



**EMERYVILLE POLICE DEPARTMENT  
PROFESSIONAL SERVICES DIVISION  
CRIMINAL INVESTIGATION SERVICES**

**MEMORANDUM**

To: Chief Jennifer Tejada  
From: Sergeant Jason Bosetti  
CC: Captain Diotalevi  
Date: 12/14/2016  
Re: 2017 Annual Cabaret License Investigation for Madison Marquette at Bay Street.

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**SUMMARY**

An initial Police Department investigation has disclosed some information that may be the basis for a denial of a City of Emeryville Annual Cabaret License to the premises listed, unless the Conditions of Approval are followed.

**DISCUSSION**

The Emeryville Municipal Code Section 5-4.02 requires City Council Approval of every commercial operation of a Cabaret within the City Limits.

**INVESTIGATION**

Chapter 4 of Title 5 of the Emeryville Municipal Code governs "cabarets and dances". This Section requires the Emeryville Police Department to conduct an investigation of the applicant to insure compliance with the restrictions of the ordinance.

Section 5-4.02(c) defines a cabaret as "Any event or place where live entertainment is provided by or for any patron or guest....to which admission may be gained by the public generally with or without payment of a fee or cover charge or the purchase or presentation of a ticket...."

Currently, Madison Marquette does not have a valid Annual Cabaret License with the City of Emeryville. Madison Marquette is a property management company that is currently managing the Bay Street complex. Bay Street is an outdoor strip mall

property in the City of Emeryville. Madison Marquette uses the Bay Street address of 5616 Bay Street Emeryville, California 94608 as their onsite office.

Madison Marquette is seeking an Annual Cabaret License to present live music entertainment at the Bay Street outdoor plaza location during the hours of business, Monday through Sunday 9:00AM - 10:00PM.

Madison Marquette submitted their 2017 calendar of events and there are about 50 events that have music and dancing. There are 5 events that advertise alcohol will be sold or served. Madison Marquette does not have a valid Alcohol Beverage Control license on file and would need to secure the ABC-221 one-day alcohol license for each of these events. Refer to the test and its results in "Exhibit A".

Madison Marquette carries a liability insurance policy through Federal Insurance, Co Policy #9947-59-61. The policy is for \$1,000,000 each occurrence with \$2,000,000 each aggregate. Madison Marquette will have at 2 staff members on site at all times to monitor the events. The staff members function is to problem solve if issues occur. Madison Marquette has employed Overton Security and there will be 6 to 10 uniformed security officers working during each event.

Brian Lee, Property Manager for Bay Street, completed and submitted the annual cabaret license application on behalf of Madison Marquette. Brian Lee will be the Primary point of contact at (510) 856-2885.

Debbie Thomas, Overton Security Supervisor, will be the secondary point of contact at (510) 789-9672.

## **CONDITIONS OF APPROVAL**

- The Cabaret License if issued would only be valid from January 1, 2017 through December 31, 2017. Any annual cabaret permit sought after this date would require another application and an approval by the Emeryville City Council.
- The Cabaret License if issued would only allow the music to be played in south end of Bay Street in the area deemed "The Outdoor Plaza" of Bay Street during the hours of 9:00 AM to 10:00PM.
- There will be no alcohol served or sold at any of these events without Madison Marquette first submitting their Alcohol Beverage Control, ABC-221, approved application for each event that Madison Marquette is requesting to serve or sell alcohol at.
- Madison Marquette must maintain compliance at all times with Chapter 13 of the Emeryville Municipal Code (E.M.C.), known commonly as the City's

Noise Ordinance. In the event that an authorized agent of the City of Emeryville determines that Madison Marquette has violated the Noise Ordinance on account of live or amplified music during a cabaret event, he or she shall direct Madison Marquette to reduce music's 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 this Chapter on account of live or amplified music during a cabaret event 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 Emeryville Municipal Code 5-4.24 by Madison Marquette, 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.

**Conclusion:**

The Emeryville Police Department's Criminal Investigation Services has found no basis on which to deny an Annual Cabaret License for Madison Marquette Corporation for the Bay Street location.

Respectfully,



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Criminal Investigation Services  
Professional Service Division  
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Jennifer Tejada  
Chief of Police

APPROVED

NOT APPROVED