

ORDINANCE NO. 2024-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING ZONING TEXT AMENDMENT NO. 2024-05,
A REQUEST BY THE CITY OF VISALIA TO IMPLEMENT PROGRAMS IN THE
HOUSING ELEMENT OF THE GENERAL PLAN PERTAINING TO THE PERMIT
STREAMLINING ACT, ACCESSORY DWELLING UNITS, AND THE REZONING OF
CERTAIN SITES WITHIN THE HOUSING ELEMENT SITES INVENTORY TO ALLOW
BY RIGHT DEVELOPMENT WITHOUT DISCRETIONARY ACTION. THE
REGULATIONS WILL APPLY CITYWIDE TO PROPERTIES WITHIN THE CITY
LIMITS OF THE CITY OF VISALIA.

WHEREAS, as required by California law, the City of Visalia has prepared an update (i.e., 6th 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 6th Cycle Update of the Housing Element is to adopt a text amendment to the Visalia Zoning Ordinance to clarify that accessory dwelling units (ADUs) are allowed by-right in all zones allowing residential uses; and

WHEREAS, one implementation program (i.e. 5.11) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to adopt a text amendment to the Visalia Zoning Ordinance to adopt a policy to ensure compliance with the Permit Streamlining Act (Government Code § 65920 et seq.) and timing requirements of the California Environmental Quality Act (CEQA) (Public Resources Code (PRC) § 21000 et seq.); and

WHEREAS, two additional implementation programs (i.e. 1.1 and 1.7) required by the California Department of Housing and Community Development for the 6th Cycle Update of the Housing Element is to adopt a text amendment to the Visalia Zoning Ordinance to clarify that certain housing sites identified in the current and prior versions of the Housing Element and certain annexation sites that are inventoried to meet lower income capacity assumptions are subject to by-right approval without discretionary action when the projects include housing developments with 20 percent or more of the units designated as affordable to lower-income households, consistent with Government Code Sections 65583.2(c), (h), and (i), and

WHEREAS, said amendment pertaining to implementation programs 1.1 and 1.7 would add a new Overlay District entitled Designated Housing Element Sites (HE) Overlay as a new Article 2 and a new Section 17.06.060 to Chapter 17.06, Zone Classifications, and the certain sites to be contained in the Overlay District to be subject to by-right approval without discretionary action constitutes the following 21 properties:

<u>Map ID</u>	<u>Location</u>	<u>Site Address</u>	<u>APN</u>	<u>Zoning Designation</u>	<u>Acres</u>
Lower Income Household sites identified on current & past versions of Site Inventories (Program 1.1)					
104	S Demaree St, West side S of Noble Ave		087090035	R-M-3	1.35
106	S Santa Fe St & E Paradise Ave, SWC		097272032	R-M-3	1.46
111	E Goshen Ave & Virmargo St, SEC	2505 E Goshen Ave	098060027	R-M-3	0.50
112	Goshen Ave & Virmargo St, SEC	2541 E Goshen Ave	098060038	R-M-3	1.00
113	Goshen Ave & Virmargo St, SEC		098060043	R-M-3	3.15
114	Goshen Ave & Virmargo St, SEC	2603 E Goshen Ave	098340042	R-M-3	9.68
115	E Tulare Ave & S Ben Maddox Way, SWC		100390001	R-M-3	4.62
116	E Tulare Ave & S Ben Maddox Way, SEC	1641 E Tulare Ave	100390002	R-M-3	3.81
132	N Santa Fe & E Grove Ave		094110013	CMU	2.00
133	500 E Race Ave		094100037	CMU	1.4
145	535 N Burke St		094250015	CMU	0.84
154	730 E Mineral King Ave		094222029	CMU	3.42
155	700 E Mineral King Ave Unit A		094222030	CMU	1.09
156	715 1/2 E Acequia Ave Unit A		094222019	CMU	1.14
157	721 E Acequia Ave		094222018	CMU	1.31
158	815 E Acequia Ave		094222006	CMU	0.65
159	940 E Main St		094201019	CMU	0.68
160	1040 E Main St		094201026	CMU	0.73
161	620 E Center Ave		094240029	CMU	0.86

<u>Map ID</u>	<u>Location</u>	<u>Entitlement</u>	<u>APN</u>	<u>Zoning Designation</u>	<u>Acres</u>
Lower Income Household sites identified on portions of Annexation Sites (Program 1.7)					
2	N Demaree St & W River Way Ave, NW Corner	Crandell / Belissa	077050018	R-M-3	43.19
5	N Shirk St & W Riffin Ave, NE Corner	Carleton Acres	077100108	R-M-3	156.00

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on December 9, 2024; 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 December 16, 2024, and introduced said Ordinance for first reading on that date.

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 Planning Commission of the City of Visalia recommends approval to the City Council of 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, Housing Element, and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as described in the following Housing Element Policies:

Housing Element Policy 1.1 - The City will allow development by right pursuant to Government Code section 65583.2(c) when 20 percent or more of the units are affordable to lower income households on sites identified in Table 63, which accommodate the lower income RHNA and were identified in past housing elements. Specifically, the City will allow affordable residential development by-right on lower-income nonvacant sites identified in the 5th cycle housing element, and lower-income vacant sites identified on sites previously identified in both the 5th and 4th cycle housing elements.

Housing Element Policy 1.7 - The City shall complete the annexation process for the annexation sites listed in Table 69, with Tulare County and Tulare County

Local Agency Formation Commission (LAFCO). In doing so, the City shall apply development standards, parceling at appropriate sizes (0.5 to 10 acres), and incentives to promote affordability. The annexations shall be completed in 2024

...

The City shall provide zoning in compliance with Government Code section 65583.2, subdivisions (h) and (i) on appropriate acreage within annexation sites included as lower income RHNA capacity, including a portions of annexation sites 2 (Crandell/Belissa) and 5 (Carleton Acres). Zoning will permit owner-occupied and rental multifamily uses by-right (without discretionary approval) for developments in which 20 percent or more of the units are affordable to lower income households, allow for at least 20 dwelling units per acre, at least 16 dwelling units per site, require a minimum density of 20 units per acre and up to 100 percent residential floor area in mixed use zones and require that residential uses occupy at least 50 percent of the total floor area of a mixed use project.

Housing Element Policy 5.8

To remove constraints to a variety of housing types and ensure compliance with State law, the City shall amend the municipal code to:

- 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.

Housing Element Policy 5.11

The City shall adopt a policy to ensure compliance with the Permit Streamlining Act (Government Code § 65920 et seq.) and timing requirements of the California Environmental Quality Act (CEQA) (Public Resources Code (PRC) § 21000 et seq.). The policy shall specify:

- Who is responsible for making CEQA determinations of PRC 21080.1;
 - That the determination will be made within the timeframe permitted by PRC 21080.2; and
 - That when the City determines a project is exempt from CEQA, the determination triggers the Permit Streamlining Act 60-day deadline under Gov. Code 65950(a)(5).
2. That applying specified Zone Code standards to certain housing sites identified in the current and prior versions of the Housing Element and certain annexation sites that are inventoried to meet lower income capacity assumptions will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2020-2023 Housing Element Update (5th Cycle Four-Year Housing Element Update and 6th Cycle Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.

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 the Zone Text Amendment is consistent, where applicable, with portions of State law, including but not limited to Government Code Section 65000 et. seq.
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. 2024-05, is approved, as contained in Exhibits "A", "B", and "C" of this Ordinance.

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. 2024-17

EXHIBIT 'A'

Section 1. Chapter 17.06, Zone Classifications, of the Visalia Zoning Ordinance, is hereby amended to add a new Article and Section to be entitled Article 2. "Overlay Zones", Section 17.06.060, "Designated Housing Element Sites (HE) Overlay", to read as follows, as specified by *italics & underline* for additions:

Title 17 ZONING

Chapter 17.06, Zone Classifications

Article 1. General

17.06.010 Establishment of zone names.

17.06.020 Establishment of zones by map.

17.06.030 Division of the zoning map.

17.06.040 Uncertainty of zone boundaries.

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

17.06.060 Designated Housing Element Sites (HE) Overlay

Article 2. Overlay Zones

17.06.060 Designated Housing Element Sites (HE) Overlay

A. Purpose. The purpose of the Designated Housing Element Sites (HE) overlay district is to establish the maximum density requirements and ministerial review rights for certain properties that are designated for lower income housing pursuant to California Housing Law as part of the City's Housing Element, consistent with Government Code Sections 65583.2 (c), (h), and (i).

B. Designation of HE Overlay Sites. The HE Overlay is applied to the following parcels.

1. The following parcels have been identified in the 2007-2014, 2015-2023, and/or 2023-2031 Housing Elements as potential sites for lower income housing:

<u>Map ID</u>	<u>Location</u>	<u>Site Address</u>	<u>APN</u>	<u>Zoning Designation</u>	<u>Acres</u>
<u>Lower Income Household sites identified on current & past versions of Site Inventories (Program 1.1)</u>					
<u>104</u>	<u>S Demaree St, West side S of Noble Ave</u>		<u>087090035</u>	<u>R-M-3</u>	<u>1.35</u>
<u>106</u>	<u>S Santa Fe St & E Paradise Ave, SWC</u>		<u>097272032</u>	<u>R-M-3</u>	<u>1.46</u>
<u>111</u>	<u>E Goshen Ave & Virmargo St, SEC</u>	<u>2505 E Goshen Ave</u>	<u>098060027</u>	<u>R-M-3</u>	<u>0.50</u>
<u>112</u>	<u>Goshen Ave & Virmargo St, SEC</u>	<u>2541 E Goshen Ave</u>	<u>098060038</u>	<u>R-M-3</u>	<u>1.00</u>
<u>113</u>	<u>Goshen Ave & Virmargo St, SEC</u>		<u>098060043</u>	<u>R-M-3</u>	<u>3.15</u>
<u>114</u>	<u>Goshen Ave & Virmargo St, SEC</u>	<u>2603 E Goshen Ave</u>	<u>098340042</u>	<u>R-M-3</u>	<u>9.68</u>
<u>115</u>	<u>E Tulare Ave & S Ben Maddox Way, SWC</u>		<u>100390001</u>	<u>R-M-3</u>	<u>4.62</u>
<u>116</u>	<u>E Tulare Ave & S Ben Maddox Way, SEC</u>	<u>1641 E Tulare Ave</u>	<u>100390002</u>	<u>R-M-3</u>	<u>3.81</u>
<u>132</u>	<u>N Santa Fe & E Grove Ave</u>		<u>094110013</u>	<u>CMU</u>	<u>2.00</u>
<u>133</u>	<u>500 E Race Ave</u>		<u>094100037</u>	<u>CMU</u>	<u>1.4</u>
<u>145</u>	<u>535 N Burke St</u>		<u>094250015</u>	<u>CMU</u>	<u>0.84</u>
<u>154</u>	<u>730 E Mineral King Ave</u>		<u>094222029</u>	<u>CMU</u>	<u>3.42</u>
<u>155</u>	<u>700 E Mineral King Ave Unit A</u>		<u>094222030</u>	<u>CMU</u>	<u>1.09</u>
<u>156</u>	<u>715 1/2 E Acequia Ave Unit A</u>		<u>094222019</u>	<u>CMU</u>	<u>1.14</u>
<u>157</u>	<u>721 E Acequia Ave</u>		<u>094222018</u>	<u>CMU</u>	<u>1.31</u>
<u>158</u>	<u>815 E Acequia Ave</u>		<u>094222006</u>	<u>CMU</u>	<u>0.65</u>
<u>159</u>	<u>940 E Main St</u>		<u>094201019</u>	<u>CMU</u>	<u>0.68</u>
<u>160</u>	<u>1040 E Main St</u>		<u>094201026</u>	<u>CMU</u>	<u>0.73</u>
<u>161</u>	<u>620 E Center Ave</u>		<u>094240029</u>	<u>CMU</u>	<u>0.86</u>

2. The following parcels have been identified within annexation sites as potential sites for lower income housing:

<u>Map ID</u>	<u>Location</u>	<u>Entitlement</u>	<u>APN</u>	<u>Zoning Designation</u>	<u>Acres</u>
<u>Lower Income Household sites identified on portions of Annexation Sites (Program 1.7)</u>					
<u>2</u>	<u>N Demaree St & W River Way Ave, NW Corner</u>	<u>Crandell / Belissa</u>	<u>077050018</u>	<u>R-M-3</u>	<u>43.19</u>
<u>5</u>	<u>N Shirk St & W Riggan Ave, NE Corner</u>	<u>Carleton Acres</u>	<u>077100108</u>	<u>R-M-3</u>	<u>156.00</u>

C. Allowed Uses.

1. Permitted uses. Permitted uses on HE Overlay Sites are as indicated in the corresponding zone classification sections of the properties. (Visalia Municipal Code Sections 17.16.020 and 17.16.040 for the R-M-3 zoned properties and Visalia Municipal Code Sections 17.25.030 for the C-MU and D-MU zoned properties).

2. By-Right Approval for Lower Income Residential Projects. Development projects on properties in the HE Overlay and zoned R-M-3, C-MU, or D-MU zone classification that provide 20 percent or more of the units affordable to lower-income households shall only be subject to a Site Plan Review Permit under Section 17.28.040. The site plan review staff shall declare their intention to allow the project to proceed upon making a finding that the project complies with Zoning Ordinance Section 17.28.040(B) and complies with all applicable objective provisions of the zoning ordinance, municipal code, general plan, and any applicable specific plans or city regulations/standards. No conditional use permit, as described in Zoning Ordinance Chapter 17.38, shall be required.

D. Development Standards.

1. The development standards for the properties in the HE Overlay are as indicated in the corresponding zone classification chapters of the properties. (Visalia Municipal Code Chapter 17.16 for the R-M-3 zoned properties and Visalia Municipal Code Chapter 17.19 for the C-MU and D-MU zoned properties).

2. For sites listed in Subsection B.1 of this Section as having been on one or more previous Housing Elements as potential sites for lower income housing, the use shall be allowed by-right (without discretionary approval) when 20 percent or more of the units in the corresponding zone are made affordable to lower income households.

3. For sites listed in Subsection B.2 of this Section as completing annexation during the 2023-2031 Housing Element cycle, owner-occupied and rental multi-family uses shall be allowed by-right (without discretionary approval) when 20 percent or more of the units in the corresponding zone are made affordable to lower income households, allow for at least 20 dwelling units per acre, at least 16 dwelling units per site, require a minimum density of 20 units per acre and up to 100 percent residential floor area in mixed use zones and require that residential uses occupy at least 50 percent of the total floor area of a mixed use project.

4. In no case shall the development standards, including those for height or lot coverage, allow for less than 20 dwelling units per acre on the properties designated HE Overlay when proposed for housing development with 20 percent or more of the units affordable to lower income households.

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EXHIBIT 'B'

Section 1. Section 17.25.030 Commercial, Office, and Industrial Zone Use Table of the Visalia Zoning Ordinance, is hereby amended as follows, as specified by italics & underline for additions and ~~strikeout~~ for deletions.

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 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)											
R36	Accessory Dwelling Units <u>and Junior Accessory Dwelling Units on a lot with an existing primary residence</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	17.12 Article 2 <u>17.14</u>

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EXHIBIT 'C'

Section 1. Chapter 17.02, Zone Classifications, of the Visalia Zoning Ordinance, is hereby amended to add a new Article and Sections to be entitled Article 3. "Adoption of Permit Streamlining Act regulations", to read as follows, as specified by italics & underline for additions:

Title 17 ZONING

Chapter 17.02, General Provisions

Article 3. Adoption of Permit Streamlining Act regulations

17.02.190 Purpose.

The California Legislature has found and declared that there is a statewide need to ensure clear understanding of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions on such projects.

It is the purpose of this article to specify that discretionary actions pursuant to Visalia Municipal Code Title 17 ("Zoning") shall comply with Government Code Section 65920, et seq. (Permit Streamlining Act) and timing requirements associated with Public Resources Code Section 21000, et seq. (California Environmental Quality Act).

17.02.200 Definitions.

The definitions found in the Permit Streamlining Act and the California Environmental Quality Act shall apply to the terms contained in this article.

17.02.210 Applicability.

- a. Discretionary actions pursuant to the Zoning code shall comply with Government Code Section 65920, et seq. (Permit Streamlining Act) as administered by and as amended from time to time by the California Legislature.
- b. Legislative actions taken pursuant to the Zoning code are not subject to the Permit Streamlining Act.
- c. The Permit Streamlining Act applies to all discretionary development projects that are quasi-adjudicatory actions such as approvals of Use Permits, Tentative Subdivision Maps, and Variances. The Permit Streamlining Act does not apply to ministerial projects such as building permits, or to legislative or quasi-legislative projects such as rezoning requests, and General Plan Amendments. Ministerial projects proposed to be carried out or approved by the City are exempt from this article.

17.02.220 Determination of project completeness.

- a. After an application has been filed and appropriate fees have been paid, the application shall be examined by staff of the Planning Division and other appropriate City departments, to determine whether it contains all of the required information and is complete for the purposes of complying with Section 65943 of the Government Code. No later than 30 days following the submittal of the application, the applicant shall be notified in writing whether the application is deemed by staff to be complete or incomplete. If the application is determined to be incomplete, the applicant shall be notified in writing of the reasons therefor and informed of the information still needed to make the application complete.
- b. Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six (6) months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. The City Planner on written request by the applicant showing good cause may grant an extension of this six (6) month period.
- c. All discretionary projects shall be reviewed for consistency with the citywide General Plan text and Land Use maps. A project application not determined to be consistent with the General Plan shall be considered incomplete.

17.02.230 Determination of level of environmental review.

- a. After acceptance of a complete application, the Planning Division shall review the application in compliance with the California Environmental Quality Act (CEQA) and any adopted City CEQA guidelines.
- b. The City shall determine the required level of environmental review (e.g., exemption, Negative Declaration) within the timeframe required by CEQA.
- c. One or more technical studies, paid for in advance by the applicant, may be required to supplement the City's CEQA compliance review.
- d. The determination of the level of environmental review shall be made within 30 days from the date on which an application for a project has been received and accepted as complete by the City. This period may be extended 15 days upon the consent of the City and the project applicant.
- e. If the City determines that the project is not exempt from CEQA, then the City shall approve or disapprove the project within the periods specified by Government Code Section 65950, et seq.
- f. If the City determines that the project is exempt from CEQA, then the City shall approve or disapprove the project within 60 days from the determination by the lead agency that the project is exempt from CEQA, as specified by Government Code Section 65950, et seq.

17.02.240 Interpretation.

If any portion of this article conflicts with the Permit Streamlining Act or other applicable state law, state law shall supersede this chapter. Any ambiguities in this article shall be interpreted as consistent with the Permit Streamlining Act.