

RESOLUTION 2015-44-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL, APPROVING THE MODIFICATION OF CONDITIONAL USE PERMIT NO. 2014-01 TO ALLOW LIVE ENTERTAINMENT AT AN EXISTING EATING ESTABLISHMENT (CULICHITOWN), LOCATED AT 6638 ATLANTIC AVENUE IN BELL CA.

A. RECITALS

WHEREAS, Ramon Guerrero of Culichitown Corporation Inc. (the Applicant") filed a complete application for requesting the approval of the modification of Conditional Use Permit 2014-01 described herein to allow live entertainment at the existing restaurant known as Culichitown ("Application");

WHEREAS, the Application pertains to an approximate 30,500 square foot property on Los Angeles County Assessor's Parcel number 6326-002-401 more commonly known as 6638 Atlantic Avenue, Bell, California ("Property");

WHEREAS, the Applicant requests approval of a modification of Conditional Use Permit 2014-40-PC as required by Section 17.96.190 of the Bell Municipal Code; 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 9, 2015, the Planning Commission of the City of Bell opened a duly noticed and at the request of the applicant, continued the Public Hearing to the October 14, 2015; and

WHEREAS, on October 14, 2015, the Planning Commission of the City of Bell conducted a duly noticed Public Hearing on the Application, and continued the Public Hearing to the December 9, 2015; and

WHEREAS, on December 9, 2015, 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.
4. Based upon the ample evidence presented to this Commission during the September 9, 2015 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 site plan requires no modifications to the current layout of existing restaurant to accommodate the live entertainment in the restaurant. The approval of the use will not result in any changes within the business other than to offer an additional service of live background music to patrons who choose to dine at the facility.
 - 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 Atlantic Avenue which is a major 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 Atlantic Avenue. Valet parking will continue to be offered and must operate onsite within the parking facility. No more that 20% of all parking should occur off site. Furthermore, the site will be marked with a red curb along the frontage to minimize traffic generated by the valet queuing.
 - c) The existing building to be utilized in conjunction with the use is 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 since he had recently upgraded the façade.
 - d) The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Atlantic Avenue. The live entertainment will not adversely affect or be materially detrimental to such 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 uses and restaurants that sell beer and wine. Furthermore, the applicant has proposed to install sound proofing materials within the restaurant to mitigate any ambient noise emanating from the restaurant during the live entertainment events.
 - 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 Atlantic Avenue corridor.

- f) The proposed use of the site pertaining to the live entertainment for the weekends is part of the applicant's business plan and part of the desired services offered to the public as an added amenity while dining at the established restaurant.

Based upon the foregoing findings, the Planning Commission hereby approves the modification of Conditional Use Permit No. 2014-01, subject to the following conditions:

C. CONDITIONS OF APPROVAL

1. The property shall be maintained in accordance with:
 - a) The Applications and Exhibits thereto, "A" through "C" included in this report on file in the office of the Clerk of the City of Bell;
 - 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. 2014-01.
2. Culichitown Corporation Inc. (hereinafter "Culichitown") is the sole holder of this entitlement.
3. This Conditional Use Permit is subject to semiannual review by the appropriate City of Bell Departments, including but not limited to Police, Building and Safety, Planning, Public Works, Finance, City Manager, and other agencies such as Fire Department and The Department of Alcoholic Beverage Control.
4. That the site must adhere to the existing conditions approved in Conditional Use Permit 91-1 and Zone Variance 91-1.
5. Valet parking will continue to be offered and must operate onsite within the parking facility. No more that 20% of all parking should occur off site. Furthermore, the site will be marked with a red curb along the restaurant frontage to mitigate the delay of traffic generated by the valet queuing. No valet services or canopies will be allowed to be located or operate on public property. The public right of way shall be kept clear of any obstructions at all times.
6. The applicant shall install sound proofing materials within the restaurant to mitigate any ambient noise emanating from the restaurant during the live entertainment events.
7. The chief of police has the power to determine if a continuing police problem exists at the restaurant and if he or she determines such, he or she may require that the restaurant pay the actual and reasonable cost for police services used and/or may require the presence of a police-approved doorman and/or security personnel.
8. Any violation of any of the conditions of approval may subject the Conditional Use Permit to the revocation procedures established by Bell Municipal Code Section 17.96.170. Upon recommendation of the Community Development Director, the body which originally granted the Conditional Use Permit shall conduct a noticed public hearing to determine whether such permit should be revoked.

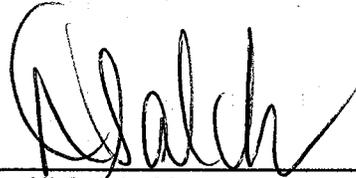
9. Any increase in the use permitted as a part of this Conditional Use Permit shall be cause to review the Conditional Use Permit pursuant to the modification procedures in Bell Municipal Code Section 17.96.190.
10. Any graffiti placed on any building or structure located on the property shall be removed 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.
11. No motor vehicles, commercial or otherwise, shall be parked on the property except in marked parking spaces.
12. Hours of operation shall be between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 12:00 a.m. Friday and Saturday.
13. The applicant guarantees that there will be no deviation from the approved minimum number of parking spaces, including reserved parking, compact parking, loading spaces, car and vanpool parking and any other ancillary forms of parking provided and shall include the minimum of 34 parking spaces as granted in Resolution 91-01.
14. 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 by the granting of this Conditional Use Permit.
15. The applicant shall comply with all Federal, State, County, and Local laws and ordinances that may apply to this permit.
 - a) 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
 - b) 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
16. Any live entertainment shall be limited to 70 square feet of floor area. Dancing by customers shall be prohibited at all times.
17. The off-site sale and/or consumption of alcohol are strictly prohibited at all times.
18. No cover charges, entry fees, or minimum drink orders shall be charged/required of patrons. There shall be no restrictions on the age of customers.
19. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
20. Amplification of music shall comply with the regulations of the Bell Municipal Code.
21. Outdoor amplified music and/or sound shall be prohibited at all times.
22. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.

23. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
- a) Taxicab phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers;
 - b) All employees selling or serving alcohol shall be required to participate in an alcohol training program offered by the Alcoholic Beverages Control prior to the operation of selling/serving alcohol;
 - c) The availability of a variety of non-alcoholic beverages shall be made known and offered to customers, and
24. These conditions of approval must be posted in a conspicuous location for public viewing within the restaurant on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
25. 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.
26. 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 Culichitown Corporation Inc.

PASSED, APPROVED and ADOPTED this 9th day of December, 2015.

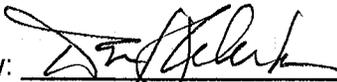
By:



Ali Saleh, Mayor

APPROVED AS TO FORM

By:



David Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

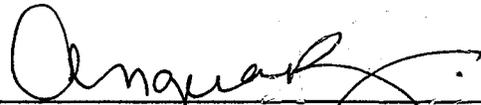
I, Angela Bustamante, Acting City Clerk of the City of Bell, hereby attest to and certify that the foregoing Resolution No. 2015-44-PC is the original resolution adopted by the Bell Planning Commission at its regular meeting held on the 9th day of December, 2015 by the following vote:

AYES: Councilmembers Gallardo, Valencia, Vice Mayor Romero and Mayor Saleh

NOES: Councilmember Quintana

ABSENT: None

ABSTAIN: None



Angela Bustamante, Interim City Clerk