

ATTACHMENT 1

URGENCY ORDINANCE NO. [REDACTED]

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF LAKE FOREST FOR ZONING CODE
AMENDMENT 12-24-5760 AMENDING SECTION 9.146.050
OF CHAPTER 9.146 OF TITLE 9 OF THE LAKE FOREST
MUNICIPAL CODE RELATING TO ACCESSORY
DWELLING UNITS AND JUNIOR ACCESSORY DWELLING
UNITS, AND FINDING THE ACTION TO BE STATUTORILY
EXEMPT FROM CEQA UNDER PUBLIC RESOURCES
CODE § 21080.17**

WHEREAS, the City of Lake Forest, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law; and

WHEREAS, AB 2533 and SB 1211 take effect January 1, 2025, and if the City’s ADU ordinance does not comply with the requirements imposed by those bills by that date, the City’s entire existing ADU ordinance becomes null and void as a matter of law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of AB 2533 and SB 1211 because if the City’s ordinance does not comply with this legislation by January 1, 2025 — and the City’s ADU ordinance becomes null and void — the City would thereafter be required to approve ADUs and JADUs in accordance with the few default standards that are provided in Chapter 13 of Division 1 of Title 7 of the California Government Code, which is the state ADU law; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing separate utility connection, the

requirement for a permit for certain types of ADUs, and height and setback regulations, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this Ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this Ordinance as an urgency measure in accordance with Government Code section 36937, subdivision (b).

NOW, THEREFORE, the City Council of the City of Lake Forest does ordain as follows:

Section 1. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

Section 3. Urgency Findings. Given the foregoing, the City Council hereby finds there is a current and immediate threat to the public health, safety, and welfare insofar as ADUs may be approved without due consideration of appropriate and tailored local regulations governing unit size, height, building separation, among other things, that would negatively impact neighborhood character, personal privacy, and public safety. Adopting this Ordinance as an urgency measure effectuates the foregoing and protects the public health, safety and welfare by enabling the City to review and approve attached ADUs in a manner that harmonizes its responsibilities to Lake Forest residents with its obligations to approve ADUs under State ADU Law.

Section 4. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

Section 5. Code Amendment. Section 9.146.050 of the Lake Forest Municipal Code is hereby amended as provided in Exhibit “A-1,” with additions shown in underline and deletions in ~~strikethrough~~, attached hereto and incorporated herein by reference.

Section 6. Effective Date. This Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to Government Code sections 36934 and 36937 and takes effect immediately upon its adoption.

Section 7. HCD Submittal. In accordance with Government Code section 66326, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

Section 8. Publication. The City Clerk directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

Section 9. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at Lake Forest City Hall, 25550 Commercentre Drive, Suite 100, Lake Forest, California 92630.

Section 10. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

PASSED, APPROVED, AND ADOPTED this ____ day of January 2025 by the following vote, to wit:

MARK TETTEMER
MAYOR

ATTEST:

LISA BERGLUND
CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF LAKE FOREST)

I, Lisa Berglund, City Clerk of the City of Lake Forest, do hereby certify that the foregoing Ordinance No. [REDACTED] was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of January 2025, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the Lake Forest City Council on the ____ day of January 2025 by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

LISA BERGLUND
CITY CLERK

EXHIBIT A-1

Amended ADU Regulations

(follows this page)