

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

TO: Planning Commission Chairperson and members of the Planning Commission

FROM: Luke Watson, Deputy City Manager

DATE OF MEETING: February 21, 2024

PREPARED BY: Eric Jones, Case Planner

**PROJECT
SUMMARY:**

Planning Application Number PA18-1390, A Modification to an existing Conditional Use Permit to allow an existing restaurant (Old Town Pub & Grub) to revise the previously approved overall operating hours and entertainment hours. Proposed operating hours are Monday through Sunday 9:00 AM to 1:30 AM. Proposed entertainment hours are Monday/Tuesday/Thursday/Sunday 7:30 PM – 12:30 AM, Wednesday 8:00 PM - 12:30 AM, and Friday/Saturday 6:00 PM – 1:30 AM. The project is located at 28677 Old Town Front Street.

RECOMMENDATION: Adopt a Resolution Denying the Project

CEQA: Exemption
Section 15061.b.4

PROJECT DATA SUMMARY

Name of Applicant: Edward Ryder

General Plan Designation: Specific Plan Implementation (SPI)

Zoning Designation: Old Town Specific Plan

**Existing Conditions/
Land Use:** Site: Existing Commercial Structure / Specific Plan Implementation (SPI – Old Town Specific Plan)

North: Existing Parking Lot, Existing Commercial Structure / Specific Plan Implementation (SPI – Old Town Specific Plan)
 South: Third Street, Existing Commercial Structure / Specific Plan Implementation (SPI – Old Town Specific Plan)
 East: Old Town Front Street, Existing Commercial Structure / Specific Plan Implementation (SPI – Old Town Specific Plan)
 West: Vacant Lot / Specific Plan Implementation (SPI – Old Town Specific Plan)

	<u>Existing/Proposed</u>	<u>Min/Max Allowable or Required</u>
Lot Area:	0.23 Acres Existing	0.08 Acres Minimum
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 Housing Element Vacant Sites Inventory? Yes No

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

AHOZ Gain/Loss: +/- N/A

BACKGROUND SUMMARY

On July 17, 2013, the Planning Commission approved Planning Application No. PA13-0127, a Conditional Use Permit to allow for a California Alcoholic Beverage Control (ABC) Type-47 license (on-sale general beer, wine, and distilled spirits) and live entertainment for a bona fide eating establishment (Old Town Pub and Grub). The approval included operating hours for the overall restaurant and hours for entertainment.

On October 5, 2018, Edward Ryder submitted Planning Application No. PA18-1390, a Modification Application to revise the overall operating hours and entertainment hours offered for the Pub and Grub.

Staff is recommending denial of the project due to a history of operating outside the confines of the existing Conditional Use Permit requirements. In addition, the establishment has generated excessive calls for service by the Riverside County Sheriff’s Department and CAL-FIRE Riverside County Fire Department (Fire). The City of Temecula’s Code Enforcement Division has also issued an excessive number of citations to this business for violations of its Conditional Use Permit.

ANALYSIS

The approved Conditional Use Permit for the Pub and Grub allows the restaurant to operate Monday through Sunday from 10:30 A.M to 12:00 A.M. Entertainment is also approved for following hours:

- Wednesday: 7:00 P.M. – 10:00 P.M.
- Thursday: 7:00 P.M. – 10:00 P.M.
- Friday: 8:00 P.M. – 12:00 A.M.
- Saturday: 8:00 P.M. – 12:00 A.M.

The application to modify the Conditional Use Permit proposes to revise both the overall operation hours and entertainment hours to the following:

- Overall Restaurant Hours: Monday thru Sunday 9:00 AM to 1:30 AM
- Entertainment Hours and Type:
 - Monday: 7:30 P.M. – 12:30 A.M. - Karaoke
 - Tuesday: 7:30 P.M. – 12:30 A.M. - Karaoke
 - Wednesday: 8:00 P.M. – 12:30 A.M. - Open Mic
 - Thursday: 7:30 P.M. – 12:30 A.M. - Karaoke
 - Friday: 6:00 P.M. – 1:30 A.M. - DJ
 - Saturday: 6:00 P.M. – 1:30 A.M. - DJ
 - Sunday: 7:30 P.M. – 12:30 A.M. - Karaoke

Between June 2018 and June 2023, the establishment operated outside of the currently approved operational and entertainment hours listed in the Conditions of Approval a documented 388 times. These extended operational hours (up to 2:00 AM) were not permitted and required the City's Code Enforcement Division to issue an excessive number of citations in an effort to gain compliance from the establishment at a substantial cost to the City. Between 2018 and June 2023, the City's Code Enforcement division issued a total of 388 citations resulting in \$217,900 in fines. As of this writing, a balance of \$6,250 has not been paid. The issuing of citations continued until the business received a Cease and Desist letter from the City Attorney dated June 5, 2023 (attached). The Cease and Desist letter stated that the City would move to revoke the Conditional Use Permit if the business did not begin to comply with the conditions of their CUP immediately. The business began to comply with their hours of operation on June 9, 2023.

The establishment has also generated an excessive number of calls for service from the Riverside County Sheriff's Department. The police responded to 458 calls for service from January 1, 2018 to December 31, 2023. The below table highlights the calls generated from the establishment that are considered more serious in nature:

Year	Overall Calls for Service	Battery (242)	DUI (23152)	Disturbance/Argument (415)	Drunk in Public (647F)	Assault with a Deadly Weapon (245)	Domestic Violence (415DV)	Loud Noise (415N)	Robbery (211)	Resisting Arrest (148)	Threats/Violence to Officers (69)	K9 Use
2018	47	10	1	4	3	1	1	0	1	0	0	0
2019	42	8	1	3	3	3	0	0	0	0	0	0
2020	58	12	2	6	6	3	1	0	0	0	0	0
2021	108	13	0	9	30	5	2	0	1	2	0	2
2022	137	18	3	25	26	2	1	1	0	2	0	0
2023	66	5	1	1	12	1	1	1	0	0	1	1
TOTALS	458	66	8	48	80	15	6	2	2	4	1	3

Of the calls identified in the previous table, 155 were between the hours of 12:00 A.M. and 2:00 A.M. when the business was not permitted to be open and operating. The following table shows the occurrence of calls that are considered more serious in nature between those hours.

Year	Calls for Service between 12:00 AM - 2:00 AM	Battery (242)	DUI (23152)	Disturbance/Argument (415)	Drunk in Public (647F)	Assault with a Deadly Weapon (245)	Domestic Violence (415DV)	Loud Noise (415N)	Robbery (211)	Resisting Arrest (148)	Threats/Violence to Officers (69)	K9 Use
2018	22	10	1	3	3	1	1	0	1	0	0	0
2019	14	4	0	1	1	1	0	0	0	0	0	0
2020	19	5	0	2	5	2	0	0	0	0	0	0
2021	32	2	0	2	16	2	2	0	0	2	0	0
2022	46	6	1	16	12	0	0	0	0	0	0	0
2023	22	2	0	1	5	0	0	0	0	0	0	0
TOTALS	155	29	2	25	42	6	3	0	1	2	0	0

Fire has also responded to an excessive amount of calls for service. Fire responded to a total of 74 calls for service from January 1, 2018 to December 31, 2023. The below table highlights the calls generated from the establishment that are considered more serious in nature:

Year	Overall Calls for Service	ETOH: Unconscious/Fall/Fainting/Hemorrhage	Assault	Stabbing	Unconscious Possible Alcohol Poisoning	Possible Overdose	Medical Aid
2018	6	2	1	0	0	0	2
2019	9	4	2	0	0	0	0
2020	15	2	5	1	1	0	0
2021	17	6	10	0	0	0	0
2022	18	11	5	0	0	0	0
2023	9	3	3	0	0	1	0
TOTALS	74	28	26	1	1	1	2

Of the calls identified in the previous table, 37 were between the hours of 12:00 AM and 2:00 A.M. when the business was not permitted to be open and operating. The below table shows the occurrence of calls that are considered more serious in nature between those hours.

Year	Calls for Service Between 12:00 AM - 2:00 AM	ETOH: Unconscious/Fall/Fainting/Hemorrhage	Assault	Stabbing	Unconscious Possible Alcohol Poisoning	Possible Overdose	Medical Aid
2018	3	0	1	0	0	0	1
2019	5	4	0	0	0	0	0
2020	6	1	3	1	0	0	0
2021	8	4	4	0	0	0	0
2022	11	6	5	0	0	0	0
2023	4	2	2	0	0	0	0
TOTALS	37	17	15	1	0	0	1

It must also be noted that Fire provided warnings to the establishment for going over their occupancy a total of 15 times between July 2021 and September 2023. Fire was required to close the business once during this time period because it was operating over the allowable occupancy.

The City has recently adopted Chapter 9.10 of the Temecula Municipal Code. This chapter requires establishments seeking to provide entertainment must first obtain an Entertainment License. Staff reached out to the applicant and recommended pursuing an Entertainment License. The applicant declined and requested that their application be scheduled for a public hearing as proposed.

City staff have been actively working with the Planning Commission and City Council on alcohol issues specifically in Old Town. Joint meetings between the Planning Commission and City Council were held on September 28, 2023 and February 6, 2024. In the next couple of months the Planning Commission will be considering a proposed ordinance to codify alcohol related regulations including a regulation that alcohol service cease at midnight for new establishments. Staff's position is that this process should be completed before any action is taken on this application, but the applicant is insisting that action be taken now.

The tables presented in this report, as well as the information related to Code Enforcement citations, highlight many of the issues related to the establishment. These issues have created an environment that is detrimental to the health, safety, and general welfare of the community. It is because of this that staff is unable to recommend approval of the application and must instead recommend denial. The applicant was made aware of this recommendation and continued to request a hearing.

LEGAL NOTICING REQUIREMENTS

Notice of the public hearing was published in *The Press-Enterprise* on February 8, 2024, and mailed to the property owners within the required 600-foot radius.

ENVIRONMENTAL DETERMINATION

In accordance with the California Environmental Quality Act, staff has determined that the proposed project is exempt from further environmental review pursuant to CEQA Guidelines

Section 15061(b)(4) as a project is exempt from CEQA as staff is recommending that the project be disapproved as currently proposed.

FINDINGS

Conditional Use Permits (Code Section 17.04.010.E)

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

The proposed conditional use modification is not consistent with the General Plan and Development Code. The Development Code states, "A Conditional Use Permit is intended to allow the establishment of those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location." This allows the City to provide unique requirements for uses such as the subject establishment.

The proposed extension of hours is not consistent with Old Town Specific Plan Land Use Economics – Policy 5. This policy states that there needs to be compatibility between both existing and new commercial uses and existing and new residential uses. Old Town has a combination of commercial and residential uses. The excessive calls for service and excessive code enforcement citations illustrate that the existing use is not compatible with existing commercial and residential uses. In addition, Section 9.10 of the Temecula Municipal Code states that entertainment shall cease at 11:59 P.M. Therefore, the times proposed by the project cannot be supported.

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 proposed project seeks to allow an establishment's operational and entertainment hours to be extended beyond what has been previously approved. The existing establishment has a history of producing an excessive amount of calls for service. Many of these calls for service were related to battery, assault with a deadly weapon, driving under the influence (D.U.I.), noise, and drunk in public. From January 1, 2018 to December 31, 2023 the police responded to 458 calls for service at Old Town Pub & Grub. Of these calls, 150 were between the hours of 12:00 A.M. And 2:00 A.M. and a many were related to battery, assault with a deadly weapon, driving under the influence (D.U.I), noise, and drunk in public. In addition, Fire has provided multiple warnings to the establishment for operating above the allowable occupancy limit. Fire was also required to close the business for operating above the allowable occupancy. Fire also responded to a total of 74 calls for service from January 1, 2018 to December 31, 2023. Of these calls, 37 were between the hours of 12:00 AM and 2:00 AM. Many of the calls were related to drunkenness and assaults. This establishment has a history of having an adverse impact on other uses in Old Town as it has generated a substantial number of calls for service. In addition, this establishment has imposed a burden on the City's Code Enforcement Division that has had to respond to and investigate over 388 incidents at Old Town Pub and Grub when the business was operating past the time allowed pursuant to the Conditional Use Permit.

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 this development code and required by the Planning Commission or Council in order to integrate the use with other uses in the neighborhood.

The project site currently houses an existing commercial structure containing a restaurant. Restaurant uses have been located at this site and within the subject structure for many years. The site is physically adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, buffer areas, landscaping and other development features required of a restaurant use.

The nature of the proposed conditional use is not detrimental to the health, safety and general welfare of the community.

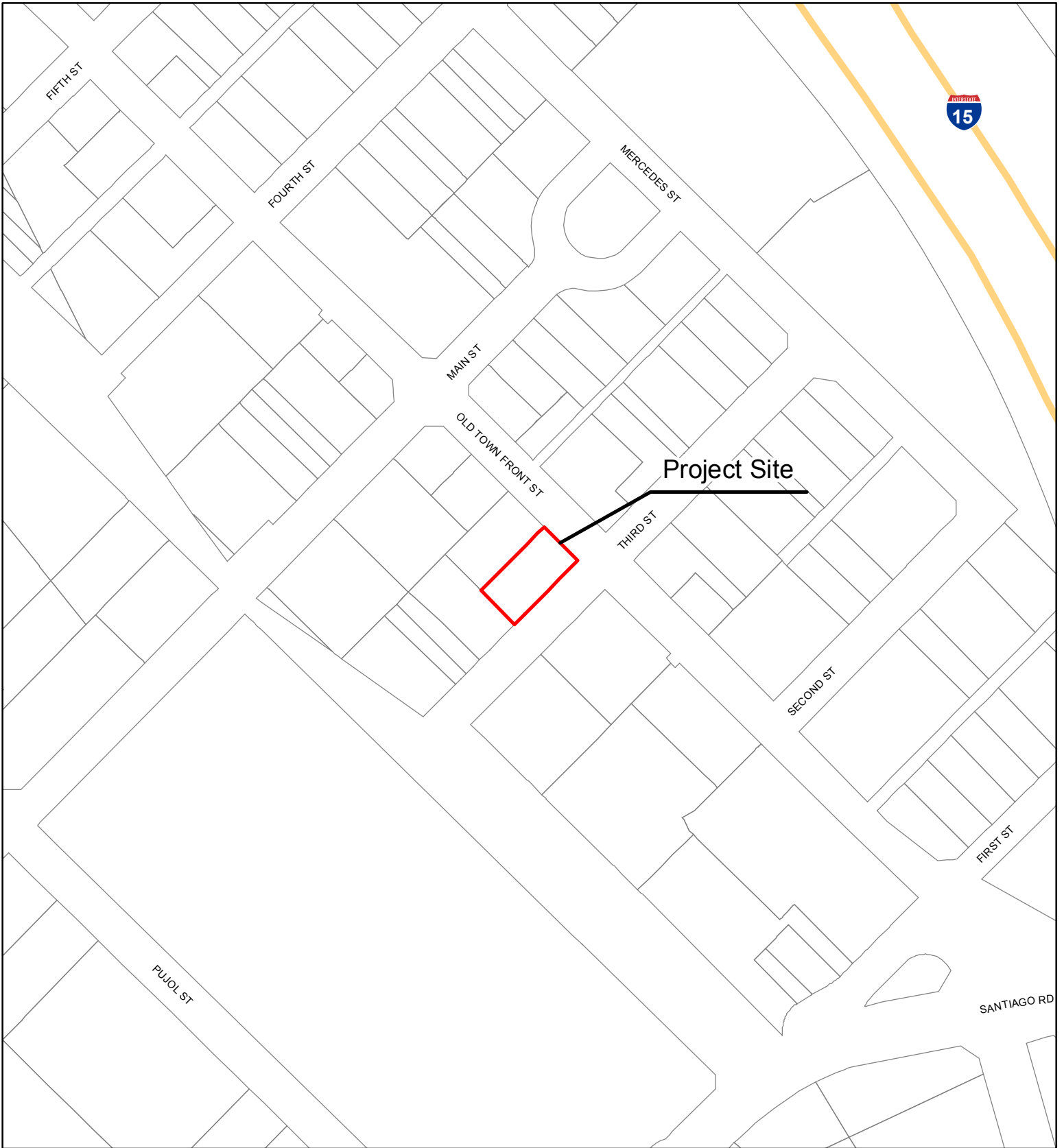
The proposed modification will allow for an increase in operational hours for entertainment and alcohol service to 12:30 A.M. Monday through Thursday and Sunday as well as 1:30 A.M. on Friday and Saturday. The project is currently approved to have entertainment until 10:00 P.M. Wednesday and Thursday and on Friday and Saturday until 12:00 AM. The City Council and Planning Commission have provided policy direction that all entertainment shall cease at 11:59 P.M. for the public health and safety, and general welfare of the community per the City of Temecula Municipal Code Section 9.10. By proposing to operate beyond these hours, the project will be detrimental to the health, safety, and general welfare of the community.

In addition, the establishment has generated an excessive number of calls for service during their operations between 2018 and 2023 (458 calls). The establishment also operated beyond their approved hours (12:00 A.M.) until 2:00 AM. This resulted in calls for service for the Riverside County Sheriff's Department between the hours of 12:00 AM and 2:00 AM (150 calls). Many of the calls were related to battery, assault with a deadly weapon, Driving Under the Influence (D.U.I.), noise, and drunk in public issues. In addition, Fire has provided multiple warnings to the establishment for operating above the allowable occupancy limit. Fire was also required to close the business for operating above the allowable occupancy. Fire also responded to a total of 74 calls for service from January 1, 2018 to December 31, 2023. Of these calls, 37 were between the hours of 12:00 AM and 2:00 AM. Many of the calls were related to drunkenness and assaults. The City's Code Enforcement Division was also required to issue a total of 388 citations between this same time. Furthermore, the Old Town Specific Plan includes Land Use Economics – Policy 5. This policy states that there needs to be compatibility between both existing and new commercial uses and existing and new residential uses. The excessive calls for service and excessive code enforcement citations indicates that that existing use is not compatible with existing commercial and residential uses. As a result, the proposed changes would be considered detrimental to the health, safety, and general welfare of the community.

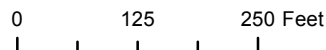
That the decision to approve, conditionally approve, or deny the application for a conditional use permit be based on substantial evidence in view of the record as a whole before the Planning Director, Planning Commission, or City Council on appeal.

The decision to deny the application for a Modification to the existing Conditional Use Permit shall be based on substantial evidence in view of the record as a whole before the Planning Commission.

- ATTACHMENTS:**
1. Vicinity Map
 2. Reduced Plans
 3. PC Resolution
 4. Exhibit A – Statement of Operations
 5. Original Planning Commission Staff Report (Dated July 17, 2013)
 6. Order to Cease and Desist Letter Dated June 5, 2023
 7. Notice of Public Hearing
 8. Notice of Exemption



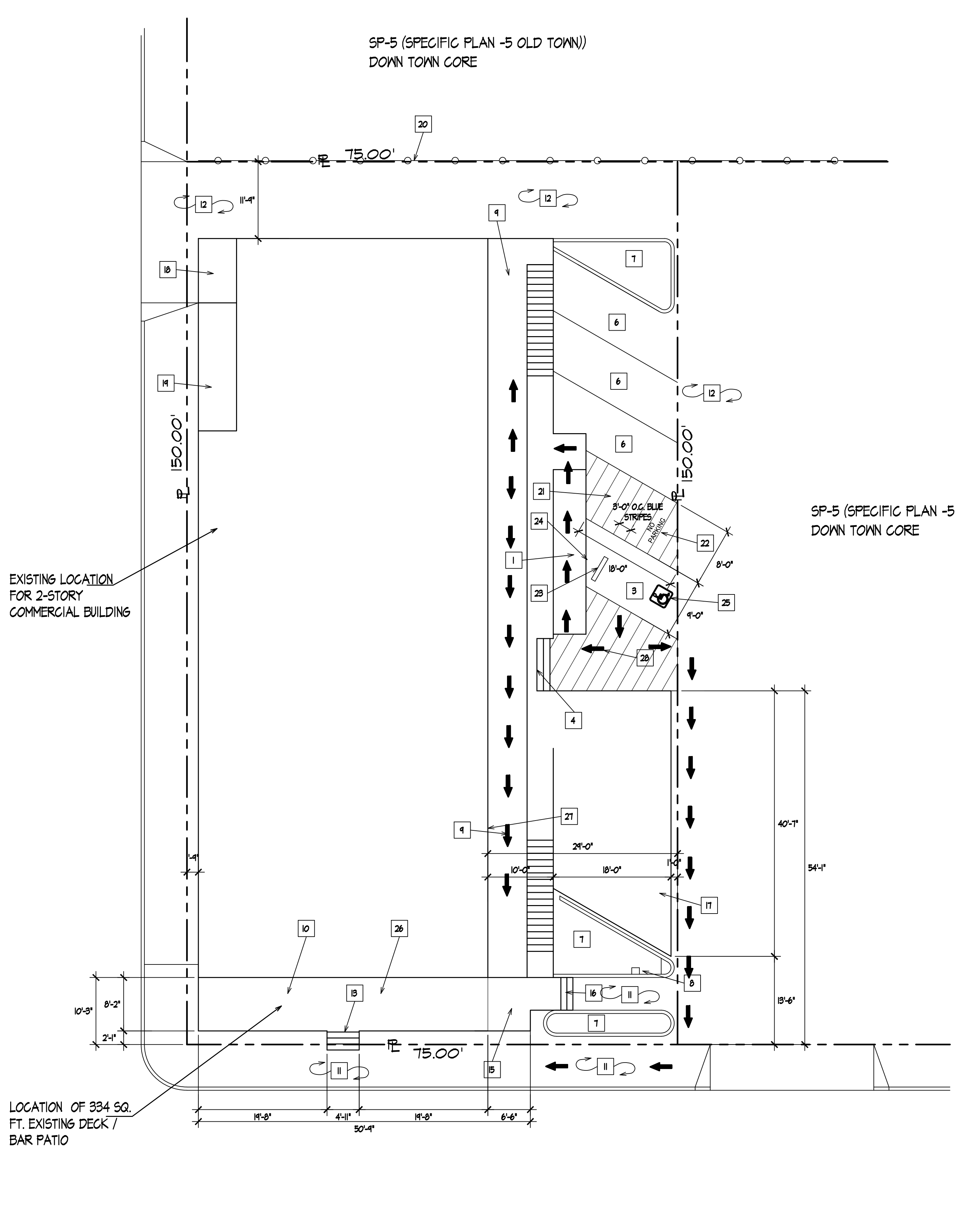
1 inch = 200 feet 1:2,400



Date Created: 10/31/2018



THIRD ST.



FRONT ST.

- SITE/ROOF NOTES:**
- INDICATES NOTES APPLICABLE TO THIS PLAN ONLY WHEN REFERENCED.
 - 1. EXISTING ADA ACCESS RAMP WITH SLOPE OF LESS THAN 8/36 TO REMAIN.
 - 2. EXISTING ADA PARKING SPACE TO REMAIN.
 - 3. EXISTING ADA VAN PARKING SPACE TO REMAIN.
 - 4. EXISTING STAIRS FOR 1ST ENTRY.
 - 5. EXISTING STAIRS TO SECOND FLOOR TO REMAIN.
 - 6. EXISTING PARKING SPACES TO REMAIN.
 - 7. EXISTING LANDSCAPE PLANTERS TO REMAIN.
 - 8. LOCATION OF EXISTING CON OPERATED METER FOR PARKING IN THIS LOT AND ADJOINING LOT.
 - 9. EXISTING 2ND STORY DECK AND ROOF TO REMAIN.
 - 10. EXISTING FRONT ROOF TO REMAIN.
 - 11. EXISTING WALKWAY - VERIFY OWNER AND/OR BUILDER.
 - 12. ASPHALT BLACKTOP - VERIFY OWNER AND/OR BUILDER.
 - 13. EXISTING FRONT ENTRY STAIRS.
 - 14. N/A.
 - 15. EXISTING DECK FILL-IN TO HRAIP AROUND BUILDING.
 - 16. LOCATION FOR EXISTING STAIRS.
 - 17. EXISTING LOCATION FOR 500 SQ. FT. OUTDOOR SEATING AREA WITH LATTICE PATIO COVER FOR EXISTING RESTAURANT.
 - 18. LOCATION OF EXISTING TRASH ENCLOSURE.
 - 19. LOCATION OF EXISTING ELECTRICAL ROOM.
 - 20. LOCATION OF EXISTING FLOOD FENCE.
 - 21. EXISTING LOCATION OF VAN ACCESS ASLE W/ 4" STRIPES OF BLUE TRAFFIC PAINT.
 - 22. "NO PARKING" IN 12" HIGH LETTERING.
 - 23. 4" MIN WHEEL STOP.
 - 24. LOCATION OF ADA SIGNAGE.
 - 25. LOCATION OF ADA PARKING LOT SYMBOL.
 - 26. LOCATION OF EXISTING DECK / BAR PATIO.
 - 27. APPROXIMATE LOCATION OF EXISTING KNOX BOX.
 - 28. ADA PATH OF TRAVEL TO SUITES.

OWNER:
JIM LASH
P.O. BOX 708
BULLHEAD CITY, ARIZONA 86430

LEGAL DESCRIPTION:
28677 FRONT ST.
TEMECULA, RIVERSIDE COUNTY, CA
APN: 922-045-038

APPLICANT:
JIM ROSA
28677 FRONT ST.
SUITE 106
TEMECULA, CA 92590
PHONE: 952-1807

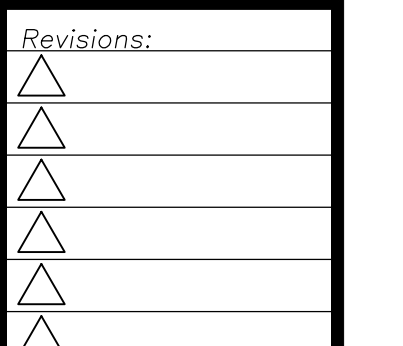
- GENERAL NOTES:**
1. THESE NOTES SHALL BE USED IN CONJUNCTION WITH THE PLANS AND ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT. NO CHANGES SHALL BE MADE TO THESE PLANS WITHOUT THE KNOWLEDGE AND CONSENT OF THE OWNER AND/OR ARCHITECT WHOSE SIGNATURE APPEARS HEREON.
 2. THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL CHECK ALL DIMENSIONS, FRAMING CONDITIONS, AND ON-SITE CONDITIONS PRIOR TO STARTING ANY WORK. ON-SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND/OR SUBCONTRACTOR. THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES, ERRORS OR OMISSIONS.
 3. DIMENSIONS AS INDICATED ARE THE DIMENSIONS THAT SHALL BE USED FOR CONSTRUCTION. DO NOT SCALE. DRAWINGS, NOTES & DETAILS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THESE GENERAL NOTES. ALL DIMENSIONS ARE TAKEN TO THE ROOM (H/L ON PLANS). THE DRAWINGS & SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE. THE DESIGN ADEQUACY AND SAFETY OF ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, ETC. IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR SUBCONTRACTOR, AND HAS NOT BEEN CONSIDERED BY THE STRUCTURAL ENGINEER. THE CONTRACTOR AND/OR SUBCONTRACTOR IS RESPONSIBLE FOR THE STABILITY OF THE STRUCTURE PRIOR TO THE APPLICATION OF ALL SHEAR WALLS, ROOF AND FLOOR DIAPHRAGMS AND FINISH MATERIALS. HE SHALL PROVIDE THE NECESSARY BRACING TO PROVIDE STABILITY PRIOR TO THE APPOINTMENTED MATERIALS, GRADING & DRAINAGE. ALL PAVING, FLAT WORK AND PLANTERS NEXT TO THE BUILDING SHALL BE PROPERLY GRADED TO CARRY WATER AWAY FROM THE BUILDING. OBSERVATION VISITS TO THE JOB SITE BY THE ARCHITECT DO NOT INCLUDE INSPECTION OF CONSTRUCTION PROCEDURES. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION METHODS AND FOR SAFETY CONDITIONS AT THE WORK SITE. THESE VISITS SHALL NOT BE CONSIDERED AS CONTINUING AND DETAILED INSPECTIONS.

BUILDING INFORMATION:

APN:	922-045-038
STREET ADDRESS:	28677 FRONT ST. TEMECULA, CA, 92590
LEGAL DESCRIPTION:	MB444/444
EXISTING ZONING:	SP-5 (SPECIFIC PLAN -5 OLD TOWN)
PROPOSED ZONING:	SP-5 (SPECIFIC PLAN -5 OLD TOWN)
GENERAL PLAN DESIGNATION:	SP-5 (SPECIFIC PLAN -5 OLD TOWN)
LAND USE:	DOWN TOWN CORE
TOTAL GROSS AREA:	10,018.8 SQ. FT. 23 ACRE
TOTAL NET AREA:	10,018.8 SQ. FT. 23 ACRE
TOTAL BUILDING AREA:	5,000 SQ. FT. FAR=49.91%
LOT COVERAGE:	SQ. FT. PERCENTAGE
BUILDING AREA:	5,000 49.91 %
PARKING AREA:	1,026 10.24 %
LANDSCAPING AREA:	667 6.66 %
PARKING:	SPACES REQUIRED SPACES PROVIDED
NUMBER OF DISABLED SPG:	0 1
TOTAL PARKING:	0 25
FLOOR AREA RATIO:	49.91 %
OCCUPANCY:	B, A-2
CONSTRUCTION TYPE:	V-B
FIRE SPRINKLERS:	NO
# OF STORIES:	2
HEIGHT OF BUILDING:	29'-2"
BUILDING SQ. FT.:	10,000 SQ. FT.
DESCRIPTION OF USE:	OFFICE, RETAIL & RESTAURANT

- GENERAL REQUIREMENTS:**
1. **SCOPE:** ALL TRADERS SHALL FURNISH ALL LABOR, EQUIPMENT, MATERIALS, AND PERFORM ALL WORK NECESSARY TO COMPLETE THE PROJECT AS REFERRED OR REQUIRED BY ANY CODE WITH JURISDICTION TO COMPLETE THEIR SCOPE OF WORK FOR A COMPLETE AND PROPERLY FINISHED JOB.
 2. **PERMITS:** THE GENERAL BUILDING PERMIT & PLAN CHECK FEES SHALL BE SECURED AND PAID FOR BY THE SUBCONTRACTOR DIRECTLY RESPONSIBLE.
 3. **INTENTION:** THE INTENTION OF THIS DOCUMENT IS TO INCLUDE ALL LABOR, MATERIALS, EQUIPMENT AND TRANSPORTATION NECESSARY FOR A COMPLETE AND PROPER EXECUTION OF THE WORK DESCRIBED.
 4. **CHANGES:** THE OWNER MAY ORDER EXTRA WORK OR MAKE CHANGES BY ALTERING, ADDING TO OR DEDUCTING FROM THE WORK. THE CONTRACT SUM SHALL BE ADJUSTED ACCORDINGLY.
 5. **CUTTING & PATCHING:** ALL TRADERS SHALL DO THEIR OWN CUTTING, FITTING, PATCHING, ETC. TO MAKE THE SEVERAL PARTS COME TOGETHER PROPERLY AND FIT IT TO RECEIVE OR BE RECEIVED BY THE WORK OF OTHER TRADES.
 6. **CLEANUP:** ALL TRADERS SHALL AT ALL TIMES KEEP THE SITE FREE FROM ACCUMULATION OF WASTE MATERIALS OR RUBBISH CAUSED BY THEIR WORK.

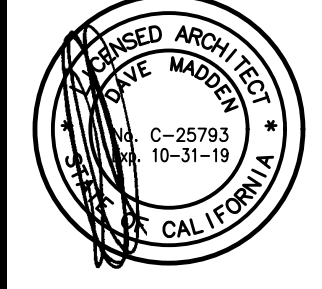
- GENERAL:**
- A. ALL CONSTRUCTION AND WORKMANSHIP SHALL CONFORM TO CURRENT CBC, OPG, OMC, CEG AND TITLE 24 AS NOTED ON COVER SHEET OF PLANS.
 - B. DESIGN MATERIALS, EQUIPMENT AND PRODUCTS OTHER THAN THOSE DESCRIBED BELOW OR INDICATED ON THE DRAWINGS MAY BE CONSIDERED FOR USE, PROVIDED PRIOR APPROVAL IS OBTAINED FROM THE OWNER, ARCHITECT AND APPLICABLE GOVERNING AGENCIES. REFERENCES TO ANY DETAIL OR DRAWING IS FOR CONVENIENCE ONLY AND DOES NOT LIMIT THE APPLICATION OF SUCH DETAILS OR DRAWINGS.
 - C. THE ARCHITECT SHALL IN NO WAY BE RESPONSIBLE FOR HOW THE FIELD WORK IS PERFORMED, SAFETY IN, OR ABOUT THE JOB SITE METHODS OF PERFORMANCE OR TIMELINESS IN THE PERFORMANCE OF THE CONTRACTOR OR SUBCONTRACTORS WORK.
- SOILS:**
- A. PRIOR TO THE CONTRACTOR REQUESTING A FOUNDATION INSPECTION THE SOILS ENGINEER (IF REQUIRED) SHALL ADVISE THE BUILDING OFFICIAL IN WRITING THAT:
 - a) THE BUILDING PAD WAS PREPARED IN ACCORDANCE WITH THE SOILS REPORT
 - b) THE UTILITY TRENCHES HAVE BEEN PROPERLY BACK FILLED AND COMPACTED
 - c) THE FOUNDATION EXCAVATION HAS MADE TO COMPLY WITH THE RECOMMENDATION FOR EXPANSIVE CHARACTERISTICS AND BEARING CAPACITY.



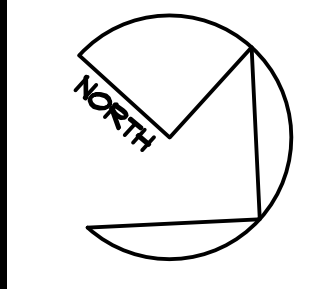
DMA
DAVE MADDEN ARCHITECT
Phone 951-694-2712 • E-Mail: dave@dmarchitect.net
36086 MulLong Spirit Lane, Milpitas, California 95151

SITE PLAN

Project and Location
OLD TOWN PUB & GRUB T.I.
28677 FRONT ST.
TEMECULA, CA 92590
APN: 922-045-038-B

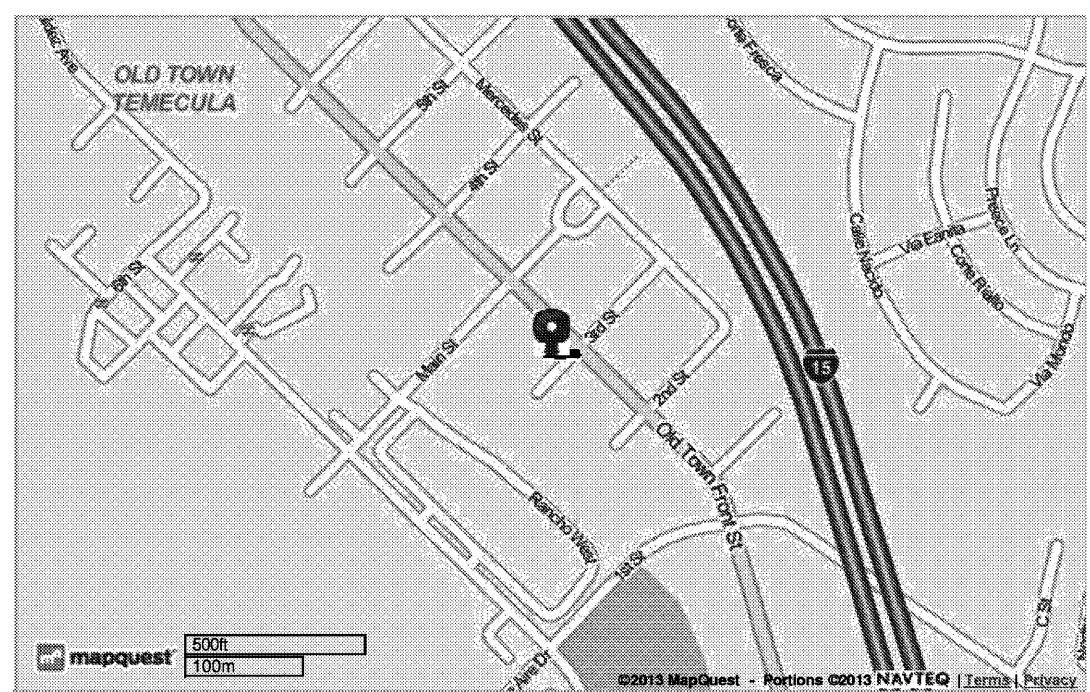


Drawn by: DM
Checked by:
Date: 12/10/18
Job No: 18-101



1" = 10'-0"
Sheet Number
A-1
Of 1 Sheets

VICINITY MAP



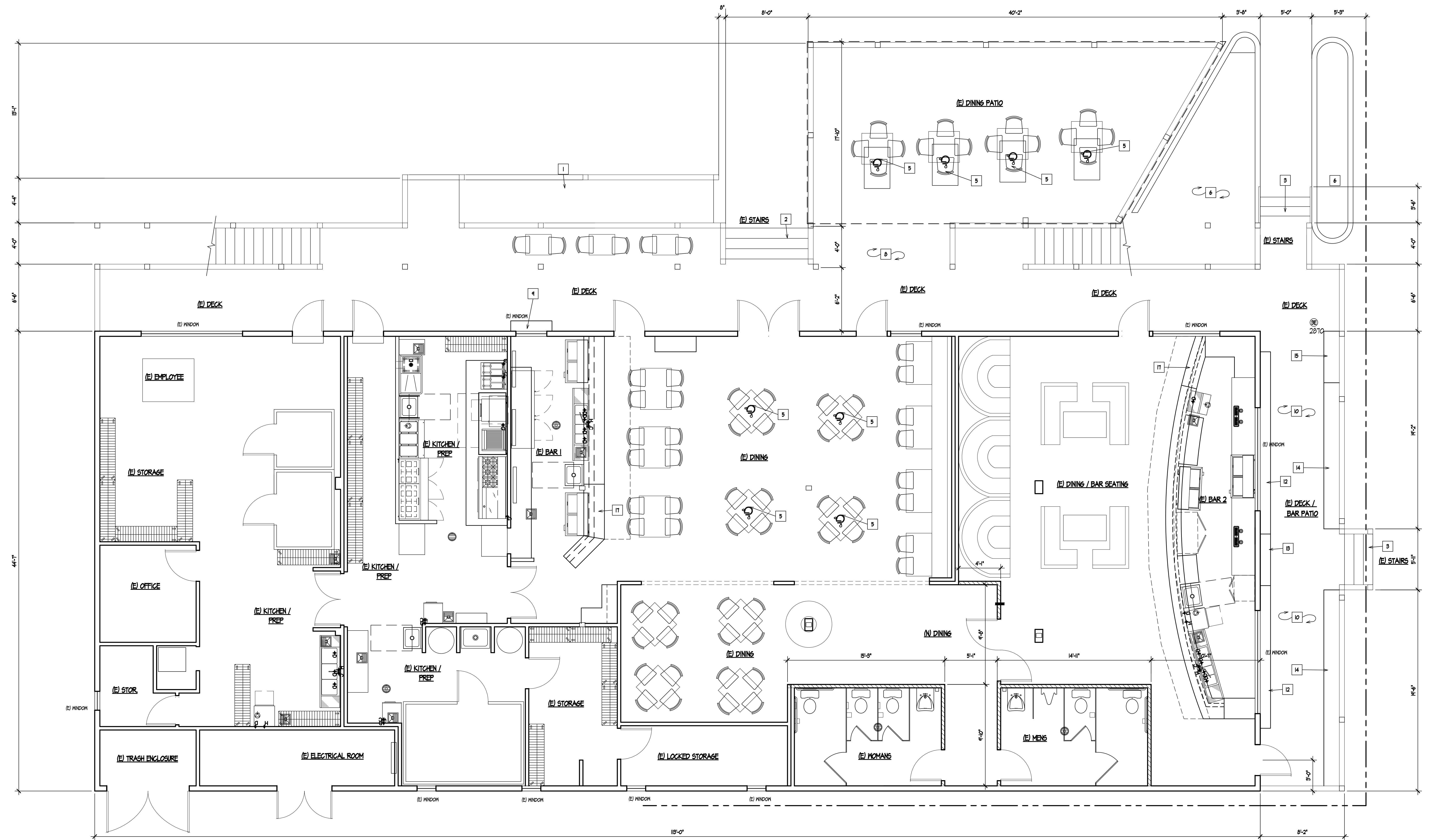
OCCUPANT LOAD
 T.I. FOR SUITE A-E

KITCHEN/PREP	1015 SQ. FT. @ 1:200	= 5
BAR	444 SQ. FT. @ 1:200	= 3
BAR SEATING	140 SQ. FT. @ 1:1	= 20
DINING	1,804 SQ. FT. @ 1:15	= 121
LOCKED STOR.	48 SQ. FT. @ 1:100	= 1
STORAGE	271 SQ. FT. @ 1:500	= 1
OFFICE	100 SQ. FT. @ 1:100	= 1
SUITE TOTAL OCCUPANT LOAD		= 152
DINING PATIO	548 SQ. FT. @ 1:15	= 40
BAR PATIO	334 SQ. FT. @ 1:1	= 48
PATIO TOTAL OCCUPANT LOAD		= 88
SUITE TOTAL OCCUPANT LOAD		= 152
PATIO TOTAL OCCUPANT LOAD		= 88
TOTAL OCCUPANT LOAD		= 240

SQUARE FOOTAGE:
 SUITE A-E FLOOR PLAN:

(E) KITCHEN/PREP:	1015 SQ. FT.
(E) BAR:	444 SQ. FT.
(E) BAR 1 SEATING:	48 SQ. FT.
(E) DINING:	1,804 SQ. FT.
(E) RESTROOMS:	362 SQ. FT.
(E) LOCKED STORAGE:	48 SQ. FT.
(E) STORAGE:	271 SQ. FT.
(E) BAR 2:	253 SQ. FT.
(E) BAR 2 SEATING:	42 SQ. FT.
(E) OFFICE:	100 SQ. FT.
(E) EMPLOYEE AREA:	100 SQ. FT.
(E) WALKWAYS:	470 SQ. FT.
SUITE TOTAL:	4,815 SQ. FT.

- FLOOR PLAN NOTES**
- CONTRACTOR AND/OR SUBCONTRACTOR SHALL CAREFULLY STUDY AND COMPARE ALL DRAWINGS, DATA, DIMENSIONS, SPECS, AND CONDITIONS BEFORE PROCEEDING WITH ANY WORK. REPORT TO THE ARCHITECT ANY ERROR, INCONSISTENCY OR OMISSION THAT IS DISCOVERED.
 - CONTRACTOR SHALL VERIFY OWNER ALL FINISHES & MATERIALS PRIOR TO PURCHASE AND/OR INSTALLATION.
 - CONTRACTOR SHALL NOT MAKE ANY CHANGES OR DEVIATE FROM THESE PLANS WITHOUT WRITTEN AUTHORIZATION FROM THE OWNER AND/OR ARCHITECT. IF OWNER AUTHORIZES ANY CHANGES, THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY.
 - ALL DIMENSIONS ARE TAKEN TO FACE OF STUD (UNLESS IN CASE OF CONFLICT, NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE DRAWINGS. (DO NOT SCALE DRAWINGS!))
- FLOOR PLAN SCHEDULE**
- INDICATES NOTES APPLICABLE TO THIS PLAN ONLY!
 UNLESS NOTED OTHERWISE:
- EXISTING RAMP TO REMAIN.
 - LOCATION OF EXISTING STAIRS TO REMAIN. EXISTING LOCATION FOR STAIRS.
 - EXISTING LOCATION FOR STAIRS.
 - N/A
 - LOCATION OF ADA SEATING AREA.
 - EXISTING LANDSCAPE PLANTERS TO REMAIN.
 - EXISTING LOCATION FOR LIGHTED AWNING WITH RESTAURANT SIGN ON FRONT.
 - EXISTING LOCATION FOR PATIO ACCESS.
 - EXISTING LOCATION FOR PAULK, IF WINDOW WINDA COUNTER SEE DETAIL "A" THIS SHEET.
 - EXISTING DECK / BAR PATIO.
 - LOCATION FOR PORTABLE BAR.
 - LOCATION FOR 12" DEEP ADA BAR TOP @ 42" A.F.F.
 - LOCATION FOR 12" DEEP ADA BAR TOP @ 34" A.F.F. SEE DETAIL "A" THIS SHEET.
 - LOCATION FOR 18" DEEP ADA BAR TOP @ 42" A.F.F.
 - LOCATION FOR 18" DEEP ADA BAR TOP @ 34" A.F.F.
 - N/A
 - LOCATION OF 60" ADA BAR COUNTER AREA. COUNTER HEIGHT 34" A.F.F.



PC RESOLUTION NO. 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA DENYING PLANNING APPLICATION NO. PA18-1390, A MODIFICATION TO A CONDIITONAL USE PERMIT TO ALLOW AN EXISTING RESTAURANT (OLD TOWN PUB & GRUB) LOCATED AT 28677 OLD TOWN FRONT STREET TO REVISE THE OPERATING HOURS TO MONDAY THRU SUNDAY 9:00 AM TO 1:30 AM. AND THE ENTERTAINMENT HOURS TO MONDAY/TUESDAY/THURSDAY/SUNDAY 7:30 PM – 12:30 AM, WEDNESDAY 8:00 PM - 12:30 AM, AND FRIDAY/SATURDAY 6:00 PM – 1:30 AM, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (APN: 922-045-033)

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

A. On July 17, 2013 the Planning Commission approved Planning Application No. PA13-0127, a Conditional Use Permit to allow for a California Alcoholic Beverage Control (ABC) Type-47 license (on-sale general beer, wine, and distilled spirits) and entertainment for a bona fide eating establishment (Pub and Grub).

B. On October 5, 2018, Eward Ryder filed Planning Application No. PA18-1390, Minor Modification to a Conditional Use Permit Application in a manner in accord with the City of Temecula General Plan and Development Code.

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

D. The Planning Commission, at a regular meeting, considered the Application and environmental review on February 21, 2024, 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.

E. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission denied Planning Application No. PA18-1390 subject to and based upon the findings set forth hereunder.

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

Section 2. Further Findings. The Planning Commission, in denying the Application hereby finds, determines and declares that the Modification Application PA18-1390 is not in accordance with Development Code Section 17.04.010.E (Conditional Use Permits)

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

The proposed conditional use modification is not consistent with the General Plan and Development Code. The Development Code states, "A Conditional Use Permit is intended to allow the establishment of those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location." This allows the City to provide unique requirements for uses such as the subject establishment.

The proposed extension of hours is not consistent with Old Town Specific Plan Land Use Economics – Policy 5. This policy states that there needs to be compatibility between both existing and new commercial uses and existing and new residential uses. Old Town has a combination of commercial and residential uses. The excessive calls for service and excessive code enforcement citations illustrate that the existing use is not compatible with existing commercial and residential uses. In addition, Section 9.10 of the Temecula Municipal Code states that entertainment shall cease at 11:59 P.M. Therefore, the times proposed by the project cannot be supported.

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 proposed project seeks to allow an establishment's operational and entertainment hours to be extended beyond what has been previously approved. The existing establishment has a history of producing an excessive amount of calls for service. Many of these calls for service were related to battery, assault with a deadly weapon, driving under the influence (D.U.I.), noise, and drunk in public. From January 1, 2018 to December 31, 2023 the police responded to 458 calls for service at Old Town Pub & Grub. Of these calls, 150 were between the hours of 12:00 A.M. and 2:00 A.M. and many were related to battery, assault with a deadly weapon, driving under the influence (D.U.I.), noise, and drunk in public. In addition, Fire has provided multiple warnings to the establishment for operating above the allowable occupancy limit. Fire was also required to close the business for operating above the allowable occupancy. Fire also responded to a total of 74 calls for service from January 1, 2018 to December 31, 2023. Of these calls, 37 were between the hours of 12:00 AM and 2:00 AM. Many of the calls were related to drunkenness and assaults. This establishment has a history of having an adverse impact on other uses in Old Town as it has generated a substantial number of calls for service. In addition, this establishment has imposed a burden on the City's Code Enforcement Division that has had to respond to and investigate over 388 incidents at Old Town Pub and Grub when the business was operating past the time allowed pursuant to the Conditional Use Permit.

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 this development code and required by the Planning Commission or Council in order to integrate the use with other uses in the neighborhood.

The project site currently houses an existing commercial structure containing a restaurant. Restaurant uses have been located at this site and within the subject structure for many years. The site is physically adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, buffer areas, landscaping and other development features required of a restaurant use.

D. The nature of the proposed conditional use is not detrimental to the health, safety and general welfare of the community.

The proposed modification will allow for an increase in operational hours for entertainment and alcohol service to 12:30 A.M. Monday through Thursday and Sunday as well as 1:30 A.M. on Friday and Saturday. The project is currently approved to have entertainment until 10:00 P.M. Wednesday and Thursday and on Friday and Saturday until 12:00 AM. The City Council and Planning Commission have provided policy direction that all entertainment shall cease at 11:59 P.M. for the public health and safety, and general welfare of the community per the City of Temecula Municipal Code Section 9.10. By proposing to operate beyond these hours, the project will be detrimental to the health, safety, and general welfare of the community.

In addition, the establishment has generated an excessive number of calls for service during their operations between 2018 and 2023 (458 calls). The establishment also operated beyond their approved hours (12:00 A.M.) until 2:00 AM. This resulted in calls for service for the Riverside County Sheriff's Department between the hours of 12:00 AM and 2:00 AM (150 calls). Many of the calls were related to battery, assault with a deadly weapon, Driving Under the Influence (D.U.I.), noise, and drunk in public issues. In addition, Fire has provided multiple warnings to the establishment for operating above the allowable occupancy limit. Fire was also required to close the business for operating above the allowable occupancy. Fire also responded to a total of 74 calls for service from January 1, 2018 to December 31, 2023. Of these calls, 37 were between the hours of 12:00 AM and 2:00 AM. Many of the calls were related to drunkenness and assaults. The City's Code Enforcement Division was also required to issue a total of 388 citations between this same time. Furthermore, the Old Town Specific Plan includes Land Use Economics – Policy 5. This policy states that there needs to be compatibility between both existing and new commercial uses and existing and new residential uses. The excessive calls for service and excessive code enforcement citations indicates that that existing use is not compatible with existing commercial and residential uses. As a result, the proposed changes would be considered 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 Planning Director, Planning Commission, or City Council on appeal.

The decision to deny the application for a Modification to the existing Conditional Use Permit shall be 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 denial 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 pursuant to CEQA Guidelines Section 15061(b)(4) as a project is exempt from CEQA if it is rejected or disapproved by a public agency.

PASSED, APPROVED AND ADOPTED by the City of Temecula Planning Commission this 21st day of February, 2024.

Bob Hagel, Chair

ATTEST:

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 foregoing PC Resolution No. 2024- was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 21st day of February 2024, by the following vote:

- AYES: PLANNING COMMISSIONERS:

- NOES: PLANNING COMMISSIONERS:

- ABSTAIN: PLANNING COMMISSIONERS:

- ABSENT: PLANNING COMMISSIONERS:

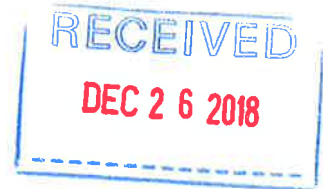
Luke Watson
Secretary

Old Town Pub & Grub

28677 Front Street, Temecula 92590

APN: 922-045-033-8

Statement Of Operations



Restaurant/Bar type 47 ABC License

License Number: 592839

Hours Of Operation:

Monday: 9am – 1:30am

Friday: 9am – 1:30am

Tuesday: 9am – 1:30am

Saturday: 9am – 1:30am

Wednesday: 9am – 1:30am

Sunday: 9am – 1:30am

Thursday: 9am – 1:30am

Entertainment:

Monday Karaoke: 7:30pm – 12:30am

Friday Live DJ: 6pm – 1:30am

Tuesday Karaoke: 7:30pm – 12:30am

Saturday Live DJ: 6pm – 1:30am

Wednesday Open Mic Night: 8pm - 12:30am

Sunday Karaoke: 7:30pm – 12:30am

Thursday Karaoke: 7:30pm – 12:30am

of Employees: 15

of Required Parking Spaces: 0

Business Objective:

Old Town Pub & Grub is here to provide a quality restaurant with great entertainment for local Temecula night life and for out of town visitors. We provide a safe and comfortable environment where people can enjoy the night life of Old Town Temecula.

Compliance:

Old Town Pub & Grub will follow and be in complete compliance with Temecula city Municipal code, Health code, Building and Planning, Fire and Police Department. We will obtain and keep to date all required permits and licenses and remain in good standings with the city of Temecula.

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

DATE OF MEETING: July 17, 2013

PREPARED BY: Eric Jones, Case Planner

PROJECT SUMMARY: Planning Application No. PA13-0127, a Minor Conditional Use Permit for Old Town Pub and Grub, a bona fide eating establishment, to allow for a Type 47 ABC license (on-sale general beer/wine/distilled spirits) and live indoor entertainment at 28677 Old Town Front Street

RECOMMENDATION: Approve with Conditions

CEQA: Categorically Exempt
Section 15301, Class 1 Existing Facilities

PROJECT DATA SUMMARY

Name of Applicant: Jim Rosa, on behalf of Old Town Pub and Grub

General Plan Designation: Specific Plan Implementation (SPI)

Zoning Designation: Specific Plan 5 (Old Town), Downtown Core (DTC)

**Existing Conditions/
Land Use:**

Site: Existing Commercial Structure / Specific Plan Implementation (SPI)

North: Existing Parking Lot, Commercial Structure/Specific Plan Implementation (SPI)

South: Third Street, Existing Commercial Structure/Specific Plan Implementation (SPI)

East: Existing Commercial Structure / Specific Plan Implementation (SPI)

West: Old Town Front Street, Existing Commercial Structure/Specific Plan Implementation (SPI)

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

BACKGROUND SUMMARY

On May 16, 2013, Jim Rosa, on behalf of the Old Town Pub and Grub restaurant, filed Planning Application No. PA13-0127, a Minor Conditional Use Permit. The application will allow the restaurant to obtain a Type 47 license from the California Department of Alcoholic Beverage Control (ABC) and offer live indoor entertainment. 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

Old Town Pub and Grub is a new bona fide restaurant that proposes to operate out of an existing commercial structure within the Old Town Specific Plan. The restaurant intends to offer their patrons a full alcohol menu with beer, wine, and distilled spirits. This will require a Type 47 license from ABC. Per the Old Town Specific Plan (Table IV: Land Use Matrix), businesses offering alcoholic beverage sales with distilled spirits in Old Town must obtain a Conditional Use Permit (CUP). ABC has indicated that Findings of Public Convenience or Necessity will not be required from the City of Temecula since the business will operate as a bona fide eating establishment.

The restaurant will also provide live indoor entertainment. Per the Old Town Specific Plan (Table IV: Land Use Matrix), businesses offering live entertainment must obtain a CUP. The entertainment provided by Old Town Pub and Grub will consist of musicians playing light classic rock, country, and jazz. The entertainment will be provided during the following hours:

- Wednesday & Thursday: 7 p.m. to 10 p.m.
- Friday & Saturday: 8 p.m. to 12 a.m.

The applicant has not proposed any modification to the site or structure as part of this application.

LEGAL NOTICING REQUIREMENTS

Notice of the public hearing was published in the *U-T San Diego* on July 5, 2013 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 Minor Conditional Use Permit will allow a new bona fide eating place to obtain a Type 47 license from the California Department of Alcoholic Beverage Control and provide live musical entertainment for its patrons. These uses are common for restaurants will not require modifications to the existing structure or site. No impacts are anticipated.

FINDINGS

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

The conditional use will allow a bona fide eating establishment to serve a full alcohol menu and provide live indoor entertainment. These uses are common for restaurants and the Old Town Specific Plan provides provisions to allow for them. Therefore, the proposed conditional use is consistent with the General Plan, Old Town Specific Plan and Development Code.

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 Minor Conditional Use Permit will allow a new bona fide eating establishment to obtain a Type 47 alcohol license and provide live indoor entertainment. These are common uses for restaurants and several similar establishments are located within close proximity. Therefore, these conditional uses are compatible with the nature, condition and development of adjacent uses, buildings and structures. The Project is not anticipated to adversely affect the adjacent uses, buildings or structures.

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 this development code and required by the Planning Commission or Council in order to integrate the use with other uses in the neighborhood.

The conditional uses will be housed within an existing commercial structure. Therefore the site 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 application has been reviewed to ensure compliance with the Municipal, Building, and Fire codes. These codes contain provisions to ensure the public health, safety, and general welfare. No impacts are anticipated.

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 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

Vicinity Map

Plan Reductions

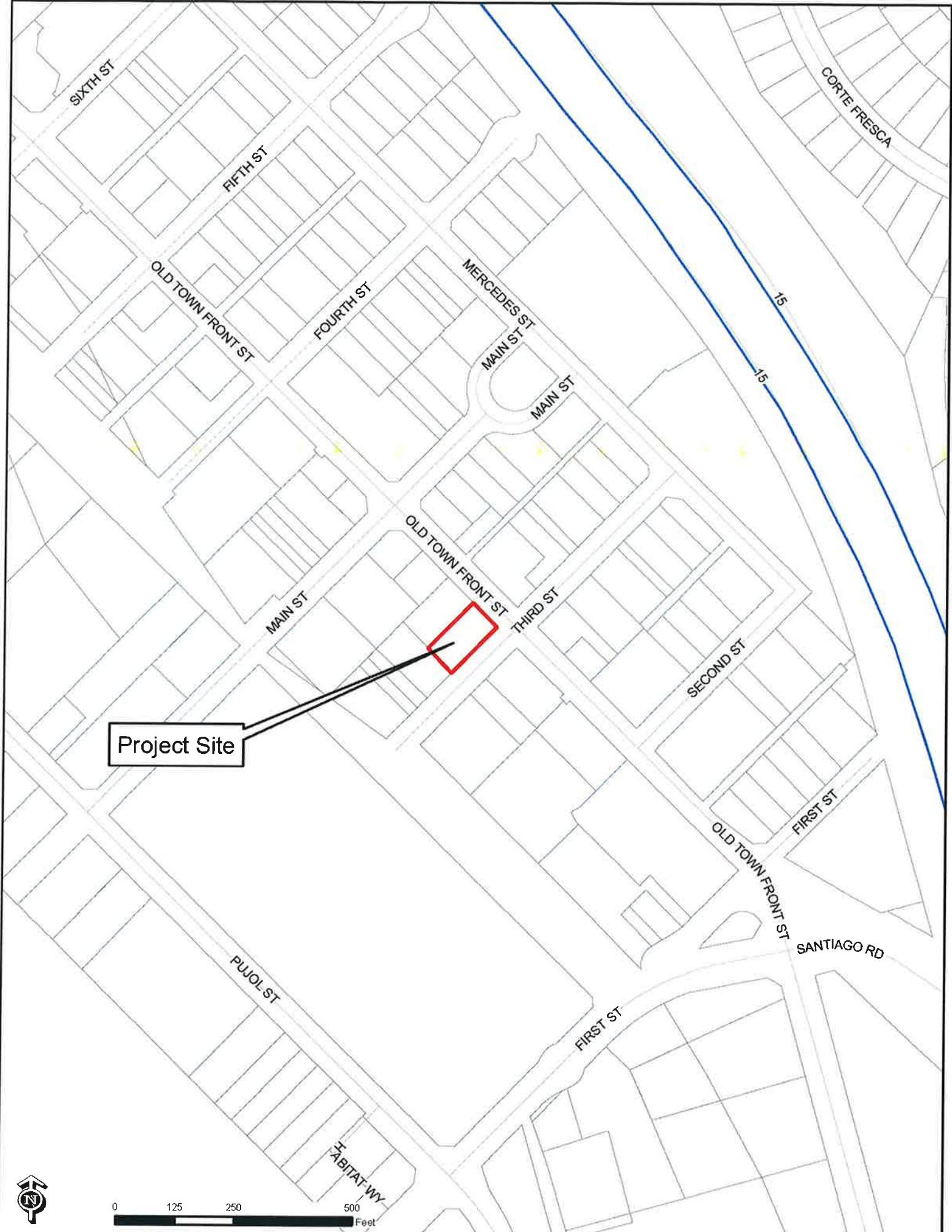
Resolution

Exhibit A - Draft Conditions of Approval

Statement of Operations

Notice of Public Hearing

VICINITY MAP



SIXTH ST

FIFTH ST

FOURTH ST

MERCEDES ST

CORTE FRESCA

OLD TOWN FRONT ST

MAIN ST

MAIN ST

15

15

OLD TOWN FRONT ST

THIRD ST

MAIN ST

SECOND ST

Project Site

FIRST ST

OLD TOWN FRONT ST

SANTIAGO RD

PUJOL ST

FIRST ST


HABITAT WY



PLAN REDUCTIONS

OLD TOWN PUB & GRUB RESTAURANT T.I.

28677 FRONT ST. SUITE#: C&D
 TEMECULA, CA 92590
 APN: 922-045-033-8

DMA
 Dave Madinen Architect
 28600 Desert Court, Lake, Harris, California 92547
 Phone: 951-947-7272 • Email: dmarchitect@aol.com
COVER SHEET
 COVER INDEX, CODE DATA AND
 TITLE 24 CALCULATIONS
 OLD TOWN PUB & GRUB RESTAURANT T.I.
 28677 FRONT ST.
 SUITE: C&D
 TEMECULA, CA 92590
 APN: 922-045-033-8

 Drawn by: LH
 Checked by: DM
 Date: 06/29/10
 Job No: 12-010
 Sheet Number: C
 Of: Sheets

GENERAL NOTES:

1. THESE NOTES SHALL BE USED IN CONNECTION WITH THE PLANS AND ANY CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT. NO CHANGES SHALL BE MADE TO THESE PLANS WITHOUT THE KNOWLEDGE AND CONSENT OF THE OWNER AND/OR ARCHITECT. THESE CHANGES APPEAR HEREON.
2. THE CONTRACTOR AND/OR SUB-CONTRACTOR SHALL CHECK ALL DIMENSIONS, FINISH CONDITIONS, AND ON-SITE CONDITIONS PRIOR TO STARTING ANY WORK. ON-SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND/OR SUB-CONTRACTOR. THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES, OMISSIONS, OR OMISSIONS.
3. DIMENSIONS AS INDICATED ARE THE DIMENSIONS THAT SHALL BE USED FOR CONSTRUCTION. DO NOT SCALE DIMENSIONS. NOTES & DETAILS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER THESE GENERAL NOTES. ALL CASE DIMENSIONS AND EACH TO THE REAR SOLE OF PLUMBING THE DIMENSIONS & SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE, THE DESIGN ADEQUACY AND SAFETY OF STRUCTURAL BRACING, BEAMS, JOINTS, SUPPORTS, ETC. IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR SUB-CONTRACTOR. AND HAS NOT BEEN CONSIDERED BY THE STRUCTURAL ENGINEER. THE CONTRACTOR AND/OR SUB-CONTRACTOR IS RESPONSIBLE FOR THE STABILITY OF THE STRUCTURE PRIOR TO THE APPLICATION OF ALL SLEW BRACE, ROOF AND FLOOR DIMENSIONS AND THESE MATERIALS BE SHALL PROVIDE THE NECESSARY BRACING TO PROVIDE STABILITY PRIOR TO THE APPLICABLE MATERIALS.
4. BRACING & SHORING: ALL FORMING, PLATE FORMS AND PLACES KEY TO THE STRUCTURE SHALL BE PROPERLY BRACED TO CARRY THEIR LOADS FROM THE SLABING.
5. INSPECTION: VISITS TO THE JOB SITE BY THE ARCHITECT DO NOT INCLUDE INSPECTION OF CONSTRUCTION PROCEDURES. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION METHODS AND FOR SAFETY CONDITIONS AT THE JOB SITE. THESE NOTES SHALL NOT BE CONSIDERED AS CONTRACT AND DETAILED INSPECTIONS.
6. CONTRACTOR SHALL HAVE ON-SITE THE APPROVED CONSTRUCTION DOCUMENTS AND BUILDING PERMIT.
7. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO SUBMIT ADEQUATE COPIES OF ALL DRAWINGS TO ALL TRADES.

GENERAL REQUIREMENTS:

1. SCOPE: ALL TRADES SHALL FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT AND PROVIDE ALL NECESSARY, NECESSARY, NECESSARILY APPROVED, OR REQUIRED BY ANY CODE WITH JURISDICTION TO COMPLETE THEIR SCOPE OF WORK FOR A COMPLETE AND PROPERLY FINISHED JOB.
2. ALL WORK SHALL COMPLY WITH APPLICABLE REQUIREMENTS OF THE APPLICABLE BUILDING CODE (CALIFORNIA SECTION AND LOCAL GOVERNMENT ORDINANCES).
3. PERMITS: THE APPLICABLE BUILDING PERMIT & PLAN CHECK FEE SHALL BE SECURED AND PAID FOR BY THE SUB-CONTRACTOR DIRECTLY RESPONSIBLE.
4. INSPECTIONS: THE REVIEW OF THIS DOCUMENT IS TO SECURE ALL LABOR, MATERIALS, EQUIPMENT AND TRANSPORTATION NECESSARY FOR A COMPLETE AND PROPER EXECUTION OF THE WORK DESCRIBED.
5. CHANGES: THE OWNER MAY ORDER EXTRA WORK OR MAKE CHANGES BY A WRITTEN ORDER TO BE CONTROLLED BY THE ARCHITECT. THE CONTRACTOR SHALL BE ADVISED ACCORDINGLY.
6. CONTRACTOR'S OBLIGATIONS: ALL TRADES SHALL DO THEIR OWN LIFTING, FITTING, PACKING, ETC. TO FIT THE SEVERAL PARTS TOGETHER PROPERLY AND FIT IT TO RECEIVE OR BE RECEIVED BY THE OTHER TRADES.
7. RELEASED: ALL TRADES SHALL AT ALL TIMES KEEP THE SITE FREE FROM OBSTRUCTIONS OF ANY MATERIALS OR DEBRIS CAUSED BY THEIR WORK.
8. GENERAL:
 - a. ALL CONSTRUCTION AND REPAIRWORK SHALL CONFORM TO THE INTENTION OF THE B.C.C. FORMER MATERIALS, EQUIPMENT AND PRODUCTS OTHER THAN THOSE DESCRIBED BELOW OR INDICATED ON THE DRAWINGS SHALL BE CONSIDERED AS PROVIDED FROM APPROVAL IS OBTAINED FROM THE ARCHITECT AND APPLICABLE AND/OR OTHERWISE TO THE CONTRACTOR ONLY AND DOES NOT LIMIT THE APPLICATION OF B.C.C. DETAILS OR ORDINANCES.
 - b. THE ARCHITECT SHALL IN NO WAY BE RESPONSIBLE FOR WORK THE FIELD WORK IS PERFORMED SAFELY OR ASSET THE JOB SITE METHOD OF PROTECTION, PACE OR THROUGH IN THE PERFORMANCE OF THE CONTRACTOR OR SUB-CONTRACTOR'S WORK.
 - c. SOILS REQUIRED:
 - A. PRIOR TO THE CONTRACTOR RECEIVING A FOUNDATION PERMIT THE SOILS ENGINEER BY REQUEST SHALL ADVISE THE BUILDING OFFICIAL AS TO THE NATURE AND THE BUILDING AND HOW PREPARED IN ACCORDANCE WITH THE SOILS REPORT.
 - B. IF THE UTILITY TRENCHES HAVE BEEN PROPERLY BACK FILLED AND COMPACTED.
 - C. THE FOUNDATION EXCAVATION HAS MADE TO CONFORM WITH THE RECOMMENDATION FOR COMPACTED GRANULAR FILL AND DRAINAGE CAPACITY.

REQUIRED SPECIAL INSPECTIONS:

IN ADDITION TO THE REQUIRED INSPECTIONS, THE FOLLOWING ITEMS SHALL REQUIRE SPECIAL INSPECTION ACCORDANCE WITH SECTION 707 OF THE UNIFORM BUILDING CODE. THE SPECIAL INSPECTOR IS TO BE EMPLOYED BY THE OWNER OR BY THE ARCHITECT, OR ENGINEER OF RECORD.

ITEM	REQUIRED	YES	NO	REMARKS
SOILS COMPLIANCE PRIOR TO FOUNDATION INSPECTION			NO	
FIELD FIELDING - COMPLIANCE PRIOR TO FOUNDATION AND STRUCTURAL INSPECTIONS AS NEEDED.			NO	
STRUCTURAL CONCRETE OVER 2500 P.S.I.			NO	
PRE-COMRESSED CONCRETE			NO	
STRUCTURAL MASONRY			NO	
HIGH STRENGTH BOLTS			NO	
EPOXY/REPAIR/ANCHOR ANCHORS			NO	
SPRAY ON FIRE PROOFING			NO	

APPLICANT:

JIM ROSA
 TEL: 951-940-1807
 E-MAIL: jrosat1988@aol.com

ARCHITECT:

DMA
 3888 DESERT OAK LAKE
 HUNTERA, CA 92580
 TEL: (951) 944-2762
 CONTACT: DAVE MADINEN

MECHANICAL PLUMBING I:

RSA ENGINEERING
 TEL: (951) 946-7888
 E-MAIL: rrsing13@aol.com

ELECTRICAL:

M+S ENGINEERS LLC
 804 DELINO DRIVE
 PERRIS, CALIF. 92570
 TEL: (951) 448-4522

CONTACT INFORMATION

C COVER SHEET

6A-1	GENERAL NOTES
6A-2	GENERAL NOTES
A-1	SITE PLAN
A-2	FLOOR PLAN
A-3	UPPER FLOOR PLAN & NOTES
A-4	DESIGN PLAN
A-5	REFLECTED CEILING PLAN
A-6	INTERIOR ELEVATIONS & SCHEDULES
A-7	INTERIOR ELEVATIONS & SCHEDULES
A-8	INTERIOR ELEVATIONS & SCHEDULES
AD-1	ADA REST ROOM DETAILS
AD-2	CEILING AND WALL DETAILS
W1077-6	TITLE 24 COMPLIANCE FORMS
W1077-7	ELECTRICAL COVER SHEET
W1077-8	POWER AND SIGNAL PLAN
W1077-9	ROOF POWER PLAN
W1077-10	LIGHTING PLAN
W1077-11	WOOD MECHANICAL SCHEDULES
W1077-12	WOOD MECHANICAL ROOF PLAN
W1077-13	WOOD MECHANICAL DETAILS
W1077-14	WOOD FIRE DETAILS
M-1	MECHANICAL SCHEDULES
M-2	MECHANICAL ROOF PLAN
M-3	MECHANICAL DETAILS
P-1	PLUMBING SCHEDULE
P-2	PLUMBING FLOOR PLAN

SHEET INDEX

NOTE:
 THIS PROJECT SHALL COMPLY WITH THE LOCAL ORDINANCE AND THE 2000 CALIFORNIA BUILDING CODE BASED ON THE 2001 IBC, THE 2000 CALIFORNIA RESIDENTIAL CODE BASED ON THE 2001 IRC, THE 2000 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN CODE), THE 2000 CALIFORNIA MECHANICAL CODE BASED ON THE 2001 IMC, THE 2000 CALIFORNIA PLUMBING CODE BASED ON THE 2001 UPC, THE 2000 CALIFORNIA ELECTRICAL CODE BASED ON THE 2005 NEC, THE 2000 CALIFORNIA FIRE CODE BASED ON 2001 IFC AND THE 2000 CALIFORNIA ENERGY CODE BASED ON 2006 ENERGY CODE.

CODE DATA

OWNER:	JIM LASH P.O. BOX 108 BULLHEAD CITY, ARIZONA, 84530	LEGAL DESCRIPTION:	APN: 922-045-033-8
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BUILDING INFORMATION

DEVELOPMENT TYPE	COMMERCIAL
CONSTRUCTION TYPE	V-B
CONSTRUCTION OF USE	RESTAURANT
OCCUPANCY	A-2
F.O.T. SCORES	2
SCHEDULES	NO

SQUARE FOOTAGE:

SUITE C&D FLOOR PLAN:

KITCHEN/PREP:	349 SQ. FT.
BAR:	193 SQ. FT.
BAR SEATING:	48 SQ. FT.
DINING:	954 SQ. FT.
RESTROOMS:	236 SQ. FT.
LOCKED STORAGE:	98 SQ. FT.
STORAGE:	140 SQ. FT.
SITE TOTAL:	2,228 SQ. FT.

OCCUPANT LOAD

T.I. FOR SUITE C&D

KITCHEN/PREP	349 SQ. FT. @ 1:200	= 2
BAR	193 SQ. FT. @ 1:200	= 1
BAR SEATING	48 SQ. FT. @ 1:7	= 7
DINING	554 SQ. FT. @ 1:15	= 37
LOCKED STOR	98 SQ. FT. @ 1:500	= 1
STORAGE	140 SQ. FT. @ 1:500	= 1
TOTAL OCCUPANT LOAD		= 49

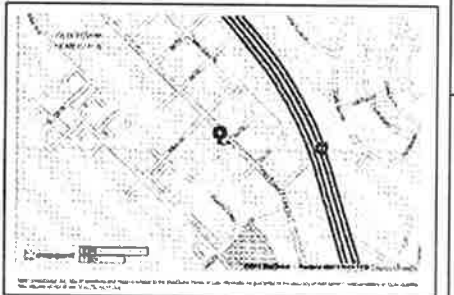
PROJECT DATA

MINIMUM PLUMBING FIXTURES REQUIRED (PER C.B.C.)

CLUSTER	CLUSTER	CLUSTER	LOAD	# OF
NO.	NO.	NO. FT.	FACTOR	OCCUPANTS
AREA 1 & 2	A-2	2,228	90	78
SUB-TOTAL				78

PLUMBING FIXTURES PROVIDED

	YES	NO	REMARKS
OCCUPANTS	80	0	
WATER CLOSETS	1	1	
LAVATORIES	1	1	
URINALS			
DRENCHING FOUNTAINS			



VICINITY MAP

GENERAL NOTES

2 HOUR RATED FIRE WALL

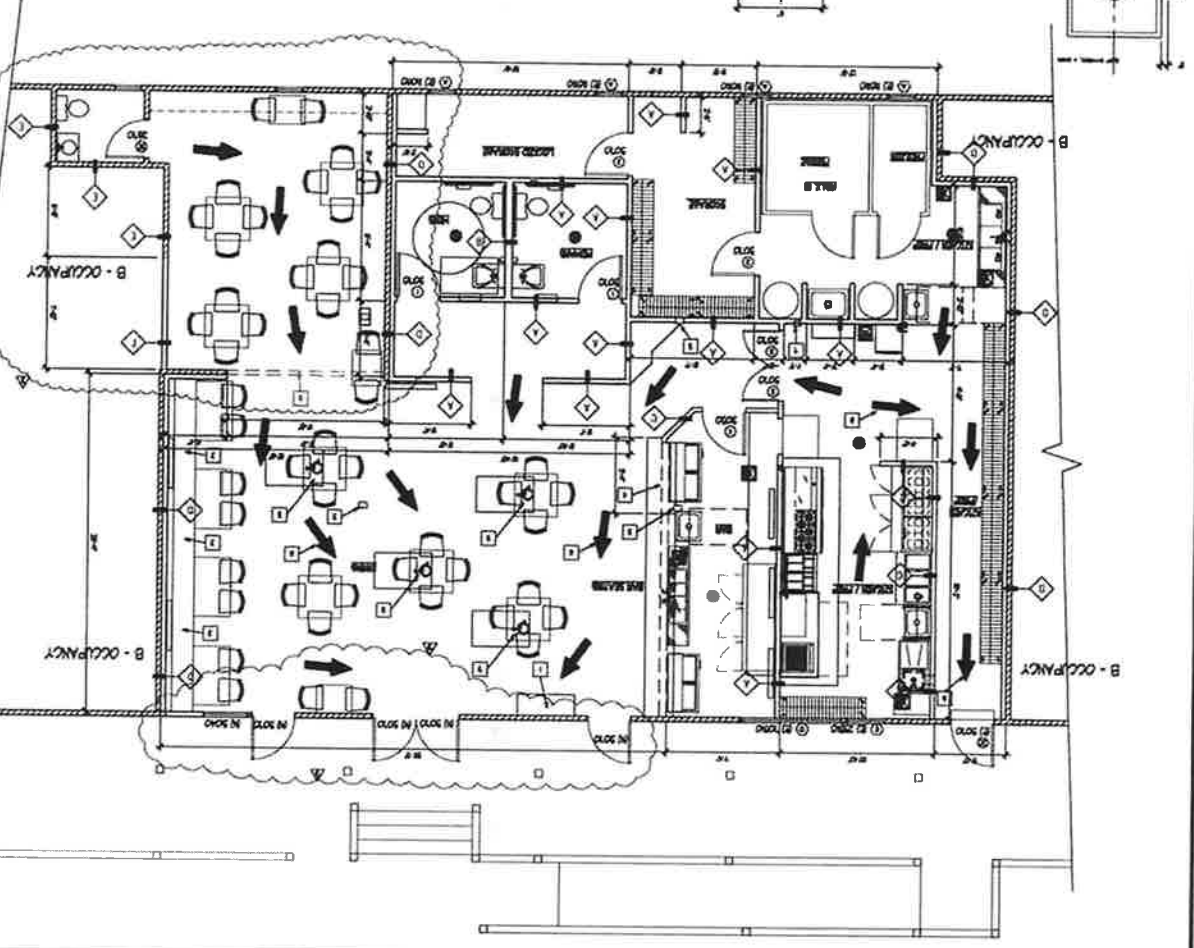
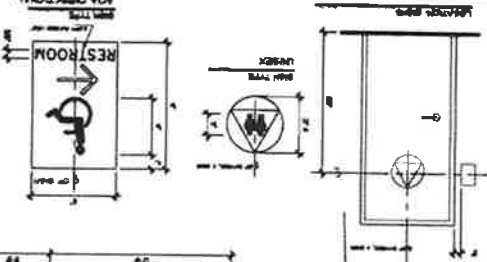
CONTRACTOR: [REDACTED]
 PROJECT: [REDACTED]
 SHEET: [REDACTED]

BUILDING INFORMATION

OWNER: [REDACTED]
 ARCHITECT: [REDACTED]
 CONTRACTOR: [REDACTED]

OCCUPANT LOAD

RESTROOM: 100 SF @ 15.00 = 6.67
 BATH: 100 SF @ 15.00 = 6.67
 STAIR: 100 SF @ 15.00 = 6.67
 ELEVATOR: 100 SF @ 15.00 = 6.67
 TOTAL: 26.67



WALL TYPES

1. 1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE
 2. 1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE AND 1/2" GYPSUM BOARD ON EXTERIOR SIDE
 3. 1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE AND 1/2" GYPSUM BOARD ON EXTERIOR SIDE AND 1/2" GYPSUM BOARD ON INTERIOR SIDE

WALL LEGEND

1. 1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE
 2. 1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE AND 1/2" GYPSUM BOARD ON EXTERIOR SIDE
 3. 1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE AND 1/2" GYPSUM BOARD ON EXTERIOR SIDE AND 1/2" GYPSUM BOARD ON INTERIOR SIDE

FLOOR PLAN NOTES

1. ALL OCCUPANCY AREAS SHALL BE MARKED WITH THE APPROPRIATE OCCUPANCY SYMBOLS AS SHOWN ON THIS SHEET.
 2. ALL OCCUPANCY AREAS SHALL BE MARKED WITH THE APPROPRIATE OCCUPANCY SYMBOLS AS SHOWN ON THIS SHEET.
 3. ALL OCCUPANCY AREAS SHALL BE MARKED WITH THE APPROPRIATE OCCUPANCY SYMBOLS AS SHOWN ON THIS SHEET.

FLOOR PLAN SCHEDULE

NO.	DESCRIPTION	QTY	UNIT
1	1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE	100	SF
2	1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE AND 1/2" GYPSUM BOARD ON EXTERIOR SIDE	100	SF
3	1/2" GYPSUM BOARD ON 2" X 4" STUDS WITH 5/8" GYPSUM BOARD ON OTHER SIDE AND 1/2" GYPSUM BOARD ON EXTERIOR SIDE AND 1/2" GYPSUM BOARD ON INTERIOR SIDE	100	SF

NOTE

1. ALL OCCUPANCY AREAS SHALL BE MARKED WITH THE APPROPRIATE OCCUPANCY SYMBOLS AS SHOWN ON THIS SHEET.
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DOOR SCHEDULE

NO.	TYPE	FRAME	FINISH	GLASS	GLASS TYPE	GLASS THICKNESS	REMARKS
1	SWING	ALUMINUM	WOOD	1/2"	CLARIFIED	1/2"	
2	SLIDING	ALUMINUM	WOOD	1/2"	CLARIFIED	1/2"	
3	SWING	ALUMINUM	WOOD	1/2"	CLARIFIED	1/2"	

WINDOW SCHEDULE

NO.	TYPE	FRAME	FINISH	GLASS	GLASS TYPE	GLASS THICKNESS	REMARKS
1	SWING	ALUMINUM	WOOD	1/2"	CLARIFIED	1/2"	
2	SLIDING	ALUMINUM	WOOD	1/2"	CLARIFIED	1/2"	
3	SWING	ALUMINUM	WOOD	1/2"	CLARIFIED	1/2"	

REQUIRED DOOR HARDWARE

1. ALL DOORS SHALL BE MARKED WITH THE APPROPRIATE HARDWARE SYMBOLS AS SHOWN ON THIS SHEET.
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DMR

DAVE MADSEN ARCHITECT

20000 Dwight Oak Lane, Yorba Linda, California 92886

2025 1/2" X 11-1/2" (11-1/2" X 17-1/2")

DATE: [REDACTED]

SCALE: [REDACTED]

PROJECT: [REDACTED]

LOCATION: [REDACTED]

NO. OF SHEETS: [REDACTED]

DATE: [REDACTED]

SCALE: [REDACTED]

PROJECT: [REDACTED]

LOCATION: [REDACTED]

NO. OF SHEETS: [REDACTED]

PC RESOLUTION

PC RESOLUTION NO. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA APPROVING PLANNING APPLICATION NO. PA13-0127, A MINOR CONDITIONAL USE PERMIT FOR OLD TOWN PUB AND GRUB, A BONA FIDE EATING ESTABLISHMENT, TO ALLOW FOR A TYPE 47 ABC LICENSE (ON-SALE GENERAL BEER/WINE/DISTILLED SPIRITS) AND LIVE INDOOR ENTERTAINMENT AT 28677 OLD TOWN FRONT STREET (APN 922-045-033)

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

A. On May 16, 2013, Jim Rosa, on behalf of Old Town Pub and Grub filed Planning Application No. PA13-0127, a Minor 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 July 17, 2013, 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. PA13-0127 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:

Minor Conditional Use Permits (Development Code Section 17.04.010)

A. 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 conditional use will allow a bona fide eating establishment to serve a full alcohol menu and provide live indoor entertainment. These uses are common for restaurants and Old Town Specific Plan contains provisions to allow for them. Therefore, the proposed conditional use is consistent with the General Plan, Old Town Specific Plan and Development Code.

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 Minor Conditional Use Permit will allow a new bona fide eating establishment to obtain a Type-47 alcohol license and provide live indoor entertainment. These are common uses for restaurants and several similar establishments are located within close proximity. Therefore, these conditional uses are compatible with the nature, condition and development of adjacent uses, buildings and structures. The Project is not anticipated to adversely affect the adjacent uses, buildings or structures.

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 this Development Code and required by the Planning Commission or City Council in order to integrate the use with other uses in the neighborhood;

The conditional uses will be housed within and existing commercial structure. Therefore the site 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.

D. The nature of the proposed conditional use is not detrimental to the health, safety and general welfare of the community;

The application has been reviewed to ensure compliance with the Municipal, Building, and Fire codes. These codes contain provisions to ensure the public health, safety, and general welfare. No impacts are anticipated.

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 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 Minor Conditional Use Permit will allow a new bona fide eating place to obtain a Type 47 license from the California Department of Alcoholic Beverage Control and provide live musical entertainment for its patrons. These uses are common for restaurants and will not require modifications to the existing structure or site. No impacts are anticipated.

Section 4. Conditions. The Planning Commission of the City of Temecula approves Planning Application No. PA13-0127, a Minor Conditional Use Permit for Old Town Pub and Grub, a bona fide eating establishment, to allow for a Type 47 ABC license (on-sale general beer/wine/distilled spirits) and live indoor entertainment at 28677 Old Town Front Street, subject to the Conditions of Approval set forth on Exhibit A, attached hereto, and incorporated herein by this reference.

Section 5. **PASSED, APPROVED AND ADOPTED** by the City of Temecula Planning Commission this 17th day of July, 2013.

John Telesio, Chairman

ATTEST:

Patrick Richardson, Secretary

[SEAL]

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

I, Patrick Richardson, Secretary of the Temecula Planning Commission, do hereby certify that the forgoing PC Resolution No. 13- was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 17th day of July, 2013, by the following vote:

AYES: PLANNING COMMISSIONERS:

NOES: PLANNING COMMISSIONERS:

ABSENT: PLANNING COMMISSIONERS:

ABSTAIN: PLANNING COMMISSIONERS:

Patrick Richardson, Secretary

EXHIBIT A
DRAFT CONDITIONS OF APPROVAL

EXHIBIT A

CITY OF TEMECULA

DRAFT CONDITIONS OF APPROVAL

Planning Application No.: PA13-0127

Project Description: A Minor Conditional Use Permit for Old Town Pub and Grub, a bona fide eating establishment, to allow for a Type 47 ABC license (on-sale general beer/wine/distilled spirits) and live indoor entertainment at 28677 Old Town Front Street

Assessor's Parcel No.: 922-045-033

MSHCP Category: N/A (No New Square Footage/Grading)

DIF Category: N/A (No New Square Footage)

TUMF Category: N/A (No New Square Footage)

Quimby Category: N/A (Non-Residential Project)

Approval Date: July 17, 2013

Expiration Date: July 17, 2015

PLANNING DEPARTMENT

Within 48 Hours of the Approval of This Project

PL-1. The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Fifty Dollars (\$50.00) for the County administrative fee, to enable the City to file the Notice of Exemption as provided under Public Resources Code Section 21152 and California Code of Regulations Section 15062. If within said 48-hour period the applicant/ developer has not delivered to the Planning Department the check as required above, the approval for the project granted shall be void by reason of failure of condition (Fish and Wildlife Code Section 711.4(c)).

General Requirements

PL-2. The applicant and owner of the real property subject to this condition shall hereby agree to indemnify, protect, hold harmless, and defend the City with Legal Counsel of the City's own selection from any and all claims, actions, awards, judgments, or proceedings against the City to attack, set aside, annul, or seek monetary damages resulting, directly or indirectly, from any action in furtherance of and the approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning the Planning Application. The City shall be deemed for purposes of this condition, to include any agency or instrumentality thereof, or any of its elected or appointed officials,

officers, employees, consultants, contractors, legal counsel, and agents. City shall promptly notify both the applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves the right to take any and all action the City deems to be in the best interest of the City and its citizens in regards to such defense.

- PL-3. The permittee shall obtain City approval for any modifications or revisions to the approval of this project.
- PL-4. This approval shall be used within two years of the approval date; otherwise, it shall become null and void. By use is meant the beginning of substantial construction contemplated by this approval within the two year period, which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval.
- PL-5. The Planning Director may, upon an application being filed prior to expiration, and for good cause, grant a time extension of up to 3 one-year extensions of time, one year at a time.
- PL-6. This project and all subsequent projects within this site shall be consistent with Specific Plan No. 5 (Old Town).
- PL-7. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Department.
- PL-8. Other than stormwater, it is illegal to allow liquids, gels, powders, sediment, fertilizers, landscape debris, and waste from entering the storm drain system or from leaving the property. Spills and leaks must be cleaned up immediately. Do not wash, maintain, or repair vehicles onsite. Do not hose down parking areas, sidewalks, alleys, or gutters. Ensure that all materials and products stored outside are protected from rain. Ensure all trash bins are covered at all times.
- PL-9. The applicant shall comply with their Statement of Operations submitted May 16, 2013, on file with the Planning Department, unless superseded by these Conditions of Approval.
- PL-10. This Conditional Use Permit may be revoked pursuant to Section 17.03.080 of the City's Development Code.
- PL-11. The City, its Planning Director, Planning Commission, and City Council retain and reserve the right and jurisdiction to review and modify this Conditional Use Permit (including the Conditions of Approval) based on changed circumstances. Changed circumstances include, but are not limited to, the modification of business, a change in scope, emphasis, size of nature of the business, and the expansion, alteration, reconfiguration or change of use. The reservation of right to review any Conditional Use Permit granted or approved or conditionally approved hereunder by the City, its Planning Director, Planning Commission and City Council is in addition to, and not in-lieu of, the right of the City, its Planning Director, Planning Commission, and City Council to review, revoke or modify any Conditional Use Permit approved or conditionally approved hereunder for any violations of the conditions imposed on such Conditional Use Permit or for the maintenance of any nuisance condition or other code violation thereon.

- PL-12. An 8.5" x 11" (or larger) sign listing local transportation service providers and corresponding telephone numbers shall be posted at a conspicuous location within the building. Information to assist in the compilation of this sign may be obtained through the Temecula Valley Chamber of Commerce (951-676-5090).
- PL-13. Hours of operation for the live indoor entertainment shall be: Wednesday and Thursday 7 p.m. to 10 p.m. and Friday and Saturday 8 p.m. to 12 a.m.
- PL-14. All live entertainment shall be conducted indoors.
- PL-15. All live entertainment must adhere to the City of Temecula Noise Ordinance.

OUTSIDE AGENCIES

- PL-16. The applicant shall comply with the recommendations set forth by the County of Riverside Department of Environmental Health.

FIRE PREVENTION

General Requirements

- F-1. Maximum occupancy load signs shall be posted within the establishment. The occupant load shall not be exceeded during business hours.
- F-2. Any extension cords shall be of a commercial type and be in good working condition. Extension cords shall not be subjected to physical damage. Extension cords shall be maintained in good condition without splices, deterioration or damage (CFC Chapter 6).

BUILDING AND SAFETY

- B-1. No stage or platform will be constructed on the premises without the approval of the City of Temecula.
- B-2. No path of egress or component to the means of egress shall be restricted or obstructed.

POLICE DEPARTMENT

General Requirements

- PD-1. Applicant has applied for a Type 47 On-Sale, General – Eating Place (Restaurant) license, which authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises and authorizes the sale of beer and wine for consumption off the licensed premises. Applicant must operate and maintain the licensed premises as a bona fide eating place. Minors are allowed on the premises.
- PD-2. Applicant shall comply with Temecula Municipal Code Section 9.14.010, Consumption of Alcoholic Beverages in Public Prohibited.
- PD-3. Applicant must complete a LEAD training either given by the Department of Alcoholic Beverage Control, or an ABC certified equivalent course.

- PD-4. Applicant shall ensure that no alcohol is sold to, possessed or consumed by any person under the age of 21.
- PD-5. Identification will be verified utilizing one of the following: (a) valid California driver's license; (b) valid California identification card; (c) valid military identification card (active/reserve/retired/dependent); (d) valid driver's license from any of the 50 States or Territories of the United States; (e) valid U.S. Passport; (f) valid government issued identification card issued by a Federal, State, County or City agency.
- PD-6. As noted above, only a valid government issued identification card issued by a Federal, State, County or City agency is acceptable, providing it complies with Section 25660 of the Business and Profession Code (B&P), which includes the following requirements: (a) name of person; (b) date of birth; (c) physical description; (d) photograph; (e) currently valid (not expired). It is the responsibility of the business owner and any person who serves or sells alcohol to be aware of current laws and regulations pertaining to alcoholic beverages.
- PD-7. Sections 24200.5 (b) and 25657 (a) (b) B&P; Rule 143 CCR: Section 303 (a) (PC): On-sale licensees may not: (a) employ hosts, hostesses, or entertainers who solicit others to buy them drinks, alcoholic or non-alcoholic; (b) pay or agree to pay such an employee a percentage of the receipts from the sales of drinks solicited; (c) permit any person whether an employee or not, to loiter for the purpose of soliciting an alcoholic drink.
- PD-8. Type 41, 47 and 49 licensees must operate and maintain their licensed premises as a bona fide eating place. They must make actual and substantial sale of meals, during the normal meal hours that they are open, at least five days a week. Normal meal hours are: breakfast 6:00 a.m. – 9:00 a.m., lunch 11:00 a.m. – 2:00 p.m., and dinner 6:00 p.m. – 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open. The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the local health department. Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance. "Meals" means the usual assortment of food commonly ordered at various hours of the day. The service of only sandwiches or salads is not considered compliance. However, certain specialty entrees, such as pizza, fish or ribs, and an assortment of other foods, such as soups, salads or desserts, may be considered a meal. The Department will presume that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. "Prepared" means any processing preliminary to the final serving of food. (Note: Some licensees have a "conditional" license that requires food sales to be 50% or more of the total gross sales Sections 23038 and 23787 B&P).
- PD-9. Licensees may not sell, give, or deliver alcohol (by the drink or by the package) between 2:00 a.m. and 6:00 a.m. of the same day. No person may knowingly purchase alcohol between 2:00 a.m. and 6:00 a.m. (Section 25631 B&P Code). Licensees may not permit patrons or employees to consume alcohol between 2:00 a.m. and 6:00 a.m. of the same day (even if someone bought the drinks before 2:00 a.m. Section 25632

B&P). Some ABC licenses have special conditions (restrictions) as to hours of sale that are stricter than the law. Those licenses are marked "Conditional" (23805 B&P).

- PD-10. Police officers, sheriff's deputies and ABC investigators are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plainclothes or uniform, peace officers have the legal right to visit and inspect any licensed premises at any time during business hours without a search warrant or probable cause. This includes inspecting the bar and back bar, store room, office, closed or locked cabinets, safes, kitchen, or any other area within the licensed premises. It is legal and reasonable for licensees to exclude the public from some areas of the premises. However, licensees cannot and must not deny entry to, resist, delay, obstruct, or assault a peace officer (Sections 25616, 25753, and 25755 B&P; 148 and 241 (b) PC).
- PD-11. Licensees may not permit their licensed premises to become a disorderly house. A disorderly house is a licensed outlet (on or off sale) that: (a) disturbs neighbors with noise, loud music, loitering, littering, vandalism, urination or defecation, graffiti, etc; and/or (b) has many ongoing crimes inside such as drunks, fights, assaults, prostitution narcotics, etc. The licensed premises area includes the parking lot (Sections 24200 (a) (B&P) and 25601 B&P; 316 PC).
- PD-12. Applicant shall ensure all employees involved with the sales, service and identification checks for the purpose of any sales of alcoholic beverages are trained in the proper procedures and identification checks. The Temecula Police Department provides free training for all employees involved in the service and sales of alcoholic beverages. It is the responsibility of the applicant to set up a training session for all new employees. Contact the Temecula Police Department Crime Prevention and Plans Unit at (951) 506-5132.
- PD-13. Events where entertainment is to be provided must abide by the following rules: (1) No licensee shall permit any person to perform acts of, or acts which simulate; (a) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; (b) the touching, caressing or fondling of the breasts, buttocks, anus or genitals; (c) the displaying of the pubic hair, anus, vulva or genitals; and, (2) Subject to the provisions of subdivision (1) hereof, entertainers whose breasts and/or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron. No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus (Rule 143.3 CCR. Also violates Section 311.6 PC if conduct is "obscene").
- PD-14. All exterior doors shall have a vandal resistant light fixture installed above the door. The doors shall be illuminated with a minimum one-foot candle illumination at ground level, evenly dispersed.
- PD-15. All lighting affixed to the exterior of buildings less than 8 feet high shall be vandal resistant.
- PD-16. All doors, windows, locking mechanisms, hinges, and other miscellaneous hardware shall be commercial or institution grade.

- PD-17. Upon completion of construction, each building or business shall have an alarm system that is monitored by a designated private alarm company to notify the Temecula Police Department of any intrusion. All multi-tenant offices/suites/businesses located within a specific building shall each have their own alarm system. This condition is not applicable if the business is open 24/7.
- PD-18. Any questions regarding these conditions should be directed to the Temecula Police Department Crime Prevention and Plans Unit at (951) 506-5132.

STATEMENT OF OPERATIONS

Statement of Operations

*A Detailed description of the equipment proposed for the event

Speaker system for band with lighting

*Hours and days of operation

- 10:30am-12:00am Monday-Sunday
- Live entertainment Wednesday & Thursday 7pm-10pm Friday & Saturday 8pm-12am

*Numbers of employees

15

*Proposed private security (If required)

With entertainment if needed

*Estimated number of people in attendance

67

*Total number of parking spaces eliminated for the event

None

*Indicate if food will be provided

Yes

*Indicate if alcohol will be provided

Yes (Type 47)

*Indicate if live entertainment or loud music will be provided

Yes - Live indoor entertainment Wednesday & Thursday 7pm-10pm Friday & Saturday 8pm-12am. Entertainment will consist of live music (light classic rock, country, jazz,)

*Indicate all types of structures to be provided (light, tents, signs, fences, etc.)

Lights – indoor for the live entertainment

*Indicate how many portable restrooms will be provided, if any

None

*Indicate if ADA (handicap) paths are existing on site

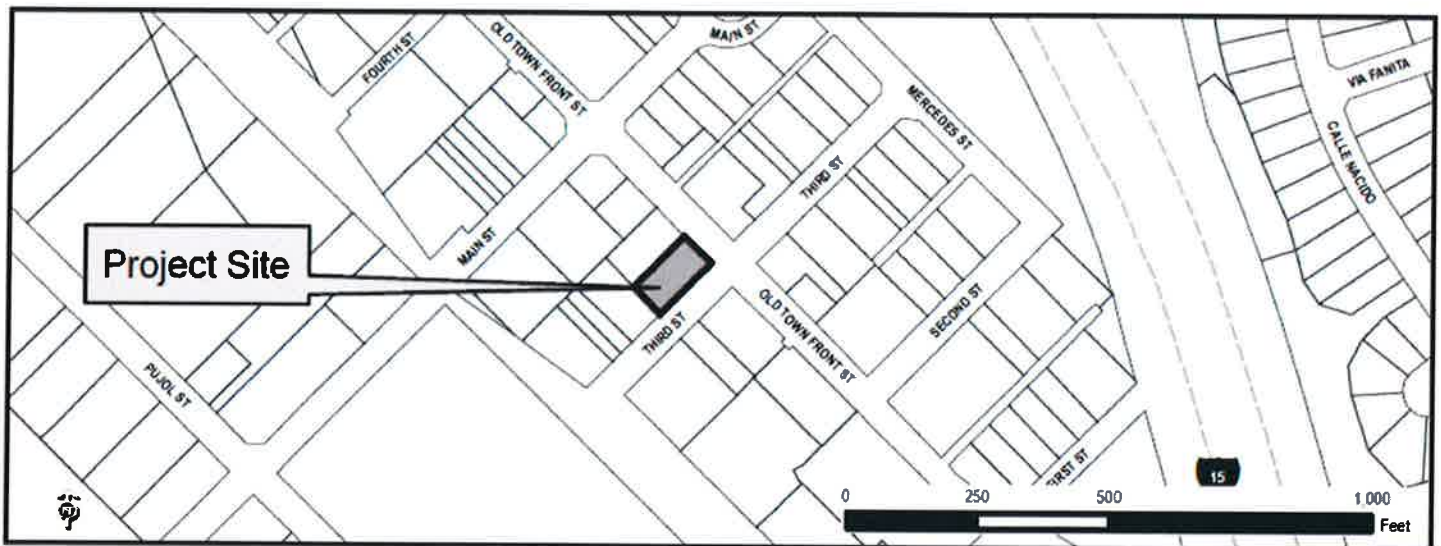
NOTICE OF PUBLIC HEARING



Notice of Public Hearing

A **PUBLIC HEARING** has been scheduled before the City of Temecula **PLANNING COMMISSION** to consider the matter described below:

- Case No:** PA13-0127
- Applicant:** Jim Rosa, on behalf of Old Town Pub and Grub
- Proposal:** A Minor Conditional Use Permit for Old Town Pub and Grub, a bona fide eating establishment, to allow for a Type 47 ABC license (on-sale general beer/wine/distilled spirits) and live indoor entertainment at 28677 Old Town Front Street.
- Environmental:** In accordance with the California Environmental Quality Act (CEQA), the proposed project is exempt from further environmental review and a Notice of Exemption will be adopted in compliance with CEQA (Section 15301, Class 1, Existing Facilities)
- Case Planner:** Eric Jones, (951) 506-5115
- Place of Hearing:** City of Temecula, Council Chambers
- Date of Hearing:** July 17, 2013
- Time of Hearing:** 6:00 p.m.



The agenda packet (including staff reports) will be available for viewing in the Main Reception area at the Temecula Civic Center (41000 Main Street, Temecula) after 4:00 p.m. the Friday before the Planning Commission Meeting. At that time, the packet may also be accessed on the City's website – www.cityoftemecula.org. Any **Supplemental Material** distributed to a majority of the Commission regarding any item on the Agenda, after the posting of the Agenda, will be available for public review in the Main Reception area at the Temecula Civic Center (41000 Main Street, Temecula), 8:00 a.m. – 5:00 p.m. In addition, such material will be made available on the City's website – www.cityoftemecula.org – and will be available for public review at the respective meeting.

If you have any questions regarding any item of business on the Agenda for this meeting, please call the Planning Department, (951) 694-6400.



Guido E. Toscano

T 213.626.8484
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E gtoscano@rwglaw.com

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
rwglaw.com

June 5, 2023

VIA E-MAIL AND OVERNIGHT MAIL

Old Town Pub & Grub
28677 Old Town Front Street
Temecula, CA 92590

Business Owners:
Ed & Erin Ryder
30295 White Wake Dr. Canyon Lake, CA 92587
edcryder@gmail.com
erindryder@gmail.com

Property Owner:
Linda Lash, Inc.
lindashererlash@gmail.com

Agent for Service for Linda Lash Inc.:
Kimber Patscheck
955 Vale Terrace Dr. Suite A
Vista, CA 92084

Re: Order to Cease and Desist Code and Conditional Use Permit Violations at
Pub & Grub, 28677 Old Town Front Street, Temecula, California

To All Parties:

This office serves as the City Attorneys for the City of Temecula (“City”). We write regarding ongoing violations of the Temecula Municipal Code (“TMC” or “Code”) at Old Town Pub & Grub (“Pub & Grub”) located at 28677 Old Town Front Street in the City (the “Property”).

Please be advised that Pub & Grub is operating outside of its Conditional Use Permit (“CUP”) (TMC § 17.04.010) by its failure to abide by condition PL-13 of the CUP, which states the only approved hours of operation for live indoor entertainment are: Wednesday and Thursday 7 p.m. to 10 p.m. and Friday and Saturday 8 p.m. to 12 a.m.

Violations of the Code are subject to enforcement pursuant to the provisions of TMC Chapters 1.16, 1.20, 1.21, 1.24 and 8.12 which provide for, among other things, administrative citations, civil penalties and other enforcement options. Any violation of the Code is unlawful and a public nuisance. See TMC, §§ 1.20.010, 8.12.020(A).

As you are well aware, Pub & Grub has been and continues to be in violation of the Municipal Code and its CUP by having live entertainment well outside its authorized hours.

YOU ARE HEREBY INSTRUCTED TO IMMEDIATELY CEASE AND DESIST LIVE ENTERTAINMENT OUTSIDE OF THE AUTHORIZED HOURS OF WEDNESDAY AND THURSDAY 7 P.M. TO 10 P.M. AND FRIDAY AND SATURDAY 8 P.M. TO 12 A.M.

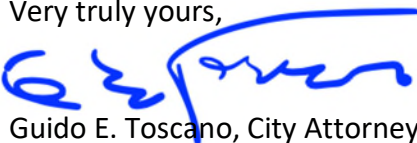
The City considers violations of the CUP and live entertainment outside of authorized hours as a public nuisance that must cease immediately or the City will pursue formal legal action against you, including potentially a civil action against both the Business and the Property Owner to abate the public nuisance. The City also reserves its right to initiate administrative proceedings to revoke the CUP if that becomes necessary.

The City's concerns regarding hours of operation have been ongoing for a significant period. We are aware that City Code enforcement personnel met with Mr. Ryder in the summer of 2018 and that citations have been issued almost *every weekend* since August 2018. The CUP violations still persist today despite the City's citations, the imposition of civil penalties and repeated efforts to achieve voluntary compliance.

The City intends to initiate civil and/or administrative proceedings if the Business Owner and the Property Owner do not take the necessary steps to ensure that Pub & Grub limits its live entertainment to its authorized hours. Please note that if the City must initiate a legal proceeding, then the City will also seek attorneys' fees and costs in connection with the abatement of the public nuisance, in addition to all recoverable civil penalties and fines.

Please be advised that failure to comply with this letter will result in civil prosecution and other enforcement actions, up to and including revocation of the CUP, if necessary to abate the unlawful public nuisance conditions that are ongoing at the Property. We understand that a meeting is scheduled for June 7 to discuss these matters and look forward to hearing from you and your plan for bringing Pub & Grub into compliance with the Code and your CUP.

Very truly yours,



Guido E. Toscano, City Attorney

cc: Luke Watson, City Manager
Tom Cole, Code Enforcement Field Supervisor
Peter Thorson, City Attorney

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Notice of Public Hearing

THE CITY OF TEMECULA - 41000 Main Street- Temecula, CA 92590 – TemeculaCA.gov

A **PUBLIC HEARING** has been scheduled before the **PLANNING COMMISSION** to consider the matter(s) described below:

Case No.: PA18-1390

Applicant: Edward Ryder

Project Location: 28677 Old Town Front Street

Proposal: A Modification to allow an existing restaurant (Old Town Pub & Grub) to revise the previously approved overall operating hours and entertainment hours approved under an existing Conditional Use Permit. Proposed operating hours will be Monday thru Sunday 9:00 AM to 1:30 AM. Proposed entertainment hours will be Monday/Tuesday/Thursday/Sunday 7:30 PM – 12:30 AM, Wednesday 8:00 PM - 12:30 AM, and Friday/Saturday 6:00 PM – 1:30 AM. The project is located at 28677 Old Town Front Street.

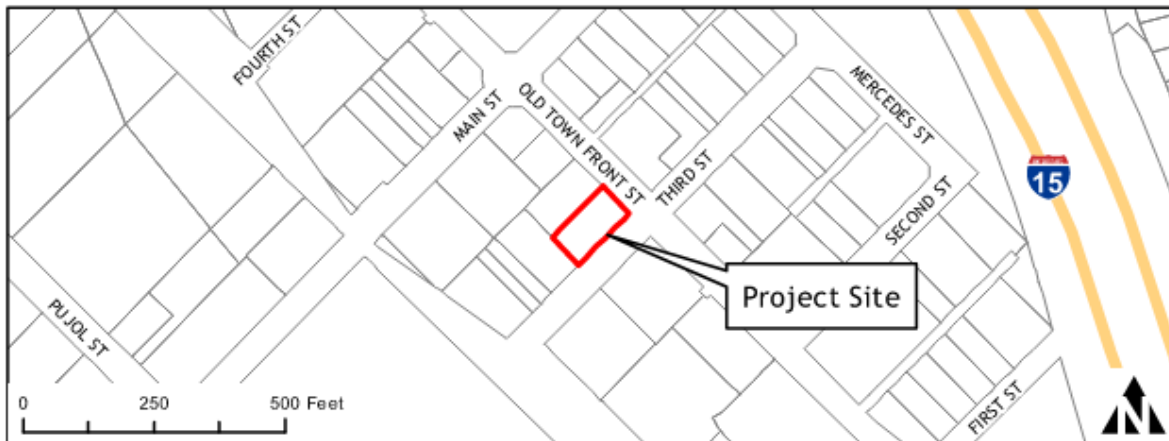
Environmental Action: As currently designed, staff is not supporting this project and is recommending denial. As such, in accordance with the California Environmental Quality Act (CEQA), staff has determined that the proposed project is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(4)

Case Planner: Eric Jones, (951) 506-5115

PLACE OF HEARING: 41000 Main Street, Temecula, CA 92590, City of Temecula, Council Chambers

DATE OF HEARING: FEBRUARY 21, 2024

TIME OF HEARING: 6:00 PM



The complete agenda packet (including **any supplemental materials**) will be available for viewing in the Main Reception area at the Temecula Civic Center (41000 Main Street, Temecula) after 4:00 p.m. the Friday before the Planning Commission Meeting. At that time, the packet may also be accessed on the City's website – TemeculaCA.gov and will be available for public review at the respective meeting. Any writing distributed to a majority of the Commission regarding any item on the Agenda, after the posting of the Agenda, will be available for public review in the Main Reception area at the Temecula Civic Center (41000 Main Street, Temecula), 8:00 a.m. – 5:00 p.m. In addition, such material will be made available on the City's website – TemeculaCA.gov – and will be available for public review at the meeting.

Any petition for judicial review of a decision of the Planning Commission shall be filed within time required by, and controlled by, Sections 1094.5 and 1094.6 of the California Code of Civil Procedure. In any such action or proceeding seeking judicial review of, which attacks or seeks to set aside, or void any decision of the Planning Commission shall be limited to those issues raised at the hearing or in written correspondence delivered to the City Clerk at, or prior to, the public hearing described in this notice. **Questions?** Please call the Community Development Department at (951) 694-6400.



City of Temecula

Community Development

41000 Main Street • Temecula, CA 92590
Phone (951) 694-6400 • TemeculaCA.gov

VIA-ELECTRONIC SUBMITTAL

CEQAProcessing@asrclrec.com

February 22, 2024

Supervising Legal Certification Clerk
County of Riverside
P.O. Box 751
Riverside, CA 92501-0751

SUBJECT: Filing of a Notice of Exemption for Planning Application Number PA18-1390, a Modification to allow an existing restaurant to revise the previously approved overall operating hours and entertainment hours approved under an existing Conditional Use Permit. The project is located at 28677 Old Town Front Street.

Dear Sir/Madam:

Enclosed is the Notice of Exemption for the above referenced project. In addition, pursuant to Assembly Bill 3158 (Chapter 1706) the Applicant will pay for the County Administrative fee to enable the City to file the Notice of Exemption required under Public Resources Code Section 21152 and 14 California Code Regulations 1507. The payment of the \$50.00 filing fee is under protest. It is the opinion of the City that the administrative fee has been increased in a manner inconsistent with the provisions of State Law. Under Public Resources Code Section 21152 and 14 California Code Regulations 1507, the County is entitled to receive a \$25.00 filing fee.

Also, please email a stamped copy of the Notice of Exemption **within five working days** after the 30-day posting to the email listed below.

If you have any questions regarding this matter, please contact Eric Jones at email: eric.jones@TemeculaCA.gov.

Sincerely,

Matt Peters
Assistant Director of Community Development

Enclosures: Notice of Exemption Form
Electronic Payment - Filing Fee Receipt

City of Temecula

Community Development

Planning Division

Notice of Exemption

TO: County Clerk and Records Office
County of Riverside
P.O. Box 751
Riverside, CA 92501-0751

FROM: Planning Division
City of Temecula
41000 Main Street
Temecula, CA 92590

Project Title: Pub and Grub Modification (PA18-1390)

Description of Project: A Modification to allow an existing restaurant to revise the previously approved overall operating hours and entertainment hours approved under an existing Conditional Use Permit.

Project Location: 28677 Old Town Front Street

Applicant/Proponent: Edward Ryder

The Planning Commission denied the above-described project on February 21, 2024, and found that the project is exempt from the provisions of the California Environmental Quality Act, as amended.

Exempt Status: (*check one*)

- | | |
|--|--|
| <input type="checkbox"/> Ministerial (Section 21080(b)(1); Section 15268); | <input type="checkbox"/> Statutory Exemptions (Section Number:) |
| <input type="checkbox"/> Declared Emergency (Section 21080(b)(3); Section 15269(a)); | <input type="checkbox"/> Categorical Exemption: |
| <input type="checkbox"/> Emergency Project (Section 21080(b)(4); Section 15269(b)(c)); | <input checked="" type="checkbox"/> Other: Section 15061.b.4 |

Statement of Reasons Supporting the Finding that the Project is Exempt:

Staff has determined that the proposed project is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(4) as a project is exempt from CEQA as staff is recommending that the project be disapproved as currently proposed.

Contact Person/Title: Eric Jones, Associate Planner

Telephone Number (951) 506-5115

Signature: _____

Date: _____

Matt Peters
Assistant Director of Community Development

Date received for filing at the County Clerk and Records Office: