

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Orange

601 N. Ross Street

Santa Ana, CA 92701

From: (Public Agency): City of Fullerton

303 W. Commonwealth Avenue

Fullerton, CA 92832

(Address)

Project Title: 2021-2029 Housing Element

Project Applicant: City of Fullerton

Project Location - Specific:

The 2021-2029 Housing Element applies to all properties in the City of Fullerton.

Project Location - City: Fullerton

Project Location - County: Orange

Description of Nature, Purpose and Beneficiaries of Project:

The Project is an update to the Housing Element of the Fullerton Plan that was previously adopted in May 2012. State Housing Law (Government Code Section 65580 [et. seq.]) mandates that local governments must adequately plan to meet the existing and projected housing needs of all economic segments of the community, including accommodating its assigned Regional Housing Needs Allocation (RHNA) as determined by the Southern California Association of Governments and approved by the State Department of Housing and Community Development. The purpose of the Project is to comply with the State-mandated requirements for the Housing Element of the General Plan

Name of Public Agency Approving Project: City of Fullerton

Name of Person or Agency Carrying Out Project: Chris Schaefer, AICP, Planning Manager

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: 15061(b)(3)

Reasons why project is exempt:

See attached document.

Lead Agency

Contact Person: Chris Schaefer

Area Code/Telephone/Extension: 714-738-6884

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ▪ Yes No

Signature: _____ Date: _____ Title: Planning Manager

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



Rincon Consultants, Inc.

180 North Ashwood Avenue
Ventura, California 93003
805-644-4455

July 31, 2024
Project No: 22-13430

Sunayana Thomas
City of Fullerton
Community and Economic Development Department
303 West Commonwealth Avenue
Fullerton, California 92832
Via email: Sunayana.Thomas@cityoffullerton.com

**Subject: CEQA Exemption Memorandum for Fullerton 6th Cycle Housing Element Update
City of Fullerton, Orange County, California**

Dear Ms. Thomas:

This memorandum provides an analysis to support the determination by the City of Fullerton (the lead agency) that the proposed Fullerton Housing Element Update is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (“general rule” or “common sense”). This memorandum discusses the background of the proposed Housing Element Update, the requirements to apply the common sense exemption under CEQA, and the applicability of the common sense exemption to the proposed Housing Element Update.

Housing Element Update Background

As part of the 6th cycle Housing Element update, all local governments (cities and counties) are required to adequately plan to meet the housing needs of everyone in the community. This includes identifying housing sites that provide the development capacity to accommodate build out of the City’s Regional Housing Needs Allocation (RHNA) at all income levels. To address the City’s housing needs, future development would occur through a variety of methods, including development on vacant parcels, infill development in existing residential and commercial areas, the disposal of City-owned land for mixed-use development, and the projected development of accessory dwelling units (ADUs). Additionally, the future creation of a Housing Incentive Overlay Zone (HIOZ) would aid in accommodating housing needs, which is analyzed under a separate EIR including Zoning Code and General Plan amendments. In addition to the sites proposed to be rezoned, one City-owned site has been identified to accommodate the RHNA and is currently zoned to accommodate multi-family residential development as proposed in the Housing Element site inventory.

Housing elements are also required to consider ways to promote access to housing that is attainable for residents at all income levels, beyond focusing solely on opportunities for production of new units. The Fullerton Housing Element Update (HEU) would amend the Fullerton General Plan and replace the 5th Cycle Housing Element with the proposed 6th Cycle Housing Element. The proposed HEU is a policy document and would establish programs, policies, and actions to further the goal of meeting the existing and projected housing needs of all income levels of households in the Fullerton community and provides evidence of the City’s ability to accommodate the RHNA allocation through the year 2029, as established by the Southern California Association Governments (SCAG).



The Common Sense Exemption

The proposed HEU is being initiated by the City of Fullerton and would require discretionary approval from the City. Therefore, pursuant to CEQA Guidelines Section 15060(c), this activity is potentially considered a project under CEQA. Pursuant to CEQA Guidelines Section 15061(a), the lead agency (in this case, the City of Fullerton) shall determine whether the project is exempt from CEQA.

Pursuant to CEQA Guidelines Section 15061(b), a project is exempt from CEQA if:

- (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
- (2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300 [of the CEQA Guidelines]) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
- (3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- (4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
- (5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.

As stated in CEQA Guidelines 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity would result in a significant effect on the environment, the activity is not subject to CEQA. "A project that qualifies for neither a statutory nor a categorical exemption may nonetheless be found exempt under what is sometimes called the 'common sense' exemption, which applies '[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment'." (*Muzzy Ranch* at 380, citing CEQA Guidelines, §-15061(b)(3), and *Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 113–118). Whether a particular activity qualifies for the commonsense exemption presents an issue of fact. Substantial evidence supporting the exemption may be found in the information submitted in connection with the project to support that the agency considered reasonably foreseeable physical changes in the environment and the resulting possible environmental impacts in reaching its decision. (*Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 291; *CREED-21 v. City of San Diego* (2015) 234 Cal.App.4th 488, 510-512).

The following analysis demonstrates the HEU, as a policy document, would not have the potential to cause a significant effect on the environment and the common sense exemption applies.

Exemption Analysis and Applicability

As stated under *Housing Element Update Background* above, the HEU is a policy document that would replace the City's current Housing Element with the programs, policies, and actions proposed therein. The HEU does not include specific development projects; rather, it establishes policies and a housing plan to meet its existing and projected housing needs, including its share of the 6th cycle RHNA, and to remove constraints that hinder the City from meeting its housing needs. Additionally, the HEU does not effectuate rezones and does not add sites beyond what would be analyzed in the HIOZ project as analyzed in a separate EIR. Therefore, the HEU would not facilitate increased development beyond what is allowed in the proposed General Plan. Future housing development facilitated by the HEU would be subject to separate environmental review under CEQA and to compliance with the established regulatory framework, including federal, state, regional, and local regulations (e.g.,



Fullerton General Plan policies and Fullerton Municipal Code standards). Future housing development would also be subject to development review by the City.

Therefore, because the activity in question would involve adoption of a policy document that does not, in and of itself, include any proposed development or rezoning that would facilitate increased development, there is no possibility that the HEU would have a significant effect on the environment, and it is not subject to CEQA.

Below is a brief analysis that demonstrates adoption of the HEU would not result in a direct or reasonably foreseeable indirect physical change in the environment. Environmental resources discussed are those on the *CEQA Guidelines* Appendix G Checklist. Since the HEU would not in and of itself include any proposed development or changes to the physical environment, the following analysis is provided for informational purposes only.

- **Aesthetics.** The proposed project involves adoption of a General Plan amendment for compliance with State housing law and does not in and of itself include any proposed development or rezoning that would facilitate increased development. Further, future development requiring discretionary approval would undergo project-specific development review, including design review pursuant to Fullerton Municipal Code (FMC) Chapter 15.47, which governs site plan review and includes standards such as building height which would minimize impacts to scenic vistas, scenic resources, light or glare, and visual character. In addition, projects that require approval for a lot line adjustment, consolidation of lots, or subdivision in conjunction with approval pursuant to this chapter would be subject to requirements pursuant to Title 16 (Subdivisions). As such, its implementation would not cause a substantial adverse effect on a scenic vista, damage scenic resources within a state scenic highway, create a new source of substantial light or glare, or otherwise alter the existing visual character of the city. Therefore, there is no possibility that the HEU would have a significant effect on the environment, and no significant effect to aesthetics would occur.
- **Agriculture and Forestry Resources, Biological Resources, Cultural Resources, Geology and Soils, Mineral Resources, and Tribal Cultural Resources.** The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. In addition, future development requiring discretionary approval accommodated under the proposed project would undergo project-specific developmental review to address potential impacts. Because it is a policy document that does not involve or approve physical development, the proposed project would not convert agricultural land to non-agricultural use; result in the loss or conversion of forest land; result in a substantial adverse effect to special status species, habitat, or wildlife movement; cause a substantial adverse change in the significance of a historic or archaeological resource, or human remains; cause substantial adverse effects related to seismicity, ground failure, erosion, or geologic stability; result in the loss of availability of a mineral resource; or cause a substantial adverse change in the significance of a paleontological or tribal cultural resource. Therefore, there is no possibility that the HEU would have a significant effect on the environment. Furthermore, future development would be required to comply with federal, State, and local regulations and policies to ensure a less than significant effect on the environment, including the preservation of resources and compliance with geologic safety measures. No significant effect to agriculture and forestry resources, biological resources, cultural resources, geology and soils, mineral resources, or tribal cultural resources would occur.
- **Air Quality, Energy, Greenhouse Gas Emissions, Noise, and Transportation.** The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve construction or operational activities that



would generate pollutant emissions, greenhouse gas emissions or noise, and would not directly or indirectly involve activities that increase energy demand, demand for transportation facilities, or vehicle trips. There is no possibility that the HEU would have a significant effect on the environment, and no significant effect to air quality, energy, greenhouse gas emissions, noise, or transportation would occur.

- **Hazards and Hazardous Materials, Hydrology and Water Quality.** The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. Because it is a policy document that does not involve or approve physical development, the proposed project would not involve the transport, use, or disposal of hazardous materials, nor create a significant hazard to the public or environment. Similarly, because it is a policy document that does not involve or approve physical development, the proposed project would not involve changes in land use or ground disturbance that would violate water quality standards, substantially decrease groundwater supplies, substantially alter existing drainage patterns, or release pollutants in a flood hazard, tsunami, or seiche zone. There is no possibility that the HEU would result in a significant effect on the environment. Furthermore, future development would be required to comply with federal, State, and local regulations and policies to ensure a less than significant effect on the environment, including regulations and policies related to hazards and hazardous materials or hydrology and water quality. No significant effect to hazards and hazardous materials or hydrology and water quality would occur.
- **Land Use and Planning.** The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. The HEU would not involve changes to the physical environment that would physically divide an established community or result in conflicts with adopted policies and regulations that intend to avoid or mitigate an environmental effect. Therefore, there is no possibility that the HEU would have a significant effect on the environment, and no significant effect to land use and planning would occur.
- **Population and Housing, Public Services, Recreation, and Utilities and Service Systems.** The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. The HEU would not induce substantial unplanned population growth or displace substantial numbers of existing people or housing, as any population growth that would result from future development associated with the HEU would be considered planned, as it is part of the City's RHNA housing allocation. Additionally, the HEU would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities; or result in physical deterioration of existing parks or recreation facilities. Similarly, the HEU would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities; nor generate demand for water supply or solid waste service. As such, there is no possibility that the HEU would have a significant effect on the environment and no significant effect to these environmental resource areas would occur.
- **Wildfire.** The proposed project involves adoption of a policy document and does not in and of itself include any proposed development. The HEU would not impair an adopted emergency response plan or emergency evacuation plan; exacerbate wildfire risks; require the installation or maintenance of infrastructure that may exacerbate fire risks; or expose people or structures to significant risks because of post fire slope instability or drainage changes. As such, there is no possibility that the HEU would have a significant effect on the environment, and no significant effect to wildfire would occur.

As discussed above, the adoption of the HEU would not facilitate specific development projects and would not authorize increased development that could result in physical changes to the environment.



Future development proposals would be required to undergo project-specific developmental review. Therefore, the HEU would not facilitate increased development beyond what is analyzed by the HIOZ project EIR. As demonstrated above, the HEU would not result in a direct or reasonably foreseeable indirect physical change in the environment and it is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c)(2). Additionally, as demonstrated above, it can be seen with certainty that there is no possibility that the HEU would have a significant effect on the environment and therefore the HEU is not subject to CEQA, pursuant to CEQA Guidelines Section 15061(b)(3). As such, the proposed HEU meets the criteria for the common sense exemption as identified above.

Determination

Based on this analysis documented in this memorandum, the proposed Housing Element Update meets the criteria for a common sense exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Sincerely,
Rincon Consultants, Inc.

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Fullerton Housing Element Update Timeline Summary (Updated 8/29/24)

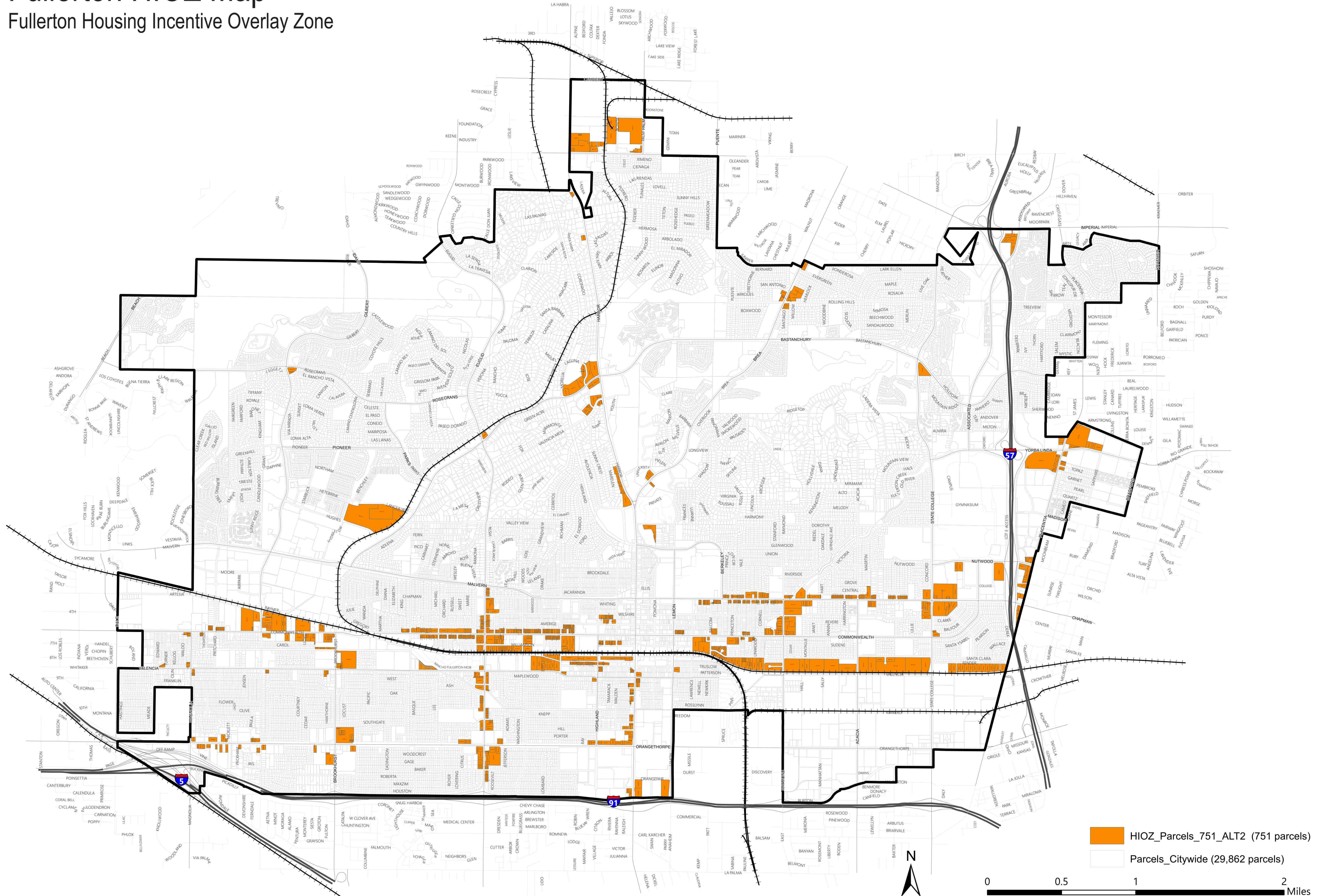
- March 2, 2020 – City Council approved Resolution No. 2020-024 declaring its intention to consider amendments to Title 15 of the FMC pertaining to development standards and review procedures to allow properties containing religious institutions to also be developed with permanent supportive housing and/or deed restricted affordable housing to implement the City's goal to provide affordable housing opportunity and reduce the incidences of homelessness in Fullerton.
- August 18, 2020 – City Council approved the professional service agreements with JHD Planning LLC (i.e. John Douglas), to prepare the Fullerton Housing Element Update and with Dudek, to prepare the Housing Element Overlay Zone (HIOZ).
- October 15, 2020 – Speaker Series #1 – *Housing Element 101* – Consultant: John Douglas – Presentation/discussion/input into presentation before finalized for the Community-at-Large
- October 22, 2020 – Speaker Series #2 – *The Economics of Housing Development* – Consultants: Julie Cooper and Jason Moody / EPS and Lance Harris / Pro Forma – Presentation/discussion/input into presentation before finalized for the Community-at-Large
- October 29, 2020 – Speaker Series #3 – *Land Use and Regulatory Tools* – Consultant: Gaurav Srivastava / Dudek – Presentation/discussion/input into presentation before being finalized for the Community-at-Large
- November 5, 2020 – Speaker Series #4 – *Housing Types* – Consultant: John Kaliski / JKA - Presentation/discussion/input into presentation before finalized for the Community-at-Large
- November 19, 2020 – Presentation/discussion on Housing and Land Use Policy Best Practices with Cesar Covarrubius / Kennedy Commission and discussion on housing challenges faced by Project Champion constituents
- December 17, 2020 – Working Session on housing policy including review of existing Housing Element programs and brainstorm on other policies and programs to consider further goals
- February 17, 2021 – Housing Game Plan Study Session with the Planning Commission.
- March 9, 2021 – Housing Game Plan Study Session with the City Council.
- March 18, 2021 – Presentation/discussion with Orange County United Way and introduction of forth-coming on-own housing policy prioritization exercise
- April 2021 – On-own housing policy prioritization exercise
- October 7, 2021 – Housing Element Community Workshop
- November 30, 2021 – Housing Element submitted to Department of Housing and Community Development (HCD).
- December 1, 2021 – Staff forwarded the draft Housing Element to the City Council for review (not an agenda item).
- December 8, 2021 – Housing Element Study Session with Planning Commission.
- January 27, 2022 - HCD provided a response letter to Fullerton's Housing Element with a list of corrections.
- January - March 2022 – Consultant JHD Planning LLC ceases contract to work on the Housing Element Update for Fullerton. Subsequently, all city planning staff working on Housing Element leave employment with City of Fullerton.
- July 2022 – new replacement city planning staff is hired.
- August 2, 2022 – City Council approved an amendment to the Dudek professional contract.
- September 20, 2022 – HIOZ Study Session with the City Council.

- December 20, 2022 – City Council awarded the professional service agreement to Rincon Consultants for the Housing Element Update. Rincon is tasked with evaluating current status of Housing Element and determining way forward to completing the document.
- February 15, 2023 – HIOZ Study Session with Planning Commission.
- March – May 2023 – City staff researches and prepares responses to Housing Element Update data needs as requested by Rincon.
- May 11, 2023 – HIOZ Open House with public at Fullerton Library Conference Center.
- June 2023 – Economic analysis of HIOZ parcels completed by Kosmont as directed by the Planning Commission and City Council.
- July 2023 – Revision of HIOZ parcel list removing the most economically viable parcels (reduction from 799 parcels to 759 parcels).
- September 9, 2023 – Public review period starts for HIOZ Initial Study.
- September 23, 2023 – Staff presentation of housing development in Fullerton, HEU, and HIOZ to OC United (a non-profit group of representatives of Fullerton churches).
- September 28, 2023 – HIOZ Initial Study Scoping Meeting conducted via Zoom.
- October 9, 2023 – Review period ends for HIOZ Initial Study.
- October 23, 2023 – Staff completed review of entire revised Housing Element Update document and returned to consultants for corrections.
- January 2024 – Rincon completes draft of Housing Element that includes HCD corrections and community input. Revised draft Housing Element posted to the City website.
- January 15-26, 2024 – Public review and comment of revised draft Housing Element. Three commenters provided written input.
- January 25, 2024 – Community meeting and presentation of revised draft Housing Element held in Fullerton Library Conference Center. Approximately 80 residents were in attendance.
- February 20, 2024 – Housing Element Update report to City Council. Staff received guidance to remove eight sites from HIOZ parcel list (Alternative 2 in Program Environmental Impact Report)
- March 25, 2024 – Draft Housing Element submitted to HCD for courtesy review
- May 9, 2024 – HCD courtesy review response letter received by staff
- May 31, 2024 – Program Environmental Impact Report (PEIR) for HIOZ available for 45-day review period
- June 18, 2024 – Housing Element Update Study Session with City Council
- July 1, 2024 – Draft Housing Element submitted to HCD for courtesy review
- July 5, 2024 – PEIR for HIOZ review period closed
- August 15, 2024 – HCD courtesy review response letter received by staff
- September 13, 2024 – Responses provided to HIOZ PEIR commenters

Draft EIR Alternative 2 - Reduced Sites Alternative

Fullerton HIOZ Map

Fullerton Housing Incentive Overlay Zone



Overview of Other Housing Overlay Zones

City of Anaheim, CA

Title and Adoption:

- Chapter 18.34 Residential Opportunity (RO) Overlay Zone
- Ordinance adopted in 2013
- Parcels reclassified as part of 2006-2014 Housing Element

Applicability:

- Applicable to properties with an underlying non-residential zone designation and properties with residential zone designations that don't yield the maximum density allowed by the property's General Plan designation.
- Total of 221 parcels
- Total of x acres

Affordable Housing:

- No requirements.

Density Bonus:

- State law applies. No additional bonus provided.

Development Standards:

- Applies existing Chapter 18.06 Multiple-Family Residential Zones standards to the overlay.
 - If parcels are Medium Density Residential per GP, then RM-4 applies.
 - If parcels are Low-Medium Density Residential per GP, then RM-3 applies.
 - Since RM-3 and RM-4 are applied, mixed-use is allowed on all parcels in the overlay.
- "All requirements set forth in Chapter 18.06 (Multiple-Family Residential Zones) shall be applicable to parcels designated with the (RO) Overlay Zone when the option to develop by-right multiple-family residential development under the provisions of this Chapter is exercised."
- Chapter 18.06 Multiple-Family Residential Zones provides provisions for:
 - Uses
 - Minimum lot area per dwelling unit
 - Minimum lot width
 - Maximum building height
 - Minimum FAR
 - Maximum site coverage
 - Setbacks
 - Minimum size of recreational-leisure areas
- Provisions for parking, signs, landscaping, fences/walls, etc. are provided elsewhere in code.

Chapter Overall:

- Short and concise because it simply refers to RM-3 and RM-4 standards elsewhere in code.
- Outline:

City of Fullerton Housing Incentive Overlay Zone (HIOZ) Research

- 18.34.010 Purpose
- 18.34.020 Applicability
- 18.34.030 Implementation

City of Artesia, CA

Title:

- Article 29.7 Housing Opportunity Overlay Zone (HO-O)
- Ordinance adopted in 2019
- Implements the action noted in the 2014 Housing Element to rezone certain sites to accommodate a shortfall carryover of adequately zoned sites from the 4th cycle and a shortfall of adequately zoned sites for the 5th cycle.

Applicability:

- Applicable to 70 parcels in Groups A through G currently designated City Center Mixed-Use per General Plan Land Use of which are either zoned single-(R-1) or multiple-family (M-R).
- Total of 70 parcels
- Total of 19.42 acres

Affordable Housing:

- At least 20% of the residential units in each project should be reserved for households earning no greater than 80% of area median income adjusted for family size.

Density Bonus:

- State law applies. No additional bonus provided.

Development Standards:

- Standards are embedded in the chapter and provide provisions for:
 - Minimum lot area (10,000 SF)
 - Minimum (20 du/ac) and maximum density (30 du/ac)
 - Size of yards
 - Height limits (>3 stories or 50 feet, whichever is less)
 - Maximum lot area building coverage
 - Minimum parking spaces required
 - Minimum parking space dimensions
 - Signs
 - Minimum outdoor living space (open space)
 - Requirement for affordable housing (20%)
 - State density bonus
 - Requirement for a regulatory agreement
- Provisions for landscaping, trash, lighting, and other building standards elsewhere in the code.
- Regulatory agreement required.

Chapter Overall:

- Short and concise. Many standards listed but are quantitative.
- Outline:

City of Fullerton Housing Incentive Overlay Zone (HIOZ) Research

- 9-2.2970 Intent and Purpose
- 9-2.2971 Underlying Zoning
- 9-2.2972 Principle Uses Permitted
- 9-2.2973 Administrative Review
- 9-2.2974 Development Standards

City of Montebello, CA

Title:

- Chapter 17.47 Housing Opportunity Overlay Zone (HOO)
- Ordinance adopted in 2020.
- Accommodates a shortfall carryover of adequately zoned sites from the 4th cycle (2006-2013) and a shortfall of adequately zoned sites for the 5th cycle (2014-2021).

Applicability:

- Applicable to properties currently zoned high density residential, commercial, and/or manufacturing uses.
- Total of 9 parcels
- Total of 11.51 acres

Affordable Housing:

- “At least 20% of the total number of residential units within the HOO zone, exclusive of units added by a density bonus awarded pursuant to state law, shall be provided at prices affordable to low-income or below households as defined in state law for a minimum of fifty-five years.”

Density Bonus:

- State law applies. No additional bonus provided.

Development Standards:

- Applies existing R-4 High-Density Residential standards from Title 17 to the overlay.
- Allows residential and mixed-use developments as an alternative to the stand-alone high-density residential, commercial, and/or manufacturing base zones underlying the HOO.
- Title 17 provides provisions for:
 - Minimum dwelling unit size
 - Permitted uses
 - Maximum density
 - Maximum number of bedrooms
 - Minimum lot area
 - Minimum lot width
 - Minimum lot depth
 - Maximum lot coverage
 - Maximum building height
 - Maximum building length
 - Minimum open space
 - Minimum parking

City of Fullerton Housing Incentive Overlay Zone (HIOZ) Research

- Minimum setbacks
- Minimum distance between buildings
- In addition to garages, open space, landscaping, internal walkways, trash facilities, utility areas, courts, walls/fences, accessory storage spaces, drainage, driveway encroachments, screening of utilities, joining buildings, etc.
- Requires a regulatory agreement
- Requires a minimum density of 20 du/ac and maximum of 80 du/ac. Also requires a minimum number of residential units per site to be 16 units.

Chapter Overall:

- More lengthy than Anaheim and Artesia to describe process.
- Refers outside of the chapter elsewhere in code for standards.
- Outline:
 - 17.47.010 – Purpose
 - 17.47.020 – Applicability
 - 17.47.030 – Affordable housing requirement
 - 17.47.040 – Use regulations
 - 17.47.050 – Density
 - 17.47.060 – General development standards
 - 17.47.070 – HOO project review
 - 17.47.080 – Regulatory agreement

County of Orange, CA

Title:

- Section 7-9-44 Housing Opportunities Overlay District
- Adopted in 2006
- Included as part of the 2000 Housing Element's Five-Year Action Plan.

Applicability:

- Permits the development of 100% affordable housing, emergency shelters, and multi-service centers in commercial and industrial districts in unincorporated Orange County. Also permits 100% affordable housing on certain residentially-zoned arterial highway frontage parcels.

Affordable Housing:

- Qualified housing developments in the overlay zone must:
 - Be rental projects
 - Provide 100% of the total units as affordable to low- and very-low income households
 - Reserve 70% of the total units to low-income households
 - Reserve 30% of the total units to very-low-income households

Density Bonus:

- State law applies.
- Additional development incentives and/or waivers available.

Development Standards:

- Applies existing multifamily residential zone standards to the overlay.
 - For sites located within a multifamily residential zoning district, the base district site development standards apply.
 - For sites located within a commercial or industrial zoning district, the R3 Apartment District development standards apply.
- Requires a maximum of 25 du/ac or the allowable density of the base zone for residential parcels, whichever is higher. However, density bonuses are allowed.

Chapter Overall:

- Because the overlay zone allows for affordable housing in addition to emergency shelters and multi-service centers, the code is more descriptive. In addition, the county provides a supplemental document called the “Housing Opportunities Manual” which provides detailed guidance on standards, operational requirements, and design guidelines.
- Outline:
 - 7-9-44.1 – Purpose and intent
 - 7-4-44.2 – Application
 - 7-9-44.3 – Site Development permit
 - 7-9-44.4 – Temporary uses permitted
 - 7-9-44.5 – Accessory uses permitted
 - 7-9-44.6 – Housing opportunities manual
 - 7-9-44.7 – Residential site developments standards
 - 7-9-44.8 – Emergency shelter and multi-service center for the homeless site development standards and operational requirements

City of Fullerton Housing Incentive Overlay Zone (HIOZ) Research

Overview of all Overlay Zones

JURISDICTION	OVERLAY	APPLICABILITY	EXTENT	AFFORDABLE HOUSING	REGULATORY AGREEMENT	BASE DENSITY	DENSITY BONUS	MIXED-USE	DEVELOPMENT STANDARDS
ANAHEIM	Residential Opportunity (RO) Overlay Zone	For parcels with non-residential designation	221 parcels ? acres	No requirement	N/A	Per RM-3 and RM-4 densities	State law applies	Allowed	Refers out to RM-3 and RM-4 standards
ARTESIA	Housing Opportunity Overlay Zone (HO-O)	For parcels zoned single- and multiple-family residential	70 parcels 19 acres	20% of units per project for households earning no more than 80% of AMI	Required	Min. 20 du/ac Max. 30 du/ac	State law applies	N/A	Standards embedded in overlay chapter
MONTEBELLO	Housing Opportunity Overlay Zone (HOO)	For parcels zoned high-density residential, commercial, and/or manufacturing	9 parcels 11 acres	20% of total units in the HOO (?) for of low-income or below households	Required	Min. 20 du/ac Max. 80 du/ac	State law applies	Allowed	Refers out to R-4 standards
ORANGE COUNTY	Housing Opportunities Overlay District (H)	For parcels zoned multi-family, commercial, and/or industrial	?	100% of total units per project for low- and very-low-income households	Required	Min. 16 units per project Max. 25 du/ac	State law applies, plus additional incentives and waivers available	Allowed	Refers out to base multi-family and R3 standards, additional guidelines in manual apply