

## RESOLUTION 2014-62-PC

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2014-06 TO ALLOW A 3,005 SQUARE FOOT BUILDING FOR A JIFFY LUBE AUTO SERVICE CENTER AT 4201 FLORENCE AVENUE, BELL, CA.

#### A. RECITALS

**WHEREAS**, KLPM Inc. on behalf of Rob Curry of Mid-City Land Company, LLC, (the Applicant) filed a complete application requesting the approval of Conditional Use Permit No. 2014-06 described herein ("Application");

**WHEREAS**, the Application pertains to an approximate 14,400 square foot property on Los Angeles County Assessor's Parcel number 6325-029-030, more commonly known as 4201 Florence Avenue respectively, Bell, California ("Property");

**WHEREAS**, the Applicant requests approval of an Conditional Use Permit to allow the construction of a 3,005 square foot commercial building for a Jiffy Lube auto service center, 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.) under Section 15332 of the CEQA Guidelines, Title 14, Division 6, Chapter 3 of the California Code of Regulation; and

**WHEREAS**, on November 12, 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, and the decision herein is based on the evidence presented.
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 32 categorical exemption in Section

15332 of the CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) in that the project involves the rebuilding of an existing building site. 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 12, 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 at the rear 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 the northeast corner of Florence Avenue and Otis Avenue both of which are arterial streets that can handle the minimal increased traffic for this facility. Additionally, the site is arranged to provide adequate circulation for ingress and egress from Florence and Otis Avenues.
- 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 the new roof mounted appurtenances and will paint/stucco the all 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 retail commercial, and other restaurant uses that will complement the proposed use.
- e) This project is exempt from the provisions of the California Environmental Quality Act as a Class 32 Categorical Exemption – Section 15332 – Infill Developments which meet the minimum criteria of the following:
  - (1) The project is consistent with the applicable General Plan designation and all applicable General Plan polices as well as applicable zoning designation and regulations. The site is zoned C-3R which allows automotive related uses including vehicle maintenance which is the primary function of the business proposal.

(2) The proposed undertaking will occur within the City limits on a project site of not more than 5 acres that is substantially surrounded by urban uses. The project site is surrounded by restaurants, mixed use commercial property, and some residential second story and multi-family residential units. The site is a total of 14,400 square feet and is currently developed with a 1,488 square foot facility previously used as retail tile store and prior to that as a gas station and repair garage. The site will be demolished and rebuilt with a new 3,040 square foot commercial building utilized as a Jiffy Lube auto maintenance services business.

(3) The project site has no value as habitat for endangered, rare or threatened species. The site is part of an existing developed parcel with the majority of the site paved with concrete. The new site will have new landscape areas exceeding the required 6% by 11% for a total of 17% of the lot being landscaped.

(4) The approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site has been reviewed by the City Engineer and the public works division and will not be an impact on traffic and general site circulation. The generated noise is less than or equal to the existing operation and water run-off from the site will be minimized by a LID compliant development.

(5) The site can be adequately served by all required utilities and public services.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2014-06, 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. 2014-06; and
2. That "Mid-City Land Company, LLC" is the owner of the property and is the holder of this entitlement subject to the establishment of the tenant "The Otis Group, LLC" (dba: Jiffy Lube), at the location entitled. Entitlements may be transferable to a same or similar business in the future subject to the conditions of approval and the approval of the Community Development Department.
3. That the operator will employ approximately 4 employees per shift during regular business hours which consist of operating from 7 a.m. to 7 p.m. seven days a week.

4. The operator will conduct services and auto maintenance under the Jiffy Lube Signature Service® Oil Change, Air Conditioning Services, Air and Fuel Filtration Services, Battery Replacement Services, Brake Service & Repair, Cooling/Radiator System Services, Drivetrain Services, Electrical and Lighting System Services, Engine Services, Fuel System Services, Suspension/Alignment, State Inspections & Emissions Testing, Tire Rotation Service, Tire Services, Tune-up Services, Transmission Services, Windshield Repair, Wiper Replacement Services. No vehicles will be left parked on site overnight.
5. That any violation of any of the conditions of approval shall constitute this Conditional Use Permit to be subject to review by the appropriate City of Bell Department, including but not limited to Police, Building and Safety, Planning, Engineering, Public Works, Finance, City Manager and revocation pursuant to Bell Municipal Code section 17.96 and other applicable laws.
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 City Manager or designee, shall be referred to the Planning Commission for review and approval.
7. Applicant shall exercise best management practices to minimize any noise and other 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 within a reasonable timeline, then this permit may be considered for modification and/or 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.
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, including 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.
10. 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.).
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.
12. No motor vehicles, commercial or otherwise, shall be parked on the property except in the proposed marked parking spaces and/or queuing stalls, including any vehicles waiting to be worked on or waiting for inspection or evaluation for work.

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. 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 stucco banding, metal and canvas awnings 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.
14. Where there are existing perimeter walls, the applicant shall raise the existing walls to a 6' height and shall stucco both sides of the walls, subject to the approval by the Community Development Director. The existing wrought iron fence located on the north property line will be refurbished to match the building and site improvements. The existing wrought iron fence located on the east property line will be replaced by a 6 foot high decorative block wall extending from the rear to the front property line to 10 feet before the front yard property line where the block wall will step down to a height of no greater than 4 feet in height.
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.
16. That the applicant shall provide a total of 11 vehicle parking spaces.
17. 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.
18. Stamped and stained concrete shall be installed within the front setback of each entry driveway as well as the egress driveway exiting the service bays. The color and design shall be approved by the Community Development Department.
19. All 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.
20. 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 2012 California Building Code.
21. 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.

22. 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.
23. That the applicant agrees to install a minimum of 2,448 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 - 36-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.
24. 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.
25. That the applicant agrees that as part of the development of the site, the trash enclosure shall include decorative walls, automatic locking solid metal doors and a decorative cover subject to the approval of the Community Development Department.
26. All storage, including any equipment, supplies and storage racks will be located within the building and no outside storage will be allowed. The existing tri-face sign located at the southwest corner of the lot will be refurbished to include decorative material on the existing column, and painted to complement and match the newly proposed building aesthetical treatments, subject to the Community Development Director's approval.
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. If additional security is required on the building, applicant shall present proposed security options to the city for approval if an incident or threat should warrant additional security.
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.

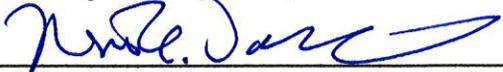
32. All building drainage shall be interior with no exterior downspouts or gutters. All building details shall be included in building plans.
33. Applicant shall observe all City noise standards at all times.
34. Construction related truck trips shall not occur between the hours of 7:00 AM – 9:00 AM 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:
  - a) Clearly denote lane closures, detours, and turning restrictions, with appropriate signs and other traffic control devices to alert travelers;
  - b) Ensure vehicular and emergency access to the project area is maintained during construction;
  - c) Maintain pedestrian circulation; and
  - d) 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 or transformers 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.

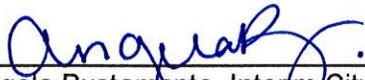
48. Except as set forth in the conditions, development shall take place as shown on the approved site plans and elevations. Any deviation must be approved by the Director of Community Development before any construction occurs.
49. No exterior structural alteration or building color change, other than 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, immediately after the title page of the set of 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.

**D. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Mid-City Land Company, LLC.**

**PASSED, APPROVED and ADOPTED this 12<sup>th</sup> day of November, 2014.**

By:   
Nestor Enrique Valencia, Mayor

ATTEST:

  
Angela Bustamante, Interim City Clerk

APPROVED AS TO FORM

By:   
David Aleshire, City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Angela Bustamante, Interim City Clerk of the City of Bell, hereby attest to and certify that the foregoing Resolution No. 2014-62-PC is the original resolution adopted by the Bell Planning Commission at its regular meeting held on the 12<sup>th</sup> day of November, 2014 by the following vote:

AYES: Councilmembers Alvarez, Quintana, Saleh, Vice Mayor Romero, Mayor Valencia

NOES: None

ABSENT: None

ABSTAIN: None

  
Angela Bustamante, Interim City Clerk