

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**P.C. RESOLUTION 02-28**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN TO ALLOW A 1,500 SQUARE FOOT ADDITION FOR STORAGE/WAREHOUSE PURPOSES, AND A STORAGE ATTIC ABOVE, WITH LESS THAN REQUIRED PARKING FOR OKELLS FIREPLACE AT 134 PACIFIC COAST HIGHWAY LEGALLY DESCRIBED AS LOTS 44, 45, AND 46 HOME BUILDER'S PLACE TRACT**

Section 1. An application was filed by Richard DiGiorgio seeking approval to allow a 1500 square foot addition to an existing commercial building for storage/warehouse purposes with less than 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 July 16, 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 1940 and shares parking with the adjacent bar, and is nonconforming to current parking requirements for retail uses in the S.P.A. 7 commercial zone. Seven parking spaces are currently available behind the buildings.

2. The business currently uses the subject area proposed for the addition as storage in structures constructed without building permits. The applicant proposes to bring this existing non-permitted storage space into conformance with Building and Zoning codes by building a new storage addition. The additional space is proposed to be used exclusively for warehouse/storage purposes with the intent that it would not intensify the need for parking.

3. The addition of floor area requires additional parking pursuant to Section 17.44.140(E) of the Zoning Ordinance, resulting in an increased parking requirement of six spaces. The applicant is proposing to re-stripe and improve the parking area, increasing available parking to 8 spaces, and providing landscaping and appropriate signage for sharing the parking.

4. Given the existing built-out condition of the property it is not economically feasible to provide enough additional off-street parking on site to meet the code requirement.

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:

- 1 a. The proposed warehouse/storage area and attic containing 1500 square feet is incidental  
2 and secondary to the primary commercial use and is not likely to intensify the need for  
3 parking on the site. A storage/warehouse is more appropriately considered as an  
4 warehouse use with a parking requirement similar to the standard set forth for  
5 warehouses in the manufacturing zone at 1 space per 1,000 square feet.  
6 b. The business is daytime oriented and the adjacent bar use is nighttime oriented allowing  
7 for maximum shared use of the available parking in the rear.  
8 c. The applicant is willing to record a covenant to exclusively limit the new added space for  
9 storage/warehouse purposes.

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

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

- 14 **1. The proposed expansion and use of the building shall be consistent with  
15 submitted plans and consistent with the description of the intended use as  
16 submitted by the applicant. Any minor modification shall be reviewed and may be  
17 approved by the Community Development Director.**
- 18 **2. Prior to issuance of building permits for the addition a covenant shall be recorded  
19 running with the land guaranteeing the 1500 square foot warehouse/storage area  
20 and attic will not be converted to any use other than storage in connection with the  
21 primary use of the building.**
- 22 **3. All existing outdoor storage shall be eliminated, and the gate at the rear of the  
23 property allowing access to the outdoor yard of the adjacent property to the east  
24 shall be permanently removed and replaced with a permanent fence that does not  
25 permit access.**
- 26 **4. A landscape plan shall be submitted for the parking area specifying a minimum of  
27 four trees along the back fence, subject to review and approval by the Community  
28 Development Director. Said landscape plan shall be approved prior to the issuance  
29 of building permits and shall be implemented prior to occupancy and final of the  
proposed addition.**
- 5. New parking signs shall be installed indicating that all parking is for customers of  
both businesses on the property (currently Okell's fireplace, and The Pitcher  
House) with no spaces exclusively assigned to either business. Operating hours  
for each business shall also be displayed on the signs.**

1           **6. Parking located on City property in front of the building along Valley Drive cannot**  
2           **be counted towards required parking for the project.**

3           **7. Plans approved for building permit issuance shall provide for a clearly defined and**  
4           **dedicated pedestrian access corridor through the storage area from the rear**  
5           **parking area to the main showroom, display, and retail area in the front of the**  
6           **building.**

7           **8. Any change of the primary retail use of the building requires review and approval**  
8           **of the Planning Commission.**

9           **9. The operating hours of the business shall be limited to daytime hours only, between**  
10           **7:00 A.M. and 6:00 P.M. daily.**

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

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

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

The Planning Commission may review this Parking Plan and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use.

VOTE:           AYES:  
                      NOES:  
                      ABSENT:  
                      ABSTAIN:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 02-28 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of August 20, 2002.

\_\_\_\_\_  
Ron Pizer, Chairman

\_\_\_\_\_  
Sol Blumenfeld, Secretary

Date \_\_\_\_\_

Pprs134