

PC RESOLUTION NO. 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA DENYING PLANNING APPLICATION NO. PA22-0670, A CONDITIONAL USE PERMIT FOR A RESTAURANT TO OFFER ALCOHOL SERVICE WITH A CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TYPE 47 LICENSE LOCATED AT 28721 OLD TOWN FRONT STREET AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (APN 922-073-026)

Section 1. Procedural Findings. The Planning Commission of the City of Temecula does hereby find, determine and declare that:

A. On June 16, 2022, Chris Campbell, on behalf of Oak and Ocean, filed Planning Application No. PA22-0670, a Conditional Use Permit Application in a manner in accord with the City of Temecula General Plan and Development Code.

B. The Application was processed including, but not limited to a public notice, in the time and manner prescribed by State and local law.

C. The Planning Commission, at a regular meeting, considered the Application and environmental review on May 1, 2024, at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to and did testify either in support or in opposition to this matter.

D. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission denied Planning Application No. PA22-0670 subject to and based upon the findings set forth hereunder.

E. All legal preconditions to the adoption of the Resolution have occurred.

Section 2. Further Findings. The Planning Commission, in approving the Application hereby finds, determines and declares that the Conditional Use Permit Application PA22-0670 is not in conformance with Development Code Section 17.04.010.E (Conditional Use Permits)

A. The proposed use is in conformance with the General Plan for Temecula and with all applicable requirements of State law and other Ordinances of the City.

The proposed alcohol service hours until 2 a.m. are not consistent with Old Town Specific Plan Land Use Economics – Policy 5. This policy states that there needs to be compatibility between both existing and new commercial uses and existing and new residential uses. Old Town has a combination of commercial and residential uses in close proximity to the project site. For example, the nearest residential use is approximately 445 feet to the west when measured from structure to structure. Alcohol service beyond 11:59 PM has been determined to be incompatible with surrounding commercial and residential uses.

B. The proposed conditional use is compatible with the nature, condition and development of adjacent uses, buildings and structures and the proposed conditional use will not adversely affect the adjacent uses, buildings or structures.

The proposed alcohol service hours until 2 a.m. are not consistent with Old Town Specific Plan Land Use Economics – Policy 5. This policy states that there needs to be compatibility between both existing and new commercial uses and existing and new residential uses. Old Town has a combination of commercial and residential uses in close proximity to the project site. For example, the nearest residential use is approximately 445 feet to the west when measured from structure to structure. Alcohol service beyond 11:59 PM has been determined to be incompatible with surrounding commercial and residential uses.

C. The site for a proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, buffer areas, landscaping, and other development features prescribed in this development code and required by the Planning Commission or Council in order to integrate the use with other uses in the neighborhood.

The project site currently houses an existing commercial structure. Restaurant uses are an allowable use at the project site. The site is physically adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, buffer areas, landscaping and other development features required of a restaurant use that proposes the sale of beer, wine, and distilled spirits.

D. The nature of the proposed conditional use is not detrimental to the health, safety and general welfare of the community.

The proposed conditional use seeks to allow alcohol service until 2:00 AM. RSO has had to respond to 249 calls for service within Old Town between the hours of 12 a.m. and 2 a.m. from January 1, 2018 to April 5, 2024. The majority of calls between these hours and timeframe consist of battery, D.U.I., and drunk in public. In addition, City staff have been actively working with the Planning Commission and City Council on alcohol and its related issues specifically in Old Town. Joint meetings between the Planning Commission and City Council were held on September 28, 2023, and February 6, 2024. In the next few months, the Planning Commission will be considering a proposed ordinance to codify alcohol related regulations including a regulation that alcohol service cease at 11:59 PM for new establishments and will be providing their recommendation on the matter to the City Council. The 11:59 PM alcohol service cut-off for new establishments is designed to significantly reduce the calls for service after 11:59 PM that endanger the health, safety and general welfare of the community.

E. That the decision to approve, conditionally approve, or deny the application for a conditional use permit be based on substantial evidence in view of the record as a whole before the Planning Director, Planning Commission, or City Council on appeal.

The decision to deny the application for a Conditional Use Permit shall be based on substantial evidence in view of the record as a whole before the Planning Commission.

Section 3. Environmental Findings. The Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Conditional Use Permit Application:

A. In accordance with the California Environmental Quality Act, the proposed project has been deemed to be categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(4) as a project is exempt from CEQA if it is rejected or disapproved by a public agency.

PASSED, APPROVED AND ADOPTED by the City of Temecula Planning Commission this 1st day of May 2024.

Bob Hagel, Chair

ATTEST:

Luke Watson
Secretary

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss
CITY OF TEMECULA)

I, Luke Watson, Secretary of the Temecula Planning Commission, do hereby certify that the foregoing PC Resolution No. 2024- was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 1st day of May 2024, by the following vote:

- AYES: PLANNING COMMISSIONERS:
- NOES: PLANNING COMMISSIONERS:
- ABSTAIN: PLANNING COMMISSIONERS:
- ABSENT: PLANNING COMMISSIONERS:

Luke Watson
Secretary