



Agenda Report

Fullerton City Council

MEETING DATE: JANUARY 21, 2020

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: MATT FOULKES, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR A HUMAN SERVICE AGENCY INCLUDING 60-BEDS OF RECUPERATIVE CARE, 90-BEDS OF NAVIGATION CENTER WITH WRAP-AROUND SERVICES AT 3535 WEST COMMONWEALTH AVENUE

SUMMARY

On December 11, 2019, the Planning Commission approved a request by the Illumination Foundation for a Conditional Use Permit (CUP) to operate a Human Service Agency including 60 beds of recuperative care, 90 beds of navigation center with wrap-around services at 3535 West Commonwealth Avenue. The determination by the Planning Commission has been appealed by Ashwill Family LP, the adjacent property owner.

RECOMMENDATION

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DENYING AN APPEAL OF THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR A HUMAN SERVICE AGENCY INCLUDING RECUPERATIVE CARE, NAVIGATION CENTER WITH WRAP-AROUND SERVICES AT 3535 WEST COMMONWEALTH AVENUE

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Fiscal and Organizational Stability
- Infrastructure and City Assets.

FISCAL IMPACT

On October 8, 2019, the City Council approved a Cooperative Funding Agreement with the Illumination Foundation in an amount of \$500,000. Within the agreement there is a provision which states that prior to committing specific City resources to the Illumination Foundation, a subsequent legal document outlining funding, management and operational matters would need to be considered by the City Council and the site would have to go through appropriate development processing, which includes the land use entitlement currently under consideration.

DISCUSSION

The Illumination Foundation is proposing to renovate an existing concrete tilt-up industrial building to be used as a Human Service Agency with recuperative care (60 beds), navigation center (90 beds) with wrap-around services. Various improvements are proposed to both the interior and exterior of the building as part of the proposed project including new landscaping, fencing and gated amenity area in the rear of the building.

The interior of the existing building will be completely renovated for the proposed recuperative care, navigation center, Illumination Foundation offices and associated wrap-around services. The recuperative care portion of the facility will occupy the front portion of the building and include up to 60 beds divided amongst eight rooms, a therapy room, medical office, group counseling room, computer and lounge room and restroom / shower facilities. The center portion of the building will include the kitchen and dining room facilities and showers / restrooms for the navigation center. The navigation center portion of the facility will occupy the rear portion of the building and include up to 90 beds divided between men’s sleeping area, women’s sleeping area and couples. Also included is a separate computer and lounge area, counseling offices for wrap-around services, faith based community room, laundry facilities and client intake area. The second floor area (approximately 8,000 square feet) will be for professional staff only and will include multiple conference rooms, office space, staff lounge and additional laundry facilities.

The facility will provide 24-hour staffing and security personnel on three shifts as indicated in Table 1.

Table 1 – Facility Staffing Proposal

Facility Staffing				
	Shift Hours			
Role/Position	7:00am to 3:00pm	3:00pm to 11:00pm	11:00pm to 7:00am	Total Staff
Manager	1			1
Associate Manager		1		1
Medical Coordinator (LVN)	2	2	1	5
Case Manager (CM)*	3	3		6
SUD Counselor*	1	1		2
Behavioral Health Therapist* (BH)	1			1
Site Assistant / Driver	4	4	2	10
Security Guard	2	2	3	7

Total Staff by Shift	14	13	6	33
*CM, SUD, and BH staff hours are 7:00am - 7:00pm				

Three uniformed security guards will be present during overnight hours (11:00 p.m. – 7:00 a.m.), and two security guards present during the day. A component of the security guards daily rounds will include walking the exterior of the facility including the shared parking area east and south of the building.

The Illumination Foundation approached the City regarding an existing industrial building that was for sale within the Commercial-Manufacturing (C-M) zone. The location of this facility is not within the current boundaries of the City’s SB-2 Emergency Shelter (ES) overlay zone. However, a Human Service Agency is a conditionally permitted use within the C-M zone. Chapter 15.04 of the Fullerton Municipal Code defines a Human Service Agency as:

Any office or facility on privately held property operated and/or funded by a governmental, quasi-government or nonprofit entity other than the City which provides human services such as counseling, training, rehabilitation, shelter, medication and/or food assistance

Based on the types of services offered and operations of the proposed facility, it meets the definition of a Human Service Agency and is therefore permitted to operate at this location subject to the approval of a conditional use permit.

Staff recommended 41 conditions of approval related to both the operations of, and improvements to, the site as part of the CUP request. Notable conditions include:

1. The facility will not allow walk-up clients to enter the facility. People experiencing homelessness will only be allowed to enter the facility if they have been referred to the facility by a service provider.
2. All client intake, arrivals and departures occur from the rear of the building inside of a fully screened, fenced area which will not be visible from the street or from adjacent properties.
3. The entrance to the building at the front of the facility (facing Commonwealth Avenue) will be limited to facility staff and visitors only.
4. The building will have no exterior signage which indicates the nature of the operations occurring inside.
5. The 25 parking spaces provided along the eastern side of the building and within the gated rear courtyard area will be actively managed by the Illumination Foundation.
6. Implementation of security measures as recommended by the Fullerton Police Department as part of a Crime Prevention Through Environmental Design (CPTED) analysis of the facility.
7. Expanded and ongoing outreach and engagement with the adjacent businesses, property owners, tenants and residents within the area on a recurring basis to allow a forum for feedback on the operations and management of the facility and steps that can be taken by Illumination Foundation to address those concerns. Separate

outreach is also required to the Kiddie Learning Academy (3516 West Commonwealth Avenue).

Planning Commission Action

The project was considered by the Planning Commission at its meeting on December 11, 2019. Following a presentation by Staff, comments from the project applicant and the public and deliberation by the Planning Commission, the Planning Commission voted to approve the Conditional Use Permit 4 - 1. Motion to approve by Commissioner Hansburg, seconded by Commissioner Shanfield (No: Commissioner Carvalho). As part of the motion to approve the item, the Commission amended and added the following conditions of approval:

1. Amended Condition No. 10 to expand the notification to all property owners, business owners and tenants within a 500-foot radius of the property boundaries. Notice shall also be sent to the Fullerton Community and Economic Development Department. These meetings shall occur at the Fullerton Community Center, Fullerton Library Conference Room or other City approved location. Confirmation of these forums shall be provided to the City including the outreach material and minutes from the meetings.

The purpose of these meetings will be to provide participants a forum to provide feedback to the applicant regarding operations at the facility in relation to their business or property.

2. Added Condition No. 11(e)(iv) to require the applicant to secure a letter agreement with a nearby property owner or business for use of a minimum of 14 parking spaces to serve as overflow parking for facility staff or guests prior to issuance of Certificate of Temporary Occupancy.
3. Added Condition No. 42 to require the applicant to meet with the Executive Director, or their designee, from the Kiddie Learning Academy at 3516 West Commonwealth Avenue once a month for the first six-months following issuance of Temporary Certificate of Occupancy.

The purpose of these meeting shall be to ensure that operations of the proposed facility is not resulting any negative impacts to the patrons or staff of the Kiddie Learning Academy.

Appeal Application

The reasons stated in the appeal application submitted by the Ashwill Family LP included concerns regarding compatibility of the proposed use with surrounding uses, inadequate conditions of approval related to security, noise and waste associated with the proposed kennel, inadequate parking, inadequate outreach by the applicant, failure to consult the Airport Land Use Commission, violation of reciprocal access agreement regarding the shared driveway, diminished property values and inadequate environmental analysis.

Subsequent to the submittal of the Appeal Application, representatives from the Ashwill Family LP met with City staff to review the concerns stated in the appeal and recommended modifications and/or additional conditions that could be added to the project to address them including:

1. Relocating the kennel / dog run to be inside the building on north side of the building that is currently identified as “storage”. As an alternative, the kennel / dog run area will employ more noise sensitive screening and dog waste will be removed daily. [**Note:** Dogs do not remain in outdoor kennel/dog run over night]
2. Raising the height of the fence that encloses the rear courtyard area from six feet to eight feet.
3. Require the security staff to also patrol the outside of the facility and adjacent property during their night shift.
4. Limiting all drop offs and pickups to inside of the yard area [**Note:** Condition 11b requires all drop-off and pickup to occur within rear courtyard]
5. The lack of available on site parking for the subject property [**Note:** Condition 11(e)(iv) requires securing off-site parking for overflow].

Additional Public Outreach by Illumination Foundation

The Illumination Foundation has continued to conduct community outreach and engagement with property owners, businesses and stakeholders within the area. These outreach activities include a Community Forum on January 15, 2020, door-to-door outreach with the surrounding neighborhood and coordinated tours of other similar facilities operated by Illumination Foundation with interested parties.

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Draft Resolution No. 2020-XX
- Attachment 3 – Planning Commission Resolution No. PC-2019-27
- Attachment 4 – Planning Commission Staff Report and Exhibits
- Attachment 5 – Appeal Application from Ashwill Family LP
- Attachment 6 – Correspondence regarding Appeal
- Attachment 7 – Planning Commission Meeting Minutes dated December 11, 2019