

EXHIBIT A
CITY OF TEMECULA
DRAFT CONDITIONS OF APPROVAL

Planning Application No.: PA21-0823

Project Description: A Conditional Use Permit to allow for LongHorn Steakhouse to obtain a California Alcoholic Beverage Control (ABC) Type 47 On Sale General license for a Bona Fide Public Eating Place located at 29363 Rancho California Road

Assessor's Parcel No.: 944-330-011

MSHCP Category: N/A (no new grading)

DIF Category: N/A (no new construction)

TUMF Category: N/A (no new construction)

Quimby Category: N/A (non-residential)

New Street In-lieu of Fee: N/A (project not located in Uptown Temecula Specific Plan area)

Approval Date: November 17, 2021

Expiration Date: November 17, 2023

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 three extensions of time, one year at a time.
4. Consistency with Specific Plans. This project and all subsequent projects within this site shall be consistent with the Rancho Highlands Specific Plan
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. Signage Permits. A separate building permit shall be required for all signage.
7. 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.
8. Food Service. The bona fide public eating place shall serve a full menu at all hours that alcohol is served.
9. Revocation of CUP. This Conditional Use Permit may be revoked pursuant to Section 17.03.080 of the City's Development Code.
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. 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.

12. Hours of Operation & Termination of Alcohol Sales. The hours of operation for this conditional use permit shall from 11:00 AM to 11:00 PM, seven days a week .

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.

Under all circumstances, including instances where the establishment closes earlier than the above listed times, the last call indicating the termination of the sale of alcohol shall be no less than on half (1/2) hour prior to closing for all nights of operation.

POLICE DEPARTMENT

General Requirements

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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).
20. 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).
21. 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).
22. 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).

23. 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.
24. 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.)
25. 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).
26. Alcohol Related Training and Inspections. Contact the Temecula Police Department for alcohol related inspections and training for both employees and owners. This includes special events held at business locations where alcohol will be served for a fee and the event is open to the general public.
27. 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.
28. Employee Training. Employee training regarding retail/credit card theft, citizens' arrest procedures, personal safety, business security, shoplifting or any other related crime prevention training procedures is also available through the Crime Prevention Unit.
29. Compliance with State Department of Alcoholic Beverage Control. Any business that serves or sells any type of alcoholic beverages will comply with all guidelines within the Business and Profession Codes and all other guidelines associated with the State Department of Alcoholic Beverage Control.