



# Visalia City Council

## Staff Report

Visalia City Council  
707 W. Acequia  
Visalia, CA 93291

File #: 25-0459

Agenda Date: 10/20/2025

Agenda #: 1.

### Agenda Item Wording:

**Ordinance Adoption** - Public hearing and first reading of an Ordinance to adopt Zoning Text Amendment No. 2025-03: A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 5.8 contained in the City of Visalia 6th Cycle Housing Element of the General Plan. 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. 2025-13, to amend portions of Municipal Code Title 17 (Zoning Ordinance) as to implement Program 5.8 contained in the City of Visalia 6th cycle 2023-2031 Housing Element pertaining to updating the Municipal Code.

### Executive Summary:

Zoning Text Amendment (ZTA) No. 2025-03 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.

The proposed ZTA represents the second series of changes being undertaken to remove constraints to a variety of housing types and ensure compliance with State law. Specifically, this ZTA responds to implementation program 5.8 that the Element identified to be completed by December 31, 2025, with Items B and H being discussed with the City Council and Planning Commission at the August 19, 2025, joint meeting. The amendments listed in the implementation program are:

- A. Allow transitional and supportive housing by-right in the O-C (Office Conversion) zone.
- B. 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.
- C. Allow accessory dwelling units (ADUs) by-right in all zones allowing residential uses, in compliance with State law. The City will defer to State ADU and Junior ADU law until a compliant

SN/LW 4-1 (BP)

ADU Ordinance is adopted.

- Note: This amendment was required to be completed immediately upon Housing Element adoption, and therefore was previously completed through ZTA No. 2024-05.
- D. Allow for at least two dwelling units per lot in all R-1 (Single-family Residential) zones (R-1-20, R-1-12.5, and R-1-5) consistent with SB 9.
  - Note: This amendment was incorporated into the ADU Ordinance which was previously completed through ZTA No. 2024-03.
- E. Provide streamlined ministerial review and a preliminary application process in compliance with SB 330 and SB 35. Copies of these two bills are provided as Exhibits "C" and "D".
- F. 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.
- G. Adopt reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.
- H. Permit low barrier navigations centers by-right (without conditional use or other discretionary permit) in non-residential zones permitting residential uses.
- I. Reduce lot size requirements in the R-M (Multi-family Residential), C (Commercial), C-MU (Commercial Mixed Use), and D-MU (Downtown Mixed Use) 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 multi-family housing development and promote affordability.
- J. 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.

The amendments being completed under this program are all being done only for the purpose of bringing the City's Ordinance into compliance with State law. These amendments do not implement changes that are in any way more restrictive or relaxed than existing State law and do not go above and beyond State law. Additionally, the City Council will need to adopt these changes or face penalties if the state determines that the City is not making changes to bring its Ordinance(s) into compliance with State law, including the risk of having the City's Housing Element fall out of compliance, and losing the ability for future housing grant opportunities.

### **Background Discussion:**

Implementation program 5.8 is a list of updates which have a requirement to be completed within two years of the Housing Element adoption. Additional ZTAs to implement remaining implementation programs for more complex updates to the Zoning Ordinance will be implemented prior to the end of 2025, and 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)

**Project Analysis:** Following are further explanations of the proposed municipal code amendments, along with staff recommendations and a summary of the specific changes to the Zoning Ordinance.

- A. **Allow transitional and supportive housing by-right in the O-C (Office Commercial) zone.**

State law requires local jurisdictions to permit transitional and supportive housing as a residential use in all multi-family and mixed-use zones where residential uses are allowed and are not subject to any restrictions not imposed on similar residential dwellings (i.e., single-family, multi-family) of the same type in the same zone. The City of Visalia is in compliance with State law, allowing transitional and supportive housing where other residential uses are allowed with no additional restrictions not imposed on similar residential dwellings, except in the O-C zone where transitional and supportive housing requires a Conditional Use Permit but allows residential units as a mixed-use in an existing building containing one or more commercial or office uses by-right. As a result, Implementation Program 5.8 commits the City to amend its Zoning Ordinance to allow transitional and supportive housing by-right in the O-C zone.

Staff recommendation: Staff recommends the amendment as described in the Housing Element.

Recommended Changes to Zoning Ordinance:

- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones will be amended as follows:
  - Transitional housing and Supportive housing will be listed as permitted by-right, if meeting State law regarding the definition of Transitional and Supportive Housing (Government Code Sections 65650 - 65656)

**B. Update to Emergency shelters provisions as contained in Title 17 (Zoning), related to the following:**

- **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.**

State law, as amended per Assembly Bill (AB) 2339 in 2022, places new requirements on the regulation of emergency shelters and limits the types of standards that shelters shall be subject to. Although the City of Visalia created performance standards for emergency shelters, which were adopted by ZTA No. 2021-07 on April 18, 2022, in response to an implementation program of a prior cycle (i.e. 5<sup>th</sup> cycle) of the Housing Element, the new law under AB 2339 limits the types of standards that emergency shelters shall be subject to. This means that certain performance standards from the 2022 Zoning Text Amendment must be revised or removed. The specific standards to be changed are listed in Implementation Program 5.8 as well as Implementation Program 5.2 for Emergency Shelters. The performance standards to be revised were discussed at the Joint City Council / Planning Commission Work Session held on August 19, 2025.

Note: Implementation Program 5.2 further requires the City to identify one or more zones where emergency shelters are allowed as a permitted use without a conditional use permit. This topic was also discussed at the Joint Work Session held on August 19, 2025, and will be processed as a separate Zone Text Amendment before the end of 2025.

Staff recommendation: Staff recommends the amendments to proximity, setback / wall requirements, and parking, as described in Implementation Programs 5.2 and 5.8 of the Housing Element. Staff further recommends the amendment to the definition of emergency shelter as described in Implementation Program 5.2.

Recommended Changes to Zoning Ordinance:

- Chapter 17.04: Definitions; Section 17.04.030: Definitions
  - Revise definition for Emergency shelter to include the following: *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.*
- Chapter 17.32: Special Provisions; Section 17.32.130: Emergency Shelters
  - Amend parking standards in Section 17.32.130(D)(2) to require only the number of parking 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)) The code will be changed to require one (1) vehicle parking space per employee.  
  
Bicycle parking provisions would remain unchanged, reading as follows:  
  
*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 Section 17.32.130(C)(1) and (C)(2) to reduce the minimum proximity to other emergency shelters, schools, or low barrier navigation centers from 1,000 feet to 300 feet in compliance with GC §65583(a)(4)(B)(v). The site development standard regarding distances from a front property line of any existing dwelling unit will also be removed.
  - Amend Section 17.32.130(C)(3) to remove the requirement that shelters incorporate a seven-foot perimeter wall on any sides abutting residential uses in compliance with GC §65583(a)(4)(B), since this requirement is not on the list of allowable objective standards that local governments can impose. The entire section will be removed.

**C. Allow accessory dwelling units (ADUs) by-right in all zones allowing residential uses, in compliance with State law. The City will defer to State ADU and Junior ADU law until a compliant ADU Ordinance is adopted.**

This amendment was required to be completed immediately upon Housing Element adoption, and therefore was previously completed through Zoning Text Amendment No. 2024-05. Therefore, no further updates or changes are necessary.

**D. Allow for at least two dwelling units per lot in all R-1 (Single-family Residential) zones (R-1-20, R-1-12.5, and R-1-5) consistent with SB 9.**

This amendment was previously completed through Zoning Text Amendment No. 2024-03 associated with the adoption of an Accessory Dwelling Unit Ordinance in compliance with State law. Specifically, Section 17.12.060, pertaining to the allowed number of dwelling units per site in the R-1 zone designation, was amended to read as follows:

*In the R-1 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.*

ZTA No. 2024-03 furthermore removed the conditional use permit requirement for duplexes on corner lots, since the change to State law from SB 9 allows a duplex by right.

Therefore, no further updates or changes are necessary.

**E. Provide streamlined ministerial review and a preliminary application process in compliance with Senate Bill 330 and Senate Bill 35.**

Senate Bill 330

In 2019, Senate Bill (SB) 330, the Housing Crisis Act of 2019, was signed into law, with a sunset date of January 1, 2025. Senate Bill 8, signed in 2021, extended SB 330's sunset date to January 1, 2030. The Act amends existing State laws and creates new regulations around the production, preservation and planning of housing. The goal of SB 330 is to create certainty in the development of housing projects, speeding up the review of projects, preserving affordable housing and preventing certain zoning actions that reduce the availability of housing.

SB 330 creates a new vesting process for discretionary housing projects. It achieves this through the creation of a new "preliminary application" process that establishes a new date for the purpose of locking projects into the ordinances, policies, and standards in effect when a preliminary application (including all required information) is submitted and deemed complete by the local jurisdiction. This vesting process does not apply to California Environmental Quality Act (CEQA) determinations, including historic resource determinations pursuant to CEQA.

Senate Bill 35

In 2017, Senate Bill 35 was signed into law, with a sunset date of January 1, 2026. Senate Bill 423, signed in 2023, extended SB 35's sunset date to January 1, 2036. This bill assists with streamlining ministerial approval processes applicable to local jurisdictions that have failed to issue building permits for its share of regional housing need by income category. Due to the City of Visalia's insufficient progress toward lower income RHNA categories, it is subject to the streamlined ministerial approval process as defined in SB 35 for proposed multi-family developments with at least 50% affordability. The bill requires that qualifying multi-family housing developments on qualifying sites be approved as a ministerial action (i.e., no public hearings), regardless of the number of units, and without CEQA review. If a project is submitted and is following the parameters of SB 35, the City of Visalia must approve the project, subject to the ministerial process, within 90 to 180 days, depending on the number of units in the housing development.

At the time of Housing Element review, the City of Visalia was out of compliance since it did not have any described ministerial approval process or "preliminary application" process pertaining to either SB 330 or SB 35. As a result, Program 5.8 commits the City to establish a ministerial process to streamline the design and approval of by-right multi-family units in compliance with SB 330 and create a new preliminary application process that establishes a date for the purposes of locking projects into the ordinances, policies, and standards in effect when a preliminary application is submitted and deemed complete.

In response, staff has prepared separate SB 330 and SB 35 preliminary draft applications, which also outline the City's approval process for ministerial development under these bills. In regards to SB 35, this application identifies all of the eligibility requirements that a project must meet in order

to qualify under this State provision. Copies of the draft preliminary applications are included as Exhibits "A" and "B". These materials will be made available to the public via the City's website once they are finalized. No changes to the Zoning Ordinance are necessary in coordination with this effort.

Note: Since SB 35 streamlines the development of multi-family projects regardless of the number of units, the City plans to prepare and adopt objective design standards (ODS) for multi-family development. The adoption of multi-family ODS is further called out as an objective in Housing Element Implementation Programs 1.3 and 3.2 to assist with streamlining the construction of multi-family residential development, and must be completed in 2026.

**F. 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.**

State law requires residential care facilities with six or fewer persons to be allowed by-right in all residential zones. The City of Visalia allows residential care facilities with six or fewer persons by-right in the following zones: A (Agriculture), OS (Open Space), R-1-20, R-1-12.5, R-1-5, R-M-2, and R-M-3, in compliance with State law. In commercial, mixed-use, office and industrial zones, a conditional use permit is required for residential care facilities with six or fewer persons.

Large residential care facilities (facilities with seven or more persons) are allowed with a conditional use permit in all residential, commercial, office, mixed-use, and industrial zones. Review of the City's Housing Element determined that the use permit requirements

are a potential constraint to the development of large residential care facilities in residential zones. As a result, Implementation Program 5.8 commits the City to amending its Zoning Ordinance to 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.

Staff recommendation: Currently the Zoning Ordinance does not provide a definition or any performance standards for residential care facilities, and the use of terminology to describe such facilities is inconsistent (for example, group home and foster home are interchangeable with residential care facility). Therefore, staff recommends adding a new definition for residential care facility with references to the State Health and Safety Code (Section 1500 et seq.), and differentiating "small" as for six or less persons and "large" as for more than six. Performance standards would be added to provide objectivity to ensure that such uses, while still subject to the conditional use permit process, would be streamlined.

The recommended requirements for large residential care facilities are as follows:

- Locational Criteria.
  - Within one-half mile proximity to public transit facilities (fixed routes and bus or transit stops), or the provision of transportation for residents.
  - Not allowed within 300 feet of industrial facilities or the industrial zone (I).
  - Maintain a minimum 300-foot distance between large residential care facilities.
- Open Space. Open space for outdoor recreation shall be provided at a ratio of 100 square feet for each resident.

- Unit Size.
  - Single Occupancy. The minimum floor area for sleeping rooms shall not be less than 100 square feet in rooms intended for a single occupancy.
  - Multiple Occupancy. The minimum floor area for sleeping rooms shall not be less than 80 square feet per person in rooms intended for multiple occupancy.

Recommended Changes to Zoning Ordinance:

- Chapter 17.04: Definitions; Section 17.04.030: Definitions
  - Add new definitions for *Residential care facility, large* and *Residential care facility, small*. The definitions for this use are as follows:

*"Residential care facility, large" means a community care facility licensed for the 24-hour care of 7 or more persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.*

*"Residential care facility, small" means a licensed community care facility for the 24-hour care of 6 or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.*
- Chapters 17.08: Agriculture Zone, 17.10: Open Space Zone, 17.12 Single-family Residential zone, 17.16 Multi-family zone
  - Change use name from *Twenty-four (24) hour residential care facilities or foster homes* to *Residential care facility*.
- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones
  - Change use name from *Group/Foster Homes, Licensed - 1-6 and more than 6 individuals in addition to residing family* to *Residential Care Facility, Small and Large*
- Chapter 17.32: Special Provisions; New Sections 17.32.145: Large residential care facilities and 17.32.147 Small residential care facilities
  - Create new sections which establish the purpose and applicable development standards. Refer to Resolution No. 2025-31 for full content regarding this new section.

**G. Adopt reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.**

In accordance with State law, the Housing Element contains an analysis on governmental constraints toward the production of housing for all income levels. Since off-street parking often requires large amounts of land, parking requirements have potential to negatively impact the development of affordable housing and increase the cost of development, limiting the funds

available for providing housing.

The Municipal Code requires 1.5 spaces per multi-family dwelling, and does not specify any reductions in parking spaces for affordable housing projects. This may be viewed as a constraint to the development of smaller, more affordable, multi-family housing types (single-room occupancy, studio, and 1-bedroom units).

Therefore, Program 5.8 commits the City to adopting reduced parking standards for affordable multi-family developments and multi-family projects with small units (single-room occupancy, studio, and 1-bedroom units) of no more than one parking stall per unit.

Staff recommendation: Staff recommends the amendment to reduce parking requirements from 1.5 spaces per unit to 1 space per unit for affordable or small units (single-room occupancy, studio, or 1-bedroom units). The recommended changes include waiving staff's or the Planning Commission's authority to require additional guest parking spaces toward such units.

Recommended Changes to Zoning Ordinance:

- Chapter 17.34: Off-street parking and loading facilities; Section 17.34.020: Schedule of off-street parking space requirements
  - Reduce parking requirements from 1.5 spaces per dwelling unit to 1 space per unit for affordable or small units, and waive authority to require additional guest parking spaces.

**H. Permit low barrier navigations centers by-right (without conditional use or other discretionary permit) in non-residential zones permitting residential uses.**

A low barrier navigation center (LBNC) is defined as a service-enriched shelter providing temporary living facilities, with the low-barrier component allowing persons to be admitted as they are with as few entry restrictions as possible. In Visalia, for example, the winter season warming center which has been operated at 701 East Race Avenue utilized a "low barrier" approach to admitting persons. With the passage of Assembly Bill 101 in 2019, a LBNC shall be permitted by-right in mixed use zones and in non-residential zones where multi-family uses are permitted. This includes the two mixed zone districts in Visalia: 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 non-residential zones to allow LBNCs by-right.

Staff recommendation: Staff recommends that the line item found in the Zoning Ordinance's Zone Use Matrix for "Low Barrier Navigation Center" be amended to make the use permitted by-right in all Commercial and Mixed Use zones, Office zones, and Industrial zones, since all zones allow for multi-family residential uses as a conditionally allowed use.

Alternately, as explained by staff during the Joint Work Session of the Council and Commission held on August 19, 2025, an alternative path toward compliance with State law regarding LNBCs 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 occasional requests (averaging 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). 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.

Recommended Changes to Zoning Ordinance:

- Chapter 17.25: Uses In the Commercial, Mixed Use, Office, and Industrial Zones
  - Table 17.25.030: Revise line item for low barrier navigation centers to be permitted by-right in all Commercial and Mixed Use zones, Office zones, and Industrial zones, if meeting criteria commencing in State G.C. Section 65650.
- I. **Reduce lot size requirements in the R-M (Multi-family Residential), C (Commercial), C-MU (Commercial Mixed Use), and D-MU (Downtown Mixed Use) 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.**

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. As a result, Implementation Program 5.8 commits the City to amend its Zoning Ordinance to overcome this constraint.

The City's two Mixed Use zones - Commercial Mixed Use (C-MU) and Downtown Mixed Use (D-MU) - both allow for a wide range of land uses ranging from commercial and retail to office and residential. A minimum lot size of five acres is required in the C-MU zone. There is no minimum lot size requirement in the D-MU zone.

Also, the City has three Commercial zones - Neighborhood Commercial (C-N), Regional Commercial (C-R), and Service Commercial (C-S). Commercial zones allow multi-family residential development by conditional use permit. The C-N and C-R zones both have a minimum site area of five acres, while the C-S zone has a minimum site area of 5,000 square feet. However, Zoning Ordinance Section 17.30.015 still allows parcel sizes of less than the required minimum upon approval of an acceptable master plan by the site plan review team.

The Housing Element states that the five-acre minimum lot size poses a potential constraint to the development of affordable housing. Although the reduced minimum lot size would largely affect commercial uses since they are the predominant land use in these zones, staff does not have concern with the reduced lot sizes since lot sizes have generally not been an issue upon development if developed consistent with the purpose and intent in the General Plan and Zoning Ordinance.

Staff recommendation:

- **R-M Zone:** The Housing Element does not recommend a specific minimum lot size for the R-M zone. Therefore, staff recommends that the minimum site area be reduced to 6,000 square feet. This minimum site area is closer in range with the R-1-5 zone which generally has a minimum lot size of 5,000 square feet. This minimum size would allow no less than two units per site in the R-M-2 zone (based on the zone's density and description of one unit per 3,000 square feet site area) and no less than five units per site in the R-M-3 zone (based on the zone's density and description of one unit per 1,200 square feet site area). The ZTA would also remove the CUP requirement if divided into parcels less than two acres in size.
- **C-MU Zone:** Staff recommends the minimum lot size to no more than one acre in the C-MU zone, which is consistent with the maximum size recommended in the Element.
- **D-MU Zone:** No action recommended. Program 5.8's text erroneously directs the City to reduce lot size requirements in the D-MU zone; however, there currently is no minimum lot size requirement in the D-MU zone.
- **C-N and C-R Zones:** Staff recommends the minimum lot size to no more than 20,000 square feet in the C-N and C-R zones, which is consistent with the maximum size recommended in the Element.

Recommended Changes to Zoning Ordinance:

- Chapters 17.16 Multi-family zone, 17.18 Commercial zones, and 17.19 Mixed use zones
  - Change minimum site areas according to staff recommendation.

**J. 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.**

In 2017, the City adopted a Reasonable Accommodation section to the Zoning Ordinance, in fulfillment of Program 5.3 of the City's prior (5<sup>th</sup> cycle) Housing Element. The text addition, located in Section 17.42.050(C), simply states that *"no variance shall be required for structures or devices necessary to facilitate access to a building for persons with physical and non-physical disabilities."* Reasonable accommodation requests are currently approved at the staff level without requiring a public hearing or discretionary permit. To date, the City has never received a request for reasonable accommodation.

The City has not adopted a formal process or any required findings for approving reasonable accommodation requests which, according to the Housing Element, poses a potential constraint to providing accommodation. Program 5.8 commits the City to amend the Municipal Code to provide a ministerial process for approving reasonable accommodation requests, including objective findings for approval.

General practice among municipalities in California is to have a more comprehensive Reasonable Accommodation Ordinance within their Municipal Codes which describe the processing requirements for permits which include a reasonable accommodation request.

Staff has therefore researched and prepared a new ordinance that is based upon a model

ordinance made available by Minter Harnish which is the planning consulting firm that was contracted by the City of Visalia Planning Division to help with preparing the 6<sup>th</sup> cycle Housing Element update. The general outline of the draft ordinance is comprised of the following sections: Purpose; Applicability; Procedure and ministerial review process; Objective findings for approval; Iterative process; Reviewing authority; and Appeals. The full text of the draft Reasonable Accommodation ordinance is provided in the attached Resolution No. 2025-31 and is listed under Chapter 17.02 General Provisions.

Staff recommendation: Staff recommends that a new comprehensive ordinance, which describes a ministerial process for application review and includes objective findings for approval, be added to the Zoning Ordinance, see attached Resolution No. 2025-31 for the full text.

Recommended Changes to Zoning Ordinance:

- Chapter 17.02: General Provisions, New Article 4: Reasonable Accommodation

Add new "Article 4. Reasonable Accommodation", commencing at Section 17.02.250.

**Fiscal Impact:** None.

**Prior Council Action:** On December 18, 2023, the City Council voted to adopt the 6th Cycle 2023-2031 Housing Element. On December 16, 2024, the City Council voted to adopt Zoning Text Amendment No. 2024-05, to implement programs in the Housing Element pertaining to the Permit Streamlining Act, Accessory Dwelling Units, and the rezoning of certain sites within the Sites Inventory to allow by-right development without discretionary action.

**Planning Commission Review and Action:** On September 22, 2025, the Planning Commission voted 4-1 to recommend approval of Zoning Text Amendment No. 2025-03 as presented by staff. No public comment was received regarding the proposed changes to the ordinance.

**Alternatives:**

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

1. Deny the Zoning Text Amendment in whole or in part, or
2. Return the item to the Planning Commission for further consideration.

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

I move to introduce for first reading Ordinance No. 2025-13 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 common sense 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 which are already allowed within the city, and are responding directly to requirements under State law, 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:** 12/1/2025

**Attachments:**

1. Ordinance No. 2025-13 for Zoning Text Amendment No. 2025-03
2. Senate Bill 330 Preliminary Application
3. Senate Bill 35 / Senate Bill 423 Preliminary Application
4. Full Text of Senate Bill 330
5. Full Text of Senate Bill 35



ORDINANCE NO. 2025-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA  
APPROVING ZONING TEXT AMENDMENT NO. 2025-03,  
A REQUEST BY THE CITY OF VISALIA TO AMEND VISALIA MUNICIPAL CODE  
TITLE 17 (ZONING ORDINANCE), AS TO IMPLEMENT PROGRAM 5.8 CONTAINED  
IN THE CITY OF VISALIA 6TH CYCLE HOUSING ELEMENT.

**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. 5.8) required by the California Department of Housing and Community Development for the 6<sup>th</sup> Cycle Update of the Housing Element is to adopt various text amendments to the Visalia Zoning Ordinance to remove constraints to a variety of housing types and to ensure compliance with State law; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 22, 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,

**WHEREAS**, the City Council of the City of Visalia, after duly published notice, held a public hearing before said City Council on October 20, 2025, and introduced said Ordinance for first reading on that date; and,

**WHEREAS**, the Planning Commission 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 the proposed Zone Text Amendment based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan 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 by the following:

**Housing Element Policy 1.8** - The City shall continue to provide assistance by and access to City Staff, in person, by phone, or by email, so as to encourage increased public awareness and understanding of the City's housing regulations, including opportunities for by-right development, and standards as they pertain to new construction.

**Housing Element Policy 5.1** - The City shall encourage the development of housing for elderly, persons with disabilities, large families, families with female heads of household, families and persons in need of emergency shelter, and farmworkers, where compatible with surrounding land uses and where site conditions and service capabilities permit. Sites considered especially appropriate for these uses are those accessible to day care and transit, case management, commercial, and medical services.

**Housing Element Policy 5.3** - The City shall encourage and facilitate private sector development and support non-profit organizations in the development of affordable housing, including rental assistance housing to very low, low, and moderate-income special needs households through the use of development incentives. The City shall reduce or defer development review fees (as appropriate) to facilitate development of affordable housing for special needs groups.

**Housing Element Policy 5.5** - The City shall facilitate and encourage the creation, by public or quasi-public agencies, of low-barrier emergency shelters, transitional housing, and permanent supportive housing in the community, and shall allow these uses as a by-right use in accordance with standards contained in its Zoning Ordinance.

**Housing Element Policy 5.8** - The City shall work to remove governmental constraints to housing development.

2. 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.
3. The Zone Text Amendment will not have a negative impact on the City's housing stock, as the amendment will aid the development of sites listed on the City's sites inventory list for Visalia's Regional Housing Needs Allocation.
4. That applying the proposed Zone Code standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2023-2031 Housing Element Update (6<sup>th</sup> Cycle Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.
5. 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. 2025-03, is approved, as contained in Exhibit "A" 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.

**Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Effective Date.** This Ordinance shall take effect thirty days after its adoption.

**Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

## Ordinance No. 2025-13

### EXHIBIT 'A'

**Section 1.** Title 17, Zoning Ordinance, is hereby amended to read as follows, as specified by *italics & underline* for additions and ~~strikeout~~ for deletions.

#### **Chapter 17.02 General Provisions**

#### **Article 4. Reasonable Accommodation.**

##### **17.02.250 Purpose.**

*This purpose of this chapter is to provide a procedure for individuals with disabilities to request reasonable accommodations in seeking equal access to housing under the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, practices, and procedures. This provision also establishes the criteria to be used when considering requests for reasonable accommodations.*

##### **17.02.260 Applicability.**

- A. A request for reasonable accommodation may be made by any individual with a disability, his/her/their representative, or a developer or provider of housing for individuals with disabilities, when a requirement of this zoning code or other City requirement, regulation, policy, or practice acts as a barrier to fair housing opportunities. This chapter is intended to apply to individuals with disabilities as "disability" is defined under the Acts.*
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures for the siting, development, use of housing or housing-related facilities, and any other land use requirements that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his/her/their choice.*
- C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.*
- D. A reasonable accommodation shall be a ministerial grant in compliance with this Chapter without the need for the approval of a variance, conditional use permit, special use permit or other exception process.*

##### **17.02.270 Procedure.**

- A. A request for reasonable accommodation shall be submitted on an application form provided by the Planning and Community Preservation Department or in the form of a letter to the Director of the Planning and Community Preservation Department. Any information identified by an applicant as confidential shall be*



retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection. The request for reasonable accommodation shall contain the following information:

1. The applicant's name, address, and telephone number;
  2. Address of the property for which the request is being made;
  3. The current use of the property;
  4. The basis for the claim that the individual is considered disabled under the Acts or that the housing which is the subject of the request will be used by an individual with a disability (protected health information including a specific diagnosis is not required to verify disability status);
  5. The zoning code or land use provision, regulation, policy or procedure for which reasonable accommodation is being requested; and
  6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.
- C. A request for reasonable accommodation shall be reviewed by the Director of the Planning and Community Preservation Department or their designee, if no approval is sought other than the request for reasonable accommodation. The Director of the Planning and Community Preservation Department or their designee shall make a written determination within 30 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

#### **17.02.280 Approval Findings.**

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following findings:

- A. Whether the individual requesting the accommodation has a disability as defined under the Act or the housing which is the subject of the request will be used by an individual with a disability;
- B. Whether the requested accommodation is necessary for the individual to have equal opportunity to use and enjoyment of the housing and housing-related services;

- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City of Visalia; and
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

#### **17.02.290 Iterative Process.**

Prior to denying a request for reasonable accommodation, the Director shall offer to meet with the applicant to discuss whether there is an alternative accommodation that would meet the applicable findings. If a request for reasonable accommodation is heard by the Planning Commission instead of the Director and the request is denied, then the Director shall offer to meet with the applicant to discuss whether there is an alternative that could meet the applicable findings. After this meeting an applicant may decide to submit a revised request for reasonable accommodation.

#### **17.02.300 Reviewing Authority.**

A. Requests for reasonable accommodation shall be reviewed by the "reviewing authority," as stated in Section 17.02.270, using the criteria set forth in Section 17.02.310.

B. When the reviewing authority is the Director, then the reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 17.02.310. When the reviewing authority is the Planning Commission, then the written decision on a request for reasonable accommodation shall be issued following completion of the hearing for the discretionary land use application.

C. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

#### **17.02.310 Appeals.**

- A. Only an aggrieved applicant and abutting property owners who receive notice of the reasonable accommodation determination have a right to appeal the decision. An appeal to the Planning Commission must be filed within ten (10) calendar days after notification of the decision. An appeal shall be made in the same manner, and subject to the same fee as appeals under Section 17.28.050 for appeals to Planning Commission of decisions by the Director, and in the same manner as appeals to City Council under Section 17.02.145, of decisions by the Planning Commission. The appeal shall be in writing and shall specify the

reasons for the appeal and the grounds asserted for relief. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review the action against which the complaint is made shall be deemed to have been waived.

- B. The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.
- C. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

#### **Chapter 17.04 Definitions**

"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.

"Residential care facility, large" means a community care facility licensed for the 24-hour care of 7 or more persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

"Residential care facility, small" means a licensed community care facility for the 24-hour care of 6 or fewer persons requiring personal services, supervision, protection, or assistance with daily tasks pursuant to the California Health and Safety Code Section 1500 et seq. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This definition does not include a rest home, sanatorium, boardinghouse, or lodging house.

#### **Section 17.08.040 Conditional uses.**

N. ~~Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;~~ Large residential care facility subject to the provisions in Section 17.32.145.

#### **Section 17.10.040 Conditional uses.**

~~E. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family; Large residential care facility subject to the provisions in Section 17.32.145.~~

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

~~N. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family; Large residential care facility subject to the provisions in Section 17.32.145.~~

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

~~L. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family; Large residential care facility subject to the provisions in Section 17.32.145.~~

#### **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 six thousand (6,000) square feet, unless the site is created as part of a planned development or is part of a development containing new one-family dwelling units in accordance with item O of Section 17.16.040.~~

#### **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~~ twenty thousand (20,000) square 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~~ twenty thousand (20,000) square 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~~ one (1) acre.



# 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]

| Commercial, Mixed Use, Office, and Industrial Zones Use Matrix  |                                |                           |                           |                           |                           |                           |                           |                           |                           |                           |  |
|---|--------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|--|
| P = Use is Permitted by Right      C = Use Requires Conditional Use Permit<br>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 (see also Residential Zones)  |                                |                           |                           |                           |                           |                           |                           |                           |                           |                           |  |
| Group/Foster Homes, Licensed — 1–6 individuals in addition to residing family <u>Residential Care Facility, Small</u>                               | C                              | C                         | C                         | C                         | C                         | C                         | C                         | C                         | C                         | C                         |  |
| Group/Foster Homes, Licensed — more than 6 individuals in addition to residing family <u>Residential Care Facility, Large</u>                       | C                              | C                         | C                         | C                         | C                         | C                         | C                         | C                         | C                         | C                         | 17.32.145  |
| Low Barrier Navigation Centers  | $\frac{P}{*}/\frac{C}{C}$      | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | 17.32.135<br>*If meeting criteria stated in Cal. GC Sections 65660 - 65668 |
| Transitional Housing and Supportive Housing as those terms are defined in City Ordinance Section 17.04.030  | C                              | C                         | C                         | $\frac{P}{*}/\frac{C}{C}$ | $\frac{P}{*}/\frac{C}{C}$ | C                         | $\frac{P}{*}/\frac{C}{C}$ | C                         | C                         | C                         | *If meeting criteria stated in Cal. GC Sections 65650 - 65656              |

### 17.32.130 Emergency shelters.

A. Applicability. The requirements of this section apply to all emergency shelters as defined in Chapter 17.04. Furthermore, an emergency shelter may operate on a short-term basis provided that an operating schedule is included in the plan of operation.

#### 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. In addition, emergency shelters are a use requiring a conditional use permit in the QP quasi-public zone.

2. All emergency shelters are required to obtain a site plan review permit in accordance with Chapter 17.28 and are subject to the development standards in subsections C. and D. of this section.

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.~~

~~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.~~

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.

3. Lighting. Adequate lighting shall be provided in all parking, pedestrian paths, and intake areas, and shall be shielded and directed away from adjacent properties.

4. Management/Security. Support staff and/or security must be present during the hours of operation. Facilities must maintain with the City a written plan of operation to be approved by the City Planner in consultation with the Police Department and Neighborhood Preservation Division and to be complied with at all times. The management shall address, at a minimum:

- a. Patron access requirements.
- b. Hours of operation.
- c. Operating schedule if intended to operate as a short-term shelter.
- d. Security measures.
- e. Litter removal.
- f. On-site management.
- g. Staff training.
- h. Property maintenance.
- i. Neighborhood relations and communication.
- j. Noise attenuation.
- k. Pet occupancy, if applicable.

5. Length of Stay. The maximum length of stay per individual shall be no longer than six (6) months in a consecutive twelve (12) month period. Days of stay need not be consecutive.

6. Pets. If an emergency shelter chooses to allow pets, they may be unleashed inside only if they are inside a private unit or may be outside within cages or in a protected area. No limit shall be placed on the number of pets that can be maintained.

7. Intake/Waiting Areas. On-site waiting and intake areas shall be enclosed or screened from the public right-of-way and ~~adjacent~~ adjacent properties. Queuing of clients shall not be permitted outside of approved waiting and intake areas.

8. Outdoor Activity. An emergency shelter shall designate at least five (5) percent of the site to open or outdoor recreational space, located outside of any required front or street side landscape setback area or parking field. Outdoor activity shall be allowed only during the hours of 7:00 a.m. to 10:00 p.m. (Ord. 2022-06 (part), 2022)

#### **17.32.145 Large residential care facilities.**

A. Purpose. The purpose of this Section is to clarify procedures for the establishment or construction of large residential care facilities for the care of seven or more persons, pursuant to the California Community Care Facilities Act. See California Health and Safety Code Section 1500 et seq.).

B. Conditional Use Permit. A conditional use permit is required to operate a large residential care facility.

C. Development Standards. Large residential care facilities shall be subject to the same objective development standards required of multifamily dwelling units in the applicable zone. In addition, large residential care facilities shall comply with the following requirements or guidelines:

1. Locational Criteria. Large residential care facilities shall be reviewed in light of the following factors in determining an appropriate location for such facilities:

a. One- half mile proximity to public transit facilities (fixed routes and bus or transit stops) or the provision of transportation for residents.

b. Residential care homes shall not be located within 300 feet of industrial facilities or the industrial zone (I).

c. The minimum distance between large residential care facilities, measured from the site boundaries, shall not be less than 300 feet.

2. Open Space. Open space for outdoor recreation shall be provided at a ratio of 100 square feet for each resident.

3. Unit Size.

a. Single Occupancy. The minimum floor area for sleeping rooms shall not be less than 100 square feet in rooms intended for a single occupancy.

b. Multiple Occupancy. The minimum floor area for sleeping rooms shall not be less than 80 square feet per person in rooms intended for multiple occupancy.

#### **17.32.147 Small residential care facilities.**

Small residential care facilities shall be subject only to City standards that apply to other residential uses of the same type in the respective zone (e.g. single-family detached, accessory dwelling unit).

#### **17.34.020 Schedule of off-street parking space requirements.**

A. Residential.

1. Single-family dwelling: two parking spaces (one covered) per unit;

2. Multi-family dwelling: 1.5 parking spaces per dwelling unit for all multi-family developments with the following exceptions:

a. One parking space per dwelling unit for senior citizen housing developments. Senior citizen means a person of fifty-five (55) years of age or older. Senior citizen housing development shall be defined as a multi-family project wherein the units are made available solely to senior citizens,

b. Planning Commission shall have the authority to require an additional .25 parking spaces per dwelling unit for guest parking spaces under the following circumstances:

i. Should on-street parking not be available to provide a minimum of .25 spaces per unit;

ii. Within developments that include more than fifty (50) percent of the units as three or four bedroom units.

iii. The multi-family unit is not deemed as affordable housing and is not a single-room occupancy, studio, or one-bedroom units.

c. In cases where multi-family developments do not require planning commission review, the site plan review staff shall have similar authority as described above.

d. One parking space per dwelling unit for multi-family developments deemed as affordable housing and multi-family units which are single-room occupancy, studio, or one-bedroom units.

3. Boarding houses, private clubs providing sleeping accommodations: one covered parking space for each bedroom or one parking space for each one hundred fifty (150) square feet of sleeping area, whichever is greater.

4. Motels, hotels. One parking space for each guest room.

5. Single-room occupancy (SRO) housing: One space ~~for each employee onsite on the highest shift~~ per unit.

Further, there shall be one parking space for each two employees per shift regularly employed by the motel, or any independent business located within the motel structure. If the motel provides an area for the consumption of food or beverages or provides meeting or assembly halls the following requirements must be met.

| Number of Motel Rooms | Parking Requirements   |
|-----------------------|--|
| 3-10                  | One parking space for each 100 square feet of area used for the consumption of food or beverages and one parking space for each 35 square feet of meeting or assembly hall space.        |
| 11-40                 | One parking space for every 200 square feet of area used for the consumption of food or beverages and one parking space for each 70 square feet of meeting hall or assembly hall space.  |
| 41-75                 | One parking space for each 300 square feet of area designated for the consumption of food or beverages and one parking space for each 150 square feet of meeting or assembly hall space. |
| 76 or more            | One parking space for each 400 square feet of area set aside for the consumption of food or beverages and one parking space for each 300 square feet of meeting or assembly hall area.   |



6. Planned unit developments, condominiums: one covered parking space plus one uncovered guest parking space for each dwelling unit.

## PLANNING & COMMUNITY PRESERVATION DEPARTMENT

### SENATE BILL 330 (SB 330) PRELIMINARY APPLICATION

[WWW.VISALIA.GOV](http://WWW.VISALIA.GOV) 559-713-4359 315 E ACEQUIA AVE, VISALIA, CA 93291

#### **What is SB 330?**

Senate Bill (SB) 330, also known as the Housing Crisis Act of 2019 (HCA), signed into law in 2019 and effective January 1, 2020, established a statewide housing emergency and added new regulations focused on the production and preservation of housing. Changes included a new section of California Government Code called the "Housing Crisis Act" (CA Gov. Code Section 65941.1), as well as updates to the existing Housing Accountability Act (CA Gov. Code Section 65589.5) and Permit Streamlining Act (CA Gov. Code Section 65950 and related code sections). In 2021, Senate Bill (SB) 8 came into law, which made several further changes to these code sections and extended the HCA to January 1, 2030. In October 2023, Assembly Bill (AB) 1218 came into law, which expands replacement requirements of protected units to nonresidential developments.

This legislation includes broad goals of facilitating increased production of new residential units, protecting existing units, and providing for an expedited review and approval process for housing development projects. To increase transparency and certainty in the development application process, SB 330 allows a housing developer to submit a Preliminary Application to a local agency for a housing development project.

**A housing development project** includes:

- Residential projects of one or more units;
- A mix of commercial and residential uses where 2/3 of the total square footage is residential; or
- Transitional or supportive housing.

#### **Preliminary Application**

A Preliminary Application allows a developer to provide a subset of information on the proposed housing development ahead of providing the full amount of information required by the local government for a housing development application. Upon submitting a Preliminary Application and payment of the Permit Processing Fee, a housing developer is allowed to "freeze" the applicable fees and development standards that apply to their project while they assemble the rest of the material necessary for a full application submittal. After submitting a complete Preliminary Application, the applicant has 180 days to submit a full project application, or the Preliminary Application will expire.

Prior to filing a Preliminary Application, the applicant must file an application for Site Plan Review and receive a Revise and Proceed status. A Preliminary Application must be filed within one year of the date of receiving a Revise and Proceed status.

To apply for a Preliminary Application, the applicant must submit the SB 330 Preliminary Application and the required documents and the Permit Processing Fee to be "deemed submitted" and "vested."

After you submit this application, if you revise your project so that the number of residential units or square footage of construction changes by 20 percent or more (exclusive of any increase pursuant to Government Code Section 65915), you will need to submit a new Preliminary Application.

Your Preliminary Application will be deemed abandoned if you do not submit an entitlement application within 180 days of submitting this Preliminary Application, or, if your entitlement permit application is found to be

incomplete, you do not provide any additional information required within 90 days of notice that the application is incomplete.

Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions triggered, per Government Code Section 65889.5(o).

### **Application Checklist**

Please verify that you have submitted the required documents with your application.

Application and documents may be submitted via PDF emailed to [Planning@visalia.gov](mailto:Planning@visalia.gov) or in-person on a flash drive.

- **Site Plan** – A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.
- **Elevations** – Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

### **Section 1: Project Main Contact – Applicant / Agent Information**

[Copy from Planning Permit Application & Checklist]

### **Section 2: Property Owner Information**

[Copy from Planning Permit Application & Checklist]

### **Section 3: Project Information**

Title or Name of Project: \_\_\_\_\_

Project Location/Address: \_\_\_\_\_

Assessor's Parcel Number(s) (APN(s)): \_\_\_\_\_

Site Area (acres or square feet): \_\_\_\_\_

Site Plan Review (SPR) Number: \_\_\_\_\_

Date of SPR Review and Proceed: \_\_\_\_\_

**a. Existing Uses** – Describe the existing uses on the project site and identify major physical alterations to the property on which the project is to be located. (You may also attach a site plan that clearly depicts all existing uses and proposed physical alterations.)

**b. Residential Dwelling Unit Count** – Please indicate the number of dwelling units proposed as well as a breakdown of levels by affordability set by each category (HCD or HUD).

|   | Total | HCD (State) | HUD (TCAC) |
|---|-------|-------------|------------|
| Market Rate                               |       | N/A         | N/A        |
| Managers Unit(s) – Market Rate            |       | N/A         | N/A        |
| Extremely Low Income (30% or less of AMI) |       |             |            |
| Very Low Income (31 to 50% of AMI)        |       |             |            |
| Low Income (51 to 80% of AMI)             |       |             |            |
| Moderate Income (81 to 120% of AMI)       |       |             |            |
| Total Number of Units                     |       |             |            |
| Total Number of Affordable Units          |       |             |            |
| Total Number of Density Bonus Units       |       |             |            |

**c. Floor Area** – Provide the proposed floor area and square footage of residential and non-residential development. When identifying specific land uses, please refer to the Zoning Use Matrix at Section 17.25.030 of the Municipal Code. If the project will contain multiple buildings, please provide a breakdown of square footage for each use by building.

| Category of Use | Specific Use, if known | Square Footage |
|-----------------|------------------------|----------------|
| Residential     |                        |                |
| Commercial      |                        |                |
| Other           |                        |                |

**d. Parking** – The proposed number of automobile parking spaces.

| Spaces for Residential Uses | Spaces for Nonresidential Uses | Total Spaces |
|-----------------------------|--------------------------------|--------------|
|                             |                                |              |

Please describe any other parking that will be provided, including number of motorcycle spaces, short and long-term bicycle parking space, loading zones, EV charging stations, etc.

**e. Affordable Housing Incentives, Waivers, Concessions, and Parking Reductions** – Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915? If “Yes,” please describe.

**f. Subdivision** – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a subdivision map, a condominium map, or a lot line adjustment? If “Yes,” please describe.

**g. Pollutants** – Are there any proposed point sources of air or water pollutants? If “Yes,” please describe.

**h. Existing Site Conditions** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

|                  | Residential Units | Occupied Residential Units | Unoccupied Residential Units |
|------------------|-------------------|----------------------------|------------------------------|
| Existing         |                   |                            |                              |
| To Be Demolished |                   |                            |                              |

**i. Additional Site Conditions** –

Is a portion of the property located within a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

Yes • No •

Is a portion of the property located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency?

Yes • No •

Does the project site contain historic and/or cultural resources?

Yes • No • If “Yes”, please describe.



Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

Yes • No • If "Yes", please provide a site plan showing the location of any such easements.

**j. Additional Site Conditions** – Is there anything else about the proposed project that you would like to explain? Please also feel free to use this space to elaborate on any of your responses that you believe requires clarification or further explanation. Please attach additional sheets if necessary. You are not required to provide any information here.

#### **APPLICANT'S SIGNATURE AND ACKNOWLEDGEMENT**

By signing this application, I indicate that the information I have provided is true and correct to the best of my knowledge and belief. I further understand that all fees and deposits submitted with this application will be refunded only as provided for by the ordinances and regulations in effect at the time of the application submittal.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## PLANNING & COMMUNITY PRESERVATION DEPARTMENT

### SENATE BILL 423 (SB 423) PRELIMINARY APPLICATION

[WWW.VISALIA.GOV](http://WWW.VISALIA.GOV) 559-713-4359 315 E ACEQUIA AVE, VISALIA, CA 93291

#### **What is Senate Bill 423?**

California Senate Bill 423 (SB 423), was signed into law in 2023 and effective January 1, 2024. It established Government Code Section 65913.4 which created a streamlined ministerial (no public hearing) approval process for multi-unit housing projects that include a specified percentage of units affordable to lower-income households. SB 423 projects are exempt from discretionary review and must be consistent with objective design standards. This is a voluntary process a project applicant may elect to pursue if certain eligibility criteria are met. SB 423 is an extension of California Senate Bill 35 passed in 2017.

#### **Where does it apply?**

SB 423 applies in cities not meeting their Regional Housing Needs Allocation (RHNA) for affordable units. As of 2024, Visalia does not meet the RHNA goal for very-low and moderate-income units. Therefore, SB 423 requires the City to streamline approval of eligible housing projects which provide 50% of the units as affordable housing at or below 80% average median income by providing a ministerial approval process. The provisions of this program are in effect until January 1, 2036. Please refer to the updated Statewide Determination Summary on the HCD website for current affordability requirements.

#### **Is my project eligible?**

Eligibility for SB 423 streamlining is determined by meeting the eligibility requirements, which are State-mandated and cannot be waived or amended. Applicants intending to request SB 423 streamlining must first submit a Notice of Intent in the form of a Preliminary Residential Application. Prior to accepting an application, the City must initiate a California Native American Tribes consultation process. Applications will not be accepted without providing sufficient evidence that the project meets all eligibility criteria.

#### **What are objective standards?**

Objective standards are a type of regulation that requires no personal or subjective judgment to determine whether the standards have been met. SB 423 projects are subject to all objective standards found in the Zoning Ordinance Chapter 17.16 for Multi-family Residential and any other Citywide regulations and development standards.

#### **Are there any exceptions?**

No. The requirements for streamlined ministerial approval are State-mandated and cannot be waived or amended. A multi-unit housing project that does not meet one or more of the eligibility criteria or requires an exception to any development standard or regulations is not eligible and will be subject to the City's discretionary review process. State Density Bonus provisions are allowed to be applied to an SB 423 project and are not considered an exception.

#### **How do I apply?**

Applicants intending to request SB 423 streamlining must first submit a Notice of Intent in the form of a Preliminary Residential Application. Next, submit a formal application for an Architectural and Site Review Permit along with this SB 423 Supplemental Application.

## **SB 423 Streamlined Ministerial Approval Process**

This is a summary of the affordable housing streamlined approval process for projects that meet the eligibility criteria according to California Government Code Section 65913.4.

### **Step 1: Conform the project is eligible**

The first step is to confirm that the project meets the eligibility criteria. Read the attached **SB 423 Eligibility Checklist** to confirm the project is eligible.

### **Step 2: Submit a Notice of Intent**

Once you have confirmed that the project meets all eligibility criteria, submit a **Notice of Intent** to submit an application in the form of the City's **Preliminary Residential Application**.

### **Step 3: Timelines for Tribal Scoping Consultation**

Upon receipt of a **Notice of Intent**, the City will engage in a scoping consultation with any California Native American tribe that is affiliated with the geographic area. This may cumulatively take 90 days or more if further consultation is required.

1. **Notice.** Within 30 days, the City will provide formal notice for each Tribe.
2. **Acceptance.** Each Tribe has 30 days to accept the invitation to engage in consultation.
3. **Consultation.** The city initiates consultation within 30 days of acceptance of the invitation.

### **Step 4: Submit a complete application**

Once the Tribal Scoping Consultation has been concluded, and the project meets the eligibility criteria, you will submit: (1) this **SB 423 Supplemental Application** along with (2) an **Architectural and Site Review Permit Application**.

### **Step 5: Timelines for Ministerial Review**

The timelines for streamlined review are as follows:

1. **Application Review.** Planning staff will determine if the application is complete, and if the project conflicts with any objective zoning and design review standards, within 60 days for projects of 150 or fewer units and 90 days for more than 150 units.
2. **Action on the Application.** Action on the application must be completed in 90 days for 150 or fewer units and 180 days for projects with more than 150 units, measured from the date of a complete application submittal.
3. **Expiration.** If the project includes public investment in housing affordability, beyond tax credits, then that approval shall not expire. If the project does not include public investment in housing affordability, beyond tax credits, the approval will expire after three years.

### **Step 6: Submit a building permit**

A building permit must be issued prior to the three-year approval expiration date. A project may receive an extension upon approval by the Building Division.

## **SB 423 Eligibility Checklist**

Projects must comply with ALL the following to qualify for SB 423 review:

1. **Affordability.** A minimum of 50% of the total residential units will be dedicated to low-income households making at or below 80% of the area median income (prior to calculating density bonus).
2. **Number.** Project contains at least two or more net new residential units.
3. **Residential Uses.** The parcel has a general plan and/or zoning designation for residential uses with at least 2/3 of the floor area of the proposed development dedicated to residential uses.
4. **Infill Development.** At least 75% of the perimeter of the site adjoins lots developed with urban uses. Includes lots separated by a street or highway.
5. **Historic Resources.** The project does NOT demolish a historic structure, site, or feature that has been placed on a national, state, or local historic register.
6. **Demolition of Residential Units.** The project does NOT demolish housing units that have been occupied by tenants in the last 10 years; or any housing subject to rent or price control; or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
7. **Location.** The project site is NOT within any of these areas: a coastal zone, prime farmland, wetland, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, floodway, community conservation plan area, a habitat for protected species, under a conservation easement, or located on a qualifying mobile home site.
8. **Prevailing Wages.** All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area if the development is not a public work. This requirement does not apply to projects that include 10 or fewer units and is not a public work project.
9. **Skilled and Trained Workforce.** A skilled and trained workforce will complete the development if the project consists of 50 or more units that are not 100 percent subsidized affordable housing.
10. **Subdivisions.** Does not involve a subdivision subject to the Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.
11. **Parking.** The project must provide at least one parking space per unit unless exempt pursuant to California Government Code Section 65913.4(d)(1).
12. **Notification to California Native American tribes.** The project proponent has submitted a **Notice of Intent** in the form of a preliminary application that includes all of the information described in California Government Code Section 65941.1 and concluded the tribal consultation process.
13. **Consistent with Objective Standards.** The project meets all objective general plan, zoning, subdivision, and design review standards at the time of SB 423 application submittal.

**SB 423 Certificate for Compliance with Eligibility Requirements**

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. Public Record. I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the city website.
- d. Affordable Housing. I agree to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3).
- e. Prevailing Wage. I agree to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- f. Workforce. I agree to comply with the applicable skilled and trained workforce requirements established under Government Code section 65913.4(a)(8)(B).
- g. Tenant-Occupied Housing. I certify that the project site has not contained any housing occupied by tenants within 10 years prior to the date written below.

**PROPERTY OWNER:**

Signature\_\_\_\_\_

Date\_\_\_\_\_

Printed Name\_\_\_\_\_



## Supplemental Application

Please verify that you have submitted the required documents with your application.

### Section 1: Project Main Contact – Applicant / Agent Information

[Copy from Planning Permit Application & Checklist]

### Section 2: Property Owner Information

[Copy from Planning Permit Application & Checklist]

### Section 3: Project Information

Title or Name of Project: \_\_\_\_\_

Project Location/Address: \_\_\_\_\_

Assessor's Parcel Number(s) (APN(s)): \_\_\_\_\_

Site Area (acres or square feet): \_\_\_\_\_

Site Plan Review (SPR) Number: \_\_\_\_\_

Date of SPR Revise and Proceed: \_\_\_\_\_

a. Is this a 100% Affordable Housing Project? Yes • No •

b. Will the Project use SB 423 in conjunction with the State Density Bonus? Yes • No •

**c. Project Description** – Please provide a narrative project description that summarizes the project and its purpose. Please include the Average Median Income (AMI) levels of the populations to be served in the development and describe the project's intended program.

#### d. Project Summary

| Unit Information         |           |                   |                           |                       |                           |
|--------------------------|-----------|-------------------|---------------------------|-----------------------|---------------------------|
|                          | Unit Size | Market Rate Units | Affordable Dwelling Units | Total Number of Units | Total Proposed Floor Area |
| Studios                  |           |                   |                           |                       |                           |
| 1 Bedroom                |           |                   |                           |                       |                           |
| 2 Bedroom                |           |                   |                           |                       |                           |
| 3+ Bedroom               |           |                   |                           |                       |                           |
| Accessory Dwelling Units |           |                   |                           |                       |                           |
| Other                    |           |                   |                           |                       |                           |

| Land Use Summary |                           |
|------------------|---------------------------|
|                  | Total Proposed Floor Area |
| Residential      |                           |
| Non-Residential  |                           |

| Other Project Features        |          |
|-------------------------------|----------|
|                               | Proposed |
| Building Stories              |          |
| Usable Open Space / Amenities |          |
| Parking Spaces                |          |
| Loading Spaces                |          |
| Bicycle Spaces                |          |

#### APPLICANT'S SIGNATURE AND ACKNOWLEDGEMENT

Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of this property.
2. The information presented is true and correct to the best of my knowledge.
3. I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the City website.
4. If the Applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner's agent on all matters in connection with this pre-application.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date