

**STAFF REPORT – PLANNING
CITY OF TEMECULA
PLANNING COMMISSION**

TO: Planning Commission Chairperson and members of the Planning Commission

FROM: Luke Watson, Deputy City Manager

DATE OF MEETING: November 1, 2023

PREPARED BY: Eric Jones, Case Planner

**PROJECT
SUMMARY:**

Planning Application Number PA23-0236, A Modification Application to a Conditional Use Permit to revise Conditions of Approval related to operating hours for a new restaurant (Kalaveras). The proposed revisions will allow the restaurant to remain open until 12:00 AM on Fridays and Saturdays. Additionally, Saturday and Sunday opening hours will begin at 10:00 AM. The restaurant must open at 11:00 AM on Saturdays and Sundays and close at 11:00 PM on Fridays and Saturdays under the current Conditional Use Permit.

RECOMMENDATION: Adopt a Resolution approving the project subject to Conditions of Approval

CEQA: Categorically Exempt
Section 15301, Class 1, Existing Facilities

PROJECT DATA SUMMARY

Name of Applicant: Jose Bahena

**General Plan
Designation:** SPI (Specific Plan Implementation)

Zoning Designation: SP-5 (Old Town)

**Existing Conditions/
Land Use:**

Site: Existing Commercial Structure / SPI (Specific Plan Implementation)

North: Existing Alley, Existing Commercial Structure / SPI (Specific Plan Implementation)

South: Fourth Street, Existing Commercial Structure / SPI (Specific Plan Implementation)
 East: Existing Commercial Structure / SPI (Specific Plan Implementation)
 West: Old Town Front Street, Existing Commercial Structure / SPI (Specific Plan Implementation)

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
Lot Area:	0.19 Acres Existing	0.80 Acres Minimum
Total Floor Area/Ratio:	N/A	N/A
Landscape Area/Coverage:	N/A	N/A
Parking Provided/Required:	N/A	N/A

AFFORDABLE/WORKFORCE HOUSING

Located in Housing Element Vacant Sites Inventory? ☐ Yes ☒ No

Located in Affordable Housing Overlay Zone (AHOZ)? ☐ Yes ☒ No

AHOZ Gain/Loss: +/- N/A

BACKGROUND SUMMARY

On March 17, 2021, the Planning Commission approved Planning Application number PA20-1074, a Conditional Use Permit (CUP) to allow for an Alcoholic Beverage Control Type 47 license. The CUP included operating hours as well as other requirements and was intended for a restaurant on the project site that is no longer in existence.

On June 6, 2023, Jose Bahena submitted Planning Application PA23-0236, a Modification Application to allow for a revision to the originally approved CUP related to hours of operations. Staff has worked with the applicant to ensure that all concerns have been addressed, and the applicant concurs with the recommended Conditions of Approval.

ANALYSIS

The proposed Modification will amend the current CUP to allow for an increase in operating hours for a new restaurant. Operating hours under the current approved CUP are:

- Monday – Sunday from 11:00 AM – 11:00 PM

The modification will extend the closing hour for Fridays and Saturdays from 11:00 PM to 12:00 AM. Additionally, Saturday and Sunday opening hours will begin at 10:00 AM instead of the currently approved 11:00 AM. The complete proposed operating hours for the restaurant are as follows:

Day	Open	Close
Monday – Thursday	11:00 AM	11:00 PM
Friday	11:00 AM	12:00 AM
Saturday	10:00 AM	12:00 AM
Sunday	10:00 AM	11:00 PM

The project proposes no revisions to the existing Type 47 license. The project also does not propose any revisions to the existing site or structure. Finally, the applicant has not proposed entertainment as part of the application. Staff has informed the applicant that an Entertainment License or Temporary Use Permit are the appropriate application types for any future entertainment.

LEGAL NOTICING REQUIREMENTS

Notice of the public hearing was published in *The Press-Enterprise* on October 19, 2023 and mailed to the property owners within the required 600-foot radius.

ENVIRONMENTAL DETERMINATION

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

The application will allow a revision to an existing CUP to extend the closing time on Fridays and Saturdays to accommodate a new restaurant. There are no revisions proposed to the existing site or structure as part of the application. The CUP was originally approved for a restaurant. The new use is also a restaurant. The additional operational hours on Friday and Saturday evenings represents a negligible expansion of the former use.

FINDINGS

MODIFICATIONS (Section 17.05.030.E)

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 application will allow for a modification to an existing CUP that will increase a proposed restaurant's closing time from 11:00 PM to midnight on Fridays and Saturdays. The original CUP was approved for a restaurant and the new use is also a restaurant. Restaurants continue to be a permitted use with the Old Town Specific Plan. Therefore, the use will remain in

conformance with the General Plan for Temecula and with all applicable requirements of State law and other Ordinances of the City.

The overall development of the land is designed for the protection of the public health, safety, and general welfare.

The application will allow for a modification to an existing CUP that will increase a proposed restaurant's closing time from 11:00 PM to midnight. The project has been reviewed to ensure compliance with the Building, Development, and Fire Codes. These codes contain provisions designed to ensure for the public health, safety, and general welfare. Negative impacts are not anticipated.

- ATTACHMENTS:**
1. Vicinity Map
 2. PC Resolution
 3. Exhibit A – Draft Conditions of Approval
 4. Exhibit B - Statement of Operations/Menu
 5. Exhibit C - Plan Reductions
 6. Notice of Public Hearing
 7. Draft Notice of Exemption