



ZONING ADJUSTMENTS BOARD – STAFF REPORT

FOR BOARD ACTION

MAY 8, 2025

1902 University Avenue

Use Permit #ZP2025-0013 to allow the sale of beer and wine at an existing retail store.

I. Background

A. Land Use Designations:

- General Plan: Downtown (DT)
- Zoning District: Downtown Mixed-Use District (C-DMU), Buffer Sub-Area

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.310.020(B) to begin retail sales of beer and wine

C. CEQA Recommendation:

It is staff's recommendation to the Zoning Adjustments Board 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 15000, et seq.) pursuant to CEQA Guidelines Section 15301 ("Existing Facilities").

D. Project Recommendation:

Approval. The project is, on balance, consistent with the Zoning Ordinance and General Plan.

E. Parties Involved:

- Applicant: Nawaf Ali, 1902 University Avenue, Berkeley
- Property Owner: Norcal Properties LLC, 2171 Allston Way, Berkeley

Figure 3: Floor Plans

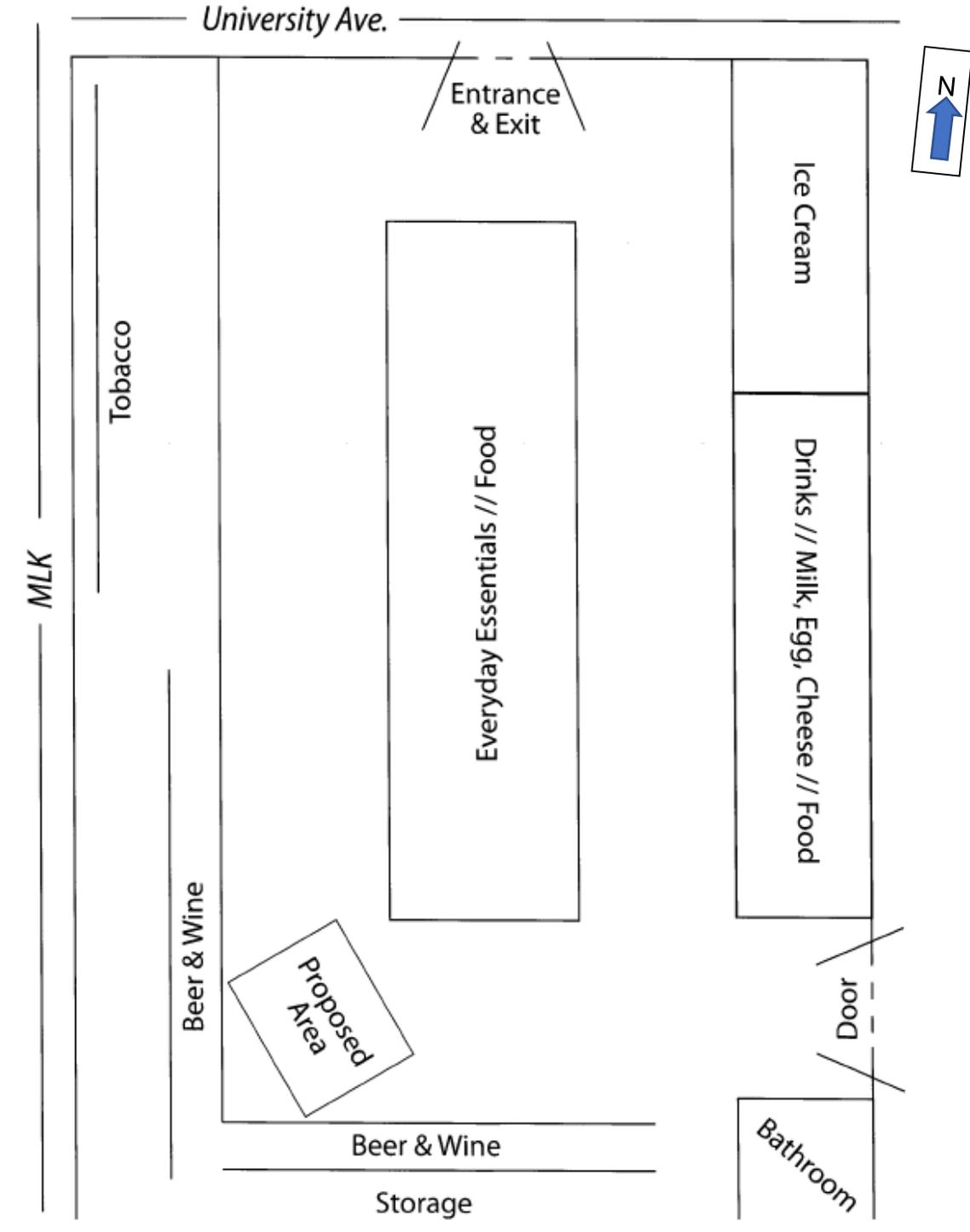


Figure 4: Storefront

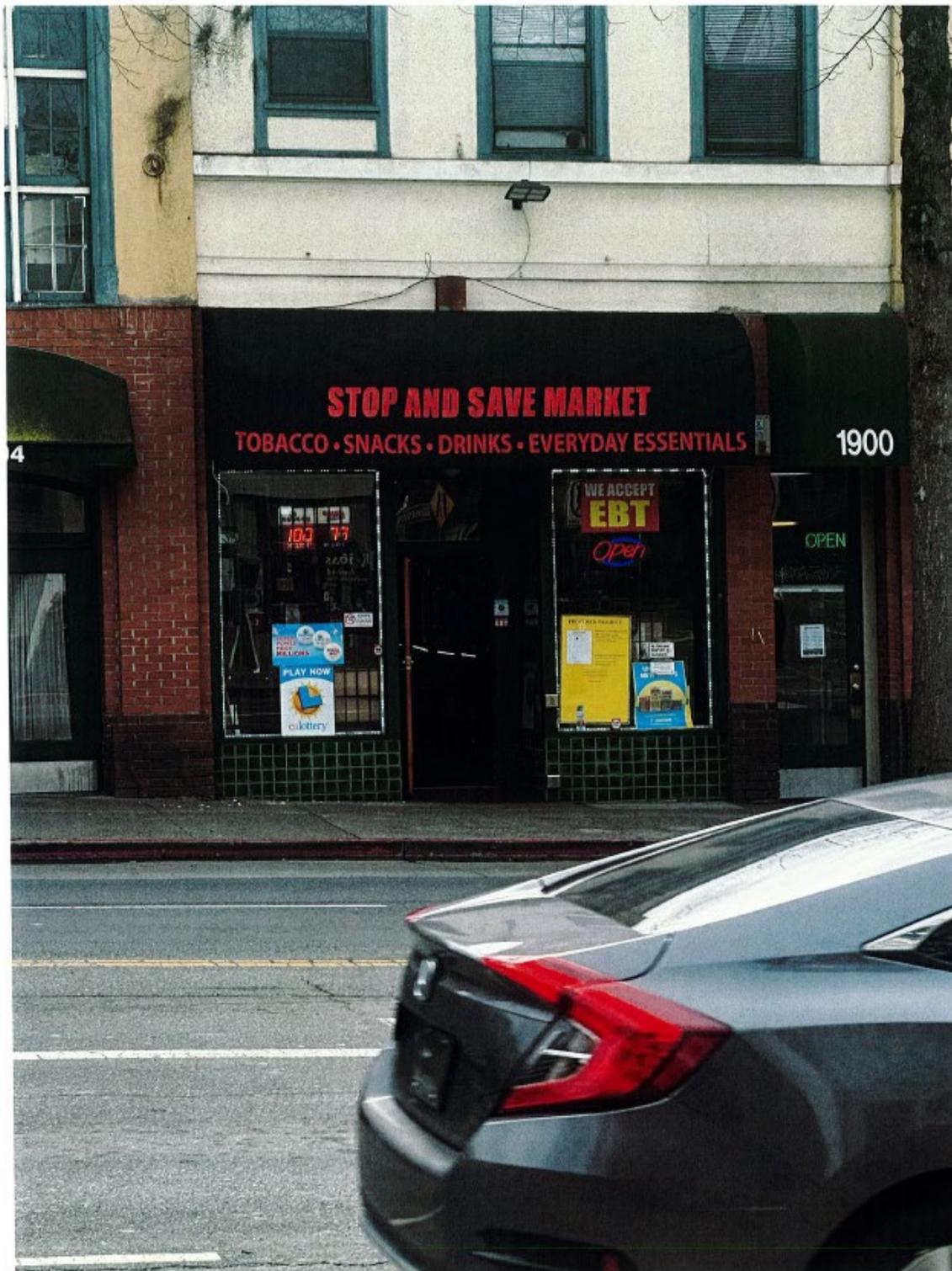


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Retail / Offices	Downtown Mixed Use (C-DMU)	Downtown (DT)
Surrounding Properties	North	Food Service / Medical (across University Avenue)		
	South	Multi-Family Residential		
	East	Retail		
	West	Personal Services		

Table 2: Project Chronology

Date	Action
February 5, 2025	Application received
February 13, 2025	Application deemed complete
February 20 – April 30, 2025	Application processing ^a
April 24, 2025	Public hearing notices mailed/posted
May 8, 2025	ZAB hearing
Notes: a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

II. Project Setting

A. Neighborhood/Area Description:

The project is located in the Downtown Mixed-Use Buffer Sub-Area, in a neighborhood consisting primarily of structures of ranging from two to seven stories. The area contains a variety of commercial uses, including retail, food service, personal services, transient lodging, and offices, as well as multi-family housing. There are also a number of single-family homes located to the south-west of the site, the nearest being approximately 100 yards away. These businesses and homes cater to a wide variety of residents, workers, and visitors. Daytime visitors include workers, shoppers, students, and tourists. The area also hosts an active nightlife, with popular bars, restaurants, theaters, and music venues.

The neighborhood is pedestrian-friendly, and is well-served by a variety of transportation options. These include BART (with the downtown station about a 5-minute walk away), several AC Transit bus lines (including F, 88, 800, 51B, 52, 12, 18, and 79), and a few rental bike stations located within a 5-10-minute walk of the project site.

B. Site Conditions:

The project is located in a 2-story building constructed in 1936, consisting of about 16,160 square feet of gross floor area. Retail and personal service businesses are located on the ground floor, with the second-floor occupied by office spaces. The subject business is a small retail store called Stop and Save Market, which sells tobacco products, snacks, drinks, and household essentials.

III. Project Description

A. Proposed Project Details:

The proposed project would permit the retail sale of beer and wine under a Type 20 Alcoholic Beverage Control (ABC) license. The alcoholic beverages would be stored in refrigerators located at the back of the shop. The project doesn't propose any physical changes to the property other than the addition of two new refrigerators.

IV. Community Discussion

A. Neighbor/Community Concerns:

Prior to submitting this application, the applicant installed a pre-application poster on site in February 2025. On April 24, 2025, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices within the neighborhood at three nearby locations. At the time of writing this report, staff had not received any communications regarding the project.

B. Design Review Committee Review / Landmark Preservation Commission:

This project is not subject to review by the Design Review Committee or Landmark Preservation Commission because no changes to the exterior of the building are proposed, and it is not a designated historic landmark.

V. Issues and Analysis

A. CEQA Approach and Recommendation

It is staff's recommendation that the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 ("Existing Facilities"). The project complies with this exemption because it is in an existing store in an existing building, and no physical changes to the property are proposed. In addition, none of the exceptions to eligibility for a categorical exemption, as listed under CEQA Guidelines Section 15300.2, apply to the project:

- The project is currently characterized as developed by the California Natural Diversity Database;¹ therefore, it is not located in an environmentally sensitive area;
- The cumulative impact of successive projects of the same type in the same place, over time would not be significant;
- There are no “unusual circumstances” at the project site that would result in significant environmental effects;
- There are no eligible or designated scenic highways within the City of Berkeley;² therefore, the project site is not in view of a state scenic highway;
- The site is not included on a list compiled pursuant to Government Code Section 65962.5;³ and
- The project would not result in a substantial adverse change in the significance of a historical resource.

The CEQA determination is made by ZAB, as the decision-making body.

B. General Non-Detriment Finding:

BMC Section 23.406.040(E) states 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.

1. This project proposes to add retail sales of beer and wine to an existing store that sells a variety of other products. This amount of alcoholic beverages sales would not have a noticeable impact on the neighborhood.
2. The project is subject to all ABC requirements for alcoholic beverage retail sales, 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.

¹ California Department of Fish and Wildlife. California Natural Diversity Database. Available: <https://apps.wildlife.ca.gov/bios6/?tool=cnddbqv>

² California Department of Transportation. California Scenic Highway Program’s Scenic Highway System List. Available: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

³ California Environmental Protection Agency. Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>

3. In an email dated February 25, 2025 (Attachment 4), the Berkeley Police Department stated that they had no concerns about this project, and that this location has not had any alcohol violations in the past.

C. C-DMU District Findings

The purpose of the C-DMU district is to implement the vision and goals of the Downtown Area Plan (adopted 2012). Policies and goals for Economic Development pertain to the permit, pursuant to BMC Section 23.204.130(I):

1. The project is compatible with the C-DMU District goal of promoting economic development in that it will provide additional proceeds for a small retail store.
2. The project is complementary to the surrounding uses and buildings in that it is in an existing retail market, and that it will provide a convenient place for neighborhood residents to purchase beer and wine.

D. Alcoholic Beverage Sales Findings

1. *Findings of Public Convenience and Necessity.* Per BMC 23.310.020(C), to approve a permit for alcoholic beverage sales or service, the decision-making body must make the following findings:
 - a. The number of alcoholic beverage sales licensees in the census tract does not exceed the limit set by the Department of Alcoholic Beverage Control, as defined in California Business and Professions Code Section 23958.4; and
 - b. At least one of the following:
 - i. The proposed establishment will promote the City's economic health, contribute to General Plan or Area Plan policies, or further the district purpose.
 - ii. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.
 - iii. The applicant has operated a licensed establishment that has not been the subject of violations regarding alcohol, or violations of public safety or nuisance statutes or regulations in Berkeley. In making this finding, the decision-making body may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.

Staff Analysis

ABC reports that the census tract allows only one licensee of this type, but that the tract contains two. Therefore, the project does not meet finding "a". But the project does meet finding "ii": The economic benefits of selling alcoholic beverages would provide a boost in sales that the store would have trouble achieving otherwise, and would promote the General Plan and Downtown Area Plan (adopted in 2012) policies of encouraging a thriving, livable downtown that is a focal point for the city, and supporting a pedestrian-friendly environment.

Because the ABC reports that the census tract allows only one licensee of this type, but that the tract contains two, the alternative findings in BMC section 23.310.020(C)(3) must be made to approve the permit:

- c. If the number of alcoholic beverage sales licenses in the census tract exceeds the limit set by the Department of Alcoholic Beverage Control; the decision-making body must find that the public convenience or necessity would be served by approving alcohol sales at the proposed location for any two or more of the following reasons:
 - (a) The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the purposes of the district.
 - (b) The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.
 - (c) The sale of alcoholic beverages will enhance recreational or entertainment opportunities in the area.
 - (d) The sale of alcoholic beverages complements the sale of other goods and merchandise at the location.
 - (e) The issuance of a license at the proposed location will improve the convenience of area residents and visitors who purchase alcoholic beverages.

The project would satisfy items (b), (d) and (e) in these findings. The store sells mostly quick-purchase types of items, such as tobacco products, snacks, and non-alcoholic beverages. The sale of alcoholic beverages would complement the sale of these other goods offered at the store, and would promote sales revenue in a way that would not otherwise be achieved. It would provide a convenience to area residents and hotel guests who would like to purchase beer and wine.

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:

FIND that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"); and

APPROVE Use Permit #ZP2025-0013 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 February 5, 2025
3. Notice of Public Hearing
4. Berkeley Police Department email, dated February 25, 2025

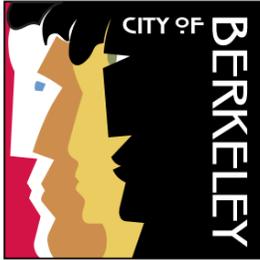
ZONING ADJUSTMENTS BOARD

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Staff Planner: Russell Roe, rroe@berkeleyca.gov, (510) 981-7548



ZONING ADJUSTMENTS BOARD – FINDINGS

May 8, 2025

1902 University Avenue

Use Permit #ZP2025-0013 to allow the sale of beer and wine at an existing retail store.

ZONING PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.310.020(B) to begin retail sales of beer and wine

I. CEQA FINDINGS

- A.** 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 15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
- B.** Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

II. FINDINGS FOR APPROVAL

- A.** As required by BMC Section 23.406.040(E), Findings for Approval, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
1. The project will add beer and wine retail sales to a small market that is already in business. Therefore, it will not have a noticeable impact on the neighborhood;

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2. The project will subject to all ABC requirements for alcoholic beverage retail sales, thereby ensuring that it will not have a detrimental effect on the neighborhood and community; and
3. The Berkeley Police Department has expressed that they don't have any concerns about this project.

III. OTHER FINDINGS FOR APPROVAL

- A. C-DMU District Findings.** As required by BMC Section 23.204.130(I), the project is consistent with the purposes of the C-DMU District in that it will:
 1. Promote economic development by providing additional revenue for a small retail store; and
 2. Compliment the surrounding uses and buildings in that it is a quick service retail market that will provide a convenient place to purchase beer and wine for neighborhood residents and guests;
- B. Alcoholic Beverage Sales Findings.** As required by BMC Section 23.310.020(C), the Zoning Adjustments Board finds that:
 1. The addition of beer and wine sales will provide economic benefits by boosting the store's sales revenue in a way that would otherwise be difficult to achieve; and
 2. The project would promote the General Plan and Downtown Area Plan goals of encouraging a thriving, livable downtown that is a focal point for the city, and supporting a pedestrian-friendly environment; and
 3. Since the number of beer and wine retail licenses surpasses Alcoholic Beverage Control's (ABC) limits for the census tract, the ZAB makes the additional findings that the sale of alcoholic beverages will complement the sale of other goods offered at the store, will promote sales revenue in a way that would not otherwise be achieved, and will provide a convenience to area residents and hotel guests who would like to purchase beer and wine.

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I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

- 1. Conditions and 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.
- 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 re-establish 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 comply 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.

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- 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 BMC 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.

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ZAB FINDINGS & CONDITIONS
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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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. Please designate the name of this individual below:

<input type="checkbox"/>	Project	Liaison
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Name
Phone #

Prior to Final Inspection or Issuance of Occupancy Permit:

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11. 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.

At All Times:

12. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit.

13. 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.

14. Subject to Review. 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.

ALCOHOLIC BEVERAGE SALES (off-site)

15. Licensing.

- A. The establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
- B. An operator of the licensed establishment may not have 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. This must be confirmed by the Zoning Officer prior to issuance of a business license or transfer at this location.

16. Operation.

- A. The sale of alcoholic beverages shall be limited to normal hours of operation.
- B. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
- C. Fortified alcohol products, such as malt liquor, shall not be sold on the premises.

17. Advertising. The establishment shall comply with BMC Chapter 20.67, Alcohol Product Advertising.

18. Training.

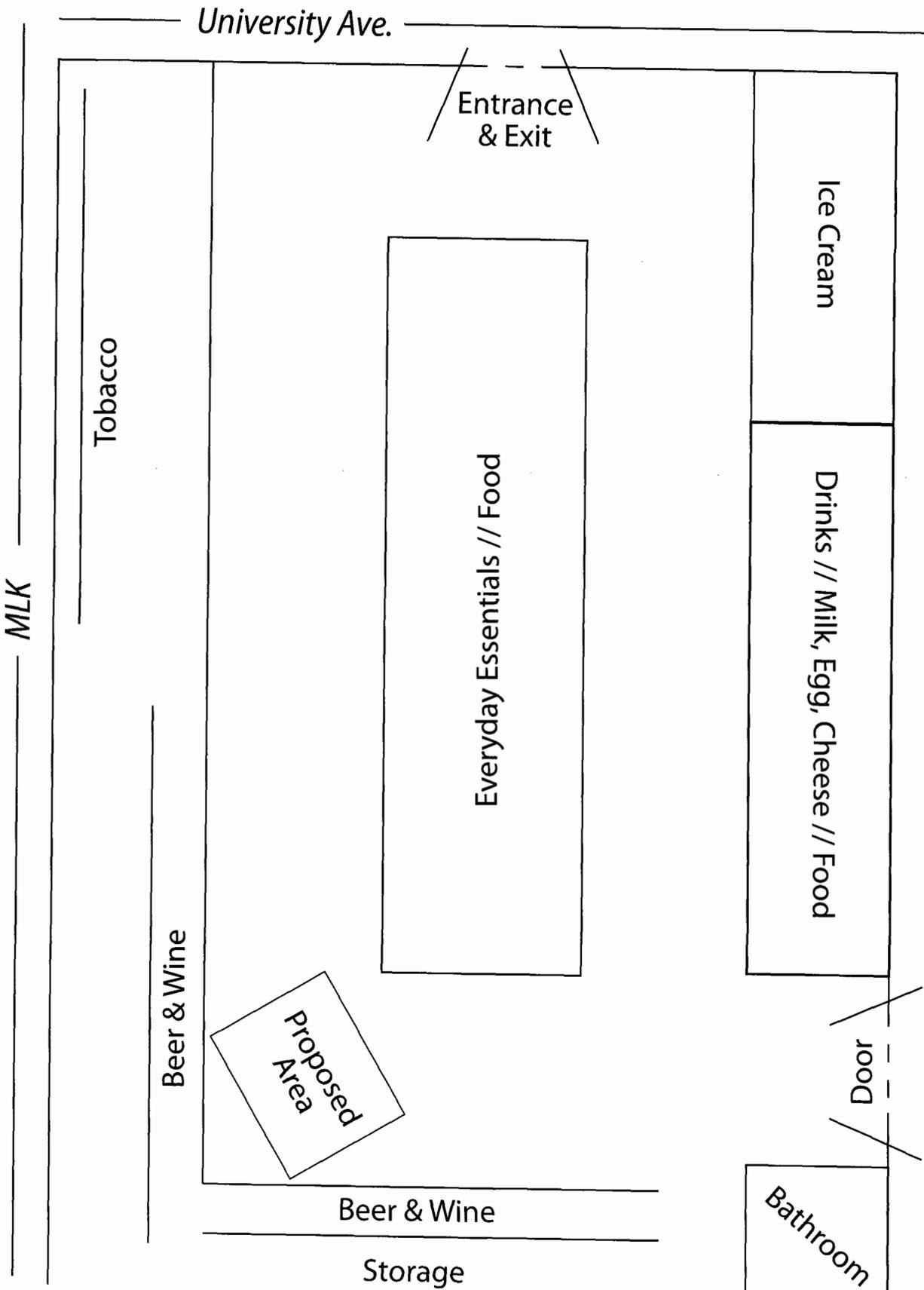
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- A. The operator shall finish a Crime Prevention through Environmental Design (CPTED) survey before beginning alcohol service.
 - B. All employees selling alcoholic beverages, or directly supervising such sales, shall comply with Municipal Code Section 9.84.030 (Responsible Beverage Service Training) and finish 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 90 days of employment at the establishment. Employees who have finished the course within the last 12 months are exempt from this requirement.
19. **Posting.** The Use Permit Conditions of Approval shall be posted in conspicuous location, available for viewing by any interested party.

SITE PLAN: STOP AND SAVE MARKET

1902 University Ave. Berkeley, CA 94704





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

1902 University Avenue

Use Permit #ZP2025-0013 to allow the sale of beer and wine at an existing retail 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, May 8, 2025, 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: Downtown (DT)
- Zoning: Downtown Mixed-Use District (C-DMU), Buffer Sub-Area

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.310.020(B) to begin retail sales of beer and wine

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NOTICE OF PUBLIC HEARING
Posted APRIL 24, 2025

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

E. Project Recommendation: Approve Use Permit #ZP2025-0013 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Nawaf Ali, 1902 University Avenue, Berkeley
- Property Owner Norcal Properties LLC, 2171 Allston Way, Berkeley

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, (click and enter name), at (510) 981-74xx or (click and enter e-mail prefix)@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@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 #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** 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.

From: [Greenwald, Cynthia](#)
To: [Roe, Russell](#)
Subject: RE: 1902 University Ave. alcoholic beverage application
Date: Tuesday, February 25, 2025 3:34:50 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Internal

Hi Russell,

After conducting our research, Berkeley PD has no concerns nor are there any alcohol violations for address 1902 University Ave.

Thank you.

CSO Cynthia Greenwald

Berkeley Police Department
Community Service Bureau
(510) 981-5769

Follow us on:



From: Kleppe, Kevin W <kwkleppe@berkeleyca.gov>
Sent: Thursday, February 20, 2025 2:09 PM
To: Roe, Russell <RRoe@berkeleyca.gov>; Greenwald, Cynthia <CGreenwald@berkeleyca.gov>
Subject: Re: 1902 University Ave. alcoholic beverage application

Hi Russell,

Yes we will look into it. CSO Greenwald will get back to you on the results.

Thanks

Kevin

Sergeant Kevin Kleppe
Community Services Bureau
Special Response Team (Gold Team) TL
Mon-Thurs [0700-1700](tel:0700-1700)
CSB Office - [\(510\) 981-5806](tel:510-981-5806)
Direct Line – [\(510\) 981-5821](tel:510-981-5821)

From: Roe, Russell <RRoe@berkeleyca.gov>
Sent: Thursday, February 20, 2025 11:40:30 AM
To: Kleppe, Kevin W <kwkleppe@berkeleyca.gov>
Subject: 1902 University Ave. alcoholic beverage application

[Internal](#)

Kevin,

The existing retail store at 1902 University Avenue is applying to sell beer & wine. Can you have someone research any police concerns? (application materials attached). Thank you.

Russell Roe
Associate Planner/ Code Enforcement
City of Berkeley
(510) 981-7548