INCIDENTAL ENTERTAINMENT PERMIT NO. 41-34
CITY OF SANTA CRUZ, CALIFORNIA
2012

ISSUED IN ACCORDANCE WITH CHAPTER 5.44 OF THE SANTA CRUZ MUNICIPAL CODE. ANY VIOLATION IS A MISDEMEANOR AND PUNISHABLE PER CHAPTER 1.08 OF THIS CODE.

BUSINESS NAME, PERMIT HOLDER AND LIQUOR LICENSE INFORMATION

BUSINESS NAME: **The Reef/Pono**

BUSINESS ADDRESS: **120 Union Street, Santa Cruz, CA**

PERMIT HOLDER/BUSINESS OWNER: **Colin** (First) **O'Malley** (Last) (MI)

LIQUOR LICENSE: ___No X Beer and Wine **47-345361** License No. and Type
X YES X Hard Liquor _____ License No. and Type

PERMITTED ENTERTAINMENT

TYPE X Dancing X Acoustical Music X *Amplified Music

___Theater Play X Singing DJ Other (Specify)

DAYS & HOURS: Monday **10am-10pm** Tuesday **10am-10pm** Wednesday **10am-10pm** Thursday **10am-10pm**
Friday **10am-10pm** Saturday **10am-10pm** Sunday **10am-10pm**

ADDITIONAL CONDITIONS DURING ENTERTAINMENT HOURS

OCCUPANCY (MAXIMUM): **126 Inside/80 Exterior Patio** Persons

SECURITY PERSONNEL (MINIMUM): **-0-** Licensed, Uniformed Security Officers

3 In-House Security (Not including managers) _____ Other (Describe)

PERMIT CONDITIONS:

Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hours of 10:00 a.m. and 9:00 p.m. Sunday-Wednesday and 10:00 a.m. and 9:30 p.m. Thursday-Saturday. Patio limited to 10:00 a.m. to 10:00 p.m. for other uses.

For a detailed description of the entertainment operation approved and the permit conditions, refer to attachment A, Conditions 1 through **32**.

*Note: This permit is not transferable. Any change in the entertainment operations as described and permitted in this permit and attached conditions requires submittal of a new application by the permit holder to the Chief of Police prior to any such change. A new permit will be issued upon approval. This permit and attached conditions are to be posted in a conspicuous place on the premises, and presented to any City of Santa Cruz official upon request.

AUTHORITY

PERMIT ISSUED BY LT Z. [signature] #121

TITLE **POLICE LIEUTENANT** DATE **01-01-2012**

PERMIT EXPIRATION DATE: **01-01-2013**

THE REEF/PONO
120 UNION STREET
Santa Cruz, CA

POLICE DEPARTMENT
INCIDENTAL ENTERTAINMENT PERMIT
CONDITIONS

Entertainment Operation

1. This Entertainment Permit is non-transferable between business owners and/or sites. A new Entertainment Permit must be applied for if there are any changes in the business owner, entertainment operation or the site.

2. The entertainment operation at **120 Union Street** is as follows:

   A. Business Owner: **Colin O'Malley .**
   B. Type of Entertainment: **Incidental Entertainment Only. No live entertainment is permitted outside the building.**
   C. Bar/Alcohol Service: **Sunday-Wednesday, 10:00am -10:00pm., Thursday-Saturday, 10:00am-11:00pm.**
   D. Restaurant/Food Service: **Sunday-Wednesday, 10:00am-10:00pm., Thursday-Saturday, 10:00am-11:00pm.**
   E. Entertainment Hours: **Monday-Sunday, 10:00am -10:00pm.**
   F. Maximum Occupancy during entertainment operation: (determined by Fire Department after inspection) **126 inside/80 exterior patio .**
   G. **Sales, service and consumption of alcoholic beverages shall be permitted in the patio area only between the hours of 10:00 a.m. and 9:00 p.m. Sunday through Saturday. Patio limited to 10:00 a.m. to 10:00 p.m. for other uses.**

3. Incidental Live Entertainment is live entertainment with instrumental and vocal music with small personal amplifiers provided for the listening pleasure of patrons, and which does not include karaoke or a disc jockey format or dancing and has an indoor stage/performance area not exceeding eighty square feet. Amplified music and voices shall be allowed to occur from the hours of **Monday-Sunday, 10:00am - 10:00pm.**

Occupancy Level

4. Maximum occupancy of the entertainment operation, as determined by the City Fire Department, and shall be posted in accordance with section 1002.3 of the Uniform Building Code.

5. During all business hours, the occupancy level shall not exceed the maximum determined by the Fire Department. At all times, management and staff shall keep a record of the current occupancy level. This occupancy level will be given to any Peace Officer, Fire Inspector, or City Code Enforcement Officer upon demand.

Security

6. During all hours of live, amplified music and entertainment, which includes music, there is required a minimum of two (2) in-house, security staff (doormen/bouncers). Additional security staff will be based on the following occupancy level:

1-100 people =	Two (2) in-house, security staff;
101-200 people =	Two (2) in-house, security staff; and, One (1) State licensed, uniformed security officer;
201-400 people =	Two (2) in house security staff; and, Two (2) State licensed, uniformed security officers;
401-723 people =	Three (3) in-house security staff; and, Three (3) State licensed, uniformed secuirty officers.

The business owner(s) are responsible for having the required number and type of security personnel at the site during all hours of live, amplified music and entertainment, which includes music.

7. The business owner(s) shall submit a copy of its contract with a licensed security company and its written standing orders for its security personnel on a yearly basis as part of the entertainment permit.

8. The State licensed and uniformed security officers (herein referred to as Officers) shall at all times carry the necessary state permits authorizing them to carry their safety equipment (i.e., mace, baton, etc).

9. The City of Santa Cruz Police Department maintains the authority to require the business owner(s) to contract with a different security company if the current security Officers are found to be ineffective. In addition, the Police Department may require the business owner(s) to increase the number of security personnel, including Officers, at the premises and/or pay the cost of City Police services because of safety needs and/or public nuisance occurrences.

10. All security staff (other than the uniformed Officers), while on duty, will wear identifiable name tags and/or clothing displaying the business name, their name and their status as security.

    Identifiable clothing may include, though is not limited to: shirts, jackets and vests. Business owner(s) shall provide a sample of the name tags and/or clothing for Department review.

11. All bouncers/doormen and other security staff, while on duty and/or in uniform, will not drink alcoholic beverages.

12. Business owner(s) and security staff are responsible for inspecting, on a regular basis during entertainment hours, the exterior of the premises, including the adjacent public parking areas to minimize and eliminate any undesirable activity, including though not limited to: loud and/or intoxicated patrons, criminal activity and/or loitering.

13. At closing time, and for the thirty (30) minutes thereafter, the Officers and other security staff are responsible for dispersing the customers from the sidewalk, street area and alley areas adjacent to the premises.

14. Owner(s) and staff are responsible for managing crowds and/or lines of people waiting to enter business or purchase tickets. They shall insure sidewalks are accessible and passable at all times.

Security Lighting/Cameras

15. The perimeter, exits and entrances of the premises, and any adjacent walkways shall be equipped and maintained with lighting to illuminate and make easily discernible the appearance and conduct of all persons on or about these areas. All lighting shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.

16. In order to make the site more easily identifiable for Fire and Police emergency response, install and maintain a lamp to illuminate the address of the site. All lighting

shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.

17. Surveillance camera(s) are recommended for all exterior areas of the business to curb loitering and discourage criminal behavior. In addition, interior surveillance cameras should be able to do the following: 1) Fully functional system that actually works and is maintained, Images recorded on media, 2) accessibility to recording media for retrieval and review during times the business is open, 3) image quality that would allow a person to be identified in daylight and low light situations, 4) adequate coverage of the storefront and rear exterior areas, and 5) periodic audits by store management to monitor for problematic activity, and system functionality

Alcohol Beverage Control

18. Violations of ABC rules will result in Entertainment Permit revocation.

19. The owner(s) shall provide the police department with evidence of the adoption and implementation of responsible beverage service (RBS) policies and practices, including but not limited to employee participation in a RBS training program acceptable to the Santa Cruz County Alcohol and Drug Program. The owner shall contact Bill Manov, County Alcohol and Drug Program Administrator at: 454-4050 for a referral to an acceptable program. All current employees including the owner, ABC Licensee, managers, servers, and security staff shall attend RBS training within 30 days after the permit is issued. Copies of their training certification shall be provided to the police department. New employees shall attend RBS training within 30 days of their hire date. Copies of their training certification shall be provided to the police department.

Food Service

20. The owner(s) agree to keep its restaurant open and available all hours that establishment is open on days of operation that the business is open. Proof of this includes a menu indicating hours food is available.

21. The owner(s) shall provide a copy of a written agreement with applicable food/restaurant lessee agreeing to all food service conditions placed by the City and the Department of Alcohol Beverage Control if the owner(s) is not directly providing the restaurant service.

22. As directed by the City Council, the owner(s) shall comply with section 24.22.338.1 of the Municipal Code, describing an eating and drinking establishment type of bonafide restaurant.

Sound Level

23. Any live entertainment or other amplified sound must not be audible outside the structure of the establishment. Complaints about entertainment sound level, received by the City, will be documented and may result in additional conditions placed on this Entertainment Permit or revocation of the permit.

24. Business owner(s), management and staff will be responsible for inspecting the exterior of the premises, on a regular basis during entertainment hours, to keep control of open doors and windows that may be contributing to sound leaving the premises.

Miscellaneous

25. No smoking on the premises.

26. This Entertainment Permit expires on January 1, 2013 unless it is resolved or modified prior to this date. An application for permit renewal and an applicable non-refundable fee must be submitted by December 1, 2012, if the business owner(s) intend to continue the entertainment operations after January 1, 2013. This permit has been issued in conjunction with Resolution NO. NS-28,410 Planning Permit 09-032 as approved by City Council on September 27, 2011.

27. During all business hours the establishment is open to the public, all permits, including conditions of operation, approved floor layout, and licenses (e.g., ABC alcohol license) shall be posted and/or available for viewing by any City Official when requested.

28. The business owner(s), management and staff shall be responsible for maintaining free of litter the premises and areas adjacent to the premises that are affected by the entertainment operation.

29. At all times during the operation of the facility, the exit doors will be clearly marked and will not be blocked, either temporarily or otherwise.

30. Failure to operate and maintain the facility within the parameters set forth in these Entertainment Permit conditions may result in additional conditions being placed on the permit and/or permit revocation.

31. The owner(s) shall comply with all local, state, and federal laws, regulations, and rules applicable to the running of their business. Failure to do so may result in additional conditions being placed on the permit and/or permit revocation.

32. The applicant shall have a listed phone number and provide name(s) of person or person(s) who can be contacted 24 hours daily by the Police Department for this establishment.

h: The Reef/Pono incidental con12

June 28, 2012

RESOLUTION NO. NS-28,410

EXHIBIT A

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

120 Union Street; Application No. 09-032
(Revised Conditions of AUP for Restaurant with Incidental Entertainment)

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.

2. This permit is for a restaurant with incidental live entertainment (i.e. live, amplified entertainment with instrumental and vocal music with small personal amplifiers provided for the listening pleasure of patrons, and which does not include karaoke or a disc jockey format or dancing and has an indoor stage/performance area not exceeding eighty square feet). Failure to meet these conditions will result in the initiation of revocation proceedings.

3. The unpermitted extension of bar shall be removed and elevated stage modified to the permitted stage size as shown on the approved plans on file. A Special Inspection Permit shall be obtained with work completed within 30 days of the issuance of this permit.

4. If, upon exercise of this permit, this use is at any time determined by the Zoning Administrator to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Zoning Administrator could occur.

5. A public hearing review of this permit by the City Council in consultation with the Planning and Police Departments shall be conducted in four (4) months.

6. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.

7. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.

8. The development of the site shall be in accordance with the approved plans prepared by Interconnect Group, LLC submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. Modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.

9. All requirements of the Building, Fire, Public Works and Police Departments shall be completed prior to occupancy and continuously maintained.

10. The hours of operation for incidental live entertainment are 10:00 a.m. to 10:00 p.m. daily. The hours of operation for the restaurant are: Sunday thru Wednesday 10:00 a.m. to 10:00 p.m. and Thursday, Friday and Saturday from 10:00 a.m. to 11:00 p.m.

Public Hearing (continued)

22. 120 Union Street - 09-032 - APN 005-046-05 - Appeals of the Planning Commission's Approval of a Modification of Zoning Permit 09-032 which Changed Hours of Operation and Modified Type of Entertainment Permit for a Restaurant (Cypress Lounge) in the CBD Zone District, and the Police Chief's Action to Suspend the Entertainment Permit. (PL/PD) (continued)

Action

Vice Mayor Lane moved, seconded by Councilmember Terrazas, to adopt Resolution No. NS-28,410 denying the appeals and upholding the Zoning Administrator and Planning Commission actions, thereby approving the Modification of Zoning Permit 09-032; and the Police Chief's suspension/revocation of the full entertainment permit, and reversion to incidental entertainment based on the findings and conditions included in the resolution, including that incidental entertainment will cease at 10:00 p.m. on all nights, and food service will cease at 10:00 p.m. Sunday through Wednesday, and at 11:00 p.m. Thursday through Saturday. The City Council will hear this matter again in four months, on January 10, 2012. The motion carried unanimously (Councilmember Beiers absent).