

**PLANNING COMMISSION RESOLUTION NO. PC 2024-03**  
**Conditional Use Permit CU-2023-0009 and Design Review DR-2023-0006**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CONDITIONAL USE PERMIT APPLICATION CU-2023-0009 AND DESIGN REVIEW DR-2023-0006 FOR THE RENOVATION AND EXPANSION OF AN EXISTING NONCONFORMING USE AND ASSOCIATED SITE IMPROVEMENTS WITHIN THE CR (REGIONAL COMMERCIAL) ZONE LOCATED AT 4824 IMPERIAL HWY., SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, Kahloo Properties, (“Applicant”) requested approval of a Conditional Use Permit (“CUP”) and Design Review for the renovation and expansion of an existing nonconforming use and associated facade and site improvement at 4824 Imperial Hwy. (“Property”), which is zoned CR (Regional Commercial); and

**WHEREAS**, Bare Elegance has been in existence in the same location since the early 1970’s and was originally part of the Los Angeles County unincorporated area until it’s annexation by the City of Hawthorne in 1986.

**WHEREAS**, the annexation of the property rendered the property legal non-conforming.

**WHEREAS**, pursuant to the HMC Chapter 17.38 requires approval of a conditional use permit for nonconforming uses in accordance with Chapter 17.40 to ensure potential concerns related to the location, surrounding uses, and appropriateness are addressed; and

**WHEREAS**, in accordance with Hawthorne Municipal Code (HMC) Chapter 17.99, which states approval by the Planning Commission, appointed as the Design Review Board (DRB), is required to ensure projects meet the requirements of the chapter; and

**WHEREAS**, the Land Use Element of the General Plan designates the Property as Regional Commercial, which accommodates uses with primary orientation to the freeway and allowable uses within this designation include retail, office, restaurants, and other commercial uses. The Project is consistent with the General Plan; and

**WHEREAS**, based upon the information received and Staff’s review and assessment, the project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to Class 32 Categorical Exemption pursuant to Section 15332, (In-Fill Development Projects) of CEQA; and

**WHEREAS**, a duly noted public hearing on the Conditional Use Permit and Design Review application was held before the Planning Commission on February 21, 2024; and

**WHEREAS**, at the public hearing before the Planning Commission, evidence was heard and presented from all persons in favor of the application, from all persons opposed of the applications, and from members of the City staff; and

**WHEREAS**, the Planning Commission determines that said Conditional Use Permit and Design Review will not have an adverse effect, either individually or cumulatively, on surrounding neighborhood, and that on the basis of this determination finds the proposal will not be potentially injurious to the public health, safety and welfare.

**WHEREAS**, in accordance with Hawthorne Municipal Code (HMC) Chapter 17.99 – Design Review, the City of Hawthorne established a design review procedure for all applicable projects not exempted per Section 17.99.030 – Exceptions. The subject property is situated adjacent to existing residentially zoned properties and the proposed improvements encompass more than 1,000 sq. ft. of building and site surfaces. Therefore, the subject project is not exempt from the design review process and must obtain approval by the DRB; and

**WHEREAS**, the City of Hawthorne wishes to protect and preserve the quality of the local business areas and quality of life throughout the City and to ensure uses are managed through effective land use planning and design; and

**WHEREAS**, the applicant presented evidence that the proposed use complies with all applicable local, state, and federal laws; and

**WHEREAS**, on February 21, 2024, a duly noticed public hearing on the Project was held before the Planning Commission where all interested parties were given an opportunity to be heard; and

**WHEREAS**, evidence was heard and presented from all persons in favor of the application, from all persons opposed to the application and from members of the City staff; and that the Planning Commission having heard and received all of said evidence, testimony and statements and being fully informed of the application, approves Resolution No. 2024-03.

**THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The Planning Commission finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

**SECTION 2.** Based Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for the Project, Staff has determined Conditional Use Permit No. CU-2023-0009 & Design Review DR-2023-0006 is a project subject to the California Environmental Quality Act (CEQA) and qualifies for an exemption pursuant to Section 15332, Class 32. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses. It has no value as habitat for endangered, rare, or threatened species. Approval of the project would not result in significant effects related to traffic, noise, air quality, or water quality. The project is consistent with general plan policies as well as with applicable zoning designation and regulations. The existing building is 8,500 sq. ft. and with the proposed renovation and expansion will result in a 20,948 sq. ft. building with newly reconfigured parking. The parcel is 41,810 sq. ft. and is located in the CR (Regional Commercial) zone. Staff will file the Notice of Exemption with the Los Angeles County Clerk’s office in compliance with CEQA.

**SECTION 3.** Based upon substantial evidence presented to the Planning Commission during the February 21, 2024, public meeting, including public testimony and written and oral staff reports, the Planning Commission finds as follows:

Conditional Use Permit Findings:

1. The proposed use is properly one for which a CUP is authorized by this code, as follows:
  - a. HMC Chapter 17.38 requires approval of a CUP for nonconforming uses in accordance with Chapter 17.40 to ensure potential concerns related to the location, surrounding uses, and appropriateness are addressed.
2. The proposed use will not adversely affect the adjoining land uses, or the growth and development of the area in which it is proposed to be located, as follows:
  - a. The current building will not be relocated on the lot and as such the renovation and expansion of the use will maintain an appropriate distance from the adjacent residential uses.
  - b. Potential noise impacts to the adjacent residential properties will be minimized by the placement of new landscaping on the grounds and on the rooftop lounge/deck. The building design will also mitigate noise and views from adjacent land uses.
  - c. The use has adequate parking on-site and appropriate conditions that will minimize the impact to surrounding uses.
  - d. Permitting the redesign and substantial upgrade of the site will ensure beautification of the area and will contribute to the continued growth and beautification of surrounding uses
3. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use, in a manner not detrimental to either the particular area or health and safety.
  - a. The site can accommodate the proposed 20,849 sq. ft. building with required parking and landscaping.
  - b. The proposed development is in compliance with the Hawthorne Municipal Code.
  - c. Potential noise and view impacts to the adjacent residential properties will be minimized by the design and placement of the renovation and expansion of the building.
4. That the traffic generated by the proposed use will not impose an undue burden upon the streets and highways designed and improved to carry the traffic in the area.
  - a. The design and roundabout was evaluated by the Public Works Department and appropriate conditions of approval have been noted.
  - b. The site is adequately served by highways and streets with sufficient traffic control infrastructure on Imperial Hwy. to allow smooth traffic flow.
  - c. The main entrance to the facility will be from Imperial Hwy. only and therefore will not impact the adjacent residential uses as 115<sup>th</sup> Street will not be utilized.
5. That the granting of the conditional use permit under the conditions imposed will not be detrimental to the health and safety of the citizens of the City of Hawthorne.
  - a. Conditions of approval require that pertinent safety measures are in place for pedestrian safety such as striping on the pavement and proposed landscaping adequate in height to not impede the view of pedestrians or vehicles.
  - b. The ingress and egress of the property will operate in conjunction with all local, state, and federal regulations as to not impact the public-right-way.

Design Review Findings:

1. The location, size, design and characteristics of the proposed project will be compatible with and will not be detrimental to the public health, safety, or welfare of persons residing in or working in or adjacent to the proposed project;

The property is located on the south side of the Imperial Hwy. and east Inglewood Ave. The site is surrounded by a mix of retail, office, and residential uses. The residential properties are located to the immediate east and south of the subject site.

The project site with the proposed architectural facade will update and modernize the property. The landscaping will beautify, be compatible, and enhance the proposed new building and area. The style of this building is not currently found throughout this neighborhood but the proposal itself will not be detrimental to the surrounding neighborhood nor cause a public health, safety, and welfare issue to adjacent properties as this is an update to a parcel that is in need of beautification.

2. The proposed design is suitable for its purpose, is harmonious with and relates properly to, the surrounding neighborhood, contiguous parcels, and the site itself.

The proposed design will update and modernize the property by introducing a modern building style, and new landscaping. These improvements do not overwhelm the surrounding neighborhood as the building is being kept close to Imperial Hwy. on a large lot and has substantial distances from any adjacent uses. The height of the new building is a maximum of 40 feet, which is a bit larger than adjacent uses but as it is on a large site it does not overwhelm the surrounding area and therefore, will be harmonious with the surrounding neighborhood.

3. The overall design will be of quality that will preserve the integrity of, and upgrade, the existing neighborhood.

The proposed facade improvements will upgrade and modernize an existing parcel. The proposed on-site parking is sufficient to accommodate the proposed use and potential parking conflicts to the adjacent residential neighborhood are not anticipated. The landscaping will beautify and enhance the pedestrian experience along this section of the City.

The architectural design and height is of a scale that fits within the parcel and therefore, the preservation and integrity of the neighborhood, specifically of those residential properties directly adjacent to the subject site, is achieved.

4. The design of the proposed project is in accordance with the general plan and all applicable provisions of the zoning ordinance.

The proposed project is consistent with the General Plan and General Plan designation, Regional Commercial (RC), of the site for the following reasons:

- The Land Use Element of the General Plan designates the property as Regional Commercial, which accommodates commercial uses with primary orientation to the freeway and allowable uses within this designation include retail, office, restaurants, and other commercial uses.
  - The existing building will be renovated and expanded and Bare Elegance will continue their operations and occupy the building. The nonconforming use

continues to maintain their property and maintain the business in good operating order.

- Goal 1 of the Land Use Element of the General Plan encourages efforts to expand, attract, and enhance commercial development.
  - Policy 1.4 specifies that the City shall support and encourage the rehabilitation or renovation of existing buildings or structures or the conversion of obsolete and/or chronically vacant storefronts from their original or most recent use to a new compatible, economically viable, and sustainable use.
    - The existing building is obsolete and in need of modernization. Therefore, the proposed new update and expansion of the building and site will meet the goal of this policy in that the existing building will be completely renovated with a facade that is in keeping with the modern facades being developed in the South Bay area.
- Goal 2 of the Land Use Element dictates that every effort shall be made to ensure both existing and future development will remain compatible in character, scale, and size to surrounding uses.
  - Policy 2.2 discourages the construction of very large buildings where such structures are incompatible with surrounding residential development.
    - The proposed improvements enhances the overall property and although the building height will be at 40 feet, is will be compatible with adjacent uses due to the large parcel it occupies and is being developed close to Imperial Hwy. The addition of landscaping will beautify this property.

The overall site enhancements will be compatible with the adjacent neighborhood and is in keeping with the scale and size of the surrounding area due to the large parcel upon which this building occupies.

**SECTION 4.** Based on the forgoing, the Planning Commission hereby grants Conditional Use Permit CU-2023-0009 and Design Review DR-2023-0006 subject to the conditions set forth in Exhibit "A" attached hereto.

**SECTION 5.** This resolution shall become effective ten days after its adoption, unless within that period of time it is appealed to the City Council. In the event of an appeal, this Resolution shall not become effective unless reinstated by the City Council after the hearing on the appeal. The City Council Resolution determining the appeal shall be controlling, and unless the matter is remanded to the Planning Commission, the Resolution of the City Council shall be final.

**SECTION 6.** A copy of this Resolution shall be mailed to the applicant and copies shall be filed with the City.

**PASSED, APPROVED and ADOPTED** this 21<sup>st</sup> day of February 2024.

ATTEST:

  
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GREGG MCCLAIN, SECRETARY

  
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RYAN RICHARD, CHAIRPERSON

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
CONDITIONAL USE PERMIT CU-2023-0009 and DESIGN REVIEW DR-2023-0006

Failure of the applicant to comply with conditions as set forth shall be cause for the Planning Commission to institute a Public Hearing for revocation purposes.

1. The applicant shall comply with all applicable requirements and provisions set forth by the Uniform Building Code, Uniform Fire Code, Hawthorne Municipal Code (HMC), and any additional requirements by the Fire Department, Director of Building and Safety, or Director of Planning, as related to this application.
2. The property shall be developed in substantial conformity with the plans approved by the Planning Commission on February 21, 2024, as conditioned by the requirements contained in the resolution of approval for Conditional Use Permit application CU-2023-00009 and Design Review DR-2023-0006. Any more intensive use of the property, or deviation from said plans, shall first be reviewed as a modification of this permit.
3. The applicant and subsequent property owners/tenants must conform to all Business License regulations and maintain a current city license at all times.
4. All signs, banners, or other outside advertising materials or structures on the property must be approved by the City and shall comply with Chapter 17.35 of the HMC.
5. Signs shall be posted on the site per CA Penal Code Sections 552 through 555.5 and 11532 to prohibit loitering on the property.
6. The number of persons shall not exceed the maximum occupancy load as determined by the Fire Department. Signs indicating the occupant load shall be posted in a conspicuous place on the approved sign near the main exit from the building.
7. Graffiti shall be removed within 24 hours of its discovery.
8. Signage and pavement arrows to direct internal traffic circulation shall be included on plans, subject to City approval.
9. Property owners must keep parking lot clean at all times.
10. All direct lighting produced by the development must be contained onsite. The Owner/Applicant shall ensure any exterior night lighting and illuminated signage installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto the adjacent residential lots.
11. All County Fire Department requirements must be met before any building permits will be released.
12. Off-street parking shall be provided at all times in accordance with the originally approved site plan and, Per Municipal Code Chapter 8.16, shall be maintained in a clean and attractive manner (striping maintained, pot-holes and cracks repaired and trash, litter, or other materials shall be removed regularly).

13. Per Municipal Code Chapter 8.14, all landscaped areas shall be maintained in accordance with the originally approved landscaped plan and in a healthy and well-kept condition and kept weed free.
14. The approved conditions of approval shall be included on building plans upon submission.
15. The Applicant shall commence construction of the structure or establish the use that is authorized by this approval within three (3) years of the effective date of this approval. Failure to commence construction of the structure or establish the use within that three-year time period shall render this approval null and void and any attempt to commence construction or establish the use thereafter shall first require approval of a new application. Applications for a time extension to the commencement date as specified herein must be filed a minimum of thirty (30) days prior to the expiration date. The Planning Director may renew the approval for a single one-year period if a request is received at least 30 calendar days before approval lapses. Requests for a time extension must be accompanied by a formal application, all required exhibits and plans, and the required application fees. Any additional requests for extension shall require Planning Commission approval.
16. The Applicant/property owner must submit payment for all outstanding fees payable to the City prior to issuance of any permit, including building, grading, or demolition.
17. The Applicant shall pay the applicable public facility impact fees to the Building and Safety Department in the amount that is in effect at the time such fees are to be collected.
18. The Applicant shall comply with all applicable requirements and provisions set forth by the Uniform Building Code, Uniform Fire Code, Hawthorne Municipal Code (HMC), and any additional requirements by the Fire Department, Director of Building and Safety, or Director of Planning, as related to this application.
19. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
20. Per the Department of Public Works – Abide by requirements as requested in memo dated March 14, 2023 and attached as “Exhibit B”
21. The applicant shall ensure all exterior noise generated by the project will comply with Section 9.34.030 Exterior Noise Standards of the Hawthorne Municipal Code. This section provides for an allowable noise level of 70 dBA between 7:00 am and 10:00 pm and 65 dBA between 10:00 pm and 7:00 am.

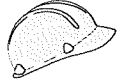


**EXHIBIT B**

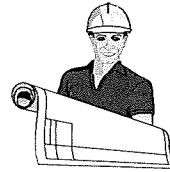
**Public Works Memo dated March 14, 2023**

CONDITIONAL USE PERMIT CU-2023-0009 and DESIGN REVIEW DR-2023-0006

Memo from...



## PUBLIC WORKS



**TO:** Maria Majcherek, Planning Department

**FROM:** Heecheol Kwon, Senior engineer

**DATE:** 3/14/2023

**RE:** *Development Review – Design Review Application No. 2022CU13 for 4824 Imperial Hwy., Hawthorne*

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This is a review for the application to build an office building. The building is located at 4824 Imperial Hwy., Hawthorne.

Based on review of the submitted building plans, the conditions are as follows (box checked apply to the referenced project):

- Provide corner, right-of-way, for a distance of 15'
- Provide dimension for all driveway and all driveway approaches and width of adjacent parkway and sidewalk on all future plans.
- All right-of-ways/easements affecting this project and/or within project limits shall be noted on plan.
- Provide additional 4.5 feet, at Imperial Hwy. and 2 feet at 115<sup>th</sup> St. right-of-way frontages for 10 feet wide along the property frontage for the purpose of sidewalk and driveway for ADA compliance.
- Provide Egress/Ingress easement on property for the purpose of drive aisle access at easterly and westerly adjacent properties.
- Legal description shall be shown on plan.
- Repair of cracked and/or deteriorated sidewalk, curb and gutter.
- Replace alley for entire frontage of property that backs to an alley.
- Provide tree wells and parkway trees on all streets bordering the project site.

- Locate all utilities within project on street, side street and/or alleyways bordering this project.
- Locate and indicate all traffic control devices (such as signal, stop no parking signs, etc.) and driveways along streets adjacent to this project.
- Locate and indicate all streets along street striping adjacent to the project.
- Project shall comply with City's and State's NPDES requirements such as SWPPP and LID. Submit plans for NPDES review as soon as possible. Plan review period varies per project and may require significant changes to the proposed site plan.
- Project will require a Construction and Demolition Materials Report detailing all disposal, recycling and reuse activities. Final permit approval requires Submittal of this report. A deposit may also be required upon issuance of demo permit. Contact Engineering Department, 310-349-2980.
- Provide and install planter curb at the back of sidewalk along property frontages. Curb shall have a min. height of 6".
- Provide soil report w/ percolation test by a registered civil engineer.
- Provide hydrology study by a registered civil engineer
- Provide sewer study by a registered civil engineer
- Provide storm drain study by a registered civil engineer

Additional comments:

1. Landscape and any structure adjacent to the driveway shall not be more than 3.5' high to provide adequate sight distance.
2. All sidewalk, curb and gutter and driveway constructions shall be the City and State standards.
3. Provide grading/drainage, utility layout and sediment/erosion control plans