



February 15, 2019

nathan.heyde@varnerbrandt.com

VIA EMAIL

Office of the City Attorney, City of Riverside
Attn: Kristi Smith, Supervising Deputy City Attorney
3750 University Avenue, Suite 250
Riverside, California 92501

Re: Café Sevilla (Planning Case No. P18-0843)

Dear Ms. Smith:

We would like to first thank you and the other representatives from the City of Riverside for agreeing to meet with the owners of Café Sevilla on February 11, 2019. Needless to say, the tone and outcome of Monday's meeting was not what we had expected when the various representatives had agreed to meet to discuss the operation of the nightclub. It was unmistakably clear that the City of Riverside has no intention of working with Café Sevilla to address and remedy the City's concerns with the nightclub.

Obviously, the City's unwillingness to explore possible modifications or alternative arrangements involving the nightclub was incredibly upsetting given the past actions and considerable courtesies the City displayed with other business owners who have experienced similar proposed modifications or revocations of their respective Modified Conditional Use Permit (MCUP). The City's position concerning the closure of the nightclub is fueled by misinformation, unsubstantiated conclusions, and data unfairly presented to portray a particular story. The owners of Café Sevilla are deeply concerned with such damaging and dangerous presentation of alleged facts and events, which could have been corrected or otherwise proven false given a fair opportunity. The unwillingness to collaborate and openly discuss the reports and conclusions prepared by the City, which is what the City did with the owners of the Hideaway Café, suggests a disregard for what is in the best interest of the City, the community, and the over 100 employees of Café Sevilla.

The City's unwavering position concerning the closure was even more remarkable given the express terms of Café Sevilla's MCUP, which require the Planning Department and the Riverside Police Department to jointly review the MCUP *every six months* with Café Sevilla to discuss any concerns with Café Sevilla's use of the MCUP. Had the Planning Department and the Riverside Police Department adhered to the MCUP, we are confident that the issues and concerns only recently expressed by the City of Riverside could have, and most certainly would have, been immediately addressed.

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Attn: Kristi Smith, Supervising Deputy City Attorney
February 15, 2019
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Ms. Kopaskie-Brown's statements and harsh position concerning shuttering the nightclub, which she expressed on behalf of the Planning Department and on behalf of city management, were particularly troubling. We challenge and adamantly deny Ms. Kopaskie-Brown's unsubstantiated claim that all criminal conduct or problems that occur "on that side of the freeway after 10:00" are all directly caused or attributable to Café Sevilla. As we noted during our meeting, this type of misinformation and false characterization proffered by representatives of the City of Riverside has made it virtually impossible for the owners of Café Sevilla to address and cure the City's concerns.

The City's decision to aggressively pursue the closure of the Café Sevilla nightclub without engaging in any realistic or meaningful discussions with the owners creates a punitive condition that renders operation of Café Sevilla no longer economically viable. Despite spending several days and painstaking efforts to find a practical option to remain open, the fact is, without the use of the nightclub, Café Sevilla cannot continue to operate.

Therefore, it is with great sadness and disappointment to inform the City of Riverside that despite nearly twenty years of continuous operation in Riverside, surviving countless challenges and limited support, the creation of a destination venue and fine dining experience in downtown Riverside, receiving numerous awards and recognition, and significant financial, community, and human capital investment, Sunday, February 17, 2019 will be the final day of operation of Café Sevilla in Riverside. The owners plan to notify all of the employees on Monday, therefore, as the parties previously agreed, we again request that the City not make any announcement (formally or informally) or take any action until after February 18, 2019.

Sincerely,



Nathan Heyde

cc: Mary Kopaskie-Brown, City Planner



February 20, 2019

nathan.heyde@varnerbrandt.com

VIA EMAIL

Office of the City Attorney, City of Riverside
Attn: Kristi Smith, Supervising Deputy City Attorney
3750 University Avenue, Suite 250
Riverside, California 92501

Re: Café Sevilla (Planning Case No. P18-0843)

Dear Ms. Smith:

Pursuant to our prior correspondence to you dated February 15, 2019, this letter confirms that Café Sevilla has formally closed its doors and is no longer operating from its location at 3252 Mission Inn Avenue, Riverside, California. In connection with the closure of Café Sevilla, the owners hereby surrender Café Sevilla's Minor Conditional Use Permit.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nathan Heyde'.

Nathan Heyde

cc: Mary Kopaskie-Brown, City Planner

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**PLANNING COMMISSION HEARING DATE: FEBRUARY 7, 2019
AGENDA ITEM NO.: 2**

PROPOSED PROJECT

Case Numbers	P18-0843 (Revocation)	
Request	Consideration of a partial revocation of Planning Cases CU-024-978 (Minor Conditional Use Permit) and P03-1166 (Revised Minor Conditional Use Permit) to revoke the nightclub and rooftop uses (including entertainment) at Café Sevilla Restaurant, Tapas Bar, Nightclub, and Rooftop Patio	
Petitioner	City of Riverside Community & Economic Development Department	
Project Location	3252 Mission Inn Avenue	
APN	213-291-013	
Project area	0.68 acres	
Ward	2	
Neighborhood	Eastside	
Specific Plan	Riverside Marketplace Specific Plan	
General Plan Designation	C - Commercial	
Zoning Designation	CR-SP-CR – Commercial Retail, Specific Plan (Riverside Marketplace), and Cultural Resources Overlay Zones	
Staff Planner	Sean P. Kelleher, Associate Planner 951-826-5712 SKelleher@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 (Enforcement Actions by Regulatory Agencies) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment;
2. **APPROVE** Planning Case P18-0843 (Revocation), revoking the nightclub and rooftop uses (including entertainment) previously approved by Planning Cases CU-024-978 (Minor Conditional Use Permit) and P03-1166 (Revised Minor Conditional Use Permit) based on the findings outlined in the Staff Report and subject to the recommended conditions (Exhibit 1); and
3. **ADOPT** the Resolution revoking the nightclub and rooftop uses (including entertainment). (Exhibit 2).

SITE BACKGROUND

The 0.68 acre site is currently developed and operated as the Café Sevilla Restaurant, Tapas Bar, Nightclub, and Rooftop Patio (Café Sevilla) (Exhibit 3). The table below lists the surrounding land uses and current hours of operation (Context Map Exhibit 4).

	Business		Hours of Operation
Project	Café Sevilla	Restaurant and Tapas Bar	Monday – Tuesday: 4:00 PM to 9:00 PM Wednesday – Thursday: 4:00 PM to 10:00 PM Friday: 4:00 PM to 1:00 AM Saturday: 11:30 PM to 1:00 AM Sunday: 10:00 AM to 9:00 PM
		Nightclub and Rooftop Patio	Sunday - Monday: 8:00 PM to 2:00 AM Tuesday: 9:30 PM to 2:00 AM Wednesday: 8:00 PM to 2:00 AM Thursday – Saturday: 10:00 PM to 2:00 AM
North	Sam's Bahn Thai		Monday – Thursday 11:00 AM to 8:30 PM Friday: 11:00 AM to 9:30 PM Saturday: 12:00 PM to 9:30 PM Sunday: 12:00 PM to 8:30 PM
	The Old Spaghetti Factory		Sunday – Thursday 11:30 AM to 10:00 PM Friday - Saturday: 11:30 AM to 10:30 PM
East	El Patron Restaurant		Monday: Closed Tuesday – Thursday: 11:00 AM to 9:00 PM Friday: 11:00 AM to 10:00 PM Saturday: 12:00 PM to 10:00 PM Sunday: 10:00 AM to 8:00 PM
South	Lee and Associates		Sunday – Saturday: 8:30 AM to 5:30 PM
West	Mulberry Street and California 91 Freeway		Not Applicable

In 1997, a Minor Conditional Use Permit (CU-024-978) was approved for Café Sevilla including a 2,583 square foot restaurant, 1,700 square foot tapas bar, and 3,123 square foot nightclub, with entertainment and alcohol sales (beer, wine, and spirits) for the restaurant, tapas bar and nightclub. The Conditional Use Permit (CUP) included approved hours of operation for each use that includes:

- a. Restaurant: 11:30 AM to 10:30 PM
- b. Tapas Bar: 11:30 AM to 1:30 AM
- c. Nightclub: 8:00 PM to 2:00 AM; entertainment is permitted from 8:00 PM to 2:00 AM.

In 2004, a Revised Conditional Use Permit (P03-1166) was approved to allow for outdoor entertainment on the Roof Top Patio from 11:30 AM to 1:30 AM as part of the operations of Café Sevilla.

PROPOSAL

The City Community & Economic Development Department is requesting a partial revocation of Planning Cases CU-024-978 (Minor Conditional Use Permit) and P03-1166 (Revised Minor Conditional Use Permit) revoking the nightclub and rooftop uses (including entertainment). This proposal does not impact the operations of the 2,583 square foot restaurant or 1,700 square foot tapas bar.

PROJECT ANALYSIS

The request for the partial revocation of the Conditional Use Permit is a result of long-standing violations at Café Sevilla. The violations to the Conditions of Approval of the Conditional Use Permit (CUP), the Riverside Municipal Code, and State and Federal laws have been documented. Café Sevilla has been identified as a business that is associated with poor management and security practices, extraordinary calls for service from the Riverside Police Department and numerous criminal incidences.

In order for the Planning Commission to approve the partial revocation of a Minor Conditional Use Permit the Planning Commission must make at least one of findings identified in Section 19.700.020 Revocations of the Zoning Code, listed below:

1. That the variance or permit approval was obtained by fraud;
2. That the variance or permit granted is being or has been exercised contrary to the conditions of such permit or variance or in violation of any applicable licenses, permits, regulations, laws or codes; and/or
3. That the use for which the variance or permit approval was granted is being or has been exercised as to be detrimental to the public health, safety or welfare so as to constitute a nuisance, hazard or detriment to the surrounding properties, neighborhood or City in general.

The activities are summarized in the Staff Report and support the findings of fact to justify the partial revocation of the Minor Conditional Use Permits for Café Sevilla.

PROJECT SUMMARY

I. Extraordinary Calls for Service:

The Riverside Police Department memorandum (Exhibit 5) relating to the operations of Café Sevilla summarizes the list of police responses to Café Sevilla for a five-year period. Each response was examined and, for calls that appeared to be directly related to Café Sevilla's nightclub, data was compiled. Routine calls such as alarm calls, parking problems, bar checks, etc. were excluded from the memorandum as they do not directly reflect the business practices at the nightclub.

From January 1, 2013, through September 30, 2018, there were approximately 154 calls for police service related to Café Sevilla where a police report was generated. Of the 154 police reports generated, 70 were assault related investigations.

A summary of calls generated between 2013 and 2018 includes:

	2013	2014	2015	2016	2017	2018	TOTAL
Calls for Service with Police Report generated per year.	31	16	23	39	29	16	154

According to the Police Department, Café Sevilla management has failed to provide the needed security measures for the nightclub and rooftop uses (including entertainment) creating an environment which threatens the safety of patrons. The following summarizes the events that are detailed in Exhibit 5.

Recent Incident – October 29, 2018

The Riverside Police Department is currently conducting a Criminal Investigation into an attempted murder at the Café Sevilla Nightclub. On October 29, 2018, Riverside Police Department's Dispatch Center received calls regarding shootings both inside the Café Sevilla Nightclub and outside in the parking lot. Riverside Police Department officers responded to the scene and discovered hundreds of individuals running from the establishment. When officers arrived, they located two individuals that were injured as a result of being hit by gunfire. These individuals were transported to a local area hospital for medical treatment. A search of the building and immediate area was conducted for any additional victims and/or suspect(s), but none were located. All totaled, a total of seven individuals were struck by gunfire. The officers located evidence that a shooting took place both inside the nightclub and in the parking lot. Officers have contacted the individuals who were struck by gunfire and received medical treatment from area hospitals.

The incident occurred during a special event called "The Purge." The event was promoted by multiple promoters, advertising six different artists associated with gangs based out of the Inland Empire and Los Angeles. At the time of the shooting, the nightclub was at full capacity.

As part of the on-going investigation the police made contact with one of the victims who identified that the “Emcee” expressed concern prior to the shooting that there could be potential issues due to the different gangs in attendance. Another individual noted that a “gang song” was played for a second time before the shooting began inside the nightclub.

The Riverside Police Department made contact with Café Sevilla's security guards. Two of the security guards, assigned outside the nightclub, were armed but did not fire their guns during the shootings. Officers also contacted four other unarmed security guards stationed by the front entrance, south side exterior door, and near the stage, who provided details of what they witnessed.

Upon review of the security camera footage the Riverside Police Department discovered a number of issues dealing with the lack of security measures put in place including:

- a. Lack of consistent pat down searches by security;
- b. Poor quality searches conducted by security;
- c. Security did not use metal detector wands;
- d. Female bags were not consistently searched;
- e. Subjects who re-entered the venue were not searched again;
- f. Patrons were allowed to loiter in the main entryway;
- g. Failure to maintain security fence separating the patrons from the public;
- h. Subjects were allowed to pass objects, possibly guns, over the security fence to patrons already cleared for admittance into the venue;
- i. A lack of surveillance cameras covering dance floor, stage, tables, or DJ booths area;
- j. Insufficient number of security guards for the size of the crowd;
- k. Vehicles were not parked in designated stalls creating congestion;
- l. Lack of dress code, i.e. subjects wearing masks and hoods;
- m. Allowing backpacks inside the venue; and
- n. Failure to recognize the potentially dangerous atmosphere the performers were creating (gang banging).

Other Significant Incidents Since 2016

Date of Incident	Type of Call	Summary
May 26, 2018	Battery	a. Victim was hit in the face by an individual inside the nightclub.
Apr. 6, 2018	Subject with a gun	<ul style="list-style-type: none"> a. Security was informed of a verbal altercation and hearing the racking of a handgun inside the bathroom. b. Security found a subject with a concealed loaded gun. c. Subject was arrested.

Date of Incident	Type of Call	Summary
Apr. 1, 2018	Disturbance	<ul style="list-style-type: none"> a. Subject punches at security guards when being kicked out of the nightclub. b. Security guards tased the subject. c. Subject claimed an individual with them was inappropriately touched. d. No arrests were made.
Dec. 1, 2017	Battery	<ul style="list-style-type: none"> a. Victim was punched multiple times by two subjects in the Union Bank Parking lot following a verbal altercation in the nightclub.
Nov. 10, 2017	Fight	<ul style="list-style-type: none"> a. A large crowd gathered outside of the nightclub to take pictures with the artist "RJ MR LA." b. This artist also performed during the October 29, 2018 incident. c. The artist's entourage, upset with the crowd yelled "gang slangs" and made "gang signs." d. An argument lead to a victim being hit on the head from behind with a bottle.
Aug. 13, 2017	Battery	<ul style="list-style-type: none"> a. Security escorted a subject involved in a disturbance on the rooftop patio out of the nightclub. b. The subject punched a security guard in the head while attempting to get back into the nightclub. c. Subject was pepper sprayed and detained by a security guard until officers arrived.
Jun. 11, 2017	Fight	<ul style="list-style-type: none"> a. A security guard attempted to stop a fight when the subject who started the fight attacked him. b. Subject was pepper sprayed and detained by a security guard until officers arrived.
May 6, 2017	Rape	<ul style="list-style-type: none"> a. A victim under 21 years of age of an allegedly sexually assaulted reported the incident to the Riverside Police Department Orange Station. b. The victim was initially denied entry due to being under 21. c. A male subject promoting the nightclub made arrangements to allow the victim to enter the nightclub. d. The victim was marked with an "X" to signify that she was under 21 but was still able to access alcoholic beverages. e. The victim was kicked out for underage drinking. f. The victim was followed to her car where the allegedly sexually assaulted occurred.
Mar. 19, 2017	Intoxication	<ul style="list-style-type: none"> a. Intoxicated subject was challenging people to fights. b. Subject was arrested for public intoxication.
Feb. 21, 2017	Assault	<ul style="list-style-type: none"> a. Security Guards escorting an individual out of the nightclub were assaulted by other subjects. b. Three subjects were arrested for assault with a deadly weapon.

Date of Incident	Type of Call	Summary
Nov. 23, 2016	Fight with gun shots heard	a. Security identified loud arguments and multiple gunshots. b. Officers found approximately thirty subjects loitering in the parking lot and a spent bullet shell casing on Mission Inn Avenue.
Sep. 16, 2016	Shots heard	a. Victims were confronted by a subject claiming to carry a gun. b. Security guards escorted victims to their vehicle. c. The victims claimed their vehicle was followed by the subject in another vehicle and shot at them. d. The suspect vehicle fled and no arrests have been made.
Sep. 12, 2016	Subject with a gun	a. Multiple fights occurred within the parking lot between individuals. b. A handgun was produced in one fight but was kicked away by a security guard. c. Multiple gun shots were heard near Old Spaghetti Factory. d. Vehicle searched in Old Spaghetti Factory Parking lot yielded a loaded SKS rifle and a 22 caliber handgun.
Jun. 15, 2016	Subject with a gun	a. Victim attacked by approximately four subjects. b. Witnesses identified seeing a gun. c. Officers did not find a gun.
Jun. 7, 2016	Assault	a. Intoxicated subject punched security guard multiple times after being denied entry into the nightclub. b. Subject was pepper sprayed and detained by a security guard until officers arrived.

II. Violation of Conditions of Approval of the Conditional Use Permit

Café Sevilla is regulated by a total of 35 Conditions of Approval established by Planning Case CU-024-978 (Minor Conditional Use Permit) and modified by Planning Case P03-1166 (Revised Minor Conditional Use Permit). The Conditions of Approval for Café Sevilla can be grouped into 4 categories:

1. Requirements and Timelines to Exercise Entitlements;
2. Revocation Procedures;
3. Site Improvements and Studies; and
4. Operational Characteristics.

The majority of the Conditions of Approval are related to the first three categories which do not address the operation of Café Sevilla. The proposed modifications (partial revocation) of the Conditional Use Permit as part of this partial revocation are specifically related to the Operational Conditions. Exhibit 6 illustrates the Conditions of Approval, including the proposed modifications.

These modifications (partial revocation) are intended to address the following violations of the Operational Characteristics Conditions of Approval:

a. **Condition No. 1, Planning Case P03-1166 (MCUP):**

"This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance."

Violations: The failure of Café Sevilla's management to provide adequate and skilled security staff and measures has created an environment which threatens the safety of patrons and tourists visiting Riverside's historical Downtown. Police records indicate that from January 1, 2013 through September 30, 2018:

1. The nightclub and rooftop patio uses generated approximately 154 calls for police service where a police report was generated.
2. Seventy (70) of the police reports were assault related investigations.

b. **Condition No. 9, Planning Case P03-1166 (MCUP)**

"Prior to beginning the outdoor entertainment component of the business, the applicant shall prepare a security plan, subject to Police, Planning and Legal Departments approval. The security plan shall detail the specific scope of the security guard patrol, the qualifications of the security guards, operational and security response policies, methods of rule enforcement and other related information. Specifically, the plan shall further specify that any time when there is live entertainment or DJ music, the owner(s) of the business shall provide security guards in the parking lot and in the businesses that are licensed by the State of California. During these times, there shall be a minimum of two security guards at all times in the parking lot and one security guard per 75 people inside the business."

Violations: Based on the Riverside Police Department's memorandum (Exhibit 5) the following violations of the Site Security Plan (Exhibit 7) and this Condition of Approval have been identified.

October 29, 2018

On October 29, 2018, six provisions of the security plan were violated. Below is a description of the violations.

- A. **Security Plan Provision:** *"There shall be a minimum of two security guards at all times in the parking lot and one security guard per 75 people inside the business."*

Violations:

- i. On October 29, 2018 there were a total of 400 people in attendance.
 - ii. Pursuant to the security plan, eight security guards should have been on-site including two within the parking lot and six inside the building.
 - iii. The Riverside Police Department identifies in their report that six security guards were on-staff that evening including five within the parking lot and one inside the building.
- B. Security Plan Provision: *"Always be on the lookout for hazardous conditions for both other staff and for the guests."*

Violations: The Police report identified the following hazardous conditions that should have been corrected by security staff and/or management.

- i. Lack of consistent pat down searches by security.
- ii. Poor quality searches conducted by security.
- iii. Security did not use metal detector wands.
- iv. Female bags were not consistently searched.
- v. Subjects who re-entered the venue were not searched again.
- vi. Permitting patrons to loiter in the main entryway.
- vii. Failure to maintain security fence separating the patrons from the public.
- viii. Subjects were passing objects, possibly guns, over the security fence to patrons already cleared for admittance into the venue.
- ix. No surveillance cameras covering dance floor, stage, tables, or DJ booths area.
- x. Insufficient number of security guards for the size of the crowd.
- xi. Vehicles were not in parked in designated stalls creating congestion.
- xii. Lack of dress code, i.e., subjects wearing masks and hoods.
- xiii. Allowing backpacks in the nightclub.
- xiv. Failure to recognize the atmosphere the performers were creating (gang banging).

C. Security Plan Provision: *“Manage the guest line at the front door. The line should form along the wall to allow enough room on the sidewalk for normal pedestrian traffic. Alcoholic Beverage Control (ABC) regulations stipulate that for every 50 people in line, a minimum of two security personnel must be present at the door at all times.”*

Violation: Security videos demonstrate that an orderly line was not maintained and individuals were allowed to loiter at the club entrance.

D. Security Plan Provision: *“Keep club entrance and area around the cashier clear of people.”*

Violation: Security videos demonstrate that individuals were permitted to loiter at the club entrance.

E. Security Plan Provision: *“Always be aware of and be attentive to all guests entering, exiting, or anywhere in the premises.”*

Violations: Security videos demonstrate the following issues:

- i. Subjects who re-entered the venue were not searched again.
- ii. Failure to maintain security fence separating the patrons from the public.
- iii. Subjects not admitted to the venue were passing objects, possible guns, over the security fence to patrons already cleared for admittance into the venue.

F. Security Plan Provision: *“Cafe Sevilla prohibits the possession or handling of any type of weapon or self-defense tools by employees while on duty.”*

Violation: Two contract security guards were armed with hand guns in violation of the security plan.

April 6, 2018

On April 6, 2018, the Security Plan was violated when security allowed for a hazardous condition for both other staff and for the guests by either not conducting searches and pat downs on patrons at the entrance of the nightclub or conducting inadequate screening. This allowed an individual with a loaded gun to enter the premises.

April 1, 2018, August 13, 2017, June 11, 2017 and June 7, 2016

On April 1, 2018, August 13, 2017, June 11, 2017, and June 7, 2016 security personnel violated the security plan when they possessed and used tasers and pepper spray in altercations with guests.

November 10, 2017

On November 10, 2017, the security plan was violated when security allowed for a hazardous condition for both other staff and for the guests when security

allowed guests to loiter outside of the nightclub to take a picture with the artist that had performed that night. Additionally, security guards failed to recognize the hazardous situation when the artist's entourage began yelling "gang slangs" and throwing "gang signs" at the crowd.

May 16, 2017

On May 16, 2017, The Riverside Police Department received a report of an allegedly sexually assaulted female victim, under 21 years of age, inside a parked vehicle in a nearby parking lot after being kicked out of Café Sevilla's for underage drinking. By permitting this individual to enter Café Sevilla and drink alcohol, four provisions of the Security Plan were violated:

- A. Security Plan Provision: *"Strictly follow I.D. guidelines, questioning and verifying all I.D.'s."*

Violation: By permitting the individual under 21 years of age to enter, security did not strictly follow the I.D. guidelines.

- B. Security Plan Provision: *"Must always be on alert for minors trying to sneak into the club or attempting to consume alcoholic beverages."*

Violation: Security permitted the individual to enter and obtain alcoholic beverages although they were under 21 years of age.

- C. Security Plan Provision: *"Must know and understand all the conditions of Cafe Sevilla's liquor license in order to ensure compliance with and be able enforce all applicable liquor laws and policies regarding the responsible service of alcohol."*

Violation: The individual was able to obtain alcoholic beverages although they were under 21 years of age.

- D. Security Plan Provision: *"Stamp customers who look under 25 years old."*

Violation: The individual received a hand stamp from security; however, the stamping of a customer's hand is intended to demonstrate that the individual is over the minimum legal age to drink.

- c. **Condition No. 14, Planning Case P03-1166 (MCUP)**

"No loitering shall be permitted outside the licensed premises including adjacent parking lot and on any property adjacent to the licensee's premises and under the control of the licensee. "No Loitering" signs shall be posted, subject to approval of the Police Department."

Violation: Based on the Riverside Police Department's memorandum (Exhibit 5), on October 29, 2018, November 23, 2016, and September 12, 2016, there were fights between individuals loitering in the Café Sevilla parking lot. This is significant because in each of these incidents the sound of gun shots was reported, guns were recovered, or evidence of guns being fired was found.

FINDING SUMMARY

Pursuant to Chapter 19.700.020 of the Zoning Code, the following required findings can be made by Staff based on the record noted above.

1. The Conditional Use Permits granted to Café Sevilla as it relates to the nightclub and rooftop uses (including entertainment) is being, or has been, exercised contrary to the conditions of such permits or in violation of any applicable licenses, permits, regulations, laws or codes; and
2. The use for which the Permit approvals were granted is being, or has been, exercised as to be detrimental to the public health, safety or welfare so as to constitute a nuisance, hazard or detriment to the surrounding properties, neighborhood or City in general.

ENVIRONMENTAL DETERMINATION

This proposal is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.

PUBLIC NOTICE AND COMMENTS

Pursuant to Section 19.700.020 – Written notice of the date, time, place and purpose of such public hearing were served on the owner of the property for which the Minor Conditional Use Permit was granted by registered mail, postage prepaid, return receipt requested, not less than ten days prior to the date of such hearing. Additional public hearing notices were mailed to the all property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Planning Staff.

VOTE REQUIREMENT

Each decision by the Planning Commission to revoke a Minor Conditional Use Permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least two-thirds of the membership of the Planning Commission, such membership being based upon membership present and voting. §19.730.090B4

TIME LIMITS ON REAPPLICATION AND APPEAL INFORMATION

No new application for the same or similar request may be accepted within one year of the date of the action to revoke the Minor Conditional Use Permit, unless the Community Development Director, his/her designee or Zoning Administrator as appropriate determines that a new application is warranted due to a substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

Actions by the City Planning Commission may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Community & Economic Development Department, Planning Division, Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Conditions of Approval
2. Planning Commission Resolution
3. Location Map
4. Context Map
5. Riverside Police Department December 31, 2018 Memorandum
6. Modified Conditions of Approval Planning CU-024-978 (Minor Conditional Use Permit) and P03-1166 (Revised Minor Conditional Use Permit) Conditions of Approval
7. Site Security Plan
8. General Plan Map
9. Specific Plan and Zoning Map
10. Project Plans (*Floor Plans*)
11. Existing Site Photos

Prepared by:	Sean P. Kelleher, Associate Planner
Reviewed by:	David Murray, Principal Planner
Approved by:	Mary Kopaskie-Brown, City Planner



*EXHIBIT 1 – STAFF RECOMMENDED CONDITIONS OF APPROVAL
(See Exhibit 6 for tracked changes)*

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASE: P18-0843 (Modification to Conditions of Approval)

Case Specific

- **Planning**
 1. (Condition of Approval Planning Case P03-1166) This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
 2. (Condition of Approval Planning Case P03-1166) The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
 3. (Condition of Approval Planning Case P03-1166) This permit is issued based upon the business operations plan and information submitted by the applicant which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify City Planning Department of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
 4. (Condition of Approval Planning Case P03-1166) The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
 5. (Condition of Approval Planning Case P03-1166) This conditional use permit shall be terminated if the operation is no longer maintained as a "Bona Fide Public

Eating Place" as defined by the California Department of Alcoholic Beverage Control Act Section 23038 or as it may be amended. Such termination shall be effective no later than ten (10) days following such change in operation, unless an application for revision of this permit has been submitted to the City Planning Department and has not been denied.

6. (Condition of Approval Planning Case P03-1166) Food service shall be available during all hours of operation.
7. (Condition of Approval Planning Case P03-1166) Any entertainment shall be limited to the 2,583 square foot restaurant and 1,700 square foot tapas bar.
8. The hours of operation for the restaurant and tapas bar shall be from 11:30 a.m. to 10:30 p.m., seven days a week.
9. The tapas bar stage shall be limited to 52 square feet.
10. (Condition of Approval Planning Case P03-1166) No alcoholic beverages shall be permitted outside the licensed premises, including adjacent parking areas.
11. (Condition of Approval Planning Case P03-1166) The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearances and conduct of all persons on or about the parking lot. The lighting shall be certified by a qualified lighting engineer to provide no less than one foot candle at ground level throughout the parking area and the areas providing access to the business. The lighting in the parking lot of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the area of the nearby business or residential area.
12. (Condition of Approval Planning Case CU-024-978) Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one foot candle of lighting throughout private parking lots and access areas serving the business.
13. (Condition of Approval Planning Case P03-1166) The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
14. (Condition of Approval Planning Case P03-1166) The licensee shall be responsible for maintaining free of graffiti the area adjacent to the premises over which they have control.
15. (Condition of Approval Planning Case P03-1166) No loitering shall be permitted outside the licensed premises including adjacent parking lot and on any property adjacent to the licensee's premises and under the control of the licensee. "No Loitering" signs shall be posted, subject to approval of the Police Department.
16. (Condition of Approval Planning Case CU-024-978) The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises

in accordance with Section 9.04.020 of the Riverside Municipal Code.

17. (Condition of Approval Planning Case P03-1166) The business shall follow the guidelines of the Alcoholic Beverage Control requirement for acting as a bona fide eating place (compliance with Section 23038 of the Business and Professions Code).
18. (Condition of Approval Planning Case P03-1166) The licensees/employees shall attend a three hour L.E.A.D. (License Education Alcohol and Drugs) class presented by the Riverside Office of the Alcoholic Beverage Control within 90 days of obtaining an ABC license.
19. (Condition of Approval Planning Case P03-1166) (Condition of Approval Planning Case CU-024-978) Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease space.
20. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.

Standard Conditions

21. (Condition of Approval Planning Case P03-1166) Six months from the final approval date of this MCUP and every six months thereafter, the City Planning and Police Departments will jointly review the proposed use with the applicant, if necessary. Based on this review, the matter may be referred to the Planning Commission for further public hearings. Remedies to any problems resulting from this business, including revocation of this MCUP, may be considered as part of such hearings. Notwithstanding the preceding condition, the City Planning and/or Police Departments may review the facility operations at any time to verify compliance with these conditions.
22. (Condition of Approval Planning Case P03-1166) A public hearing to consider the revocation of the minor conditional use permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.64.180 of the Riverside Municipal Code.
23. (Condition of Approval Planning Case P03-1166) All decisions of the Zoning Administrator or Planning Commission shall be final and effective ten days following the notice of decision unless a member of the City Council has requested the item be reviewed or a written appeal has been filed by the applicant or an interested person within this time.
24. (Condition of Approval Planning Case P03-1166) Any minor conditional use permit not exercised within one year of its effective date shall become void provided, however, that the Zoning Administrator may extend the time limit no more than twice and no more than one year per extension, if a written application for such an extension showing good cause and the fee for a time extension is submitted to the Planning Department prior to the expiration of the permit.

25. (Condition of Approval Planning Case P03-1166) A minor conditional use permit shall become void if any of the conditions listed below apply:
 - a. The construction or use authorized by the Minor Conditional Use Permit is not commenced and diligently pursued to completion within one year of the effective date of the conditional use permit or within the time period granted by a time extension granted in accordance with Section 19.64.285 of Municipal Code;
 - b. The use of which the Minor Conditional Use Permit was granted has ceased to exist or has been suspended for one year or more; or
 - c. The owner or owner's authorized representative of the property for which the minor conditional use permit was granted requests, in writing, that the permit be voided and the Zoning Administrator approves the request.
26. (Condition of Approval Planning Case P03-1166) Failure to comply with these conditions and/or with zoning code provisions may be cause for revocation. A public hearing to consider the revocation of a minor conditional use permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.64.180 of Municipal code.
27. (Condition of Approval Planning Case P03-1166) If a minor conditional use permit is denied, no reapplication for the same type of use on the same property shall be allowed for at least one year following the date of final denial by either the Zoning Administrator or the City Council. The Zoning Administrator shall have the authority to determine what constitutes the "same type of use" in all instances of requested reapplication.
28. (Condition of Approval Planning Case CU-024-978) The applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all Conditions of Approval have been met to the satisfaction of the Planning Division.
29. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
30. Within 30 days of approval, the applicant / developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.

31. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.

1 RESOLUTION NO. 4841

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 RIVERSIDE, CALIFORNIA, REVOKING A PORTION OF THE MINOR
4 CONDITIONAL USE PERMIT CU-024-978 AND PLANNING CASE NO.
P03-1166, FOR CAFÉ SEVILLA AS TO THE NIGHTCLUB AND
ROOFTOP USES, INCLUDING ENTERTAINMENT – P18-0843.

5 WHEREAS, in 1997, a Minor Condition Use Permit (“MCUP”) CU-024-978 was approved
6 for Café Sevilla located at 3252 Mission Inn Avenue, Riverside, California, for a restaurant, tapas
7 bar, nightclub with entertainment and alcohol sales for the restaurant, tapas bar and nightclub; and

8 WHEREAS, in 2004, under Planning Case P03-1166, the MCUP was revised to allow for
9 outdoor entertainment on the roof top patio; and

10 WHEREAS, from 2013 to present, the Riverside Police Department (“RPD”) has responded
11 to the facility due to various criminal activity; and

12 WHEREAS, the most recent response was on October 29, 2018, regarding shootings
13 occurring both inside the facility as well as in the parking lot; and

14 WHEREAS, as a result of these incidents, RPD and Community & Economic Development
15 Department staff reviewed the MCUP for violations of the conditions of approval; and

16 WHEREAS, based upon the recitals above, and findings and conclusions stated in the
17 February 7, 2019, Planning Commission Report, the evidence presented at the February 7, 2019,
18 Planning Commission meeting, and the findings attached hereto as Exhibit “A” and incorporated
19 herein by reference, the Planning Commission recommended the partial revocation of CU-024-978
20 as to the nightclub and rooftop uses (including entertainment).

21 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of
22 Riverside, California, as follows:

23 Section 1: The above recitals are hereby incorporated as if set forth herein in full.

24 Section 2: Minor Conditional Use Permit CU-024-978, based on the findings, evidence,
25 reports and conclusions stated in the February 7, 2019, Planning Commission Report, the evidence
26 presented at the February 7, 2019, Planning Commission meeting, and the findings attached hereto
27 as Exhibit “A” and incorporated herein by reference, is hereby revoked as to the nightclub and
28 rooftop uses (including entertainment).

EXHIBIT "A"
FINDINGS

Findings:

1. The Minor Conditional Use Permit CU-024-978 is being or has been exercised contrary to the conditions of such permit and in violation of applicable regulations, laws and codes.
2. The Minor Conditional Use Permit CU-024-978 is being or has been exercised as to be detrimental to the public health, safety or welfare so as to constitute a nuisance, hazard or detriment to the surrounding properties, neighborhood and City in general.

Facts Supporting the Findings:

- I. The failure of Café Sevilla's management to provide adequate and skilled security staff and measures has created an environment which threatens the safety of patrons and tourists visiting Riverside's historical Downtown. Police records indicate that from January 1, 2013 through September 30, 2018:
 - A. The nightclub and rooftop patio uses generated approximately 154 calls for police service where a police report was generated.
 - B. Seventy (70) of the police reports were assault related investigations.
- II. The security plan and conditions of approval have been violated as follows:
 - A. October 29, 2018, six provisions of the security plan were violated as follows:
 1. Security Plan Provision: *"There shall be a minimum of two security guards at all times in the parking lot and one security guard per 75 people inside the business."*

Violation: There were a total of 400 people in attendance. Pursuant to the security plan, eight security guards should have been on-site including two within the parking lot and six inside the building. There were only six security guards on-staff, five within the parking lot and one inside the building.
 2. Security Plan Provision: *"Always be on the lookout for hazardous conditions for both other staff and for the guests."*

Violations: The following hazardous conditions that should have occurred and should have been corrected by security staff and/or management.

 - a. Lack of consistent pat down searches by security.
 - b. Poor quality searches conducted by security.
 - c. Security did not use metal detector wands.

- d. Female bags were not consistently searched.
- e. Subjects who re-entered the venue were not searched again.
- f. Permitting patrons to loiter in the main entryway.
- g. Failure to maintain security fence separating the patrons from the public.
- h. Subjects were passing objects, possibly guns, over the security fence to patrons already cleared for admittance into the venue.
- i. No surveillance cameras covering dance floor, stage, tables, or DJ booths area.
- j. Insufficient number of security guards for the size of the crowd.
- k. Vehicles were not in parked in designated stalls creating congestion.
- l. Lack of dress code, i.e., subjects wearing masks and hoods.
- m. Allowing backpacks in the nightclub.
- n. Failure to recognize the atmosphere the performers were creating.

3. Security Plan Provision: *“Manage the guest line at the front door. The line should form along the wall to allow enough room on the sidewalk for normal pedestrian traffic. Alcoholic Beverage Control (ABC) regulations stipulate that for every 50 people in line, a minimum of two security personnel must be present at the door at all times.”*

Violation: Security videos demonstrate that an orderly line was not maintained and individuals were allowed to loiter at the club entrance.

4. Security Plan Provision: *“Keep club entrance and area around the cashier clear of people.”*

Violation: Security videos demonstrate that individuals were permitted to loiter at the club entrance.

5. Security Plan Provision: *“Always be aware of and be attentive to all guests entering, exiting, or anywhere in the premises.”*

Violations: Security videos demonstrate the following violations:

- a. Subjects who re-entered the venue were not searched again.
- b. Failure to maintain security fence separating the patrons from the public.
- c. Subjects not admitted to the venue were passing objects, possible guns, over the security fence to patrons already cleared for admittance into the venue.

6. Security Plan Provision: *“Cafe Sevilla prohibits the possession or handling of any type of weapon or self-defense tools by employees while on duty.”*

Violation: Two contract security guards were armed with hand guns in violation of the security plan.

B. On April 6, 2018, the Security Plan was violated as follows:

Security Plan Provision: *“Always be on the lookout for hazardous conditions for both other staff and for the guests.”*

Security Plan Provision: *“Always be aware of and be attentive to all guests entering, exiting, or anywhere in the premises.”*

Violation: Security allowed for a hazardous condition for both other staff and for the guests by either not conducting searches and pat downs on patrons at the entrance of the nightclub or conducting inadequate screening. This allowed an individual with a loaded gun to enter the premises.

C. On April 1, 2018, August 13, 2017, June 11, 2017, and June 7, 2016, the security plan was violated as follows:

Security Plan Provision: *“Cafe Sevilla prohibits the possession or handling of any type of weapon or self-defense tools by employees while on duty.”*

Violation: Security personnel possessed and used tasers and pepper spray in altercations with guests.

D. On November 10, 2017, the security plan was violated as follows:

Security Plan Provision: *“Always be on the lookout for hazardous conditions for both other staff and for the guests.”*

Security Plan Provision: *“Always be aware of and be attentive to all guests entering, exiting, or anywhere in the premises.”*

Violation: Security allowed for a hazardous condition for both other staff and for the guests when security allowed guests to loiter outside of the nightclub to take a picture with the artist that had performed that night. Additionally, security guards failed to recognize the hazardous situation when the artist’s entourage began yelling “gang slangs” and throwing “gang signs” at the crowd.

E. On May 16, 2017, the Riverside Police Department received a report of an allegedly sexually assaulted female victim, under 21 years of age, inside a parked vehicle in a nearby parking lot after being kicked out of Café Sevilla’s for underage drinking. By permitting this individual to enter Café Sevilla and drink alcohol, four provisions of the Security Plan were violated:

1. **Security Plan Provision:** *“Strictly follow I.D. guidelines, questioning and verifying all I.D.s.”*

Violation: By permitting the individual under 21 years of age to enter, security did not strictly follow the I.D. guidelines.

2. **Security Plan Provision:** *“Must always be on alert for minors trying to sneak into the club or attempting to consume alcoholic beverages.”*

Violation: Security permitted the individual to enter and obtain alcoholic beverages although they were under 21 years of age.

3. **Security Plan Provision:** *“Must know and understand all the conditions of Cafe Sevilla's liquor license in order to ensure compliance with and be able enforce all applicable liquor laws and policies regarding the responsible service of alcohol.”*

Violation: The individual was able to obtain alcoholic beverages although they were under 21 years of age.

4. **Security Plan Provision:** *“Stamp customers who look under 25 years old.”*

Violation: The individual received a hand stamp from security; however, the stamping of a customer's hand is intended to demonstrate that the individual is over the minimum legal age to drink.

III. Café Sevilla violated Condition No. 14, Planning Case P03-1166 (MCUP) which states: *“No loitering shall be permitted outside the licensed premises including adjacent parking lot and on any property adjacent to the licensee's premises and under the control of the licensee. “No Loitering” signs shall be posted, subject to approval of the Police Department.”*

Violation: On October 29, 2018, November 23, 2016, and September 12, 2016, there were fights between individuals loitering in the Café Sevilla parking lot. In each of these incidents the sound of gun shots was reported, guns were recovered, and/or evidence of guns being fired was found.

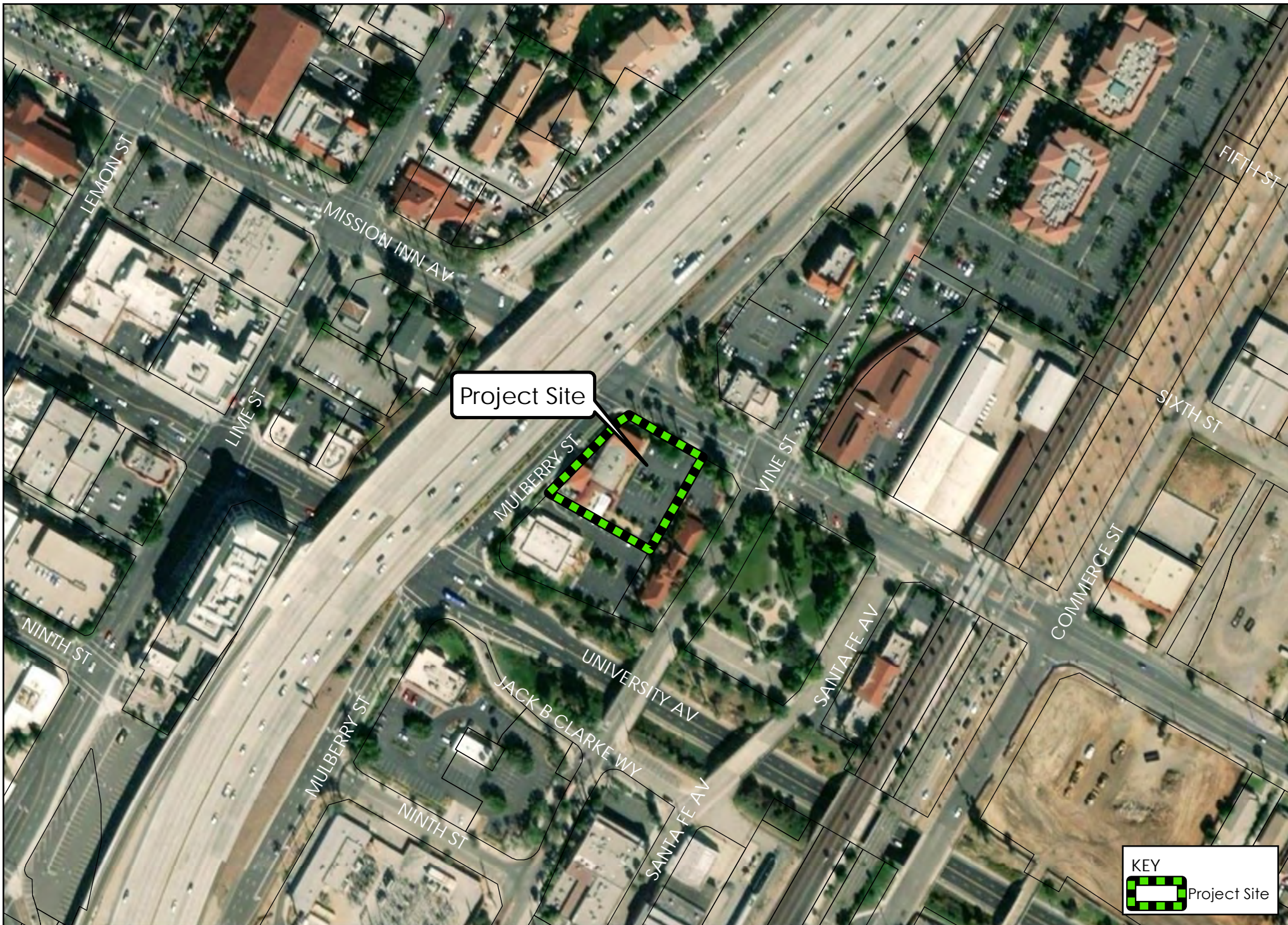


Exhibit C - City Planning Commission Report and Exhibits – February 7, 2019
Exhibit 3 - Location Map



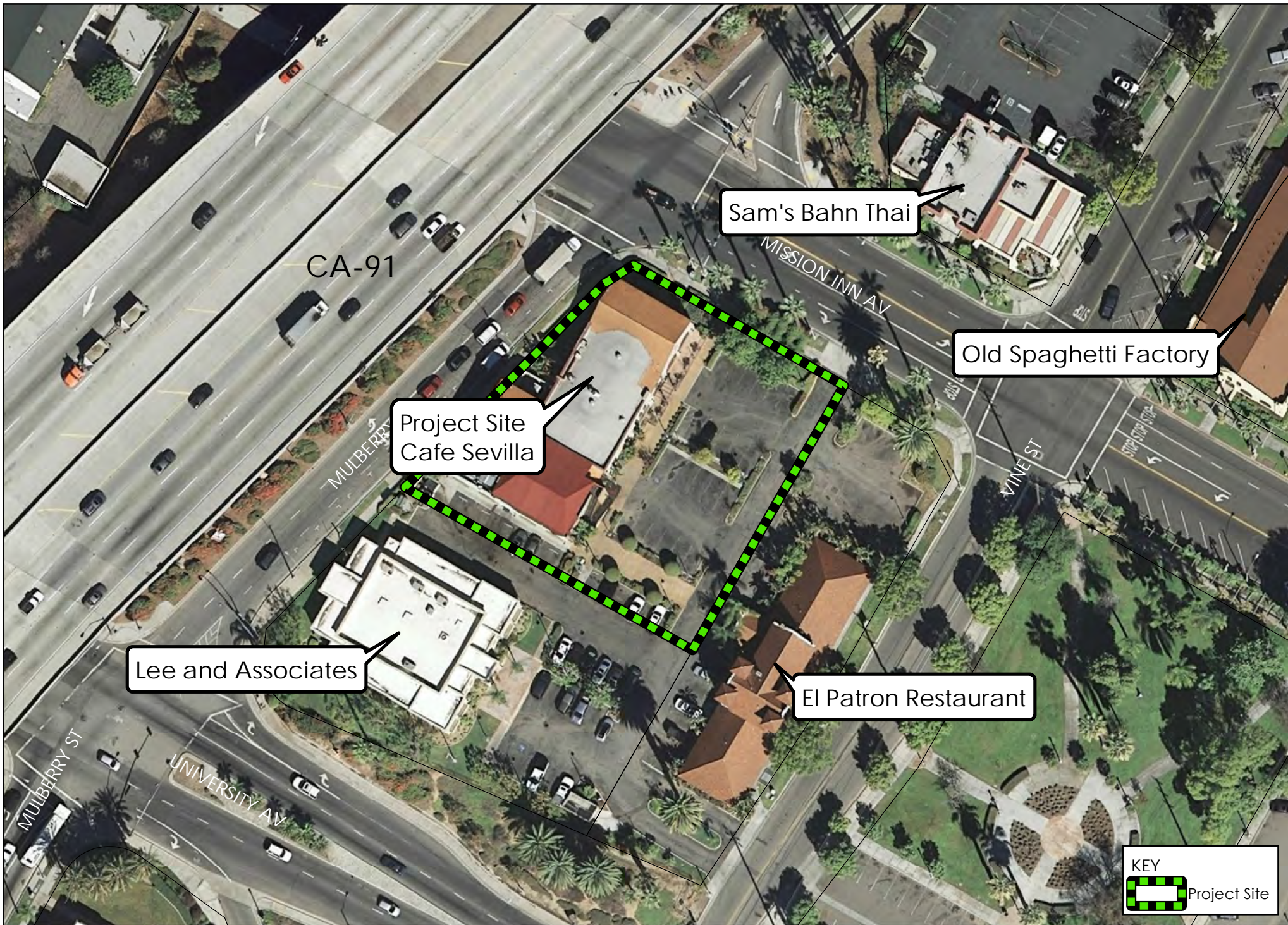
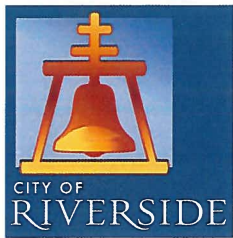


Exhibit C - City Planning Commission Report and Exhibits – February 7, 2019
Exhibit 4 - Context Map





MEMO

Police Department

DATE: December 31, 2018

TO: David Murray
Principal Planner

FROM: Jeffrey L. Greer
Deputy Chief, Operations

RE: Planning Case P18-0843
Café Sevilla Nightclub
3252 Mission Inn Avenue

East NPC

Summary:

The Riverside Police Department (RPD) is submitting this memorandum to the City of Riverside Planning Department concerning the operation of Café Sevilla's nightclub located at 3252 Mission Inn Avenue in the City and County of Riverside.

Recommendation:

It is the RPD's opinion that Café Sevilla's nightclub has generated an extraordinary amount of calls for police services. The failure of management to provide competent security measures at this location has created an environment which threatens the safety of patrons and tourists visiting Riverside's historical downtown. The RPD believes that because of the continuous problems at this venue and the use for which the Conditional Use Permit was granted has been exercised in a way that has been detrimental to the public's health and safety and/or constitutes a nuisance in the community, the RPD recommends the Conditional Use Permit allowing nightclub activities at 3252 Mission Inn Avenue be revoked.

Rationale:

All police responses to the location were compiled for a five year period. Each response was then examined and data that appeared to be directly related to Café Sevilla's nightclub were compiled. Routine calls that do not directly reflect the business practices at the nightclub such as alarm calls, parking problems, bar checks, etc. were excluded. Since January 1, 2013, through September 30, 2018, there have been approximately 154 calls for police service where a police report was generated which related to Café Sevilla's nightclub. Of the 154 police reports generated, 70 of the police reports were assault related investigations. The below listed incidents outline some of the notable calls for service the police department has conducted related to Café Sevilla's nightclub.

	2013	2014	2015	2016	2017	2018	TOTAL
Calls for Service w/ Police Report generated	31	16	23	39	29	16	154

OCTOBER 29, 2018 – CRIMINAL INVESTIGATION (ATTEMPT MURDER)

On October 29, 2018, at approximately 0004 hours, RPD's Dispatch Center began receiving calls regarding a shooting in the parking lot of Café Sevilla. At approximately 0006 hours, the Dispatch Center began receiving additional calls regarding a shooting inside the venue involving multiple subjects. RPD officers responded to the scene and discovered hundreds of individuals running from the establishment. When officers arrived, they located two individuals that were injured as a result of being hit by gunfire. The two individuals were transported to a local area hospital for medical treatment. A search of the building and immediate area was conducted for any additional victims and/or suspect(s), but none were located. The officers located evidence that a shooting took place both inside the venue and in the parking lot. The crime scene was secured and detectives from RPD responded to assume control over the investigation.

During the preliminary investigation, officers contacted a total of seven individuals who were struck by gunfire and received medical treatment from area hospitals. At this time, the criminal investigation is still on-going and is being handled by RPD's Gang Intelligence Unit. The investigation is documented under RPD report #P18-204848.

REVIEW OF SEVILLA'S PROMOTERS & ARTISTS

On October 28, 2018, Café Sevilla's nightclub held a special event called "The Purge." The event was promoted by multiple promoters advertising six different artists. Neither RPD nor any other city department was made aware of the event by Café Sevilla.

Sergeant Collopy from RPD's Vice Unit conducted follow-up on the event. During a search on social media, he located multiple social media posts advertising that the nightclub at Café Sevilla was holding an event called "The Purge" on October 28, 2018, and learned the artists performing were either associated with Crip or Blood gangs based out of Los Angeles. There were also subjects associated with the Inland Empire gangs present at the event.

Sergeant Collopy also reviewed the police reports prepared by the patrol officers and detectives who had responded to the shooting at the nightclub. During a review of these reports, Sergeant Collopy noted the following relevant information pertaining to this event.

- A RPD officer noted in his report that he contacted one of the victims who had been shot. The victim informed the officer that the "Emcee" for the event told her there was going to be drama because a lot of gang members from different neighborhoods would be at Café Sevilla's nightclub. The victim was able to provide which gangs the artists were associated with.
- The same officer contacted another witness who stated the "Emcee" said "it's not looking good outside" about three times, referring to the shooting in the parking lot, but that security was addressing it. The witness then stated a song by Bounty Hunter came on for the second time, which they described

as a "gang song." When the song was being played for the second time, the shooting started inside the nightclub.

- Another RPD officer contacted a witness who stated she was inside and knew a shooting was going to happen. The witness stated that an artist was performing and "hying up the crowd by banging."
- Another RPD officer was contacted by a witness who identified herself as working with one of the event's promoters who was in charge of VIP seating. The witness stated that when she was helping patrons, she recognized that different gangs were in attendance. The witness looked at the VIP seating chart and noticed that management had people, associated with certain gangs, sitting near or in close proximity to their rival gang. The witness was afraid there would be problems and contacted the manager and expressed her concerns regarding the seating chart and need for additional security. The witness said there was supposed to be fifteen security guards for the event. She described seeing approximately seven security guards, all who were stationed outside the venue. When asked if she saw any security guards inside the venue, she said no, but there should have been.

Sergeant Collopy spoke to the witness and asked about the number of people in attendance. The witness stated when she learned the venue was at its capacity, she no longer allowed people in general admission inside.

During a review of this incident, Sergeant Collopy recognized a subject (Trevaugn Moore) on surveillance video as a promoter for "The 9." "The 9" was one of a few promoters for "The Purge" event. Mr. Moore was seen on surveillance video being present at Café Sevilla's nightclub for the special event and also present during the shootings. Sergeant Collopy located a Facebook account belonging to Mr. Moore discussing the evening's events that took place at Café Sevilla. A post he made on Facebook stated, "Everyone askin me and everyone I came with are all ok and I don't think I'm going to do anymore events that they're not going to let me run. I seen red flags all night and I kept telling them and they weren't listening. They Just need to let me run security every and organize every event that I'm involved in and at least it will be safe."

In response to Mr. Moore's Facebook post, there were multiple comments placed by a number of subjects discussing the incident at Café Sevilla. Listed below are some of the comments:

- Trevaugn Moore posted, "the security wasn't watching anybody like they were supposed to do, they were passing and all their stuff through the gate to each other."
- Marqionna Hope posted, "Ong all them damn gangs was in there and they were all acting strange my whole group peeped that."
- Latijerica Johnson posted, "And u have to look at the artist and ppl they bring out smh certain performers attract certain ppl and if security and the promoters who came up w the vents don't take that into consideration that's crazy esp when they're events are always being shot up take more precaution for the guest attending or-is it just for the dollar amount ??? Just

to have ppl show up but not invest that money into making sure these ppl are protected ? Smh."

SECURITY & OCCUPANCY

During the investigation, the officers contacted two security guards who were armed. The two armed security guards did not fire their guns during the shootings and were assigned outside the venue. These guards are employed by Hook Private Security Service and were contracted by Café Sevilla for the event. Officers also contacted four other security guards, who were not armed. Two of the security guards were stationed by the front entrance, another guard was stationed on the south side exterior door and the other guard was stationed near the stage.

It should be noted that the occupancy rate for the downstairs Café Sevilla nightclub is 400 people. It appeared, based on surveillance video, the scene and statements, that at the time of the shootings, the outdoor upstairs patio was not occupied.

REVIEW OF SEVILLA'S SURVEILLANCE VIDEO

During the investigation, the detectives located multiple surveillance cameras at the establishment; however, only a few surveillance cameras were designated for the nightclub portion of the establishment. The following is a list of the cameras, which were deemed relevant in the shooting.

Camera #1 – 9 – Restaurant, storage and other miscellaneous areas
Camera #10 - Interior camera facing east capturing bar and patrons
Camera #11 - Interior camera facing west capturing bar
Camera #12 - Exterior camera near entrance of nightclub facing south
Camera #13 - Exterior camera capturing front door to nightclub
Camera #14 - Exterior camera capturing front entrance to nightclub
Camera #15 & 16 – Rooftop patio

The surveillance cameras were reviewed by personnel from the Riverside Police Department. During a review of these videos, detectives discovered a number of issues dealing with the lack of security measures put in place for the October 28, 2018, event.

- Lack of consistent pat down searches by security.
- Poor quality searches conducted by security.
- No use of metal detector wand by security.
- Female bags were not consistently searched.
- Subjects who re-entered the venue were not searched again.
- Permitting patrons to loiter in the main entryway.
- Failure to maintain security fence separating the patrons from the public.
- Subjects were passing objects, possible guns, over the security fence to patrons already cleared for admittance into the venue.
- No surveillance cameras covering dance floor, stage, tables, or DJ booths area.
- Insufficient number of security guards for the size of the crowd.
- Parked vehicles not in designated stalls creating congestion.
- Lack of dress code, i.e., subjects wearing masks and hoods.
- Allowing backpacks inside the venue.
- Failure to recognize the atmosphere the performers were creating (gang banging).

CALLS FOR SERVICE

On May 26, 2018, officers were dispatched to Café Sevilla regarding a battery report. The victim stated he was inside the nightclub when his daughter got involved in an altercation with another individual. When the victim went to assist, an unknown individual struck the victim in the face causing minor injuries. The incident was documented under RPD report #P18-097253.

On April 6, 2018, officers were dispatched to Café Sevilla regarding a subject with a gun. The officers contacted security. Security advised they were notified by patrol that a verbal altercation was taking place in the men's restroom. The patron told security that during the verbal altercation, he heard what sounded like the racking of a handgun. Security contacted the subject and conducted a pat down search of the subject. During the search, security located a concealed loaded firearm. The subject was arrested and later booked into jail. The incident was documented under RPD report #P18-062640.

On April 1, 2018, officers were dispatched to Café Sevilla regarding a disturbance. The officers contacted security who had a subject detained. Security advised the subject was being kicked out of the nightclub and started throwing punches at security guards. One of the security guards eventually tased the subject. The subject causing the disturbance claimed that his sister was inappropriately touched while on the dance floor. No arrests were made. The incident was documented under RPD report #P18-059275.

On December 1, 2017, officers were dispatched to Café Sevilla regarding a battery. The officers contacted a victim who needed medical attention. The victim stated he was dancing inside the nightclub with an unknown female when he was confronted by two adult males. A verbal altercation took place and the victim left. While walking in the Union Bank parking lot (across the street), the victim was confronted by the same individuals. The individuals then "jumped" the victim and punched him multiple times. The suspects fled the scene. The incident was documented under RPD report #P17-216197.

On November 10, 2017, officers were dispatched to Café Sevilla regarding a subject struck in the head with a bottle. The officers arrived and found a large crowd outside the nightclub who had no regard for security or police. The officers located the victim near the front of the nightclub who was disoriented and had a large laceration on the top of his head. The investigation revealed that the artist "RJ MR LA" had performed. After his performance, people were waiting outside the venue in an attempt to get their photograph with the artist. During this time, the artist's entourage became upset with the crowd and began yelling "gang slangs" and throwing "gang signs" at the crowd. During this time, a subject began arguing with the victim. An unknown subject then came up from behind the victim and hit him over the head with a bottle. The incident was documented under RPD report #P17-203418.

*****NOTE: SAME ARTIST FROM OCTOBER 28, 2018 INCIDENT*****

On August 13, 2017, officers were dispatched to Café Sevilla regarding a battery. The officer learned that a security guard went to the upstairs patio regarding a disturbance. The security guard contacted the problem half and escorted the subject outside of the club. The subject attempted to run back inside the club and punched the security

guard in the head. The security guard sprayed the subject with pepper spray and detained him until officers arrived. The subject was arrested. The incident was documented under RPD report #P17-146182.

On June 11, 2017, officers were dispatched to Café Sevilla regarding subjects fighting in the parking lot. The officers contacted one of the security guards who stated he was working in the parking lot when he observed several people fighting. He attempted to contact a subject who appeared to be the one causing the fight. When he attempted to detain the subject, the subject began fighting him. The security guard then sprayed the subject with pepper spray. No prosecution was desired. The incident was documented under RPD report #P17-104565.

On May 6, 2017, an officer was dispatched to the RPD Orange Station regarding a past rape. The victim stated she and a friend had gone to the nightclub at Café Sevilla because they heard it was 21 and under. When they attempted to get inside the club, they were denied entry due to it being 21 and over. As they were leaving, they were approached by a male subject, who was promoting the Sevilla nightclub, standing to the front of the parking lot. The subject asked where they were going. When the subjects told the promoter they were not allowed entry due to their age, the promoter made arrangements with a subject inside the nightclub to allow the victim and her friend inside the nightclub. Once inside the nightclub, an "X" was marked on the victim's hand to signify that she was under 21. While in the club, she began dancing and drinking. The victim was eventually kicked out of the nightclub for being under age and drinking. Another patron, who had been dancing with the victim, left with her and allegedly sexually assaulted the victim inside a parked vehicle in a nearby parking lot. The incident was documented under RPD report #P17-080492.

On March 19, 2017, an officer was dispatched to Café Sevilla regarding a subject who was intoxicated. The officer contacted a security guard who had a subject detained. The security guard advised the subject came out of the nightclub intoxicated and was challenging everyone to fight. The subject was arrested for public intoxication. The incident was documented under RPD report #P17-049129.

On February 21, 2017, officers were dispatched to Café Sevilla regarding a fight. The officers contacted the security guards. The officers learned that they attempted to escort a subject outside of the nightclub because he got into a verbal altercation with his girlfriend. While escorting the subject outside, other subjects began assaulting the security guards. Three subjects were arrested for assault with a deadly weapon – 245 PC. The incident was documented under RPD report #P17-032761.

On November 23, 2016, officers were dispatched to the nightclub at Café Sevilla regarding a large fight with gun shots heard. When officers arrived, they located approximately thirty subjects loitering in the parking lot. The officers contacted security who were working at the nightclub. Security advised that patrons were exiting the nightclub into the parking lot due to the club closing. Security then heard a loud argument outside the club and went to investigate. As security went outside, they heard multiple gunshots. Security believed the gunshots came from a car leaving the area and driving onto the northbound 215 freeway. Officers were unable to locate any victim(s), but did locate a spent shell casing on Mission Inn Avenue. The incident was documented under RPD report #P16-215961.

On September 16, 2016, officers were dispatched to the area of Mission Inn / Orange regarding shots heard. Officers located a vehicle and its occupants who claimed they were victims of a shooting. The victims stated they were inside the nightclub at Café Sevilla when they were confronted by a subject who was calling one of them derogatory names. One of the victims overheard the subject was carrying a gun and wanted to leave. The victims asked for assistance from Sevilla security guards for an escort to their vehicle. As they were walking to their vehicle, they noticed the subject had followed them outside. The victims requested that security not allow the subject to follow. When the victims got into their vehicle and drove away, another vehicle with the subject inside began shooting at their vehicle. The suspect vehicle fled and no arrests have been made. The incident was documented under RPD report #P16-170426.

On September 12, 2016, officers were dispatched to Café Sevilla regarding a subject with a gun. The officers learned that as the nightclub was closing, patrons were exiting the building and walking into the parking lot. While they were in the parking lot, fights began to break out with subjects claiming unknown "Cliques" (gangs). At one point, a subject was fighting with another subject on the ground when he produced a handgun. The security guard kicked the handgun out of the subject's hand, which caused the handgun to slide across the parking lot. The handgun was recovered by an unknown subject. Subjects began running away from the location towards the Spaghetti Factory parking lot. As subjects were running, people heard multiple gun shots. During the investigation, the officers stopped a vehicle in the parking lot of the Spaghetti Factory. A search of the vehicle produced a loaded SKS rifle and a 22 caliber handgun. The incident was documented under RPD report #P16-167665.

On June 15, 2016, officers were dispatched to Café Sevilla's nightclub regarding a possible subject with a gun. Officers arrived and learned that a fight had broken out inside the nightclub. The victim advised he was "jumped" by approximately four subjects. The officers were unable to locate any witnesses advising a gun was actually seen. The incident is documented under RPD report #P16-106430.

On June 7, 2016, officers were dispatched to Café Sevilla's nightclub regarding a subject who had assaulted security. The officers learned that a female was prevented entry into the nightclub for being too intoxicated. The female subject punched the security guard three times in the arm. The security guard then used his pepper spray on the subject and detained her until officers arrived. The incident is documented under RPD report #P16-101462.

On February 6, 2016, officers were dispatched to Café Sevilla's nightclub regarding a fight. Officers arrived and found a large group of subjects yelling in the parking lot. The officers learned that a victim was "jumped" inside the nightclub with one subject throwing bottles at his face. Three suspects were arrested. The incident is documented under RPD report #P16-019365.

JLG:cc



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

PLANNING CASES: P18-0843 (Modification to Conditions of Approval)

CONDITIONS OF APPROVAL P03-1166 and CU-024-978

The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the approval of the Planning Department.

Case Specific

- Planning

1. (Condition of Approval Planning Case P03-1166) This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
2. (Condition of Approval Planning Case P03-1166) The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
3. (Condition of Approval Planning Case P03-1166) This permit is issued based upon the business operations plan and information submitted by the applicant which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify City Planning Department of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
4. (Condition of Approval Planning Case P03-1166) The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
5. (Condition of Approval Planning Case P03-1166) This conditional use permit shall be

terminated if the operation is no longer maintained as a "Bona Fide Public Eating Place" as defined by the California Department of Alcoholic Beverage Control Act Section 23038 or as it may be amended. Such termination shall be effective no later than ten (10) days following such change in operation, unless an application for revision of this permit has been submitted to the City Planning Department and has not been denied.

6. (Condition of Approval Planning Case P03-1166) Food service shall be available during all hours of operation.
7. (Condition of Approval Planning Case P03-1166) ~~Live entertainment shall be limited to the 2,583 square foot restaurant and 1,700 square foot tapas bar. The hours of operation shall be as follows: Night Club 8 p.m. to 2 a.m., live entertainment 10 p.m. to 1:30 a.m., seven days a week.~~
8. The hours of operation for the restaurant and tapas bar shall be from 11:30 a.m. to 10:30 p.m., seven days a week.
- ~~7.9. The tapas bar stage shall be limited to 52 square feet.~~
- ~~8.10. (Condition of Approval Planning Case P03-1166) This business may offer reduced drink specials at a cost of no less than \$2.50 per drink.~~
- ~~9. (Condition of Approval Planning Case P03-1166) Prior to beginning the outdoor entertainment component of the business, the applicant shall prepare a security plan, subject to Police, Planning and Legal Departments approval. The security plan shall detail the specific scope of the security guard patrol, the qualifications of the security guards, operational and security response policies, methods of rule enforcement and other related information. Specifically, the plan shall further specify that any time when there is live entertainment or DJ music, the owner(s) of the business shall provide security guards in the parking lot and in the businesses that are licensed by the State of California. During these times, there shall be a minimum of two security guards at all times in the parking lot and one security guard per 75 people inside the business.~~
- ~~10.11. (Condition of Approval Planning Case P03-1166) No alcoholic beverages shall be permitted outside the licensed premises, including adjacent parking areas.~~
- ~~11.12. (Condition of Approval Planning Case P03-1166) The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearances and conduct of all persons on or about the parking lot. The lighting shall be certified by a qualified lighting engineer to provide no less than one foot candle at ground level throughout the parking area and the areas providing access to the business. The lighting in the parking lot of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the area of the nearby business or residential area.~~
- ~~12.13. (Condition of Approval Planning Case CU-024-978) Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one foot candle of lighting throughout private parking lots and access areas serving the business.~~
- ~~13.14. (Condition of Approval Planning Case P03-1166) The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.~~
- ~~14.15. (Condition of Approval Planning Case P03-1166) The licensee shall be responsible for maintaining free of graffiti the area adjacent to the premises over which they have control.~~

- ~~15.16.~~ (Condition of Approval Planning Case P03-1166) No loitering shall be permitted outside the licensed premises including adjacent parking lot and on any property adjacent to the licensee's premises and under the control of the licensee. "No Loitering" signs shall be posted, subject to approval of the Police Department.
- ~~16.17.~~ (Condition of Approval Planning Case CU-024-978) The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.04.020 of the Riverside Municipal Code.
- ~~17.18.~~ (Condition of Approval Planning Case P03-1166) The business shall follow the guidelines of the Alcoholic Beverage Control requirement for acting as a bona fide eating place (compliance with Section 23038 of the Business and Professions Code).
- ~~18.19.~~ (Condition of Approval Planning Case P03-1166) The licensees/employees shall attend a three hour L.E.A.D. (License Education Alcohol and Drugs) class presented by the Riverside Office of the Alcoholic Beverage Control within 90 days of obtaining an ABC license.
- ~~19.~~ (Condition of Approval Planning Case P03-1166) ~~Prior to beginning the outdoor entertainment component of the business, the applicant shall prepare an acoustical study to show that the noise generated by this business is consistent with the City's Noise Ordinance, Section 7.30.015 of the RMC. In the event that noise levels exceed the maximum allowed, the applicant shall make the necessary modifications to the business to comply with the provisions of the Noise Ordinance. At all times, noise generated by this business shall comply with all applicable provisions of the Noise Ordinance.~~
20. (Condition of Approval Planning Case CU-024-978) Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease space.
21. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.
- ~~22.~~ (Condition of Approval Planning Case CU-024-978) ~~The proposed addition to the building shall be submitted to the Cultural Heritage Board for approval prior to construction. (Note: The Cultural Heritage Board approved Planning Case CR-009-967 on January 3, 2003 for all proposed modifications)~~
- ~~23.~~ (Condition of Approval Planning Case CU-024-978) ~~The outdoor patio/courtyard shall comply with the Outdoor Dining and Outdoor Food Preparation Requirements and Design Guidelines. Plans shall be submitted for review and approval of the Cultural Heritage Board staff. Design modifications as deemed necessary may be required. (Note: The Cultural Heritage Board approved Planning Case CR-009-967 on January 3, 2003 for all proposed modifications)~~
- ~~24.~~ (Condition of Approval Planning Case CU-024-978) ~~The Lot Line Adjustment case, LL-001-978, shall be finalized prior to building permit issuance. (Note: LL-001-978 was finalized prior to Building Permit issuance)~~

General Information Notes Standard Conditions

- ~~25.22.~~ (Condition of Approval Planning Case P03-1166) Six months from the final approval date of this MCUP and every six months thereafter, the City Planning and Police Departments will jointly review the proposed use with the applicant, if necessary. Based on this review,

the matter may be referred to the Planning Commission for further public hearings. Remedies to any problems resulting from this business, including revocation of this MCUP, may be considered as part of such hearings. Notwithstanding the preceding condition, the City Planning and/or Police Departments may review the facility operations at any time to verify compliance with these conditions.

~~26.~~23. ~~(Condition of Approval Planning Case P03-1166)~~ A public hearing to consider the revocation of the minor conditional use permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.64.180 of the Riverside Municipal Code.

~~27.~~24. ~~(Condition of Approval Planning Case P03-1166)~~ All decisions of the Zoning Administrator or Planning Commission shall be final and effective ten days following the notice of decision unless a member of the City Council has requested the item be reviewed or a written appeal has been filed by the applicant or an interested person within this time.

~~28.~~25. ~~(Condition of Approval Planning Case P03-1166)~~ Any minor conditional use permit not exercised within one year of its effective date shall become void provided, however, that the Zoning Administrator may extend the time limit no more than twice and no more than one year per extension, if a written application for such an extension showing good cause and the fee for a time extension is submitted to the Planning Department prior to the expiration of the permit.

~~29.~~26. ~~(Condition of Approval Planning Case P03-1166)~~ A minor conditional use permit shall become void if any of the conditions listed below apply:

- a. The construction or use authorized by the minor conditional use permit is not commenced and diligently pursued to completion within one year of the effective date of the conditional use permit or within the time period granted by a time extension granted in accordance with Section 19.64.285 of Municipal Code;
- b. The use of which the minor conditional use permit was granted has ceased to exist or has been suspended for one year or more; or
- c. The owner or owner's authorized representative of the property for which the minor conditional use permit was granted requests, in writing, that the permit be voided and the Zoning Administrator approves the request.

~~30.~~27. ~~(Condition of Approval Planning Case P03-1166)~~ Failure to comply with these conditions and/or with zoning code provisions may be cause for revocation. A public hearing to consider the revocation of a minor conditional use permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.64.180 of Municipal code.

~~31.~~28. ~~(Condition of Approval Planning Case P03-1166)~~ If a minor conditional use permit is denied, no reapplication for the same type of use on the same property shall be allowed for at least one year following the date of final denial by either the Zoning Administrator or the City Council. The Zoning Administrator shall have the authority to determine what constitutes the "same type of use" in all instances of requested reapplication.

~~a. (Condition of Approval Planning Case CU-024-978) All decisions of the Zoning Administrator or Planning Commission shall be final and effective ten days following the notice of decision unless a member of the City Council has requested the item be reviewed or a written appeal has been filed by the applicant or an interested person within this time.~~

- ~~b. (Condition of Approval Planning Case CU-024-978) Any minor conditional use permit not exercised within one year of its effective date shall become void provided, however, that the Zoning Administrator may extend the time limit no more than twice and no more than one year per extension, if a written application for such an extension showing good cause and the fee for a time extension is submitted to the Planning Department prior to the expiration of the permit.~~
- ~~c. (Condition of Approval Planning Case CU-024-978) A minor conditional use permit shall become void if any of the conditions listed below apply:~~
- ~~d. The construction or use authorized by the minor conditional use permit is not commenced and diligently pursued to completion within one year of the effective date of the conditional use permit or within the time period granted by a time extension granted in accordance with Section 19.64.285 of Municipal Code;~~
- ~~e. The use of which the minor conditional use permit was granted has ceased to exist or has been suspended for one year or more; or~~
- ~~f. The owner or owner's authorized representative of the property for which the minor conditional use permit was granted requests, in writing, that the permit be voided and the Zoning Administrator approves the request.~~
- ~~32. (Condition of Approval Planning Case CU-024-978) Failure to comply with these conditions and/or with zoning code provisions may be cause for revocation. A public hearing to consider the revocation of a minor conditional use permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.64.180 of Municipal code.~~
- ~~33. (Condition of Approval Planning Case CU-024-978) If a minor conditional use permit is denied, no reapplication for the same type of use on the same property shall be allowed for at least one year following the date of final denial by either the Zoning Administrator or the City Council. The Zoning Administrator shall have the authority to determine what constitutes the "same type of use" in all instances of requested reapplication.~~
29. The applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all Conditions of Approval have been met to the satisfaction of the Planning Division.
30. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
31. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
32. Enumeration of the conditions herein shall not exclude or excuse compliance with all

applicable rules and regulations in effect at the time this permit is exercised.



Sevilla

An official communiqué from the

HUMAN RESOURCES OFFICE

8560 Production Avenue

San Diego, California 92121

(858) 860-0382 Ext. 104

(858) 860-0387 Fax

JOB DESCRIPTION FOR THE POSITION OF:

Security/Door Personnel

JOB SUMMARY

Your responsibility first and foremost is to enhance the customer's visit to Sevilla by ensuring that:

- ✓ The customer feels welcome as soon as they approach the door
- ✓ The customer is enthusiastically directed to their destination within Sevilla
- ✓ The customer kindly complies with his or her obligation to show proper identification before entering the premises
- ✓ The customer meets the criteria established by our dress code when entering the Club Sevilla
- ✓ The customer is reminded that no beverages may leave the establishment
- ✓ The customer is invited to return very soon
- ✓ The customer is candidly advised to have a designated driver or to ride a cab home

The following list of responsibilities will help you to ensure that your place of employment remains open for business for the guest's future enjoyment and for your and your co-worker's continued employment:

- ✓ You must always be on alert for minors trying to sneak into the club or attempting to consume alcoholic beverages
- ✓ You must always be aware of the demeanor of guests, looking out for those that may be nearing dangerous levels of intoxication
- ✓ You must communicate with management and your co-workers whenever a guest needs to be monitored or cut off
- ✓ You must quickly discourage aggressive behavior or misconduct against female guests
- ✓ You must always ensure that exits are properly lit and free of obstructions
- ✓ You must always act to ensure that capacity levels are safe
- ✓ You must always be on the lookout for hazardous conditions for both other staff and for the guests

The most challenging part of your job is to be able to do all these things simultaneously!

To keep your cool while giving a warm welcome

To lift 100 lbs. and to help an elderly guest walk down the stairs

To thoroughly scan an identification card while screaming guests are bombarding you with special requests

To enforce the cover charge with a dozen of you're friends walking in the door

To take a barrage of insults while you calmly escort an aggressive customer out of the Club

And finally,

To stand for long hours and smile anytime you make eye contact with a guest.

Security Personnel are key to operating a successful restaurant, bar & nightclub business; if you learn to perform your job well and you wish to learn about other aspects of the business- you will find that you are in the right place. Sevilla is built on a foundation of promoting from within, and Security is an important place to start.

BASIC RESPONSIBILITIES

- Greet all guests as they enter and exit.
- Answer questions.
- Verify the validity of any identification presented by all guests who appear to be under the age of 30.
- Maintain and enforce Cafe Sevilla's policies regarding alcohol awareness, substance abuse, safety and security and our non-harassment policy.
- Maintain an orderly line- quiet and unobtrusive to passersby, in front of Cafe Sevilla.
- Professionally control and dissipate any arguments or fights.
- Conduct periodic restroom and emergency exit inspections.

SUPERVISION EXERCISED

None unless an emergency occurs or if the above stated policies are not being fully enforced. The supervision in this case will cover every non-management personnel.

SUPERVISION RECEIVED

Management

MINIMUM EDUCATION AND EXPERIENCE

- One year previous experience as a door/security person in a fast-paced, high-volume restaurant or night club
- A California Guard Card issued by the Bureau of Security and Investigative Services (BSIS)
- A minimum of one outside seminar regarding Alcohol Beverage Control (ABC) regulations
- Fluency in English

MENTAL AND PHYSICAL REQUIREMENTS

- Ability to lift 100 lbs unassisted
- Excellent physical condition to reduce unnecessary risks if involved in controlling a fight
- Ability to follow directions
- Ability to stand throughout an active 8 hour shift
- Ability to withstand verbal abuse and difficult guests without losing a sense of priority and good spirit

- Ability to diffuse arguments, threats and violent behavior
- Ability to project confidence and fitness
- Ability to memorize the entertainment schedule and cover charge prices

UNIFORM

- Black shoes with safety sole
- Dark socks
- Black pants
- Black security t-shirt or dress shirt
- Black security jacket
- The door/security personnel must come to work equipped with a small handheld flashlight in good working condition.

The uniform and grooming standards as outlined in the Cafe Sevilla Employee Handbook must be followed at all times.

SPECIFIC DUTIES AND RESPONSIBILITIES

- Arrive at work well-groomed in a meticulous uniform and ready to work by the time your shift starts.
- Make sure that both I.D. books are available at the door so that both domestic and international I.D.'s can be verified.
- Make sure that the immediate surroundings of the Cafe Sevilla entrances are clean (including planters), properly illuminated and free of loiterers.
- Immediately acknowledge and greet all guests with "Good evening. Welcome to Cafe Sevilla" maintaining a friendly attitude at all times.
- Address passer-bys and invite them in.
- Know the evening's entertainment schedule (bands, lessons, hours, cover, specials).
- Provide information to customers (upcoming events, entertainment schedule, restaurant, bar, club).
- Always be aware of and be attentive to all guests- entering, exiting, or anywhere in the premises
- Remain focused, limit discussions to the business at hand.
- Maintain proper posture and body language.
- No eating, drinking or smoking at the door or nearby.

- Must know and understand all the conditions of Café Sevilla's liquor license in order to ensure compliance with and be able enforce all applicable liquor laws and policies regarding the responsible service of alcohol.
- Strictly follow I.D. guidelines, questioning and verifying all I.D.'s.
- Stamp customers who look under 25 years old (varies per location)
- Control the capacity upstairs and downstairs, maintain an accurate guest count using counters.
- When working the club door, make sure that every guest pays the cover charge and receives a hand stamp.
- Do not allow any guest to enter the premises with a container of alcohol. Exceptions should be made for wine or champagne to be opened with dinner with a corkage fee charged to the guest.
- Help run food for the Dinner Shows.
- Move tables off the dance floor after the Dinner Shows.
- Do not allow any guests to leave the premises with any container that could contain alcohol.
- Maintain radio contact between doors at all times; use all radios available whenever possible.
- The last Door/Security person to arrive between 9:30 and 10:00 p.m. must go through the bar to make sure that every guest is at least 21 years of age.
- At all times a minimum of two door/security personnel and/or manager should be walking through the club, restaurant, Tapas bar, restrooms, hallways and fire exits to ensure that proper guest behavior is being maintained and to enforce Cafe Sevilla's policies on alcohol, drugs and crowd control.
- Manage the guest line at the front door. The line should form along the wall to allow enough room on the sidewalk for normal pedestrian traffic. ABC regulations stipulate that for every 50 people in line, a minimum of two security personnel must be present at the door at all times.
- Noise control:
 - Keep door to the Tapas Bar and Club shut after 10:00 PM (Gaslamp)
 - Check music level upstairs and down
 - Keep noise level from customers coming in or out to the lowest level possible
 - Keep stairways unobstructed
- Keep club entrance and area around the cashier clear of people.
- Direct people to the coat-check.
- At all times door/security personnel are responsible for maintaining proper level of light in the club. There should always be enough light in all areas of the club so that I.D.'s can be read without the use of a flashlight.

- Do not allow dancing in the upstairs area (Gaslamp). Should this situation arise, explain to the guest that this is not a house policy, but an ABC rule.
- Cafe Sevilla prohibits the possession or handling of any type of weapon or self-defense tools by employees while on duty.
- Enforce last call procedures; last call is at 1:30 am, no new drink orders are to be taken after 1:35 am.
- The front door must be supervised at all times.
- All significant incidents must be recorded on the Daily Incident Report Form.

CLOSING PROCEDURES

- At 1:30 a.m., all maintenance lights should be turned on in the Tapas Bar and in the Club. No music should be played after 1:35 a.m.
- At all times a minimum of one doorman and /or a manager should be assigned to the door for crowd control as the guests are leaving and to prevent anyone from entering the premises after 1:35 a.m. Make sure that no guests leave with containers of alcohol.
- Distribute flyers about upcoming events.
- Inspect the contents of bags or equipment cases of employees and/or contractors when you feel it is necessary.
- In a friendly manner, inform remaining guests of Cafe Sevilla closing policy and politely ask them to leave. Clear the club in this manner first and then continue with Tapas bar.
- Thank all guests for their patronage as they leave.
- Hallways, fire exits and restrooms must be checked for any remaining customers. No guests should be on the premises of Cafe Sevilla after 1:55 a.m.
- The moment the final guests leave, all entry doors must be closed and locked.
- At least one door/security person must stay at the door in front of Cafe Sevilla until 2:30 a.m. to ensure that the crowd dissipates with the least amount of noise possible.
- Turn in Security Closing Duties form after having checked off all items.
- Turn in Daily Incident Report Form to the manager.
- If an employee requests an escort to his/her car at the end of his/her shift, it must be approved by a manager before 1:20 a.m., or after all customers have left Cafe Sevilla and the immediate vicinity.

- Door/security personnel should always be ready to help other employees in heavy work such as lifting ice containers, restocking beer or clearing the dance floor of all tables and chairs after the Flamenco show.

IN CASE OF AN EMERGENCY

Please refer to your Employee Handbook for all general procedures. Should Cafe Sevilla be evacuated, it is your role as a door/security person to assist the departure of all guests. Your specific responsibility is to inform everyone to leave, directing guests as follows:

If you are located at the front entry, instruct everyone to clear the entryway as soon as possible and move the guests. If you are located in the club by the D.J. booth, shut off all music and have the D.J. calmly make an announcement regarding the situation, directing guests to the exits.

Do your best to avoid confusion and panic. Stay calm.

CHANGE OF VENUE

This lesson was written with Cafe Sevilla, San Diego as the reference point, however in many cases the lessons learned here can be applied to our Riverside location. Nevertheless, if you are a Riverside Security Officer, you will learn more about our procedures as they pertain to Riverside in Course VIII.



Exhibit C - City Planning Commission Report and Exhibits – February 7, 2019
 Exhibit 8 - General Plan Map



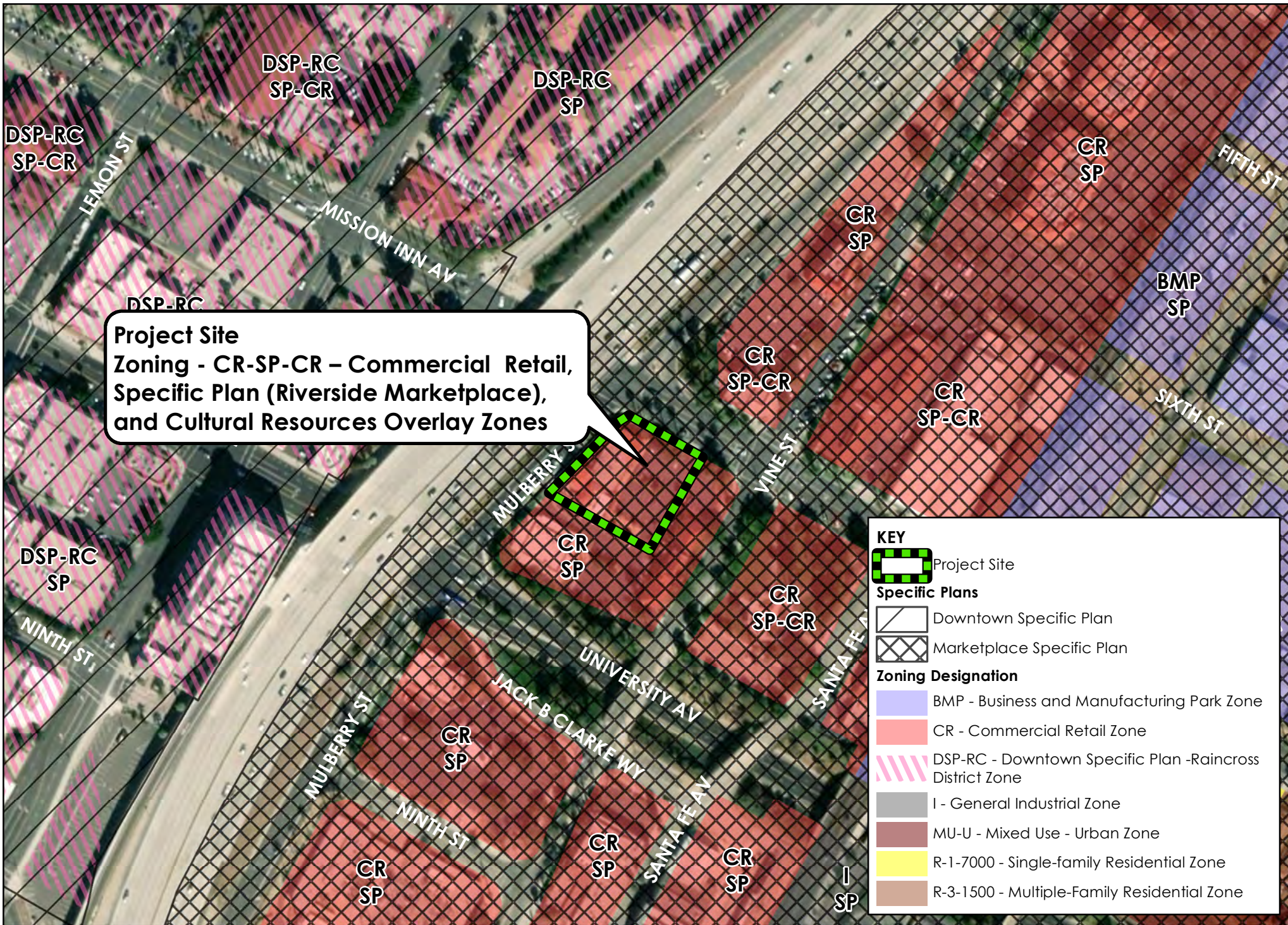


Exhibit C - City Planning Commission Report and Exhibits – February 7, 2019
 Exhibit 9 - Specific Plan and Zoning Map





Taken from the parking lot looking west.



Taken from the parking lot looking northwest.



Taken from the southwest corner Mission Inn Avenue and Mulberry Street looking east.



Taken from Mulberry Street looking northeast.



CAFÉ SEVILLA

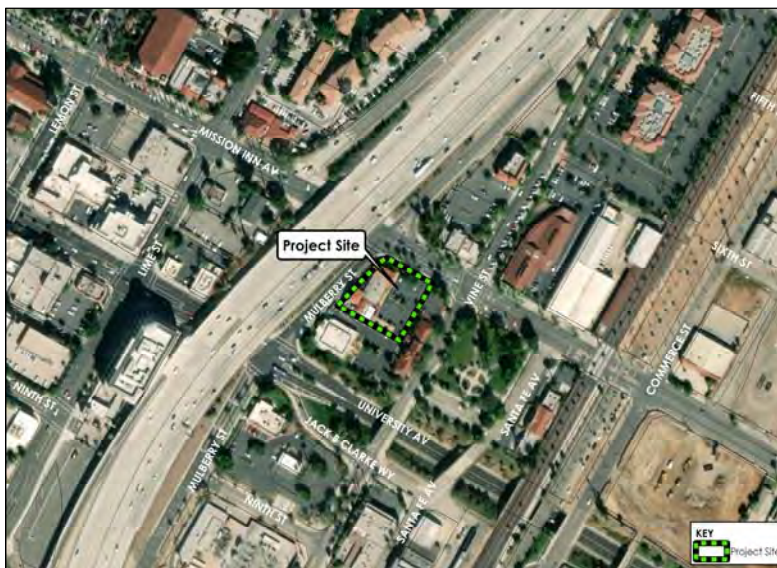
P18-0843 (REVOCAATION)

Community & Economic
Development Department

Planning Commission
Agenda Item: 2
February 7, 2019

RiversideCA.gov

LOCATION MAP



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EXISTING SITE PHOTOS



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CONTEXT MAP



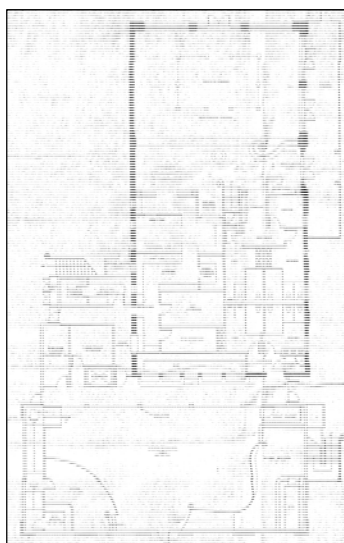
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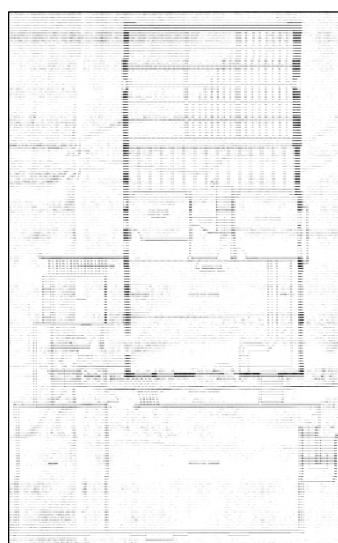
ZONING MAP



FLOOR PLAN



First Floor



Second Floor



EXTRAORDINARY CALLS FOR SERVICE

1. The Riverside Police Department compiled a list of all police responses to Café Sevilla for a five year period (January 1, 2013 through September 30, 2018).
2. The nightclub generated approximately 154 calls for police service where a police report was generated.
3. 70 of the police reports were assault related investigations.
4. Routine calls were excluded (alarm calls, parking problems, bar checks, etc.).

	2013	2014	2015	2016	2017	2018	TOTAL
Calls for Service with Police Report generated per year.	31	16	23	39	29	16	154



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OCTOBER 29, 2018 INCIDENT

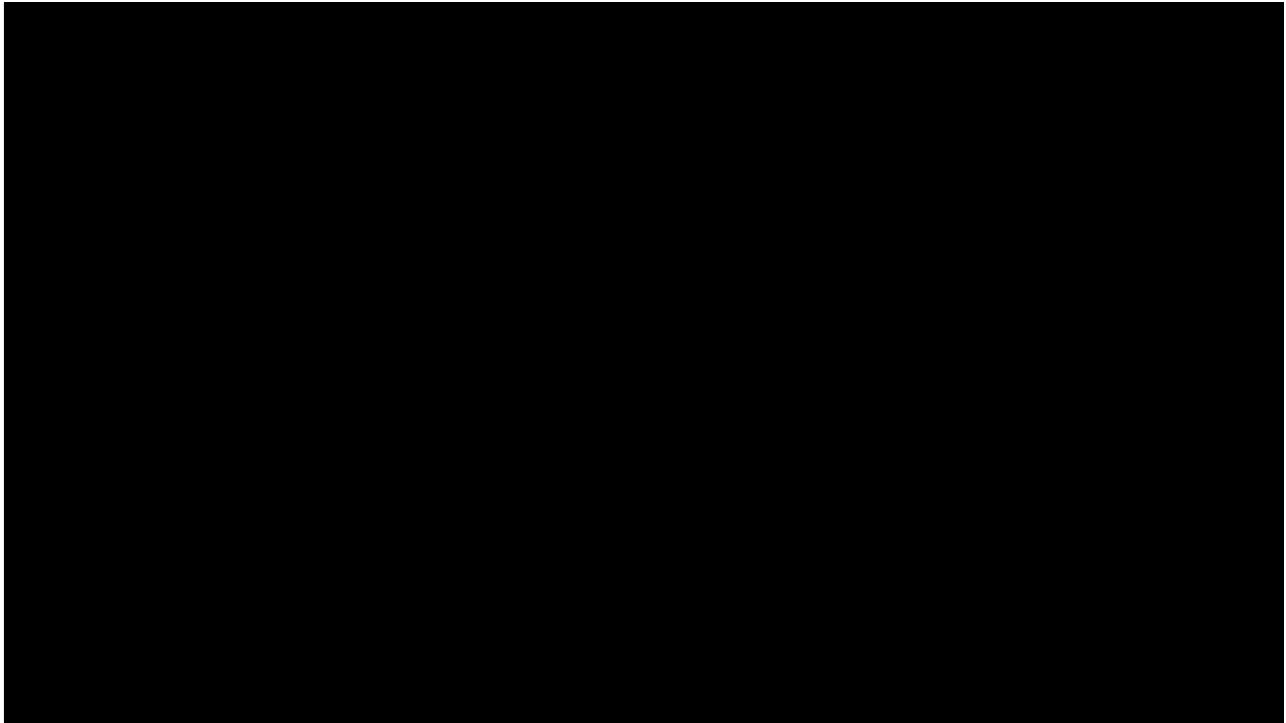
1. Café Sevilla hosted a special event called "The Purge"
2. Statements identify nightclub was at capacity
3. Shortly after midnight shooting in parking lot between rival gangs, followed by shooting inside the nightclub
4. Officers responded to Café Sevilla
5. Total of 7 people reported being hit by gunfire
6. On-going investigation by Riverside Police Department



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OCTOBER 29, 2018 INCIDENT

1. Lack of consistent pat down searches by security
2. Poor quality searches conducted by security
3. Security did not use metal detector wands
4. Female bags were not consistently searched
5. Subjects who re-entered the venue were not searched again
6. Patrons were allowed to loiter in the main entryway
7. Failure to maintain security fence separating the patrons from the public
8. Subjects were allowed to pass objects, possibly guns, over the security fence to patrons already cleared for admittance into the venue



OCTOBER 29, 2018 INCIDENT

9. A lack of surveillance cameras covering dance floor, stage, tables, or DJ booths area
10. Insufficient number of security guards for the size of the crowd
11. Vehicles were not parked in designated stalls creating congestion
12. Lack of dress code, i.e. subjects wearing masks and hoods
13. Allowing backpacks inside the venue
14. Failure to recognize the potentially dangerous atmosphere the performers were creating (gang banging)



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VIOLATIONS OF CONDITIONS OF APPROVAL AND SITE SECURITY PLAN

1. Condition No. 1, Planning Case P03-1166 (MCUP) – Operated or maintained in a manner detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
2. Condition No. 9, Planning Case P03-1166 (MCUP) – Site security
3. Condition No. 14, Planning Case P03-1166 (MCUP) - No loitering



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VIOLATIONS OF CONDITIONS OF APPROVAL AND SITE SECURITY PLAN

1. Be on lookout for hazardous conditions
2. Provide minimum number of security guards
3. Manage guest line
4. Monitor all guests entering, exiting, or anywhere in the premises
5. Maintain entrances and cashiers clear of people



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VIOLATIONS OF CONDITIONS OF APPROVAL AND SITE SECURITY PLAN

6. Understand all conditions of Cafe Sevilla's liquor license ensuring compliance enforcing all applicable liquor laws and policies
7. Strictly follow I.D. guidelines, questioning and verifying all I.D.'s
8. Ensure minors cannot sneak into the club or consume alcohol
9. Prohibits possession or handling of any type of weapon or self-defense tools by employees



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RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. DETERMINE that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 (Enforcement Actions by Regulatory Agencies) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment;
2. APPROVE Planning Case P18-0843 (Revocation), based on the findings outlined in the Staff Report and summarized in the attached findings and subject to the recommended conditions; and
3. ADOPT the Resolution revoking the nightclub and rooftop uses (including entertainment).



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CAFÉ SEVILLA P18-0843 (REVOCATION)

Community & Economic
Development Department

Planning Commission
Agenda Item: 2
February 7, 2019

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City of Arts & Innovation

CITY PLANNING COMMISSION
DRAFT MINUTES

THURSDAY, FEBRUARY 7, 2019, 9:00 A.M.
ART PICK COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

PLANNING COMMISSIONERS

	WARDS	KIRBY	STOSEL	RUBIO	PARKER	MILL	VACANT	ROSSOUW	TEUNISSEN	ZAKI
		1	2	3	4	5	6	7	CW3	CW3
Roll Call:	Present	X	X	X	X	X		X	X	X
Chair Rossouw called the meeting to order at 9:00 a.m. with all members present.										
Staff Present: M. Kopaskie-Brown, P. Brenes, D. Murray, S. Kelleher, K. Smith, F. Andrade										
The Pledge of Allegiance was given to the flag.										
PLANNING/ZONING MATTERS FROM THE AUDIENCE There were no oral comments at this time.										
<u>PUBLIC HEARINGS</u>										
<u>PLANNING CASE P18-0843 – CONTINUANCE - REVOCATION MINOR CONDITIONAL USE PERMIT (CU-024-978) - CAFÉ SEVILLA RESTAURANT, 3252 MISSION INN AVENUE, WARD 2</u> Proposal by the City of Riverside to consider a partial revocation of Planning Cases CU-024-978 (Minor Conditional Use Permit) and P03-1166 (Revised Minor Conditional Use Permit) to revoke the nightclub and rooftop uses (including entertainment) at Café Sevilla Restaurant. Chair Rossouw announced that the applicant has requested a continuance. Nathan Heyde, attorney, Varner & Brandt, stated they would like to request continuance to provide additional time to meet with city staff. There were no comments from the audience regarding the continuance. Following discussion a motion was made to: Continue Planning Case P18-0843 to the meeting of March 7, 2019 under the conditions that: 1) Cease high risk events like those documented in the staff report. 2) All previously approved conditions of the Minor Conditional Use Permit, including hours of operation, shall be strictly adhered to during this continuance.	Motion Second Ayes Noes		X		X			X		X
Motion Carried.										
<u>CONSENT CALENDAR</u> The following items were approved by one motion affirming the actions appropriate to each item.	All Ayes	X	X	X	X	X		X	X	X
The Minutes of the Planning Commission Meeting of January 10, 2019 were approved as presented.										



City of Arts & Innovation

CITY PLANNING COMMISSION
DRAFT MINUTES

THURSDAY, FEBRUARY 7, 2019, 9:00 A.M.
ART PICK COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

PLANNING COMMISSIONERS

	K I R B Y	S T O S E L	R U B I O	P A R K E R	M I L L	V A C A N T	R O S S O U W	T E U N I S S E N	Z A K I
WARDS	1	2	3	4	5	6	7	C W 3	C W 3
<p><u>COMMUNICATIONS</u></p> <p>Items For Future Agendas And Update From City Planner: Mary Kopaskie-Brown, City Planner, reported on the recent City Council actions. She briefed the Commission on the upcoming Planning Commission meeting items.</p> <p>Commissioner Kerry Parker announced he would be absent for the March 21, 2019 meeting due to a business matter</p> <p>Commissioner Omar Zaki announced he would also be absent from the March 21, 2019 meeting due to a business matter</p> <p>Commissioner Richard Rubio announced he would not be present for the February 21 due to vacation.</p> <p><u>ADJOURNMENT</u></p> <p>The meeting was adjourned at 9:19 a.m. to the meeting of February 21, 2019 at 9:00 a.m. in the Art Pick Council Chamber.</p>									

The above actions were taken by the City Planning Commission on February 7, 2019. There is now a 10-day appeal period that ends on February 18, 2019. During this time, any interested person may appeal this action to the City Council by submitting a letter of appeal and paying the appeal fee. In the absence of an appeal or referral, the Commission's decisions and conditions become final after 5:00 p.m. on February 18, 2019.

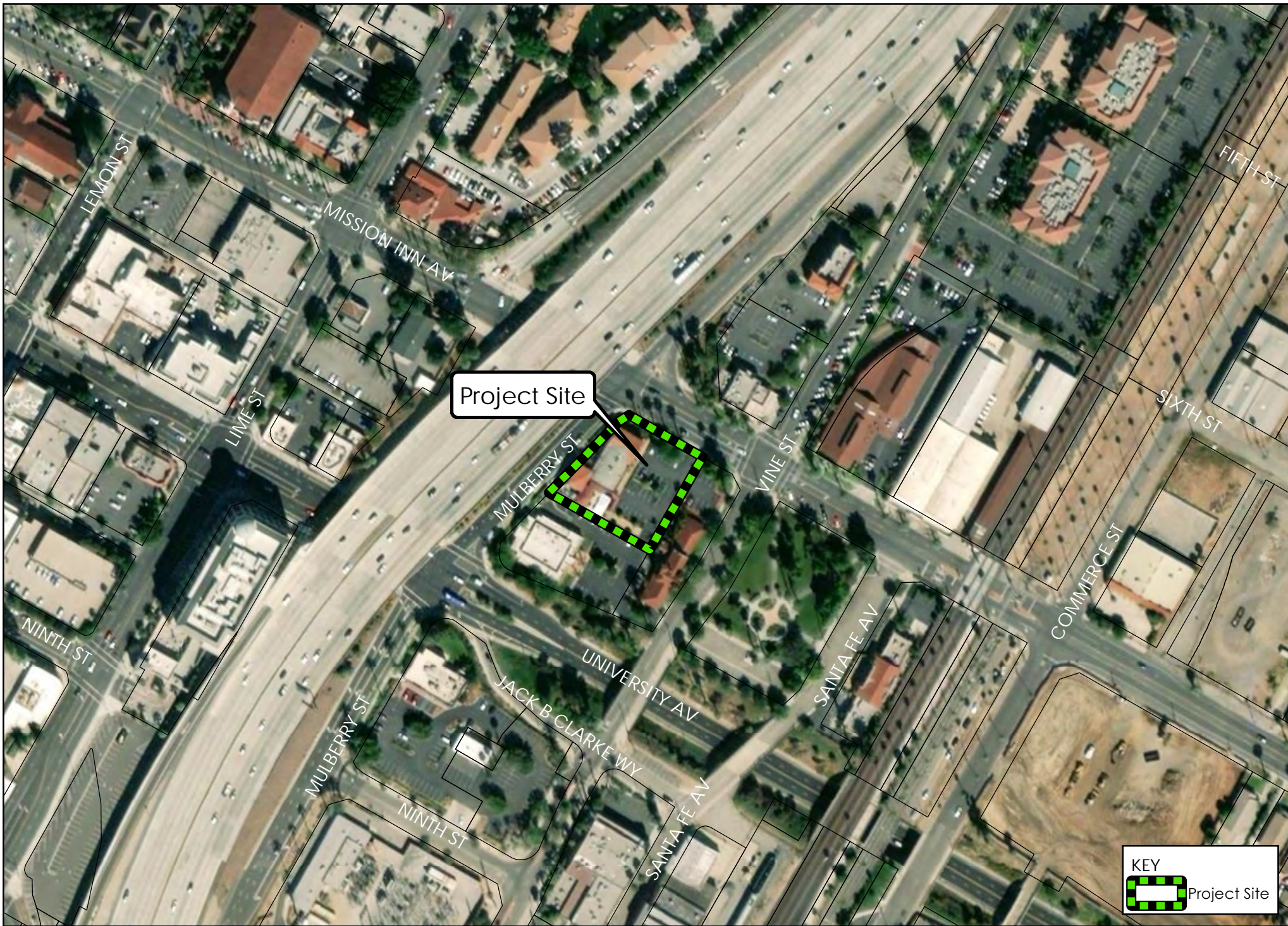


Exhibit E - Location Map

