

**PLANNING COMMISSION RESOLUTION NO. 2024-10
ZONE TEXT AMENDMENT ZA-2024-0001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF HAWTHORNE, CALIFORNIA, RECOMMENDING TO
THE CITY COUNCIL ADOPTION OF A NOTICE OF
EXEMPTION UNDER CEQA GUIDELINES CLASS 5 AND AN
ORDINANCE AMENDING CHAPTERS 17.04, 17.32, AND 17.34
TO UPDATE THE DEFINITIONS OF AUTOMOBILE REPAIR
AND THE ZONES WITHIN WHICH THEY ARE PERMITTED**

WHEREAS, on February 29, 2024, the Planning Department received a written request from Bruce Kafil, Jason Kafil, and Jairon Munoz to permit auto upholstery in the Regional Commercial Zone by updating Hawthorne Municipal Code (HMC) Section 17.25.020;

WHEREAS, the Application pertains to the property located at 4611 W. Imperial Highway, Hawthorne, California;

WHEREAS, HMC Section 17.04.010 provides a list of definitions applicable to the entirety of Title 17 of the HMC, unless otherwise stated;

WHEREAS, HMC Section 17.04.010 defines “minor automobile repair” as “a use which services and makes repairs to automobiles and other motorized vehicles limited in intensity to diagnostics, oil changes, filter changes, tuning, tire changes, alignments, battery changes, brake service, exhaust system service, window tinting, and other similar repairs not specifically named as major repairs;”

WHEREAS, HMC Section 17.04.010 defines “major automobile repair” as “a use which services and makes repairs to automobiles and other motorized vehicles, including, but not limited to, engine rebuilding, replacement of major components such as radiators, fuel injectors, pistons and other internal components of internal combustion engines, rebuilding or refurbishing engines, upholstery replacement, and other similar uses that require significant deconstruction and/or immobility of the vehicle;”

WHEREAS, HMC Section 17.28.020 provides a list of permitted uses within the C-3 General Commercial Zone;

WHEREAS, HMC Section 17.28.020 provides as a permitted use in the C-3 Zone, “Automobile repair—minor, subject to the issuance of a conditional use permit;”

WHEREAS, HMC Section 17.32.020 provides a list of permitted uses within the M-1 Limited Industrial Zone;

WHEREAS, HMC Section 17.32.020 provides as a permitted use in the M-1 Zone, “Any use permitted in the C-3 zone; provided that, unless specified below, a conditional use permit shall be required if such a permit is required for the same use in the C-3 zone;”

WHEREAS, HMC Section 17.32.020 provides as a permitted use in the M-1 Zone, “Automobile repair—minor, subject to a CUP;”

WHEREAS, HMC Section 17.34.020 provides a list of permitted uses within the M-2 Heavy Industrial Zone;

WHEREAS, HMC Section 17.34.020 provides as a permitted use in the M-2 Zone, “Any use permitted in the C-3 zone or the M-1 zone, subject to the same limitations in those zones, unless otherwise stated;”

WHEREAS, HMC Section 17.34.020 provides as a permitted use in the M-2 Zone, “Automobile repair—major;”

WHEREAS, under the currently permitted uses in the M-2 Zone, major automobile repair is permitted by right, but minor automobile repair requires approval of a CUP;

WHEREAS, the proposed amendments to the HMC do not permit auto upholstery throughout the Regional Commercial Zone, they still achieve the applicant’s goals as the existing use would be classified as legal nonconforming instead of the current determination as an unpermitted use;

WHEREAS, the City of Hawthorne proposes to update definitions within HMC Title 17 to accurately reflect the current understanding of how various uses are classified by associated industry standards;

WHEREAS, the City of Hawthorne recognizes that updates and innovations in materials and methods have rendered auto upholstery to be a use with similar impacts and risks as uses identified in “minor automobile repair” rather than “major automobile repair;”

WHEREAS, removing a requirement for a Conditional Use Permit does not change whether a use is considered to be permitted or prohibited;

WHEREAS, the update and clarification that “minor automobile repair” is a permitted use in both the M-1 and M-2 Zones without requiring a Conditional Use Permit would best reflect the purpose and intent of both zones as established in HMC Chapters 17.32 and 17.34;

WHEREAS, on April 17, 2024, the Planning Commission of the City of Hawthorne considered the zone text amendment and, after a duly noticed public hearing where all persons in support and in opposition were heard, adopted this resolution recommending approval of the ordinance to the City Council; and

WHEREAS, evidence was heard and presented from persons in favor of the application, from 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 this resolution recommending that the City Council adopt Ordinance 2253 approving Zoning Text Amendment ZA-2024-0001.

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

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

SECTION 2. Planning Commission hereby recommends approval of Zoning Text Amendment ZA-2024-0001 to the City Council that proposes to modify the aforementioned Sections of the Hawthorne Municipal Code as set forth in Exhibit A of this PC Resolution, incorporated herein by this reference.

SECTION 3. All necessary public meetings and opportunities for public testimony and comment were conducted in compliance with State law and the HMC.

SECTION 4. This project is exempt from the California Environmental Quality Act (CEQA) under CEQA State Guidelines Section 15305, Class 5. A Class 5 exemption is for minor alterations in land use limitations in areas with an average slope less than 20% which do not result in any changes in land use or density. The project, as proposed, would occur throughout the City which has an average slope less than 20%. The project would not change land use or density. Instead, it would clarify the definitions of uses and when discretionary approvals are appropriate. Further, no exceptions, as identified in CEQA State Guidelines Section 15300.2 are applicable and there are no unusual circumstances.

SECTION 5. The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the project and all of the materials that support the staff reports for the project, are located in the office of the Planning Director of the City of Hawthorne, at 4455 West 126th Street, Hawthorne, California 90250. The custodian of these documents is the Planning Director of the City of Hawthorne.

SECTION 6. The Planning Commission Secretary shall certify to the adoption of this Resolution and shall forward a copy to the City Council, City Clerk, City Manager, and City Attorney.

PASSED, APPROVED, AND ADOPTED this 17th day of April 2024.

ATTEST:



RYAN RICHARD, CHAIRPERSON



GREGG MCCLAIN, SECRETARY

GREGG MCCLAIN, SECRETARY

EXHIBIT A

ORDINANCE NO. 2253

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTERS 17.04, 17.32, AND 17.34 TO UPDATE THE DEFINITIONS OF AUTOMOBILE REPAIR AND THE ZONES WITHIN WHICH THEY ARE PERMITTED

WHEREAS, on February 29, 2024, the Planning Department received a written request from Bruce Kafil, Jason Kafil, and Jairon Munoz to permit auto upholstery in the Regional Commercial Zone by updating Hawthorne Municipal Code (HMC) Section 17.25.020;

WHEREAS, the Application pertains to the property located at 4611 W. Imperial Highway, Hawthorne, California;

WHEREAS, HMC Section 17.04.010 provides a list of definitions applicable to the entirety of Title 17 of the HMC, unless otherwise stated;

WHEREAS, HMC Section 17.04.010 defines “minor automobile repair” as “a use which services and makes repairs to automobiles and other motorized vehicles limited in intensity to diagnostics, oil changes, filter changes, tuning, tire changes, alignments, battery changes, brake service, exhaust system service, window tinting, and other similar repairs not specifically named as major repairs;”

WHEREAS, HMC Section 17.04.010 defines “major automobile repair” as “a use which services and makes repairs to automobiles and other motorized vehicles, including, but not limited to, engine rebuilding, replacement of major components such as radiators, fuel injectors, pistons and other internal components of internal combustion engines, rebuilding or refurbishing engines, upholstery replacement, and other similar uses that require significant deconstruction and/or immobility of the vehicle;”

WHEREAS, HMC Section 17.28.020 provides a list of permitted uses within the C-3 General Commercial Zone;

WHEREAS, HMC Section 17.28.020 provides as a permitted use in the C-3 Zone, “Automobile repair—minor, subject to the issuance of a conditional use permit;”

WHEREAS, HMC Section 17.32.020 provides a list of permitted uses within the M-1 Limited Industrial Zone;

WHEREAS, HMC Section 17.32.020 provides as a permitted use in the M-1 Zone, “Any use permitted in the C-3 zone; provided that, unless specified below, a conditional use permit shall be required if such a permit is required for the same use in the C-3 zone;”

WHEREAS, HMC Section 17.32.020 provides as a permitted use in the M-1 Zone, “Automobile repair—minor, subject to a CUP;”

WHEREAS, HMC Section 17.34.020 provides a list of permitted uses within the M-2 Heavy Industrial Zone;

WHEREAS, HMC Section 17.34.020 provides as a permitted use in the M-2 Zone, "Any use permitted in the C-3 zone or the M-1 zone, subject to the same limitations in those zones, unless otherwise stated;"

WHEREAS, HMC Section 17.34.020 provides as a permitted use in the M-2 Zone, "Automobile repair—major;"

WHEREAS, under the currently permitted uses in the M-2 Zone, major automobile repair is permitted by right, but minor automobile repair requires approval of a CUP;

WHEREAS, the proposed amendments to the HMC do not permit auto upholstery throughout the Regional Commercial Zone, they still achieve the applicant's goals as the existing use would be classified as legal nonconforming instead of the current determination as an unpermitted use;

WHEREAS, the City of Hawthorne proposes to update definitions within HMC Title 17 to accurately reflect the current understanding of how various uses are classified by associated industry standards;

WHEREAS, the City of Hawthorne recognizes that updates and innovations in materials and methods have rendered auto upholstery to be a use with similar impacts and risks as uses identified in "minor automobile repair" rather than "major automobile repair;"

WHEREAS, removing a requirement for a Conditional Use Permit does not change whether a use is considered to be permitted or prohibited;

WHEREAS, the update and clarification that "minor automobile repair" is a permitted use in both the M-1 and M-2 Zones without requiring a Conditional Use Permit would best reflect the purpose and intent of both zones as established in HMC Chapters 17.32 and 17.34;

WHEREAS, the City Council of the City of Hawthorne wishes to now adopt Ordinance No. 2253 in furtherance of the City's objective to update and clarify Title 17 of the HMC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWTHORNE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Section 17.04.010 (Definitions), of Chapter 17.04 (Definitions), of the HMC shall be amended as follows:

Automobile repair—major. "Major automobile repair" means a use which services and makes repairs to automobiles and other motorized vehicles, including, but not limited to, engine rebuilding, replacement of major components such as radiators, fuel injectors,

pistons and other internal components of internal combustion engines, rebuilding or refurbishing engines, ~~upholstery replacement~~, and other similar uses that require significant deconstruction and/or immobility of the vehicle.

Automobile repair—minor. “Minor automobile repair” means a use which services and makes repairs to automobiles and other motorized vehicles limited in intensity to diagnostics, oil changes, filter changes, tuning, tire changes, alignments, battery changes, brake service, exhaust systems service, window tinting, upholstery, and other similar repairs not specifically named as major repairs.

SECTION 3. Section 17.32.020 (Permitted uses), of Chapter 17.32 (M-1 Limited Industrial Classification), of the HMC shall be amended as follows:

- Automobile repair—minor, ~~subject to a CUP~~;

SECTION 4. Section 17.34.020 (Permitted uses), of Chapter 17.34 (M-2 Heavy Industrial Classification), of the HMC shall be amended to add, as appropriate to maintain alphabetical order of permitted uses, the following use:

- Automobile repair—minor;

SECTION 5. CEQA. This project is exempt from the California Environmental Quality Act (CEQA) under CEQA State Guidelines Section 15305, Class 5. A Class 5 exemption is for minor alterations in land use limitations in areas with an average slope less than 20% which do not result in any changes in land use or density. The project, as proposed, would occur throughout the City which has an average slope less than 20%. The project would not change land use or density. Instead, it would clarify the definitions of uses and when discretionary approvals are appropriate. Further, no exceptions, as identified in CEQA State Guidelines Section 15300.2 are applicable and there are no unusual circumstances.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. AUTHORIZATION TO PUBLISH SUMMARY OF ORDINANCE. Pursuant to Government Code Section 36933(c)(1), the City Attorney is authorized to prepare a summary of this ordinance. The City Clerk is also authorized to publish a summary of the text of this ordinance in the Hawthorne Press Tribune at least five days prior to the adoption of this ordinance. Within 15 days after adoption of the ordinance, the City Clerk is directed to publish a summary of this ordinance in the Hawthorne Press Tribune.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect 30 days after passage thereof.

PASSED, APPROVED AND ADOPTED this **Xth** day of May 2024.

ALEX VARGAS, Mayor
City of Hawthorne, California

ATTEST:

DAYNA WILLIAMS-HUNTER, City Clerk
City of Hawthorne, California

APPROVED AS TO FORM

ROBERT KIM,
City Attorney
City of Hawthorne, California