RESOLUTION NO. 2013-09-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL SETTING FORTH ITS FINDINGS OF FACT AND DECISION RELATIVE TO CONDITIONAL USE PERMIT NO. 2012-06, A REQUEST BY ARWA HARB TO OPERATE A USED AUTO SALE BUSINESS AT 3743 FLORENCE AVENUE IN THE C-3R (COMMERCIAL) ZONE

WHEREAS, Arwa Harb (the "Applicant") filed a complete application requesting the approval of Conditional Use Permit 2012-06 described herein ("Application");

WHEREAS, the Application pertains to an approximate 16,537 square foot property on Los Angeles County Assessor’s parcel numbers 6324-032-015, more commonly known as 3743 Florence Avenue, Bell, California ("Property");

WHEREAS, the Applicant requests approval of a Conditional Use Permit to allow a used auto sale business to be located within an existing 500 square foot building, pursuant to Bell Municipal Code, Chapter 17.96.030.17;

WHEREAS, an environmental assessment form was submitted by the Applicant pursuant to pertinent City requirements. Based upon the information received and Staff’s assessment, the project was determined not to have a significant environmental impact on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 210000 et seq.) and pursuant to Section 15301 of the CEQA guidelines, Title 14, Chapter 3 of the California Code of Regulation; and

WHEREAS, on February 20, 2013, the Planning Commission of the City of Bell conducted a duly noticed Public Hearing on the Application, and all legal pre-requisites to the adoption of this resolution have occurred.

WHEREAS, no new environmental impacts or issues were raised during the public hearing.

NOW, THEREFORE, the Planning Commission of the City of Bell does hereby resolve, determine and order as follows:

Section 1 - The Planning Commission, in light of the whole record before it including but not limited to the City’s local CEQA Guidelines and Thresholds of Significance, the proposed documents incorporated herein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:
a. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the Municipal Code of the City of Bell.

b. Upon independent review and consideration of all pertinent information and the information contained in the Notice of Exemption for the CUP, the Planning Commission hereby finds and determines that the proposed project is exempt from California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.) pursuant to the Class 1 categorical exemption in Section 15301(a) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) in that the project involves the occupation of an existing building. The Planning Commission further finds that the proposed project will not result in direct or indirect significant impact on the environment. Accordingly, the Planning Commission adopts the Notice of Exemption and directs the Staff to file the Notice of Exemption as required by law.

Section 2 - Pursuant to the Bell Municipal Code and in light of the record before it including the staff report dated February 20, 2013, and all evidence and testimony heard at the public hearing for this item, the City Council makes the following findings pertaining to Conditional Use Permit No. 2012-06:

Finding 1: The Site for the proposed use is adequate in size, shape and topography to accommodate the proposed use.

Evidence: The site is flat and was originally developed previously as a tow yard site with a 500 square foot tow office. The site is surrounded by other commercial and office uses and the development of a commercial retail building as proposed is compatible with the surrounding land uses. The site is currently comprised of one parcel with 16,537 square feet, which is above the 5,000 square foot minimum parcel size required in the C-3R Zone. The parcel size and shape are adequate to accommodate the used auto sales office and accommodate all associated parking, landscaping and circulation needs for the proposed project.

Finding 2: The site has sufficient access to public streets and highways adequate in width and pavement type, to carry the quantity and quality of vehicular and pedestrian traffic expected to be generated by the proposed use.

Evidence: The site is served by an existing driveway on Florence Avenue and one on Bear Avenue. These existing driveways are adequate to provide movement of vehicles, trucks and pedestrians on and off local streets serving the project. The proposed project has been designed to meet all City standards applicable to commercial uses which include satisfactory pedestrian, vehicular, and truck circulation, emergency vehicle access and on-site and off-site public improvements. Further, all streets, utilities, and drainage facilities that are required, will be constructed in conformance with applicable standards of the City of Bell.
Finding 3: All buildings and structures proposed to be remodeled and utilized in conjunction with the use will be architectural compatible with existing and prospective uses of land located in the immediate vicinity of the site.

Evidence: The site is located in a commercial corridor of the City and is surrounded on three sides by other commercial uses. The architectural plans for the proposed structure were reviewed by an Architectural Review Board assembled for this particular project, which included city staff, who reviewed the elevation and recommended changes and enhancements that are reflected in the proposed elevations. The proposed exterior remodel of the building has been enhanced through the introduction of various materials, colors and textures to create a harmonious and modern appearance that is architecturally compatible with existing and prospective uses of land located in the immediate vicinity of the site.

Finding 4: The location of the proposed use on the site will be compatible with existing and prospective uses of land in the immediate vicinity of the site.

Evidence: The site is located in a commercial area of the City and is surrounded on three sides by other retail, office, and commercial uses. The adjacent land uses include commercial to the south, commercial to the east, residential uses to the north and commercial to the west. Access to the site is achieved through the existing driveway entrance on Florence Avenue. The proposed commercial use and project design, with applied conditions of approval, will ensure that the proposed development of the use on the site will be compatible with existing and prospective uses of land located in the immediate vicinity of the site.

Finding 5: That the conduct of the proposed use will be in compliance with the applicable provisions of any specific plan applicable to such site, and with the City’s General Plan. (ord. 1129 (part), 1997; prior code § 9266)

Evidence: The Current General Plan Land Use Designation for the project site is "Commercial", which is consistent with its zoning designation of “C-3R” (Commercial) Zone. Development standards for parcels in the "C-3R" Zone allow commercial uses as proposed. The project meets the development standards of the “C-3R” Zone, relative to setbacks, parking, loading, and landscaping. The project site is not in a specific plan.

Section 3: Based upon the findings outlined in Section 2 above, the Planning Commission of the City of Bell hereby takes the following actions:

a) Approve Permits: Approve Conditional Use Permit No. 2012-06 for the construction and operation of a 500 square foot Used Auto Sale Business office building, including the review of remodeled building elevations and other site improvements.; to be constructed on one 16,537 square foot parcel,
subject to the Conditions of Approval attached and incorporated herein by reference as Exhibit 1; and

b) **Filing Notice**: Authorizes the filing of a Notice of Exemption; and

c) **Location of Document**: The development plans and documents incorporated therein and forming the record of decision therefore, shall be filed with the City of Bell Community Development Department at the Bell City Hall, located at 6330 Pine Avenue, Bell, California, 90201, and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 20th day of February, 2013.

[Signature]
Ali Salem, Chairman

Approved as to form:

[Signature]
David Aleshire, City Attorney

(Attestation by City Clerk on Separate Page)
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Rebecca Valdez, City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original Resolution No. 2013-09-PC adopted by the Bell City Council at its regular meeting held on the 20th day of February, 2013, by the following vote:

AYES: Commissioners Harber, Quintana, Valencia, Vice Chair Alvarez and Chair Saleh

NOES: None

ABSENT: None

ABSTAIN: None

[Signature]
Rebecca Valdez, CMC, City Clerk
A. **ALL OF THE FOLLOWING CONDITIONS APPLY TO YOUR PROJECT. APPLICANT SHALL CONTACT THE PLANNING DIVISION, (323) 588-6211, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

General Requirements

1. Indemnification. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, suits, claims, liabilities, losses, damages, penalties, obligations and expenses (including but not limited to attorneys' fees and costs) against the City and/or Agent for any such Claims or Litigation and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant. The applicant's obligation to pay the cost of the action, including judgment, shall extend until judgment. After judgment in a trial court, the parties must mutually agree as to whether any appeal will be taken or defended. The applicant shall have the right, within the first 30 days of the service of the complaint, in its sole and absolute discretion, to determine that it does not want to defend any litigation attacking the City's approvals in which case the City shall allow the applicant to settle the litigation on whatever terms the applicant determines, in its sole and absolute discretion, but applicant shall confer with City before acting and cannot bind City. In that event, the applicant shall be liable for any costs incurred by the City up to the...
date of settlement but shall have no further obligation to the City beyond the payment of those costs. In the event of an appeal, or a settlement offer, the Parties shall confer in good faith as to how to proceed. Notwithstanding the applicant's indemnity for claims and litigation, the City retains the right to settle any litigation brought against it in its sole and absolute discretion and the applicant shall remain liable.

2. ☑ If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.

3. ☑ All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement. All applicable development fees are due prior to the issuance of building permits.

4. ☑ All planning conditions of approval shall be blue printed as general notes on the front page of the approved set of building plans.

5. ☑ Except as set forth in conditions, development shall take place as shown on the approved set of plans and elevations. Any deviations must be approved by the Community Development Director before construction.

6. ☑ Except as set forth in conditions, development shall take place as shown on the approved site plans and elevations. Any deviations must be approved by the Community Development Director before construction.

7. ☑ Copies of the signed Planning Commission Resolutions of Approval of Conditions of Approval; and all environmental mitigations shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
8. The applicant shall be required to pay any applicable Fish and Game fees as shown below. The project planner will confirm which fees apply to this project. All checks are to be made payable to the Clerk of the Board Supervisors and submitted to the Planning Commission Secretary prior to the Planning Commission hearing:
   a) Notice of Exemption - $50
   b) Notice of Determination - $50

9. Prior to issuance of building permits, the following note shall be shown of the final site plan:
   Vehicular and truck traffic shall not be blocked or restricted except as noted on the approved site plan or as approved by the Community Development Director and County of Los Angeles Fire Department.

B. Time Restrictions
   1. Conditional Use Permit approval shall expire if building permits are not issued or approved use has not commenced within 1 year from the date of approval.
   2. The hours of operation shall be limited to 9:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday through Sunday.

C. Site Development
   1. The site shall be developed and maintained in accordance with the approved plans which include, site plans, architectural elevations, exterior materials and colors, and landscaping on file in the Community Development Department, the conditions contained herein, and the Zoning Code. No exterior structural alteration or building color change, other than those colors or building treatments originally approved by this application, shall be permitted without the prior approval of the Director of Community Development.
   2. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.
3. Occupancy of the facilities shall not commence until such time as all Uniform Building Code and State Fire regulations have been complied with. Prior to occupancy, plans shall be submitted to the County of Los Angeles County Fire Department and the Building and Safety Division to show compliance. The buildings shall be inspected for compliance prior to occupancy.

4. Revised site plans and building elevations incorporating all Conditions of Approval shall be submitted for Community Development Director for review and approval prior to the issuance of building permits.

5. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency with each other and for consistency with the requirements and standards of the City of Bell; prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.).

6. Approval of this request shall not waive compliance with all sections of the Bell Municipal Code, all other applicable City Ordinances, and Development Codes in effect at the time of building permit issuance.

7. A lighting plan, including a photometric diagram, shall be submitted with the building and site plans prior to issuance of a building permit. The lighting plan shall demonstrate that all on-site lighting will be shielded and that direct light will be confined within site boundaries. Parking lot and security lighting shall be clearly identified and be full cut-off fixtures preventing light above the horizontal plane of the fixture. Direct light spill-off shall not be permitted onto public rights of way or adjacent properties or be allowed to create a public nuisance. All such light fixtures shall be noted on project plans. The Plan shall be reviewed and approved by the Community Development Director and Police Department prior to the issuance of building permits.

8. Trash receptacle(s) are required and shall meet City standards. The trash enclosure shall include a decorative cover and automatic locking solid metal doors. The final design, locations, and the number of trash receptacles shall be subject to Community Development Director review and approval prior to the issuance of building permits.

9. All ground-mounted utility appurtenances such as transformers, AC condensers, back flow prevention devices, security posts etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Community Development Director. The location of all electrical panels and meters shall be approved by the City prior to installation. Electrical panels and meters are prohibited in the front yard setback. Electrical panels and meters shall be screened with landscaping as approved by the City.
10. Stamped and stained concrete shall be installed within the front setback of each entry driveway. The color and design shall be approved by the Community Development Department.

11. All parkways, open areas, and landscaping shall be permanently maintained by the property owner or tenant, or other means acceptable to the City.

12. The landscaping along Florence and Bear Avenues shall be refurbished at the direction of the Community Development Department to include Marathon II sod, one new 36" box tree, shrubs, and underground, automatic sprinklers that provide sufficient irrigation to the landscape material. A precise landscaping plan shall be submitted showing the size, type and location of all plant material. No mature trees shall be removed without the approval of the Community Development Director. The plan shall be subject to the approval of the Community Development Department, and shall be approved separately from the design approval and from the working drawings. Any deviations must be approved by the Community Development Director before installation.

13. All driveway and parking areas shall not incorporate center swales. All drainage in common and private use areas shall be underground and shall not incorporate open gutters or center swales. The parking lot shall be equipped with decorative security bollards to be approved by the Community Development Director prior to installation.

14. All loading and unloading shall be conducted within the interior of the subject property and only during normal business hours. Loading and unloading is prohibited on City of Bell streets.

15. All areas improved with pavement within the lot will be repaired and slurry sealed and striped according to the approved site plan.

16. Walls and fencing shall be developed consistent with the approved site plan and any applicable conditions of approval. Perimeter walls shall be improved with stucco to match the building on site.

17. Outdoor storage and work are not permitted.

18. Tarps are prohibited from use as carports, patio covers, shade covers, and covers for outdoor storage in all front and side yard setback areas, rear yard areas and over driveways and in parking and circulation areas.

19. Graffiti shall be removed within 72 hours at the sole cost and expense of the property owner.
20. ☑ The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours. The outside premises shall be maintained in a clean manner at all times, and trash and debris shall be promptly removed from the yard areas, landscape areas, and the surrounding property perimeter.

21. ☑ Applicant shall remove all razor and barbed wire located on top of the existing perimeter walls at the north and west property line. The existing chain-link, wrought iron, and cinder block fences located on the front and street side property lines will be removed. Any existing metal appurtenances on the site will also be removed; including the stand alone crash posts, radio towers attached to the existing structure, and any other dilapidated structures on site.

D. Building Design

1. ☑ The installation of exterior security doors, gates and window coverings, including but not limited to bars, grills, gates, and overhead roll down doors, or any exterior mounted covering of any type, shall be prohibited.

2. ☑ All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from all sides and the sound shall be buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically more than 18 inches above the roof or roof parapet, shall be screened by an architecturally designed enclosure which exhibits a permanent nature with the building design and is detailed consistent with the building. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically less than 18 inches above the roof or roof parapet shall be painted consistent with the color scheme of the building. All building drainage shall be interior with no exterior downspouts or gutters. All building Details shall be included in building plans.

E. Parking and Vehicular Access (indicate details on building plans)

1. ☑ Handicap accessible stalls shall be provided as called for in the Bell Municipal Code.
2. ☑ Prior to Issuance of Building Permits, the applicant shall demonstrate compliance with the parking requirements for the project at the following ratios:
   a. Office - 1 space per 200 square feet
   b. Commercial - 1 space per 200 square feet
3. ☑ The storage or sale of inoperable vehicles, boats or recreational vehicles is not permitted.

F. Landscaping
1. ☑ A detailed landscape and irrigation plan shall be prepared and submitted for Community Development Director for review and approval prior to the issuance of building permits.
2. ☑ Within parking lot, trees shall be planted at a rate of one 15-gallon tree for every two parking stalls.
3. ☑ The final design of the parkways, walls, landscaping, and sidewalks shall be included in the required landscape plans and shall be subject to Community Development Director Review and approval and coordinated for consistency with any parkway landscaping plan which may be required by the Cities of Bell
4. ☑ Landscaping and irrigation shall be designed to conserve water through the principles of water efficient landscaping and meet all applicable standards for the Cities of Bell.
5. ☑ A decorative cap and banding shall be installed on the perimeter walls, subject to the approval of the Community Development Department.

G. Signs
1. ☑ The signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the Sign Ordinance and shall require separate application and approval by the Community Development Director prior to installation of any signs.

APPLICANT SHALL CONTACT THE BUILDING AND SAFETY DIVISION, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

NOTE: ANY REVISIONS MAY VOID THESE REQUIREMENTS AND NECESSITATE ADDITIONAL REVIEW(S)
H. General Requirements

1. ☑ Submit three complete sets of plans including the following: 
   a. Site/Plot Plan; 
   b. Foundation Plan; 
   c. Floor Plan; 
   d. Ceiling and Roof Framing Plan; 
   e. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams; 
   f. Plumbing and Sewer Plans, including isometrics, underground diagrams, water and waste diagram, sewer system location, fixture units, and heating and air conditioning; and 
   g. Planning Division Project Number (i.e., CUP#) clearly identified on the outside of all plans.

2. ☑ Submit two sets of structural calculations, energy conservation calculations, and a soils report. Architect's/Engineer's stamp and "wet" signature are required prior to plan check submittal.

3. ☑ Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

4. ☑ Separate permits are required for fencing and/or walls.

5. ☑ Business shall not open for operation prior to posting the Certificate of Occupancy issued by the Building and Safety Division.

I. Site Development

1. ☑ Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

2. ☑ Construction activity shall not occur between the hours of 8:00 p.m. and 6:00 a.m. Monday through Saturday, with no construction on Sunday or holidays.

3. ☑ Construction related truck trips shall not occur between the hours of 7:00 – 9:00 AM and 4:00 – 6:00 PM.
J. Existing Structures

1. ☒ Underground on-site utilities are to be located and shown on building plans submitted for building permit application.

2. ☐ Upon tenant improvement plan check submittal, additional requirements may be required.

3. ☒ Prior to the issuance of a grading or building permit, a Certified Environmental Professional shall confirm the presence or absence of ACMs and LBPs prior to structural demolition/renovation activities. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriately permitted facility.

APPLICANT SHALL CONTACT THE ENGINEERING DIVISION, FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

K. Traffic

1. ☒ All approved project driveways shall remain open to traffic during business hours and all other times when vehicles are expected to enter or exit the site.

2. ☒ On-street parking or staging of vehicles will not be permitted to occur in conjunction with operation of the project facility. If actual parking or loading demand exceeds that provided, the project applicant shall either reconfigure the site to accommodate the demand or provide additional parking offsite within a reasonable walking distance. The design and construction of any site reconfiguration is subject to City review and approval. The arrangements for offsite parking, as well as any associated design and construction, are subject to City review and approval.

3. ☒ Prior to issuance of a Certificate of Occupancy by the City of Bell, the project applicant shall construct/reconstruct improvements as necessary to provide sidewalk across the entire Florence Avenue frontage to the satisfaction of the City Engineer. Obstructions such as power poles shall be relocated as part of these improvements.

L. Street Improvements

1. ☒ Prior to issuance of Certificate of Occupancy, Improvement Plans and Construction shall be completed:
a. Prior to any work being performed in public right-of-way, fees shall be paid and a construction permit shall be obtained from the Engineering Services Division, in addition to any other permits required.

b. Concentrated drainage flows shall not cross sidewalks. Under sidewalk drains shall be installed to City Standards.

c. All driveway approaches, ADA ramps, sidewalk, curb, gutter, signs, median, landscape and street lights shall conform to the applicable City of Bell standards, ordinances and policies.

2. ☒ Water improvement plans including distribution system and appurtenances shall be approved by the County of Los Angeles Fire Marshal, the Water District/Company, and the City Engineer. Sanitary sewer plans shall be approved by the Los Angeles Sanitary Sewer District and the City Engineer.

M. Utilities

1. ☒ Provide underground utility services including sanitary sewerage system, water, gas (optional), electric power, telephone, and cable TV in accordance with the Utility Standards. Easements shall be provided as required.

2. ☒ The developer shall be responsible for the relocation of existing utilities as necessary.

3. ☒ Prior to the release of utilities or service connections, final building, electrical, plumbing, and/or mechanical approval, the owner or general contractor shall submit a list of all contractors and/or subcontractors performing work on this project or development to the Community Development Department. All Contractors shall obtain a business license to work and/or do business in the City of Bell.

APPLICANT SHALL CONTACT THE POLICE DEPARTMENT AND OBTAIN WRITTEN APPROVAL FOR COMPLIANCE WITH THE FOLLOWING CONDITIONS:

N. Security Lighting

1. ☒ All parking, common, and storage areas shall be lighted to maintain a minimum of 1-foot candle power. These areas should be lighted from sunset to sunrise and be on photo sensor cells.

2. ☒ All buildings shall have minimal security lighting to eliminate dark areas around the buildings, with direct lighting to be provided by all entryways. Lighting shall be consistent around the entire development.
3. Lighting in exterior areas shall be in vandal-resistant fixtures and shall be decorative in nature. New 12 foot high light standards will be subject to approval by the Community Development Director prior to installation.

O. Building Numbering

1. Numbers and the backgrounds shall be of contrasting color and shall be reflective for nighttime visibility.

P. County of Los Angeles Fire Department

1. APPLICANT SHALL CONTACT THE LOS ANGELES COUNTY FIRE DEPARTMENT, FOR COMPLIANCE WITH FIRE REGULATIONS. PRIOR TO ISSUANCE OF BUILDING PERMIT PROOF OF PLAN CHECK INCLUDING FIRE SPRINKLER PLAN APPROVAL IS REQUIRED.