

**STAFF REPORT – PLANNING  
CITY OF TEMECULA  
PLANNING COMMISSION**

**TO:** Planning Commission Chairperson and members of the Planning Commission

**FROM:** Matt Peters, Director of Community Development

**DATE OF MEETING:** April 16, 2025

**PREPARED BY:** Mark Collins, Associate Planner

**PROJECT SUMMARY:** Long Range Planning Project Number LR25-0068, amending Title 17 of the Temecula Municipal Code as detailed in the proposed Ordinance attached here as Exhibit A.

**RECOMMENDATION:** Adopt a Resolution recommending that the City Council adopt an Ordinance amending Title 17 of the Temecula Municipal Code.

**CEQA:** Statutorily Exempt  
Section 15282 (H)

**BACKGROUND SUMMARY**

The City of Temecula City Council adopted the Municipal Code in January 1990. Since its adoption, the City Council has periodically made amendments to various sections of the Code to improve its clarity, and to make necessary corrections or changes. Pursuant to Government Code Section (GCS) 65800, the Planning Commission is required to review and make recommendations to the City Council regarding zoning regulations and amendments to Title 17 (Zoning) of the Temecula Municipal Code.

The Accessory Dwelling Unit (ADU) program began in earnest with the Housing Accountability Act of 2019. Since then, various state amendments have resulted in a modestly successful program to increase the housing supply in various jurisdictions throughout the state. These changes were numerous and had varying effects over the years and have been adopted into the Code to ensure compliance with state law. However, the sheer number of changes and cross references caused enough confusion to necessitate the reorganization and renumbering of these statutes by the state.

The proposed Ordinance would amend the Municipal Code by repealing and replacing Chapter 17.23 (Accessory Dwelling Units) in its entirety. The reason for this proposed Ordinance is to implement changes to state accessory dwelling unit (ADU) law, which continue to evolve as the

program grows and lessons are learned. The proposed Ordinance makes amendments to various standards and requirements for ADU development; however, the largest number of changes relate to the renumbering of state ADU statutes.

The proposed Ordinance was presented to Planning Commissioners Hagel and Watson of the Municipal Code Maintenance Ad Hoc Subcommittee on March 19, 2025. The subcommittee was supportive of the proposal and was supportive of addressing and separation requirements for the health and safety of those persons residing in an ADU or junior accessory dwelling unit (JADU) within the City.

The proposed Ordinance was presented to Mayor Kalfus and Councilmember Rahn of the City Council General Plan Update Ad Hoc Subcommittee on March 27, 2025. The subcommittee was supportive of the proposal and supported this item moving forward to the Planning Commission and City Council.

The City is required, per GCS §66326(a) to submit all ADU Ordinances within sixty (60) days of adoption to the California Department of Housing and Community Development (HCD). This ordinance, if adopted, would be submitted to HCD for their review in the same manner.

Listed below is a summary of the proposed changes to Chapter 17.23 of the Municipal Code from what is currently codified, each of which is discussed in greater detailed in the analysis section, which follows:

#### **Section 17.23.010 – Purpose and Applicability**

1. Would update multiple references to various GCS within the section.

#### **Section 17.23.020 – Definitions**

2. Would update multiple references to various GCS within the section.
3. Would amend the definitions of “Junior Accessory Dwelling Unit,” and make typographical corrections.

#### **Section 17.23.030 – General Requirements for “Building Permit Only” ADUs and JADUs (Governed by Government Code Section 66323)**

4. Would update multiple references to various GCS.
5. Would rename the section for faster identification and ease of use.
6. Would update the height requirements for detached ADUs subject to GCS §66323 (Building Permit Only ADUs and JADUs).
7. Would amend the ADU requirements for proposed or existing multi family developments, to include quantity.

8. Clarifies the requirements for JADUs sanitation facilities and interior access to the primary residence.
9. Amends the existing requirements for a recorded covenant for JADUs.
10. Clarifies addressing requirements.

**Section 17.23.040 – General requirements and application procedures for Ministerial ADUs (Governed by Government Code Section 66314)**

11. Would update multiple references to various GCS within the section.
12. Would rename the section.
13. Would clarify when the separation requirement of detached ADUs from the primary residence can be enforced.
14. Clarifies addressing requirements.

**Section 17.23.050 – Standards for Ministerial ADUs (Governed by Government Code Section 66314)**

15. Would rename the section.
16. Would update multiple references to various GCS within the section.
17. Would amend the code to include language that would prohibit the application of this code, should its strict application prohibit the construction of either an 850 S.F. (1 Bedroom or studio) ADU or 1,000 S.F. (1+ Bedroom) ADU
18. Clarify fire sprinkler requirements in existing residential units that propose an ADU

**Section 17.23.060 – Fees and Utility Connections.**

19. Would make minor typographical and formatting corrections.

**ANALYSIS**

Outlined below is the explanation for the proposed amendments broken down by section:

**Purpose and Applicability – Section 17.23.010**

The purpose and applicability of this section remains unchanged. The proposed Ordinance would correct references to various newly created GCS; these changes do not

implement or change any standard and are corrections only to reflect changes in the numbering of state ADU statutes.

#### Definitions – Section 17.23.020

The definition for “Junior Accessory Dwelling Unit” is being amended to comply with state law, to clarify that an “efficiency kitchen” is required and shall contain cooking facility with appliances, such as a refrigerator, stovetop, oven, sink, wet bar, and/or dishwasher, and a food preparation area with appropriately sized storage cabinets. Additionally, the proposed Ordinance would correct typographical errors and update references to various GCS throughout the section.

#### Building Permit Only ADU/JADU – Section 17.23.030

Recent changes to state law have amended the height limitations for ADUs in certain situations such as proximity to a transit stop, when an ADU is part of a multi-family development, or to match the existing homes roofs’ pitch. While the height limit of sixteen (16) feet remains for detached ADUs on a lot with an existing (or proposed) single family residence, this height can increase to eighteen (18) feet if the proposed development is within one half (1/2) mile of a major transit stop, an additional increase to twenty (20) feet is allowed to match the existing roof pitch in such situations. Detached ADUs built on a lot with a single story multi family development are limited to eighteen (18) feet in height; while attached ADUs are limited to twenty-five (25) feet or the height limit of the zoning district, whichever is less.

The proposed Ordinance would increase the number of ADUs allowed to be constructed at multi-story multi-family development from two (2) to eight (8) detached ADUs. The ADU limit remains two (2) for multi-family developments that are single-story. Additionally, the proposed Ordinance clarifies that ADUs shall not be considered to exceed a zones allowable density, would reduce the minimum size of a JADU from two hundred and fifty (250) S.F. to one hundred and fifty (150) S.F. in accordance with state law, and require a covenant for JADUs prohibiting separate sale and attesting to obeying the size requirements. Lastly, the proposed Ordinance would implement existing ADU addressing standards, amend references to various GCS, and require JADUs built without sanitation facilities to have interior access to the primary residence for access to such facilities.

#### General Requirements and application procedures for Ministerial ADUs – Section 17.23.040

The proposed ordinance would rename the section to describe its purpose more accurately from those of other provisions within this chapter. Additionally, the proposed ordinance would implement the City’s existing ADU addressing requirements and make corrections to various GCS.

### Standards for Ministerial ADUs – Section 17.23.050

The City is allowed to enforce limited standards such as lot coverage, four-foot setbacks, etc. for ADU development so long as the strict application of these standards does not preclude the construction of an ADU at least eight hundred (800) S.F. in size. The proposed ordinance would amend the size of ADUs that these standards cannot preclude, specifically at least a single eight hundred and fifty (850) S.F. one (1) bedroom or one thousand (1,000) S.F. ADUs containing more than one (1) bedroom. It is up to the applicant to demonstrate that the strict application of these standards would preclude such construction and not just an avenue to circumvent these standards for preferred ADU placement. The City previously adopted a six (6) foot separation requirement for new constructed ADUs and the primary residence, and subsequently were advised by HCD that this requirement may run afoul of state law; this proposed ordinance would amend that requirement to be unenforceable if it precludes the construction of an ADU as specified. Lastly, the proposed ordinance would clarify that construction of an ADU requiring fire sprinklers does not trigger the requirement for fire sprinklers in the primary residence, if existing.

### Fees and Utility Connections – Section 17.23.060

The proposed ordinance would make minor typographical and formatting corrections to this section only, with no substantive changes.

## **LEGAL NOTICING REQUIREMENTS**

Notice of the public hearing was published in the *Press Enterprise* on March 28, 2025.

## **ENVIRONMENTAL DETERMINATION**

In accordance with the California Environmental Quality Act, the proposed project has been deemed to be statutorily exempt from further environmental review.

This ordinance is statutorily exempt, per section 15282(H), from the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines as this ordinance exclusively implements updates to second units (Accessory Dwelling Units) in single-family and multi-family residential zones to comply with state law.

- ATTACHMENTS:**
1. PC Resolution
  2. Exhibit A - Draft City Council Ordinance
  3. Draft Ordinance Redline Version
  4. HCD ADU Ordinance Review Letter
  5. Notice of Public Hearing