RESOLUTION 2014-28-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2014-02 TO ALLOW THE CONSTRUCTION OF A 2,400 SQUARE FOOT RETAIL BUILDING AT 5130 FLORENCE AVENUE, BELL, CA.

A. RECITALS

WHEREAS, KP Bell LLC, (the Applicant") filed a complete application requesting the approval of Conditional Use Permit No. 2014-02 described herein ("Application");

WHEREAS, the Application pertains to an approximate 76,650 square foot property on Los Angeles County Assessor's Parcel number 6226-004-406, more commonly known as 4130 Florence Avenue respectively, Bell, California ("Property");

WHEREAS, the Applicant requests approval of an Conditional Use Permit to allow the construction of a 2,400 square foot retail building, pursuant to the Bell Municipal Code;

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 21000 et seq.) and pursuant to Section 15303 of the CEQA guidelines, Title 14, Chapter 3 of the California Code of Regulation; and

WHEREAS, on May 28, 2014, 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 Conditional Use Permit, 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 15303 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) in that the project involves the new construction of building of negligible size (less than 2,500 square feet). 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 May 28, 2014 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 proposed building conforms to the City's zoning regulations and is consistent with the purpose and intent of the general plan. The existing site will provide parking throughout 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 the southeast corner of Florence Avenue and Crafton Avenue both of which are arterial streets 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 Florence and Crafton Avenues.

   c) The existing buildings 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 existing buildings and reduce any view of existing roof mounted appurtenances and will paint/stucco the perimeter walls to match the new building.

   d) The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Florence Avenue. The proposed construction 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 other commercial uses, and other retail uses that will complement the proposed use.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2014-02, 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. 2014-02; and

2. That KP Bell LLC 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 be subject to the review process as noted in Bell Municipal Code section 17.96.

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 2012 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. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency with each other and for consistency with the requirements and standards of the City of Bell; prior to issuance of any permits (such as grading, tree removal, encroachment, building, etc.).

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.

11. 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.

12. That all textures, materials, and colors utilized on exterior elevations of the new building are subject to review by the City of Bell Architectural Review Board. The new 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 stucco banding, metal awnings and lighting as well as other design elements as designated and approved by the Community Development Director. As stated in finding 4C, the existing buildings 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 existing buildings and reduce any view of existing roof mounted appurtenances and will paint/stucco the perimeter walls to match the new building. All approvals must be obtained prior to installation.

13. Where there are existing perimeter walls that are below a height of 6 feet, the applicant shall raise the existing walls to a height of 6 feet and shall stucco the walls, subject to the approval by the Community Development Director.

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.

15. That the applicant shall provide a total of 129 vehicle parking spaces.

16. That the applicant agrees to maintain proper lighting on the property that promotes a secure and safe environment. A lighting plan, including a photometric diagram, shall be submitted with the building and site plans prior to issuance of a building permit. The lighting plan shall demonstrate that all on-site lighting will be shielded and that direct light will be confined within site boundaries. Parking lot and security lighting shall be clearly identified and be full cut-off fixtures preventing light above the horizontal plane of the fixture. Direct light spill-off shall not be permitted onto public rights of way or adjacent properties or be allowed to create a public nuisance. All such light fixtures shall be noted on project plans. The Plan shall be reviewed and approved by the Community Development Director and Police Department prior to the issuance of building permits.

17. Stamped and stained concrete shall be installed within the front setback of each entry driveway (2 off of Florence Avenue and 1 off of Crafton Avenue), with a minimum width of at least ten (10 feet) per entrance. The color and design shall be approved by the Community Development Department.

18. Any new driveway and parking areas shall not incorporate center swales. All drainage in parking lot areas shall be underground and shall not incorporate open gutters or center swales.

19. 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.

20. 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.

21. 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.

22. That the applicant agrees to install 4,599 square feet of landscaping at the front of the building and throughout the site. The front setback areas will include a minimum of 36" box trees, mounded sod, foundation planting and shrubs. A detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted for Community Development Director for review and approval prior to the issuance of building permits. A minimum of 20% of trees planted within the project shall be specimen

size trees - 24-inch box or larger. Within parking lots, trees shall be planted at a rate of one large 24" box tree for every two parking stalls. Landscaping and irrigation shall be designed to conserve water through the principles of water efficient landscaping and meet all applicable City standards.

23. All landscaping on the site shall 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.

24. That the applicant agrees that as part of the development of the site, the trash enclosure shall include automatic locking solid metal doors and a decorative cover subject to the approval of the Community Development Department.

25. All storage, including any equipment, supplies and storage racks will be located within the building and no outside storage will be allowed.

26. That all commercial deliveries to the Property shall be prohibited between the hours of 2:00 p.m. and 6:00 p.m., Mondays through Fridays.

27. All parkways, open areas, and landscaping shall be permanently maintained by the property owner, or other means acceptable to the City

28. 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.

29. 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. Existing exterior roll up security doors along north and west elevations of the 12,350 square foot rear building (located at the southwest corner of the site) shall be removed or relocated to interior of building.

30. All loading and unloading shall be conducted within the interior of the subject property. Loading and unloading is prohibited on City of Bell public streets.

31. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from all sides and the sound shall be buffered from adjacent properties and streets as required by the Planning Division. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Community Development Director. Any roof-mounted mechanical equipment and/or ductwork that projects vertically more than 18 inches above the roof or roof parapet, shall be screened by an architecturally designed enclosure which exhibits a permanent nature with the building design and is detailed consistent with the building. Any roof-mounted mechanical equipment and/or ductwork, that projects vertically less than 18 inches above the roof or roof parapet shall be painted consistent with the color scheme of the building.

32. All building drainage shall be interior with no exterior downspouts or gutters. All building details shall be included in building plans.

33. Applicant shall observe all City noise standards at all times.

34. Construction related truck trips shall not occur between the hours of 7:00 AM – 9:00 AM and 4:00 PM– 6:00 PM.

35. All improvement and grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch Mylar and signed by the registered civil engineer or other registered professional as required. Prior to the issuance of a grading permit, the applicant shall prepare a Low Impact Development (LID) and Green Street specifically identifying the Best Management Practices (BMP's) that will be used on site to control predictable pollutant runoff. The plan shall identify the types of structural and non-structural measures to be used. The plan shall comply with the City of Bell Watershed Management Program accompanying LID Ordinance and Green Street Policies. The MS4 Permit (Order No. R-2012-0175) was adopted by the California Regional Water Quality Control Board, Los Angeles Region on November 8, 2012 and became effective on December 28, 2012. Particular attention should be addressed to the appendix section "Best Management Practices for Post Development." The LID shall clearly show the locations of structural BMP's, and assignment of long term maintenance responsibilities (which shall also be included in the Maintenance Agreement). The plan shall be prepared to the general form and shall be submitted to the City Engineer for review and approval.

36. Prior to the issuance of a certificate of occupancy, the developer shall demonstrate that all structural Best Management Practices (BMP) and Green Street described in the project's LID have been constructed and installed. In addition, the developer is prepared to implement all non-structural BMP's described in the LID. Two (2) copies of the LID shall be available on-site. Prior to the issuance of a certificate of occupancy, all equipment shall be in place and in good working order as indicated in the SUSMP.

37. During construction, tire scrubs or other track out system approved by the City Engineer will be utilized at every entry/exit point to the subject property.

38. Grading of the subject property shall be in accordance with California Building Code, City Grading Standards, and accepted grading practices. Prior to issuance of grading permit by the City of Bell, the final grading (precise grading) plan shall be in substantial conformance with the approved grading plan showing building footprints, new and revised pads and elevations of finished grades, drainage routes, retaining walls, erosion and sediment control, Best Management Practices (BMPs) conforming to the approved Watershed Management Program accompanying LID and Green Street Policies.

39. A preliminary soils report shall be prepared by a qualified engineer licensed by the State of California to perform such work.

40. Prior to issuance of any Grading Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site

41. The final grading plan, appropriate certifications and compaction reports shall be completed, submitted, and approved by the Building and Safety Division prior to the issuance of building permits.

42. A separate grading plan check submittal is required for all new construction projects and for existing buildings where improvements being proposed will generate 50 cubic yards or more of combined cut and fill. The grading plan shall be prepared, stamped, and signed by a California registered Civil Engineer.

43. Prior to the issuance of any grading or building permits, the Project Applicant shall prepare a Traffic Management Plan (TMP) to address traffic and safety concerns resulting from any lane closure(s) necessary to implement the Conditions of Approval. At a minimum, the TMP shall include measures to accomplish the following:

    i. Clearly denote lane closures, detours, and turning restrictions, with appropriate signs and other traffic control devices to alert travelers;
    ii. Ensure vehicular and emergency access to the project area is maintained during construction;
    iii. Maintain pedestrian circulation; and
    iv. Construction equipment traffic shall be controlled by flaggers, as appropriate.

44. The TMP shall be reviewed and approved by the City Engineer for compliance with the California Manual on Uniform Traffic Control Devices. The TMP shall be implemented by a qualified contractor holding a valid C31 license.

45. 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.

46. 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. ALL Electrical panels, transformers and meters shall be screened with landscaping as approved by the City.

47. 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.

48. 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.

49. 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.

50. 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 of all shrubbery, plantings, and other landscaping in a healthy condition and replacement of diseased or dead plant material with new material at an age similar to the material being replaced; (iii) maintenance of all irrigation systems in properly operating condition; and (iv) 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.

51. All planning conditions of approval shall be printed as general notes on the front pages of the approved set of building plans.

52. 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.

53. 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.

54. 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.

55. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

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

PASSED, APPROVED and ADOPTED this 28th day of May, 2014.

By: _____
Nestor Enrique Valencia, Mayor

APPROVED AS TO FORM

By: _____
David Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Janet Martinez, Acting City Clerk of the City of Bell, hereby attest to and certify that the foregoing Resolution No. 2014-28-PC is the original resolution adopted by the Bell Planning Commission at its regular meeting held on the 28th day of May, 2014 by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Janet Martinez, Acting City Clerk