



Agenda Report

Fullerton City Council

MEETING DATE: SEPTEMBER 16, 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 RELATING TO OBJECTIVE DEVELOPMENT STANDARDS (CONTINUED FROM AUGUST 19, 2025)

SUMMARY

This action would amend the Fullerton Municipal Code (FMC) to comply with state laws by replacing subjective development standards with clear, objective standards for multifamily and mixed-use zones.

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, APPROVING AN ORDINANCE AMENDING FULLERTON MUNICIPAL CODE SECTION 15.17.070 RELATING TO DEVELOPMENT STANDARDS FOR MULTI-FAMILY ZONES, 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 generates no fiscal impact to the City.

BACKGROUND AND DISCUSSION

The State of California has enacted new housing laws including Senate Bill (SB) 35, SB 330 and Assembly Bill (AB) 2011 which requires cities to regulate housing and mixed-use projects using objective development standards. Objective development standards are rules that the City can apply in clear, measurable terms (e.g. a maximum building height in feet or a minimum step-back distance), rather than through interpretation. By contrast, subjective terms such as “in harmony with” or “consistent with the neighborhood” lack defined meaning and the City cannot use as the basis for approving or denying housing projects.

The Fullerton 6th Cycle Housing Element, adopted in 2023, includes Policy Action 3.2g, which requires removing subjective standards from the Fullerton Municipal Code. The proposed amendments implement that requirement, update outdated provisions and align the FMC with state law. These changes reduce legal exposure as courts have found enforcing subjective standards violates state housing laws (*Ruegg & Ellsworth v. City of Berkeley*, *California Renters Legal Advocacy and Education Fund v. City of San Mateo*).

California Department of Housing and Community Development (HCD) staff reviewed all new and updated development standards for future multifamily and mixed-use projects as part of the City High Intensity Overlay Zone (HIOZ) and Housing Element Update review. Staff incorporated input from HCD including the adopted HIOZ development standards (FMC Section 15.07.075).

Staff proposes amendments to the following 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
- 15.55.030 Conditionally Permitted Special Uses.

The most substantial revisions occur within FMC Section 15.17.070 with proposed modifications to add objective development standards and address Housing Element Policy Actions. Implementing these amendments includes the following new standards:

- 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 along with graphics to clarify these standards and reduce ambiguity. Staff updated parking standards based on state-mandated ratios and removed outdated provisions that duplicate requirements already found in the California Building Code.

Staff proposed deleting Chapters 15.10 (Building Types) and 15.12 (Frontage Types) because these sections contain partial form-based code concepts, subjective design “intent” statements and photographs without accompanying objective rules. These chapters attempted form-based code, relying on broad subjective criteria and photographs without annotations. This approach is inconsistent with state requirements for objectivity and does not align with best practices. Removing these chapters, relocating into revised multifamily standards and creative specific objective standards while preserving local preference consolidates all multifamily standards into Section 15.17.070 and provides a consistent, citywide framework.

The Planning Commission considered this item on February 12, 2025 and voted 4 – 0 - 1 (Absent: Meza) to recommend approval with modifications (see attached Meeting Minutes). Curtis Gamble spoke in favor of the item. Jane Reifer supported the amendments but recommended including historic structures and emphasized that CEQA should still apply to properties eligible for historic designation even if not landmarked. She also suggested clarifying the parking exemption language to use the statutory definition of “major transit stop” rather than the broader term “public transit. Scott Hess provided written comments regarding recommendations to changes to the proposed FMC language and requested an explanation of the changes. Commissioner Wehn recommended adding standards that include R-1P zones. The Planning Commission voted 4 – 0 - 1 (Absent: Meza) to recommend City Council adopt the proposed FMC changes as modified

Staff recommends approving the proposed objective multifamily development standards to ensure the FMC remains clear, enforceable and consistent with both best practices and City commitments under the Housing Element and HIOZ.

Attachments:

- Attachment 1 – Draft City Council Ordinance No. XXXX
- Attachment 2 – Summary of Code Updates
- Attachment 3 – Planning Commission Minutes dated February 12, 2025
- Attachment 4 – Supplemental Memo with Attachments

cc: Interim City Manager Eddie Manfro