

RESOLUTION NO. 8507

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT TO OPERATE A DRIVE-THRU AT 13324 S. INGLEWOOD AVENUE, SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Scott Wilkeson 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 Avenue, Hawthorne, California, assessor's parcel number 4042-011-026 and 4042-011-024; 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 Planning Commission found that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA 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 of far less than five acres and surrounded by urban uses; and

WHEREAS, on October 16, 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, the Planning Commission continued the October 16 meeting to November 20, 2024, and all interested parties were again provided an opportunity to be heard; and

WHEREAS, on November 20, 2024, after evidence was again 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; the Planning Commission, having heard and received all of said evidence, testimony, and statements, and being fully informed of the application, approved Resolution No. 2024-19; and

WHEREAS, the Planning Commission approval was called for review by Council Member Reyes English and a duly noticed public hearing on the project was held

December 10, 2024, before the City Council 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 City Council, having heard and received all of said evidence, testimony, and statements, and being fully informed of the application, upheld Planning Commission Resolution No. 2024-19 with proposed additional conditions; and

WHEREAS, the City of Hawthorne Public Works Department received a grant to redesign and rebuild Inglewood Avenue in the near future, and without knowing the specifics of the redesigned street, staff recommends the applicant provide a bond to cover the costs associated with right-of-improvements immediately adjacent to the subject property rather than pay for improvements that may not be included in the final redesign; and

WHEREAS, upon recommendation of the Chief of Police, limiting the hours of operation for the restaurant is not recommended because it creates opportunities for criminal activity on the property during closed hours.

THE CITY COUNCIL OF THE CITY OF HAWTHORNE DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. All of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Council finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 3. Based upon substantial evidence presented to the Planning Commission during the October 16, 2024, public meeting, including public testimony and written and oral staff reports, the Planning Commission finds as follows:

1. The proposed use is one for which a CUP is properly authorized by the HMC, as follows: 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 with the approval of a Conditional Use Permit.
2. The drive-thru use will not adversely affect the adjoining land uses, or the growth and development of the area in which it is to be located, as follows: The project location, in the General Commercial zone, is intended for commercial activity and developments which generate more traffic than less intense commercial zones in the City. However, 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 uses.
3. That the size and shape of the site proposed for the use is adequate to allow the full development of the use, in a manner not detrimental to either the

particular area or health and safety. The portion of the site dedicated to the drive-thru is more than adequate to accommodate a queue of vehicles. The applicant provided a queuing analysis demonstrating ample space for a total of 11 vehicles to stack in the drive-thru. Additionally, the drive-thru entrance is proposed to be 24 feet wide, accommodating two lanes and two ordering stations. This style of drive-thru design provides additional queuing space and shortens the time in line.

4. That the traffic generated by the drive-thru 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 queue design demonstrates ample space to accommodate vehicles and minimize overflow into the establishment's parking lot and onto adjoining streets. The property will be accessible via curb cuts on Inglewood Avenue and 134th Street, and subject to directional arrows guiding traffic in one direction to the order boards. An additional curb cut is proposed along 133rd Street, however, this will serve only as an exit to prevent vehicles stacking on 133rd Street.
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. The granting of the CUP will not be detrimental to the health and safety of the citizens of the City of Hawthorne as conditioned because the drive-thru is a permitted use in the zone and is common in urbanized areas, such as the project site.

SECTION 4. Based on the forgoing, the City Council hereby upholds the Planning Commission Resolution No, 2024-19 for Conditional Use Permit CU-2024-0007 subject to the revised conditions set forth in Exhibit A attached hereto.

SECTION 5. This resolution is effective immediately upon its adoption.

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

SECTION 7. The documents and other materials that constitute the record of the proceedings upon which the City Council's actions 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, are located in the office of the Planning Director of the City of Hawthorne, at 4455 West 126th Street, Hawthorne, California 90250. The custodian of these documents is the Planning Director of the City of Hawthorne.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution and shall forward a copy to the City Manager and City Attorney.

PASSED, APPROVED, and ADOPTED this 28th day of January, 2025.

ALEX VARGAS, Mayor
City of Hawthorne, California

ATTEST:

DAYNA WILLIAMS-HUNTER, City Clerk
City of Hawthorne, California

APPROVED AS TO FORM

ROBERT KIM,
City Attorney
City of Hawthorne, California

EXHIBIT A

CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT CU-2024-0007

Application: CU-2024-0007
Applicant: Scott Wilkeson, McDonald's USA, LLC
Property Owner: 11383 Playa Street LLC c/o Perry G. De Luna
Authorized Agent: Robert Preece
Location: 13324 S. Inglewood Avenue

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 California Building Code, California Fire Code, Hawthorne Municipal Code, and any additional requirements by the Fire Department, Director of Building Safety, or Director of Planning, as related to this application.
2. The property shall be developed substantially in conformance with the site plan and 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 Director to determine whether proposed modifications are within the scope of approval.
3. The applicant and subsequent property owners and tenants must conform to all Business License regulations and maintain a current City license at all times.
4. All signs on the property shall comply with Chapter 17.35 of the HMC.
5. Signs shall be posted on the site per California 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 of the building.

7. Graffiti shall be removed within 24 hours of its discovery.
8. Directional signs and pavement arrows to direct internal traffic shall be included on construction plans, and are subject to City approval.
9. All direct lighting produced by the development must be contained on site. The owner and tenant shall ensure any exterior night lighting and illuminated signs installed on the 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 HMC. 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. The parking lot and drive-thru shall be provided in accordance with the approved site plan, and, per HMC 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 HMC Chapter 8.14, all landscaped areas shall be maintained in accordance with the approved landscaped plan and in a healthy and well-kept condition and kept weed-free.
15. The tenant shall ensure patrons do not block loading areas or trash enclosures during hours of operation. Further, delivery vehicles may not block parking spaces between 6:00am and 10:00pm daily.
16. The property shall be developed in substantial conformity with the plans approved by the Planning Commission on November 20, 2024, for Conditional Use Permit Application CU-2024-0007. A more intensive use of the property, or significant deviation from said plans, shall be reviewed as a modification of this permit.
17. The applicant shall commence construction of the structure or establish the use that is authorized by this approval within three years of the effective date of this approval. Failure to commence construction of the structure within that three-year period shall render this approval null and void. Any attempt to commence construction of the use thereafter shall first require approval of a new conditional use application. Applications for a time extension to the commencement date as specified herein must be filed in writing a minimum of 30 days prior to the expiration date. The Planning Director may renew the approval for a single one-year period if a request is properly filed. Any additional requests for extension shall require Planning Commission approval.

18. The applicant and property owner must submit payment for all outstanding fees payable to the City prior to issuance of any permit, including building, grading, or demolition.
19. The applicant shall pay the applicable public facility impact fees to the Building Safety Department in the amount that is in effect at the time such fees are to be collected.
20. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
21. Per the Public Works Department, applicant must abide by requirements as requested in memo dated September 10, 2024.
22. The applicant shall provide signs and a barrier (curb) at the driveway located on W. 133rd Street such that no entry to the site shall be permitted at that driveway and all exiting vehicles are limited to left turn only. Further, signs at the driveway located on W. 134rd Street shall be installed that prohibit vehicles exiting the property from that driveway.
23. In lieu of constructing improvements in the public right-of-way, the applicant shall agree to post a bond of \$40,000 to finance the cost of specified public right-of-way improvements immediately adjacent to the subject property, should they be included in the specifications of the Public Works Department related to the impending redesign and construction of Inglewood Avenue. The bond shall be dismissed if not used after five years from its filing. The specified improvements are: a) pedestrian crosswalk over Inglewood Avenue; b) signals and signs related to the crosswalk; c) left turn lane to the property's Inglewood Avenue driveway or to 134th Street for southbound vehicles on Inglewood Avenue.
24. The drive-thru may be operated 24 hours per day. However, if within the first six months of operations the Chief of Police determines that these hours create a public nuisance, and allowing some time, at the discretion of the Chief, to remedy said nuisance, the drive-thru shall remain closed from 12:00am until 5:00 am daily.
25. These conditions of approval shall be included on building plans upon submission.