



# Visalia City Council

Visalia City Council  
707 W. Acequia  
Visalia, CA 93291

## Staff Report

File #: 25-0520

Agenda Date: 12/2/2025

Agenda #: 2.

### Agenda Item Wording:

**Ordinance Adoption** - Public hearing and first reading of an Ordinance to adopt Zoning Text Amendment No. 2025-04: A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 2.7 for Missing Middle Housing, Program 3.17 for Planning for Large Sites, and Program 5.2 for Emergency Shelters, all contained in the City of Visalia 6th Cycle Housing Element. The regulations will apply Citywide to properties within the city limits of the City of Visalia.

### Prepared by:

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### Department Recommendation:

Staff recommends that the City Council hold a public hearing and introduce the first reading of Ordinance No. 2025-15, to amend portions of Municipal Code, primarily Title 17 (Zoning Ordinance), as to implement Program 2.7 for Missing Middle Housing, Program 3.17 for Planning for Large Sites, and Program 5.2 for Emergency Shelters, all contained in the City of Visalia 6th Cycle Housing Element. The proposed Ordinance incorporates a revision to the proposed Emergency Shelters Overlay Zone, per the motion made and approved by the Planning Commission, wherein the Overlay Zone shall include vacant sites within the C-MU zone district that are located Citywide rather than being restricted to sites located south of State Highway 198, as originally recommended by Planning staff.

### Executive Summary:

Zoning Text Amendment (ZTA) No. 2025-04 is a city-initiated request to implement Zoning Ordinance text amendments that stem from the adoption of the 6<sup>th</sup> cycle 2023-2031 Housing Element Update. The Housing Element was adopted by the City Council on December 18, 2023, and subsequently found by State Housing and Community Development (HCD) to be in full compliance with state Housing Element law. Following adoption, the Housing Element is implemented through a series of implementation programs. Failure to adopt changes as specified in the Housing Element programs may result in various consequences if the City does not have a housing element in compliance with Housing Element Law, including ineligibility or delay in receiving certain state funds, referral to the California Office of the Attorney General, court-imposed financial penalties, the loss of local land use authority to a court-appointed agent, and the application of the "builder's remedy" (Gov. Code, §§ 65585, subds. (j), (l)(1), (i); 65589.5, subd. (d)(5)).

The proposed ZTA represents the second series of changes being undertaken to help fulfill the intended outcomes or objectives of the Housing Element (to help remove or overcome constraints to housing development). Specifically, this ZTA responds to aspects of three implementation programs that the Element identified to be completed by 2025. The three implementation programs and the



actions/objectives, as summarized from the Housing Element, are:

**A. Amend residential development standards in the Zoning Ordinance to allow for and promote missing middle-density housing types (Portion of Program 2.7)**

The City will review and amend residential development standards to allow for and promote a mix of dwelling types and sizes, specifically missing middle-density housing types (examples may include duplexes, triplexes, courtyard buildings, and townhomes) to encourage the development of housing types affordable to the local workforce.

Specifically, the City shall evaluate zoning standards related to minimum lot size and width, maximum lot coverage, required setbacks, open space and landscaping requirements, and parking ratios, particularly in high resource, low-density, infill parcels. The City shall meet with local developers, property owners, and non-profits agencies to identify constraints and potential incentives to infill and missing middle development in 2024 and shall adopt revised standards for such projects in 2025.

**B. Adopt incentives to encourage the development of large Regional Housing Needs Assessment (RHNA) sites over 10 acres (Portion of Program 3.17)**

To facilitate the development of affordable housing on large RHNA sites (over 10 acres) included in the sites inventory as lower-income capacity, ... the City shall facilitate parceling at appropriate sizes (0.5 to 10 acres). The City, by 2025, shall adopt incentives including, but not limited to, expedited approval of lot splits or creation of new parcels; waiving of the public hearing requirement related to parcel maps; waiving of the public hearing requirement related to approval of large multi-family uses (provided the project is affordable by deed-restriction), additional density bonus, lot coverage, or allowable height; and fee waivers, reductions, or deferral.

**C. Allow emergency shelters as a use permitted by right in a zone that is suitable for residential uses in compliance with Assembly Bill 2339 (Portion of Program 5.2)**

To ensure compliance with Government Code section 65583(a)(4), as amended by AB 2339, the City shall amend the Zoning Code to allow emergency shelters by-right (without conditional or other discretionary permit) with appropriate development standards in a zone that allows residential uses, is in proximity to transportation and services, and contains sufficient capacity to meet the need identified in the annual Point In Time (PIT) count; provide capacity analysis compliant with State law.

All amendments are being proposed as a means for fulfilling the implementation programs described above and thereby complying with the requirements stated in the City's adopted 6<sup>th</sup> cycle Housing Element of the General Plan.

Additional ZTAs to implement remaining implementation programs for more complex updates to the Zoning Ordinance will be implemented roughly each year through 2031 through one or more separate ZTA processes in each year. Each ZTA allows for the code changes to be vetted publicly through the public hearing process.

The entire Housing Element can be accessed at the following link:

[https://www.housevisalia.com/images/docs/VHEGP\\_HE\\_Compliant\\_2024-09-25.pdf](https://www.housevisalia.com/images/docs/VHEGP_HE_Compliant_2024-09-25.pdf)

**Background Discussion:**

The three implementation programs provide the City with flexibility in determining how to fulfill each program's objectives. Each program allows the City to choose the standards or strategies, tailored to



what is best for the City, to achieve the necessary outcome. This approach is different from Zone Text Amendment Nos. 2024-05 and 2025-03, processed in December 2024 and September 2025, which both had more explicit changes to aspects of the Zoning Ordinance that the City had to adopt to be compliant with State law.

Because each of these implementation programs leaves it to the City to decide what form or type of Zoning Ordinance text amendments to pursue, the Planning Division prepared agenda items on these three implementation programs that were discussed at the August 19, 2025 joint meeting of the City Council and Planning Commission (the two agenda items are attached as Attachments 2 and 3). Where feasible, staff has considered the comments and direction given at this joint meeting to prepare the recommended changes that are the basis for this Zone Text Amendment.

As stated above, the City has options in determining how to meet the program objectives, but must move forward with implementation. The City must demonstrate that it is diligently pursuing and meeting the timeframes for completing individual programs in the Housing Element, or face penalties if the state determines that the City is not making changes to bring its Ordinance into compliance with State law. This includes the risk of having the City's Housing Element fall out of compliance and losing the ability for future housing grant opportunities.

### **Project Analysis:**

#### **A. Amend residential development standards in the Zoning Ordinance to allow for and promote missing middle-density housing types (Portion of Program 2.7)**

Program 2.7 directs the City to conduct an evaluation of existing development standards in the Zoning Ordinance to identify potential constraints and potential incentives towards development of "missing middle housing". Missing middle housing is characterized by a range of low to medium density range housing types located within residential neighborhoods and providing a more affordable alternative to the local workforce.

Housing types may include duplexes, triplexes, townhomes, and cottage homes; however, the density and composition of missing middle housing can vary based on the setting of the community. Housing in a more urban and/or walkable area of the city could entail multi-unit and multi-story structures. Conversely, housing in existing single-family neighborhoods could entail smaller detached dwelling units or duplexes developed in a manner that maintains the neighborhood's existing character. The latter example has to an extent been sanctioned in California through accessory dwelling units (ADUs), Senate Bill (SB) 9 ministerial duplexes, and SB 9 ministerial lot splits. Visalia already has a track record of approving units through SB 9 and updating its ADU ordinance to be compatible with State law.

#### Recommendation Based on Joint Meeting Discussion

For the purpose of meeting the Housing Element's prescribed timeframe of adopting revised standards by 2025, staff is pursuing amendments to the Zoning Ordinance that support and further streamline the types of units allowed in Visalia's Residential (i.e., R-1-5, R-M-2 and R-M-3) and Mixed Use (i.e., D-MU and C-MU) zones, which already include ADUs, duplexes, small lots, and townhomes. Seven specific suggestions to change the Municipal Code were introduced and described at the joint meeting held on August 19, 2025, where members of the City Council and Planning Commission individually indicated their view toward each suggestion (see Attachment 2 for the staff report from this meeting). Based on the outcome of that discussion, five of the seven suggestions are being carried forward as recommendations in this Zoning Text Amendment.



Ongoing Study of Missing Middle Concepts on Infill Parcels

It must be noted that also on August 19, 2025, the City Council and Planning Commission were presented with concepts where the City could expand its range of building types and allow for a greater mix of dwelling units and sizes in two types of areas:

1. Areas more walkable and within close proximity to locally serving retail and transportation, and having a Single-Family Residential or Downtown Mixed Use zone and traditional lot sizes.
2. Infill areas with undeveloped or underdeveloped lots, that have a Single-Family Residential zone with 5,000 sq. ft. minimum lot size but being larger sized (e.g., above 20,000 sq. ft.).

Of these options presented, members of the Council and Commission provided comments that desired a preference toward pursuing infill properties, particularly in the Tier I Urban Development Boundary, and providing tools, discounts, and incentives to develop on these sites. These comments have given staff the means to look deeper into coming up with specific opportunities and amendments that can be applied towards these properties. Such changes would require a greater amount of time to study and should not be rushed to meet the 2025 timeframe. Rather, staff plans to pursue this aspect of Missing Middle Housing independently from this currently proposed Zoning Ordinance code changes and incorporate a greater level of engagement with property owners and developers before returning to the Council and Commission for further review of potential infill property development incentives.

Staff Recommended Proposals for Missing-Middle Density Housing Types

The suggested amendments below would be in keeping with the language of Housing Element Program 2.7, which states *"the City shall evaluate zoning standards related to minimum lot size and width, maximum lot coverage, required setbacks, open space and landscaping requirements, and parking ratios"*.

The following suggestions are crafted for and fit directly into Visalia's Zoning Ordinance. The objectives of these ideas are:

- To provide more clarity on allowed unit types and the development standards within the R-1-5 residential zone.
- To further streamline the approval process of residential entitlements on more routine actions in the Residential and Mixed Use zones, when it can be found that there are no land use compatibility issues.
- To provide more options for units to meet setback requirements in the Residential zones, particularly on lots that are constrained by lot depth.

Where potential changes to the City's Municipal Code are shown, new/additions to text is specified by underline & italics while deletions are specified by strikeout.

1. **Rename the "Single-family residential zone - 5,000 square foot minimum site area" (abbreviated as R-1-5) to the "Single-family residential zone" (abbreviated as R-1).**

**Clean up language in the R-1 Zone regulations to clearly state that lots under 5,000 square foot site area are permitted.**

The literal name of the R-1-5 zone implies that all lots shall have a minimum lot size of 5,000 square feet; however, the R-1-5 zone clearly allows for lots below 5,000 square feet as well. Zoning Ordinance Section 17.12.135 allows for single-family residences without a minimum lot



size. The City has seen many examples of this type of development, often in the form of planned unit developments. All development within the R-1-5 zone must comply with General Plan Policy LU-P-55, which allows for development at 2 to 10 dwelling units per gross acre in the zone.

Removing the “-5” lot size qualifier from the R-1-5 zone name will help provide a clearer message that single-family residential or low density residential development meeting the density range (2 to 10 units per acres) is allowed in the zone.

The recommendation would change the R-1-5 zone name to R-1. This change alone would create a conflict with Zoning Ordinance Section 17.06.010(B), which currently says the three Single-family Residential zones (R-1-5, R-1-12.5 and R-1-20) are collectively identified as Single-family Residential zones and abbreviated as R-1 throughout the Zoning Ordinance. To overcome this conflict, the recommendation would further change Section 17.06.010(B) to read that the three Residential zones will be collectively abbreviated as “R-S” throughout the Zoning Ordinance. This follows the same protocol as Section 17.06.010(C), where the two Multi-family Residential zones (R-M-2 and R-M-3) are collectively abbreviated as R-M throughout the Zoning Ordinance.

The zone names R-1-12.5 and R-1-20, which respectively require lot sizes with a minimum of 12,500 and 20,000 square feet, would remain unchanged.

It should further be noted that the changes affect the naming of the zones only and do not change the zoning designations on any property in the City.

**Staff recommendation:** Staff recommends text amendments to replace the zone name from R-1-5 to R-1, with amendments that further clarify the allowed lot sizes and the requirements for obtaining those lot sizes, and changing the abbreviated R-1 reference for all three single-family residential zones to be referred collectively as R-S.

**Recommended Changes to Zoning Ordinance:** Changes would be made to Sections 17.06.010, 17.12.020, 17.12.040, 17.12.050, 17.12.080, 17.12.090, and any other section in the Municipal Code containing a reference to either R-1-5 or the collective abbreviation of R-1.

## 2. Work to remove Planned Unit Development / Conditional Use Permit requirements for simple lot splits.

Over the past several years, the Planning Division has processed an ample number of tentative parcel maps for oversized residential properties, splitting the property between two (2) and four (4) parcels. Lot splits that include the creation of an access easement require a Planned Unit Development (PUD), processed as a conditional use permit entitlement. In cases where a PUD is only needed to establish an easement and not to create common lots or to request a deviation from setbacks, or creation of private streets, the PUD process may be seen as an unnecessary additional entitlement which adds cost and processing but has no other practical application for development standard deviations.

This code amendment would waive the PUD requirement for lot splits that result in the creation of parcels without public street frontage (i.e. landlocked parcels) and require no more than the establishment of an access easement for vehicular or pedestrian purposes. The access easement would be allowed in lieu of meeting the R-1-5 zoning designation requirement of a minimum 40-foot public street frontage requirement.

**Staff recommendation:** Staff recommends text amendments stating that Planned Developments are not necessary to accompany a tentative parcel map if certain development criteria are met, as



defined in new Section 17.26.090.

**Recommended Changes to Zoning Ordinance:** Changes would be made to Sections 17.12.040, 17.26.050, and 17.26.090.

3. **Reduce the Single-Family Residential Zone's 25-foot rear yard setback requirement, or apply a reduced rear yard setback for lots located on the interior of a subdivision (i.e. not on the perimeter adjacent to existing developments).**

**Note:** The City Council and Planning Commission did not provide consistent favor on this suggestion as initially presented and recommended obtaining more input on this suggestion before proceeding.

**Staff recommendation:** Staff will continue to study this concept as part of its ongoing study of Missing Middle concepts. No action is recommended by staff.

4. **Remove the Conditional Use Permit requirement for Multi-Family Residential development of less than two acres in site area.**

The City of Visalia's R-M zones allow multi-family dwellings as a use permitted by right, currently up to 80 units per site. While sites may be developed with multi-family dwellings, the City's development standards for the R-M zones state that the division of any R-M zoned property less than two acres shall be approved as a part of a conditional use permit.

**Staff recommendation:** This change was already incorporated into Zone Text Amendment No. 2025-03, as part of the Municipal Code Update to reduce the minimum site area associated with sites in the R-M and Commercial zones. This change was presented to Planning Commission on September 22, 2025, and approved by City Council on October 20, 2025. Thus, no further action is needed.

5. **Remove the Multi-Family Residential Zone's development standard for a minimum 10-foot side yard that provides access to more than one dwelling unit.**

Visalia's setback requirement for side yards in the multi-family residential zone is 5 feet, per Zoning Ordinance Section 17.16.080. The following excerpt (Subsection B) of this regulation requires a larger side yard (minimum 10 feet) in circumstances as follows:

*B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.*

This subsection is intended to apply when a side yard contains a pedestrian walkway that leads to and provides direct access to two or more dwelling units located within the site.

The Planning Division has found that this subsection tends to be overlooked when staff reviews multi-family residential developments. While the subsection is intended to provide a wider, and thus more appealing entry within the site, it can conversely be seen as unutilized space that serves no purpose for requiring a greater setback, especially on smaller tract lots in older parts of the City.

**Staff recommendation:** Staff recommends a text amendment to remove the 10-foot setback requirement for side yards that provide access to more than one dwelling unit, thereby placing a 5-foot side yard setback for all multi-family residential uses.

**Recommended Changes to Zoning Ordinance:** Changes would be made to Section 17.16.080.

6. **Consider reducing parking space requirements for residential uses meeting certain criteria.**



Note: The City Council and Planning Commission did not provide consistent favor on this suggestion as initially presented and recommended obtaining more input on this suggestion before proceeding.

Staff recommendation: Staff will continue to study this concept as part of its ongoing study of Missing Middle concepts. No action is recommended by staff.

**7. In Mixed Use Zones (D-MU and C-MU), remove Conditional Use Permit requirement when adding units to a site with established housing units.**

The Zoning Ordinance currently allows new or expansion of residential uses as a conditionally allowed use in all the City's commercial, office, and industrial ones, including the Downtown Mixed Use (D-MU) and Commercial Mixed Use (C-MU) zones. In 2022, in response to a Housing Element program to find creative ways to allow residential uses as permitted by-right in these zones, a Zoning Text Amendment was approved to allow residential units as a "mixed use" in an existing building containing one or more commercial or office uses.

In the past 10 years, City staff has processed two Conditional Use Permits which have added a new residential unit to a property in the D-MU zone with existing legally established units. The locations of these CUPs were at 117 E. Main Street and 405 N. West Street. The requests were approved by Planning Commission without concern or protest.

In response to these recent requests, and in response to the General Plan and Zoning Ordinance that encourage a mix of commercial, service, office, and residential land uses, staff recommends expanding the ability for sites with pre-established residential uses to add to the number of dwelling units on the site as a use permitted by-right, rather than with a CUP. The basis for removing the discretionary component is that there would be no new land uses being introduced to these sites with pre-established residential uses, and thus surrounding land uses are already conditioned to have existing residential uses. The by-right use would be subject to maintaining the General Plan's density range requirements.

Staff recommendation: Staff recommends a text amendment to the Zones Use Table, adding a new line item for "Residential Units, New or Expansion, on a site with one or more legally established dwelling units, maintaining General Plan density standards", and permitting the use by right in the D-MU and C-MU zones.

Recommended Changes to Zoning Ordinance: Changes would be made to Section 17.25.030.

**B. Adopt incentives to encourage the development of large Regional Housing Needs Assessment (RHNA) sites over 10 acres (Portion of Program 3.17)**

The State has established that parcels intended to support the development of units appropriate for lower-income households should be between 0.5 and 10 acres. Although it is possible and has been demonstrated by Visalia that parcels over 10 acres can be developed with lower-income households, housing developers may still face challenges on such sites such as an uncertain outcome of a tentative map that is subject to Planning Commission or uncertainty in receiving financing on a project based on the necessity of a public hearing. In Visalia's current Regional Housing Needs Assessment (RHNA) Sites Inventory, there are thirteen sites over 10 acres in size that contain a multi-family zoning designation (R-M-2 and/or R-M-3). Of those sites, ten sites are assigned Low and/or Moderate Income Level unit requirements.

In response to "large sites" over 10 acres, Housing Element Implementation Program 3.17 commits the City to take measures to facilitate and remove constraints toward parceling these sites to



appropriate sizes (0.5 and 10 acres). The Program directs the City, by 2025, to adopt incentives to encourage the development of large RHNA sites potentially including, but not limited to:

- Expedited approval of lot splits or creation of new parcels.
- Waiving of the public hearing requirement related to parcel maps.
- Waiving of the public hearing requirement related to approval of large multifamily uses (provided the project is affordable by deed-restriction)
- Additional density bonus, lot coverage, or allowable height.
- Fee waivers, reductions, or deferral.

On August 19, 2025, the City Council and Planning Commission were presented with this program and the above list of possible incentives. Staff's recommendation from the above list of incentives was to prepare a Text Amendment waiving the public hearing requirement (i.e. allow ministerial processing) for parcel maps that propose dividing large (i.e. minimum 10 acre) sites into smaller parcels (minimum 0.5 acres). Parcel maps would be eligible for ministerial processing if they were to contain an R-M-2 or R-M-3 zoning designation or if they have a RHNA site inventory unit requirement for Lower or Moderate Income Level. This type of request would be like the SB 9 urban lot split process that the State has enacted ministerial approvals for, and which the City of Visalia has developed a track record for approving.

Based on comments received from the joint meeting on August 19, 2025, which reflected a desire to maintain transparency by holding public hearings where feasible for sites with a multi-family residential designation, staff is recommending that a Tentative Parcel Map entitlement be waived for sites over 10 acres in size and with a specific RHNA site inventory unit requirement for Lower or Moderate Income Level or which contain an R-M-2 and/or R-M-3 zoning. A Conditional Use Permit would still be required for any individual parcel which develops above 80 units (per the current Zoning Ordinance threshold for conditional uses in the R-M zone).

**Staff Recommendation:** For the purpose of choosing only selected sites / parcels to waive the public hearing requirement for parcel maps, the Zone Text Amendment will add a new overlay district entitled Large Housing Element Sites (HE) Affordable Housing Overlay as an Article and Section to Zoning Ordinance Chapter 17.06, Zone Classifications. The overlay contains a total of only thirteen parcels, as defined by a table in the Ordinance that for each site specifies its location, address if applicable, APN, zoning designation, and size in acres. A map illustrating the thirteen parcels is included as Attachment 4. Please note the "thirteen parcels" are highlighted by a blue border and enumerated per the Map ID number in Attachment 4 as identified below.

The new Section specifies that development which meet two standards - that the parcel map subdivides an existing parcel to create no more than four new parcels, and that all newly created parcels are no smaller than one-half (0.5) acre and no larger than ten (10) acres - shall be approved by obtaining a Site Plan Review Permit. This is the same process used for SB 9 urban lot splits.

**Recommended Changes to Zoning Ordinance:** A new section would be added and entitled Section 17.06.070, Large Housing Element Sites (HE) Affordable Housing Overlay, which contains the table of sites included in the overlay and the criteria for allowing ministerial approval of the map.

**C. Allow emergency shelters as a use permitted by right in a zone that is suitable for residential uses in compliance with Assembly Bill 2339 (Portion of Program 5.2)**



Assembly Bill (AB) 2339, passed in 2022 (see Attachment 7 for full text), places new requirements on the regulation of emergency shelters and requires cities to identify one or more zones allowing residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use permit and that are suitable for residential uses.

The identified zoning designation(s) shall include “sufficient sites” meeting the requirements of having sufficient site capacity, which is assessed based upon the City’s count of persons experiencing homelessness from the most recent point-in-time count.

When defining a zoning designation where emergency shelters are allowed by-right, State law as amended by AB 2339 states that a City shall identify a zone that contains:

- vacant sites zoned for residential use, or
- a zone that contains vacant sites zoned for nonresidential use that allows residential development. This latter option can only be selected if it can demonstrate that the district is located near amenities and services, which may include:
  - health care,
  - transportation,
  - retail,
  - employment, and
  - social services.

Before the passage of AB 2339, the City identified the Light Industrial (I-L) zone as the one zone that allows emergency shelters as a permitted use; however, it is not located near all the amenities and services listed above. Because Visalia’s code does not comply with this new legislation, one or more new zones must be identified.

*Note: The bill also limits the types of standards that shelters shall be subject to, such as maximum number of beds, length of stay, parking, and provisions of security and onsite management. These standards were previously revised to meet the requirements of AB 2339 through Zoning Text Amendment No. 2025-03, recommended for approval by the Planning Commission on September 22, 2025, and approved by the City Council on October 20, 2025.*

At the joint meeting on August 19, 2025, the Planning Division presented an analysis of Zoning and Sufficient Sites Capacity (see Attachment 3 for the staff report from this meeting). The findings of the analysis can be summarized as follows.

- The **Commercial Mixed Use (C-MU)** and **Downtown Mixed Use (D-MU)** zones rank as the best suited zones for providing amenities and services. However, the D-MU zone only scarcely meets the vacant land requirement (2 acres are required; 3 acres are available).
- The **Regional Commercial (C-R)** and **Office Professional / Administrative (O-PA)** zones are the next best suited zones for providing amenities and services. Although these zones do not offer social services or retail, the City could make the case that these zones include a strong presence of all but one of the listed amenities and services, and that all have transportation which can be used to access the balance of the services.
- The following zones would not be suitable: **Neighborhood Commercial, Service Commercial, Office Conversion, Business Research Park, Light Industrial & Industrial,**



**Quasi-Public.**

There was no consensus made among Council and Commission members at the joint meeting regarding the appropriate zone. However, multiple comments were made regarding the undersaturation of shelters and support services south of State Route 198, and that an overlay zone could be considered to capture properties that are south of State Route 198.

**Proposal:** The staff recommendation to comply with AB 2339 is the creation of a new Emergency Shelter overlay district, to be discussed in an amendment to existing Zoning Ordinance Section 17.32.130 pertaining to Emergency Shelters. The amended Section 17.32.130 would specify that in accordance with State law, Government Code Section 65583, the zone where emergency shelters are allowed as a permitted use without a conditional use permit is the Emergency Shelters Overlay Zone.

Together with the amended section, a text amendment to the Zones Use Table (Zoning Ordinance Section 17.25.030) would amend the line item for "Emergency Shelters" to reflect that the use is permitted by-right in the Overlay District portions of the C-MU zone district, and to change the use in the I-L zone district from permitted by-right to requiring a Conditional Use Permit.

Other zone districts that already allow Emergency Shelters with a Conditional Use Permit and are not changing with this ZTA are the Service Commercial zone district, Commercial Mixed Use zone district outside of the proposed Overlay District, and the Quasi-Public zone district.

These amendments are reflected in the proposed Ordinance included as Attachment 1.

**Original Staff Recommendation to Planning Commission:** On the basis of the discussion at the August 19, 2025 meeting, the staff recommendation presented to the Planning Commission was the creation of a new Emergency Shelter overlay district consisting of only vacant sites within the C-MU zone district that are located south of State Route 198. This was reflected in the map shown as Attachment 6. The overlay district would contain approximately 70 parcels, and locations were generally clustered around five locations: Demaree Street & Noble Avenue; Lovers Lane & Noble Avenue; Demaree Street & Caldwell Avenue; Santa Fe Street & Caldwell Avenue; and Mooney Boulevard.

**Final Recommendation by Planning Commission:** The Planning Commission discussed the proposed Overlay District at their November 10, 2025, meeting along with the other the ZTA actions as outlined in this staff report and attached Ordinance. The Planning Commission stated their concerns that limiting the overlay district to sites only on the south side of Visalia could potentially limit the market price of available sites thereby inflating land prices to a higher price, compared to comparable vacant land available on the north side of Visalia. Thus, to present potential developers with more options in sites and in purchase prices, the Commission recommended that sites in the north side of the City should equally be considered as much as sites in the south side of the City.

The signed Planning Commission Resolution therefore incorporates an updated Emergency Shelter overlay district consisting of vacant sites in the C-MU zone spanning throughout the City.

A map of the sites reflecting the Planning Commission's recommendation is included as Attachment 5.

Please note that the map of sites reflecting the Planning Commission's approval does omit certain vacant C-MU zoned sites that were found by staff to be isolated and distant from available amenities and services, and less than one acre in size.



**Fiscal Impact:** None.

**Planning Commission Review and Action:** On November 10, 2024, the Planning Commission voted 5-0 to recommend a modified approval of Zoning Text Amendment No. 2025-04. The modification was to expand the Emergency Shelter overlay district to include sites citywide as discussed further above. There were no public comments given during the Planning Commission hearing.

**Alternatives:**

The City Council may, in lieu of the recommended motion, consider any of the following alternative motions:

1. Introduce the first reading of Ordinance No. 2025-15, with modifications to the Zoning Ordinance Text Amendment, as directed by City Council. This could include but not be limited to the addition or removal of sites within the proposed Emergency Shelter overlay district.
2. Introduce the first reading of Ordinance No. 2025-15, incorporating staff's original recommended Emergency Shelters Overlay Zone that only includes vacant sites within the C-MU zone district that are located south of State Route 198.

**Recommended Motion (and Alternative Motions if expected):**

I move to introduce for first reading Ordinance No. 2025-15 for Zone Text Amendment No. 2025-03.

**Environmental Assessment Status:** The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061(b)(3) states that the project is exempted from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed text amendments, which largely pertain to expanding the scope of residential uses and emergency shelters which are already allowed within the city will not have a significant effect on the environment.

**CEQA Review:** A Notice of Exemption has been prepared for the project because Section 15061(b)(3) states that the project is exempted from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

**Deadline for Action:** 12/15/2025

The Housing Element Implementation Programs specify that text amendments associated with these programs must be complete by 2025.

**Attachments:**

1. Ordinance No. 2025-15 for Zoning Text Amendment No. 2025-04
2. Staff Report from August 19, 2025 Meeting regarding Missing Middle Housing
3. Staff Report from August 19, 2025 Meeting regarding Emergency Shelters



4. Location Map of Large RHNA Sites over 10 Acres
5. Location Map of Emergency Shelter Overlay District - Planning Commission Recommendation
6. Location Map of Emergency Shelter Overlay District - Original Staff Recommendation
7. Full Text of Assembly Bill 2339



ORDINANCE NO. 2025-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING ZONING TEXT AMENDMENT NO. 2025-04: A REQUEST BY THE CITY OF VISALIA TO AMEND VISALIA MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE), AS TO IMPLEMENT PROGRAM 2.7 FOR MISSING MIDDLE HOUSING, PROGRAM 3.17 FOR PLANNING FOR LARGE SITES, AND PROGRAM 5.2 FOR EMERGENCY SHELTERS, ALL CONTAINED IN THE CITY OF VISALIA 6TH CYCLE HOUSING ELEMENT, APPLICABLE CITYWIDE IN VISALIA.

**WHEREAS**, as required by California law, the City of Visalia has prepared an update (i.e., 6<sup>th</sup> Cycle Update) to its Housing Element to reflect the current Regional Housing Needs Allocation (RHNA) cycle of 2023-2031; and

**WHEREAS**, one implementation program (i.e. 2.7) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to amend residential development standards in the Visalia Zoning Ordinance to allow for and promote missing middle-density housing types and adopt revised zoning standards related to such housing types; and,

**WHEREAS**, one implementation program (i.e. 3.17) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to adopt incentives to encourage the development of large Regional Housing Needs Assessment (RHNA) sites (over 10 acres), such as but not limited to waiving of the public hearing requirement related to parcel maps; and,

**WHEREAS**, said amendment pertaining to implementation program 3.17 would result in a new Overlay District entitled Large Housing Element Sites (HE) Affordable Housing Overlay as a new Section 17.06.070 to Chapter 17.06, Zone Classifications, and the certain sites to be contained in the Overlay District will be subject to the approval of certain types of tentative parcel maps as a ministerial approval without discretionary action, applicable to thirteen properties; and,

**WHEREAS**, one implementation program (i.e. 5.2) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to adopt a text amendment to the Visalia Zoning Ordinance to allow emergency shelters in compliance with Assembly Bill 2339, including but not limited to allowing emergency shelters by right with appropriate development standards in a zone that is suitable for residential uses as a permitted use without a conditional use or other discretionary permit, and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on November 10, 2025; and,

**WHEREAS**, the Planning Commission of the City of Visalia considered the Zone Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the



City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing, and recommended that the City Council approve Zone Text Amendment No. 2025-04 as modified by the Planning Commission; and,

**WHEREAS**, the City Council of the City of Visalia, after duly published notice, held a public hearing before said City Council on December 2, 2025, and introduced said Ordinance for first reading on that date; and,

**WHEREAS**, the City Council finds that the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (common sense exemption), as the proposed zone text amendment will not in and of themselves have an effect on the environment, and that the affected sites will continue to allow for residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15061(b)(3).

**BE IT FURTHER RESOLVED** that the City Council approves this reading of an Ordinance to approve Zone Text Amendment No. 2025-04 based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan, Housing Element, and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as described in the following Housing Element Policies:

**Housing Element Policy 2.7** - The City will review and amend residential development standards to allow for and promote a mix of dwelling types and sizes, specifically missing middle-density housing types (e.g., duplexes, triplexes, courtyard buildings, townhomes) to encourage the development of housing types affordable to the local workforce.

Specifically, the City shall evaluate zoning standards related to minimum lot size and width, maximum lot coverage, required setbacks, open space and landscaping requirements, and parking ratios, particularly in high resource, low-density, infill parcels. The City shall meet with local developers, property owners, and non-profits agencies to identify constraints and potential incentives to infill and missing middle development in 2024 and shall adopt revised standards for such projects in 2025.

**Housing Element Policy 3.17** - The City shall allow for further subdivision or development of specific plans for sites larger than 10 acres that are identified in the Housing Element sites inventory and shall facilitate development at the expected affordability level for the sites. The City shall employ a range of tools and techniques, potentially including outreach to property owners and stakeholders, City financial resources (e.g., HOME funds), expedited processing, and other incentives to facilitate development on these sites, with priority given to sites in higher resource areas.



To facilitate the development affordable housing on large sites included in the sites inventory as lower-income capacity, ... the City shall facilitate parceling at appropriate sizes (0.5 to 10 acres), provide expedited ministerial approval of lot splits or creation of new parcels, apply development standards to promote affordability and remove constraints to achieving maximum density, and waive, reduce, or defer fees associated with subdivision.

**Housing Element Policy 5.2** - To ensure compliance with Government Code section 65583(a)(4), as amended by AB 2339, the City shall:

- Amend the Zoning Code to allow emergency shelters by right (without conditional or other discretionary permit) with appropriate development standards in a zone that allows residential uses, is in proximity to transportation and services, and contains sufficient capacity to meet the need identified in the annual PIT count; provide capacity analysis compliant with State law.
2. That the waiving of the public hearing requirement related to the processing of parcel maps on certain housing sites identified in the current 6<sup>th</sup>-cycle Housing Element that are inventoried to meet moderate and lower income capacity assumptions will encourage the development of these sites. As stated in the Housing Element, the State Housing and Community Development Department established that parcels intended to support the development of units appropriate for lower-income households should be between 0.5 and 10 acres, and this action would assist affordable housing developers that may be unable to finance the scale of a project necessitated by parcels greater than 10 acres.
  3. That the Zone Text Amendment will not have a negative impact on the City's housing stock, as the amendments will aid the development of sites listed on the City's sites inventory list for Visalia's Regional Housing Needs Allocation.
  4. That the Zone Text Amendment as it relates to missing middle-density housing types will further support the development of housing types within density ranges that are consistent to those specified in the General Plan Land Use Element for the Residential Low Density, Residential Medium Density, Residential High Density, Downtown Mixed Use, and Commercial Mixed Use land use designations.
  5. That the Zone Text Amendment is consistent, where applicable, with portions of State law, including but not limited to Government Code Section 65000 et. seq.
  6. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) (common sense exemption) as the proposed zone text amendment will not in and of themselves have an effect on the environment, and that the affected sites will continue to allow for residential development consistent with the land use designations and the respective density ranges specified in the Visalia General Plan Land Use Element.

**NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA,** that Zoning Text Amendment No. 2025-04, is approved, as contained in Exhibits "A", "B", and "C" of this Ordinance, in accordance with the terms of this resolution and under the provisions of Section 17.44.090 of the Ordinance Code of the City of Visalia.

PASSED AND ADOPTED:

BRETT TAYLOR, MAYOR

ATTEST:

\_\_\_\_\_

LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

\_\_\_\_\_

STATE OF CALIFORNIA)

COUNTY OF TULARE ) ss.

CITY OF VISALIA )

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2025-15 passed and adopted by the Council of the City of Visalia at a regular meeting held on December \_\_, 2025, and certify a summary of this ordinance will be published in the Visalia Times Delta.

Dated: December \_\_, 2025

LESLIE CAVIGLIA, CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk



**Ordinance No. 2025-15**

**Exhibit "A"**

**Pertaining to Implementation of Program No. 3.17**

**Section 1.** Chapter 17.06, Zone Classifications, of the Visalia Zoning Ordinance, is hereby amended to add a new Article and Section to be entitled Section 17.06.070, "Large Housing Element Sites (HE) Affordable Housing Overlay", to read as follows, as specified by italics & underline for additions:

**Title 17 ZONING**

**Chapter 17.06, Zone Classifications**

**Article 1. General**

**17.06.010 Establishment of zone names.**

**17.06.020 Establishment of zones by map.**

**17.06.030 Division of the zoning map.**

**17.06.040 Uncertainty of zone boundaries.**

**17.06.050 Boundary changes because of annexation or right-of-way abandonment.**

**~~17.06.060 Designated Housing Element Sites (HE) Overlay~~**

**Article 2. Overlay Zones**

**17.06.060 Designated Housing Element Sites (HE) Overlay**

**17.06.070 Large Housing Element Sites (HE) Affordable Housing Overlay**

*A. Purpose. The purpose of the Large Housing Element Sites (HE) Affordable Housing overlay district is to establish a waiver of the tentative parcel map and the associated hearing requirements before the city Planning Commission for certain properties that are in excess of ten (10) acres in size and are listed on the Regional Housing Needs Allocation sites inventory of the City's Housing Element with a designation for moderate or lower income housing pursuant to California Housing Law or having a zone designation of R-M-2 or R-M-3.*

B. Designation of HE Affordable Housing Overlay Sites. The HE Affordable Housing Overlay is applied to the following parcels, as identified in the Year 2023-2031 (6<sup>th</sup> Cycle) Housing Element as potential sites for lower income housing.

**Sites larger than 10 acres with Lower and Moderate Income Capacity and R-M-2 / R-M-3 Zoning**

<u>Map ID</u>	<u>Location</u>	<u>APN</u>	<u>Zoning</u>	<u>Acres</u>
44	Riverway Ave & Linwood St	077-060-024	R-1-5, R-M-2	72.49
51	Lovers Lane & Packwood Creek	101-050-041	O-PA, QP, R-1-5, R-M-2	35.06
70	E Houston Ave & N Irma St	098-050-005	QP, R-M-2	11.01
76	2639 E Noble Ave	100-080-003	C-MU, R-M-2	13.45
77	Ivanhoe Dr & Comstock St	103-020-068	R-1-5, R-M-2	12.10
97	Visalia Pkwy & Woodland St	121-440-002	QP, R-M-2, R-M-3	23.02
100	Cameron Ave & Vintage St	122-340-002	C-R	18.63
107	1818 E Goshen Ave	098-050-002	C-N, R-M-2, R-M-3	11.36
108	E Douglas Ave & N O'Malley St	098-050-003	R-M-2, R-M-3	11.35
116	1641 E Tulare Ave	100-390-002	R-1-5, R-M-3	10.16
118	E Caldwell Ave & S Santa Fe St	123-220-044	C-MU, R-M-3	12.38
123	Cameron & Stonebrook	122-340-001	R-M-3	10.43
125	Riggin & Roeben	077-100-100	R-M-3	29.31

C. Ministerial approval of parcel map.

1. Ministerial approval. A parcel map is eligible for ministerial review if the parcel is for any parcel in the HE Affordable Housing Overlay or for any portion of a parcel in the HE Affordable Housing Overlay that was previously subdivided and the parcel meets the performance standards under subsection (B) of Section 17.06.070. No tentative parcel map shall be required.

2. Advisory agency. For parcels maps that are ministerially reviewed under this Article, the Site Plan Review Staff shall be the advisory agency referred to in Article 2 of the Subdivision Map Act that is charged with the duty of making investigations and reports on the design and improvement of proposed divisions of land. The City Planner and City Engineer shall make a finding in support of approval of a parcel map that the proposed map is consistent with the Municipal Code, the Map Act, and other applicable law with respect to parcel size, zoning, and density.

3. Review by Site Plan Review Staff. Review of parcel maps under this Article shall include ministerial review by the Site Plan Review Staff in accordance with subsection (B) of Section 16.28.030.



4. Final parcel map. Once the Site Plan Review staff declares their intention to allow the project to proceed to filing of a final parcel map, the applicant shall proceed with filing a final parcel map in accordance with Section 16.28.120.

D. Development standards. Notwithstanding any other provision of this article, the Site Plan Review Staff shall ministerially approve a parcel map only if it determines that the parcel map meets all the following requirements.

1. The parcel map subdivides an existing parcel to create no more than four new parcels.

2. All newly created parcels are no smaller than one-half (0.5) acre and no larger than ten (10) acres.

## Ordinance No. 2025-15

### Exhibit "B" Pertaining to Implementation of Program No. 2.7

**Section 1.** City of Visalia Municipal Code is hereby amended as follows, as specified by italics & underline for additions and ~~strikeout~~ for deletions.

#### **10.16.210 Parking commercial vehicles in residential district.**

B. For the purpose of this section the following definitions are defined as follows:

1. A "residence district" shall mean those districts or areas zoned as residential and indicated as such on the city general plan land use and zoning maps, including land use designations of very-low, low, medium and high density residential, and zoning designations of R-1-~~5~~, R-1-12.5, R-1-20, R-M-2, and R-M-3.

2. Class A CDL as defined per the State of California Department of Motor Vehicles Commercial Driver Handbook.

3. Class B CDL as defined per the State of California Department of Motor Vehicles Commercial Driver Handbook.

C. Notwithstanding the provisions of subsection A. of this section, for those properties with a zoning classification of R-1, R-1-12.5, R-1-20, R-M-2, and R-M-3, which also have a lot size greater than ten thousand (10,000) square feet it is lawful to park or permit to be parked a commercial vehicle requiring a Class A or Class B license on private property if all of the following conditions are met: ...

#### **12.36.050 General standards.**

B. The amount of land required for each type of dwelling unit shall be based on the average number of persons per household for each dwelling unit type which has been estimated by the most recent federal census or a State census taken pursuant to Section 40200 et seq., of the Government Code. The amount of land required for park and recreation facilities for each dwelling unit type are established as follows:

Dwelling Type	Zoning District	Average Persons Per Household	Acres/Dwelling Unit
Single-Family	R-1 <u>5</u>	3.1	.0124
Multiple Family	R-M	2.4	.0096
Mobile Homes		2.4	.0096

#### **15.52.190 Landscaping and screening.**



C. Mobile home parks shall provide solid perimeter screen fencing, a maximum of six feet in height, along all side and rear property lines where the park adjoins a ~~R-A~~, R-4S or R-M district;

**Section 2.** City of Visalia Municipal Code Title 17, Zoning Ordinance, is hereby amended as follows, as specified by italics & underline for additions and ~~strikeout~~ for deletions.

**17.04.030 Definitions.**

"Quasi-public use" means any use that is listed as a conditional use within the R-4S zone.

**17.06.010 Establishment of zone names.**

A. In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, several classes of zones are established to be known as follows:

4. Single-family residential zone – ~~5,000 square foot minimum site area~~, abbreviated as R-1-5;

B. The R-1-20, R-1-12.5, and ~~R-1-5~~ zones may be collectively identified as Single-family Residential zones, and abbreviated as R-4S.

**17.08.050 Required conditions.**

A. Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from an R-4S or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height if required by the Site Plan Review Staff.

**17.08.130 Fences, walls, and hedges.**

B. Fences may be constructed of any generally acceptable material except that barbed wire and electric charged fences are not allowed within thirty (30) feet of an R-4S or R-M zone. Exceptions to this section may be granted in accordance with Chapter 17.38.

**17.10.050 Required conditions.**

A. Any use involving a business, service or process not completely enclosed in a structure, when located on a site abutting on or across a street or an alley from an R-4S or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height if required by the Site Plan Review ~~Committee~~Staff.

#### **17.10.130 Fences, walls, and hedges.**

B. Fences may be constructed of any generally acceptable material except that barbed wire and electric charged fences are not allowed within thirty (30) feet of an R-4S or R-M zone. Exceptions to this section may be granted in accordance with Chapter 17.38.

#### **17.12.010 Purpose and intent.**

In the R-4S single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

#### **17.12.015 Applicability.**

The requirements in this chapter shall apply to all property within R-4S zone districts.

#### **17.12.020 Permitted uses.**

In the R-4S single-family residential zones, the following uses shall be permitted by right:

A. One-family dwellings on a lot with the minimum site area as specified in Section 17.12.050, including lots with lot area of between 3,600 and 4,999 square feet if developed in accordance with Sections 17.12.135(A) and (B);

#### **17.12.030 Accessory uses.**

In the R-4S single-family residential zone, the following accessory uses shall be permitted, subject to specified provisions: ...

#### **17.12.040 Conditional uses.**

In the R-4S single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

A. Planned development subject to the provisions of Chapter 17.26. A Planned development is required to create lots having less than 3,600 square feet lot area, in accordance with Section 17.12.135(C). A Planned development is not necessary to accompany the processing of a tentative parcel map if meeting the development criteria set forth in Section 17.26.090;



**17.12.050 Site area.**

The minimum site area shall be as follows:

Zone	Minimum Site Area
R-1-5, <u>unless developed in accordance with Section 17.12.135.</u>	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

Zone	Interior Lot	Corner Lot
R-1-5, <u>unless developed in accordance with Section 17.12.135.</u>	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

**17.12.060 Number of dwelling units per site.**

In the R-4S single-family residential zone, not more than one dwelling unit shall be located on each site, notwithstanding Chapter 17.14 pertaining to accessory dwelling units, and notwithstanding California Government Code Section 65852.21(a) which allows two residential units on a site.

**17.12.080 Front yard.**

A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-5	<u>Unless developed in accordance with Section 17.12.135, F</u> fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.

R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet

**17.12.090 Side yards.**

*A. Unless developed in accordance with Section 17.12.135, ~~the~~ the minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.*

**17.12.100 Rear yard.**

In the R-4S single-family residential zones, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions: ...

**17.12.110 Height of structures.**

In the R-4S single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

**17.12.120 Off-street parking.**

In the R-4S single-family residential zone, subject to the provisions of Chapter 17.34.

**17.12.130 Fences, walls and hedges.**

In the R-4S single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

**17.12.135 Lot area less than 5,000 square feet.**

*A. Notwithstanding Section 17.12.050, lots in the R-1-5 zone may have a lot area of between 3,600 and 4,999 square feet if all of the following standards are met: ...*

**17.14.040 Where Allowed.**

In compliance with California Government Code Section 66314, accessory dwelling units shall be allowed by-right (ministerially permitted) in any zone which allows residential uses. Specifically, the City's Agriculture zone (A), Open Space zone (OS), Single-family residential zones (R-1-5, R-1-12.5, and R-1-20), and Multi-family residential zones (R-M-2 and R-M-3) shall allow accessory dwelling units by-right.



This Section also applies to mixed-use zoning districts which allow residential and zones which allow residential as a conditionally permitted use. Specifically, the City's Commercial zones (C-N, C-R, C-S, C-MU, and D-MU, Office zones (O-PA and O-C), and Industrial zones (BRP, I-L, and I) shall allow accessory dwelling units by-right.

#### **17.14.060 Types of Accessory Dwelling Units.**

An accessory dwelling unit approved under this Chapter may be one of, or a combination of, the following types:

D. Junior Accessory Dwelling Unit. A junior accessory dwelling unit is a unit that meets all the following (see Section 17.14.110 (Standards Applicable to Junior Accessory Dwelling Units) for additional regulations):

1. Shall only be allowed on parcels zoned Single-family Residential (R-1-5, R-1-12.5, or R-1-20) and that include an existing or proposed single-family dwelling.

#### **17.16.040 Conditional uses.**

R. Residential structures up to four stories in height in the R-M-3 Zone District when the proposed structure is adjacent to an R-4S Zone District.

#### **17.16.100 Height of structures.**

The maximum height of structures shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-2 zone. The maximum height shall be four (4) stories in the R-M-3 zone. Where an R-M-2 or R-M-3 site adjoins an R-4S site, the second and subsequent stories shall be designed to limit visibility from the second and third story to the R-4S site. Structures specified under Section 17.16.090(B) shall be exempt.

#### **17.16.080 Side yards.**

A. The minimum side yard for a permitted or conditional use shall be five feet subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

~~B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.~~

#### **17.16.160 Screening.**

All parking areas adjacent to public streets and R-4S sites shall be screened from view subject to the requirements and procedures of Chapter 17.28.

#### **17.16.170 Screening fence.**

Where a multiple family site adjoins an R-4S site, a screening block wall or wood fence not less than six feet in height shall be located along the property line; except in a required front yard, or the street side of a corner lot and suitably maintained.

**17.18.060 Development standards in the C-N zone.**

The following development standards shall apply to property located in the C-N zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
  - 1. Front: fifteen (15) feet;
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-4S or R-M zone district: fifteen (15) feet;
  - 4. Side: zero (0) feet;
  - 5. Side yards abutting an R-4S or R-M zone district: fifteen (15) feet;
  - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
  - 1. Front: fifteen (15) feet;
  - 2. Rear: five (5) feet (except where a building is located on rear property line);
  - 3. Rear yards abutting an R-4S or R-M zone district: five (5) feet;
  - 4. Side: five (5) feet (except where a building is located on side property line);
  - 5. Side yards abutting an R-4S or R-M zone district: five (5) feet;
  - 6. Street side on corner lot: ten (10) feet.

**17.18.070 Development standards in the C-R zone.**

The following development standards shall apply to property located in the C-R zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
  - 1. Front: twenty (20) feet;
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-4S or R-M zone district: fifteen (15) feet;
  - 4. Side: zero (0) feet;
  - 5. Side yards abutting an R-4S or R-M zone district: fifteen (15) feet;



6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: twenty (20) feet;

2. Rear: five (5) feet (except where a building is located on rear property line);

3. Rear yards abutting an R-4S or R-M zone district: five (5) feet;

4. Side: five (5) feet (except where a building is located on side property line);

5. Side yards abutting an R-4S or R-M zone district: five (5) feet;

6. Street side on corner lot: ten (10) feet.

#### **17.18.080 Development standards in the C-S zone.**

The following development standards shall apply to property located in the C-S zone:

A. Minimum site area: five thousand (5,000) square feet.

B. Maximum building height: sixty (60) feet.

C. Minimum required yards (building setbacks):

1. Front: ten (10) feet;

2. Rear: zero (0) feet;

3. Rear yards abutting an R-4S or R-M zone district: fifteen (15) feet;

4. Side: zero (0) feet;

5. Side yards abutting an R-4S or R-M zone district: fifteen (15) feet;

6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: ten (10) feet;

2. Rear: five (5) feet (except where a building is located on rear property line);

3. Rear yards abutting an R-4S or R-M zone district: five (5) feet;

4. Side: five (5) feet (except where a building is located on side property line);

5. Side yards abutting an R-4S or R-M zone district: five (5) feet;

6. Street side on corner lot: ten (10) feet.

#### **17.19.060 Development standards in the C-MU zones outside the downtown area.**

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
  - 1. Front: fifteen (15) feet;
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-4S or R-M zone district: fifteen (15) feet;
  - 4. Side: zero (0) feet;
  - 5. Side yards abutting an R-4S or R-M zone district: fifteen (15) feet;
  - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
  - 1. Front: fifteen (15) feet;
  - 2. Rear: five (5) feet;
  - 3. Rear yards abutting an R-4S or R-M zone district: five (5) feet;
  - 4. Side: five (5) feet (except where a building is located on side property line);
  - 5. Side yards abutting an R-4S or R-M zone district: five (5) feet;
  - 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable. (Ord. 2017-01 (part), 2017)

**17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area.**

The following development standards shall apply to property located in the D-MU and C-MU zone and located inside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: No minimum.
- B. Maximum building height: one hundred (100) feet.
- C. Minimum required yards (building setbacks):
  - 1. Front: zero (0) feet;
  - 2. Rear: zero (0) feet;
  - 3. Rear yards abutting an R-4S or R-M zone district: zero (0) feet;
  - 4. Side: zero (0) feet;
  - 5. Side yards abutting an R-4S or R-M zone district: zero (0) feet;
  - 6. Street side yard on corner lot: zero (0) feet.
- D. Minimum required landscaped yard (setback) areas:



1. Front: five (5) feet (except where a building is located on property line);
  2. Rear: zero (0) feet;
  3. Rear yards abutting an R-4S or R-M zone district: zero (0) feet;
  4. Side: five (5) feet (except where a building is located on side property line);
  5. Side yards abutting an R-4S or R-M zone district: five (5) feet except where a building is located on side property);
  6. Street side on corner lot: five (5) feet (except where a building is located on property line).
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

**17.20.050 Development standards in the O-PA zone.**

The following development standards shall apply to property located in the O-PA zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
  1. Front: fifteen (15) feet;
  2. Rear: zero (0) feet;
  3. Rear yards abutting an R-4S or R-M zone district: fifteen (15) feet;
  4. Side: zero (0) feet;
  5. Side yards abutting an R-4S or R-M zone district: fifteen (15) feet;
  6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
  1. Front: fifteen (15) feet;
  2. Rear: five (5) feet;
  3. Rear yards abutting an R-4S or R-M zone district: five (5) feet;
  4. Side: five (5) feet (except where a building is located on side property line);
  5. Side yards abutting an R-4S or R-M zone district: five (5) feet;
  6. Street side on corner lot: ten (10) feet. (Ord. 2017-01 (part), 2017)

**17.22.060 Development standards in the I-L and I zones.**

- A. The I-L and I zone districts include streets of varying width, carrying capacity and intended service. The development standards vary by type of street in order to maintain a consistent streetscape and achieve a high quality visual impact necessary to sustain

an attractive and viable industrial area. The following development standards shall apply to property located in the I-L and I zones:

A. Minimum site area: five (5) acres.

B. Maximum building height: seventy-five (75) feet.

C. Minimum required yards (building setbacks):

1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);

2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);

3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);

4. Rear: zero (0) feet;

5. Rear yards abutting an R-4S or R-M zone district: twenty (20) feet;

6. Side: zero (0) feet;

7. Side yards abutting an R-4S or R-M zone district: twenty (20) feet;

8. Side abutting railroad right-of-way: twenty-five (25) feet.

D. Minimum required landscaped yard (setback) areas:

1. Frontage on major road: twenty-five (25) feet. (Major roads are defined as roads shown as arterials or collectors on the Circulation Element Map, including but not limited to Goshen Avenue, Plaza Drive, and Avenue 308);

2. Frontage on minor road: fifteen (15) feet. (Minor roads are defined as roads shown as local streets on the Circulation Element Map, including but not limited to Elowin Court, Clancy Drive, and Rasmussen Avenue);

3. Frontage on interior roads: ten (10) feet. (Interior roads provide access only to parcels within a development.);

4. Rear: zero (0) feet;

5. Rear yards abutting an R-4S or R-M zone district: ten (10) feet;

6. Side: zero (0) feet;

7. Side yards abutting an R-4S or R-M zone district: ten (10) feet;

8. Side abutting railroad right-of-way: twenty-five (25) feet.

E. Additional standards:

1. Properties subdivided into parcels of less than five acres shall provide a common or joint storm drainage facility or pond, to be maintained through a private property owners' association formed at the time of subdivision.



2. An eight-foot masonry wall is required along property line where a site abuts an R-4S or R-M zone district.

#### 17.25.030 Commercial, Office, and Industrial Zone Use Table

D. [Table 17.25.030, Commercial, Mixed Use, Office, and Industrial Zones Use Matrix]

<b>Commercial, Mixed Use, Office, and Industrial Zones Use Matrix</b> P = Use is Permitted by Right      C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit      Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	

Residential Units, New or Expansions, which may or may not be associated with a commercial activity	C	C	C	C	C	C	C	C	C	C	
<i>Residential Units, New or Expansion, on a site with one or more legally established dwelling units, maintaining General Plan density standards</i>				P	P						

#### 17.26.050 Application procedures.

The following procedures specify the process for review of a planned development.

...

B.Application Process. After completing the pre-application review process the owner, or agent, shall file an application for a planned development. Such application submittal shall be processed as a conditional use permit and shall require a site plan review permit. An application for planned development is not necessary to accompany the processing of a tentative parcel map if meeting the development criteria set forth in Section 17.26.090. The city planner shall determine the extent of development detail required as part of the application submittal. Such details may include, but is not limited to, the following: ...

**17.26.090 Development standards for tentative parcel maps exempt from a planned development.**

A. Exemption. Notwithstanding any other provision of this chapter, a planned development is not necessary to accompany the processing of a tentative parcel map if meeting the development standards set forth in this section.

B. Development standards. The waiving of a planned development is allowed if the project meets the following development standards:

1. The parcel has a zoning designation of R-S or R-M.

2. The project entails a parcel map that subdivides an existing parcel to create no more than four new parcels.

3. An easement with a minimum width of eighteen (18) feet width is provided for access and utility purposes, which provides access to all parcels within the parcel map. The width of said easement may be split between two parcels as to provide a single access drive originating from two public street fronting parcels.

4. An agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded with the recording of the Final Parcel Map. The agreement shall include provisions for the upkeep of any common usable open space on the parcel, if applicable.

5. For properties with a zoning designation of R-S:

a. A minimum 20-foot buildable area setback shall be provided on one side of each non-public street fronting parcel, not to be located on the same side containing the access easement, for every parcel within the parcel map.

b. A minimum 5-foot buildable area setback shall be provided on all other sides of each non-public street fronting parcel, for every parcel within the parcel map.

c. A minimum one thousand two hundred and fifty (1,250) square feet of usable open yard area, not including the access easement, shall be maintained on each parcel.

d. All parcels shall have a minimum lot size of that corresponds to Section 17.12.050, and in no case shall any lot be smaller than five thousand (5,000) square feet.

6. For properties with a zoning designation of R-M:

a. A minimum 15-foot buildable area setback shall be provided on one side of each non-public street fronting parcel, not to be located on the same side containing the access easement, for every parcel within the parcel map.



b. A minimum 5-foot buildable area setback shall be provided on all other sides of each non-public street fronting parcel, for every parcel within the parcel map.

c. A minimum of five (5) percent of the site shall be maintained as usable open yard area, not including the access easement. The usable open yard areas cumulatively may be for use by an individual unit, or as common open space, or as a combination of both.

d. All parcels shall have a minimum lot size of six thousand (6,000) square feet.

#### **17.30.015 Development standards.**

##### **E. Screening and Storage.**

1. Where practical, all roof mounted air conditioners, roof vents, etc. should be screened from view from ground level. Such screening must be of a style and material such that it is an integral part of the building architecture. This would not apply to multiple family development.

2. Where commercial, office, or industrial site adjoins an R-4S or R-M district, a concrete block or masonry wall to a height recommended by the site plan review staff shall be located on the property line except in a required front yard, or the street side of a corner lot and suitably maintained. This requirement may be waived if an alternative landscaped buffer is provided as approved by the planning commission as an exception.

3. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from an R-4S or R-M district shall be screened by a concrete block or masonry wall to a height to be determined by the site plan review staff, if the site plan review staff finds said use to be unsightly.

4. Open storage of materials and equipment, except commercial vehicles and used car sales lots, shall be permitted only within an area surrounded and screened by a concrete block or masonry wall to a height to be determined by the site plan review staff; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.

5. In all commercial, office, mixed use, and business research park zone districts all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, bus depots and transit stations and electric distribution substations.

6. Where commercial or office uses abut property zoned R-4S, the upper stories of the structure to be occupied with commercial or office uses shall be so designed, or windows screened, to limit visibility onto the R-4S zoned property.

#### **17.32.060 Subdivision sales offices.**

In an R-4S or R-M zone, no sales offices of any character shall be permitted in any subdivision except one sales office in a subdivision of not less than five acres located not less than one hundred fifty (150) feet from any existing dwelling outside of the subdivision. Any temporary sales office in a subdivision may be located in a model home on a lot located in the subdivision.

#### **17.32.150 Bed and breakfast facilities.**

D. Development Criteria for Traditional Bed and Breakfast Facilities. Traditional bed and breakfast facilities are permitted, pursuant to a site plan review permit, in R-4S and R-M zoned areas located within the boundaries of the historic district and on individual properties located outside the historic district when such properties are listed on the local register of historically significant structures. In order for a site plan review permit to be approved, the following development criteria shall be met:

1. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply;
2. One additional off-street parking space shall be provided for each room available for lodging purposes. Tandem parking shall not be deemed as meeting this requirement;
3. The owner of the facility shall reside on site;
4. Bed and breakfast facilities shall be subject to all applicable building, fire, health and safety codes;
5. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than fourteen (14) consecutive nights;
6. The scale and appearance of the bed and breakfast facility shall remain primarily residential in character; all buildings and site improvements shall be similar to and compatible in design with the surrounding neighborhood and adjacent residences.

The site plan review staff and/or the planning commission shall have authority to grant or deny applications for bed and breakfast facilities based upon design and aesthetic criteria, as well as all other provisions of this section;

7. One externally lighted sign shall be allowed at the facility. The sign may be either wall mounted or free standing and shall not exceed six square feet in area. A freestanding sign shall not exceed five feet in height. The historic preservation board shall have authority to review and approve, approve with conditions, or deny the location, size, materials and design of any sign proposed in conjunction with a bed and breakfast facility, subject to the above area and height limitations;
8. Bed and breakfast facilities shall be operated by the permanent occupants of the facility. No more than one person not residing at the facility shall be employed in the operation of the facility;
9. In no case shall any bed and breakfast facility be approved on a site on which the dwelling has been the subject of a garage conversion pursuant to the regulations of Chapter 17.32 governing such conversions.



E. Development Criteria for Bed and Breakfast Inns. Bed and breakfast inns are permitted as a conditional use in R-4S and R-M zoned areas located within the boundaries of the historic district and on individual properties located outside the historic district when such properties are listed on the local register of historically significant structures. In order for a conditional use permit for a bed and breakfast inn to be approved, the following development criteria shall be met:

1. All of the provisions and criteria listed in Section 17.32.150(D) for traditional bed and breakfast facilities, with the exception of subsections (D)(3) and (D)(8) of this section. However, the planning commission may require one or more of these criteria as conditions to be met in specific instances;
2. A bed and breakfast inn facility shall consist of no more than two residential dwellings on a maximum of two adjacent parcels. A facility consisting of more than one dwelling or parcel shall be considered a single facility. Adjacent parcels shall be adjoining contiguous parcels that are not separated by a public right-of-way.
3. The owner of the bed and breakfast inn shall reside at the facility. If more than one person who resides off the facility is employed, one additional off-street parking space for every two such employees shall be provided.

#### **17.32.166 Short-term rental permits.**

B. In addition to all other requirements of this chapter, and notwithstanding any contrary provisions in this Code, short-term rentals are subject to the following operational standards in all R-4S and R-M zones citywide: ...

#### **17.32.260 Applicability.**

The provisions of this article shall apply only to parcels ten thousand (10,000) square feet in area or larger that are located within the R-1-5, R-1-12.5, and R-1-20 zones, or as determined by City Planner subject to criteria set forth in Section 17.02.170.

#### **17.34.030 Standards for off-street parking facilities.**

All off-street parking facilities shall conform with the following standards:

K. In all C-N, C-R, C-S, C-MU, D-MU, O-PA, O-C, and BRP zone districts where a site adjoins or is directly across the street from an R-4S or R-M zone, a concrete block or masonry wall not less than six feet in height shall be located on the property line except in a required front yard, in which case the wall shall be three feet, and suitably maintained.

#### **17.36.010 Purpose.**

The purpose of this chapter is to control location and height of fences as may be required by city laws, rules and regulations to safeguard life or limb, property and public welfare. Fences may be constructed of any generally acceptable material except that

barbed wire and electric charged fences are specifically prohibited in any R-4S or R-M zone.

#### **17.36.030 Single-family residential zones.**

The following standards shall apply to sites within an R-4S zone: ...

#### **17.36.050 Commercial and mixed use zones.**

The following standards shall apply to sites within a C-N, C-R, C-S, C-MU, or D-MU zone:

A. Where a site in the C-N, C-R, C-S, C-MU, or D-MU zone adjoins an R-4S or R-M zone, either a concrete block masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained or a landscaped buffer be provided as approved by the planning commission. A fence, wall, or hedge height greater than seven feet may be allowed when extenuating circumstances exist such as to address grade elevation differences between parcels, which allows fence height to be measured from the higher base elevation.

B. A use not conducted entirely within a completely enclosed structure, on a site across a street or alley from an R-4S or R-M zone shall be screened by a concrete block or masonry wall not less than six feet in height, if the city planning commission finds said use to be unsightly. A landscaped buffer can be approved by the planning commission in place of a required wall as an exception.

C. Open storage of materials and equipment, except commercial vehicles and used car sales lots, shall be permitted only within an area surrounded and screened by a concrete block or masonry wall not less than six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.

D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard or street side yard. A fence or wall may be allowed in a required front yard or street side yard to a height of four feet provided that the additional one-foot height is not of a solid material.

E. Exceptions may be granted in accordance with Chapter 17.42.

#### **17.36.060 Office zones (O-PA, O-C, BRP).**

The following standards shall apply to sites within a O-PA, O-C, or BRP zone:

A. Where a site in the OPA, O-C, or BRP zone adjoins an R-A, R-4S or R-M zone a concrete or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard, and suitably maintained. A landscaped buffer can be approved by the planning commission in place of the wall as an exception. A fence, wall, or hedge height greater than seven feet may be allowed when extenuating circumstances exist such as to address grade elevation differences



between parcels, which allows fence height to be measured from the higher base elevation.

B. No fence or wall in the OPA, O-C, or BRP zone shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard or street side yard. A fence or wall may be allowed in a required front yard or street side yard to a height of four feet provided that the additional one-foot height is not of a solid material.

C. Exceptions may be granted in accordance with Chapter 17.42.

#### **17.36.070 Industrial zones.**

The following standards shall apply to sites within an I-L or I zone:

A. Where a site within an I-L or I zone adjoins an R-A, R-4S or R-M zone a concrete block or masonry wall not less than seven feet in height shall be located on the property line except in a required front yard and suitably maintained. A fence, wall, or hedge height greater than seven feet may be allowed when extenuating circumstances exist such as to address grade elevation differences between parcels, which allows fence height to be measured from the higher base elevation.

B. A use not conducted entirely within an enclosed structure, on a site across a street or alley from an R-A, R-4S or R-M zone shall be screened by a concrete block or masonry wall not less than seven feet in height, if the site plan review staff finds said use to be unsightly.

C. Open storage of materials and equipment shall be permitted only within an area screened by a concrete block or masonry wall not less than six feet in height, which is adjacent to a public street or a residence provided that no materials or equipment shall be stored to a height greater than that of the wall or fence.

D. No fence or wall shall exceed seven feet in height if located in a required side or rear yard or three feet in height if located in a required front yard or street side yard. A fence or wall may be allowed in a required front yard or street side yard to a height of four feet; provided, that the additional one-foot height is not of a solid material.

E. Exceptions may be granted in accordance with Chapter 17.42.

**Ordinance No. 2025-15**

**Exhibit "C"**

**Pertaining to Implementation of Program No. 5.2**

**Section 1.** City of Visalia Municipal Code Title 17, Zoning Ordinance, is hereby amended as follows, as specified by italics & underline for additions and ~~strikeout~~ for deletions.

**Chapter 17.25 Uses in the Commercial, Mixed Use, Office, and Industrial Zones**

**17.25.030 Commercial, Office, and Industrial Zone Use Table**

D. [Table 17.25.030, Commercial, Mixed Use, Office, and Industrial Zones Use Matrix]

<b>Commercial, Mixed Use, Office, and Industrial Zones Use Matrix</b>											
P = Use is Permitted by Right      C = Use Requires Conditional Use Permit											
T = Use Requires Temporary Use Permit      Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
Emergency Shelters			C	<u>P*</u> <u>C</u>	C				<u>P</u> <u>C</u>		17.32.130 P* Permitted in Overlay District, Section 17.32.130

**Chapter 17.32 Special Provisions**

**17.32.130 Emergency shelters.**

**B. Permits.**

1. Emergency shelters are allowed as identified in the Zones Use Matrix included in Table 17.25.030. In accordance with State law, Government Code Section 65583, the zone where emergency shelters are allowed as a permitted use without a conditional



use permit is the I-L (Light Industrial) zone Emergency Shelters Overlay Zone, located on certain sites within the C-MU (Commercial Mixed Use) zone district as specified in subsection E of Section 17.32.130.

E. Emergency Shelters Overlay Zone.

A. Purpose. The purpose of the Emergency Shelters (ES) overlay district is to establish an overlay district within the Commercial Mixed Use zone district where emergency shelters are permitted by-right in accordance with State law, Government Code Section 65583. The overlay district has been established on certain vacant sites within the C-MU (Commercial Mixed Use) zone district based upon its demonstrated compliance with State law as a nonresidential zoning district that allows for residential development, having sufficient sites with sufficient capacity, wherein the sites are located near amenities and services that include health care, transportation, retail, employment, and social services.

B. Designation of Emergency Shelters (ES) overlay district sites. The Emergency Shelters (ES) overlay district is applied to the following parcels.

APN_NO	Area (Acres)	Specific Location	General Location	ZONING	Hwy 198 Orientation
78120041	5.88	Dinuba & Shannon, SW Corner	Dinuba / Riggin	C-MU	NORTH
78210023	3.98	Demaree & Riggin, NE Corner	Dinuba / Riggin	C-MU	NORTH
78210024	0.60	Demaree & Riggin, NE Corner	Dinuba / Riggin	C-MU	NORTH
78210025	0.41	Demaree & Riggin, NE Corner	Dinuba / Riggin	C-MU	NORTH
78350050	1.96	Mooney & Riggin, NW Corner	Dinuba / Riggin	C-MU	NORTH
78350052	0.46	Mooney & Riggin, NW Corner	Dinuba / Riggin	C-MU	NORTH
78350053	0.47	Mooney & Riggin, NW Corner	Dinuba / Riggin	C-MU	NORTH
78430006	0.43	Mooney & Riggin, NE Corner	Dinuba / Riggin	C-MU	NORTH
90060058	2.06	Dinuba & Ferguson, NW Corner	Dinuba / Riggin	C-MU	NORTH
90060064	4.68	Dinuba & Ferguson, NW Corner	Dinuba / Riggin	C-MU	NORTH
91010053	0.68	Dinuba & Riggin, SE Corner	Dinuba / Riggin	C-MU	NORTH
91010060	0.76	Dinuba & Riggin, SE Corner	Dinuba / Riggin	C-MU	NORTH
91010063	0.64	Dinuba & Riggin, SE Corner	Dinuba / Riggin	C-MU	NORTH
91010064	0.94	Dinuba & Riggin, SE Corner	Dinuba / Riggin	C-MU	NORTH
91010065	1.46	Dinuba & Riggin, SE Corner	Dinuba / Riggin	C-MU	NORTH
91021018	2.28	Dinuba & Ferguson, NE Corner	Dinuba / Riggin	C-MU	NORTH
94015001	0.15	NW 2nd Ave	Lincoln Oval	C-MU	NORTH
94034003	0.15	NE 3rd Ave	Lincoln Oval	C-MU	NORTH
94034004	0.15	NE 3rd Ave	Lincoln Oval	C-MU	NORTH
94034005	0.15	NE 3rd Ave	Lincoln Oval	C-MU	NORTH
94100041	0.52	N Santa Fe Street	East Downtown	C-MU	NORTH
94100042	0.74	N Santa Fe Street	East Downtown	C-MU	NORTH

94110013	2.09	N Santa Fe Street	East Downtown	C-MU	NORTH
94130005	1.26	Santa Fe & Houston, SE Corner	East Downtown	C-MU	NORTH
94130049	0.68	Santa Fe & Houston, SE Corner	East Downtown	C-MU	NORTH
94160018	3.95	Burke & Goshen, NE Corner	East Downtown	C-MU	NORTH
94170005	16.11	Burke & Goshen, NE Corner	East Downtown	C-MU	NORTH
94201001	0.24	E Main, Burke to Ben Maddox	East Downtown	C-MU	NORTH
94201027	2.20	E Main, Burke to Ben Maddox	East Downtown	C-MU	NORTH
94204010	0.28	Burke & Acequia	East Downtown	C-MU	NORTH
94211024	0.50	Burke & Mineral King	East Downtown	C-MU	NORTH
94222004	2.25	E Acequia	East Downtown	C-MU	NORTH
94231008	0.29	E Acequia	East Downtown	C-MU	NORTH
94231009	0.14	E Acequia	East Downtown	C-MU	NORTH
94232001	0.13	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94232003	0.28	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94232006	0.36	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94232016	0.29	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94235007	0.15	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94235008	0.00	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94235010	0.15	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94235012	0.16	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94235017	0.75	E Main, Santa Fe to Burke	East Downtown	C-MU	NORTH
94250004	0.40	E Murray, Santa Fe to Burke	East Downtown	C-MU	NORTH
94250031	0.52	N Burke	East Downtown	C-MU	NORTH
94250043	0.28	E Murray, Santa Fe to Burke	East Downtown	C-MU	NORTH
94250044	0.28	E Murray, Santa Fe to Burke	East Downtown	C-MU	NORTH
98142055	1.67	Ben Maddox & Goshen, SE Corner	East Downtown	C-MU	NORTH
98191028	0.94	1230 N Ben Maddox Way	East Downtown	C-MU	NORTH
95010065	3.53	Demaree & Noble, SE corner	Demaree & Noble	C-MU	
95010070	2.03	Demaree & Noble, SE corner	Demaree & Noble	C-MU	
95010073	1.08	Demaree & Campus, NE corner	Demaree & Noble	C-MU	
100050013	1.91	1819 E Noble Ave	Lovers & Noble	C-MU	
100060011	2.42	2227 E Noble Ave	Lovers & Noble	C-MU	
100060012	0.57	2227 E Noble Ave	Lovers & Noble	C-MU	
100070007	0.14	Demaree & Goddard, SE corner	Lovers & Noble	C-MU	
100070032	0.36	Demaree & Goddard, SE corner	Lovers & Noble	C-MU	
100070062	1.66	Demaree & Goddard, SE corner	Lovers & Noble	C-MU	
100070063	1.68	Demaree & Goddard, SE corner	Lovers & Noble	C-MU	
100090035	1.41	645 S Lovers Lane	Lovers & Noble	C-MU	
100120019	6.07	Lovers Lane & Tulare, NW corner	Lovers & Noble	C-MU	
100640039	1.77	Caldwell & Stover, NW corner	Caldwell & Santa Fe	C-MU	



100720028	11.39	Lovers Lane & Caldwell, NW corner	Lovers & Noble	C-MU	
101030030	1.47	Lovers Lane & Noble, SE corner	Lovers & Noble	C-MU	
101030031	1.78	Lovers Lane & Noble, SE corner	Lovers & Noble	C-MU	
101030032	4.08	Lovers Lane & Noble, SE corner	Lovers & Noble	C-MU	
101030033	2.19	Lovers Lane & Noble, SE corner	Lovers & Noble	C-MU	
101030034	0.58	Lovers Lane & Noble, SE corner	Lovers & Noble	C-MU	
119340021	1.40	Demaree & Caldwell, SW corner	Demaree & Caldwell	C-MU	
119730004	1.50	Demaree & Caldwell, SW corner	Demaree & Caldwell	C-MU	
119730008	0.85	Demaree & Caldwell, SW corner	Demaree & Caldwell	C-MU	
119730009	1.06	Demaree & Caldwell, SW corner	Demaree & Caldwell	C-MU	
121380006	0.25	2358 S Mooney Blvd	Mooney Blvd	C-MU	
121560001	2.34	3750 S Demaree St	Mooney Blvd	C-MU	
121560002	2.34	3812 S Demaree St	Mooney Blvd	C-MU	
121560030	0.14	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560031	0.13	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560034	0.09	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560035	0.11	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560036	0.11	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560037	0.10	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560038	0.11	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560039	0.10	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560040	0.17	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560041	0.18	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560042	0.14	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121560043	0.12	Demaree & Packwood, NE corner	Demaree & Caldwell	C-MU	
121580001	3.77	Demaree & Caldwell, SE corner	Demaree & Caldwell	C-MU	
121580006	0.91	Demaree & Caldwell, SE corner	Demaree & Caldwell	C-MU	
121580007	1.52	Demaree & Caldwell, SE corner	Demaree & Caldwell	C-MU	
121580008	0.79	Demaree & Caldwell, SE corner	Demaree & Caldwell	C-MU	
121670010	14.22	Mooney & Ave 268, NW corner	Mooney Blvd	C-MU	
122290012	0.36	1740 W Caldwell Ave	Mooney Blvd	C-MU	
122290013	0.49	1740 W Caldwell Ave	Mooney Blvd	C-MU	
122290014	0.50	1740 W Caldwell Ave	Mooney Blvd	C-MU	
122300048	0.34	3335 S Fairway St	Mooney Blvd	C-MU	
122332023	0.46	1447 W Caldwell Ave	Mooney Blvd	C-MU	
122480006	0.80	6400 S Mooney Bl	Mooney Blvd	C-MU	
122480011	0.47	6604 S Mooney Bl	Mooney Blvd	C-MU	
122480014	0.36	6604 S Mooney Bl	Mooney Blvd	C-MU	
122480020	0.65	6604 S Mooney Bl	Mooney Blvd	C-MU	
122480021	2.30	6604 S Mooney Bl	Mooney Blvd	C-MU	

123220044	7.53	Caldwell & Santa Fe, NE corner	Caldwell & Santa Fe	C-MU	
123270054	0.39	311 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450007	0.16	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450008	0.32	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450009	0.30	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450011	0.16	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450013	0.15	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450014	0.12	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450021	0.18	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450022	0.13	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450023	0.13	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450026	0.46	201 E Caldwell Ave	Caldwell & Santa Fe	C-MU	
123450027	0.81	Caldwell & Court, SW corner	Caldwell & Santa Fe	C-MU	
123450028	0.45	Caldwell & Court, SW corner	Caldwell & Santa Fe	C-MU	
123450032	2.22	Caldwell & Court, SW corner	Caldwell & Santa Fe	C-MU	
123450033	2.57	Caldwell & Court, SW corner	Caldwell & Santa Fe	C-MU	





# Visalia City Council

## Staff Report

Visalia City Council  
707 W. Acequia  
Visalia, CA 93291

**File #:** 25-0364

**Agenda Date:** 8/19/2025

**Agenda #:** 3.

### **Agenda Item Wording:**

Updates to City regulations and zoning districts to allow for a mix of dwelling types and sizes, including limited promotion of missing middle-density housing types, and to the public hearing requirements related to parcel maps and large multi-family uses, in fulfillment of General Plan Housing Element Implementation Programs 2.7 and 3.17.

### **Prepared by:**

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### **Department Recommendation:**

Staff recommends that the City Council and Planning Commission consider the information provided in the report and provide comments and guidance as directed.

Recommendations provided by the City Council will be used as a basis for a Zoning Ordinance Text Amendment to adopt revised residential development standards to encourage the development of housing types affordable to the local workforce, fulfillment of Housing Element Implementation Program 2.7 and 3.17.

### **Program 2.7 Missing Middle Housing:**

Visalia's Housing Element Program 2.7 directs the City to conduct an evaluation of existing development standards in the Zoning Ordinance to identify potential constraints and potential incentives towards development of "missing middle housing". The program entails public outreach to local developers, property owners, and non-profit agencies, and adopting revised standards for such development in 2025.

Missing middle housing is characterized by a range of low to medium density range housing types, such as duplexes, triplexes, townhomes, and cottage homes, located within residential neighborhoods and providing a more affordable alternative to the local workforce. They may also include a triplex or a fourplex on a single lot. Figure 1 below provides an illustration of unit types typically associated with missing middle housing. According to the National League of Cities (<https://www.nlc.org/article/2024/01/23/what-is-missing-middle-housing/>), this housing supply is considered "missing" because such building types have often been illegal or difficult to build since the innovation of single-family zoning in the 1940s. Thus, much of the existing middle housing stock built prior to the 1940s is experiencing a decline in quality, safety, and accessibility. The target audience for missing middle housing can span from singles and young couples to baby boomers and retirees, who may not be willing to take on the cost and maintenance burden of a detached single-family home.



Fig. 1: Missing Middle Housing Types (image credit: City of Bellingham, Washington)

The density and composition of missing middle housing can vary based on the setting of the community. Housing in a more urban and/or walkable area of the city could entail multi-unit and multi-story structures. Conversely, housing in existing single-family neighborhoods could entail smaller detached dwelling units or duplexes developed in a manner that maintains the neighborhood's existing character. The latter example has to an extent been sanctioned in California through accessory dwelling units (ADUs), Senate Bill (SB) 9 ministerial duplexes, and SB 9 ministerial lot splits.

Visalia already has a track record of approving units through SB 9 and updating its ADU ordinance to be compatible with State law. Program 2.7 calls for the City to adopt revised standards to incentivize such development, particularly in "high resource, low-density, infill parcels". High resource areas, while not defined in Program 2.7, could be inferred to, in the context of the Housing Element, as areas with positive economic, educational, and environmental outcomes, as considered by the California Tax Credit Allocation Committee (TCAC).

In Visalia, the predominant housing product being constructed throughout the City are single-family detached houses - be it on traditional sized lots or in small lot subdivisions - followed by apartment-style multi-family residences. Only a small percentage of units being constructed are in other forms of housing, such as ADUs or duplexes/triplexes/fourplexes.

Following is a breakdown of units by housing type among permits issued between 2020 and 2024:

Residential Permit Category	2020	2021	2022	2023	2024	2025*
Single-Family Houses	599	632	540	317	236	349
Units in Structures with 5+ units	0	76	615	12	307	10
Units in Structures with 2-4 units	6	126	76	0	20	22
Accessory Dwelling Units	2	5	16	22	37	21
* 2025 is through August 1, 2025						

### Direction Sought on Missing Middle Housing

Based on the information as noted above, and to identify ways to establish provisions to implement Program 2.7, staff seeks direction and comments on whether the City of Visalia should consider expanding its range of building types in high resource, infill parts of the City. If directed to proceed, further direction is needed on which focus area the City of Visalia should seek to promote and/or allow for a greater mix of dwelling units and sizes. Two types of areas that could be considered for an expansion of unit types are described here:



1. **Areas and neighborhoods that are more walkable and within close proximity to locally serving retail and transportation options, that have a zoning designation of R-1 and/or Downtown Mixed Use (DMU) and have traditional lot sizes (e.g. 5,000 to 10,000 square feet).** (See Attachment 1 for map location.)

To incentivize parcels that are already in close proximity to retail and transit, the Council may consider allowing more diverse housing options such as duplexes, triplexes, courtyard buildings, and townhomes.

This example is the closest resemblance to the national concept that has been coined as “Missing Middle Housing”, defined as “house-scale buildings with multiple units in walkable neighborhoods”. (reference: <https://missingmiddlehousing.com/about-2/>)

Attachment 1 is included for the intent to illustrate heavily travelled corridors with transit that provide access to locally serving retail. The areas shown in buffer represent a 100-foot buffer from transit lines. Residential-zoned parcels within these buffers, together with parcels within the Downtown Mixed Use zone containing residential uses, could be incentivized.

2. **Infill areas with undeveloped or underdeveloped lots, that have a zoning designation of R-1-5 and have larger lot sizes (for example, 20,000 square feet and above).** (See Attachment 2 for locations and clusters of R-1-5-zoned lots with >20,000 sq. ft.)

To incentivize under-developed lots or vacant bypassed parcels, the Council may consider allowing, in limited cases, missing middle housing on larger-sized lots as a “by-right” use, without having to subdivide a lot. Large size lots frequently have surplus land that is vacant or is underdeveloped, thereby not being used to its highest and best potential. Planning staff has found that such lots are interspersed throughout the City, and in some circumstances already have more than one dwelling unit on them.

As shown on Attachment 2, infill sites that are undeveloped or underdeveloped are interspersed throughout the city, but more so in the northeast and southeast quadrants. Other sites are located in the vicinity of Walnut & Chinowth, Mineral King & Linwood, and Hurley north of Chinowth.

The code change would introduce opportunities for these lots to increase the number of dwelling units, while maintaining development within the range of the Low Density Residential land use designation (i.e., 2 to 10 dwelling units per acre).

Sites having a zoning of R-1-12.5 and R-1-20 would be excluded since these areas are predominantly developed as established neighborhoods and since their zoning intends for only one unit on larger lot sizes.

Missing middle housing types that could be considered for these lots could be one or more of the following: duplexes, triplexes, and cottage homes. A maximum unit count could be imposed based on site area (e.g. one unit for every 5,000 square feet, not to exceed 8 units per site).

If implemented, any new construction of missing middle housing would be subject to the City’s recently adopted objective design standards. Additionally, staff would recommend adding criteria to ensure that the construction of MMH is in areas that are best suited for meeting their objectives, such as affordability and accessibility. Units within gated communities generally do not fall into this context.

**Alternative: Zoning Ordinance Amendments to streamline Single-family Development**

As an alternative to Examples 1 and 2 above, direction could be provided to implementing amendments to the Zoning Ordinance that support and further streamline the types of units allowed in Visalia's Residential (i.e., R-1-5, R-M-2 and R-M-3) and Mixed Use (i.e., D-MU and C-MU) zones, which already include ADUs, duplexes, small lots, and townhomes.

The suggested amendments below would be in keeping with the language of Housing Element Program 2.7, which states "*the City shall evaluate zoning standards related to minimum lot size and width, maximum lot coverage, required setbacks, open space and landscaping requirements, and parking ratios*".

The following suggestions are crafted for and fit directly to Visalia's Zoning Ordinance. The objectives of these ideas are:

- To provide more clarity on allowed unit types and the development standards within the R-1-5 residential zone.
- To further streamline the approval process of residential entitlements on more routine actions in the Residential and Mixed Use zones, when it can be found that there are no land use compatibility issues.
- To provide more options for units to meet setback requirements in the Residential zones, particularly on lots that are constrained by lot depth.

Where potential changes to the City's Municipal Code are shown, new/additions to text is specified by underline & italics while deletions are specified by ~~strikeout~~.

1. **Rename the "Single-family residential zone - 5,000 square foot minimum site area" (abbreviated as R-1-5) to the "Single-family residential zone" (abbreviated as R-1).**

**Clean up language in the R-1 Zone regulations to clearly state that lots under 5,000 square foot site area are permitted.**

The literal name of the R-1-5 zone implies that all lots shall have a minimum lot size of 5,000 square feet; however, the R-1-5 zone clearly allows for lots below 5,000 square feet as well. Section 17.12.135 allows for single-family residences without a minimum lot size. The City has seen many examples of this type of development, often in the form of planned unit developments. All development within the R-1-5 zone must comply with General Plan Policy LU-P-55, which allows for development at 2 to 10 dwelling units per gross acre in the zone.

Removing the "-5" lot size qualifier from the R-1-5 zone name will help provide a clearer message that single-family residential or low density residential development meeting the density range (2 to 10 units per acres) is allowed in the zone.

The zone names for R-1-12.5 and R-1-20, which respectively require lot sizes with a minimum of 12,500 and 20,000 square feet, would remain unchanged.

Changes would be made to Sections 17.06.010, 17.12.020, 17.12.040, and 17.12.050 as follows.

**17.06.010 Establishment of zone names.**



A.4. Single-family residential zone—~~5,000 square foot minimum site area~~, abbreviated as R-1-5;

**17.12.020 Permitted uses.**

In the R-1 single-family residential zones, the following uses shall be permitted by right:

A. One-family dwellings, including lots with lot area of 3,600 square feet and above if developed in accordance with Sections 17.12.135(A) and (B);

**17.12.040 Conditional uses.**

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

A. Planned development subject to the provisions of Chapter 17.26. Planned developments are required to create lots having a lot area of 3,600 square feet or less, in accordance with Section 17.12.135(C).;

**17.12.050 Site area.**

The minimum site area shall be as follows:

Zone	Minimum Site Area
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R-1-5	5,000 square feet, <u>unless developed in accordance with Section 17.12.135.</u>
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R-1-12.5	12,500 square feet
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R-1-20	20,000 square feet
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**2. Work to remove Planned Unit Development / Conditional Use Permit requirements for simple lot splits.**

Over the past several years, the Planning Division has processed an ample number of tentative parcel maps for oversized residential properties, splitting the property between 2 and 4 parcels. Lot splits that include the creation of an access easement require a Planned Unit Development (PUD), processed as a conditional use permit entitlement. In cases where a PUD is only needed to establish an easement and not to create common lots or to request a deviation from setbacks, or creation of private streets, the PUD process may be seen as an unnecessary additional entitlement which adds cost and processing but has no other practical application for development standard deviations.

The City could consider waiving the PUD requirement for lot splits that result in the creation of parcels without public street frontage (i.e. landlocked parcels) and require no more than the establishment of an access easement for vehicular or pedestrian purposes. The access easement would be allowed in lieu of meeting the R-1-5 zoning designation requirement of a minimum 40-foot public street frontage requirement.

Alternately, the City could allow the parcel map “by-right” without a tentative parcel map requirement.

Changes would be made to Subdivision Ordinance Section 16.28.040 and Zoning Ordinance Section 17.12.040 if directed to proceed with these updates.

**3. Reduce the Single-Family Residential Zone’s 25-foot rear yard setback requirement, or apply a reduced rear yard setback for lots located on the interior of a subdivision (i.e. not**

on the perimeter adjacent to existing developments).

Current development trends in the region and state have seen residential homebuilders request subdivisions with smaller average lot sizes, together with residential plots that would necessitate setbacks below City standard requirements. Visalia's single-family setback requirements have remained unchanged since 2004, when an Ordinance was approved to reduce the 25-foot front yard setback to 15 feet for living space and 22 feet for front-loading garages. The setbacks for side yards (5 feet) and rear yards (25 feet, or 20 feet for one-story structures meeting open space requirements) have been in place for several decades.

Many California jurisdictions have adopted ordinance updates for rear yard setbacks of less than 25 feet. Rear yard setbacks in nearby large cities include 5 feet in Tulare (5,000 sq. ft. min. lot size), 10 feet in Fresno (5,000 sq. ft. min. lot size), and 20 feet in Clovis (6,000 sq. ft. min. lot size). In addition, recent trends for cities to accommodate missing middle housing have seen further reductions in rear yard setback requirements.

The City could consider a reduction in the minimum rear yard setback requirement to easily facilitate standard production plans onto lots within subdivisions in Visalia. The City has often been challenged to find solutions for homebuilders that cannot fit one or more of their production plans on lots, typically located on shallower cul-de-sac or knuckle lots, or when a homebuilder acquires a previously approved subdivision. Being that the City has often processed Variance entitlements to overcome plot plans not able to meet setbacks, a reduction in the minimum rear yard setback requirement would reduce staff's workload in processing Variance applications.

Furthermore, if there is concern regarding the interface of new residences with reduced rear yard setbacks that back onto the rear yards of established residences, the City could further consider applying a reduced rear yard setback only to lots that do not back onto existing residences. New subdivisions could utilize a reduced rear yard setback requirement, except for those lots on the perimeter of the subdivision adjacent to existing developments or major roadways (i.e., arterial and collector streets).

#### **4. Remove the Conditional Use Permit requirement for Multi-Family Residential development less than two acres in site area.**

The City of Visalia's R-M zones allow multi-family dwellings as a use permitted by-right, currently up to 80 units per site. While sites may be developed with multi-family dwellings as such, the City's development standards for the R-M zones state that the division of any R-M zoned property less than two acres shall be approved as a part of a conditional use permit.

This standard may be considered as a constraint towards the development of multi-family residential opportunities by imposing a discretionary process on a use that would otherwise be a permitted by-right use. Furthermore, the standard implies that the development of such uses may be limited to only larger sites. This constraint is identified in the City's 6<sup>th</sup> Cycle Housing Element, and Program 5.8 in the Housing Element commits the City to amend its Zoning Ordinance to overcome this constraint.



Staff therefore recommends that the ordinance be revised and reduce the two acre requirement. Changes would be made to Section 17.16.050 as follows.

**17.16.050 Site area and configuration.**

A. The division of (R-M) multi-family residential property less than two (2) acres shall be approved as part of a conditional use permit. The minimum site area shall be 6,000 square feet. One-family dwellings may be allowed with a site area less than 6,000 square feet subject to the granting of a conditional use permit.

**5. Remove the Multi-Family Residential Zone's development standard for a minimum 10-foot side yard that provides access to more than one dwelling unit.**

Visalia's setback requirement for side yards in the multi-family residential zone is 5 feet, per Zoning Ordinance Section 17.16.080. The following excerpt (Subsection B) of this regulation requires a larger side yard (minimum 10 feet) in circumstances as follows:

*B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.*

This subsection is intended to apply when a side yard contains a pedestrian walkway that leads to and provides direct access to two or more dwelling units located within the site.

The Planning Division has found that this subsection tends to be overlooked when staff reviews designs of multi-family residential developments. While the subsection is intended to provide a wider, and thus more appealing entry within the site, it can conversely be seen as unutilized space that serves no purpose for requiring a greater setback. The setback can further be seen as creating an unnecessary hardship towards smaller sized parcels (e.g. under one-half acre).



Fig. 2: Example of R-M zoned property with 5-foot side yard

As seen in the adjoining illustration labeled as Figure 2, the multi-family units' pedestrian walkway that provides access to multiple units towards the rear would be required to be built at a minimum 10-

foot setback from property line, rather than the 5-foot setback that is currently depicted.

Changes would be made to Section 17.16.080 as follows.

**17.16.080 Side yards.**

A. The minimum side yard for a permitted or conditional use shall be five feet subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

~~B. Side yard providing access to more than one dwelling unit shall be not less than ten feet.~~

**6. Consider reduced parking space requirements for residential uses meeting certain criteria.**

In 2022, the California legislature signed into law Assembly Bill 2097 which prohibits jurisdictions from mandating parking for land use projects that are located within one-half mile of a major stop. In this context, major transit stops are defined as any major transit stop located at the intersection of two or more bus routes with a frequency of service of 15 minutes or less. In Visalia, Transit Route 1 is the City's only transit route which meets the criteria

In compliance with state law, the City has refrained from imposing parking minimums within a half mile distance of Route 1, despite that Visalia's Zoning Ordinance currently has not been updated to align with the parking exemptions under AB 2097.

Staff recommends in favor of adding language within the City's Parking Facilities Chapter of the Ordinance to address that properties meeting criteria under AB 2097 shall be exempt from parking requirements.

If the Council recommends in favor of extending allowing missing middle housing types on large sized R-1 zoned lots, as described in Section C above, then parking requirements for housing on these lots could be reconsidered to require 1.5 parking spaces per unit rather than 2 spaces per unit, which matches the City's requirement for multi-family residential uses.

**7. In Mixed Use Zones (D-MU and C-MU), remove Conditional Use Permit requirement when adding units to a site with established housing units.**

The Zoning Ordinance currently allows new or expansion of residential uses as a conditionally allowed use in all of the City's commercial, office, and industrial ones, including the Downtown Mixed Use (D-MU) and Commercial Mixed Use (C-MU) zones. In 2022, in response to a Housing Element program to find creative ways to allow residential uses as permitted by-right in these zones, a Zoning Text Amendment was approved to allow residential units as a "mixed use" in an existing building containing one or more commercial or office uses.

In the past 10 years, City staff has processed two Conditional Use Permits which have added a new residential unit to a property in the D-MU zone with existing legally established units. The locations of these CUPs were at 117 E. Main Street and 405 N. West Street. The requests were approved by Planning Commission without concern or protest. In response to these recent



requests, and in response to the General Plan and Zoning Ordinance that encourage a mix of commercial, service, office, and residential land uses, Staff recommends expanding the ability for sites with pre-established residential uses to add to the number of dwelling units on the site as a use permitted by-right, rather than with a CUP. The basis for removing the discretionary component is that there would be no new land uses being introduced to these sites with pre-established residential uses, and thus surrounding land uses are already conditioned to having existing residential uses. Staff would further recommend that residences be allowed by-right subject to maintaining the General Plan's density range requirements.

Changes would be made to Section 17.16.080 as follows.

### Section 17.25.030 Commercial, Office, and Industrial Zone Use Table

D. [Table 17.25.030, Commercial, Mixed Use, Office, and Industrial Zones Use Matrix]

	USE	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-I	I	identified Chapter or Section)
R28	Residential Units, New or Expansions, which may or may not be associated with a commercial activity	C	C	C	C	C	C	C	C	C	C	
R29	<u>Residential Units, New or Expansion, on a site with one or more legally established dwelling units, maintaining General Plan density standards</u>				P	P						

### Housing Element Program 3.17 Planning for Large Sites

The State has established that parcels intended to support the development of units appropriate for lower-income households should be between 0.5 and 10 acres. It is possible and has been demonstrated by Visalia that parcels over 10 acres can be developed with lower-income households; however, affordable housing developers may face greater challenges on such sites such as being unable to finance the scale of a larger project. In Visalia's current Regional Housing Needs Assessment (RHNA) Sites Inventory, there are six sites over 10 acres in size that have either Low or Moderate Income Level unit requirements.

In response to "large sites" over 10 acres, Housing Element Implementation Program 3.17 commits the City to take measures to facilitate and remove constraints toward parceling these sites to appropriate sizes (0.5 and 10 acres).

The objectives to be achieved by this program, as stated in the program, are as follows:

*By 2025, adopt incentives to encourage the development of large RHNA sites (over 10 acres) potentially including, but not limited to,*

- expedited approval of lot splits or creation of new parcels;
- waiving of the public hearing requirement related to parcel maps;
- waiving of the public hearing requirement related to approval of large multifamily uses (provided the project is affordable by deed-restriction),
- additional density bonus, lot coverage, or allowable height;
- and fee waivers, reductions, or deferral.

**Staff Recommendation:**

Staff recommends that from the above list of objectives to assist with the development of large sites, a Text Amendment (to Visalia Municipal Code Title 16 Subdivisions) be initiated to waive the public hearing requirement (i.e. allow ministerial processing) for parcel maps that propose to divide large (i.e. minimum 10 acre) sites into smaller parcels (minimum 0.5 acres). Parcel maps may have ministerial approvals if they contain an R-M-2 or R-M-3 zoning designation, or if they have RHNA site inventory unit requirement for Lower or Moderate Income Level. This type of request would be similar to the SB 9 urban lot split process that the State has enacted ministerial approvals for, and which the City of Visalia has developed a track record for approving.

Staff would further recommend that the City Council provide guidance on any further incentives to encourage the development of large sites.

**Zoning Text Amendment for Program 5.8:**

For informational purposes, staff is providing a heads up of an upcoming ZTA associated with Program 5.8 to adopt state requirements. No direction is being sought on these updates since they are mandated in order to comply with State law.

Visalia's Housing Element Program 5.8 directs the City to process Municipal Code Updates for a variety of regulations in order to come into compliance with state law. Therefore, staff will also be processing a separate Zoning Text Amendment before the end of 2025 (as required by the Housing Element) to complete the municipal code updates.

For the purpose of providing advance notice and disclosure to the Council and Commission, the list of Municipal Code Updates as defined in Program 5.8 is included as Attachment "C".

**Next Steps:**

Recommendations provided will be used as a basis for a Zoning Ordinance Text Amendment to adopt revised residential development standards to encourage the development of housing types affordable to the local workforce, in fulfillment of Housing Element Implementation Program 2.7, and to adopt revised parcel map requirements for large sites, in fulfillment of Housing Element Implementation Program 3.17. The Zoning Ordinance Text Amendment will be formally noticed and heard as a public hearing item before the Planning Commission and City Council.

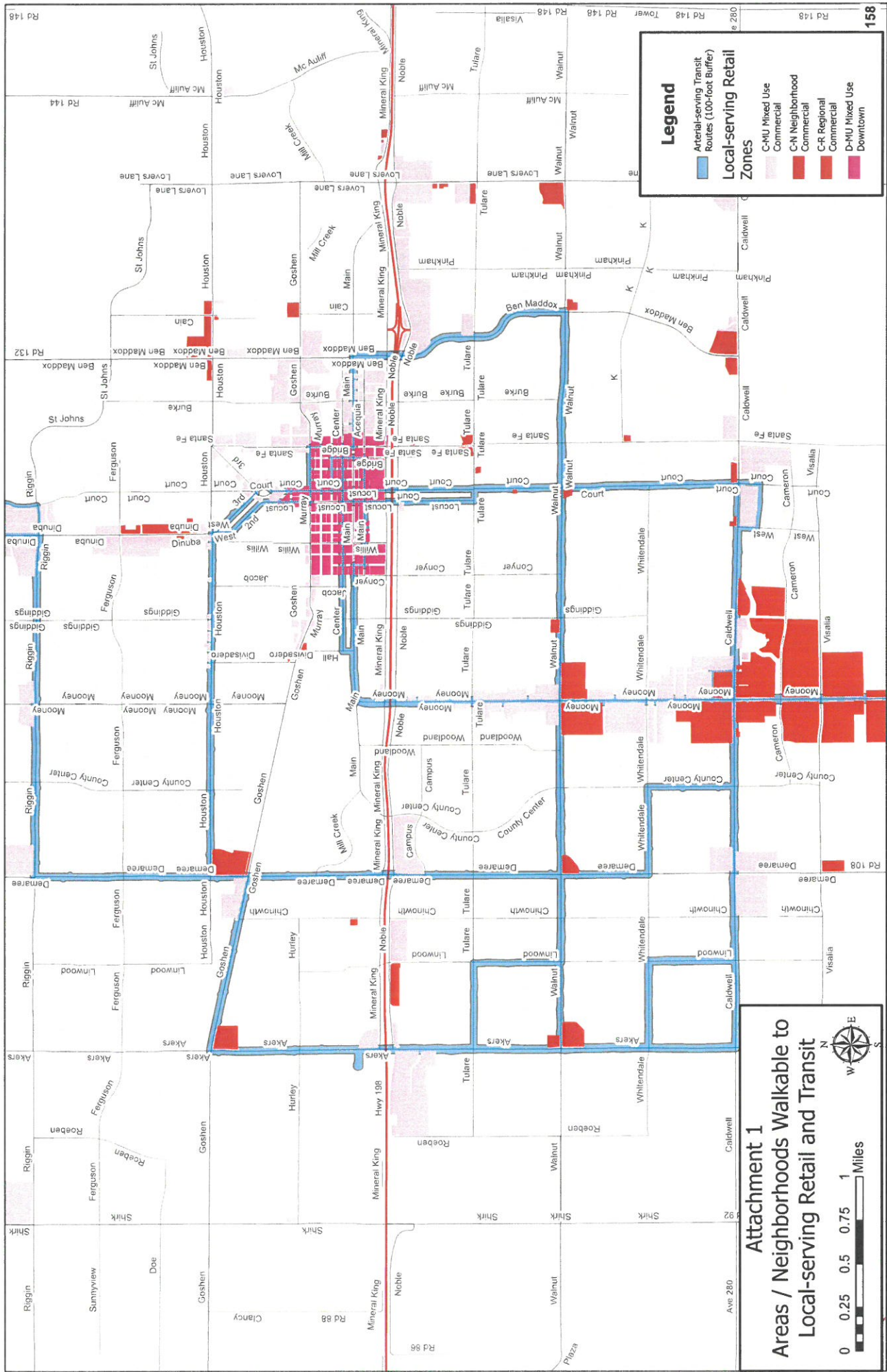


**Recommended Motion (and Alternative Motions if expected):**

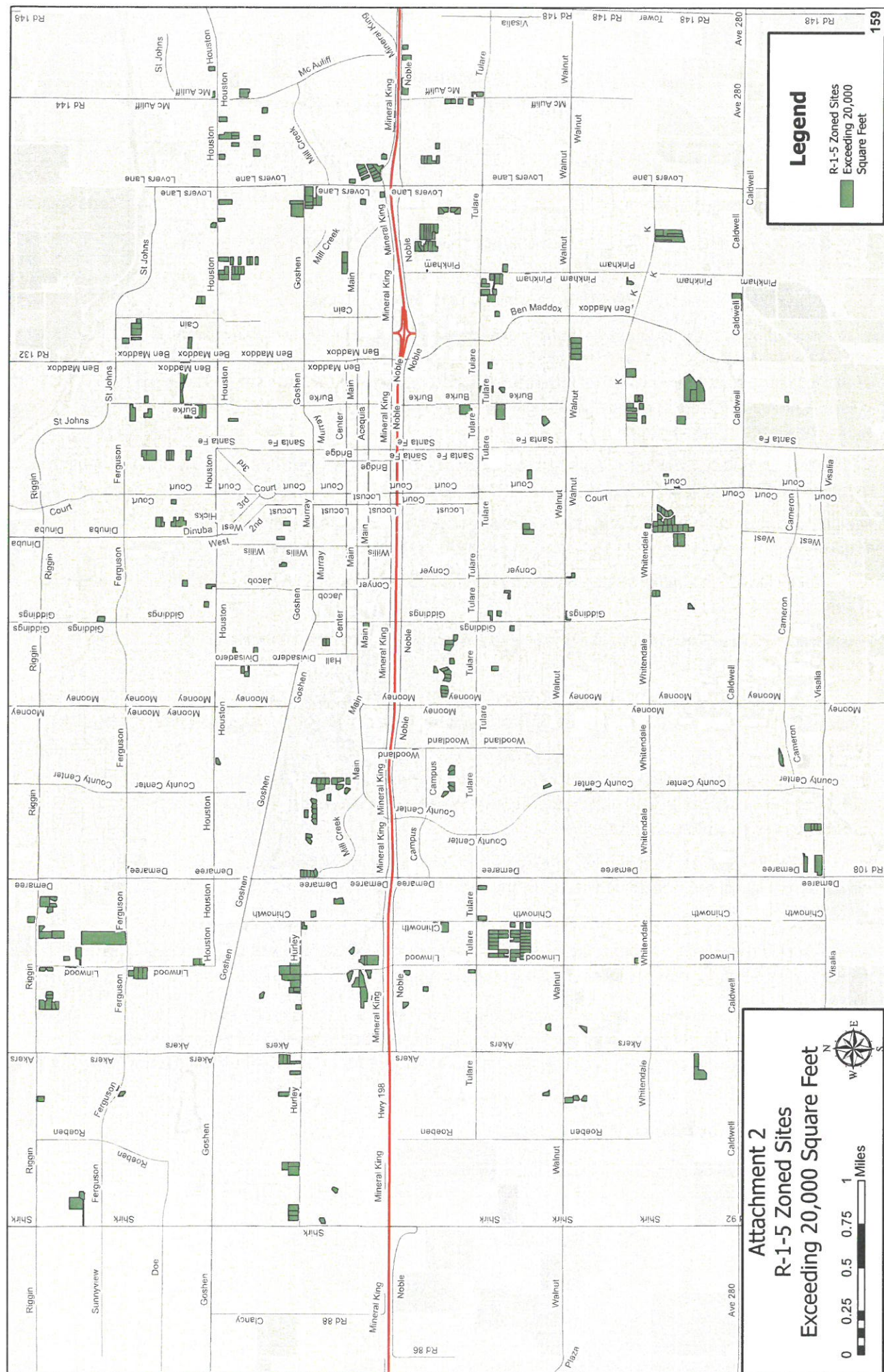
I recommend to provide direction to staff in preparation of an upcoming Zoning Text Amendment to implement Housing Element Programs 2.7 and 3.17.

**Attachments:**

1. City map illustrating areas and neighborhoods that are more walkable and within close proximity to locally serving retail and transportation options
2. City map illustrating undeveloped or underdeveloped lots that have a zoning designation of R-1-5 and have larger lot sizes (>20,000 square feet)
3. Housing Element Implementation Program 5.8









**Attachment 3:**  
**HE Program 5.8 Municipal Code Updates**

<b>HE Program 5.8 Municipal Code Updates</b>	
<b>Implementation Program Actions</b>	<b>Code Section</b>
To remove constraints to a variety of housing types and ensure compliance with State law, the City shall amend the municipal code to:	
1. Allow Transitional and supportive housing by-right in the O-C zone.	17.25.030
2. Regarding emergency shelters, reduce development standards related to proximity to other emergency shelters, schools, and low barrier navigation centers to 300 feet, remove additional setback and perimeter wall requirements, and require only parking sufficient to meet the needs of facility employees but not more than what is required of residential or commercial uses in the same zone.	17.32.130
3. Allow accessory dwelling units (ADUs) by-right in all zones allowing residential uses, in compliance with State law.	Completed
The City will defer to State ADU and Junior ADU law until a compliant ADU Ordinance is adopted.	
4. Allow for at least two dwelling units per lot in all R-1 zones (R-1-20, R-1-12.5, and R-1-5) consistent with SB 9.	Completed
5. Provide streamlined ministerial review and a preliminary application process in compliance with SB 330 and SB 35.	N/A
6. Permit large residential care facilities with objectivity and certainty in all residential zones, subject only to the same requirements of residential uses of similar form in the same zones.	New Sections 17.32.145, 17.32.147
7. Adopt reduced parking standards for affordable multifamily developments and multifamily projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.	17.34.020
8. Permit low barrier navigations centers by right (without conditional use or other discretionary permit) in nonresidential zones permitting residential uses.	17.25.030
9. Reduce lot size requirements in the R-M, C, C-MU, and D-MU zones (no more than one acre in the C-MU zone and no more than 20,000 square feet in the C and D-MU zones) to remove constraints to multifamily housing development and promote affordability.	17.16.050; 17.18.060; 17.18.070; 17.19.060
10. Provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval, limited to decision-making criteria regarding fundamental alteration of zoning and land use and financial and administrative burden. (New Program, consultant)	New Section 17.02 Article 4
<b>Implementation Program Actions</b>	
Within two years of adoption of the Housing Element	





# Visalia City Council

## Staff Report

Visalia City Council  
707 W. Acequia  
Visalia, CA 93291

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**File #:** 25-0363

**Agenda Date:** 8/19/2025

**Agenda #:** 2.

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**Agenda Item Wording:**

Updates to City regulations and zoning districts that allow emergency shelters, in fulfillment of General Plan Housing Element Implementation Program 5.2 and Assembly Bill 2339.

**Prepared by:**

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**Department Recommendation:** Staff recommends that the City Council and Planning Commission consider the information provided in the staff report and provide comments and guidance as directed. Recommendations provided by the City Council will be used as a basis for a Zoning Ordinance Text Amendment to confirm one or more new zone districts where emergency shelters are permitted “by-right”.

**Summary:**

Assembly Bill (AB) 2339, passed in 2022 (see Attachment 1 for full text), places new requirements on the regulation of emergency shelters and requires cities to identify one or more zones allowing residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use permit (CUP) or other discretionary permit and that are suitable for residential uses.

The identified zoning designation(s) shall include “sufficient sites” meeting the requirements of having sufficient site capacity, which is assessed based upon the City’s count of persons experiencing homelessness from the most recent point-in-time count.

The bill also limits the types of standards that shelters shall be subject to, such as maximum number of beds, length of stay, parking, and provisions of security and onsite management.

When defining a zoning designation where emergency shelters are allowed by-right, a City shall identify a zone that contains:

- vacant sites zoned for residential use, or
- a zone that contains vacant sites zoned for nonresidential use that allow residential development. This latter option can only be selected if it can demonstrate that the designation is located near amenities and services, which may include:
  - health care,
  - transportation,
  - retail,
  - employment, and

- social services.

Before the passage of AB 2339, the City identified the Light Industrial (I-L) zone as the one zone that allows emergency shelters as a permitted use; however, it is not located near all the amenities and services listed above. Because Visalia's code does not comply with this new legislation, one or more new zones must be identified.

Assembly Bill 2339 is tied to the state's housing element legislation; in fact, the new code section (Government Code 65583(a)(4)) is tucked in with the list of required contents of a housing element. Therefore, when Visalia adopted its 6<sup>th</sup> cycle Housing Element in 2023, an implementation program (Program 5.2) was included to update the Zoning Ordinance to comply with this code section by the end of 2025.

For background purposes, emergency shelters and low barrier navigation centers are defined as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Low barrier navigation center" shall have the same meaning as that term is defined in California Government Code Section 65660, specifically a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following.

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

#### **Prior Zoning Text Update by City Council for Emergency Shelters and LBNC:**

In 2021, in response to the prior 5<sup>th</sup> cycle Housing Element update, City staff processed a Zoning Text Amendment to consider additional zoning districts or locations for the permitted 'by-right' or conditionally allowed use of *emergency shelters* and *low barrier navigation centers* and develop performance standards for these uses.

The City Council and Planning Commission held a work session to discuss these matters and to provide direction on potential updates to the Zoning Ordinance. The Zoning Text Amendment, adopted April 18, 2022, resulted in the adoption of new performance standards for both uses; however, no new zones were selected other than retaining the I-L zone as the required zone where emergency shelters would be permitted by-right, though the Service Commercial and Commercial Mixed Use zones were added as zones where emergency shelters are subject to the CUP process.



Since the new law under AB 2339 limits the types of standards that emergency shelters (which by definition includes navigation centers) shall be subject to, certain standards from the 2022 Zoning Text Amendment must be revised or removed.

### Current Allowed Locations of Emergency Shelters and Navigation Centers:

The current allowed locations for both uses are as follows:

	<u>Permitted</u>	<u>Conditionally Allowed</u>
<i>Emergency Shelters</i>	- Light Industrial   	- Service Commercial   - Commercial Mixed Use   - Quasi-Public
<i>Low Barrier</i>	- Downtown Mixed Use	- All other Commercial,
<i>Navigation Centers</i>	- Commercial Mixed Use 	- Office, and Industrial Zones   - Quasi-Public

### Zoning and Capacity Analysis of Emergency Shelters:

a) Sufficient Sites Capacity. Government Code Sections 65583(a)(4)(I) and (a)(4)(J)(7) state that the zoning designation where emergency shelters are allowed as a permitted use shall have sufficient sites, assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period.

Visalia had a point-in-time count of **434 persons** in 2023 (reference: Kings Tulare Homeless Alliance 2023 P.I.T. count report, page 47. Accessed at <https://www.kthomelessalliance.org/pit>).

State law further states that the number of persons that can be accommodated on any site shall be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person. This would translate to a site or combined sites having a minimum area of **86,800 square feet (434 \* 200), or 1.99 acres**. For reference, Visalia Navigation Center (3525 N. Court Street) accommodates 100 persons within a 19,883 square foot building on a 2.91-acre site.

As shown in the table below, most of Visalia's non-residential zones have more than ample vacant land (i.e. 40 or more acres). The Downtown Mixed Use (D-MU) zone only has 3 acres of undeveloped land, which is one acre above the minimum area. The Office Conversion (O-C zone) has no vacant land.

	<u>C-N</u>	<u>C-R</u>	<u>C-S</u>	<u>C-MU</u>	<u>D-MU</u>	<u>O-PA</u>	<u>O-C</u>	<u>BRP</u>	<u>I-L</u>	<u>I</u>	<u>QP</u>
# Acres Vacant Land	40	114	97	237	3	42	0	87	88	1370	90
Scores	0- none	1-low	2- med	3-high							

Source: City Council Item Transmittal: Update on Remaining Acreage in Tier 1. 4/6/202  
GIS layer "Parcels\_Dev\_Undev\_2020" (for QP zone)

b) Zoning Analysis. Government Code Sections 65583(a)(4)(H) states that the zone designation(s) where emergency shelters are allowed by-right shall contain vacant sites zoned for residential use, or vacant sites zoned for nonresidential use that allow residential development that can demonstrate that the designation is located near certain types of amenities and services. The following is a brief analysis of Visalia's zones for residential and nonresidential use for exploring which zones could

comply with state law.

Visalia's **three residential zones, R-1-5, R-M-2, and R-M-3**, all have more than ample vacant land and are therefore eligible for being zones where emergency shelters may be allowed by-right. While the residential zones are viable in the city and meet state law requirement, the sites' proximity to existing residents have the potential to impact the most people and could lead to impacts upon established neighborhoods if an emergency shelter is not properly managed.

Regarding Visalia's non-residential zones, staff has analyzed the availability of amenities and services in each zone. It should be noted that state law says the zoning designation "may include" these five types of amenities and services, or that "the local government will provide free transportation to services or offer services onsite". The table below illustrates the suitability of each amenity / service in each zone, scored on a level of 0 to 3, and provides a grand total, with 15 being the highest possible score for a zone. Attachment 2 contains references and listings of providers that were the basis of the rankings.

	<u>C-N</u>	<u>C-R</u>	<u>C-S</u>	<u>C-MU</u>	<u>D-MU</u>	<u>O-PA</u>	<u>O-C</u>	<u>BRP</u>	<u>I-L</u>	<u>I</u>	<u>QP</u>
Health Care	0	1	0	2	3	3	0	0	0	0	2
Transportation	2	2	1	2	3	2	2	1	1	1	2
Retail	2	3	0	3	2	0	0	0	0	0	0
Employment	1	3	2	2	3	2	0	1	1	3	1
Social Services	0	0	0	3	2	2	0	0	0	1	1
<b>TOTAL</b>	<b>5</b>	<b>9</b>	<b>3</b>	<b>12</b>	<b>13</b>	<b>9</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>6</b>

Scores: 0=none 1=low 2=med 3=high

As illustrated above, the **Commercial Mixed Use (C-MU)** and **Downtown Mixed Use (D-MU)** zones rank among the highest and are the only zones which contain all types of amenities and services. As previously noted, the D-MU zone only scarcely meets the vacant land requirement. The **Regional Commercial (C-R)** and **Office Professional / Administrative (O-PA)** zones rank the next highest. While these zones respectively do not offer social services or retail, the City could make the case that these zones include a strong presence of all but one of the listed amenities and services, and that all have transportation which can be used to access the balance of the services.

The following zones would not be suitable for the reasons described:

- Neighborhood Commercial: Does not contain or is within proximity of any health care or social services, and is in proximity to only a limited number of businesses/employment centers, including Walmart and Save Mart.
- Service Commercial: Does not contain or is within proximity of any health care, retail, or social services, and has no transit service east of Ben Maddox Way.
- Office Conversion: Has no available vacant land; does not contain or is within proximity of any health care, retail, employment, or social services.
- Business Research Park: Does not contain or is within proximity of any health care, retail, or



social services.

- Light Industrial & Industrial: Does not contain or is within proximity of any health care, retail, or social services, and has limited transit services within the industrial park.
- Quasi-Public: Does not contain or is within proximity of any retail, and has limited access to employment and social services.

### Recommend Changes to Performance Standards:

Housing Element Implementation Program 5.2 list out the specific revision which need to be made to the City's regulations pertaining to Emergency Shelters in order to become compliant with Government Code section 65583(a)(4), as amended by AB 2339. These are listed below together with the specific changes that will be made to the Municipal Code in a forthcoming Zoning Text Amendment. Changes to City of Visalia Municipal Code, as specified by underline & italics for additions and ~~strikeout~~ for deletions.

- *Amend the Zoning Code to allow emergency shelters by-right (without conditional or other discretionary permit) with appropriate development standards in a zone that allows residential uses, is in proximity to transportation and services, and contains sufficient capacity to meet the need identified in the annual PIT count; provide capacity analysis compliant with State law. (Compliance with GC §65583(a)(4)(C) and §65583(a)(7))*

### See the Zoning and Capacity Analysis.

- *Amend the Zoning Code to expand the definition of emergency shelter to include interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care. (Compliance with GC §65583(a)(4)(C))*

Changes are recommended to Chapter 17.04 Definitions as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. For purposes of this definition, "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

- *Amend parking standards to require only the number of spaces sufficient for all staff working in the facility and no more than what is required of residential and commercial uses in the same zone. (Compliance with GC §65583(a)(4)(B)(ii))*

Changes are recommended to Section 17.32.130(D)(2) as follows. The code would be changed to require one (1) vehicle parking space per employee. Bicycle parking provisions would remain unchanged.

D. Standards for permitted by-right uses. The standards in this subsection must apply to any emergency shelter that is a use permitted by-right. These standards shall be used as guidelines for any emergency shelter that is a use conditionally allowed in other zones, wherein a deviation from any such standard may be requested and considered as part of an application for conditional use permit.

1. Beds. The maximum number of beds for an emergency shelter as a use permitted by-right is one hundred (100).

2. Parking. One (1) vehicle parking space shall be provided per ten (10) beds and one (1) parking space shall be provided per employee. Up to five (5) visitor spaces shall be provided for service providers based on the actual need as determined by the city. The City Planner has the authority to require an extra one (1) vehicle parking space per ten (10) beds for emergency shelters established in response to a natural or man-made disaster. A covered and secured area for bicycle parking shall be provided for use by staff and clients; commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

- Amend the Zoning Code to reduce the minimum proximity to other emergency shelters, schools, or low barrier navigation centers to 300 feet. (Compliance with GC §65583(a)(4)(B)(v))

Changes are recommended to Section 17.32.130(C)(1) and (C)(2) as follows. This results in the distance being reduced from the current regulation of a 1,000-foot separation. The site development standard regarding distances from a front property line of any existing dwelling unit has also been removed.

C. Site development standards. The following standards are applicable to any permitted by right or conditionally allowed emergency shelter.

1. An emergency shelter may not be located closer than ~~one thousand (1,000)~~ three hundred (300) feet to a school (a school is herein defined as an existing or planned public or parochial elementary school, middle school, high school, or licensed day care facility) or another emergency shelter or low barrier navigation center.

2. ~~An emergency shelter may not be located closer than twenty-five (25) feet to the front property line of any existing dwelling unit.~~

- Amend the Zoning Code to remove the requirement that shelters incorporate a seven-foot perimeter wall on any sides abutting residential uses. (Compliance with GC §65583(a)(4)(B), since this requirement is not on the list of allowable objective standards that local governments can impose.)

Changes are recommended to Section 17.32.130(C)(3) as follows. The entire section will be removed.

3. ~~An emergency shelter shall incorporate a seven (7) foot height perimeter wall constructed of concrete block, brick or stucco if the shelter is adjacent to any dwelling units. The perimeter wall is only required on sides abutting residential uses.~~

#### **Required Update to Navigation Centers:**

In 2019, Assembly Bill (AB) 101 became law in California and specifically mandated low barrier navigation centers (LBNCs; generally speaking, a service-oriented shelter) to be permitted-by-right in mixed use zones and in non-residential zones permitting multi-family housing. Thus, under state law, two mixed zone districts in Visalia permit LBNCs by-right: Downtown Mixed Use and Commercial Mixed Use.

Staff interpreted in the 2021 ZTA that since the City allows multi-family residential uses in any non-residential zone with a CUP, LBNCs by extension would be conditionally permitted in these zones



(i.e. all Commercial, Office, and Industrial zones). However, upon review of the current Housing Element, it was determined that LBNCs must be allowed "by-right" in these zones as well. Therefore, the current Housing Element includes Implementation Program No. 5.8 to amend all nonresidential zones to allow LBNCs by-right.

An alternative path toward compliance with State law with regard to LBNCs would be to amend the Zoning Ordinance's Zone Use Table to change one or more non-residential zones from allowing multi-family residential uses with a CUP to not allowed. This type of approach may have some impact on City practice since in the last 20+ years there have been a few requests (e.g. once every two years) for multi-family residential uses in non-residential zones. Zone districts that have the recipient of CUPs for multi-family uses have been the Downtown Mixed Use zone, Commercial Mixed Use zone, Regional Commercial zone, Neighborhood Commercial zone, and Office Professional/Administrative zone. By comparison, there has historically only been one request to allow a LBNC in the City (i.e. Visalia Navigation Center, which located in the Commercial Mixed Use where by State law must be a permitted use. It should be further noted that three non-commercial zones - Downtown Mixed Use, Commercial Mixed Use, and Regional Commercial - contain sites on the Housing Element "RHNA" site inventory.

**Next Steps:**

Recommendations and direction provided to staff will be used as a basis for a Zoning Ordinance Text Amendment to revise the zone district(s) where emergency shelters and low barrier navigation centers will be permitted by-right and/or conditionally allowed will be formally noticed and heard as a public hearing item before the Planning Commission and City Council.

**Recommended Motion (and Alternative Motions if expected):**

I recommend that staff proceed with initiating a Zone Text Amendment that would allow emergency shelters to be permitted by-right in the (per Council Direction) zone.

**Attachments:**

1. Full text of Assembly Bill 2339
2. Reference sheet containing listings of providers and sources of information

**Attachment 1:  
Sections of AB 2339 Pertaining to Emergency Shelters**

**Assembly Bill No. 2339**

**CHAPTER 654**

An act to amend Sections 65583 and 65863 of the Government Code, relating to land use.

[ Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2339, Bloom. Housing element: emergency shelters: regional housing need.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes a housing element. Existing law requires that the housing element identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and make adequate provision for the existing and projected needs of all economic segments of a community. Existing law also requires that the housing element include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels.

This bill would revise the requirements of the housing element, as described above, in connection with zoning designations that allow residential use, including mixed use, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would delete language regarding emergency shelter standards structured in relation to residential and commercial developments and instead require that emergency shelters only be subject to specified written, objective standards. The bill would specify that emergency shelters for purposes of these provisions include other interim intervention, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.

The bill would require that identified zoning designations where emergency shelters are allowed to include sites that meet at least one of certain prescribed standards. In this regard, the bill would require those sites to be either (1) vacant and zoned for residential use; (2) vacant and zoned for nonresidential use if the local government can demonstrate how the sites are located near amenities and services that serve people experiencing homelessness; or (3) nonvacant if the site is suitable for use as a shelter in the current planning period, as specified. The bill would also authorize a local government to accommodate its need for emergency shelters on sites owned by the local government if it demonstrates that the sites will be made available for emergency shelter during the planning period, they are suitable for residential use, and the sites are located near amenities, as specified. The bill would require the identified zoning designations to include sufficient sites to accommodate the need for shelters, as specified. The bill would also require that the number of people experiencing homelessness that can be accommodated on each identified site under these provisions be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person, except as specified.



**Attachment 1:**  
**Sections of AB 2339 Pertaining to Emergency Shelters**

(2) The Planning and Zoning Law requires a city, county, or city and county to ensure that its housing element inventory, as described, or its housing element program to make sites available, as described, can accommodate its share of the regional housing need at all times throughout the planning period.

This bill would require each city, county, or city and county to ensure that its housing element inventory or its housing element program can accommodate its remaining unmet share of the regional housing need and any remaining unaccommodated portion of the regional housing need, as defined, from the prior planning period, at all times throughout the planning period.

Existing law also prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the city, county, or city and county makes specified written findings supported by substantial evidence.

The bill would instead prohibit a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need, as defined, from the prior planning period, unless the city, county, or city and county makes specified written findings supported by substantial evidence.

(3) By imposing various new duties on local governments with regard to the administration of housing elements, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

**Digest Key**

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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**Bill Text**

The people of the State of California do enact as follows:

**Attachment 1:  
Sections of AB 2339 Pertaining to Emergency Shelters**

**SECTION 1.**

Section 65583 of the Government Code is amended to read:

**65583.**

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

- (4) (A) The identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. The identified zoning designations shall include **sufficient sites** meeting the requirements of subparagraph (H) with **sufficient capacity**, as described in subparagraph (I), to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zoning designation or designations that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zoning designation or designations with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zoning designations where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards that apply to emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters.

(B) Emergency shelters shall only be subject to the following written, objective standards:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.



**Attachment 1:  
Sections of AB 2339 Pertaining to Emergency Shelters**

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(C) For purposes of this paragraph, "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

(D) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(E) If a local government has adopted written, objective standards pursuant to subparagraph (B), the local government shall include an analysis of the standards in the analysis of constraints pursuant to paragraph (5).

(F) A local government that can demonstrate, to the satisfaction of the department, the existence of one or more emergency shelters either within its jurisdiction or pursuant to a [multijurisdictional agreement that can accommodate that jurisdiction's need](#) and the needs of the other jurisdictions that are a part of the agreement for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zoning designation where new emergency shelters are allowed with a conditional use permit.

(G) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zoning designations for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(H) The zoning designation or designations where emergency shelters are allowed, as described in subparagraph (A), shall include sites that meet at least one of the following standards:

(i) Vacant sites zoned for residential use.

(ii) Vacant sites zoned for nonresidential use that allow residential development, if the local government can demonstrate how the sites with this zoning designation that are being used to satisfy the requirements of paragraph (1) are located near

## Attachment 1: Sections of AB 2339 Pertaining to Emergency Shelters

amenities and services that serve people experiencing homelessness, which may include,

- health care,
- transportation,
- retail,
- employment, and
- social services,
- or that the local government will provide free transportation to services or offer services onsite.

(iii) Nonvacant sites zoned for residential use or for nonresidential use that allow residential development that are suitable for use as a shelter in the current planning period, or which can be redeveloped for use as a shelter in the current planning period. A nonvacant site with an existing use shall be presumed to impede emergency shelter development absent an analysis based on substantial evidence that the use is likely to be discontinued during the planning period. The analysis shall consider current market demand for the current uses, market conditions, and incentives or standards to encourage shelter development.

(I) The zoning designation or designations shall have **sufficient sites** meeting the requirements of subparagraph (H) to accommodate the need for shelters identified pursuant to paragraph (7). The number of people experiencing homelessness that can be accommodated on any site shall be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person, unless the locality can demonstrate that one or more shelters were developed on sites that have fewer square feet per person during the prior planning period or the locality provides similar evidence to the department demonstrating that the site can accommodate more people experiencing homelessness. Any standard applied pursuant to this subparagraph is intended only for calculating **site capacity** pursuant to this section, and shall not be constructed as establishing a development standard applicable to the siting, development, or approval of a shelter.

(J) Notwithstanding subparagraph (H), a local government may accommodate the need for emergency shelters identified pursuant to paragraph (7) on sites owned by the local government if it demonstrates with substantial evidence that

- the sites will be made available for emergency shelter during the planning period,
- they are suitable for residential use, and
- the sites are located near amenities and services that serve people experiencing homelessness, which may include
  - health care,
  - transportation,
  - retail,



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- employment, and
- social services, or
- that the local government will provide free transportation to services or offer services onsite.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the **capacity** necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in **an adopted 10-year plan to end chronic homelessness** and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

## Attachment 2:

### Reference sheet containing listing of providers and sources of information

#### **Health Care**

<u>Name</u>	<u>Address</u>	<u>Zone</u>
Family HealthCare Network	400 East Oak Avenue	D-MU
Visalia Medical Clinic	5400 West Hillsdale Avenue	O-PA
Kaweah Health Hospital	400 West Mineral King Avenue	D-MU
United Health Center	4038 South Mooney Blvd	C-R
Visalia Health Care Center	2611 North Dinuba Boulevard	C-MU
Kaweah Health Urgent Care	3600 West Flagstaff Avenue	O-PA
Kaweah Health Prompt Care	1110 South Ben Maddox Way	C-MU
Kaweah Health Urgent Care	1633 South Court Street	O-PA
Kaweah Health South Acres Campus	820 South Akers Street	O-PA

#### **Transportation**

The City of Visalia transit map was utilized to determine the extent of each zone district covered by transit.  
[https://www.visalia.city/depts/general\\_services/transit/bus\\_map\\_and\\_schedule\\_information/default.asp](https://www.visalia.city/depts/general_services/transit/bus_map_and_schedule_information/default.asp)

#### **Retail**

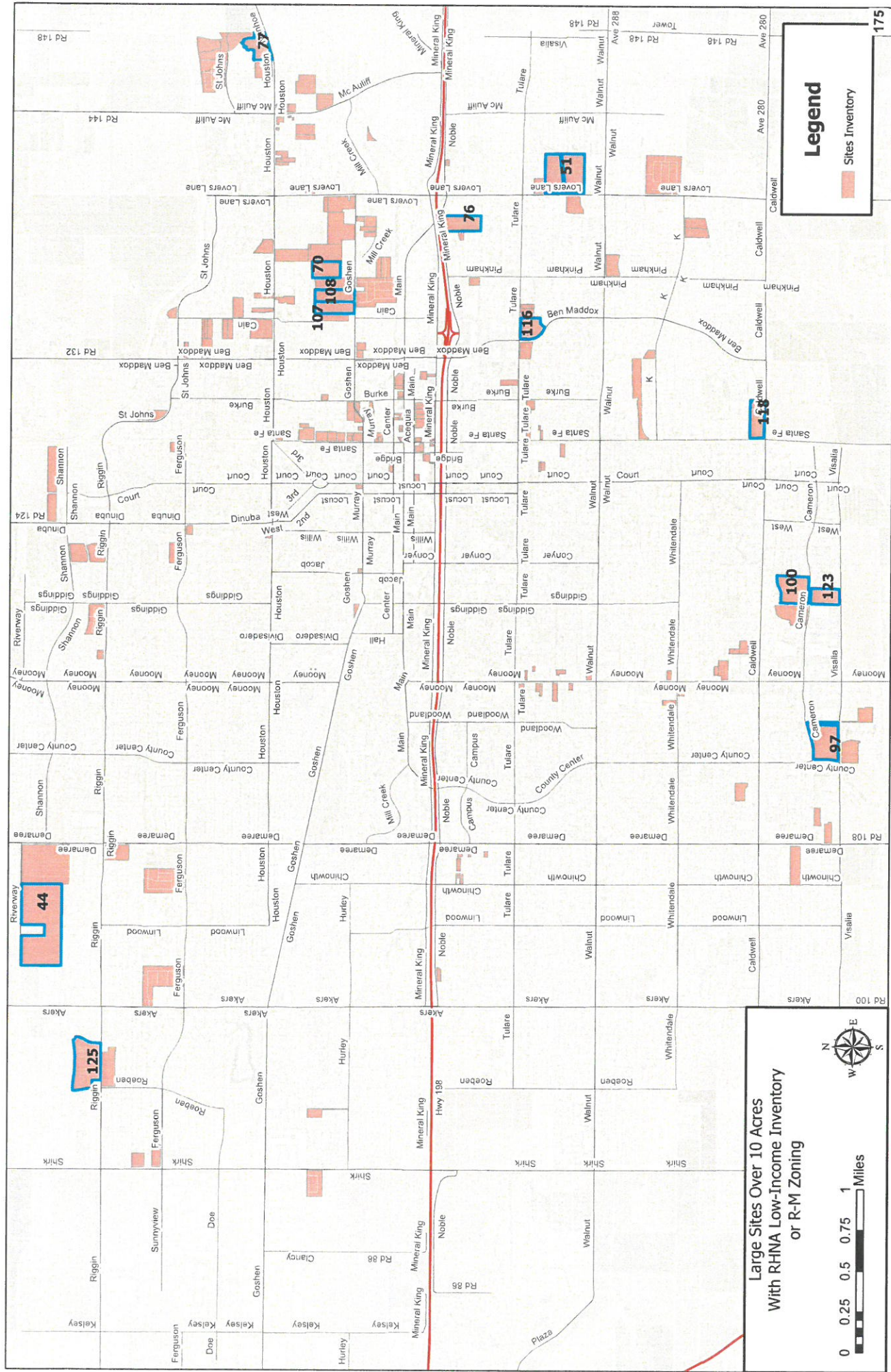
Refer to City of Visalia Zoning Map and Zone Use Table of the Zoning Ordinance

<u>Top Employers</u>	<u>Number of Employees</u>	<u>Zone</u>
Tulare County	5,105	D-MU, O-PA
Kaweah Delta Medical Center	4,550	D-MU, O-PA
Visalia Unified School District	2,913	R, QP, O-PA
Visalia Mall	1,200	C-R
VF Outdoor	1,012	I
Walmart	840	C-MU, C-R, C-N
Graphic Packaging	757	I
College of the Sequoias	705	QP
City of Visalia	646	D-MU, C-S
UPS	600	I

#### **Social Services**

<u>Name</u>	<u>Address</u>	<u>Zone</u>
TulareWORKs (CalWORKs)	1845 North Dinuba Boulevard	C-MU
Child Welfare Services	6330 South Mooney Blvd., Ste. 104	C-MU
Child Welfare Services	3346 West Mineral King Avenue	O-PA
Veterans Service Office	3348 West Mineral King Avenue	O-PA
Dept of Child Support Services	8040 West Doe Avenue	I
Social Security Administration	1901 East Noble Avenue	C-MU
Family Services of Tulare County	Various	D-MU
First 5 Tulare County	816 West Acequia Avenue	D-MU





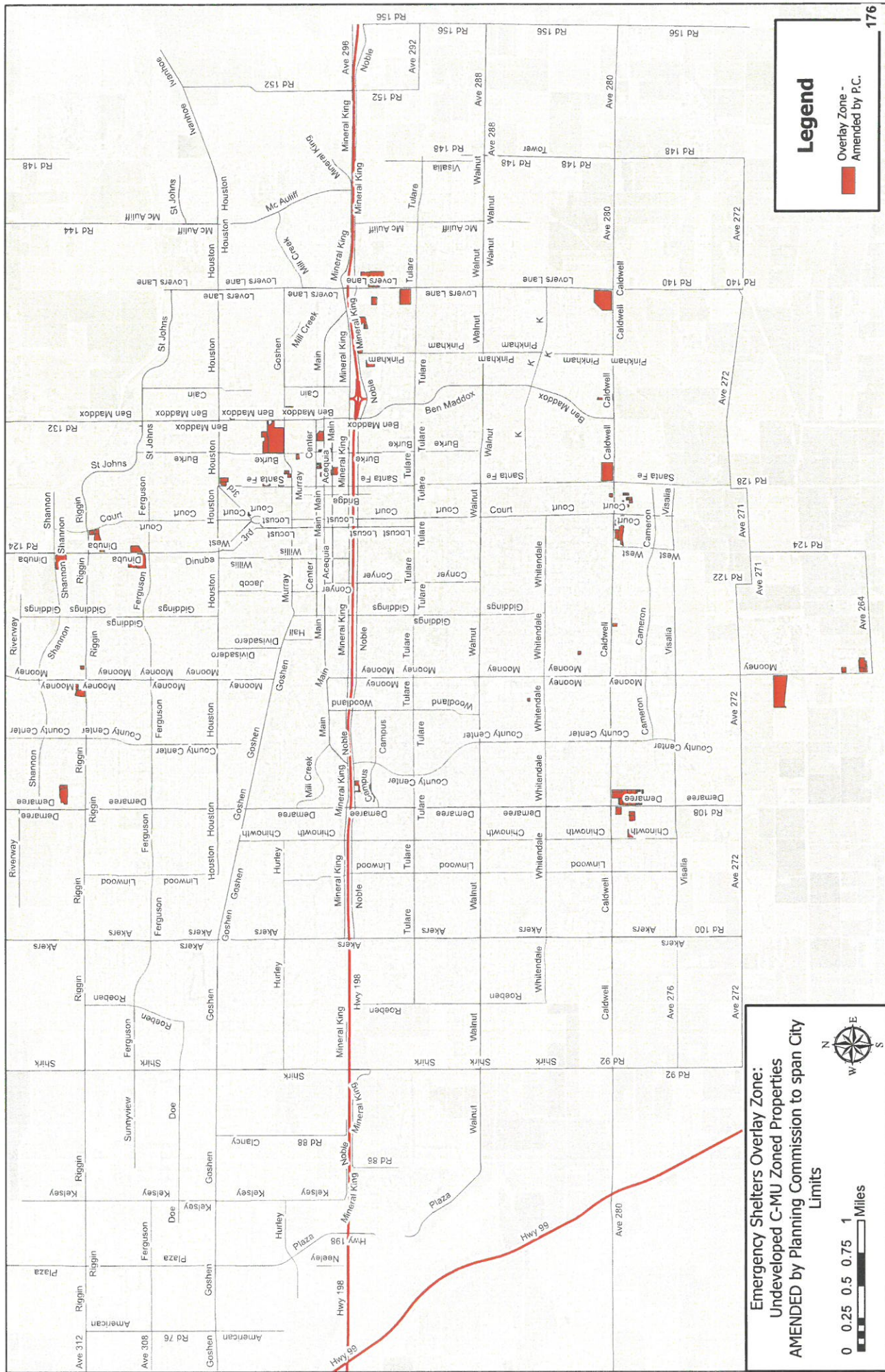
# Legend

Sites Inventory

Large Sites Over 10 Acres  
With RHNA Low-Income Inventory  
or R-M Zoning







# Legend

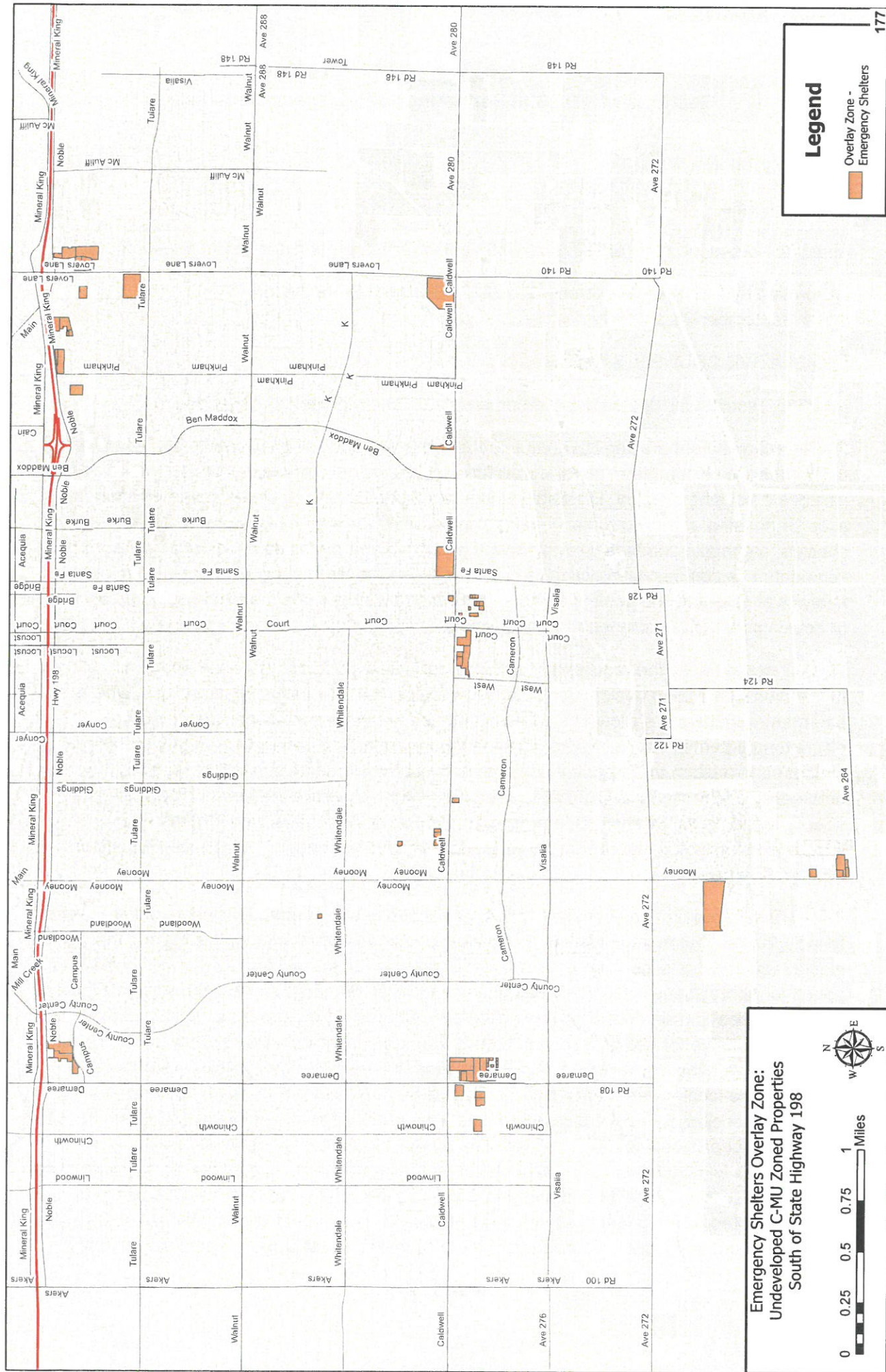
Overlay Zone -  
Amended by P.C.

0 0.25 0.5 0.75 1 Miles



Emergency Shelters Overlay Zone:  
Undeveloped C-MU Zoned Properties  
AMENDED by Planning Commission to span City  
Limits







**Attachment 1:  
Sections of AB 2339 Pertaining to Emergency Shelters**

**Assembly Bill No. 2339**

**CHAPTER 654**

An act to amend Sections 65583 and 65863 of the Government Code, relating to land use.

[ Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2339, Bloom. Housing element: emergency shelters: regional housing need.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes a housing element. Existing law requires that the housing element identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and make adequate provision for the existing and projected needs of all economic segments of a community. Existing law also requires that the housing element include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels.

This bill would revise the requirements of the housing element, as described above, in connection with zoning designations that allow residential use, including mixed use, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would delete language regarding emergency shelter standards structured in relation to residential and commercial developments and instead require that emergency shelters only be subject to specified written, objective standards. The bill would specify that emergency shelters for purposes of these provisions include other interim intervention, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.

The bill would require that identified zoning designations where emergency shelters are allowed to include sites that meet at least one of certain prescribed standards. In this regard, the bill would require those sites to be either (1) vacant and zoned for residential use; (2) vacant and zoned for nonresidential use if the local government can demonstrate how the sites are located near amenities and services that serve people experiencing homelessness; or (3) nonvacant if the site is suitable for use as a shelter in the current planning period, as specified. The bill would also authorize a local government to accommodate its need for emergency shelters on sites owned by the local government if it demonstrates that the sites will be made available for emergency shelter during the planning period, they are suitable for residential use, and the sites are located near amenities, as specified. The bill would require the identified zoning designations to include sufficient sites to accommodate the need for shelters, as specified. The bill would also require that the number of people experiencing homelessness that can be accommodated on each identified site under these provisions be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person, except as specified.



**Attachment 1:**  
**Sections of AB 2339 Pertaining to Emergency Shelters**

(2) The Planning and Zoning Law requires a city, county, or city and county to ensure that its housing element inventory, as described, or its housing element program to make sites available, as described, can accommodate its share of the regional housing need at all times throughout the planning period.

This bill would require each city, county, or city and county to ensure that its housing element inventory or its housing element program can accommodate its remaining unmet share of the regional housing need and any remaining unaccommodated portion of the regional housing need, as defined, from the prior planning period, at all times throughout the planning period.

Existing law also prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the city, county, or city and county makes specified written findings supported by substantial evidence.

The bill would instead prohibit a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need, as defined, from the prior planning period, unless the city, county, or city and county makes specified written findings supported by substantial evidence.

(3) By imposing various new duties on local governments with regard to the administration of housing elements, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY   Appropriation: NO   Fiscal Committee: YES   Local Program: YES

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Bill Text

The people of the State of California do enact as follows:

**Attachment 1:  
Sections of AB 2339 Pertaining to Emergency Shelters**

**SECTION 1.**

Section 65583 of the Government Code is amended to read:

**65583.**

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(4) (A) The identification of one or more zoning designations that allow residential uses, including mixed uses, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit and that are suitable for residential uses. The identified zoning designations shall include **sufficient sites** meeting the requirements of subparagraph (H) with **sufficient capacity**, as described in subparagraph (I), to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zoning designation or designations that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zoning designation or designations with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zoning designations where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards that apply to emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters.

(B) Emergency shelters shall only be subject to the following written, objective standards:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.



**Attachment 1:**  
**Sections of AB 2339 Pertaining to Emergency Shelters**

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(C) For purposes of this paragraph, "emergency shelter" shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

(D) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(E) If a local government has adopted written, objective standards pursuant to subparagraph (B), the local government shall include an analysis of the standards in the analysis of constraints pursuant to paragraph (5).

(F) A local government that can demonstrate, to the satisfaction of the department, the existence of one or more emergency shelters either within its jurisdiction or pursuant to a [multijurisdictional agreement that can accommodate that jurisdiction's need](#) and the needs of the other jurisdictions that are a part of the agreement for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zoning designation where new emergency shelters are allowed with a conditional use permit.

(G) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zoning designations for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(H) The zoning designation or designations where emergency shelters are allowed, as described in subparagraph (A), shall include sites that meet at least one of the following standards:

(i) Vacant sites zoned for residential use.

(ii) Vacant sites zoned for nonresidential use that allow residential development, if the local government can demonstrate how the sites with this zoning designation that are being used to satisfy the requirements of paragraph (1) are located near

## Attachment 1: Sections of AB 2339 Pertaining to Emergency Shelters

amenities and services that serve people experiencing homelessness, which may include,

- health care,
- transportation,
- retail,
- employment, and
- social services,
- or that the local government will provide free transportation to services or offer services onsite.

(iii) Nonvacant sites zoned for residential use or for nonresidential use that allow residential development that are suitable for use as a shelter in the current planning period, or which can be redeveloped for use as a shelter in the current planning period. A nonvacant site with an existing use shall be presumed to impede emergency shelter development absent an analysis based on substantial evidence that the use is likely to be discontinued during the planning period. The analysis shall consider current market demand for the current uses, market conditions, and incentives or standards to encourage shelter development.

(I) The zoning designation or designations shall have **sufficient sites** meeting the requirements of subparagraph (H) to accommodate the need for shelters identified pursuant to paragraph (7). The number of people experiencing homelessness that can be accommodated on any site shall be demonstrated by dividing the square footage of the site by a minimum of 200 square feet per person, unless the locality can demonstrate that one or more shelters were developed on sites that have fewer square feet per person during the prior planning period or the locality provides similar evidence to the department demonstrating that the site can accommodate more people experiencing homelessness. Any standard applied pursuant to this subparagraph is intended only for calculating **site capacity** pursuant to this section, and shall not be constructed as establishing a development standard applicable to the siting, development, or approval of a shelter.

(J) Notwithstanding subparagraph (H), a local government may accommodate the need for emergency shelters identified pursuant to paragraph (7) on sites owned by the local government if it demonstrates with substantial evidence that

- the sites will be made available for emergency shelter during the planning period,
- they are suitable for residential use, and
- the sites are located near amenities and services that serve people experiencing homelessness, which may include
  - health care,
  - transportation,
  - retail,



**Attachment 1:  
Sections of AB 2339 Pertaining to Emergency Shelters**

- employment, and
- social services, or
- that the local government will provide free transportation to services or offer services onsite.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the **capacity** necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in **an adopted 10-year plan to end chronic homelessness** and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.



# Visalia City Council

## Staff Report

Visalia City Council  
707 W. Acequia  
Visalia, CA 93291

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**File #:** 25-0534

**Agenda Date:** 12/2/2025

**Agenda #:** 1.

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**Agenda Item Wording:**

Upcoming City Council Meetings

Monday, December 15, 2025 @ 7:00 p.m. at 707 W. Acequia

Tuesday, January 20, 2026 @ 7:00 p.m. at 707 W. Acequia

Note: Meeting dates and times are subject to change, check posted agenda for correct details. In compliance with the American Disabilities Act, if you need special assistance to participate in meetings contact 713-4512.

Written materials relating to an item on this agenda submitted to the Council after distribution of the agenda are available for public inspection in the Office of the City Clerk, 220 N. Santa Fe Street, Visalia CA 93292, during normal business hours.