

**CITY OF TULARE  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Community & Economic Development

**For Council Meeting of:** February 24, 2021

**Documents Attached:**     Ordinance     Resolution     Other     None

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**AGENDA ITEM:**

Review, discussion and direction to staff on Homeless Shelter Siting Criteria.

**IS PUBLIC HEARING REQUIRED:**     Yes     No

**BACKGROUND/EXPLANATION:**

The following is a summary of the City of Tulare’s existing regulations and requirements for the establishment of emergency shelters in the City and an evaluation of the consistency of these existing regulations with current State law.

**Existing City of Tulare Zoning Code Requirements for Emergency Shelters**

Tulare Municipal Code Chapter 10.147 is the primary source of Tulare’s code requirements for Emergency Shelters. A copy of the code text is attached hereto for reference. Chapter 10.147 is consistent with current State law and reflects updates from the last comprehensive legislation for emergency shelters, Senate Bill 2, effective January 1, 2018.

In summary, the current siting standards for an emergency shelter in the City are:

- *Permitted by right up to 12 beds in all multi-family zones (R-M zones, R-M-1, R-M-2, R-M-3, R-M-4)*
- *Permitted with a Conditional Use Permit (CUP) up to 12 beds in service commercial zone (C-4)*
- *Emergency shelters serving 13 or more people allowed in the multi-family (R-M) zones, and C-4 zone with approval of a CUP*

Although staff is currently working on a Zoning Code Update and will be modifying Chapter 10.147 to correct a definition and clarify the application process for emergency shelters, there are no current plans to modify the shelter siting standards outlined above.

The only procedural requirements in the City from the Planning Division for a proposed emergency shelter are that proposed projects go through the Site Plan Review process, consistent with Chapter 10.120 of the Tulare Municipal Code, and that the development meets the development standards in Chapter 10.147. Site Plan Review is free and non-discretionary meeting to ensure the project meets the following development standards:

§ 10.147.060 Development standards.

- (A) *Number of clients served.* Emergency shelters shall be limited to a maximum of 12 beds or clients as a permitted use. Number of beds or clients served is also limited by the size of the building and the Building Code occupancy standards.
- (B) *Off-street parking.* Off-street parking shall be based upon demonstrated need, and shall be consistent with any pertinent parking requirements of the zone district wherein the emergency shelter is located.
- (C) Each emergency shelter shall have an interior onsite waiting and client intake area sufficient in size as determined by the Director of the Planning and Building Department to admit individuals to the shelter.
- (D) Each emergency shelter shall have an onsite manager 24 hours a day.
- (E) No emergency shelter may be located closer than 300 feet from another similar shelter.
- (F) Lighting of the property on which the facility is located should be designed to provide a minimum maintained horizontal illumination of at least one foot candle of light on the parking surfaces and walkways

(Ord. 16-04, passed 5-3-2016; Ord. 11-10, passed 1-17-2012)

**City of Tulare Housing Element 2015-2023**

The following Housing Element Goals, Policies, Programs, and Actions outline the City's policy commitments regarding homelessness and emergency shelters as adopted in the 2016 Housing Element:

**Goal C: Special Needs**

Provide a range of housing and services for Tulare residents with special needs.

**Policy C-2:** The City shall continue to support efforts at the regional and sub-regional levels to provide housing for the homeless and those in need of emergency shelter.

**Policy C-3:** The City shall ensure that locations are available within the city to accommodate emergency shelters, supportive housing, or transitional housing.

**Policy C-4:** The City shall support efforts of the Kings/Tulare Continuum of Care to monitor the homeless population in Tulare and assist with efforts to establish homeless shelters in appropriate locations as needed.

**Implementation Program C-6: Emergency Shelter Standards**

The City shall reach out to local providers of emergency shelter to identify whether or not the occupancy restriction of 12 or fewer persons in emergency shelters allowed by right is a constraint. Based on input received from this outreach, the City may amend the Zoning Ordinance to revise the occupancy limit, and may adopt additional standards for emergency shelters as allowed by State law.



## CHAPTER 10.147: EMERGENCY AND TRANSITIONAL HOUSING

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### Section

- 10.147.010 Purpose.
- 10.147.020 Objective.
- 10.147.030 Definitions.
- 10.147.040 Application and fees.
- 10.147.050 Reserved.
- 10.147.060 Development standards.

#### § 10.147.010 Purpose.

The city recognizes that there is a growing need for a range of housing opportunities in the city, including emergency shelters. The standards allowed in this chapter are intended to facilitate the development of such alternative housing developments in the city. The city recognizes there are individuals within the community that could benefit from emergency shelters. A variety of agencies within Tulare assist in the provision of food and job training; however, few agencies provide shelter to emergency individuals and families. These regulations set forth criteria to allow emergency shelters to locate and operate within the City of Tulare.

(Ord. 16-04, passed 5-3-2016; Ord. 11-10, passed 1-17-2012)

#### § 10.147.020 Objective.

The operation of emergency shelters shall be a permitted use for 12 or fewer in all R-M zone districts. The adopted policy of the city, as outlined in the goals and policies of the Tulare General Plan, is to ensure the provision of housing for all economic segments of the community.

(Ord. 16-04, passed 5-3-2016; Ord. 11-10, passed 1-17-2012)

#### § 10.147.030 Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EMERGENCY SHELTER.** Housing with minimal supportive services for homeless person(s) that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied **EMERGENCY SHELTER** because of an inability to pay.

**PROVIDER.** The agency (public or non-profit) that operates an emergency or transitional housing shelter.

(Ord. 16-04, passed 5-3-2016; Ord. 11-10, passed 1-17-2012)

#### § 10.147.040 Application and fees.

An application for an emergency shelter shall be made to the Planning and Building Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

(Ord. 16-04, passed 5-3-2016; Ord. 11-10, passed 1-17-2012)

#### § 10.147.050 Reserved.

#### § 10.147.060 Development standards.

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(C) Each emergency shelter shall have an interior onsite waiting and client intake area sufficient in size as determined by the Director of the Planning and Building Department to admit individuals to the shelter.

(D) Each emergency shelter shall have an onsite manager 24 hours a day.

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