

**ORDINANCE NO. 2257**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTER 17.76 (SALE OF ALCOHOLIC BEVERAGES), AND ADDING SECTION 17.76.030 (OPERATIONAL STANDARDS), OF CHAPTER 17.76 (SALE OF ALCOHOLIC BEVERAGES), OF TITLE 17 (ZONING) OF THE HAWTHORNE MUNICIPAL CODE, AND MAKING A FINDING OF EXEMPTION IN COMPLIANCE WITH CEQA IN CONNECTION THEREWITH**

**WHEREAS**, the State of California's Department of Alcoholic Beverage Control (ABC) issues various types of alcoholic beverage licenses; and

**WHEREAS**, the City's intention when creating a Conditional Use Permit (CUP) requirement for alcohol sales was to minimize potentially harmful impacts to the community that the sale of alcohol may have in certain locations and circumstances; and

**WHEREAS**, the City's Economic Development Strategic Plan calls for the improvement of "customer service operations" (Goal 3, in part) and updating the "Zoning Code for the 21st Century" (Goal 4), and

**WHEREAS**, the City has determined that creating unnecessary hurdles for new businesses in the City is counterproductive to economic development; and

**WHEREAS**, restaurants within the City are a vital part of the City's economic footprint and they derive a significant portion of their revenue from the sale of alcoholic beverages; and

**WHEREAS**, dine-in restaurants are especially reliant on alcohol beverage sales to boost their profitability; and

**WHEREAS**, every alcohol CUP issued by the City has nearly identical conditions of approval; and

**WHEREAS**, when every application for alcohol sales is approved by the Planning Commission or the City Council, and all have the same general applicable conditions, and planning best practices suggest that such applications should be administratively processed rather than require a discretionary permit, such as a CUP; and

**WHEREAS**, the administrative approval processes are handled by Staff, who are required to approve applications that meet all of the standards and requirements of the Municipal Code, and are not permitted to use discretion in making the determination to approve or not; and

**WHEREAS**, the CUP application fee is over \$4,000, and there are other expenses necessary for an application to be complete. Additionally, the time from application to approval is 2-3 months, at a minimum; and

**WHEREAS**, the cost and time required for dine-in restaurants to obtain a CUP for alcohol sales is especially burdensome for start-ups, creating an impediment to their success. Additionally, the alternative of forging the alcohol CUP is also an impediment to the dine-in restaurants' success; and

**WHEREAS**, enabling the alcohol approval process for dine-in restaurants as an administrative approval will be an economic boost to the City's local restaurants; and

**WHEREAS**, the change of alcohol approval process for dine-in restaurants has no bearing on ABC's licensing and application processes; and

**WHEREAS**, many ABC license types have very low to no propensity to becoming a nuisance to the community due to the specific nature of their operations and ABC restrictions; as a result, they should also be processed as administrative applications; and

**WHEREAS**, a Type 17 license is for beer and wine wholesalers, generally. This permits incidental sales to other supplier-type licensees. However, to qualify as a bona fide wholesaler, a licensee must sell alcoholic beverages to retailers. (B&P Code § 23779); and

**WHEREAS**, a Type 18 license is for distilled spirits wholesalers, generally. "Wholesale sale" or "sale at retail" means the sale by any on- or off-sale licensee for the purposes of resale (B&P Code § 23027). This permits incidental sales to other supplier-type licensees. However, to qualify as a bona fide wholesaler, a licensee must sell to retailers. (B&P Code § 23779, CCR § 28); and

**WHEREAS**, a Type 19 license is for an industrial alcohol dealer, which sells alcohol for use in the trades, professions, and industries, but not for beverage use. They may sell to non-licensees, only if they have a use permit issued by the Alcohol and Tobacco Tax and Trade Bureau. B&P Code § 23380 authorizes a dealer to sell undenatured ethyl alcohol in packages of more than one gallon for use in the trades, professions, or industries and not for beverage consumption. It also authorizes the importation and exportation of undenatured ethyl alcohol. Undenatured ethyl alcohol is alcohol that is fit for beverage purposes as differentiated from denatured alcohol which is not fit for beverage purposes; and

**WHEREAS**, a Type 27 license is for a California winegrower's agent, which acts as the sole representative for a California winegrower or brandy manufacturer (B&P Code § 23373.2). This license authorizes the holder to possess wine and brandy produced in this State in public and private warehouses; to sell only to wholesalers for his/her own account or to solicit and make sales of wine or brandy made in California only to wholesalers for his/her principal, and to invoice and collect payments for orders solicited by them (B&P Code § 23373). This license does not authorize the holder to represent an out-of-state winegrower or brandy manufacturer; and

**WHEREAS**, a Type 28 license authorizes the shipment of distilled spirits manufactured outside California to licensed importers in this state. A licensed importer may obtain distilled spirits only from the holder of an active out-of-state distilled spirits shipper's certificate. This certificate has no sale privilege within California; and

**WHEREAS**, a Type 31 license is issued as a temporary daily license for On-Sale/Off-Sale General or On-Sale/Off-Sale Beer and Wine issued to a valid non-profit 501(c)(3) or other qualified organizations to sell alcoholic beverages via auction or online raffle for fundraising events. Alcoholic beverages can be obtained via donation or purchased from a licensee as specified by law. License duration varies in length. Law enforcement approval may be required (B&P Code §§ 24045.2, 24045.3, 24045.4, 24045.6, 24045.8, 24045.9, 25600). This license type is subject to Responsible Beverage Service (RBS) requirements and requires at least one person to be RBS trained and certified. This person must be present at the event and actively oversee the alcohol service for the entire duration of the event; and

**WHEREAS**, a Type 34 license is issued as a temporary daily license for On-Sale Beer and Wine issued to a valid non-profit 501(c)(3) or other qualified organizations for fundraising events. This license allows on-site consumption to the general public. Sale of alcoholic beverages for off-sale is prohibited. Law enforcement approval may be required (B&P Code § 24045, CCR § 59). This license type is subject to Responsible Beverage Service (RBS) requirements and requires at least one person to be RBS trained and certified. This person must be present at the event and actively oversee the alcohol service for the entire duration of the event; and

**WHEREAS**, a Type 37 license is issued as a temporary daily license for On-Sale General issued to a valid non-profit 501(c)(3) or other qualified organizations for fundraising events. License allows on-site consumption to the general public. Sale of alcoholic beverages for off-sale is prohibited. Beer and wine may be purchased from a retailer or wholesaler. Law enforcement approval may be required (B&P Code § 24045.1, CCR § 59.5). This license type is subject to RBS requirements and requires at least one person to be RBS trained and certified. This person must be present at the event and actively oversee the alcohol service for the entire duration of the event; and

**WHEREAS**, a Type 41 license is issued to restaurants. It authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to RBS requirements and requires alcohol servers and managers of alcohol servers to be RBS certified; and

**WHEREAS**, a Type 47 license is issued to restaurants. It authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises. It also authorizes the sale of beer and wine for consumption off the licensed premises. The Licensee must operate and maintain the licensed premises as a bona fide eating place.

The Licensee must also maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to RBS requirements and requires alcohol servers and managers of alcohol servers to be RBS certified; and

**WHEREAS**, a Type 64 license may be issued to certain non-profit theater companies as specified in B&P Code § 24045.7. Theater companies holding this license may sell and serve alcoholic beverages to ticketholders from two hours before to one hour after a bona fide theater performance of the company. This license type is subject to RBS requirements and requires alcohol servers and managers of alcohol servers to be RBS certified; and

**WHEREAS**, a Type 66 license is issued to licensed hotels or motels and allows for the sale of packaged distilled spirits in guestrooms. The distilled spirits sold pursuant to these permits shall be in containers of 50 milliliters or less and must be secured in a locked cabinet. This license type is subject to RBS requirements and requires alcohol servers and managers of alcohol servers to be RBS certified; and

**WHEREAS**, a Type 69 license allows qualified non-profit theater companies to sell and serve beer and wine to ticket holders. Sales and service of beer and wine may only occur during and up to two hours prior to a bona fide theater performance of the company. This license type is subject to RBS requirements and requires alcohol servers and managers of alcohol servers to be RBS certified; and

**WHEREAS**, a Type 85 license allows for the sale of wine to consumers for consumption off the licensed premises. Sales are restricted to those solicited and accepted via direct mail, telephone, or the Internet and may not be conducted from retail premises open to the public; and

**WHEREAS**, a Type 90 license authorizes the sale of beer, wine, and distilled spirits at retail for consumption on the premises in a music entertainment facility, as defined in B&P Code § 23550. Sale, service, and consumption of alcoholic beverages are limited to the time period from two hours before a live performance until one hour after the live performance. Minors are allowed on the premises. This license type is subject to RBS requirements and requires alcohol servers and managers of alcohol servers to be RBS certified; and

**WHEREAS**, on April 16, 2025, the Planning Commission of the City of Hawthorne considered the zone text amendment and addition and, after a duly noticed public hearing where all persons in support and in opposition were heard, adopted Resolution No. PC 2025-04, recommending approval of this ordinance to the City Council; and

**WHEREAS**, on May 13, 2025, the City Council of the City of Hawthorne considered the zone text amendment and addition and, after a duly noticed public hearing where all persons in support and in opposition were heard, introduced this ordinance; and

**WHEREAS**, the City Council of the City of Hawthorne wishes to now adopt this ordinance in furtherance of the City's objective pursuant to the Economic Development

Strategic Plan adopted by the City Council on April 25, 2023, to update and clarify Title 17 of the Hawthorne Municipal Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWTHORNE DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Hawthorne hereby incorporates by reference all the recitals herein.

**SECTION 2.** Section 17.76.020 (Conditional Use Permit Required), of Chapter 17.76 (Sale of Alcoholic Beverages), of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended and Section 17.76.030 (Operational Standards), of Chapter 17.76 (Sale of Alcoholic Beverages), to Title 17 (Zoning) is hereby added as follows (in bold):

**Chapter 17.76 SALE OF ALCOHOLIC BEVERAGES**

**§ 17.76.010 Purpose.**

Due to the special role that alcohol plays in American culture, including both benefits and negative impacts to a community, the following provisions are intended to ensure that ~~the occurrence of~~ alcoholic beverage outlets ~~does~~ not adversely impact the public health, safety, and general welfare of the eCity while providing economic benefits to the hospitality and dining establishments in the eCity.

**§ 17.76.020 Conditional Use Permit Required.**

~~All~~ Alcohol sales, for both on-site and off-site consumption, except those ~~associated with temporary licenses issued by the Department of Alcoholic Beverage Control, listed below,~~ shall require a ~~CUP conditional use permit~~ and shall be subject to reasonable and appropriate conditions as determined by the pPlanning eCCommission or eCity eCCouncil based upon the location, surrounding uses, and type of license sought.

A. Exempt from conditional use permit.

- 1. The following types of alcohol licenses issued by the Department of Alcoholic Beverage Control (ABC) are exempt from the requirement for a conditional use permit but are subject to the operational standards in Section 17.76.030.

Type 17: Beer and wine wholesaler

Type 18: Distilled spirits wholesaler

Type 19: Industrial alcohol dealer

Type 27: California winegrower’s agent

[Type 28: Out-of-state distilled spirits shipper's certificate](#)

[Type 31: Special daily \(beer, wine, distilled spirits\)](#)

[Type 34: Daily beer and wine](#)

[Type 37: Daily general](#)

[Type 41: On-sale beer and wine—eating place](#)

[Type 47: On-sale general eating place](#)

[Type 64: Special on-sale general for theater company](#)

[Type 66: Controlled access cabinet permits](#)

[Type 69: Special on-sale beer and wine theater](#)

[Type 85: Limited off-sale—wine license](#)

[Type 90: On-sale general for special use](#)

[2. Exemption from requiring a conditional use permit in no way diminishes the City's ability to address nuisances as defined in Titles 8, 9, 12, and elsewhere in this Municipal Code that may be related to the presence of alcohol.](#)

**AB.** In addition to all submittal requirements for a conditional use permit described elsewhere in this title, **CUP conditional use permit** applicants for alcohol sales shall also be required to submit the following:

1. A map and listing of all properties partially or entirely within a radius of ~~three hundred~~ **300** feet drawn from the property lines where the license is sought. The list shall include the following:
  - a. Addresses and land uses of each property;
  - b. Any known sensitive uses, including, but not limited to, residential properties, schools, treatment and recovery centers, day care (including adult), preschools, parks, and playgrounds; and
  - c. Any establishments that are licensed to sell alcohol, both on-sale and off-sale, and the type of license if known.
2. For any sensitive uses listed pursuant to the above requirement, a written statement by the applicant concerning how they intend to ensure that their business will not operate in a manner that will directly or indirectly cause a nuisance or recurring violation of any local, state or federal laws shall be required.

~~3. For any applications related to a request for a license at a bona fide eating establishment, evidence to support the determination that the~~

~~establishment is a bona fide eating establishment shall be required. Evidence may include a menu, floor plans, or photographs. See definitions (definitions chapter) for qualifications.~~

- C. ~~CUPs~~ Conditional use permits for alcohol sales are subject to the same regulations and limitations as conditional use permits generally in the eCity. The pPlanning eCommission may exercise its discretion to approve with conditions, modify and approve, or deny any ~~CUP~~ conditional use permit application if it finds it necessary to protect the health, safety, and general welfare of the community. Planning eCommission decisions are appealable to the eCity eCouncil pursuant to processes described elsewhere in this title (administrative chapter).
- ~~E~~D. Any legally established alcohol sales prior to the adoption of Ordinance 1553 (1993) or made nonconforming by the adoption of this chapter, shall be subject to the limitations and benefits as described in the chapter within this title dealing with nonconforming uses.

#### § 17.76.030 Operational standards.

A. Exempt licenses. The standards listed below are applicable to the extent they are relevant to each license type held:

1. The applicant must obtain and maintain an appropriate alcohol license from ABC prior to operation of the business.
2. Prior to issuance of a business license, signs shall be posted on the site per Penal Code Sections 552 through 555.5 and 11532 to prohibit loitering on the property.
3. Before issuance of a business license, a security plan must be approved by the Police Department. If there are multiple law enforcement actions or complaints related to the site or its operations, the Police Department shall review and revise the security plan to address the issues. Any revisions must be implemented within 60 days or upon renewal of the business license, whichever is sooner.
4. The operator of an alcohol business shall comply with all applicable requirements and provisions set forth by the Building Code, Fire Code, and Municipal Code.

B. Non-exempt licenses.

The following conditions of approval shall be attached to all resolutions for alcohol conditional use permits. The conditions may be modified, new conditions added, and inapplicable conditions removed to suit the site or operational characteristics of the business:

1. The applicant must obtain and maintain an appropriate alcohol license from ABC and abide by all local, state, and federal regulations prior to operation of the business. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension or termination, of the alcoholic license issued for the site by ABC shall be grounds for revocation of the conditional use permit.
2. Signs shall be posted on the site per Penal Code Sections 552 through 555.5 and 11532 to prohibit loitering on the property. These signs shall be installed prior to issuance of a business license.
3. Alcohol service can occur only within designated areas on the floor or site plan attached.
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. Display of alcoholic beverages shall not be located outside of the building or within five feet of any public entrance to the building.
7. The applicant shall ensure all pertinent employees obtain LEAD Certificates and copies of such certificates shall be kept on site and available for inspection upon request by a city official.
8. Applicant must have an approved security plan at all times during operation. Before issuance of a business license or prior to any alcohol service, a security plan must be approved by the Police Department. If there are multiple law enforcement actions or complaints, the Police Department shall review and may revise the security plan. This may include hiring a security guard and limiting hours of alcohol service. The applicant shall implement those changes within a reasonable time period acceptable to the Chief of Police.
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 in the municipal, building, and fire codes, and any

additional conditions included herein from the Fire, Building Safety, Public Works, and Planning Departments.

11. The applicant must conform to all business license regulations and maintain a current city license at all times.
12. All signs on the property shall comply with the regulations in the Hawthorne Municipal Code chapter dealing with signs.
13. The maximum occupancy, as determined by the Fire Department, shall not be exceeded. Signs indicating the occupant load shall be posted in a conspicuous place on an approved sign near the main exit and the exit of rooms designated for public gathering.
14. Emergency fire facilities shall be kept free and unobstructed at all times.
15. Per Section 8.22.050 of the Hawthorne 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.

**SECTION 3.** Any provision of the City of Hawthorne Municipal Code or appendices there inconsistent with the provisions of this Chapter, to the extent such inconsistencies and no further, are hereby repealed or modified to the extent necessary to affect the provisions of this Chapter.

**SECTION 4. CEQA.** The City Council hereby concurs with staff's determination and hereby finds that the adoption of this ordinance is a type of organizational activity involving the administration of the City that does not have the possibility to have a direct or indirect effect on the environment and is therefore exempt from review under the California Environmental Quality Act (CEQA), pursuant to Title 14, California Code of Regulations, Section 15379(b)(5). In addition, the actions taken by this ordinance are not a "project" under CEQA because the ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment to a specific project, which may result in a potentially significant physical impact on the environment and is also exempt from CEQA pursuant to the "common sense" exemption because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Title 14, California Code of Regulations, Section 15061(b)(3)).

**SECTION 5. SEVERABILITY.** If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 6. City Clerk.** The City Clerk shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect 30 days after passage thereof.

**SECTION 8. Publication.** The City Clerk is directed to forward a copy of this ordinance to General Code, LLC, 781 Elmgrove Road, Rochester, NY 14824.

**PASSED, APPROVED AND ADOPTED** this 27th day of May, 2025.

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ALEX VARGAS, Mayor  
City of Hawthorne, California

**ATTEST:**

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DAYNA WILLIAMS-HUNTER, City Clerk  
City of Hawthorne, California

**APPROVED AS TO FORM:**

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ROBERT KIM, City Attorney  
City of Hawthorne, California