. 990, Amendment No. 1, subject to the findings and conditions contained in the attached resolution.

Paul Kuykendall, AICP
Senior Planner

Abel Avalos
Director of Community Development
Modification of Conditional Use Permit No. 990 (Amendment No. 2)
September 7, 2023
Page 4

Attachments
PEC Resolution No. 8-2020 for CUP No. 990
PEC Resolution No. 5-2022 for CUP No. 990, Amendment No. 1
Development Review Board letter dated August 23, 2023 recommending approval of modification to CUP No. 990, Amendment No. 2 - DRB Case No. 8952.
Proposed Resolution of Approval Modifying CUP No. 990
RESOLUTION NO. 8-2020


THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKewood DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Planning and Environment Commission of the City of Lakewood, having had submitted to it the application of Cadence Acquisition, LLC, 6400 S. Fiddlers Green Circle, Suite 1820, Greenwood Village, Colorado, representing the owner of an interest in the following described real property, requesting a Conditional Use Permit for the construction and operation of a service station (gasoline sales), for a convenience store offering beer and wine for off-site consumption, and for a lot merger of two properties, pursuant to the provisions of Sections 9208.11, 9240, 9340.C.2, 9340.C.4, 9347.A, 9350.A, and 9350.B.4 of the Lakewood Municipal Code on those certain real properties within the City of Lakewood described as Lot 2 of Parcel Map No. 21502 as per map recorded in Book 258, Pages 33-34 of Parcel Maps in the Office of the County Recorder of Los Angeles County, and more particularly described as 11747 Carson Street, Lakewood, California, and a portion of Lot 50 of Records of Survey 015-043 in the Office of the County Recorder of Los Angeles County, and more particularly described as 11755 Carson Street, Lakewood, California; all as shown in the attached minutes and report of the Planning and Environment Commission, attached hereto and made a part hereof as though set forth in full, the Planning and Environment Commission does hereby find and determine as provided in this Resolution.

SECTION 2. The Planning and Environment Commission finds that an Initial Study has been prepared for the proposed project pursuant to Section 15063 of the California Environmental Quality Act Guidelines, as amended. The Planning and Environment Commission does hereby find that the project is Categorically Exempt from CEQA requirements, pursuant to Sections 15301.(l), 15311.(a), and 15332 of the California Environmental Quality Act Guidelines, as amended.

SECTION 3. The Planning and Environment Commission of the City of Lakewood does hereby report that a public hearing was held before the Planning and Environment Commission in respect to said application on the 2nd day of July, 2020, and the Planning and Environment Commission does hereby find and determine that said application, subject to the conditions hereinafter specified, should be granted for the following reasons:
A. The request is for approval of Conditional Use Permit No. 990 for the construction and operation of a service station (gasoline sales), for a convenience store offering beer and wine for off-site consumption, and for a lot merger of two properties on a property located at 11747-11755 Carson Street, Lakewood, all as shown on Exhibits “A,” “B,” “C,” “D,” “E,” “F,” and “G.”

B. The proposed use will not to be in conflict with the goals of the General Plan, nor is the proposed use in conflict with the Commercial land use designation of the General Plan.

C. The nature, condition, and development of adjacent uses, buildings, and structures have been considered, and it has been found that the proposed use will not adversely affect or is materially detrimental to adjacent uses, buildings, or structures provided that the conditions contained have been met and maintained.

D. Carson Street is adequate to serve the traffic generated by the site. Thus, no significant impact is anticipated on existing roads and circulation as a consequence of this application.

E. The subject site is adequate in size and shape to accommodate the yards, walls, fences, off-street parking, loading facilities, landscaping, and other development features required by the Lakewood Municipal Code.

F. Notification of a public hearing has been made, pursuant to Section 9422, et seq., of the Lakewood Municipal Code and State law.

G. The proposed use is in substantial compliance with the principles for the issuance of a Conditional Use Permit for a fuels station on a property zoned for commercial use as provided by LMC Section 9340.C.2.

H. The proposed use will not result in an increase in alcoholic beverage licenses issued by the State of California Department of Alcoholic Beverage Control and will not result in an undue concentration of off-sale alcoholic beverage licenses.

I. The sale of beer and wine at this location if found to be an ancillary use to the primary function of this business which is fuel sales.

J. The Los Angeles County Sheriff’s Department has reviewed this application and, in combination of staff recommendations and a security plan submitted by the applicant, has provided conditions of approval designed to discourage loitering and crime which will reduce demand for law enforcement services.

SECTION 4. The Planning and Environment Commission of the City of Lakewood, based upon the aforementioned findings and determinations, hereby grants the use as requested in Conditional Use Permit No. 990 provided the use is operated in compliance with the following conditions at all times:
A. The conditions, unless otherwise specified herein, shall be complied with within two years from the date of the granting of this application, and not thereafter violated or deviated from except where authorized by amendment to this Resolution adopted in accordance with the provisions of this Resolution and the Municipal Code. The granting of said Conditional Use Permit and this Resolution, and any modification or change thereof, shall not be effective for any purpose until a certified copy of this Resolution (Exhibits excluded) has been recorded in the Office of the Los Angeles County Recorder. The granting of said Amendment, subject to the conditions herein set forth, are binding on their heirs, assigns, and successors in interest of the applicant and their heirs, assigns, and successors in interest.

B. Approval for the proposed use shall be based on Exhibits “A,” “B,” “C,” “D,” “E,” “F,” and “G.”

C. “No Loitering” signs shall be placed and remain clearly posted around the business, and any loitering activity should be strictly monitored and aggressively discouraged by management.

D. The parking area shall be configured for, and maintained with, sufficient lighting to illuminate the appearance and conduct of all persons in the parking areas.

E. The project shall provide increased security lighting both front and rear.

F. Signs shall be installed on both the internal and external side of the side door and gates that state “NO ACCESS OR DELIVERIES BETWEEN 10PM AND 6AM.”

G. The store shall have a working “state of the art” video surveillance system in place to allow Sheriff’s personnel to assist in criminal investigations. The storage medium should be secured in a manner as to not to facilitate the easy removal by unauthorized personnel or store employees under duress.

H. The store shall have a working “state of the art” silent robbery alarm system in place to allow employees to promptly report crimes in progress.

I. Management shall have an on-going liaison relationship with members of the Sheriff’s Department, so that communication may be easily facilitated when problems occur.

J. Persons who appear to be intoxicated or under the influence of a controlled substance, shall be denied service.

K. This Conditional Use Permit shall be subject to a six-month review to allow input from the Sheriff’s Department for any concerns that may arise.

L. The business operator shall implement and continuously follow the “7-Eleven” Crime deterrence program.
M. The business operator shall implement and continuously follow the “7-Eleven” Robbery deterrence program.

N. A seven and one-half feet (7'-6”) tall painted tubular steel shall be installed and maintained to secure the side and rear yards from loitering and trespassing. The areas behind the storefront and west of the building and the area behind the delivery door on the east side of the building shall be fenced from the property line wall to the store building. Pedestrian access gates to sidewalk behind the required fencing shall be locked and secured at all times.

O. The project shall comply with the recommendations of the Development Review Board to the satisfaction of the Director of Community Development.

P. Exterior signage for this project shall be submitted to the Development Review Board for consideration.

Q. The design features described in the Traffic Impact Analysis for this project shall be included in the development of the proposed project, including both driveway aprons and adjustments made to the cycle length at the intersection of Pioneer Boulevard and Carson Street.

R. No non-emergency vehicle repairs shall be conducted on the site.

S. There will be no use conducted outside at the site, with the exception of the fueling of vehicles.

T. Deliveries to the subject site between the hours of 10:01 p.m. and 6:00 a.m., daily are prohibited.

U. Trash, debris, waste, including recyclable items, shall not be emptied into the outdoor trash bin between the hours of 10:01 p.m. and 6:00 a.m., daily.

V. The project shall comply with LMC Section 9340.C.4.(d) at all times pertaining to the display of alcoholic beverages.

W. The business shall obtain and maintain a Type 20 license (“Off-Sale Beer and Wine”) from the California Department of Alcoholic Beverage Control (ABC) at all times and shall abide by all laws and regulations whose enforcement is overseen by ABC for the sale of beer and wine.

X. The sale of alcoholic beverages from this location is not be permitted until the existing ABC license at 11761 Carson Street (existing 7-Eleven) is transferred or surrendered in accordance with ABC regulations.

Y. The sale of alcoholic beverages shall be limited to beer and wine only for off-site consumption.

Z. The sale of beer or malt beverages in individual quantities of 40 ounces or less is prohibited.
AA. The sale of beer or malt beverages in quantities of less than three containers per sales transaction is prohibited.

BB. The sale of wine in individual quantities of less than 750 milliliters (ml) is prohibited unless each bottle is part of a single package containing at least four (4) bottles.

CC. The sale of alcoholic beverages from this site shall be prohibited between the hours of 12:00 a.m. and 6:00 a.m., daily.

DD. The applicant shall sign a written statement stating that he has read, understands, and agrees to the conditions of the granting of this Conditional Use Permit within twenty (20) days of the adoption of the Resolution approving the same, or this approval shall become null and void.

EE. The action by the Planning and Environment Commission in this matter shall be final, conclusive, and effective twenty (20) calendar days after the giving of notice, as provided in Section 9403.2 of the Lakewood Municipal Code, unless within said twenty (20) calendar day period an appeal in writing is filed with the City Clerk by the applicant or by any person who protested the application as a matter of record, and who, in addition, received or was entitled to receive the written notice specified in Section 9422 of the Lakewood Municipal Code. The filing of such an appeal within such time limit or the request for review of such a decision within such time limit shall stay the effective date of the order granted until the City Council has acted on the appeal or review as hereafter set forth (Lakewood Municipal Code Section 9407).

FF. This Conditional Use Permit may be modified or revoked by the City Council or the Planning and Environment Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

GG. The applicant agrees to indemnify, hold harmless and defend the City, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this permit, or arising out of the operation of the business, save and except that caused by City’s active negligence.

HH. By signing or orally accepting the terms and provisions of this permit, entered into the minutes of these proceedings, the Permitee acknowledges all of the conditions imposed and accepts this permit subject to those conditions with a full awareness that the violation of any of said permits could subject Permitee to further hearings before the Planning and Environment Commission on the issue of revocation or modification.

SECTION 5. A certified copy of the excerpts of the minutes applicable to this case and this Resolution shall be delivered to the applicant.

ADOPTED AND APPROVED this 2nd day of July, 2020, by the Planning and Environment Commission of the City of Lakewood voting as follows:
AYES: COMMISSIONERS: Manis, Stuckey, Samaniego, Ung
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS: McKinnon
ABSTAIN: COMMISSIONERS:

[Signature]
Vicki Stuckey, Chairperson

ATTEST:

[Signature]
Abel Avalos, Secretary
RESOLUTION NO. 5-2022


THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Planning and Environment Commission of the City of Lakewood, having had submitted to it the application of Cadence Acquisition, LLC, 6400 S. Fiddlers Green Circle, Suite 1820, Greenwood Village, Colorado, representing the owner of an interest in the following described real property, requesting an extension of time for Conditional Use Permit to construct and operate a service station (gasoline sales), for a convenience store (7-Eleven) offering beer and wine for off-site consumption, and for a lot merger of two properties, pursuant to the provisions of Sections 9208.11, 9240, 9340.C.2, 9340.C.4, 9347.A, 9350.A, and 9350.B.4 of the Lakewood Municipal Code on those certain real properties within the City of Lakewood described as Lot 2 of Parcel Map No. 21502 as per map recorded in Book 258, Pages 33-34 of Parcel Maps in the Office of the County Recorder of Los Angeles County, and more particularly described as 11747 Carson Street, Lakewood, California, and a portion of Lot 50 of Records of Survey 015-043 in the Office of the County Recorder of Los Angeles County, and more particularly described as 11755 Caron Street, Lakewood, California; all as shown in the attached minutes and report of the Planning and Environment Commission, attached hereto and made a part hereof as though set forth in full, the Planning and Environment Commission does hereby find and determine as provided in this Resolution.

SECTION 2. The Planning and Environment Commission does hereby find that the request is Categorically Exempt from CEQA requirements, pursuant to Sections 15301. (l), 15311. (a), and 15332 of the California Environmental Quality Act Guidelines, as amended.

SECTION 3. The Planning and Environment Commission of the City of Lakewood does hereby report that a public hearing was held before the Planning and Environment Commission in respect to the application on the 2nd day of June 2022, and the Planning and Environment Commission does hereby find and determine that the application, subject to the conditions hereinafter specified, should be granted for the following reasons:

B. The request is for an extension of time for Conditional Use Permit No. 990 for the construction and operation of a service station (gasoline sales), for a convenience store offering beer and wine for off-site consumption, and for a lot merger of two properties on a property located at 11747-11755 Carson Street, Lakewood.

C. The applicant has been unable to exercise their approval due to ongoing economic conditions and the COVID-19 pandemic.

D. The applicant does not propose any changes to the project as approved by Resolution No. 8-2020, either in terms of physical or operational changes.

E. The proposed request is not in conflict with the goals of the General Plan, nor is the proposed request in conflict with the Commercial land use designation of the General Plan.

F. Notification of a public hearing has been made, pursuant to Section 9422, et seq., of the Lakewood Municipal Code and State law.

G. The proposed use will not result in an increase in alcoholic beverage licenses issued by the State of California Department of Alcoholic Beverage Control and will not result in an undue concentration of off-sale alcoholic beverage licenses.

H. The sale of beer and wine at this location if found to be an ancillary use to the primary function of this business which is fuel sales.

SECTION 4. The Planning and Environment Commission of the City of Lakewood, based upon the aforementioned findings and determinations, hereby grants the use as requested in Conditional Use Permit No. 990, Amendment No. 1 provided the use is operated in compliance with the following conditions at all times:

A. The conditions, unless otherwise specified herein, shall be complied with within three (3) years from the date of the granting of this application, and not thereafter violated or deviated from except where authorized by amendment to this Resolution adopted in accordance with the provisions of this Resolution and the Municipal Code. The granting of the Conditional Use Permit and this Resolution, and any modification or change thereof, shall not be effective for any purpose until a certified copy of this Resolution (Exhibits excluded) has been recorded in the Office of the Los Angeles County Recorder. The granting of the Amendment, subject to the conditions herein set forth, are binding on their heirs, assigns, and successors in interest of the applicant and their heirs, assigns, and successors in interest.

B. All other conditions of approval as contained in Resolution No. 8-2020 shall remain in full force and effect except where modified by this Resolution.

C. The applicant shall sign a written statement stating that he has read, understands, and agrees to the conditions of the granting of this Conditional Use Permit within twenty (20) days of the adoption of the Resolution approving the same, or this approval shall become null and void.
D. The action by the Planning and Environment Commission in this matter shall be final, conclusive, and effective twenty (20) calendar days after the giving of notice, as provided in Section 9403.2 of the Lakewood Municipal Code, unless within the twenty (20) calendar day period an appeal in writing is filed with the City Clerk by the applicant or by any person who protested the application as a matter of record, and who, in addition, received or was entitled to receive the written notice specified in Section 9422 of the Lakewood Municipal Code. The filing of such an appeal within such time limit or the request for review of such a decision within such time limit shall stay the effective date of the order granted until the City Council has acted on the appeal or review as hereafter set forth (Lakewood Municipal Code Section 9407).

E. This Conditional Use Permit may be modified or revoked by the City Council or the Planning and Environment Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

F. The applicant agrees to indemnify, hold harmless and defend the City, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this permit, or arising out of the operation of the business, save and except that caused by City's active negligence.

G. By signing or orally accepting the terms and provisions of this permit, entered into the minutes of these proceedings, the Permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions with a full awareness that the violation of any of the permits could subject Permittee to further hearings before the Planning and Environment Commission on the issue of revocation or modification.

SECTION 5. A certified copy of the excerpts of the minutes applicable to this case and this Resolution shall be delivered to the applicant.

ADOPTED AND APPROVED this 2nd day of June, 2022, by the Planning and Environment Commission of the City of Lakewood voting as follows:

AYES: COMMISSIONERS: Manis, Samaniego, McKinnon
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS: Baca, Ung
ABSTAIN: COMMISSIONERS:

[Signature]
Janet McKinnon, Chairperson

ATTEST: [Signature]
Abel Avalos, Secretary
Beyond Food Mart
Attn: Nick Fahed
2501 E. Chapman Avenue #130
Fullerton, CA 92831
Phone: 951.756.2909
Email: NickFahed@gmail.com

Ryan Fryer of Dasher & Tabata
Phone: 949.310.2752
Email: RFryer@DasherTabata.com

Steve Appel of Kinetic Design
Phone: 949.209.5765
Email: SAppel@KineticDesign.Build

DRB CASE NO. 8952 Amendment No. 1 (CUP#990 A-2) / BEYOND FOOD MART
Site: 11747-11755 Carson Street, Lakewood, CA 90715
Project Description (“Project”): Fuel Sales and a Convenience Store.
Revision of previous 7/2/2020 CUP Approval A.P.N. 7065-024-022 and 024.

The proposed staff-initiated modification to the original CUP 990 approval, as amended, with conditions is designed to remove any authorization for the sale of alcoholic beverages and any conditions related thereto, has been reviewed by the Development Review Board (“DRB”). The DRB hereby RECOMMENDS APPROVAL to the Planning and Environment Commission (PEC), of Conditional Use Permit (CUP) Number 990 Amendment No.2 to establish and allow the operation of a fuel station and convenience store without any sales of alcoholic beverages and subject to revised and updated conditions of approval to reflect current standards and laws. This recommended action was taken by unanimous vote of a quorum of the Development Review Board (DRB) in consideration that all the required findings specified by the Lakewood Municipal Code (LMC) Section 9484.1 are being made in a positive manner supporting the development of the related project. This action is not appealable as it is an advisory recommendation only. The Development Review Board is recommending to the PEC the following conditions. If adopted by the PEC, these shall be completed by the applicant to the satisfaction of the Community Development Department:

The DRB recommends that this Project be found exempt from the California Environmental Quality Act (CEQA), in accordance with Public Resources Code Section 21084 and the CEQA Guidelines Article 19 Section 15301, Existing Facilities, Class 1, as it includes removal and replacement of an existing commercial building, and the project is in area where all public services are available, and the area is not environmentally sensitive. A Notice of Exemption (NOE) may be prepared and recorded based on this finding, if requested by the applicant.
**LAND USE/PROJECT APPROVAL**

1. **Project Description and Land Use Approval.** The following DRB project and land use (“Project”) as described below is recommended to be approved by the Planning and Environment Commission (PEC) as Conditional Use Permit No. 990 Amendment No. 2, subject to the following conditions of approval. The Project includes:
   
a) Demolition of an existing 4,490 SF commercial building used for automotive repair.

b) Construction of a **16-pump fuel station** covered with a 3,972 SF (110’-4” x 36’) canopy and with underground storage tanks (UST.)

c) Construction of a **4,088 SF** convenience store as an accessory use to the fuel station with 18 parking spaces and one loading zone.

d) Construct a new **131 SF** trash enclosure to current city standards, as determined and approved by Lakewood Public Works Department with sufficient space to accommodate three waste streams (*solids, recycling, and green/food waste.*)

e) **Lot Merger.** The project extends over two lots (31,320 SF and 8,350 SF = 39,670 SF). A Lot Merger of these two lots is required prior to occupancy of the project.

f) **Perimeter Sidewalk.** There shall be a minimum five-foot wide pedestrian sidewalk that surrounds all sides of the perimeter of the building.

g) **Required Fencing.** Install and maintain fencing or suitable barrier to secure the side and rear yards from loitering and trespassing. The area behind the store front and west of the building shall be fenced. The area behind the delivery door on the east side of the building shall be fenced. Those portions of this required sidewalk behind required fencing shall have a locked and secured pedestrian gate. All required fences shall be painted tubular steel that is a minimum seven and one-half feet tall and may be allowed up to ten feet tall.

h) **Trash Enclosure and Loading Zone Relocated.** The loading zone/trash enclosure area shall have a paved sidewalk leading to the side delivery door to facilitate delivery of goods and removal of trash. The landscaping plan shall be modified to have shrubs that obscure delivery operations and trash removal activities from customer view by being planted in front of the above required sidewalk.

i) **Hours of Operation** are allowed to be 24 hours daily. Deliveries to the subject site between the hours of 10:01 p.m. and 6:00 a.m., daily are prohibited.

2. **Permits.** After approval of CUP No. 990, A-2 by the PEC, the applicant shall submit plans, obtain permits, and construct the requested Project as described above and in accordance with the approved plans, which are on file with the Community Development Department, and obtain successful final inspections. The site improvements shall be constructed and operated in accordance with the following reviews:

a) **Los Angeles County Building and Safety.** Comply with all California building, and construction codes as currently and most recently adopted by the City of Lakewood and the County of Los Angeles, including but not limited to building, structural, mechanical, electrical, plumbing, Title 24, and the Green codes. *(NOTE: The property owner should get a copy of the signed final inspection card prior to final payment to the contractor.)*

b) **Los Angeles County Fire and Public Health.** Comply with any required County Fire and County Public Health plan reviews and inspections. **PLEASE NOTE:** These reviews are independent from the Los Angeles County Building and Safety review and need to be submitted separately and completed prior to issuance of permits. Any food storage and/or preparation uses shall obtain approval from LA County Public Health.
c) Community Development – Landscaping. Prior to final inspection or occupancy, the landscape planting and the landscape irrigation system shall be completed in accordance with the approved plans. The completed installation shall be approved by the Community Development Department in coordination with the DRB Landscape Expert, including completion of the Water Conservation in Landscaping review.

d) Lakewood Public Works. All encroachment permits, the construction debris hauling and the three-stream waste collection programs, industrial waste permits, and any required stormwater system shall be reviewed and approved by the city Public Works Department.

3. Compliance. All existing structures shall be properly permitted and sited in compliance with the Lakewood Municipal Code or removed. Any non-complying structures shall either be removed or properly permitted, prior to final inspection of the requested improvements. Any outstanding Code Enforcement actions and any Notices of Violation shall be resolved and closed prior to occupancy of the proposed project. This site is currently the subject of an ongoing code enforcement case CE-3423 regarding excessive debris.

4. Materials. The applicant shall coordinate and/or match throughout all architectural elements, including the size, style and shape of roof overhangs, rafters, and fascia. All windows and doors shall match in terms of trim and style on each elevation. All roofing materials shall match, and all exterior materials, textures and colors shall blend. The applicant shall install any materials specifications that are included in the plans of this approval.

5. Paint. The applicant shall paint any new additions and repaint existing structures to blend. Any exterior portion of any structures that has cracked, faded, stained, or peeled paint shall be repainted now and in the future. The applicant shall maintain the exterior in a clean aesthetically pleasing manner at all times.

6. Signage and Façade Preparation. All signage is required to be reviewed and approved by the Community Development Department staff and shall be submitted as a separate application. Prior to wall sign installation, the wall façade behind a proposed wall sign shall be properly patched and fully repainted to be one continuous color across the full surface of the wall. There shall be no visible shadowing or silhouette of any previous sign. The sign installer is required to obtain a final inspection of the installed sign. (NOTE: The applicant should withhold final payment to the sign contractor, pending receipt of a signed final inspection.)

7. Address Numbering. The address number of the building(s) shall be clearly visible from the street for emergency staff with at least 4” high numbers. A painted number on the roof with minimum 3-foot-tall numbers for aerial viewing by the Sheriff’s helicopter is recommended.

8. Storage Containers (Community Development). There shall be no shipping containers placed on the site as a source of temporary storage for goods without a temporary use permit issued by the Community Development Department. Any containers allowed by such a permit shall be removed in accordance with the time limits imposed by the temporary use permit. Any use of such containers used for the storage of Project construction materials and tools shall be removed prior to final inspection of the Project. Any proposed permanent use of such containers shall be shown on the Project site plan and approved by the DRB or Community Development staff. Permanent storage containers shall be permanently affixed to the ground in accordance with the California Building Code.

9. Exterior Light Fixtures. Exterior lights shall comply with LMC Section 9492.1, which requires exterior lighting be angled and shielded in a manner so as not to reflect direct or indirect light upon abutting or adjacent properties, with a maximum light spill of 0.5-foot candles at grade level.
10. **Delivery Limitation.** Signs shall be installed on both the internal and external side of the side door and gates that state “NO ACCESS OR DELIVERIES BETWEEN 10PM AND 6AM.”

11. **On-site circulation markings and signage plan.** This shall include the following:
   - “LOADING ZONE – NO PARKING” by the trash enclosure.
   - Indicate all other proposed on-site directional signage and markings.

**PARKING AND CIRCULATION**

12. **Vehicle and Bicycle Parking.** The proposed convenience store is proposing 18 parking spaces and one Loading Zone. City specifications shall be implemented for doubled striped parking spaces and for any striping, signage, and traffic circulation direction markings and signage, including stop signs, stop limit striping, pedestrian crossings, and left and right turn arrows. Any ADA markings that are adjacent to or cross asphalt driveways shall be outlined with a 3” white line on the outside of the blue border stripe to increase visibility.

**Required/Provided Parking Spaces:**

<table>
<thead>
<tr>
<th>Parking Spaces</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking demand by land use per LMC Section 9490:</td>
<td></td>
</tr>
<tr>
<td><strong>Total Required</strong> for convenience store (1/250 SF) x 4,088 SF</td>
<td><strong>17</strong></td>
</tr>
<tr>
<td><strong>Total Required</strong> for service station (1 per bay) No bays.</td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>Total Provided</strong></td>
<td><strong>18</strong></td>
</tr>
<tr>
<td><strong>Surplus (Provided – Required)</strong></td>
<td><strong>1</strong></td>
</tr>
<tr>
<td><strong>Allocated trash enclosure credit (1 sp. per T.E.)</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>

**Provided Parking Spaces Allocated by Type (3 rows east of Woodruff):**

<table>
<thead>
<tr>
<th>Parking Spaces</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Spaces (9’w x 20’d)</td>
<td><strong>15</strong></td>
</tr>
<tr>
<td>Compact Spaces (8’w x 16’d) Allowed 40% of 18 = 7; Compacts Used</td>
<td><strong>0</strong></td>
</tr>
<tr>
<td>Regulated Parking provided (ADA/EVSE/CVE)</td>
<td><strong>3</strong></td>
</tr>
<tr>
<td><strong>Total Vehicle Parking Provided</strong></td>
<td><strong>18</strong></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>ADA – Accessible Spaces (based on 25 required)</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Van Accessible (9’+8’w x 20’d) (1/100 Sp.)</td>
<td><strong>1</strong></td>
<td><strong>1</strong></td>
</tr>
<tr>
<td>Standard Accessible (9’+5’w x 20’d) (1/25 Sp.)</td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>Total Accessible Regulated:</strong></td>
<td><strong>1</strong></td>
<td><strong>1</strong></td>
</tr>
</tbody>
</table>

**Green Code Clean Air Vehicles Parking Spaces (Based on 25 spaces):**

<table>
<thead>
<tr>
<th>Parking Spaces</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total “Clean Air/Van Pool/EV” marking only (CVE = 12% spaces)</td>
<td><strong>3</strong></td>
</tr>
<tr>
<td>Total EV capable (30% of 18 to be provided with raceway)</td>
<td><strong>6</strong></td>
</tr>
<tr>
<td>Total EVSE – “EV CHARGING” space (33% of EV capable) *2</td>
<td><strong>2</strong></td>
</tr>
<tr>
<td><strong>EVSE Regular space (9’w x 20’d)</strong></td>
<td><strong>1</strong></td>
</tr>
<tr>
<td><strong>EVSE Ambulatory space (10’w x 18’d)–only when &gt;25 sp.</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>EVSE Accessible (Van)</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>EVSE Accessible (Standard)</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>Total Green Code Regulated:</strong></td>
<td><strong>7</strong></td>
</tr>
<tr>
<td>*<em>Total Regulated (<em>Remove double counts)</em></em></td>
<td><strong>9</strong></td>
</tr>
</tbody>
</table>
Loading Zones (LZ) (City Standard is 10’w x 25’d – one per building)
- Dock Loading (13.5 w x 60’d) 0 0
- Truck Loading Spaces Provided (10’w x 20’d)(1 per bldg.) 1 1
- Total Loading Spaces 1 1

Bicycle Storage (5% of Required Parking for each Long & Short Term)
- Short-Term External Bike Racks (5% of 18 Provided) 1 2
- Long-Term Internal Bike Storage lockers/rooms (staff) 1 1
- Total Bike Storage Provided: 3

13. ADA Driveway Visibility. Any ADA paths-of-travel that either crosses or is immediately adjacent to any street or driveway, shall be outlined with a 3” or wider white stripe on each side of the blue striped pathway to increase the visibility of the crosswalk or pathway.

14. EV Capable Parking Spaces. There shall be 6 EV Capable parking spaces in close proximity to the convenience store. These shall have a dedicated 208-240 Volt circuit available in accordance with CBC 11 B with a raceway to at least 6 spaces. Two of these six spaces shall be wired and operational with EVSE (Electric Vehicle Supply Equipment) in an EVCS (Electric Vehicle Charging Station). The other four EV Capable raceways shall be installed elsewhere in the parking lot.

15. Parking Lot Striping. After construction is completed and prior to occupancy, the parking lot shall be paved, marked, and striped with double line parking space lining per city standards.

16. Traffic Improvements. All the mitigation measures listed in the project Traffic Impact Analysis shall be implemented, including both driveway aprons and adjustments made to the cycle length at the intersection of Pioneer Boulevard and Carson Street.

GRADING AND STORMWATER /LID (Public Works)

17. Grading Operations/BMP. Grading shall be completed in accordance with the approved grading plans and Best Management Practices (BMP) in terms of prevention of air-borne (dust) or water-borne erosion. This shall include the following:
- The grading operator shall suspend grading activities when winds exceed 25 MPH.
- Soil retention devices (swaddles/silt fences) shall be installed around the perimeter.

18. Stormwater Protection. Any construction or operational activities that could potentially result in any water leaving the site as drainage shall be coordinated with the Lakewood Public Works Department to ensure proper procedures have been implemented. The Project shall comply with all the requirements of the LID program and shall install all components of the system to the satisfaction of the Lakewood Public Works Department, in conjunction with John L. Hunter and Associates. This includes signing the MCA (Master Covenant and Agreement) including O&M, LID site plan, Project Owner Certification, GCP, SWPPP, SMARTS and the WDID provisions.

WASTE COLLECTION AND DISPOSAL (Public Works)

19. Construction Debris. Any construction activities that involve hauling away demolition and construction debris shall be approved by the Lakewood Public Works Department through the Green Halo debris disposal monitoring system. The city has an authorized hauler, which is currently EDCO. Any debris self-hauling requires preapproval by the City and shall be
The construction debris collection program, solid waste/recycling/organic waste collection program, and trash enclosure standards for this site shall comply with current City and State requirements. Prior to final inspection and/or occupancy of the proposed land use, the property owner or their representative shall prepare and obtain approval of a written comprehensive Waste Collection Program (“WCP”) for the proposed land use that is acceptable to the satisfaction of both the City Public Works Department and EDCO, the City’s franchised solid waste hauler. The WCP shall include:

a) Types, size, and location of bins, as well as the frequency of pickup to satisfy volume.

b) There shall be sufficient capacity and storage areas for all required forms of collection. This includes all three normal waste streams of 1) solid waste, 2) required recycling (split bin is possible), and 3) required organic waste (food and green landscape waste.)

c) The use of a trash compactor, cardboard bailer, or other alternative on site storage of recycling waste shall be identified and approved in the written WCP.

d) Any self-haul operation shall be listed in the WCP and approved separately by Public Works. These services shall be provided at no expense to the property and shall meet the city reporting requirements as specified in the Lakewood Municipal Code Sections 5356 and 5357. The information shall include the hauler name, the city approved disposal facility to which it is being hauled, and the frequency and estimated volume of such hauled waste material. The self-hauler shall be required to provide waste haul receipts to the City from the disposal facility and failure to do so shall result in penalties.

e) Any trash enclosure is required to be continuously maintained by the property owner/operator/tenant in a good manner with all trash stored inside the authorized collection devices. No spillover or other external storage of debris or waste is allowed. Employees shall be instructed to not overfill bins and keep the trash enclosure doors closed and locked at all times to prevent unauthorized dumping or scavenging.

f) Access to the trash enclosure shall be maintained at all times and not be blocked by vehicles or other obstructions. The driveway leading to the trash enclosure shall be constructed to support a minimum of 55,000 pounds for the trash hauling trucks.

g) All trash bins shall either be located inside the building OR in an exterior fully secured, roofed, and lockable trash enclosure, whose design is approved by both the Lakewood Public Works Department and the Community Development Department. There shall be no unscreened and/or unsecured exterior storage of waste materials.

h) The trash enclosures on this site shall be retrofitted to comply with current city guidelines for a fully secured trash enclosure that has provisions for all three waste streams (solids, recycling, and organic food/green waste) that includes the following:

1) Rainproof roof tall enough to accommodate fully opening the top of the bins,

2) Welded wire mesh between the roof and wall with no gap greater than two inches,

3) The walls shall be constructed of solid materials (e.g., CMU block) or other approved materials, with a lockable entry door,

4) Wheel stops or bollards shall be installed inside perimeter to prevent wall damage.

5) Illumination of the trash enclosure area is recommended to reduce vandalism.
21. **Litter.** The parking lot areas shall be maintained daily and kept litter free. There shall be a minimum of one trash barrel and recycling bin (Min. 20 gallon each) in the parking lot area. The trash barrels shall be lined with heavy-duty plastic trash bags that are monitored daily and emptied when full. Where possible, recyclables shall be separated and diverted into separate containers.

**LANDSCAPING**

22. **Landscaping and Irrigation Plans.** The overall landscaping and irrigation plans have been reviewed by the DRB Landscape Expert and were determined to be acceptable. The following requirements shall be installed to the satisfaction of the Community Development staff, prior to final inspection and occupancy by the tenant:

   a) **Water Conservation.** The plans shall use plants and irrigation system components that are water conserving and that comply with the city’s “Water Conservation in Landscape” ordinance. Hydrozones shall be created for plants with similar watering demands.

   b) **Plant Selection.** The DRB recommends and encourages the property owner to choose any new plant materials that are water conserving, require lower maintenance and are not aggressive with the capability of damaging hardscape or adjacent structures with root growth or tree limb breakage. Protection or restoration of native species and natural vegetation is encouraged, and the use of invasive/noxious plants is discouraged.

   c) **Planters.** The planters adjacent to turf shall have a concrete mow strip a minimum of 6 inches wide and 6 inches deep or be raised.

   d) **Parking Lot Landscaping.** The parking lot shall be landscaped in accordance with Section 9492.P of the Lakewood Municipal Code.

   e) **Utility box screening.** Any utilities including transformers, gas meters, and backflow devices shall, when possible, be painted forest green and screened with landscaping. These shall be in such a manner that they are not readily visible to the public.

   f) **New Landscaping**
      - **Ground cover.** New ground cover shall be planted on a maximum of 12” on center and shall achieve 90% coverage within two years.
      - **Shrubs/Hedge.** New shrubs shall be a minimum of five gallons in size, planted in groups of three with no more than five-foot centers. In the fenced rear and side yard areas of the convenience store it is suggested to plant bougainvillea vines along the tubular steel fence as an additional safety measure to discourage unauthorized entry into these areas.
      - **Trees.** New trees shall be a minimum of 15 gallons in size with multiple branches and a main trunk diameter that is 1” or greater measured at three feet above soil level. The proposed Water Gum, *Tristanlopis laurina* trees shown on the landscape plan shall be increased in size from 15 gallon to 24” Box.
      - **Mulch.** Mulch shall be applied at the rate of four cubic yards per 1,000 SF of landscaped area with a minimum of three-inch-deep layer of mulch on exposed soil. The location of the ¾” clean grey gravel shall be indicated more clearly on the plans.

**SITE SECURITY**

23. **Store Operations.** The store shall be well-lit, clean, and organized to create a safe environment for customers. Sufficient lighting of the exterior of the premises shall be provided, including adjacent public sidewalks and parking lots. There shall be no storage of goods that obstructs either ingress or egress to any doorway.
24. **Site Lighting.** A site lighting plan shall be submitted and approved by Community Development staff. The parking lot, trash enclosures and loading dock areas shall be maintained with sufficient lighting to illuminate the appearance and conduct of all persons in the parking areas and adjacent public sidewalks. There shall be sufficient lighting around the exterior perimeter of the premises to illuminate the areas sufficiently for security camera resolution and to allow both facial and license plate recognition. However, the lighting shall not exceed .5 foot-candles at the property line.

25. **Public Safety and Security Plan.** The property owner shall prepare, submit, and obtain approval of a Public Safety and Security Plan (PSSP) to the Lakewood Public Safety Department (PSD), prior to final inspection and/or occupancy of the Project. The PSSP shall be reviewed in coordination with the Los Angeles County Sheriff’s Department. Building management shall establish an on-going liaison relationship with members of the Sheriff’s Department and the Lakewood PSD staff, so that communication can be timely and effective when problems occur. This relationship shall include providing to the Sheriff Department and Lakewood PSD the applicant’s written store security protocols. The PSSP shall include:
   a) **Letter of Agency.** The applicant shall sign a Letter of Agency with the County Sheriff’s Department to authorize on-site enforcement for loitering, trespassing, vandalism, etc.
   b) **Security System.** A state-of-the-art security system shall be designed and installed that will combine motion detectors, contacts at doors, audio alarm, and a closed-circuit television system to secure the premises. This system shall include a) 24-hour, closed circuit video cameras with audio capabilities, b) Color monitors and c) Alarm /Panic systems shall be equipped with both fixed and remote devices.
   c) **Security Camera System.** A floor plan shall be prepared to illustrate the surveillance camera locations and area of coverage. The security camera system shall have a minimum of 480 x 720 picture quality, capable of capturing video under 2 lux lighting conditions and it shall include motion detector cameras that have pan and zoom capability with sufficient resolution for facial and license plate recognition. The video surveillance system shall be designed to assist the Los Angeles County Sheriff’s Department personnel in criminal investigations. The storage medium shall be secured in such a manner as to not facilitate the easy removal by unauthorized personnel or by store employees under duress. Data from security cameras shall be stored for a minimum of 30 days and employees shall be trained to provide data to the Sheriff when requested. If possible, the security system shall be monitored by an offsite monitoring service and have the backup data stored for 30 days in an offsite location.
   d) **POS View.** Store windows and doors shall continuously maintain a clear view from the street or adjacent driveways to the point-of-sale (POS) cash register(s).
   e) **Service Doors.** Any service doors shall be equipped on the inside with an automatic locking and alarm device. These doors shall always be closed, except for deliveries.
   f) **Parking Lot Signage.** “NO LOITERING” signs shall be placed and remain clearly posted around the business, and any loitering should be strictly monitored and aggressively discouraged by management, including homeless encampments. In addition, the applicant
shall be required to post permanent signage in a well-lit area stating “NO OVERNIGHT PARKING” along with citations of appropriate codes to facilitate towing and vehicle removal. The wording shall be approved by the County Sheriff, prior to installation.

MAINTENANCE

26. Maintenance – Graffiti and Stickers. The property owner is responsible to remove all graffiti and stickers in a timely manner and no later than ten (10) calendar days from the discovery and notice thereof from any source. Any paint-over repair of graffiti shall cover the entire area top to bottom and blend with any adjacent surface. It shall not leave the appearance of a patchwork cover up.

27. General Maintenance. Commercial property owners are required to always maintain their Commercial buildings and surrounding landscaping properly in an aesthetically pleasing manner and in compliance with the Lakewood Municipal Code (LMC 4323 and 4221.1.) This means proper and continuous maintenance of all landscaping and structures including all roofs, painting, walls/fences, ADA paths-of-travel, parking lot surface and striping.
   a) ADA markings that are adjacent to or go across driveways shall be outlined with a three inch (3”) white line on the outside of the blue ADA border stripe to increase visibility.
   b) Any cracked, faded, stained, or peeling painted surface shall be repaired and repainted.
   c) All exterior surfaces shall be regularly repainted to provide a new appearance.
   d) There shall be no dead, diseased, missing, or overgrown vegetation. Vegetation shall be properly trimmed in proportion to adjoining structures and shall not encroach onto or into public sidewalks or roadways. Drought tolerant plants do require trimming.

28. Business Licenses. All contractors, including subcontractors, sign installers, and tenants shall have properly issued city business licenses, as confirmed prior to each final inspection.

Advisory Notes. The DRB advises that:

- **Stormwater Protection.** The DRB advises that any construction or operational activities that could potentially result in any water leaving the site as drainage shall be coordinated with the City Department of Public Works to assure proper procedures have been implemented (e.g., installation of waddles and track-out devices).
- **Construction Debris.** The DRB advises that any construction activities that involve hauling away demolition or construction debris needs to be coordinated with and approved by the City Department of Public Works. The City has an authorized hauler, which is currently EDCO.
- **Temporary Banners.** (e.g., Now Open, Grand Opening, Sale etc.) require a separate permit with a deposit and shall be removed before the allowed permit time expires.
- **Unauthorized Signs.** Roadside flag signs, A-frame/moveable signs, yard signs, pennants, balloons, inflatables, vehicles, or trailers being used as portable signs, human sign twirlers and mechanical mannequins are **NOT ALLOWED.**

Should you have any further questions concerning this matter, please contact the Assistant Director of Community Development, J. Patrick McGuckian, at (562) 866-9771, extension 2302.

Sincerely,
J. Patrick McGuckian, AICP
Assistant Director of Community Development
Copies to: Building and Safety, Public Works, and Public Safety
When you receive an Action Letter and a set of plans titled “Planning Approval” then complete the following to submit your construction drawings to the Los Angeles County Building and Safety Online Plan Check system (“BSOP”) for plan check review and issuance of building permits.

**DO NOT SUBMIT TO BSOP until you have stamped plans titled “Planning Approval”**

**APPLICANT WILL (Designer or Property Owner):**

1. **Assemble** the following PDF files that are each less than 15MB. Do not submit individual plan sheets. Combine all plan sheets into a single plan file and submit together to include:
   
   - **PLANNING PLANS** – Plans titled “Planning Approval” with approval stamps that start with an 8.5”x11” inspector’s copy of site plan with official zoning compliance description and followed by a full-scale site plan, floor plan, roof plan, and elevations of each side of the project structure.
   - **BUILDING PLANS** – All other plans required for building plan check (e.g. framing.)
   - **BUILDING CALCULATIONS** – Title 24 documents and engineering calculations.

2. **Establish** an account with the LA County Building and Safety Online Plan Check System (BSOP).

   [https://dpw.lacounty.gov/BSD/BSOP/](https://dpw.lacounty.gov/BSD/BSOP/) *(City contracts with LA County for plan check & inspections.)*

3. **Upload** the Planning Plans, Building Plans and Building Calculations into your personal account on the BSOP system, only after planning approval. *(Do not use the EPIC system.)*

   - The Plan Check Engineer (Plan Checker) will review the plans to assure that all documents are included. The Plan Checker will either accept it for processing or reject it with a list of missing items. The applicant will be notified within their BSOP account.
   - The Building Clerk will then generate a plan check file and send a request for plan check fee payment with a copy of that to the Administrative Services Department (ASD).

4. **Pay** the plan check fees to the ASD. This may be done by mailing a check payable to “City of Lakewood” to ASD or by credit/debit card by calling ASD at (562) 866-9771, extension 2622. The payment must be accompanied with the Building Clerk email regarding fees.

   - Upon payment of the fees, the plans are in a workload queue based on the date received.
   - The Plan Checker will identify any needed corrections in approximately 2-3 weeks and return their comments and corrections to the applicant through the BSOP system.

5. **Make** the requested plan corrections and resubmit the corrected plans through the BSOP. Once a corrected set of plans is approved by the Plan Checker, planning staff will transfer the approval stamps and confirm plan consistency. The applicant will be notified.

6. **Submit** an application for building permits to myplans@lakewoodcity.org. The Building Clerk processes the permit application, calculates the building permit fees, and sends the applicant an email with the amount of permit fees due.

7. **Pay** the required permit fees combined with the required business license fees for all contractors working on this project to ASD *(see step 5).* Also pay the “Construction of Dwelling Unit Tax” and record any required “Notice of Condition.” The building permits can now be issued to a licensed contractor or to a homeowner *(only on their primary residence).* Owners of commercial, rental or second homes are required to use a licensed contractor who must have a city business license.

8. **Keep** on the project site:

   - The official job card that was mailed to you for inspection signatures, and
   - One full set of the approved printed out construction plans and approved site plan.
   - Call for inspections at least one day before and only when the job is ready for inspection.
   - Confirm that final inspection is signed on the job card and property owner has a copy.
RESOLUTION NO. -2023

A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD MODIFYING CONDITIONAL USE PERMIT NO. 990 (AMENDMENT NO. 2), FOR THE CONSTRUCTION AND OPERATION OF A SERVICE STATION (GASOLINE SALES), FOR A CONVENIENCE STORE (PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SALE CONSUMPTION), AND FOR A LOT MERGER, LOCATED AT 11747-11755 CARSON STREET, LAKEWOOD, CALIFORNIA AND THE CATEGORICAL EXEMPTION.

THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Planning and Environment Commission of the City of Lakewood, having considered revocation or modification of Conditional Use Permit No. 990 for Beyond Food Mart in the following described real property, 11747-11755 Carson Street, Lakewood, California, 90715, pursuant to the provisions of Section 9405 of the Lakewood Municipal Code for modifying or revoking the Conditional Use Permit, on that certain real property within the City of Lakewood described as Lot 2 of Parcel Map No. 21502 as per map recorded in Book 258, Pages 33-34 of Parcel Maps in the Office of the County Recorder of Los Angeles County, and more particularly described as 11747 Carson Street, Lakewood, California, and a portion of Lot 50 of Records of Survey 015-043 in the Office of the County Recorder of Los Angeles County, and more particularly described as 11755 Carson Street, Lakewood, California; all as shown in the attached minutes and report of the Planning and Environment Commission, attached hereto and made a part hereof as though set forth in full, the Planning and Environment Commission does hereby find and determine as provided in this Resolution.

SECTION 2. The Planning and Environment Commission of the City of Lakewood does hereby find that the project is categorically exempt from CEQA requirements, pursuant to Section 15321.(a) of the California Environmental Quality Act Guidelines. This section establishes that the following is exempt from the CEQA process: "Actions by regulatory agencies to enforce or revoke a lease permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of law, general rule, standard or objective, administered or adopted by the regulatory agency."

SECTION 3. The Planning and Environment Commission of the City of Lakewood does hereby report that a public hearing was held before the Planning and Environment Commission in respect to said revocation or modification on the 7th day of September, 2023, and the Planning and Environment Commission does hereby find and determine that said Conditional Use Permit should be modified for the following reasons:

A. Approval of this CUP and the ability to sell alcoholic beverages for off-site consumption depended on the existing 7-Eleven located at 11767 Carson Street closing and moving to the subject site. This would have resulted in the existing license being transferred to
the new location to prevent a net increase in the number of ABC licenses which would be prohibited by Section 9340.C.4 of the Municipal Code.

B. To preclude this conditional use permit from being exercised contrary to the conditions of approval or in violation of LMC Section 9340.C.4, this case is being brought back to the Commission for modification of conditions.

C. The sale of alcoholic beverages for off-site consumption is prohibited from this location.

D. The project shall comply with the proposed conditions listed in the Development Review Board letter for DRB Case No. 8952 dated August 23, 2023, which recommends approval of modification to Conditional Use Permit No. 990 Amendment No. 2.

E. Exterior signage for this project shall be submitted to the Community Development Department for review and approval prior to installation.

F. All other conditions from Planning and Environment Commission Resolution No. 8-2020 for CUP No. 990 and Resolution No. 5-2022 for CUP No. 990, Amendment No. 1 shall remain in effect, except where modified by this Resolution.

G. The property owner shall sign a written statement stating that they have read, understand, and agree to comply with all conditions of approval required for the approval of the related Conditional Use Permit within ten (10) calendar days after the official notice of action has been either emailed, delivered in person, or deposited into the United States Postal Service by the City. Failure to provide this written statement in a timely manner, as required shall make this approval become null and void, unless additional time is requested and granted by the Community Development Director.

H. The action by the Planning and Environment Commission in this matter shall be final, conclusive, and effective ten (10) calendar days after delivery of the official notice of the action as specified by Section 9403.2 of the Lakewood Municipal Code, unless within ten (10) calendar days an appeal in writing is filed with the City Clerk by the applicant or by any person who protested the application as a matter of record, and who, in addition, received or was entitled to receive the written notice specified in Section 9422 of the Lakewood Municipal Code. The filing of such an appeal within such time limit or the request for review of such a decision within such time limit shall stay the effective date of the order granted until the City Council has acted on the appeal or review as hereafter set forth (Lakewood Municipal Code Section 9407).

I. This Conditional Use Permit may be modified or revoked by the City Council or the Planning and Environment Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
J. The applicant agrees to indemnify, hold harmless and defend the City, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this permit, or arising out of the operation of the business, save and except that caused by City’s active negligence.

K. By signing and/or orally accepting the terms and provisions of this permit, entered into the minutes of these proceedings, the Permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions with a full awareness that the violation of any of those permit conditions could subject Permittee to further hearings before the Planning and Environment Commission on the issue of revocation or modification.

SECTION 4. A certified copy of the excerpts of the minutes applicable to this case and this Resolution shall be delivered to the applicant.

ADOPTED AND APPROVED this 7th day of September, 2023, by the Planning and Environment Commission of the City of Lakewood voting as follows:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

_________________________________
Bill Baca, Chairperson

ATTEST:

_________________________________
Abel Avalos, Secretary
APPLICATION FOR: Conditional Use Permit No. 1014

LOCATION: 4720 Candlewood Street

APPLICANT: RSI Group, Inc. representing Hart House, LLC

PROPOSED USE: Fast-food Restaurant with Drive-thru

ZONING: C-4 (General Commercial), Lakewood Center Specific Plan

This public hearing will be continued to the October 5, 2023 meeting of the Planning and Environment Commission. Revised plans will be submitted to the Development Review Board prior to being presented to the Planning and Environment Commission. Staff recommends that the Planning and Environment Commission continue this public hearing item to its October 5, 2023.

Paul Kuykendall, AICP
Senior Planner

Abel Avalos
Director of Community Development