RESOLUTION NO. 2017-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL
APPROVING THE PLANNING COMMISSION’S DECISION
APPROVING CONDITIONAL USE PERMIT 17-1, A REQUEST TO
OPERATE A PHARMACY ON A CORNER LOT AT 6399 ATLANTIC
AVENUE, SUBJECT TO THE REVISED CONDITIONS OF
APPROVAL.

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. 17-1
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 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, notice of the City Council’s March 8, 2017 public hearing on the appeal of
Conditional Use Permit 17-1 was published in a local newspaper of general circulation and in
compliance with California Government Code 65091; and

WHEREAS, on March 8, 2017, the City Council held a public hearing regarding the
appeal, including without limitation, information provided to the City Council by City Staff, the
Applicant, the Appellant and, other public testimony; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL DOES HEREBY
RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in
Recitals of this Resolution are true and correct.
SECTION 2. Based upon substantial evidence presented to this City Council during the public hearing conducted with regard to the appeal, including written staff reports and verbal testimony, the City Council has determined as follows:

a) Challenges

The primary argument raised by the appellant is that the applicant's request did not meet the burden of proof to make the following necessary finding:

"That all buildings and structures proposed to be constructed or utilized in conjunction with the use will be architecturally compatible with existing and prospective uses of land located in the immediate vicinity of the site; pursuant to section 17.96.040 (C.)"; and

b) Reason Affirmed

Except as amended in Exhibit "A" below and subject to the modifications in subsection (c) below, the City Council finds that the building located at 6399 Atlantic is architecturally compatible with existing uses on the site, and accordingly approves the CUP, and upholds the Planning Commissions direction; and

c) Modifications

Because the corner of Atlantic and Gage is the key intersection in the City and two of the other corners of the intersection are going to be revitalized, and landscaping and other upgrades will facilitate the upgrade of the majority of the intersection, there should be further review of the landscaping and building exterior; and

(i.) The proposed upgrades should be developed by the Applicant and/or Property Owner and reviewed with a Council subcommittee; and
(ii.) The review should occur within 90 days
(iii.) Any changes should be incorporated within the Conditions of Approval

d) Immediate Opening

In light of the previous mistaken issuance of permits, the Applicant should be allowed to open immediately, irrespective of the need to prepare the foregoing plans, as the exterior improvements can be made while the Applicant is operational.

Section 3. The City Council of the City of Bell upholds the Planning Commission's decision and findings of January 26, 2017, as reflected in Planning Commission resolution 2017-01PC, and approves Conditional Use Permit 17-1, with the modifications included herein, as attached as Exhibit "A", Conditions of Approval dated March 8, 2017.

PASSED, APPROVED, AND ADOPTED this 8th day of March 2017

Alicia Romero, Mayor

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CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, City Clerk of the City of Bell, California, do hereby certify that Resolution No.2017-16 was adopted at a regular meeting of the City Council of the City of Bell, held on the 8th day of March, 2017, and approved by the following vote, to wit:

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

NOES:    None

ABSENT:  None

ABSTAIN: None

Angela Bustamante, City Clerk