

RESOLUTION NO. 2025-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON,  
CALIFORNIA AMENDING THE FULLERTON PLAN BY ADOPTING THE  
6<sup>TH</sup> CYCLE HOUSING ELEMENT TO REPLACE CURRENT APPENDIX H  
(HOUSING ELEMENT) AND CHAPTER 2 "HOUSING"

LRP-2024-0009  
APPLICANT: CITY OF FULLERTON

WHEREAS, California state law requires every city to have a General Plan, including a Housing Element, which complies with Government Code section 65580 *et seq.* provisions.

WHEREAS, the Housing Element must, among other things, identify sites sufficient to accommodate the City Regional Housing Needs Assessment (RHNA) as assigned by the Southern California Association of Governments.

WHEREAS, California Government Code Section 65588 requires the City updates the Housing Element every eight years. The proposed project seeks to amend the current Fullerton Plan (i.e. General Plan) to provide an update to the Housing Element for the 6th Cycle (2021-2029) planning period.

WHEREAS, the California Department of Housing and Community Development (HCD) collaborates with the Southern California Association of Governments to produce a Regional Housing Needs Assessment (RHNA) every eight years. The RHNA number assessed 13,209 units for 6th Cycle to the City of Fullerton.

WHEREAS, California Government Code Sections 65353 and 65354 require that prior to the adoption of any proposed amendment to the General Plan, the Planning Commission shall first review and recommend to City adoption of any such proposed amendment.

WHEREAS, the Planning Commission of the City of Fullerton, California, held a duly noticed public hearing on September 25, 2024 for LRP-2024-0009 as required by law to consider amendments to the Fullerton Plan and Fullerton Municipal Code and make a recommendation to City Council on September 25, 2025.

WHEREAS, the Planning Commission adopted Resolution No. PC-2024-29 after the close of the public hearing recommending City Council amend the Fullerton Plan and adopt the 6<sup>th</sup> Cycle Housing Element by replacing current Appendix H and Chapter 2 "Housing".

WHEREAS, City Council held a duly noticed meeting on November 19, 2024 regarding amendments to the Fullerton Plan, including the 6<sup>th</sup> Cycle Housing Element, amendments to the Community Development and Design Tables and Exhibits which include changes to the Land Use Map for the City to place the Housing Incentive Overlay over certain parcels in the City, an Ordinance implementing the Housing Incentive Overlay Zone ("HIOZ") and considered the EIR prepared for the changes resulting from the Housing Element Overlay program.

WHEREAS, City Council directed staff after the closing the public hearing to revise the Inventory Sites list in the Housing Element to address concerns, only adopt the HIOZ for Inventory Sites and examine the possibility of additional regulations to include in the HIOZ Ordinance.

WHEREAS, City Council further considered this matter on December 3, 2024 and provided direction to staff to make additional reductions to the Inventory Sites listed in the Housing Element and make changes to the amount of affordable housing required for projects in a HIOZ zone to require 20 percent affordable housing and continued the matter to a special meeting on December 10, 2024.

WHEREAS, staff and the City Housing Consultant performed additional analysis and determined the City could remove additional sites from the Inventory Sites list included in the November 2024 Draft Housing Element presented to City Council at the December 3, 2024 meeting and still provide sufficient sites to meet the City Regional Housing Needs Allocation.

WHEREAS, City Council further considered this matter on December 10, 2024 at which time it determined that the City should amend the Inventory Sites in the Draft November 2024 Housing Element as set forth in Resolution No. XX, by deleting certain sites and continued the matter to January 7, 2025.

WHEREAS, City Council further considered this matter on January 7, 2025.

WHEREAS, Government Code Section 65588(a) requires jurisdictions evaluate the existing Housing Element effectiveness, the appropriateness of goals, objectives and policies and the progress implementing programs for the previous planning period.

WHEREAS, CEQA Guidelines Section 15282(s) references the Statutory Exemption set forth in Government Code Section 65759 which exempts a project exempt from CEQA review if it is an action necessary to bring a general plan or relevant mandatory element of the general plan into compliance pursuant to a court order as set forth in Government Code Section 65759. This exemption applies to adopting the Housing Element as it is a state-mandated update which required the City to accomplish pursuant to stipulated final judgment and order under a lawsuit brought by Californians for Homeownership, Inc. Additionally, Section 15061(b)(3) exempts the Housing Element adoption as it can be seen with certainty that there is no possibility that the adoption of this element may have a significant effect on the environment since it proposes no physical development at this time.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA DOES RESOLVEs AS FOLLOWS:

1. Findings.

- A. The previous recitals are true and correct and are incorporated as if fully set forth herein.

- B. The Housing Element was prepared in accordance with State law and in substantial compliance with the Housing Element Law. The Housing Element contains all provisions required by the State Housing Element Law.
  - C. The City held multiple public meetings as set forth in the timeline that was included as part of the staff report and the City posted all versions of the housing element on the City's website as required by law.
  - D. It is necessary to update the City's Housing Element to comply with State law.
  - E. The City has considered the comment letters from HCD and from the public and has made changes to the Housing Element in response to these comments, including revising the Inventory Sites list to eliminate two parcels which did not qualify as available sites.
  - F. City Council finds that the existing uses on the nonvacant sites identified in the Housing Element Update to accommodate the housing need for lower income households does not constitute an impediment to additional residential development during the 2021-2029 planning period for the Housing Element Update because such uses are likely to be discontinued during the planning period based upon recent recycling trends for the conversion of nonvacant commercial properties to residential, including the integration of commercial uses with residential uses, increased vacancies in retail storefronts due to market transition to more online retail sales, the age and condition of non-residential structures on nonvacant sites, the low floor to area ratio on the nonvacant sites and the improvement-to-land value ratio on the nonvacant sites being less than one. Additionally, as discussed in the Housing Element Update, the City's Housing Incentive Overlay program to accommodate the planning of lower income units and additional housing units is designed to encourage the development of housing units on properties that previously did not allow residential, including the nonvacant sites identified in the Housing Element Update to accommodate the housing need for lower income households. The Housing Element Update discusses contributing factors to fair housing issues and identifies the lack of zoning for higher density residential as a constraint. The rezoning program removes this governmental constraint by establishing by-right zoning that is intended to support the development of higher density housing.
  - G. The City complied with the requirements of Government Code Section 65759 which exempts the City from having to comply with CEQA when it is mandated to take certain action in compliance with a court order. In this case the City prepared an initial study and prepared a draft and final EIR. These documents are part of the general plan and may only be reviewed as it pertains to the Housing Element as provided for by law.
2. Adoption. Based on the above, City Council hereby adopts the 6<sup>th</sup> Cycle Housing Element to replace current Appendix H (Housing Element) and Chapter 2 "Housing" as set forth in Exhibits A and B, attached hereto.
3. 5<sup>th</sup> Cycle Housing Element. Until such time as the 6<sup>th</sup> Cycle Housing Element is found

to be substantially compliant with the Housing Element Law, the 5<sup>th</sup> Cycle Housing Element shall remain in effect.

4. Modification. City Council hereby authorizes the City Manager to make all non-substantive changes or amendments to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by HCD to achieve certification.
5. CEQA. City Council directs staff to file a Notice of Exemption pursuant to CEQA Guidelines Sections 15061(b)(3) and 15282(s).
6. Custodian of Record. The City Clerk's Office will retain the documents and materials that constitute the record of proceedings on which these findings and approval are based are located at City Hall, 303 West Commonwealth Avenue, Fullerton, California. The City Clerk acting as the Custodian of Records, can be reached at (714) 738-6350.
7. Certification. The City Clerk shall certify the passage of this resolution.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JANUARY 7, 2025.

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Fred Jung  
Mayor

ATTEST:

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Lucinda Williams, MMC  
City Clerk

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Date

Attachments:

- Attachment 1 – Housing Element for 6th Cycle (Appendix H of the Fullerton Plan)
- Attachment 2 – Chapter 2 “Housing” of the Fullerton Plan