RESOLUTION 2016-103-PC

A RESOLUTION OF THE PLANNING COMMISION OF THE
CITY OF BELL APPROVING CONDITIONAL USE PERMIT CUP
NO 2016-05, TO ALLOW FOR THE CONSTRUCTION OF A 30
FEET BY 48 FEET PREFABRICATED GREENHOUSE MADE
OF GALVANIZED STEEL WITH A CONCRETE BASES AND TO
PERMIT AN EXISTING GARDEN AREA LOCATED ON A 1.5
ACRE SITE ON THE SOUTH-SIDE OF "K" STREET WITHIN A
C-M ZONING DISTRICT

A. RECITALS

WHEREAS, GrowGood Inc. (the Applicant") filed a complete application requesting the
approval of Conditional Use Permit 2016-05 described herein ("Application"); and,

WHEREAS, the application pertains to an approximate 1.5 acre site located on the
south-side of "K" Street, more commonly known as 5600 Rickenbacker Road, Bell, California
("Property") is located within the C-M zoning district; and,

WHEREAS, the Applicant requests approval of a Conditional Use Permit to construct a
30 feet by 48 feet prefabricated greenhouse made of galvanized steel with a concrete base and
to permit an existing garden; and,

WHEREAS, in accordance with the Bell Zoning Ordinance within the C-M Zoning District
Section 17.36.020 {5}, "prefabricated building" is permitted subject to the approval of
Conditional Use Permit; and

WHEREAS, the purpose of the Conditional Use Permit is to allow for the City to impose
conditions to enforce and comply with policies, regulations and to ensure the public's safety,
health and welfare; and

WHEREAS, the City of Bell does not have any evidence that the existing garden was
ever permitted and that its use will be included with the approval of the Conditional Use Permit; and

WHEREAS, the City of Bell Development Review Committee (DRC) reviewed the
proposed greenhouse and provided attached Conditions of Approval; and

WHEREAS, the City Clerk published a notice of the public hearing on Nov 11, 2016 in a
newspaper of general circulation; and

WHEREAS, notices were also posted on November 9, 2016, at three specific sites; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the
project qualifies for a categorical exemption under CEQA Guidelines Sections 15332 of the
CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations for In-fill
Development Project; and,

WHEREAS, the Planning Commission on November 21, 2016 conducted a duly noticed
public hearing for the project.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:

SECTION 1: The Planning Commission determine and declares that all of the facts set forth in the recitals of this resolution, are true and correct and are incorporated herein by reference.

1. 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.

2. Conditional Use Permit Required Findings:

A. The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site can accommodate a greenhouse for the area with sufficient setback between the residential units to the west. The site is large enough to accommodate the 30 feet by 48 feet framed greenhouse without drastically reducing the overflow parking for The Salvation Army.

B. The subject 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. The subject site is located on "K" Street. The primary use of the road is for vehicular truck traffic for BNSF operations and The Salvation Army deliveries. It is anticipated that the greenhouse and garden will generate limited traffic on "K" Street. The current road should be able to handle all current traffic needs and with the construction of a greenhouse, access should be acceptable.

C. The proposed building will be constructed in harmony with the architectural design of existing and prospective uses located in the immediate vicinity of the site. The project site is located in an industrial park. The greenhouse is made of galvanized steel and will build upon the industrial aesthetic of the area. The steel frames will be visible from the street. Most of the existing buildings were constructed as concrete tilt-up buildings with limited windows and natural light features. While the greenhouse will be designed with more natural lighting features, it simplistic design will complement the existing industrial appearance of the area.

D. The location of the proposed use on the site is compatible with existing and proposed uses along "K" Street. The presence of vegetation on the south-side of "K" Street will be enhanced with the planting of crops and produce within the greenhouse and garden. All buildings within the project area located on the north-side. The vegetation provides some relief to what would otherwise be predominated with hardscape land attributes for the project area.

E. The conduct of the proposed use is in compliance with the applicable provisions of the general plan of the City of Bell. While the General Plan recommends Industrial uses for this area, the interpretation of Industrial is meant to have a broad perspective. The construction of a greenhouse can be classified as Industrial in nature.
due to the labor intensive activities required to maintain a greenhouse and garden. Further, the Zoning District of C-M is a consistent District for the Industrial Land Use.

SECTION 2: Based upon the findings outlined in Section 1 above, the Planning Commission of the City of Bell hereby takes the following actions:

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2016-05, subject to the following conditions:

1. That this Conditional Use Permit (CUP 2016-05) entitlement shall include:

   a. The Applications and Exhibits referred to as Resolution Exhibits, "A" through "C" included in this report on file in the office of the Clerk of the City of Bell; and

   b. All applicable laws, including, but not limited to, Bell Municipal Code and the Bell Zoning Code, Specifically Chapter 17, as the same exist as of the date of approval of this Application or as the same may hereafter be amended; and

   c. All of the conditions of approval as set forth in this Conditional Use Permit No. 2016-05 and the City of Bell Standard Conditions of Approval listed as Exhibit "A".

2. That this Conditional Use Permit (CUP 2016-05) entitlement shall be subject to review by the Planning Commission through a Conditional Use Permit process as noted in Chapter 17; and

3. That, if based upon complaints received concerning the operation of the property, or for other cause, the Community Development Director determines that the approved use is exercised contrary to any conditions imposed upon the Conditional Use Permit, or is exercised to the detriment of public health or safety, or constitutes a nuisance, or is otherwise in violation of any laws or this Conditional Use Permit, then the Community Development Director shall schedule a noticed public hearing before the Planning Commission in accordance with Bell Municipal Code § 17.96.170 to determine whether the Conditional Use Permit should be revoked. The Commission may revoke the Conditional Use Permit if it finds any of the conditions in Bell Municipal Code § 17.96.170 satisfied, subject to review on appeal, taken in the time and manner set forth in Article III of the Bell Municipal Code; and

4. That the Conditional Use Permit conditions shall be placed on the property in a location where employees can easily read the conditions; and

5. That this Conditional Use Permit is subject to annual review by the appropriate City of Bell Department, including but not limited to Police, Community Development, Finance, CAO; and

6. That, any proposed or actual (i) substantial modification to a building or structure located on the property, or (ii) intensification of use so as to make the parking inadequate, as determined by the Chief Administrative Officer or designee, or (iii) other change in the use of the property, shall be cause to either revoke the Conditional Use Permit under Condition 4 or to review the conditions of the Conditional Use Permit for modification. Any review shall be undertaken through a public hearing before the Planning Commission pursuant to Bell Municipal
Code Section 17.96.190. A modification may be approved if necessary to protect the public peace, health and safety, or if necessary to permit reasonable operation under the Conditional Use Permit; and

7. That the design must be reviewed and stamped by an architect or engineer licensed in the State of California - (Business and Professions code Sections 5537, 5538 and 6737.1); and

8. That a building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2013 California Building Codes; and

9. That all grading shall conform to the 2013 California Building Code (Thru 12/31/16), and all other relevant laws, ordinances and resolutions governing grading as adopted by the City of Bell. The applicant shall obtain a grading permit from the Building & Safety Division prior to commencing any grading or site excavation; and

10. That a geotechnical and/or soils reports required in order to obtain a grading permit shall be submitted to the Building Official for review and approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the City of Bell; and

11. That all proposed work shall comply with the 2013 California Energy Code (Thru 12/31/16) and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Bell; and

12. That the proposed project shall comply with the 2013 California Green Building Standards Code (Thru 12/31/16) and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Bell; and

13. That the proposed project shall comply with ADA requirements according to 2013 California Building code (Thru 12/31/16); and

14. That the proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Bell; and

15. That the Building Division comments and conditions are subject to plan check; and

16. That prior to the issuance of building permits the applicant will submit two sets of plans to the Community Development Department for plan check review and shall obtain approval of such plans by all agencies pertinent to the project proposal; and

17. That all conditions of approval, as requested in writing by the Los Angeles County Fire Department, the Los Angeles County Health Department, and in compliance with the 2013 California Building Code, regarding but not limited to hazardous/flammable storage of chemicals and/or materials, access, fire flow, and maximum occupancy requirements for the property shall be complied with or guaranteed prior to the issuance of building permits for improvements of the property; and
18. That any graffiti placed on any building or structure located on the property shall be removed promptly after its placement; failure on the Applicant’s behalf to remove such graffiti upon twenty-four (24) hours written notice shall empower the City to enter upon the property and cause such removal, or painting over, of said graffiti, at the expense of the Applicant. The Applicant shall promptly pay, upon receipt of an invoice from the City, all the City’s reasonable costs of such work; and

19. That all textures, materials, and colors utilized on exterior elevations of the building are subject to review by the City of Bell Architectural Review Board and/or Planning Commission; and

20. That the Applicant agrees that all improvements shall be in accordance with all necessary local, state and federal guidelines for handicapped access including, but not limited to the Americans with Disabilities Act, and the 2010 California Building Code; and

21. That any signage shall require that a signage plan be submitted separately and approved by the Architectural Review Board, pursuant to the provisions outlined in the Bell Zoning Code; and

22. That all trash enclosures shall be maintained in accordance with the standards of the City and shall be architecturally compatible with principal structures, shall be located in a manner that will not impede vehicular motion on the property, and shall conform to the site plan attached as Exhibit "C" to the Agenda Report accompanying this approval; and

23. That the applicant and each of his agents, contractors, and subcontractors engaged in construction activities on the property shall obtain proper business and contractor’s licenses from the City of Bell; and

24. Applicant, (and anything the applicant controls) agrees to maintain the property and all related on-site improvements and landscaping thereon, including, without limitation, buildings, parking areas, lighting, and walls in a first class condition and repair, free of rubbish, debris and other hazards to persons using the same, and in accordance with all applicable laws, rules, ordinances and regulations of all Federal, State, County and local bodies and agencies having jurisdiction, at applicant’s sole cost and expense. Such maintenance and repair shall include, but not be limited to, the following: (i) building surfaces and structures shall be painted and kept in good repair; (ii) signs shall be maintained in a first class condition of repair; (iii) sweeping and trash removal shall be performed regularly; (iv) shrubbery, plantings, and other landscaping shall be cared for and kept in a healthy condition, and replaced as needed; and (v) asphalt or concrete paving shall be repaired, replaced and restriped using the same type of material originally installed, to the end that such paving at all times be kept in a level and smooth condition; and

25. Applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder’s Office and that copies of said licenses and certifications shall be maintained on file with the City of Bell; and

26. That the Applicant or a representative shall execute an Affidavit indicating that he/she is aware of all of the terms and accepts all the conditions imposed upon this Conditional Use Permit; and

27. That the applicant shall agree to defend, indemnify and hold harmless, the City of
Bell, its agents, officers and employees from any claim, action or proceeding against the City of Bell or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Bell, its legislative body, advisory agencies, or administrative officers concerning the subject Application. The City of Bell will promptly notify the applicant of any such claim, action or proceeding against the City of Bell and the applicant will either undertake defense of the matter and pay the City's associated legal or other consultant costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Bell fails to promptly notify the applicant of any such claim, action or proceeding, or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City of Bell. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

28. The applicant shall execute an agreement with Salvation Army that will provide employees with use of restroom facilities, and a minimum of 5 parking spaces for exclusive use by employees. Evidence of this executed agreement shall be provided to the Director of Community Development prior to the issuance of building permits.

29. The applicant agrees to comply with the use of non-toxic pesticides, herbicides, and fertilizers to limit potential contamination on the environment.

PASSED, APPROVED, AND ADOPTED this 21st day of November, 2016

Daisy Ramirez, Chair

ATTEST:

Angela Bustamante
Planning Commission Secretary

APPROVED AS TO FORM:

David Aleshires, City Attorney

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CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, Planning Commission Secretary, hereby attest to and certify that the foregoing Resolution No. 2016-103-PC was adopted by the Planning Commission of the City of Bell at a special meeting held on the 21st day of November, 2016 by the following vote:

AYES: Commissioners Mackin, Saenz, Salgado, Vice Chair Rodarte, Chair Ramirez

NOES: None

ABSTAIN: None

ABSENT: None

[Signature]
Angela Bustamante,
Planning Commission Secretary