

**HAWTHORNE PLANNING COMMISSION
MINUTES OF JUNE 21, 2006**

I. CALL TO ORDER:

Chairman Smith called the meeting to order at 6:00 pm in the City Council Chambers, Hawthorne City Hall, 4455 West 126th Street, Hawthorne, California 90250.

II. PLEDGE OF ALLEGIANCE:

Commissioner Cole led the Pledge of Allegiance.

III. ROLL CALL:

PRESENT: Chairman Robert Smith
Commissioner Bernard Belonsky
Commissioner Pat Carey
Commissioner James Cole, Jr.

ABSENT: None

EX-OFFICIO MEMBERS:

PRESENT: Harold Roth, Director of Planning and CD
Russell Miyahira, Assistant City Attorney
Scott Lunceford, Senior Planner

IV. APPROVAL OF MINUTES:

Commissioner Cole made a motion, seconded by Commissioner Belonsky, approving the Planning Commission Minutes of May 17, 2006. All voted yes, the Minutes were approved as submitted.

V. COMPLIANCE WITH GOVERNMENT CODE SECTION 54954.2:

Chairman Smith instructed the Secretary to enter into the Minutes the approval of Compliance with Government Code Section 54954.2 regarding the June 21, 2006 Agenda.

VI. ORAL COMMUNICATIONS:

As no one desired to be heard, Chairman Smith closed oral communications.

VII. PUBLIC HEARINGS:

A. NOTICE OF EXEMPTION UNDER CEQA AND CONDITIONAL USE PERMIT 2006CU07 FOR EL FOGON RESTAURANT AT 11433 HAWTHORNE BOULEVARD, A REQUEST TO PERMIT THE SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE IN A C-1 (FREEWAY COMMERCIAL/MIXED USE) ZONE:

Senior Planner Lunceford presented the application submitted by Maria Chavez, owner of El Fogon Restaurant, at 11433 Hawthorne Boulevard, for a Conditional Use Permit to permit the sale of beer and wine in conjunction with a bona fide public eating-place. El Fogon Restaurant occupies the northerly half of the building, the southerly half of the building, 11437 Hawthorne Boulevard, is occupied by the Den, a bar. Both share parking situated to the rear on West 115th Street with the currently vacant building located to the north at 11425 Hawthorne Boulevard. El Fogon has seating for 60 patrons and is open daily from 10:00 am to 10:00 pm. Senior Planner Lunceford iterated the following recommendations:

1. The CUP is subject to revocation if the ABC liquor license was subject to suspension or revoked. Suspension or revocation shall occur if the sale of beer and wine is discontinued for fifteen days or more.
2. The hours of operation for the restaurant are limited from 10:00 am to 10:00 pm, daily.
3. The ABC liquor license is amended to have the CUP applicant and restaurant owner's name, Maria Chavez, as the applicant, rather than Merino Sanchez, the current applicant for the ABC liquor license.

Commissioners Carey and Belonsky asked for an explanation of the fifteen days rule. Senior Planner explained that the ABC Board regulations required notification and suspension of the license if the sale of beer and wine was suspended for fifteen days or more. The proposed recommendation would allow the Planning Commission to conduct a public hearing to revoke the CUP if the liquor license was subject to revocation by the ABC Board.

Maria Chavez, 4852 West 133rd Street, Hawthorne, said she would be thankful for the approval of the CUP.

Chairman Smith opened the Public Hearing at 6:17 pm. As no one wished to speak, the Public Hearing was closed at 6:17 pm.

Commissioner Carey asked how long the restaurant has been open. Ms. Chavez said that the restaurant has been open since February 2006.

Commissioner Belonsky asked what was the prior use of the building. Planning Director Roth said that the prior occupant was a West African Restaurant, called Safari. Commissioner Belonsky said he was concerned about the concentration of businesses having various types of liquor licenses. He asked if the ABC Liquor Board regulated

licenses to control undue concentrations. Assistant Attorney Miyahira said that the ABC Board had regulations covering concentration of businesses with off-sale liquor licenses, but no such provision for beer and wine sales in restaurants. Commissioner Belonsky asked about limiting the CUP to the applicant. Assistant Attorney Miyahira said that the approval of a CUP was an entitlement that ran with the land and could not be restricted to the applicant. The Planning Commission could place conditions upon the CUP, as recommended, which would provide the City with grounds to consider revoking the CUP if the conditions were not followed. Commissioner Belonsky asked why the proposed hours were recommended. Planning Director Roth said that the hours were what the applicant had listed as the hours for which the restaurant was open. Restricting the hours would lessen the possibility that the restaurant would be serving beer and wine as a primary function rather than as a compliment to the food service.

Commissioner Cole said that the recommended conditions provided protection to the City.

Commissioner Belonsky asked about the parking. Planning Director Roth said that the seating in El Fogon, 60 seats, was less than the seating in the prior restaurant, therefore the degree of nonconforming parking had been reduced. He asked the applicant why the parking had been reduced. Ms. Chavez said that it was easier for her to deal with a smaller seating capacity.

Chairman Smith asked about the hours for the den. Mr. Chavez said that the Den was open from 10:00 am to 2:00 am.

Commissioner Cole made a motion, seconded by Commissioner Carey, approving Resolution PC-2006-17, approving the Categorical Exemption under CEQA and the Conditional Use Permit 2006CU07, a request to permit the sale of beer and wine in conjunction with a bona fide public eating place. All voted yes, the motion was approved.

VIII. WRITTEN COMMUNICATIONS:

None.

IX. MUNICIPAL PLANNING:

None.

X. INDIVIDUAL REPORTS:

Chairman Smith asked about the cellular tower to be located at Jim Thorpe Park. Planning Director Roth said that the tower was replacing an existing lighting standard and would look like the surrounding lighting standards, not a monopine nor monopalm.

Commissioner Carey said that he had received an email from Councilwoman Lambert expressing concern about an airplane crashing into a cellular tower. Commissioner Carey said that he had emailed her explaining that the cellular towers in the City generally were no higher than trees and nearby buildings and did not pose the same hazard as higher towers in rural areas. He also explained that the City required FAA approval for all towers.

XI. ADJOURNMENT:

The meeting was adjourned at 6:35pm.

Chairman Robert Smith
Hawthorne Planning Commission

Date signed:

ATTEST:

Harold Roth
Secretary, Hawthorne Planning Commission