

CITY OF FULLERTON

To: Chris Schaefer, Planning Manager Fullerton  
(714) 738-6884  
[chris.schaefer@cityoffullerton.com](mailto:chris.schaefer@cityoffullerton.com)

From: Curtis Gamble, Activist/Veteran [REDACTED]

Subject: Revised Draft Housing Element 2021-2029

Dear Mr. Schaefer,

Please, include the following information in the Fullerton Revised Draft Housing Element 2024.

Rapid Rehousing units are an alternative to emergency shelters for the Homeless the Veterans, the CSUF Students, the OCTA Bus Drivers, the Seniors and the Low-Income Community.

Thank you,

Curtis Gamble, Activist Homeless/Veterans

Please read the following:

PROPOSAL..... December 21, 2016

SETTLEMENT AGREEMENT

Legal Aid Society of Orange County Curtis Gamble v. City of Fullerton, et al., No.30-2015-00824970-CU-T-CIC (the "Gamble Action").

2. The City agrees that it will commit the minimum sum of \$1 Million to increase the number of Extremely Low Income and Rapid Rehousing units in the City.

Extremely Low Income units are units that are affordable to, and occupied by, persons whose income is at or below 30% of the area median income as defined in Health and Safety Code sections 50053(b) and 50106.

Rapid Rehousing units are an alternative to emergency shelter. and are occupied at no rent or subsidized rent for a limited time to allow a household to collect sufficient funds for move-in deposits and moving costs.

The sum shall be expended or committed to be expended by September 30, 2019 only as follows:

a. City shall use this funding to assist with the creation of a combination of at least twenty (20) units of Rapid Rehousing and Extremely Low Income units, which shall include at least ten (10) Extremely Low Income units.

These units shall be secured by an Affordable Housing Agreement and affordability covenants committing the units for Rapid Rehousing and Extremely Low Income occupancy, as applicable, for a term of at least thirty (30) years.

Both the Affordable Housing Agreement and the affordability covenants shall be duly recorded with the office of the Orange County Recorder.

The mix of the Rapid Rehousing and additional Extremely Low Income units beyond ten (10) units shall be determined in the Affordable Housing Agreement.

City shall work with operators of regional emergency shelters to facilitate placement of shelter clients into the Rapid Rehousing units.

The terms of the Affordable Housing Agreement shall be in accord herewith

b. If, (1) at least twenty (20) housing units are not created or contractually committed to be created as described in 2.a. above by December 31, 2017; or (2) any balance of the \$1,000,000.00 funding remains to be committed or expended for the purposes as described in 2.a. above, said remainder or balance shall be applied to assist in the creation of Extremely Low Income units in the City intended to be occupied by two or less persons.

Any such units shall be secured by similar recorded affordability covenants for a term of not less than thirty (30) years as described in 2.a. above.

c. The Court will retain jurisdiction pursuant to Code of Civil Procedure section 664.6, to enforce this section of the Settling Parties' Agreement until the earlier of December 31, 2019 or such time as the \$ 1M fund is fully committed to be expended as described in (a) or (b) above with appropriate affordability covenants secured by contract and recordation.

3. The City will pay via check to Legal Aid Society of Orange County in trust for each Plaintiff, the sum of twenty thousand dollars (\$20,000) each to Plaintiffs Curtis Gamble and James Mayfield, solely for the purpose of assisting the Plaintiffs to secure permanent housing, within thirty (30) days of the Effective Date.

The Settling Parties explicitly acknowledge and agree that the City has no legal duty to provide housing for Plaintiffs or to assist Plaintiffs with housing placement, and that the Plaintiffs have no legal duty to obtain the City's direction or approval in seeking to secure permanent housing.

Attorneys' Fees and Costs.

Within 30 days of the Effective Date, the City agrees to pay via check to Legal Aid Society of Orange County and Western Center on Law and Poverty} the amount of \$475,000 as full satisfaction for Plaintiffs' claims for attorneys' fees and costs in the Actions, except only as otherwise reserved in this Agreement

The sum shall be expended or committed to be expended by September 30, 2019 only as follows:

<https://drive.google.com/file/d/1VXAqYmoP5g2zxfLwasiaWobo5mI2fsbx/view?usp=drivesdk>

December 21, 2016  
SETTLEMENT AGREEMENT

**From:** Bac Tran <[REDACTED]>  
**Sent:** Friday, June 21, 2024 1:56 PM  
**To:** Sunayana Thomas <[Sunayana.Thomas@cityoffullerton.com](mailto:Sunayana.Thomas@cityoffullerton.com)>; Chris Schaefer <[Chris.Schaefer@cityoffullerton.com](mailto:Chris.Schaefer@cityoffullerton.com)>; Eric Levitt <[Eric.Levitt@cityoffullerton.com](mailto:Eric.Levitt@cityoffullerton.com)>  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL MAIL]Request for the 4.0 acres of land to be considered in the Fullerton Housing Element

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION: BE CAREFUL WITH THIS MESSAGE**

This email came from outside City of Fullerton. Do not open attachments, click on links, or respond unless you expected this message and recognize the email address.

Hello Chris, Eric and Sunayana,

We have owned the following **4.0 acres** of land in Fullerton. We hereby request for these pieces of land to be considered in the Fullerton Housing Element to satisfy part of the SCAG affordable housing requirements.

- 1. 3.0 Acres, 921 Laguna Road, Fullerton CA 92835**  
APN: 292-251-17, 292-251-18, 292-251-19, 292-251-20, 292-241-10
- 2. 1.0 Acre, 931 Laguna Road, Fullerton CA 92835**  
APN: 292-241-09

Thank you so much for your consideration in this matter.  
Sincerely,  
Bac Tran

## Lilly Rudolph

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**From:** [REDACTED]  
**Sent:** Monday, January 30, 2023 6:41 PM  
**To:** Lilly Rudolph; Emily Green; Bryce Haney; Gaurav Srivastava Gaurav Srivastava  
**Subject:** [EXT] City of Fullerton -- Congregational Overlay Zone, for your review  
**Attachments:** Fullerton Congregational Overlay Zone Policy Paper FINAL.pdf

**CAUTION:** This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Hello Consultant Team,

I am reaching out from Fullerton, CA. I am an interested community member who served for several years as a planning commissioner. I was also part of the housing element working group / advisory committee under Matt Foulkes, our prior director. In 2022, I was part of a SCAG-funded Housing Policy Leadership Academy, during which we had a final group project. Our group included myself, an architect, a conservation advocate, and a health policy executive. For our final project, we were assigned to the city of Fullerton.

We chose to develop a policy paper and model ordinance for a Congregational Overlay Zone to allow affordable housing by-right on religiously-used or congregationally-owned land because it was a policy the city was considering for its housing element. For this paper, we consulted with LeSar Development Advisors and National CORE, a non-profit affordable housing developer with a history of working with churches. I reached out to Chris and Sue at the Development Department a few times offering to share this with them, but didn't hear back. Other planner friends to whom I circulated this material gave it positive reviews, so I wanted to send it to you in case it might be useful.

Our final report is attached to this email. We also recorded our final presentation and put it on YouTube. [You can watch it here.](#)

Thank you for all you are doing to help our city. Please feel free to reach out if you have any questions.

Best regards,

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**Elizabeth Hansburg**  
Co-Founder & Director  
714-872-1418



## Policy Paper for Congregational Overlay Zones (COZ) in the City of Fullerton

### Team Members:

- Daniel Gehman
- Elizabeth Hansburg
- Barry Ross
- Melanie Schlotterbeck

### Setting the Stage

Founded in 1887 by Edward Amerige, the City of Fullerton has both an agricultural and railroad history, but half a century later, it grew into a major aerospace and paper product manufacturing jurisdiction.<sup>1</sup> Fast forward to 2020, the City of Fullerton has a growing population of 143,617 residents<sup>2</sup> and is one of 34 cities in the County of Orange.

Statistics on the city include:

- 56% white (non-Latino), 24% Asian, and 37% Hispanic
- 45,092 households
- ~3.05 people per household (on average)
- Median gross rent is \$1,718
- Median household income is \$85,471 with 12% of the population living in poverty<sup>3</sup>
- 15,309 residents are employed in the education and social services sector<sup>4</sup>

The City of Fullerton in its Housing Element Update, identified 21,775 renters and 23,285 homeowners. Of this number 30.2% and 9.6% respectively were below the Housing Urban Development Area Median Family Income (HAMFI)—or a combination totaling 19.6%. In terms of housing type, the Department of Finance estimates there are 24,551 single family units within the City.<sup>5</sup> Out of all the occupied housing units 47,369—there is a 4.8% total vacancy rate.<sup>6</sup>

Further, an analysis of the income versus rental costs demonstrates that 58% (or 12,852) of all renters are spending more than 30% of their income on rent—meaning these families are housing burdened. Even more startling is that 27% (or 6,063) spend more than 50% of their income on rent. To this end, the City has identified four cornerstone needs because of the rent burden:

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<sup>1</sup> Wikipedia. City of Fullerton, CA. [https://en.wikipedia.org/wiki/Fullerton,\\_California](https://en.wikipedia.org/wiki/Fullerton,_California) Last accessed 30 Oct 2022.

<sup>2</sup> U.S. Census. Quick Facts: City of Fullerton. <https://www.census.gov/quickfacts/fullertoncitycalifornia> Last accessed 30 Oct 2022.

<sup>3</sup> Ibid.

<sup>4</sup> City of Fullerton. Housing Element Update 6th Cycle. <https://www.hcd.ca.gov/housing-elements/docs/fullerton-6th-draft113021.pdf> Last accessed 30 Oct 2022.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

- “Housing need resulting from households overpaying for housing;
- Housing need resulting from overcrowding;
- Housing need resulting from population growth and demolition or conversion of existing housing;
- Housing needs of special needs groups such as elderly persons, large households, persons with disabilities, female-headed households, homeless persons, and farm workers.”<sup>7</sup>

Looking at both housing burden (when the cost of housing exceeds 30% of household income) and the sheer number of renters in the City of Fullerton, the team aimed to develop a policy that (1) reduced the housing burden by creating additional multi-family housing opportunities and (2) produced housing that met extremely low, very low, and low housing needs. The City included a list of potential policy actions that could both create housing and provide affordable units on the lower end of the scale. Religious sites were identified as a potential avenue for achieving this.

In fact, the City’s Draft 6th Cycle Housing Element estimates 4,267 housing units could be constructed on congregational facilities. Since the City considered updating its Municipal Code to allow housing on religious institution sites—the team opted to focus on a policy that would actually achieve this through a by-right process with the requirement for 100% of the units to be affordable to households earning less than 80% of area median income (AMI).

Our objective is to:

- Prepare the City of Fullerton to heartily accept, implement, and deploy a COZ policy by 2024.

The remainder of this policy paper outlines this concept. We’ve even developed [a sample ordinance](#) and [future outreach letter to the City of Fullerton](#) to actually pursue this topic after the Housing Policy Leadership Academy (HPLA) course ends. To demonstrate what this could look like in real life a demonstration project was created on St. Andrew’s site to mock up housing being added at that facility. These designs are included in [our PowerPoint presentation](#).

## **Overview of Overlay Zones**

Overlay zones are a planning and regulatory tool that create a zoning district with special provisions, or layer, over an existing base zone. Overlay zones are used to preserve existing land uses while enabling the addition of other uses that the jurisdiction would like to encourage if or when the property is redeveloped to encourage economic development and community

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<sup>7</sup> Ibid.

vibrancy.<sup>8</sup> This brief describes the characteristics of housing overlay zones (HOZ) and one specific subtype: religious overlay zones (aka congregational overlay zones [COZ]).

### ***Housing Overlay Zones***

HOZ are special districts within a city or county that encourage housing production by providing developers with incentives, typically to build affordable housing and mixed-income developments.<sup>9</sup> Some common examples of incentive packages include:

- By-right zoning – a process that allows eligible projects to be approved administratively without planning commission and city council approval.
- Impact fee waivers – fees that local jurisdictions impose on developers to provide new or expanded public capital facilities to accommodate the new development.
- Enhanced density bonuses – an increase in the allowable number of units per acre, floor area ratio, or overall height. A local density bonus ordinance is separate from the State Density Bonus Law.
- Reduced parking ratios – a reduction in the number of parking spaces for a given square footage or number of housing units.
- Modifications to setback requirements – changes to the distance a property must be from any easement.
- Relaxed height standards – changes to how tall a project can be in each zone.

One primary benefit of HOZ is that they do not require an amendment to the general plan or changes to the base zoning code. Additionally, HOZ that allow by-right development can expedite the overall approval and permitting process. Unlike inclusionary housing policies, which require a percentage of new housing units within a new development to be affordable to low-income households, many HOZ encourage affordable housing and mixed-use development by offering incentives (e.g., density bonuses, increased heights, etc.) to developers. Finally, HOZs may be able to help prevent displacement by strategically targeting the communities at highest risk, such as upzoned areas near employment and transportation hubs, although more research is needed to quantify the impact of this strategy.<sup>10</sup>

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<sup>8</sup> Kurt Schindler, Michigan State University Extension, *Overlay zoning districts can be a valuable tool* (December 2015).

<sup>9</sup> Turner Center for Housing Innovation at UC Berkeley, *Affordable Housing Overlay Zones: Oakley* (April 2019).

<sup>10</sup> Karen Chapple (UC Berkeley) and Anastasia Loukaitou-Sideris (UCLA), *White Paper on Anti-Displacement Strategy Effectiveness* (February 2021), 44-45.

### ***Religious Overlay Zones / Congregational Overlay Zones***

Religious overlay zones, or COZ, are one type of HOZ that has emerged as a solution to provide housing at below market rates (BMR) rents affordable to low-income households. Under this policy, affordable housing becomes a by-right use subject to ministerial approval on underutilized or surplus land zoned for or owned by religious congregations (churches, synagogues, mosques, etc.). This policy gives developers access to land in urbanized areas, which may be inaccessible in the open market. Developers may also be able to reduce land costs, which can help reduce project costs and compensate for reduced rents.

Several Orange County jurisdictions are exploring opportunities for religious overlay zones, which would enable affordable housing to be built on land currently zoned for religious uses and/or owned by congregations. Most likely any housing development would be done in partnership with an affordable housing developer with the knowledge and experience to make a project successful.

A COZ would not only allow faith organizations to build housing on their underutilized land, but it could also save local governments and developers significant time and money going through the entitlements process, while also providing certainty for religious organizations looking to supplement their revenue streams by providing affordable housing for their communities.<sup>11</sup>

The team researched COZ and specifically looked at the following jurisdictions for clarity and implications to our policy proposal:

- Chino Hills, CA
- Los Angeles County, CA
- Pasadena, CA
- Garden Grove, CA
- Sierra Madre, CA
- Santa Ana, CA
- Temecula, CA
- Yorba Linda, CA
- Miami Beach, FL
- Seattle, WA

We also reviewed the location and dispersal of church lands, which appears to be scattered all throughout the community instead of clustered in a single geography. To reduce pollution burden, we also reviewed the CalEnviroScreen scores of each congregational site. This simply provided additional information on pollution burden within the city/neighborhoods. There are two ways to look at this: (1) building in the less polluted areas is helpful to the health of the

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<sup>11</sup> Making Housing and Community Happen, *Overlay Zone Fact Sheet* (September 2020).

residents, (2) building in the more polluted area brings investment dollars to the area that could also decrease the health impacts.

### ***VPSA Statement***

Fullerton's values inspire innovation that supports businesses, communities and institutions thriving, and bring Fullerton's unique culture to life. Rising housing costs are driving business, workers, and young people out of Fullerton. Underutilized land in Fullerton is a missed opportunity and reduces our ability to grow sustainably. If we wait to take action, these problems will only get worse. Let's empower our religious institutions to expand housing production options right here, right now, to ensure Fullerton families have places to live that are close to transportation and community hubs by using land with existing infrastructure and services. Let's take bold action to solve one of the most urgent problems of our time and make sure everyone has a decent place to live by adopting the Fullerton COZ Ordinance.

### ***Overlay Zones and State Density Bonus Law***

What's also in need of review is how the COZ and California's density bonus law (DBL) interact. The DBL was enacted in 1979 to help meet affordable housing needs and to encourage development of low- and moderate-income housing. AB 1763 (Chiu) of 2019 revised DBL by requiring local jurisdictions to give developers additional density and height increases if 100% of the units in a development are restricted to lower income households. Additionally, if 100% of the units in a development are restricted to lower income households or is a special needs or supportive housing development, local jurisdictions can't impose any parking minimums.<sup>12</sup> In 2020, AB 2345 (Gonzalez) further revised DBL to increase the maximum allowable density, as well as changes to minimum parking standards and expanded incentives for 100% affordable housing. Under DBL, local jurisdictions are required to grant a density bonus to applicants whose projects are at least five units and contain at least one of the following:

- 10% of units are restricted to lower income households
- 5% of units are restricted to very low-income households
- A senior housing development or mobile home park
- 10% of units are in a common-interest development (condominium) for moderate-income households
- 10% of units are for transitional foster youth, disabled veterans, or people experiencing homelessness

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<sup>12</sup> AB-1763. Planning and zoning: density bonuses: affordable housing.

- 20% of units are for lower income students in a student housing development (that meet certain requirements)

Developers can also utilize DBL in addition to using the densities in the housing overlay. In overlay zones, the density bonus calculation will use the density of the overlay zone as the “base zone” to determine the maximum density. Within the context of COZ, this could be a useful tool to produce more affordable housing.

Not only will a COZ produce additional housing, it will also reduce the rent burden by creating more affordable housing in alignment with the current Regional Housing Needs Assessment. It aligns nicely with the DBL in that 20% more units can be built than the base allotment allows. Unfortunately, Fullerton does not have an inclusionary policy, but should the Housing Incentive Overlay Zone (HIOZ) be passed in Fullerton, it may include a 10% inclusionary policy.

### ***Direct and Indirect Benefits***

The team is proposing a by-right process to build extremely low, very low, and low multi-family housing. This by-right process reduces costs, time, and the expense of needing consultants at public hearings, but still requires standard permitting and processing fees. The process is also streamlined with City Staff. Additionally, meetings are avoided for both the Planning Commission and City Council as approvals all come through the staff level. Based on feedback from affordable housing developers and architects, we reduced the setback requirements, required 100% affordable units, and excluded parking minimums though heights must be considerate of neighboring uses.

### ***Community Engagement***

The team plans to send a letter to the City of Fullerton, signed by all team members introducing both the policy paper and a drafted ordinance. We plan to promote successes from existing COZ stories about the benefits of such a policy. Further, we propose to utilize the example of the [Garden Grove United Methodist Church in its creation of Wesley Village](#). This village, completed in 2017, has been functioning for five years due to a partnership between Jamboree Housing and the Methodist Church.

Other community engagement includes working directly with congregations and church leadership as well as housing advocates as identified in our [Housing Ecosystem Map](#). Other community-based outreach focuses on local neighborhoods, affordable housing developers, city leaders, and the public. Input has already been received from church leaders, environmental advocates, policy leaders, and staff. The fact that this proposal uses existing developed land with

existing infrastructure instead of greenfield development should be well received by the community. Further, since faith-based institutions really only need parking areas during services, this is a re-use of underutilized land—also seen as a plus by the community.

People for Housing OC hosting has already [hosted two workshops previously](#) and the team is planning a workshop in the Spring to promote this policy to all Orange County cities. What we've learned we plan to share with others and have made our presentation, policy paper, and handouts accessible to the HPLA team and all participants via a [Google folder](#).

### ***Timeline***

The Fullerton Team has drafted a [cover letter](#) that it will send to the City of Fullerton's Interim Community and Economic Development Director. This correspondence requests a meeting to discuss the COZ. Our goal is to begin outreach in Winter 2023 with partners and city leaders. By Spring 2023, congregations will be the focus and in Summer 2023 the community. The policy could go before the Planning Commission and City Council in Fall 2023 and Winter 2024 respectively. This means the policy could be in effect as soon as January 2024.

### ***Regulatory & Legal Implications***

Because the team proposes a by-right process it avoids the California Environmental Quality Act (CEQA). The lands have already been developed and likely already went through the CEQA process. New construction would be considered categorically exempt within the CEQA Guidelines Section 15303 (Class 3 – New Construction). In a streamlined fashion, there would be no opportunity for the public to comment on or appeal a staff decision on the COZ unit construction. The final decision being with the Community and Economic Development Director.

### ***Known Challenges***

The City has faced considerable turn over with its staff up to the highest levels. This means the more work we can do to prime the pump, the easier it could be for the City to advance this policy and actually build affordable housing. Since the team drafted a sample ordinance, we've saved the City time and money, but realize that the decision makers (City Council) may not be as interested in pursuing this solution as quickly as we would hope. Therefore, economic and political constraints may exist.

**EXHIBIT “A”**

**ZONING CODE AMENDMENT 2023-XX  
(Comprised of Item #1 - Item  
#3)**

MODIFICATIONS TO THE TEXT OF THE CITY OF FULLERTON ZONING CODE  
(TITLE 15 OF THE FULLERTON MUNICIPAL CODE)

ITEM #1. The first line of the definition for “Affordable housing definitions” in Section 15.04.040 is amended to the following:

“Affordable housing definitions” mean the following terms and that are defined for the purposes of Chapter 15.17.120 (Density Bonus).

ITEM #2. Section 15.17.120.B6 is amended in its entirety to the following:

A. Terms of Affordability. Affordable housing units developed under this chapter shall remain available to persons and families of very low, low, and moderate income, at an affordable housing cost or affordable rental cost, as those income and affordability levels are defined by the U.S. Department of Housing and Urban Development (HUD), for a minimum of 55 years for rental housing. The period of affordability required hereunder shall run concurrently with any period of affordability required by any other agency; provided, however, that the affordability period shall not be less than as set forth in this section.

ITEM #3. *Chapter 15.43 of the Fullerton Municipal Code is amended to add the following:*

**Chapter 15.43 Overlay Zones**

**Sections:**

**Article I: Congregational Lands Overlay (CLO) Zone**

**15.43.010 Established**

Because of their special or unique characteristics, the following overlay zones are established:

A. CLO Congregational Lands Overlay Zone;

**15.43.020 Purpose.**

The purposes of the housing overlay zones are to facilitate the construction of lower-priced and affordable housing on sites which are suitable, and to address the State-mandated regional housing needs.

### **15.43.030 Applicability.**

Each overlay district may be applied to a property or group of properties by ordinance of the City Council. The Zoning Map will identify the overlay zone district with the appropriate suffix, given in Section 15.43.010, after the underlying zone district. Applicants may submit an entitlement application under the standards of either the underlying zone or the overlay zone and shall clearly state on their application which standards are being used. Projects applying under the standards of the overlay zone shall comply with all overlay zone requirements; where no requirement is given, the standards of the underlying zone shall apply.

### **15.43.040 Definitions.**

The terms in this chapter are defined in Chapter 15.04.040 (Definitions) under the term "Affordable Housing Definitions."

### **15.43.050 Affordability Requirement.**

A. Rental housing units shall be developed, offered to, and rented to very low- or low-income households at an affordable rental cost as defined in Chapter 15.17.120. The restriction shall apply for a minimum of 55 years. The project may include units with a range of affordability levels up to and including 80% of AMI so long as the project average is less than or equal to 60% AMI.

## **Article I: Congregational Land Overlay Zone (COZ)**

### **15.43.200 Purpose**

The purpose of the Congregational Land Overlay zone is to encourage the construction of affordable housing in conjunction with religious institutions which provide important social and community services to the Fullerton community, to enable these institutions to further their mission to serve disadvantaged populations, and to improve utilization of land resources which may go unused for large portions of the week, in keeping with State law AB 1851 (2020).

### **15.43.210 Permitted Uses.**

**Unless otherwise permitted by State law, building permits may be issued only for those uses that are allowed through zoning and deemed compatible with the general intended uses of the land use designation in the General Plan.** Multiple family dwellings shall be permitted in the Congregational Land Overlay zone in addition to any uses permitted in the underlying zone, provided that these uses occur in conjunction with a church/temple/religious institution use. Additional uses, such as child care, health services, or social services that serve residents living on site are also permitted uses.

### **15.43.220 Site Area Definition and Density.**

A. With the entitlement application, the applicant shall define the portion of the site which is for residential use, including open spaces and parking which are reserved for exclusive residential use. This portion of the site shall be no larger than the land area of half of the congregation's existing parking area plus all existing undeveloped open space with a slope of less than 5%.

B. Within the portion of the site thus defined for residential use, the minimum dwelling unit density of any development utilizing the standards of the Congregational Land Overlay Zone shall be 30 units per acre. The maximum dwelling unit density of any development utilizing the standards of the Congregational Land Overlay Zone shall be 55 units per acre before any density bonus is applied.

#### **15.43.230 Development Standards**

A. Projects shall be subject to the development standards of the underlying zone, except as described in this Chapter.

B. Setbacks. The setback regulations of the underlying zone as given in Section 15.20.140 shall apply, except that:

1. Side and Rear setbacks: From property lines shared with any residential uses, the setback shall be 15 feet for buildings up to 3 stories plus an additional five feet for each additional story.
2. Side and Rear setbacks: From property lines shared with commercial, industrial, or other uses or property lines that front a public right of way, such as an alley or roadway, the setback shall be 10 feet.
3. Front setback: 10 feet or the average of the two adjacent properties, whichever is less restrictive.

C. Landscaping. Setbacks shall be landscaped and provided with an adequate irrigation system consistent with citywide standards contained in Chapter 15.50 of the Fullerton Municipal Code.

D. Open Space: Projects shall accommodate active areas for common use of residents such as BBQs, playgrounds, hardscape features, and outdoor seating areas. The active areas for common use by residents should serve the residents for whom the project is intended and should be proportional to the number of units, with a minimum 65 square feet of common open space for each dwelling unit. There is no requirement for private open space such as private patios or balconies, but nothing in this ordinance shall be interpreted as prohibiting private open space.

E. Minimum Unit Size. Shall follow the minimum unit sizes established in the California Code of Regulations, Title 4, Division 17, Chapter 1, Section 10235 (The California Tax Credit Allocation Committee, TCAC).

F. Height. The maximum height of any structure in the Congregational Land Overlay zone shall be five stories and 60 feet.

G. Trash, Storage and Maintenance Equipment

1. Utility meters and connections, air conditioning condensers, ducting/venting, panels, roof ladders, and similar equipment shall be screened from view from the street (public and internal) and shall not be located within any required open space or setback area. Screening techniques range from the use of landscaping to placement in concealed rooms or closets for equipment on the ground. Roofs shall be of a form or height to provide screening for roof-mounted equipment.

Alternatively, roof screening that is consistent with the architecture of the building may be used.

2. No trash enclosure shall be located in any required open space or setback area, within direct view of a street
3. The outdoor storage of materials, products, supplies, and containers shall be prohibited.

H. Large redevelopments. For multiple-family developments on project sites with an area of 5 acres or more shall provide the following:

1. Pedestrian accessways, such as walkways, and vehicular accessways with pedestrian access, such as sidewalks, shall be provided for approximately every 2 acres of developable area. Parking areas, passenger drop-off areas, loading zones, and trash storage areas shall not count as pedestrian access.
2. A publicly accessible open space, such as a plaza or park, shall be provided for approximately every 5 acres of developable area per the following:
  - a. Publicly accessible open spaces shall have a minimum area of 400 square feet with a minimum dimension of 20 feet in each direction.
  - b. Publicly accessible open spaces shall be accessible to the general public and open at a minimum from 8am to dusk.
  - c. Publicly accessible open spaces shall be visible from and have a direct pedestrian connection to a public right-of-way.

#### **15.43.240 Off-Street Parking.**

Except where prohibited by AB 2097 (2022),

- A. Multifamily developments shall include dedicated parking for tenants at the following ratios: one parking space for each studio or one-bedroom dwelling unit; one-and-one-half parking spaces for each two-bedroom unit, and two parking spaces for each three-or-more bedroom unit.
- B. Guest parking shall be supplied at a ratio of one guest space for every eight (8) dwelling units, and may be shared with the church/temple/religious institution or any previously permitted use on-site.
- C. Multifamily development projects shall provide on-site bicycle parking for at least one bicycle parking per every two dwelling units.
- D. Senior Parking. Pursuant to Government Code Section 65913.6, senior housing developments shall provide a minimum of one-half uncovered or covered parking space per dwelling unit.
- E. Parking spaces may be covered or uncovered.
- F. Visitor parking spaces and employee parking spaces for apartment management or services staff may be shared with the church/temple/religious institution or any

previously permitted use on-site.

- G. Parking Management: Each dwelling unit shall have access to one dedicated parking space available 24 hours per day, 7 days per week, included in their monthly rent. Vehicular parking spaces shall be leased separately from dwelling unit rental such that tenants have the option of renting the dwelling unit at a lower price than if the parking space was included. In addition, the following shall apply:
1. One parking space shall be included in the base rent of each dwelling unit. The tenant may choose to receive the parking space or receive a rent discount equivalent to half the amount charged for monthly lease of a parking space.
  2. Tenants shall have the right of first refusal to a parking space dedicated to their unit. Any remaining spaces may be leased to other users on a month-to-month basis.
  3. New occupants shall have the opportunity to lease the parking space dedicated for their unit.
  4. Tenants shall not sublease their parking spaces.

**15.43.250 Adaptive Reuse.**

The conversion of existing nonresidential structures into dwelling units shall be a permitted use, provided that they meet all building code requirements. Existing structures which are converted in this manner shall not trigger requirements to provide additional open space or setbacks, or to decrease the height of the structure.

**From:** [REDACTED]  
**To:** [Chris Schaefer](#)  
**Subject:** [EXTERNAL MAIL]HIOZ program  
**Date:** Tuesday, May 2, 2023 11:27:54 AM

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You don't often get email from [jweissm@aol.com](mailto:jweissm@aol.com). [Learn why this is important](#)

**CAUTION: BE CAREFUL WITH THIS MESSAGE**

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Hi Chris

Thanks for taking the time this morning to explain the purpose of the HIOZ program. Based on the letter we recently received from the City of Fullerton, we are one of the parcels that the City of Fullerton has designated as a potential site for residential/mixed use development.

We would like to participate in the HIOZ program if it is finally approved. We (WI-Sunny Hills LLC) are the owners of the property located at **1820 Sunnycrest Drive, Fullerton, CA**.

Please keep me informed of the future status of the HIOZ program.

Sincerely,  
Jim Weissman, president  
WI-Sunny Hills LLC

Fortune Fullerton LLC  
Michael To

Chris Schaefer, AICP

Planning Manager  
City of Fullerton  
303 W. Commonwealth Avenue, Fullerton, CA 92832  
714-738-6884  
chris.schaefer@cityoffullerton.com

Letter of Request Housing Units-Harbor Blvd. & Imperial Hwy.

Dear Mr. Schaefer:

We are in support of the Housing Incentive Overlay Zone (HIOZ) proposed by the City of Fullerton. We have done a feasible study for a mixed-use project with 600 units and 90,000 sf. of retail. We want to request 600 units with a 15% affordable component . We are also open to a future development with a higher density.

Sincerely,

Michael To date: 2023-3-13

Michael To.

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**From:** Tobias Peter <[REDACTED]>  
**Sent:** Friday, March 17, 2023 8:39 AM  
**To:** Taylor Samuelson <[Taylor.Samuelson@cityoffullerton.com](mailto:Taylor.Samuelson@cityoffullerton.com)>  
**Cc:** Ed Pinto <[REDACTED]> Arthur Gales <[REDACTED]>  
**Subject:** [EXTERNAL MAIL]Memo Meeting Fullerton's RHNA requirements

**CAUTION: BE CAREFUL WITH THIS MESSAGE**

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Taylor,

Please find attached our memo on how Light-touch Density can help Fullerton meet its RHNA requirements.

Please let us know if you have any questions.

Best,  
Tobias

**Tobias Peter**  
Assistant Director | Housing Center  
Research Fellow | American Enterprise Institute  
[Tobias.Peter@aei.org](mailto:Tobias.Peter@aei.org)  
Office: 202-419-5201  
Cell: 320-828-4569  
[www.AEI.org/housing](http://www.AEI.org/housing)

---

**From:** Tobias Peter  
**Sent:** Tuesday, March 14, 2023 6:11 PM  
**To:** 'Taylor Samuelson' <[Taylor.Samuelson@cityoffullerton.com](mailto:Taylor.Samuelson@cityoffullerton.com)>  
**Cc:** Ed Pinto <[REDACTED]>; Arthur Gales <[REDACTED]>  
**Subject:** RE: [EXTERNAL MAIL]follow up from LinkedIn

Taylor,

Here are our property-level Light-touch Density (LTD) estimates for Fullerton.

We estimate that over the next 8 years around 4,000 net new units could be added through LTD.

As mentioned earlier, we are still working on the memo and will have that over to you later this week.

Please let us know if you have any questions.

Best,  
Tobias

**Tobias Peter**  
Assistant Director | Housing Center

## Memorandum

To: City of Fullerton Planning Department  
From: AEI Housing Center  
Date: 3/17/2023  
Subject: Meeting Fullerton's RHNA requirements

### Summary

This memo provides policy suggestions and relevant data to help the City of Fullerton meet its RHNA requirements for 2021 through 2029 (6<sup>th</sup> cycle). We estimate that the City of Fullerton could cover around 5400 units or 40% of its RHNA requirements by leaning into newly passed statewide legislation that allows for Light-touch Density (LTD). For reasons we document below, these units should be allowed to meet both Fullerton's above moderate and moderate 2021 and 2029 RHNA requirements.

RHNA 2021 – 2029 requirements:

Income Category	Income Limit*	Maximum Home Price*	Units
Above Moderate	NA	NA	5,751
Moderate	\$142,900	\$430,000	2,271
Low	\$108,400	\$320,000	1,989
Very Low	\$67,750	\$190,000	3,198
Total	NA	NA	13,209

\* For a 4-person household in Fullerton (Orange County). Max home prices are estimated using data from [HCD's affordability calculator](#).

### How Light-touch Density can help Fullerton meet its RHNA requirements

The City could benefit from Senate Bills 9 and 10 – statewide laws that took effect Jan. 2022. In brief, SB-9 enables homeowners on lots zoned for single-family detached homes to add up to three additional homes on their original lots. Cities can maximize the benefits of SB-9 through light-touch permitting and approval policies that make it simple, easy, and inexpensive to develop these units. SB-10 allows Fullerton to authorize construction of up to ten units on a single parcel without requiring an environmental review.<sup>1</sup>

We have estimated the potential additional housing units that could be added over the next 8 years:

- Conversion through SB-9: 4,200 additional housing units
- Conversion through SB-10: 1,800 additional housing units
- Conversion through both SB-9 and SB-10: 5,400 additional housing units
  - [The AEI Housing Center's Light-touch Density Map](#) displays the properties with an economic case for infill development.

This potential is realized entirely through market forces. The new laws allow for additional density on existing land – or, a more efficient use of the land. Since land is expensive in Fullerton, it becomes

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<sup>1</sup> All of Fullerton is eligible for SB-10 by virtue of being an Urbanized Area.

economically viable to tear down an older housing unit and replace it with a more efficient unit. (For example, a quadraplex.) The original lot is split into smaller plots, which ensure that new housing units will be moderate in size, and will therefore be sold at price points in line with the existing housing stock.

Other options, which we have not quantified:

- Greenfield: We understand the city has limited capacity to develop vacant land previously owned by Chevron in the NW, which is set aside as a nature preserve. If any of this land could be developed at 20 to 30 units per acre, it would contribute a substantial amount to Fullerton's housing stock.
- Infill potential: We understand the city owns vacant land within the city, which could be developed. We have documented numerous examples that show, at density levels of around 20 to 30 units per acre, the newly built housing has been selling at a price point that is competitive with the existing housing stock (see appendix.)

### **Easing the burden of RHNA subsidized housing requirements**

About a quarter of Fullerton's housing stock has a value exceeding \$1 million in 2022 prices, making it unaffordable for less affluent groups. We have estimated the price points of SB-9 or SB-10 additions and have determined that around 90% will be priced at less than \$900,000, 60% will be priced at less than \$800,000, and nearly 20% less than \$700,000. (See appendix 1 for details.)

While these price points may be above the RHNA moderate income home price thresholds, they are often purchased by households in that income bracket. Over 65% of buyers of homes that sold between \$600,000 and \$900,000 in Fullerton had buyers with incomes under its RHNA Moderate Income threshold for families of four (\$142,000). In addition, over 95% of homebuyers with incomes within the moderate income category bought homes in this price range.<sup>2</sup> Currently, 76% of recent new construction in Fullerton had current values equal to or greater than \$900,000, while 87% of SB-9 or SB-10 additions would have a value of less than \$900,000 (see appendix 1).

The benefit of LTD-driven filtering is not limited to homeowners. Based on single-family attached (SFA) and 2-4 unit homes (2-4) built after 2010 in Orange County, about 35% of these units were renter-occupied. Rental units are more likely to meet HCD's Affordability Standards. We estimate at 80% of LTD/SB-9 units would serve borrowers with incomes below the RHNA Moderate Income threshold (see table below). As a rough estimate, we use Orange County's rental information to estimate the total number of new LTD Units that would be occupied by renting households with incomes within each RHNA income category.

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<sup>2</sup> HMDA 2021 data, for Census tracts overlapping or contained within Fullerton City.

Estimating LTD's Impact on RHNA Income Categories for Rental Units <sup>3</sup>		
	% in Orange County	LTD/SB-9 Estimated Rental Units
<b>Renters (% of total SFA &amp; 2-4 unit households)</b>	35%	1,500
<b>Within HCD Moderate Income Category</b>	41%	600
<b>Within HCD Low Income Category</b>	24%	350
<b>Within HCD Very Low Income Category</b>	15%	220
<b>Within at least one of the above</b>	80%	1,200

**Encouraging SB-9 and SB-10 additions would both add much needed supply and serve borrowers with incomes below the RHNA Moderate Income threshold.**

Our research further demonstrates that these units will add to the supply of housing units for additional lower-income households through a process called filtering. Filtering is a long-known concept in the economics literature that has been increasingly recognized by progressive and market-oriented think tanks and research groups around the country.<sup>4</sup> The idea is that as more expensive, newer housing enters the market, it frees up a less expensive, older unit as households that are more affluent move into the newer housing, thus freeing up the older, less expensive unit for someone else (see Appendix 3: Primer on new housing supply and filtering down).

Based on an empirical study for Los Angeles and Orange Counties, we estimate the rate of filtering at the \$750,000 price range is around 90%, meaning that homebuyers in Fullerton on average earn 90% of what the household that is selling the home does. We therefore estimate that as people move into new housing built under SB-9 or SB-10 at an average price point of \$775,000, it will free up around 5,000 units at around a \$700,000 price point. Of course, the filtering does not stop there but continues for households further down the income ladder.

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<sup>3</sup> We estimate the income category using gross rent reported by residents of SFA & 2-4 units built after 2010 in Orange County, taking into account the household size of renters. LTD Estimated Units are simply the SB-9 estimate of 4,200 units multiplied by the percentages in the previous column; moderate, low, and very low income categories are mutually exclusive. Source: ACS 5-year 2020 microdata.

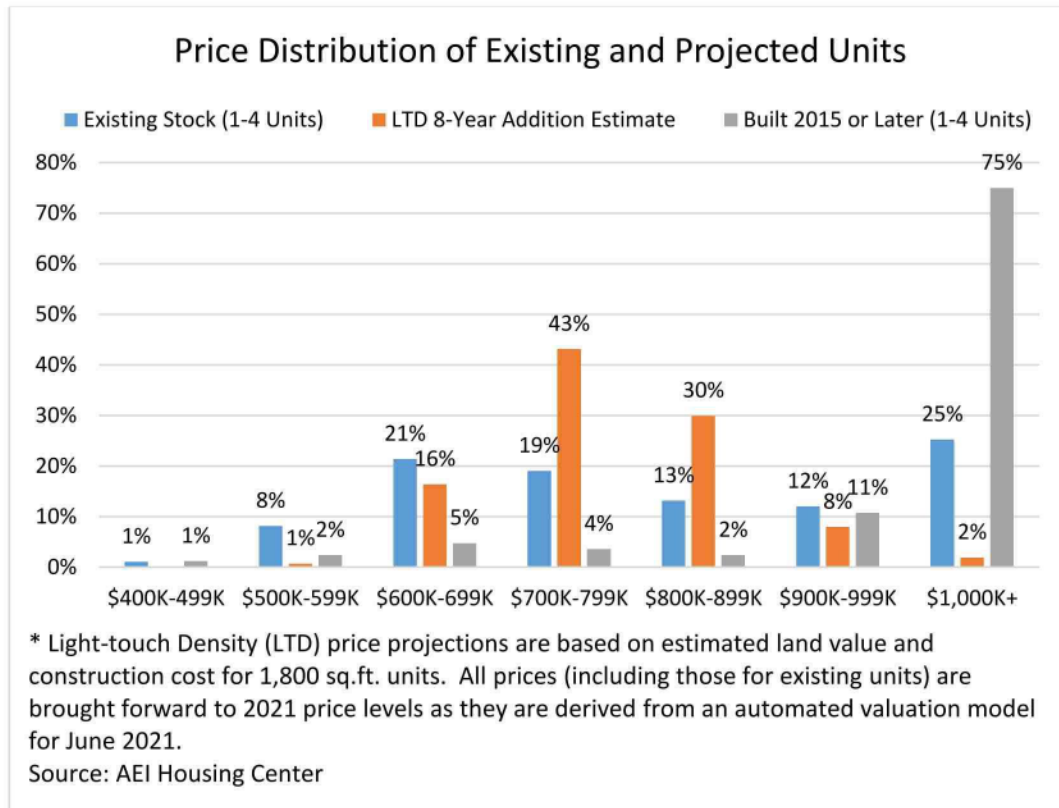
<sup>4</sup> Increasingly, there is broad-based support from organizations like the [City Observatory](#), [Sightline Institute](#), [Upjohn Institute](#), [Strongtowns](#), [Vatt Institute](#), [Mercatus Center](#), [Grassroot Institute](#), and the AEI Housing Center that “[building more supply](#) may be the only effective way to reduce the pressure that is driving up rents and producing displacement”.

## Appendix 1:

### Estimating SB-9 and SB-10 potential:

SB-9 estimates are derived from the AEI Housing Center's [Light-touch Density Estimates](#), using its infill methodology. SB-9 estimates are restricted to no more than four units (three additional) on an existing lot, reflecting the right of homeowners to split their lot and develop two duplexes on each. SB-10 estimates use the same criteria as LTD infill lots, with two adjustments: 1) limiting to lots of at least 10,000 square feet, and 2) assuming 10 units will be built on the existing lot.

The Housing Center's estimates for LTD units place a greater percentage in middle of the city's price distribution. 90% of the new units would cost less than \$900,000, compared to 63% of the existing 1-4 unit housing stock. Importantly, this would reverse Fullerton's current trend in new construction, where over 85% of its newest developments cost more than \$900,000. Furthermore, according to public records data few such units are being built, as only 84 1-4 unit developments were built from 2015 to 2022, an average of 12 units per year. With the SB-9-only estimate for LTD construction, Fullerton would build over 500 units per year, over 40 times its current rate.



## Appendix 2:

### Light-touch Density Examples in Fullerton:

Below are some examples that demonstrate the current market trends in townhome and single-family detached (SFD) home prices. The data show that townhomes are more affordable than newly built SFD

homes, with the former selling at around \$600,000-800,000 and the latter selling for an average of \$1.2 million. With a filtering rate of 80%, every net addition to the housing stock frees up an existing unit worth around \$560,000 for townhomes and \$960,000 for SFD homes. Thus, the goal should be to build around 20 units per acre to ensure that new homes are priced at around \$700-800k.

To achieve this goal, the City needs to make lot splits easy and allow townhomes to build up to three stories with an 80% floor area ratio. This approach will require replacing SFD homes on average with a triplex on a median lot of 7,000 square feet, which will add two net new units to the housing stock. The data suggest that there are around 7,000-9,000 conversion candidates available, of which 15-20% sell in a given year, and the land share is relatively high at 68%.

*3801 Franklin Avenue, Fullerton, CA 92833*

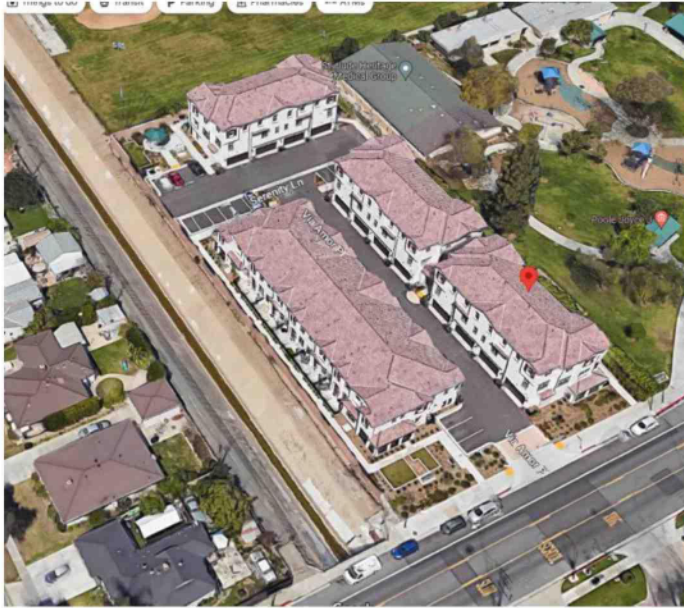
This address used to be contain one or two single-family homes based on the left picture below. However, it has since been redeveloped into seven newly built attached homes (right picture). Per [Zillow's records](#), these homes were sold in August 2021 for a total of \$4.45 million, which equates to \$636,000 per unit. Each unit in this building offers around 1,700 square feet of living space, and the total gross living area of the property is 12,150 square feet, sitting on a lot of 16,500 square feet.

Before the re-development, the density was about eight units per lot, but after redevelopment, the density increased to approximately 18.5 units per lot. Each unit in this building comes with an attached two-car garage that has immediate access to the living space. There are four extra surface parking spaces for guests and overflow parking. A small playground area for children is located at the rear of the property.



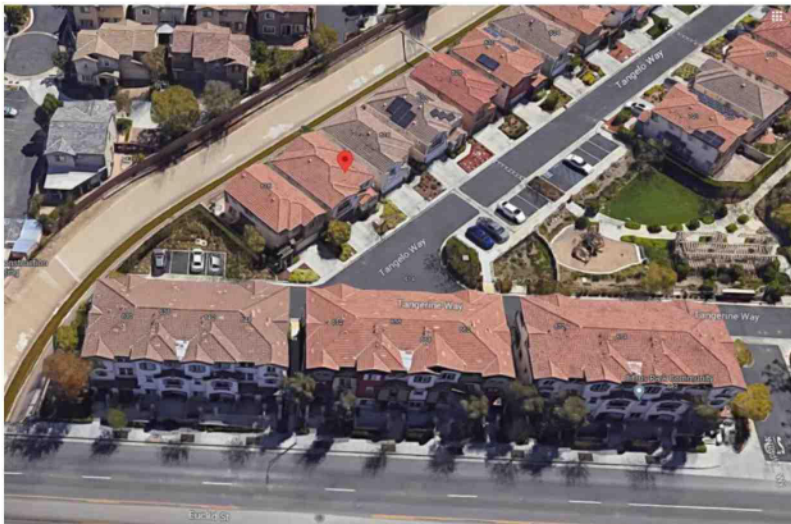
*321 Via Amor Pl, Fullerton, CA 92832*

Nineteen new homes with around 1,700 square feet sell for around \$630,000 each. The lot is around 53,000 square feet, with a density of 23 units per acre. This development was built on an empty lot.



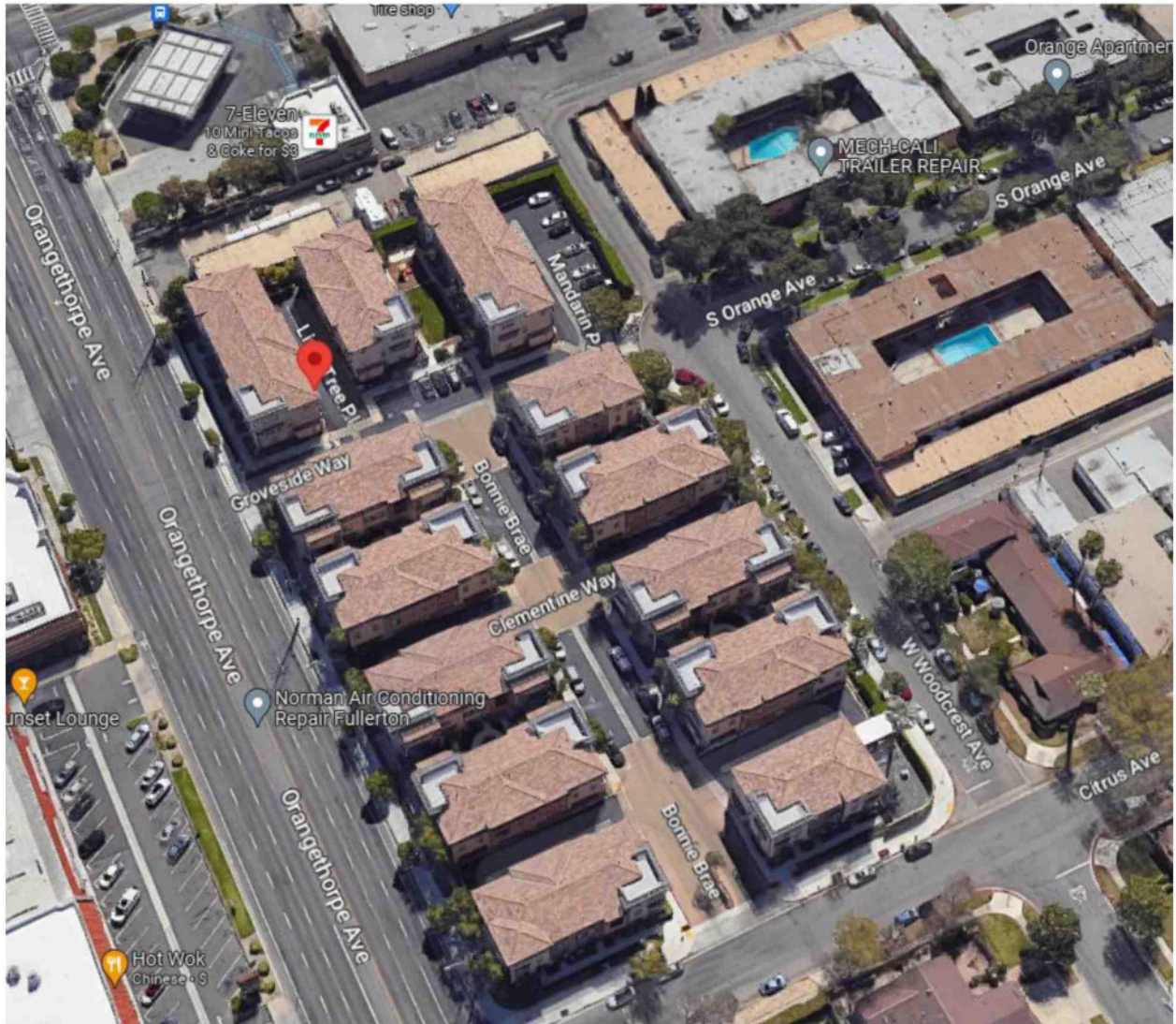
*652 S Euclid St, Fullerton, CA 92832*

This property features both single-family attached and detached homes (SFA/SFD). The SFD homes, located in the back, offer around 2,400 square feet of living space and are priced at around \$1 million. The density is 13 units per acre. The SFA homes, located in the front, offer around 1,900 square feet of living space and are priced between \$600,000 and \$700,000. The density is higher at 26 units per acre. Both types of homes were built in 2013 and feature 2-car garages.



1061 Lime Tree Pl, Fullerton, CA 92833

This residential complex was built on the site of an abandoned car dealership. It consists of 60 owner-occupied units with a density of 20 units per acre. The units range in size from 1,800 to 2,100 square feet and are priced between \$700,000 and \$800,000 today. However, some units sold for below \$600,000 in 2020.



### Appendix 3:

#### Primer on new housing supply and filtering down

Zoning and land use restrictions have driven up the cost of land and crippled supply. This inhibits filtering down, which is necessary to create naturally affordable housing.

Filtering works in four ways to keep housing abundant, prices naturally affordable, and displacement pressures low:

- Under normal circumstances, homes move down in quality and value as they age.<sup>5</sup>
- On average, homebuyers have a lower income than sellers, up and down the chain. The gap is wider and the buyer's income relative to the area median income (AMI) is lower when there is more affordable supply.
- Relatively low-priced homes see the most price filtering at point of sale.
- As more supply is allowed to be built, home price appreciation rises at a rate more in line with wage growth, allowing more filtering to occur.

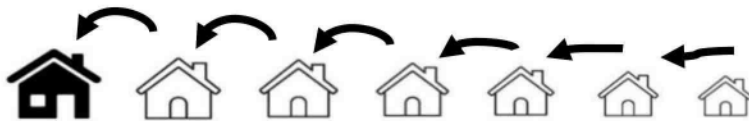
*Thought experiment: Imagine car manufacturers could only legally build Ferraris. Filtering down would be limited as few new cars would be sold, existing car prices would skyrocket, and few could afford either new or used cars.*

Zoning and land use restrictions drive up the price of land make, which largely makes it only economically feasible to build expensive housing. This inhibits filtering down by yielding few new homes and allows for few move-ups from less expensive housing. High-end housing, subsidies, inclusionary zoning, and high-density transit zones add housing that is affordable only to a few or require substantial subsidies.

Adding lots of supply in the middle with Light-touch Density (LTD) reduces supply/demand imbalances and yields a greatly increased number of move-ups from less expensive housing—freeing up those units for filtering down to lower-income households. This market-oriented approach unleashes a swarm of private sector activity, especially by small and medium-sized participants, yielding a large increase of naturally affordable and inclusionary housing.

**Adding supply at the high end inhibits filtering down, yields few new homes, and few move-ups from less expensive housing.**

- High-end housing, subsidies, inclusionary zoning, and high density transit zones add housing that is affordable only to a few or require substantial subsidies.

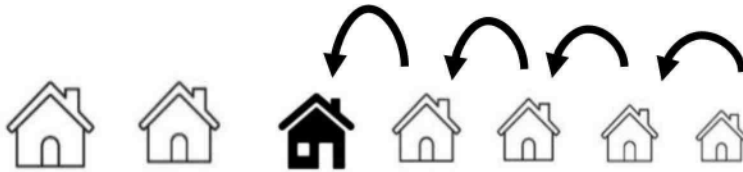


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<sup>5</sup> Richard Ratcliff, *Urban Land Economics*, 1949

Adding lots of supply in the middle with Light-touch Density (LTD) reduces supply/demand imbalances and yields a greatly increased number of move-ups from less expensive housing—freeing up those units for filtering down to lower income households.

**This market-oriented approach unleashes a swarm of private sector activity, especially by small and medium sized participants.**



This yields a large increase of naturally affordable and inclusionary housing.

### **Benefits of Light Touch Density**

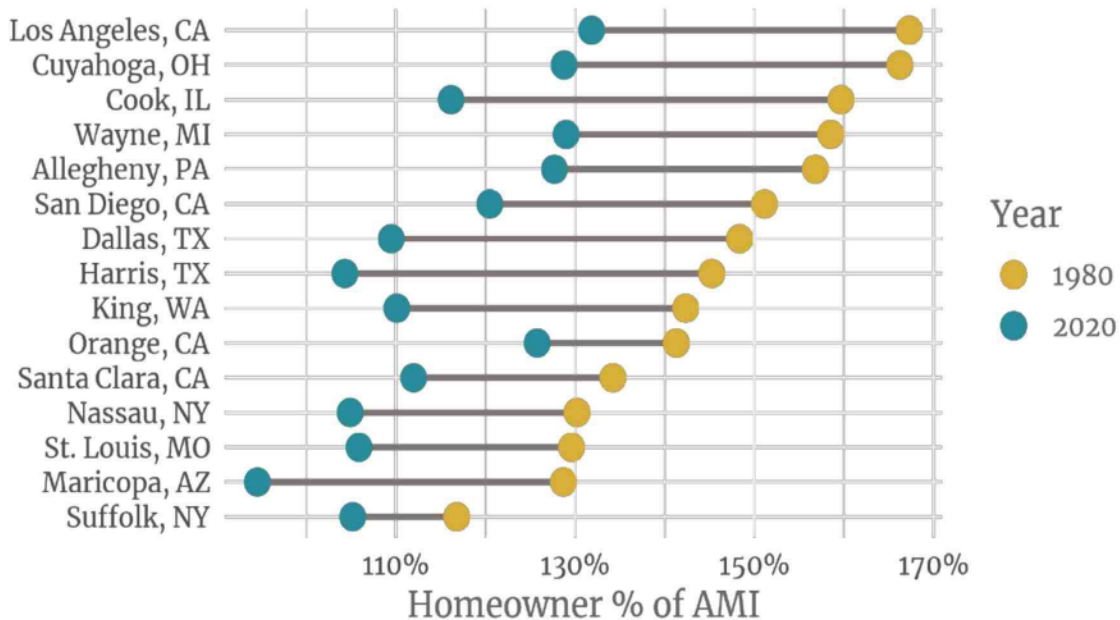
- Increased housing cost burdens
- Increased homelessness
- Growing numbers of obsolete units
- LTD adds a wider variety of structure types, with more owner and renter opportunities across a broader range of price points.
- More supply results in obsolete units being upgraded or demolished
- Reduced housing cost burdens on low-income renters and buyers
- Offers many more ownership opportunities, helps close the socio-economic status wealth gap, and reduces homelessness

### **Observing filtering down: under normal circumstances, homes move down in quality and value as they age**

- For 100 counties, we compare the income of households residing in single-family attached and detached homes built from 1960 through 1979. We calculate the income relative to the county median income both in 1980 and 2020.
  - Since most of these homes are still in existence today, this allows us to track filtering down over time.
- The graphic below for the 15 largest counties (by 1980 single-family units), all saw some filtering down (the other 85 counties had similar results).
  - Homes that were more affordable in 1980 continued to be more broadly affordable in 2020.
- We believe that the opportunity for filtering down is negatively affected by a shift in new construction activity to higher-priced upscale single-family detached homes in many metros.
  - High priced housing is driven by high land cost & land share, driving down filtering as land does not depreciate.

# Tracking filtering by county

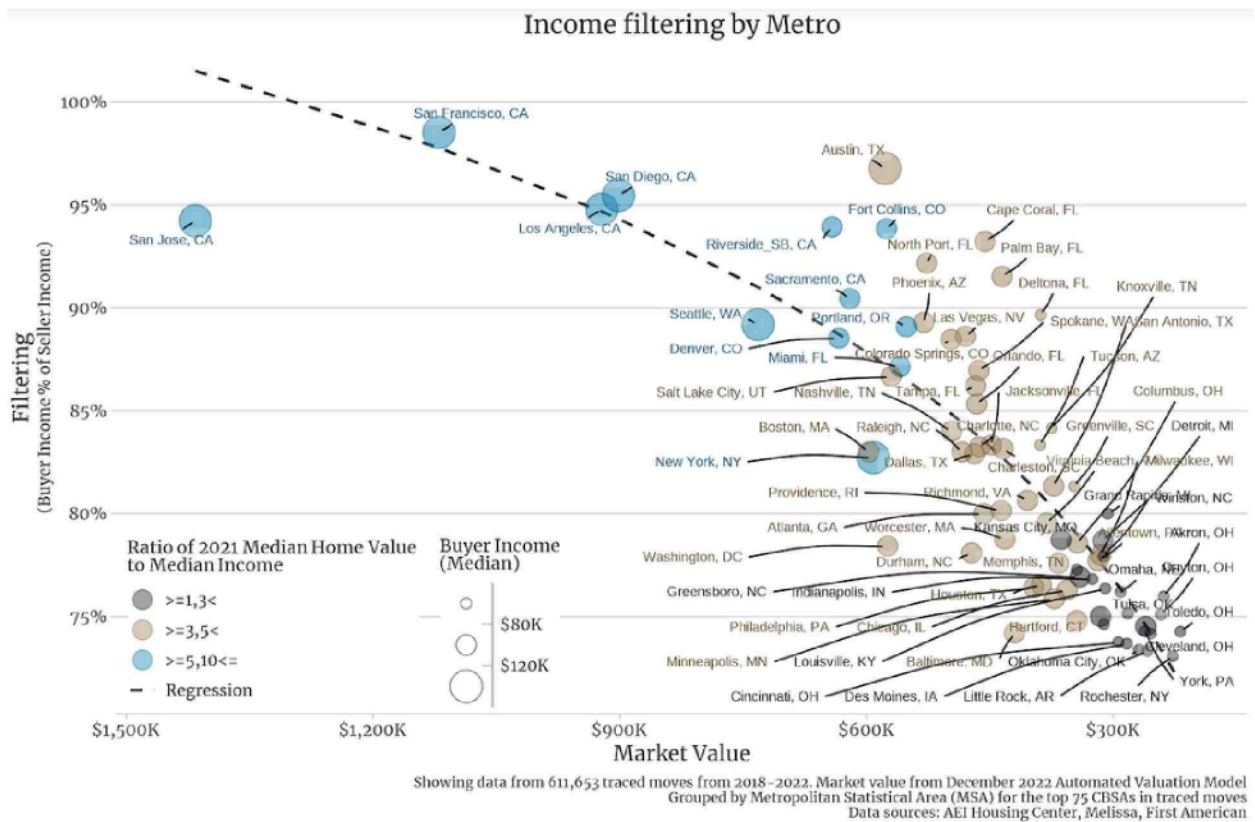
Single family detached & attached units built 1960 - 1979



AMI: County Area Median Income of Households  
 Showing top 15 tracked counties by number of single-family units in 1980  
 Data source: AEI Housing Center, IPUMS, U.S. Census Bureau

**Observing filtering down: on average, homebuyers have lower income than sellers and filtering works much better when the median home value to median income ratio is lower**

- **Metros (MSAs) with higher priced homes have less filtering down by income than MSAs with lower priced homes.**
  - Buyer income as a percentage of seller income is shown on the Y axis, and market value on the X axis.
  - Most MSAs with modest filtering have high home values (X-axis) & high median borrower incomes ranging from \$120,000 to \$221,000 (largest dot size) and most MSAs with high filtering down have low home values & low median borrower incomes ranging from \$66,000 to \$80,000 (smallest dot size).
  - Nearby non-CA metros in the “CA blast radius” are negatively impacted by CA’s policies driving its home price explosion, helping explain why migration & job growth favors the interior Western & Southern states.



**Observing filtering: relatively low-priced homes see the most price filtering at point of sale**

- **Home sellers, who are typically “moving up,” tend to sell to buyers with a lower income.**
  - The bottom two quintiles of homes sales are sold to buyers with a median income lower than their metro area median income or AMI (green font).
  - The median buyer for the bottom three quintiles has an income below the California designation of Moderate Income being <120% of AMI (green and blue font).
  - Implication: Filtering is an important feature of the housing market, especially for homes built at the middle of the income distribution, which become naturally affordable over time when sold to new buyers.
  
- **States and localities should promote policies such as Light-touch Density, which would enhance robust filtering at income levels of 120% or less of AMI.**

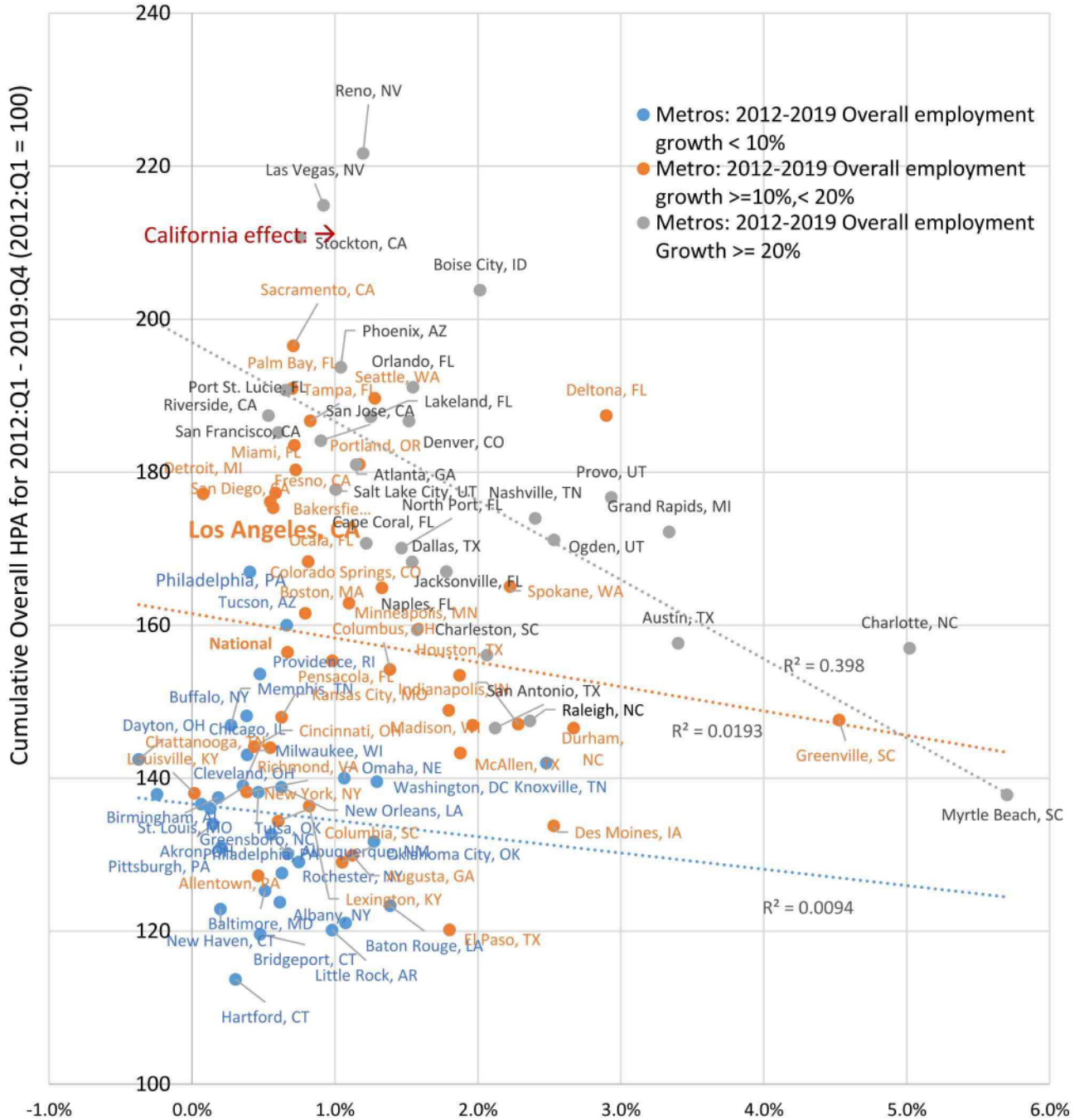
Filtering by home price quintile, traced home sales					
Home Price Quintile*	Buyer Income % of Seller Income	Buyer % of AMI**	Seller % of AMI**	Median Market Value ***	Count
1	73%	75%	107%	\$262,576	163,760
2	77%	92%	124%	\$366,709	164,067
3	81%	109%	139%	\$442,216	164,206
4	87%	134%	159%	\$532,394	164,272
5	95%	187%	202%	\$749,179	164,049

\* Quintiles are calculated for each Combined Statistical Areas and then aggregated. Thus, each CSA has an equal share of traced moves in each quintile.  
\*\* Area Median Income (AMI) for families by core-based statistical area  
\*\*\* Market Value is based on a Dec. 2022 Automated Valuation Model.  
Source: Melissa, First American, and AEI Housing Center, [www.AEI.org/housing](http://www.AEI.org/housing)

**Observing filtering down: disproving shortage denialism - high growth metros (black font) allowing larger supply additions keeps home price appreciation more in line with wage growth, allowing more filtering to occur**

- High employment growth metros with a higher share of housing units (owner-occupied and rental) added from 2010 to 2020 were better able to keep home prices more naturally affordable.
- Due to artificial scarcity, places with high employment growth with an annual stock addition of 1% had 20% higher cumulative home price appreciation compared to places that added 3% of stock annually. This latter case kept price growth more in line with wage growth.
- While the Los Angeles metro (shown in larger, orange font below) had average employment growth over the 2012-2019 period, it (along with all California metros) had well above average home price appreciation (75% over 2012 to 2019 compared to a national average of 57%). Adding supply with Light-touch Density under SB-9 and SB-10 would help address excessive home price appreciation up and lower the home price ladder so that more can afford to own or rent a home.

## Relationship at Metro Level between Addition of New Housing Stock (All Types): 2020 vs. 2010 and Home Price Appreciation by Employment Growth: 2012-2019



Source: BEA, Census Bureau, and AEI Housing Center.

November 16, 2023

VIA EMAIL

Chris Schaefer, AICP  
City of Fullerton  
303 W. Commonwealth Avenue  
Fullerton, California 92832

RE: Fullerton Housing Incentive Overlay Zone Program – Parcel Considerations

Dear Mr. Schaefer,

MGP XII College Plaza, LLC and M&H V Projects, LLC, dba Merlone Geier Partners (“MGP”), is the owner of two commercial properties in Fullerton - College Plaza Shopping Center, located at 2460 E Chapman Ave, and a portion of Fullerton Crossing Shopping Center, located at 625 S Placentia Ave. Both of these properties have been identified, in full or in part, for the Housing Incentive Overlay Zone (“HIOZ”) Program. This letter is intended to provide our support for these parcels to be included in the HIOZ and to provide additional considerations related to implementation of the HIOZ on MGP’s parcels.

**College Plaza Shopping Center**

Address: 2460 E Chapman Avenue – Fullerton, CA 92831  
Current Zoning: G-C  
Owned Parcel APNs: 033-420-09, 033-420-05

MGP owns two of the four parcels of College Plaza. Based on the most recent draft of the HIOZ, all parcels at College Plaza Shopping Center have been identified as candidates for the program. While we don’t own all parcels, MGP is in continued conversations to buy the remaining two parcels. As such, we would like to further emphasize the inclusion of all these parcels in any future HIOZ updates.

**Fullerton Crossing Shopping Center**

Address: 625 S Placentia Avenue – Fullerton, CA 92831  
Current Zoning: G-C  
Owned Parcel APNs: 338-071-24

MGP owns a portion of the Fullerton Crossing Shipping Center as outlined in Exhibit A. The shopping center consists of four separate parcels. Only one of these four parcels has been identified on the HIOZ Program list. The MGP parcel #338-071-24 was not identified in the program.

In reviewing the recent Dudek CEQA study from September 2023 related to the HIOZ program, the entire

property with all four parcels was outlined as being included on this study (Exhibit B). Can you please clarify the discrepancy as to why all four parcels are listed in the Dudek HOIZ Parcel Map but only one of the four parcels is listed on the HIOZ list? We would like to further recommend that you consider adding the MGP owned parcel, 338-071-24, to the HIOZ Program list.

**In addition to these requested inclusions to the HIOZ Program, please respond to the following HIOZ implementation questions:**

1. Do you have an updated timeframe of when the new housing element may be finalized and final HIOZ parcels will be identified?
2. In section 4.2.1 of the most recent draft of the Housing Element dated December 9, 2021, it states that the HIOZ Program would permit multi-family uses by-right for developments in which 20% or more of the units are affordable to lower income households. In section H-B-4, however, of the same drafted Housing Element, the HIOZ Program is stated to “include a minimum 10% required for affordable housing.” Can you please clarify how the affordable component would be applied for HIOZ approved parcels? Would they only be “by right” if they meet the 20% affordable threshold?
3. From our understanding, parcels that are approved for the HIOZ Program would need to be developed in compliance with either R-5 or C-3 zoning. What would the zoning designations be for College Plaza and Fullerton Crossing?
4. For the C-3 mixed use zoning, what would be the requirement, if any, for retail?

We would welcome an opportunity to sit down with you and discuss these questions and any further details related to the HIOZ Program. Please let us know if you would be available in early to mid-December for a meeting at City Hall.

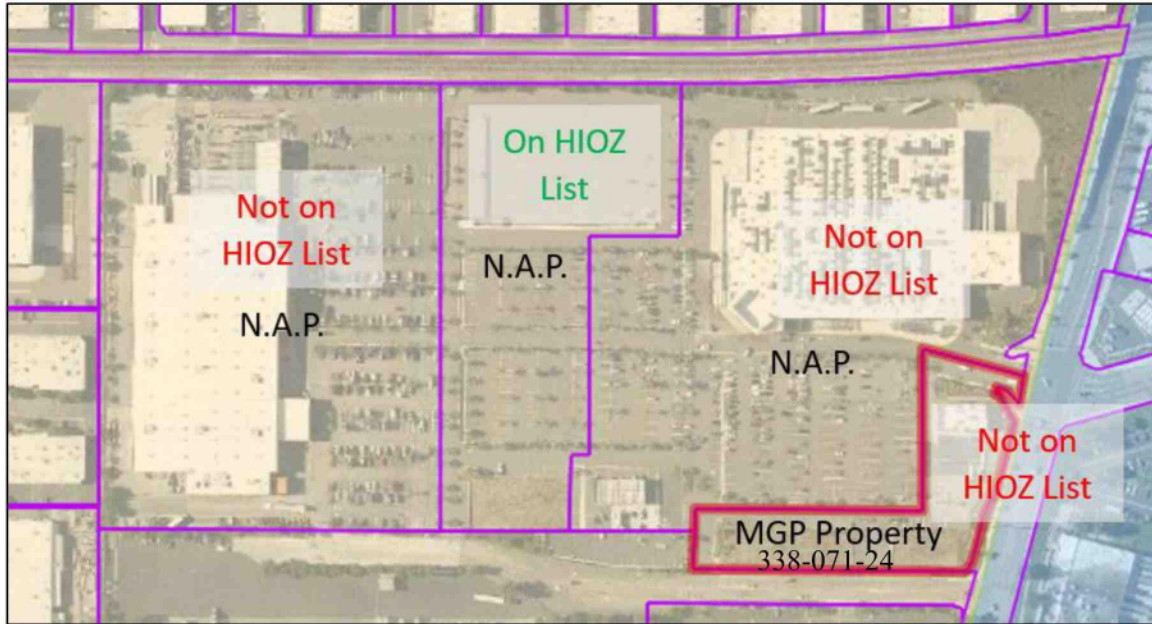
Thank you again for your time and consideration of these requests.

Respectfully,

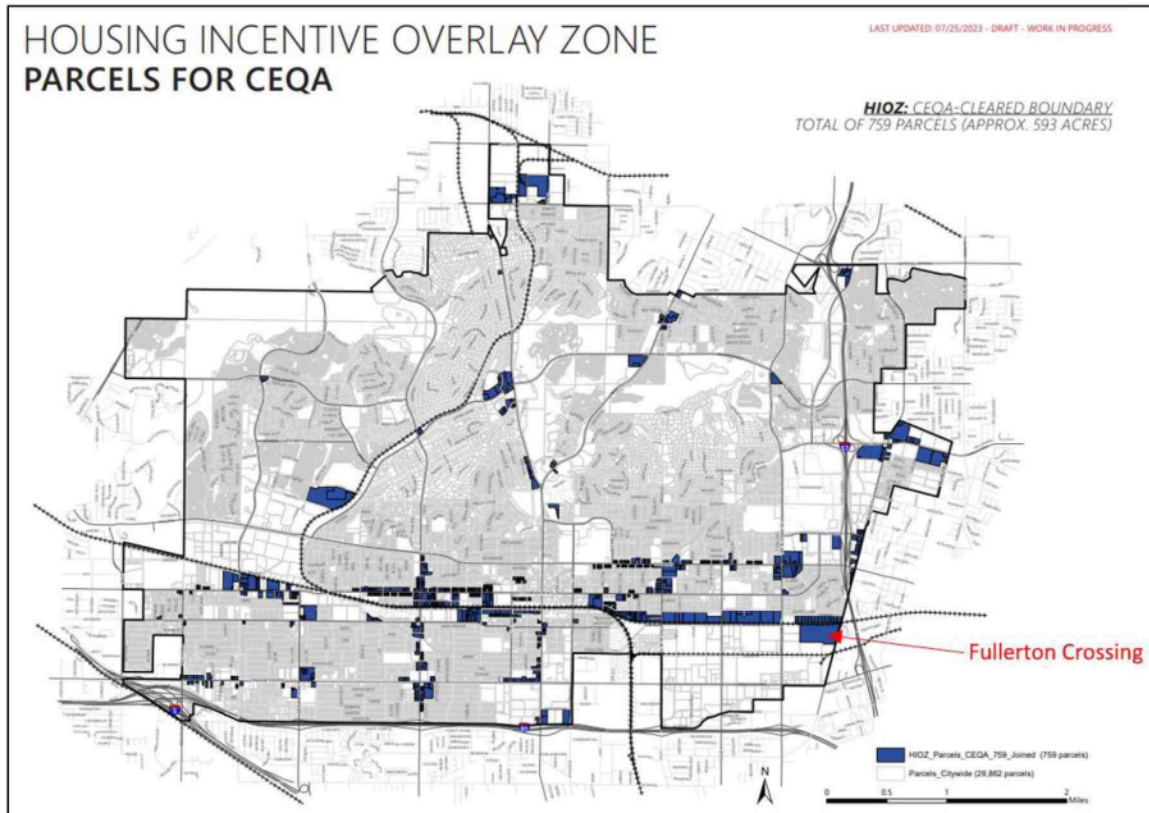
A handwritten signature in black ink, appearing to read 'S. Belz', with a stylized flourish at the end.

Scott Belz  
Development Associate  
Merlone Geier Partners

**Exhibit A: Fullerton Crossing Parcel Map**



**Exhibit B: Fullerton Crossing Parcel Map**





May 16, 2023

Sunayana Thomas  
City of Fullerton, Community Development Department  
303 W. Commonwealth Ave.  
Fullerton, CA 92832

Re: Letter of Interest for APN 287-081-55

Dear Ms. Thomas:

Thank you for the opportunity to express our interest in the 8.5-acre parcel adjacent to the water tanks off Euclid Street. We recognize the need for affordable housing within the City of Fullerton and would like to discuss next steps in how to collaborate with the City of Fullerton, the Community Development Department and residents to fulfill the City's need for housing units. Please allow this letter to register our interest in exploring a mutually beneficial development plan with City Staff for the development of market rate and affordable multi-family housing on the subject site. We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. Kuntz', is written over a faint blue line.

Louis H. Kuntz, Principal  
ReyLenn Properties LLC



## FULLERTON PLANNING DEPARTMENT NOTICE OF COMMUNITY MEETING

**Revised Draft Housing Element Available for Review  
Presentation of Draft Housing Element on January 25, 2024**

The City of Fullerton encourages the public to participate in the decision-making process. The following notice is being provided so that you can ask questions, make comments, and stay informed about projects that might be important to you. We encourage you to contact us prior to the Community Meeting if you have any questions and/or to enter your testimony into the public record in advance of the Community Meeting.

### **Revised Draft Housing Element Available for Review**

The Revised Draft Housing Element is posted on the City website and can be viewed at the following link:

[Housing Element Update 2023 | Fullerton, CA \(cityoffullerton.com\)](https://www.cityoffullerton.com/housing-element-update-2023)

The public is invited to review the document and submit any comments or questions in writing. The public comment period for submitting written comments is **January 15, 2024 to January 26, 2024**. Written comments can be mailed to the Planning Department, Attention: Planning Manager at 303 West Commonwealth Avenue, Fullerton, CA 92832 or emailed directly to [chris.schaefer@cityoffullerton.com](mailto:chris.schaefer@cityoffullerton.com).

### **Meeting Time and Date**

The Revised Draft Housing Element will be presented on **Thursday, January 25, 2024, at 6:30 p.m.** by the Planning Department in the Fullerton City Library Conference Center, 353 West Commonwealth Avenue, Fullerton, CA 92832. ***The public may not remotely participate in the meeting to make oral public comment via computer, smart device, or telephone – this will be an in-person meeting only.*** The Library Conference Center will have seating available on a first-come, first-served basis for members of the public to attend the meeting in person.

### **What is the Status of the Revised Draft Housing Element?**

The City of Fullerton, in response to corrections provided by the State's Department of Housing and Community Development (HCD) and public input, has made corrections and revisions to the Draft Housing Element that was first completed in November 2021. The overall goal of the Housing Element is to preserve existing housing and to encourage housing development to meet the state-mandated Regional Housing Needs Assessment (RHNA) number of 13,209 residential units for Cycle 6 (2021 through 2029).

### **Who to Contact if You Have General Questions or Comments**

If you have any general questions or comments prior to the Community Meeting, please contact Planning Manager Chris Schaefer with the Community and Economic Development Department at (714) 738-6884 or send an email to [chris.schaefer@cityoffullerton.com](mailto:chris.schaefer@cityoffullerton.com).

### **Future Planning Commission Action Items**

A policy proposed within the Draft Housing Element is the creation of a Housing Incentive Overlay Zone (HIOZ). Development standards for the HIOZ will be presented during a separate meeting. The Planning Commission will hold a public hearing to consider the HIOZ at a future meeting - date to be determined.

**Si tiene preguntas en español, favor de llamar a Edgardo Caldera al (714) 773-5773.**

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof. Should you require special accommodations to participate in a meeting, please contact Janet Ragland at [Janet.Ragland@cityoffullerton.com](mailto:Janet.Ragland@cityoffullerton.com) or (714) 738-6598 at least 48 hours prior to the meeting to make arrangements.

*If you challenge the decision on the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Fullerton at, or prior to, the public hearing. (Government Code 65009 (a))*

January 24, 2024

VIA EMAIL

Chris Schaefer, AICP  
City of Fullerton  
303 W. Commonwealth Avenue  
Fullerton, California 92832

RE: Fullerton Housing Element – Public Comment

Dear Mr. Schaefer,

Merlone Geier Partners is the owner of two commercial properties in Fullerton – College Plaza Shopping Center (MGP XII College Plaza, LLC) located at 2460 E Chapman Ave, and Fullerton Crossing Shopping Center (M&H V Projects, LLC) located at located at 625 S Placentia Ave. We have reviewed the latest draft of the Housing Element and would like to provide this letter of support for the City’s plan, along with two comments on the latest draft Housing Element:

**Comment 1 - Clarifying HIOZ Parcels at Fullerton Crossing**

In recent correspondence with the City on 11/16/2023, we asked for clarification on which parcels at Fullerton Crossing were included on the HIOZ list as only one of four parcels was identified. Dudek reviewed our letter and had the following response on 11/22/23 (see email at Exhibit A):

“As of the July 25, 2023 dated HIOZ map, all “four parcels” as noted by MGP at Fullerton Crossing are included in the HIOZ. Note that our data as provided from the City shows Fullerton Crossing as one large, consolidated parcel with APN 338-071-22. See screenshot below. After cross-referencing the County Assessor’s database, we can confirm that this one large, consolidated parcel is in fact comprised of four individual parcels 338-071-21, 338-071-22, 338-071-23, and 338-071-24.”

Per the recent Housing Element, only one of these four parcels was still included on the HIOZ list.

APN 338-071-21 Not on HIOZ list  
APN 338-071-22 Listed  
APN 338-071-23 Not on HIOZ list  
APN 338-071-24 Not on HIOZ list

To avoid any confusion as to which parcels are included in the HIOZ list, we recommend in the newest version of the Housing Element that all four parcels are broken out on the HIOZ list and individually identified. This will avoid any ambiguity going forward.

## Comment 2 – Set Back Requirements Adjacent to R-1 Zone

Per the most recent Housing Element Update outline below, maximum height limits for new development adjacent to R-1 zones were set at one story (20 feet) within 50 feet of a R-1 zone and two stories (30 feet) within 100 feet. These requirements are very limiting to development. Many commercial lots have buildings exceeding this maximum height limit adjacent to R-1 zoning currently. Additionally, these standards will make projects less desirable for developers and hinder the development of new housing. These height standards will not only adversely affect the time frame of new development but will also reduce the number of affordable housing units that will get built.


As such, we recommend reducing the maximum height requirements for properties adjacent to R-1 zones to two stories (30 feet) between 0-25 feet, three stories (45 feet) within 26-50 feet of an R-1 zone and no height limit more than 51 feet of an R-1 zone (max height to be controlled by FAR).

### Housing Element Appendix H-3-6 Development Standards:

The maximum permitted building heights provide flexibility for residential development. Development in the R-1 and R-2 zones can be up to 2 stories, 30 feet in height. Development in the R-MH zone can be up to 35 feet in height. Development in the other residential zones does not have a maximum height requirement unless it is within 100 feet of an R-1 zone. If development is in an R-G, R-3, R-4 or R-5 zone, and is within 50 feet of an R-1 zone, then the maximum height limit is one story (20 feet). If development is between 50 feet and 100 feet of an R-1 zone, then the maximum height is two stories (30 feet). Section 6 *Ability to develop at Density Potential*, provides an analysis of height and density potential in the city. The analysis found that the limitation of the maximum height limit for development near the R-1 zone does not limit density potential.

Thank you again for your time and consideration of these requests.

Respectfully,



Scott Belz  
Development Associate  
Merlone Geier Partners

**Exhibit A: Email Correspondence Regarding Fullerton Crossing HIOZ Inclusion**

FW: [EXTERNAL MAIL]Merlone Geier Partners HIOZ Consideration



Chris Schaefer <Chris.Schaefer@ci

To Scott Belz  
Cc Sunayana Thomas



11/22/2023

You replied to this message on 11/27/2023 5:03 PM.  
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Hi Scott,  
Good Morning! Please see the responses to your questions below.  
Chris



**Chris Schaefer, AICP**

Planning Manager  
City of Fullerton

p: 714.738.6884

e: [chris.schaefer@cityoffullerton.com](mailto:chris.schaefer@cityoffullerton.com)

Dudek reviewed MGP's letter. Our response is below in red. Let me know if you want to discuss by phone, but we believe the answers are straightforward.

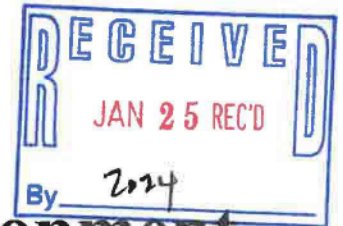
MGP owns a portion of the Fullerton Crossing Shipping Center as outlined in Exhibit A. The shopping center consists of four separate parcels. Only one of these four parcels has been identified on the HIOZ Program list. The MGP parcel #338-071-24 was not identified in the program.

In reviewing the recent Dudek CEQA study from September 2023 related to the HIOZ program, the entire property with all four parcels was outlined as being included on this study (Exhibit B). Can you please clarify the discrepancy as to why all four parcels are listed in the Dudek HIOZ Parcel Map but only one of the four parcels is listed on the HIOZ list? We would like to further recommend that you consider adding the MGP owned parcel, 338-071-24, to the HIOZ Program list.

**Dudek response:** As of the July 25, 2023 dated HIOZ map, all "four parcels" as noted by MGP at Fullerton Crossing are included in the HIOZ. Note that our data as provided from the City shows Fullerton Crossing as one large, consolidated parcel with APN 338-071-22. See screenshot below. After cross-referencing the County Assessor's database, we can confirm that this one large, consolidated parcel is in fact comprised of four individual parcels 338-071-21, 338-071-22, 338-071-23, and 338-071-24.



**Fair Housing  
Housing & Community Development  
AKA/ HCD**



**The fun never ends in California for the Property owners who work hard to invest in a home in Tranquil and peaceful environment, pay the highest property Taxes in the Country and according to HCD, we, the property owners have no say, Fullerton, MUST provide for less fortunate. I would love to live in Newport Beach, Ca. However, I as American Citizen I do NOT Demand, you provide fair housing for me. I need to EARN & work harder to achieve That goal.**

**I bought my home in East Fullerton, CA. in 1972. a beautiful custom ranch home in a Prime area. corner of Chapman and State College. We had Thirtymart Market, Savon Cleaners, Radio Shack, Standard Station All gone, we now have 5-empty stores.**

## **HCD-Continued:**

**Fullerton, has deteriorated so fast in the last 10 years, all because of BAD decision of our Leaders. Crime rate has escalated as well.**

**My point, cramming our city to accommodate more low housing is not going to help a peaceful & quality of life for our Community. See the following images.**

- 1. 2341-2343 E. Revere duplex**
- 2. 127 N. State College- duplex**
- 3. 1245 E. Wilshire ave- Empty Stores**
- 4. 4200 E. Chapman Ave- Empty Shops**
- 5. 2638 E. Chapman Ave- Home**

**These photos are within 2 blocks of my home. I lived in Compton, Ca. in 1946-1964, all American, Norman Rockwell city.**

**By the late 1960's it became the most deadliest cities in USA.**

**City of Fullerton, Ca. is on its way to a Blight City. Look at Brea, Ca. that's a model.**



My PENEERful Cur du SAC



See Photos of ①-⑤

AFFORDABLE DUPLEX'S

JUST AROUND MY CORNER

301



Photo # I 2341-2343 REVERSE Duplex

DUPLEX

Photo # I

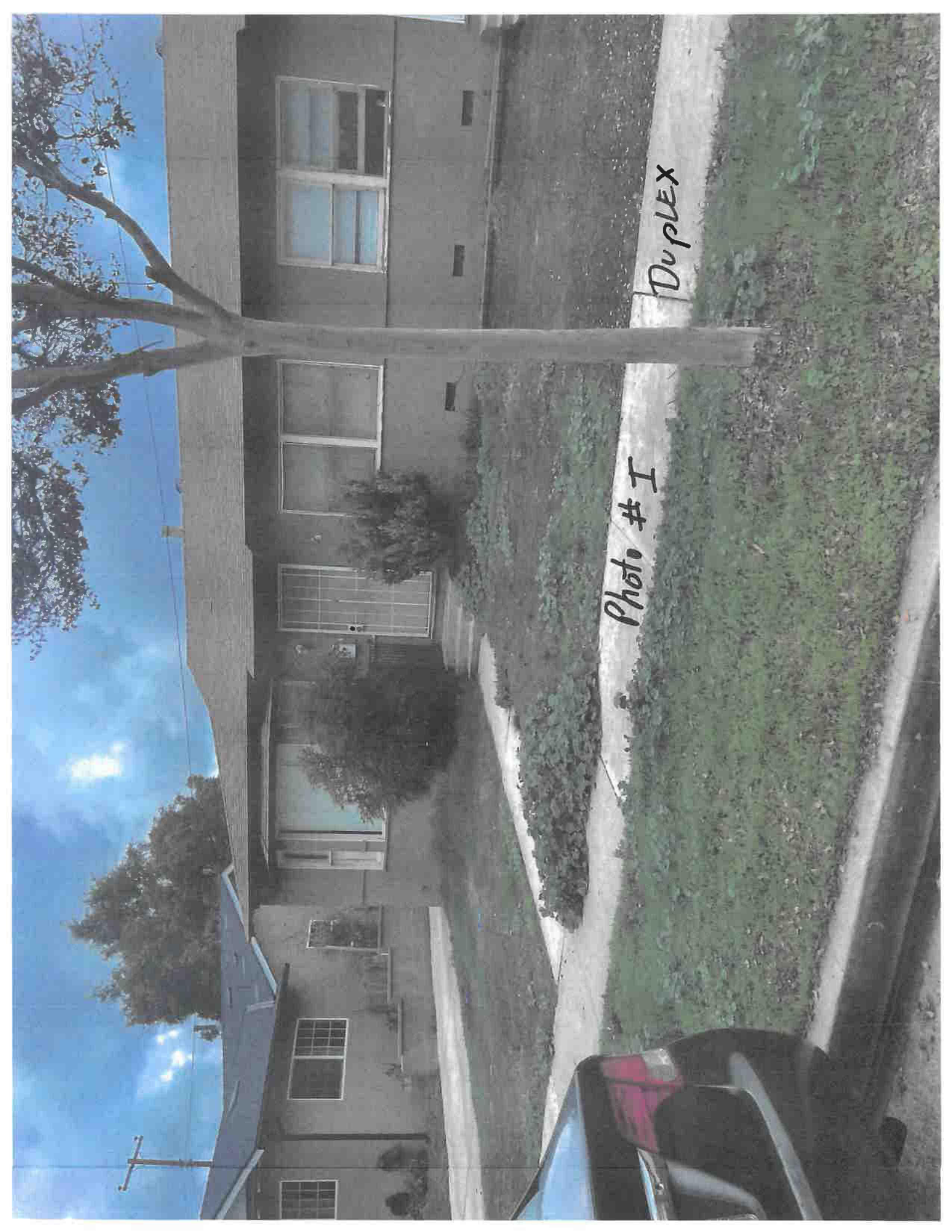


Photo # 2- 127 N. STATZ College

Duplex



Photo # 3-

1245 E. Wilshire

Empty 10 yrs.

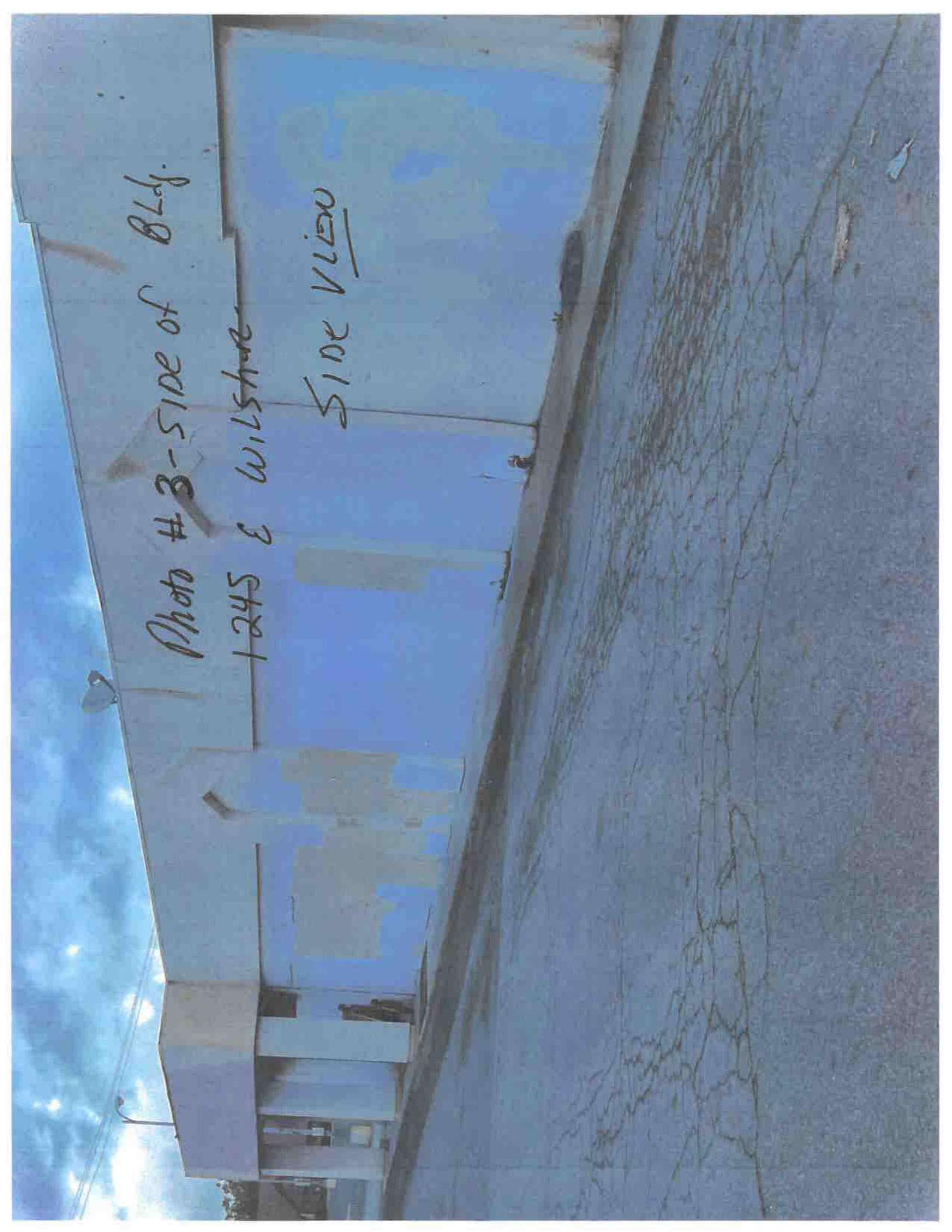
1245

All Just 3 Blocks from  
my Home.

Photo # 3 - Side of Bldg.

1245 E WILSHIRE

SIDE VIEW



AR AUDIO

Photo # 3

1245 E Wilshire





Photo # ④ ④ Empty Shops

ACROSS THE STREET from my Home

Ⓡ Ⓣ CARS

2638 E CHAPMAN AVE

Home - All These CARS NOT Running

Then for 4 YEARS

NO Code ENFORCEMENT

NO MORE CARS



February 9, 2024

Ms. Sunayana Thomas  
Community & Economic Development Director  
City of Fullerton  
303 W. Commonwealth Ave.  
Fullerton, CA 92832

Re: HIOZ Program / A Portion of the Orangefair Marketplace

Dear Ms. Thomas:

I am writing to request consideration for a portion of the Orangefair Marketplace to be included in the HIOZ program. The shopping center is located at 1300-1440 S. Harbor Blvd, 140-246 W. Orangethorpe Ave, 1391-1401 Lemon Street, with APN# 073-081-16 & 073-081-14. The portion we would like considered consists of the south portion of our property adjacent to the Aspect Apartments that we developed in 2015-2017. The area does not include any retail that fronts on either S. Harbor Boulevard or E. Orangethorpe Avenue (see drawing attached). For purposes of this letter, we will refer to that portion of our property as the Burlington Parcel.

Our company learned about the HIOZ program through Mayor Dunlap, and we believe that the Burlington Parcel is a great fit for the program initiative. Orangefair Marketplace is a long-standing, 40-acre property, which we have owned since 2002. In addition to the main shopping center property, we also built the Aspect Apartments on the southeast corner of S. Lemon Street and Orangefair Avenue, which is a 323-unit building that is typically at 100% occupancy. The apartments have been a huge success and have proven to be a great way to help provide housing to the Fullerton community.

For the HIOZ program, we know that there are four tiers that you are considering for projects- 1) Adjacent to Amenities, 2) Outside of Local Hazard Zones per the General Plan Safety Element, 3) Within State-Recognized Opportunity Areas, and 4) Physical Development Feasibility. Our property meets each of these requirements. First, the Burlington Parcel is adjacent to Orangefair Marketplace which, excluding the Burlington Parcel, contains over 250,000 square feet of retail, medical and restaurants and is conveniently located at an intersection which contains numerous other restaurants and shopping destinations. Second, our property is not located in a flood or fire zone. Third, our property is conveniently located off the 91 freeway, is just one mile from the Fullerton Metro Station and is located on streets serviced by the transit system and major bus routes. Lastly, given the resounding success of the Aspect Apartments, the Burlington Parcel will be well suited to fulfill further Fullerton housing needs.

We understand that the possible loss of retail sales tax revenue is also a concern to the City of Fullerton. By designating the Burlington Parcel in the HIOZ District while maintaining the current zoning for the balance of the 250,000 square feet at Orangefair Marketplace, we believe that the change would only have an insignificant impact on the gross retail sales tax generated by the property. The change in use might, in fact, result in higher sales based on the increase in immediately adjacent residents and consumers. Currently, the only occupants in the Burlington Parcel are Burlington, DaVita Dialysis and the InCahoots Night Club. There is no guarantee that Burlington will continue occupancy indefinitely as the current 75,000 square foot footprint is 3-times larger than its prototypical store size. As for DaVita and InCahoots, one is a dialysis center, and the other is a night club that is only open on the weekends. Having this type of land use, as an option, will be good for our property and the community.

Ms. Sunayana Thomas  
Community & Economic Development Director  
City of Fullerton  
Page 2 of 2

We appreciate your consideration of the Burlington Parcel for inclusion in the HIOZ zoning. Depending on the final regulations that are passed, we believe that having the flexibility to provide housing in this area would benefit the community and help the City of Fullerton meet its regional housing needs. We look forward to doing our part to continually help make Fullerton a more accessible and profitable city.

Sincerely,



**RICHARD A. MARGOLIS**  
[rick@columbuspacific.com](mailto:rick@columbuspacific.com)



P 310 395 2580 ext. 233 C 310 508 7888

23632 Calabasas Road | Suite 107  
Calabasas, CA 91302



[https://dailytitan.com/news/fullerton-settles-housing-dispute-with-state-city-to-increase-units-by-600/article\\_3f83647c-be4e-11ee-a06e-b79abe69aac4.html](https://dailytitan.com/news/fullerton-settles-housing-dispute-with-state-city-to-increase-units-by-600/article_3f83647c-be4e-11ee-a06e-b79abe69aac4.html)

FEATURED

TOP STORY

## Fullerton settles housing dispute with state; City to increase units by 600%

By Bryan Jimenez & Emily Fernandez

Jan 29, 2024



Planning manager Chris Schaefer presented Fullerton's housing element draft at a community meeting on Thursday. (Bryan Jimenez / Daily Titan)

In a recent settlement with the state of California  
November to foster the development of more tl

File at H&R Block where we guar  
to get you every \$ you deserve, o  
you get your money back.

In October 2021, Fullerton missed the deadline to submit its housing element, a state-mandated document that outlines how the city will meet anticipated housing needs, which are calculated by the Regional Housing Needs Assessment.

The housing element was submitted a month late to the California Department of Housing and Community Development and was rejected by the department in January 2022 for failure to meet requirements.

Fullerton, already behind schedule, was required to update the housing element to comply with state law but did not respond to the request for over a year, which the press release attributed to staffing issues.

Lilly Rudolph, a consultant from Rincon Consultants, emphasized that the delay for the housing element may be attributed to staffing changes. "At that point the consultant who was preparing the housing element at the time retired, terminated his contract in February 2022," Rudolph said. "There was a lot of staff turnover and so the housing element went into limbo for a while."

The delays led the attorney general to bring legal action against the city that was resolved on Jan. 18.

"This resolution marks an important step forward for Fullerton," said Mayor Nicholas Dunlap. "It demonstrates our dedication to ensuring that our community provides housing options that are inclusive, fair and meet the diverse needs of our residents."

Part of the settlement agreement involves encouraging community feedback. To facilitate this, the city held a community meeting on Thursday to collect input.

"We have invested in our homes, in our property. They don't make our mortgage payments, they don't make our tax payments, they don't call the insurance," said Martha Adams, an east Fullerton resident. "Yet they have the audacity to put that we have to do this or we have to do that."

Of the 13,209 required units, about 5,000 must be reserved for low and very-low income residents. Fullerton's current housing element draft identifies "low-income" as being any salary under \$107,550 a year and "very-low income" as anything under \$67,520.

"Fullerton always meets minimum numbers, always for the luxury housing and the above market housing range and never meets the requirements for the lower levels," said Jane Reifer, a member of Friends for a Livable Fullerton.

The city's updated housing element addresses the previous draft's shortcomings. It addresses Affirmatively Furthering Fair Housing, a law stipulation which requires the city to integrate programs that tackle housing issues relating to racial, economic and accessibility inequities as well as other historic disparities.

The new draft also implements policies that streamline and hasten the housing development process through specified timelines and objectives.

Before the draft can be submitted to the housing department, community input must be considered and integrated into the draft. The window for public comment closed Friday— one day after the community meeting.

Planning Manager Chris Schaefer said that the draft will be sent back by the housing department which will give residents more opportunities to contribute to the housing element.

“We do listen to all concerns and we try to accommodate them as best we can because there's a lot of moving pieces, a lot of stuff is interlocked and there's things that we can do and some things we can't do,” Schaefer said. “It really comes down to the city council. Does the city council want to move forward? Do they want to change things? They're the political body that has to approve it.”

The current draft of the housing element is due by March 25 where it will then be revised in a back-and-forth between the city and the state until a satisfactory version is completed. If Fullerton fails to meet the November deadline, it may lose some development authority or be fined.

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## Bryan Jimenez

Assistant News Editor S24

---

## Emily Fernandez

Asst. News Editor S24

[Learn more about your privacy options](#)

**From:** Kayla Asato <[REDACTED]>  
**Sent:** Friday, June 21, 2024 5:08 PM  
**To:** Eric Levitt <[Eric.Levitt@cityoffullerton.com](mailto:Eric.Levitt@cityoffullerton.com)>; Daisy Perez <[Daisy.Perez@cityoffullerton.com](mailto:Daisy.Perez@cityoffullerton.com)>; Kim Chaudhry <[kim.chaudhry@cityoffullerton.com](mailto:kim.chaudhry@cityoffullerton.com)>; [maricella.carillo@cityoffullerton.com](mailto:maricella.carillo@cityoffullerton.com)  
**Cc:** Shana Charles <[Shana.Charles@cityoffullerton.com](mailto:Shana.Charles@cityoffullerton.com)>  
**Subject:** [EXTERNAL MAIL]Kayla Asato - OCEJ Housing Element Notes and Comments

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION: BE CAREFUL WITH THIS MESSAGE**

This email came from outside City of Fullerton. Do not open attachments, click on links, or respond unless you expected this message and recognize the email address.

Hello Fullerton City Manager's Office,

I'm not sure who I'm supposed to email regarding my thoughts and comments on the Fullerton Housing Element, so I thought that I'd just email everyone in the City Manager's Office. I can't find the consultant's email so I'm hoping that it's okay to just email all of you.

I've gotten fairly far in the Housing Element document, but not all the way through, so hopefully you're okay with some of my comments and thoughts on the matter.

Included in this document, I provide my thoughts on building new housing (up until section 4.1) and on strategies for tackling homelessness (still combing through section 4.4 unfortunately) from an Environmental Justice lens. I think that the Housing Element is phenomenal, but there are some questions and thoughts that I have regarding safety and environmental health since those seem to be excluded from the conversation (in my opinion)

**Kayla Asato**  
she/they pronouns  
OCEJ Political Organizer

## Housing

- Building housing
  - Helping developers
    - (1.4f) host annual workshop with developers to provide education about technical assistance and incentives for larger and smaller rental units with a goal of supporting development for 50 large (3-4 bedroom) units and 100 studio/1-bedroom units
      - Sounds good to me tbh
    - (1.7c) directs the city to issue a competitive Notice of Funding Availability to identify a non-profit affordable housing developer to partner with on new developments in the city and support entitlement of at least 400 subsidized units to affordable to extremely-low, very low, and low-income households
      - Problem: why include “affordable” in that 400? Why not just 400 low-, very low-, and extremely low-income households with a separate number for “affordable” just to ensure that we have separate goals for this
  - (4.2.1.1) Housing Production
    - (4.2.1.1a) HIOZ zoning updates allow for property owners to develop more housing and allow for 3647 very low-income, 2115 low-income, and 4341 moderate-income units. The zoning update will take place by December 29, 2024
      - Problem: are there health and safety standards for HIOZ housing? Assuming that I’m understanding Government Code section 65583.2(h) correctly, it sounds like there are some basic plumbing and utility provisions and if it’s under the jurisdiction of a property manager, it should probably be good for human habitation in terms of pipes and mold. It would probably be good to confirm that by adding something about that into the action though.
    - (4.2.1.1b) The city will develop a procedure to track unit count and income/affordability assumed on parcels included in the site inventory to see if it matches up with the RHNA needs. (4.2.1.1c) The city will also check with the individual sites and make a site map public to private or non-profit developers. The goal would be to talk with developers once every six months to ensure sufficient capacity for the development of 3198 very low, 1989 low, 2271 moderate, and 5751 above moderate
      - Sounds good to me
      - Problem: If this is for RHNA, why aren’t there any goals for extremely low-income housing if we’re trying to track development?
    - (4.2.1.1d) Would amend the zoning code to require by-right approval for housing developments that include AT LEAST 20% affordable to lower-income households by December 31, 2024.

- It sounds like it would require increasing the housing stock for approved projects. And I'm SO SO SO FINE with that if I'm understanding it correctly
  - Reviewing and updating the development review process (4.2.1.2)
    - Expedite and improve the review process to streamline things and make it faster. This would also monitor average processing times for new housing projects and permit processes to make sure that things move smoothly
      - **Problem with 4.2.1.2e** Streamline the CEQA review process by utilizing exemptions or tiering, particularly for infill development, consistent with State Law: **CEQA review processes have been mandated by state law and urged municipalities to look at environmental factors currently impacting the parcel in question AND the impacts that construction would have on it. However, cities across OC have been primarily focusing on the second part and more or less ignoring the first part.**
        - **Solution: keep everything included there AND include specific parts of the CEQA review process that would urge the city to research the land that they're developing on AND ensure that that part isn't exempt. We want to ensure that any infill development is on healthy land so that people don't get sick when we are building more housing. ESPECIALLY because it's infill development.** This doesn't mean that we shouldn't build in areas currently toxic. Just that we need to make it public and start remediation before we develop there
      - Everything else looks good though
- Facilitating infill development (4.2.1.3)
  - Maximize the density potential of limited land by promoting residential densities that allow for dense housing AND put it near high-quality public transit stops (1.3a), monitor land and outreach to homeowners' and neighborhood associations where there is mostly single-family residential areas AND could be areas of denser housing (1.3b), review development standards to determine effectiveness and update where appropriate (1.3c), provide technical assistance to applicants that want to develop on their land AND prioritizing applicants that support low- and moderate-income housing (1.3d), evaluate commercial parking standards to ensure that it accommodates for housing needs (1.3e), conduct outreach to religious institutions and provide technical assistance to interested parties to develop affordable housing on religious grounds (1.3f)
    - Sounds good to me
    - **Problem: just make sure that there are CEQA evaluations of the land where the infill is gonna be built. And if there are serious concerns, ask that there be a plan in place AND DIRECT CITY**

## STAFF TO PROVIDE ASSISTANCE BY HIRING ON AN ENVIRONMENTAL JUSTICE STAFFER

- Support the development of a variety of housing types (4.2.1.4)
  - This includes ADUs, light-touch density housing, duplexes, triplexes, fourplexes, and missing middle households. Evaluate the city website to ensure compliance with new transparency requirements (1.4a); create a page on the city website with map-based inventory that identifies vacant/nonvacant housing development sites including multi-family residential and mixed-use sites (1.4b); maintain a current inventory of major residential and housing developments on the city website, and promoting new housing developments through social media platforms (1.4c); develop a web-based Housing development toolkit that outlines a step-by-step process for residential development (1.4d); reduce minimum unit sizes and update the zoning code to do so and include housing co-operatives, single-room occupancy, dormitories, tiny homes, and collective home ownership models in the city (1.4e); encourage development of smaller rental and larger rental units in residential and mixed-use developments within the 12 focus areas (1.4f); review the general plan to do those things too (1.4g); prepare a market feasibility report on all of these (1.4h); remove single-family residences as permitted use in the multi-family zones to make sure that if something is multi-family that it stays multi-family (1.4i); reduce parking minimums and garage requirements while preparing parking feasibility studies to assess requirements in consultation with housing developers (1.4j); amend the zoning code to permit manufactured housing (1.4k); encourage developers to build multi-family homeownership by providing flexible development standards (1.4l); partner with CSUF and Fullerton College to develop a plan for off-campus housing (1.4m)
    - Everything sounds fine except for parking requirements being waived since parking is already a big issue across Fullerton and developers don't care about the parking requirement issue
- Community Outreach Strategy for Housing (4.2.1.5)
  - The city housing game plan will be extensive, have a one-stop shop online portal with speaker series, demographic categories and maps, community participation opportunities, and links to development and housing resources, print media, mailers, speakers' bureaus, social media, and other ways unique to the City of Fullerton (everything would be multilingual to account for language barriers)
    - Is there a list for which languages the city will reach out in? I assume that this will be Spanish and Korean, but will there be any other languages? Like Tagalog and Arabic?
  - The city will collaborate with service providers, nonprofits, employment-related organizations, teachers, associations, and other agencies to advertise the Housing Game Plan (1.5a); implement a

citywide policy to provide services to people with limited English proficiency, particularly Spanish speakers, and analyzed demographic compositions of communities to see if any other languages should be accommodated (1.5b); review city's outreach methods annually with resident feedback surveys and discussions with community organizations (1.5c)

- Honestly looks good to me. I really like the “analyze demographic compositions of communities to see if any other languages should be accommodated” part although I'm wondering if Arabic will be included in that because they still may count as white on the census by the time of these outreach efforts

○ ADUs (4.2.1.6)

- City ADU ordinance was last updated in 2022 to incorporate urban lot splits. Monitor ADU distribution to ensure that it is done throughout the city through targeted outreach and if goals are unmet by January 2027, the city will implement ¼ actions (1.6a); develop a virtual 15-minute ADU permit meeting for applicants to streamline the process (1.6b); assist and educate homeowners by posting pre-approved ADU standards on the city website by January 2025 for English and Spanish (1.6c); monitor updates to state ADU law and ensure zoning compliance (1.6d); promote the development of ADUs in high-resource in northern Fullerton (1.6e)

- Looks great to me

○ Support the production of regulated and affordable housing for all income levels (4.2.1.7)

- The City is committed to maintaining, developing, and monitoring affordable housing and will prioritize low and very-low-income households for development and seek funding opportunities and partnerships from state, federal, and county funds to write down the cost of land for the development of affordable housing. The City will also provide greater permit streamlining, fee reductions, and other possible measures and incentives to support affordable housing development

- Problem: why exclude extremely low-income households?

- The City will review a potential Congregational Overlay Zone to allow churches and other faith institutions to build permanent supportive housing and/or deed-restricted affordable housing (1.7a); actively promote sites available for affordable housing to anyone that wants to build, including incentives to CHDOs, but still monitoring them to ensure they actually build (1.7b); acquire funds from local, state, and federal grant opportunities to support the development of affordable housing for special needs and supportive service projects and also partner with the OC Housing Finance Trust (1.7c); pursue development via a competitive Request for Proposals in compliance to recent updates to the Surplus Land Act (1.7d); adopt written policies and procedures for the City of

Fullerton Utility Services Department that grants priority to proposed developments pursuant to Government Code Section 65589.7 (1.7e)

- Looks great to me. This is just saying that they will support looking for money and pursuing development and written policies
- **Problem: will there be CEQA investigations for the actual housing? I know that it would be mentioned in other sections, but I think it would be great to reiterate here too**
- Improving existing housing
  - (3.1a) explore financial incentives for property owners for environmentally friendly building improvements such as solar panels, water efficiency upgrades, induction cooking, outdoor water conservation AND priority given to units that are affordable, lower, and moderate-income households
    - Sounds good to me tbh
  - (3.1b) directs the city to create infrastructure project priority checklists to support infrastructure for public transit and active transportation such as walking/biking and prioritizing low- and moderate-resource areas
    - Sounds good to me tbh **I just feel like we should have checklists for everything when it comes to building affordable housing (including low-extremely low) AND shelter oversight and permanent supportive housing**
  - Where they are looking at improving housing conditions



**Table 2-2 Estimated Substandard Housing Units by Area – Fullerton**

Tract	Location					Housing Units	Low to Mod %
	Area	West Boundary	East Boundary	North Boundary	South Boundary		
18.011	Pritchard/Airport NW Area	Dale St	Gilbert St/ Magnolia Ave	Railroad/ Artesia Ave	Commonwealth Ave/ Valencia Dr	658	75%
18.012	Southwest Valencia Franklin	Dale St	Magnolia Ave	Valencia Dr	Fullerton Creek	399	79%
18.024	Iris Court	City Limits	Gilbert St	Orangethorpe Ave	Roberta Ave	220	95%
18.025	Peckham/Roberta	Gilbert St/ Peckham St	City Limits	Orangethorpe Ave	City Limits	589	85%
111.023	Woodcrest/Baker	Euclid St	Richman Ave	Orangethorpe Ave	City Limits	542	77%
116.011	Truslow/Rosslynn	Highland Ave	Harbor Blvd	Truslow Ave	Rosslynn Ave	315	77%
116.012	Rosslyn/ Orangethorpe	Highland Ave	Harbor Blvd	Rosslynn Ave	Orangethorpe Ave	550	91%
116.014	Woodcrest	Richman Ave	Highland Ave	Baker Ave	City Limits	352	81%
116.015	Palm Gardens Tract	Richman Ave	Highland Ave	Orangethorpe Ave	Baker Ave	258	100%
116.016	Valencia/Richman	Richman Ave	Highland Ave	Truslow	Orangethorpe Ave	476	83%
116.022	Maple/Truslow/ Patterson	Harbor Blvd	Railroad (OCTA)	Walnut Ave/Railroad	City Limits	76	65%
117.115	GEMs	Placentia Ave	Sapphire Rd/ Cameo Ln	Topaz Ln	Cameo Ln Alley	415	95%

- Environmental factors
- How much housing
  - Intended housing
    - Housing for whom?
      - (2.3) housing for people overpaying (paying over 30% of income to rent/mortgage), housing resulting from overcrowding, housing resulting from population growth, housing from converting existing housing
      - (2.3) housing for elderly people, large households, persons with disabilities, female-headed households, homeless persons, farm workers, people in need of emergency shelter, and students

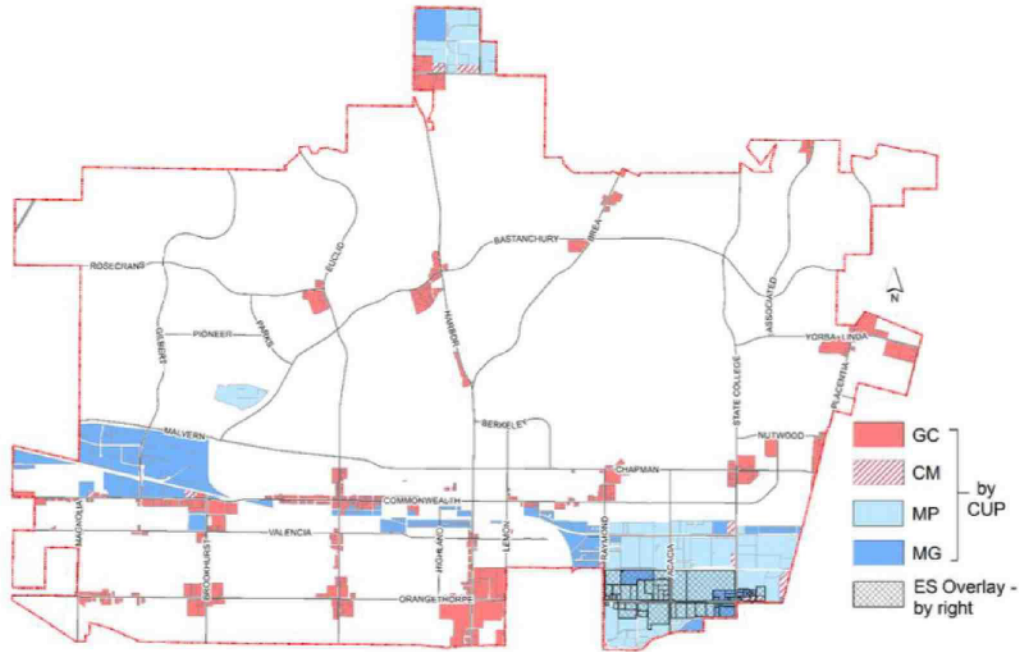
- Projected needs based on population
- What kind of housing?

## Homelessness (Policy action 4.4)

- How much housing?
  - **Problem:** Includes the emergency shelter at Bridges (200 beds) **and things could absolutely be substantially better there. So we REALLY NEED the oversight stuff**
    - Is Bridges counted as Anaheim or Fullerton?
    - Is Anaheim counting Bridges in their numbers for open beds? Is Fullerton? We should probably remove Bridges since it mostly services Anaheim. In the FULLERTON housing element, we shouldn't be counting it if we're sending people over to Anaheim
  - Emergency shelters include places that have a maximum of 50 beds
    - **Problem: Why 50 beds maximum? Is that a du/ac thing?**
    - **Problem: what are the requirements for safety for the unhoused people?**
      - Nothing is saying that the emergency shelter/multi-service center needs to have decent drinking water, accessible drinking water throughout the duration of the shelter being open, mold-free walls and pipes, and just generally fit for human habitation (maybe aside from the density requirements)
      - Are there any requirements for the staff and how they treat members of the unhoused community?
  - Is basing the numbers off of the 2022 Point in Time Count
    - **Problem: that was after the RV ordinance removed a lot of people who would otherwise be in Fullerton. Is that something that we're okay with?**
    - **Problem: the Point in Time Counts are always inaccurate and often undercount people ESPECIALLY when we consider shelters and people moving from place to place. I get that we don't have a better metric though. Maybe we should add a bit of a buffer to add numbers to the Point in Time Count???**
      - **Problem: PIT count will never be accurate considering it's usually paid to one nonprofit to conduct. For example, City Net is compensated by the county/COC over 500k. It's conducted over what a 1 to 2 day period during the middle of winter. It will always be skewed. They should go off the survey that schools give to parents and students which demonstrates the numbers are exceptionally higher for families/students.**



Figure 3-1 Emergency Shelter Overlay Zone



**Low barrier navigation centers.** In 2019 the State Legislature adopted AB 101 establishing requirements related to local regulation of low barrier navigation centers, which are defined as “Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” *Low barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
- (2) Accommodation of residents’ pets
- (3) The storage of possessions
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms”

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Policy Action 4.4 includes a component to process a Zoning Code amendment to establish regulations for low barrier navigation centers consistent with current law.

- What kind of housing?
  - (4.4a) Pursue federal, state, and regional funds for homeless service providers that operate temporary, permanent, and emergency shelters in the city that assist persons experiencing homelessness and at risk of becoming homeless and directs the city to assist at least 272 people
    - Problem: what are the standards and environmental factors taken into account for these temporary, permanent, and emergency shelters?
      - Currently in North County, many of the homeless shelters have mold, toxic substances in the water, horrible staff, and more. What are the requirements gonna be for treating people with dignity?
      - The Continuum of Care (COC) does not use the VI-SPDAT and the TAY triage assessment anymore to determine the vulnerability of each unhoused individual, which is used throughout SoCal. What are they using now to determine the eligibility of whose most at risk and vulnerable for housing?
    - Problem: will these permanent shelters be Permanent Supportive Housing?
      - The shelters need more transparency about how long each individual is staying there. There should be a visible timeline that shows goals. For example, each person should be matched with a voucher in less than 90 days (like LAHSA).
    - Problem: why only 272 people if you're also taking into account people AT RISK OF BECOMING homeless?
      - The Point in Time Count looked at around 272 unhoused people in 2022 and those counts are super inaccurate. **It could be better to assist at least 300 people currently experiencing homelessness, with intentions to service more if the Point in Time Count numbers are wrong**
  - (4.4b) directs the city to annually assess and report the capacity to accommodate individuals experiencing homelessness including existing shelter beds, new shelter beds, identify if those shelter beds are available on a year-round or seasonal basis, average number of shelter beds that are used on a monthly basis, and number of those exiting shelter to permanent housing
    - Problem: how will you assess if someone is exiting shelter to permanent housing? A lot of the problem with the shelter system is that the staff is corrupt, negligent, and incompetent with providing wrap-around services.
    - Problem: if we are using existing shelter beds, then we are going to be including some negative and punitive environmental factors, so we are gonna need to examine some of those and the environmental justice conditions in some of those shelters
    - Suggestion: we need long-term studies on what the unhoused community needs. We need a city Committee or Task Force dedicated to gathering input from the unhoused community regarding environmental factors, availability of resources, intake and PSH programs, treatment by staff,

navigating the HMIS system, and the long-term psychological/health impacts of being in the shelter system vs getting PSH

- What is the long-term impact of individuals staying in shelters for years? People often get dropped out of the HMIS and have to start all over again.
  - People are often matched with the Rapid Rehousing Program which is a short term program for people that can transition into regular housing. Most people who stay long-term in shelters need PSH but are misinformed and take RRH. Then they end up unhoused again
- (4.4c) Partner with the Illumination Foundation to incentivize property owners/managers with available units to rent to formerly homeless individuals and families
    - **Problem: Illumination Foundation is pretty notorious for its awful treatment of unhoused people. I think they're the primary subject of the lawsuit by the ACLU but I could be wrong (yes they are one of the defendants)**
      - So who will be overseeing the transitions of the available units to rent to formerly homeless individuals and families?
      - Also, what does it mean by "formerly homeless" does this just mean that people would now be housed through this renting program? Kayla just wants to make sure.
      - Why the Illumination Foundation?
  - (4.4f) Directs the city to provide financial support to organizations that provide transitional housing for emancipated transitioned-age foster youth who are homeless or at immediate risk of becoming homeless
    - **Problem: will we be doing oversight of these organizations too? Who will be doing the oversight?**
    - **Use TAY TRIAGE assessment for eligibility**
    - **Could we create a city commission to oversee the shelters and organizations in terms of fiscal oversight AND processes to house people?**
  - (4.4g) City zoning code would have to change to comply with recent state law including allowing supportive housing with up to 50 units and low barrier navigation centers by-right in zones where multi-family and mixed-uses are permitted
    - Sounds good to me tbh
  - (3.1) Supportive housing = no limit on length of stay, occupied by target population, provides significant level of onsite or offsite services that assist the resident in retaining the housing, improving health status (including HIV/AIDS and substance abuse), maximizing ability to live, and work in the community
    - **Problem: uses "his or her" and it could just be more gender-inclusive imo**
    - **Problem: are there any limits on who can enter? Like is there a drug requirement? A "you can't be housed with your life partner" requirement? A "no pets allowed" requirement?**

- What's the process?
- Environmental factors?
  - Problem: No explicit considerations are paid to this. The Fire Department (that the city is contracting out for) is responsible for safety inspections. No additional or specified requirements for what constitutes "toxic and hazardous wastes" OR even any mention of general living conditions about "hazardous mold" or "contaminated drinking and usable water" or general EIR reports (that would HOPEFULLY look at what the status of this unit is in the first place).
  -

## Homebuyer Assistance

- What units?
  - (2.3a) make funds available to community-based organizations to acquire and rehabilitate abandoned or otherwise lost units and sell them to very low and low-income first-time homebuyers with the objective of assisting 10 very low and low income households
    - Problem: what are the standards gonna be for the "rehabilitation" and which units would classify for this?
    - Problem: what would "assisting" mean?
  - (4.4b) city expands funding for information and referral services that direct families and individuals to financial resources for housing rental or purchase
    - Sounds good to me tbh
  - (4.7a) partner with the county and community orgs and advocates to increase participation in homeownership workshops and assistance programs
    - Sounds good to me tbh
- What sort of assistance?
- Who is overseeing the assistance?

## Public Outreach (Appendix D)

- What was the process?
- How many meetings?

CITY OF FULLERTON

To: Chris Schaefer, Planning Manager Fullerton  
(714) 738-6884  
[chris.schaefer@cityoffullerton.com](mailto:chris.schaefer@cityoffullerton.com)

From: Curtis Gamble, Activist/Veteran [REDACTED]

Subject: Revised Draft Housing Element 2021-2029

Dear Mr. Schaefer,

Please, include the following information in the Fullerton Revised Draft Housing Element 2024.

Rapid Rehousing units are an alternative to emergency shelters for the Homeless the Veterans, the CSUF Students, the OCTA Bus Drivers, the Seniors and the Low-Income Community.

Thank you,

Curtis Gamble, Activist Homeless/Veterans

Please read the following:

PROPOSAL..... December 21, 2016

SETTLEMENT AGREEMENT

Legal Aid Society of Orange County Curtis Gamble v. City of Fullerton, et al., No.30-2015-00824970-CU-T-CIC (the "Gamble Action").

2. The City agrees that it will commit the minimum sum of \$1 Million to increase the number of Extremely Low Income and Rapid Rehousing units in the City.

Extremely Low Income units are units that are affordable to, and occupied by, persons whose income is at or below 30% of the area median income as defined in Health and Safety Code sections 50053(b) and 50106.

Rapid Rehousing units are an alternative to emergency shelter. and are occupied at no rent or subsidized rent for a limited time to allow a household to collect sufficient funds for move-in deposits and moving costs.

The sum shall be expended or committed to be expended by September 30, 2019 only as follows:

a. City shall use this funding to assist with the creation of a combination of at least twenty (20) units of Rapid Rehousing and Extremely Low Income units, which shall include at least ten (10) Extremely Low Income units.

These units shall be secured by an Affordable Housing Agreement and affordability covenants committing the units for Rapid Rehousing and Extremely Low Income occupancy, as applicable, for a term of at least thirty (30) years.

Both the Affordable Housing Agreement and the affordability covenants shall be duly recorded with the office of the Orange County Recorder.

The mix of the Rapid Rehousing and additional Extremely Low Income units beyond ten (10) units shall be determined in the Affordable Housing Agreement.

City shall work with operators of regional emergency shelters to facilitate placement of shelter clients into the Rapid Rehousing units.

The terms of the Affordable Housing Agreement shall be in accord herewith

b. If, (1) at least twenty (20) housing units are not created or contractually committed to be created as described in 2.a. above by December 31, 2017; or (2) any balance of the \$1,000,000.00 funding remains to be committed or expended for the purposes as described in 2.a. above, said remainder or balance shall be applied to assist in the creation of Extremely Low Income units in the City intended to be occupied by two or less persons.

Any such units shall be secured by similar recorded affordability covenants for a term of not less than thirty (30) years as described in 2.a. above.

c. The Court will retain jurisdiction pursuant to Code of Civil Procedure section 664.6, to enforce this section of the Settling Parties' Agreement until the earlier of December 31, 2019 or such time as the \$ 1M fund is fully committed to be expended as described in (a) or (b) above with appropriate affordability covenants secured by contract and recordation.

3. The City will pay via check to Legal Aid Society of Orange County in trust for each Plaintiff, the sum of twenty thousand dollars (\$20,000) each to Plaintiffs Curtis Gamble and James Mayfield, solely for the purpose of assisting the Plaintiffs to secure permanent housing, within thirty (30) days of the Effective Date.

The Settling Parties explicitly acknowledge and agree that the City has no legal duty to provide housing for Plaintiffs or to assist Plaintiffs with housing placement, and that the Plaintiffs have no legal duty to obtain the City's direction or approval in seeking to secure permanent housing.

Attorneys' Fees and Costs.

Within 30 days of the Effective Date, the City agrees to pay via check to Legal Aid Society of Orange County and Western Center on Law and Poverty} the amount of \$475,000 as full satisfaction for Plaintiffs' claims for attorneys' fees and costs in the Actions, except only as otherwise reserved in this Agreement

The sum shall be expended or committed to be expended by September 30, 2019 only as follows:

<https://drive.google.com/file/d/1VXAqYmoP5g2zxfLwasiaWobo5mI2fsbx/view?usp=drivesdk>

December 21, 2016  
SETTLEMENT AGREEMENT

July 1, 2024

Chris Schaefer, AICP, Planning Manager  
City of Fullerton Community and Economic Development  
303 W. Commonwealth Ave.  
Fullerton, CA 92832-1775

**Re: Fullerton Revised 2021-2029 Housing Element**

Dear Mr. Schaefer,

Thank you for the opportunity to comment on the revised draft 2021-2029 Housing Element.

**Provide Affordability AND Preserve Unique Environments**

Fullerton has a unique feel and characteristics that should be preserved WHILE addressing affordable housing needs. Many older European, African and Central and South American cities restrict new construction to new districts, preventing insensitive structures in the historic and semi-rural areas. Some of the unique attributes are: historic landmarks / districts, historic-age or -eligible resources, Preserve America status, the original townsite, semi-rural areas, vernal as well as year-round creeks and riparian areas, and existing neighborhoods with a mix of cultures and incomes.

**Prevent Speculation & Displacement/Incentivize Lower Levels of Housing Affordability**

The intensity of streamlining will open the city up for speculative housing investors which will accelerate housing costs, so there should be more proposals preserving existing affordable housing and prioritizing incentivizing the lower levels of affordability rather than then the above-moderate levels which continue to pressure prices upward.

When the City has an opportunity to require inclusionary housing or build nonprofit-led higher volumes of majority affordable housing on municipally-owned land, it has often chosen to ignore the option. The Amerige Court project should focus on 100% affordability – not 10% (while retaining historic buildings on Malden and Amerige: Monzon garage/rare cast stone; Mission Press/ historic freezer-locker; corner former auto dealer; She-She Hair Design/Fullerton notable Shim Masukawa. These are not currently designated but are eligible, as documented in my comments on that previous project.)

Opportunities to build affordable high-density development projects for the areas designated in the General Plan have been squandered and poorly coordinated. Rather than building tens of thousands of units, the Housing Element should prioritize non-profit projects that provide a higher percentage of affordable units or we'll end up streamlining "too many" above-market units and not enough lower levels of affordability. We should have programs to allow mobile home park residents to buy out their park, resources devoted to new car / camping facilities, SROs and

rehabbing older buildings rather than only building new. There don't seem to be any policies for assisting renters being displaced as there were with former Redevelopment Agency projects. A new policy to reverse the loss of at-risk housing should be created.

**Prevent Significant Changes to City's Ambience and Significant Impacts on the Environment by Focusing on Truly Affordable Housing, Not Incentivizing Market Rate**

The City should focus on non-profit assisted affordable housing. Market rate homes don't need subsidy as they will be built regardless, independently meeting the City's RHNA requirements.

**Address Exceeding GP Buildout and Reduce Significant and Unavoidable Effects**

Where can the review that determined that the Housing Element is internally consistent be accessed? Also, what are the anticipated proposed General Plan amendments?

**Group Homes**

The City could devise a new, lower CUP fee structure for large group homes rather than removing the CUP requirement.

**Density Bonus Clarification**

Do the potential housing unit numbers account for units added by density bonus? If so, what percentage of total units will be at affordable levels?

**Public Participation**

The public was never noticed about Housing Champion meetings in their initial phase so that group did not get the benefit of public comment at the initial stages. Even if not legally required, it is important to mail notices to residents throughout the city who live in or own property next to new proposed HIOZ zoning. Also, there should be notification of even proposed by-right development activities so the public can provide relevant information. (See paragraph below that lists missed designated historic resources.)

**Fullerton Needs More Focus on Integrating Public and Active Transportation**

Bus, rail, biking, and walking should be considered an essential part of general civic infrastructure. Asking new developments to pay impact fees to cover the cost of the new demand they induce is an accepted, routine practice for roads, schools, libraries, parks, and parking structures. Transit needs to be a part of the impacts we consider when planning, both for long-term service implementation and short-term construction detours. As part of this standard inclusion, construction projects should discuss their potential impacts on the above transportation modes, both during construction and at the completed project. The fees should include the extra money it costs to provide and to communicate detours to the users of the above modes. The Fair Share Policy is a good start.

## **Fullerton Needs to Do a Better Job of Preserving Natural Areas, Historic Structures and Historic Corridors**

Fullerton is a Preserve America city, and prides itself on its historic homes, businesses, and neighborhoods, but it's stunning to learn how few protections these historic resources have. The vast majority of historic-age and designation-eligible properties in the city could be torn down at any time with a simple demolition permit; this has happened over and over again.

Unfortunately, the majority of historic structures in Fullerton are not designated as such. Worse, the City's database often does not acknowledge even designated historic structures. Fullerton has missed several of these recently: Bastanchury Creek Greenbelt, which was a designated future city park and a part of pre-history, Euclid Creek at the Pines project, 142 and 144 N. Yale Ave (did not acknowledge preservation zone status), removal of Mariola Apartments character-defining features, ironwork attached and a mural painted on the historic Amerige Block with absolutely no acknowledgment of the building as a historic resource, Pathways of Hope project at 508-514 W. Amerige resulting in demolition of historic-age structures adjacent to designated cultural resources (luckily recently preserved), inadequate CEQA analysis of Fox Block cultural resources impact in the infill exemption, and the Amerige Court project's several designation-eligible buildings on Malden and Amerige.

Also missing is a discussion about viewsheds and adjacent historic properties and districts within an APE. Maps should note historic-age structures so policies can be explored. For example, along Commonwealth and Chapman near the historic downtown neighborhoods, and Harbor Blvd between the downtown and Valencia Mesa Dr. This would also preserve a type of non-official "scenic" corridor / historic vista that currently exists de facto.

## **Fullerton Needs to Do a Better Job of Preserving Scenic Corridors**

The city historically ignores its designated scenic corridors and rural streets in most project analyses. Recent examples are the Harbor Complete Streets Project, Hillcrest Park renovations, the Bastanchury Creek Greenbelt development, and the Pines at Sunrise Village. Trees that are part of scenic corridors are routinely removed without assessment.

## **Themes in Community Input**

I'd like to see acknowledgement of the widely held concern about retaining Fullerton's unique features rather than converting so much of the built environment to architecture that's indistinguishable from other cities. Not all cities need to shift to citywide high-density; some built areas should be a retreat from that, while still addressing housing affordability.

Thank you for your time and attention to these issues,

Sincerely,

Jane Reifer

303 W. Commonwealth Ave.  
Fullerton, CA 92832  
[www.cityoffullerton.com](http://www.cityoffullerton.com)



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**From:** Judith A.Kaluzny <[REDACTED]>  
**Sent:** Sunday, June 30, 2024 6:15 PM  
**To:** David Lopez <[David.Lopez@cityoffullerton.com](mailto:David.Lopez@cityoffullerton.com)>  
**Subject:** [EXTERNAL MAIL]FW: comment on revised draft housing element

You don't often get email from [jakaluzny@sbcglobal.net](mailto:jakaluzny@sbcglobal.net). [Learn why this is important](#)

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Judith A. Kaluzny  
149 West Whiting Avenue  
Fullerton, California 92832  
714 441 2355

---

**From:** Judith A.Kaluzny [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
**Sent:** Sunday, June 30, 2024 5:30 PM  
**To:** 'chris.schaefer@cityoffullerton.com'  
**Subject:** comment on revised draft housing element

The key thing is recreational space in a city that has high density. As Daniel Burnham said, father of the Chicago plan, every person should live within walking distance of a park. I've spent time in Chicago and in Berlin, a high density city, and in Berlin there are many small parks, small playgrounds.

If a crowded city does not have the relief of some nature, people will not be mentally healthy. Like rats crowded in a cage go crazy. We'll have higher crime and violence rates.

We do want healthy citizens, yes?

jak

Judith A. Kaluzny  
149 West Whiting Avenue  
Fullerton, California 92832

714 441 2355

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**From:** Bac Tran <[REDACTED]>  
**Sent:** Friday, June 21, 2024 1:56 PM  
**To:** Sunayana Thomas <[Sunayana.Thomas@cityoffullerton.com](mailto:Sunayana.Thomas@cityoffullerton.com)>; Chris Schaefer <[Chris.Schaefer@cityoffullerton.com](mailto:Chris.Schaefer@cityoffullerton.com)>; Eric Levitt <[Eric.Levitt@cityoffullerton.com](mailto:Eric.Levitt@cityoffullerton.com)>  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL MAIL]Request for the 4.0 acres of land to be considered in the Fullerton Housing Element

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Hello Chris, Eric and Sunayana,

We have owned the following **4.0 acres** of land in Fullerton. We hereby request for these pieces of land to be considered in the Fullerton Housing Element to satisfy part of the SCAG affordable housing requirements.

- 1. 3.0 Acres, 921 Laguna Road, Fullerton CA 92835**  
APN: 292-251-17, 292-251-18, 292-251-19, 292-251-20, 292-241-10
- 2. 1.0 Acre, 931 Laguna Road, Fullerton CA 92835**  
APN: 292-241-09

Thank you so much for your consideration in this matter.  
Sincerely,  
Bac Tran