



Planning Commission
Agenda Report
October 23, 2024

TO: Planning Commission

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SUBJECT: Zoning Text Amendment No. 2024-05 to amend various sections of Title 17 of the Norwalk Municipal Code to update the City's Density Bonus ordinance and update the definition of "Family".

RECOMMENDATION:

That the Planning Commission:

1. Adopt Resolution No. 24-11 to recommend approval to City Council for Zoning Text Amendment (ZTA) No. 2024-05; and
2. Consider and find that the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), where it can be seen with certainty there is no possibility that the activity in question may have significant effect of the environment.

AUTHORITY:

Section 65855 of the California Government Code states that the Planning Commission shall make a written recommendation on the adoption or amendment of the Zoning Ordinance.

Section 17.02.260.D of the Norwalk Municipal Code (NMC) stipulates that the Planning Commission render its recommendation on a Zoning Text Amendment, including the reasons for the recommendation, to the City Council.

INTRODUCTION/BACKGROUND:

The Density Bonus Ordinance was adopted by Ordinance No. 14-1656 in 2014, in order for the NMC to be in compliance with the requirements of State Density Bonus Law by establishing consistent objectives, policies, regulations, development and design standards, and review criteria for implementing density bonus requirements.

The City's 6th Cycle Housing Element Update (HEU), adopted in February 2023, lists Program 1.5 (Density Bonus), which requires the City to update the existing density bonus ordinance for compliance with State law. The amended ordinance aligns the City's regulations with State requirements and enhances the effectiveness of the density bonus program in promoting affordable housing development in Norwalk.

Additionally, the City's 6th Cycle HEU Program 3.6 (Definition of Family) requires the City to amend the current definition of "family" to ensure it is inclusive, non-discriminatory, and does not exclude any uses.

PROJECT DESCRIPTION:

Several modifications to the NMC are necessary to ensure compliance with State Density Bonus Law and consistency with the HEU Program 1.5. The request consists of ZTA No. 2024-05 which would repeal Section 17.04.235 of Title 17 (Zoning) of the NMC, the current NMC density bonus section, add a new Article "V" ("Supplemental Regulations") and Section 17.04.400 of Chapter 17.04 entitled "Density Bonus".

The proposed text amendments to the density bonus ordinance will update eligibility, procedural, and development standard requirements; remove existing process requirements; add new incentives, waivers, and reductions; and modify the list of definitions to bring the current density bonus ordinance into compliance with State Density Bonus Law.

The modifications to the NMC also consists of an amendment to NMC Section 17.02.105 to update the City's Review Authority Table for consistency with the proposed amendments to the density bonus ordinance. In addition, the modification of the NMC also consists of an amendment to NMC Section 17.02.105 to update the City's definition of "family" as directed by HEU Program 3.6. For reference, HEU Table 53 below details HEU Programs 1.5 and 3.6:

Table 53: AFFH Program Mix

Program	Specific Commitment	Timeline	Geographic Targeting	2021-2029 Metric
Program 1.5 – Density Bonus	Update the City’s density bonus ordinance to remain in compliance with Government Code §65915. Consider providing additional incentives to developers to encourage use of the density bonus. Continue to promote the program and survey developers about interests in and constraints to using a density bonus	Update of a density bonus ordinance will occur within 2 years of adoption of Housing Element	Citywide	Gain 50 affordable units with the use of density bonus
Program 3.6 – Definition of Family	Evaluate the Zoning Ordinance definition of “family” to ensure it does not exclude allowed uses and is inclusive/nondiscriminatory. Modify/replace the definition as appropriate	Within one year of Housing Element adoption	Citywide	Equal access to housing

ANALYSIS:

The proposed updates to the NMC align the ordinance with State Density Bonus Law requirements, ensuring compliance and promoting affordable housing development consistent with the City’s Housing Element Update goals.

While the adoption of the density bonus ordinance would bring the City into compliance with State Density Bonus laws, it also incentivizes the development of affordable housing by allowing developers to build more units than typically permitted under the City’s zoning regulations. While density bonus is an important incentive, other factors such as land value, project economics, land cost, and labor and materials are also important in determining the feasibility of a development.

The updated definition of “Family” ensures inclusivity, removes discriminatory language, and broadens the definition to accommodate various uses.

Zoning Text Amendment

The text amendment consists of the following components:

- Update the current review procedures which are inconsistent with State law. Currently, the density bonus ordinance requires discretionary review requirements with the Planning Commission and City Council. The proposed revised ordinance streamlines review procedures and requirements consistent with State Density Bonus Law requirements.
- Expand the list of incentives/concessions, waivers, and reductions for eligible developers to increase housing development in compliance with State law. The proposed amendments also include a list of development standards that the City has the authority to approve or deny dependent upon the findings of the application. In addition, there are specific incentives and concessions that are available for Director's review and approval.
- The proposed amendments expand the eligibility criteria for projects to receive density bonuses. These uses include household income levels, commercial developments, student housing, senior housing, and 100 percent affordable or shared housing developments.
- Minor text amendments will include adding references to State law density bonus percentage calculations, modifying the density bonus housing agreement requirements, and updating the definitions.
- The proposed text amendment will clarify and streamline the application and review process by modifying the roles and procedures of the review authority to approve density bonus applications.
- The proposed text amendment will modify the Review Authority Table to be consistent with the amendments to the density bonus ordinance as required by State Density Bonus Law.
- The proposed text amendment will modify the definition of "Family" to ensure it does not exclude allowed uses, increases inclusivity, and alleviates discrimination from the current definition.

Public Notification

Notice of this public hearing was published in The Norwalk Patriot and posted at the City's three designated posting sites and the city website on Friday, October 11, 2024 (Attachment D).

ENVIRONMENTAL ASSESSMENT:

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), where it can be seen

with certainty there is no possibility that the activity in question may have significant effect of the environment.

SUMMARY:

The proposed ZTA No. 2024-05, which involves repealing and replacing the current density bonus ordinance from the NMC, will bring the current ordinance into compliance with the requirements of State Density Bonus Law.

The new density bonus ordinance will retain the current purpose and applicability statements; update eligibility and procedural requirements; add comprehensive requirements for calculating density bonus requirements and corresponding required incentives and reductions; modify the density bonus housing agreement and development standard provisions; and revise the list of definitions to be consistent with requirements of State law.

Additionally, the amendment to the Review Authority Table is required to be consistent with the amendments to the density bonus ordinance. The density bonus ordinance is of critical importance for the City to be in compliance with State law requirements.

Lastly, the modification of the definition of “Family” is required to comply with Housing Element Program 3.6 (Definition of Family). Therefore, Staff recommends that the Planning Commission recommend approval of the project to City Council.

ATTACHMENTS:

- A. Resolution No. 24-11 (Zoning Text Amendment No. 2024-05), including Exhibit “A” Draft Ordinance
- B. Zoning Text Amendment No. 2024-05 – Legislative Draft
- C. City’s 6th Cycle Housing Element is available at the following link:
[City of Norwalk 6th Cycle Housing Element](#)
- D. Public Hearing Notice is available at the following link:
[ZTA No. 2024-05 Public Hearing Notice](#)