

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 # ZP2015-0256

Property Address: **2407 DANA STREET**

Permittee Name: **1951 COFFEE COMPANY**

Use and/or Construction Permitted:

to establish a 1,175 sq. ft. coffee shop within Geneva Hall, a structure that is on the campus of the First Presbyterian Church of Berkeley.

- Use Permit, under BMC Section 23D.52.030 for a food service establishment under 1,200 sq. ft. in size; and
- Administrative Use Permit, under BMC Section 23E.28.130.C.2 to reduce the higher numerical parking standard required by the change of use to the District Minimum.

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 April 6, 2016.

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 10, 2016

2407 Dana Street

ZP #2015-0256 to establish a 1,175 sq. ft. coffee shop within Geneva Hall, a structure that is on the campus of the First Presbyterian Church of Berkeley.

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.

GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed 1951 Coffee Company, a quick serve café geared toward students, local residents, visitors to Berkeley and other immediate pedestrians and operated as a not-for-profit job training and employment business for refugees and asylees, will not, under the circumstances of the particular case existing at the time at which the application is granted, 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. Small restaurants are permitted in the R-SMU zoning district and the nature and focus of this non-profit coffee shop -- providing employment and training for refugees and asylees -- would seem to compliment the history of social consciousness in the south campus area, and would clearly be compatible with the First Presbyterian Church, one of the largest institutions on the Southside, and a “mission partner” of the project.
 - B. The proposed coffee shop will be integrated into an existing building and compatible with the design and scale of that building and existing buildings in the area. It will add a new storefront on Channing Way, close to the Telegraph Avenue commercial area, while requiring only minor exterior alterations to the First Presbyterian Church of Berkeley’s administration building (Geneva Hall).
 - C. The proposed coffee shop will provide an additional retail food and drink outlet to serve residents of the surrounding high-density residential neighborhood while providing employment and job training opportunities for refugees and asylees, who are typically transit dependent, in a location with excellent transit service.

- D. The proposed project will be consistent with Purpose E of the R-SMU Zoning regulations by adding a new neighborhood serving retail business, the operation of which will not be detrimental to the immediate neighborhood.

OTHER REQUIRED FINDINGS

3. Pursuant to Berkeley Municipal Code Sections 23D.52.090 D and 23E.28.130. C. 2, the Zoning Adjustments Board finds that the proposed reduction in required parking from 4 spaces to 2 spaces is consistent with the purposes of the R-SMU District and can be allowed under BMC 23E.28.145, for the following reasons:
- a) The 2-space reduction will not substantially reduce the availability of on-street parking in the vicinity of the project considering that hundreds of on-street parking spaces are available on both sides of the street in the Southside Plan area, and considering that the Southside area has the lowest car ownership rate of any area in Berkeley. Furthermore, UC residence halls are located immediately east and north of the site, and students living in residence halls are not permitted to bring cars to campus, which reduces the demand for on-street parking in the immediate vicinity of the project site;
 - b) The site is located within 600 feet of a rapid transit stop, and six other transit lines serve bus stops located between 200 and 600 feet from the site; and,
 - c) Parking structures are available in the vicinity of the site, including the First Presbyterian Church parking garage (in the same building, and immediately below the site), and the Telegraph Channing Garage, across the street from the site.
4. Pursuant to Berkeley Municipal Code Section 23D.52.090. F. the Zoning Adjustments Board finds that the proposed project complies with the Southside Plan's adopted Mitigation Monitoring Program because the transportation mitigation measures have either been implemented or do not affect the block of Channing Way on which the project site is located; and because the air quality mitigation measures are incorporated in the standard conditions (18 – 22, below); and because the cultural impact mitigations are not applicable because this project will not involve any ground disturbing activity.

SPECIAL FINDING

5. **Change of Use.** The Board has determined that the existing Use Permit and Variance (#00-100000118) granted to the First Presbyterian Church of Berkeley for development of the project site includes a variety of uses (religious assembly, office, community center, school and childcare center), but does not include food service uses. In granting this permit (ZP #2015-0256) the Board expands the range of uses permitted on the site to include Food Service Establishments smaller than 1,200 sq. ft. The Board also finds that none of the existing Findings and Conditions adopted under UP #00-100000118 require modification as a result of the addition of this new use to the range of permitted uses, however the new food service use shall be subject to the Findings and Conditions adopted in conjunction with the approval of this specific application, ZP #2015-00256, as set forth herein.
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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 within the building site subject to this application.
B. This Permit does not terminate other uses permitted on the larger campus of the First Presbyterian Church of Berkeley, as set forth in UP #00-100000118.
- 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.
- 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 applying for a building permit, the applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
- 11.** Project requires approval of a Final Design Review application by the Design Review Committee.

Prior to Final Inspection or Issuance of Occupancy Permit:

- 12.** The project shall conform to the plans and statements in the Use Permit.
- 13.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 14, 2015.

At All Times:

- 14.** All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 15.** 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.

16. 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.

FOOD SERVICE CONDITIONS

(These requirements are in addition to any other requirements under the City's Building, Health or Fire Codes or by agencies such as the Alcoholic Beverage Control Department of the State of California. The applicant is responsible for contacting these and other departments and agencies to identify and secure all applicable permits and licenses).

17. 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.
18. The approved floor plan, including the number of seats, shall be followed and the operation shall be conducted as presented to the Board. The maximum occupancy shall be as specified in the application unless otherwise required by applicable regulations.
19. 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.
20. The hours of operation of the restaurant portion of the business shall be limited to: 7:00 AM to 10:00 PM, Monday through Friday and 8:00 AM to 10:00 PM on Saturday and Sunday. Hours of operation refer to arrival of the first patron and departure of the last patron.
21. 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.
22. Smoke and odor control equipment approved by the City Environmental Health Division and providing adequate protection to residential uses above and to the east of the restaurant shall be installed prior to issuance of an Occupancy Permit.
23. 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.
24. 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.

25. Any establishment selling beverages in cans or bottles that are subject to the State of California Container Deposit Law shall recycle such containers.
 26. The operator of the restaurant 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.
 27. 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.
 28. 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.
 29. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area.
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March 10, 2015

SIGNATURE

DATE

* Findings and Conditions Attached

1951 COFFEE COMPA

2407 DANA STREET, BERKELEY, CA 94704

Rachel Taber

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BERKELEY, CA 94704
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WILLIAM HEZMALHALCH
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1951 COFFEE COMPANY

TENANT IMPROVEMENT
2407 DANA STREET, BERKELEY, CA 94704

RACHEL TABER & DOUG HEWITT
BERKELEY, CALIFORNIA

CONSULTANTS	PROJECT INFORMATION	SHEET INDEX
<p>ARCHITECT WILLIAM HEZMALHALCH ARCHITECTS, INC. 5000 EXECUTIVE PARKWAY, SUITE 375 SAN RAMON, CA, 94583-5188 PHONE: 925.483.1700 FAX: 949.250.1529 CONTACT: LELANI GNALL-GREGORY WEB/EMAIL: lelaniG@whaia.com</p> <p>MEP DESIGNER GOUVIS ENGINEERING 22320 FOOTHILL BLVD. #320 HAYWARD, CA 94541 PHONE: 510.455.5001 X 278 FAX: CONTACT: DINETH KETAGODA WEB/EMAIL: DKETAGODA@GOUVISGROUP.COM</p>	<p>PROJECT SHALL COMPLY WITH CITY OF BERKELEY MUNICIPAL CODE, AND ORDINANCES, IN ADDITION TO THE FOLLOWING CODES:</p> <p>CALIFORNIA BUILDING CODE (CBC): 2013 CALIFORNIA MECHANICAL CODE (CMC): 2013 CALIFORNIA PLUMBING CODE (CPC): 2013 CALIFORNIA ELECTRICAL CODE (CEC): 2013 CALIFORNIA ENERGY CODE (CENC): 2013 CALIFORNIA FIRE CODE (CFC): 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBC): 2013</p> <p>TYPE OF CONSTRUCTION: VB HEIGHT IN STORIES (CBC TABLE 503): 1</p> <p>FIRE SPRINKLERS: EXISTING</p> <p><u>OCCUPANCY:</u> CBC 303.4 A2 CPC TABLE 422.1 A2 CPC TABLE A GROUP A</p> <p>OCCUPANCY LOAD FACTOR PER CBC TABLE 1004.1.2:</p> <p>LOUNGE: ASSEMBLY WITHOUT FIXED SEATS UNCONCENTRATED (TABLES & CHAIRS): 15 NET</p> <p>KITCHEN: KITCHENS, COMMERCIAL: 200 GROSS</p> <p>CALCULATIONS: LOUNGE AREA: 803 / 15 = 54 OCCUPANTS KITCHEN AREA: 260 / 200 = 2 OCCUPANTS</p> <p>PER CBC 1004.2 OCCUPANT LOAD MAY BE INCREASED IF ALL OTHER REQUIREMENTS ARE MET AND OCCUPANT LOAD DOES NOT EXCEED ONE OCCUPANT PER 7 SQ. FT OR 115 OCCUPANTS</p> <p><u>REQUIRED EXITS:</u> PER CBC 1015 OCCUPANCY LOAD: 56 EXITS REQUIRED: 2</p> <p>LONGEST DIAGONAL: 52'-9" 1/2 DISTANCE: 26'-4 1/2"</p> <p>PER CBC 1008.1.10, EX PANIC AND FIRE EXIT HARDWARE NOT REQUIRED ON MAIN EXIT OF GROUP A OCCUPANCY, IN COMPLIANCE W/ CBC 1008.1.9.3, ITEM 2.</p>	<p>AC.1 COVER SHEET AP.01 DEMO PLAN AP.02 FLOOR PLAN</p> <p><u>SQUARE FOOTAGE SUMMARY</u></p> <p>LOUNGE AREA: 803 KITCHEN: 260 RESTROOM: 113 TOTAL: 1175</p>



REVISION:	
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© 2015 WILLIAM HEZMALHALCH ARCHITECTS, INC.	
SCALE:	
DRAWN BY:	MHV LCG
JOB. NO.:	2015-395
DATE:	12.14.2015
PAGE NO.:	AC.01

FILE DESIGN SUBMITTAL

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Mohsen Heidary

March 10, 2015

SIGNATURE

DATE

* Findings and Conditions Attached

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1951 COFFEE COMPANY

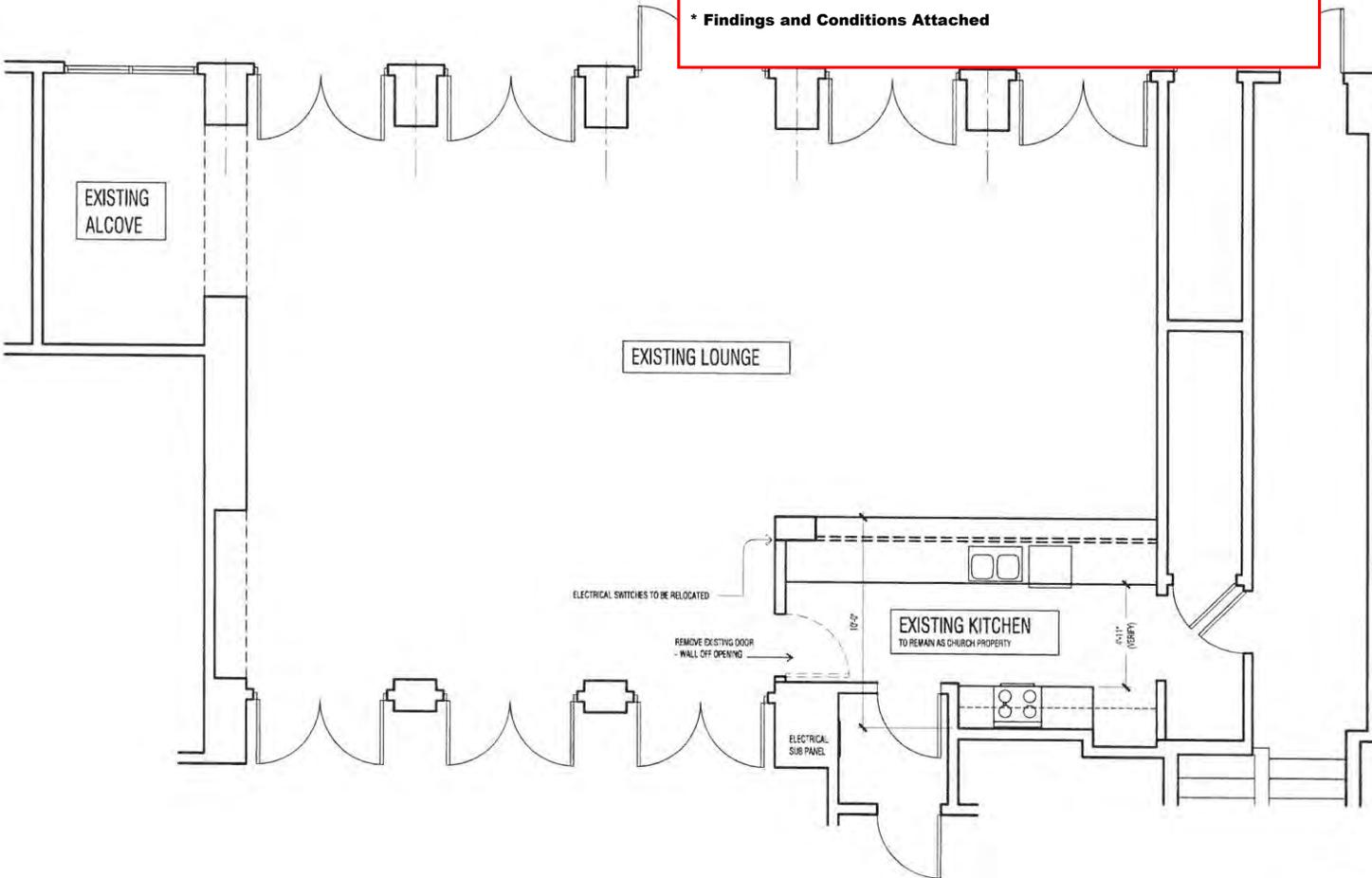
TENANT IMPROVEMENT
 2407 DANA STREET, BERKELEY, CA 94704

RACHEL TABER & DOUG HEWITT
 BERKELEY, CALIFORNIA

REVISION:

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DATE:	12/20/15	PROJECT:	WILLIAM HEZMALHALCH ARCHITECTS, INC.
SCALE:	3/16" = 1'-0"	DRAWN BY:	MH/LCG
DATE:	12.14.2015	PROJECT NO.:	2015-395
DATE:		PERMIT NO.:	AP1.0



DEMO PLAN

— EXISTING WALLS
 - - - WALLS TO BE REMOVED

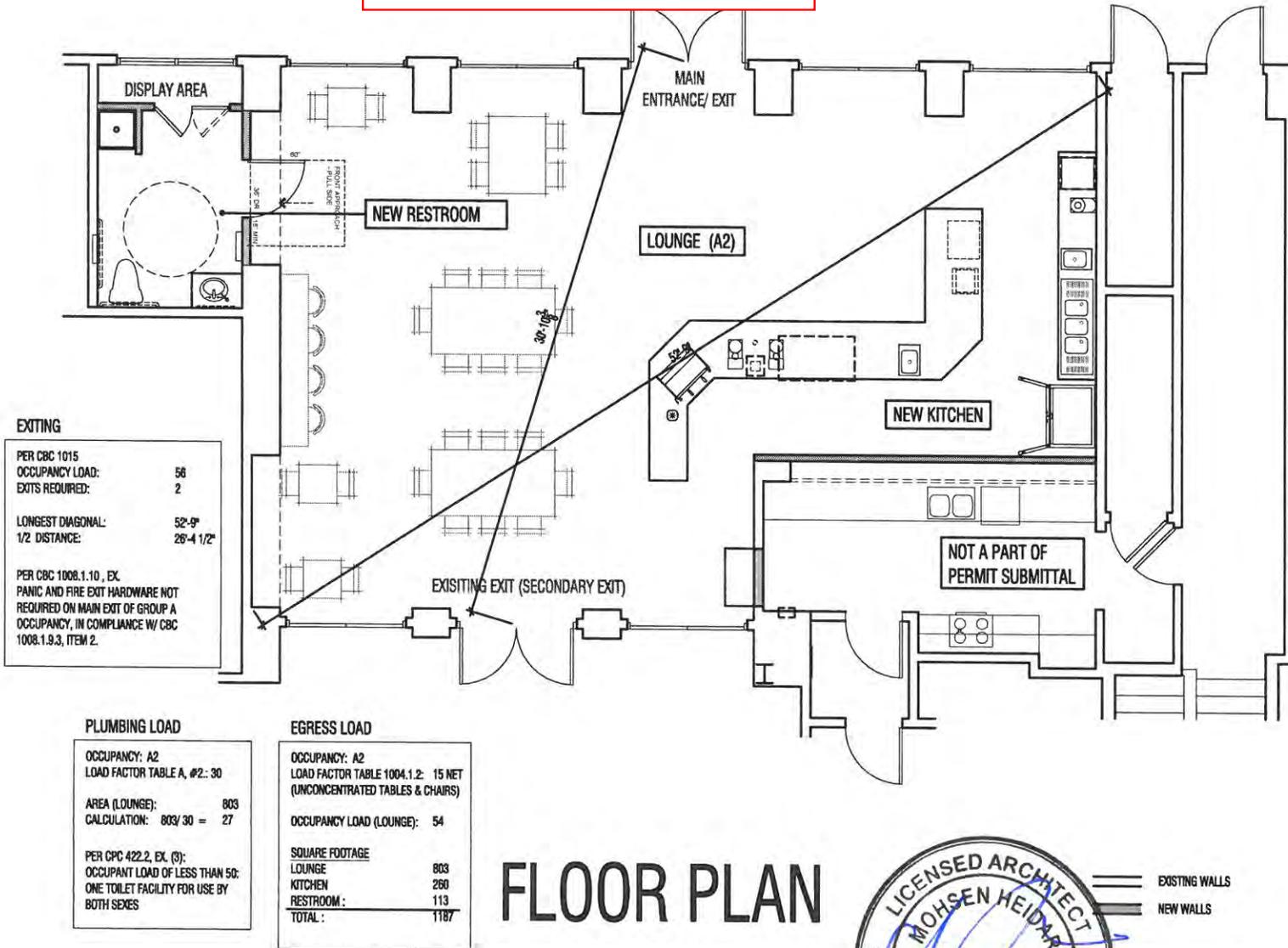
USE PERMIT SUBMITTAL

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Mohsen Heidari
SIGNATURE

March 10, 2015
DATE

* Findings and Conditions Attached



EXITING

PER CBC 1015
OCCUPANCY LOAD: 56
EXITS REQUIRED: 2

LONGEST DIAGONAL: 52'-9"
1/2 DISTANCE: 28'-4 1/2"

PER CBC 1008.1.10, EX
PANIC AND FIRE EXIT HARDWARE NOT
REQUIRED ON MAIN EXIT OF GROUP A
OCCUPANCY, IN COMPLIANCE W/ CBC
1008.1.9.3, ITEM 2.

PLUMBING LOAD

OCCUPANCY: A2
LOAD FACTOR TABLE A, #2: 30

AREA (LOUNGE): 803
CALCULATION: $803/30 = 27$

PER CPC 422.2, EX. (3):
OCCUPANT LOAD OF LESS THAN 50:
ONE TOILET FACILITY FOR USE BY
BOTH SEXES

EGRESS LOAD

OCCUPANCY: A2
LOAD FACTOR TABLE 1004.1.2: 15 NET
(UNCONCENTRATED TABLES & CHAIRS)

OCCUPANCY LOAD (LOUNGE): 54

SQUARE FOOTAGE

LOUNGE	803
KITCHEN	260
RESTROOM:	113
TOTAL:	1187

FLOOR PLAN



EXISTING WALLS
NEW WALLS

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TICEDAMIT CIDMATTAI