



Planning and Development Department
Land Use Planning Division

A D M I N I S T R A T I V E U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #2013-0123

Property Address: **2055 CENTER STREET, UNIT D**

Permittee Name: **KRISTIN PERSONETT**

Use and/or Construction Permitted: to establish 1,055 square foot full service restaurant with beer and wine service within an existing lease space pursuant to:

- Section 23E.68.030 to establish beer and wine service incidental to a full service restaurant.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

Following the expiration of the mandatory appeal period set forth in Section 23B.28.040 of the Berkeley Municipal Code, with no timely appeal being filed, the Administrative Use Permit described herein has been duly granted by the Zoning Officer on January 9, 2014.

Attest: Greg Powell
Greg Powell, Senior Planner for
Eric Angstadt, Zoning Officer

January 9, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS DECEMBER 19, 2013

2055 Center Street

Administrative Use Permit #2013-0123

To establish 1,055 square foot full service restaurant with beer and wine service within an existing lease space.

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 of the CEQA Guidelines (“New Construction or Conversions of Small Structures”). As provided under CEQA Guidelines Section 15301 the addition of beer and wine service to an existing restaurant in a commercial building, on a site zoned for commercial uses. The project does not qualify as an exception to this Section for the following reasons:

The use will remain substantially the same and no new floor area will be added.

FINDINGS FOR APPROVAL

2. As required by Section 23B.28.050.A of the Zoning Ordinance, *the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the 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 because:*
 - The establishment of incidental beer and wine service at a full service restaurant will encourage commercial activity, helping to develop a more pedestrian-oriented environment compatible with adjacent commercial uses by expanding the types of goods and services offered in the downtown area.
 - The beer and wine service would be incidental to food service. Due to the incidental nature of the service, and the size and location of the restaurant, alcohol sales will not have significant detrimental impact on public health, safety, or peace.
 - Conditions #10-21 pertaining to alcohol service will be implemented to limit detriment.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* 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 issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

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

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

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. Indemnification Agreement

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.

At All Times (Operation):

- 10. The project shall conform to the plans and statements in the Administrative Use Permit application, dated September 23, 2013.
- 11. Use Permit approval has been granted for the service of beer and wine incidental to the approved food service. No service of distilled spirits is permitted without prior application and Use Permit approval.
- 12. Alcohol shall be served in tableware, not to be taken off-site.
- 13. At no time may alcohol be served or consumed outside the building.
- 14. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete a course in Responsible Beverage Sales and Service (RBSS) through 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.
- 15. The applicant shall request that the California Department of Alcoholic Beverage Control (ABC) place the following conditions on the applicant's alcohol license:
 - A. The sale of alcohol beverages for consumption off the premises is strictly prohibited;
 - B. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.
- 16. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and thefts.
- 17. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

18. The owner and/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.
19. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
20. A copy of these conditions shall be maintained on the premises and made available upon the demand of any peace officer or authorized code enforcement officer.
21. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.



Prepared by Claudine Asbagh for
Debbie Sanderson, Zoning Officer

BOTELLA REPUBLIC

T.I. in COMMERCIAL BUILDING

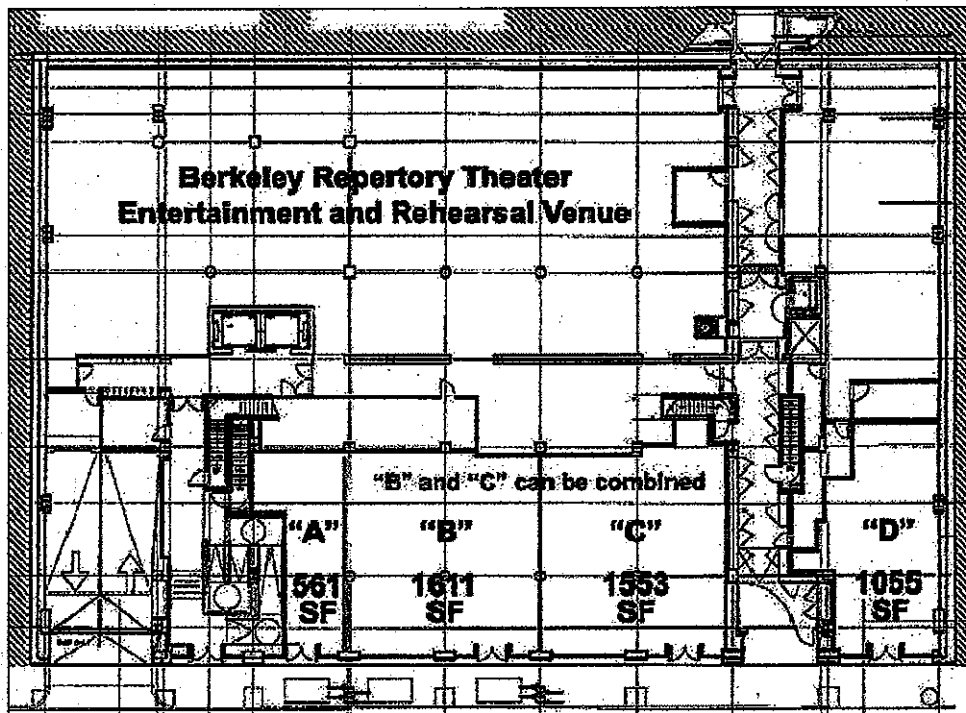
A PROPOSED WINE BAR W/ BEER + WINE SERVICE and LIGHT FARE

2055 CENTER STREET "D" BERKELEY CA

RECEIVED

SEP 28 2013

LAND USE PLANNING



CONTENTS

- 11X17 PACKET CONTENTS:
 A1- SITE PLAN
 A2- SANBORN MAP / FLOOR PLAN
 A3- ASSOCIATED ZONING DOCUMENTS

APPROVED PLAN	12-17-13
<i>[Signature]</i>	DATE
<input checked="" type="checkbox"/> PLANNING	
<input type="checkbox"/> D.R. Conditions Attached	
<input type="checkbox"/> A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	

iNDiGO
design group

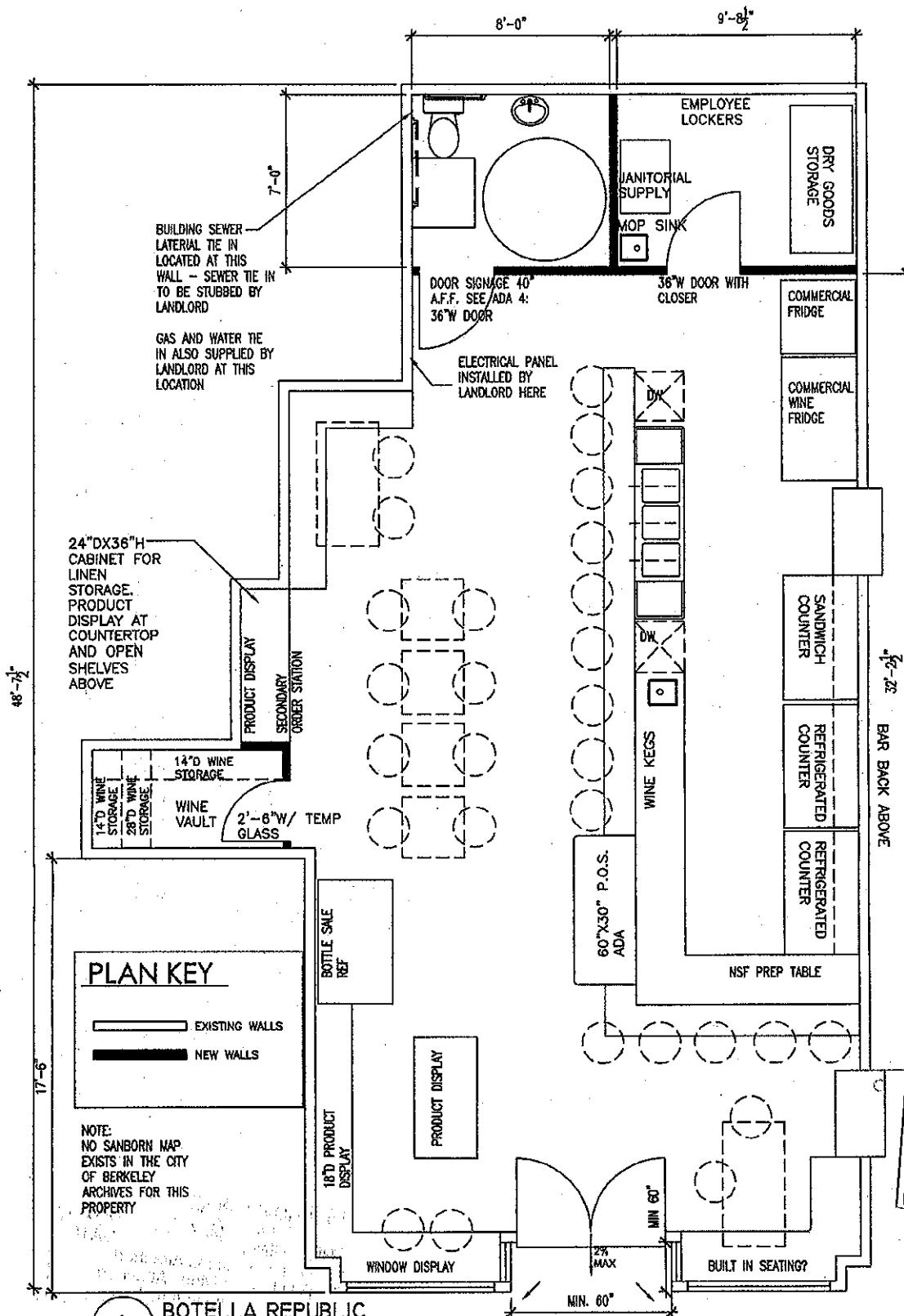
phn: 510-897-4289 fax: 510-656-3705
 www.Indigo-design-group.com Indigodesigngroup@gmail.com

PROJECT CONTACT:

PROJECT SCOPE

This application is for the Zoning Approval of a discretionary permit (AUP) to allow a new commercial service, BOTELLA REPUBLIC, to operate as a light fare Napa style restaurant with beer and wine service, at an existing commercial location (Arpeggio) within the zoning approved standard of the Downtown District

A1



1 BOTELLA REPUBLIC
FLOOR PLAN 1/4" = 1'-0"

<p>INDiGO design group</p> <p>phn: 510-697-4289 fax: 510-655-3705 www.Indigo-design-group.com indigodesigngroup@gmail.com</p>	<p>PROJECT SCOPE</p> <p>This application is for the Zoning Approval of a discretionary permit (AUP) to allow a new commercial service, BOTELLA REPUBLIC, to operate as a light fare Napa style restaurant with beer and wine service, at an existing commercial location (Arpeggio) within the zoning approved standard of the Downtown District</p>	<p>A2</p>
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APPROVED PLAN
[Signature]
PLANNING 12/17/12
 DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached