

RESOLUTION NO. 18-143

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

WHEREAS, Emeryville Municipal Code 5-4.03 provides that a license is required to operate a cabaret in the City of Emeryville; and

WHEREAS, an applicant for a cabaret license is required to submit an application to the Police Department; and

WHEREAS, Trader Vic's has submitted an application for an annual cabaret license for calendar year 2019 to the Emeryville Police Department; and

WHEREAS, the Chief of Police has conducted an investigation of the Trader Vic's application and has prepared a report and recommendation as required by the Emeryville Municipal Code; and

WHEREAS, the Chief of Police has recommended the application be approved and a license issued subject to conditions of approval; and

WHEREAS, the City Council held a public hearing on October 2, 2018, to consider the application, the report and recommendations by the Chief of Police, and the comments received from the public regarding the application; now, therefore, be it

RESOLVED, pursuant to Emeryville Municipal Code Section 5-4.07, the City Council of the City of Emeryville hereby approves an annual cabaret license for calendar 2019 to Trader Vic's, subject to the Conditions of Approval, attached hereto as Exhibit A, and authorizes the Chief of Police to issue said license.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, October 2, 2018, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez, and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

ATTEST:



CITY CLERK


MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY



City of Emeryville

CALIFORNIA

EXHIBIT A

CONDITIONS OF APPROVAL

- The Cabaret License would be valid from January 1, 2019 through December 31, 2019. Any annual cabaret license sought for subsequent years would require another application and an approval by the Emeryville City Council.
- 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 for the designated date and times of each cabaret event.
- Trader Vic's must maintain compliance at all times with Chapter 13 of the Emeryville Municipal Code (E.M.C.), known commonly as the City's Noise Ordinance. In the event that an authorized agent of the City of Emeryville determines that Trader Vic's has violated the Noise Ordinance on account of live or amplified music during a cabaret event, he or she shall direct Trader Vic's to reduce music's volume to a level that is compliant with the Noise Ordinance. In the event that an authorized agent of the City of Emeryville determines that Trader Vic's has violated this Chapter on account of live or amplified music during a cabaret event twice in the same calendar day, Trader Vic's shall immediately discontinue any and all music for the remainder of that calendar day.
- Hours of operation for this annual Cabaret License would be restricted to Tuesday to Friday, 11:30am to 10:00pm, Saturday and Sunday, 4:00pm to 10:00 pm. Trader Vic's is closed on Mondays.
- 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.
- During cabaret events, Trader Vic's shall utilize a valet service to facilitate the orderly ingress and egress of patrons.
- 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.