

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Council

FROM: Randi Johl, Director of Legislative Affairs/City Clerk

DATE: April 25, 2023

SUBJECT: Adopt Resolution Confirming the Decision of the Temecula Planning Commission to Revoke the Conditional Use Permit Issued to the Bank, Located at 28645 Old Town Front Street

PREPARED BY: Randi Johl, Director of Legislative Affairs/City Clerk

RECOMMENDATION: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMECULA CONFIRMING THE DECISION OF THE
TEMECULA PLANNING COMMISSION TO REVOKE THE
CONDITIONAL USE PERMIT ISSUED TO THE BANK,
LOCATED AT 28645 OLD TOWN FRONT STREET

BACKGROUND: The matter of the revocation of the conditional use permit of The Bank, was heard virtually on August 31, 2022 and September 1, 2022, before Administrative Law Judge Debra D. Nye-Perkins, with the Office of Administrative Hearings (OAH).

The matter was closed and submitted for decision on September 19, 2022. On October 19, 2022, the Administrative Law Judge issued a proposed decision revoking the conditional use permit of The Bank. The OAH Judge's proposed ruling is found in Attachment A.

A hearing was then set before the Planning Commission for December 19, 2022 to consider the proposed decision. At the request of Zip Third Investments, that hearing was continued to January 18, 2023. At the request of The Bank, the January 2023 hearing was continued to February 15, 2023.

On February 15, 2023, the Planning Commission heard the matter. Resolution No. 2023-04, setting forth the decision of the Planning Commission to confirm the decision of Administrative Law Judge Debra D. Nye-Perkins revoking the CUP, is attached. The record of proceedings and transcript of the Planning Commission hearing is also attached.

On March 10, 2023, The Bank and Zip Third Investments filed appeals of the Planning Commission decision to the City Council. The appeals were filed in a timely manner with the appropriate appeal fee. In response, the hearing before the City Council was scheduled for April 11, 2023, at 10 a.m. The appropriate public hearing notices and mailings were made. This hearing is a de novo proceeding and is limited to the record below and allows for public comment.

On April 11, 2023, the Temecula City Council heard the appeals filed by both Zip Third Investments and The Bank from the Planning Commission's granting of Resolution No. 2023-04 that confirmed the decision of the Administrative Law Judge to revoke the CUP subject to modification as to the nature of the CUP held by The Bank.

The attached resolution sets forth the decision of the City Council as made at its April 11, 2023 meeting. It is recommended that the City Council adopt said resolution formally declaring its decision in the matter.

FISCAL IMPACT: None

ATTACHMENTS:

1. Resolution
2. Exhibit A – OAH Proposed Decision
3. Record of Proceedings (City Council Agenda Packet)