

RESOLUTION 2011-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL, APPROVING CONDITIONAL USE PERMIT NO. 2010-03 TO ALLOW AN ALCOHOLIC BEVERAGE CONTROL TYPE 41 (ON-SALE BEER AND WINE FOR A BONA FIDE EATING PLACE) LICENSE FOR AN EXISTING EATING ESTABLISHMENT (LA CASITA MEXICANA RESTAURANT), LOCATED AT 4030 GAGE AVENUE IN BELL CA.

A. RECITALS

WHEREAS, La Casita Mexicana Inc. (the Applicant") filed a complete application for requesting the approval of Conditional Use Permit 2010-03 described herein ("Application");

WHEREAS, the Application pertains to an approximate 6,500 square foot property on Los Angeles County Assessor's Parcel number 6325-002-007 more commonly known as 4030 Gage Avenue, Bell, California ("Property");

WHEREAS, the Applicant requests approval of a Conditional Use Permit for the sale of beer and wine for on-site consumption in conjunction with a bona fide existing restaurant (Department of Alcoholic Beverage Control Type 41 License) as require by Section 17.96.030 (2)(a) 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 July 13, 2011, 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 and directs the Staff to file the Notice of Exemption as required by law.

4. Based upon the ample evidence presented to this Commission during the July 13, 2011 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:
 - a) The proposed use is consistent with the project site being that the proposed site plan showed no modifications to the current layout of existing restaurant. The approval of the use will not result in any changes within the business other than to offer an additional service of beer or wine for on-site consumption, to patrons who choose to dine at their 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 on Gage Avenue which is a major arterial street that can handle the current and future generated traffic for this existing facility.
 - c) 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 sale of beer and wine for on-site consumption 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 that serve beer and wine in conjunction to their existing bona fide eating establishments.
 - d) 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 Gage Avenue corridor.

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2010-03, 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 "D" 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. 2010-03.
2. La Casita Mexicana Inc. is the sole holder of this entitlement;
 3. La Casita Mexicana Inc. shall obtain and hold a type 41 Alcoholic Beverage Control license that will allow the restaurant to serve alcohol for on-site consumption in conjunction with a bona fide eating establishment only with a valid conditional use permit (CUP No. 2010-03);
 4. 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, CAO;
 5. Pursuant to Bell Municipal Code Section 17.96.030 (2)(a)(i), La Casita Mexicana Restaurant's total yearly alcohol sales shall make up no more than twenty (20) percent of the restaurant's total yearly gross combined food and alcohol sales;
 6. Prior to March 1 of each year the restaurant shall submit to the City's director of development services yearly financial statements for the prior calendar year, demonstrating compliance with Chapter 17.96, Article II, subsection 17.96.030 (2)(a)(i) along with a fee to be established by the City, to pay for processing of said financial statements;
 7. Notwithstanding submittal of a financial statement as provided in Condition No. 6, if in the opinion of the director of development services or his designee a financial audit of the restaurant is necessary to determine compliance under Condition No. 5, La Casita Mexicana Restaurant must pay the entire reasonable cost for such audit with the auditor to be selected by the director of development services or his or her designee;

8. 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;
9. 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 director, the body which originally granted the Conditional Use Permit shall conduct a noticed public hearing to determine whether such permit should be revoked;
10. 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;
11. 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; and
12. No motor vehicles, commercial or otherwise, shall be parked on the property except in marked parking spaces;
13. All exterior building surfaces, including but not limited to doors and windows shall be properly cleaned and maintained at all times,
14. The applicant guarantees that there will be no deviation from the approved minimum number of parking spaces, including reserved parking, compact

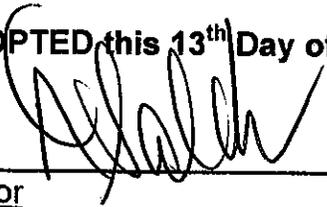
parking, loading spaces, car and vanpool parking and any other ancillary forms of parking provided;

15. The applicant agrees to maintain proper security lighting on the exterior of the property and the parking area to protect patrons and their vehicles from vandals and other types of crime. Prior to the installation of any new exterior lighting, a lighting plan shall be submitted for review and approval by the City's Police Chief and the Planning and Building Department. Any new and existing exterior lighting shall be fully shielded;
16. 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;
17. There shall be no public telephones located on the property except within an enclosed building. The term "building," as used herein, shall not include telephone booths;
18. All trash enclosures shall be maintained in accordance with the standards of the City and shall be architecturally compatible with principal structures and shall be located in a manner that will not impede vehicular motion on the property;
19. Any additional 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;
20. The on-site sale and consumption of beer and wine shall be sold only in conjunction with food service;
21. Any person serving food shall meet the age requirements as set forth in State law regarding on-site sale of alcohol in conjunction with sale of food;

22. The on-site sale and consumption of beer and wine permitted by this Conditional Use Permit No. 2010-03 shall be in accordance with the applicant's license (as the same may be conditioned) from the California State Alcohol Beverage Control Board (the "ABC License"). Pursuant to Business and Professions Code Sections 23800-23805, the ABC may impose reasonable conditions on the issuance of the ABC License and may cover conditions such as, but not limited to, restrictions as to the hours of sale, display of signs, and employment of designated persons;
23. Copies of the ABC License and certifications shall be maintained on file with the City of Bell in perpetuity;
24. 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;
25. The applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office; and
26. The applicant shall comply with all Federal, State, County, and Local laws and ordinances that may apply to this permit.

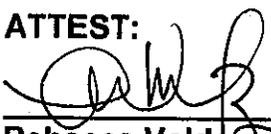
D. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to La Casita Mexicana Inc.

ADOPTED this 13th Day of July, 2011



Mayor

ATTEST:



Rebecca Valdez
City Clerk

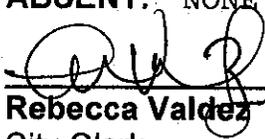
I CERTIFY that the foregoing Resolution No. 2011-25 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 13th day of July, 2011 by the following vote:

AYES: COMMISSIONER ALVAREZ, QUINTANA, VALENCIA, VICE CHAIR HARBER AND CHAIR SALEH

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



Rebecca Valdez
City Clerk

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