

**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 5, 2021

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

**PROJECT SUMMARY:** Planning Application Number PA21-0007, a Conditional Use Permit to allow an existing restaurant to upgrade their current Alcoholic Beverage Control (ABC) Type 41 License to an ABC Type 47 License. The project is located at 28495 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:** Steve Rawlings, on Behalf of Mad Madeline's Grill

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

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

**Existing Conditions/  
Land Use:**

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

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
<b>Lot Area:</b>	0.46 Acres	0.8 Acres (Minimum)
<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

#### **AFFORDABLE/WORKFORCE HOUSING: N/A**

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

AHOZ Gain/Loss: +/- N/A

Affordability Mix: N/A

#### **BACKGROUND SUMMARY**

On January 4, 2021, Steve Rawlings submitted Planning Application PA21-0007, a Conditional Use Permit (CUP) to allow an existing restaurant to convert their existing California Alcoholic Beverage Control (ABC) Type 41 License (On-Sale Beer & Wine – Eating Place) to a Type 47 License (On-Sale General – Eating Place).

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**

Mad Madeline’s Grill currently maintains an ABC Type 41 (On-Sale Beer & Wine – Eating Place) License. The Conditional Use Permit (CUP) will allow the applicant to obtain a Type 47 (On-Sale General – Eating Place) License. This license will allow for the sale of beer, wine, and distilled spirits. Distilled spirits are not allowed with a Type 41 License.

The establishment does not propose live entertainment as part of the CUP. Any future live entertainment would require the review and approval of a Temporary Use Permit (TUP) or an amendment to this CUP.

Hours of operation will remain unchanged as a result of this CUP. The current hours of operation are Monday through Sunday 8:00 A.M. – 10:00 P.M.

The restaurant is considered a “bona fide” eating establishment. Therefore, the California Department of Alcoholic Beverage Control will process Findings of Public Convenience or Necessity (PC & N) of the project.

## LEGAL NOTICING REQUIREMENTS

Notice of the public hearing was published in the *SD Union Tribune* on April 22, 2021 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 47 (On-Sale General – Eating Place) license at Mad Madeline's Grill involves a negligible expansion of the existing use. The business is already operating as a restaurant. Beer and wine sales are already permitted at the establishment under the applicant's Type 41 license, and the conditional use permit would allow distilled spirits to also be sold. There will not be any physical changes made to the structure or site as part of this application. Live entertainment is not a part of this application. As such, the CUP represents 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 traditional restaurant 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 47 (On-Sale General – Eating Place) license. 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 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.

*The business operates within an existing building. 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 with alcohol sales. The proposed conditional use will not adversely affect the adjacent uses, buildings or structures because the establishment already serves alcohol. Expanding the alcohol offering to include distilled spirits is a negligible expansion.*

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 built in conformance with the Building Code, and Fire Code in effect at the time of construction. 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.*

- ATTACHMENTS:**
1. Vicinity Map
  2. Plan Reductions
  3. Statement of Operations
  4. PC Resolution
  5. Exhibit A - Draft Conditions of Approval
  6. Notice of Public Hearing
  7. Notice of Exemption for County Clerk