

EXHIBIT A
CITY OF TEMECULA
DRAFT CONDITIONS OF APPROVAL

Planning Application No.: PA19-1281

Project Description: A Conditional Use Permit to add a Type 42 (Beer/Wine) ABC License and live indoor entertainment at an existing brewery located at 28636 Old Town Front Street, Suite 103.

Assessor's Parcel No.: 922-034-036

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 6, 2020

Expiration Date: May 6, 2022

PLANNING DIVISION

General Requirements

1. Indemnification of the City. The applicant and owner of the real property subject to this condition shall hereby agree to indemnify, protect, hold harmless, and defend the City and its attorneys from any and all claims, actions, awards, judgments, or proceedings against the City to attack, set aside, annul, or seek monetary damages resulting, directly or indirectly, from any action in furtherance of and the approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning the Planning Application. The City shall be deemed for purposes of this condition, to include any agency or instrumentality thereof, or any of its elected or appointed officials, officers, employees, consultants, contractors, legal counsel, and agents. City shall promptly notify both the applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves the right to take any and all action the City deems to be in the best interest of the City and its citizens in regards to such defense.

2. 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.
3. 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.
A modification made to an approved development plan does not affect the original approval date of a development plan.
4. Consistency with Specific Plans. This project and all subsequent projects within this site shall be consistent with Specific Plan No. 5 (Old Town).
5. 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.
6. Modifications or Revisions. The permittee shall obtain City approval for any modifications or revisions to the approval of this project.
7. Statement of Operations. The applicant shall comply with their Statement of Operations dated February 6, 2020, 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.
8. Revocation of CUP. This Conditional Use Permit may be revoked pursuant to Section 17.03.080 of the City's Development Code.
9. 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.
10. 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.
11. Live Entertainment. All live entertainment shall be conducted indoors at all times. In addition, all doors and windows of the establishment shall be fully closed when during live entertainment. The exception to this shall through the approval of a Temporary Use Permit.

12. 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.

Prior to Release of Power, Building Occupancy or Any Use Allowed by This Permit

13. Compliance with Conditions of Approval. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

BUILDING AND SAFETY DIVISION

General Requirements

14. ADA Access. Submit to the Building and Safety Division for review and approval three (3) sets of plans including:
 - a. Details for accessible toilet facilities on site.
 - b. Details of van accessible parking located as close as possible to the access aisle.
 - c. Structural calculations for any proposed temporary structures. The structural plans and calculations shall be wet signed by the engineer of record.
 - d. Two copies of electrical plans for any proposed temporary electrical equipment. The electrical plans shall be stamped and wet signed by a registered professional engineer or architect licensed by the State of California or by the licensed electrical contractor completing the work.
15. Compliance with Code. All design components shall comply with applicable provisions of the 2019 edition of the California Building, Plumbing and Mechanical Codes; 2019 California Electrical Code; California Administrative Code, Title 24 Energy Code, California Title 24 Disabled Access Regulations, and the Temecula Municipal Code.
16. Obtain Permits Prior to Event. Applicant must obtain all permits and inspections for required work noted above prior to event during regular City business hours.
17. Signage. All signs for this event to be approved by the City of Temecula Community Development Department.
18. Off-site Signage. No off-site signs are allowed in the City of Temecula.
19. Signage Prohibited in Right of Way. No signs are to be placed in the public right-of-way.

20. Required Restrooms. Toilet facilities for events where alcohol is not available

Patrons	MALE		FEMALE	
	Toilets	Urinals	Toilets	Sinks
50-100	1	1	1	1
100-200	1	1	2	1
201-400	2	2	3	2
400-500	3	3	4	3

Toilet facilities for events where alcohol is available

Patrons	MALE		FEMALE	
	Toilets	Urinals	Toilets	Sinks
50-100	1	1	2	1
100-200	2	2	3	2
201-400	3	3	5	3
400-500	4	4	6	3

Accessible Toilets

ADA Required (Combined male & female)

1-6	1
6-12	2

Duration of Event	Quantity Required
More than 8 hours	100%
6-8 hours	80%
4-6 hours	75%
Less than 4 hours	70%

21. Stages. Stages are required to be accessible by ramp or lift. Show on stage plans how this will be achieved.
22. Music/Sound Equipment. All musical/ sound system equipment is to be supported by listed rigging only. No Genie lifts.
23. Inspection Times. Obtain all permits and inspections for required work noted above prior to event during regular City business hours.

POLICE DEPARTMENT

General Requirements

24. Type 42 License. The applicant has applied for a Type 42 License (On-Sale Beer & Wine – Bar, Tavern). A Type 42 license authorizes the sale of beer, wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors may not enter and remain except as provided in B&P Section 25663.5. Food Service is not required.
25. 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.
26. 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. 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).
29. 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).
30. 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.)
31. 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, 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. 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.
33. 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.