

Planning Commission



Agenda Packet

August 21, 2013

AGENDA

*For more information on an agenda item, please contact the City
at 12363 Limonite Avenue, Suite 910, Eastvale, CA 91752.*

AGENDA
REGULAR MEETING OF THE
EASTVALE PLANNING COMMISSION
Wednesday, August 21, 2013
6:00 p.m.

Rosa Parks Elementary School, 13830 Whispering Hills Drive, Eastvale, CA 92880

1. *CALL TO ORDER:* 6:00 p.m.

2. *ROLL CALL/PLEDGE OF ALLEGIANCE*

Planning Commissioners: Daryl Charlson
 Karen Patel
 Joe Tessari
Chairperson: William Link
Vice Chairperson: Fred Valentine

3. *ADDITIONS/DELETIONS TO THE AGENDA*

4. *PRESENTATIONS/ANNOUNCEMENTS*

At this time, the Planning Commission may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

There are no presentations.

5. *PUBLIC COMMENT/CITIZEN PARTICIPATION*

*This is the time when any member of the public may bring a matter to the attention of the Planning Commission that is within the jurisdiction of the Commission. The Ralph M. Brown Act limits the Commission's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may discuss or ask questions for clarification, if desired, at this time. Although voluntary, we ask that you fill out a "Speaker Request Form," available at the side table. The completed form is to be submitted to the Interim City Clerk prior to being heard. **Public comment is limited to two (2) minutes each, with a maximum of six (6) minutes.***

6. CONSENT CALENDAR

*Consent Calendar items are normally enacted in one motion. Commissioners may remove a Consent Calendar item for separate action. **Public comment is limited to two (2) minutes each, with a maximum of (6) minutes.***

6.1 Approval of minutes from July 17, 2013.

7. PUBLIC HEARING ITEM

7.1 **PROJECT NO. 13-0510** – Conditional Use Permit for on-site sales of beer and wine in a new restaurant (“Ponino’s Pizzarena”) in the Cloverdale Marketplace. An exemption pursuant to the California Environmental Quality Act has been prepared for the project. (Kanika Kith, Senior Planner)

Recommendation: Staff recommends that the Planning Commission adopt the attached Resolution No. 13-_____ approving an exemption pursuant to the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 13-0510 and approving Conditional Use Permit No. 13-0510, subject to conditions of approval.

7.2 **TEMPORARY EVENTS** – An amendment to the Eastvale Zoning Code to revise the regulations for temporary events. A Categorical Exemption pursuant to CEQA will be prepared for the project. (Eric Norris, Planning Director)

Recommendation: Staff recommends that the Planning Commission review the proposed changes to the City’s temporary event regulations and make a recommendation of approval to the City Council.

8. COMMISSION COMMUNICATIONS

(Committee reports, agenda items, meeting requests and review, etc.)

*This is an opportunity for the commissioners to report on their activities, to bring a matter to the attention of the full Commission and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. **NO ACTION CAN BE TAKEN AT THIS TIME.***

9. CITY STAFF REPORT

No staff presentation is planned.

10. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Eastvale. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

POSTING STATEMENT

I, Kanika Kith, Senior Planner, or my designee, hereby certify that a true and correct, accurate copy of the foregoing agenda was posted on August 15, 2013, seventy-two (72) hours prior to the meeting per Government Code 54954.2.

12363 Limonite Avenue, Suite 910, Eastvale, CA 91752

Rosa Parks Elementary School, 13830 Whispering Hills Drive

Eastvale Library, Roosevelt High School, 7447 Cleveland Avenue

City of Eastvale website: www.eastvaleca.gov

**6.1 APPROVAL OF MINUTES
FROM JULY 17, 2013**

MINUTES

**REGULAR MEETING OF
THE PLANNING COMMISSION
OF THE CITY OF EASTVALE
Wednesday, July 17, 2013
6:00 P.M.**

Rosa Parks Elementary School, 13830 Whispering Hills Drive, Eastvale, CA 92880

1. *CALL TO ORDER:*

Chairman Link called the meeting to order at 6:00 p.m.

2. *ROLL CALL/PLEDGE OF ALLEGIANCE:*

Assistant City Clerk Hall called roll.

Commissioners present: Commissioners Charlson, Vice-Chairman Valentine, and Chairman Link.

Commissioners absent: Commissioners Patel and Tessari.

Commissioner Patel arrived at 6:37 p.m.

Commissioner Tessari arrived at 6:41 p.m.

Staff present: Planning Director Norris, Senior Planner Kith, Engineer Indrawan and Assistant City Clerk Hall.

The Pledge of Allegiance was led by Commissioner Charlson.

3. *ADDITIONS/DELETIONS TO THE AGENDA:*

There were no additions to the agenda.

4. *PRESENTATIONS/ANNOUNCEMENTS:*

There were no presentations or announcements.

5. *PUBLIC COMMENT/CITIZEN PARTICIPATION:*

There were no public comments.

6. CONSENT CALENDAR:

6.1 Approval of Minutes from June 5, 2013.

Motion: Moved by Valentine, seconded by Charlson.

Motion carried 3-0-2 with Commissioners Patel and Tessari absent.

7. PUBLIC HEARING ITEMS:

7.1 **PROJECT NO. 13-1456** – Major Development Review for a modification to the approved development plan for the Marketplace at The Enclave to reconfigure the site layout for the remaining southern and western portions of the retail center. A Categorical Exemption pursuant to the California Environmental Quality Act has been prepared for the project. (Kanika Kith, Senior Planner)

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 13-03 approving an exemption pursuant to the California Environmental Quality Act for Major Development Review No. 13-1456 and approving Major Development Review No. 13-1456, subject to conditions of approval.

Senior Planner Kith provided staff report and presentation for this item.

There was discussion regarding available space for walkway options.

Rick Manners, with Lewis Retail Centers, stated that the project was originally approved about 10 years ago. He stated that Lewis Retail Centers would prefer to have additional landscape rather than the sidewalk that staff was proposing. He went on to discuss the architectural elements and made a request that Commission allow the project to move forward with a solid canopy instead of lattice over the walkways.

There was discussion regarding the various types of architectural elements on different buildings and overall design concept for the project.

There was discussion regarding the sidewalk that staff was proposing to include.

There was discussion regarding pedestrian walkways throughout the project site.

Commissioner Patel arrived at 6:37 p.m.

There was discussion regarding the need for speed bumps in the parking lot before pedestrian crosswalks.

The public hearing was opened at 6:40 p.m.

There being no comments, the public hearing was closed at 6:40 p.m.

Commissioner Tessari arrived at 6:41 p.m.

Motion: Moved by Valentine, seconded by Charlson to delete conditions 6 and 8 from the Conditions of Approval and adding the requirement of speed bumps in the parking lot before pedestrian crosswalks.

Motion carried 5-0.

- 7.2 **PROJECT NO. 13-0486** – Tentative Parcel Map for the subdivision of a 7.15-acre site that contains the 24-Hour Fitness building and a retail building (shop 2) into two parcels so that each building will be situated on its own parcel. A Categorical Exemption pursuant to the California Environmental Quality Act has been prepared for the project. (Kanika Kith, Senior Planner)

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 13-04 approving an exemption pursuant to the California Environmental Quality Act for Tentative Parcel Map No. 36592 (Project No. 13-0486) and approving Tentative Parcel Map No. 36592 (Project No. 13-0486), subject to conditions of approval.

Senior Planner Kith provided staff report and presentation for this item.

There was discussion regarding current parking issues and adding additional shops.

Rick Manners with Lewis Retail Centers, explained the layout of the shopping center and the parking issue.

There was discussion regarding what is covered in parcel line.

There was discussion regarding parking agreements and traffic issues in the shopping center.

The public hearing was opened at 7:00 p.m.

There being no comments, the public hearing was closed at 7:00 p.m.

Motion: Moved by Charlson, seconded by Valentine to approve staff recommendation.

Motion carried 5-0.

8. COMMISSION COMMUNICATIONS:

Planning Director Norris announced new staff members that would be working in the Planning Department. He also stated that the Temporary Events Permit process would be added to the agenda for the August 21 meeting.

Chairman Link stated that he would like to add a discussion regarding garage sales to the next meeting agenda.

9. CITY STAFF REPORT:

There were no City staff reports.

10. ADJOURNMENT:

Motion: Moved by Patel, seconded by Valentine to adjourn the meeting at 7:04 p.m.

Motion carried 5-0.

7.1 PROJECT NO. 13-0510



City of Eastvale

Planning Commission Meeting Agenda

Staff Report

MEETING DATE: AUGUST 21, 2013

TO: PLANNING COMMISSION

FROM: KANIKA KITH, SENIOR PLANNER

SUBJECT: PROJECT NO. 13-0510 – CONDITIONAL USE PERMIT FOR ON-SITE SALES OF BEER AND WINE IN A NEW RESTAURANT (“PONINO’S PIZZARENA”) IN THE CLOVERDALE MARKETPLACE

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution No. 13-_____ approving an exemption pursuant to the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 13-0510 and approving Conditional Use Permit No. 13-0510, subject to conditions of approval.

BACKGROUND

The development of Phase 2 of the Cloverdale Marketplace was approved by the Planning Commission in 2012; construction of the new buildings approved by the Commission was completed this year. Currently, some businesses in Phase 2 are operating and some are going through the building permit process for interior improvements to their units.

The Cloverdale Marketplace is located on the southwest corner of Limonite Avenue and Hamner Avenue. An aerial photo of the project site is shown in Figure 1.

DISCUSSION

Project Description

One of the businesses going through the building permit process is a new restaurant that wants to sell beer and wine as a secondary use to the main restaurant use (a pizza parlor). Per the Eastvale Zoning Code, the sale of alcohol requires approval of a Conditional Use Permit; thus, the building permit process for this new restaurant is on hold until a Conditional Use Permit for on-site sale of beer and wine is approved.

Therefore, the applicant, Little Vinny’s Pizza, Inc. (dba Ponino’s Pizzarena) is requesting approval of a Conditional Use Permit for on-site sale of beer and wine between the hours of 10:00 a.m. to 10:00 p.m. on Sunday through Thursday, and 10:00 a.m. to 12:00 a.m. on Friday and Saturday as an ancillary use to the main restaurant.

As shown in Figure 2, the restaurant will occupy the building on the northwest corner of the parking lot that is shared with a day care center. As shown in Figure 3, the proposed restaurant will have an indoor entertainment area where kids can play games and redeem winning tickets for prizes. The applicant’s statement of operation is provided as Attachment 4.

The applicant is requesting a Type 41 license from the California Department of Alcoholic Beverage Control (ABC); this license allows both on-site and off-site sale of beer and wine.¹ However, the applicant is not interested in providing off-site sale of beer and wine. The applicant is only requesting approval for on-site sale of beer and wine to complement the foods being served in the restaurant. The operation of this new restaurant will be similar to the other two restaurants that the applicant currently owns and operates in the cities of Pomona and Fontana where beer and wine are served in the restaurant.

**Figure 1: Aerial Photograph of Project Site
(Taken Before Completion of Phase 2 Buildings)**



As shown in Figure 1, the area surrounding the project includes a mix of existing residential and commercial land uses.

Project Analysis

General Plan Consistency and Zoning Code Compliance

¹ “On-site” alcohol sales are for consumption at the restaurant; “off-site” sales involve selling bottled alcohol, and are most commonly associated with grocery and liquor stores.

The General Plan land use designation for the project is Commercial Retail (CR); the zoning is General Commercial (C-1/C-P). Restaurant and indoor amusement/entertainment facility are permitted by rights in this zone, and the sale of alcohol requires approval of a Conditional Use Permit.

For approval of Phase 2 development in 2012, the site was reviewed for General Plan consistency and compliance with the development standards (parking, landscaping, architectural, etc.) for the C-1/C-P zone. The review also included a 6,000-square-foot restaurant (at that time, a Shakey's Pizza Parlor) in the same location as the proposed Ponino's Pizzarena restaurant; at that time, it was determined that the project was in compliance with the Zoning Code. Therefore, since the applicant is not proposing any changes to the exterior of the building or parking area, the site remains in compliance with the Zoning Code and consistent with the General Plan.

Figure 2: Approved Development Plan

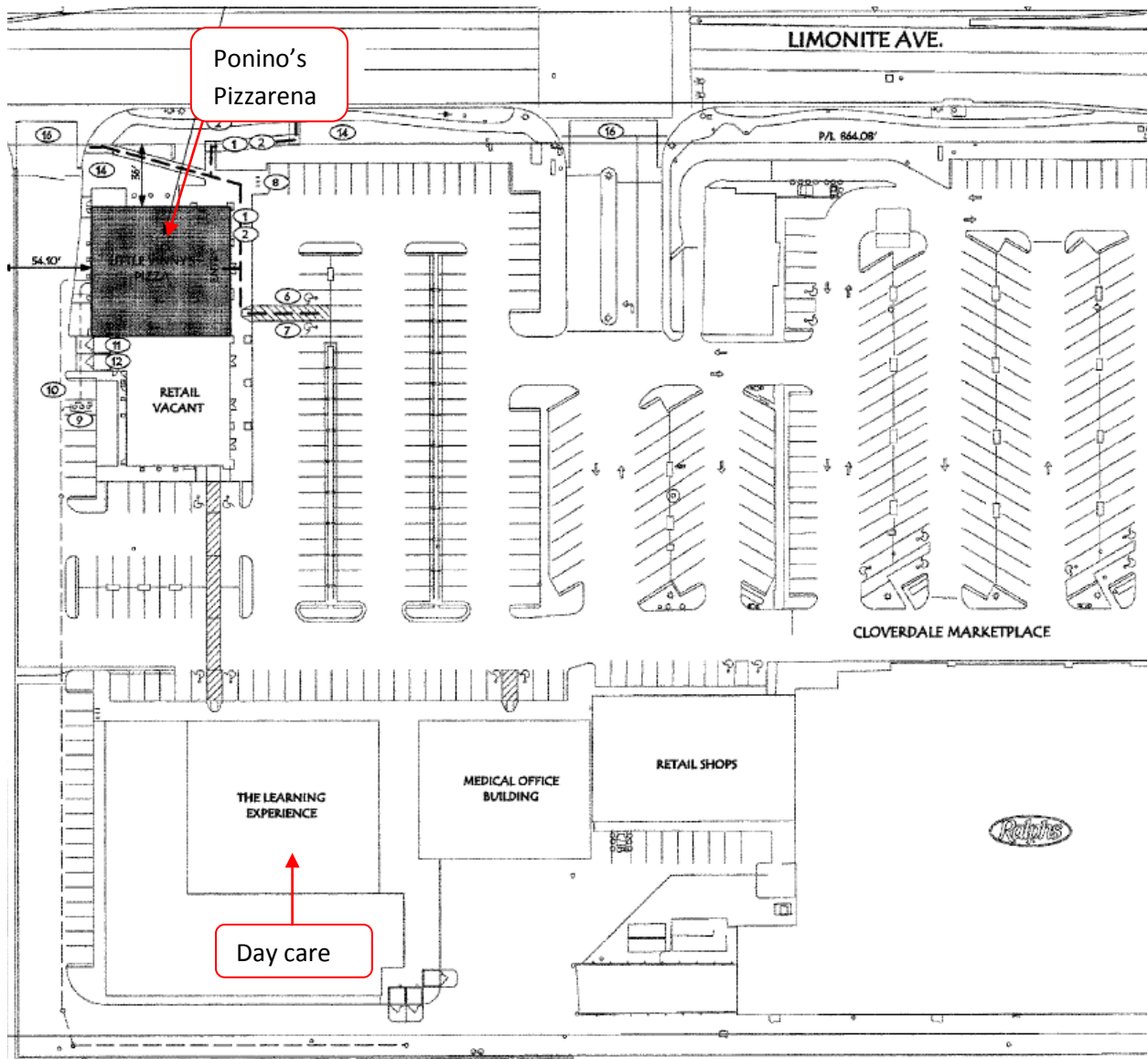
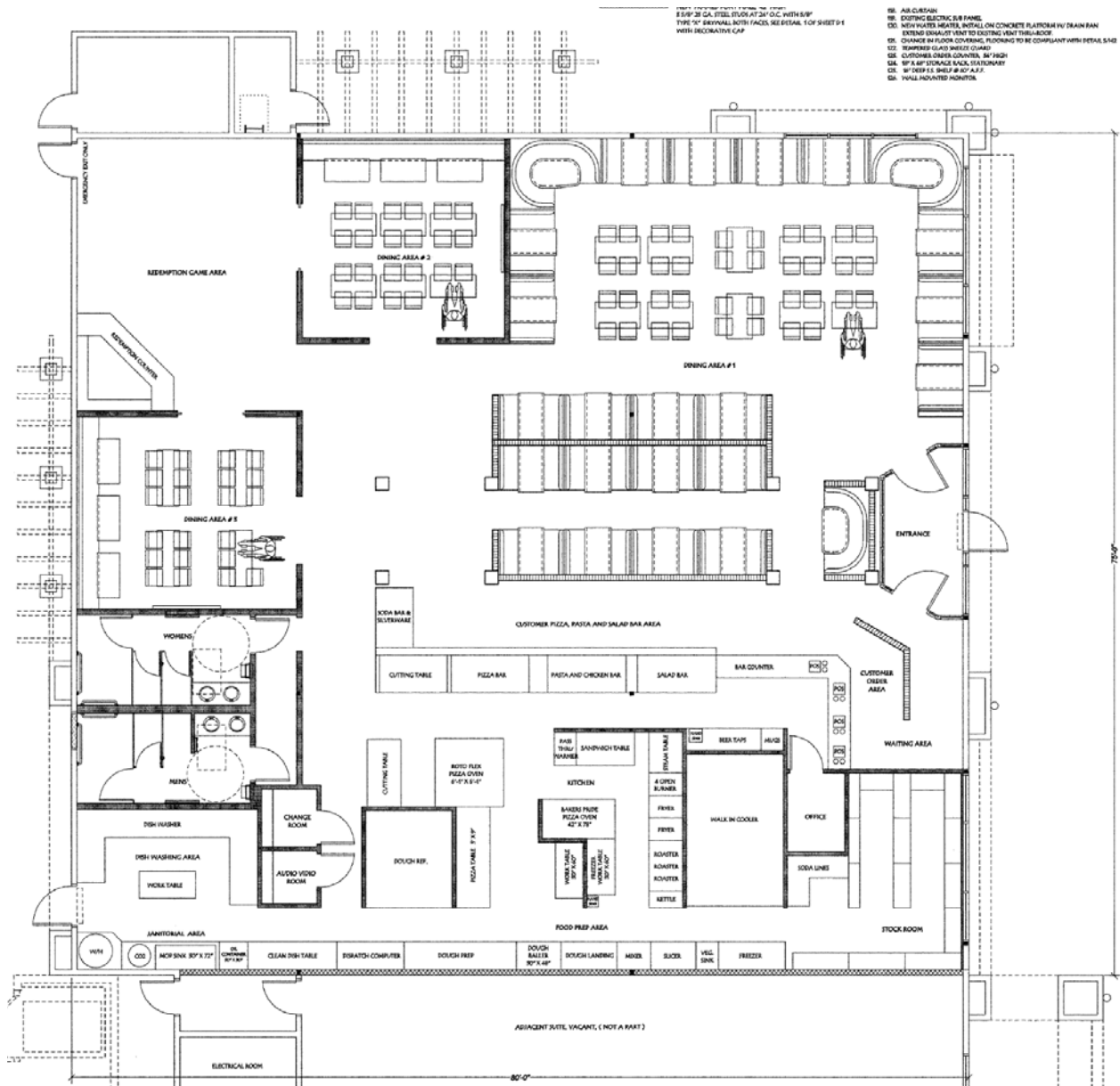


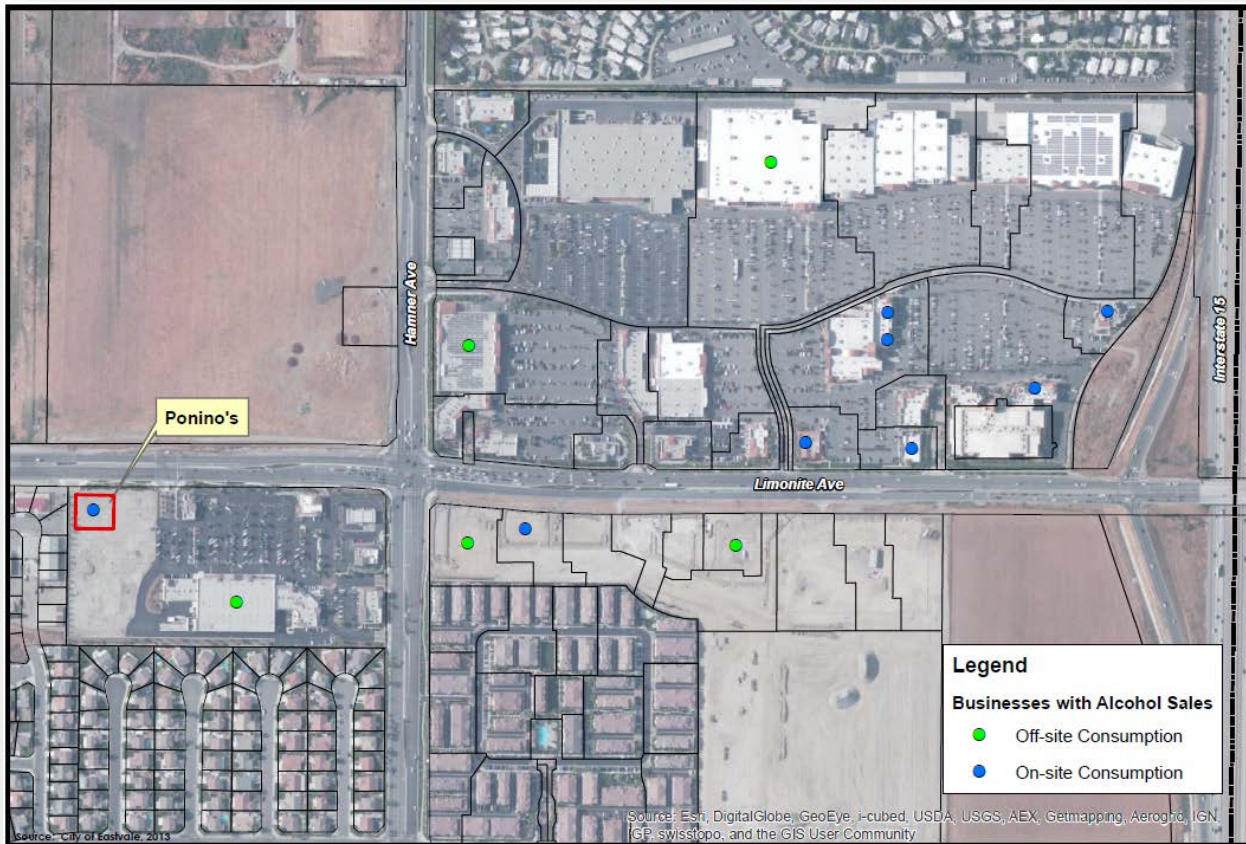
Figure 3: Proposed Floor Plan



Conditional Use Permit

If the Conditional Use Permit is approved, this restaurant will be the only business that serves on-site alcoholic beverages in the Cloverdale Marketplace. As shown in Figure 4, other businesses that serve on-site alcoholic beverages are located in the Eastvale Gateway North and South retail centers.

Figure 4: Alcohol Sales and Consumption near Ponino's



Proposed alcohol consumption location

As shown in Figure 2, the proposed restaurant will be located across the parking lot of a day care center. The Eastvale Police Department reviewed the request and did not foresee any conflicts with the location of the restaurant and day care center. The Police Department provided conditions that are included in the attached conditions of approval.

Staff also contacted the ABC about serving alcohol in close proximity to a day care facility. The ABC representative stated that they rarely have any issues with restaurants serving alcoholic beverages near a day care center. The ABC representative also mentioned that the owner of the proposed restaurant has two other restaurants that serve beer and wine and one of the restaurants (in Pomona) is located in the same shopping center as a day care center (see Figure 5). ABC has not received any complaints about those two restaurants.

Figure 5: Grazino's Pizza and Nearby Daycare, Pomona



The proposed use is not located near any public schools or other uses which would be harmed by the proposed sale of alcoholic beverages.

The applicant is requesting approval to sell alcoholic beverages during the hours it is open to the public, and within the limits established by the ABC for a Type 41 license, i.e., no sales after 2:00 a.m. The restaurant's normal hours of operation will be 10:00 a.m. to 10:00 p.m. on Sunday through Thursday, and 10:00 a.m. to 12:00 a.m. on Friday and Saturday. A summary of regulations for alcoholic sale and acknowledgment form by the ABC are provided as Attachment 5.

Public Hearing Notification and Comment

The proposed project requires a 10-day public hearing notification period for owners of properties within a 1,000-foot radius of the project site. The notification was published on August 11, 2013, for the Planning Commission meeting on August 21, 2013. At the time of staff report preparation, no comment was received.

A map showing which properties received notification is included as Attachment 6 to this staff report.

Environmental Analysis

The proposed project is a request to allow the sale of beer and wine in a new restaurant in the Cloverdale Marketplace retail center. The proposed project does not involve physical changes to the exterior of the building necessary to support the sale of beer and wine. The project satisfies the requirements for Statutory Exemption pursuant to Section 15061(3) General Rule and is determined to be exempt from further environmental review requirements contained in CEQA.

REQUIRED PROJECT FINDINGS

California Environmental Quality Act

Pursuant to CEQA, and in light of the whole record before it, including but not limited to the City's local CEQA guidelines and thresholds of significance, the proposed Exemption incorporated therein by reference, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, the Planning Commission hereby finds and determines as follows:

Finding: The project qualifies for a Statutory Exemption pursuant to Section 15061(3) General Rule and is determined to be exempt from further environmental review requirements contained in CEQA.

Evidence: The proposed project modifies the interior of an existing building. There will be no physical changes to the exterior of the building necessary to support the sale of beer and wine.

1. Compliance with Law: That the Notice of Exemption was prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Eastvale.
2. Independent Judgment: That the Notice of Exemption reflects the independent judgment and analysis of the City of Eastvale.

Conditional Use Permit

Pursuant to Sections 2.2 of the City of Eastvale Zoning Code, the Planning Commission makes the following finding pertaining to CUP No. 13-0510:

Finding 1: The proposed use is consistent with the General Plan and all applicable provisions of this code.

Evidence: The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail land use designation is to enable the establishment and operation of the community-serving commercial, service, and office businesses. The project consists of the sales of alcoholic beverages in a restaurant located in an existing shopping center. The design, layout, access, and circulation of the center are configured to accommodate the needs of adjacent retail uses in the commercial center. Considering all these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the plan.

Finding 2: The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or such use, or the general welfare of the city.

Evidence: The new restaurant will be integrated into a large commercial center with adequate parking, circulation, and access to major roadway systems that provide local and regional connectivity. The project is not located near any public schools. The project would allow the sale of beer and wine in a restaurant, which is not expected to be detrimental to the health, safety, peace, morals, comfort, or general welfare of the city.

Recommendation

Staff recommends that the Planning Commission adopt the attached Resolution No. 13-_____ approving an exemption pursuant to CEQA for Conditional Use Permit No. 13-0510 and approving Conditional Use Permit No. 13-0510, subject to the proposed conditions of approval.

Planning Commission Options

The following alternatives are available to the Planning Commission:

1. Approve the project with additional changes and/or conditions.
2. Continue the public hearing and direct the applicant to make revisions.
3. Deny the Conditional Use Permit.

As noted above, staff's recommendation is that the Planning Commission approve the project.

FISCAL IMPACT

The proposed business will create sales tax revenues, which for retail uses typically far exceed the cost of providing police and other services.

As a result, the project is expected to have a positive financial impact on the City's budget.

ATTACHMENTS

1. Conditions of Approval
2. PC Resolution No. 13- _____
3. Notice of Exemption
4. Business Statement of Operation
5. ABC Summary of Regulations and Acknowledgement Form
6. Notification Map
7. Tenant Improvement Plans

Prepared by: Kanika Kith, Associate Planner
Reviewed by: Eric Norris, Planning Director
John Cavanaugh, City Attorney

ATTACHMENT 1

CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit No. 13-0510

Assessor's Parcel Number: 164-700-001

Approval Date: August 21, 2013

Conditions of Approval		Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
General Conditions/Requirements				
1.	In compliance with Section 15075 of the CEQA Guidelines, a Notice of Exemption (NOE) shall be filed with the Riverside County Clerk within five (5) days of project approval. The applicant shall submit to the Planning Department a check or money order made payable to the Riverside County Clerk in the amount of \$50.00 no later than August 21, 2013 .		Planning Department	
2.	The applicant shall review and sign below verifying the "Acceptance of the Conditions of Approval" and return the signed page to the Eastvale Planning Department. <hr/> <div style="display: flex; justify-content: space-between;"> Applicant Signature Date </div>		Planning Department	
3.	The applicant shall indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including but not limited to arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be	Ongoing	Planning Department	

Eastvale Planning Commission
 Conditional Use Permit No. 13-0510

	unreasonably withheld, the legal counsel providing the City’s defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.			
4.	Any approval granted by the Planning Commission shall not be final until and unless the applicant’s deposit account to cover the costs of application processing is made current and a positive balance of at least \$2,000 is on hand to cover the costs of staff review and follow-up during the construction process. Make check payable to the City of Eastvale and include Project No. 13-0510 on the check.	Ongoing	Planning and Building Departments	
5.	No off-site sale of alcoholic beverages is allowed. The serving of beer and wine shall occur within the restaurant and in accordance with the Conditional Use Permit approved by the Planning Commission on August 21, 2013. The applicant may request modifications or revisions to the approved Conditional Use Permit as outlined in the Eastvale Zoning Code.	Ongoing	Planning Department	
6.	Sale of alcoholic beverages shall take place during normal business operating hours, within the limits established by the State of California Department of Alcoholic Beverage Control regulations.	Ongoing	Planning Department	
7.	All alcohol sales should cease at least one hour prior to the close of the business. This would minimize “premises liability” and give patrons time to acquire adequate transportation from the location following any alcohol consumption.	Ongoing	Police Department	
8.	A surveillance monitoring system shall be installed for the entrances of the business. The location and surrounding areas should be monitored by digital cameras to prevent robbery and subjects loitering or “just hanging out.”	Ongoing	Police Department	
9.	An alarm system shall be installed and maintained in a manner that would prevent any accidental/false activation. Training about the proper use of the alarm system should be provided to all employees of the business to eliminate any accidental activation.	Ongoing	Police Department	
Prior to Issuance of Building Permit				
10.	Prior to issuance of any building permit, the applicant shall submit for approval by the police department a security plan.	Prior to Building Permit	Police Department	

Fire Department Conditions of Approval

CASE NUMBER: 13-ESVL-CUP-0510

REVIEWED BY: Dan Wagner DATE: 6/25/13

Conditional Use Permit for on-site sale of beer and wine in a future restaurant, Little Vinny’s Pizza, 12768 Limonite Ave., Unit #101 in Cloverdale Marketplace; southwest corner of Limonite and Hamner.

APPLICANT: Lee Turriciano, 909-920-9560; corpoffice@grazis.com

10. GENERAL CONDITIONS

10. FIRE.999PC-#01–West Fire Protection Planning Office Responsibility **IN EFFECT**

It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number (**as it is noted above**) is required on all correspondence.

Additional information is available at our website: www.rvcfire.org go to the link marked “Ordinance 787”.

Questions should be directed to the Riverside County Fire Department, Fire Protection Planning Division at 2300 Market St. Suite 150, Riverside, CA 92501. Phone: (951) 955-4777, Fax: (951) 955-4886.

10. FIRE.999 CASE – CITY CASE STATEMENT **IN EFFECT**

With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognize fire protection standards

80. PRIOR TO BUILDING PERMIT ISSUANCE

80. FIRE.999 USE-#17A-BLDG PLAN CHECK \$ **IN EFFECT**

Building plan check deposit fee of \$1,056.00 shall be paid in a check or money order to the Riverside County Fire Department after plans have been reviewed by our office.

80. FIRE.999 USE-#4 – WATER PLANS

IN EFFECT

The applicants or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 100 feet per second. Plans shall conform to the fire hydrant types, location and spacing. The system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department." (If needed for sprinkler system lateral)

90. PRIOR TO BUILDING FINAL INSPECTION

90. FIRE.999 USE-#45 – FIRE LANES

IN EFFECT

The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

90. FIRE.999 USE-#12A- SPRINKLER SYSTEM

IN EFFECT

Install a complete fire sprinkler system per NFPA 13 2010 edition. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building (s). A statement that the building (s) will be automatically fire sprinkled must be included on the title page of the building plans. (Current sprinkler plan check deposit base fee is \$614.00 per riser) applicant or developer shall be responsible to install a U.L. Central Station Monitored Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact Fire Department for guideline handout (current monitoring plan check deposit base fee is \$192.00)

90. FIRE.999 USE-#27-EXTINGUISHERS

IN EFFECT

Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (Inches) to center above the floor level with Maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.

90. FIRE.999 USE-#36-HOODS DUCTS

IN EFFECT

A. U.L. 300 hood duct fire extinguishing system must be installed over the cooking equipment. Wet chemical extinguishing system must provide automatic shutdown of all electrical components and outlets under the hood upon activation. System must be installed by a licensed C-16 contractor. Plans must be submitted with current fee of \$215.00 to the Fire Department for review and approval prior to installation. Note: A

dedicated alarm system is not required to be installed for the exclusive purpose of monitoring this suppression system. However, a new or pre-existing alarm system must be connected to the extinguishing system. Separate fire alarm/monitoring plans must be submitted for review prior to connection. Current plan check deposit base fee is \$192.00.

Conditions of approval may change based on Conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and Fire hazards in the structure or on the premises from occupancy or operation.

Environmental Health Department Conditions of Approval

Prior to issuance of Building Permit, the applicant shall provide documentation of approval from the Riverside County Department of Environmental Health indicating that following conditions have been satisfied:

- 1) Provide an original copy of “will-serve” letter for water and sewer service from the appropriate water and sewer purveyor.
- 2) Provide a revised detailed contoured plot plan exhibit indicating the water and sewer purveyor.
- 3) Please indicate whether compressed air CO2 tanks will be used/stored onsite, as well as, specify the number of CO2 cylinders.
- 4) Please provide a check made payable to the County of Riverside, Department of Environmental Health to cover an initial deposit based fee of \$435 (Tier 1 Fee Schedule).

General Compliance Items/Requirements and Information

The following items are noted for the applicant's information. These items are generally required for all projects by City ordinances, other local agencies, and state or federal agencies.

1. The applicant shall comply with the regulations of the State of California Department of Alcoholic Beverage Control.
2. The store management should regulate the arrival and departure of all employees and restrict the "late hour" use of the exit for trash removal and unnecessary opening. Adequate security measures should be instituted to eliminate any unauthorized access to the location. Good observation both into and from the location should reduce the likelihood of criminal activity. Having a good physical security plan should benefit the business with respect to "premises liability" for both employees and patrons.
3. "No Trespassing or Loitering" signs shall be displayed prominently around the business. (602 P.C.)
4. Any individuals discovered loitering on the property shall immediately be removed from the premises by the owner. Should the owner fail to abate the problems, the Riverside County Sheriff's Department and/or other Riverside County or City of Eastvale enforcement agencies reserve the right to take appropriate enforcement actions to abate the problem and the permit/alcohol license may be subject to revocation.
5. The location needs to have the address prominently displayed in a contrasting color from the building façade or on a fixed sign near the street/main entrances. The numbers need to be visible from the street and interior property sides for any approaching emergency vehicles. No obstructions should limit their visibility (i.e., landscaping).
6. The applicant shall apply for and pay the appropriate fee for a sign permit application and shall provide details of all proposed signage for City review and approval for compliance with the Sign Program for the retail center prior to the installation of any signage.
7. The applicant shall comply with all provisions and procedures of the Eastvale Building Department related to the plan check review process. (Please contact the Building Department at 951-361-0900.)
8. Transportation Uniform Mitigation Fee and any Development Impact Fees that are in effect at that time shall be paid prior to the issuance of certificate of occupancy, or as otherwise allowed per City Ordinance.

ATTACHMENT 2

PC RESOLUTION NO. 13-_____

PC RESOLUTION NO. 13-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EASTVALE, CALIFORNIA, APPROVING STATUTORY EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR CONDITIONAL USE PERMIT NO. 13-0510 AND APPROVING CONDITIONAL USE PERMIT NO. 13-0510 TO SELL BEER AND WINE FOR ON-SITE CONSUMPTION IN A RESTAURANT LOCATED AT 12768 LIMONITE AVENUE, SUITE 101, IN EASTVALE, CALIFORNIA. (ASSESSOR'S PARCEL NUMBER 164-700-001)

WHEREAS, applications for Conditional Use Permit (CUP No. 13-0510) for the sale of beer and wine for on-site consumption in a restaurant (Ponino's Pizzarena) has been filed by Little Vinny's Pizza, Inc. for the real property located at 12768 Limonite Avenue, Suite 101, in Eastvale, California, Assessor's Parcel Number 164-700-001; and

WHEREAS, the proposed Conditional Use Permit is considered a "Project" as defined by the California Environmental Quality Act ("CEQA"), Public Resources Code §21000 et seq.; and

WHEREAS, the Planning Commission determined that the Project qualifies for a Statutory Exemption from the provisions of CEQA per Section 15061 (3) (General Rule) of the CEQA Guidelines; and

WHEREAS, the City of Eastvale Planning Department on August 11, 2013, published a legal notice in the *Press Enterprise*, a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit No. 13-0510, and mailed said public hearing notice to each property owner within a 1,000-foot radius of the project site in accordance with state law, and per the Planning Commission's request, notification was also sent to commercial tenants within the project site and within a 1,000-foot radius; and

WHEREAS, the City of Eastvale Planning Commission conducted a duly noticed public hearing on August 21, 2013, at which time it received public testimony concerning Conditional Use Permit No. 13-0510, and considered the CEQA Exemption for the proposed project.

NOW, THEREFORE, the Planning Commission of the City of Eastvale does hereby resolve, determine, and order as follows:

SECTION 1. ENVIRONMENTAL FINDINGS

Pursuant to CEQA, within the meaning of Public Resources Code Sections 21080(e) and 21082.2 within the record and/or provided at the public hearing, the Planning Commission

hereby finds and determines that the project was adequately analyzed according to the CEQA Guidelines and qualified for an Exemption under Section 15061 (3), General Rule, as supported by the following Findings and Evidence:

Finding: The proposed project is exempt from further environmental review requirements contained in CEQA pursuant to Section 15061(3) General Rule.

Evidence: The proposed project does not involve physical changes to the exterior of the building necessary to support the sale of beer and wine. The Notice of Exemption was prepared, processed, and noticed in accordance with CEQA (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Eastvale. The Notice of Exemption reflects the independent judgment and analysis of the City of Eastvale.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN

The project, the sale of alcoholic beverages, will be conducted within an existing building and will not involve any new construction or development of vacant or unimproved land and is therefore not subject to the Multiple Species Habitat Conservation Plan.

SECTION 3. CONDITIONAL USE PERMIT FINDINGS

Pursuant to the Eastvale Zoning Code, and in light of the record before it, including the staff report dated August 21, 2013, and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds and determines as follows:

Finding 1: The proposed use is consistent with the General Plan and all applicable provisions of this code.

Evidence: The General Plan land use designation for the site is Commercial Retail. The intent of the Commercial Retail land use designation is to enable the establishment and operation of the community-serving commercial, service, and office businesses. The project consists of the sales of alcoholic beverages in a restaurant located in an existing shopping center. The design, layout, access, and circulation of the center are configured to accommodate the needs of adjacent retail uses in the commercial center. Considering all these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the plan.

Finding 2: The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or such use, or the general welfare of the city.

Evidence: The new restaurant will be integrated into a large commercial center with adequate parking, circulation, and access to major roadway systems that provide local and regional connectivity. The project is not located near any public schools. The project would allow the sale of beer and wine in a restaurant, which is not expected to be detrimental to the health, safety, peace, morals, comfort, or general welfare of the city.

SECTION 4. PLANNING COMMISSION ACTION

The Planning Commission hereby adopts Resolution No. 13-____ to approve an Exemption per the California Environmental Quality Act for Conditional Use Permit No. 13-0510 and approve Conditional Use Permit No. 13-0510, subject to conditions attached hereto as Exhibit 1.

PASSED, APPROVED, AND ADOPTED this 21st day of August, 2013.

William Link, Chairperson
Eastvale Planning Commission

APPROVED AS TO FORM:

ATTEST:

John E. Cavanaugh
City Attorney

Ariel M. Hall
Assistant City Clerk

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
CITY OF EASTVALE

CERTIFICATION

I, Ariel M. Hall, Recording Secretary of the Planning Commission of the City of Eastvale, California, do hereby certify that the foregoing PC Resolution, No. 13-____, was duly adopted by the Planning Commission of the City of Eastvale, California, at a regular meeting thereof held on the 21st day of August, 2013, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ariel M. Hall, Recording Secretary
City of Eastvale, California

EXHIBIT 1

**Conditions of Approval
(included as Attachment 1 to the staff report)**

ATTACHMENT 3

NOTICE OF EXEMPTION

CITY OF EASTVALE, CA

NOTICE OF EXEMPTION

TO BE SENT TO:

County of Riverside County Clerk
P.O. Box 12004
Riverside, CA 92502

Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

PROJECT CASE NO: Conditional Use Permit No. 13-0510

PROJECT APPLICANT/SPONSOR: Little Vinny's Pizza, Inc., c/o Lee Turriciano

PROJECT LOCATION: 12768 Limonite Avenue, Suite 101, Eastvale, CA 92880

APN(s): 164-700-001

PROJECT DESCRIPTION: The proposed project is a request for a Conditional Use Permit (CUP No. 13-0510) to allow the sale of beer and wine for on-site consumption in a new restaurant located in the Cloverdale Marketplace retail center.

The project or activity identified above is determined to be exempt from further environmental review requirements contained in the California Environmental Quality Act (CEQA).

EXEMPTION STATUS:

- Ministerial (*Sec. 21080(b)(1); Sec. 15268*)
- Declared Emergency (*Sec. 21080(b)(3); Sec. 15269(a)*)
- X** Statutory Exemption (*Sec. 15061(3)) General Rule*
- Categorical Exemption
- Other

REASONS TO SUPPORT EXEMPTION FINDINGS: The proposed project is a request to sell beer and wine in a restaurant. There will be no physical changes to the exterior of the building necessary to support the sale of beer and wine.

LEAD AGENCY CONTACT:

PHONE NUMBER: (951) 703-4460

CITY OF EASTVALE PLANNING DEPARTMENT
Eric Norris, Planning Director

ATTACHMENT 4

BUSINESS STATEMENT OF OPERATION

STATEMENT OF ACTIVITY

RECEIVED

JUL 17 2013

CITY OF

Project: Ponino's Pizzarena

Date: 7-17-13

Site Address: 12768 Limonite Ave. # 101 Eastvale Ca. 92880

Applicant: Little Vinny's Pizza Inc.
Lee Turriciano
Mailing address, Po Box 400 Upland, Ca. 91785

Use: Pizza Restaurant
Includes Beer and Wine sales, (less than 6% of sales)
Alcohol sales hours match the Restaurants hours of operation.

Justification for the finding of public convenience or necessity:
The Cloverdale Marketplace nor the Neighborhood have a full service Restaurant with Alcohol sales.

Occupancy: "B " Restaurant

Number of Employees: Full Time 15, Part Time 10

Hours of Operation: Sunday thru Thursday 10 am to 10 pm
Friday and Saturday 10 am to 12 am

Site: The Site is a fully developed Commercial Center with a Grocery, Professional Offices and Retail Stores

Parking: All parking is conducted on site, Customer parking is provided near the entrance with the Handicap Accessible spaces being nearest to the entrance doors.
All Employee parking is provided for on site.
Standard Parking Spaces: 22
Handicap Parking Spaces: 2
Total Parking Spaces: 24

Bike Racks: Bike Racks are provided near the entrance to the building adjacent to the sidewalk and the vehicle parking.

Vehicle Circulation: The property is accessed by entrances on Limonite Ave. and Hamner Ave.

We send our employees who serve alcohol to Ontario's READ class. This class follows the same curriculum as the ABC LEAD training class that is used for licensee education.

We intend to send our Eastvale Employees to be trained at these classes also.

We have an ongoing good relationship with the local police departments and community. For references on this program contact officer Storgis at 3952001 ext 4773.

ATTACHMENT 5

**DEPARTMENT OF ALCOHOLIC BEVERAGE
CONTROL**

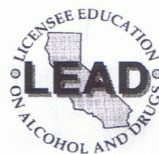
SUMMARY OF REGULATIONS

Department of Alcoholic Beverage Control
**COMMON ABC LICENSE TYPES
 AND THEIR BASIC PRIVILEGES**

State of California

PONINO'S
 LICENSE TYPE # 41

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE - EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). 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 for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE - PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL - EATING PLACE - (Restaurant) 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 for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL - PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL - SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



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JUL 17 2013

CITY OF EASTVALE

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**Section 23038
Acknowledgment**

If you are licensed as a bona fide public eating place, you must be prepared to serve the usual assortment of foods commonly eaten at different times of the day. Meals do not necessarily have to be served continuously, but at least during the normal breakfast hours, the normal lunch hours, and the normal dinner hours.

Premises must be regularly kept open and in a bona fide manner used for the serving of meals to guests for compensation.

- (1) **Regularly kept open** - Premises which operate as a bona fide public eating place shall be considered regularly kept open provided they make actual and substantial sales of meals during the normal meal hours at least five days a week.
Normal meal hours are considered to be:

BREAKFAST	6:00 a.m. to 9:00 a.m.
LUNCH	11:00 a.m. to 2:00 p.m.
DINNER	6:00 p.m. to 9:00 p.m.

Not opening until 9:00 p.m. does not relieve you of having to comply with Section 23038 of the Business and Professions Code. You must still open and operate in good faith as a restaurant, as set forth in this document.

- (2) **Used in a bona fide manner** - Premises will be considered as being used in a bona fide manner if:
- There is a real offer or holding out to sell meals when the premises are open (as provided above.)
 - Actual and substantial sales of meals are made to guests for compensation.

Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider premises as being used in a bona fide manner.

- (3) **Meals** - Means the usual assortment of food commonly ordered at various hours of the day. The service of such food and victuals only as sandwiches or salads shall not be deemed compliance with this requirement. However, certain specialty entrees, such as: pizza, fish, ribs, etc., and an assortment of other foods, such as: soups, salads or desserts, may be considered a meal.

(4) Premises must be equipped and maintained in good faith for sales to, and consumption by, the public of meals upon the premises.

(a) **Equipped and maintained in good faith**

- (i) Premises must possess, in operative condition, such conveniences for cooking foods as stoves, ovens, broilers, or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed.
- (ii) Premises must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.
- (iii) Premises must make an actual offer or holding out of sales of food to the public by such devices as menus, posters or signs.
- (iv) Premises must possess a supply of goods adequate to make substantial sales of meals.

(5) Food facilities must be maintained in a sanitary condition and the premises must be equipped with a proper amount of refrigeration for keeping of food on the premises and be equipped with such other facilities as are necessary to comply with all regulations of the local health department.

I understand that failure to comply with the above requirements may result in suspension or revocation of my Alcoholic Beverage License.

Date: _____

Applicant

Witness

Applicant

**QUICK SUMMARY OF SELECTED LAWS FOR
RETAIL LICENSEES**



Introduction

This pamphlet explains, in simple terms, some State laws and rules that retail licensees must follow. There are other State and local laws not listed here. When in doubt, call your local ABC office. You can also buy the entire set of ABC laws and rules from your local ABC office for \$11.50 plus tax.

ABC Penalties. ABC decides penalties for licensees on a case-by-case basis. ABC gives consideration to the type of violation, the licensee's past record, and the facts of each case. ABC penalties may be probation, suspension of the ABC license, a fine of \$750-\$6,000, or revocation of the ABC license.

Definitions. "B&P" means the Business and Professions Code. "CCR" means the California Code of Regulations. "PC" means the Penal Code. "H&S" means the Health and Safety Code. The term "licensee" as used here, means licensees, their agents, and employees. "Alcohol" means an alcoholic beverage. "On-sale" means bars, restaurants, taverns, clubs, hotels, motels, etc. "Off-sale" means liquor stores, grocery stores, convenience stores, etc. "Minor" means person under age 21.

Subject	Possible Penalties
<p>1. After Hours 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. (Sec. 25631 B&P) 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.). (Sec. 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." (23800-23805 B&P)</p>	<p><i>Criminal:</i> For the licensee or employee who sells or permits consumption after hours and for the patron who knowingly purchases after hours, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>2. Attire and Conduct On-sale licensees 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.” (Rule 143.2 CCR. Also violates Sec. 311.6 PC if conduct is “obscene;” e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.2 CCR carries no criminal penalty. For violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>3. Authority of Peace Officers/Refusing Inspection Police officers, sheriffs' 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 <i>without a search warrant or probable cause</i>. 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 <i>public</i> from some areas of the premises. However, licensees <i>cannot and must not</i> deny entry to, resist, delay, obstruct, or assault a peace officer. (Secs. 25616, 25753, and 25755 B&P; 148 and 241(b) PC)</p>	<p><i>Criminal:</i> For refusing to permit an inspection, the penalty is a \$100-\$1,000 fine and/or one to six months in county jail. (Sec. 25616 B&P) For resisting, delaying, or obstructing a peace officer, the penalty is a maximum \$1,000 fine and/or maximum one year in county jail. (Sec. 148(a) PC) For assaulting a peace officer, the penalty is a maximum \$2,000 fine and/or a maximum one year in county jail. (Sec. 241(b) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>4. Beer Keg Registration Licensees selling keg beer (six gallon capacity or larger): (a) Must tag all kegs and have the customer sign a receipt; (b) Must retain the receipts on the premises for six months and make them available to peace officers; (c) May not return any deposit upon the return of any keg that does not have an identification tag. It is against the law for a customer to: (a) Possess a keg containing beer knowing that the keg does not have an identification tag; or (b) Provide false information to the licensee. (Section 25659.5 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail for (1) the licensee, (2) the person who possesses the unidentified keg; and (3) the customer who provides false information to the licensee. (Sec. 25617 B&P).</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>5. Clerk's Affidavit; Posting of Sign Any person selling alcohol at an off-sale premises must sign a statement that he or she understands basic ABC laws and must disclose any ABC law convictions. The licensee must post signs in the store that warn customers. (See Form ABC-299 for wording.) (Sec. 25658.4 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>6. Concurrent Sales of Alcohol and Gasoline Licensees who sell both gasoline and alcohol must abide by the following conditions: 1. No beer or wine within five feet of the cash register or front door (unless in a permanently affixed cooler since 1/1/88); 2. No alcohol advertisements at the fuel islands; 3. No alcohol sales from a drive-in window; 4. No alcohol sales from an ice tub; 5. No self-illuminated beer or wine advertisements on buildings or windows; and 6. Cashiers selling beer or wine between 10:00 p.m. and 2:00 a.m. must be at least age 21. (Section 23790.5(d) B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>7. Conditional Licenses Some ABC licenses have special restrictions (conditions) limiting the hours of alcohol sales, type of entertainment, etc. Licensees must keep a copy of any conditions on the premises, abide by them, and show them to any peace officer upon request. (Secs. 23800-23805 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>8. Contaminated Beverages Licensees and their employees may not sell, furnish or give away alcoholic beverages containing any deleterious or poisonous substance. (Sec. 347(b) PC) Licensees may not allow open bottles of alcoholic beverages to become contaminated with insects or other foreign matter. (Secs. 25620, 25623 and 25634 H&S)</p>	<p><i>Criminal:</i> For the licensee or employee who violates the penal code, the penalty is a fine up to \$2,000 and/or up to one year in county jail. (Sec. 347(b) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>9. Discrimination A licensee, other than certain exempt club licensees, who refuses to provide full and equal accommodations, facilities, privileges, or services in the licensed premises by reason of one's sex, color, race, religion, ancestry, etc., may be subject to disciplinary action. There may be no discrimination as to the price of drinks based on race, religion, sex, marital status, membership or non-membership in an organization, or on any other conditions which would result in discrimination against the general public. (Sec. 51 Civil Code and Sec. 125.6 B&P)</p>	<p><i>Criminal:</i> None <i>ABC:</i> Decided on a case-by-case basis</p>
<p>10. Disorderly Conduct Licensees may not permit these acts in or about their licensed premises: (a) Lewd conduct in public (b) Prostitution (c) Accosting others for the purpose of begging (d) Loitering in or about public toilets for a lewd or lascivious purpose (e) Loitering without apparent reason and refusing to identify oneself upon the request of any peace officer (f) Being under the influence of alcohol and/or drugs in public and unable to exercise care for one's own safety or the safety of others. (647 PC)</p>	<p><i>Criminal:</i> For the person committing the illegal act, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC) <i>ABC:</i> Decided on a case-by-case basis</p>
<p>11. 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 premises includes the parking lot. (Sec. 25601 B&P; 316 PC)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P) <i>ABC:</i> Decided on a case-by-case basis</p>
<p>12. Drink Solicitation 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 (Seccs. 24200.5(b) and 25657(a)(b) B&P; Rule 143 CCR; Sec. 303(a) PC)</p>	<p><i>Criminal:</i> For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P) For the drink solicitor, the penalty is a maximum \$1,000 fine and/or six months in county jail unless specific penalty. (Sec. 303(a) PC) <i>ABC:</i> Decided on a case-by-case basis</p>
<p>13. Drug Paraphernalia Licensees may not sell any product knowing, or under circumstances where one reasonably should know, that the customer intends to use the product for illegal drug purposes. This includes, but is not limited to, scales and balances, diluents and adulterants, balloons, envelopes, containers, pipes, screens, syringes, needles, scouring pads, blow torches, or cigarette papers. (Secs. 11014.5, 11364.5, and 11364.7(a) H&S) The law presumes that a licensee, or his/her agent(s), knows that an item is drug paraphernalia if ABC or any other state or local law enforcement agency notifies the licensee in writing that a thing (e.g., a glass vial, pipe screen, wiry sponge or scouring pad, roach clips, etc.) is commonly sold or marketed as drug paraphernalia. (See also Form ABC-546-A, Notice to Licensees Concerning Drug Paraphernalia Under Section 24200.6 Business and Professions Code) (Sec. 24200.6 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC) <i>ABC:</i> Decided on a case-by-case basis</p>

<p>14. Entertainers and Conduct</p> <p>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. (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 use artificial devices or inanimate objects to depict any of the prohibited activities described above. 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 Sec. 311.6 PC if conduct is “obscene;” e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.3 CCR carries no criminal penalty. For a violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>15. False I.D. (Possession or Use of)</p> <p>Minors may not possess or use identification that is altered, borrowed, stolen, counterfeit, or fraudulently obtained using false birth documents. (Sec. 25661 B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a minimum \$250 fine and/or 24-32 hours of community service. Second offense is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25661 B&P)</p> <p><i>ABC:</i> Not applicable</p>
<p>16. Food Requirements</p> <p>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 sales 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.</p> <p>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.</p> <p>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.</p> <p>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.) (Secs. 23038 and 23787 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>17. Harmful Matter Licensees may not rent, sell, give, or show harmful matter to persons under age 18. Harmful matter includes, but is not limited to, a book, magazine, newspaper, or video tape that “. . . depicts or describes in a patently offensive way sexual conduct and . . . lacks serious literary, artistic, political, or scientific value for minors.” If licensees sell harmful matter, they must use reasonable care in ascertaining the true age of a minor.</p> <p>If licensees sell or rent videos of harmful matter, they must create an area within their licensed premises for the placement of the videos and advertising material and label it, “Adults Only.” Minors must not be able to readily access the videos or view the video box covers.</p> <p>If licensees sell books or magazines of harmful matter, they should contact their local police or sheriff’s department about any local ordinances that may apply. Some cities and counties require licensees to place “blinder racks” in front of such material so that the lower two-thirds of the material is not exposed to view. (Secs. 313 and 313.1 PC and Sec. 25612.5(c)(9) B&P)</p>	<p><i>Criminal:</i> The penalty for a first offense of selling, giving, or showing harmful matter to a juvenile is a maximum \$2,000 fine and/or one year in county jail. The penalty for a second offense is State prison. Failure to create and label the “adults only” area is an infraction punishable by a maximum \$100 fine. (Sec. 313.4 PC and Sec. 25612.5(c)(9) B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>18. Law Enforcement Problem 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 premises includes the parking lot. (Sec. 24200(a) B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>19. Minors (Attempt to Purchase by) Minors may not even try to buy alcohol. (Sec. 25658.5 B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a maximum \$100 fine and/or 24-32 hours community service. For the second offense, the penalty for the minor is a maximum \$250 fine and/or 36-48 hours of community service. (Sec. 25658.5 B&P)</p> <p><i>ABC:</i> Not applicable</p>
<p>20. Minors (Employment of) On-Sale Licensed Premises. Licensees may not employ minors on the portion of any premises which is primarily designed and used for the sale and service of alcohol for consumption on the premises. (Secs. 25663(a) and 25667 B&P) <i>Exception:</i> Minor musicians (see #14) <i>Restaurants:</i> In a bona fide public eating place, persons age 18 or older may serve alcohol in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. Bartenders and cocktail waitresses must be 21. <i>Concession Stands:</i> A person who is at least 18 but not yet 21 may serve alcohol, as an incidental part of his or her duties, at a fixed concession stand that sells food products, soft drinks, and alcohol. <i>Pizza Parlors:</i> A person under age 21 may not serve alcohol while working behind a fixed counter where only soft drinks, alcohol, and other beverages are dispensed and food items are served at another counter within the premises.</p> <p>Off-Sale Licensed Premises. Persons age 18 and older may sell alcohol unsupervised. Persons age 17 and younger may sell alcohol if under the continuous supervision of a person age 21 or older. (Sec. 25663(b) B&P)</p>	<p><i>Criminal:</i> For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. No penalty for the minor employee. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>21. Minors (Entering and Remaining in Bars/Taverns) Licensees may not permit minors to enter and remain in any bar or tavern (license Types 42, 48, and 61), even during hours when the premises is closed. Both the licensee and the minor may be cited. <i>Exception:</i> Minors may enter and remain at any time for lawful business. For example, delivery and repair persons. (Sec. 25665 B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a minimum \$200 fine; a maximum \$1,000 and/or six months in county jail. For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25665 and 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>22. Minors (Possession of Alcohol by) Minors may not possess alcohol in public. <i>Exceptions:</i> A minor may possess alcohol in public if (a) the minor is making a delivery for his licensed employer, or (b) a parent, guardian, or adult relative has given alcohol to a minor and asked the minor to deliver it to some other adult. A licensee may not give alcohol to a minor on the telephoned or written order of a parent. (Sec. 25662(a) B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty for a first offense is a \$250 fine or 24-32 hours community service. For a second offense, the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Section 25662(a) B&P)</p> <p><i>ABC:</i> Not applicable</p>
<p>23. Minors (Purchase or Consumption by) Minors may not purchase alcohol. Minors may not consume alcohol in an on-sale licensed premises. (Sec. 25658(b) B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25658(e)(1) B&P)</p> <p><i>ABC:</i> For a first offense, the penalty is a \$750-\$3,000 fine, license suspension, or probation. For a second offense within three years, the penalty is a mandatory license suspension. For a third offense within three years, the license may be revoked. (Sec. 25658.1 B&P)</p>
<p>24. Minors (Sales/Furnishing to) No person may sell, furnish, or give alcohol to a minor. No person may cause or permit this to occur. This includes sales to minor “decoys” used by local law enforcement agencies. (Sec. 25658(a) B&P)</p>	<p><i>Criminal:</i> For the seller, the penalty is a \$250 fine and/or 24-32 hours of community service. For a second or subsequent offense the penalty is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25658(e)(1) B&P)</p> <p>For the furnisher, the penalty is a \$1,000 fine and a minimum 24 hours community service. (Sec. 25658(e)(2) B&P)</p> <p>If the minor consumes the beverage and thereafter causes great bodily injury or death to the minor or any other person, the person who purchases and furnishes to the minor faces 6-12 months in county jail and/or a maximum \$1,000 fine. (Sec. 25658(e)(3) B&P)</p> <p><i>ABC:</i> For a first offense, the penalty is a \$750-\$3,000 fine, license suspension, or probation. For a second offense within three years, the penalty is a mandatory license suspension. For a third offense within three years, the license may be revoked.</p>

<p>25. Musicians (Minors) Musicians who are at least age 18 but not yet 21 can be employed in all types of on-sale premises, only if the following conditions exist: (a) There is no topless or nude entertainment, either live or on film; (b) The area of employment is restricted for the exclusive use of musicians and entertainers; (c) No alcohol is sold, served, or consumed in the restricted entertainment area; (d) The restricted area is readily identifiable. It must be a room, a stage, or an area bounded by partitions or other barriers at least 30 inches high; (e) While performing, the musician must remain in the restricted area.</p> <p>At a bar or tavern (license Type 42, 48, or 61) the minor musician must remain in the restricted area at all times, except when: (a) Entering or leaving the premises, (b) Setting up equipment, (c) Visiting restrooms, (d) Resting or changing clothing in a room which is not used for sale, service, or consumption of alcohol by the public, (e) Auditioning when the place is not open for business. An entertainer is a musician if the bulk of his or her performance involves making music with an instrument or his or her voice. (Sec. 25663.5 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>26. Narcotics and Dangerous Drugs Licensees may not knowingly permit illegal sales, negotiations, or use of narcotics or dangerous drugs on the licensed premises. (Secs. 24200.5(a) and 24200(a) B&P; various H&S)</p>	<p><i>Criminal:</i> Most drug offenses are felonies, punishable by imprisonment in State prison</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>27. Objectionable Conditions (Failure to Correct) Upon notice, licensees must take reasonable steps to correct objectionable, nuisance conditions on or about the licensed premises and on abutting public sidewalks up to 20 feet from the premises, within a reasonable period of time. The conditions include disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, or excessive loud noise. <i>Exception:</i> Restaurants (license Types 41 and 47), hotels, motels, wineries, and beer manufacturers are not responsible for correcting nuisance conditions on abutting public sidewalks. (Sec. 24200[e][f][g] B&P).</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>28. Obviously Intoxicated Persons and Habitual Drunkards No person may sell or give alcohol to anyone who is obviously intoxicated. No person may cause or permit this to occur. A person is obviously intoxicated when the average person can plainly see that the person is intoxicated. In other words, the person looks or acts drunk. This includes regular customers who “always act that way.” It does not matter that the person is not driving. For there to be a violation of law, the prosecutor must prove that the server either saw or had the chance to see the signs of intoxication before the service. Some of the signs of intoxication are: being overly friendly, using foul language, argumentative, belligerent, slurred speech, slow, deliberate movements, swaying, drowsy, stumbling, red, watery eyes, or alcoholic breath.</p> <p>No person may sell or give alcohol to anyone who is a habitual drunkard (a person who has lost control over his or her drinking). No person may cause or permit this to occur. A server may discover a habitual drunkard in one of two ways: (a) A family member tells you the person has a drinking problem and asks you not to serve, or (b) the patron is a regular and unable to handle drinking on a regular basis. A licensee or server who has been warned and still serves a habitual drunkard faces possible ABC disciplinary action and criminal prosecution. (Secs. 25602(a) and 23001 B&P; 397 PC)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> The first offense is decided on a case-by-case basis. For a second offense within three years, the penalty is a mandatory license suspension.</p> <p><i>Civil:</i> Lawsuit (for service to an underage, obviously intoxicated person) (Sec. 25602.1 B&P). Civil penalties are money judgments or settlements, usually against everyone (seller or server, licensee, licensee’s insurer, etc.). They are determined by the court or jury during a civil lawsuit.</p>

<p>29. Off-Sale Beer and Wine License Privileges Type 20 licensees cannot sell more than 52 gallons of wine at one time or sell alcohol for resale. (Sec. 23393 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>30. Off-Sale General License Privileges Type 21 licensees cannot (a) sell more than 52 gallons of wine at one time, or (b) sell alcohol for resale. <i>Exception:</i> Licensees may sell alcohol for resale to the holder of a Daily On-Sale General license. (Secs. 23393 and 23394 B&P)</p>	<p><i>Criminal:</i> For the violator, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25351 and 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>31. Operating Standards, Retail The following requirements apply to stores (license Type 20 and 21), bars and taverns (license Types 40, 42, 48, and 61). These requirements do not apply to restaurants (license Types 41 and 47), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, a certain marine park, wineries, or beer manufacturers.</p> <ol style="list-style-type: none"> 1. Post “No Loitering” signs upon written notice from the ABC; 2. Post “No Open Container” signs upon written notice from the ABC; 3. No alcohol consumption inside a store or outside a bar or tavern; 4. Illuminate the exterior of the premises, including adjacent public sidewalks and parking lots under the licensee's control, during all hours of darkness when open for business; 5. Remove litter daily from the premises, adjacent sidewalks and parking lots under licensee's control and sweep/clean these areas weekly; 6. Remove graffiti from premises and parking lot within 72 hours (3 days) of application; 7. Have no more than 33% of windows covered with advertising or signs; 8. Have incoming calls blocked at pay phones upon request of local law enforcement or ABC; and 9. Create a separate area for any video recordings of harmful matter (as defined in Penal Code Section 313). The area must be labeled “Adults Only.” Minors may not be able to readily access the videos or view the video box covers. 10. Have a copy of the operating standards available during normal business hours for viewing by the general public. (Section 25612.5(c) B&P) 	<p><i>Criminal:</i> The licensee only (not employees) may be cited for each violation of the operating standards. For the licensee, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>32. Removal of Opened Wine Bottle Restaurants (license Type 41 and 47) may allow patrons to remove a partly-consumed bottle of wine from the premises upon departure. (Customers should place any open bottles in the trunk area of their vehicle to avoid violating the Vehicle Code.) (Sec. 23396.5 B&P)</p>	<p>Not applicable. This is a permissive section of law.</p>
<p>33. Retail Delivery Orders Employees cannot deliver alcohol without a delivery order. It must state the quantity, brand, proof, price, name and address of the customer, and name and address of the store. The licensee must keep the order on file for two years after delivery. (Rule 17(e) CCR)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-base basis</p>
<p>34. Retail Store Qualifications Licensees may sell alcohol only in the original package for consumption off the premises. Licensees must conveniently display all alcohol. Licensees must make any alcohol deliveries from the licensed premises. Licensees may only take telephone orders for alcohol when the store is open to the general public. (Rule 27 CCR)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

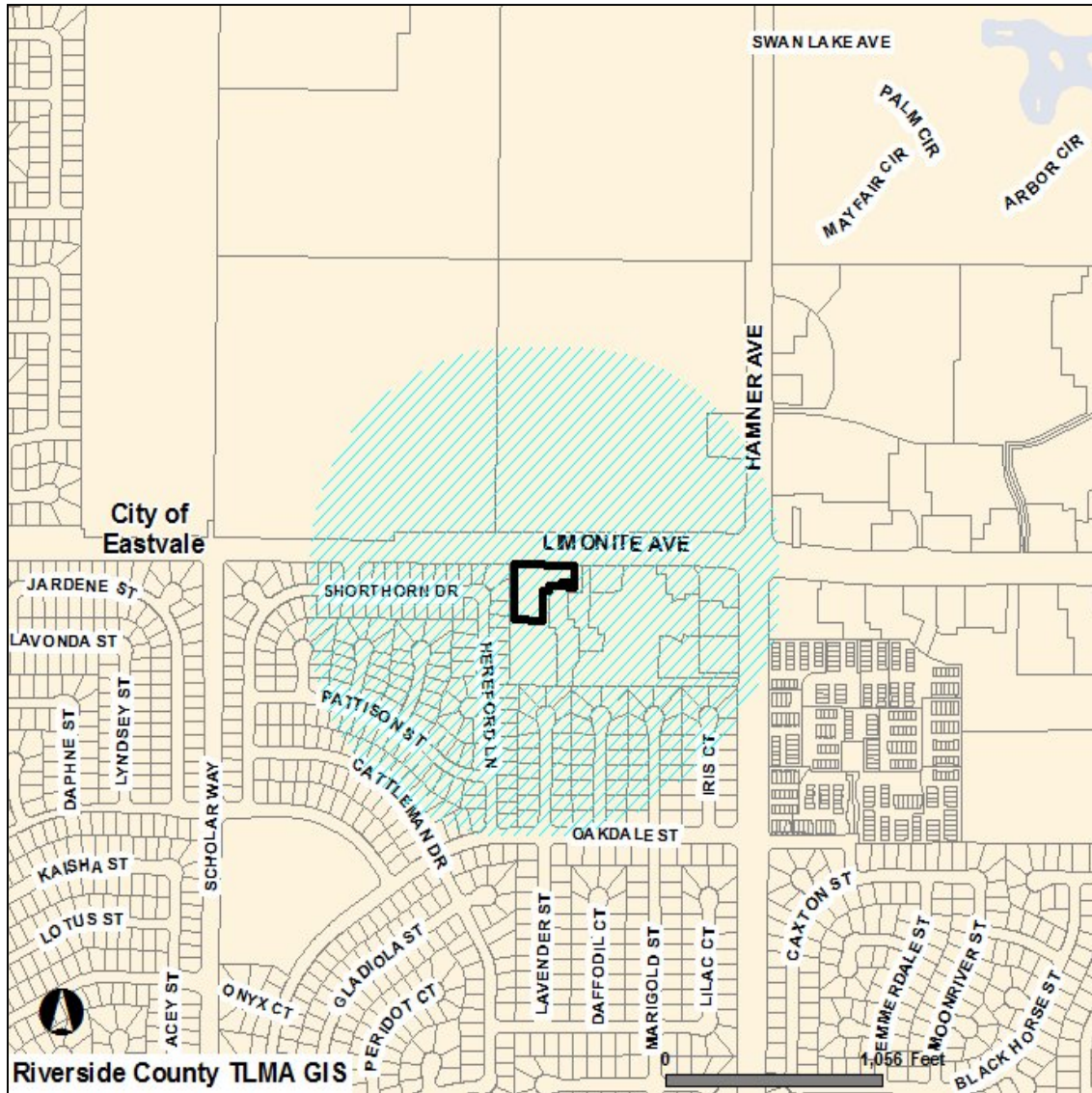
<p>35. Retail-to-Retail Sales</p> <p>Retail licensees may not purchase alcohol for resale from another retail licensee. Licensees must purchase alcohol for resale from a non-retail licensee only. Warehouse-type discount stores are licensed retailers, and they cannot sell alcohol for resale to other retailers. For example, a retail licensed store may not sell to the bar down the street who has run out of a certain brand of liquor. It would be illegal for both the store and the bar to do so. The borrowing of alcohol between retail licensees is an illegal, retail-to-retail sale. <i>Exception:</i> A licensee who has three or more outlets licensed exactly the same may transfer products between that licensee's stores. Also, type 21 licensees may sell distilled spirits for resale to the holder of a Daily On-Sale General license. (Sec. 23402 B&P)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Secs. 25351 and 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>36. Returns by Consumers to Retailers</p> <p>Returns of all types of alcoholic beverages by consumers to sellers were once ruled to be illegal under both State and federal law. In 1961, the Federal Government approved the return by consumers of alcoholic beverages which were spoiled, deteriorated, contaminated, or otherwise unfit for human consumption. This approval was made on the condition that there would be a bottle-for-bottle exchange or cash refund for the unsatisfactory merchandise. It was necessary for a consumer to bring back a partially emptied bottle or a bottle which clearly showed deterioration of the product, such as sediment, to qualify for the refund. The Department adopted the federal policy that same year. Later, the Department modified its approval to the extent that other types of alcoholic beverages could be exchanged for those which were unfit for human consumption.</p> <p>A consumer may also make an exchange or receive a refund on an item purchased in error if the unopened container is returned to the seller. The advertising of "money-back guarantees" is specifically disapproved, however.</p> <p>A consumer cannot overbuy for a party and then return any of the unused alcoholic beverages. Neither can the recipient of a gift exchange it for other merchandise or be given a credit, because the recipient is not returning alcoholic beverages; if the retailer gave anything of value for the beverages, the retailer would be buying from other than a wholesaler. Sales to consumers are final except as previously set forth. The Department and federal law agree in this respect. (Sec. 25600(a)(2))</p>	<p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>37. Right to Refuse Service to Minors</p> <p>Licensees and their employees have the legal right to refuse service to anyone who cannot show adequate written evidence of age. A licensee or employee may seize any identification presented by a person that shows the person to be under the age of 21 years or that is false, so long as a receipt is given to the person from whom the identification is seized and the seized identification is given within 24 hours of seizure to the local law enforcement agency that has jurisdiction over the licensed premises. A licensee, his or her agent or employee's decision to not seize a license shall not create any civil or criminal liability. (Sec. 25659 B&P)</p>	<p>Not applicable. This is a permissive section of law.</p>

<p>38. Signs Bars and taverns (License Types 42, 48, and 61) must post signs reading, “No Person Under 21 Allowed.” Licensees must post one at or near each public entrance, visible from the exterior, and one inside in a prominent place. The signs must be at least 7” x 11” and have lettering at least 1” in height. (Rule 107 CCR)¹</p> <p>No more than 33% of the square footage of the windows and clear doors of an off-sale premises may have advertising or signs of any sort. (Sec. 25612.5(c)(7) B&P)²</p> <p>Stores (license Types 20 and 21) must post one or more customer warning signs in the store (see form ABC-299 for wording). (Sec. 25658.4 B&P)²</p> <p>Upon written notice from the ABC, licensees must post “No Loitering” and “No Open Container” signs. <i>Exception:</i> This law does not apply to restaurants (license Types 41 and 47), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, a certain marine park, wineries, or beer manufacturers. (Sec. 25612.5(c)(1)(2) B&P)²</p> <p>Signs may not be obnoxious, gaudy, blatant, or offensive, and must not obstruct the view of the interior of the premises from the street. (Sec. 25612 B&P)²</p> <p>All on- and off-sale licensees must post warning signs reading, “Warning: Drinking spirits, beer, coolers, wine, and other alcoholic beverages may increase cancer risk and, during pregnancy, can cause birth defects.” (Sec. 12601(b)(1)(D)(1) and 12601(b)(4)(E) CCR)³</p>	<p>¹<i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p>²<i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p>³<i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p> <p><i>Civil:</i> A civil lawsuit may be brought against an alcohol manufacturer or distributor by the Attorney General, a district attorney, or a private citizen. Judgments are a maximum of \$2,500 per day per violation, with 25% of the sum going to the plaintiff. Civil penalties <u>do not</u> apply to the retail licensee. (Sec. 12601 CCR)</p>
<p>39. Substitution of Brands No person may substitute types or brands of alcohol without first informing the purchaser. (Sec. 25609 B&P)</p>	<p><i>Criminal:</i> For the licensee or employee, the penalty is a maximum \$1,000 and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>40. Undisclosed Ownership; Changes in Ownership The ABC license must reflect the true ownership of the licensed business. There can be no hidden owners or silent partners. Licensees must report any and all ownership changes to the ABC. (Secs. 23300 and 23355 B&P; Rule 68.5 CCR)</p>	<p><i>Criminal:</i> The penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>41. Unlawful Possession on Licensed Premises Licensees may not allow any alcohol on the premises other than what they are licensed to sell. <i>Exception:</i> Type 41 licensees may possess brandy, rum, or liqueurs for cooking purposes. (Section 25607(a)(b) B&P)</p>	<p><i>Criminal:</i> For the licensee, employee or patron, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>42. Weapons Licensees may not possess or sell certain firearms and/or weapons, including but not limited to, undetectable firearms, nunchakus, short-barreled shotguns, short-barreled rifles, metal knuckles, billy clubs, dirks, and daggers. (Sec. 12020 PC)</p>	<p><i>Criminal:</i> The penalty is imprisonment in the county jail not exceeding one year or in a State prison. (Sec. 12020(a) PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

ATTACHMENT 6

NOTIFICATION MAP

Little Vinny's Pizza Map



Selected parcel(s):

- | | | | | | | |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 152-013-021 | 152-013-050 | 152-650-001 | 160-230-019 | 164-030-013 | 164-030-014 | 164-030-024 |
| 164-060-006 | 164-060-007 | 164-060-008 | 164-060-009 | 164-060-010 | 164-060-011 | 164-060-012 |
| 164-060-013 | 164-060-014 | 164-060-015 | 164-060-020 | 164-060-021 | 164-060-022 | 164-060-023 |
| 164-060-024 | 164-060-025 | 164-060-026 | 164-060-027 | 164-060-028 | 164-060-029 | 164-060-030 |
| 164-060-031 | 164-060-032 | 164-060-033 | 164-060-034 | 164-060-035 | 164-060-036 | 164-060-037 |
| 164-060-038 | 164-060-039 | 164-060-040 | 164-060-041 | 164-060-042 | 164-060-043 | 164-060-044 |
| 164-060-045 | 164-060-046 | 164-060-047 | 164-060-048 | 164-060-049 | 164-060-050 | 164-060-051 |
| 164-060-052 | 164-060-053 | 164-060-054 | 164-060-055 | 164-060-056 | 164-060-057 | 164-060-058 |
| 164-060-059 | 164-060-060 | 164-060-061 | 164-060-062 | 164-060-063 | 164-060-064 | 164-060-065 |
| 164-060-066 | 164-060-067 | 164-060-068 | 164-060-069 | 164-060-070 | 164-060-071 | 164-060-072 |
| 164-412-001 | 164-412-002 | 164-412-003 | 164-412-004 | 164-413-001 | 164-413-002 | 164-413-003 |
| 164-413-004 | 164-413-005 | 164-414-001 | 164-414-002 | 164-414-003 | 164-414-004 | 164-414-005 |
| 164-414-006 | 164-414-007 | 164-414-008 | 164-414-009 | 164-414-010 | 164-414-011 | 164-414-012 |
| 164-414-013 | 164-414-014 | 164-415-001 | 164-415-002 | 164-415-003 | 164-415-004 | 164-415-005 |
| 164-415-006 | 164-415-007 | 164-415-008 | 164-415-009 | 164-415-010 | 164-415-011 | 164-416-001 |
| 164-416-002 | 164-416-003 | 164-416-004 | 164-416-005 | 164-416-006 | 164-416-007 | 164-416-008 |
| 164-416-009 | 164-416-010 | 164-416-011 | 164-416-012 | 164-416-013 | 164-416-014 | 164-416-015 |
| 164-416-016 | 164-416-017 | 164-416-018 | 164-416-019 | 164-416-031 | 164-416-032 | 164-416-033 |
| 164-416-034 | 164-416-035 | 164-416-036 | 164-416-037 | 164-416-038 | 164-416-039 | 164-416-040 |
| 164-650-012 | 164-650-013 | 164-650-014 | 164-651-001 | 164-651-002 | 164-651-003 | 164-651-004 |

164-651-005	164-651-006	164-651-007	164-651-008	164-651-009	164-651-010	164-651-011
164-651-012	164-651-013	164-651-014	164-651-015	164-651-016	164-651-017	164-651-018
164-652-001	164-652-002	164-652-003	164-652-004	164-652-005	164-652-006	164-652-007
164-652-008	164-652-009	164-652-010	164-652-011	164-652-012	164-652-013	164-652-014
164-652-015	164-652-016	164-652-017	164-652-018	164-652-019	164-652-029	164-652-030
164-652-031	164-652-032	164-652-033	164-652-034	164-652-035	164-652-036	164-652-037
164-652-038	164-652-039	164-652-040	164-652-041	164-652-042	164-652-043	164-652-044
164-652-045	164-652-046	164-652-047	164-700-001	164-700-001	164-700-002	164-700-003
164-700-004	164-700-005	164-700-006	164-700-007	164-700-008	164-700-009	164-700-010
			164-700-011			

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Mon Aug 12 18:26:04 PDT 2013

Version 130624

ATTACHMENT 7

TENANT IMPROVEMENT PLANS

PROJECT: LITTLE VINNY'S PIZZA, INC.
 JOB LOCATION: 12768 LIMONITE AVE. # 101 EASTVALE CA. 92880
 OWNER: LEE TURRICIANO
 PO BOX 400 UPLAND, CA. 91785
 PROPERTY OWNER: CLOVERDALE MARKETPLACE, INC.
 PO BOX 6887 NORCO, CA. 92880
 LEGAL DESCRIPTION: LOT 164-040-007
 TRACT A.P.N.: 164-040-007
 PROJECT DATA: ZONE C-1 / C-2
 OCCUPANCY: "B" RESTAURANT
 TYPE OF CONSTRUCTION: VB
 FIRE SPRINKLERS: YES, UNDER SEPARATE PERMIT
 SITE DATA: LOT SIZE: 14.1 ACRE
 BUILDING SIZE: 4000 S.F.
 NUMBER OF STORIES: ONE
 BUILDING HEIGHT: 35'
 PARKING: 24 SPACES
 PARKING LOT LANDSCAPING: LANDSCAPING
 AREA TABULATION: TENANT IMPROVEMENT: SEE TABLE AT LEFT
 JURISDICTION: CITY OF EASTVALE, CA.
 GOVERNING CODES:
 BUILDING: C.B.C. 2010 CALIFORNIA BUILDING CODE
 ELECTRICAL: C.E.C. 2010 CALIFORNIA ELECTRIC CODE
 PLUMBING: C.P.C. 2010 CALIFORNIA PLUMBING CODE
 MECHANICAL: C.M.C. 2010 CALIFORNIA MECHANICAL CODE
 ACCESSIBILITY: C.B.C. 2010 CALIFORNIA BUILDING CODE
 ENERGY: C.B.C. 2008 CALIFORNIA ENERGY CODE
 FIRE: C.B.C. 2010 CALIFORNIA FIRE CODE
 ORDINANCES: ALL APPLICABLE CITY, COUNTY AND STATE.

MICHAEL D. CARPENTER

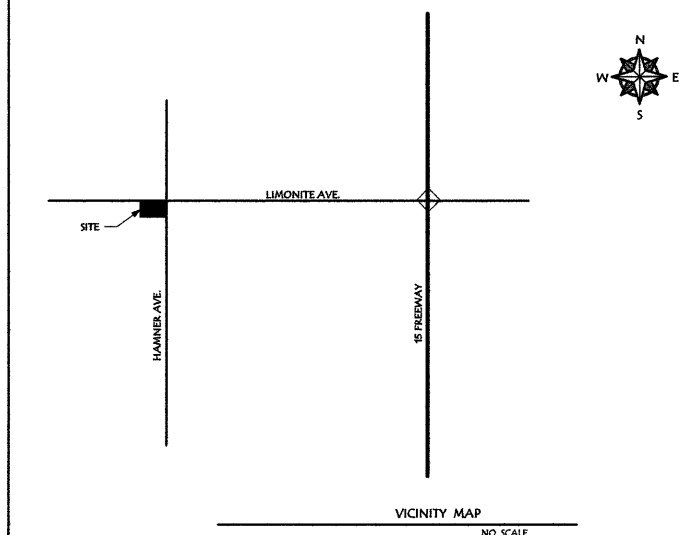


BUILDING DESIGN SERVICES

8923 IRONWOOD STREET
 RANCHO CUCAMONGA, CA. 91750

(909) 724-9572

CARPENTERDESIGNS@AOL.COM



OCCUPANT LOAD LEGEND		
PER CBC 1004.1 TABLE 1004.1.1 OCCUPANCY GROUP B		
ROOM	AREA / OCCUPANT LOAD FACTOR	OCCUPANT LOAD
RESTAURANT	6000 SQUARE FEET / 100	60
OR		
DINING	3282 SQUARE FEET / 15	218.80
KITCHEN	1975 SQUARE FEET / 200	9.88
SALES	385 SQUARE FEET / 200	1.92
RESTROOM	280 SQUARE FEET / 0	0.0
JANITORIAL	74 SQUARE FEET / 0	0.0
HALL	190 SQUARE FEET / 0	0.0
OFFICE	41 SQUARE FEET / 100	0.41
CHANGE RM.	58 SQUARE FEET / 100	0.58
TOTAL		229.66

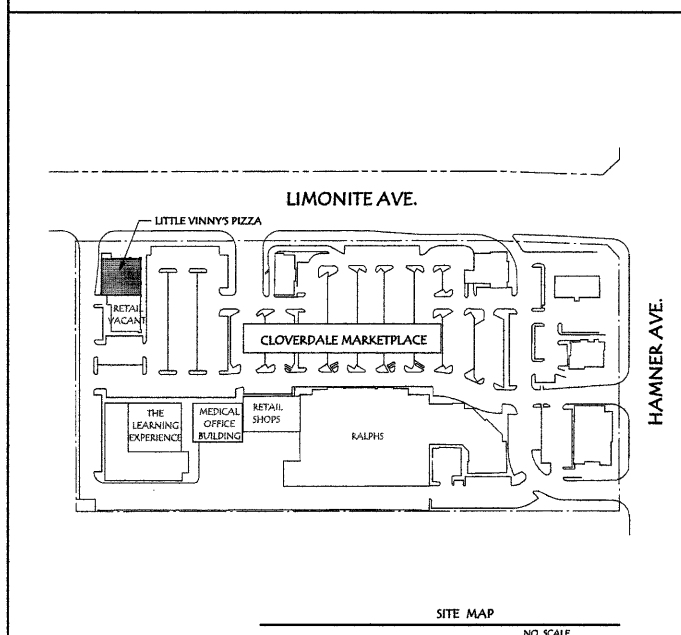
PER TABLE 1008.1 REQUIRED EXIT WIDTH / OCCUPANT LOAD = 250 X 0.2 = TOTAL OF 46" OF REQUIRED EXIT DOOR WIDTH
 TWO 36" DOORS REQUIRED - THREE 36" DOORS PROVIDED

OCCUPANT LOAD LEGEND		
PER CBC SECTION 412 TABLE 4-1 TABLE 4-3 OCCUPANCY GROUP B		
ROOM	AREA / OCCUPANT LOAD FACTOR	OCCUPANT LOAD
DINING	3282 SQUARE FEET / 30	109.40
KITCHEN / SALES	1975 SQUARE FEET / 200	9.88
TOTAL		119.28

PARKING ANALYSIS	
PER RIVERSIDE MUNICIPAL CODE, ZONING, CHAPTER 19.580	
RESTAURANT	6000 S.F. @ 1/250 = 6.00 REQUIRED
TOTAL	= 24 REQUIRED
HANDICAP STANDARD	2 EXISTING
	22 EXISTING
REQUIRED PROVIDED	24
	24 EXISTING

AREA TABULATION	
TENANT IMPROVEMENT	6000 SQUARE FEET

REQUIRED SPECIAL INSPECTIONS		
IN ADDITION TO REGULAR INSPECTIONS, THE FOLLOWING CHECKED ITEM WILL ALSO REQUIRE SPECIAL INSPECTION IN ACCORDANCE WITH SEC. 1701 OF THE UNIFORM BUILDING CODE.		
ITEM	REQUIRED	REMARKS
EPOXY ANCHORS	NO	PER APPROVING REPORT
FIELD WELDING	NO	PER APPROVING REPORT
HIGH STRENGTH CONCRETE	NO	PER APPROVING REPORT



LITTLE VINNY'S PIZZA

NOTE:
 1. ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE CODES, ORDINANCES AND REGULATIONS.
 2. GENERAL CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
 3. MICHAEL D. CARPENTER SHALL BE INFORMED IN WRITING OF ANY DISCREPANCY PRIOR TO CONSTRUCTION.

DEFERRED SUBMITTALS
 FIRE PROTECTION SPRINKLER SYSTEM
 A SEPARATE PERMIT IS REQUIRED PRIOR TO WORK ON ANY FIRE PROTECTION SYSTEMS OR COMPONENT. SUBMIT SHOP DRAWINGS, CALCULATIONS AND SPECIFICATIONS PER THE CITY OF CORONA REQUIREMENTS.

SCOPE OF WORK
 * TENANT IMPROVEMENT, NEW RESTAURANT, IN EXISTING RESTAURANT BUILDING
 * INTERIOR T.I. ONLY, NO WORK PROPOSED FOR EXTERIOR, OR STRUCTURE.

SHEET INDEX
 C COVER SHEET
 C1 SITE PLAN
 A1 FLOOR PLAN
 A4 EXTERIOR ELEVATIONS

NOTE:
 THIS PROJECT SHALL COMPLY WITH THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE

PROJECT:
LITTLE VINNY'S PIZZA
 TENANT IMPROVEMENT
 LOCATED AT
12768 LIMONITE AVE. # 101
EASTVALE CA. 92880

SHEET DESCRIPTION:
COVER
 SCALE: AS NOTED
 SHEET NUMBER:

C



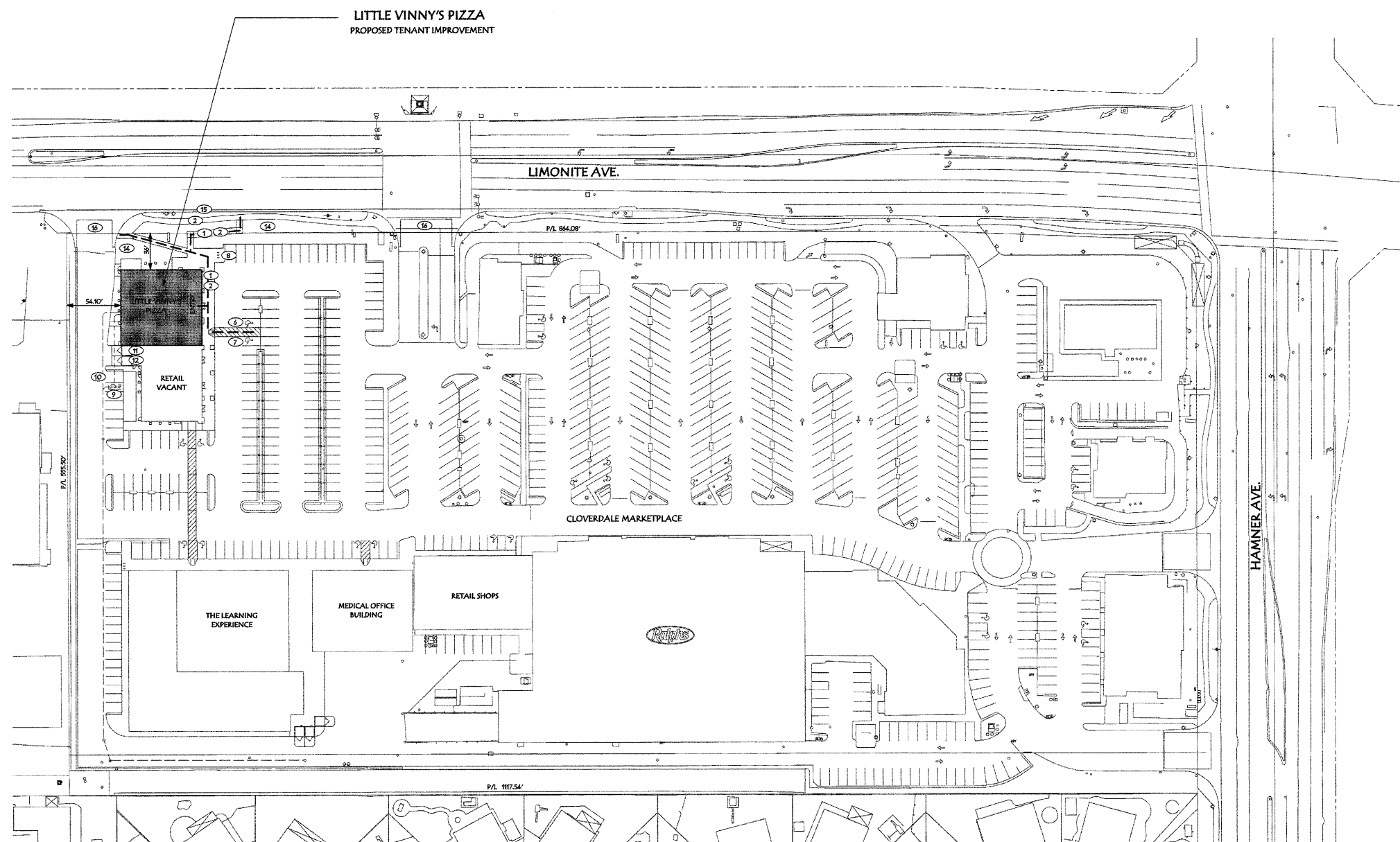
- NOTE
1. ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE CODES ORDINANCES AND REGULATIONS.
 2. GENERAL CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
 3. MICHAEL D. CARPENTER SHALL BE INFORMED IN WRITING OF ANY DISCREPANCY PRIOR TO CONSTRUCTION.

THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE, PETROLEUM BY PRODUCTS, SOIL PARTICULATE, CONSTRUCTION WASTE MATERIALS OR WASTE WATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED OR DISCHARGED IN TO THE STREET, GUTTER OR STORM DRAIN SYSTEM.

NOTE
THIS PROJECT SHALL COMPLY WITH THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE

1 SITE PLAN KEY NOTES

1. EXISTING ACCESSIBLE PATH OF TRAVEL
2. EXISTING CONCRETE SIDEWALK
3. EXISTING
4. EXISTING
5. EXISTING
6. EXISTING ACCESSIBLE PARKING SPACE, VAN ACCESSIBLE
7. EXISTING ACCESSIBLE PARKING SPACE
8. EXISTING BIKE RACK
9. EXISTING GREASE INTERCEPTOR
10. EXISTING 8" SEWER
11. EXISTING TRASH ENCLOSURE
12. EXISTING TRASH ENCLOSURE (RECYCLE)
13. EXISTING CURB RAMP, CONCRETE
14. EXISTING LANDSCAPING
15. EXISTING CONCRETE CURB AND GUTTER
16. EXISTING CONCRETE APPROACH



PROJECT:

LITTLE VINNY'S PIZZA

TENANT IMPROVEMENT

LOCATED AT

12768 LIMONITE AVE. # 101
EASTVALE CA. 92880

SHEET DESCRIPTION:

SITE PLAN

SCALE: 1" = 50'-0"

SHEET NUMBER:

C 1

FINISH NOTES:
 FLOOR FINISH:
 RES-CRETE H20
 PACIFIC POLYMERS INTERNATIONAL, 12271 MONARCH STREET
 GARDEN GROVE, CA 92841 (800) 888-8540 WEB WWW.PACPOLY.COM
 F.R.P.
 MARLITE, "P 106 BEIGE"
 CEILING TILE:
 STANDARD - ARMSTRONG CORTEGA ANGLED REGULAR CLASS "A" MODEL # 704
 SMOOTH WASHABLE - ARMSTRONG OPTIMA HEALTH ZONE, MODEL # S24 & S15
 COUNTERTOPS:
 KITCHEN - STAINLESS STEEL
 OTHERS - CORIAN, SOLID SURFACE, 1/2" THICKNESS, COLOR "ALLSPICE"
 EXTERIOR DUMPSTER:
 EXISTING C.M.U. TRASH ENCLOSURE, PATCH OR REPAIR EXISTING EPOXY COATING
 AT INTERIOR WALL AND FLOOR SURFACES AS NECESSARY TO MAINTAIN SMOOTH
 WASHABLE CONDITION.

MEANS OF EGRESS
 1. All exit doors shall comply with Section 1008-1008.1
 a. Clear width of each door opening shall be min. 32" per SECTION 1008.1, whichever is greater
 b. Min. door height of 6'-8"
 c. Shall be capable of opening 90 degrees.
 d. The maximum width of a swinging door leaf shall be 48" nominal.
 e. Exit door shall be side-hinged swinging type
 2. Thresholds at doorways shall not exceed 0.50" in height, 0.75" in height for sliding doors serving dwelling units. (1008.1.7)
 3. Floors or landings on each side of doors to have the same elevation. Landings shall BE level except for exterior landing (max. 2% slope) (1008.1.5)

EGRESS:
 1. Exit signs shall be internally or externally illuminated
 2. Exit signs illuminated by an external source shall have an intensity of not less than 5 foot-candles (54 lux).
 3. Internally illuminated signs shall be listed and labeled and shall be installed in accordance with the manufacturer's instructions and Section 1014.
 4. Exit signs shall be illuminated at all times.
 5. Exit signs shall be connected to an emergency power system that will provide an illumination of not less than 90 min. in case of primary power loss (101.2-101.5.3)
 6. Egress doors shall be readily operable from the egress side without the use of a key or special knowledge or effort. See 1008.1.9, See 1008.1.9.2 for exceptions.
 7. Door handles, lock and other operating devices shall be installed at a min. 34" and max. 48" above the finished floor.
 8. THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED
 9. All egress door operation shall also comply with Section 1008.1.9.1-1008.1.9.5
 10. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.
 11. The means of egress illumination level shall not be less than 1 foot-candle at the walking surface
 12. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas:
 a. Aislles and unenclosed egress stairways in rooms and spaces that require two or more means of egress
 b. Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.
 c. Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
 4. NOT USED
 e. Exterior landings, as required by Section 1008.1.5, for exit discharge doorways in buildings required to have two or more exits.
 15. The emergency power system shall provide for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with section 1014.
 14. Emergency lighting facilities shall be arranged to provide initial illumination that is at least an average of 1 foot-candle (11 lux) and a minimum at any point of 0.1 foot-candle (1 lux) measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 foot-candle (6 lux) average and a minimum at any point of 0.06 foot-candle (0.6 lux) at the end of the emergency lighting time duration. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded.

INTERIOR ENVIRONMENT
 1. Toilet room floors shall have a smooth, hard non-absorbent surface such as Portland cement, ceramic tile or other approved material that extends upward onto the walls at least 6" (152.4 mm)
 2. Walls within 2 feet (610 mm) of the front and sides of urinals and water closets shall have a smooth, hard non-absorbent surface of Portland cement, concrete, ceramic tile or other smooth, hard non-absorbent surface to a height of 4 feet (1219 mm), and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture. (9008.1.1)
 3. Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings in accordance with Section 1205.2 or shall be provided with artificial light that is adequate to provide an average illumination of 10 foot-candles over the area of the room at a height of 90 inches above the floor level. (1205.1 and 1205.3)

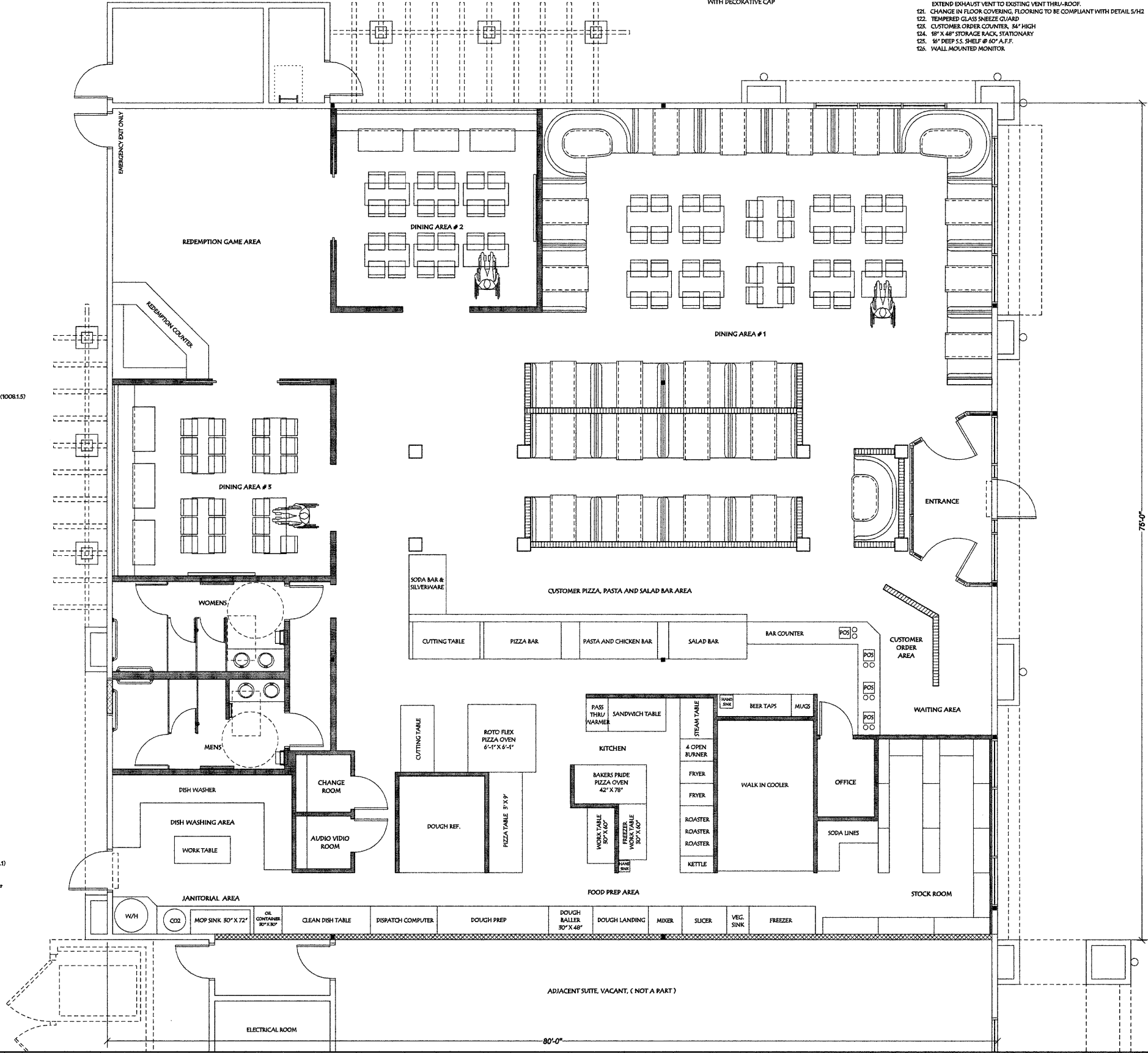
BUILDING ENVELOPE
 1. NOT USED.
 2. Each type of safety glazing installed in hazardous locations shall be identified by a manufacturer's designation specifying who applied the designation, the manufacturer or installer and the safety glazing standard. The following places shall be considered specific hazardous locations for the purpose of safety glazing. Glazing in: Section 2406
 a. Swing doors
 b. Fixed or operable panels adjacent to a door where the nearest exposed edge of the glazing is within 24 inches (610 mm) arc of either vertical edge of the door in a closed position and where the bottom exposed edge of the glazing is less than 60 inches (1525 mm) above the walking surface. Read code for exceptions.

WHEELCHAIR SEATING SPACE
 EACH WHEELCHAIR SEATING SPACE SHALL BE MINIMUM 30" IN WIDTH BY MINIMUM 48" IN LENGTH. UNDERTABLE & UNDERCOUNTER KNEE CLEARANCE SHALL BE PROVIDED AT EACH WHEELCHAIR SEATING SPACE AS FOLLOWS: MINIMUM 30" WIDE / MINIMUM 27" HIGH / MINIMUM 19" DEEP
 THE REQUIRED UNDERTABLE & UNDERCOUNTER CLEAR SPACE MUST BE FREE OF ANY OBSTRUCTIONS, SUCH AS TABLE LEGS, BASES, SUPPORTS OR HARDWARE.

SYMBOL NOTE
 ILLUMINATED EXIT SIGN
 ILLUMINATED EXIT SIGN WITH DIRECTIONAL ARROWS
 EXIT SIGN WITH (2) SPOT LIGHTS, BATTERY BACK UP.

WALL LEGEND
 EXISTING EXTERIOR WALL, PROTECT IN PLACE.
 EXISTING DEMISING WALL, PROTECT IN PLACE.
 NEW FRAMED WALL, FLOOR TO 1" ABOVE CEILING 3/8" 25 GA. STEEL STUDS AT 24" O.C. WITH 5/8" TYPE "X" DRYWALL BOTH FACES, SEE DETAIL 1 OF SHEET D1
 NEW FRAMED PONY WALL, 42" HIGH 3/8" 25 GA. STEEL STUDS AT 24" O.C. WITH 5/8" TYPE "X" DRYWALL BOTH FACES, SEE DETAIL 1 OF SHEET D1 WITH DECORATIVE CAP

FLOOR PLAN KEY NOTES
 101. PROVIDE NEW WALL MOUNTED SIGN PER DETAIL 1, SHEET H4.
 102. PROVIDE NEW GRAB BARS PER DETAIL 6, SHEET H4.
 103. 60" MINIMUM DUMPSTER CLEAR FLOOR SPACE REQUIRED FOR TURN AROUND.
 104. NEW LAVATORY
 109. NEW WATER CLOSET
 110. 34" HIGH COUNTER
 111. NEW TACTILE EXIT SIGN, SEE NOTE SHEET A 11
 112. BOOTH SEATING
 113. BENCH SEATING
 114. TABLE SEATING
 115. LAMINATE PARTITION
 116. MOP AND BROOM RACK
 117. CLEANING SUPPLY SHELF
 118. AIR CURTAIN
 119. EXISTING ELECTRIC SUB PANEL
 120. NEW WATER HEATER, INSTALL ON CONCRETE PLATFORM W/ DRAIN PAN EXTEND EXHAUST VENT TO EXISTING VENT THRU-ROOF.
 121. CHANGE IN FLOOR COVERING, FLOORING TO BE COMPLIANT WITH DETAIL 5/H2
 122. TEMPERED GLASS SNEEZE GUARD
 123. CUSTOMER ORDER COUNTER, 34" HIGH
 124. 18" X 48" STORAGE RACK, STATIONARY
 125. 34" DEEP S.S. SHELF @ 40" A.F.F.
 126. WALL MOUNTED MONITOR



DRAWINGS ISSUED FOR:

MICHAEL D. CARPENTER



BUILDING DESIGN SERVICES

8923 IRONWOOD STREET
 RANCHO CUCAMONGA, CA. 91750

(909) 724-9572

CARPENTERDESIGNS@AOL.COM

PROJECT:

LITTLE VINNY'S PIZZA
 TENANT IMPROVEMENT
 LOCATED AT
 12768 LIMONITE AVE. # 101
 EASTVALE CA. 92880

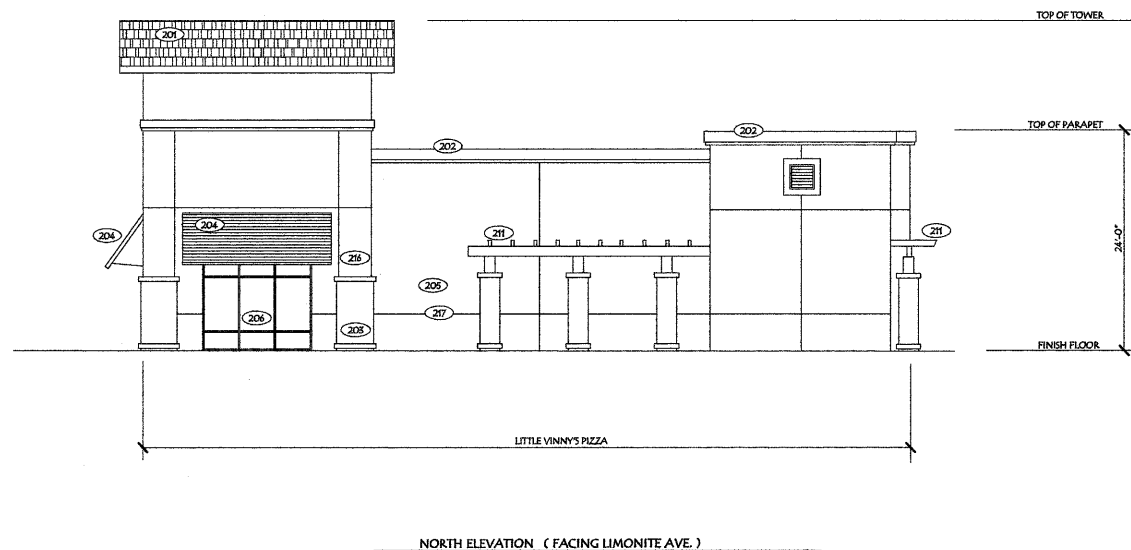
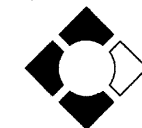
SHEET DESCRIPTION:

FLOOR PLAN

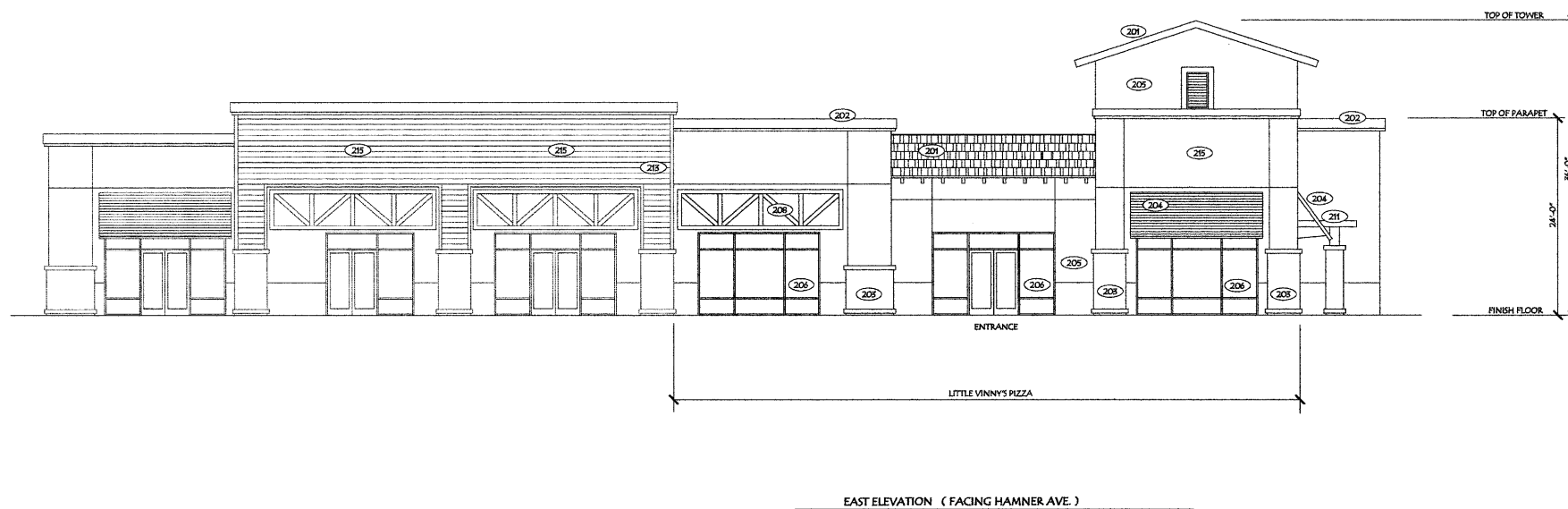
SCALE: 1/4" = 1'-0"

SHEET NUMBER:

A 1



- 200 EXTERIOR ELEVATION KEY NOTES**
- 201. CONCRETE ROOF TILE
 - 202. CORNICE
 - 203. STONE VENEER
 - 204. METAL LOUVER AWNING
 - 205. EXTERIOR WALL FINISH, CEMENT PLASTER, FINE SAND FLOAT TEXTURE
 - 206. STOREFRONT
 - 207. CANVAS AWNING
 - 208. DECORATIVE WOOD CROSS BRACING
 - 209. LIGHT FIXTURE
 - 210. CMU - PRECISION
 - 211. WOOD TRELLIS
 - 212. TINTED GLASS
 - 213. FIBER CEMENT BOARD
 - 214. ROOF OVERFLOW DRAIN
 - 215. FUTURE TENANT SIGNAGE
 - 216. STUCCO OVER FRAMED POP OUT COLUMN
 - 217. EXPANSION JOINT



NOTE: NO WORK IS PROPOSED FOR THE EXTERIOR OF THE BUILDING

PROJECT:
LITTLE VINNY'S PIZZA
 TENANT IMPROVEMENT
 LOCATED AT
 12768 LIMONITE AVE. # 101
 EASTVALE CA. 92880

SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"
 SHEET NUMBER:

7.2 TEMPORARY EVENTS



City of Eastvale

Planning Commission Meeting Agenda

Staff Report

MEETING DATE: AUGUST 21, 2013

TO: PLANNING COMMISSION

FROM: ERIC NORRIS, PLANNING DIRECTOR

SUBJECT: PROPOSED CHANGES TO REGULATIONS RELATED TO
TEMPORARY EVENTS

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed changes to the City's temporary event regulations and make a recommendation of approval to the City Council. The proposed regulations were reviewed by the City Attorney before being distributed to the Planning Commission.

BACKGROUND

The City has, since incorporation, regulated temporary events—generally, special events that take place for a short period (one to three days).¹ The purpose of the City's regulation is to ensure the safety of the public when attending these events; proposed plans for events are reviewed by City departments and outside agencies with a direct role in public safety issues:

- Eastvale Public Works—Reviews plans for traffic control and road closures²
- Eastvale Building & Safety—Reviews plans for temporary electrical power, structures, etc.
- Eastvale Police—Reviews plans for crowd control and public safety
- Riverside County Fire—Reviews plans (for structures and operations) to ensure compliance with fire codes
- Environmental Health—Reviews food handlers to make sure all necessary food safety standards are implemented

¹ Temporary *uses*, such as Christmas tree lots, are regulated by a different section of the Zoning Code and would not be affected by these proposed changes.

² Note: Block parties, which may require a road closure permit from Public Works, are exempt from the requirement for a temporary event.

All of these agencies may issue their own permits and often visit temporary events during their operation to ensure that conditions are complied with.

Planning has historically coordinated the review of temporary events by these agencies and has issued the temporary event permit to the event sponsor. Typically, Planning has not imposed conditions on temporary events.

The update to the Eastvale Zoning Code adopted in July 2012 made a number of changes to the temporary event regulations inherited from Riverside County. In general, these changes attempted to better reflect the types of temporary events that take place in Eastvale (compared to the unincorporated county areas for which the original regulations were created) and to establish a process for determining which events require a permit.

In practice, the updated regulations did not meet the City's needs. In response, the City Manager in late 2012 issued a temporary stay on the enforcement of the temporary event regulations; all temporary events in Eastvale since then (and for all of 2013) have operated *without* obtaining a temporary event permit, but *with* review by the agencies listed above.

In March 2013, the City Council established an ad hoc committee (Council members Rush and Welch) to meet with staff and develop improved regulations. The committee's discussions included:

- Confirming the City's desire to continue with a temporary event permit process;
- Defining which types of temporary events should and should not be required to obtain a permit; and
- Developing a process for the review and approval of temporary events that reduces the time and cost of the permit.

The proposed regulations discussed in this staff report reflect the work of the ad hoc committee and City staff.

DISCUSSION:

The table below contains the full text of the proposed changes to the temporary events section of the Zoning Code (Section 1.5.G). The full text of the current version of Section 1.5.G is included in the appendices to this report.

The most significant changes to the regulations include (in the order in which they appear in the proposed update):

- A new prohibition of events (Section 1.5.G.5) that involve temporary structures into which the general public is invited. This regulation would allow structures (such as holiday displays) that are intended to be *viewed* by the public, but would prohibit structures that are intended to be *entered*, such as haunted houses in a front yard. (A

haunted house or other use could be conducted inside a house or other permanent building.

- A simpler description of the process for the submittal of temporary event permit applications by the Planning Department (Section 1.5.G.6).
- A revised listing of exempt event types (Section 1.5.G.7). The most significant change in this section is the proposal to exempt events, which “...are consistent with the clearly intended use of the facility.”

This would exempt, for instance, non-school-sponsored theatrical or similar events in the theater at Eleanor Roosevelt High School or privately sponsored sporting events in the stadium at the high school. These events may still require review by other agencies (for instance, if food vendors were part of the sporting event, they would need approval from County Environmental Health), but they would not need a City-issued temporary event permit because these events are consistent with the intended use of the School.

Proposed Amendments to Section 1.5.G of the Eastvale Zoning Code, “Temporary Events”³	
Proposed Language	Notes
<p>1. Purpose. The purpose of this Section is to ensure that the sponsors of temporary events obtain all required permits and approvals from the City and other agencies to ensure the safety of the public attending the events.</p>	
<p>2. Temporary Event Permit and Compliance with All City and Outside Agency Permits Is Required. All temporary events shall obtain a temporary event permit from the City at least seven (7) calendar days before the event, and shall comply before, during, and after the event with all requirements, conditions, etc., which may be imposed by the City and/or outside agencies.</p> <p>City departments and other public agencies to be consulted include:</p> <ul style="list-style-type: none"> a. City of Eastvale Building & Safety Department b. City of Eastvale Public Works Department c. City of Eastvale City Manager’s Office d. Riverside County Fire Department e. City of Eastvale Police Department f. Riverside County Department of 	<p>This section emphasizes the need for temporary event sponsors to comply with all required approvals from the City and other agencies.</p>

³ The “proposed language” shown in this table would replace in its entirety the current Section 1.5.G of the Zoning Code.

**Proposed Amendments to
Section 1.5.G of the Eastvale Zoning Code, “Temporary Events”³**

Proposed Language	Notes
<p style="text-align: center;">Environmental Health</p> <p>Coordination with these agencies will be facilitated and verified by the City, as described in subsection 6, below.</p> <p><i>Note: A temporary use permit is required for some types of commercially oriented temporary activities that are not considered temporary events. Please see Section 5.11 of this Code.</i></p>	
<p>3. Application for a Temporary Event Permit. The temporary event sponsor shall submit an application for a temporary event permit to the City with sufficient information for review by the City and other agencies not less than forty-five (45) days prior to the start of the temporary event.</p>	<p>This section has been revised to reduce the application deadline from 60 days prior to 45 days prior.</p>
<p>4. Temporary Events Defined. Temporary events are generally one-time events of no more than three days in length (including annual or recurring events). Examples include fairs; carnivals; rodeos; shows; walking, running, and/or bicycling events and races; parades, and tent revival meetings.</p>	<p>Only minor changes from the existing Zoning Code, including defining temporary events as typically lasting up to three days.</p>
<p>5. Prohibited Temporary Events. Any temporary event that invites members of the public into or on a temporary structure on residential property by any person is prohibited. For the purposes of this Section, “temporary structure” is any enclosed or unenclosed structure requiring assembly of materials or parts and erected for a period not to exceed forty-five (45) consecutive days. This definition excludes tables, chairs, umbrellas, or inflatable objects.</p>	<p>This section is intended to protect the public and reduce impacts to neighborhoods by prohibiting the use of temporary structures as attractions for the public. This would not prohibit temporary structures (holiday displays, etc.), and it would not prohibit a homeowner or his/her guests from entering such a structure.</p>
<p>6. Verification of Compliance with City and Agency Requirements. Unless a temporary event is exempt as defined below, the Planning Department shall verify either that:</p> <ol style="list-style-type: none"> a. The event does not require a review or permit by the departments or agencies listed in subsection 2, above; or b. Any required permits from the departments and agencies listed in section 1.5.G.2 have been obtained. 	<p>This is a new section that defines the role of Planning in the review and issuance of temporary event permits.</p>

**Proposed Amendments to
Section 1.5.G of the Eastvale Zoning Code, “Temporary Events”³**

Proposed Language	Notes
<p>Once coordination has been verified by the Planning Department, a temporary event permit will be issued, and the temporary event may proceed.</p>	
<p>7. Exempt Temporary Events. The following are exempt from the requirements of this Section, unless they require approval or permits from any of the departments or agencies listed in subsection 2, above:</p> <ul style="list-style-type: none"> a. Temporary facilities to accommodate emergency public health and safety needs and activities. b. Noncommercial events conducted at private homes (weddings, parties, etc.), which do not involve the construction of temporary structures in the front yard. c. Yard or garage sales, or holiday displays. d. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas, do not involve the outdoor sale of goods and merchandise, and do not exceed two days in duration. e. Uses or events which are consistent with the clearly intended use of the facility (e.g., sporting events in a stadium or a play in a theater), as determined by the Planning Director. <p><i>Note: While exempt from the requirements of this Chapter, these temporary events must comply with all applicable City, County, and other requirements.</i></p>	<p>This section expands on the current Zoning Code by exempting events that are consistent with the intended use of a facility (e.g., a football game in a stadium).</p>
<p>8. Temporary Event Standards. Temporary events must comply with the following standards:</p> <ul style="list-style-type: none"> a. All parking spaces for patrons and guests shall be provided on-site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the City. 	<p>This section is essentially the same as the current Zoning Code.</p>

Proposed Amendments to Section 1.5.G of the Eastvale Zoning Code, “Temporary Events”³	
Proposed Language	Notes
<ul style="list-style-type: none"> b. Vehicular access to the event site shall not create traffic conflicts or congestion on city streets during the operation of the event. c. Noise created by the event shall not exceed the levels outlined in the City of Eastvale Noise Ordinance. d. The concentration or placement of persons, animals, structures, or vehicles shall not interfere with emergency access. 	
<p>9. Limitation. The City may limit the number of temporary events at a location.</p>	
<p>10. Bond and Insurance. Bonding or insurance may be required to be in place in advance of a temporary event, as follows:</p> <ul style="list-style-type: none"> a. The City may require a sponsor of a temporary event to post a bond or to otherwise financially secure that the event location is restored to its original condition and that the City is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The City shall determine the amount of the bond or other security, and the event sponsor shall post it with the permitting authority. b. The City may require that the sponsor of a temporary event show proof of liability insurance naming the City as an additional insured. 	<p>This section includes minor edits for clarity and adds a requirement that bonding or insurance be in place at least 30 days prior to the temporary event.</p>
<p>11. Enforcement. The City may require the immediate closure of any nonexempt event that is operating without a temporary event permit or is not in compliance with any requirements, conditions, etc., which have been imposed by the City or any agency.</p>	<p>This section has been edited for consistency with other proposed changes, but is generally the same as the current Zoning Code.</p>

The intent is to continue to have the temporary event permit process coordinated by the Planning Department, using the electronic project tracking system currently being implemented at City Hall.

RECOMMENDATION

As noted earlier in this report, the proposed changes are consistent with the ad hoc committee's recommendations. Staff recommends that the Planning Commission recommend adoption of the updated regulations by the City Council.

Planning Commission Options

The Planning Commission has several options for recommending to the City Council:

1. The Commission could recommend leaving the temporary event regulations in the Zoning Code unchanged.
2. The Commission could suggest additional changes to the City Council.
3. The Commission could determine that additional research and/or revisions are needed, and postpone making a recommendation to the City Council.⁴

FISCAL IMPACT

The proposed changes to the temporary event standards would not have a significant impact on the City's finances. Adding to the list of exempt events would result in savings to applicants whose events no longer require a City-issued temporary event permit.

ATTACHMENT

1. Current version of Section 1.5.G of the Eastvale Zoning Code

Prepared by: Eric Norris, Planning Director
Reviewed by: John Cavanaugh, City Attorney

⁴ In this case, the public hearing at the City Council scheduled for August 28 would be continued to a future date.

ATTACHMENT 1

**CURRENT SECTION 1.5.G
OF THE
EASTVALE ZONING CODE**

- f. The site shall not be located within 300 feet of any other large family day care home, measured property line to property line. Certain exceptions, in the form of legitimate barriers and buffers, such as a highway or arterial roadway, that would provide comparable separation, may be allowed as determined by the Planning Director.
- g. For sites located less than 300 feet from any other large family day care home, measured property line to property line, approval of a Conditional Use Permit by the Planning Commission is required.
- h. If the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
- i. Not more than fourteen (14) children, including children under age 10 who reside at the home, may be cared for at any large family day care home, and not more than one family day care home shall be located on any single parcel.
- j. An on-site identification sign may be permitted in accordance with the provisions of city sign requirements of this code or may be approved with the large family day care permit if submitted concurrently.
- k. If the applicant fails to obtain a valid state license as required under subsection 4.a, the permit may be subject to revocation in accordance with the provisions of this code.
- l. If the applicant fails to comply with any requirement of this section or, if the applicant ceases or suspends operation of the large family day care home for a continuous period of one (1) year or more, the permit may be subject to revocation in accordance with the provisions of this code.

G. Temporary Event and Permits

1. **Purpose.** The following provisions create a review and clearance process for the review of Temporary Events to ensure public safety.
2. **Temporary Events Defined.** Temporary events are typically one-time events of short duration (including annual or recurring events). Examples include fairs; carnivals; rodeos; shows; walking, running, and/or bicycling events and races; parades, and tent revival meetings.
3. **Temporary Event Permit Required.** Unless exempt as defined below, a Temporary Event Permit is required if any of the following apply:
 - a. The event will take place entirely or partially on a public road or right of way.
 - b. The event has the potential to exceed the capacity of onsite parking.
 - c. The event has the potential to affect the flow of traffic on a public roadway or to require special traffic controls to ensure the safe operation of public streets.
 - d. The event is not permitted by an underlying Conditional Use Permit or other approval, or is not part of the normal, day-to-day functions occurring at the site.
 - e. The event will exceed the normal capacity of the building or venue at which it will take place.
 - f. The event involves commercial activities and takes place on a residential or agricultural zoning district.
 - g. A fee or donation for admission is required.

Note: A Temporary Use Permit is required for some types of commercially oriented temporary activities which are not considered Temporary Events. Please see Section 5.11 of this Code.

4. **Process.** All non-exempt temporary events shall comply with the following process:
 - a. **Notice to the City for Initial Screening.** The City shall be notified of the proposed event at the first opportunity. This may occur in either of the following ways:
 - 1) For events held at venues owned or operated by a public agency, the public agency shall notify the City as soon as an application for use of the venue is received.
 - 2) For all other events, the sponsor of the event shall notify the City at the earliest possible opportunity, but at least 70 days prior to the event. Notice to the City may be in writing via letter, fax or email.
 - b. **Initial Screening.** The City will perform an initial screening to determine whether the event would require review and the issuance of a Temporary Event Permit.
 - c. **Routing.** If the City determines that an event requires a Temporary Event Permit, the Planning Department shall contact the event sponsor and request an application.
 - d. **Detailed Application Submittal.** A detailed application shall be submitted to the Planning Department a minimum of 60 days prior to the event. The 60-day requirement may be reduced or waived at the sole discretion of the Planning Director if it determined that adequate review by all necessary city departments and outside agencies can occur within the abbreviated time period.
 - e. **Routing.** Once a complete application has been received for a Temporary Event Permit, the Planning Department will route the application materials to the necessary departments and/or agencies for review.
 - f. **Permit Issuance.** The Planning Department will issue a Temporary Event Permit which includes any conditions of approval/requirements from the City, the County Fire Department, the County Environmental Health Department, or other agencies.
5. **Exempt Temporary Events.** The following are exempt from the requirements of this Chapter:
 - a. Temporary facilities to accommodate emergency public health and safety needs and activities.
 - b. Non-commercial events conducted at private homes (weddings, parties, etc.).
 - c. Block parties. Note: Block parties which involve closing or blocking streets may require an encroachment permit from the Public Works Department.
 - d. Yard or garage sales, holiday displays or other customary small scale residential activities.
 - e. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas. do not involve the outdoor sale of goods and merchandise, and do not exceed two days in duration.

Note: While exempt from the requirement to obtain a Temporary Use Permit, these uses must comply with all applicable City, County, and other requirements.

6. **Temporary Event Standards.** Temporary events must comply with the following standards:

- a. All parking spaces for patrons and guests shall be provided on-site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the City.
 - b. Vehicular access to the event site shall not create traffic conflicts or congestion on City streets during the operation of the event.
 - c. Noise created by the event shall not exceed the decibel levels outlined in the City of Eastvale Noise Ordinance.
 - d. The concentration of persons, animals or vehicles will not unduly interfere with emergency access.
7. **Limitation.** The City may limit the number of temporary events at a location.
8. **Requirements for Approval.** The Planning Director shall approve an application for an event permit if:
- a. The application limitation has not been exceeded.
 - b. The applicant has demonstrated that all of the requirements in 6. (Standards) have been addressed.
 - c. There is no pending code enforcement action on the property underlying the proposed event location.
 - d. An access and parking plan, if required, has been approved by the Public Works Director.
 - e. A security operations plan, if required, has been approved by the Police Department.
 - f. All required permits have been obtained from other agencies such as the Fire Department and the County Environmental Health Department.
9. **Time and Other Limitations.** Events shall not exceed two days in length. Conditions such as hours of operation, duration, size, etc or other conditions may be imposed to reduce impacts on adjacent areas.
10. **Bond and Insurance.**
- a. The City may require an applicant for a temporary event permit to post a bond or to otherwise financially secure that the event location is restored to its original condition and that the City is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The Planning Director shall determine the amount of the bond or other security and the applicant shall post it with the City Building and Safety Director.
 - b. All events which require a Temporary Event Permit shall obtain indemnity or liability insurance naming the City as an additional insured.
11. **Similar Uses.** When a temporary event is not specifically listed in this Section, the Director shall determine whether the proposed use is similar in nature to listed uses(s) according to Section 1.5.A (Planning Director Determinations).
12. **Revocation.** A Temporary Event Permit may be revoked pursuant to and in accordance with this Code.
13. **Enforcement.** The City may require the immediate closure of any non-exempt event which is operating without a Temporary Event Permit.