

## **PC RESOLUTION NO. 2024-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA DENYING PLANNING APPLICATION NO. PA18-1390, A MODIFICATION TO A CONDIITONAL USE PERMIT TO ALLOW AN EXISTING RESTAURANT (OLD TOWN PUB & GRUB) LOCATED AT 28677 OLD TOWN FRONT STREET TO REVISE THE OPERATING HOURS TO MONDAY THRU SUNDAY 9:00 AM TO 1:30 AM. AND THE ENTERTAINMENT HOURS TO MONDAY/TUESDAY/THURSDAY/SUNDAY 7:30 PM – 12:30 AM, WEDNESDAY 8:00 PM - 12:30 AM, AND FRIDAY/SATURDAY 6:00 PM – 1:30 AM, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (APN: 922-045-033)**

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

A. On July 17, 2013 the Planning Commission approved Planning Application No. PA13-0127, a Conditional Use Permit to allow for a California Alcoholic Beverage Control (ABC) Type-47 license (on-sale general beer, wine, and distilled spirits) and entertainment for a bona fide eating establishment (Pub and Grub).

B. On October 5, 2018, Eward Ryder filed Planning Application No. PA18-1390, Minor Modification to a Conditional Use Permit Application in a manner in accord with the City of Temecula General Plan and Development Code.

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

D. The Planning Commission, at a regular meeting, considered the Application and environmental review on February 21, 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.

E. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission denied Planning Application No. PA18-1390 subject to and based upon the findings set forth hereunder.

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

Section 2. Further Findings. The Planning Commission, in denying the Application hereby finds, determines and declares that the Modification Application PA18-1390 is not in accordance with Development Code Section 17.04.010.E (Conditional Use Permits)

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

*The proposed conditional use modification is not consistent with the General Plan and Development Code. The Development Code states, "A Conditional Use Permit is intended to allow the establishment of those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location." This allows the City to provide unique requirements for uses such as the subject establishment.*

*The proposed extension of hours is 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. The excessive calls for service and excessive code enforcement citations illustrate that the existing use is not compatible with existing commercial and residential uses. In addition, Section 9.10 of the Temecula Municipal Code states that entertainment shall cease at 11:59 P.M. Therefore, the times proposed by the project cannot be supported.*

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 project seeks to allow an establishment's operational and entertainment hours to be extended beyond what has been previously approved. The existing establishment has a history of producing an excessive amount of calls for service. Many of these calls for service were related to battery, assault with a deadly weapon, driving under the influence (D.U.I.), noise, and drunk in public. From January 1, 2018 to December 31, 2023 the police responded to 458 calls for service at Old Town Pub & Grub. Of these calls, 150 were between the hours of 12:00 A.M. and 2:00 A.M. and many were related to battery, assault with a deadly weapon, driving under the influence (D.U.I.), noise, and drunk in public. In addition, Fire has provided multiple warnings to the establishment for operating above the allowable occupancy limit. Fire was also required to close the business for operating above the allowable occupancy. Fire also responded to a total of 74 calls for service from January 1, 2018 to December 31, 2023. Of these calls, 37 were between the hours of 12:00 AM and 2:00 AM. Many of the calls were related to drunkenness and assaults. This establishment has a history of having an adverse impact on other uses in Old Town as it has generated a substantial number of calls for service. In addition, this establishment has imposed a burden on the City's Code Enforcement Division that has had to respond to and investigate over 388 incidents at Old Town Pub and Grub when the business was operating past the time allowed pursuant to the Conditional Use Permit.*

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 containing a restaurant. Restaurant uses have been located at this site and within the subject structure for many years. 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.*

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

*The proposed modification will allow for an increase in operational hours for entertainment and alcohol service to 12:30 A.M. Monday through Thursday and Sunday as well as 1:30 A.M. on Friday and Saturday. The project is currently approved to have entertainment until 10:00 P.M. Wednesday and Thursday and on Friday and Saturday until 12:00 AM. The City Council and Planning Commission have provided policy direction that all entertainment shall cease at 11:59 P.M. for the public health and safety, and general welfare of the community per the City of Temecula Municipal Code Section 9.10. By proposing to operate beyond these hours, the project will be detrimental to the health, safety, and general welfare of the community.*

*In addition, the establishment has generated an excessive number of calls for service during their operations between 2018 and 2023 (458 calls). The establishment also operated beyond their approved hours (12:00 A.M.) until 2:00 AM. This resulted in calls for service for the Riverside County Sheriff's Department between the hours of 12:00 AM and 2:00 AM (150 calls). Many of the calls were related to battery, assault with a deadly weapon, Driving Under the Influence (D.U.I.), noise, and drunk in public issues. In addition, Fire has provided multiple warnings to the establishment for operating above the allowable occupancy limit. Fire was also required to close the business for operating above the allowable occupancy. Fire also responded to a total of 74 calls for service from January 1, 2018 to December 31, 2023. Of these calls, 37 were between the hours of 12:00 AM and 2:00 AM. Many of the calls were related to drunkenness and assaults. The City's Code Enforcement Division was also required to issue a total of 388 citations between this same time. Furthermore, the Old Town Specific Plan includes 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. The excessive calls for service and excessive code enforcement citations indicates that that existing use is not compatible with existing commercial and residential uses. As a result, the proposed changes would be considered detrimental to 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 Modification to the existing 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 denial 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 21st day of February, 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. 2024-02 was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 21st day of February 2024, by the following vote:

AYES:       5   PLANNING COMMISSIONERS:     Hagel, Ruiz, Solis, Turley-Trejo, Watts  
NOES:       0   PLANNING COMMISSIONERS:     None  
ABSTAIN:   0   PLANNING COMMISSIONERS:     None  
ABSENT:     0   PLANNING COMMISSIONERS:     None

  
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Luke Watson  
Secretary