

CITY OF TEMECULA

CONDITIONS OF APPROVAL ACCEPTANCE

Planning Application Number: PA22-0670

Parcel Number(s):

922-073-026

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.: PA22-0670

Project Description: The Oak and Ocean Conditional Use Permit: A Conditional Use Permit for a restaurant to offer alcohol service with a Type 47 License. The project is located at 28721 Old Town Front Street Suite B (approximately 11,420 square feet of the southerly portion of the building otherwise known as Suite B).

Assessor's Parcel No.: 922-073-026

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

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

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: May 1, 2024

Expiration Date: May 1, 2026

PLANNING DIVISION

Within 48 Hours of the Approval

1. Applicant Filing Notice of Determination. APPLICANT ACTION REQUIRED:
The applicant/developer is responsible for filing the Notice of Determination 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 Determination 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 Determination within 24 hours of approval via email. If the applicant/developer has not received the Notice of Determination 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.

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 five extensions of time, one year at a time. Thereafter, Extensions of Time may be granted yearly with the approval of the City Council (Development Code Section 17.05.010.H.3).
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).
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. Modifications or Revisions. The developer shall obtain City approval for any modifications or revisions to the approval of this project.
8. Bona Fide Eating Place. Type 47 (On Sale General) licensees must operate and maintain their licensed premises as a bona fide eating place. The on-site sales and consumption of alcohol are an incidental and ancillary use to the restaurant use. A licensee is presumed to be operating as a bona fide eating place 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. The licensee 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. A full menu shall be available for order during all hours that alcohol is served. The premises where the licensee operates must possess a full restaurant kitchen facility containing conveniences for cooking such as a working refrigerator and cooking devices. The premises must offer sit-down meal service and food menus. "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 with the requirement to provide meals. The premises must comply with all regulations of the health department.
9. Food Service. The bona fide public eating place shall serve a full menu at all hours that alcohol is served.
10. Statement of Operations. The applicant shall comply with their Statement of Operations dated October 25, 2023, 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 Development 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. Posting of Local Transportation Providers. 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.

14. Advertising. Advertising. The applicant 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.

15. Alcohol Policies and Procedures. "Alcohol policies and procedures" means a document describing the establishment's rules and procedures on selling alcohol. Topics shall include, but not be limited to, checking IDs, refusing to serve intoxicating customers, safe rides, no drinking on duty, watching out for predatory behavior such as spiking of drinks, violence, and maintaining a drug free workplace. The applicant shall provide the Alcohol Policies and Procedures to law enforcement and/or code enforcement, immediately upon request.

16. Alcohol Serving. "Alcohol serving." One alcohol serving contains .60 ounces of pure alcohol (ethanol). For example:
 - 1.50 ounces of 80 proof distilled spirits (40% ABV alcohol by volume)
 - 1.50 times .40 = .60 ounces of pure alcohol
 - 12 ounces of a standard beer (5% ABV alcohol by volume)
 - 12 times .05 = .60 ounces of pure alcohol
 - 5 ounces of most wines (12% ABV alcohol by volume)
 - 5 times .12 = .60 ounces of pure alcohol "

17. Attire and Conduct. "Attire and Conduct. On sale ABC license applicants may not permit these acts:
“(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
(2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (1) above.
(3) To encourage or permit any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.
(4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.”
(5) California Code of Regulations, Section 143.2; also violates Penal Code Section. 311.6 if conduct is “obscene;” e.g., intercourse, sodomy, masturbation, etc.) ”
18. Availability of Alcohol Service After 10 p.m. "Availability of Alcohol Service. ABC licensed businesses open past 10:00 p.m. shall adhere to the following:
An hour before closing:
Limit the sale of alcohol products to items containing one alcohol serving (.60 ounces of pure ethanol) or less; and
Limit the patron to one alcoholic drink per order.
Thirty minutes before closing, new alcohol service shall cease.
Last call shall be made early enough to ensure service ceases prior to closing, but in no event may last call be later than thirty minutes before closing."
19. Availability of Meals. Availability of Meal Service. Meals shall be available up to a minimum of 30 minutes before closing. ABC licensed businesses Type 47 shall operate as a bona fide eating place in compliance with California Business and Professions Code Sections 23038 and 23787.
20. Banned Customer Log. The applicant shall maintain a log of any banned customer. The applicant shall provide the banned customer log to law enforcement and/or code enforcement, immediately upon request. Required before final approval to open.
21. Bartender Training. "Bartender Training. Bartenders shall be trained to properly build cocktails. At a minimum, bartenders shall be trained to build the cocktails on the Cocktail Recipe List, as defined above.

The applicant 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.

The applicant shall retain a record of each bartender's Cocktail Recipe List training for a minimum of three years and 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

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)."

22. Cocktail Recipe List. "'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:
A minimum of 50 popular cocktails
All house specialty cocktails
Cocktails identified on the menu(s)"
The applicant shall provide the Cocktail Recipe List to law enforcement and/or code enforcement, immediately upon request.
24. Compliance with ABC Laws. "Compliance with ABC Laws. All on sale licensed establishments shall operate in strict compliance with all Alcoholic Beverage Control laws and regulations. This includes, but is not limited to a prohibition on:
- Selling alcoholic beverages to an obviously intoxicated person or habitual drunkard (BPC Section 25602(a), PEN Section 397)
 - Selling alcoholic beverages to a person under age 21 (BPC Section 25658(a))
 - Allowing a person under age 21 to consume alcoholic beverages (BPC Section 25658(b))
 - Illegal drug activity (BPC Section 24200.5(a) and H&S code violations)
 - Disorderly house (BPC Section 25601, PEN Section 316)
 - Creating a law enforcement problem (BPC Section 24200(a))
 - Drink solicitation (BPC Section 24200.5(b), 25657(a)(b), 4 CCR Section 143, PEN Section 303(a))
 - ABC license conditions (BPC Section 23804)
 - Allowing an intoxicated person to enter and remain in the licensed premises (BPC Section 24200(a), PEN Section 647(f))"
25. Conditions of Approval Post. Conditions of Approval Posting. The applicant shall post the City of Temecula conditions of approval in a place readily visible and available for reading by the business' staff members.
- The City of Temecula Approval Letter for the Conditional Use Permit shall be displayed on the premises in a conspicuous place so that law enforcement and city staff entering the establishment may readily see the Conditional Use Permit. A copy of the stamped approved floor plan/site plan approved with the Conditional Use Permit and the full set of Conditionals of Approval (including all previous approvals) 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.
26. Cut-Off Log. "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. The applicant shall provide the cut off log to law enforcement and/or code enforcement, immediately upon request. Required before final approval to open.
27. Disorderly House. Disorderly House. Licensees may not permit their licensed premises to become a disorderly house. A disorderly house is a licensed outlet (on or off sale) that: (a) disturbs neighbors with noise, loud music, loitering, littering, vandalism, urination or defecation, graffiti, etc.; and/or (b) has many ongoing crimes inside such as drunks, fights, assaults, prostitution, narcotics, etc. The licensed premise includes the parking lot. The applicant shall institute security and operational measures necessary to comply with this requirement.

28. Drink Potency. ""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 .60, and rounding the answer to the closest 10th. For example, an Adios recipe:
.50 ounces of tequila that is 40% ABV = .20 pure alcohol (.5 times .4 = .20)

.50 ounces of vodka that is 40% ABV =.20 pure alcohol
(.5 times .4 = .20)

.50 ounces of gin that is 40% ABV (.5 times .4 = .20) = .20 pure alcohol
.50 ounces of rum that is 40% ABV (.5 times .4 = .20) = .20 pure alcohol
.50 ounces of triple sec that is 15% ABV (.5 times .15 = .075) = .075 pure alcohol
The sum of pure alcohol

= .0875

Drink Potency: 1.5 alcohol servings (.875 divided by .60 = 1.46, rounded to closest 10th = 1.5)"

29. Drink Potency Posting. Drink Potency in Marketed Alcoholic Beverages Posting. The applicant shall identify and document the "drink potency," as defined below, of all alcoholic beverages visually marketed to customers in any manner, including menus, displays, tabletops, table tents, and boards. Required before final approval to open.

""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 .60, and rounding the answer to the closest 10th. For example, an Adios recipe:

.50 ounces of tequila that is 40% ABV = .20 pure alcohol (.5 times .4 = .20)

.50 ounces of vodka that is 40% ABV =.20 pure alcohol
(.5 times .4 = .20)

.50 ounces of gin that is 40% ABV (.5 times .4 = .20) = .20 pure alcohol
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.50 ounces of triple sec that is 15% ABV (.5 times .15 = .075) = .075 pure alcohol
The sum of pure alcohol

= .0875

Drink Potency: 1.5 alcohol servings (.875 divided by .60 = 1.46, rounded to closest 10th = 1.5)"

30. Drinker Guide Posting. Drinker Guide Posting. The applicant shall display a notification to customers containing the information for a “drinker guide,” as defined below. The drinker guide information shall be presented as a stand-alone display or incorporated into menus. The information shall be easily readable with a minimum font size of 10 pt.

“Drinker guide” means the information displayed, providing customers with the knowledge to monitor and moderate their alcohol consumption. The guidance is contained in a stand-alone display or menus. At a minimum, a drinker guide includes:

- Reference to research or studies that indicate:

Those consuming alcohol experience more pleasure, satisfaction, or enjoyment when keeping their inebriation to a moderate level.

Those with moderate inebriation are less likely to be harmed or harm others than those with greater inebriation.

Moderate alcohol inebriation typically occurs at a BAC below .06%.

- Definition of one alcohol serving as:

12 ounces of beer with an ABV of .5%

5 ounces of wine with an ABV of 12%

1.5 ounces of liquor with an ABV of 40%

- Basic information to help patrons guide their inebriation to below .06% by tracking their number of alcohol servings or BAC, for example:

Males weighing more than 200 lbs. can consume 4 alcohol servings paced over 2 hours and stay in the safer and moderate “pleasure zone”

Females weighing more than 165 lbs. can consume 2-3 alcohol servings paced over 2 hours and stay in the safer and moderate pleasure zone

- Recommending the downloading of cell apps that help track BAC

The statement, “Any level of inebriation impairs. It is always smart to use a designated driver or ridesharing.”

31. Entertainers and Conduct. Entertainers and Conduct. On sale ABC license applicants 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 [customer]. 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” (4 California Code of Regulations Section 143.3 CCR; also violates Penal Code Section 311.6 if conduct is “obscene,” e.g., intercourse, sodomy, masturbation, etc.)

32. Entertainment Prohibited. Entertainment is prohibited unless applicant is issued an Entertainment License, the Entertainment License is active and valid, and the applicant is in full compliance with its Conditional Use Permit and Entertainment License conditions.

“Entertainment.” 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.”

33. Exterior Sign Posting. Exterior Sign Posting. When residential areas exist adjacent to the licensed premises, the applicant shall, at all times, display a sign of at least ten inches by ten inches at all exits worded as follows: “Please respect our neighbors by exiting quietly and not loitering.” Required before final approval to open.

34. Food and Beverage Sales Documentation. 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 applicant to determine the gross sales of food and or the gross sales of alcoholic beverages. Upon request at the time the city inspects the books and records of the applicant the applicant shall also submit to the city copies of all records submitted to the State Board of Equalization for purposes of computing sales tax. Applicant gives the right to the city to review the records of the State Board of equalization for the purpose of verifying the applicant’s books and records with the understanding that these reviews are confidential.

35. Graffiti. Graffiti on the property shall be removed within 72 hours from the time of its occurrence.

36. Headcount Log. “Headcount log” is a mechanically kept headcount tally using, for example, a handheld clicker or headcounter app. The headcount tally is maintained during busy hours of operation, e.g., 11:00 p.m. until closing. The headcount tally includes the working staff and is noted on a written log. The applicant shall provide the headcount log to law enforcement and/or code enforcement, immediately upon request. Required before final approval to open.

The applicant shall not allow the number of occupants inside the premise building to exceed the establishment’s maximum occupant load as determined by the Temecula Fire Department.

37. Hours of Operation and Termination of Alcohol Sales. The hours of operation for this conditional use permit shall be as follows:
Monday: 9:00 a.m. 2:00 a.m. (Alcohol sales shall cease at 11:59 p.m.)
Tuesday: 9:00 a.m. 2:00 a.m. (Alcohol sales shall cease at 11:59 p.m.)
Wednesday: 9:00 a.m. 2:00 a.m. (Alcohol sales shall cease at 11:59 p.m.)
Thursday: 9:00 a.m. 2:00 a.m. (Alcohol sales shall cease at 11:59 p.m.)
Friday: 9:00 a.m. 2:00 a.m. (Alcohol sales shall cease at 11:59 p.m.)
Saturday: 9:00 a.m. 2:00 a.m. (Alcohol sales shall cease at 11:59 p.m.)
Sunday: 9:00 a.m. 2:00 a.m. (Alcohol sales shall cease at 11:59 p.m.)
These hours of operation shall supersede any previous conditions of approval and take precedence over any other conditions of approval in this document that may reference operating hours and times. Hours of operations may be altered temporarily with the approval of a valid limited duration temporary use permit. Hours of operations may be permanently altered only by an approved amendment to this conditional use permit.
38. ID Guide Manual. ID Guide Manual. To aid in examining IDs, the applicant shall obtain and use an up-to-date multi-state identification manual. Required before final approval to open.
39. Inspections. 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.
40. Maintenance of Real Property and Surrounding Areas. Maintenance of Real Property. The applicant 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.
41. Manager on Duty Posting. "Manager on Duty Posting. During business hours, the applicant 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:
- An employee
 - Certified in accordance with the responsible beverage service training requirements in California Business and Professions Code Section 25683.
 - Aware of all requirements in the conditional use permit, entertainment license (as applicable), and ABC license
- Required before final approval to open."
42. Meal Defined. "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 prepackaged 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.
43. Morphing. Morphing is prohibited. "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."

44. No Alcohol Sales. No Alcohol Sales Between 2:00 AM and 6:00 AM. Applicants 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. (Business and Professions Code Section 25631). Applicants may not permit customers 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. (Business and Professions Code Section 25632). Some ABC licenses have special conditions (restrictions) as to hours of sale that are stricter than the law. Those licenses are marked "Conditional" (Business and Professions Code Section 23805). Alcohol may not be served beyond the approved hours of operation listed in the Hours of Operation Condition or the Availability of Alcohol Service After 10 p.m. Condition.
45. Occupancy Posting. 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. Required before final approval to open.
46. Outside Lighting. "Outside Lighting. The applicant 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 applicant shall provide sufficient lighting during the hours of darkness to ensure customers have a clear, lighted path from the event area 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. All lighting must obtain Building Permits and Planning approval and comply with the Palomar Lighting Ordinance, or any subsequent lighting ordinance for the City of Temecula. Required before final approval to open."

47. Overservice Posting. Overservice Posting at Main Entrance and Main Bar. The applicant 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. Required before final approval to open.
48. Overservice Posting on Menu. Overservice Posting on Menu. The applicant 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." Required before final approval to open.
49. Post Opening Law Enforcement Meeting. Police and Security Staff Meeting. Within 30 days of opening, it is the responsibility of the applicant to contact the Police, arrange and hold a 90-minute meeting attended by all security staff and floor managers.
50. Pre-Opening Law Enforcement Meeting. Police and Management Staff Meeting. Before opening, it is the responsibility of the applicant to contact the Police, arrange and hold a 90-minute meeting attended by all floor management levels, including bar, server, and security department leads.

51. Private Clubs/Rooms/Areas/Prohibited. Private Club Rooms or Areas. No on sale applicant shall maintain a room or designated area reserved for the exclusive use of designated persons or "private club members," unless the applicant 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.

52. Private Security. Private Security. If private security is utilized, the applicant shall ensure the security company is licensed, bonded, and insured. Security personnel must be unarmed. Required before final approval to open.

53. Queuing Line. Queuing lines shall be managed in an orderly manner and all disruptive and/or intoxicated customers shall be denied entry. The applicant 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."

54. Relationship Between Suites. The Conditions of Approval governing Suite B shall not apply to or in any way govern or limit the permitted use of Suite A under the Suite A CUP PA93-0030 and such Suite A CUP and the "Agreement and Grant of Real Property subject to and Reserving Parking Easement" recorded May 13, 1999 shall not be disturbed or amended in any way as a result of the Planning Application Number PA22-0670 and Conditions of Approval issued based on such Application.

55. 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.

An alcohol server, as defined in Business and Professions Code Section 25680 and Department of Alcoholic Beverage Control policy, is anyone who does any of the following:

1. Checks customer identification for purposes of alcoholic beverage service.
2. Checks customer identification for entry to an ABC on premises licensed establishment.
3. Takes customer alcoholic beverage orders.
4. Pours alcoholic beverages for customers.
5. Delivers alcoholic beverages to customers.

An alcohol manager, as defined in Business and Professions Code Section 25680 and Department of Alcoholic Beverage Control policy, is 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 license. This definition specifically excludes an employee or contractor of another separate ABC license who is training alcohol servers for marketing or distribution purposes.

56. Right to Cancel. Right to Cancel Event. The Temecula Police Department reserves the right to stop, cancel, or temporarily delay all or portions of any activities occurring at this establishment when police or public safety becomes a significant concern.

57. Security Meeting Prior to Opening. "Security Meeting. The applicant shall schedule an onsite meeting with law enforcement to review security needs as well as Crime Prevention Through Environmental Design (CPTED). Based on increased service calls or input from the surrounding commercial tenants, the Community Development Director or the Chief of Police may require additional security requirements such as:
- Security plan, as defined in Temecula Municipal Code Section 17.34.010
 - Licensed security staff at the business during specific hours
 - Additional licensed security staff and/or security measures

Required before final approval to open. "

58. 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.

59. Security Surveillance System Requirements. Install and maintain a closed-circuit television (CCTV) system consisting of ultra-high definition video technology (recording 4K resolution or higher at a minimum resolution of 3840 x 2160), capable of saving 4K recorded video for at least 30 days and saving a copy to a disc or flash drive.
- Post a notice that video recording is in progress.
 - Document the needed steps to retrieve recorded information.
 - Ensure on site personnel have a working knowledge on how to retrieve video and save it to a disc or flash drive.
 - Permit review of the recording by law enforcement immediately upon request.
 - Save a copy of any requested video and provide it immediately to law enforcement upon request.
 - Require all staff customer disagreements, as feasible, to occur in a well-lit location being videotaped.

Required before final approval to open."

60. Separate Permits. A separate building permit shall be required for all signage.
61. 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.
62. Type-47 License. Type 47 License. The applicant has applied for a Type 47 license (On Sale General Eating Place (Restaurant)). This license authorizes the sale of beer, wine, and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals, as defined above, for consumption on the premises. Minors are allowed on the premises.
63. Verification of Training. Verification of Responsible Beverage Service 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. California Code of Regulations Section 169 provides that a licensee may establish the validity of an employee's certification using the license administrator account. The licensee shall maintain records of certifications for inspection, upon request, by the Department of Alcoholic Beverage Control. Required before final approval to open.
64. Termination of Alcohol Sales. The last call indicating the termination of the sale of alcohol shall be no less than one half (1/2) hour prior to closing for all nights of operation.

65. Display of Conditional Use Permit. The City of Temecula Approval Letter for the Conditional Use Permit shall be displayed on the premises in a conspicuous place so that law enforcement and city staff entering the establishment may readily see the Conditional Use Permit. A copy of the stamped approved floor plan/site plan approved with the Conditional Use Permit and the full set of Conditionals of Approval (including all previous approvals) 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.

BUILDING AND SAFETY DIVISION

General Requirements

66. Final Building and Safety Conditions. Final Building and Safety conditions will be addressed when building plans are reviewed and submitted to Building and Safety. 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.
67. 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.
68. Obtain Approvals and Permits. Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
69. Obtaining Separate Approvals and Permits. Trash enclosures, patio covers, light standards, and any block walls will require separate approvals and permits.
70. 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 Municipal 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.
71. House Electrical Meter. Provide a house electrical meter to provide power for the operation of exterior lighting, irrigation pedestals and fire alarm systems for each building on the site. Developments with single user buildings shall clearly show on the plans how the operation of exterior lighting and fire alarm systems when a house meter is not specifically proposed.

FIRE PREVENTION

General Requirements

72. Fire Dept. Plan Review. Final fire and life safety conditions will be addressed when building plans are reviewed by the Fire Prevention Bureau. These conditions will be based on occupancy, use, the California Building Code (CBC), California Fire Code (CFC), and related codes which are in force at the time of building plan submittal.

73. F-100. Per the California Building Code and California Fire Code, along with Title 19 for Public Safety, the occupancy for this establishment must be complied with at all times. The owner will be responsible for assigning designees to count patrons as they enter and exit. At any given time, if the fire department and/or building department find you in violation of this they will be required to either close the facility entirely, have the owner remove patrons until the occupant load is at or less than allowed and request fines to be issued to the owner. If there is continued violations occurring within the establishment the building department and/or fire department will recommend that the city planning department revoke the owners CUP.

Prior to Issuance of Certificate of Occupancy

74. Knox Box. A “Knox-Box” shall be provided. The Knox-Box shall be installed a minimum of six feet in height and be located to the right side of the fire riser sprinkler room (CFC Chapter 5).

POLICE DEPARTMENT

General Requirements

75. 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.
76. 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.
77. 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.
78. 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.
79. 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.
80. 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.

81. 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).
82. No Alcohol Sales Between 2:00 am and 6:00 am. 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).
83. Inspections. Police officers, sheriff’s deputies and ABC investigators are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plainclothes or uniform, peace officers have the legal right to visit and inspect any licensed premises at any time during business hours without a search warrant or probable cause. This includes inspecting the bar and back bar, storeroom, 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).
84. Disorderly House. Licensees may not permit their licensed premises to become a disorderly house. A disorderly house is a licensed outlet (on or off sale) that: (a) disturbs neighbors with noise, loud music, loitering, littering, vandalism, urination or defecation, graffiti, etc; and/or (b) has many ongoing crimes inside such as drunks, fights, assaults, prostitution, narcotics, etc. The licensed premise includes the parking lot (Section 25601 B&P; 316 PC).

85. 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.
86. 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.)
87. Undue 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).
88. Questions Regarding Conditions. Any questions regarding these conditions should be directed to the Temecula Police Department Crime Prevention and Plans Unit at (951) 506-5132.