



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

3121 Sacramento Street

Use Permit #ZP2023-0075 to add service of distilled spirits incidental to food service at an existing restaurant, under a Type 47 ABC license.

I. Background

A. Land Use Designations:

- General Plan: Neighborhood Commercial (NC)
- Zoning: South Area Commercial District (C-SA)

B. Zoning Permits Required:

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.030, to add Alcoholic Beverage Service, including distilled spirits, to a full-service restaurant.

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 15301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by the Zoning Adjustments Board (ZAB).

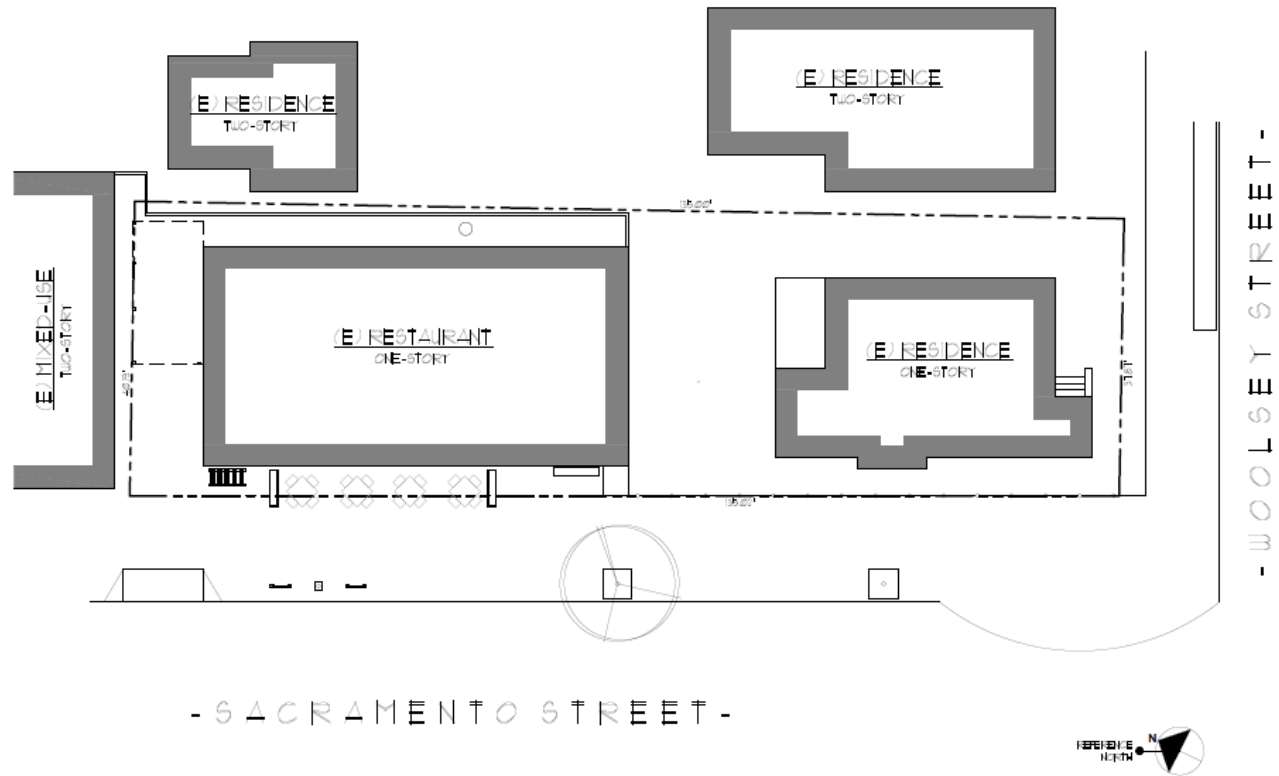
D. Parties Involved:

- Applicant/Owner: Greg Poulios, 3121 Sacramento Street

Figure 1: Vicinity



Figure 2: Site Plan



File: G:\LANDUSE\Projects by Address\Sacramento\3121\ZP2023-0075\DOCUMENT FINALS\2023-09-14_ZAB_Staff Report_3121 Sacramento.docx

Figure 4: Liquor Licenses Within 1,000 Feet of Subject Site



- ABC License Type**
- 20 - Off Beer Wine
 - 21 - Off General
 - ▲ 41 - On Beer Wine Eating Place

ZONING ADJUSTMENTS BOARD
September 14, 2023

3121 SACRAMENTO STREET
Page 6 of 10

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Existing Restaurant	South Area Commercial	Neighborhood Commercial
Surrounding Properties	North	Mixed-Use Commercial/Residential		
	South	Residential		
	East	Residential		
	West	Retail		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Alcohol Sales/Service	Yes	The applicant is applying for Type 47 ABC license to serve beer, wine, and distilled spirits incidental to food service.
Public Convenience or Necessity	No	There are no other Type 47 ABC licenses within 1,000 feet. Therefore, public convenience and necessity findings are not required.
Affordable Child Care or Housing Fee for qualifying nonresidential projects (Per Resolutions 66,618-N.S. & 66,617-N.S.))	No	The proposed project does not include new floor area or a new use in a space vacant for more than three years; therefore, this mitigation fee payment does not apply.
Creeks	No	No new construction is proposed.
Natural Gas Prohibition (Per BMC 12.80.020)	No	
Historic Resources	No	
Seismic Hazards (SHMA)	No	
Soil/Groundwater Contamination	No	
Transit	Yes	The site is served by AC Transit Route 88, which has a stop on the subject block.

Table 3: Project Chronology

Date	Action
June 6, 2023	Application submitted
July 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 on the east side of Sacramento Street, just north of Woolsey Street. The immediate vicinity of the site, along Sacramento Street, consists of a mix of retail shops, restaurants, and personal/household service businesses, often with second floors containing residential units. Further along Sacramento Street, in both directions, there is a mix of small commercial and multifamily housing. Both sides of Sacramento Street are bordered in the rear by medium-density residential neighborhoods consisting primarily of single-family homes.
- B. Site Conditions:** The parcel is a narrow rectangular shaped corner lot oriented in a north-south direction. The northern half is developed with a single-story commercial building containing the existing Creekwood Restaurant. The southern half is developed with a single-family home. There is one off-street parking space on the lot, for use by the restaurant.

III. Project Description

This project would add alcoholic beverage service (including distilled spirits), under a Type 47 ABC license, to an existing 2,655 square-foot restaurant called Creekwood. The applicant proposes to operate the same hours as are currently permitted (previously approved under AUP #2013-0121), seven days per week from 7AM to 11PM for the restaurant operation, except the outdoor seating area which closes at 10PM, with primary operating hours occurring 4 pm to 11 pm, with the catering operation hours until 12AM.

IV. Community Discussion

- A. Neighbor/Community Concerns:** A pre-application poster was installed by the applicant on XX, 2023. On August 31, 2023, the City mailed public hearing notices (Attachment 3) to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and posted notices within the neighborhood in three locations. At the time of writing this report, staff has not received any communications regarding the project.

A letter dated June 14, 2023, from Berkeley Police Chief Jennifer Louis, supports the addition of distilled spirits service to the Creekwood Restaurant, adding that the Police

Department sees “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.” (Attachment 4)

- B. Committee Review:** This project is not subject to review by the Design Review Committee or the Landmarks Preservation Committee because no exterior changes are proposed. If exterior changes and/or signage are proposed as part of associated tenant improvement(s), they will be evaluated by the applicable land use staff at that time.

V. Issues and Analysis

- A. Alcoholic Beverage Service: Alcoholic Beverage Service:** Alcoholic beverage sales and service that includes distilled spirits incidental to food service is allowed in the C-SA District (BMC 23.204.020) if a Use Permit is granted by the ZAB in accordance with required findings.

Alcoholic beverage service is also regulated by BMC 23.310.020(D) for Special Use Standards. 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. However, in the case of the subject property, there are no other establishments within a 1,000-foot radius with a Type 47 ABC license. Therefore, the findings for public convenience or necessity do not need to be made.

B. Use Permits in the C-SA District:

BMC Section 23.204.100 allows alcoholic beverage service with approval of a Use Permit, subject to ZAB making the applicable findings in BMC Section 23.204.100(E). In order to approve any Use Permit in the C-SA District, ZAB must find that the proposed use is:

- 1) Compatible with the purpose of the District, which are the following:
 - Implement the General Plan’s designations for Community Commercial, and the Commercial/Residential areas, as well as the policies of the South Berkeley Area Plan;
 - Provide locations for both community-serving and regional-serving businesses, particularly those which reflect the culture of the surrounding area;
 - Provide an area of neighborhood and lower intensity community commercial uses, serving as a transition between the Downtown area and the neighborhood-serving area south of Ashby Avenue;
 - Encourage the location of a wide variety of community-oriented retail goods and services in South Berkeley;
 - Encourage residential development for persons who desire both the convenience of location and more open space than is available in the Downtown;

- Provide limited locations for other activities such as offices which may be compatible with both retail and residential uses;
 - Encourage development and amenities that support pedestrian-oriented uses;
 - Encourage appropriate mixed-use development (retail/office/residential) on appropriate sites in the district; and
 - Increase the opportunities for the establishment of businesses which are owned and operated by local residents.
- 2) Compatible in design and character with the district and the adjacent residential neighborhoods; and
- 3) Will not result in the domination of one type of commercial/retail use in any one area of the district.

Staff Analysis: The service of distilled spirits will strengthen the economic opportunities for a locally owned business, and it will offer an expanded dining opportunity for area residents and a citywide clientele while maintaining compatibility with surrounding uses and buildings. There are few restaurants in the immediate neighborhood, and the proposed alcoholic beverage use is in an existing restaurant. Therefore, this project will not result in the domination of one type of use in the area. Nor will it conflict with the design and character of the surrounding neighborhood.

C. 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 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.

Staff Analysis: The alcohol service would be incidental to food service, and due to the incidental nature of the service, as well as the size and location of the restaurant, the addition of distilled spirits would not have a detrimental impact on public health, safety, or peace. In addition, the project is subject to the City's standard conditions of approval regarding hours of operation and alcoholic beverage service, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City. The project does not propose live entertainment.

VI. Other Considerations

A. General Plan Consistency: The 2002 General Plan contains 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: Adding the service of distilled spirits to this neighborhood restaurant will enhance customer experiences and help the restaurant to promote the character of Berkeley as a special, diverse, unique place to live and work.

2. Policy LU-7–Neighborhood Quality of Life

Staff Analysis: The existing restaurant serves adjacent residential neighborhoods that don't have a lot of walkable dining options. Allowing the service of distilled spirits will help to strengthen its economic health and continue to serve the neighborhood.

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 ZP2023-0075 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 August 18, 2023
3. Notice of Public Hearing
4. Berkeley Police Department Letter, dated June 15, 2023

Staff Planner: Russell Roe, roeo@berkeleyca.go, (510) 981-7548

ATTACHMENT 1

FINDINGS AND CONDITIONS

SEPTEMBER 14, 2023

3121 Sacramento Street

Use Permit #ZP2023-0075 to add service of distilled spirits incidental to food service at an existing restaurant, under a Type 47 ABC license.

PERMITS REQUIRED

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.030, to add Alcoholic Beverage Service under a new Type 47 ABC license, including distilled spirits, to a full-service restaurant.

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 15301 of the CEQA Guidelines ("Existing Facilities").
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. GENERAL NON-DETRIMENT FINDINGS FOR APPROVAL

1. As required by Section 23.406.040.(E) 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:
 - A. Creekwood Restaurant is already a member of the local community and is in good standing with the neighborhood.
 - B. The project is consistent with all applicable C-SA District standards, including use and hours of operation;
 - C. The addition of distilled spirits alcoholic beverage service in the restaurant will not expand the footprint of the business. The proposed service will provide an additional option for patrons in the Sacramento Street corridor;
 - D. The alcohol service will be incidental to the overall food service use, and as such, alcohol sales will not have detrimental impact on public health, safety, or peace; and
 - E. The permit is subject to the standard conditions for alcohol sales, which will ensure that the restaurant will continue to be a good neighbor.

- F. The restaurant is not within 1,000 feet of any public school or park. Additionally, as a standard Condition of Approval, no visible advertising of alcohol beverages is allowed, and the business staff would check customers for proper identification to purchase alcohol.
- G. In a letter dated June 15, 2023, Berkeley Police Department (BPD) indicated that BPD would support this project.

III. OTHER FINDINGS FOR APPROVAL

- 1. As required by Section 23.204.100(E) of the BMC, the Zoning Adjustments Board finds that:
 - A. This project is consistent with the purposes of the C-SA District, which allows the service of distilled spirits for purposes of on-site consumption;
 - B. The addition of liquor service in the restaurant will contribute to the variety of goods and services which serve residents in, and visitors to, the area. The expansion of services will contribute to the vitality of the neighborhood. The project will contribute to the City's economic health.
 - C. The project is compatible with surrounding uses and buildings; and
 - D. There are no other businesses with Type 47 ABC permits within 1,000 feet of the subject restaurant. Therefore, this project will not result in the domination of one type of commercial/retail use in any one area of the district.
-

IV. 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.

V. 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:

AT ALL TIMES

- 10. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 11. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to design review.

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

ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)

13. The Food Service Establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).
14. 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.
15. 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.
16. 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.
17. 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.
18. The sale of alcoholic beverages for consumption off the premises is prohibited.
19. There shall be no service or consumption of alcohol on the public right-of-way, unless authorized by a Public Works sidewalk seating permit.
20. All alcoholic beverages served to patrons must be served in durable restaurant tableware (i.e. cups or glasses). No beer or wine may be distributed in its original bottle or can, or in any other potentially disposable container.
21. 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.
22. 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.

23. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
24. 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.
25. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.
26. 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.
27. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
28. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
29. At no time shall the operator rent the restaurant space to a third-party promoter.
30. 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.
31. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
32. 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.

PROJECT CONTACT
RHOADES PLANNING GROUP 2140 SHATTUCK AVENUE, SUITE 105 BERKELEY, CA 94704 TEL: 510/545-4341 CONTACT: MIA PERKINS
ARCHITECT
THE KASTROP GROUP, INC. 160 BIRCH STREET, SUITE B REDWOOD CITY, CA 94062 TEL: 650/299-0303 CONTACT: D. MICHAEL KASTROP, AIA LIC: C-15183 EXP: 5/2025

A REQUEST FOR A USE PERMIT FOR DISTILLED SPIRITS INCIDENTAL TO FOOD SERVICE FOR THE EXISTING RESTAURANT. THE PROPERTY CONTAINS THE EXISTING RESTAURANT FACING SACRAMENTO STREET AND A ONE-STORY SINGLE FAMILY HOME FACING WOOLSEY STREET.



THE KASTROP GROUP, INC.
ARCHITECTS

160 BIRCH STREET, SUITE B
REDWOOD CITY, CA 94062
T: 650.299.0303
www.kastropgroup.com

PROJECT TEAM	F	SCOPE OF WORK	C	VICINITY MAP	100' = 1" - 0"	B
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ZONING DESIGNATION:	C-SA
ASSESSOR'S PARCEL NUMBER:	052-1542-01500
SEISMIC ZONE:	4
BUILDING TYPE:	V-B NON-SPRINKLERED
LOT AREA:	5,219#
EXISTING BUILDING AREA:	1,742# EXISTING RESTAURANT 913# (E) SINGLE FAMILY RESIDENCE
EXISTING BUILDING AREA:	NO CHANGE
EXISTING BUILDING HEIGHT:	13'-0" NO CHANGE
EXISTING PARKING:	NONE
PROPOSED PARKING:	NO CHANGE
PROPOSED USE:	CAFE & CATERING
OCCUPANCY:	B
OCCUPANT LOAD:	49

PROJECT INFORMATION	E
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PHOTO SIMULATION OF EXISTING PROJECT

CREEKWOOD RESTAURANT
3121 SACRAMENTO STREET
BERKELEY, CA 94703



THESE DRAWINGS CONSTITUTE THE ORIGINAL WORK OF THE ARCHITECTS AND MAY NOT BE USED WITHOUT THEIR WRITTEN CONSENT.

SHEET TITLE:
PROJECT INFORMATION
GENERAL NOTES
VICINITY MAP
SCOPE OF WORK
PHOTO SIMULATION

DATE	ISSUE TITLE
8/2/13	CLIENT REVIEW
9/11/13	USE PERMIT SUBMITTAL
8/17/23	USE PERMIT SUBMITTAL

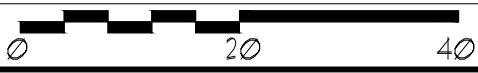
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SCALE: AS NOTED

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OF 6

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Plotted by: Brian
Plotted Date: Aug 17, 2023 - 6:48pm



SITE PLAN



1/16" = 1'-0"

B

THE KASTROP GROUP, INC.
ARCHITECTS
160 BIRCH STREET, SUITE B
REDWOOD CITY, CA 94062
T: 650.299.0303
www.kastropgroup.com

CREEKWOOD RESTAURANT
3121 SACRAMENTO STREET
BERKELEY, CA 94703



THESE DRAWINGS CONSTITUTE THE ORIGINAL WORK OF THE ARCHITECTS AND MAY NOT BE USED WITHOUT THEIR WRITTEN CONSENT.

SHEET TITLE:
SITE PLAN
GENERAL NOTES

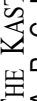
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8/2/13	CLIENT REVIEW
9/11/13	USE PERMIT SUBMITTAL
8/17/23	USE PERMIT SUBMITTAL

JOB NO: 13414
DRAWN: BV/ MV
CHECKED: DMK

SCALE: AS NOTED
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OF 6



LEGEND:

- 
- THE KASTROP GROUP, INC.**
A R C H I T E C T S
160 BIRCH STREET, SUITE B
REDWOOD CITY, CA 94062
T: 650.299.0303
www.kastropgroup.com

CREEKWOOD RESTAURANT

3121 SACRAMENTO STREET
BERKELEY, CA 94703



THESE DRAWINGS CONSTITUTE THE
ORIGINAL WORK OF THE ARCHITECTS
AND MAY NOT BE USED WITHOUT THEIR
WRITTEN CONSENT.

SHEET TITLE:
PROPOSED FLOOR PLAN
KEY NOTES & LEGEND

DATE	ISSUE TITLE
8/2/13	CLIENT REVIEW
9/11/13	USE PERMIT SUBMITTAL
8/17/23	USE PERMIT SUBMITTAL

JOB NO: 13414
DRAWN: BY/ MY
CHECKED: DMK
SCALE: AS NOTED

A2.1

EXISTING FLOOR PLAN

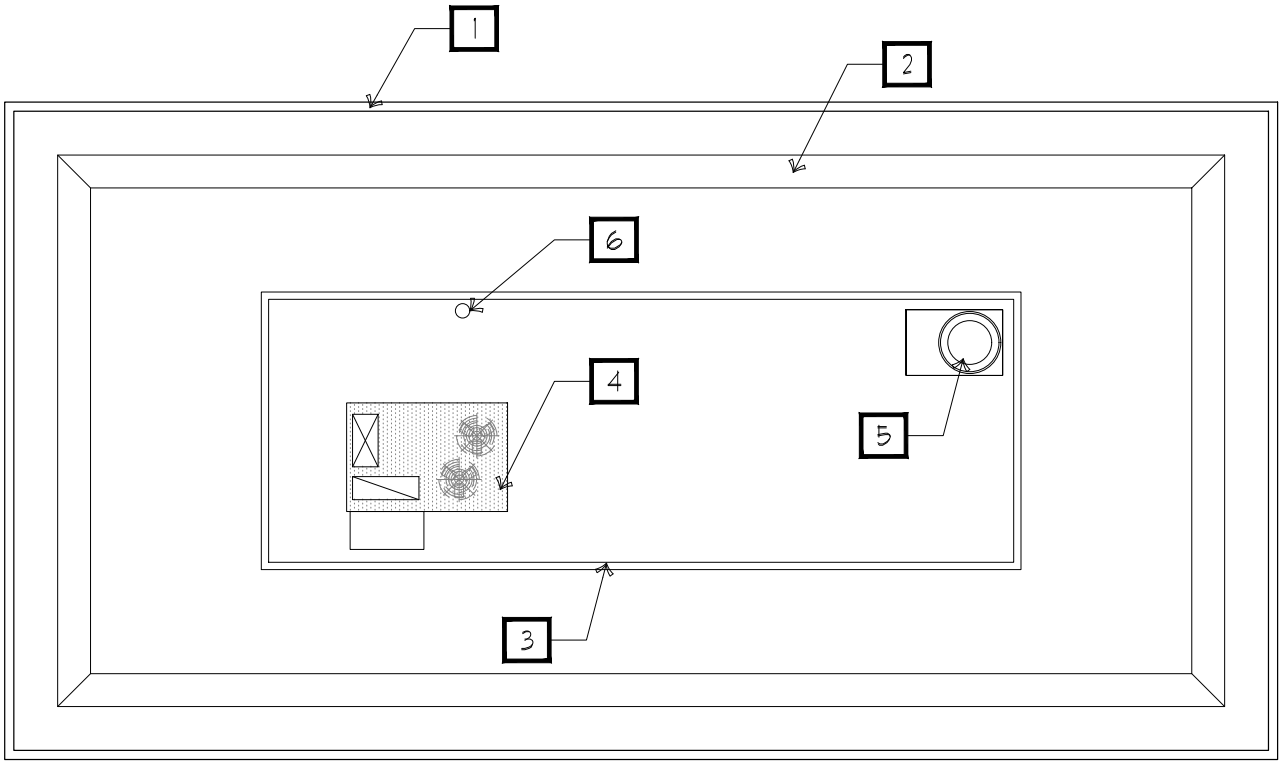

$$1/8'' = 1' - 0''$$

B

KEY NOTES & LEGEND

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Plotted by: Brian
Plotted Date: Aug 17, 2023 - 6:50pm

EXISTING ROOF PLAN



1/8"=1'-0"

B

KEY NOTES & LEGEND

A

KEY NOTES:

1. (E) PARAPET
2. (E) BUILT UP ROOFING
3. MECHANICAL SCREEN
4. HEAT PUMP
5. HOOD EXHAUST
6. RESTROOM EXHAUST

LEGEND:

- 2 KEY NOTE TAGS - SEE KEY NOTES & LEGEND THIS SHEET
- NEW WALLS
- (E) WALLS TO REMAIN

THE KASTROP GROUP, INC.
ARCHITECTS
160 BIRCH STREET, SUITE B
REDWOOD CITY, CA 94062
T: 650.299.0303
www.kastropgroup.com

CREEKWOOD RESTAURANT
3121 SACRAMENTO STREET
BERKELEY, CA 94703



THESE DRAWINGS CONSTITUTE THE ORIGINAL WORK OF THE ARCHITECTS AND MAY NOT BE USED WITHOUT THEIR WRITTEN CONSENT.

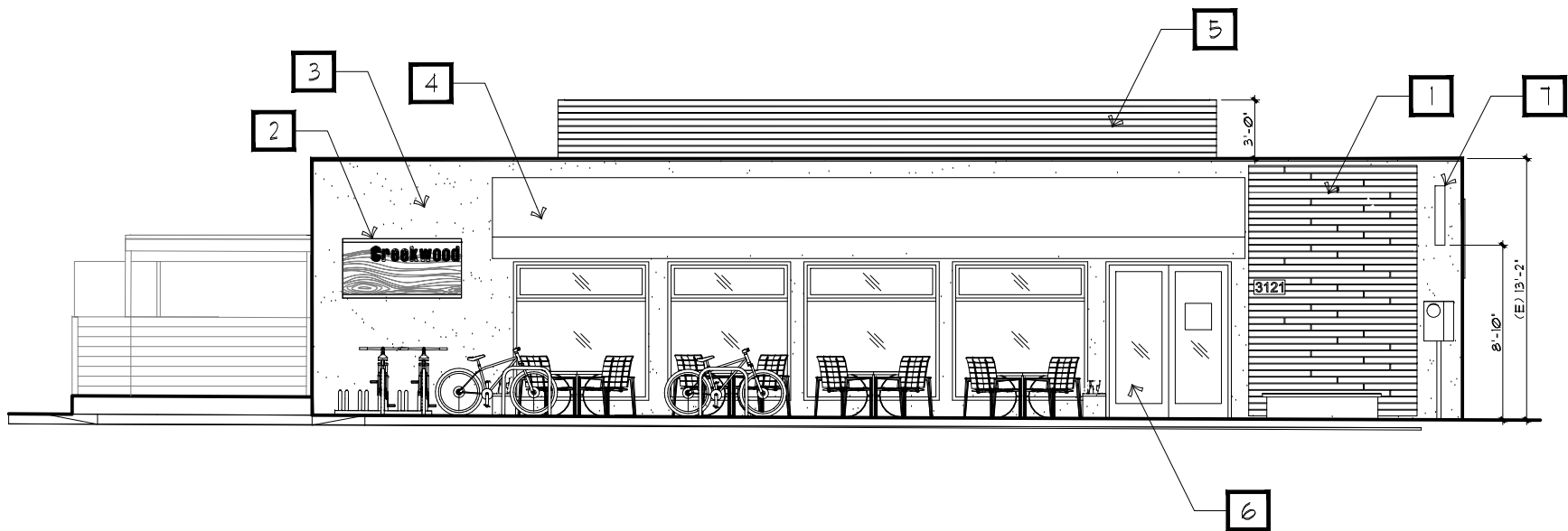
SHEET TITLE:
PROPOSED ROOF PLAN
KEY NOTES & LEGEND

DATE	ISSUE TITLE
8/2/13	CLIENT REVIEW
9/11/13	USE PERMIT SUBMITTAL
8/11/23	USE PERMIT SUBMITTAL

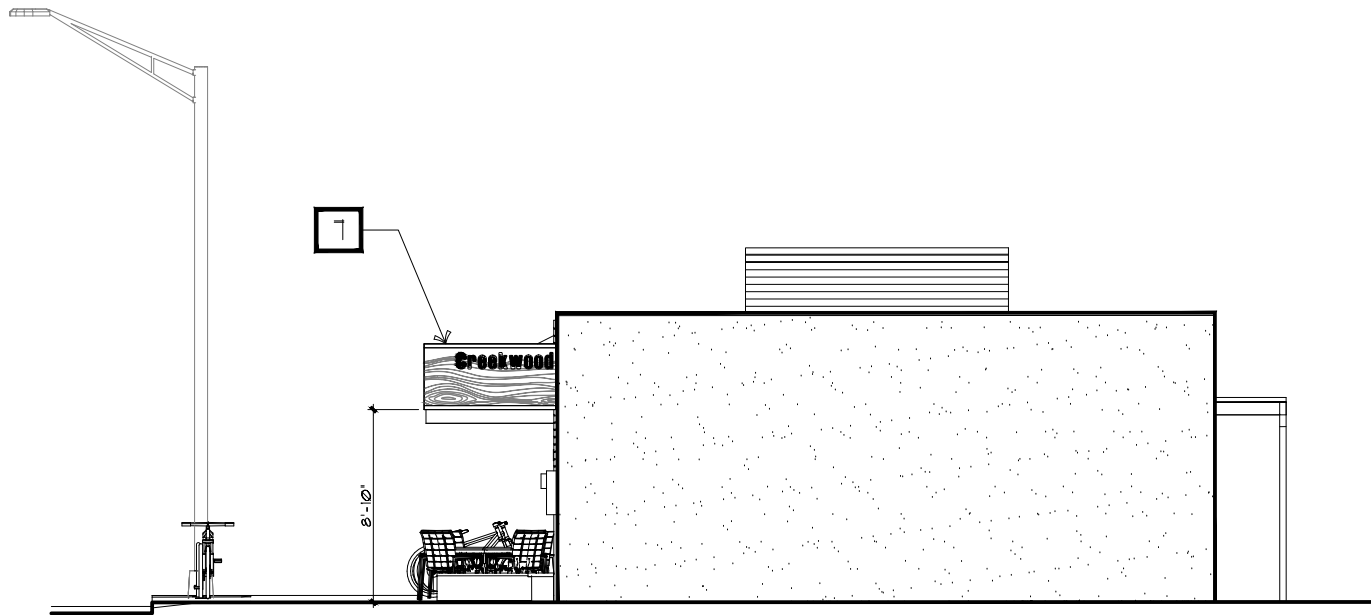
JOB NO: 13414
DRAWN: BV/ MV
CHECKED: DMK

SCALE: AS NOTED

A2.2
OF 6



SACRAMENTO STREET ELEVATION



SOUTH STREET ELEVATION

KEY NOTES:

1. APPLIED CHARRED WOOD SLATS
2. 3'-0" x 6'-0" SIGN
3. (E) CEMENT PLASTER - PAINTED
4. CANVAS AWNING
5. MECHANICAL SCREEN, WOOD SLATS SIMILAR TO CHARRED WOOD @ MAIN ENTRY.
6. CLEAR TEMPERED GLASS ON WINDOWS & MAIN ENTRY DOOR.
7. 3'-0" x 6'-0" BLADE SIGN

LEGEND:

- 2 KEY NOTE TAGS - SEE KEY NOTES & LEGEND THIS SHEET

THE KASTROP GROUP, INC.
ARCHITECTS
160 BIRCH STREET, SUITE B
REDWOOD CITY, CA 94062
T: 650.299.0303
www.kastropgroup.com

CREEKWOOD RESTAURANT
3121 SACRAMENTO STREET
BERKELEY, CA 94703



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SHEET TITLE:
EXTERIOR ELEVATIONS

DATE	ISSUE TITLE
8/2/23	CLIENT REVIEW
9/11/23	USE PERMIT SUBMITTAL
8/11/23	USE PERMIT SUBMITTAL

JOB NO: 13414
DRAWN: BV/ MY
CHECKED: DMK

SCALE: AS NOTED

A3.0
OF 6

EXTERIOR ELEVATIONS



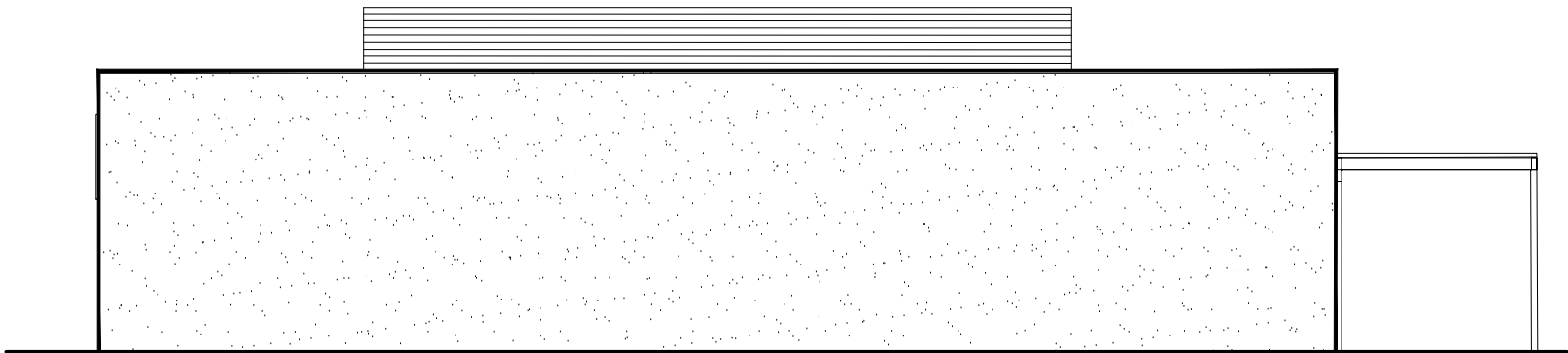
1/8" = 1'-0"

B

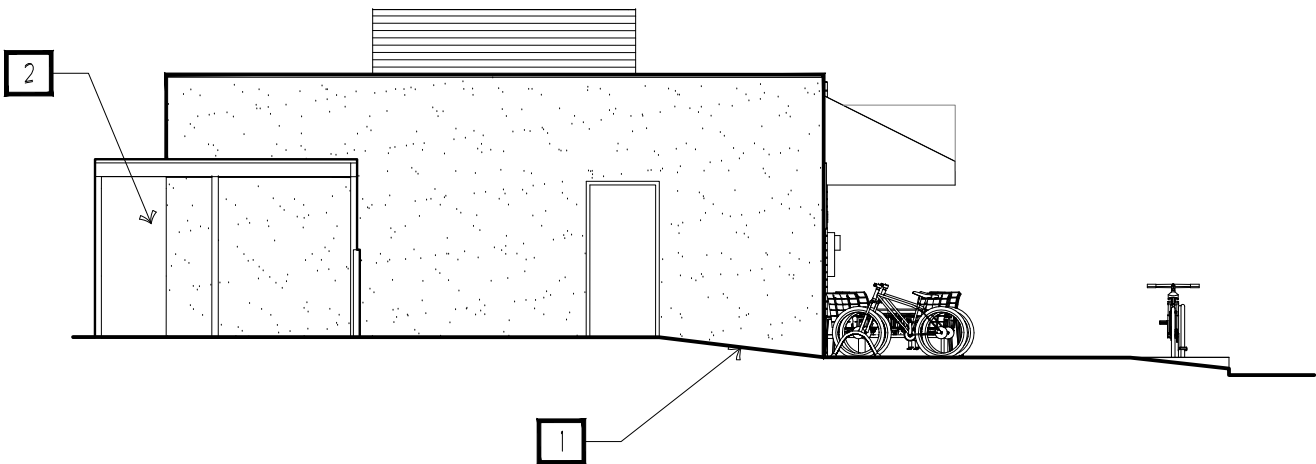
KEY NOTES & LEGEND

A

Drawing File: C:\Users\Brian\Box\Archived Projects\2013 Archive\13414 3121 Sacramento\master 13414 DD - 2023_08_17 RPG.dwg
Plotted by: Brian
Plotted Date: Aug 17, 2023 - 6:52pm



EAST ELEVATION



NORTH ELEVATION

KEY NOTES:

- 1. (E) DRIVEWAY RAMP TO CARPORT
- 2. (E) CARPORT

LEGEND:

- 2 KEY NOTE TAGS - SEE KEY NOTES & LEGEND THIS SHEET

EXTERIOR ELEVATIONS



1/8"=1'-0"

B

KEY NOTES & LEGEND

A

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CHECKED: DMK

SCALE: AS NOTED

A3.1
OF 6



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

3121 Sacramento Street

Use Permit #ZP2023-0075 to add service of distilled spirits incidental to food service at an existing restaurant, under a Type 47 ABC license.

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: Neighborhood Commercial (NC)
- Zoning: South Area Commercial District (C-SA)

B. Zoning Permits Required:

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.030, to add Alcoholic Beverage Service, including distilled spirits, to a full-service restaurant.

3121 SACRAMENTO STREET
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted AUGUST 31, 2023

C. CEQA Recommendation: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

D. Parties Involved:

- Applicant/Owner Greg Poulos, 3121 Sacramento Street

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, Russell Roe, at (510) 981-7548 or rroe@berkeleyca.gov.

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

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:

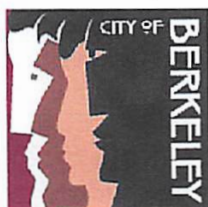
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

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 15th, 2023

TO: Russell Roe, Associate Planner
City of Berkeley, Department of Planning and Development
1947 Center Street
Berkeley, CA 94704

Re: Creekwood Cafe., 3121 Sacramento St. Berkeley 94703

Dear Mr. Roe,

This letter 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 (Greg Poullos) of Creekwood Café is requesting to add the service of distilled spirits on-site as an addition to their existing restaurant. The service of distilled spirits will be incidental to food service. The applicant/owner indicates they will obtain an Alcohol Beverage Control License Type 47 (On-Sale General – Eating Place).

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

As previously noted, it appears from the application there are no substantive changes to the business or its operation, other than the addition to serve distilled spirits. The existing restaurant has been present in the same location in South Berkeley for over 5 years. We believe this addition will not cause a radical change to the area.

The neighborhood has a mix of residential and business use. Businesses within the area include but not limited to other restaurants and markets. There is no reason to believe this addition will change the amount or patterns of their clientele. A record check with ABC shows Creekwood Restaurant has been operating in Berkeley with a License Type 41 (On-Sale Beer and Wine – Eating Place) since July 2018. The location is in good standing, there are no operating restrictions, disciplinary action or disciplinary history to report.

An analysis of police calls for service data shows 34 calls for service in the current BPD database which dates to 2009. There is a broad range of miscellaneous calls including thefts, disturbances and

Internal

alarm calls. Nothing indicates a pattern of conduct from the business that causes or aids to crime or disorder.

Based on this information we believe the proposed addition is not at all likely to increase crime or disorder in the south Berkeley area. Researching other applications, we have noticed a correlation between businesses having live music and increased calls for service to BPD, often for noise complaints. Creekwood Café will not have live music or change hours of operation.

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. This proposed use will not be detrimental or injurious to property and improvements of the adjacent properties, the surround area or neighborhood, or to the general welfare of the city.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Louis", is written over the printed name.

Chief of Police

JL/kf