

PC RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA APPROVING PLANNING APPLICATION NO. PA23-0323, A PUBLIC CONVENIENCE OR NECESSITY APPLICATION FOR A PROPOSED TYPE 21 (OFF-SALE GENERAL) AND TYPE 86 (INSTRUCTIONAL TASTING) ALCOHOL LICENSE FOR SMART & FINAL LOCATED AT 32937 TEMECULA PARKWAY AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (APN: 921-281-021)

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

A. On August 9, 2023, Richard Phegley filed Planning Application No. PA23-0323 Public Convenience or Necessity 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 November 15, 2023, 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 approved Planning Application No. PA23-0323 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: Finding of Public Convenience or Necessity, Development Code Section 17.10.020:

A. The proposed use is consistent with the General Plan and Development Code.

The proposed use is consistent with the City of Temecula General Plan which specifies that the Highway/Tourist Commercial designation includes retail, professional office, and service oriented business including supermarkets, department stores, theaters, restaurants, professional and medical offices, and specialty retail stores. The sale of beer, wine and distilled spirits would serve as an incidental use to the establishment operations. The proposed use is consistent with the Development Code which allows for grocery stores. Per Temecula Municipal Code Section 17.10.020.B.2, the sale of alcoholic beverages at grocery stores is a permitted use when the primary use is permitted by right.

B. Whether or not the proposed use is compatible with the nature, condition and character of adjacent land uses.

The use is compatible with the nature, condition and development of adjacent uses, buildings and structures as the use is located in a developed commercial center containing other retail and restaurant businesses, and the proposed conditional uses will not adversely affect the adjacent uses, buildings or structures.

C. Whether or not the proposed use would have an adverse effect on adjacent land uses.

The proposed use will not adversely affect the adjacent uses, buildings or structures as the surrounding uses are commercial in nature. In addition, the site 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 the Development Code.

D. Whether or not the proposed use would result in an excessive number of similar establishments in close proximity.

The project is located in a Census Tract which ABC considers “over-concentrated” with off-sale licenses. Per ABC, two (2) off-sale licenses are allowed in this tract, and seven currently exist. Therefore, a Finding of Public Convenience or Necessity is required for the project to be the eighth establishment with an off-sale ABC License within the Census Tract. A license for a project in the census tract for a Type 21 (off-sale general) would not result in an excessive number of similar establishments as it would be the eighth off-sale license and would allow the applicant to be competitive with similar businesses in the census tract and the City of Temecula.

Section 3. Environmental Findings. The Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Public Convenience or Necessity Application:

A. In accordance with the California Environmental Quality Act, the proposed project has been deemed to be categorically exempt from further environmental review (15301, Class 1, Existing Facilities)

Section 4. Conditions. The Planning Commission of the City of Temecula approves Planning Application No. PA23-0323, subject to the Final Conditions of Approval set forth on Exhibit A, Statement of Operations and Justification and set forth on Exhibit B, the Plans, attached hereto, and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED by the City of Temecula Planning Commission
this 15th day of November 2023.

Lanae Turley-Trejo, 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. 2023-__ was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 15th day of November 2023, by the following vote:

AYES: PLANNING COMMISSIONERS:

NOES: PLANNING COMMISSIONERS:

ABSTAIN: PLANNING COMMISSIONERS:

ABSENT: PLANNING COMMISSIONERS:

Luke Watson
Secretary