



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

3045 Shattuck Avenue

Administrative Use Permit #ZP2015-0019

Project Description: To establish beer and wine service that would be incidental to an existing quick service restaurant (Café La Renaissance), pursuant to:

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

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 August 4, 2015.

Attest: Shannon Allen
Shannon Allen, AICP, Principal Planner

August 4, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JULY 9, 2015

3045 Shattuck Avenue

Administrative Use Permit #ZP2015-0019

To establish beer and wine service that would be incidental to an existing quick service restaurant (Café La Renaissance).

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 15301 of the CEQA Guidelines (“Existing Facilities”). 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.

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 quick service restaurant will allow the proprietors to offer additional beverage options to their clients and help the restaurant remain competitive with other restaurants 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 small size and location of the restaurant in the South Area Commercial (C-SA) District and along a major thoroughfare, alcohol sales will not have significant detrimental impact on public health, safety, or peace.
 - Conditions #10-20 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.

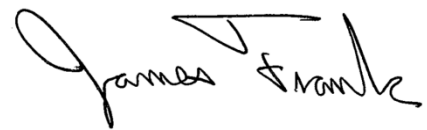
ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

- 10. The project shall conform to the plans and statements in the Administrative Use Permit application, dated January 28, 2015.
- 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 of the designated patio area and inside the restaurant.
- 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. 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.
20. 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: James Frank, Assistant Planner
For Shannon Allen, Principal Planner, AICP

Sun Use Permits 3045 Shattuck

ATTACHMENT 2
ZAB 12-10-09
Page 1 of 7

Project Description:
 Application to add exterior seating and quick serve restaurant use to existing commercial unit at 3045 Shattuck.

DATA SUMMARY:

- 3 story
- Type V-A construction
- Not sprinkled
- 3 Residential Units
- 1 Commercial Unit
- Flood Zone None
- Fire Zone None
- General Plan NC

The two upper floors of this project are complete and rented. The 3rd residential unit a residential studio is in for permit. The commercial project is in place. This submission for a use permit is to add exterior seating and quick serve restaurant uses to the commercial unit. Studio project is being completed as a new project separate from previous submissions (i.e. 09-4700) for this property. 09-4700 Work under that permit and related earlier permits included the 3-car version of the parking plan as shown in this permit. The 3-car version of the parking plan as shown in this permit has received ZAB approval. There will be one parking space for residential unit.

The use of the commercial unit is classified as B because its occupancy load is less than 50. (Otherwise it would be A.

Site Address:
 3045 Shattuck, Berkeley, CA, 94705
 A.P. N 92-1985-17

OWNER:
 Christina Sun
 3045 Shattuck
 Berkeley, CA 94705
 910-495-4796

ARCHITECT:
 Catamount Design
 Alex Korn AIA
 610 Arlington Ave
 Berkeley, CA 94707
 910-526-7910

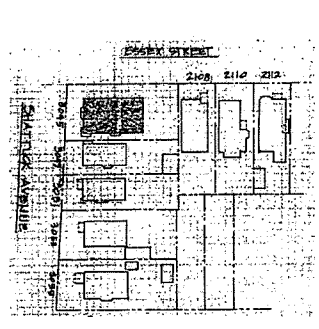
PLANS APPROVED by

James Frankle

July 9, 2015

SIGNATURE DATE

***AUP Findings and Conditions Attached**

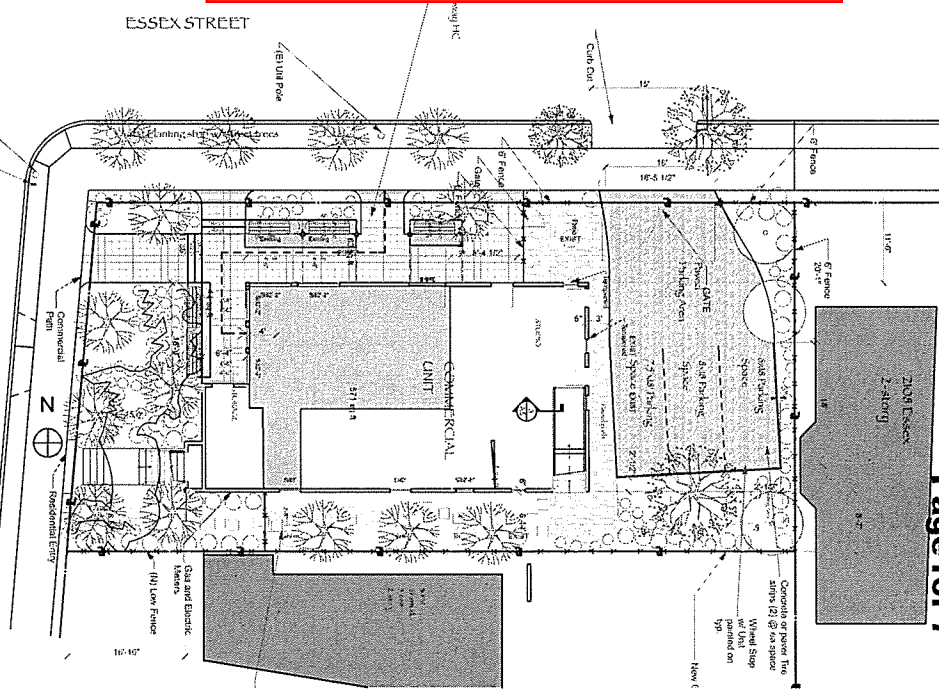


1700 SQ FT ON 3045 SQ FT LOT
 77% COVERAGE
 BUILDING OVERALL HEIGHT 34'-4" AVG (NO CHANGE TO HEIGHT IN PROJECT)

- Plan Key:**
- A-1 Site Plan Project Info
 - A-2 Notes
 - A-3 1st Floor Plans Showing New Seating
 - A-4 2nd Floor (E) Plan
 - A-5 3rd Floor (E) Plan
 - A-6 Elevations

All work to comply with 2007 CBC, CMC, CEC, CFC, as amended by the City of Berkeley and the 2007 edition of Title 24 energy standards. The California Building Code is based on the 2006 International Building Code, 2006 CBC, 2006 CFC, 2006 CEC, 2006 CMC, 2006 International Fire Code, 2006 CIRC, 2006 California Building Code (CBC), 2006 California Electrical Code (CEC), 2006 California Mechanical Code (CMC), 2006 California Plumbing Code (CPC), 2006 California Fire Code (CFC)

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



SUN PROJECT
 Use-Permit

3045 Shattuck
 Berkeley, CA
 Christina Sun

Alex Korn AIA
 Catamount Design
 610 Arlington Ave
 Berkeley, CA 94707
 910-526-7910

MARK	DATE	DESCRIPTION
151507	10/15/07	Issue permit Application
151508	10/15/07	Issued



Title Sheet and Site Plan
A-1

PLANS APPROVED by

Janina S. ...

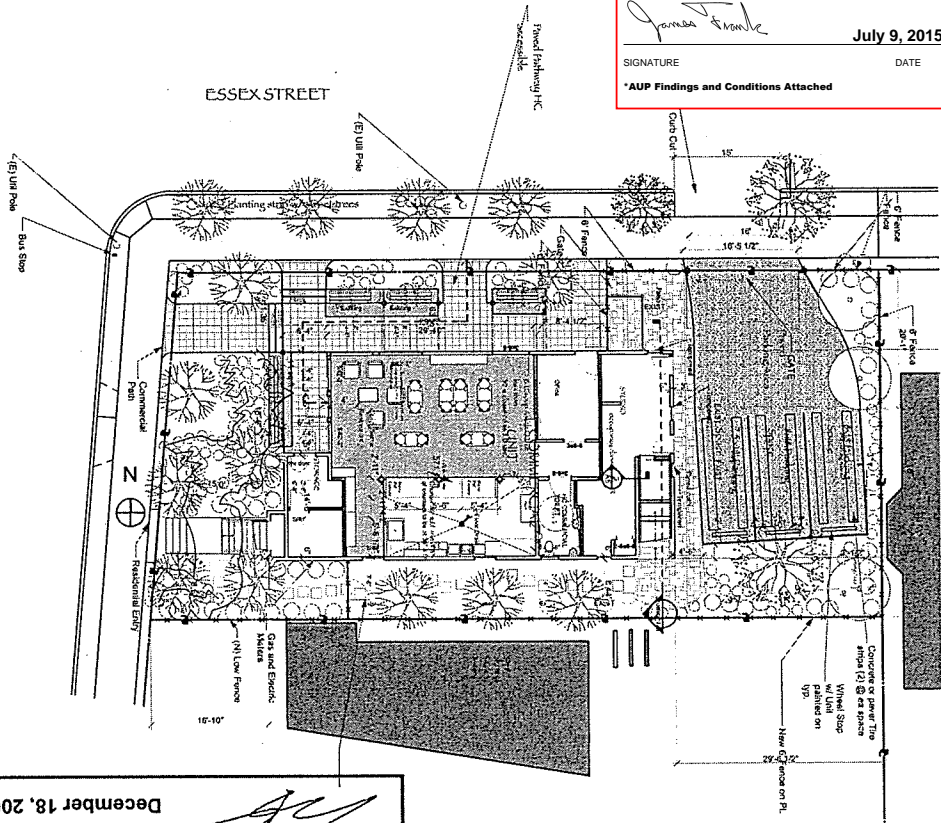
July 9, 2015

SIGNATURE

DATE

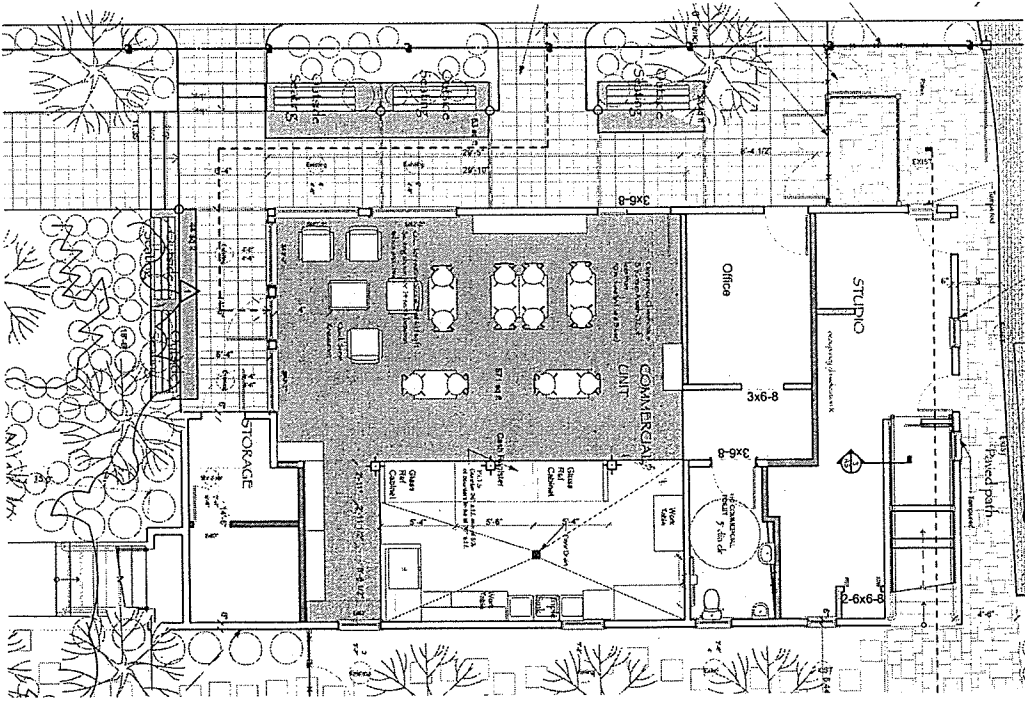
*AUP Findings and Conditions Attached

1. Site Plan
SCALE: 1/8" = 1'-0"



December 18, 2009
PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

1. Enlarged Plan
SCALE: 1/4" = 1'-0"



ATTACHMENT 2
ZAB 12-10-09
Page 3 of 7



Alan Korn, AIA
Architect
Sun Project
60 Adlington Ave
Berkeley, CA 94707
510-525-7910

SUN PROJECT
Use-Permit

3045 Shattuck
Berkeley, CA
Christina Sun

Architect:
Alan Korn AIA
Catamount Design
610 Adlington Ave
Berkeley, CA 94707
510-525-7910
CONTRACT NO.:

ISSUE	DATE	DESCRIPTION
1	11/11/09	Issue Permit Application
2		
3		
4		
5		
6		
7		
8		
9		
10		



1st Floor Plans
A-3