

**CITY OF LAKEWOOD
PLANNING AND ENVIRONMENT COMMISSION
MEETING OF MAY 4, 2023
MINUTES**

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

Commissioner Cole led the Pledge of Allegiance.

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

Also present: Abel Avalos, Director of Community Development
 Patrick McGuckian, Assistant Director of Community Development
 Paul Kuykendall, Senior Planner
 Frankie Griffiths, Assistant 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 April 6, 2023, approved as submitted.

ANNOUNCEMENTS AND PRESENTATIONS

Director Avalos made the following announcements:

- Sylvia Minjares is our new Administrative Clerk for Community Development.
- American Red Cross Blood Drive to be held on June 15, 2023, 9:00 – 3:30 p.m.
- May is Asian American and Pacific Islander Heritage Month.
- Pan Am Fiesta festivities will be held May 11 – May 14, 2023.
- Community CPR class at the Burns Community, April 29, 7:30 a.m. – 2:00 p.m.

Chairperson Baca made the following announcement:

- The PEC Commissioners will be recognized at Lakewood Celebrates, Tuesday, May 9, 2023.

PUBLIC HEARINGS:

1. CONDITIONAL USE PERMIT NO. 279, AMENDMENT NO. 3, 4311 SOUTH STREET – CAR WASH REMODEL.

Assistant Planner, Frankie Griffiths, presented the staff report and exhibits which recommended approval of Conditional Use Permit Number 279, Amendment No. 3 to reconstruct and expand the existing self-serve car wash tunnel along with a new 9' 8" block wall that exceeds the maximum height allowed. He added that two letters had been received, one in opposition and one in response from the applicant. These documents are on file with the Community Development Department.

Chairperson Baca asked if there are any questions of staff and then posed a question regarding the wall location.

Assistant Planner Griffiths responded that the wall would be along the northeast alley property line and surrounding the trash enclosure within the property lines of the site.

Commissioner Cole asked if staff received any written responses to the public hearing notice sent to neighboring properties with regard to the proposed modifications.

Assistant Planner Griffiths responded that only one letter was received from the public and it was after the PEC packets were sent out. It was in opposition to the project from attorneys representing the commercial carwash owner across the street. A second letter was received from the applicant in response to the challenges of the first letter.

Commissioner Samaniego asked questions regarding noise levels and decibels and wondered about the source of the noise study data and what other car washes, if any, were used to get those numbers.

Assistant Planner Griffiths responded that the Noise Study data and findings were produced by a noise consultant hired by the applicant.

Commissioner Samaniego questioned if the numbers provided are correct and asked if we should trust and abide by those numbers.

Assistant Planner Griffiths stated that there is a recommendation for a 6-month review of the carwash operation after construction and staff will take a noise measurement during that review to ensure the business is in compliance at that time.

Chairperson Baca opened the public hearing.

The applicant, Francisco Behr, architect of the project, representing Mohamed Elbiali, spoke about the project, summarizing a letter from the applicant that responds to the letter from the opposing carwash property owner. Mr. Behr emphasized that the carwash was only an accessory use to the primary service station use and even

though expanded the existing building size, it was smaller than the existing convenience store building. He objected to the characterizations of the opposition that the carwash building was five times larger than the existing 34 year old carwash. He stated that the applicant was just replacing outdated technology with a more modern and efficient facility with better and quieter equipment. He believed that the CEQA determination of a categorical exemption was the correct action for this project.

City Attorney Tsai requested Mr. Behr to summarize the letter and not read it verbatim, as it was already part of the official record.

Chairperson Baca clarified Mr. Behr's reference to CEQA as the California Environmental Quality Act.

Chairperson Baca asked if there are any questions from the Commission.

Commissioner Samaniego questioned, pertaining to Table 6 Noise Levels, where did we get those numbers from or are they coming from other car washes that you have?

Consultant, Robert Woo, the Principal of the Acoustics Group, responded to Commissioner Samaniego's question stating that they obtain noise data from the manufacturer and combine it with ambient noise measurements near the site.

Commissioner Baca questioned Applicant Behr, as the representative for the car wash, if he has read and agrees with the conditions of the approval. Applicant Francisco Behr stated he has read and agrees with the conditions of the approval.

Mr. Behr explained that Consultant Robert Woo obtained noise level information from the manufacturer, collected ambient noise data in the neighboring area and added that into a computer model that predicts the duration and location of noise. Robert Woo acknowledged that he agreed with what Applicant Behr stated.

City Attorney Tsai asked Applicant Behr if he is satisfied that he was able to fully make his statements in support of the project. Applicant Francisco Behr responded yes.

Chairperson Baca reminded the public to limit comments to five (5) minutes.

The following members of the public spoke against the project:

- Alex Shakouri
- Ernest Guadiana
- Jackson McNeill
- Alan Gafford

Alex Shakouri spoke saying this project would be financially devastating to his 10-year-old carwash business that is directly across the street from this proposed use.

Ernest Guadiana, land use attorney at Elkins Kalt Weintraub Reuben Gartside, LLP ("Elkins Kalt") representing Alex Shakouri and Shakouri Investment Group ("Shakouri"), spoke against the project. He wanted to inform the Commission that he believes that this project should not be heard by the Planning Commission, as the Design Review Board (*Development Review Board – "DRB"*), has not first properly considered this project. He states that under the City's Code, he understands that a noticed public hearing is not required for the DRB, however irrespective of this his client was not afforded a reasonable opportunity to be heard by the DRB. He never received any Notice of the DRB meeting and was unable to exercise his due process rights to oppose the project at that DRB hearing. He quoted LMC 9481(c) and would request that this be immediately remanded to the Design Review Board (*Development Review Board*), so that his client could voice his opposition in that forum.

Commissioner Cole asked Mr. Guadiana which is the Code section cited related to his client's due process rights.

Attorney Ernest Guadiana stated LMC 9481(c).

Jackson McNeill, an Elkins – Kalt CEQA attorney representing Shakouri, spoke in opposition to the project, stating that none of the proposed categorical exemptions were applied appropriately to this project, that at a minimum, a traffic study should be completed and that an Initial Study should be prepared for the project.

Alan Gafford spoke against the project. He stated that this project is a new car wash that violates Ordinance 2018-6 which bans new car washes in the C-3 Zone District. He also challenged the validity of the noise study as the noise measurement device was not properly calibrated at the time of measurement. He stated that a traffic study was needed and that increasing the capacity from 30 cars washed a day to 300 was a significant change that needs to be further evaluated in an initial study.

The following members of the public spoke in favor of the project, representing themselves as local residents and customers, who regularly frequent the facility. All spoke favorably of the operation and conveniences created by having the store, gas station, and car wash all in one location:

- Michael Giroux
- Nina Giroux
- Clinton Hines
- Leticia Mijares
- Susan Mijares
- Brooke Schuetre
- Mariah Row
- Michael Lumplin
- Mohamed Elbiali

Chairperson Baca asked when the original carwash tunnel was constructed.

Owner Mohamed Elbiali stated he does not know—he has only owned this service station for less than one year. Assistant Planner Griffiths stated it was 1989.

Commissioner Samaniego asked that Owner Mohamed clarify his statement that he has not seen any such car washes in surrounding cities and asked if he owns other car washes. Owner Mohamed answered that he and his father own 20 gas stations. He clarified that he has not seen other one-stop shop service stations with a carwash and convenience store in the area, where a customer can get gas, a car wash, and snack.

Consultant Robert Woo (Acoustics Group) spoke again stating that the calibration of the noise instruments and certification were valid and current when data was collected.

City Attorney Tsai asked if the applicant would like to respond to comments.

Applicant Francisco Behr said yes and spoke again.

Commissioner Samaniego requested a discussion regarding Development Review Board hearing procedures and whether this is a new car wash or a remodel.

Commissioner Cole asked if staff would address the allegation regarding improper Development Review Board notification.

Assistant Director McGuckian explained that he is the Chairperson of the three-member Development Review Board (DRB), which consists of a planner, himself, an architect, and a landscape expert. The DRB process has changed dramatically in the last 3 years, due to pandemic restrictions on public gatherings and SB9 removing all single-family residential projects from the DRB discretionary review.

The DRB currently does conduct in-person meetings, decisions are made through electronic and/or telephonic communication and then consensus voting of the DRB members. The DRB never provided public notice to surrounding property owners. The Community Development Department has always maintained a list of current projects pending DRB review and action, that list is available to the public. The DRB action in this instances is advisory only and provides recommended conditions of approval to the Planning and Environment Commission (PEC) for consideration.

The property owner expressing opposition was not denied an opportunity to express his opposition or denied any due process procedure as allowed by current DRB procedures and regulations. The opposing property owner had an opportunity to avail himself of the DRB project list and to submit a letter of concern to the DRB, prior to their advisory action. The Lakewood Municipal Code fully recognizes the ability for such DRB deliberations/actions to be conducted through electronic communications.

Assistant Director McGuckian explained further that a carwash is not just a building, it is an authorized land use and activity. A carwash was approved in 1989 and that carwash has been continually used as such for 34 years.

This project replaces an outdated facility that continues this land use in a new building with modern equipment that is more efficient in terms of water and energy use, processing time, and noise attenuation, while providing a better-quality car wash.

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 Cole seconded approval of staff recommendation to approve Conditional Use Permit No. 279, Amendment No. 3, 4311 South Street, and its related categorical exemptions.

AYES: COMMISSIONERS: Cole, Stuckey, Samaniego, Ung and Baca
NOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: None
ABSTAIN: COMMISSIONERS: None

Chairperson Baca announced that the Motion has passed.

2. CONDITIONAL USE PERMIT NO. 1013, 5227 LAKEWOOD BOULEVARD

Senior Planner, Paul Kuykendall, presented the staff report and exhibits, which recommended approval of Conditional Use Permit 1013 for the establishment of a second-hand store, Savers. These documents are on file with the Community Development Department.

Chairperson Baca asked if there are any questions of staff. There were no questions.

Chairperson Baca opened the public hearing.

The applicant, Bob Superneau, PM Design Group, Architects for Savers, spoke and stated that he is here to represent the project and answer any questions.

Chairperson Baca questioned Applicant, Bob Superneau, if he has read and agrees with the conditions of the approval, and Bob Superneau responded affirmatively.

Chairperson Baca reminded the public to limit comments to five (5) minutes.

There were no questions from the public and no questions from the Commission.

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 Samaniego moved and Commissioner Ung seconded approval of staff recommendation to approve the Conditional Use Permit No. 1013, 5227 Lakewood Boulevard, and its related Categorical Exemption.

AYES: **COMMISSIONERS:** Cole, Stuckey, Samaniego, Ung and Baca
NOES: **COMMISSIONERS:** None
ABSENT: **COMMISSIONERS:** None
ABSTAIN: **COMMISSIONERS:** None

Chairperson Baca announced that the Motion has passed.

REPORTS: None.

PUBLIC COMMENTS: None.

STAFF COMMUNICATIONS:

Director Abel Avalos thanked everyone for their consideration of the two items presented. Going forward, any suggestions for the packet process, would be appreciated.

Chairperson Baca thanked Senior Planner Kuykendall and Assistant Planner Griffiths for their time in explaining some of the points which prepared him for the meeting.

ADJOURNMENT: The meeting was adjourned at 8:40 p.m.



Secretary