

**STAFF REPORT – PLANNING  
CITY OF TEMECULA  
PLANNING COMMISSION**

**TO:** Planning Commission Chairperson and members of the Planning Commission

**FROM:** Luke Watson, Director of Community Development

**DATE OF MEETING:** August 5, 2020

**PREPARED BY:** Brandon Rabidou, Case Planner

**PROJECT SUMMARY:** Long Range Planning Application Number LR20-0265, amending Title 1 and Title 17 of the Temecula Municipal Code related to the administration of land use entitlements and permits, including permit revocations.

**RECOMMENDATION:** Adopt a Resolution recommending that the City Council adopt an Ordinance amending Title 1 and Title 17 of the Temecula Municipal Code related to the administration of land use entitlements.

**CEQA:** Categorically Exempt  
Section 15378(b)(5) and Section 15061 (b)(3)

**BACKGROUND SUMMARY**

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, and to make necessary corrections or changes. The proposed amendments to the Temecula Municipal Code include amendments to Title 1 and Title 17. The proposed amendments do not result in a significant increase in the intensity or density of any land use above what is currently allowed in accordance with the Municipal Code. This ordinance amends the procedures for continuing administrative citations hearings and amends administrative regulations for various land use entitlements and permits. 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 (Development Code) of the Temecula Municipal Code. Although not required to be reviewed by the Planning Commission the proposed amendments to Title 1 will be considered by the City Council but are included in the attached draft ordinance to provide additional information to the Planning Commission.

Listed briefly below are the proposed changes to Title 17 and Title 1 of the Municipal Code, each of which is discussed in greater detail below:

1. Revocation process update for Temporary Use Permits and Home Occupation Permits
2. Revocation process update for Development Plans, Conditional Use Permits, and other entitlements
3. The replacement of “secondary dwelling unit” with “accessory dwelling unit”
4. An update to incorporate “floor area” into the definition of Modification changes

## **ANALYSIS**

Outlined below is the explanation for the proposed amendments:

1. Revocations and Modifications – Temporary Use Permits and Home Occupation Permits. Section 17.03.080.

The proposed ordinance updates the revocation process for Temporary Use Permits and Home Occupation Permits to allow for the Director of Community Development to revoke these types of permits when the circumstances warrant such action. This change would allow for the Director to revoke a permit more quickly than the Planning Commission or City Council. A quick revocation may be necessary when a Temporary Use Permit or Home Occupation Permit is operating contrary to the Temecula Municipal Code resulting in negative impacts to businesses, residents, or public safety. As these permits are issued by the Director of Community Development, and not the Planning Commission, it seems appropriate to have the Director of Community Development revoke the permits. Any permit revocation can be appealed to the Planning Commission.

2. Revocations and Modifications – Conditional Use Permits, Development Plans and other land use entitlements. Section 17.03.085.

The proposed ordinance would require an Independent Hearing Officer to be utilized for revocation processes for conditional use permits, development plans, and other entitlements. The purpose of this change is to remove highly technical and time consuming procedural requirements from the Planning Commission. Instead, an Independent Hearing Officer would preside over the initial revocation hearing. The Planning Commission would then review the Independent Hearing Officer’s determination to either revoke, modify, or impose additional conditions on the permit, after holding a public hearing. The Planning Commission would be charged with deciding whether to confirm, modify or overturn the independent hearing officer’s decision. The City Council would still maintain the ability to review any revocation appeals for conditional use permits, development plans, and other entitlements.

3. Administrative Approval of Development Plan – Section 17.05.020

The proposed ordinance would replace “secondary dwelling units” with “accessory dwelling units” in Section 17.05.020 to maintain consistency with the recently adopted accessory dwelling unit ordinance.

4. Types of Modifications – Section 17.05.030

The proposed ordinance would add “floor area” to the description of Major and Minor Modifications. This clarification would ensure that projects that add interior floor area (e.g., mezzanines) will be required to go through the Modification process. This is necessary to ensure that projects comply with various development standards, including, but not limited to, parking, floor area ratio (FAR), and outside agency requirements.

## **LEGAL NOTICING REQUIREMENTS**

Notice of the public hearing was published in the *SD Union Tribune* on July 23, 2020.

## **ENVIRONMENTAL DETERMINATION**

In accordance with the California Environmental Quality Act, the proposed project has been deemed to be categorically exempt from further environmental review.

This ordinance is not a project under the California Environmental Quality Act (CEQA) as State CEQA Guidelines Section 15378(b)(5) provides that a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This ordinance merely amends the procedures for continuing administrative citations hearings and amends administrative regulations for various land use entitlements and other permits. In addition, this ordinance is also exempt from the California Environmental Quality Act (CEQA) as there is no possibility the proposed ordinance would have a significant impact on the environment pursuant to State CEQA Guidelines Section 15061(b)(3). A Notice of Exemption will be prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

- ATTACHMENTS:**
1. PC Resolution
  2. Exhibit A- Draft City Council Ordinance
  3. Notice of Public Hearing
  4. Draft Notice of Exemption