

**PRIMAVERA COURTS  
SPECIFIC PLAN**

**CITY OF HAWTHORNE  
ZONING CODE AMENDMENT No. 2006SP02  
RESOLUTION No. 7085**

**A PROJECT BY SBF PROPERTIES INC.**

**APPROVED BY THE CITY COUNCIL ON NOVEMBER 28, 2006**

**CHAPTER 1**  
**INTRODUCTION**

## **1.1 WHAT IS A SPECIFIC PLAN?**

A Specific Plan is a regulatory tool that local governments use to implement the General Plan and to guide land use and development in a localized area. While the General Plan is the “constitution” for overall guide for growth and development in a community, a Specific Plan is able to focus on the unique characteristics of a special area by customizing the planning process and land use regulations to that area. The authority to enact Specific Plans is granted by Section 65450 et seq. of the California Government Code. The adopted Specific Plan must be consistent with the General Plan.

## **1.2 SPECIFIC PLAN AREA**

The Primavera Courts Specific Plan area (the “Property”) is located in the City of Hawthorne, Los Angeles County, California. The Property is 4.38 acres and is located at 13806, 13820, 13900, 13920, 13940 and 14016 Hawthorne Boulevard and 4372, 4376, 4377, 4387 and 4388 West 139th Street. The Property straddles 139th Street, with the northern portion comprising of 2.04 acres (the “North Lot”) and the southern portion comprising of 2.34 acres (the “South Lot”). The Property is situated approximately 15 miles southwest of downtown Los Angeles. It is located south of Los Angeles International Airport (LAX), east of the Pacific Ocean and north of the City of Manhattan Beach.

The Property was previously used as an automobile dealership, including fleet sales operation and automotive service facilities. Approximately .41 acres of the Property is currently being used as a mortuary. The Property is currently being used primarily for automotive uses, including a limousine company and automotive body shop. There is also an operating mortuary on the Property that will be included in this Specific Plan. Current development on the site includes 7 buildings, with surface parking lots.

The Specific Plan area’s topography is relatively level. There are no historic districts, landmarks, buildings or objects of unique architecture on this parcel.

Prior to approval of the Specific Plan, the General Plan designated the property as GC (General Commercial). The mortuary parcel has a General Plan designation of LC (Local Commercial). The new General Plan designation will be MU (Mixed Use). Prior to the approval of the Specific Plan, the Property was zoned C-2 which permits office, restaurant and retail uses. The new zoning will be Specific Plan zoning contained herein.

## **1.3 GENERAL DESCRIPTION OF THE PRIMAVERA COURTS SPECIFIC PLAN**

The Primavera Courts Specific Plan is comprised of the text of this document, as amended by the City Council’s conditions of approval, all Exhibits to this Specific Plan, and shall include the parcel locations as depicted on Vesting Tentative Tract Map No. 68271 so that all such documents and components together, specify the planned location and distribution of all structures and buildings, the proposed product mix, conceptual site sections, and the proposed location of all common areas, driveways and public and private infrastructure and amenities.

#### **1.4 PROPOSED DEVELOPMENT AND DEVELOPMENT TIMEFRAME**

The proposed development would consist of mixed use development, including single and multi-family residential uses and office, commercial, and flex space land uses. The development would also include open space areas.

The residential uses will be a condominium form of ownership. A “condominium” is a type of ownership of property where residents have an exclusive title to individual dwellings (whether attached or detached), as well as having joint ownership with all other owners in the property’s common areas. Based on the acreage, a maximum of 155 residential units could be developed, not including residential uses in the Live/Work units. However, at the developer’s discretion, fewer residential units may be constructed to accommodate changing market conditions. The Mixed Use Buildings will include a mix of commercial and residential units (lofts and flats), with a maximum height of 5 stories, while the Townhouse Buildings will contain only residential uses, with a maximum height of 3 stories. The project would be developed with on-site resident and guest parking facilities, private open spaces and recreation area, and access improvements.

The commercial uses will be compatible with the residential development. Based on the acreage and mix of uses, a maximum of 36,500 square feet of commercial uses may be developed. The commercial development may include offices, restaurants, and neighborhood commercial uses.

The project would also include “flex space” (up to 18,900 square feet) which may be developed with either commercial or residential uses, or a combination of the two. The purpose of the flex space is to allow the end user as much flexibility as possible to tailor the space to meet their particular land use needs and the needs of the market.

Primary access to the both the north and south lots of the project site will be provided on 139th Street.

#### **1.5 APPLICABILITY AND CONFORMITY WITH THE SPECIFIC PLAN**

The provisions of this Specific Plan shall apply to all of the property included in the Specific Plan area. No construction, placement or installation of any building, structure, signage, landscaping, or any improvement shall occur, nor shall any new use commence on any lot, on or after the effective date of this Specific Plan, except in conformity with the provisions of this Specific Plan.

#### **1.6 RELATIONSHIP OF THE SPECIFIC PLAN TO THE CITY OF HAWTHORNE GENERAL PLAN**

Adoption of this Specific Plan by Hawthorne City Council establishes the Primavera Courts Specific Plan land use designation and incorporates the Specific Plan into the General Plan. This will establish a new General Plan land use designation for the property located within the Specific Plan boundary.

The adoption and implementation of this Specific Plan is consistent with General Plan Land Use Goal 1.0 which requires that the City expand and enhance commercial development and with Policy 2.1 which requires that the design of future development shall consider the constraints and opportunities that are provided by adjacent existing development. The Specific Plan is also

consistent with the City's Housing Element which supports removing government constraints from the development of housing and providing adequate site for development of a diversity of housing types.

The Specific Plan is further consistent with the proposed mixed-use amendments to the General Plan which call for the General Plan to customize the planning process for special areas by applying special regulations to such property. The General Plan amendments propose two new policies:

**POLICY 1.4:** Promote new mixed use development projects as a way to revitalize deteriorated and marginal commercial areas.

**POLICY 2.10:** Encourage horizontal and vertical mixed use development through the development of site-specific specific plans to ensure compatibility between the new residential and commercial uses and the surrounding neighborhood.

The Specific Plan is consistent with these policies because the new mixed use development will be a new use that offers limited commercial services for existing residents and which provides a quality residential atmosphere that will benefit the nearby residential neighborhood. This Specific Plan which includes design guidelines, zoning requirements, and site development standards will ensure compatibility between the new development and the surrounding neighborhood.

Moreover, in accordance with the new mixed-use language proposed for the Land Use Section of the General Plan, the Property is larger than 80,000 square feet (the minimum size for a mixed use development) and the allowable density is lower than 40 dwelling units per acre (the maximum density). Moreover, the uses will be mixed within the buildings along Hawthorne and subterranean parking will accommodate these uses.

### **1.7 RELATIONSHIP OF THE SPECIFIC PLAN TO THE CITY OF HAWTHORNE ZONING CODE**

Adoption of this Specific Plan by the Hawthorne City Council establishes the Primavera Courts Specific Plan zone, which incorporates standards for land use and development set forth in this Specific Plan.

Where land use regulations and/or development standards of Title 17 (Zoning Code of the Hawthorne Municipal Code) are inconsistent with this Specific Plan, the standards and regulations of the Specific Plan shall control. Where specifically referenced, the standards contained in the Plan are intended to be used in conjunction with certain standards set forth in Title 17. Any issue not specifically covered in the Specific Plan shall be subject to the Zoning Code and/or Municipal Code, or to interpretation by the Planning Commission if not specifically covered in the City's existing regulations.

### **1.8 RELATIONSHIP OF THE SPECIFIC PLAN TO THE REDEVELOPMENT PROJECT AREAS**

At this time, the Property is located within the Project 2 Redevelopment Area.

## **1.9 CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

The Primavera Courts Specific Plan and related entitlements were approved in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines (Guidelines), and City policies adopted to implement CEQA and the Guidelines.

An Environmental Impact Report has been certified by the City of Hawthorne which establishes a maximum residential development of 155 units and maximum commercial development of 36,500 square feet.

## **CHAPTER 2**

### **OVERVIEW OF THE SPECIFIC PLAN STUDY AREA**

## **2.1 THE COMMUNITY**

The Primavera Courts Specific Plan is comprised of approximately 4 acres along Hawthorne Boulevard in the heart of the City. The design and implementation of this Specific Plan relate directly to its position within this larger context.

### 2.1.1 Location Context

The City of Hawthorne is located in what is referred to as the South Bay Cities Subregion, and is often referred to as the “Hub of the South Bay.” The City of Hawthorne is adjacent to and south of the City of Inglewood and Los Angeles County; east of the Cities of El Segundo and Manhattan Beach and the Los Angeles County; north of the Cities of Lawndale and Redondo Beach and the Los Angeles County; and west of the City of Gardena and Los Angeles County. As shown in Exhibit 2, the site is a little over one mile south of the Glen Anderson Century Freeway (I-105), one mile west of Hawthorne Airport, and is near to the San Diego Freeway (I-405), and less than one mile southwest of the juncture of these two freeways.

The Primavera Courts Specific Plan area is situated in the central portion of the City of Hawthorne, approximately 5 miles southeast of the LAX. The site is bounded by the Hawthorne Boulevard to the west, 141st Street to the south and straddles 139th Street. There is residential development abutting the Property to the east.

### 2.1.2 Community Context

The City of Hawthorne was established in 1922. The City is highly urbanized, with a population of approximately 84,000 people in a six (6)-square mile area. The City experienced the majority of its population and housing growth after World War II, fueled by rapid growth in the aviation and commercial industries. The City was impacted by the regional recession in the early 1990s, which curbed job and housing growth for much of the decade. In spite of the recession, the City continued to have a steady increase in population, gaining over 12,000 residents over the past decade. This population increase has also led to a growth in the average household size, from 2.6 persons per household in 1990 to 2.9 in 2000.

In the last 20 years, the population of the City has become increasingly diverse. In 1990, the proportion of White, Black and Hispanic residents were generally evenly distributed with each one comprising about one third of the City’s population. By the year 2000, Hispanics became the largest ethnic group in the City (44 percent), with the proportion of White residents decreasing from 31 percent to 13 percent, and with the percentage of Black residents increasing slightly. The median age, according to the 2000 census, was 28.7 years.

Housing in the City of Hawthorne offers a variety of housing types. About two-thirds of the residential units in the City consist of rental units, and one-third are comprised of owner-occupied units. Since 1990, very limited residential development has occurred in the City, due in large part to the economic downturn of the first half of the decade. As the economy has recovered, the housing market in Hawthorne has improved. Several new residential projects are anticipated over the next several years, providing a range of housing opportunities for residents. The new residential units provided by the Project will further increase housing options for residents and those interested in living in the South Bay area.



### 2.1.3 Economic Context

According to the Southern California Association of Governments (SCAG) estimates, an estimated 32,000 jobs are available within the City. By the year 2020, the City employment base is projected to grow to 35,000 jobs. The existing number of employed residents is slightly higher than number of jobs within the City, meaning that the City is also a bedroom community to neighboring cities. There are ten companies operating within the City of Hawthorne which employ more than 200 employees. Major current employers include OSI Systems Inc., Northrop Grumman, General Building Services, and Home Depot, among others. The 2000 census reported household median income for the City at \$31,887, which is currently below the Los Angeles County median.

## **2.2 EXISTING SURROUNDING LAND USES AND SETTING**

Currently, there is multi-family housing located to the east of the Property, and retail, commercial uses to the north and south of the Property, along Hawthorne Boulevard.

## **2.3 EXISTING AND AVAILABLE UTILITIES, SERVICES, INFRASTRUCTURE AND SITE ACCESS**

The following discussion outlines the utilities, services and infrastructure available to serve the new development.

### 2.3.1 Water Service

Water utility service is provided by the Southern California Water Company (SCWC).

### 2.3.2 Sewer Service

County Sanitation District #5 of Los Angeles provides service to the site.

### 2.3.3 Solid Waste Service

Solid waste service to the site will be provided by H & C Disposal.

### 2.3.4 Natural Gas Service

The Southern California Gas Company provides service to the site.

### 2.3.5 Electrical Service

The Southern California Edison Company (SCE) supplies electricity to the Specific Plan area. SCE owns the electrical portion of the substation and the meters, and is responsible for their maintenance.

### 2.3.6 Fire Protection

Los Angeles County Fire Department will provide service to the site, under the existing contract arrangements with the City of Hawthorne.

### 2.3.7 Police Protection

The Project within the Primavera Courts Specific Plan area will be served by the City of Hawthorne Police Department (HPD).

### 2.3.8 Schools

The Property is served by the Hawthorne School District and the Centinela Valley Union High School District.

### 2.3.9 Libraries

The Los Angeles County Public Library (LACPL) system provides library service to the Specific Plan area. The Lawndale and Hawthorne libraries are the closest facilities to the Primavera Courts Specific Plan Area.

### 2.3.10 Parks

Open space and recreational amenities within the development will be provided for residents and patrons of the commercial uses. In addition, several parks are located in the vicinity of the Primavera Courts Specific Plan area. Ramona Park, which is approximately 5.7 acres and used for picnicking, basketball, croquet, shuffleboard, and other outdoor activities, is located approximately .36 of a mile from the Property. Thorpe Park, which is approximately 8.9 acres and used for picnicking, tennis, handball, basketball, volleyball and other outdoor activities, is located approximately .6 of a mile from the Property.

Several other parks are located within two miles of the Property. They include Memorial Park, Eucalyptus Park, Holly Park, Glasgow Park, and the Hawthorne Pool. Memorial Park is 13.5 acres with a full range of facilities, including basketball, volleyball, and lighted tennis courts, a wading pool, indoor facilities, and formal picnic area. Holly Park is approximately 10.3 acres with similar facilities as those at Memorial Park. Glasgow Park is 4.7 acres and is a passive recreation area. Hawthorne Pool is the City's only public pool. The facility is equipped with both men and women's locker rooms, heated showers, and private changing rooms. There are 3 pools located inside the facility: diving tank, lap pool, and a baby pool.

### 2.3.11 Existing Vehicular Site Access

The Project site is accessible by a network of public streets and freeways. The two streets and freeways closest to the site are described below:

#### **Freeways**

The San Diego Freeway (Interstate 405) is a north-south freeway facility located west of the Project site. The San Diego Freeway provides access between residential areas and employment centers in the San Fernando Valley, West Los Angeles, LAX and into Orange County. Surface street ramp access is available on El Segundo Boulevard and La Cienega Boulevard north of El Segundo Boulevard. Access to the I-405 may be taken from either El Segundo or Rosecrans Boulevards, both of which intersect with Hawthorne Boulevard.

The Glenn M. Anderson Freeway (Century Freeway/Interstate 105) is an east-west freeway located above and adjacent to Imperial Highway, to the north of the Property. This 17-mile eight-lane facility connects the Los Angeles International Airport on the west, to the San Gabriel River Freeway (Interstate 605) and the City of Norwalk on the east. Access to the I-105 can be taken from the I-405 or directly from Hawthorne Boulevard.

## **Streets**

Hawthorne Boulevard is a north-south major arterial that serves the Specific Plan area. Hawthorne Boulevard with 4 lanes of traffic in each direction and a wide median which accommodates both landscaping and parking. Hawthorne Boulevard has left and/or right-turn channelization at major intersections. That portion of Hawthorne Boulevard which is in Hawthorne is approximately two miles in length, from the I-105 to the north to Rosecrans Avenue to the south. 139th Street is an east-west street that serves the Specific Plan Area. It has two lanes of traffic and dead-ends on the west at Hawthorne Boulevard.

### 2.3.12 Existing Public Transit

The Project is accessible by public transit from most areas of the South Bay. The City of Torrance operates the Municipal Area Express (“MAX Bus”), Route No. 2 which provides limited-stop express bus service from the South Bay to the El Segundo Employment Center and Los Angeles International Airport (“LAX”) during the morning and afternoon peak hours. Torrance Transit, also operated by the City of Torrance, operates bus routes T2 and T7 that complement the MAX Bus service by providing continuous service between both areas.

The Los Angeles County Metropolitan Transportation Authority’s (“MTA”) bus Routes 40 and 740 provide north/south stops along Hawthorne Boulevard and connects to the transit center at the Galleria at South Bay to the south with the City of Inglewood to the north. In addition, there is MTA Route 125 along Rosecrans Boulevard south of the Project connecting to Routes 40 and 740 that provides east/west service from inland cities to the Pacific Coast Highway and the beach with connections to the rail lines of MTA’s Norwalk-El Segundo Green Line to the west and the Long Beach-Los Angeles Blue Line connection to the east. Also, bus Route 124 along El Segundo Boulevard to the north of the Project provides service to the beach and inland cities to the east and connects with the Green Line and bus Routes 40 and 470. A Green Line station is located along Hawthorne Boulevard approximately two miles away.

Although there is no direct transit service between the Project site and the cities northwest of LAX, the Torrance Transit and MTA lines serve the LAX City Bus Center, making access via connector service a possibility for commuters from these areas. MTA’s Route 120 currently provides direct service from communities to the east to the LAX City Bus Center.

The Los Angeles Department of Transportation (“LADOT”) provides a commuter bus service, Route 574, which provides morning and afternoon commuter service between the Sylmar-San Fernando Metrolink Rail Station and the Green Line station.

The MAX Bus, Torrance Transit and MTA lines also connect with a network of other MTA and Torrance Transit routes in the South Bay making the Project site accessible from most South Bay communities.

**CHAPTER 3**

**GOALS AND POLICIES**

### **3.1 INTRODUCTION**

The purpose of this chapter is to establish goals and policies for the Pacific Glen Specific Plan. The goals and policies set forth the framework for decision making, and providing direction for the future. In turn, the land uses, development and design standards, and implementation strategies establish a framework for the evaluation of development proposals, public and private improvements, and the implementation of action plans. The goals and policies are consistent with the City of Hawthorne General Plan, as well as supportive of regional goals and objectives for the South Bay.

### **3.2 SPECIFIC PLAN GOALS AND POLICIES**

The following goals and policies are intended to supplement the existing City of Hawthorne General Plan. Where this plan proposes deviations from the General Plan or Zoning Code, the Specific Plan shall prevail, so long as the deviation does not render the project inconsistent with the General Plan.

#### **Land Use**

The most compatible use of land to adjoining uses is a mixture of residential and commercial uses. The development of a mixed use development that is a positive addition to the community should be consistent with the following goal and policies:

**Goal 1.0:** Encourage a mix of land uses, including residential, office, restaurant, neighborhood commercial, and open space that promotes efficient use of land and development that is compatible with surrounding development and availability of public facilities.

**Policy 1.1:** Develop land use implementation guidelines that guide development in an orderly fashion, consistent with the 1989 Hawthorne General Plan, as amended.

**Policy 1.2:** Draft zoning districts and development standards that allow a mixture of uses within the Primavera Courts Specific Plan Area, including mixed use buildings (e.g., housing over retail).

**Policy 1.3:** Allow flexible parking standards, including shared parking and off-site parking.

**Policy 1.4:** Provide open space and community facilities to benefit residents and users of the Specific Plan area and to lessen the impact of the development on existing parks and community facilities in the vicinity.

**Policy 1.5:** Adopt architecture standards that are compatible with surrounding development and that include design details and height, bulk and setback regulations that will make the development attractive and livable into the future. Landscaping should be designed to complement the architecture and soften building lines.

**Policy 1.6:** Allow “flex-spaces” which allow for both residential and commercial uses to occur within the same space, but which are not considered “residential” uses for purposes of unit count.

## **Urban Design and Public Safety**

The Primavera Courts Specific Plan area is situated in the central portion of the City, along Hawthorne Boulevard, which runs through the heart of the City’s Downtown core. The Property is located to the south of Downtown, and the corridor serves as an entryway to the Downtown area. Thus, the development along Hawthorne Boulevard should be of a high quality so as to reflect positively upon the City’s image, positively affect property values, and contribute to the quality of life in the community. Therefore, the development should comply with the following Urban Design and Public Safety goal and policies:

**Goal 2:** Create a visually attractive and high quality development that enhances the image of the Specific Plan area and the City as a whole.

**Policy 2.1:** Through City review, ensure that new development enhances the character of the Specific Plan area by requiring design qualities and elements that contribute to a high quality residential community, and by ensuring that architectural elements support the desired intent of creating a cohesive neighborhood.

**Policy 2.2:** New development in the Specific Plan area shall provide adequate landscaping. Development within the Specific Plan area shall be located to minimize impacts on neighboring properties.

**Policy 2.3:** Internal lighting shall be adequate throughout the Specific Plan area and shielded to minimize off-site illumination.

**Policy 2.4:** The site design and operation shall comply with fire and police safety standards with regard to site layout, building configurations, and infrastructure requirements.

**Policy 2.5:** The project should be a comprehensive and integrated design, providing its own open space, off-street parking and amenities.

**Policy 2.6:** The layout of structures and other facilities should effect a conservation in street, driveway, curb cut, utility and other public- or quasi- public improvements. Additionally, structures should be designed to consider, within the context of accepted architectural practice, the consumption of natural resources either directly or indirectly.

## **Landscaping and Open Space Treatment**

Quality landscaping is a critical component of the Primavera Courts Specific Plan area. This section will ensure that adequate landscaping area and permanent maintenance is provided for all

new development. The following goal and policies shall be incorporated into the implementation and maintenance of landscaping and open spaces within the Specific Plan area:

**Goal 3.0:** To create an attractive new project which includes appropriate landscaping and open space treatments that will be maintained throughout the life of the project.

**Policy 3.1:** The Specific Plan area will utilize planting materials and attractive hardscape, including rock, brick, or concrete between buildings and around the site's perimeter.

**Policy 3.2:** The layout of units and open space within the project should establish, through the use of structure and man-made and landscape materials, a perceptible spatial transition from the street, through the semi-privacy of the common areas, to the privacy of the units.

**Policy 3.3:** Landscaping and fences/walls within the new development should soften and buffer the edge of the property from the adjacent uses, as well as public rights-of-way, to ensure the following conditions:

- A. Reduction of visual impacts from the developed site.
- B. Encouraging the use of drought tolerant plant material and water conserving landscape and irrigation systems.
- C. Accommodation of walkways with treatments such as seating areas, landscape buffers, courts, or trellis structures accented with pedestrian-scale lighting.

**Policy 3.4:** Planting of trees along the perimeter of the site is encouraged to soften views into and from the site. Planting of trees or other landscaping shall occur along the south property line with tree type and spacing to be recommended by the project Landscape Architect.

**Policy 3.5:** Uses within the larger open space areas shall be programmed with landscaping or recreational improvements that will benefit and encourage use by the residents.

**Policy 3.6:** Maintenance of the open space areas, recreation areas, common areas and frontage landscaping improvements shall be assured through an assessment district and/or the Conditions, Covenants and Restrictions (CC&Rs) administered by the Homeowners Association.

## **Circulation**

The Specific Plan area is accessible from 138th, 139th, and 141st Streets. The entrances to the Specific Plan area would be located in a manner that provides access to all areas of the project site. Circulation in and around the Specific Plan area shall comply with the following goals and policies:

**Goal 4.0:** Circulation for the Specific Plan area should be integrated into the existing off-site transportation improvements, and on-site circulation should efficiently move pedestrians through the Specific Plan area.

**Policy 4.1:** Development within the Specific Plan will allow pedestrian access to adjacent public streets in order to facilitate and promote use of available public transit options.

**Policy 4.2:** An efficient internal circulation system will be provided to facilitate the movement of pedestrians on site.

**Policy 4.3:** New development shall be designed to accommodate access for emergency vehicles.

**Policy 4.4:** The Specific Plan will provide pedestrian and handicap access between buildings, the North and South lots and to the adjoining rights-of-way of Hawthorne Boulevard and 138th, 139th and 141st Streets.

## **Parking**

Shared parking will be utilized in the Specific Plan based on the compatibility of uses and characteristics of the development. Shared parking is appropriate for the Specific Plan Area based on the following:

- Variations of the peak accumulation of parked vehicles occur because of time differences in the activity of adjacent or nearby land uses. For example, a parking facility that can be used by office employees during the day and serve residents of the building at night.
- There are clear relationships among land use activities that result in people being attracted to two or more land uses on a single automobile trip or mixed-use development.

The utility of shared parking is fully discussed in the study “Parking Analysis For The Hawthorne Mixed-Use Project Primavera Courts” prepared by Kaku Associates in May of 2006. The analysis and recommendations for parking are fully incorporated herein.

**Goal 5.0:** Parking shall be provided on-site in sufficient quantity to satisfy resident and guest parking needs, while simultaneously allowing flexibility for the mixed-use development and flex-spaces.

**Policy 5.1:** Development within the Specific Plan area shall have sufficient parking to serve the needs of residents and businesses. Based on the mixed-uses in the development and the timing variation of peak accumulation of parked cars, the number of required parking spaces shall vary from the City’s standard regulations.

**Policy 5.2:** All parking necessary for new development shall be accommodated within the Specific Plan area, nearby private lots or along Hawthorne Boulevard.



**Policy 5.3:** Shared use parking is encouraged based on the mixture of uses on the Property.

## **CHAPTER 4**

### **DEVELOPMENT STANDARDS**

## 4.1 INTRODUCTION

This chapter includes Development Standards that will guide development of the Specific Plan area and assure that development is consistent with the intent of this Specific Plan. The Specific Plan area will have a mixture of land uses, and development standards, landscape standards, and unit specific standards and requirements to guide such development are included in this Section. This Section also includes specific requirements for condominiums, consistent with the Hawthorne Municipal Code. Requirements of the Building Department and Fire Department are included as a guide for final Project development. Finally, this Section requires that specific items be reflected in the Covenants, Conditions and Restrictions (CC&Rs) to assure that the Project is well maintained as an asset to the City into the future.

## 4.2 DEFINITIONS

In addition to the definition in Section 17.04 of the Hawthorne Municipal Code, the terms listed herein shall have the following meaning:

- A. “Construction” means the beginning of any excavating or filling or combination thereof of any portion of the Property, based on approval of a grading permit pursuant to Title 26, Appendix Chapter 33 of the Los Angeles County Code.
- B. “Flat” means a dwelling unit that is located within a building and is located on only one floor or story of the building.
- C. “Flex Space” means a space within buildings that may be used for any use permitted in the zoning district.
- D. “Live/Work Space” means a habitable space which combines both a work or commercial area which is permitted under this Specific Plan with a residential area. Live/Work Space may be located on any combination of floors in a Mixed Use Building, e.g. the art gallery and studio may be on the first floor with the living space on the second; the studio may be on the second floor with the living space on the third; or both may be on the same floor, except that the living space may not be located on the ground floor within 20 feet of the building frontage. A minimum of 50% of the floor area shall be used for commercial uses.
- E. “Loft” means a dwelling unit with an open floor plan and ceilings over ten feet, and may or may not include a second mezzanine level overlooking the floor below.
- F. “Mixed Use Buildings” mean those buildings along Hawthorne Boulevard, as depicted on Exhibit A, in which both commercial and residential uses are permitted.
- G. “North Lot” means that portion of the Property comprising of 2.04 acres located at the northeast corner of 139th Street and Hawthorne Boulevard.

- H. “Project” means the development on the Property as a whole in accordance with this Plan.
- I. “Property” means 4.38 acres in Hawthorne, California, located along Hawthorne Boulevard, straddling 139th Street, as more specifically described in Exhibit B.
- J. “South Lot” means that portion of the Property comprising of 2.34 acres, located at the southeastern corner of 139th Street and Hawthorne Boulevard.
- K. “Townhouse Buildings” are those buildings, the location of which is depicted on Exhibit A, in which only residential uses are permitted.
- L. “Townhome” means dwelling unit that is located within a building and is located on two or more floors or stories of the building.

#### **4.3 PERMITTED & CONDITIONAL USES & DEVELOPMENT STANDARDS PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to commencement of Construction on the Property, the permitted and conditional uses on the Property, as well as the development standards, will be those uses and development standards permitted in the C-2 zone (Section 17.26 of the Hawthorne Municipal Code). Once Construction is started on either the North Lot or the South Lot, the permitted and conditional uses and the development standards on that lot shall be those listed herein. However, the uses and standards on the lot on which Construction has not started shall remain C-2. For example, if Construction is commenced on the South Lot but not on the North Lot, then the applicable uses and standards for the South Lot shall be those listed herein, while the applicable uses and standards for the North Lot shall be those of the C-2 zone.

#### **4.4 PERMITTED USES (MIXED-USE BUILDINGS)**

The following uses are permitted, without discretionary review (permit) in Mixed-Use Buildings:

- A. Antiques store;
- B. Art gallery;
- C. Art supplies store;
- D. Bakery or confectionary shop;
- E. Banks and lending institutions;
- F. Bicycle shop, including repairs;
- G. Book or stationary store;
- H. Camera or camera supply store;

- I. Cleaning and pressing establishments, not including self-serve laundries or Laundromats or establishments with clean plants on premises;
- J. Child care centers, day care centers, day nurseries;
- K. Computer or computer supply store;
- L. Copying;
- M. Crafts or gifts stores;
- N. Custom dress making or millinery;
- O. Decorator shops (interior);
- P. Drugstores; Food markets and grocery stores;
- Q. Engineering consultant;
- R. Florist;
- S. Food markets and grocery stores;
- T. Health clubs;
- U. Jewelry store;
- V. Flex Space or Live/Work space;
- W. Newsstand;
- X. Offices, including medical, professional and general;
- Y. Optician;
- Z. Other similar retail, office and service establishments catering directly to the customer when interpreted to meet the performance standards in 17.10;
- AA. Photographer;
- BB. Residential Uses (Attached Residential Units) in the form of:
  - (1) Flats, not to exceed a total of 9 units; or
  - (2) Lofts, not to exceed a total of 82 units.
- CC. Restaurants (with or without cocktail bars) and cafeterias;
- DD. Shoe repair;

- EE. Small scale artisans workshops or studios, together with ancillary showrooms or galleries, which are located in an enclosed building, do not involve the use of toxic or hazardous materials, and do not increase sound level at any residence by more than 2CNEL. Permitted uses include manufacture of and services to the following:
- (1) Bookbinding;
  - (2) Catering;
  - (3) Ceramics products using only previously pulverized clay and kilns;
  - (4) Furniture;
  - (5) Glass and glazing;
  - (6) Jewelry;
  - (7) Ornamental iron work;
  - (8) Signs;
  - (9) Textiles;
  - (10) Florist or floral design;
  - (11) Upholstering;
  - (12) Other similar uses as determined by the Planning Commission;
- FF. Sporting goods stores;
- GG. Stationary stores, including incidental printing;
- HH. Swimming pool and other recreational facilities as an accessory use for the residential development;
- II. Tailor;
- JJ. Toy stores;
- KK. Travel agency;
- LL. Video rental and sales.

#### **4.5 PERMITTED USES (TOWNHOUSE BUILDINGS)**

The following uses are permitted, without discretionary review (permit) in Townhouse Buildings:

- A. Residential Uses (Attached Residential Units) in the form of:
  - (1) Townhomes, not to exceed a total of 64 units.
- B. Swimming pool and other recreational uses as an accessory use for the residential development.

#### **4.6 PERMITTED ACCESSORY USES AND STRUCTURES (MIXED USE & TOWNHOUSE BUILDINGS)**

The following uses are permitted, without discretionary review (permit) in Mixed Use Buildings and Townhouse Buildings:

- A. Home occupations pursuant to the requirements of Chapter 17.72 of the Hawthorne Municipal Code;
- B. Garages for parking that serves the tenants and users of the Project;
- C. Detached accessory structures to include covered walkways, gazebos, pool equipment storage, etc.;
- D. Swimming pools and recreational uses as an accessory use for the residential development.

#### **4.7 CONDITIONAL USES**

The following uses are permitted in or on the Mixed Use Building as conditional use:

- A. Cellular antenna sites.

#### **4.8 DEVELOPMENT STANDARDS**

##### 4.8.1 Lot Area

No minimum lot area shall be required except that the total number of lots within the Specific Plan area shall not exceed the number of lots shown on Vesting Tentative Tract Map No. 68271, as dated \_\_\_\_.

##### 4.8.2 Minimum Living Area and Residential Unit Mixture

The minimum living area (exclusive of garages, balconies, porches and patios) for attached residential units shall be:

- A. 750 square feet for Flats;

- B. 700 square feet for Lofts;
- C. 1,100 square feet for Townhomes containing 2 bedrooms;
- D. 1,350 square feet for Townhomes containing 3 bedrooms.

4.8.3 Minimum Commercial Unit Mixture

The minimum square footage (exclusive of garages, balconies, porches and patios) for commercial uses shall be:

- A. 1,500 square feet for Flex Space Units.

4.8.4 Height (Mixed-Use & Townhouse Buildings)

- A. Within 50 feet of any single-family residential use, Mixed Use or Townhouse Buildings and structures shall not exceed 35 feet in height (measured from the finished grade adjacent to the structure to the top of the roof plate) or three (3) stories total, whichever is less, including parking.
- B. The height of Mixed Use and Townhouse Buildings and structures shall not exceed 65 feet (measured from the finished grade adjacent to the structure to the top of the roof plate) or (5) stories, whichever is less, for the balance of the Specific Plan area. Architectural features such as chimneys, elevator shafts, stairwells and mechanical equipment enclosures would be permitted to exceed the height limit by no more than twenty (20) feet. Such architectural features may include a tower, so long as such tower is architecturally integrated with the building on which it sits, is not occupied, and is not more than 15% of the floor area of the building.
- C. Minimum building height along Hawthorne Boulevard shall be 35 feet, measured from finish grade adjacent to the structure to the top of the roof plate.

4.8.5 Density

- A. The total number of residential units on the Property, not including any Live/Work units shall be 155.
- B. The total number of residential units, not including any Live/Work units, may not exceed the following amounts for the corresponding area of the Project:

Mixed Use Building, North Lot:	41 units (1 and 2 bedroom units)
Townhouse Buildings, North Lot:	25 units (2 bedroom and 3 bedroom units)
Mixed Use Building, South Lot:	50 units (1 and 2 bedroom units)



Townhouse Building, South Lot: 39 units (2 bedroom and 3 bedroom units)

4.8.6 Setbacks/Encroachments

- A. Development within the Specific Plan Area shall observe the following setbacks (also note setback standards for fences and walls in Section 4.4.6):
- (1) There shall be no minimum building setback for Mixed-Use Buildings from Hawthorne Boulevard, instead setbacks with a zero-lot line are permitted.
  - (2) There shall be no minimum building setback for Mixed-Use Buildings from 138th Street, 139th Street or 141st Street, instead setbacks with a zero-lot line are permitted.
  - (3) Townhouse Buildings shall be set back at least ten (10) feet from any adjacent residential use, except that encroachments B1, B2, C1, C2 and C3 shall be permitted as listed below.
  - (4) Town House Buildings shall be set back at least fifteen (15) feet from 138th Street, 139th Street and 141st Street, except that encroachments B1, B2, C1, C2 and C3 shall be permitted as listed below.
  - (5) Townhouse Buildings are not permitted along Hawthorne Boulevard.
  - (6) The Townhouse Building shall be set back a minimum of five feet from the property line of the lot on which the Mixed-Use Buildings are located.
  - (7) The Mixed-Use Buildings shall be set back a minimum of five feet from the property line of the lot on which the Townhouse Buildings are located.
  - (8) No setbacks are required for any subterranean structures.
- B. The following encroachments within setback areas shall be permitted only as noted above in A, above:
- (1) Bay or greenhouse windows – an encroachment of two (2) feet.
  - (2) Architectural features, including but not limited to cornices, belt courses, sills, eaves, and fireplaces/chimneys – an encroachment of two (2) feet.

- C. The following are permitted in the setback area, provided that they do not constitute a sight distance hazard as defined in Section 17.42.090 of the Hawthorne Municipal Code:
  - (1) Landscape features, such as fountains, arbors, trellises, pergolas, colonnades, statuary, and other similar features, as well as works of art which also do not contain floor area.
  - (2) Planting boxes or masonry planters.
  - (3) Walls and fence (per Section 4.4.6).

#### 4.8.7 Lot Frontage

No minimum lot frontage shall be required.

#### 4.8.8 Building Orientation & Design

##### A. Pedestrian Access

The Project shall provide for convenient pedestrian access through the measures listed below:

- (1) Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property.
- (2) A direct pedestrian connection shall be provided between the transit stop and building entrances on the Property.

##### B. Building Orientation

- (1) Mixed-use buildings should be oriented towards Hawthorne Boulevard;
- (2) In order to stimulate pedestrian activity, the first floor (street level) of any building abutting Hawthorne Boulevard shall devote not less than fifty percent (50%) of the net first floor area to commercial uses.

#### 4.8.9 Walls and Fences

The following standards shall apply to walls and fences in the Specific Plan area:

- A. Internal fences, walls, retaining walls and hedges shall comply with Section 17.48 of the HMC.
- B. A wall and trees shall be required along the boundary of the Specific Plan area that is adjacent to a residential use. The wall shall be constructed of

concrete block or similar material, graffiti resistant, and shall be a minimum of six (6) feet in height but may be required to be as high as eight (8) feet in height only if required by an acoustical report to mitigate noise impacts. Tree spacing will be based on the type of trees selected by the Project Landscape Architect.

- C. Walls or fences are not permitted along Hawthorne Boulevard.
- D. All external equipment shall be screened from view from any common area driveway, roadway or public right of way.

#### 4.8.10 Access

Vehicular ingress/egress to both the North and South Lots shall be from 138th, 139th and 141st Streets.

#### 4.8.11 Parking

- A. Shared Parking

Parking spaces required under this Section may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to the requirements of this Section.

- B. Parking Requirements

Retail – 1 space per 250 square feet

Office – 1 space per 300 square feet

Restaurant – 1 space per 100 square feet\*\*

\*\* If the Restaurant space is used for retail/commercial uses allowed herein, the required parking shall be 1 space per 250 square feet.

Residential

Lofts – 1 space per unit

Flats – 1.5 spaces per unit

Townhomes – 2 spaces per unit

Guest – 1/3 space per unit (not including Live/Work units)

If the Flex Space is developed as a Live/Work unit, then the required parking is 1 space per 250 square feet of the commercially used floor area.

If the Flex Space is developed as retail use, then the required parking is 1 space per 250 square feet.

### C. Off-Site Parking

Up to 10% of the required parking for the Project may be provided off-site, including some as public on-street parking along Hawthorne Boulevard or in nearby parking lots or structures. The availability of off-site parking must be documented in a Parking Analysis that is approved by the Director of Public Works and Planning Director. The study “Parking Analysis for the Hawthorne Mixed-Use Project Primavera Courts” by Kaku Associates, dated May 2006 (the “Parking Analysis”), is deemed approved as part of this Specific Plan approval, establishes methodology for shared parking, and documents the availability of off-site parking spaces. The Parking Analysis uses a shared parking analysis and the availability of on-street parking and recommends (i) 369 on-site parking spaces for the Property, if the restaurant space is used as a restaurant and the Flex Space is used for retail, and (ii) 352 on-site parking spaces for the Property if the restaurant space is used as a restaurant and the Flex Space is used as Live/Work Units. To the extent that additional off-site parking is required, or if the mix of uses changes, a new parking analysis must be approved by the Planning Director and the Chief of Public Works.

### D. Guest Parking

Guest parking shall be provided at a ratio of 1 space per three units, not including Live/Work units. Guest parking may be permitted in common parking areas and shared with parking for commercial uses, providing that the minimum driveway and fire lane widths are kept free and clear of vehicles. Signs shall be posted specifying that the parking space/area is available for guest parking and that such restriction will be enforced, cited and controlled by the home owners association. Alternatively, the guest parking space may be painted with a notice of the restriction that the space is designated for guest parking only. Provisions shall be added to the CC&R’s to ensure compliance with the provision and enforcement by the homeowners association.

One-third (1/3) parking space shall be required for each residential unit. Signage designating the guest parking areas shall be provided.

### E. Tandem Parking

Except for guest parking, tandem parking shall be permitted for the exclusive use of the individual owner’s unit, provided that each residential unit shall have at least one parking space that is directly accessible.

### F. Compact Parking Spaces

Fifteen (15) percent of all guest parking spaces may be compact parking spaces. No compact parking spaces shall be allowed for required resident parking.

### G. Parking Stall and Garage Size

- (1) For standard stalls: 8-1/2 feet by 18 feet.\*
- (2) For compact stalls: 7-1/2 feet by 15 feet.\*
- (3) Parallel parking stalls: 7 feet by 24 feet.

\*For end stalls abutting a wall, fence, building or other obstructions, one foot shall be added to stall width for each side of stall which is obstructed.

#### H. Driveway Aisle Widths

The driveway aisles in the parking garage shall be no less than 24 feet in width.

#### 4.8.12 Open Space

Open space shall be provided for the Project as a whole and there shall be no open space requirements for individual units. However, the required open space for the Property shall be calculated based on the total number of residential units, not including the Live/Work units. A minimum of 500 square feet of open space (combined public and private) shall be provided on the Property. Open space can be provided either as common passive open space (accessible landscaped areas), or common active open space (open space improved with amenities such as pedestrian trails, tot lots, pool areas, cabanas, meeting rooms, multi-purpose courts or similar improvements) or private open space (including landscaped areas). Balconies are encouraged and allowed, where feasible.

Common passive open space and common active open space provided on the Townhouse Lot should be accessible to the residents of the Mixed-Use Building.

Common Open Space shall consist of all areas not covered by structures (except as subsequently noted), roadways, driveways or private open space. Common open space may include, but is not limited to, required setback areas, walkways through landscaped areas, open areas created on top of a parking podium, shared lobbies/lounges in buildings and common project recreational amenities including clubhouses, pool areas, cabanas, and play structures. Landscaping and those portions of the setback area between a wall or fence and Hawthorne Boulevard or 139th and 141st Street shall not be counted as open space. All landscaped common areas shall be provided with a permanent irrigation system.

#### 4.8.13 Signage (Townhouse Buildings)

The following development standards shall apply to signs within the Specific Plan area.

The signage shall be appropriately placed and scaled to the development. All on-site signage is subject to review by the Planning Director pursuant to Sections 5.1.1.

- A. Real estate signs for the sale of individual units shall comply with Section 17.35.270 of the HMC (i.e., six square feet per unit).
- B. Re-sale or leasing of individual dwelling units shall be regulated by the development's CC&Rs.

- C. Subdivision signs are permitted per Section 17.35.280 of the HMC.
- D. Temporary banners, signs, pennants and flags are permitted during the initial sale of units consistent with Section 17.35.020 of the HMC.
- E. No billboards shall be permitted within the Specific Plan area.

#### 4.8.14 Signage (Mixed-Use Buildings)

A signage program shall be submitted to the Planning Director for approval in accordance with Hawthorne Municipal Code 17.35 and CCRs.

#### 4.8.15 Trash Container Storage and Collection

Trash container storage and pickup locations within the Specific Plan area shall be designated and shown on design and building permit plans and approved in accordance with Section 5.2.4. Storage is not required to comply with Chapter 17.54 of the Hawthorne Municipal Code. However, it must be demonstrated that the provision for trash container storage, design and pickup locations are adequate to serve the Project and that the storage locations shall be screened from view. Requirements for green waste and recycling containers shall be met. The location, design and materials to be used for trash enclosures shall be subject to review and approval by the Planning Director and Planning Commission pursuant to Sections 4.5.1, 5.1.1, and 5.2.4.

### **4.9 LANDSCAPE STANDARDS**

Street trees in the public right-of-way are to be reviewed by the Planning Director and Chief of Public Works for variety, spacing and maintenance provisions.

#### 4.9.1 Internal Project Landscape

A combination of soft and hard landscape material shall be installed in harmony with the overall design of the development. The design of the landscaping shall incorporate a variety of heights, textures, and colors to enhance and soften building perimeters and unify the development. Hardscape improvements shall also be used in a manner to unify the development area. Pathways shall be included through open space areas, providing a pedestrian access system for residents.

A permanent irrigation system shall be installed for the internal Project landscaping. Landscaping shall be maintained by the Homeowners Association. The final landscape plan shall be approved by the Planning Director and Director of Parks and Recreation.

#### 4.9.2 Internal Pedestrian Walkways

A master pedestrian walkway plan shall be prepared that complements the landscape plan and provides a safe and logical internal walkway system. The pedestrian walkway plan shall be designed to increase landscaping areas to the greatest extent possible and to promote a comprehensive urban design as a desirable goal. The master pedestrian walkway plan shall be

subject to the review and approval of the Planning Director and the Planning Commission pursuant to Sections 5.2.

#### **4.10 VIBRATION AND NOISE REQUIREMENTS**

The Project shall comply with the following code provisions of the Hawthorne Municipal Code: § 17.21.100 (Vibration and Structure – borne noise-shock mounting of mechanical equipment); § 17.21.110 (Vibration and Structure – borne noise – location and plumbing equipment (except in the Mixed Use Buildings); § 17.21.120 (Vibration and Structure – borne noise – Separation of vents and drain pipes; § 17.21.130 – Vibration and Structure – borne noise – isolation and insulation of water and drainage lines (except in the Mixed-Use Buildings); § 17.21.140 – Attenuation of noise – general; § 17.21.150 – Attenuation of Noise – air borne sound insulation - § 17.21.160 – Attenuation of Noise – impact sound insulation; and § Special Noise Sources.

#### **4.11 UNIT AND PROJECT SPECIFIC STANDARDS AND REQUIREMENTS**

##### 4.11.1 Provision of Storage Space

Each residential unit shall have at least 72 cubic feet of enclosed, weatherproofed and lockable storage space. Such space shall be for the exclusive use of the unit owner and shall have a minimum interior dimension of 3 feet by 3 feet by 8 feet. This requirement may be waived, if separate enclosed parking is provided.

#### **4.12 PUBLIC WORKS DEPARTMENT, ENGINEERING DIVISION, REQUIREMENTS**

- A. If the development contains private streets, provision shall be made for public utility easements over the entire private street network. The Public Works Department, Engineering Division, may also require public utility easements adjacent to public streets or over other portions of the Project to accommodate fire hydrants, water meters, storm drainage, sanitary sewers, water and gas mains, and electrical lines.

All easements that may be found necessary under the provisions of Sections 17.21.180 through 17.21.270 of the Hawthorne Municipal Code shall be dedicated to the public with the underlying fee held in the same manner as the other common space within the project (HMC 17.21.270).

- B. Demolition, grading and building permits, landscaping and street improvement plans may be issued before the recording of a final map.
- C. Utilities, cable television, etc., shall be underground.
- D. Exterior doors to each unit shall contain dead-bolt locks, and all garage doors shall contain automatic closures.
- E. Building plans shall indicate the location of all utilities in proximity to the site.

- F. Approval by Southern California Edison is required.
- G. Approval by the Gas Company is required.
- H. Approval by the water company is required.
- I. Drainage plans per Engineering Department requirements, shall be required with building plans.
- J. Sewer calculations and point of connections shall be shown on plans per Engineering Department requirements.
- K. A permit from the Los Angeles County Sanitation District is required prior to connecting to the sewer system.
- L. Addresses for units in the Project shall be verified with the Engineering Department.
- M. No sidewalks shall be required along the internal roadway network unless specified in the approved pedestrian walkway plan. Any sidewalks or pedestrian walkways required as part of the approved pedestrian walkway plan shall be constructed concurrently with the applicable phase of development and completed prior to the issuance of certificates of occupancy for any unit within that phase.
- N. Rolled curbs may be used along internal streets within the development.

#### **4.13 FIRE DEPARTMENT REQUIREMENTS**

- A. All weather access shall be provided. All weather access may require paving.
- B. Fire Department access shall be provided to within 150 feet distance of any exterior portion of all structures.
- C. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants.
- D. Provide Fire Department or City approved street signs and building access numbers prior to occupancy.
- E. All Mixed-Use Buildings over 5,000 square feet shall be sprinklered.
- F. A Knox Box or other access provisions shall be provided to access the Project through all gates.
- G. Provide water mains, fire hydrants and fire flows as required by the Los Angeles County Fire Department, for all land shown on map which shall be recorded.



- H. Conditions attached to the Tentative Tract Map approval (Tentative Tract \_\_\_\_\_).

#### **4.14 ITEMS TO BE INCLUDED IN CONDITIONS, COVENANTS, AND RESTRICTIONS FOR THE PROJECT**

The CC&Rs shall address all applicable items outlined in Sections 17.21.180 through 17.21.260 of the Hawthorne Municipal Code (HMC), with amendments to the following exceptions only:

Declaration of project, elements and CC&Rs (modified text from Sec. 17.21.180).

To achieve the purpose of this chapter, the Planning Commission and City Council shall require that the declaration of project elements and CC&Rs, relating to the management of the common area and facilities accompany all proposals for usage made pursuant to the provisions of this chapter. In addition to such CC&Rs that may be required by the state Department of Real Estate pursuant to Title 6 (Condominiums) of the Civil Code, the Davis-Stirling Common Interest Development Act, or other state laws or policies, such declaration shall provide for the provisions set forth in Sections 17.21.190 through 17.21.270, none of which when accepted in final form by the Planning Commission and City Council shall be amended, modified or changed without first being approved by the Planning Commission and City Council and all of which shall contain at the end of each provision a statement to that effect.

Conveyance of private open space (modified text from Sec. 17.21.190).

The surface area and appurtenant airspace of private patios, decks or balconies, and in particular the private patio, deck or balcony required by this Specific Plan including any integral portion of that patio, deck or balcony that may exceed the minimum area requirements (collectively, "Private Open Space"), shall be described and shown on the condominium plan, described in the declaration, and conveyed in the grant deed to the purchaser as appurtenant to the condominium unit they are designed to serve. Each Private Open Space is to be an exclusive use common area under the Davis-Stirling Common Interest Development Act and cannot be transferred separately from the condominium unit to which they are appurtenant. While legally the Private Open Space consist of a portion of the common area, they shall be for the exclusive use and enjoyment of the owners of the appurtenant units, and they shall not be available for use by other owners in the condominium project.

Conveyance of private storage areas (modified text from Sec. 17.21.200).

The surface and appurtenant airspace of private storage spaces required by Section 17.21.080 shall be described and shown in the condominium plan, described in the declaration, and conveyed in the grant deed to the purchaser as appurtenant to the condominium unit they are designed to serve. These private storage spaces are to be exclusive use common areas under the Davis-Stirling Common Interest Development Act and cannot be transferred separately from the

condominium unit to which they are appurtenant. While legally the private storage spaces consist of a portion of the common area, they shall be for the exclusive use and enjoyment of the owners of the appurtenant units, and they shall not be available for use by other owners in the condominium project.

Television and radio antenna (modified text from Sec. 17.21.230).

Individual television and radio antennas shall be prohibited outside of the owner's unit. The developer shall provide either for a central antenna with connections to each unit via underground or internal wall wiring, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the City. The declaration shall contain a provision prohibiting the placement of individual television and radio antennas in common areas (including the roofs and exteriors of the buildings); provided, however, that this requirement shall not require the declaration or the homeowners association to violate state or federal laws concerning the installation and use of antennas and other over-the-air receiving devices.

Maintenance of common open space – Assessment (modified text from Sec. 17.21.240).

The declaration shall contain provisions for both annual assessments and special assessments. The amount of the annual assessment, as well as the date and procedure for its increase, shall be specified in the declaration and the collection thereof shall be limited to the estimated yearly payment for maintenance, repair, improvement, insurance, management and other expenses incurred with respect to the common area, funding reserve accounts as required by law and enforcement of the declaration. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of capital improvement upon the common area or for any other reason permitted by law shall also be specified in the declaration. Both annual and special assessments must be fixed at a uniform rate for all attached condominium units and may be collected on a monthly basis. If there are detached condominium units in the project, those condominium units may be charged a different rate of annual assessment than the attached condominium units as permitted and approved by the state Department of Real Estate.

Right of the City to compel performance (modified text from Sec. 17.21.260).

In consideration for the City's approval of the condominium project, the declaration shall provide that the City may act as the agent of the homeowners association and in the name of the homeowners association in the event of the homeowners association's failure to meet its common area maintenance obligations under the declaration (after notice and a hearing) or the abandonment of a majority of the individual units in the project and the concurrent failure to pay annual assessments by the owners of such abandoned units:

A. Do or perform any act that the homeowners association may do or perform under the declaration or the law generally;

B. In the event of default by the homeowners association under the declaration and association bylaws, the City may, fix and collect the annual assessments for each condominium unit, and levy any special assessment, in accordance with requirements of the Davis-Stirling Common Interest Development Act.

C. If the City, in its reasonable discretion determines that the homeowners association is not diligently attempting to collect the amounts owing the homeowners association, after notice and hearing, the City may take any legal steps to collect such amounts in the name of the homeowners association, by actions of law as the City may determine to be necessary. It shall be specified that in the event the City should exercise any of the remedies specified in this section, any sums recovered from such suits or suits shall be applied first to cover the City's costs. The balance shall be applied against any amount that is then lawfully owing to other public or private entities. All remaining sums belong to the homeowners association.

Common recreational area, residential (modified text from Sec. 17.21.072).

Open common recreational area shall be provided exclusive of the minimum required private patio and balcony areas. Common recreational areas shall not include vehicular access driveways, off-street parking areas, laundry rooms, trash storage areas, garages and other areas delineated as non-recreational. A common recreational area may include, but is not limited to, putting greens, swimming pools, tennis courts, children's play areas, landscaped areas, barbecue and picnic areas. Common recreational areas shall be open from the ground to the sky, except for recreational buildings approved by the City.

The draft CC&Rs shall be submitted to the Planning Director and City Attorney, and approved, prior to recordation of the final map.

**CHAPTER 5**

**ADMINISTRATION**

## 5.1 RESPONSIBILITIES

The Planning Director is delegated the responsibility for the overall administration and decisions related to and enforcement of the provisions of this Specific Plan, including but not limited to: application and processing assistance, interpretations of provisions, specification of conditions of approval and phasing. The Planning Commission is responsible for approval of modifications and variances to the Specific Plan and any appeals from administrative decisions. The Planning Commission shall also be requested to make recommendations regarding Specific Plan amendments to the City Council.

The City Council is responsible for adopting amendments to the Specific Plan and acting on appeals from the Planning Commission regarding decisions to the Specific Plan.

### 5.1.1 Planning Director's Review

The purpose of the Planning Director's review is to properly determine whether or not a proposed development will comply with the provisions and development standards of this Specific Plan. The Director is involved in decisions related to Interpretations of the Specific Plan; determinations related to uses of the Plan; minor modifications to development standards specified in the Plan; and determinations regarding issues, conditions, or situations that arise that are not addressed by this Plan. The Planning Director may refer questions of interpretations to the Planning Commission for review at his/her discretion or require a site plan for any use, development of land, structures, buildings or modification of standards that involve the approval of the Director. The Director may also require other documents as deemed necessary to determine compliance with the Specific Plan and in preparing any conditions that may be specific in granting approval of the use, development or modification. The review by the Director shall be consistent with the following standard:

Interpretations: If ambiguity arises concerning the meaning or appropriate application of provisions of this Specific Plan, the Planning Director or, if referred by the Planning Director, the Planning Commission shall consider the following factors in making the appropriate determination:

- The case is similar to previous Interpretations of similar provisions;
- The Interpretation is consistent with the vision, intent, and purpose of the Specific Plan;
- The Resulting project is consistent with the General Plan;
- The decision constitutes a sound precedent for other similar situations; and
- The Interpretation does not alter the policy intent of the Specific Plan.

All Final EIR mitigation measures relevant to the Primavera Courts Specific Plan area shall become conditions of approval of the Specific Plan and the City shall be responsible for enforcing the implementation and satisfaction of the terms and conditions of the mitigation monitoring program.

### 5.1.2 Standards Not Listed

Any issue or standard not specifically covered in this Specific Plan shall be subject to Title 17 {Zoning Code of the Hawthorne Municipal Code (“HMC”)}. In cases where development standards set forth in this Specific Plan are inconsistent with Title 17, the standards of the Specific Plan shall control.

### 5.1.3 Project Review

All new construction, new additions to buildings built under the Specific Plan, and any other exterior improvements that require issuance of a building permit shall be subject to the standards and guidelines set forth in this Specific Plan. Review of plans for consistency with the requirements and standards of this Specific Plan is the responsibility of the Planning Director. Review by other City Departments and agencies may be required depending on the nature of the proposed improvement.

### 5.1.4 Variances

Variances may be granted from the development standards contained in this Specific Plan pursuant to the procedures set forth in Chapter 17.40 of the HMC except that the appeal period of the Planning Commission decision shall be limited to 10 calendar days from the date of the Planning Commission decision not 10 days from date of notification to the applicant.

### 5.1.5 Appeals

Appeals on an administrative Determination or Interpretation by the Planning Director or other City officials may be made in accordance with Sections 17.40.190 – 17.40.220 of the HMC.

Appeals on variances may be made by the applicant or an aggrieved party and shall be taken to the City Council pursuant to the procedures as set forth in Chapter 17.40 of the HMC. Appeals from the Planning Commission shall be taken to the City Council.

## **5.2 DEVELOPMENT PROCESSING**

### 5.2.1 Site Plan Review and Adjustments of the Overall Project and Individual Development Phases –

The Site Plan included in this Specific Plan as Exhibit \_\_ is an integral component of the Specific Plan. The purpose of the Site Plan is to document that the Specific Plan area is comprehensively planned with respect to site layout for buildings, parking, ingress/egress points, pedestrian circulation, and linkages to adjacent uses.

The Site Plan may be modified or adjusted, if necessary, to assure compliance with the Specific Plan as well as allowing flexibility for the developer. The Site Plan and the percentage of residential uses (e.g., flats, lofts, townhomes) may be adjusted up or down by 10% by the Planning Director so long as the overall density for the Project does not increase by more than 10%. In addition, a Unit Allocation Table shall be submitted with each request for transfer of dwelling units indicating the number of units proposed for each lot, building permits granted,

number of units already built, open space calculations, product type proposed for each lot, and ultimate disposition of all remainder properties.

The Planning Director will consider the following criteria prior to final action on a modified or adjusted Site Plan:

- Continuity of height, mass and location of development product types.
- Continuity and adequacy of the circulation and infrastructure systems to support the proposed development and/or phase.
- Continuity and design quality of architectural and landscape architectural treatments.
- Compliance with other provisions of this Specific Plan, including the Development Standards.
- The Project is consistent with the Architecture Review criteria contained in Section 5.2.6.
- The Planning Director's Determination shall be made within a timely manner of acceptance of a Site Plan. Appeals to the Planning Director's review shall be subject to Section 5.1.5 of this Specific Plan.

#### 5.2.2 Subdivisions

Vesting Tentative Tract Map No. 68271 or any other tentative subdivision map of the property within the Primavera Court Specific Plan area shall be conditioned on the following entitlements having been approved and becoming effective prior to the filing of the final subdivision map: (i) General Plan Amendment No. \_\_\_\_ (Primavera Courts) and (ii) Change of Zone \_\_\_\_ (Primavera Courts).

Divisions of land for the purpose of sale, lease, or financing, are governed by the State Subdivision Map Act, and the City Subdivision Ordinance. The procedures and processing of tentative and final maps for this Specific Plan shall be in accordance with the HMC. The following determinations and Interpretations shall be made by the Public Works Department or the Planning Department through an administrative process. No further discretionary applications (including an amended or revised map) shall be necessary. Appeals on an administrative Determination or Interpretation by the Planning Director or other City officials may be made in accordance with Sections 17.40.190 – 17.40.220 of the HMC. The following additional provisions shall apply:

- Grade elevations shown on the tentative map are approximate. The Public Works Director and Planning Director may approve subsequent changes in grade elevations.
- Lot lines can be adjusted after tentative map and final map approval provided that no additional buildable lots are created. The degree of adjustment is within the discretion of the subdivider provided such adjustments are consistent with the State

Subdivision Map Act, the density limits of the Specific Plan, and the Development Standards of the Specific Plan.

- Alignment, location, and geometrics of streets and driveway are approximate. Adjustments can be made provided they are consistent with Public Works Department standards or prior discretionary approval.
- Building footprints that are shown on the map or accompanying site plan are only for illustrative purposes. Actual building locations and footprint may vary and will be reviewed during Site Plan approval, and shall be granted provided the proposed building satisfies existing codes and ordinances, and standards specified herein.
- Permission is granted for unit phasing and final map recordation.
- Permission is granted to combine lots, provided that the design of the Project is consistent with the approved Site Plan, or any subsequently modified Site Plan.
- Permission is granted to reduce the number of residential lots and have fewer units than permitted.

If modifications are sought to the approved tentative or final map, the only conditions that may be imposed by the City are those that relate to the requested modifications, 5.2.3 Adjustment and Transfer Regulations.

#### 5.2.3 Adjustment and Transfer Regulations

The Adjustment and Transfer regulations affecting lot lines and dwelling units are intended to provide flexibility during implementation of the Specific Plan, while ensuring that the overall limits of development are monitored and maintained. Flexibility is needed over the development horizon to respond to future market dynamics that create changes in demand for the mix and type of residential uses. This flexibility will allow for adjustments to boundaries separating various residential product types, and the transfer of residential units and density within the Specific Plan area, provided the maximum overall density for the entire development is not exceeded. Adjustment and transfer documentation and the Allocation Table(s) discussed in 5.2.1 shall be maintained in the administrative file. Adjustments in boundaries resulting from final road alignments, more precise surveys, and detailed subdivision mapping and engineering shall only require an administrative approval. In order to change housing product or density, internal roadway geometrics and lot lines may be adjusted to the satisfaction of the Planning Director and Director of Public Works.

#### 5.2.4 Building Permits

In order to ensure that the subject property is developed with for-sale condominium units rather than with for-rent apartment units, no building permit shall be issued for the construction of housing units within the Specific Plan area unless and until: (i) a final subdivision map has been approved and recorded to divide the proposed structure or the land on which the units are to be constructed into condominium units; and (ii) covenants, conditions and restrictions (CC&RS)



have been approved by the City and recorded with the County Recorder. Notwithstanding the preceding limitation, one model home or model unit may be constructed within the specific plan area for each, product type (detached home, cluster home, stacked flat, etc.) prior to the recordation of a final map, provided no certificate of occupancy shall be issued for those model homes or units until the final map is recorded.

#### 5.2.5 Specific Plan Amendment

Amendments to this Specific Plan shall be prepared and processed in accordance with Government Code Section 65453 and in a manner similar to the adoption of the Specific Plan or City General Plan Amendment.

#### 5.2.6 Architecture Review Criteria

- A. The Specific Plan is unique in nature due to the provision for the construction of mixed housing product types. It is important that the development plan assures a visual continuity, appearance, and function. To accomplish these goals, this Specific Plan incorporates the renderings and elevations in Exhibit     . Development shall be in accordance with the renderings and elevations, as determined by the Planning Director pursuant to Section 5.1.1. All other development must first seek a variance, pursuant to Chapter 17.40 of the HMC, 5.1.9. or amendment to this Specific Plan pursuant to Section 5.2.5.

#### 5.2.7 Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Specific Plan or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Specific Plan or any part hereof. The City Council of the City of Hawthorne hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.