

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Council

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

**DATE:** April 11, 2023

**SUBJECT:** Conduct Hearing In the Matter of the Revocation of Conditional Use Permit For the Operation of The Bank and Consider Proposed Decision of the Office of Administrative Hearing Officer and Confirmation of Decision by Planning Commission

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

**RECOMMENDATION:** That the City Council conduct a public hearing in the matter of the revocation of the conditional use permit (“CUP”) for the operation of The Bank; consider the proposed decision of the Office of Administrative Hearing Officer as adopted with modification by the Planning Commission; and render a decision upholding or denying the proposed decision of the Planning Commission revoking the CUP. This hearing is proceeding under Temecula Municipal Code Section 17.03.085.

**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.

The general process for the conducting the hearing before the City Council is as follows:

1. The Mayor will call the matter for consideration.
2. The attorney(s) for the City will argue the case for upholding the proposed decision. (45 mins total including rebuttal time)
3. The attorney(s) for The Bank will argue the case for denying and/or modifying the proposed decision. (45 mins)
4. The attorney(s) for Zip Third Investments will argue the case for denying and/or modifying the proposed decision. (45 mins)
5. The attorney(s) for the City will have a rebuttal opportunity. (as reserved from total time noted above)
6. The City Council will receive public comment.
7. The attorneys for the City, The Bank, and Zip Third Investments will get 5 minutes each to respond to the public comment.
8. The City Council will discuss and decide the matter. A resolution setting forth the City Council's decision will be adopted at a subsequent meeting and notice will be provided to all parties.

A full record of all proceedings held to date and exhibits are attached and noted in the attachments list below.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

1. Office of Administrative Hearings – Proposed Decision
2. Planning Commission - Agenda Packet (Record of Proceedings)
3. Planning Commission – Transcript of Proceedings
4. Planning Commission - Resolution No. 2023-04
5. City Council – Appeal from Bank Restaurant
6. City Council – Appeal from Zip Third Investments