

March 12, 2026

**VIA EMAIL**

Chris Schaefer, AICP  
Planning Manager  
City of Fullerton

Re: 111 West Hermosa Drive – Appeal of Planning Commission Denial

Mr. Schaefer:

We represent City Ventures with respect to the 32-unit residential project at 111 West Hermosa Drive (APN 292-021-14) (“Project”). As you know, the Planning Commission adopted a Resolution of denial for the Project on March 11, 2026.

Pursuant to FMC 15.70.060, this letter of appeal to the Community Development Department states the reasons for City Ventures’ appeal of the Planning Commission’s decision. An appeal fee was transmitted to the City following the Planning Commission meeting on March 11<sup>th</sup>. Together, this letter and appeal fee comprise a complete appeal pursuant to the City’s Code.

The Project is a “Builder’s Remedy” project for which a complete application was submitted when the City did not have a Housing Element that complied with State law. Builder’s Remedy projects are not required to be compliant with underlying General Plan or zoning designations and cannot be denied unless denial is necessary because of a specific, adverse public health and safety impact that cannot be mitigated without rendering the project infeasible for affordable housing. (Government Code Section 65589.5(d).) A “specific, adverse impact” is defined as “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions, as they existed on the date the application was deemed complete.” (Government Code 65589.5(j)(1)(A).)

Planning Commission Resolution PC-2026-03, which was approved on March 11, 2026, concludes that there are “safety impacts at the intersection of Hermosa Drive and Harbor Boulevard.” There is no evidence in the record to support a specific, quantifiable, direct, and unavoidable traffic or safety impact based on objective, identified written public health or safety regulations. Therefore, adoption of draft Resolution PC-2026-03 by the Planning Commission violated State housing law.

Staff concluded in the Staff Report that the Project meets all applicable, objective standards. There was no health and safety impact raised in the Staff Report. There was also no objective health and safety standard or related impact raised at the February 25, 2026 Planning

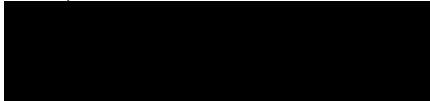
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Commission hearing or at the March 10, 2026 Planning Commission hearing. In fact, the City's traffic engineer specifically stated on the record at the February 25<sup>th</sup> Planning Commission meeting that the Project would improve traffic conditions and make traffic in the area safer. Finally, the City had 30 days after the Project's application was deemed complete to identify any inconsistencies with applicable standards and no exceedance of a traffic standard was timely identified. (Government Code 65589.5(j)(2)(A)(i).)

We urge the Secretary of the Planning Commission to advise the City Clerk to transmit all pertinent data of the case for review by the City Council as soon as practicable. Please advise us as soon as the City Council appeal hearing date is set.

Sincerely,

Cox, Castle & Nicholson LLP



Morgan L. Gallagher  
Partner

Cc: Lisa Kranitz, Assistant City Attorney  
Michael You, City Ventures  
Zachary Forbath, City Ventures