



Legislation Details (With Text)

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Title:	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.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Attachment 1 - Ordinance No. 2025-13 for ZTA 2025-03, 2. Attachment 2 - City of Visalia SB 330 Application Draft, 3. Attachment 3 - City Of Visalia SB 423 - SB 35 Application Draft, 4. Attachment 4 - Full Text of Senate Bill 330, 5. Attachment 5 - Full Text of Senate Bill 35		

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. 2025-03: 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:

Brandon Smith, Principal Planner, brandon.smith@visalia.gov <<mailto:brandon.smith@visalia.gov>>, (559) 713-4636;

Paul Bernal, Planning and Community Preservation Director, paul.bernal@visalia.gov <<mailto:paul.bernal@visalia.gov>>, (559) 713-4025

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 6th 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 ADU Ordinance is adopted.
 - o 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.
 - o 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

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. 5th 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 (5th 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 6th 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