

**CITY OF TEMECULA**

**CONDITIONS OF APPROVAL ACCEPTANCE**

Planning Application Number: PA24-0254

Parcel Number(s):

922-024-013

By signing below, I/we have agreed to the following Conditions of Approval, including (but not limited to) any referenced documents, local, state, or federal regulations, statement of operations, hours of operation, floor plans, site plans, and Conditions that may require the payment or reimbursement of fees, as described. I/we have read the attached Conditions of Approval and understand them. I/we also understand that violations or non-compliance with these Conditions of Approval, may delay a project, and/or result in the revocation of a permit in accordance with the Temecula Municipal Code. I/we are also responsible for disclosing these Conditions of Approval to any successive owners/operators. I/we agree and commit to the City of Temecula that I/we will implement and abide by the Conditions of Approval, including any indemnification requirements imposed by those conditions.

Property Owner Printed Name

\_\_\_\_\_

Property Owner Signature & Date

\_\_\_\_\_

Applicant Printed Name

\_\_\_\_\_

Applicant Signature & Date

\_\_\_\_\_

**EXHIBIT A**  
**CITY OF TEMECULA**  
**DRAFT CONDITIONS OF APPROVAL**

**Planning Application No.:** PA24-0254

**Project Description:** Landeros Mexican Grill and Cantina CUP: a Conditional Use Permit application for a Type 47 ABC license for Landeros Mexican Grill and Cantina located at 41925 Fifth Street, Suite 102.

**Assessor's Parcel No.:** 922-024-013

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

**DIF Category:** N/A (No New Grading)

**TUMF Category:** Per WRCOG Requirements

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

**New Street In-lieu of Fee:** N/A (Not Located within the Uptown Temecula Specific Plan)

**Approval Date:** October 2, 2024

**Expiration Date:** October 2, 2026

**PLANNING DIVISION**

**Within 48 Hours of the Approval**

1. Applicant Filing Notice of Exemption. **APPLICANT ACTION REQUIRED:**  
The applicant/developer is responsible for filing the Notice of Exemption as required under Public Resources Code Section 21152 and California Code of Regulations Section 15062 within 48 hours of the project approval. If within said 48-hour period the applicant/ developer has not filed the Notice of Exemption as required above, the approval for the project granted shall be void due to failure of this condition. Failure to submit the Notice of Exemption will result in an extended period of time for legal challenges.

**FEES:**

Fees for the Notice of Exemption include the Fifty Dollar County (\$50.00) administrative fee. The County of Riverside charges additional fees for credit card transactions.

**FILING:**

The City shall provide the applicant with a Notice of Exemption within 24 hours of approval via email. If the applicant/developer has not received the Notice of Exemption within 24 hours of approval, they shall contact the case Planner immediately. All CEQA documents must be filed online with the Riverside County Assessor – County Clerk- Recorder. A direct link to the CEQA filings page is available at [TemeculaCA.gov/CEQA](http://TemeculaCA.gov/CEQA).

**COPY OF FILINGS:**

The applicant shall provide the City with a digital copy of the required filings within 48 hours.

## **General Requirements**

2. Indemnification of the City. Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City. The Applicant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to the Planning Commission's actions, this approval and the City Council's actions, related entitlements, or the City's environmental review thereof. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the Applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this condition shall be construed to require the Applicant to indemnify Indemnitees for any claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City or, at the discretion of the City, enter into an agreement with the City to pay such expenses as they become due.

3. Expiration. This approval shall be used within two years of the approval date; otherwise, it shall become null and void. Use means 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, or use of a property in conformance with a Conditional Use Permit.  
A modification made to an approved development plan does not affect the original approval date of a development plan.
4. Time Extension. The Director of Community Development may, upon an application being filed prior to expiration, and for good cause, grant a time extension of up to three extensions of time, one year at a time.  
A modification made to an approved development plan does not affect the original approval date of a development plan.
5. Consistency with Specific Plans. This project and all subsequent projects within this site shall be consistent with Specific Plan No. 5 (Old Town Specific Plan).
6. Conformance with Approved Plans. The development of the premises shall substantially conform to the approved site plan and elevations contained on file with the Planning Division.
7. Signage Permits. A separate building permit shall be required for all signage.
8. Water Quality and Drainage. 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. To ensure compliance with this Condition of Approval:
  - a. Spills and leaks shall be cleaned up immediately.
  - b. Do not wash, maintain, or repair vehicles onsite.
  - c. Do not hose down parking areas, sidewalks, alleys, or gutters.
  - d. Ensure that all materials and products stored outside are protected from rain.
  - e. Ensure all trash bins are covered at all times.
9. Modifications or Revisions. The applicant shall obtain City approval for any modifications or revisions to the approval of this project.
10. Statement of Operations. The applicant shall comply with their Statement of Operations dated September 19, 2024, on file with the Planning Division, unless a conflict exists between the Statement of Operations and these Conditions of Approval, in which case the Conditions of Approval control.
11. Revocation of CUP. This Conditional Use Permit may be revoked pursuant to Section 17.03.080 of the City's Municipal Code.
12. City Review and Modification of CUP. The City, its Director of Community Development, 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 Director of Community Development, Planning Commission and City Council is in addition to, and not in-lieu of, the right of the City, its Director of Community Development, 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.

13. A. General Alcohol Requirements.  
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. Hours.
1. Alcohol sales shall cease each day at 11:59:59 p.m.
    - a. Establishment 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.
- C. Training Required  
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).

D. Alcoholic Beverage Sales Operational Standards.  
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 and these conditions in which case these conditions shall control.
  - 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 the Temecula Municipal 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 the Temecula Municipal 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.
- E. 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.
- i. 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.
- j. 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.
- k. 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.
- l. Discount Alcohol Pricing. No "happy hour" type of reduced pricing for alcoholic beverage shall be allowed after 8:00 p.m.
- m. Cut-Off Log. The establishment shall maintain a log of cut-off customers, as defined in the Municipal Code. 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.  
Banned Customer Log. The establishment shall maintain a log of any banned customer, as defined in the Municipal Code. The establishment shall provide the banned customer log to law enforcement and/or code enforcement, immediately upon request.



F. 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. 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:
2. Morphing. No establishment shall allow their establishment to engage in the practice of morphing as defined by this Chapter.
  - a. 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.

## BUILDING AND SAFETY DIVISION

### General Requirements

14. Final Building and Safety Conditions. Final Building and Safety conditions will be addressed when building construction plans are submitted to Building and Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
15. Compliance with Code. All design components shall comply with applicable provisions of the most current edition of the California Building, Plumbing and Mechanical Codes; California Electrical Code; California Administrative Code, Title 24 Energy Code, California Title 24 Disabled Access Regulations, and Temecula Municipal Code as identified in Title 15 of the Temecula Municipal Code.
16. ADA Access. Applicant shall provide details of all applicable disabled access provisions and building setbacks on plans to include:
  - a. Disabled access from the public way to the main entrance of the building.
  - b. Van accessible parking located as close as possible to the main entrance of the building.
  - c. Accessible path of travel from parking to the furthest point of improvement.
  - d. Path of accessibility from parking to furthest point of improvement.
  - e. Accessible path of travel from public right-of-way to all public areas on site, such as trash enclosures, clubhouses, and picnic areas.
17. County of Riverside Mount Palomar Ordinance. Applicant shall submit, at time of plan review, a complete exterior site lighting plan showing compliance with County of Riverside Mount Palomar Ordinance Number 655 for the regulation of light pollution. All streetlights and other outdoor lighting shall be shown on electrical plans submitted to the Building and Safety Division. Any outside lighting shall be hooded and aimed not to shine directly upon adjoining property or public rights-of-way. All exterior LED light fixtures shall be 3,000 kelvin or below.
18. Street Addressing. Applicant must obtain street addressing for all proposed buildings by requesting street addressing and submitting a site plan for commercial or multi-family residential projects or a recorded final map for single-family residential projects.
19. Obtain Approvals Prior to Construction. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.

20. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits. Solid covers are required over new and existing trash enclosures.
21. Hours of Construction. Signage shall be prominently posted at the entrance to the project, indicating the hours of construction, as allowed by the City of Temecula Code Section 9.20.060, for any site within one-quarter mile of an occupied residence. The permitted hours of construction are Monday through Saturday from 7:00 a.m. to 6:30 p.m. No work is permitted on Sundays and nationally recognized Government Holidays.

## **POLICE DEPARTMENT**

### **General Requirements**

22. Type 47 License. The applicant has applied for a Type 47 On-Sale General – Eating Place (Restaurant) 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.
23. Consumption of Alcoholic Beverages in Public Prohibited. The applicant shall comply with Temecula Municipal Code Section 9.14.010, Consumption of Alcoholic Beverages in Public Prohibited.
24. Ensure No Alcohol Sold or Consumed by Person Under the Age of 21. The applicant shall ensure that no alcohol is sold to or consumed by any person under the age of 21.
25. Identification Verification. 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.
27. Acceptable Forms of Identification. 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.
28. 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.

29. Maintain Premises as a Bona Fide Eating Place. 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).
30. No Alcohol Sales Between 2:00 am and 6:00 am. Unless further restricted by the CUP, 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).
31. Inspections. Police officers, sheriff’s deputies and ABC investigators are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plain clothes 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).
32. Disorderly House. Applicants 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 premise includes the parking lot (Section 25601 B&P; 316 PC).

33. Employee Training for Identification Checks. The applicant shall ensure all employees involved with the sales, service and identification checks for the purpose of any sales of alcoholic beverages is trained in the proper procedures and identification checks. The Temecula Police Department provides free training for all employers and 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 Crime Prevention and Plans Unit at (951) 506-5132 to set up a training date. Training must be completed prior to the grand opening of this business and periodic updated training when new employees/ management are hired.
  
34. Entertainment Rules. On-sale licensees who offer entertainment 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 on the breast, 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 her or her genitals or anus (Rule 143.3 CCR. Also violates Section 311.6 PC if conduct is "obscene," e.g. intercourse, sodomy, masturbation, etc.)
  
35. Under Number of Calls for Service. Licensees may not permit their licensed premises to be a problem for the local law enforcement agency by needing an undue number of calls for service. The licensed premise includes the parking lot (Sections 24200 (a) (B&P).
  
36. Questions Regarding Conditions. Any questions regarding these conditions should be directed to Temecula Police Department Crime Prevention and Plans Unit at (951) 695-2773.