

**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: 3/13/12  
Prepared by: ALH

**ITEM:** 5C

**SUBJECT:** PA 12-008: Local 123 Café Trailer at Flowerland, 1330 Solano Ave.

The applicant is seeking approval of a Conditional Use Permit to allow the installation of a coffee trailer at Flowerland Nursery, 1330 Solano Ave. The trailer is a refurbished Airstream which will be parked on the Flowerland property, behind the existing chain link fence, near the marquee facing Solano Ave. (northeastern side of the property) Coffee and pastries are initially proposed to be served from the trailer, with the potential for extended offerings at a later date. Limited seating will be provided on-site and all items will be served to go. The trailer is proposed to be permanently parked at Flowerland and will operate from 7am-2pm Monday-Friday and 8am-5pm Saturdays and Sundays.

**SITE:** 1330 Solano Ave.

**PROPERTY OWNER:** Bob Willson

**APPLICANT:** Frieda Hoffman, Local 123 Cafe

**ZONING:** Solano Commercial (SC)

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission approve the request for a conditional use permit to allow a coffee truck at 1330 Solano Ave., Flowerland Nursery with Conditions.

**BACKGROUND/PROJECT DESCRIPTION**

The subject property is a 12,000 square foot mid-block used as a garden nursery. There is an existing building on-site which contains a gift shop and retail checkout counter. The building sits on the south side of Solano Avenue, between Pomona St. and Ramona St. There is on-street parking on Solano Ave., as well as the surrounding streets. There is no off-street parking provided at Flowerland Nursery.

## ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of California Environmental Quality Act Guidelines (CEQA) per Section 15301, "Existing Facilities" of the CEQA Guidelines, which exempts projects that involve negligible expansion of an existing use.

## SITE LOCATION



**Figure 1. Site Location: 1330 Solano Ave.**

## ANALYSIS

### Proposed Operation

The applicant is requesting approval of a Conditional Use Permit to allow a refurbished Airstream to serve coffee and pastries at 1330 Solano Ave., Flowerland Nursery. Patrons may purchase coffee and pastries at the truck and limited seating will be provided on-site. Coffee and pastries will be served in to-go containers. The truck will be parked on the northeast corner of the property, behind the existing chain link fence, near the marquee facing Solano Ave. The trailer is proposed to be permanently parked at Flowerland and will operate from 7am-2pm Monday-Friday and 8am-5pm Saturdays and Sundays.

The Airstream measures 18' in length by 9' in width. Trash receptacles will be located around the coffee trailer. The applicant currently operates the Local 123 Café in Berkeley, at 2049 San Pablo Ave. in Berkeley. Pastries are prepared at this location and taken to the Airstream to sell. The applicant is working the Alameda County Department of Environmental Health to obtain a mobile food vendor's license.



Photo 1. Coffee trailer



Photo 2.

Proposed Coffee Trailer Location behind the Marquee

The Airstream Coffee trailer will be a unique addition to Solano Ave. and will further support Flowerland Nursery as distinct retail destination in Albany.

#### Conditional Use Permit

Section 20.100.030 (B) (4) allows the Community Development Director to refer the use permit review process to the Planning and Zoning Commission due to unique or unusual circumstances. Currently, there are no adopted provisions in the Municipal Code for mobile food operations. Similar to the Hotsy Totsy Taco truck application, the Planning & Zoning

Commission is the appropriate authority to review the application request and require conditions as appropriate.

Staff worked with the Police Department (PD) to address potential concerns and review the Conditions of Approval. The PD did not have any issues with this application request.

### Special Conditions

Special project conditions have been included. Special Conditions include site cleanliness, signage reminding patrons to be respectful of surrounding neighbors, and the ability to review the project if issues related to the operation arise. (See Attachment 3)

### Appeals:

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 calendar days of the date of action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.

### Attachments:

1. Analysis of Compliance with Zoning Requirements
2. Findings
3. Conditions of Approval
4. Application
5. Applicant Statement

## ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

### 20.12 Zoning Districts and Permitted Uses

General Plan: General Commercial  
Zoning: SC (Solano Commercial)

### 20.16 Land Use Classifications

Surrounding	North - SC	East - SC
Property Use	South - R-1	West - SC

### 20.20.080 Secondary Residential Units.

Not applicable.

### 20.24.020 Table Of Site Regulations By District.

Not applicable.

### 20.24.030 Overlay District Regulations.

Not Applicable

### 20.24.040 Hillside Residential Regulations.

Not applicable.

### 20.24.050 Floor-Area-Ratio.

Not applicable.

### 20.24.060 Setback Areas, Encroachments.

Not applicable.

### 20.24.100 Distances Between Structures.

Not applicable.

### 20.24.110 Fences, Landscaping, Screening.

See Discussion of Issues.

### 20.24.130 Accessory Buildings.

Not applicable.

### 20.40 Housing Provisions

Not applicable.

### 20.44 Non-conforming Uses, Structures and Lot

Not applicable.

### 20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

See Analysis.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on March 2, 2012 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

Not applicable.

## ATTACHMENT 2 - FINDINGS

### Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)

Required Finding	Explanation
<p>1. <b>Necessity, Desirability, Compatibility.</b> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i></p>	<p>The General Plan designates this area for General Commercial. The project meets City zoning standards for location, intensity and type of development. The site currently is operating as garden nursery.</p>
<p>2. <b>Adverse Impacts.</b> <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> <li>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i></li> <li>b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;</i></li> <li>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></li> <li>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></li> </ul>	<ul style="list-style-type: none"> <li>a. The proposal is in scale and harmony with existing development near the site. It is an already developed site.</li> <li>b. There is no off-street parking at the proposed location.</li> <li>c. The applicant has indicated that the trailer will operate with the use of a generator and does not require the engine to operate.</li> <li>d. There is existing fencing around the perimeter of the site as well as some tree coverage and plant merchandise between the properties.</li> </ul>
<p>3. <b>Consistency with Zoning Ordinance, General Plan and Specific Plan.</b> <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</i></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area.</p>

## **ATTACHMENT 3 - CONDITIONS OF APPROVAL**

### **SPECIAL PROJECT CONDITIONS**

**SP 1-** Signage reminding patrons to keep clean and dispose of trash in designated receptacles shall be placed on/in the vicinity of the truck.

**SP 2-** The Planning & Zoning Commission reserves the right review the Use Permit at any time to insure compliance with all project conditions. Failure to comply with the Conditions may result revocation of the Use Permit subject to public notification and formal public hearing.

**SP 3-** The Use Permit shall be subject to review and possible revocation if the Police Department determines there are law enforcement concerns regarding the operation of the food truck.

**SP 4-** Permitted business operation hours are 7am-2pm Monday-Friday and 8am-5pm Saturdays and Sundays. The applicant shall contact the Community Development Department of any modification to the hours of operation.

**SP 5-** The business operation shall comply with Section 17-1 "Smoking Pollution Control" of the Albany Municipal Ordinance.

**SP 6-** If new permanent signage is proposed for the food truck, it must be submitted to the Community Development Department for administrative review.

**SP 7-** The applicant shall provide a copy of a valid Alameda County Mobile Food Vendor's permit prior to the issuance of a business license.

### **GENERAL PROJECT CONDITIONS**

#### **Gen-1 - Project Approval.**

This Conditional Use Permit for Local 123 Café to operate at 1330 Solano Ave., as substantially provided in the staff report, may be modified by conditions herein. Plans include the report and project correspondence, as presented to the Planning and Zoning Commission on March 13, 2012. For any condition herein that requires preparation of a Final Plan where the project developer has submitted a conceptual plan, the project developer shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.

#### **Gen-2 Fees.**

The applicant shall pay all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in



effect at the time the relevant permits are secured, and shall be paid prior to issuance of said permit or prior to any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.

**GEN-3 Appeals.**

The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.

**GEN-4 Requirement for Building Permit.**

Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

**GEN-5 Fire Department Approval.**

As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.

**GEN-6 Engineering Approval.**

As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.

**GEN-7 Construction Hours.**

Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.

**GEN-8 Archeological Remains.**

In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Community Development Department notified, and a professional

archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.

**GEN-9            Modifications to Approved Plans.**

The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per Municipal Code Section 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.

**GEN-10          Hold Harmless Agreement.**

Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.

**GEN-11          Public Improvements Standards.**

Public improvements shall be designed and constructed in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer.

**GEN-12          Title 24 Standards.**

All construction shall be designed and built in accordance with California Title 24 disabled accessibility standards. Appropriate details and specifications shall be incorporated into the plans and submitted at time of building permit application.

**GEN-13          Energy Conservation Standards.**

All buildings shall be designed in accordance with the State of California energy conservation standards for non-residential buildings. The necessary plans and documentation shall be submitted at time of building permit application.

**LIGHTING CONDITIONS**

**LGHT-1          Exterior Lighting.**

All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way. If required, exterior light fixtures shall be equipped with “cut off” lenses to minimize light and glare spill over onto adjacent properties.

**LGHT-2      Shielding of Lighting.**

All accent lighting shall be directed downward and, if necessary, fixed with cut-off lenses to ensure that no glare spills onto neighboring properties.

**LANDSCAPING CONDITIONS**

**LNDSC-1      Tree Preservation.**

All existing trees on the site shall be preserved to the fullest extent practicable. Removal will be allowed only upon prior written approval from the Community Development Department.

**PARKING CONDITIONS**

**PARK-1**

All parking solutions shall conform to the approved plans as shown in the plans, as described in condition GEN-1 and maintained available for parking as shown on approved plans.

**SIGN CONDITIONS**

**SIGN -1    Signage Design Review Approval.**

All construction/installation of signage shall conform to the approved sign plan and color samples approved the Community Development Department.

**Appeals:**      The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council, if such appeal is filed within 14 days of the date of the action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.