

**ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING A PLANNED DEVELOPMENT OVERLAY AMENDMENT TO THE TEMECULA VILLAGE PLANNED DEVELOPMENT OVERLAY (PDO-5) GENERALLY LOCATED ON THE SOUTH SIDE OF RANCHO CALIFORNIA ROAD, APPROXIMATELY 150 FEET WEST OF COSMIC DRIVE (APN: 944-370-001, 005, 006, 007, 008, 010, 012, 013) (PA20-1324)**

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

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

A. The Temecula Village Planned Development Overlay was approved by the City Council on October 22, 2002 by the adoption of Resolution No. 02-05. The Temecula Village Planned Development Overlay as approved shall be referred to in this Resolution as the “PDO”.

B. On November 12, 2020, Pacific West Development filed Planning Application Nos. PA20-1323, a General Plan Amendment; PA20-1324, a Planned Development Overlay Amendment; PA20-1325, a Development Plan; and PA20-1326, a Tentative Tract Map. These applications (collectively “the Project”) were filed in a manner in accord with the City of Temecula General Plan and Development Code.

C. Collectively, the Project consists of a General Plan Amendment to amend the underlying General Plan Land Use designation of the project site from Professional Office (PO) to Medium Density Residential (M); a Planned Development Overlay Amendment for PDO-5; a Development Plan for a 134 unit apartment community built on 7.60 acres; and a Tentative Tract Map (TTM 38043) to combine eight (8) existing contiguous parcels into a single parcel.

D. The Project was processed including, but not limited to a public notice, in the time and manner prescribed by State and local law, including the California Environmental Quality Act.

E. A Negative Declaration (ND) was prepared for the Project in accordance with the California Environmental Quality Act and the California Environmental Quality Act Guidelines (“CEQA”). The Draft ND was prepared under staff’s direction by Environmental Science Associates (ESA). Thereafter, City staff filed a Notice of Completion with the State Clearinghouse, and circulated a Notice of Intent with the Draft ND and Appendices to the public and other interested parties, for a 30-day public review and comment period for the Draft ND commenced on May 27, 2021 and concluded on June 27, 2021. Signs were placed on the property and a notice was placed in the local paper. The City of Temecula received two (2) written comments and responded to each comment in the Final ND, which includes all timely received written comments and responses thereto. Comments were received by the Riverside County Flood

Control and Water Conservation District and Temecula Valley Unified School District. The Final ND was provided to commenting agencies in compliance with State Law. The “Final ND” consists of the Draft ND and all of its appendices and the comments and responses to comments on the Draft ND. The Final ND was made available to the public and to all commenting agencies in accordance with the law.

F. On July 20, 2022 the Planning Commission of the City of Temecula held a duly noticed public hearing on the proposed Negative Declaration and proposed Project at which time all persons interested in these actions had the opportunity and did address the Planning Commission.

G. Following consideration of the entire record of information received at the public hearing, the Planning Commission adopted Resolution No. 2022-19 “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPT THE FINAL NEGATIVE DECLARATION FOR THE RENDEZVOUS PHASE II PROJECT CONSISTING OF A 134 UNIT APARTMENT COMMUNITY GENERALLY LOCATED ON THE SOUTH SIDE OF RANCHO CALIFORNIA ROAD, APPROXIMATELY 150 FEET WEST OF COSMIC DRIVE (APN’S: 944-370-001, 005, 006, 007, 010, 012, 013) (PA20-1324).”

H. Following consideration of the entire record of information received at the public hearings and due consideration of the proposed Project, the Planning Commission adopted Resolution No. 2022-21 “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 APPROVING A PLANNED DEVELOPMENT OVERLAY AMENDMENT TO THE TEMECULA VILLAGE PLANNED DEVELOPMENT OVERLAY (PDO-5) GENERALLY LOCATED ON THE SOUTH SIDE OF RANCHO CALIFORNIA ROAD, APPROXIMATELY 150 FT WEST OF COSMIC DRIVE. (APN: 944-370-001, 005, 006, 007, 008, 010, 012, 013) (PA20-1324).”

I. On September 13, 2022, the City Council considered the Project and the Negative Declaration at a duly noticed public hearing which time the City staff presented its report, and all interested persons had an opportunity to and did testify either in support or in opposition to the Project and the Negative Declaration.

J. Following the public hearing, the Council adopted Resolution No. 2022-72”A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA ADOPTING THE FINAL NEGATIVE DECLARATION FOR THE RENDEZVOUS PHASE II PROJECT CONSISTING OF A 134 UNIT APARTMENT COMMUNITY GENERALLY LOCATED ON THE SOUTH SIDE OF RANCHO CALIFORNIA ROAD, APPROXIMATELY 150 FEET WEST OF COSMIC DRIVE (APN’S: 944-370-001, 005, 006, 007, 010, 012, 013) (PA20-1324).” Resolution No. 2022-72 and the findings therein are hereby incorporated by this reference as set forth in full.

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

## Section 2. Provisions for Fiscal Impact Payments

A. The City and owner estimate that the increased costs to the City of providing public safety and other municipal services to the area resulting from the General Plan Amendment and Planned Development Overlay Amendment for the Project will substantially exceed the municipal revenue from the Project (“City Services Deficit”). The City has received a Fiscal Impact Analysis, dated as of June, 2022 (“FIA”), documenting the City Services Deficit. The owners of the property within the Project, and their successors in interest, shall pay the City the sum of sum of Forty Four Dollars (\$44.00) per Occupied Residential Property each year as mitigation for the City Services Deficit, with an increase in such payment each fiscal year in an amount of seventeen point forty four percent (17.44%) of the previous year’s payment, as such increase may be adjusted as part of the yearly assessment or special tax levy as provided in a funding mechanism that may be approved by the City. “Occupied Residential Property” means an assessor’s parcel in the Planned Development Overlay area for which building permits for residential construction have been issued, and a certificate of occupancy or final inspection has been issued, or as may be further defined in the City approved funding mechanism. Owner and its successors to the property within the Project may fulfill this obligation through a community facilities district established by the City pursuant to the Mello-Roos Community Facilities District Act of 1982, Government Code Section 53311, et seq., or other appropriated financing mechanism approved by the City; provided, however, the obligation of each owner and their successors to pay the City Services Deficit payment under this obligation remains an obligation of the owner and its successors regardless of the financing mechanism used to pay it and regardless of whether there is a financing mechanism to pay it. Five years after the date of the first certificate of occupancy or final inspection is issued for a home in the Project and every five years after that, the owners of the properties may request that the City re-evaluate the yearly payments for the City Services Deficit and prepare an updated FIA to analyze the continuing impacts of the Project to the City’s budget. The cost of the updated FIA shall be paid for by the owners of the properties within the Project.

Section 3. Legislative Findings. The City Council in approving the Planned Development Overlay/Zone Change hereby makes the following findings:

A. The proposed Ordinance is in conformance with the General Plan for Temecula and with all applicable requirements of State law and other Ordinances of the City.

*The proposed Zone Change/Planned Development Overlay Amendment Ordinance conforms to the City of Temecula General Plan Land Use Element, as amended. Furthermore, the proposed Zone Change/Planned Development Overlay Amendment Ordinance directly responds to Goal 1 Policy LU-1.1 and LU-1.2 of the General Plan Land Use Element.*

*The proposed project is also consistent with the above General Plan Land Use Element goal and policy in that it is contributing to the development of housing that is suitable for the community’s labor force in the form of an apartment community and has been designed to minimize impacts on surrounding land uses and infrastructure through required and proposed design guidelines and development standards, building orientation and location, circulation and access, and other features and requirements of the proposed Planned Development Overlay Amendment. Additionally, mitigation measures were not required as part of the Negative*

*Declaration as the potential for impacts to surrounding uses and infrastructure were determined not to be significant.*

Section 4. Zoning Code Amendment. The City Council hereby amends Chapter 17.22 (PLANNED DEVELOPMENT OVERLAY ZONING DISTRICT (PDO-5)) of Title 17 (Zoning) of the Temecula Municipal Code by amending Article VI, entitled “Temecula Village Planned Development Overlay District 5” to read as provided in Exhibit A, attached to this Ordinance and incorporated herein as thought set forth in full.

Section 6. Consistency with General Plan. On September 13, 2022, the City Council adopted Resolution No. 2022-73, which amended the Land Use Element Map of the Temecula General Plan to change the land use designation of the Project area from Professional Office (PO) to Medium Density (M) residential. Therefore, the foregoing amendments outlined in this Ordinance are consistent with the goals and policies of the General Plan for the City of Temecula.

Section 7. Severability. If any portion, provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect and shall be interpreted by the court so as to give effect to such remaining portions of the Ordinance.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 9. Notice of Adoption. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Temecula this 27<sup>th</sup> day of September, 2022.

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Matt Rahn, 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. 2022-11 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 13<sup>th</sup> day of September, 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 27<sup>th</sup> day of September, 2022, by the following vote:

AYES:                    COUNCIL MEMBERS:

NOES:                    COUNCIL MEMBERS:

ABSTAIN:                COUNCIL MEMBERS:

ABSENT:                 COUNCIL MEMBERS:

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Randi Johl, City Clerk