

## RESOLUTION 2013-49-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2012-05 TO ALLOW A 2,132 SQUARE FOOT ADDITION TO AN EXISTING AUTO BODY BUSINESS AT 4625 GAGE AVENUE, BELL, CA.**

### **A. RECITALS**

**WHEREAS**, Bellwood Auto Body, (the Applicant”) filed a complete application requesting the approval of Conditional Use Permit 2012-05 described herein (“Application”);

**WHEREAS**, the Application pertains to an approximate 42,750 square foot property on Los Angeles County Assessor’s Parcel numbers 6316-024-022, more commonly known as 4625 Gage Avenue, Bell, California (“Property”);

**WHEREAS**, the Applicant requests approval of a Conditional Use Permit to allow the construction of a 2,132 square foot building addition to an existing 16,196 square foot building, pursuant to Bell Municipal Code, Chapter 17.96.030.06;

**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 25, 2013, the Planning Commission of the City of Bell concluded 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 September 25, 2013 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, this project will only consist of a 2,132 square foot addition. The proposed use will utilize the existing layout of the site to accommodate the addition to the existing building footprint, and will provide parking at the front of the property accommodating the additional use of 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 minimal increased traffic for this existing facility. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Gage Avenue or Prospect 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 modify the exterior of the building to reduce any view of existing roof mounted appurtenances and will paint/stucco 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 addition 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 including mechanics shop, and automotive repair uses that will complement the proposed use.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2012-05, 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. 2012-05; and
2. That Bellwood Auto Body is the sole holder of this entitlement.
  3. 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, City Manager.
  4. 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.
  5. 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 City Manager or designee, shall be referred to the Planning Commission for review and approval.
  6. Applicant shall exercise best management practices to minimize any 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.
  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.
  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 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.
  9. 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.
  10. No motor vehicles, commercial or otherwise, shall be parked on the property except in the proposed marked parking spaces, including any vehicles waiting to be worked on or waiting for inspection or evaluation for work.
  11. 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. The building will be improved with stucco and/or paint with matching colors on all elevations. The Applicant shall utilize decorative construction materials including but not limited to cultured stone wainscoting, banding, decorative cornices and lighting as well as other design elements

as designated and approved by the Community Development Director. All approvals must be obtained prior to installation.

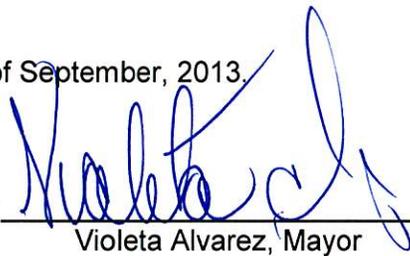
12. That the Applicant guarantees that there will be no deviation from the approved number of parking spaces, including reserved parking, compact parking, loading spaces, car and vanpool parking and any other ancillary forms of parking provided.
13. That the Applicant shall provide an additional 17 parking spaces to the existing parking lot that shall be slurred and re-stripped to accommodate a total of 43 vehicle parking spaces.
14. That the Applicant agrees to maintain proper lighting on the property that promotes a secure and safe environment.
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.
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.
17. That the Applicant agrees to install an additional 1,710 square feet of landscaping at the front of the building addition and throughout the site in accordance with the landscaping plan as approved by the Community Development Director.
18. All landscaping on the site shall be refurbished to include automatic irrigation systems at the direction of the Planning Department. The Applicant shall submit a landscaping plan to be approved separately. No mature trees shall be removed without the permission of the Director of Community Development. The landscaping shall be maintained in a healthy and good condition, and any diseased or dead landscaping shall be replanted with the same plant materials and in mature condition.
19. That the Applicant agrees that as part of the addition, an extension of the wall will be installed along the front of the property to screen the existing trash enclosure. The improvements to the trash enclosure area shall include a decorative metal self-closing door as well as adding a decorative metal trellis over the trash enclosure area subject to the approval of the Community Development Department.
20. All debris and rubbish shall be removed from site.
21. All outside storage, including auto parts, equipment, supplies and racks, shall be removed from the parking lot area and no outside storage will be allowed.
22. 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.
23. The installation of exterior security doors, gates and window coverings, including but not limited to bars, grills, gates and overhead roll down doors, or any exterior mounted covering of any type, shall be prohibited.

24. The existing decorative wrought iron fence shall be refurbished as needed and as approved by the Director of Community Development.
25. The pilasters in the front yard shall be refurbished as needed and as approved by the Community Development Director.
26. The entire building shall be refurbished with stucco and/or paint on all elevations. All elevations shall match in theme and color including the east and west elevations, including all spray booths.
27. Tarps are prohibited from use as carports, patio covers, shade covers, and covers for outdoor storage in all front and side setback areas, rear yard areas, and over driveways and in parking and circulation areas.
28. Applicant shall observe all city noise standards at all times.
29. 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.
30. The location of all electrical panels and meters shall be approved by the City prior to installation. Electrical panels and meters are prohibited in the front yard setback. Electrical panels and meters shall be screened with landscaping as approved by the City.
31. The location of all backflow devices shall be approved by the City prior to installation. Backflow devices shall be painted and screened with landscaping as approved by the City. Backflow devices shall be located greatest distance possible from the property line.
32. Except as set forth in the conditions, development shall take place as shown on the approved site plans and elevations. Any deviation must be approved by the Director of Community Development before any construction occurs.
33. No exterior structural alteration or building color change, other than the colors or building treatments originally approved by this application, shall be permitted without the prior approval of the Director of Community Development.
34. Applicant shall agree 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.
35. All planning conditions of approval shall be printed as general notes on the front pages of the approved set of building plans.

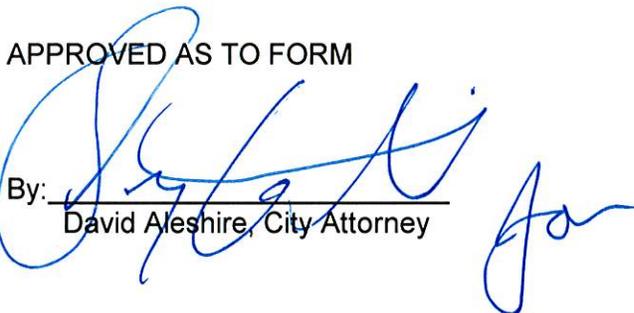
36. Applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office and that copies of said licenses and certifications shall be maintained on file with the City of Bell.
37. That the Applicant or a representative shall execute an Affidavit indicating that he/she is aware of all of the terms and accepts all the conditions imposed upon this Conditional Use Permit.
38. 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 Bellwood Auto Body.**

PASSED, APPROVED and ADOPTED this 25<sup>th</sup> day of September, 2013.

By:   
Violeta Alvarez, Mayor

APPROVED AS TO FORM

By:   
David Aleshire, City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Janet Martinez, Interim City Clerk of the City of Bell, hereby attest to and certify that the foregoing Resolution No. 2013-49-PC is the original resolution adopted by the Bell Planning Commission at its regular meeting held on the 25<sup>th</sup> day of September, 2013 by the following vote:

AYES: Planning Commissioners Romero, Saleh, Valencia, Vice-Chair Quintana and Chair Alvarez

NOES: None

ABSENT: None

ABSTAIN: None

  
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Janet Martinez, Interim City Clerk