

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

DATE OF MEETING: May 20, 2020

TO: Planning Commission Chairperson and members of the Planning Commission

FROM: Luke Watson, Director of Community Development

PREPARED BY: Scott Cooper, Case Planner

PROJECT SUMMARY: Planning Application No. PA20-0192, a Conditional Use Permit to allow for Antica Italia restaurant to obtain an ABC Type 47 License (On-Sale General – Eating Place) at 28475 Old Town Front Street

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: Alessandro Prestifilippo

General Plan Designation: Specific Plan Implementation (SPI)

Zoning Designation: Specific Plan #5 (Old Town)

**Existing Conditions/
Land Use:**

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

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
Lot Area:	0.31 Acres	0.08 Acres Minimum
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: N/A

BACKGROUND SUMMARY

On January 31, 2020, Alessandro Prestifilippo submitted Planning Application PA20-0192. The application is a Conditional Use Permit to allow for an ABC Type 47 License (On-Sale General – Eating Place).

On May 20, 2015 a Modification (PA14-0188) to add approximately 6,657 square feet to an existing two-story retail/office commercial structure located at 28475 Old Town Front Street was approved by the Planning Commission. The restaurant associated with the proposed Conditional Use Permit is located in this building.

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 project site is an approximately 2,484 square foot commercial suite with an outdoor patio, located within the Downtown Core District of the Old Town Specific Plan. The proposed hours of operations are Monday through Sunday, 7:00 a.m. to 11:00 p.m. Live entertainment is not proposed as part of the application.

The Conditional Use Permit will allow the restaurant to obtain a Type 47 (On-Sale General – Eating Place) License. This license will allow for beer, wine, and distilled spirits to be served on the premises. Staff has confirmed with ABC that the Planning Commission does not make the finding of Public Convenience or Necessity application (PCN) for restaurants. ABC will process the findings of PCN 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 to the local jurisdiction in the request of the license. Conditions of approval have been added to the Conditional Use Permit that requires a full menu 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 nights of operation.

LEGAL NOTICING REQUIREMENTS

The notice of the public hearing was published in the *U-T San Diego* on May 7, 2020 and mailed to the property owners within 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 will allow an existing restaurant within Old Town to obtain an ABC Type 47 (On-Sale General – Eating Place) License. The use is located within an existing structure. 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 and Old Town Specific Plan. As a result, the conditional use represents a negligible expansion of the restaurant 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 will operate as a full-service restaurant with the primary purpose of offering a full menu of food within an existing building. The proposed conditional use is consistent with the City of Temecula General Plan, which identifies that the site is located in the Specific Plan Implementation (SPI) land use category. The Development Code states that restaurants that serve distilled spirits are conditionally permitted uses. The sale of distilled spirits under a Type 47 (On-Sale General for a Bona Fide Public Eating Place) License 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.

As conditioned, the proposed conditional use for a Type 47 (On-Sale General - Eating Place) License is compatible with the nature, condition and development of adjacent uses, buildings and structures because the surrounding area includes similar uses such as restaurants that serve distilled spirits. The proposed conditional use will not adversely affect the adjacent uses, buildings or structures because the surrounding buildings are designed for restaurant uses and the site is currently approved for a restaurant 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 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 has been approved for a restaurant use and 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 Old Town Specific Plan, Development Code, Fire Code and the 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. Aerial Map
 2. Plan Reductions
 3. PC Resolution
 4. Exhibit A - Draft Conditions of Approval
 5. Statement of Operations
 6. Notice of Exemption
 7. Notice of Public Hearing