

ORDINANCE NO. U-596-23

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, REINSTATING URGENCY ORDINANCE NO. U-590-23, AMENDING TITLE 16 OF THE MURRIETA MUNICIPAL CODE TO REVISE THE CITY'S DEVELOPMENT CODE, TO IMPLEMENT MULTI-FAMILY RESIDENTIAL AND MIXED-USE RESIDENTIAL OBJECTIVE DESIGN STANDARDS

WHEREAS, California Government Code section 36937(b) authorizes the City Council to adopt, as an urgency measure, an ordinance for the immediate preservation of the public peace, health or safety; and

WHEREAS, in 2017, the California Legislature approved and the Governor signed into law Senate Bill 35 ("SB 35"), effective January 1, 2018, which among other things, allowed for by-right approval of housing developments only subject to objective standards; and

WHEREAS, SB 35 allows local agencies to adopt objective design and development standards for Multi-Family Residential projects; and

WHEREAS, SB 35 took effect January 1, 2018, and preempted any conflicting city ordinance; and

WHEREAS, in 2022, the California Legislature approved and the Governor signed into law Assembly Bill 2011 ("AB 2011"), which among other things, allows for by-right approval of housing developments only subject to objective standards in zones that allow for office, retail, and parking primary uses, such as in the City's Commercial, Office, and Innovation zones; and

WHEREAS, AB 2011 allows local agencies to adopt objective design and development standards for Multi-Family Residential projects in zones that allow for office, retail, and parking uses; and

WHEREAS, AB 2011 took effect July 1, 2023, and preempts any conflicting city ordinance; and

WHEREAS, the City desires to amend its local regulatory scheme to comply with and implement the Government Code, in part, specifically subject to SB 35 and AB 2011, and to appropriately regulate projects under State law; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of AB 2011 because the City currently lacks adequate local objective standards to regulate projects governed by AB 2011, meaning that if the City does not immediately adopt appropriate objective standards for Multi-Family Residential and Mixed-Use Residential development projects that are consistent with AB 2011, then as of July 1, 2023, the City's review of such projects would be limited to application of the few objective standards that currently exist in the City of Murrieta Municipal Code (including Title 16, The Development Code), and which did not anticipate Multi-Family and Mixed-Use residential developments in commercial, office and innovation zoning districts as contemplated by AB 2011, and thus the Municipal Code lacks the objective standards necessary to protect and preserve the local community; and

WHEREAS, the approval of Multi-Family Residential and Mixed-Use Residential development projects in various zoning districts based solely on the default standards currently in the City's Municipal Code, without appropriate regulations governing project design, site planning, building massing, height, setback, landscape, building type, architectural review, and similar criteria, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective prior to July 1, 2023; and

WHEREAS, as part of the implementation of the City's Housing Element Update the City prepared this Development Code Amendment to implement Multi-Family Residential and Mixed Use Residential Objective Design Standards consistent with the policy program for these standards; and

WHEREAS, on June 22, 2022, and April 12, 2023, the City of Murrieta Planning Commission held public workshops on the City's initial approach to the Objective Design Standards, and as the Standards were released for public review, providing suggested revisions and comments regarding the Standards; and

WHEREAS, on May 2, 2023, the City Council of the City of Murrieta adopted Urgency Ordinance No. 590-23 to enact the proposed Development Code Amendment while staff completed and then workshopped the permanent standards through a noticed public hearing by the Planning Commission and then with City Council; and

WHEREAS, on September 5, 2023, the City Council of the City of Murrieta approved the first reading to introduce Ordinance No. 595-23 to codify the permanent update to Murrieta Development Code; and

WHEREAS, to protect public safety, health, and welfare, the City Council hereby reinstates the urgency measure in accordance with the City of Murrieta Municipal Code until such time as Ordinance No. 595-23 is in effect.

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

SECTION 1. RECITALS

The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. FINDINGS

Based upon the substantial evidence presented to the City Council on May 2, 2023 and September 19, 2023, including written and oral staff reports and public and applicant written and oral testimony, and in accordance with Murrieta Development Code Chapter 16.58, the City Council of the City of Murrieta hereby reinstates its approval of the Multi-Family Residential and Mixed-Use Residential Objective Design Standards Development Code Amendment in accordance with the following findings pursuant to Development Code Section 16.58.080:

Findings and Recommended Approval for Development Code Amendments:

- a. 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 Land Use Element. This Development Code Amendment updates and amends sections 16.xx and 16.xx8, in order to implement Multi-Family Residential and Mixed-Use Residential Objective Design Standards throughout the City's Development Code. The Objective Design Standards is an implementation measure of the City's proposed Housing Element Update and maintain consistency between the Housing Element and the Land Use Element as a measure to be applied to Multi-Family and Mixed-Use Residential development projects in any zone in the City.

- b. 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 project includes Multi-Family Residential and Mixed-Use Residential Objective Design Standards consistent with the Housing Element goals to develop and implement these standards. There are not considered to be any impacts to the environment from the project, therefore it would not be detrimental to the public convenience, health, safety, or general welfare of the city.

- c. The proposed amendment is internally consistent with other applicable provisions of the development code.

FACTS: The proposed amendment has been integrated into the Code and aligns with the Multi-Family Land Use Designation and others, in order to allow various types of multi-family projects in the City that could be proposed in any zone. The existing zones in the Development Code include the appropriate uses and standards required for each zone, which allow for multi-family residential and mixed-use residential uses with additional detail provided for specific types of projects in the Objective Design Standards consistent with the existing provisions in the Development Code. The amendment has been drafted to integrate and implement the Objective Design Standards with the Development Code and thereby, is internally consistent.

- d. The proposed amendment is in compliance with the provision of the California Environmental Quality Act (CEQA).

FACTS: The project has been evaluated pursuant to CEQA. 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 direction to staff to adopt and implement Design Standards, which will not cause significant environmental impact and implements a uniformly applied development policy or standard that is consistent with the General Plan Housing Element policy to further regulate multi-family residential development. This determination is predicated on Section 15004 of the guidelines, which provides direction to lead agencies on the appropriate timing for environmental review. The project(s) for which the Design Guidelines are utilized or are intended for may require the preparation of an environmental document as part of their project(s) review in accordance with State CEQA Guidelines. Therefore the project of adopting objective design standards is exempt under the CEQA Guidelines as the project would not cause a significant effect on the environment. Staff and recommends that the City Council find that the project is exempt from CEQA, accept the NOE, 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 3. URGENCY FINDINGS

- A. Since the City does not otherwise have complete objective development standards for Multi-Family Residential and Mixed-Use Residential development, without the Urgency Ordinances the City would only be allowed to ministerially permit such development applications in accordance with the minimal standards set forth in the Development Code and state and local building codes.
- B. The reliance on such minimal standards without the adoption of permitted local City regulations would enable the ministerial allowance of Multi-Family projects that may be detrimental to surrounding properties.
- C. The expeditious adoption of objective development standards for Multi-Family Residential and Mixed-Use Residential development through the Urgency Ordinances would ensure both compliance with State laws and the implementation of local health and safety standards addressing health and safety concerns created by Multi-Family Residential and Mixed-Use Residential development.

SECTION 4. MUNICIPAL CODE AMENDMENT

The First paragraph of Section 16.08.040 of Title 16 of the Development Code of the Murrieta Municipal Code is hereby amended to read as follows:

“16.08.040 Multi-family Residential Design Standards.

The following standards and design features and the City’s Multi-Family Residential and Mixed-Use Objective Design Standards, as adopted by ordinance or resolution of the City Council and incorporated as part of this section by reference, are provided to ensure a level of quality that must be compiled with or satisfied in all multi-family residential developments. Standards are mandatory requirements for all multi-family residential developments. Design features are provided to allow flexibility by providing options for implementing specific standards. In order to meet a certain standard, one or a combination of design features shall be incorporated into the

project’s design. In some instances, there will be no design feature(s) identified for a particular standard and this will be noted. In the event of a conflict between a standard or feature set forth below and a standard or feature set forth in the City’s adopted Multi-Family Residential and Mixed-Use Objective Design Standards, the most recently adopted revision shall control.”

SECTION 5. ADOPTION OF OBJECTIVE DESIGN STANDARDS

The City hereby adopts Multi-Family Residential and Mixed-Use Residential Objective Design Standards, attached hereto as Exhibit A as previously included and adopted by the City in Urgency Ordinance U-590-23, until such time that the Ordinance is replaced by an Ordinance of the City Council but in any event no later than December 31, 2023, whichever occurs first.

SECTION 6. EFFECTIVE DATE

This ordinance takes effect immediately upon its adoption by a 4/5ths vote of the City Council.

SECTION 7. 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 8. NOTICE OF ADOPTION.

Within fifteen (15) days after the 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.

SECTION 8. CEQA EXEMPTION.

The City Council hereby directs staff to prepare, execute, and file with the Riverside County Clerk a notice of exemption within five (5) working days of the adoption of this 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 Urgency Ordinance No. U-596-23 was duly and regularly introduced at a meeting of the City Council on the 19th day of September, 2023 and that thereafter the said ordinance was duly and regularly adopted at a regular meeting of the City Council on the 19th day of September, 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.