

RESOLUTION NO. 2019-__

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

Whereas, on September 17, 2018, Governor Brown approved Senate Bill 946, effective January 1, 2019, which establishes a regulatory framework for non-motorized sidewalk vendors, and which recognizes the authority of local jurisdictions to impose certain restrictions on sidewalk vendors in accordance with State law; and,

Whereas, the City desires to amend the Lake Elsinore Municipal Code (LEMC) to regulate sidewalk vendors in accordance with State law in order to promote the health, safety, and general welfare of the residents and businesses within the City; and,

Whereas, amendment of the LEMC to regulate sidewalk vendors requires several amendments to Title 17 related to definitions and the commercial and residential mixed-use zoning districts; and,

Whereas, Section 17.188.040 of the LEMC requires the Planning Commission (Commission) of the City of Lake Elsinore (City) to review proposed amendments to Title 17 and after examining a proposed amendment to make recommendations of its findings to the City Council (Council); and,

Whereas, on May 7, 2019, at a duly noticed Public Hearing the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND RECOMMEND TO THE CITY COUNCIL AS FOLLOWS:

Section 1: The Commission has reviewed and analyzed the proposed amendments of Title 17 of the LEMC pursuant to the California Planning and Zoning Laws (Cal. Gov. Code Sec 65000 et seq.), the Lake Elsinore General Plan (GP) and the LEMC and finds that the proposed amendments are consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

Section 2: The Commission hereby finds and determines that the proposed amendments to the LEMC 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.

Section 3: In accordance with Government Code Section 65855, the Commission sets forth the following findings for its recommendation that the Council amend Title 17 of the LEMC.

1. The proposed zoning code amendments will not be: a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or b) injurious to the property or improvements in the neighborhood or within the City.

The proposed zoning code amendments have been analyzed relative to their potential to have detrimental effects and it has been determined that the amendments have no impact upon the public's health, safety, comfort and general welfare because the State legislature has found that sidewalk vending contributes to a safe and dynamic public space and that safety and public welfare is promoted by the proper regulation of sidewalk vending.

2. The proposed zoning code amendments are consistent with the Goals, Policies and Implementation Programs of the GP and the development standards established with the LEMC.

The proposed zoning code amendments do not create new zoning districts, remove existing zoning districts or otherwise modify land use requirements. The proposed zoning code amendments do not affect the density or intensity of uses and will not interfere with the implementation of the goals, policies and implementation programs of the GP.

Section 4: Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby recommends that the Council approve the amendment of Title 17 of the LEMC attached hereto as Exhibit "A".

Section 5: This Resolution shall take effect immediately upon its adoption.

Passed and Approved on this 7th day of May, 2019, by the following vote:

Myles Ross, Chairman

Attest:

Justin Kirk
Assistant Community Development Director

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Justin Kirk, Assistant Community Development Director of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2019-____ was adopted by the Planning Commission of the City of Lake Elsinore, California, at the Regular meeting of May 7, 2019, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Justin Kirk
Assistant Community Development Director