

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY, SEPTEMBER 25, 2017, 7:00 PM REGULAR MEETING,
COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - Finding of Consistency No. 2017-004 a request by Visalia Adventure Park to construct solar carport shade structures in the west parking lot south of the batting cages. The site is located at 5600 West Cypress Avenue (APN: 08-450-019). The Visalia Adventure Park Conditional Use Permit No. 2003-39 for the family entertainment park was approved by the Planning Commission on January 26, 2004.
5. PUBLIC HEARING – Andy Chamberlain - *Continued from the 09/11/2017 Public Hearing*
Variance No. 2017-20: A request by Frank Golden to exceed the 25% office area limit in the Industrial Zone, allowing a 45% office area totaling 2,346 sq. ft. of office in a 5,200 sq. ft. building, in the Industrial (I) Zone. The site is located at 9420 W. Perishing Avenue. (APN: 081-100-026).
6. PUBLIC HEARING – Brandon Smith
 - a. Houdini Acres Tentative Subdivision Map #5563: A request by Larry Rambaud to subdivide three lots consisting of 2.15 gross acres into 10 lots for residential use in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone. The site is located on the west side of Demaree Street between Iris and Howard Avenues (APN: 087-122-010,011,013). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2017-67.
 - b. Conditional Use Permit No. 2017-31: A request by Larry Rambaud to allow two duplex structures (four dwelling units total) on two corner lots within proposed Tentative Subdivision Map #5563 in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone. The site is located on the west side of Demaree Street between Iris and Howard Avenues (APN: 087-122-013). The project is Categorically Exempt from the

California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2017-67.

7. PUBLIC HEARING – Andy Chamberlain

Variance No. 2017-21: A request by Walmart to allow 736 sq. ft. of building signage, and 108 sq. ft. of monument sign area in the Commercial Mixed Use (CMU) Zone. The site is located at 1819 E. Noble Avenue. (APN: 100-050-001, 007, 100-040-043) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-69.

8. PUBLIC HEARING –Paul Scheibel

- a. General Plan Amendment GPA No. 2017-01: A request by the City of Visalia to amend General Plan Land Use Element Policy LU-P- 45 and LU-P-46 (Visalia’s Infill Incentive Program), and General Plan Land Use Policy LU-P-20 pertaining to annexation of Disadvantaged Unincorporated Communities (DUC), to be consistent with the 2016 General Plan Housing Element, Citywide. Pursuant to California Environmental Quality Act Section 15183, environmental findings are included as part of the project findings.
- b. Zoning Text Amendment ZTA No. 2017-02: Zoning Text Amendment ZTA 2017-02, a request by the City of Visalia to amend the Visalia Municipal Code, Title 17 (Zoning) to implement the 2016 General Plan Housing Element, and to correct minor errors noted from the 2017 Zoning Ordinance Update, Citywide. Pursuant to California Environmental Quality Act Section 15183, environmental findings are included as part of the project findings.

9. DIRECTOR’S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, OCTOBER 5, 2017 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city’s website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, OCTOBER 9, 2017



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 25, 2017

PROJECT PLANNER: Paul Scheibel, AICP, Principal Planner
Phone No.: (559) 713-4369

SUBJECT: General Plan Amendment GPA No. 2017-01: A request by the City of Visalia to amend General Plan Land Use Element Policy LU-P- 45 and LU-P-46 (Visalia's Infill Incentive Program), and General Plan Land Use Policy LU-P-20 pertaining to annexation of Disadvantaged Unincorporated Communities (DUC), to be consistent with the 2016 General Plan Housing Element, Citywide.

Zoning Text Amendment ZTA No. 2017-02: Zoning Text Amendment ZTA 2017-02, a request by the City of Visalia to amend the Visalia Municipal Code, Title 17 (Zoning) to implement the 2016 General Plan Housing Element, and to correct minor errors noted from the 2017 Zoning Ordinance Update, Citywide.

STAFF RECOMMENDATION

Staff recommends approval of General Plan Amendment No. GPA 2017-01 and Zoning Text Amendment ZTA No. 2017-02, based upon the findings and conditions in Resolution Nos. 2017-71 and 2017-72. Staff's recommendation is based on the following:

- The General Plan and Zoning Text Amendments are consistent with the goals, objectives, and policies of the City's General Plan.
- The General Plan and Zoning Text Amendments will facilitate the City's implementation of the 2016 General Plan Housing Element Update which identified such amendments as necessary to implement the Housing Element in accordance with the policies and directions incorporated into its adoption, and to be consistent with recently adopted State laws pertaining to affordable and special needs housing.
- In addition, the portion of ZTA 2017-02 pertaining to correcting identified errors found subsequent to adoption of the Zoning Ordinance update reflects the direction of the City Council in its adoption of the 2017 Zoning Ordinance update this past April.

RECOMMENDED MOTION

I move to recommend approval of General Plan Amendment No. 2017-01 Parts A and B, based on the findings and conditions in Resolution No. 2017-71; and,

I move to recommend approval of Zoning Text Amendment No. 2017-02, Part 1, Items A thru Q, and Part 2, items A thru I, based on the findings and conditions in Resolution No. 2017-72.

PROJECT DESCRIPTION AND ANALYSIS

General Plan Amendment (GPA) No. 2017-01 and Zoning Text Amendment ZTA No. 2017-02 is a request by the City of Visalia Staff to incorporate two amendments to the General Plan Land Use Element and several Zoning Ordinance amendments that stem from the 2016 General Plan Housing Element Update. Throughout this report numerous items have been identified to be updated to ensure the General Plan, Zoning Ordinance, and Housing Element all complement each other. Each of the specific Amendments included in this proposed action have been identified in one of two parts with various sub parts (No: 1, A and B, No: 2, Part 1 A through Q and No: 2, Part 2 A through I). Each of the subparts includes background and staff analysis to support the recommendation.

1) General Plan Amendment No. GPA 2017-01: A request by the City of Visalia to Amend the General Plan Land Use Element to implement the General Plan Housing Element:

A. Amend General Plan Land Use Element Policies LU-P-45 and LU-P-46 by amending the “Visalia’s Infill Incentive Program, Incentives Table as follows:

1- Residential projects that meet the following criteria shall be eligible for Transportation Impact Fee Reductions:

- Adjacent public street travel lanes are paved
- The project site is 75% surrounded by existing development that has been in place an average of fifteen years or more
- The project is within the Tier 1 Urban Growth Boundary as of October 2014

2- Qualifying Priority 1 Property:

A. Are located within the Tier 1 Growth Boundary rather than within the “Core Area” ; or

B. Increase the qualifying parcel size from ‘less than .25-acre’ to ‘a maximum aggregate size of five acres.’

C. Reduce the percentage of housing affordable to households earning 80% of the AMI (Average Median Income) from ‘30 percent’ to ‘20 percent’.

3- Infill Incentives:

A. In the Priority 1 Properties Category, Increase the maximum reduction of Traffic Impact Fees for qualifying affordable housing projects from '50%' to '60%'.

B. In the Priority 2 Properties Category, Increase the maximum reduction of Traffic Impact Fees for qualifying affordable housing projects from '33%' to '43%'.

Staff Analysis: General Plan Land Use Element Policies LU-P-45 and LU-P-46 establishes the City's intent to promote in-fill development, as shown below:

LU-P-45 Promote development of vacant, underdeveloped, and/or re-developable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.

Techniques to be used include designation of infill opportunity zones as part of the implementation process and provision of incentives, such as reduced parking and streamlined review, and residential density bonuses, and floor area bonuses for mixed use and/or higher-density development, subject to design criteria and findings of community benefit.

LU-P-46 Adopt and implement an incentive program for residential infill development of existing vacant lots and underutilized sites within the City limits as a strategy to help to meet the future growth needs of the community.

Infill will be supported by increasing allowable density or decreasing minimum lot size under zoning to the maximum limits set by the General Plan, by reducing off-street parking requirements, by creating an Infill Incentive Zone where reduced fees and other incentives may apply because infrastructure is in place, and by providing incentives that respond to different challenges (for example in Downtown or in historically underutilized areas). Infill development also is supported by growth management policies; see Policy LU-P-21 for details.

The In-fill Incentive Program in the General Plan Land Use Element set forth the specific qualifying criteria and incentives to implement these policies. The 2016 Housing Element also affirmed the City's in-fill intent, and included several revisions to the program to further incentivize in-fill developments that also include affordable housing components. General Plan Land Use Element Program 2.5 outlines these revisions:

HE Program 2.5 INCENTIVES FOR INFILL AFFORDABLE HOUSING

The City shall amend the Fee Resolution to incorporate traffic impact fee reductions of 25% for residential projects that meet the amended criteria of LU-P-46, as follows:

Residential Infill Credit Criteria: A reduction in the amount of Transportation Impact Fees will be provided to all Residential Projects that meet the following criteria:

1. The project is in a location where the adjacent public street travel lanes are paved.
2. The project is seventy-five percent surrounded by existing development that has been in place an average of fifteen years or more.
3. The project is within the Tier 1 Boundary as of October 2014, as established by General Plan Land Use Policy LU-P-19.
4. Projects that meet the Infill Criteria:
5. Receive Transportation Impact Fee reductions as stated in General Plan Land Use Policy LU-P-46 for Priority 1 or Priority 2 Infill Incentive Zones.
6. Affordable Housing projects shall receive an additional 10% Transportation Impact Fee reduction cited in above infill Criteria 1.

The Infill Incentive Program found in the General Plan referenced by LU-P-46 shall be amended as follows:

Priority 1 properties are those that:

- Have a parcel size of up to 5 acres
- Have a development proposal for housing where at least 50% of the units are affordable to households earning 120 percent of Area Median Income (AMI) or below, or 20 percent are affordable to households earning 80 percent of AMI or below.

Responsibility: Community Development Director

Funding: General Fund

Timeframe: Within one year of Housing Element Update certification

Quantified Objective: Adopt implementing Resolution within one year of Housing Element Update certification

The revised incentive is to increase the Transportation Impact Fee reduction by an additional 10% in both Priority Property category areas. In addition, the defined area is expanded to the Tier 1 Growth Boundary instead of the "Core Area" (As defined in the General Plan). Priority 1 is the City's "City Area" and Priority 2 is the balance of the City's current corporate boundaries (Tier 1 Growth Boundary). This amendment also makes qualifying for the incentive easier by reducing the threshold for a candidate project to qualify as an affordable housing threshold from 30% of units to 20% of units; and, by increasing the range of sizes of a candidate parcel to a simple five acres, regardless whether the candidate site is comprised of a single parcel or an assemblage of parcels.

As proposed by the 2016 Housing Element Program 2.5, the Infill Incentive Program Table of the General Plan requires revisions is as shown on the following page (in edited text):

B. Amend Land Use Policy LU-P-20 by adding the following pertaining specifically to Disadvantaged Unincorporated Communities (DUC), as follows:

LU-P-20.1 Invite voluntary annexation of the K Road County Island by gauging the interest of residents, registered voters, and property owners within the K Road County Island, pursuant to State Law (SB244), and Tulare County LAFCO policy. These persons shall be contacted upon either of the following: A development proposal is filed within or adjacent to the K Road County Island; or, bi-annually. The method of contact shall be made by a mailed survey that complies with the LAFCO guidelines. The City shall initiate the Annexation of the K Road County Island if less than 25% percent of registered voters and less than 25% of property owners object to the annexation.

Staff Analysis: LU-P-20 presently states:

LU-P-20 Allow annexation and development of residential, commercial, and industrial land to occur within the “Tier I” Urban Development Boundary (UDB) at any time, consistent with the City’s Land Use Diagram.

This Land Use Element Amendment implements City Council approved 2016 Housing Element Program 9.8. (shown below)

HE Program 9.8 DISADVANTAGED UNINCORPORATED COMMUNITIES (DUC)

In order to comply with SB 244, the City shall adopt a new General Plan Land Use policy and program to establish a process for inviting annexation of the K Road County Island, the DUC with potential for urbanization within or adjacent to its boundaries. The City shall gauge interest in voluntary annexation by the residents, registered voters and property owners within the K Road County Island in the form of an Annexation Survey when either of two circumstances occur: 1- There is a development proposal within the City's corporate boundaries that is contiguous with any portion of the K Road County Island; or, Semi-annually beginning in Calendar Year (CY) 2017. The survey shall comply with Tulare County Association of Governments (TCAG) guidelines, including: Content neutrality, bi-lingual text (English/Spanish), and delivered to addressees of property owners, residents, and registered voters. The City shall initiate the Annexation if less than 25% of registered voters and less than 25% of property owners object to the annexation.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: Adopt Land Use Policy and Program regarding DUC Annexation – Within one year of certification of the Housing Element Update. Ongoing Implementation- No less than Bi-Annually beginning in 2017

Quantified Objective: Land Use Policy and Program adopted. Annexation Survey prepared and delivered as established in the Program.

This is required to comply with recent State Law (SB244) that requires the City to implement an effective outreach program to invite DUCs to annex. LU-P-20 specifically pertains to County Islands in the Tier 1 Growth Boundary, in which

the K Road County Island lies entirely within. The City has already engaged the K Road Community, in conjunction with a recent subdivision project the City approved, contingent upon successful annexation into the City.

2) Zoning Text Amendment (ZTA) No. 2017-02, Part 1: A request by the City of Visalia to Amend the Zoning Ordinance to implement the 2016 General Plan Housing Element.

The following Zoning Ordinance amendments are the result of several programs adopted with the 2016 Housing Element Update. Generally, the revisions are contained in Housing Element Program 9.8; and, are specifically cited in the respective Programs associated with the subject area. These specific Program references are included in each of the “Staff Analysis” paragraphs associated with the proposed Zoning ordinance Amendment.

A. Amend Section 17.16.020 B. (Multi-family Residential Zones) to allow multi-family dwellings up to 80 dwelling units per site to be permitted by right in the R-M-2 and R-M-3 Zones.

17.16.020 Permitted uses.

In the R-M multi-family residential zones, the following uses are permitted by right:

- A. Existing one-family dwellings;
- B. Multi-family dwellings up to ~~sixty (60)~~ eighty (80) dwelling units per site in the R-M-2 zone and the R-M-3 zone;

Staff Analysis: Implements 2016 Housing Element Program 1.3. This increases the threshold for multi-family project permitted by right from 60 units to 80 units.

B. Add Section 17.16.040 T. (Conditional Uses) to allow structures up to four stories in the R-M-3 Zone, when the proposed four-story structure is adjacent to an R-1 Zone District.

Staff Analysis: Implements 2016 Housing Element Program 1.7. This increases the maximum multi-family structure building height as a means to increase densities on High Density Residential project sites. Where the site is adjacent to a non Single-family Residential zone, the project is permitted by right. Where a project site is adjacent to a Single-family Residential zone, a four-story project can be allowed, subject to a Conditional Use Permit (CUP).

C. Amend Section 17.16.100 (Height of Structures) to allow structures up to four stories in height in the R-M-3 Zone District.

Staff Analysis: Implements 2016 Housing Element Program 1.7. This increases the maximum multi-family structure building height as a means to increase densities on High Density Residential project sites. Where the site is adjacent to a non- Single-family Residential zone, the project is permitted by right.

D. Add Section 17.32.220 A.5. (Affordable Housing Development Incentives and Concessions) to include waiver of CUP requirement for affordable housing projects with less than 80 units.

Staff Analysis: Implements 2016 Housing Element Program 2.2. This would waive the CUP requirement for projects that are less than 80 units when a CUP would otherwise be required. Examples where this incentive would apply are residential projects in non-residential zones (such as the Mixed Use Zones).

E. Add Section 17.32.220 A.6. (Affordable Housing Development Incentives and Concessions) to include waiver of parking requirements for affordable housing projects with less than 80 units.

Staff Analysis: Implements 2016 Housing Element Program 2.2. This would waive the parking requirement for projects that are less than 80 units. Examples of where this incentive would be applied are in the Downtown Mixed Use zone, or where the project residents would be less likely to own or use automobiles, such as housing for elderly or handicapped.

F. Amend Section 17.32.040 G.2.b. (Planned Mobile Home Parks) (Development Standards, Mobile Home Park Size and Density) to allow the development density to be that of the underlying Zone District, as follows:

2. Mobile Home Park Size and Density.

~~b. A maximum of six mobile home lots per gross acre will be permitted.~~
The maximum gross density shall be that of the underlying Zone District.

Staff Analysis: Implements 2016 Housing Element Program 3.19. This is one of four changes to the Mobile Home Park zoning provisions. It removes the artificially low maximum allowable density of six units per gross to that of the underlying zone district. Consequently, the new minimum permitted density would be 10 units per gross acre (in the R1-5 Zone District), subject to compliance with setback and other Code standards for the respective Zone District.

G. Amend Section 17.32.040 G.3.b. (Planned Mobile Home Parks) (Development Standards, Setbacks, Individual Mobile Home Lot) to allow the minimum side yard setback to be five feet instead of eight feet.

b. Individual Mobile Home Lot.

Front yard: ten feet;

Side yard: eight ~~eight~~ *five* feet;

Rear yard: five feet.

Staff Analysis: Implements 2016 Housing Element Program 3.19. This is the second of four changes to the Mobile Home Park zoning provisions. It makes side yard setbacks for mobile home units five feet, which matches the side yard setback for standard housing units.

H. Delete Section 17.32.040 G.13. (Planned Mobile Home Parks) (Development Standards, Recreation Area, Pedestrian ways and Bikeways).

~~13. Recreation Area, Pedestrian Ways and Bikeways.~~

~~a. Common recreation areas shall be required and shall conform to the following regulations:~~

~~i. In all mobile home parks there shall be one or more outdoor recreation areas easily accessible to all park residents and available for year-round recreational use;~~

~~ii. Recreation areas shall contain a minimum of fifteen thousand (15,000) square feet, and shall contain an additional two hundred (200) square feet for every mobile home site in excess of seventy five (75). Recreation areas may include a community center;~~

~~iii. Recreation areas shall be centrally located and free of traffic hazards.~~

~~b. For the purpose of computing available common recreation area, required mobile home and travel park yard areas and pedestrian ways, management offices, and laundry or tenant storage areas shall not be included.~~

~~c. Pedestrian circulation may be emphasized by the provision of well landscaped, convenient and aesthetically pleasing walkways that originate near individual mobile home sites and lead to common recreation areas and service facilities. The walkway shall be a minimum width of four feet, permanently paved or equivalent, and shall be a reasonable distance away from mobile homes.~~

Staff Analysis: Implements 2016 Housing Element Program 3.19. This is the third of four changes to the Mobile Home Park zoning provisions. It removes the requirement for prescribed community amenities. This is recommended to create a more even playing field to encourage mobile home developments, since other single-family unit developments, such as subdivisions, are not required to provide on-site recreational amenities. Mobile home parks would still be required to pay park and trails impact fees, as is the case with standard residential developments.

I. Delete Section 17.32.040 G.14. (Planned Mobile Home Parks) (Development Standards, Landscaping and Screening).

~~14. Landscaping and Screening. Mobile home parks shall provide permanently maintained landscaped areas and site screening in conformance with the following regulations. Precise landscape plans to be submitted and approved prior to approval of a conditional use permit for a mobile home park development on the site.~~

~~a. Mobile home parks that abut upon a public roadway shall provide a landscaped border adjacent to the road right-of-way of not less than twenty-five feet in width.~~

~~b. Fifteen (15) gallon trees shall be planted at twenty-five (25) foot intervals within required landscaped areas.~~

~~c. Mobile home parks shall provide masonry perimeter screen fencing, a minimum of six feet in height, along all side and rear property lines where the park adjoins an R-A, R-1, or R-M zone.~~

~~d. Mobile home parks abutting upon a public roadway shall provide a masonry wall or fence not less than three feet in height, along all public street frontages located not less than twenty-five (25) feet behind the property line.~~

~~e. A minimum five-foot wide landscaped strip shall extend along the periphery of the entire development inside the required wall.~~

Staff Analysis: Implements 2016 Housing Element Program 3.19. This is the fourth of four changes to the Mobile Home Park zoning provisions. It removes the specific landscape requirements to that of the underlying zone district. This is recommended to create a more even playing field to encourage mobile home developments, since other single-family unit developments, such as subdivisions, are not required to provide on-site recreational amenities. Mobile home parks would still be required to install and maintain parkway landscaping along perimeter streets, as is required for other development projects.

J. Add Section 17.10.020 J. (Open Space Zone, Permitted Uses) to permit Employee Housing, as defined in California Health and Safety Code Section 17008.

Staff Analysis: Implements 2016 Housing Element Program 5.9. This is required to comply with the recently adopted State law (Health and Safety Code Section 1700 et.seq.) by ensuring that employee housing can be allowed in any zone district where commercial agriculture is allowed. The current Zoning Code complied with the previous State provisions pertaining to employee housing (Farmworker Housing), in that it required the City only to allow such housing in the Agriculture Zone District, and set a resident limit of six or fewer occupants. The new Code provisions, which comply with State law, allows such defined housing to have up to 12 units or 36 beds to be permitted by right.

K. Delete Section 17.10.040 E (Open Space Zone, Conditional Uses) pertaining to restrictions on conditionally allowing Employee Housing.

Staff Analysis: Implements 2016 Housing Element Program 5.9. This is required to comply with the recently adopted State law (Health and Safety Code Section 1700 et.seq.) by ensuring that employee housing can be allowed in any zone district where commercial agriculture is allowed. The current Zoning Code complied with the previous State provisions pertaining to employee housing (Farmworker Housing), in that it required the City only to allow such housing in

the Agriculture Zone District, and set a resident limit of six or fewer occupants. The new Code provisions, which comply with State law, allows such defined housing to have up to 12 units or 36 beds to be permitted by right.

L. Amend Section 17.12.020 N. (Single-Family Residential Zone, Permitted Uses, Transitional or supportive housing) by substituting "...for six or fewer units" with "...as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c).

Staff Analysis: Implements 2016 Housing Element Program 9.10. This is required to comply with the recently adopted State law (Health and Safety Code 65583). Several required updates were already incorporated into the 2017 Zoning Code Update.

M. Delete Section 17.12.040 S. (Single-Family Residential Zone, Conditional Uses, Transitional or supportive housing for seven or more residents/clients)

Staff Analysis: Implements 2016 Housing Element Program 9.10. This is required to comply with the recently adopted State law (Health and Safety Code 65583). Several required updates were already incorporated into the 2017 Zoning Code Update.

N. Amend Section 17.16.020 L. (Multi-Family Residential Zones, Permitted Uses, Transitional or supportive housing) by substituting "...for six or fewer units" with "...as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c). "

Staff Analysis: Implements 2016 Housing Element Program 9.10. This is required to comply with the recently adopted State law (Health and Safety Code 65583). Several required updates were already incorporated into the 2017 Zoning Code Update.

O. Delete Section 17.16.040 S. Multi-Family Residential Zone, Conditional Uses, Transitional or supportive housing for seven or more residents/clients)

Staff Analysis: Implements 2016 Housing Element Program 9.10. This is required to comply with the recently adopted State law (Health and Safety Code 65583). Several required updates were already incorporated into the 2017 Zoning Code Update.

P. Amend Section 17.25.030 D. (Table 17.25.030, Use Matrix, Residential) Insert Line R-34 Transitional and Supportive Housing as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c)

Staff Analysis: Implements 2016 Housing Element Program 9.10. This is required to comply with the recently adopted State law (Health and Safety Code 65583). Several required updates were already incorporated into the 2017 Zoning Code Update.

Q. Add Section 17.42.050 C. (Variances) as follows:

C. No Variance or Exception shall be required for structures or devices that are necessary to facilitate reasonable access to a building or accommodation for persons with physical or non-physical disabilities.

Staff Analysis: Implements 2016 Housing Element Program 5.3 (Reasonable Accommodation). This is necessary to ensure that persons who require certain structures or devices to achieve access into a building can obtain building permits without the need to obtain a variance or exception before the construction permit is issued. Constructing a wheelchair ramp into a residence that encroaches into the required front or side setback presently requires the applicant to first obtain an exception or variance approval. This provision will allow the applicant to obtain a building permit without having to obtain those discretionary approvals.

2) Zoning Text Amendment (ZTA) No. 2017-02, Part 2: A request by the City of Visalia to Amend the Zoning Ordinance to correct minor errors noted from the 2017 Zoning Ordinance Update, Citywide, as follows:

A. 17.12.090. Side yards. Revise Section 17.12.090.D as shown in *italics and underlined*, as follows:

On corner lots, all front-loading garage doors *or other parking facilities, such as, but not limited to, carports, shade canopies, or Porte Cochere* shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk. *A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.*

Staff Analysis: The inclusion of additional language in Section 17.12.090.D clarifies the required 22-foot setback for garages, carports, shade canopies, or a Porte Cochere if these covered parking structures are to be located on the street side of a corner lot. The revised language is consistent with the language for the placement of garages, carports, shade canopies, or a Porte Cochere within the front yard.

B. 17.16.080. Side Yards - Revise Section 17.16.080.A as shown in *italics and strike-through*, as follows:

A. The minimum side yard for a permitted or conditional use shall be five feet ~~per story~~ subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

Staff Analysis: The revision to Section 17.16.080.A eliminates the 10-foot setback for the second story of a multi-family structure. Establishing a five-foot side yard setback for all interior side yards in the multi-family zones will create interior side yard setback consistency in all residential zones. The five foot per story setback, which requires the second storying being located 10-feet from a side property line, creates a burden on multi-family developments trying to maximum the development potential of a lot in order to achieve density requirements as prescribed by the General Plan. The five-feet per story creates a design constraint that is not required in other residential zones which permit second story structures to be setback five feet from the side property line. The removal of the five-foot per story in the multi-family zones does not remove the requirement to limit visibility from the second story of a multi-family unit into adjacent R-1 zoned property as prescribed in Section 17.16.100 of the Zoning Ordinance.

C. 17.16.090. Rear yard- Revise Section 17.16.090.C as shown in *italics and underlined*, as follows:

Exceptions to the rear yard setback can be granted for multiple family units that have their rear yard abutting an alley. The exception may be granted *only* if the rear yard area is to be used for parking. *Through the Site Plan Review process, consistency with this section may be determined for permitting purposes subject to the provisions of Section 17.28.050.*

Staff Analysis: The revision to Section 17.16.090.C establishes the review process for developments of multi-family zoned sites that request to locate parking in the required rear yard by utilizing the alley to access the required parking. This section, which is a carryover from the 1993 Zoning Ordinance, never identified who had authority to review the request and approve the exception. The exception to allow the rear yard area to be used for parking for multi-family zoned sites is only applicable to multi-family zoned parcels that abut an alley. Multi-family developments that do not abut an alley but are request to utilize the required rear yard area for parking would be subject to the Variance process.

D. Section 17.25 Zone Matrix- Revise Section 17.25 Zone Matrix, as shown in *italics and underlined*, as follows:

Add *“Adult-Oriented Business”* to the Zone Matrix and include cross-reference of Section 17.62 (Adult-Oriented Businesses)

Staff Analysis: This addition is recommended to provide a cross-reference with Zoning Code Section 17.62 which provides locational and other criteria for adult-oriented businesses.

E. Section 17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area - Revise: Section 17.19.070 as shown in *italics and underlined*, as follows:

The following development standards shall apply to property located in the *D-MU and C-MU* zone and located ~~outside~~ inside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

Staff Analysis: The revision to Section 17.19.070 is to correct errors/typo's that were missed during the adoption of the Zoning Ordinance.

F. Section 17.19.070.D.1 - Revise: as shown in *italics and strike-through* , as follows:

Front: five (5) feet (except where a building is located on ~~side~~ property line);

Staff Analysis: The revisions to Section 17.19.070.D.1 is to correct errors/typo's that were missed during the adoption of the Zoning Ordinance.

G. Section 17.28. Site Plan Review Permit- Revise: Section 17.28, as shown in *italics and underlined*, as follows:

Chapter 17.28

SITE PLAN REVIEW PERMIT

Sections:

17.28.010 Purpose and intent.

17.28.012 Definitions.

17.28.015 Applicability.

17.28.020 Site plan review committee.

17.28.030 Application procedure.

17.28.040 Committee findings.

17.28.050 Appeals to the planning commission.

17.28.060 [Reserved]

17.28.070 Site plan review permit issuance.

17.28.080 Required improvements.

17.28.085 Timing of improvements.

17.28.090 Building permits.

17.28.100 Lapse of site plan review permit.

17.28.110 Suspension and revocation.

17.28.120 Permit to run with the land.

Staff Analysis: The revision to Section 17.28 establishes when site plan review is required for projects considered a "Change in Use" or "Change in Occupancy" of a building/structure. Clarifying when site plan review is required ensures that applicants/property owners are provided the necessary guidance for their project

in order for their project to meet all applicable federal, state and local codes and ordinances. Applying these revisions to the Site Plan Review section provide potential buyers/leasers of site to determine if the proposed use is allowed at the chosen location, informs them of any additional building requirements and potential impact fees based on the change of use or occupancy of a building or structure. The inclusion of definitions for a "Change of Occupancy" or "Change of Use" confirms when site plan review is required.

H. Section 17.28.012 (Definitions), Add new section as follows:

For the purpose of this chapter the following definitions shall apply:

"Change of Occupancy" means a change in the purpose or level of activity within a building that involves a change in application of the requirements of the California Building Code.

"Change of Use" means the use of the building or part of a building changes from one use to another.

Staff Analysis: See G above.

I. Section 17.28.050. (Applicability), Revise new section as shown in *italics* and underlined or *italics* and ~~strike through~~, as follows:

- A. The provisions of this chapter apply to:
 1. Any development requiring site plan review permit **as per** this Title.
 2. New commercial, industrial and other non-residential structures or additions to existing commercial, industrial or other non-residential structures.
 3. New multi-family residential development or additions to existing multi-family residential development.
 4. Divisions of land or adjustments to property lines.
 5. Interior alterations that increase the useable floor area of a non-residential structure, ~~or the change of use or occupancy of the structure.~~
 6. *Change of Use for a building/structure or a Change in Occupancy for a building/structure.*
 7. Improvements made in the public right of way, except those initiated by the city, State, or a utility company.
 8. Other non-residential improvements to land or buildings deemed by the city planner to be subject to the site plan review process. Such improvements include but are not limited to improvements that impact the structural integrity of buildings, that alter electrical wiring, that alter the building's plumbing, that alter the exterior drainage of land, that impacts access to property, that risks substantial visual impacts to

surrounding properties, that could potentially alter any applicable zoning requirements, or could otherwise be subject to the criteria set forth in Section 17.02.170.

Staff Analysis: See G above.

RECOMMENDED FINDINGS

General Plan Amendment No. 2017-01

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment will assist the City of Visalia in implementing the General Plan Housing Element to ensure for internal consistency among all General Plan Elements, as required by law.
3. That the proposed revisions would not adversely affect adjacent land uses.
4. That a Negative Declaration was adopted for the proposed Housing Element Update (Negative Declaration No. 2015-56) and the Zoning Ordinance Update (Environmental Document No. 2016-41), and are directly applicable to this project, and which disclosed the project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. Therefore, staff concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to enable regulatory enforcement of the new plan policies and to achieve consistency between the General Plan and implementing ordinances. Therefore, Environmental Document No. 2017-72 can be adopted for this project.

Zoning Text Amendment Zone No. 2017-02

That the Zoning Ordinance 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.

1. That applying the proposed Code standards to future developments will encourage increased affordable housing options throughout the City, as endorsed through the 2010 General Plan Housing Element Update. These standards are designed to promote/ensure compatibility with adjacent land uses.
2. That the proposed development standards are compatible with the established development patterns and setbacks on adjacent properties.
3. That a Negative Declaration was adopted for the proposed Housing Element Update (Negative Declaration No. 2015-56) and the Zoning Ordinance Update

(Environmental Document No. 2016-41), and are directly applicable to this project, and which disclosed the project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. Therefore, staff concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to enable regulatory enforcement of the new plan policies and to achieve consistency between the General Plan and implementing ordinances. Therefore, Environmental Document No. 2017-72 can be adopted for this project.

APPEAL INFORMATION

The Planning Commission's recommendations on the General Plan Amendment and Zoning Text Amendment proposals are advisory only, and are automatically referred to the City Council for final action. Therefore, the Planning Commission's actions on these items are not appealable.

Attachments:

- Related Plans and Policies
- Exhibit "A" – Applicable General Plan Housing Element Programs
- Resolution No. 2017-71 (General Plan Amendment No. 2017-01)
- Resolution No. 2017-72 (Zoning Text Amendment No. 2017-02)
- Environmental Document No. 2017-72

RELATED PLANS AND POLICIES

Section 17.54: General Plan Amendments

17.54.010 Purpose.

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Prior code § 7650)

17.54.020 Initiation.

A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.

B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention. (Prior code § 7651)

17.54.030 Application procedures.

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission and which said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
3. Address and legal description of the subject property, if applicable;
4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.

B. The application shall be accompanied by a fee set by resolution of the city council to cover the cost of processing the application. (Ord. 9605 § 30 (part), 1996: prior code § 7652)

17.54.040 Public hearing—Notice.

Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area under consideration if an amendment to the land use element is under consideration. (Ord. 2001-13 § 4 (part), 2001: prior code § 7653)

17.54.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon which shall be submitted to the city planning commission. (Prior code § 7654)

17.54.060 Hearing.

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment. (Prior code § 7655)

17.54.070 Action of city planning commission.

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff. (Prior code § 7656)

17.54.080 Action of the city council.

A. Upon receipt of the resolution and report of the city planning commission, the city council shall hold at least one public hearing with public notice as prescribed in Section 17.54.040. Following the noticed public hearing, the city council shall approve, deny or modify the city planning commission recommendation.

B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

C. The adoption of a general plan element, or amendment, shall be by resolution of the city council. (Prior code § 7657)

Chapter 17.44 AMENDMENTS

Section 17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Prior code § 7580)

Section 17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed. (Prior code § 7581)

Section 17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and which said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application. (Prior code § 7582)

Section 17.44.040 Public hearing--Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing. (Prior code § 7583)

Section 17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon which shall be submitted to the city planning commission. (Prior code § 7584)

Section 17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents. (Prior code § 7585)

Section 17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is

required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the minutes of the public hearing, the report of the city engineer and the findings of the commission. (Prior code § 7586)

Section 17.44.080 Appeal to city council.

A. Within five calendar days following the date of a decision of the city planning commission on a zone change application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the commission or wherein it is claimed there was an error or abuse of discretion by the commission or wherein its decision is not supported by the evidence in the record.

B. The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council. (Prior code § 7587)

Section 17.44.090 Action of city council.

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal. (Prior code § 7588)

Section 17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map. (Prior code § 7589)

Section 17.44.110 New application.

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Prior code § 7590)

Section 17.44.120 Report by city planner.

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090. (Ord. 9605 § 30 (part), 1996: prior code § 7591)

Section 17.04.030 Definitions.

“Farm employee housing” means living quarters, including dwellings with sleeping accommodations and dining facilities, maintained for occupancy by persons employed principally in farming and related pursuits on land owned, leased or rented by the owner, lessee, or tenant of the site on which the farm employee housing is located; excepting a labor camp or trailer park.

“Affordable housing” means, under state and federal statutes, housing that costs no more than thirty (30) percent of gross household income. Housing costs include rent or mortgage payments, utilities, taxes, insurance, homeowner association fees, and other related costs.

“Porte Cochere” means a roofed structure extending from the entrance of a building over an adjacent driveway to shelter those entering or exiting a vehicle, or a passageway through a structure designed to let vehicles pass from the street to an interior courtyard.

“Supportive housing” means housing with a supporting environment, such as group homes or single room occupancy (SRO) housing and other housing that includes a supportive services component such as case management, medical or psychological counseling and supervision, child care, transportation, and job training.

“Transitional housing” means temporary housing (six months to two years) for a homeless individual or family who is transitioning to permanent housing. Transitional housing often includes a supportive services component (e.g. job skills training, rehabilitation counseling, etc.) to allow individuals to gain necessary life skills in support of independent living.

17.10.010 Purpose and intent.

The purpose and intent of the Open Space zone (OS) is to preserve lands best suited for open space from the encroachment of incompatible uses, to prevent the intrusion of urban development into open space areas in such a manner as to preserve open space for public health and safety, natural resources, outdoor recreation, and preservation of cultural sites.

17.10.020 Permitted uses.

The following uses are permitted by right:

- A. The raising of any type of field, truck or orchard crop and horticultural specialties;
- B. One-family dwellings;
- C. Incidental and accessory structures and uses located on the same site with a permitted use, including swimming pools used solely by persons residing on the site and their guests;
- D. Signs subject to the provisions of Chapter 17.48;
- E. The keeping of household pets subject to the definition of household pets set forth in Section 17.04.030;
- F. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;

- G. Parks;
- H. Storm drainage facilities;
- I. Other uses similar in nature and intensity as determined by the city planner.

Section 17.32.040 Planned mobile home parks.

A. Purpose. The purpose of this section is to promote the available housing opportunities for the present and future residents of Visalia by the establishment of policies and development standards for the planned mobile home parks. The development standards for the planned mobile home parks will further encourage the creation of stable, attractive, residential environments within the individual mobile home parks themselves and provide for a desirable transition or buffer to the surrounding areas.

B. Definitions.

"Mobile home" means a structure exceeding eight feet in width and forty (40) feet in length, having a chassis and designed to be movable, with kitchen, bathroom and living facilities, designed for use as a single-family dwelling unit when connected to appropriate utility lines, and has no foundation other than wheels or temporary stabilizing units. Smaller units can be considered as a mobile home if it is a long-term (greater than thirty (30) days) installation.

"Mobile home park" means any parcel, or contiguous parcels of land under single ownership designed or intended to be used to accommodate mobile homes on a permanent or semi-permanent basis regardless of whether or not a charge is made for such accommodations.

"Mobile home site" means any portion of a mobile home park designated for the occupancy of one mobile home and approved on-site structures in connection with such occupancy.

"Travel trailer" means any vehicle that at no time exceeds eight feet in width at its widest point and is less than forty (40) feet in length at its longest point, and is designed for human habitation whether self-propelled or drawn by a motor vehicle, which is intended for permanent or semi-permanent use and that has no foundation other than wheels and temporary stabilizing units.

C. Supplemental Regulations. The provisions of this section shall be considered supplemental to applicable state regulations and to other pertinent city ordinances. Where this section, and such regulations and other ordinances do not control, the provisions of the Federal Department of Housing and Urban Development's Mobile Home Court Development Guide, FHA G 4200.7, January 1970, or successor documents thereto, shall be used by the city as "minimum standards" guide to administrative decisions regarding mobile home park developments.

D. Permitted Uses.

1. Mobile homes for single-family dwelling use;
2. Common recreation facilities and structure;
3. Administrative offices for mobile home park use only;
4. Accessory uses normally incidental to mobile home park.

E. Prohibitions.

1. Mobile homes, other than those being offered for sale in properly zoned commercial areas, when occupied, shall be located only within approved mobile home parks or in existing mobile home parks that are nonconforming uses.

2. Travel trailers shall not be located or occupied in mobile home parks except as hereinafter specified.

3. Commercial activities, except the initial sale of mobile homes, whether or not appurtenant to the operation of a mobile home park, shall not be permitted in mobile home parks.

4. No more than one mobile home shall be allowed on each mobile home site.

F. Required Permit.

1. All planned mobile home parks shall be subject to design review and a conditional use permit, pursuant to Chapter 17.38 of the code shall be granted prior to the commencement of construction of any mobile home parks.

2. Application for a conditional use permit of a planned mobile home park shall be accompanied by the following information:

a. A complete plot plan showing all physical features of the proposed mobile home park site and adjacent public streets and areas;

b. A complete storm drainage plan providing for the ultimate disposal of storm water showing on-site facilities and off-site storm lines;

c. A complete sanitary sewer plan for the entire and individual mobile home sites, including all off-site lines and, where necessary, lift stations, adequate to serve the proposed development;

d. A complete water source and distribution plan for the entire mobile home park;

e. A complete plot plan of sites, landscaping, parking areas, access, recreation and storage areas.

G. Development Standards.

1. Mobile Home Park Locational Factors.

a. The park shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion of the site shall be subject to predictable sudden flooding or erosion.

b. The park shall be placed in areas that are zoned for residential purposes only to assure that mobile home residents can enjoy the same safeguards from conflicting land uses (i.e., industry, service commercial, etc.) as could residents located adjacent to this form of residential categories.

c. The park shall be evaluated for its impact upon adjacent land uses. The adverse impacts such as overcrowding the educational facilities, neighborhood and the public recreational facilities must be avoided.

d. Mobile home parks shall be served by existing community sewer and water systems. The development of such parks with individual water and sewer systems will not be permitted.

e. All mobile home park entrances and exits shall have direct access to a collector street as shown on the approved streets and highways plan. Secondary access to mobile home parks could be permitted by the planning commission from local streets.

2. Mobile Home Park Size and Density.

a. The minimum area for a mobile home park development shall be ten acres. However, it shall not exceed forty (40) acres per development. This would allow up to two hundred forty (240) mobile homes per development.

b. A maximum of six mobile home lots per gross acre will be permitted.

3. Setbacks.

a. Mobile Home Park.

Front yard: twenty-five (25) feet;

Side yard: twenty-five (25) feet;

Rear yard: twenty-five (25) feet.

b. Individual Mobile Home Lot.

Front yard: ten feet;

Side yard: eight feet;

Rear yard: five feet.

c. No mobile home shall be located in any required yard space except that tow bars may extend into such yard space and covered porches or patios may extend not more than one-half the distance into a required side yard.

d. Required mobile home park yards shall be fully landscaped, sprinklered and maintained, in accord with landscape plans to be submitted and approved with conditional use permit applications.

e. No travel trailer or boat shall be stored in any required yard area or elsewhere on any mobile home site.

f. Mobile home sites shall be so designed, the mobile homes so placed, as to maintain fifteen (15) feet side to side, ten feet corner to corner, and ten feet end to end clearances.

4. Patios and Pads.

a. Each mobile home site shall have a hard surfaced patio area of concrete not less than two hundred (200) square feet in area. Any permanent porch greater than fifteen (15) square feet in area shall be counted as part of the required patio area.

b. Each mobile home site shall have a mobile home support pad consisting of a dust-free surface over a base adequate to support the mobile home. Said spaces shall be kept free of obstacles such as porches and storage sheds.

c. Individual mobile home sites shall be a minimum of two thousand six hundred (2,600) square feet.

d. No mobile home site shall be less than thirty (30) feet in width.

5. Parking.

a. Not less than one guest parking space shall be provided at a central location or locations for each four mobile home sites.

b. Adequate parking in accord with Chapter 17.34 of the zoning ordinance shall be provided for central recreation buildings, mobile home park offices, and similar approved facilities.

- c. Supplemental parking for pleasure boats, non-occupied travel trailers and other uses shall be provided at a ratio of one space to each ten mobile home sites. Said parking shall be clustered and shall be screened from view by means of solid fence and/or landscaping.
- d. All parking areas shall be constructed and maintained in accord with Section 17.32.030.
- e. Parking in the rear is encouraged as a good design feature.
- f. All parking areas shall have a minimum of ten percent of landscaping with no more than eight parking stalls prior to installation of an eighty (80) square foot landscaped island.

6. Private Streets.

- a. Entrance streets shall be located not less than one hundred fifty (150) feet from public street intersections and the location and design thereof shall be approved by the city. Entrance streets, and other collector streets within the mobile home park shall be not less than thirty-six (36) feet minimum width.
- b. All other streets within the mobile home park shall be of thirty (30) feet minimum width.
- c. Cul-de-sacs shall be a maximum of six hundred (600) feet in length with a fully paved turnaround at the end of eighty (80) feet minimum diameter.
- d. Parking shall be permitted on both sides of entrance and collector streets and on only one side of other streets, and shall be so signed. Such parking may be calculated in total mobile home parks or individual mobile home property requirements.
- e. Streets shall be designed in accord with the current structural cross section requirements for the city subdivision streets, except that widths shall be as per this code section and concrete center gutters of not less than twenty-four (24) inches width and such greater width as may be determined by the city to be necessary to carry storm drainage may be substituted for standard curb and gutter.
- f. Driveways for individual sites and to community areas shall be improved as prescribed in Section 17.34.030.

7. Lighting.

- a. Public right-of-way lighting, with underground wiring, shall be provided abutting mobile home parks, with a minimum installation of one seven thousand (7,000) lumen ornamental pole electrolier at the park entrance, one at any abutting public street intersection, and/or one at each three hundred thirty (330) foot interval along park street borders.
- b. Interior park lighting, with underground service shall provide for all interior streets.

8. Storm Drainage.

- a. Mobile home parks shall pay a storm drainage fee per acre equivalent to that charged for multi-family developments.
- b. The mobile home park application shall be accompanied by a complete drainage plan, including proposed ultimate disposal, and the city will review same for conformity with drainage master plans for the area.
- c. Maintenance of all mobile park drainage facilities shall be the responsibility of the developer. Underground and pump facilities shall be built to current city subdivision standards.

9. Sanitary Sewers.

- a. All mobile home parks shall be connected to the city sanitary sewer system and shall pay sewer fees per acre equivalent to that charged for multi-family development.
- b. All sanitary sewers in mobile home park streets shall be designed in full accord with current city public sewer standards, except that the city engineer may approve six inch mains not to exceed two hundred (200) feet in length with clean outs at the end of such six inch mains in lieu of holes.
- c. All sewer laterals to individual mobile home sites shall comply fully with applicable city codes for single-family residential dwelling connections.

10. Water System.

- a. All mobile home parks shall be served by a central water supply system approved by the city.
- b. All water system design shall meet the standards prescribed by the city fire chief as required to maintain Class IV fire rating requirements, including line sizes, pressures, standby pumps and/or well supplies, storage and fire hydrant specifications and placement. All required fire hydrants shall be installed and paid for by the developer within the park and on adjacent public rights-of-way.

11. Undergrounding. All public utilities shall be installed underground, including electrical supply, telephone, street lighting cable, community antenna TV and ducting provision for cable television. A community TV antenna shall be provided; usage of individual antenna on each mobile home will not be permitted.

12. Street Name Signs. Approved street names and street name signs shall be provided and maintained at each in-park street intersection and at each entrance to a public street.

13. Recreation Area, Pedestrian Ways and Bikeways.

- a. Common recreation areas shall be required and shall conform to the following regulations:
 - i. In all mobile home parks there shall be one or more outdoor recreation areas easily accessible to all park residents and available for year-round recreational use;
 - ii. Recreation areas shall contain a minimum of fifteen thousand (15,000) square feet, and shall contain an additional two hundred (200) square feet for every mobile home site in excess of seventy-five (75). Recreation areas may include a community center;
 - iii. Recreation areas shall be centrally located and free of traffic hazards.
- b. For the purpose of computing available common recreation area, required mobile home and travel park yard areas and pedestrian ways, management offices, and laundry or tenant storage areas shall not be included.
- c. Pedestrian circulation may be emphasized by the provision of well landscaped, convenient and aesthetically pleasing walkways that originate near individual mobile home sites and lead to common recreation areas and service facilities. The walkway shall be a minimum width of four feet, permanently paved or equivalent, and shall be a reasonable distance away from mobile homes.

14. Landscaping and Screening. Mobile home parks shall provide permanently maintained landscaped areas and site screening in conformance with the following regulations. Precise landscape plans to be submitted and approved prior to approval of a conditional use permit for a mobile home park development on the site.

- a. Mobile home parks that abut upon a public roadway shall provide a landscaped border adjacent to the road right-of-way of not less than twenty-five feet in width.
- b. Fifteen (15) gallon trees shall be planted at twenty-five (25) foot intervals within required landscaped areas.
- c. Mobile home parks shall provide masonry perimeter screen fencing, a minimum of six feet in height, along all side and rear property lines where the park adjoins an R-A, R-1, or R-M zone.
- d. Mobile home parks abutting upon a public roadway shall provide a masonry wall or fence not less than three feet in height, along all public street frontages located not less than twenty-five (25) feet behind the property line.
- e. A minimum five-foot-wide landscaped strip shall extend along the periphery of the entire development inside the required wall.

15. Utility Connections. All required conditions, including paving, landscaping, street signs, etc., shall be completed prior to connection to a sanitary sewer for any mobile home park or site therein.

16. Other Facilities.

- a. Each mobile home park shall have a laundry building for clothes washing and drying. A yard area may be provided adjacent to said building for clothes hanging, and shall, if provided, be screened with a six-foot masonry wall.
- b. The park owner shall utilize city approved disposal bins for disposal of all solid waste. Locations of disposal bins shall be shown on the site plan and approved by the city. Common outdoor garbage collection areas shall be screened with a six-foot-high masonry fence and shall be located as not to cause traffic hazard.
- c. No in-park commercial facilities, including the sale of convenience goods, will be allowed except for vending machines sales that may be permitted in central recreation or management areas only.

17. Miscellaneous Regulations.

- a. Open irrigation ditches within or adjoining to a mobile home park shall be piped or fenced in accord with this ordinance code.
- b. No permanent shed other than storage shed, mobile home porch and steps or temporary sunscreen or windscreen shall be erected on any mobile home site.
- c. All mobile homes shall be fitted with appropriate metal or screen block skirts obscuring stands at the time of placement on the site.
- d. The maximum permitted height of any structure or mobile home shall be thirty (30) feet.
- e. All pertinent state and city regulations concerning the development and operation of mobile home parks shall be observed.

17.32.220 Development incentives and concessions.

A. When required by this article to grant a development incentive, the city shall do one of the following:

1. Grant a density bonus and at least one other concession or incentives set forth in subsection (B) of this section; or
2. Provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit.
3. For purposes of approving incentives or concessions identified in Section 17.32.220(B), an exception or concession may be granted in accordance with the process and provisions of Chapter 17.42.
4. The density bonus identified in Section 17.32.220(A)(1) may be used to provide single or multi-family housing subject to approval of the density bonus plan of Section 17.32.230.

EXHIBIT A
GENERAL PLAN HOUSING ELEMENT PROGRAMS

HE Program 1.3 HIGH DENSITY MULTIPLE-FAMILY DEVELOPMENTS BY RIGHT

The City shall revise the Zoning Ordinance to allow multi-family residential development by right for projects under 80 units in the R-M-3 zoning designation that are not adjacent to R-1 zoning designation.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2016/17

Quantified Objective: Complete Ordinance Amendment within one year of Housing Element certification

HE Program 1.7 INCREASE HEIGHT IN R-M-3 ZONE

The City shall amend the Zoning Ordinance to increase the maximum allowable height in the R-M-3 zone to four stories or greater. However, where an R-M-3 zone is adjacent to an R-1 zoning designation, the height allowance of four stories and more than sixty (60) units shall require a Conditional Use Permit.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2016/17

Quantified Objective: Adopt implementing Ordinance within one year of Housing Element Update certification

HE Program 2.2 INCENTIVES FOR DOWNTOWN HOUSING

The City shall provide one or more incentives for high density (20 units/acre or greater) housing in Downtown, such as fee waivers, reductions, and/or deferrals (when financially feasible); provision of priority reviews and processing; and/or abbreviated or modified processing (where permissible by law). These incentives shall be in addition to those incentives available through the State density bonus laws.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: Ongoing

Quantified Objective: Five units of residential converted from commercial space, or one new multi-family residential project per year.

HE Program 2.5 INCENTIVES FOR INFILL AFFORDABLE HOUSING

The City shall amend the Fee Resolution to incorporate traffic impact fee reductions of 25% for residential projects that meet the amended criteria of LU-P-46, as follows:

Residential Infill Credit Criteria: A reduction in the amount of Transportation Impact Fees will be provided to all Residential Projects that meet the following criteria:

1. The project is in a location where the adjacent public street travel lanes are paved.
2. The project is seventy-five percent surrounded by existing development that has been in place an average of fifteen years or more.

3. The project is within the Tier 1 Boundary as of October 2014, as established by General Plan Land Use Policy LU-P-19.
4. Projects that meet the Infill Criteria:
5. Receive Transportation Impact Fee reductions as stated in General Plan Land Use Policy LU-P-46 for Priority 1 or Priority 2 Infill Incentive Zones.
6. Affordable Housing projects shall receive an additional 10% Transportation Impact Fee reduction cited in above Infill Criteria 1.

The Infill Incentive Program found in the General Plan referenced by LU-P-46 shall be amended as follows:

Priority 1 properties are those that:

- Have a parcel size of up to 5 acres.
- Have a development proposal for housing where at least 50% of the units are affordable to households earning 120 percent of Area Median Income (AMI) or below, or 20 percent are affordable to households earning 80 percent of AMI or below.

Responsibility: Community Development Director

Funding: General Fund

Timeframe: Within one year of Housing Element Update certification

Quantified Objective: Adopt implementing Resolution within one year of Housing Element Update certification

HE Program 3.19 ENCOURAGE NEW MOBILE HOME PARKS

Revise Zoning Ordinance Section 17.32.040 Mobile home parks, as follows: Allow density to be the same density as the underlying zone district instead of the current maximum of 6 units per gross acre; side yard setbacks to be those of the R-1 zone; specified common amenities to no longer be required.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: Within one year of Housing Element certification

Quantified Objective: Adopt enabling ordinance within one year of Housing Element certification.

HE Program 5.3 REASONABLE ACCOMMODATION

The City will adopt a Reasonable Accommodation Ordinance addition to the Zoning Ordinance within one year of the certification of the Housing Element (Please see Part 3, Program 5,3). The Ordinance shall state that structures or devices necessary to facilitate access to a building for persons with physical and non-physical disabilities shall be accommodated without the requirement to file an application for an exception or variance. Further, Program 5.3 and the associated Reasonable Accommodation Ordinance shall include procedures for providing exception in zoning and land use that may be necessary to ensure equal access to housing for persons requiring reasonable accommodation. For example, a housing development is allowed in any non-residentially zoned district (eg. Commercial or Office zone district), subject to approval of a Conditional Use Permit (CUP). In the event a CUP for housing that includes a request for reasonable accommodation for a person or persons with disabilities, the CUP shall be evaluated and approved in the same manner as that of a CUP without a similar request for reasonable accommodation. However, any accommodations necessary to support reasonable accommodation shall not require a request for exception or variance as may be necessary to provide reasonable accommodation.

Responsibility: Community Development Department

Funding: General Fund

Time Frame: Within one year of certification of the Housing Element and Ongoing

Quantified Objective: Complete any initiated Municipal Code amendment required to address reasonable accommodation regulatory deficiencies within one year of certification of the Housing Element.

HE Program 5.9 FARMWORKER HOUSING

The Zoning Code (section 17.08.020) shall be revised to permit employee housing in accordance with the Employee Housing Act (Health and Safety Code Section 17000 et seq.). Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure, and permitted in the same manner as other residential structures of the same type in the same zone. Section 1702.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone.. The latter includes the IL (Light Industrial) and IH (Heavy Industrial) Zone Districts where agricultural uses are permitted by right. Employee housing in all other zone districts or in excess of 12 units (or 36 beds) shall be Conditionally allowed (CUP required) (Also see Part 1, Tables 54A and 54B, pages 110-111). The Zoning Code provisions pertaining to the term "farmworker housing" shall be revised to be synonymous with the term "employee housing". This shall be accomplished within one year of the certification of the Housing Element.

Responsibility: Community Development Department

Funding Source: General Fund

Time Frame: Within one year of certification of the Housing Element

Quantified Objective: Zoning Ordinance Amendment adopted and in effect

HE Program 9.8 DISADVANTAGED UNINCORPORATED COMMUNITIES (DUC)

In order to comply with SB 244, the City shall adopt a new General Plan Land Use policy and program to establish a process for inviting annexation of the K Road County Island, the DUC with potential for urbanization within or adjacent to its boundaries. The City shall gauge interest in voluntary annexation by the residents, registered voters and property owners within the K Road County Island in the form of an Annexation Survey when either of two circumstances occur: 1- There is a development proposal within the City's corporate boundaries that is contiguous with any portion of the K Road County Island; or, Semi-annually beginning in Calendar Year (CY) 2017. The survey shall comply with Tulare County Association of Governments (TCAG) guidelines, including: Content neutrality, bi-lingual text (English/Spanish), and delivered to addressees of property owners, residents, and registered voters. The City shall initiate the Annexation if less than 25% of registered voters and less than 25% of property owners object to the annexation.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: Adopt Land Use Policy and Program regarding DUC Annexation – Within one year of certification of the Housing Element Update. Ongoing Implementation- No less than Bi-Annually beginning in 2017

Quantified Objective: Land Use Policy and Program adopted. Annexation Survey prepared and delivered as established in the Program.

HE Program 9.10 PROCESS ALL IDENTIFIED ZONING CODE AMENDMENTS CONTAINED IN THE HOUSING ELEMENT UPDATE

The City shall adopt a Zoning Text Amendment (ZTA) for all Zoning Code actions contained in the Housing Element, as follows:

State mandated Code revisions to comply with State Housing laws:

- Revise definition of “Affordable Housing”
- Revise the definition of “Transitional Housing”
- Revise the permitting process by zone district for the following housing classifications:
 - Farmworker or Employee Housing to comply with the Employee Housing Act, specifically Health and safety Code Sections 17021.5 and 17021.6
 - Transitional Housing to comply with Government Code Section 65583
 - Supportive Housing to comply with Government Code Section 65583
 - Codify the exemption from zoning code standards to facilitate reasonable accommodation for persons with disabilities.

City-Initiated Code revisions to implement the Housing Element:

- Increase the unit threshold for multi-family projects permitted by right
- Revise Mobile Home Parks development standards.
- Codify the In-fill Incentive program (General Plan Policies LU-P-45 and LU-P-46)

Responsibility: Community Development Department

Funding: General Fund

Timeframe: Within one year of certification of the Housing Element.

Quantified Objective: Zoning Text Amendments adopted by Ordinance within one year of certification of the Housing Element.

RESOLUTION NO. 2017-71

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2017-01, PARTS, A AND B, A REQUEST BY THE CITY OF VISALIA TO AMEND THE GENERAL PLAN LAND USE ELEMENT POLICY LU-P-46 (VISALIA'S INFILL INCENTIVE PROGRAM) (PART A), AND PERTAINING TO ANNEXATION OF DISADVANTAGED UNINCORPORATED COMMUNITIES (DUC), POLICY LU-P-20 (PART B) TO IMPLEMENT THE 2016 GENERAL PLAN HOUSING ELEMENT UPDATE, CITYWIDE

WHEREAS, General Plan Amendment No. 2017-01 Parts A and B is a request by the City of Visalia to Amend the General Plan Land Use Element Policies LU-P-46 and LU-P-20, pertaining to Visalia's Infill Incentive Program, and annexation of Disadvantaged Unincorporated Communities (DUC), respectively to implement the 2016 General Plan Housing Element Update, as contained in Attachment A of this Resolution; 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 September 25, 2017; and

WHEREAS, the Planning Commission of the City of Visalia considered the General Plan Amendment in accordance with Section 17.54.060 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council concur that no significant environmental impacts would result from this project and, certify that Initial Study 2017-72 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2017-01, Parts A and B, based on the following specific findings and based on the evidence presented:

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment will assist the City of Visalia in implementing the General Plan Housing Element to ensure for internal consistency among all General Plan Elements and with current State Housing Law, as required by law.
3. That the proposed revisions would not adversely affect adjacent land uses.

4. That a Negative Declaration was adopted for the proposed Housing Element Update (Negative Declaration No. 2015-56) and the Zoning Ordinance Update (Environmental Document No. 2016-41), and are directly applicable to this project, and which disclosed the project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. Therefore, staff concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to achieve consistency between the General Plan and implementing ordinances. Therefore, Environmental Document No. 2017-72 can be adopted for this project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the General Plan Amendment described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.070 of the Ordinance Code of the City of Visalia and based on the above findings.

**Resolution No. 2017-71
ATTACHMENT A**

General Plan Text Amendment No. 2017-01: A request by the City of Visalia to Amend the General Plan text for:

Part A: General Plan Land Use Element Policies LU-P-45 and LU-P-46 by amending the "Visalia's Infill Incentive Program, Incentives Table by:

1- Residential projects that meet the following criteria shall be eligible for Transportation Impact Fee Reductions:

- Adjacent public street travel lanes are paved
- The project site is 75% surrounded by existing development that has been in place an average of fifteen years or more
- The project is within the Tier 1 Urban Growth Boundary as of October 2014

2- Qualifying Priority 1 Property:

- A. Are located within the Tier 1 Growth Boundary rather than within the "Core Area" ; or
- B. Increase the qualifying parcel size from 'less than .25-acre' to 'a maximum aggregate size of five acres.'
- C. Reduce the percentage of housing affordable to households earning 80% of the AMI (Average Median Income) from '30 percent' to '20 percent'.

3- Infill Incentives:

- A. In the Priority 1 Properties Category, Increase the maximum reduction of Traffic Impact Fees for qualifying affordable housing projects from '50%' to '60%'.
- B. In the Priority 2 Properties Category, Increase the maximum reduction of Traffic Impact Fees for qualifying affordable housing projects from '33%' to '43%'.

URBAN INFILL INCENTIVE PROGRAM
What properties would be eligible?
 Any property located within Village boundaries, regardless of date of incorporation, would be eligible for the program. Properties that are unincorporated (unincorporated county islands) also qualify, but large county islands are not subject to the Urban Development Boundary, such as those in the Highway 99 corridor and north and south of the current city limits shown. Consideration of eligible properties will be completed as the City allows development beyond the Urban Development Boundary. The program will apply to newly constructed units as well as those that are **created**.
 Eligible properties will be divided into two "tiers" based on location and other characteristics that make urban development desirable from the City's perspective, with greater incentives offered for **Tier 1 land**.
Residential projects that meet the following criteria shall be eligible for Transportation Impact Fee Reductions:

- Applicable state-level incentives are present
- The project is at a 75% or greater density by existing development that has been in place an average of 10 years or more
- The project is within the Tier 1 Urban Growth Boundary as of October 2015

Infill Incentives for Priority 1 Property
 Priority 1 properties are those that:
 • Are located in the Tier 1 Growth Boundary (see **Map of Priority 1 Communities**)
 • Are zoned for residential, transit, job, shopping, town, and medium density, or are otherwise defined as 200 feet or less in the right-of-way
 • Meet the criteria below for each applicable incentive:

- Have a parcel size of less than 0.25 acres, a maximum aggregate size of five (5) acres, or
- The development proposal consists of several adjacent parcels that will be consolidated and developed as one project with a maximum aggregate site size of 5 acres, or
- Have a development proposal for housing where at least 50 percent of the units are affordable to households earning 100 percent of Area Median Income (AMI) or below, or 20 percent 20 percent are affordable to households earning 80 percent of AMI or below.

Tier 1 properties qualify for:

- Transportation Impact Fee reductions per the City's existing program, not to exceed 50 percent 60 percent of the base fee, with fee credit based on the provision on the site
- Density bonuses of 20 percent above base zoning (2222 dwelling units per acre for residential, F48 for multi-residential, or 33 percent above base zoning) provided the project density does not exceed the maximum established in the General Plan, with provision of community benefit, such as the following:
 - Daycare facility
 - Community "flex space", such as a meeting room
 - Available for public use at a nominal rent and publicly-accessible, privately-owned, usable open space, in the form of a "pocket park" or plaza, with pedestrian amenities, such as benches, fountains, or public art
 - Elimination or reduction of on-site parking requirements based on size and street alignment, according to the following table:

Project Size (Square Feet)	Category	On-Site Parking Requirements (Maximum Subject to Reduction)
0-10,000	Residential	None for residential; 1.50 spaces per 1,000 sq-ft of residential space
10,000-50,000	Multi-Residential (Mixed-Use, Office, Retail, etc.)	None
50,000-100,000	Multi-Residential (Mixed-Use, Office, Retail, etc.)	1 parking space per 1,000 sq-ft of residential space, with 10% reduction for transit-oriented development
100,000-500,000	Multi-Residential (Mixed-Use, Office, Retail, etc.)	1 parking space per 1,000 sq-ft of residential space, with 10% reduction for transit-oriented development
500,000+	Multi-Residential (Mixed-Use, Office, Retail, etc.)	1 parking space per 1,000 sq-ft of residential space, with 10% reduction for transit-oriented development

Infill Incentives for Priority 2 Property
 Priority 2 properties are those that are located within City limits in an area not specified under Priority 1, including any annexed unincorporated county islands (except for those in the Highway 99 Corridor).
 Priority 2 properties qualify for:

- Transportation Impact Fee reductions per the City's existing program, not to exceed 30 percent 40 percent of the base fee
- Elimination or reduction of on-site parking requirements based on size and street alignment, and the applicable transportation, as specified for Priority 1 land
- Density bonuses of 10 percent above base zoning (2222 dwelling units per acre for residential, F48 for multi-residential, or 15 percent above base zoning) provided the project density does not exceed the maximum established in the General Plan, with provision of community benefit, such as the following:
 - Daycare facility
 - Community "flex space", such as a meeting room available for public use at a nominal rent, and
 - Publicly-accessible, privately-owned, usable open space, in the form of a "pocket park" or plaza, with pedestrian amenities, such as benches and trash cans

Part B: New Land Use Policy LU-P-20.1 Disadvantaged Unincorporated Communities (DUC), as follows:

LU-P-20.1 Invite voluntary annexation of the K Road County Island by gauging the interest of residents, registered voters, and property owners within the K Road County Island, pursuant to State Law (SB244), and Tulare County LAFCO policy. These persons shall be contacted upon either of the following: A development proposal is filed within or adjacent to the K Road County Island; or, bi-annually. The method of contact shall be made by a mailed survey that complies with the LAFCO guidelines. The City shall initiate the Annexation of the K Road County Island if less than 25% percent of registered voters and less than 25% of property owners object to the annexation.

RESOLUTION NO. 2017-72

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2017-02, PART 1- A THROUGH Q, AND PART 2- A THROUGH I, A REQUEST BY THE CITY OF VISALIA TO AMEND VARIOUS PORTIONS OF MUNICIPAL CODE TITLE 17 (ZONING) TO IMPLEMENT THE 2016 GENERAL PLAN HOUSING ELEMENT UPDATE AND TO CORRECT MINOR ERRORS NOTED FROM THE 2017 ZONING ORDINANCE UPDATE, CITYWIDE .

WHEREAS, Change of Zone No. 2017-02 Part 1- A through Q, and Part 2- A through I is a request by the City of Visalia to Amend various portions of Municipal Code Title 17 (Zoning) to implement the 2016 General Plan Housing Element Update, City-wide. The specific amendments are as contained in Attachment A of this Resolution; 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 September 25, 2017; and

WHEREAS, the Planning Commission of the City of Visalia considered the change of zone 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council concur that no significant environmental impacts would result from this project and, certify that Initial Study No. 2017-72 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Change of Zone based on the following specific findings and evidence presented:

1. That the Change of Zone 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.
2. That applying the proposed Code standards to future developments will encourage increased affordable housing options throughout the City, as endorsed through the 2010 General Plan Housing Element Update. These standards are designed to promote/ensure compatibility with adjacent land uses.
3. That the proposed development standards are compatible with the established development patterns and setbacks on adjacent properties.

4. That a Negative Declaration was adopted for the proposed Housing Element Update (Negative Declaration No. 2015-56) and the Zoning Ordinance Update (Environmental Document No. 2016-41), and are directly applicable to this project, and which disclosed the project has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37, adopted on October 14, 2014. Therefore, staff concludes that the Program Environmental Impact Report adequately analyzed and addresses the project necessary to enable regulatory enforcement of the new plan policies and to achieve consistency between the General Plan and implementing ordinances. Therefore, Environmental Document No. 2017-72 can be adopted for this project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the change of zone described herein, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

Resolution No. 2017-72

ATTACHMENT A

Part 1: Zoning Text Amendment (ZTA) No. 2017-02: A request by the City of Visalia to Amend the Zoning Ordinance to implement the 2016 General Plan Housing Element, as follows:

A. Amend Section 17.16.020 B. (Multi-family Residential Zones) to allow multi-family dwellings up to 80 dwelling units per site to be permitted by right in the R-M-2 and R-M-3 Zones.

B. Multi-family dwellings up to ~~sixty (60)~~ eighty (80) dwelling units per site in the R-M-2 zone and the R-M-3 zone;

B. Add Section 17.16.040 T. (Conditional Uses) to allow structures up to four stories in the R-M-3 Zone, when the proposed four-story structure is adjacent to an R-1 Zone District.

T. 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.

C. Amend Section 17.16.100 (Height of Structures) to allow structures up to four stories in height in the R-M-3 Zone District.

17.16.100 Height of structures.

The maximum height of structures shall be thirty-five (35) feet or three (3) stories whichever is taller in the R-M-2 zone. The maximum height shall be ~~thirty-five (35) feet or three (3) stories whichever is taller~~ four stories in the R-M-3 zone. Where an R-M-2 or R-M-3 site adjoins an R-1 site, the second and subsequent stories ~~third story~~ shall be designed to limit visibility from the second and third story to the R-1 site. Structures specified under Section 17.16.090(B) shall be exempt.

D. Add Section 17.32.220 A.5. (Affordable Housing Development Incentives and Concessions) to include waiver of CUP requirement for affordable housing projects with less than 80 units.

17.32.220 Development incentives and concessions.

A. When required by this article to grant a development incentive, the city shall do one of the following:

1. Grant a density bonus and at least one other concession or incentives set forth in subsection (B) of this section; or
2. Provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit.
3. For purposes of approving incentives or concessions identified in Section 17.32.220(B), an exception or concession may be granted in accordance with the process and provisions of Chapter 17.42.

4. The density bonus identified in Section 17.32.220(A)(1) may be used to provide single or multi-family housing subject to approval of the density bonus plan of Section 17.32.230.

5. The waiver of the requirement for a Conditional Use Permit (CUP) for an affordable housing project where a CUP is otherwise required pursuant to this Chapter.

E. Add Section 17.32.220 A.6. (Affordable Housing Development Incentives and Concessions) to include waiver of parking requirements for affordable housing projects with less than 80 units.

17.32.220 Development incentives and concessions.

A. When required by this article to grant a development incentive, the city shall do one of the following:

1. Grant a density bonus and at least one other concession or incentives set forth in subsection (B) of this section; or

2. Provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit.

3. For purposes of approving incentives or concessions identified in Section 17.32.220(B), an exception or concession may be granted in accordance with the process and provisions of Chapter 17.42.

4. The density bonus identified in Section 17.32.220(A)(1) may be used to provide single or multi-family housing subject to approval of the density bonus plan of Section 17.32.230.

5. The waiver of the requirement for a Conditional Use Permit (CUP) for an affordable housing project where a CUP is otherwise required pursuant to this Chapter.

6. The waiver of parking requirements for affordable housing projects with less than 80 units.

F. Amend Section 17.32.040 G.2.b. (Planned Mobile Home Parks) (Development Standards, Mobile Home Park Size and Density) to allow the development density to be that of the underlying Zone District.

2. Mobile Home Park Size and Density.

~~b. A maximum of six mobile home lots per gross acre will be permitted.~~ The maximum gross density shall be that of the underlying Zone District.

G. Amend Section 17.32.040 G.3.b. (Planned Mobile Home Parks) (Development Standards, , Setbacks, Individual Mobile Home Lot) to allow the minimum side yard setback to be five feet instead of eight feet.

b. Individual Mobile Home Lot.

Front yard: ten feet;

Side yard: ~~eight~~ five feet;

Rear yard: five feet.

H. Delete Section 17.32.040 G.13. (Planned Mobile Home Parks) (Development Standards, Recreation Area, Pedestrian ways and Bikeways), and re-number subsequent sections.

~~13. Recreation Area, Pedestrian Ways and Bikeways.~~

~~a. Common recreation areas shall be required and shall conform to the following regulations:~~

~~i. In all mobile home parks there shall be one or more outdoor recreation areas easily accessible to all park residents and available for year-round recreational use;~~

~~ii. Recreation areas shall contain a minimum of fifteen thousand (15,000) square feet, and shall contain an additional two hundred (200) square feet for every mobile home site in excess of seventy-five (75). Recreation areas may include a community center;~~

~~iii. Recreation areas shall be centrally located and free of traffic hazards.~~

~~b. For the purpose of computing available common recreation area, required mobile home and travel park yard areas and pedestrian ways, management offices, and laundry or tenant storage areas shall not be included.~~

~~c. Pedestrian circulation may be emphasized by the provision of well landscaped, convenient and aesthetically pleasing walkways that originate near individual mobile home sites and lead to common recreation areas and service facilities. The walkway shall be a minimum width of four feet, permanently paved or equivalent, and shall be a reasonable distance away from mobile homes.~~

I. Delete Section 17.32.040 G.14. (Planned Mobile Home Parks) (Development Standards, Landscaping and Screening), and re-number subsequent sections..

~~14. Landscaping and Screening. Mobile home parks shall provide permanently maintained landscaped areas and site screening in conformance with the following regulations. Precise landscape plans to be submitted and approved prior to approval of a conditional use permit for a mobile home park development on the site.~~

~~a. Mobile home parks that abut upon a public roadway shall provide a landscaped border adjacent to the road right of way of not less than twenty-five feet in width.~~

~~b. Fifteen (15) gallon trees shall be planted at twenty five (25) foot intervals within required landscaped areas.~~

~~c. Mobile home parks shall provide masonry perimeter screen fencing, a minimum of six feet in height, along all side and rear property lines where the park adjoins an R-A, R-1, or R-M zone.~~

~~d. Mobile home parks abutting upon a public roadway shall provide a masonry wall or fence not less than three feet in height, along all public street frontages located not less than twenty-five (25) feet behind the property line.~~

~~e. A minimum five-foot wide landscaped strip shall extend along the periphery of the entire development inside the required wall.~~

J. Add Section 17.10.020 J. (Open Space Zone, Permitted Uses) to permit Employee Housing, as defined in California Health and Safety Code Section 17008.

17.10.020 Permitted uses.

The following uses are permitted by right:

A. The raising of any type of field, truck or orchard crop and horticultural specialties;

B. One-family dwellings;

C. Incidental and accessory structures and uses located on the same site with a permitted use, including swimming pools used solely by persons residing on the site and their guests;

D. Signs subject to the provisions of Chapter 17.48;

E. The keeping of household pets subject to the definition of household pets set forth in Section 17.04.030;

F. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;

G. Parks;

H. Storm drainage facilities;

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

J. *Employee Housing as defined in California Health and Safety Code Section 17008.*

K. Delete Section 17.10.040 E (Open Space Zone, Conditional Uses) pertaining to restrictions on conditionally allowing Employee Housing.

17.10.040 Conditional uses.

The following uses may be permitted, subject to approval of a conditional use permit, issued in accordance with the provisions of Chapter 17.38:

A. Public and private open recreational facilities, but not including recreational uses conducted within buildings;

B. Bee keeping;

C. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public buildings, structures and facilities;

D. Roadside stands for the sale of agricultural produce grown on the site;

~~E. Additional residences (not to exceed one per ten acres) as needed for employees who must maintain a residence upon the site in order for the agricultural operation to operate efficiently;~~

L. Amend Section 17.12.020 N. (Single-Family Residential Zone, Permitted Uses, Transitional or supportive housing) by substituting "...for six or fewer units" with "...as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c).

17.12.020 Permitted uses.

In the R-1 single-family residential zones, the following uses shall be permitted by right:

A. One-family dwellings;

M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.

N. Transitional or supportive housing for ~~six (6) or fewer resident/clients~~. as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c).

M. Delete Section 17.12.040 S. (Single-Family Residential Zone, Conditional Uses, Transitional or supportive housing for seven or more residents/clients)

17.12.040 Conditional uses.

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

A. Planned development subject to the provisions of Chapter 17.26;

~~S. Transitional or supportive housing for seven (7) or more resident/clients.~~

N. Amend Section 17.16.020 L. (Multi-Family Residential Zones, Permitted Uses, Transitional or supportive housing) by substituting "...for six or fewer units" with "...as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c).

17.16.020 Permitted uses.

In the R-M multi-family residential zones, the following uses are permitted by right:

A. Existing one-family dwellings;

L. Transitional or supportive housing for ~~six (6) or fewer resident/clients~~ as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c).

O. Delete Section 17.16.040 S. Multi-Family Residential Zone, Conditional Uses, Transitional or supportive housing for seven or more residents/clients)

17.16.040 Conditional uses.

In the R-M multi-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

~~S. Transitional or supportive housing for seven (7) or more resident/clients.~~

P. Amend Section 17.25.030 D. (Table 17.25.030, Use Matrix, Residential)
 Insert R-34 Transitional and Supportive Housing as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c), and re-number subsequent lines.

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	

R33	Single Room Occupancy (SRO) units					C						
R34	Transitional and Supportive Housing as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c)											Permitted in all Residential zoned districts

Q. Add Section 17.42.050 C. (Variances): No Variance or Exception shall be required for structures or devices that are necessary to facilitate reasonable access to a building or accommodation for persons with physical or non-physical disabilities.

17.42.050 Application procedures.

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

C. No Variance or Exception shall be required for structures or devices that are necessary to facilitate reasonable access to a building or accommodation for persons with physical or non-physical disabilities.

Part 2: Zoning Text Amendments: A request by the City of Visalia to Amend the Zoning Ordinance to correct minor errors noted from the 2017 Zoning Ordinance Update, Citywide, as follows:

A. 17.12.090. Side yards. Revise Section 17.12.090.D as shown in *italics*, as follows:

On corner lots, all front-loading garage doors *or other parking facilities, such as, but not limited to, carports, shade canopies, or Porte Cochere* shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk. *A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.*

B. 17.16.080. Side Yards - Revise Section 17.16.080.A as shown in strike-through *italics*, as follows:

A. The minimum side yard for a permitted or conditional use shall be five feet ~~per story~~ subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

C. 17.16.090. Rear yard- Revise Section 17.16.090.C as shown in *italics*, as follows:

Exceptions to the rear yard setback can be granted for multiple family units that have their rear yard abutting an alley. The exception may be granted *only* if the rear yard area is to be used for parking. *Through the Site Plan Review process, consistency with this section may be determined for permitting purposes subject to the provisions of Section 17.28.050.*

D. Section 17.25 Zone Matrix- Revise Section 17.25 Zone Matrix, as shown in *italics*, as follows:

Add "Adult-Oriented Business" to the Zone Matrix and include cross-reference of Section 17.62 (Adult-Oriented Businesses)

E. Section 17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area - Revise: Section 17.19.070 as shown in *italics*, as follows:

The following development standards shall apply to property located in the *D-MU and C-MU zone and located outside inside* the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

F. Section 17.19.070.D.1 - Revise: as shown in *italics*, as follows:

Front: five (5) feet (except where a building is located on ~~side~~ property line);

- G. **Section 17.28. Site Plan Review Permit-** Revise: **Section 17.28**, as shown in *italics*, as follows:

Chapter 17.28
SITE PLAN REVIEW PERMIT

Sections:

- 17.28.010 Purpose and intent.
- 17.28.012 Definitions.**
- 17.28.015 Applicability.
- 17.28.020 Site plan review committee.
- 17.28.030 Application procedure.
- 17.28.040 Committee findings.
- 17.28.050 Appeals to the planning commission.
- 17.28.060 [Reserved]
- 17.28.070 Site plan review permit issuance.
- 17.28.080 Required improvements.
- 17.28.085 Timing of improvements.
- 17.28.090 Building permits.
- 17.28.100 Lapse of site plan review permit.
- 17.28.110 Suspension and revocation.
- 17.28.120 Permit to run with the land.

- H. **Section 17.28.012 (Definitions)**, Add new section as follows:

For the purpose of this chapter the following definitions shall apply:

“Change of Occupancy” means a change in the purpose or level of activity within a building that involves a change in application of the requirements of the California Building Code.

“Change of Use” means the use of the building or part of a building changes from one use to another.

- I. **Section 17.28.050. (Applicability)**, Revise new section as shown in *Italics*, as follows:

- A. The provisions of this chapter apply to:
 - 1. Any development requiring site plan review permit as per this Title.
 - 2. New commercial, industrial and other non-residential structures or additions to existing commercial, industrial or other non-residential structures.
 - 3. New multi-family residential development or additions to existing multi-family residential development.
 - 4. Divisions of land or adjustments to property lines.
 - 5. Interior alterations that increase the useable floor area of a non-residential structure, ~~or the change of use or occupancy of the structure.~~
 - 6. Change of Use for a building/structure or a Change in Occupancy for a building/structure.
 - 7. Improvements made in the public right of way, except those initiated by the city, State, or a utility company.

8. Other non-residential improvements to land or buildings deemed by the city planner to be subject to the site plan review process. Such improvements include but are not limited to improvements that impact the structural integrity of buildings, that alter electrical wiring, that alter the building's plumbing, that alter the exterior drainage of land, that impacts access to property, that risks substantial visual impacts to surrounding properties, that could potentially alter any applicable zoning requirements, or could otherwise be subject to the criteria set forth in Section 17.02.170.

INITIAL STUDY

I. GENERAL

A. General Plan Amendment GPA No. 2017-01: A request by the City of Visalia to amend General Plan Land Use Element Policy LU-P- 45 and LU-P-46 (Visalia's Infill Incentive Program), and General Plan Land Use Policy LU-P-20 pertaining to annexation of Disadvantaged Unincorporated Communities (DUC), to be consistent with the 2016 General Plan Housing Element, Citywide.

Zoning Text Amendment ZTA No. 2017-02: A request by the City of Visalia to amend the Visalia Municipal Code, Title 17 (Zoning) to implement the 2016 General Plan Housing Element, and to correct minor errors noted from the 2017 Zoning Ordinance Update, Citywide.

B. Identification of the Environmental Setting:

The project site includes all areas within the city limits of the City of Visalia.

C. Plans and Policies: The General Plan Land Use Diagram, adopted October 14, 2014, designates all properties within the City's boundaries for residential, commercial, office and industrial development while also designating areas for parks, open space areas, quasi-public and schools.

General Plan Housing Element: The Housing Element, was certified by the State Department of Housing and Community Development in October 2016, It is a comprehensive update of the previous Housing Element (2010) and is valid for a nine-year planning period (i.e., January 1, 2014 to September 30, 2023. The previous Housing Element (2009) served a planning period from 2008 to 2015. The purpose of the housing element is to identify the community's housing needs, to state the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs, and to define the policies and programs that the community will implement to achieve the stated goals and objectives. As required by State Housing Element Law (Government Code Section 65583(a)) the assessment and inventory for this Housing Element includes the following:

- Analysis of population and employment trends and projections.
- Analysis and documentation of household characteristics, including level of payment compared to ability to pay.
- Analysis of housing characteristics, including overcrowding; and housing stock condition.
- Analysis of any special housing needs for the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter.
- An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment; and an analysis of the relationship of zoning, public facilities, and services to these sites.
- Analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. Analysis of local efforts to remove governmental constraints.

- Analysis of potential and actual non-governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

The Housing Element Background Report identifies the nature and extent of the city's housing needs, which in turn provides the basis for the City's response to those needs in the Policy Document.

A) General Plan Land Use Element: The General Plan Land Use Element was approved by the Visalia City Council in October 2014. The Land Use Element is part of a comprehensive General Plan Update undertaken by the City of Visalia. All mandatory and optional General Plan Elements, excluding the Housing Element were updated at that time. The Land Use Element provides for:

The purpose of the Land Use Element is to present a framework to guide future land use decisions and development in Visalia, while also enhancing community character and improving the city's look and feel. The element forms the core of the General Plan, and its policies articulate the community's land use and growth management priorities through 2030. The element includes the Land Use Diagram, land use classifications, standards for density and intensity, and growth boundaries and phasing. Additional detail on parks, schools and public facilities is in the Parks, Schools, Community Facilities, and Utilities Element. The objectives and policies focus on several distinct areas: economic development; urban boundaries and growth management; rural buffer and edge conditions; community design; infill development incentives; residential neighborhoods; commercial and mixed uses; Downtown and East Downtown; industrial land uses; institutional and civic land uses; and the airport. Together, these policies help define Visalia's physical development and reinforce its commitment to balancing land use requirements with community needs and economic growth, while also allowing for flexibility in implementation to respond to the real estate market.

Zoning Ordinance: The Zoning Ordinance is enacted to preserve and promote the public health, safety and welfare of the city and of the public generally and to facilitate growth and expansion of the municipality in a precise and orderly manner. More specifically, the zoning ordinance is adopted in order to achieve the following objectives:

- Foster a workable relationship among land uses;
- Promote the stability of existing land uses which conform to the district in which they occur;
- Ensure that public and private lands ultimately are used for purposes which are appropriate and most beneficial for the city;
- Prevent excessive population densities;
- Avoid a concentration of structures adjoining each other or juxtaposed too closely together in close proximity to each other;
- Promote a safe, effective traffic circulation system;
- Require adequate off-street parking and truck loading facilities;
- Facilitate the appropriate location of community facilities and institutions;
- Coordinate land use policies and regulations of the city in order to facilitate the transition of land areas from county to municipal jurisdiction and to protect agricultural producers in areas planned for urban expansion;
- Implement the goals, policies and map of the general plan.

II. ENVIRONMENTAL IMPACTS

No significant adverse environmental impacts have been identified for this project. The City of Visalia Land Use Element and Zoning Ordinance contain policies and regulations that are designed to mitigate impacts to a level of non-significance.

III. MITIGATION MEASURES

There are no mitigation measures for this project. The City of Visalia Municipal Code contains guidelines, criteria, and requirements for the mitigation of potential impacts related to light/glare, visibility screening, noise, and traffic/parking to eliminate and/or reduce potential impacts to a level of non-significance.

IV. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

The project is compatible with the General Plan as the project relates to bringing consistency among the General Plan Elements and the Zoning Ordinance. A comprehensive update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan, Housing Element, and Zoning Ordinance. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

V. SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Negative Declaration and Initial Study by reference:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update), passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 16 (Subdivision Ordinance).
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan), passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sanitary Sewer Master Plan. City of Visalia, 1994.
- General Plan Housing Element, October 2016
- 2017 Zoning Ordinance Update

VI. NAME OF PERSON WHO PREPARED INITIAL STUDY

Paul Scheibel
Principal Planner

Paul Scheibel, AICP
Environmental Coordinator

**INITIAL STUDY
 ENVIRONMENTAL CHECKLIST**

Name of Proposal	General Plan Amendment 2017-01 and Zoning Text Amendment 2017-02		
NAME OF PROPONENT:	City of Visalia, Planning Division	NAME OF AGENT:	City of Visalia, Planning Division
Address of Proponent:	315 E. Acequia Ave. Visalia, CA 93291	Address of Agent:	315 E. Acequia Ave. Visalia, CA 93291
Telephone Number:	(559) 713-4369	Telephone Number:	(559) 713-4359
Date of Review	September 14, 2017	Lead Agency:	City of Visalia

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

1 = No Impact 2 = Less Than Significant Impact
 3 = Less Than Significant Impact with Mitigation Incorporated 4 = Potentially Significant Impact

I AESTHETICS

Would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 1 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- 2 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- 2 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
- 1 b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- 1 c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?

III AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable air quality plan?
- 2 b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- 2 c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- 1 d) Expose sensitive receptors to substantial pollutant concentrations?
- 1 e) Create objectionable odors affecting a substantial number of people?

IV BIOLOGICAL RESOURCES

Would the project:

- 2 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 2 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- 2 c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 2 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES

Would the project:

- 1 a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5?
- 1 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?
- 1 c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?
- 1 d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 1 ii) Strong seismic ground shaking?
 - 1 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 1 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

VII. GREENHOUSE GAS EMISSIONS

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2 b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 1 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- 1 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- 1 f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- 1 g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

IX. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards of waste discharge requirements?
- 2 b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- 2 d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- 2 e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- 2 f) Otherwise substantially degrade water quality?
- 2 g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- 2 h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- 2 i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- 1 j) Inundation by seiche, tsunami, or mudflow?

X LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- 1 c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

XI MINERAL RESOURCES

Would the project:

- 1 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 1 b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

XII NOISE

Would the project:

- 1 a) Cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 1 b) Cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- 1 c) Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 d) Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- 1 f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

XIII POPULATION AND HOUSING

Would the project:

- 2 a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- 1 b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- 1 c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

XIV PUBLIC SERVICES

Would the project:

- 1 a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically

altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- 1 i) Fire protection?
- 1 ii) Police protection?
- 1 iii) Schools?
- 1 iv) Parks?
- 1 v) Other public facilities?

XV RECREATION

Would the project:

- 1 a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 1 b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XVI TRANSPORTATION / TRAFFIC

Would the project:

- 1 a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- 1 b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 1 c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- 1 d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 e) Result in inadequate emergency access?
- 1 f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

XVII UTILITIES AND SERVICE SYSTEMS

Would the project:

- 1 a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 2 b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 2 c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- 1 d) Have sufficient water supplies available to service the project from existing entitlements and resources, or are new or expanded entitlements needed?

- 1 e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 1 f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- 1 g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- 2 a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- 2 b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 2 b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- 2 c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors*, (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised 2009

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

No specific developments are approved as part of the update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

The update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project.

- a. The Sierra Nevada mountain range is a scenic vista that can be seen from Visalia on clear days. No developments are proposed that would obstruct any scenic vista.
- b. There are no officially designated State Scenic Highways in the Visalia area, however State Highway 198 is eligible for designation. State Highway 198 bisects the project area. Adopting the Subdivision and Zoning Ordinance update will not, by itself, impact the scenic character of Highway 198.
- c. The proposed project would constitute no more than a furtherance of the urban character of the project area. The City has development standards that will ensure that the visual character of the area is not degraded.
- d. Adopting the update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project. Nor by itself, create new light sources or sources of glare that would adversely affect day or nighttime views in the area.

II. AGRICULTURAL RESOURCES

- a. The Visalia General Plan Update Environmental Impact Report (EIR) has already considered the environmental impacts of the conversion of properties within the Planning Area, which includes the subject property, into non-agriculture uses. Overall, the General Plan results in the conversion of over 14,000 acres of Important Farmland to urban uses, which is considered significant and unavoidable. Aside from preventing development altogether the conversion of Important Farmland to urban uses cannot be directly mitigated, through the use of agricultural conservation easements or by other means. However, the General Plan contains multiple policies that together work to limit conversion only to the extent needed to accommodate long-term growth. The General Plan

policies identified under Impact 3.5-1 of the EIR serve as the mitigation which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area. These policies include the implementation of a three-tier growth boundary system that assists in protecting open space around the City fringe and maintaining compact development within the City limits.

Because there is still a significant impact to loss of agricultural resources after conversion of properties within the General Plan Planning Area to non-agricultural uses, a Statement of Overriding Considerations was previously adopted with the Visalia General Plan Update EIR.

- b. Because there is still a significant impact to loss of agricultural resources after conversion of properties within the General Plan Planning Area to non-agricultural uses, a Statement of Overriding Considerations was previously adopted with the Visalia General Plan Update EIR.
- c. No specific developments are approved as part of the update to these documents. The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

Additionally, the update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project.

- d. The project will not involve any changes that would promote or result in the conversion of farmland to non-agriculture use. The adopted Visalia General Plan's implementation of a three-tier growth boundary system further assists in protecting open space around the City fringe to ensure that premature conversion of farmland to non-agricultural uses does not occur.

III. AIR QUALITY

- a. The City of Visalia is located in an area that is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The project in itself does not disrupt implementation of the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.

No specific developments are approved as part of this project; therefore, the project, in itself, would not directly result in air impacts. Development projects undertaken in the course of implementing the goals, policies, and programs identified in the General Plan will be subject to

project-specific environmental review in accordance with Section 10562 et seq. of the CEQA Guidelines.

Additionally, the project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

- b. Development under the Visalia General Plan will result in emissions that will exceed thresholds established by the SJVAPCD for PM10 and PM2.5. However, the project is consistent with the applicable land use and policies of the General Plan.

Future development may contribute to a net increase of criteria pollutants and will therefore contribute to exceeding the thresholds. Future projects could result in short-term air quality impacts related to dust generation and exhaust due to construction and grading activities. Development under the General Plan will result in increases of construction and operation-related criteria pollutant impacts, which are considered significant and unavoidable. General Plan policies identified under Impacts 3.3-1 and 3.3-2 serve as the mitigation which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

Future development is required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's grading regulations. Compliance with the SJVAPCD's rules and regulations will reduce potential impacts associated with air quality standard violations to a less than significant level.

In addition, any future development may be subject to the SJVAPCD Indirect Source Review (Rule 9510) procedures that became effective on March 1, 2006. The Applicant will be required to obtain permits demonstrating compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD, when warranted.

- c. Tulare County is designated non-attainment for certain federal ozone and state ozone levels. Future development of the plan area may will result in a net increase of criteria pollutants. This site was evaluated in the Visalia General Plan Update EIR for conversion into urban development. Development under the General Plan will result in increases of construction and operation-related criteria pollutant impacts, which are considered significant and unavoidable. General Plan policies identified under Impacts 3.3-1, 3.3-2, and 3.3-3 serve as the mitigation which assists in reducing the severity of the impact to the extent possible while still achieving the General Plan's goals of accommodating a certain amount of growth to occur within the Planning Area.

Future development may be required to adhere to requirements administered by the SJVAPCD to reduce emissions to a level of compliance consistent with the District's grading regulations. Compliance with the SJVAPCD's rules and regulations will reduce potential impacts associated with air quality standard violations to a less than significant level.

In addition, future development may be subject to the SJVAPCD Indirect Source Review (Rule 9510) procedures that became effective on March 1, 2006. The Applicant would be required to obtain permits demonstrating compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD, when warranted.

The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

- d. No specific developments are approved as part of the project; therefore, the update, in itself, would not directly result in air quality impacts. Development projects undertaken in the course of implementing the goals, policies, and programs identified in the General Plan will be subject to project-specific environmental review in accordance with Section 10562 et seq. of the CEQA Guidelines.

Additionally, the project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

- e. The proposed project will not involve the generation of objectionable odors that would affect a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a. City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain special-status species or their habitats may be directly or indirectly affected by future development within the General Plan Planning Area. This may be through the removal of or disturbance to habitat. Such effects would be considered significant. However, the General Plan contains multiple policies, identified under Impact 3.8-1 of the EIR, that together work to reduce the potential for impacts on special-status species likely to occur in the Planning Area. With implementation of these policies, impacts on special-status species will be less than significant.
- b. Any projects developed indirectly pursuant to the project will not be located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.

City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain sensitive natural communities may be directly or indirectly affected by future development within the General Plan Planning Area, particularly valley oak woodlands and valley oak riparian woodlands. Such effects would be considered

significant. However, the General Plan contains multiple polices, identified under Impact 3.8-2 of the EIR, that together work to reduce the potential for impacts on woodlands located within in the Planning Area. With implementation of these policies, impacts on woodlands will be less than significant.

- c. Potential projects developed pursuant to the project will not be located within or adjacent to federally protected wetlands as defined by Section 404 of the Clean Water Act.

City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that certain protected wetlands and other waters may be directly or indirectly affected by future development within the General Plan Planning Area. Such effects would be considered significant. However, the General Plan contains multiple polices, identified under Impact 3.8-3 of the EIR, that together work to reduce the potential for impacts on wetlands and other waters located within in the Planning Area. With implementation of these policies, impacts on wetlands will be less than significant.

- d. City-wide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR). The EIR concluded that the movement of wildlife species may be directly or indirectly affected by future development within the General Plan Planning. Such effects would be considered significant. However, the General Plan contains multiple polices, identified under Impact 3.8-4 of the EIR, that together work to reduce the potential for impacts on wildlife movement corridors located within in the Planning Area. With implementation of these polices, impacts on wildlife movement corridors will be less than significant.
- e. The City has a municipal ordinance in place to protect valley oak trees. All existing valley oak trees on the project site will be under the jurisdiction of this ordinance. Any oak trees to be removed from the site are subject to the jurisdiction of the municipal ordinance.
- f. There are no local or regional habitat conservation plans for the area.

V. CULTURAL RESOURCES

- a. Per City grading practices, if some potentially historical or cultural resource is unearthed during any development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations..
- b. Per City grading practices, if some archaeological resource is unearthed during development all work should cease until a qualified professional archaeologist can evaluate the finding and make necessary mitigation recommendations.
- c. There are no known unique paleontological resources or geologic features located within the project area.
- d. Per City grading practices, if human remains are unearthed during development all work should cease until the proper authorities are notified and a qualified professional archaeologist can evaluate the finding and make any necessary mitigation recommendations.

VI. GEOLOGY AND SOILS

- a. The State Geologist has not issued an Alquist-Priolo Earthquake Fault Map for Tulare County. The project area is not located on or near any known earthquake fault lines. Therefore, the project will not expose people or structures to potential substantial adverse impacts involving earthquakes.
- b. Development is not being considered with the project. However, future development will require movement of topsoil. Existing City Engineering Division standards require that a grading and drainage plan be submitted for review to the City to ensure that off- and on-site improvements will be designed to meet City standards.
- c. The City is relatively flat and the underlying soil is not known to be unstable. Soils in the Visalia area have few limitations with regard to development. Due to low clay content and limited topographic relief, soils in the Visalia area have low expansion characteristics..
- d. Due to low clay content, soils in the Visalia area have an expansion index of 0-20, which is defined as very low potential expansion.
- e. No project will involve the use of septic tanks or alternative waste water disposal systems since sanitary sewer lines are used for the disposal of waste water for all new projects in the City.

VII. GREENHOUSE GAS EMISSIONS

- a. The project is not expected to generate Greenhouse Gas (GHG) emissions in the short-term. There are no construction activities being considered by this project. The project is to ensure consistency with City's General Plan and Zoning Ordinance. Further, there is no development plan proposed by the project.
- b. The City has prepared and adopted a Climate Action Plan (CAP), which includes a baseline GHG emissions inventories, reduction measures, and reduction targets consistent with local and State goals. The CAP was prepared concurrently with the proposed General Plan and its impacts are also evaluated in the Visalia General Plan Update EIR.
- c. The Visalia General Plan and the CAP both include policies that aim to reduce the level of GHG emissions emitted in association with buildout conditions under the General Plan. Implementation of the General Plan and CAP policies will result in fewer emissions than would be associated with a continuation of baseline conditions. Thus, the impact to GHG emissions will be less than significant.
- d. The State of California has enacted the Global Warming Solutions Act of 2006 (AB 32), which included provisions for reducing the GHG emission levels to 1990 "baseline" levels by 2020.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the project.
- b. There are no construction activities associated with the project.
- c. There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed

school sites or areas within one-quarter mile of school sites.

- d. The project area does not include any sites listed as hazardous materials sites pursuant to Government Code Section 65692.5.
- e. The project area includes the Visalia Municipal Airport and is consistent with the Airport Land Use Compatibility Plan.
- f. The project area is not within the vicinity of any private airstrip.
- g. The project will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- h. The project will not, by itself, impact any wildlands or flammable brush, grassy or dry tree areas within or near the project area.

IX. HYDROLOGY AND WATER QUALITY

- a. Development projects associated with buildout under the Visalia General Plan have the potential to result in short term impacts due to erosion and sedimentation during construction activities and long-term impacts through the expansion of impervious surfaces. The City's existing standards will require the project to uphold water quality standards of waste discharge requirements consistent with the requirements of the State Water Resources Control Board's (SWRCB's) General Construction Permit process. This may involve the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and/or the use of best management practices. The project will be required to meet municipal storm water requirements set by the SWRCB.

Furthermore, the Visalia General Plan contains multiple polices, identified under Impact 3.6-2 of the EIR, that together work to reduce the potential for impacts to water quality. With implementation of these policies and the existing City standards, impacts to water quality will be less than significant.

- b. The project area overlies the southern portion of the San Joaquin unit of the Central Valley groundwater aquifer. Adopting the updates to the Subdivision and Zoning Ordinances will not, by itself, result in an increase of impervious surfaces on the project site, which might affect the amount of precipitation that is recharged to the aquifer.
- c. The project will not result in substantial erosion on- or off-site. No specific developments are approved as part of the project; therefore, the update, in itself, would not directly result in Hydrology and Water quality impacts. Development projects undertaken in the course of implementing the goals, policies, and programs identified in the General Plan will be subject to project-specific environmental review in accordance with Section 10562 et seq. of the CEQA Guidelines.

Additionally, the project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

- d. Adopting updates to the General Plan and Zoning

ordinance will not, by itself, substantially alter the existing drainage pattern of the site or area, alter the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

- e. The project will not, by itself, create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- f. The project will not, by itself, result in reasonably foreseeable reasons why the project would result in the degradation of water quality.
- g. The project will not, by itself, have any impacts on flood zones.
- h. The project will not, by itself, impede or redirect flood flows.
- i. The project will not, by itself, expose people or structures to risks from failure of levee or dam.
- j. Seiche and tsunami impacts do not occur in the Visalia area. The site is relatively flat, which will contribute to the lack of impacts by mudflow occurrence.

X. LAND USE AND PLANNING

Following the adoption of a new General Plan in October, 2014, a comprehensive update to the City's Zoning and Subdivision Ordinances is required to incorporate and implement the new policies and concepts established in the new Plan. In addition, following update of the Housing Element in 2016, it is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency between the General Plan and implementing ordinances. The current Zoning Ordinance was last comprehensively revised in 1993 while the General Plan Land Use Element was updated before the Housing Element.

- a. The project will not, by itself, physically divide an established community.
- b. The project does not involve any change to, or conflict with applicable land use plans, policies, or regulations.

The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

- c. The project does not conflict with any applicable habitat conservation plan or natural community conservation plan as the project site is vacant dirt lot with no significant natural habitat present.

The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

XI. MINERAL RESOURCES

- a. There are no mineral areas of regional or statewide importance exist within the Visalia area.

- b. There are no mineral resource recovery sites delineated in the Visalia area.

XII. NOISE

- a. The project will not result in noise generation typical of urban development. The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan and Housing Element Update. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed for this property.

The Visalia General Plan contains multiple policies, identified under Impact N-P-3 through N-P-5, that work to reduce the potential for noise impacts to sensitive land uses. With implementation of Noise Impact Policies and existing City Standards, noise impacts to new noise sensitive lands uses would be less than significant.

- b. Ground-borne vibration or ground-borne noise levels may occur as part of future construction activities, however, there are no construction activities associated with this project. The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan and Housing Element Update. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed for this property.
- c. The update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project. The City's standards for setbacks and/or construction of walls along major streets and adjacent to residential uses reduce noise levels to a level that is less than significant. Noise associated with the establishment of new residential uses was previously evaluated with the General Plan for the conversion of land to urban uses.

Furthermore, the Visalia General Plan contains multiple policies, identified under Impact N-P-3 through N-P-5, that work to reduce the potential for noise impacts to sensitive land uses. With implementation of Noise Impact Policies and existing City Standards, noise impacts to new noise sensitive lands uses would be less than significant.

- d. Noise levels will increase during future construction activities; however, there are no construction activities associated with this project.
- e. The update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project. There is no development plan proposed for this property. The project

area has is not within 2 miles of a public airport. The project will not expose people residing or working in the project area to excessive noise levels.

- f. There is no private airstrip near the project area.

XIII. POPULATION AND HOUSING

- a. The update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project.
- b. The update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project.
- c. The update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project.

XIV. PUBLIC SERVICES

- a. No specific developments are approved as part of this project. The update to these documents is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan Housing Element. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. There is no development plan proposed by this project.

XV. RECREATION

- a. The project will not directly generate new residents.
- b. The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

XVI. TRANSPORTATION AND TRAFFIC

- a. Future development is not anticipated to conflict with applicable plans, ordinances, or policies establishing measures of effectiveness of the City's circulation system. The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan and Housing Element Update. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.
- b. The project is needed to incorporate and implement the new policies and concepts established with the adoption

of the General Plan and Housing Element Update. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law.

- c. The project will not result in nor require a need to change air traffic patterns.
- d. There are no planned designs that are considered hazardous.
- e. The project will not result in inadequate emergency access.
- f. The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS

No specific developments are approved as part of the project. The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan and Housing Element Update. Projects undertaken in the course of implementing the goals, policies, and programs identified in the General Plan will be subject to project-specific environmental review in accordance with Section 10562 et seq. of the CEQA Guidelines.

- a. The project will not, by itself, require the use of wastewater facilities.
- b. The project will not, by itself, require the construction of new wastewater treatment facilities.
- c. The project will not, by itself, require the construction of new storm water facilities.
- d. The project will not, by itself, affect existing water demands.
- e. The project will not, by itself, require the use of wastewater facilities.
- f. The project will not, by itself, require the use of solid waste facilities.

- g. The project will not, by itself, require the use of solid waste facilities.

XVIII. TRIBAL CULTURAL RESOURCES

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Further:

The EIR (SCH 2010041078) for the 2014 General Plan update included a thorough review of sacred lands files through the California Native American Heritage Commission. The sacred lands file did not contain any known cultural resources information for the Visalia Planning Area.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

- h. The project will not, by itself, affect the habitat of a fish or wildlife species or a plant or animal community. This site was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia's General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- i. The City of Visalia General Plan area was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for the area's conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.
- j. The project is needed to incorporate and implement the new policies and concepts established with the adoption of the General Plan and Housing Element Update. This is a necessary requirement to enable regulatory enforcement of the new plan policies and to achieve consistency with the General Plan and implement ordinances as required by State law. The City of Visalia General Plan area was evaluated in the Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update for conversion to urban use. The City adopted mitigation measures for conversion to urban development. Where effects were still determined to be significant a statement of overriding considerations was made.

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that as a result of the proposed project no new effects could occur, or new mitigation measures would be required that have not been addressed within the scope of the Program Environmental Impact Report (SCH No. 2010041078). The Environmental Impact Report prepared for the City of Visalia General Plan was certified by Resolution No. 2014-37 adopted on October 14, 2014. **THE PROGRAM ENVIRONMENTAL IMPACT REPORT WILL BE UTILIZED.**

Paul Scheibel, AICP
Environmental Coordinator

September 13, 2017
Date