

**CITY OF MURRIETA
Council Chambers
1 Town Square
Murrieta 92562**



**Wednesday, April 8, 2026
6:00 PM REGULAR MEETING**

The City of Murrieta intends to comply with the Americans with Disabilities Act (ADA). Persons with special needs should call the Planning Department at (951) 461-6060 or email at TWells@MurrietaCA.gov at least 72 hours in advance.

Any presentation requiring the use of the City of Murrieta's equipment must be submitted to the City Clerk's department 24 hours prior to the scheduled City Council meeting at City Hall located at 1 Town Square, Murrieta, CA; via email at TWells@MurrietaCA.gov or call (951) 461-6060. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at City Hall located at 1 Town Square, Murrieta, CA during normal business hours.

**Dennis Vrooman
Chairman**

**Joe Wojcik
Vice Chair**

**Michael LaPaglia
Commissioner**

**John Rose
Commissioner**

**Michael DeSena
Commissioner**

**YOU MAY VIEW THE MEETING LIVESTREAMED VIA THE CITY'S WEBSITE AT
<https://murrieta.legistar.com/Calendar.aspx>**

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****APPROVAL OF AGENDA****PUBLIC COMMENTS**

Any member of the public may address the Commission during the public comments portion of the agenda on items within the Commission's jurisdiction that are not already scheduled for consideration on this agenda. However, the Commission can take no action on matters that are not part of the posted agenda. A time limit of three minutes may be applied on each individual addressing the Commission.

Any individual or group desiring to make a presentation to the Commission of more than three (3) minutes in length must make arrangements with the Planning Director in advance.

APPROVAL OF MINUTES

None.

PUBLIC HEARINGS**1. Minor Conditional Use Permit Modification 2025-00037 Backyard Bottleshop & Taproom**Recommended Action:

APPROVE the environmental determination and ADOPT a resolution approving Minor Conditional Use Permit Modification 2025-00037, based on the Findings and subject to the Conditions of Approval in Exhibit A and Statement of Operations in Exhibit B.

CITY PLANNER COMMENTS**CITY ATTORNEY COMMENTS****PLANNING COMMISSION COMMENTS****ADJOURNMENT**



CITY OF MURRIETA

Planning Commission Meeting

Agenda Report

4/8/2026
Agenda Item No. 1.

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: Carl Stiehl, City Planner

PREPARED BY: Aaron Rintamaki, Associate Planner

SUBJECT: **Minor Conditional Use Permit Modification 2025-00037 Backyard Bottleshop & Taproom**

RECOMMENDATION

APPROVE the environmental determination and ADOPT a resolution approving Minor Conditional Use Permit Modification 2025-00037, based on the Findings and subject to the Conditions of Approval in Exhibit A and Statement of Operations in Exhibit B.

ENVIRONMENTAL

The project is exempt under CEQA Guidelines Section 15301 - Existing Facilities. Class 1, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project involves negligible changes to the existing use and no significant interior or exterior modifications within its scope.

EXECUTIVE SUMMARY

The project site is located within Margarita Square Shopping Center. On May 14, 2014, the Planning Commission approved Conditional Use Permit 2013-250 to establish a beer and wine drinking establishment, Type 42-license, with accessory food sales, within a 2,417 square foot interior leased area and an outdoor patio dining area. The hours were limited from Sunday through Thursday 11 am to 10 pm and Friday and Saturday 11 am to 11 pm. The Applicant requests a modification of the CUP to sell distilled spirits on-site, as well as increase the hours of operation to midnight for the general public, and until 2AM for private events.

PROJECT DESCRIPTION

Application Type: Minor Conditional Use Permit Modification 2025-00037
Applicant: Emil Gregory, The Breakthru, LLC

Property Owner: Tiffany Martel, DKN Holdings LLC/CDFT LP
Site Area: 2,417 square feet
Project Location: 39400 Murrieta Hot Springs Road, Suite 123A (APN: 913-160-066)
Site General Plan/Zoning: Commercial District/Community Commercial (CC)
Adjacent Zoning/Land Use:
North: Murrieta Hot Springs Road and Civic Institutional beyond/Existing resort spa
South: Single-Family-2/Existing residential homes
East: Multi-Family 1/Existing multi-family residential
West: Margarita Road and Community Commercial beyond/Existing commercial center

BACKGROUND

Currently, an existing bar, known as Backyard Bottleshop & Taproom (also referred to as The Champion), serves beer and wine and operates under Conditional Use Permit 2013-250, approved by the Planning Commission on May 14, 2014. The owners of the establishment are requesting to expand the types of alcohol served and to extend the hours of operation for private parties in the 2,417-square-foot space. The project proposes to rely on a Type 48 license for the serving of spirits, wine, and beer for on-site consumption, as well as the sale of beer and wine for off-site consumption. Type 48 licenses are issued to bars and nightclubs and authorize the sale of beer, wine, and distilled spirits for consumption on the premises where sold. It also authorizes the sale of beer and wine for consumption off the premises where sold.

The project site is situated within the existing Margarita Square, which comprises various retail buildings, including a fuel center, sit-down and fast-food restaurants, a fitness center, a dance studio, salons, business services, and medical offices, and is located at 39400 Murrieta Hot Springs Road. Currently, the business is approved to operate as follows:

- between 11:00 a.m. and 10:00 p.m., Sunday through Thursday
- between 11:00 a.m. and 11:00 p.m. on Friday and Saturday

The owner requests to change the hours of operation as follows:

- between 11:00 a.m. and 12:00 a.m. on Sundays through Thursdays
- between 11:00 a.m. and 12:00 a.m. on Fridays and Saturdays
- between 12:00 a.m. and 2:00 a.m. on Sundays through Saturdays (for private events only)

The extended hours will be limited to private events/parties and are anticipated to occur once per month, as described in the applicant's project description.

State law determines the number of alcohol licenses that are appropriate for an area based on population within a defined area based on Census Tract boundaries. The project site is located within Census Tract 505.01, which allows for five off-sale licenses (the area currently has three active on-site sales licenses). The applicant has provided a statement of operating characteristics, included as Exhibit B. There are no changes to the building's exterior as part of this proposal.

ANALYSIS

Zoning / General Plan Consistency:

The use of the site for a bar that serves alcohol is consistent with Murrieta Municipal Code (MMC) Section 16.44.030.C.2. and Table 16.10-1, which states that bars are permitted with a Minor Conditional Use Permit within the Community Commercial (CC) zone. The project is in conformance with the Murrieta General Plan and is consistent with the Commercial General Plan Land Use designation. As the project aligns with the Commercial designation, it meets various land-use objectives. General Plan goal LU-1 aims to provide a complementary balance of land uses throughout the community that meets the needs of existing residents and businesses, anticipates growth, and achieves the community's vision. The Project is consistent with Policy LU-1.5 and LU-1.6, which encourages a wide variety of retail and commercial services in appropriate locations. The goals also promote development that reduces infrastructure construction costs, allowing for better use of existing and planned public facilities.

Minor Conditional Use Permit - Bars

The City of Murrieta Development Code defines bars and alcoholic beverage drinking places as "a structure or tenant space within a structure where alcoholic beverages are sold for on-site consumption that are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages." A bar may include entertainment (such as live music and/or dancing), and beer brewing as part of a "brew pub." To sell distilled spirits, beer, and wine in a bar, the applicant must obtain a Type 48 license from the California Department of Alcoholic Beverage Control (ABC). The owner currently holds a Type 42 ABC license, which permits the sale of beer and wine. The project site is located within Census Tract 505.01, which allows for five off-sale alcohol licenses. The number of off-sale licenses permitted in Census Tract 505.01 is up to five (5) licenses, and there are currently three (3) active on-site sales licenses within this Census Tract. The project site is not located within 600 feet of a K-12 public or private school within the Civic/Institutional zone (see Attachment 5 for reference). Specific conditions of approval for bars have been placed on the project (see Attachment 1, Exhibit A) to reduce impacts on police resources and the neighboring communities. The conditions stipulate that the hours of operation are limited as stated in the project description, that surveillance cameras must be installed in conformance with Police Department requirements, that there are limits on the manner in which alcohol is sold and served, and that a restriction is placed on not requiring a minimum number of drinks in lieu of a cover charge or admission fee. For these reasons, if the business is maintained and operated in accordance with the conditions of approval and statement of operations, staff has determined that the proposed use is not anticipated to be a source of nuisance behavior associated with excessive consumption of alcoholic beverages and would not be detrimental to public health, safety, or welfare.

Traffic Circulation / Access & Egress:

The project site takes access from existing driveways on Murrieta Hot Springs Road and from Margarita Road. These current access points are designed to allow adequate vehicular ingress and egress. The project is not proposing to change access to the site.

Overall Site Analysis:

The project site is located within an existing commercial center (Margarita Square). There are no proposed changes to site access, circulation, parking or landscaping as part of this project. The expanded use of a bar is anticipated to maintain compatibility with existing businesses within the site.

FINDINGS

Findings Pursuant to Development Code section 16.52.040 (Conditional Use Permits):

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 Murrieta Development Code allows for bars as a Minor Conditional Use Permit in accordance with Table 16.10-1 and Table 3-12 of Development Code sections 16.10.010 and 16.44.030, respectively. The proposed use complies with the applicable requirements identified in Sections 16.44.030 Alcohol Sales and 16.10.020 Community Commercial and Commercial Districts General Development Standards, including, but not limited to, alcohol beverage sales standards.

2. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan;

FACTS: The Project is consistent with Policy LU-1.5 and LU-1.6, which encourages a wide variety of retail and commercial services in appropriate locations. The goals also promote development that reduces infrastructure construction costs, allowing for better use of existing and planned public facilities. The Project is consistent with General Plan Goal LU-9 for land use patterns and urban design that support lifestyles and businesses. The addition of alcoholic sales for off-site consumption implements Policy Objectives LU-1.2 and ED-4.1 of the General Plan and Goal LU-1 and ED-4, by providing the community with a range of services that promote a balance between the supply of retail opportunities and demand for goods and services.

3. The approval of the Minor Conditional Use Permit Modification for the proposed expanded use complies with the requirements of the California Environmental Quality Act (CEQA), and there will be no significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;

FACTS: The project is categorically exempt from further CEQA review pursuant to Section 15301 Existing Facilities of the CEQA guidelines, based upon the following: The application is to permit a use at an existing facility consistent with the CEQA Class 1 Categorical Exemption (Existing Facilities) for the operation, repair, maintenance, and permitting, leasing, licensing, or minor alteration of existing private structure. The project involves negligible changes to the existing use, no exterior modifications are within the scope of this project, and is a key consideration for the use of this CEQA exemption.

4. The site is suitable for the type and intensity of use or development that is proposed;

FACTS: The site is developed and includes existing structures. The site fronts two General Plan Circulation Element streets, Murrieta Hot Springs Road and Margarita Road. The site is adjacent to an existing Community Commercial property to the north and west, with single-family residential to the south. Multi-family and Civic/Institutional are to the east, and Community Commercial and Single-Family-2 are to the west. The continued use as a bar is located within an existing structure on a parcel that is a part of a developed commercial center (Margarita Square). The site is adequately sized to accommodate the proposed use while complying with the City's development standards.

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

FACTS: The existing commercial center is currently receiving service from the following utility purveyors: Eastern Municipal Water District (water and sewer), Southern California Edison Company (electricity), and Southern California Gas Company (gas), and the proposed use will not require expansion of any services to ensure public convenience, health, safety, and general welfare.

6. The proposed expansion of 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 proposed use at this location was reviewed, conditioned, and determined not to create any significant impacts on noise or traffic, nor to have an adverse impact on public health, safety, and welfare on properties and improvements in the vicinity. The project was conditioned to provide surveillance in compliance with the code and to the satisfaction of the Police Department, and to allow for extended hours of operation with a closing time of 2 a.m.

Findings Pursuant to Development Code section 16.44.030.F Public Convenience or Necessity.

1. The public convenience would be served by the establishment of the proposed use.

FACTS: The proposed sale of distilled spirits, wine, and beer with a drinking establishment use for on-site consumption at this location serves a public convenience as this allows customers to access this type of service that they may otherwise have to travel to surrounding communities to experience and thus would serve as a public convenience.

2. The proposed use is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages.

FACTS: The proposed addition of alcoholic sales for on-site consumption and the increase in operating hours for serving alcohol are not anticipated to be sources of nuisance behavior if the property owner is vigilant in enforcing the conditions of approval, municipal code standards, and ABC requirements during operations. The Project has general conditions to limit nuisance behavior associated with sales of alcoholic beverages including limits on the manner in which alcohol is sold and served, and that a restriction is placed on not requiring a minimum number of drinks in lieu of a cover charge or admission fee in compliance with Municipal Code section 16.44.030.D and E.1. The statement of operations identifies private security staffing for parties. The Police Department recommends that this use would not pose a detriment to the immediate neighborhood, based on records of calls for service in this area related to this type of use. The Police Department anticipates that the proposed use would increase calls for service; however, this increase is expected to be manageable, and therefore, they have indicated that such use would not pose a detriment to the immediate neighborhood.

3. The proposed use would not be detrimental to the public health, safety, or welfare.

FACTS: The use of the premises for alcohol sales for off-site consumption and expansion of alcohol serving hours in accordance with the conditions of approval, municipal code, and Alcoholic Beverage Control (ABC) requirements would not have an adverse impact on public health, safety, and welfare, or on properties and improvements in the vicinity. The project site is within an urbanized area, and it is not located within 600 feet of a sensitive receptor (K-12 private or public school) as identified in Section 16.44.030. While calls for service are anticipated to increase, the Police Department believes that the proposed use would not be detrimental to the public health, safety, or welfare of the immediate neighborhood, based on records of calls for service in this area.

4. The proposed use would not increase the severity of the existing law enforcement or public nuisance problems in the surrounding area.

FACTS: The proposed addition of alcoholic sales for off-site consumption and expansion of alcohol serving hours is not anticipated to create a public nuisance because the Project is subject to conditions

that limit time, place, and manner of alcohol sales, all of which reduce the likelihood of public nuisance issues associated with the sales of alcohol. While calls for service are expected to increase in this area, the Police Department expects this increase to be manageable and therefore does not expect the use to pose a detriment to the immediate area or the surrounding neighborhood, provided the conditions of approval are implemented during operations.

5. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan.

FACTS: The addition of alcoholic sales for on-site consumption and expansion of alcohol serving hours implements Policy Objectives LU-1.2 and ED-4.1 of the City's General Plan and General Plan Goal LU-1 and ED-4, by providing the community with a range of services that promote a positive balance between the supply of retail opportunities and demand for goods and services. The addition of alcohol sales as a use and the expansion of alcohol serving hours are responses to the current market demand for these uses in the community, while encouraging a wide variety of services and providing a diversified economic base. The Project is not located within any applicable Specific Plan.

ATTACHMENTS

1. Resolution
Exhibit A - Conditions of Approval
Exhibit B - Statement of Operations
2. Draft Notice of Exemption
3. Vicinity Map
4. Census Tract 505.01
5. 600-foot buffer radius map
6. Project Plans
7. CUP-2013-250

**PLANNING COMMISSION
RESOLUTION NO. 2026-_____**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF MURRIETA APPROVING MINOR CONDITIONAL USE
PERMIT (MCUP) 2025-00037 AND IMPLEMENTATION OF CEQA
EXEMPTION SECTION NO. 15301 “EXISTING FACILITIES”**

The Planning Commission of the City of Murrieta hereby resolves as follows:

WHEREAS, on July 22, 2025, the City of Murrieta received an application for Minor Conditional Use Permit (MCUP) 2025-00037 “Project” for approval of a Minor Conditional Use Permit to conduct sales for on-site consumption of distilled spirits, wine, and beer (drinking establishment) within a 2,417 square foot leased area. The applicant seeks to change their existing Type 42 Alcoholic Beverage Control (ABC) license to a Type 48 ABC license, as they currently sell beer and wine. The subject property is located at 39400 Murrieta Hot Springs Road, Suite 123A, Murrieta, CA (APN 913-160-066).

WHEREAS, the Project site is separated by Murrieta Hot Springs Road and beyond an existing Civic Institutional property to the north, Single-Family (2) to the south, Community Commercial and Single-Family (2) to the west, and Community Commercial and Multi-Family residential (1) further to the east; and

WHEREAS the Project site on the City of Murrieta General Plan 2035 Land Use Map has a land use designation of Commercial; and

WHEREAS, the Project site on the City of Murrieta Zoning Map is zoned Community Commercial, which allows for bars that serve alcohol as a Minor Conditional Use Permit in accordance with Table 16.10-1 Table 3-12.6 of Development Code sections 16.10.010 and 16.44.030, respectively. The application was deemed complete on March 8, 2026, and

WHEREAS, Section 16.52.020.B.2.b of the Murrieta Municipal Code (MMC) provides that Minor Conditional Use Permits may be approved by the Planning Director; and

WHEREAS, Section 16.52.020.B.4.c and Section 16.52.020.B.4.g of the Murrieta Municipal Code (MMC) authorizes the Development Services Director approve and impose conditions of approval upon Minor Conditional Use Permit applications; and

WHEREAS, Section 16.44.030.C.3 requires a Conditional Use Permit approved by the Planning Commission for an exception to use regulations; and

WHEREAS, the City of Murrieta has undertaken a review of the requests, including an environmental analysis pursuant to the California Environmental Quality Act; and

WHEREAS, the Project is exempt under CEQA Guidelines Section 15301 – “Existing Facilities” - Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project

involves negligible changes to the existing use, and all proposed alterations are interior and minor in scope; and

WHEREAS, a public hearing was duly noticed for the Planning Commission meeting of April 8, 2026, by mailing a notice to property owners within a 300-foot radius of the site on March 29, 2026, publishing the notice in The Press Enterprise newspaper on March 29, 2026, and posting the Project site on March 29, 2026; and

WHEREAS, at its meeting on April 8, 2026, the Planning Commission used its independent judgment and considered all the reports, recommendations, and testimony set forth above; and

WHEREAS, the Planning Commission has considered the Minor Conditional Use Permit as proposed; and

NOW, THEREFORE, the Planning Commission hereby resolves as follows:

SECTION 1. The Planning Commission makes the following findings regarding Minor Conditional Use Permit (MCUP) 2025-00037 in accordance with Section 16.52.040 of the Murrieta Municipal Code:

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 Murrieta Development Code allows for bars as a Minor Conditional Use Permit in accordance with Table 16.10-1 and Table 3-12 of Development Code sections 16.10.010 and 16.44.030, respectively. The proposed use complies with the applicable requirements identified in Sections 16.44.030 Alcohol Sales and 16.10.020 Community Commercial and Commercial Districts General Development Standards, including, but not limited to, alcohol beverage sales standards.

2. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan;

FACTS: The Project is consistent with Policy LU-1.5 and LU-1.6, which encourages a wide variety of retail and commercial services in appropriate locations. The goals also promote development that reduces infrastructure construction costs, allowing for better use of existing and planned public facilities. The Project is consistent with General Plan Goal LU-9 for land use patterns and urban design that support lifestyles and businesses. The addition of alcoholic sales for off-site consumption implements Policy Objectives LU-1.2 and ED-4.1 of the General Plan and Goal LU-1 and ED-4, by providing the community with a range of services that promote a positive balance between the supply of retail opportunities and demand for goods and services.

3. The approval of the Minor Conditional Use Permit Modification for the proposed expanded use complies with the requirements of the California Environmental Quality Act (CEQA), and there will be no significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;

FACTS: The project is categorically exempt from further CEQA review pursuant to Section 15301 Existing Facilities of the CEQA guidelines, based upon the following findings: The application is to permit a use at an existing facility consistent with the CEQA Class 1 Categorical Exemption (Existing Facilities) for the operation, repair, maintenance, and permitting, leasing, licensing, or minor alteration of existing private structure. The project involves negligible changes to the existing use, and no exterior modifications are within the scope of this project.

4. The site is suitable for the type and intensity of use or development that is proposed;

FACTS: The site is developed and includes existing structures. The site fronts two General Plan Circulation Element streets, Murrieta Hot Springs Road and Margarita Road. The site is adjacent to an existing Community Commercial property to the north and west, with single-family residential to the south. Multi-family and Civic/Institutional are to the east, and Community Commercial and Single-Family-2 are to the west. The continued use as a bar is located within an existing structure on a parcel that is a part of a developed commercial center (Margarita Square). The site is adequately sized to accommodate the proposed use while complying with the City's development standards.

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

FACTS: The existing commercial center is currently receiving service from the following utility purveyors: Eastern Municipal Water District (water and sewer), Southern California Edison Company (electricity), and Southern California Gas Company (gas), and the proposed use will not require expansion of any services to ensure public convenience, health, safety, and general welfare.

6. The proposed expansion of 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 proposed use at this location was reviewed, conditioned, and determined not to create any significant impacts on noise or traffic, nor to have an adverse impact on public health, safety, and welfare on properties and improvements in the vicinity. The project was conditioned to provide surveillance in compliance with the code and to the satisfaction of the Police Department, and to allow for extended hours of operation with a closing time of 2 a.m.

SECTION 2. Findings Pursuant to Development Code section 16.44.030.F Public Convenience or Necessity.

1. The public convenience would be served by the establishment of the proposed use.

FACTS: The proposed sale of distilled spirits, wine, and beer with an eating and drinking establishment use for on-site consumption at this location serves a public convenience, as this allows customers to access this type of service that they may otherwise have to travel to surrounding communities to experience, and thus would serve as a public convenience.

2. The proposed use is not anticipated to be the source of nuisance behavior associated with excessive consumption of alcoholic beverages.

FACTS: The proposed addition of alcoholic sales for off-site consumption is not anticipated to be the source of nuisance behavior if the property owner is vigilant with enforcing the conditions of approval, municipal code standards, and ABC requirements during operations. The Project has general conditions to limit nuisance behavior associated with sales of alcoholic beverages, including the type of alcohol sold, the manner in which the alcohol is displayed, and limitations placed on the area designated for alcoholic beverage sales in compliance with Municipal Code section 16.44.030 D and E.2. The statement of operations identifies private security staffing for parties. The Police Department recommendation is that this use would not pose a detriment to the immediate neighborhood based on records for the calls for service within this area related to this type of use. The Police Department anticipates that the proposed use would increase calls for service; however, this increase is expected to be manageable, and therefore, they have indicated that such a use would not pose a detriment to the immediate neighborhood.

3. The proposed use would not be detrimental to the public health, safety, or welfare.

FACTS: The use of the premises for continued alcohol sales for off-site consumption in accordance with the conditions of approval, municipal code, and Alcoholic Beverage Control (ABC) requirement would not have an adverse impact on the public health, safety, and welfare or properties and improvements in the vicinity. The project site is within an urbanized area, and it is not located within 600 feet of a sensitive receptor (K-12 private or public school or Public Park) as identified in section 16.44.030. While calls for service are anticipated to increase, the Police Department believes that the proposed use would not be detrimental to the public health, safety, or welfare of the immediate neighborhood, based on the records of calls for service within this area.

4. The proposed use would not increase the severity of the existing law enforcement or public nuisance problems in the surrounding area.

FACTS: The proposed addition of alcoholic sales for off-site consumption is not anticipated to create public nuisance because the Project is subject to conditions that limit time, place, and manner of alcohol sales, all of which reduce the likelihood of public nuisance issues associated with the sales of alcohol. While calls for service are expected to increase within this area, the Police Department expects this increase to be manageable which therefore the use is not expected to pose as a detriment to the immediate area and surrounding neighborhood with the implementation of the conditions of approval during operations.

5. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan, and any applicable specific plan.

FACTS: The addition of alcoholic sales for off-site consumption implements Policy Objectives LU-1.2 and ED-4.1 of the City's General Plan and General Plan Goal LU-1 and ED-4, by providing the community with a range of services which promote a positive balance between the supply of retail opportunities and demand for goods and services. The addition of alcohol sales with a liquor store use is a response to the current market for the need of these types of uses in the community while encouraging a wide variety of

services and providing a diversified economic base. The Project is not located within any applicable Specific Plan.

NOW THEREFORE, based on the findings set forth above, the Planning Commission of the City of Murrieta hereby approves the Minor Conditional Use Permit subject to the Conditions of Approval, attached hereto as Attachment 1, Exhibit A, Statement of Operations, Exhibit B, and to the 15301 CEQA Exemption as Attachment 2.

SECTION 2. Under Government Code Section 66020, the 90-day approval in which the Applicant may protest the imposition of any fees, dedications, reservations, or exaction imposed under this approval shall begin on April 8, 2026.

SECTION 3. The use of this Minor Conditional Use Permit shall be subject to the regulations of this and any other applicable governmental agency.

SECTION 4. Issuance of this Minor Conditional Use Permit by the City of Murrieta does not authorize the Applicant and successors for this Permit to violate any Federal, State, or City laws, ordinances, regulations, or policies thereof.

SECTION 5. The City of Murrieta Municipal Code, Chapter 1.26 (Administration Citations), and Chapter 16.84 (Enforcement Provisions) provide for the issuance of Administrative citations for municipal code violations. Should non-compliance with said terms and conditions of this Development Plan permit or any violation of the Municipal Code, the City has the right to issue administrative citations containing an assessment of civil fines for each violation and collect administrative fines for violations.

SECTION 6. According to the above findings, the Planning Commission of the City of Murrieta adopts the environmental determination (15301 Exemption), adopts this Resolution approving Minor Conditional Use Permit 2025-00037 subject to the conditions of approval in attached Exhibit A (Conditions of Approval), Exhibit B (Statement of Operations), and CEQA 15182 Exemption.

PASSED, APPROVED, AND ADOPTED THIS 8th DAY OF APRIL, 2026

Planning Commission, Chairperson

ATTEST:

Carl Stiehl, City Planner

I, Carl Stiehl, 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 _____, 2026 by the following roll call vote:

MOTION MADE BY COMMISSIONER _____

SECONDED BY COMMISSIONER _____

AYES: _____

Noes: _____

Absent: _____

Abstained: _____

Carl Stiehl, City Planner

**CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT MODIFICATION 2025-00037
APRIL 8, 2026**

PLANNING DIVISION

The project, Minor Conditional Use Permit 2025-00037, approval is for a Revised Permit to the original established Conditional Use Permit 2013-250 to revise the ABC license from Type 42 to Type 48 allowing Beer, Wine and Spirits, an establishment offering alcoholic beverages for on-site consumption, sales for off-site consumption (“off-site sales”), expanding the hours to 12 a.m. and for events expanding hours to 2 a.m. The business would continue to maintain its existing approval for on-site appetizer food items and the sale of associated accessories. The project site is located at 39400 Murrieta Hot Springs Road, Suite 123A (APN #913-160-066), subject to the issuance of a Type 48 license through the California Department of Alcoholic Beverage Control (“Project”).

General

1. Sale of beer and wine for off-site consumption approved under this Minor Conditional Use Permit shall be in compliance with all operational standards, and use descriptions as referenced in the May 14, 2014 and April 8, 2026 Planning Commission Staff Reports for this Project (“Report”) and the Operations Statements dated December 30, 2013, and April 8, 2026, as described in Attachment 1, Exhibit B to the Staff 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 Minor Conditional Use Permit 2025-00037. The City will promptly notify the permittee/owner of any such claim, action, or proceeding against the City and will fully cooperate in its 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. To comply with State-mandated time lines for filing a Notice of Exemption, the above fee must be delivered to the Planning Division within two (2)

EXHIBIT A

working days after the Effective date or filed electronically with the County Recorder and a copy of the receipt provided to staff.

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 April 8, 2026. 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 activities/entertainment shall be consistent with the Statement of Operations within (not outside) the facility only.
10. The hours open to the public shall be limited between:
 - a. 11:00 a.m. to 12:00 a.m. on Sundays through Thursdays
 - b. 11:00 a.m. to 12:00 a.m. on Fridays and Saturdays
 - c. 12:00 a.m. to 2:00 a.m. on Sundays through Saturdays (for private events only – no alcohol will be served after 1:30 a.m.)
11. A restaurant use at this location is not approved with this Conditional Use Permit and Modification.
12. This approval (use) shall be used within two (2) years of the 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 Division 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 the 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 night-time lighting of the building exterior. The lighting shall provide sufficient illumination 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 the 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 48 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.

Off-site Sales Operations

39. No off-site sales within one (1) hour of closing.
40. 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

41. The outdoor seating area barrier shall be a minimum of three (3) feet high and meet the requirements of the City's Outdoor Dining and Seating Design Guidelines.
42. 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.
43. The owner/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.
44. 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.
45. 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.
46. Waste receptacles shall be provided in outside seating areas.
47. Maintenance of all outdoor dining areas shall be kept in good condition both aesthetically and structurally.
48. 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:

49. The permittee/owner shall contact the Planning Division a minimum of 72-hours (to allow for scheduling) prior to any final inspection for this project.

Project Specific:

50. If noise complaints occur, upon the request of the City, the permittee shall provide/prepare a noise study to demonstrate that the operation meets the City's noise standards. If the noise complaint is from an adjacent business, the noise study shall be taken inside the neighboring business suite.

BUILDING AND SAFETY DIVISION

51. All tenant improvement work shall comply with the current California Building Codes (CBC), and related Codes and Ordinances of the City of Murrieta.
52. 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.
53. 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.
54. 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.
55. 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, columns, chairs etc.
56. 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:

57. 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:

58. 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.
59. 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.
60. Installation & monitoring to comply with NFPA 72 and all other applicable requirements shall be determined prior to approval of Certificate of Occupancy or Tenant Improvement.
61. All interior decorative materials must be flame-resistant. Prior to release of occupancy, the Owner/Permittee must submit the manufacturer's 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.

POLICE DEPARTMENT

62. The Owner/Permittee shall comply with the approved project description and conditions of approval. This Conditional Use Permit is subject to the revocation procedures in MDC Chapter 16.82

END OF CONDITIONS

Statement of Operations

Currently, we are a beer and wine bar operating with a type 42 liquor license. We are requesting to modify our existing CUP by updating our current liquor license to type 48 - liquor and spirits.

In addition, we are also requesting to extend the selling hours from the current cutoff of 11 pm to 2 am. Furthermore, the 2 am cutoff would only be utilized for private parties/events with professional security on site. Normal hours of operation/selling hours would extend to 12 am nightly, after which we would close doors and end our operation for the night. However, in an event where a customer wishes to rent our space for a private event (wedding reception, anniversary, birthday, holiday work event, etc), we would like to have the ability to host/sell up until 2 am. In order to ensure safety and compliance, should our space be rented for such an event with an ending time of 2 am, we will hire a professional security company and have them provide 1-2 security officers (depending on the number of attendees) who will be on site to oversee the event. Additionally, security officers would screen all attendees for legal age of 21+ by visually inspecting their government issued identification and then utilizing a ID scanner device for an added layer of protection.

Once the private event is over (2 am at the latest with last call being at 1:30 am), the hired security officers would then assist with overseeing that all of the attendees leave our establishment safely. We would also like to mention that there is no and never will be any access to our establishment through our back door which remains closed at all times. The only times the back door is utilized are by employees who are bringing in bar supplies or are taking out trash at the end of the night as part of their closing duties. Lastly, we would like to provide information about parking. Currently our establishment is a part of a larger center (Margarita Square) that shares its parking lot with other businesses. The parking is free and the lot has approximately 500+ parking spaces.

Hours of Operation

- 2 pm - 11 pm currently.
 - Requesting to be able to sell until 2 am during private event nights, otherwise until 12 am nightly.
 - Monday through Sunday from 11 a.m. to 12 a.m.
 - Monday through Sunday, extended hours from 12 a.m. to 2 a.m., limited to private events

Activities Performed On Site

- Live sports viewing on multiple large-screen TVs.
Food and beverage service, offering bar fare such as wings, pizza, and a wide selection of beers, cocktails, and nonalcoholic drinks.
- Games and entertainment: pool tables, shuffleboard, and jukebox music.
- Special promotions like happy hours, game-day specials, and loyalty programs.

Estimated Number of Customers

- Customer volume varies by size and event; weekdays 10-25 customers, weekends may see an uptick of 25-60.
- Average customer frequency for regulars is about 1.5-2 times per week.

Estimated Number of Employees

- Currently owner-operated plus 2-3 relief staff members.

Outdoor dining noise:

In compliance with Murrieta Municipal Code Title 16.30 (Noise Control), the outdoor patio will be closed after 10 p.m. to eliminate late-night outdoor noise. No outdoor music is permitted at any time. After 10 p.m., all guest activity moves indoors to minimize impact on neighboring properties.

Preventing parking lot loitering:

Staff and security personnel monitor exterior areas and politely disperse groups to prevent loitering or excessive noise. Guests are encouraged to either remain inside the venue or depart promptly, keeping sidewalks and surrounding areas clear. To reduce repeated movement in and out of the venue and minimize outside congestion, re-entry is not permitted once a guest leaves during an event. Security operations are overseen by the Bar Manager and Head of Security, an honorably retired Los Angeles County Deputy Sheriff with extensive experience in security operations and crowd control.

Managing large crowds when closing:

Events are wound down gradually through last call and music volume reduction to encourage a calm, staggered exit. Staff and security assist with directing guests toward transportation options and encourage quiet departure to reduce neighborhood impact. Loitering or congregating in the parking lot will not be permitted at any time and security will do a sweep of our immediate parking lot at closing to ensure there is no loitering. Crowd management procedures are directed by the Bar Manager and Head of Security, an honorably retired Los Angeles County Deputy Sheriff with extensive experience in security operations and crowd control.

Frequency of parties and events:

Events occur on a regular but controlled schedule consistent with normal bar and

hospitality operations, primarily concentrated on weekends and special calendar occasions. Our events are mainly focused on Karaoke nights, Paint and Sips, Trivia, Board game nights, and Comedy Shows.

Both anticipated and projected booking frequency is limited to no more than one event per month, minimizing impact on both the community and our regular patrons.

Types of events/parties:

Events primarily consist of social gatherings, entertainment nights, and live music or DJ performances, typical of a bar and lounge environment, and are conducted within permitted hospitality and entertainment operations.

There are no recurring themed events. Themes are limited to major holidays such as New Year's Eve, Independence Day, and similar widely recognized occasions.

Live bands:

Yes, live bands may perform periodically, with sound levels managed to comply with local noise regulations and public safety standards. Our sound engineer is equipped with a decibel meter and will ensure that there is minimal noise outside of our building and complies with the 55 decibel limit per Murrieta Municipal Code Title 16.30.

DJs:

Yes, DJs may perform during events, with music levels controlled to remain compliant with local noise and operational regulations.



CITY OF MURRIETA

NOTICE OF EXEMPTION

TO: County Clerk and Recorder's Office FROM: City of Murrieta
County of Riverside Planning Division
2724 Gateway Drive 1 Town Square
Riverside, CA 92507 Murrieta, CA 92562

Project Title: Minor Conditional Use Permit 2025-00037

Project Applicant: Emil Gregory, The Breakthru, LLC, 18 Villa Ravenna, Lake Elsinore, CA 92532 (951) 805-8837

Description of Project: Proposal to expand the operation of an existing business (bar) that sells beer and wine with a Type 42 ABC license by modifying the existing approved entitlement. The request is to replace it with a Type 48 (which includes distilled spirits) and extend the hours of operation from 11:00 p.m. to 2:00 a.m. within a 2,417-square-foot leased space located at 39400 Murrieta Hot Springs Road, Suite 123A, in Murrieta, CA (APN 913-160-066). The property is zoned Community Commercial (CC) and has parking available in the adjacent parking lot for the overall shopping center. An approved and valid Type 48 alcohol sales license will be required from the California Department of Alcohol Beverage Control (ABC) prior to use and reliance.

Project Site Size: Existing 2,417 square foot building/suite area within a shopping center (Margarita Square).

Project Location: 39400 Murrieta Hot Springs Road, Suite 123 A, near the intersection of Margarita Road (APN: 913-160-066)

Public Agency Approval: On April 8, 2026, the City of Murrieta Planning Commission made the determination that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) guidelines Section 15301 – Existing Facilities.

Exempt Status: (check one)

[X] Categorical Exemption: Class 1 (Section Number 15301)
The activity is not subject to CEQA (Section 15061(b)(3))

Statement of Reasons Supporting the Finding that the Project is Exempt: The project is exempt under CEQA Guidelines Section 15301-Existing Facilities, based on the following findings:

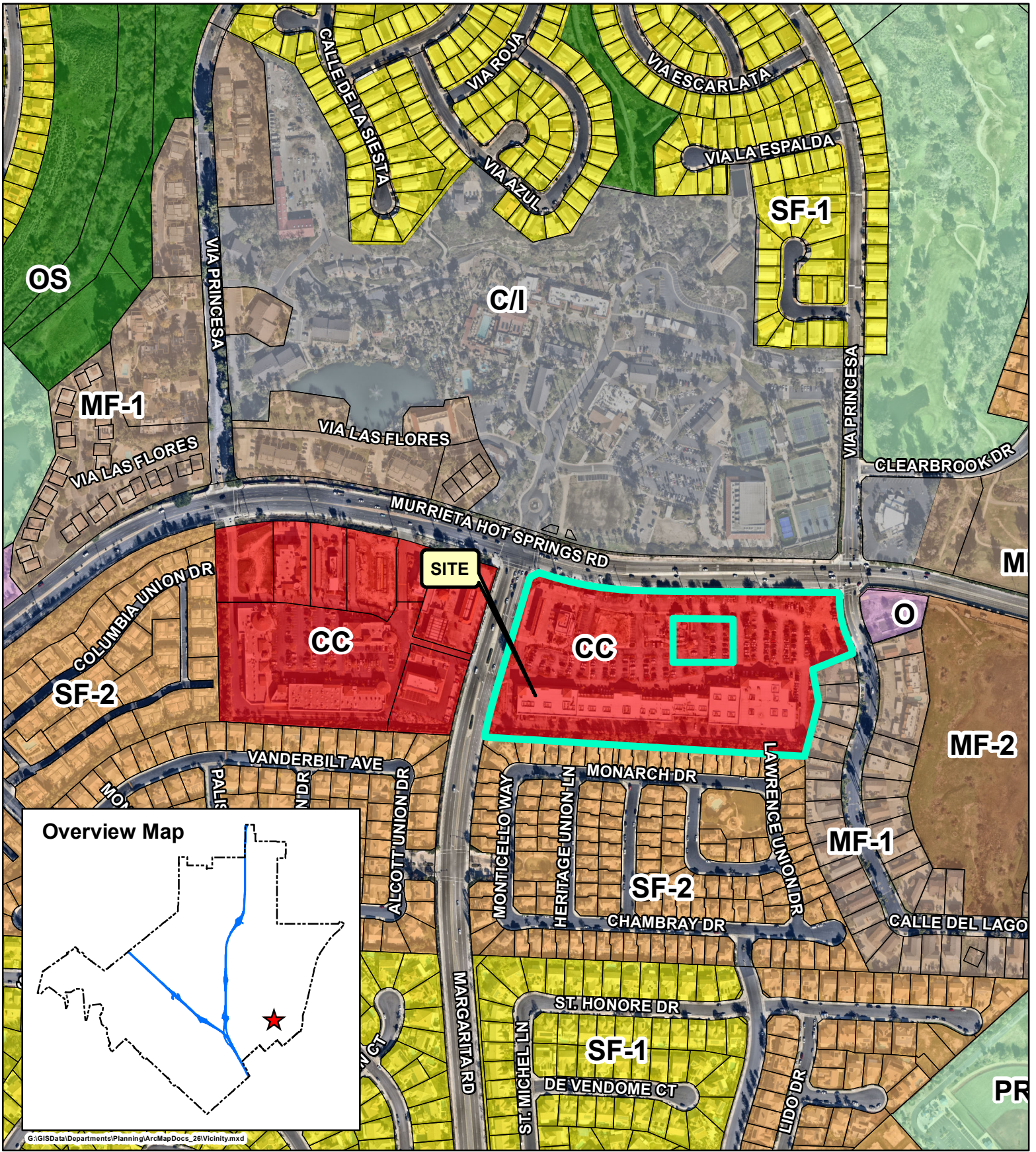
The City of Murrieta conducted an environmental review, which determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15301 because the proposed business is located within an existing shopping center, involving no new building expansion and only interior tenant improvements within a 2,417 square-foot leased area. The space was previously occupied by a retail/service use. The proposed retail use is consistent with the Neighborhood Commercial zone and general plan, no hazardous substances are present at the location, and the project site has no value as habitat for endangered, rare, or threatened species. No significant effects are expected to occur in relation to traffic, noise, air quality, or water quality. The site is currently served by all required utilities and public services.

Contact Person: Aaron Rintamaki, Associate Planner Phone Number: (951) 461-6079

Signature: _____ Date: 04/08/26 _____

Received for Filing: (To be completed by the County)
DATE

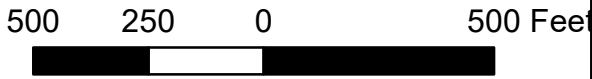
SIGNATURE/TITLE



CUP-2025-00037

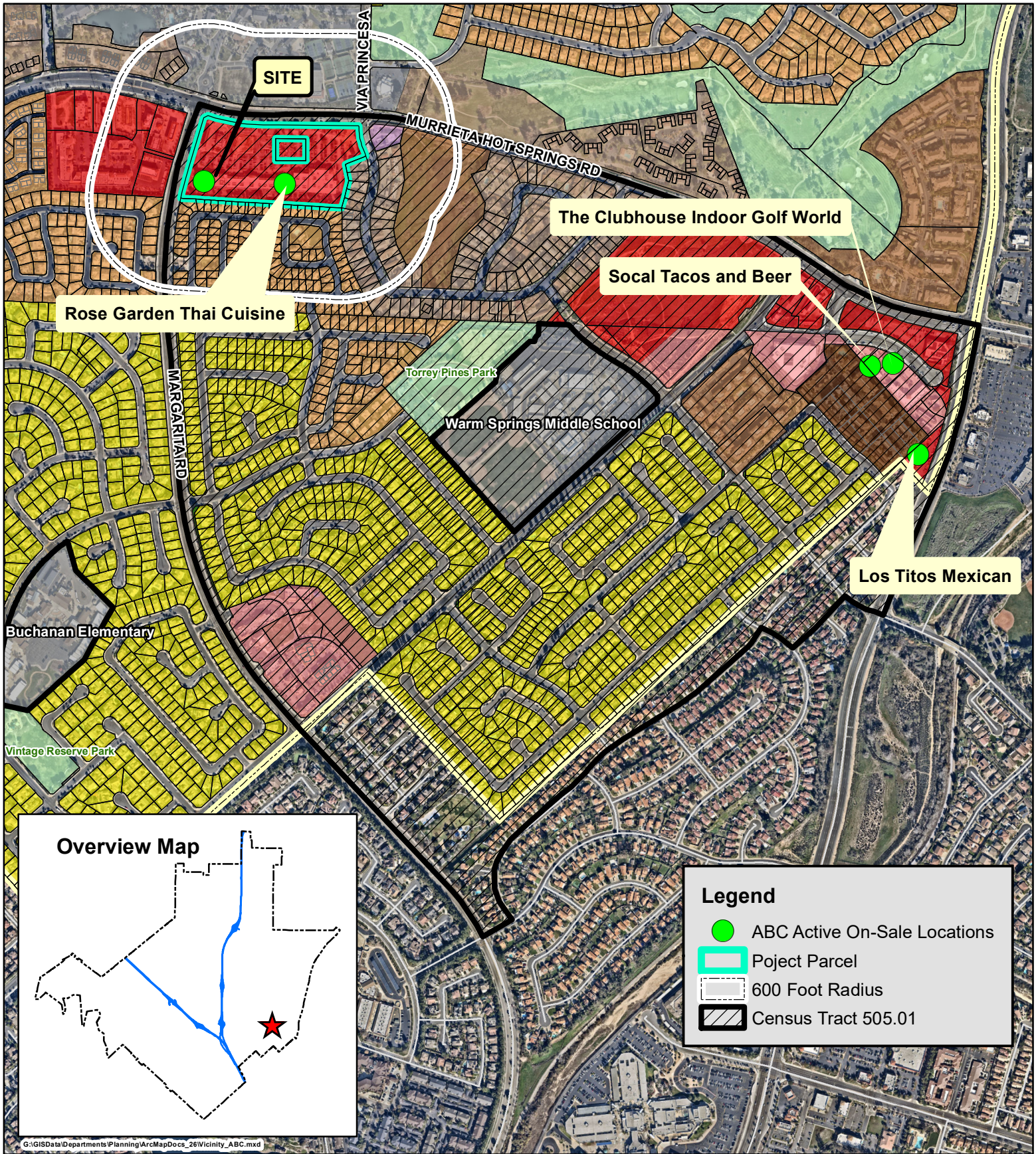
39400 Murrieta Hot Springs Road, Suite 123A

3/10/2026

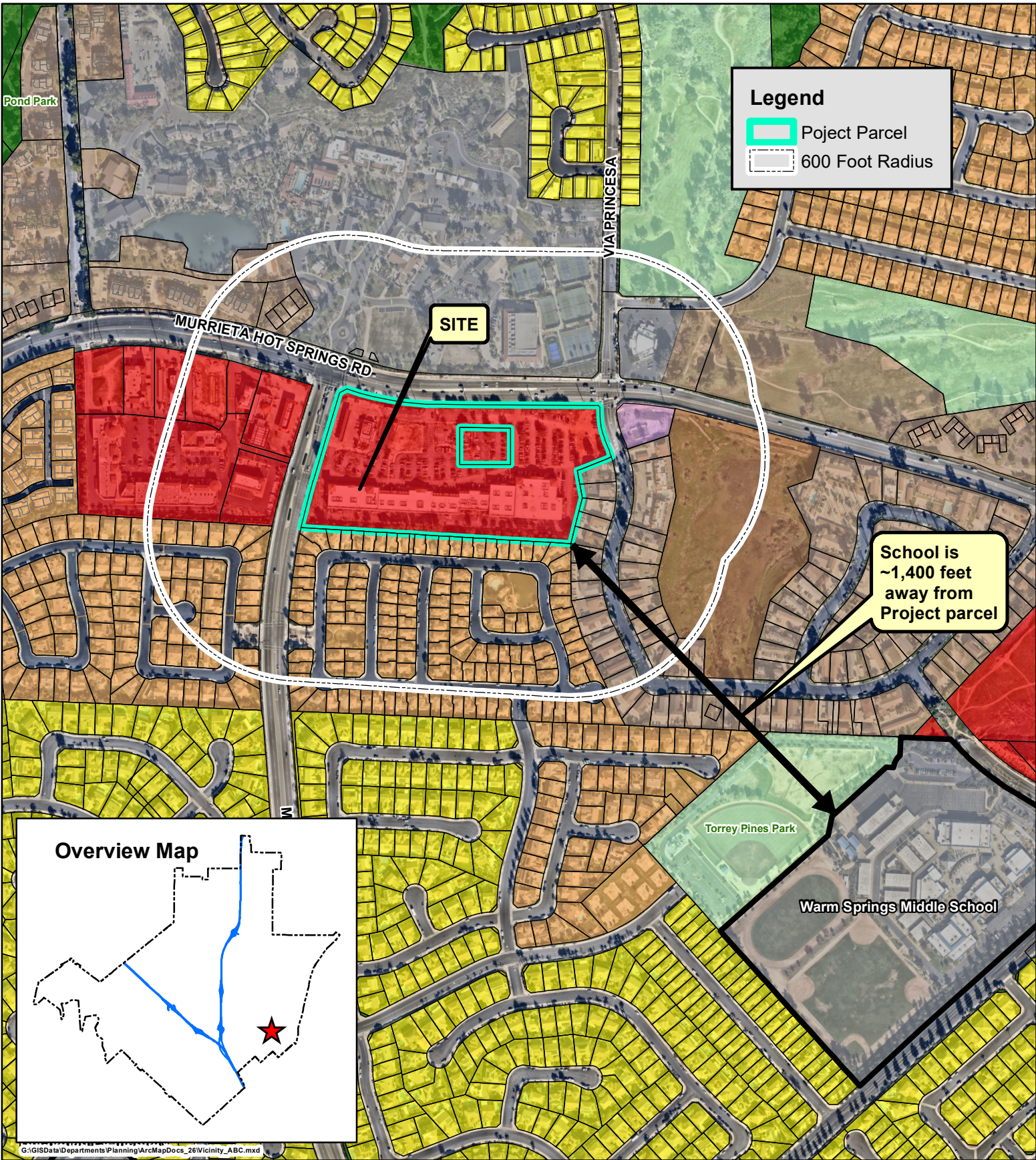


Vicinity Map

APN: 913-160-066
26



	<p align="center">CUP-2025-00037 39400 Murrieta Hot Springs Road, Suite 123A</p>	<p align="center">3/10/2026</p>	
	<p align="center">600 300 0 600 Feet</p>	<p align="center">Vicinity Map</p>	<p align="center">APN: 913-160-066</p> <p align="right">27</p>

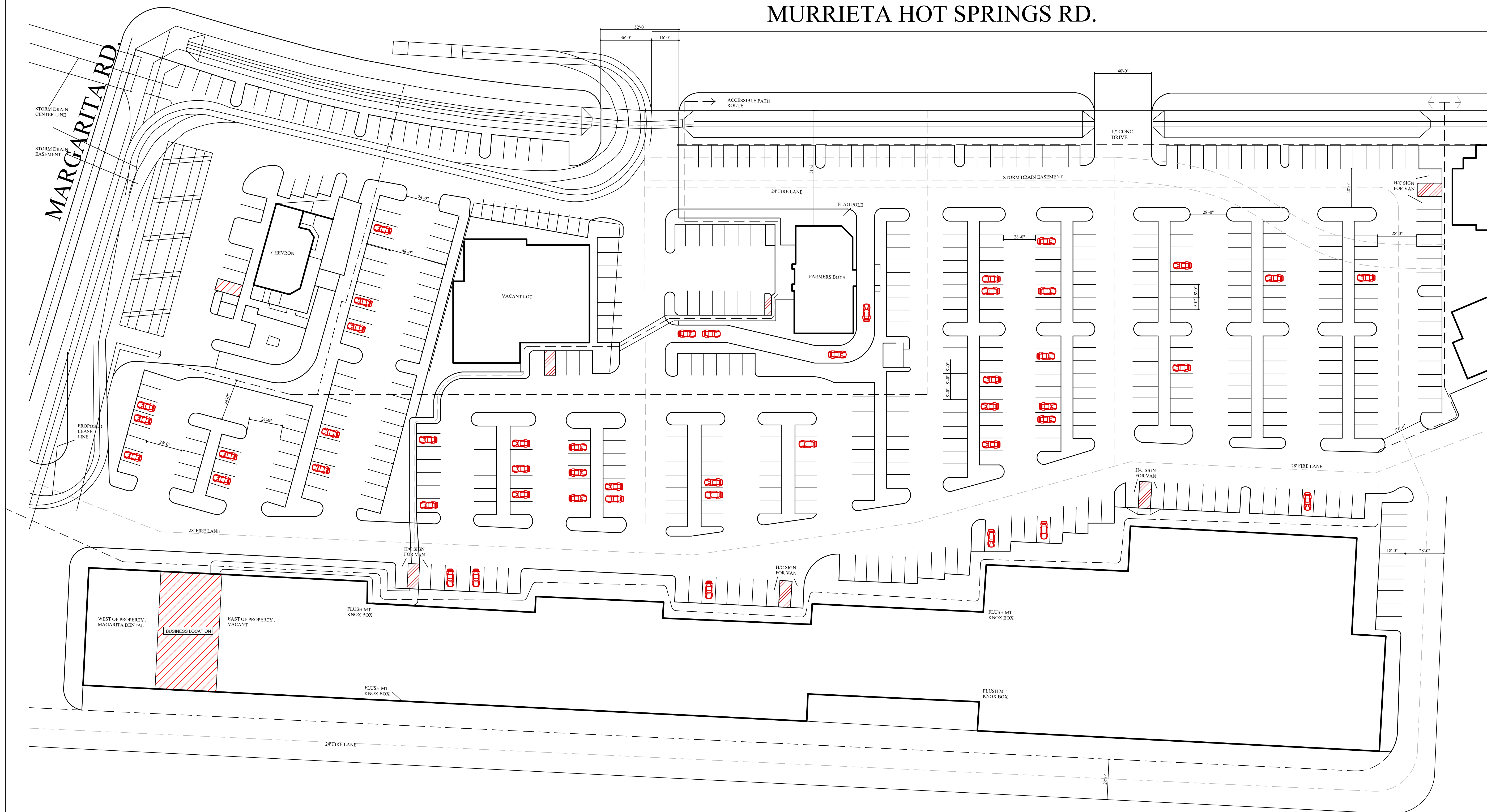


	CUP-2025-00037 39400 Murrieta Hot Springs Road, Suite 123A	3/10/2026
		Vicinity Map

MURRIETA HOT SPRINGS RD.

VICTORY HOMES
ENGINEERS, PLANNERS & SURVEYORS

ADDRESS:
39400 MURRIETA HOT
SPRINGS RD. UNIT #123-A
MURRIETA, CA 92563



PROFESSIONAL SEAL:

REVISIONS	DATE

CITY USE ONLY

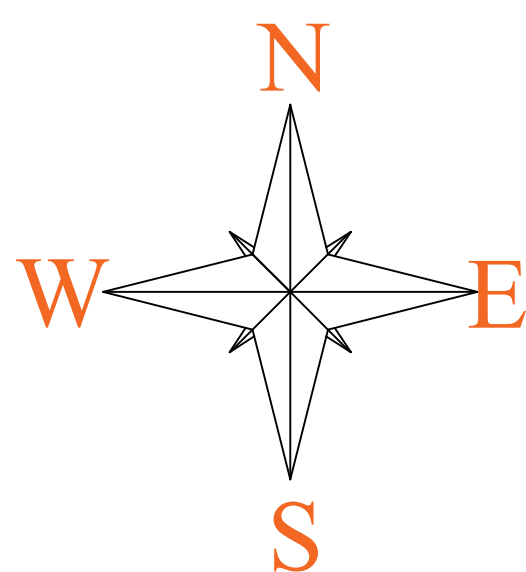
PROJECT NUMBER	CLIENT NAME

DRAWN BY	CHECKED BY

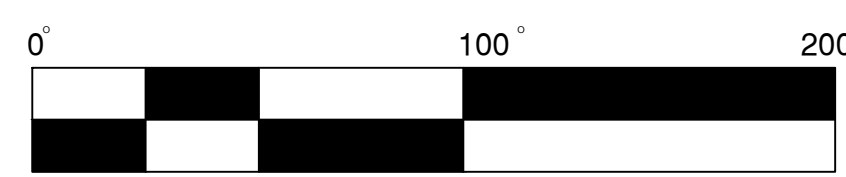
SCALE	DRAWING NUMBER
1" = 20'	A2.0

DRAWING TITLE:

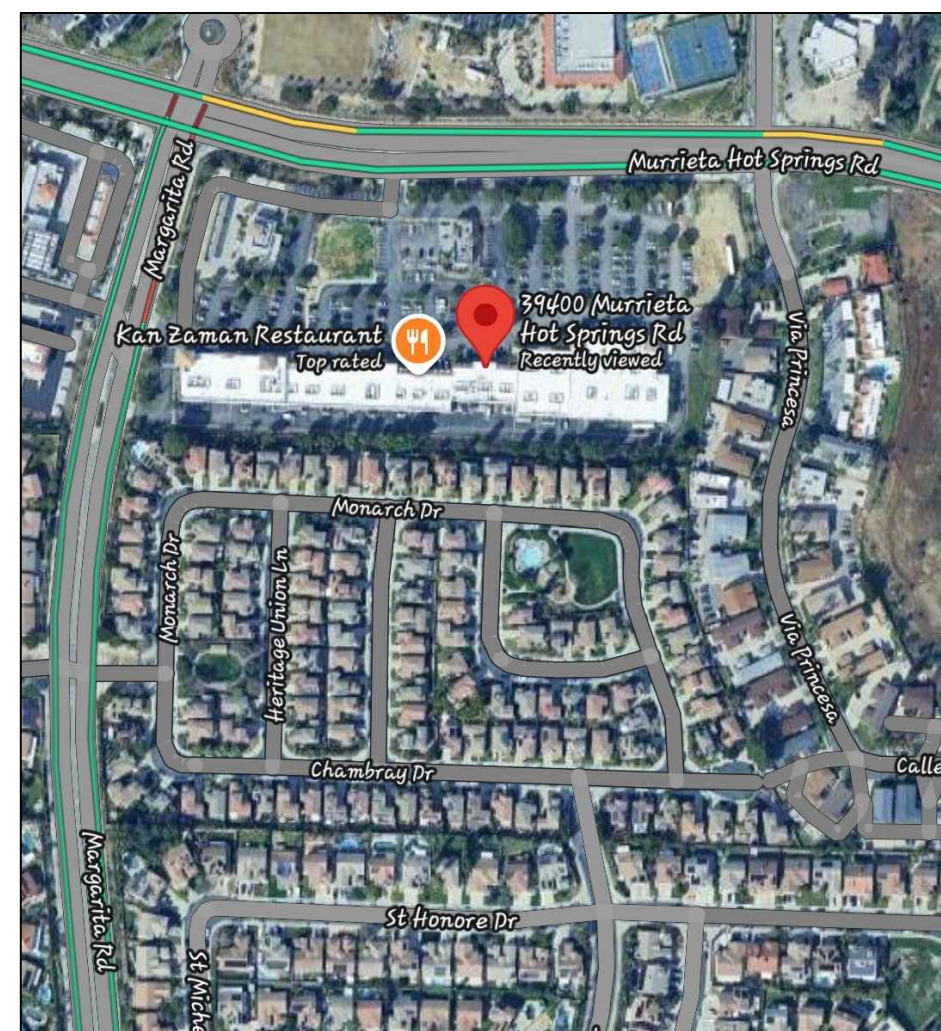
SITE PLAN



GRAPHIC SCALE



(IN FEET)



- TITLE OF EXHIBIT : CONCEPTUAL SITE PLAN AND BUILDING PLANS FOR CONDITIONAL USE PERMIT REVISION- UNIT 123A, 39400 MURRIETA HOT SPRINGS RD.
- LEGAL DESCRIPTION :
 - * APN : 913-160-066
 - * DESCRIPTION : PORTION OF LOT 4 OF TRACT MAP NO. 21567, CITY OF MURRIETA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 194, PAGES 73-74 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.
- UTILITY PURVEYORS :
 - * WATER & SEWER : EASTERN MUNICIPAL WATER DISTRICT
 - * ELECTRICITY : SOUTHERN CALIFORNIA EDISON
 - * TELECOMMUNICATIONS : SPECTRUM
- TOTAL NET AND GROSS ACREAGE :
 - * TOTAL LOT AREA (GROSS ACREAGE) : 10.8 ACRES
 - * NET ACREAGE : 0.056 ACRES
- EXISTING ZONING AND LAND USE : CC (COMMUNITY COMMERCIAL), RETAIL SALES.
- PROPOSED ZONING AND LAND USE : CC (COMMUNITY COMMERCIAL), RETAIL SALES.

ABBREVIATIONS
 PL : PROPERTY LINE
 ST. STREET
 N : NORTH
 S : SOUTH
 E : EAST
 W : WEST
 NE : NORTH EAST
 NW : NORTH WEST
 SE : SOUTH EAST
 SW : SOUTH WEST
 PG. : PAGE
 NO. : NUMBER
 EX. : EXISTING
 FT : FEET

39400 MURRIETA HOT
SPRINGS RD. UNIT #123-A
MURRIETA, CA 92563

ADDRESS:

PROFESSIONAL SEAL:

NOTES:

- A. EX. STORE FRONT TO REMAIN, 3'0"x6'8" DOOR. NO THRESHOLD. 0" INCH ACCESSIBLE ENTRY. SEE SHT. A4.
- B. ADA ACCESSIBLE COUNTER TO COMPLY WITH ADA REQUIREMENTS. SEE DL.AET. A3
- C. 18" DP. STORAGE SHELVES, TOTAL OF 30 LINEAR FT., ANSI APPROVED. BOTTOM SHELF 6" MIN. ABOVE FLOOR.
- C1. 18" DP. STORAGE RACKS, 4 FT. HIGH, MAX TOTAL OF 24 LINEAR FT. BOTTOM SHELF 6" MIN. ABOVE FLOOR.
- C2. 18" DP. STORAGE RACKS, 4 FT. HIGH, MAX TOTAL OF 15 LINEAR FT. BOTTOM SHELF 6" MIN. ABOVE FLOOR.
- D. REPLACE EXISTING WINDOW PANEL WITH 3'0"x6'8" COMMERCIAL DOOR WITH SIDE LITE, CLEAR ANODIZE CENTER GLAZE FRAME, OVERHEAD CONCEALED CLOSER W/ GREY LITE 14 TEMPERED GLASS.
- E. 12" SS SPLASH GUARD BETWEEN HAND SINK AND 3-COMP SINK
- F. EX. CABINETS, PAINTED, MED. COLOR, SEMI-GLOSS DR GLOSS.
- G. CHASE FOR UTILITIES. FRAME PER LEGEND, FINISH PER SCHEDULE, FULL HEIGHT FROM FLOOR TO T-BAR CEILING.
- H. COBURN TOP-MOUNTING, OVERHEAD SLIDING DOOR, MODEL STRAIGHTAWAY 100, 200LB MAX WT, 8' MAX HT. ASSY PER MFG W/ WOOD BACKING.
- RESTROOMS:
I. SDAP AND SANITARY TOWELS IN SINGLE-SERVICE, PERMANENTLY INSTALLED DISPENSERS, OR HOT AIR BLOWERS SHALL BE PROVIDED AT THE
- J. TOILET TISSUE SHALL BE PROVIDED IN A PERMANENTLY INSTALLED DISPENSER AT EACH TOILET. SEE SHT. A3.
- K. AT EACH RESTROOM LAVATORY, PROVIDE TEMPERATURE CONTROL DEVICE INDEPENDENT OF WATER HEATER.
- L. JANITORIAL:
1. EX. 1-COMPARTMENT, FLOOR-MOUNTED JANITORIAL BASIN IS PROVIDED WITH HOT AND COLD RUNNING WATER THROUGH A MIXING FAUCET, WITH AN APPROVED BACKFLOW PREVENTION DEVICE. IS INSTALLED FOR GENERAL CLEANUP ACTIVITIES.
- M. THE JANITORIAL AREA SHALL BE EQUIPPED WITH A MOP AND BROOM RACK AND A SHELF OR CABINET FOR THE STORAGE OF CLEANING EQUIPMENT AND SUPPLIES.
- N. FRP MATERIAL EXTENDS TO A HEIGHT OF 8' AS MEASURED FROM THE TOP OF THE COVE BASE.
- O. EX. GARBAGE/ TRASH AREA. THE INTERIOR WALLS, AND FLOOR OF THIS OUTSIDE AREA ARE CONSTRUCTED SO AS TO BE SMOOTH, IMPERVIOUS AND EASILY CLEANABLE.
- P. FLOOR AND WALLS ARE SEALED AND PAINTED WITH ACRYLIC BASED PAINT.
- Q. OUTSIDE TRASH STORAGE AREAS PROPERLY DRAIN SO AS NOT TO CREATE A NUISANCE.
- R. ALL PLUMBING, ELECTRICAL, AND GAS LINES, SHALL BE CONCEALED WITHIN THE BUILDING STRUCTURE TO AS GREAT AN EXTENT AS POSSIBLE OR ENCASED IN AN
- APPROVED SEALED CONTAINER. WHERE THIS IS NOT POSSIBLE, ALL LINES SHALL BE AT LEAST 1/2" AWAY FROM THE WALLS OR CEILING AND 6" OFF THE FLOOR.
- S. WHERE CONDUIT OR PIPE LINES ENTER A WALL, CEILING OR FLOOR, THE OPENING AROUND THE LINE SHALL BE TIGHTLY SEALED.
- T. CONDUIT OR PIPE LINES SHALL NOT BE INSTALLED ACROSS ANY AISLE, TRAFFIC AREA OR DOOR OPENING.
- LIGHTING:
U. DRY FOOD STORAGE ROOMS AND WALK-IN REFRIGERATION UNITS SHALL BE PROVIDED WITH AT LEAST 10 FOOTCANDLES OF LIGHT AS MEASURED AT A DISTANCE OF 30" ABOVE THE FLOOR.
- V. A MIN. OF 20 FOOT CANDLES OF LIGHT SHALL BE PROVIDED INSIDE OF REACH-IN REFRIGERATION UNITS AND UNDER COUNTER REFRIGERATORS.
- W. A MIN. OF 50 FOOT CANDLES OF LIGHT SHALL BE PROVIDED AT A SURFACE WHERE A FOOD EMPLOYEE IS WORKING WITH FOOD AND IN OTHER AREAS AND ROOMS DURING PERIODS OF CLEANING.
- REFRIGERATION:
X. ALL REFRIGERATION UNITS SHALL BE ADEQUATE IN CAPACITY TO MEET THE NEEDS OF THE PROPOSED OPERATION AND SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS (SEE EQUIP. SCHED. #7)
- Y. PRE-FABRICATED WALK-IN COOLER, CONSTRUCTED OF STEEL PANELS, INSULATED WITH STYROFOAM. CONDENSOR EQUIPMENT TO BE LOCATED ON ROOF OF BUILDING.
- Z. WALK-IN COOLER, EXTERNAL DIM. NOTED, 8'-0" HEIGHT.
- AA. CONDENSATE LINE TO DRAIN TO ADJACENT FLOOR DRAIN IN KITCHEN VIA LEGAL AIR GAP.
- AB. BE SPECIFICALLY CONSTRUCTED FOR COMMERCIAL USE, ANSI CERTIFIED.
- AC. BE PROVIDED WITH AN ACCURATE, READILY VISIBLE THERMOMETER.
- AD. HAVE SHELVING THAT IS NONABSORBENT AND EASILY CLEANABLE.
- AE. OPEN INTO AN APPROVED FOOD HANDLING AREA OF THE BUILDING.
- AF. HAVE SMOOTH, NONABSORBENT AND EASILY CLEANABLE SURFACES. ALL JOINTS MUST BE SEALED.
- AG. HAVE AN INTEGRALLY COVED BASE WITH A RADIUS OF AT LEAST 3/8" AT THE FLOOR/WALL JUNCTURE (BOTH INSIDE AND OUTSIDE THE UNIT); THE FLOOR MATERIAL SHALL EXTEND UP TO A HEIGHT OF AT LEAST 4" INCHES ON THE WALLS. 4" INCH APPROVED METAL TOP-SET COVING WITH A MINIMUM 3/8" RADIUS IS ACCEPTABLE AGAINST METAL WALL SURFACES OF WALK-IN.
- AH. REFRIGERATION UNITS HAVE SHELVING THAT IS AT LEAST 6" OFF THE FLOOR WITH SMOOTH, ROUND, METAL LEGS, OR CANTILEVERED FROM THE WALL, FOR EASE OF CLEANING. SMALL, EASILY MOVABLE, CASTERED DOLLIES MAY BE USED IN PLACE OF A LOWER SHELF INSIDE A WALK-IN REFRIGERATION UNIT. (WOODEN SHELVES, ROUGH SURFACES, METAL SHELVING THAT IS NOT RUST-PROOF IS NOT APPROVED.)
- AI. WALK-INS SHALL BE FLASHED TIGHTLY TO WALL SURFACES.
- AJ. ASSEMBLE TOP TO 3/4" THICK, MIN. PLY. WITH 4-3/8" X 1" LG. LAG SCREWS, 16" D/C. ASSEMBLE TO EX. CABINET BASE WITH 4-3/8" X 1" LG. LAG SCREWS, 16" D/C.
- AK. BAR TOP VERTICAL POST AT CORNERS TO BE 2" MIN THREADED MILD STEEL PIPE WITH THREADED FLANGED ENDS. ASSEMBLE TO 3/4" THICK, MIN. PLY. WITH 4-1/4" X 1" LG. LAG SCREWS. ANCHOR TO EX. FLOOR WITH HILTI KB-TZ 4-3/8" X 3" LG. 2" MIN. EMBEDMT.

- * FULLY SPRINKLERED PER NFPA 13- EXISTING SYSTEM
- * EXISTING FIRE ALARM CONTROL PANEL AND PULL STATIONS INSTALLED PER NFPA 72.
- * KNOX BOX AND FDC PER MURRIETA FIRE & RESCUE.

EQUIPMENT SCHEDULE

ITEM NO.	EX / NEW	ITEM	MANUF.	MODEL NO.	NSF	GAS	ELECTRICAL	HOT WATER	COLD WATER	DIRECT WASTE	INDIRECT WASTE	SPECIALTY FABRICATED	DRAINS TO FLOOR SINK	SELF-CONTAINED
1	NEW	21"X36"X42" H. COUNTER (BAR)												
2	NEW	80"X21"X32" H. COUNTER (ADA BAR)												
3	NEW	BEVERAGE MERCHANDISER	TRUE	GDM-72										
4	NEW	WINE MERCHANDISER		GDM-23W										
5	NEW	UNDER COUNTER REFRIGERATOR	TRUE	TUC-47										
6	NEW	HYBRID OVEN	AMANA	MCE14										
7	NEW	WALK-IN REFRIGERATOR												
8	EX	HAND SINK												
9	NEW	3-COMPARTMENT SINK												
10	NEW	HAND SINK												
11	NEW	AIR CURTAIN												

NOTES:

FURNITURE SCHEDULE

ITEM NO.	ITEM DESCRIPTION
1	COFFEE TABLE
2	TABLE, WOOD/ STEEL, 34"X42"
3	CONFERENCE ROOM TABLE, WOOD/ STEEL, 103"X42"
4	STEEL BAR STOOL
5	CHAIR, STEEL, TYP
6	SOFA, FABRIC/ LEATHER, TYP
7	ARM CHAIR, FABRIC/ LEATHER, TYP
8	HIGH-TOP COUNTER ISLAND, 84"X18"X48"H

LEGEND

- EXISTING WALLS TO REMAIN
- NEW PARTITION, 2"x4" STUD
- EX. BLOCK, MASONRY

FINISH SCHEDULE

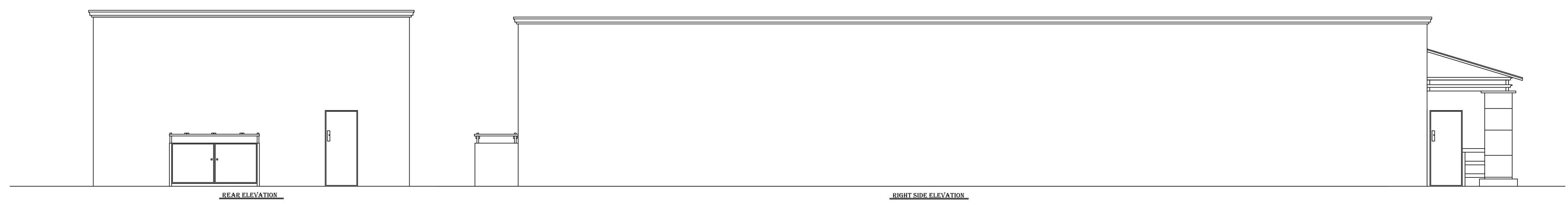
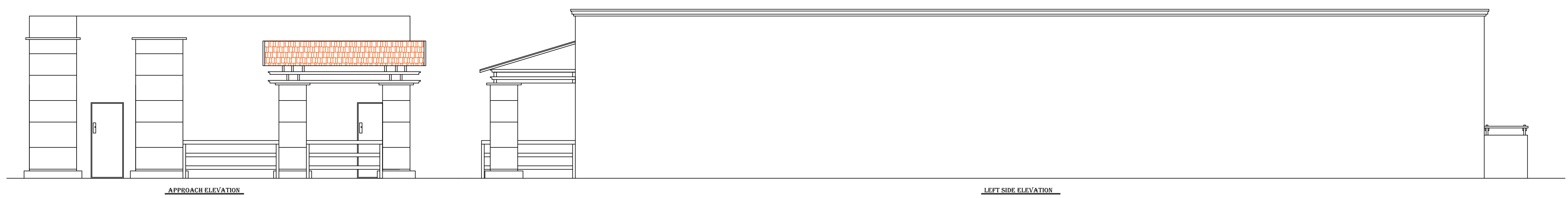
ROOM NO.	EX / NEW	ROOM NAME	BASE	FLOOR	WALLS	CEILING
1	EX	STORAGE	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
2	EX	KITCHEN	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
3	EX	RESTROOM	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
4	NEW	RESTROOM	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
5	NEW	HALL	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
6	NEW	STORAGE	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
7	EX	MEETING ROOM	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
8	EX	SALES	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
9	EX	JANITORIAL	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
10	NEW	PATIO	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED
11	EX	DINING	EX. 6" 3/8" RAD. INTEGRAL COVE CER TILE, NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED	EX. 18"X18" CER TILE NSF APPROVED	EX. 12"X12" CER TILE NSF APPROVED

NOTES:
PAINT TO BE MED. COLOR GRAY, SEMI-GLOSS/ GLOSS IN RR AND KITCHEN AREAS
#6 STORAGE OPEN ABOVE

REVISIONS	DATE
CITY USE ONLY	
PROJECT NUMBER	CLIENT NAME
DRAWN BY	CHECKED BY
SCALE	DRAWING NUMBER
1/4" = 1'-0"	A3.0
DRAWING TITLE:	
FLOOR PLAN	

ADDRESS:
39400 MURRIETA HOT
SPRINGS RD. UNIT #123-A
MURRIETA, CA 92563

PROFESSIONAL SEAL:



REVISIONS	DATE

CITY USE ONLY

PROJECT NUMBER	CLIENT NAME
DRAWN BY	CHECKED BY
SCALE	DRAWING NUMBER
1/4 " = 1'-0"	A4.0

DRAWING TITLE:
ELEVATIONS



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.

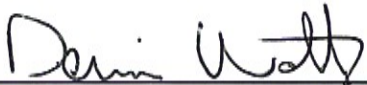

Staff, including the Police Department, met with the applicant to discuss ways to modify the business operation to address the city's concerns. As a result several conditions of approval (39, 40, 42,-45) were added modifying the applicant's business approach as follows:

- 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>
-------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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:

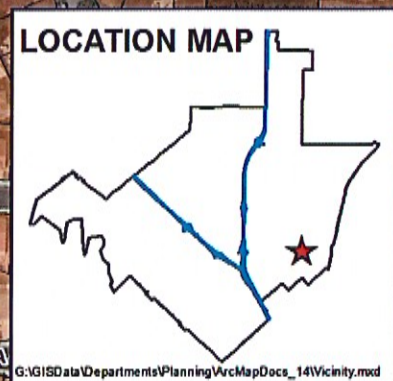
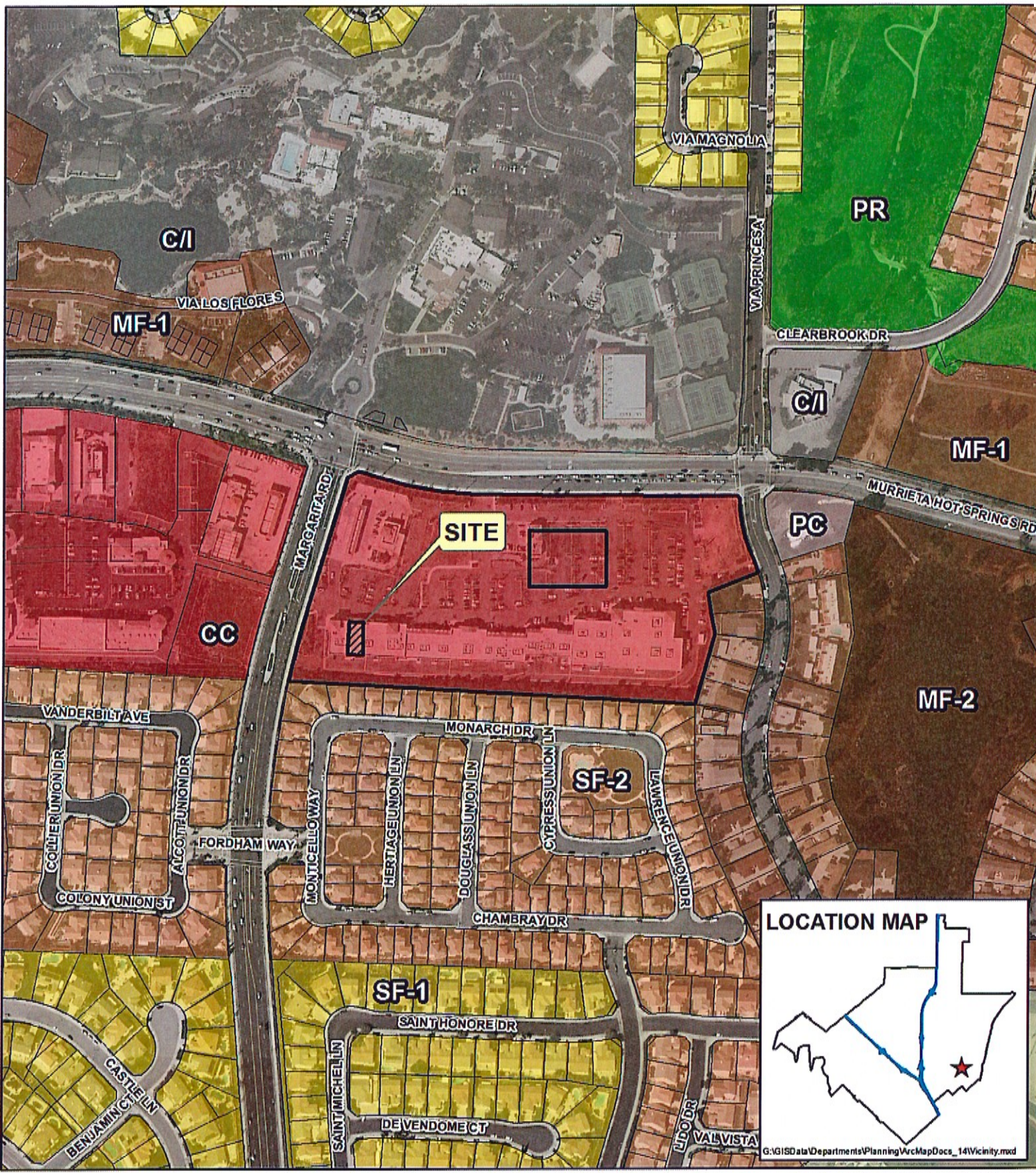
64. Fire sprinklers may need to be relocated to provide adequate coverage when improvements are installed. Engineered drawings must be submitted to the Fire Department for approval prior to any system modification.

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

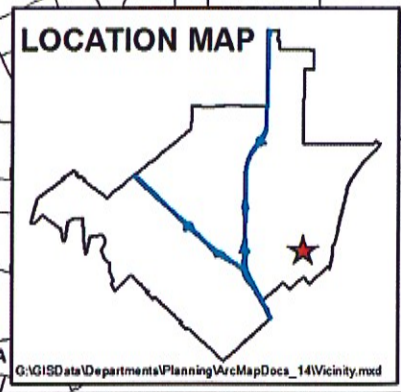
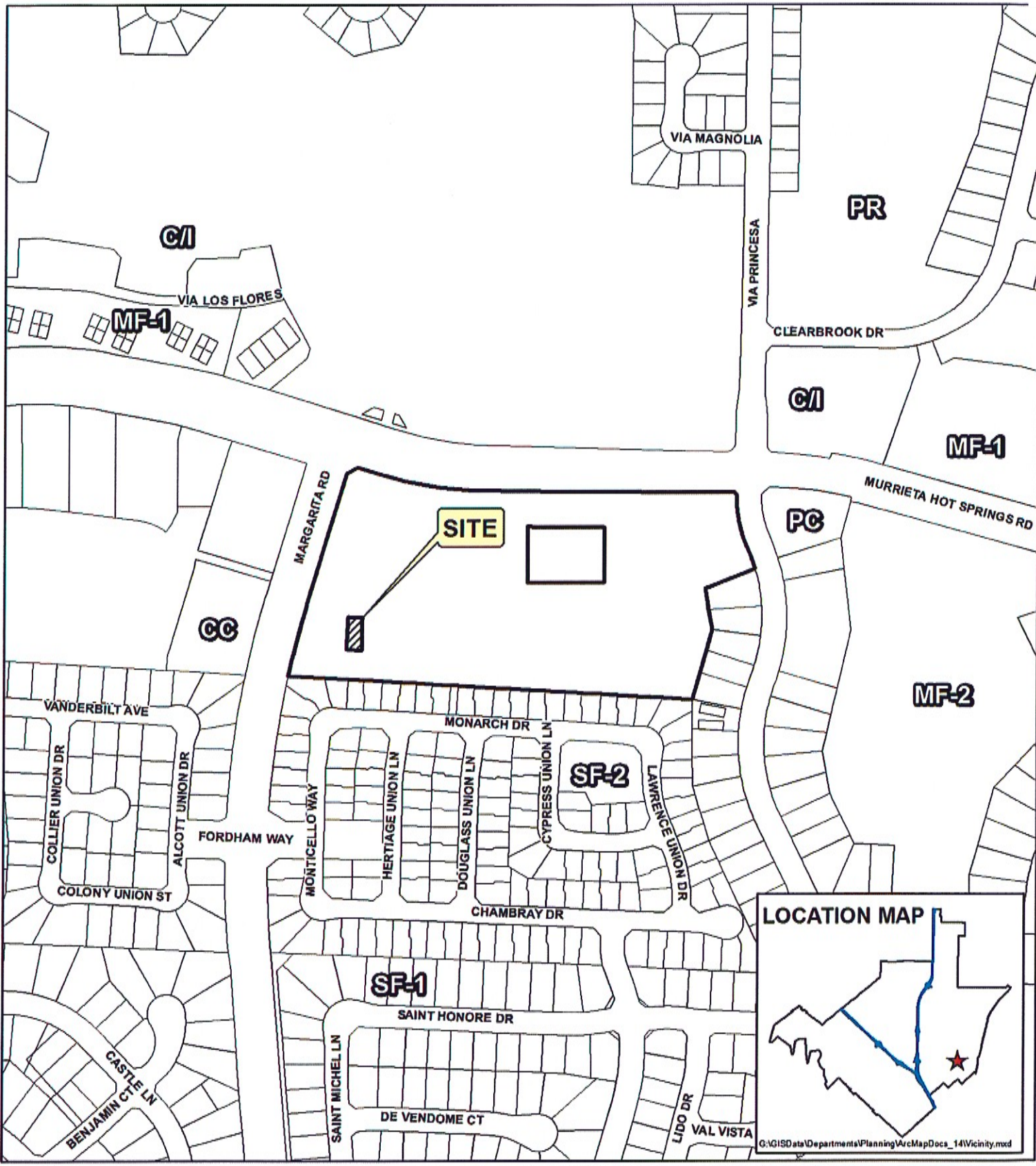
ATTACHMENT 1

SITE LOCATION AND ZONING MAPS



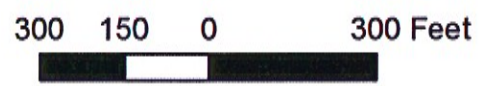
G:\GISData\Departments\Planning\UrcMapDocs_14\Vicinity.mxd

	<h1 style="text-align: center;">Conditional Use Permit 2013-250 (CUP-2013-250)</h1>	<h2 style="text-align: center;">02/20/2014</h2>	
	<p style="text-align: center;">300 150 0 300 Feet</p>	<h3 style="text-align: center;">VICINITY MAP</h3>	<h3 style="text-align: center;">APN: 913-160-066</h3>



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

02/20/2014



VICINITY MAP

APN: 913-160-066

G:\GISData\Departments\Planning\ArcMapDocs_14\Vicinity.mxd

ATTACHMENT 2

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



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

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

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.

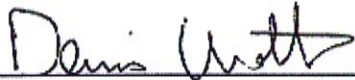

ENVIRONMENTAL DETERMINATION

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.

<p>Prepared by:</p>  <p>Dennis Watts Senior Planner</p>	<p>Recommendation approved by:</p>  <p>Cynthia S. Kinser City Planner</p>
------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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**

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.

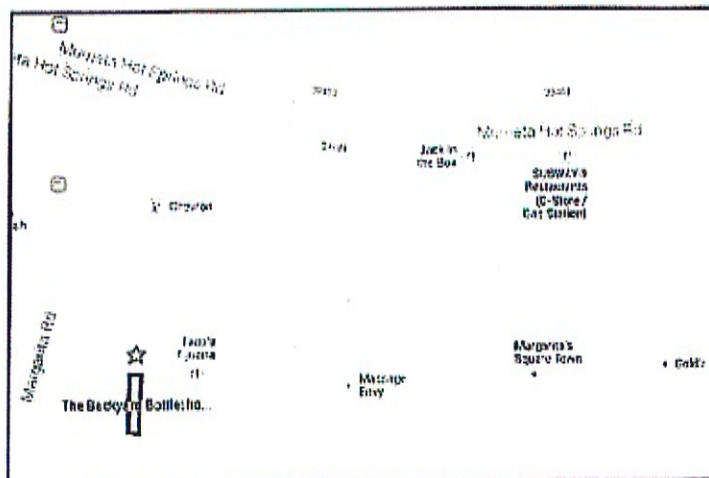
If you would like to learn more and to meet us, please stop by for an informal gathering at our location. Please feel free to email any questions if you cannot attend. We look forward to meeting everyone and chatting about our proposed business.

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

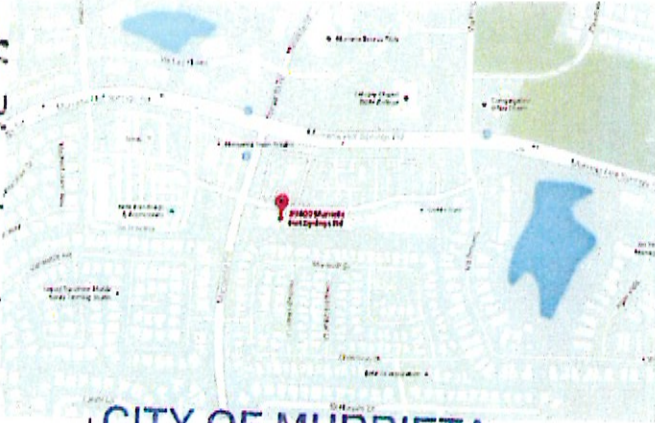
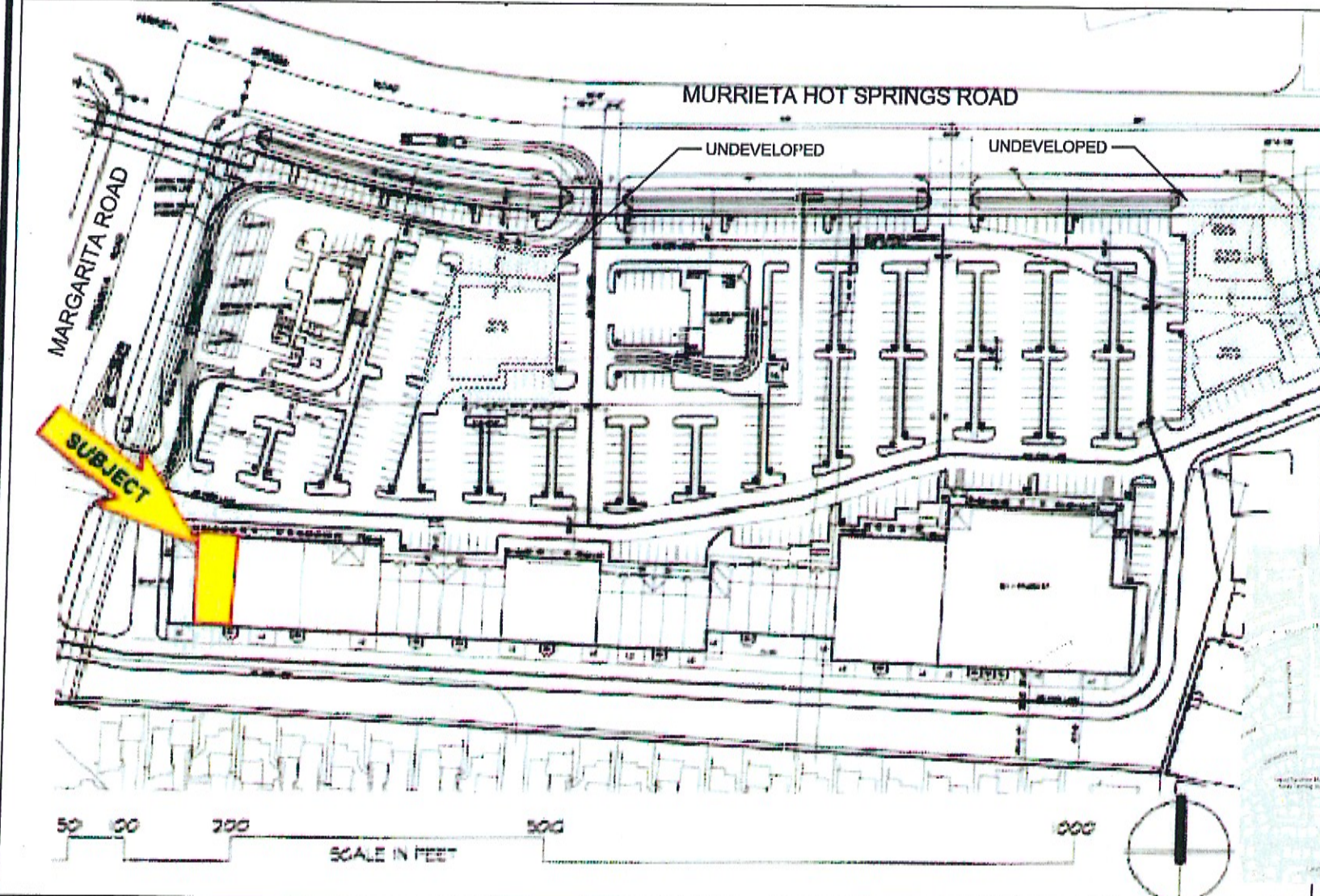
SHEET NO.	DESCRIPTION
SHEET 1 OF 7	SITE PLAN
SHEET 2 OF 7	PANORAMIC PHOTOS
SHEET 3 OF 7	ZONING MAP
SHEET 4 OF 7	ASSESSOR'S MAP
SHEET 5 OF 7	PARKING PLAN
SHEET 6 OF 7	STRUCTURE PLAN
SHEET 7 OF 7	FLOOR PLAN

NOTES:

1. LAND OWNER REPRESENTATIVE:
VESTAR PROPERTY MANAGEMENT, INC
C/O MATTHEW GREENBERG
41623 MARGARITA RD, SUITE 100
TUCUCULA, CA 92391
2. ASSESSOR PARCEL NUMBER (APN): 913160066
3. ALL BUILDINGS AND STRUCTURES SHOWN EXIST WITHIN PROPERTY, UNLESS NOTED
4. 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
5. GROSS ACREAGE: 12.85 / NET ACREAGE: 10.8
6. EXISTING USE/ ZONING: COMMUNITY COMMERCIAL (CC)
7. 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/Property
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"



VICINITY MAP
NOT TO SCALE

EXHIBIT

CC _____ PC OTHER _____

MEETING DATE 5/14/14

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

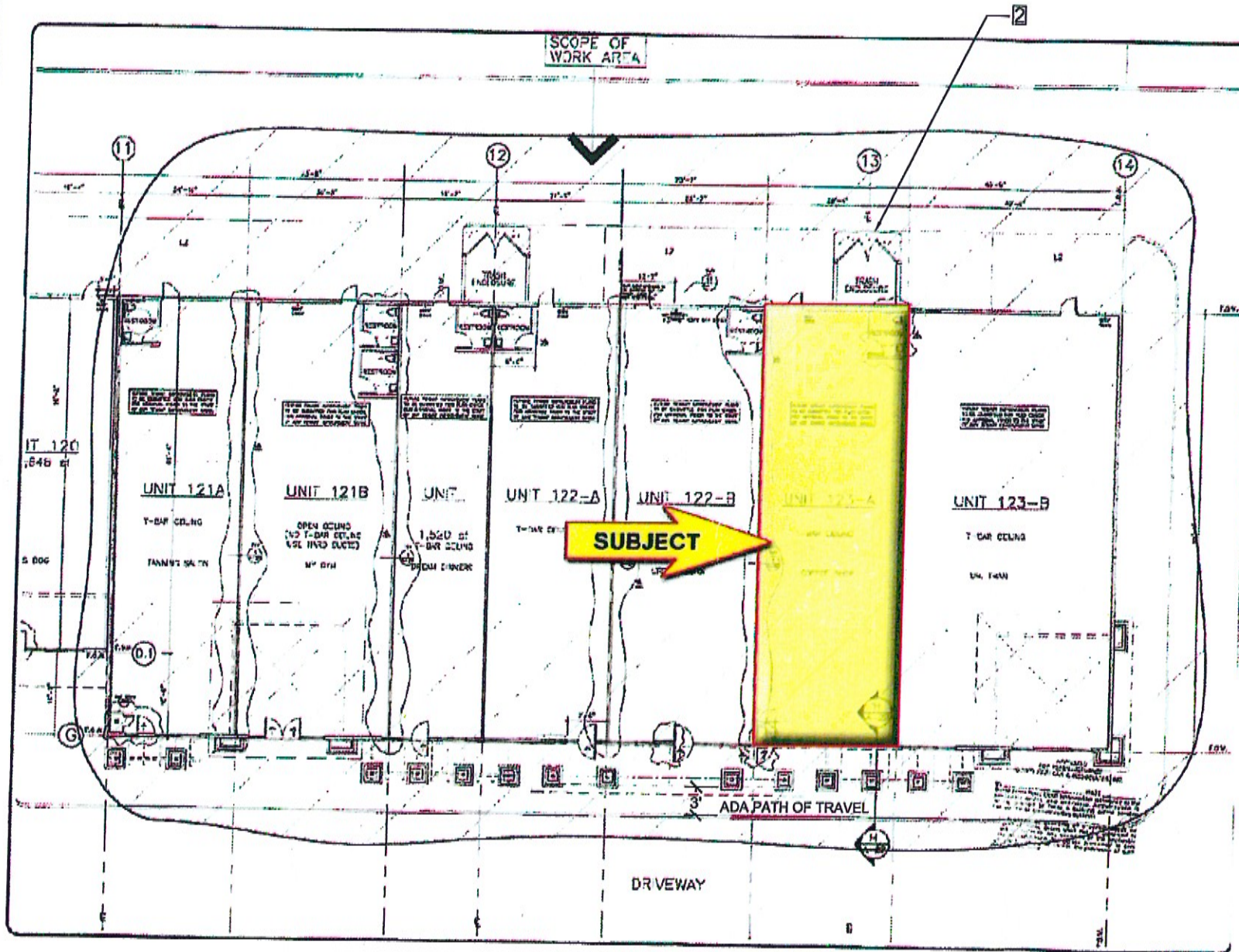
Project	Sheet
Date	2 OF 7
Scale	
1/16" = 1'-0"	

EVIDENCE

CC _____ PC OTHER _____

MEETING DATE 5/14/14

MINOR CONDITIONAL USE PERMIT PLANS FOR THE BACKYARD BOTTLESHOP & TAPROOM

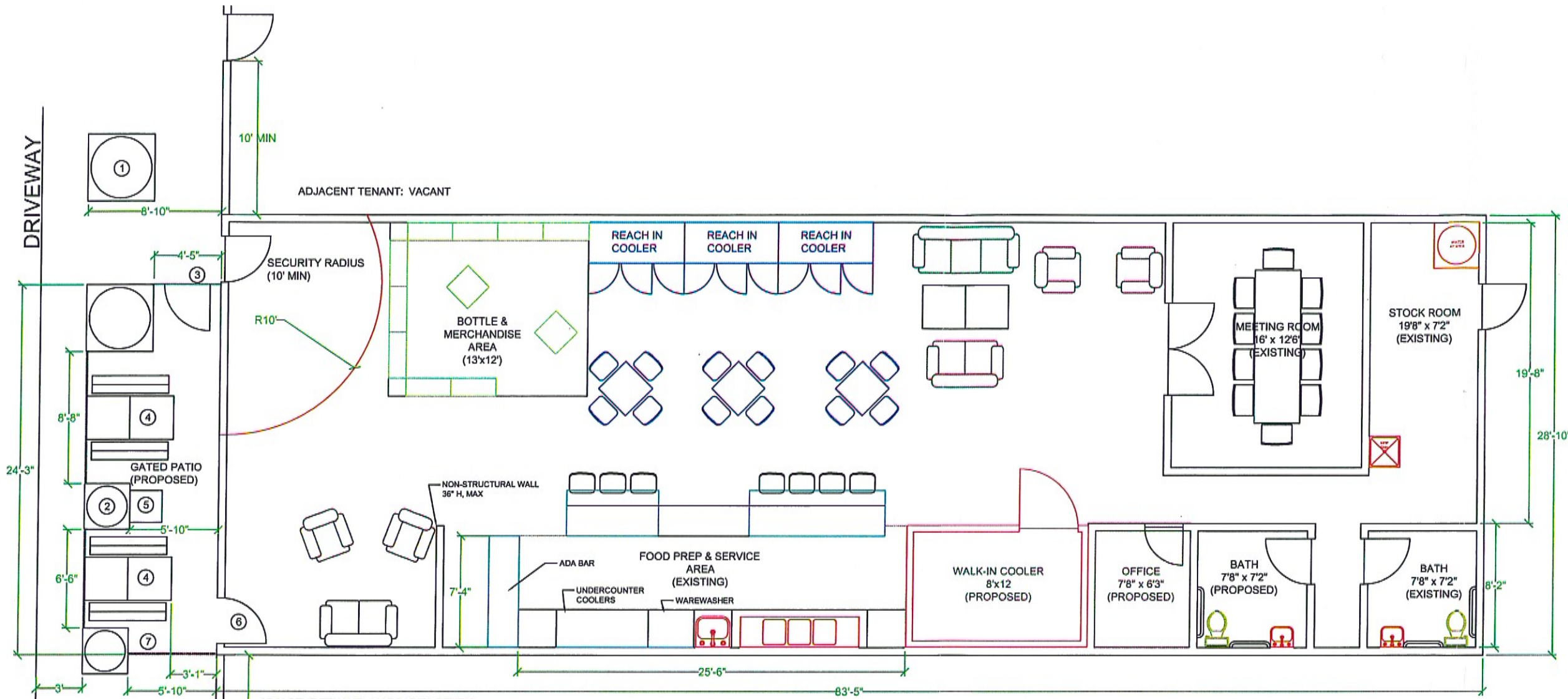


↓
NOT TO SCALE

- 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
Form Name and Address		
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"		



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"