

**PLANNING COMMISSION RESOLUTION NO. PC 2024-18
CONDITIONAL USE PERMIT CU-2024-0005**

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-2024-0005 FOR A DRIVE-THRU RESTAURANT AT 5119 W. EL SEGUNDO BLVD., IN THE CITY OF HAWTHORNE, SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Jerry Jamgotchian (Applicant), filed a complete application requesting the approval of a drive-thru restaurant described herein as “Project”; and

WHEREAS, the Application applies to a property located at 5119 W. El Segundo Blvd., Hawthorne, California, Assessor’s Parcel Number 4142-011-030 (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 Hawthorne Municipal Code (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 15301, Class 1, for existing facilities; and

WHEREAS, on August 21, 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, approves Resolution No. 2024-18.

**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 judgment thereon, the Planning Commission hereby finds that the Project is exempt from the California Environmental Quality Act pursuant to CEQA State Guidelines Section 15301, which exempts projects involving limited or no expansion of space or intensity of use of an existing facility. The proposed use

would not involve an expansion of space and would involve a decrease in intensity of use as two commercial uses are being converted into one commercial use.

SECTION 3. Based upon substantial evidence presented to the Planning Commission during the August 21, 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 conditional use permit is authorized by this code.

As discussed above, the project site is located in a C-3 zone. HMC Section 17.28.020 permits uses in the C-3 zone that are permitted in the C-2 zone. HMC Section 17.26.020 provides that drive-thru restaurants are permitted in the C-2 zone with the approval of a conditional use permit. As such, a conditional use permit is appropriate.

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.

The project site is currently occupied by two commercial uses. The proposal would combine the two sites into one commercial use. The commercial nature of the use would not change nor is the overall intensity of usage of the parcel anticipated to increase to an extent that it would have an adverse impact on adjoining land uses. Further, the growth and development of the area would not be impacted for similar reasons.

3. The size and shape of the proposed site for the use is adequate to allow the full development of the proposed use in a manner that is not detrimental to the area or health and safety.

The portion of the building to be removed in the rear allows for the drive-thru use to occur without adverse impacts. With this removal, the aisle width and turning radii provided for in the project would be sufficient to allow the full development of the project without having an adverse impact in the area or to health and safety.

4. The traffic generated by the proposed use will not impose an undue burden on streets and highways in the area.

The conversion of two existing commercial uses into one commercial use would not cause an increase in the intensity of use of the site. As such, no changes to traffic are expected to occur and the project will not impose an undue burden on the streets and highways in the area.

5. The granting of the conditional use permit will not be detrimental to the health and safety of the citizens of Hawthorne.

With the findings above, the granting of the conditional use permit will not be

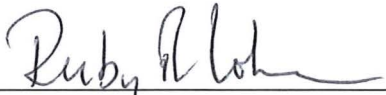
detrimental to the health and safety of the citizens of the City of Hawthorne. The drive-thru use is a permitted use in the zone and is a common use in urbanized areas, such as the project site.

SECTION 4. Based on the forgoing, the Planning Commission hereby grants Conditional Use Permit CU-2024-0005 subject to the conditions set forth in Exhibit "A" attached hereto.

SECTION 5. This resolution shall become effective ten 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 21st day of August, 2024.



RUBY COHENS, VICE-CHAIRPERSON

ATTEST:



GREGG McCLAIN, SECRETARY

EXHIBIT A
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT APPLICATION CU-2024-0005

Application: CU-2024-0005
Applicant: Jerry Jamgotchian
Owner: El Segundo Plaza Associates LP (Jerry Jamgotchian)
Location: 5119 W. El Segundo Blvd.

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 17.48.060 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. All County Fire Department requirements must be met before any building permits will be released.
2. The approved conditions of approval shall be included on building plans upon submission.
3. The property shall be developed substantially in conformance with the site 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.
4. Per the Department of Public Works, abide by the conditions provided to the applicant, which includes:
 - All driveways to meet ADA compliance per Caltrans standard A87A
 - Landscape and any structure adjacent to a driveway shall not be more than 3.5' high to provide adequate sight distance
5. The applicant and subsequent property owners/tenants must conform to all Business License regulations and maintain a current city license at all times.
6. All signage on the property shall comply with the HMC.
7. Graffiti shall be removed within 24 hours of its discovery.

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.

8. 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.
9. 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.