

**PLANNING COMMISSION RESOLUTION NO. PC 2024-19
CONDITIONAL USE PERMIT CU-2024-0007**

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 CONDITIONAL USE PERMIT CU-2024-0007 FOR A DRIVE-THRU RESTAURANT AT 13324 S. INGLEWOOD AVE., IN THE CITY OF HAWTHORNE, SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Scott Wilkeson (Applicant), filed a complete application requesting the approval of a Conditional Use Permit (CUP) for a drive-thru restaurant in accordance with Hawthorne Municipal Code (HMC) Chapter 17.26; and

WHEREAS, the Application applies to a property located at 13324 S. Inglewood Ave., Hawthorne, California, Assessor's Parcel Numbers 4042-011-026 and 4042-011-024 ("Property"); and

WHEREAS, the Land Use Element of the General Plan designates the Property as General Commercial and the zoning as General Commercial (C-3); and

WHEREAS, in accordance with the HMC Chapters 17.26 and 17.28 a drive-thru restaurant requires the granting of a conditional use permit by the Planning Commission; and

WHEREAS, the project is categorically exempt from review pursuant to State CEQA Guidelines Section 15332, Class 32, for Infill Development Projects; 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.

**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. 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 15332, Class 32 which exempts projects consistent with both the general plan and zoning designations and regulations. The proposed

use would occur within city limits on a site significantly less than five acres and surrounded by urban uses. Additionally, the subject site is not home to endangered species and will therefore not jeopardize the habitat of rare or threatened species. The proposal also complies with Class 32 exemptions due to the site's location in an area already served by utility and public service providers.

SECTION 3. 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:

1. The proposed use is properly one for which a CUP is authorized by this code, as follows:

As discussed above, the project site is located in the C-3 zone. HMC Section 17.28.020 permits uses in the C-3 zone that are permitted in the C-2 zone and subject to the same regulations as in the C-2 zone. As such, a conditional use permit is a proper use.

2. The proposed use will not adversely affect the adjoining land uses, or the growth and development of the area in which it is proposed to be located, as follows:

The project location in the General Commercial zone is intended for commercial activity and development, including restaurants. Through careful design and subsequent design review, the drive-thru will be oriented in a way to minimize interference with the adjoining commercial and residential land uses.

3. 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 proposed structure is 3,781 sq. ft. which covers 10% of the existing 37,500 square foot lot. The site can easily accommodate the new building and proposed parking. The portion of the site dedicated to the drive-thru is adequate to accommodate a queue of vehicles. Additionally, the drive-thru entrance is proposed to be 24 ft. wide, accommodating two lanes and two ordering stations. This style of drive-thru design provides additional queuing space.

4. 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 purpose of a drive-thru is to collect cars in an orderly queue to receive service. The proposed queue demonstrates ample space to accommodate vehicles and minimize overflow into the establishment's parking lot and adjacent streets. The drive-thru will be accessible via curb cuts on two streets, Inglewood Ave. and 134th Street. The drive-thru will have signage and directional arrows guiding traffic in one direction.

The Applicant and the City will take an additional precaution to reduce the burden of traffic at the intersection of Inglewood Avenue and 133rd Street. A curb cut on the

property along 133rd Street will serve as an exit only, directing vehicles toward Inglewood Avenue. This will mitigate the potential for vehicle stacking on 133rd St.

5. That the granting of the conditional use permit under the conditions imposed will not be detrimental to the health and safety of the citizens of the City of Hawthorne.

Provisions of the HMC permit drive-thru restaurants with the approval of a CUP. The findings above demonstrate the project's conformity to the surrounding land uses and regulations of the Zoning Code. Additionally, the conditions of approval enumerated in Exhibit A, subject the project to review by agencies such as Fire, Police, and others regulating public safety.

SECTION 4. Based on the forgoing, the Planning Commission hereby grants Conditional Use Permit CU-2024-0007 subject to the conditions set forth in Exhibit A attached hereto.

SECTION 5. 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, the resolution of the City Council shall be final.

SECTION 6. A copy of this resolution shall be mailed to the applicant and copies shall be filed with the City.

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

ATTEST:



Ryan Richard, CHAIRPERSON



GREGG McCLAIN, SECRETARY

EXHIBIT A
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT CU-2024-0007

Application: CU-2024-0007
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 17.40.050 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 comply with all applicable requirements and provisions set forth by the Uniform Building Code, Uniform Fire Code, Hawthorne Municipal Code (HMC), and any additional requirements by the Fire Department, Director of Building and Safety, or Director of Planning, as related to this application.
2. The property shall be developed substantially in conformance with the floor plans received, and approved by the Planning Commission and 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 approval.
3. The applicant and subsequent property owners/tenants must conform to all Business License regulations and maintain a current city license at all times.
4. All signage on the property shall comply with Chapter 17.35 of the HMC.
5. Signs shall be posted on the site per CA Penal Code Sections 552 through 555.5 and 11532 to prohibit loitering on the property.
6. The number of persons shall not exceed the maximum occupancy load as determined by the Fire Department. Signs indicating the occupant load shall be posted in a conspicuous place on the approved sign near the main exit from the building.
7. Graffiti shall be removed within 24 hours of its discovery.
8. Signage and pavement arrows to direct internal traffic shall be included on plans, subject to City approval.
9. Property owners shall keep parking lot clean at all times.

10. All direct lighting produced by the development must be contained on site. The Owner/Applicant shall ensure any exterior night lighting and illuminated signage installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto the adjacent residential lots.
11. The applicant shall ensure all exterior noise generated by the project, such as that generated by the drive-thru ordering system, will comply with Section 9.34.030 Exterior Noise Standards of the Hawthorne Municipal Code. This section provides for an allowable noise level not to exceed 70 dBA between 7:00 am and 10:00 pm and 65 DBA between 10:00pm and 7:00 am, as measured at the site property lines.
12. All County Fire Department requirements must be met before any building permits will be released.
13. Off-street parking shall be provided at all times in accordance with the originally approved site plan and, per Municipal Code Chapter 8.16, shall be maintained in a clean and attractive manner (striping maintained, pot-holes and cracks repaired, and trash, litter, or other materials shall be removed regularly).
14. Per Municipal Code Chapter 8.14, all landscaped areas shall be maintained in accordance with the originally approved landscaped plan and in a healthy and well-kept condition and kept weed-free.
15. The approved conditions of approval shall be included on building plans upon submission.
16. The Applicant shall ensure patrons do not block loading areas or trash enclosures during hours of operation.
17. The property shall be developed in substantial conformity with the plans approved by the Planning Commission on November 20, 2024, as conditioned by the requirements contained in the resolution of approval for Conditional Use Permit Application CU-2024-0007. Any more intensive use of the property, or deviation from said plans, shall first be reviewed as a modification of this permit.
18. The applicant shall commence construction of the structure or establish the use that is authorized by this approval within three (3) years of the effective date of this approval. Failure to commence construction of the structure or establish the use within that three-year time period shall render this approval null and void any attempt to commence construction or establish the use thereafter shall first require approval of a new application. Applications for a time extension to the commencement date as specified herein must be filed a minimum of thirty (30) days prior to the expiration date. 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. Requests for a time extension must be accompanied by a formal application, all required exhibits and plans, and the required application fees. Any additional requests for extension shall require Planning Commission approval.

19. The Applicant/property owner must submit payment for all outstanding fees payable to the City prior to issuance of any permit, including building, grading, or demolition.
20. The Applicant shall pay the applicable public facility impact fees to the Building and Safety Department in the amount that is in effect at the time such fees are to be collected.
21. The Applicant shall comply with all applicable requirements and provisions set forth by the Uniform Building Code, Uniform Fire Code, Hawthorne Municipal Code (HMC), and any additional requirements by the Fire Department, Director of Building and Safety, or Director of Planning, as related to this application.
22. All signs, banners, or other outside advertising materials or structures on the property must be approved by the City and shall comply with Chapter 17.35 of the HMC.
23. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
24. Per the Department of Public Works – Abide by requirements as requested in memo dated September 10, 2024.
25. The applicant shall provide signage and a barrier at the vehicle egress point located at W. 133rd St. to guide cars left onto the street as shown in the attached diagram.

W 133RD STREET

W 133RD STREET
(MASSACHUSETTS AVE)
PUBLIC R.O.W.

RIGHT-OF-WAY

DO NOT ENTER
LEFT TURN ONLY

PROPOSED SIGN POST

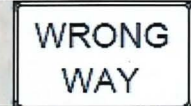
PROPOSED SIGN POST



FRONT (STREET FACING)
R5-1



BACK
R3-5



FRONT (STREET FACING)
R5-1a



BACK
R3-1

PROPERTY LINE



