



## **REPORT TO PLANNING COMMISSION**

**To:** Honorable Chairman and Members of the Planning Commission

**From:** Justin Kirk, Assistant Community Development Director

**Prepared by:** Richard J. MacHott, Planning Manager

**Date:** May 7, 2019

**Subject:** Amendments to Title 17 of the Lake Elsinore Municipal Code Related to Sidewalk Vendors

### **Recommendation**

adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING AMENDMENTS TO TITLE 17 - ZONING OF THE LAKE ELSINORE MUNICIPAL CODE RELATED TO SIDEWALK VENDORS

### **Background**

In September 2018, the Governor signed Senate Bill (SB) 946 into law. SB 946 requires all cities and counties in California to allow sidewalk vending as a “by right” business. However, cities and counties are allowed to impose some limited regulations on sidewalk vendors if they adopt a licensing process. The legislation also limits the type and amounts of fines that can be imposed on sidewalk vendors in violation of a city's permitting process or local regulations.

To meet the new regulations mandated by SB 946 (Government Code Sections 51036 through 51039), proposed amendments to Title 5 (Business Taxes, Licenses and Regulation) of the Lake Elsinore Municipal Code (LEMC) have been prepared. The proposed amendments will add a new Chapter 5.31 (Sidewalk Vendors) that will require sidewalk vendors to obtain a business license from the City of Lake Elsinore and to maintain sanitary conditions. There are also regulations that will establish some limits to the time and location of specified vending activities. Additionally, because Title 5 of the LEMC does not currently provide a process for persons to appeal decisions by City officials or agents affecting business licenses; two new sections in Chapter 5.08 (Business Licenses – General Provisions) concerning denial, suspension or revocation of business licenses and establishing an appeal procedure are proposed.

Although pursuant to LEMC procedures, the Planning Commission does not consider or make recommendations regarding amendments to LEMC Title 5; a copy of the proposed amendments and a copy of SB 946 are attached for informational purposes. The proposed Title 5 amendments will be considered by the City Council at a public hearing on May 14, 2019.

Due to the changes proposed for LEMC Title 5, several changes to Title 17 (Zoning) are required for consistency purposes. LEMC Section 17.188.040 requires the Planning

Commission to review the proposed amendments to Title 17 and to make a recommendation to the City Council.

### **Discussion**

Implementation of SB 946 through the LEMC Title 5 amendments requires the following amendments to the City's zoning code (LEMC Title 17):

1. Change the term and definition of "Street vendor" set forth in Section 17.08.190 ("S" definitions) to "Sidewalk vendor" with a definition identical to that set forth by SB 946 in Government Code Section 51036.
2. Delete the prohibition of "Street vendor/pushcart sales" in the Table of Mixed Use Land Uses that is in both Section 17.86.020 (RMU) and Section 17.134.020 (CMU), and adding "Sidewalk vendors" as permitted in both districts subject to compliance with Chapter 5.31 LEMC. The definition of "Street vendor" in both tables will be replaced with one for "Sidewalk vendor".
3. A clean-up amendment of the RMU and CMU Table of Mixed Use Land Uses is also included. This "clean-up" amendment deletes the paragraph found near the beginning of each table referencing the RMU and CMU uses found in the Downtown Master Plan. With the Downtown Elsinore Specific Plan and related "SP" zoning replacing the Downtown Master Plan on September 25, 2018, this language is no longer needed.

### **Environmental Determination**

The proposed amendments to the Lake Elsinore Municipal Code are exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.), specifically pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

### **Exhibits:**

- A - PC Resolution
- B - Title 17 Amendments
- C - CC Ordinance
- D - SB 946