



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** February 4, 2020

**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 The Public Market**

### **RECOMMENDATION**

Staff recommends the City Council conduct a public hearing and thereafter adopt the above-entitled resolution approving the AG-CCRP Public Market, L.P. application for an Annual Cabaret License and authorizing the Chief of Police to issue said license for calendar year 2020.

### **BACKGROUND**

AG-CCRP Public Market, L.P. ("Public Market"), located at 5959 Shellmound Street, Ste. 210, Emeryville, is seeking an Annual Cabaret License to present live musical entertainment during the hours of Monday through Sunday between 10:00 a.m. and 12:00 a.m.

The Police Department has investigated the Public Market 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 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 Police Department does not have any existing concerns regarding this annual cabaret license. The Public Market was granted a license last year (2019) and the police department did not receive any complaints associated with their events.

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, 2020. Any Annual Cabaret License sought for subsequent years would require another application and approval by the Emeryville City Council.
- The Annual Cabaret License, if approved, permits music to be played inside the common dining area located within the Public Market.
- 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 the Public Market, the Public Market will immediately discontinue all music.
- Hours of operation for this Annual Cabaret License would be restricted to Monday through Sunday, 10:00 a.m. to 12:00 a.m.
- The Public Market shall be required to designate a contact person 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 Public Market 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.

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 Annual Cabaret License for the Public Market 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
- Draft Resolution
- Conditions of Approval