



AGENDA

REGULAR MEETING OF THE BELL PLANNING COMMISSION

Wednesday, February 2, 2022 at 7:00 p.m.

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF AB 361 WHICH ALLOWS FOR THE CITY COUNCIL AND/OR CITY STAFF TO PARTICIPATE VIA TELECONFERENCE

At the January 12, 2022 City Council Meeting, the Council approved Resolution 2022-03, implementing teleconference accessibility for conducting public meetings pursuant to Assembly Bill 361. To ensure the health and safety of the public by limiting human contact that could spread COVID-19, the Bell Community Center will not be open to the public. The public is encouraged to view the meeting through the City's website at <http://www.cityofbell.org/?NavID=101>

PUBLIC COMMENT: If you wish to make a comment you may provide input electronically through a temporary public comment email established for City of Bell meetings cityclerk@cityofbell.org. Please indicate in the Subject Line "For Public Comment" and submit your written comment by 4pm on Wednesday, February 2, 2022. Any emails received after the time indicated will not be included in the record. Written Comments will be subject to the three-minute time limitation (approximately 350 words).

Public comment could also be submitted by telephone during the meeting, by calling 1-669-900-9128 no later than 7PM. City staff will be using the Zoom audio communication platform for this meeting. Each speaker is limited to 3 minutes and will be given the opportunity to speak in the order your phone call is received. After you submit your comment, you will be disconnected but will still have access to view the meeting live on the City's website at <http://www.cityofbell.org/?NavID=101>

If participating via Zoom or phone, during the Public Comment Period, use the "raise hand" function on your computer or *9 by phone and wait for the Chair to announce your name/phone number. When you are prompted, please unmute your line.

Join Zoom Meeting (ONLY FOR PUBLIC COMMENT)

Phone Number: 1-669-900-9128

Meeting ID: 873 9371 5180

Password: 819118

1. Call to Order:

2. Roll Call of the Planning Commission:

Commissioner Silvia Martinez
Commissioner Rodrigo Rodarte
Commissioner Denisse Viera
Vice-Chair Rihan Bedier
Chair Luis Mesa

3. Pledge of Allegiance

4. Communications from the Public:

This is the time for members of the public to address the Planning Commission on matters that are listed on the agenda and non-agenda items that are under the subject matter jurisdiction of the Planning Commission. (Each speaker is limited to 3 minutes)

5. Presentation(s):

Eco-Rapid Transit Presentation

6. Public Hearing(s):

PUBLIC TESTIMONY can be provided electronically through a temporary public comment email established for City of Bell meetings cityclerk@cityofbell.org. Please indicate in the Subject Line "Public Hearing Item #___" and submit your written comment by 4pm on Wednesday, February 2, 2022. Any emails received after the time indicated will not be included in the record. Written Comments will be subject to the three-minute time limitation (approximately 350 words).

Public Testimony could also be submitted by telephone by calling 1-669-900-9128 and entering the following Meeting ID: 873 9371 5180 and Password: 819118

- a. Consideration of a request to grant a one-year extension to conditional use permit No. 2020-10, which approved of a Type 41 Beer and Wine Alcohol License in conjunction with the operation of a restaurant in the C-3 zone at 6399 Atlantic Avenue.

Recommendation: *It is recommended that the Bell Planning Commission read by title only, waive further reading and adopt Resolution 2022-02-PC titled:*

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING A ONE-YEAR TIME EXTENSION TO CONDITIONAL USE PERMIT 2020-10, WHICH ENTITLED THE APPROVAL OF A TYPE 41 BEER AND WINE ALCOHOL LICENSE IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT IN THE C-3 ZONE AT 6399 ATLANTIC AVENUE

7. Regular Session:

None.

8. Planning Commissioner Announcements; Request for Future Agenda Items; Conference/Meeting Reports:

9. Community Development Director's Comments:

10. City Attorney Comments:

11. Adjournment: *The next Regular Planning Commission Meeting is scheduled for Wednesday, March 2, 2022 at 7pm.*

ADA Compliance Statement

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Community Development Department at (323) 588-6211, Ext. 2615, at least 48 hours prior to the scheduled meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting.

I, Angela Bustamante, Planning Commission Secretary, certify that a true, accurate copy of the foregoing agenda was posted on January 28, 2022 at least seventy two (72) hours prior to the meeting as required by law.

Angela Bustamante

Angela Bustamante, Planning Commission Secretary

**City of Bell
Planning Commission
Agenda Report**

DATE: February 2, 2022

TO: Honorable Chair and Planning Commission Members

FROM: Manuel Acosta, Community Development Director

PREPARED
BY: Megan Covarrubias, Associate Planner

SUBJECT: Consideration of a request to grant a one-year extension to conditional use permit No. 2020-10, which approved of a Type 41 Beer and Wine Alcohol License in conjunction with the operation of a restaurant in the C-3 zone at 6399 Atlantic Avenue

RECOMMENDATION:

It is recommended that the Bell Planning Commission read by title only, waive further reading and adopt Resolution 2022-02 PC titled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF BELL APPROVING A ONE-YEAR TIME EXTENSION
TO CONDITIONAL USE PERMIT 2020-10, WHICH ENTITLED
THE APPROVAL OF A TYPE 41 BEER AND WINE ALCOHOL
LICENSE IN CONJUNCTION WITH THE OPERATION OF A
RESTAURANT IN THE C-3 ZONE AT 6399 ATLANTIC AVENUE**

PROPOSAL:

The applicant, Mark Leevan is requesting that the Bell Planning Commission consider granting an extension to Conditional Use Permit No. 2020-10, which was approved on (Resolution 2021-02-PC) March 3, 2021, by the Planning Commission to allow a Type 41 Beer and Wine Alcohol License in conjunction with the operation of a restaurant in the C-3 zone pursuant to Bell Municipal Code (BMC), Chapter 17.96.030(2).

BACKGROUND:

The subject site is located on the northwest corner of Atlantic Avenue and Gage Avenue within the Bell Palm Plaza. Although the site is located within the Bell Palm Plaza, the site is a separate parcel and is owned by a separate property owner. On March 3, 2021, the Planning Commission adopted resolution 2021-02-PC, approving Conditional Use Permit (CUP) 2020-10, a request to allow a Type 41 beer and wine alcohol license in conjunction with the operation of a restaurant on the subject site.

Per Section 17.96.180 of the Bell Municipal Code (BMC), any variance or CUP shall be null and void if the use permitted thereunder is not exercised within the time specified in the resolution approving such variance or CUP, or if no time is specified, if the same is not exercised within one year from the date such variance or permit is granted. Upon good cause shown by the

applicant, the variance or CUP may be extended by the Planning Commission for a period not to exceed one year.

The applicant, Mark Leevan expressed to city staff that it has been difficult to secure a restaurant tenant for the site as a result of the COVID-19 pandemic. To date, the existing 4,000 square foot commercial building has not secured a restaurant tenant and the structure continues to be used as a pharmacy known as the Medicine Cabinet. The applicant has stated that the one time one-year extension will be enough time to secure a restaurant tenant to occupy the site. Should the applicant fail to secure the required permits in the time allotted, the CUP would be deemed null and void, and the applicant would need to seek a new CUP from the Planning Commission.

ATTACHMENTS:

Attachment A: Resolution No. 2022-02PC

Attachment B: Planning Commission Staff Report, March 3, 2021

Attachment C: Resolution No. 2021-02-PC

Attachment D: Extension request by the applicant, dated January 6, 2022

RESOLUTION NO. 2022-02 PC**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING A ONE-YEAR TIME EXTENSION TO THE APPROVAL OF CONDITIONAL USE PERMIT NO. 2020-10 TO ALLOW A TYPE 41 BEER AND WINE ALCOHOL LICENSE IN CONJUNCTION WITH THE OPERATION OF A NEW RESTAURANT LOCATED AT 6399 ATLANTIC AVENUE.**

WHEREAS, on October 21, 2020, Mark Leevan (“the Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 2020-10 described herein (“Application”); and

WHEREAS, the Application pertains to an approximate 11,362 square foot property with Los Angeles County Assessor’s Parcel Number 6137-018-407, more commonly known as 6399 Atlantic Avenue, Bell California (“Property”); and

WHEREAS, the Applicant requested approval of a CUP to allow for the on-site consumption of beer and wine in conjunction with a new restaurant in an existing 4,000 square foot commercial building in the C-3 zone. Pursuant to Bell Municipal Code, Chapter 17.96.030(2) (a), any restaurant use proposing the on-site consumption of beer and wine requires a CUP; and

WHEREAS, on March 03, 2021 the Planning Commission held a public hearing to receive public testimony and other evidence regarding the CUP, including without limitation, information provided to the Planning Commission by City staff and public testimony; and

WHEREAS, on March 03, 2021 the Planning Commission adopted Resolution 2021-02-PC, approving CUP 2020-10 subject to the attached conditions of approval; and

WHEREAS, pursuant to Section 17.96.180 of the Bell Municipal Code, the CUP is null and void if the use permitted is not exercised within one year from the date the CUP is granted, which would be on or about March 3, 2022; and

WHEREAS, on January 6, 2022, the Applicant filed a request for a time extension of the approval of the CUP; and

WHEREAS, on February 02, 2022, the Planning Commission conducted a public hearing to review the Applicant’s request to extend CUP No. 2021-02-PC up to one additional year; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at its February 02, 2022 hearing including, without limitation, the staff report submitted by the Community Development Department; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have been met.

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

SECTION 1. All of the facts set forth in the recitals are true and correct and are incorporated herein by reference.

SECTION 2. Based upon the evidence presented, the Applicant has made a diligent effort to secure a restaurant tenant within the one-year time limit, but these efforts have been hampered by the Covid-19 pandemic; and

SECTION 3. The diligent effort on the part of the applicant thereby qualifies as a good cause for granting a time extension of the approval of CUP 2020-10 pursuant to Section 17.96.180 of the Bell Municipal Code; and

SECTION 4. The City hereby grants a one-time, one-year time extension to the approval of CUP 2020-10; and

SECTION 5. The expiration date of CUP 2020-10 shall now be March 3, 2023.

SECTION 6. All other applicable Conditions of Approval as approved under the application pursuant to Planning Commission Resolution 2021-02-PC shall remain in effect; and

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 2nd day of February 2022.

Luis Mesa, Chair

APPROVED AS TO FORM:

Christy Marie Lopez, Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, Planning Commission Secretary of the City of Bell, do hereby certify that the foregoing Resolution 2022-02-PC was adopted at a regular meeting of the Planning Commission of the City of Bell held on the 2nd day of February, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela Bustamante,
Planning Commission Secretary

**City of Bell
Planning Commission
Agenda Report**

DATE: March 03, 2021

TO: Honorable Chair and Planning Commission Members

FROM: Manuel Acosta, Director of Community Development

BY: Megan Covarrubias, Assistant Planner

SUBJECT: Consideration of Conditional Use Permit (CUP) No. 2020-10 to allow a Type 41 Beer and Wine alcohol license in conjunction with the operation of a new restaurant located within an existing 4,000 square foot building at 6399 Atlantic Avenue.

PROPOSAL

The applicant, Mark Leevan, is requesting that the City of Bell Planning Commission consider a request for CUP No. 2020-10 to allow the sale of beer and wine for on-site consumption in conjunction with the operation of a new restaurant located at 6399 Atlantic Avenue.

RECOMMENDATION

It is recommended that the Planning Commission:

1. Receive the presentation by staff, open the public hearing, and take public testimony; and
2. Read by title only, waive further reading and adopt Resolution 2021-02PC titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2020-10
TO ALLOW A TYPE 41 BEER AND WINE ALCOHOL LICENSE IN
CONJUNCTION WITH THE OPERATION OF A NEW RESTAURANT
LOCATED AT 6399 ATLANTIC AVENUE.

BACKGROUND

The subject site is located on the northwest corner of Atlantic Avenue and Gage Avenue within the Bell Palm Plaza. Although the site is located within the Bell Palm Plaza, the site is a separate parcel and is owned by a separate property owner. The property is currently comprised of a four thousand (4,000) square foot building on an eleven thousand three hundred sixty-two (11,362) square foot lot. The building exterior is off-white stucco complimented by grey pillars with a Chase Bank ATM located on the east end of the structure. The applicant is requesting approval of a Type 41 license to allow beer and wine sales for on-site consumption in conjunction with a restaurant at the subject property.

General Information

ITEM	DESCRIPTION
ASSESSORS PARCEL NUMBER	6317-018-407
PROPERTY OWNER	Mark Leevan
ZONING	C-3
LAND USE DESIGNATION	Heavy Commercial
SURROUNDING LAND USES AND ZONING	North: Heavy Commercial- C-3 South: Heavy Commercial; C-3 East: Heavy Commercial; C-3 West: Heavy Commercial/General Commercial; C-3 /C-3R

PREVIOUS ACTIONS

Under Planning Commission Resolution No. 90-25, the existing parcel and building is part of the Bell Palm Plaza and therefore is subject to all pertinent conditions of approval as contained in the master CUP for the development of the entire shopping center. In December 1998, the City Council approved CUP No. 98-06 to allow the construction of a new 4,000 square foot commercial building for the operation of a Blockbuster video rental. In December 2011, the Planning Commission approved CUP No. 2011-06 and Resolution 2011-47 to allow the sale of beer and wine for off-site consumption at a proposed retail grocery store. Due to unforeseen circumstances, the grocery store did not occupy the site. In June 2017, the City Council approved CUP No. 2017-01 and Resolution 2017-16 to allow for the operation of a pharmacy on the lot.

DISCUSSION / ANALYSIS:

A. DESCRIPTION OF PROPERTY AND IMPROVEMENTS

The proposed property is currently occupied by one tenant (the Medicine Cabinet) which operates as a pharmacy and drugstore located within the existing 4,000 square foot building on a lot that measures eighty-eight (88) linear feet of street frontage along Gage Ave and one hundred seventeen (117) linear feet facing Atlantic Avenue. The pharmacy is scheduled to end its lease agreement with the property owner in the upcoming months. The site contains several access points that include driveways along Gage Avenue and Atlantic Avenue providing access to the Bell Palm Plaza.

B. BUSINESS OPERATIONS

The existing building is expected to house a new restaurant. The applicant is in the process of negotiating the lease of the building with a well-established restaurant operator. As part of lease negotiations with the restaurant operator, the property owner/Applicant is applying for a Type 41 beer and wine alcohol license to allow beer and wine sales for on-site consumption on behalf of the proposed tenant. Pursuant to Section 17.96.030(2)(a) of the Bell Municipal Code (BMC), the project requires a CUP because the proposal involves alcohol sales. The proposed floor plan includes two restrooms, a walk-in freezer, a walk-in refrigerator, a washing area, storage area, kitchen, serving area, bar area, and a seventy-six (76) seat dining area. The restaurant will not have outdoor dining and will undergo site improvements, but these will not involve major alterations or expansion of the building.

The proposed hours of operation for the new restaurant are proposed to be 10:00 a.m. to 10:00 p.m. Sunday through Saturday. The proposed parking layout will include a total of twenty (20) off-street parking spaces that consist of ten (10) standard, eight (8) compact, and two (2) accessible parking stalls. Out of the twenty off-street parking spaces, a total of six (6) of the standard parking spaces will be provided within the Bell Palm Plaza parking areas. The owner of 6399 Atlantic Avenue and the Bell Palm Plaza have a reciprocal access and parking agreement that will allow the Applicant to use six (6) parking spaces on the Bell Palm Plaza property.

C. COMPATIBILITY OF USE

The site is adjacent to several businesses located north and west of the facility, since the site is part of a larger development known as the Bell Palm Plaza. The shopping center consists of ninety-two thousand nine hundred (92,900) square feet of gross floor area and supports a mixture of retail, restaurant, and commercial businesses. The proposed use will be similar and is compatible with the other restaurants and retail commercial uses at the Bell Palm Plaza.

AERIAL PHOTO





D. PARKING

Under CUP No. 98-06, the City Council approved a total of fifteen (15) on-site parking stalls. To date, there are a total of fourteen (14) existing on-site parking stalls on the parcel. Per the Bell Municipal Code (BMC) Section 17.76.020, the off-street parking requirement for bars and restaurants is one (1) parking space for every one-hundred (100) square feet of floor area devoted to the use, or one (1) parking space for every four (4) fixed seats (whichever is greater). Based on this parking calculation, the Code requires a total of twenty (20) parking spaces for the proposed restaurant use (1,981 square feet of area devoted to dining and 76 fixed seats). The site has a deficiency of six (6) parking spaces; however, the Applicant has a reciprocal accesses and parking agreement with the adjacent Bell Palm Plaza to accommodate the six (6) parking stalls on the Bell Palm Plaza property. Under Condition of Approval No. 13, should any revisions be made to the parking lot configuration that results in the reduction of the amount of parking spaces resulting in less than twenty (20) parking spaces or removal of accessible parking stalls shall be reviewed by the Planning Commission.

PARKING REQUIREMENTS	
Parking Ratio	(1) parking space for every 100 sq. ft. of floor area devoted to the use (1, 981/100) = 20 (1) parking space for every 4 fixed seats (76 seats) = 19
Required # of parking spaces	20
Existing # of parking spaces	14
Deficient # of parking spaces	6

E. BUILDING AND SAFETY/CODE VIOLATIONS

There were no outstanding Building and Safety, or Code Enforcement violations identified during the review process.

F. GENERAL PLAN CONSISTENCY

The City's General Plan Land Use Element designates the subject property for Commercial use. The proposed use would be consistent with the General Plan and does not conflict with the established goals and objectives of the Land Use Element which states that dine-in restaurants are a permitted use in the C-3 zone in which the subject property is located.

The proposed commercial tenant improvement will be adequate for the site and will meet the General Plan Policy No. 2 in which the project will promote economic stability through the diversification of the commercial base and will develop new employment opportunities.

ENVIRONMENTAL REVIEW

Staff has reviewed the Conditional Use Permit application and determined that the proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301(a) (Existing Facilities) and a Class 3 Categorical Exemption pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the California Environmental Quality Act ("CEQA") Guidelines, Title 14, Chapter 3 of the California Code of Regulation and is thereby exempt from CEQA, Public Resources Code Sections 21000 et seq. Consequently, the staff has prepared a Notice of Exemption.

PUBLIC NOTICE

In conformance with applicable law, staff sent out notices to all the surrounding property owners within 500 feet of the project location. A total of two hundred twenty-four (224) residents, owners and occupants were notified of the proposed application and project proposal. The notice was also posted at three specific sites in the City and was published on February 20, 2021 in a newspaper of general circulation which is adjudicated in the city for public notice.

CONDITIONAL USE PERMIT FINDINGS OF FACT

Pursuant to Chapter 17.96.040 of the Bell Zoning Code, required findings are as follows:

- A. The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has an existing building that will accommodate the restaurant tenant. The proposed site plan shows only minor modifications to the current building that will consist of a tenant improvement for the interior of the building to accommodate the restaurant. The site will not undergo major alterations or expansions of the existing building. Under Condition of Approval No. 1, should the site undergo any new construction that includes the expansion of the existing building, the applicant shall be subject to review by the Planning Commission. The off-white exterior structure color will remain the same, and the site will maintain the existing landscape and irrigation plan.
- 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 and Atlantic Avenue which are two (2) major arterial streets that can handle the current and future generated traffic for the proposed use. In addition, the site is arranged to provide adequate circulation for ingress and egress from Gage and Atlantic Avenues. That all buildings and structures proposed to be constructed or utilized in conjunction with the use will be architecturally compatible with existing and prospective uses of land located in the immediate vicinity of the site. The existing building is architecturally compatible with the existing buildings located in the immediate vicinity of the site. The Applicant will not modify the exterior of the building or landscaping.

- C. The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Atlantic and Gage Avenues. The proposed Type 41 beer and wine alcohol license is subject to conditions of approval and therefore 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 sell alcohol.
- 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 and Atlantic Avenue corridors. The site is not included in a city specific plan.
- E. The proposed use of the site will include a Type 41 beer and wine alcohol license, which is deemed to be of necessity to the applicant's business plan and part of the desired services offered to the public as a convenience while dining in the restaurant.

ATTACHMENTS:

- 1. Resolution No 2021-XX
- 2. Site Plan, Floor Plan and Elevations
- 3. Resolution 90-25
- 4. Reciprocal Access and Parking Agreement

RESOLUTION NO. 2021-02**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING CONDITIONAL USE PERMIT NO. 2020-10 TO ALLOW A TYPE 41 BEER AND WINE ALCOHOL LICENSE IN CONJUNCTION WITH THE OPERATION OF A NEW RESTAURANT LOCATED AT 6399 ATLANTIC AVENUE.**

WHEREAS, Mark Leevan (“the Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 2020-10 described herein (“Application”); and

WHEREAS, the Application pertains to an approximate 11,362 square foot property with Los Angeles County Assessor’s Parcel Number 6137-018-407, more commonly known as 6399 Atlantic Avenue, Bell California (“Property”);

WHEREAS, the Applicant requests approval of a Conditional Use Permit (CUP) to allow for the service of on-site consumption of beer and wine alcohol in conjunction with a new restaurant in an existing 4,000 square foot commercial building in the C-3 zone. Pursuant to Bell Municipal Code, Chapter 17.96.030(2) (a), any restaurant use proposing the on-site consumption of beer and wine requires a CUP; and

WHEREAS, the City staff reviewed the project’s environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and deemed the project to be exempt under a Class 1 Categorical Exemption pursuant to section 15301(a) (Existing Facilities- Interior or exterior alterations) and a Class 3 Categorical Exemption pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations); and

WHEREAS, notice of the Planning Commission’s March 03, 2021 public hearing on this CUP 2020-10 was published in compliance with State law in a local newspaper of general circulation. In addition, a public notice was mailed 10 days in advance of the hearing to each property owner, occupants and resident within a 500-foot radius of the project site, indicating the date and time of the public hearing for CUP 2020-10 in accordance with California Government Code 65091; and

WHEREAS, on March 03, 2021 the Planning Commission held a public hearing to receive public testimony and other evidence regarding the CUP, including without limitation, information provided to the Planning Commission by City staff and public testimony; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at its March hearing including, without limitation, the staff report submitted by the Community Development Department; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have been met.

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

SECTION 1. All of the facts set forth in the recitals are true and correct and are incorporated herein by reference.

SECTION 2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony, site plans, and Conditions of Approval (“Conditions”) attached hereto as Exhibit “A,” the Planning Commission hereby specifically finds as follows:

- A. The site for the proposed use is adequate in size, shape and topography to accommodate the proposed use. The existing site has an existing building that will accommodate the restaurant tenant. The proposed site plan shows only minor modifications to the current building that will consist of a tenant improvement for the interior of the building to accommodate the restaurant. The site will not undergo major alterations or expansions of the existing building. The off-white exterior structure color will remain the same, and the site will maintain the existing landscape and irrigation plan.
- 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 and Atlantic Avenue which are two (2) major arterial streets that can handle the current and future generated traffic for the proposed use. In addition, the site is arranged to provide adequate circulation for ingress and egress from Gage and Atlantic Avenues. All buildings and structures proposed to be constructed or utilized in conjunction with the use will be architecturally compatible with existing and prospective uses of land located in the immediate vicinity of the site. The existing building is architecturally compatible with the existing buildings located in the immediate vicinity of the site. The Applicant will not modify the exterior of the building or landscaping.
- C. The location of the proposed use on the site is compatible with existing and proposed uses along the commercial corridor along Atlantic and Gage Avenues. The proposed Type 41 beer and wine alcohol license is subject to conditions of approval and therefore 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 sell alcohol.
- 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 and Atlantic Avenue corridors. The site is not included in a city specific plan.
- E. The proposed use of the site will include a Type 41 beer and wine alcohol license, which is deemed to be of necessity to the applicant’s business plan and part of the desired services offered to the public as a convenience while dining in the restaurant.

SECTION 3. The Planning Commission reviewed the project’s environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”) and finds the project to be exempt under a Class 1

Categorical Exemption pursuant to section 15301(a) (Existing Facilities- Interior or exterior alterations) and a Class 3 Categorical Exemption pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations); and

SECTION 4. The Planning Commission hereby approves CUP 2020-10 subject to the Conditions of Approval set forth in Exhibit "A" attached to this Resolution.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 3rd day of March 2021

Denisse Viera, Chair

ATTEST:

Angela Bustamante,
Planning Commission Secretary

APPROVED AS TO FORM:

Christy Marie Lopez, Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, Planning Commission Secretary of the City of Bell, do hereby certify that the foregoing **Resolution 2021-02-PC** was adopted at a regular meeting of the Planning Commission of the City of Bell held on the 3rd day of March 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Exhibit “A”
CONDITIONS OF APPROVAL CUP 2020-10

If the Conditional Use Permit is granted, that the following conditions shall be attached to the Conditional Use Permit:

1. That this Conditional Use Permit (CUP 2020-10) entitlement shall be for a restaurant with a Type 41 Alcoholic Beverage Control Department License for the sale of beer and wine only for on-site consumption. Any increase, intensification and/or change of use shall be subject to review by the Planning Commission through a modification of this Conditional Use Permit consistent with Title 17, including section 17.96.190; and
2. The restaurant shall be subject to an annual review by the appropriate City of Bell Department, including but not limited to Police, Building and Safety, Planning, Public Works, Finance, City Attorney’s Office, and the Planning Commission and which may contain but need not to be limited to the following conditions:
 - i. **Pursuant to Section 17.96.030(2)(a)(i), the 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. Should the Planning Staff learn that Section 17.96.030(2)(a)(i) is not being enforced City-wide or is repealed, this section shall not be enforced as against the tenant at the location; and**
 - ii. Prior to March 1st of each year the restaurant shall submit to the director yearly financial statements for the prior calendar year, or portion thereof if the restaurant was not in business for the entire calendar year, demonstrating compliance with subsection (2)(a)(i) of this section along with a fee to be established by the city, to pay for processing of same; and
 - iii. Notwithstanding submittal of a financial statement, if in the opinion of the director a financial audit of the restaurant is necessary to determine compliance under this section the restaurant must pay the entire reasonable cost for such audit with the auditor to be selected by the director; and
 - iv. That if the Chief of Police determines that there is a continuing Police problem arising from the store operations, he or she may, after having contacted the Applicant and/or landlord, require the permittee provide a police-approved doorman and/or security personnel; and
 - v. Any other condition(s) deemed necessary or appropriate by the city to protect the health and welfare of its residents; and
3. That the property shall be maintained in accordance with:
 - i. The Application and Exhibits thereto, “A” through “D” included in this report on file in the office of the Clerk of the City of Bell; and
 - ii. All applicable laws, including, but not limited to, Bell Municipal Code and the Bell Zoning Code, specifically Title 17, as the same exist as of the date of approval of this Application or as the same may hereafter be amended; and
 - iii. All of the conditions of approval as set forth in this Conditional Use Permit No. 2020-10 and all applicable conditions as set forth in the site’s existing Resolution

90-25 in relation to the Bell Palm Plaza with the exemption of the parking variance;
and

4. That pursuant to Bell Municipal Code Section 17.96.170, in the event of fraud in obtaining the Conditional Use Permit, or if the approved use ceases or is exercised contrary to any conditions imposed herein, or in violation of any laws, or is exercised to the detriment of public health or safety, or constitutes a nuisance, then upon the Community Development Director's recommendation, the Planning Commission shall conduct a noticed public hearing to determine whether the Conditional Use Permit should be revoked. The Commission shall revoke the Conditional Use Permit if it finds any of said conditions in Bell Municipal Code Section 17.96.170 satisfied, subject to review on appeal, taken in the time and manner set forth in Article III of Chapter 17.96 of the Bell Municipal Code; and
5. That the Conditional Use Permit conditions shall be placed on the property in a location where employees can easily read the conditions; and
6. That prior to the issuance of building permits, the Applicant will submit two colored hard copy sets of plans to the Building and Safety Division for plan check review and shall obtain approval of such plans by all agencies pertinent to the project proposal; and
7. 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 2019 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 to the property; and
8. 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, 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
9. That all textures, materials, and colors utilized on exterior elevations of the building shall be in compliance with the BMC and are subject to review and approval by the City of Bell Planning Division; and
10. The project shall provide twenty (20) off-street parking spaces onsite. Of the twenty (20) off-street parking spaces, there are six (6) deficient parking spaces that will be resolved with an existing Reciprocal Parking Agreement with the Bell Palm Plaza indicated in Exhibit "D" to the Agenda Report accompanying this Resolution; and
11. The Applicant shall submit a striping plan to the Planning and Building Divisions that meets the striping requirements and compact parking requirements contained in section 17.76.060 of the Bell Municipal Code. Such plan shall be approved by the Building and Planning Divisions prior to issuance of a Building Permit; and

12. All accessible parking stalls serving the business shall be in compliance with the current applicable codes; and
13. Any revisions to the parking lot configuration that results in the reduction of the amount of parking spaces resulting in less than twenty (20) parking spaces or removal of accessible parking stalls shall be reviewed by the Planning Commission; and
14. The business shall not have more than seventy-six (76) seats at any time. Any revisions to the floor plan that would result in an increase in the number of seats within the business shall be reviewed and approved by the Planning Commission; and
15. No live entertainment or outdoor seating is allowed on the premises; and
16. 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 2019 California Building Code; and
17. That any signage along Atlantic Avenue and Gage Avenue shall require that a sign plan be submitted separately and approved by the Planning Division, pursuant to the provisions outlined in Section 17.84.050 the Bell Zoning Code (BMC); and
18. Signs shall be posted at all building access points, that is, all entrances and exits available to the public, "No alcohol permitted beyond this point". At no time shall alcohol be consumed outside the perimeter of the building; and
19. That the Applicant and each of his agents, contractors, and subcontractors engaged in construction activities on the property shall obtain and maintain a proper contractors business license from the City of Bell; and
20. Applicant, agrees to maintain the property and all related on-site improvements and landscaping thereon, including, without limitation, buildings, parking areas, lighting, 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, City 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) building surfaces and structures shall be painted and kept in good repair; (ii) signs shall be maintained in a first class condition of repair; (iii) sweeping and trash removal shall be performed regularly; (iv) shrubbery, plantings, and other landscaping shall be cared for and kept in a healthy condition, and replaced as needed; and (v) asphalt or concrete paving shall be repaired, replaced and restriped 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; and
21. That all commercial deliveries to the Property shall be prohibited between the restaurant business hours of 10:00 a.m-10:00 p.m., seven days per week; and

22. 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; and
23. 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 by this Conditional Use Permit; and
24. 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; and
- 25. At such time the property owner has selected a tenant agreeable to establish a restaurant at the location, Planning Division staff shall review the proposed business operations at other locations, company practices and other business information which is relevant to proper operation of the restaurant. Should staff's review reveal that the business operations, including but not limited to any personnel, has the potential to have negative impacts on nearby businesses, residents, circulation or other negative impacts to the community this CUP shall be reviewed by Planning Commission. In addition, all following tenants shall be subject to this condition. All tenants shall sign a notice of acknowledgement, acknowledging receipt of this Resolution number 2021-02 and all related conditions.**

Case No: CUP No. 2020-10

Land Use and Development Permit Application

City of Bell - Community Development Department - Planning Division

A Planning Application Requested:

- | | |
|--|--|
| ☐ Zoning Text Amendment (ZTA)- \$1595 Acct: 4318 | ☐ Final Parcel/Tract Map (TTM) |
| ☐ Conditional Use Permit (CUP)- \$2793.57 Acct: 4402 | \$1000(Parcel) \$2000(Tract) Acct: 4318 |
| ☐ General Plan Amendment (GPA)- \$1182 Acct: 4319 | ☐ Eng./Bldg. Review Deposit- \$1500 Acct: 2820 |
| ☐ Site Plan Review-Planning Commission (SPR) | ☐ Environmental Review- \$800 Acct: 4316 |
| \$2000 Acct: 4315 | ☐ Preliminary/Pre-Application- \$337.50 |
| ☐ Zone Variance (VAR)- \$675 Acct: 4318 | ☐ Complex Zoning Letter- \$350 Acct: 4315 |
| ☐ Zone Change (ZC)- \$1595 Acct: 4318 | ☐ Simple Zoning Letter- \$75 Acct: 4315 |
| ☐ Lot Line Adjustment/Lot Merger- \$500 Acct: 4317 | ☒ Public Hearing Notice Deposit \$700 Acct: 2801 |
| ☐ Tentative Parcel/Tract Map (TPM)- \$1050 Acct: 4317 | |

B Project Information:

6399 Atlantic Avenue

6137-018-407

Property Address

Assessor Identification Number(s)

Request: CUP Extension of TYPE 41 BEER AND WINE ALCOHOL LICENSE IN CONJUNCTION WITH THE OPERATION OF A NEW RESTAURANT

C Applicant Information:

Mark Leevan

Name

Business Name

Mailing Address

City

Phone

Email

CA

State

Zip

Fax

I declare under the penalty of perjury that to the best of my knowledge that the information provided on this application is true and correct.

Applicant's Signature

Date January 6, 2022