

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

TO: Planning Commission Chairperson and members of the Planning Commission

FROM: Matt Peters, Interim Director of Community Development

DATE OF MEETING: October 2, 2024

PREPARED BY: Jaime Cardenas, Case Planner

PROJECT

SUMMARY: Planning Application No. PA24-0254, a Conditional Use Permit application for a Type 47 ABC license for Landeros Mexican Grill and Cantina located at 41925 Fifth Street, Suite 102.

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

CEQA: Categorically Exempt
Section 15301, Class 1, Existing Facilities
Section 15061(b)(3)

PROJECT DATA SUMMARY

Name of Applicant: Veronica Landeros

General Plan

Designation: Specific Plan Implementation (SPI)

Zoning Designation: Old Town Specific Plan (SP-5)

**Existing Conditions/
Land Use:**

Site: Existing Mix-Use Structure / SPI (Specific Plan Implementation)

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

South: Fifth Street, Existing Commercial Structure / SPI (Specific Plan Implementation)

East: Existing Mix-Use Structure / SPI (Specific Plan Implementation)

West: Existing Mix-Use Structure / SPI (Specific Plan Implementation)

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
Lot Area:	0.32 Acres	N/A
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 July 2, 2024, Veronica Landeros submitted Planning Application PA24-0254, a Conditional Use Permit application for Landeros Mexican Grill & Cantina to obtain a Type 47 ABC license. 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 2,954 square-foot Landeros restaurant is located on the first floor of the Cameron Historical Building and is currently surrounded by other food and retail uses including Old Town Spice & Tea Merchants and Two Travelers Wine Bar. Landeros Mexican Grill & Cantina is a full-service restaurant specializing in Mexican cuisine and currently operates Tuesday through Sunday with hours ranging from 11:00 AM to 9:00 PM. The restaurant intends to expand the hours of operation to 9:00 AM through 11:59 PM consistent with the City’s recently amended Alcohol Ordinance No. 2024-03. Landeros currently holds a California Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine–Eating Place) license. The request for a Type 47 (On-Sale General -Eating Place) license will allow for spirit-based drinks on the menu to accompany the meals.

Staff has confirmed with ABC that the Planning Commission does not make the finding of Public Convenience or Necessity (PCN) for restaurants. ABC will process the findings of Public Convenience or Necessity upon approval of the Conditional Use Permit after the license application process has been initiated. The applicant must state their case in support of the PCN to ABC rather than the local jurisdiction in the request of a Type 47 On-Sale for Bona Fide Public Eating Place (Restaurant) license. Conditions of approval have been added to the Conditional Use Permit that requires a full menu to be available at all hours that alcohol is served, and that

termination of alcohol sales shall be no less than one half hour prior to the closing for all days of operation.

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 September 20, 2024 and mailed to the property owners within the required 600-foot radius.

ENVIRONMENTAL EXEMPTION

In accordance with the California Environmental Quality Act, the proposed project has been deemed to be categorically exempt from further environmental review.

Under Section 15301 of the CEQA Guidelines, Class 1, Existing Facilities, licensing and permitting that involves negligible or no changes in use qualify for a categorical exemption. The existing restaurant currently holds a Type 41 license which allows for the sale of beer and wine. Alcohol sales are incidental uses and the sale of distilled spirits (on-sale) involves a negligible change in use. Additionally, all access and public utilities are available to the site, and the use is in conformance with all zoning requirements of the Development Code.

Moreover, the proposed project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the sale of alcohol to patrons may have a significant effect on the environment. As noted above, restaurant use is not expanded or altered in any way. Instead, the service of alcohol would be an incidental use to the restaurant's overall operations.

FINDINGS

Conditional Use Permit (Development Code Section 17.04.010 E)

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

Landeros Mexican Grill & Cantina restaurant will operate as a full-service restaurant with the primary purpose of offering a full menu of food within a restaurant building. The proposed conditional use is consistent with the Old Town Specific Plan which conditionally allows for restaurants to operate with a Type 47 On-Sale General license for Bona Fide Public Eating Place (Restaurant). The project is consistent with the applicable General Plan designation because a restaurant is an allowable use within the Downtown Core Planning Area of the Old Town Specific Plan. Therefore, the proposed project is in conformance with the General Plan. The sale of distilled spirits would serve as an incidental use to the establishment's operations.

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.

Landeros Mexican Grill & Cantina restaurant is proposed within an existing mix-use building on a developed lot within the SPI General Plan land use designation. As conditioned, the proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures, and the proposed conditional uses will not adversely affect the adjacent uses, buildings or structures. The existing retail center contains other retail and alcohol-serving restaurant uses that are compatible with the proposed use.

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 application will allow for a Type 47 On-Sale General license for a Bona Fide Public Eating Place at a restaurant. The site for the proposed conditional use is adequate in size and shape to accommodate the yards, walls, fences, buffer areas, landscaping, and other development features prescribed in the Development Code and required by the Planning Commission or City Council in order to integrate the use with other uses in the neighborhood.

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

As conditioned, the project meets all requirements of the Planned Development Overlay, General Plan, Development Code, Fire Code and the Building Code which provide safeguards for the health, safety and general welfare of the community. Therefore, the project is not anticipated to be detrimental to the health, safety and general welfare of the community.

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 Commission or City Council on appeal.

The decision to conditionally approve the application for a Conditional Use Permit has been based on substantial evidence in view of the record as a whole before the Planning Commission.

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