

EXHIBIT A
CITY OF TEMECULA
DRAFT CONDITIONS OF APPROVAL

Planning Application No.: PA19-1524

Project Description: A Conditional Use Permit modification to allow for extended hours of restaurant operations including the hours for live indoor entertainment within the future Be Good Restaurant, located at 28636 Old Town Front Street, Suite 109.

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

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

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

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

Quimby Category: N/A (Not a 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

Within 48 Hours of the Approval

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

General Requirements

2. 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.
3. Expiration. This approval shall be used within two years of the approval date; otherwise, it shall become null and void.
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.
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 permittee 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 November 20, 2019, 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. Previous Conditions of Approval. All previous Conditions of Approval from PA18-1610 (Type 47 ABC license for Rosa's Cantina) shall remain in full effect unless superseded herein.
12. Property Maintenance. All parkways, including within the right-of-way, entryway median, landscaping, walls, fencing, recreational facilities, and on-site lighting shall be maintained by the property owner or maintenance association.
13. Indoor Entertainment. All live entertainment shall remain indoors per the proposed site plan.
14. Noise Ordinance. Sound generated in association with the live entertainment shall not exceed the decibel thresholds established in the Temecula Municipal Code (Chapter 9.20).
15. Hours of Operation. Hours of operation shall be:
11:00 AM- 12:00 AM (Sunday through Thursday)
11:00 AM- 2:00 AM (Friday and Saturday)

POLICE DEPARTMENT

General Requirements

16. Type 47 License. The applicant maintains 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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).
23. 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).
24. 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).
25. 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).

26. 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.
27. 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.)
28. 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).
29. 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.