June 21, 2017

Department of Housing and Community Development
Division of Housing Policy Development
P.O. Box 952053
Sacramento, CA 94525-2053

and

Governor’s Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

SUBJECT: CITY OF LAKE FOREST ACCESSORY DWELLING UNIT ORDINANCE

To Whom It May Concern:

Enclosed please find the City of Lake Forest’s adopted ordinance for Accessory Dwelling Units. The City Council adopted Ordinance No. 298 relating to Accessory Dwelling Units at a public meeting held on June 20, 2017.

If you have any questions regarding the enclosed information, please feel free to contact me at (949) 461-3573 or via email at astonich@lakeforestca.gov.

Sincerely,

CITY OF LAKE FOREST

Amy Stonich, AICP
Contract Senior Planner
ADOPION OF ORDINANCE NO. 298 - RELATING TO ACCESSORY DWELLING UNITS

RECOMMENDED ACTION(S):

1. Conduct the second reading of Ordinance 298 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE FOR ACCESSORY DWELLING UNITS FOR CONSISTENCY WITH STATE LAW.

2. Adopt Ordinance No. 298.

EXECUTIVE SUMMARY:

At its regular meeting on June 6, 2017, the City Council considered and conducted the first reading of Ordinance No. 298 which amends the Lake Forest Municipal Code with regard to accessory dwelling units to ensure consistency with changes in state law. At this time, it would be appropriate to conduct the second reading and adopt the aforementioned Ordinance.

FISCAL IMPACT:

There is minimal fiscal impact associated with the recommended action.

ATTACHMENTS:

Ordinance 298

Initiated By: Jennifer Connally, Assistant City Clerk
Submitted By: Stephanie D. Smith, City Clerk
Approved By: Debra Rose, City Manager
ATTACHMENT
ORDINANCE NO. 298

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LAKE FOREST CALIFORNIA, AMENDING
TITLE 9 OF THE LAKE FOREST MUNICIPAL CITY
CODE REGARDING ACCESSORY DWELLING UNITS
TO ENSURE CONSISTENCY WITH CHANGES IN
STATE LAW

WHEREAS, California Government Code, Section 65800 et seq. authorizes the City of Lake Forest ("City") to adopt and administer zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the Lake Forest Municipal Code currently permits accessory dwelling units (formerly accessory living quarters/second unit) in residential districts, subject to applicable state and federal law; and

WHEREAS, the state Legislature has long held that ADUs in single-family and multifamily zones are a valuable means to provide affordable housing in California and, from time to time, changes the statutes related to accessory dwelling units including an update that took effect on January 1, 2017; and

WHEREAS, the City may, by ordinance, provide for the creation of ADUs and set forth limited discretion in residential zones subject to specific findings; and

WHEREAS, the City finds that ADUs may be permitted in residential districts zoned for single-family use which contain an existing detached single-family dwelling and is at least 4,000 square feet and further finds that smaller lot single-family, attached single-family and multifamily residential districts provide the full intensity of each property and multifamily residential districts typically allow multiple units, therefore, they do not qualify for an ADU; and

WHEREAS, the Director of Development Services prepared an exhibit of the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action attached hereto as Exhibit A; and

WHEREAS, on May 1, 2017, the Director of Development Services made the exhibit available for public inspection in the Department of Development
Services offices and supplied it at cost to all persons desiring a copy, at least ten (10) days prior to a scheduled Planning Commission public hearing date in accordance with Section 9.196.020 of the Municipal Code; and

WHEREAS, on April 28, 2017, the City gave public notice of the public hearing for the proposed ordinance by publishing in a newspaper of general circulation of a Planning Commission public hearing at which the ordinance would be considered; and

WHEREAS, on May 11, 2017, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning amendments to the Municipal Code, and provided comments on the amendments, and voted to forward the proposed ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on May 26, 2017, the City gave public notice of the proposed ordinance by publishing in a newspaper of general circulation of public hearing before the City Council at which the ordinance would be considered; and

WHEREAS, on June 1, 2017, the City Clerk made the ordinance and all relevant documents available for public inspection in the City Clerk’s office, at least five (5) days prior to the scheduled City Council public hearing date in accordance with Section 9.196.020 of the Municipal Code and Zoning Code; and

WHEREAS, on June 6, 2017, the City Council considered the staff report, recommendations by staff and the City Attorney, and public testimony regarding amendments to the Municipal Code and Zoning Code; and

NOW, THEREFORE, IT SHALL BE ORDAINED by the City Council of the City of Lake Forest as follows:

SECTION 1. Adoption of Amendments to Municipal Code. The City Council hereby approves and adopts the amendments to Title 9 as shown in the attached Exhibit "A," which by this reference is incorporated herein, for implementation of this Ordinance and corresponding sections of the Municipal Code.

SECTION 2. Compliance with California Environmental Quality Act. The ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code section 21080.17, which exempts from CEQA any ordinance that is adopted to implement Government Code section 65852.1 or 65852.2. This ordinance implements section 65852.2 as amended by Assembly Bill 2299 (2016). Therefore, the ADU ordinance is statutorily exempt.
SECTION 3. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located at Lake Forest City Hall, 25550 Commercentre Drive, Suite 100, Lake Forest, CA 92630, and the custodian of records is the City Clerk.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once in a newspaper of general circulation printed and published within the City of Lake Forest.

SECTION 7. Restatement of Existing Law. To the extent that this Ordinance might restate existing City regulations and policy, the restated and unchanged text is not re-adopted but retains its current effect, and portions of existing code that are omitted in Exhibit “A” remain unchanged unless expressly indicated otherwise.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2017.

SCOTT VOIGTS
MAYOR

ATTEST:

STEPHANIE D. SMITH, MMC
CITY CLERK
I, Stephanie D. Smith, City Clerk of the City of Lake Forest, California do hereby certify that the foregoing Ordinance No. 298 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ___ day of __________ 2017, and thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council, by the following vote, to wit:

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

__________________________
STEPHANIE D. SMITH, MMC
CITY CLERK
CERTIFICATION STATEMENT

I, Stephanie D. Smith, MMC, City Clerk of the City of Lake Forest, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 298, passed by the people of the City of Lake Forest, as declared by the City Council on the day and year set forth above, and published pursuant to law.

__________________________
STEPHANIE D. SMITH, MMC
CITY CLERK