

**PC RESOLUTION NO. 2023-**

**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 16 AND 17 OF THE TEMECULA MUNICIPAL CODE TO IMPLEMENT THE REQUIREMENTS OF SENATE BILL 9 (“SB 9”) (2021) AND MAKE A FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO GOVERNMENT CODE SECTIONS 65852.21(J) AND 66411.7(N), AND CEQA GUIDELINES SECTIONS 15303 AND 15061(B)(3)”**

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

A. 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 Interim Urgency Ordinance No. 2022-03.

B. Interim Urgency Ordinance No. 2022-03 was subsequently extended twice by the City Council and is scheduled to expire on February 21, 2024.

C. City staff identified the need to adopt a permanent ordinance to address urban lot splits permitted under Government Code Section 66411.7 and SB 9 two unit developments permitted under Section 65852.21(j) before Interim Urgency Ordinance No. 2022-03 expires.

D. The Planning Commission, at a regular meeting, considered the proposed amendments to Title 16 (Subdivisions), and Title 17 (Zoning) of the Temecula Municipal Code on November 15, 2023, 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.

E. The proposed amendments to Title 16, & 17 are consistent with the City of Temecula General Plan, and each element thereof.

F. 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”.

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

Section 2. Further Findings. In recommending adoption of the proposed Ordinance, the Planning Commission of the City of Temecula does hereby make 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 Ordinance implements the requirements of Senate Bill (SB) 9, which requires local jurisdictions to ministerially approve urban lot splits and residential development of up to four units. The proposed Ordinance is drafted in a manner to ensure compliance with state law. Residential land uses are permitted in the General Plan and therefore, the uses are consistent with the residential land districts identified in the General Plan.

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

The proposed Ordinance does not propose any land use that is inconsistent with the General Plan. The changes proposed would expand or increase the intensity of residential uses in areas that already permits such uses. The proposed Ordinance furthers Goal 3 of Land Use Element of the Temecula General Plan, which is to encourage “A City of diversified development character, where rural and historical areas are protected and co-exist with newer urban development.”

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 16, and 17 of the Temecula Municipal Code do not propose any land use that is inconsistent with the Temecula General Plan. The proposed changes are consistent with Goal 2 of the Growth Management/Public Facilities Element of the Temecula General Plan which is “Orderly and efficient patterns of growth that enhance quality of life for Temecula Residents.”

Section 3. Environmental Compliance. Under California Government Code Sections 65852.21, subdivision (j), and 66411.7, subdivision (n), the adoption of an ordinance by a city implementing the provisions of Government Code Sections 66411.7 and 65852.21 regulating two-unit residential developments and urban lot splits is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”). Therefore, this Ordinance is statutorily exempt from CEQA in that the Ordinance implements Government Code Sections 65852.21 and 66411.7 these new laws enacted by SB 9. In addition to being statutorily exempt from CEQA, this Ordinance is also categorically exempt from CEQA under Class 3 as outlined in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts the construction and location of new, small structures and the conversion of existing small structures from one use to another. This Ordinance is categorically exempt under the Class 3 exemption because the Ordinance regulates the construction of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit in a residential zone. Further, this Ordinance is not subject to CEQA under the general rule in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the

potential for causing a significant effect on the environment. Any development that would be contemplated under this Ordinance must be treated ministerially, and any such projects would be exempt from the environmental review requirements. For the reasons stated above, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 4. Recommendation. The City of Temecula Planning Commission hereby recommends the City Council approve Planning Application No. LR22-0158, 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 15th day of November 2023.

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Lanae Turley-Trejo, Chair

ATTEST:

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Luke Watson  
Secretary

[SEAL]

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

I, Luke Watson, Secretary of the Temecula Planning Commission, do hereby certify that the forgoing PC Resolution No. 2023- was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 15th day of November, 2023, by the following vote:

AYES:                    PLANNING COMMISSIONERS:  
NOES:                    PLANNING COMMISSIONERS:  
ABSTAIN:                PLANNING COMMISSIONERS:  
ABSENT:                 PLANNING COMMISSIONERS:

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Luke Watson  
Secretary