



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** October 2, 2018

**TO:** James N. Holgersson, Interim 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 Trader Vic's For Calendar Year 2019

### **RECOMMENDATION**

Staff recommends the City Council conduct a public hearing and thereafter adopt the attached resolution approving the application submitted by Trader Vic's for an Annual Cabaret License and authorizing the Chief of Police to issue said license for calendar year 2019.

### **BACKGROUND**

The Trader Vic's Corporation is seeking an annual cabaret permit for calendar year 2019 to present live music entertainment at the Trader Vic's Restaurant in Emeryville during the hours of business, Tuesday – Friday 11:30 a.m. to 10:30 p.m., and Saturday and Sunday 5:00 p.m. - 10:30 p.m.

The Police Department has reviewed the 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. Section 5-4.03 requires City Council Approval of every operation of a cabaret within the City Limits. 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 31st of each year, and an applicant is then required to apply for a new annual license.

Historically, concerns regarding this annual cabaret license were due to noise complaints from nearby Watergate Condominium residents. Trader Vic's is located within approximately 100' of the Watergate condominiums that are situated on Anchor Drive and Admiral Drive. The sound of live music from Trader Vic's has generated complaints of excessive noise in the past from the residents in these condominiums. During the past two years, Watergate residents and Trader Vic's management personnel have been meeting regularly in an effort to work together to resolve the issue of noise generated by music, as well as that generated by patrons' use of the exterior deck.

Staff recommends approval of this license application with the following conditions:

### **CONDITIONS OF APPROVAL**

- The Cabaret License, if approved, permits music to be played inside Trader Vic's and not on the exterior patio.
- All exterior doors and windows will be closed during the designated date and times of each cabaret event.
- Upon receipt of noise complaints during any cabaret event at Trader Vic's, Trader Vic's will immediately discontinue any and all music.
- Hours of operation for this annual Cabaret License would be restricted to Tuesday to Friday, 11:30 a.m. to 10:00 p.m., Saturday and Sunday, 4:00 p.m. to 10:30 p.m.
- During cabaret events, Trader Vic's shall utilize a valet service to facilitate the orderly ingress and egress of patrons.
- Trader Vic's shall be required to designate a contact person from Trader Vic's for any and 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.

### **FISCAL IMPACT**

None

### **STAFF COMMUNICATION WITH THE PUBLIC**

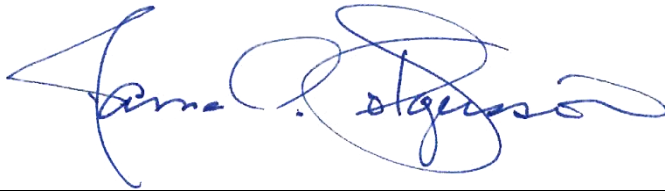
Chief Tejada has met several times during the past year with representatives of Watergate Condominiums and Trader Vic's.

## **CONCLUSION**

Staff recommends the City Council conduct a public hearing on this application and thereafter approve the application for Annual Cabaret License for 2019 for Trader Vic's with the conditions specified above.

**PREPARED BY:** Jennifer G. Tejada, Chief of Police

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



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James N. Holgersson, Interim City Manager

## **ATTACHMENTS**

1. Draft Resolution
2. Conditions of Approval
3. Application
4. PD Review of Application