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**P.C. RESOLUTION 02-27**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN TO ALLOW AN ARTIST WAREHOUSE AND 405 SQUARE FOOT MEZZANINE ADDITION FOR AN OFFICE WITHOUT ADDITIONAL PARKING AT 717 VALLEY DRIVE, UNIT B-2, LEGALLY DESCRIBED AS A PORTION OF LOT 9, EXCLUDING THE NORTHERLY 10 FEET, TRACT 6917**

Section 1. An application was filed by Richard Chacker seeking approval to allow an artist warehouse and office and addition of a mezzanine without required parking, requiring a Parking Plan pursuant to Section 17.44.210.

Section 2. The Planning Commission conducted a duly noticed public hearing to consider the application for Parking Plan on June 18, 2002, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The building was constructed in 1965 at a parking ratio of 1 space per 500 square feet and is thus nonconforming to current parking requirements for light manufacturing uses in the M-1 Zone.

2. The applicant proposes to use the space as an artist studio and warehouse storage and display area and add 405 square feet for an office mezzanine.

3. The change of use to a more intense use and adding floor area requires additional parking pursuant to Section 17.44.140(E) of the Zoning Ordinance, resulting in an increased parking requirement of three spaces.

4. Given the existing built out condition of the lot it is not feasible to provide additional off-street parking on site.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following finding pertaining to the application for the Parking Plan:

1. Pursuant to Section 17.44.210 the Planning Commission finds that reducing the parking requirement for the proposed expansion is appropriate and substantiated by the facts for the following reasons:

a. The artist studio, storage and display area of 1500 square feet does not have a parking ratio specified in the Zoning Ordinance, and because of its unique use as described by the applicant it can be considered as an "artist warehouse" with parking requirement as set forth for warehouses at 1 space per 1,000 square feet.

b. The mezzanine office is subject to the parking requirement of 1 space per 250 square feet.

c. The aggregate parking requirement of the warehouse (1500 square feet) and the office (405 square feet) does not result in an increased parking requirement as compared to the previous light manufacturing use.

2. This project is Categorically Exempt pursuant to Section 15303c of the California Environmental Quality Act.

1           Section 5. Based on the foregoing, the Planning Commission hereby approves the Parking  
2 Plan subject to the following **Conditions of Approval:**

- 3           **1. The proposed expansion and use of the building shall be consistent with submitted plans**  
4           **and consistent with the description of the intended use as submitted by the applicant.**  
5           **Any minor modification shall be reviewed and may be approved by the Community**  
6           **Development Director.**
- 7           **2. Pursuant to Section 17.44.030(I)2 prior to occupancy and final approval of the addition of**  
8           **the mezzanine a covenant shall be recorded guaranteeing the warehouse area will not be**  
9           **converted to a non-warehouse use.**
- 10           **3. Parking located on City property in front of the building along Valley Drive cannot be**  
11           **counted towards required parking for the project.**

12           Section 6. This grant shall not be effective for any purposes until the permittee and the owners  
13 of the property involved have filed a the office of the Planning Division of the Community Development  
14 Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of  
15 this grant.

16           The Parking Plan shall be recorded, and proof of recordation shall be submitted to the Community  
17 Development Department.

18           Each of the above conditions is separately enforced, and if one of the conditions of approval is found to  
19 be invalid by a court of law, all the other conditions shall remain valid and enforceable.

20           Permittee shall defend, indemnify and hold harmless the City, it agents, officers, and employees from any  
21 claim, action, or proceeding against the City or its agents, officers, or employee to attack, set aside,  
22 void or annul this permit approval, which action is brought within the applicable time period of the State  
23 Government Code. The City shall promptly notify the permittee of any claim, action, or proceeding and  
24 the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim,  
25 action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall no  
26 thereafter be responsible to defend, indemnify, or hold harmless the City.

27           The permittee shall reimburse the City for any court and attorney's fees which the City may be required  
28 to pay as a result of any claim or action brought against the City because of this grant. Although the  
29 permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its  
30 own expense in the defense of the action, but such participation shall not relieve the permittee of any  
obligation under this condition.

31           The subject property shall be developed, maintained and operated in full compliance with the conditions  
of this grant and any law, statute, ordinance or other regulation applicable to any development or activity

