



Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION
SEPTEMBER 14, 2023

2701 Eighth Street – “Standard Fare at Berkeley Kitchens”

Use Permit #ZP2022-0159 to change a protected industrial use to a non-industrial use within an existing catering business (Standard Fare) to a quick service restaurant with incidental service of beer and wine for on-site consumption and incidental retail sales of beer and wine for off-site consumption.

I. Background

A. Land Use Designations:

- General Plan: Manufacturing Mixed Use
- Zoning: Mixed Use – Residential District (MU-R)

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.206.050(B)(2) to change a protected industrial use to any use that is not a protected industrial use
- Use Permit under BMC 23.310.020(B) for incidental sale of beer and wine for off-site consumption
- Use Permit under BMC Section 23.310.030(A) for beer and wine service incidental to a food service establishment
- Administrative Use Permit under BMC Section 23.206.020(B) for the incidental retail sales of beer and wine for off-site consumption (unlisted land use)
- Administrative Use Permit BMC Section 23.302.070(E)(8) to establish a food service establishment.

C. CEQA Recommendation:

It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”). The determination is made by ZAB.

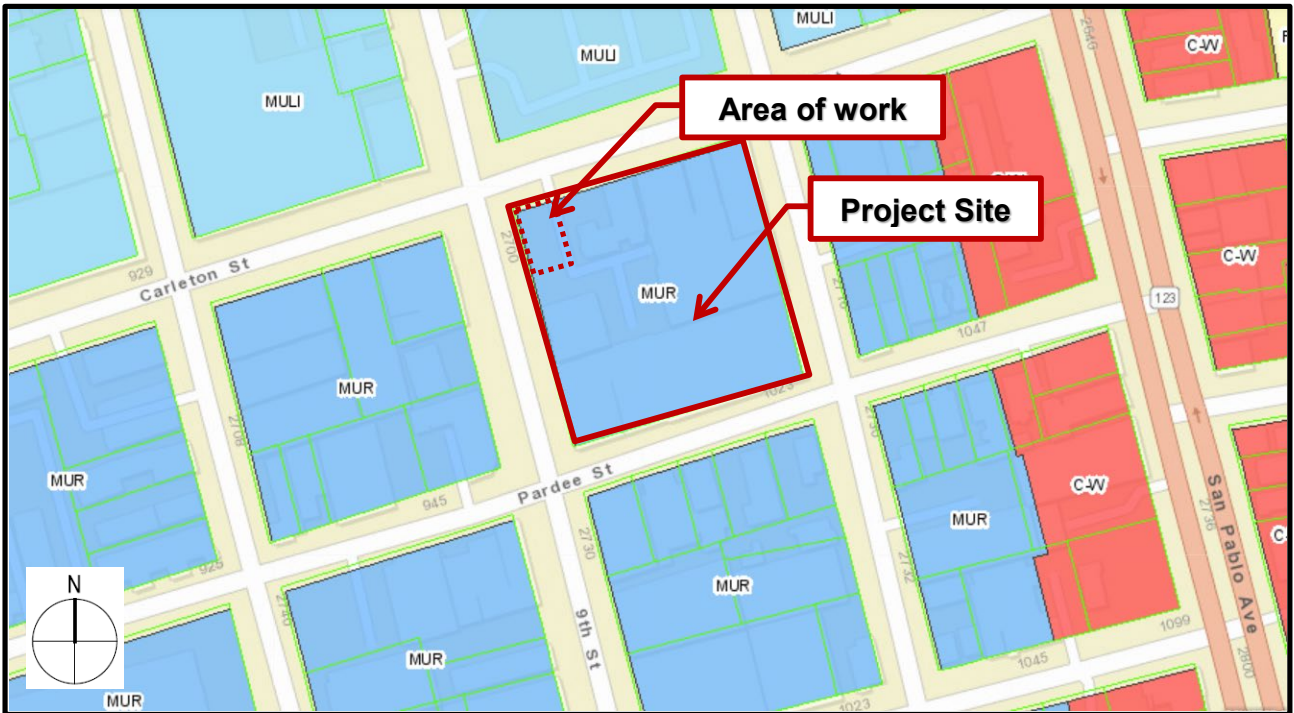
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D. Parties Involved:

- Applicant Kelsie Kerr, 2701 Eighth Street, Unit 117 -118, Berkeley
- Property Owner Hendrickson, Aftergood, Schmier, 1475 Powell Street, Ste 201, Emeryville, California 94608

Figure 1: Vicinity Map



Legend:

Zoning Districts

MU-LI: Mixed Use – Light Industrial District

MU-R: Mixed Use – Residential District

C-W: West Berkeley Commercial District

Figure 2: Proposed Site Plan

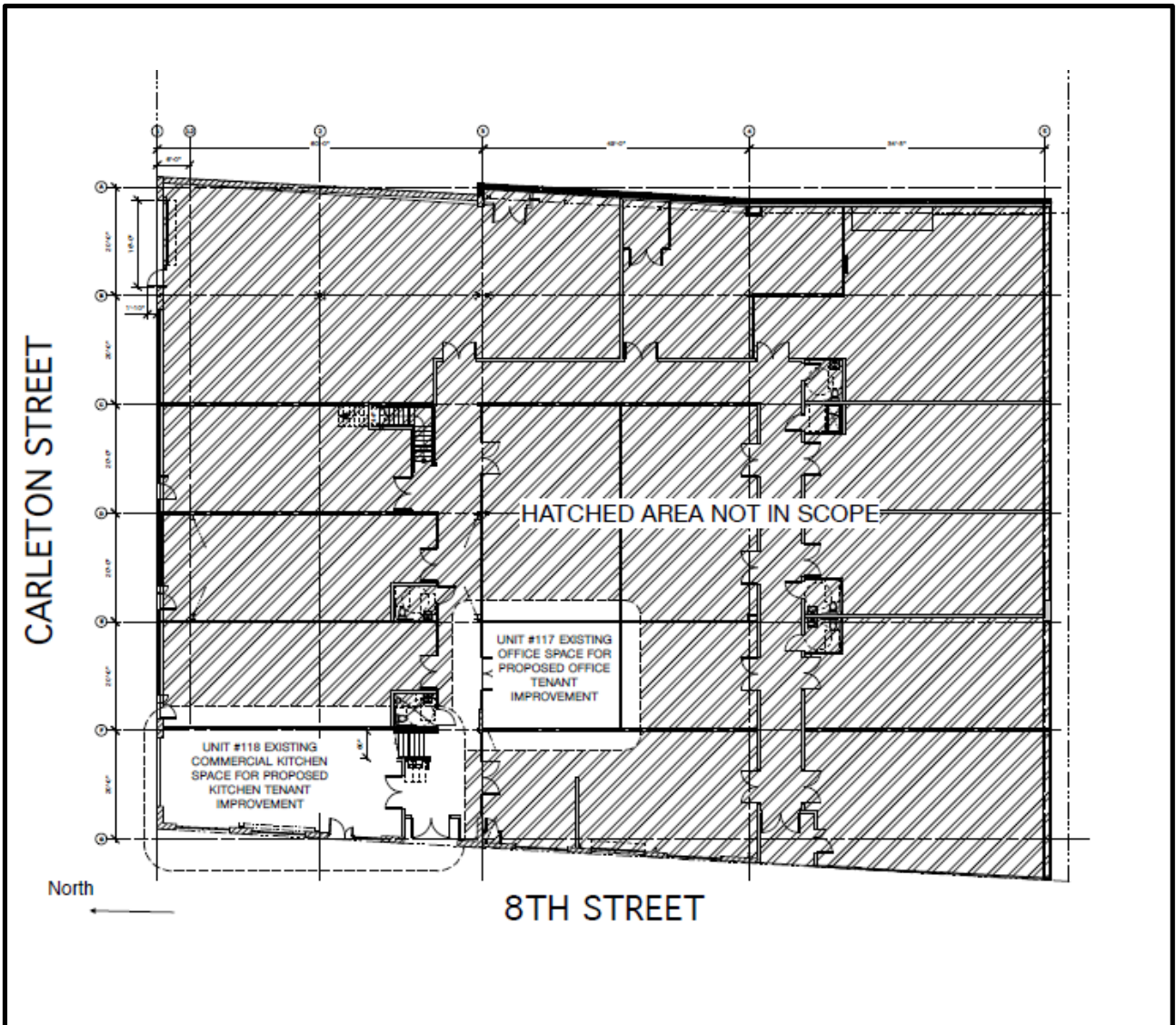


Figure 3: Proposed Floor Plan

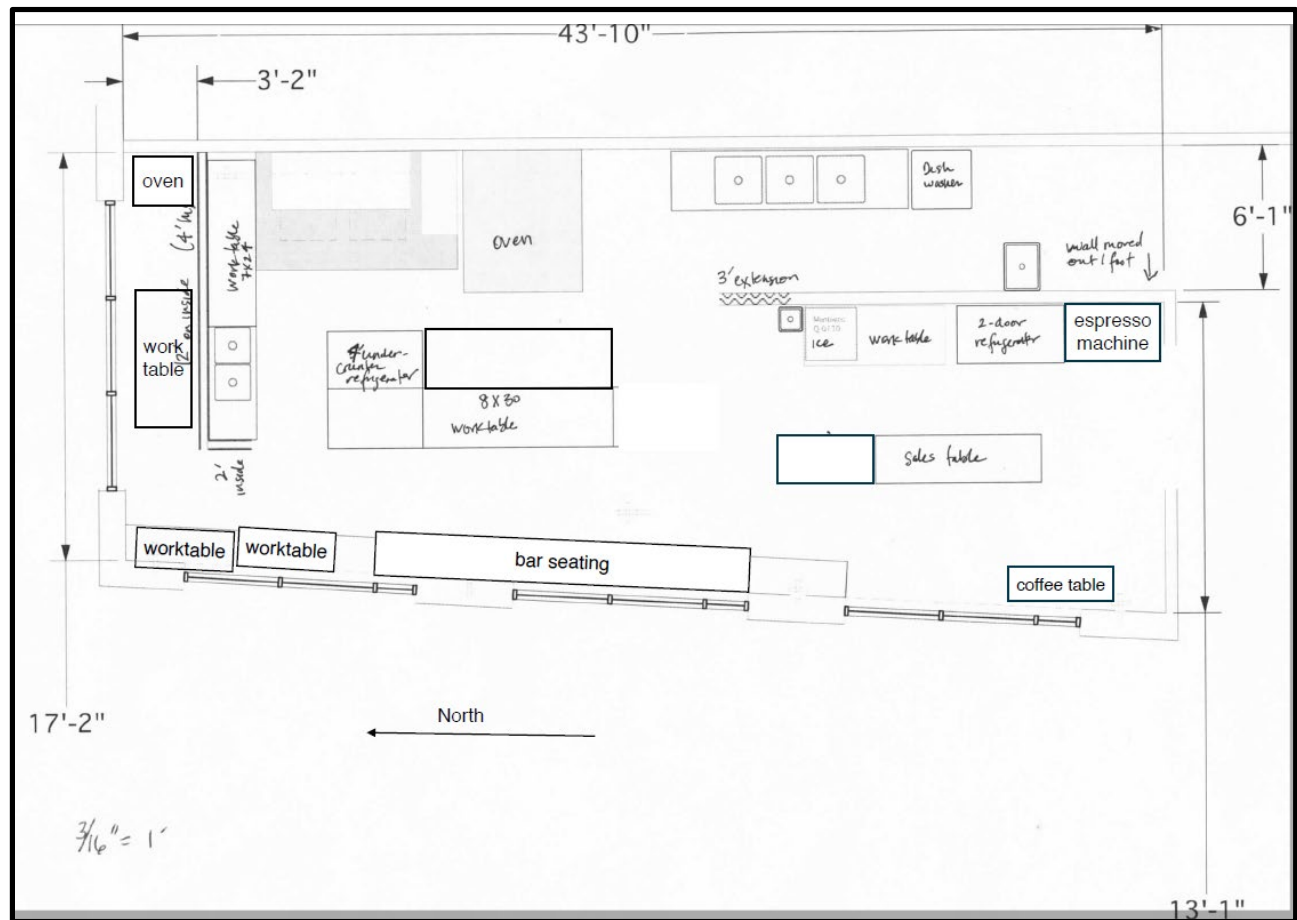


Figure 4: 1000-foot Radius Map for Type 41 ABC License Type



Legend:

- ★ License Type 77
- ▲ License Type 41
- License Type 7
- License Type 20

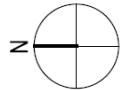


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Kitchen and office for catering business within "The Berkeley Kitchens"	Mixed Use Residential District (MU-R)	Manufacturing Mixed Use (MU)
Surrounding Properties	North	Ciel Creative Space, Brewery and Restaurant	Mixed Use – Light Industrial (MU-LI)	Manufacturing (M)
	South	Offices and residential	Mixed Use Residential District (MU-R)	Manufacturing Mixed Use
	East	Berkeley Humane Society and dog training facility		
	West	Offices and Residential		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net new nonresidential floor area over 7,500 square feet. The proposed project includes 837 square feet of existing commercial space and is therefore not subject to this requirement.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Alcohol Sales/Service	Yes	This project is an application to allow for alcoholic beverage service of beer and wine incidental to the new food service establishment and to allow for the incidental retail sales of beer and wine for off-site consumption, which require a Type 41 license. Since there are other Type 41 licenses within 1,000 feet of the site, the findings for Public Convenience or Necessity are required. See Section V.A.
Historic Resources	Yes	The building within which the tenant space is located is a City of Berkeley Landmark/Structure of Merit; however, a Historic Resource Evaluation review is not required because there are no proposed changes to the building's exterior.
Oak Trees	No	The project includes only minor interior alterations inside an existing tenant space of the "Berkeley Kitchens" to accommodate food service and the addition the incidental sale of alcoholic beverages (beer and wine).
Rent Controlled Units		
Residential Preferred Parking (RPP)		
Seismic Hazards (SHMA)		
Soil/Groundwater Contamination		
Creeks		
Natural Gas Prohibition		
Transit	Yes	There are several bus stops nearby for Transit Line 36

Table 3: Project Chronology

Date	Action
November 14, 2022	Application submitted
December 12, 2022	Application deemed incomplete
May 8, 2023	Revised application materials submitted
June 6, 2023	Application deemed complete
August 31, 2023	Public hearing notices mailed/posted
September 14, 2023	ZAB hearing

II. Project Setting

- A. Neighborhood/Area Description:** The project site is located in West Berkeley, on the southeast corner of Carleton Street and Eighth Street. The neighborhood contains a variety of uses. To the north, there are photography and film studios, production companies, offices, restaurant, and print shops. To the south, there are residential, and offices for various businesses and a welding company. The Berkeley Humane Society and a dog training business are located to the east of the site. To the west of the site are offices and live-work units, with additional retail, service and restaurant uses beyond. The area south of Carleton Street is zoned Mixed Use – Residential District, and the mix of uses is reflective of the zoning classification. Uses intensify and become more industrial or office type uses north of Carleton Street which is designated Mixed Use – Light Industrial.
- B. Site Conditions:** The property is fully developed as the “Berkeley Kitchens” which opened in 2013 as a complex for small-to medium- scale food businesses and artists. The building is approximately 25,830 square feet. The building provides individually tailored kitchen rentals that are outfitted with hoods and sinks. The building is a designated City of Berkeley landmark and was originally home to the Standard Die & Tool Company. According to the Berkeley Kitchens website, there are approximately fifteen kitchens on the ground floor with activities ranging from baking bread and juicing fresh fruit to cooking school lunches and catering. The upstairs portion of the building provides working space for artists and offices.¹ Standard Fare occupies an 837 square foot tenant space within the existing building and has been in operation as a catering business since 2014.

III. Project Description

The project applicant proposes to establish a quick serve food establishment at an existing catering kitchen (Standard Fare) located within the Berkeley Kitchens complex, including the incidental sale of beer and wine for on-site consumption and the incidental retail sale

¹ <http://www.theberkeleykitchens.com/insidethekitchens> Accessed 7/17/2023

of beer and wine for off-site consumption (Type 41 Alcoholic Beverage Control License - associated with the “eating place”).

The California Department of Alcoholic Beverage Control's website defines a Type 41 license as authorizing the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). The licensee must operate and maintain the licensed premises as a bona fide eating place and maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises under this type of license.

The primary use of Standard Fare would change from catering, considered a light-manufacturing use, to a quick service restaurant. The project site is zoned Mixed Use – Residential (MU-R) District; in this zone, the catering/light manufacturing use is considered a “protected industrial use” as defined in BMC 23. 206.050 Protected Uses (B) and a permit is required to change the protected industrial use to a use that is not a protected industrial use.

Hours of operation are proposed to be consistent with BMC 23.302.020(B)(1) Table 23.302-1 “Allowed Hours of Operation” which allows for operation between 6:00 a.m. and 10:00 p.m. unless extended by an Administrative Use Permit.

IV. Community Discussion

A. Neighbor/Community Concerns: A pre-application poster was erected by the applicant in November 2022. On August 31, 2023, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has received one correspondence including 103 signatures and two email correspondence in support of the project (Attachment 5).

B. Committee Review: The building within which the tenant space is located is a City of Berkeley Landmark/Structure of Merit; however, committee review is not required because there are no proposed changes to the building's exterior.

V. Issues and Analysis

A. General Non-Detriment Finding: BMC Section 23.406.040(E) requires that, before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application is granted, would 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 and the project must not 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.

The food service is meant to be an amenity for people living and working in the neighborhood. The use is compatible with the existing uses surrounding the site and with the zoning district.

The alcohol service would be incidental to the food service/restaurant, and due to the incidental nature of the service, as well as the size and location of the restaurant, the addition of beer and wine would not have a detrimental impact on public health, safety, or peace. The restaurant, including the incidental sale of beer and wine, is intended to serve people living and working in the neighborhood. The permit is subject to the standard conditions for food and alcohol service (alcohol service will remain incidental to the primary business, will be limited to normal meal hours of operation, all applicable ABC regulations will be in effect, etc.).

B. Pursuant to BMC Section 23.206.050(B)(2), to change a Protected Industrial Use in the MU-R District, the ZAB must find that:

(a) The change of use will not have a materially detrimental impact on the character of the MU-R district as a light industrial district, with particular reference to the character of the blocks and parts of blocks in the part of the district that is contiguous with the site; and

(b) Appropriate mitigation has been made for loss of the manufacturing, wholesale trade, or warehouse space in excess of 25 percent of that space through providing such space elsewhere in Berkeley, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

Staff Analysis: The proposed conversion of the light-manufacturing use is limited to the 837 square foot tenant space and would not involve exterior changes to the building. The surrounding blocks contain a wide variety of uses, as envisioned by the Berkeley Area Plan and the Mixed Use- Residential District. To the north, there are photography and film studios, production companies, offices, Juan's Place Mexican restaurant, and print shops. To the south, there are live-work units, offices for various businesses and a welding company. The Berkeley Humane Society and a dog training business are located to the east of the site. To the west of the site are offices and live-work units, with additional retail, service and restaurant uses beyond. The area south of Carleton Street is zoned Mixed Use – Residential District, and the mix of uses is reflective of the zoning classification. Uses intensify and become more industrial or office type uses north of Carleton Street which is designated Mixed Use – Light Industrial. Retail and food services are permitted when limited and small in scale as described in the findings above. The business would still involve catering, but it would no longer be the primary use. Therefore, the change of use would not have a materially detrimental impact on the character of the MU-R district as a light industrial district, with particular reference to the character of the blocks and parts of blocks in the part of the district that is contiguous with the site.

The business would still involve a light-manufacturing use, it just would no longer be the primary use of the tenant space. The tenant improvements to accommodate the

food service would impact the small tenant space, but would not result in a change in use for over 25 percent of the overall Berkeley Kitchens building which is 25,830 square feet. Since the change impacts less than 25 percent of the protected uses in the building, replacement space is not required.

C. Food Service Establishments in the MU-R District BMC 23.302.070(E)(9):

(a) To approve an AUP or Use Permit to establish or expand a food service establishment in the MU-R district, the ZAB must find that the establishment of the use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area.

Staff Analysis: The project proposal includes the establishment of a quick serve restaurant, including the incidental sale of beer and wine, as the primary use of an 837 square foot tenant space within the Berkeley Kitchens, a 25,830 square foot building housing other food uses, catering businesses, wholesale food sales, and working space and offices for artists. The proposed conversion of the light-manufacturing use is limited to the 837 square foot tenant space and would not involve exterior changes to the building. Therefore, the project would not have a significant detrimental impact on the industrial character of the area.

(b) To approve an AUP for a food service establishment less than 5,000 square feet, the ZAB must find that a substantial portion of the food consists of goods manufactured on site.

Staff Analysis: According to the applicant, a substantial portion of the food served consists of goods manufactured onsite and served for catering.

D. Pursuant to BMC 23.310.020(B), the ZAB may approve a Use Permit to begin or increase alcoholic beverage sales or service in any way. This section requires the City to make all of the "Public Convenience or Necessity" findings if an existing establishment has an ABC license of the same type, other than beer and wine service incidental to food service, within a 1,000-foot radius of the project site. As shown in Figure 4, there are two other existing Type 41 ABC licenses within 1,000 feet of the project site (Table 4). Therefore, the "Public Convenience or Necessity" findings must be made.

Table 4: Type 41 ABC Licenses Within 1,000 Feet of the Project Site

Business Name	Address
900 Grayson	900 Grayson Street
Juan's Place	941 Carleton Street

In order to approve the Use Permit to begin the sales of beer and wine, the Board must affirm all of the "Public Convenience or Necessity" findings under BMC Section 23.310.020(D) as follows:

1) The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.

Staff Analysis: The proposed addition of alcoholic beverage service would mean greater tax revenue for the City of Berkeley. It would also increase the economic health of the business, which, in turn, will enable it to continue contributing to the cultural, economic, and social opportunities in the MU-R District.

2) The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales.

Staff Analysis: The alcohol retail sales permit is incidental to food sales and onsite consumption. It is needed for the quick service aspect of the restaurant to thrive, which also helps the catering business continue in its operation.

3) If the applicant has operated a licensed establishment that has been the subject of violations regarding alcohol in the State of California, or violations of public safety or nuisance statutes or regulations in the City of Berkeley as verified by the Police Department, the ZAB shall determine whether such violations indicate a high likelihood of further violations and/or detrimental impacts from the proposed establishment. In making this determination, the ZAB may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.

Staff Analysis: A letter from the Berkeley Police Department (BPD), dated June 14, 2023, (Attachment 4) notes that their research indicated no violations associated with "Standard Fare" or the applicant.

4) If the proposed establishment is located within 1,000 feet of any public park or Berkeley Unified School District (BUSD) school, the Board shall take into consideration the effect of the proposed establishment upon such sensitive public uses.

Staff Analysis: The project site is not located within 1,000 feet from a public park or school.

5) The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.

Staff Analysis: Staff referred this application to the BPD for review and comment. In a letter of support dated June 14, 2023, the BPD stated that, "We see no reason to believe this business would increase crime or calls for service in the neighborhood, and see no reason it would have an adverse effect on the health, safety, or morals of the people in the area."

The project complies with the required permits under Table 23.310-1 (Use Permit); however, as the project is not located within a "Commercial District" the additional "Incidental Beer and Wine Service Standards" in BMC 23.310.030(C) do not apply to

the project; nevertheless, several of the standards are included as conditions of approval.

- E.** Pursuant to BMC Section 23.310.030(A), on-site service of beer and wine when incidental to a food service establishment is allowed in the Mixed Use-Residential District if a Use Permit is granted by the ZAB. The food service establishment would comply with all applicable regulations of the California Department of Alcoholic Beverage Control. In addition, the operator of the licensed establishment has not had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at this location. The serving of beer and wine incidental to food service would be consistent with the economic diversity activities in the District, and would contribute to the diversity and range of land use activities in the MU-R District.
- F.** Pursuant to BMC 23.206.020(B) in addition to the on-site service of beer and wine incidental to the food service, the retail sales of beer and wine for off-site consumption when incidental to a food service establishment has been determined to be an “unlisted land use” that the ZAB must find to be compatible with the purposes of the district and could be allowed with an Administrative Use Permit. The sale of beer and wine provides a much-needed source of revenue for the business which would not be available without the proposed alcohol sales. According to the Applicant Statement this retail sales of bottled beer and wine is needed for the quick service aspect of the restaurant to thrive. It allows folks to peruse the bottles offered to drink on site with food (no wine list or food servers required) with the option to take an extra bottle with them after their meal.
- G.** Pursuant to BMC Section 23.206.100(A) for the to approve an Administrative Use Permit or Use Permit in the MU-R District, the ZAB must make the following permit findings:

1) Is consistent with the purposes of the district;

Staff Analysis: The purpose of the district includes:

1. Implement the West Berkeley Plan Mixed Residential District designation;
2. Support the continued development of a mixed-use district which combines residential, live/work, light industrial, arts and crafts and other compatible uses;
3. Strengthen residential concentrations which exist within the district;
4. Provide appropriate locations for a broad range of live/work activities to occur;
5. Provide a transitional district between the Residential Districts to the east of the district and the Manufacturing Districts to the west of the district;

6. Encourage light manufacturers and wholesalers which are compatible with a mixed use-residential district;
7. Support the development of businesses of all types which contribute to the maintenance and improvement of the environment;
8. Protect residents from unreasonably detrimental effect of nonresidential uses, such as noise, vibration, odors, smoke, fumes, gases, dust, heat and glare, to the extent possible and reasonable within a mixed-use West Berkeley context;
9. To the extent feasible, protect industrial uses, particularly light industrial uses, from unreasonable intrusions on their ability to operate lawfully; and
10. Permit retail and food service activities which are either limited and small scale, primarily serving persons living and/or working in the district, but not a citywide or regional clientele, or which are ancillary and designed to maintain and enhance the economic viability of manufacturers in the district.

Staff Analysis: The proposed conversion of the light-manufacturing use is limited to the 837 square foot tenant space and would be compatible with other uses within the building and surrounding the site. Retail and food services are permitted when limited and small in scale as described required finding number 10 above. The business would still involve catering, but it would no longer be the primary use. The quick service restaurant is intended to serve persons living and working in the neighborhood. Therefore, the project is consistent with the purposes of the district.

2) *Is compatible with the surrounding uses and buildings;*

Staff Analysis: As discussed above, the project site is located within a building that accommodates various food uses and artist workshops. The building is located in a neighborhood that accommodates and encourages a variety of uses including manufacturing, offices, residential, retail and restaurant uses. The project site is not located directly adjacent to any residential uses. There are other restaurants in the Berkeley Kitchens, and another restaurant which serve alcohol across the street from the site (Juan's Place). The proposed project is compatible with surrounding uses and buildings.

3) *Complies with the adopted West Berkeley Plan; and*

Staff Analysis: The West Berkeley Plan allows for restaurants in the Mixed Used – Residential District zone. The project is consistent with the goal of the plan to provide for the continued economic and land use mix to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied and interest character of the area. The project complies with the adopted West Berkeley Plan.

4) *Meets any applicable performance standards for off-site impacts.*

Staff Analysis: The project would meet applicable performances standards for off-site impacts. Performances standards are incorporated into the conditions of approval for the proposed project. The project involves no exterior changes to the building and is a minor change of the existing use.

- 5) *Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and*

Staff Analysis: The proposed conversion of the light-manufacturing use would be limited to the 837 square foot tenant space and would be compatible with other uses within the building and surrounding the site. The remainder of the building would continue to be used by other food businesses, including caterers and wholesalers, and arts and craft uses. The addition of food service and incidental sale of beer and wine would help to support the existing catering business run by Standard Fare. Based on the small scale and size of the project, it is unlikely that the project would induce or contribute to a cumulative change of use in the building to non-light industrial or arts and crafts uses.

- 6) *Is designed to be supportive of the character and purposes of the district.*

Staff Analysis: The project does not propose any exterior changes to the building. The project is consistent with the purposes and supportive of the character of the district. The project would provide a food service use for people living and working in the neighborhood.

- H. Pursuant to BMC Section 23.206.100(B), the ZAB may approve an Administrative Use Permit or Use Permit in the MU-R District if the project:

- (a) *Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and*

- (b) *Is designed to be supportive of the character and purposes of the district.*

Staff Analysis: The service of beer and wine will strengthen the existing restaurant that serves both area residents and a citywide clientele while maintaining compatibility with surrounding uses and buildings. This popular restaurant's location in West Berkeley helps to strengthen the commercial environment of this MU-R district and contributes to the diverse character of the neighborhood. The use is compatible with the purposes of the district and the West Berkeley Plan. The project does not include the construction of new floor area or exceed allowable intensities of development, performance standards for off-site impacts, or intensities of use that can be served by available traffic capacity and potential parking supply.

I. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

- 1) Policy LU-1–Community Character: Maintain the character of Berkeley as a special, diverse, unique place to live and work.

Staff Analysis: The establishment of a food service restaurant and sale of beer and wine within the existing historic building would provide a unique amenity for the people living and working in the neighborhood.

- 2) Policy LU-33–West Berkeley Plan: Implement the West Berkeley Plan and take actions that will achieve the purposes of the Plan:

A. Maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley.

B. Maintain the ethnic and economic diversity of West Berkeley's resident population.

C. Maintain and improve the quality of urban life, environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities for West Berkeley residents and workers.

Staff Analysis: The establishment of a food service restaurant and sale of beer and wine would be consistent with ethnic and economic diversity activities in a District that is well served by transit and would contribute to the diversity and range of land use activities that are among the goals of the Berkeley General Plan.

J. West Berkeley Plan Consistency: The West Berkeley Area Plan, adopted in 1993, and amended in 2011, also contains several policies applicable to the project, including the following:

- 1) Land Use Goal 1: Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporated manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied interest character of the area.

Policy C. – Providing space for, and designating appropriate locations for – in planning and zoning policies – both neighborhood and regional service retail businesses.

- 2) Land Use Goal 2: Channel development – both new businesses and residences and the expansion of existing businesses- to districts various which are appropriate for the various existing elements of the West Berkeley land use mix.
Policy D: Create a Mixed Residential district as a special mixed-use district which will recognize and support the continued evolution of a unique mix of residential,

light industrial, and arts and crafts uses, with a particular effort to strengthen residential concentrations existing there.

- 3) Economic Development Goal 3: Improve the level of neighborhood serving retail in West Berkeley.

Policy B: Explore the potential of other locations within West Berkeley to support neighborhood service retail.

Staff Analysis: The West Berkeley Plan allows for restaurants in the Mixed Used – Residential District. The project is consistent with the goal of the plan to provide for the continued economic and land use mix to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied and interest character of the area. The project provides a neighborhood serving restaurant within an area that contains a mix of uses and is appropriate for the business. The project complies with the adopted West Berkeley Plan.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

APPROVE Use Permit ZP#2022-0159 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received May 8, 2023
3. Notice of Public Hearing
4. Police Letter, June 14, 2023
5. Neighborhood signatures and two email correspondence in support of the project, received September 6 & 7, 2023

Staff Planner: Lisa Gordon (Rincon Consultants) & Nilu Karimzadegan, nkarimzadegan@berkeleyca.gov, (510) 981-7430

ATTACHMENT 1

FINDINGS AND CONDITIONS

SEPTEMBER 14, 2023

2701 Eighth Street – “Standard Fare at Berkeley Kitchens”

Use Permit #ZP2022-0159 to change a protected industrial use to a non-industrial use within an existing catering business (Standard Fare) to a quick service restaurant with incidental service of beer and wine for on-site consumption and incidental retail sales of beer and wine for off-site consumption.

PERMITS REQUIRED

- Use Permit under Berkeley Municipal Code (BMC) Section 23.206.050(B)(2) to change a protected industrial use to any use that is not a protected industrial use
- Use Permit under BMC Section 23.310.030(A) for beer and wine service incidental to a food service establishment
- Use Permit under BMC 23.310.020(B) for incidental sale of beer and wine for off-site consumption
- Administrative Use Permit under BMC Section 23.206.020(B) for the incidental retail sales of beer and wine for off-site consumption (unlisted land use)
- Administrative Use Permit BMC Section 23.302.070(E)(8) to establish a food service establishment

I. 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 Conversion of Small Structures”).
2. 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 would not affect any historical resource.

II. FINDINGS FOR APPROVAL

- A. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would 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 food service is an amenity for people living and working in the neighborhood. The use is compatible with the existing uses surrounding the site and with the zoning district.

The alcohol service will be incidental to the food service/restaurant, and due to the incidental nature of the service, as well as the size and location of the restaurant, the addition of beer and wine will not have a detrimental impact on public health, safety, or peace. The restaurant, including the incidental sale of beer and wine, serves people living and working in the neighborhood. Alcohol service will remain incidental to the primary business, will be limited to normal meal hours of operation and all applicable ABC regulations will be in effect.

B. As required by Section 23.206.050(B)(2), to change a Protected Industrial Uses in the MU-R District the ZAB finds that:

- (a) The change of use will not have a materially detrimental impact on the character of the MU-R district as a light industrial district, with particular reference to the character of the blocks and parts of blocks in the part of the district that is contiguous with the site.

The proposed conversion of the light-manufacturing use is limited in size and will not involve exterior changes to the building and the surrounding blocks contain a wide variety of uses. The business will still involve catering, but it will no longer be the primary use. Therefore, the change of use will not have a materially detrimental impact on the character of the MU-R district as a light industrial district, with particular reference to the character of the blocks and parts of blocks in the part of the district that is contiguous with the site.

- (b) Appropriate mitigation has been made for loss of the manufacturing, wholesale trade, or warehouse space in excess of 25 percent of that space through providing such space elsewhere in Berkeley, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

The tenant improvements to accommodate the food service will not result in a change in use for over 25 percent of the overall Berkeley Kitchens building and a replacement space is not required.

C. As required by Section BMC 23.302.070(E)(9) for Food Service Establishments in the MU-R District, the ZAB finds:

- (a) That the establishment of the use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area.

The project proposal includes the establishment of a quick serve restaurant, including the incidental service and the incidental sale of beer and wine. The proposed conversion of the light-manufacturing use is limited in size and will not involve exterior changes to the building.

Therefore, the project will not have a significant detrimental impact on the industrial character of the area.

(b) That a substantial portion of the food consists of goods manufactured on site.

A substantial portion of the food served consists of goods manufactured onsite and served for catering.

D. As required by BMC Section 23.310.020(B), ZAB finds that the incidental alcoholic beverage retail sales of beer and wine meets the following Public Convenience or Necessity findings:

- 1) *The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.*
- 2) *The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales.*
- 3) *The applicant has operated a licensed establishment that has not been the subject of violations regarding alcohol in the State of California, or violations of public safety or nuisance statutes or regulations in the City of Berkeley as verified by the Police Department.*
- 4) *The proposed establishment is not located within 1,000 feet of any public park or Berkeley Unified School District (BUSD) school.*
- 5) *The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.*

E. As required by BMC Section 23.310.030(A), ZAB finds that the on-site service of beer and wine when incidental to a food service establishment is allowed in the Mixed Use-Residential District because the food service establishment will comply with all applicable regulations of the California Department of Alcoholic Beverage Control and the operator of the licensed establishment has not had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at this location. The serving of beer and wine incidental to food service will be consistent with the economic diversity activities in the District, and will contribute to the diversity and range of land use activities in the MU-R District.

F. As required by BMC Section 23.206.020(B) (unlisted land use) the ZAB finds that the retail sales of beer and wine for off-site consumption when incidental to a food service establishment allowable with an Administrative Use Permit because this use is compatible with the purposes of the district. The sale of beer and wine provides a source of revenue for the quick service aspect of the restaurant to thrive. It allows patrons to peruse the bottles offered to drink on site with food and provides the option to take an extra bottle with them after their meal.

G. As required by BMC 23.206.100(A), ZAB finds that the additional findings in this manufacturing districts can be made because:

The proposed conversion of the light-manufacturing use is limited to the 837 square foot tenant space and will be compatible with other uses within the building and surrounding the site. The business will still involve catering, but it will no longer be the primary use. The quick service restaurant is serves persons living and working in the neighborhood.

The project site is located within a building that accommodates various food uses and artist workshops. The building is located in a neighborhood that accommodates and encourages a variety of uses including manufacturing, offices, residential, retail and restaurant uses. There are other restaurants in the Berkeley Kitchens, and another restaurant which serve alcohol across the street from the site (Juan's Place).

The project is consistent with the goal of the West Berkeley Plan to provide for the continued economic and land use mix to benefit Berkeley residents and businesses.

The project will meet applicable performance standards for off-site impacts, involves no exterior changes to the building and is a minor expansion of the existing use.

H. As required by BMC 23.206.100(B), the ZAB finds that the Administrative Use Permit or Use Permit may be approved in the MU-R District because the project is:

(a) Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and

(b) Is designed to be supportive of the character and purposes of the district.

This popular restaurant's location in West Berkeley helps to strengthen the commercial environment of this MU-R district and contributes to the diverse character of the neighborhood. The service of beer and wine will strengthen the restaurant that serves both area residents and a citywide clientele while maintaining compatibility with surrounding uses and buildings. The use is compatible with the purposes of the district and the West Berkeley Plan. The project does not include the construction of new floor area or exceed allowable intensities of development, performance standards for off-site impacts, or intensities of use that can be served by available traffic capacity and potential parking supply.²

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. 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.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Issuance of Any Building (Construction) Permit

- 10. HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's

Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

11. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
12. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
13. A Public Works Engineering Permit is required for any modifications or improvements to the sidewalk seating.

During Construction:

14. Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
15. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
16. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
17. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
 - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site

operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

Prior to Final Inspection or Issuance of Occupancy Permit:

18. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
19. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated May 8, 2023, except as modified by conditions of approval.

At All Times:

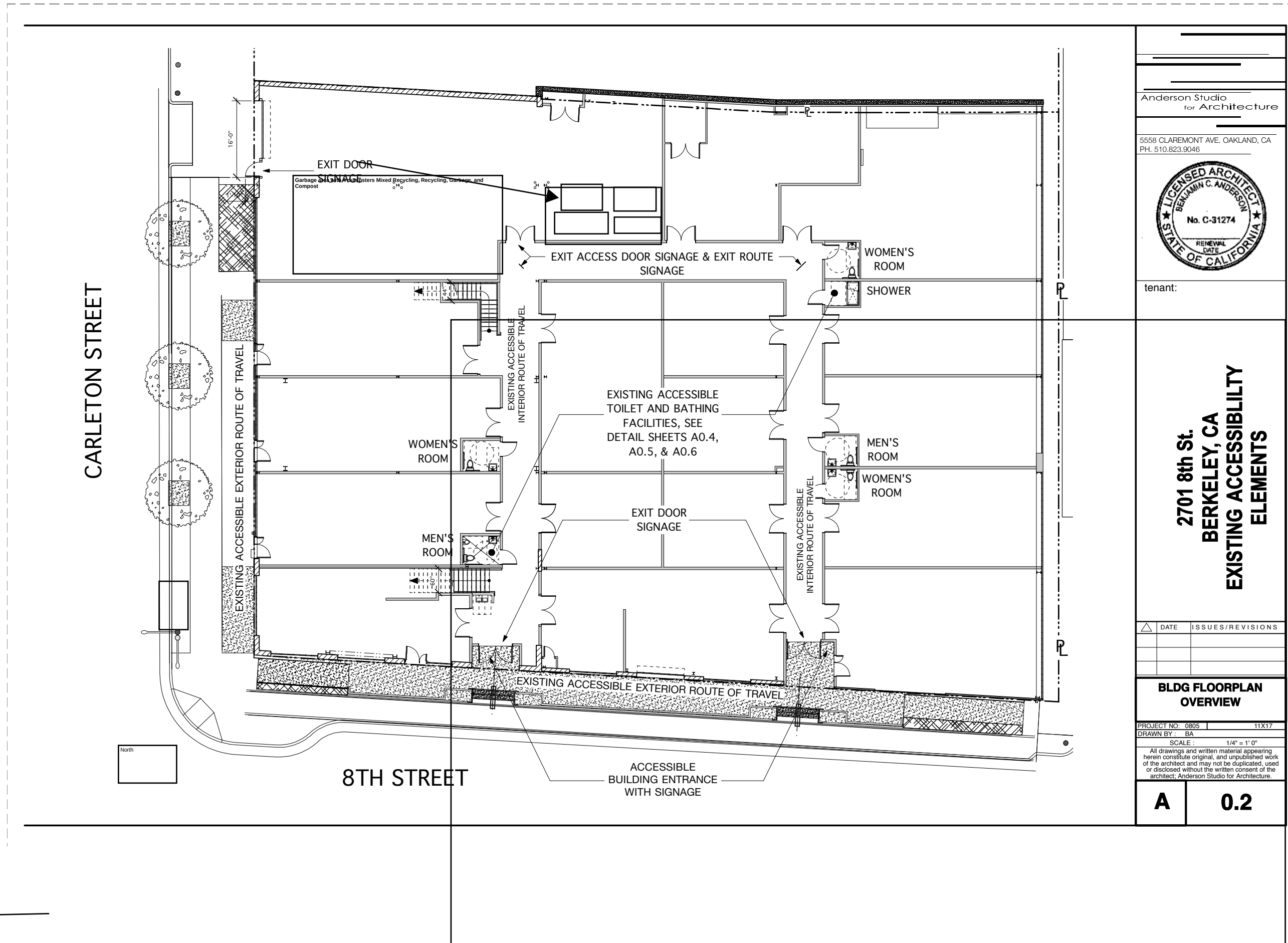
20. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
21. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Landmarks Preservation Commission approval.
22. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
23. Transit Subsidy Condition. If 10 or more employees, the business operator 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 as per BMC Chapter 9.88.
24. Periodic Review and Reporting. The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.

ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)

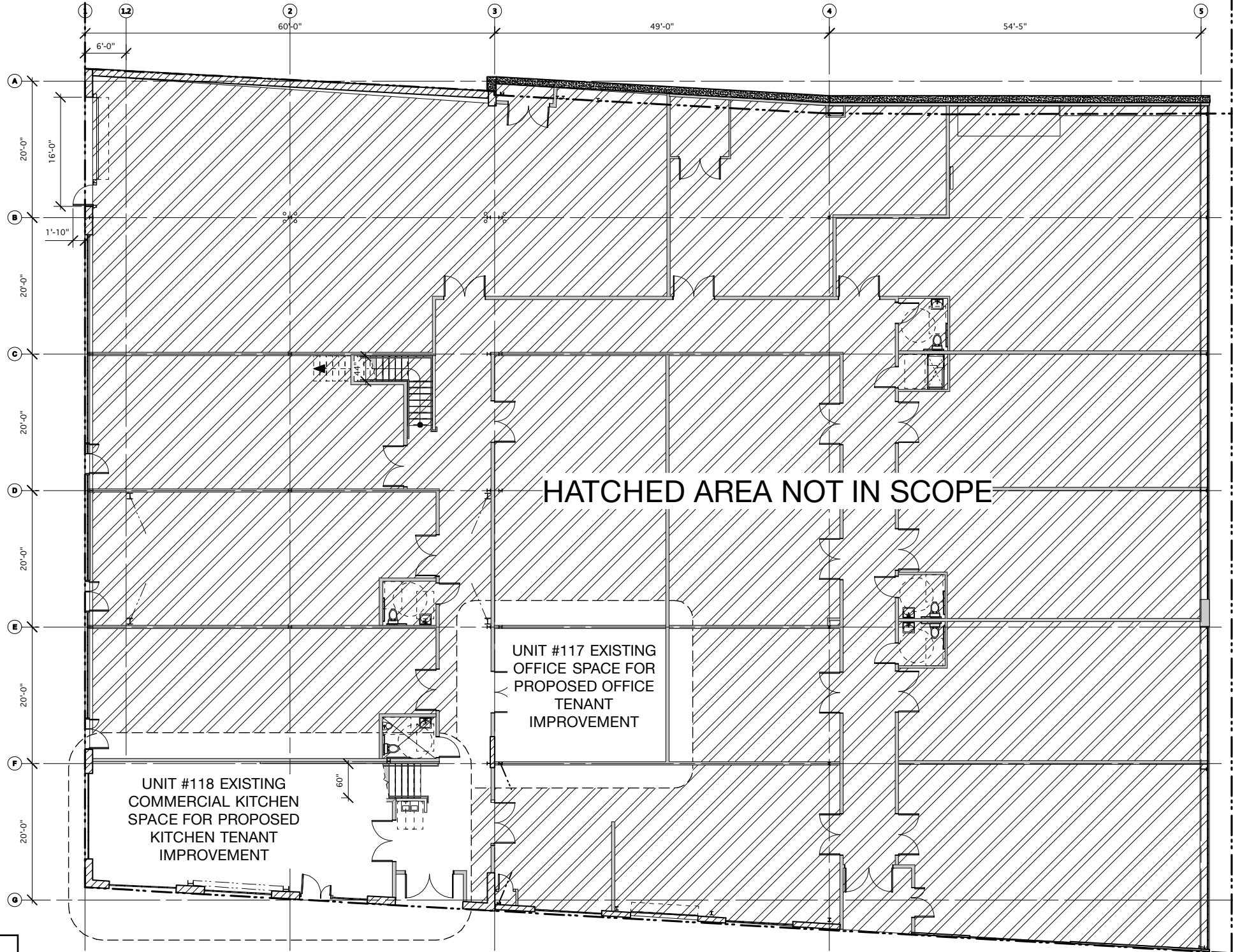
25. The Food Service Establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).

26. Alcoholic beverage service shall be “incidental” to the primary food service use, as defined in Zoning Ordinance 23.502. An incidental use shall not exceed 25 percent of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or services than the primary use, such incidental use may not generate gross receipts in excess of 33 percent of the gross receipts generated by the primary use.
27. Alcohol beverage service shall be only be allowed as part of a “bona fide eating place” making “actual and substantial sales of meals,” and stringently enforces this requirement as determined and required by the ABC.
28. The service of alcohol shall be limited to normal meal hours (per ABC) during the restaurant’s hours of operation. Patrons may only purchase food or finish drinks already purchased within the approved service hours. The Zoning Adjustments Board shall approve any change in the hours of restaurant operations and/or alcohol service (except decreased hours in compliance with applicable ABC regulations). 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.
29. During operating hours, 100 percent 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.
30. There shall be no service or consumption of alcohol on the public right-of-way, unless authorized by a Public Works sidewalk seating permit.
31. All alcoholic beverages served to patrons must be served in durable restaurant tableware (i.e. cups or glasses).
32. 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 directly to patrons for consumption.
33. 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. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
34. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
35. 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.

36. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.
 37. 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.
 38. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
 39. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
 40. At no time shall the operator rent the restaurant space to a third-party promoter.
 41. 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.
 42. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
 43. 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.
-



CARLETON STREET



8TH STREET

Anderson Studio
for Architecture

5558 CLAREMONT AVE. OAKLAND, CA
PH. 510.823.9046



tenant:
KELSIE KERR
2701 8TH ST.
UNIT 118 & 117
BERKELEY, CA

2701 8th St. UNIT #118 & 117
BERKELEY, CA
TENANT IMPROVEMENT

△	DATE	ISSUES/REVISIONS
	3/10/14	permit submittal
	3/24/14	permit revision

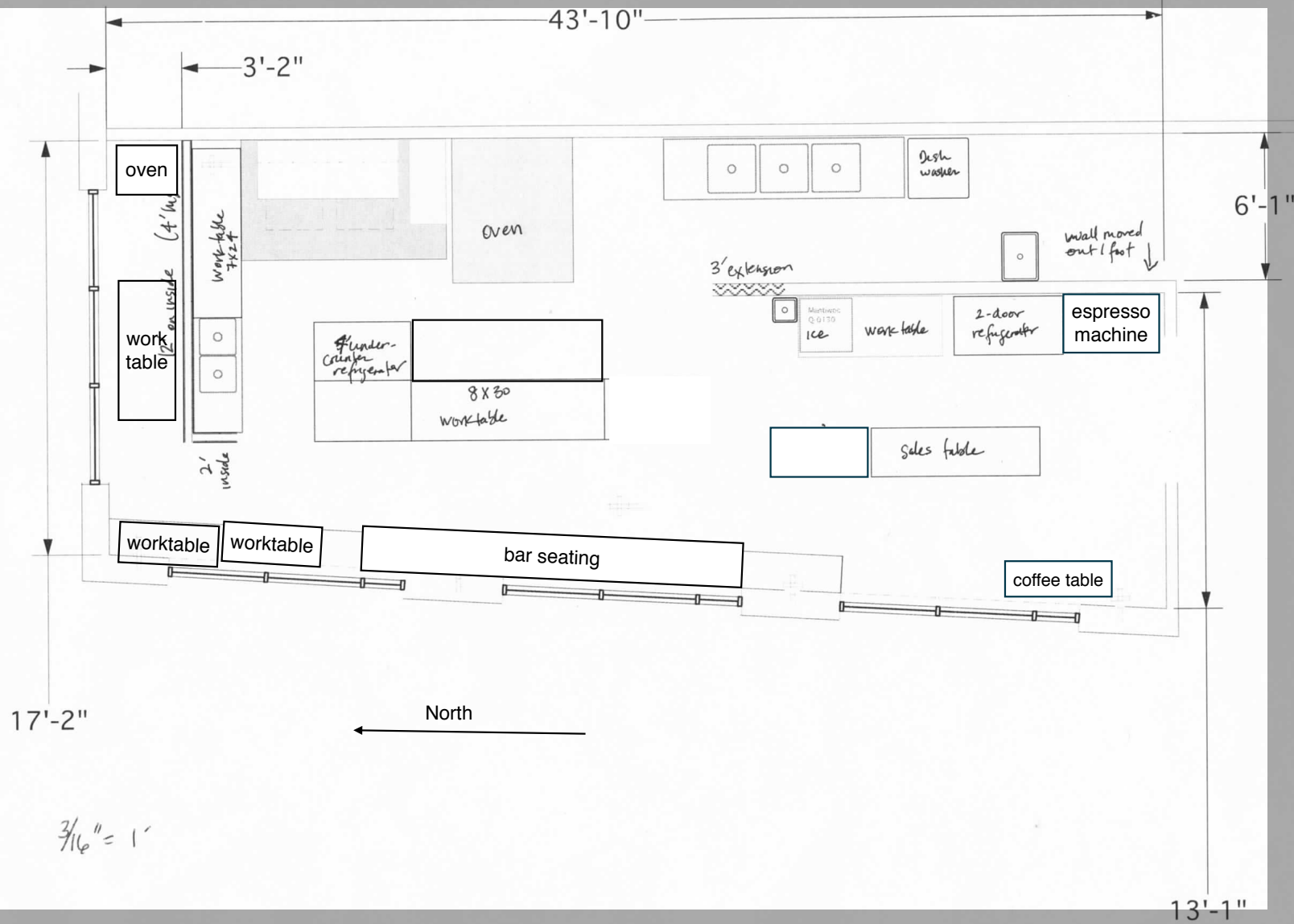
**BUILDING
FLOORPLAN**

PROJECT NO.: 0805 11X17
DRAWN BY: BA

SCALE: 1/16" = 1' - 0"
All drawings and written material appearing herein constitute original, and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of the architect; Anderson Studio for Architecture.

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Z O N I N G A D J U S T M E N T S B O A R D

NOTICE OF PUBLIC HEARING

2701 Eighth Street – “Standard Fare at Berkeley Kitchens”

Use Permit #ZP2022-0159 to change a protected industrial use to a non-industrial use within an existing catering business (Standard Fare) to a quick service restaurant with incidental service of beer and wine for on-site consumption and to add incidental retail sales of beer and wine for off-site consumption.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.404.

When: Thursday, September 14, 2023, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: Manufacturing Mixed Use
- Zoning: Mixed Use – Residential District (MU-R)

2701 EIGHTH STREET
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted AUGUST 31, 2023

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.206.050(B)(2) to change a protected industrial use to any use that is not a protected industrial use
- Use Permit under BMC 23.310.020(B) for incidental sale of beer and wine for off-site consumption
- Use Permit under BMC Section 23.310.030(A) for beer and wine service incidental to a food service establishment
- Administrative Use Permit under BMC Section 23.206.020(B) for the incidental retail sales of beer and wine for off-site consumption (unlisted land use)
- Administrative Use Permit BMC Section 23.302.070(E)(8) to establish a food service establishment.

C. CEQA Recommendation: Categorically exempt pursuant to Section 153303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").

D. Parties Involved:

- Applicant Kelsie Kerr, 2701 Eighth Street, Unit 117 -118, Berkeley
- Property Owner Hendrickson, Aftergood, Schmier, 1475 Powell Street, Ste 201, Emeryville, California 94608

2701 EIGHTH STREET
Page 3 of 4

NOTICE OF PUBLIC HEARING
Posted AUGUST 31, 2023

Further Information:

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Nilu Karimzadegan at (510) 981-7430 or NKarimzadegan@berkeleyca.gov

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

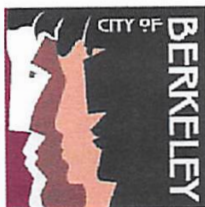
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

Internal



Police Department

June 14th, 2023

To: Niloufar Karimzadegan, Senior Planner
City of Berkeley, Department of Planning and Development
1947 Center Street
Berkeley, CA 94704

From: Jennifer Louis, Chief of Police
Completed by, Community Service Bureau
Officer Beau Hunt, Area Coordinator

Subject: Standard Fare, 2701 Eight St, Unit 117-118, Berkeley, CA

Dear Mr. Roe,

This memorandum is in response to your request to review a proposed change to the above business as outlined in the attached Zoning Project Application. The owner is requesting to change the primary use for **Standard Fare** from catering to primary food services (quick service) establishment with incidental alcoholic beverage service of beer and wine. The applicant indicates they will obtain an Alcohol Beverage Control License Type 41 (On sale beer and wine eating place).

Based on the information from the Applicant's statement and research of our records, Berkeley Police Department (BPD) supports approval of this application.

As previously noted, the business Standard Fare is requesting to change from a light manufacturing catering to a quick service restaurant, serving food with incidental alcoholic beverage service of wine and beer. This will include retail sales of wine and beer for off-site consumption. The proposal does not indicate any changes to the exterior and only minor changes to the interior. It appears this proposal will not cause a radical change to the area/neighborhood. The proposal and business plan appear to reflect a positive vision, which will help promote the local neighborhoods, businesses and west Berkeley.

An analysis of police service data at 2701 Eighth St, reveals 0 calls for service in our current database, since January 2021.

Internal

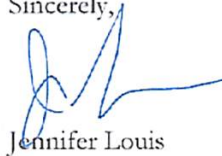
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Based on this information, we believe the proposed addition is not at all likely to increase crime or disorder in this neighborhood or west Berkeley.

Researching other applications, we have noticed a correlation between businesses having live music and increased calls for service to BPD, often for noise complaints. Standard Fare will not have live music.

In conclusion, we see no reason to believe this business would increase crime or calls for service in the neighborhood, and see no reason it would have an adverse effect on the health, safety, or morals of the people in the area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Louis", with a stylized, flowing script.

Jennifer Louis

Chief of Police

JL/BRH



Standard Fare is applying for a wine and beer license! Our public hearing with the City of Berkeley is September 14th. Please help us by signing our petition.

NAME	SIGNATURE	EMAIL
OSCAR NICKEL		tacososcar@gmail.com
KTM		alohakates@gmail.com
Jacqueline Emerson		jkeentze@hotmail.com
Jessie Bridges		MISSJESSIEB@gmail.com
Gerold Star		geroldstar@gmail.com
MARIAM TV		inimanzini@gmail.com
ARAVIND		aravind7887@gmail.com
Jo Mander		joannd.c@gmail.com
Eleanore		leletoonnean@gmail.com



Standard Fare is applying for a wine and beer license! Our public hearing with the City of Berkeley is September 14th. Please help us by signing our petition.

NAME	SIGNATURE	EMAIL
Serge Kogan		Koganserge@gmail.com
Abby Woodworth		abbywoodworth@gmail.com
JOSHUA WAGNER		JOSHUA.WAGNER@gmail.com
TOM MILLER		MILLERTOM@gmail.com
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Standard Fare is applying for a wine and beer license! Our public hearing with the City of Berkeley is September 14th. Please help us by signing our petition.

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Hannah Johnson		hannahmarin.j@gmail.com
NINO CLAVIERA		claveriamarina@gmail.com

From: kelsie.standardfareberkeley.com
To: Karimzadegan, Niloufar
Subject: Fwd: Standard Fare Wine Bar license
Date: Thursday, September 7, 2023 9:45:14 AM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

On Oct 6, 2022, at 3:20 PM, Amy Brueggemeyer
<amybrueggemeyer@gmail.com> wrote:

Cheers!

----- Forwarded message -----

From: Amy Brueggemeyer
<amybrueggemeyer@gmail.com>
Date: Thu, Oct 6, 2022 at 3:18 PM
Subject: Standard Fare Wine Bar license
To: planning@cityofberkeley.info
<planning@cityofberkeley.info>

To whom it concerns,

I am writing to express my support for the issuance of a liquor license for Standard Fare, a restaurant at 8th and Carleton in Berkeley. I have been a neighbor of the restaurant for many years, and have seen what they have brought to the neighborhood.

When Standard Fare initially arrived in the neighborhood, eight years ago, some of my neighbors were skeptical, and worried about how it might impact the area. We have all watched how the restaurant has created a community gathering place, while respecting the quiet ambiance of the area. Kelsie and her crew have always gone out of their way to keep the area clean and safe for all of us. It's a thriving hub, even in the post covid economy, and we all appreciate that healthy and delicious food is available just a walk away.

Please allow Standard Fare to serve alcohol in addition to their delicious food. It will be a nice addition to our little neighborhood.

Thank you,

Amy Brueggemeyer
924 Carleton Street
Berkeley, CA 94710
510-290-9991

STANDARD FARE

info@standardfareberkeley.com

510.356.2261

www.standardfareberkeley.com

Karimzadegan, Niloufar

From: MiSoon Yang <misoonyang@gmail.com>
Sent: Thursday, September 7, 2023 9:55 AM
To: Karimzadegan, Niloufar
Cc: Taplin, Terry; info@standardfareberkeley.com
Subject: Standard Fare Licensing

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City of Berkeley,

I am writing in support of Standard Fare's beer and wine application and kindly ask for it to be approved. I live in South Berkeley, and this place is so special to my family, friends and me!

The owner Kelsie and her culinary team exemplify Berkeley excellence in our city's storied culinary scene. Kelsie's rich professional history at Chez Panisse, now part of the Chez Panisse effect, makes her an anchor within Southwest Berkeley and the Berkeley community at large.

Not only does Kelsie employ workers with fair, livable wages, she also sources her ingredients from sustainable, organic farms. The food is above and beyond excellent. It's nutritious and delicious! I attached my morning oatmeal photo for you to see!

Southwest Berkeley (and Berkeley in general) would greatly benefit from Standard Fare operating as an evening wine and food spot. It will keep evening / wine sales tax in Berkeley and continue to expand the awesome community that already exists at Standard Fare. Anything that Standard Fare does is done with intention and respect, and I am certain the environment in the evening will bring so much positivity and community to Southwest Berkeley.

I cannot imagine how there would be any detractors, but if there are, please don't give them a disproportionate amount of power in this licensing application because Standard Fare brings only good vibes to Southwest Berkeley.

What it takes to run a culinary business in Berkeley or anywhere in the Bay Area deserves so much respect and admiration from customers and the city officials who manage the city. I hope the license approval is swift and smooth for Kelsie, so we Berkelyans can sip on wine and nosh on evening bites together soon.

Kelsie and her team are simply the best! I wholeheartedly support their plan to expand with a beer and wine license, and I hope you and the City of Berkeley do too!

Warm regards,
MiSoon

