

## RESOLUTION 2011-27

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2011-01 TO ALLOW THE INSTALLATION OF A NEW UNDERGROUND STORAGE TANK AND DESIGNATED PUMP TO PROVIDE E85 (ETHANOL) AND B5 (BIODIESEL) FUELS TO AN EXISTING FUEL SERVICE STATION (76 GAS STATION), LOCATED AT 4965 FLORENCE AVENUE IN BELL, CA.**

### **A. RECITALS**

**WHEREAS**, Quality Project Management LLC (the "Applicant") and agent for Propel Inc. filed a complete application requesting the approval of Conditional Use Permit 2011-01 described herein (the "Application");

**WHEREAS**, the Application pertains to an approximate 16,368 square foot property on Los Angeles County Assessor's Parcel number 6327-014-400 more commonly known as 4965 Florence Avenue, Bell, California (the "Property");

**WHEREAS**, pursuant to Section 17.96.030 (76) of the Bell Municipal Code, the Applicant requests approval of a Conditional Use Permit to allow the installation of a new underground storage tank (UST) (with all the associated underground piping, conduit and monitoring equipment), along with a designated fuel pump to provide E85 (ethanol) and B5 (Biodiesel) Fuels to an existing 76 Gas Station;

**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.*) pursuant to Section 15301 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulation; and

**WHEREAS**, on July 27, 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 exterior alteration of an existing service station by installing an Underground Storage Tank and associated fuel dispensing pump. 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 Planning Commission during the July 27, 2011 public hearing, including public testimony and written and oral staff reports, this Planning Commission finds as follows:
  - a) The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. Specifically, the proposed new Propel fuel pump dispenser will be integrated into an existing fuel island and will complement the existing fuel service station, and the UST and all the associated underground piping, conduit and monitoring equipment can be accommodated at the existing fuel service station 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 Florence Avenue, which is a major arterial street that can accommodate the current and future generated traffic for the existing facility. Additionally, there will be no significant increase in traffic on site as compared to the existing use due to the fact that the new alternative fuel pump will be installed next to an existing fuel pump, and the existing fuel pump cannot be utilized when the new alternative fuel pump is in use.
  
  - c) No new buildings or structures are proposed to be constructed or utilized in conjunction with the use, and thus the existing buildings and structures will remain architecturally compatible with existing and prospective uses of land located in the immediate vicinity of the site.
  
  - d) The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Florence Avenue. Service stations are permitted in the C-3R Zone, subject to receiving approval of a Conditional use Permit, and are compatible with the commercial mixed uses in the C-3R Zones surrounding the project site.
  
  - 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 Florence Avenue corridor. Also, the service station use is compatible with the "Commercial" land use designation for the project site in the General Plan

Based upon the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 2011-01, subject to the following conditions:

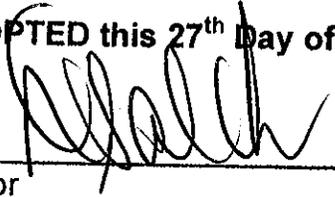
### **C. CONDITIONS OF APPROVAL**

1. The property shall be maintained in accordance with:
  - A. The Application and Exhibits thereto ("A" through "E") attached to this Resolution, and 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 may be amended from time to time; and
  - C. All of the conditions of approval as set forth in this Conditional Use Permit No. 2011-01.
2. Propel Inc. is the sole holder of this entitlement.
3. Propel Inc. will be allowed to conduct the installation of a new underground storage tank (UST) along with a designated pump and associated underground piping, conduit and monitoring equipment to provide E85 (ethanol) and B5 (Biodiesel) Fuels only with a valid conditional use permit (CUP No. 2011-01), and any approvals that may be required by the AQMD, or other environmental and governmental entities having jurisdiction over the installation of underground storage tanks.
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. 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 that originally granted the Conditional Use Permit shall conduct a noticed public hearing to determine whether such permit should be revoked.
6. 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.
7. The Applicant shall also be responsible for paying any required City fees and fees from other associated agencies prior to the issuance of a building permit.
8. 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.

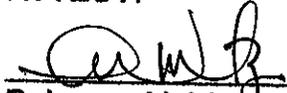
9. No motor vehicles, commercial or otherwise, shall be parked on the property except in marked parking spaces.
10. The Applicant guarantees that there will be no deviation from the approved minimum number of parking spaces, including reserved parking, compact parking, loading spaces, car and vanpool parking and any other ancillary forms of parking provided.
11. The Applicant agrees to maintain proper security lighting on the property that promotes a secure and safe environment. 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.
12. The Applicant agrees that all new 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.
13. 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.
14. 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.
15. 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.
16. The Applicant or an authorized representative shall execute an Affidavit indicating that he/she is aware of all of the terms of this Conditional Use Permit, and accepts all the conditions imposed by this Conditional Use Permit.
17. The Applicant shall be responsible for filing any and all pertinent documents with the Los Angeles County Recorder's Office.
18. That the City of Bell Clerk shall certify the adoption of this Resolution and shall forward a copy of this Resolution to Quality Project Management LLC.

ADOPTED this 27<sup>th</sup> Day of July, 2011



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Mayor

ATTEST:



\_\_\_\_\_  
Rebecca Valdez  
City Clerk

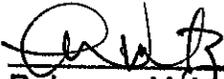
I CERTIFY that the foregoing Resolution No. 2011-27 was adopted by the Planning Commission of the City of Bell at a regular meeting thereof held on the 27<sup>th</sup> day of July, 2011 by the following vote:

AYES: COUNCILMEMBER ALVAREZ, QUINTANA, VALENCIA, VICE MAYOR  
HARBER, AND MAYOR SALEH

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



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Rebecca Valdez  
City Clerk

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