



Planning Commission Staff Report

To: Planning Commission
From: Dennis Watts, Senior Planner
Date: May 14, 2014
Subject: Conditional Use Permit 2013-250- To establish a beer and wine drinking establishment, including sales for off-site consumption, and provide an outdoor dining area located at 39400 Murrieta Hot Springs Road, Suite 123A

RECOMMENDATION

ADOPT the environmental determination and **ADOPT** the resolution approving Conditional Use Permit 2013-250 based on the Findings and subject to the Conditions of Approval in Exhibit A.

PROJECT DESCRIPTION

Application Type: Conditional Use Permit (CUP-2013-250)
Applicant: Brew Logis, LLC (Charles Almiron)
Property Owner: DKN Holdings, LTD Partnership
Project Size: 2,417 square foot unit
Project Location: 39400 Murrieta Hot Springs Road, Suite 123A (APN'S 913-160-066). Southeast corner of Murrieta Hot Springs Road and Margarita Road.
Project Site General Plan Designation and Zoning: Commercial (C) / Community Commercial (CC).
Adjacent Zoning and Land Use:
North: Murrieta Hot Springs Road and Multi Family-1 (MF-1) beyond, Existing Residences
South: Single Family-2 (SF-2), Existing Residences
East: Margarita Road and Community Commercial (CC) beyond, Existing commercial center
West: Single Family-2 (SF-2), Existing Residences

BACKGROUND

The project was presented at the April 9, 2014 Planning Commission hearing with staff introducing an amended recommendation. The amended recommendation was to recommend approval of the project but not accepting the waiver request for off-site sales based on concerns raised by the Police Department. The Police Department raised concerns regarding having a business model that offered beer and wine for consumption and also offered sales for off-site consumption at the same location. The Planning Commission continued the matter to allow the applicant and staff to discuss the potential concerns and solutions to address them.

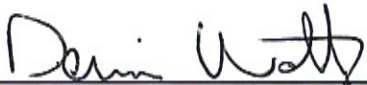

Staff, including the Police Department, met with the applicant to discuss ways to modify the business operation to address the city's concerns. As a result several conditions of approval (39, 40, 42,-45) were added modifying the applicant's business approach as follows:

- No off-site sales will be allowed within one (1) hour of closing (Condition No. 40).
- No sales of pre-packaged, multi-unit products greater than twelve (12) (Condition No. 43).
- Wine shall not be sold with an alcoholic content of greater than fifteen percent (15%) by volume except for "dinner wines" which have been aged two (2) years or more and maintained in packaged bottles (Condition No. 42).
- Surveillance cameras and equipment shall be installed to record all purchases and attempted purchases of alcoholic beverages in accordance with the specifications provided by the police department. The equipment shall be able to record a minimum of twenty-four (24) hours of operation. The facility operator shall maintain the recordings for the prior sixty (60) days and make the recording available to the police department within twenty-four (24) hours upon request. The recording shall be made available for use in evidence against persons who purchases or attempted to purchase alcoholic beverages as well as for use in court or any administrative proceeding (Condition No. 45).
- Off-site beer sales shall be limited to "craft beers" which may be generally categorized as a brewer that has an annual production of 6 million barrels of beer or less or as generally identified by the brewing industry (Condition No. 44).
- Draft products shall not be served greater than 16 fluid ounces (glassware may be larger to accommodate pour) (Condition No. 39).

Staff's concerns are addressed with the addition of these conditions, and recommend APPROVAL of the project as stated in the RECOMMENDATION section of the staff report.

NOTICING

The project was noticed in compliance with Section 16.76 of the Development Code. The City posted a sign on the property, mailed notices to all property owners within a 500-foot radius, and advertised in the newspaper a minimum of 10 days prior to the hearing.

<p>Prepared by:</p>  <hr/> <p>Dennis Watts Senior Planner</p>	<p>Recommendation approved by:</p>  <hr/> <p>Cynthia S. Kinser City Planner</p>
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Exhibits & Attachments

Resolution

Exhibit A - Conditions of Approval-Conditional Use Permit

Attachment 1 - Location Map(s)

Attachment 2 – April 9, 2014 Planning Commission Report

Attachment 3 – Statement of Operations

Attachment 4 - Public Comments/Correspondence after April 9, 2014

Attachment 5 – 11' x 17" size Project Plans

RESOLUTION

**PLANNING COMMISSION
RESOLUTION**

**RESOLUTION
5/14/14**

**PLANNING COMMISSION
RESOLUTION NO. PLANNING COMMISSION-2014-_____**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA ADOPTING THE ENVIRONMENTAL DETERMINATION AND APPROVING CONDITIONAL USE PERMIT 2013-250 BY BREW LOGIS, LLC TO OPERATE AN ON-SITE BEER AND WINE DRINKING ESTABLISHMENT (BACKYARD BOTTLE SHOP AND TAPROOM) AND SALES FOR OFF-SITE CONSUMPTION AND OUTDOOR SEATING/DINING AREA LOCATED AT 39400 MURRIETA HOT SPRINGS ROAD, SUITE 123A, MURRIETA.

WHEREAS, on December 31, 2013 an application for a Conditional Use Permit 2013-250 was filed by Charles Almiron on behalf of Brew Logis, LLC, (Applicant/Permittee) for the operation of a beer and wine drinking facility, sales for off-site consumption, and an outdoor seating/dining area (the "Project") as required by the Murrieta Municipal Code Section 16.52.040; and

WHEREAS, the Project site is located at 39400 Murrieta Hot Springs Road, Suite 123A (APN's 913-160-066); and

WHEREAS, a public hearing was duly noticed for the Planning Commission meeting of April 9, 2014, by mailing a notice to property owners within a 500 foot radius of the site by March 30, 2014, publishing the notice in The Californian newspaper on March 30, 2014, and posting the Project site by March 30, 2014; and

WHEREAS, the matter was continued to a date uncertain and a public hearing was duly noticed for the Planning Commission meeting of May 14, 2014, by mailing a notice to property owners within a 500 foot radius of the site by May 4, 2014, publishing the notice in The Californian newspaper on May 4, 2014, and posting the Project site by May 4, 2014; and

WHEREAS, the Project, as proposed is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 in that the project is consistent with the General Plan and zoning designation, the site is less than five acres, no endangered, rare or threatened species habitat are present on the site, the site is served by the required utilities and public services, and there is no significant effect on traffic, noise, air quality, or water quality,

NOW, THEREFORE, the Planning Commission of the City of Murrieta resolves as follows:

SECTION 1. Findings of Approval for Conditional Use Permit 2013-250 pursuant to Development Code Section 16.52.040

In accordance with Section 16.52.040 of the Murrieta Municipal Code, and based upon the facts and statements of public and city staff, and information of record provided on the public hearing

in this matter, the Planning Commission makes the following findings regarding Conditional Use Permit 2013-250:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and complies with all applicable provisions of the development code.

FACTS: The City of Murrieta Development Code (Section 16.44.030, Alcoholic Beverage Sales) allows for alcoholic drinking establishments (alcoholic beverages), off-site sales for consumption, and outdoor seating/dining areas in the Community Commercial zone subject to issuance of a Conditional Use Permit. The Project, as described in the staff report, is a compatible use to the surrounding businesses within the area. The Project complies with all applicable requirements identified in the Development Code.

2. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plans and all applicable provisions of the Murrieta Development Code.

FACTS: General Plan Goal LU-1 looks to provide a complementary balance of land uses throughout the community that meets the needs of existing residents and businesses as well as anticipated growth, and achieves the community's vision. The project is consistent with Objective LU-1.5 seeking to encourage a wide variety of retail and commercial services in appropriate locations. The project implements Goal LU-3, which is to provide stable, well maintained residential neighborhoods in Murrieta.

Objective LU-3.2 calls to protect residential areas from the effect of potentially incompatible uses where new commercial development is allowed adjacent to residentially zoned areas. The project is conditioned to meet the City's noise standards and the existing building provides large building setbacks from the residential property lines in conjunction with a 15 foot landscape area between the residential property lines. The use is conditioned to comply with the Alcohol Beverage sales requirements established in Section 16.44.030.

The project is not located within any applicable Specific Plan.

3. The site is physically suitable for the type or density of development proposed.

FACTS: The Project site is physically suitable for the use because the proposed Project will meet the standard requirements of the Development Code and specific conditions have been included in the Conditions of Approval to ensure the Project maintains compliance with the Development Code. Pedestrian access within the walk areas of the center is maintained with the creation of the outdoor seating/dining area.

4. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.

FACTS: The Project is Categorically Exempt from environmental review per California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). This determination is based on the findings that the proposed establishment will be located within an existing structure. The use is a conditionally permitted land use by the City's Zoning Ordinance. There is no evidence in the record that the project involves unusual circumstances or cumulative impact requiring further environmental review.

5. There are adequate provisions for sanitation, water and public utilities and services to ensure public convenience, health, safety and general welfare.

FACTS: The proposed use will be located in an existing building with public utilities to ensure the safe delivery of water, electricity, gas, and the improvements for the removal of water drainage and sewage. These facilities are available through connections from the existing public street. Additionally, the Project site is located in an urbanized area that has previously been developed with public services (Fire and Police facilities), which were designed with the capacity to serve the site. The waiver of standards 16.44.030.D and 16.44.030.E.1 related to sales of alcohol at an on-site establishment would not affect the health, safety, and general welfare. The use is required to obtain a Type 42 license with the State Department of Alcohol Beverage Control and comply with the conditions of approval established in this Conditional Use Permit.

6. The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare, or materially injurious to properties and improvements in the vicinity of the subject property.

FACTS: The establishment of the facility was reviewed, conditioned, and determined to be found that the use would not create any significant impacts to noise, traffic, nor would it have an adverse impact to the public health, safety and welfare or properties and improvement in the vicinity. The project site has all of the provisions in place and/or accessible to the site and the existing street network is of sufficient size to accommodate the anticipated traffic that will be generated from the project.

SECTION 2. Pursuant to the above findings, the Planning Commission of the City of Murrieta finds the project to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and approves Conditional Use Permit 2013-250, subject to the conditions of approval in attached Exhibit A incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF MAY, 2014

Planning Commission Chairperson

ATTEST:

Cynthia S. Kinser, City Planner

I, Cynthia S. Kinser, City Planner, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the _____ day of _____, 2014 by the following roll call vote:

MOTION MADE BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

AYES: _____

NOES: _____

ABSENT: _____

ABSTAINED: _____

Cynthia S. Kinser, City Planner

EXHIBIT A

**EXHIBIT A
CONDITIONS OF APPROVAL**

**EXHIBIT A
5/14/14**

**DRAFT CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 2013-250
MAY 14, 2014**

PLANNING DEPARTMENT

The project, Conditional Use Permit 2013-250, approval is for an establishment offering alcoholic beverages for on-site consumption, sales for off-site consumption ("off-site sales"), on-site appetizer food items, and sales of associated accessories located at 39400 Murrieta Hot Springs Road, Suite 123A (APN #913-160-066), subject to the issuance of a Type 42 license through the California Department of Alcoholic Beverage Control. The project also consists of a request to establish a 220 square foot outdoor dining/seating area capable of providing 12 seats ("Project").

General

1. Sale of beer and wine for off-site consumption approved under this Conditional Use Permit shall be in compliance with all operational standards, and use descriptions as referenced in the May 14, 2014 Planning Commission Staff Report for this Project ("Report") and the Operations Statement dated December 30, 2013, as described in Attachment 3 to the Report, and any verbal agreements or representations made to the decision making body as part of its consideration of the Project.
2. The Permittee/Owner shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Murrieta, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning this approval for Conditional Use Permit 2013-250. The City will promptly notify the permittee/owner of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
3. This permit shall be effective on the eleventh (11th) day ("Effective Date") after the date of the decision by the Planning Commission, unless appealed to the City Council.
4. Any fees due the City of Murrieta for processing this project shall be paid to the City within thirty (30) calendar days of the Effective Date. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
5. Pursuant to Section 711.4 of the State of California Fish and Game Code, the Permittee/Owner is required to make payment of a \$50.00 filing fee for a Notice of Exemption. Said fees shall be paid to the Clerk/Recorder of the County of Riverside at the time the Notice of Exemption is filed pursuant to Section 21152 of the State Public Resources Code. If this fee is not paid, the approval of this project shall not be operative, vested, or final. In order to comply with State mandated time lines for filing of a Notice of Exemption, the above fee must be delivered to the Planning Department within two (2) working days after the Effective date.
6. The use of these premises shall comply with the standards of the Murrieta Development Code ("MDC") and all other applicable State and Federal codes.

7. Any proposed remodel to the premises shall be in substantial conformance with the approved plans, dated December 30, 2013. Any proposed change substantially different than the approved plans shall require an amendment to this approval in accordance with the MDC. The permit shall run with the land and be binding on all successors in interest to the Property.
8. Subsequent modifications of this approval, which do not intensify the use, including alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the City Planner, unless the City Planner requires a Substantial Conformance or Revised Permit application in accordance with the MDC.
9. Any entertainment shall be limited to live acoustic-style music within (not outside) the facility only.
10. The hours open to the public shall be:

Sunday – Thursday	11:00am to 10:00pm
Friday – Saturday	11:00am to 11:00pm
11. A restaurant use at this location is not approved with this Conditional Use Permit.
12. This approval (use) shall be used within two (2) years of approval date, otherwise it shall become null and void and of no effect whatsoever in accordance with MDC Section 16.52.060 B.
13. Prior to the expiration of the approval, the Permittee/Owner may request an extension of time in which to use this approval in accordance with the MDC Section 16.80.060.
14. In the event the use hereby permitted ceases operation for a period of 180 days or more, this approval shall become null and void pursuant to MDC Section 16.52.060.
15. The project site shall be the point-of-sale for the purpose of collecting any sales tax on goods that are sold, delivered or rented on the site.
16. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.
17. No signs are approved are approved as part of this project approval. Prior to installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 16.38 of the City's Development Code.
18. The Permittee/Owner shall comply with all applicable provisions of federal, state and local ordinances in effect at the time of building permit issuance.
19. In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit, b) is found to have been obtained by fraud or perjured testimony, or c) is found to be detrimental to the public health, safety or general

welfare, or is a public nuisance, this permit shall be subject to the revocation procedures in MDC Chapter 16.82.

20. No architectural changes to the exterior of the building are permitted under this Conditional Use Permit.

Alcohol Beverage Sales

21. Within 48 hours of any graffiti being painted or marked upon the premises or on any adjacent area under the control of the Permittee/Owner, the Permittee/Owner shall report the graffiti to the Murrieta Police Department and remove or paint over the graffiti.
22. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages, except for business name.
23. There shall be no interior displays of alcoholic beverages or signs which are clearly visible to the exterior. No more than 25% of the square footage of each of the windows and clear doors of an off-sale premises facility shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.
24. The Permittee/Owner shall provide nighttime lighting of the building exterior. The lighting shall be of sufficient illumination so as to enable law enforcement personnel to identify a person.
25. The Permittee/Owner shall remove litter from the premises, public sidewalks and parking lots daily, and shall keep the areas swept weekly to prevent debris build-up. Trash cans shall be added and "No Littering" signs shall be posted on the premises.
26. The sale of alcoholic beverages for on-site consumption shall be permitted only between the hours of operation as indicated in Condition of Approval # 10.
27. The requirements of Murrieta Municipal Code Chapter 5.23 regarding smoking shall be complied with at all times.
28. Prior to submittal to Alcoholic Beverage Control (ABC) of any ABC Zoning Affidavit, the applicant shall submit to the City a signed letter addressed to the ABC stipulating to include the required City of Murrieta conditions in the ABC license.
29. Loitering is prohibited on or around the premises. "No Loitering" signs (size and location to be determined by the City) are required.
30. In compliance with ABC regulations, no person under the age of 21 shall be employed as a bartender or cocktail server. No person under the age of 18 shall serve alcohol within an eating place only if such service is (an) incidental part of overall duties. Within retail stores, employees ages 17 and younger may sell alcohol only if directly supervised by someone at least 21; otherwise no person under the age of 18 may sell alcoholic beverages.

31. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises.
32. Sale of alcoholic beverages for off-site consumption shall be limited to the beer and wine products, in accordance with the ABC License, that is offered for on-site consumption.
33. The Permittee/Owner and management of shall provide ABC approved and/or certified training for all employees who sell or serve alcoholic beverages at the first available opportunity or no later than 30 days from the employee's date of employment.
34. The Permittee/Owner shall at all times maintain records which reflect separately the gross sale of alcoholic beverages and the gross sales of all other products of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department within five (5) business days following notice.

Drinking Establishments -

35. The sale of alcohol shall be subject to Type 42 license requirements as issued by the California Department of Alcoholic Beverage Control (ABC), unless modified herein.
36. No reduced price or no cost alcoholic beverage tasting promotion shall be allowed after 8:00p.m. each day.
37. There shall not be a requirement to purchase a minimum number of drinks in lieu of a cover charge or admission fee.
38. This use must at all times comply with the Noise Section (16.30) of the City of Murrieta's Development Code. All sound resulting from the business and/or live entertainment activities shall be substantially contained within the building in compliance with city noise regulations.
39. Draft products shall not be served greater than 16 fluid ounces (glassware may be larger to accommodate pour).

Off-site Sales Operations

40. No off-site sales within one (1) hour of closing.
41. No display of beer and/or wine shall be located within ten (10) feet of the primary building entrance, unless the display is not physically accessible to customers by a , minimum barrier of three to four feet in height between the front door and bottle/merchandise area.
42. Wine shall not be sold with an alcoholic content of greater than fifteen percent (15%) by volume except for "dinner wines" which have been aged two (2) years or more and maintained in packaged bottles.
43. No sales of pre-packaged, multi-unit products greater than twelve (12).
44. Off-site beer sales shall be limited to "craft beers" which may be generally categorized as a brewer that has an annual production of 6 million barrels of beer or less or as

generally identified by the brewing industry.

45. Surveillance cameras and equipment shall be installed to record all purchases and attempted purchases of alcoholic beverages in accordance with the specifications provided by the police department. The equipment shall be able to record a minimum of twenty-four (24) hours of operation. The facility operator shall maintain the recordings for the prior sixty (60) days and make the recording available to the police department within twenty-four (24) hours upon request. The recording shall be made available for use in evidence against persons who purchases or attempted to purchase alcoholic beverages as well as for use in court or any administrative proceeding.

Outdoor Seating/Dining

46. Revise the floor plan layout of the outdoor dining area to reflect the required five (5) foot setback between the parking lot and the outdoor dining area.
47. The outdoor seating area barrier shall be a minimum three (3) feet high and meet the requirements of the City's Outdoor Dining and Seating Design Guidelines.
48. Prior to constructing the outdoor seating/dining area, the applicant shall obtain a building permit. The plans shall include details of all exterior elements within the outdoor seating area, including pictures and/or brochures of all proposed exterior elements for review and approval. All physical elements (furniture, umbrellas, etc.) associated with the outdoor dining area must be compatible with the overall design and theme of the shopping center.
49. The permittee shall comply with the standards established by the State Department of Alcoholic Beverage Control and the City's Development Code section 16.44.120 regarding alcohol sales and any restriction of alcohol being served and or consumed in the outdoor dining area without providing an approved perimeter barrier for the outdoor dining area.
50. No advertising, symbols or lettering is allowed on umbrellas displayed in the outdoor dining area. No advertising or business identification signs shall be part of an outdoor dining area.
51. The outdoor eating area shall follow all standards of the Community Commercial (CC) zone, and standards located in section 16.44.120, and all other applicable standards within the City's of Murrieta's Development Code.
52. Waste receptacles shall be provided in outside seating areas.
53. Maintenance of all outdoor dining areas shall be kept in good condition both aesthetically and structurally.
54. In compliance with Murrieta Municipal Code Section 5.23-Smoking Pollution Control, the applicant shall install an exterior sign indicating "No Smoking".

Prior to Building Final:

55. Provide a revised "enlarged patio area" plan to the Planning Department which reflects the layout with the five foot setback, exterior furniture, and waste receptacles.
56. The permittee/owner shall contact the Planning Department a minimum of 72-hours (to allow for scheduling) prior to any final inspection for this project.

BUILDING AND SAFETY DEPARTMENT

57. All tenant improvement work shall comply with the current California Building Codes (CBC), and related Codes and Ordinances of the City of Murrieta.
58. Four (4) sets of plans shall be submitted for a building permit, and shall include building data, building use/occupancy, construction type, building square foot area, building setbacks; Suite leased square foot area and related building means of egress and ensuing egress discharge to the public right-of-way with applicable fees for plan review and permitting of the proposed work.
59. Alteration improvements, egress components etc. shall be clearly indicated on the plan submittal and will need to be clearly and concisely described and represented on the plans.
60. Separate permits shall be obtained from the City of Murrieta Building & Safety Department for wall signs. Electrical and lighting controls shall comply with the current California Electrical and California State Energy Codes.
61. Maintain a minimum 48" inch wide exterior route of travel at all building frontages; with a minimum 36" inch width for navigating around/through obstructions, e.g. columns, chairs etc.
62. Egress paths from the building exit door(s) shall be maintained from the building and through the outside dining area. Gates shall not have locking or latching devices except for panic hardware (push pad).

Prior To Building Final:

63. Final permit approvals shall be obtained, and any outstanding fees shall be paid to all City Departments/Divisions which may include Fire, Planning, Engineering, Building & Safety, and the City Landscape Architect, prior to a tenant occupancy of a building permitted as a "shell only" building, a building shell "Notice of Inspection Completion", and the issuance of a Certificate of Occupancy from the City of Murrieta Building & Safety Division

FIRE DEPARTMENT:

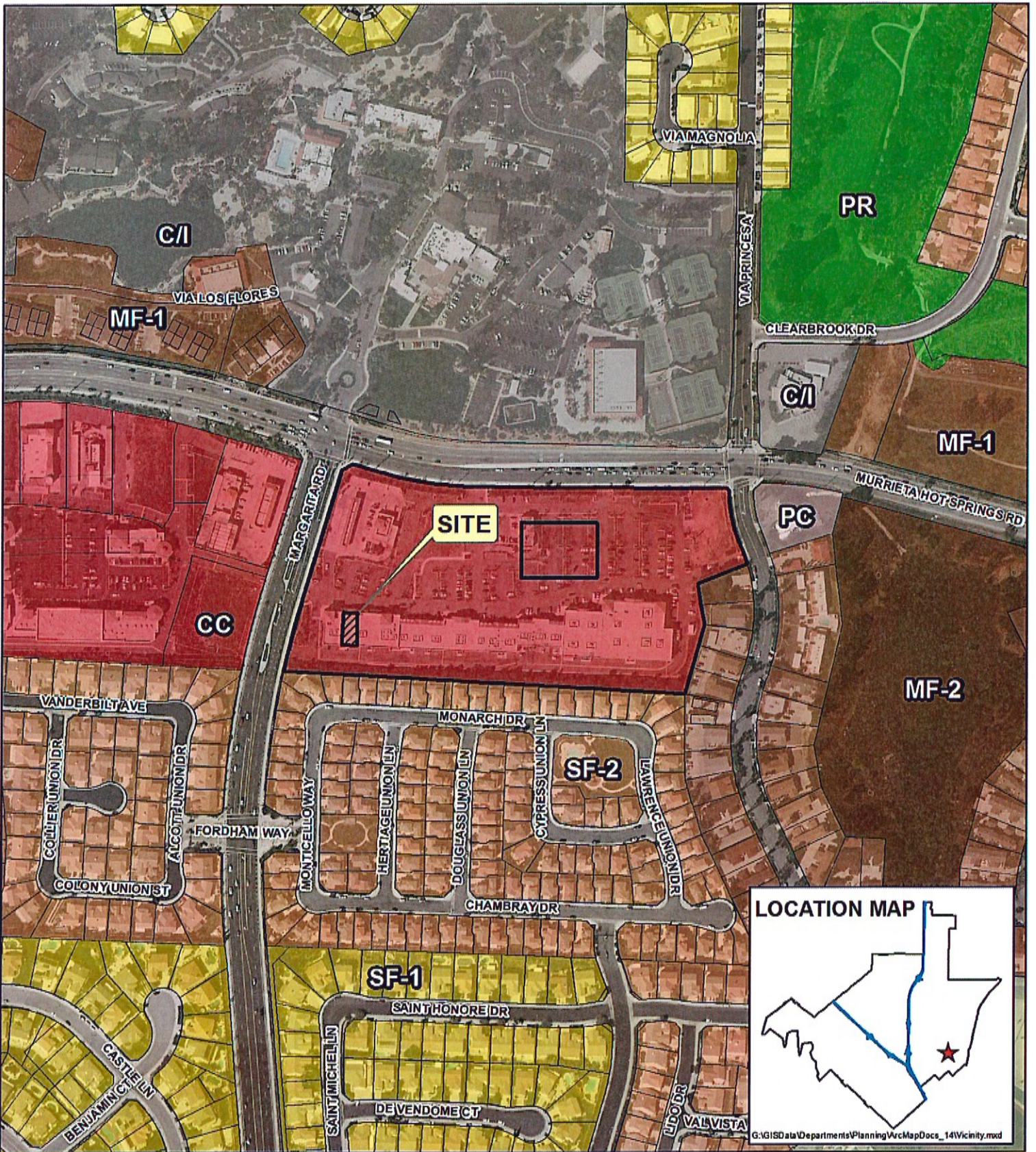
64. Fire sprinklers may need to be relocated to provide adequate coverage when improvements are installed. Engineered drawings must be submitted to the Fire Department for approval prior to any system modification.

65. Portable Multi-purpose fire extinguishers with a minimum rating of 2A-10BC must be installed so that the top of the fire extinguisher is not more than 5' ft above and not less than 3'ft from the bottom of the extinguisher to the floor. (2010 CFC 906.9) Contact a certified extinguisher company for proper placement of equipment.
66. Installation & monitoring to comply with NFPA 72 and all other applicable requirements and shall be determined prior to approval of Certificate of Occupancy or Tenant Improvement.
67. All interior decorative materials must be flame resistive. Prior to release of occupancy, the Permittee must submit manufactures State Fire Marshal's listings of all materials being used. Cloth and other flammables must display a label of the State Fire Marshal's seal of approval.

END OF CONDITIONS

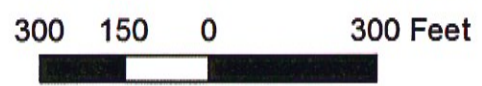
ATTACHMENT 1

SITE LOCATION AND ZONING MAPS



**Conditional Use Permit 2013-250
(CUP-2013-250)**

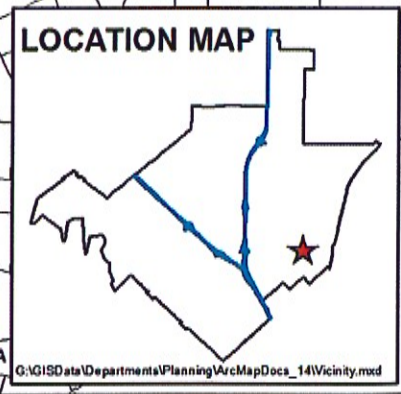
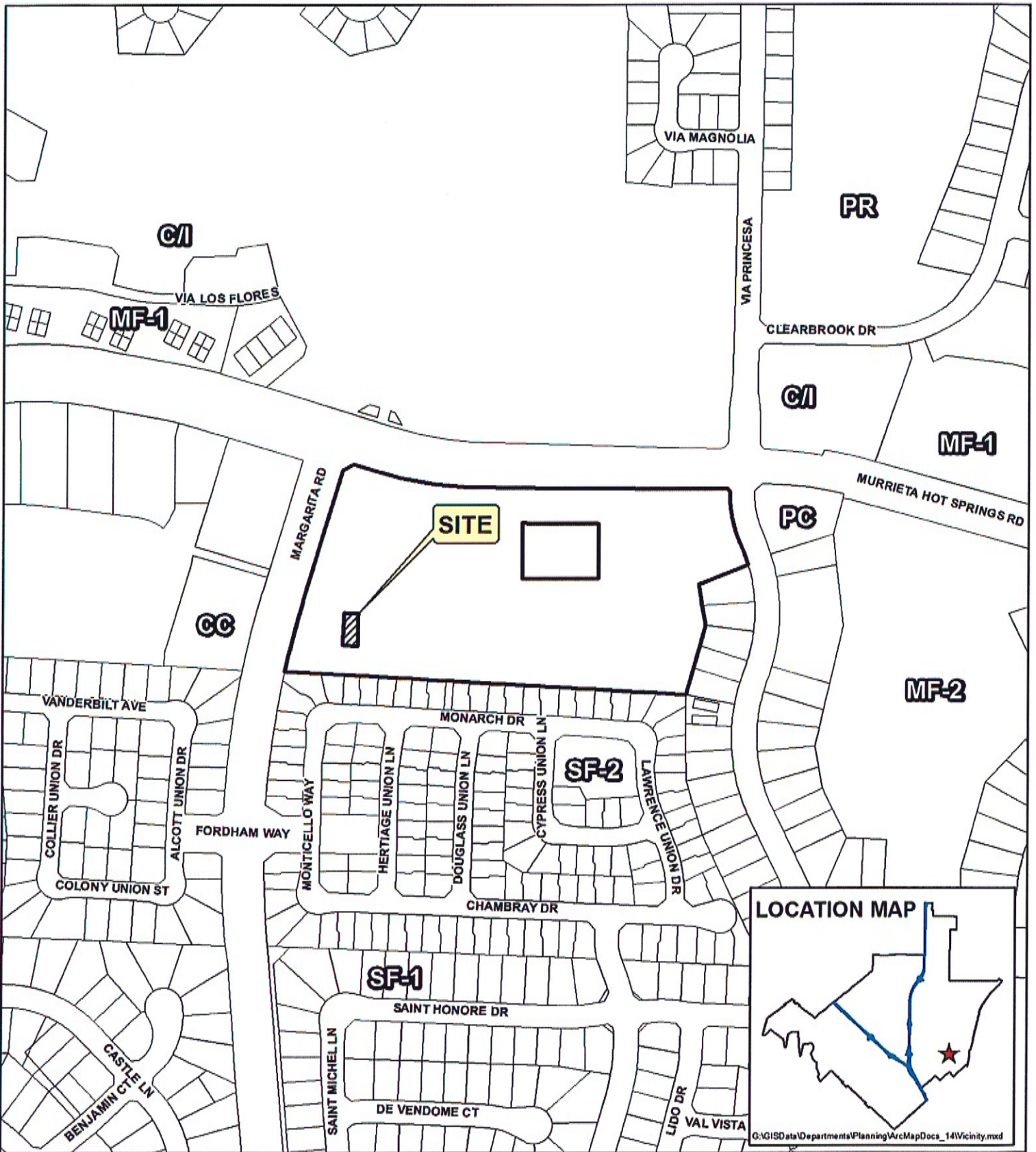
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VICINITY MAP

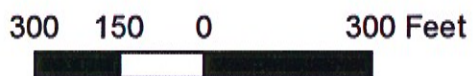
APN: 913-160-066

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Conditional Use Permit 2013-250 (CUP-2013-250)

02/20/2014



VICINITY MAP

APN: 913-160-066

ATTACHMENT 2

**PLANNING COMMISSION STAFF REPORT
OF
APRIL 9, 2014**



~~PH-1~~

Planning Commission Staff Report

To: Planning Commission
From: Dennis Watts, Senior Planner
Date: April 9, 2014
Subject: Conditional Use Permit 2013-250- To establish a beer and wine drinking establishment, including sales for off-site consumption, and provide an outdoor dining area located at 39400 Murrieta Hot Springs Road, Suite 123A

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Adjacent Zoning and Land Use:
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South: Single Family-2 (SF-2), Existing Residences
East: Margarita Road and Community Commercial (CC) beyond, Existing commercial center
West: Single Family-2 (SF-2), Existing Residences

The proposed project entails a request for a Conditional Use Permit to establish and operate a beer and wine drinking establishment (Backyard Bottle Shop and Taproom) within a 2,417 square foot leased area that also includes sales for off-site consumption, on-site appetizer food items, and sales of associated accessories as described in their Statement of Operations (Exhibit B). The establishment is pursuing a Type 42-license issued by the State Department of Alcoholic Beverage Control (ABC) and shall be subject to all applicable requirements provided with the license. The business proposes to feature a rotating selection of up to 30 draft beer and cask conditioned ales, and a selection of small-batch high quality wines from the surrounding regions.

Fresh seasonal menu of appetizers, such as hummus and pita, gourmet chesses will also be offered. The hours of operation will be Sunday through Thursday from 11 a.m. to 10 p.m., and

Friday through Saturday 11 a.m. to 11 p.m. and will typically have two to six staff per shift. The Conditional Use Permit also includes a request to provide an outdoor patio area along the storefront that will have two tables seating up to 12 persons. A more detail description of the business operation is included in Exhibit B.

ANALYSIS

Zoning / General Plan Consistency:

The proposed use is consistent with the General Plan Commercial designation and its Goals and Policies.

1. General Plan Goal LU-1 looks to provide a complementary balance of land uses throughout the community that meets the needs of existing residents and businesses as well as anticipated growth, and achieves the community's vision.
 - The project is consistent with Objective LU-1.5 seeking to encourage a wide variety of retail and commercial services in appropriate locations.
2. The project is consistent with Goal LU-3, which is to provide stable, well maintained residential neighborhoods in Murrieta.
 - Objective LU-3.2 calls to protect residential areas from the effect of potentially incompatible uses where new commercial development is allowed adjacent to residentially zoned areas. The project is conditioned to meet the City's noise standards and the existing building provides large building setbacks from the residential property lines in conjunction with a 15 foot landscape area between the residential property lines. The use is conditioned to comply with the Alcohol Beverage sales requirements established in Section 16.44.030 and this CUP.

The proposed use is conditionally permitted within the Community Commercial zone and meets the Development Standards established in the City's Development Code Section 16.44.030 related to alcohol beverage sales and Section 16.44.120.C related to Outdoor Dining and Seating Areas. The Development Code allows for waivers/exceptions to the standards, subject to approval of a Conditional Use Permit. In this case, the applicant is seeking a waiver from the requirement that prohibits alcohol sales for off-site consumption at an on-site alcohol sales establishment.

The establishment has demonstrated that it will not cause any impacts to the surrounding neighborhood for the following reasons.

1. The business is similar in nature to the operation of a restaurant with regard to hours of operation, as noted in the project description, to operate from 11 a.m. to 10 p.m. on Sunday through Thursday and 11 a.m. to 11 p.m. on Friday and Saturday.
2. No exterior music is permitted in the outdoor area.
3. The use is required to obtain a Type 42 license with the California State Department of Alcohol Beverage Control which allows sales of beer and wine only for on and off-site consumption.

Alcoholic Beverage Sales

According to the Development Code (Section 16.44.030), a beer and wine drinking establishment (bar/tavern) that is consistent with the City's Development Code (MDC) requirements, as they apply to alcoholic beverage sales, requires a Minor Conditional Use Permit. If the use will not meet a standard requirement, an exception/waiver of the requirement may be requested through a Conditional Use Permit. The applicant is requesting to offer sales for off-site consumption of beer and wine at a location that sells beer and wine for on-site consumption; therefore, the applicant is seeking a waiver/exception from the requirement that prohibits sales of beer and wine for off-site consumption (Development Code Section 16.44.030.D.12 and E.1.a). The project is conditioned to comply with the applicable requirements of section 16.44.030 – Alcohol Sales and specifically section 16.44.030.D and 16.44.030.E.1 specific conditions of approval for drinking establishments. The applicable conditions are listed in the Conditions of Approval from #21 through #39.

As a result of the request, staff incorporated two additional conditions of approval that prohibits the sale of liquor and prohibits the display of beer and/or wine within ten (10) feet of the primary building entrance, unless the display is not physically accessible to customers (Condition of Approval #35 and 40). In reviewing other potential conditions that may be placed on establishments that offer beer and wine sales for off-site consumption, several of the available standards were not applied for this use as they conflict with the business concept. For example, the Development Code has standard conditions of approval which are related to prohibiting single sales of beer and wine coolers for convenience stores and mini-marts. In this case, single sales of beer would not be unordinary due to the types of beer offered.

The Police Department has reviewed a historical log of calls for service in the area and determined that there is no history or data that would imply a preexisting problem in the area related to alcohol and the proposed use would not negatively impact the adjacent uses or neighborhoods.

Outdoor Seating/Dining Area: The outdoor seating/dining area is located in a manner that does not obstruct pedestrian circulation within the center. The request to provide outdoor seating is conditioned to comply with Development Code Section 16.44.120.C. which requires items, such as providing waste receptacles, exterior barriers, and furniture consistent with center and use.

Parking: The proposed use is consistent with the uses allowed within a commercial center and will not conflict with the requirements identified in the Development Code Section 16.34.040 related to parking standards.

Comments: The Applicant/Permittee as a "good neighbor" conducted a neighborhood meeting, inviting surrounding residents and business owners to meet at the business location on January 25, 2014 from 11 am to 1 pm to learn about the proposed business (See Attachment 2). Besides the applicant, family, and friends, no one from the surrounding neighborhood attended the meeting.

Prior to the final preparation of the staff report, the City did receive a comment from a resident and is provided in Attachment 3. The resident has raised concerns regarding loitering and activities located at the rear of the center between the buildings and the homes. Concerns regarding noise related to the proposed use were also raised.

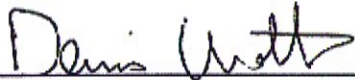

ENVIRONMENTAL DETERMINATION

The project is exempt under CEQA Guidelines Section 15301 – Existing Facility, based on the following findings:

The application is for permitting of activity at an existing facility consistent with the CEQA Class 1 categorical exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structure. There will be no exterior expansion of the facility. There are no unusual circumstances or cumulative impacts requiring further review.

NOTICING

The project was noticed in compliance with Section 16.76 of the Development Code. The City posted a sign on the property, mailed notices to all property owners within a 500-foot radius, and advertised in the newspaper a minimum of 10 days prior to the hearing.

Prepared by:  Dennis Watts Senior Planner	Recommendation approved by:  Cynthia S. Kinser City Planner
---	--

Exhibits & Attachments

- ~~Resolution~~
- ~~Exhibit A – Conditions of Approval Conditional Use Permit~~
- ~~Exhibit B – Statement of Operations~~
- ~~Attachment 1 – Location Map(s)~~
- Attachment 2 – Notice/Invite to Residents January 25, 2014
- Attachment 3 – Public Comments/Correspondence
- ~~Attachment 4 – Full Size Project Plans~~

ATTACHMENT 2

**NOTICE/INVITE TO RESIDENTS
COMMUNITY MEETING**

**ATTACHMENT 2
4/9/14**

The Backyard Bottle Shop and Taproom Executive Summary

Hello Resident,

We would like to take this opportunity to introduce ourselves and our proposed business to the neighboring community.

This business will offer guests a comfortable atmosphere where they can enjoy a wide selection of craft beer and wine. We will feature a rotating selection of up to 30 draft beers and cask-conditioned ales (which are dispensed from authentic beer pumps), including varieties from our booming, local breweries. Additionally, we will also feature a selection of small-batch, high-quality wines from Wine Country and surrounding regions. Our stock of over 100 bottled varieties of craft beer and bottled wine will ensure everyone will find something for home.

Our location will feature a semi-private room that can be used for business meetings, private parties and special events (such as a food and beer/wine pairing and rare beer tastings). The atmosphere will be welcoming and comfortable. Warm lighting, hardwood floors, wood-topped bar, rustic furniture, music, and a dog-friendly patio will present a welcoming atmosphere for locals. Indoor bicycle parking is proposed for neighborhood cyclists.

A fresh, seasonal menu of small bites and appetizers, such as hummus and pita, gourmet cheeses, and pretzels will be prepared and served. Local merchants, vendors, and caterers will provide daily food service and special events.

In addition to our retail business, we will operate a craft beer catering service for off-site private parties, weddings, and special events (such as the Murrieta Rod Run and Temecula Balloon and Wine Festival). We will work with food caterers and our customers to develop a specialized beer and/or wine menu to compliment any meal and event.

We will maintain a local community focus through food providers, chefs, craft beer and wine providers, merchants, bicycle groups, festivals, and events. To date, there are no other businesses in the Murrieta valley that offer the customer experience or selection that we provide.

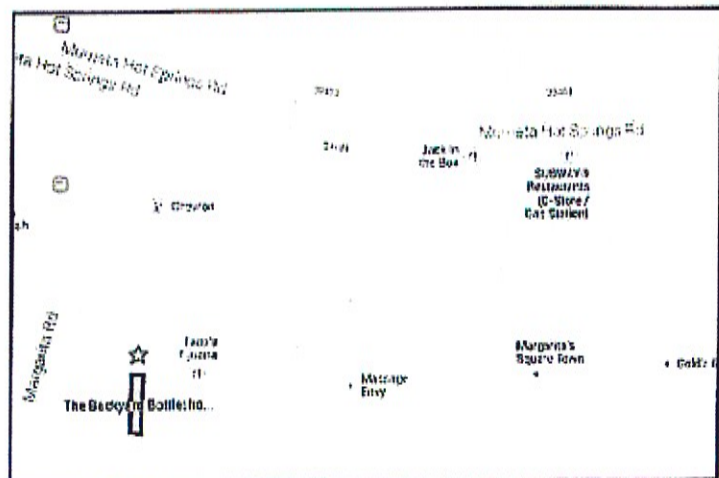
If you would like to learn more and to meet us, please stop by for an informal gathering at our location. Please feel free to email any questions if you cannot attend. We look forward to meeting everyone and chatting about our proposed business.

Sincerely,
Charles and John, Owners

Date/ Time: Jan. 25, 2014 @ 11:00a-1:00p

Location: 39400 Murrieta Hot Springs Rd.
Unit 123A
Murrieta, CA 92563

Contact: brew.logis@gmail.com



ATTACHMENT 3

PUBLIC COMMENTS/CORRESPONDENCE

Watts, Dennis

From: Tiffanyskinner8 [tiffanyskinner8@gmail.com]
Sent: Tuesday, March 25, 2014 2:12 PM
To: Watts, Dennis
Subject: Permit for Brew Logis, LLC

Hello Dennis,

I was asked to contact you to voice my concerns over the request Brew Logis has made to obtain a permit to sell alcohol at 39400 Murrieta Hot Springs Road, Suite 123A.

I happen to live in one of the homes that backs up to where this establishment wishes to be and I'm not ok with it. The alley way between those businesses and our homes already has enough noise that comes from random people thinking it's a secure place to do things out of the public eye. The cops are continuously back there arresting people for reasons I don't know. Our community has many children and to have to deal with potential noise due to drinking and music on an outdoor patio would cause enough disruptions to households trying to get their children to sleep. Nobody wants to hear constant noise, music, talking, yelling and potential fights that could break out at an alcohol establishment.

I'm quite certain all the houses that backup to this business would agree that it's not a good idea and would further take away what silence we have on the nights there already isn't something going on back there. I'm hoping my opinions and concerns on this matter are addressed at the public hearing. Please feel free to call me if you have further questions for me. Thank you! 760-519-9595

Tiffany Skinner
Sent from my iPhone

ATTACHMENT 3

STATEMENT OF OPERATIONS

Description of Operational Characteristics The Backyard Bottleshop & Taproom

This serves to describe the details of the operational characteristics of the proposed business as documented on the City of Murrieta's Application for Land Use and Development document, item 18.

The proposed business would operate as a bar/ tavern (on-site sales) and a retail outlet (off-site sales) for craft beer and wine. The business will be marketed towards generating a locally-focused establishment for adults seeking a comfortable atmosphere to gather and enjoy craft beer and wine; this would pose to be an alternative to crowded restaurants and noisy sports bars. A café-style menu would offer a selection of appetizers, snacks, and small plates. The location will feature comfortable seating, a dog-friendly patio, beer and wine merchandise (such as glassware and bottle openers) and clothing (such as branded shirts, hats, and hand bags).

The café-style food menu will be centered on fresh, seasonal, minimally prepared ingredients. Sourcing these ingredients and any prepackaged foods (such as pita bread or chips) would come from local farmer's markets, existing restaurants, and food merchants. Preparing of foods will be conducted on-site, in accordance with the County of Riverside Health Department and California Retail Food Code. Any heating or cooking of food would be limited to the use of a small toaster oven, slow cooker, or microwave oven; we would not employ any commercial fryers, ovens, or grills.

The business will also offer catering services for off-site, public and private events (such as the Murrieta Rod Run and weddings). Catering operations are to be performed by providing serving staff, draft equipment, and beer/ wine products for the event.

Our estimated customer base will consist of people ages 30-50. Though we do expect customers ages 21-29 to visit our location, they would not represent our core demographic due to lack of dispendible income. Our intrepation of the market is that a slightly older demographic has better/ more developed pallets to appreciate the craft beer and wine, and typically have more dispendible income.

This business would secure a California ABC License Type 42: On Sale Beer and Wine- Public Premises (no distilled spirits). A Type 42 license authorizes the sale of beer and wine for consumption on or off the premises where sold. Additionally, a Type 58: Caterer's Permit, would be secured to support our craft beer catering operations.

Hours of Operation

Sunday- Thursday: 11.00a – 10.00p

Friday- Saturday: 11.00a – 11.00p

Esimated Staffing

Sunday- Thursday: 2-4

Friday- Saturday: 4-6

Catering: 2

**Description of Operational Characteristics
The Backyard Bottleshop & Taproom**

Proposed Menu

BEER	
Tap #	Beer Engine
1	Cask-conditioned
	Nitro-Tap
2	Rotating Seasonal
	Local
3	Black Market
4	Refuge
5	Aftershock
6	Iron Fire
7	Craft
	Regional
8	Ritual
9	Mother Earth
10	Port
11	Lost Abbey
12	Stone
13	Green Flash
14	Rough Draft
15	Ballast Point
16	Societe
	Guest Taps
17	Brouwerij West
18	Track 7
19	Dogfish Head
20	Russian River
21	Fox Barrel
22	New Belgium
23	Rogue
24	Great Divide
25	Bear Republic
Full (10-12oz)	
\$5.00	
Short (4oz)	
\$2.00	
Flight (4- 4oz)	
\$8.00	
By the Bottle	
Varies	

WINE	
1	Danza del Sol Winery
2	Robert Renzoni Vineyards
3	Wiens Family Cellars
4	Doffo Vineyard & Winery
5	Leoness Cellars
6	Other So. Cal Small Batch Winery
7	Other So. Cal Small Batch Winery
8	Other So. Cal Small Batch Winery
9	Other So. Cal Small Batch Winery
By the Glass	
\$8.00	
Flight (4- 2oz)	
\$10.00	
By the Bottle	
Varies	

FOOD	
	Price
Artisinal Cheese Flight	\$10.00
Caprese Salad	\$10.00
Bruschetta	\$7.00
Hummus and Pita	\$7.00
Chips and Salsa	\$7.00
Seasonal Fruit	\$7.00
Craft Cupcakes	\$5.00
Artisanal Olives	\$5.00
Hot Nut Mix & Dried Fruit	\$4.00
Baguette w/ Olive Oil & Balsamic Vinegar	\$4.00
Artisanal Chocolate Flight	\$4.00
Fresh-baked Pretzel	\$2.00
Local Cookies	\$2.00

CITY OF MURRIETA
Community Development/Planning Dept.

RECEIVED

DEC 30 2013

CASE #
MCUP-2013-250

ATTACHMENT 4

**PUBLIC COMMENTS/CORRESPONDENCE
AFTER APRIL 9, 2014**

Watts, Dennis

From: chris kramer [christopher_kramer_324@hotmail.com]
Sent: Tuesday, April 08, 2014 2:13 PM
To: PlanningCommission; Watts, Dennis
Subject: Support for PHI, Conditional Use Permit 2013-250

Hello,
I am a resident of Murrieta and I wanted to lodge my support for the Backyard Bottleshop and Taproom. I live nearby and would appreciate that being available in the community. Thank you!

Chris Kramer

ATTACHMENT 5

PROJECT PLANS

MINOR CONDITIONAL USE PERMIT PLANS FOR THE BACKYARD BOTTLESHOP & TAPROOM

SHEET INDEX

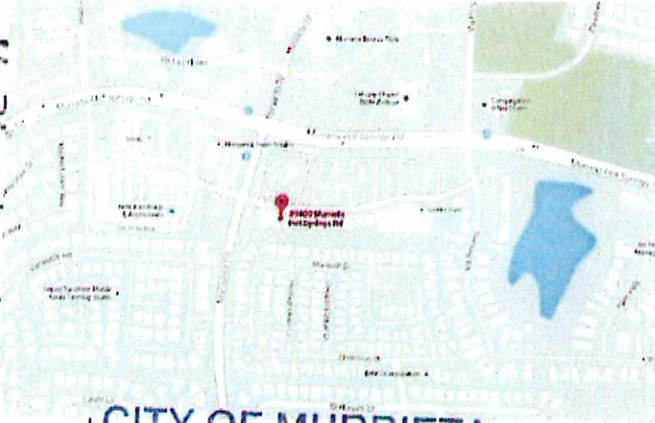
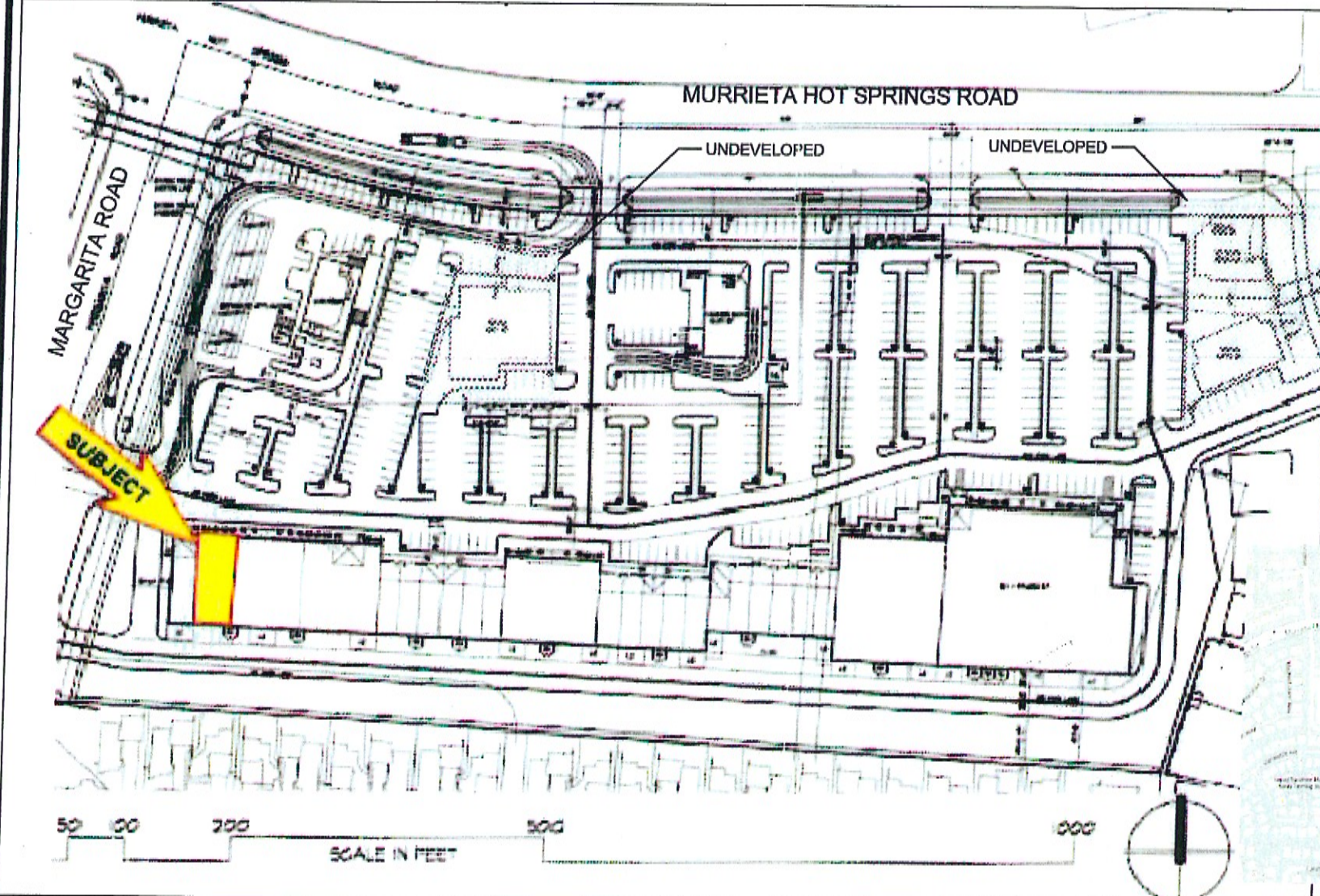
SHEET NO.	DESCRIPTION
SHEET 1 OF 7	SITE PLAN
SHEET 2 OF 7	PANORAMIC PHOTOS
SHEET 3 OF 7	ZONING MAP
SHEET 4 OF 7	ASSESSOR'S MAP
SHEET 5 OF 7	PARKING PLAN
SHEET 6 OF 7	STRUCTURE PLAN
SHEET 7 OF 7	FLOOR PLAN

NOTES:

- LAND OWNER REPRESENTATIVE:
VESTAR PROPERTY MANAGEMENT, INC
C/O MATTHEW GREENBERG
41623 MARGARITA RD, SUITE 100
TUCUCULA, CA 92391
- ASSESSOR PARCEL NUMBER (APN): 913160066
- ALL BUILDINGS AND STRUCTURES SHOWN EXIST WITHIN PROPERTY, UNLESS NOTED
- LEGAL DESCRIPTION:
LOT:188 CITY:MURRIETA 12.85 ACRES M/L IN POR LOTS 188 & 189 MB 008/359 SD TR T L W C City/Muni/Twp: MURRIETA
- GROSS ACREAGE: 12.85 / NET ACREAGE: 10.8
- EXISTING USE/ ZONING: COMMUNITY COMMERCIAL (CC)
- ADJACENT ZONING: SF-2, MF-1, NC, C/I, CC

General Notes

SITE PLAN



CITY OF MURRIETA
Community Development/Planning Dept.
RECEIVED

DEC 30 2013

CASE #
CUP-2013-250

No.	Revision/Issue	Date
A	INITIAL RELEASE	12/20/13

Prepared by
CHARLES ALMIRON
29410 STAR RIDGE DR
LAKE ELSINORE, CA 92530
(951) 520-3642

Project/Proposal
THE BACKYARD BOTTLESHOP & TAPROOM
39400 MURRIETA HOT SPRINGS RD,
UNIT 123A
MURRIETA, CA 92563
(951) 520-3642

Project	Sheet
	1 OF 7

SITE PLAN



1/16" = 1'-0"

EXHIBIT

CC _____ PC OTHER _____

MEETING DATE 5/14/14



VICINITY MAP
NOT TO SCALE

MINOR CONDITIONAL USE PERMIT PLANS FOR THE BACKYARD BOTTLESHOP & TAPROOM



NOT TO SCALE



General Notes

PANORAMIC
PHOTOS

No.	Revision/Issue	Date
A	INITIAL RELEASE	12/20/13

Prepared by
CHARLES ALMIRON
29410 STAR RIDGE DR
LAKE ELSINORE, CA 92530
(951) 520-3842

Applicant/Project
THE BACKYARD BOTTLESHOP & TAPROOM
39400 MURRIETA HOT SPRINGS RD,
UNIT 123A
MURRIETA, CA 92563
(951) 520-3842

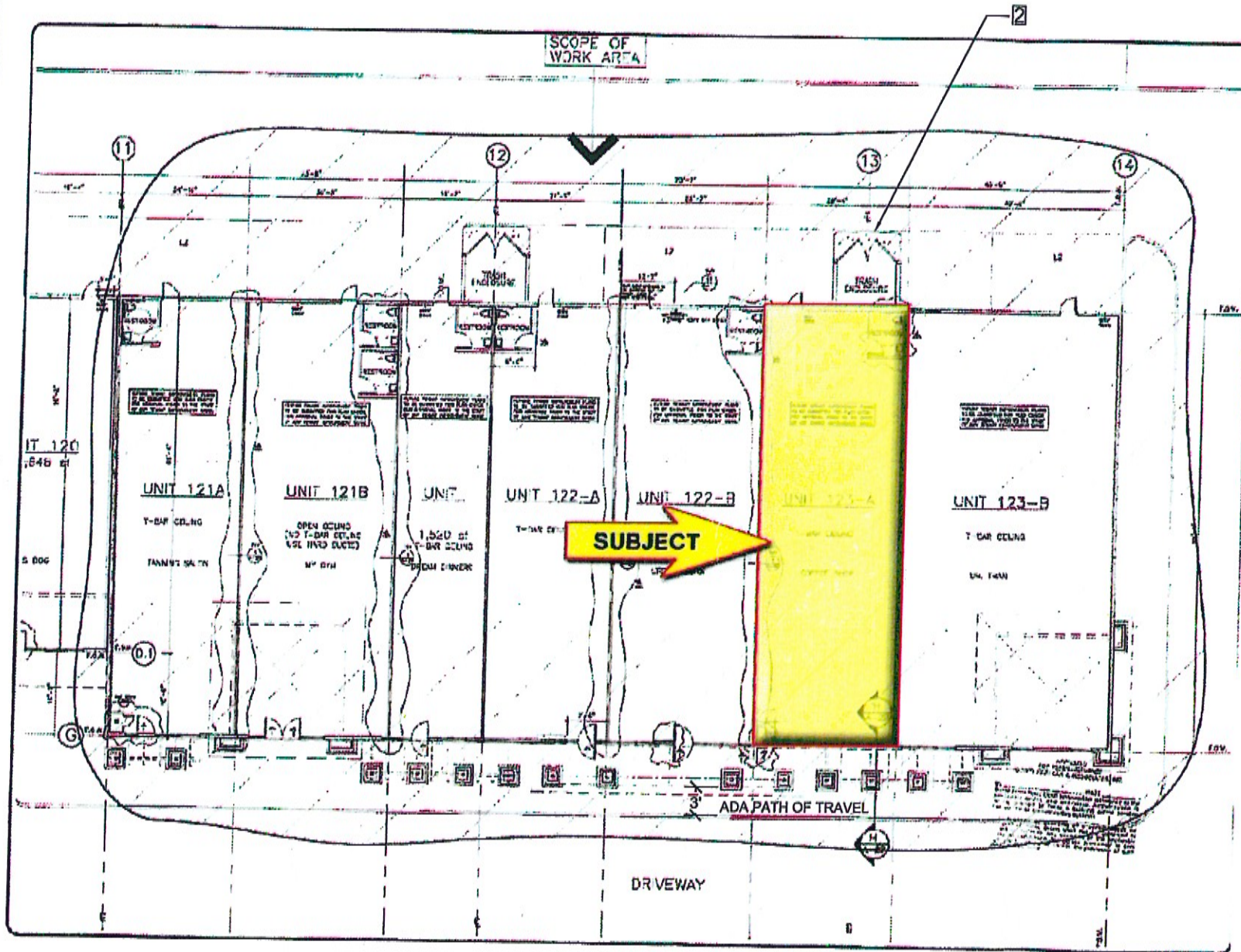
Project	Sheet
Date	2 OF 7
Scale 1/16" = 1'-0"	

EVIDENCE

CC _____ PC OTHER _____

MEETING DATE 5/14/14

MINOR CONDITIONAL USE PERMIT PLANS FOR THE BACKYARD BOTTLESHOP & TAPROOM



↓
NOT TO SCALE

- NOTES:
 1. MAP SHOWS EXISTING STRUCTURE
 2. EXISTING TRASH ENCLOSURE

EXHIBIT

CC _____ PC X OTHER _____

MEETING DATE 5/14/14

General Notes

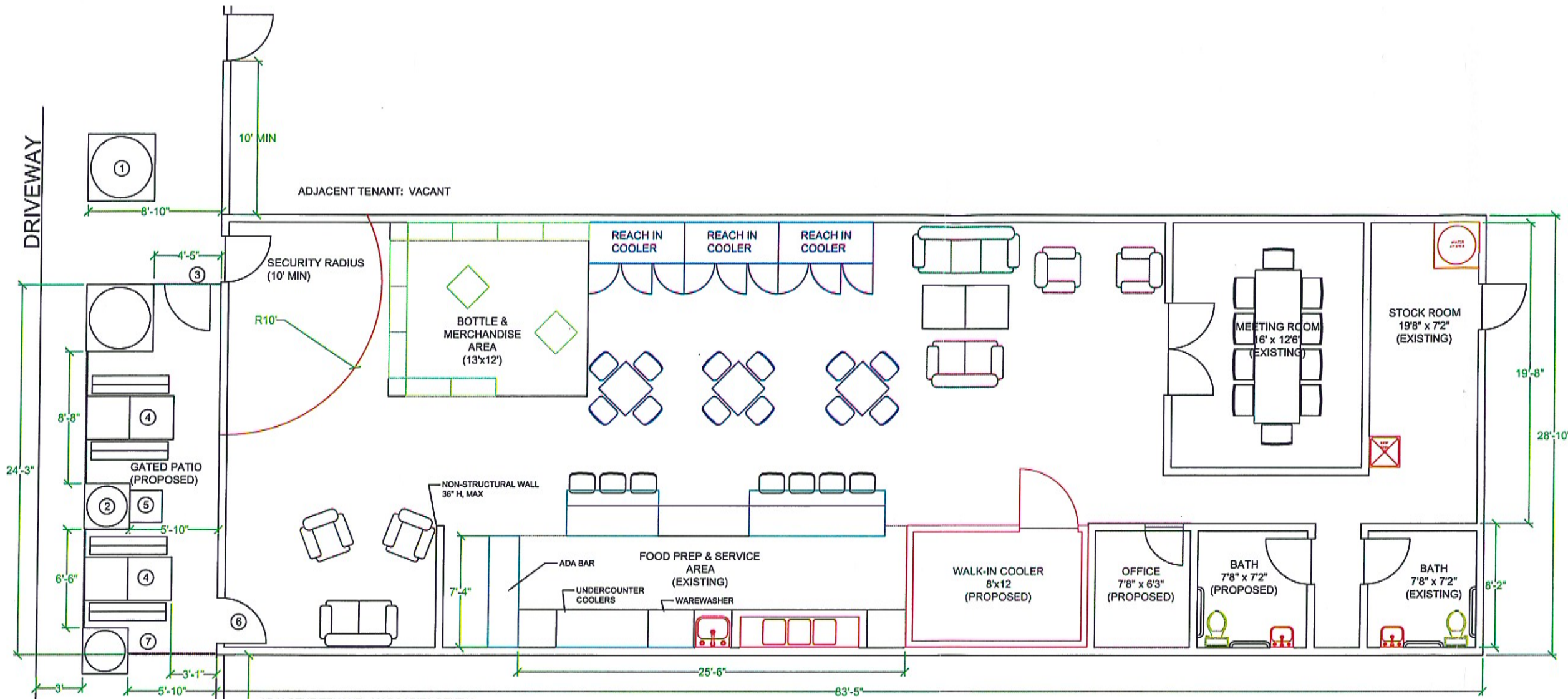
STRUCTURE
PLAN

No.	Revision/Issue	Date
A	INITIAL RELEASE	12/20/13

Project Name and Address

THE BACKYARD BOTTLESHOP & TAPROOM
 39400 MURRIETA HOT SPRINGS RD,
 UNIT 123A
 MURRIETA, CA 92563

Project	Sheet
Date	6 OF 7
Scale	1/16" = 1'-0"



ADJACENT TENANT: VACANT

ADJACENT TENANT: MARGARITA DENTAL

1. CONCRETE COLUMN (52" SQ BASE, 48" DIA)
2. CONCRETE COLUMN (36" SQ BASE, 32" DIA)
3. EXIT GATE, PUSH BAR, BLACK DECORATIVE STEEL (36" W X 36" H)
4. OUTDOOR TABLE, RUSTIC WOOD/ STEEL (34" W X 68" L) W/ BENCH SEATING (14" W X 60")
5. OUTDOOR WASTE RECEPTACLE (25" SQ)
6. PATIO DOOR, STEEL FRAME (MATCH PER EXISTING ENTRY)
7. PERIMETER SECTIONAL FENCING, BLACK DECORATIVE STEEL, ANCHORED TO FLOOR)



NOT TO SCALE

EXHIBIT _____

CC _____ PC X OTHER _____

MEETING DATE 5/14/14

General Notes

FLOOR PLAN

No.	Revision/Issue	Date
A	INITIAL RELEASE	12/20/13

Firm Name and Address

Project Name and Address
 THE BACKYARD BOTTLESHOP & TAPROOM
 39400 MURRIETA HOT SPRINGS RD,
 UNIT 123A
 MURRIETA, CA 92563

Project	Sheet
Date	7 OF 7
Scale	1/16" = 1'-0"