

**ORDINANCE NO. 2247**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING SECTION 17.29.040 (DEVELOPMENT STANDARDS) OF CHAPTERS 17.29 (CM – MIXED COMMERCIAL CLASSIFICATION) TO BE IN COMPLIANCE WITH THE HOUSING ELEMENT BY REMOVING CONSTRAINTS TO RESIDENTIAL AND MIXED-USE DEVELOPMENTS, AND APPROVING AN ADDENDUM TO THE HAWTHORNE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT**

**WHEREAS**, on March 8, 2022, the City Council adopted the 2021-2029 Housing Element.

**WHEREAS**, California Housing Element law requires cities to identify and remove constraints “upon the maintenance, improvement, or development of housing for all income levels” (GC 65583(a)(6) in their Housing Elements, and also provide a program to remove such constraints where appropriate and legally possible (GC 85583(c)(3).

**WHEREAS**, Housing Element Program 19 (Zoning Code Amendments—Housing Constraints) addresses the City’s housing needs by removing constraints to development and ensure the City’s standards and permitting requirements are consistent with state law.

**WHEREAS**, this ordinance specifically addresses constraints to the development of housing and mixed-use development in the CM zone, as established by Ordinance 2118, by reducing or eliminating development standards that unreasonably constrain said residential development.

**WHEREAS**, Ordinance No. 2118 was adopted by the City Council on July 12, 2016, and created the CM – Mixed Commercial Zone to correspond to the Mixed Commercial classification of the Downtown Hawthorne Specific Plan (DHSP).

**WHEREAS**, Ordinance No. 2123, adopted by the City Council on September 13, 2016, applied the new CM zone to only a small portion of the area designated for the zone in the DHSP—only those properties which comprised the Hawthorne Plaza Mall site. The ordinance and staff report did not explain why the remaining mixed-use properties were not rezoned at that time.

**WHEREAS**, Ordinance No. 2241 was adopted by the City Council on November 14, 2023, that applied the CM zone to all properties designated to have that zone in the DHSP.

**WHEREAS**, on November 15, 2023, the Planning Commission of the City of Hawthorne considered the zone text amendment and, after a duly noticed public hearing where all persons in support and in opposition were heard, adopted Resolution No. PC2023-23 recommending approval of the ordinance to the City Council.

**WHEREAS**, on December 12, 2023, the City Council considered the Planning Commission's recommendation 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 now to adopt this ordinance in furtherance of the City's Housing Element goals and objectives and Government Code 65583(c)(3).

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

**SECTION 1.** The foregoing recitals are true and correct.

**SECTION 2.** Section 17.29.040 (Development Standards) of Chapter 17.29 (CM mixed commercial classification) of Title 17 (Zoning) of the Hawthorne Municipal Code shall be amended by the addition and removal of the following text:

**17.29.040 Development standards.**

The information that follows summarizes the development standards for the CM classification relating to site planning and schematic design.

A. Project Area.

1. The minimum lot area for a residential only development is one acre. ~~The minimum lot area for a mixed-use development shall be one hundred thirty thousand six hundred eighty 130,680 square feet (three acres). Where there is insufficient lot area for a mixed-use development, only commercial uses may be developed.~~

2. Project area shall be calculated based on total horizontal area of consolidated parcels defined by the legal property lines. Gross project area shall include portions of property that may become dedicated for public improvements, such as street widening. Net project area shall exclude portions of property that are to be dedicated for public improvements.

B. Density and Intensity.

1. The minimum residential density shall be 20 dwelling units per acre based on gross project area.

~~2.~~ Maximum residential density shall be ~~twenty-four~~ 30 dwelling units per acre based on gross project area.

3. Commercial area of a mixed use development shall not be less than 5% ~~forty percent~~ of the ground floor area.

~~4. Building footprint shall not exceed ninety percent of lot area.~~

C. Setbacks.

1. Buildings
  - a. Front: zero feet up to third story of structure, ~~10 ten~~-feet above that.
  - b. Interior side: ~~10 ten~~-feet for all stories.
  - c. Street side of corner lot: zero feet up to third story of structure, ~~10 ten~~-feet above that.
  - d. Rear: ~~10 ten~~-feet up to third story of structure, ~~20 twenty~~-feet above that.
2. Setbacks shall be measured from the building face to the closer of the property line or the future property line after a dedication for public improvements.

~~3. — Setbacks for structures abutting one- or two-story single-family or multifamily residential structures within a residential zone shall be provided along the entire length of any interior site boundary line as follows:~~

<del>Height of Structure</del>	<del>Structural Setback</del>	<del>Minimum Landscaped Portion of Setback</del>
<del>1-story</del>	<del>10 feet</del>	<del>10 feet</del>
<del>2-story</del>	<del>20 feet</del>	<del>10 feet</del>
<del>3-story +</del>	<del>30 feet + an additional 10 feet for each story above 3 stories</del>	<del>15 feet</del>

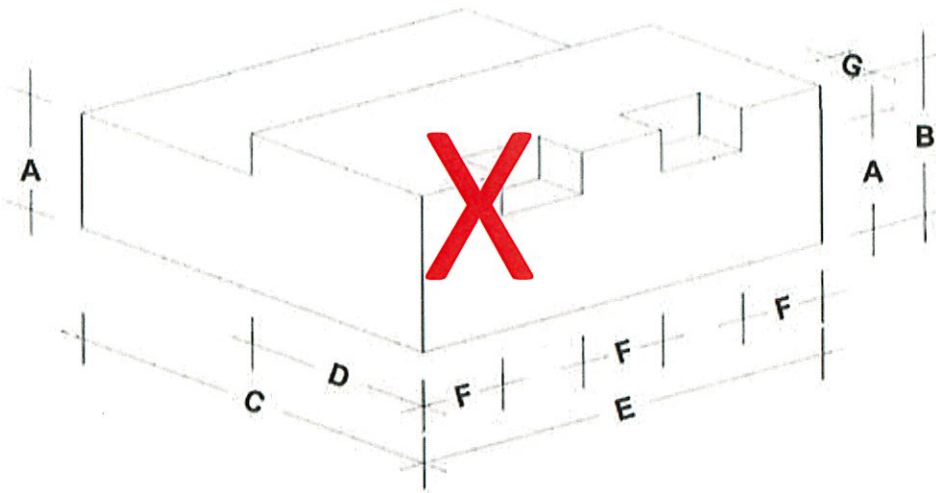
~~3. For structures abutting residential uses within a residential zone, an additional setback shall apply to abutting structure sides above the second story. The additional setback shall be 5 feet plus an additional 2 feet for each floor above the third, and shall apply to the entire portion of the structure above the second story abutting the residential use.~~

~~4. — Front setbacks shall be measured from the property line along a street to the nearest perpendicular building face, excluding cornices, bay windows, or trim.~~

D. Height.

1. Building height shall not exceed five stories and sixty feet except as provided in this chapter.

2. On projects over ~~10 ten~~ acres in gross lot area, the maximum height shall not exceed seven stories and ~~85 eighty-five~~ feet for the portion of a project that fronts Hawthorne Boulevard to a depth of ~~200 two hundred~~ feet, ~~provided that not more than sixty percent of the project frontage on Hawthorne Boulevard may exceed sixty feet in height (to a minimum depth of fifty feet). See diagram below.~~



**Figure 1. Maximum height for projects of ten acres or more**

- A = Maximum height at rear of project, 5 stories and 60 feet
- B = Maximum height along Hawthorne Boulevard frontage
- C = Depth of project (perpendicular to Hawthorne Boulevard)
- D = Depth of "B" height area, not to exceed 200 feet
- E = Width of project (Hawthorne Boulevard frontage)
- F = Frontage at height "B" Sum of all "F" not to exceed 60% of "E"
- G = Minimum depth of height "A" along frontage "E" (50 feet)

3. Maximum building height shall be measured from the average finished grade at outer edge of the proposed building to the midpoint of the sloped roof or to the top of the parapet or coping for a flat roof. Stairs and elevators may exceed the maximum building height by 10 ~~ten~~ feet.

E. Dwelling Unit Area. Developers are encouraged to provide a range of housing options within mixed use developments.

~~1. Not more than twenty five percent of the units in a development may be less than the following unit sizes:~~

<del>1 Bedroom/studio:</del>	<del>600 square feet</del>
<del>2 Bedrooms:</del>	<del>800 square feet</del>
<del>3 Bedrooms:</del>	<del>1,100 square feet</del>
<del>4 Bedrooms:</del>	<del>1,250 square feet</del>
<del>&gt;4 Bedrooms:</del>	<del>1,400 square feet</del>

~~2. Not more than twenty five percent of the units in a development may exceed the following unit sizes:~~

<del>1 Bedroom/studio:</del>	<del>900 square feet</del>
<del>2 Bedrooms:</del>	<del>1,100 square feet</del>
<del>3 Bedrooms:</del>	<del>1,400 square feet</del>
<del>4 Bedrooms:</del>	<del>1,600 square feet</del>
<del>&gt;4 Bedrooms:</del>	<del>2,000 square feet</del>

~~F. — Private Storage Area Requirement. Each dwelling unit in a mixed use development shall be provided with a minimum of two hundred cubic feet of private lockable storage space. This may be provided in the unit or elsewhere in the structure, but shall not include bedroom closets.~~

~~G. — Design Standards. All new developments in the CM classification must comply with the design criteria as contained in Appendix B, Design Guide for Highest Density Residential and Mixed Use Development, of this title.~~


**SECTION 3. CEQA.** There are no new significant environmental impacts or previously identified significant impacts made more severe by project modifications, new circumstances, or new information associated with the project. Therefore, the City determined that an Addendum to the Hawthorne General Plan Environmental Impact Report for Amendments to Municipal Code Chapter 17, Zoning is the appropriate California Environmental Quality Act (CEQA) document to address project modifications in accordance with CEQA Guidelines Section 15164. CEQA Guidelines Section 15164(c) provides that an addendum need not be circulated for public review.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

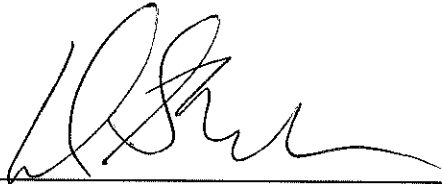
**SECTION 5. AUTHORIZATION TO PUBLISH SUMMARY OF ORDINANCE.** Pursuant to Government Code Section 36933(c)(1), the City Attorney is authorized to prepare a summary of this ordinance. The City Clerk is also authorized to publish a summary of the text of this ordinance in the Hawthorne Press Tribune at least five days prior to the adoption of this ordinance. Within 15 days after adoption of the ordinance, the City Clerk is directed to publish a summary of this ordinance in the Hawthorne Press Tribune.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall take effect 30 days after passage thereof.

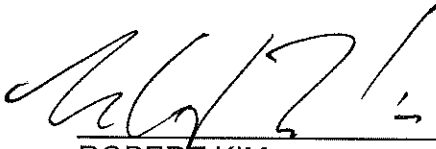
PASSED, APPROVED AND ADOPTED this 9th day of January 2024.

  
ALEX VARGAS, Mayor  
City of Hawthorne, California

ATTEST:

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

APPROVED AS TO FORM

  
ROBERT KIM,  
City Attorney  
City of Hawthorne, California

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES) §  
CITY OF HAWTHORNE )

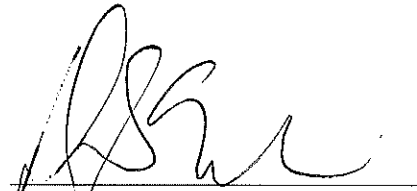
I, Dayna Williams-Hunter the duly elected City Clerk of the City of Hawthorne, California, DO HEREBY CERTIFY that the foregoing Ordinance, being Ordinance No. 2247 was duly adopted by the City Council of the City of Hawthorne, at the regular meeting of the City Council held January 09, 2024 and that it was adopted by the following vote, to wit:

AYES: Councilmembers Manning, Patterson, Reyes English, Mayor Vargas.

NOES: None.

ABSTAIN: None.

ABSENT: Councilmember Monteiro.



Dayna Williams-Hunter  
City Clerk  
City of Hawthorne, California