



HAWTHORNE PLANNING COMMISSION STAFF REPORT

DATE: May 6, 2026
FROM: Gregg McClain, Director of Planning
SUBJECT: Ordinance to reorganized the Zoning Code, add statutory language related to affordable housing, and delete obsolete chapters

PROJECT AND APPLICANT

Summary: ZA-2026-0001 amends Title 17 of the Hawthorne Municipal Code, which is the City's Zoning Code.

Applicant: City of Hawthorne

OVERVIEW

The Hawthorne Municipal Code (HMC) needs to be overhauled entirely, but so does the General Plan. In theory, the General Plan, as the policy behind the HMC, should be addressed first, and the rewriting of the General Plan has already begun. Waiting for the General Plan updates, however, will put any zoning improvements on the back burner for several more years. Meanwhile there are zoning amendments that are needed immediately due to changes in state laws.

This ordinance addresses two particular points that the California Department of Housing and Community Development (HCD) requested of the City. The first is the lack of certain language that clarifies that some types of affordable housing projects must be reviewed and approved by-right. In other words, these projects are not permitted to be subjected to discretionary approval processes, such as conditional use permits, design review, or any other application where the deciding body is not simply applying the Municipal Code regulations and determining compliance or not. The second point relates to the regulations around accessory dwelling units (ADUs).

By-right Affordable Housing

As it stands, the City does not require a discretionary permit for most new housing construction. There are three cases where discretionary permits are still required, which are design review for new multifamily or mixed-use developments, subdivision map approval for condominiums, and density bonus projects. However, the multifamily and mixed-use projects that include at least 20% of the units affordable to lower-income individuals, and which are on the City's Housing Element Site Inventory, must be exempt from our design review requirement pursuant to California Government Code (GC) § 65583.2(c). Furthermore, GC § 65583.2(h) requires that developments in the City's Housing Overlay or R-3 zone that are listed in Appendix B of the Housing Element, and are 100% residential, must also be by-right.

Cases where 20% of units are affordable for lower-income individuals would likely involve a very small number of developments in Hawthorne. There are already six state laws identified in HMC § 17.100.010(B) that also require design review exemptions, and this list is expected to grow as new state laws are passed regularly that require certain housing developments to be by-right. Many planners in California believe it is a matter of time before the state legislature makes all residential developments by-right. So, while the City could add the 20% rule to the list of exempt projects, and given that most residential projects in Hawthorne are, and historically have been, by-right, Staff recommends that all multifamily developments be made by-right at this time. This will save time researching if applications meet one of the exemptions based on numerous state laws, and would subject all of these projects to the same objective design standards. This will also eliminate the need to amend the HMC's list of exempted residential developments each time the Legislature creates another exemption.

The second case requires 100% residential developments on properties identified in Appendix B of the Housing Element to also be by-right. Appendix B lists properties in Hawthorne that were to be rezoned to R-3 or have the Housing Overlay applied. The rezoning and overlay task were completed in 2023. Although this rule does not exclusively apply to affordable housing, the intent of the law is to make accommodating affordability easier. While this could also be added to the list in § 17.100.010(B), additional amendments would also be required in Chapters 17.17, 17.20, and 17.99. As in the 20% situation described above, rather than responding to each state law change with a new zoning amendment, Staff recommends removing design review for all multifamily residential and mixed-use developments and making them subject to the City's objective design standards.

Condominium and density bonus projects would also become by-right, except that the subdivision map and the density bonus agreements would continue to be processed as they currently are. There are compelling reasons to change both of these processes to administrative approvals, but that is not par of this ordinance.

ADU Compliance

State ADU laws are regularly changing to close unintended loopholes and to address previously unforeseen situations. Cities are expected to amend their local ADU ordinances to reflect these changes, but for small cities with small staffs, this is not always feasible. Staff took the approach that we adhere to the latest state regulations wherever there is disagreement with our local ordinance, and we intended to amend the ordinance when the differences became too many, or when staffing permitted, whichever came first. This position was relayed to HCD after they identified our ADU ordinance as being out of compliance. Although HCD agreed to a reasonable timeframe for fixing our ADU ordinance, they also indicated that our ADU regulations were effectively null and void so requested that we rescind the ordinance for now. This should remove any potential for confusion for anyone that relies on the City's outdated ADU regulations while not knowing that we are actually following state regulations. This ordinance makes it clear that we are following state procedures by replacing the ADU

chapter with a note redirecting the reader to the state laws. The note will be replaced by a future ADU ordinance that complies with state laws.

Reorganization

The two tasks described above are relatively minor amendments that could be accomplished in a matter of just a few pages in an ordinance. However, Staff was already preparing a large Zoning Code reorganization amendment when we were contacted by HCD about the matters above. Given the minor nature of the requested changes, Staff decided to add them into the reorganization amendment that was in progress.

The main purposes of the reorganization amendment were to create a logical sequence and grouping of regulations, to remove as much repetitious language as possible, delete obsolete chapters or sections, and apply a numbering system that would allow for future amendments without resorting to adding new chapters to the end of Title 17.

The reorganization amendment also makes minor edits that would not significantly change zoning regulations, but are intended to clarify and standardize the Zoning chapter with the rest of the HMC. Among these changes are the following:

- consistent use of punctuation and capitalization
- use of plain and simple English sentence constructions, including eliminating conventions of legal documents that serve no purpose in this context
- standardizing the outline hierarchy to match the remainder of the HMC
- standardized representation of numbers and percentages
- removal of links to previously deleted sections

The task of reorganization has many complications. The Zoning Code currently has 61 chapters, and the intended outcome results in only 32 chapters. Six chapters are to be deleted because they are obsolete, and among the remaining 55 chapters, most chapters are expected to be merged with other chapters.

Merging chapters is a very complex task unless they are simply deleted and replaced with the new text. This was the plan, but rewriting each merged chapter was taking far more staff time and effort than expected, and some chapters are more urgently needed to be reorganized than others. The initial plan to focus on the high priority chapters proved to be infeasible because many low priority chapters are occupying the places in the numeric organizational system that are needed for the new chapters. For example, the chapters addressing residential zones are planned to occupy 17.20 through 17.24, but these slots are currently used by chapters with a lower priority that would need to be moved. These chapters also need to be merged, and doing the reorganization piecemeal becomes very complicated to track.

To avoid confusion, this ordinance creates clusters of chapters that will be merged in future ordinances by designating them with the intended chapter number and adding a letter to the chapter designation. For example, the residential zones will ultimately be organized into five chapters as follows:

- Chapter 17.20 Residential Zones
- Chapter 17.21 Residential Development Standards
- Chapter 17.22 Residential Design Standards
- Chapter 17.23 Residential Operational Standards
- Chapter 17.24 Additional Standards for Selected Residential Uses

The content of these five chapters are currently found in 12 existing chapters, and there are portions of other chapters that need to also be moved into these chapters. To facilitate the merging of chapters on a temporary basis, the 12 existing chapters are being designated as follows:

- Chapter 17.20a R-1 Zone
- Chapter 17.20b R-2 Zone
- Chapter 17.20c R-3 Zone
- Chapter 17.20d R-4 Zone
- Chapter 17.21a Residential Development Standards
- Chapter 17.21b Building Height
- Chapter 17.22 Residential Design Standards
- Chapter 17.24b Accessory Dwelling Units
- Chapter 17.24c Home Occupations
- Chapter 17.24d Family Day Care Homes
- Chapter 17.24e Short-term Rentals
- Chapter 17.24f Two-unit Residential Development and Urban Lot Splits

Chapters 17.20a through 17.20d will be merged into 17.20 in a future reorganization, 17.21a and 17.21b will likewise be merged into 17.21, and so on. This takes us a step closer and also allows future reorganization efforts to be piecemealed as time and resources permit.

The bulk of this ordinance is redirecting cross-references within Title 17. Obviously, changing a chapter's number requires finding and redirecting all the cross-references to that chapter found in other parts of the Zoning Code. Unfortunately, there are hundreds of cross-references. This ordinance systematically redirects each one. Since most of these cross-references will need to be redirected again as future amendments are made, as many as possible are being changed to redirect without reference to a chapter number. Grammatical and numbering issues are also addressed in these sections.

Summary

The attached ordinance comprehensively reorganizes the Zoning Code, or Title 17 of the Municipal Code. The current ordinance's changes are organizational, clarifying, or removing obsolete chapters. These changes do not, cumulatively, change the City's policies or procedures. What is accomplished is setting the stage for future amendments that will further this reorganization effort, making the task of a comprehensive amendment to conform to the new General Plan much easier when that time comes.

GENERAL PLAN COMPLIANCE

The adoption of this ordinance does not alter the Zoning Code's compliance with the General Plan.

PUBLIC HEARING NOTICE

The Planning Commission public hearing for this ordinance was published in the April 16, 2026, edition of the South Bay Cities (Hawthorne Press Tribune). Additionally, notices were posted in accordance with HMC 17.03.050. See Exhibit 2.

ENVIRONMENTAL ANALYSIS

This zone text amendment endeavors to reorganize the Zoning Code, clarify portions of the text, and add certain statutory language required by state law. This is determined not to be a project under CEQA (Pub. Resources Code, § 21065) because no significant regulatory changes are being made.

RECOMMENDATION

Adopt PC Resolution 2026-04 recommending the City Council adopt an ordinance to address alcohol regulations.

ATTACHMENTS

1. PC Resolution 2026-04 with attached draft Ordinance
2. Notice of Public Hearing Proof of Publication