

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Marvin Hansen



VICE CHAIRPERSON:
Adam Peck

COMMISSIONERS: Mary Beatie, Chris Gomez, Chris Tavarez, Adam Peck, Marvin Hansen

MONDAY, OCTOBER 25, 2021, 7:00 P.M.

VISALIA COUNCIL CHAMBERS

LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA

Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. 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. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. 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.
 - a. No Items on Consent Calendar
6. PUBLIC HEARING – Josh Dan, Associate Planner
Conditional Use Permit No. 2021-26: A request by St. George and St. Bishoy Coptic Orthodox Church to amend Conditional Use Permit No. 2013-30 to refurbish an existing abandoned residence measuring approximately 1,296 square feet into a church office and youth meeting room. The site is zoned R-M-2 (Multi-Family Residential 3,000 sq. ft. per unit) and is located at 1320 South Church Street (APN: 000-014-293). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2021-43.

7. PUBLIC HEARING – Brandon Smith, Principal Planner
Conditional Use Permit No. 2021-25: A request by Kaweah Health Medical Center to establish a master sign program for an approximately 21-acre area encompassing the downtown medical center campus in the Downtown Mixed Use (D-MU) and Quasi-Public (QP) zone districts. The master sign program boundaries are generally bound by West Mineral King Avenue, South Locust Street, West Acequia Avenue, and South Johnson Street, and includes the northwest and northeast corners of W. Acequia Avenue and S. Floral Street. The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311, Categorical Exemption No. 2021-40.
8. PUBLIC HEARING – Brandon Smith, Principal Planner
Zoning Text Amendment No. 2021-08: A request by the City of Visalia to amend portions of Visalia Municipal Code Title 17 (Zoning Ordinance) as to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for residential uses in Downtown Mixed Use, Commercial Mixed Use, and Office Conversion Zone Districts. The project area is contained within the City of Visalia’s Urban Development Boundaries that are illustrated in the Visalia General Plan, Citywide. A previously prepared Program Environmental Impact Report and Negative Declaration adequately analyzed and addresses the project and would recommend that the City Council adopt Environmental Document No. 2021-44 for this project.
9. PUBLIC HEARING – Brandon Smith, Principal Planner
Zoning Text Amendment No. 2021-07: A request by the City of Visalia to amend Visalia Municipal Code Chapter 17.32, Article 2, to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to density bonuses regulations. The project area is contained within the City of Visalia’s Urban Development Boundaries that are illustrated in the Visalia General Plan, Citywide. A previously prepared Program Environmental Impact Report and Negative Declaration adequately analyzed and addresses the project and would recommend that the City Council adopt Environmental Document No. 2021-44 for this project.
10. CITY PLANNER / PLANNING COMMISSION DISCUSSION –
 - a. Next Planning Commission Meeting is Monday, November 08, 2021.
 - b. Mike Olmos is the new Interim City Planner.
 - c. Update to City Council on Temporary Signs.

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 Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

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 Ave. Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, NOVEMBER 4, 2021, 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, NOVEMBER 8, 2021



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: October 25, 2021

PROJECT PLANNER: Brandon Smith, Principal Planner
Phone: (559) 713-4636
E-Mail: brandon.smith@visalia.com

SUBJECT: Zoning Text Amendment No. 2021-08: A request by the City of Visalia to amend portions of Visalia Municipal Code Title 17 (Zoning Ordinance) as to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for residential uses in Downtown Mixed Use, Commercial Mixed Use, and Office Conversion Zone Districts. The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan, Citywide.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2021-48, recommending that the City Council approve adoption of Zoning Text Amendment No. 2021-08. This recommendation is based on the findings contained therein and summarized as follows:

- The Zoning Text Amendment is consistent with adopted Implementation Program 2.6 of the Housing Element General Plan;
- The Zoning Text Amendment is consistent with the goals, objectives, and policies of the City's General Plan.

RECOMMENDED MOTION

I move to recommend that the City Council approve Zoning Text Amendment No. 2021-08, based on the findings and conditions in Resolution No. 2021-48.

PROJECT DESCRIPTION AND BACKGROUND

Zoning Text Amendment (ZTA) No. 2021-08 is a city-initiated request to implement a housing-related Zoning Ordinance text amendment that stems from the adoption of the 2020-2023 Housing Element Update. The Housing Element was adopted by the City Council on December 3, 2019 and subsequently found by State Housing and Community Development (HCD) to be in full compliance with state Housing Element law. Following adoption, the Housing Element is implemented through a series of implementation programs.

The proposed ZTA represents part of the second round of changes being undertaken to help fulfill the intended outcomes or objectives of the Housing Element (in an effort to help remove or overcome constraints to housing development). The first round of changes was completed in 2020 and implemented six programs pertaining to relatively straightforward changes bringing the City's Zoning Ordinance into compliance with State housing law.

This ZTA fulfills one implementation program - Downtown and Mixed Use Residential Development By Right (Program 2.6), described as follows:

The City shall revise the Zoning Ordinance to allow residential development as a by right use in the Downtown Mixed Use zone district, in accordance with the density prescribed in the General Plan Land Use district, subject to performance standards. In addition, the City shall examine

and consider allowing residential development as a by right use in the Conditional Mixed Use and Neighborhood Commercial zone districts while addressing issues of geographical location, segmentation, and performance standards.

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

https://www.visalia.city/depts/community_development/planning/gp.asp.

PROJECT ANALYSIS

Overview of By-Right Mixed Use Residential Development in Downtown

The Zoning Ordinance currently allows new or expansion of residential uses as a conditionally allowed use in all of the City's commercial, office, and industrial ones, including the Downtown Mixed Use (D-MU) and Commercial Mixed Use (C-MU) zones. During the Housing Element Update in 2019, a key issue raised during a Technical Advisory Committee (TAC) meeting was finding creative ways to allow residential uses as permitted "by-right" in these zones.

Past updates of the Housing Elements have identified underutilized commercial-zoned sites that are suitable for redevelopment or new construction as residential uses and would help fulfill the City's Regional Housing Needs Allocation (RHNA). However, approval of a conditional use permit would have been necessary in order to develop any type of residential use in a commercial district.

The City's most recent (2017) Zoning Ordinance Update included the creation of two new zoning designations – Downtown Mixed Use and Commercial Mixed Use. These zones largely replaced the Central Business District Retail Zone and the Service Commercial zone predominately in the east downtown area. One stated purpose of these zones was to "encourage a wide mix of commercial, service, office and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors". In both zones however, residential uses required approval of a conditional use permit (CUP).

As stated by the TAC and recognized by staff, the requirement of obtaining a CUP could be seen as a potential deterrent towards allowing housing, adding additional time, costs, and potential pushback from owners and tenants surrounding the site.

Staff also recognized that allowing residential uses "by right", if not properly regulated, could also potentially lead to a form and character of housing that is not in keeping with the purpose and intent of the zoning designations. Although these zones are characterized as mixed use, it is not representative of most developed portions of these zones. Most C-MU zoned sites are constructed with retail-based shopping centers that were permitted in straightforward commercial zone districts.

The Housing Element Implementation Program therefore directs staff to explore and pursue amending the Zoning Ordinance text to allow residences by right in the D-MU and C-MU zones, subject to certain restrictions and standards. These limitations would include geographic limitations that apply exclusively to the Downtown and East Downtown, the requirement of one or more additional land use types within a site, minimum or maximum density requirements, and certain objective performance standards.

Allowed Zone Districts and Locations

The Housing Element Program directs staff to allow residential development as a by right use in the Downtown Mixed Use (D-MU) zone district, and to examine and consider the Commercial Mixed Use (C-MU) and Neighborhood Commercial (C-N) zone districts.

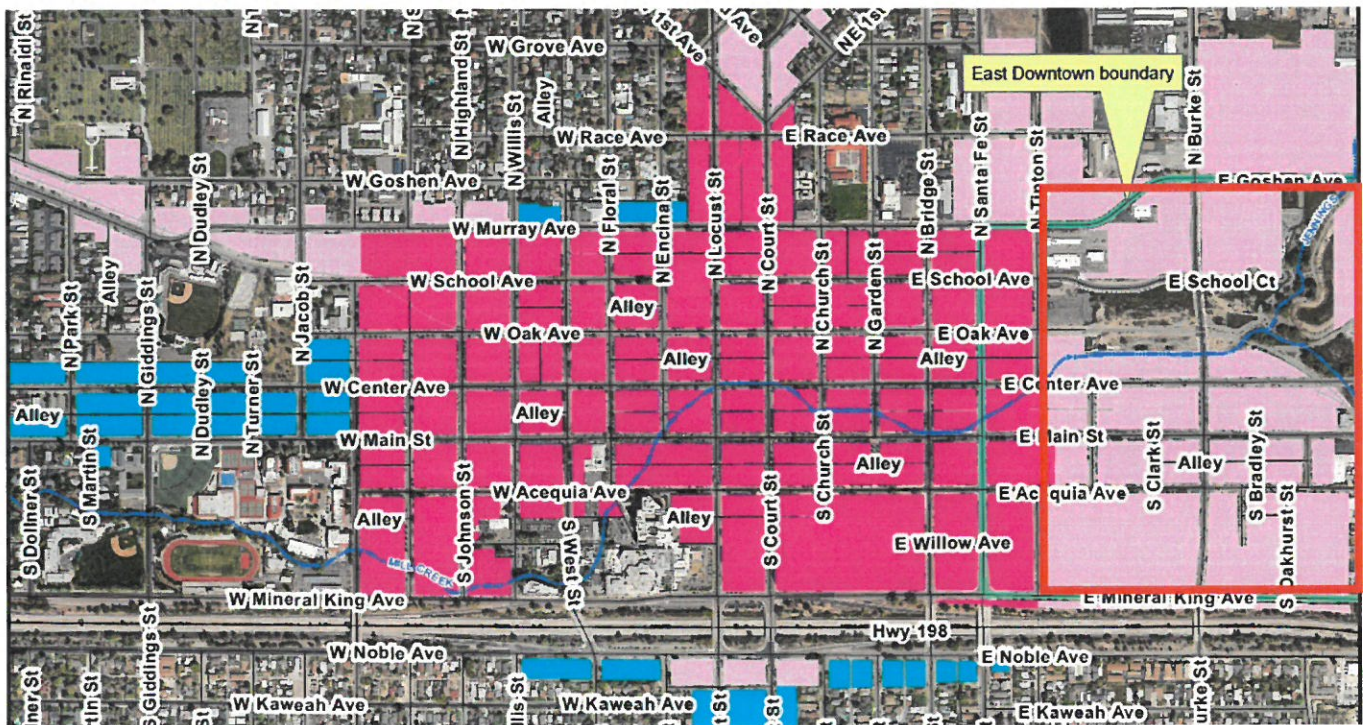
The downtown has seen the most requests for residential uses to be built either with or added to commercial uses out of any locale in the City, with five requests processed in the last 20 years. Because the redevelopment and revitalization of the East Downtown is a strong objective together

with supporting the continued development and vitality of the downtown, the portion of the C-MU zone district that encompasses the East Downtown is recommended for inclusion.

The General Plan also discusses the permitting residential uses in the Neighborhood Commercial designation, even assigning a density range in the district. However, staff does not consider this designation as one being sought out at this time for inclusion of residences due to lack of property owner interest and due to no recent development of developments with vertical or horizontal mixed use potential.

The Office Conversion (O-C) zone district, upon review by staff, was identified as a location that supports retaining residential uses while incorporating non-residential land uses, specifically low-intensity office-type uses. Some dwelling units in the O-C district are already used as live/work environments. Staff's conclusion was that the same standards applied towards mixed use zones could also be carried over to residential structures in the O-C zone.

If demand persists for residential mixed uses following this text amendment, the City could later consider expanding areas eligible for by right to C-MU zone districts city wide or the C-N zone district.



Downtown Visalia with depictions of D-MU zone (magenta), C-MU zone (pink) with East Downtown denotation, and O-C zone (blue)

Utilization of Existing Buildings

To help ease the transition of introducing residential units 'by-right' with commercial and office uses, staff recommends placing criteria on the types of buildings eligible for by-right use.

Four of the five Conditional Use Permits approved in the last 20 years for residential mixed uses have occurred within existing buildings with little or no exterior renovations (the one exception being the new building constructed for Crawdaddy's Restaurant at 333 E. Main Street.). Utilizing existing buildings encourages the rehabilitation of upper stories that have often been bypassed or neglected and often do not incur any changes to exterior elevations. Any changes being made to the exterior must be consistent with the City's established standards for the Downtown Retail Design District, which help to protect and enhance the character of the downtown area.

In the future the City may consider allowing residences to be located as part of a new building or expansion to an existing building, provided that the building is located within the Downtown Retail Overlay District so that the City can ensure that new development is compatible with an adopted set of design criteria outside of a public hearing process.

Objective Performance Standards

Following is a listing of performance standards recommended to be required when residential mixed uses are allowed by right. These standards may be used as guidelines for uses that are conditionally allowed in other zones. The criteria have been compiled based on conditions applied to past mixed-use developments and existing General Plan and Zoning Ordinance standards.

Performance Standard	Criteria
	Standard Nos. 1 and 2 help to ensure that the subject site remains as a mixed-use with a commercial or office-type use located in the street-fronting tenant space. The two standards together ensure that any space that is both ground level and front facing shall be occupied by a non-residential land use.
1. Mixed Use Requirement	A residential use may be allowed as a use permitted by right inside a building with a commercial and/or office use so long as the building contains a separate space dedicated for a commercial and/or office land use located at ground floor level and facing toward a public street.
2. Orientation	No residential use shall be both located at ground floor area and facing toward a public street. A door and passageway leading to residential uses, containing no living space, may be located on the ground floor facing toward a public street. A residential use may be oriented toward an alley or non-street frontage.
3. Access	A residential use shall include at least one building access that is located to the side or rear of the building.
4. Parking	Off-street parking facilities shall be provided in accordance with Zoning Ordinance standards: 1.5 spaces per dwelling unit, or 1 space per dwelling unit restricted for senior citizens. The minimum off-street parking standards may be satisfied by paying an in-lieu fee as specified in the Zoning Ordinance. If the subject site contains on-site parking, a minimum of one (1) on-site parking space per unit shall be designated and signed within the on-site parking field for residential occupants only.
5. Maximum Floor Area Ratio	<p>The maximum floor area ratio (referring to non-residential and residential floor area combined) shall not exceed 5.0 for properties in the Downtown Mixed Use zone district and 2.0 for properties in the Commercial Mixed Use zone district. <i>(This standard is based on General Plan Table 2-3.)</i></p> <p><i>Floor area ratio (FAR) is a measure of development density, calculated by dividing building space square footage by the land square footage. For example, if a lot measures 5,000 square feet and the maximum FAR is 2.0, then the maximum allowed building size is 10,000 square feet.</i></p>

6. Maximum Number of Dwelling Units	<p>The maximum number of permitted by-right dwelling units in a building shall not exceed one unit per 600 square feet of lot or site area, and in no case shall exceed 12 units.</p> <p><i>For example, if a lot measures 5,000 square feet, then the maximum number of units permitted by right is 8 (5,000 sq. ft. / 600 sq. ft.).</i></p>
7. Minimum Floor Area	<p>The floor area of an individual dwelling unit shall be no less than 400 square feet. <i>(This standard is intended to ensure that units are provided with a sufficient amount of space for independent living, discouraging single-room occupancy but still allowing for studio apartments.)</i></p>
8. Facilities	<p>Each dwelling unit shall include a kitchen with cooking facilities, and spaces for bathroom and sleeping incorporated within the dwelling unit.</p>
9. Noise	<p>The following standards address any potential noise conflicts:</p> <p>a. Spaces intended for residential use shall be improved to meet a composite Sound Transmission Class (STC) rating of at least 50 or a composite Outdoor-Indoor Sound Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30.</p> <p>b. Limitations on Use. The following uses and activities shall not be allowed within any mixed-use development:</p> <ul style="list-style-type: none"> • Major vehicle/equipment repair (e.g. body or mechanical work, complete overhaul or substantial replacement of parts, vehicle detailing and painting, upholstery, or any similar use, not involving routine maintenance); • Night clubs or any other use that includes live entertainment; • Any other activity or use, as determined by the review authority, to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of residents. <p>c. Residents of new mixed-use projects, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban-type environment and that the noise levels may be higher than a strictly residential area.</p>

Noise Impacts

Residential uses locating within the downtown core, and more particularly along Main Street and the surrounding environs, will be exposed to an increased level of noise impacts from neighboring sources. Such increase in noise level is a typical circumstance in an urban environment, where commercial activities may continue to operate into the evening hours when nighttime noise levels become stricter. There are certain types of nuisance noises within the downtown environment such as sirens from emergency response vehicles and garbage collection trucks operating in early morning hours, however such noise sources are currently exempt (per Ordinance Section 8.36.070), from adhering to City noise standards around sensitive land uses.

With the integration of residential uses in the downtown, legally existing noise generating land uses such as live entertainment venues may want assurance that the addition of a residence near their building will not impact their business.

The proposed criteria pertaining to noise attempts to address the conflicts that could arise from the integration of residences and noise generating land uses. This criterion includes restricting residential uses from locating in the same building as heavy noise generators, and requiring written notification to tenants on the noises associated with living in an urban environment. In addition, spaces utilized for residential purposes shall be improved to meet the standards found in the current California Building Code Section 5.507 ("Environmental Comfort") pertaining to noise attenuation for multi-family uses associated with a commercial building.

Amendment to Noise Ordinance

The City's General Plan contains a policy (N-P-1) calling for the updating of the noise ordinance to be in conformance with the General Plan. Currently, the Noise Ordinance subjects a class of "noise sensitive land uses", including residential uses, churches, hospitals, and other such uses, to a more stringent set of noise level standards. However, it does not take into consideration the introduction of mixed use zones and the integration of residences with commercial uses.

Staff is therefore recommending a single change to the Noise Ordinance (Visalia Municipal Code Chapter 8.36) to exclude residential uses associated with a mixed use development project located in a Mixed Use Zone from the classification of a "noise sensitive land use". This would cause mixed use developments to not be subject to the noise level standards contained in the Noise Ordinance and would prevent neighboring uses from having to conform to the Noise Ordinance requirements for noise sensitive land uses. The residential mixed uses proposed to be permitted by right would be subject to the current building code standards that pertain to noise attenuation for multi-family uses associated with a commercial building.

Parking Impacts

Residential uses must provide parking in accordance with Zoning Ordinances. For mixed uses, parking is proposed to be assessed at the multi-family residential rate of 1.5 parking spaces per unit, or 1 parking space per unit restricted to senior citizens. While tenants of residential units may expect parking spaces to be provided on-site with the dwelling unit, this is impractical in the downtown where, particularly along Main Street, a large majority of buildings do not have on-site parking. As a result, the requirement for a residential mixed use to have dedicated on-site parking for residential uses makes a large majority of the downtown ineligible for such uses. It should be noted that the downtown locations where residential uses have been approved through a CUP do not contain on-site parking.

Most properties in the immediate downtown area are within the boundaries of the Property Based Improvement District (PBID), wherein changing land uses within existing buildings are currently exempt from having to provide any necessary additional parking or paying parking in-lieu fees. If outside the PBID, most downtown areas have the option to satisfy on-site parking requirements through the payment of in-lieu fees as specified in Zoning Ordinance Chapter 17.30 Article 2.

Review Session with City Council / Planning Commission and Downtown Visalians POA

Two presentations were made to the Downtown Visalians Property Owners Association (POA) Board regarding the proposal for allowing residential mixed uses as a by-right use. In July 2020 city staff introduced a concept of the proposal to the POA, while in September 2021 staff introduced the draft objective standards to the POA to gain input and any questions. The board was generally in favor of the draft and in support of improving the ease of permitting residential units in the downtown, with noise and parking still being called out as primary concerns.

A work session item was presented on March 17, 2021, at a joint meeting of the City Council and Planning Commission. The meeting was open to the public and included time for public comment, though no comments were received at the time. The item was the introduction of criteria and performance standards to be considered for a future Zoning Ordinance Text Amendment. Staff received comments from both groups, which have been addressed in the draft ordinance to the extent feasible. The following items have been revised since the joint meeting:

- Additional wording to address standards for orientation of units, including elimination of reference to live/work units;
- Expanding residential mixed uses to the Office Conversion zone;
- Inclusion of criteria for addressing conflicts that could arise from the integration of residences and noise generating uses;
- Reduction of a maximum # of units and inclusion of a limitation based on site area;
- Clarification of parking requirements for standard & senior units and removal of requirement for having public parking within 300 feet;
- Clarification that standards may be used as guidelines for residential mixed uses that are conditionally allowed in other zones.

Consistency with General Plan Policies

The proposed zoning text amendments are consistent with the following General Plan Objectives and Policies, particularly Policies LU-P-53 and LU-P-73.

LU-O-14 Create an overall urban form centered on a vital downtown and a higher-density core, surrounded by viable residential neighborhoods with walkable, mixed-use neighborhood centers.

LU-O-28 Promote pedestrian-oriented retail and mixed use development along transit corridors, in neighborhood nodes, and in Downtown and East Downtown.

LU-O-31 Support the continued development and vitality of Downtown (generally identified as the area north of Mineral King Ave., east of Conyer St., south of Murray Ave., and west of Tipton St.) and the redevelopment and revitalization of East Downtown (generally identified as the area north of Mineral King Ave., east of Tipton St., south of Murray Ave., and west of Ben Maddox Way, as well as the stockyards).

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

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

LU-P-75 Provide incentives for infill development of opportunity sites and adaptive reuse and restoration of existing buildings in Downtown and East Downtown.

LU-P-79 Promote the integration of the area east of Bridge Street and west of Burke Street into Downtown in the near term, with the development of office, residential, and mixed-use buildings on available sites.

LU-P-81 Develop East Main Street as a mixed-use street with ground floor retail and commercial uses. Issues to be addressed include the need to complement downtown Main Street; establish a clear relationship with the current service commercial character of the street; and assess financial feasibility for urban-scale housing.

LU-P-87 Update development standards, design guidelines and other related documents and processes to support redevelopment of East Downtown according to the objectives and policies outlined in the General Plan.

N-P-1 Update the City's Noise Ordinance as needed to be in conformance with the General Plan.

Environmental Review

California Environmental Quality Act (CEQA) Section 15183(a) mandates that projects which are consistent with the development density established by general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

In accordance with CEQA guidelines, Initial Study No. 2021-44 was prepared for this project, which disclosed the proposed 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.

In addition, an Initial Study with Negative Declaration for the General Plan Housing Element (Negative Declaration No. 2019-63) was also prepared, wherein the environmental review assessed the establishment of goals, policies, and implementation programs.

Therefore, staff concludes that the previously prepared Program Environmental Impact Report and Negative Declaration adequately analyzed and addresses the project and would recommend that the City Council adopt Environmental Document No. 2021-44 for this project.

RECOMMENDED FINDINGS

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as described in the following Land Use and Housing Element Policies:

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

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

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

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

2. That applying the proposed Zone Code standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2020-2023 Housing Element

Update (5th Cycle Four-Year Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.

3. That prior environmental review documents have been prepared and adopted that are directly applicable to this Zoning Text Amendment, including a Program Environmental Impact Report for the preparation of the General Plan Update (SCH No. 2010041078), a Negative Declaration for the preparation of the General Plan Housing Element (Negative Declaration No. 2019-63), and an Initial Study for the preparation of the Zoning Ordinance Update (Environmental Document No. 2016-41). Furthermore, an Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant for this project, that the project has no new effects that could occur, and does not require any new mitigation measures that have not been addressed within the scope of the prior environmental review documents. Therefore, staff concludes that the previously prepared Program Environmental Impact Report and Negative Declaration adequately analyzed and addresses the project, and the Planning Commission recommends to the City Council that Environmental Document No. 2021-44 can be adopted for this project.

APPEAL INFORMATION

The Planning Commission's recommendation on the Zoning Text Amendment is advisory only and is automatically referred to the City Council for final action.

Attachments:

- Related Plans and Policies
- Resolution No. 2021-48
- Exhibit "A" – Applicable General Plan Housing Element Programs
- Initial Study / Environmental Document No. 2021-44

RELATED PLANS AND POLICIES

Zoning Ordinance [Title 17 of Visalia Municipal Code]

Chapter 17.44 ZONING AMENDMENTS

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. (Ord. 2017-01 (part), 2017: prior code § 7580)

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. (Ord. 2017-01 (part), 2017: prior code § 7581)

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 that 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. (Ord. 2017-01 (part), 2017: prior code § 7582)

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 that is the subject of the hearing. (Ord. 2017-01 (part), 2017: prior code § 7583)

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 that shall be submitted to the city planning commission. (Ord. 2017-01 (part), 2017: prior code § 7584)

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. (Ord. 2017-01 (part), 2017: prior code § 7585)

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 report of the city engineer and the findings of the commission. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7586)

17.44.080 [Reserved].

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. (Ord. 2017-01 (part), 2017: prior code § 7587)

17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map. (Ord. 2017-01 (part), 2017: prior code § 7589)

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. (Ord. 2017-01 (part), 2017: prior code § 7590)

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. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7591)

RESOLUTION NO. 2021-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2021-08, A REQUEST BY THE CITY OF VISALIA TO AMEND PORTIONS OF VISALIA MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE) AS TO IMPLEMENT A PROGRAM CONTAINED IN THE CITY OF VISALIA 2020-2023 HOUSING ELEMENT PERTAINING TO REGULATIONS FOR RESIDENTIAL USES IN DOWNTOWN MIXED USE, COMMERCIAL MIXED USE, AND OFFICE CONVERSION ZONE DISTRICTS. THE PROJECT AREA IS CONTAINED WITHIN THE CITY OF VISALIA'S URBAN DEVELOPMENT BOUNDARIES THAT ARE ILLUSTRATED IN THE VISALIA GENERAL PLAN, CITYWIDE.

WHEREAS, Zoning Text Amendment No. 2021-08 is a request by the City of Visalia to amend portions of Visalia Municipal Code Title 17 (Zoning Ordinance) as to implement a program contained in the City of Visalia 2020-2023 Housing Element pertaining to regulations for residential uses in Downtown Mixed Use, Commercial Mixed Use, and Office Conversion Zone Districts. The specific amendments apply City-wide and are specified in 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 October 25, 2021; and

WHEREAS, the Planning Commission of the City of Visalia considered the Zone Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing.

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. 2021-44 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 the proposed Zone Text Amendment based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, as described in the following Land Use and Housing Element Policies:

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

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

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

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

2. That applying the proposed Zone Code standards to future housing and residential uses will encourage increased housing options, including but not limited to affordable housing, throughout the City, as endorsed through the City of Visalia 2020-2023 Housing Element Update (5th Cycle Four-Year Housing Element Update). These standards are designed to promote and ensure compatibility with adjacent land uses.
3. That prior environmental review documents have been prepared and adopted that are directly applicable to this Zoning Text Amendment, including a Program Environmental Impact Report for the preparation of the General Plan Update (SCH No. 2010041078), a Negative Declaration for the preparation of the General Plan Housing Element (Negative Declaration No. 2019-63), and an Initial Study for the preparation of the Zoning Ordinance Update (Environmental Document No. 2016-41). Furthermore, an Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA), which disclosed that environmental impacts are determined to be not significant for this project, that the project has no new effects that could occur, and does not require any new mitigation measures that have not been addressed within the scope of the prior environmental review documents. Therefore, staff concludes that the previously prepared Program Environmental Impact Report and Negative Declaration adequately analyzed and addresses the project, and the Planning Commission recommends to the City Council that Environmental Document No. 2021-44 can be adopted for this project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the Zone Text Amendment described herein in Attachment "A", 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. 2021-48

ATTACHMENT A

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

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

TITLE 8, Health and Safety

Chapter 8.36 NOISE

Section 8.36.020 Definitions

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

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

Section 17.25.030 Commercial, Office, and Industrial Zone Use Table

D. [Table 17.25.030, Commercial, Mixed Use, Office, and Industrial Zones Use Matrix]

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix											
P = Use is Permitted by Right C = Use Requires Conditional Use Permit											
T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	

RESIDENTIAL (see also Residential Zones)											
R27	Residential Units, New or Expansions, which may or may not be associated with a commercial activity	C	C	C	C	C	C	C	C	C	C

R28	<u>Residential Units, including units for senior citizens, as a mixed use in an existing building containing one or more commercial or office uses</u>					<u>P*</u>	<u>P</u>									<u>17.32.164</u> <u>* In Micro-brewery/ Micro-winery Overlay District only</u>	
R29	<u>Existing single-family dwelling</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>								

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

17.32.164 Residential units in mixed use zones.

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

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

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

1. Mixed Use Requirement. A residential use may be allowed as a use permitted by right inside a building with a commercial and/or office use so long as the building contains a separate space dedicated for a commercial and/or office land use located at ground floor level and facing toward a public street.

2. Orientation. No residential use shall be both located at ground floor area and facing toward a public street. A door and passageway leading to residential uses, containing no living space, may be located on the ground floor facing toward a public street. A residential use may be oriented toward an alley or non-street frontage.

3. Access. A residential use shall include at least one building access that is located to the side or rear of the building.

4. Parking. Residential units are required to provide 1.5 off-street parking spaces per dwelling unit. Residential units that are restricted for senior citizens are required to provide one (1) off-street parking space per dwelling unit. If the subject site contains on-site parking, a minimum of one (1) on-site parking space per unit shall be designated and signed within the on-site parking field for residential occupants only. Notwithstanding any available on-site parking spaces, the minimum off-street parking

standards may be satisfied by paying an in-lieu fee as specified in Visalia Municipal Code Chapter 17.30 Article 2.

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

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

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

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

9. Limitations on Use. The following uses and activities shall not be allowed within any mixed-use development:

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

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

c. Any other activity or use, as determined by the review authority, to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of mixed-use development residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

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

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

EXHIBIT "A"

GENERAL PLAN HOUSING ELEMENT 2020-2023 IMPLEMENTATION PROGRAMS CARRIED OUT BY ZONE TEXT AMENDMENT

Phase 1

HE Program 1.3 SENIOR HOUSING RESIDENTIAL DEVELOPMENT BY RIGHT

The City shall revise the Zoning Ordinance to allow senior housing development in accordance with the density for the underlying general plan land use district as a by-right use in all residential zone districts and in the downtown mixed use zone district.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

HE Program 3.22 MOBILE HOME PARKS IN HIGH DENSITY RESIDENTIAL ZONE DISTRICT

The City shall revise the Zoning Ordinance to allow mobile home parks as a conditionally allowed use in the R-M-3 zone in accordance with the density prescribed in the General Plan land use district.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

HE Program 5.9 EMPLOYEE HOUSING ALLOWED WHERE RAISING OF HORTICULTURAL ITEMS ALLOWED

The City shall revise the Zoning Ordinance to ensure that employee housing is permitted as a by right use in areas where agricultural activities are also an allowed use, in conformance with Health and Safety Code commencing at Section 17020. Alternately, the City may revise the Zoning Ordinance to address the allowed use of agriculture activities in non-residential zone districts.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

HE Program 5.10 ACCESSORY DWELLING UNITS, RESIDENTIAL CARE FACILITIES, TRANSITIONAL / SUPPORTIVE HOUSING, AND EMPLOYEE HOUSING ALLOWED IN ALL ZONES PERMITTING SINGLE-FAMILY RESIDENCES

The City shall revise the Zoning Ordinance to allow accessory dwelling units, adult overnight residential care facilities, transitional / supportive housing, and employee housing as allowed uses in all zoning designations where single-family residences are respectively permitted or conditionally allowed.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

HE Program 5.11 PERMANENT SUPPORTIVE HOUSING ALLOWED AS BY RIGHT USE

The City shall revise the Zoning Ordinance to allow permanent supportive housing, in accordance with Assembly Bill 2162 and Article 11 commencing with Government Code Section 65650, as a use by right in all zoning designations where multi-family residential used and mixed uses are respectively permitted or conditionally allowed.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

HE Program 5.12 LOW BARRIER NAVIGATION CENTERS ALLOWED AS BY RIGHT USE

The City shall revise the Zoning Ordinance to allow low barrier navigation centers, in accordance with Assembly Bill 101 and Article 12 commencing with Government Code Section 65660, as a use by right in all zoning designations where mixed uses and non-residential zones allowing multi-family residential uses are respectively permitted or conditionally allowed.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

Phase 2

HE Program 2.6 DOWNTOWN AND MIXED USE RESIDENTIAL DEVELOPMENT BY RIGHT

The City shall revise the Zoning Ordinance to allow residential development as a by right use in the Downtown Mixed Use zone district, in accordance with the density prescribed in the General Plan Land Use district, subject to performance standards. In addition, the City shall examine and consider allowing residential development as a by right use in the Conditional Mixed Use and Neighborhood Commercial zone districts while addressing issues of geographical location, segmentation, and performance standards.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

HE Program 3.19 CONSISTENCY WITH STATE DENSITY BONUS LAW

The City shall review and amend its Zoning Ordinance to ensure that its density bonus regulations remain consistent with state law (Government Code Sections 65915 through 65918). This program includes the addition of a housing unit replacement program subject to the requirements of Government Code Section 65915(c)(3). The replacement program would be subject to sites identified in the site inventory where any new development (residential, mixed-use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020 and ongoing

Quantified Objective: Complete review of state law and complete ordinance amendments, as necessary, within one year of Housing Element certification. Any applications received for density bonuses that are found to be consistent with state law shall be processed and implemented immediately.

HE Program 5.3 EMERGENCY SHELTERS PERFORMANCE STANDARDS AND EXPANSION OF ALLOWED USE

The City shall examine and make a recommendation of other zone districts where emergency shelters may be allowed as a by right (permitted) use or as a conditionally allowed use and shall develop performance standards for use in association with emergency shelters. Upon public review and approval by the legislative body, the City shall revise the Zoning Ordinance as it pertains to emergency shelters.

Responsibility: Community Development Department

Funding: General Fund

Timeframe: 2020

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

INITIAL STUDY

I. GENERAL

A. Project Name and Description:

Zoning Text Amendment Nos. 2021-07, 2021-08, and 2021-09: A request by the City of Visalia to amend portions of Visalia Municipal Code Chapter 8.36 (Noise) and Title 17 (Zoning Ordinance) as to implement programs contained in the City of Visalia 2020-2023 Housing Element pertaining to:

- Regulations for density bonuses.
- Regulations for residential uses in Downtown Mixed Use, Commercial Mixed Use, and Office Conversion Zone Districts.
- Regulations for emergency shelters, emergency warming or cooling centers, and low barrier navigation centers.

The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan, Citywide.

The proposed ZTA represents part of the second round of changes being undertaken to help fulfill the intended outcomes or objectives of the Housing Element (in an effort to help remove or overcome constraints to housing development). The first round of changes was completed in 2020 and implemented six programs pertaining to relatively straightforward changes bringing the City's Zoning Ordinance into compliance with State housing law.

Specifically, these ZTAs fulfill three implementation programs that the Element identified to be completed within approximately one year following adoption. The three implementation programs are:

HE Program 2.6 DOWNTOWN AND MIXED USE RESIDENTIAL DEVELOPMENT BY RIGHT

The City shall revise the Zoning Ordinance to allow residential development as a by right use in the Downtown Mixed Use zone district, in accordance with the density prescribed in the General Plan Land Use district, subject to performance standards. In addition, the City shall examine and consider allowing residential development as a by right use in the Conditional Mixed Use and Neighborhood Commercial zone districts while addressing issues of geographical location, segmentation, and performance standards.

HE Program 3.19 CONSISTENCY WITH STATE DENSITY BONUS LAW

The City shall review and amend its Zoning Ordinance to ensure that its density bonus regulations remain consistent with state law (Government Code Sections 65915 through 65918). This program includes the addition of a housing unit replacement program subject to the requirements of Government Code Section 65915(c)(3). The replacement program would be subject to sites identified in the site inventory where any new development (residential, mixed-use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years.

HE Program 5.3 EMERGENCY SHELTERS PERFORMANCE STANDARDS AND EXPANSION OF ALLOWED USE

The City shall examine and make a recommendation of other zone districts where emergency shelters may be allowed as a by right (permitted) use or as a conditionally allowed use and shall develop performance standards for use in association with emergency shelters. Upon public review and approval by the legislative body, the City shall revise the Zoning Ordinance as it pertains to emergency shelters.

B. Identification of the Environmental Setting:

The project area is contained within the City of Visalia's Urban Development Boundaries that are illustrated in the Visalia General Plan. The City of Visalia is located within the County of Tulare, situated in the State of California.

C. Plans and Policies:

The City of Visalia General Plan Land Use Element and Land Use Diagram, adopted October 14, 2014, designate sites for residential development, including two mixed use land use designations – Downtown Mixed Use and Commercial Mixed Use – which encourage residential development in conjunction with commercial uses.

The City of Visalia 2020-2023 Housing Element identifies the community's housing needs, states the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs, and defines the policies and programs that the community will implement to achieve the stated goals and objectives. The 2020-2023 Housing Element was a focused update of the 5th-Cycle Housing Element, which was originally prepared for the eight-year planning period from December 31, 2015 to December 31, 2023, and adopted by the City of Visalia on September 6, 2016. The update covered a four-year period and did not account for a new Regional Housing Needs (RHNA) projection. It is a mid-cycle or four-year update to the 5th-Cycle planning period that serves a planning period from December 31, 2019 to December 31, 2023. The 2020-2023 Housing Element, in draft form, was adopted by the City Council on December 3, 2019 and submitted to State Housing and Community Development (HCD). The State informed the City on January 23, 2020, that the Housing Element is in full compliance with state Housing Element law.

The City of Visalia 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 of residential development to a level of non-significance.

III. MITIGATION MEASURES

There are no mitigation measures for this project.

IV. MITIGATION MONITORING PROGRAM

No mitigation is required for this project to reduce significance.

V. PROJECT COMPATIBILITY WITH EXISTING ZONES AND PLANS

The project is compatible with the General Plan and the Zoning Ordinance. The project is compatible with the General Plan as the project relates to bringing consistency among the General Plan Elements and the Zoning Ordinance.

VI. 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 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 Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.

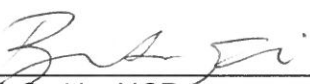
- Visalia 5th-cycle Housing Element Update. City of Visalia. September 6, 2016.
- Initial Study / Negative Declaration No. 2015-56 for the Visalia Housing Element Update. City of Visalia, April 25, 2016.
- Visalia City Council Resolution No. 2016-55 (Approving the 5th Cycle Visalia Housing Element Update) passed and adopted September 6, 2016.
- Visalia City Council Resolution No. 2016-54 (Adopting Negative Declaration No. 2015-56) passed and adopted September 6, 2016.

- Visalia 2020-2023 Housing Element Update. City of Visalia. December 3, 2019.
- Initial Study / Negative Declaration No. 2019-63 for the Visalia Housing Element Update. City of Visalia, September 30, 2019.
- Visalia City Council Resolution No. 2019-65 (Approving the 2020-2023 Housing Element Update) passed and adopted December 3, 2019.
- Visalia City Council Resolution No. 2019-64 (Adopting Negative Declaration No. 2019-63) passed and adopted December 3, 2019.

VI. NAME OF PERSON WHO PREPARED INITIAL STUDY



Brandon Smith, AICP
Senior Planner



Brandon Smith, AICP
Environmental Coordinator

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST**

Name of Proposal	Zoning Text Amendment Nos. 2021-07, 2021-08, and 2021-09	
NAME OF PROPONENT:	City of Visalia Community Development Dept.	NAME OF AGENT: City of Visalia Community Development Dept.
Address of Proponent:	315 E. Acequia Avenue Visalia, CA 93291	Address of Agent: 315 E. Acequia Avenue Visalia, CA 93291
Telephone Number:	(559) 713-4359	Telephone Number: (559) 713-4359
Date of Review	October 13, 2021	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

Except as provided in Public Resources Code Section 21099, 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 public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 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) 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?
- 1 c) Expose sensitive receptors to substantial pollutant concentrations?
- 1 d) Result in other emissions, such as those leading to odors adversely 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 (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 pursuant to 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) Disturb any human remains, including those interred outside of formal cemeteries?

VI. ENERGY

Would the project:

- 2 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 2 b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause 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? Refer to Division of Mines and Geology Special Publication 42.
- 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. 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?

IX. 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) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 2 a) Violate any water quality standards of waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
- 2 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 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 or through the addition of impervious surfaces, in a manner which would:
- 2 i) result in substantial erosion or siltation on- or off-site;
- 2 ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or
- 2 iii) 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 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 2 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 1 b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. 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?

XIII. NOISE

Would the project result in:

- 1 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 1 b) Generation of excessive groundborne vibration or groundborne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or 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?

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?

XV. 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?

XVI. 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?

XVII. TRANSPORTATION / TRAFFIC

Would the project:

- 1 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 2 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) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

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:

- 1 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
- 1 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 2 b) Have sufficient water supplies available to service the project and reasonable foreseeable future development during normal, dry, and multiple dry years?
- 1 c) 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 d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to,

pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

- 1 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Does the project have the potential to substantially 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, substantially 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 2019

Authority: Public Resources Code sections 21083 and 21083.09

Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3/ 21084.2 and 21084.3

DISCUSSION OF ENVIRONMENTAL EVALUATION

I. AESTHETICS

Adopting the Zoning Text Amendment 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. No specific housing developments are approved as part of the Zoning Text Amendment; therefore, the text amendments would not directly result in aesthetic impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.

- a. The Zoning Text Amendment will not adversely affect the view of any scenic vistas. The Sierra Nevada mountain range may be considered a scenic vista, but views of the range will not be adversely impacted or significantly by adoption of the Zoning Text Amendment.

The Visalia General Plan and Zoning Ordinance contain several polices and standards that together work to reduce the potential for impacts to the development of land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

- b. There are no scenic resources and no state scenic highway designations within the City of Visalia. State Route 198, a divided highway, bisects the project area and is eligible for designation. Adopting the Zoning Text Amendment will not, by itself, impact the scenic character of State Route 198.
- c. The Zoning Text Amendment would constitute no more than a furtherance of the urban character of the project area. Furthermore, the City has development standards contained in the Zoning Ordinance related to landscaping and other amenities that will ensure that the visual character of the area is enhanced and not degraded by any subsequent development. Thus, adoption of the Zoning Text Amendment would not substantially degrade the existing visual character of sites within the City of Visalia.
- d. Adopting the Zoning Text Amendment will not, by itself, create new light sources or sources of glare that would adversely affect day or nighttime views in the area. The City's existing development standards require that light be directed and/or shielded so it does not fall upon adjacent properties upon future development as required under Section 17.30.015.H of the Zoning Ordinance. Therefore, the potential lighting and glare effects associated with the adoption of the Zoning Text Amendment would result in a less-than-significant land use impact.

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 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 polices 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 that 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. Adopting the Zoning Text Amendment will not, by itself, result in the conversion of land in agricultural use, an agricultural preserve, or a land conservation contract. The City adopted urban development boundaries as mitigation measures for conversion of prime agricultural land.
- c. There is no forest land or timberland currently located in the City of Visalia, nor does the project conflict with a zoning for forest land, timberland, or timberland zoned Timberland Production.
- d. There is no forest or timberland currently located within the city.
- e. The Zoning Text Amendment will not involve any changes that would promote or result in the conversion of farmland to non-agriculture use. Properties designated for housing in the Housing Element sites inventory are currently designated for an urban rather than agricultural land use. Properties that are vacant may develop in a way that is consistent with their zoning and land use designated at any time. 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). Adoption of the Zoning Text Amendment in itself does not disrupt implementation of

the San Joaquin Regional Air Quality Management Plan, and will therefore be a less than significant impact.

- b. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in air quality impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.

Subsequent development under the Visalia General Plan will result in emissions that will exceed thresholds established by the SJVAPCD for PM10 and PM2.5. Furthermore, subsequent development may contribute to a net increase of criteria pollutants and 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. In such cases, the proponent will be required to obtain permits demonstrating compliance with Rule 9510, or payment of mitigation fees to the SJVAPCD, when warranted.

- c. Adoption of the Zoning Text Amendment will not, by itself, involve any housing construction and thus would not result directly in the exposure of any sensitive receptors to substantial pollutant concentrations.
- d. Adoption of the Zoning Text Amendment will not involve the generation of objectionable odors that would affect a substantial number of people.

IV. **BIOLOGICAL RESOURCES**

- a. Adopting the Zoning Text Amendment will not, by itself, directly impact 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.

Citywide biological resources were evaluated in the Visalia General Plan Update Environmental Impact Report (EIR) for conversion to urban use. 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 polices, 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. Adopting the Zoning Text Amendment will not, by itself, have a direct impact on any protected or endangered species or their habitats.

Citywide 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. Adopting the Zoning Text Amendment will not, by itself, have a direct impact on any federally protected wetlands as defined by Section 404 of the Clean Water Act.

Citywide 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. Adopting the Zoning Text Amendment will not interfere nor act as a barrier to animal movement since it is not site specific.

Citywide 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 subsequent development sites will be under the jurisdiction of this ordinance.
- f. There are no local or regional habitat conservation plans for the area.

V. CULTURAL RESOURCES

- a. Adopting the Zoning Text Amendment will not, by itself, impact any known or unknown historical resources located within the project area. This project does not allow for site specific development, and therefore, there is no possibility of unearthing historical or cultural resources.
- b. Adopting the Zoning Text Amendment will not, by itself, impact any known or unknown archaeological resources located within the project area. This project does not allow for site specific development, and therefore, there is no possibility of unearthing unknown archaeological resources.
- c. Adopting the Zoning Text Amendment will not, by itself, impact any known or unknown human remains buried in the project area. This project does not allow for site specific development, and therefore, there is no possibility of unearthing unknown human remains.

VI. ENERGY

- a. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in energy impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.

Policies identified under Impacts 3.4-1 and 3.4-2 of the EIR will reduce any potential impacts of projects to a less than significant level. With implementation of these policies and the existing City standards, impacts to energy will be less than significant.

- b. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, based on the discussion above.

VII. GEOLOGY AND SOILS

- a. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in geology and soil impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.
- b. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in geology and soil impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.
- c. 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. Subsequent housing development will not involve the use of septic tanks or alternative wastewater disposal systems since sanitary sewer lines are used for the disposal of wastewater throughout the City of Visalia.
- f. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in geology and soil impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.

VIII. GREENHOUSE GAS EMISSIONS

- a. Adoption of the Zoning Text Amendment 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 a policy document to bring housing policies in the City into consistency with State Housing law.

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.

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.

- b. 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 and to a level 80% below 1990 baseline levels by 2050. In addition, the State has enacted SB 32 which included provisions for reducing the GHG emission levels to a level 40% below 1990 baseline levels by 2030.

The proposed project will not impede the State's ability to meet the GHG emission reduction targets under AB 32. Current and probable future state and local GHG reduction measures will continue to reduce subsequent housing developments' contribution to climate change. As a result, the project will not contribute significantly, either individually or cumulatively, to GHG emissions.

IX. HAZARDS AND HAZARDOUS MATERIALS

- a. No hazardous materials are anticipated with the adoption of the Zoning Text Amendment.
- b. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in hazards and hazardous materials impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.

- c. There is no reasonably foreseeable condition or incident involving the project that could affect existing or proposed school sites.
- d. The project does not impact 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 will not interfere with the implementation of any adopted emergency response plan or evacuation plan.
- g. There are no wild lands within or near the City of Visalia.

X. HYDROLOGY AND WATER QUALITY

- a. Development projects associated with buildout under the Visalia General Plan are subject to regulations that serve to ensure that such projects do not violate water quality standards of waste discharge requirements. These regulations include the Federal Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program. State regulations include the State Water Resources Control Board (SWRCB) and more specifically the Central Valley Regional Water Quality Control Board (RWQCB). Adherence to these regulations results in subsequent projects incorporating measures that reduce pollutants.

Furthermore, there are no reasonably foreseeable reasons why the adoption of the project would result in the degradation of water quality.

The Visalia General Plan contains multiple polices, identified under Impact 3.6-2 and 3.9-3 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. Adoption of the Zoning Text Amendment, in itself, will not substantially deplete groundwater supplies in the City of Visalia. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines. Furthermore, the City of Visalia's water conservation measures and explorations for surface water use over groundwater extraction will assist in offsetting the loss in groundwater recharge.

- c.
 - i. No specific housing developments are approved as part of Zoning Text Amendment. For subsequent projects, which will be subject to project-specific environmental review, 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.
 - ii. No specific housing developments are approved as part of Zoning Text Amendment. For subsequent projects, which will be subject to project-specific environmental review, development of sites will create additional impervious surfaces. However, existing and planned improvements to storm water drainage

facilities as required through the Visalia General Plan policies assist in reducing potential impacts.

Polices identified under Impact 3.6-2 of the EIR assist in reducing potential impacts to a less than significant level.

- iii. No specific housing developments are approved as part of Zoning Text Amendment. For subsequent projects, which will be subject to project-specific environmental review, development of sites will create additional impervious surfaces. However, existing and planned improvements to storm water drainage facilities as required through the Visalia General Plan policies will reduce any potential impacts.

Polices identified under Impact 3.6-2 of the EIR will reduce any potential impacts to a less than significant level.

Furthermore, all developments are required to meet the City's improvement standards for directing storm water runoff to the existing City storm water drainage system consistent with the City's adopted City Storm Drain Master Plan.

- d. The City of Visalia is located sufficiently inland and distant from bodies of water, and outside potentially hazardous areas for seiches and tsunamis. Visalia is also relatively flat, which will contribute to the lack of impacts by mudflow occurrence. Therefore there will be no impact related to these hazards.
- e. No specific housing developments are approved as part of Zoning Text Amendment. For subsequent projects, which will be subject to project-specific environmental review, drainage patterns may be affected in the short term due to erosion and sedimentation during construction activities and in the long term through the expansion of impervious surfaces. Impaired storm water runoff may then be intercepted and directed to a storm drain or water body, unless allowed to stand in a detention area. The City's existing standards may require the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the SWRCB's General Construction Permit process, which would address erosion control measures.

The Visalia General Plan contains multiple polices, identified under Impact 3.6-1 of the EIR, that together work to reduce the potential for erosion.

XI. LAND USE AND PLANNING

- a. Adopting the Zoning Text Amendment will not, by itself, physically divide an established community
- b. The Zoning Text Amendment does not propose to rezone or re-designate any land that was not already allowed to have residential development. Generally, residential development at greater densities is encouraged by the Housing Element policies. However, all identified potential residential development sites as well as generally increased development densities throughout the City, have been adequately analyzed for their consistency with urban infrastructure and service capacities as well as for land use consistency for the sites and relative to existing urban development within the City. The analysis concludes that the residential development patterns facilitated through the Housing Element are consistent

with the City's existing land use and population buildout scenarios that were developed for the 2014 General Plan, and further analyzed for environmental effects in the General Plan Program EIR.

The Visalia General Plan contains multiple polices, identified under Impact 3.1-2 of the EIR, that together work to reduce the potential for impacts to the development of land as designated by the General Plan. With implementation of these policies and the existing City standards, impacts to land use development consistent with the General Plan will be less than significant.

XII. MINERAL RESOURCES

- a. 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.

XIII. NOISE

- a. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in noise impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.
- b. Adopting the Zoning Text Amendment will not, by itself, result in ground-borne vibration or ground-borne noise levels.
- c. The project area includes the Visalia Municipal Airport; however, the project will not impact airport operations. There are no private airstrips within the City of Visalia.

XIV. POPULATION AND HOUSING

- a. Adoption of the Zoning Text Amendment will not, by itself, directly induce substantial unplanned population growth that is in excess of that planned in the General Plan.
- b. Adoption of the Zoning Text Amendment will not, by itself, displace any housing or people on the site. The area being developed is currently vacant land.

XV. PUBLIC SERVICES

- a. No specific housing developments are approved as part of Zoning Text Amendment; therefore, adopting the Zoning Text Amendment will not, by itself, result in substantial adverse impacts associated with the provision of new or physically altered public facilities.
 - i. Adopting the Zoning Text Amendment will not, by itself, require new fire protection services or facilities.
 - ii. Adopting the Zoning Text Amendment will not, by itself, require new police protection services or facilities.
 - iii. Adopting the Zoning Text Amendment will not, by itself, directly generate new students.
 - iv. Adopting the Zoning Text Amendment will not, by itself, directly generate the need for additional park facilities.
 - v. Adopting the Zoning Text Amendment will not, by itself, require other public services or facilities.

XVI. RECREATION

- a. Adopting the Zoning Text Amendment will not, by itself, directly generate new residents and will therefore not directly 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.
- b. Adopting the Zoning Text Amendment will not, by itself, require the construction or expansion of recreational facilities within the area that might have an adverse physical effect on the environment.

XVII. TRANSPORTATION AND TRAFFIC

- a. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in transportation and traffic impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.
- b. No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly result in transportation and traffic impacts. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.
- c. No specific housing developments are approved as part of Zoning Text Amendment.
- d. The project will not result in inadequate emergency access.

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 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.

- a. No specific housing developments are approved as part of Zoning Text Amendment
- b. No specific housing developments are approved as part of Zoning Text Amendment

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. UTILITIES AND SERVICE SYSTEMS

No specific housing developments are approved as part of Zoning Text Amendment; therefore, the project, in itself, would not directly impact utilities and service systems. Housing projects undertaken in the course of implementing the goals, policies, and programs identified in the Housing Element will be subject to project-specific environmental review in accordance with Section 15060 et seq. of the CEQA Guidelines.

- a. Adopting the Zoning Text Amendment will not, by itself, result in any impacts to utilities and service systems. All subsequent developments will be required to comply with regulations pertaining to utilities and service systems.
- b. Adopting the Zoning Text Amendment will not, by itself, result in any impacts to utilities and service systems. All subsequent developments will be required to comply with regulations pertaining to utilities and service systems.
- c. The City has determined that there is adequate capacity existing to serve subsequent housing development's projected wastewater treatment demands at the City wastewater treatment plant during the planning period of the Housing Element.
- d. Adopting the Zoning Text Amendment will not, by itself, result in any impacts to utilities and service systems. All subsequent developments will be required to comply with regulations pertaining to utilities and service systems.
- e. Adopting the Zoning Text Amendment will not, by itself, result in any impacts to utilities and service systems. All subsequent developments will be required to comply with regulations pertaining to utilities and service systems.

XX. WILDFIRE

- a. Adopting the Zoning Text Amendment will not, by itself, result in any impacts from wildfire.
- b. The City of Visalia is relatively flat and the underlying soil is not known to be unstable, and therefore not in a location that is likely to exacerbate wildfire risks.
- c. Adopting the Zoning Text Amendment will not, by itself, result in any impacts from wildfire.
- d. Adopting the Zoning Text Amendment will not, by itself, result in any impacts from wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project will not 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.
- b. The Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update considered the conversion of lands 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.
- c. The Program EIR (SCH No. 2010041078) for the City of Visalia General Plan Update considered the conversion of lands 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.
- X** 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.**



Brandon Smith, AICP
Environmental Coordinator

October 13, 2021

Date