

**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: July 7, 2021

PREPARED BY: Eric Jones, Case Planner

**PROJECT
SUMMARY:**

Planning Application Number PA21-0521, a Conditional Use Permit to allow an existing restaurant to convert an ABC Type 41 (On-Sale Beer and Wine – Eating Place) license to a Type 47 (On-Sale General – Eating Place) license and extend closing time from 10 P.M. to 12 A.M. The project is located at 30590 Rancho California Road, Suites C302 & C303.

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: Al Borda

**General Plan
Designation:** Community Commercial (CC)

Zoning Designation: Community Commercial (CC)

**Existing Conditions/
Land Use:**

Site: Existing Commercial / Community Commercial (CC)

North: Yukon Road, Existing Residential / Low Medium (LM)

South: Existing Commercial, Existing Parking Lot / Community Commercial (CC)

East: Existing Commercial / Community Commercial (CC)

West: Existing Commercial / Community Commercial (CC)

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
Lot Area:	1.4 Acres	0.68 Acres
Total Floor Area/Ratio:	N/A	N/A
Landscape Area/Coverage:	N/A	N/A
Parking Provided/Required:	N/A	N/A

AFFORDABLE/WORKFORCE HOUSING

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

AHOZ Gain/Loss: +/- N/A

BACKGROUND SUMMARY

On April 12, 2021, Al Borda submitted Planning Application No. PA21-0521. The application is for a Conditional Use Permit (CUP) to convert an existing California Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) License to an ABC Type 47 (On-Sale General – Eating Place) License. The project is located at an existing restaurant at 30590 Rancho California Road.

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

Hobo's Barbeque currently maintains an ABC Type 41 (On-Sale Beer & Wine – Eating Place) License. The 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 will require the review and approval of a Temporary Use Permit (TUP) or an amendment to this CUP.

The restaurant is currently open from 11:00 A.M. to 10:00 P.M. seven days a week. Proposed hours of operation for the restaurant are Monday through Sunday 11:00 A.M. – 12:00 A.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) for the project.

LEGAL NOTICING REQUIREMENTS

Notice of the public hearing was published in *The Press-Enterprise* on June 24, 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.

The Conditional Use Permit (CUP) for a Type 47 (On-Sale General – Eating Place) license at Hobo’s Barbeque 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 Community Commercial (CC) 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 City of Temecula Development Code. 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 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. Draft Notice of Exemption