

**PLANNING COMMISSION RESOLUTION PC 2015-03  
Zoning Text Amendment 2015ZA01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE, CALIFORNIA, RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2015ZA01, AMENDING TITLE 17 OF THE HAWTHORNE MUNICIPAL CODE, CHAPTERS 17.04 (DEFINITIONS), 17.25 (C-1 FREEWAY COMMERCIAL/MIXED USE CLASSIFICATION), 17.26 (C-2 LOCAL COMMERCIAL CLASSIFICATION), 17.35 (ON-PREMISES SIGNS), AND 17.87 (MIXED-USE OVERLAY ZONE (MU));SIGNS) RELATED TO THE REGULATION OF DAY CARE FACILITIES**

**WHEREAS**, the City of Hawthorne ("City") recommends adoption of regulations governing Day Care Facilities.

**WHEREAS**, Day care facilities provide essential services for residents and their families and are important uses within a community; and

**WHEREAS**, The Hawthorne Municipal Code (HMC) currently allows day care facilities only within the C-1 zone, thereby limiting access to a variety of care options; and

**WHEREAS**, the City is proposing to amend Title 17 of the Hawthorne Municipal Code ("Code") that sets forth regulations that include certain regulations and/or restrictions in Chapters 17.04 (Definitions), 17.25 (C-1 Freeway Commercial/Mixed Use Classification), 17.26 (C-2 Local Commercial Classification), 17.35 (On-Premises Signs), and 17.87 (Mixed-Use Overlay Zone (MU));

**WHEREAS**, the proposed amendment will allow day care facilities in all commercial and industrial zones within the City; and

**WHEREAS**, the code amendments will not have an adverse effect, either individually or cumulatively, on wildlife or the habitat upon which wildlife depends, and that on the basis of substantial evidence the presumption of an adverse effect is rebutted.

**THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

**Section 1.** The Planning Commission finds that all of the facts set forth in the recitals of this Resolution are true and correct.

**Section 2** The Planning Department Staff determined that the proposed amendments to the Hawthorne Municipal Code contained in this Resolution constitute a project within the scope of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 5 Project (Minor Alternations in Land Use Limitations) pursuant to CEQA Guidelines Section 15305 and thus are

exempt from environmental review. This exemption is applicable because the amendment does not change the land uses allowed on areas of slopes greater than 20% and do not change allowable land uses in a manner that could create a potentially significant impact on the environment and because the proposed changes do not alter density or building massing.

**Section 3** The Planning Commission finds and determines that the zoning text amendments set forth in the attached draft ordinance are consistent with the goals, policies, and standards of the General Plan.

**Section 4.** The Planning Commission hereby recommends that the City Council adopt Ordinance 2089 of the City of Hawthorne, California, Amending the Hawthorne Municipal Code related to day care facilities.

**Section 5.** The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the office of the Planning Director of the City of Hawthorne, at 4455 West 126th Street, Hawthorne, California 90250. The custodian of these documents is the Planning Director of the City of Hawthorne.

**Section 6.** The Planning Commission Secretary shall certify to the adoption of this Resolution and shall forward a copy to the City Council, City Clerk, City Manager and City Attorney.

**PASSED, APPROVED, and ADOPTED** this 18th day of March, 2015.



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RULA ALSHANABLEH, CHAIRPERSON  
HAWTHORNE PLANNING COMMISSION

ATTEST:



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GREGG MCCLAIN, SECRETARY  
HAWTHORNE PLANNING COMMISSION

**DRAFT ORDINANCE NO. 2089**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING TITLE 17 OF THE HAWTHORNE MUNICIPAL CODE, CHAPTERS 17.04 (DEFINITIONS), 17.25 (C-1 FREEWAY COMMERCIAL/MIXED USE CLASSIFICATION), 17.26 (C-2 LOCAL COMMERCIAL CLASSIFICATION), 17.35 (ON-PREMISES SIGNS), AND 17.87 (MIXED-USE OVERLAY ZONE (MU)); RELATED TO THE REGULATION OF DAY CARE FACILITIES**

**WHEREAS**, the City of Hawthorne ("City") adopted regulations governing day care facilities. The City has amended Title 17 of the Hawthorne Municipal Code ("Code") that sets forth regulations that include certain regulations and/or restrictions in Chapters 17.04 (Definitions), 17.25 (C-1 Freeway Commercial/Mixed Use Classification), 17.26 (C-2 Local Commercial Classification), 17.35 (On-Premises Signs), and 17.87 (Mixed-Use Overlay Zone (MU));

**WHEREAS**, Day care facilities provide essential services for residents and their families and are important uses within a community; and

**WHEREAS**, The Hawthorne Municipal Code (HMC) currently allows day care facilities only within the C-1 zone, thereby limiting access to a variety of care options; and

**WHEREAS**, the proposed amendment will allow day care facilities in all commercial zones within the City; and

**WHEREAS**, the code amendments will not have an adverse effect, either individually or cumulatively, on wildlife or the habitat upon which wildlife depends, and that on the basis of substantial evidence the presumption of an adverse effect is rebutted.

**WHEREAS**, on March 18, 2015, the Planning Commission held a duly noticed public hearing on the project, and following the close of the public hearing, recommended to the City Council the approval of an ordinance implementing Zoning Code Amendment 2015ZA01; and

**WHEREAS**, the City provided published notice of the City Council's hearing on Month, Day, 2015, and the City Council held a duly noticed public hearing on the project; and

**WHEREAS**, the City Council of the City of Hawthorne has reviewed and considered the project as designated in Planning Commission Resolution No. 2015-03 and all its constituent parts and concurrent applications and finds it to be integrated, internally consistent and compatible; and

**WHEREAS**, The zoning text amendments set forth in the attached draft ordinance are consistent with the goals, policies, and standards of the General Plan.

**THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:**

**Section 1.** The facts set forth in the recitals are true and correct.

**Section 2** The proposed amendments to the Hawthorne Municipal Code contained herein constitute a project within the scope of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 5 Project (Minor Alterations in Land Use Limitations) pursuant to CEQA Guidelines Section 15305 and thus are exempt from environmental review. This exemption is applicable because the amendment does not change the land uses allowed on areas of slopes greater than 20% and do not change allowable land uses in a manner that could create a potentially significant impact on the environment and because the proposed changes do not alter density or building massing.

**Section 3.** Section 17.04.010 (Definitions) of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended as follows:

[...]

"Child care facility," ~~for the purposes of Chapter 17.17,~~ means a child day care facility other than a family day care home, including, but not limited to, infant care centers, preschools, extended day care facility and school age child care centers, that provide nonmedical and supervised care on a less than twenty-four hour basis.

"Church" means an institutional land use providing facilities for worship or assemblage of the public for worship. ~~Accessory uses include personal counseling and education in subjects relating to personal life, licensed child and adult day care facilities, preschools, private elementary, junior high, and high schools, playgrounds, meeting rooms, and the building or buildings where such activities take place. Accessory uses shall be clearly incidental to and secondary to the primary use of the facility as a place of worship. The number of people served by an accessory use(s) shall not exceed the number of people attending worship services.~~ This definition includes cathedrals, mosques, shrines, synagogues, or temples, and other religious worship places.

"Day care facility" means a facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, adult-care facilities and school-age child care centers, that provide nonmedical and supervised care on a less than twenty-four hour basis.

**Section 4.** Section 17.25.020 (Permitted Uses) of Chapter 17.25 (C-1 Freeway Commercial/Mixed Use Classification) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended by adding the following:

[...]

~~Child Care centers, d~~Day care ~~centers~~facilities, ~~day nurseries~~ (subject to limitations described in Section 17.25.030 (P)).

**Section 5.** Section 17.25.030 (Limitations on permitted uses) of Chapter 17.25 (C-1 Freeway Commercial/Mixed Use Classification) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended by adding the following:

[...]

**P. Limitations on Day care facilities:**

1. The Planning Director will ensure adequate on-site parking for day care staff is provided.
2. A minimum of one ADA compliant van accessible parking stall must be provided. Alternatively, a loading area for pick-up and drop-off of care recipients may be considered by the Planning Director provided adequate staff parking is maintained.

**Section 5.** Section 17.26.020 (Permitted Uses) of Chapter 17.26 (C-2 Local Commercial Classification) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended by adding the following:

[...]

**Day care facilities (subject to limitations described in Section 17.25.030 (P)).**

**Section 6.** Section 17.35.130 (Signs – Residential Zones) of Chapter 17.35 (On-Premises Signs) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended as follows:

[...]

3. Nonresidential uses such as boarding homes, boarding houses, convalescent homes, day ~~care facilities~~**nurseries**, dental clinics and offices, fraternity houses, hotels, lodging houses, medical clinics and offices, mobile home parks, motels, nursing homes, private clubs, public libraries and parks, rest homes, sanitariums, schools and sorority houses may be permitted one illuminated or nonilluminated sign per street frontage, not more than thirty square feet in area to identify the use.

**Section 7.** Section 17.87.040 (Uses permitted) of Chapter 17.87 (Mixed Use Overlay Zone (MU)) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended as follows:

[...]

~~Child and adult care centers, d~~**Day care centers**~~facilities, day nurseries~~ **(subject to limitations described in Section 17.25.030 (P)).**

**Section 8.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a summary of the same to be published once in an adjudicated newspaper in the City of Hawthorne and post a certified copy of the proposed ordinance in the City Clerk's office at least 5 days before the City Council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the

ordinance, a summary of the ordinance must be published with the names of the council members voting for and against the ordinance.

**Section 9.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance are declared to be severable.

**PASSED, APPROVED, and ADOPTED** this \_\_\_th day of \_\_\_\_\_, 2014.

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CHRIS BROWN, MAYOR  
City of Hawthorne, California

ATTEST:

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NORBERT HUBER,  
CITY CLERK  
City of Hawthorne, California

APPROVED AS TO FORM:

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RUSSELL I. MIYAHIRA,  
CITY ATTORNEY  
City of Hawthorne, California