



CITY OF FULLERTON

Community Development Department

Item No. 4
August 22, 2018
7:00 p.m.
Public Hearing

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

APPLICATION

PRJ18-00246 – LRP18-00002

APPLICANT

City of Fullerton

SUMMARY AND APPLICATIONS REQUESTED

The Fullerton Municipal Code (FMC) currently allows religious institutions to provide emergency shelter for up to 12 homeless persons as an accessory use to their primary religious functions. The proposed amendment further defines an emergency shelter at a religious institution, and an associated application process for administrative review of operations, management and security plans.

CEQA DETERMINATION

General Rule Exemption

AUTHORIZATION/GUIDELINES

Fullerton Municipal Code (FMC) Chapter 15.72 requires that the Planning Commission consider a Zoning Amendment and make a recommendation to the City Council.

PUBLIC OUTREACH

On August 9, 2018, a Public Hearing Notice was published in the Fullerton News Tribune. In addition, 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. As of the preparation of this report, staff has received one inquiry on this item.

PROJECT BACKGROUND

Orange County is among many other cities, counties and the state, which are experiencing a homelessness crisis. The number of people who are homeless is increasing due to lack of housing supply, high cost of housing and deficiencies in available mental health services. Earlier this year, the County removed over 700 people from homeless encampments along the

THE EDUCATION COMMUNITY

303 West Commonwealth Avenue, Fullerton, California 92832-1775
(714) 738-6598 • Fax (714) 738-3110 • Web Site: www.ci.fullerton.ca.us



Santa Ana River. A Federal court order is in effect, with the presiding judge directing and overseeing efforts by the county and local cities to find suitable locations for emergency shelters and other types of affordable housing to help alleviate homelessness.

At its May 1, 2018 meeting, the City Council authorized staff to participate in County-wide planning efforts to address homelessness including permanent supportive and emergency housing. It further authorized staff to review the FMC for outdated and unclear language regarding homelessness and to bring back an amendment to update and clarify such provisions. One particular area lacking in specificity pertains to the provision allowing religious institutions to provide shelter to persons who are homeless. In its definition of the term "Religious Institution," FMC Section 15.04.040 allows an emergency shelter for up to 12 individuals as an ancillary use, but does not include development, operational or safety standards for the emergency shelter use. The proposed amendment and the accompanying administrative review process is intended to provide those details.

PROJECT DESCRIPTION

The draft amendment proposes to add a new term "Emergency Shelter for Homeless (Religious Institution)" to the FMC. The intent is to differentiate a shelter which is an ancillary use within a religious institution from a stand-alone shelter permitted in the Emergency Shelter (ES) Overlay Zone. The FMC contains the following definition for "Emergency Shelter for Homeless":

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. 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.

The amendment proposes to add the following definition to FMC Section 15.04.040:

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.

In addition to the ordinance amendment, staff has prepared a draft application for the religious institution to complete which describes their operations plan for the proposed emergency shelter. This is proposed as an administrative review process to allow Community Development and Fire Departments to review for compliance with life safety requirement for sleeping areas, and Police Department review of a security plan. The application form allows for flexibility if it becomes apparent that additional information or standard conditions are needed; the application can be revised as needed.

ANALYSIS

The intent of the FMC amendment is to provide a more specific definition for an emergency shelter operated at a religious institution and to establish a procedure for City review of

operation plans in an expedited manner. The proposed process includes submittal of an application 30 days prior to establishing a shelter on the premises, and is similar in format and process to the City's current application for a special event. The purpose is similar as well, which is to assure the safety and well-being of participants and minimize impact on the surrounding area. The process allows for City staff, including public safety departments, to review the application materials and to add conditions if necessary for safety and security purposes.

The FMC currently allows a religious institution to provide shelter for up to 12 persons who are homeless as an accessory use; a conditional use permit is not required. The code does not, however, provide clarity with respect to how those persons are sheltered. This amendment and the accompanying application form allow institutions to formulate their own shelter operation plans, while providing direction on required components of such plan. The process offers flexibility in allowing institutions to tailor certain aspects of the operation to meet the needs and desires of their congregations. For example, some congregations may wish to set up shelter space within a classroom or multipurpose area, where others may prefer bringing a modular building onto the site. Congregations may also wish to provide some support services, such as meals or interaction between congregants and participants in the shelter program.

As proposed, the ordinance amendment will primarily amend FMC Section 15.04.040 – Definitions, and add a reference to the conditions and provision for religious institutions in Section 15.55.030.D – Provisions and conditions for special uses.

The application form requires the religious institution to inform the City of their procedures for intake and assessment of program participants, support services to be offered, plans for site security and management, and where and how participants will be sheltered. The draft application asks for a site plan and a floor plan, indicating the location and arrangement of the shelter space. The Community Development Department will initiate a coordinated review of the plans and information to include Police, Fire and other departments as necessary. A permanent shelter is required to conform to California Building Code requirements for habitation, where fewer requirements apply to a temporary shelter. Contact information for the shelter operations will also be maintained by the Community Development Department to facilitate communication as needed.

The City Manager has met with members of the faith-based community who are interested in serving unsheltered people in Fullerton. The goal of such city-wide coordination is to establish a community based system to reach unsheltered persons and connect them with emergency shelters and assessment services, putting them on the path toward permanent housing. The proposed amendment is one component of a multifaceted plan to address homelessness. The City is also working with other agencies and organizations on efforts to increase the supply of emergency and permanent supportive housing units locally and within Orange County.

ENVIRONMENTAL REVIEW

The proposed project 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 amendment does not have potential to cause a significant effect on the environment. This is based on the fact that the amendment does not authorize any new uses, but simply adds clarifying language and sets minimal standards for an existing use.

GENERAL PLAN CONSISTENCY

The proposed project supports the following General Plan policy:

P3.24 Emergency Shelters and Supportive and Transitional Housing

The proposed amendment supports current policies and priorities to address homelessness and clarifies how religious institutions can add to the variety of options for housing people who were previously unsheltered.

REQUIRED FINDINGS

Zoning Ordinance Amendment
Pursuant to Fullerton Municipal Code Chapter 15.72

Finding 1: The proposed Zoning Ordinance amendment is consistent with the objectives of the Zoning Ordinance and General Plan.

Fact: The amendment is authorized by FMC Chapter 15.72.

Fact: This amendment clarifies an existing provision in the code and establishes a procedure for religious institutions to establish emergency shelters as currently allowed by the Zoning Ordinance.

Finding 2: The proposed Zoning Ordinance amendment promotes the public health, safety and welfare of the community.

Fact: This amendment will standardize requirements for ancillary shelters at religious institutions and assure the safety and well-being of both the sheltered individuals and the surrounding area through a review of proposed operations by public safety departments.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC-2018-11 recommending that the City Council approve the proposed amendment to the Fullerton Municipal Code, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND FULLERTON MUNICIPAL CODE CHAPTERS 15.04 AND 15.55 TO CLARIFY AND STANDARDIZE REQUIREMENTS FOR ANCILLARY SHELTERS AT RELIGIOUS INSTITUTIONS AND ASSURE THE SAFETY AND WELL-BEING OF BOTH THE SHELTERED INDIVIDUALS AND THE SURROUNDING AREA

Prepared by:



Joan Wolff, AICP
Senior Planner

Reviewed by:



Matt Foulkes
Planning Manager

Attachments to Report:

1. Draft Planning Commission Resolution
2. Redline Amendment
3. Draft Application Form
4. Hearing Notice

RESOLUTION NO. PC-2018-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND FULLERTON MUNICIPAL CODE CHAPTERS 15.04 AND 15.55 TO CLARIFY AND STANDARDIZE REQUIREMENTS FOR ANCILLARY SHELTERS AT RELIGIOUS INSTITUTIONS AND ASSURE THE SAFETY AND WELL-BEING OF BOTH THE SHELTERED INDIVIDUALS AND THE SURROUNDING AREA

PRJ18-00246 – LRP18-00002

APPLICANT: CITY OF FULLERTON

RECITALS:

WHEREAS, the general issue of homelessness is at the forefront of cities, counties and the state due to the increase 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 54 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, a review of the Fullerton Municipal Code found that clarification is needed with respect to the provision 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, this Amendment 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 amendment does not have potential to cause a significant effect on the environment. This is based on the fact that the amendment does not authorize any new uses, but simply adds clarifying language and procedures for a permitted use.

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 Planning Commission of the City of Fullerton, California recommends approval of an amendment to Fullerton Municipal Code Chapters 15.04 and 15.55 to update provisions of the ordinance with respect to emergency shelters at religious institutions for persons who are homeless.

RESOLUTION

The Planning Commission finds as follows:

Finding 1: The proposed Zoning Ordinance amendment is consistent with the objectives of the Zoning Ordinance and General Plan.

Fact: The amendment is authorized by FMC Chapter 15.72.

Fact: This amendment clarifies an existing provision in the code and establishes a procedure for religious institutions to establish emergency shelters as currently allowed by the Zoning Ordinance.

Finding 2: The proposed Zoning Ordinance amendment promotes the public health, safety and welfare of the community.

Fact: This amendment will standardize requirements for ancillary shelters at religious institutions and assure the safety and well-being of both the sheltered individuals and the surrounding area through review of proposed operations by public safety departments.

THEREFORE, the Planning Commission of the City of Fullerton does hereby recommend APPROVAL of said modifications to Fullerton Municipal Code Chapters 15.04 and 15.55 as follows:

15.04.040: ADD, IN ALPHABETICAL ORDER TO SECTION:

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 15.04.040: MODIFY THE DEFINITION FOR RELIGIOUS INSTITUTION 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 as defined for religious institutions 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 15.55.030.D.1: MODIFY SUBSECTION 1.1 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 item k. of this subsection:

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

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON AUGUST 22, 2018.

Nicholas Dunlap
Planning Commission Chair

ATTEST:

Janet Ragland
Recording Clerk

Ordinance:

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.

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 as defined for religious institutions for 12 or fewer homeless individuals and a ~~one~~single-family dwelling unit for use by ~~the titular head of 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.

15.55.030. Conditionally permitted special uses.

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 following guidelines below; except that an emergency shelter as part of a religious institution shall be subject to additional provisions as identified in item k. of this subsection:

- a. Relationships between proposed and existing surrounding uses.
- b. Potential impacts on surrounding uses involving noise, glare, parking, traffic, dust, odor, fumes, activity, solid waste and security.
- c. Provision of support facilities for potential expansion. A master plan of the facility shall be required with the application.
- d. Adequacy of current infrastructure to accommodate proposed use and additional demands generated by it.
- e. Zone limitations on building height shall apply. However, a non-habitable structure such as a bell tower, steeple or chimney may exceed the height limitations, but only one structure of this type shall be allowed for the facility.
- f. Zone limitations on lot coverage of buildings and parking areas need not apply, but will be evaluated based on surrounding uses. All required setbacks from streets shall be landscaped and shall not be used for parking.
- g. On-site buildings and structures intended for occupancy other than residential units generally should not be closer than 30 feet to any property line of a lot with a residential zone classification. Residential units shall conform to the setback requirements as prescribed for the zone in which the site is located. Minor structures and improvements no more than one story in height that are accessory or incidental in nature to the main building(s) may be permitted, subject to the approval of the Director of Development Services.
- h. A solid wall not less than six feet in height shall be constructed and maintained on any property line adjoining a property with a residential zone classification, provided that such wall shall not extend into any required front yard.
- i. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct light away from adjoining premises.

- j. The location, size and type of proposed space for outdoor recreational activities shall be identified on a submitted site plan; once approved, any modification or additions to these outdoor recreational areas may be subject to review and approval by the Director of Development Services.
 - k. An application for an Emergency Shelter for Homeless (Religious Institution) shall be made on a form provided by the City at least 30 days prior to opening, for the purpose of review by the Community Development, Police and Fire Departments of proposed operational, management and security procedures.
2. The minimum parking required for these special uses shall be as follows:
- a. For a community/social service facility or a private school: Unspecified; subject to the approval of the Conditional Use Permit.
 - b. For a religious institution: One space for each three fixed seats or one space for every 21 square feet of non-fixed seating area in all assembly areas in which concurrent activities will occur. Eighteen lineal inches of bench shall be considered equal to one fixed seat.



City of Fullerton

Community Development Department

Application – Emergency Shelter for Homeless (Religious Institution)

At least 30 calendar days prior to opening a temporary shelter, a religious institution shall provide the following information to the Community Development Director:

Name of Religious Institution: _____

Property Address: _____

Contact Person: _____

Name

Title

Email

Telephone

If filled out by someone other than property owner, owner's signature shall be considered authorization for applicant to act as representative.

Signature of Property Owner or Authorized Representative

Please provide the following information:

1. Operations and Security Plan which includes:
 - a) A schedule indicating the days and hours the shelter will be open (note that unless the facility complies with the California Building Code requirements for residential occupancy, the shelter may operate for a maximum of 180 days)
 - b) A description of the proposed Coordinated Entry Process, including intake and assessment services prior to admittance to the shelter
 - c) A list of any support services offered as part of the shelter operation
 - d) Security procedures including the number of security personnel
 - e) Shelter management and onsite supervision
2. Site plan for the property, including the location of the emergency shelter
3. Floor plan of the space to be utilized for sheltering and required restrooms
4. If a modular or prefabricated building is to be utilized, its placement shall comply with the setback standards of the zone in which it is located and shall not affect required parking spaces for the religious institution. In addition, please provide the following information:
 - a) Exterior appearance of the modular structure (Elevations)
 - b) Distance of the structure from property lines
 - c) Provisions for sanitation
 - d) Utility connections (water, electrical, sewer)

Approvals: ☐ Building _____ ☐ Planning _____ ☐ Police _____ ☐ Fire _____



FULLERTON PLANNING COMMISSION NOTICE OF PUBLIC HEARING

PROJECT REFERENCE NO.: PRJ18-00246
**Ordinance Amendment to Clarify Provisions Pertaining to
Religious Institutions That Provide Shelter for up to 12 Homeless Persons**

The City of Fullerton encourages the public to participate in the decision-making process. The following notice is being provided so that you can ask questions, make comments and stay informed about projects that might be important to you. We encourage you to contact us prior to the Public Hearing if you have any questions.

Meeting Time and Date

This matter will be heard on **Wednesday, August 22, 2018 at 7:00 p.m.** by the Planning Commission in the Fullerton City Council Chamber, 303 West Commonwealth Avenue, Fullerton, CA 92832.

What is the Proposed Action?

The Planning Commission will consider amendments to the Fullerton Municipal Code Title 15 (Zoning Ordinance) to update and clarify provisions pertaining to religious institutions with respect to providing shelter for homeless persons.

Who to Contact for Questions or Comments

If you have any questions or would like to comment on the proposed action prior to the public hearing, please contact Joan Wolff with the Community Development Department at (714) 738-6837 or by email at JoanW@cityoffullerton.com.

Where to Get More Information

Additional details regarding the proposed action, including the full text of the staff report, may be found on the City website 72-hours prior to the public hearing at: <https://fullerton.legistar.com/Calendar.aspx>. Choose "2018" from the left drop-down menu; "Planning Commission / Landmarks Commission" from the right drop-down menu and click on the "Agenda" link for the August 22, 2018 meeting to download the document(s).

Planning Commission Action Items

The Planning Commission will consider the proposed amendment to the Fullerton Municipal Code Title 15; their action will be a recommendation to the City Council. This amendment is exempt from the California Environmental Quality Act (CEQA) per the General Rule Exemption identified in Section 15061(b)(3) of the State CEQA Guidelines because Title 15 currently allows a church to provide shelter for up to 12 homeless persons; the proposed amendment will add standards under which such shelters may be established and operated.

Si tiene preguntas en español, favor de llamar a Christine Hernandez al (714) 738-3163.

한국어 통역이 필요하시면 줄리 리스민에게 연락해주세요 (714) 738-6563.

If you need any accommodations to ensure your accessibility to the meeting,
please contact Janet Ragland at (714) 738-6598.

If you challenge the decision on the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Fullerton at, or prior to, the public hearing. (Government Code 65009 (a))