

Attachment 3

RESOLUTION NO. 2023-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE TO ADDRESS LOW BARRIER NAVIGATION CENTERS, TRANSITIONAL AND SUPPORTIVE HOUSING, EMPLOYEE HOUSING, EMERGENCY SHELTER PARKING, AND RESIDENTIAL CARE FACILITIES AND FINDING THE ACTION TO BE EXEMPT FROM CEQA UNDER STATE CEQA GUIDELINES SECTIONS 15060(c)(1) AND 15061(b)(3)

WHEREAS, on February 24, 2023, the California Department of Housing and Community Development certified the City's Housing Element for the 2021-2029 (6th cycle) planning period; and

WHEREAS, the Housing Element includes Housing Program 7: Zoning Code Amendments - Housing Constraints, which requires the City to update the Zoning Code to remove constraints to housing development and ensure that the City's standards and permitting requirements are consistent with state law. Specifically, Housing Program 7 requires code amendments related to low barrier navigation centers, transitional and supportive housing, employee housing, emergency shelter parking, and residential care facilities; and

WHEREAS, the City initiated Zoning Code Amendment ("ZCA") 04-23-5616 to amend Title 9 of the Lake Forest Municipal Code to implement Housing Element Program 7; and

WHEREAS, on April 20, 2023, the City gave public notice of the public hearing for ZCA 04-23-5616 by publishing the required notice in a newspaper of general circulation and posting the notice at City Hall; and

WHEREAS, in accordance with LFMC section 9.196.020, on April 24, 2023, the Director of Community Development made the draft ordinance available for public inspection in the Department of Community Development offices and supplied it at cost to all persons desiring a copy; and

WHEREAS, on May 4, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning ZCA 04-23-5616.

NOW, THEREFORE, the Planning Commission of the City of Lake Forest does hereby resolve as follows:

Section 1. Incorporation of Recitals. The Planning Commission hereby finds and determines that the Recitals above are true and correct and incorporated herein.

Section 2. CEQA. The Planning Commission finds that Zoning Code Amendment 04-23-5616 (the Amendment) is not subject to the California Environmental Quality Act ("CEQA") for several separate and independent reasons. First, approval of the Amendment is not subject to CEQA because it does not constitute a discretionary project subject to CEQA. This code amendment ensures that City's standards and permitting requirements are consistent with state law and fair housing laws, as required by the California Department of Housing and Community Development ("HCD"). The amendment merely codifies these requirements in the City's Zoning Code. (See State CEQA Guidelines, § 15060(c)(1) [activity that does not involve exercise of discretionary power by a public agency not subject to CEQA].) Second, approval of the amendment is exempt from CEQA under State CEQA Guidelines section 15061(b)(3), which exempts projects from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Here, there is no possibility that the amendment may have a significant effect on the environment because it merely amends the Zoning Code to be consistent with state laws and fair housing laws, as required by HCD, which are already binding on the City.

Section 3. General Plan. Based on the entire record before the Planning Commission, including all written and oral evidence presented, the Planning Commission hereby finds and determines that ZCA 04-23-5616 is consistent with the City's adopted General Plan because it implements Housing Element Housing Program 7, as certified by HCD.

Section 4. Recommendation. Based on the foregoing recitals and findings, the Planning Commission hereby recommends that the City Council approve and adopt the proposed ordinance (i.e., ZCA 04-23-5616) attached as Exhibit "A" hereto and incorporated herein by reference.

Section 5. Certification. The Planning Commission Chair shall sign and the Secretary shall attest to the adoption of this Resolution.

Section 6. Effective Date. This Resolution takes effect immediately upon its adoption.

APPROVED this 4th day of May 2023, by the following vote, to wit:

AYES: Fuentes, Ludden, Stannard

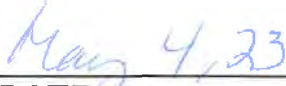
NOES: None

ABSENT: Barajas, Villwock

ABSTAINED: None



JOLENE FUENTES
CHAIR

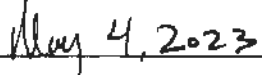


DATE

ATTEST:

GAYLE ACKERMAN, AICP



DATE