

PC RESOLUTION NO. 2024-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TEMECULA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 9 AND 17 OF THE TEMECULA MUNICIPAL CODE TO 1) IMPLEMENT AND DEFINE A CLASS IV ENTERTAINMENT LICENSE, 2) AMEND TABLE 17.08.030 (SCHEDULE OF PERMITTED USES COMMERCIAL/OFFICE/INDUSTRIAL DISTRICTS) TO INCLUDE CLASS IV ENTERTAINMENT ESTABLISHMENT AS A NON PERMITTED USE IN ALL ZONES BUT ALLOWED IN THE OLD TOWN SPECIFIC PLAN AND ADD NOTE REFERENCING CHAPTER 17.09 (ALCOHOL), 3) CREATE A NEW CHAPTER 17.09 (ALCOHOL) AND RELOCATE ALL ALCOHOL REQUIREMENTS FROM CHAPTER 17.10 (SUPPLEMENTAL DEVELOPMENT STANDARDS) TO CHAPTER 17.09 (ALCOHOL), 4) CREATE STANDARDS FOR ENTERTAINMENT ESTABLISHMENTS, AND 5) MAKING A FINDING OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15061(B)(3)”

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

A. An increase in the frequency of alcohol related incidents within Temecula, particularly after midnight, prompted the City Council to direct staff to make revisions related to how alcohol uses are regulated which requires amendments conditions and requirements to portions of Title 9 (Public Peace, Morals and Welfare) and Title 17 (Zoning) of the Temecula Municipal Code. In addition, a new ABC Type 90 license became effective on January 1, 2024. The City Council directed staff to amend the Municipal Code to address this new license type.

B. The Planning Commission, at a regular meeting, considered the proposed amendments to Title 9 (Public Peace, Morals and Welfare) and Title 17 (Zoning) of the Temecula Municipal Code on June 5, 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 opposition to this matter.

C. The proposed amendments to Titles 9 and 17 are consistent with the City of Temecula General Plan, and each element thereof.

D. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission recommended that the City Council adopt the Ordinance attached hereto as Exhibit “A”.

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

Section 2. Further Findings. In recommending adoption of the proposed Ordinance, the Planning Commission of the City of Temecula does hereby make the following additional findings as required by Section 17.01.040 (“Relationship to General Plan”) of the Temecula Municipal Code:

1. The proposed use is allowed in the land use designation in which the use is located, as shown on the land use map, or is described in the text of the general plan.

The proposed Ordinance implements a new ABC License Type (Type 90 Class IV entertainment establishment), creates a new Class IV Entertainment License and establishes regulations for the operation of establishments that serve alcohol to patrons on the premises which furthers the goals and policies contained in the City’s General Plan. Inclusion of Class IV entertainment establishments (ABC Type 90 License) as a permitted use in the Old Town Specific Plan furthers Policy 7.1 of the Land Use Element which is to “Consider locating additional civic, public and cultural facilities in and around the Old Town area. Inclusion of consistent standards for establishments that sell alcohol furthers Goal 1 of the Land Use Element which specifies “A diverse and integrated mix of residential, commercial, industrial, recreational, public and open space land uses.

2. The proposed uses are in conformance with the goals, policies, programs and guidelines of the elements of the general plan.

The proposed Ordinance implements consistent standards for establishments that sell alcohol, which furthers Goal 3 of the Public Safety Element which is to provide “A safe and secure community free from the threat of personal injury and loss of property.”

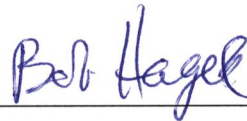
3. The proposed uses are to be established and maintained in a manner which is consistent with the general plan and all applicable provisions contained therein.

The Ordinance has been designed to be consistent with Policy 3.1 of the Economic Development Element of the General Plan which states, “Encourage a pattern of development that balances revenue generating land uses in phase with other uses that have negative fiscal impacts.” Environmental Compliance. In accordance with the California Environmental Quality Act, the proposed Ordinance No. 2024- is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14 of the California Code of Regulations, CEQA Guidelines Section 15061 (b) (3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The City is establishing citywide regulations on alcohol uses which impact the operation of these businesses to make them safer for the general public. In addition, one class IV entertainment establishment will be permitted in the City but this establishment will only be permitted in an already existing

business that holds a Type 42 ABC license. In addition, the ordinance establishes standards for the operation of class IV entertainment establishments to ensure that these businesses do not have adverse impacts on surrounding uses. As such, the change in operations to allow live entertainment in this type of venue is not anticipated to have a significant effect on the environment. The Planning Commission, therefore, recommends that the City Council of the City of Temecula adopt a Notice of Exemption for the proposed ordinance.

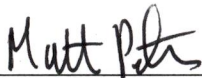
Section 3. Recommendation. The City of Temecula Planning Commission hereby recommends the City Council approve Planning Application No. LR23-0429, a proposed Citywide Ordinance as set forth on Exhibit "A", attached hereto, and incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED by the City of Temecula Planning Commission this 5th day of June 2024.



Bob Hagel, Chair

ATTEST:



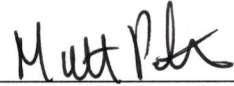
Matt Peters
Secretary

[SEAL]

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

I, Matt Peters, Secretary of the Temecula Planning Commission, do hereby certify that the forgoing PC Resolution No. 2024-08 was duly and regularly adopted by the Planning Commission of the City of Temecula at a regular meeting thereof held on the 5th day of June, 2024, by the following vote:

AYES:	4	PLANNING COMMISSIONERS:	Hagel, Ruiz, Solis, Turley-Trejo
NOES:	0	PLANNING COMMISSIONERS:	None
ABSTAIN:	0	PLANNING COMMISSIONERS:	None
ABSENT:	1	PLANNING COMMISSIONERS:	Watts



Matt Peters
Secretary

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 9 AND 17 OF THE TEMECULA MUNICIPAL CODE TO 1) IMPLEMENT AND DEFINE A CLASS IV ENTERTAINMENT LICENSE, 2) AMEND TABLE 17.08.030 (SCHEDULE OF PERMITTED USES COMMERCIAL/OFFICE/INDUSTRIAL DISTRICTS) TO INCLUDE CLASS IV ENTERTAINMENT ESTABLISHMENT AS A NON PERMITTED USE IN ALL ZONES BUT ALLOWED IN THE OLD TOWN SPECIFIC PLAN AND ADDING A NOTE REFERENCING CHAPTER 17.09 (ALCOHOL), 3) CREATE A NEW CHAPTER 17.09 (ALCOHOL) AND RELOCATE ALL ALCOHOL REQUIREMENTS FROM CHAPTER 17.10 (SUPPLEMENTAL DEVELOPMENT STANDARDS) TO CHAPTER 17.09 (ALCOHOL), 4) CREATE STANDARDS FOR ENTERTAINMENT ESTABLISHMENTS , AND 5) MAKING A FINDING OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15061(B)(3)

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

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

A. A new California Department of Alcoholic Beverage Control (ABC) License Type, Type 90 (Entertainment Venue) became effective on January 1, 2024 and inclusion of this new license type would bring increased visibility and patronage to Temecula. As such, the City Council directed staff to establish criteria for allowing these types of establishments in the City.

B. An increase in the frequency of alcohol related incidents within Temecula, particularly after midnight, prompted the City Council to direct staff to make revisions related to how alcohol uses are regulated which requires amendments to portions of Title 9 (Public Peace, Morals and Welfare) and Title 17 (Zoning) of the Temecula Municipal Code.

C. The code amendments are being made to ensure the Temecula Municipal Code provides a clear and concise process for applicants desiring to serve alcohol within the City and strong tools for compliance.

Section 2. Procedural Findings. The City Council of the City of Temecula does hereby find, determine, and declare that:

A. On June 5, 2024, the Temecula Planning Commission considered this Ordinance 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 opposition to this matter.

B. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2024-08 recommending approval of the Ordinance by the City Council.

C. On July 9, 2024, the City Council, at a regular meeting, considered the Ordinance 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 opposition to this matter.

D. Following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

Section 3. Further Findings. The City Council of the City of Temecula in approving the proposed Municipal Code amendments hereby makes the following additional findings as required by Section 17.01.040 (“Relationship to General Plan”) of the Temecula Municipal Code:

A. The use is allowed in the land use designation in which the use is located, as shown on the land use map, or is described in the text of the General Plan;

The proposed Ordinance implements a new ABC License Type (Type 90 Class IV entertainment establishment), creates a new Class IV Entertainment License and establishes regulations for the operation of establishments that serve alcohol to patrons on the premises which furthers the goals and policies contained in the City’s General Plan. Inclusion of Class IV entertainment establishments (ABC Type 90 License) as a permitted use in the Old Town Specific Plan furthers Policy 7.1 of the Land Use Element which is to “Consider locating additional civic, public and cultural facilities in and around the Old Town area. Inclusion of consistent standards for establishments that sell alcohol furthers Goal 1 of the Land Use Element which specifies “A diverse and integrated mix of residential, commercial, industrial, recreational, public and open space land uses.” The Type 90 ABC Licenses are unique among ABC licenses and are new to the State. As a result, there is no significant record of impacts arising from Type 90 Licenses nor of measures to mitigate impacts arising from such uses. Therefore, in order to balance the Goal of locating additional civic, public and cultural facilities in and around the Old Town area with the Goal of providing a safe and secure community free from the threat of personal injury and loss of property, the Council is limiting the class IV entertainment establishment licenses to one so as to evaluate the effectiveness of the regulations before expanding the use.

B. The proposed use is in conformance with the goals, policies, programs and guidelines of elements of the General Plan;

The proposed Ordinance implements consistent standards for establishments that sell alcohol, which furthers Goal 3 of the Public Safety Element which is to provide “A safe and secure community free from the threat of personal injury and loss of property.”

C. The proposed use is to be established and maintained in a manner which is consistent with the General Plan and all applicable provisions contained therein;

The Ordinance has been designed to be consistent with Policy 3.1 of the Economic Development Element of the General Plan which states, “Encourage a pattern of development that balances revenue generating land uses in phase with other uses that have negative fiscal impacts.” Environmental Compliance. In accordance with the California Environmental Quality Act, the proposed Ordinance No. 2024- is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14 of the California Code of Regulations, CEQA Guidelines Section 15061 (b) (3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The City is establishing citywide regulations on alcohol uses which impact the operation of these businesses to make them safer for the general public. In addition, one class IV entertainment establishment will be permitted in the City but this establishment will only be permitted in an already existing business that holds a Type 42 ABC license. In addition, the ordinance establishes standards for the operation of class IV entertainment establishments to ensure that these businesses do not have adverse impacts on surrounding uses. As such, the change in operations to allow live entertainment in this type of venue is not anticipated to have a significant effect on the environment. The Planning Commission, therefore, recommends that the City Council of the City of Temecula adopt a Notice of Exemption for the proposed ordinance.

Section 4. Section 9.10.020 (Definitions) of Chapter 9.10 (Entertainment License) of Title 9 (Public Peace, Morals and Welfare) of the Temecula Municipal Code is hereby amended to amend the definition of “Entertainment Establishment Types” and to add a definition for “Type 90 ABC License” as follows, with all other provisions of Section 9.10.020 remaining unchanged:

“Entertainment establishment(s)” means any commercial business, that is open to the public and offers entertainment to patrons. Entertainment establishments are separated into four ~~three~~ different classes, as outlined below:

Entertainment Establishment Types
Class I entertainment establishment (a businesses without alcohol) means a business offering ancillary entertainment to patrons. A class I facility does not serve any alcoholic beverages and does not include any dancing.
Class II entertainment establishment (a business serving beer, wine, and/or distilled spirits) means a business with an ABC license that offers beer, wine, and or distilled spirits in addition to offering ancillary entertainment to patrons. A class II facility does not include dancing. (Subject to Chapter 17.09 (Alcohol))
Class III entertainment establishment (nightclub, cocktail lounge, bar, and dance club/hall, pool hall) means a business with an ABC license that offers any combination of beer, wine, and/or distilled spirits in addition to offering entertainment to patrons. A class III facility also allows for dancing. Restaurants with dancing shall be classified as a class III facility. (Subject to Chapter 17.09 (Alcohol))

Class IV entertainment establishment means a business with a Type 90 ABC License which allows for the sale of beer, wine, and distilled spirits at retail for consumption on the premises in a music entertainment facility, as defined in Business and Professions Code section 23550. (Subject to Chapter 17.09 (Alcohol)).

“Type 90 ABC License” shall have the same definition as contained in Business and Profession Code section 23550 as may be amended from time to time.

Section 5. Subsection A of Section 9.10.090 (Universal entertainment license standards and conditions) of Chapter 9.10 (Entertainment License) of Title 9 of the Temecula Municipal Code is hereby amended to read as follows, with additions shown in underlined text and deletions shown in strikethrough text, with all other provisions of Section 9.10.090 remaining unchanged:

9.10.090. Universal entertainment license standards and conditions.

- A. All class I, class II, ~~and class III,~~ and class IV entertainment establishments shall operate in accordance with the following standards or conditions:
1. Display of License. The entertainment license shall be displayed on the premises in a conspicuous place so that law enforcement and city staff entering may readily see the entertainment license. A copy of the floor plan approved with the entertainment license shall always be kept on the premises and made available at the request of any law enforcement officer, fire marshal, code officer, or deputy fire marshal, or if requested by the establishment after an opportunity for pre-compliance review.
 2. Outdoor Entertainment. Outdoor entertainment is prohibited unless explicitly permitted by an active conditional use permit that explicitly allows outdoor entertainment, or by a temporary use permit, or special event permit.
 3. ~~Class III~~ and IV Entertainment. Dancing is only permitted at establishments with a ~~Class class III or class IV~~ entertainment license.
 4. Entertainment Hours of Operation. Entertainment operations shall cease, based on the times outlined below:
 - a. The hours of entertainment for a class IV entertainment establishment are limited to 10:59:59 pm to allow for the sale of alcoholic beverages 1 hour after live performance ends.

Entertainment License Type	
Class I	7:00 a.m. – 10:00 <u>9:59:59</u> p.m. Daily
Class II	7:00 a.m. – 10:00 <u>9:59:59</u> p.m. Daily
Class III	Entertainment operating hours shall be between 7:00 a.m. – 11:59:59 p.m. or as otherwise set forth in a conditional use permit that explicitly allows dancing adopted prior to February 1, 2022.
<u>Class IV</u>	<u>Entertainment operating hours shall be between 7:00 a.m. – 10:59:59 p.m.</u>

Section 6. Section 9.10.125 (Class IV Entertainment Establishment) is hereby added to Chapter 9.10 (Entertainment License) of Title 9 of the Temecula Municipal Code to read as follows:

“9.10.125. Class IV Entertainment Establishment.

A. Permit Required.

1. All class IV entertainment establishments shall obtain and hold a class IV entertainment license to lawfully operate as a class IV entertainment establishment.

B. Application selection process.

1. Only one class IV entertainment establishment license shall be issued on a first come, first served basis based on the date the application was received for a use requiring a Type 90 ABC License. Applications must be received by the Community Development Department by no later than August 8, 2024 at 4 p.m., must be accompanied by the appropriate fee, and must meet the following criteria: 1) the business must hold a Type 42 ABC License (public premises, beer & wine no food), 2) the business must have no occupancy violations within the prior twelve (12) months from when the application was submitted, 3) the business shall not have any violations of their ABC license. Any business that does not meet this criteria will not be issued a license.

C. A class IV entertainment establishment shall comply with the regulations set forth in Sections 9.10.090 and 9.10.120. A class IV entertainment establishment shall also comply with the following:

1. ABC Requirements. All class IV entertainment establishments shall operate strictly in accordance with the limits of their ABC License and any conditions imposed by ABC in addition to Business and Professions Code sections 23550 and 23552, as the same may be amended from time to time.
2. Location. Establishments seeking a Class IV license shall only be permissible within the Old Town Temecula Specific Plan Area, exclusively within the “Downtown Core” District as shown on Exhibit IV-1: Old Town Regulating Plan located in the Old Town Specific Plan (SP No. 5).
3. Operating Requirements. Standards, conditions and operating requirements for a class IV entertainment license are located in Chapter 17.09 (Alcohol).

Section 7. Table 17.08.030 (Schedule of Permitted Uses Commercial/Office/Industrial Districts) of Chapter 17.08 (Commercial/Office/Industrial Districts) of Title 17 of the Temecula Municipal Code is hereby amended to read as follows with additions shown in underlined text and deletion shown in strikethrough text, with all other provisions of the table remaining unchanged:

Table 17.08.030

Schedule of Permitted Uses Commercial/Office/Industrial Districts

Description of Use	NC	CC	HT	SC	PO	BP	LI
A							
Alcoholic beverage manufacturing ⁺¹⁶	-	-	-	C	-	P	P
Alcoholic beverage manufacturing with entertainment ^{+11, 16}	-	-	-	C ^{+16,11}	-	C ^{+16,11}	C ^{+16,11}
Alcoholic beverage sales ¹⁶	See Chapter 17.09 (Alcohol) <u>Section 17.10.020, Supplemental development standards.</u>						
Automotive service stations selling beer and/or wine— with or without an automated car wash ⁺¹⁶	-	C ⁺	C ⁺	C ⁺	C ⁺	C ⁺	C ⁺
B							
Beer and wine market ⁺¹⁶	C	C	C	C	-	-	-
Billiard parlor/pool hall ^{1,11,16}	-	C ^{+11,16}	C ^{+11,16}	C ^{+11,16}	-	-	-
Bowling alley ^{1,16}	-	P	P	P	-	-	-
Butcher shop ¹⁶	P	P	P	P	-	-	-
C							
Catering services ¹⁶	P	P	-	P	-	P	P
Convenience market ⁺¹⁶	C	C	C	C	C	-	-
D							
Delicatessen ¹⁶	P	P	P	P	P	P	P
Discount/department store ¹⁶	-	P	-	P	-	-	-
Drug store/pharmacy ¹⁶	P	P	P	P	P	-	-
E							
Entertainment Establishment (ABC Type 90) ^{16, 17}	=	=	=	=	=	=	=

Table 17.08.030

Schedule of Permitted Uses Commercial/Office/Industrial Districts

Description of Use	NC	CC	HT	SC	PO	BP	LI
G							
General merchandise/retail store less than 10,000 sq. ft. ¹⁶	C	P	P	P	-	-	-
Grocery store, retail ¹⁶	-	P	P	P	C	-	-
Grocery store, wholesale ¹⁶	-	-	-	P	-	C	P
H							
Health food store ¹⁶	P	P	P	P	C	-	-
Hotels/motels ¹⁶	-	C	P	-	C	C	-
Liquor stores ¹⁶	-	-	-	-	-	-	-
M							
Membership clubs, organizations, lodges ¹⁶	C	C	C	C	C	C	C
Movie theaters ¹⁶	-	C	C	-	-	-	-
R							
Restaurant, drive-in/fast food ¹⁶	-	C	C	C	-	-	-
Restaurant (bona fide public eating establishment) without alcohol ¹⁶	P	P	P	P	P	P	P
Restaurant (bona fide public eating establishment) with beer & wine sales ¹⁶	P ⁺	P ⁺	P ⁺	P ⁺	P ⁺	P ⁺	P ⁺
Restaurant (bona fide public eating establishment) with beer, wine & distilled spirits ¹⁶	C ⁺	C ⁺	C ⁺	C ⁺	C ⁺	C ⁺	C ⁺
Restaurant (bona fide public eating establishment) with entertainment (not including dancing) ^{11,16}	-	P ^{+,11}	P ^{+,11}	P ^{+,11}	-	P ^{+,11}	P ^{+,11}
Restaurant (bona fide public eating establishment) with entertainment and/or dancing ^{11,16}	-	P ^{+,11}	P ^{+,11}	P ^{+,11}	-	-	-
Retail support use to a noncommercial business (limited to the sale of products manufactured or assembled on site)	-	-	-	-	-	P	P

Table 17.08.030

Schedule of Permitted Uses Commercial/Office/Industrial Districts

Description of Use	NC	CC	HT	SC	PO	BP	LI
and occupying less than 15% of the floor area of the business) ¹⁶							
S							
Specialty market ¹⁶	C	P	P	P	C	-	-
T							
Tobacco shop ¹³	-	p ¹³	p ¹³	p ¹³	-	-	-
W							
Wine tasting shop, with or without product sale for off-site consumption (Department of Alcoholic Beverage Control Type 02 only) ¹⁶	C	P	P	P	-	-	-
Wine tasting shop, with or without product sale for off-site consumption (Department of Alcoholic Beverage Control License Types other than Type 02) ¹⁶	C	C	C	C	-	-	-

Notes:

1. Subject to the supplemental development standards contained in Chapter **17.10** of this code.
2. Subject to the provisions of Chapter **17.40** of the Temecula Municipal Code.
3. See Chapter **5.22** of the Temecula Municipal Code.
4. Senior housing residential projects in the CC, SC, HT and PO zones shall use the residential performance and development standards for the high density residential zone. Senior housing residential projects in the NC zone shall use the residential performance and development standards for the medium density residential zone and the applicable supplemental development standards in Chapter **17.10**. Congregate care facilities shall use the residential performance standards.
5. New office buildings in the BP and LI zones are subject to performance standards contained in Section **17.08.070(E)**.
6. Supplemental Design Review. Office buildings that are less than 50,000 square feet may be approved, conditionally approved, or denied by the city council.
7. Marijuana cultivation (as defined in Chapter **8.52**) for medical, nonmedical or other purposes, are prohibited uses everywhere in the city including all zoning districts, specific plan areas, overlay

Notes:

zones and planned development zones and shall be prohibited uses, except as otherwise provided in Sections 8.52.040, 8.52.050, and 8.52.060 of the Temecula Municipal Code.

8. Residential, multiple-family housing shall be allowed in the PO zone only if the affordable housing overlay (AHO) applies to the property and the proposed development complies with all requirements of Chapter 17.21.
9. Subject to the supplemental development standards contained in Chapter 6.04 of this code.
10. These uses are prohibited within any multifamily residential use within these zones.
11. Subject to Chapter 9.10 (Entertainment License) and Chapter 9.11 (Regulation of Private Security Operators).
12. Any housing development project that, pursuant to state law, requires ministerial approval or where the housing development project is subject to discretionary review, but a specific plan or a planned development overlay zoning district (PDO) does not otherwise set forth objective design standards applicable to the project shall comply with the Temecula Objective Design Standards for Multifamily and Mixed-Use Developments.
13. Subject to the requirements contained in Section 5.24.120 of this code.
13. A low barrier navigation center is permitted by right if the project meets the criteria set forth in Government Code Section 65662.
14. Supportive housing shall comply with Section 17.06.110.
15. Transitional housing shall be subject only to those restrictions that apply to other residential dwellings of the same type. To determine whether the type of transitional housing proposed is a permitted or conditionally permitted use, see the different residential types in the chart above.
16. Subject to the requirements of Chapter 17.09 (Alcohol).
17. Only permitted in the "Downtown Core" District of the Old Town Specific Plan.

Section 8. A new Chapter 17.09 (Alcohol) is hereby added to Title 17 (Zoning) to read as follows:

"Chapter 17.09 Alcohol

17.09.010 Purpose.

The purpose of this chapter is to establish the standards, conditions and requirements for establishments that serve, sell or otherwise provide alcoholic beverages. It is the intent of this

chapter to provide predicable and consistent standards and operational requirements for such establishments to ensure compliance and preserve the high quality of life enjoyed by Temecula residents and businesses.

17.09.020 Applicability

The requirements of this chapter shall be applicable to all establishments that serve, sell, or otherwise provide alcohol. This chapter is applicable to all establishments that serve alcohol, regardless of the type of ABC License held by the establishment and include establishments subject to a Specific Plan, or Planned Development Overlay Zoning Districts.

The only exception to these requirements would be any establishment that has previously obtained and maintains in good order a Conditional Use Permit (CUP) that contains any alcohol related conditions that conflict with this Chapter. This exception shall be narrow in scope and when a CUP does not address or minimally addresses a topic covered by this Chapter, this Chapter shall prevail.

17.09.030 Definitions.

The definitions below shall have the following meanings, unless there is conflict with a superseding Federal or State law, in which case the superseding definition shall be used.

- A. “ABC” is used as an acronym for the “California Department of Alcoholic Beverage Control,” and shall be considered one and the same when used throughout this code and may be used interchangeably.
- B. “Alcoholic beverage,” as defined in Section 23004 of the Business and Professions Code, includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. “Alcoholic beverage” does not include “powdered alcohol,” as defined in Section 23003.1 of the Business and Professions Code.
- C. “Alcohol manager,” as defined in California Business and Professions Code Section 25680 and Department of Alcoholic Beverage Control policy, means anyone who trains, directly hires, or oversees alcohol servers at an ABC licensed premises, or who trains alcohol servers how to perform the service of alcohol for consumption for an ABC on-premises licensee. This definition specifically excludes an employee or contractor of another separate ABC licensee who is training alcohol servers for marketing or distribution purposes.
- D. “Alcohol server,” as defined in California Business and Professions Code Section 25680 and Department of Alcoholic Beverage Control policy, means anyone who does any of the following:
 - 1. Checks customer identification for purposes of alcoholic beverage service;
 - 2. Checks customer identification for purposes of entry to an ABC on-premises licensed establishment;
 - 3. Takes customer alcoholic beverage orders;
 - 4. Pours alcoholic beverages for customers; or
 - 5. Delivers alcoholic beverages to customers.

- E. “Alcohol serving” means one alcohol serving containing 0.60 ounces of pure alcohol (ethanol). For example:
1.50 ounces of 80-proof distilled spirits (40% ABV - alcohol by volume)
1.50 times 0.40 = .60 ounces of pure alcohol
12 ounces of a standard beer (5% ABV - alcohol by volume) 12 times 0.05 = 0.60 ounces of pure alcohol
5 ounces of most wines (12% ABV - alcohol by volume) 5 times 0.12 = 0.60 ounces of pure alcohol
- F. “Banned customer log” means a written record of customers not permitted to enter the business due to the customer’s bad behavior (for example, repeated incidents of being obviously intoxicated, assault and/or battery on staff or customers, and theft). The record shall include the incident date, a brief description of the reason for being banned, a description of the customer, length of ban (e.g., 30 days, 60 days, permanent), and the customer’s name, if known.
- G. “Cocktail recipe list” means a documented compilation of cocktail recipes that includes the quantity of each ingredient and the number of alcohol servings, as defined above, in each cocktail, which determines each cocktail’s potency. It includes, at a minimum, the recipes for the following:
 1. Popular cocktails;
 2. All house specialty cocktails; and
 3. Cocktails identified on menu(s).
- H. “Cut-off log” means a record of customers who were cut-off from further alcohol service, and patrons not permitted in the business due to existing intoxication level. The record shall include the date of incident, a brief description for cut-off, a description of the customer, and the customer’s name, if known.
- I. “Drink potency” means the total number of alcohol servings in a drink. This is calculated by summing the total number of ounces of pure alcohol in a drink, dividing by 0.60, and rounding the answer to the closest 10th. For example, an Adios recipe:

<u>0.50 ounces of tequila that is 40% ABV (0.5 times 0.4 = 0.20)</u>		<u>0.20 pure alcohol</u>
<u>0.50 ounces of vodka that is 40% ABV (0.5 times 0.4 = 0.20)</u>		<u>0.20 pure alcohol</u>
<u>0.50 ounces of gin that is 40% ABV (0.5 times 0.4 = 0.20)</u>	<u>=</u>	<u>0.20 pure alcohol</u>
<u>0.50 ounces of rum that is 40% ABV (0.5 times 0.4 = 0.20)</u>	<u>=</u>	<u>0.20 pure alcohol</u>
<u>0.50 ounces of triple sec that is 15% ABV (0.5 times .15 = .075)</u>	<u>=</u>	<u>0.075 pure alcohol</u>

$$\frac{\text{The sum of pure alcohol}}{\text{Drink Potency}} = 0.875$$

Drink Potency: 1.5 alcohol servings (0.875 divided by 0.60 = 1.46, rounded to closest 10th = 1.5)

- J. “Entertainment” means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited (by advertisement or word of mouth) or allowed to watch, listen, or participate in, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons, including, but not limited to:
1. Dancing by patron(s) or staff to live or recorded music.
 2. The presentation of music played on sound equipment operated by an agent or contractor of the establishment. This may or may not include a “disc jockey” or “DJ.”
 3. The presentation of live music whether amplified or non-amplified.
 4. The presentation of music videos, music concerts or other similar forms of musical entertainment from any source.
 5. Any amusement or event such as live music or other live performance which is knowingly permitted by any entertainment establishment, including presentations by single or multiple performers, such as hypnotists, pantomimes, magicians, comedians, karaoke, song or dance acts, plays, concerts, any type of contest, events with live animals/reptiles, sporting events, exhibitions, carnival or circus acts, demonstrations of talent or items for gift or sale; shows, reviews, and any other such activity which may be attended by members of the public.
- K. “Headcount log” is a mechanically kept headcount tally using, for example, a hand-held clicker or headcounter app. The headcount tally is maintained during busy hours of operation, e.g., 9:00 p.m. until closing. The headcount tally includes the working staff and is noted on a written log.
- L. “Inebriation” means the excessive consumption of alcoholic beverages resulting in a person becoming intoxicated.
- M. “Inebriated person” means a person who has consumed an excessive amount of alcoholic beverages resulting in the person becoming intoxicated.
- N. “Licensee” means the person who is licensed by the Department of Alcoholic Beverage Control (ABC) to sell alcoholic beverages.
- O. “Manager” means a person, regardless of the job title or description, who has discretionary powers to organize, direct, carry on, or control the operations of an entertainment establishment, including a restaurant or bar. Authority to engage in one or more of the following functions is prima facie evidence that a person is a manager of the entertainment establishment:
1. Hire or terminate employees;

2. Contract for the purchase of furniture, equipment, or supplies, except for the occasional replenishment of stock;
 3. Disburse funds of the business, except for the receipt of regularly replaced items of stock;
 4. Make or participate in making policy decisions regarding operations of the establishment;
 5. Holds keys to open and/or close the establishment.
- P. “Manager on duty” means the staff member who is responsible for the business during the shift. The responsible person must meet the criteria of “manager” as defined in this chapter. In addition, the person must be:
1. An employee;
 2. Certified in accordance with the responsible beverage service (RBS) training requirements in California Business and Professions Code Section 25683; and
 3. Aware of all requirements in the Conditional Use Permit (CUP), Business License, ABC License, and all other permits or licenses required for the establishment to operate.
- Q. “Meals,” as defined in California Business and Professions Code Section 23038 and clarified by an ABC Advisory, means the usual assortment of foods commonly ordered at various hours of the day; what a reasonable person might consider being a meal consumed at breakfast, lunch, or dinner; food served in a reasonable and sufficient quantity that it would constitute a main course, including sandwiches and salads that are substantial. A meal is not pre-packaged sandwiches and salads, snacks such as pretzels, nuts, popcorn, pickles, chips, food ordinarily served as appetizers or first courses, side dishes, reheated or refrigerated or frozen entrees, or desserts.
- R. “Morphing” means a change in the business operations of a permitted restaurant to a nightclub, without appropriate permits. Morphing often involves a business adding non-permitted entertainment or dancing or extending hours of operation beyond the hours approved by the city.
- S. “Noise” means any loud, discordant, raucous or disagreeable sound.
- T. “Noise level” means the “A” weighted sound pressure level in decibels obtained using a sound meter. The unit of measurement shall be designated in dBA.
- U. “On-Sale” and “On Site Sale of Alcoholic Beverages” shall mean any establishment that serves any alcoholic beverage for consumption on the premises, these terms may be used interchangeably throughout this chapter.
- V. “Type 90 ABC License” shall have the same definition as contained in Business and Professions Code section 23550 as may be amended from time to time.

W. “Speakeasy” shall mean a private establishment that provides meal service with alcoholic beverage sales for onsite consumption on a reservation basis only and is not considered a private or VIP room.

17.09.040 Permit(s) Required.

A. California Department of Alcoholic Beverage Control

1. All businesses or establishments offering the sale of alcoholic beverages shall obtain and thereafter maintain the appropriate license from the state of California Department of Alcoholic Beverage Control. All businesses or establishments shall provide the ABC license, conditions of the license, and the ABC approved site plan upon request of law enforcement or the city or, upon the request of the applicant after pre-compliance review.
2. There is no exception to this requirement and businesses that operate in violation of this provision shall be subject to administrative and/or punitive action provided for in this Code.

B. Alcohol Sales Permitted by Right

1. Grocery stores, drug stores, specialty markets, and discount/department stores (“primary uses”) may offer the incidental sale of alcoholic beverages as a permitted use, unless the initial establishment, or amendment thereof, of the primary use requires a city of Temecula conditional use permit pursuant to another provision of this Title.
2. Restaurants are permitted to serve beer and wine (Typically a Type 41 ABC license) as a matter of right.
 - a. Restaurants shall comply with the following:
 - i. Restaurants that are open to the public for business and engaged in the ancillary sale of alcoholic beverages shall provide restaurant services to the public during all hours that the establishment is open. Restaurant service shall include, but not be limited to, an offering and the ability to order a varied menu of foods of not less than five main courses with appropriate nonalcoholic beverages, desserts, salads, and other attendant dishes.
 - ii. Restaurants that wish to offer or provide any form of entertainment must obtain an entertainment license in accordance with Chapter 9.10.

C. Land Use Requirements.

1. A Conditional Use Permit (CUP) shall be required for all other ABC License Types except of a Type 41 and Type 90 ABC license.
2. See Table 17.08.030 Schedule of Permitted Uses Commercial/Office/Industrial Districts for zoning information.
3. See Table 17.080.040A and/or 17.08.040B for Development Standards applicable to each zoning district.
4. Areas subject to Specific Plans or similar zoning documents shall comply with those land use requirements. The operational requirements and conditions of this Chapter are in addition to any such requirements of another zoning document.

D. Hours.

1. Alcohol sales shall cease each day at 11:59:59 p.m., except for class IV entertainment establishments where alcohol sales must cease at 10:59:59 p.m.
 - a. Establishments that have a valid conditional use permit which allows alcoholic beverage sales beyond this time are exempt from this requirement. Expansion of such uses or similar is prohibited.
 - b. No conditional use permit shall be issued with alcohol sales beyond this time.
 - c. Conditional use permits that allow sales past 11:59:59 p.m. shall be required to amend their operational hours to the requirements of this section if they seek to modify their conditional use permit.
 - d. Establishments shall close at 11:59:59 p.m. Employees may continue closing operations past this hour as required but no customers shall enter or remain on the premises past 11:59:59 p.m.
 - e. Class IV entertainment establishments shall have last call at 10:29:59 p.m.

17.09.050 Training Required

- A. All persons who serve alcohol within the City of Temecula shall comply with the following:
 1. Responsible Beverage Service Training. Every alcohol manager and every alcohol server shall obtain and maintain a current responsible beverage service training course certification as required by Business and Professions Code Section 25683.
 2. Verification of Responsible Beverage Service (RBS) Training. In accordance with Business and Professions Code Section 25682(b)(1), the applicant shall ensure that each alcohol server and alcohol manager it employs has a valid training certification. The licensee shall maintain records of certifications for inspection, upon request, by the Department of Alcoholic Beverage Control.
 3. Bartender Training and Cocktail Recipe List.
 - a. Bartenders shall be trained to properly build cocktails. At a minimum, bartenders shall be trained to build the cocktails on the Cocktail Recipe List.
 - b. The establishment shall retain a copy of all cocktail recipes on the premises at all times and shall produce them immediately upon the request of any law enforcement or code enforcement officer.
 - c. The establishment shall retain a record of each bartender's Cocktail Recipe List training for a minimum of three years and said list shall be made available for review by any law enforcement or code enforcement officer upon request. Testing shall determine competency in bartender's ability to identify ingredients, price, and number of alcohol servings.
 - d. Opening staff are required to be trained before final approval to open. New staff hired thereafter must be trained within 30 days of employment date (defined as when the employee signs a contract or completes tax identification documents).
 4. Any additional training requirements of the California Department of Alcoholic Beverage Control (ABC).

17.09.060 Alcoholic Beverage Sales Operational Standards.

- A. Standards and Operational Requirements Generally

1. All establishments that sell alcohol, regardless of ABC Permit Type, shall comply with the following requirements and operational standards:
 - a. Statement of Operations. The establishment shall comply with their Statement of Operations, on file with the Planning Division, unless a conflict exists between the Statement of Operations.
 - b. Previous Conditions of Approval. If an establishment has a valid Conditional Use Permit, all previous Conditions of Approval shall remain in full effect.
 - c. Disorderly House. Establishments 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 include the parking lot.
 - d. Entertainment. Entertainment is prohibited unless the establishment is issued and maintains an Entertainment License per Chapter 9.10 (Entertainment License) of this Code. The Entertainment License shall remain active, and the establishment shall maintain full compliance with its Entertainment License conditions, and any other conditions required by any government agency whose permits or licenses are required for operation.
 - e. Occupancy Load. The establishment shall not allow the number of occupants inside the premises building to exceed the establishment's maximum occupant load as determined by the Certificate of Occupancy.
 - f. Inspections, Cooperation with Law Enforcement. Police officers, sheriff's deputies and Alcoholic Beverage Control agents are sworn law enforcement officers with the power of arrest. Whether in plain clothes or uniformed, these officers have a legal right under Business and Professions Code Section 25755 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, storerooms, offices, closed or locked cabinets and safes, kitchen, or any area within the licensed premises. Licensees shall not deny entry to, resist, delay, or obstruct or assault any law enforcement officer.
 - g. ID Guide Manual. To aid in examining identification cards, the establishment shall obtain and use an up-to- date multi-state identification manual.
 - h. Staff Alcohol Consumption. No staff member shall work while under influence of alcohol or drugs in violation of Penal Code Section 647(f) or while obviously intoxicated.
 - i. Right to Cancel Event. The Temecula Police Department shall have the right to stop, cancel, or temporarily delay all or portions of any activities occurring at any event when police or public safety becomes a significant concern. This shall include all events even those that obtained a Temporary Use Permit (TUP) per Section 17.04.020 of this Code.
 - j. Responsibility for Costs Incurred. The establishment shall be responsible for any cost incurred by the Temecula Police Department if additional officers are required

because of traffic problems or congestions, public disturbance or where the need for police presence is required.

- k. Maintenance of Real Property. The establishment shall permanently maintain the premises' real property in an orderly fashion by the provision of regular maintenance, the removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises.
- l. Graffiti. Graffiti on telecommunication towers, equipment, walls, or other structures shall be removed within 72 hours from the time of its occurrence.
- m. Signage Permits. A separate building permit shall be required for all signage. Signs shall comply with Chapter 17.28 (Sign Standards) of this code for the appropriate zoning district.
- n. Advertising. The establishment shall have no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within or promoting or indicating the availability of alcoholic beverages. Interior displays of beer and wine beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- o. Inspections. ABC agents and Riverside Sherriff's Office (RSO) shall be granted access to inspect the premises to include all office, storage, and any other areas not open to patrons.
- p. Ancillary use. For establishments with on-sale alcohol beverage sales that are not bona fide eating establishments, the "bar area" may ONLY be an ancillary use subject to the approval of a conditional use permit.

B. Standards for establishments that offer the sale alcohol for on-site consumption, regardless of ABC license type.

- 1. Police, Security, Management Staff Meeting. Before opening, it is the responsibility of the establishment to contact the Police to arrange and hold a 90-minute meeting attended by all floor management levels, including bar, server, and security department leads.
- 2. Food and Beverage Sales Documentation. The city shall have the right during business hours upon 15 days' notice to inspect the books and records of the establishment to determine the gross sales of food and or the gross sales of alcoholic beverages. Establishment gives the right to the city to review the records of the State Board of equalization for the purpose of verifying the establishment's books and records with the understanding that these reviews are confidential.
- 3. Postings Required. The following physical postings must be located in a conspicuous place, as follows:
 - a. Manager on Duty Posting. During business hours, the establishment shall post the name of the staff member who is responsible for the business during that shift. The posting must be legible and visible to the public when entering the business. The responsible person must be:
 - i. An employee.
 - ii. Certified in accordance with the responsible beverage service training requirements in California Business and Professions Code Section 25683.

- iii. Aware of all requirements in the conditional use permit, certificate of occupancy entertainment license (as applicable), and ABC license.
 - b. ABC License. The establishment shall display an approved ABC license, the associated conditions, and the approved site plan and provide a copy immediately upon request to city staff or law enforcement.
 - c. Occupancy Posting. The establishment's maximum occupant load number shall be posted over the main exit. Additionally, occupancy signs shall be posted in spaces and rooms that have been deemed to have a maximum occupancy load.
 - d. Conditions of Approval Posting. The establishment shall post any approved City of Temecula Conditions of Approval in a place readily visible and available for reading by the business' staff members.
 - e. Overservice Posting at Main Entrance and Main Bar. The establishment of each licensed business shall maintain a clearly legible permanent sign, not less than 7" x 11" in size reading, "It is illegal to sell or serve alcohol to a person who is obviously intoxicated" at the main entrance and main bar, where it can be readily visible to employees and customers. The lettering of such sign shall be no less than one inch in height.
 - f. Overservice Posting on Menu. The establishment of each on-sale licensed business that has one or more menus available for the public shall include and maintain a clearly legible statement on at least one of the menus reading, "It is illegal to sell or serve alcohol to a person who is obviously intoxicated."
 - g. Exterior Sign Posting. When residential areas exist adjacent to the licensed premises, the establishment shall, at all times, display a sign of at least ten inches by ten inches at all exits and within all parking areas, worded as follows: "Please respect our neighbors by exiting quietly and not loitering."
 - h. Local Transportation Providers Posting. 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 at (951) 676-5090.
4. Outside Lighting. The establishment shall provide lighting, as certified by a qualified lighting engineer, at a minimum level of one-foot candle of lighting throughout private parking lots and access areas serving the business. The establishment shall provide sufficient lighting during the hours of darkness to ensure customers have a clear, lighted path from the establishment to their vehicles. Said lighting shall be directed, positioned, and shielded in such a manner as not to unreasonably illuminate the windows of nearby residences. All lighting affixed to the exterior of buildings less than 8 feet high shall be vandal resistant.
5. Queuing Line. Queuing lines shall be managed in an orderly manner and all disruptive and/or intoxicated customers shall be denied entry. The establishment shall be responsible for monitoring the queuing lines at all times. The outdoor queuing line shall not block public walkways or obstruct the entry or exit of adjacent businesses.

6. Private Club Rooms or Areas. No on-sale establishment shall maintain a room or designated area reserved for the exclusive use of designated persons or “private club members,” unless the establishment has been issued a Duplicate On-Sale General License for Designated Persons under Business and Professions Code Section 24042(b). “Designated persons” means an organization or group with a membership, purpose, and principal address that must be revealed to Department of Alcoholic Beverage Control (ABC) at the time of application for the duplicate license. The Business and Professions Code only permits the sale of alcoholic beverages to “private club members” at premises licensed with a Club (Type 51), Veterans Club (Type 52), or Special On-Sale General (Type 57) ABC license.
 7. Availability of Alcohol Service. ABC-licensed businesses open past 10:00 p.m. (Pacific Standard Time) shall adhere to the following:
 - a. An hour before closing:
 - i. Limit the sale of alcohol products to items containing one alcohol serving (.60 ounces of pure ethanol) or less; and
 - ii. Limit the patron to one alcoholic drink per order.
 - b. Thirty (30 minutes) before closing, new alcohol service shall cease.
 - i. Last call shall be made early enough to ensure service ceases prior to closing.
 8. Discount Alcohol Pricing. No “happy hour” type of reduced pricing for alcoholic beverage shall be allowed after 8:00 p.m.
 9. Logs.
 - a. Cut-Off Log. The establishment shall maintain a log of cut-off customers, as defined above. The establishment shall use the cut-off log during all hours of operation. The establishment shall provide the cut-off log to law enforcement and/or code enforcement, immediately upon request.
 - b. Banned Customer Log. The establishment shall maintain a log of any banned customer, as defined above. The establishment shall provide the banned customer log to law enforcement and/or code enforcement, immediately upon request.
 10. Businesses selling alcoholic beverages that require a conditional use permit shall not be located within six hundred (600) feet of any religious or educational institution, day care center or public park. This distance shall be measured between the main entrance of the alcohol selling business and the closest public entrance to the religious or educational institution, day care center or public park. This requirement shall not apply when the alcohol-selling business and the religious or educational institution are both located within commercial or industrial zones. This separation requirement shall also not apply to restaurants (bona fide eating establishments).
- C. Specific Alcohol Regulations based on Land Use
The land uses below may have specific impacts related to alcohol based on their proposed land uses, all items below shall be applicable to all land uses of the same or similar land use as determined by the Director of Community Development.
1. Establishments that provide entertainment subject to a class IV entertainment license per Chapter 9.10 (Entertainment License) shall be subject to the following conditions of approval upon issuance of such a license.

- a. Entertainment License. Each establishment shall be required to comply with the live entertainment license provisions contained within Chapter 9.10 (Entertainment License) in this Code.
 - i. This is an annual permit required for the operation of any establishment that provides entertainment, per Chapter 9.10 (Entertainment License).
 - ii. Violations of these provisions may result in the revocation of the Entertainment License per Section 9.10.160 (Revocation/Suspension for Violation).
 - b. Noise. All entertainment provided shall be complaint with Chapter 9.20 (Noise).
 - c. Security. All private security shall be compliant with Chapter 9.11 (Regulation of Security Operators), in addition to the requirements of this Chapter.
 - d. Security.
 - i. Security Surveillance System. The establishment shall:
 - (a) Install and maintain a closed-circuit television (CCTV) system consisting of high- definition video technology, capable of saving recorded video for at least 30 days and saving a copy to a disc or flash drive.
 - (b) Post a notice that video recording is in progress.
 - (c) Document the needed steps to retrieve recorded information.
 - (d) Ensure on site personnel have a working knowledge on how to retrieve video and save it to a disc or flash drive.
 - (e) Permit review of the recording by law enforcement immediately upon request.
 - (f) Save an unedited or modified copy of any requested video and provide it immediately to law enforcement upon request.
 - (g) Require all staff-customer disagreements, as feasible, to occur in a well-lit location being videotaped.
 - ii. Security Personnel.
 - (a) All security guards shall operate in accordance with Chapter 9.11 (Regulation of Private Security Operators).
 - (b) Security Personnel Outside. As applicable, security personnel working outside shall wear a uniform in accordance with Temecula Municipal Code Section 9.11.090 and shall engage customers as needed to deter loitering, unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding uses and the neighborhood by excessive noise created by patrons entering or leaving the premises.
 - iii. Private Security. If private security is utilized, the establishment shall ensure the security company is licensed, bonded, and insured. Security personnel must be unarmed.
 - iv. These items are in addition to all conditions of approval and all other requirements of this code or any other applicable state or federal law.
2. Restaurant (Bona Fide Eating Establishment). Establishments selling beer and wine (ABC license Type 41), or beer, wine, and spirits (ABC license Type 47 or 48) must operate and maintain their licensed premises as a bona fide eating establishment and are subject to the following requirements:

- a. The on-site sales and consumption of alcohol are an incidental and ancillary use to the restaurant use.
 - b. Establishment is presumed to be operating as a bona fide eating establishment if the quarterly gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages for the same period. Establishment shall at all times maintain records which reflect separately the gross sales of food and the gross sale of alcoholic beverages on the licensed premises. The records shall be kept no less frequently than on a quarterly basis and shall be made available to the City, or its designee, upon demand.
 - c. A full menu shall be available for order during all hours that alcohol is served. The premises must offer sit-down service of meals.
 - d. The premises where the establishment operates must possess a full restaurant kitchen facility containing conveniences for cooking such as a working refrigerator and cooking devices.
 - e. The premises must comply with all regulations of the health department and Business and Professions Code Sections 23038 and 23787.
 - f. Restaurants shall operate with the following conditions:
 - i. Morphing. No establishment shall allow their establishment to engage in the practice of morphing as defined by this Chapter.
 - ii. Availability of Meal Service. Meals shall be available up to a minimum of thirty (30) minutes before closing. ABC-licensed businesses Type 41, 47, and 49 shall operate as a bona fide eating place in compliance with California Business and Professions Code Sections 23038 and 23787.
3. Legal Nonconforming Liquor Stores.
- a. Existing liquor stores are, upon the effective date of the ordinance codified in this chapter, deemed legal nonconforming uses.
4. Convenience Markets and Beer/Wine Markets.
- a. Only beer and wine may be sold, and only for off-site consumption. This is the equivalent to an ABC Type 20 license type. Distilled spirits and pre-mixed spirit cocktails are prohibited from being sold, gifted or consumed on-site.
 - b. No displays of beer or wine shall be located within ten linear feet from any building entrance or check-out counter. This prohibition shall not apply if the display is not physically accessible to customers.
 - c. A security plan, including, but not limited to: product location, cameras and similar monitoring system, aisle configuration, point of sales location(s), exterior and parking lighting, measures to prevent and discourage loitering and other reasonable factors shall be submitted to the chief of police and be approved or conditionally approved prior to public display or sales of beer or wine.
 - d. The failure to comply with any of these conditions may result in the revocation of the conditional use permit pursuant to Section 17.04.010 of this title.
5. Gas Stations – Concurrent Sale of Motor Vehicle Fuel(s) and Alcoholic Beverages
- a. To comply with the provisions of the Business and Professions Code (Section 23790 et seq.), applications for automotive service stations proposing the concurrent sale of

beer and wine from the same structure shall be required to comply with the same procedure for noticing and conducting the public hearing that is utilized for all other conditional use permits pursuant to the provisions of Section 17.04.010 of the Temecula Municipal Code. The decision and findings must be based on substantial evidence in view of the whole record to justify the ultimate decision and shall be based on written findings. The denial of an application for a CUP is subject to appeal to the city council in accordance with the provisions of Section 17.03.090 of the Temecula Municipal Code.

- b. In addition to any other operational standards deemed necessary and appropriate, the following supplemental standards shall be applied to the concurrent sale of beer and wine products at a facility that also offers motor vehicle fuel:
 - i. No beer or wine shall be displayed within five feet of the cash register or building entrance.
 - ii. No sale of alcoholic beverages shall be made from a drive-up window.
 - iii. No display or sale of beer or wine shall be made from an ice tub or similar device or unit.
 - iv. No beer or wine advertising shall be located on motor fuel islands.
 - v. No beer or wine advertising shall be located on the building, windows, doors, or on freestanding signage.
 - vi. No self-illuminated advertising for beer or wine shall be located on buildings or freestanding signage.
 - vii. Only employees on duty between the hours of ten p.m. and two a.m. who are at least twenty-one years of age may sell alcoholic beverages.
 - viii. Distilled spirits and pre-mixed spirit cocktails are prohibited.
6. Alcoholic Beverage Manufacturing
 - a. Businesses manufacturing alcoholic beverages, which have a tasting room, but do not have a bona fide eating establishment (as defined by the California Department of Alcoholic Beverage Control) in conjunction with the manufacturing business, shall have the appropriate license from the California Department of Alcoholic Beverage Control and shall be operated according to all applicable state and local health and safety requirements and regulations.
 - b. All businesses manufacturing alcoholic beverages shall comply with all land use regulations and site development standards of the zoning district in which they are located.
 - c. All businesses manufacturing alcoholic beverages shall obtain a business license with the city as set forth in Title 5 of the Temecula Municipal Code.
 - d. Prior to an employee selling or serving alcohol, the alcohol licensee or employer shall ensure that the employee has received Licensee Education on Alcohol and Drugs (L.E.A.D) training from the California Department of Alcoholic Beverage Control or similar training if available from the Temecula police department.
 - e. An eight and one-half-inch by eleven-inch (or larger) sign listing local transportation service providers and corresponding telephone numbers shall be posted at a conspicuous location within the building.

- f. The dispensing of alcohol may occur between the hours of 10:00 a.m. and 10:00 p.m., unless otherwise specified as part of a temporary use permit.
- g. On-site alcohol sales shall be limited to product manufactured on-site.
- h. There shall be no admission fee, cover charge, nor minimum purchase required.
- i. The retail area, including the tasting room, shall not exceed fifteen percent of the total floor area of the business. The retail area shall not include the area where typical alcoholic beverage manufacturing functions occur.
- j. In addition to the retail area (tasting room), an outdoor patio area may be allowed, but may not exceed fifty percent of the total allowable retail area.
- k. The outdoor patio area must be secured, consistent with California Department of Alcoholic Beverage Control requirements.
- l. Signs shall be posted inside the building near the exit door of the tasting room and exit door of the outdoor seating area stating: "No alcohol allowed past this point."
- m. All alcoholic beverage manufacturing equipment and storage activities shall be located within a completely enclosed building within the service commercial (SC) zoning district.
- n. An alcoholic beverage manufacturing facility shall meet the off-street parking requirements as set forth in Chapter 17.24 of the Temecula Municipal Code. For the purposes of calculating parking, the brewing areas shall be considered manufacturing, the cold and warm storage areas shall be considered warehousing, office space shall be considered office, and the tasting room and outdoor patio shall be considered retail.
- o. The display of alcoholic beverages shall not be located outside of a building or within five feet of any public entrance to the building.
- p. There shall be no live entertainment, DJs, or amplified sound on the alcoholic beverage manufacturer's licensed premises at any time without issuance of a conditional use permit or temporary use permit.
- q. The number of persons shall not exceed the maximum occupancy load as determined by the Certificate of Occupancy Signs indicating the occupant load shall be posted in a conspicuous place on an approved sign near the main exit from the room.
- r. The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion by the provision of regular landscape maintenance, removal of trash and debris, and removal of graffiti within forty-eight hours from the time of occurrence.
- s. Parking lots, driveways, circulation areas, aisles, passageways, recesses and grounds contiguous to buildings that contain an alcoholic beverage manufacturing use shall be illuminated and make clearly visible the presence of any person on or about the alcoholic beverage manufacturer's licensed premises during the hours of darkness as set forth in Sections 17.08.070 and 17.24.050 of the Temecula Municipal Code.
- t. A security plan in a form satisfactory to the Temecula police department shall be submitted to and approved by the Temecula police department. The security plan shall be formulated to deter loitering, unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to

prevent disturbances to surrounding uses and the neighborhood by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.

7. Finding of Public Convenience or Necessity.
 - a. Whether or not the proposed use is consistent with the general plan and development code;
 - b. Whether or not the proposed use is compatible with the nature, condition and character of adjacent land uses;
 - c. Whether or not the proposed use would have an adverse effect on adjacent land uses;
 - d. Whether or not the proposed use would result in an excessive number of similar establishments in close proximity.
8. Class IV entertainment establishments (ABC Type 90).

It is the intent and purpose of this section to allow a limited number of entertainment establishments within a limited area of the City through an annual administrative entertainment and business license.

- a. Number of Entertainment Establishments.
 - i. The maximum number of entertainment establishments is one. This establishment shall be permitted by right within the Downtown Core District of the Old Town Specific Plan, as shown in Exhibit IV-1: Old Town Regulating Plan, provided the requirements of Section 9.10.125 and this Section are met. No such establishments may operate elsewhere in the City.
- b. A City of Temecula business license is required in accordance with Title 5 (Business Licenses and Regulations)
 - i. This is an annual, non-transferable license required for the operation of an entertainment establishment, per Section 5.04.170 of this Code.
- c. A City of Temecula Live Entertainment License (Class IV) is required in accordance with Chapter 9.10 (Entertainment License). This license shall be applied for in conjunction with a business license specified above.
- d. Operational Requirements.
 - i. Compliance with the requirements of Chapter 9.10 (Entertainment License) is mandatory. Pursuant to Section 9.10.090(a)(4), entertainment shall cease at 10:59:59.
 - ii. Compliance with the standards specified in Chapter 17.09 (Alcohol) are mandatory, except as otherwise required by State law. Alcohol service shall cease at 11:59:59.
 - iii. Noise levels shall not exceed the standards set forth in the noise element of the General Plan or the standards set forth in Section 9.20.040 of this code.
 - iv. The Director of Community Development shall be notified in writing within ten (10) business days of a business sale or transfer of such any business subject to this section.
 - v. The City may apply additional requirements or limitations depending on the location, surrounding uses and other considerations.

- vi. Alcohol Sales Identification. All Persons twenty-one (21) years of age or older shall be provided a free wristband, such persons are required to wear said wristband for the duration of time on the premises. At a minimum the wristband shall:
 - (a) Clearly state the time and date of the event;
 - (b) Be tamper resistant;
 - (c) Be highly visible or reflective;
 - (d) be a differing color for each consecutive show, with a minimum of seven different colors;
 - (e) Persons under twenty-one (21) years of age identified wearing a wristband in violation of this chapter shall be removed from the premises; and
 - (f) This section does not eliminate or in any other way modify the requirements of an establishment to verify the age of patrons ordering alcohol.
- e. Permit Issuance, Denial, and Revocation. Permit issuance, denial and revocation shall be as specified in Chapter 9.10 (Entertainment License)
- f. Appeal.
 - i. Appeal procedures shall be as specified in Chapter 9.10 (Entertainment License).

Section 9. Subsection B (Alcoholic Beverage Sales) of Section 17.10 (Supplemental Development Standards) of Chapter 17.10 (Supplemental Development Standards) of Title 17 (Zoning) is hereby deleted, with the remaining of Section 17.10.020 being consecutively renumbered.

Section 10. Environmental Findings. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14 of the California Code of Regulations, CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Code Amendments would have a significant impact on the environment. The Code Amendments impose regulations on existing uses and reorganize alcohol standards within the code. The Community Development Director is hereby directed to file a Notice of Exemption in accordance with CEQA and the State CEQA Guidelines.

Section 11. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 12. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 13. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 23rd day of July, 2024.

James Stewart, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

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

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2024- was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 9th day of July, 2024, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the 9th day of July, 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk