

CITY OF ORANGE
ALCOHOL EXEMPTION PERMIT

SUBMITTAL REQUIREMENTS

In order to submit an application for an Alcohol Exemption Permit, the applicant will need to submit items 1-6. Item 7 is the Criteria and Conditions that the applicant must agree to in order to be eligible for an Alcohol Exemption Permit. This list of Criteria and Conditions provided is a reference and agreement to the criteria and conditions will happen once the application has been submitted through the online portal at:

<https://h2.maintstar.co/orange/portal/#/>

1. Operations statement
2. Photographs of the interior and exterior of the premises
3. Full Proposed Menu (PDF)
4. Security Policy and Procedures Manual (Pages 1 & 2)
5. Digital Project Plans (Page 2)
6. Security Plan (Pages 2 & 3)
7. Agreement to Criteria and Conditions of Approval (Pages 4-8)

1. Operations Statement

The operations statement shall, at a minimum, include the following information/details:

- a. Description of business activities
- b. Hours of operation
- c. Number of employees (total and per shift)
- d. Name of ABC investigator if known

2. Photographs

As part of your application, upload photographs of the interior and exterior of the premises to the online portal.

3. Full Proposed Menu

Upload a PDF or picture the current/proposed menu for the restaurant to the online portal.

4. Security Policy and Procedures Manual

The permittee shall maintain on the premises a written security policy and procedures manual addressing, at a minimum, the following items:

- a. Handling obviously intoxicated persons
- b. Establishing a reasonable ratio of employees to patrons, based upon activity level, in order to monitor alcoholic beverage sales and patron behavior

- c. Handling patrons involved in fighting or arguing
- d. Handling loitering about the building and in the immediate adjacent area that is owned, leased, rented, or used under agreement by the permittee(s);
- e. Verifying age/checking identification of patrons
- f. Warning patrons of reaching their drinking limit/potential intoxication and refusing to serve
- g. Calling the police regarding observed or reported criminal activity

Digital Project Plans

Project plans must include:

- a. Dimensioned floor plans indicating floor area, interior layouts, kitchen area, and seating areas.
- b. Number each individual seat on the plans.
- c. Design of outdoor seating barrier/gate
- d. Seating and square footage chart. (see table below)

SAMPLE SEATING CHART TO INCLUDE ON PLANS

Customer Seating	
Number of Indoor Seats	
Number of Outdoor Seats	
TOTAL NUMBER OF SEATS	
Restaurant Floor Area	
Indoor Seating Area (SF)	
Outdoor Seating Area (SF)	
Back of House Area (Kitchen, office, storage, etc) (SF)	
Support Area (Restrooms, waiting area, etc.) (SF)	
TOTAL FLOOR AREA (SF)	

Security Plan Requirements:

Prior to occupancy, a security plan shall be submitted to the City for review and approval. The plan shall address both physical and operational security issues. The business shall operate in accordance with the approved security plan

SEE THE NEXT PAGE FOR A SAMPLE SECURITY PLAN

SAMPLE SECURITY PLAN
BUSINESS NAME ADDRESS TELEPHONE
DATE

City of Orange
300 E. Chapman Ave
Orange, CA 92866

RE: NAME AND ADDRESS OF BUSINESS

City of Orange:

In accordance with a proposed ownership change for an existing alcohol license we are submitting a security plan which addresses both physical and operational security issues for your review and approval. The following areas will be provided for in our operations:

PHYSICAL SECURITY

A security system capable of readily identifying facial features, and stature of all patrons entering the establishment during hours of operation and monitoring the rear of the premises will be installed that will combine motion detectors, contacts at doors, hold up buttons strategically located, and an audio alarm to secure the premises. All doors and windows will be secured and locked at the end of business each day. The camera system shall keep a minimum 30-day library of events, which shall be available for downloading and inspection by the Orange Police Department.

OPERATIONAL SECURITY

Cash Control—Receipts will be deposited daily such that minimal cash will be maintained on the premises. Cash on the premises will be kept in a safe.

Outdoor Areas—The outdoor enclosed areas are constructed in a manner that does not readily allow ingress or egress other than via our normal entrances which are monitored by our staff.

We appreciate your review and approval of this security plan. Sincerely,

BUSINESS OPERATOR NAME

BUSINESS OPERATOR SIGNATURE

Agreement to Criteria and Conditions of Approval

THE APPLICANT MUST AGREE TO THE FOLLOWING CRITERIA AND CONDITIONS AS PART OF THE APPROVAL OF THE ALCOHOL EXEMPTION PERMIT, AND THAT FAILURE TO COMPLY WITH THE CRITERIA AND CONDITIONS SHALL CONSTITUTE GROUNDS FOR POTENTIAL REVOCATION OF THE EXEMPTION APPROVAL

1. In conjunction with the ongoing operation of the business, the premises shall comply with all requirements placed upon it by the California department of Alcoholic Beverage Control (ABC).
2. This Alcohol Exemption Permit (AEP) may be reviewed one year from the date of opening and may be reviewed each year thereafter. The review shall be conducted jointly by the Community Development Director and/or the Police Chief or designees. The purpose of this review shall be to identify compliance with all of the conditions of Section 17.30.025. If it is determined that the restaurant is not in compliance with all of the conditions of Section 17.30.025, the AEP shall be revoked.
3. The activity level of the business shall be monitored by the Police Department to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive, or unnecessary activity resulting in high use of police services then this Alcohol Exemption Permit shall be revoked.
4. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of merchant items that include food within the restaurant during the same time period. The licensee shall at all times maintain records that reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept on a quarterly basis and shall be made available within 10 calendar days of a written request.
5. The use of the building is considered a restaurant, and interior construction will remain consistent with plans submitted with the Alcohol Exemption Permit application. No new interior construction resulting in a change to the floor plan will occur unless a revised floor plan is approved by the Community Development Department.
6. None of the floor area will be designated for dancing or live entertainment.
7. The subject ABC license shall not be exchanged for a public premise Type 48 (On-Sale General – Public Premises) license nor operated as a public premise.
8. The sale of alcoholic beverages for consumption off the premises shall be prohibited.

9. All alcohol shall be consumed on the subject site, within the defined licensed premises.
10. Signs shall be posted on all exits of the premises, that prohibit alcoholic beverages from leaving the confines of the premises.
11. The premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.
12. The business indoor hours shall be limited to Sunday - Thursday 7:00am to 10:00pm and Friday and Saturday 7:00am to 12:00am. The hours of the outdoor area shall be limited to 7:00am to 10:00pm daily. These hours do not restrict employees from being on the premises before opening for preparations and deliveries or after closing for clean-up. Clean-up may not be conducted by patrons.
13. At no time shall there be a fee for entrance/admittance into the premises.
14. Employees and/or contract security personnel shall not consume any alcoholic beverages prior to or during their work shift. Any and all security officers provided shall comply with all state and local ordinances regulating their services, including, without limitation, Chapter 11.5 of Division 3 of the California Business and Profession Code.
15. The applicant agrees, as a condition of the City's approval of the Alcohol Exemption Permit, to indemnify, defend, and hold harmless, at the applicant's sole expense, the City of Orange and its officers, agents, and employees from and against any claim, action, or proceeding brought against the City arising from or in connection with the approval or implementation of the Alcohol Exemption Permit, excluding claims under CEQA, which is inapplicable to ministerial actions. The City will notify the applicant of any such claim or action and may participate in the defense thereof at the applicant's expense. The obligation shall remain in effect for the duration of the permit.
16. Food service, with an available menu, shall be available until closing time on each day of operation.
17. Alcoholic beverages served shall be served by restaurant employees permitted by law to serve alcohol.
18. Alcoholic beverages shall be sold and served in containers that are distinguishable from other non-alcoholic beverages sold at the premises.
19. There shall be no bar or lounge area upon the licensed premises maintained for the purpose of the sale, service, or consumption of alcoholic beverages directly to patrons for consumption.

20. There should be no time when alcoholic beverages are sold at a ratio of two for one; no “stacking” of beverages, which means the serving of two alcoholic beverages at one time to the same customer; and no sales to an “empty chair”, which means that each customer must be physically present at the time of the order of any alcoholic beverage.
21. There shall be no promotions encouraging intoxication or drinking contests.
22. There shall be no requirement to purchase a minimum number of drinks.
23. No alcoholic beverages shall be sold from any self-service locations on the premises such as ice tubs, barrels, or any other such containers.
24. The petitioner shall not employ or permit any persons to solicit or encourage others, directly or indirectly, to buy them drinks in the licensed premises under any commission percentage salary or other profit.
25. The patio shall be enclosed and any gates located on the patio shall remain closed during business hours and used as an emergency exit only. Sign(s) shall be posted on all patio gate(s) indicating “Emergency Exit Only”.
26. Alcohol service is not allowed for outdoor dining areas that are located within 100 feet of a sensitive receptor (residential uses, schools, parks, or religious institutions), where the outdoor dining area is oriented to face such sensitive receptor.
27. The use of any amplified systems, televisions, outdoor sound system and paging system or any such devices are prohibited on any outdoor area.
28. An employee shall be able to monitor the patio from inside the business at all times to monitor alcohol.
29. No portion of the premises shall be deemed to be “private” for the purposes of dispensing alcoholic beverages to selected patrons, where the licensee recognizes any form of membership cards, keys or passes that would entitle the holder entry or preferential admittance or exclusive use of any portion of the mentioned premises.
30. The use of a promoter (such as a nightclub operator) or sub-leasing the premises to be used in conjunction with dancing and/or live entertainment is prohibited.
31. There shall be no live entertainment (including karaoke), disc jockey, amplified music, or dancing permitted on the premises at any time. Amplified sound over a built-in system designed for background music shall not be audible in such a

manner to disturb the peace, quiet, and comfort of neighboring occupants, or any reasonable person residing or working in the area.

32. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Orange Community Development Director and the Police Department's Vice Unit at least two weeks in advance of the event.
33. There shall be no pool tables or coin-operated or token-operated games maintained upon the premises at any time.
34. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
35. Lighting in the parking area of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences. The owner shall install and maintain a security camera system capable of readily identifying facial features, and stature of all patrons entering the establishment during hours of operation and monitoring the rear of the premises, to the satisfaction of the Police Department. The camera system shall keep a minimum 30-day library of events, which shall be available for downloading and inspection by the Orange Police Department.
36. Any music or amplified sound on the premises, including an outdoor patio area, shall not be audible beyond the premises in such a manner as to disturb the peace, quiet and comfort of neighboring occupants or any reasonable person residing or working in the area.
37. The permittee shall be responsible for maintaining the area adjacent to the premises over which they have control free of litter.
38. There shall be no exterior advertising promoting or indicating the availability of alcoholic beverages. This includes advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages that are clearly visible to the exterior shall constitute a violation of this condition.
39. Prior to occupancy, a security plan shall be submitted to the City for review and approval. The plan shall address both physical and operational security issues. The business shall operate in accordance with the approved security plan.
40. Exterior doors and windows, as well as the interior of the business, shall be protected by a monitored alarm system, which shall detect an attempted entry or presence of people within the business during closing hours.

41. Uniformed security will be provided by the applicant on days/nights when special event broadcast(s) are being promoted. One security guard per 100 customers shall be present during these broadcasts/events.
42. Provide an interior night light to illuminate the interior and maintain an unobstructed view through storefront windows to provide police patrol officers the ability to observe unlawful activity within the business.
43. The permittee shall maintain on the premises a written security policy and procedures manual addressing, at a minimum, the following items: handling obviously intoxicated persons; establishing a reasonable ratio of employees to patrons, based upon activity level, in order to monitor alcoholic beverage sales and patron behavior; handling patrons involved in fighting or arguing; handling loitering about the building and in the immediate adjacent area that is owned, leased, rented, or used under agreement by the permittee(s); verifying age/checking identification of patrons; warning patrons of reaching their drinking limit/potential intoxication and refusing to serve; calling the police regarding observed or reported criminal activity.
44. The applicant shall comply with all federal, state, and local municipal laws, including local City ordinances and regulations. Any violations of these laws in conjunction with this use may be a cause for revocation of this permit.
45. All employees of petitioner who sell or serve alcoholic beverage products shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques and the handling of violence. For new employees of petitioner, such training program must be completed within 30 days of the date of hire. The employees must provide the City of Orange Police Department, Investigative Services Division a copy of the completed Alcohol Management Program (AMP) certificate.
46. Graffiti shall be removed from the exterior walls and windows of the premises within 72 hours of discovery.
47. Commencement of operations on the premises under this exemption shall constitute Owner's and Operator's acknowledgement and acceptance of all conditions contained herein and that failure to comply with any and all conditions shall constitute grounds for potential revocation of the exemption approval.