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# VISIT TEMECULA VALLEY TOURISM BUSINESS IMPROVEMENT DISTRICT MANAGEMENT DISTRICT PLAN

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*Renewed pursuant to the Property and Business Improvement District Law of  
1994 (Streets and Highways Code §36600 et seq.)*

*Submitted by*

Visit Temecula Valley 501(c)6

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## TABLE OF CONTENTS

I.	INTRODUCTION AND OVERVIEW .....	2
II.	WHY A TOURISM BUSINESS IMPROVEMENT DISTRICT FOR TEMECULA VALLEY?.....	5
III.	WHAT IS A TOURISM BUSINESS IMPROVEMENT DISTRICT?.....	6
IV.	VISIT TEMECULA VALLEY TOURISM BUSINESS IMPROVEMENT DISTRICT BOUNDARY .....	7
V.	SERVICE PLAN AND BUDGET.....	9
A.	Assessment.....	9
B.	Determination of Special Benefit.....	9
C.	Time and Manner for Collecting Assessments.....	9
D.	Service Plan Budget and Programs to be Provided: .....	11
E.	Annual Service Plan:.....	11
F.	Adjustments .....	13
VI.	VTVTBID GOVERNANCE .....	14
A.	Visit Temecula Valley Tourism Business Improvement District Governance.....	14
B.	Brown Act and California Public Records Act Compliance .....	14
C.	Annual Report.....	14
	APPENDIX 1 – LODGING BUSINESSES TO BE ASSESSED WITHIN THE RENEWED VTVTBID .....	15

## I. INTRODUCTION AND OVERVIEW

Developed by Visit Temecula Valley (“VTV”) and the lodging businesses within the City of Temecula, the Visit Temecula Valley Tourism Business Improvement District (“VTVTBID”) is a benefit assessment district which was established in 2015 to help fund marketing and sales promotion efforts for Temecula Valley lodging businesses. The VTV organization has successfully managed the district since 2015. This approach has been used successfully in other destination areas throughout the country to improve tourism and drive additional room nights.

The VTVTBID was established pursuant to the Parking and Business Improvement District Law of 1994 (California Streets and Highways Code Section 36600 *et seq.*) (the “1994 Law”) and replaced the prior Temecula Valley Tourism Business Improvement District which was established pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code Section 36500 *et seq.*) and disestablished in 2015.

The assessment for the VTVTBID commenced with the fiscal year that began on March 1, 2015 and ended on February 28, 2016, and the term of the assessment will expire on February 29, 2020 (in a new 1994 Law district, the maximum number of years in which the assessment may be levied is five years). The 1994 Law provides that any district previously established pursuant to the 1994 Law whose term has expired or will expire may be renewed by following the procedures for establishment of a district. The 1994 Law provides that upon renewal, a district shall have a term (i.e., the number of years in which the assessment may be levied) not to exceed 10 years.

Accordingly, the City Council may renew the VTVTBID by following the procedures in the 1994 Law that the City followed in 2015 when it established the VTVTBID. The VTV and all of the lodging businesses in the City have requested the Council to undertake proceedings to renew the VTVTBID, with the assessments to have a new five-year term.

An up to date version of the 1994 Law with all applicable amendments is available at:

[https://leginfo.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=SHC&division=18.&title=&part=7.&chapter=&article=](https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=SHC&division=18.&title=&part=7.&chapter=&article=)

**Location:** No changes to the boundaries of the renewed VTVTBID are proposed. The exterior boundaries of the existing VTVTBID are the boundaries of the City of Temecula (the “City”). The VTVTBID includes all lodging businesses, which include hotels, motels, and bed and breakfasts as defined in Temecula Municipal Code Section 3.20.020 (“Lodging Businesses”) within these boundaries. There are no benefit zones within the VTVTBID.

**Services:** No changes to the services provided by the renewed VTVTBID are proposed. The services consist of marketing and sales promotions designed to specifically benefit Lodging Businesses by increasing tourism and marketing the Temecula Valley as a tourist, meeting and event destination.

**Budget:** The total VTVTBID annual budget for each year of its new five (5) year term of operation upon renewal is anticipated to be approximately \$8,590,256. The amount of revenues raised by the annual assessment proposed to be levied in year one of the

renewed VTVTBID is anticipated to be approximately \$1,720,000. The annual revenues for each year of the remaining four years of the renewed VTVTBID's five-year term are expected to fluctuate in accordance with occupancy rates and rents charged by the operators of the Lodging Businesses within the renewed VTVTBID, but the amount is not anticipated to be significantly different each year. The City shall not issue bonds in connection with the renewed VTVTBID. The City shall retain from the assessments an amount equal to its actual expenses in renewing the VTVTBID, and 2% of collected assessments each year will be used to pay for collecting the assessments and administrative expenses of the City.

**Assessment:** No changes to the assessment levied within the existing VTVTBID are proposed upon renewal of the VTVTBID. Except where funds are otherwise available, the City proposes to annually levy an assessment on all Lodging Businesses within the boundaries of the renewed VTVTBID based upon 4% of the rent charged by the operator per occupied room per night to pay for activities within the renewed VTVTBID. Extended stays, defined as stays of more than 30 consecutive calendar days, and those exempt persons as defined in Temecula Municipal Code Section 3.20.040, will be exempt from the renewed VTVTBID assessment. New Lodging Businesses established within the boundaries of the renewed VTVTBID after the beginning of any fiscal year will not be exempt from the levy of assessment for that fiscal year. Assessments pursuant to the renewed VTVTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax imposed pursuant to Chapter 3.20 of the Temecula Municipal Code.

**Renewal:** The City Council may initiate proceedings to renew the VTVTBID upon the submission of a written petition signed by the owners of Lodging Businesses within the proposed VTVTBID which will pay more than 50% of the assessments proposed to be levied.

If the City Council, by resolution, declares its intention to renew the VTVTBID, the Council must hold a noticed meeting and a subsequent public hearing on the proposed renewal. The owners of the Lodging Businesses will receive a joint notice of the meeting and public hearing by mail.

At the public hearing a protest may be made orally or in writing by any interested person. Every written protest shall be filed with the City Clerk at or before the time fixed for the public hearing. Written protests may be mailed to the City Clerk, City of Temecula, 41000 Main Street, Temecula, California 92590. The City Council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with these requirements shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed renewed VTVTBID that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the

protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses shall be taken for a period of one year from the date of the finding of a majority protest by the City Council.

**Duration:** Upon renewal of the VTVTBID, the proposed assessments shall be levied for five fiscal years, beginning with the fiscal year that commences on March 1, 2020 and ends on February 28, 2021. The assessments are proposed to be based on the same fiscal year as for the existing assessment (March 1st to February 28th or 29th), but with the term to expire on December 31, 2024 instead of on February 28, 2025 so as to ultimately align the VTVTBID's fiscal year with the calendar year. After the expiration of the five-year term, the City Council may renew the assessment pursuant to Section 36600 of the 1994 Law. For purposes of levying and collecting assessments within the renewed VTVTBID, a fiscal year shall commence on March 1<sup>st</sup> and end on the following February 28<sup>th</sup> (or 29<sup>th</sup>); provided the City Council may, by resolution, designate the fiscal year as July 1<sup>st</sup> to June 30<sup>th</sup> of the following year, or any other fiscal year, subject to all applicable requirements of the 1994 Law.

Once per year beginning on the anniversary of the renewal of the VTVTBID there shall be a 30-day period in which owners of the Lodging Businesses paying more than 50% of the assessment may petition the City Council to terminate the renewed VTVTBID.

## II. WHY A TOURISM BUSINESS IMPROVEMENT DISTRICT FOR TEMECULA VALLEY?

There are several reasons why now is the right time to renew the VTVTBID; the most compelling reasons are as follows:

### 1. *The Need to Increase Occupancy*

The renewal of the VTVTBID is a proactive effort to provide supplemental funding beyond that provided by the City. The funding will ensure that adequate financing exists for the investment required to increase occupancy in the lodging industry and be competitive in the conference segment of the tourism market. The investment will cover an expanded marketing and promotional budget needed to reach this market segment.

### 2. *Stable Funding for Tourism Promotion*

The renewal of the VTVTBID will provide a stable source of funding for consistent tourism promotion efforts. The renewed VTVTBID will provide funding for tourism promotion free of political and economic circumstances.

Temecula Lodging Businesses have benefitted from the prior Temecula Valley Tourism Business District and the existing VTVTBID for many years. The renewal of the VTVTBID under the 1994 Law will provide stable funding over a new five-year term, thereby allowing for continued long-range planning and program implementation.

### III. WHAT IS A TOURISM BUSINESS IMPROVEMENT DISTRICT?

Tourism Business Improvement Districts (TBIDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow lodging business owners to organize their efforts to increase tourism. Lodging business owners within the district fund a TBID, and those funds are used to provide services that the businesses desire and that benefit the lodging businesses within the District.

**Tourism Business Improvement District services may include, but are not limited to:**

- Marketing of the Destination
- Tourism Promotion Activities
- Sales Lead Generation

In California, TBIDs are formed and renewed pursuant to the Property and Business Improvement District Law of 1994 (“1994 Law”). This law allows for the creation and renewal of a special benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation serving as the owner’s association for the district.*

**There are many benefits to Tourism Business Improvement Districts:**

- Funds cannot be diverted for other government programs;
- Tourism Business Improvement Districts are customized to fit the needs of each tourism district;
- They allow for a wide range of services, including those listed above;
- Tourism Business Improvement Districts are ***designed, created and governed by those who will pay*** the assessment;
- They provide a stable funding source for tourism promotion.

An up to date version of the 1994 Law with all applicable amendments is available at:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=SHC&division=18.&title=&part=7.&chapter=&article=](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=SHC&division=18.&title=&part=7.&chapter=&article=)

#### **IV. VISIT TEMECULA VALLEY TOURISM BUSINESS IMPROVEMENT DISTRICT BOUNDARY**

The existing VTVTBID includes all Lodging Businesses, existing and future, within the boundaries of the City of Temecula. No changes to the boundaries of the renewed VTVTBID are proposed. When the VTVTBID was established in 2015, it included approximately 15 Lodging Businesses. The boundaries of the VTVTBID currently include approximately 18 Lodging Businesses as shown on the map on the following page. A complete listing of Lodging Businesses within the proposed renewed VTVTBID can be found on Appendix 1 of this Plan.





## **V. SERVICE PLAN AND BUDGET**

### **A. Assessment**

No changes to the assessment levied within the existing VTVTBID are proposed upon the renewal of the VTVTBID. The annual assessment rate to be levied on each Lodging Business within the proposed renewed VTVTBID is based on the estimated specific and special benefit to the Lodging Businesses.

Except where funds are otherwise available, the City proposes to annually levy an assessment on all Lodging Businesses within the boundaries of the renewed VTVTBID based upon 4% of the rent charged by the operator per occupied room per night to pay for activities within the VTVTBID. Extended stays, defined as stays of more than 30 consecutive calendar days, and those exempt persons as defined in Temecula Municipal Code Section 3.20.040, will be exempt from the VTVTBID assessment. New Lodging Businesses established within the boundaries of the VTVTBID after the beginning of any fiscal year will not be exempt from the levy of assessment for that fiscal year. Assessments pursuant to the VTVTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax imposed pursuant to Chapter 3.20 of the Temecula Municipal Code.

Bonds will not be issued.

The amount of assessment, if passed on to each transient, shall be separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business.

### **B. Determination of Special Benefit**

State law requires that assessment funds be expended on a specific benefit conferred directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the City of conferring the benefit. Further, the assessment may be utilized to provide a specific government service directly to the payors that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service.

Funds will be managed by VTA, which will submit annual reports to the City. The specific and special benefit the VTVTBID will provide to Lodging Businesses, and will not provide to non-assessed businesses, is room night sales. In order to provide a specific and special benefit and government service only to payors which does not exceed the reasonable cost thereof, the marketing and promotion services provided with the VTVTBID funds will be designed specifically to drive room night sales to assessed Lodging Businesses.

### **C. Time and Manner for Collecting Assessments**

The proposed assessments shall be levied for five fiscal years, beginning with the fiscal year which begins on March 1, 2020 and ends on February 28, 2021. The City will collect the assessments from Lodging Businesses within the boundaries of the renewed VTVTBID in monthly installments or such other installments as determined pursuant to resolution of the City Council. The funds collected will be distributed to the VTV Board. Funds remaining at the end of any year may be used in subsequent years

in which VTVTBID assessments are levied as long as they are used consistent with the requirements of the 1994 Law and this Plan.

Each operator of a Lodging Business shall, on or before the thirtieth day of each month, commencing in March 2020, make a return to the City's Director or Finance, or his or her designee, (the "assessment administrator"), on forms provided by the assessment administrator, of the total rents charged and received for the immediately preceding month and the amount of assessment installment owed based on such rents. At such time, the full amount of the assessment installment shall be remitted to the assessment administrator and shall be delinquent if not paid by such date. If the thirtieth day of the month falls on a Saturday, Sunday, or City holiday, the return and payment shall be due on the first business day thereafter. Returns and payments are due immediately upon cessation of business for any reason and are delinquent thirty days thereafter. Each return shall be signed under penalty of perjury by a duly authorized agent of the operator. A return or payment made by mail shall be deemed received on the date shown on a postage cancellation stamp imprinted on the envelope in which the return or payment is received, or if a return or payment is made by means other than through the United States mail, a return or payment shall be deemed received on the date the payment is stamped "received" by the assessment administrator.

Each assessment installment shall be subject to the same penalties and interest for nonpayment or fraud as are applicable to the transient occupancy tax pursuant to Chapter 3.20 of the Temecula Municipal Code.

If any operator fails to make, within the required time, any report and remittance of the assessment installment or any required portion thereof, the assessment administrator shall proceed in such manner, as the assessment administrator deems best to obtain facts and information on which to base an estimate of the assessment installments due. As soon as the assessment administrator procures such facts and information as he or she is able to obtain upon which to base such estimate, the assessment administrator shall proceed to determine and assess against such operator the assessment installments, and applicable interest and penalties. In case such determination is made, the assessment administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the subject operator at his last place of business known to the assessment administrator. The operator may make application for a hearing in the manner set forth in Section 3.20.100 of the Temecula Municipal Code, and, in such case, the provisions of such Section 3.20.100 of this title shall govern the application, hearing, and determination of the assessment installment, interest and penalties, if any, by the assessment administrator. An operator may appeal the determination of the assessment administrator to the City Council in the manner set forth in Section 3.20.110 of the Temecula Municipal Code and, in such case, the provisions of such Section 3.20.110 shall govern the appeal and the findings of the City Council, which findings shall be final and conclusive.

The amount of assessment installments, and applicable penalties and interest shall be deemed a debt owed to the City by the operator of a Lodging Business. An action may be commenced in any court of competent jurisdiction in the name of the City for the amount of such debt. In addition to the assessment installments, penalties and interest, the operator shall be liable to the City for the costs of collection of the amounts due and the enforcement, including, without limitation, all reasonable attorney fees, staff time and other costs of collection and litigation. Conviction and punishment of any person for failure to comply shall not relieve such person from paying any assessment installment, penalty or interest due and unpaid at the time of such conviction nor shall payment prevent prosecution of a

violation of any of the above-described provisions. All remedies shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy.

Any operator of a Lodging Business or other person who fails or refuses to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the assessment administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor. Any person required to make, render, sign or verify any report or claim, who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due pursuant to the renewed VTVTBID is guilty of a misdemeanor.

The assessment shall be levied on each Lodging Business in the renewed VTVTBID and each such Lodging Business shall be solely responsible for paying all installments when due. Without disturbance of the foregoing, a Lodging Business may elect to recover some or all of the amount of the assessment from persons owing rent to the Lodging Business. The amount to be recovered from any such person may not exceed the amount of rent owed by that person, multiplied by four percent. The amount so recovered shall be separately identified or itemized on a document provided to that person.

It shall be the duty of every operator of a Lodging Business to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of the assessments due. The assessment administrator shall have the authority to require the maintenance of certain records and the form of such records and shall have the right to inspect such records at all reasonable times.

Whenever the amount of any assessment installment, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City, it may be refunded provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the assessment administrator within one year of the date of payment. The claim shall be on forms furnished by the assessment administrator. No refund shall be paid unless the claimant established his right thereto by written records showing entitlement thereto.

#### **D. Service Plan Budget and Programs to be Provided:**

##### **Service Plan Budget Summary - Fiscal Years 2020-2025**

A summary of the annual service plan budget for the renewed VTVTBID is provided on the following pages. The total five ( 5 ) year improvement and service plan budget is projected at approximately \$1,720,000 annually.

#### **E. Annual Service Plan:**

The overarching message of the marketing program and some of its elements have been set out in this Plan; the remaining details of the program will be developed by the City-appointed Owners' Association, which is answerable to the City Council. A service plan budget has been developed to deliver services throughout the VTVTBID. An annual service plan and budget will be developed and approved by the VTVTBID Owners' Association. Please see the budget exhibit below. The budget also includes a portion for contingencies and further renewal of the District. Should the VTVTBID Owners' Association approve, funds may be appropriated for the renewal effort. If there are funds remaining at the end of the renewed VTVTBID term and the Owner's Association chooses to renew, these remaining funds will be transferred to the renewed

VTVTBD in accordance with the 1994 Law. Otherwise, any remaining funds will be spent consistent with this Plan or returned to assessed businesses in equal proportions to the assessment paid by each business.

**Visit Temecula Valley Tourism Business  
Improvement District Annual Budget,  
Years One through Five**

Services Provided	Descriptions	Total
SALES and MARKETING – 80%		\$1,376,000.00
ADMINISTRATIVE and OPERATIONS – 13%		\$223,600.00
	<ul style="list-style-type: none"> <li>Office Administration/Operational Expenses</li> <li>Legal/Accounting</li> </ul>	
CITY ADMINISTRATION FEE – 2%		\$34,400.00
CONTINGENCY/RENEWAL - 5%		\$86,000.00
Total Projected Revenue		\$1,720,000.0

The City Council hereby directs the implementation of a coordinated program of promotions. By adopting this Management District Plan, the City Council establishes programs that include the messages specified herein as may be modified by the City Council. This Management District Plan sets forth the following contemplated activities for each year of operation of the renewed VTVTBD:

**Sales and Marketing**

A sales and marketing program will promote the Temecula Valley as a tourist destination for the benefit of the Lodging Businesses in the City of Temecula. The sales and marketing program will have a central theme of promoting the Temecula Valley and Temecula Valley Southern California Wine Country as desirable place to visit, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;
- Television ads targeted at potential visitors;
- Radio ads targeted at potential visitors;
- Attendance of trade shows;
- Sales blitzes;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance of professional industry conferences and affiliation events;

- Lead generation activities designed to attract tourists and group events to Temecula Valley;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service designed to create a visitor experience that will bring repeat visits; and
- Education of Lodging Business management and the Owners' Association on marketing strategies best suited to meet the Temecula Valley's needs.

### **Special Projects**

Special projects funding will be utilized to sponsor special events designed to attract visitors to the Temecula Valley.

### **Administrative and Operations**

The administrative and operations portion of the budget shall be utilized for staffing costs, office costs, and other general administrative costs.

### **City Administration Fee**

The City of Temecula shall be paid a fee equal to 2% of the amount of assessment collected with the boundaries of the renewed VTVTBID from the Lodging Businesses each fiscal year to cover its costs of collection and administration.

## **F. Adjustments**

The City approved marketing plan shall remain consistent with the budgets above. Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget below shall remain the same. The VTV board shall have the authority to adjust budget allocations between the categories.

## **VI. VTVTBID GOVERNANCE**

### **A. Visit Temecula Valley Tourism Business Improvement District Governance**

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets & Highways Code §36651, to identify the body that shall implement the proposed program. The Owners' Association of the renewed VTVTBID as defined in Streets & Highways Code §36614.5 is the body that shall implement the proposed program. The City Council appoints VTV to continue to serve as the Owner's Association for the renewed VTVTBID.

### **B. Brown Act and California Public Records Act Compliance**

The Owners' Association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act, designed to promote public accountability. The owner's association of a tourism business improvement district is considered a legislative body under California's open meeting act, the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the VTV board must be held in compliance with the public notice and other requirements of the Brown Act. A majority of the Board may not hear, discuss, deliberate or take action on matters within the subject matter jurisdiction of the renewed VTVTBID except at a meeting complying with the requirements of the Brown Act. The Owner's Association is also subject to the record keeping and retention requirements of the California Public Records Act.

### **C. Annual Report**

The VTV board shall present an annual report at the end of each year of operation to the Temecula City Council pursuant to Streets and Highways Code §36650. Per Section 36650, the City Council may approve the report as filed or modify it and approve it.



## APPENDIX 1 – LODGING BUSINESSES TO BE ASSESSED WITHIN THE RENEWED VTVTBD

1.	Best Western Plus Hotel & Suites	41841 Moreno Road.	Temecula	CA	92590
2.	Best Western Country Inn	27706 Jefferson Ave.	Temecula	CA	92590
3.	Embassy Suites Temecula	29345 Rancho California Rd.	Temecula	CA	92591
4.	Extended Stay America	27622 Jefferson Ave.	Temecula	CA	92590
5.	Fairfield Inn and Suites	27416 Jefferson Ave.	Temecula	CA	92590
6.	Hampton Inn and Suites	28190 Jefferson Ave.	Temecula	CA	92590
7.	Holiday Inn Express	27660 Jefferson Ave.	Temecula	CA	92590
8.	Home 2 Suites	28400 Rancho California Rd.	Temecula	CA	92590
9.	La Quinta Inn & Suites	27330 Jefferson Rd.	Temecula	CA	92590
10.	Motel 6	41900 Moreno Road	Temecula	CA	92590
11.	Palomar Hotel	28522 Old Town Front St.	Temecula	CA	92590
12.	Quality Inn Temecula	27338 Jefferson Ave.	Temecula	CA	92590
13.	Signature Inn	28980 Old Town Front St.	Temecula	CA	92590
14.	Rancho California Inn	41873 Moreno Rd.	Temecula	CA	92590
15.	Rodeway Inn	28718 Old Town Front St.	Temecula	CA	92590
16.	Springhill Suites by Marriott	28220 Jefferson Ave.	Temecula	CA	92590
17.	Temecula Creek Inn	44501 Rainbow Canyon Rd.	Temecula	CA	92592
18.	The Hotel Temecula	42100 Main St.	Temecula	CA	92590