



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 Rob Ben's Restaurant and Lounge For Calendar Year 2022

RECOMMENDATION

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

BACKGROUND

Rob Ben's Restaurant and Lounge is seeking an Annual Cabaret License to present live music entertainment at Rob Ben's, 3627 San Pablo Avenue during the hours of Tuesday through Sunday 8:00 AM to 2:00 AM.

The Police Department has investigated Rob Ben's Restaurant and Lounge 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 has conducted the investigation as required by the Municipal Code and prepared this report with the following recommendations and conditions.

A concern regarding the issuance of an Annual Cabaret License for this location is the proximity to residential buildings. We have not received complaints or concerns from

residents in the area. In 2021, there were (2) calls for service in or about the location of the applicant address and none of the calls were associated with the Rob Ben's Restaurant and Lounge. (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 music to be played inside Rob Ben's Restaurant and Lounge and not on the exterior patio.
- All exterior doors and windows will be closed for the designated date and times of each cabaret event.
- Upon receipt of a noise complaint from any adjacent or neighboring properties during any cabaret event at Rob Ben's Restaurant and Lounge, Rob Ben's Restaurant and Lounge will immediately discontinue all music.
- Hours of operation for this Annual Cabaret License would be restricted to Tuesday through Sunday, 8:00 AM to 02:00 AM.
- Rob Ben's Restaurant and Lounge shall be required to designate a contact person from Rob Ben's Restaurant and Lounge 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 Rob Ben's Restaurant and Lounge 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 a 2022 Annual Cabaret License for Rob Ben's Restaurant and Lounge with the conditions specified above.

PREPARED BY: Captain Oliver Collins

**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