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3 **RESOLUTION NO. 08-5**

4 **ENTERTAINMENT PERMIT FOR 1161-1175 SOLANO AVENUE**

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6 **WHEREAS**, on April 10, 2007, the Planning and Zoning Commission held a
7 study session concerning the applicant’s original proposal to construct a new building
8 on the site.

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10 **WHEREAS**, the applicant modified their application to remodel the existing
11 commercial spaces into one commercial space. A study session on the revised plan
12 was held on November 13, 2007.

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14 **WHEREAS**, the proposed use in the remodeled building is a Italian cafe
15 offering coffee beverages, food, beer, wine, and specialty Italian liqueurs.

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17 **WHEREAS**, the proposed café currently operates establishments in San
18 Francisco and Berkeley.

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20 **WHEREAS**, on January 8, 2008, the Planning and Zoning Commission
21 approved the design review and parking exception associated with the proposed
22 application. In addition, on January 29, 2008, the Commission approved the
23 Conditional Use Permit associated with the liquor license.

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25 **WHEREAS**, Albany Municipal Code Section 5-11 “Amusement and
26 Entertainment Premises” requires that the City Council grant entertainment permits.

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28 **WHEREAS**, on February 4, 2008, the Albany City council held a public
29 hearing on the proposed Entertainment Permit.

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31 **NOW THEREFORE BE IT RESOLVED**, the City Council approves an
32 entertainment permit for allow amplified live music between the hours of 7 pm and 9
33 pm Monday thru Thursday, 7 pm and 10 pm Friday and Saturday, and 2 pm and 5 pm
34 on Sundays, subject to the following conditions of approval:

- 35
- 36 1. All recommendations as stated in the December 13, 2007 letter from Charles
37 Salter and Associates be complied with at all times.
 - 38 2. Subwoofers shall not be used for amplification
 - 39 3. The exterior doors at the north elevation shall stay closed. If cross ventilation
40 is needed then a mechanical system will be utilized.
 - 41 4. The Planning and Zoning Commission shall hold a publicly-noticed meeting
42 approximately three months after opening to review compliance with
43 conditions of approval.
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- 5. This entertainment permit shall be subject to immediate review and possible revocation if Community Development Department determines that the project is not in compliance with Planning and Zoning Commission Conditions of Approval.
- 6. This entertainment permit shall be subject to immediate review and possible revocation if the Police Department receives valid criminal, Alcoholic Beverage Control, or Albany Municipal Code related complaints concerning the operation of the restaurant.
- 7. This entertainment permit shall be granted for the use of an Italian café. Any change in use will require a review of the entertainment permit at a noticed public meeting.

PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the 4th day of February 2008, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor Robert S. Lieber