RESOLUTION NO. PC- 2019-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A HUMAN SERVICE AGENCY INCLUDING RECUPERATIVE CARE (60-BEDS), NAVIGATION CENTER (90-BEDS) WITH WRAP-AROUND SERVICES AT 3535 WEST COMMONWEALTH AVENUE

ZON-2019-0131

APPLICANT: ILLUMINATION FOUNDATION PROPERTY OWNER: THE BROADDUS FAMILY TRUST

WHEREAS, an application was filed by the Illumination Foundation, requesting a Conditional Use Permit pursuant to Fullerton Muniicpal Code (FMC) Section 15.30.040.4.B.8 to allow a Human Service Agency at 3535 West Commonwealth Avenue, more specifically described as:

Orange County Assessor's Parcel No. 030-040-15

WHEREAS, the property is zoned Commercial Manufacturing (C-M) and FMC Section 15.30.040.4.B.8 allows a Human Service Agency in the C-M zone subject to approval of a Conditional Use Permit; and

WHEREAS, a Human Service Agency is defined in the FMC 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; and

WHEREAS, California's Governor and the members of the California Legislature have recognized the urgent and immediate need to combat homelessness; and

WHEREAS, The most recent Point in Time Count 2019 determined there were 308 unsheltered individuals experiencing homelessness from Fullerton; and

WHEREAS, due to Federal Court cases (Martin v. Boise) and the North Orange County Settlement Agreement, the City had been legally prohibited from enforcing restrictions on camping on public property, though recently (see below) the City was able to conduct limited enforcement under the auspices of Federal Judge David O. Carter; and

WHEREAS, in an effort to comply with the Federal Mandate and case law, the North SPA, comprised of the cities of Placentia, Anaheim, Brea, Buena Park, Cypress, Fullerton, La Habra, La Palma, Los Alamitos, Orange, Villa Park, Stanton, and Yorba Linda are collaborating on a regional approach to address homelessness; and

WHEREAS, the Cities of Placentia and Buena Park in partnership with the other North SPA cities have identified locations for Navigation Centers within their respective city; and

WHEREAS, as a result of Fullerton's contribution to these facilities, it will allow the City to place a specified percentage of people experiencing homelessness in Fullerton to be placed in these facilities but will not provide sufficient beds for the 308 unsheltered homeless that were identified in the most recent Point in Time Count; and

WHEREAS, the City of Fullerton finds that the number of homeless is significant, and these persons are without the ability to obtain shelter; and

WHEREAS, the City of Fullerton finds that the health and safety of unsheltered persons in the City is threatened by a lack of shelter; and

WHEREAS, the City Council and community have provided clear direction to take action to address homeless issues in Fullerton beyond the actions underway by the North SPA; and

WHEREAS, as a direct result of recent actions by the City to address homelessness including the temporary safe parking program and support of the Illumination Foundation for the proposed facility under consideration, the Federal Judge authorized the City to begin a limited focused enforcement to clear the encampment at Gilbert Street and Valencia Drive on December 4, 2019; and

WHEREAS, an application was submitted by the Illumination Foundation to renovate and operate a Human Service Agency at 3535 West Commonwealth Avenue; and

WHEREAS, the Planning Commission of the City of Fullerton, in compliance with the noticing requirements of FMC §15.76.060, has held a duly noticed public hearing for ZON-2019-0131; and

WHEREAS, FMC §15.70.040 authorizes the Planning Commission to act on a Conditional Use Permit request and authorizes the Planning Commission to approve a project when applicable findings can be made; and

WHEREAS in accordance with the California Environmental Quality Act (CEQA) Guidelines the subject action qualifies for three Categorical Exemptions types including Class 32 (Infill Exemption), a Class 1 (Existing Facilities Exemption) and the Common Sense (General Rule Exemption).

RESOLUTION

NOW, THEREFORE, BE IT FOUND DETERMINED AND RESOLVED by the Planning Commission of the City of Fullerton, as follows:

- 1. In all respects as set forth in the Recitals of the Resolution.
- 2. The Planning Commission makes the following findings of fact pursuant to FMC Section 15.70.040.D:

<u>Finding:</u> That the proposed use is conditionally permitted in the zone and complies with all applicable zoning standards.

<u>Fact:</u> Pursuant to Fullerton Municipal Code Section 15.30.040.4.B.8 a Human Service Agency is conditionally permitted in the Commercial Manufacturing (C-M) zoning district. The Illumination Foundation is proposing to convert an existing building into a human service agency including recuperative care, navigation center and wrap-around services. Exterior modifications are limited to improvements to the landscaping in the front setback area, restriping of the parking lot along the east side of be building and various improvements to a fenced area in the rear of the existing structure. All proposed improvements comply with the zoning and development standards for the C-M zone.

<u>Finding:</u> That the proposed use is consistent with the goals and policies of the general plan of the city or any specific plan applicable to the area of the proposed use.

<u>Fact:</u> The proposed use supports the Goal 3 of the Housing Element which is to provide a supply of safe housing ranging in cost and type to meet the needs of all segments of the Community. The proposed human service agency with recuperative care and navigation center provides a crucial first step for people experiencing homelessness to start to receive the services they need in order to place them in transitional or permanent supportive housing.

<u>Finding:</u> That the proposed use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

<u>Fact:</u> Based on the submitted plans, operational plan and conditions of approval placed on the requested conditional use permit, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity. The overarching goal for both the applicant (Illumination Foundation) and the City is for the proposed facility to operate in a manner that does not attract any attention or interest to the building from motorists on Commonwealth Avenue, visitors, employees or patrons of the nearby industrial businesses or from the general public. Site design and operational components which support this goal include: no walk-up clients are permitted at the facility, all client intake, arrivals and departures from the facility will occur from the rear of the structure behind a solid wood and metal clad gate, there will be no exterior signage which indicates the nature of the activities occurring within the facility and onsite parking will be actively managed by the applicant to ensure that there is no spillover parking onto adjacent properties.

<u>Finding:</u> That the project or use demonstrates compliance with the Design Criteria specified in Section 15.47.060 of Chapter 15.47

<u>Fact:</u> Alterations or additions to the existing building are limited to new landscaping, restriping of parking and improvements within the rear courtyard area to provide covered and uncovered outdoor spaces for facility clients. All of the proposed improvements within the rear courtyard area will be fully screened from the public right-of-way and adjacent properties. As a result, these proposed improvements are consistent with the applicable design components contained in Chapter 15.47.060.

THEREFORE, the Planning Commission does hereby APPROVE ZON-2019-0131 subject to compliance with the following conditions of approval:

- The project shall be developed in substantial conformance with the plans, descriptions, and statements provided by the applicant, except to the extent the plans or designs are modified by the City of Fullerton Planning Commission or conditions of approval.
- 2. The Community and Economic Development Department Director may approve minor modifications to the approved Site Plan subject to a determination of substantial conformance with the approved Site Plan; however, major modifications shall require approval of the Planning Commission.
- The project shall remain in compliance with all conditions of approval throughout the life of the Conditional Use Permit. Failure to comply with each and every condition may result in the revocation of the Conditional Use Permit.

- 4. The Applicant/Property Owner is responsible for ensuring that information contained in construction plan drawings is consistent among architectural, structural, electrical, mechanical, plumbing, fire, utility and public improvement plans as well as other construction drawings. This responsibility may be transferred by the Applicant/Property Owner to the Project Architect. While the City aims to correct inconsistencies, they are the ultimate responsibility of the Applicant/Property Owner/Project Architect to remedy, up to and including completing construction revisions prior to receiving final occupancy approvals.
- 5. Building plans shall include details for screening all exterior mounted machinery and equipment. A building parapet shall be of a height necessary to screen all exterior roof-mounted machinery and machinery components. Construction drawing elevations and sections shall include roof-mounted machinery locations for review and shall be consistent with mechanical plans. The screening method shall be an integral part of the building design such that the screening method and materials are not recognizable as a screening device and that the materials are acceptable, permanent building materials, the same as or similar to those used in the construction of the building.
- 6. The facility and its uses shall comply with applicable noise standards as set forth in FMC §15.90. All construction and general maintenance activities that are anticipated to exceed the noise standards set forth in FMC §15.90 shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday though Saturday, except in the case of an emergency. Noise associated with construction, repair, remodeling or grading of any real property must comply with the standards set forth in FMC §15.90 between 8:00 p.m. and 7:00 a.m. Monday through Saturday and at any time on Sunday or City-recognized holidays. All on-site construction equipment shall have properly operating mufflers and applicant should utilize the quietest equipment available.
- 7. Construction plans shall be submitted to the Community and Economic Development Department for review and issuance of building permit(s) for any proposed work to be done on the site. Construction plans shall comply with Fullerton Building Codes, as adopted and in effect at time of plan submittal.

Building codes in effect, including local amendments, as of January 1, 2017: 2016 California Building Code ('16 CBC); 2016 California Plumbing Code ('16 CPC); 2016 California Mechanical Code ('16 CMC); 2016 California Electrical Code ('16 CEC); 2016 California Residential Code ('16 CRC); 2016 California Energy Code ('16 Energy); and 2016 California Green Building Standards Code ('16 CGBSC).

Plans submitted on or after January 1st, 2020 will be subject to the 2019 Edition of the California Building Codes.

- 8. The applicant shall agree to indemnify, hold harmless, and defend the City of Fullerton, its officers, agents and employees, from any and all liability or claims that may be brought against the City arising out of its approval of ZON-2019-0131.
- 9. Prior to plan check submittal, plans shall be revised to indicate that the existing pylon sign within the front setback area adjacent to Commonwealth Avenue shall be removed.
- 10. The applicant shall convene a minimum of two public outreach and engagement forums each calendar year starting in 2020. Notification for these forums shall be sent 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. The purpose of these meetings will be to provide attendees a forum to provide feedback to

the applicant regarding operations at the facility in relation to their business or property. 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.

- 11. Pursuant to the submitted operational plan, the following operational conditions shall apply:
 - a. 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 City approved service provider (e.g., City Net, Orange County Health Care Agency, City of Fullerton Homeless Liaison officers, Fullerton Homeless Resource Coordinator).
 - All client intake, arrivals and departures shall occur from the rear of the building inside of the gated courtyard.
 - c. The entrance to the building at the front of the facility (facing Commonwealth Avenue) will be limited to facility staff and visitors only.
 - d. The building will have no exterior signage which indicates the nature of the operations occurring inside and will be limited to the building address.
 - e. 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 in the following manner:
 - i. <u>Client Vehicles</u> Only clients with Current Registration, Current Insurance, Valid and Current CA. Driver's License whose vehicle is in proper operating condition will be allowed to park on an as available basis and spaces will be assigned by the Illumination Foundation for this purpose to ensure there isn't any overflow parking into other lots within the industrial center.
 - ii. <u>Facility Staff</u> Per the staffing plan referenced in Table 1, as many as 14 staff and security personnel may require parking during the day. At night, 6 staff and security personnel will require parking.
 - iii. <u>Guest</u> Three guest parking spaces will be available by appointment only. These spaces will be reserved once an appointment request is received.
 - iv. Prior to issuance of Certificate of Temporary Occupancy, the applicant shall 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. This letters shall remain on file with the Community and Economic Development Department.
- 12. Prior to permit issuance, the Police Department shall conduct a Crime Prevention Through Environmental Design (CPTED) analysis of the proposed facility and provide the applicant with a list of required alterations or improvements to the building or site that shall be incorporated into the project design and implemented prior to final occupancy.
- 13. Prior to issuance of Certificate of Temporary Occupancy, the applicant shall provide contact information to the Fullerton Police Department and Code Enforcement Department for any future issues, concerns or complaints related to the operations of the facility.
- 14. The applicant shall take all available steps and measures within their ability to ensure that facility clients and/or their belongings are not outside of the facility or the rear courtyard area unless they are exiting the site and adjacent areas to receive services, employment or other

- official reasons. Loitering within the front setback area, or exterior parking area shall be prohibited.
- 15. Prior to issuance of Certificate of Temporary Occupancy, knox box shall be provided for building and gate as indicated on the approved plans.
- 16. The building address shall be designed and displayed per Fullerton Fire Department standard.
- 17. Fire sprinkler system shall be modified to NFPA 13 standards and have a current 5 year certification for the fire sprinkler system.
- 18. A new fire alarm system that provides notification throughout per CFC 907.5 shall be required.
- 19. Cooking operations utilizing a Type 1 hood shall require a fire suppression system.
- 20. There shall be no hazardous materials stored in the outside storage bins or within the facility.
- 21. The building must not contain nonambulatory and/or bedridden clients as described in CBC Section 202 and CBC Section 310.4.1.
- 22. The building must be privately funded in order to utilize certain Disabled Access exceptions in the CBC including the exceptions in CBC Section 11B-206.2.3.
- 23. A separate grease interceptor permit may be required depending on the kitchen facilities and equipment proposed.
- 24. Prior to issuance of Certificate of Temporary Occupancy, all damaged and uplifted concrete sidewalk and curb and gutter shall be removed and replaced with the new concrete improvements in accordance with City Standards.
- 25. Prior to issuance of Certificate of Temporary Occupancy, two existing trees located in the public sidewalk along project street frontage, shall be relocated to a landscaped area adjacent to the sidewalk. The tree wells shall be removed and replaced with a full width sidewalk in accordance with City Standards.
- 26. The existing driveway providing access to the proposed project is substandard and shall be removed and replaced with a standard commercial driveway per City Standards. This work shall be completed prior to issuance of Certificate of Temporary Occupancy.
- 27. Prior to issuance of building permits, the developer shall provide water demand calculations to properly size domestic meter and fireline services.
- 28. Prior to issuance of building permits, the developer shall submit a Water Improvement Plan prepared by a California per the City of Fullerton Water Rates, Rules and Regulations (Rule 15.B.3).
- 29. The developer shall install a new domestic and fireline service, and backflow assemblies per City Standards.
- 30. The developer shall abandon the existing 6-inch Detector Check Assembly and 1-inch domestic meter in vault per City Standard Nos. 646 and 648 and install a new assembly above grade per City Standard Nos. 701, 721 and 601-603 to allow the City reasonable access for

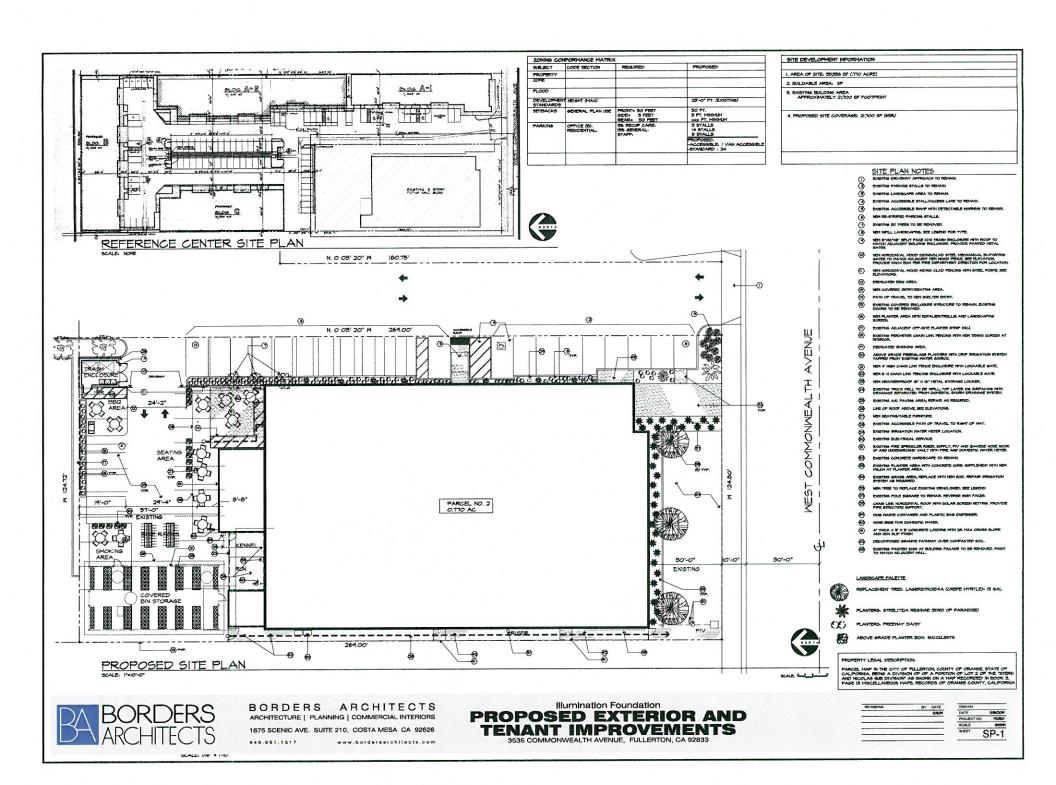
- meter reading, maintenance, operation, removal and inspection, per City of Fullerton Water Rates, Rules and Regulations. Remove standalone FDC.
- 31. According to FMC Section 16.05.060, all proposed utilities that provide direct service to the subject property, including electric and all telecommunication systems shall be installed underground. Existing facilities may remain overhead.
- 32. The project shall not result in the increase of storm water runoff and flow intensity to the adjacent properties. The size and alignment of on-site drainage facilities shall be based upon detailed hydrology and hydraulic calculations prepared by a California Registered Engineer and shall be approved by the Public Works Department.
- 33. All work in the public right of way shall be constructed in accordance with the Standard Plans and Standard Specifications for Public Works Construction, latest edition. This includes supplements thereto and City of Fullerton Standard Drawings.
- 34. Before undertaking any grading or construction work of any type within the public right of way, the owner must first obtain the applicable permits from the Public Works Department.
- 35. During site improvement, all deliveries to the project site that are overweight or oversize will require a transportation permit from the Public Works Department.
- 36. The developer shall provide and maintain all necessary flag persons, barricades, delineators, signs, flashers, and any other safety equipment as set forth in the latest publication of the State of California, Manual of Traffic Control, or as required by the Public Works Department permit requirements to ensure safe passage of pedestrian and vehicular traffic.
- 37. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standard Nos. 312 and 313.
- 38. Any controlling survey monumentation (property lines, tract lines, street centerline, etc.) which are at risk of being destroyed or disturbed during the course of this project must be preserved in accordance with Section 8771(b) of the California Business and Professions Code (Professional Land Surveyors Act). Pre-construction field ties, along with the preparation and filing of the required Corner Records or Record of Survey with the County of Orange, shall be accomplished by or under the direction of a licensed surveyor or civil engineer authorized to practice land surveying. Copies of said records shall be furnished to the City Engineer for review and approval, prior to issuance of any onsite or offsite construction permits. Any monuments disturbed or destroyed by this project must be reset and post-construction Corner Records or Record of Survey filed with the County of Orange. A copy of recorded documents shall be submitted to the City Engineer for review and approval prior to issuance of any permits within the public right of way.
- 39. Proposed sewer laterals shall be minimum 6" V.C.P. per City Standard Nos. 209A and 209B. All existing lateral connections to be utilized for the development shall be video inspected to determine their condition. Video shall be submitted to the Public Works/Maintenance for review. If determined that the existing connection(s) are in poor condition, they shall be replaced with new lateral connections per standard plans.
- 40. Prior to issuance of any permits, all public improvements shall be guaranteed to be installed by the execution of the Agreement for Public Improvements secured by sufficient bonds or sureties for both Faithful Performance and Labor and Materials, as required by the Fullerton Municipal Code and in a form approved by the City Attorney.

- 41. All cash fees and deposits shall be collected by the City prior to the issuance of building permits.
- 42. The applicant shall meet with the Executive Director, or their designee, from the Kiddie Learning Academy at 3516 West Commonwealth Avenue once a month for the first sixmonths 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.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON DECEMBER 11, 2019.

Chris Gaarder, Chair

Exhibit A - Site Plan, Floor Plan, Building Elevations, Landscape Plan





AND STREET TO OPERATION PLAN FULLER TO NATIONALIZED AND RECUPERATIVE CARE CENTER

	INR			Total	Comment
	7-4	P-11	11-7		
Verage .	1			1	
Assoc, Manager'		1			
M'edical Coordinator (LVN)	1	7	1		
Case Manager	1	,			
ILIO Courseller	- 1	1		- 1	CH. R.D. S.SHWEIS
Behaviors Health Therapid	1			1	staffed from 75 to 75 to
STO ASSURANÇÃOVE	4	. 4		10	
Security Buent	1		_ 1	,	
Total	34	13		33	







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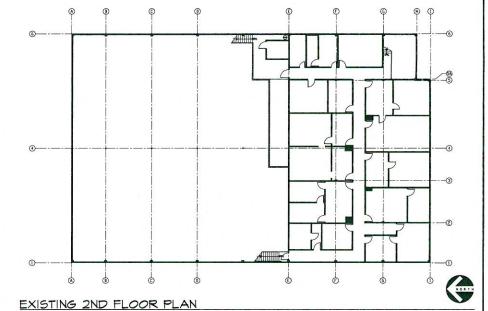
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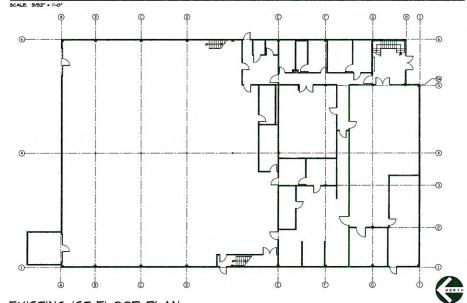
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TO TRANSPORT CURNI YOURNEST - CALL TO IMMEDIATELY





EXISTING IST FLOOR PLAN SCALE: 9/92" = 1'-0"

Illumination Foundation PROPOSED EXTERIOR AND TENANT IMPROVEMENTS

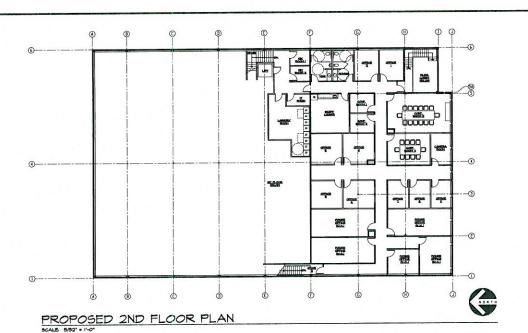
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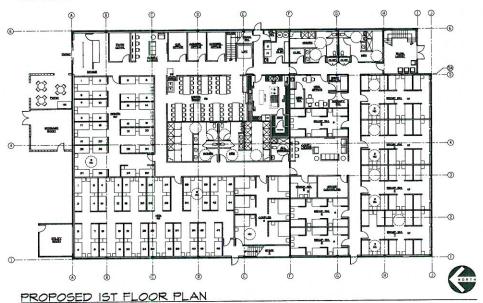


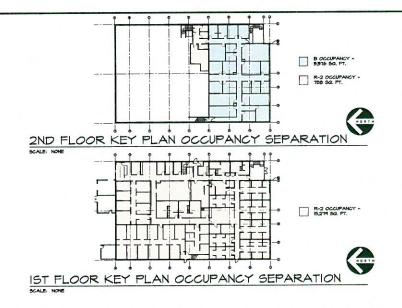
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BORDERS ARCHITECTS ARCHITECTURE | PLANNING | COMMERCIAL INTERIORS 1675 SCENIC AVE. SUITE 210, COSTA MESA CA 92626 949.851.1317 www.bordersarchitects.com









PROJECT DATA

PROJECT DESCRIPTION ZONING

OCCUPANCY SROUP: DORNITORY AREA & SAF OFFICE AREA DININGALITCHEN

CONSTRUCTION TYPE:

SPRINKLERS

NUMBER OF STORIES PROJECT AREA

OCCUPANT LOAD CALCULATION

	AREAG	PACTOR	TOTAL OCC.	READ.
OFFICE & OFFICE SUPPORT	5,746 S.F.	1/00	90	,
DORMITORY & DORMITORY SUPPORT	II,007 5.F.	1/50	222	2
KITCHEN	401 5.7.	V200		1
DINING	674 BF.	M	46	2
STORAGE	205 SF.	1/500	1	1
TOILET/SHOWER	1,055 9.7.	(MCDDC)	L TO OCCU	PART LOAD!
HALLMAY, STARS	5,740 S.F.	(MCDENT)	AL TO OCCU	PANT LOAD)
TOTAL	21,548 S.P.	205		2

PER TABLE 506.4 OCCUPANCY BROUP R-2 SHOULD HAVE A I-HOUR SEPARATION PROM GROUP B.

BASIC ALLOWABLE FLOOR AREA CBC 5062.

R-2 OCCUPANCY

TYPE III B CONSTRUCTION SH (2 OR HORE STORES IV PS) ALLOWABLE AREA NO HEIGHT INCREASE)

OCCUPANCY

• SH (2 OR HORE STORES W/ PS)

- 48,000 SF

NO INCREASE IN FLOOR AREA IS PROPOSED FOR THIS PROJECT.

SHELTER PLUMBING FIXTURE ANALYSIS: SHELTER RESIDENT LOAD DESIGNED FOR ISO BEDS: 40 MEN 4 60 MONEN FER 2016 CPC TABLE 422.1, R-2 OCCUPANCY CPC.

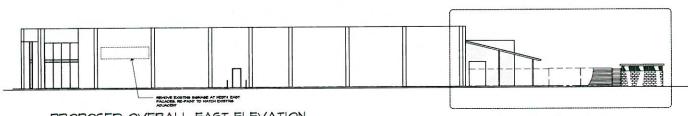
FIXTURES REGURED SECUP R-2:	MC	URINAL	LAV	5HP-97.	pr.	SERV.
MALE: 40 BEDS	- 5	4	3	12	1	-
PEHALE. 60 BEDS	4	0	5		- 1	
REGUIRED	4	4	ю	20	2	1
FIXTURES REQUIRED	mc	URINAL	LAV	SHAR	DF.	SERV.
MALE, BOCC.	1	-	1	0	0	-
PENALE: BOCC.	2	0	- 1	0	0	
REQUIRED	9		2	0	0	1
TOTAL PIXTURES REGURED	12	5	12	20	2	1



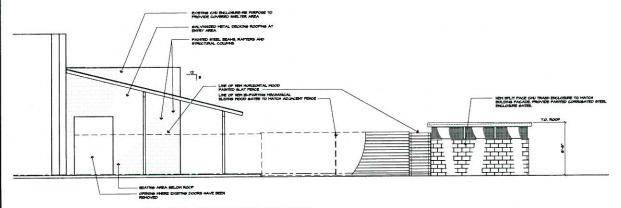
BORDERS ARCHITECTS ARCHITECTURE | PLANNING | COMMERCIAL INTERIORS 1675 SCENIC AVE. SUITE 210, COSTA MESA CA 92626 949.851.1317 www.bordarsarchitects.com PROPOSED EXTERIOR AND TENANT IMPROVEMENTS 3535 COMMONWEALTH AVENUE, FULLERTON, CA 92833



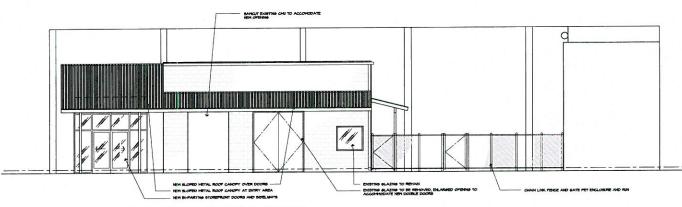




PROPOSED OVERALL EAST ELEVATION



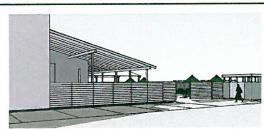
PROPOSED PARTIAL EAST ELEVATION



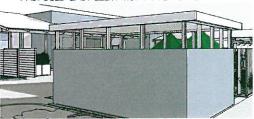
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PROPOSED PARTIAL NORTH ELEVATION

949.851.1317



PROPOSED EAST ELEVATION AT NEW GATE



PROPOSED EAST ELEVATION AT NEW GATE & TRASH ENC



PROPOSED NEW ROOF AT NORTH ENTRY



PROPOSED SEATING AT NORTH ENTRY

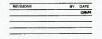


PROPOSED BBQ & SEATING AREA



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Illumination Foundation PROPOSED EXTERIOR AND TENANT IMPROVEMENTS 3535 COMMONWEALTH AVENUE, FULLERTON, CA 92833



DD-3

City of Fullerton

RESOLUTION CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON	j

RESOLUTION NO. PC-2019-27

I, Susana Barrios, Recording Clerk of the Planning Commission of the City of Fullerton, California, hereby certify that the whole number of the members of the Planning Commission of the City of Fullerton is five and that the above and foregoing Resolution No. PC-2019-27 was adopted at the December 11, 2019 Planning Commission regular meeting by the following vote:

PLANNING COMMISSIONER AYES: Gaarder, Cox, Hansburg, Shanfield

PLANNING COMMISSIONER NOES: Carvalho

PLANNING COMMISSIONER ABSTAINED: None

PLANNING COMMISSIONER ABSENT: None

Susana Barrios, Recording Clerk