



## AGENDA ITEM NO. 14

### CITY OF HAWTHORNE City Council AGENDA BILL

For the meeting of October 24, 2023

Originating Department: Planning

City Manager:

  
Vontray Norris

Dir. of Planning:

  
Gregg McClain

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#### SUBJECT:

**Public Hearing and Introduction of Ordinance. No. 2240 (1st Reading) amending Title 17 of the Hawthorne Municipal Code, bringing it in compliance with the Housing Ordinance Ordinance No. 2240 (1st Reading)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTERS 17.04, 17.14, 17.16, 17.18, 17.19, 17.22, 17.29, 17.87 TO BE IN COMPLIANCE WITH THE HOUSING ELEMENT; AND ESTABLISHING NEW CHAPTERS 17.85 (HOUSING OVERLAY) AND 17.101 (STANDARDS FOR SPECIFIC USES) IN COMPLIANCE WITH THE HOUSING ELEMENT. Motion to introduce.**

#### RECOMMENDED MOTION:

Staff Recommends that the City Council conduct a public hearing and introduce Ordinance No. 2240.

#### DISCUSSION:

State law requires all cities to have an adopted and certified Housing Element as part of the General Plan. Furthermore, certain zoning conditions are required to be included in the Housing Element in order for it to be certified by the Department of Housing and Community Development (HCD). Additionally, state zoning law also requires that a city's zoning be in conformity with the General Plan, including the Housing Element. In the case of Housing Element zoning changes, the City has a deadline to complete the amendment process of three years from the date housing elements were due to HCD, which was October, 2022.

This ordinance implements commitments the City made in the Sixth Cycle, 2021-2029, Housing Element certification process, as well as implementing goals and policies of the certified Housing Element. The changes called for in each section of the draft ordinance are as follows:

Section 2 amends the definitions chapter of the zoning code by adding definitions related to the following sections.

Section 3 replaces the cumbersome and hard to read table of uses in the R-1 zone with a streamlined table. The content of the table adds employee housing as a new use required by the Housing Element and removes “accessory structures,” “parks,” and “signs.” Accessory structures and signs are dealt with in their own chapters so are not needed in the table. City parks are exempt from the zoning code, so having development standards for parks are meaningless. Of the remaining uses, some are renamed and others are organized differently within the table.

Section 4 replaces the uses table for the R-2 zone similar to what is described above.

Section 5 replaces the uses table for the R-3 zone. In addition to the changes described above, this table removed the use “rest home, boarding home or home for the aged” because this use is now covered by “large residential care facility,” which is the term used and defined in state law.. Minimum lot size, maximum lot coverage, and maximum building height were all increased for multi-family housing to accommodate the Housing Element (and Land Use Element) density of 30 units per acre.

Section 6 deletes the density section of the R-4 zoning regulations for two reasons. First, as in the other residential zones, the density is covered by the uses table in the column for minimum lot size. The second reason is the density calculation described in the section is overly complex and does not allow for the density permitted by the Housing and Land Use Elements on lots less than one acre. State law already requires cities to honor the general plan density when it is in conflict with the zoning density, so this section represents a conflict that should be removed from the zoning regulations.

Section 7 replaces the uses table in the R-4 zone and adds “single-room occupancy” while removing “fraternity and sorority house” and “sanitariums, convalescent homes, and nursing homes.”

Section 8 deletes the section on residential care facilities, alcoholism or drug abuse recovery and treatment facility. These uses are now covered by transitional housing, which is in the tables mentioned above, and are subject to state regulations on how cities must zone for them. The section is no longer enforceable so it is deleted.

Section 9 makes extensive amendments to the specific plans chapter. Although some of these amendments are not strictly required by the Housing Element, the City is obligated by the Housing Element to remove barriers to housing wherever reasonable. The amendments in this section do the following: clarify where needed (17.22.010); remove recently added onerous minimum size of specific plans (17.22.020); remove no longer used submittal requirements (17.22.040); simplify how specific plans are mapped (17.22.060); and remove sign program changes as a cause for requiring a specific plan amendment (17.22.080). Gender neutral language was also added where appropriate.

Section 10 adds the following uses to the CM zone because they are required to be permitted where housing is permitted in this commercial zone: “low barrier navigation center,” “small and large residential care facilities,” “single-room occupancy,” “supportive housing,” and “transitional housing.”

Section 11 reduces the minimum lot size for mixed-use developments in the CM zone from three acres to one acre.

Section 12 introduces a new chapter, 17.85 HO Housing Overlay, dealing with housing overlays, as required by the Housing Element. Housing overlays are to be mostly applied over commercial zones, with a few over residential, to allow residential or mix-use developments. This is one of several strategies the City committed to employ to achieve the housing goals of the Regional Housing Needs Allocation (RHNA), which is necessary to have a new Housing Element certified. The new chapter has development standards that override the base zone standards when housing is involved.

Section 13 adds the new residential uses described in sections above to the Mixed-use Overlay Zone (MU).

Section 14 shifts the responsibility for interpretation of the permitted uses in the MU zone to the director, consistent with the administrative chapter of the zoning code. The section also removes the prohibition on residential only developments. In the past eight years only two mixed-use projects were built in the MU overlay zone, and in both cases the commercial component has not been successful. In one case half of the commercial space remains a vacant lot while the other half now has a McDonald’s restaurant. While the restaurant is doing well it is not how the overlay was intended to be developed. The other mixed-use project’s commercial component has been vacant since the project opened. It is hoped that this change will stimulate development and add economic vitality back to the MU areas that will, in turn, result in improved prospects for commercial uses.

Section 15 addresses the development standards of the MU overlay zone. Specifically, the following changes are made: make development consistent with objective development standards per state law; reduce minimum lot size from three acres to 1.5 acres; delete the section on minimum commercial component of mixed-use; remove floor area ratio as a density standard because it tends to encourage smaller units; cleanup the representation of numbers throughout the amendments; cleanup the setbacks table and unnecessary wording; and, reduce the open space requirement and shift of emphasis to common open space as a means to allow larger units and improve the quality of open space made available.

Section 16 adds a new chapter, 17.101 Residential care facility, large, that provides standards for the following new uses: large residential care facility; low barrier navigation centers; and single-room occupancy.

The remaining sections deal with the environmental analysis (in this case an addendum

to an environmental impact report), severability clause, authorization to publish the ordinance, and effective date. These sections are standard in all ordinances.

**ECONOMIC DEVELOPMENT STRATEGIC PLAN:**

Goal 4: Update zoning code for the 21st century.

**FISCAL IMPACT:**

There is no fiscal impact to the City as a result of the adoption of this Ordinance.

**NOTICING PROCEDURES:**

A Notice of Public Hearing was published in the Hawthorne Press Tribune on October 12, 2023 for the Hearing scheduled on the October 24, 2023 regular City Council meeting.

**ATTACHMENT(S):**

1. Draft Ordinance No. 2240
2. Planning Commission Resolution PC 2023-17
3. Notice of Public Hearing