

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 02/04/08

Reviewed by: BP

SUBJECT: 1161-1175 Solano. Planning Application 07-017. Entertainment Permit. A request for approval to allow an entertainment uses in a remodeled 2,153sq.ft. commercial building at the corner of Solano Avenue and Stannage Avenue.

REPORT BY: Jeff Bond, Planning and Building Manager
Ann Chaney, Community Development Director

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends that the City Council approve Resolution 08-5, an entertainment permit for allow amplified live music between the hours of 7 pm and 9 pm Monday thru Thursday, 7 pm and 10 pm Friday and Saturday, and 2 pm and 5 pm on Sundays.

BACKGROUND

Project Description

The subject property is a 16,272 sq. ft. parcel located in the Solano Commercial District between 1161 and 1187 Solano Avenue, on the northeast corner of Stannage Avenue and Solano Avenue. The applicant would like to remodel three adjoined commercial spaces located at the northwest corner of the parcel that are currently occupied by a tennis shop, beauty salon and office building and add 159 sq. ft. to create one 2,153 sq. ft. commercial building that will have a café use.

The applicant is currently in negotiations with Café Trieste as the potential tenant. Café Trieste currently has its original shop in North Beach and an additional shop in Berkeley, at the corner of San Pablo Avenue and Dwight. The cafes offer coffee beverages, food and the applicant would also like to obtain a liquor license to serve beer, wine, and specialty Italian liqueurs. The applicant also is requesting City Council approval an entertainment permit to allow amplified live music between the hours of 7pm and 9pm Monday thru Thursday, 7pm and 10pm Friday and Saturday, and 2pm and 5pm on Sundays. The applicant has indicated that their operational intent is to maintain amplification at a level that would allow conversations to occur within the Café while performances are occurring.

The applicant owns all of the commercial buildings to the east of the proposed project to the corner of Solano Avenue and Cornell Avenue, including the US Post Office. There is a 4-unit apartment complex to the north of the property served by a 3-car garage built up to the northern property line of the subject parcel. Commercial uses, which are also in the SC district, are located to the west and south of the property.

Review Process

Three separate public hearings have been held on the proposed project. On April 10, 2007, the Planning and Zoning Commission held a study session concerning the applicant's original proposal to construct a new building on the site. Following the study session, the applicant modified their application to remodel the existing commercial spaces into one commercial space. A study session on the revised plan was held on November 13, 2007. During the hearing, the Commission requested more information on architectural details, signage, colors, materials, potential noise mitigations and landscaping. The applicant has revised the application and on January 8, 2008, the Planning and Zoning Commission approved the design review and parking exception associated with the proposed application. In addition, on January 29, 2008, the Commission approved the Conditional Use Permit associated with the liquor license.

DISCUSSION

Entertainment Permit

The entertainment component of Café Trieste could be an asset to Solano Avenue and a complement to other businesses. To address potential noise issues, the proposed project includes the following features:

- The applicant retained the noise consultant, Charles Salter and Associates, which provided recommendations to keep dBA levels limited to 75dBA with windows closed and 85dBA with windows open. Staff recommends a condition of approval requiring that all recommendations as stated in the December 13, 2007 letter from Charles Salter and Associates be complied with at all times.
- The majority of the building shall be finished in cement plaster, which is often a material recommended to mitigate noise from buildings.
- The applicant has made a conscious effort to not continue the windows along the west elevation, towards the residential areas, to help contain any noise towards Solano Avenue.
- Subwoofers shall not be used for amplification.
- The exterior doors at the north elevation shall stay closed. If cross ventilation is needed then a mechanical system will be utilized.

Attached is correspondence dated January 14, 2008 from neighbors of the proposed project expressing concerns about parking and noise (note: received after Planning and Zoning Commission action). With respect to the parking issues, staff advised the neighbors that the Planning and Zoning Commission action on the parking exception could only be brought to the City Council if an appeal was filed. No appeal, however, was filed by the January 22, 2008 deadline. With respect the noise concerns, however, the City Council in approving the entertainment permit could add a condition of approval that the Planning and Zoning Commission hold a publicly-noticed meeting approximately three months after opening to review compliance with conditions of approval.

Environmental Analysis

The proposed project is categorically exempt, from the requirements of CEQA per Section 15332(a) of the CEQA Guidelines, which exempts in-fill development projects.

ATTACHMENTS

Draft Resolution of Approval
Planning and Zoning Commission Staff Report
Planning and Zoning Commission Minutes
Correspondence dated January 14, 2008 from Stannage Ave. residents