

**PC RESOLUTION NO. 2023-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA APPROVING PLANNING APPLICATION NO. 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. AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (APN 922-033-021)**

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

A. On March 17, 2021, the Planning Commission approved Planning Application No. PA20-1074, a Conditional Use Permit application for a proposed Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control (ABC) license for a future restaurant located at 28588 Old Town front Street, second floor.

B. On June 6, 2023, Jose Bahena, filed Planning Application No. PA23-0236, a Major Modification 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 November 1, 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.

E. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission approved Planning Application No. PA23-0236 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 approving the Application hereby finds, determines and declares that:

Modifications, Development Code Section 17.05.030.E

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 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 Friday's 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.*

B. 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.*

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

A. 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.*

Section 4. Conditions, Statement of Operations, and Plans. The Planning Commission of the City of Temecula approves Planning Application No. PA23-0236, a Modification Application to a Conditional Use Permit to revise Conditions of Approval related to operating hours for a new restaurant located at 28588 Old Town Front Street, subject to the Final Conditions of Approval set forth on Exhibit A, Statement of Operations set forth on Exhibit B, and the Plans set forth on Exhibit C, attached hereto, and incorporated herein by this reference.

**PASSED, APPROVED AND ADOPTED** by the City of Temecula Planning Commission  
this 1<sup>st</sup> day of November, 2023.

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Lanae Turley-Trejo, Chair

ATTEST:

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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 1st day of November, 2023, by the following vote:

AYES:                    PLANNING COMMISSIONERS:

NOES:                   PLANNING COMMISSIONERS:

ABSTAIN:               PLANNING COMMISSIONERS:

ABSENT:                PLANNING COMMISSIONERS:

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Luke Watson  
Secretary