

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Matt Peters, Director of Community Development

DATE: May 13, 2025

SUBJECT: Introduce Ordinance Amending Title 17 (Zoning) of the Temecula Municipal Code to Repeal and Replace Chapter 17.23 (Accessory Dwelling Units) (Long Range Project No. LR25-0068)

PREPARED BY: Mark Collins, Associate Planner

RECOMMENDATION: That the City Council introduce an ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA REPEALING AND REPLACING CHAPTER 17.23 (ACCESSORY DWELLING UNITS) OF TITLE 17 (ZONING) OF THE TEMECULA MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATIONS IN ACCORDANCE WITH STATE LAW, AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15282(H)

SUMMARY OF

ORDINANCE: 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 continues 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 and references thereto.

Listed below is a summary of the proposed changes to Chapter 17.23:

Section 17.23.010 – Purpose and Applicability

1. Would update multiple references to various Government Code Section(s) (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” (JADU) to include cooking facilities with counter and storage space, and would 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 allow up to eight detached ADU’s.
8. Clarifies the requirements for JADU’s without sanitation facilities are to maintain interior access to the primary residence to access such facilities.
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 that the six-foot separation requirement for detached ADU’s and the primary residence would not apply if it would prohibit the construction of an ADU.
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, such that a proposed ADU that requires fire sprinklers cannot retroactively require the primary residence to comply with this new standard.

Section 17.23.060 – Fees and Utility Connections.

19. Would make minor typographical and formatting corrections.

BACKGROUND: 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 ADU program began in earnest, but through various state amendments has developed into a moderately successful program resulting in the construction of additional housing units that are at a more modest price point than traditional single family homes. 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 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 proposed Ordinance was presented to the Planning Commission at a duly noticed public hearing on April 16, 2025 at which time the Planning Commission voted unanimously to adopt PC Resolution No. 2025-09 recommending the City Council adopt the proposed Ordinance. There were no public comments or speakers at the hearing and staff has received no written correspondence.

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.

FISCAL IMPACT: There will be no direct fiscal impact due to the adoption of this ordinance, however the increase of residences permitted under this ordinance will increase demand for City services and in turn increase cost to the City but are unknown at this time.

ATTACHMENTS:

1. Ordinance
2. Temecula Municipal Code (TMC) Chapter 17.23 Redline Version
3. Planning Commission Resolution No. 2025-09
4. HCD ADU Ordinance Review Letter
5. Notice of Public Hearing
6. Notice of Exemption