

ORDINANCE NO. 598-23

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, 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; and

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

WHEREAS, the City Climate Action Plan (CAP) and related Electric Vehicle Charging Ordinance measures are intended to implement policies to reduce Green House Gas Emissions related to transportation consistent with the City's General Plan Environmental Impact Report (EIR); and

WHEREAS, the City's 6th Cycle Housing Element Policy Action 1-9 outlines amendments to the City's Development Code for compliance with State Law and to reduce governmental constraints on the development of housing; and

WHEREAS, the proposed amendments to the City's Development Code have been drafted to implement CAP Measure T-2 and Housing Element Policy Action 1-9; and

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan, or Zoning" allows for 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 July 26, 2023 the Planning Commission recommended that the City Council adopt the ordinance amendment and record an Notice of Exemption (NOE); and

WHEREAS, on October 17, 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;

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 October 17, 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 consistent with the City's CAP and Housing Element Update.

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 CAP included in the General Plan EIR and the 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 CAP 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. The 6th Cycle Housing Element includes Policy Action 1-9 for compliance with State Law and to reduce governmental constraints on the development of housing.

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.

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 (EV)*: An automotive-type of 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.
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 <i>Level 2 EVSE</i> for 6% of total parking spaces required
Non-Residential Development	Install <i>Level 2 EVSE</i> for 4% of total parking spaces less than 200 parking spaces. Install <i>Level 2 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:

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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	For projects containing 25 or more dwelling units, provide one recreational amenity for	For projects containing 25 or more dwelling units, provide one recreational	For projects containing 25 or more dwelling units, provide one recreational

	each 30 dwelling units or fraction thereof ⁽⁴⁾	each 30 dwelling units or fraction thereof ⁽⁴⁾	amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾	amenity for each 30 dwelling units or fraction thereof ⁽⁴⁾
Minimum On-site Landscaping	10% of the site area			
Notes:				
<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <ul style="list-style-type: none">a. Clubhouse (two)b. Swimming Pool (two)c. Tennis, Basketball or Racquetball courtd. Weightlifting facilitye. Children's playground equipmentf. Sauna or Jacuzzig. Day Care Facility (two)h. Other recreational amenities deemed adequate by the director. <p>(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</p>				

Development General Standards” and [16.16.030](#) “Planned Residential Development Design Standards and Parameters” for requirements.

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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:

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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
Agriculture, Open Space and Resources							
Animal Keeping	P	P	P	P	P	P	<u>16.44.040</u>
Crop Production, Commercial	P	P	P				
Electric Vehicle Charging Stations ⁽⁷⁾	P	P	P	P	P	P	<u>15.63, 16.34, 16.44.115</u>
Equestrian Facilities, Commercial	P	P	P	P	P	P	

Kennels Residential/Commercial	P ⁽³⁾						<u>16.44.040.E. 2.</u>
Nature Preserves	P	P	P				
Plant Nurseries, Commercial	C	C	C				
Open Space	P	P	P	P	P	P	
Wind Conversion Energy Systems (non- commercial)	C						
Communication Facilities							
Satellite Dishes/Antennas	P	P	P	P	P	P	<u>16.44.170A</u>
Wireless Communication Facilities	C	C	C	C	C	C	<u>16.44.170B</u>
Education, Public Assembly and Recreation							
Bingo	C	C	C	C	C	C	<u>16.44.210</u>
Churches, places of worship	C	C	C	C	C	C	
Cemeteries, Mortuaries, Crematoriums, Mausoleums	C	C	C				
Golf Courses, Country Clubs, Driving Ranges	C	C	C	C	C		
Private Residential Recreational Facilities	P	P	P	P	P	P	See definition
Schools	C	C	C	C	C	C	
Residential							
Accessory Dwelling Units	P	P	P	P	P	P	<u>16.44.160</u>

Assisted Living/Skilled Nursing	C	C	C	C	C	C	
Bed and Breakfast Inns	C	C	C				
Child Day Care Centers	C	C	C	C	C	C	<u>16.44.050</u>
Home Occupations	P	P	P	P	P	P	<u>16.60.030</u>
Junior Accessory Dwelling Unit	P	P	P	P	P	P	<u>16.44.160</u>
Large Family Day-Care Homes - 9 to 14 children(5)	P	P	P	P	P	P	<u>16.44.050</u>
Manufactured Home (including mobile homes) ⁽⁶⁾	P	P	P	P	P	P	<u>16.44.050</u>
Marijuana Cultivation, Processing, Delivery, and Dispensary							
Medical Marijuana Dispensary							
Medical Marijuana Dispensary, Mobile							
Mobile Home Parks	C	C	C	C	C	C	
Model Homes/Sales Office	P	P	P	P	P	P	
Multi-family Housing						P	
Personal Services (Limited)	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	P ⁽⁹⁾⁽¹⁰⁾	See Definition 5.18, <u>16.44.270</u>
Residential Accessory Uses and Structures	P	P	P	P	P	P	<u>16.44.150</u>
Residential Care Homes - up to 6 Clients	P	P	P	P	P	P	

Residential Care Homes - 7+ Clients	C	C	C	C	C	C	
Residential Wedding/Event Facilities ⁽⁴⁾	C	C	C				<u>16.44.230</u>
Rooming/Boarding Houses	C	C	C	C	C	C	<u>16.44.150I</u>
Short-Term Vacation Rentals (STVRs) - Hosted ⁽⁸⁾	P	P	P	P	P	P	<u>5.27</u> and <u>16.44.260</u>
Short-Term Vacation Rentals (STVRs) - Non-Hosted ⁽⁸⁾	P	P	P				<u>5.27</u> and <u>16.44.260</u>
Single-family Homes	P	P	P	P	P	P	
Small Family Day-Care Homes - Up to 8 children ⁽⁵⁾	P	P	P	P	P	P	<u>16.44.050</u>
Supportive Housing	P	P	P	P	P	P	<u>16.44.200</u>
Transitional Housing (including SRO/Efficiency units)	P	P	P	P	P	P	<u>16.44.200</u>
<p>Notes:</p> <p>(1) See Section <u>16.04.020</u> regarding uses not listed.</p> <p>(2) See Article VI for definitions of the land uses listed.</p> <p>(3) Kennels existing as of January 1, 2014 within the RR zone are a legal-conforming land use and are permitted to continue in operation subject to no changes in the existing operation and/or compliance with the development standards contained in Section <u>16.44.040.E.2</u>.</p> <p>(4) Minimum five (5) acre property.</p> <p>(5) Zoning clearance not required.</p> <p>(6) Any development standards imposed shall be limited to those specified in state law. See California Code of Regulations, Title 25 (Housing and Community Development), Division 1 for additional details and requirements.</p> <p>(7) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public</p>							

Health and Safety issues as described in Chapter 15.63.

(8) For STVRs - Subject to the Citywide maximum, locational, and operational criteria, as described in Chapter 5.27 and Section 16.44.260 of this Municipal Code.

(9) Limited to a massage accessory use in conjunction with establishment of the following primary uses: assisted living/skilled nursing. No other personal service are permitted. Refer to Section 16.44.270.B.3 (Massage Accessory Use) and Chapter 5.18 (Massage Businesses and Massage Therapists) for additional details.

(10) Refer to Section 5.18.150 (Exemptions) for the types of “Professions and Services” which shall not be classified as a massage establishment.

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**“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	MF-4	See Standards in Section
Agriculture, Open Space and Resources					
Open Space	P	P			
Communication Facilities					
Satellite Dishes/Antennas	P	P	P	P	<u>16.44.170-A</u>

Wireless Communication Facilities	C	C	C	C	<u>16.44.170-B</u>
Education, Public Assembly and Recreation					
Bingo	C	C			See definition
Churches, Places of Worship	C	C			See definition
Recreational Facilities, Private	P	P	P	P	
Schools	C	C	C	C	
Parking					
Electric Vehicle Charging Stations ⁽⁵⁾	P	P	P	P	<u>15.63, 16.34, 16.44.115</u>
Residential					
Accessory Dwelling Units ⁽⁴⁾	P	P	P	P	<u>16.44.160</u>
Assisted Living/Skilled Nursing	C	C	C	C	See definition
Bed and Breakfast Inns					
Child Day-Care Centers	C	C	C	C	<u>16.60.050</u>
Home Occupations	P	P	P	P	<u>16.60.030</u>
Junior Accessory Dwelling Unit					

Large family Day-Care - 9 to 14 children ⁽³⁾	P	P	P	P	Large family Day-Care - 9 to 14 children ⁽³⁾
Marijuana Cultivation, Delivery, Dispensary, and Processing					
Medical Marijuana Dispensary					
Medical Marijuana Dispensary, Mobile					
Manufactured Home	P	P	P	P	
Mobile Home Parks	C	C	C	C	
Model Homes/Sales Office	P	P	P	P	
Multi-family Housing	P	P	P	P	
Residential Accessory Uses and Structures	P	P	P	P	<u>16.44.150</u>
Residential Care Homes - Up to 6 Clients	P	P	P	P	
Residential Care Homes - 7 or More Clients	C	C	C	C	
Rooming/Boarding Houses	C	C			<u>16.44.150I</u>

Short-Term Vacation Rentals (STVRs) - Hosted ⁽⁶⁾	P	P	P	P	<u>5.27</u> and <u>16.44.260</u>
Short-Term Vacation Rentals (STVRs) - Non-Hosted ⁽⁶⁾					
Small Family Day-Care Homes - Up to 8 children ⁽³⁾	P	P	P	P	
Supportive Housing	P	P	P	P	
Transitional Housing (including SRO/Efficiency units)	P	P	P	P	

Notes:

(1) See Section 16.04.020.D regarding uses not listed.

(2) See Article VI for definitions of the land uses listed.

(3) Zoning clearance not required.

(4) As it pertains to Accessory Dwelling Units, per Section 16.44.160, allowances for implementation are applied to the Downtown Murrieta Specific Plan per state law.

(5) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Chapter 15.63.

(6) For STVRs – Prohibited at Rental Units. Subject to the Citywide maximum, locational, and operational criteria, as described in Sections 5.27 and 16.44.260 of this Municipal Code.

(7) Limited to a massage accessory use in conjunction with establishment of the following primary uses: assisted living/skilled nursing, residential care homes - up to 6 clients, residential care homes - 7 or more clients. No other personal services are permitted. Refer to Section 16.44.270.B.3 (Massage Accessory Use) and Chapter 5.18 (Massage Businesses and Massage Therapists) for additional details.

(8) Refer to Section 5.18.150 (Exemptions) for the types of “Professions and Services” which shall not be classified as a massage establishment.

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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	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

rentals	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 review 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.

This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this ____ day of _____, 2023.

Lisa DeForest, Mayor

ATTEST:

Cristal McDonald, CMC, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Ordinance No. 598-23 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the ____th day of _____, 202_, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, CMC, City Clerk

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that Ordinance No. 598-23 was duly published according to law and the order of the City Council of said City and the same was so published in Press Enterprise, a newspaper of general circulation on the following date(s):

Adopted Ordinance: _____, 2023.

In witness whereof, I have hereunto subscribed my name this ____ day of _____, 2023.

Cristal McDonald, CMC, City Clerk