

RESOLUTION 2014-50-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL TO REVOKE CONDITIONAL USE PERMIT NO. 2012-07 THAT PERMITS A TEXTILE GARMENT ASSEMBLING AND FINISHING BUSINESS LOCATED WITHIN AN EXISTING 6,770 SQUARE FOOT WAREHOUSE WITH AN ATTACHED 850 SQUARE FOOT SECOND STORY OFFICE AT 6218 MAYWOOD AVENUE, BELL, CA.

WHEREAS, Jesus Rojas, (the "Permittee") made a request for the approval of Conditional Use Permit to allow a textile garment assembling and finishing business to be located within an existing 6,770 square foot warehouse with an attached 850 square foot second story office; and

WHEREAS, the request pertained to an approximate 7,050 square foot property on Los Angeles County Assessor's Parcel numbers 6318-019-036, more commonly known as 6218 Maywood Avenue, Bell, California ("Property") in the C-3R (Commercial mixed-use zone). Hereinafter in this Resolution, the subject Conditional Use Permit shall be referred to as the "Application"; and

WHEREAS, the City of Bell as the Lead Agency, has analyzed the recommended action and has determined that the Project is Categorically Exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 210000 et seq.) and pursuant to Section 15321 (Class 21- Enforcement Actions by Regulatory Agencies) of the CEQA guidelines, Title 14, Chapter 3 of the California Code of Regulation and no further review is required; and

WHEREAS, on July 17, 2013, the Planning Commission of the City of Bell conducted a duly noticed Public Hearing on the Application, and after all legal pre-requisites were met, and the Planning Commission received input and from staff, the City Attorney, and the Permittee, heard public testimony, discussed the proposed project, closed the public hearing, and, after discussion, approved Resolution 2013-29-PC approving CUP No. 2012-07, subject to conditions of approval; and

WHEREAS, on February 18, 2014, the City staff, including Code Enforcement, conducted an inspection of the property in response to a complaint received concerning vehicles from the business being parked on the street. During their inspection, staff discovered that the Permittee was in full operation of the business without having completed all conditions of approval of the CUP and issued a Notice of Violation; and

WHEREAS, during the February 18, 2014 inspection, City staff also determined that the Permittee was operating without a valid Business License as required by Bell Municipal Code 5.04.160, and issued a Notice of Violation; and

WHEREAS, Code Enforcement sent a letter to the Permittee on February 19, 2014 informing the Permittee that he was in breach of the conditions imposed upon his Conditional Use Permit; and

WHEREAS, pursuant to Bell Municipal Code 17.96.170, on March 11, 2014 the Permittee was notified via a letter, that the Planning Commission would be considering the revocation of CUP 2012-07 at its March 26, 2014 meeting. The letter stated that this action

would be considered as a result of the Permittee failing to comply with the approved conditions of approval and operating without a business license.

WHEREAS, at the March 26, 2014 City Council meeting, the Planning Commission considered revoking the Conditional Use Permit (CUP) for the business as direct result of the violations of the conditions of approval. The Planning Commission decided to allow the CUP to remain in effect but directed that the Permittee could not operate until all conditions of approval were met; and

WHEREAS, the Commission also directed that an amendment to the CUP be brought back for consideration allowing the maximum number of employees to be increased from six to 10, which the owner stated was sufficient to operate his business once all conditions of approval had been completed; and

WHEREAS, on July 21, 2014 in response to a complaint regarding on-street parking issues, Code Enforcement conducted a site visit of the business and discovered that the Permittee was operating the business without a business license, during which approximately 24 workers were seen leaving the premises in violation of conditions of approval; and

WHEREAS, in an August 11, 2014 letter, pursuant to Bell Municipal Code 17.96.170, the Permittee was notified that the Planning Commission would be re-considering the revocation of CUP 2012-07 at its August 27, 2014 meeting. The letter stated that this action would be considered as a result of the Permittee failing to comply with the required conditions of approval and operating without a business license; and

WHEREAS, At the hearing on August 27, 2014, the Permittee and the owner of the Property, Isaac Yaghoubien (the "Owner") agreed that the business had continued operation contrary to the approved conditions with up to 24 employees working on the property, and requested approval to increase the number of permitted employees, and argued that the increased employees were not adversely affecting parking in the neighborhood.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:

1. Recitals. 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. Hearings. 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. CEQA. 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 15321 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) in that the project involves the Enforcement Actions by Regulatory Agencies. 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.

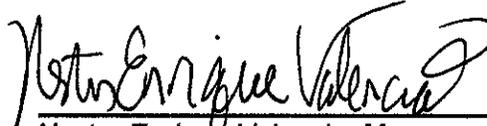
4. Findings. Based upon substantial evidence presented to this Commission during the August 27, 2014 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

- a) Contrary to Law. The Conditional Use Permit 2012-07, originally granted under Resolution 2013-29-PC with conditions of approval, has been exercised contrary to the conditions imposed upon such permit and in violation of applicable law, as follows:
 - (i) Business License. The applicant has operated the business without a valid business license in violation of Bell Municipal Code 5.04.160.
 - (ii) Employee Count. Pursuant to Condition 11 of Conditional Use Permit 2012-07, the business was allowed to operate with a maximum of six employees working Monday through Saturday from 8 a.m. to 5 p.m. However, on July 21, 2014, at least 24 people were working on site, exceeding the maximum amount of employees approved on the conditional use permit by at least 18 employees. On July 22, 2014, a follow-up inspection was conducted by a team of City employees including a City Building Inspector, Code enforcement Officer and Planning staff. While inspecting the building interior, staff observed garment-related work still be being conducted. Again there were approximately 24 workers counted in the building. The business owner stated 18 of those people were his employees and the other six were handy-men. Another inspection was conducted that same day in the afternoon and the garment business was still in operation. These extra employees have no designated parking spaces for their vehicles, causing additional congestion to already vehicle inundated streets.
 - (iii) Improvements. Pursuant to Conditions 13, 18, the entire building was to be refurbished with new paint/stucco, cultured stone wainscoting, banding, decorative lighting and cornices. The landscaping was to be refurbished throughout the entire site and all bars on windows were to be removed. These improvements were required to be completed prior to establishment of the use. However, the use was fully operating on July 21, 2014 and subsequently on July 22, 2014 without all such improvements having been completed. The facility has yet to fully complete all cornices and painting of exterior building and/or appurtenances and remove all bars on windows.
- b) Nuisance. Based on the above findings, the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.
- c) Incompatible Offices. Based upon the above findings, the structure has yet to be utilized in a manner that is architecturally compatible with the existing and prospective uses of the land located in the immediate vicinity

of the site as direct result of not complying with conditions of approval noted on their permit.

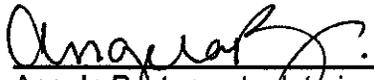
5. **Resolution.** Based upon the foregoing findings, the Planning Commission hereby revokes Conditional Use Permit No. 2012-07, effective 15 days from the adoption of this Resolution, unless permittee should fully accomplish the following, to the satisfaction of the Director.
- a) Permittee shall fully undertake and complete all improvements set forth in Section 4(a)(iii) hereof;
 - b) Thereafter, Permittee shall obtain a business license pursuant to Section 4(a)(i) hereof;
 - c) Permittee shall be in compliance with all other conditions of Conditional Use Permit 2012-07.
 - d) Provided all such conditions are satisfied, Permittee shall be permitted to operate with not more than sixteen (16) workers or employees of any type on-site at any one time.
6. **Certification.** That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to the Permittee and Owner.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Bell, California, at a regular meeting held on this 27th day of August, 2014.



Nestor Enrique Valencia, Mayor

ATTEST:



Angela Bustamante, Interim City Clerk

APPROVED AS TO FORM



Dave Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

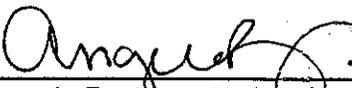
I, Angela Bustamante, Interim City Clerk, Bell, California, hereby certify that the foregoing Resolution 2014-50-PC was adopted by the Planning Commission of the City of Bell at a regular meeting held on the 27th day of August, 2014 and passed by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None



Angela Bustamante, Interim City Clerk