



Minutes

Lakewood City Council

Adjourned Regular Meeting held
August 8, 2023

MEETING WAS CALLED TO ORDER at 5:30 p.m. by Mayor Pe in the Executive Board Room, 5000 Clark Avenue, Lakewood, California.

ROLL CALL: PRESENT: Mayor Ariel Pe
Vice Mayor Todd Rogers
Council Member Cassandra Chase (teleconference; joined at 6:00 p.m.)
Council Member Steve Croft
Council Member Jeff Wood

STAFF PRESENTATION AND COUNCIL DISCUSSION - ORDINANCE NO. 2023-6:

City Manager Thaddeus McCormack stated for the record that Council Member Chase was out of town for work purposes and would join the meeting at 6:00 p.m. via teleconference. He added that she had been briefed on the items to be discussed regarding this ordinance.

Mr. McCormack made a presentation based on the report in the agenda and provided a brief summary of three items that staff was seeking direction on regarding Ordinance No. 2023-6. The first item was a recommendation from the Planning and Environment Commission (PEC) to direct staff to initiate a study of backyard beekeeping that would include a review of regulations in adjacent jurisdictions.

Council Members shared comments and staff responded to their questions. Mr. McCormack noted that Council Member Chase had expressed support of the study.

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE THE PEC'S RECOMMENDATION TO DIRECT STAFF TO INITIATE A STUDY OF BACKYARD BEEKEEPING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Chase

The City Manager stated that the second item staff sought direction on was the radius length of the child safety visual corridor which promoted safe passageways for children walking along city sidewalks to and from schools, libraries, and public parks. The radius of the corridor was written in the ordinance as one-half of a mile and staff sought the Council's acceptance of the length so that the ordinance could be introduced in its current form at the regular meeting later in the evening.

PRESENTATION AND DISCUSSION - ORDINANCE NO. 2023-6: - Continued

Council Members shared comments and staff responded to their questions. Mr. McCormack noted that Council Member Chase had expressed support of the one-half of a mile corridor radius.

COUNCIL MEMBER WOOD MOVED AND VICE MAYOR ROGERS SECONDED TO MOVE FORWARD WITH INTRODUCING THE ORDINANCE AT THE REGULAR MEETING WITH THE CHILD SAFETY VISUAL CORRIDOR ONE-HALF OF A MILE RADIUS LENGTH. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Chase

The City Manager stated that the third item staff sought direction on was related to additional residential parking and he inquired if the Council found the current ordinance wording to allow additional parking acceptable or if the Council preferred to pull the wording from the ordinance and discuss the item further at a future study session meeting.

Vice Mayor Rogers recommended that wording be added to clarify that an additional front yard parking space could be added if it was accessible from the existing driveway apron. Vice Mayor Rogers, with the concurrence of the Council Members in attendance, proposed that staff research an ordinance to allow residents to petition to ban overnight parking on a city street and bring the findings and a potential ordinance back to the Council for consideration.

Council Members shared comments and staff responded to their questions.

VICE MAYOR ROGERS MOVED AND MAYOR PE SECONDED TO MOVE FORWARD WITH INTRODUCING THE ORDINANCE AT THE REGULAR MEETING WITH THE RECOMMENDED MODIFICATIONS TO THE ADDITIONAL FRONT YARD PARKING WORDING AND DIRECT STAFF TO STUDY THE PETITION PROCESS TO BAN OVERNIGHT PARKING ON CITY STREETS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Chase

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At 5:59 p.m., the City Council moved to the Council Chambers for the Appeal of Conditional Use Permit No. 279, Amendment No. 3.

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APPEAL OF CONDITIONAL USE PERMIT NO. 279, AMENDMENT NO. 3, 4311 SOUTH STREET

At 6:03 p.m. the City Council reconvened in the Council Chambers and Mayor Pe announced that pursuant to Government Code Section 54953(b), Council Member Chase would participate in the meeting via teleconference.

City Attorney Ivy Tsai explained the recommended sequence and time limits for conducting the de novo hearing. There being no objection from the City Council, the sequence and time limits were as follows: appellant - ten minutes; applicant - ten minutes; members of the public - two minutes per speaker; appellant's rebuttal - five minutes; applicant's rebuttal - five minutes; Council questions, closing of the hearing, and deliberation by the Council.

Ernest Guadiana and Jackson McNeil, attorneys representing the appellant Shakouri Investment Group, shared their reasons for the requested appeal of the conditional use permit (CUP) amendment, including that the project was not a modification of an existing carwash and was the construction of a new car wash; an unsafe circulation plan; and that a California Environmental Quality Act (CEQA) exemption was not applicable to this project. Alex Shakouri, appellant and owner of Lakewood Car Wash, requested the appeal of the CUP amendment be upheld and shared his concerns of a negative financial impact to his car wash business directly across the street from this site; the addition of only one pay station; the possibility of backed up vehicles; and the potential ability of the proposed tunnel to wash 100 cars per hour.

Mohamed Elbiali stated that he and his father were the owners of 4311 South Street and they had made various improvements to the gas station and convenience store and an upgrade to the carwash was the remaining task. He requested a denial of the appeal and cited his research found that a 100ft car wash tunnel was the standard size to clean cars adequately. Jeffrey Carlin, attorney representing the applicant Mohamed Elbiali, MGE Oil, LLC and Mo Enterprises, LLC, shared that the applicant was amenable to action alternative number two from the report in the agenda, which would deny the appeal and modify the conditions of approval of the project to prevent water impacts to neighboring properties. He added that before the start of the hearing he submitted, with the clerk, hundreds of signatures from community members in support of the project and a handout in response to the appellant's supplemental letter from the day before. He summarized the points in the handout which included an expert traffic analysis found that the project would add 0.2% of traffic to the community; three CEQA "categorical exemptions" covered all components of the project; and an expert traffic study supported the project's circulation plan.

Pompelio Lopez; Matthew Hunter; Michael Dro; Nina Gerove; Leann Hines; Blake Donaldson; Leandra Soto; Connor Hougin; Frankie Monroy; Michael; Brooke; Mariah; Trey Diggs; Leah Magallanes; Juan Toro; Ryan Williams; Theresa Zuniga; Tony; and David Knight spoke in favor of denying the appeal and upholding the decision of the Planning and Environment Commission (PEC) to grant CUP No. 279, Amendment No.3.

Michael Meyer; Alan Gafford; Mark Cose; and David Tesler spoke in favor of upholding the appeal and denying CUP No. 279, Amendment No.3.

APPEAL OF CUP 279, A-3, 4311 SOUTH STREET - Continued

Jeff Wysard, partial owner of the property adjacent to the site, stated that a letter of concern was submitted from his attorney regarding water intrusion issues from 4311 South Street and that the problem was addressed in the action alternative number two resolution from the report in the agenda. He requested that wording be added to the resolution to state that the carwash shall be “designed and constructed” to prevent water impacts to neighboring properties. Mr. Wysard added that he felt the project would be an improvement to the site.

Mr. Guadiana delivered a rebuttal on behalf of the appellant stating that the proposed project was not a minor change to an existing carwash and was a complete rebuild that the law did not allow. He concluded by requesting four conditions should the City Council approve the project, which were limiting the car wash to service 200 cars per day; the addition of a second pay station; the addition of an attendant to assist with circulation; and the removal of three vacuum stations.

Mr. Carlin delivered a rebuttal on behalf of the applicant stating that they were agreeable to the wording modification proposed by Mr. Wysard regarding water impacts. He added that there was substantial evidence in the record showing that the project conformed to CEQA guidelines and the Lakewood Municipal Code. He requested a denial of the appeal and approval of the project.

Staff and the City Attorney responded to Council Members’ questions pertaining to square footage of the proposed car wash; the grandfathered status of the car wash at the site; CEQA exemption; and legal considerations for the hearing.

Vice Mayor Rogers inquired if the applicant was amenable to any of the conditions requested by the appellant and Francisco Behr, architect for the project, explained that limiting the car wash to 200 cars per day was not possible; an additional pay station was not feasible because the single pay station was part of the queue line; an attendant to manage the queue was part of the current project plan; and removal of three vacuum stations was not possible because it would create congestion. Council Member Croft inquired if each gas pump and the convenience store served as pay stations for the car wash and Mr. Behr confirmed they did.

Mayor Pe declared the public hearing closed at 7:15 p.m.

The Council Members thanked all of those in attendance and shared their comments. Council Member Croft noted that the site currently had a car wash and would still have the same land use after the CUP amendment and he did not see a reason to deny the project. Council Member Wood stated that he would vote to deny the project based on his interpretation of the 2018 carwash ordinance and to remain consistent with previous voting. Vice Mayor Rogers stated that he did not see a legal basis to uphold the appeal and shared his support to deny the appeal through action alternative number two from the report in the agenda with the requested modification from the adjacent property owner. Council Member Chase stated that based on the items presented, this project was a modification of an existing carwash and the PEC decision to approve the CUP amendment should be upheld.

APPEAL OF CUP 279, A-3, 4311 SOUTH STREET - Continued

Mayor Pe requested that the City Attorney explain the Council's options. Ms. Tsai stated that there were three options in the staff report for consideration. One option was to adopt a resolution to uphold the appeal and deny CUP 279, A-3. The two other options included adopting a resolution to uphold the PEC decision to grant CUP 279, A-3. Action alternative number two from the staff report was to adopt a resolution upholding the PEC decision and included conditions to prevent water impacts to neighboring properties. She noted that Vice Mayor Rogers had expressed support of this option with the addition of the language "designed and constructed" as requested by the adjoining property owner.

RESOLUTION NO. 2023-52; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF CONDITIONAL USE PERMIT NO. 279, AMENDMENT NO. 3 AND UPHOLDING THE PLANNING AND ENVIRONMENT COMMISSION'S APPROVAL FOR THE RECONSTRUCTION OF AN EXISTING AUTOMATED CAR WASH TUNNEL AT AN EXISTING SERVICE STATION AND TO CONSTRUCT THREE SHADE CANOPIES, NINE VACUUM STATIONS, AND AN EXCESS HEIGHT WALL IN CONJUNCTION WITH AN EXISTING SERVICE STATION AND AN EXCESS HEIGHT WALL ON A PROPERTY LOCATED AT 4311 SOUTH STREET, LAKEWOOD, CALIFORNIA

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER CROFT SECONDED TO ADOPT RESOLUTION NO. 2023-52, WITH THE ADDED LANGUAGE OF "DESIGNED AND CONSTRUCTED". UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Chase, Croft, Rogers and Pe

NAYS: COUNCIL MEMBERS: Wood

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Pe adjourned the meeting at 7:19 p.m.

Respectfully submitted,

Isabelle D. Schultz
Assistant City Clerk