

PC RESOLUTION NO. 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5, 8, 15 AND 17 OF THE TEMECULA MUNICIPAL CODE MAKING 1) MINOR REVISIONS TO MASSAGE AND TOBACCO ESTABLISHMENTS OPERATIONAL STANDARDS, 2) CLARIFY LIMITATIONS FOR OUTDOOR VENDORS, 3) AMEND THE DEFINITION OF “NUISANCE” TO INCLUDE “DISORDERLY HOUSE” 4) IMPLEMENT THE PROVISIONS OF AB 970 RELATED TO STREAMLINED APPROVAL OF ELECTRIC AND HYDROGEN FUELING STATIONS 5) SPECIFY THAT THE TEMECULA GENERAL PLAN WILL BE USED FOR LAND USE DETERMINATIONS PERTAINING TO ZONING FOR SPECIFIC PLANS NO. 1, 2, 3, 4, 6, 9, 10, AND 12 NOT RIVERSIDE COUNTY ORDINANCE NO. 348, 6) CLARIFY THAT VENDORS/FARMERS MARKETS REQUIRE A MAJOR TEMPORARY USE PERMIT, AND 7) REMOVE WATER TANKS AS AN APPROVED LOCATION FOR TELECOMMUNICATION FACILITIES, 8) MAKE OTHER CLERICAL OR TYPOGRAPHICAL CORRECTIONS, AND MAKE A FINDING OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061 (B)(3).”

Section 1. Procedural Findings. The Planning Commission of the City of Temecula does hereby find, determine and declare that:

A. City staff identified the need to make revisions and clarifications to portions of Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), Title 15 (Buildings and Construction) and Title 17 (Zoning) of the Temecula Municipal Code.

B. The Planning Commission, at a regular meeting, considered the proposed amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), Title 15 (Buildings and Construction) and Title 17 (Zoning) of the Temecula Municipal Code on August 7, 2024, at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to, and did testify either in support or opposition to this matter.

C. The proposed amendments to Title 5, 8, 15 & 17 are consistent with the City of Temecula General Plan, and each element thereof.

D. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission recommended that the City Council adopt the Ordinance attached hereto as Exhibit "A".

E. All legal preconditions to the adoption of this Resolution have occurred.

Section 2. Further Findings. The Planning Commission of the City of Temecula does hereby find, determine and declare that:

The Planning Commission, in recommending adoption of the proposed Ordinance, hereby makes the following additional findings as required by Section 17.01.040 ("Relationship to General Plan") of the Temecula Municipal Code:

1. The proposed use is allowed in the land use designation in which the use is located, as shown on the land use map, or is described in the text of the general plan.

The proposed Code Amendments do not change the types of uses allowed in the City. The proposed Code Amendments clarify when the City of Temecula General Plan Land Use and Zoning Designation will be used for specific plans adopted prior to the City's adopted General Plan Land Use Element. Since the General Plan controls when there is a conflict between a General Plan and Specific Plan or Zoning, then this change is just clarifying the status quo. In addition, the proposed Code Amendments clarify the operational standards of existing land uses and do not increase or decrease the intensity of any use.

2. The proposed uses are in conformance with the goals, policies, programs and guidelines of the elements of the general plan.

The proposed changes to Titles 5, 8, 15, and 17 conform with the goals, policies, programs and guidelines of the elements of the General Plan. The proposed changes modify operational requirements for massage establishments, tobacco shops and outdoor vendors which furthers Policy 5.2 of the Economic Development Element of the Temecula General Plan, which is to "Monitor economic conditions in Temecula in comparison to other locations in California and throughout the nation to determine relative advantages." The proposed changes implement the requirements of Assembly Bill (AB) 970, which requires the streamlined processing of electric and hydrogen vehicle fueling facilities, which furthers Policy 3.5 of the Air Quality Element of the Temecula General Plan, which is to "Promote the use of alternative clean-fueled vehicles, new transportation technologies, and combustion engine alternatives for personal and business use." The proposed amendments would clarify that vendors markets are a major temporary use permit and remove water tank as a preferred location for wireless telecommunication facilities which implements Goal 1 of the Community Design Element of the Temecula General Plan which states "Design excellence in site planning, architecture, landscape architecture and signs. The remaining proposed amendments to the Temecula Municipal Code are minor clarifications and a correction of typographical edits and do not result in an inconsistency between the Temecula Municipal Code and the adopted General Plan.

3. The proposed uses are to be established and maintained in a manner which is consistent with the general plan and all applicable provisions contained therein.

The proposed amendments to Title 17 would clarify that Riverside County Ordinance No. 348 will not be used for specific plan land use determinations and the Temecula General Plan will be used. This will ensure that no inconsistencies arise from discrepancies between previously adopted specific plans and the Temecula General Plan.

Section 3. Environmental Compliance. In accordance with the California Environmental Quality Act, the proposed Ordinance No. 2024- is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14 of the California Code of Regulations, Section 15061 (b) (3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The Code Amendments impose regulations on existing uses, but do not increase the intensity or density of any land use or allow any development where it was not otherwise permitted. The Title 17 amendments clarify that the General Plan land use designation will be used in Specific Plan Nos. 1, 2, 4, 9, 10, and 12 for zoning code determinations and not Riverside County Ordinance No. 348. This is consistent with State law in that if there is a discrepancy between zoning and the General Plan or a Specific Plan and General Plan, the General Plan controls. As such, this change will maintain the status quo in that the General Plan will control. The Planning Commission, therefore, recommends that the City Council of the City of Temecula adopt a Notice of Exemption for the proposed ordinance.

Section 4. Recommendation. The City of Temecula Planning Commission hereby recommends the City Council approve Planning Application No. LR24-0005, a proposed Citywide Ordinance as set forth on Exhibit “A”, attached hereto, and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED by the City of Temecula Planning Commission this 7th day of August 2024.

Bob Hagel, Chair

ATTEST:

Matt Peters
Secretary

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Matt Peters, Secretary of the Temecula Planning Commission, do hereby certify that the forgoing PC Resolution No. 2024- was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 7th day of August 2024, by the following vote:

AYES: PLANNING COMMISSIONERS:

NOES: PLANNING COMMISSIONERS:

ABSTAIN: PLANNING COMMISSIONERS:

ABSENT: PLANNING COMMISSIONERS:

Matt Peters
Secretary