



## AGENDA ITEM NO.

### CITY OF HAWTHORNE CITY COUNCIL AGENDA BILL

For the meeting of June 8, 2021

Originating Department: City Attorney's Office

Interim City Manager: Vontray Norris  
Vontray Norris

Interim City Attorney: Robert Kim  
Robert Kim

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#### SUBJECT:

Appeal of a Decision of the Planning Commission on May 19, 2021 Regarding Hotel Project Site Plan for Property Located at 11519 Acacia Avenue (Hotel Modification Interpretation) Pursuant to Section 17.06.070 of the Hawthorne Municipal Code.

#### RECOMMENDED MOTION:

City Council is the Appeal Authority and there is no staff recommendation. Pursuant to the Hawthorne Municipal Code Section 17.060.070(F), the City Council may:

- (1) Grant the Appeal (reverse the Planning Commission's Determination)
- (2) Deny the Appeal (affirm the Planning Commission's Determination), or
- (3) Modify, in whole or in part, the Planning Commission's Determination.

#### DISCUSSION:

An Application to Appeal a Determination of the Planning Commission was timely filed in the City Clerk's Office on May 20, 2021 by the following individuals: Mohamad Pournamdari, Hilton Garden Inn, and William Ashley Inc. ("Appellant"). The Appeal seeks to reverse the Planning Commission determination of May 19, 2021 regarding the Hotel Project Site Plan for property located at 11519 Acacia Avenue. In sum, the Planning Commission determined that changes proposed to the site plan of the hotel development approved December 5, 2018 were a "modification" essentially requiring a new application and not a "minor modification" under Section 17.06.100.

Section 17.06.070(A) (Appeal) provides, in pertinent part: "To avoid results inconsistent with the purposes of this title, decisions of the planning director may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council by filing an appeal prior to the effective date as set forth in Section 17.06.060(D). The appeal must

be filed in the city clerk's department and the appellant must use the planning department's appeal form. The completed form must be submitted with the required processing fees."

Section 17.06.070(E) provides that the City Council is the "appeal authority" and "may consider any issues associated with the decision being appealed, in addition to the specific grounds stated in the appeal." In addition, if new or different evidence is presented in the appeal application, or if new or different evidence is presented during the appeal hearing, the appeal authority may refer the matter back to the planning director or the planning commission for either: (a) a report on the evidence before a final decision on the appeal; or (b) commencement of a new public hearing and proceedings."

Following City Council's determination, a letter of interpretation will be prepared and provided to the Appellant. This matter is not a public hearing as the underlying decision (an interpretation of the Hawthorne Municipal Code) was not a public hearing. However, staff recommends that the Appellant be provided an opportunity to speak, if they so request.

**FISCAL IMPACT:**

No impact.

**NOTICING PROCEDURES:**

72 hours posted notice pursuant to the Ralph M. Brown Act.

**ATTACHMENT(S):**

1. Application to Appeal a Determination of the Planning Commission
2. Official Interpretation Letter Dated May 20, 2021
3. Hawthorne Planning Commission Staff Report
4. Various Emails Received by the City Council from Members of the Public
5. Recording of Planning Commission Meeting on May 19, 2021