

**CITY OF LAKEWOOD
PLANNING AND ENVIRONMENT COMMISSION
MEETING OF AUGUST 2, 2018
MINUTES**

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

PLEDGE OF ALLEGIANCE

Chairperson McKinnon led the Pledge of Allegiance.

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

EXCUSED: Commissioner Manis

Also present: Sonia Southwell, Director
J. Patrick McGuckian, Assistant Director
Paul Kuykendall, Senior Planner
David Barboza, Assistant Planner
Ivy Tsai, City Attorney
Adrienne Mendoza, Deputy City Prosecutor
Charles Carter, Neighborhood Preservation Manager
George Bouwens, Community Conservation Representative
Helene Knight, Administrative Secretary

APPROVAL OF MINUTES

There being no objections, Chairperson McKinnon ordered the corrected Minutes of the Regular Meeting of July 5, 2018 approved as submitted.

ANNOUNCEMENTS AND PRESENTATIONS

None.

PUBLIC HEARINGS

APPEAL OF HEARING OFFICER DETERMINATION 5708 CANDOR AVENUE (KRAGE)

CCR Bouwens delivered the oral report all as contained in the written staff report and slide presentation, as contained in the file for the appeal.

There being no questions of staff, Chairperson McKinnon opened the public hearing.

James Krage, 5708 Candor Avenue, Lakewood, California, addressed the Commission, identifying himself as the appellant. Mr. Krage explained that the last page of the Notice of Defense

he filed contained a copy of the planned non-operable vehicle statement given by the State of California. Mr. Krage explained that he told the officer that the vehicle could not be registered, due to its incapacity to pass the required smog test, possibly due to the catalytic converter. Mr. Krage stated that, nonetheless, he has paid the registration fees for this vehicle regularly since 2016. Mr. Krage alleged that, as of May 2, 2018, the City has been harassing him on it.

Mr. Krage described his property as a sovereign area, where the government is restricted by the Constitution. Therefore, a government agency is only permitted to do what it is specifically allowed to do. He added that a City cannot declare something to be a public nuisance unless it is a health or safety threat. Since an inoperable vehicle is allowed by the State code, the City cannot ban it, simply because it chooses to do so, as this constitutes over-criminalization. Mr. Krage added that there are hundreds of inoperative vehicles in the City and alleged that the Lakewood Municipal Code is unconstitutional.

Commissioner Quarto asked if the City ordinance can override the State.

Attorney Tsai responded that this is not a constitutional issue. This is specifically regarding an allegation of violation of the Lakewood Municipal Code, which is consistent with both State and constitutional law. If the resident chooses to pursue a claim regarding constitutionality, that would have to be done in the appropriate venue.

Commissioner Stuckey moved and Commissioner Quarto seconded that RESOLUTION NO. 22-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF STAFF RECOMMENDATION to deny the appeal be approved as submitted.

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

CONDITIONAL USE PERMIT NO. 976, REQUESTING APPROVAL FOR INDOOR COMMERCIAL RECREATION ON PROPERTY LOCATED AT 4124 SOUTH STREET (Lakewood Family YMCA)

Senior Planner Paul Kuykendall delivered the oral report summarizing the written staff report and slide presentation, as contained in the file for Conditional Use Permit No. 976.

There being no questions of staff, Chairperson McKinnon opened the public hearing.

Joe Jimenez, 5835 E. Carson Street, Lakewood, California, addressed the Commission, identifying himself as the applicant and the Associate Executive Director for the Lakewood YMCA.

Chairperson McKinnon asked Mr. Jimenez if he had read the Resolution and was agreeable to the conditions.

Mr. Jimenez responded affirmatively, and explained that the YMCA plans to use the location as a transition or overflow for their current program. They will use this site primarily to meet the need for office space and staff lounge space.

There being no one else wishing to be heard on this matter, Chairperson McKinnon closed the public hearing.

Vice Chairperson Samaniego moved and Commissioner Quarto seconded that RESOLUTION NO. 23-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 976 ON PROPERTY LOCATED AT 4124 SOUTH STREET, be approved as submitted.

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

CONDITIONAL USE PERMIT NO. 977, REQUESTING APPROVAL FOR A SECOND-STORY ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 11313 GRADWELL STREET (Ricardo Ortiz)

Senior Planner Paul Kuykendall delivered the oral report summarizing the written staff report and slide presentation, as contained in the file for Conditional Use Permit No. 977.

There being no questions of staff, Chairperson McKinnon opened the public hearing.

Ricardo Ortiz, 11313 Gradwell Street, Lakewood, California, addressed the Commission, identifying himself as the applicant.

Chairperson McKinnon asked the applicant if he had read the Resolution and agreed to the conditions.

Mr. Ortiz responded affirmatively, stating that he would be converting his garage into a second-story accessory dwelling unit.

Utomporn Tangpiroontham, 11317 Gradwell Street, Lakewood, California, addressed the Commission, identifying herself as the next-door neighbor to the applicant. Ms. Tangpiroontham explained that she received the public notice in the U.S. Mail, regarding the application for the Conditional Use Permit, and wanted to know about the garage next to her backyard, particularly the windows giving visual access to her backyard. Ms. Tangpiroontham stated that she had concerns regarding her privacy and wanted to see the plans.

Senior Planner Kuykendall explained that Ms. Tangpiroontham's property is directly east of the addition and there is one bathroom window and one bedroom window that could have visual access to her backyard.

Director Southwell explained that privacy is exactly one of the issues that the proposed accessory dwelling unit ordinance is trying to protect by banning second-story accessory dwelling units. Therefore, this case will probably be the last Conditional Use Permit to allow a two-story accessory structure. This issue would typically be addressed by the Development Review Board. Since that did not occur, a condition can be added to the Resolution requiring one of the windows to be reduced in size and be either opaque or textured glass to increase privacy for neighbors. While one of the windows satisfies the egress requirement and cannot legally be reduced in size, the other one can be reduced.

Utumporn Tangpiroontham returned to the podium and asked that one of the windows be removed.

Chairperson McKinnon explained that Director Southwell had just solved the problem by adding conditions to reduce the size of one window, and alter the windows to be opaque or textured.

Ms. Tangpiroontham asked about the public notice recipients.

Senior Planner Paul Kuykendall explained that public notices are mailed to all residents within a 300-foot radius of the location of the proposed Conditional Use Permit.

Jonathan Myla, 3755 Cherry Avenue, Long Beach, California, addressed the Commission, identifying himself as the designer for the project. Mr. Myla explained that the reason for the two-story accessory structure is that the single-story structure that was originally requested was denied, because it would not comply with the code requirement of 750 square feet of open space. Mr. Myla explained that every habitable room must have egress, so the bedroom window facing north could not be reduced in size. However, the size reduction of the bathroom window facing east would be acceptable.

The applicant, Mr. Ortiz, returned to the podium and stated that he was willing to reduce the size of the bathroom window and change the glass to opaque or textured as suggested by Director Southwell, in order to address the privacy issue.

There being no further questions and no one else wishing to be heard on the matter, Chairperson McKinnon closed the public hearing.

Commissioner Stuckey moved and Chairperson McKinnon seconded that RESOLUTION NO. 24-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 977 ON PROPERTY LOCATED AT 11313 GRADWELL STREET, be approved as amended.

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

CONDITIONAL USE PERMIT NO. 566, AMENDMENT NO. 3, REQUESTING APPROVAL FOR EXPANSION AND RENOVATION OF AN EXISTING CARWASH AND A SECOND

FREE-STANDING SIGN IN AN INTEGRATED COMMERCIAL CENTER ON PROPERTY LOCATED AT 2729-2735 CARSON STREET.

Associate Planner David Barboza delivered the oral report summarizing the written staff report and slide presentation, as contained in the file for Conditional Use Permit No. 566, Amendment No. 3.

Commissioner Quarto asked about the address.

Associate Planner Barboza replied that the El Pollo Loco address would remain as 2727 Carson Street and the Carwood Carwash address would be 2729 Carson Street.

Chairperson McKinnon asked about the north side of the property, and whether there is a way to exit from the self-serve drive-through to Paramount.

Associate Planner Barboza replied that this site does not have egress to Paramount. The next property to the west, developed with McDonald's, is blocking that.

Assistant Director Patrick McGuckian explained that it is still possible to gain access through the alley.

Commissioner Stuckey asked about the carwash exits.

Associate Planner Barboza responded that customers will exit the carwash as they do now, moving south, but with the proposal, the office building will be demolished and they will have the option of turning left out of the carwash into the vacuum area, heading one-way north.

Commissioner Stuckey asked where they will exit.

Associate Planner Barboza responded that there are two exits along the alley and one at Carson Street.

Commissioner Stuckey explained that she is worried about traffic from people who do self-service.

Vice Chairperson Samaniego stated that he did not see three exits.

Mr. Barboza responded that there is one exit along Carson Street and two along the alley.

Vice Chairperson Samaniego stated that technically there are three exits, but asked who would be able to use the south side exit when the video shows the angle of the parking area to be towards the north.

Director Southwell responded that it can be seen more clearly on the video, and the video was played again for clarification.

There being no further questions of staff, Chairperson McKinnon opened the public hearing.

Roland Spongberg, 2735 E. Carson Street, Lakewood, California, addressed the Commission, identifying himself as the carwash owner and applicant. Mr. Spongberg described his 33-year history of involvement with the City of Lakewood, including his consistent efforts to be a good neighbor. Mr. Spongberg explained that an anonymous person dropped off documents on residents' doors, warning them that his carwash would be a much larger mega carwash with 7,000 vehicles visiting each month, and suggested that the carwash owner would ramrod this project through the City without consulting the surrounding neighbors. Mr. Spongberg explained that the carwash will basically be the same size, currently has about 6,000 vehicles per month with a 20% projected increase, and that he had already sent three separate mailings to residents. Mr. Spongberg stated that the following people were available at the meeting to answer any questions: Jennifer Lynch, attorney, Roma Stromberg, sound engineer, Alex Trazebo, traffic engineer, John Odek, water management, Dave Man, sign worker, Detla Stevenson, equipment consultant, and Charles North, landscape architect.

Chairperson McKinnon asked Mr. Spongberg if he had read the Resolution and agreed to the all of the Conditions.

Mr. Spongberg, replied affirmatively, with the exception of the condition mentioned by Associate Planner Barboza regarding combining two of the lots, but not three.

Mark Titel, 5531 Harvey Way, Lakewood, California, addressed the Commission in support of Conditional Use Permit No. 566, Amendment No. 3. Mr. Titel explained that he has been friends with Mr. Spongberg for over 40 years and was one of his first customers 22 years ago. He found Mr. Spongberg to be a responsible, outstanding member of the business community.

Craig Wulfsberg, 6034 Pepperwood Avenue, Lakewood, California, addressed the Commission in support of Conditional Use Permit No. 566, Amendment No. 3. Mr. Wulfsberg explained that he has been friends with Mr. Spongberg since high school and that he has also worked with him on several occasions. Mr. Wulfsberg stated that the Carwood Carwash would be a major benefit to the City of Lakewood and provide helpful competition.

John Ward, 4221 Fleethaven Road, Lakewood, California, addressed the Commission in support of Conditional Use Permit No. 566, Amendment No. 3. Mr. Ward explained that most people are not aware that he, John Ward, was the first Lakewood resident to be elected to the Long Beach Unified School District Board of Education. Mr. Ward stated that he could not think of a better business or opportunity for the City of Lakewood than the Carwood Carwash, based on his experience with them for 22 years.

Steve Baldwin, 4115 Paramount Boulevard, Lakewood, California, addressed the Commission in support of Conditional Use Permit No. 566, Amendment No. 3. Mr. Baldwin stated that he had worked at his father's pizza business, Me and Ed's Pizza, in Lakewood for 50 years and witnessed Roland Spongberg's attention to detail, e.g. customer service, landscaping, etc. and stated that the Carwood Carwash is a great example of the way a business should be run.

Alan Gafford, 6133 Michelson Street, Lakewood, California, addressed the Commission in opposition to Conditional Use Permit No. 566, Amendment No. 3. Mr. Gafford thanked the staff for affording him the time to research this project and stated that he was there to ask the Commission to delay or deny approval of the Carwood Carwash due to his concerns about

noise, traffic, proximity of residents and hours of operation. Mr. Gafford also discussed his perception of a lack of law enforcement input and inconsistency with standards applied by the Commission to other carwashes.

Associate Planner Barboza responded to Mr. Gafford's concerns, beginning with the noise study, explaining that the Lakewood Municipal Code sets a noise threshold of 65 decibels from mechanical equipment reaching neighboring properties. If the noise level exceeds 65 decibels, it is considered to be significant. The noise consultant went out to the alley to calibrate the noise model using a methodology that is in the Lakewood Municipal Code and those measurements are included in the appendix to the noise study. The principal noise sources identified there were traffic on Carson Street and aircraft over flights. While the projected increase in trips is 964 per day, the real significance of a traffic impact is related to traffic congestion, e.g. how many cars are passing through a section or a roadway segment at a particular time, as opposed to the number of trips for an entire year. The Sheriff's Department did receive a request for comments on the application, and although the response was not received prior to press time, the Sheriff's Department did respond that they had no concerns about the application.

Director Southwell stated that the report from the Sheriff's Department had not been received until yesterday.

Associate Planner Barboza explained the solar panel issue, stating that the site plan does have notes indicating the location of solar panels on top of the detailing canopy at the front of the site. From an environmental perspective, that reduces greenhouse gas emissions and air pollution from electricity generation. Regarding the categorical exemptions, Mr. Barboza explained that often times a CUP application is presented with a single categorical exemption, but this project is subject to several categorical exemptions.

Director Southwell explained that in order to make the finding for the applicant to qualify for the infill development exemption, they were required to do all of the technical studies that are seen in the current report. The reason this was not seen in 2017 is that the City did not have all of the studies. Staff continued to deny that the application was complete until they had received all required studies to make the determination that there was no significant impact so that a finding could be made for the categorical exemption. The applicant has indicated that he has consultants in attendance at this meeting so the commissioners can hear from the noise and traffic consultants in addition to this, but staff did work very hard to ensure that the application did meet all requirements. The original application was received prior to May of 2017 and staff did not deem it complete for a long time while all studies were being reviewed. When the noise study arrived for the first time, staff found it to be inadequate in terms of sufficient points for noise reference and required the noise consultant to go behind every single house. A great deal of work was done with this applicant for more than a year to ensure that the project coming before the commission would have sufficient information to support approval of the project.

Chairperson McKinnon explained that there is a section in the staff report that provides comparisons about noise studies. While the yellow dots might not register as good, bad or indifferent, 50 decibels is the sound of a quiet automobile moving at a low speed; 70 decibels is the interior of a department store. Sound above 65 decibels is what is considered significant.

Assistant Director McGuckian stated that from the layman's perspective, the noise level would be considered average.

Mr. Spongberg returned to the podium and explained that in the process he went through in last several months, discussions were held about the possibility of a wall, but sound reverberates off of a wall and people add graffiti to a wall. It was ultimately decided by the Development Review Board that no wall would be a better solution. Regarding the 350,000 cars, perhaps the 405 Freeway has 350,000 cars, but Carson Street does not. Mr. Spongberg stated that he did not expect the level of business to increase to the degree mentioned. Mr. Spongberg concluded his remarks by stating that the gentleman opposing his application lives about three miles from the carwash and if neighboring residents were concerned, they would be at this meeting.

There being no one else wishing to be heard on the matter, Chairperson McKinnon closed the public hearing.

Assistant Director Samaniego stated that the last guest had raised some points that may be valid, including the vastly changing hours of operation.

Director Southwell stated that the hours of operation listed in the Resolution may not be the hours actually proposed by the applicant. These hours are a limit given to them, so this is probably a better question for the applicant.

Associate Planner Barboza stated that the applicant listed the hours as 7:00 a.m. to 9:00 p.m.

Assistant Director Samaniego asked if that included Sundays, also.

Associate Planner Barboza replied that the hours applied to seven days a week.

Vice Chairperson Samaniego responded that the Commission has had issues that were agreed upon with the last carwash, because they were doing car work and the noise would be louder because of the mechanics, but just for verification, a wall was requested.

Director Southwell asked about the distance between the carwash and the property and the alley, because the last carwash was located very close to the alley.

Associate Planner Barboza responded that it is about 65 feet away from the alley.

Assistant Director Samaniego stated that Mr. Spongberg did have a valid point that there is no one from the neighborhood who chose to be involved in this discussion. The carwash taking over the Golden Arches at Carson and Studebaker did have noise decibel issues related to the mechanics and there was a wall involved.

Associate Planner Barboza explained that one of the differences between the proposed project and the Parkcrest Carwash at 6741 Carson Street, is that in the other proposal, the carwash tunnel was pointed directly at single-family homes, so with that configuration there is more of an impact, and that is why walls were required. In this case, the nearest single-family homes

are to the east of the carwash tunnel and they face a blank wall. While there are single family homes to the north, those homes are more than 200 feet to the north.

Commissioner Stuckey moved and Commissioner Quarto seconded that RESOLUTION NO. 25-2018, A RESOLUTION OF THE PLANNING AND ENVIRONMENT COMMISSION OF THE CITY OF LAKEWOOD, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 566, AMENDMENT NO. 3, ON PROPERTY LOCATED AT 2729-2735 CARSON STREET, be approved as submitted.

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

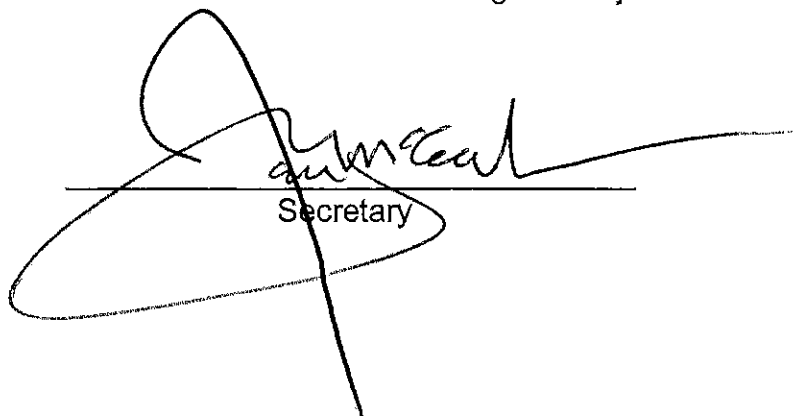
REPORTS:

- **Report of CUP No. 959, six-month review, 4180 Woodruff Avenue, #2, for a massage establishment (Relax Foot Spa) was received and filed.**
- **Report of CUP No. 961, six-month review, 500 LCM, for a massage establishment (Diamond Massage, Inc.) was received and filed.**
- **Report of CUP No. 964, six-month review, 20314 Norwalk Boulevard, #A for a massage establishment (BB Therapeutic Massage) was received and filed.**
- **Development Review Board reports for July 2018 were received and filed.**

CORRESPONDENCE: None.

WRITTEN COMMUNICATIONS: None

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.



Secretary