



AGENDA ITEM NO. 19

CITY OF HAWTHORNE City Council AGENDA BILL

For the meeting of October 24, 2023

Originating Department: Planning

City Manager:


Vontray Norris

Dir. of Planning:


Gregg McClain

SUBJECT:

ORDINANCE NO. 2245 (1st Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING SECTION 5.92.120 (EXISTING NONCONFORMING USES) OF TITLE 5 (BUSINESS REGULATION AND LICENSES) AND USING THE COMMON SENSE EXEMPTION PURSUANT TO CEQA. Motion to introduce.

RECOMMENDED MOTION:

Staff Recommends that the City Council introduce Ordinance 2245.

DISCUSSION:

On October 9, 2023, the Planning Department received a written request from Imperial Projects, Inc. dba Bare Elegance, to strike certain language from Section 5.92.120 of the Hawthorne Municipal Code (HMC). Section 5.92.120 addresses nonconforming adult uses and prohibits such uses from increasing, enlarging, extending or other alterations except when the use becomes conforming. This applies only to adult uses. This section also declares that any adult business lawfully existing as of the effective date of that section's adoption is a nonconforming use. The two parts of HMC 5.92.120 are mutually incompatible by virtue of the fact that an adult use cannot be enlarged except by becoming conforming, and simultaneously cannot become conforming without ceasing to be an adult use.

Typically, nonconforming land uses are regulated by HMC Chapter 17.38 in the Zoning Code. This section provides that a nonconforming use cannot be expanded to occupy additional space except by obtaining a conditional use permit (CUP). Imperial Projects, Inc. applied for a CUP to refurbish the interior and exterior of the Bare Elegance adult use, including a proposed expansion of the floor area. Therefore, removal of the language in HMC 5.92.120 that prohibits expanding will not change the nonconforming status of the Bare Elegance but make it possible for them to expand if a CUP is approve.

CUP applications are discretionary applications decided by the Planning Commission and appealable to the City Council. Also, any potential impacts that may be identified can be addressed by placing conditions of approval on the project. Removing the prohibition on expanding found in HMC 5.92.120 puts the applicant's business on the same footing with all other nonconforming businesses in the City.

ECONOMIC DEVELOPMENT STRATEGIC PLAN:

Goal 3: Improve development processing and customer service operations

Goal 4: Update zoning code for the 21st century

FISCAL IMPACT:

There is no additional cost to the City as a result of adopting this ordinance. There is the possibility of a slight increase in revenue if the expansion and remodel results in additional sales tax. The estimated increase is unknown and probably not significant in the overall City revenues collections.

NOTICING PROCEDURES:

A notice was not required to be posted or published.

ATTACHMENT(S):

1. Letter from Imperial Projects, Inc. requesting this amendment
2. Draft Ordinance 2245