

authority, responsibility or jurisdiction delegated to the City under this MOU.

- 3.5 This MOU, along with its attachment, constitutes the entire understanding between the parties, with respect to the subject matter herein. The MOU shall not be amended, nor any provisions or breach hereof waived, except in writing signed by the parties who agreed to the original MOU or the same level of authority.
- 3.6 This MOU shall be governed by California law. If any provision of this MOU is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.
- 3.7 The covenants and agreements of this MOU shall inure to the benefit of, and shall be binding upon, each of the parties and their respective successors and assigns.
- 3.8 This MOU shall remain in effect for 3 years from the execution date, to the extent that project funds are available.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized representatives as of the dates indicated below:

LACMTA:

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: _____
Arthur T. Leahy Date
Chief Executive Officer

APPROVED AS TO FORM:

Andrea Sheridan Ordin
County Counsel

By: _____ 5/17/11
Deputy Date

GRANTEE:

CITY OF BELL

By: _____
Ali Saleh Date
Mayor

APPROVED AS TO FORM:

City Attorney

By: _____
David Aleshire Date

Attachment A

The following list of intersections is targeted for Countywide Signal Priority system upgrades. Wireless equipment are planned to be placed along all six intersections to provide coverage for the Rapid Buses. The wireless equipment will provide a wireless backbone infrastructure network in absence of interconnect. We will be upgrading controller hardware to 170E ATC/HC11 equipped with LACO-4 firmware when necessary. Each intersection will be equipped with either as an access point or as a client device associated CSP hardware.

	Signalized Intersection	Owning Agency	Controller Type	Firmware	Controller Hardware Requirements	Firmware Requirements	WLAN Device
Atlantic Avenue	Randolph St	Bell	170	LACO	Possible 170 E ATC/HC11 Upgrade	LACO-4 Upgrade	TBD
	Bell Plaza	Bell	170	LACO	Possible 170 E ATC/HC11 Upgrade	LACO-4 Upgrade	TBD
	Gage Ave	Bell	170	LACO	Possible 170 E ATC/HC11 Upgrade	LACO-4 Upgrade	TBD
	Bell Ave / Brompton Ave	Bell	170	LACO	Possible 170 E ATC/HC11 Upgrade	LACO-4 Upgrade	TBD
	Shopping Center Drive	Bell	170	LACO	Possible 170 E ATC/HC11 Upgrade	LACO-4 Upgrade	TBD
	Florence Ave	Bell	170	LACO	Possible 170 E ATC/HC11 Upgrade	LACO-4 Upgrade	TBD

Note: Wireless LAN hardware upgrades are subject to change.

City of Bell Agenda Report

DATE: November 9, 2011

TO: Honorable Chair and Planning Commission Members

FROM: Carlos M. Chacon, Assistant City Planner

APPROVED

BY:

Arne Croce, Interim Chief Administrative Officer

SUBJECT: PUBLIC HEARING FOR AND CONSIDERATION OF CONDITIONAL USE PERMIT NO 2011-05 TO ALLOW LARGE RECYCLING COLLECTION FACILITY TO BE LOCATED WITHIN AN EXISTING 5,018 SQUARE FOOT WAREHOUSE AND AN ATTACHED 1,140 SQUARE FOOT OFFICE TO BE ESTABLISHED AT 6216 MAYWOOD AVENUE BELL CA.

RECOMMENDATION

Staff recommends that the application be reviewed, the public hearing be conducted, and that the Planning Commission adopt Planning Commission Resolution No. PC 2011-46 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-05 TO ALLOW LARGE RECYCLING COLLECTION FACILITY TO BE LOCATED WITHIN AN EXISTING 5,018 SQUARE FOOT WAREHOUSE AND AN ATTACHED 1,140 SQUARE FOOT OFFICE TO BE ESTABLISHED AT 6216 MAYWOOD AVENUE BELL CA, APN 6318-019-038.

DISCUSSION

The applicant, Marco Rivera, is requesting that the City of Bell Planning Commission consider a request for Conditional Use Permit (Conditional Use Permit (CUP 2011-05) to allow Large Recycling Collection facility to be located within an existing 5,018 square foot warehouse and an attached 1,140 square foot office, pursuant to Bell Municipal Code, Chapter 17.96.030.66. The Subject property is located at 6216 Maywood Avenue

and is located on the Southeast Corner of Maywood Avenue and Randolph Place. The property is located within the C-3R zoning district.

BACKGROUND

The applicant, Marco Rivera currently has a Special Use Permit to operate a small recycling facility located at 6805 Salt Lake Avenue in the City of Bell. He has been in operation since July 2011. However, his current business is expanding and has determined to expand his business and pursue a Large Recycling Collection facility proposed to be located at this new site.

The building located at 6216 Maywood has been vacant for a period longer than six months. Pursuant to section 17.100.060(A) (5), voluntary discontinuance of the utilization of a pre-existing legal non-conforming use, for a period over six months or more, deems the use of the building for that use as abated. Therefore, any new use of the property located at 6216 Maywood Avenue will require a Conditional Use Permit pursuant to section 17.96.030.66 and pursuant to section 17.96.030(9) as well.

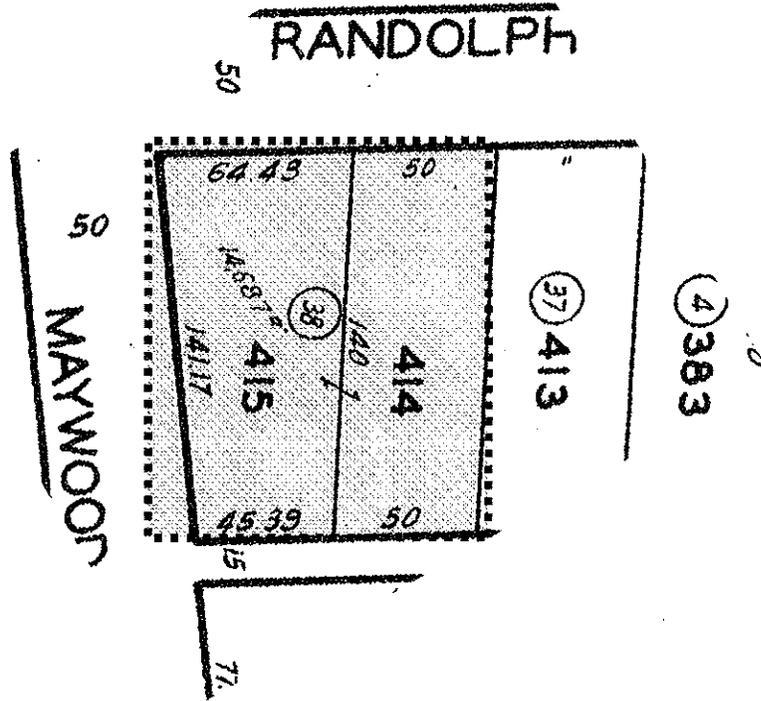
DESCRIPTION OF PROPERTY AND IMPROVEMENTS

The property is located on the south east corner of Maywood Avenue and Randolph Place. The lot measures 141 linear feet of street frontage along Maywood Avenue and 114 linear feet facing Randolph Place. The site is currently developed with an old 23 foot high metal building resembling an aircraft hangar with three dome shaped roof area and a 12' high single story office building. The metal building measures approximately 5,018 square feet and the office building measures 1,140 square feet. The metal building has access from multiple areas including access from Maywood Avenue and from Randolph Place, while the office building only has access from Maywood Avenue.

The site is currently improved with 6 foot high wrought iron fencing along Maywood Avenue and Randolph Place. The fence is lined with shrubbery to screen the existing and minimize the overall size and aspect of the buildings. There is an existing driveway along Randolph Place and along Maywood Avenue. The applicant proposes to provide egress from the property along the Maywood Avenue side by designating the driveway entrance as a one way parkway that will exit the premises on the most southerly property line into the alley. This improvement will aide in the overall circulation of the parking area and facilitate ingress and egress of the property.

Pursuant to Bell Municipal Code section 17.76.020, General Commercial and Office Areas only require a parking ratio of 1 parking stall for every 200 square feet of gross floor area. As for warehousing uses, this use only requires 1 parking stall for every 1,000 square feet of gross floor area. The total square footage of the warehouse use that will be utilized for the recycling collection facility is 5,018 square feet. The parking requirement for that warehouse use will be one parking space for every 1,000 square feet of gross floor area for a total of 5 spaces. The office area measuring 1,140 square feet will require one parking space for every 200 square feet of gross floor area for a total of 5 parking spaces.

LA COUNTY ASSESSOR'S PARCEL MAP



BUSINESS OPERATIONS

The proposed recycling facility proposes to buy back plastic, aluminum and glass that have a redemption value from the CRV program implemented by the state of California to encourage the general public to recycle. The business will cater to the average resident to bring their recyclables and receive a monetary value for the materials at a state mandated redemption rate. The proposed facility will collect these materials and store them into a large container which will be picked on a daily basis to prevent odors and vermin. The noise will be mitigated due to the truck picking the container and no transfer of material from truck to container will be conducted. Attached to the report is a letter from the applicant outlining the process which was submitted to the Planning Commission for review.

COMPATIBILITY OF USE

The site is currently located adjacent to several types of uses. To the west of the site there is a lumber yard that processes lumber through various procedures that emit noise and odors. To the south of the site, there are several uses that produce noises such as mechanic shops, manufacturing and warehouse uses. To the north of the site there are several heavy commercial shops. All of these uses are similar in nature as they relate to the proposed recycling facility. However, the use located to the east of the site is zoned commercial C-3R and currently has an apartment building located on it. The proposed use may present a potential negative impact on these residential uses

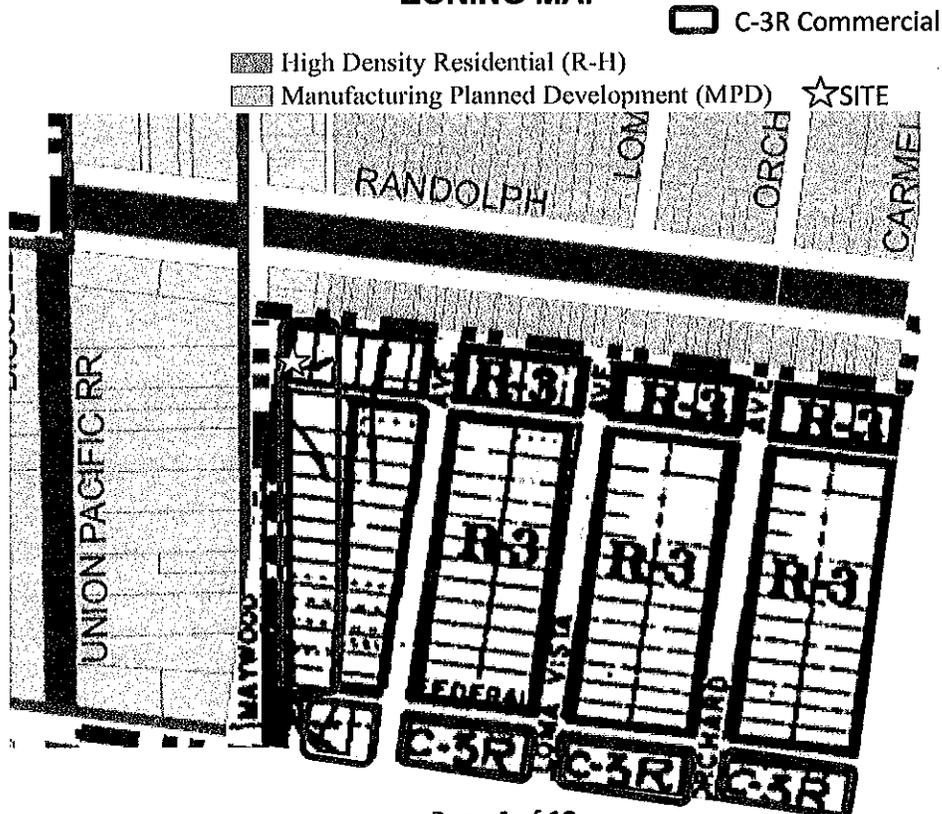
directly adjacent to the site. Therefore if the project is considered for approval, staff has set some conditions of approval that would require the applicant to exercise best management practices to minimize any odor or noise impacts on adjacent properties. In the event of any complaints concerning the business operations, the operator will be required to work with staff to develop a mitigation and improvement plan. If a mitigation plan cannot remedy such impacts, then this permit may be revoked by the Planning Commission.

SURROUNDING LAND USES

TABLE 1

Subject Property	General Plan	Zoning District	Land Use
North	Commercial General (Huntington Park)	C-G	Retail Shops
South	Commercial Mixed Use	C-3R	Light Manufacturing/ Industrial
East	Commercial Mixed Use	C-3R	Residential (Apartments)
West	Manufacturing Planned Development (Huntington Park)	MPD	Lumber Warehouse

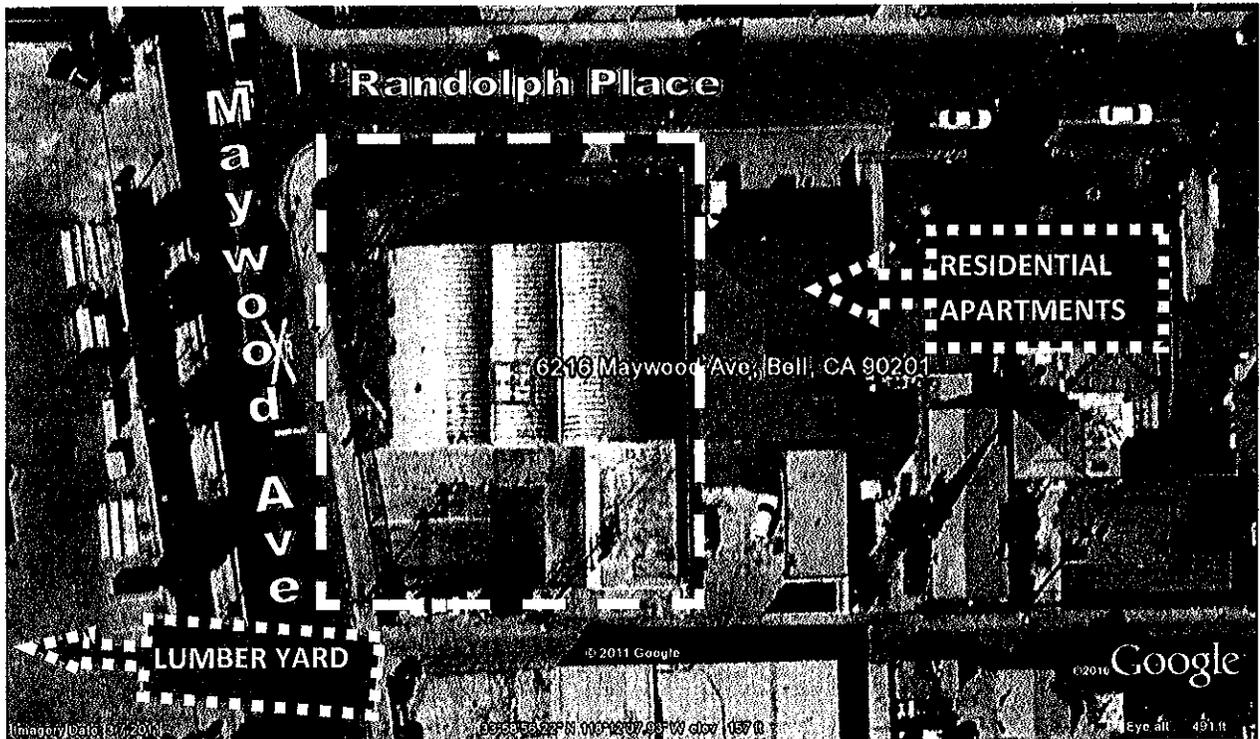
ZONING MAP



**AERIAL PHOTO
(VICINITY)**



AERIAL PHOTO (SITE)

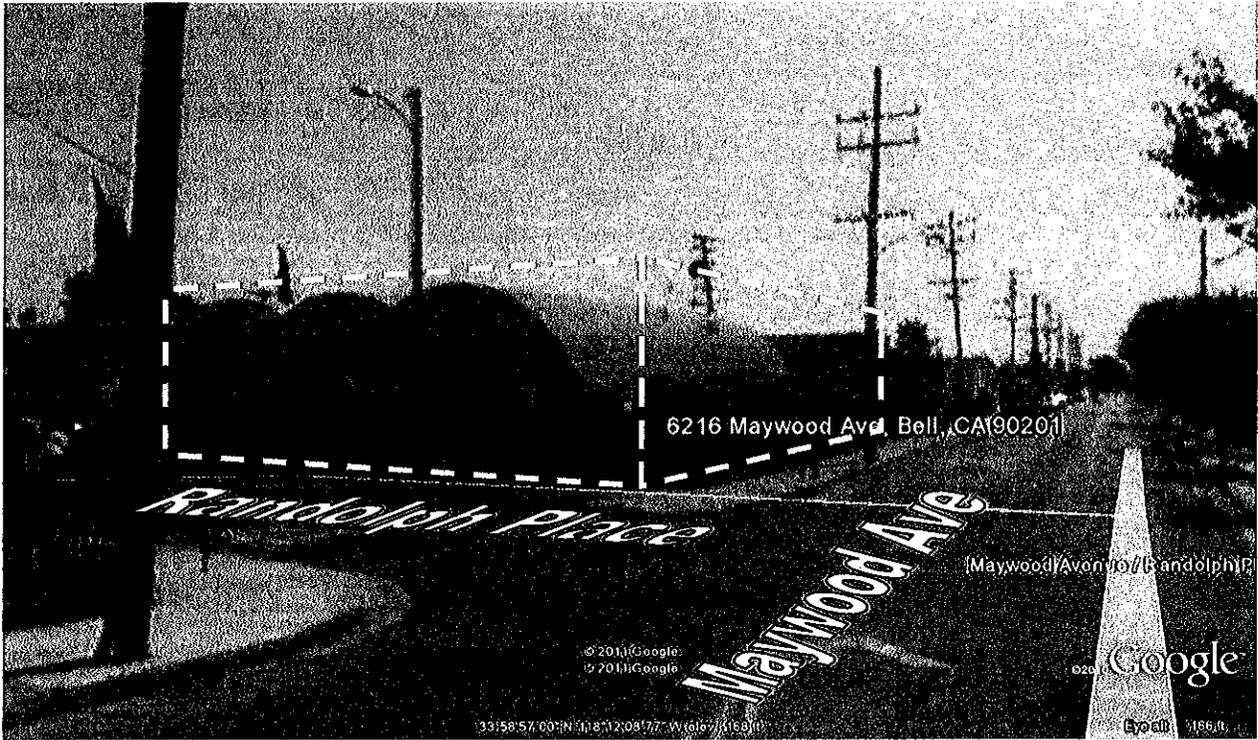


STREET VIEW (WEST OF SITE)



LAND USE REQUIREMENTS		
	REQUIRED	PROVIDED
Minimum Lot Area (square feet)	5,000	14,687 sq. ft.
Building Area (square feet)	No Minimum	6,158 sq. ft.
PARKING REQUIREMENTS		
	REQUIRED	PROVIDED
Parking Spaces for Office Use (1/200)	5 spaces	5 spaces
Parking Spaces Warehouse Use (1/1000)	5 spaces	5 spaces
Total Number of Parking	10 Spaces	7 Standard + 2 Compact + 1 Handicap Accessible = 10 spaces

**STREET VIEW
(SITE VIEW)**



**STREET VIEW
(NORTH OF SITE)**



GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial use. The proposed use would be consistent with the General Plan and does not conflict with the established goals and objectives of the Land Use Element which according to policy 18 of the land use policies state that the City needs to recognize that recycling refuse is a viable method of managing solid waste. Pursuant to Section 17.96.030.66 of the Bell Municipal Code, any large recycling collection facility may be permitted with a valid Conditional Use Permit in any C zones.

ARCHITECTURAL REVIEW

The structure is a pre-existing commercial building with access being provided by an existing parking lot at the side of the property on Maywood Avenue. There will be no additions made to the building. The only modification that will be made to property will be the back filling of existing dock bay to provide adequate parking spaces and overall site circulation.

PUBLIC NOTICE

In conformance with applicable law, staff sent out notices to all the surrounding property owners within 300 feet of the project location. A total of 36 owners were notified of the proposed application and project proposal. The notices were also posted at three specific sites and were published on September 30, 2011 in a newspaper of general circulation which is adjudicated in the city for public notice. Additionally, at the request of the planning commission, the applicant also submitted labels to notify the surrounding occupants within the 300 foot radius for a total of 38 tenants that were notified of the public hearing.

ENVIRONMENTAL REVIEW

Staff has reviewed the Conditional Use Permit application and determined that the proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq. Consequently, the staff has prepared a Notice of Exemption.

FINDINGS OF FACT

Pursuant to Chapter 17.96.040 of the Bell Zoning Code, 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 has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the recycling business within the existing building footprint, and will provide parking at the rear of the property accommodating the use to the site.
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 Maywood Avenue which is an arterial street 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 Maywood Avenue, effectively eliminating any direct traffic incidents on Randolph Place.
3. The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint the exterior surfaces to renew the appearance of the existing building.
4. The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Maywood Avenue. The proposed Large Recycling Collection Facility 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 commercial industrial uses that will complement the proposed use.
5. 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 Maywood Avenue corridor. Furthermore, the project will be in compliance with Land Use policy Number 23, by promoting recycling as a means of reducing solid waste.

ALTERNATE FINDING

At the September 28, 2011 City Council Meeting, staff was directed to work with the project applicant to address the issues that the Planning Commission discussed during the meeting.

The issues that were brought forth during the City Council meeting included the following:

- The potential nuisances and their negative impact on the adjacent residential uses, including the impact of additional noise, odors and pests generated by the nature of the use.

- The general design compatibility with the surrounding properties.

The project applicant met with staff on several occasions and was in contact to discuss and address the project parameters. The applicant has included a letter addressing the planning commissioners' concerns which is attached to the agenda report.

Based upon evidence presented to the Commission during the September 28, 2011 public hearing, including public testimony, staff prepared an alternate resolution which outlines separate findings in support of a project denial which is attached to the agenda packet.

CONDITIONS OF APPROVAL

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

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. 2011-05; and
1. That Marco Rivera of Rivera Recycling, is the sole holder of this entitlement; and
 2. That Marco Rivera, Rivera Recycling shall hold a Certificate from the Department of Resources Recycling and Recovery to operate a Large Recycling Collection Facility only with a valid conditional use permit (CUP No. 2011-05); and
 3. The hours of operation for the Large recycling facility will be as follows:
 - i. Monday through Friday: 8:00 AM – 6:00 PM
 - ii. Saturday: 8:00 AM – 5:00 PM
 - iii. Sunday: 8:00 AM – 2:00 PM
 - iv. Daily pick up hours for the containers shall occur no earlier than 8:00 AM and no later than 7:00PM.
 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; and

5. That any violation of any of the conditions of approval shall constitute the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; and
6. 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
7. Applicant shall exercise best management practices to minimize any odor or noise impacts on adjacent properties. In the event of any complaints concerning the business operations, the operator shall work with staff to develop a mitigation and improvement plan. If a mitigation plan cannot remedy such impacts, than this permit may be revoked by the Planning Commission.
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
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 pavings 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.

Attachments

Exhibits: "A" – Conditional Use Permit Application "B" – Environmental Notice of Exemption
 "C" – Site Plan, Floor Plan and Elevations "D" – Radius Map

RESOLUTION 2011-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-05 TO ALLOW LARGE RECYCLING COLLECTION FACILITY TO BE LOCATED WITHIN AN EXISTING 5,018 SQUARE FOOT WAREHOUSE AND AN ATTACHED 1,140 SQUARE FOOT OFFICE TO BE ESTABLISHED AT 6216 MAYWOOD AVENUE BELL CA.

A. RECITALS

WHEREAS, Marco Rivera, of Rivera Recycling (the Applicant") filed a complete application requesting the approval of Conditional Use Permit 2011-05 described herein ("Application");

WHEREAS, the Application pertains to an approximate 14,687 square foot property on Los Angeles County Assessor's Parcel numbers 6318-019-038, more commonly known as 6216 Maywood Avenue, Bell, California ("Property");

WHEREAS, the Applicant requests approval of a Conditional Use Permit to allow Large Recycling Collection facility to be located within an existing 5,018 square foot warehouse and an attached 1,140 square foot office, pursuant to Bell Municipal Code, Chapter 17.96.030.66.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 September 28, 2011, the Planning Commission of the City of Bell conducted a duly noticed Public Hearing on the Application, and continued to the November 9, 2011 Planning Commission meeting for the applicant to work with staff to address project concerns; and

WHEREAS, on November 9, 2011, the Planning Commission of the City of Bell concluded a duly noticed continued 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 November 9, 2011 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:
 - a) The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the recycling business within the existing building footprint, and will provide parking at the rear of the property accommodating the use to the site.
 - 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 Maywood Avenue which is an arterial street 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 Maywood Avenue, effectively eliminating any direct traffic incidents on Randolph Place.
 - c) The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint the exterior surfaces to renew the appearance of the existing building.

- d) The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Maywood Avenue. The proposed Large Recycling Collection Facility 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 commercial industrial uses that will complement the proposed use.
- 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 economic stability through the provision of an additional service to patrons which will result in the diversification of the commercial base along the Maywood Avenue corridor. Furthermore, the project will be in compliance with Land Use policy Number 23, by promoting recycling as a means of reducing solid waste.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2011-05, 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. 2011-05; and
- 2. That Marco Rivera of Rivera Recycling, is the sole holder of this entitlement; and
- 3. That Marco Rivera, Rivera Recycling shall hold a Certificate from the Department of Resources Recycling and Recovery to operate a Large Recycling Collection Facility only with a valid conditional use permit (CUP No. 2011-05); and
- 4. The hours of operation for the Large recycling facility will be as follows:
 - i. Monday through Friday: 8:00 AM – 6:00 PM
 - ii. Saturday: 8:00 AM – 5:00 PM
 - iii. Sunday: 8:00 AM – 2:00 PM
 - iv. Daily pick up hours for the containers shall occur no earlier than 8:00 AM and no later than 7:00PM.

5. 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 the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; 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. Applicant shall exercise best management practices to minimize any odor or noise impacts on adjacent properties. In the event of any complaints concerning the business operations, the operator shall work with staff to develop a mitigation and improvement plan. If a mitigation plan cannot remedy such impacts, than this permit may be revoked by the Planning Commission.
9. 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
10. 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
11. 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
12. 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

13. 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
14. 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
15. That the applicant agrees to maintain proper lighting on the property that promotes a secure and safe environment; and
16. 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
17. 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
18. 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
19. 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
20. 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
21. 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

22. 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
23. 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
24. 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 Marco Rivera.

ADOPTED this 9th Day of November, 2011

Ali Saleh
Mayor

ATTEST:

Rebecca Valdez, CMC
City Clerk

I CERTIFY that the foregoing Resolution No. 2011-46 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 9Th day of November, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rebecca Valdez, CMC
City Clerk

RESOLUTION 2011-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL DENYING CONDITIONAL USE PERMIT NO. 2011-05 TO ALLOW LARGE RECYCLING COLLECTION FACILITY TO BE LOCATED WITHIN AN EXISTING 5,018 SQUARE FOOT WAREHOUSE AND AN ATTACHED 1,140 SQUARE FOOT OFFICE TO BE ESTABLISHED AT 6216 MAYWOOD AVENUE BELL CA.

A. RECITALS

WHEREAS, Marco Rivera, of Rivera Recycling (the Applicant”) filed a complete application requesting the approval of Conditional Use Permit 2011-05 described herein (“Application”);

WHEREAS, the Application pertains to an approximate 14,687 square foot property on Los Angeles County Assessor’s Parcel numbers 6318-019-038, more commonly known as 6216 Maywood Avenue, Bell, California (“Property”);

WHEREAS, the Applicant requested review of a Conditional Use Permit to allow Large Recycling Collection facility to be located within an existing 5,018 square foot warehouse and an attached 1,140 square foot office, pursuant to Bell Municipal Code, Chapter 17.96.030.66.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 September 28, 2011, the Planning Commission of the City of Bell conducted a duly noticed Public Hearing on the Application, and continued to the November 9, 2011 Planning Commission meeting for the applicant to work with staff to address project concerns; and

WHEREAS, on November 9, 2011, the Planning Commission of the City of Bell concluded a duly noticed continued 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.
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:
 - a) The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the recycling business within the existing building footprint, and will provide parking at the rear of the property accommodating the use to the site.
 - 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 Maywood Avenue which is an arterial street 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 Maywood Avenue, effectively eliminating any direct traffic incidents on Randolph Place.
 - c) The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint the exterior surfaces to renew the appearance of the existing building. The building is antiquated and the proposed use may generate a significant amount of noise that when combined with the type of corrugated metal building, may amplify the noise from the interior of the building, and if not mitigated, may cause an adverse noise impact on the adjacent residential uses.
 - d) The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Maywood

Avenue. However, the proposed Large Recycling Collection Facility may adversely affect or be materially detrimental to the adjacent residential uses, buildings or structures or to the public health, safety or general welfare in that the surrounding area.

- e) The operation of the proposed use is in compliance with the applicable provisions of the general plan of the City of Bell by promoting recycling as a means of reducing solid waste, however it does not generally attempt to comply with the intent of the zoning designation of the site which is considered to be C-3R for Commercial retail with a mixed use potential. The proposed use may potentially promote incompatibility among land uses for the health and safety of occupants and the protection of property values.

Based upon the foregoing findings, the Planning Commission hereby denies Conditional Use Permit No. 2011-05.

C. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Marco Rivera.

ADOPTED this 9th Day of November, 2011

Ali Saleh
Mayor

ATTEST:

Rebecca Valdez, CMC
City Clerk

I CERTIFY that the foregoing Resolution No. 2011-46 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 9th day of November, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rebecca Valdez, CMC
City Clerk

City of Bell Agenda Report

DATE: November 9, 2011

TO: Honorable Chair and Planning Commission Members

FROM: Carlos M. Chacon, Assistant City Planner

APPROVED

BY:

Arne Croce, Interim Chief Administrative Officer

SUBJECT: PUBLIC HEARING FOR AND CONSIDERATION OF CONDITIONAL USE PERMIT NO 2011-07 TO ALLOW AN ADULT DAY CARE TO BE ESTABLISHED AT 6317-6327 OTIS AVENUE IN BELL, CA.

RECOMMENDATION

Staff recommends that the application be reviewed, the public hearing be conducted, and that the Planning Commission adopt Planning Commission Resolution No. PC 2011-49 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-07 TO ALLOW A 7,000 SQUARE FOOT ADULT DAY CARE FACILITY TO BE LOCATED WITHIN AN EXISTING BUILDING. THE SUBJECT PROPERTY IS LOCATED AT 6317-6327 OTIS AVENUE IN BELL CA. APN 6317-029-022 AND 6317-029-021.

DISCUSSION

The applicant, Imelda Ochoa of Buena Vida Care Services Inc. dba Training for Tomorrow, is requesting that the City of Bell Planning Commission consider a request for Conditional Use Permit (Conditional Use Permit (CUP 2011-07) to allow a 7,000 square foot Adult Day Care facility to be located within an existing building, pursuant to Bell Municipal Code, Chapter 17.96.030.23. The Subject property is located at 6317-6327 Otis Avenue and is located on the west side of Otis Avenue and north of Gage Avenue and south of Randolph Place. The property is located within the R-3 zoning district.

BACKGROUND

The applicant, Buena Vida Care Services dba "Training for Tomorrow" is a new endeavor that is being proposed by the applicant's representative Imelda Ochoa and Judy Canterbury. Imelda Ochoa has ten years of experience in adult day services programs. Some of which include serving as a program director, coordinating staff training and daily operations and opening a non-profit organization which provides free meals to underserved children in the City of Maywood.

Her business partner in this project is Judy Canterbury who has more than 34 years in the field of adult day services, where she has served as a program nurse, program director and administrator in Adult Day Programs. She has also served in Alzheimer's Day Care Resource Centers and Adult Day Health Care Centers. She has started three adult day centers and has also purchased and renovated centers.

The building on which they proposed to start this project was the previous site known as the Post Office for the City of Bell. The site is currently located at 6317-6327 Otis Avenue has been vacant since October 21, 2011. Pursuant to section 17.96.030.23 any Day Care Centers located in any zone require a Conditional Use Permit.

DESCRIPTION OF PROPERTY AND IMPROVEMENTS

The property is located at 6317-6327 Otis Avenue and is located on the west side of Otis Avenue and north of Gage Avenue and south of Randolph Place. The property consists of parcel number 6317-029-022 and 6317-029-021 with a total of 30,400 square feet. The lot measures 190 linear feet of street frontage along Otis Avenue and 160 linear feet facing Federal Alley. The site is currently developed with an old 10,000 square foot single story building with basement approximately of equal size used for storage. The building has existing offices that will be remodeled as part of the improvements that will be completed on the building.

The site is currently improved with 6 foot high chain link fence along Otis Avenue and Federal Alley. There is an existing entrance to the site from the Alley and Otis Avenue. This existing improvement aides in the overall circulation of the rear and front parking areas and facilitate ingress and egress of the property.

Pursuant to Bell Municipal Code section 17.76.020, General Commercial and Office Areas only require a parking ratio of 1 parking stall for every 200 square feet of gross floor area. As for warehousing/storage uses, this use only requires 1 parking stall for every 1,000 square feet of gross floor area.

BUSINESS OPERATIONS

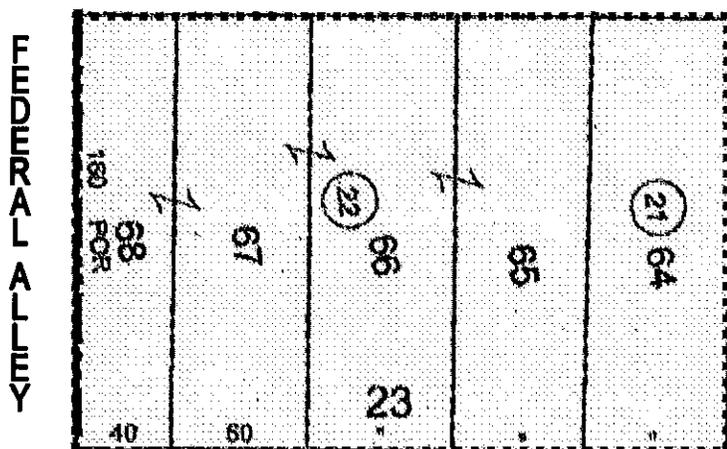
The program that the applicants are proposing to locate at this facility will be licensed adult day care designed to serve up to 100 individuals between the ages of 18 and older frail adults and the developmentally disabled population. The program is called "Training for Tomorrow" and they propose to commence operations upon acquiring department of health care services license. They plan to start with 24 consumers and expect to be fully operational within two years of their opening. The adult day care center will contract with South Regional Center to provide transportation who will then arrange transportation for the participants. Each bus will transport between 15-20 participants per trip. The program consists of the clients will be dropped off at the center between 8:00 and 9:00 AM. Programming for the participants will be planned in intervals of 6 hours. They will be picked up between 2:00 and 3:00 PM. Full Program details are attached to the report for your review.

COMPATIBILITY OF USE

The site is currently located adjacent to several types of uses. To the west and east of the site there are residential units within the multi-family residential R-3 Zone. To the south of the site, there are several businesses such as dental offices, fast food and medical facilities. To the north of the site there are more multi family dwelling properties.

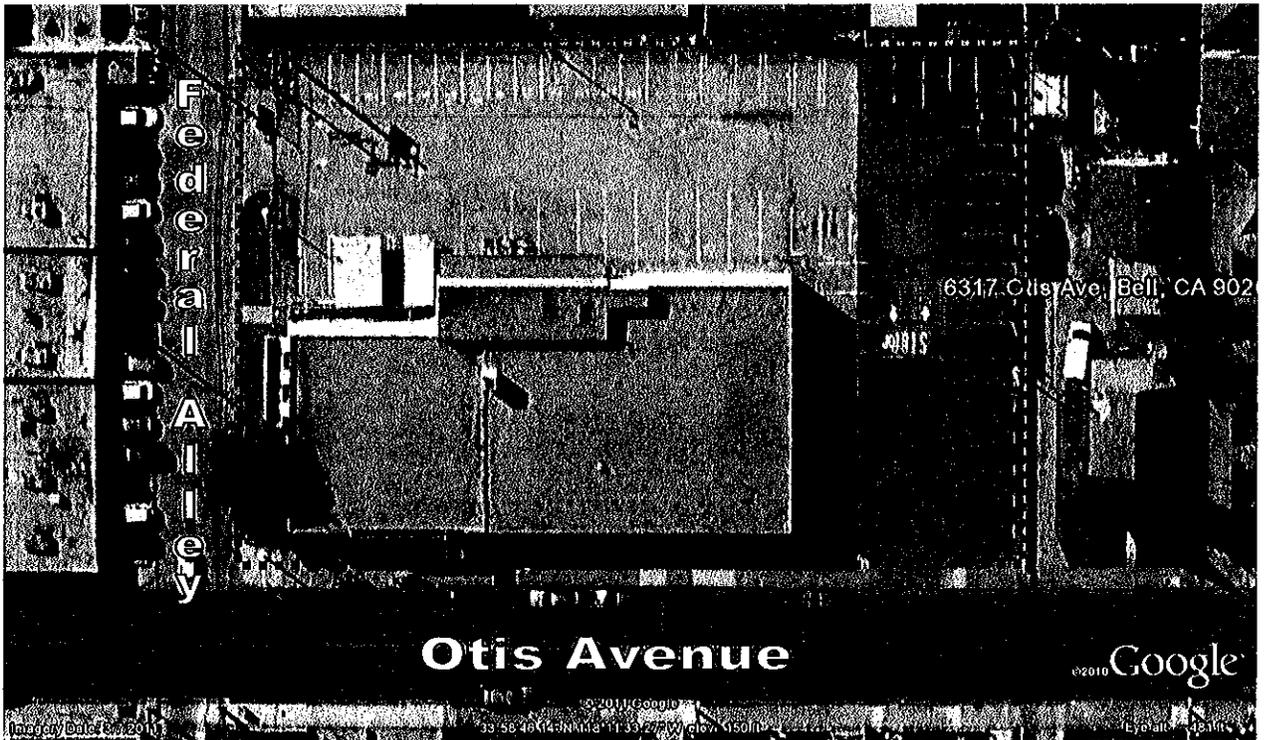
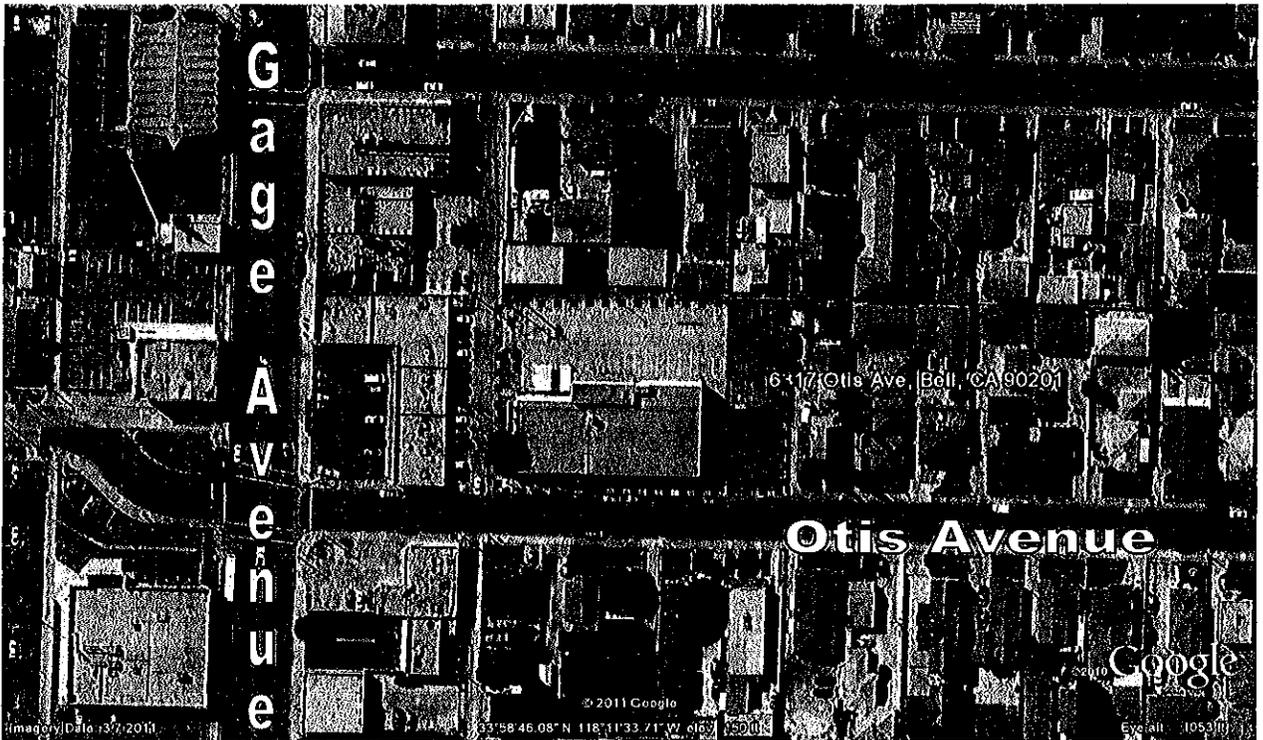
The proposed adult day care will be an asset to the community in that it will provide a local solution to a service that may ordinarily be out of reach for current residents. The use will be compatible to its surroundings in that it will not affect the general business corridor located on Gage Avenue. Furthermore the use will only generate approximate 10 total vehicle trips in the morning and about 10 vehicle trips in the afternoon, drastically reducing the original traffic flow that once was generated by the post office.

LA COUNTY ASSESOR'S PARCEL MAP

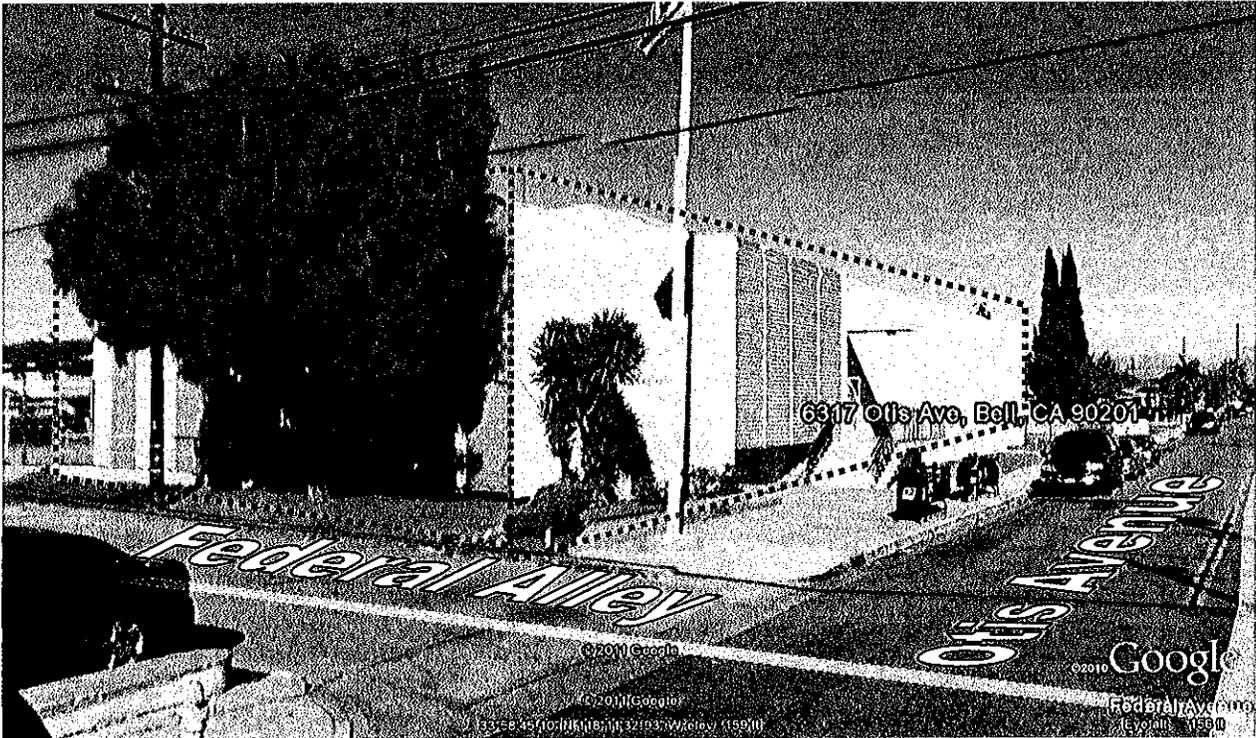
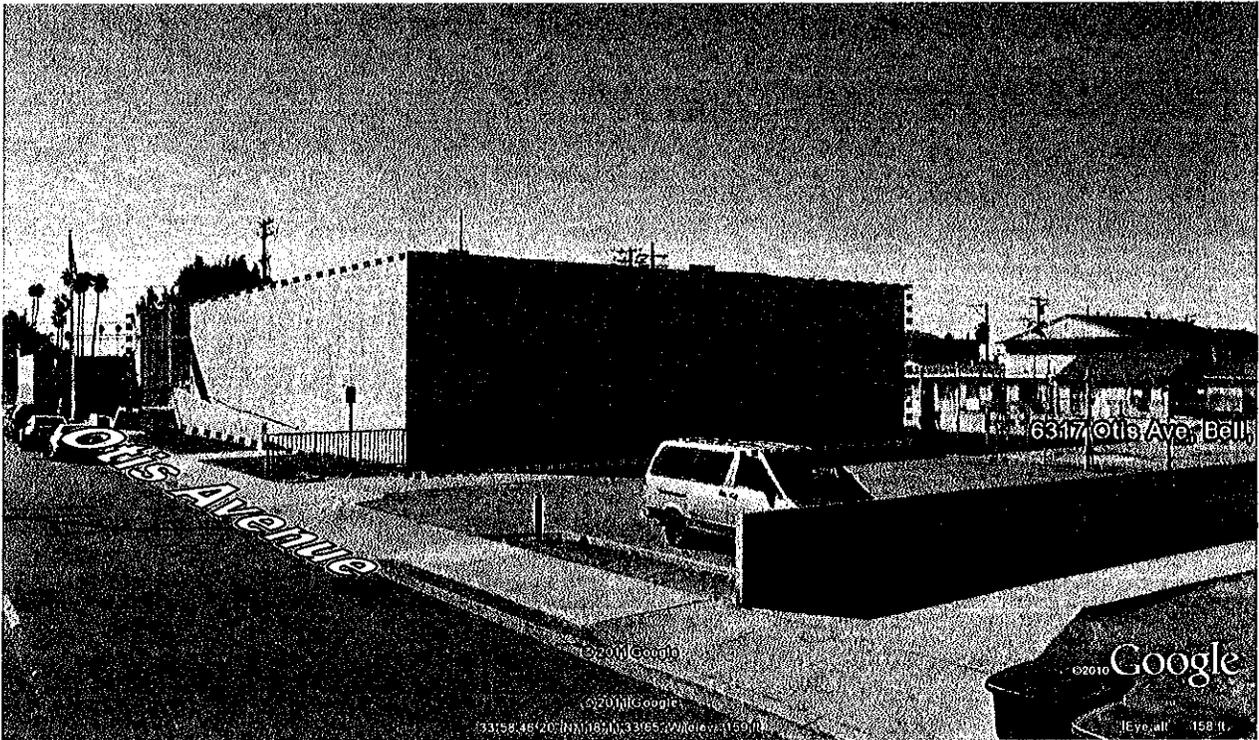


OTIS AVENUE

AERIAL PHOTOS



STREET VIEWS



Subject Property	General Plan	Zoning District	Land Use
North	Multi-Family Residential	R-3	Residential Units
South	Commercial Mixed Use	C-3R	Light Manufacturing/ Industrial
East	Multi-Family Residential	R-3	Residential Units
West	Multi-Family Residential	R-3	Residential Units

GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Residential use. The proposed use would be consistent with the General Plan and does not conflict with the established goals and objectives of the Land Use Element which states that the City should pursue opportunities to influence development decisions concerning [previously] federally owned land such as this site. The proposed use will be encouraging quality mixed residential developments and support a good transitional use for the residential corridor. This will also provide an incentive for the consolidation of the existing lots. Pursuant to Section 17.96.030.23 of the Bell Municipal Code, any Day Care Center may be permitted with a valid Conditional Use Permit without zoning restrictions.

ARCHITECTURAL REVIEW

The structure is a pre-existing commercial building with access being provided by an existing parking lot at the side of the property on Otis Avenue. There will be no additions made to the building. The only modification that will be made to building will be the remodel of existing square footage to be utilized as offices and facilities for new adult program participants.

PUBLIC NOTICE

In conformance with applicable law, staff sent out notices to all the surrounding property owners within 300 feet of the project location. A total of 61 owners were notified of the proposed application and project proposal. The notices were also posted at three specific sites and were published on October 28, 2011 in a newspaper of general circulation which is adjudicated in the city for public notice.

ENVIRONMENTAL REVIEW

Staff has reviewed the Conditional Use Permit application and determined that the proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section

15301 (Existing Facilities) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq. Consequently, the staff has prepared a Notice of Exemption.

FINDINGS OF FACT

Pursuant to Chapter 17.96.040 of the Bell Zoning Code, 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 has a fully approved building that will accommodate the proposed use. The proposed use will not utilize the entire floor plan of the existing building. The project will only modify 7,000 square feet to the current layout of existing building to accommodate the proposed use. The approval of the use will be similar in nature as the previously approved post office and therefore will not be considered as an intensification of such use.
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 Otis Avenue which is an arterial street that can handle the current and future generated traffic for this existing facility being such that the use of the facility will provide transportation to participants and therefore minimal parking will be required. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Otis Avenue, effectively eliminating any direct traffic incidents on Gage Avenue.
3. The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building only the interior of the existing building for the proposed 7,000 square foot adult day care center.
4. The location of the proposed use on the site is compatible with existing and proposed uses along the along Otis Avenue and the adjacent Gage Avenue corridor. The proposed Adult Day Care Center 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 proposed use will create less vehicle trips per day, will create a transitional use or buffer from the adjacent commercial corridor to the residential uses currently existing along Otis Avenue.
5. The proposed use is in compliance with the applicable provisions of the general plan of the City of Bell. The proposed use may prevent incompatibility among land uses for the health and safety of occupants and the protection of property values. The project will also provide an incentive for the consolidation of existing lots.

CONDITIONS OF APPROVAL

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

- A. The Applications and Exhibits thereto, "A" through "F" 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. 2011-07; and
1. That Buena Vida Care Services Inc. dba "Training For Tomorrow" is the sole holder of this entitlement; and
 2. That Buena Vida Care Services Inc. dba "Training For Tomorrow" shall hold the appropriate licensing and certification to operate an adult day care center including but not limited to Department of Social Services approval, Community Care Licensing as an adult Day Care Program, and only with a valid conditional use permit (CUP No. 2011-07); and
 3. This CUP governs the entire site though the only current known occupancy is for the 7,000 square foot adult day care center known as 6317 Otis Avenue. Any use proposed in other parts of the existing building shall necessitate an amendment to this CUP. It is contemplated that any future use shall require rehabilitation or remodel of the existing building. 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, the exterior of the entire building may be further modified to conform in architectural appearance with the ultimate project.
 4. The hours of operation for the Adult Day Care Center will be as follows:
 - a. Monday through Friday: 8:00 AM – 5:00 PM
 5. 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 the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; and

7. That any increase in the use permitted as a part of this Conditional Use Permit shall be cause to review the Conditional Use Permit; and
8. That before the issuance of any permits for this project, that the applicant shall consolidate the lots with parcel numbers 6317-029-022 and 6317-029-021 to be held as one by filing a lot merger application with the City Engineer's Office; and
9. 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
10. 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 California Building Code 2010, 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
11. 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
12. That 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; and
 - c. Parked overnight; and
13. That all exterior building surfaces, including but not limited to doors and windows shall be properly cleaned and maintained at all times, and
14. 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

15. 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
16. That the applicant agrees to maintain proper lighting on the property that promotes a secure and safe environment; and
17. 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
18. 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
19. That 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
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. 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 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

23. That copies of said licenses and certifications shall be maintained on file with the City of Bell in perpetuity; and
24. That it shall be the responsibility of the Applicant to obtain a resolution pertaining to this Planning Commission action, Conditional Use Permit No. 2011-07; and
25. 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
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 be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office.
28. That the applicant shall comply with all Federal, State, County, and Local laws and ordinances that may apply to this permit.

Attachments

- Exhibits:
- "A" – Conditional Use Permit Application
 - "B" – Environmental Notice of Exemption
 - "C" – Floor Plan
 - "D" – Radius Map
 - "E" – Program Description
 - "F" – Applicant backgrounds

RESOLUTION 2011-49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-07 TO ALLOW A 7,000 SQUARE FOOT ADULT DAY CARE FACILITY TO BE LOCATED WITHIN AN EXISTING BUILDING. THE SUBJECT PROPERTY IS LOCATED AT 6317-6327 OTIS AVENUE IN BELL CA. APN 6317-029-022 AND 6317-029-021.

A. RECITALS

WHEREAS, Buena Vida Care Services dba "Training for Tomorrow" (the Applicant") filed a complete application requesting the approval of Conditional Use Permit 2011-07 described herein ("Application");

WHEREAS, the Application pertains to an approximate 30,400 square foot property on Los Angeles County Assessor's Parcel numbers 6317-029-021 and 6317-029-022, more commonly known as 6317 and 6327 Gage Avenue respectively, Bell, California ("Property");

WHEREAS, the Applicant requests approval of a Conditional Use Permit to allow a 7,000 square foot Adult Day Care facility to be located within an existing building, pursuant to Bell Municipal Code, Chapter 17.96.030.23.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 November 9, 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 November 9, 2011 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:
 - a. The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has a fully approved building that will accommodate the proposed use. The proposed use will not utilize the entire floor plan of the existing building. The project will only modify 7,000 square feet to the current layout of existing building to accommodate the proposed use. The approval of the use will be similar in nature as the previously approved post office 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 Otis Avenue which is an arterial street that can handle the current and future generated traffic for this existing facility being such that the use of the facility will provide transportation to participants and therefore minimal parking will be required. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Otis Avenue, effectively eliminating any direct traffic incidents on Gage Avenue.
 - c. The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building only the interior of the existing building for the proposed 7,000 square foot adult day care center.
 - d. The location of the proposed use on the site is compatible with existing and proposed uses along the along Otis Avenue and the adjacent Gage Avenue corridor. The proposed Adult Day Care Center 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 proposed use will create less vehicle trips per day, will create a transitional use or buffer from the adjacent commercial corridor to the residential uses currently existing along Otis Avenue.

- e. The proposed use is in compliance with the applicable provisions of the general plan of the City of Bell. The proposed use may prevent incompatibility among land uses for the health and safety of occupants and the protection of property values. The project will also provide an incentive for the consolidation of existing lots.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2011-07, 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 "F" 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. 2011-07; and
- 1. That Buena Vida Care Services Inc. dba "Training For Tomorrow" is the sole holder of this entitlement; and
- 2. That Buena Vida Care Services Inc. dba "Training For Tomorrow" shall hold the appropriate licensing and certification to operate an adult day care center including but not limited to Department of Social Services approval, Community Care Licensing as an adult Day Care Program, and only with a valid conditional use permit (CUP No. 2011-07); and
- 3. This CUP governs the entire site though the only current known occupancy is for the 7,000 square foot adult day care center known as 6317 Otis Avenue. Any use proposed in other parts of the existing building shall necessitate an amendment to this CUP. It is contemplated that any future use shall require rehabilitation or remodel of the existing building. 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, the exterior of the entire building may be further modified to conform in architectural appearance with the ultimate project.

4. The hours of operation for the Adult Day Care Center will be as follows:
 - a. Monday through Friday: 8:00 AM – 5:00 PM
5. 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 the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; and
7. That any increase in the use permitted as a part of this Conditional Use Permit shall be cause to review the Conditional Use Permit; and
8. That before the issuance of any permits for this project, that the applicant shall consolidate the lots with parcel numbers 6317-029-022 and 6317-029-021 to be held as one by filing a lot merger application with the City Engineer's Office; and
9. 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
10. 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 California Building Code 2010, 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
11. 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
12. That 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; and

c. Parked overnight; and

13. That all exterior building surfaces, including but not limited to doors and windows shall be properly cleaned and maintained at all times, and
14. 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
15. 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
16. That the applicant agrees to maintain proper lighting on the property that promotes a secure and safe environment; and
17. 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
18. 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
19. That 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
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. 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 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
23. That copies of said licenses and certifications shall be maintained on file with the City of Bell in perpetuity; and
24. That it shall be the responsibility of the Applicant to obtain a resolution pertaining to this Planning Commission action, Conditional Use Permit No. 2011-07; and
25. 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
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 be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office.
28. That the applicant shall comply with all Federal, State, County, and Local laws and ordinances that may apply to this permit.

- D. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Buena Vida Care Services Inc. dba "training for Tomorrow".

ADOPTED this 9th Day of November, 2011

Ali Saleh
Mayor

ATTEST:

Rebecca Valdez, CMC
City Clerk

I CERTIFY that the foregoing Resolution No. 2011-49 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 9th day of November, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rebecca Valdez, CMC
City Clerk

City of Bell Agenda Report

DATE: November 9, 2011

TO: Honorable Chair and Planning Commission Members

FROM: Carlos M. Chacon, Assistant City Planner

APPROVED

BY:

Arne Croce, Interim Chief Administrative Officer

SUBJECT: PUBLIC HEARING FOR AND CONSIDERATION OF CONDITIONAL USE PERMIT NO 2011-08 TO ALLOW LARGE RECYCLING COLLECTION FACILITY TO BE LOCATED WITHIN AN EXISTING 2,048 SQUARE FOOT BUILDING TO BE ESTABLISHED AT 3605 GAGE AVENUE BELL CA.

RECOMMENDATION

Staff recommends that the application be reviewed, the public hearing be conducted, and that the Planning Commission adopt Planning Commission Resolution No. PC 2011-50 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-08 TO ALLOW LARGE RECYCLING COLLECTION FACILITY TO BE LOCATED WITHIN AN EXISTING 2,048 SQUARE FOOT BUILDING TO BE ESTABLISHED AT 3605 GAGE AVENUE BELL CA. APN 6318-020-018

DISCUSSION

The applicant, Edwin Claros, is requesting that the City of Bell Planning Commission consider a request for Conditional Use Permit (Conditional Use Permit (CUP 2011-08) to allow Large Recycling Collection facility to be located within an existing 2,048 square foot building, pursuant to Bell Municipal Code, Chapter 17.96.030.66. The Subject property is located at 3605 Gage Avenue and is located on the Northwest Corner of Loma Vista and Gage Avenues. The property is located within the C-3R zoning district.

BACKGROUND

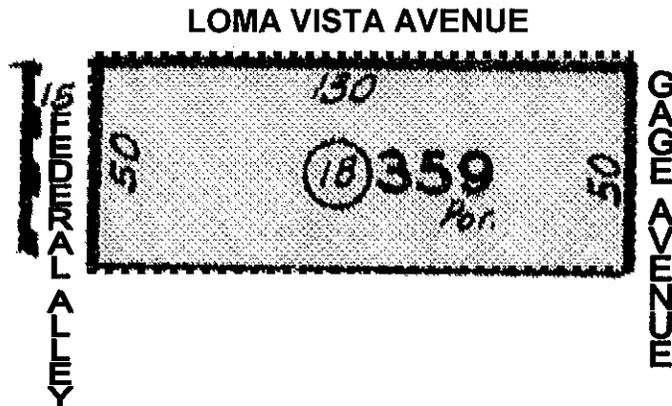
The property was previously utilized by a retail home interior accessories store named "El Remate". The applicant, Edwin Claros is seeking to install a large recycling collection facility at this location within the 2,048 square foot building which pursuant to Bell Municipal Code section 17.96.030.66 requires a conditional use permit.

DESCRIPTION OF PROPERTY AND IMPROVEMENTS

The property is located on the northwest corner of Loma Vista and Gage Avenue. The property consists of parcel number 6318-020-018 with a total of 6,500 square feet. The lot measures 50 linear feet of street frontage along Gage Avenue and 130 linear feet facing Loma Vista Avenue. The site is currently developed with a single story office building. The building measures approximately 2,048 square feet. The building has access from the rear of the property off of Loma Vista Avenue through the Alley. The site is currently improved with 6 foot high chain link fencing along Loma Vista Avenue.

Pursuant to Bell Municipal Code section 17.76.020, warehousing uses require 1 parking stall for every 1,000 square feet of gross floor area. The total square footage of the building that will be utilized for the recycling collection facility is 2,048 square feet. The parking requirement for that use will be one parking space for every 1,000 square feet of gross floor area for a total of 2 spaces.

LA COUNTY ASSESSOR'S PARCEL MAP



BUSINESS OPERATIONS

The proposed recycling facility proposes to buy back plastic, aluminum and glass that have a redemption value from the CRV program implemented by the state of California to encourage the general public to recycle. The business will cater to the average resident to bring their recyclables and receive a monetary value for the materials at a state mandated redemption rate. The proposed facility will collect these materials and store them into a large container which will be picked on a weekly basis.

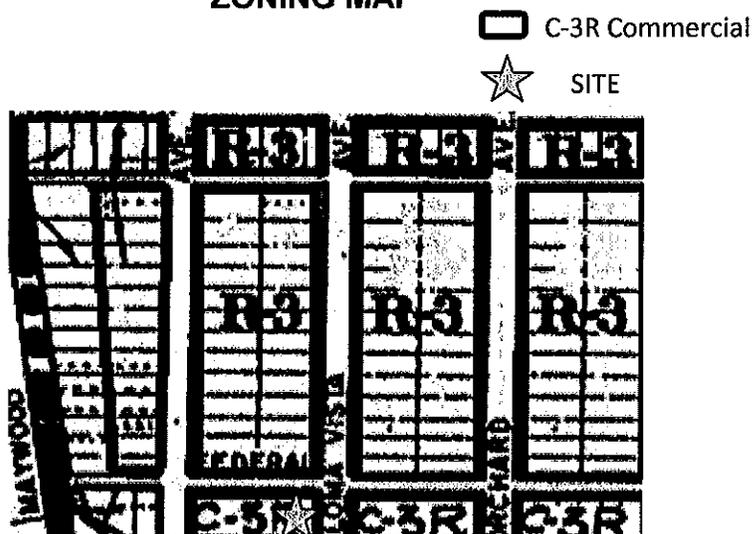
COMPATIBILITY OF USE

The site is currently located adjacent to several types of uses. To the west of the site there is an insurance business and a tutoring program business. To the east of the site there is an existing bar lounge. To the south of the site, there is a middle school that was recently built. However, the use located directly to the north of the site is zoned multi-family residential R-3 and currently has multiple units located on it. The proposed use may present a potential negative impact on these residential uses directly adjacent to the site. Therefore if the project is considered for approval, staff has set some conditions of approval that would require the applicant to exercise best management practices to minimize any odor or noise impacts on adjacent properties. In the event of any complaints concerning the business operations, the operator will be required to work with staff to develop a mitigation and improvement plan. If a mitigation plan cannot remedy such impacts, then this permit may be revoked by the Planning Commission.

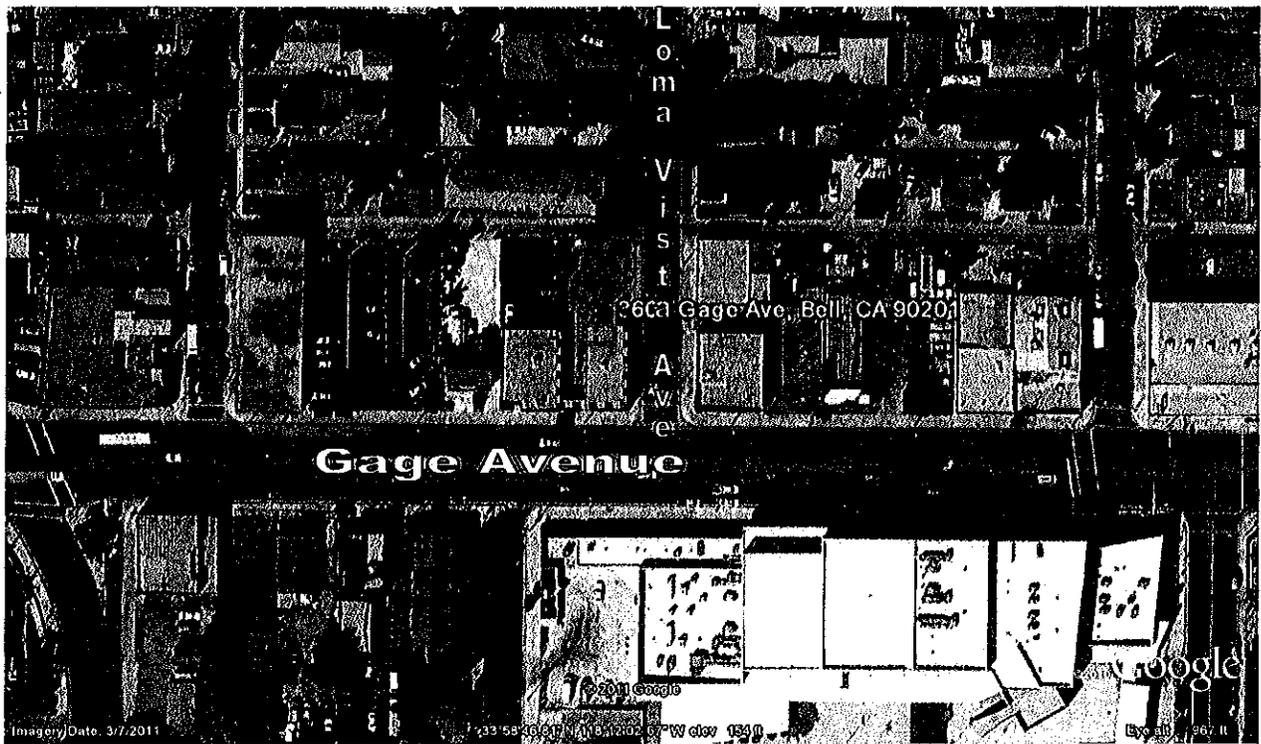
SURROUNDING LAND USES

Subject Property	General Plan	Zoning District	Land Use
South	Multi-family Residential	R-3	Multiple Dwelling Units
North	Commercial Mixed Use	C-3R	Middle School
East	Commercial Mixed Use	C-3R	Bar
West	Commercial Mixed Use	C-3R	Commercial/ Retail Units

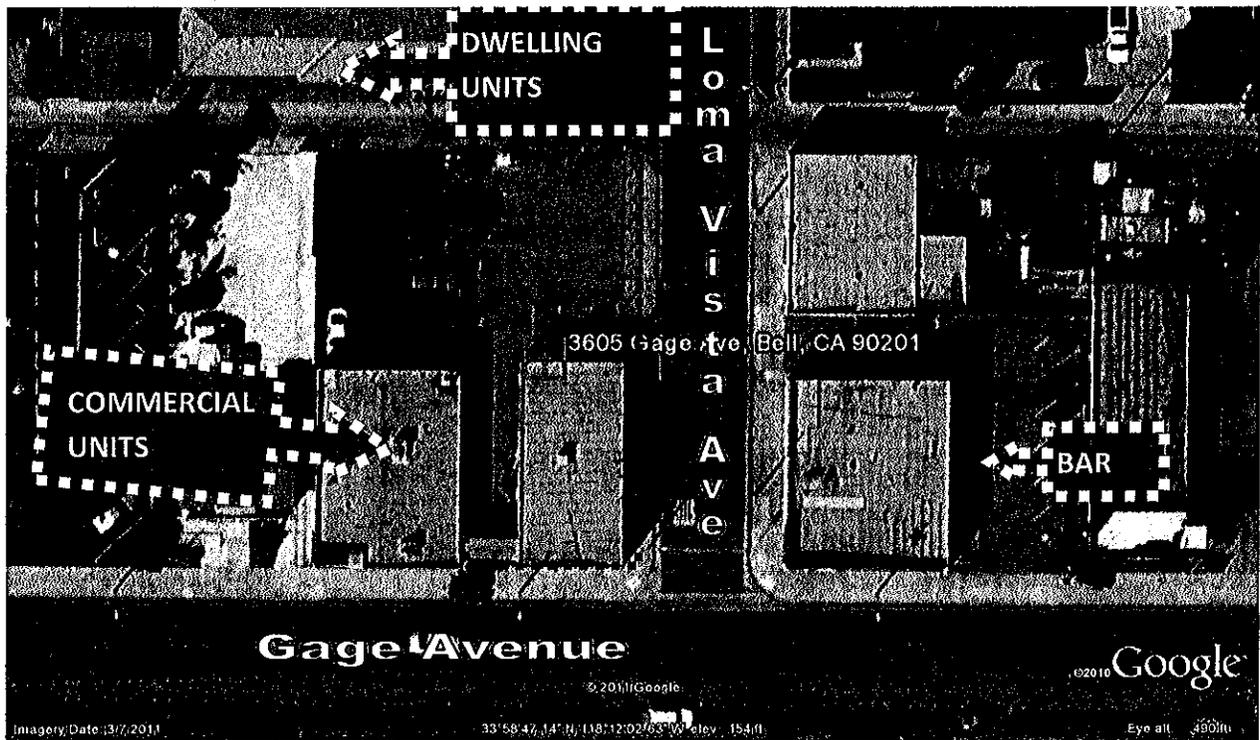
ZONING MAP



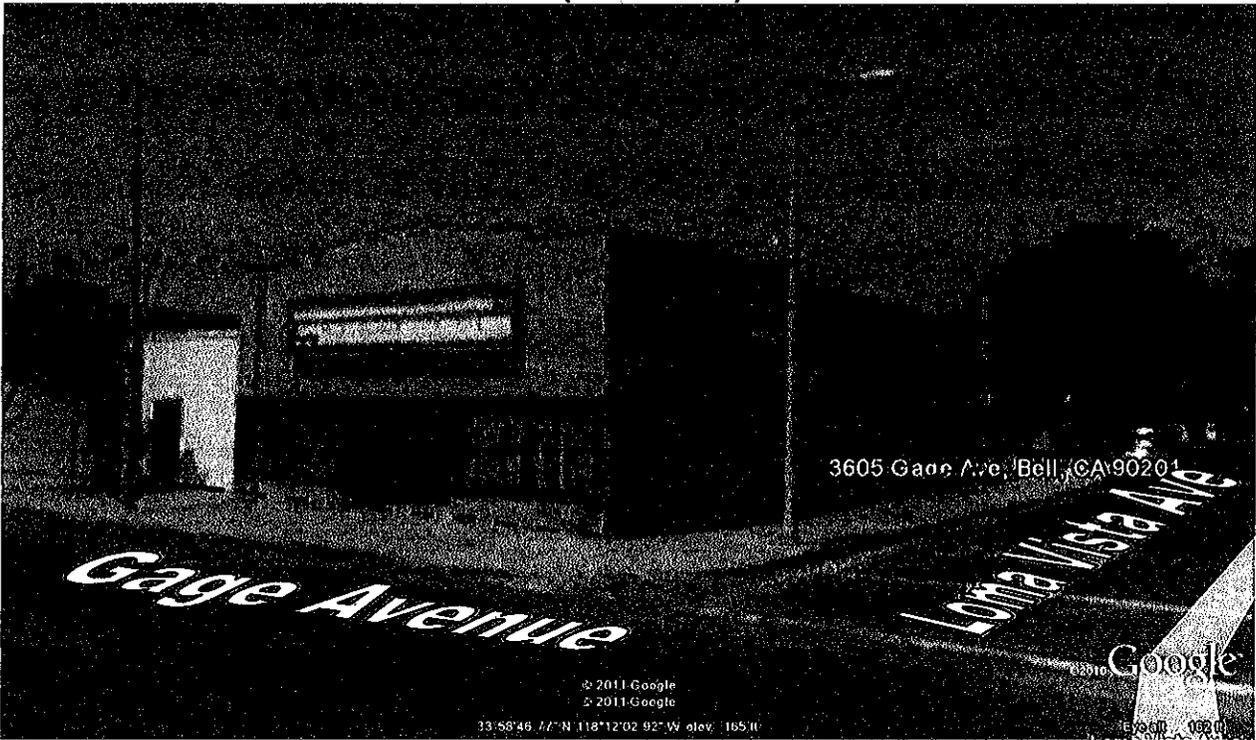
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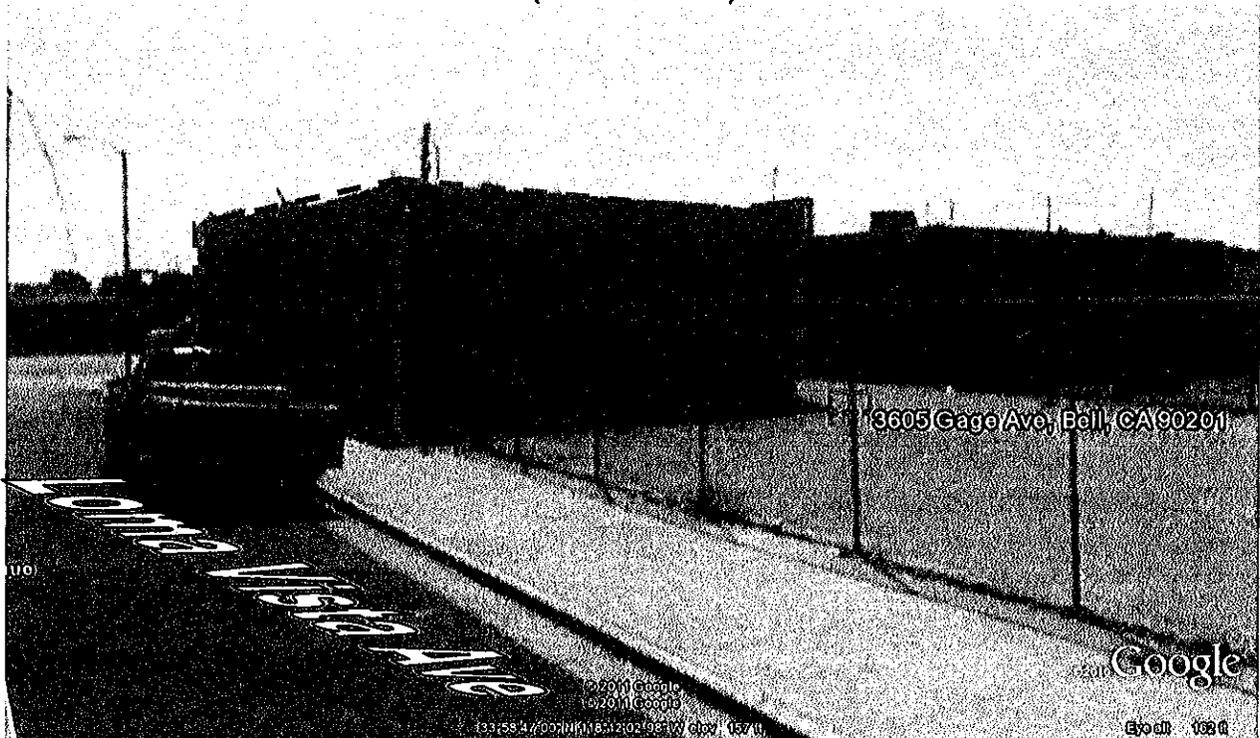
AERIAL PHOTO (SITE)



**STREET VIEW
(SITE VIEW)**



**STREET VIEW
(REAR OF SITE)**



LAND USE REQUIREMENTS		
	REQUIRED	PROVIDED
Minimum Lot Area (square feet)	5,000	6,500 sq. ft.
Building Area (square feet)	No Minimum	2,048 sq. ft.
PARKING REQUIREMENTS		
	REQUIRED	PROVIDED
Parking Spaces for Office Use (1/200)	1 space	2 spaces
Parking Spaces Warehouse Use (1/1000)	2 spaces	2 spaces
Total Number of Parking	3 Spaces	4 Standard + 1 Handicap Accessible = 5 spaces

GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial use. The proposed use would be consistent with the General Plan and does not conflict with the established goals and objectives of the Land Use Element which according to policy 18 of the land use policies state that the City needs to recognize that recycling refuse is a viable method of managing solid waste. Pursuant to Section 17.96.030.66 of the Bell Municipal Code, any large recycling collection facility may be permitted with a valid Conditional Use Permit in any C zones.

ARCHITECTURAL REVIEW

The structure is a pre-existing commercial building with access being provided by an existing parking lot at the side of the property on Maywood Avenue. There will be no additions made to the building. The only modification that will be made to property will be the back filling of existing dock bay to provide adequate parking spaces and overall site circulation.

PUBLIC NOTICE

In conformance with applicable law, staff sent out notices to all the surrounding property owners within 300 feet of the project location. A total of 43 owners were notified of the proposed application and project proposal. The notices were also posted at three specific sites and were published on October 28, 2011 in a newspaper of general circulation which is adjudicated in the city for public notice.

ENVIRONMENTAL REVIEW

Staff has reviewed the Conditional Use Permit application and determined that the proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq. Consequently, the staff has prepared a Notice of Exemption.

FINDINGS OF FACT

Pursuant to Chapter 17.96.040 of the Bell Zoning Code, 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 has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the recycling business within the existing building footprint, and will provide parking at the rear of the property accommodating the use to the site.
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 Gage Avenue which is an arterial street 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 Loma Vista Avenue, via the alley, effectively eliminating any direct traffic access from the site on to Gage Avenue.
3. The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint the exterior surfaces to renew the appearance of the existing building.

4. The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Gage Avenue. The proposed Large Recycling Collection Facility 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 commercial industrial uses that will complement the proposed use.
5. 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 Avenue corridor. Furthermore, the project will be in compliance with Land Use policy Number 23, by promoting recycling as a means of reducing solid waste.

CONDITIONS OF APPROVAL

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

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. 2011-08; and
1. That Edwin Claros is the sole holder of this entitlement; and
 2. That Edwin Claros shall hold a Certificate from the Department of Resources Recycling and Recovery to operate a Large Recycling Collection Facility only with a valid conditional use permit (CUP No. 2011-08); and
 3. The hours of operation for the Large recycling facility will be as follows:
 - a. Monday through Saturday: 8:00 AM – 5:00 PM
 - b. Sunday: 8:00 AM – 3:00 PM
 - c. Weekly pick up hours for the containers shall occur no earlier than 8:00 AM and not later than 7:00PM any day of the week.
 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; and

5. That any violation of any of the conditions of approval shall constitute the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; and
6. 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
7. Applicant shall exercise best management practices to minimize any odor or noise impacts on adjacent properties. In the event of any complaints concerning the business operations, the operator shall work with staff to develop a mitigation and improvement plan. If a mitigation plan cannot remedy such impacts, then this permit may be revoked by the Planning Commission.
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
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.

Attachments

- Exhibits:
- "A" – Conditional Use Permit Application
 - "B" – Environmental Notice of Exemption
 - "C" – Site Plan, Floor Plan and Elevations
 - "D" – Radius Map

RESOLUTION 2011-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-08 TO ALLOW LARGE RECYCLING COLLECTION FACILITY TO BE LOCATED WITHIN AN EXISTING 2,048 SQUARE FOOT BUILDING TO BE ESTABLISHED AT 3605 GAGE AVENUE BELL CA. APN 6318-020-018.

A. RECITALS

WHEREAS, Edwin Claros (the Applicant”) filed a complete application requesting the approval of Conditional Use Permit 2011-08 described herein (“Application”);

WHEREAS, the Application pertains to an approximate 6,500 square foot property on Los Angeles County Assessor’s Parcel numbers 6318-020-018, more commonly known as 3605 Gage Avenue, Bell, California (“Property”);

WHEREAS, the Applicant requests approval of a Conditional Use Permit to allow Large Recycling Collection facility to be located within an existing 2,048 square foot building, pursuant to Bell Municipal Code, Chapter 17.96.030.66.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 November 9, 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 November 9, 2011 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:
 - a. The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the recycling business within the existing building footprint, and will provide parking at the rear of the property accommodating the use to the site.
 - 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 an arterial street 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 Loma Vista Avenue, via the alley, effectively eliminating any direct traffic access from the site on to Gage Avenue.
 - c. The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint the exterior surfaces to renew the appearance of the existing building.
 - d. The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Gage Avenue. The proposed Large Recycling Collection Facility 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 commercial industrial uses that will complement the proposed use.

- 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 economic stability through the provision of an additional service to patrons which will result in the diversification of the commercial base along the Gage Avenue corridor. Furthermore, the project will be in compliance with Land Use policy Number 23, by promoting recycling as a means of reducing solid waste.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2011-08, 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. 2011-08; and
1. That Edwin Claros is the sole holder of this entitlement; and
2. That Edwin Claros shall hold a Certificate from the Department of Resources Recycling and Recovery to operate a Large Recycling Collection Facility only with a valid conditional use permit (CUP No. 2011-08); and
3. The hours of operation for the Large recycling facility will be as follows:
 - a. Monday through Saturday: 8:00 AM – 5:00 PM
 - b. Sunday: 8:00 AM – 3:00 PM
 - c. Weekly pick up hours for the containers shall occur no earlier than 8:00 AM and no later than 7:00PM any day of the week.
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; and
5. That any violation of any of the conditions of approval shall constitute the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; and
6. 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

7. Applicant shall exercise best management practices to minimize any odor or noise impacts on adjacent properties. In the event of any complaints concerning the business operations, the operator shall work with staff to develop a mitigation and improvement plan. If a mitigation plan cannot remedy such impacts, than this permit may be revoked by the Planning Commission.
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
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 Edwin Claros.

ADOPTED this 9th Day of November, 2011

Mayor

ATTEST:

Rebecca Valdez, CMC
City Clerk

I CERTIFY that the foregoing Resolution No. 2011-50 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 9th day of November, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rebecca Valdez, CMC
City Clerk

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 Edwin Claros.

ADOPTED this 9th Day of November, 2011

Ali Saleh
Mayor

ATTEST:

Rebecca Valdez, CMC
City Clerk

I CERTIFY that the foregoing Resolution No. 2011-50 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 9th day of November, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rebecca Valdez, CMC
City Clerk

City of Bell Agenda Report

DATE: November 9, 2011

TO: Honorable Chair and Planning Commission Members

FROM: Carlos M. Chacon, Assistant City Planner

APPROVED
BY:

Arne Croce, Interim Chief Administrative Officer

SUBJECT: PUBLIC HEARING FOR AND CONSIDERATION OF CONDITIONAL USE PERMIT NO 2011-09 TO ALLOW A 1,000 SQUARE FOOT HAND CAR WASH FACILITY TO BE LOCATED WITHIN AN EXISTING AUTOMOBILE TIRE AND ACCESSORY BUSINESS ON A 28,354 SQUARE FOOT SITE LOCATED AT 5080 GAGE AVENUE IN BELL, CA. APN 63274-021-025

RECOMMENDATION

Staff recommends that the application be reviewed, the public hearing be conducted, and that the Planning Commission adopt Planning Commission Resolution No. PC 2011-51 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-09 TO ALLOW A 1,000 SQUARE FOOT HAND CAR WASH FACILITY TO BE LOCATED WITHIN AN EXISTING AUTOMOBILE TIRE AND ACCESSORY BUSINESS ON A 28,354 SQUARE FOOT SITE. THE SUBJECT PROPERTY IS LOCATED AT 5080 GAGE AVENUE IN BELL CA. APN 6327-021-025.

DISCUSSION

The applicant, Israel Vasquez is requesting that the City of Bell Planning Commission consider a request for Conditional Use Permit Conditional Use Permit (CUP 2011-09) to allow a 1,000 square foot Hand Car Wash facility to be located within an existing Automobile Tire and Accessory Business on a 28,354 square foot site pursuant to Bell Municipal Code, Chapter 17.96.030.08. The Subject property is located at 5080 Gage Avenue and is located on the south side of Gage Avenue and between Sherman Way and Crafton Avenue. The property is located within the C-3R zoning district.

BACKGROUND

The applicant, Israel Vasquez is proposing to install a hand car wash facility on an existing 28,354 square foot site that is home to a tire and car accessory business located at 5080 Gage Avenue. The site is currently located at 5080 Gage Avenue has been vacant for a period over 6 months. The site was previously occupied by a hand carwash but was discontinued for a period longer than six months. Pursuant to section 17.100.060(A) (5), voluntary discontinuance of the utilization of a non-conforming use for a period over six months or more, deems the use of the building as abated. Pursuant to section 17.96.030.08 any Car wash facilities located in any zone C zone will require a Conditional Use Permit.

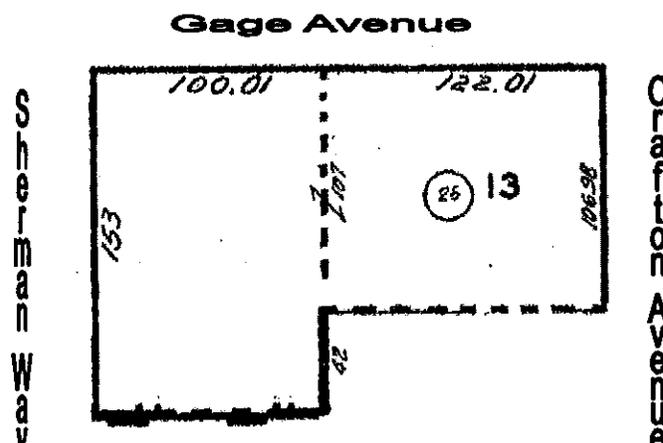
DESCRIPTION OF PROPERTY AND IMPROVEMENTS

The property is located within the C-3R zoning district. The property consists of parcel number 6327-021-025 with a total of 28,354 square feet. The lot measures 222 linear feet of street frontage along Gage Avenue and 106 linear feet facing Crafton Avenue and 153 linear feet facing Sherman Way. The site is currently developed with a 11,824 square foot single story warehouse type building with a majority of the gross floor area used for the shop and storage. The building has existing office space within the gross floor area that attends to the rest of the facility.

The site is currently improved with 5 foot white wrought iron fence along Sherman Way and fencing along Crafton Avenue. There are existing entrances to the site from the Gage Avenue, Sherman Way, and Crafton Avenue. These existing improvements are essential to the overall circulation of the parking areas that facilitate ingress and egress of the property. Pursuant to Bell Municipal Code section 17.76.020, General Commercial and Office Areas only require a parking ratio of 1 parking stall for every 200 square feet of gross floor area. As for warehousing/storage uses, this use only requires 1 parking stall for every 1,000 square feet of gross floor area.

Parking will not be an impact on this particular project due to the nature of the operation is to hand wash cars and any vehicle patronizing the site will have their vehicle in one of the 3 bays proposed to handle any hand car washing. Employee parking has been designated within the lot and vehicles waiting to be washed may park in any one of the 6 stalls currently existing on the site area. The anticipated size of the facility will be at 1,000 square feet.

LA COUNTY ASSESSOR'S PARCEL MAP



BUSINESS OPERATIONS

The proposed hand car wash facility will be an auxiliary use the main use of the site which is an automotive tire and accessory business. The hand car wash business although owned and operated separately will work in conjunction with the rest of the facility. When potential costumers purchase a set of wheels and/or tires they will have the option to purchase a hand car wash for their vehicle. All work will be performed within the covered area composed of 3 wash bays where vehicles will be washed and even detailed. This proposed use will provide an additional service to the existing automotive care center.

COMPATIBILITY OF USE

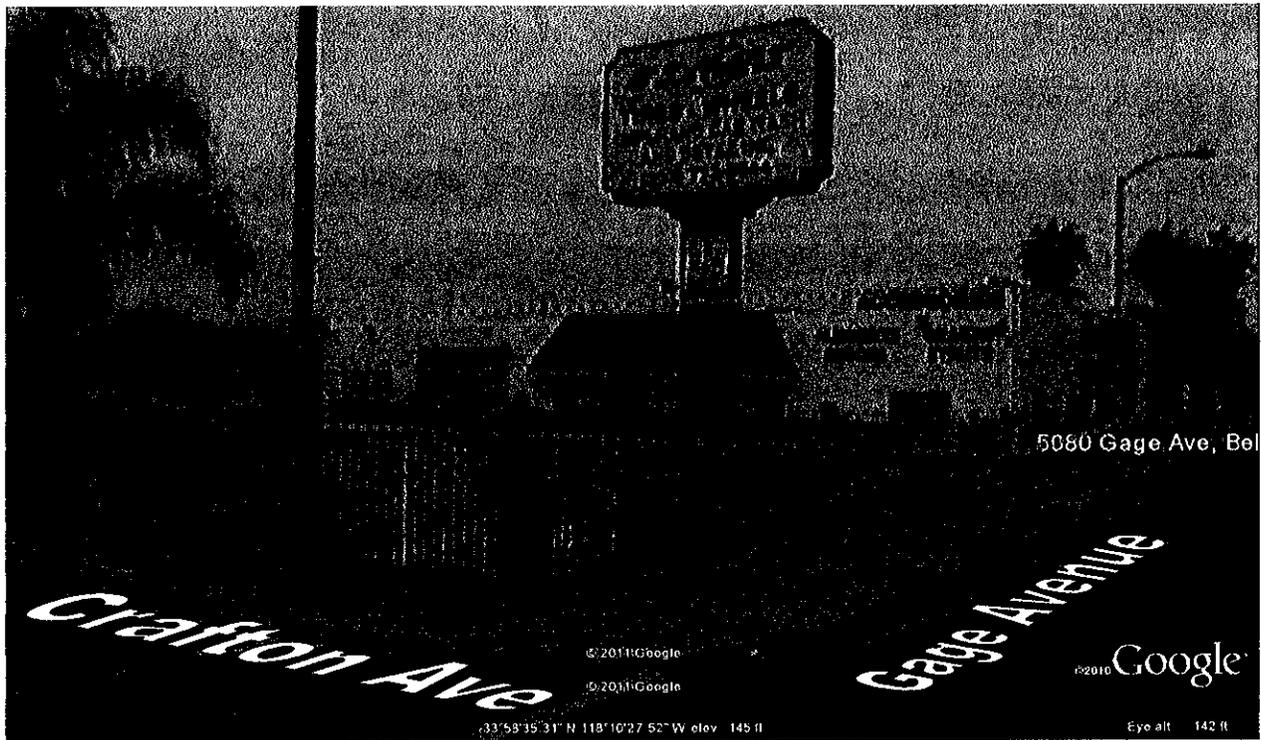
The site is currently located adjacent to several businesses located east and west of the facility. To the south of the site, the properties are zoned multi-family residential R-3 and currently have multiple units located on it. The site area that is to hold the car wash facility will be located to the rear part of the property set back from the front façade which will minimize any potential overspray from the vehicles being washed to affect oncoming traffic on Gage Avenue. Access to the facility is provided through various strategically located driveway approaches. There are driveway approaches on Crafton Avenue, Gage Avenue and Sherman Way that will aide in the ingress and egress of the site patrons regardless of the services they choose to utilize.

AERIAL PHOTOS





STREET VIEWS





SURROUNDING LAND USES

Subject Property	General Plan	Zoning District	Land Use
South	Multi-family Residential	R-3	Multiple Dwelling Units
North	Commercial Mixed Use	C-3R	Middle School
East	Commercial Mixed Use	C-3R	Bar
West	Commercial Mixed Use	C-3R	Commercial/ Retail Units

LAND USE STATISTICS

LAND USE REQUIREMENTS		
	REQUIRED	PROVIDED
Minimum Lot Area (square feet)	5,000	28,354 sq. ft.
Building Area (square feet)	No Minimum	1,000 sq. ft.

PARKING REQUIREMENTS		
	REQUIRED	PROVIDED
Parking Spaces for Office Use (1/200)	4 spaces	10 spaces
Parking Spaces Warehouse Use (1/1000)	11 spaces	14 spaces
Total Number of Parking	15 Spaces	24 Standard + 2 Handicap Accessible = 26 spaces

GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial use. The proposed use would be consistent with the General Plan and does not conflict with the established goals and objectives of the Land Use Element which states that this will promote economic stability through the diversification of the commercial base and develop employment opportunities. Pursuant to Section 17.96.030.23 of the Bell Municipal Code, any Car Wash facility may be permitted with a valid Conditional Use Permit in C or M zones.

ARCHITECTURAL REVIEW

The structure is a pre-existing covered bay building with access being provided by an existing parking lot at the side of the property on Sherman Way and Gage Avenue. There will be no additions made to the building. There is an existing 3 compartment filtering system that was approved by the County Sanitation districts of Los Angeles County as a hand car wash and an existing bay area that will handle up to three vehicles at a time. There will be no additions to the existing structures on the site.

PUBLIC NOTICE

In conformance with applicable law, staff sent out notices to all the surrounding property owners within 300 feet of the project location. A total of 73 owners were notified of the proposed application and project proposal. The notices were also posted at three specific sites and were published on October 28, 2011 in a newspaper of general circulation which is adjudicated in the city for public notice.

ENVIRONMENTAL REVIEW

Staff has reviewed the Conditional Use Permit application and determined that the proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq. Consequently, the staff has prepared a Notice of Exemption.

FINDINGS OF FACT

Pursuant to Chapter 17.96.040 of the Bell Zoning Code, 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 has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the hand car wash within the existing structure footprint, and will provide parking at the rear of the property accommodating the use to the site.
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 Gage Avenue which is an arterial street that can handle the current and future generated traffic for this existing facility being such that the use of the facility is a Car wash business and therefore any patrons utilizing the service will have their vehicle parked within the car wash bay area and not within any designated parking facility. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Sherman Way, effectively eliminating any direct traffic incidents on Gage Avenue directly off the site.
3. The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint the exterior surfaces to renew the appearance of the existing building.
4. The location of the proposed use on the site is compatible with existing and proposed uses along the along Gage Avenue. The proposed hand Car wash facility 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 uses that will complement the proposed use. Furthermore, the surrounding commercial/retail businesses and restaurants will benefit from the patronization of the traffic generated by the car wash patrons.
5. 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 promote economic

stability through the diversification of the commercial base and develop employment opportunities.

CONDITIONS OF APPROVAL

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

- 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. 2011-09; and
1. That Israel Vasquez is the sole holder of this entitlement; and
 2. That the applicant shall hold the appropriate licensing and certification to operate hand car wash facility including but not limited to obtaining approval from the County Sanitation Districts, and comply with the National Pollutant Discharge Elimination System requirements, and only with a valid conditional use permit (CUP No. 2011-07); and
 3. This CUP governs the entire site though the only proposed occupancy for this entitlement is for the 1,000 square foot Hand Car Wash known as 5080 Gage Avenue. Any intensification of use proposed in other parts of the existing building shall necessitate an amendment to this CUP. The applicant shall maintain the entire site in a good, first class condition as provided in condition 18. Additionally, if future developments are proposed, the exterior of the entire building may be further modified to conform in architectural appearance with the entire site project.
 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; and
 5. That any violation of any of the conditions of approval shall constitute the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; and
 6. That any increase in the use permitted as a part of this Conditional Use Permit shall be cause to review the Conditional Use Permit; and

7. 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
8. 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 California Building Code 2010, 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
9. 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
10. That 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; and
 - c. Parked overnight; and
11. That all exterior building surfaces, including but not limited to doors and windows shall be properly cleaned and maintained at all times, 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
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, employee parking and any other ancillary forms of parking provided; 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 and shall be located in a manner that will not impede vehicular motion on the property; and
18. 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
19. 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
20. 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
21. That copies of said licenses and certifications shall be maintained on file with the City of Bell in perpetuity; and
22. That it shall be the responsibility of the Applicant to obtain a resolution pertaining to this Planning Commission action, Conditional Use Permit No. 2011-09; 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

24. 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
25. That the Applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office.
26. That the applicant shall comply with all Federal, State, County, and Local laws and ordinances that may apply to this permit.

Attachments

- Exhibits:
- "A" – Conditional Use Permit Application
 - "B" – Environmental Notice of Exemption
 - "C" – Floor Plan
 - "D" – Radius Map

RESOLUTION 2011-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-09 TO ALLOW A 1,000 SQUARE FOOT HAND CAR WASH FACILITY TO BE LOCATED WITHIN AN EXISTING AUTOMOBILE TIRE AND ACCESSORY BUSINESS ON A 28,354 SQUARE FOOT SITE. THE SUBJECT PROPERTY IS LOCATED AT 5080 GAGE AVENUE IN BELL CA. APN 6327-021-025.

A. RECITALS

WHEREAS, Israel Vasquez (the Applicant") filed a complete application requesting the approval of Conditional Use Permit 2011-09 described herein ("Application");

WHEREAS, the Application pertains to an approximate 28,354 square foot property on Los Angeles County Assessor's Parcel number 6327-021-025, more commonly known as 5080 Gage Avenue, Bell, California ("Property");

WHEREAS, the Applicant requests approval of a Conditional Use Permit) to allow a 1,000 square foot Hand Car Wash facility to be located within an existing building, pursuant to Bell Municipal Code, Chapter 17.96.030.23.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 November 9, 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 November 9, 2011 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:
 - a. The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has a fully approved building that will accommodate the proposed use. The use will not warrant modifications to the current layout of the existing building. The proposed use will utilize the existing layout to conduct the hand car wash within the existing structure footprint, and will provide parking at the rear of the property accommodating the use to the site.
 - 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 an arterial street that can handle the current and future generated traffic for this existing facility being such that the use of the facility is a Car wash business and therefore any patrons utilizing the service will have their vehicle parked within the car wash bay area and not within any designated parking facility. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Sherman Way, effectively eliminating any direct traffic incidents on Gage Avenue directly off the site.
 - c. The existing building to be utilized in conjunction with the use will be architecturally compatible with the existing and prospective uses of land located in the immediate vicinity of the site. The applicant will not modify the exterior of the building other than to paint the exterior surfaces to renew the appearance of the existing building.
 - d. The location of the proposed use on the site is compatible with existing and proposed uses along the along Gage Avenue. The proposed hand Car wash facility 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 uses that will complement the proposed use. Furthermore, the surrounding commercial/retail businesses and restaurants will benefit from the patronization of the traffic generated by the car wash patrons.

- 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 promote economic stability through the diversification of the commercial base and develop employment opportunities.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2011-07, 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. 2011-09; and
- 1. That Israel Vasquez is the sole holder of this entitlement; and
- 2. That the applicant shall hold the appropriate licensing and certification to operate hand car wash facility including but not limited to obtaining approval from the County Sanitation Districts, and comply with the National Pollutant Discharge Elimination System requirements, and only with a valid conditional use permit (CUP No. 2011-07); and
- 3. This CUP governs the entire site though the only proposed occupancy for this entitlement is for the 1,000 square foot Hand Car Wash known as 5080 Gage Avenue. Any intensification of use proposed in other parts of the existing building shall necessitate an amendment to this CUP. The applicant shall maintain the entire site in a good, first class condition as provided in condition 18. Additionally, if future developments are proposed, the exterior of the entire building may be further modified to conform in architectural appearance with the entire site project.
- 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; and

5. That any violation of any of the conditions of approval shall constitute the permit to be subject to the revocation process as noted in Bell Municipal Code section 17.96.170 ; and
6. That any increase in the use permitted as a part of this Conditional Use Permit shall be cause to review the Conditional Use Permit; and
7. 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
8. 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 California Building Code 2010, 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
9. 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
10. That 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; and
 - c. Parked overnight; and
11. That all exterior building surfaces, including but not limited to doors and windows shall be properly cleaned and maintained at all times, 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
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, employee parking and any other ancillary forms of parking provided; 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 and shall be located in a manner that will not impede vehicular motion on the property; and
18. 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
19. 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
20. 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
21. That copies of said licenses and certifications shall be maintained on file with the City of Bell in perpetuity; and

22. That it shall be the responsibility of the Applicant to obtain a resolution pertaining to this Planning Commission action, Conditional Use Permit No. 2011-09; 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
24. 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
25. That the Applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office.
26. That the applicant shall comply with all Federal, State, County, and Local laws and ordinances that may apply to this permit.

D. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Israel Vasquez.

ADOPTED this 9th Day of November, 2011

Ali Saleh
Mayor

ATTEST:

Rebecca Valdez, CMC
City Clerk

I CERTIFY that the foregoing Resolution No. 2011-51 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 9th day of November, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rebecca Valdez, CMC
City Clerk