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RESOLUTION 2011-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-02 TO ALLOW THE CONSTRUCTION OF A TWO STORY, 5,955 SQUARE FOOT BUILDING TO BE USED AS A PLACE OF WORSHIP AND RELIGIOUS EDUCATION CENTER KNOWN AS THE BELL ISLAMIC CENTER, ON AN EXISTING 22,761 SQUARE FOOT SITE LOCATED AT 5232-5250 GAGE, BELL, CA.

A. RECITALS

WHEREAS, The Bell Islamic Center (the Applicant") filed a complete application requesting the approval of Conditional Use Permit 2011-02 described herein ("Application");

WHEREAS, the Application pertains to an approximate 22,761 square foot site on Los Angeles County Assessor's Parcel numbers 6327-030-001, 6327-032-001, and 6327-032-002 more commonly known as 5232, 5234 and 5250 Gage Avenue, Bell, California ("Property") respectively;

WHEREAS, the Applicant requests approval of a Conditional Use Permit to allow a place of worship and religious education center pursuant to Bell Municipal Code, Chapter 17.96.030.; and

WHEREAS, an environmental assessment form was submitted by the Applicant pursuant to pertinent City requirements. Based upon the record as a whole, including, without limitation, information received and Staff's assessment, it is the City Council's independent judgment and analysis that there is no substantial evidence that the project will have a significant environmental impact on the environment. Staff has determined that the proposed project will require the adoption of a Negative Declaration in accordance with the California Environmental Quality Act, CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; declaring that adoption of the project will not have an adverse effect upon the environment. Consequently, the staff has prepared a Notice of Determination; and

WHEREAS, on September 28, 2011, 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.

B. RESOLUTION

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

1. All of the facts set forth in the recitals, Part A of this resolution, are true and correct and are incorporated herein by reference.

2. 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.
3. Upon independent review and consideration of all pertinent information and the information contained in the Notice of Determination for the CUP, the Planning Commission hereby finds and determines that the proposed project will require the adoption of a Negative Declaration in accordance with the California Environmental Quality Act, CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; declaring that adoption of the project will not have an adverse effect upon the environment. 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 Negative Declaration and directs the Staff to file the Notice of Determination as required by law.
4. Based upon substantial evidence presented to this Commission during the September 28, 2011 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

The Applicant has submitted responses to the required findings pursuant to Chapter 17.96.040 of the Bell Zoning Code. Staff notes that the following circumstances are applicable to the subject site:

- a. The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The site is adequate in size in that it is able to accommodate the required number of parking spaces for the intended use. Furthermore the site fulfills the General Plan's land use policy 9 which provides incentives for the consolidation of lots, such as this project is proposing.
- 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 Gage Avenue which is a major arterial street that can handle the current and future generated traffic for the existing facility. The site has been designed to have three driveways to allow for sufficient ingress and egress from the property. Furthermore, the site is located on the most southerly portion of Gage Avenue which has a substantially less amount of traffic versus if the property was located on the main thoroughfare. Therefore the traffic impact will be less than significant.
- c. The new buildings and structures will remain architecturally compatible with existing and prospective uses of land located in the immediate vicinity of the site. Specifically, the proposed new Building and facility will encourage a high level of quality in construction and site design features including using standard materials for the exterior of the building as reflected in the land use policy 4 of the Bell General Plan. The colors of

the exterior have been designed with earth tones to blend with the surrounding properties.

- d. The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Gage Avenue. Places of Worship are permitted in the C-3R Zone, subject to receiving approval of a Conditional use Permit, and are compatible with the commercial mixed uses including the existing churches/places of worship currently located along in the C-3R Zones around the city and surrounding the project site.
- e. The conduct of the proposed use is in compliance with the applicable provisions of the General Plan of the City of Bell. The proposed use will be promoting cultural solidity through the provision the property's rehabilitation and of additional services to Bell residents desiring to attend an Islamic place of worship as stated in policy 11 of the General Plan.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2011-02, subject to the following conditions:

C. CONDITIONS OF APPROVAL

- 1. The property shall be maintained in accordance with:
 - A. The Application and Exhibits thereto ("A" through "D") attached to this Agenda Report, and 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 may be amended from time to time; and
 - C. All of the conditions of approval as set forth in this Conditional Use Permit No. 2011-02.
- 2. The Bell Islamic Center is the sole holder of this entitlement.
- 3. The Bell Islamic Center will be allowed to construct the 5,955 square foot building with a valid conditional use permit (CUP No. 2011-02), and any approvals that may be required by other entities having jurisdiction over the construction of the building including but limited to public utility providers and fire department.
- 4. This Conditional Use Permit is subject to annual review by the appropriate City of Bell Department, including but not limited to Police, Building and Safety, Planning, Public Works, Finance, CAO.
- 5. 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. Upon recommendation of the Chief Administrative Officer or designee,

the body which originally granted the Conditional Use Permit shall conduct a noticed public hearing to determine whether such permit should be revoked.

6. Any additional (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, shall be referred to the Planning Commission for review and approval.
7. Prior to the issuance of building permits the applicant will submit two sets of plans to the department of building and safety for plan check review and shall obtain approval of such plans by all agencies pertinent to the project proposal.
8. The Applicant shall also be responsible for paying any required City fees and fees from other associated agencies prior to the issuance of a building, grading, demolition or encroachment permits.
9. The applicant shall observe all city ordinances during the construction of the site, specifically Chapter 8.28 as it pertains to noise nuisances. Additionally, the City will require that the applicant comply with construction equipment that has adequate noise reduction devices (i.e.: mufflers) and they are properly tuned to minimize noise pollution to the surrounding properties.
10. All textures, materials, and colors utilized on exterior elevations of the building are subject to review by the City of Bell Architectural Review Board.
11. Before the issuance of any permits for this project, that the applicant shall consolidate the lots with parcel numbers 6327-030-001, 6327-032-001 and 6327-032-002 to be held as one by filing a lot merger application with the City Engineer's Office
12. All exterior building surfaces, including but not limited to doors and windows shall be properly cleaned and maintained at all times, and
13. 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.
14. No vehicles (commercial or otherwise) shall be:
 - a. Parked on the property except in marked parking spaces; and
 - b. Parked on the property unless owned and operated by patrons and/or employees of the building; or
 - c. Parked overnight.

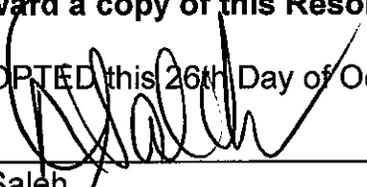
15. The Applicant guarantees that there will be no deviation from the approved minimum number of parking spaces, including reserved parking, compact parking, loading spaces, car and vanpool parking and any other ancillary forms of parking provided, and that the project will at all times conform to the parking plan indicated in Exhibit "A" - "Site Plan".
16. The 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 paving, at all times be kept in a level and smooth condition.
17. The Applicant shall remove and replace all offsite improvements including but not limited to all driveway approaches, full width sidewalks, curb and gutter, and new handicap ramps along both street frontages (Gage and Chanslor Avenues). Plan shall be submitted for review and approval by the City Engineer.
18. The proposed project shall comply with the provisions outlined in the National Pollution Discharge Elimination System (NPDES).
19. Clarifiers or filters shall be placed at strategic locations in the parking area to prevent illicit discharge of substances into storm drains.
20. The Applicant agrees to maintain proper security lighting on the property that promotes a secure and safe environment. Prior to the installation of any new exterior lighting, a lighting plan shall be submitted for review and approval by the City's Police Chief and the Planning and Building Department. Any new and existing exterior lighting shall be fully shielded to ensure no glare will be emitted to the surrounding properties.
21. The Applicant agrees that all new 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.
22. The cost of any required inspections shall be the responsibility of the Applicant and, when requested by the Applicant, shall be requested 48 hours in advance.
23. All activities related to the business shall be conducted inside of the proposed structure.
24. Adequate security fencing shall be installed before construction begins.

25. No storage shall occur on the premises outside of the building storage area.
26. The applicant and each of his agents, contractors, and subcontractors engaged in construction activities on the property shall obtain proper permits, business licenses, and contractor's licenses from the City of Bell.
27. Before the demolition of and grading phase of the project is conducted, the applicant will provide a waste management plan to verify compliance of the mandated recycling ordinance 1157 which requires that all projects recycle at least 50% of the total project waste.
28. Any work shall be performed in accordance with the requirements of the *Standard Specifications for Public Works Construction*, 2010 edition, and any supplements or amendments thereto.
29. Any public improvements damaged as a result of construction activities on the site shall be removed and replaced in accordance with City Standards
30. The Applicant agrees that any subsequent 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.
31. There shall be no public telephones located on the property except within an enclosed building. The term "building," as used herein, shall not include telephone booths.
32. All trash enclosures shall be maintained in accordance with the standards of the City and shall be architecturally compatible with principal structures and shall be located in a manner that will not impede vehicular motion on the property and shall be properly screened with department approved materials including but not limited to landscaping, shrubs, trees and or vines.
33. Any additional 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.
34. The Applicant or an authorized representative shall execute an Affidavit indicating that he/she is aware of all of the terms of this Conditional Use Permit, and accepts all the conditions imposed by this Conditional Use Permit.
35. The 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.
36. 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.

D: That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Bell Islamic Center.

ADOPTED this 26th Day of October, 2011



Ali Saleh
Mayor

ATTEST:



Rebecca Valdez, CMC
City Clerk

I CERTIFY that the foregoing Resolution No. 2011-42 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 26th day of October, 2011 by the following vote:

AYES: Councilmember Alvarez, Vice Mayor Harber and Mayor Saleh

NOES: Councilmember Valencia

ABSTAIN: Councilmember Quintana

ABSENT:



Rebecca Valdez, CMC
City Clerk