

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Manager/City Council

**FROM:** Luke Watson, Deputy City Manager

**DATE:** November 14, 2023

**SUBJECT:** Introduce Ordinances Amending Title 17 of the Temecula Municipal Code to Implement the Programs in the City's Housing Element and Amending Accessory Dwelling Unit Regulations

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

**RECOMMENDATION:** That the City Council introduce the following ordinances entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 17 OF THE TEMECULA MUNICIPAL CODE TO IMPLEMENT THE PROGRAMS IN THE CITY'S HOUSING ELEMENT BY (1) ADDING DEFINITIONS FOR AGRICULTURAL EMPLOYEE HOUSING, EMPLOYEE HOUSING, FAMILY DAY CARE HOME, LARGE FAMILY DAY CARE HOME, LOW BARRIER NAVIGATION CENTER AND SMALL FAMILY DAY CARE HOME, (2) PROVIDING THAT EMPLOYEE HOUSING AND AGRICULTURAL EMPLOYEE HOUSING ARE PERMITTED USES IN THE HR, RR, VL, L-1, L-2, LM, M, AND H ZONES, (3) PROVIDING THAT RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (SEVEN OR MORE) ARE PERMITTED USES IN THE HR, RR, VL, L-1, L-2, LM, AND HR-SM ZONES, (4) PROVIDING THAT RESIDENTIAL CARE FACILITIES (SEVEN OR MORE) ARE PERMITTED USES IN THE HR, RR, VL, L-1, L-2, LM, M, AND HR-SM ZONES, (5) PROVIDING THAT COMMUNITY CARE FACILITIES ARE PERMITTED IN ALL RESIDENTIAL ZONES, (6) ADDING SUPPORTIVE HOUSING STANDARDS, (7) PROVIDING THAT SUPPORTIVE HOUSING, TRANSITIONAL HOUSING AND LOW BARRIER NAVIGATION CENTERS ARE PERMITTED USES IN THE NC, CC, HT, SC, PO, PI, PDO-2, PDO-4R, PDO-5, PDO-6, PDO-7, PDO-10, AND PDO-14 ZONES, (8) PROVIDING THAT TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING ARE A PERMITTED USE IN THE PDO-11, PDO-12

AND PDO-15 ZONES, (9) UPDATING EMERGENCY SHELTER PARKING STANDARDS, (10) REVISING REASONABLE ACCOMMODATION REGULATIONS, (11) REVISING PARKING STANDARDS FOR MULTI-FAMILY RESIDENTIAL USES WITH 12 UNITS OR LESS, (12) MAKING OTHER REVISIONS TO CONFORM WITH CHANGES IN STATE LAW, AND (13) MAKING A FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTION 15162

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING CHAPTER 17.23 OF TITLE 17 OF THE TEMECULA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNIT (ADU) REGULATIONS AND PROVIDING THAT ADUS ARE PERMITTED IN THE PDO-5, PDO-7, PDO-9, PDO-10, PDO-11, PDO-12, AND PDO-15 ZONES, AND REVISING ADU REGULATIONS, AND MAKING A FINDING THAT THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17

**SUMMARY OF ORDINANCES:** Staff has prepared two separate ordinances implementing the Housing Element programs. The Housing Element Implementation Ordinance amends Title 17 of the Temecula Municipal Code to implement the Housing Element programs pertaining to agricultural employee housing, employee housing, family day care homes, low barrier navigation centers, residential care facilities (seven or more), community care facilities, transitional housing, emergency shelters, reasonable accommodation, and multi-family residential parking standards. The Accessory Dwelling Unit (ADU) Update Ordinance amends the City's accessory dwelling unit ordinance in compliance with State law as committed to in the Housing Element. The ordinances were considered as one ordinance by the Planning Commission, but have been bifurcated for consideration by the City Council. They are being presented as two separate Ordinances as the City is required by Government Code §65852.2(h) to provide a copy of its ADU Ordinance to the California Department of Housing and Community Development (HCD) within 60 days of adoption. Listed below is a summary of the proposed changes to the Municipal Code:

### **Changes to Title 17**

#### **Housing Element Implementation Ordinance**

Section 17.34.010 (Definitions and illustrations of terms):

1. “A” Definitions – Add definitions for “Agricultural employee housing” and “Agricultural use”
2. “E” Definitions – Add definition for “Employee housing”
3. “F” Definitions – Amend the definitions of “Family day care home”
4. “L” Definitions – Add definitions for “Large family day care home” and “Low barrier navigation center”
5. “S” Definitions – Add definition for “Small family day care home”

Section 17.03.040 (Public Hearing and notification):

6. Add subsection “G” entitled “Public Hearings for Housing Development Projects”

Table 17.06.030 (Residential Districts):

7. Add “Employee housing” and “Agricultural employee housing” as a permitted use in all residential zoning districts except Hillside Residential – Santa Margarita (HR-SM) and adds Footnote 14 and 15. Add “Community Care Facility” as a permitted use in all residential zoning districts. Amend Table 17.06.030 to provide that “Residential Care Facilities (Seven or More)” are permitted uses in the HR, RR, VL, L-1, L-2, LM, M and HR-SM zones and that “Residential Care Facilities for the Elderly (Seven or More)” are permitted uses in the HR, RR, VL, L-1, L-2, LM, and HR-SM zones

Table 17.06.040 (Development Standards – Residential Districts):

8. Add Footnote 6 to “Maximum percent of lot coverage” cell within the table

Section 17.06.080 (Hillside development standards):

9. Amend paragraph 15 to include reference to the State Board of Forestry and Fire Protection adopted General Guidelines

Section 17.06.090 (Objective design standards – Multifamily and mixed-use development)

10. Add language requiring projects submitted under state mandated streamlined review comply with the adopted Objective Design Standards

Chapter 17.06 (Residential Districts)

11. Add section 17.06.100 (Streamlined review)
12. Add Section 17.06.110 (Supportive housing)

Table 17.08.030 (Schedule of Permitted Uses Commercial/Office/Industrial Districts)

13. Amend the table to include “Low Barrier Navigation Center,” “Supportive housing,” and “Transitional Housing” as permitted uses in the NC, CC, HT, SC and PO zones and add Footnotes 13, 14, and 15

Section 17.10.020 (Supplemental development standards)

14. Amend Subsection R(7) to include language that prohibits parking requirements for emergency shelters greater than what is required of a residential or commercial use in the same zone

Table 17.12.030 (Schedule of Permitted Uses – Public/Institutional Districts)

15. Amend the table to add “Low Barrier Navigation Center,” “Supportive housing,” and “Transitional Housing” as permitted uses and add Footnotes 5, 6, and 7

Table 17.22.116 (Schedule of Permitted Uses Margarita Road Planned Development Overlay District – 2)

16. Amend the table to add “Low Barrier Navigation Center,” “Supportive housing,” and “Transitional Housing” as permitted uses and add Footnotes 5, 6, and 7

Table 17.22.136B (Schedule of Permitted Uses Temecula Creek Village Planned Development Overlay District – 4)

17. Amend the table to add “Low Barrier Navigation Center” and “Supportive housing” as permitted uses and “Transitional Housing” as a conditionally permitted use and add Footnotes 9, 10, and 11

Section 17.22.146 (Use regulations Rendezvous Planned Development Overlay District – 5)

18. Amend the section to include language permitted “Low barrier navigation centers,” “Supportive housing,” and “Transitional housing”

Section 17.22.164 (Planning areas) of Article VII (Rancho Pueblo Planned Development Overlay District (PDO-6))

19. Amend the section to include language permitting “Low barrier navigation centers,” “Supportive housing,” and “Transitional housing”

Table 17.22.186B (Schedule of Permitted Uses Linfield Christian School Planned Development Overlay District – 7 Description of Use Area)

20. Amend the table to include “Low Barrier Navigation Center,” “Supportive housing,” and “Transitional Housing” as a permitted use and add Footnotes 3, 4, and 5

Table 17.22.196 (Schedule of Permitted Uses De Portola Road Planned Development Overlay District – 8)

21. Amend the table to include “Low Barrier Navigation Center,” “Supportive housing,” and “Transitional Housing” as a permitted use and add Footnotes 7, 8, and 9

Table 17.22.216B (Schedule of Permitted Uses Temecula Education Center Planned Development Overlay District – 10)

22. Amend the table to include “Low Barrier Navigation Center,” “Supportive housing,” and “Transitional Housing” as a permitted use and add Footnotes 6, 7, and 8

Section 17.22.226 ( Use Regulations Mira Loma Planned Development Overlay District – 11)

23. Amend the section to include language permitted “Supportive Housing” and “Transitional Housing”

Section 17.22.246 (Use Regulations Walcott Estates Planned Development Overlay District – 12)

24. Amend the section to include language permitted “Supportive Housing” and “Transitional Housing”

Table 1 Schedule of Permitted Uses of Section 17.22.276 (Use Regulations) of Article XV (Gateway Planned Development Overlay District – 14)

25. Amend the table to include “Low Barrier Navigation Center,” “Supportive housing,” and “Transitional Housing” as a permitted use and add Footnotes 3, 4, and 5

Section 17.22.294 (Use Regulations Cypress Ridge Planned Development Overlay District – 15)

26. Amend the section to include language permitted “Supportive Housing” and “Transitional Housing”

Section 17.03.065 (Reasonable Accommodations)

27. Amend Section 17.03.065 to address commitments made by the City in its Housing Element to ensure that the reasonable accommodation ordinance is not a constraint on housing choice for persons with disabilities.

Section 17.03.090(B) (Appeals)

The proposed ordinance would amend the appeals section to include language that would allow the Director of Community Development to refer an application for reasonable accommodation directly to the Planning Commission.

Table 17.24.040 of Section 17.24.040 (Parking requirements)

28. Amend the table to reduce parking requirements for multi-family residential developments with less than 12 units by ½ space per unit

**Accessory Dwelling Unit Update Ordinance**

Section 17.22.146 (Use Regulations) of Article VI (Rendezvous Planned Development Overlay District (PDO-5))

1. Amend the section to include language permitting Accessory Dwelling Units (ADU's), "Low barrier navigation centers," "Supportive housing," and "Transitional housing"

Table 17.22.186B (Schedule of Permitted Uses Linfield Christian School Planned Development Overlay District – 7 Description of Use Area)

2. Amend the table to include "Accessory Dwelling Units" as a permitted use in all planning areas, "Low Barrier Navigation Center" and "Supportive housing" as a permitted use in Planning Area 2, and "Transitional Housing" as a conditionally permitted use in all planning areas and add Footnotes 2, 3, 4, and 5

Table 17.22.216(B) Schedule of Permitted Uses Temecula Education Center Planned Development Overlay District – 10

3. Amend the table to include "Accessory Dwelling Units," "Low Barrier Navigation Center," "Supportive housing," and "Transitional Housing" as a permitted use and add Footnotes 5, 6, 7, and 8

Section 17.22.226 (Use Regulations) of Article XII (Mira Loma Planned Development Overlay District – 11)

4. Amend the section to include "Accessory Dwelling Units," "Supportive housing," and "Transitional Housing" as a permitted use

Section 17.22.246 (Use Regulations) of Article XIII (Walcott Estates Planned Development Overlay District – 12)

5. Amend the table to include "Accessory dwelling units," "Supportive housing," and "Transitional Housing" as a permitted use and add Footnotes 3, 4, and 5

Section 17.22.294 (Use Regulations) of Article XVI (Cypress Ridge Planned Development Overlay District – 15)

6. Amend the section to include “Accessory Dwelling Units,” “Supportive housing,” and “Transitional Housing” as a permitted use

#### Chapter 17.23 (Accessory Dwelling Units)

7. Section 17.23.020 (Definitions.) Amend the definitions of Attached ADU and Detached ADU to specify that they can be connected to an existing structure (garage) as well as the residence itself.
8. Section 17.23.050 (ADU standards.) Amend the height restrictions for ADU’s, specify ADU’s cannot be sold, transferred or assigned separately than the primary dwelling unit unless developed by a qualified nonprofit corporation and limit the enforcement of front yard setbacks that would preclude the construction of an eight hundred square foot ADU.

**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, make corrections and implement state law. The proposed amendments to the Temecula Municipal Code include amendments to Title 17 (Zoning).

City staff met with the Planning Commission General Plan Update Ad Hoc Subcommittee on September 20, 2023 (Chairperson Turley-Trejo and Ruiz).

City staff met with the City Council General Plan Update Ad Hoc Subcommittee on October 24, 2023 (Mayor Pro Tem Stewart and Councilmember Alexander).

Pursuant to Government Code Section 65800, the Planning Commission is required to review and make recommendations to the City Council regarding zoning regulations and amendments to Title 17 Zoning (Development Code) of the Temecula Municipal Code. Both ordinances were presented as a single ordinance at a public hearing to the Planning Commission on October 18, 2023, and Resolution No. 2023-18 was adopted recommending the City Council adopt the proposed ordinance. The entirety of that proposed Ordinance has been separated into two Ordinances, a Housing Element Implementation Ordinance and an ADU update Ordinance. The purpose of the separation is the requirement of Government Code, § 65852.2(h) which requires municipalities submit all ADU ordinances to HCD for review within sixty (60) days of adoption.

**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 - Housing Element Implementation
  2. Ordinance - Accessory Dwelling Unit Update
  3. Planning Commission Resolution No. 2023-18
  4. Notice of Exemption
  5. Notice of Public Hearing