



# Hawthorne, California

## Planning Department

### INTERIM GUIDANCE

### ACCESSORY DWELLING UNITS

#### A. BACKGROUND

The State of California adopted State and Assembly Bills that significantly reorganized and modified the second dwelling unit standards of the Government Code. Previous versions of these provisions in the 1980's and in 2002 were intended to promote the development of second units to address affordable housing needs. However, in 2016 the state legislature found that despite efforts to encourage second units, many local governments continued to pass ordinances that constrained their construction. The legislature concluded that a more prescriptive approach was required to remove barriers to the creation of second units.

In September 2016, the State Legislature adopted two bills amending Government Code section 65852.2, which pertains to Accessory Dwelling Units (ADUs), formerly called second units or granny units. These bills, SB 1069 and AB 2299, require local jurisdictions to update their second unit ordinances to reduce physical and financial barriers in constructing ADUs. The amendments substantially reduce the discretion of local governments to regulate ADUs.

As of January 1, 2017, Hawthorne Municipal Code Section 17.20.130 (Accessory Dwelling Unit) and those portions of 17.04.010 (Definitions) and 17.14.020 (R1 Zone - Permitted and Conditionally Permitted Uses and Bulk Requirements) pertaining to accessory dwelling units are superseded by state law. The following guidance is provided until City ordinances implementing state law are enacted.

#### B. ACCESSORY DWELLING UNIT (ADU)

**1. Definition.** Accessory Dwelling Unit (ADU) means an attached or detached residential dwelling unit or dwelling unit within the living area of an existing residence that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An ADU also includes the following:

- An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- A manufactured home, as defined in Section 18007 of the Health and Safety Code.

An ADU takes three forms:

- Detached ADU: The ADU involves new floor/building area and is separated from the existing primary or accessory structure.
- Attached ADU: The ADU involves new floor/building area and is attached to the existing primary or accessory structure.
- Interior ADU: The ADU involves the conversion of existing space located within the primary residence or an existing detached accessory structure such as a garage, carriage house, pool house, and studio. An Interior ADU does not include any new floor/building area.

## 2. Where Permitted.

- a. A Detached and Attached ADU may be constructed on any legally established property within the R-1 zone that contains no more than one existing single-family dwelling subject to the standards contained in this Section and available sewer capacity as shown on the Sewer Capacity Map maintained by the Department of Planning and Community Development.
- b. Detached or Attached ADUs may be constructed on any legally established property within the R-2, R-3, and R-4 zones that contains no more than one existing single-family dwelling subject to the applicable development standards of the R-1 zone and this Section.
- c. An Interior ADU may be established on any residentially zoned lot that contains no more than one existing single-family dwelling subject to the standards of this Section.
- d. An ADU shall not be permitted on a lot with another ADU, mobile home, caretaker's unit, detached guest house or living quarters, or on a lot containing more than one single-family dwelling.
- e. Existing, for purposes of this section, includes any legal conforming and legal nonconforming single-family dwelling. In the case of legal nonconforming dwelling units, the ADU must comply with all applicable standards outlined in this section.

## 3. Requirements for New Detached or Attached ADUs

- a. New Attached or Detached ADUs are subject to development standards of the R-1 zone. These include building setbacks, lot coverage, and building height unless otherwise noted herein. In addition, new Attached or Detached ADUs shall comply with the following:
  - 1) Minimum Lot Size: 8,000 square feet.
  - 2) Unit Size:
    - i. The floor area of a Detached ADU may not exceed 1,200 square feet.
    - ii. The floor area of an Attached ADU may not exceed 50% of the existing living area<sup>1</sup> with a maximum increase of 1,200 square feet.
    - iii. Maximum of two bedrooms
  - 3) Off-Street Parking:
    - i. One on-site parking space is required for an ADU with one bedroom. For ADUs with two bedrooms, two on-site parking spaces are required.

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<sup>1</sup> Existing living area includes interior habitable area including basements and attics but not including garages or accessory structures.

- ii. The required parking for the ADU may be covered or uncovered and may be provided as tandem parking.
  - iii. Uncovered parking must be located on an existing driveway apron.
  - iv. Uncovered parking is permitted in front, side and rear setback areas unless specific findings are made related to on-site topographic and safety conditions on a case-by-case basis.
  - v. No additional on-site parking is required for an Attached or Detached ADU if located:
    - Within ½ mile of transit stop as depicted on the latest LA Metro transit maps <https://www.metro.net/riding/maps>.
    - Within an area requiring parking permits that are not offered to the occupant of the ADU.
    - There is a car share vehicle located within one block.
    - For this to apply, the applicant must provide a map from an official source illustrating the parcel where the ADU is proposed and the distance to a transit stop or a car share location.
- 4) Design: The exterior of ADUs that require an addition or a new accessory structure shall incorporate the same or similar building materials, roofing, colors, surface treatments and other architectural features as the primary dwelling unit. This shall include, but is not limited to roof pitches, eaves, fascia boards, and windows.
- 5) Utility Connection/Fees: A separate utility connection between the ADU and the utility shall be provided<sup>2</sup>. A utility connection fee or capacity charge is required to be paid prior to issuance of building permits. The connection fee and capacity charge shall be proportionate with the burden on water and sewer systems based on the number of plumbing fixtures and shall not exceed the reasonable cost of providing this service.
- 6) Setbacks:
- i. The ADU shall adhere to the setback requirements of the R1 zone.
  - ii. A Detached and Attached ADU shall not be located between the primary residence and a public street, excluding alleys.
- 7) Height:
- i. 12 foot maximum height for a Detached ADU and ground-level expansions of an existing accessory structure or garage.
  - ii. 22 foot maximum height for an ADU attached to the primary residences or on top of an existing accessory structure or garage.
  - iii. Lots less than 40 feet in average width and less than 5,000 square feet in lot size shall have a maximum building height of 12 feet.
- 8) Separation: A Detached ADU that involves a new structure shall not be located closer than ten feet from the main residence and six feet from another accessory structure on the same property.
- 9) Lot Coverage and Open Space:
- i. The total footprint of all buildings on a lot shall not cover more than 50% of the lot.
  - ii. There shall be a minimum of 500 sf of open space on a lot.

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<sup>2</sup> Includes new construction above an existing garage or expansion of an existing garage.

- b. Approval Process. Detached and Attached ADUs must be approved within 120 days of submittal of a complete application. Ministerial approval is required when all of the following conditions are met:
- 1) The lot is zoned R-1, R-2, R-3 or R-4 and contains no more than one existing single-family dwelling.
  - 2) There is not another ADU, mobile home, caretaker's unit, or detached guest house or living quarters on the same lot.
  - 3) All other requirements of this Section applicable to new Detached or Attached ADUs are met.
  - 4) A complete application is provided by the applicant.

\*\* Detached and Attached ADUs that do not meet requirements for ministerial approval listed above are not permitted.

#### **4. Requirements for Interior ADUs**

- a. Interior ADUs that are located entirely within the existing footprint of an existing legally established structure shall comply with the following:
- 1) No new building square footage shall be added.
  - 2) Unit Size:
    - i. Maximum 50% of the existing habitable space with a maximum of 1,200 square feet in floor area.
    - ii. Maximum of two bedrooms.
  - 3) Off-Street Parking: No additional parking is required (see garage conversion section if applicable).
  - 4) Access: An independent exterior access shall be provided.
  - 5) Setbacks: Side and rear access shall be sufficient for fire safety.
  - 6) Utility Connection/Fees: No new separate water or sewer utility connection between the ADU and the utility will be required, and no connection fees will be required. A second meter is not required for an interior ADU.
- b. Approval Process. Interior ADUs must be approved within 120 days of submittal of a complete application. Ministerial approval is required when all of the following conditions are met:
- 1) Located within the existing walls of an existing and legally established single-family structure or accessory structure.
  - 2) There is not another ADU, mobile home, caretaker's unit, or detached guest house or living quarters on the same lot.
  - 3) Independent exterior access from existing residence is provided.
  - 4) Side and rear setbacks are sufficient for fire safety.
  - 5) Meets all other requirements of this Section applicable to interior ADUs.
  - 6) A complete application is provided by the applicant.

\*\* Internal ADUs that do not meet requirements for ministerial approval listed above are not permitted.

#### **5. Additional Requirements for Garage Conversion to Create ADUs**

- a. An existing and legally established garage that is converted to an ADU shall comply with the following requirements:

- 1) No new building square footage shall be added.
- 2) Setbacks: No setback will be required for an existing garage that is converted to an Interior ADU. For Attached ADUs above a garage, setbacks are per the R-1 Zone up to a maximum of 5 feet.
- 3) Design: When an existing garage is converted to an ADU, the garage door shall be removed and the opening shall be replaced with a wall, which shall substantially match the primary structure in terms of materials, colors, and textures.
- 4) Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of a new ADU, the number of required replacement spaces for the primary dwelling shall be as dictated in Section 17.58.030(A)(1). The replacement spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
- 5) Utility Connection/Fees: For conversion of an existing garage to an Interior ADU, no connection fees or new separate water or sewer utility connection between the ADU and the utility will be required. A second meter is not required for an Interior ADU.

## 6. Requirements Applicable to All ADUs

- a. Ownership and Occupancy
  - 1) The main dwelling or the ADU shall be owner occupied.
  - 2) The ADU shall not be sold separately from the main dwelling.
  - 3) An ADU shall not be used as a short-term rental and shall not be occupied for a period of less than 30 continuous days.
- b. Livability Requirements: An ADU shall contain:
  - 1) One habitable room of at least 80 square feet and a minimum horizontal dimension of seven feet.
  - 2) A bathroom with a toilet, lavatory, and a bathtub and/or shower.
  - 3) A kitchen or kitchenette with at least a small refrigerator, a microwave oven or hotplate and a sink with disposal.
  - 4) The total gross floor area shall not be less than as defined in the Health and Safety Code Section 17958.1 for an efficiency unit (150 sf for occupancy by no more than two persons).
- c. Passageway: A passageway is not required in conjunction with construction of an ADU. A passageway is a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.
- d. Privacy: ADUs shall minimize privacy impacts to adjacent residential properties. Walls and fences between neighboring residential properties shall be at least 6 feet in height. New second story windows directly facing another residential structure shall be offset from existing windows on the neighboring property or utilize opaque glass, be clearstory windows, or employ other acceptable screening treatments. New second story balconies shall be located so they do not look directly into neighboring yards unless screening is provided.
- e. Fees: Revisions to state law provide exemption from utility connection fees in specific circumstances detailed above. All other applicable development and impact fees<sup>3</sup> are still in effect.

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<sup>3</sup> Per HCD's ADU Memorandum, 2016: All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home). Fees on ADUs, must proportionately account for impact on services based on the size of the

- f. Fire Issues: An ADU may not be required to provide fire sprinklers unless they are required for the primary residence.
- g. Building Codes: The ADU shall comply with all applicable building codes.
- h. Property Maintenance: The property shall be maintained in accordance with the provisions of the Municipal Code, specifically Chapter 8.20.
- i. Parking: All required on-site parking and vehicular access shown on the approved plans shall remain open, unencumbered, and available for parking and access at all times.
- j. Recordation of Covenant: The property owner shall record a covenant on the property stating that: either the primary dwelling unit or the ADU must be occupied by the owner(s) as their principal residence; the ADU shall comply with the provisions of Section 17.20.130 of the HMC; the ADU shall not be sold separately from the main residence; all required on-site parking and vehicular access shown on the approved plans shall remain open, unencumbered, and available for parking and access; the property shall comply with maintenance standards of the HMC; and the restrictions shall run with the land and be binding upon all future owners. A copy of the recorded document shall be provided to the Department of Planning and Community Development upon submittal of an application for building permits.

#### **D. APPLICATION REQUIREMENTS**

All applications for new ADUs must provide the following application materials (except where noted), along with an application for a building permit:

- 1) PROJECT DESCRIPTION – Narrative that states the type and location of the unit on the lot, its square footage, its relationship to the single family dwelling, including access, location, and proposed parking, if any.
- 2) SITE PLAN – A site plan must be to scale and include dimensions. The plan shall include location and dimensioned setbacks of all existing and proposed structures/rooms on the site and structures located within 50 feet of the site; all easements, building envelopes, and, if a lot is in an existing subdivision, special requirements of the subdivision as shown on the Final Map and improvement plans; and, if requested, average slope calculations for the site. The site plan shall depict the existing and proposed parking space for each unit and dimension all parking spaces and driveway aprons. The site plan shall also depict existing and proposed window openings for the proposed ADU and those of adjacent residential structures.
- 3) FLOOR PLANS – Existing and proposed floor plans, drawn to scale, showing the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown. Provisions to minimize intrusions into neighbor's privacy shall be identified and addressed on the floor plans.
- 4) ELEVATIONS – Architectural elevations of the existing and proposed conditions of each side of the proposed and existing structures showing all openings, exterior finishes, original and finish grades,

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ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated.

stepped footing outline, and roof pitch. (Not required for internal conversions if exterior alterations are not proposed)

- 5) CROSS SECTIONS – Building cross sections including structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights. (Not required for internal conversions if exterior alterations are not proposed).
- 6) PHOTOGRAPHS – Color photographs of the site and adjacent properties, taken from each property line of the site, to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of each photograph. (Not required for internal ADU)
- 7) RECORDATION OF COVENANT – The property owner shall record a covenant on the property stating that: either the primary dwelling unit or the ADU must be occupied by the owner(s) as their principal residence; the ADU shall comply with the provisions of Section 17.20.130 of the HMC; the ADU shall not be sold separately from the main residence; all required on-site parking and vehicular access shown on the approved plans shall remain open, unencumbered, and available for parking and access; the property shall comply with maintenance standards of the HMC; and the restrictions shall run with the land and be binding upon all future owners. A copy of the recorded document shall be provided to the Department of Planning and Community Development upon submittal of an application for building permits.

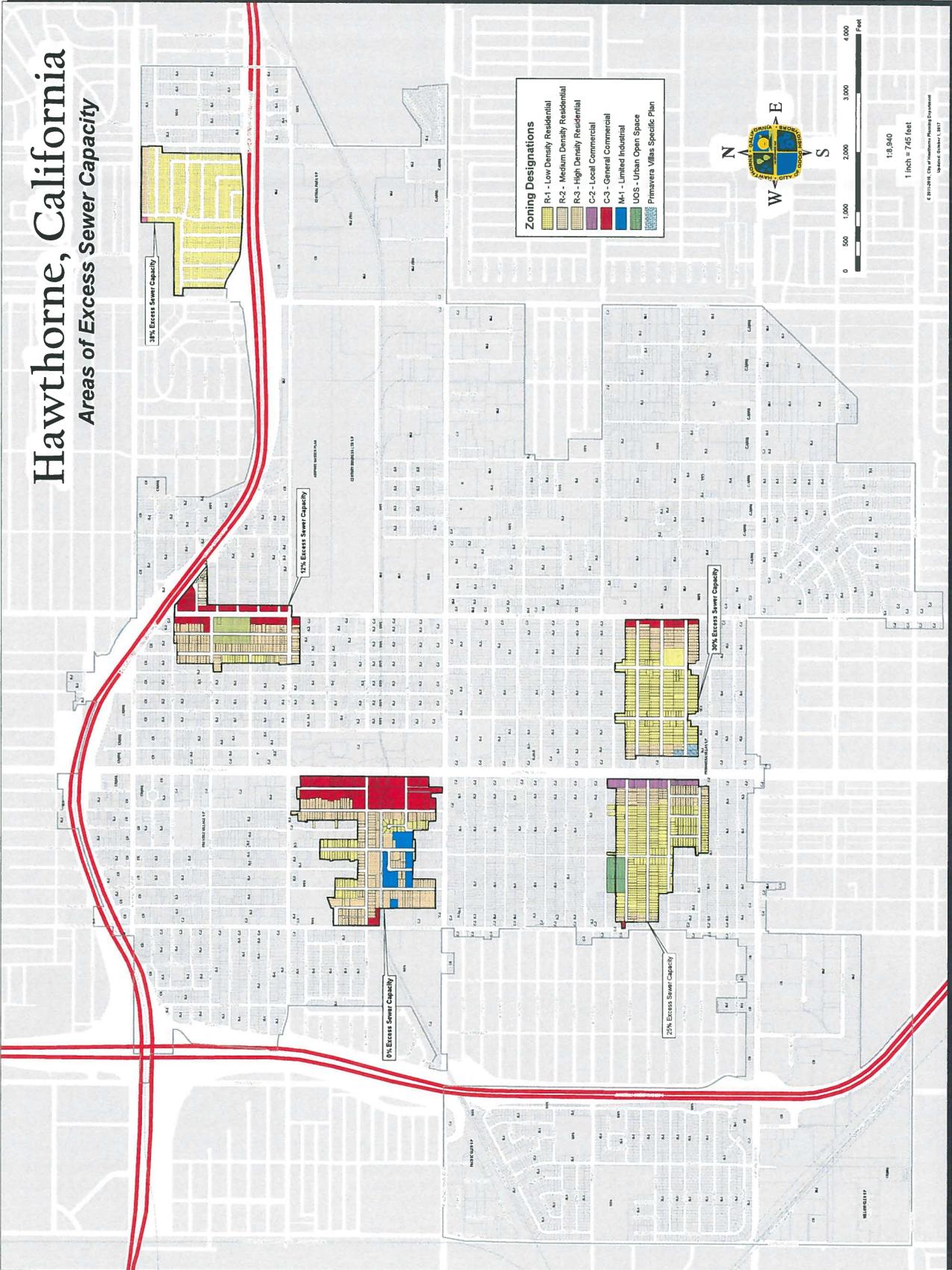
**\*\*Applications will not be accepted unless each of the foregoing items has been submitted.**

**\*\*Incomplete applications will be returned.**

**ATTACHMENT A**  
**SEWER CAPACITY MAP**

# Hawthorne, California

## Areas of Excess Sewer Capacity



Recording requested by and mail to:

Name: City of Hawthorne  
Department of Planning and Community Development  
Address: 4455 W. 126<sup>th</sup> Street  
Hawthorne, CA 90250

Project Location: \_\_\_\_\_

APN: \_\_\_\_\_

\*\*\*\*\*SpaceAboveThisLineforRecorder'sUse\*\*\*\*\*

**COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS  
(ACCESSORY DWELLING UNIT)**

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_ ("Declarant")

with reference to the following facts:

A. Declarant is the record owner of the real property ("Property") situated in the City of Hawthorne, County of Los Angeles, State of California described as follows:

Exhibit "A" (Legal Description)

B. The Property, located at \_\_\_\_\_, is located in the \_\_\_\_\_ Zone and contains no more than one existing and legally established single-family dwelling.

C. Declarant has applied to the City of Hawthorne for a building permit for an Accessory Dwelling Unit ("ADU") on the Property.

D. An ADU is permitted in the City of Hawthorne subject to issuance of a building permit and the recording of a covenant restricting the use of the Property and the ADU as noted below to ensure that the Property maintains its residential character.

E. Declarant desires to restrict the use of the Property and put the future owners on notice of the restrictions noted below.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Hawthorne for granting building permits, Declarant hereby covenants and agrees with the City that the following restrictions shall apply to the Property:

1. The single-family residence and ADU located on the Property shall not be sold or encumbered separately.
2. Either the single-family residence or the ADU located on the Property shall be occupied by the recorded owners of the Property at all times.
3. The ADU and main dwelling unit shall not be used as a short-term rental and shall not be occupied for a period of less than 30 continuous days.
4. All required on-site parking and vehicular access shown on the approved plans shall remain open, unencumbered, and available for parking and access.

5. The ADU shall be maintained in compliance with the approved building plans and any subsequently approved building permits.
6. The Property shall be maintained in compliance with maintenance standards of the Hawthorne Municipal Code.

This Covenant shall run with the land and shall be binding upon Declarant, any future owners, encumbrances, their successors, heirs or assigns and shall continue in effect until the Planning Division of the City of Hawthorne approves its termination.

IN WITNESS WHEREOF, Declarant has caused this Covenant and Agreement to be executed as of the day and the year first written above.

DECLARANT

\_\_\_\_\_  
(Print Name of Property Owner)

\_\_\_\_\_  
(Print Name of Property Owner)

\_\_\_\_\_  
(Signature of Property Owner)\*\*

\_\_\_\_\_  
(Signature of Property Owner)\*\*

\_\_\_\_\_  
(Date)

**\*\*Signatures must be notarized**

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
(City Attorney)

\_\_\_\_\_  
(Department of Planning and Community Development)

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## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of )

On \_ before me, \_ ,  
Date Here Insert Name and Title of the Officer

personally appeared \_ ,  
Name(s) of Signer(s)

- ,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

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### OPTIONAL

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Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

#### Description of Attached Document

Title or Type of Document: \_

Document Date: \_

Number of Pages: \_

Signer(s) Other Than Named Above: \_

#### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_

Corporate Officer — Title(s): \_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_

Corporate Officer — Title(s): \_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_

Signer Is Representing: \_

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