

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Luke Watson, Deputy City Manager

DATE: January 24, 2023

SUBJECT: Conduct Public Hearing to Consider Extension of Interim Urgency Ordinance Enacted Pursuant to Government Code Section 65858 Establishing Emergency Regulations Related to Urban Lot Splits and Housing Units Built in Accordance with Senate Bill 9, Declaring the Urgency Thereof and Making a Determination of Exemption Pursuant to Government Code Section 65852.21(j) and California Environmental Quality Act Guidelines Section 15061(b)(3)

PREPARED BY: Matt Peters, Principal Planner

RECOMMENDATION: That the City Council adopt an ordinance, by a 4/5 vote, extending Interim Urgency Ordinance No. 2022-03 entitled:

ORDINANCE NO.

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2022-03, ESTABLISHING EMERGENCY REGULATIONS PURSUANT TO GOVERNMENT CODE SECTION 65858 ON URBAN LOT SPLITS AND HOUSING UNITS BUILT IN ACCORDANCE WITH SENATE BILL 9, AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO GOVERNMENT CODE SECTION 65852.21(J) AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3)

SUMMARY OF

ORDINANCE: Senate Bill 9 (SB 9) specifically authorizes local agencies to impose objective zoning, subdivision, and design standards consistent with the bill's provisions, and to adopt an ordinance to implement its provisions. The default standards contained in the new state law lack sufficient objective zoning, subdivision, and design standards to preserve the health, welfare and safety of the community. The City of Temecula desires to clarify the objective zoning and design standards that will apply to the ministerial review of qualifying urban lot splits and residential developments in the City's single-family residential zones.

BACKGROUND: Current zoning regulations permit up to three units on a parcel zoned for a single-family dwelling: one primary dwelling; one Accessory Dwelling Unit (ADU); and one Junior Accessory Dwelling Unit (JADU).

Senate Bill 9 (SB 9) was signed by Governor Newsom on September 16, 2021 and became effective January 1, 2022 (see Attachment 5). It requires that a local jurisdiction allow ministerial approval (no discretionary review) of two units on parcels zoned for single family dwellings per lot and/or the subdivision of a single-family zoned parcel into two equal sized parcels (a 40 to 60 percent split of lot size is allowed). This type of subdivision (“urban lot split”) may result in each lot containing a duplex or two detached residential units.

SB 9 allows cities to adopt objective development standards that regulate such projects provided they do not conflict with the Senate Bill. All new development resulting from an urban lot split must follow the City’s Objective Design Standards adopted by City Council (Ordinance 2022-02 and Resolution 2022-08), provided the new development meets the definition of a multi-family dwelling unit.

ANALYSIS: On February 22, 2022, pursuant to Government Code Section 65858, the Temecula City Council enacted Interim Urgency Ordinance No. 2022-03. Adoption of the Interim Urgency Ordinance imposed a moratorium on the approval of applications for housing development projects and urban lot splits permitted by Senate Bill 9 that do not meet the objective zoning and design standards contained in the ordinance.

The Interim Urgency Ordinance would have expired after 45 days on April 8, 2022. However, extra time was necessary to thoroughly research and evaluate a permanent, non-urgency ordinance that updates/amends the Municipal Code establishing objective land use regulations and technical/design standards pertaining to SB 9 housing development projects and urban lot splits in the City. Government Code Section 65858(d) requires that “ten days prior to the expiration or extension of any interim zoning ordinance, the legislative body [City Council] must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.” On March 8, 2022, the City issued an Alleviation Report identifying measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 2022-03.

On March 22, 2022, the City Council extended the Interim Urgency Ordinance for a period of 10 months and 15 days, through and including, February 21, 2023.

Government Code Section 65858 allows for two extensions of Interim Urgency Ordinance No. 2022-03 not to exceed 22 months and 15 days. Having already extended the Interim Urgency Ordinance for a period of 10 months and 15 days, Staff is seeking up to an additional 12 months, through and including February 21, 2024, to research and prepare a permanent ordinance to address SB 9, Urban Lot Splits. In compliance with Government Code Section 65858(d), the City Council hereby issues this report for Interim Urgency Ordinance No. 2022-03.

On January 10, 2023 the City issued a second Alleviation Report identifying measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 2022-03.

Extra time is necessary to thoroughly research and evaluate a permanent, non-urgency ordinance that updates/amends the Municipal Code establishing objective land use regulations and technical/design standards pertaining to SB 9 housing development projects and urban lot splits in the City. The City of Temecula is a member of the Western Riverside Council of Governments (WRCOG). Utilizing Regional Early Action Plan (REAP) grant funding, WRCOG hired a consultant to prepare a model ordinance for member agencies to utilize in drafting a permanent ordinance to address SB 9, Urban Lot Splits. In addition to the model ordinance, the consultant was also hired to prepare an SB 9 fact sheet and site plan scenarios. The consultant presented a summary of the draft model ordinance to the Planning Director's Committee (PDC) on December 8, 2022. Staff will be utilizing the draft model ordinance and discussing extensively with WRCOG and other City Planning Department Staff in the coming months. It is recommended that the City extend the attached ordinance to allow additional time for analyzing the various aspects of the model ordinance prepared for WRCOG member jurisdictions. Staff recommends that the City Council extend the attached Interim Urgency Ordinance Extension for a period of 12 months, through and including, February 21, 2024.

FISCAL IMPACT: Costs associated with the extension of the Urgency Ordinance are covered by the General Fund.

ATTACHMENTS:

1. Ordinance - Extension
2. Adopted Interim Urgency Ordinance No. 2022-03
3. February 22, 2022 Agenda Report to City Council
4. January 10, 2023 Alleviation Agenda Report to City Council
5. Senate Bill 9