

RESOLUTION NO. 22-13

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

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 an Annual Cabaret License is required to submit an application to the Police Department; and

WHEREAS, Rob Ben's Restaurant and Lounge has submitted an application for an Annual Cabaret License for calendar year 2022 to the Emeryville Police Department; and

WHEREAS, the Chief of Police has conducted an investigation of Rob Ben's Restaurant and Lounge 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 an Annual Cabaret License issued subject to conditions of approval; and

WHEREAS, it can be seen with certainty that issuance of an Annual Cabaret License to the Rob Ben's Restaurant and Lounge will have no possibility of having a significant effect on the environment and therefore said issuance is exempt from review under the California Environmental Quality Act; and

WHEREAS, the City Council held a public hearing on February 1, 2022, 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 finds that the above recitals are true and correct and are incorporated herein, and hereby approves an Annual Cabaret License for calendar year 2022 to Rob Ben's Restaurant and Lounge, subject to the Conditions of Approval, attached hereto as Exhibit A, and authorizes the Chief of Police to issue said license.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, February 1, 2022, by the following vote:

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

DocuSigned by:
John Bauters
67388B49E2C9458...
MAYOR

ATTEST:

DocuSigned by:
Sheri Hartz
FB7B5D8EAB6A48E...
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
Christie Crowl
5F8E50813741458...
INTERIM CITY ATTORNEY

ATTACHMENTS

- Exhibit A – Conditions of Approval



City of Emeryville

CALIFORNIA

EXHIBIT A

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.