

Planning and Development Department
Land Use Planning

U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code Title 23

USE PERMIT # 12-1000054

Property Address: **1763 ALCATRAZ AVENUE**

Permittee Name: **VIET VU**

Use and/or Construction Permitted:
to establish an approximately 600 square foot beer and wine bar with incidental on-site brewing.

- To establish alcoholic beverage sales, under BMC Section 23E.52.030 and Section 23E.16.040.B

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on March 21, 2013.

ATTACHMENT 1

FINDINGS AND CONDITIONS

FEBRUARY 28, 2013

1763 Alcatraz Avenue

Use Permit #12-1000054 to establish a beer and wine bar with incidental on site brewing.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 (“New Construction or Conversions of Small Structures”) and Section 15301 (“Existing Facilities”) of the CEQA Guidelines. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City, for the following reasons:
 - A. The creation of a beer and wine bar will encourage commercial activity, helping to develop a more pedestrian-oriented environment compatible with adjacent commercial uses.
 - B. The beer and wine bar with incidental on site brewing is in keeping with the purposes of the C-SA District in that it provides a service for uses and residences located in the immediate vicinity.
 - C. The project will help create an area of lower intensity community commercial uses that will serve as a transitional area between the Downtown area and the neighborhood-serving area south of Ashby Avenue.

STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. The second sheet may also be used if the first sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

Changes in the plans for the construction of a building or structure may be modified prior to the completion of construction, in accordance with Section 23B.56.020.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project. The Zoning Officer may also approve a maximum two-foot variation to Board approved plans, provided that such variation does not increase a structure's height, reduce the minimum distance to any property line, and/or conflict with any special objective sought by the Board.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations submitted by the applicant during the Staff review and public hearing process leading to the approval of this Permit, whether oral or written, which indicated the proposed structure or manner of operation are deemed conditions of approval.

6. Subject to all City and Other Regulations (Section 23B.56.040)

The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8 below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.

B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has (1) applied for a building permit or (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS OF APPROVAL

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

Prior to Issuance of Any Building Permit

10. Prior to issuance of a building permit, the applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit this record to the project planner upon request

Noise Management Individual _____
Name Phone #

11. The applicant and all persons associated with the project are hereby notified that a Transportation Management Permit (TMP) would be required under any of the following circumstances:

- Alterations, closures, or blockages to sidewalks or pedestrian paths
- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere in the public ROW
- Provision of exclusive contractor parking on-street
- Significant truck activity.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Public Works Traffic Engineering (981-6400) reviews all submitted TMP requests.

The TMP may include designation of a specific truck haul route. Meter heads (if in the construction area) shall be removed only by City staff. Contact the site inspector 72 hours in advance of required removal so arrangements can be made.

During Construction:

12. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season (between October 15 and April 15), the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
13. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
15. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
19. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

Prior to Final Inspection or Issuance of Occupancy Permit:

20. The project shall conform to the plans and statements in the Use Permit.
21. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated Received January 11, 2013.

At All Times:

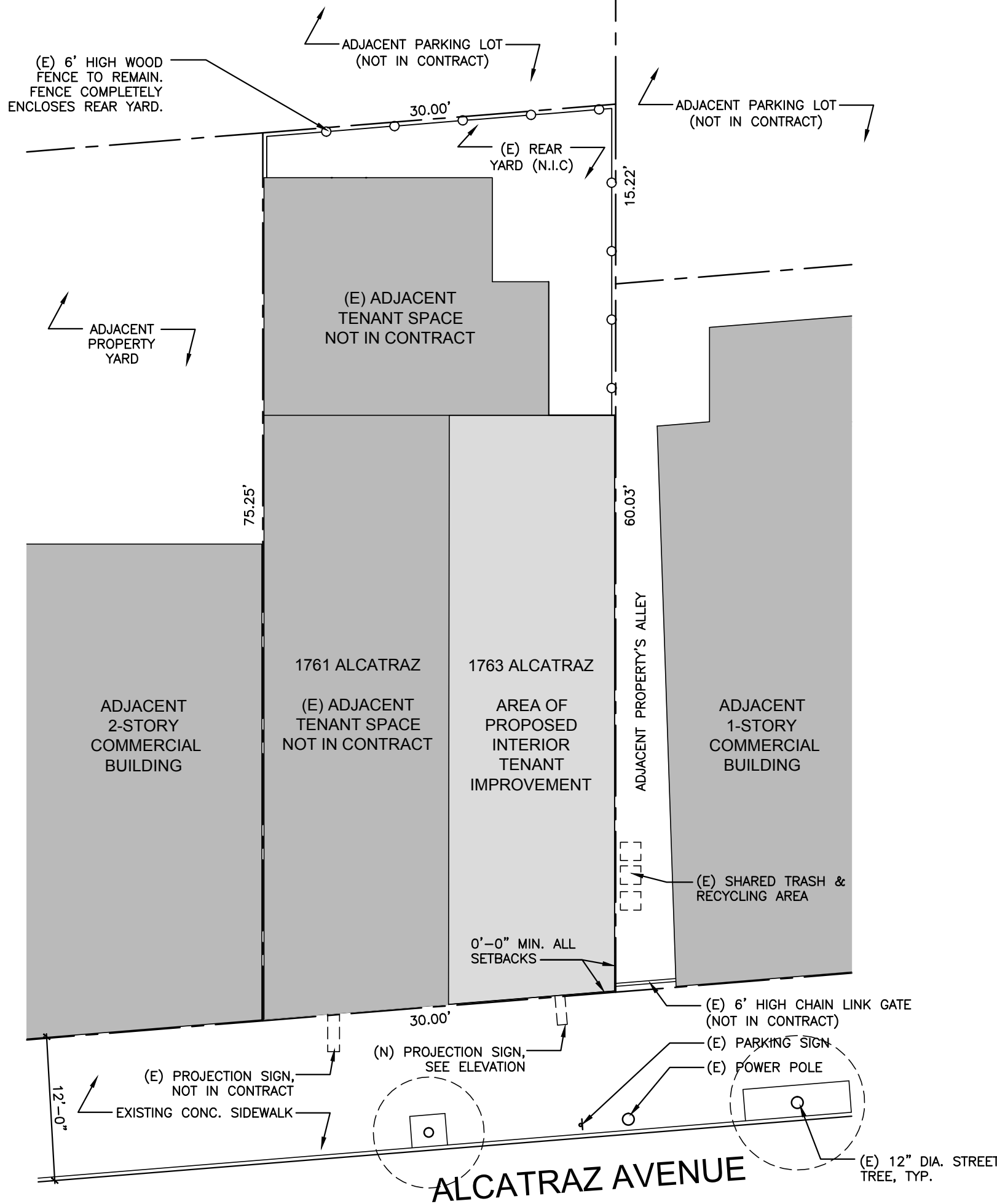
22. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
23. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
24. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review and/or Landmarks Preservation Commission approval.

Alcoholic Beverage Service Conditions

25. The establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
26. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
27. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.

28. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.
29. Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.
30. The service of alcohol shall be limited to beer and wine and limited to the hours of 12:00 p.m. – 12:00 a.m. Sunday through Thursday and 12:00 p.m. to 2:00 a.m. on Friday and Saturday. The Zoning Adjustments Board or designee shall approve any change in the hours of restaurant operations, of alcohol service, or both. Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.
31. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way.
32. There shall be no service or consumption of alcohol on the public right-of-way.
33. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.
34. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
35. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
36. Garbage and trash containers that are suitably enclosed and screened from view shall be provided subject to approval of the Zoning Officer, the Health Department and, where applicable, the Design Review Planner. Any establishment selling beverages in cans or bottles that are subject to the State of California Container Deposit Law shall provide separate bins or cans for the placement of such cans or bottles to ensure recycling of such containers.

- 37.** Containers used for the dispensing of prepared food shall identify the establishment. Polystyrene foam food packing is prohibited by Section 11.60.030 of the Berkeley Municipal Code.
- 38.** The operator of the restaurant/bar shall place a waste receptacle near the entry way and shall insure that garbage on the sidewalk in front of the establishment and within 50 feet thereof will be picked up periodically during each day, so that the sidewalk remains clean.



PROJECT INFORMATION:

ADDRESS: 1763 ALCATRAZ AVE, BERKELEY CA 94703

APN: 52-1531-7

BUILDING TYPE: SINGLE-STORY TYPE III-B BRICK BUILDING

ZONE: C-SA

PROJECT AREA: 613 SF INTERIOR RENOVATION, ALL OTHER SPACES NOT IN CONTRACT

PROJECT SPACES: BAR AREA, AREA FOR BREWERY TANKS, RESTROOM (NO COMMERCIAL KITCHEN FACILITIES)

EXISTING OCCUPANCY: B (COMMERCIAL STOREFRONT)

PROPOSED OCCUPANCY: B (NOT A-2 DUE TO <49 OCCUPANTS)

OCCUPANT LOAD: 30

PROPOSED # OF SEATS: 11

FIRE PROTECTION: 2 HOUR EXTERIOR BEARING WALLS, NON-RATED INTERIOR WALLS & ROOF, UNSPRINKLERED

APPLICABLE CODE: 2010 CBC

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jerry Blount
February 28, 2013

ARCHITECT: EDWARD OGOSTA ARCHITECTURE
11157 BARMAN AVENUE
CULVER CITY CA 90230
424 258 0077

APPLICANT / OWNER: VIET VU
1209 OAK ST. #2
SAN FRANCISCO CA 94117
415 305 1353

SCALE: 1/10" = 1'-0"

ISSUED: 01/10/13

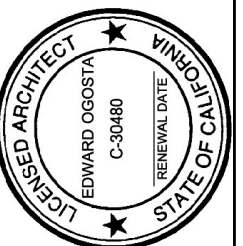
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SITE PLAN & PROJECT INFORMATION

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PROJECT: ALCATRAZ BREWPUB
1763 ALCATRAZ AVE.
BERKELEY CA 94703

PROJECT NUMBER: 1206



ARCHITECT:
EDWARD OGOSTA ARCHITECTURE
 11157 BARMAN AVENUE
 CULVER CITY CA 90230
 424 258 0077

APPLICANT / OWNER:
VIET VU
 1209 OAK ST. #2
 SAN FRANCISCO CA 94117
 415 305 1353

SCALE:
 1/8" = 1'-0"

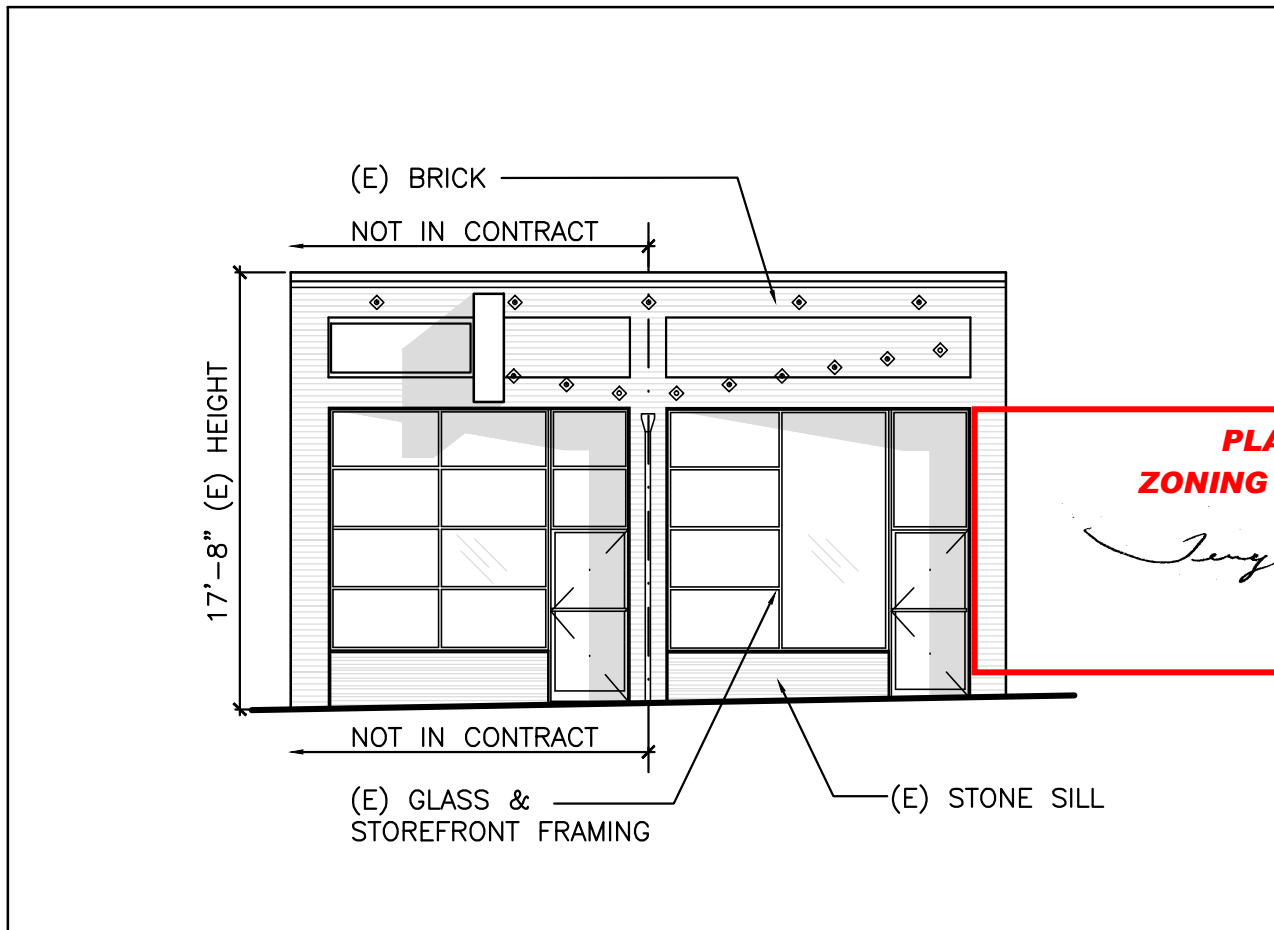
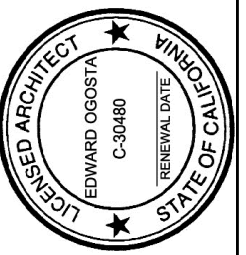
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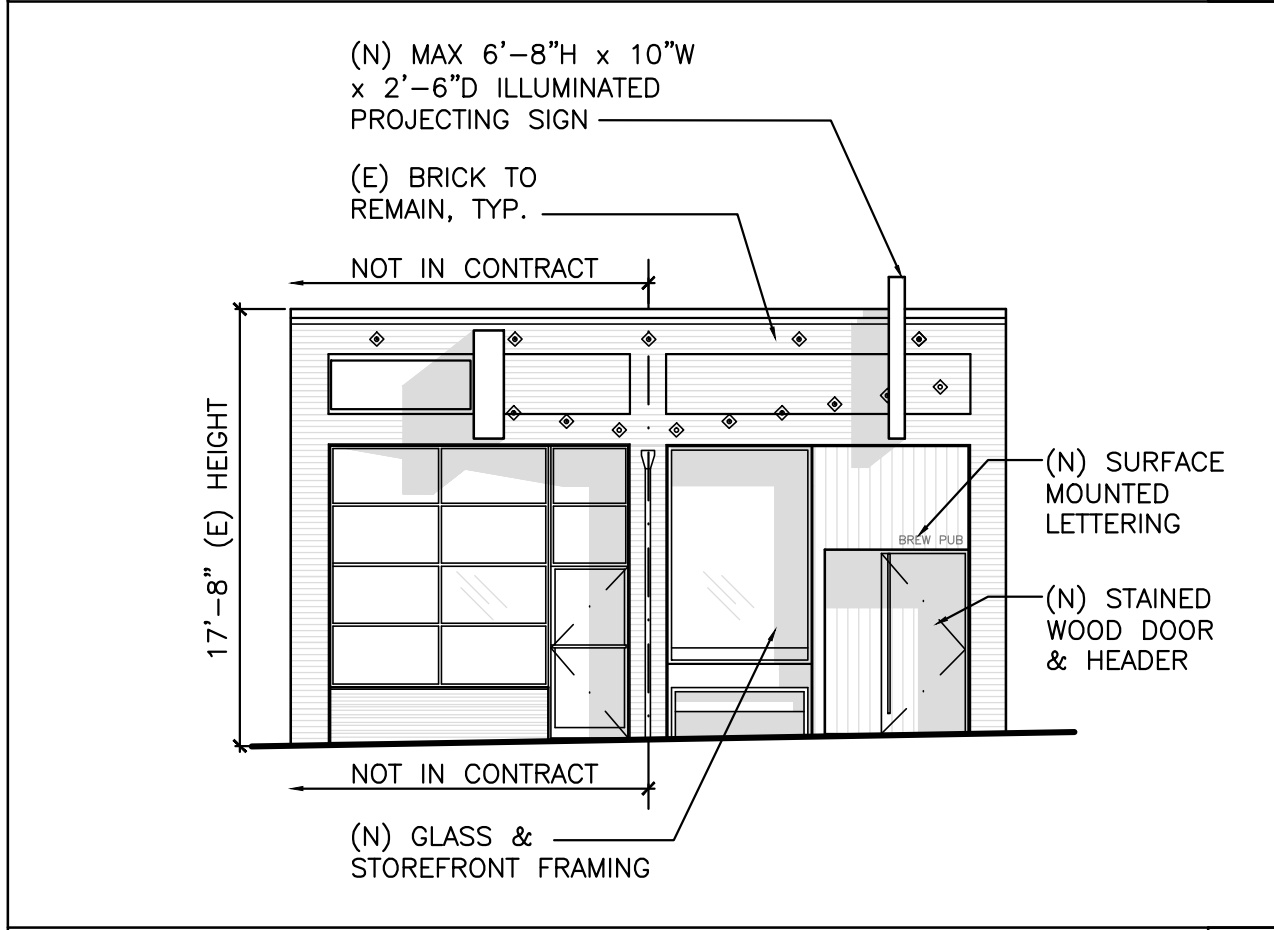
**PROPOSED FLOOR PLAN
 & EXTERIOR ELEVATIONS**

PROJECT:
ALCATRAZ BREWPUB
 1763 ALCATRAZ AVE.
 BERKELEY CA 94703

PROJECT NUMBER:
 1206



EXISTING FRONT ELEVATION 02

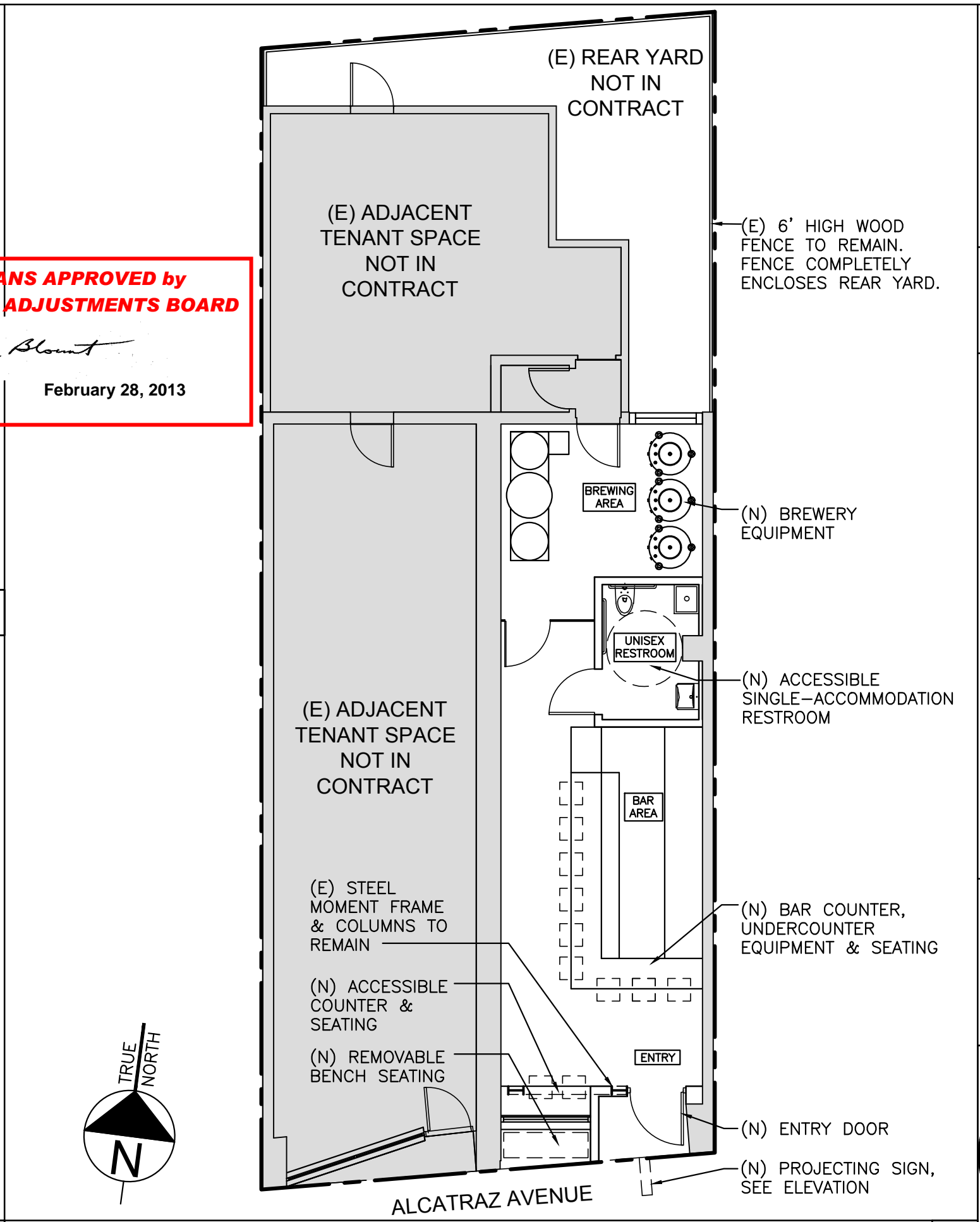
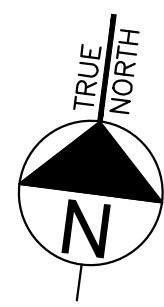


PROPOSED FRONT ELEVATION 03

**PLANS APPROVED by
 ZONING ADJUSTMENTS BOARD**

Jerry Blount

February 28, 2013



PROPOSED FLOOR PLAN 01