

Final Action

☐ Planning Commission

☒ City Council



Planning Commission Staff Report

Subject: Electric Vehicle Charging and Housing Element Implementation Ordinance (MCA-2023-00001)

Date: July 26, 2023

Prepared by: Graybehl, Taylor

Reviewed by: Carl Stiehl, City Planner

Approved by: David Chantarangsu, AICP, Development Service Director

RECOMMENDATION

- 1) Receive the staff presentation;
- 2) Recommend adoption to the City Council of a Notice of Exemption finding that the project is exempt from CEQA; and
- 3) Adopt a Resolution entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA, RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE FILING OF THE ENVIRONMENTAL DETERMINATION AND APPROVE DEVELOPMENT CODE AMENDMENT (MCA-2023-00001) RELATED TO SECTIONS, 16.08.010, 16.08.020, 16.34.0401, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050; recommending that the City Council adopt an ordinance to amend the City's Development Code to:
 - a. Revise Section 16.44.115, entitled Electric Vehicle Parking Requirements
 - b. Per the City's 6th Cycle Housing Element Policy Action 1-9, revise:
 - i. Section 16.08.020 Minimum lot size requirements in multi-family zones
 - ii. Section 16.73.050 Reasonable accommodation findings
 - iii. Section 16.08.010 Manufactured homes in residential zones by-right
 - iv. Section 16.31.040 Parking requirements in multi-family housing projects
 - v. Section 16.52.040 Conditional Use Permit findings
 - vi. Section 16.44.200 Emergency shelter parking

BACKGROUND

On July 7, 2020 the City Council adopted the Focused General Plan Update, a part of which was a Climate Action Plan (CAP) in the General Plan Update's Final Environmental Impact Report. The CAP includes a number of implementation measures to be rolled out by the City over time in order to reduce greenhouse gas emissions (GHGs).

On June 6, 2023 the City Council adopted the 6th Cycle Housing Element Update. A Housing Element is a chapter within the General Plan which is required to be updated periodically by state law. The most recent Cycle is the 6th which the City began work preparing the update for in July 2021. The Planning Commission recommended the Housing Element to the City Council in October 2021. Since that time, the City has gone through five rounds of review on the Housing Element with the State Department of Housing and Community Development (HCD) prior to

receiving an approval letter that the Housing Element meets the statutory requirements of State Law on May 12, 2023. Following HCD's letter, the City Council adopted the 6th Cycle Housing Element.

The proposed ordinance amendments are intended to implement one of the CAP measures and one of the Housing Element Update policy actions. Staff began work on these ordinance amendments last year with the assistance of consultants funded by the Western Riverside Council of Governments (WRCOG).

On June 14, 2023, City staff presented before the Planning Commission proposed revisions to the City's Development Code (Development Code) to implement Policy T-2 of the City's CAP and Policy Action 1-9 of the Housing Element. The Staff Report presented to the Planning Commission can be found as Attachment 5. The draft ordinances included as part of this staff report are the same as before, except for one change to the proposed revisions to the Conditional Use Permit findings to be limited to residential uses.

On June 28, 2023, City staff held a workshop with the Planning Commission regarding the CAP and Housing Element. The measures and policies of each were discussed and Staff provided additional detail as to how both the CAP and Housing Element relate to these two implementation items. Staff provided clarifications to the Planning Commissioners related to the planned implementation of the CAP measures and Housing Element policies.

Technical assistance was provided by WSP Land Use Consultants. WSP conducted research and assisted in preparing the Staff Report and Ordinance. This work was funded by the WRCOG through the State's Regional Early Action Planning Grant Program (REAP 1.0).

CHANGE TO PREVIOUS STAFF REPORT

Staff recommends altering the proposed revisions to Conditional Use Permit Findings which were presented to the Planning Commission on June 14, 2023. Policy Action 1-9 of the Housing Element identified removing subjective language from Conditional Use Permit findings for residential projects. Staff proposed the following Development Code amendment to address this item:

SECTION 6. Section 16.52.040 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

"16.52.040 Findings and Decision.

Following a review of the application and public hearing in compliance with [Chapter 16.76](#), the applicable re-view authority shall act to approve, approve with conditions, or disapprove the conditional use permit. The re-view authority may approve a conditional use permit only if all of the following findings of fact can be made in a positive manner:

A. The proposed use is conditionally allowed within, ~~and would not impair the integrity and character of,~~ the subject zoning district and complies with all applicable provisions of this development code;

Upon further review, staff identified a concern that the proposed revision may impact the City's ability to regulate non-residential uses which apply for a conditional use permit.

To meet the intent of Policy Action 1-9 and retain local control over non-residential conditional use permits, staff recommends creating two tracks for Conditional Use Permit review, one for residential projects and one for non-residential projects. The language below will create these two tracks with subsection “A” applying to residential projects and subsection “B” applying to non-residential projects.

SECTION 6. Section 16.52.040 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.52.040 Findings and Decision.

Following a review of the application and public hearing in compliance with [Chapter 16.76](#), the applicable re-view authority shall act to approve, approve with conditions, or disapprove the conditional use permit. The re-view authority may approve a conditional use permit only if all of the following findings of fact can be made in a positive manner [per use type as described below](#):

A. The proposed [residential](#) use is conditionally allowed within, ~~and would not impair the integrity and character of,~~ the subject zoning district and complies with all applicable provisions of this development code; [or](#)

[B. The proposed non-residential use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and complies with all applicable provisions of this development code;](#)

PUBLIC PROCESS

The draft ordinance has been made available for review as part of this staff report to the Planning Commission. The previous draft ordinance was made available for review as a part of the staff report (Attachment 5) presented to the Planning Commission on June 14, 2023. In addition, staff made a brief presentation to the Development Advisory Group on this item at their April 2023 Meeting. On June 28, 2023 staff presented during a workshop the Climate Action Plan and Housing Element their measures and policies, including the implementation items proposed. The draft ordinance has also been available on the City’s webpage.

HCD REVIEW

As part of implementation of the Housing Element the City will provide HCD with a copy of the ordinance once adopted in order to complete the amendments as required in Policy Action 1-9.

ENVIRONMENTAL DOCUMENTATION

The project has been evaluated pursuant to the California Environmental Quality Act (CEQA). Considering that no land use changes are proposed as part of the project and no increase or decrease of residential densities is proposed there are no potential environmental impacts that would result from the project. Therefore, the project is exempt under the CEQA Guidelines per Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning, as the project would not cause a significant effect on the environment and existing land use designations in the City. A Notice of Exemption (NOE) with additional supporting analysis has been prepared (Attachment 3). Staff recommends that the Planning Commission recommend that the City

Council find that the project is exempt from CEQA, accept the NOE and direct staff to record and file the document.

ATTACHMENTS

- 1) Electric Vehicle Charging and Housing Element Implementation Ordinance
- 2) Resolution Recommending Council Adoption of Ordinance
- 3) Notice of Exemption
- 4) Electric Vehicle Charging and Housing Element Implementation Ordinance **(Redlines)**
- 5) Staff Report Presented June 14, 2023

Meeting Date: 07-26-2023

ORDINANCE NO. XX:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 16 OF THE MURRIETA MUNICIPAL CODE TO AMEND THE CITY'S DEVELOPMENT CODE (MCA-2023-00001), TO REVISE SECTIONS 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050.

WHEREAS, as the City of Murrieta proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050.

WHEREAS, as the City has adopted the California Green Buildings Standards Code, which , became effective January 1, 2023; and

WHEREAS, the January 2020 City of Murrieta Climate Action Plan Update is intended to implement policies of the Murrieta General Plan Update; and

WHEREAS, the Murrieta 6th Cycle Housing Element Policy Action 1-9 outlines amendments to the City's municipal code to implement; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines Section 151833-Projects Consistent with a Community Plan, General Plan, or Zoning, allows a streamlined environmental review process for projects that are consistent with the development densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, on XX XX, 2023 the City Council of the City of Murrieta held a duly noticed public hearing on this proposed Development Code Amendment, at which was presented the staff report and evidence in the record to support the findings required by Murrieta Development Code Section 16.13; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Murrieta does ordain as follows:

SECTION 1. FINDINGS

Based upon the substantial evidence presented at the public hearing on XX XX, 2023, including written and oral staff reports and public and applicant written and oral testimony, and on the record from the Planning Commission public hearing, in accordance with Murrieta Development Code, the City Council of the City of Murrieta approves the Development Code Amendments in accordance with the following findings:

Findings and Recommended Approval for Development Code Amendments:

1. The proposed amendments ensure and maintain internal consistency with all of the objectives, policies, general plan land uses, programs, and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses, and other regulations that support the proper implementation of the General Plan Update. This Development Code Amendment revises and updates sections 16.08, 16.31, 16.44, 16.52, and 16.73.

2. The proposed amendments would not be detrimental to the public convenience, health, safety or general welfare of the city;

FACTS: The General Plan promotes the health, safety and welfare of the City through the listed goals and policies included within each element. The proposed Code Amendments are consistent with Murrieta's 6th Cycle Housing Element and would not be detrimental to the public convenience, health, safety or general welfare of the city.

3. The proposed amendments are internally consistent with other applicable provisions

of the Development Code;

FACTS: The January 2020 City of Murrieta Climate Action Plan Update includes a policy to adopt an EV charging station ordinance that requires new development standards and this ordinance complies with that requirement. The amendment has been drafted to integrate and implement the Electric Vehicle Parking Requirements in the Development Code and thereby, is internally consistent.

4. The proposed amendment is in compliance with the provision of the California Environmental Quality Act (CEQA) Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning.

FACTS: The project has been evaluated pursuant to CEQA and was determined exempt under CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning. Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Considering that the amendments implement policies identified within the General Plan, and consistent within, no additional environmental review is required. Therefore, the amendments are exempt under the CEQA Guidelines. Staff and the Planning Commission have recommended that the City Council find that the project is exempt from CEQA, and direct staff to record and file the document under CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 et seq.).

SECTION 2. Section 16.44.115 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.115 Electric Vehicle Parking Requirements.

A. Definitions.

1. *EV*: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles and the like, primarily powered by an electric motor that draws from a rechargeable storage battery, fuel cell, photovoltaic array or other source of electric current.
2. *EV Capable Space*: A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.
3. *EV Ready Space*: A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.
4. *Level 2 EV Supply Equipment (EVSE)*: The 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises and the electric vehicle.

B. Standards.

1. A parking space served by *EVSE* shall count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking space requirements as established by the City.
2. An accessible parking space with an access aisle served by *EVSE* shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking space requirements as established by the City. (Ord. 566 § 15, 2020)
3. *EV Ready* and *EVSE* spaces must be identified by signage or pavement markings that comply with Caltrans requirements.
4. The number of *EV Capable* spaces and *EV Ready* spaces will comply with California Green Building Standards Code.

C. Requirements per Development Type

TABLE 16.44.115-1 ELECTRIC VEHICLE PARKING REQUIREMENTS AT A LOCATION	
Occupancy Type	EVSE Parking Requirement (round up to nearest parking space)
One- and Two-Family Homes, Multi-Family Dwellings with Private Garages	Installation of one Level 2 or greater <i>EVSE</i> per enclosed garage
Multi -Family Dwellings without Private Garages, Hotels and Motels	Install Level 2 <i>EVSE</i> for 6% of total parking spaces required
Non-Residential Development	Install Level 2 <i>EVSE</i> for 4% of total parking spaces less than 200 parking spaces.

	Install Level 2 <i>EVSE</i> for 5% of total parking spaces for 200 or greater parking spaces."
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SECTION 3. Section 16.08.020 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-4 to read as follows:

“TABLE 16.08-4 RESIDENTIAL (MULTI-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS				
Development Feature	MF-1 ⁽⁵⁾	MF-2	MF-3	MF-4
Minimum Parcel Size	1 acre	1 acre	1 acre	1 acre
Minimum Parcel Width	100 feet	100 feet	100 feet	100 feet
Density Range	10.1 - 15 du/acre	15.1 - 18.0 du/acre	18.1-29.0 du-acre	Min. 30 du/acre
Minimum Livable Area	500 sq. ft.	500 sq. ft.	500 sq. ft.	500 sq. ft.
Setbacks				
Street	10 feet	10 feet	10 feet	10 feet
Interior	10 feet	10 feet	10 feet	10 feet
Maximum Parcel Coverage	35%	35%	50%	None
Maximum Height Limit	50 feet	50 feet	60 feet	100 feet
Open Space (per dwelling unit)				
Private Open Space	60 sq. ft./upper floor 100 sq. ft./ground floor	60 sq. ft./upper floor 100 sq. ft./ground floor	All units 50 sq. ft. ⁽²⁾	All units 50 sq. ft. ⁽²⁾
Common Open Space	200 sq. ft.	200 sq. ft.	150 sq. ft. ⁽³⁾	150 sq. ft. ⁽³⁾
Recreational Amenities			For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾	For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾
Minimum On-site Landscaping	10% of the site area			
Notes:				

(1) When adjacent to existing single-family residential use or zone, the building setback from the nearest property line shall be 10 feet for the first 25 feet in height, above 25 feet in height the setback shall be 20 feet, and above 50 feet, the setback shall be 30 feet.

(2) For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of fenced yard or patio, a deck or balcony at a minimum area of 50 square feet. The minimum dimension, width or depth of a balcony shall be 5 feet.

(3) All common open space shall be conveniently located and accessible to all dwelling units on the site. Common open space may include landscaping, pedestrian paths and recreational amenities. In projects containing fewer than 10 units, the common open space shall have a minimum width and depth of 10 feet. In projects containing 10 or more units, the minimum width and depth shall be 20 feet.

(4) One common recreational amenity shall be provided for each 30 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.

- a. Clubhouse (two)
- b. Swimming Pool (two)
- c. Tennis, Basketball or Racquetball court
- d. Weightlifting facility
- e. Children's playground equipment
- f. Sauna or Jacuzzi
- g. Day Care Facility (two)
- h. Other recreational amenities deemed adequate by the director.

(5) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see [16.16.020](#) "Planned Residential Development General Standards" and [16.16.030](#) "Planned Residential Development Design Standards and Parameters" for requirements.

SECTION 4. SECTION 16.73.050 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

16.73.050 Findings and Decision.

A. Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.
5. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

B. In determining whether the requested reasonable accommodation is necessary to make specific housing available to individual(s) with a disability, pursuant to Subsection (A)(2) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation will affirmatively enhance the quality of life of a person(s) with disability.
2. Whether the person(s) with disability will be denied opportunity to enjoy the housing type of their choice absent the accommodation.

C. In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, pursuant to Subsection (A)(4) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or applicable specific plan.

D. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (A) above.”

SECTION 5. Section 16.08.010 of Title of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-1 and Table 16.08-2 to read as follows:

"TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District							
Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Manufactured Home (including mobile homes) ⁽⁶⁾	P	P	P	P	P	P	<u>16.44.050"</u>

"TABLE 16.08-2 USE TABLE FOR RESIDENTIAL (MULTI-FAMILY) ZONING DISTRICTS Permit Requirement by District				
Symbol	Applicable Process			See Chapter
P	Permitted Land Use - Compliance with development standards and zoning compliance required			<u>16.74</u>
C	Conditional Use - Conditional use permit required			<u>16.52</u>
"Blank"	Land use not allowed			
Land Use ^{(1) (2)}	MF-1	MF-2	MF-3	See Standards in Section
<u>Manufactured Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Mobile Home Parks	C	C	C"	

SECTION 6. Section 16.34.040 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 3-7 to read as follows:

“16.34.040 Number of Parking Spaces Required.

**TABLE 3-7 PARKING
REQUIREMENTS BY LAND USE**

Residential Uses	Vehicle Spaces Required
Single family housing	Two spaces in a fully enclosed garage.
Duplex housing units	Two spaces for each unit, with at least one space in a fully enclosed garage.
Multi-family dwellings and other attached dwellings	Studio and one bedroom units: 1.5 spaces for each unit, plus guest parking. Two bedrooms or more: 2 spaces for each unit, plus 0.5 additional spaces for each bedroom over 2, plus guest parking equal to 25% of the total number of units.
Mobile homes (in mobile home parks)	Two spaces for each mobile home (tandem parking allowed in an attached carport), plus one guest parking space for each four units.
Condominiums	Studio, one bedroom and two bedroom units: Two covered spaces for each unit, plus guest parking. Three bedrooms or more: Two spaces for each; plus 0.5 additional spaces for each bedroom over two; plus guest parking equal to 33% of the total number of units evenly spread throughout the entire project.
Mixed-use developments (residential portion)	Determined by conditional use permit.
Accessory dwelling units	See Section 16.44.160
Senior housing projects	One space for each unit with half the spaces covered, plus one guest parking space for each ten units.
Senior congregate care	0.5 space for each residential unit, plus one space for each four units for guests and employees.
Short-term vacation rentals	Parking for the short-term vacation rental shall comply with the requirements as specified under Table 3-7, Table 5.27-01 for required on-site quantities, and Section 16.44.260 of this municipal code. Required parking shall be allocated on-site of the single-family residential dwelling, or within designated parking spaces for condominiums, as prescribed by Table 5.27-01. All garage, driveway, carport and tandem parking spaces associated with the single-family residential dwelling or condominium unit shall, at all times, be available for parking of transient occupant and guest vehicles, as those terms are defined in Title 5.27. Temporary parking passes issued by the city shall be provided to all transient occupants and for their guest(s). The observable parking passes shall be displayed in the vehicle’s front-windshield for the duration of the stay.
Density Bonus	On-site parking for a density bonus project shall be consistent with the requirements as described under Government Code Section 65915(p). See Section 16.20.040.B.4 for additional details.”

SECTION 7. Section 16.52.040 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.52.040 Findings and Decision.

Following a review of the application and public hearing in compliance with [Chapter 16.76](#), the applicable re-view authority shall act to approve, approve with conditions, or disapprove the conditional use permit. The re-view authority may approve a conditional use permit only if all of the following findings of fact can be made in a positive manner per use type as described below:

A. The proposed residential use is conditionally allowed within-the subject zoning district and complies with all applicable provisions of this development code; or

B. The proposed non-residential use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and complies with all applicable provisions of this development code;

C. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan;

D. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;

E. The site is suitable for the type and intensity of use or development that is proposed;

F. There are adequate provisions for sanitation, water, and public utilities and services to ensure public convenience, health, safety, and general welfare; and

G. The proposed use would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety, or general welfare, or materially injurious to properties and improvements in the vicinity of the subject property.”

SECTION 8. Section 16.44.200 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.200 Emergency Residential Shelters and Transitional Housing.

A. Purpose. This division sets forth a uniform set of standards for emergency shelters to provide temporary housing for the homeless.

B. Emergency Shelter Standards for Regulations. Emergency shelters for homeless persons shall be subject to and comply with the following standards and regulations.

1. A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use, consistent with section 65583(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet the minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a conditional use permit, as set forth in section 16.52.

2. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night, A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.

3. To avoid over-concentration of emergency shelter facilities, a minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line.

4. Emergency shelters shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth grade), universities, colleges, student housing, senior housing, child care facilities, public parks, businesses licensed for on- or off-site sales of alcoholic beverages or parolee/probationer home as defined in Article VI, Section 16.110 (Definitions) and as measured from the property line.

5. Service providers shall provide sufficient numbers of male and female toilets - restrooms for clients and prospective clients to have access to use on a twenty-four (24) hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.

6. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six (6)-foot tall decorative wall or fence.

7. Adequate waiting areas must be provided within the premises for clients and prospective clients including ten (10) square feet per bed, minimum one hundred (100) square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

8. Facility improvements shall comply with the Murrieta municipal code and the most current adopted building and safety code, specific to the establishment of dormitories and shall additionally provide:

- a. A minimum of one (1) toilet for every eight (8) beds per gender.

- b. A minimum of one (1) shower for every eight (8) beds per gender.
 - c. Private shower and toilet facility for each area designated for use by individual families.
9. An emergency shelter facility shall provide off-street parking:
- a. The minimum parking requirement shall be whichever is less, the ratio of one (1) space per four (4) beds, and/or 0.5 per bedroom designated as a family unit with children, plus one (1) space per staff member, or the minimum parking requirement for other residential or commercial uses within the same zone whichever results in less parking being required.
 - b. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.
10. Bike rack parking shall be provided at the facility.
11. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Section 16.18.100 of the code.
12. The facility may provide the following services in a designated area separate from sleeping areas:
- a. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six (6)-foot tall visually screening decorative wall or fence.
 - b. A counseling center for job placement, educational, health care, legal services, or mental health services.
 - c. Laundry facilities to serve the number of clients at the shelter.
 - d. Kitchen and dining area.
 - e. Client storage area.
 - f. Similar types of facilities to address the needs of homeless clients, as determined by the planning director.
13. A shelter management plan shall be submitted as a part of the conditional use permit application, which addresses all of the following:
- a. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project;
 - b. A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290;
 - c. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment;

d. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Murrieta;

e. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed one-hundred and twenty (120) days in a three-hundred and sixty-five (365) day period;

f. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar services;

g. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the city;

h. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four (24)-hour period;

i. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff, or the general public;

j. The shelter management plan shall include how staff will address and regulate alcohol and illegal drug use by clients on the premises;

k. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility, re-admittance policies for clients who have previously been expelled from the facility shall also be established.

14. The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use; and

15. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.

D. Notification. In addition to the notification required by the Development Code, representatives of the police department shall be apprised of the proposed project in a timely fashion so that the department may respond to any concerns they may have regarding the proposed project."

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its adoption.

SECTION 10. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 11. NOTICE OF ADOPTION.

The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five

(5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

ADOPTED by the City Council, signed by the Mayor, and attested by the City Clerk this ____ day of _____, 2023.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, CMC, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

I, Cristal McDonald, City Clerk of the City of Murrieta, California, hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the xxth day of xxxx, 2023, and that thereafter the said ordinance was duly and regularly adopted at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this ____ day of _____, 2023.

PLANNING COMMISSION
RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA, RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE FILING OF THE ENVIRONMENTAL DETERMINATION AND APPROVE DEVELOPMENT CODE AMENDMENT (MCA-2023-00001) RELATED TO SECTIONS, 16.08.010, 16.08.020, 16.34.0401, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050

WHEREAS, the City of Murrieta ("City") proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050; and,

WHEREAS, MCA-2023-00001 includes an update in order to implement policies of the Murrieta Climate Action Plan; and

WHEREAS, MCA-2023-00001 includes an update in order to implement policies of the Murrieta 6th Housing element Policy Action 1-9; and

WHEREAS, on June 14, 2023, the City of Murrieta Planning Commission provided an opportunity for public comments, and discussed the proposed Development Code Amendments, at which a staff report was presented and evidence in the record was provided to support the findings required by the Murrieta Development Code Section 16.58.080;

WHEREAS, on July 26, 2023, the City of Murrieta Planning Commission provided an opportunity for public comments, and discussed the proposed Development Code Amendments, at which a staff report was presented and evidence in the record was provided to support the findings required by the Murrieta Development Code Section 16.58.080;

WHEREAS, the Planning Commission considered and discussed the public comments and written information provided at the public hearing at both meetings and has determined that the proposed Development Code Amendment is appropriate; and

WHEREAS, the Planning Commission has considered the potential for environmental effects as a result of the proposed Development Code Amendment pursuant to the California Environmental Quality Act (CEQA) and concurs with staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Murrieta does resolve as follows:

Findings and Recommended Approval for Development Code Amendments:

1. The proposed amendment ensures and maintains internal consistency with all of the objectives, policies, general plan land uses, programs and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses, and other regulations that support the proper implementation of the General Plan Update. This Development Code Amendments revises and updates sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050.

2. The proposed amendment would not be detrimental to the public convenience, health, safety, or general welfare of the City;

FACTS: The General Plan will promote the health, safety, and welfare of the City through the listed goals and policies included within each element, the proposed Code Amendments are consistent with Murrieta's 6th Cycle Housing Element and would not be detrimental to the public convenience, health, safety or general welfare of the city.

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

FACTS: The January 2020 City of Murrieta Climate Action Plan Update includes a policy to adopt an EV charging station ordinance that requires new development standards and this ordinance complies with that requirement. The amendment has been drafted to integrate and implement the Electric Vehicle Parking Requirements in the Development Code and thereby, is internally consistent.

4. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA);

FACTS: The project has been evaluated pursuant to CEQA and was determined exempt under CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning. Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Considering that the amendments implement policies identified within the General Plan, and are consistent within, no additional environmental review is required. Therefore, the amendments are exempt under the CEQA Guidelines. Staff and the Planning Commission have recommended that the City Council find that the project is exempt from CEQA,

and direct staff to record and file the document under CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 et seq.).

BE IT FURTHER RESOLVED that based on the written information provided, the public comments received, and the findings stated above, the Planning Commission recommends that the City Council adopt the environmental determination and approve the Development Code Amendment MCA-2023-00001 amending sections 16.08.010, 16.08.020, 16.34.0401, 16.44.115, 16.44.200, 16.52.040, and 16.73.050 as shown on the attached Ordinance.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Murrieta, California, held on the 26th day of July 2023.

APPROVED:

Planning Commission Chairperson

ATTEST:

Carl Stiehl, City Planner

I, Carl Stiehl, City Planner, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the 26th day of July 2023 by the following roll call vote:

MOTION MADE BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

AYES: _____
NOES: _____
ABSENT: _____
ABSTAINED: _____

Carl Stiehl, City Planner

ATTACHMENTS:

Exhibit A Draft Ord. – Electric Vehicle Charging and Housing Element
Implementation Ordinance

I, Carl Stiehl, Interim City Planner, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the ____ day of _____, 2023 by the following roll call vote:

MOTION MADE BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

AYES: _____
NOES: _____
ABSENT: _____
ABSTAINED: _____

Carl Stiehl, City Planner

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From (Public Agency):

City of Murrieta
1 Town Square
Murrieta, CA 92562

Riverside County Clerk
4080 Lemon St.
Riverside, CA 92501

Project Title:	Electric Vehicle Charging and Housing Element Implementation Ordinance	
Project Applicant:	The City of Murrieta	
Project Location - Specific:	Citywide	
Project Location - City:	City of Murrieta	
Project Location - County:	County of Riverside	
Description of Nature, Purpose, and Beneficiaries of Project:		
Nature:	The Project is a Development Code Amendment (MCA-2023-00001) for the adoption of an Electric Vehicle Charging and Housing Element Implementation Ordinance. The Project proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050 and filing a Notice of Exemption.	
Purpose:	To bring the City's Development Code into compliance with the City's Climate Action Plan Policy T-2 and Housing Element Policy Action 1-9: Amend the City's Zoning for Compliance with State Law and to Reduce Governmental Constraints on the Development of Housing.	
Beneficiaries:	City of Murrieta	
Name of Public Agency Approving Project:	City of Murrieta	
Name of Person or Agency Carrying Out Project:	City of Murrieta	
Exempt Status (check one):	<i>Pursuant to California Environmental Quality Act (CEQA) Statute and Guidelines</i>	
<input type="checkbox"/>	Ministerial (Sec. 21080(b)(1); 15268);	
<input type="checkbox"/>	Declared Emergency (Sec. 21080(b)(3); 152269(a));	
<input type="checkbox"/>	Emergency Project (Sec. 21080(b)(4); 15269(b)(c));	
<input checked="" type="checkbox"/>	Categorical Exemption. Type and Section:	State CEQA Guidelines §15183 Projects Consistent with a Community Plan or Zoning
<input type="checkbox"/>	Statutory Exemption. Code Number:	

Reasons Why Project is Exempt:

State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

The *Murrieta General Plan 2035* and its associated EIR (SCH#2010111084) were certified July 19, 2021. The document Comprehensively examined the potential environmental impacts that occur as a result of the implementation of its policies.

The Project is an Ordinance to revise Title 16 of the Murrieta Municipal Code to implement Policy T-2 of the City's Climate Action Plan and Policy Action 1-9 of the Housing Element. The Project proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08, 16.31, 16.44, 16.52, and 16.73.

The proposed action is exempt from the California Environmental Quality Act (CEQA) as this meets the required actions of CEQA Guidelines Section 15183 Projects Consistent with a Community Plan or Zoning, because it involves the adoption and implementation of policies within the City's Climate Action Plan and Housing Element both of which were examined as part of the City's General Plan EIR. The Project will not cause significant environmental impact and implements a uniformly applied development policy or standard that is consistent with the Climate Action Plan and Housing Element.

The following findings are made in compliance with CEQA Section 15183 – Project consistent with a Community Plan or Zoning.

In approving a project meeting the requirements of CEQA Section 15183, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

1. Is the project consistent with the General Plan and Zoning designations for the site (including density for residential developments)? Yes__X__ No____

If yes, please explain below. If no, the project does not qualify for this exemption.

Comment/Finding:

As indicated above, the Project will bring the Development Code into greater compliance with the Climate Action Plan and Housing Element. The Project will not increase the permitted density for residential developments.

2. Are there any impacts that weren't evaluated in the General Plan EIR that are peculiar to the project or the parcel on which the project would be located? Yes____ No_X__

If yes, an initial study or detailed analysis is necessary to determine if specific impacts will need to be mitigated.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

The Project implements actions identified within the Climate Action Plan and Housing Element which were evaluated with the General Plan EIR. Therefore, all potential impacts were identified as part of the General Plan EIR.

3. Are there project specific impacts which the General Plan EIR failed to analyze as significant effects. Yes____ No_X__

If yes, an initial study or other detailed analysis is necessary to determine if the impacts are considered to be significant and if mitigation is required.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

The Project would not result in any additional impacts that were not evaluated with the General Plan EIR.

4. Is there substantial new information which would result in more severe impacts than anticipated by the General Plan EIR? Yes____ No_X__

If yes, an initial study or other detailed analysis is necessary to determine if the impacts are considered to be significant and if mitigation is required.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

There is no new information as a result of the Project that would result in more severe impacts. The proposed actions implement policies within the Climate Action Plan and Housing Element both of which were evaluated with the General Plan EIR.

Lead Agency

Contact Person: Taylor Graybehl

Telephone

& Extension: (951) 837-4320

If Filed by Applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project?

☒ Yes

☐ No

Signature:	Title: Associate Planner	Date:
<input checked="" type="checkbox"/> Signed by Lead Agency		Date received for filing at OPR:
<input type="checkbox"/> Signed by Applicant		

Meeting Date: 07-26-2023

ORDINANCE NO. XX:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 16 OF THE MURRIETA MUNICIPAL CODE TO AMEND THE CITY'S DEVELOPMENT CODE (MCA-2023-00001), TO REVISE SECTIONS 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050.

WHEREAS, as the City of Murrieta proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050.

WHEREAS, as the City has adopted the California Green Buildings Standards Code, which , became effective January 1, 2023; and

WHEREAS, the January 2020 City of Murrieta Climate Action Plan Update is intended to implement policies of the Murrieta General Plan Update; and

WHEREAS, the Murrieta 6th Cycle Housing Element Policy Action 1-9 outlines amendments to the City's municipal code to implement; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines Section 15183-Projects Consistent with a Community Plan, General Plan, or Zoning, allows a streamlined environmental review process for projects that are consistent with the development densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, on XX XX, 2023 the City Council of the City of Murrieta held a duly noticed public hearing on this proposed Development Code Amendment, at which was presented the staff report and evidence in the record to support the findings required by Murrieta Development Code Section 16.13; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Murrieta, does ordain as follows:

SECTION 1. FINDINGS

Based upon the substantial evidence presented at the public hearing on XX XX, 2023, including written and oral staff reports and public and applicant written and oral testimony, and on the record from the Planning Commission public hearing, in accordance with Murrieta Development Code, the City Council of the City of Murrieta approves the Development Code Amendments in accordance with the following findings:

Findings and Recommended Approval for Development Code Amendments:

5. The proposed amendments ensure and maintains internal consistency with all of the objectives, policies, general plan land uses, programs and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses, and other regulations that support the proper implementation of the General Plan Update. This Development Code Amendment revises and updates sections 16.08, 16.31, 16.44, 16.52, and 16.73.

6. The proposed amendments would not be detrimental to the public convenience, health, safety or general welfare of the city;

FACTS: The General Plan promotes the health, safety and welfare of the City through the listed goals and policies included within each element. The proposed Code Amendments are consistent with Murrieta's 6th Cycle Housing Element and would not be detrimental to the public convenience, health, safety or general welfare of the city.

7. The proposed amendments are internally consistent with other applicable provisions

of the Development Code;

FACTS: The January 2020 City of Murrieta Climate Action Plan Update includes a policy to adopt an EV charging station ordinance that requires new development standards and this ordinance complies with that requirement. The amendment has been drafted to integrate and implement the Electric Vehicle Parking Requirements in the Development Code and thereby, is internally consistent.

8. The proposed amendment is in compliance with the provision of the California Environmental Quality Act (CEQA) Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning.

FACTS: The project has been evaluated pursuant to CEQA and was determined exempt under CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning. Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Considering that the amendments implement policies identified within the General Plan, and consistent within, no additional environmental review is required. Therefore, the amendments are exempt under the CEQA Guidelines. Staff and the Planning Commission have recommended that the City Council find that the project is exempt from CEQA, and direct staff to record and file the document under CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 et seq.).

SECTION 2. Section 16.44.115 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.115 Electric Vehicle Parking Requirements.

A. Definitions.

- ~~1. *Electric Vehicle Supply Equipment. Refer to Vehicle Code Section 22511.2.*~~
- ~~2. *Electric Vehicle Charging Space. Refer to Vehicle Code Section 22511.2.*~~
5. EV: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles and the like, primarily powered by an electric motor that draws from a rechargeable storage battery, fuel cell, photovoltaic array or other source of electric current.
6. EV Capable Space: A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.
7. EV Ready Space: A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.
8. Level 2 EV Supply Equipment (EVSE): The 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises and the electric vehicle.

B. Standards.

1. A parking space served by EVSE ~~or a parking space designated as a future electric vehicle charging space~~ shall count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking space requirements as established by the City.
2. An accessible parking space with an access aisle served by EVSE ~~or an accessible parking space with an aisle designated as a future electric vehicle charging space~~ shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking space requirements as established by the City. (Ord. 566 § 15, 2020)
3. EV Ready and EVSE spaces must be identified by signage or pavement markings that comply with Caltrans requirements.
4. The number of EV Capable spaces and EV Ready spaces will comply with California Green Building Standards Code.

C. Requirements per Development Type

TABLE 16.44.115-1 <u>ELECTRIC VEHICLE PARKING REQUIREMENTS AT A LOCATION</u>	
<u>Occupancy Type</u>	<u>EVSE Parking Requirement (round up to nearest parking space)</u>
<u>One- and Two-Family Homes, Multi-Family Dwellings with Private Garages</u>	<u>Installation of one Level 2 or greater EVSE per enclosed garage</u>
<u>Multi -Family Dwellings without Private Garages, Hotels and Motels</u>	<u>Install Level 2 EVSE for 6% of total parking spaces required</u>

<u>Non-Residential Development</u>	<u>Install Level 2 EVSE for 4% of total parking spaces less than 200 parking spaces.</u> <u>Install Level 2 EVSE for 5% of total parking spaces for 200 or greater parking spaces.”</u>
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SECTION 3. Section 16.08.020 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-4 to read as follows:

“TABLE 16.08-4 RESIDENTIAL (MULTI-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS				
Development Feature	MF-1 ⁽⁵⁾	MF-2	MF-3	MF-4
Minimum Parcel Size	<u>1 acre</u> 5 acres	<u>1 acre</u> 5 acres	<u>1 acre</u> 5 acres	<u>1 acre</u> 5 acres
Minimum Parcel Width	100 feet	100 feet	100 feet	100 feet
Density Range	10.1 - 15 du/acre	15.1 - 18.0 du/acre	18.1-29.0 du-acre	Min. 30 du/acre
Minimum Livable Area	500 sq. ft.	500 sq. ft.	500 sq. ft.	500 sq. ft.
Setbacks				
Street	10 feet	10 feet	10 feet	10 feet
Interior	10 feet	10 feet	10 feet	10 feet
Maximum Parcel Coverage	35%	35%	50%	None
Maximum Height Limit	50 feet	50 feet	60 feet	100 feet
Open Space (per dwelling unit)				
Private Open Space	60 sq. ft./upper floor 100 sq. ft./ground floor	60 sq. ft./upper floor 100 sq. ft./ground floor	All units 50 sq. ft. ⁽²⁾	All units 50 sq. ft. ⁽²⁾
Common Open Space	200 sq. ft.	200 sq. ft.	150 sq. ft. ⁽³⁾	150 sq. ft. ⁽³⁾
Recreational Amenities			For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾	For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾
Minimum On-site Landscaping	10% of the site area			
Notes:				

(1) When adjacent to existing single-family residential use or zone, the building setback from the nearest property line shall be 10 feet for the first 25 feet in height, above 25 feet in height the setback shall be 20 feet, and above 50 feet, the setback shall be 30 feet.

(2) For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of fenced yard or patio, a deck or balcony at a minimum area of 50 square feet. The minimum dimension, width or depth of a balcony shall be 5 feet.

(3) All common open space shall be conveniently located and accessible to all dwelling units on the site. Common open space may include landscaping, pedestrian paths and recreational amenities. In projects containing fewer than 10 units, the common open space shall have a minimum width and depth of 10 feet. In projects containing 10 or more units, the minimum width and depth shall be 20 feet.

(4) One common recreational amenity shall be provided for each 30 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.

- a. Clubhouse (two)
- b. Swimming Pool (two)
- c. Tennis, Basketball or Racquetball court
- d. Weightlifting facility
- e. Children's playground equipment
- f. Sauna or Jacuzzi
- g. Day Care Facility (two)
- h. Other recreational amenities deemed adequate by the director.

(5) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see [16.16.020](#) "Planned Residential Development General Standards" and [16.16.030](#) "Planned Residential Development Design Standards and Parameters" for requirements.

SECTION 4. SECTION 16.73.050 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

16.73.050 Findings and Decision.

A. Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.

~~5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.~~

5. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

B. In determining whether the requested reasonable accommodation is necessary to make specific housing available to individual(s) with a disability, pursuant to Subsection (A)(2) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation will affirmatively enhance the quality of life of a person(s) with disability.
2. Whether the person(s) with disability will be denied opportunity to enjoy the housing type of their choice absent the accommodation.

C. In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, pursuant to Subsection (A)(4) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.

2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or applicable specific plan.

D. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (A) above."

SECTION 5. Section 16.08.010 of Title of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-1 and Table 16.08-2 to read as follows:

“TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District							
Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Manufactured Housing <u>Home</u> (including mobile homes) ⁽⁶⁾	P	P	P	P	P	P	<u>16.44.050”</u>

“TABLE 16.08-2 USE TABLE FOR RESIDENTIAL (MULTI-FAMILY) ZONING DISTRICTS Permit Requirement by District				
Symbol	Applicable Process			See Chapter
P	Permitted Land Use - Compliance with development standards and zoning compliance required			<u>16.74</u>
C	Conditional Use - Conditional use permit required			<u>16.52</u>
"Blank"	Land use not allowed			
Land Use ^{(1) (2)}	MF-1	MF-2	MF-3	See Standards in Section
<u>Manufactured Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Mobile Home Parks	C	C	C”	

SECTION 6. Section 16.34.040 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 3-7 to read as follows:

“16.34.040 Number of Parking Spaces Required.

**TABLE 3-7 PARKING
REQUIREMENTS BY LAND USE**

Residential Uses	Vehicle Spaces Required
Single family housing	Two spaces in a fully enclosed garage.
Duplex housing units	Two spaces for each unit, with at least one space in a fully enclosed garage.
Multi-family dwellings and other attached dwellings	Studio and one bedroom units: 1.5 spaces for each unit, with one space for each unit in a fully enclosed garage, plus guest parking. Two bedrooms or more: 2 spaces for each unit, plus 0.5 additional spaces for each bedroom over 2, with one space for each unit in a fully enclosed garage, plus guest parking equal to 25% of the total number of units.
Mobile homes (in mobile home parks)	Two spaces for each mobile home (tandem parking allowed in an attached carport), plus one guest parking space for each four units.
Condominiums	Studio, one bedroom and two bedroom units: Two covered spaces for each unit, with one space for each unit in a fully enclosed garage, plus guest parking. Three bedrooms or more: Two spaces for each unit with one space for each unit in a fully enclosed garage; plus 0.5 additional spaces for each bedroom over two; plus guest parking equal to 33% of the total number of units evenly spread throughout the entire project.
Mixed-use developments (residential portion)	Determined by conditional use permit.
Accessory dwelling units	See Section 16.44.160
Senior housing projects	One space for each unit with half the spaces covered, plus one guest parking space for each ten units.
Senior congregate care	0.5 space for each residential unit, plus one space for each four units for guests and employees.
Short-term vacation rentals	Parking for the short-term vacation rental shall comply with the requirements as specified under Table 3-7, Table 5.27-01 for required on-site quantities, and Section 16.44.260 of this municipal code. Required parking shall be allocated on-site of the single-family residential dwelling, or within designated parking spaces for condominiums, as prescribed by Table 5.27-01. All garage, driveway, carport and tandem parking spaces associated with the single-family residential dwelling or condominium unit shall, at all times, be available for parking of transient occupant and guest vehicles, as those terms are defined in Title 5.27. Temporary parking passes issued by the city shall be provided to all transient occupants and for their guest(s). The observable parking passes shall be displayed in the vehicle’s front-windshield for the duration of the stay.

Density Bonus	On-site parking for a density bonus project shall be consistent with the requirements as described under Government Code Section 65915(p). See Section 16.20.040 .B.4 for additional details.”
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SECTION 7. Section 16.52.040 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.52.040 Findings and Decision.

Following a review of the application and public hearing in compliance with [Chapter 16.76](#), the applicable re-view authority shall act to approve, approve with conditions, or disapprove the conditional use permit. The re-view authority may approve a conditional use permit only if all of the following findings of fact can be made in a positive manner per use type as described below:

A. The proposed [residential](#) use is conditionally allowed within, ~~and would not impair the integrity and character of,~~ the subject zoning district and complies with all applicable provisions of this development code; or

B. The proposed non-residential use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and complies with all applicable provisions of this development code;

~~BC.~~ The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan;

~~GD.~~ The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;

~~DE.~~ The site is suitable for the type and intensity of use or development that is proposed;

~~EF.~~ There are adequate provisions for sanitation, water, and public utilities and services to ensure public convenience, health, safety, and general welfare; and

~~FG.~~ The proposed use would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety, or general welfare, or materially injurious to properties and improvements in the vicinity of the subject property.”

SECTION 8. Section 16.44.200 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.200 Emergency Residential Shelters and Transitional Housing.

A. Purpose. This division sets forth a uniform set of standards for emergency shelters to provide temporary housing for the homeless.

B. Emergency Shelter Standards for Regulations. Emergency shelters for homeless persons shall be subject to and comply with the following standards and regulations.

1. A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use, consistent with section 65583(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet the minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a conditional use permit, as set forth in section 16.52.

2. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night, A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.

3. To avoid over-concentration of emergency shelter facilities, a minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line.

4. Emergency shelters shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth grade), universities, colleges, student housing, senior housing, child care facilities, public parks, businesses licensed for on- or off-site sales of alcoholic beverages or parolee/probationer home as defined in Article VI, Section 16.110 (Definitions) and as measured from the property line.

5. Service providers shall provide sufficient numbers of male and female toilets - restrooms for clients and prospective clients to have access to use on a twenty-four (24) hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.

6. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six (6)-foot tall decorative wall or fence.

7. Adequate waiting areas must be provided within the premises for clients and prospective clients including ten (10) square feet per bed, minimum one hundred (100) square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

8. Facility improvements shall comply with the Murrieta municipal code and the most current adopted building and safety code, specific to the establishment of dormitories and shall additionally provide:

- a. A minimum of one (1) toilet for every eight (8) beds per gender.

- b. A minimum of one (1) shower for every eight (8) beds per gender.
- c. Private shower and toilet facility for each area designated for use by individual families.

~~9. An emergency shelter facility shall provide off-street parking at the ratio of one (1) space per four (4) beds, and/or 0.5 per bedroom designated as a family unit with children, plus one (1) space per staff member. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.~~

9. An emergency shelter facility shall provide off-street parking:

a. The minimum parking requirement shall be whichever is less, the ratio of one (1) space per four (4) beds, and/or 0.5 per bedroom designated as a family unit with children, plus one (1) space per staff member, or the minimum parking requirement for other residential or commercial uses within the same zone whichever results in less parking being required.

b. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.

10. Bike rack parking shall be provided at the facility.

11. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Section 16.18.100 of the code.

12. The facility may provide the following services in a designated area separate from sleeping areas:

- a. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six (6)-foot tall visually screening decorative wall or fence.

- b. A counseling center for job placement, educational, health care, legal services, or mental health services.

- c. Laundry facilities to serve the number of clients at the shelter.

- d. Kitchen and dining area.

- e. Client storage area.

- f. Similar types of facilities to address the needs of homeless clients, as determined by the planning director.

13. A shelter management plan shall be submitted as a part of the conditional use permit application, which addresses all of the following:

- a. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project;

b. A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290;

c. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment;

d. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Murrieta;

e. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed one-hundred and twenty (120) days in a three-hundred and sixty-five (365) day period;

f. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar services;

g. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the city;

h. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four (24)-hour period;

i. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff, or the general public;

j. The shelter management plan shall include how staff will address and regulate alcohol and illegal drug use by clients on the premises;

k. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility, re-admittance policies for clients who have previously been expelled from the facility shall also be established.

14. The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use; and

15. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.

D. Notification. In addition to the notification required by the Development Code, representatives of the police department shall be apprised of the proposed project in a timely fashion so that the department may respond to any concerns they may have regarding the proposed project."

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its adoption.

SECTION 10. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 11. NOTICE OF ADOPTION.

The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five (5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

ADOPTED by the City Council, signed by the Mayor, and attested by the City Clerk this ____ day of _____, 2023.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

I, Cristal McDonald, City Clerk of the City of Murrieta, California, hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the xxth day of xxxx, 2023, and that thereafter the said ordinance was duly and regularly adopted at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this ____ day of _____, 2023.

Final Action

☐ Planning Commission

☒ City Council



Planning Commission Staff Report

Subject: Electric Vehicle Charging and Housing Element Implementation Ordinance (MCA-2023-00001)

Date: June 14, 2023

Prepared by: Graybehl, Taylor

Reviewed by: Carl Stiehl, Interim City Planner

Approved by: David Chantarangsu, AICP, Development Service Director

RECOMMENDATION

- 4) Receive the staff presentation;
- 5) Recommend adoption to the City Council of a Notice of Exemption finding that the project is exempt from CEQA; and
- 6) Adopt a Resolution entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA, RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE FILING OF THE ENVIRONMENTAL DETERMINATION AND APPROVE DEVELOPMENT CODE AMENDMENT (MCA-2023-00001) RELATED TO SECTIONS, 16.08.010, 16.08.020, 16.34.0401, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050; recommending that the City Council adopt an ordinance to amend the City's Development Code to:
 - c. Revise Section 16.44.115, entitled Electric Vehicle Parking Requirements
 - d. Per the City's 6th Cycle Housing Element Policy Action 1-9, revise:
 - i. Section 16.08.020 Minimum lot size requirements in multi-family zones
 - ii. Section 16.73.050 Reasonable accommodation findings
 - iii. Section 16.08.010 Manufactured homes in residential zones by-right
 - iv. Section 16.31.040 Parking requirements in multi-family housing projects
 - v. Section 16.52.040 Conditional Use Permit findings
 - vi. Section 16.44.200 Emergency shelter parking

BACKGROUND

On July 7, 2020 the City Council adopted the Focused General Plan Update, a part of which was a Climate Action Plan (CAP) in the General Plan Update's Final Environmental Impact Report. The CAP includes a number of implementation measures to be rolled out by the City over time in order to reduce greenhouse gas emissions (GHGs).

The City has also been working on preparing a Housing Element Update for the 6th Housing Element Cycle required by state law, which started in July 2021. The Planning Commission recommended the Housing Element to the City Council in October 2021. Since that time, the City has gone through five rounds of review on the Housing Element with the State Department of

Housing and Community Development (HCD) and is close to receiving certification of the Housing Element Update. The proposed ordinance amendments are intended to implement one of the CAP measures and one of the Housing Element Update policy actions. Staff began work on these ordinance amendments last year with the assistance of consultants funded by the Western Riverside Council of Governments (WRCOG).

The City of Murrieta is proposing revisions to its electric vehicle (EV) parking requirements regarding EV charging stations that would align with the City's and the State's CAP goals. The City's CAP supports an ordinance for EV Charging Stations by way of Policy T-2, which is a measure for the adoption of an EV charging station ordinance. Other supportive goals include improvements to air quality and GHG emissions reduction. The Housing Element Update also supports an ordinance for EV Charging Stations by way of Housing Goal #2, Policy 2.3, and Policy Action 2-6, which encourage energy-efficient housing design and practices that are consistent with State regulations.

The Housing Element Update establishes policy and program actions in support of overall housing goals. Policy Action 1-9 of the Housing Element states that the City will "Amend the City's Zoning for Compliance with State Law and to Reduce Governmental Constraints on the Development of Housing". The six recommended amendments of Policy Action 1-9 are included in this ordinance.

Technical assistance was provided by WSP Land Use Consultants. WSP conducted research and assisted in preparing the Staff Report and Ordinance. This work was funded by the WRCOG through the State's Regional Early Action Planning Grant Program (REAP 1.0).

ELECTRIC VEHICLE CHARGING STATIONS

The ordinance (Attachment 1) will amend the City's Development Code (Development Code) to revise Section 16.44.115, entitled Electric Vehicle (EV) Parking Requirements. The revisions reflect the latest California Green Buildings Standards Code and the City of Murrieta Climate Action Plan Policy T-2. The revisions to Section 16.44.115 of the Development Code include definitions, standards, and requirements. Definitions for this section were revised to remove outdated language related to EV equipment and introduced definitions for EV equipment and spaces reflecting the definitions found in the California Green Buildings Standards Code. Standards for this section were revised to provide direction on the EV parking space with regard to minimum parking requirements, required signage or pavement markings, and compliance with the Green Building Code. Lastly, requirements were revised to align with EV parking requirements in both the City's CAP and the Green Building Code. Table 16.44.115-1 Electric Vehicle Requirements at a location, was introduced to include EV parking requirements for different use types, from single-family dwellings to multi-family dwellings, and non-residential development.

HOUSING ELEMENT UPDATE POLICY ACTION 1-9

Policy Action 1-9 states that Murrieta will amend its zoning code to be in compliance with State law and to reduce governmental constraints on the development of housing pursuant to specific sections as identified by HCD during its review of the Housing Element Update. The attached ordinance amends six sections of the City's Development Code to complete Policy Action 1-9.

MINIMUM LOT SIZE REQUIREMENT

Policy Action 1-9 includes the need to review and amend minimum lot size requirements for multi-family residential developments, specifically in zones MF-1, MF-2, and MF-3.

WSP conducted research on minimum lot size requirements for the City and compared seven cities in Riverside County: Hemet, Menifee, Lake Elsinore, Perris, Riverside, Temecula, and Wildomar. This comparison drew upon data points from these cities' municipal code development standards. The City of Murrieta has a higher-than-average minimum lot size requirement for multifamily residential zones. Murrieta's minimum lot size for MF-1, MF-2, and MF-3 zones is 5 acres, or 217,800 square feet. The average for the comparison cities is 11,975 Square feet. Staff recommends the City lower this number to align more closely with comparable cities and to accommodate the City's housing needs within these zones. Staff proposes to amend Section 16.08.020 to lower the minimum lot size for all multi-family zones from 5 acres to 1 acre. This reduction will improve the feasibility of new multi-family housing developments while maintaining a lot size that should work with the typical development pattern found in the City.

REASONABLE ACCOMMODATION

Policy Action 1-9 includes reviewing Section 16.73.050 "Findings and Decision" on Reasonable Accommodation and revising Finding 5 to remove subjective language and mitigate the constraint of development for accessible housing. Finding 5 of the section states, "The requested reasonable accommodation would not adversely impact surrounding properties or uses".

WSP compared reasonable accommodation findings of neighboring cities: Riverside, Temecula, Perris, Lake Elsinore, Menifee, Wildomar, and Hemet. Special attention was paid to the finding in question and any other subjective language used in other cities. WSP found that one other city, Perris, includes, "The requested reasonable accommodation would not adversely impact surrounding properties or uses" in their findings section. WSP also found that Murrieta's list of exceptions is more extensive than other cities, and already contains findings that specify objective requirements related to building and safety standards. Based on this, staff proposes removing Finding 5 from section 16.73.050 of the municipal code. This addresses HCD's comment on this item related to the Housing Element Update.

MANUFACTURED HOMES IN RESIDENTIAL ZONES BY-RIGHT

Policy Action 1-9 includes reviewing and amending Section 16.08.010 of the Development Code to allow manufactured and mobile homes as a by-right use in all residential zones. Staff recommends Table 16.08-1 and Table 16.08-2 be revised to permit manufactured and mobile homes by-right in all residential zones and not as a conditional use. This HCD's comments on manufactured homes to be in compliance with State law and to reduce governmental constraints on housing development.

PARKING REQUIREMENTS IN MULTI-FAMILY HOUSING PROJECTS

Policy Action 1-9 includes reviewing and amending Title 16.31.040 of the Development Code to remove the requirement for one (1) space for each unit in a fully enclosed garage for multi-family housing projects.

Staff recommends Table 3 – 7 be revised, to remove the requirement for one (1) space for each unit in a fully enclosed garage, in the following parking residential use categories: Multi-family dwellings and other attached dwellings and Condominiums. This addresses the HCD comments on multi-family housing projects parking requirements.

CONDITIONAL USE PERMIT FINDINGS

Policy Action 1-9 includes reviewing and amending Title 16.52.040 "Findings and Decisions" to revise to Finding A, "The proposed use is conditionally allowed within, and would not impair the

integrity and character of, the subject zoning district and complies with all applicable provisions of this development code” to remove the language which references integrity and character. Staff recommends the language be struck from Finding A. This addresses HCD comments regarding Conditional Use permit findings.

EMERGENCY SHELTER PARKING

Policy Action 1-9 includes reviewing and amending Section 16.44.200 Emergency Residential Shelters and Transitional Housing. Staff recommends that the Development Code be revised for the parking standards of Emergency Residential Shelters and Transitional Housing to not require more parking than other residential or commercial uses within the same zone. This addresses HCD’s comments on emergency shelter parking to be in compliance with State law.

PUBLIC PROCESS

The draft ordinance has been made available for review as part of this staff report to the Planning Commission. In addition, staff made a brief presentation to the Development Advisory Group on this item at their April 2023 Meeting. The draft ordinance has also been available on the City’s webpage.

HCD REVIEW

As part of implementation of the Housing Element the City will provide HCD with a copy of the ordinance once adopted in order to complete the amendments as required in Policy Action 1-9.

ENVIRONMENTAL DOCUMENTATION

The project has been evaluated pursuant to the California Environmental Quality Act (CEQA). Considering that no land use changes are proposed as part of the project and no increase or decrease of residential densities is proposed there are no potential environmental impacts that would result from the project. Therefore, the project is exempt under the CEQA Guidelines per Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning, as the project would not cause a significant effect on the environment and existing land use designations in the City. A Notice of Exemption (NOE) with additional supporting analysis has been prepared (Attachment 3). Staff recommends that the Planning Commission recommend that the City Council find that the project is exempt from CEQA, accept the NOE and direct staff to record and file the document.

ATTACHMENTS

- 1) Electric Vehicle Charging and Housing Element Implementation Ordinance
- 2) Resolution Recommending Council Adoption of Ordinance
- 3) Notice of Exemption
- 4) Electric Vehicle Charging and Housing Element Implementation Ordinance (**Redlines**)

Meeting Date: 06-14-2023

ORDINANCE NO. XX:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 16 OF THE MURRIETA MUNICIPAL CODE TO AMEND THE CITY'S DEVELOPMENT CODE (MCA-2023-00001), TO REVISE SECTIONS 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050.

WHEREAS, as the City of Murrieta proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050.

WHEREAS, as the City has adopted the California Green Buildings Standards Code, which , became effective January 1, 2023; and

WHEREAS, the January 2020 City of Murrieta Climate Action Plan Update is intended to implement policies of the Murrieta General Plan Update; and

WHEREAS, the Murrieta 6th Cycle Housing Element Policy Action 1-9 outlines amendments to the City's municipal code to implement; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines Section 151833-Projects Consistent with a Community Plan, General Plan, or Zoning, allows a streamlined environmental review process for projects that are consistent with the development densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, on XX XX, 2023 the City Council of the City of Murrieta held a duly noticed public hearing on this proposed Development Code Amendment, at which was presented the staff report and evidence in the record to support the findings required by Murrieta Development Code Section 16.13; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Murrieta does ordain as follows:

SECTION 1. FINDINGS

Based upon the substantial evidence presented at the public hearing on XX XX, 2023, including written and oral staff reports and public and applicant written and oral testimony, and on the record from the Planning Commission public hearing, in accordance with Murrieta Development Code, the City Council of the City of Murrieta approves the Development Code Amendments in accordance with the following findings:

Findings and Recommended Approval for Development Code Amendments:

9. The proposed amendments ensure and maintain internal consistency with all of the objectives, policies, general plan land uses, programs, and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses, and other regulations that support the proper implementation of the General Plan Update. This Development Code Amendment revises and updates sections 16.08, 16.31, 16.44, 16.52, and 16.73.

10. The proposed amendments would not be detrimental to the public convenience, health, safety or general welfare of the city;

FACTS: The General Plan promotes the health, safety and welfare of the City through the listed goals and policies included within each element. The proposed Code Amendments are consistent with Murrieta's 6th Cycle Housing Element and would not be detrimental to the public convenience, health, safety or general welfare of the city.

11. The proposed amendments are internally consistent with other applicable provisions

of the Development Code;

FACTS: The January 2020 City of Murrieta Climate Action Plan Update includes a policy to adopt an EV charging station ordinance that requires new development standards and this ordinance complies with that requirement. The amendment has been drafted to integrate and implement the Electric Vehicle Parking Requirements in the Development Code and thereby, is internally consistent.

12. The proposed amendment is in compliance with the provision of the California Environmental Quality Act (CEQA) Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning.

FACTS: The project has been evaluated pursuant to CEQA and was determined exempt under CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning. Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Considering that the amendments implement policies identified within the General Plan, and consistent within, no additional environmental review is required. Therefore, the amendments are exempt under the CEQA Guidelines. Staff and the Planning Commission have recommended that the City Council find that the project is exempt from CEQA, and direct staff to record and file the document under CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 et seq.).

SECTION 2. Section 16.44.115 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.115 Electric Vehicle Parking Requirements.

A. Definitions.

9. *EV*: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles and the like, primarily powered by an electric motor that draws from a rechargeable storage battery, fuel cell, photovoltaic array or other source of electric current.
10. *EV Capable Space*: A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.
11. *EV Ready Space*: A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.
12. *Level 2 EV Supply Equipment (EVSE)*: The 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises and the electric vehicle.

B. Standards.

1. A parking space served by *EVSE* shall count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking space requirements as established by the City.
2. An accessible parking space with an access aisle served by *EVSE* shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking space requirements as established by the City. (Ord. 566 § 15, 2020)
3. *EV Ready* and *EVSE* spaces must be identified by signage or pavement markings that comply with Caltrans requirements.
4. The number of *EV Capable* spaces and *EV Ready* spaces will comply with California Green Building Standards Code.

C. Requirements per Development Type

TABLE 16.44.115-1 ELECTRIC VEHICLE PARKING REQUIREMENTS AT A LOCATION	
Occupancy Type	EVSE Parking Requirement (round up to nearest parking space)
One- and Two-Family Homes, Multi-Family Dwellings with Private Garages	Installation of one Level 2 or greater <i>EVSE</i> per enclosed garage
Multi -Family Dwellings without Private Garages, Hotels and Motels	Install Level 2 <i>EVSE</i> for 6% of total parking spaces required
Non-Residential Development	Install Level 2 <i>EVSE</i> for 4% of total parking spaces less than 200 parking spaces.

	Install Level 2 <i>EVSE</i> for 5% of total parking spaces for 201 or greater parking spaces."
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SECTION 3. Section 16.08.020 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-4 to read as follows:

“TABLE 16.08-4 RESIDENTIAL (MULTI-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS			
Development Feature	MF-1 ⁽⁵⁾	MF-2 ⁽²⁾	MF-3
Minimum Parcel Size	<u>1 acre</u>	<u>1 acre</u>	<u>1 acre</u>
Minimum Parcel Width	100 feet	100 feet	100 feet
Density Range	10.1 - 15 du/acre	15.1 - 18.0 du/acre	Min. 30 du/acre
Minimum Livable Area	500 sq. ft.	500 sq. ft.	500 sq. ft.
Setbacks			
Street	10 feet	10 feet	Varying 10 - 20 feet
Interior	10 feet	10 feet	Minimum 10 feet ⁽¹⁾
Maximum Parcel Coverage	35%	35%	None
Maximum Height Limit	50 feet	50 feet	100 feet
Open Space (per dwelling unit)			
Private Open Space	60 sq. ft./upper floor 100 sq. ft./ground floor	60 sq. ft./upper floor 100 sq. ft./ground floor	All units 50 sq. ft. ⁽²⁾
Common Open Space	200 sq. ft.	200 sq. ft.	150 sq. ft. ⁽³⁾
Recreational Amenities			For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾
Minimum On-site Landscaping	10% of the site area		
Notes:			
(1) When adjacent to existing single-family residential use or zone, the building setback from the nearest property line shall be 10 feet for the first 25 feet in height, above 25 feet in height the setback shall be 20 feet, and above 50 feet, the setback shall be 30 feet.			
(2) For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private			

open space accessible directly from the living area of the unit, in the form of fenced yard or patio, a deck or balcony at a minimum area of 50 square feet. The minimum dimension, width, or depth of a balcony shall be 5 feet.

(3) All common open space shall be conveniently located and accessible to all dwelling units on the site. Common open space may include landscaping, pedestrian paths, and recreational amenities. In projects containing fewer than 10 units, the common open space shall have a minimum width and depth of 10 feet. In projects containing 10 or more units, the minimum width and depth shall be 20 feet.

(4) One common recreational amenity shall be provided for each 30 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.

- a. Clubhouse (two)
- b. Swimming Pool (two)
- c. Tennis, Basketball or Racquetball court
- d. Weightlifting facility
- e. Children's playground equipment
- f. Sauna or Jacuzzi
- g. Day Care Facility (two)
- h. Other recreational amenities deemed adequate by the director.

(5) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see 16.16.020 "Planned Residential Development General Standards" and 16.16.030 "Planned Residential Development Design Standards and Parameters" for requirements."

SECTION 3. SECTION 16.73.050 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

16.73.050 Findings and Decision.

A. Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.
5. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

B. In determining whether the requested reasonable accommodation is necessary to make specific housing available to individual(s) with a disability, pursuant to Subsection (A)(2) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation will affirmatively enhance the quality of life of a person(s) with disability.
2. Whether the person(s) with disability will be denied opportunity to enjoy the housing type of their choice absent the accommodation.

C. In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, pursuant to Subsection (A)(4) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or applicable specific plan.

D. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (A) above."

SECTION 4. Section 16.08.010 of Title of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-1 and Table 16.08-2 to read as follows:

"TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District							
Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Manufactured Home (including mobile homes) ⁽⁶⁾	P	P	P	P	P	P	<u>16.44.050"</u>

"TABLE 16.08-2 USE TABLE FOR RESIDENTIAL (MULTI-FAMILY) ZONING DISTRICTS Permit Requirement by District				
Symbol	Applicable Process			See Chapter
P	Permitted Land Use - Compliance with development standards and zoning compliance required			<u>16.74</u>
C	Conditional Use - Conditional use permit required			<u>16.52</u>
"Blank"	Land use not allowed			
Land Use ^{(1) (2)}	MF-1	MF-2	MF-3	See Standards in Section
<u>Manufactured Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Mobile Home Parks	C	C	C"	

SECTION 5. Section 16.34.040 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 3-7 to read as follows:

“16.34.040 Number of Parking Spaces Required.

**TABLE 3-7 PARKING
REQUIREMENTS BY LAND USE**

Residential Uses	Vehicle Spaces Required
Single family housing	Two spaces in a fully enclosed garage.
Duplex housing units	Two spaces for each unit, with at least one space in a fully enclosed garage.
Multi-family dwellings and other attached dwellings	Studio and one bedroom units: 1.5 spaces for each unit, plus guest parking. Two bedrooms or more: 2 spaces for each unit, plus 0.5 additional spaces for each bedroom over 2, plus guest parking equal to 25% of the total number of units.
Mobile homes (in mobile home parks)	Two spaces for each mobile home (tandem parking allowed in an attached carport), plus one guest parking space for each four units.
Condominiums	Studio, one bedroom and two bedroom units: Two covered spaces for each unit, plus guest parking. Three bedrooms or more: Two spaces for each; plus 0.5 additional spaces for each bedroom over two; plus guest parking equal to 33% of the total number of units evenly spread throughout the entire project.
Mixed-use developments (residential portion)	Determined by conditional use permit.
Accessory dwelling units	See Section 16.44.160
Senior housing projects	One space for each unit with half the spaces covered, plus one guest parking space for each ten units.
Senior congregate care	0.5 space for each residential unit, plus one space for each four units for guests and employees.
Short-term vacation rentals	Parking for the short-term vacation rental shall comply with the requirements as specified under Table 3-7, Table 5.27-01 for required on-site quantities, and Section 16.44.260 of this municipal code. Required parking shall be allocated on-site of the single-family residential dwelling, or within designated parking spaces for condominiums, as prescribed by Table 5.27-01. All garage, driveway, carport and tandem parking spaces associated with the single-family residential dwelling or condominium unit shall, at all times, be available for parking of transient occupant and guest vehicles, as those terms are defined in Title 5.27. Temporary parking passes issued by the city shall be provided to all transient occupants and for their guest(s). The observable parking passes shall be displayed in the vehicle’s front-windshield for the duration of the stay.
Density Bonus	On-site parking for a density bonus project shall be consistent with the requirements as described under Government Code Section 65915(p). See Section 16.20.040.B.4 for additional details.”

SECTION 6. Section 16.52.040 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.52.040 Findings and Decision.

Following a review of the application and public hearing in compliance with [Chapter 16.76](#), the applicable re-view authority shall act to approve, approve with conditions, or disapprove the conditional use permit. The re-view authority may approve a conditional use permit only if all of the following findings of fact can be made in a positive manner:

- A. The proposed use is conditionally allowed within the subject zoning district and complies with all applicable provisions of this development code;
- B. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan;
- C. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;
- D. The site is suitable for the type and intensity of use or development that is proposed;
- E. There are adequate provisions for sanitation, water, and public utilities and services to ensure public convenience, health, safety, and general welfare; and
- F. The proposed use would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety, or general welfare, or materially injurious to properties and improvements in the vicinity of the subject property.”

SECTION 7. Section 16.44.200 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.200 Emergency Residential Shelters and Transitional Housing.

A. Purpose. This division sets forth a uniform set of standards for emergency shelters to provide temporary housing for the homeless.

B. Emergency Shelter Standards for Regulations. Emergency shelters for homeless persons shall be subject to and comply with the following standards and regulations.

1. A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use, consistent with section 65583(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet the minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a conditional use permit, as set forth in section 16.52.

2. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night, A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.

3. To avoid over-concentration of emergency shelter facilities, a minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line.

4. Emergency shelters shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth grade), universities, colleges, student housing, senior housing, child care facilities, public parks, businesses licensed for on- or off-site sales of alcoholic beverages or parolee/probationer home as defined in Article VI, Section 16.110 (Definitions) and as measured from the property line.

5. Service providers shall provide sufficient numbers of male and female toilets - restrooms for clients and prospective clients to have access to use on a twenty-four (24) hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.

6. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six (6)-foot tall decorative wall or fence.

7. Adequate waiting areas must be provided within the premises for clients and prospective clients including ten (10) square feet per bed, minimum one hundred (100) square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

8. Facility improvements shall comply with the Murrieta municipal code and the most current adopted building and safety code, specific to the establishment of dormitories and shall additionally provide:

- a. A minimum of one (1) toilet for every eight (8) beds per gender.

- b. A minimum of one (1) shower for every eight (8) beds per gender.
 - c. Private shower and toilet facility for each area designated for use by individual families.
9. An emergency shelter facility shall provide off-street parking:
- a. The minimum parking requirement shall be whichever is less, the ratio of one (1) space per four (4) beds, and/or 0.5 per bedroom designated as a family unit with children, plus one (1) space per staff member, or the minimum parking requirement for other residential or commercial uses within the same zone whichever results in less parking being required.
 - b. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.
10. Bike rack parking shall be provided at the facility.
11. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Section 16.18.100 of the code.
12. The facility may provide the following services in a designated area separate from sleeping areas:
- a. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six (6)-foot tall visually screening decorative wall or fence.
 - b. A counseling center for job placement, educational, health care, legal services, or mental health services.
 - c. Laundry facilities to serve the number of clients at the shelter.
 - d. Kitchen and dining area.
 - e. Client storage area.
 - f. Similar types of facilities to address the needs of homeless clients, as determined by the planning director.
13. A shelter management plan shall be submitted as a part of the conditional use permit application, which addresses all of the following:
- a. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project;
 - b. A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290;
 - c. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment;

d. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Murrieta;

e. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed one-hundred and twenty (120) days in a three-hundred and sixty-five (365) day period;

f. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar services;

g. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the city;

h. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four (24)-hour period;

i. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff, or the general public;

j. The shelter management plan shall include how staff will address and regulate alcohol and illegal drug use by clients on the premises;

k. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility, re-admittance policies for clients who have previously been expelled from the facility shall also be established.

14. The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use; and

15. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.

D. Notification. In addition to the notification required by the Development Code, representatives of the police department shall be apprised of the proposed project in a timely fashion so that the department may respond to any concerns they may have regarding the proposed project."

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its adoption.

SECTION 9. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 10. NOTICE OF ADOPTION.

The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five

(5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

ADOPTED by the City Council, signed by the Mayor, and attested by the City Clerk this ____ day of _____, 2023.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, CMC, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

I, Cristal McDonald, City Clerk of the City of Murrieta, California, hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the xxth day of xxxx, 2023, and that thereafter the said ordinance was duly and regularly adopted at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this ____ day of _____, 2023.

**PLANNING COMMISSION
RESOLUTION NO. 2023-_____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA, RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE FILING OF THE ENVIRONMENTAL DETERMINATION AND APPROVE DEVELOPMENT CODE AMENDMENT (MCA-2023-00001) RELATED TO SECTIONS, 16.08.010, 16.08.020, 16.34.0401, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050

WHEREAS, the City of Murrieta (“City”) proposes an amendment to the City’s Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050; and,

WHEREAS, MCA-2023-00001 includes an update in order to implement policies of the Murrieta Climate Action Plan; and

WHEREAS, MCA-2023-00001 includes an update in order to implement policies of the Murrieta 6th Housing element Policy Action 1-9; and

WHEREAS, on June 14, 2023, the City of Murrieta Planning Commission provided an opportunity for public comments, and discussed the proposed Development Code Amendments, at which a staff report was presented and evidence in the record was provided to support the findings required by the Murrieta Development Code Section 16.58.080;

WHEREAS, the Planning Commission considered and discussed the public comments and written information provided at the public hearing at both meetings and has determined that the proposed Development Code Amendment is appropriate; and

WHEREAS, the Planning Commission has considered the potential for environmental effects as a result of the proposed Development Code Amendment pursuant to the California Environmental Quality Act (CEQA) and concurs with staff’s recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Murrieta does resolve as follows:

Findings and Recommended Approval for Development Code Amendments:

1. The proposed amendment ensures and maintains internal consistency with all of the objectives, policies, general plan land uses, programs and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses,

and other regulations that support the proper implementation of the General Plan Update. This Development Code Amendments revises and updates sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050.

2. The proposed amendment would not be detrimental to the public convenience, health, safety, or general welfare of the City;

FACTS: The General Plan will promote the health, safety, and welfare of the City through the listed goals and policies included within each element, the proposed Code Amendments are consistent with Murrieta's 6th Cycle Housing Element and would not be detrimental to the public convenience, health, safety or general welfare of the city.

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

FACTS: The January 2020 City of Murrieta Climate Action Plan Update includes a policy to adopt an EV charging station ordinance that requires new development standards and this ordinance complies with that requirement. The amendment has been drafted to integrate and implement the Electric Vehicle Parking Requirements in the Development Code and thereby, is internally consistent.

4. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA);

FACTS: The project has been evaluated pursuant to CEQA and was determined exempt under CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning. Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Considering that the amendments implement policies identified within the General Plan, and are consistent within, no additional environmental review is required. Therefore, the amendments are exempt under the CEQA Guidelines. Staff and the Planning Commission have recommended that the City Council find that the project is exempt from CEQA, and direct staff to record and file the document under CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 et seq.).

BE IT FURTHER RESOLVED that based on the written information provided, the public comments received, and the findings stated above, the Planning Commission recommends that the City Council adopt the environmental determination and approve

the Development Code Amendment MCA-2023-00001 amending sections 16.08.010, 16.08.020, 16.34.0401, 16.44.115, 16.44.200, 16.52.040, and 16.73.050 as shown on the attached Ordinance.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Murrieta, California, held on the 14th day of June 2023.

APPROVED:

Planning Commission Chairperson

ATTEST:

Carl Stiehl, Interim City Planner

I, Carl Stiehl, Interim City Planner, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the 14th day of June 2023 by the following roll call vote:

MOTION MADE BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

Carl Stiehl, Interim City Planner

ATTACHMENTS:

Exhibit A Draft Ord. – Electric Vehicle Charging and Housing Element
Implementation Ordinance

I, Carl Stiehl, Interim City Planner, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the ____ day of _____, 2023 by the following roll call vote:

MOTION MADE BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

Carl Stiehl, Interim City Planner

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From (Public Agency):

City of Murrieta
1 Town Square
Murrieta, CA 92562

Riverside County Clerk
4080 Lemon St.
Riverside, CA 92501

Project Title:	Electric Vehicle Charging and Housing Element Implementation Ordinance	
Project Applicant:	The City of Murrieta	
Project Location - Specific:	Citywide	
Project Location - City:	City of Murrieta	
Project Location - County:	County of Riverside	
Description of Nature, Purpose, and Beneficiaries of Project:		
Nature:	The Project is a Development Code Amendment (MCA-2023-00001) for the adoption of an Electric Vehicle Charging and Housing Element Implementation Ordinance. The Project proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050 and filing a Notice of Exemption.	
Purpose:	To bring the City's Development Code into compliance with the City's Climate Action Plan Policy T-2 and Housing Element Policy Action 1-9: Amend the City's Zoning for Compliance with State Law and to Reduce Governmental Constraints on the Development of Housing.	
Beneficiaries:	City of Murrieta	
Name of Public Agency Approving Project:	City of Murrieta	
Name of Person or Agency Carrying Out Project:	City of Murrieta	
Exempt Status (check one):	<i>Pursuant to California Environmental Quality Act (CEQA) Statute and Guidelines</i>	
<input type="checkbox"/>	Ministerial (Sec. 21080(b)(1); 15268);	
<input type="checkbox"/>	Declared Emergency (Sec. 21080(b)(3); 152269(a));	
<input type="checkbox"/>	Emergency Project (Sec. 21080(b)(4); 15269(b)(c));	
<input checked="" type="checkbox"/>	Categorical Exemption. Type and Section:	State CEQA Guidelines §15183 Projects Consistent with a Community Plan or Zoning
<input type="checkbox"/>	Statutory Exemption. Code Number:	

Reasons Why Project is Exempt:

State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

The *Murrieta General Plan 2035* and its associated EIR (SCH#2010111084) were certified July 19, 2021. The document Comprehensively examined the potential environmental impacts that d occur as a result of the implementation of its policies.

The Project is an Ordinance to revise Title 16 of the Murrieta Municipal Code to implement Policy T-2 of the City's Climate Action Plan and Policy Action 1-9 of the Housing Element. The Project proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08, 16.31, 16.44, 16.52, and 16.73.

The proposed action is exempt from the California Environmental Quality Act (CEQA) as this meets the required actions of CEQA Guidelines Section 15183 Projects Consistent with a Community Plan or Zoning, because it involves the adoption and implementation of policies within the City's Climate Action Plan and Housing Element both of which were examined as part of the City's General Plan EIR. The Project will not cause significant environmental impact and implements a uniformly applied development policy or standard that is consistent with the Climate Action Plan and Housing Element.

The following findings are made in compliance with CEQA Section 15183 – Project consistent with a Community Plan or Zoning.

In approving a project meeting the requirements of CEQA Section 15183, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

1. Is the project consistent with the General Plan and Zoning designations for the site (including density for residential developments)? Yes__X__ No____

If yes, please explain below. If no, the project does not qualify for this exemption.

Comment/Finding:

As indicated above, the Project will bring the Development Code into greater compliance with the Climate Action Plan and Housing Element. The Project will not increase the permitted density for residential developments.

2. Are there any impacts that weren't evaluated in the General Plan EIR that are peculiar to the project or the parcel on which the project would be located? Yes____ No_X__

If yes, an initial study or detailed analysis is necessary to determine if specific impacts will need to be mitigated.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

The Project implements actions identified within the Climate Action Plan and Housing Element which were evaluated with the General Plan EIR. Therefore, all potential impacts were identified as part of the General Plan EIR.

3. Are there project specific impacts which the General Plan EIR failed to analyze as significant effects. Yes____ No__X__

If yes, an initial study or other detailed analysis is necessary to determine if the impacts are considered to be significant and if mitigation is required.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

The Project would not result in any additional impacts that were not evaluated with the General Plan EIR.

4. Is there substantial new information which would result in more severe impacts than anticipated by the General Plan EIR? Yes____ No__X__

If yes, an initial study or other detailed analysis is necessary to determine if the impacts are considered to be significant and if mitigation is required.

If no, continue with CEQA Section 15183 Exemption.

Comment/Finding:

There is no new information as a result of the Project that would result in more severe impacts. The proposed actions implement policies within the Climate Action Plan and Housing Element both of which were evaluated with the General Plan EIR.

Lead Agency

Contact Person: Taylor Graybehl

Telephone

& Extension: (951) 837-4320

If Filed by Applicant:

3. Attach certified document of exemption finding.

☒ Yes

☐ No

4. Has a Notice of Exemption been filed by the public agency approving the project?

Signature:	Title: Associate Planner	Date:
<input checked="" type="checkbox"/> Signed by Lead Agency		Date received for filing at OPR:
<input type="checkbox"/> Signed by Applicant		

Meeting Date: 06-14-2023

ORDINANCE NO. XX:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 16 OF THE MURRIETA MUNICIPAL CODE TO AMEND THE CITY'S DEVELOPMENT CODE (MCA-2023-00001), TO REVISE SECTIONS 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, AND 16.73.050.

WHEREAS, as the City of Murrieta proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08.010, 16.08.020, 16.34.040, 16.44.115, 16.44.200, 16.52.040, and 16.73.050.

WHEREAS, as the City has adopted the California Green Buildings Standards Code, which , became effective January 1, 2023; and

WHEREAS, the January 2020 City of Murrieta Climate Action Plan Update is intended to implement policies of the Murrieta General Plan Update; and

WHEREAS, the Murrieta 6th Cycle Housing Element Policy Action 1-9 outlines amendments to the City's municipal code to implement; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines Section 151833-Projects Consistent with a Community Plan, General Plan, or Zoning, allows a streamlined environmental review process for projects that are consistent with the development densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, on XX XX, 2023 the City Council of the City of Murrieta held a duly noticed public hearing on this proposed Development Code Amendment, at which was presented the staff report and evidence in the record to support the findings required by Murrieta Development Code Section 16.13; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Murrieta, does ordain as follows:

SECTION 1. FINDINGS

Based upon the substantial evidence presented at the public hearing on XX XX, 2023, including written and oral staff reports and public and applicant written and oral testimony, and on the record from the Planning Commission public hearing, in accordance with Murrieta Development Code, the City Council of the City of Murrieta approves the Development Code Amendments in accordance with the following findings:

Findings and Recommended Approval for Development Code Amendments:

13. The proposed amendments ensure and maintains internal consistency with all of the objectives, policies, general plan land uses, programs and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses, and other regulations that support the proper implementation of the General Plan Update. This Development Code Amendment revises and updates sections 16.08, 16.31, 16.44, 16.52, and 16.73.

14. The proposed amendments would not be detrimental to the public convenience, health, safety or general welfare of the city;

FACTS: The General Plan promotes the health, safety and welfare of the City through the listed goals and policies included within each element. The proposed Code Amendments are consistent with Murrieta's 6th Cycle Housing Element and would not be detrimental to the public convenience, health, safety or general welfare of the city.

15. The proposed amendments are internally consistent with other applicable provisions

of the Development Code;

FACTS: The January 2020 City of Murrieta Climate Action Plan Update includes a policy to adopt an EV charging station ordinance that requires new development standards and this ordinance complies with that requirement. The amendment has been drafted to integrate and implement the Electric Vehicle Parking Requirements in the Development Code and thereby, is internally consistent.

16. The proposed amendment is in compliance with the provision of the California Environmental Quality Act (CEQA) Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning.

FACTS: The project has been evaluated pursuant to CEQA and was determined exempt under CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning. Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Considering that the amendments implement policies identified within the General Plan, and consistent within, no additional environmental review is required. Therefore, the amendments are exempt under the CEQA Guidelines. Staff and the Planning Commission have recommended that the City Council find that the project is exempt from CEQA, and direct staff to record and file the document under CEQA and the CEQA Guidelines (14 California Code of Regulations [CCR] Section 1500 et seq.).

SECTION 2. Section 16.44.115 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.115 Electric Vehicle Parking Requirements.

A. Definitions.

- ~~1. *Electric Vehicle Supply Equipment. Refer to Vehicle Code Section 22511.2.*~~
- ~~2. *Electric Vehicle Charging Space. Refer to Vehicle Code Section 22511.2.*~~
- 13. *EV: An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles and the like, primarily powered by an electric motor that draws from a rechargeable storage battery, fuel cell, photovoltaic array or other source of electric current.*
- 14. *EV Capable Space: A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.*
- 15. *EV Ready Space: A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.*
- 16. *Level 2 EV Supply Equipment (EVSE): The 208/240 Volt 40-ampere branch circuit, and the electric vehicle charging connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises and the electric vehicle.*

B. Standards.

- 1. A parking space served by EVSE ~~or a parking space designated as a future electric vehicle charging space~~ shall count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking space requirements as established by the City.
- 2. An accessible parking space with an access aisle served by EVSE ~~or an accessible parking space with an aisle designated as a future electric vehicle charging space~~ shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking space requirements as established by the City. (Ord. 566 § 15, 2020)
- 3. EV Ready and EVSE spaces must be identified by signage or pavement markings that comply with Caltrans requirements.
- 4. The number of EV Capable spaces and EV Ready spaces will comply with California Green Building Standards Code.

C. Requirements per Development Type

<u>TABLE 16.44.115-1</u> <u>ELECTRIC VEHICLE PARKING REQUIREMENTS AT A LOCATION</u>	
<u>Occupancy Type</u>	<u>EVSE Parking Requirement (round up to nearest parking space)</u>
<u>One- and Two-Family Homes, Multi-Family Dwellings with Private Garages</u>	<u>Installation of one Level 2 or greater EVSE per enclosed garage</u>
<u>Multi -Family Dwellings without Private Garages, Hotels and Motels</u>	<u>Install Level 2 EVSE for 6% of total parking spaces required</u>

<u>Non-Residential Development</u>	<u>Install Level 2 EVSE for 4% of total parking spaces less than 200 parking spaces.</u> <u>Install Level 2 EVSE for 5% of total parking spaces for 201 or greater parking spaces.”</u>
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SECTION 3. Section 16.08.020 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-4 to read as follows:

“TABLE 16.08-4 RESIDENTIAL (MULTI-FAMILY) ZONES GENERAL DEVELOPMENT STANDARDS			
Development Feature	MF-1 ⁽⁵⁾	MF-2 ⁽²⁾	MF-3
Minimum Parcel Size	<u>1 acre</u> 5 acres	<u>1 acre</u> 5 acres	<u>1 acre</u> 5 acres
Minimum Parcel Width	100 feet	100 feet	100 feet
Density Range	10.1 - 15 du/acre	15.1 - 18.0 du/acre	Min. 30 du/acre
Minimum Livable Area	500 sq. ft.	500 sq. ft.	500 sq. ft.
Setbacks			
Street	10 feet	10 feet	Varying 10 - 20 feet
Interior	10 feet	10 feet	Minimum 10 feet ⁽¹⁾
Maximum Parcel Coverage	35%	35%	None
Maximum Height Limit	50 feet	50 feet	100 feet
Open Space (per dwelling unit)			
Private Open Space	60 sq. ft./upper floor 100 sq. ft./ground floor	60 sq. ft./upper floor 100 sq. ft./ground floor	All units 50 sq. ft. ⁽²⁾
Common Open Space	200 sq. ft.	200 sq. ft.	150 sq. ft. ⁽³⁾
Recreational Amenities			For projects containing 25 or more dwelling units, provide one recreational amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾
Minimum On-site Landscaping	10% of the site area		
Notes: (1) When adjacent to existing single-family residential use or zone, the building setback from the nearest property line shall be 10 feet for the first 25 feet in height, above 25 feet in height the setback shall be 20 feet, and above 50 feet, the setback shall be 30 feet. (2) For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of fenced			

yard or patio, a deck or balcony at a minimum area of 50 square feet. The minimum dimension, width or depth of a balcony shall be 5 feet.

(3) All common open space shall be conveniently located and accessible to all dwelling units on the site. Common open space may include landscaping, pedestrian paths and recreational amenities. In projects containing fewer than 10 units, the common open space shall have a minimum width and depth of 10 feet. In projects containing 10 or more units, the minimum width and depth shall be 20 feet.

(4) One common recreational amenity shall be provided for each 30 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.

- a. Clubhouse (two)
- b. Swimming Pool (two)
- c. Tennis, Basketball or Racquetball court
- d. Weightlifting facility
- e. Children's playground equipment
- f. Sauna or Jacuzzi
- g. Day Care Facility (two)
- h. Other recreational amenities deemed adequate by the director.

(5) For projects proposing a clustering configuration with detached single-family homes or within small attached unit configurations, please see 16.16.020 "Planned Residential Development General Standards" and 16.16.030 "Planned Residential Development Design Standards and Parameters" for requirements."

SECTION 3. SECTION 16.73.050 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

16.73.050 Findings and Decision.

A. Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.

~~5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.~~

5. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

B. In determining whether the requested reasonable accommodation is necessary to make specific housing available to individual(s) with a disability, pursuant to Subsection (A)(2) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation will affirmatively enhance the quality of life of a person(s) with disability.
2. Whether the person(s) with disability will be denied opportunity to enjoy the housing type of their choice absent the accommodation.

C. In determining whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, pursuant to Subsection (A)(4) above, the city may consider, but is not limited to, the following factors:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.

2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

3. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or applicable specific plan.

D. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (A) above."

SECTION 4. Section 16.08.010 of Title of the Murrieta Municipal Code is hereby amended solely with respect to Table 16.08-1 and Table 16.08-2 to read as follows:

“TABLE 16.08-1 USE TABLE FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS Permit Requirement by District							
Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Manufactured Housing <u>Home</u> (including mobile homes) ⁽⁶⁾	P	P	P	P	P	P	<u>16.44.050”</u>

“TABLE 16.08-2 USE TABLE FOR RESIDENTIAL (MULTI-FAMILY) ZONING DISTRICTS Permit Requirement by District				
Symbol	Applicable Process			See Chapter
P	Permitted Land Use - Compliance with development standards and zoning compliance required			<u>16.74</u>
C	Conditional Use - Conditional use permit required			<u>16.52</u>
"Blank"	Land use not allowed			
Land Use ^{(1) (2)}	MF-1	MF-2	MF-3	See Standards in Section
<u>Manufactured Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Mobile Home Parks	C	C	C”	

SECTION 5. Section 16.34.040 of Title 16 of the Murrieta Municipal Code is hereby amended solely with respect to Table 3-7 to read as follows:

“16.34.040 Number of Parking Spaces Required.

**TABLE 3-7 PARKING
REQUIREMENTS BY LAND USE**

Residential Uses	Vehicle Spaces Required
Single family housing	Two spaces in a fully enclosed garage.
Duplex housing units	Two spaces for each unit, with at least one space in a fully enclosed garage.
Multi-family dwellings and other attached dwellings	Studio and one bedroom units: 1.5 spaces for each unit, with one space for each unit in a fully enclosed garage, plus guest parking. Two bedrooms or more: 2 spaces for each unit, plus 0.5 additional spaces for each bedroom over 2, with one space for each unit in a fully enclosed garage, plus guest parking equal to 25% of the total number of units.
Mobile homes (in mobile home parks)	Two spaces for each mobile home (tandem parking allowed in an attached carport), plus one guest parking space for each four units.
Condominiums	Studio, one bedroom and two bedroom units: Two covered spaces for each unit, with one space for each unit in a fully enclosed garage, plus guest parking. Three bedrooms or more: Two spaces for each unit with one space for each unit in a fully enclosed garage; plus 0.5 additional spaces for each bedroom over two; plus guest parking equal to 33% of the total number of units evenly spread throughout the entire project.
Mixed-use developments (residential portion)	Determined by conditional use permit.
Accessory dwelling units	See Section 16.44.160
Senior housing projects	One space for each unit with half the spaces covered, plus one guest parking space for each ten units.
Senior congregate care	0.5 space for each residential unit, plus one space for each four units for guests and employees.
Short-term vacation rentals	Parking for the short-term vacation rental shall comply with the requirements as specified under Table 3-7, Table 5.27-01 for required on-site quantities, and Section 16.44.260 of this municipal code. Required parking shall be allocated on-site of the single-family residential dwelling, or within designated parking spaces for condominiums, as prescribed by Table 5.27-01. All garage, driveway, carport and tandem parking spaces associated with the single-family residential dwelling or condominium unit shall, at all times, be available for parking of transient occupant and guest vehicles, as those terms are defined in Title 5.27. Temporary parking passes issued by the city shall be provided to all transient occupants and for their guest(s). The observable parking passes shall be displayed in the vehicle’s front-windshield for the duration of the stay.

Density Bonus	On-site parking for a density bonus project shall be consistent with the requirements as described under Government Code Section 65915(p). See Section 16.20.040 .B.4 for additional details.”
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SECTION 6. Section 16.52.040 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.52.040 Findings and Decision.

Following a review of the application and public hearing in compliance with [Chapter 16.76](#), the applicable re-view authority shall act to approve, approve with conditions, or disapprove the conditional use permit. The re-view authority may approve a conditional use permit only if all of the following findings of fact can be made in a positive manner:

A. The proposed use is conditionally allowed within, ~~and would not impair the integrity and character of,~~ the subject zoning district and complies with all applicable provisions of this development code;

B. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan;

C. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;

D. The site is suitable for the type and intensity of use or development that is proposed;

E. There are adequate provisions for sanitation, water, and public utilities and services to ensure public convenience, health, safety, and general welfare; and

F. The proposed use would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety, or general welfare, or materially injurious to properties and improvements in the vicinity of the subject property.”

SECTION 7. Section 16.44.200 of Title 16 of the Murrieta Municipal Code is hereby amended in its entirety to read as follows:

“16.44.200 Emergency Residential Shelters and Transitional Housing.

A. Purpose. This division sets forth a uniform set of standards for emergency shelters to provide temporary housing for the homeless.

B. Emergency Shelter Standards for Regulations. Emergency shelters for homeless persons shall be subject to and comply with the following standards and regulations.

1. A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use, consistent with section 65583(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet the minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a conditional use permit, as set forth in section 16.52.

2. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night, A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.

3. To avoid over-concentration of emergency shelter facilities, a minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line.

4. Emergency shelters shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth grade), universities, colleges, student housing, senior housing, child care facilities, public parks, businesses licensed for on- or off-site sales of alcoholic beverages or parolee/probationer home as defined in Article VI, Section 16.110 (Definitions) and as measured from the property line.

5. Service providers shall provide sufficient numbers of male and female toilets - restrooms for clients and prospective clients to have access to use on a twenty-four (24) hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.

6. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six (6)-foot tall decorative wall or fence.

7. Adequate waiting areas must be provided within the premises for clients and prospective clients including ten (10) square feet per bed, minimum one hundred (100) square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

8. Facility improvements shall comply with the Murrieta municipal code and the most current adopted building and safety code, specific to the establishment of dormitories and shall additionally provide:

- a. A minimum of one (1) toilet for every eight (8) beds per gender.

- b. A minimum of one (1) shower for every eight (8) beds per gender.
- c. Private shower and toilet facility for each area designated for use by individual families.

~~9. An emergency shelter facility shall provide off-street parking at the ratio of one (1) space per four (4) beds, and/or 0.5 per bedroom designated as a family unit with children, plus one (1) space per staff member. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.~~

9. An emergency shelter facility shall provide off-street parking:

a. The minimum parking requirement shall be whichever is less, the ratio of one (1) space per four (4) beds, and/or 0.5 per bedroom designated as a family unit with children, plus one (1) space per staff member, or the minimum parking requirement for other residential or commercial uses within the same zone whichever results in less parking being required.

b. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.

10. Bike rack parking shall be provided at the facility.

11. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Section 16.18.100 of the code.

12. The facility may provide the following services in a designated area separate from sleeping areas:

- a. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six (6)-foot tall visually screening decorative wall or fence.

- b. A counseling center for job placement, educational, health care, legal services, or mental health services.

- c. Laundry facilities to serve the number of clients at the shelter.

- d. Kitchen and dining area.

- e. Client storage area.

- f. Similar types of facilities to address the needs of homeless clients, as determined by the planning director.

13. A shelter management plan shall be submitted as a part of the conditional use permit application, which addresses all of the following:

- a. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project;

b. A minimum of one (1) staff member per fifteen (15) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290;

c. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment;

d. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Murrieta;

e. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed one-hundred and twenty (120) days in a three-hundred and sixty-five (365) day period;

f. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar services;

g. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the city;

h. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four (24)-hour period;

i. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff, or the general public;

j. The shelter management plan shall include how staff will address and regulate alcohol and illegal drug use by clients on the premises;

k. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility, re-admittance policies for clients who have previously been expelled from the facility shall also be established.

14. The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use; and

15. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.

D. Notification. In addition to the notification required by the Development Code, representatives of the police department shall be apprised of the proposed project in a timely fashion so that the department may respond to any concerns they may have regarding the proposed project."

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its adoption.

SECTION 9. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 10. NOTICE OF ADOPTION.

The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five (5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

ADOPTED by the City Council, signed by the Mayor, and attested by the City Clerk this ____ day of _____, 2023.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

I, Cristal McDonald, City Clerk of the City of Murrieta, California, hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the xxth day of xxxx, 2023, and that thereafter the said ordinance was duly and regularly adopted at a regular meeting of the City Council on the ____ day of _____, 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this ____ day of _____, 2023.