



Planning and Development Department  
Land Use Planning

# U S E P E R M I T

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CITY OF BERKELEY ZONING ORDINANCE  
Berkeley Municipal Code Title 23

**USE PERMIT # UP2013-0033**

Property Address: **2635 ASHBY AVENUE**

Permittee Name: **JOHN PALUSKA  
Belt and Suspenders, LLC**

Use and/or Construction Permitted: to establish a full service restaurant in the Elmwood Commercial (C-E) Zoning District

RESOLUTION, FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the City Council and is in effect on March 26, 2014.

RESOLUTION NO. 66,513-N.S.

AFFIRMING THE ZONING ADJUSTMENTS BOARD'S APPROVAL OF USE PERMIT NO. 2013-0033 TO ESTABLISH A FULL SERVICE RESTAURANT IN THE ELMWOOD COMMERCIAL (C-E) ZONING DISTRICT AND DISMISSING THE APPEAL

WHEREAS, on July 17, 2013, John Paluska of Belt and Suspenders, LLC ("applicant") filed an application for a Use Permit to establish a Full Service Restaurant within an existing two-story commercial building at 2635 Ashby Avenue ("project"); and

WHEREAS, on August 16, 2013, the application was deemed complete; and

WHEREAS, on November 20, 2013, staff mailed and posted a Notice of Public Hearing and Intent to Adopt a Negative Declaration for the project in accordance with BMC Section 23B.32.020 and the California Environmental Quality Act (CEQA); and

WHEREAS, on December 12, 2013, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, adopted a negative declaration and made all required findings under CEQA, and approved the project; and

WHEREAS, on December 19, 2013, staff issued the notice of the ZAB decision; and

WHEREAS, on January 2, 2014, Rob Carter of 2933 Benvenue Avenue and Stuart and Louise Beattie of 2929 Benvenue Avenue filed an appeal of the ZAB decision with the City Clerk on behalf of the Elmwood Neighborhood Association; and

WHEREAS, on March 25, 2014, the Council considered the record of the proceedings before the ZAB, and the staff report and correspondence presented to the Council, and, in the opinion of this Council, the facts stated in, or ascertainable from this information, do not warrant further hearing.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby adopts the findings made by the ZAB in Exhibit A, affirms the decision of the ZAB to adopt a negative declaration and approve Use Permit No. 2013-0033, adopts the conditions in Exhibit A and the project plans in Exhibit B, and dismisses the appeal.

The foregoing Resolution was adopted by the Berkeley City Council on March 25, 2014 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

Attest:

  
Mark Numainville, CMC, City Clerk

  
Tom Bates, Mayor

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

DECEMBER 12, 2013

### 2635 Ashby Avenue

**Use Permit #13-33 to establish a Full Service Restaurant within an existing two-story commercial building, exceeding the C-E District's numerical limit on such restaurants, with 5,282 sq. ft. of floor area (approx. 1,900 sq. ft. customer service area), incidental service of beer, wine and distilled spirits, and extended operating hours**

#### Zoning Permits Required:

- Use Permit to allow a change of use of over 3,000 square feet of floor area (from automotive repair to food service), under BMC Section 23E.44.030.A
- Use Permit to exceed numerical limitation (i.e. "quota") on Full Service Restaurants, under BMC Section 23E.44.040; approval of this permit would increase the number of Full Service Restaurants to 9, where the initial limit for the District was set at 7
- Use Permit to allow Alcoholic Beverage Service (incidental service of beer, wine and distilled spirits with meals), under BMC Sections 23E.16.040.A and 23E.44.030.A
- Use Permit to extend hours of operation<sup>1</sup> until 11:00 p.m., Sunday through Thursday, and 12 midnight, Friday and Saturday, under BMC Section 23E.44.060.A; latest permitted closing without Use Permit is 11 p.m.
- Administrative Use Permit to establish a Full Service Restaurant, under BMC Section 23E.44.030.A

#### CEQA FINDINGS

1. The Zoning Adjustments Board has considered the proposed negative declaration together with any comments received during the public review process, and finds, on the basis of the whole record before it, that: (1) there is no substantial evidence the project will have a significant effect on the environment, and (2) the negative declaration reflects the lead agency's independent judgment and analysis. The record of proceedings upon which this decision is based is located at the City of Berkeley Planning and Development Department, Land Use Planning Division, 2120 Milvia Street, 2<sup>nd</sup> floor, Berkeley, CA 94704.

<sup>1</sup> Per BMC Section 23E.16.010.B, "In the case of food service establishments, hours of operation include the time that the business is open for customer access to the departure of the last patron. These limitations do not apply to the delivery, maintenance, security, product preparation and other pre-opening activities, and, cleanup, shutdown, and other post-closure activities which do not involve presence of customers."

**GENERAL NON-DETRIMENT FINDING**

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2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed Full Service Restaurant, including all of the zoning permits listed above, 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. As discussed in Finding 3.3 below, the establishment is consistent with the purposes of the Elmwood Commercial District and will not result in the domination of the District by any one type of use.
  - B. The Police Department has reviewed the application and does not have any concerns about the proposed alcohol service, and this Permit contains standard conditions for alcohol service that would limit the potential for detrimental impacts from this component of the application.
  - C. As discussed in the staff report, the project is consistent with applicable policies of the General Plan, including Policies LU-26, T-16, and T-20.
  - D. As discussed in Finding 3.3 below, the establishment would not generate substantial impacts related to traffic and parking demand.

**OTHER REQUIRED FINDINGS**

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3. Pursuant to Berkeley Municipal Code Section 23E.44.090.B, the Zoning Adjustments Board finds that:
- 1. The proposed use will encourage and maintain the present street frontage and pedestrian orientation of the District, because it does not include any substantial alterations to the existing building façade, and the windows will remain unobstructed to allow passersby a clear view of the interior of the space.
  - 2. The proposed use will be compatible in design and character with the commercial District and the adjacent residential neighborhoods, because it does not involve substantial alterations to the existing structure, and the food service use is consistent with established uses in the District and with the needs of surrounding neighborhoods.
  - 3. The proposed use will be compatible with the purposes set forth in Section 23E.44.020 and the existing character of the District, as follows:

- A. Implement the Master Plan's designation for a community commercial district in this area.

**Finding:** This purpose does not directly apply to the proposed project, as it relates primarily to the overall adoption of the C-E regulations rather than specific land use permits; however, the project's conformance with applicable policies of the General Plan (successor to the Master Plan) is discussed in Finding 2.C above.

- B. To maintain a scale and balance of retail goods and services in the district to compatibly serve the everyday needs of surrounding neighborhoods by:

1. Providing locations for retail goods and service establishments to serve surrounding neighborhoods;

**Finding:** Although the proposed use is not a retail or personal/household service use, public communications submitted in support of the project indicate that the establishment would provide a type of food service desired by a substantial portion of nearby residents. Furthermore, a substantial portion of the establishment's anticipated customers live within the vicinity of the Elmwood District, as discussed in Finding 4 below. Also see Finding 3.B.5 below.

2. Preventing development which exceeds the amount and intensity of use that is compatible with adjacent residential neighborhoods;

**Finding:** The project does not involve new "development," and in any case, would not exceed the amount and intensity of use that is compatible with adjacent residential neighborhoods, as discussed in Finding 3.B.3 below.

3. Limiting the space occupied by businesses that generate high traffic and/or parking demands;

**Finding (Traffic):** According to a traffic impact analysis for the project that was reviewed and accepted by the City's Transportation Division, the project would not generate sufficient vehicle trips to exceed any of the City's thresholds for a significant traffic impact at the Ashby/College intersection.

**Finding (Parking):** The project is not subject to additional parking requirements, pursuant to BMC Section 23E.44.080.B. According to a parking study for the project that was reviewed and accepted by the City's Transportation Division, at least 111, and as many as 174, public parking spaces are available (i.e. not occupied) within the study area during the restaurant's peak demand periods (Saturdays from 12-1 p.m. and 7-8 p.m.). The study also calculated the restaurant's parking demand during the peak periods at 37 spaces (56 if basement area is included in calculation).

Therefore, the number of available parking spaces would exceed the restaurant's peak demand by at least 74 spaces (55 if basement area is included in calculation). According to these data, there would be sufficient parking in the vicinity to accommodate the restaurant's patrons, and the project would not have any substantial adverse impacts related to lack of parking.

4. Controlling the proliferation of establishments which, if not limited, might expand to displace establishments needed to serve surrounding neighborhoods;

Finding: The establishment would not increase the number of restaurants in the District to a level that would dominate the District or displace other types of uses needed to serve surrounding neighborhoods, as discussed further in Finding 3.7 below.

5. Permitting other uses which serve this objective.

Finding: As discussed in Finding 3.B.1 above, public communications submitted in support of the project indicate that the establishment would provide a type of food service desired by a substantial portion of nearby residents. As discussed in Finding 4 below, a substantial portion of the establishment's anticipated customers live within the vicinity of the Elmwood District.

- C. To ensure that new buildings, alterations and additions to existing buildings harmonize with their surroundings.

Finding: This purpose does not apply to the project as the project does not involve a new building, exterior alteration, or addition.

4. The proposed use will not interfere with the continuity of retail or compatible service facilities at the ground level, because it remove or reduce the existing ground-level commercial space, or establish a use which is not pedestrian-oriented (e.g. office).
5. The proposed use will not interrupt a continuous wall of building facades, because it maintains the existing building façade.
6. The proposed use will not generate traffic and parking demand beyond the capacity of the commercial District or significantly increase impacts on adjacent residential neighborhoods, as discussed in Finding B.3 above.
7. The proposed use will not result in domination of this District by one type of use, because it would increase the number of Full Service Restaurants (FSRs) in the District from eight to nine, less than ten percent of the total businesses in the District, and it would increase the total number of restaurants (including Quick

Service and Carry Out) to 23, less than 25 percent of the total businesses in the District. These percentages are far below any that could reasonably be considered as "domination." Furthermore, although the restaurant would be larger than most restaurants in the District, there two other restaurants in the District with a similar ground floor area, Shen Hua at 2914 College and King Yen at 2995 College, and therefore, the size of the proposed FSR would not be greatly out of proportion to other restaurants in the District, or result in restaurant "domination."

8. The proposed use will not generate objectionable odors nor excessive levels of noise, because there are no residential uses directly above the kitchen area of the proposed restaurant, and this Permit contains sufficient conditions of approval to ensure that such impacts can be limited should they occur in the future.
4. Pursuant to Berkeley Municipal Code Section 23E.44.090.C, the Zoning Adjustments Board finds that the exception to the limit on the number of Full Service Restaurants in the Elmwood Commercial District will result in the positive enhancement of the purposes of the District. As discussed in Finding 3.3, the project is compatible with the purposes of the District. Furthermore, a substantial number of residents from surrounding neighborhoods would patronize the restaurant, as evidenced by 37 communications indicating support for the project from persons living within a 15-minute walk from the site. In addition, other project supporters have stated that they live "in the neighborhood" or "in the Elmwood," and others have indicated that they lived just beyond a 15-minute walk from the site, or in adjacent neighborhoods such as Oakland's Rockridge area. The ZAB also finds that Section 23E.44.090.C does not require evidence of substantial merchant support, although the applicant has provided six communications supporting the project from employees and/or owners of three nearby businesses.
5. Pursuant to BMC Section 23E.16.040.B.2, the Zoning Adjustments Board finds that the request to establish incidental service of beer, wine and distilled spirits with meals at this location is permissible because it meets the required findings of *Public Convenience or Necessity*, as follows:
  - A. The proposed establishment of incidental service of beer, wine and distilled spirits will promote the City's economic health by creating an additional source of sales tax revenue and by contributing to the overall vitality of the Elmwood Commercial District. It will also further General Plan Policy LU-26 and C-E District Purpose B.1, by providing a new location serving "craft" cocktails not currently available in this area, and by supporting the establishment of a Full Service Restaurant serving a cuisine not currently available in the area.
  - B. The economic benefits associated with the establishment could not reasonably be achieved without the sale of beer, wine and distilled spirits, because these beverages typically provide an important revenue source for Full Service Restaurants, which have higher expenses than Quick Service Restaurants (QSRs) and do not generate the high customer volumes associated with QSRs.

- C. The applicant has not operated a licensed establishment that has been the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations.
- D. The establishment is located within 1,000 feet of "Ashby Place Park," a small public park on Ashby Avenue about one block east of College Avenue. The proposed service of alcoholic beverages would have no effects on this park as all beverages would be consumed on the site, primarily with meals. There are no Berkeley Unified School District schools within 1,000 feet of the site.
- E. The Berkeley Police Department has reported that the proposed establishment would not be expected to add to crime in the area.

#### STANDARD CONDITIONS

##### **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 exclude 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 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 does not 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.



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.

13. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
14. 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.
15. 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.
16. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
17. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

**Prior to Issuance of Occupancy Permit or Final Inspection:**

18. At least three months, but not later than six months after the establishment commences normal operations, a study shall be performed to verify the effectiveness of the truck loading zone and determine if any modifications to the TLZ are necessary. The study shall be prepared by a consultant approved by the City's Transportation Division and working under contract with the applicant or property owner, and shall be conducted according to a work scope approved by the Transportation Division. Upon completion of the study and review by the Transportation Division, the applicant or property owner shall complete (at their expense) any modifications to the TLZ deemed necessary by the Transportation Division. The Zoning Adjustments Board encourages the Transportation Division to consider allowing the loading zone to be used for parking during weekday afternoon and weekend hours.

**At All Times – General:**

19. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
20. 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.

21. Hours of operation (as defined in BMC Section 23E.16.010) shall be limited to 7:00 a.m. to 11:00 p.m., Sunday through Thursday, and 7:00 a.m. to 12 a.m. (midnight), Friday and Saturday. Any change in the hours of operation (except decreased hours in compliance with ABC regulations) shall be approved by the Zoning Adjustments Board. 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.
22. 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, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity.
23. 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.
24. The premises shall not be rented out to third-party "promoters" for any special events or parties.

**At All Times – Alcohol:**

25. This Permit has been granted for the sale of beer, wine, and distilled spirits incidental to the food service. Sales for off-site consumption are not permitted without approval of applicable permits for such sales or service.
26. Alcoholic beverage service shall be "incidental" to the primary food service use as defined in the Zoning Ordinance Section 23F.04.010. In addition, the California Department of Alcohol Beverage Control (ABC) allows this alcohol use only as part of a "bona fide eating place" making "actual and substantial sales of meals," and stringently enforces this requirement.
27. The establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
28. 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. Compliance with this condition shall be confirmed by the Zoning Officer prior to issuance or transfer of a business license to future operators at this location.

29. 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 substantially 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.
30. The applicant shall comply with ABC regulations for License Type 47, which requires that the food establishment operate as a bona fide eating place, make actual and substantial sales of meals during normal meal hours, and that the establishment operate at least five days a week. In addition, prior to issuance of a City business license or certificate of occupancy, the applicant shall request that the California Department of Alcoholic Beverage Control (ABC) place the following conditions on the establishment's alcohol license, and this Permit shall only be operative for as long as these conditions are placed on the associated ABC license:
  - A. The sale of alcohol beverages for consumption off the premises is strictly prohibited;
  - B. There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages;
  - C. During operating hours, 100% of the service area shall be designed and used for and must possess the necessary utensils, and condiment dispensers with which to serve meals to the public; and
  - D. 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. Signs that are clearly visible to the exterior shall constitute a violation of this condition.
31. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to issuance of a City business license or certificate of occupancy.
32. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and thefts.
33. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

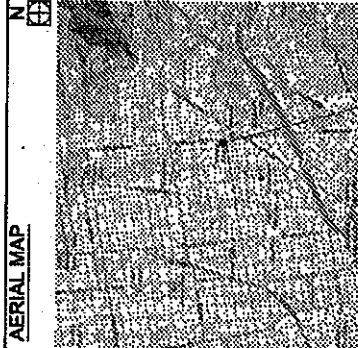
34. No sign(s) visible from the public right-of-way advertising alcoholic beverages shall be allowed.
35. At no time may alcohol be served or consumed in the public right-of-way. This condition shall no longer be effective if the Berkeley Municipal Code is revised to permit such alcohol service or consumption.
36. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
37. All alcoholic beverages shall be served in durable, non-disposable restaurant tableware – i.e., either cups or glasses. No alcoholic beverage shall be served in its original bottle or can, or in any other potentially disposable container.
38. No alcohol shall be transported off-site from the establishment to any other establishment or to the public right-of-way, except for authorized sidewalk seating on the premises in compliance with all applicable State and City laws and regulations.
39. 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.

**At All Times – Food Service:**

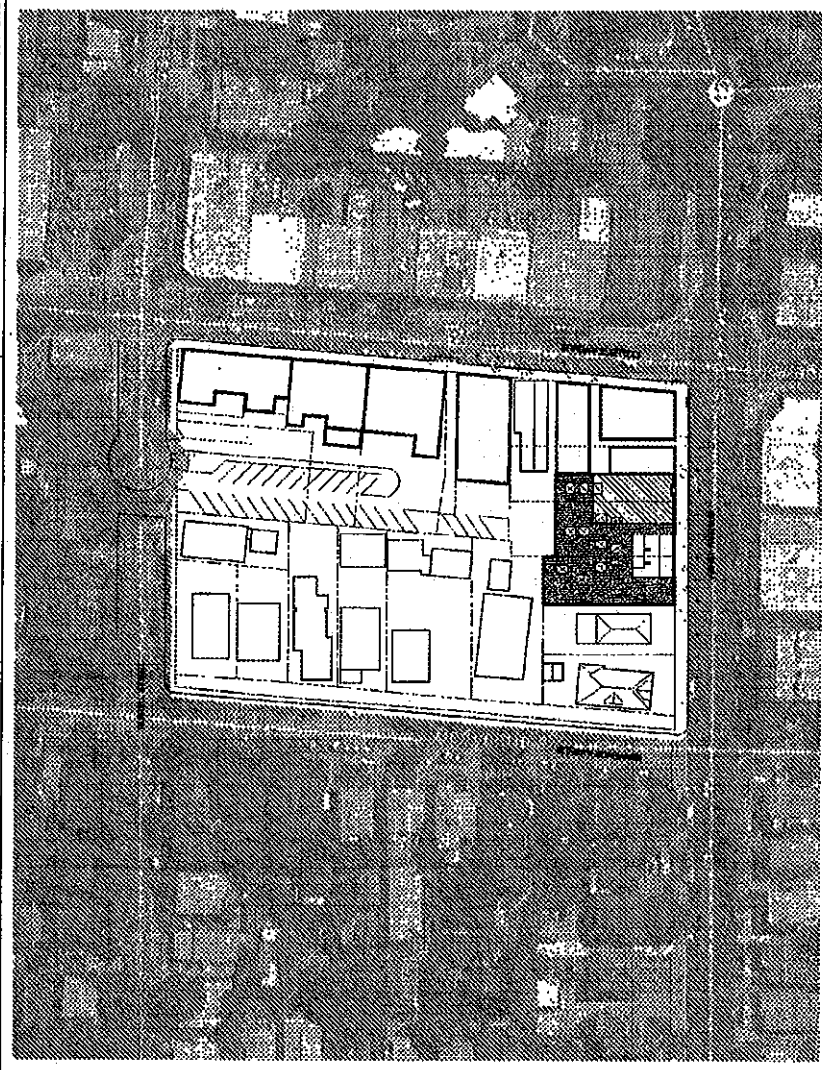
40. Interior customer seats shall be limited to 100. Live entertainment shall be prohibited. Changes in the nature of the operation including, but not limited to, the addition of seating (exceeding 100 interior seats), changes in hours (except decreased hours in compliance with ABC regulations), and the addition of live entertainment, shall require modification of this permit subject to approval by the Zoning Adjustments Board. The addition of sidewalk seating in compliance with all applicable regulations shall not require modification of this permit.
41. Changes to the building's facade, including doors or windows, site plans, landscaping, signage, and awnings are subject to Design Review and approval prior to issuance of a building permit.
42. Cooking odors, noise, exterior lighting and operation of any parking area shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by employees working on the premises before or after patrons arrive.
43. Smoke and odor control equipment approved by the City Environmental Health Division and providing adequate protection to residential uses near the restaurant shall be installed (or previous installation shall be verified) prior to issuance of an Occupancy Permit.

44. Municipal recycling and waste containers shall be placed at curbside no earlier than close of business on the day before the next scheduled pickup, and shall be removed from the curbside as soon as possible, but not later than two hours after pickup.
45. 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.
46. Any establishment selling beverages in cans or bottles that are subject to the State of California Container Deposit Law shall recycle such containers.
47. The operator 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.
48. 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.
49. The applicant shall comply with Berkeley Municipal Code Chapter 9.88, which requires businesses with 10 or more employees to provide either (1) a program for excluding employee transit expenses from taxable earnings, (2) a transit subsidy equal to the value of a monthly AC Transit bus pass, or (3) a shuttle service.

**AERIAL MAP**



PROJECT SITE



**PLLOT PLAN & NEIGHBORHOOD VICINITY MAP**  
N.T.A.

**SITE / BLDG INFORMATION**

TENANT OWNER: JAMES FALLONSON  
 ADDRESS: 2635 ASHBY AVENUE  
 PLANNING AGENCY: CITY OF BERKELEY  
 APN: 151-01-001-001  
 TYPE OF CONSTRUCTION: TYPE 1 (NEW CONSTRUCTION)  
 BUILDING STRUCTURE: RESTAURANT  
 TENANT USE: COMMERCIAL RESTAURANT  
 TENANT OCCUPANCY: 1A  
 LOT AREA: 10,000 SF  
 TENANT TOTAL SF: 10,000 SF

**SCOPE OF WORK**

TO PROVIDE TO THE CITY OF BERKELEY THE NECESSARY ARCHITECTURAL AND ENGINEERING DRAWINGS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE RESTAURANT BUILDING AND ALL NECESSARY PERMITS AND APPROVALS.

**LIST OF TENANT CONSULTANTS**

**ARCHITECT:**  
 JAMES FALLONSON  
 2635 ASHBY AVENUE  
 BERKELEY, CA 94705  
 PHONE: 510-841-1111  
**FOOD SERVICE DESIGNERS:**  
 STEVEN RESTAURANT - SAN FRANCISCO  
 1000 CALIFORNIA STREET  
 SAN FRANCISCO, CA 94109  
 PHONE: 415-774-1111

**DRAWING INDEX**

1. GENERAL NOTES  
 2. FLOOR PLAN

**GENERAL NOTES**

1. THE OWNER OF THIS PROJECT HAS REPRESENTED TO THE CITY OF BERKELEY THAT THE PROJECT IS A RESTAURANT AND THAT THE PROJECT WILL BE USED AS SUCH. THE CITY OF BERKELEY HAS REVIEWED THE PROJECT AND HAS DETERMINED THAT THE PROJECT IS A RESTAURANT AND THAT THE PROJECT WILL BE USED AS SUCH.
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**SYMBOL KEY**

	EXISTING CONCRETE
	EXISTING MASONRY
	EXISTING WOOD
	EXISTING METAL
	EXISTING GLASS
	EXISTING PAINT
	EXISTING ROOFING
	EXISTING FLOORING
	EXISTING CEILING
	EXISTING WALLS
	EXISTING PARTITIONS
	EXISTING DOORS
	EXISTING WINDOWS
	EXISTING STAIRS
	EXISTING ELEVATORS
	EXISTING MECHANICAL
	EXISTING ELECTRICAL
	EXISTING PLUMBING
	EXISTING HVAC
	EXISTING FIRE
	EXISTING SECURITY
	EXISTING SIGNAGE
	EXISTING LANDSCAPE
	EXISTING UTILITIES
	EXISTING TELECOMMUNICATIONS
	EXISTING TRANSPORTATION
	EXISTING OTHER

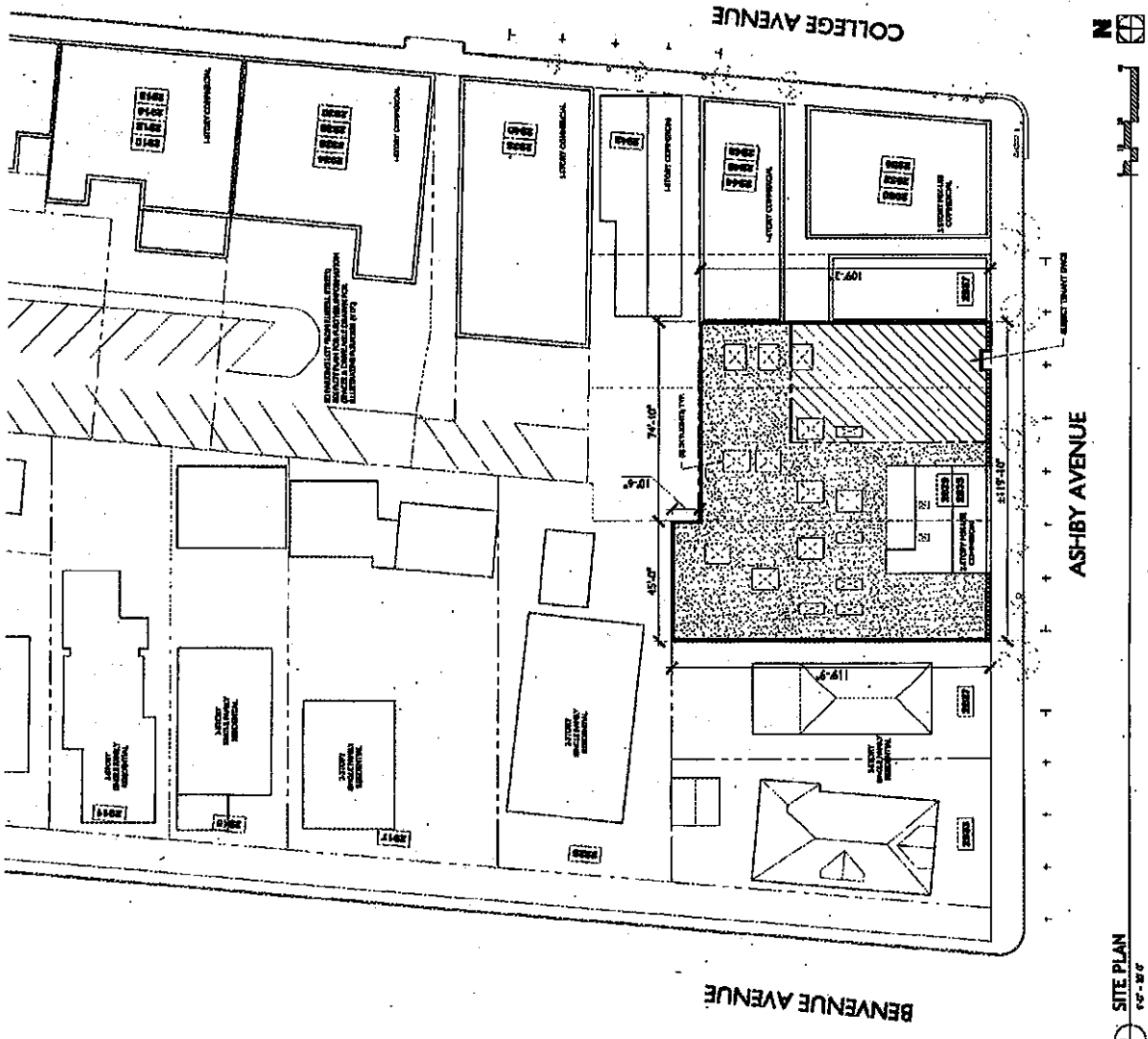
**A0.0**

COVER SHEET

USE RESTAURANT APPLICATION  
 2635 ASHBY AVENUE  
 BERKELEY CA 94705

JAMES FALLONSON  
 ARCHITECT  
 2635 ASHBY AVENUE  
 BERKELEY, CA 94705  
 PHONE: 510-841-1111





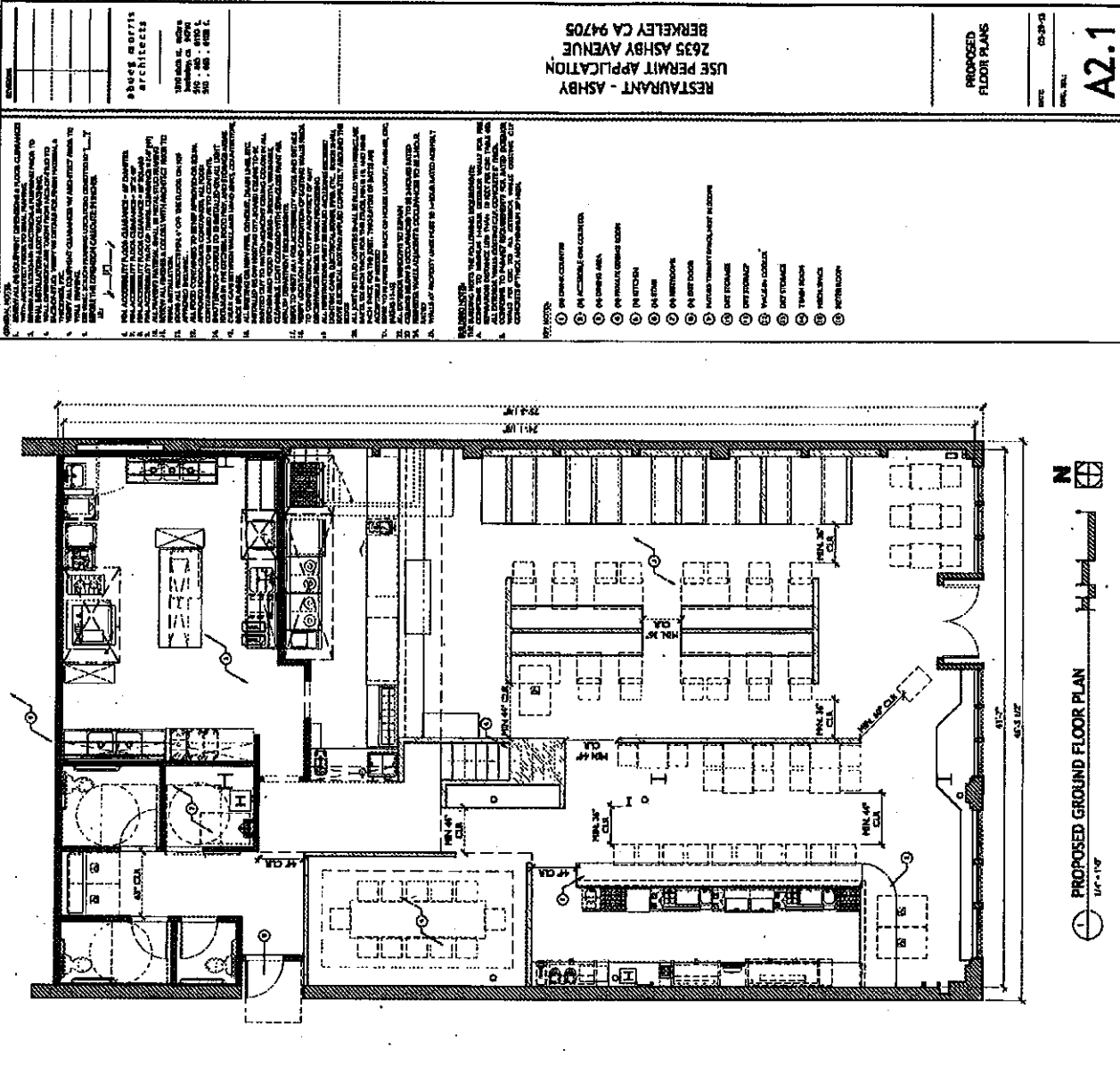
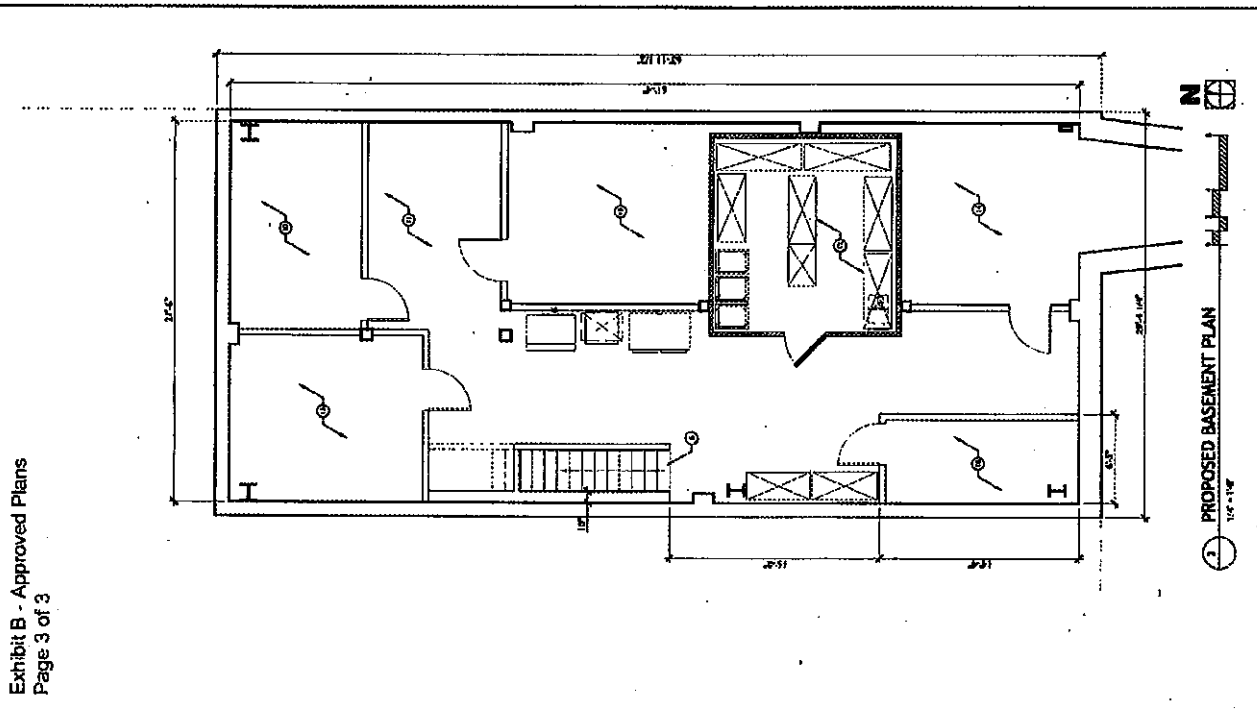
**abuq morris architects**  
 2635 ASHBY AVENUE  
 BERKELEY CA 94705  
 TEL: 415.863.2012  
 FAX: 415.863.2013

**RESTAURANT - ASHBY**  
 USE PERMIT APPLICATION  
 2635 ASHBY AVENUE  
 BERKELEY CA 94705

**SITE PLAN**  
 DATE: 05-09-13  
 DRAWN BY: [Signature]

**A1.0**

1. THIS PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BERKELEY.
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS AND THE CALIFORNIA LABOR COMMISSION.
4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH AND THE CALIFORNIA STATE BOARD OF EQUAL OPPORTUNITY.
5. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND THE CALIFORNIA STATE BOARD OF WATER CONTROL.
6. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF AGRICULTURE AND THE CALIFORNIA STATE BOARD OF FOOD AND DRUGS.
7. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF EDUCATION AND THE CALIFORNIA STATE BOARD OF EDUCATION.
8. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES AND THE CALIFORNIA STATE BOARD OF SOCIAL SERVICES.
9. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS AND THE CALIFORNIA LABOR COMMISSION.
10. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS AND THE CALIFORNIA LABOR COMMISSION.



**NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED.
3. ALL FLOORS ARE TO BE FINISHED WITH POLISHED CONCRETE.
4. ALL CEILING ARE TO BE FINISHED WITH POP DROPPED CEILING.
5. ALL LIGHTING IS TO BE INSTALLED IN ACCORDANCE WITH THE IBC.
6. ALL ELECTRICAL WORK IS TO BE INSTALLED IN ACCORDANCE WITH THE IBC.
7. ALL MECHANICAL WORK IS TO BE INSTALLED IN ACCORDANCE WITH THE IBC.
8. ALL PLUMBING WORK IS TO BE INSTALLED IN ACCORDANCE WITH THE IBC.
9. ALL STRUCTURAL WORK IS TO BE INSTALLED IN ACCORDANCE WITH THE IBC.
10. ALL FINISHES ARE TO BE INSTALLED IN ACCORDANCE WITH THE IBC.
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**RESTAURANT - ASHBY**  
USE PERMIT APPLICATION  
2635 ASHBY AVENUE  
BERKELEY CA 94705

**PROPOSED FLOOR PLANS**  
DATE: 05-28-13  
SCALE: A2.1

**LEGEND:**

- 1. IN COMMERCIAL KITCHEN
- 2. IN COMMERCIAL RESTAURANT
- 3. IN DINING AREA
- 4. IN SERVICE AREA
- 5. IN RESTROOM
- 6. IN STAIR
- 7. IN STAIR
- 8. IN STAIR
- 9. IN STAIR
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