



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  
FEBRUARY 8, 2024

## 1841 Solano Avenue

Use Permit #ZP2023-0151 to add retail sales of beer and wine at a specialty foods store

### I. Background

#### A. Land Use Designations:

- General Plan: Neighborhood Commercial (NC)
- Zoning: Solano Avenue Commercial District (C-SO)

#### B. Zoning Permits Required:

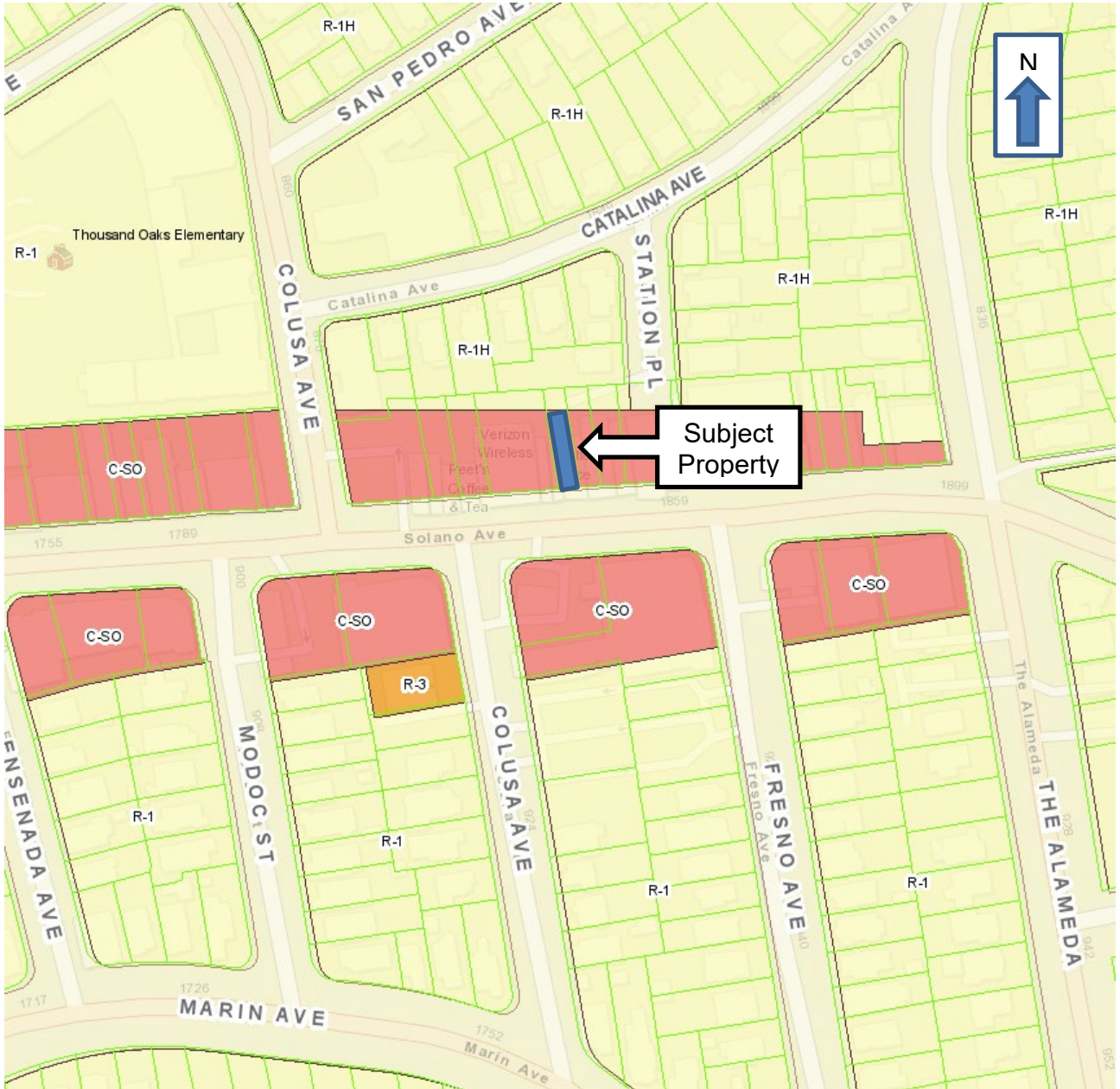
- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.020, to permit retail sales of beer and wine.

**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: Joseph Catalino, 939 Polk Street, Albany
- Owner: Hirahara Family Limited Partnership, 150 N. Wiget Lane, Ste. 250, Walnut Creek

Figure 1: Vicinity



- Solano Avenue Commercial (C-SO)
- Single-family Residential (R-1)
- Multiple-Family Residential (R-3)

Figure 2: Site Plan

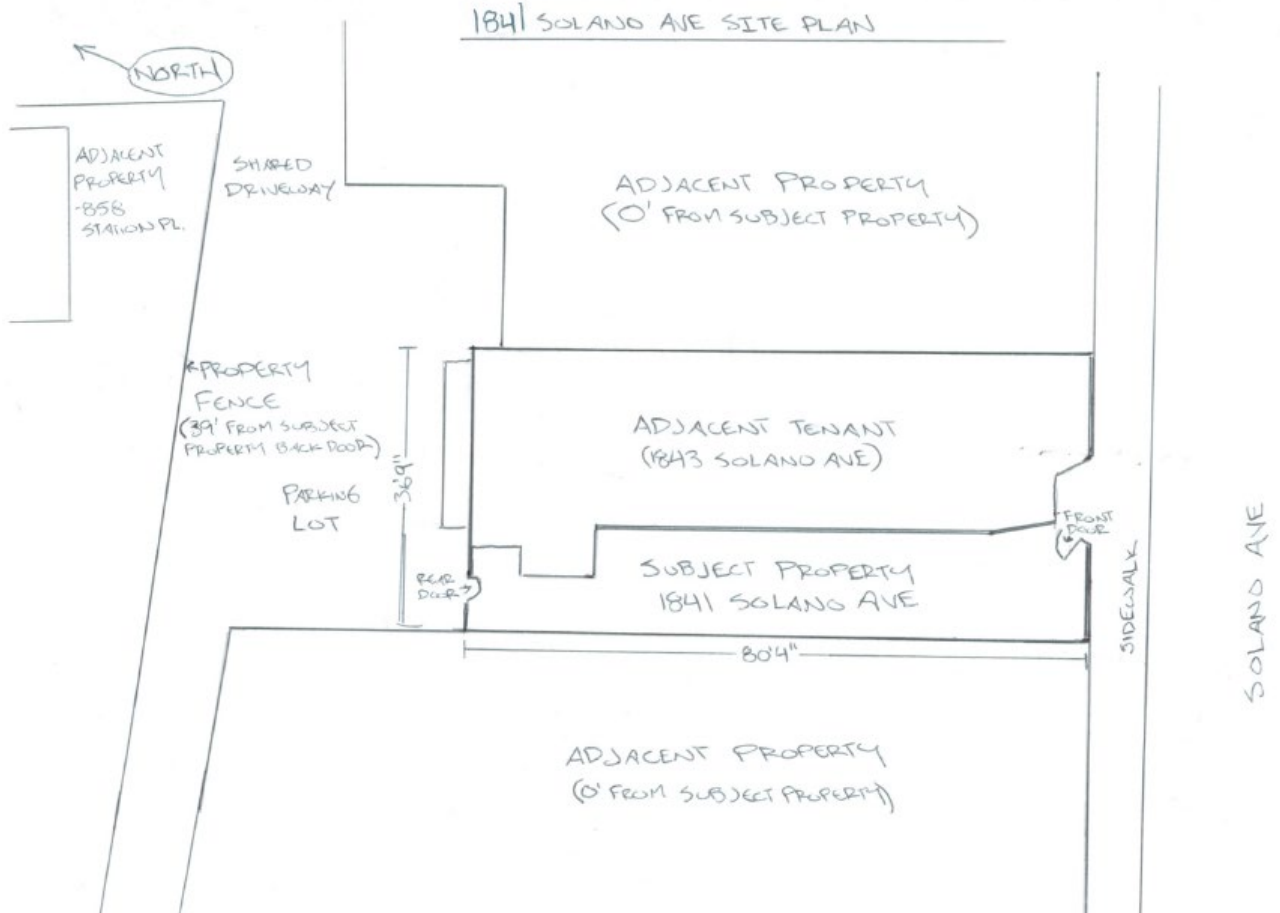


Figure 3: Floor Plan

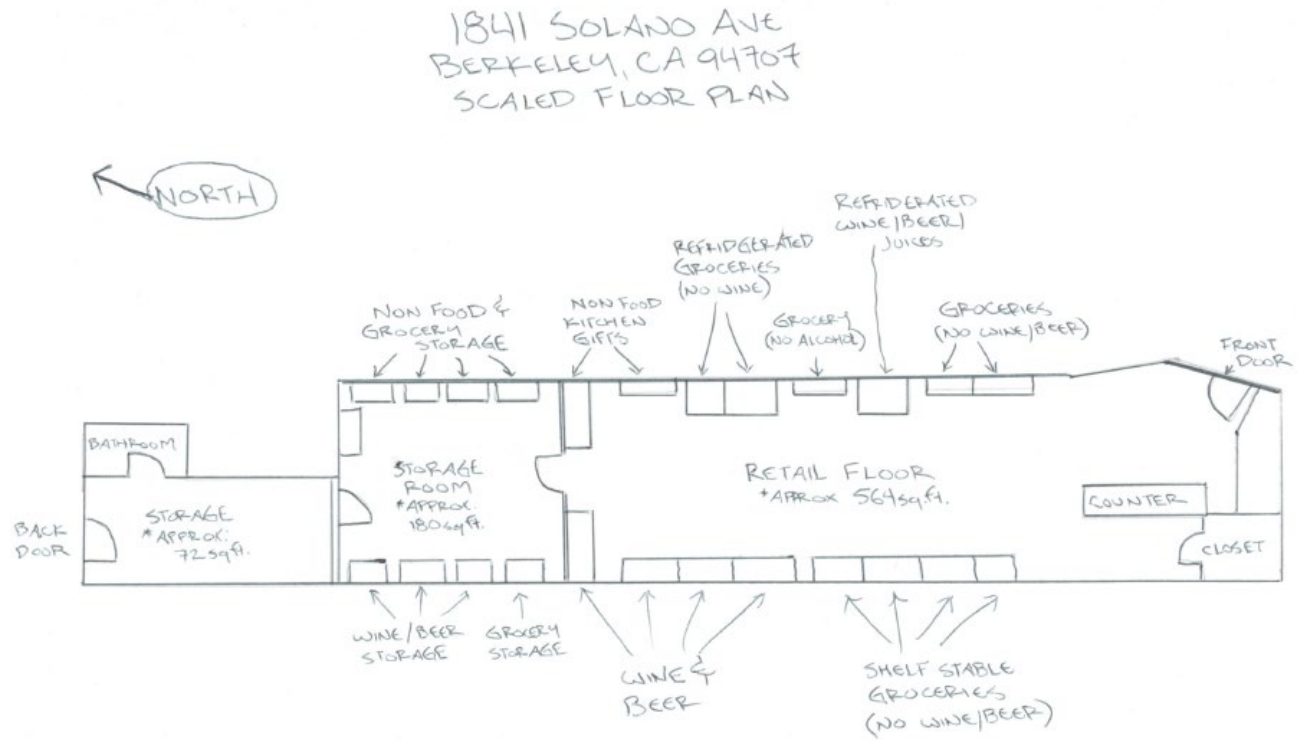
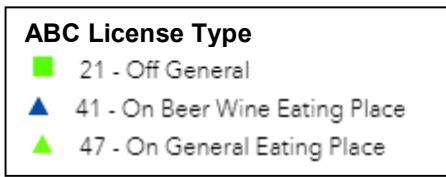
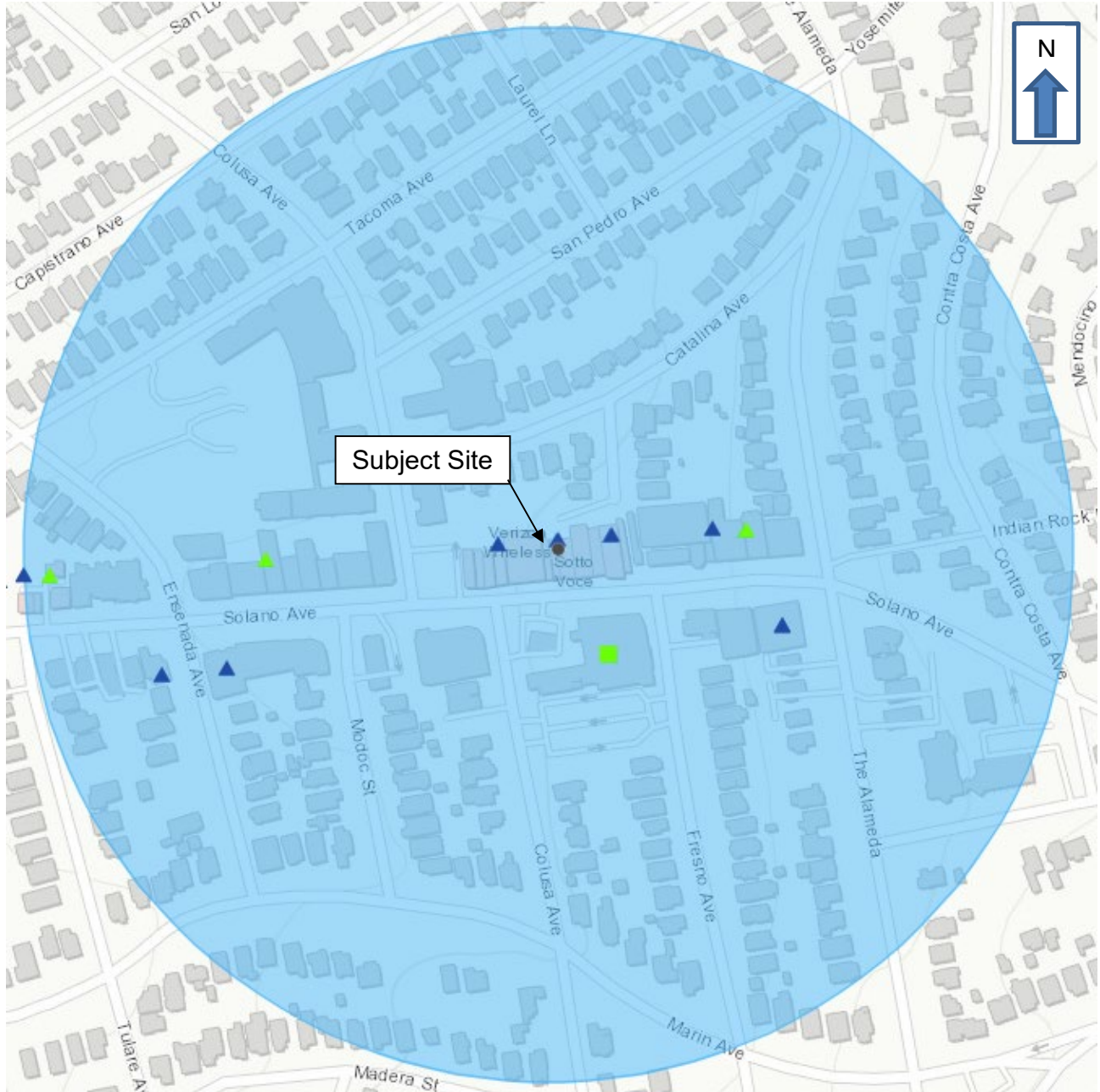


Figure 4: ABC Licenses Within 1,000 Feet of Subject Site



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Retail	Solano Avenue Commercial	Neighborhood Commercial
Surrounding Properties	North	Single-Family Residence	Single-Family Residential (Hillside Overlay)	Low Density Residential
	South	Gas Station	Solano Avenue Commercial	Neighborhood Commercial
	East	Restaurant	Solano Avenue Commercial	Neighborhood Commercial
	West	Post Office	Solano Avenue Commercial	Neighborhood Commercial

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Alcohol Sales/Service	Yes	The applicant is applying for Type 20 ABC license for retail sales of beer and wine at a specialty foods store.
Public Convenience or Necessity	No	There are no other Type 20 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 any new floor area or a new use in a space vacant for more than three years; therefore, this mitigation fee payment does not apply.
Historic Resources	No	Not a historic resource.
Transit	Yes	The site is served by AC Transit Routes 18, 79, G, and FS, which have stops at both ends of the subject block.

**Table 3: Project Chronology**

Date	Action
November 1, 2023	Application submitted
December 11, 2023	Application deemed complete
December 15, 2023	Revised application and plans submitted
January 25, 2024	Public hearing notices mailed/posted
February 8, 2024	ZAB hearing

## II. Project Setting

- A. Neighborhood/Area Description:** The project site is located on the north side of Solano Avenue, between Colusa and Fresno Avenues. The immediate vicinity of the site, along Solano Avenue, consists of a mix of retail shops, restaurants, post office, gas stations, financial institutions, and personal/household service businesses. The structures are primarily single-story, with a few two-story commercial buildings. Most structures on the north side of the block are contiguous, with little or no space between buildings. Both sides of Solano Avenue are bordered in the rear by low-density residential neighborhoods consisting primarily of single-family homes. It is a highly walkable neighborhood that serves many local residents and visitors. Solano Avenue is lined with numerous angled metered parking spaces.
- B. Site Conditions:** The parcel is a narrow rectangular lot oriented in a north-south direction. A single-story building occupies the majority of the lot, with the only open space being a small parking area in the rear. The eastern half of the building contains a restaurant. The subject tenant space is a retail food market occupying the western half, which was approved recently with a Zoning Certificate. The small parking area in the rear has room for only a few cars and is used primarily by employees of the adjacent businesses.

## III. Project Description

This project would add retail sales of beer and wine, under a Type 20 ABC license (Off-Sale Beer and Wine), to a new 1,030 square-foot specialty food store currently doing business as Of All Places Market. The store operates seven days per week from 9AM to 9PM, which is within the allowed hours for the C-SO, which are 7AM to 11PM.

## IV. Community Discussion

- A. Neighbor/Community Concerns:** A pre-application poster was installed by the applicant on October 24, 2023. On January 25, 2024, 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 December 13, 2023, from Berkeley Police Chief Jennifer Louis, supports the addition of beer and wine retail sales at this location, adding that “the proposal and business plan appear to reflect a positive vision, which will help promote the local neighborhoods, businesses and North Berkeley” (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 retail sales is allowed in the C-SO 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 20 ABC license. Therefore, the findings for public convenience or necessity do not need to be made.

**B. Use Permits in the C-SO District:**

BMC Section 23.204.120 allows alcoholic beverage retail sales in the C-SO District with approval of a Use Permit, subject to ZAB making the applicable findings in BMC Section 23.204.120(E). In order to approve any Use Permit in the C-SO District, ZAB must find that the proposed use:

- 1) Encourages and maintains the character of the street frontage and pedestrian orientation of the district;
- 2) Is compatible in design and character with the district and the adjacent residential neighborhood;
- 3) Is compatible with the purposes set forth in this set of regulations and the existing character of Solano Avenue;
- 4) Does not interfere with the continuity of retail or compatible service facilities at the ground level, or interrupt a continuous wall of building facades; and
- 5) Does not generate traffic and parking demand or significantly increase impacts on adjacent residential neighborhoods.

*Staff Analysis: The addition of with beer and wine sales to a specialty foods store will strengthen the character of the neighborhood, which doesn't currently have a similar business. Due to the market's small size, the addition of beer and wine sales would not result in increased parking and traffic demand. Nor would it have significant impacts on the adjacent residential neighborhoods.*

- 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 project proposes adding beer and wine sales to a new specialty retail food store that sells craft products and small-production goods. The applicants also intend for the shop to act as a community hub to share culinary knowledge. The sale of beer and wine will increase the economic viability of the business, and is complimentary to the sales of foods. Therefore, the beer and wine sales 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 sales, thereby ensuring that the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area. Nor would it 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.
2. Policy LU-7–Neighborhood Quality of Life

*Staff Analysis: The sale of beer and wine would be complimentary to the new specialty food type of business. Therefore, it will add to the character and diversity of the community and enhance the quality of life for many neighborhood residents.*

## 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 ZP2023-0151 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 December 15, 2023
3. Notice of Public Hearing
4. Berkeley Police Department Letter, dated December 13, 2023

**Staff Planner:** Russell Roe, [rroe@berkeleyca.go](mailto:rroe@berkeleyca.go), (510) 981-7548

# ATTACHMENT 1

---

## FINDINGS AND CONDITIONS

FEBRUARY 8, 2024

### 1841 Solano Avenue

Use Permit #ZP2023-0151 to add retail sales of beer and wine at a specialty foods store

#### PERMITS REQUIRED

---

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.020, to permit retail sales of beer and wine.

#### 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. The addition of beer and wine sales to a small specialty retail store would not have a significant impact on the neighborhood.
  - B. The project is consistent with all applicable C-SO District standards, including use and hours of operation.
  - C. The addition of beer and wine sales at this small craft market will not expand the footprint of the business. The business will provide an additional option for patrons in the Solano Avenue corridor.
  - D. The permit is subject to the standard conditions for alcohol sales, which will ensure that the business will continue to be a good neighbor.
  - E. In a letter dated December 13, 2023, Berkeley Police Department (BPD) indicated support for this project because it will not cause a radical change to the area/neighborhood, the business plan reflects a positive vision which will help promote the local neighborhoods,

businesses and North Berkeley, and there have been no calls for service in their current database since January 2021.

### **III. OTHER FINDINGS FOR APPROVAL**

---

1. As required by Section 23.204.120(E) of the BMC, the Zoning Adjustments Board finds that this project:
    - A. Encourages and maintains the character of the street frontage and pedestrian orientation in that it doesn't propose structural changes to the existing building.
    - B. Is compatible in design and character with the district and the adjacent residential neighborhood because it is complimentary to the existing mixture of uses in the neighborhood.
    - C. Is compatible with the purposes set forth in this set of regulations and the existing character of Solano Avenue because it adds to the diversity of services and products offered along the Solano corridor.
    - D. Does not interfere with the continuity of retail or compatible service facilities at the ground level, or interrupt a continuous wall of building facades, because it is part of a retail use and does not propose changes to the building.
    - E. Does not generate traffic and parking demand or significantly increase impacts on adjacent residential neighborhoods because the beer and wine sales will be part of a small business with roughly 600 square feet of retail space where alcohol sales are customary.
-

## 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. Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

**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:

**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.

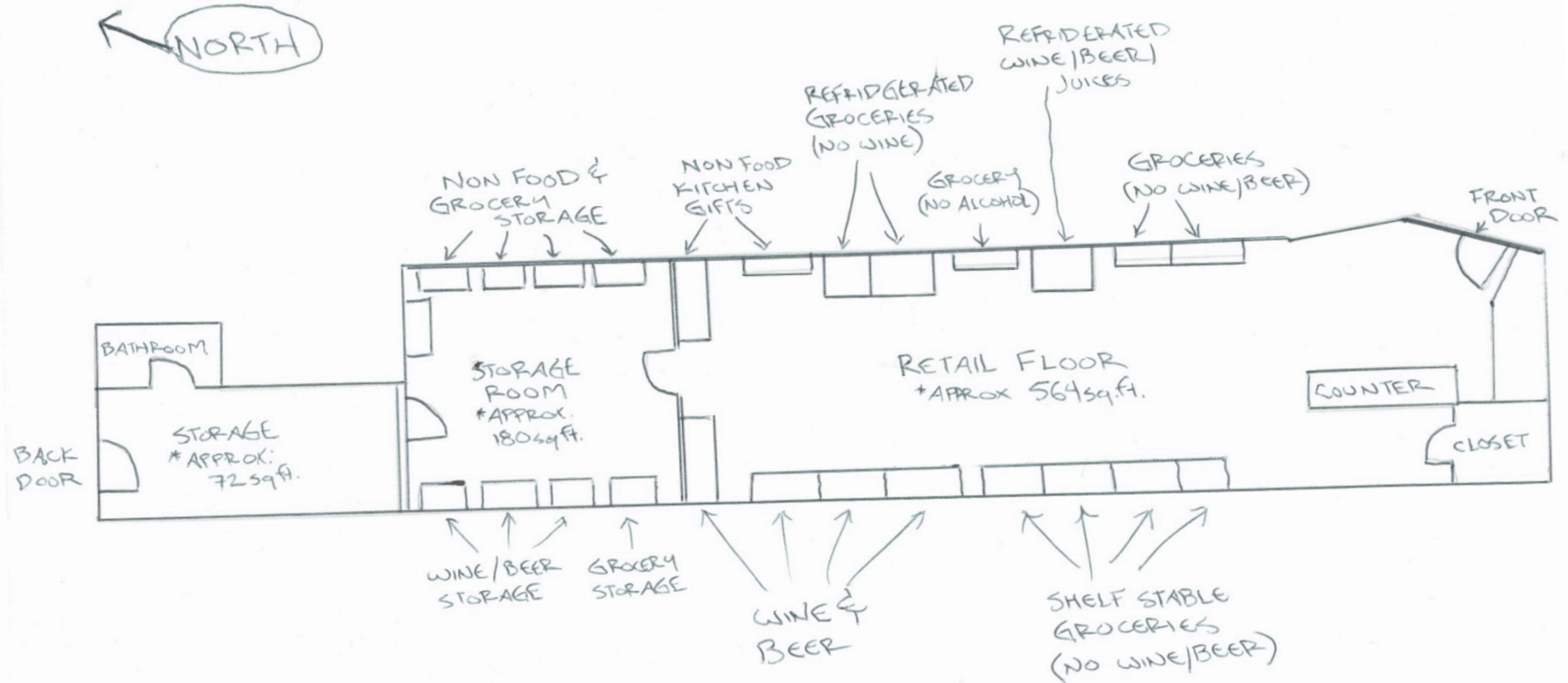
12. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

**ALCOHOLIC BEVERAGE SALES CONDITIONS (off-site)**

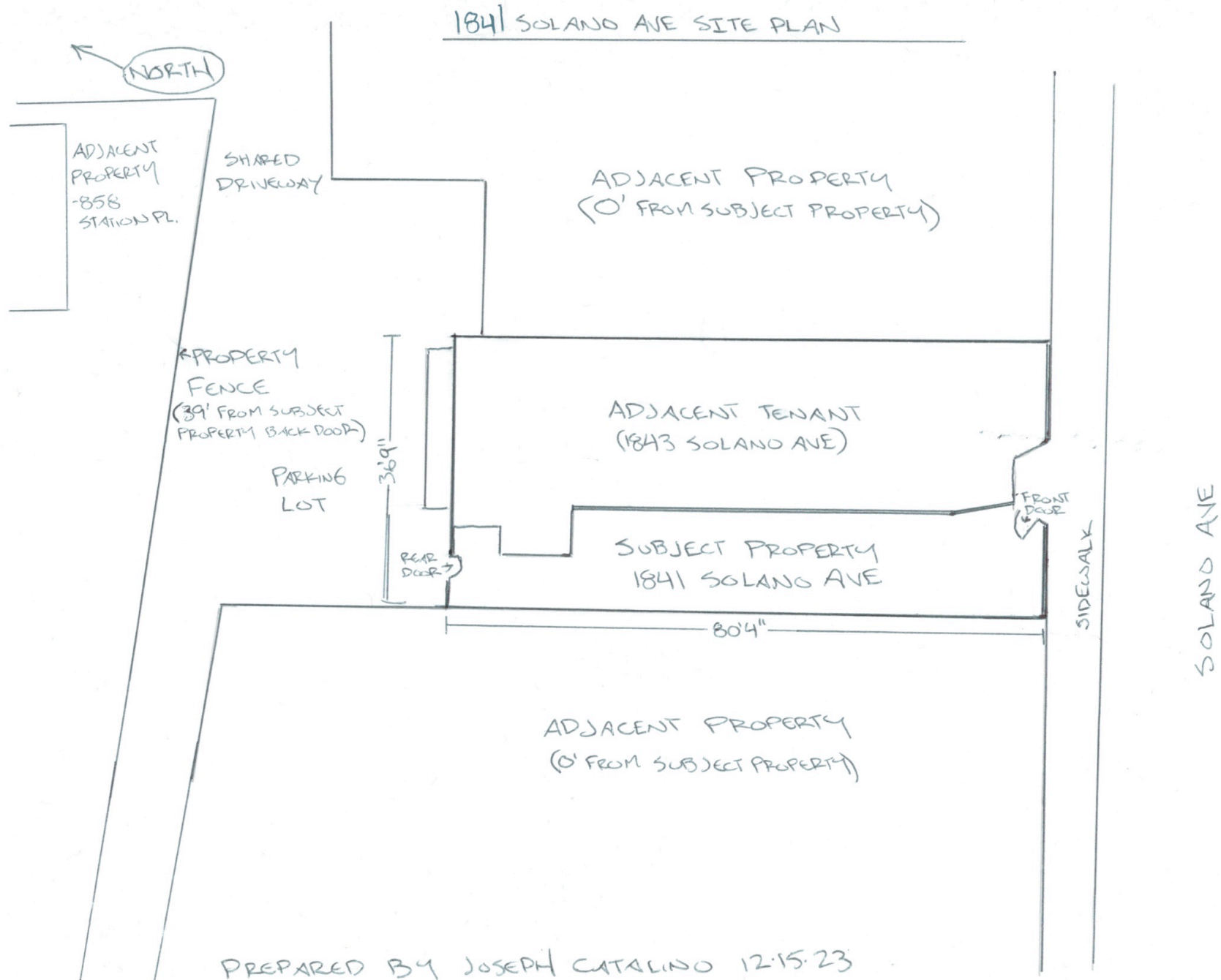
13. The sale of alcoholic beverages for consumption on the premises is prohibited.
  14. The retail store shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).
  15. The applicant shall comply with ABC regulations for License Type 20, which authorizes the sale of beer and wine for consumption off the premises where sold.
  16. All employees selling alcohol, or directly supervising such sales, 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 years shall be exempt from this requirement.
  17. 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.
  18. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
  19. No malt liquor or fortified wine products shall be sold.
-



1841 SOLANO AVE  
BERKELEY, CA 94707  
SCALED FLOOR PLAN



PREPARED BY JOSEPH CATALINO 12.15.23





# 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

### 1841 Solano Avenue

**Use Permit #ZP2023-0151 to add retail sales of beer and wine at a specialty foods store.**

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

**When:** Thursday, February 8, 2024, 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: Solano Avenue Commercial District (C-SO)

#### **B. Zoning Permits Required:**

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.310.020, to permit retail sales of beer and wine.

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

**D. Parties Involved:**

- Applicant Joseph Catalino, 939 Polk Street, Albany
- Property Owner Hirahara Family Limited Partnership, 150 N. Wiget Lane, Ste. 250, Walnut Creek

**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](mailto: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](mailto: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@berkeleyca.gov](mailto:zab@berkeleyca.gov). 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:**

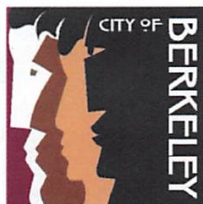
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

**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 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 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 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.





Police Department

**December 13th, 2023**

To: Russell Roe, Senior Planner  
City of Berkeley, Associate Planner/ Code Enforcement  
1947 Center Street  
Berkeley, CA 94704

From: Jennifer Louis, Chief of Police  
Completed by, Community Service Bureau  
Sgt. Kevin Kleppe, Supervisor of CSB

**Subject: All Places Market, 1841 Solano Ave, 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 establishment to a retail off-sale beer and wine along with artisan food, and other craft products.. The applicant indicates they are applying to obtain an Alcohol Beverage Control License Type 20 (retail off-sale beer and wine).

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 All Places Market is applying to obtain an ABC License. This will include retail sales of wine and beer for off-site consumption. The proposal does indicate changes to both the interior and exterior. 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 North Berkeley.

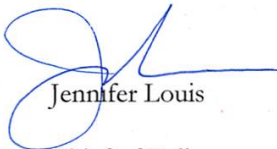
An analysis of police service data at 1841 Solano Ave, reveals 0 calls for service in our current database, since January 2021.

Based on this information, we believe the proposed addition is not at all likely to increase crime or disorder in this neighborhood or North 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. All Places Market will not have live music and will be a retail site only.

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,



Jennifer Louis

Chief of Police

JL/BRH