

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTERS 15.04 AND 15.55 OF THE FULLERTON MUNICIPAL CODE TO CLARIFY AND STANDARDIZE REQUIREMENTS FOR ESTABLISHING EMERGENCY SHELTERS FOR PERSONS WHO ARE HOMELESS, AS AN ACCESSORY USE AT RELIGIOUS INSTITUTIONS

WHEREAS, the general issue of homelessness is at the forefront of cities, counties and the state due to the increase in number of homeless individuals, the lack of housing options and deficiencies in our mental health services; and

WHEREAS, Orange County specifically is in the midst of a homelessness crisis, with the number of unsheltered homeless individuals increasing by fifty-four percent in the last five years despite increasing expenditures to combat the issue; and

WHEREAS, displacement of homeless encampments in the Santa Ana Riverbed and Santa Ana Civic Center has created an urgent need to both create emergency shelters throughout the County and permanent supportive housing units to provide viable housing options; and

WHEREAS, Title 15 (Zoning Ordinance) of the Fullerton Municipal Code permits emergency shelters and multiservice centers in the ES (Emergency Shelter) overlay zone and allows religious institutions to provide emergency shelter for up to 12 homeless persons; and

WHEREAS, the City Council directed staff to conduct a review of the Fullerton Municipal Code to clarify provisions allowing religious institutions to provide shelter for persons experiencing homelessness and to provide more direction to improve the safety and delivery of services; and

WHEREAS, the Planning Commission of the City of Fullerton, California held a duly noticed public hearing in compliance with FMC 15.72.040 and as required by law for PRJ18-00246 and LRP18-00002 on said matter; and

WHEREAS, the City Council desires to amend Chapters 15.04 and 15.55 of the Fullerton Municipal Code to clarify and standardize requirements for establishing emergency shelters for persons who are homeless, as an accessory use at religious institutions, to assure the safety and well-being of both the sheltered individuals and the surrounding community.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15.04.040 (Definitions) of Chapter 15.04 of Title 15 of the Fullerton Municipal Code is hereby amended to add a definition for EMERGENCY SHELTER FOR HOMELESS (RELIGIOUS INSTITUTION), in alphabetical order, as follows:

EMERGENCY SHELTER FOR HOMELESS (RELIGIOUS INSTITUTION) means housing with supportive services for up to 12 persons who are homeless. Shelter shall be within a habitable structure, either permanent or temporary, with access to restrooms and subject to provision of onsite management and security.

SECTION 2. Section 15.04.040 (Definitions) of Chapter 15.04 of Title 15 of the Fullerton Municipal Code is hereby amended to revise the definition for RELIGIOUS INSTITUTION to read as follows:

RELIGIOUS INSTITUTION means an establishment the principal purpose of which is religious worship and for which the primary space is a sanctuary. Religious activities and services held in the sanctuary are conducted at scheduled times and in an organized fashion. The establishment may also include accessory facilities in the same or separate building including classrooms, assembly rooms, restrooms, kitchen, library or reading room, emergency shelter, subject to approval of an Application for Emergency Shelter for Homeless (Religious Institution) Permit and a single-family dwelling unit for use by the institution. Facilities for uses that have been defined separately in the Code, such as a day nursery, private school, community/social service or a human service agency, are not considered an inherent part of this establishment.

SECTION 3. Subsection (D)(1) of Section 15.55.030 (Conditionally permitted special uses) of Chapter 15.55 of the Fullerton Municipal Code is hereby amended to revise the language of (D)(1) to read as set forth below and to add subsection (D)(1)(k) as follows:

D. Community/social service facility; private school; religious institution

1. The evaluation of a community/social service facility, private school, or a religious institution with the review of a Conditional Use Permit shall consider in part its conformity with the guidelines below, except that an emergency shelter as part of a religious institution shall be subject to additional provisions as identified in (k) of this subsection:

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- k. An application for an Emergency Shelter for Homeless (Religious Institution) Permit shall be made on a form provided by the City at least 30 days prior to opening, for the purpose of review and approval by the Community Development, Police and Fire Departments of proposed operational, management and security procedures.

SECTION 4. CEQA. This ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15061(b)(3) General Rule Exemption because the proposed code amendments do not have potential to cause a significant effect on the environment. This is based on the fact that the amendments do not authorize any new uses, but simply adds clarifying language and procedures for a permitted use.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall 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 and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty (30) days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2018.

Douglas B. Chaffee, Mayor

ATTEST:

Lucinda Williams, City Clerk

Date