RESOLUTION NO. 2017-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL
AMENDING RESOLUTION NO. 2017-16 ADDING CONDITIONS OF
APPROVAL NO. 17, 18, AND 19 FOR CONDITIONAL USE PERMIT
NO. 2017-01 FOR THE OPERATION OF A PHARMACY ON A
CORNER LOT AT 6399 ATLANTIC AVENUE

WHEREAS, on January 10, 2017, Ash Soliman DBA The Medicine Cabinet (“Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 2017-01 described herein (“Application”); and

WHEREAS, the Applicant is requesting approval of a CUP to operate a pharmacy in an existing commercial building, on an existing 11,362 square foot parcel, at 6399 Atlantic Avenue, City of Bell, Assessor’s Parcel Number 6317-018-932; and

WHEREAS, the applicant desires to operate a pharmacy on a corner lot, located at the northwest corner of Atlantic and Gage Avenues, in the C-3 zone, and in accordance with Section 17.96.030(17), any use located on a corner lot requires a CUP; and

WHEREAS, on January 26, 2017, the Planning Commission held a duly noticed public hearing to receive public testimony and other evidence regarding the proposed amendments, including without limitation, information provided to the Planning Commission by City staff; and

WHEREAS, the Planning Commission adopted resolution 2017-01PC approving Conditional Use Permit 2017-01 subject to conditions of approval; and

WHEREAS, on February 10, 2017, resident Norma Mata paid the requisite appeal fee, and filed an appeal of the Planning Commission’s decision to grant Conditional Use Permit 2017-01; and

WHEREAS, on March 8, 2017, the City Council held a duly noticed public hearing to receive public testimony and other evidence regarding the appeal, including without limitation, information provided to the City Council by City staff; and

WHEREAS, the City Council adopted resolution 2017-16 approving the Planning Commission’s decision approving Conditional Use Permit 2017-01 subject to the revised conditions of approval; and

WHEREAS, on May 24, 2017, the City Council held a duly noticed public hearing to review the materials pertaining to Condition of Approval No. 16 of City Council Resolution 2017-16 for Conditional Use Permit 2017-01; and

WHEREAS, the City Council voted to add Conditions of Approval No. 17, 18, and 19, and directed staff to prepare an amended resolution; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the City Council at its March 8, 2017 and May 24, 2017 public hearings.

Resolution 2017-38
Page 1
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL DOES HEREBY:

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in the Recitals of this Resolution are true and correct.


PASSED, APPROVED, AND ADOPTED this 14th day of June 2017

Fidencio Joel Gallardo, Mayor

APPROVED AS TO FORM

David Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, City Clerk of the City of Bell, California, do hereby certify that Resolution No. 2017-38 was duly introduced and adopted at a regular meeting of the City Council of the City of Bell, held on the 14th day of June, 2017, and approved by the following vote, to wit:

AYES: Councilmembers Romero, Saleh, Valencia, Vice Mayor Quintana and Mayor Gallardo

NOES: None

ABSENT: None

ABSTAIN: None

Angela Bustamante, City Clerk

Resolution 2017-38
Page 2
Exhibit “A”

CONDITIONS OF APPROVAL
As approved June 14, 2017 by City Council Resolution 2017-38

If the Conditional Use permit is granted, Staff recommends that the following conditions be attached to the Conditional Use Permit:

1. The hours of operation shall be limited to 8am to Midnight of each day.

2. Sales of marijuana shall be prohibited, in accordance with section 17.58.010 of the Bell Municipal Code;

3. Any violation of any of the conditions of approval may subject the Conditional Use Permit to the revocation procedures established by Bell Municipal Code Section 17.96.170, or as may be amended. Upon recommendation of the Director of Community Development, the body which originally granted the Conditional Use Permit shall conduct a noticed public hearing to determine whether such permit should be revoked;

4. Any increase in the use, be it in size or in intensity, permitted as a part of this Conditional Use Permit shall be cause to review the Conditional Use Permit pursuant to the modification procedures in Bell Municipal Code Section 17.96.190;

5. Accessory uses to the principal use granted by this Conditional Use Permit may be permitted provided the accessory uses do not exceed 30% of the floor area of the subject building, the accessory use must be a permitted use in the underlying zoning district;

6. 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

7. All exterior building surfaces, including but not limited to doors and windows shall be properly cleaned and maintained at all times,

8. The site was originally developed with the existing building and 15 parking spaces under Resolution 99-01. The applicant shall not deviate from the approved minimum number of parking spaces, including reserved parking, compact parking, loading spaces, car and vanpool parking and any other ancillary forms of parking;
9. The applicant agrees that all tenant 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;

10. 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 by the granting of this Conditional Use Permit;

11. The applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder’s Office; and

12. The applicant shall comply with all Federal, State, County, and Local laws and ordinances that may apply to this permit, stated herein or not.

13. Applicant, agrees to maintain the property and all related on-site improvements and landscaping thereon, including, without limitation, buildings, parking areas, lighting, signs 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) sweeping and trash removal; (ii) the care and replacement of all shrubbery, plantings, and other landscaping in a healthy condition; and (iii) the repair, replacement and restriping of asphalt or concrete paving using the same type of material originally installed, to the end that such pavings at all times be kept in a level and smooth condition; and

14. 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

15. The Applicant shall defend, indemnify and hold harmless the City of Bell, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning this Conditional Use Permit. The City will promptly notify the permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense.

16. After meeting with City Staff and a Council subcommittee, the Applicant shall prepare a landscaping plan, and recommendations for window and façade changes. These will be presented to the subcommittee within 45 days, and then returned to be presented to the Council within 90 days of the approval date of City Council Resolution 2017-16.

17. Purple Fountain Grass (Pennisetum S. Rubrum – Option B) shall replace Regal Mist (Muhlenbergia) on the landscape plan and be installed on site. Wormwood (Artemisia Powis Castle – Option D) shall replace Blue Chalksticks (Senecio Serpens) on the landscape plan and be installed on site. The plants indicated on the approved landscape
plan shall be installed within 30 days of the approval date of City Council Resolution 2017-38

18. The visible patches on the building façade from the removal of the awning shall be painted to match the color of the building.

19. The interior security gates shall not be visible from the street when the pharmacy is open for business.