

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

DATE OF MEETING: May 6, 2020

TO: Planning Commission Chairperson and members of the Planning Commission

FROM: Luke Watson, Director of Community Development

PREPARED BY: Jaime Cardenas, Case Planner

PROJECT SUMMARY: Planning Application Number PA19-1524, a Conditional Use Permit modification to allow for extended hours of restaurant operations, including the hours for live indoor entertainment within the future Be Good Restaurant, located at 28636 Old Town Front Street, Suite 109

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: Anthony Bennett, on behalf of Be Good Restaurant

General Plan Designation: Specific Plan Implementation (SPI)

Zoning Designation: Old Town Specific Plan (SP-5); Downtown Core (DTC)

**Existing Conditions/
Land Use:**

- Site: Existing Commercial Building / Specific Plan Implementation (SPI)
- North: Existing Commercial Building / Specific Plan Implementation (SPI)
- South: Main Street, Existing Commercial Building / Specific Plan Implementation (SPI)
- East: Vacant Lot, Existing Commercial Building / Specific Plan Implementation (SPI)
- West: Old Town Front Street, Existing Commercial Building / Specific Plan Implementation (SPI)

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
Lot Area:	.88 Acres	N/A
Total Floor Area/Ratio:	N/A	N/A
Landscape Area/Coverage:	N/A	N/A
Parking Required/Provided:	N/A	N/A

AFFORDABLE HOUSING

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

AHOZ Gain/Loss: +/- 0 Units

BACKGROUND SUMMARY

On November 30, 2018, Ricky Leigh, on behalf of Rosa’s Cantina (the former restaurant at the project site), submitted Planning Application PA18-1610. The application was for a Conditional Use Permit to allow for a California Department of Alcoholic Beverage Control (ABC) Type 47 License (On-Sale General – Eating Place) and live entertainment at the same address for the proposed Be Good Restaurant. The Planning Commission reviewed and approved PA18-1610 on March 21, 2018.

On November 20, 2019, Anthony Bennett, on behalf of Be Good Temecula –Restaurant & Experience, submitted Planning Application PA19-1524, a Conditional Use Permit modification to allow for extended hours of operation, including the hours for live indoor entertainment within the future Be Good restaurant located at 28636 Old Town Front Street, Suite 109.

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

Rosa’s Cantina previously operated at the project site, however discontinued operations in the Fall of 2019. Prior to the closure of the restaurant, the business maintained a Type 47 ABC License (On-Sale General - Eating Place) which allows for beer, wine, and distilled spirits to be served. Minors are allowed on the premises.

The proposed restaurant intends to maintain the Type 47 alcohol license and seeks to obtain approval to extend the hours of operation to host family-oriented live entertainment consisting of magic shows, live music, comedy, and dueling pianos through this modification of the existing Conditional Use Permit.

The proposed hours of operation for the future restaurant are as follows:

- Monday through Thursday 11:00 A.M. – 12:00 A.M. (formerly 11:00 A.M.- 10:00 P.M.)
- Friday through Sunday 11:00 A.M. – 2:00 A.M (formerly 9:00 A.M.- 12:00 A.M.)

LEGAL NOTICING REQUIREMENTS

Notice of the public hearing was published in the *U-T San Diego* on March 5, 2020 and April 23, 2020, and was 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 request for a Conditional Use Permit for extended restaurant hours and hours of live entertainment for the future Be Good restaurant will be conducted in an existing building and involves a negligible expansion of the existing and expected uses. All access to public utilities are available to the site. The proposed use, with issuance of a Conditional Use Permit, is in conformance with all zoning requirements contained in the Development Code.

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 full-service restaurant with the primary purpose of offering a full menu of food within an existing building. The Conditional Use Permit approved under PA18-1610 allows for the sale of distilled spirits and live indoor entertainment. This Conditional Use Permit modification proposes to extend the hours of operation consistent with the Goals, Objectives and Policies identified in the Old Town Specific Plan (Land Use/Economics-Objective 5) to “Promote and recognize Old Town’s potential as a “24-hour” destination by attracting a mix of daytime and nighttime uses into the area, including restaurants, commercial retail uses, hotels and residential development.” Furthermore, the General Plan (Economic Development- Policy 6.3) emphasizes “Continuing to expand Old Town’s role in local Tourism and improve its attractiveness, accessibility, and economic vitality, as well as it’s interaction with other local attractions.”

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 extended restaurant hours and hours of live entertainment 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 retail establishments. These types of uses are commonly grouped together. Additionally, this project is conditioned to adhere to the noise ordinances codified in the Temecula Municipal Code (Chapter 9.20). The proposed conditional use will not adversely affect the adjacent uses, buildings or structures because the surrounding buildings are designed for restaurant and retail uses.

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 Development Code, 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 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 Building Code, which provided 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.

ATTACHMENTS

1. Vicinity Map
2. Plan Reductions
3. Resolution
4. Exhibit A - Draft Conditions of Approval
5. Statement of Operations
6. Menu
7. Notice of Public Hearing
8. Notice of Exemption