

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTIONS 9.08.010(E), 9.144.080(C) AND 9.112.110 OF TITLE 9 OF THE LAKE FOREST MUNICIPAL CODE TO: (a) ADD A 16-FOOT HEIGHT LIMIT FOR DETACHED ACCESSORY STRUCTURES LOCATED OUTSIDE OF REQUIRED SETBACK AREAS; AND (b) UPDATE LISTS OF EXISTING PLANNED COMMUNITIES; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**

**WHEREAS**, the City of Lake Forest, California (“City”) is a municipal corporation, organized under the constitution and the laws of the State of California; and

**WHEREAS**, on July 21, 2020, the City Council adopted Ordinance No. 333, which added “accessory structure” to the Zoning Code’s definitions provided in Lake Forest Municipal Code (“LFMC”) section 9.04.030; and

**WHEREAS**, accessory structures are defined as structures that are incidental and subordinate to the principal building on the property. Accessory structures include, but are not limited to, patio covers, gazebos, arbors, storage sheds, play equipment, and pool houses. Accessory structures do not include accessory dwelling units (ADUs), which are regulated under LFMC section 9.146.050; and

**WHEREAS**, Ordinance No. 333 also amended LFMC section 9.144.080, which, among other things, regulates the allowable height of accessory structures; and

**WHEREAS**, it has come to City staffs’ attention that LFMC section 9.144.080, as amended by Ordinance No. 333, omitted a height limitation for detached accessory structures that are located outside of setback areas applicable to the primary structure. City staff has proposed amending LFMC section 9.144.080(C) to add a height limitation of 16 feet for such structures; and

**WHEREAS**, on January 21, 2020, the City Council adopted Resolution No. 2020-11 approving Area Plan 05-18-5166, including the Planned Community Development Map, to serve as the Planned Community Program for the Nakase Nursery Site; and

**WHEREAS**, LFMC section 9.112.110 contains a list of planned communities in the

City; and

**WHEREAS**, this Ordinance amends LFMC section 9.112.110's list by: (1) adding the Nakase planned community and (2) removing two planned communities, A.J. West and Foothill Trabuco, that no longer exist; and

**WHEREAS**, consistent with the revisions to LFMC section 9.112.110, this Ordinance also amends the definition for "Residential Zone" in LFMC section 9.08.010 to reflect the updated list of residential planned communities; and

**WHEREAS**, on November 19, 2020, the City gave public notice of a Planning Commission public hearing to be held to consider this Ordinance No. [REDACTED] (Zoning Code Amendment ZC 09-20-5375) by advertisement in a newspaper of general circulation; and

**WHEREAS**, on December 3, 2020, the Planning Commission held a duly-noticed public hearing to consider the staff report, recommendations by staff, and public testimony concerning Ordinance No. [REDACTED]. 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 December 24, 2020, the City gave public notice of a City Council public hearing to be held to consider Ordinance No. [REDACTED] by advertisement in a newspaper of general circulation; and

**WHEREAS**, in substantial compliance with Lake Forest Municipal Code section 9.196.020, on December 31, 2020, the Ordinance and all relevant documents available were made available for public inspection on the City's website at least five (5) days in advance of the City Council's consideration of this Ordinance; and

**WHEREAS**, the City Council has reviewed and considered the public testimony and agenda reports prepared in connection with this Ordinance, including the policy considerations discussed therein, and the consideration and recommendation by the City's Planning Commission; and

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

**SECTION 1.** The recitals are each incorporated by reference and adopted as findings by the City Council.

**SECTION 2.** The City Council finds that Ordinance No. [REDACTED] is not subject to the California Environmental Quality Act (CEQA) because the Ordinance is not a CEQA "project" pursuant to State CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects, and here the proposed amendments refine and clarify Municipal Code provisions and correct clerical errors. Further, the City Council finds that State CEQA Guidelines section 15061(b)(3) exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. The Ordinance has no potential to result in physical change to the environment, directly or indirectly, as the Ordinance refines, clarifies, and corrects clerical errors in the Municipal Code and does not propose nor authorize any action that would have the potential to cause a physical change in the environment, directly or indirectly. The City Council directs staff to file a notice of exemption within five days of the adoption of this Ordinance.

**SECTION 3.** Based on the entire record before the City Council, and all written and oral evidence presented, the City Council hereby finds that this Ordinance's amendments to LFMC sections 9.112.110 and 9.144.080 are consistent with the City's adopted General Plan. Specifically, Land Use Element Action LU-2c encourages review and amendment of the Zoning Ordinance to clarify permitted uses and conditionally permitted uses in all districts. The purpose of this Ordinance is to make certain clean-up amendments, refinements, and corrections of clerical errors to ensure that the Zoning Code is consistent and clear. Therefore, the Zoning Code Amendment is consistent with the General Plan.

**SECTION 4.** Attached as Exhibit "A" to this Ordinance are the amendments provided herein to LFMC sections 9.08.010, 9.112.110 and 9.144.080 with additions shown in underline, deletions shown in ~~strikethrough~~, and relocated (existing) text shown in double underline.

**SECTION 5.** Subsection (E) of Section 9.08.010 of Title 9 of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

"E. "Residential Zone" shall mean any property within the City which carries a zoning designation permitting the location of a residence, including HEDR (Heavy Density Residential), HIDR (High Density Residential), LDR (Low Density Residential), MDR (Medium Density Residential), MF (Multifamily Residential), R1 (Single-Family Residential), R2 PD (Group Dwelling Family Residential), RS (Residential Single-Family), SF (Single-Family Residential), R2 (Multifamily Dwellings District), R4 (Suburban

Multifamily Residential District), RS (Residential Single-Family District), and residential zones within the following planned communities designations: PC (Planned Community), PC 1 (Baker Ranch Planned Community), PC 2 (El Toro Planned Community), PC 3 (Foothill Ranch Planned Community), PC 4 (Lake Forest Planned Community), PC 5 (Nakase Planned Community), PC 7 (Portola Hills Planned Community), PC 8 (Rancho de Los Alisos Planned Community), PC 9 (Rancho Serrano Planned Community), and PC 10 (Serrano Highlands Planned Community).”

**SECTION 6.** Subsection (C) of Section 9.144.080 of Title 9 of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

“C. Height Limit.

1. Attached accessory structures located outside of setbacks applicable to the primary structure: Same as the zoning district height limit.
2. Detached accessory structures located within any required side or rear setback applicable to the principal structure: six (6) feet.
3. Detached Accessory Structures outside of setbacks applicable to the primary structure: sixteen feet.”

**SECTION 7.** Section 9.112.110 of Title 9 of the Lake Forest Municipal Code is hereby amended to read in its entirety as follows:

**“9.112.110 Existing planned communities.**

Additional information can be found in the P.C. text for each planned community. The existing planned communities in the City are as follows:

1. Baker Ranch
2. El Toro
3. Foothill Ranch
4. Lake Forest
5. Nakase
6. Pacific Commercentre
7. Portola Hills
8. Rancho de Los Alisos

9. Rancho Serrano
10. Serrano Highlands.”

**SECTION 8.** This Ordinance shall take effect 30 days following its adoption.

**SECTION 9.** The City Council hereby directs staff to prepare, execute, and file with the Orange County Clerk a Notice of Exemption within five working days of the adoption of this Ordinance.

**SECTION 10.** If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, 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 11.** The documents and materials that constitute the record of proceedings on which this Ordinance and the above findings have been based are located at the City Clerk’s Office at 100 Civic Center Drive, Lake Forest, CA 92630.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
SCOTT VOIGTS  
MAYOR

ATTEST:

\_\_\_\_\_  
LISA BERGLUND  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MATTHEW E. RICHARDSON  
CITY ATTORNEY

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COUNTY OF ORANGE       ) SS

CITY OF LAKE FOREST    )

I, Lisa Berglund, City Clerk of the City of Lake Forest, California do hereby certify that the foregoing Ordinance No. [REDACTED] was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 5<sup>th</sup> day of January 2020 and thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the [REDACTED] day of [REDACTED], 2021, by the following vote, to wit:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

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LISA BERGLUND  
CITY CLERK

**EXHIBIT "A"**

**REDLINE OF MUNICIPAL CODE UPDATES**

(follows this page)

### **Section 9.08.010 – Definitions**

Section 9.08.010 of Title 9 of the Lake Forest Municipal Code is amended to revise the definition for “Residential Zone” as set forth below:

“E. “Residential Zone” shall mean any property within the City which carries a zoning designation ~~per-mitting~~ permitting the location of a residence, including HEDR (Heavy Density Residential), HIDR (High Density Residential), LDR (Low Density Residential), MDR (Medium Density Residential), MF (Multifamily Residential), R1 (Single-Family Residential), R2 PD (Group Dwelling Family Residential), RS (Residential Single-Family), SF (Single-Family Residential), R2 (Multifamily Dwellings District), R4 (Suburban Multifamily Residential District), RS (Residential Single-Family District), and residential zones within the following planned communities designations: PC (Planned Community), ~~PC 1 (Lake Forest Planned Community), PC 2 (El Toro Planned Community), PC 3 (Rancho De Los Alisos Planned Community), PC 4 (Serrano Highland Planned Community), PC 5 (Rancho Serrano Planned Community), and PC 9 (Portola Hills Planned Community), PC 8 (Foothill Ranch Planned Community) and PC 10 (Foothill/Trabuco Specific Plan)~~ PC 1 (Baker Ranch Planned Community), PC 2 (El Toro Planned Community), PC 3 (Foothill Ranch Planned Community), PC 4 (Lake Forest Planned Community), PC 5 (Nakase Planned Community), PC 7 (Portola Hills Planned Community), PC 8 (Rancho de Los Alisos Planned Community), PC 9 (Rancho Serrano Planned Community), and PC 10 (Serrano Highlands Planned Community).”

### **Section 9.144.080 – Accessory uses and structures**

Section 9.144.080 of Title 9 of the Lake Forest Municipal Code is amended to add a height limitation for detached accessory structures as set forth below:

“Section 9.144.080 – Accessory uses and structures.

All references to this section shall include Sections 9.144.080.1 through 9.144.080.7. These regulations apply to all districts, planned communities, and specific plan areas, unless otherwise specified.

A. Permitted Accessory Uses and Structures. In addition to the principal uses and structures expressly included in a zoning district, planned community, or specific plan, accessory uses and structures which are customarily associated with and subordinate to a permitted principal use on the same building site and which are consistent with the purpose and intent of the applicable zoning district, planned community, or specific plan are permitted. Whenever there is a question as to



whether a specific use or structure is permitted as an accessory use, the Director of Community Development shall make the determination.

- B. Location of Accessory Structures. Accessory structures shall be permitted anywhere on a building site except within the following areas, unless otherwise permitted by Section 9.144.080.
1. Within the ultimate right-of-way.
  2. Within the front fifty (50) feet or front one-half (½) of any building site, whichever is less.
  3. Within the panhandle portion of a panhandle building site.”
- C. Height Limit.
1. Attached accessory structures located outside of setbacks applicable to the primary structure: Same as the zoning district height limit.
  2. Detached accessory structures located within any required side or rear setback applicable to the principal structure: six (6) feet.
  3. Detached Accessory Structures outside of setbacks applicable to the primary structure: sixteen feet.
- D. Building Site Coverage. Detached accessory buildings shall not cover more than fifty (50) percent of the required rear setback area.”

**Section 9.112.110 – Existing planned communities.**

Section 9.112.110 of Title 9 of the Lake Forest Municipal Code is amended to add Nakase and remove A.J. West and Foothill Trabuco as set forth below:

“Section 9.112.110 Existing planned communities.

Additional information can be found in the P.C. text for each planned community. The existing planned communities in the City are as follows:

1. ~~A.J. West~~ Baker Ranch;
2. ~~Baker Ranch~~ El Toro;
3. ~~El Toro~~ Foothill Ranch;
4. ~~Foothill Ranch~~ Lake Forest;
5. ~~Foothill Trabuco~~ Nakase;
6. ~~Lake Forest~~ Pacific Commercentre;

7. Pacific Commercentre Portola Hills;
8. ~~Portola Hills~~ Rancho de Los Alisos;
9. ~~Rancho de Los Alisos~~ Rancho Serrano;
10. ~~Rancho Serrano~~; Serrano Highlands.
11. ~~Serrano Highlands~~