



## Legislation Details (With Text)

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<b>Title:</b>	Ordinance Adoption - Public hearing and first reading of an Ordinance to adopt Zoning Text Amendment No. 2025-04: A request by the City of Visalia to amend Visalia Municipal Code Title 17 (Zoning Ordinance), as to implement Program 2.7 for Missing Middle Housing, Program 3.17 for Planning for Large Sites, and Program 5.2 for Emergency Shelters, all contained in the City of Visalia 6th Cycle Housing Element. The regulations will apply Citywide to properties within the city limits of the City of Visalia.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
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<b>Attachments:</b>	1. CC Attachment 1 Ordinance 2025-15 for ZTA 2025-04, 2. CC Attachment 2 Staff Report from Joint 08.19.2025 Housing, 3. CC Attachment 3 Staff Report from Joint 08.19.2025 Shelters, 4. CC Attachment 4 Map of Large RHNA Sites, 5. CC Attachment 5 Recommended Map of Emergency Shelters Overlay District, 6. CC Attachment 6 Original Map of Emergency Shelters Overlay District, 7. CC Attachment 7 AB 2339 Text		

Date	Ver.	Action By	Action	Result
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### Agenda Item Wording:

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

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### Department Recommendation:

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

## **Executive Summary:**

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

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

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

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

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

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

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

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

To ensure compliance with Government Code section 65583(a)(4), as amended by AB 2339, the City shall amend the Zoning Code to allow emergency shelters by-right (without conditional or other discretionary permit) with appropriate development standards in a zone that allows residential uses, is in proximity to transportation and services, and contains sufficient capacity to

meet the need identified in the annual Point In Time (PIT) count; provide capacity analysis compliant with State law.

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

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

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

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

### **Background Discussion:**

The three implementation programs provide the City with flexibility in determining how to fulfill each program's objectives. Each program allows the City to choose the standards or strategies, tailored to what is best for the City, to achieve the necessary outcome. This approach is different from Zone Text Amendment Nos. 2024-05 and 2025-03, processed in December 2024 and September 2025, which both had more explicit changes to aspects of the Zoning Ordinance that the City had to adopt to be compliant with State law.

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

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

### **Project Analysis:**

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

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

Housing types may include duplexes, triplexes, townhomes, and cottage homes; however, the density and composition of missing middle housing can vary based on the setting of the community. Housing in a more urban and/or walkable area of the city could entail multi-unit and multi-story structures. Conversely, housing in existing single-family neighborhoods could entail smaller detached dwelling units or duplexes developed in a manner that maintains the neighborhood's existing

character. The latter example has to an extent been sanctioned in California through accessory dwelling units (ADUs), Senate Bill (SB) 9 ministerial duplexes, and SB 9 ministerial lot splits. Visalia already has a track record of approving units through SB 9 and updating its ADU ordinance to be compatible with State law.

#### Recommendation Based on Joint Meeting Discussion

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

#### Ongoing Study of Missing Middle Concepts on Infill Parcels

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

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

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

#### Staff Recommended Proposals for Missing-Middle Density Housing Types

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

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

- To provide more clarity on allowed unit types and the development standards within the R-1-5 residential zone.
- To further streamline the approval process of residential entitlements on more routine actions in the Residential and Mixed Use zones, when it can be found that there are no land use

compatibility issues.

- To provide more options for units to meet setback requirements in the Residential zones, particularly on lots that are constrained by lot depth.

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

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

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

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

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

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

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

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

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

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

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

Over the past several years, the Planning Division has processed an ample number of tentative parcel maps for oversized residential properties, splitting the property between two (2) and four (4) parcels. Lot splits that include the creation of an access easement require a Planned Unit

Development (PUD), processed as a conditional use permit entitlement. In cases where a PUD is only needed to establish an easement and not to create common lots or to request a deviation from setbacks, or creation of private streets, the PUD process may be seen as an unnecessary additional entitlement which adds cost and processing but has no other practical application for development standard deviations.

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

**Staff recommendation:** Staff recommends text amendments stating that Planned Developments are not necessary to accompany a tentative parcel map if certain development criteria are met, as defined in new Section 17.26.090.

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

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

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

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

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

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

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

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

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

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

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

The Planning Division has found that this subsection tends to be overlooked when staff reviews

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

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

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

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

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

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

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

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

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

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

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

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

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

The State has established that parcels intended to support the development of units appropriate for

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

In response to "large sites" over 10 acres, Housing Element Implementation Program 3.17 commits the City to take measures to facilitate and remove constraints toward parceling these sites to appropriate sizes (0.5 and 10 acres). The Program directs the City, by 2025, to adopt incentives to encourage the development of large RHNA sites potentially including, but not limited to:

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

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

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

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

The new Section specifies that development which meet two standards - that the parcel map subdivides an existing parcel to create no more than four new parcels, and that all newly created



parcels are no smaller than one-half (0.5) acre and no larger than ten (10) acres - shall be approved by obtaining a Site Plan Review Permit. This is the same process used for SB 9 urban lot splits.

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

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

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

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

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

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

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

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

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

- The **Commercial Mixed Use (C-MU)** and **Downtown Mixed Use (D-MU)** zones rank as the best suited zones for providing amenities and services. However, the D-MU zone only scarcely meets the vacant land requirement (2 acres are required; 3 acres are available).

- The **Regional Commercial (C-R)** and **Office Professional / Administrative (O-PA)** zones are the next best suited zones for providing amenities and services. Although these zones do not offer social services or retail, the City could make the case that these zones include a strong presence of all but one of the listed amenities and services, and that all have transportation which can be used to access the balance of the services.
- The following zones would not be suitable: **Neighborhood Commercial, Service Commercial, Office Conversion, Business Research Park, Light Industrial & Industrial, Quasi-Public.**

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

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

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

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

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

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

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

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

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

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

**Fiscal Impact:** None.

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

**Alternatives:**

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

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

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

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

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

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

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

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

**Attachments:**

1. Ordinance No. 2025-15 for Zoning Text Amendment No. 2025-04
2. Staff Report from August 19, 2025 Meeting regarding Missing Middle Housing
3. Staff Report from August 19, 2025 Meeting regarding Emergency Shelters
4. Location Map of Large RHNA Sites over 10 Acres
5. Location Map of Emergency Shelter Overlay District - Planning Commission Recommendation
6. Location Map of Emergency Shelter Overlay District - Original Staff Recommendation
7. Full Text of Assembly Bill 2339