



CITY OF HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: SEPTEMBER 3, 2021
PROJECT NAME: KILLARNEY'S ROOFTOP DINING
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 21-0011
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 99-021
ENTITLEMENT PLAN AMENDMENT 21-001
DATE OF PLANS: MAY 13, 2021
PROJECT LOCATION: 209 MAIN ST. HB
PROJECT PLANNER: HAYDEN BECKMAN, SENIOR PLANNER
PLAN REVIEWER: DINA WALTON / SPECIAL INVESTIGATIONS BUREAU - CSO
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PROJECT DESCRIPTION:

To amend Conditional Use Permit No. 99-021 to permit the construction of a new stairway and elevator access to the roof of an existing restaurant and convert the rooftop to an accessible dining area including expanded alcohol sales and service, totaling approximately 1,936 sq. ft. The request includes participation in the Downtown Parking In-Lieu Fee Program for sixteen (16) parking spaces required for the new dining area.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

In addition to the conditions imposed by City Resolution No. 2017-42, PD would like to request the following additional conditions:

1. No live entertainment allowed on the rooftop patio / outdoor dining area at any time.
2. In addition to the areas mentioned in City Resolution No. 2017-42, item #11, the video surveillance system must also cover the rooftop patio / outdoor dining area, the staircase leading to the rooftop patio / outdoor dining area, and the elevator providing access to the rooftop patio / outdoor dining area.
3. Rooftop patio / outdoor dining area shall be continuously supervised by management or employees of the establishment when customers are present. A supervisor shall be on site at all times. Behavior that disrupts customers or passerbys shall not be tolerated and constitutes a violation of these provisions.

While PD is not in the position to approve or deny operating hours for the rooftop patio / outdoor dining area, in an effort to reduce the likelihood of noise disturbances from patrons during late night and early morning hours, PD requests the following condition:

4. No dining or consumption of alcoholic beverages will be permitted on the rooftop patio / outdoor dining area between the hours of 10:00 P.M. and 7:00 A.M.

The following conditions are required by City Resolution No. 2017-42:

- 1) Generally, hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight. The hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m. for any alcohol business proposed in the following locations:
 - a. West side of 5th Street between Walnut Avenue and Orange Avenue; and
 - b. East side of 3rd Street between Walnut Avenue and Orange Avenue.
- 2) No new customers shall be permitted to enter the alcohol business 30 minutes before closing.
- 3) A minimum of 70 percent of the net floor area of the alcohol business shall be designated for dining. The dining area excludes areas used for cooking, kitchen preparation, office, storage, and restrooms and also excluding outdoor dining areas.
- 4) All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business.
- 5) Alcohol businesses must provide food service until one (1) hour before closing including a cook and food servers shall be on duty.
- 6) The CUP shall not be effective until an ABC license has been issued and provided to the City.
- 7) The CUP shall be for the type of issued ABC License; any change to the type of liquor license shall require an amendment to the CUP.
- 8) In addition to any ABC requirements, the following alcohol related conditions shall be required:
 - a. An employee of the alcohol business must monitor areas where alcohol is served.
 - b. Alcoholic drinks shall not be included in the price of admission to any alcohol business.
 - c. All alcohol shall remain within alcohol business premises, including outdoor dining areas.
 - d. Service of alcoholic beverages for consumption off-site shall not be permitted.
 - e. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
 - f. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.

- g. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m.
 - h. Final announcements that inform patrons the kitchen and/or bar will stop accepting orders of alcoholic beverage (i.e., last call for alcohol) shall be at least 15 minutes prior to closing.
 - i. Each individual patron shall only be served one standard single-sized alcoholic beverage at a time after midnight (*if the business is permitted to operate after midnight*).
 - j. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted.
 - k. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer and records of the training must be maintained on-site for review.
- 9) All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed.
- 10) No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time.
- 11) Alcohol businesses shall install and maintain a video surveillance system to monitor all doors, eating areas, parking areas, and public area of premises and shall make the video available to the Police Department. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by a Police Officer. The business shall retain video surveillance for one-month. All video surveillance cameras must record in color, with digital recording to DVR and able to record in low light.
- 12) In addition to the Downtown Specific Plan and Huntington Beach Zoning and Subdivision ordinance, all signs shall comply with the following:
- a. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. No interior displays of alcoholic beverages or signs which are clearly visible to the exterior.
 - b. There shall be no window coverings or advertisements that reduce the visibility inside of the business.
 - c. Signage, posters, and advertising with ¹¹"Do Not Drink and Drive" shall be posted in the business.
 - d. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT."
- 13) Dancing and/or dance floor and/or live entertainment is prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities).

- 14) If there is an outdoor patio/dining area where alcohol is served and/or sold as part of the business, the following shall apply:
 - a. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT."
 - b. The patio shall have a physical barrier minimum 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier.
- 15) If approved to be open past midnight, there shall be a minimum of two identifiable security employees on the premises every Thursday, Friday, and Saturday from 8:00 pm to 2:30 am to control crowds, monitor customers, and ensure doors remain closed.