

**City of Bell Planning Commission  
Agenda Report**

**DATE:** November 21, 2016

**TO:** Chair and Planning Commission Members

**FROM:** Derek R. Hull, Community Development Director

**SUBJECT:** Consideration of Conditional Use Permit (CUP) No. 2016-05 to construct a 30 feet by 48 feet prefabricated greenhouse made of galvanized steel with a concrete base and to permit an existing garden area located on a 1.5 acre site on the south side of K Street. The address of the project site is 5600 Rickenbacker Road.

**RECOMMENDED ACTION**

It is recommended that the Planning Commission:

1. Conduct a public hearing; and
2. Read by title only, waive further reading and adopt Resolution No. 2016-xx-PC approving Conditional Use Permit (CUP) No 2016-05 to construct a 30 feet by 48 feet prefabricated greenhouse made of galvanized steel with a concrete base and to permit an existing garden area located on a 1.5 acre site on the south side of K Street.

**BACKGROUND**

The request before the Planning Commission is to consider approval of Conditional Use Permit (CUP) No 2016-05 to construct a 30 feet by 48 feet prefabricated greenhouse made of galvanized steel with a concrete base and to permit an existing garden area located on a 1.5 acre site on the south side of K Street. The address of the project site is 5600 Rickenbacker Road. A summary of related project details is listed below:

|   |   |
|---|---|
| <b>Applicant:</b>                         | Brad Pregerson, President, GrowGood, Inc.                                       |
| <b>General Plan Land Use Designation:</b> | I (Industrial)  |
| <b>Zoning Designation:</b>                | CM (Commercial Manufacturing)   |
| <b>CEQA Determination:</b>                | Categorical Exemption under CEQA Guidelines Sections 15332 In-fill Development. |

The project site is located within the boundaries of the former Bell Federal Service Center, northeast of the city center. The 1.5 acres site is a part of a larger 25-acre site operated by the Salvation Army. Modular homes are located to the west of the proposed project location and the proposed location of the Bell Oasis Apartments is located to the east. The Applicant has entered into a long-term lease agreement with the Salvation Army to operate the greenhouse and garden.

## **PROJECT SITE CONDITIONS**

The project site is addressed at 5600 Rickenbacker Road, which is the main property address for the Salvation Army. More specifically, the project site is located approximately ½ mile from 6<sup>th</sup> Street and Mansfield Way on "K" Street. The placement of the greenhouse will be located on a portion of the existing paved parking lot. This parking area provides overflow parking for the Salvation Army. The rear of the project site includes a garden, miscellaneous vegetation and a flood channel. The existing garden is located to the southwest of the proposed location for the prefabricated greenhouse.

## **GENERAL PLAN DESIGNATION**

The City's General Plan Land Use Element designates the subject property as Industrial. Uses within this land use designation are characterized by manufacturing and processing, warehousing and distribution, wholesaling and retailing, and office uses. Consistent zone districts include the C-3, CM, M and T zones. The following objectives and policies apply based upon the proposed use:

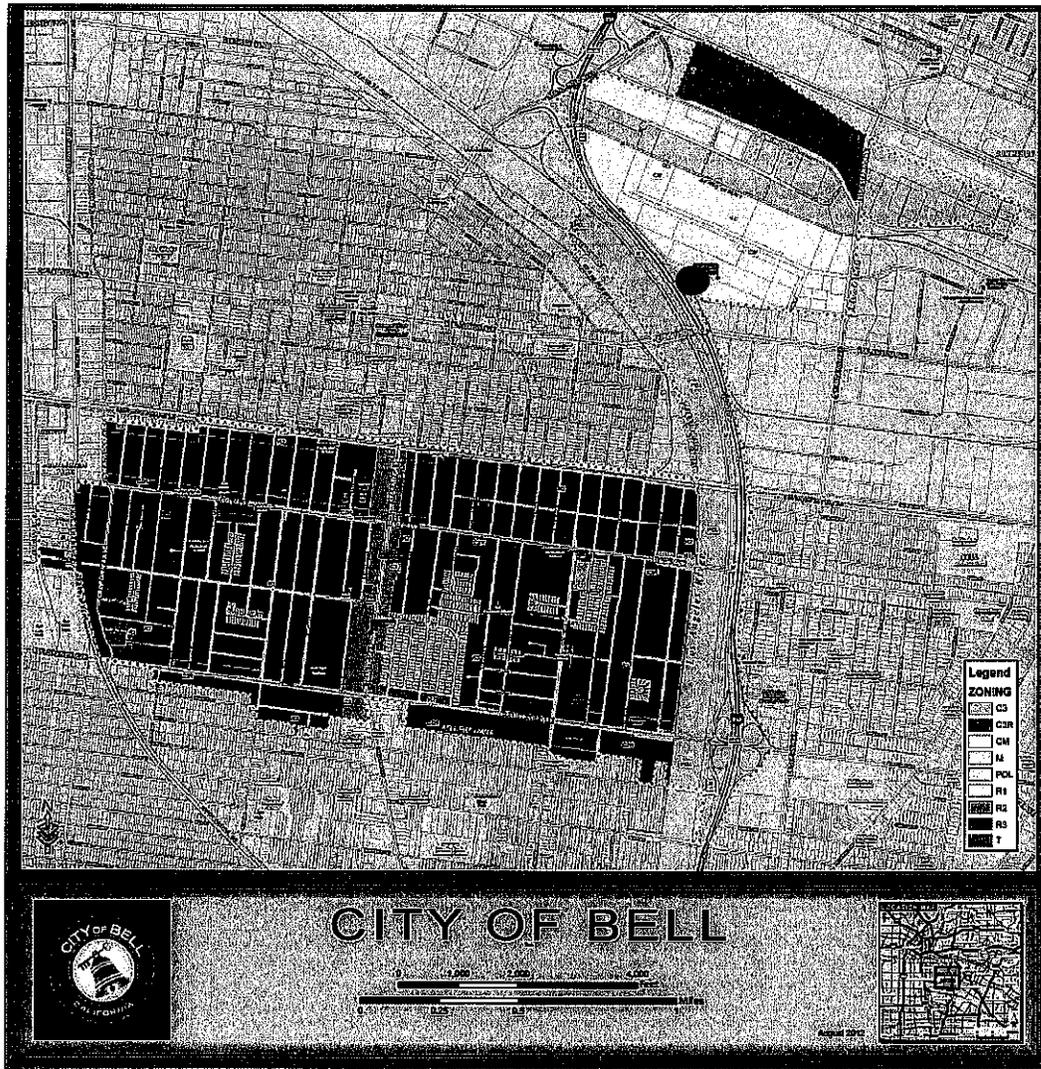
### **Land Use Objectives:**

- 1) The City of Bell, with the implementation of the Land Use Element, seeks to promote an orderly pattern of quality future development to achieve a complete and controlled balance of growth among land uses.
- 2) The City of Bell, with the implementation of the Land Use Element, seeks to provide input on design and site planning of development activities.

The project as proposed complies with these general land use objectives.



# Bell Zoning Map



● Project Site

## SURROUNDING ZONING DISTRICTS

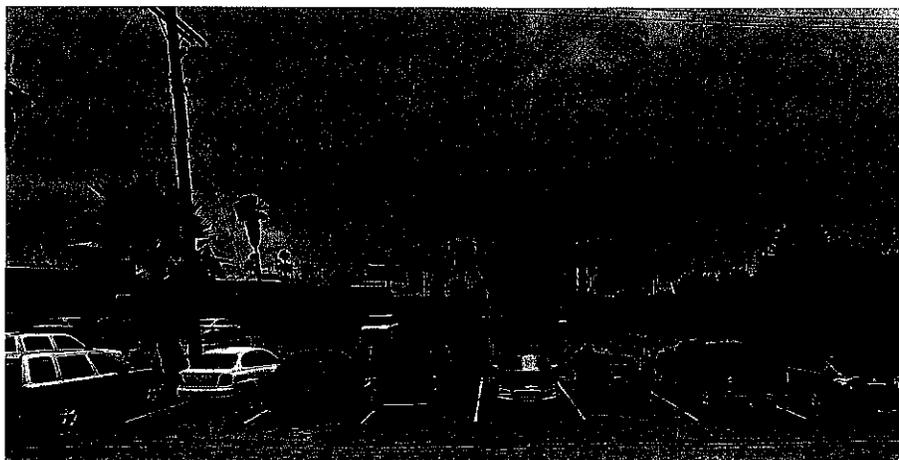
| Direction                   | Land Use Designation      | Use                                       |
|-----------------------------|---------------------------|---|
| North                       | C-M                       | Commercial Manufacturing                  |
| South<br>(City of Commerce) | M-2<br>(City of Commerce) | Heavy Manufacturing<br>(City of Commerce) |
| East                        | C-3R                      | General Commercial                        |
| West                        | C-M                       | Commercial Manufacturing                  |

The CM Zoning District is consistent with the Industrial General Plan Land Use designation. The Applicant has submitted a Condition Use Permit for consideration to permit the greenhouse and garden area.

### AERIAL AND STREET VIEWS



● Project Site



## **PROJECT ANALYSIS**

### **Prefabricated Greenhouse**

City staff has determined that to meet the requirements outlined in the Bell Zoning Ordinance for C-M permitted uses, all “prefabricated buildings” will require a Conditional Use Permit. The greenhouse is a prefabricated kit that will be shipped to the site and installed at the location.

The City of Bell Development Review Committee (DRC) reviewed the proposed greenhouse. It is modeled as a “Southern Starter Package greenhouse” that is prefabricated and made of galvanized steel. The size of the greenhouse is 30 feet by 48 feet. The greenhouse conforms to the UBC Building Code. The greenhouse will be connected to water and electricity and will be constructed onto a concrete foundation. GrowGood Inc. will employ residents of the Bell Shelter to work at the greenhouse and garden. There are no restroom facilities onsite at the greenhouse or the garden. In order to accommodate visitors and employees at the site, City staff has required that GrowGood Inc. provide provisions within the project area. GrowGood Inc. has executed an agreement with The Salvation Army to allow employees and visitors to use restrooms at their facilities. In addition, GrowGood Inc. has reserved five parking spaces through The Salvation Army for employees of the greenhouse and garden. The parking spaces must remain as long as the greenhouse and garden are operational.

The City has requested that a path of travel be delineated on the site plan to direct employees how to safely access the site when crossing across “K” Street. Employees will travel alongside of the modular homes on the eastside of the residential area to access the greenhouse and garden area. All other requires for the greenhouse are contained in the attached Conditions of Approval.

### **Garden Area**

The City of Bell does not have any evidence that the existing garden was ever permitted or reviewed by staff. The garden area is located within the 1.5 acre site, just south of the proposed location of the greenhouse. To permit the “garden” activity, staff will include the use as a part of the Conditional Use Permit. Due to the proximity of the garden which abuts the LA Flood Channel, staff will prohibit the use of pesticides, herbicides and toxic fertilizers for treating all crops located within the garden. The Applicant shall provide the City with an annual crop and produce listing to include in City records.

## **PUBLIC NOTICE**

In conformance with applicable law, the City Clerk published a notice of the public hearing. The notice was published on Nov 11, 2016 in a newspaper of general circulation which is adjudicated in the city for public notice. Notices were also posted on November 9, 2016, at three specific sites and adjacent property owners were notified of the public hearing.

## **ENVIRONMENTAL REVIEW**

In accordance with the California Environmental Quality Act (CEQA), this 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. The project

site is located in an urbanized industrial park area of the City and is an expansion of the existing garden.

## **FINDINGS OF FACT**

Pursuant to Chapter 17.96.040 of the Bell Zoning Code for Conditional Use Permits, staff has provided the following findings that the following circumstances are applicable to the subject site:

1. 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.
2. 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.
3. 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, its simplistic design will complement the existing industrial appearance of the area.
4. 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.
5. 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.

## **CONCLUSION**

It is recommended that the Planning Commission:

Read by title only, waive further reading and adopt Resolution No. 2016-xx-PC approving Conditional Use Permit (CUP) No 2016-05 to construct a 30 feet by 48 feet prefabricated greenhouse made of galvanized steel with a concrete base and to permit an existing garden area located on a 1.5 acre site on the south side of K Street.

Attachment

Public Hearing Notice

**Resolution Exhibits A – C:**

Exhibit A-City of Bell Standard Conditions of Approval

Exhibit B- Site Proposal

Exhibit C-Site Plan

**NOTICE OF  
PUBLIC HEARING  
BEFORE THE PLANNING COMMISSION OF THE CITY OF BELL  
Conditional Use Permit 2016-05**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Bell will conduct a public hearing to consider Conditional Use Permit application 2016-05 to allow for the construction of a greenhouse located at 5600 Rickenbacker Road in the City of Bell. The hearing before the Commission will be held on **Monday, November 21, 2016, at 7:00 p.m. at the Bell Community Center located at 6250 Pine Avenue, Bell, CA 90201** at which time and place interested persons may either attend and be heard thereon or submit in writing, comments prior to the conclusion of said hearing.

**PROJECT DESCRIPTION/APPLICANT:** The City of Bell Community Development Department is reviewing a request to permit a new 30 feet by 48 feet greenhouse that is prefabricated and constructed of galvanized steel with a concrete base and to permit an existing garden area located on a 1.5 acre site on the south side of K Street. The General Plan Land Use designation is Industrial and the Zoning District for the subject project site is C-M (Commercial Manufacturing). In accordance with the Bell Zoning Ordinance, Section 17.36.020 Permitted Uses Subsection 5, prefabricated buildings require approval of a Conditional Use Permit. The project is being proposed by GrowGood, Inc. and the Applicant on record is Brad Pregerson. The associated Assessor Parcel Numbers (APN) for the project site is 6332002036.

**NOTICE IS FURTHER GIVEN** that in accordance with the California Environmental Quality Act (CEQA), this 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, and is thereby exempt from CEQA, for In-fill Development Project. The project site is located in an urbanized industrial park area of the City and is an expansion of the existing garden area.

All parties wishing to speak for or against the matter should attend the public hearing and express their concerns on the proposed project. Any person desiring to provide written comments on this matter must do so prior or at the Public Hearing. Written comments can be sent via U.S. Mail, or by hand delivery, to the City Clerk, 6330 Pine Avenue, Bell, CA 90201, prior to said public hearing. For further details contact Mr. Derek R. Hull, Community Development Director, at (323) 588-6211.

If you wish to legally challenge any action taken by the City on the above matter, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

In the Planning Commission's efforts to comply with the requirements of the Americans with Disabilities Act, the City requires that any person in need of any type of special equipment, assistance, or accommodation(s) in order to communicate at the public hearing, must inform Mr. Hull a minimum of 48 hours prior to the scheduled meeting.

**POSTED: November 9, 2016**  
**PUBLISHED: November 11, 2016**

## Exhibit A

### Conditions of Approval for GrowGood Inc.

If the Conditional Use permit is granted, that the following conditions will be attached to the Conditional Use Permit and along with the standard development standard 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 12/31/2016); 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.



# GROWGOOD

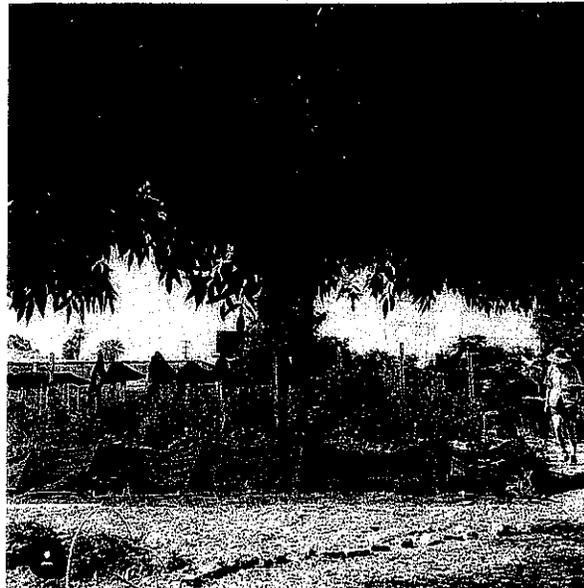
FOOD



UNITES

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## Executive Summary

GrowGood, Inc. ("GrowGood") is a registered 501(c)(3) non-profit that leverages the power of urban farming to unite people, to create hope for underserved groups, and to lay foundations for healthy communities, beginning with the Salvation Army's Bell Shelter in the City of Bell — a designated "food desert" according to the U.S. Department of Agriculture.

GrowGood seeks the City of Bell's administrative approval to build a 30' x 48' greenhouse on-site in order to launch its UCLA award-winning social enterprise business plan to grow and sell produce year-round to LA's finest restaurants. The social enterprise business will employ Shelter residents, many of whom are veterans.

The project was awarded a \$100,000 grant from the Roy & Patricia Disney Family Foundation as part of the My LA 2050 Grants Challenge in early 2016. The social enterprise project was one of the three winners out of 71 projects to be recognized as an initiative "shaping LA's future."

# Mission Statement



GrowGood, Inc., is a Los Angeles based non-profit creating urban agricultural programs to empower people and transform communities. We believe in the power of food to unite people and to lay foundations for healthy communities.



[www.grow-good.org](http://www.grow-good.org)

**GROWGOOD**



## GrowGood History & Overview

Since 2011, GrowGood - founded by Brad Pregerson and Andrew Hunt - has been working with the Salvation Army to develop a garden-based program for the 300 residents of the Bell Shelter that uses healthy food and gardening as a catalyst for healing.

Brad and Andrew founded GrowGood based on three central precepts: (1) to provide a variety of nutritious, fresh produce to the Shelter's kitchen; (2) to provide a therapeutic, green space for spiritual and emotional healing; and (3) to provide job training and meaningful resume building employment opportunities for the Shelter's residents.

GrowGood has two-full time employees, two-part employees (one of whom is a veteran & former resident), two part-time Shelter resident employees (both veterans), and eight interns.



[www.grow-good.org](http://www.grow-good.org)

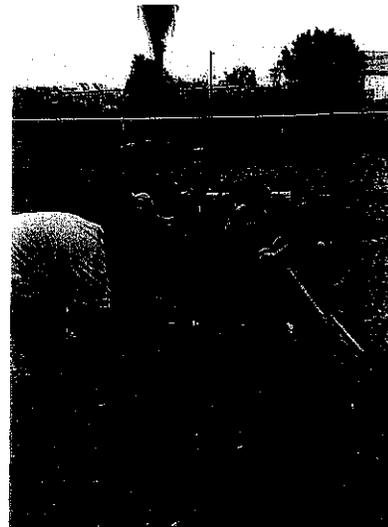


# GrowGood's Garden



Currently, GrowGood's garden consists of an orchard of 51 fruit trees, 14 raised vegetable garden beds, a 1/2 acre area of in-ground row crops, and a California native plant garden filled with over 300 flowering, drought-tolerant plants.

- **Food:** All food is donated to the Shelter. In 2016, GrowGood is on pace to deliver 4,500 lbs of fresh, organic produce.
- **Horticultural Therapy:** We provide ongoing and frequent learning opportunities for Shelter clients about the principles of organic gardening.
- **Water:** GrowGood's vegetable growing areas and trees are all connected to a state-of-the-art Netafim drip irrigation system.
- **Farming Methods:** GrowGood practices biodynamics - we do not use chemical fertilizers, pesticides, or herbicides. We enrich our soil with compost and worm tea made on-site from organic food waste products.
- **Community Outreach:** GrowGood often hosts public garden-related workshops and works with a number of organizations including: Treepeople, LA County UC Master Gardener Program, CCEO YouthBuild, The Veterans Yoga Project, HomeFront Rising, Help the Children, Whittier College, and Grown in L.A.

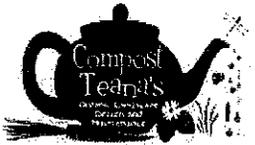


[www.grow-good.org](http://www.grow-good.org)

# GrowGood's Partners & Supporters

The Diane & Gilford  
Glazer Foundation

Roy & Patricia Disney  
Family Foundation



Aerated Compost Tea Services  
Biological Soil Testing  
and Remediation Consultations

Servicing:  
Los Angeles • Orange • Ventura  
Counties

310.367.6485



More saving.  
More doing.



[www.grow-good.org](http://www.grow-good.org)

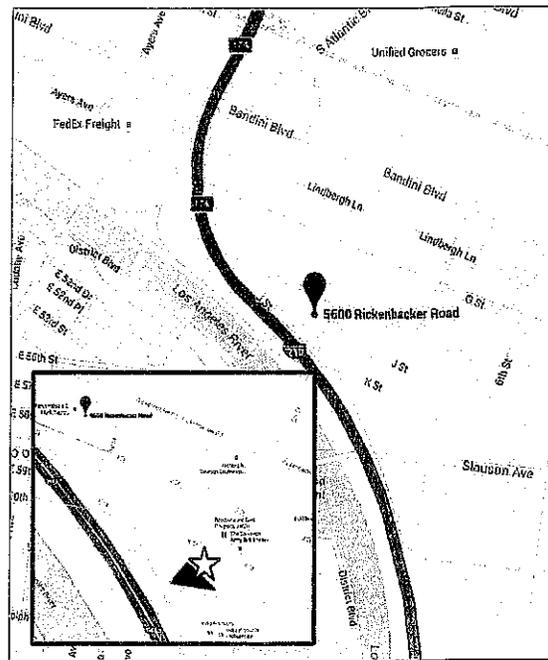
## Site Development

GrowGood plans to develop its current site to better support its mission. The next major development milestone for the site is to build a prefabricated greenhouse on the site. The greenhouse will be purchased as a kit from a qualified supplier, and assembled by a licensed general contractor.

The greenhouse will be used to support GrowGood's non-profit activities. Plants grown in the greenhouse will be packaged and sold to local restaurants, retail stores, and farmers markets.

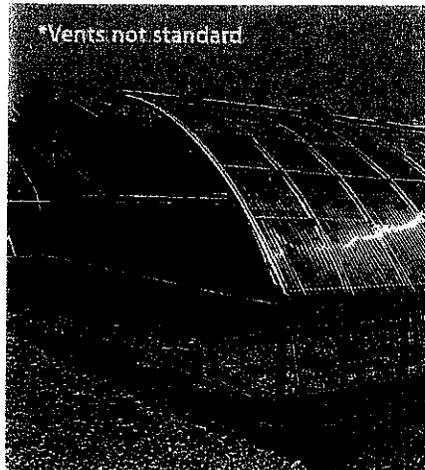
GrowGood believes the greenhouse will have no significant impacts to the existing site with respect to runoff, air quality, automobile traffic, dust, visual obstruction, or noise. The greenhouse will have minimal impact to the site and will add positive economic activity to the area. The Salvation Army fully supports the project and the construction of the greenhouse.

[www.grow-good.org](http://www.grow-good.org)

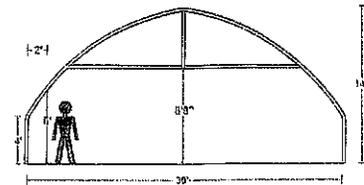


# Site Development - Greenhouse Detail

- Southern Starter Package greenhouse is prefabricated, galvanized steel structure, which conforms with the UBC Building Code
- Will be connected to water and electricity
- Requires a concrete foundation
- This greenhouse and accompanying equipment will provide the ideal growing environment for microgreens and other specialty produce in demand by chefs



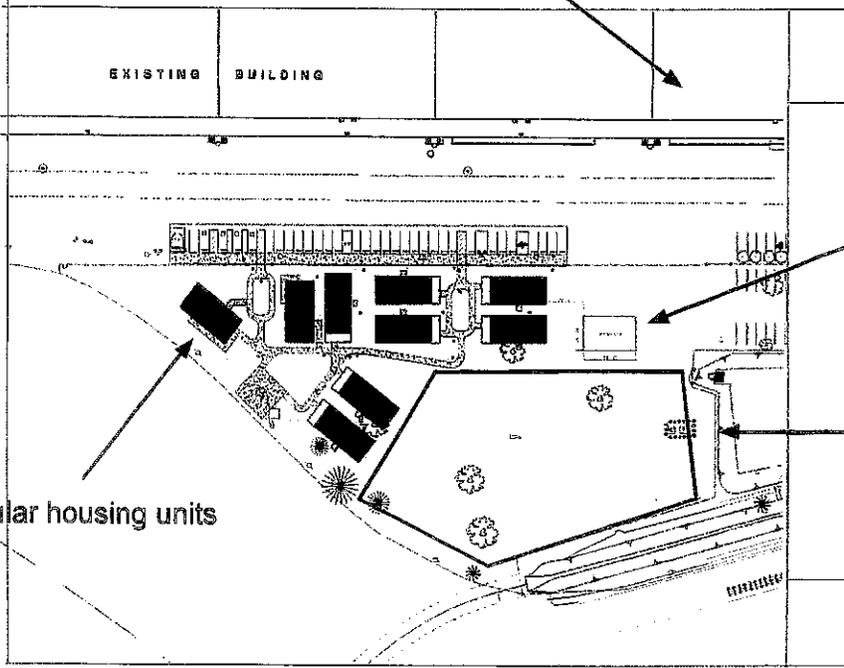
**GROWGOOD**  
FOOD  UNITES



Dimensions:  
W = 30'  
L = 48'

# Site Plan

The Salvation Army Bell Shelter



Modular housing units

Proposed Location of Greenhouse  
30' x 48'

Existing Garden Area  
(approx. 1.5-acres)



## RESOLUTION 2016-xx-PC

**A RESOLUTION OF THE PLANNING COMMISSION 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 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 12/31/2016); 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.

ADOPTED this twenty-first Day of November 21, 2016

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Derek R. Hull  
Planning Commission Secretary

I CERTIFY that the foregoing Resolution No. 2016-xx-PC was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 21<sup>st</sup> day of November, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Derek R. Hull  
Planning Commission Secretary

Derek R. Hull