



Minutes

Lakewood City Council

Regular Meeting held
May 23, 2006

MEETING WAS CALLED TO ORDER at 7:33 p.m. by Vice Mayor DuBois in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Reverend William Van Loan, Lakewood Christ Presbyterian Church

PLEDGE OF ALLEGIANCE was led by Council Member Todd Rogers

ROLL CALL: PRESENT: Vice Mayor Diane DuBois
Council Member Steve Croft
Council Member Joseph Esquivel
Council Member Todd Rogers
ABSENT: Mayor Larry Van Nostran (excused)

ANNOUNCEMENTS AND PRESENTATIONS:

Vice Mayor DuBois announced that a reception had been held prior to the meeting to honor community volunteers such as the senior volunteers of the year and volunteer coaches.

She reminded residents about the campaign against use or possession of illegal fireworks during the July 4th holiday and the increased enforcement planned by the Sheriff's Department.

ROUTINE ITEMS:

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 9.

RI-1 Approval of Minutes of the Meeting held May 9, 2006

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Approval of Meeting Reports and Authorizations Pursuant to AB1234

RI-5 RESOLUTION NO. 2006-22; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, APPROVING THE APPLICATION OF GRANT FUNDS FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

ROUTINE ITEMS: Continued

RI-6 RESOLUTION NO. 2006-23; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE EAST SIDE OF FACULTY AVENUE WITHIN THE CITY OF LAKEWOOD

RI-7 Approval of Release of Subdivision Bonds, Parcel Map No. 26399, 5829 Lakewood Boulevard

RI-8 RESOLUTION NO. 2006-24; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING BAIL AMOUNTS FOR VIOLATIONS OF SECTION 3105 THROUGH 3106 OF THE LAKEWOOD MUNICIPAL CODE

RI-9 Approval of Fireworks Display at Lakewood Mall on July 1, 2006

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Rogers, Croft and DuBois

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

1.1/1.2 • APPEAL OF CONDITIONAL USE PERMIT CASE NO. 796, PERTAINING TO A FENCE LOCATED AT 11556-11560 E. 207TH STREET AND CONDITIONAL USE PERMIT CASE NO. 797, PERTAINING TO A FENCE LOCATED AT 11559 E. 207TH STREET

City Attorney Steve Skolnik advised that although the two Conditional Use Permit cases were listed separately on the agenda and would require separate action, the staff presentation and public hearings would be combined due to the proximity of the locations.

Community Development Director Chuck Ebner displayed slides and gave a brief presentation based on the memos contained in the agenda. He stated that the site address for CUP 796 was 11556-11560 207th Street, at the southeast corner of 207th and Roseton Avenue, while CUP 797 was located across the street at the northeast corner, 11559 207th Street. Both sites had fences constructed in the front and side yards which exceeded the maximum of 42 inches in height specified by the Lakewood Municipal Code. Each fence was a combination of concrete pillars and wrought iron panels. Following a public hearing, the Planning and Environment Commission had found both fences, constructed without permits, to pose a hazard to vehicular and pedestrian traffic and be in conflict with the General Plan. It was the recommendation of staff that the City Council deny the appeals for Conditional Use Permits No. 796 and 797.

1.1/1.2 • APPEAL OF CUP CASE NO. 796 AND CUP CASE NO. 797 - Continued

Responding to a question from Council Member Croft, Mr. Ebner confirmed that a building inspector had issued a stop work notice during the construction of the fence located at 11556-11560 207th Street. He also noted that if the appellant prevailed and the fence was allowed to remain, an encroachment permit would be necessary, as the fence was partially within the public right-of-way.

Vice Mayor DuBois opened the public hearing at 7:51 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Hector Lopez stated the visibility had not been a problem for them. He stated that at the time he decided to build the fence, six to nine months ago, he had asked the neighbor if any permits were required and been told they were not necessary.

In response to questions from the City Council, Mr. Lopez stated that he had not checked with the City prior to construction of the fence and had no unusual circumstances necessitating the current height.

Stacy Lica presented the City Council with photographs and site illustrations and stated that the fence had already been in place at the time they purchased the property in 2004. She noted that the height of the fence was needed to contain their dog, keep children from cutting across the yard and protect the house from vehicles running off the road. She also noted that there were similar fences located in the area and that none of the surrounding neighbors had complained about her fence.

Responding to questions from the City Council, Ms. Lica acknowledged that although a lower fence would be as effective in keeping students from cutting across the yard, it would not be as effective for keeping the dog or children in the yard. She confirmed that a property inspection had been performed prior to their purchase of the property and that neither the inspector nor the real estate agent had disclosed any problem with the fence.

Council Member Croft referenced the photographs submitted by Ms. Lica and stated that several of the her examples would not be noticeable if the subject were not highlighted or circled.

At 8:12 p.m., Vice Mayor DuBois declared the public hearing to be closed.

In response to a question from Council Member Rogers, Mr. Ebner stated that pre-purchase inspections were conducted by private contractors, not City inspectors, and that although there were other existing non-compliant fences in the City, staff was systematically working through the area to bring them into compliance.

The City Attorney requested a history of the 42 inch height limit contained in the Municipal Code. Mr. Ebner responded by stating the requirement had been part of the Building Code since 1958 and was based upon the height and sightline of someone sitting in a vehicle. He noted that this requirement was not unique to Lakewood.

1.1/1.2 • APPEAL OF CUP CASE NO. 796 AND CUP CASE NO. 797 - Continued

Council Member Rogers stated that while the fences were attractive and had been constructed with good intentions, the standards in the Municipal Code were important to maintain public safety and the character of the City.

RESOLUTION NO. 2006-25; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF CONDITIONAL USE PERMIT NO. 796 AT 11556-11560 207TH STREET, LAKEWOOD, CALIFORNIA

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER CROFT SECONDED TO ADOPT RESOLUTION NO. 2006-25 TO DENY THE APPEAL OF CONDITIONAL USE PERMIT NO. 796. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Rogers, Croft and DuBois

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

Council Member Croft expressed regret that the property owners had not received appropriate information from their inspector regarding the fence prior to their purchase.

RESOLUTION NO. 2006-26; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF CONDITIONAL USE PERMIT NO. 797 AT 11559 207TH STREET, LAKEWOOD, CALIFORNIA

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADOPT RESOLUTION NO. 2006-26 TO DENY THE APPEAL OF CONDITIONAL USE PERMIT NO. 797. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Rogers, Croft and DuBois

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

Vice Mayor DuBois suggested that the appellants meet with the Community Development Department staff to determine the next steps in the process.

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At 8:20 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:21 p.m., the City Council Meeting was reconvened.

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ORAL COMMUNICATIONS: None

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ADJOURNMENT

There being no further business to be brought before the City Council, Vice Mayor DuBois adjourned the meeting at 8:21 p.m. to Tuesday, June 6, 2006, at 5:00 p.m. in the Executive Board Room.

Respectfully submitted,

Denise R. Hayward, CMC

City Clerk