

EXHIBIT A
CITY OF TEMECULA
FINAL CONDITIONS OF APPROVAL

Planning Application No.: PA08-0099

Project Description: A Minor Conditional Use Permit to authorize Taste of China Restaurant located at 32413 Suite 210, to upgrade their existing Type-41 ABC license (on-sale beer and wine - eating place) to a Type-47 ABC license (on-sale general - eating place) which would allow for the sale and service of beer, wine and distilled spirits for consumption on the premises

Assessor's Parcel No.: 960-020-071

MSHCP Category: Commercial

DIF Category: Service Commercial

TUMF Category: Service

Approval Date: June 26, 2008

Expiration Date: June 26, 2010

PLANNING DEPARTMENT

Within 48 Hours of the Approval of This Project

- PL-1. The applicant/developer shall deliver to the Planning Department a cashier's check or money order made payable to the County Clerk in the amount of Sixty-Four Dollars (\$64.00) 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 Department the check as required above, the approval for the project granted shall be void by reason of failure of condition (Fish and Game Code Section 711.4(c)).
- PL-2. The applicant shall review and sign the Acceptance of Conditions of Approval document that will be provided by the Planning Department staff and return the document with an original signature to the Planning Department.

General Requirements

- PL-3. The applicant and owner of the real property subject to this condition shall hereby agree to indemnify, protect, hold harmless, and defend the City with Legal Counsel of the City's own selection 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.

- PL-4. The permittee shall obtain City approval for any modifications or revisions to this Conditional Use Permit.
- PL-5. The approval of this Conditional Use Permit shall be used within two years of the approval date; or the approval shall become null and void. If commencement of the Conditional Use Permit has not occurred within two years of the approval date an extension of time application may be filed consistent with all Development Code requirements.
- PL-6. The Director of Planning may, upon an application being filed within 30 days prior to expiration, and for good cause, grant a time extension of up to 3 one-year extensions of time, one year at a time.
- PL-7. A separate building permit shall be required for the patio addition.
- PL-8. A premises expansion for the patio area shall be reviewed and approved by the Department of Alcoholic Beverage Control in order to properly license the patio area.
- PL-9. The development of the premises shall substantially conform to the approved site plan contained on file with the Planning Department.
- PL-10. Landscaping installed for the project shall be continuously maintained to the reasonable satisfaction of the Planning Director. If it is determined that the landscaping is not being maintained, the Planning Director shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
- PL-11. Trash enclosures shall be provided to house all trash receptacles utilized on the site. These shall be clearly labeled on site plan.
- PL-12. The applicant shall comply with their Statement of Operations dated April 21, 2008, on file with the Planning Department, unless superseded by these Conditions of Approval.
- PL-13. The normal hours of operations shall be 11:30 a.m. to 9:00 p.m. on weekdays and 11:30 a.m. – 9:30 p.m. on weekends.
- PL-14. This Conditional Use Permit may be revoked pursuant to Section 17.03.080 of the City's Development Code.

- PL-15. The City, its Planning Director, 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 Planning Director, Planning Commission and City Council is in addition to, and not in lieu of, the right of the City, its Planning Director, 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.
- PL-16. Prior to an employee selling alcohol from this facility, the alcohol licensee or employer for the facility shall ensure that the employee has received Licensee Education on Alcohol and Drugs (L.E.A.D.) training from the California Department of Alcoholic Beverage Control.
- PL-17. 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 (951-676-5090).
- PL-18. All of the foregoing conditions shall be complied with prior to occupancy or any use allowed by this permit.

POLICE DEPARTMENT

General Requirements

- PD-1. Applicant currently has currently applied for an upgrade to a Type 47 On-Sale General – Eating Place (Restaurant) through the Riverside District Office of Alcoholic Beverage Control. The Type-47 license 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. Must operate and maintain the licensed premises as a bona fide eating place. Must make actual and substantial meals, during normal meal hours that they are open, at least five days a week. Normal meal times are 6:00 a.m. – 9:00 a.m., 11:00 a.m. – 2:00 p.m., and 6:00 p.m. – 9:00 p.m. Minors are allowed on the premises.
- PD-2. Applicant will comply with Ordinance 97-07, 0.14.010 Temecula Municipal Code series.
- PD-3. 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, and County or City agency.
- PD-4. 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).

- PD-5. Applicant will ensure all employees involved with the sales, service and identification check for the purposes of any sales of alcoholic beverages is trained in the proper procedures and identification checks. For this reason, the City of Temecula Police Department has imposed mandatory training for all employees involved in the service and sales of alcohol. Also, the Temecula Police Department conducts an Alcohol Review Board for all new businesses with a Type-47 license. Contact the Temecula Crime Prevention and Plans Officer at (951) 695- 2773 to set up a training date and an Alcohol Review Board Date. Training and review board must be completed prior to the re-grand opening or usage of the Type-47 license of this business and periodic training when new employees/management are hired. All alcohol training is provided free of charge by the Temecula Police Department.
- PD-6. Sections 24200.5 (b) and 25657 (a) (b) B&P; Rule 143 CCR: 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.
- PD-7. 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).
- PD-8. 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).
- PD-9. 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).

PD-10. 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).

PD-11. 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 his or her genitals or anus (Rule 143.3 CCR. Also violates sections 311.6 PC if conduct is "obscene," e.g. intercourse, sodomy masturbation, etc.).

PD-12. 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).