



# AGENDA ITEM No. 9 ORDINANCE No. 2068

## CITY OF HAWTHORNE CITY COUNCIL AGENDA BILL

For the meeting of March 25, 2014  
Originating Department: Planning & Community Development

City Manager: Michael Goodson Director: Gregg McClain

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### **SUBJECT:**

Ordinance No. 2068 is a City-initiated Zone Text Amendment application to amend the language in the Hawthorne Municipal Code (HMC) as it relates to outdoor dining, both on private property as well as in the public right-of-way.

### **RECOMMENDED MOTION:**

1. Open and close public hearing
2. First reading of Ordinance No. 2068

### **PUBLIC HEARING NOTICING PROCEDURES:**

Advertising and notification of the Public Hearing was conducted in compliance with Title 17, Chapter 17.06. of the HMC.

### **FISCAL IMPACT:**

None

### **ATTACHMENTS:**

1. Staff Report
2. Public Hearing Notice
3. Planning Commission Resolution PC 2014-06
4. Ordinance No. 2068



# Staff Report City of Hawthorne

**To:** Honorable Mayor and City Councilmembers

**Through:** Michael L Goodson, City Manager

**From:** Gregg McClain, Planning Director

**Date:** March 25, 2014

## **Subject**

Ordinance No. 2068 is a City-initiated Zone Text Amendment application to amend the language in the Hawthorne Municipal Code (HMC) as it relates to outdoor dining, both on private property as well as in the public right-of-way.

## **Recommendation**

1. Open and close public hearing
2. First reading of Ordinance No. 2068

## **Summary Report**

In order to make outdoor dining permissible, feasible, and manageable, many sections of the HMC need to be amended simultaneously to avoid creating conflicts within the code. These include sections from Title 8, Health and Safety; Title 9, Public Peace, Morals and Welfare; Title 10, Vehicles and Traffic; Title 12, Streets and Sidewalks; and Title 17, Zoning.

Permitting outdoor dining is more complex than a typical land use matter because in many cases (most in fact) the activity takes place on public rights-of-way rather than on private property. This is the realm of Public Works, except that public works is geared toward infrastructure and this is a use of that infrastructure rather than construction of the infrastructure itself. Additionally, the use of public space for dining may involve consumption of alcohol or tobacco that would otherwise be prohibited on the sidewalk. There are issues of how loitering is defined, and how encroachments are handled. On top of that, advertising, disabled access, private use of a public space, and other issues need to be considered.

The approach being proposed by Staff is to use the existing encroachment permit process of the Public Works Department, add a Planning Department

approval process, and reword portions of the HMC that create unnecessary burdens or contradict the intent of this change so that the privilege of outdoor dining can be approved smoothly and quickly, reviewed annually, and revoked quickly if problems arise that cannot be corrected.

## ORDINANCE NO. 2068

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING VARIOUS TITLES OF THE HAWTHORNE MUNICIPAL CODE RELATED TO OUTDOOR DINING

**WHEREAS**, the City of Hawthorne has adopted regulations governing use of the public right-of-way, including sidewalks, encroachments into said right-of-way, permitted activities with the right-of-way, as well as limitations on uses in general, consumption of alcohol, signage, and design guidelines; and

**WHEREAS**, the City Council has determined that permitting outdoor dining adjacent to restaurants can be beneficial to the community aesthetics, safety, and general economic well-being; and

**WHEREAS**, outdoor dining associated with restaurants is currently restricted by numerous provisions of the Hawthorne Municipal Code; and

**WHEREAS**, removal of impediments to outdoor dining is consistent with the General Plan Land Use Policy 1.2 and Goal 1.0; and

**WHEREAS**, the City initiated Zoning Code Amendment 2014ZA01 (“project”) to remove restrictions to and generally allow, by permit, outdoor dining in the City of Hawthorne; and

**WHEREAS**, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15305, Minor Alterations in Land Use Limitations; and

**WHEREAS**, on February 19, 2014, 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 2014ZA01; and

**WHEREAS**, the City provided published notice of the City Council’s hearing on March 25, 2014, 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 PC-2014-06 and all its constituent parts and concurrent applications and finds it to be integrated, internally consistent and compatible; and

**WHEREAS**, the City Council of the City of Hawthorne wishes to adopt Ordinance No. 2068 amending the Hawthorne Municipal Code to facilitate outdoor dining.

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

**SECTION 1.** The facts set forth in the Recitals are true and correct.

**SECTION 2.** Subsection B of Section 8.38.020 (Drinking of alcoholic beverages in public place prohibited) of Chapter 8.38 (Alcoholic Beverages) of Title 8 (Health and Safety) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**8.38.020 Drinking of alcoholic beverages in public place prohibited.**

B. Consumption in Public Places. It is unlawful for any person, whether on foot or in a vehicle, to drink any alcoholic beverage upon any public sidewalk, street, or alley or in any public place in the city, excepting restaurants and other commercial establishments where on-sale consumption is permitted by license of the state, [including in designated areas approved for outdoor dining with a valid encroachment permit for said purpose](#), or city parks where a special permit allowing the consumption of alcoholic beverages has been issued by the director of the Hawthorne parks and recreation department. The special permit allowing consumption of alcoholic beverages in city parks may be issued only if all of the following requirements are met:

1. One million dollar certificate of liability insurance in a form acceptable to the city;
2. Alcoholic (beer and wine only) will be served in a confined area only;
3. A pre-approved diagram of activity including confined area for alcohol consumption;
4. Name and address of responsible party as it pertains to the alcohol distribution;
5. Security. For each fifty persons, one off-duty city police officer will be required. This security must be paid for upon issuance of permit.

**SECTION 3.** Chapter 9.50 (Encroachment on City Property) of Title 9 (Public Peace, Morals and Welfare) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**9.50.010 Generally.**

It is unlawful, except as hereinafter provided, for any person to encroach on, in, over or under any real property, including easements owned by the city, by any structure or object of any kind or character, temporary or permanent in nature, and whether *such encroachment is* real, personal or mixed property.

### **9.50.020 Exemptions.**

Section 9.50.010 shall not apply to those encroachments which:

- A. After applying thereto the provisions of said Section 9.50.010, nevertheless have legal sanction to encroach by law; or
- B. Are authorized by written agreement made by and between the city and an owner of real property as an incident to the purchase or acquisition of such real property by the city; or
- C. Are authorized by a valid, uncanceled permit granted as hereinafter provided in this chapter. ~~;- of~~
- ~~D. —Are authorized pursuant to the provisions of Title 7 of this code.~~

### **9.50.030 Application for permit.**

Application for a permit to encroach on city-owned property shall be made solely by the person requiring the permit, and on forms provided by the city, properly acknowledged, stating fully the circumstances, nature and extent of the encroachment, and such other information as may be required by the city engineer. Except for encroachments for the purpose of outdoor dining, the application shall be filed in duplicate with the city engineer and referred to the building department. After such reference, the city engineer shall either approve or disapprove the application. Encroachment applications for the purpose of outdoor dining shall also be referred to the planning department. After consultation with the planning department, the city engineer shall also either approve or disapprove the application.

### **9.50.040 Issuance of permit and privileges granted.**

A. If approved, the city engineer shall collect a fee as established by resolution of the city council for handling and recording such application, after which he shall issue a permit therefor. The application and permit shall then be referred to the city clerk for recording in the records of the county recorder. The city clerk shall keep a permanent file of all permits. No right, title or interest of the city shall be transferred by any such permit except the temporary privilege to encroach to the extent permitted and subject to any conditions therein stated. The right of the city to cancel such permit at any time and thereby the privilege of the encroachment shall be a condition of all permits herein issued.

B. Approved encroachment permits for outdoor dining shall be for a duration of one year and must be renewed annually. Failure to renew an outdoor dining permit will cause the permit to expire and become subject to the nuisance provisions of Section 9.50.060.

~~By acceptance or performance of the privileges of any part thereof under such permit, the permittee, his heirs, successors, or assigns shall not allow by commission or omission any dangerous or defective condition to exist at any time in, on, under or across the part of such easement covered by said permit, and shall assume liability for all injuries or damages caused to any person thereby.~~

**9.50.050 Dangerous and defective conditions prohibited—Liability.**

By acceptance or performance of the privileges or any part thereof under such permit, the permittee, or his heirs, successors or assigns, shall not allow, by commission or omission, any dangerous or defective condition to exist at any time in, on, under or across the part of such easement covered by said permit and shall assume and pay for all injuries or damage caused to any person thereby.

**9.50.060 Nuisance designated—Penalty for failure to abate.**

Encroachments as set forth herein, and after cancellation of a permit therefor, are declared a nuisance, and within thirty days after notice thereof by the city, such encroachment shall be entirely removed; failure or refusal to do so is a misdemeanor, and as a cumulative remedy the city may remove such encroachment and collect the entire cost and expense thereof from the person responsible therefor, or by appropriate action in court compel its removal or abatement and such reasonable attorney fees as fixed by the court.

**SECTION 4.** Section 10.72.050 (Sitting, lying or sleeping on streets and sidewalks) Chapter 10.72 (Pedestrians) of Title 10 (Vehicles and Traffic) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**10.72.050 Sitting, lying or sleeping on streets and sidewalks.**

No pedestrian shall sit, lie or sleep in or upon any street, sidewalk or public way or any portion thereof, except that sitting is permitted within an area approved as an encroachment for outdoor dining.

**SECTION 5.** Section 12.16.030 (Encroachment permit—Application) of Chapter 12.16 (Encroachments in Public Places) of Title 12 (Streets and Sidewalks) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**12.16.030 Encroachment permit—Application.**

A. No encroachment permit shall be issued unless a written application (on a form provided by the city engineer) for the issuance of such permit is submitted to the city engineer.

1. The written application for a standard encroachment permit shall state the name and address and principal place of business of the applicant, a twenty-four hour emergency telephone number of a party responsible for the maintenance of the work zone, the location and dimensions of the installation or removal, the purpose of the facility and the length of time which will be required to complete such work, including backfilling said excavation and removing all obstructions, material and debris. Extensions of time may be granted by the city engineer should the permittee, for any reason, not be able to complete the work within the time as stated and provides to the city an additional administrative fee to compensate the city for the additional staff time involved in processing the permittee's extension. ~~The fee shall be set by resolution of the city council.~~

~~The application, when approved and signed by the city engineer, constitutes a permit.~~

B. The written application for an outdoor dining encroachment permit shall state the name and address and principal place of business of the applicant, a twenty-four hour emergency telephone number of a party responsible for the maintenance of the outdoor dining area, and the location and dimensions of the outdoor dining area. Applications for outdoor dining encroachments shall be for a period of one year and may be renewed annually.

C. The permit fee shall be set by resolution of the city council. The application, when approved and signed by the city engineer, constitutes a permit.

**SECTION 6.** Section 12.16.050 (Approval of plans and specifications) of Chapter 12.16 (Encroachments in Public Places) of Title 12 (Streets and Sidewalks) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**12.16.050 Approval of plans and specifications.**

A. All plans and specifications for new installations, except services and laterals, in the street system of the city must be submitted to the city engineer for his or her approval prior to starting the work.

B. For outdoor dining only, the plan shall specify show the following:

1. Exact location and dimensions of the encroachment area (site plan);

2. All utility poles and anchors, light standards, equipment boxes, grates, curbs, and ramps within 10 feet of the encroachment area (shown on site plan with exact distances to encroachment area called out);

3. Approximate location and dimensions of all furniture, barriers, menu boards, umbrellas and other non-permanent features of the outdoor dining area, as well as description of how the furniture, etc. will be secured or removed when not in use; and

4. The hours of operation of the outdoor dining area.

**SECTION 7.** Section 12.16.360 (Insurance) of Chapter 12.16 (Encroachments in Public Places) of Title 12 (Streets and Sidewalks) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**12.16.360 Insurance.**

Prior to commencing work, the permittee shall secure the following types and amounts of insurance:

A. Minimum Limits of Insurance. Permittee shall obtain insurance of the types and in the amounts described below:

1. Commercial General Liability Insurance (For Projects One Thousand Linear Feet or Less). Permittee shall maintain commercial



general liability (CGL) with a limit of not less than one million dollars each occurrence/two million dollars in the annual aggregate.

B. Commercial General Liability Insurance (For Projects Greater Than One Thousand Linear Feet). Permittee shall maintain commercial general liability (CGL) with a limit of not less than three million dollars each occurrence/three million dollars in the annual aggregate.

C. Business Auto Liability Insurance. Permittee shall maintain business auto liability with a limit of not less than one million dollars each accident. [Outdoor dining encroachment permittees are not required to show proof of auto liability insurance.](#)

D. Workers' compensation insurance as required by the State of California and Employer's Liability Insurance.

E. Excavations in the street will require pollution coverage (XCU) coverage endorsement for one million dollars.

2. These amounts may be increased or decreased by the risk manager upon a showing of special circumstances relating to risk to public property, public improvements or public safety.

**SECTION 8.** Section 12.24.010 (Prohibitions) of Chapter 12.24 (Obstructing Sidewalk) of Title 12 (Streets and Sidewalks) of the Hawthorne Municipal Code, is hereby amended as follows:

**12.24.010 Prohibitions.**

No person shall leave, upon any public sidewalk or parkway, any movable or immovable object of any character whatsoever, [except furniture and fixtures associated with an outdoor dining encroachment permit, and](#) ~~except that~~ boxes, barrels and other receptacles containing merchandise may be unpacked and their contents removed upon any public sidewalk or parkway in front of the place of business to which they are being delivered; provided such place of business has no entrance from the rear which can be practically used for such purpose; and provided, further, that such boxes, barrels or other receptacles and the contents thereof are unpacked without delay and removed from the sidewalk or parkway immediately thereafter. The provisions of this section shall not be deemed to apply to garbage or waste matter receptacles placed upon sidewalks or parkways in accordance with the provisions of Section 8.16.040 of this code.

**SECTION 9.** Section 17.04.010 (Definitions) of Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended by adding the following:

**17.04.010 Definitions**

[...]

["Outdoor dining" means outdoor dining facilities that are associated with and in the immediate vicinity of a restaurant, cafe, or other permitted establishment that serves food or drinks for on-site consumption. Outdoor](#)

[dining includes areas on public property or in the public right-of-way, were allowed by encroachment permit, as well as on private or semiprivate property.](#)

[...]

**SECTION 10.** Table 17.06-1 (Table of Review Authority for Zoning Applications) of Chapter 17.06 (Administration, Interpretation and Enforcement) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**17.06-1 Table of Review Authority for Zoning Applications**

Zoning Application	Governed by Chapter	Authority's Role		
		Planning Director	Planning Commission	City Council
Administrative determination	17.06; 17.10; 17.38.030(D); 17.40; 17.41	Decision	Appeal	Appeal
Change of zone boundary	17.62	Recommend	Recommend	Decision
Change of zone classification	17.62	Recommend	Recommend	Decision
Conditional use permit	17.40; 17.76	Recommend	Decision	Appeal
Exterior color code	17.25; <a href="#">17.26</a>	Decision	Appeal	Appeal
<a href="#">Outdoor dining permit</a>	<a href="#">17.25</a> ; <a href="#">17.26</a>	<a href="#">Decision</a>	<a href="#">Appeal</a>	<a href="#">Appeal</a>
Site development plan	17.62	Recommend	Decision	Appeal
Unclassified use permit	17.36; 17.62	Recommend	Recommend	Decision
Variance	17.40	Recommend	Decision	Appeal
Zone text amendment	17.62	Recommend	Recommend	Decision

**SECTION 11.** Section 17.25.020 (Permitted Uses) of Chapter 17.25 (C-1 Freeway Commercial / Mixed Use Classification) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**17.25.020 Permitted uses.**

In the C-1 classification, the following uses only are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the vehicular parking and loading requirements and the general provisions, conditions and exceptions set forth in Chapters 17.06 through 17.12 and 17.38 through 17.62:

[...]

- Restaurants (with or without cocktail bars, [and with or without outdoor dining areas](#)), cafeterias, drive-thru (subject to a conditional use permit);

[...]

**SECTION 12.** Subsection A of 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 Hawthorne Municipal Code, is hereby amended as follows:

**17.25.030 Limitations on permitted uses.**

Any permissible use, unless otherwise stated, shall be subject to the following conditions:

- A. All uses shall be conducted wholly within an enclosed building except such uses as:
1. Automobile service stations;
  2. Parking areas and loading areas;
  3. Swimming pools and jacuzzis;
  4. Food courts and restaurant patio dining facilities; provided, however, the buildings, structures and equipment and parking and loading shall be situated on the premises as shown on the approved plan;
  5. [Outdoor dining facilities with a valid outdoor dining permit, and, if applicable, a valid outdoor dining encroachment permit.](#)

**SECTION 13.** Section 17.25.110 (Outdoor Dining) of Chapter 17.25 (C-1 Freeway Commercial / Mixed Use Classification) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby added to read as follows:

**[17.25.110 Outdoor dining](#)**

[Outdoor dining, as an accessory to a permitted restaurant, cafe, or other establishment that offers food or drinks for on-site consumption, shall, require approval of an outdoor dining permit pursuant to Chapter 17.06. The Planning Director may condition the approval to limit the location, size, arrangement and hours of operation, as well as other aspects to ensure compatibility and the public welfare. Outdoor dining in the public rights-of-way shall also be subject to an encroachment permit pursuant to Title 12 of this Code.](#)

**SECTION 14.** Section 17.26.020 (Permitted Uses) of Chapter 17.26 (C-2 Local Commercial Classification) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**17.26.020 Permitted uses.**

In the C-2 classification, the following uses only are permitted and as hereinafter specifically provided and allowed by this chapter, subject to the vehicular parking and loading requirements and the general provisions, conditions and exceptions set forth in Chapters 17.06 through 17.12 and 17.38 through 17.62:

- [...]
- Restaurants ([with or without outdoor dining areas](#)), including drive-thru subject to a conditional use permit, take-out and walk-up restaurants and cafeterias; no drive-in;
- [...]

**SECTION 15.** Subsections B and K of Section 17.26.030 (Limitations on Permitted Uses) of Chapter 17.26 (C-2 Local Commercial Classification) of Title 17 (Zoning) of the Hawthorne Municipal Code, are hereby amended to read as follows:

**17.26.030 Limitations on permitted uses.**

Every permissible use, unless otherwise stated, shall be subject to the following conditions and limitations:

[...]

B. Goods, wares, merchandise or articles for sale shall not be stored or displayed in aisles, entrances, outdoor alcoves, on sidewalks or any place normally reserved for pedestrian or customer right-of-way for ingress or egress. All uses shall be conducted wholly within an enclosed building except such uses as:

1. Drive-in restaurants;
2. Electric distribution substations;
3. Transmission substations;
4. Meter and control stations of a public utility;
5. Outdoor advertising structures;
6. Parking lots and loading areas;
7. Growing stock in connection with horticultural nursery,

whether the stock is in open ground, pots or containers;

8. Recycling facilities;

9. Outdoor dining facilities as an accessory use to a restaurant, cafe, or other establishment.

[...]

K. Canopies are not permitted except over walkways and outdoor seating areas, provided that encroachments into the public right-of-way or parking facilities are permitted with an encroachment permit ~~are not permitted.~~

[...]

**SECTION 16.** Section 17.26.110 (Outdoor Dining) of Chapter 17.26 (C-2 Local Commercial Classification) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby added as follows:

**17.26.110 Outdoor dining**

Outdoor dining, as an accessory to a permitted restaurant, cafe, or other establishment that offers food or drinks for on-site consumption, shall, require approval of an outdoor dining permit pursuant to Chapter 17.06. The Planning Director shall review the application to as well as ensure compatibility with the surrounding area and the protection of health, safety and the general welfare and may further condition the approval to limit the location, size, arrangement, hours of operation and other reasonably related aspects of outdoor dining.. Outdoor dining in the public right-of-way shall also be subject to an outdoor dining encroachment permit pursuant to Title 12 of this Code.

**SECTION 17.** Subsection F of Section 17.28.030 (Limitations on Permitted Uses) of Chapter 17.28 (C-3 General Commercial Classification) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**17.28.030 Limitations on permitted uses.**

Every permissible use, unless otherwise stated, shall be subject to the following conditions, requirements and limitations:

[...]

F. For any use not contained wholly within a building, except such uses as [outdoor dining with an encroachment permit](#), automobile service stations, drive-in restaurants, horticultural nurseries, car, boat, truck and trailer sales areas and parking lots, the following additional conditions and limitations shall apply:

1. If the use involves outside activities of any kind other than storage only, then on all property lines of the premises there shall be erected a solid wall or equivalent view-obscuring fence of solid brick or decorative block not less than eight feet in height, and a six-foot landscaped setback from public right-of-ways shall be maintained, to prevent trespass; if the use involves storage of any kind in the open and storage only, then only the area used for storage shall be entirely enclosed by a solid wall or equivalent view-obscuring fence of solid brick or decorative block not less than eight feet in height, and a six-foot landscaped setback from public right-of-ways shall be maintained, and no other wall or fence shall be required on other property lines unless the property line is a common property line with R classified property; in either case, if the wall of a building is on a property line or constitutes a side of a storage area, no separate wall or fence need be installed along the portion of the property line or storage area occupied by the wall of the building. Access openings in such wall or fence shall be equipped with view-obscuring gates equal in height to the height of the required wall or fence.

2. Goods and equipment in any walled area shall not be stacked or project higher than the wall.

[...]

**SECTION 18.** Subsection D of Section 17.35.030 (Sign Permit Not Required) of Chapter 17.35 (On-Premise Signs) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**17.35.030 Sign permit not required.**

[...]

D. Menu boards and portable umbrellas used in conjunction with permitted outdoor dining; provided, that the menu board shall not exceed six square feet in area and located only on the premises upon which the sale is occurring [or within an area approved for outdoor dining](#).

[...]

**SECTION 19.** Section 17.35.170 (Projection over public property) of Chapter 17.35 (On-Premise Signs) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**17.35.170 Projection over public property.**

Except in the case of menu boards and portable umbrellas used in conjunction with outdoor dining, no projecting, freestanding, pole or ground sign may extend into or over any public street, public sidewalk, or other public property (excluding alleys), or beyond a building line, except at a distance as determined by the clearance from the bottom of the sign to the level of the *sidewalk* or grade immediately below as follows:

- A. Ground clearance less than eight feet; no projection.
- B. Ground clearance of eight feet; one foot projection.
- C. Ground clearance above eight feet; for each additional two inches clearance an additional one inch projection to a maximum projection of three feet.

**SECTION 20.** Section 17.35.180 (Encroachment Permits) of Chapter 17.35 (On-Premise Signs) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended to read as follows:

**17.35.180 Encroachment permits.**

No sign permit shall be issued under this chapter for any sign which encroaches into or over city-owned property unless and until an encroachment permit has been issued by the public works director/city engineer. Menu boards and portable umbrellas used in conjunction with outdoor dining are allowed under the encroachment permits for the outdoor dining.

**SECTION 21.** Subsection B, Subpart 16 of Section 17.58.030 (Required Parking) of Chapter 17.58 (Off-Street Parking) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended as follows:

**17.58.030 Required Parking**

The following uses, wherever located, shall provide off-street parking facilities as follows:

- [...]
- B. Commercial.
- [...]
- 16. Restaurants, bars, cocktail lounges, cafeterias and other establishments which serve prepared food for consumption on or off the premises: one space for each three fixed seats or one space for each one hundred square feet of gross floor area, whichever is greater, but in no case shall less than ten parking spaces be provided. Outdoor dining areas with 16 or fewer seats are not counted toward the above parking requirement.

[...]

**SECTION 22.** Subsection A, Subpart 3 of Section 17.87.080 (Design Principles) of Chapter 17.87 (Mixed Use Overlay Zone (MU)) of Title 17 (Zoning) of the Hawthorne Municipal Code, is hereby amended as follows:

**17.87.080 Design principles.**

A. Site Design. The following principles intend to establish an engaging street edge defined by the orientation and placement of buildings fronting collector and arterial streets.

[...]

3. Setback Encroachments. Outdoor seating for restaurants and similar uses may encroach into the street setback as permitted by the city under an approved encroachment permit ~~under the following principles:~~

~~a. Uses should add color and activity to the street such as outdoor eating areas or flower vendors;~~

~~b. Outdoor dining, outdoor displays, or any other ancillary use as approved by the city may encroach into the sidewalk area a maximum of eight feet from the building frontage, as long as at least four feet of unobstructed walkway are maintained.~~

[...]

**SECTION 23.** 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 24.** 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.

(Intentionally blank)

**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