



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 6, 2021

TO: Christine Daniel, City Manager

FROM: Jeff Jennings, Chief of Police

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The Chief Of Police To Issue A 2021 Annual Cabaret License To Bank Club Café**

RECOMMENDATION

Staff recommends the City Council adopt the above-entitled resolution approving the Bank Club Café application for an Annual Cabaret License and authorizing the Chief of Police to issue said license for remainder of calendar year 2021.

BACKGROUND

The Bank Club Cafe Corporation is seeking an Annual Cabaret License to present live music entertainment at the Bank Club Cafe, 3900 San Pablo Avenue, Mondays through Saturdays, between the hours of 11:00 a.m. to 02:00 a.m.

The Police Department has investigated the Bank Club Café application and 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 a 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 license. The Police Department has conducted the investigation and prepared this report with the recommendations shown below.

The concern regarding the issuance of an Annual Cabaret License for this location is the proximity to Avalon Senior Housing and Andante condominiums, which are residential buildings. No complaints or concerns have been received from residents at these locations. In 2020, there were 32 calls for service in or about the location of the applicant address; only six of those call were associated with the Bank Club Café. Of those six

calls for service, four were for noise complaints outside the business. These Calls for Service are not excessive or of a nature that would result in denial of this application. (See Attachment 1)

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

CONDITIONS OF APPROVAL

- The Annual Cabaret License would be valid through to December 31, 2021. 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 inside Bank Club Café and not on the exterior patio.
- All exterior doors and windows will be closed for the designated date and times of each cabaret event.
- Upon receipt of noise complaints during any cabaret event at Bank Club Café, Bank Club Café will immediately discontinue all music.
- Hours of operation for this Annual Cabaret License would be restricted to Monday through Saturday, 11:00 a.m. to 02:00 a.m.
- Bank Club Café shall be required to designate a contact person from Bank Club Café for 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.
- Any violations of these conditions or any listed in Emeryville Municipal Code 5-4.24 by Bank Club Café owners, managers, or employees may result in suspension or revocation of this Annual Cabaret License, pursuant to Emeryville Municipal Code Sections 5-4.08, 5-4.09.

The Emeryville Municipal Code Section 5-4.03 requires City Council approval of every operation of a cabaret within the city limits.

FISCAL IMPACT

None

STAFF COMMUNICATION WITH THE PUBLIC

None

CONFLICT OF INTEREST

None

CONCLUSION

Staff recommends the City Council conduct a public hearing on this application and thereafter approve the application for a 2021 Annual Cabaret License for Bank Club Café with the conditions specified above.

PREPARED BY: Oliver Collins, Captain

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



Christine Daniel, City Manager

ATTACHMENTS

1. Police Department Records Check Summary Report
2. Cabaret Permit Application
3. Cabaret Permit Proof of Payment
4. Draft Resolution