

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

**TO:** Planning Commission Chairperson and members of the Planning Commission

**FROM:** Luke Watson, Director of Community Development

**DATE OF MEETING:** May 6, 2020

**PREPARED BY:** Eric Jones, Case Planner

**PROJECT SUMMARY:** Planning Application Number PA19-1281, a Conditional Use Permit application to allow a Type 42 (On-Sale Beer and Wine – Public Premises) ABC license and live indoor entertainment; and PA20-0449, a Public Convenience or Necessity application for an existing micro-brewery tasting room located at 28636 Old Town Front Street, Suite 103

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

**CEQA:** Categorically Exempt  
Section 15301, Class 1, Existing Facilities

**PROJECT DATA SUMMARY**

**Name of Applicant:** William Steinkirchner

**General Plan Designation:** Specific Plan Implementation (SPI)

**Zoning Designation:** Specific Plan No. 5 (Old Town)

**Existing Conditions/  
Land Use:**

Site: Existing Two-Story Commercial Structure/Specific Plan Implementation (SPI)

North: Fourth Street, Existing Three-Story Commercial Structure/Specific Plan Implementation (SPI)

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

East: Vacant Lot/Specific Plan Implementation (SPI)

West: Fourth Street, Existing Commercial Structure/Specific Plan Implementation (SPI)

	<b><u>Existing/Proposed</u></b>	<b><u>Min/Max Allowable or Required</u></b>
<b>Lot Area:</b>	N/A	N/A
<b>Total Floor Area/Ratio:</b>	N/A	N/A
<b>Landscape Area/Coverage:</b>	N/A	N/A
<b>Parking Provided/Required:</b>	N/A	N/A
<b>AFFORDABLE HOUSING</b>		

Located in Affordable Housing Overlay Zone (AHOZ)? ☐ Yes ☒ No

AHOZ Gain/Loss: +/- N/A

## **BACKGROUND SUMMARY**

On September 23, 2019, William Steinkirchner, submitted Planning Application PA19-1281, a Conditional Use Permit (CUP) to allow an existing micro-brewery tasting room, Stone Church Brewing, to upgrade an existing ABC Type 23 License (Small Beer Manufacture) to an ABC Type 42 License (On-Sale Beer and Wine – Public Premises). On March 10, 2020, William Steinkirchner submitted Planning Application No. PA20-0449, an application for Findings of Public Convenience or Necessity.

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**

Stone Church Brewing currently maintains a Type 23 (Small Beer Manufacture) ABC license. The Conditional Use Permit will allow the applicant to obtain a Type 42 (On-Sale Beer and Wine – Public Premises) license. This license will allow for the sale of beer and wine. Distilled spirits are not allowed with a Type 42 license.

The establishment also proposes live entertainment consisting of musicians and bands from the surrounding area playing country and classic rock. All entertainment will be performed indoors. Any future outdoor live entertainment would require the review and approval of a Temporary Use Permit (TUP). Hours of operation for the establishment will be as follows:

Monday – Thursday: 12:00 P.M. – 8:00 P.M. / No Live Entertainment

Friday: 12:00 P.M. – 11:00 P.M. / Live Entertainment 7:00 P.M. – 10:00 P.M.

Saturday: 12:00 P.M. – 11:00 P.M. / Live Entertainment 7:00 P.M.- 10:00 P.M.

Sunday: 12:00 P.M.- 8:00 P.M. / No Live Entertainment

According to the California Department of Alcoholic Beverage Control (ABC), three On-Sale licenses are permitted within Census Tract 512 before the Tract is considered “over concentrated”. Currently, eighty-six active licenses exist within the tract. ABC has indicated that Findings of Public Convenience or Necessity (PC or N) are required. These findings are included as part of the draft approval documents for the project.

## **LEGAL NOTICING REQUIREMENTS**

Notice of the public hearing was published in the *SD Union Tribune* on April 23, 2020, and mailed to the property owners within the required 600-foot radius.

## **ENVIRONMENTAL DETERMINATION**

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 Conditional Use Permit for a Type 42 (On-Sale Beer and Wine – Public Premises) license with findings of Public Convenience or Necessity at Stone Church Brewing involves a negligible expansion of the existing use. The business is already operating as a microbrewery tasting room. Beer sales are already permitted at the establishment under the applicant’s Type 23 license. There will not be any physical changes made to the structure as part of this application. Live entertainment will be allowed, but will only occur indoors and during limited hours. As such, this is a negligible expansion of an existing use.*

## **FINDINGS**

### Conditional Use Permit (Development Code Section 17.04.010.E)

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

*The business operates as a beer tasting facility within an existing building. The proposed conditional use is consistent with the City of Temecula General Plan, which specifies Specific Plan Implementation (SPI) for this site, and conditionally allows establishments to operate with a Type 42 (On-Sale Beer and Wine – Public Premises). In addition, the project is in conformance with the Old Town Specific Plan. This document allows the proposed use upon approval of a Conditional Use Permit. The sale of wine 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.

*The business operates within an existing building. As conditioned, the proposed conditional use for a Type 42 (On-Sale Beer and Wine – Public Premises) is compatible with the nature, condition and development of adjacent uses, buildings and structures because the surrounding area includes similar uses such as restaurant and wine tasting establishments. The proposed conditional use*

*will not adversely affect the adjacent uses, buildings or structures. This is because the establishment already serve alcohol. Expanding the alcohol offering to include wine is a negligible expansion. With regard to live entertainment, the entertainment will begin during hours when most office uses are closed. In addition, the adjacent business to the north already offers live entertainment.*

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 the Development Code and required by the planning commission or council in order to integrate the use with other uses in the neighborhood.

*The existing building was constructed in conformance with the Building Code, and Fire Code. Therefore, the site for the 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 the Old Town Specific Plan and Development Code and required by the Planning Commission 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.

*The project meets all the requirements of the 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.*

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 Director of Community Development, 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.*

#### Public Convenience or Necessity (Development Code Section 17.10.020)

Whether or not the proposed use is consistent with the General Plan and Development Code.

*The proposed use is consistent with the City of Temecula General Plan which specifies that the project site is designated as Specific Plan Implementation (Old Town Specific Plan). The land use designation within this specific plan is Downtown Core (DTC). Establishments selling alcohol are a permitted use within the DTC.*

Whether or not the proposed use is compatible with the nature, condition and character of adjacent land uses.

*Stone Church Brewing is located within an existing commercial structure on a developed lot. Other uses within the structure consist of restaurants, retail and offices. There are no sensitive uses within the structure. As conditioned, the proposed 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.*

Whether or not the proposed use would have an adverse effect on adjacent land uses.

*As conditioned, the project will meet all requirements of the Development Code, General Plan, and Old Town Specific Plan 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 project has been reviewed for, and as conditioned, has been found to be consistent with all applicable policies, guidelines, standards and regulations intended to ensure that the development will be constructed and function in a manner consistent with the public health, safety and welfare.*

Whether or not the proposed use would result in an excessive number of similar establishments in close proximity.

*Census Tract 512, where Stone Church Brewing is located, is currently considered “over-concentrated” with on-sale alcohol licenses by the California Department of Alcoholic Beverage Control (ABC). Three (3) on-sale licenses are allowed within the tract by ABC before being considered “over-concentrated.” Currently, the tract has eighty-six (86) active licenses. This concentration of on-sale licenses can be explained by the population residing in the tract versus the amount of commercial development within in the tract. Stone Church Brewing is located in Old Town, which is an area frequented by tourists and others that do not reside in Old Town. Consequently, a significant portion of the actual population utilizing these facilities does not reside within the Census Tract. As an ABC defined “over-concentrated” tract, a Finding of Public Convenience or Necessity is required for the approval of the Type 42 (On-sale beer and wine – Public Premises) ABC license.*

- ATTACHMENTS:**
1. Vicinity Map
  2. Plan Reductions
  3. PC Resolution – Conditional Use Permit  
Exhibit A - Draft Conditions of Approval
  4. PC Resolution – Public Convenience or Necessity  
Exhibit A – Draft Conditions of Approval
  5. Notice of Public Hearing
  6. Draft Notice of Exemption for County Clerk