

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING ZONING TEXT AMENDMENT NO. 2021-08,
A REQUEST BY THE CITY OF VISALIA TO AMEND PORTIONS OF VISALIA
MUNICIPAL CODE CHAPTER 8.36 (NOISE) AND TITLE 17 (ZONING ORDINANCE) AS
TO IMPLEMENT A PROGRAM CONTAINED IN THE CITY OF VISALIA 2020-2023
HOUSING ELEMENT PERTAINING TO REGULATIONS FOR RESIDENTIAL USES IN
DOWNTOWN MIXED USE, COMMERCIAL MIXED USE, AND OFFICE CONVERSION
ZONE DISTRICTS.

WHEREAS, Zoning Text Amendment No. 2021-08 is a request by the City of Visalia to amend portions of Visalia Municipal Code Chapter 8.36 (Noise) and Title 17 (Zoning Ordinance) as to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for residential uses in Downtown Mixed Use, Commercial Mixed Use, and Office Conversion Zone Districts. The specific amendments apply City-wide and are specified in Exhibit "A" of this Ordinance; and,

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required; and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on October 25, 2021; 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 November 15, 2021, and introduced said Ordinance for first reading on that date.

NOW, THEREFORE, BE IT RESOLVED that the City Council concurs that no significant environmental impacts would result from this project and, certifies that Initial Study No. 2021-44 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia finds as follows:

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 in the following Land Use and Housing Element Policies:

Housing Element Policy 2.2 - The City shall encourage the development of vertical and horizontal mixed-use development projects as a means to increase housing supply while promoting diversity and neighborhood vitality.

Housing Element Policy 2.4 - The City shall provide a wide range of housing types (e.g., mixed use, flats, podium townhouses, row houses, small-lot single-family residential, and live-work lofts) in the Downtown and East Downtown areas, as well as encourage both affordable and market-rate housing opportunities.

Land Use Element Policy LU-P-53 - Integrate multi-family development with commercial, office, and public uses in neighborhood nodes, Downtown, and with Commercial Mixed Use areas in East Downtown, along the Mooney corridor and elsewhere.

Land Use Element Policy LU-P-73 - Support new mixed-use development in Downtown and East Downtown, with an emphasis on ground-level retail and entertainment uses and upper-level residential and office uses. Support may involve expedited permit review and approval, loans, public-private partnerships, and floor area bonuses.

2. 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 2020-2023 Housing Element Update (5th Cycle Four-Year Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.
3. That prior environmental review documents have been prepared and adopted that are directly applicable to this Zoning Text Amendment, including a Program Environmental Impact Report for the preparation of the General Plan Update (SCH No. 2010041078), a Negative Declaration for the preparation of the General Plan Housing Element (Negative Declaration No. 2019-63), and an Initial Study for the preparation of the Zoning Ordinance Update (Environmental Document No. 2016-41). Furthermore, an Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant for this project, that the project has no new effects that could occur, and does not require any new mitigation measures that have not been addressed within the scope of the prior environmental review documents. Therefore, staff concludes that the previously prepared Program Environmental Impact Report and Negative Declaration adequately analyzed and

addresses the project, and the Planning Commission recommends to the City Council that Environmental Document No. 2021-44 can be adopted for this project.

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA, that Zoning Text Amendment 2021-08, is approved, as contained in Exhibit "A" 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. 2021-09

EXHIBIT “A”

Zoning Text Amendment (ZTA) No. 2021-08, implementing a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for residential uses in Downtown Mixed Use, Commercial Mixed Use, and Office Conversion Zone Districts.

Changes to City of Visalia Municipal Code, as specified by underline & italics for additions and ~~strikeout~~ for deletions.

TITLE 8, Health and Safety

Chapter 8.36 NOISE

Section 8.36.020 Definitions

The following words, phrases and terms as used in this chapter shall have the following meanings:

“Noise sensitive land use” means residential uses (excluding residential uses associated with a horizontal or vertical mixed use development project located in a Mixed Use Zone), churches, hospitals, schools, public library, or other such uses which are identified in the noise element of the general plan.

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)										
R27	Residential Units, New or Expansions, which may or may not be associated with a commercial activity	C	C	C	C	C	C	C	C	C	
R28	<u>Residential Units, including units for senior citizens, as a mixed use in an existing building containing one or more commercial or office uses</u>				<u>P*</u>	<u>P</u>		<u>P</u>			<u>17.32.164</u> <u>* In Micro-brewery/ Micro-winery Overlay District only</u>
R29	<u>Existing single-family dwelling</u>				<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>		

[Note: All subsequent items in list shall be renumbered commencing with R30.]

17.32.164 Residential units in mixed use zones.

A. Allowed use. Residential units converted within or expanded onto existing buildings that contain an allowed non-residential use are permitted by right for properties in the D-MU zone, for properties in the C-MU zone within the Micro-brewery/ Micro-winery Overlay District only (i.e., area north of Mineral King Avenue, east of Tipton Street, south of Murray / Goshen Avenues, and west of Ben Maddox Way), and in the O-C zone. Uses permitted by right are subject to the development standards in subsection (C) of this section.

B. Site plan review. All new or expansion of residential units are required to obtain a site plan review permit in accordance with Chapter 17.28.

C. Development standards for residential uses locating in an existing building as a use permitted by right. These standards may be used as guidelines for uses that are conditionally allowed in other zones.

1. Mixed Use Requirement. A residential use may be allowed as a use permitted by right inside a building with a commercial and/or office use so long as the building contains a separate space dedicated for a commercial and/or office land use.

2. Orientation. No residential use shall be both located at ground floor area and facing toward a public street. A residential use may be oriented toward an alley or non-street frontage.

3. Access. A residential use shall include at least one building access that is located to the side or rear of the building. A door and passageway leading to residential uses, containing no living space, may also be located on the ground floor facing toward a public street.

4. Parking. Residential units are required to provide 1.5 off-street parking spaces per dwelling unit. Residential units that are restricted for senior citizens are required to provide one (1) off-street parking space per dwelling unit. If the subject site contains on-site parking, a minimum of one (1) on-site parking space per unit shall be designated and signed within the on-site parking field for residential occupants only. Notwithstanding any available on-site parking spaces, the minimum off-street parking standards may be satisfied by paying an in-lieu fee as specified in Visalia Municipal Code Chapter 17.30 Article 2.

5. Maximum Floor Area Ratio. The maximum floor area ratio (referring to non-residential and residential floor area combined) shall not exceed 5.0 for properties in the Downtown Mixed Use zone district and 2.0 for properties in the Commercial Mixed Use zone district.

6. Maximum Number of Dwelling Units. The maximum number of dwelling units permitted by right in a building shall not exceed one unit per 600 square feet of site area, and in no case shall exceed 12 units.

7. Minimum Floor Area. The floor area of an individual dwelling unit shall be no less than 400 square feet.

8. Noise. Spaces intended for residential use shall be improved to meet a composite Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor-Indoor Sound Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30.

9. Limitations on Use. The following uses and activities shall not be operating in the same building at the time that a building permit is issued to establish residential units as part of a mixed use. Such uses however may later be established within the same building after residential units are established in the building.

a. Major vehicle/equipment repair (e.g. body or mechanical work, complete overhaul or substantial replacement of parts, vehicle detailing and painting, upholstery, or any similar use, not involving routine maintenance);

b. Night clubs or any other use that includes live entertainment;

c. Any other activity or use, as determined by the review authority, to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of mixed-use development residents due to the potential for the use to create dust, glare,

heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

10. Residential Noise Notice. Residents of new mixed-use projects, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban-type environment and that the noise levels may be higher than a strictly residential area.

11. Facilities. Each dwelling unit shall include a kitchen with cooking facilities, and spaces for bathroom and sleeping incorporated within the dwelling unit.