

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 15 ZONING OF THE FULLERTON MUNICIPAL CODE INCLUDING SECTIONS 15.04.040 DEFINITIONS, 15.17.020 PERMITTED USES, 15.17.030 CONDITIONS OF PERMITTED USES, 15.30.030.3 PERMITTED USES IN THE C-3 ZONING DISTRICT, 15.30.040 LIMITATIONS ON PERMITTED USES, 15.42.050 GENERAL SITE DEVELOPMENT STANDARDS, 15.42.060 REVIEW PROCEDURES, 15.55.020 SPECIAL USE PERMITS WITH PROVISIONS AND 15.55.030 CONDITIONALLY PERMITTED SPECIAL USES

LRP-2024-0010
APPLICANT: CITY OF FULLERTON

WHEREAS, California state law requires every city to have a General Plan, including a Housing Element, which complies with Government Code section 65580 *et seq.* provisions.

WHEREAS, Housing Element, Policy Action 3.4-k requires the City to amend the zoning code to permit manufactured housing by right in zoning districts where single-family housing is permitted by right.

WHEREAS, Housing Element Policy Action 3.15-g requires the City to amend the zoning code to comply with state legislation including Assembly Bill (AB) 139 (2019 - Quirk-Silva), AB 2339 (2022 - Bloom), AB 101 (2019) and AB 2162 (2018 - Chiu).

WHEREAS, Housing Element Policy Action 3.17-e requires the City to revise development standards to remove the requirement for a Conditional Use Permit for large group homes to allow for group homes for seven or more persons in all zones allowing residential uses similar to other residential uses of the same type in the same zone, regardless of licensing.

WHEREAS, Housing Element Policy Action 3.17-g requires the City to update the definition of "Family" to "A person or a group of persons living together and maintaining a common household".

WHEREAS, The recommended action is exempt from further review in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) as the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment covers this action.

WHEREAS, the Planning Commission of the City of Fullerton, California held a duly noticed public hearing in compliance with FMC 15.72.040 and state law to consider Fullerton Zoning Code amendments on February 12, 2025.

WHEREAS, the Planning Commission adopted Resolution No. PC-2025-01 recommending that City Council adopt this Ordinance.

WHEREAS, City Council held a duly noticed public hearing on this matter on March 18, 2025.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON ORDAINS AS FOLLOWS:

SECTION 1. Findings.

- A. The previous recitals are true and correct and are incorporated as if fully set forth herein.
- B. Adoption of this Ordinance represents good planning practices and is required by law as it implements a program of the Housing Element and implements the requirements of state law.

SECTION 2. Fullerton Municipal Code Chapter 15.04, 15.17, 15.30, 15.42, and Chapter 15.55 are amended as follows:

SECTION 15.04.040. Definitions is being amended to include the following definitions:

COORDINATED ENTRY SYSTEM means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

EMERGENCY SHELTER FOR HOMELESS means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, and where shelter is provided on a first-come-first-served basis. No individual or household may be denied emergency shelter because of an inability to pay. An emergency shelter shall include other interim interventions including but not limited to, navigation centers, bridge housing, and respite or recuperative care. Temporary shelters established in response to an emergency or disaster (such as flood, fire or cold-weather occurrences), or temporary shelters ancillary to a church use do not fall within this definition.

FAMILY means a person or a group of persons living together and maintaining a common household.

GROUP HOME, UNLICENSED means a dwelling unit or building in which all occupants (other than the house manager or family) are considered disabled under state or federal law but are not required to be licensed by the state. Unlicensed group homes of six or fewer, or unlicensed group homes of seven or more that

operate as a family, are subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all residential developments permitted in the same zone.

HOUSING FIRST means the evidence-based model that uses housing as a tool, rather than a reward, for recovery that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and do not make housing contingent on participation in services.

LOW BARRIER NAVIGATION CENTER means a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy.

MANUFACTURED HOUSING means a home unit constructed primarily or entirely off-site at factories prior to being moved to a piece of property where it is set.

SUPPORTIVE HOUSING means housing with no limit on length of stay, that is occupied by the target population as defined below and that provides a significant level of onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to those standards and procedures as they apply to other residential dwelling units of the same type in the same zone. Supportive housing operated as a group home shall be permitted subject to the restrictions identified in Table 15.17.020.A. Supportive housing includes nonresidential uses and administrative office spaces as provided in Government Code section 65651(a)(5), as well as transitional housing for youth and young adults.

SECTION 15.17.020. Permitted uses in Residential Zone Classifications, Table 15.17.020.A will be amended as follows:

Table 15.17.020.A
Permitted Uses in Residential Zone Classifications

	Reference 15.17. 030	R-1/ R-1P	R-2/ R-2P	R-G	R-3R	R-3/ R-3P	R-4	R-5	R- MH
RESIDENTIAL USES									
Manufactured Housing	A, C	X	X	X	X	X	X	X	X
RESIDENTIAL CARE FACILITIES									

Large Group Home (more than six persons)	A, B	X	X	X	X	X	X	X	
Unlicensed Group Home	A, B	X	X	X	X	X	X	X	
Large Residential Care Facility for the Elderly (more than six persons)	A, B	X	X	X	X	X	X	X	
RETIREMENT COMPLEXES									
<i>Retirement Complex, Type I: Independent Detached Cluster Units</i>	<i>See 15.55.030.H</i>	<i>CUP</i>	<i>CUP</i>	<i>CUP</i>	<i>CUP</i>				
<i>Retirement Complex, Type II: Independent Detached Cluster Units</i>	<i>See 15.55.030.H</i>		<i>CUP</i>	<i>CUP</i>	<i>CUP</i>	<i>CUP</i>	<i>CUP</i>		
<i>Retirement Complex, Type III: Congregate Low-rise Multi-unit</i>	<i>See 15.55.030.H</i>					<i>CUP</i>	<i>CUP</i>	<i>CUP</i>	
<i>Retirement Complex, Type IV: Congregate Low-rise Retirement Hotel</i>	<i>See 15.55.030.H</i>					<i>CUP</i>	<i>CUP</i>	<i>CUP</i>	
<i>Retirement Complex, Type V: Congregate Mid/High-rise Multi-unit</i>	<i>See 15.55.030.H</i>						<i>CUP</i>	<i>CUP</i>	
<i>Retirement Complex, Type VI: Congregate Mid/High-rise Retirement Hotel</i>	<i>See 15.55.030.H</i>						<i>CUP</i>	<i>CUP</i>	

Notes:

X denotes that the use is permitted.

¹ Up to 10 percent of the units within a multi-family development, or a minimum of 1, whichever is greater may be utilized as a short-term rental subject to compliance with Section 15.55.020.F. A Conditional Use Permit (CUP) shall be required for multi-family developments requesting more than 10 percent of units to be used as short-term rentals.

² All such facilities are subject to the base zone except as may be modified MSP denotes that the use is permitted with the approval of a Minor Site Plan in accordance with [Chapter 15.47](#) of this title.

CUP denotes that the use is permitted with the approval of a Conditional Use Permit in accordance with [Chapter 15.70](#) of this title.

NP denotes that the use is not permitted.

SECTION 15.17.030 Conditions of permitted uses will be amended to read as follows:

The following qualifications, limitations, and conditions apply to the uses described in Table 15.17.020.A. The more restrictive of any additional qualifications, limitations, or conditions set forth in the use definitions of Chapter 15.04 of this title shall apply.

C. Manufactured housing.

1. Manufactured homes shall have exterior siding extending to the ground or to the top of a solid foundation and consisting of materials found by the Community Development Director or his or her designee to be those customarily utilized in conventionally built single-family dwelling.
2. Manufactured homes shall have a shingled roof with at least 12-inch eave overhangs.
3. Any accessory buildings shall be designed with the same exterior materials and roof designs as the manufactured home.

E. Transitional and Supportive housing:

1. Transitional and Supportive housing shall be considered a residential use of property, permitted in dwellings designed for non-transient occupancy, and shall be subject to the development standards of the zoning district in which they are located.
2. Transitional or supportive housing which cannot be made to comply with the underlying zoning standards may be permitted by Conditional Use Permit. In such case, the Conditional Use Permit will be evaluated based on the factors listed in Subsection 15.70.040.C of this Title and the following:

- a. Compatibility between proposed project and existing/surrounding development.
- b. Potential impacts on surrounding uses involving noise, parking, traffic, activity and security.
- c. Provision of a full-time on-site manager.
- d. Proximity of property to transit and social service agencies.

SECTION 15.30.030.3.A Permitted uses in the C-3 Zoning District will be amended be read as follows:

A. The following uses are permitted in the C-3 zoning district:

1. Retail and service uses (subject to further conditions for those listed below)
2. Automotive wholesaler or broker with no car display
3. Car rental agency with less than 10 vehicles
4. Club or lodge without living quarters
5. Communication facility, noncommercial subject to FMC 15.55.020.C
6. Copy shop, retail
7. Dwelling units, as part of a mixed-use development subject to FMC 15.30.040.E
8. Financial institution
9. Fitness facility, small
10. Furniture upholstery shop
11. Home improvement center; hardware store
12. Internet or cybercafé, including computer lounge or internet arcade subject to FMC 15.30.040.H
13. Low Barrier Navigation Center subject to FMC 15.55.020.G
14. Massage establishment subject to FMC 3.24
15. Office, general
16. Office, medical
17. Personal service facilities (includes barbershops, beauty shops, etc.)

18. Pharmacy
19. Poolroom subject to FMC 3.54
20. Public amusement room subject to FMC 3.54
21. Public parking area
22. Recycling facility: Reverse vending subject to FMC 15.30.090.A
23. Restaurant, without on-site alcohol sales or entertainment
24. Satellite dish antennae subject to FMC 15.55.020.C
25. Special event subject to FMC 15.55.020.D
26. Studio
27. Supportive Housing development up to 50 units subject to FMC 15.30.040.H
28. Tattoo parlor subject to FMC 15.55.020.E
29. Temporary commercial use subject to FMC 15.55.020.D
30. Theater, live and movie, excluding drive-in theaters and adult uses
31. Tutoring Center.

SECTION 15.30.040. Limitations on permitted uses will be amended to include Section H as follows:

H. Supportive housing development up to 50 units:

1. Supportive housing developments of up to 50 units that comply with the following standards may be established without a use permit or discretionary review:
 - a. Units within the development are subject to a recorded affordability restriction for 55 years.
 - b. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

- c. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
 - d. The developer provides the planning agency with the information required by Section 65652.
 - e. Nonresidential floor area shall be used for onsite supportive services and administrative office space in the following amounts:
 - (i.) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - (ii.) For a development with more than 20 units, at least 3 percent of the total floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
 - (iii.) The total floor area dedicated to administrative office space shall not exceed 25 percent of total floor area.
 - f. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision(c) of Section 65915.
 - g. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
 - h. Supportive housing developments in commercial zones are subject to FMC 15.30.050 and 15.30.060. No minimum parking is required if the proposed development is located within 0.5 mile of a public transit stop.
2. The developer of supportive housing developments up to 50 units in the commercial zone shall provide:
- a. The name of the proposed entity or entities that will provide supportive services.
 - b. The proposed funding source or sources for the provided onsite supportive services.
 - c. Proposed staffing levels.

3. The process to review supportive housing compliance with FMC 15.30.040.H is as follows: The City shall notify developer whether the application is complete within 30 days of receipt of an application to develop supportive housing in accordance with FMC 15.30.040.H. The City shall complete its review of the application within 60 days after the application is complete for a project with 50 or fewer units.

SECTION 15.42.050. General site development standards will be amended as follows:

- A. Emergency Shelter for Homeless, Low Barrier Navigation Center, or Multiservice Center for Homeless.
 1. Where permitted, any Emergency Shelter for Homeless, Low Barrier Navigation Center, or Multiservice Center for Homeless shall comply with the following standards:
 - a. Number of Beds. A maximum of 50 beds or persons may be served nightly, with associated support services not open to the public. Any Emergency Shelter for Homeless, Low Barrier Navigation Center, or Multiservice Center for Homeless with greater than 50 beds shall be subject to approval of a Conditional Use Permit consistent with Fullerton Municipal Code Section 15.70. The number of beds or persons served nightly in any Emergency Shelter for Homeless, Low Barrier Navigation Center, or Multiservice Center for Homeless shall not exceed 150.
 - b. Parking. Off-street parking shall be provided on the basis of one (1) space for every employee on the largest shift.
 - c. Waiting and Intake Area. A client waiting and intake area shall be provided and contain a minimum of ten (10) square feet per bed provided at the facility. It may be indoors or outdoors, and may be used for multiple purposes, but in all cases shall be of sufficient size to accommodate all persons waiting to be let in. The client waiting and intake area shall be screened from the public right of way by a solid and opaque screening mechanism such as a wall or fence of at least six (6) feet in height. Clients shall not be allowed to queue or assemble for purposes of intake, registration or entry, outside the facility or waiting and intake area.
 - d. Length of Stay. The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period; days of stay need not be consecutive.
 - e. Location criteria: Separation from Other Emergency Shelters. There shall be a buffer of at least 250 feet from any other Emergency Shelter for Homeless, Low Barrier Navigation Center, or Multiservice Center for

Homeless, as measured from the property line of one site to the nearest property line of the other.

- f. Management and Operation Plan. The applicant or operator shall submit a Management and Operation Plan for an Emergency Shelter for Homeless, Low Barrier Navigation Center, or a Multiservice Center for Homeless for review and comment by the Community Development Director and Chief of Police at the time the project is proposed, prior to issuance of permits. The Plan shall remain in effect throughout the life of the facility, with any changes subject to review by the Community Development Director and Chief of Police. The Plan shall be available for review by any City official or member of the public at all times during the hours of operation, and shall address the following issues consistent with the best practices:
 - (i.) Hours and days during which the shelter will be open; shelters open more than 12 hours per day shall provide homeless support services;
 - (ii.) List of the services to be provided;
 - (iii.) Measures to ensure that waiting and intake areas (as required above) are effectively utilized to minimize clients congregating or loitering elsewhere onsite or offsite in project vicinity prior to admittance;
 - (iv.) Procedures for redirecting those clients seeking admittance who cannot be accommodated by the facility;
 - (v.) Provisions for separation of sleeping areas for males, females, and family units;
 - (vi.) Plan for litter and trash removal attributable to clients, onsite and within the project vicinity, in a timely manner;
 - (vii.) Plan for extending and receiving communications with neighbors, City staff, and general public;
 - (viii.) Ratio of staff to clients;
 - (ix.) Security plan for operating and non-operating hours, both onsite and offsite in the shelter and its vicinity, including secured access; screening and admittance of clients; emergency contact information; compliance with Fullerton Municipal Code Chapter 7.150; nighttime illumination of site; prohibitions against weapon possession, violent or criminal activity and use of alcohol or narcotics on the property; and establishing procedures for

responding to emergencies and incidents, including expelling clients from the facility;

(x.) Provisions for offering services to veterans.

g. Compliance with Airport Environs Land Use Plan. Any Emergency Shelter Overlay Zone proposed within the Fullerton Municipal Airport influence area pursuant to FMC Section 15.56.050.B is subject to the following provisions:

(i.) Any Emergency Shelter for Homeless, Low Barrier Navigation Center, or Multiservice Center for Homeless within the RPZ or APZ for Fullerton Municipal Airport shall comply with all applicable standards set forth in the Airport Environs Land Use Plan for Fullerton Municipal Airport (AELUP) as adopted by the Orange County Airport Land Use Commission.

(ii.) An Emergency Shelter for Homeless, Low Barrier Navigation Center, or Multiservice Center for Homeless proposed within the 65 dB CNEL noise contour for Fullerton Municipal Airport shall be subject to review by the Orange County Airport Land Use Commission and shall be required to ensure interior noise levels from aircraft operations are at or below 45 dB CNEL.

B. Emergency Shelters for Homeless, Low Barrier Navigation Center, and Multiservice Centers for Homeless shall allocate sufficient areas onsite, outside of any required landscape areas, to provide the following minimal support services:

1. Food preparation and dining areas.
2. Indoor and outdoor recreation areas and/or open space.
3. Laundry facilities available for use by clients.
4. Secured storage space, out of public view, for client belongings.
5. Restrooms and showers in an amount, and designed to comply with, applicable Building and Plumbing Codes.
6. A private area for providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refer to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their needs

C. Multi-Jurisdictional Agreements. Emergency Shelters for Homeless, Low Barrier Navigation Center, or Multiservice Centers for Homeless that are subject to a multi-jurisdictional agreement, pursuant to California Government Code Section 65583(d), shall be considered a permitted use even if inconsistent with the criteria in Section 15.42.050 above, provided the agreement includes standards and operational criteria acceptable to the City,

that are considered during a public process for which public notice, pursuant to Section 15.76.040.B, has been provided.

SECTION 15.42.060. Review Procedure will be inserted to read as follows:

The process to review emergency shelter compliance with FMC 15.42.050 shall be a ministerial review that shall be considered at the time of building permit review or business license review, whichever comes first. Emergency shelters shall be exempt from all discretionary review processes in compliance with State law.

SECTION 15.55.020. Special uses permitted with provisions will be amended to include the following:

G. Low Barrier Navigation Center:

1. A Low Barrier Navigation Center project that complies with this chapter is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses. The provisions of this section shall apply to all Low Barrier Navigation Center projects.
2. A permit is required prior to the establishment of any low barrier navigation center project. Applicants for said permit shall file an application with the Community Development Department, which shall process the application on a ministerial basis, without discretionary review or a hearing. The Community Development Department shall notify a developer whether the developer's application is complete within 30 days, pursuant to California Government Code Section 65943. The City will act on the application within 60 days of its being complete.
3. The Community Development Director, or that person's designee, shall approve a Low Barrier Navigation Center permit if the project meets the following requirements:
 - a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.
 - c. It uses Housing First according to Section 8255 of Division 8 of the Welfare and Institutions Code.
 - d. It has a system for entering information regarding client stays, demographics, income, and exit destination through the local Homeless Management Information System.
 - e. It complies with all development standards in Section 15.42.050.

SECTION 3. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent

necessary to effect the provisions of this Ordinance.

SECTION 4. CEQA. The City Council finds that this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), the common sense exemption, and CEQA Guidelines section 15305, minor alterations in land use limitations. The Ordinance implements changes to code standards in order to comply with state law and does not provide for any changes that would allow for additional development that would have any type of physical impacts. It can therefore be seen with certainty that there is no possibility of a physical effect on the environment. None of the exceptions to exemption set forth in CEQA Guidelines section 15330.2 are applicable.

SECTION 5. If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses may be declared unconstitutional.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and publish in the manner required by law. This Ordinance shall become effective thirty days from and after its passage.

SECTION 7. The City Clerk's Office has the documents and materials constituting the record of proceedings for findings on file at City Hall, 303 West Commonwealth Avenue, Fullerton, CA. Interested persons can reach the City Clerk Office at (714) 738-6350.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2025.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date