

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Manager/City Council

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

**DATE:** November 28, 2023

**SUBJECT:** Introduce Ordinance Amending Title 5 and 17 of the Temecula Municipal Code Making Various Technical Revisions

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

**RECOMMENDATION:** That the City Council introduce an ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5 AND 17 OF THE TEMECULA MUNICIPAL CODE MAKING MINOR REVISIONS TO MASSAGE ESTABLISHMENT, ACCESSORY DWELLING UNIT, HOME OCCUPATION PERMITS, AND TEMPORARY USE PERMIT REGULATIONS, ESTABLISH BATTERY STORAGE AND SHIPPING CONTAINER STANDARDS, CLARIFY THE PERMITTED USES ALLOWED IN THE OPEN SPACE-CONSERVATION DISTRICT, MODIFY THE DEFINITION OF SPECIALTY MARKET AND RESTAURANT, ADD DEFINITION FOR HEALTH AND EXERCISE CLUBS, MAKE OTHER CLERICAL REVISIONS AND MAKE A FINDING OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061 (B)(3)

**SUMMARY OF**

**ORDINANCE:** The proposed ordinance would make amendments to Titles 5 and 17 of the Temecula Municipal Code. Listed below is a summary of the proposed changes to the Municipal Code, each of which is discussed in greater detail in the analysis section, which follows:

1. Massage Appeals – Modify the amount of time that a hearing officer has to render their decision regarding a massage establishment permit appeal.
2. Temporary Use Permit (TUP) – Add an exemption for public agencies’ events that do not require public road closures or impact traffic on public streets.

3. Home Occupation Permit – Limit the number of vehicles dedicated to the home occupation business.
4. Residential Districts – Make a correction to note 12 of the table and add note 12 reference for certain animal uses.
5. Development Standards Residential Districts – Amend the table to show private open space is measured in square feet (sf<sup>2</sup>).
6. Schedule of Permitted Uses Commercial/Office/Industrial Districts – Add yoga studios as a permitted/conditionally permitted use.
7. Commercial/Office/Industrial Districts – Add a requirement that all staircases for all new commercial, office, or industrial buildings shall be internalized.
8. Performance Standards Commercial/Office/Industrial Districts – Prohibit security bars on the exterior of buildings.
9. Development Standards Commercial/Office/Industrial Districts Table A – Correct a discrepancy regarding the Floor Area Ratio (FAR).
10. Development Standards Commercial/Office/Industrial Districts Table B – Correct a discrepancy regarding the Floor Area Ratio (FAR).
11. Alcoholic Beverage Sales – Correct the type of Alcoholic Beverage Control (ABC) License required for Restaurants.
12. Storage/Shipping Containers – Add development standards for storage/shipping containers used in both a residential and commercial setting.
13. Battery Storage – Add development standards for commercial battery storage.
14. Open Space Schedule of Permitted Uses – Remove riding stables and shooting galleries as permitted uses in Open Space (OS) and Open Space – Conservation (OS-C) Zoning Districts.
15. Accessory Dwelling Unit (ADU) – Correct an error for detached ADU's related to setback requirements.
16. Accessory Dwelling Unit (ADU) – Add separation requirement between an ADU and the primary residence.

17. ADU Addressing – Codify City Council Resolution No. 2023-28.
18. Definitions – Modify the definition of “Specialty Market”.
19. Definitions – Add a definition for “Health and Exercise Club”.

**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 5 (Business Licenses and Regulations) and Title 17 (zoning).

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. The changes to Title 5 (Business Licenses and Regulations) of the Temecula Municipal Code of the proposed ordinance fall outside the purview of the Planning Commission, in that it is not an amendment to Title 17. However, staff felt it was important for the Planning Commission to review these proposed changes as this proposed ordinance will impact massage establishments appeal processes in the future. The item was presented at a public hearing to the Planning Commission on November 1, 2023 and was recommended for adoption with a 5-0 vote.

City staff met with the City Council General Plan Update Ad Hoc Subcommittee on October 10, 2023. (Mayor Pro Tem James Stewart and Councilmember Jessica Alexander).

## **ANALYSIS**

Outlined below is the explanation for the proposed amendments:

1. Massage – Appeal Section 5.22.140(D)

The proposed ordinance would amend the amount of time a hearing officer has to render their decision from ten (10) days to 30 (thirty) days. As stated during appeal hearings, the current time frame is impractical given the caseload of hearing officers and not realistic. The increase in time would give the hearing officer adequate time to consider the case and draft their decision and is the time recommended by the Office of Administrative Hearings.

2. Temporary Use Permits – Exemptions 17.04.020

There are currently no exemptions for Temporary Use Permits. The proposed ordinance would create a Temporary Use Permit exemption for any city, state, school district, community college district, or other public agencies’ event that does not require public road closures, impact traffic on public streets and is held entirely on the entity’s property.

3. Home Occupation Permits – Requirements for approval 17.04.030(D)

The proposed ordinance would clarify that the home occupation shall permit for the maximum of two vehicles dedicated to the business, to include instances where more than one home occupation is approved for the same residence.

4. Permitted Uses – Residential Districts Table 17.06.030

The proposed ordinance would correct Note 12 to refer to Title 6 (Animals) of the municipal code and add note 12 to Small animals, Poultry and Outdoor aviary which are existing animal land uses. This ordinance does not amend any animal keeping provisions.

5. Development Standards – Residential Districts Table 17.06.040

Presently, there is no unit of measure for residential private open space per unit, leading to confusion for staff and applicants. This ordinance would specify that the unit of measure is square feet with no changes to the amount of private open space required per unit.

6. Yoga Studios – Commercial/Office/Industrial Districts Table 17.08.030

The proposed ordinance would add “yoga studios” to the existing land use category of “Aerobic/dance/gymnastics/jazzercise/martial arts studios” and would be permitted and conditionally permitted in the same zoning designations as these existing uses.

7. Stairs – Supplemental Development Standards 17.10.020

The proposed ordinance would add a requirement for all new commercial, office or industrial buildings that all staircases shall be internal and incorporated into the design of the building.

8. Security Bars – Supplemental Development Standards 17.10.020

Security bars do provide some physical protection and can act as a deterrent; however such security bars should not negatively impact the aesthetics of the building or center. The proposed ordinance would specify that all security bars installed on commercial, office or industrial buildings must be installed on the interior of the building with no evidence visible from the public right-of-way.

9. Floor Area Ratio (FAR) – Development Standards Table 17.08.040A

There is an inconsistency between the target FAR for the Professional Office Zoning Designation between the General Plan and Municipal Code. The proposed ordinance would correct Table 17.08.040A FAR from 0.50 to 0.35 creating consistency between the General Plan and Municipal Code.

10. Floor Area Ratio (FAR) – Development Standards Table 17.08.040B

There is an inconsistency between the target FAR for the Professional Office Zoning Designation between the General Plan and Municipal Code. The proposed ordinance would correct Table 17.08.040B FAR from 0.50 to 0.35 creating consistency between the General Plan and Municipal Code.

11. Alcoholic Beverage Sales – Restaurants Section 17.10.020

The proposed ordinance would correct the type of Alcoholic Beverage Control (ABC) License required for restaurants that sell distilled spirits to a Type 47 and restaurants serving only beer and wine to a Type 41. This is a typographical correct only and does not change licensing requirements for any restaurant.

12. Storage/Shipping Containers – Supplemental Development Standards Section 17.10.020

The proposed ordinance would add standards for the temporary placement of storage or shipping containers on both commercial and residential property. These standards would make such uses ancillary to the primary use and would be limited in duration.

13. Grid Scale Battery Storage – Supplemental Development Standards Section 17.10.020

As technology evolves to meet the growing impacts of climate change, so does how electricity is generated and stored throughout the state. The smaller scale and footprint of battery storage facilities has created an environment where such facilities can be ancillary to existing uses or be standalone facilities on small parcels. These facilities tend to be unmanned and have the potential to cause impacts to surrounding uses and residents. The proposed ordinance would implement standards for grid scale battery energy storage facilities. These standards do not apply to non-commercial battery storage or residential battery storage systems.

14. Schedule of Permitted Uses – Open Space Table 17.14.030

The proposed ordinance would correct an inconsistency in the Open Space (OS) and Open Space-Conservation (OS-C) schedule of permitted uses by removing Riding Stable and Shooting galleries, ranges, archery courses as conditionally permitted uses in the OS and OS-C zoning districts as they are inconsistent with the definition of passive recreational uses allowed in the definition of the zoning districts.

15. ADU Setback – Projects exempt Building permit approval only Section 17.23.030

The proposed ordinance would correct an error in the code from stating a maximum setback of four feet from the ADU to property line is a minimum setback of four feet. These setbacks are established by state law and this change reflects the state standards for ADU setbacks which is a four foot minimum setback for ADU's.

16. Separation Clarification – General Requirements Section 17.23.040

The proposed ordinance would add a separation requirement from newly constructed detached ADU's and the primary residence of six feet, which is consistent with building and safety requirements. This standard is being added to ensure applicants are aware of the standard at the beginning of the project to eliminate potential corrections in the application review process. ADU's converted from existing structures are exempt from this standard.

17. ADU Addressing – Development Standards Section 17.23.050

The proposed ordinance would codify City Council Resolution No. 2023-28. This resolution established a procedure to address ADU and JADU's in a consistent manner to ensure timely response of emergency services as well as mail delivery.

18. Definition Clarification and Addition – Definitions 17.34.010

The proposed ordinance would modify the definition of "specialty market" to clarify the minimum square footage of the building to classify a business as a specialty market.

The proposed ordinance would add a definition for "health and exercise club". There is currently some ambiguity within the code as it relates to personal fitness, health clubs and other similar types of uses. In this case a health and exercise club is what would traditionally be a "gym" that charges a membership fee, does not cater to a specific sport or activity and may contain sauna, swimming and/or hot tub facilities.

**FISCAL IMPACT:** The proposed Ordinance does not have a direct fiscal impact, if adopted.

**ATTACHMENTS:**

1. Ordinance
2. PC Resolution No. 2023-20
3. Notice of Public Hearing
4. Notice of Exemption