

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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October 16, 2025

Jason Killebrew, Director
Community Development Department
City of Brea
1 Civic Center Circle
Brea, CA 92821

RE: City of Brea Rezone Implementation – Letter of Technical Assistance

Dear Jason Killebrew:

The purpose of this letter is to provide technical assistance regarding the implementation of Program 8 (Housing Opportunity Sites and Rezone) to rezone sites to accommodate the regional housing needs allocation (RHNA) and to allow by-right processing of sites identified in previous housing elements pursuant to Government Code section 65583.2, subdivision (c).

On March 14, 2025, the California Department of Housing and Community Development (HCD) sent a Letter of Inquiry to the City of Brea (City) regarding the completion of Program 8. HCD received written response from the City on April 16, 2025, stating that the City had adopted the required rezones, and submitted adopted ordinances for HCD's review. HCD reviewed the documentation and met with City staff on August 4, 2025, and has determined that while the ordinance meets several requirements of state law, the City must demonstrate the rezonings meet all requirements in Government Code section 65583.2, subdivisions (h) and (i).

Specifically, while it appears that more than 50 percent of the City's identified RHNA shortfall is met on mixed-use sites, the ordinance does not state if these mixed-use sites permit 100 percent residential development by right and require a minimum of 50 percent of the square footage in a mixed-use development to be residential, as required by State Law.¹ By-right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval that that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.²

Additionally, it appears based on the documentation submitted by the City, that the current minimum density allowed on rezone sites in the MU-I zone is only 12.1 dwelling

¹ Gov. Code, § 65583.2, subd. (h)

² Gov. Code, § 65583.2, subd. (i)

units per acre, which does not meet the minimum density requirements for rezone sites being used to meet the City's lower income RHNA.³ The submitted ordinances must be revised to ensure all sites being rezoned to satisfy the City's lower-income RHNA Shortfall permit a minimum of 20 dwelling units per acre by right.

HCD requests that the City revise its zoning ordinance or provide written documentation clearly demonstrating the rezones meet these statutory requirements. If needed, a copy of the revised ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence before taking any action authorized by Government Code section 65585, subdivisions (i) and (j). Such action may include issuance of written findings (Corrective Action Letter) and revoking HCD's finding that the City's housing element is in substantial compliance with Housing Element Law and/or referral to the California Office of the Attorney General.

HCD provides the City until November 14, 2025 to provide a written response to these findings. If you have questions or need additional information, please contact Dexter Egleston at Dexter.Egleston@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', followed by a long, sweeping horizontal stroke.

Melinda Coy
Proactive Housing Accountability Chief

³ Gov. Code, § 65583.2, subd. (h)