

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING SECTION 15.20.020 OF THE TEMECULA MUNICIPAL CODE BY ADDING THE DEFINITIONS OF COMMERCIAL USES, INDUSTRIAL USES, MINI-STORAGE USES AND PARKING LOT/STRUCTURE AND DELETING THE DEFINITION OF RETAIL USES, AND BY AMENDING SECTION 15.20.030 BY APPLYING THE UPTOWN TEMECULA IN-LIEU FEE AND CREDITS TO THOSE AMENDED USES, AND FINDING THAT THIS ORDINANCE DOES NOT CONSTITUTE A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15378(B)(4)

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

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

A. Keyser Marston Associates prepared an update to the 2015 New Streets In-Lieu Fee Nexus Study for Uptown Temecula Specific Plan, dated February, 2019 (the “Fee Study”), that analyzes the impact of development within the Uptown Temecula Specific Plan Area on the need for certain street improvements and calculated the in-lieu fee based on that analysis.

B. The period of greater than ten (10) days prior to adoption of this ordinance, data has been available to the public, and to developers and their representative, indicating the cost of estimated cost of the streets to be funded, the revenue sources anticipated and means of spending these costs.

C. On March 26, 2019, the City Council held a duly noticed open and public meeting, at which it considered the proposed amendment to Chapter 15.20, Uptown Temecula Specific Plan New Streets In-Lieu Fee, of the Temecula Municipal Code (Chapter 15.20) and the adoption of the in-lieu fee for streets within the Uptown Temecula Specific Plan Area (“In-Lieu Fee”). The Fee Study, which contains data indicating the estimated cost, required to provide the streets for which the In-Lieu Fee would be levied and the revenue sources anticipated to provide the service, was made available to the public at least ten days prior to the date of this City Council meeting.

D. On April 23, 2019, the City Council held a duly noticed public hearing regarding the proposed amendment to Chapter 15.20 and the adoption of the In-Lieu Fee. The City Council considered all staff reports, public testimony, and other evidence received at the public hearing prior to adopting this ordinance.

E. On November 17, 2015 the Council adopted Resolution No. 15-65 certifying the Environmental Impact Report for the Uptown Temecula Specific Plan and adopting the Mitigation and Monitoring Program (“EIR”). The EIR analyzed the environmental impacts of the streets proposed by the Specific Plan which streets were proposed to be funded by the In-Lieu Fee. The City staff has evaluated the potential environmental impacts of the adoption of this specific Ordinance, pursuant to the California Environmental Quality Act (“CEQA”). City staff has determined that these actions do not constitute a “project” under CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism for public improvements that have been fully analyzed under the EIR. In addition, City Staff has determined that these actions are categorically exempt from CEQA under CEQA guidelines Section 15273(a)(4) because these actions and documents are merely establishing an in-fee to obtain funds for public improvements that have been fully analyzed by the EIR.

F. All prerequisites to the adoption of this Ordinance as specified by the Mitigation Fee Act (California Government Code Section 66000 et seq.) and other applicable laws have been satisfied.

Section 2. Section 15.20.020, Definitions, of Chapter 15.20, Uptown Temecula Specific Plan New Streets In-Lieu Fee, of the Temecula Municipal Code is hereby amended by deleting the definition for “Retail Uses” and adding definitions for “Commercial”, “Industrial”, “Mini-storage” and “Parking Lot/Structure” in alphabetical order as follows:

“Commercial Uses” shall include those uses as specified in Chapter 3 of the Uptown Temecula Specific Plan.

“Industrial Uses” shall have the same meaning as “Light Manufacturing” as specified in Chapter 3 of the Uptown Temecula Specific Plan, as well as the existing legal-non conforming industrial uses within the Uptown Temecula planning area.

“Mini-storage Uses” shall have the same meaning as “Mini-warehouse” as specified in the Temecula Municipal Code.

“Parking Lot/Structure” means a parcel used as a parking lot or parking structure where parking spaces are metered and fee is charged based on duration of stay.”

Section 3. Subsections C and E of Section 15.20.030, In-Lieu Fees and In-Lieu Credits, of Chapter 15.20, Uptown Temecula Specific Plan New Streets In-Lieu Fee, of the Temecula Municipal Code is hereby amended to read as follows:

“C. Every person who develops a Commercial Use, Hotel Use, Industrial Use, Mini-storage Use, Office Use, Parking Lot/Structure, or Residential Use or a combination thereof, in the Specific Plan area after the effective date of the ordinance adopting this chapter shall pay to the city the in-lieu fee pursuant to this chapter.

“E. In the event that a developer develops a Commercial Use, Hotel Use, Industrial Use, Mini-storage Use, Office Use, Parking Lot/Structure, or Residential Use or a combination thereof, and constructs the Streets required for such uses by the land use approval, the developer shall be entitled to a credit on In-Lieu Fees applicable to its development in the amount of the actual costs for the design, design, right of way and construction of the streets within the time called for in the project’s land use entitlements. City shall enter into an improvement agreement with developer that will guarantee completion of the design, right of way and construction of such streets within a specified period of time, provide for the estimate of such work and appropriate securities based thereon and such other matters as the City Manager deems necessary to implement the street work required for the development. City Manager shall be authorized to enter into such agreements on behalf of the City.”

Section 4. 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 5. 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 6. 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 this 14th day of May, 2019.

Michael S. Naggar, Mayor

ATTEST:

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. 19-04 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 23rd day of April, 2019, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the 14th day of May, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk