

**PLANNING COMMISSION RESOLUTION NO. PC 2024-20
DESIGN REVIEW APPLICATION NO. DR-2024-0011**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING DESIGN REVIEW APPLICATION NO. DR-2024-0011 FOR A RESTAURANT WITH A DRIVE-THRU, NEW LANDSCAPING, AND PARKING AT 13324 S. INGLEWOOD AVE. AND 13324 W. 133RD ST., IN THE CITY OF HAWTHORNE, SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Scott Wilkeson (Applicant), requested approval of a Design Review to construct a new restaurant with a drive-thru at 13324 S. Inglewood Ave. (Property), which is zoned C-3 (General Commercial); and

WHEREAS, in accordance with Hawthorne Municipal Code (HMC) Chapter 17.99, which states approval by the Planning Commission, appointed as the Design Review Board (DRB), is required to ensure projects meet the requirements of the chapter; and

WHEREAS, in accordance with HMC Chapter 17.99 – Design Review, the City of Hawthorne established a design review procedure for all applicable projects not exempted per Section 17.99.030 – Exceptions. The subject property is situated adjacent to existing residentially zoned properties and the proposed improvements encompass more than 1,000 sq. ft. of building and site surfaces. Therefore, the subject project is not exempt from the design review process and must obtain approval by the DRB; and

WHEREAS, the application is for approval to develop the property with the construction of a new commercial building, drive-thru, and installation of landscaping and parking. The project site is approximately 37,550 square feet; and

WHEREAS, the Land Use Element of the General Plan designates the Property as General Commercial (GC), which is intended for office and commercial activities serving both local and regional markets. The proposed development and site improvements will improve the property and surrounding area; and

WHEREAS, the existing site is a vacant lot subject to graffiti, accumulation of trash and debris, and overgrown vegetation. The Code Enforcement Department has issued numerous citations requiring corrective action to rectify these violations; and

WHEREAS, the City of Hawthorne wishes to protect and preserve the quality of the local business areas and quality of life throughout the City and to ensure uses are managed through effective land use planning and design; and

WHEREAS, the applicant presented evidence that the proposed use complies with all applicable local, state, and federal laws; and

WHEREAS, the project is categorically exempt from review pursuant to State CEQA Guidelines Section 15303, Class 3 for New Construction, and Section 15332, Class 32 for In-fill Developments; and

WHEREAS, on November 20, 2024, a duly noticed public hearing on the project was held before the Planning Commission where all interested parties were given an opportunity to be heard; 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, approve this resolution.

**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. Based 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 having exercised its independent judgement thereon, the Planning Commission hereby finds that the Project is exempt from the California Environmental Quality Act pursuant to CEQA State Guidelines Section 15303, Class 3 for New Construction. This project qualifies for the Class 3 exemption as the total floor area of 3,781 sq. ft. is less than the 10,000 sq. ft. threshold designated by CEQA. The new construction is a commercial development properly located in the General Commercial zone. The project does not involve the use of hazardous substances in its operation and is not located at an environmentally sensitive site. The project is also exempt from the California Environmental Quality Act pursuant to CEQA State Guidelines Section 15332, Class 32. The development is located within city limits on a lot of approximately 37,500 sq. ft. The project does not conflict with the General Plan and zoning designation for the site. Nor does the project site serve as a habitat for rare species as the site was previously disturbed and filled with non-native plants and hardscape, and is surrounded by urban uses.

SECTION 4. Based upon substantial evidence presented to the Planning Commission during the November 20, 2024, public meeting, including public testimony and written and oral staff reports, the Planning Commission finds as follows:

Pursuant to HMC Chapter 17.99 – Prior to granting an approval of an application for design review, the Planning Commission, serving as the Design Review Board, must make four specific findings, as follows:

1. The location, size, design, and characteristics of the project will be compatible with and will not be detrimental to the public health, safety, or welfare of persons residing in or working in or adjacent to the proposed project.

This project is subject to review by agencies regulating the public health, safety, and welfare of the residents in the City of Hawthorne. These agencies include the Public Works Department, the County of Los Angeles Fire Department, and the Hawthorne Police Department. Elements under review include the provision of Americans with Disabilities Act (ADA) accessibility, traffic control devices, and safe paths-of-travel. The project site is properly located in the General Commercial zone which is intended to provide a designated area for land uses that will involve a greater degree of noise and outdoor activity which are limited in more restrictive zones. Therefore, the proposed commercial use is compatible with the project site, and will not be detrimental to adjacent uses.

2. The proposed design is suitable for its purpose, is harmonious with and relates properly to, the surrounding neighborhood, contiguous parcels, and the site itself.

The design is characteristic of a sleek and modern fast food establishment. The project site has been thoroughly planned to enable ideal operations such as safe circulation of pedestrians and vehicles, ample space to accommodate a queue of vehicles, and a second drive-thru ordering station. These design choices are intended to mitigate periods of high-volume and reduce congestion in the parking lot. The perimeter of the site is connected via public right of ways for pedestrian and vehicle traffic. The internal pedestrian circulation will connect to the sidewalks of 133rd St., 134th St., and Inglewood Ave. The surrounding neighborhood has also been considered in the design and will benefit from provisions to reduce noise and light disturbances. Security lighting shall be pointed down and prohibits light from spilling onto adjacent parcels. The noise generated at the ordering stations is subject to the Exterior Noise Standards of the HMC to eliminate cause for nuisance and to be in harmony with contiguous parcels.

3. The overall design will be of quality that will preserve the integrity of, and upgrade, the existing neighborhood.

The current site conditions are that of overgrown vegetation, trash, and graffiti. The Code Enforcement Department has issued eight citations since 2014. The site design will upgrade the existing neighborhood through development of the abandoned and blighted parcel. Improvements are set to include new construction of a McDonald's restaurant with a drive-thru, new landscaping, new parking lot and paving, new driveways, and a new crosswalk. The crosswalk will facilitate a safe and accessible path between the East and West sides of Inglewood Ave.

4. The design of the proposed project is in accordance with the general plan and all applicable provisions of the zoning ordinance.

This project has been reviewed for compliance with the General Plan Land Use Policy Designations and Standards. The project conforms to the General Plan's land use designation for the General Commercial zone. Although City Staff does anticipate an increase in traffic as the restaurant will attract patrons, mitigation measures will be implemented to reduce congestion around the site. For example, the vehicle access point on 133rd St. will serve as an exit only to direct vehicles toward Inglewood Ave. This will mitigate the potential for vehicle stacking on 133rd St.

This project has also been found to be in compliance with the City's Economic Development Strategic Plan (EDSP). Policy 2.1 of the EDSP lists business retention, growth, and attraction of new business as goals of the City. Therefore, the prospect of having a new business occupy what is currently a vacant and blighted site advances the City's economic development goals.

SECTION 5. Based on the findings contained in the recitals of this resolution, the Planning Commission hereby grants approval of Design Review Application No. DR-2024-0011 subject to the conditions set forth in Exhibit A attached hereto.

SECTION 6. The Notice of Exemption (NOE) stating that the project is approved shall be filed with the County Clerk of Los Angeles unless a timely appeal of this Resolution is filed. The filing of the Notice of Exemption with the County Clerk begins the 35-day statute of limitations period provided by Public Resources Code Section 21167, which is applicable to any legal challenges to the City's decision that this Project will not affect the provisions of the California Environmental Quality Act. Public Resources Code Section 21168 governs the manner in which any such action must be brought and determined.

SECTION 7. 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 Department of the City of Hawthorne, at 4455 West 126th Street, Hawthorne, CA 90250. The custodian of these documents in the Planning Director.

SECTION 8. This resolution shall become effective 10 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, this resolution of the City Council shall be final.

SECTION 9. 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 and mail a copy to the applicant.

PASSED, APPROVED and ADOPTED this 20th day of November 2024.

ATTEST:



Ryan Richard, CHAIRPERSON



GREGG McCLAIN, SECRETARY

EXHIBIT A
CONDITIONS OF APPROVAL
DESIGN REVIEW DR-2024-0011

Application: DR-2024-0011
Applicant: SCOTT WILKESON, MCDONALD'S USA, LLC
Owner: 11383 PLAYA STREET LLC C/O PERRY G. DE LUNA
Authorized Agent: ROBERT PREECE
Location: 13324 S. INGLEWOOD AVE. & 13324 W. 133rd ST.

CONDITIONS OF APPROVAL

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project per Section 17.99.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Hawthorne.

1. The applicant shall ensure the materials and colors utilized for the exterior facade improvements are as indicated in the plans approved by the Design Review Board and attached hereto.
2. The applicant shall ensure a minimum of 28 parking spaces (two of which are ADA accessible, including one van space) shall be provided in accordance with Chapter 17.58 Off-Street Parking.
3. The applicant shall ensure the landscaping provided is in compliance with the type, size, and location as indicated in the landscaping plans reviewed by the Design Review Board and attached hereto.
4. Per the Department of Public Works – Abide by requirements as requested in attached memo dated September 10, 2024.
5. The applicant shall ensure the conditions of approval are adhered to, otherwise it shall be grounds for revocation of the Design Review Application approval.
6. The applicant shall record tentative map of Lot Line Adjustment prior to issuance of certificate of occupancy.

CODE REQUIREMENTS AND STANDARDS

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the Applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any approved "conditions of approval" noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Hawthorne.

1. Failure of the applicant to comply with conditions as set forth shall be cause for the Planning Commission to institute a Public Hearing for revocation purposes.
2. The applicant shall comply with all applicable requirements and provisions set forth by the Building Code, Fire Code, Hawthorne Municipal Code (HMC), and any additional requirements by the Fire Department, Director of Building Safety, or Director of Planning, as related to this application.
3. All signage on the property shall comply with Chapter 17.35 of the HMC.
4. The property shall be developed and operated as conditioned by the requirements contained in this resolution of approval. Any deviation from said plans shall first be reviewed by the Planning Department to determine whether proposed modifications are within the scope of the approval. Minor changes in the exterior design approved by the Planning Commission may be approved by the Planning Director but are limited to changes in window orientation and scale, landscaping materials and placement, and detailing.
5. Substantial redesign of the project, which could impact adjacent properties, or modification to conditions of approval require a new application, processing fee, public noticing, and public hearing before the Planning commission.
6. The applicant must conform to all Business License regulations and maintain a current city license at all times, if applicable.
7. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied. If graffiti is not removed within 24 hours of notification, the City of Hawthorne shall remove the graffiti and invoice the applicant for the cost.
8. Approval of the design review application shall lapse three years after its date of approval, unless a building permit is issued and construction diligently pursued, or the design review approval is renewed. The Planning Director may renew the approval for a single one year period if a request is received at least 30 calendar days before approval lapses. Any additional requests for extension shall require Planning Commission approval.

INTERPRETATION AND ENFORCEMENT

The Planning Department, Engineering/Public Works Department, Police Department, Building Safety Department, and contract agencies (Los Angeles County Fire Department) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. Any questions of intent or interpretation of any condition of approval will be resolved by the appropriate Department/Agency upon written request of such interpretation.

The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until a proposed minor amendment is reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of the HMC.

INDEMNIFICATION AND HOLD HARMLESS

The Applicant, and each of its heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Hawthorne and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning Commission concerning this project. The City shall promptly notify the Applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

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 the California Code of Civil Procedures Section 1094.5 and 1094.6.