

**PLANNING COMMISSION RESOLUTION NO. 2024-14
(Replaces PC Resolution 2021-03)**

CONDITIONAL USE PERMIT 2020CU04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE ADOPTING A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CONDITIONAL USE PERMIT 2020CU04 TO ALLOW A 104 ROOM HOTEL ON THE PROPERTY LOCATED AT 11444 ACACIA AVENUE, 11443 & 11447 BIRCH AVENUE AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the Applicant filed a complete application requesting the approval of Conditional Use Permit (CUP) application 2020CU04 for approval of a 104 room hotel described herein as (Project) in the City of Hawthorne; and

WHEREAS, the Application applies to a property located at 11444 Acacia Avenue, 11443 & 11447 Birch Avenue, California, Assessor's Parcel Number(s) 4047-002-003 & 4047-002-014 (Property); and

WHEREAS, the application was filed in accordance with Title 17 of the Hawthorne Municipal Code; and

WHEREAS, the Land Use Element of the General Plan designates the Project as Regional Commercial {C-R). The Project is consistent with the General Plan because C-R designation allows for commercial uses, including hotels; and

WHEREAS, in accordance with Hawthorne Municipal Code (HMC), Section 17.25.020, a CUP is required to be approved by the Planning Commission for the proposed Project; and

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

WHEREAS, a duly noted public hearing on the Conditional Use application was held before the Planning Commission on April 7, 2021; and

WHEREAS, evidence was heard and presented from all persons in favor of the application, from all persons opposed to the application and from members of the City staff; and that the Planning Commission having heard and received all of said evidence, testimony and statements and being fully informed of the application; and

WHEREAS, HMC Section 17.06.090- Approval expiration, specifies approvals expire three years from the date of the final decision. The adopted PC Resolution 2021-03 allowed the applicant to request a one-year time extension.

WHEREAS, the applicant on March 4, 2024 requested a one-year time extension and the Planning Commission granted the request per PC Resolution 2024-14 (replaces PC Resolution 2021-03) with an expiration date of April 7, 2024.

WHEREAS, the approval will not have an adverse effect, either individually or cumulatively, on the community and that on the basis of substantial evidence the presumption of an adverse effect is rebutted.

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

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

Section 2: All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the HMC.

Section 3. Upon independent review and consideration of the written and oral comments of interested parties thereon, the responses thereto by City staff, the Conditions of Approval (Exhibit A) as well as the entire record of its proceedings and the Notice of Exemption concerning the Project, and having exercised its independent judgment thereon, the Planning Commission hereby finds that the proposed Project will not have a significant impact on the environment and that it qualifies as exempt from CEQA pursuant to State CEQA Guidelines Sections 15332 that is intended to promote infill development within urbanized areas. The class of exemption consists of environmentally benign in-fill projects that are consistent with the general plan and zoning requirements, and do not result in any significant traffic, noise, air quality, or water quality effects. The general plan designation is C-R (Regional Commercial) and permits hotel development; is zoned C-R MU (Regional Commercial Mixed Use), which allows and contains standards for hotel development; and properties surrounding the Property have similar zoning designations. The proposed development occurs on a Property of no more than five acres and is completely surrounded by urban uses. The previously graded Property has no value as habitat for endangered, rare, or threatened species, approval will not result in any significant effects relating to traffic, noise, air quality, or water quality, and the Property is adequately serviced by all required utilities and public services

Section 4. Based on substantial evidence presented to the Planning Commission during the April 7, 2021, public hearing, including public testimony and written and oral staff reports, and without limitation, CEQA, the CEQA Guidelines, the Notice of Exemption, and the City's Code, the Planning Commission makes the following findings:

A. The proposed Project is consistent with the Hawthorne General Plan. As noted in the accompanying staff report, the General Plan designation is C-R (Commercial Regional), which allows

development consistent with the proposed hotel development.

B. The design and improvement of the proposed hotel is consistent with the General Plan. As detailed in the accompanying staff report, the lot size, widths and depths are appropriate for the Project and it meets the development standards for setbacks, height, access, parking, landscaping, and open space specified in the Hawthorne Municipal Code, which implements the General Plan.

C. The site is physically suitable for hotel development. The Property is generally flat, has been previously graded, and is adjacent to existing hotel uses, and meets the development standards specified in the Hawthorne Municipal Code.

D. The proposed Project is suitable for future intended uses because the Project proposes hotel development consistent with the provisions of the General Plan and Hawthorne Municipal Code in a location characterized by existing hotels.

E. The design of the Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Specifically, the Property has been graded, is located in an urbanized area, and is not located in an area or region where such habitats exist, as detailed on the Notice of Exemption included with the staff report.

F. That the proposed use is properly one for which a conditional use permit is authorized by this code. Section 17.25.020 of the Hawthorne Municipal Code requires that modifications to plans approved by the Planning Commission obtain approval of a new CUP from the Planning Commission.

G. That the proposed project will not adversely affect the adjoining land uses, or the growth and development of the area in which it is proposed to be located. The Project is proposed in an area characterized by existing hotels and is designed to minimize impacts to the adjacent residences to the south.

H. That the size and shape of the site proposed for the use is adequate to allow the full development of the proposed use, in a manner not detrimental to either the particular area or health and safety. The Project meets requirements for minimum lot size, frontage, access, and has access to all necessary utilities.

I. That the traffic generated by the proposed use will not impose an undue burden upon the streets and highways designed and improved to carry the traffic in the area. The City's Public Works and Engineering Department reviewed the Project and determined that the Project will not significantly increase or impact traffic levels and is within the trip generation and vehicle miles traveled thresholds used to evaluate traffic.

J. That the granting of the conditional use permit under the conditions imposed, if any, will not be detrimental to the health and safety of the citizens of the City of Hawthorne because the proposed project will not result in any significant traffic, noise, air quality, or water quality effects and

will be constructed to comply with all applicable building, fire, electrical, mechanical, and plumbing codes.

Section 5. Based on the foregoing, the Planning Commission hereby grants Conditional Use Permit 2020CU04 upon the condition that this CUP shall only be effective upon approval of Design Review required pursuant to Chapter 17.99 AND subject to the conditions set forth in Exhibit "A" attached

Section 6. This resolution shall become effective ten days after its adoption, unless within that period of time it is appealed to the City Council. In the event of an appeal, this Resolution shall not become effective unless reinstated by the City Council after the hearing on the appeal. The City Council Resolution determining the appeal shall be controlling, and unless the matter is remanded to the Planning Commission, the Resolution of the City Council shall be final.

Section 7. The time within which and the manner in which a legal action seeking judicial review of this resolution, if not appealed to the City Council, on grounds other than failure to comply with the California Environmental Quality Act, may be filed is governed by Government Code Section 65009 and California Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 8. A copy of this Resolution shall be mailed to the applicant and copies shall be filed with the City.

PASSED, APPROVED, and ADOPTED this 3rd day of July 2024.

ATTEST:


Ryan Richard, CHAIRPERSON
HAWTHORNE PLANNING COMMISSION


Gregg McClain, SECRETARY
HAWTHORNE PLANNING COMMISSION

EXHIBIT "A"
CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT 2020CU04

1. Failure of the applicant to comply with the conditions as set forth above shall be cause for the Planning Commission to immediately institute a Public Hearing for revocation purposes.
2. The Applicant shall commence construction of the structure or establish the use that is authorized by this approval by April 7, 2025. Failure to commence construction of the structure or establish the use within the time period specified, shall render this approval null and void and any attempt to commence construction or establish the use thereafter shall first require approval of a new Conditional Use Permit (CUP) application.
3. The property shall be developed in complete conformity with the plans approved by the Planning Commission on April 7, 2021, as revised and conditioned by the requirements contained in this resolution of approval for Conditional Use Permit application 2020CU04. Any more intensive use of the property, or deviation from said plans, shall first be reviewed as a modification of this permit.
4. Conditions of approval shall be attached to plans upon submittal for plan check.
5. A solid fence of no less than six feet in height, or an equivalent screening barrier, shall be provided along the site boundaries at the onset of construction activities to protect adjacent properties and uses from noise, dust, and visual nuisance.
6. The applicant shall submit landscape plans in compliance with the State Water Efficiency Model Ordinance, when submitting for plan check, pursuant to the review and approval of the Director of Planning.
7. Any changes or modifications of the conditions, as set forth below, require prior approval from the Department of Public Works:
 - All right-of-ways/easements affecting and/or within the Project limits shall be noted on plan.
 - Repair of cracked and/or deteriorated sidewalk, curb and gutter.

- All overhead utilities shall be moved underground .
- Provide curb drains as necessary.
- Provide tree wells and parkway trees on all streets bordering the Property.
- Locate all utilities within the Project, on the frontage street, side street and alleyways bordering this Project including storm drain inlet and adjacent driveways.
- Locate and indicate all existing streetlights adjacent to this Project.
- Project shall comply with City's NPDES requirements. Submit plans for NPDES review as soon as possible. Plans must address SWPPP, bioswale, infiltration chambers and other required features of LID plan. Percolation test for the Property shall be provided. LID shall be done in accordance to the latest State NPDES permit requirements and Hawthorne Municipal code (HMC 8.50.170). On- site storm water runoff shall be retained by using infiltration chamber/s.
- Project will require a Construction and Demolition Materials Report detailing all disposal, recycling and reuse activities. Final permit approval requires submittal of this report. A deposit may also be required upon issuance of demo permit. Contact Public Works 310-349-2987.
- Provide and install planter curb at the back of sidewalk along property frontage . Curb shall have a min. height of 6".
- Provide soil report and pavement recommendation by a registered civil engineer .
- Provide hydrology study by a registered civil engineer .
- Provide storm drain study by a registered civil engineer.
- A sewer study by the City retained consulting civil engineer, paid by the developer is required.
- All new driveways shall meet the current ADA standards .
- Existing driveway/s not utilized by the proposed Project shall be removed and replaced with curb, gutter, parkway and sidewalk per City's standards.
- Landscape and any structure adjacent to the driveway shall not be more than 3.5' high to provide adequate sight distance.

8. Signs shall comply with Section 17.35 of the Hawthorne Municipal Code.
9. Any changes or modifications of the conditions, as set forth below, require prior approval from the Fire Department:
 - Provide Fire Department and City approved street signs and building access numbers prior to occupancy.
 - The Los Angeles County Sanitation District requires the payment of a connection fee before a permit to connect to the sewer is issued.
 - Access shall comply with Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.
10. The applicant shall comply with all applicable requirements and provisions of the Uniform Building Code, Uniform Fire Code, and the Hawthorne Municipal Code. The applicant shall also comply with any additional requirements of the Chief of Fire Services, Director of Building and Safety, and the Director of Planning.
11. Any modifications to the site plan (except those required above) shall require the approval of the Planning Commission and a new public hearing. This process requires the filing of a new application and payment of applicable fees before a hearing on the proposed modifications is scheduled.
12. The 24 parking spaces shall be utilized only for employees and for people with disabilities subject to the Americans with Disabilities Act (ADA).
13. Access from Birch Avenue to the parking structure north of the subject property shall be open at all times.
14. Setback along Birch Avenue for the first two levels shall be seven feet.
15. As required by Resolution No. 2021-03, this CUP is not effective unless and until a Design Review is approved by the Design Review Board as required by Chapter 17.99.