



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: April 2, 2019

TO: Christine Daniel, 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 Rudy's Can't Fail Cafe

RECOMMENDATION

Staff recommends the City Council conduct a public hearing and thereafter adopt the above entitled resolution approving the Rudy's Can't Fail Cafe application for an Annual Cabaret License and authorizing the Chief of Police to issue said license for the remainder of calendar year 2019.

BACKGROUND

BMZ Enterprises, LLC is seeking an Annual Cabaret License to present live music entertainment at Rudy's Can't Fail Cafe, 4081 Hollis Street, during the hours of Monday through Sunday from 6:00 p.m. to 11:00 p.m.

The Police Department has reviewed calls for service associated with the Rudy's Can't Fail Cafe application and has not found reason to deny the application. The Chief of Police 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 the 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 applicant has not had live music at this venue in the past. There is some concern that the music may create a noise disturbance for local residents. The resident immediately north of Rudy's Can't Fail Café was contacted and he indicated he does not

have any concerns. There are two multi-unit complexes in the neighborhood, at a distance of approximately three hundred and fifty feet from the café; one at 1401 Park Avenue and the other at 4035 Harlan Street. It is possible that music played on the patio could travel that distance and may generate calls for service. There were 30 calls for service associated with this address or near the location of the applicant address in 2018. These calls for service were not excessive or of a nature that would result in denial of this application. (See Attachment 1)

Staff recommends approval of this Annual Cabaret License application with the following conditions:

CONDITIONS OF APPROVAL

- The Annual Cabaret License would be valid through to December 31, 2019. 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 and on the outdoor patio at Rudy's Can't Fail Café.
- Upon receipt of noise complaints during any cabaret event at Rudy's Can't Fail Café, all music will be immediately discontinued.
- Hours of operation for this Annual Cabaret License would be restricted to Monday through Sunday, from 6:00 p.m. to 11:00 p.m.
- BMZ Enterprises, LLC shall be required to designate a contact person from Rudy's Can't Fail 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 Rudy's Can't Fail 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

CONCLUSION

Staff recommends the City Council conduct a public hearing on this application and thereafter approve the application for a 2019 Annual Cabaret License for Rudy's Can't Fail Café with the conditions specified above.

PREPARED BY: Jennifer Tejada, Chief of Police

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



Christine Daniel, City Manager

ATTACHMENTS

- Application
- Calls for Service
- Draft Resolution
- Exhibit A: Conditions of Approval