

**ORDINANCE NO. [REDACTED]**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING CHAPTERS 17.04 AND 17.21 RELATED TO ACCESSORY DWELLING UNITS, AND MAKING FINDING OF EXEMPTION IN COMPLIANCE WITH CEQA IN CONNECTION THEREWITH**

**WHEREAS**, the City's accessory dwelling unit (ADU) ordinance was completely overhauled in compliance with state law through Ordinance No. 2205 in 2020; and

**WHEREAS**, since the adoption of Ordinance No. 2205, more than 20 state laws addressing ADUs were adopted or became effective; and

**WHEREAS**, the laws mentioned above and those chaptered in California Government Code Sections 66310-66342 apply to Hawthorne, regardless if the municipal code is updated; and

**WHEREAS**, the City rescinded its ADU ordinance on June 9, 2026, and now the City desires to make the municipal code compliant with state ADU law through the adoption of this ordinance; and

**WHEREAS**, on May 20, 2026, 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. PC 2026-05 recommending approval of the ordinance to the City Council;

**WHEREAS**, on June 23, 2026, the City Council 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, introduced this ordinance.

**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 17.04.010 (Definitions), of Chapter 17.04 (Definitions), of Title 17 (Zoning) of the HMC shall be amended as follows, with each definition placed in appropriate alphabetical order within the list of definitions:

**"Accessory building ~~or structure~~"**

[See "Accessory structure."](#)

~~means a physical structure that is incidental and subordinate to the primary building on the property and is physically detached from the primary building. Accessory buildings or structures include, but are not limited to, detached~~

~~garages, sheds, playhouses, storage buildings, garden structures, pool houses, and cabanas. An "accessory dwelling unit" is defined separately and addressed in Chapter 17.21.~~

**"Accessory dwelling unit" or "ADU"**

means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and located on the same lot with one or more proposed or existing primary residences. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation. It shall have the same meaning as that term is defined in California Government Code Section 66313, as it was amended by Senate Bill 543, which became effective January 1, 2026.

**"Accessory structure"**

~~means a building, structure, or part of a building or other structure that (1) is subordinate to, and the use of which is incidental to, that of the primary building, structure, or use on the same lot; (2) complements or is reasonably related to the proposed or permitted uses on site. Any structure that is not clearly related to the principal use on site shall not be permitted.~~

means a physical structure that is incidental and subordinate to the primary building on the property and is physically detached from the primary building. Accessory buildings or structures include, but are not limited to, detached garages, sheds, playhouses, storage buildings, garden structures, pool houses, and cabanas. An "accessory dwelling unit" is defined separately.

**"Accessory structure, existing"**

means an accessory structure, as defined in this chapter, which was existing prior to the submittal of an ADU or JADU application.

**"ADU"**

See "Accessory dwelling unit."

**"Attached"**

means a physical connection between a structure and another structure.

**"Detached"**

means no physical connection between structures.

**"Dwelling unit"**

means one or more rooms designed for or occupied by one ~~family~~ household for living or sleeping purposes and containing kitchen facilities for use solely by one ~~family~~ household. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A bachelor apartment constitutes a dwelling unit within the meaning of this ~~title~~ Title.

**Dwelling unit, accessory.**

See "Accessory dwelling unit." ~~or "ADU"~~  
~~shall have the meaning set forth in Chapter 17.21.~~

~~**Dwelling unit, accessory attached.**~~

~~"Accessory dwelling unit attached" shall have the meaning set forth in Chapter 17.21.~~

~~**Dwelling unit, accessory detached. "Accessory dwelling unit detached"**~~

~~shall have the meaning set forth in Chapter 17.21.~~

~~**Dwelling unit, accessory interior. "Accessory dwelling unit interior"**~~

~~shall have the meaning set forth in Chapter 17.21.~~

~~**"Dwelling unit, multifamily"**~~

~~[See](#) "Multifamily dwelling unit."~~

~~means a building or portion thereof designed for occupancy by three or more families living independently of each other, containing three or more separate dwelling units, and constituting a single proprietary or operating unit.~~

~~**"Dwelling unit, primary"**~~

~~[See](#) "Primary dwelling unit."~~

~~means a separate, complete dwelling unit that is the larger of two dwelling units on a lot or parcel of land or when a single-family dwelling unit site plan proposes or contains an accessory dwelling unit.~~

~~**"Dwelling unit, single-family attached"**~~

~~[See](#) "Single-family attached dwelling unit."~~

~~means a dwelling unit attached to another dwelling unit on two sides by shared common walls at the lot line, with each on a separate lot and separated from any other building by open space to the front and to the rear, designed for occupancy exclusively by one family, and containing one dwelling unit. The end units are deemed single-family semi-attached dwelling units.~~

~~**"Dwelling unit, single-family detached"**~~

~~[See](#) "Single-family detached dwelling unit."~~

~~means a building separated from lot lines and other buildings by open space on all sides, designed for occupancy exclusively by one family and containing one dwelling unit.~~

~~**"Dwelling unit, single-family semi-attached"**~~

~~[See](#) "Single-family semi-attached dwelling unit."~~

~~means a dwelling unit attached to another dwelling unit by a shared common wall at the lot line, with each on a separate lot and separated from any other building by open space on the side lot line opposite the common wall and by open space to the rear and to the front, designed for occupancy exclusively by one family, and containing one dwelling unit.~~

~~**Dwelling unit, two-family. "Two-family dwelling unit"**~~

~~means a building separated from lot lines and other buildings by open spaces on all sides, designed for occupancy exclusively by two families living independently of each other and containing two dwelling units.~~

**JADU** See “Junior accessory dwelling unit.”

**"Junior accessory dwelling unit" or "JADU"**

means a unit that is no more than 500 square feet and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure, but shall include an efficiency kitchen that provides for a kitchen sink, cooking appliance, refrigerator, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the JADU.

**"Living area"**

means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

**"Multifamily dwelling unit"**

means a building or portion thereof designed for occupancy by two or more households living independently of each other, containing three or more separate dwelling units, and constituting a single proprietary or operating unit. For purposes of ADU development, the number of independent households is reduced to two.

**Parking space, tandem.** See "Tandem parking."

~~means a parking space designed to accommodate two or more motor vehicles, one behind or above the other.~~

**"Primary dwelling unit"**

means a separate, complete dwelling unit that is the larger of two dwelling units on a lot or parcel of land or when a single-family dwelling unit site plan proposes or contains an accessory dwelling unit.

**"Public transit"**

means a location, including, but not limited to, a bus stop or a train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

**"Single-family residence"**

means a residential building containing one or more habitable rooms with only one kitchen, designed for occupancy by one independent household unit with common access to, and common use of all living, kitchen, and bathroom areas.

**"Tandem parking"**

means that two or more vehicles are parked one behind the other, or in the case of vehicle lifts, one or more above the others.

**SECTION 3.** Chapter 17.21 (Accessory dwelling units), of Title 17 (Zoning) of the HMC shall be deleted and replaced as follows:

**Chapter 17.24b Accessory Dwelling Units**

§ 17.24b.010 **Purpose.**

The purpose of this chapter is to establish regulations for the development of accessory dwelling units (ADU) and junior accessory dwelling units (JADU) as defined in this chapter and in California Government Code 66310 *et seq.*, or any successor statute.

§ 17.24b.020 **Permit requirement.**

- A. Planning Approval. Planning approval is required for construction of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) or the modification of exterior features, size, or height of an existing ADU or JADU.
- B. Building Permit. A building permit shall be required for construction or modification of an ADU or JADU as set forth in the California Residential Code and other building standards adopted by the City. The building permit may require approval by multiple agencies, including the directors of the Building Safety Department and the Planning Department.

§ 17.24b.030 **Permit application and review procedures.**

- A. The Director, or designee, shall review and approve or deny ministerial permits for ADUs and JADUs upon determining whether the application submitted is complete, the proposed unit conforms to all requirements of this code and state law, and a non-refundable application review fee in the amount established by the City Council, amended from time to time, has been paid. Applications deemed incomplete or not in full conformance with the requirements of this code will be rejected. The Director will review the application without public notice or hearing. The time period for review may be tolled at the request of the applicant.
- B. Decision. The Director shall render a decision in writing. If the Director denies an application, they shall return a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
- C. Time Limit. The Director shall approve or deny an application for an ADU or JADU within 60 days after receiving the application. Applications shall be

considered approved if not acted upon within 60 days after receiving the application.

- D. Pre-Approved ADUs. The City has preapproved ADU plans for new ADUs for use by Hawthorne residents. The preapproved ADUs are available at the Planning Department.

§ 17.24b.040 **Zoning and applicability.**

- A. An ADU or JADU is permitted in any General Plan Land Use designation that allows residential uses by-right.
- B. Site with Existing Single-Family Residence. Sites with the appropriate land use designation and developed or proposed to be developed with a single-family residence shall be permitted not more than one attached ADU, one detached ADU, and one JADU.
- C. Site with Existing Multifamily Residence.
  - 1. Sites with existing multifamily structures may convert existing non-habitable areas within the building to a minimum one ADU and a maximum that shall not exceed 25% of the number of permitted units on the site.
  - 2. Sites with existing multifamily structures are permitted to construct or convert not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.
  - 3. Sites with a proposed multifamily structure may construct two detached accessory dwelling units.

§ 17.24b.050 **Development standards.**

- A. Minimum size. The minimum size for an ADU or JADU is 190 square feet.
- B. Maximum size.
  - 1. Attached ADU or within an existing primary dwelling unit. Not to exceed 50% of the area of the existing primary dwelling unit, but at least 800 square feet of interior livable space.
  - 2. Detached ADU. Not to exceed 1,000 square feet of interior livable space.
  - 3. Conversion of existing detached structure to ADU. Same as existing structure.

4. JADU. 500 square feet.
- C. Maximum height.
1. Detached ADU, generally: 16 feet and one story.
  2. Detached ADU within 0.5 miles of a major transit stop or high-quality transit corridor, as those terms are defined in § 21155 of the Public Resources Code: 20 feet and two stories.
  3. Detached ADU on a lot with an existing or proposed multi-story multifamily structure: 20 feet and two stories.
  4. Attached ADU: same as the height limit of the existing or proposed single-family structure, not to exceed 25 feet.
- D. Minimum side and rear setbacks:
1. Conversion of an existing structure: an ADU may be built within an existing structure or within the footprint of the structure without regard to setbacks.
  2. New attached or detached ADU: 4 feet.
  3. ADUs or JADUs within an existing or proposed primary dwelling unit shall follow the setback applicable to the primary dwelling unit in as prescribed by the zone it which is located.
- E. Maximum lot coverage. The lot coverage of the zone shall apply, except that an ADU of at least 800 square feet shall be permitted to exceed the lot coverage if developed in compliance with all other applicable development standards.
- F. Open Space. For a detached or attached ADU: 500 square feet, except that an ADU of at least 800 square feet shall be permitted without meeting this standard if developed in compliance with all other applicable development standards.
- G. Minimum parking spaces per ADU: one, except no additional parking shall be required in the following instances:
1. The ADU is located within 0.5 miles of public transit;
  2. The ADU is located within an architecturally and historically significant historic district;
  3. The ADU is a conversion of an existing accessory structure (such as a garage, carport, or workshop) or within the primary dwelling unit;
  4. The ADU is located in an area where on-street parking permits are required but not offered to the ADU occupant; or

- 5. The ADU is located within one block of a car share vehicle.
- 6. Parking requirements may be satisfied by tandem parking on a driveway.
- H. Expansion of existing structures. Existing structures converted into an ADU or JADU may be expanded by up to 150 square feet only to accommodate an entryway.
- I. Building separation. The building separation requirement may be reduced to permit an ADU up to 800 square feet in size. Separation shall be measured from the nearest points between the structures. This provision shall not apply to conversions of existing buildings.

**§ 17.24b.060 Additional ADU and JADU requirements.**

- A. Illegal Units. Any combination of rooms, so arranged that they can be converted into separate living quarters, may, at the discretion of the Director, be counted as additional dwelling units or ADUs.
- B. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- C. Nonconforming Zoning Conditions. No corrections to nonconforming zoning conditions that do not present a threat to public health and safety are required for the creation or conversion of an ADU or JADU.
- D. Utility Connections. For accessory dwelling units described in Government Code § 66323(a)(1), the ADU or JADU shall not be required to install a new or separate utility connection directly between the ADU or JADU and the utility, and the ADU or JADU shall not be subject to a related connection fee or capacity charge, unless the ADU is constructed concurrently with a new single-family home.
- E. Rental Term. ADUs and JADUs may be rented but shall not be used as rentals for a term less than 30 consecutive days.
- F. Historic Properties. ADUs and JADUs shall conform to the United States Secretary of Interior's Official Standards for the Treatment of Historic Properties.

**§ 17.24b.070 Deed restriction for JADU.**

Prior to the issuance of a building permit for a JADU that will use shared sanitation facilities with the existing structure, a deed restriction must be recorded against the title of the property in the county recorder's office and a copy filed with the Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

- A. The JADU shall not be sold separately from the primary dwelling.
- B. The unit is restricted to the approved size and attributes of this chapter.
- C. The covenant restrictions run with the land and may be enforced against future purchasers.
- D. The covenant restrictions may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. Any building permits required in the removal must be approved prior to the Director's determination. The Director may then determine whether the evidence supports the claim that the JADU was eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
- E. The deed restriction is enforceable by the Director or designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

**SECTION 3. CEQA.** This project is statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance by a city to implement Article 2 (commencing with § 66314) of Chapter 13 of Division 1 of Title 7 of the Government Code. Article 2, commencing with § 66314, addresses ADUs and JADUs within the Government Code. As such, CEQA is not applicable to the adoption of this ordinance.

**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 § 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 14th day of July, 2026.

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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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DAVID CACERES,  
City Attorney  
City of Hawthorne, California