

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

DATE OF MEETING: November 17, 2021

TO: Planning Commission Chairperson and members of the Planning Commission

FROM: Luke Watson, Deputy City Manager

PREPARED BY: Scott Cooper, Case Planner

PROJECT SUMMARY: Planning Application No. PA21-0793, a Development Plan for an approximately 5,708 square foot restaurant with outdoor patio dining; and PA21-0823, a Conditional Use Permit to allow for a California Alcoholic Beverage Control (ABC) Type 47 (On-Sale General – Eating Place) license located at 29363 Rancho California Road.

RECOMMENDATION: Adopt a Resolution approving the project subject to Conditions of Approval

CEQA: Categorically Exempt
Section 15332, Class 32, In-Fill Development Projects

PROJECT DATA SUMMARY

Name of Applicant: Nina Raey

General Plan Designation: Highway Tourist (HT), Open Space (OS)

Zoning Designation: Rancho Highlands Specific Plan (SP-2)

**Existing Conditions/
Land Use:**

Site: Vacant / Highway Tourist (HT), Open Space (OS)

North: Rancho California Road, Office Buildings / Community Commercial (CC), Highway Tourist (HT)

South: Rancho Highlands Dr., Multi-Family Residential / High Density Residential (H)

East: Ynez Road, Temecula Duck Pond / Professional Office (PO), Open Space (OS)

West: Hotel / Open Space (OS), Highway Tourist (HT)

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
Lot Area:	1.51 Acres	0.46 Acres Minimum
Total Floor Area/Ratio:	0.09	0.30 Maximum
Landscape Area/Coverage:	21.9%	20.0% Minimum
Parking Provided/Required:	107 Parking Spaces	58 Parking Spaces (required)

BACKGROUND SUMMARY

On June 8, 2021, Nina Raey submitted Planning Application PA21-0743, a Development Plan, and on June 14, 2021 submitted Planning Application No PA21-0823, a Conditional Use Permit. The application will permit for the development of an approximately 5,708 square foot restaurant with outdoor patio dining; and allow for a California Alcoholic Beverage Control (ABC) Type 47 (On-Sale General – Eating Place) license located at 29363 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

Site Plan

The project is located within Planning Area 2 of the Rancho Highlands Specific Plan which allows for the development of a restaurant. The applicant seeks to construct a new approximately 5,708 square foot restaurant. The project also proposes an outdoor patio dining area and a corner architectural feature that provides for signage on the street side and seating, enhanced paving, and a fire feature on the restaurant side.

The vehicular access to the project is from a single driveway that is shared with the Embassy Suites Hotel on Rancho Highlands Drive. Pedestrian access is also provided in the form of a pathway from the sidewalk on Ynez Road to the front door/waiting area of the restaurant. The project is required to provide 58 parking spaces for a restaurant use per Table 17.24.040 of the City of Temecula Development Code. The project proposes 107 parking spaces.

Architecture

The architectural design of the project features four-sided architecture that incorporates stone, brick, lap siding, standing seam metal roof, and varying paint colors. The building is architecturally designed to bring visual interest and articulation to the highly visible corner of the prominent Ynez Road and Rancho California Road intersection.

Landscaping

The project would provide 21.9% landscaping which exceeds the minimum 20% landscape requirement of the development code. Plant types include: Desert Willow; Smoke Tree; Deer Grass; African Sumac; Blue Fescue; and, Common Yarrow.

Conditional Use Permit

The proposed Conditional Use Permit is for a Type 47 (On-Sale General – Eating Place) license. LongHorn Steakhouse is a proposed restaurant with operating hours of 11:00 AM to 11:00 PM, seven days a week for lunch and dinner service.

Staff has confirmed with ABC that the Planning Commission does not make the finding of Public Convenience or Necessity (PCN) for restaurants. ABC will process the findings of Public Convenience or Necessity 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 a Type 47 On-Sale for Bona Fide Public Eating Place (Restaurant) 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 *Press Enterprise* on November 4, 2021, 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 15332, In-Fill Development Projects);

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project is consistent with the applicable General Plan designation because a restaurant use is an allowable use within Planning Area 2 of the Rancho Highlands Specific Plan. The project also meets all applicable General Plan and Zoning policies and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project is located within City limits and is located on a site that is 1.51 acres in size. The proposed project is substantially surrounded by commercial buildings, residential development, and major roadways.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The project site is not located within a Multi Species Habitation Conservation Strategy (MSHCP) criteria cell and therefore is not required by the Regional Conservation Authority and State and Federal agencies to take place in the Joint Project Review process. Therefore, the project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The proposed project was required to prepare a Project-Specific Water Quality Management Plan (WQMP) that was reviewed and conceptually accepted for entitlement by City Staff as the WQMP meets the requirements of the City of Temecula. A traffic analysis was not required as part of this project as the proposed use is allowed within the zoning district, and there is nothing unique about this project that would trigger the need for a traffic analysis. Furthermore, the previous building located on this project site was a restaurant that was larger in size than what is proposed. Therefore, the project is not anticipated to result in any significant effects relating to traffic, noise, air quality, or water quality as the project is an allowed use per the City of Temecula General Plan, and the zoning district.

(e) The site can be adequately served by all required utilities and public services.

The project site is surrounded by development and is able to be serviced by all required utilities and public services.

FINDINGS

Development Plan (Code Section 17.05.010.F)

The proposed use is in conformance with the General Plan for Temecula and with all applicable requirements of State law and other Ordinances of the City.

The project is consistent with the applicable General Plan designation because a restaurant is an allowable use within Planning Area 2 of the Rancho Highlands Specific Plan. Therefore, the proposed project is in conformance with the General Plan. The project is also consistent with other applicable requirements of State law and local Ordinances, including the Citywide Design Guidelines, and Fire and Building codes.

The overall development of the land is designed for the protection of the public health, safety, and general welfare.

The overall design of the project, including the site, building, parking, circulation and other associated site improvements, is consistent with, and intended to protect the health and safety of those working and living in an around the site as the project is consistent with the General Plan, City Wide Design Guidelines, and Development Code. The project has been reviewed for, and as conditioned, has been found to be consistent with all applicable policies, guidelines, standards and regulations intended to ensure that the development will be constructed and function in a manner consistent with the public health, safety, and welfare.

Conditional Use Permit (Development Code Section 17.04.010.E)

The proposed conditional use is consistent with the General Plan and the Development Code.

LongHorn Steakhouse will operate as a full-service restaurant with the primary purpose of offering a full menu of food within a restaurant building. The proposed conditional use is consistent with the City of Temecula General Plan for this site, and conditionally allows for restaurants to operate with a Type 47 On-Sale General license for Bona Fide Public Eating Place (Restaurant). 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.

LongHorn Steakhouse will operate as a restaurant within the Rancho Highlands Specific Plan area. As conditioned, the proposed conditional use for a Type 47 On-Sale General license for Bona Fide Public Eating Place (Restaurant) is compatible with the nature, condition and development of adjacent uses, buildings and structures because the surrounding area includes similar uses such as restaurant, commercial, and high density residential uses. 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 and the nearest residential use is located over 400' from the proposed building.

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 City Council in order to integrate the use with other uses in the neighborhood.

The application will allow for a Type 47 On-Sale General license for a Bona Fide Public Eating Place at a restaurant. The site is consistent with the requirements of the Rancho Highlands Specific Plan, and is adequate to accommodate the proposed use as prescribed in the Specific Plan and as 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 Rancho Highlands 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 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 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 – Development Plan
 4. Exhibit A - Draft Conditions of Approval
 5. PC Resolution – Conditional Use Permit
 6. Exhibit A – Draft Conditions of Approval
 7. Notice of Exemption
 8. Notice of Public Hearing