

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

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February 27, 2025

Sunayana Thomas, Director
Community and Economic Development Department
City of Fullerton
303 West Commonwealth Ave.
Fullerton, CA 92832

Dear Sunayana Thomas:

RE: City of Fullerton's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Fullerton's (City) Housing Element that was adopted January 7, 2025 and received for review on January 10, 2025 along with technical edits on February 25, 2025. In addition, the California Department of Housing and Community Development (HCD) received Ordinance 3335 and Resolution Numbers 2024-060 and 2024-061 related to meeting rezoning requirements. Pursuant to Government Code section 65585, HCD is reporting the results of its review. In addition, HCD considered public comments from People for Housing, Scott Hess, Jane Rands and Matthew Leslie pursuant to Government Code section 65585, subdivision (c).

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) as of the date of this letter. The adopted element addresses the statutory requirements described in HCD's August 15, 2024 review. HCD's finding is based on, among other reasons, completion of Policy Actions 3.1-a ((Housing Incentive Overlay Zone (HIOZ)) and 3.1-d (Prior Identified Sites) to make prior identified sites available and rezone sites to accommodate the regional housing need allocation (RHNA).

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Policy Action 3.1-a (Housing Incentive Overlay Zone (HIOZ))
- Policy Action 3.1-d (Prior Identified Sites)
- Policy Actions 3.1-e and 3.7-d (Surplus Land Act (SLA) Sites)
- Policy Actions 3.2-a and 3.2-f (Monitor Regulations)
- Policy Action 3.2-c (AB 2011 Compliance)
- Policy Action 3.2-d (SB 35 Compliance)

- Policy Action 3.2-g (Site Plan Review and SB 330 Compliance)
- Policy Action 3.3-a (Maximize Density Potential and Review Zoning)
- Policy Action 3.3-b (SB 9 Compliance)
- Policy Action 3.3-e (Commercial Parking Standards)
- Policy Action 3.3-f (Religious Institution Sites)
- Policy Actions 3.3-g, 3.3-h, 3.4-e, 3.4-i, 3.15-g, and 3.17-b, 3.17-e, 3.17-g (Zoning Code Amendments to Comply with State Laws)
- Policy Action 3.4-g (Housing Mobility in High Resource Areas)
- Policy Action 3.4-j (Reduce Parking Requirements)
- Policy Action 3.4-k (Manufactured Housing)
- Policy Actions 3.6-a, 3.6-e, and 3.14-g (Accessory Dwelling Units)
- Policy Action 3.7-b (Proactive Coordination with Affordable Developers)
- Policy Action 3.7-e (Priority Water and Sewer Services)
- Policy Action 3.12-a (At-Risk Affordable Units)
- Policy Actions 3.14-i, 3.14-j, and 3.14-k (Place-Based Strategies)
- Policy Actions 3.15-a through 3.15-i (Homelessness)
- Policy Action 3.17-f (Reasonable Accommodations)

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Among many other areas, Policy Actions to accommodate the RHNA, address constraints and promote multifamily development are crucial to compliance with State Housing Element Law. For example, as part of Policy Actions 3.1-a (Housing Incentive Overlay Zone (HIOZ)), 3.2-f (Monitor Regulations) and 3.3-a (Maximize Density Potential and Review Zoning), the City must continue to evaluate its zoning strategy and make adjustments to facilitate housing supply and choices and achieve maximum densities. Implementation of programs and subsequent evaluation should specifically address height limits in buffer areas and ensure the City is meeting all by-right requirements pursuant to Government Code section 65583.2, subdivision (h) and (i). For example, the HIOZ must allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting

requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide technical assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the cooperation that you, City staff, and consultants provided throughout the housing element update and review. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide technical assistance in implementing the housing element, please contact Anthony Errichetto, of our staff, at Anthony.Errichetto@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul McDougall', with a stylized flourish at the end.

Paul McDougall
Senior Program Manager