



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** February 1, 2022

**TO:** Christine Daniel, City Manager

**FROM:** Jeff Jennings, 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 Trader Vic's For Calendar Year 2022

### RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving Trader Vic's application for an Annual Cabaret License and authorizing the Chief of Police to issue said license for calendar year 2022.

### BACKGROUND

Trader Vic's is seeking an Annual Cabaret License to present, on occasion, live music entertainment at Trader Vic's, 9 Anchor Dr. in the main dining hall during the hours of Wednesday through Sunday 12:00 PM to 9:00 PM.

The Police Department has investigated Trader Vic's 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 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 have an existing concern regarding this annual cabaret license. The concern regarding the issuance of an Annual Cabaret License for this location is the proximity to the residential condominium complex next door. In 2021, there were (45) calls for service in or about the location of the applicant address and

only one incident involved a noise complaint which was unfounded by responding Officers. (See Attachment 1)

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

### **CONDITIONS OF APPROVAL**

- The Annual Cabaret License would be valid through to December 31, 2022. Any Annual Cabaret License sought for subsequent years would require another application and an approval by the Emeryville City Council.
- The Annual Cabaret License permits live music to be played inside Trader Vic's and within the parking lot on a case by case basis pending an approval of a TUP from the City of Emeryville.
- The Annual Cabaret License if approved permits live music to be played within Trader Vic's. If approved, the Annual Cabaret License will permit live entertainment to be performed outside the business within the parking lot area of Trader Vic's upon the approval of a TUP from the City of Emeryville on a case by case basis.
- All exterior doors and windows will be closed during the live music events in the business.
- Upon receipt of a noise complaint from any adjacent or neighboring properties during any cabaret event at Trader Vic's, Trader Vic's will immediately discontinue the event.
- Hours of operation for this Annual Cabaret License would be restricted to Wednesday through Sunday, 12:00 PM to 9:00PM.
- Trader Vic's 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 Trader Vic's 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

## **CONFLICT OF INTEREST**

None

## **CONCLUSION**

Staff recommends the City Council conduct a public hearing on this application and thereafter approve the application for Annual Cabaret License for Trader Vic's with the conditions specified above.

**PREPARED BY:** Oliver Collins, Captain  
Jeff Jennings, Chief of Police

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



---

Christine Daniel, City Manager

## **ATTACHMENTS**

- 1) Resolution
  - a) Exhibit A – Conditions of Approval