



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: January 17, 2017

TO: Carolyn Lehr, City Manager

FROM: Jennifer Tejada, Chief of Police

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue An Annual Cabaret License To Madison Marquette at Bay Street**

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and thereafter adopt the attached resolution approving the Madison Marquette at Bay Street application for an Annual Cabaret License and authorizing the Chief of Police to issue said license for calendar year 2017.

BACKGROUND

Madison Marquette at Bay Street is seeking an Annual Cabaret License to present live musical entertainment at the Bay Street commercial property in Emeryville during the hours of 11:00 am to 9:30 pm, Monday – Sunday.

The Police Department is recommending approval of the Annual Cabaret License with the listed Conditions of Approval included as part of the license.

DISCUSSION

Emeryville Municipal Code Section 5-4.03 provides that a license is required to operate a cabaret in the City of Emeryville. An application is submitted to the Police Department, which conducts a background investigation of the applicant and the proposed cabaret operation (EMC Sections 5-4.04, 5-4.06). At the conclusion of the investigation, the Chief of Police submits a report and recommendation on whether the requested license should be granted, and whether any conditions should be imposed (EMC 5-4.06). Thereafter, the City Council is required to conduct a public hearing to consider issuance of license and may impose conditions on the cabaret operation (EMC 5-4.07). The Annual Cabaret License expires on December 31 of each year, and an applicant is then required to apply for a new Annual Cabaret License. The Police Department has conducted the investigation and prepared this report with the following recommendations.

Staff recommends approval of this license application with the following conditions:

CONDITIONS OF APPROVAL:

- The Cabaret License would be valid from January 1, 2017 through December 31, 2017. Any Annual Cabaret License sought for subsequent years would require another application and an approval by the Emeryville City Council.
- The Annual Cabaret License if approved permits music to be played in the South End of Bay Street, commonly referred to as “The Outdoor Plaza” of Bay Street.
- Hours of operation for this Annual Cabaret License would be restricted to Monday to Sunday, between the hours of 11:00 am and 9:30 pm.
- No alcohol can be served or sold at any of these events without Madison Marquette first submitting an approval from Alcohol Beverage Control on Form ABC-221 for each event.
- Madison Marquette shall be required to designate a contact person from Madison Marquette for any and all complaints from the public and to interface with the Emeryville Police Department. This contact person shall be made known to the Emeryville Police Department and all complaining parties upon request. The contact person shall be immediately available for all concerns or complaints.
- Madison Marquette must maintain compliance at all times with Chapter 13 of Title 5 of the Emeryville Municipal Code (E.M.C.), known commonly as the City of Emeryville Noise Ordinance.
- In the event that an authorized agent of the City of Emeryville determines that Madison Marquette has violated the Noise Ordinance with live or amplified music during a cabaret event, he or she shall direct Madison Marquette to reduce the volume to a level that is compliant with the Noise Ordinance. In the event that an authorized agent of the City of Emeryville determines that Madison Marquette has violated the Noise Ordinance twice in the same calendar day, Madison Marquette shall immediately discontinue any and all music for the remainder of that calendar day.
- Any violations of these conditions or any listed in EMC Code 5-4.24 by Madison Marquette’s managers, or employees may result in suspension or revocation of this Annual Cabaret License, pursuant to E.M.C. Sections 5-4.08, 5-4.09. Violations may also be subject to Administrative Citations.

FISCAL IMPACT

None

CONCLUSION

There are no existing concerns regarding this Annual Cabaret License. Previous music and outdoor festival events have not generated any noise disturbance complaints at this location.

The EMC Section 5-4.03 requires City Council Approval of every operation of a Cabaret within the City Limits.

Staff recommends that the City Council conduct a public hearing on this application, and thereafter approve the application for Annual Cabaret License for Madison Marquette at Bay Street in Emeryville with the conditions specified above.

PREPARED BY: Jennifer Tejada, Chief of Police

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

ATTACHMENTS

1. Resolution
2. Sgt Bosetti PD Staff report
3. Madison Marquette Application
4. Madison Marquette Calendar of Events 2017
5. Conditions of Approval