

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING ZONING TEXT AMENDMENT NO. 2021-09,
A REQUEST BY THE CITY OF VISALIA TO AMEND PORTIONS OF VISALIA
MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE) TO IMPLEMENT A PROGRAM
CONTAINED IN THE CITY OF VISALIA 2020-2023 HOUSING ELEMENT PERTAINING
TO REGULATIONS FOR EMERGENCY SHELTERS AND LOW BARRIER
NAVIGATION CENTERS.

WHEREAS, Zoning Text Amendment No. 2021-09 is a request by the City of Visalia to amend portions of Visalia Municipal Code Title 17 (Zoning Ordinance) to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for emergency shelters and low barrier navigation centers. 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 January 24, 2022; 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 April 4, 2022, 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 Housing Element Policies:

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

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

2. That applying the proposed Zone Code standards to future emergency shelter and low barrier navigation center uses will encourage increased opportunities for housing, particularly for persons experiencing homelessness, 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 that Environmental Document No. 2021-44 is adopted for this project.

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA, that Zoning Text Amendment 2021-09, 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. 2022-06

EXHIBIT “A”

Zoning Text Amendment (ZTA) No. 2021-09, implementing a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for emergency shelters and low barrier navigation centers.

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

TITLE 17 Zoning

Chapter 17.16 Multi-Family Residential Zones

Section 17.16.040 Conditional uses.

R. Residential structures up to four stories in height in the R-M-3 Zone District when the proposed structure is adjacent to an R-1 Zone District;

S. Low barrier navigation centers, subject to Section 17.32.135.

Chapter 17.25 Uses in the Commercial, Mixed Use, Office, and Industrial Zones

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)											
R30	Emergency Shelters			C	C	C				P		17.32.130

D. Standards for permitted by-right uses. The standards in this subsection must apply to any emergency shelter that is a use permitted by right. These standards shall be used as guidelines for any emergency shelter that is a use conditionally allowed in other zones, wherein a deviation from any such standard may be requested and considered as part of an application for conditional use permit.

1. Beds. The maximum number of beds for an emergency shelter as a use permitted by right is one hundred (100).

2. Parking. One (1) vehicle parking space shall be provided per ten (10) beds and one (1) parking space shall be provided per employee on shift during peak operating hours. Up to five (5) visitor spaces shall be provided for service providers based on the actual need as determined by the city. The City Planner has the authority to require an extra one (1) vehicle parking space per ten (10) beds for emergency shelters established in response to a natural or man-made disaster. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

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

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

- patron access requirements,
- hours of operation,
- operating schedule if intended to operate as a short-term shelter,
- security measures,
- litter removal,
- on-site management,
- staff training,
- property maintenance,
- neighborhood relations and communication,
- noise attenuation,
- pet occupancy, if applicable.

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

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

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

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

Section 17.32.135 Low barrier navigation centers.

A. Applicability. The requirements of this section apply to all low barrier navigation centers as defined in Chapter 17.04.

B. Permits.

1. Low barrier navigation centers are allowed as identified in the Zones Use Matrix included in Table 17.25.030. In addition, low barrier navigation centers are a use requiring a conditional use permit in the R-M-2 and R-M-3 multi-family residential zones and in the QP quasi-public zone.

2. All low barrier navigation centers are required to obtain a site plan review permit in accordance with Chapter 17.28 and are subject to the development standards in subsections (C) and (D) of this section.

C. Site development standards. The following standards are applicable to any permitted by-right or conditionally allowed low barrier navigation center.

1. A low barrier navigation center may not be located closer than one thousand (1,000) feet to a school (a school is herein defined as an existing or planned public or parochial elementary school, middle school, high school, or licensed day care facility) or another emergency shelter or low barrier navigation center.

2. A low barrier navigation center may not be located closer than twenty-five (25) feet to the front property line of any existing dwelling unit.

3. A low barrier navigation center shall incorporate a six (6) foot height perimeter fencing or wall constructed of either solid material (e.g., concrete block, wood, stucco) or wrought iron if the center is adjacent to any dwelling units. The perimeter fence or wall is only required on sides adjacent to residential uses.

D. Standards for permitted by-right uses. The standards in this subsection must apply to any low barrier navigation center that is a use permitted by right. These standards shall be used as guidelines for any low barrier navigation center that is a use conditionally allowed in other zones, wherein a deviation from any such standard may be requested and considered as part of an application for conditional use permit.

1. Beds. The maximum number of beds for a low barrier navigation center as a use permitted by right is one hundred (100).

2. Parking. One (1) vehicle parking space shall be provided per ten (10) beds and one (1) parking space shall be provided per employee on shift during peak operating hours. Up to five (5) visitor spaces shall be provided for service providers based on the actual need as determined by the city. A covered and secured area for bicycle parking shall

be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

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

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

- patron access requirements,
- hours of operation,
- security measures,
- litter removal,
- on-site management,
- staff training,
- property maintenance,
- neighborhood relations and communication,
- noise attenuation,
- pet occupancy, if applicable.

5. On-site requirements. A low barrier navigation center shall include on-site area where referral services are provided to assist clients in entering programs aimed at obtaining permanent shelter and income.

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

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

8. Outdoor Activity. A low barrier navigation center shall designate at least five (5) percent of the site to open or outdoor recreational space, located outside of any required front or street side landscape setback area or parking field. Outdoor activity shall be allowed only during the hours of 7:00 a.m. to 10:00 p.m.

Chapter 17.52 Quasi-Public Zone

Section 17.52.030 Conditional uses.

J. Emergency shelters, subject to Section 17.32.130;

K. Low barrier navigation centers, subject to Section 17.32.135;

L. Other uses similar in nature and intensity as determined by the city planner.