

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Matt Peters, Interim Director of Community Development

DATE: September 24, 2024

SUBJECT: Introduce Ordinance Amending Titles 5, 8, 15, and 17 of the Temecula Municipal Code to Implement Assembly Bill 970 and Making Various Minor and Technical Revisions

PREPARED BY: Mark Collins, Associate Planner I

RECOMMENDATION: That the City Council introduce and read by title only an ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5, 8, 15 AND 17 OF THE TEMECULA MUNICIPAL CODE MAKING 1) MINOR REVISIONS TO MASSAGE AND TOBACCO ESTABLISHMENTS OPERATIONAL STANDARDS, 2) CLARIFY LIMITATIONS FOR OUTDOOR VENDORS, 3) AMEND THE DEFINITION OF "NUISANCE" TO INCLUDE "DISORDERLY HOUSE", 4) IMPLEMENT THE PROVISIONS OF AB 970 RELATED TO STREAMLINED APPROVAL OF ELECTRIC AND HYDROGEN FUELING STATIONS, 5) SPECIFY THAT THE TEMECULA GENERAL PLAN WILL BE USED FOR LAND USE DETERMINATIONS PERTAINING TO ZONING FOR SPECIFIC PLANS NO. 1, 2, 3, 4, 6, 9, 10, AND 12 NOT RIVERSIDE COUNTY ORDINANCE NO. 348, 6) CLARIFY THAT VENDORS/FARMERS MARKETS REQUIRE A MAJOR TEMPORARY USE PERMIT, 7) REMOVE WATER TANKS AS AN APPROVED LOCATION FOR TELECOMMUNICATION FACILITIES, AND 8) MAKE OTHER CLERICAL OR TYPOGRAPHICAL CORRECTIONS, AND MAKE A FINDING OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061 (B)(3)

SUMMARY OF

ORDINANCE: The proposed ordinance would make amendments to Titles 5, 8, 15, and 17 of the Temecula Municipal Code. Listed below is a summary of the proposed changes to the Municipal Code, each of which is discussed in greater detail in the analysis section, which follows:

Changes to Title 5:

1. Massage and Massage Establishments – Amend Section 5.22.120 (Exemptions), to remove language allowing persons holding a valid certificate to practice the healing arts to supervise massage personnel. This exemption clarifies that clinical counselors and other mental health professionals may not supervise massage therapists.
2. Licensure of Tobacco Retailers and Tobacco Shops – Amend Section 5.24.080 (Other requirements and prohibitions) to specify that spray paint, permanent marking devices (paint pens), and nitrous oxide containers shall be kept away from customers in a locked cabinet.
3. Licensure of Tobacco Retailers and Tobacco Shops – Amend Section 5.24.120 (Tobacco Shops) to further clarify that online flavored tobacco sales are prohibited in store, online and that storage of such items is prohibited. Additionally, would further clarify that sales of tobacco or tobacco products to persons under twenty-one (21) years of age is prohibited.

Changes to Title 8:

4. Outdoor Vending – Add additional language to Chapter 8.60 (Outdoor Vending on Public Property) for vendors to specify that bike lanes cannot be blocked by customer vehicles, vending stands cannot block or obstruct storefronts and signage as well as establish a maximum size for such vending stands.
5. Public Nuisance – Add “Disorderly House” to the definition of “Public Nuisance” to specify that certain activities are considered a nuisance and subject to abatement per the requirements of this Code.

Changes to Title 15:

6. Electric Vehicle Charging Stations – Amend Chapter 15.24 (Streamlined Expedited Review of Electric Vehicle Charging Stations and Hydrogen Fueling Stations Applications) to comply with Assembly Bill 970 (AB 970).

Changes to Title 17:

7. Relationship of existing specific plans and Riverside County Land Use Ord. No. 348 – Amend Section 17.01.070 to add language specifying that the City’s General Plan Land

Use and associated zoning designation would be used when Ord. No. 348 is referenced as it relates to land use and development standards in specific plans with such references.

8. Major Temporary Uses – Amend Section 17.04.020 to specify that vendor and/or farmers markets that occupy parking stalls, drive isles, or other travel routes will require a major Temporary Use Permit (TUP).
9. Commercial/Office/Industrial Districts – Expand the “Sports and recreational facility” land use to include “training facility,” make a correction to footnote #9 on Table 17.08.030 to reference Table 6.08.010 (Animal Keeping Standards) and add a reference to Chapter 5.22 (Massage) for such establishments.
10. Telecommunications Facility and Antenna’s – Remove water tanks as a suggested or allowed location for antenna placement.

BACKGROUND: The City of Temecula City Council adopted the Municipal Code in January 1990. Since its adoption, the City Council has periodically made amendments to various sections of the Code to improve its clarity, make corrections and implement state law. The proposed amendments to the Temecula Municipal Code include amendments to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), Title 15 (Building and Construction) and Title 17 (zoning).

Pursuant to Government Code Section 65800, the Planning Commission is required to review and make recommendations to the City Council regarding zoning regulations and amendments to Title 17 Zoning (Development Code) of the Temecula Municipal Code. The changes to Title 5 (Business Licenses and Regulations), Title 8 (Health and Safety), Title 15 (Building and Construction) of the Temecula Municipal Code of the proposed ordinance fall outside the purview of the Planning Commission, in that it is not an amendment to Title 17. However, staff felt it was important for the Planning Commission to review these proposed changes as this proposed ordinance will impact existing and future businesses.

City staff met with the Planning Commission Municipal Code Maintenance Ad Hoc Subcommittee on July 17, 2024. (Commissioners Hagel and Ruiz).

City staff met with the City Council General Plan Update Ad Hoc Subcommittee on July 23, 2024. (Mayor James Stewart and Councilmember Jessica Alexander).

The item was presented at a public hearing to the Planning Commission on August 7, 2024, and Resolution No. 2024-14 was recommended for adoption by a 5-0 vote. The Planning Commission asked staff to explore restricting access to tobacco shops to minors (persons less than eighteen years of age). The request was evaluated and found it warranted inclusion based on the intent of the Ordinance to prevent underage sale and use of tobacco, staff added language prohibiting

minors. Persons older than eighteen (18) but less than twenty-one (21) years of age are allowed access to tobacco shops as they are not considered minors.

City staff met with the City Council General Plan Update Ad Hoc Subcommittee on July 23, 2024. (Mayor James Stewart and Councilmember Jessica Alexander).

FISCAL IMPACT: The proposed Ordinance does not have a direct fiscal impact, if adopted.

- ATTACHMENTS:**
1. Ordinance
 2. PC Resolution No. 2024-14
 3. Notice of Public Hearing
 4. Notice of Exemption