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City Council Agenda Report  
November 19, 2024

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**TO:** Honorable City Council

**FROM:** Jesus M. Gomez, City Manager

**BY:** Alex Hamilton, Interim Director of Community Development  
Nancy Lee, Development Services Manager  
Gabriel R. Salazar, Senior Planner  
Cynthia Walsh, Planning Consultant

**SUBJECT: ORDINANCE NO. 24-1755 - 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"**

**Background:**

In 2014, City Council adopted Ordinance No. 14-1656, updating Norwalk Municipal Code (NMC) §17.04.235 relating to Density Bonus, in order for the NMC to be in compliance with the requirements of State Density Bonus Law (SDBL). The update established 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 code for compliance with SDBL. Ordinance No. 24-1755 has been drafted to align the City's regulations with State requirements and enhances the effectiveness of the density bonus program in promoting affordable housing development in Norwalk.

Under Ordinance No. 24-1755, modifications to the NMC are proposed to ensure compliance with SDBL and consistency with the HEU Program 1.5 (Density Bonus). The request consists of ZTA No. 2024-05 which would repeal Section 17.04.235 of Title 17 (Zoning) of the Norwalk Municipal Code (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".

Specifically, ZTA No. 2024-05 consists of the following components (See Attachment 1):

- 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 SDBL 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 SDBL 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.

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. The current NMC definition of family will be modified as follows:

"Family" means one or more persons living together as a single housekeeping unit in a single dwelling unit, **with common access to and common use of all living, kitchen and eating areas within the dwelling unit.** ~~Family also means the persons living together in a licensed residential facility, as that term is defined in California Health and Safety Code Section 1502(a)(1) serving six or fewer persons, excluding the licensee, the members of the licensee's family, and persons employed as facility staff who reside at the facility.~~

On October 23, 2024, the Planning Commission conducted a duly noticed public hearing on the aforementioned project and with a 4-0 vote, recommended approval to City Council for Zoning Text Amendment (ZTA) No. 2024-05. There were no public comments at the public hearing expressing concerns with the proposed action.

At the Planning Commission meeting, Planning staff emphasized the importance of the updated density bonus code in supporting the City's efforts to provide diverse housing options, including affordable housing, in response to the needs identified in the 6th Cycle HEU.

**Analysis:**

The proposed updates to the NMC align the ordinance with SDBL 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 SDBL, 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.

**Environmental Assessment:**

Pursuant to the CEQA, this project is exempt pursuant to CEQA Guidelines 15061(b)(3) (Common Sense Exemption), where it can be seen with certainty there is no possibility that the activity in question may have a significant effect on the environment. The project will not involve any construction nor have a significant effect on the environment.

**Fiscal Impact:**

N/A

**Citizens Advised:**

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 November 7, 2024. No public comments were given during the Planning Commission meeting.

**Strategic Plan 2023 – 2025 Implementation:**

The recommended actions will further the City's Strategic Plan Goal 3 to diversify and grow the economy by providing development incentives for welcoming new residents to Norwalk.

**Recommended Action:**

Staff recommends City Council:

- a. Introduce by title only Ordinance No. 24-1755, AN ORDINANCE OF THE CITY OF NORWALK AMENDING TITLE 17 (ZONING) OF THE NORWALK MUNICIPAL CODE RELATED TO DENSITY BONUS ORDINANCE AND UPDATE THE DEFINITION OF “FAMILY” and schedule for adoption; and
- b. Consider and find the project exempt from CEQA pursuant to Section 15061(b)(3) (Common Sense Exemption).

**Attachments:**

1. Ordinance No. 24-1755 (Zoning Text Amendment No. 2024-05)
2. Ordinance No. 24-1755 (Zoning Text Amendment No. 2024-05) – Redline
3. Planning Commission Staff Report dated October 23, 2024 (without attachments)