



Agenda Report

Fullerton City Council

MEETING DATE: AUGUST 19, 2025

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: SUNAYANA THOMAS, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

PREPARED BY: CHRIS SCHAEFER, AICP, PLANNING MANAGER

SUBJECT: FULLERTON MUNICIPAL CODE TITLE 15 AMENDMENTS PERTAINING TO OBJECTIVE DEVELOPMENT STANDARDS

SUMMARY

This action would amend the Fullerton Municipal Code (FMC) to comply with state laws by removing subjective development standards and implementing objective development standards. Proposed amendments would affect zones allowing multiple-family residential and mixed-use development.

PROPOSED MOTION

Introduce Ordinance XXXX for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE SECTION 15.17.070 RELATING TO MULTI-FAMILY ZONE TO DEVELOPMENT STANDARDS, DELETING FULLERTON MUNICIPAL CODE CHAPTERS 15.10 AND 15.12 AND FINDING THE ORDINANCE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15061(B)(3) AND 15305

ALTERNATIVE OPTIONS

- Approve the Proposed Motion
- Other options brought by City Council.

STAFF RECOMMENDATION

Staff recommends the Proposed Motion.

CITY MANAGER REMARKS

None.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Fiscal and Organizational Stability
- Public Safety
- Infrastructure and City Assets.

FISCAL IMPACT

This item has no fiscal impact to the City.

BACKGROUND AND DISCUSSION

Staff proposes amendments to FMC Sections 15.04.040 Definitions, 15.17.020 Permitted Uses, 15.17.030 Conditions of Permitted Uses, 15.30.030.3 Permitted Uses in the C-3 Zoning District, 15.30.040 Limitations on Permitted Uses, 15.42.050 General Site Development Standards, 15.42.060 Review Procedures, 15.55.020 Special Uses Permitted with Provisions and 15.55.030 Conditionally Permitted Special Uses.

The proposed zoning code revisions incorporate “objective development standards” which have specific measurable terms. Objective standards, as opposed to subjective standards, have stated metrics that do not leave standards open to interpretation. The revisions do not use undefined terms such as “consistent with the neighborhood” or “in harmony subject to interpretation.

The state has adopted several laws regarding housing development projects over the last few years, including Senate Bill (SB) 35, SB 330 and Assembly Bill (AB) 2011, that require cities to use objective development standards. Fullerton wrote the recently adopted Housing Element for the 6th Cycle to comply with these regulations. Housing Element Policy Action 3.2g specifically requires removing subjective standards from the FMC.

Staff proposes modifying FMC Section 15.17.070 to add objective development standards as well as address policy actions within the Housing Element including the following:

- step-back standards
- façade modulation and articulation standards
- façade breaks
- ground floor standards
- open space standards
- revised parking standards.

Language added to Section 15.17.070 provides proposed development standards that update design and massing standards with clarifying graphics. The Ordinance also updates parking standards based on state-mandated ratios.

The Ordinance would delete FMC Chapters 15.10 and 15.12 which contain subjective development standards to protect the City from lawsuits. Case law including the *Ruegg & Ellsworth v. City of Berkeley* and *California Renters Legal Advocacy and Education Fund v. City of San Mateo* provide examples of cities losing lawsuits based on enforcing subjective development standards. Staff intends to revise these code sections and present for re-adoption once staff has removed all subjective language.

Staff presented this item to the Planning Commission on February 12, 2025 (Attachment 4) and received the following public comments:

- Curtis Gamble supported the item
- Jane Reifer supported adding historical preservation verbiage
- Scott Hess provided written comments recommending changes to the proposed FMC language.

Commissioner Wehn recommended adding standards to include R-1P zones. The Planning Commission voted 4 – 0 – 1 (Absent: Meza) to recommend City Council approve the proposed FMC changes as modified.

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Draft City Council Ordinance
- Attachment 3 – Summary of Code Updates
- Attachment 4 – February 12, 2025 Planning Commission Minutes

cc: Interim City Manager Eddie Manfro