

PLANNING COMMISSION

Agenda Item No.: 6.2

Date: October 25, 2011

CASE NUMBER: PHG 11-0032
APPLICANT: Joe Troutman (JTs Limelight)
LOCATION: 2045 E. Valley Parkway (APN 231-092-06)
TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A Conditional Use Permit to allow amplified entertainment and dancing within a building that previously was used as a restaurant. The restaurant use would be reestablished and would include a new, approximately 500 SF outdoor patio/dining area.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: General Commercial/Midway Neighborhood- Tier 1

ZONING: General Commercial (East Valley Parkway Overlay Zone)

BACKGROUND/SUMMARY OF ISSUES:

The subject site previously was operated as a restaurant (Truly Yours Restaurant) but has been vacant for several years. The project applicant proposes to reestablish the restaurant use and also offer a range of amplified entertainment and dancing. The applicant also is working with ABC to reestablish the alcohol license, which would be a type 47 (restaurant). Limited live entertainment as an incidental use within a restaurant is a permitted use, but entertainment that includes amplified music and dancing requires a Conditional Use Permit. The applicant is requesting to allow amplified entertainment and dancing Monday through Saturday, which also would allow minors to attend the events under appropriate supervision and controls. A new stage would be installed in the facility along with a designated area for dancing during certain performances. The CUP conditions would require entertainment and dancing to conclude by 12:00 p.m. A new, approximately 500 SF outdoor patio/dining area would be installed along the eastern side of the building, and the existing outdoor patio area along the rear of the building would be converted to a staging, storage and changing area for the entertainers.

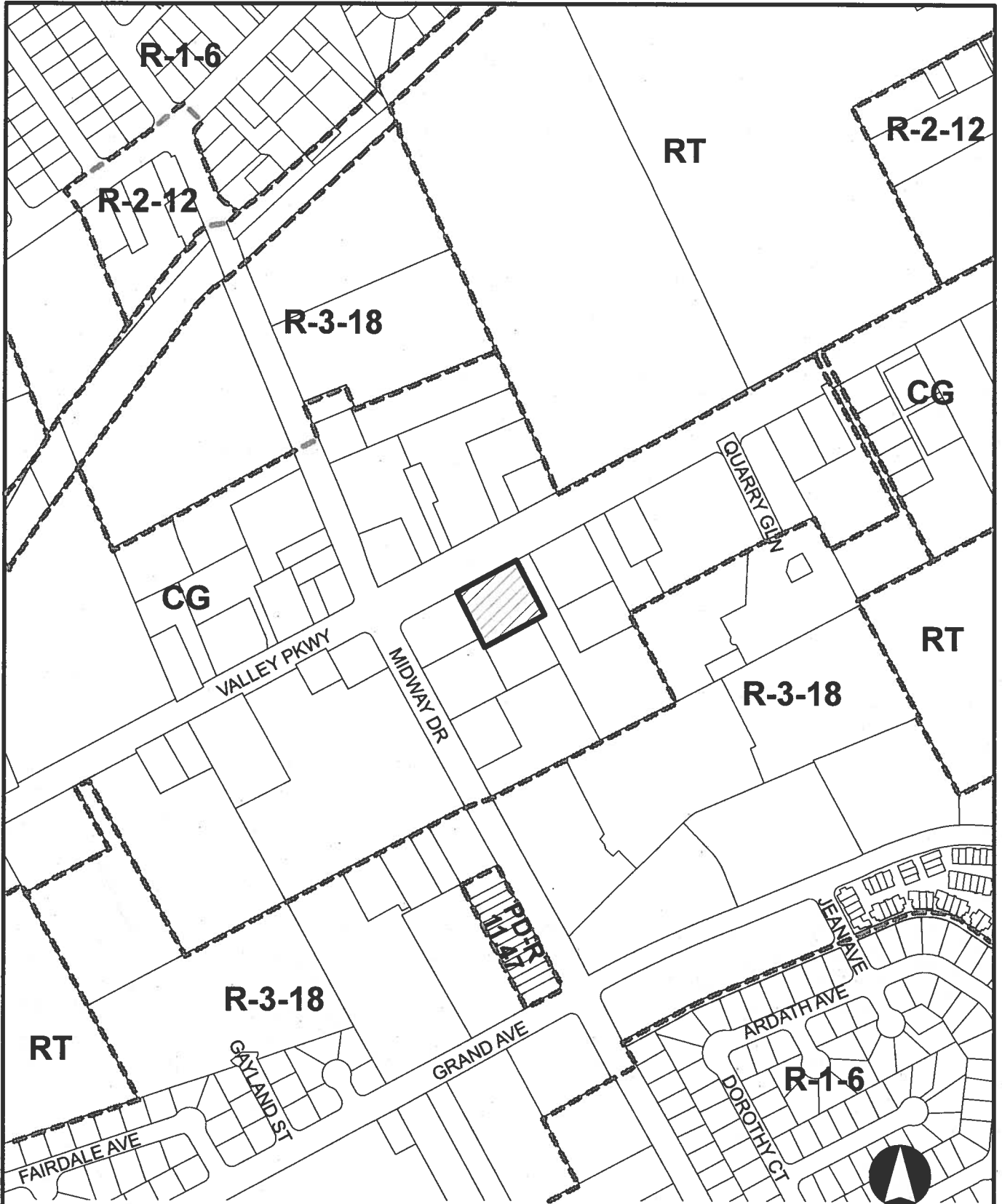
1. Whether the change to allow amplified entertainment and dancing within a restaurant would create problems in the surrounding neighborhood.

REASON FOR STAFF RECOMMENDATION:

1. Staff feels the request to allow amplified music and dancing would not create problems for neighboring properties because conditions have been developed in consultation with the Police Department to allow the restaurant to offer entertainment while incorporating appropriate conditions to address Police Department and High School District concerns. These conditions include a cessation of entertainment by 12:00 A.M./Midnight; a prohibition on outside promoters; a requirement to keep the kitchen open and serving food during all hours of operation; no 'happy hour' type promotions; and a requirement to provide an increased number of security personnel during entertainment hours. In addition, potential noise issues will be minimized by the restaurant staff keeping the music indoors and keeping the doors closed during the hours music/entertainment occurs as required by the conditions of approval.
2. Appropriate on-site parking would be provided to serve the restaurant use and expanded outdoor seating area. No additional parking is required by the Zoning Code to allow amplified entertainment and dancing in the restaurant.

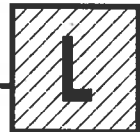
Respectfully submitted,


Jay Paul
Associate Planner

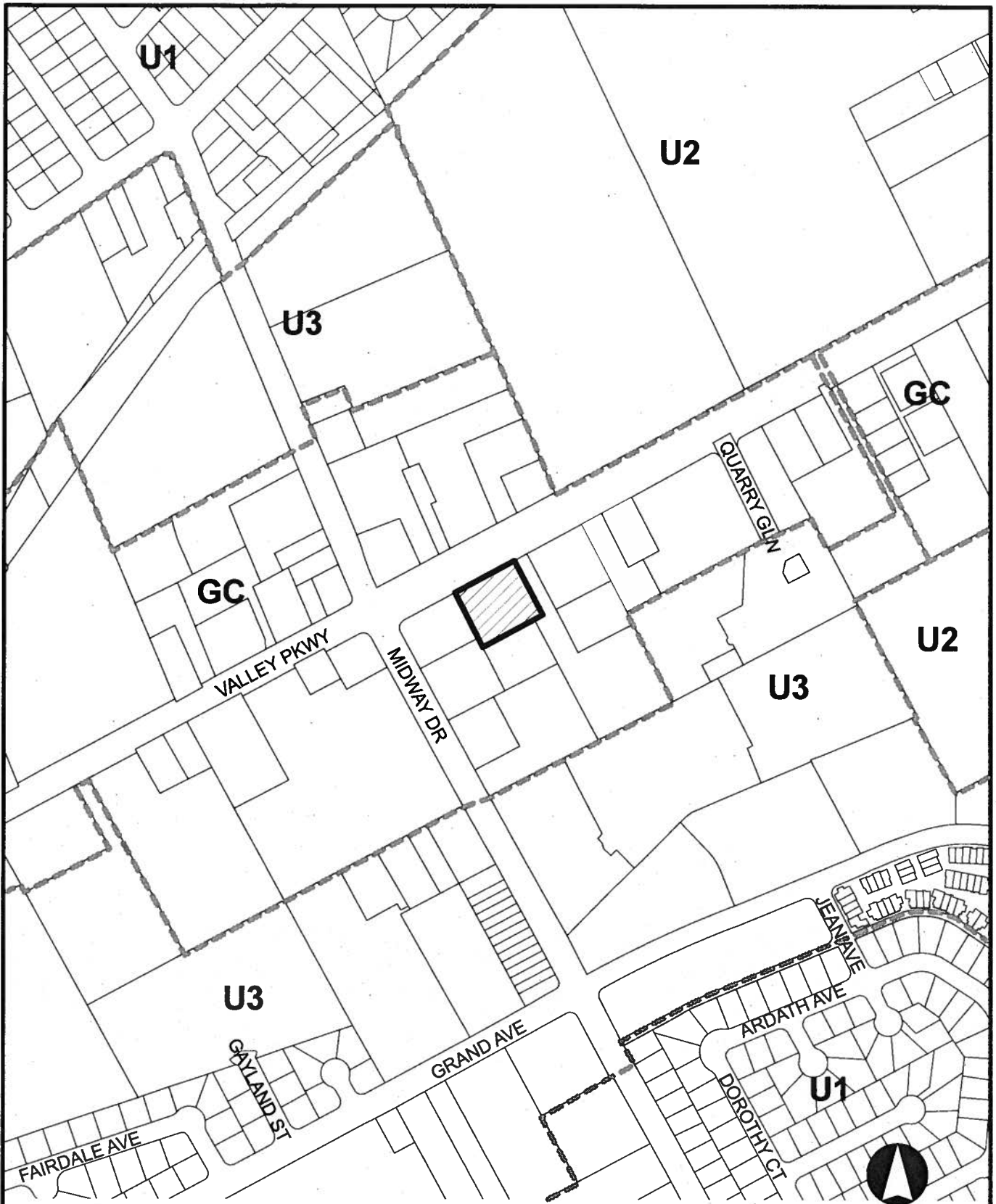


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**PROPOSED PROJECT
PHG 11-0032**



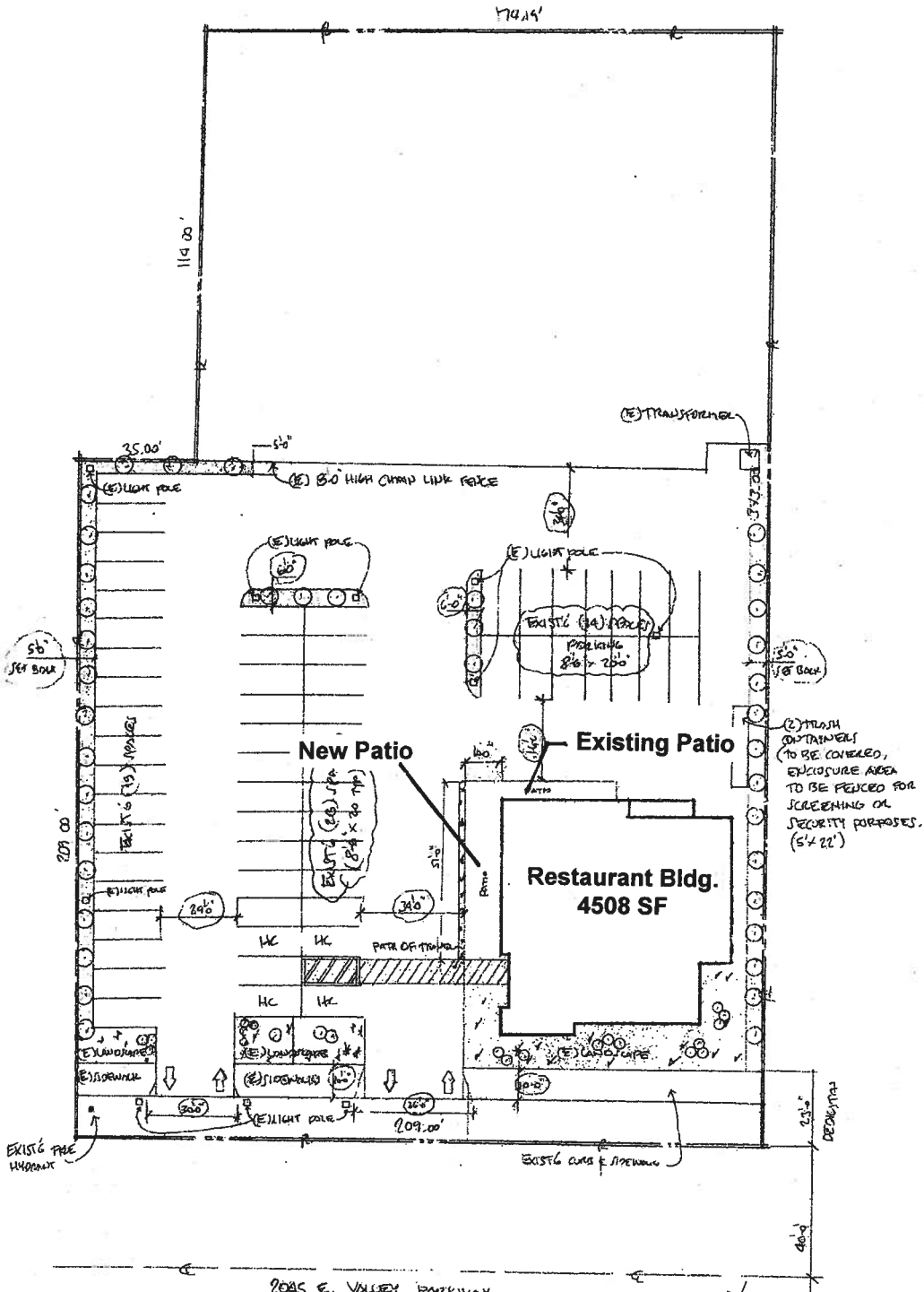
LOCATION/ZONING



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**PROPOSED PROJECT
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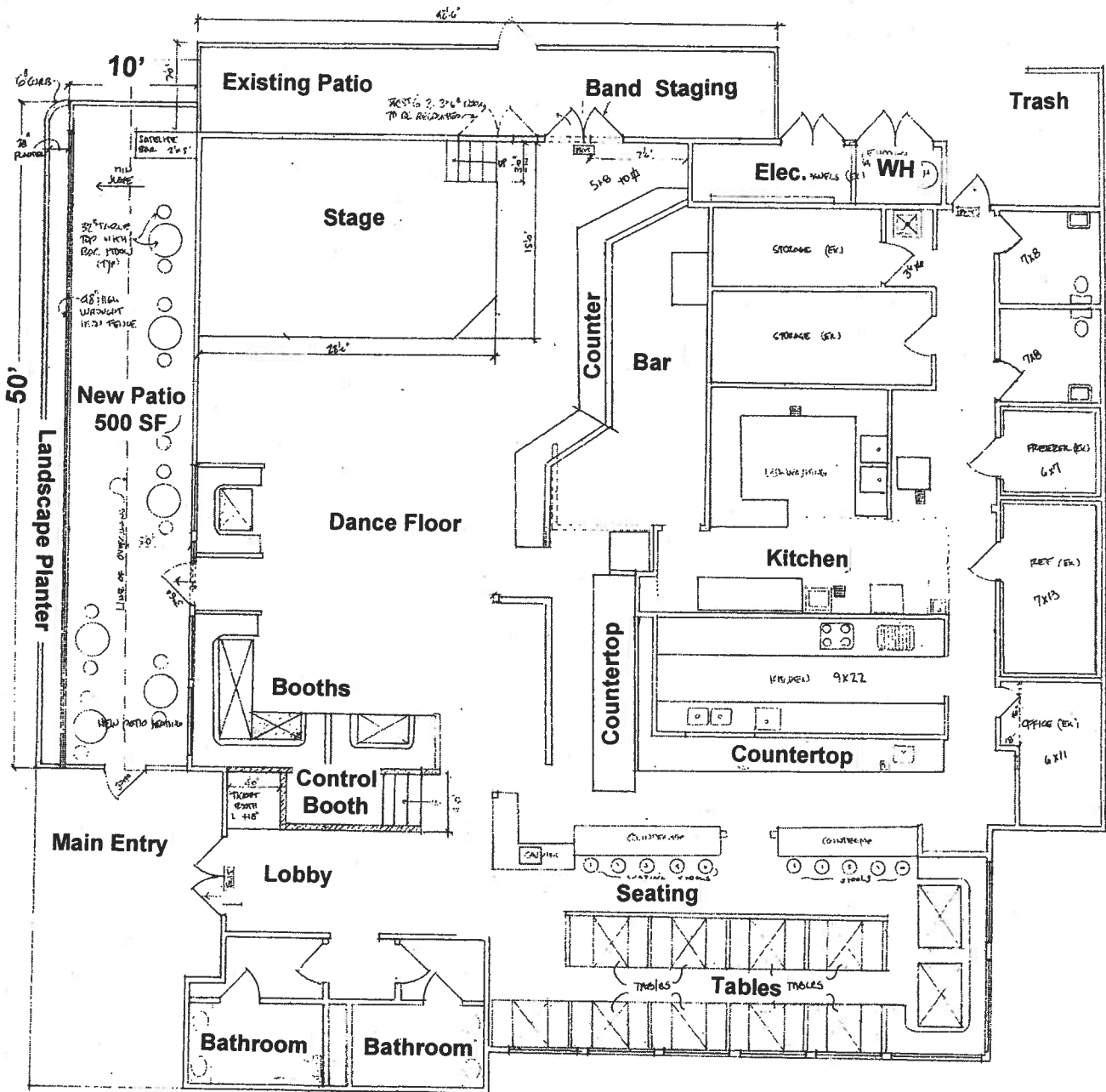
LEGAL DESCRIPTION

A PORTION OF LOT 9 BLOCK 182
 RANCHO RINCON DEL OMBRO
 MAP 723 APRN 231-092-06
 ESCROW 1000 CALIFORNIA

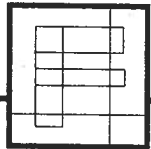
PLOT PLAN

**PROPOSED PROJECT
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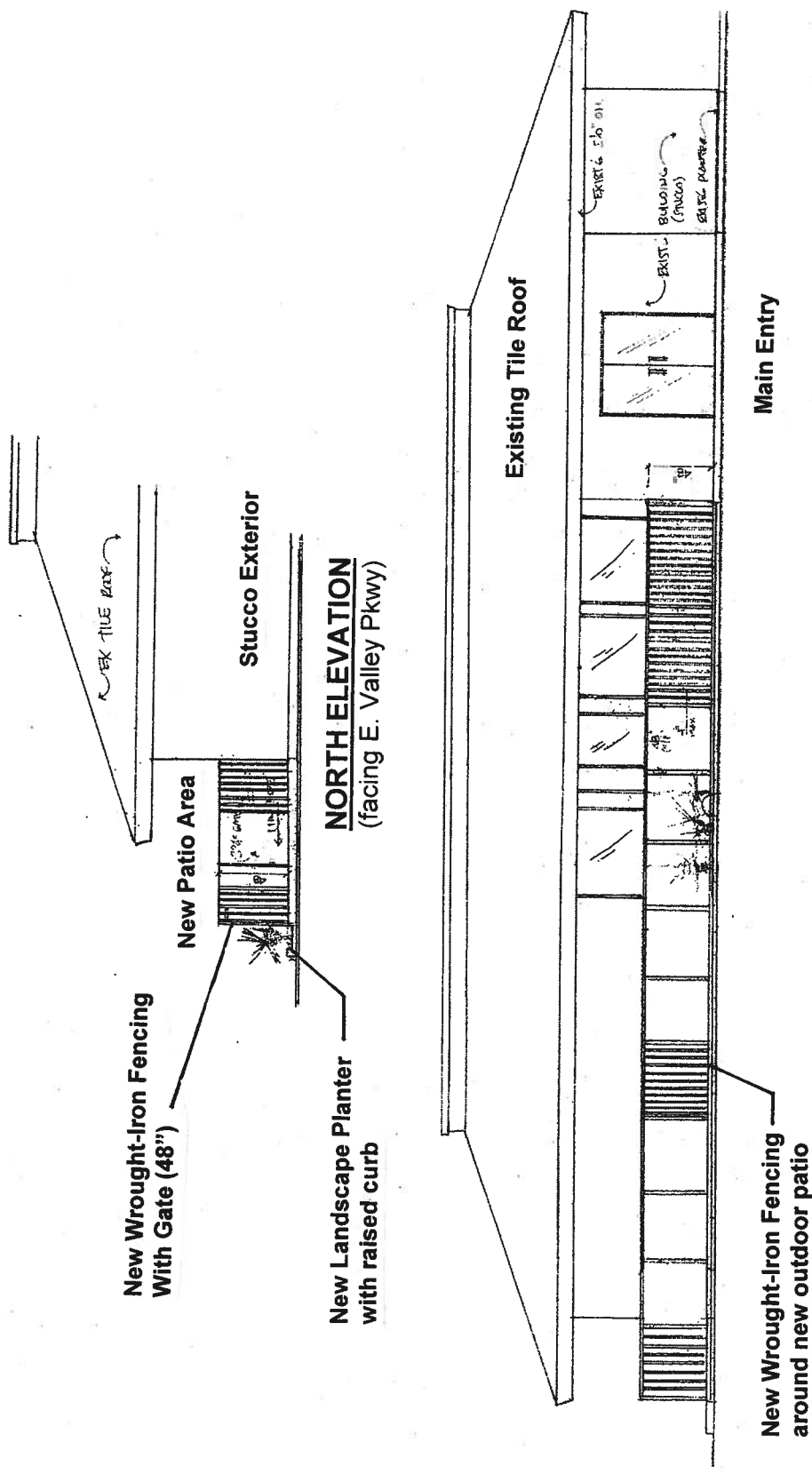
PP



PROPOSED PROJECT
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FLOOR PLAN



NORTH ELEVATION
(facing E. Valley Pkwy)

EAST ELEVATION
(facing parking lot)

**PROPOSED PROJECT
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ELEVATIONS

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH – General Commercial (CG) / A gas station, super market, and variety of retail uses are located north of the site across E. Valley Parkway. A mobile home park is located approximately 250 feet northeast of the site on the northern side of E. Valley Parkway.

SOUTH – General Commercial (General Commercial) / The Escondido Union High School District offices are located immediately south of the subject site. A six-foot-high chain-link fence separates the two properties. The School District site also contains several classroom buildings that currently accommodate a day school (Escondido Community Day School) for up to 50 children. The school operates between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. A two-story office building and a restaurant are located immediately southwest of the site, and a condominium complex is located approximately 250 feet to the southeast.

EAST - General Commercial (CG) / Valley Thrift Store is located east of the subject site. A chain-link fence separates the two properties.

WEST - General Commercial (CG) / A gasoline station/convenience store and automated carwash facility is located to the west of the subject site.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department has noted concern with the potential for additional calls for service, especially if the entertainment hours were to extend beyond 12:00 a.m./midnight. The Police Department supports the applicant's request to allow amplified entertainment and dancing provided entertainment hours are limited to midnight and there are no exterior noise issues. The Police Department also recommends that at least four security personnel be present during entertainment hours and the kitchen remains open and serving food during all hours of operation. These requirements have been included as conditions of approval.
2. Effect on Fire Service – The site is served by Fire Station No. 2 (421 N. Midway Drive), which is located approximately 450 feet northwest of the site. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service. The facility is required to be upgraded with a fire sprinkler and alarm system.
3. Traffic – The project takes access from E. Valley Parkway, which is classified as a Major Road (102' R.O.W.) in the Circulation Element of the Escondido General Plan. The roadway transitions from a 4-lane Major Road to a 6-lane major Road east of Midway Drive. The intersection of Midway Drive and E. Valley Parkway is signalized. East Valley Parkway currently carries approximately 24,500 ADT in the vicinity of the site and operates at a Level of Service "C" or better under existing improvement conditions. The proposed change to allow amplified entertainment and dancing within the existing restaurant building is not anticipated to generate additional vehicle trips according to the SANDAG Guide of Vehicular Traffic Generation Rates. A new restaurant generates up to 160 trips per 1000 SF or approximately 795 trips for a 4,500 SF restaurant with outdoor seating (64 a.m. peak trips and 64 p.m. peak trips). The Engineering Division has determined that the proposal would not adversely affect the levels of service on E. Valley Parkway.
4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining street or easement. The project does not materially degrade the levels of service of the public sewer and water system.
5. Drainage – There are no significant drainage courses within or adjoining the property. Runoff from the project will continue to be directed to the adjoining public street or other approved drainage facility. The project does not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

The proposal is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Section 15301, "Existing Facilities," and a Statement of Exemption was prepared for the proposed project. In staff's opinion, the request does not have the potential for causing a significant effect on the environment.

D. PROJECT ANALYSIS

General Plan

The City of Escondido General Plan designates the project site as General Commercial, which is characterized by a broad range of retail and service activities located in local commercial, community shopping/office complexes and regional shopping centers. The project site also is located within the East Valley Parkway Area Plan, which encourages sit-down and family-style restaurants and entertainment uses.

Whether allowing Amplified Entertainment and Dancing in the Restaurant would Create Problems in the Surrounding Neighborhood

The site previously was operated as a restaurant (Truly Yours) for many years, which included a type 47 restaurant type alcohol license. The building has been vacant for several years and the project applicant (Joe Troutman) proposes to reestablish the restaurant use and also provide a variety of amplified entertainment within the building. Mr. Troutman indicated the facility would offer a music showcase providing opportunities for artists and fans of all ages to both perform on stage and experience a variety of music. The entertainment venues offered generally would be geared towards an age group between 17 – 40, and would allow underage patrons to attend events with the proper supervision. Minors under the age of 18 would be required to be accompanied by an adult after 10:00 p.m. Specific operational controls would be implemented to ensure alcoholic beverages are not available to minors, and also to avoid loitering around the building and parking area. Proposed security measures include the use of separate hand marking or wrist bands for the different age groups, restrictions on leaving the building and reentering for under 21 year olds; ID verification machine at front door; and increased security personnel. Mr. Troutman indicated these measures typically are required and implemented for other similar type operations that would include patrons under 21 years old. The applicant is required to submit a specific security and operational plan that will require approval by the Police Department prior to operation.

Music events would range from local talent and young artists on Sundays; to a variety of events Monday – Thursday such as open mike night, DJ with dancing, new artists, and comedy performers, etc. The main events generally would be held on Friday and Saturday nights when headline groups would be booked. Mr. Troutman indicated his past experience include booking artists at the Jumping Turtle in San Marcos, Ramona Main Stage and Brick-by-Brick in San Diego. He also indicated the facility would operate similar to the House of Blues in Downtown San Diego, and a cover charge would be required for some events, which allows the facility to book the bigger touring acts and to cover expenses. He indicated the cover charge also reduces the potential for problems since a patron would lose the initial entrance fee if required to leave.

Conditional Use Permits for amplified entertainment and dancing generally receive heightened scrutiny due to the potential for noise and security problems occurring late in the evening in locations where alcoholic beverages are served. Conditions are commonly applied to ensure that potential disruptions to neighboring businesses and residents are minimized to the extent feasible. The Police Department does not object to the request for amplified music and dancing subject to the implementation of a number of conditions designed to control on-site activities and minimize the potential for disturbances. Staff has coordinated with the Police Department to develop a specific set of conditions tailored to this particular business, which includes a cessation of amplified entertainment by 12:00 a.m./midnight. All entertainment would be required to be conducted as part of normal restaurant operations, which requires the kitchen to be open and serving food during all hours of operation. The use of outside promoters would be prohibited, and an increased number of dedicated security personnel are required during all hours entertainment is provided.

Commercial and office development are located on all sides of the subject site. Staff feels that amplified entertainment and dancing would not create any adverse impacts to adjacent businesses since many of these businesses/offices generally would be closed during the restaurant's entertainment hours, except for a nearby restaurant and grocery stores located across E. Valley Parkway. Potential noise issues for neighboring residents and business would be minimized by a condition requiring all music and loudspeakers to be located inside the building with exterior doors to be closed when amplified music is being played. The nearest residential uses are located approximately 250 feet to the northeast across E. Valley Parkway, and 250 feet to the southeast. Intervening commercial buildings and activities also would aid in providing a buffer between the subject site and nearby residential development. All requirements of the Noise Ordinance will continue to remain in effect and a standard condition has been included allowing the Planning Commission to consider modification or revocation of the CUP in the event significant problems arise or there is a failure to comply with the terms of the permit. The project also includes a condition that would allow the Director of Community Development to restrict the operating hours for the outdoor patio if any valid noise complaints are received, especially during late evening hours.

The Escondido High School District offices are located immediately to the south of the subject site. The High School District also operates a Community Day School for 50 "at-risk" students on the site. The school operates between the hours of 8:00 a.m. and 4:00 p.m. Staff received a letter from the Escondido High School District expressing concerns

regarding the combination of alcohol and entertainment in close proximity to the school that could create an environment that would conflict with the school's goals to maintain sobriety and avoid other undesirable activities for the students. Therefore, the District has requested that certain activities at the restaurant that might conflict with the District goals and hours of operation be restricted. Staff feels that appropriate conditions have been included to avoid potential conflicts between the restaurant and school, which include a prohibition of a "Happy Hour" for alcoholic beverages, and scheduled amplified entertainment activities shall not begin before 5:00 p.m. on the days the school is in session, typically Monday - Friday. The project applicant supports the proposed conditions.

Exterior Improvements

As part of the plan to reestablish the restaurant use and to offer entertainment, the interior of the restaurant would be reconfigured to provide a raised stage area and dance floor. New exterior doors would be installed, and the existing outdoor patio located towards the rear of the building would be converted to a storage area for band equipment, and a separate waiting and changing area for the entertainers. This patio area previously was used for additional restaurant seating. A new, approximately 500 SF outdoor patio/seating area would be provided along the eastern side of the building. The new seating area would be secured by decorative wrought-iron fencing and a new landscape planter to provide a buffer between the drive aisle. The project has been conditioned to rehabilitate the existing landscaping on the site, and to replace any existing perimeter and parking lot landscaping since some of the landscaping was removed or has not been maintained properly. The exterior of the building also is proposed to be repainted and new signage installed. However, the final paint scheme has not been determined. A color scheme consisting of lime green and a darker green trim initially was proposed, but was not supported by the Design Review Board (DRB). The East Valley Parkway Area Plan recommends a color palette that would avoid fluorescent and excessively bright colors, and highly reflective surfaces as the primary building color or materials. The DRB suggested a more subdued and neutral primary color be used for the building (such as light charcoal gray) and the lime green tones be used as limited accent colors or introduced in the signage. The Boardmembers also recommended the new landscape planter adjacent to the outdoor patio area be widened and include some appropriate trees or trellis elements to provide a more comfortable/intimate feel for this area. The DRB recommended approval of the proposed exterior improvements and patio area on September 22, 2011, but recommended the final color scheme and landscape plan come back for final approval, and the project has been conditioned accordingly.

Parking for the proposed restaurant use requires a minimum of 40 spaces for restaurants over 4,000 SF, plus one space for every 50 SF over 4,000 SF. Therefore, a minimum of 60 parking spaces would be required for the restaurant and the new outdoor seating area. The currently are 60 spaces on site, but the parking lot would need to be restriped. The inclusion of amplified entertainment and dancing does not require additional parking spaces. On-street parking is restricted along E. Valley Parkway in the vicinity of the site.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The restaurant is located on an approximately 0.89-acre parcel within the East Valley Parkway commercial corridor. The site contains a single, approx. 4,508 SF building and paved parking. The site is fairly level and generally drains towards the northwest out to E. Valley Pkwy. Access to property is provided by E. Valley Parkway on the north.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 0.89 acres (38,768 SF)
2. Existing Restaurant 4,508 SF
 - Proposed Stage Area: Approx. 22'-6" x 15' (raised platform)
 - Proposed Dance Area: Approx. 508 SF open area that could be used for dancing
 - Proposed Outdoor Patio Approx. 10' x 50' (500 SF)
3. Hours of Operation:
 - Restaurant: 6:00 a.m. – 2:00 a.m. Monday – Sunday
 - Entertainment: Typical shows would begin around 7:00 or 8:00 a.m. and end by 12:00 p.m. Some matinee shows on weekends would begin around 2:00 p.m.
4. Number of Employees: Approx. 5 -15 to support the restaurant
Up to 20 when live entertainment is ongoing
5. Entertainment: Typical live bands, open night for entertainers (open jam), new and local artist showcases, young artists, karaoke, comedy, DJ-dance night, etc. Dancing would also be permitted. Amplified entertainment and dancing must occur within the designated indoor areas and the exterior doors must be closed during performances. Large showcases generally would occur of Friday and Saturday evenings.
6. Alcohol License: On-Sale General for Bona Fide Public Eating Place (Type 47)
7. Parking: 60 on-site spaces
Min. 60 spaces requires based on the following:
 - Restaurant: 40 spaces plus 1 space per every 50 SF over 4,000 SF
All restaurants get a credit for 300 SF of outdoor seating area
 - 508 SF over 4,000 SF requires 10 spaces
 - 500 SF new outdoor seating minus 300 SF requires 4.0 spaces
 - 298 SF of existing patio area at rear of building requires 5.9 spaces

Total Parking Required: 60 spaces
8. Building Occupant Load: Approx. 331 (which includes indoor and outdoor spaces) does not include support staff.

EXHIBIT "A"

FINDINGS OF FACT PHG 11-0032

Conditional Use Permit

1. Granting the Conditional Use Permit for the proposed use would be based on sound principles of land use and in response to services required by the community, since the site is zoned for commercial uses including restaurants and the restaurant would provide a variety of amplified entertainment options for the local community. Appropriate on-site parking is available to accommodate the use. The site is located within an established commercial area and served by a Circulation Element roadway. The site and building are physically suitable to accommodate the restaurant, uses and its patrons. All potential noise issues will be controlled through the conditions of approval, which restricts all amplified entertainment to the interior of the facility and enforcement of the Noise Ordinance.
2. Granting the Conditional Use Permit will not cause deterioration of bordering land uses or create special problems for the area since the site is zoned for commercial uses and the existing building previously was used as a restaurant. The conditions relating to alcohol sales and service applied through the ABC license would eliminate any potential alcohol-related problems. In addition, potential noise issues will be minimized by the restaurant staff keeping the amplified music indoors and exterior doors closed during the hours music/entertainment occurs as required by the conditions of approval. The conditions also include a prohibition on outside promoters; a requirement to keep the kitchen open and serving food during all hours of operation; and to provide a specified number of security personnel during entertainment hours.
3. The proposed Conditional Use Permit has been considered in relationship to its effect on the community and the neighborhood and would not result in a negative impact to the surrounding neighborhood, since the property is zoned commercial, the restaurant is existing, and conditions applied to the CUP and ABC license would prohibit any activities which could create problems in conjunction with live entertainment activities or the sales of alcoholic beverages. Because many of the adjacent businesses and schools generally would be closed during the majority of hours when entertainment activities would occur, the addition of amplified music and dancing to the dining experience would not create problems for neighboring commercial properties. The distance from any residential uses also would mitigate any potential noise issues.
4. The proposal is exempt from the requirements of the California Environmental Quality Act in conformance with CEQA Section 15301, "Existing Facilities," and a Statement of Exemption was prepared for the proposed project. In staff's opinion, the request does not have the potential for causing a significant effect on the environment.

EXHIBIT "B"

CONDITIONS OF APPROVAL

PHG 11-0032

JTs Limelight

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
3. Prior to or concurrent with the issuance of any building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
4. As proposed, the design and materials of the proposed facilities shall be in accordance the staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division. The final exterior colors and landscape design shall require approval by the Design Review Board. A separate sign permit will be required for any exterior signage. All proposed signage shall be consistent with the East Valley Parkway Overlay Zone and City's signage requirements.
5. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08). The applicant/operator shall be responsible for monitoring the outdoor activities in the parking area and the outdoor patio/dining area to ensure noise is kept to appropriate levels. The Director of Community Development may limit the hours of operation for the outdoor patio area and/or require the installation of appropriate sound attenuation measures/improvements upon receipt of valid noise or nuisance complaints.
6. All uses shall be consistent with the Details of Request and conditions of approval contained within this report, to the satisfaction of the Director of Community Development. Minor modifications to the operational details and days and hours of operation may be approved and/or restricted by the Director of Community Development and/or Police Chief without requiring a modification to the use permit, as determined by the Director of Community Development.
7. For the purposes of this CUP, entertainment (amplified or non-amplified) does not include televisions, juke box, radio/stereo systems, etc., as determined by the Director of Community Development.
8. Amplified entertainment and dancing shall not begin before 5:00 p.m. Monday – Friday. This does not include initial setup and sound checks.
9. All ABC requirements shall be adhered to at all times.
10. The primary use of the operation shall remain a restaurant with the kitchen open and offering food during all hours of operation, to the satisfaction of the Police Department. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently that on a quarterly basis and shall be made available to the Police Department on demand.
11. All doors shall be kept closed at all times during the operation of the premises except in the case of emergency, and for normal ingress and egress. Said doors shall not consist solely of a screen or ventilated security door.
12. The sale of alcoholic beverages for consumption off the premises is strictly prohibited, unless authorized by the Department of Alcoholic Beverage Control (ABC).
13. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.

14. No other laws shall be violated. Any violation of this Conditional Use Permit or additional conditions set forth in the premise license issued by the Department of Alcoholic Beverage Control may result in a suspension or revocation of this CUP.
15. A minimum of 60 striped parking spaces shall be maintained with the proposed restaurant use. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Appropriate wheel stops also shall be provided and indicated on the plans. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. The parking lot shall be restriped prior to occupancy.
16. This CUP shall become null and void unless utilized within twelve months of the effective date of approval
17. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
18. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable), a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.

Landscaping:

19. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of building permits, along with the current plan check fee at the time of submittal. The landscape and irrigation plans shall comply with the provisions, requirements and standards outline in the City's Water Efficient Landscape Regulations (Zoning Code Article 62). The existing landscape planters (including perimeter landscaping, parking lot landscaping, and landscaping around the building) shall be include a mix of shrubs, groundcover, trees and appropriate mulch). The irrigation shall be fixed/upgraded to include a water efficient system. This requirement shall be noted on the plans.
20. A raised concrete landscape planter (minimum three feet in width - actual planting area) shall be installed adjacent to the new outdoor patio area. This area shall serve as a buffer area between the patio and driveway. Appropriate landscaping (including shrubs and trees, or decorative trellis elements) shall be installed. The trees or other planting materials shall be of an appropriate variety that would not conflict with the adjacent building roof overhang or create maintenance issues.
21. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition. Appropriate plant materials shall be used in the parkway planters along E. Valley Parkway to maintain appropriate sight distance, to the satisfaction of the Engineering Division.

Police Department

The following conditions may be modified by the Police Department and/or the Director of Community Development without requiring a separate Planning Commission hearing. The specific interpretation and/or implementation of the following conditions may be determined by the Police Department and/or Director of Community Development.

1. Entertainment (amplified or non-amplified) and dancing shall end by 12:00 a.m., to the satisfaction of the Police Department and as may be restricted by the Department of Alcoholic Beverage Control.
2. The rear doors of the premises shall be equipped on the inside with an appropriate automatic locking device, as may be required by the Police Department) and shall be closed at all times, and shall not be used as a means of access by

patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies, or by the entertainment staff does not constitute a violation.

3. There shall be no amusement machines, video game devices pool or billiard tables in the premises at anytime, unless specifically authorized by in writing by the Police Department and also authorized by ABC, as may be required.
4. The applicant shall provide appropriate security, numbering no less than four, when dancing and entertainment are held. Security personnel will be dedicated solely for security purposes. The Escondido Police Department may at anytime raise or lower the number of required security personnel. The change of required personnel would be made in writing and delivered to a managing agent of the premises.
5. An employee shall be present in the outside patio area at all times that alcoholic beverages are being served or consumed, to the satisfaction of the Police Department. There shall be an employee on duty at the outdoor drink station within the patio area at all times alcoholic beverages are being dispensed from this area.
6. Amplified music/entertainment, loudspeakers and dancing shall be restricted to the designated interior spaces, to the satisfaction Police Department, and as may be restricted by ABC requirements. All doors for the designated indoor entertainment area(s) shall remain closed during hours when amplified music/entertainment is ongoing. The use of any amplifying system or device is prohibited on patio(s) or outdoor area(s), and the use of any such system/device inside the premises shall not be audible outside the premises, to the satisfaction of the Police Department.
7. The applicant shall police the area under their control in an effort to prevent the loitering of persons drinking outside the premises.
8. There shall be no exterior advertising or sign of any kind or type, including advertising specifically directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
9. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, such lighting shall not disturb the normal privacy and use of any neighborhood residences.
10. Peace officers, as listed in Section 830.1 of the California Penal Code, the Director of Community Development, and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control Act are hereby authorized to visit and inspect the proposed premises, at any time the undersigned is exercising the privileges authorized by their ABC license on such premises.
11. No obstructions shall be attached, fastened or connected to either the partitions or ceiling to separate the booths/dining areas within the interior space of the licensed premises. Any partitions separating the booths/dining areas shall not exceed 52" in height. This does not include the control booth. Any interior modification which may affect this requirement must be approved by the Police Department.
12. The licensee(s) shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, unless specifically authorized by this use permit and/or the Police Department.
13. The licensee shall not permit "Taxi Dancing" to occur on the licensed premises wherein partners are provided for dancing or social purposes. Social purposes include but are not limited to the soliciting or accepting of any alcoholic beverages from any customers while in the premises.
14. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, or guests of and for the customers. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
15. The applicant shall post and maintain a professional quality sign facing the premises parking lot(s) that reads: NO LOITERING, NO LITTERING, NO DRIKING OF ALCOHOLIC BEVERAGES, VIOLATORS ARE SUBJECT TO ARREST. The sign shall be at least two square feet in area with two-inch block lettering. The sign shall be in English and Spanish.
16. All events and entertainment shall be booked directly with the restaurant owners/employees. No outside promoters shall be allowed to book events at this restaurant.

17. No distilled spirits shall be sold by the bottle. No bottles of distilled spirits shall be stored in the premises for specific customers. There shall be no selling of alcoholic beverages for future consumption.
18. There shall be no "happy hour" type of reduced pricing or promotion for alcoholic beverages.
19. The applicant/operator shall submit a plan that details the security and operational plans for the project. Specifically, the plan shall outline the security and monitoring program for the interior assembly/dining areas, outdoor patios and parking lot. The plans shall include details and measures regarding how minors and underage patrons will be monitored during the times when amplified entertainment and dancing occur, and kept from having access to alcoholic beverages. The plan shall be submitted to the Police Department and Director of Community Development for review and approval. There shall be no occupancy of the facility until the plan is approved. Modifications to the plan may be approved by the Police Department and the Director of Community Development. Should issues arise, the applicant/operator shall promptly implement appropriate measures to address these issues and the plan modified accordingly. The plan also shall include how potential noise levels (interior and exterior) would be monitored and adjusted to avoid or address noise related issues and complaints, especially in the outdoor patio area.

Fire Department:

1. NFPA 13 automatic fire sprinkler system shall be required, to the satisfaction of the Fire Department.
2. Sprinklers shall be required in all overhangs exceeding four feet.
3. An approved fire alarm system shall be required.
4. Fire suppression system is required for hood system – UL 300.
5. A fire hydrant is required to be located within 50 feet of the fire department connection, unless otherwise specified. Show location on the plans.
6. Fire hydrants capable of delivering 2,500 GPM at 20 PSI residual pressure shall be required every 300 feet.
7. Extinguishers shall be provided at locations indicated with a minimum rating of 2A-10BC in a visible and accessible location, at an exit or in the exit path. Walking distance is not to exceed 75 feet. Extinguishers must be mounted not more than 5 feet nor less than 3 ½ feet above the floor.
8. Access roads serving Commercial, Industrial shall be a minimum of 24 feet wide. A 28' inside turning radius shall be required on all corners.
9. Speed bumps/humps shall not be allowed.
10. Barricades shall not obstruct fire hydrants or impede emergency vehicle access.
11. 13'-6" vertical clearance shall be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access with shall be trimmed or removed.
12. Red curbs with 4" white lettering, "NO PARKING FIRE LANE" signs are required in 24'-wide access areas.

Building Division:

1. The stage shall be accessible to the physically disabled per CBC Section 1104B.3.11.
2. The total occupant load determined by the Building Code shall not exceed 331 persons for the interior and patio areas (excluding support staff), unless authorized by the Building Code and the Fire Department. Appropriate signage shall be posted as required by the Building Code.

ENGINEERING CONDITIONS OF APPROVAL
2045 East Valley Parkway PHG11-0032
Conditional Use Permit

IMPROVEMENTS

1. All onsite and offsite improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the Director of Engineering Services.
2. As surety for the construction of required off-site and/or on-site water line improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of plans and the issuance of Building Permits.
3. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the City's Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
4. The on-site trash enclosure area shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the Director of Engineering Services.
6. All new private driveway and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
7. The developer will be required to install a "Right Turn Only" sign at the project's westerly driveway entrance on East Valley Parkway to the satisfaction on the City Traffic Engineer.
8. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the Director of Engineering Services.

WATER SUPPLY

1. Fire hydrants and/or fire service lines if required shall be installed at locations approved by the Fire Marshal and adequate public water mains and/or service laterals shall be installed per improvement plans submitted to and approved by the Director of Engineering Services and Director of Utilities.

2. An engineered improvement plan prepared by a Registered Civil Engineer is required for all public water improvements. The developer shall post security for these improvements and an improvement plan shall be approved by the Engineering and Utility Depts. prior to issuance of any building permits. All required fire service and /or fire hydrant improvements shall be constructed prior to issuance of final occupancy by the City.
3. A public waterline easement shall be granted to the City of Escondido for all public water mains within the project site. The easement shall include all fire hydrants, fire services, water meters and other appurtenances. The minimum easement width shall be 20 feet.

EASEMENTS

1. Necessary public waterline easements shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased in width accordingly.
2. All existing and proposed easements, both private and public, affecting subject property shall be shown and labeled on the improvement plans if required.

Material necessary for processing a easement shall include: a current grant deed or title report, a legal description and plat of the easement signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final documents.

CASH SECURITY AND FEES

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000.
2. The developer will be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Linda Kesian
P.O. Box 121750
San Diego, CA 92112-1750

From: City of Escondido
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: PHG 11-0032

Project Location - Specific: 2045 E. Valley Parkway (APN 231-092-06).

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: A Conditional Use Permit for to allow amplified entertainment and dancing within a restaurant.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project

Name Joe Troutman (JTs Limelight) Telephone (760) 489-7625
Address 2045 E. Valley Parkway, Escondido, CA 92027

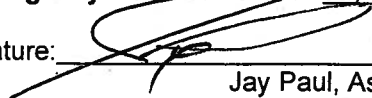
Private entity School district Local public agency State agency Other special district

Exempt Status: Categorical Exemption. Section 15301 "Existing Facilities."

Reasons why project is exempt:

1. The project only involves a Conditional Use Permit to allow live amplified entertainment and dancing as an accessory use to proposed restaurant. No physical expansion of the site or buildings is proposed. A new, approximately 490 SF outdoor seating area would be provided under an existing roof overhang. Sufficient on-site parking would be provided.
2. The site is in an area where all public services and facilities are available to allow for the proposed use.
3. The project site is not in an area that is environmentally sensitive, and would have no impact to fish and wildlife.
4. The project would not create any significant increase in vehicle trips, nor impact vehicular circulation on or around the site. Appropriate parking is provided on the site to accommodate all uses. The project is located within a commercial zone and is surrounded by a variety of commercial type uses, and a small day school on the south. The project would not generate any significant noise impacts to adjacent uses through the project/building design and compliance with the project Conditions of Approval. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas.

Lead Agency Contact Person: Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature:  Jay Paul, Associate Planner October 6, 2011
Date

Signed by Lead Agency Date received for filing at OPR: N/A



Escondido Union High School District

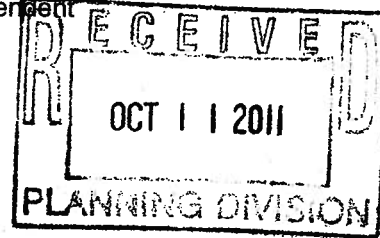
District Service Center

302 North Midway Drive • Escondido, CA 92027-2741
Telephone (760) 291-3200 • FAX (760) 480-3163
Edward J. Nelson, Superintendent

BOARD OF EDUCATION

Randy Garcia
Dr. Kurt Marler
George McClure
Jon Petersen
Tina Pope

October 7, 2011



Mr. Jay Paul
City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

**RE: TRULY YOURS RESTAURANT, 2045 E. VALLEY PARKWAY
CONDITIONAL USE PERMIT APPLICATION
"JT's LIMELIGHT"**

Dear Mr. Paul,

The District has recently opened the Escondido Community Day School at 2065 E. Valley Parkway. This campus can house up to approximately 50 at-risk students between the hours of 8:00 AM and 4:00 PM, Monday through Friday. Substance abuse has been an issue for many of the students, and the District is trying to provide them with a safe environment in order to further their high school education. The District is also working with the students to maintain sobriety and avoid gang activity.

Prior to construction of the Escondido Community Day School, the District walked the neighborhood with a representative from the California Department of Education noting the Truly Yours Restaurant was vacated. This resulted in the nearest liquor sales being at the Corner Liquor Store, located at 320 N. Midway Drive. The school site was designed to provide a separation between these two facilities based on Education Code criteria.

It has recently come to the attention of the Escondido Union High School District that the adjacent property owner is not only requesting an alcohol license (Type 47), but is also seeking approval to operate a restaurant with live entertainment every night. This is a concern to the District. Based on the performers being booked at the facility, the times of their performances, along with alcohol sales could create an environment where students are easily exposed to substances deemed undesirable while leaving the school. The District feels this could be in conflict with their efforts to provide a safe environment for the students.

The District proceeded with the construction of the Escondido Community Day School based on several discussions with Mr. Fred Jajou who presented himself as the property owner. Mr. Jajou stated he was looking for a national restaurant chain to occupy the premises or would be looking at a non-restaurant use for the property. The District has recently been informed Mr. Jajou did not own the property.

In summary, the site has been vacant for almost 2 years and the District opened the Escondido Community Day School on good faith information regarding the future use potential of the property at 2045 E. Valley Parkway. The District opposes a facility that promotes alcoholic beverage sales, specifically if they promote an "Happy Hour" and the entertainment starts in the late afternoon to coincide with them leaving school. The District respectfully request that the City of Escondido acknowledge this fact and condition the Conditional Use Permit so such overlaps of activities can not occur.

If you have any questions please feel free to contact me at (760) 291-3200.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Nelson". The signature is written in a cursive style with a large, stylized initial "E".

Edward J. Nelson
Superintendent