



Date: October 17, 2005
To: Pamela Wilson-Horgan, Manager, Commercial Services Bureau
From: Anthony W. Batts, Chief of Police /s/
Subject: APPLICATION FOR ENTERTAINMENT WITH DANCING AT - PETE'S AT THE BEACH – 5755 EAST PACIFIC COAST HIGHWAY

In response to your request for a recommendation regarding the above named permit application for Entertainment With Dancing, the Police Department recommends **approval**, subject to the following eighteen (18) conditions of operation:

CONDITIONS OF OPERATION

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Entertainment activities indicated on page #7 of your entertainment application shall be restricted to no later than 12:30 a.m. Sunday thru Wednesday nights, and 1:30 a.m. on Thursday, Friday and Saturday nights, and holidays. In order to do so, however, the applicant must obtain approval of a modification to the conditional use permit for alcohol sales (Case No. 0405-25). Until that occurs, entertainment and operating hours shall be restricted to no later than 12:30 a.m. each day of the week. Entertainment in the patio area shall be restricted to no later than 6:00 p.m. each day of the week.
- 3) Unless separately applied for, reviewed and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 4) Patrons under twenty-one (21) years of age shall not be permitted to enter nor to remain on the premises after the restaurant (food services) portion of the establishment has closed. Private functions not open to the public are exempt from this condition.
- 5) Persons under eighteen (18) years of age shall not be permitted to enter nor to remain on the premises after 10 p.m., unless accompanied by a parent or legal guardian. On duty employees and private functions not open to the public are exempt from this condition.
- 6) The premises shall be maintained as a full service restaurant providing an assortment of full meals normally offered in such establishments. In the

event that the restaurant ceases operations, the entertainment permit becomes null and void.

- 7) The permittee shall not hire promoters with the intent to advertise/promote or hold any entertainment activities consistent with nightclub entertainment.
- 8) The door(s) or windows shall be kept closed at all times during any entertainment activity described in your application, except in cases of emergency and to permit deliveries. Said door(s) are not to consist solely of a screen or ventilated security door.
- 9) Sound shall not be audible from the exterior of the premises in any direction.
- 10) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10 p.m. and 8 a.m.
- 11) The permittee shall employ his/her own discretion in determining the level of security necessary to prevent violations of law and any other disturbances arising out of or in connection with business operations. Should the permittee's operations give rise to a substantial increase in complaints/calls for service, or trash left in the parking lot, the permittee shall increase security as directed by the Chief of Police.
- 12) At the conclusion of each event, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles, and not loiter in the parking lot or the immediate area.
- 13) The permittee agrees to reimburse the City whenever excessive police services, as determined by the Chief of Police, are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
- 14) Current occupancy loads shall be posted at all times, and the licensee shall have an effective system to keep count of the number of occupants present at any given time. (LBMC section 18.48.320)
- 15) Smoking shall not be allowed inside Pete's at the Beach at any time. "No Smoking" signs shall be posted in conspicuous places inside the club and at the entrance to the business. (LBMC Chapter 8.68)
- 16) The permittee shall notify neighboring businesses prior to any special events that may impact parking within the shopping center.

- 17) Pete's at the Beach, its promoters, or agents, shall not distribute any advertising matter in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter.
- 18) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict between the requirements of this permit, your conditional use permit, or your Alcoholic Beverage Control license, the more stringent regulation shall apply.

AWB:CNA:cna
AppvCondPetes