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Santa Ana says church can't shelter homeless

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Pastor Randy Besta thought he was on to a good idea when he approached the city of Santa Ana to try to help the homeless in his French Park neighborhood.

After all, his proposal was straight-forward: Open his church doors on a nightly basis to help the homeless. For now, homeless people are in the neighborhood, sleeping in bushes, parking lots and alleys. Besta figured to improve the situation – for the homeless *and* the neighborhood – by offering those without shelter a warm blanket, a cot, and a few breakfast snacks before they head on their way.

The idea was backed by Besta's congregants at Christ Chapel Metropolitan Community Church which, since 1979, has been housed inside a two-story home on a palm-lined street about four blocks from the Santa Ana Civic Center.

The move might seem unorthodox, especially in a residential neighborhood. But the church considers social justice a key part of its mission, and it's also part of a Christian denomination that is inclusive of all people, especially the gay community.

The idea sprang from the work Besta's congregants were already doing with the homeless. Since May the church members had donated money, gathered up friends and hosted monthly barbecues for the homeless.

These hamburger lunches have grown, jumping from serving 30 or so people to as many as 250. The feedings, which are always held on a Sunday, also have become a time for sharing ideas, as congregants and the homeless sit down and discuss how their lives aren't necessarily so different.

So last summer, when Besta approached the city's planning department with his proposal, he was surprised at what he describes as a negative response. The issue, he was told, is zoning; the neighborhood in which his church holds its services doesn't allow homeless shelters. The shelter, he says he was told, would not "fit in with the community values."

"It's absolutely heartbreaking," Besta says. "We know this is needed. I know that in Orange County itself there are very, very few emergency shelter beds. The need is here. We're willing to do it. Why can't we?"

In an email and phone interview, Jay Trevino, executive director of Santa Ana's Planning & Building Agency, explained that the city's municipal code doesn't permit homeless shelters in Christ Chapel's neighborhood, which is zoned for single family residences. He added that the city isn't unaware of the problem, and is working to do what it can.

"We're working to create new zoning areas where such shelters would be allowed. We want to address homelessness, but also avoid the problem of a good idea in a bad location," wrote Trevino in an email response.

The city plans to launch a study next month to analyze industrial and commercial areas where "overlay zones" for homeless shelters might work. That makes a lot sense.

The problem? The process will be lengthy – involving everything from research and analysis, to public hearings and community outreach — and likely won't be completed until 2013, according to Trevino.

Where does that leave the homeless? On the streets, instead of inside Christ Chapel, which estimates it can fit 25 cots.

The experience left Besta's congregation with a bad taste in their mouths and they decided subsequently to leave Santa Ana for good. They plan to sell their two-lot property.

"If the city of Santa Ana does not want us to do what we feel is needed in the community and what we are called to do, then we are going to leave the city of Santa Ana and go where we would be welcomed," Besta says.

Christ Chapel's challenge is not that unusual.

"Many cities have basically tried to zone out people from serving the homeless," says Matthew Fletcher, a business trial lawyer, who has worked on homeless zoning issues in the past.

Fletcher's Irvine firm, Connor, Fletcher & Williams, helped represent homeless advocates and Catholic Worker volunteers Dwight and Leia Smith in 2004 when the city of Santa Ana tried to stop the couple from feeding and sheltering the homeless in their two-story home in Santa Ana.

The city eventually reached a settlement with the couple and was forced to repeal a zoning ordinance that prohibited people from operating a "mission" and serving the homeless for religious purposes in residential areas. Fletcher said the ordinance was ruled both unconstitutional for violating first amendment religious freedoms, and in violation of a federal act which prevents municipal ordinances from prohibiting churches from using their property to exercise their religion.

"Certainly serving the homeless would fall in the realm of reasonable religious purposes," says Fletcher, who is not familiar with the specifics of Christ Chapel's situation.

The city of Santa Ana, however, said that Smith's case is different because the home is located in a multi-family residential zone and because the Smiths live in the home where they serve the homeless.

It's impossible to know how all of this will play out. Trevino writes that Santa Ana will do its part to address homelessness. He also commended Besta for "putting his faith and concern for others into action."

But without any action, our homeless are in the same spot, on the streets, while Besta's church remains empty at night.

As Fletcher pointed out, at some point there has to be some "give and take" between cities and those who want to provide shelter for the homeless.

"If there's nowhere for the homeless to sleep they have to be able to turn somewhere."

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