

**PLANNING COMMISSION RESOLUTION NO. PC 2024-06
CONDITIONAL USE PERMIT CU-2024-0001**

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 APPLICATION NO. CU-2024-0001 FOR THE ON-SITE SALE OF BEER AND WINE WITHIN A BONA FIDE RESTAURANT (TYPE 41 – ON-SALE BEER AND WINE – EATING PLACE) LOCATED AT 11644 HAWTHORNE BLVD., IN THE CITY OF HAWTHORNE, SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Janeth Gonzalez (“Applicant”), filed a complete application requesting the approval of a Conditional Use Permit (CUP) for on-site sale of beer and wine within a bona fide restaurant (Type 41) in accordance with Hawthorne Municipal Code (HMC) Chapter 17.76; and

WHEREAS, the Application applies to a property located at 11644 Hawthorne Blvd., Hawthorne California, Assessor’s Parcel Number 4047-016-004 (“Property”); and

WHEREAS, the Land Use Element of the General Plan designates the Property as Downtown Hawthorne Specific Plan (DHSP) and the zoning as General Commercial (C-3), which is intended for commercial uses, such as retail, restaurants, and banks; and

WHEREAS, the proposed sale of beer and wine would take place within an existing building operating as Con Huevos; and

WHEREAS, the City of Hawthorne wishes to protect and preserve the quality of the local business areas and quality of life throughout the City and to ensure that alcohol uses are managed through effective land use planning; and

WHEREAS, under Section 23790 of the Business and Professions Code, the department of Alcohol and Beverage Control (ABC) may not issue an alcoholic beverage license if doing so would violate an existing local zoning ordinance; and

WHEREAS, based upon the information received and Staff’s review and assessment, this was determined not to be a project under CEQA in accordance with Section 15301 of CEQA and State CEQA Guidelines Section 15300.2. Class 1 exempts projects involving negligible or no expansion of an existing or former use for existing facilities. The awarding of a license for the sale of beer and wine would have a negligible expansion of the existing use, with no alteration to the existing structure. Further, there are no unusual circumstances or issues that would constitute an exception to the categorical exemptions under CEQA Guidelines Section 15300.2; and

WHEREAS, on April 3, 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. 2024-06.

**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 information contained in the Staff Report and the Notice of Exemption for the Project, the Planning Commission hereby finds and determines that this is not a project under CEQA in accordance with Section 15301 of CEQA and State CEQA Guidelines Section 15300.2. Class 1 exempts projects involving negligible or no expansion of an existing or former use for existing facilities.

SECTION 3. Based upon substantial evidence presented to the Planning Commission during the April 3, 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:
 - HMC Chapter 17.76 requires approval of a CUP for the sales of alcohol to ensure potential concerns related to the location, surrounding uses and type of license being sought are addressed. The applicant provided a map that demonstrated that there are no sensitive uses within a 300-foot radius.
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:
 - a. The approved sale of beer and wine is within an existing restaurant. The proposed addition of beer and wine sales for on-site consumption within the building is not a significant expansion of the use.
 - b. The existing restaurant is accessible from existing streets and sidewalks and has adequate parking.
 - c. The requirement of the ABC License and the Conditions of Approval require that the management ensure patrons consume alcohol only on the premises and are of legal drinking age before purchasing alcohol.
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.
 - a. The project site is adequate to accommodate the addition of beer and wine sales within an existing building.
 - b. The on-site sales of beer and wine would occur within the existing building footprint.

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.
 - a. The commercial building is existing and allowed by-right under the HMC. The sale of beer and wine does not alter traffic demand or off-street parking requirements.
 - b. The site is adequately served by highways and streets with sufficient traffic control infrastructure to allow smooth traffic flow.

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.
 - a. The applicant shall ensure all pertinent employees obtain LEAD (Licensee Education on Alcohol and Drugs) Certificates offered by ABC and copies of such certificates shall be kept on-site.
 - b. The applicant will obtain and comply with applicable ABC licenses.
 - c. The on-site sale and consumption of beer and wine are an incidental and ancillary use to the restaurant use.

SECTION 4. Based on the forgoing, the Planning Commission hereby grants Conditional Use Permit CU-2024-0001 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 3rd day of April 2024.

ATTEST:



GREGG McCLAIN, SECRETARY



Ryan Richard, CHAIRPERSON

EXHIBIT A
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT CU-2024-0001

Application: CU-2024-0001
Applicant: Janeth Gonzalez
Owner: Rafael Martinez
Authorized Agent: Edson Gonzalez
Location: 11644 Hawthorne 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. The applicant must obtain and maintain a Type 41 License (On-sale Beer and Wine – Eating Place) by ABC (Alcohol and Beverage Control) and abide by all local, state, and federal regulations prior to operation of the business. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the site by the ABC shall be grounds for revocation of the CUP.
2. Signs shall be posted on the site per CA Penal Code Sections 552 through 555.5 and 11532 to prohibit loitering on the property. These signs shall be installed prior to issuance of business license.
3. Alcohol service can occur within the building.
4. In order to control the areas where alcohol is permitted, signs shall be posted inside the business and on the wall near the exits stating “No alcohol allowed past this point”. These signs shall be installed prior to issuance of business license.
5. In order to help reinforce the minimum drinking age, the Applicant shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages." These signs shall be installed prior to issuance of business license.
6. In order to minimize the prominence of alcohol service at the business, the display of alcoholic beverages shall not be located outside of the building or within five feet of any public entrance to the building. This condition shall be included on the Business License.
7. In order to ensure that alcohol consumption is properly managed, the applicant shall ensure all pertinent employees have obtained LEAD Certificates and copies of such certificates shall be kept on-site and available for inspection upon request by a City official.

8. Before issuance of business license, a security plan shall be submitted and must be approved by the Police Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Police Department shall review and revise the security plan and implement those provisions the police think may address the issue. This may include hiring a security guard and limiting hours of alcohol service. Applicant must have an approved security plan at all times during operation.

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.

9. 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.
10. 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.
11. The applicant must conform to all Business License regulations and maintain a current city license at all times.
12. All signage on the property shall comply with Chapter 17.35 of the HMC.
13. 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 room.
14. Emergency fire facilities shall be kept free and unobstructed at all times.
15. Per Section 8.22.050 of the Municipal Code, any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.