

Attachment 1

ORDINANCE NO. 363

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE TO ADDRESS LOW BARRIER NAVIGATION CENTERS, TRANSITIONAL AND SUPPORTIVE HOUSING, STREAMLINED REVIEW OF ELIGIBLE PROJECTS, 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, the 2021–2029 (6th cycle) Lake Forest Housing Element (“Housing Element”) was approved by the City Council on January 6, 2023, and certified by the California Housing and Community Development Department (“HCD”) on February 24, 2023; 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 Planning Commission 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 (i.e., ZCA 04-23-5616) 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 and adopted a resolution recommending that the City Council approve and adopt the ordinance; and

WHEREAS, on May 25, 2023 the City gave public notice of the City Council 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 LPMC section 9.196.020, on May 30, 2023 the City Clerk made the ordinance and all relevant documents available for public inspection in the City Clerk's office, at least five days before the scheduled City Council public-hearing; and

WHEREAS, on June 6, 2023, the City Council held a noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning ZCA 04-23-5616; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. **Incorporation of Recitals.** The City Council hereby finds and determines that the Recitals above are true and correct and incorporated herein.

SECTION 2. **CEQA.** The City Council 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 City

Council, including all written and oral evidence presented, the City Council 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 law.

SECTION 4. **Added Definitions to LPMC Section 9.04.030.** The following definitions are hereby added to Section 9.04.030 (Definitions) of the Lake Forest Municipal Code to read as follows:

“Employee Housing: has the same meaning as in California Health and Safety Code Section 17008(a), as that section is amended from time to time.

Low-Barrier Navigation Center: As defined by California Government Code section 65660(a), “a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. ‘Low barrier’ means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.”

Should this Code's *Low-Barrier Navigation Center* definition conflict with Government Code section 65660(a), the Government Code definition prevails.

Residential Care Facility: An intermediate care facility/developmentally disabled-habilitative or an intermediate care facility/developmentally disabled–nursing, as defined by California Health and Safety Code section 1250; a congregate living health facility, as defined by California Health and Safety Code section 1250; a community care facility, as defined by California Health and Safety Code section 1502; a residential care facility for the elderly, as defined by California Health and Safety Code section 1569.2; a

residential care facility for persons with chronic life-threatening illness, as defined by California Health and Safety Code section 1568.01; an alcoholism or drug abuse recovery or treatment facility, as defined by California Health and Safety Code section 11834.02; a pediatric day health and respite care facility, as defined by California Health and Safety Code section 1760.2; or a family care home, foster home, or group home serving persons with mental health disorders or other disabilities or dependent and neglected children under California Welfare and Institutions Code section 5116.

Target Population: As defined by California Health and Safety Code Section 50675.14(b)(3)(A)-(B), “persons, including persons with disabilities, and families who are ‘homeless,’ as that term is defined by Section 11302 of Title 42 of the United States Code, or who are ‘homeless youth,’ as that term is defined by paragraph (2) of subdivision (e) of Section 12957 of the Government Code. Individuals and families currently residing in supportive housing meet the definition of ‘target population’ if the individual or family was ‘homeless,’ as that term is defined by Section 11302 of Title 42 of the United States Code, when approved for tenancy in the supportive housing project in which they currently reside.” Should this Code’s *Target Population* definition conflict with the California Health and Safety Code definition for this term, the California Health and Safety Code definition prevails.

SECTION 5. **Deleted Definitions from LFMC Section 9.04.030.** The following definitions are hereby deleted in their entirety from Section 9.04.030 (Definitions) of the Lake Forest Municipal Code:

“Agriculture Employee Quarters, Alcoholism or Drug Abuse Recovery or Treatment (AOD) Facility, Community Care Facility, and Quarters for Employee Temporary Use.”

SECTION 6. **Amended Definitions in LFMC Section 9.04.030.** The following definitions in Section 9.04.030 (Definitions) of the Lake Forest Municipal Code are hereby amended to read, each in its entirety, as follows:

Supportive Housing: As defined by California Government Code section 65650(a), “housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work

in the community.” Should this Code’s *Supportive Housing* definition conflict with the California Government Code definition of this term, the Government Code definition prevails.

Transitional Housing: As defined by California Government Code section 65582(j), “buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.” Should this Code’s *Transitional Housing* definition conflict with the California Government Code definition of this term, the Government Code definition prevails.”

SECTION 7. **LFMC Section 9.44.020 Amendment.** Subsections C, D, E, and F of Section 9.44.020 (R1 Single-Family Residential District -Principal Uses Permitted) of the Lake Forest Municipal Code are hereby amended to read, each in its entirety as follows:

- C. Residential care facilities, in accordance with Chapter 5.44 (Residential Care Facilities);
- D. Small and large family day care homes;
- E. Limited home rentals.

SECTION 8. **LFMC Section 9.48.020 Amendment.** Subsections C, D, E, and F of Section 9.48.020 (RS Residential Single-Family District -Principal Uses Permitted) of the Lake Forest Municipal Code are hereby amended to read, each in its entirety as follows:

- C. Residential care facilities, in accordance with Chapter 5.44 (Residential Care Facilities);
- D. Small and large family day care homes;
- E. Limited home rentals.

SECTION 9. **LFMC Section 9.56.020 Amendment.** Subsections D, E, F, and G of Section 9.56.020 (R2 Multifamily Dwellings District -Principal Uses Permitted) of the Lake Forest Municipal Code are hereby amended to read, each in its entirety as follows:

- D. Residential care facilities, in accordance with Chapter 5.44 (Residential Care Facilities);
- E. Small and large family day care homes;
- F. Limited home rentals.

SECTION 10. LPMC Section 9.64.020 Amendment. Subsections D, E, F and G of Section 9.64.020 (R4 Suburban Multifamily Dwellings District - Principal Uses Permitted) of the Lake Forest Municipal Code are hereby amended to read, each in its entirety as follows:

- D. Residential care facilities, in accordance with Chapter 5.44 (Residential Care Facilities);
- E. Small and large family day care homes;
- F. Limited home rentals.

SECTION 11. LPMC Section 9.68.020 Amendment. Subsections C, D, E, and F of Section 9.68.020 (RP Residential-Professional District -Principal Uses Permitted) of the Lake Forest Municipal Code are hereby amended and restated to read, each in its entirety as follows:

- C. Residential care facilities, in accordance with Chapter 5.44 (Residential Care Facilities);
- D. Small and large family day care homes;
- E. Limited home rentals.

SECTION 12. LPMC Section 9.72.090(A) Amendment. Subsection A of Section 9.72.090 (Land Use Matrix) of the Lake Forest Municipal Code is hereby amended to delete the entries and footnotes for *Agriculture Quarters Housing*, *Community Care Facilities Serving 6 or fewer*, and *Transitional Housing* and to add entries and footnotes for *Employee Housing* and *Residential Care Facility*” to read, each in its entirety as follows:

Use	C	I	PA	UA	CAN	A1	OS
Employee Housing	X	X	X	X	X	P ²⁴	P ²⁴
Residential Care Facility	X	X	X	X	X	P ²⁵	X
²⁴ . In accordance with California Health and Safety Code section 17021.6 et seq. ²⁵ . In accordance with Chapter 5.44 (Residential Care Facilities)							

SECTION 13. LPMC Section 9.73.010 Amendment. Section 9.73.010 (Mixed-use districts) of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

9.73.010 Mixed-use districts.

- A. Types. The types of mixed-use districts include the following: mixed-use 32 (MU 32), mixed-use 43 (MU 43), mixed-use office (MUO), urban industrial 25 (UI 25), and urban industrial 43 (UI 43).
- B. SB 35. Projects that qualify for streamlined approval in accordance with Senate Bill 35 (as codified in California Government Code Section 65913.4) may, upon applicant request and demonstration of eligibility, qualify for streamlined and ministerial processing. Projects subject to SB 35 streamlining must comply with this chapter's objective design standards and with objective development standards of the zoning ordinance.

SECTION 14. LFMC Section 9.73.065 Amendment. Section 9.73.065 (Mixed-Use Land Use Matrix) of the Lake Forest Municipal Code, is hereby amended to delete the entries for *Agricultural Employee Housing and Quarters for Employee Temporary Use* and to add entries and footnotes for *Employee Housing, Low Barrier Navigation Center,* and *Residential Care Facility* to read, each in its entirety as follows:

Use	MU 32	MU 43	MUO	UI 25	UI 43
Employee Housing	X	X	X	X	X
Low-Barrier Navigation Center	P ²²	P ²²	X	P ²²	P ²²
Residential Care Facilities	P ²³	P ²³	X	P ²³	P ²³
²² . In accordance with Section 9.146.170 (Low-Barrier Navigation Center). ²³ . In accordance with Chapter 5.44 (Residential Care Facilities)					

SECTION 15. LFMC Section 9.112.020(C)(1) Amendment. Subsection (C)(1) of Section 9.112.020 (PC Planned Community District -General provisions and regulations) of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

- “1. Single-Family Dwellings. In any district or area where single-family dwellings are a permitted use, permitted uses include the following:
 - a. Single-family detached dwellings;

- b. Residential care facilities, in accordance with Chapter 5.44 (Residential Care Facilities);
- c. Small and large family day care homes;
- d. Limited home rentals.”

SECTION 16. LFMC Section 9.146.120(D) Amendment. Subsection D of Section 9.146.120 (Emergency Shelters) of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

D. Parking Ratio. Subject to Government Code section 65583(a)(4)(A)(ii), on-site parking shall be a minimum of one space per employee in the largest shift.

SECTION 17. LFMC Section 9.146.160 Amendment. Section 9.146.160 (Community care facilities and alcoholism or drug abuse recovery or treatment facilities) is hereby deleted in its entirety.

SECTION 18. LFMC Section 9.146.170 Amendment. Section 9.146.170 (Low-Barrier Navigation Centers) is hereby added to the Lake Forest Municipal Code to read in its entirety as follows:

9.146.170 Low-Barrier Navigation Centers

- A. Purpose. The purpose of this section is to comply with California Government Code section 65660 et seq. regarding Low Barrier Navigation Centers (hereafter referred to as “LBNCs,” and each singularly an “LBNC”)
- B. Allowed Zones. As required by California Government Code section 65662, LBNCs that comply with this Section are permitted by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses. If this subsection (B) conflicts with any other provision of this Code, this subsection (B) prevails.
- C. LBNC Streamlined Administrative Permit Required. An LBNC Streamlined Administrative Permit issued by the City is required prior to establishment or construction of any LBNC.
- D. Operational and Development Standards. LBNCs must comply with all of the following:
 - 1. Proximity to Another LBNC. No LBNC may be established or operated at any location that is less than 300 feet from another LBNC.
 - 2. Operational Services. As required by Government Code section 65662, each LBNC must satisfy all of the following:

- a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.
“Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to section 576.400(d) or section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
 - c. It complies with Chapter 6.5 (commencing with section 8255) of Division 8 of the Welfare and Institutions Code.
 - d. It has a system for entering information regarding client stays, client demographics, client income, and exit Information System as defined by section 578.3 of Title 24 of the Code of Federal Regulations.
3. On-Site Personnel. Each LBNC must provide both of the following:
 - a. At least one qualified on-site manager at all times for each 20 occupants; and
 - b. At least one qualified attendant at all times for each 20 occupants.
4. Max Beds. The maximum number of beds per LBNC may not exceed one bed for every 50 square feet of floor area used for sleeping purposes.
5. Parking. Subject to Government Code section 65583(a)(4)(A)(ii), on-site parking shall be a minimum of one space per employee in the largest shift.
6. Intake Areas. The LBNC shall have a separate intake area of a minimum of 250 square feet.
7. Lighting. Outdoor lighting shall be provided in active pedestrian areas, including sidewalks, pathways, and driveways. All lighting must be stationary and permanent. Light trespass onto neighboring parcels is prohibited.
8. Security. At least one security guard shall be provided during all hours when the LBNC is in operation.
- E. Streamlined Administrative Review Procedures. An application for an LBNC Streamlined Administrative Permit will be reviewed and processed

ministerially, without discretionary review or a hearing. The Director of Community Development or the Director's designee will notify an applicant whether the application is complete within 30 days. Action shall be taken within 60 days of when the application is determined to be complete.

F. Sunset.

1. Subject to subsection (F)(2) below, this section remains in effect until January 1, 2027, and as of that date is repealed.
2. If the Legislature amends Government Code section 65668 to extend the effective date of Government Code section 65660 et seq., then this section remains in effect until the date on which Government Code section 65660 et seq. is repealed.

SECTION 19. **LFMC Section 9.146.180 Amendment.** Section 9.146.180 (Transitional and Supportive Housing) of the Lake Forest Municipal Code is hereby added to read in its entirety as follows:

9.170.180 Transitional and Supportive Housing

- A. Transitional Housing. In accordance with Government Code section 65583(c)(3), transitional housing is considered a residential use of property and is subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
- B. Supportive Housing.
1. Generally. In accordance with Government Code section 65583(c)(3), supportive housing is considered a residential use of property and is subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
 2. In Zones Allowing Multifamily. Supportive housing that complies with the requirements of California Government Code section 65650 et seq. is considered a use by right in all zones where multifamily uses are permitted, including mixed use zones. In accordance with Government Code section 65651(b)(1), a supportive housing development must comply with all objective development standards and policies that apply to other multifamily developments within the same zone."

SECTION 20. **LFMC Section 9.146.190 Amendment.** Section 9.146.190 (Employee Housing) of the Lake Forest Municipal Code is hereby added to read in its entirety as follows:

Section 9.146.190 Employee Housing

A. Employee Housing. In accordance with California Health and Safety Code section 17021.5, subdivision (b):

1. Employee housing with a permit from the statutory enforcement agency to serve six or fewer employees is considered a single-family residential structure.
2. No use permit, site development permit, variance, or other zoning clearance is required for employee housing serving six or fewer employees unless the same is required for a family dwelling of the same type in the same zone.
3. In accordance with California Health and Safety Code section 17007, for purposes of this subsection (A), "statutory enforcement agency" refers to the Department of Housing and Community Development unless and until the City of Lake Forest or the County of Orange assume responsibility for enforcing the Employee Housing Act under Health and Safety Code section 17050.

SECTION 21. LPMC Section 9.232.015 Amendment. Section 9.232.015 (Portola Bluff Residential District-Principal uses permitted) is hereby added to the Lake Forest Municipal Code to read in its entirety as follows:

9.232.015 Principal uses permitted

The following principal uses are permitted:

- A. Residential care facilities, in accordance with Chapter 5.44 (Residential Care Facilities).

SECTION 22. LPMC Section 9.232.020 Amendment. Section 9.232.020 (Portola Bluff Residential District-Principal uses permitted subject to a site development permit) of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

9.232.020 Principal uses permitted subject to a site development permit.

The following principal uses are permitted subject to the approval of a site development permit under Chapter 9.184:

- A. Single-Family Dwelling;
- B. Open Space uses;
- C. Small and large family day care homes;
- D. Limited home rentals;
- E. Public or private utility buildings and structures;
- F. Any other use that the Planning Commission finds is consistent with the purpose and intent of this district.

SECTION 23. **Effective Date.** This ordinance takes effect 30 days following its adoption.

SECTION 24. **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.

SECTION 25. **Certification.** The City Clerk is directed to certify to the adoption of this ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation available within the City of Lake Forest, and to post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk in accordance with California Government Code section 36933.

SECTION 26. **Record of Proceedings.** The documents and materials that constitute the record of proceedings on which this ordinance and the above findings are located at the City Clerk's office at 100 Civic Center Drive, Lake Forest, CA 92630.

PASSED, APPROVED AND ADOPTED this 20th day of June 2023.

DOUG CIRBO, MAYOR

ATTEST:

LISA BERGLUND, MPA
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. 363 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 6th day of June, 2023, and thereafter, said ordinance was duly adopted and passed at a regular meeting of the City Council on the 20th day of June 2023, by the following vote, to wit:

AYES: COUNCIL MEMBERS: CIRBO, PEQUEÑO, TETTEMER, VOIGTS,
YU

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

LISA BERGLUND
CITY CLERK