

**ORDINANCE NO. 2022-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 17 (ZONING) OF THE TEMECULA MUNICIPAL CODE TO REVISE THE MULTI-FAMILY DEFINITION AND REQUIRE THAT MULTI-FAMILY AND MIXED-USE DEVELOPMENTS COMPLY WITH OBJECTIVE DESIGN STANDARDS AND MAKE THE FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) AND GOVERNMENT CODE SECTIONS 65852.21(J) AND 66411.7(N) (LONG-RANGE PROJECT NO. LR18-1684).**

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORFAIN AS FOLLOWS:

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

A. In 2017, the Housing Accountability Act (“HAA”) was significantly strengthened through the passage of three bills, Senate Bill (“SB”) 167, Assembly Bill (“AB”) 678 and AB 1515. These bills were part of a comprehensive group of laws enacted to address California’s housing shortage. This signaled a significant shift in the focus of the state’s housing policies from planning to production. In 2018, AB 3194 further amended and strengthened the HAA. As clarified by AB 3194, when there are inconsistencies between the General Plan and zoning regulations, the General Plan policies take precedence; and

B. On January 1, 2018, SB 35, intended to help address California’s housing shortage, went into effect, requiring a streamlined and ministerial review process for multi-family housing projects meeting specific qualifications; and

C. On January 1, 2019, AB 2162, intended to help address California’s need for supportive and emergency housing, went into effect, requiring a streamlined and ministerial review process for supportive housing meeting specific qualifications; and

D. On January 1, 2020, SB 330, intended to create certainty in the development of housing projects, went into effect, speeding up the review of these project, and created restrictions on new local regulations; and

E. On January 1, 2022, SB 9 will go into effect, that requires cities to ministerially approve, within single family residential zones, housing developments containing no more than two residential units and parcel maps for urban lot splits; and

F. With certain limitations, the above-referenced laws permit the City to impose design standards on housing projects, so long as those standards are objective and involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to

an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Staff developed the “Objective Design Standards for Multi-Family and Mixed-Use Developments” (referred to as “Objective Design Standards”) to establish objective design standards that will apply to any housing development project, pursuant to State law, requires ministerial approval. Staff also identified the need to amend a portion of Title 17 (Zoning) of the Temecula Municipal Code to revise the multi-family definition and to require that multi-family and mixed-use developments comply with Objective Design Standards as permitted by State law; and

G. The Planning Commission, at a regular meeting, considered the proposed amendments to Title 17 (Zoning) of the Temecula Municipal Code (“Ordinance”) on December 1, 2021, 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 in opposition to this matter; and

H. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2021-XX, recommending that the City Council adopt (1) a Resolution adopting the Objective Design Standards for Multi-Family and Mixed-Use Developments and (2) an Ordinance of the City Council of the City of Temecula Amending Title 17 (Zoning) of the Temecula Municipal Code to revise the multi-family definition and require that multi-family and mixed-use developments comply with objective design standards and make the finding that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and Government Code Section 65852.21(j) and 66411.7(n); and

I. The City Council, at a regular meeting, considered the Ordinance on January \_\_\_, 2022, at a duly noticed public hearing, as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support or opposition of this matter; and

J. Following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council; and

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

**Section 2. Further Findings.** The City Council, in approving the proposed Ordinance, hereby makes 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 amendments to Title 17 (Zoning) of the Temecula Municipal Code do not propose any changes to land use designations. The proposed amendments to Title 17 require that multi-family and mixed-use residential developments comply with objective design standards. These projects will still need to comply with the land use designation of the General Plan.

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

Requiring that multi-family and mixed-use housing developments comply with objective design standards conforms with Goal 2 of the Design Element of the Temecula General Plan, which is to ensure “design excellence in site planning, architecture, landscape architecture and signs,” and Policy 2.1 to “establish and consistently apply design standards and guidelines for both residential and non-residential development,” and Policy 2.3 to “provide development standards ensuring higher quality building and site design that is well integrated with the infrastructure and circulation systems.”

3. The proposed use is to be established and maintained in a manner which is consistent with the general plan and all applicable provisions contained therein.

The adoption of objective design standards for multi-family and mixed-use housing developments will ensure quality designs for multi-family and mixed-use residential projects. Requiring that these project comply with objective design standards furthers Goal 2 of the Design Element of the Temecula General Plan which is to ensure “design excellence in site planning, architecture, landscape architecture and signs,” and with Policy 2.1 to “establish and consistently apply design standards and guidelines for both residential and non-residential development,” and with Policy 2.3 to “provide development standards ensuring higher quality building and site design that is well integrated with the infrastructure and circulation systems.”

**Section 3. Environmental Compliance.** Environmental Compliance. In accordance with the California Environmental Quality Act, the Ordinance has been deemed to be exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061 (b) (3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The Ordinance revises the multi-family definition so that it applies to any housing project with two or more units and requires that multi-family and mixed-use housing developments comply with objective design standards. The adoption of the Ordinance will not result in any increase in the intensity or density of any land use above what’s currently allowed. Moreover, Government Code Sections 65852.21(j) and 66411.7(n) provide that an ordinance adopted to implement SB 9 is not a project under CEQA. The City Council of the City of Temecula hereby adopt a Notice of Exemption for the proposed ordinance.

**Section 4.** Chapter 17.06 (Residential District) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to add a new Section titled “17.06.90 (Objective Design Standards – Multi-Family and Mixed-Use)” to read as follows:

“Any housing development project that pursuant to State law, requires ministerial approval or where the housing development project is subject to discretionary review, but a Specific Plan or a Planned Development Overlay Zoning District (PDO-) does not otherwise set forth objective design standards applicable to the project shall comply with the Temecula Objective Design Standards for Multi-Family and Mixed-Use Developments.”

**Section 5.** Table 17.06.030 (Residential Districts) of Chapter 17.06 (Residential District) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text), with all other provisions of Table 17.06.030 (Residential Districts) remaining unchanged:

Table 17.06.030 Residential Districts									
Description of Use	HR	RR	VL	L-1	L-2	LM	M	H	HR-SM <sup>9</sup>
Duplex (two-family dwellings)	-	-	-	<u>-<sup>2,12</sup></u>	<u>-<sup>2,12</sup></u>	<u>-<sup>2,12</sup></u>	<u>P<sup>12</sup></u>	<u>P<sup>12</sup></u>	-
Multi-Family	-	-	-	-	-	-	<u>P<sup>12</sup></u>	<u>P<sup>12</sup></u>	-

Notes:

12. Any housing development project that, pursuant to State law, requires ministerial approval or where the housing development project is subject to discretionary review but a Specific Plan or a Planned Development Overlay Zoning District (PDO-) does not otherwise set forth objective design standards applicable to the project shall comply with the Temecula Objective Design Standards for Multi-Family and Mixed-Use Developments.

**Section 6.** Subsection “D” of Section 17.06.070 (Residential Performance Standards) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows, (with deletions shown in strikethrough text, and additions shown in underline) with all other provisions of Section 17.06.070 remaining unchanged:

“D. Multi-Family or Attached Single-Family Residential Development. The following design criteria shall apply to all new multi-family or attached single-family residential projects.

1. **Objective Design Standards.** Any housing development project that, pursuant to State law, requires ministerial approval or where the housing development project is subject to discretionary review, but a Specific Plan or a Planned Development Overlay Zoning District (PDO-) does not otherwise set forth objective design standards applicable to the project shall comply with the Temecula Objective Design Standards for Multi-Family and Mixed-Use Developments.

2. Streetscape. Use creative entry treatments and other architectural features such as porches, balconies, shutters and dormers.

Use a variety of complementary colors and avoid the use of a single dark color without contrast.

Use various window shapes and sizes with special details such as multipaned or curved windows.

Develop a consistent design theme throughout the project through the use of similar materials, colors, shapes, and forms and architectural design details.

Buildings should be designed so that there is visual relief in building facades, especially those viewed from the street. This can be accomplished by using appropriate combinations of building materials, use of materials with texture or depth, providing appropriately located window or door openings and by providing variations in the building footprint.

3. **Massing and Scale.** The bulk of the building should be divided to reduce the apparent scale and provide visual interest. Box-like designs should be avoided. This can be accomplished through the following strategies:
  - a. Use variations in the building footprints and facades. Such variations should be proportional to the overall bulk of the buildings with variations being greater for large buildings.
  - b. Use a variety of shapes and forms including architectural projections such as roof overhangs, box windows, stairways, balconies, and cantilevers that create shadows on the building.
  - c. Use contrasting vertical and horizontal elements that help to break the visual mass of the façade into small areas.
  - d. The bulk of the roof should be divided into smaller areas to reduce the apparent scale of the building and provide visual interest.
4. **Compatibility.** Where a neighborhood area has an identifiable character, new development within that neighborhood should be designed to maintain that character. This can be accomplished by designing new housing to be in scale with the existing structures by using similar or complementary materials or colors and by using similar building forms, shapes, or architectural details.

**Section 7.** Section 17.08.030 (Use Regulations) Table 17.08.030 (Schedule of Permitted Uses Commercial/Office/Industrial Districts) of Chapter 17.08 (Commercial/Office/Industrial Districts) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to add footnote 9 to Residential, multi-family housing under Description of Use as follows (with additions appearing in underlined text):

Description of Use	NC	CC	HT	SC	PO	BP	LI
Residential, multi-family housing	-	C <sup>9</sup>	-	-	P <sup>8,9</sup>	-	-

Notes:

9. Any housing development project that, pursuant to State law, requires ministerial approval or where the housing development project is subject to discretionary review, but a Specific Plan or a Planned Development Overlay Zoning District (PDO-) does not otherwise set forth objective design standards applicable to the project shall comply with the Temecula Objective Design Standards for Multi-Family and Mixed-Use Developments.

**Section 8.** Chapter 17.10 (Supplemental Development Standards) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to add a new section titled “17.10.030 Objective Design Standards – Multi-Family and Mixed-Use Development) to read as follows:

“Any housing development project that, pursuant to State law, requires ministerial approval or where the housing development project is subject to discretionary review, but a Specific Plan or a Planned Development Overlay Zoning District (PDO-) does not otherwise set forth objective design standards applicable to the project shall comply with the Temecula Objective Design Standards for Multi-Family and Mixed-Use Developments.”

**Section 9.** Article I. Generally of Chapter 17.22 (Planned Development Overlay Zoning District (POD-)) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to add a new section titled “17.22.110 (Objective Design Standards for Multi-Family and Mixed-Use Developments) to read as follows:

“Any housing development project that, pursuant to State law, requires ministerial approval or where the housing development project is subject to discretionary review, but a Specific Plan or a Planned Development Overlay Zoning District (PDO-) does not otherwise set forth objective design standards applicable to the project shall comply with the Temecula Objective Design Standards for Multi-Family and Mixed-Use Developments.”

**Section 10.** Section 17.34.010 (Definition and illustrations of Terms) of Chapter 17.34 (Definition of Terms) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to revise the definition of “multi-family dwelling” as follows (deletions shown in strikethrough text, additions shown in underline), with all other provisions of Section 17.34.010 remaining unchanged:

“Dwelling, Multifamily. “Multifamily dwelling” means a building or portion thereof and/or designed as a residence with ~~three~~ two or more separate dwelling units.

**Section 11. Severability.** If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**Section 12. Certification.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

**Section 13. Effective Date.** This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula the  
\_\_Day of \_\_, 2021.

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Maryann Edwards, Mayor

ATTEST:

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Randi Johl  
City Clerk

[SEAL]

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

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2022-     was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the     day of     , 2022, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the day of     , 2022, by the following vote:

AYES:                   COUNCIL MEMBERS:

NOES:                   COUNCIL MEMBERS:

ABSENT:                COUNCIL MEMBERS:

ABSTAIN:               COUNCIL MEMBERS:

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Randi Johl  
City Clerk