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City Attorney

OFFICE OF THE CITY CLERK
2008 FEB - 7 PM 4:57

OAKLAND CITY COUNCIL

RESOLUTION No. 81076 C.M.S.

Introduced by Councilmember Nancy J. Nadel

Resolution Directing the City Administrator, Or Her Designee, To Re-Evaluate The Permit Application Of Oakland Partners Group LLC to Operate a Cabaret Under the Name 'Club O' (Application Submitted to Operate a Cabaret Under the Name 'Tycoons'), Located At 1731 San Pablo Avenue, In Light of The Negotiated Conditions of Operation and the Recent Revisions to Ordinance No. 12855, C.M.S., Which Granted Authority to the City Administration for Discretion in Permitting Cabarets

WHEREAS, on April 17, 2007, the City Council heard the appeal of the Hearing Officer's decision to deny Oakland Partners Group's cabaret permit application, based in part because of the presence of a school within 300 feet of the proposed cabaret; and

WHEREAS, on January 15, 2008, the City Council amended OMC section 5.12.020 to allow the City Administrator discretion in permitting cabarets within 300 feet of schools, libraries, and places of worship upon written findings that the cabaret will not have a negative impact on City resources, public safety and neighborhood quality of life; and

WHEREAS, Oakland Partners Group, LLC has agreed to certain conditions of operation, namely, to operate the club with a primarily Latin format, and to obtain a Special Event permit prior to conducting any event featuring a rap or hip hop venue; and

WHEREAS, in combination with the OMC amendment and altered conditions since the original application, the agreement reached with the applicant resolves the additional issues that resulted in the Hearing Officer's original denial of the cabaret permit; now therefore be it

RESOLVED, that the City Council direct the City Administrator, or her designee, to re-evaluate the permit application in light of the OMC amendments, the altered conditions, and the negotiated agreement with the applicant, and to prepare written findings, as required by amended OMC section 5.12.020, regarding whether the proposed cabaret will have a negative impact on City resources, public safety and neighborhood quality of life; and be it

FURTHER RESOLVED, that if those written findings reveal that the proposed cabaret will not have a negative impact on City resources, public safety and neighborhood quality of life, and if the other requirements for issuing a cabaret permit are met, the City Administrator will then issue a cabaret permit, conditioned upon the agreement reached with the applicant regarding conditions of operation, as well as the City's standard cabaret conditions.

IN COUNCIL, OAKLAND, CALIFORNIA, **FEB 19 2008**, 20

PASSED BY THE FOLLOWING VOTE:

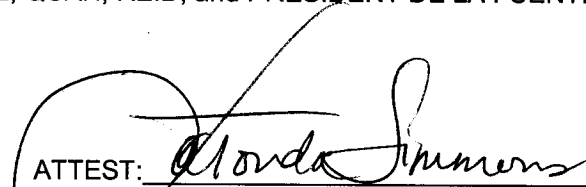
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California