

PLANNING COMMISSION RESOLUTION NO. PC 2015-01

CONDITIONAL USE APPLICATION NO. 2014CU07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE APPROVING CONDITIONAL USE PERMIT 2014CU07, TO PERMIT COSTCO WHOLESALE TO CONSTRUCT AND OPERATE A MEMBERS ONLY GAS STATION AT THE PROPERTY LOCATED AT 12530 PRAIRIE AVE IN THE CITY OF HAWTHORNE, AND MAKING USE OF THE GUIDELINES UNDER THE REQUIREMENTS OF CEQA FOR ADOPTION OF A NEGATIVE DECLARATION/INITIAL STUDY.

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

Section 1. Ms. Jennifer Murillo, on behalf of Costco Wholesale, is requesting approval of a conditional use permit to construct and operate a gasoline fuel station with 2 islands, 6 fueling stations, and a 4,510 sq. ft. overhead canopy. The property is located at 12530 Prairie Ave. within the M-1 (Limited Industrial) Zone, in accordance with Title 17, of the Hawthorne Municipal Code for certain real property located in the City of Hawthorne, County of Los Angeles, State of California

Section 2. The project is being processed with a Negative Declaration/Initial Study pursuant to the provisions of the California Environmental Quality Act (CEQA). A duly noticed public hearing, of the right to submit comments thereon and of the date of the public hearing on the project was given by publication in the Herald. Notice was mailed, published, and posted as required by law. In accordance with that Notice, the public hearing to consider the Project was held on March 4, 2015. The Negative Declaration and Initial Study are attached as "Exhibit A".

Section 3. The Planning Commission, having considered the written and oral comments of interested parties thereon, the responses thereto by City staff, as well as the entire record of its proceedings concerning the Project, and having exercised its independent judgment thereon, hereby finds that the Negative Declaration represents the independent judgment of the Planning Commission and complies with the California Environmental Quality Act. Therefore, the Planning Commission hereby adopts the Negative Declaration/Initial Study.

Section 4. The Planning Commission hereby finds that the Project is consistent with the City of Hawthorne General Plan and the Zoning Code and hereby grants Conditional Use Permit 2014CU07 for the Project subject to the conditions of approval set forth in attached "Exhibit B". The project is compatible with surrounding commercial and industrial uses and, as conditioned, will not adversely affect the public welfare and complies with the Hawthorne Municipal Code and the General Plan. The subject site is zoned M-1 (Limited Industrial).

Section 5. In addition to the conditions of approval imposed on the project, the applicants, Ms. Jenifer Murillo and Costco Wholesale, shall indemnify and hold harmless the City, its officers, employees, successors and assignees from (1) attorneys' fees incurred in defending any legal action challenging approval of this Conditional Use Permit, including any legal action based on the California Environmental Quality Act, and (2) from any damages and attorneys' fees awarded against the City in any lawsuit challenging the Conditional Use Permit, including any lawsuit based on the California Environmental Quality Act as well as any action arising out of the conditions of approval.

Section 6. This resolution shall become effective 10 days after acknowledgment by certified receipt of this Resolution by the Applicants, 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 7. The Negative Declaration/Initial Study stating that the project was approved shall be filed with the County Clerk of Los Angeles County unless a timely appeal of this Resolution is filed. The filing of the Negative Declaration with the County Clerk begins the 30-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 8. 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 California Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 9. 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 2015.

ATTEST:



GREGG MCCLAIN, SECRETARY
HAWTHORNE PLANNING COMMISSION



RULA ALSHANABLEH, CHAIRPERSON
HAWTHORNE PLANNING COMMISSION

EXHIBIT "A"

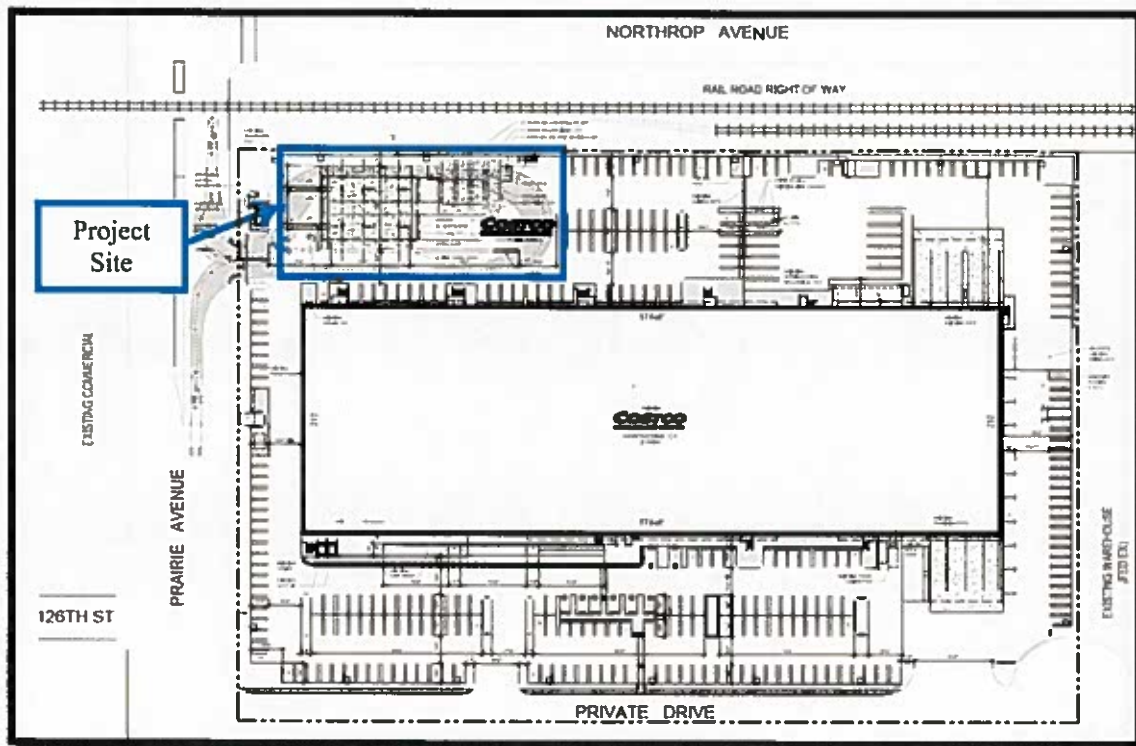
NEGATIVE DECLARATION

Subject: Conditional Use Permit 2014CU07
Project Title: Gasoline Station (Costco Members Only) at existing Costco Business Center
Project Address: 12530 Prairie Ave.
Hawthorne, CA 90250
Project APN: 4049-011-016
Project Applicant: Costco Wholesale
Lead Agency: City of Hawthorne
Project Description:

Conditional Use Permit No. 2014CU07 is a request by Costco Wholesale to construct and operate a Costco Gasoline Station for members only. The proposed Gasoline Station will be developed on an 8.22-acre (358,195 sf) site that is currently developed with a Costco Business Center (approximately 120,540 sf building). The property is in the M-1 (Limited Industrial) Zone. Staff found that there would not be a significant effect on the environment in this case. The proposed project involves the development of the following:

Costco Members Only Gas Station:

- 3-island wide fuel facility with 9 fuel dispensers
- 4,510 sf Canopy
- 106 sf Controller Enclosure (houses all of the controls for the fuel station)



Findings and Determination: The City of Hawthorne prepared an Initial Study (see attached) and there is no substantial evidence which determined the project would have a significant effect on the environment. The preparation of an Environmental Impact Report (EIR) for the proposed project is not required. If there are substantial changes to the proposed project which alters its character or its impacts, the necessary environmental impact determination will be prepared.

1. Based on the whole record (including the Initial Study and supporting documentation), the City of Hawthorne has determined that the proposed project has no potential to result in significant adverse environmental impacts.
2. The Negative Declaration, along with the supporting documentation, reflects the independent judgment and analysis of the lead agency.

Signature

Maria G. Majcherek, Associate Planner
Printed Name and Title

January 20, 2015
Date

EXHIBIT "B"

Conditions of Approval Conditional Use Permit 2014CU07

1. Failure of the applicant to comply with conditions, as set forth herein shall be cause for the Planning Commission to immediately institute a Public Hearing to consider revocation, suspension or termination of this permit.
2. The property shall be developed in complete conformity with the plans approved by the Planning Commission on March 4, 2014 as conditioned by the requirements contained in this resolution of approval for Conditional Use Permit application 2014CU07. 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.
3. Modifications of the site, as approved by the Planning Commission, shall be approved only after a new public hearing has been conducted on the modified application/plan. An application shall be processed through the Planning Department, and all applicable fees shall be paid, before scheduling a hearing on the proposed modifications.
4. The signed Resolution shall be part of/affixed to site plans upon submittal for plan check.
5. The property owner and/or applicant/operator of the facility shall be solely responsible for its maintenance and shall ensure that it remains in compliance with the conditions of the approval. Failure to maintain the facility in compliance with conditions of approval may be cause for suspension or termination of this permit.
6. The property shall be developed with a total of 2 islands, 6 fueling stations, 106 sq. ft. Controller Enclosure (houses all of the controls for the fuel station), and a 4,510 sq. ft. overhead canopy (maximum height of 17'6").
7. The property shall not reduce the required on-site parking to less than 318 stalls.
8. The property shall be maintained in a clean manner – free from weeds, debris, and graffiti – at all times. The property owner shall bring the property into compliance with applicable codes. Permits for the facility shall not be issued until the property complies with the aforementioned maintenance/code issues. Failure to maintain the property may be cause for suspension or termination of this permit.
9. The construction area shall be kept clean at all times prior, during, and after construction.
10. All graffiti shall be removed from the premises within twenty-four hours of

11. The applicant shall comply with the provisions of Chapter 17.66 (Development Impact Fee for New Development) of the Hawthorne Municipal Code. The applicant shall pay all applicable public facility impact fees and building permit fees to the Building and Safety Department in the amount that is in effect at the time such fees are to be collected.
12. The applicant shall insure the project is reviewed by the Los Angeles Fire Department and comply with requirements. Upon review, the development of the site may require changes to the proposed site plan.
13. Per the Department of Building and Safety, the property overhead canopy shall maintain a distance of 20 feet from the northern property line of the lot and a 60 foot distance from the existing Costco Business Center building.
14. If the project involves demolition of an existing building then it will require a Construction and Demolition Materials Reporting detailing all disposal, recycling and reuse activities. Final permit approval requires submittal of this report. A deposit may also be required upon issuance of demolition permit. Contact Douglas Krauss, 310-349-2987.
15. The applicant or operator shall obtain and maintain a valid business license from the City of Hawthorne for the proposed facility, if one does not already exist.