

**AGENDA
NORWALK CITY COUNCIL
AUGUST 29, 2013**

**ADJOURNED REGULAR MEETING
CITY HALL U.S. CONSTITUTION ROOM/#4
12:00 P.M.**



**Luigi Vernola, Mayor
Marcel Rodarte, Vice Mayor
Cheri Kelley, Councilmember
Michael Mendez, Councilmember (*participating via teleconference*)
Leonard Shryock, Councilmember**

Public Comment: *The public is encouraged to address City Council on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Section 2.08.020 of the Norwalk Municipal Code. If you wish to address City Council, please complete the card that is provided at the rear entrance to Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council will hear public comment on matters not listed on the agenda during the Oral Communications period.*

*Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.*

Please adhere to the following procedures when addressing the Council:

- ◆ *Comments should be limited to 5 minutes or less.*
- ◆ *Comments should be directed to the Council as a whole and not directed to individual Councilmembers.*

Americans with Disabilities Act: *In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's office, (562) 929-5720. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet, can be made available in appropriate alternative formats to persons with a disability. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.*

Note: Any writings and/or documents provided to a majority of the City Council regarding any item on this agenda after it has been posted will also be made available for public inspection.

Writings and/or documents are available for inspection in the City Clerk's Department, City Hall, 12700 Norwalk Boulevard during regular business hours, 8:00 a.m. to 6:00 p.m., Monday – Thursday and 8:00 a.m. to 5:00 p.m., every other Friday; telephone (562) 929-5720. You may also contact the City Clerk via e-mail at clerk@norwalkca.gov.

CALL TO ORDER

Mayor Luigi Vernola

(Councilmember Mendez is participating via teleconference from Pacific Beach Hotel, 2490 Kalakaua Avenue, Rm. 3552, Honolulu, HI 96815)

ROLL CALL

City Clerk

REPORTS

1. **ORDINANCE NO. 13-1644 ADOPTING TEXT AMENDMENT NO. 298 ESTABLISHING A MULTI-FAMILY HIGH-DENSITY RESIDENTIAL (R-4) ZONE; ORDINANCE NO. 13-1645R ADOPTING ZONE CHANGE NO. 343 ALLOWING UP TO THIRTY (30) DWELLING UNITS PER ACRE IN THE HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION AND CHANGING THE GENERAL PLAN LAND USE AND ZONING DESIGNATIONS FOR TWO (2) SITES, INCLUDING: SUBAREA NO. 1 LOCATED AT 12719-12739 STUDEBAKER ROAD (APN'S 8050-003-022 AND 8050-003-057) AND SUBAREA NO. 2 LOCATED AT 14807-14815 PIONEER BOULEVARD (APN'S 8074-024-002, 8074-024-003, AND 8074-024-007) – Staff recommends City Council accept for second reading and adopt:**
 - a. **Ordinance No. 13-1644, AN ORDINANCE OF THE CITY OF NORWALK AMENDING TITLE 17 OF THE NORWALK MUNICIPAL CODE TO ESTABLISH A MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-4) ZONE**, by title only and waive further reading; and
 - b. **Ordinance No. 13-1645R, AN ORDINANCE OF THE CITY OF NORWALK SETTING FORTH ITS FINDINGS OF FACT AND DECISION APPROVING ZONE CHANGE NO. 343**, by title only and waive further reading. 320-05-298/320-09-343

ORAL COMMUNICATIONS

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 27th day of August 2013.

Theresa Devoy
City Clerk

ORDINANCE NO. 13-1644

AN ORDINANCE OF THE CITY OF NORWALK AMENDING TITLE 17 OF THE NORWALK MUNICIPAL CODE TO ESTABLISH A MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-4) ZONE

THE CITY COUNCIL OF THE CITY OF NORWALK DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 17.05, Article V, "R-4 Zone, Multi-Family High Density Residential Zone", is hereby added to Title 17, "Zoning" of the Norwalk Municipal Code to read as follows:

"Article V. R-4 Zone, Multi-Family High Density Residential Zone

17.05.400 Permitted uses.

In an R-4 zone, no building shall be erected, constructed, reconstructed or structurally altered or undergo substantial exterior remodel or parking modifications without the issuance and approval of a precise development plan, pursuant to Section 17.02.240. Additions and structural alterations which do not require the provision of additional parking spaces, are architecturally compatible, and are consistent with Chapter 17.01, Article IV, may be approved by the Director. The use of any building or land shall be used as specifically provided and allowed by this article and Section 17.02.240.

In the R-4 zone, the following uses are permitted:

- A. Any use permitted in the R-3 zone, subject to all conditions applicable thereto in such zone.
- B. Multiple dwellings, including group houses, and boarding houses.
- C. Such other uses as are set forth in Chapter 17.04, upon the conditions therein provided.
- D. The following, subject to the issuance, existence and validity of a conditional use permit as provided for in Section 17.02.210, and full compliance with each and every condition thereof:
 1. Public playgrounds and parks;
 2. Churches, synagogues, temples and other buildings, including related accessory uses, primarily devoted to religious worship;
 3. Educational institutions;
 4. Public utilities and public service uses or structures;
 5. Multiple dwellings and other permitted buildings exceeding the height limit, if additional and compatible setbacks are provided so

that adjacent buildings and properties are not dwarfed nor significantly affected;

6. Heights exceeding fifteen (15) feet in height for buildings and structures which encroach into the required side or rear setbacks.
- E. Parking, as provided by Chapter 17.03, Article II; and parking at different ratios may be established by the adoption of an official zoning plan;
- F. Signs for this article are regulated by Chapter 17.03, Article III.

17.05.410 Building height.

- A. No building or structure shall exceed two and one-half stories (2½) or thirty-five (35) feet in height, whichever is the lesser; except multiple dwellings equipped with elevators and other permitted buildings if either is approved by conditional use permit; and except as provided by Section 17.03.230 for certain roof and similar structures.
- B. Notwithstanding other provisions of this chapter, three-story buildings, if less than thirty-five (35) feet in height, are permitted if the buildings contain no more than two (2) levels of separate occupancies with two-story dwelling units above the ground floor but entries and occupancies of the third floor level, which are separate from the second floor level, are expressly prohibited.
- C. Buildings and structures which encroach into the required side or rear setbacks shall not exceed one story or fifteen (15) feet in height.

17.05.420 Front setback.

- A. Every lot and every parcel in an R-4 zone shall have a front setback from the front property line of not less than fifteen (15) percent of the lot depth, provided that such front setback depth need not exceed fifteen (15) feet, and shall be equipped with an automatic irrigation system and landscaped and maintained in accordance with adopted City standards.
- B. Greater front setbacks may be required by the Planning Commission.
- C. Front setbacks shall be kept clear of any structures, except as specifically allowed in this Title, and landscaped, as required by Section 17.03.010.
- D. No structures, open storage, equipment, other than approved amenities or landscape feature, shall be maintained in unenclosed or open yard areas visible from abutting street(s), except as specifically allowed in this Title.

17.05.430 Side setback.

- A. Interior Lot Lines.

1. Every property shall have a side setback from the side property line on each side of the property of not less than five (5) feet, and, where abutting an R-1 zone, not less than ten (10) feet.
 2. Side setbacks shall be kept clear of any structures, except the following may be located within a side setback from an interior lot line:
 - a. As specifically allowed in Chapter 17.03, Article IV.
 - b. Approved residential driveways leading to a legal parking space.
 - c. Amenities, as listed in Section 17.05.490(D).
 - d. Garages, laundry facilities, storage, private balconies (but such balconies shall not be used for access) and similar uses within such structures may encroach into side setbacks from interior lot lines, except that these accessory uses shall maintain a minimum three-foot (3') setback from side property lines.
 - e. Open automobile parking spaces when permitted upon Planning Commission approval.
- B. Abutting Streets.
1. Every property shall have a side setback from the side property line abutting the street of not less than ten (10) feet.
 2. Side setbacks abutting a street shall be kept clear of any structures, except as specifically allowed in this Title, and landscaped, as required by Section 17.03.010.
 3. No structures, open storage, equipment, or amenities shall be maintained in unenclosed or open yard areas visible from abutting street(s), except as specifically allowed in this Title.
 4. Side setbacks shall be kept clear of any structures, except the following may be located within a side setback abutting a street:
 - a. As specifically allowed in Chapter 17.03, Article IV.
 - b. Approved Residential Driveways, when perpendicular to the side property line abutting a street and leading to a legal parking space.

17.05.440 Rear setback.

- A. Every lot and parcel in the R-4 zone shall have a rear setback from the rear property line of not less than twenty (20) percent of the lot depth but need not exceed twenty (20) feet.
- B. Greater rear setbacks may be required by the Planning Commission.
- C. Front setbacks shall be landscaped as required by Section 17.03.010.

- D. Rear setbacks shall be kept clear of any structures, except the following may be located within a rear setback:
1. As specifically allowed in Chapter 17.03, Article IV.
 2. Approved Residential Driveways leading to a legal parking space.
 3. Amenities, as listed in Section 17.05.490(D), shall be screened from adjacent streets and properties, except that these amenities shall be screened from adjacent streets and properties.
 4. Garages, laundry facilities, storage, private balconies (but such balconies shall not be used for access) and similar uses within such structures may encroach into side setbacks from interior lot lines, except that these accessory uses shall maintain a minimum three-foot (3) setback from rear property lines.
 5. Open automobile parking spaces when permitted upon Planning Commission approval.

17.05.450 Area.

The minimum required area of a lot or parcel in the R-4 zone shall be twenty-five thousand (25,000) square feet. Greater minimum required areas may be established for any lots or parcels by the adoption of an official zoning plan. No development shall be permitted on any lot which does not meet the minimum required area and does not meet the access requirements pursuant to Section 17.03.220.

17.05.460 Lot width.

The minimum required width for any lot or parcel in the R-4 zone shall be one-hundred (100) feet. Greater minimum lot widths may be established for any lots or parcels by the adoption of an official zoning plan. No development shall be permitted on any lot which does not meet the minimum lot width and does not meet the access requirements pursuant to Section 17.03.220.

17.05.470 Density.

The allowable density for every lot or parcel in the R-4 zone shall be between twenty-three (23) and thirty (30) dwelling units per acre.

17.05.480 Open space.

Every lot in the R-4 zone which is used for multiple dwelling uses shall contain a minimum of five hundred (500) square feet of usable open space or shall conform to the requirements herein after specified, whichever is greater.

- A. Minimum Open Space Required.

1. Units with one bedroom or less: two hundred (200) square feet per unit, with at least fifty (50) square feet of this open space must be private usable open space for each unit.
 2. Units with two bedrooms: three hundred (300) square feet per unit, with at least fifty (50) square feet of this open space must be private usable open space for each unit.
 3. Units with three bedrooms or more: four hundred (400) square feet per unit, with at least fifty (50) square feet of this open space must be private usable open space for each unit.
 4. Townhouses and Condominiums. Additional open area may be required upon precise development plan review.
- B. Standards:
1. Open space shall be exclusive of automobile parking spaces, residential driveways, turnaround areas, front, side and rear setbacks; except that rear and side setbacks with a minimum of ten (10) feet in width may be counted as open space.
 2. Open space shall have no dimension less than ten (10) feet, and may contain sidewalks, landscaping, pergolas, and swimming pools, but shall otherwise be unoccupied and unobstructed from the ground upward, except for the following:
 - a. One hundred (100) percent of unenclosed areas under balconies and patio covers;
 - b. Fifty (50) percent of the area of decks and balconies can be counted toward open space, to a maximum of twenty-five (25) percent of the total open space required;
 - c. Fifty (50) percent to one hundred (100) percent of recreation rooms may be included as open space, when considered by the Planning Commission to be an integral part of the open space layout.

17.05.490 Landscaping, architectural and building design standards.

Every development in the R-4 zone shall conform to the following provisions which are considered desirable development standards reflecting the spirit and intent of the multiple-family residential zone. Developments shall incorporate these standards using quality building materials to the maximum extent possible.

- A. Full Site Development. To the maximum extent possible all new construction shall encompass the entire site and partial development incorporating existing structures is discouraged.
- B. Landscaping. A minimum of twenty (20) percent of the development site shall be totally landscaped and improved in accordance with the

provisions specified herein. Landscaping plans specifying the size, type, quantity and location of all plant materials shall be submitted to the Director for approval. All required landscaping areas shall be subject to, but not limited to the following minimum standards:

1. Irrigation. All landscaped areas shall be provided with a fixed and permanent watering system, consisting of piped water lines with sufficient sprinklers to insure complete coverage.
 2. Planters. All landscaping shall be planted in permanent planters surrounded by six inches by six inches tall concrete curbing except where a planter abuts a building, concrete block wall or turf areas.
 3. Trees. Trees shall be incorporated throughout the development as deemed appropriate by the Director.
 4. Ground cover. All setback areas shall be fully covered with ground cover as a minimum requirement.
 5. Landscaped areas may include private outdoor living space, and should incorporate where feasible, additional elements such as trellises, outdoor furniture, water elements (fountains, ponds, streams) meandering walkways, and other creative uses of landscape.
 6. Approval criteria for landscaping plans will consider, but not be limited to the following items:
 - a. The adequacy of plant material in achieving a buffer along public streets; and
 - b. The use of landscaping to enhance the aesthetic quality of the property and buildings.
 - c. The general suitability relative to the placement and type of plant material;
- C. Architectural Elements. Developments shall incorporate the following architectural elements using quality building materials to the maximum extent possible:
1. Multi-level roof lines.
 2. Private entries for each unit.
 3. Covered entries for each unit.
 4. Exterior trim, including but not limited to wood siding, brick, stone, slumpstone, or other decorative treatments.
 5. Varied exterior building materials.
 6. Architectural quality roofing material, siding material, entry doors, windows, and garage doors. Asphalt composition shingles do not constitute architectural quality roofing material. The materials shall be subject to the approval of the Director.

7. Concrete areas shall incorporate a stamped or stained pattern within the parking and circulation areas.
8. All developments of five or more units shall incorporate an entry kiosk for pedestrian access into the project.
9. Building elevations visible from public view shall be enhanced through the incorporation of reveals, recesses, trim elements, and other architectural design features to provide articulation and visual interest to the streetscape.

Additionally, a plan shall be submitted for all proposed development which shall demonstrate how, to the maximum extent feasible, the following architectural elements have been incorporated in the development. Such plan shall be subject to the review and approval of the Planning Commission.

D. Amenities. Developments shall incorporate a minimum of four (4) of the following amenities, to be made available to all residents of the development. Amenities shall be maintained in good working order for the life of the development. Provision of a greater number of these amenities shall be dependent on the size and nature of the proposed development, and shall be encouraged for larger developments. All developments shall provide four (4) of the following amenities:

1. Children's play area, including play equipment;
2. Barbecues;
3. Spa or Jacuzzi;
4. Pool;
5. Covered common patio or patios;
6. Community rooms;
7. Tennis court;
8. Weight or exercise rooms;
9. Fireplaces in units, wood burning or gas;
10. Security systems;
11. Water elements;
12. Laundry rooms.

E. Unit Size. Each dwelling unit shall contain the following minimum floor areas:

1. One bedroom – 650 - 750 square feet;
2. Two bedrooms – 850 - 1,000 square feet;
3. Three bedrooms - 1,100 square feet or more.

F. Waste, Garbage and Trash Regulations.

1. All developments must have trash storage areas which shall be located for the convenience of the residents and for efficiency of collection. One six-foot by eight-foot enclosure is required at the ratio of one for every five units for the

purpose of storing garbage, waste, refuse and trash. Such enclosure shall have on each side thereof a solid reinforced masonry wall of not less than five feet in height except for openings. All openings shall be equipped with solid, view obscuring gates or doors which meet the height requirement of this section and the fence requirements for durability. Such gates or doors shall be equipped at all times with a fully operating, self-closing device. At least one opening or gate or door shall be of sufficient width to provide reasonable and necessary access to the storage area and such opening door or gate shall at all times be located and maintained at such a place and in such a fashion that access to the storage area for the deposit and removal of waste, trash, refuse and garbage is reasonably afforded. The Director may approve substitution of a solid fence or other material when such fence or other material will adequately comply with the provision of this section.

2. All garbage stored within such enclosure shall be placed and maintained in a metal or plastic container which has an overlapping fly-tight lid. The lid shall be secured in place at all times when the container is not being filled or emptied.

3. Waste, refuse and trash, other than garbage shall be placed, maintained, and stored in a container of substantial design and construction that will retain therein such trash, refuse and waste and may be readily emptied by trash collectors and which, further, do not readily disintegrate, fall apart, blow, or scatter about the premises.

4. Garbage, waste, refuse and trash may also be stored in metal bins equipped with wheels of a design approved by the Director. All garbage, waste and refuse and trash contained in such bins shall be maintained within the interior of the metal bins and shall be equipped with a lid which shall be completely closed at all times except when being filled or emptied.

5. All of the aforementioned containers shall be kept and maintained within the walls of such enclosure except when being emptied by a collector.

6. There shall be provided and maintained within such storage area trash containers, as aforementioned, of not less than fifty (50) gallon capacity.

7. No person shall deposit, maintain, accumulate, dispose of or allow the deposit, accumulation, maintenance or any disposal of any garbage, waste, refuse or trash outside of a building."

Section 2. The City Council of the City of Norwalk hereby approves the Negative Declaration and Text Amendment No. 298 amending Title 17 of the Norwalk Municipal Code to establish a Multi-Family High Density Residential (R-4) zone.

Section 3. A Negative Declaration has been prepared for the project pursuant to the requirements of the California Environmental Quality Act (CEQA) and as adopted in the City's 1998 local CEQA guidelines to ensure that all potentially significant, adverse, environmental impacts associated with the project will be reduced to a level of *"less than significant" or "no impact."*

Section 4. Severability. If any section, clause or phrase of this Ordinance is for any reason held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED and ADOPTED this ____ day of _____ 2013.

**LUIGI VERNOLA
MAYOR**

ATTEST:

**THERESA DEVOY
CITY CLERK**

DATE

ORDINANCE NO. 13-1645R

AN ORDINANCE OF THE CITY OF NORWALK SETTING FORTH ITS FINDINGS OF FACT AND DECISION APPROVING ZONE CHANGE NO. 343

WHEREAS, the City Council has received Zone Change No. 343, a request to change the zoning designation for two (2) locations as follows in conjunction with Text Amendment No. 298 and General Plan Amendment No. 168; and

Subarea 1: Change the Zoning Designation from Single-Family Residential (R-1) to Multi-Family High Density Residential (R-4) for property located on the west side of Studebaker Road and north of the 105 Freeway generally known as 12719-12739 Studebaker Road (APN's 8050-003-022 and 8050-003-057); and

Subarea 2: Change the Zoning Designation from Single-Family Residential (R-1) to Multi-Family High Density Residential (R-4) for property located on the west side of Pioneer Boulevard and approximately 200 feet north of Excelsior Drive, generally known as 14807-14815 Pioneer Boulevard (APN's 8074-024-002, 8074-024-003 and 8074-024-007); and

WHEREAS, Section 17.02.290(C) of the Norwalk Municipal Code (NMC) requires the Planning Commission to hold a public hearing upon the initiation of a Zone Change; and

WHEREAS, Section 17.02.290(D) of the NMC requires that the Planning Commission provide the City Council with a written recommendation including the findings constituting the basis for the recommendation; and

WHEREAS, according to Section 17.02.290(H) of the NMC, following the receipt of a written recommendation from the Planning Commission, the City Council shall conduct at least one public hearing on the matter; and

WHEREAS, according to Section 17.02.290(I) of the NMC, the City Council may approve, modify or disapprove the recommendation of the Planning Commission; and

WHEREAS, the City Council has determined that the existing zoning designation must be revised to adequately address issues related to the current and future social, physical and economic environment in the City of Norwalk related to compliance with State Housing Element requirements; and

WHEREAS, the review and certification of the Housing Element is conducted by the State Department of Housing and Community Development and, among other requirements, the Housing Element must provide for a suitable number of sites

designated at higher density to accommodate the City's housing need for lower income households; and

WHEREAS, the City Council finds that the proposed Zone Change is necessary for the public health, safety, and general welfare; and

WHEREAS, this project has been reviewed by the Planning Commission at a duly noticed public hearing on July 10, 2013 at which time oral and documentary evidence relative to the application was received and Resolution No. 13-22 was adopted to recommend City Council approval of Zone Change No. 343; and

WHEREAS, Zone Change No. 343 has been reviewed by the City Council at duly noticed public hearings on August 6 and August 20, 2013 at which time oral and documentary evidence relative to the application was received.

THE CITY COUNCIL OF THE CITY OF NORWALK DOES ORDAIN AS FOLLOWS:

Section 1. The proposed Zone Change is in compliance with the NMC and the Norwalk General Plan, since a General Plan Amendment has been recommended for City Council approval, and the proposed R-4 (Multi-Family High Density Residential) Zone is consistent with the recommended High Density Residential General Plan Land Use designation.

Section 2. The proposed Zone Change is necessary to promote public safety, and welfare because additional housing capacity will be provided to meet the City's Regional Housing Needs Assessment to accommodate anticipated population growth within Norwalk through 2021.

Section 3. The proposed Zone Change will be in the public interest since it will improve the existing housing stock and provide housing opportunities to low income households.

Section 4. The City Council of the City of Norwalk hereby approves the Negative Declaration and Zone Change No. 343 amending the Zoning Map as indicated in Exhibit "A".

Section 5. A Negative Declaration has been prepared for the project pursuant to the requirements of the California Environmental Quality Act (CEQA) and as adopted in the City's 1998 local CEQA guidelines to ensure that all potentially significant, adverse, environmental impacts associated with the project will be reduced to a level of *"less than significant" or "no impact."*

Section 6. Severability. If any section, clause or phrase of this Ordinance is for any reason held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares

that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional.

Section 7. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED and ADOPTED this ____ day of _____ 2013.

**LUIGI VERNOLA
MAYOR**

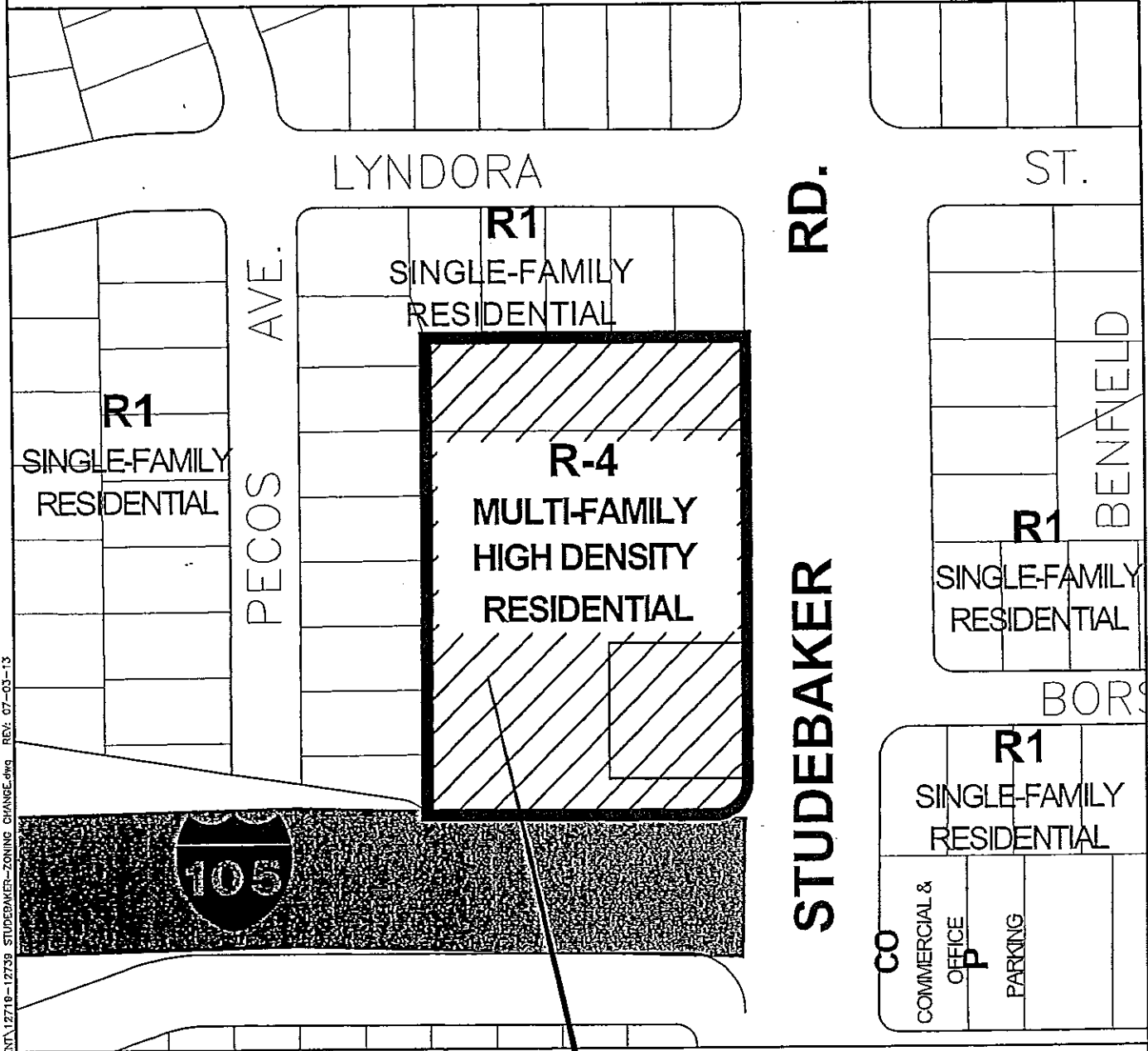
ATTEST:

**THERESA DEVOY
CITY CLERK**

DATE

ZONE CHANGE NO. 343

12719-12739 STUDEBAKER RD.



SA 2-EXHIBITS COMMUNITY DEVELOPMENT 12719-12739 STUDEBAKER-ZONING CHANGE.dwg REV. 07-03-13

SUBAREA NO. 1
CHANGE FROM (R-1) TO (R-4)



N.T.S.

ZONE CHANGE NO. 343

14807-14815 PIONEER BLVD.

