

**PLANNING COMMISSION RESOLUTION NO. PC 2026-01
CONDITIONAL USE PERMIT CU-2025-0006**

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-2025-0006 FOR A DRIVE-THRU RESTAURANT ALONG WEST ROSECRANS AVENUE, BETWEEN YUKON AVENUE AND CERISE AVENUE, (APN NO. 4052-029-089) IN THE CITY OF HAWTHORNE, SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Greg Borchardt (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 17.25; and

WHEREAS, the Application applies to a property located along West Rosecrans Avenue, between Yukon Ave. and Cerise Ave., Hawthorne, California, Assessor's Parcel Number 4052-029-089 ("Property"); and

WHEREAS, the Land Use Element of the General Plan designates the Property as General Commercial and the zoning as General Commercial with a Mixed-Use Overlay (C-3/MU); and

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

WHEREAS, on March 27, 2013, CUP application 2013CU03, to establish a drive-thru fast food restaurant, was denied per PC Resolution 2013-13.

WHEREAS, on April 12, 2014, after one year, CUP application 2014CU06 was filed seeking approval to establish a fast food drive-thru restaurant at the current vacant parcel, which was formerly denied by PC 2013-13 (CUP application 2013CU03).

WHEREAS, on June 4, 2014, the Planning Commission granted approval of CUP 2014CU06 per PC Resolution 2014-15 but unfortunately the entitlements for the approval expired on June 5, 2017 and required a new CUP application.

WHEREAS, on December 3, 2025 a new CUP Application CU-2025-0006 was received requesting the establishment of a drive-thru fast food restaurant (tenant undetermined).

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

WHEREAS, on February 19, 2026, 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 approximately 21,041 sq. ft. (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 March 4, 2026, 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 with approval of a conditional use permit and as such, it is a proper use within the zone.

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 development will be oriented in a way to minimize interference with the adjacent residential land uses by placing the building and entry to the drive-thru closer to West Rosecrans Avenue.

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 new structure is approximately 1,880 sq. ft. which covers 8.9% of the existing 21,041 square foot lot. The site can easily accommodate the new building and proposed parking. The portion of the site dedicated to the new drive-thru is adequate to accommodate the queue of vehicles.

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 the main entry off of West Rosecrans Avenue and also via the existing entry off of Yukon Avenue – shared entry with the neighboring McDonald's. Since McDonald's has an existing drive-thru, the site will provide signage and directional arrows guiding patrons to this shell restaurant located on the neighboring parcel.

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-2025-0006 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 4th day of March, 2026.

ATTEST:

Ruby Cohens, CHAIRPERSON

GREGG McCLAIN, SECRETARY

EXHIBIT A
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT CU-2025-0006

Application: CU-2025-0006
Applicant: Greg Borchardt, PM Design Group, Inc.
Owner: Fuad Radi, Radi Enterprises Corp.
Authorized Agent: Marlene Hamilton, PM Design Group, Inc.
Location: West Rosecrans Avenue, Hawthorne, CA 90250 (APN No. 4052-029-089)

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). Required parking is based on parking calculations at the time of approval for the CUP or based on newly adopted parking calculations. If required parking changes and the project requires less parking at the time of the plan check submittal, the applicant can request a re-calculation of the required parking and the Planning Director may grant such request.
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 March 4, 2026, as conditioned by the requirements contained in the resolution of approval for Conditional Use Permit Application CU-2025-0006. 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. Any changes or modifications of the conditions, as set 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 submitted for building permits.
 - Legal description shall be shown on plans.
 - Repair of cracked and/or deteriorated sidewalk, curb and gutter.
 - Provide dimensions for all driveway and all driveway approaches and width of adjacent parkway and sidewalk on all future plans.
 - Locate all utilities within project on street, side street and alleyways bordering this project.
 - Locate and indicate all traffic control devices (such as signal, stop no parking signs, etc.) and driveways adjacent to this property.
 - Locate and indicate all existing streetlights adjacent to this project.
 - Provide Sothern California Edison (SCE) approval.
 - 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 Engineering Department 310-349-2980.
- Provide soil report w/percolation test and pavement recommendation by a registered civil engineer
- Provide and install planter curb at the back of sidewalk along property frontage. Curb shall have a min. height of 6".
- Provide hydrology study by a registered civil engineer
- Provide sewer study by a registered civil engineer
- Provide storm drain study by a registered civil engineer
- All new driveways shall meet the current ADA standards (depressing sidewalk is not allowed within public right-of-way). Existing driveways 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.
- Loading zone shall have an adequate space for vehicles. Oversize vehicles shall not block the sidewalk

25. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans 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 the 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 Hawthorne Municipal Code.

26. The Planning Department, Public Works Department, Police Department, Building and 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 interpretations of any condition of approval shall be resolved by the appropriate Department or Agency upon written request of such interpretation

27. 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.