

PC Attachment 2

ORDINANCE NO. _____

AN 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, on January 7, 2025, the City Council adopted an urgency ordinance amending Section 9.146.050 of the Lake Forest Municipal Code to comply with recent changes to state law that impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, on January 9, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on February 4, 2025, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City’s Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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. 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). Specifically, the Zoning Code Amendment implements the following General Plan implementation actions:

Goal 1: Adequate housing to meet the existing and future needs of Lake Forest residents.

Policy 1.1: Allow for the development of a variety of housing opportunities (ownership and rental) in Lake Forest including low-density single-family homes, moderate-density townhomes, higher-density apartments and multi-family projects, mixed-use development, accessory dwelling units, and mobile homes to fulfill regional housing needs.

Section 4. 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 ~~striketrough~~, attached hereto and incorporated herein by reference.

Section 5. Effective Date. This Ordinance shall become effective 30 days after the Council adopts this Ordinance.

Section 6. Publication. The City Clerk directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

Section 7. 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 8. 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 _____ 2025
by the following vote, to wit:

SCOTT VOIGTS
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. ____ 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 _____ 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)