



Chief of Police  
Jennifer G. Tejada

Police Department  
City of Emeryville

Rec'd 5/7/18 

## MEMORANDUM

Date: 12/16/17

To: Chief Jennifer Tejada

From: Acting Sergeant Brian Head

Subject: Annual Cabaret Permit Investigation for "Bay Street Emeryville"

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### SUMMARY

An initial Police Department investigation has disclosed some information that would base a denial of a City of Emeryville Annual Cabaret Permit to the premise listed unless the subjects to the Conditions of Approval are not adhered to as set below.

### 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 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 of 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, Bay Street Emeryville does have a valid 2017 Cabaret Permit with the City of Emeryville. Bay Street Emeryville is a business in the City of Emeryville. Bay Street Emeryville's address is 5616 Bay Street, Emeryville, CA 94608. Cabaret permits are issued on a one-day or annual permit basis and only after the approval of the Chief of Police.

Bay Street Emeryville is seeking an Annual Cabaret Permit to present live music entertainment and supply background music at their facility. These events will take place from 11:00AM to 9:30PM, Monday through Sunday, for "various special event usage". These are public events.

The estimated attendance of these events varies. Alcohol may be sold and/or served at certain events. Trader Vic's has a valid ABC permit on file with the California Bureau of Alcohol and Beverage Control, license number- 47-41474.

For the calendar year of 2017, Bay Street Emeryville had a total of (26) calls for service, less (2) traffic stops at the location that were not related to the business. Of the calls for service, (7) were noise related. (See attached print out)

Bay Street Emeryville carries a liability insurance policy through Federal Insurance Co (#9947-59-61) . The policy is for \$1,000,000 each occurrence. Bay Street Emeryville will have staff members on site to monitor all events. Bay Street Emeryville staff members functions are to problem solve if issues occur. Bay Street Emeryville has a full-time uniformed security force on site during their events.

The security is provided by Overton Security and Quality Control Manager Oliver Casillas.

### CONDITIONS OF APPROVAL

- The Cabaret Permit will only be valid from January 1, 2018 through December 31, 2018. All future permits will be submitted, in writing, as this permit had been. Fees are subject to change.
- The Cabaret Permit if issued would only be valid during the date and hours of this annual event; **11:00AM to 9:30PM**, Monday through Sunday.
- This Cabaret Permit would only allow the music to be played at Bay Street Emeryville on the exterior patio of the event; **11:00AM to 9:30PM**, Monday through Sunday.
- Bay Street Emeryville, shall designate a contact person for all complaints from the public. The contact person shall be immediately available for all complaints or concerns. Bay Street Emeryville has named the following persons to be those who are the main contacts:
  - 1) Brian Lee – Marketing Director (510) 934-0057
  - 2) Nat Centro – General Manager (703) 200-8030
  - 3) Oliver Casillas – Security Director (510) 376-8818
  - 4) Elsie Howard- Asst. General Manager (415) 637-9921
- If any noise complaints are received by the Emeryville Police Department, Bay Street Emeryville shall, as soon as possible, mitigate the noise to an acceptable level or immediately discontinue any amplified sound that is causing the disturbance.
- Any violations of these conditions and/or any of the conditions set forth in Emeryville Municipal Code 5-4.24 **MAY** result in immediate suspension of this Annual Permit.

Brian Lee, Marketing Director of Bay Street Emeryville completed and submitted the Cabaret Permit Application on behalf of Bay Street Emeryville.

Brian Lee will be the primary point of contact at (510) 934-0057.

**CONCLUSION:**

The Emeryville Police Department's Criminal Investigation Services (CIS) has found no reason to deny this permit.

As of this writing, there are no outstanding circumstances to be found.

☒ Approved

☐ Not Approved

Jennifer Tejada  
Chief of Police

By:

Brian Head *BH*  
Acting Detective Sergeant  
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