



## CITY OF FULLERTON

Community and Economic Development Department

Item No. 2  
February 12, 2025  
6:30 p.m.  
Public Hearing

**TO: Chair and  
Members of the Planning Commission**

### APPLICATION

LRP-2024-0010

### APPLICANT

City of Fullerton

### LOCATION

Citywide

### SUMMARY AND APPLICATION REQUESTED

The City of Fullerton is proposing to amend Title 15 of the Fullerton Municipal Code (FMC) pertaining to regulations for Emergency Shelters, Low Barrier Navigation Centers, Supportive Housing, Large Group Homes, and Manufactured Housing 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 Uses Permitted with Provisions, and 15.55.030 Conditionally Permitted Special Uses.

### CEQA DETERMINATION

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

### AUTHORIZATION / GUIDELINES

FMC Section 15.72.020 authorizes the Planning Commission to review and make a recommendation to the City Council on zoning code amendments.

### PUBLIC OUTREACH

On November 21, 2024, notice was posted on the City’s website and at the Maintenance Services Department, Main Library, Museum Center, and City Hall on the Public Notice boards. In addition, notice was published in the Fullerton News Tribune on November 28, 2024. No comments or correspondence has been received as of the date of this report.

**PROJECT BACKGROUND**

LRP-2024-0010 proposes to amend the municipal code to implement the City of Fullerton 2021-2029 Housing Element programs and policies as well as to comply with new state housing laws. Proposed amendments would remove constraints to develop manufactured homes, supportive housing, emergency shelters, and low barrier navigation centers and comply with state laws. All jurisdictions in the state are required to make zoning code updates to address new housing requirements.

On December 11, 2024, this item was scheduled for a public hearing; however, was continued by the Planning Commission to a date certain of February 12, 2025. Minor revisions were made to the attached Resolution prior to today’s hearing and are being presented (see below). The original Staff Report from the December 11, 2024 meeting is attached hereto (Attachment 2). The revisions made prior to this hearing are summarized below:

- Minor revisions and clean up
- Revised definition of “Group Home, Unlicensed”
- Amendment of the existing definition of “Supportive Housing”
- Amendment that administrative office space can be included in the nonresidential floor area permitted for “Support Housing” developments
- Amendment that “Large Group Homes” are required to comply with base zone requirements.

**PROJECT DESCRIPTION / ANALYSIS**

Staff is proposing amendments to 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 Uses Permitted with Provisions, and 15.55.030 Conditionally Permitted Special Uses. Since the December 11, 2024 Planning Commission meeting, the resolution has been further refined to address questions from the Planning Commission and update policy numbers. All of the proposed amendments can be found in Attachment 3 and are summarized below:

New and revised definitions: “Coordinated Entry System,” “Emergency Shelter for Homeless,” “Family,” “Unlicensed Group Home,” “Housing First,” “Low Barrier Navigation Center,” “Manufactured Housing,” and “Supportive Housing.”

New and revised zones where uses are permitted:

- “Large Group Homes” no longer require a Conditional Use Permit (CUP) in all residential zones where they are currently permitted with the approval of a CUP and are subject to base zoning standards.

- “Large Residential Care Facilities” for the elderly are currently permitted with a CUP in the R-3, R-4, and R-5 zones. The proposed amendments would permit the use in the R-1 and R-2 zones as well and remove the need for a CUP.
- “Group Home, Unlicensed” is included as a permitted use in all single family and multifamily residential zones similar to large and small group homes.
- “Manufactured Housing” is currently permitted in the R-1 zone. The proposed amendment would permit manufactured housing in R-1, R-2, R-3, R-4, and R-5 zones since the zones permit single family homes as well as the R-MH zone.
- “Supportive Housing” (up to 50 units) is included as a permitted use in the C-3 zone subject to new development standards in FMC Section 15.30.040.H.
- “Low Barrier Navigation Center” is being included as a permitted use in the C-3 zone subject to new development standards in FMC Section 15.55.020.I.

New and amended development standards:

- Removed restrictions on “Manufactured Housing”
- Removed “impact on accredited K-12 Schools within one quarter mile (1,320 feet) of the project site” as a consideration for supportive housing and transitional housing.
- Amended parking requirement for “Emergency Shelters” to be based on the number of employees instead of number of beds.
- Added development standards for “Supportive Housing” (up to 50 units) in the C-3 Zone.
- Added development standards for “Low Barrier Navigation Center” in the C-3 Zone.

In addition, during the December 11, 2024 Planning Commission meeting, the Planning Commission requested more information regarding the topics below (see underlined questions):

Why include a definition for an unlicensed large group home?

The existing definition of “Large Group Home” requires a state license whereas not all group homes require licenses from the state. Policy Action 3.17-e from the Housing Element required the City to allow for group homes for seven or more persons in all zones allowing residential uses, regardless of licensing. An example of this would be a care facility that assists with daily living but does not provide medical care.

Upon further review of this issue, Staff added an additional amendment to Table 15.17.020.A to also permit “Large Residential Care Facilities for the Elderly” in all zones where “Large Group Homes” are permitted and clarify that retirement complexes are not residential care facilities.

How are existing CUPs for large group homes affected by the code amendments?

In general, a CUP would continue to run with the land. Existing large group homes that were approved through a CUP would continue to operate based on the conditions in the CUP. If modifications are proposed, the modifications would be reviewed on a case-by-case basis. Licensing requirements would continue to be based on state law.

How are Accessory Dwelling Units (ADUs) regulated on a site with a manufactured home?

ADUs are regulated by a separate ordinance and state law. The HCD ADU Handbook was revised by the Department of Housing and Community Development (HCD) with a new date of January 2025 with new standards that can be found on the HCD website: <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/ADUHandbookUpdate.pdf>.

The updated Handbook makes clear that a manufactured home must be allowed as an ADU and also that an ADU is not allowed in a mobile home park. While the Handbook is silent on whether an ADU must be allowed on a site with a manufactured home, the answer would appear to be that it would be allowed as a manufactured home must be allowed in any zone in which a conventionally framed single-family home is allowed. There is nothing in state law that would allow an ADU to be treated differently based on the type of construction of the single-family home.

Should manufactured homes be a permitted use in the R-MH zone as well?

The terms “Mobile Home” and “Manufactured Home” are interchangeable. Mobile Homes are factory-built housing constructed prior to June 15, 1976 and Manufactured Homes are factory-built housing constructed on or after this date. These homes are subject to the Housing and Urban Development (HUD) building code. Table 15.17.020.A has been revised to permit Manufactured Homes in the R-MH zone. A modular home is also factory built but conforms to the local building code.

<b>GENERAL PLAN CONSISTENCY</b>
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The proposed amendments are consistent with the provisions of the 2021-2029 City of Fullerton Housing Element and Fullerton Plan (General Plan) as follows:

**Policy Action 3.4-k:** Amend the zoning code to permit manufactured housing by right in zoning districts where single-family housing is permitted by right.

**Policy Action 3.15-g:** Amend the zoning code to comply with the following legislation:

AB 139 (2019 - Quirk-Silva) to only subject emergency shelters to those standards which apply to residential and commercial development within the same zone, except that a city can apply standards regulating the number of beds, parking for staff provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone, length of stay, and remove other standards such as including the requirement that emergency shelters must be 1,320 feet from parks and residential properties. Permit emergency shelters by right in the CM zone.

AB 2339 (2022 - Bloom) to ensure that the zoning designations and standards do not constrain emergency shelters and can accommodate the number of people experiencing homelessness, including amending the definition of emergency shelters, clarifying that emergency shelters will be permitted without discretionary action, amending the parking requirements to be limited to the number of spaces sufficient for employees, and removing the requirement that emergency shelters must be 1,320 feet from parks and residential properties to ensure the city may accommodate the number of people experiencing homelessness.

AB 101 (2019) to establish regulations for low barrier navigation centers by right in areas zoned for mixed uses and in nonresidential zones permitting multifamily uses and conditioned on if the center meets specified requirements.

AB 2162 (2018 - Chiu) to ensure that supportive housing with up to 50 units be a use by right in zones where multifamily and mixed use is permitted, including nonresidential zones permitting multifamily uses, and ensure that there are no minimum parking requirements for units occupied by supportive housing residents if the development is located within 0.5 mile of a public transit stop.

**Policy Action 3.17-e:** Revise development standards to remove the 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.

Specify in the zoning code that unlicensed group homes of any size are subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all residential developments permitted in the same zone.

**Policy Action 3.17-g:** Update the definition of “Family” to “A person or a group of persons living together and maintaining a common household.”

**RECOMMENDED ACTION**

Adopt Planning Commission Resolution No. PC-2024-33, entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND 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**

**DATED:** February 12, 2025

Prepared by:

  
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Reviewed by:

  
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Approved for Agenda by:

  
Surayana Thomas  
Director of Community and Economic Development

Attachments:

1. Draft Planning Commission Resolution No. PC-2024-33
2. Planning Commission Staff Report dated December 11, 2024
3. Summary of Proposed Amendments
4. PowerPoint Presentation

## **Attachment No. 1**

Draft Planning Commission Resolution No. PC-2024-33

RESOLUTION NO. PC- 2024-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND 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, 15.42.050 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, an application was filed by the City of Fullerton to consider revisions to Title 15 Zoning of the Fullerton Municipal Code; and

WHEREAS, the draft City of Fullerton 2021-2029 Housing Element which includes programs that would amend the zoning code to remove constraints to develop manufactured homes, supportive housing, emergency shelters, supportive housing, and low barrier navigation centers in order to comply with State law; and

WHEREAS, the Planning Commission of the City of Fullerton, in compliance with the noticing requirements of FMC Section 15.76.050, has held a duly noticed public hearing for LRP-2024-0010 on December 11, 2024, at the end of which the matter was continued to February 12, 2025; and

WHEREAS, on February 12, 2025, the Planning Commission further considered the matter; and

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

THEREFORE, the Planning Commission of the City of Fullerton does hereby recommend APPROVAL of said amendments to the Fullerton Municipal Code Chapter 15.04, 15.17, 15.30, 15.42, and Chapter 15.55 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 may also include a low barrier navigation center. 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 15.17.0 30	R-1/ R-1P	R-2/ R-2P	R-G	R-3R	R-3/ R-3P	R-4	R-5	R- MH
<b>RESIDENTIAL USES</b>									
Manufactured Housing	A, C	X	X	X	X	X	X	X	X
<b>RESIDENTIAL CARE FACILITIES</b>									
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	
<b>RETIREMENT COMPLEXES</b>									
<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.

<sup>1</sup> 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.

<sup>2</sup> 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 cyber café, 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.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON FEBRUARY 12, 2025.

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Chairman

## **Attachment No. 2**

Planning Commission Staff Report dated December 11, 2024



## CITY OF FULLERTON

Community and Economic Development Department

**Item No. 3**  
**December 11, 2024**  
**6:30 p.m.**  
**Public Hearing**

**TO: Chair Gambino and  
Members of the Planning Commission**

### APPLICATION

LRP-2024-0010

### APPLICANT

City of Fullerton

### LOCATION

Citywide

### SUMMARY AND APPLICATION REQUESTED

The City of Fullerton is proposing to amend Title 15 of the Fullerton Municipal Code (FMC) pertaining to regulations for Emergency Shelters, Low Barrier Navigation Centers, Supportive Housing, Large Group Homes, and Manufactured Housing 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 Uses Permitted with Provisions, and 15.55.030 Conditionally Permitted Special Uses.

### CEQA DETERMINATION

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

### AUTHORIZATION/GUIDELINES

FMC Section 15.72.020 authorizes the Planning Commission to review and make a recommendation to the City Council on zoning code amendments.

### PUBLIC OUTREACH

On November 21, 2024, the notice was posted on the City’s website and at the Maintenance Services Department, Main Library, Museum Center, and City Hall on the Public Notice boards. In addition, notice was published in the Fullerton News Tribune on November 28, 2024.

## **PROJECT BACKGROUND**

The Draft City of Fullerton 2021-2029 Housing Element identifies a need to create more affordable housing and services for residents experiencing homelessness. The document includes a number of policies and programs, including Policy Action 1.4-k, 4.4-g, 4.6-e, and 4.6-g which would amend the zoning code to remove constraints to develop manufactured homes, supportive housing, emergency shelters, supportive housing, and low barrier navigation centers and comply with state laws. To meet the objectives of state laws and achieve state certification of the Draft Housing Element, all jurisdictions in the state are required to make zoning code updates to address new housing requirements.

### Emergency Shelters

In 2013, the City Council adopted Ordinance 3189 amending the FMC to add provisions for locating and establishing emergency shelters and multi-service centers. In 2015, Ordinance 3222 was adopted to establish an ES (Emergency Shelter) Overlay zone and refine the criteria for design of emergency shelters and multi-service centers for the homeless. Emergency shelters and multi-service centers are currently permitted by right within the ES Overlay zone, which includes portions of the C-M (Commercial Manufacturing), M-P (Manufacturing Park), and M-G (Manufacturing General) zones. In 2018 the City Council adopted Ordinance 3263, amending the FMC to include minimum requirements for a waiting and intake area.

Assembly Bill (AB) 139 and AB 2339 expanded the emergency shelter requirement by stipulating that a housing element must identify one or more zoning districts that allow residential uses, including mixed-uses, where emergency shelters are allowed as a permitted use without a Conditional Use Permit (CUP) or other discretionary permit and are suitable for residential uses. The identified zoning district must have sufficient capacity to accommodate the need for emergency shelters pursuant to Government Code Section 65583(a)(4), which requires jurisdictions to accommodate at least one year-round emergency shelter with the capacity to provide for the unmet needs of homeless individuals. Identified sites must be able to accommodate a minimum area of 200 square feet per unsheltered person or a minimum of 54,400 square feet (1.25 acres) of land for 272 unsheltered people in the City of Fullerton.

Per the Draft Housing Element Update, eligible sites in the C-M zones within the ES Overlay zone include three adjacent parcels encompassing a total of two acres, exceeding the minimum area required. However, FMC Chapter 15.42 includes standards that are constraints to the development of emergency shelters that must be removed to comply with state laws.

### Low Barrier Navigation Centers

Assembly Bill 101 mandates that low barrier navigation centers are a permitted use by right in mixed use zones and non-residential zones permitting multifamily residences. A low barrier navigation center is defined as 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.

Housing First prioritizes providing permanent housing to people experiencing homelessness as the first step, without requiring preconditions such as sobriety, treatment, or participation in services. The philosophy is based on the idea that stable housing is the foundation for addressing other challenges, such as mental health, substance use, or employment. Housing First core principles can be found in Chapter 6.5 of Division 8 of the Welfare and Institutions Code.

Supportive Housing, Large Group Homes, and Manufactured Housing

The Fullerton Municipal Code currently specifies standards for supportive housing, large group homes, and manufactured housing. AB 2162 requires that supportive housing shall be permitted by right in zones where multifamily and mixed uses are permitted, including non-residential zones where multifamily is permitted if it meets specific requirements. This would increase the number of zoning districts that allow supportive housing as a permitted use and remove barriers to the development of supportive housing.

In addition, the Draft Housing Element notes that the Fullerton Municipal Code restricts the development of large group homes and manufactured housing. This includes the existing definition of a “Family,” where large group homes and manufactured homes are permitted, and development standards for manufactured housing.

**PROJECT DESCRIPTION / ANALYSIS**

Staff is proposing amendments to 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 Uses Permitted with Provisions, and 15.55.030 Conditionally Permitted Special Uses. A summary of the amendments can be found in Attachment 2.

Emergency Shelters

AB 2339 specifies that “emergency shelter” includes other interim interventions such as navigation centers. Therefore, Staff is proposing to amend the definition to note that an emergency shelter may also include a low barrier navigation center.

The following table summarizes the requirements from AB 2339 and AB 139 for a by right emergency shelter, the existing text from FMC Section 15.42.050, and the proposed changes:

<b>Requirements</b>	<b>Existing</b>	<b>Proposed Change</b>
(i) The maximum number of beds or persons permitted to be served nightly by the facility.	Maximum 50 beds, additional beds would require a CUP.	No change.
(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.	One parking space for every five beds and a minimum of eight bicycle parking spaces.	One space for every employee on the largest shift.
(iii) The size and location of exterior and interior onsite waiting and client intake areas.	Screened or indoor waiting and intake area with a minimum of ten square feet per bed.	No change.

(iv) The provision of onsite management.	Management and operation plan required.	No change.
(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.	Minimum 250-foot separation between emergency shelters or multi-service center.	No change.
(vi) The length of stay.	Maximum 6 months length of stay within any 12-month period.	No change.
(vii) Lighting.	Management and operation plan required.	No change.
(viii) Security during hours that the emergency shelter is in operation.	Management and operation plan, and security plan required.	No change.

Staff is proposing to add additional language specifying that the process to review emergency shelters is exempt from discretionary review.

#### Low Barrier Navigation Centers

Staff proposes adding the following definitions for low barrier navigation centers, Housing First, and coordinated entry systems to FMC Section 15.04.040.

AB 101 requires that low barrier navigation centers be permitted by right in areas zoned for mixed uses and nonresidential zones permitting multifamily uses if it meets specific requirements. Since the C-3 zone permits mixed uses, Staff is proposing to permit low barrier navigation centers in the C-3 zones subject to the following requirements:

1. The development complies with all development standards in FMC Section 15.42.050.
2. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
3. 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.
4. It uses Housing First according to Section 8255 of Division 8 of the Welfare and Institutions Code.
5. It has a system for entering information regarding client stays, demographics, income, and exit destination through the local Homeless Management Information System.

#### Supportive Housing

AB 2162 specifies that supportive housing shall be permitted by right in zones where multifamily and mixed uses are permitted, including non-residential zones where multifamily is permitted if it meets specific requirements. Supportive housing is currently permitted in the R-1 to R-5 zones. The C-3 zone is the only commercial zone that permits multifamily and mixed uses. As required by AB 2162, Staff proposes to amend the code to permit supportive housing with up to 50 units by right in the C-3 zone subject to state-specified criteria, including but not limited to an affordability restriction for 55 years and dedication of 100% of the units to lower income

households and are receiving public funding. All state-specified criteria would be inserted in the municipal code under FMC Section 15.30.040.H.

In addition, FMC Section 15.17.030.E provides standards for supportive housing in residential zones and includes a separation requirement from schools that has been deemed a constraint to the development of supportive housing. Therefore, Staff is proposing an amendment to remove “Impacts on accredited K-12 schools within one quarter mile (1,320 feet) of the project site” under FMC Section 15.17.030.E.

#### Group Homes

Per the Draft Housing Element Update, the definition of family is limiting and may constrain the development of housing for persons with disabilities in residential zones. Therefore, the definition is proposed to be amended to “a person or a group of persons living together and maintaining a common household.”

Per the Draft Housing Element Update, the requirement for a CUP for licensed large group homes constrains the development of housing for people with disabilities by increasing costs of development. Per Policy Action 4.6-e, the City would remove the CUP requirement for group homes for seven or more persons in all residential zones regardless of licensing. In addition, the City will specify that unlicensed group homes of any size are only subject to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all residential developments permitted in the same zone. A definition for an unlicensed group home was added and Table 15.17.020.A is proposed to be amended to no longer require a CUP for group homes subject to 15.55.030G.

#### Manufactured Housing

The existing code does not include a definition of manufactured housing and permits manufactured housing in all residential zones subject to FMC Section 15.17.030 A and C. The proposed zoning code update includes a definition for manufactured housing and revises FMC Section 15.17.030.C to clean up text and modify development standards to be consistent with state laws.

### **GENERAL PLAN CONSISTENCY**

The proposed amendments are consistent with the provisions of the Draft 2021-2029 City of Fullerton Housing Element and Fullerton Plan (General Plan) as follows:

**Policy Action 1.4-k:** Amend the zoning code to permit manufactured housing by right in zoning districts where single-family housing is permitted by right.

**Policy Action 4.4-g:** Amend the zoning code to comply with the following legislation:

AB 139 (2019 - Quirk-Silva) to only subject emergency shelters to those standards which apply to residential and commercial development within the same zone, except that a city can apply standards regulating the number of beds, parking for staff provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone, length of stay, and remove other standards such as including the requirement that emergency shelters must be 1,320 feet from parks and residential properties. Permit emergency shelters by right in the CM zone.



AB 2339 (2022 - Bloom) to ensure that the zoning designations and standards do not constrain emergency shelters and can accommodate the number of people experiencing homelessness, including amending the definition of emergency shelters, clarifying that emergency shelters will be permitted without discretionary action, amending the parking requirements to be limited to the number of spaces sufficient for employees, and removing the requirement that emergency shelters must be 1,320 feet from parks and residential properties to ensure the city may accommodate the number of people experiencing homelessness.

AB 101 (2019) to establish regulations for low barrier navigation centers by right in areas zoned for mixed uses and in nonresidential zones permitting multifamily uses and conditioned on if the center meets specified requirements.

AB 2162 (2018 - Chiu) to ensure that supportive housing with up to 50 units be a use by right in zones where multifamily and mixed use is permitted, including nonresidential zones permitting multifamily uses, and ensure that there are no minimum parking requirements for units occupied by supportive housing residents if the development is located within 0.5 mile of a public transit stop.

**Policy Action 4.6-e:** Revise development standards to remove the 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.

Specify in the zoning code that unlicensed group homes of any size are subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all residential developments permitted in the same zone.

**Policy Action 4.6-g:** Update the definition of “family” to “A person or a group of persons living together and maintaining a common household.”

<b>RECOMMENDED ACTION</b>
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Adopt Planning Commission Resolution No. PC-2024-33, entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND 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 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**

**DATED:** December 11, 2024


Prepared by:

  
Jonathan Kwan  
Contract Planner

Reviewed by:

  
Chris Schaefer, AICP  
Planning Manager

Approved for Agenda by:

  
Sunayana Thomas  
Director of Community and Economic Development

Attachments:

1. Draft Planning Commission Resolution No. PC-2024-33
2. Summary of Proposed Amendments

## **Attachment No. 3**

Summary of Proposed Amendments

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#### **15.04.040. 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 may also include a low barrier navigation center. 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 ~~an individual or two or more persons living together in compliance with Section 15.17.030.A of this title as a relatively permanent bona fide housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond of social, economic and psychological commitments to each other as distinguished from a group occupying a boarding house, lodging house, club, dormitory, fraternity, sorority, hotel, motel, retirement complex or rehabilitation facility.~~ 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.

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**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.***

**15.17.020. Permitted uses.**

**Table 15.17.020.A**

*Permitted Uses in Residential Zone Classifications*

	<i>Reference 15.17.030</i>	<i>R-1/ R-1P</i>	<i>R-2/ R-2P</i>	<i>R-G</i>	<i>R-3R</i>	<i>R-3/ R-3P</i>	<i>R-4</i>	<i>R-5</i>	<i>R-MH</i>
<b>RESIDENTIAL USES</b>									
<i>Manufactured Housing</i>	<i>A, C</i>	<i>X</i>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>
<b>RESIDENTIAL CARE FACILITIES<sup>2</sup></b>									
<i>Large Group Home (more than six persons)</i> 	<del><i>See 15.55.030.</i></del> <u><i>G A, B</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	
<i>Large Residential Care Facility for the Elderly (more than six persons)</i>	<del><i>See 15.55.030.</i></del> <del><i>G</i></del> <u><i>A, B</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	<del><i>GUP</i></del> <u><i>X</i></u>	
<u><i>Unlicensed Group Home</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	<u><i>X</i></u>	
<b><u>RETIREMENT COMPLEXES</u></b>									

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<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.*

*<sup>1</sup> 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.*

 **<sup>2</sup> 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.*

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NP denotes that the use is not permitted.

### **15.17.030. Conditions of permitted uses.**

*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 housing meeting the requirements of Section 65852.3 of the California Government Code may be placed only on a permanent foundation on an otherwise vacant lot with a zone of R-1-6,000 or R-1-7,200, provided all requirements of this chapter and title are met.~~

~~2. The following additional requirements shall apply:~~

**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** ~~Director of Development Services~~ to be those customarily utilized in conventionally built single-family dwelling.*

**2.** *Manufactured homes shall have a shingled, ~~pitched roof (at least 2 to 12)~~, with at least 12-inch eave overhangs.*

**3.** ~~*Manufactured homes shall have any accessory buildings designed with the same exterior materials and roof designs as the main structure.*~~ **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.*

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~~—e. Impacts on accredited K-12 schools within one quarter mile (1,320 feet) of the project site.~~

**15.30.030.3. Permitted uses in the C-3 Zoning District.**

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 cyber café, 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**

~~14.13.~~ *Massage establishment subject to FMC 3.24*

~~15.14.~~ *Office, general*

~~16.15.~~ *Office, medical*

~~17.16.~~ *Personal service facilities (includes barbershops, beauty shops, etc.)*

~~18.17.~~ *Pharmacy*

~~19.18.~~ *Poolroom subject to FMC 3.54*

~~20.19.~~ *Public amusement room subject to FMC 3.54*

~~21.20.~~ *Public parking area*

~~22.21.~~ *Recycling facility: Reverse vending subject to FMC 15.30.090.A*

~~23.22.~~ *Restaurant, without on-site alcohol sales or entertainment*



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~~24.23.~~ *Satellite dish antennae subject to FMC 15.55.020.C*

~~25.24.~~ *Special event subject to FMC 15.55.020.D*

~~26.25.~~ *Studio*

27. Supportive Housing development up to 50 units subject to FMC 15.17.040.H

~~28.26.~~ *Tattoo parlor subject to FMC 15.55.020.E*

~~29.27.~~ *Temporary commercial use subject to FMC 15.55.020.D*

~~30.28.~~ *Theater, live and movie, excluding drive-in theaters and adult uses*

~~31.29.~~ *Tutoring Center.*

### **15.30.040. Limitations on permitted uses.**

#### 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.

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(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.

**15.42.050. General site development standards.**

*A. Emergency Shelter for Homeless or Multiservice Center for Homeless.*

*1. Where permitted, any Emergency Shelter for Homeless 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 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*

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*number of beds or persons served nightly in any Emergency Shelter for Homeless 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**, ~~per five (5) beds. A covered and secured area shall also be provided for bicycle parking, commensurate with the demonstrated need, but no less than a minimum of eight (8) bicycle parking spaces.~~*

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 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 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;*

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*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 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 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 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 refers to*

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*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 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.*

#### **15.42.060. Review Procedure.**

**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.**

#### ***15.55.020. Special uses permitted with provisions.***

##### **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.**

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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.

## **Attachment No. 4**

PowerPoint Presentation



**LRP-2024-0010**

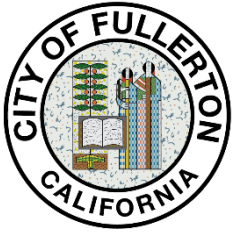
**Fullerton Municipal Code – State Housing Laws**  
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Planning Commission

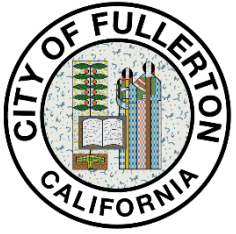
February 12, 2025





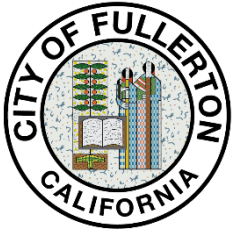
# Background

- City of Fullerton 2021-2029 Housing Element Update identifies a need to create more affordable housing and services for residents experiencing homelessness.
- New policies and programs amend the zoning code to comply with state law and remove constraints to develop manufactured homes, Supportive Housing, Emergency Shelters, Group Housing, and Low Barrier Navigation Centers.



# Background

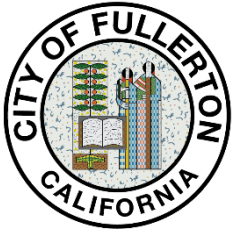
- AB 139 and AB 2339 – Emergency Shelters
- AB 101 – Low Barrier Navigation Centers
- AB 2162 – Supportive Housing
- Large Group Homes
- Manufactured Housing



# Background

The proposed amendments were brought to Planning Commission on December 12, 2024. Item was continued. Additional information requested:

- How are existing CUPs for large group homes affected by the code amendments?
- How are ADUs regulated on a site with a manufactured home?
- Should manufactured homes be a permitted use in the R-MH zone as well?



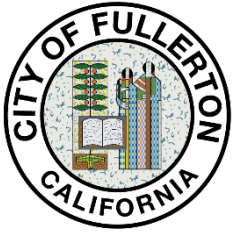
# Emergency Shelters

- Housing with minimal support services for homeless persons.
- Occupancy is limited to six months or less.
- Shelter is provided on a first-come-first-served basis.



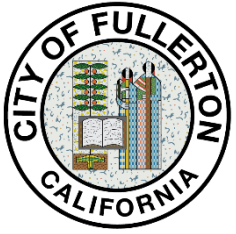
# Low Barrier Navigation Centers

- A shelter that is 'low barrier' and prioritizes connections to housing.
- Reduced barriers to entry such as allowing partners, pets, storage of personal items, and privacy.
- LBNC's are not first-come-first-served, prioritize tenants based on homelessness duration, health risks, crisis service usage
- Housing First



# Supportive Housing

- No limit to length of stay
- Housing that supports a target population in improving their health and maximizing their ability to live.
- May include nonresidential uses and administrative offices related to the supportive housing, as well as transitional housing for youth and adults.



# Large Group Homes

- Large vs. Small
- Licensed vs. Unlicensed
- Limit of stay depends on the license



# Manufactured Housing

- A home unit constructed primarily or entirely offsite before being moved to the property where it is set.
- Mobile Home vs Manufactured Housing
- Modular homes
- Type of construction would not change whether or not an ADU is permitted.

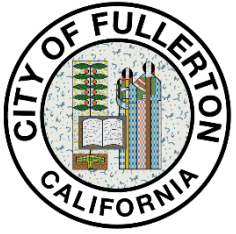




# Summary of Amendments

## Definitions:

- Coordinated entry system
- Emergency shelter for the homeless
- Family
- Unlicensed group home
- Housing first
- Low barrier navigation center
- Manufactured housing
- Supportive housing

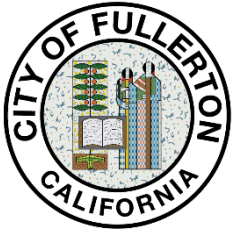


# Summary of Amendments

New and revised zones where uses are permitted:

Zone	General Commercial (G-C)	Central Business District Commercial (C-3)	Commercial Manufacturing (C-M)	Office Professional (O-P)	Manufacturing Park (M-P)	Manufacturing General (M-G)
Emergency Shelter		<u>X</u>	X		X	X
LBNC		<u>X</u>				
Supportive Housing		<u>X</u>				
Small Group Home (six or fewer persons)						
Large Group Homes (more than six persons)						
Unlicensed Group Home						
Large Residential Care Facility for the Elderly (more than six persons)						
Manufactured Housing						





# Summary of Amendments

**Table 15.17.020.A**  
Permitted Uses in Residential Zone Classifications

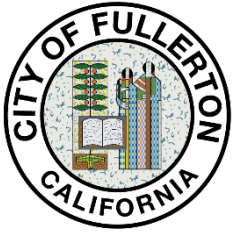
	Reference 15.17.030	R-1/ R-1P	R-2/ R-2P	R-G	R-3R	R-3/ R-3P	R-4	R-5	R-MH
<b>RESIDENTIAL USES</b>									
Manufactured Housing	A, C	X	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<b>RESIDENTIAL CARE FACILITIES<sup>2</sup></b>									
Large Group Home (more than six persons)	See <del>15.55.030.</del> <u>G A, B</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	
Large Residential Care Facility for the Elderly (more than six persons)	See <del>15.55.030.</del> <u>G</u> <u>A, B</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	<u>CUP</u> <u>X</u>	
<u>Unlicensed Group Home</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<b><u>RETIREMENT COMPLEXES</u></b>									
Retirement Complex, Type I: Independent Detached Cluster Units	See 15.55.030. H	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>				



# Summary of Amendments

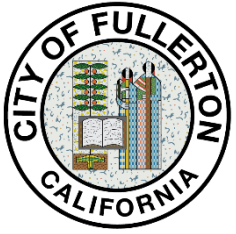
## New and Amended Development Standards:

- Removed restrictions on Manufactured housing
- Removed “impact on accredited K-12 Schools within one quarter mile (1,320 feet) of the project site” as a consideration for supportive housing and transitional housing
- Amended parking requirement for Emergency Shelters to be based on the number of employees instead of number of beds
- Added development standards for Supportive Housing (up to 50 units) in the C-3 Zone
- Added development standards for Low Barrier Navigation Centers



# Summary of Amendments

- Proposed amendments remove constraints to the development of manufactured homes, Supportive Housing, Emergency Shelters, Group Housing, and Low Barrier Navigation Centers
- Proposed amendments are consistent with the City's Housing Element and with State Law



## Recommended Actions

- Adopt Resolution No. PC-2024-33 recommending that the City Council amend Title 15 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 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 Uses



**LRP-2024-0010**

**Fullerton Municipal Code – State Housing Laws**  
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Planning Commission

February 12, 2025