

**PC RESOLUTION NO. 2021-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA APPROVING PLANNING APPLICATION NO. 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. AND MAKING A FINDING OF EXEMPTION UNDER SECTION 15301 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) THE PROJECT IS LOCATED AT 28495 OLD TOWN FRONT STREET (APN 922-026-008)**

Section 1. Procedural Findings. The Planning Commission of the City of Temecula does hereby find, determine and declare that:

A. On January 4, 2021, Steve Rawlings, on behalf of Mad Madeline's Grill, filed Planning Application No. PA21-0007, a Conditional Use Permit Application in a manner in accord with the City of Temecula General Plan and Development Code.

B. The Application was processed including, but not limited to a public notice, in the time and manner prescribed by State and local law.

C. The Planning Commission, at a regular meeting, considered the Application and environmental review on May 5, 2021, at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to and did testify either in support or in opposition to this matter.

D. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission approved Planning Application No. PA21-0007 subject to and based upon the findings set forth hereunder.

E. All legal preconditions to the adoption of the Resolution have occurred.

Section 2. Further Findings. The Planning Commission, in approving the Application hereby finds, determines and declares that:

Conditional Use Permit, Development Code Section 17.04.010.E

A. 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). 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.*

B. 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) 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. This is because the establishment already serves alcohol. Expanding the alcohol offering to include distilled spirits is a negligible expansion.*

C. 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.*

D. 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.*

E. 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.*

Section 3. Environmental Findings. The Planning Commission hereby makes the following environmental findings and determinations in connection with the approval of the Conditional Use Permit Application:

A. 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.*

Section 4. Conditions. The Planning Commission of the City of Temecula approves Planning Application No. PA21-0007, a Conditional Use Permit to allow an existing restaurant, located at 28495 Old Town Front Street, to upgrade their current Alcoholic Beverage Control (ABC) Type 41 License to an ABC Type 47 License, subject to the Conditions of Approval set forth on Exhibit A, attached hereto, and incorporated herein by this reference.

**PASSED, APPROVED AND ADOPTED** by the City of Temecula Planning Commission  
this 5th day of May, 2021.

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John Telesio, Vice Chairperson

ATTEST:

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Luke Watson  
Secretary

[SEAL]

STATE OF CALIFORNIA       )  
COUNTY OF RIVERSIDE     )ss  
CITY OF TEMECULA         )

I, Luke Watson, Secretary of the Temecula Planning Commission, do hereby certify that the forgoing PC Resolution No. 2021-        was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 5th day of May 2021, by the following vote:

AYES:                    PLANNING COMMISSIONERS:

NOES:                   PLANNING COMMISSIONERS:

ABSTAIN:               PLANNING COMMISSIONERS:

ABSENT:                PLANNING COMMISSIONERS:

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Luke Watson  
Secretary