

RESOLUTION 2011-45

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-04 TO ALLOW A RETAIL SHOE STORE TO BE LOCATED WITHIN AN EXISTING 13,000 SQUARE FOOT BUILDING. THE SUBJECT PROPERTY IS LOCATED AT 6400 ATLANTIC AVENUE, BELL CA.

A. RECITALS

WHEREAS, Leedy Ying, of Shoe City 2010 Inc. (the Applicant") filed a complete application requesting the approval of Conditional Use Permit 2011-04 described herein ("Application");

WHEREAS, the Application pertains to an approximate 95,830 square foot property on Los Angeles County Assessor's parcel numbers 6326-001-016, 6326-001-400, 6326-001-401, 6326-001-402, 6326-001-406, and 6326-001-407, more commonly known as 6400 Atlantic Avenue, Bell, California ("Property");

WHEREAS, the Applicant requests approval of a Conditional Use Permit to allow a Retail Shoe Store to be located within an existing 13,000 square foot building, pursuant to Bell Municipal Code, Chapter 17.96.030.17.and

WHEREAS, an environmental assessment form was submitted by the Applicant pursuant to pertinent City requirements. Based upon the information received and Staff's assessment, the project was determined not to have a significant environmental impact on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 210000 et seq.) and pursuant to Section 15301 of the CEQA guidelines, Title 14, Chapter 3 of the California Code of Regulation; and

WHEREAS, on October 12, 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 Exemption for the CUP, the Planning Commission hereby finds and determines that the proposed project is exempt from California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.) pursuant to the Class 1 categorical exemption in Section 15301(a) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) in that the project involves the occupation of an existing building. 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 Notice of Exemption and directs the Staff to file the Notice of Exemption as required by law.

4. Based upon substantial evidence presented to this Commission during the October 12, 2011 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:
 - a) The proposed use is consistent with the project site being that the proposed site plan showed no substantial modifications to the current layout of existing building. The approval of the use will be similar in nature as the previously approved school and therefore will not be considered as an intensification of such use.

 - 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 and Atlantic Avenue which are major arterial streets that can handle the current and future generated traffic for this existing facility. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Gage and Atlantic Avenues, effectively eliminating any direct traffic incidents on Woodward Avenue.

 - c) The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Atlantic and Gage Avenues. The proposed Shoe City Shoe Store will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare in that the surrounding area is composed of other similar vocational schooling uses that will complement the proposed use.

 - d) 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 economic stability through the provision of an additional service to patrons which will result in the

diversification of the commercial base along the Gage and Atlantic Avenue corridors.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2011-04, subject to the following conditions:

C. CONDITIONS OF APPROVAL

1. That the property shall be maintained in accordance with:
 - A. The Applications and Exhibits thereto, "A" through "D" 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. 2011-04; and
2. That Leedy Ying, of Shoe City 2010 Inc., is the sole holder of this entitlement; and
3. That Leedy Ying, Shoe City 2010 Inc. will operate a retail Shoe Store only with a valid conditional use permit (CUP No. 2011-04); and
4. This CUP governs the entire site though the only current known occupancy is Building C. Any use proposed in other buildings shall necessitate an amendment to this CUP. It is contemplated that any future use shall require rehabilitation or replacement of Building A and that Building B will be demolished and replaced. Until these future projects occur, applicant shall maintain the entire site in a good, first class condition as provided in condition 19. Additionally, when the future development occurs, Building C may be further modified to conform in architectural appearance with the ultimate project.
5. That 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; and
6. That any violation of any of the conditions of approval shall constitute a revocation of this permit; and
7. That any (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; and

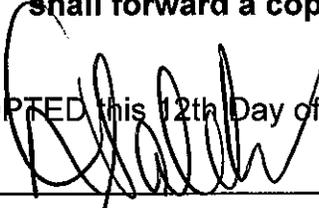
8. That prior to the issuance of building permits the applicant will submit two sets of plans to the department of building and safety for plan check review and shall obtain approval of such plans by all agencies pertinent to the project proposal; and
9. That all conditions of approval, as requested in writing by the Los Angeles County Fire Department, the Los Angeles County Health Department, and in compliance with the 2010 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
10. 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
11. That no vehicles (commercial or otherwise) shall be:
 - i. Parked on the property except in marked parking spaces; and
 - ii. Parked on the property unless owned and operated by patrons and/or employees of the building; and
 - iii. Parked overnight; and
12. 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
13. That the Applicant guarantees that there will be no deviation from the approved 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 "C" to the Agenda Report accompanying this Resolution; and
14. That the applicant agrees to maintain proper lighting on the property that promotes a secure and safe environment; and

15. That 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; and
16. That there shall be no public telephones located on the property except within an enclosed building. Building as used herein shall not include telephone booths; and
17. 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 Resolution; and
18. 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
19. 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
20. 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; and
21. 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
22. 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
23. 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.

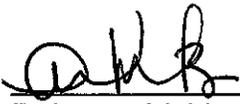
D. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Leedy Ying of Shoe City 2010 Inc.

ADOPTED this 12th Day of October, 2011



Mayor

ATTEST:



Rebecca Valdez
City Clerk

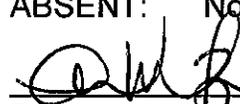
I CERTIFY that the foregoing Resolution No. 2011-45 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 12Th day of October, 2011 by the following vote:

AYES: Councilmember Alvarez, Quintana, Valencia, Vice Mayor Harber and Mayor Saleh

NOES: None

ABSTAIN: None

ABSENT: None



Rebecca Valdez
City Clerk