



Minutes

Lakewood City Council

Adjourned Regular Meeting held
April 28, 2020

MEETING WAS CALLED TO ORDER at 5:02 p.m. by Mayor Rogers in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

ROLL CALL: PRESENT: Mayor Todd Rogers
Vice Mayor Jeff Wood (via teleconference)
Council Member Steve Croft (via teleconference)
Council Member Diane DuBois (via teleconference)
Council Member Ariel Pe (via teleconference)

APPEAL OF DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 996 AND JOINT USE PARKING AGREEMENT NO. 2020-1, 6759 CARSON STREET

Abel Avalos, Director of Community Development, made a presentation based on the report in the agenda and stated that the appellant, Joseph A. Cardella, Esq., representing Andy's Express Wash, Inc. was appealing the Planning and Environment Commission's (PEC) decision to approve a Conditional Use Permit (CUP) for the sale of beer and wine for on-site consumption in conjunction with a bona fide eating establishment and a Joint Use Parking Agreement (JUPA), at Ferraro's Restaurants, an existing and operating restaurant located at 6759 Carson Street in the Lu Shopping Center. Ferraro's proposed to add a larger dining area by expanding into a portion of the adjacent tenant space, which had recently become available through the reduction of the adjacent gym. On April 2, 2020, the PEC conducted a public hearing and following the hearing, the PEC adopted Resolution No. 4-2020 approving CUP No. 996 and JUPA No. 2020-1.

Steve Skolnik, for the City Attorney, advised that that the process for an appeal of a decision of the Planning and Environment Commission was governed by the Lakewood Municipal Code, which made it clear that the appeal determination was to be based on the record of the PEC hearing. He stated that the options before the City Council were to proceed with a hearing based on the PEC record, or to set a hearing de novo in order to consider any new or additional material. He explained that staff's recommendation was that the appeal be denied and the Conditional Use Permit and the Joint Use Parking Agreement be approved and that a resolution contained in the agenda would be the appropriate vehicle for the City Council to enable such action.

Mr. Cardella, 28241 Crown Valley Parkway, Suite F-286, Laguna Niguel (via teleconference), stated that the reasons for the appeal related to issues at the restaurant's location, particularly regarding maintenance and repair of the site as well as the behaviors of the patrons at adjacent businesses. He cited the added elements of trespassing, the lack of signage, an existing business already selling alcoholic beverages; inadequate parking; and conflicting business operating hours to support the appellant's opposition.

APPEAL OF PEC DECISION REGARDING CUP NO. 996 AND JUPA NO. 2020-1, 6759 CARSON STREET - Continued

He explained that the burden of proof on the appropriateness of the joint use parking agreement was the obligation of the applicant. Mr. Cardella made the observation that despite his client's assertion of parking issues during Regal Inn's operating hours, it was the opinion of Senior Planner Paul Kuykendall that there had been no substantial conflict among the other businesses. Mr. Cardella stated that there had been no traffic studies, parking analyses nor other facts to support such findings. He pointed out that his client had hired security guards due to the misconduct and overflow issues at the center.

John Lewis, 14241 E. Firestone Boulevard, Suite 400, La Mirada (via teleconference), representing Jen and Mi Lu Family, LLC, owner of the subject property, indicated that the appeal had raised issues unrelated to Ferraro's Restaurant. He referenced an earlier letter from the appellant's attorney in September 2019 alleging incidents related to the Regal Inn and to which he responded, as the center owner's attorney, offering to work towards a solution but that no reply had been received. He noted that the issues raised had been with the homeless in the area and that there was a Letter of Agency on file with the Sheriff's Department. He further stated that with regards to the beer and wine license, the Department of Alcoholic Beverage Control had already given approval. He added that in response to the claims of parking issues, the expansion of the restaurant came with a reduction in an equal amount from the adjacent fitness center and no additional space usage was anticipated. He explained that any signage issues at the center would be addressed through Planning or code enforcement staff. However, such issues were not related to the Conditional Use Permit or the Joint Use Parking Agreement and, therefore, he believed the appeal should be denied and the decision to approve the CUP and JUPA be upheld.

Mayor Rogers opened the public hearing at 5:23 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Alan Gafford, Long Beach, addressed the City Council regarding neighboring residents' requests for mitigations at the appellant's car wash business in the City when previously considered; another of the appellant's car wash operations in a different city that was situated near a convenience store selling alcoholic beverages; such car wash businesses not generating sales tax revenues; and the need to conduct noise calibrations on car wash equipment.

Andy Sehremelis, Las Vegas, Nevada (via teleconference), acknowledged that he operated an express wash facility along with an adjacent AM/PM store in Menifee which sold alcohol noting that both were maintained responsibly. He related that car wash businesses had been deemed essential citing that his business had provided services to vehicles of law enforcement and first responder agencies. He stated his firsthand knowledge of the Regal Inn being open from 11 a.m. until 2 a.m. and reported having documentation and video recordings of activities occurring after customers exited the establishment. He added that Regal Inn patrons would also congregate in their vehicles and discarding bottles and littering debris on the premises. Mr. Sehremelis expressed understanding for Mr. Ferraro's interest in expansion but cited the importance of protecting his property and his property rights.

APPEAL OF PEC DECISION REGARDING CUP NO. 996 AND JUPA NO. 2020-1, 6759 CARSON STREET - Continued

Mr. Lewis clarified that there was an easement for the parking spaces referenced by Mr. Sehremelis which made them available for use by patrons.

Mr. Cardella highlighted some of the issues with the easement for thirteen parking spaces on the car wash property noting that they were not marked, monitored nor maintained. He cited Mr. Sehremelis' testimony regarding the substantial conflict with the center's operating hours and the project being under parked as issues precluding the approval of the Joint Use Parking Agreement.

Mr. Sehremelis added that his security team were hired to protect the car wash stalls and that he had no issues with patrons using the dedicated parking spaces but rather with the activities taking place there, which he felt could easily be resolved by Regal Inn or Ferraro's providing security while maintaining the area to be clean and clear of debris.

Mr. Avalos confirmed for Vice Mayor Wood the location of the additional parking spaces as well as those in the vicinity of the donut shop and responded that some of the parking issues might be alleviated with clearer signage.

Responding to further inquiries from Vice Mayor Wood pertaining to L.A. County restrictions related to the current pandemic and parking trends, Mr. Avalos stated that when the project expansion had been considered, distance requirements had not been anticipated and not taken into account as part of the analysis. He further noted that patrons who frequented the establishments at the center were likely aware of and taking advantage of the thirteen spaces, however, overflow might occur in the neighboring residential areas.

Council Member Croft explained that after reading the materials and hearing testimony, he agreed that code enforcement should work with the property manager on the stated issues but that such matters should not be held against Mr. Ferraro.

With regard to the conclusions pertaining to the joint use parking agreement, Mr. Skolnik briefly described staff's methodology which was based on the application and analysis of the center and not arbitrarily determined by opinion.

In response to Mayor Rogers' and Vice Mayor Wood's questions, Mr. Avalos stated that he was not aware of any active code enforcement cases at the center. He further confirmed that there were also no complaints received from either residents or businesses regarding Ferraros' or any of the other adjacent establishments there.

RESOLUTION NO. 2020-12; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL AND UPHOLDING THE PLANNING AND ENVIRONMENT COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 996 FOR THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH THE EXPANSION OF A BONA FIDE EATING ESTABLISHMENT AND JOINT USE PARKING AGREEMENT 2020-1 FOR FERRARO'S RESTAURANT LOCATED AT 6759 CARSON STREET, LAKEWOOD, CALIFORNIA

APPEAL OF PEC DECISION REGARDING CUP NO. 996 AND JUPA NO. 2020-1, 6759 CARSON STREET - Continued

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO ADOPT RESOLUTION NO. 2020-12. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Croft, DuBois, Wood, Pe and Rogers

NAYS: COUNCIL MEMBERS: None

At 5:48 p.m., Mayor Rogers called for a recess. At 6:39 p.m., the City Council Meeting was reconvened.

Mayor Rogers announced that the City Council would recess to a closed session.

CLOSED SESSION:

At 6:39 p.m., the City Council recessed to a closed session in the Pan American Room.

CONFERENCE WITH LABOR NEGOTIATORS – Pursuant to Government Code §54957.6
Agency Designated Representative: City Manager, Office of the City Attorney (via teleconference) and Liebert Cassidy Whitmore, Director of Finance and Administrative Services, Deputy City Manager, Human Resources Manager, Personnel Technician
Employee Organization: Lakewood City Employees' Association

At 7:04 p.m., the City Council reconvened. No action was taken.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Rogers adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Jo Mayberry, CMC
City Clerk