

**CITY OF LAKEWOOD
PLANNING AND ENVIRONMENT COMMISSION
MEETING OF NOVEMBER 3, 2016
MINUTES**

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

PLEDGE OF ALLEGIANCE

Commissioner McKinnon led the Pledge of Allegiance.

ROLL CALL: Chairperson Stuckey
Vice Chairperson Manis
Commissioner McKinnon
Commissioner Quarto
Commissioner Samaniego

Also present: J. Patrick McGuckian, Assistant Director
Paul Kuykendall, Senior Planner
Charles Carter, Neighborhood Preservation Manager
Jamaar Boyd-Weatherby, City Prosecutor
George Bouwens, Community Conservation Representative
David Barboza, Assistant Planner
Helene Knight, Administrative Secretary

APPROVAL OF MINUTES

There being no objections, Chairperson Stuckey ordered the Minutes of the Regular Meeting of October 6, 2016 approved as submitted.

ANNOUNCEMENTS AND PRESENTATIONS:

Assistant Director McGuckian announced that Director Southwell was out of town.

Assistant Director McGuckian invited the commissioners to the Award of Valor Luncheon on Wednesday, November 16, 2016 with an RSVP deadline of Monday, November 7.

Assistant Director McGuckian introduced Jamaar Boyd-Weatherby, Lakewood City Prosecutor and Managing Attorney of the Los Angeles Office of Jones and Mayer.

Chairperson Stuckey welcomed Mr. Boyd-Weatherby to the meeting.

PUBLIC HEARINGS: None.

A revised copy of the resolution pertaining to 5708 Candor Street was distributed to the Commissioners.

Correspondence from the property owner at 5708 Candor Street was distributed to the Commissioners.

Attorney Skolnik defined the procedure for the Building Rehabilitation Board hearing as follows:

1. Chairperson Stuckey will open the public hearing on the Building Rehabilitation Board Item related to 5708 Candor Street.
2. Staff will deliver their report.
3. Commissioners may present their questions to staff.
4. Property owner will be invited to address the Commission.
5. Anyone else wishing to be heard on the matter will have an opportunity to address the Commission.
6. The Commission will receive any closing remarks from staff.
7. Chairperson Stuckey will close the public hearing.
8. Commission will take whatever action they deem to be appropriate.

BUILDING REHABILITATION BOARD

1. Nuisance

5708 CANDOR STREET

Chairperson Stuckey called to order the meeting of the Planning and Environment Commission sitting as the Building Rehabilitation Board.

Community Conservation Representative George Bouwens delivered the report, explaining that the staff report details inspections dating back to November 12, 2014. The final notice of violation was given to the owner of record on July 20, 2016. An inspection on September 28, 2016 revealed the following:

Peeling, cracked, faded, chipped, torn, or missing paint on exterior surfaces of the house and garage	LMC §4323.B
Accumulation of trash, litter and debris in the front, side, rear yards, and driveway;	LMC §4323.C.1.2
Dead, diseased, overgrown vegetation in front, side, and rear yards;	LMC §4323.D.1.2.3
Garage door missing glazing; westside attic window missing frame and glazing.	LMC §4323.1
Inoperable vehicle California license plate 643WCS stored on driveway.	LMC §4330

A Notice to Abate Nuisance was sent to all parties involved on Oct 17, 2016.

An inspection on November 3, 2016 revealed the following corrective actions taken:

1. Inoperative vehicle was demonstrated to be operational.
2. Vegetation in the front and rear yards was trimmed or removed.
3. Peeling, cracked and faded paint was restored.

CCR Bouwens stated that there was still some trash and debris scattered throughout the property and the garage door was still missing a pane of glass. CCR Bouwens concluded his

report by stating his request for the Planning and Environment Commission, sitting as the Building and Rehabilitation Board, to approve staff recommendation by adopting the attached resolution, which would give the owner 15 days to bring the property into full compliance.

Chairperson Stuckey asked if there were any questions of staff.

Attorney Skolnik asked for a summary of the revisions that had been made to the resolution.

Assistant Director McGuckian stated that one section regarding an inoperative vehicle had been removed; one section regarding air conditioning had been removed; one section concerning ongoing maintenance on the property was clarified. Mr. McGuckian explained that there was a history dating back to 2004 of the property being brought into compliance and then deteriorating back to its original state. For this reason staff wanted to ensure that necessary maintenance would be performed on a regular and continuous basis as needed.

Neighborhood Preservation Manager, Charles Carter, introduced himself to the Commission and clarified that the net result would be that three items would be stricken from the original resolution.

Chairperson Stuckey asked if there were any questions of staff.

Commissioner Quarto asked to confirm that Sections 6.A, 6.B, and 6.C had all been resolved and only Section 6.D was still in place.

Attorney Skolnik clarified that Section 6.B and Section 6.D were both still in place.

Chairperson Stuckey declared it to be the time and the place for the property owner to address the Building Rehabilitation Board.

James Krage, 5708 Candor Street, Lakewood, California 90713, addressed the Board, identifying himself as the property owner for this case. Mr. Krage asked the Board if they had had an opportunity to read his response. Mr. Krage explained that there is no antagonism here between him and staff and that he has cooperated with the City's requests.

Mr. Krage stated that he is a certified paralegal who has studied the Municipal Law Handbook in fine detail, and that he has determined that there are no health or safety hazards on the property, nor is there anything in the category of pollution or a public nuisance. Mr. Krage added that chipped paint in the back yard area cannot be categorized as a public nuisance. At worst, it would be a private nuisance, and the City has no jurisdiction over a private nuisance.

Chairperson Stuckey asked Mr. Krage if he had read and understood the Resolution.

Mr. Krage replied affirmatively, stating that he was addressing the fact that his property cannot be addressed as a public nuisance. Mr. Krage stated that the City was being used as a pawn by the complainant who has been harassing his family for years, from 35 miles away. Mr. Krage alleged that the complainant, Michael Downs, is a former LAPD Officer with the Los Angeles Rampart Division, where they have rampant corruption, plant evidence on people, and take the law into their own hands. Mr. Krage stated that the complainant has alleged repeatedly that his recreational vehicle is inoperative and that has been proven to be false. Mr. Krage stated that the recreation vehicle in his driveway is not an inoperative

vehicle; it is classified by the State of California as a “non-op” and even Section 4330.G of the Lakewood Municipal Code that redefines “inoperative” does not apply, because the Lakewood Municipal Code is pre-empted by State law.

Attorney Boyd-Weatherby lodged an objection, stating that the issues before the Board concern whether or not the Lakewood Municipal Code has been violated. Whether or not the Lakewood Municipal Code is pre-empted by State law or violates the First Amendment of the Constitution is not properly before the Board and Attorney Boyd-Weatherby moved that any such statements be stricken from the record and not considered by the members of the Board.

Mr. Krage asked the Commission if Mr. Boyd-Weatherby was saying that the First Amendment does not apply to the City of Lakewood, adding that the founding fathers established a constitutional republic wherein representatives are elected, but those elected representatives are restricted by the Constitution and are only allowed to do those things that they are specifically allowed to do.

Attorney Skolnik interjected, stating that he would like to bring the focus back to the specific matter before the Board. Attorney Skolnik summarized that there appears to be agreement among all parties that three of the original violations have been corrected, and staff is withdrawing those three items. Attorney Skolnik stated that Mr. Krage had presented the argument that the remaining issues do not constitute a public nuisance and asked staff to address that.

Attorney Skolnik asked Mr. Krage to explain his intentions regarding the two outstanding items, specifically the glass pane on the garage door and the trash and debris in the rear yard.

Mr. Krage responded that the glass pane on the garage door was intentionally removed so that it could be used for the cat to go in and out. It is a pet door, which is allowed, and most people cannot even see it. It is not a public nuisance. This is petty and the City is being used as a pawn by Officer Downs. Mr. Krage asked what the second item was.

Attorney Skolnik responded that the second item refers to trash and debris in the driveway, rear yard, etc.

Mr. Krage asked what is in the driveway.

Neighborhood Preservation Manager, Charles Carter, responded that the issue with the driveway no longer exists. There is now trash and debris only in the rear yard and the parkway.

Mr. Krage responded that the items on the parkway are not trash and debris, but rather are for the people who recycle metal. They collect the metal and make money on it. They deserve our help. They are bordering on homeless and if they can benefit from the metal, it should be put out. Only the rear yard is an issue and that cannot be deemed a public nuisance.

Mr. Krage acknowledged that in July, August and September, there were six-foot plants growing in his yard, specifically, wild spinach, which he eats. Mr. Krage stated that he has a website named RawFoodHealing.com where he explains the benefits of eating spinach, quinoa, lambs-quarters, or whatever name someone chooses to give it. Mr. Krage stated that

the plants would be visible over a five-foot fence, only because they are six feet in height. Mr. Krage asked if there is any overgrown vegetation in the front and side yard areas.

Chairperson Stuckey responded that the front and side yards were not included in the complaint.

Mr. Krage replied that perhaps the City should direct him to add another foot onto his fence, because the fence on the neighbor's side has been made short, and it is entirely located on Mr. Krage's side of the property, installed before Mr. Krage took ownership. Mr. Krage stated that he could add an extension so that someone who lives 35 miles away in the Rampart Division can't harass him anymore.

Mr. Krage stated that he has been cleaning the backyard. He has two barbecues remaining, as well as a furnace safely contained with a cement base, and a swing set for his six-year-old granddaughter. Close to the five-foot fence is exercise equipment on the right, moved out of the way in order to allow for the planting of quinoa crops and the placement of a couple of playhouses. Mr. Krage added that a public nuisance cannot be something that affects only one neighbor.

Chairperson Stuckey asked if there was anyone else wishing to be heard on this matter.

Mike Downs, 5702 Candor Street, Lakewood, California, identified himself as the son of Mr. Krage's next-door neighbor, Mickey Downs. Mr. Downs stated that he had served with the Long Beach Police Department for 25 years and was now assigned to Los Angeles County Bureau of Investigation where he goes after crooked cops and crooked attorneys. Mr. Downs stated that he wanted to clarify that he has no connection to the LAPD. Mr. Downs explained that his 90-year-old mother lives at 5702 Candor Street, next door to Mr. Krage and that Mr. Downs had asked several years ago for Mr. Krage to address the issue of the stench from dog poop in his yard. Mr. Downs added that several events at his mother's home had to be canceled, because of the dog poop and the related flies and stench. Mr. Downs stated that the current fence had been installed in 1954 and was encroaching six inches over his mother's property line. Mr. Downs stated that the weeds on Mr. Krage's property are not six feet tall, but rather eight feet tall, and that he was concerned about rat infestation. Mr. Downs also cited commotion at 5708 Candor Street in the middle of the night as well as 15 bicycles located on the property. Mr. Downs stated that he only wanted his mother to be able to enjoy her property and the only harassment of which he was guilty was that of requesting Mr. Krage to pick up the dog poop. Mr. Downs stated that he took 21 pictures of the property at one point, when Mr. Krage came out yelling and using profanity. The pictures of the alleged mobile van show that the vehicle overhangs on the public sidewalk and has not been registered since 2012. When Mr. Krage moves it to the street, it should be towed away. Mr. Downs stated that he does not park in front of his mother's house because Mr. Krage has several kids there. All of the storage and debris and dog poop can lead to mice and rat infestations and that is a concern.

Jessica Vanessa Krage, address withheld, addressed the Commission, identifying herself as the daughter of James Krage. Jessica Krage stated that, as the second oldest child in the family, she had formerly lived at 5708 Candor Street. Ms. Krage stated that her family had previously lived in Bellflower and that she had very bad memories of that living arrangement. Ms. Krage stated that she was glad that the City of Lakewood was taking his action, adding that what her father does would be appropriate in a farm town, but not here. Ms. Krage stated that the complainant, Mr. Downs, had been mean and aggressive in his behavior, e.g., banging

on the door. Ms. Krage stated that her family loves "Mickey," Mr. Downs' mother, and that when the issues were going on in the past, the Krage family was trying, but sometimes failing to be complaint. Things are better now than they were back then. Ms. Krage expressed her regret for the conflict arising from different lifestyles. Ms. Krage concluded her remarks by stating that dog mess has not been an issue for some time now.

Mrs. Patricia Krage addressed the Commission, identifying herself as the co-owner of 5708 Candor Street. Mrs. Krage stated that she loves Mike Downs, that she grew up with him and he is one of her brothers. Mike's mother, Mickey, was a mom to Patricia Krage's entire family. Mrs. Krage stated that her family is always there for Mickey and that Mickey has said on many occasions that she is grateful that the Krages live next door to her. Mrs. Krage acknowledged that her family has an unusual lifestyle, adding that her husband does not fit in here, and that he is eccentric, but that is not a crime. It is not a public nuisance. Mrs. Krage stated that her family has always tried to cooperate, and history reflects that. Mrs. Krage added that her husband is a paralegal and he does know what he is talking about. He did get attacked by the City of Bellflower four times a year during the time they resided in that city. Mrs. Krage expressed her love for the City of Lakewood, and stated that it was not the desire of the Krage family to cause any issues. Mrs. Krage stated that she is the one in the hub of this issue and that she understands her husband and her neighbors, as well as the City. Mrs. Krage expressed her opinion that this is not a public nuisance; nobody is being harmed.

Mrs. Krage continued that she is 61 years old, has to support her family, and has to keep going. Mrs. Krage indicated that she had ordered a trashcan from EDCO and called for a trash haul today. Mrs. Krage stated that she understood that the spinach crop may be considered unsightly, but it is not harming anyone, and the season is over. Mr. Krage has harvested his crop and seeds. Mrs. Krage stated that there is one bike per person located on her property, the front and side yards have never been overgrown, and the backyard growth is limited to Mr. Krage's garden.

Jonathan Krage, 5708 Candor Street, addressed the Commission, identifying himself as the son of James Krage.

Chairperson Stuckey asked Jonathan Krage if he had anything new to contribute.

Jonathan Krage replied that Lakewood is a lovely city. When people have nice properties, they want everyone to reciprocate. Jonathan Krage stated that his family was trying their best, and that he, personally, has been out of commission for a month due to an injury sustained from a Lakewood pothole. Jonathan Krage concluded his remarks by stating that his family has been making progress and will continue to do so, as they are more upset about this situation than anyone.

James Krage, 5708 Candor Street, Lakewood, California 90713, returned to the podium, stating that SEAACA had paid an unannounced visit recently and found no issues. Mr. Krage added that Mr. Downs had called Mrs. Patricia Krage a "pig" to her face and had been insulting to Mr. Krage's children. Mr. Krage stated that a "crop" does not constitute weeds and a resident is permitted to have a garden. Mr. Krage referenced his prior issues with the City of Bellflower.

Chairperson Stuckey responded that issues pertaining to the City of Bellflower are not before the Board.

Mr. Krage concluded his remarks by stating that the City of Bellflower is a “nanny” state.

There being no one else wishing to speak on this matter, Chairperson Stuckey closed the public hearing.

Attorney Skolnik summarized that there were two items to be addressed: trash and debris in the rear yard and the missing garage door window pane. Layered on this is the contention that those do not constitute a public nuisance.

City Prosecutor, Jamaar Boyd-Weatherby, explained that the code sections cited are probably more properly “property” nuisances, which is a different subsection, LMC § 4323. When there is a high accumulation of junk, trash and debris, rats are common as well as bees, and these things result in harm to the general public, even if the term “public nuisance” is ignored.

Attorney Skolnik asked if the wording of the revised version of the Resolution was correct as presently stated.

Attorney Skolnik referenced the title, “public nuisance” and asked if it were important to staff that those characterizations remain in the resolution.

Attorney Boyd-Weatherby replied that the reference can be changed to “property nuisance.”

Attorney Skolnik asked if striking the word “public” would undermine staff in enforcing the Lakewood Municipal Code.

Attorney Boyd-Weatherby responded that he did not believe that action would undermine staff.

Assistant Director McGuckian suggested the following modifications to the resolution: Section 5: Strike A, Retain B. Strike C. Retain D. Strike E and eliminate the word “public” in Section 6. Strike the words in Section 7 “free of the aforementioned violations” and replace it with “in compliance with the Lakewood Municipal Code.”

Mr. Carter verified that staff would not have an issue with making those changes.

Chairperson Stuckey asked if there were any questions of staff.

Commissioner Samaniego asked if staff had any pictures that are not part of this presentation.

Mr. Boyd-Weatherby displayed past and present pictures of the property.

Commissioner Samaniego asked for clarification of the issue regarding dogs, either singular or plural.

Attorney Skolnik replied that this is no longer a problem and the City is not citing for this.

Mr. Carter clarified that SEAACA had conducted a recent investigation and subsequently closed that case.

Chairperson Stuckey moved and Commissioner McKinnon seconded that RESOLUTION NO. 14-2016, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, SITTING AS THE BUILDING REHABILITATION BOARD, RECOMMENDING APPROVAL OF STAFF RECOMMENDATION AS AMENDED, ON PROPERTY LOCATED AT 5708 CANDOR STREET, be approved as submitted.

AYES: COMMISSIONERS: Stuckey, McKinnon, Quarto, Samaniego, Stuckey
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
ABSTAIN: COMMISSIONERS: None

REPORTS:

Report of CUP No. 925, 5052 Montair Avenue, Two-story accessory structure, first six-month review

Planning Technician David Barboza delivered the report, citing the following issues:

1. The shed on the southeast corner of the property does not meet the set-back requirement.
2. The second story room was approved as a workshop used solely for storing vehicles, bicycles, etc. It appears to be serving as an office and/or bedroom.
3. The shed that was required to be removed is still there.
4. The water heater (installed at the rear of the house) and air conditioning units (rear accessory building) were both installed without benefit of permit.

Mr. Barboza stated that a second review is scheduled in six months. In the meantime, staff is encouraging the owners to comply with the conditions of the current CUP and/or to consider the possibility of applying for a new CUP that would expand the approved uses of the accessory structure to include a home office and/or recreation room.

Commissioner Samaniego asked if the applicant was receptive.

Assistant Director McGuckian explained that the concern was that a Conditional Use Permit and Resolution of Approval existed for an accessory structure to be used as a workshop and storage area. At this point, the applicant needs to either amend the Conditional Use Permit or change the use to comply with the conditions of approval.

Attorney Skolnik stated that this is a technical problem. Had the current uses been defined originally in the application for the Conditional Use Permit, there would not be a problem.

The report was received and filed.

Report of CUP No. 927, 4144 Woodruff Avenue, on-site alcohol, Wingstop, first six-month review

Senior Planner Paul Kuykendall delivered the report, stating that the first six-month review found the applicant to be in compliance with the conditions of Conditional Use Permit No. 927. The report was received and filed.

Development Review Board reports for October of 2016 were received and filed.

CORRESPONDENCE: None.

ORAL COMMUNICATIONS: None.

WRITTEN COMMUNICATIONS: None

ADJOURNMENT: The meeting was adjourned at 8:12 p.m.

Secretary