ENTERTAINMENT PERMIT NO. 41-18
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: **Motiv**

BUSINESS ADDRESS: **1209 Pacific Avenue, Santa Cruz, CA**

PERMIT HOLDER/BUSINESS OWNER: **Michael** (First) MI **Pitt** (Last)

LIQUOR LICENSE: ____NO __X__ Beer and Wine **48- 469267** License No. and Type
__X__ YES __X__ Hard Liquor _____License No. and Type

PERMITTED ENTERTAINMENT

Refer to Use Permit #08-164 condition numbers 20 & 26

TYPE __X__Dancing __X__Acoustical Music __X__ Amplified Music
____Theater Play ____Singing __X__ Other (Specify) **Live Music**
Pre-recorded Music

DAYS & HOURS: Monday **9:30pm-1am** Tuesday **9:30pm-1am** Wednesday **9:30pm-1am**
Thursday **9:30pm-1am** Friday **9:30pm-1am** Saturday **9:30pm-1am** Sunday **9:30pm-1am**

ADDITIONAL CONDITIONS DURING ENTERTAINMENT HOURS

OCCUPANCY (MAXIMUM): __*__ Persons *** 70 Upstairs** ***176 Downstairs**

SECURITY PERSONNEL (MINIMUM): __-__Licensed, Uniformed Security Officers

__4__In-House Security (Not including managers) _____Other (Describe)

PERMIT CONDITIONS:

For a detailed description of the entertainment operation approved and the permit conditions, refer to attachment A, Conditions 1 through __35__.

*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 2 [signature] #121

TITLE **POLICE LIEUTENANT** DATE **12-20-2011**

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

MOTIV
1209 Pacific Avenue, Santa Cruz, CA

POLICE DEPARTMENT
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 **Motiv/1209 Pacific Avenue** is as follows:

   A. Business Owner: **Michael Pitt.**
   B. Type of Entertainment: **Pre-recorded music, dancing and live music.**
   C. Bar/Alcohol Service: **7 Days, 11:30 a.m. to 1:30 a.m.**
   D. Restaurant/Food Service: **11:30 a.m. – 01:30 a.m.**
   E. Entertainment Hours: **9:30 p.m. – 1:00 a.m. seven days a week.**
   F. Maximum Occupancy during entertainment operation: (determined by Fire Department after inspection) **70 Upstairs**
   176 Downstairs

3. Entertainment shall be limited to pre-recorded music, dancing and live entertainment. (Refer to special use permit #08-164, condition #'s 20 & 26).

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 levels for upstairs and downstairs shall not exceed the maximum determined by the Fire Department and shall not be combined. At all times, management and staff shall keep a record of the current occupancy levels for both the upstairs and downstairs areas of the business. 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 dancing and/or music, there is required a minimum of four (4) in-house security staff (doormen/bouncers).

7. The business owner(s) are responsible for having the required number and type of security personnel at the site during all hours of any entertainment including but not limited to dancing, live music and/or recorded music. The required number of security personnel shall not be comprised of managers or other staff. Security personnel shall be dedicated to performing security related tasks only and may serve no other function in the business during the hours of entertainment.

8. The City of Santa Cruz Police Department maintains the authority to require the business owner(s) to contract with a licensed private security company if the current security personnel are found to be ineffective. In addition, the Police Department may require the business owner(s) to increase the number of security personnel, including the addition of licensed uniformed security officers. The business owner(s) may be required to pay the costs for excessive City police services due to public safety and/or public nuisance impacts.

9. All security staff 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.

10. All on-duty employees shall not drink alcoholic beverages.

11. 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.

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

13. 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

14. 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.

15. In order to make the site more easily identifiable for Fire and Police emergency response, the business owner(s) shall install and maintain a lamp to illuminate the address of the front and rear 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.

16. All interior and exterior security surveillance cameras will be in working order during all hours of entertainment.

Alcohol Beverage Control

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

18. 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(s), 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.

19. Reduced price alcohol beverage promotion shall only be allowed at the premises a maximum of six (6) times per calendar year. Such reduced price alcoholic beverage promotions shall only be allowed between the hours of 3:00 p.m. and 10:00 p.m.

20. No beer or malt beverage shall be sold at the premises with an alcoholic content of greater than 9% volume.

Food Service

21. 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.

22. As a bonafide restaurant establishment, food must be available during all business hours. Food shall be available during all hours of entertainment.

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 shall 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. 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.

27. During all business hours the establishment is open to the public, all permits, including conditions of operation, conditional use permit, entertainment permit and licenses (e.g., ABC alcohol license) shall be posted and 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. The sidewalk areas directly attached to the front and rear of the premises shall be cleaned at least once a week and in the appropriate manner that follows the standards set forth by State and City law pertaining to the collection and disposal of waste water products.

30. 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.

31. No person, patron, employee, or performer shall engage in or expose his/her person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed, or which is adapted to excite vicious or lewd thoughts.

32. Entertainment shall be limited to the ground floor only and shall not begin prior to 9:30 p.m.

33. No minors shall be on either floor of the building after 9:30 p.m. The method for this to occur shall be reviewed and approved by the Police Department in the Security Plan. Applicant and applicant's employees/security are responsible for ensuring that minors would not be allowed in the building after 9:30 p.m.

34. 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.

35. 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.

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December 20, 2011