



Planning Commission Agenda Report

Meeting Date: December 5, 2024

Department: Community Development

INITIATED BY: Connor Musler, Associate Planner
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SUBMITTED BY: Gayle Ackerman, AICP, Director of Community Development

REVIEWED BY: Amy Stonich, AICP, Assistant Director of Community Development

SUBJECT: ZONING CODE AMENDMENT 11-23-5675, A CITY-INITIATED ZONING CODE AMENDMENT TO AMEND VARIOUS SECTIONS OF THE ZONING CODE (TITLE 9 OF LAKE FOREST MUNICIPAL CODE)

EXECUTIVE SUMMARY:

General Plan Policy LU-2c encourages the City to periodically review and amend the Zoning Ordinance. In accordance with this policy, City staff initiated Zoning Code Amendment 11-23-5675 (ZC 11-23-5675) that includes amendments to approximately 24 different Zoning Code sections. The amendments are based on recurring inquiries received from the public and experiences the City's planners have had communicating code requirements with residents, brokers, architects, property owners, and business owners. Generally, the amendments will provide clarifications, create consistency with State law, create consistency between residential zoning districts, and promote economic development. The Planning Commission's action serves as a recommendation to the City Council.

RECOMMENDED ACTION(S):

1) Recommend that the City Council find that Zoning Code Amendment 11-23-5675 is not subject to the California Environmental Quality Act (CEQA) pursuant to the following sections of the State CEQA Guidelines: Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), Section 15060(c)(3) (the activity is not a project as defined in Section 15378(a) because it does not have the potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment and Section 15378(b)(5) because the changes are administrative in nature and will not result in direct or indirect physical changes in the environment), and Section 15061(b)(3) (the activity is covered by the common sense exemption that CEQA

applies only to projects which have the potential for causing a significant effect on the environment).

2) Adopt a Resolution entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING VARIOUS SECTIONS OF TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE TO MAKE MINOR REFINEMENTS AND REVISIONS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

BACKGROUND:

When the City incorporated in 1991, the City's first City Council adopted the County Zoning Code as the City's Zoning Code, which can be found in Title 9 of the Lake Forest Municipal Code. In addition, the County's Planned Community documents were adopted and incorporated into the Zoning Code. Together, the regulations found within the Zoning Code and the ten planned communities serve to guide the growth and development of the City.

Since incorporation and the adoption of the City's first Zoning Code, the City has adopted numerous ordinances that refined and updated the regulations within the Zoning Code. Over the past few years, the City's planners have maintained a list of potential zoning code amendments. The list is based on recurring inquiries received from the public and experiences the planners have had communicating code requirements with residents, brokers, architects, property owners, and business owners. Generally, the list includes, but was not limited to, code amendments to address the following:

- Code sections that were not clear or could be interpreted in multiple ways;
- Code sections that made it difficult for residents to construct additions and/or accessory structures in **some** residential zoning districts;
- New types of structures, signs, or businesses that were not addressed in the City's Zoning Code;
- Unnecessary discretionary review of certain business types; and
- New development trends.

Overall, the City's Zoning Code, which was based on the County's Zoning Code in 1991, is outdated, with multiple sections that could be updated to reflect the current and future conditions of the City. However, this Zoning Code Amendment is an accumulation of recommended code amendments based on staff's actual experience working with the Zoning Code in the past few years. The Community Development Department intends to propose a comprehensive zoning code update in the future.

DISCUSSION

City staff initiated ZC 11-23-5675, which includes amendments to approximately 24 different Zoning Code sections. On November 7, 2024, the Planning Commission received and filed staff's presentation on the history of the City's zoning and an introduction to Zoning Code Amendment 11-23-5675. The proposed ordinance is included as Exhibit A in the Planning Commission resolution (PC Attachment 1). In addition, staff has provided PC Attachment 2, which shows all of the proposed Zoning Code amendments in redlined format (with strike-through deletions and underlined additions). Due to the large number of amendments in the proposed ordinance, for the purpose of this report, the amendments are categorized as follows:

1. Clarifications and consistency with State laws,
2. Consistency between residential zoning districts, and
3. Promotion of economic development.

Clarifications and Consistency with State Law

Many of the proposed amendments are simple clarifications in the Zoning Code, with one change related to consistency with State law. Generally, the clarifications include, but are not limited to, the following:

- Modified definitions (ex: removed "Convenience Store" and "Liquor Store" definitions);
- New definitions (ex: added "Assembly, Commercial" and "Patio" definitions)
- Use of tables to clarify code sections; (ex: created a table to show garage dimensions);
- Fixes of clerical errors (ex: the Mixed-use land use matrix misspelled "Late night use");
- Changes to reflect the City's actual and best practices (ex: codified policy related to outdoor dining); and
- Removal of a code section related to the previous Redevelopment Area (per State Law).

City staff provided a table (PC Attachment 3) showing all the proposed code amendments that are categorized as "Clarification and Consistency with State Law." The table includes a summary of the amendment and the reason for the amendment.

Consistency Between Residential Zoning Districts

As previously mentioned, when the City incorporated, the City adopted the County's Zoning Code and Planned Community documents into the Lake Forest Municipal Code. A planned community is a specific geographical area that is

regulated by the corresponding Planned Community document, which functions like a mini-zoning code. As such, the City has some properties that are subject to regulations in zoning districts found in the City's Zoning Code (Title 9 of the Municipal Code) and some properties that are subject to the regulations in zoning districts found in one of the City's ten Planned Community documents. By having zoning districts regulated by the Zoning Code and ten Planned Community documents, the result is approximately 36 different residential zoning districts in the City. The site development standards vary for each of the 36 different residential zoning districts. This zoning code amendment proposes to create more equity in the regulations for the different single-family neighborhoods in different zoning districts. Most of the amendments in this category are related to construction of accessory structures.

Regulations for accessory uses and structures are currently in Zoning Code Section 9.144.080. Accessory structures include, but are not limited to, patio covers, storage sheds, yard buildings, swimming pools, water features, fences, and walls. The existing code is very generic and utilizes the underlying zoning for setbacks of structures over 6 feet in height. This limits the locations where some residents with larger setbacks can place an accessory structure in their rear yard.

The proposed zoning code amendment completely overhauls this code section and reorganizes the section in a more logical format. The new code section includes graphics and tables to more clearly describe the regulations. In the proposed code section, development standards, such as minimum setbacks and maximum height, are based on the type of accessory structure, not the underlying zoning district. This means that a storage shed in any residential zoning district will have the same 5-foot rear setback requirement. The new code section also addresses new development trends in accessory structures, such as California rooms, freestanding fireplaces, TV walls, and waterfalls.

City staff provided a table (PC Attachment 3) showing all the proposed code amendments that are categorized as "Consistency Between Residential Districts." The table includes a summary of the amendment and the reason for the amendment.

Promotion of Economic Development

This zoning code amendment includes amendments that are business friendly and will promote economic development without creating any land use impacts. These code amendments include, but are not limited to, the following:

- Eliminate the requirement for an administrative Site Development Permit for veterinary offices, and animal clinics and hospitals. In lieu of a discretionary

process, these businesses will be permitted by right and subject to revised animal care service regulations related to noise and animal waste.

- Allow “day care centers” in the A-1 Agricultural District with the approval of a Use Permit. Currently day care centers are prohibited in this Zoning District. The County approved many religious institutions in the A1-Agriculture District. This amendment would allow these religious institutions to have day care centers with the approval of a Use Permit.
- Add “parking stall designation sign” to the “Permanent Signs Permitted for Nonresidential Uses” table with new regulations. In the past few years, many City businesses have begun to offer curbside pick-up/drive up services in conjunction with online ordering. These businesses utilize portable or permanently installed parking stall designation signs, such as “Pickup” “Drive Up,” or “Reserved Drive-Thru.” As this is a newer trend, the City’s Sign Code does not currently specifically address this type of signage. The regulations were developed by surveying existing parking stall designation signs in the City.
- Create a new parking standard for personal care services (which includes hair stylists and nail salons), massage establishments, and tattoo studios. The proposed parking ratio is 1 parking stall per 250 square feet of gross floor area, which is consistent with the office parking ratio and would allow these uses in office buildings (if zoning allows the use).
- Reduce parking ratio from 1 parking stall per 150 square feet of gross floor area to 1 parking stall per 250 square feet of gross floor area for medical clinics or offices, dental clinics or offices, and veterinarian hospitals and clinics. This will allow these types of businesses to go into most office buildings in the City (if zoning allows the use).
- Reduce parking ratio from 1 parking stall per 150 square feet of gross floor area to 1 parking stall per 200 square feet of gross floor area for dance studios, health studios and spas (gyms), and marital arts studios. This is consistent with the retail parking ratio and consistent with the parking for most shopping centers and retail buildings.

City staff provided a table (PC Attachment 5) showing all the proposed code changes that are categorized as “Promotion of Economic Development.” The table includes a summary of each amendment and the reason for the amendment.

ENVIRONMENTAL REVIEW:

ZC 11-23-5675 is not subject to the California Environmental Quality Act (“CEQA”) pursuant to the following sections of the State CEQA Guidelines: Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), Section 15060(c)(3) (the activity is not a

project as defined in Section 15378(a) because it does not have the potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment and Section 15378(b)(5) because the changes are administrative in nature and will not result in direct or indirect physical changes in the environment), and Section 15061(b)(3) (the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment). Specifically, the Ordinance does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it involves minor refinements and clarifications to the Zoning Code, implements existing legal requirements, reflects the City's actual and best practices, and the changes are administrative in nature and do not propose nor authorize any action that would have the potential to cause a physical change in the environment, directly or indirectly. Therefore, the Zoning Code Amendment is not subject to CEQA.

PUBLIC NOTICING:

In accordance with the requirements of Section 9.184.040(C)(2) of the Municipal Code of the City of Lake Forest, on November 14, 2024, this project has been noticed in a newspaper of general circulation and the public notice was posted at City Hall. In addition, the public notice was emailed to individuals who expressed interest in this Zoning Code Amendment.

ATTACHMENTS:

1. Draft PC Resolution, with draft ordinance attached as Exhibit "A"
2. Proposed Zoning Code Amendments (Additions and Deletions)
3. Table of all changes related to "Clarifications and State Law Consistency"
4. Table of all code amendments related to "Consistency Between Residential Districts"
5. Table of all code amendments related to "Promotion of Economic Development"