



PLANNING DIVISION  
41000 Main Street  
Temecula, CA 92590

951-694-6400  
TemeculaCA.gov/planning

# APPEAL

## IMPORTANT NOTICE:

Appeals must be filled within **15 calendar days** following the date of action by the approval body.

### Introduction

This handout summarizes Temecula's appeal requirements. Appeal requirements are specified in Section 17.03.090 of the Temecula Municipal Code.

### What is the purpose of an Appeal?

The purpose of the appeal procedure is to provide a method of recourse for persons aggrieved by or dissatisfied with any action by the City in the administration or enforcement of the Development Code.

### Who considers appealed decisions?

Approval Body		Appealed To
Planning Director	➔	Planning Commission
Planning Commission		City Council

### How do I apply for an Appeal?

In order to file an Appeal, the following must be provided:

- A complete application must be submitted to the Planning Department (within 15 calendars days following the date of action by the acting body)
- The correct processing fee (available at [TemeculaCA.gov/fees](http://TemeculaCA.gov/fees))

### What information must be provided in the appeal application?

The application shall indicate the specific decision to be appealed. The specific grounds of the appeal and the relief or action sought from the Planning Commission or City Council.

### What are the procedures of the appeal hearing?

During the appeal hearing the appellant is limited to a presentation of the specific grounds of the appeal and matters set forth in the appeal application. In addition, the appellant shall have the burden of establishing why the appealed action should be altered, reversed or modified.

### What actions can the hearing body take?

The Planning Commission or City Council may continue the matter and at the conclusion of its consideration, may affirm, reverse or modify the action which was initially taken. In addition, the Planning Commission or City Council may take any action which might have been taken originally with the exception of a variance which cannot be approved if previously denied without specific findings being made as identified in Section 17.04.040(F) of the Development Code.

**NOTE: Do not use this form for Massage Appeals. Please utilize the Massage Appeal Form located at [TemeculaCA.gov/massage](http://TemeculaCA.gov/massage).**



## SUBMITTAL CHECKLIST

APPLICANT ✓	STAFF ✓	# OF COPIES	SECTION	REQUIRED ITEMS Detailed instructions for each section can be found in this packet. Incomplete applications will not be accepted. Use this checklist to make sure all requirements are fulfilled.
✓		1	A	Completed application, signed application, and filing fee (within 15 calendar days following the date of action by an approval body).
✓		1	B	Written description of what action is being appealed
✓		1	C	Written description to support the appeal
✓		1	D	Evidence to support position
✓		1	E	Written description of desired action to be taken
✓		2	F	Public Hearing Requirements (two identical packages)
✓		1	G	SB1214/Architectural Drawings

### BEFORE SUBMITTING PLEASE REMEMBER

#### Fees:

Fees will be required to submit your application. Please contact a Planner at 951-694-6400 to obtain fees prior to your submittal. We suggest that you bring an additional check in-case your scope of work requires additional fees. Additional fees may be required while your application is being processed (for outside agencies, additional permitting requirements, etc...). Fees may be found at [TemeculaCA.gov/planning](http://TemeculaCA.gov/planning)

#### Appointment:

Prior to your submittal, please contact the Senior Planner to schedule an appointment at 951-694-6400.



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# APPEAL

## SECTION A

## APPEAL APPLICATION (PUBLIC HEARING)

NOTE: DO NOT USE THIS FORM FOR MESSAGE APPEALS. VISIT [TEMECULACA.GOV/MESSAGE](http://TEMECULACA.GOV/MESSAGE)

### PROJECT INFORMATION

Original Planning Application Number(s)

No. PA18-1390

Appealing the Decision of:

☐ Director of Community Development ☐ Director's Hearing ☒ Planning Commission

Date of Decision

2/21/2024

Briefly specify what action or decision is being appealed

The Planning Commission denial on PA18-1390 regarding the request for Old Town Pub&Grub to be allowed to

extend operating hours till 1:30am and allow entertainment till 12:30 Sunday-Thursday and 1:30am Fri and Sat.

### ADDITIONAL PROJECT INFORMATION

Assessor's Parcel No(s)

922-045-033

Legal Description (Tract, Lot No.)

Lot No. 9

Street Address(es)

28677 Old Town Front Street

General Location

Located on the on the Northwest corner of Old Town Front St & 3rd St

### APPLICANT/REPRESENTATIVE/OWNER INFORMATION

Company

E&E Ryder LLC

First Name

Erin

Middle Initial

D

Last

Ryder

Street Address

30295 White Wake Dr

City

Canyon Lake

State

CA

Zip

92587

Phone

951-514-6400

E-mail

erindryder@gmail.com

I certify that all filing requirements have been satisfied for my application. I further understand that an incomplete application cannot be accepted for processing.

Applicant's Signature

→

FOR STAFF USE

PLANNING APP. NO.

DATE STAMP

REC'D BY

**SECTION B****DESCRIPTION OF ACTION BEING APPEALED**

Specify if appealing an action of the Planning Director or the Planning Commission. Include the date of the decision to be appealed. Include the specific action that is being appealed, complete with original Planning Application Number(s), common name of project, general location of project, and any other supporting information.

**SECTION C****WRITTEN DESCRIPTION TO SUPPORT APPEAL**

Include reason or justification to support the appeal. The Appellant must submit with this appeal each issue that the appellant alleges was wrongly determined together with every agreement and a copy of every item of evidence.

**SECTION D****EVIDENCE TO SUPPORT POSITION**

The burden of proof to cause the appeal action to overturn the prior decision rests with the Appellant. If the Appeal is to the City Council, only those issues that were presented during previous hearings may be addressed. New evidence or issues may or may not be considered by the Council.

**SECTION E****DESIRED ACTION TO BE TAKEN**

Include a statement concerning the relief or action sought from the Planning Commission or City Council.

## SECTION F

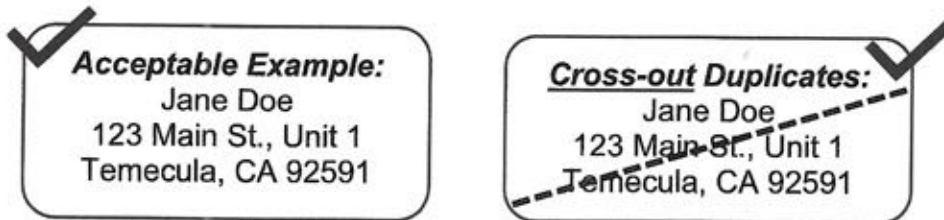
## PUBLIC NOTICING REQUIREMENTS

Information for this section may be obtained by requesting a "Radius Package" from a title insurance company. **All information is required at the time the appeal is submitted.**

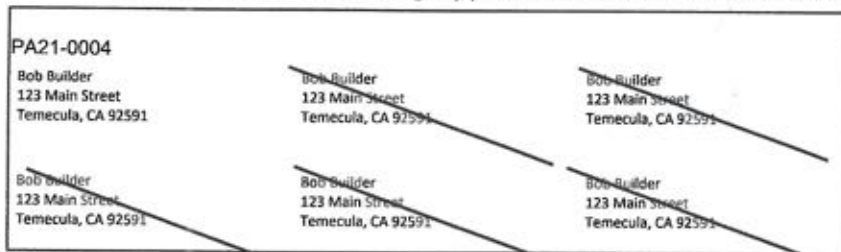
The following items are required and must be provided by the applicant:

1. **TWO** identical gummed label sets (**30 labels per sheet**). The labels must:
  - a. Indicate all the nearest property owners' names, mailing address (including unit numbers) that are within a minimum of a 600-foot radius of the exterior boundaries of the project (including all exterior boundaries of all parcels if a project includes multiple parcels). This list must be ascertained from the last equalized assessment roll.
  - b. **Duplicate property owners must be crossed out.**

SAMPLE LABELS:



- c. A minimum of **30 individual/different property owners** must be included after all duplicates are removed (even if a 600-foot radius is utilized)
- d. Include the Planning Application number on the header of the label sets (example below)



2. **TWO** photocopies of the above label sets.
3. **The TWO** identical gummed label sets & photocopies must be placed in separate 9 1/2" x 12 1/2" manila envelopes. The envelopes shall include the below information on the front:

*Example Envelope:*

PA21-1001  
Noticing Labels  
Set 1 of 2

4. **TWO** gummed labels with the mailing address for the property owner, applicant, engineer, and other representatives. Do not include duplicates if the owner, applicant, etc., are the same. These must be **placed in a letter-sized envelope that is stapled outside** of one of the large manila envelopes mentioned in step 3.
5. Certification by the Title Company, engineer, or surveyor that the above list is complete and accurate. The Tax Assessor's Office will not prepare or certify the property owner list (see certification form attached).
6. A copy of the assessor's parcel map showing all the parcels within the noticing radius. On the map, print the names of all property owners within the noticing radius as they are listed on the gummed labels. If the names are not legible due to the size of the map/lots, a separate spreadsheet may be provided.

**SECTION G****SB1214**

Pursuant to Government Code Section 65103.5 (SB 1214), a massing diagram or site plan can be submitted to the Planning Department when the design professional submits the architectural drawings to ensure information protected by copyright laws are only made available to the public in a manner that does not enable their copying.

If the design professional or owner of the copyright elects not to submit a site plan or massing diagram, then permission is deemed granted by the design professional for the public agency to make copies of as well as distribute the architectural drawings that are copyright protected.

The Planning Department is requesting a site plan and/or massing diagram to accompany this application for posting online or for distribution to the public upon request.

Will you be providing a massing diagram or site plan?

☐ Yes, I have included a massing diagram and/or site plan.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)<sup>1</sup>

\_\_\_\_\_  
(Date)

☒ No, I am electing not to submit a site plan or massing diagram and understand that my architectural drawings will be made public. Permission is deemed granted to post the architectural drawings online or to provide copies to the public without the restrictions that would otherwise apply.

Erin D Ryder  
\_\_\_\_\_  
(Print Name)

  
\_\_\_\_\_  
(Signature)<sup>1</sup>

3/1/24  
\_\_\_\_\_  
(Date)

<sup>1</sup> Signature should be of the design professional or owner of the copyright for the architectural drawings, if different from the design professional.

## Section B: DESCRIPTION OF ACTION BEING APPEALED

E&E Ryder LLC is appealing the action of the Planning Commission from February 21<sup>st</sup>, 2024. They had denied the request of Old Town Pub & Grub to stay open till 1:30am and have live entertainment every night of the week. Live entertainment would be Sunday-Thursday till 12:30am and Friday/Saturday till 1:30am. This was application number PA18-1390. It was for an extension of current operating hours and allowance for more live entertainment throughout the week. The original operating hours were established in 2013 and this request for extended operating hours was submitted in 2018 and was not heard in front of the Planning Commission till 2024. The general location of this establishment is on the Northwest corner of Old Town Front St and 3<sup>rd</sup> St.

## Section C: WRITTEN DESCRIPTION TO SUPPORT APPEAL

The reason why we are appealing this decision is that there are multiple businesses open till 2am in Old Town, this business was as well when purchased in 2018 and no one cared about it. In 2018, the only "nightclubs" in Old Town were Baileys, Blackbirds, and Old Town Pub & Grub. Stampede, Wine & beer Garden and Old Town Blues Club were also open later as well but offered different types of entertainment. After the Covid-19 Pandemic, multiple "bad actors" came into town such as The Bank and Adelaide's and tried to get on the "bandwagon" of nightlife in Old Town and skirt the rules. While we were receiving citations for being open past 12am, no one actually came to tell us we have to stop. We would get citations, then mail a check, and no one cared for years. Then when it became an issue we were asked to meet at City Hall with City Officials. In doing so, we were told to comply with the CUP or face litigation. We complied THAT DAY and have been since then. This request for a modification has been ongoing since 2018. If the city officials would have approved the modification when applied for this wouldn't have been an issue for so many years. There has not been any help or assistance with the modification process from the city officials. You are sent a form telling you what's wrong and your expected to just "figure it out" without any guidance or support from anyone. The reasoning given to the Planning Commission as to not approve our request was "excessive calls for service". What metric is determined to be considered "excessive"? What is our comparison to other locations in Old Town? There are statistics that were shown to the Planning Commission that are not true, such as a stabbing occurring at our restaurant in 2020, as well as other calls for service that did not happen due at our business that were pinned on our business due to just its location. Even the "Drunk in Public" numbers that are claimed to have been because of my establishment, where is the burden of proof? If someone is picked up on the sidewalk or in my parking lot and are intoxicated, it gets claimed as an issue with my business, even if they were never a customer of mine. There are countless times customers are turned away due to being intoxicated. If they get picked up on the street by the police, and they are asked "where did they just come from", and they say my business, it goes against me. That is not fair to my business without their being proof that my establishment was the cause of the issue.

There is a desire for nightlife in Old Town, and it comes from the locals and tourists. We get customers visiting Wine Country or Pechanga that come to Old Town, as well as locals who not only live in Temecula, but literally live in Old Town or right next door to our location. They love our location and what we offer for entertainment. Since closing at 12am this business has lost revenue, lost staffing to other locations open later, and even had to lay off staff and cut shifts due to lack of hours and customers. There is a need for nightlife in Old Town, wither its live music at Blues Club and Wine n Beer Garden, or a night club atmosphere at Baileys, Blackbirds, or Old Town Pub & Grub, it's wanted and needed. Ask anyone walking Old Town past 11pm. They are here to spend money, make memories and have fun. You should ask them, "would you come to Old Town if everything closed at 12am?" I promise you the answer will be no.

## Section D: EVIDENCE TO SUPPORT POSITION

Evidence to support an appeal goes back to the years of trying to complete this modification. If it would have been granted years ago, especially before the Covid-19 pandemic, it never would have been an issue. While the numbers on the police and fire reports paints us in a bad light, there is some discrepancies. In the Cal Fire report it states there was a stabbing at my establishment in 2020. This is not true. There has never been a stabbing at my restaurant. As of the writing of this appeal we are requesting reports through the Sheriff's department and Cal Fire to confirm this as well as other reports listed. While we do know that our location is not perfect and we have our own fair share of issues, we know that we run a very organized and safe operation. You can ask any of the Metro team of Fire Marshals that inspect us every weekend. There is more evidence within those charts reporting to the Planning Commission of us working very diligently on creating a safe and fun environment for everyone. From 2022 to 2023 all of the statistics were cut in half or even more. There were also a lot of other "bad actors" in Old Town causing issues for everyone. In 2022, The Bank and Adelaide's Lounge were at their peak and creating an unsafe environment for everyone. With having both of them on either side of my location there would be a lot of spillover from those locations when they had issues, resulting in issues happening in front of or at my establishment. This once again proving that these statistics are not accurate. Because someone is stopped in front of my location, or in my parking lot, 9 out of 10 times it is attached to my address as where the incident took place, even if they were never my customer to begin with.

## Section E: DESIRED ACTION TO BE TAKEN

The desired action of Old Town Pub & Grub is to be able to provide an environment of nightlife entertainment that is desired in Old Town. We would like to be able to provide that to the residents and tourists of the area. We want to do so by providing live entertainment every night of the week. We would like to extend our business hours of operations to 12:30am Sunday-Thursday and 1:30am on Friday and Saturday.

If we are denied the ability to stay open past 12am any night of the week, then at a minimum we would like to at least be able to provide live entertainment every night till 12am. As of right now, we are only allowed to have live entertainment Wednesday and Thursday till 10pm, and Friday and Saturday till 12am. We currently do not have any live entertainment Sunday-Tuesday.