

**PLANNING COMMISSION RESOLUTION NO. PC 2024-17  
CONDITIONAL USE PERMIT CU-2024-0006**

**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 APPLICATION NO. CU-2024-0006 TO PERMIT THE USE OF A TOBACCO SPECIALTY STORE WITHIN A BONA FIDE MINI MARKET LOCATED AT 12730 CRENSHAW BLVD., IN THE CITY OF HAWTHORNE, SUBJECT TO CONDITIONS AND MAKING FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, Khaled Elbasyouny ("Applicant"), filed a complete application requesting the approval of a Conditional Use Permit (CUP) for the sale of tobacco (Tobacco Specialty Store) within a proposed mini-market in accordance with Hawthorne Municipal Code (HMC) Chapter 17.28; and

**WHEREAS**, the Application applies to a property located at 12730 Crenshaw Blvd., California, Assessor's Parcel Number 4056-032-018 ("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), which is intended for commercial uses, such as retail, restaurants, and banks; and

**WHEREAS**, the proposed sale of tobacco would take place within an existing building operating as Z Tobacco Mart; 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 tobacco specialty stores are managed through effective land use planning; and

**WHEREAS**, based upon the information received and Staff's review and assessment, the project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303 Class 3 (New Construction or Conversion of Small Structures) of CEQA. Class 3 exempts projects involving the installation of small new equipment and facilities in small structures. Further, no exceptions identified in CEQA Guidelines Section 15300.2 are applicable. The application is therefore exempt from the from the provisions of CEQA; 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. 2024-17.

**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 the Project is categorically exempt as a Class 3 Project (New Construction or Conversion of Small Structures) pursuant to CEQA Guidelines Section 15303.

**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 CUP is authorized by this code, as follows:

HMC Chapter 17.04 defines a Tobacco Specialty Store as a retail store where more than twenty percent of the annual gross receipts are from the sale of tobacco products (including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and smokeless tobacco) and smoking paraphernalia.

HMC Chapter 17.26 requires approval of a CUP for tobacco specialty stores to ensure potential concerns related to the location, surrounding uses, and type of license being sought are addressed. The consumption of tobacco or tobacco related paraphernalia on the premises, samples of tobacco, and sales via vending machine or self-service display are strictly prohibited. The majority of uses within a 300-foot radius are primarily industrial and commercial uses. A small portion of the Airo at South Bay apartment complex is the closest residential use to the mini market. Residential uses located east of the Dominguez Channel, within the City of Gardena, are beyond the 300 foot radius distance of the mini market.

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 tobacco specialty store will also operate as a mini-market. The proposed sales of tobacco will not be a significant expansion of the retail use.
  - b. The proposed market is accessible from existing streets and sidewalks and has adequate parking.
  - c. The requirements for sales of tobacco require that the management ensure patrons are of legal age before purchasing tobacco.
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 tobacco within the existing retail space.

- b. The on-site sales of tobacco would occur within the existing building footprint and consumption would be off-site of the premises.
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 retail building is existing and allowed by-right under the HMC. The sale of tobacco 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 are trained and aware of FDA and California laws regarding the sale of tobacco products.
  - b. The sales of tobacco and/or tobacco related paraphernalia is only sold to patrons 21 years of age or older.
  - c. The applicant shall ensure and maintain the safety and appearance of the use by employing measures such as, but not limited to, adequate monitoring on the property for security, and daily cleaning within the store and parking lot.
  - d. The applicant will obtain and comply with applicable tobacco regulations and obtain required licenses.

**SECTION 4.** Based on the forgoing, the Planning Commission hereby grants Conditional Use Permit CU-2024-0006 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 21<sup>st</sup> day of August 2024.

ATTEST:

  
GREGG McCLAIN, SECRETARY

  
RUBY COHENS, VICE-CHAIRPERSON

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
CONDITIONAL USE PERMIT CU-2024-0006

**Application:** CU-2024-0006  
**Applicant:** Khaled Elbasyouny  
**Owner:** Premium Wash Coin Laundry, LLC  
**Authorized Agent:** Jose Angel Gutierrez  
**Location:** 12730 Crenshaw Boulevard

**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 all required licenses for the sale of tobacco. The surrender, lapse, termination, suspension, by the state agency issuing Tobacco licenses 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. In order to help reinforce the minimum required age, the Applicant shall post a prominent, permanent sign or signs stating, "No person under 21 will be sold tobacco products" and "Valid ID is required to purchase tobacco products." These signs shall be installed prior to issuance of business license.
4. Tobacco and tobacco related paraphernalia shall not exceed 155 sq. ft. within the retail portion of the mini-market.
5. The free samples and consumption of tobacco and/or tobacco related paraphernalia on the premises is prohibited.
6. Sales of tobacco products via vending machine or self-service display is prohibited.
7. Sales of packages containing fewer than 20 cigarettes, including single cigarettes known as "loosies", are prohibited.
8. The applicant shall ensure all pertinent employees are trained and aware of FDA and California laws regarding the sale of tobacco products.
9. In order to maintain the safety and appearance of the premises, the applicant shall employ measures such as, but not limited to, adequate monitoring on the property for security (interior and exterior), posting of "No Loitering" signs at the entrances and exits of the store,

and daily cleaning within the store and parking lot.

**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.*

10. 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.
11. 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.
12. The applicant must conform to all Business License regulations and maintain a current city license at all times.
13. All signage on the property shall comply with Chapter 17.35 of the HMC.
14. 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.
15. Emergency fire facilities shall be kept free and unobstructed at all times.
16. 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.