



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
MARCH 24, 2022

1235 Tenth Street

Use Permit #ZP2021-0120 to add the Alcoholic Beverage Service of beer for on-site consumption at a Commercial Recreation Center.

I. Background

A. Land Use Designations:

- General Plan: Avenue Commercial
- Zoning: West Berkeley Commercial (C-W)

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23E.64.030 to commence Alcoholic Beverage Service.

C. CEQA Recommendation: It is staff's recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

D. Parties Involved:

- Applicant Tim Alley, 86 El Camino Real, Berkeley
- Property Owner Lawrence Thal, 1165 Laurel Drive, Lafayette

Figure 1: Vicinity Map

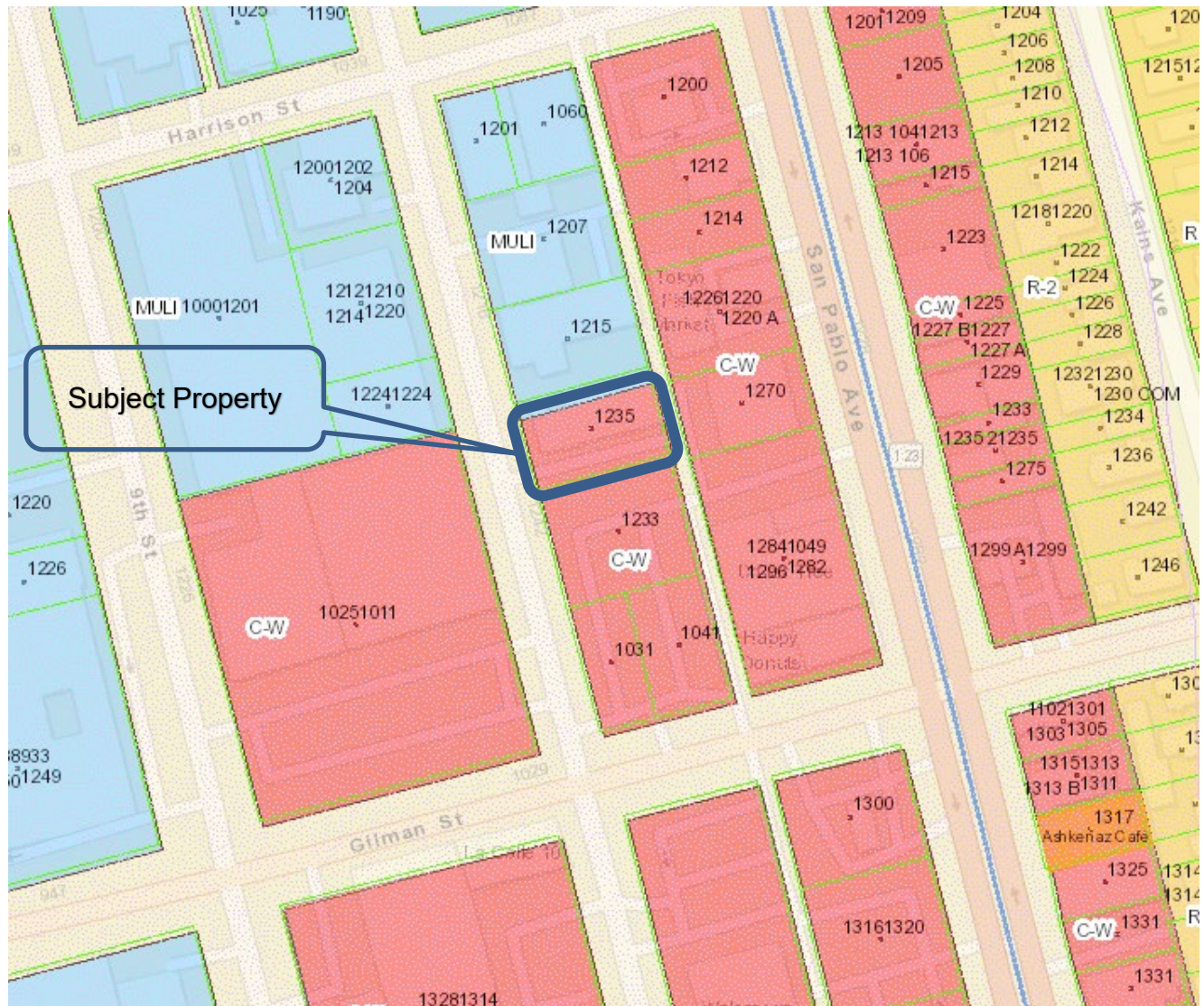


Figure 2: Floor Plan

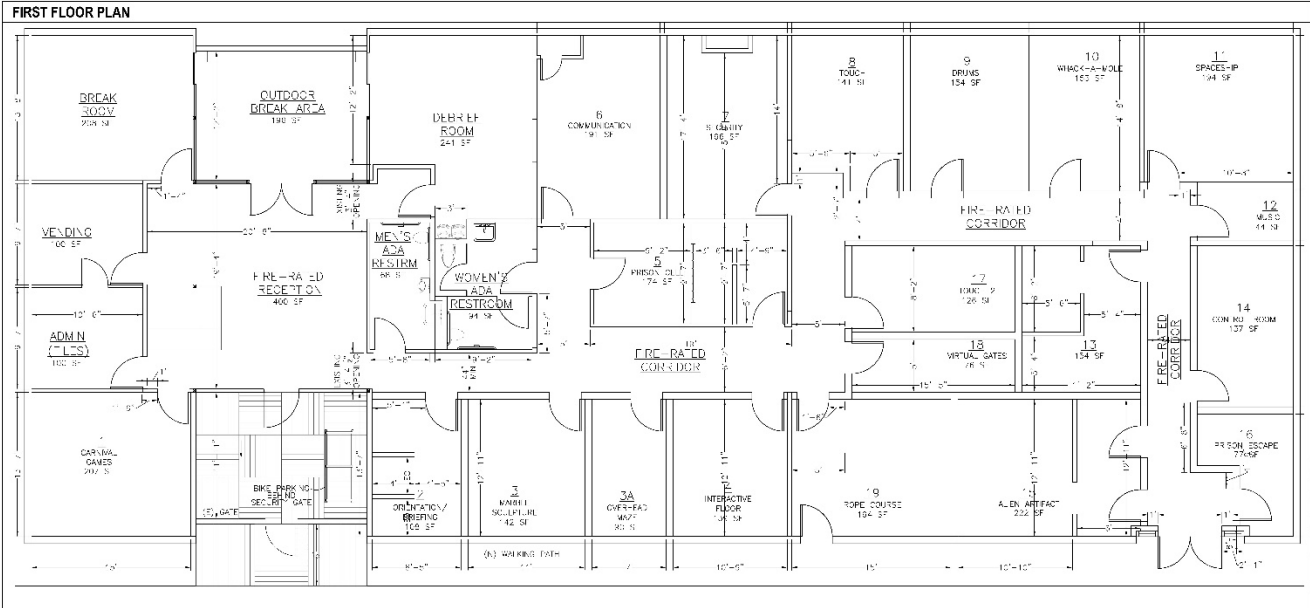
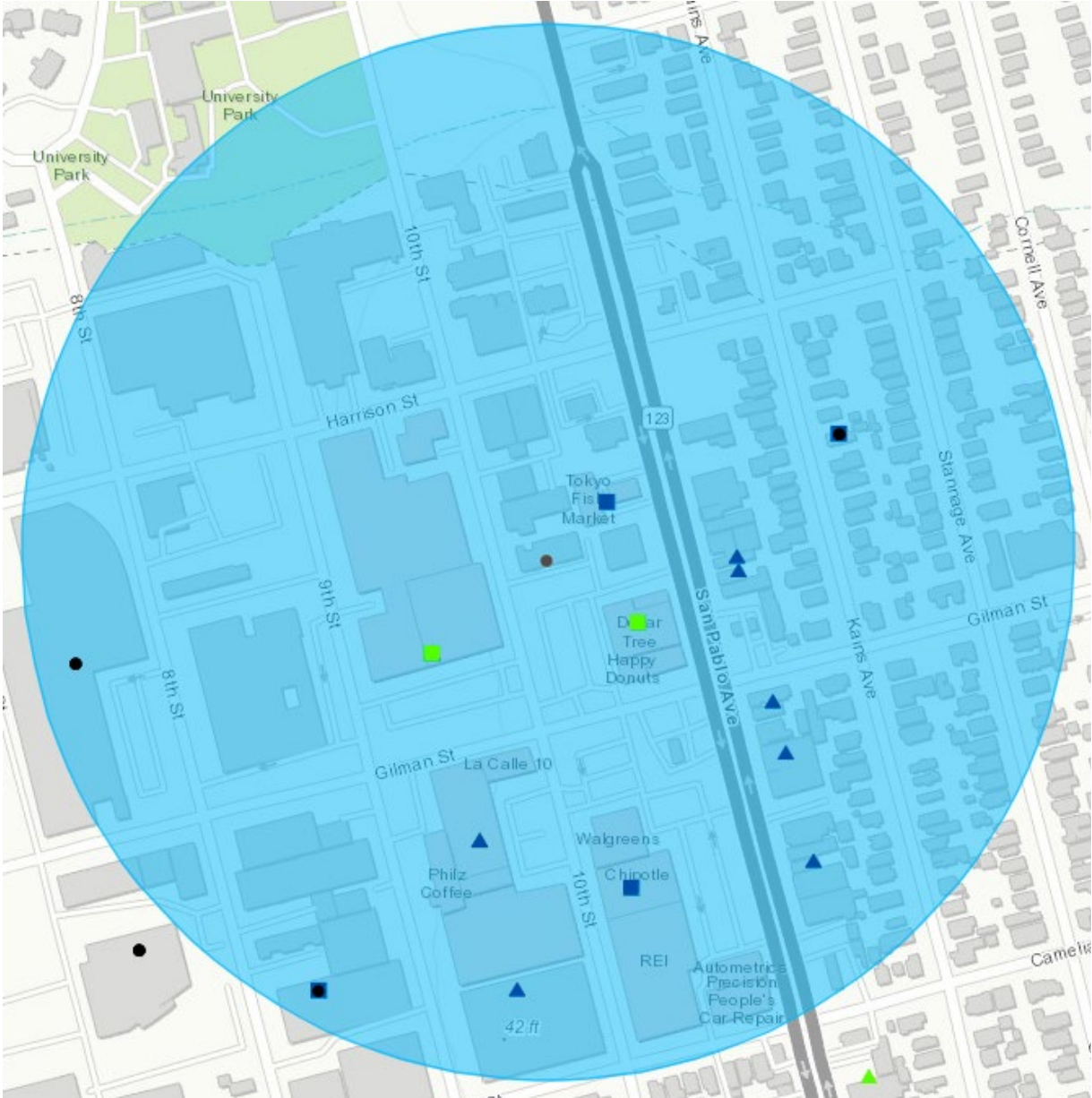


Figure 3: Liquor Licenses within 1,000 of the subject site



■	20	Off-site beer and wine
■	21	Off-site beer, wine, and liquor
▲	41	On-site beer and wine
▲	47	On-site beer, wine, and liquor

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Commercial Recreation Center	C-W	Avenue Commercial
Surrounding Properties	South	Parking Lot		
	East	Vacant		
	West	Retail Grocery Store (Whole Foods)		
North		Warehouse	MULI	Manufacturing

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Alcohol	Yes	The applicants have applied for a Type 40 ABC license which authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
Public Convenience or Necessity	No	There aren't any Type 40 licenses within 1000 feet.
Affordable Child Care or Housing Fee for qualifying non-residential 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; the project involves the sale of beer for consumption on-site at a commercial recreation center.
Green Building Score	No	
Historic Resources	No	
Liquefaction (Seismic Hazards Mapping Act)	No	
Oak Trees	No	
Soil/Groundwater Contamination	No	

Table 3: Project Chronology

Date	Action
July 2, 2021	Application submitted
October 1, 2021	Application deemed complete
March 10, 2022	Public hearing notices mailed/posted
March 24, 2022	ZAB hearing

II. Project Setting

A. Neighborhood/Area Description: The project parcel is located on the east side of Tenth Street between Gilman and Harrison Streets. The subject neighborhood has a mix of uses, including manufacturing, repair, offices, and Whole Foods Retail Grocery Store.

B. Site Conditions: The project site is developed with an existing, one-story 5,676 square foot commercial building. The "Game On" commercial recreation center was established in 2019 with Administrative Use Permit No. ZP2019-0025.

III. Project Description

The applicant proposes adding the sale of beer (no wine or liquor) for on-site consumption with an ABC Type 40 permit. The business is an existing commercial recreation center that provides a variety of indoor games and activities for adults and minors. The alcohol sales and consumption will be in a designated area of the building and will not be allowed in the game areas.

IV. Community Discussion

A. Neighbor/Community Concerns: A pre-application poster was erected by the applicant in March 2022. On March 10, 2022, the City mailed 61 public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of writing this staff report, no communications regarding the project have been received.

B. Committee Review: This project is not subject to design or landmark review.

V. Issues and Analysis

A. Alcoholic Beverage Service:

Alcoholic beverage service is also regulated by BMC 23E.16.040 for Special Use Standards. This section requires the City to make special "Public Convenience or Necessity" findings if an existing establishment has an ABC license of the same type, other than alcohol service incidental to foodservice, within a 1,000-foot radius of the project site. There are no other type 40 ABC licenses within a 1,000-foot radius of the project site so the findings of public convenience do not need to be made.

B. Use Permits in the C-W District:

BMC Section 23E.64.030.A allows alcoholic beverage service with approval of a Use Permit, subject to the Board making the applicable findings in BMC Section 23E.64.090. In order to approve any Use Permit in the C-W District, the Board must find that the proposed use is:

- 1) Consistent with the purposes of the District:
 - Provide locations for commercial services which primarily serve area residents and/or businesses.

- Support the retention and attraction of a balance of both smaller and larger stores and restaurants.
 - Provide appropriate locations consistent with West Berkeley Plan policies, for commercial services which serve a citywide or broader clientele.
- 2) Compatible with the surrounding uses and buildings.
 - 3) Complies with the adopted West Berkeley Plan;
 - 4) Supports an increase in the continuity of retail and service facilities at the ground level to the degree feasible;
 - 5) Does not substantially degrade the existing urban fabric of the street and area;
 - 6) If the project includes the construction of new floor area, provides an intensity of development which does not underutilize the property;
 - 7) Meets any applicable performance standards for off-site impacts; and
 - 8) Does not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply.

Staff Analysis: The additional service of beer will strengthen the existing business that serves both area residents and a citywide clientele while maintaining compatibility with surrounding uses and buildings. See Section E below for analysis of consistency with the West Berkeley Plan.

Exterior changes are not proposed and the project will not impact the existing urban fabric. New floor is not proposed, and the addition of alcohol sales to an existing retail use will not change the intensity of the use and will not impact traffic or parking supplies. There are no additional performance standards.

C. General Non-Detriment Finding: BMC Section 23B.32.040.A 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.

- 1) General Non-Detriment: 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.

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

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

Staff Analysis: The sale of beer at an existing commercial recreation center will enhance customer experiences and expand the range of services, thus helping to maintain the character of Berkeley as a special, diverse, unique place to live and work.

- 2) Policy LU-33–West Berkeley Plan: Implement the West Berkeley Plan and take actions that will achieve the three purposes of the Plan:
 - A. Maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley.
 - B. Maintain the ethnic and economic diversity of West Berkeley's resident population.
 - C. Maintain and improve the quality of urban life, environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities for West Berkeley residents and workers.

Staff Analysis: The sale of beer would increase the diversity of economic activities in a District that is well served by transit.

E. West Berkeley Plan Consistency: The West Berkeley Area Plan, adopted in 1993, also contains policies applicable to the project, including the following:

- 1) LU Goal 1, Policy C: Provide space for, and designate appropriate locations for – in planning and zoning policies – both neighborhood and regional serving retail businesses.
- 2) LU Goal 2, Policy E: Create a Commercial district that will foster the continued vitality of West Berkeley's neighborhood and regional serving retail trade, in as pedestrian- friendly a manner as possible.
- 3) "Overview of the Districting Concept:" Retail uses should be clustered, to strengthen existing retail areas, to make them for walkable, and to prevent retail sprawl.

Staff Analysis: The sale of beer would support the existing commercial recreation center, which offers a unique range of experiences and serves both the immediate and outlying neighborhoods. The increase in the options available to West Berkeley shoppers would further diversify the San Pablo commercial corridor.

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:

A. APPROVE Use Permit ZP2021-0120 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received July 6, 2021
3. Notice of Public Hearing

Staff Planner: Russell Roe, rroe@cityofberkeley.info, (510) 981-7548

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 24, 2022

1235 Tenth Street

Use Permit #ZP2021-0120 to add the Alcoholic Beverage Service of beer for on-site consumption at a Commercial Recreation Center.

PERMITS REQUIRED

- Use Permit, under Berkeley Municipal Code (BMC) Section 23E.64.030 to commence Alcoholic Beverage Service.

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”).

The project meets all of the requirements of this exemption, as follows:

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
 - B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
 - C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
 - D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
 - E. The site can be adequately served by all required utilities and public services.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by Section 23B.32.040.A 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 project is consistent with all applicable C-W District standards, including use and hours of operation;
- B. The addition of beer-only alcoholic beverage service in the existing commercial recreation center will not change the use of the property or expand the footprint of the existing business. The proposed service will provide an additional option for patrons along the San Pablo commercial corridor;
- C. The alcohol service will be incidental to the overall recreational use, and as such, alcohol sales will not have detrimental impact on public health, safety, or peace; and
- D. The permit is subject to the standard conditions for alcohol sales, which will ensure that the recreation center will continue to be a good neighbor.

III. OTHER FINDINGS FOR APPROVAL

- 1. As required by Section 23E.16.040.B.1 of the BMC, the Zoning Adjustments Board finds that:
 - A. There are no establishments within a 1,000 foot radius of the site of the proposed use that are in the same category of alcoholic beverage sales or service.
 - 2. As require by Section 23E.64.090 of the BMC, the Zoning Adjustments Board finds that:
 - A. The project is consistent with the purposes of the C-W district, which allows the alcoholic beverage service of beer for on-site consumption;
 - B. The proposed project is compatible with surrounding uses and buildings, which are primarily comprised of grocery stores, other retail stores, and parking lots;
 - C. The project is consistent with the adopted West Berkeley Plan, including its policies that call for a diversity of commercial uses, clustering of commercial uses, and providing space for, both neighborhood and regional serving retail businesses;
 - D. The project will not add floor area to the approved building;
 - E. The project will not result in significant off-site impacts, as no changes to building are planned, and as the effect on the neighborhood of adding alcohol service would be generally similar to the effect of the recreation space as currently approved;
 - F. The project will not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply, as customer numbers would not be substantially higher than those of the recreational center as it is currently used.
-

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. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. 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.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. 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 23B.32.040.D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

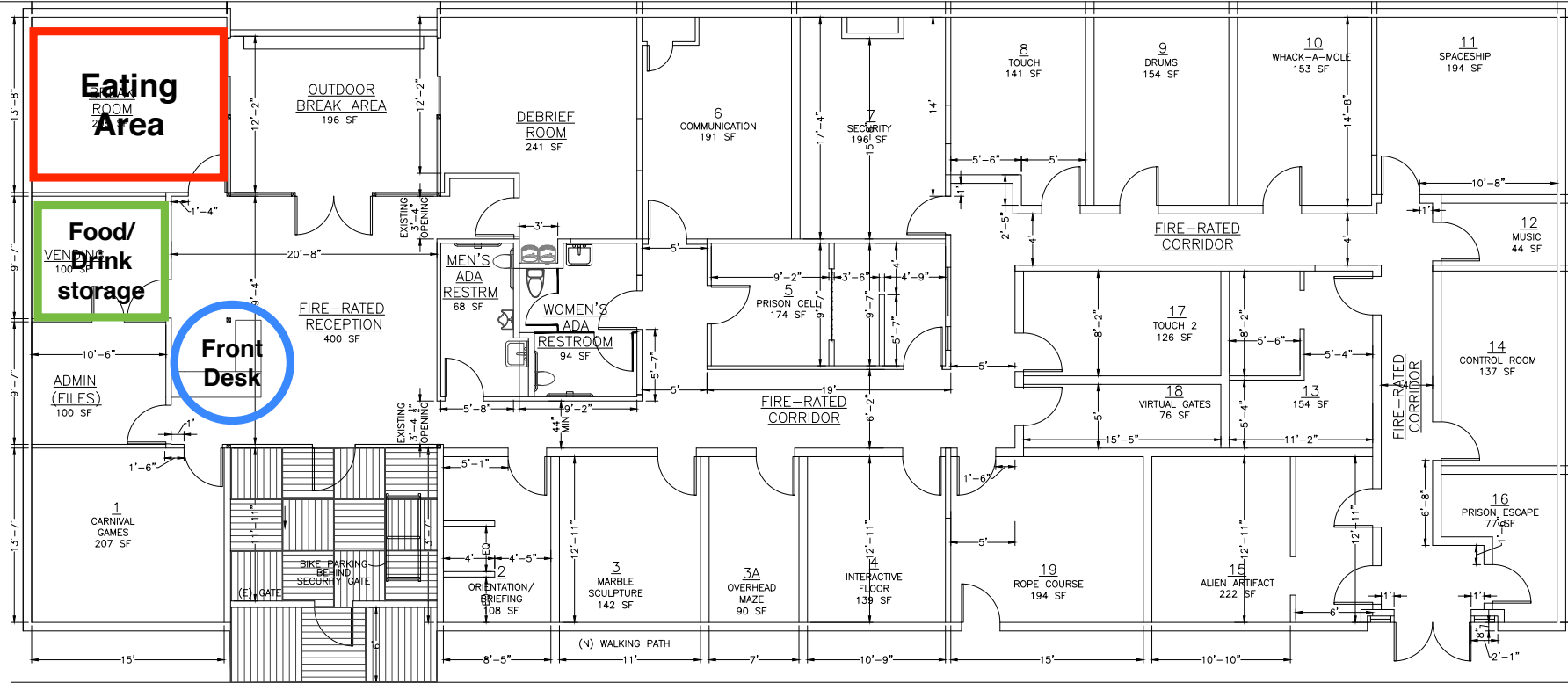
ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)

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

14. 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.
15. 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.
16. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
17. 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.
18. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.
19. 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.
20. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
21. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
22. 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.
23. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
24. 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.

FIRST FLOOR PLAN



AMATO ARCHITECTURE
1388 PARK AVENUE
EMERYVILLE, CA, 94608
TEL 510.420.0210
CELL 510.499.2080



PROJECT PROGRESSION: ISSUE FOR PERMIT
DATE: 05.2

ROOM FEATURES AND DETAILED DESCRIPTIONS

ROOM # AND NAME	LAYOUT DETAILS	ROOM # AND NAME	LAYOUT DETAILS
1. CARNIVAL BALL GAMES	LARGE TREE SCULPTURE BUILT OF NON-COMBUSTIBLE MATERIALS OCCUPIES ONE CORNER OF ROOM. PLAYERS CANNOT APPROACH OR CLIMB THE TREE BUT STAND BACK A BIT TO PLAY BALL GAMES BUILT INTO THE TREE.	10. WHACK-A-MOLE	ROOM HAS POSITIONS FOR PLAYERS TO STAND AND ACT AS MOLES - POPPING UP AND DOWN ON CUE. A STUMP BUILT OF NON-COMBUSTIBLE MATERIALS HAS MOLE FIGURINES THAT ANOTHER PLAYER PRESSES TO "WHACK" THE STANDING "MOLES".
2. ORIENTATION BRIEFING	TWO STALLS HAVE WALL MOUNTED DISPLAYS FOR TEAMS TO WATCH ORIENTATION VIDEO BEFORE EXPLORING ROOMS.	11. SPACESHIP	ROOM HAS FOUR RECLINED SEATS BUILT OF NON-COMBUSTIBLE MATERIALS WITH CONTROL PANELS.
3. MARBLE SCULPTURE	AN INTERACTIVE ROLLING BALL SCULPTURE BUILT OF NON-COMBUSTIBLE MATERIALS IS IN THE CENTER OF THE ROOM. PLAYERS STAND AROUND IT USING BUTTONS TO REDIRECT THE MARBLES. A VERTICAL PING PONG BALL MAZE IS BUILT INTO THE BACK WALL WHICH PLAYERS WILL STAND IN FRONT OF TO INTERACT WITH.	12. MUSIC	ROOM HAS A MULTIUSER ELECTRONIC MUSICAL INSTRUMENT BUILT OF NON-COMBUSTIBLE MATERIALS.
3A. OVERHEAD MAZE	PLAYERS STAND BELOW A BALL MAZE BUILT INTO THE CEILING AND REACH UP INTO HOLES TO MOVE THE BALL PAST OBSTACLES. THE MAZE WILL BE HIGH ENOUGH TO ALLOW FOR EGRESS AND VISIBILITY AS REQUIRED BY CODE.	14. CONTROL ROOM	LONG CORRIDOR HAS NON-COMBUSTIBLE ROCK-CLIMBING HOLDS ON THE WALLS AND OVERHEAD BARS.
4. INTERACTIVE FLOOR	THE ROOM HAS A NON-COMBUSTIBLE PRESSURE-SENSITIVE, LIGHT UP FLOOR AND INTEGRATED MOTION AND LOCATION SENSORS. PROJECTORS ON THE CEILING SHINE IMAGES ONTO THE WALLS. THE ROOM IS OTHERWISE OPEN.	15. ALIEN ARTIFACT	PLAYERS INTERACT WITH AN ALIEN MONOLITH SCULPTURE BUILT OF NON-COMBUSTIBLE MATERIALS.
5. PRISON CELL	PLAYERS ENTER A "PRISON CELL" THEMED SPACE WITH STEEL BARS DIVIDING THE ROOMS. PLAYERS ARE NOT LOCKED INTO THE SPACE AND CAN TURN AROUND AND EXIT THE ROOM AT ANY TIME. PLAYERS WHO MANAGE TO OPEN THE GATE CAN MOVE THROUGH AND EXIT THROUGH THE SECOND DOOR TO DEEM THE PUZZLE SUCCESSFUL.	16. PRISON ESCAPE	ROOM HAS SHALLOW, PRETEND TUNNEL OPENINGS. PLAYERS HAVE TO SELECT THE CORRECT ORDER TO "ENTER" THEM.
6. COMMUNICATION	PLAYERS ENTER 4 NON-ENCLOSED KIOSK STALLS BUILT OF NON-COMBUSTIBLE MATERIALS TO INTERACT WITH EACH OTHER VIA COMPUTER DISPLAYS IN EACH STALL.	17. TOUCH2	PLAYERS INTERACT WITH WALL MOUNTED STATIONS BUILT OF NON-COMBUSTIBLE MATERIALS AROUND THE ROOM USING SOUND AND TOUCH.
7. SECURITY ROOM	ROOM HAS A NON-COMBUSTIBLE PRESSURE SENSITIVE FLOOR AND OTHER INTEGRATED MOTION AND LOCATION SENSORS. PLAYERS HAVE TO NAVIGATE THE OPEN ROOM WITHOUT TRIGGERING SENSORS TO REACH THE FAR SIDE.	18. VIRTUAL GATES	PLAYERS ARE "BLOCKED" BY VIRTUAL SENSOR GATES THAT HAVE TO BE DISABLED TO CROSS THE ROOM.
8. TOUCH	PLAYERS REACH INTO SHALLOW DARK OPENINGS BUILT OF NON-COMBUSTIBLE MATERIALS AROUND THE ROOM PERIMETER TO FEEL THE SHAPE AND TEMPERATURE OF METAL FIGURINES CONCEALED WITHIN THE HOLES. EGRESS LIGHTING WILL BE CLEARLY VISIBLE AT ALL TIMES.	19. ROPE COURSE	PLAYERS HANG FROM NON-COMBUSTIBLE CHAINS TO CROSS THE ROOM.
9. DRUMS	ROOM HAS FOUR SETS OF NON-FIXED SEATED POSITIONS FOR PLAYING DRUMS.		

BEER LICENSE DRAWINGS

1235 10TH STREET
BERKELEY, CA 94710
APN: 060-235401403

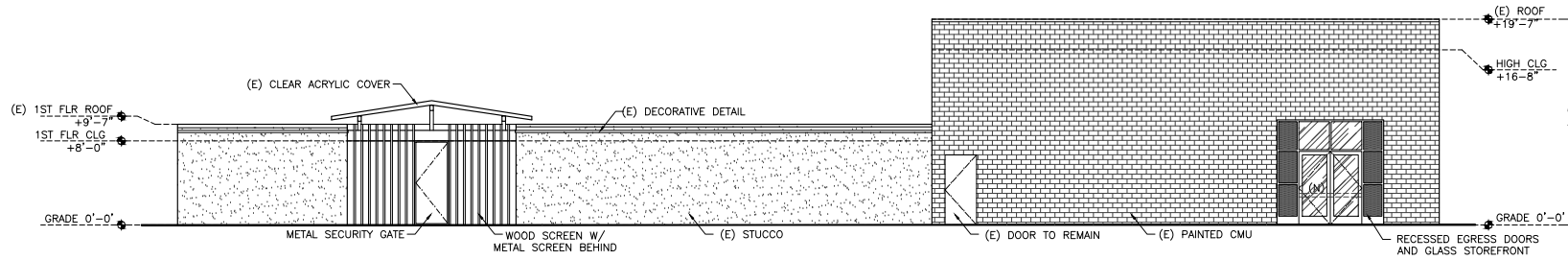
SHEET TITLE:
ROOM FEATURES AND GAMEPLAY DETAILS

SCALE: 3/16" = 1'-0"
DRAWN BY: MM & PO
JOB #: 2017-35
PLOT PLAN



SHEET NO.: A-1.0

NORTH ELEVATION

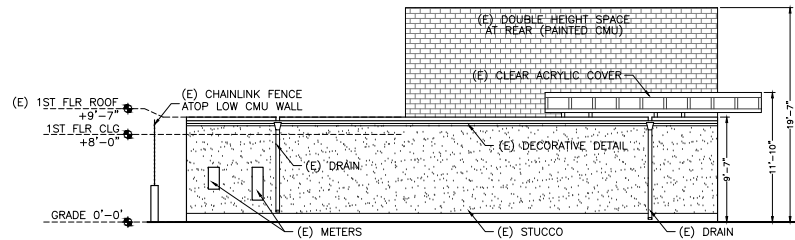


AMATO ARCHITECTURE
 1388 PARK AVENUE
 EMERYVILLE, CA, 94608
 TELE 510.420.0210
 CELL 510.499.2080



PROJECT PROGRESSION: ISSUE FOR PERMIT
 DATE: 05.2

EAST ELEVATION



BEER LICENSE DRAWINGS

1235 10TH STREET
 BERKELEY, CA 94710
 APN: 060-235401403

SHEET TITLE:

EXTERIOR ELEVATIONS

SCALE: 3/16" = 1'-0"
 DRAWN BY: MM & PO
 JOB #: 2017-35
 PLOT PLAN



SHEET NO.: A-3.0



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

1235 Tenth Street

Use Permit #ZP2021-0120 to add the Alcoholic Beverage Service of beer for on-site consumption at a Commercial Recreation Center.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on March 24, 2022, **conducted via Zoom**, [see the Agenda for details](#). The meeting starts at 7:00 p.m.

PUBLIC ADVISORY: This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

A. Land Use Designations:

- General Plan: Avenue Commercial
- Zoning: West Berkeley Commercial (C-W)

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23E.64.030 to commence Alcoholic Beverage Service

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

D. Parties Involved:

- Applicant Tim Alley, 86 El Camino Real, Berkeley
- Property Owner Lawrence Thal, 1165 Laurel Drive, Lafayette

Further Information:

All application materials are available online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7458 or RRoe@cityofberkeley.info.

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

Communication Disclaimer:

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

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://www.cityofberkeley.info/zoningadjustmentboard/>.

All persons are welcome to attend the virtual 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.

It will not be possible to submit written comments at the meeting.



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.
