



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

MAY 30, 2024

1499 University Avenue

Use Permit #ZP2023-0164 to initiate the sale of beer and wine to hotel guests under a Type 70 Alcohol Beverage Control (ABC) permit

I. Background

A. Land Use Designations:

- General Plan: Avenue Commercial (AC)
- Zoning District: University Commercial (C-U)

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.020 to begin the sale of alcoholic beverages.

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 15000, et seq.) pursuant to CEQA Guidelines Section 15301 ("Existing Facilities").

D. Parties Involved:

- Applicant: Jiten Jadav, 1499 University Avenue, Berkeley
- Property Owner: Berkeley Hospitality LLC, 109 John Street, Salinas

Figure 1: Vicinity and Zoning Districts Map

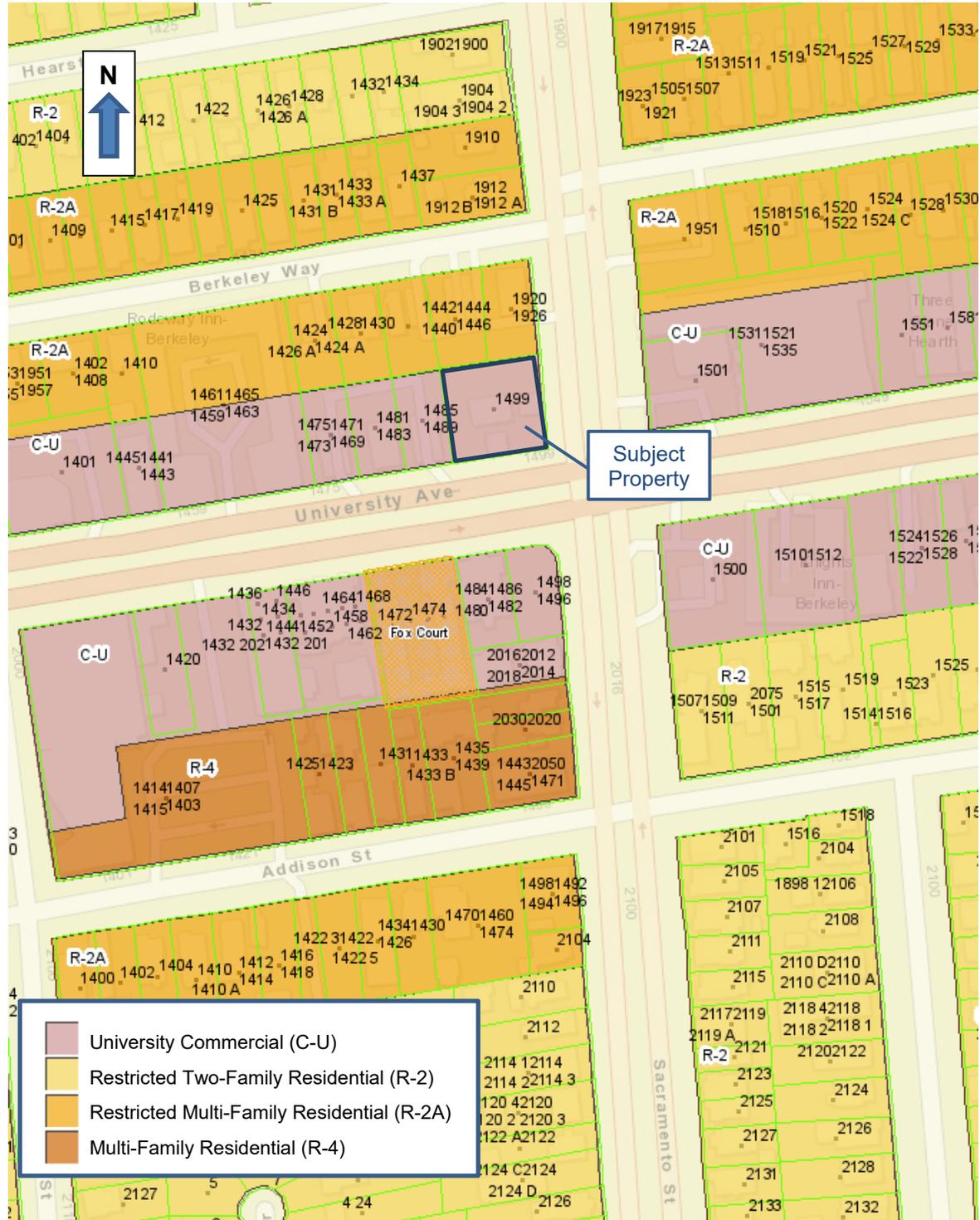
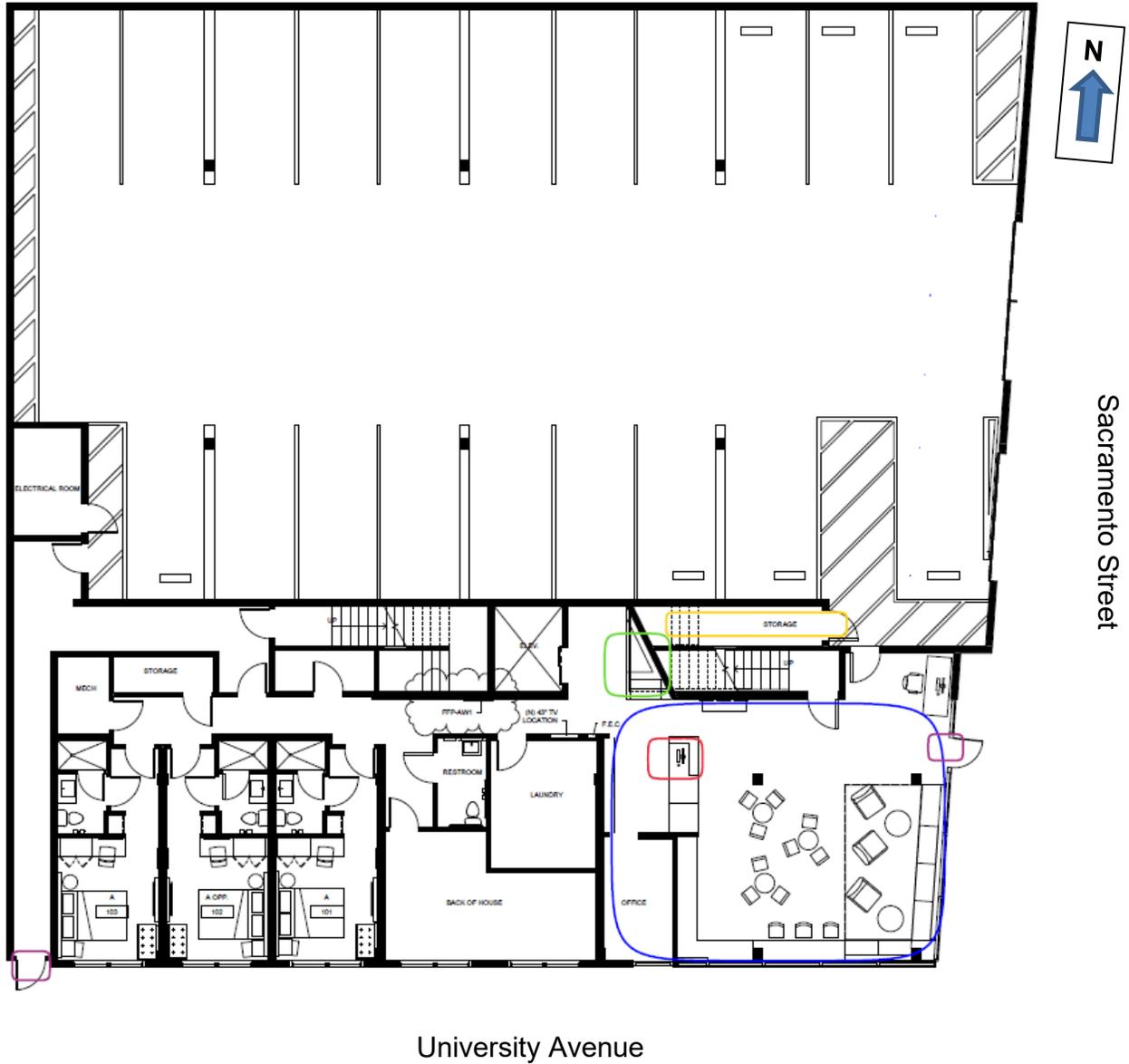


Figure 2: Floor/Site Plan



- Lobby
- Cashier
- Display Area
- Storage
- Exits

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



ABC License Type	
■	Type 20: Off-Sale Beer & Wine
■	Type 21: Off-Sale General
▲	Type 41: On-Sale Beer & Wine – Eating Place
●	Type 70: On-Sale General – Restrictive Service

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Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Hotel	University Commercial (C-U)	Avenue Commercial (AC)
Surrounding Properties	North	Multi-Family Residential	Restricted Multi-Family Residential (R-2A)	Medium Density Residential (MDR)
	South	Mixed Use	C-U	AC
	East	Multi-Family Residential / Commercial Retail		
	West	Multi-Family Residential		

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Alcohol Sales/Service	Yes	The project proposes alcoholic beverage sales under a Type 70 ABC license.
Public Convenience or Necessity	No	There are no other Type 70 ABC licenses within 1,000 feet of the project site. Therefore, public convenience and necessity findings are not required.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Historic Resources	No	The existing building is not more than 40 years old, and there are no physical changes proposed.
Soil/Groundwater Contamination		The project site not located within the City's Environmental Management Area and is not on the Cortese List ^a Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The subject site is served by AC Transit lines 51B, 52, 88, 100, and FS, is roughly 1,000 feet from the North Berkeley BART Station, and can be reached by bicycle or walking from several nearby residential areas.
Notes:		
a. The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.		

Table 3: Project Chronology

Date	Action
January 18, 2024	Application deemed incomplete
January 23, 2024	Application resubmitted
January 31, 2024	Application deemed complete
May 16, 2024	Public hearing notices mailed/posted
May 30, 2024	ZAB hearing

II. Project Setting

A. Neighborhood/Area Description:

The project site is located on the north-west corner of University Avenue and Sacramento Street in the University Commercial (C-U) zoning district. It is located in one of Berkeley's busiest commercial corridors. The mix of commercial uses includes short-term lodging, gas stations, retail shops, restaurants, personal services, and a medical clinic. The neighborhood also includes a substantial number of mixed-use and multi-family residential buildings. Building heights range from one to four stories.

B. Site Conditions:

The site is a 10,777 square foot, roughly-square, lot that is fully developed with a 4-story hotel with a 20-space private surface parking lot in the rear. The first floor of the hotel, which is accessed from Sacramento Street, consists of a lobby area/gift shop, restrooms, a laundry facility, and storage areas. The upper stories consist of guest rooms.

III. Project Description

A. Proposed Project Details: The proposed project would permit the sale of alcoholic beverages to hotel guests under a Type 70 Alcoholic Beverage Control (ABC) permit. A Type 70 permit authorizes the sale of beer, wine, and distilled spirits for consumption on the premises to the establishment's overnight guests and their invitees. The project would include the following primary components:

1. The sale of beer and wine in the lobby gift shop.
2. Train staff in responsible service practices, including checking proper identification, refusing service to intoxicated individuals, and adhering to all applicable alcoholic beverage laws.
3. Installation of security cameras and security personnel on duty during peak hours.
4. Noise control measures as needed to minimize disturbances to hotel guests and the surrounding community. Could include any combination of limiting operating hours, limiting volume of lobby music, and enforcing decibel limits.

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5. Limit shop access to hotel guests and authorized personnel only; prevent loitering or public access that could impact neighboring properties.

No changes to the exterior of the building are proposed as part of the project.

IV. Community Discussion

A. Neighbor/Community Concerns:

Prior to submitting this application to the city, the applicant contacted all abutting and confronting residential occupants and residential property owners to advise them of the project. The outreach was accomplished via a combination of in-person conversations and certified mail. A pre-application poster was installed on site by the applicant in November 2023. On May 16, 2024, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations (Attachment 3). The City also posted notices within the neighborhood at nearby three locations. At the time of writing this report, staff had not received any communications regarding the project.

B. Landmark Preservation Commission / Design Review Committee Review:

This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it doesn't propose any exterior changes to the property.

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 includes a request to permit continued operation of an existing use by allowing the sale of alcohol onsite and does not propose any physical changes to the property. 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 site is currently developed. 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.¹ Therefore, the project site is not in view of a state scenic highway;

¹ 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>

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- The site is not included on a list compiled pursuant to Government Code Section 65962.5;² 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.

Staff Analysis:

This project would not be detrimental to air, views, or sunlight because no physical changes are proposed to the property. It would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons working or residing in the neighborhood because it would limit alcohol sales to hotel guests and their invitees only, and would only allow consumption of the beverages on the hotel property. In addition, in a letter signed by Berkeley Police Chief Jennifer Louis, and dated February 8, 2024, the Berkeley Police Department stated that “we see no reason to believe this business would increase crime or calls for service in the neighborhood, and see no reason it would have an adverse effect on the health or safety of the people in the area” (see Attachment 4). Furthermore, the project is subject to the City’s standard conditions of approval regarding hours of operation and alcoholic beverage sales.

C. District Purposes and Compatibility:

Per BMC 23.204.060(E), To approve a Use Permit for a project in the C-U district, ZAB must find that the proposed use or structure:

1. Is compatible with the purpose of the district;
2. Is compatible with the surrounding uses and buildings;
3. Does not interfere with the continuity of retail and service facilities at the ground level; and
4. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.

Staff Analysis:

The proposed project would be fully compatible with the mix of uses in the neighborhood in that alcoholic beverages are already legally available in the

² California Environmental Protection Agency. Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>

neighborhood, but not in excessive concentrations. Furthermore, the small scale and indoor nature of the project would ensure that it does not have noticeable effects on the surrounding neighborhood.

VI. Other Considerations (Zoning and Land Use Considerations)

A. 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.
2. **Policy LU-7–Neighborhood Quality of Life:** Preserve and protect the quality of life in Berkeley’s residential areas through careful land use decisions.
3. **Policy LU-27 Avenue Commercial Areas:** Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.
4. **Policy LU-29 University Avenue Strategic Plan:** Implement the University Avenue Strategic Plan and take actions to achieve the six goals of the Plan:
 1. Increase public safety for residents, merchants, and customers.
 2. Revitalize the University Avenue corridor through appropriate economic development and housing.
 3. Protect and improve neighborhood quality of life.
 4. Encourage more pedestrian-oriented development and an appropriate mix of uses to improve neighborhood identity.
 5. Enhance University Avenue as a gateway to the city, a series of neighborhoods, and the Downtown.
 6. Coordinate and enhance public transit systems, pedestrian access, and bicycle circulation.

Staff Analysis:

The proposed project will result in additional economic support for an existing business that already has a positive effect on the character and safety of the neighborhood. The small scale of the project, combined with the fact that it will strictly be an indoor service for the hotel’s guests, will ensure that these positive effects are maintained.

VII. 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:

1. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”); and

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2. **APPROVE** Use Permit ZP2023-0164 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 March 7, 2024
3. Notice of Public Hearing
4. Berkeley Police Department letter, dated February 8, 2024

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 30, 2024

1499 University Avenue

Use Permit #ZP2023-0164 to initiate the sale of beer and wine to hotel guests under a Type 70 Alcohol Beverage Control (ABC) permit

ZONING PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.020 to begin the sale of alcoholic beverages.

I. CEQA FINDINGS

- B.** 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”).
- C.** 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 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, 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. No physical changes to the property are proposed; and
 2. The new use will be conducted entirely indoors; and
 3. The Berkeley Police Department has stated in a letter dated February 8, 2024 that they see no reason that the project would increase crime or calls for service in the neighborhood; and
 4. The project will be subject to the City’s standard conditions of approval regarding hours of operation and alcoholic beverage sales.

1499 UNIVERSITY AVENUE- USE PERMIT #ZP2023-0164
May 30, 2024

FINDINGS & CONDITIONS
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III. OTHER FINDINGS FOR APPROVAL

- A.** As required by BMC Section 23.204.060(E), the project is consistent with the purposes of the University Commercial (C-U) district because:

The project would be compatible with the mix of uses in the neighborhood in that alcoholic beverage sales are already available in the area, but not in excessive concentrations, and the small scale and indoor nature of the project will ensure that it does not have negative effects on neighborhood quality of life. It will also help the existing business to contribute more to the economic vitality of the C-U district.

- B.** Per BMC Section 23.310.020(D), the Zoning Adjustments Board finds that it is not require to make the Findings of Public Convenience and Necessity because there are no other Type 70 ABC licenses within a 1,000-foot radius of the project site.

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. 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.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. 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.

6. **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.
7. **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.
8. **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.

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

At All Times:

9. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
10. **Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
11. **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.

- 12.** 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 SERVICE CONDITIONS (on-site)

- 13.** The Establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).
- 14.** The sale of alcoholic beverages for consumption off the premises is prohibited.
- 15.** There shall be no service or consumption of alcohol on the public right-of-way, unless authorized by a Public Works sidewalk seating permit.
- 16.** 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.
- 17.** A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
- 18.** 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.
- 19.** Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.
- 20.** 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.
- 21.** Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
- 22.** The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

- 23.** 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.
- 24.** This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.



1030 RIVERSIDE PARKWAY, SUITE 140
 WEST SACRAMENTO, CA 95605
 (916) 823-5444

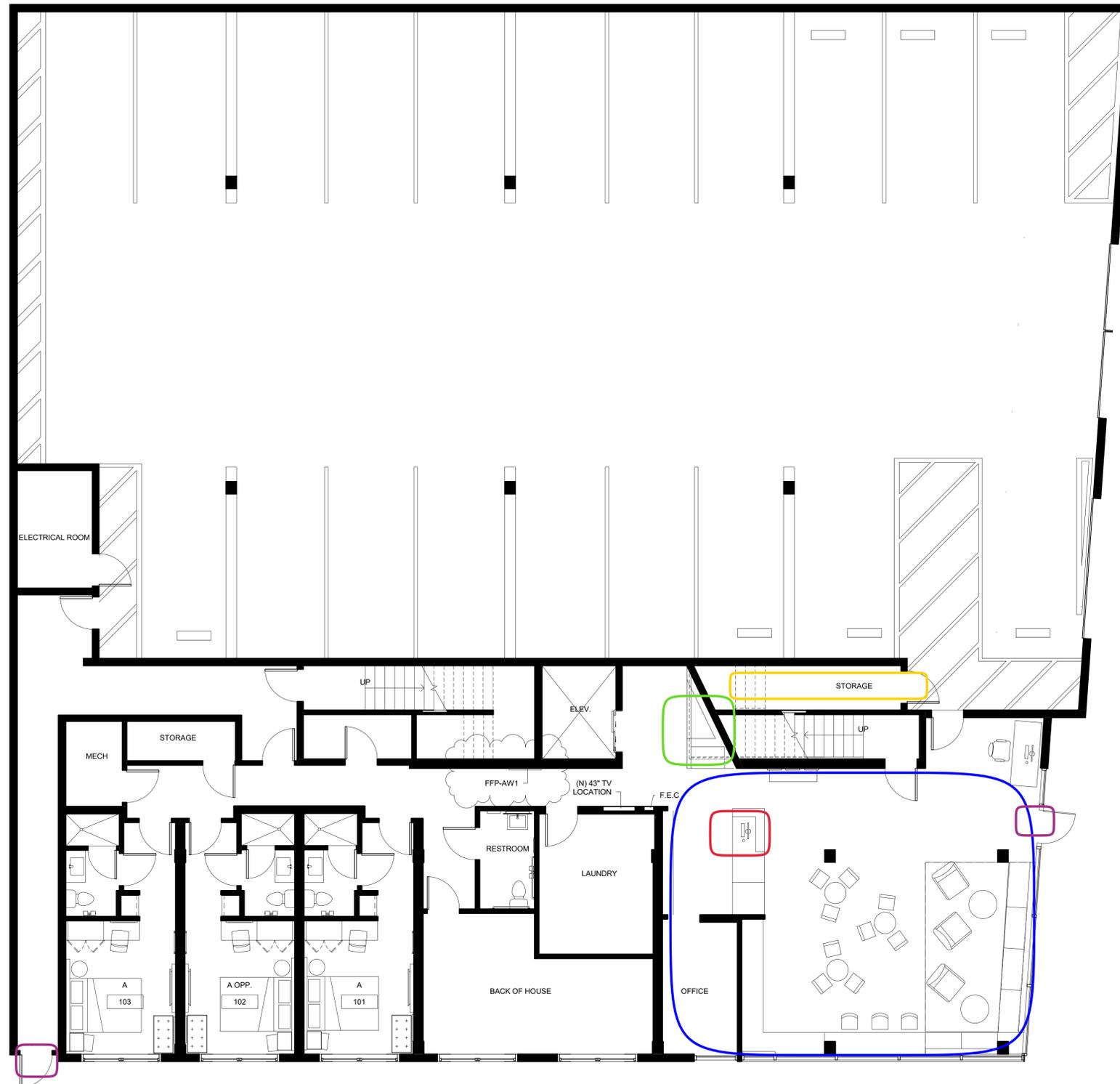
NEW CONSTRUCTION
Best Western
Berkeley
 1499 University Avenue
 Berkeley, CA

FURNITURE PLAN

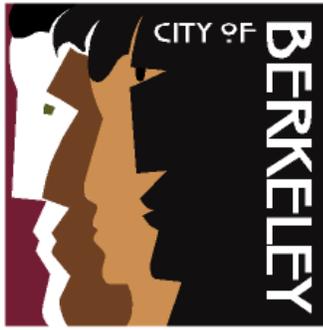
Project Number
 Project Number **ID-**
 Drawn By
 Author
 Checked By
 Checker **C1.1**

FURNITURE PLAN - LEVEL 1
 SCALE: 3/16" = 1' - 0"

- Lobby
- Cashier
- Display Area
- Storage
- Exits



NOTE:
 STANDARD QUEEN ROOM- TYPE 1: 101, 102, 103



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

1499 University Avenue

Use Permit #ZP2023-0164 to initiate the sale of beer and wine to hotel guests under a Type 70 Alcohol Beverage Control (ABC) permit.

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 30, 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: Avenue Commercial (AC)
- Zoning: University Commercial (C-U)

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.020 to begin the sale of alcoholic beverages.

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

D. Parties Involved:

- Applicant Jiten Jadav, 1499 University Avenue, Berkeley
- Property Owner Berkeley Hospitality LLC, 109 John Street, Salinas

Further Information:

All application materials are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

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

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or rroe@berkeleyca.gov.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@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:

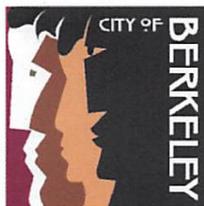
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

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.

Internal



Police Department

February 8th, 2024

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

Re: **Aiden by Best Western, 1499 University Ave., Berkeley, CA 94702**

Dear Mr. Roe,

This letter is in response to your request to review a proposed change to the above business as outlined in the attached Zoning Project Application. The owner (Berkeley Hospitality, LLC) of **Aiden by Best Western** is requesting to begin alcoholic beverage service, to conduct retail sales of wine and beer (Liquor license type 70). The service of alcoholic beverages will be in addition to the lobby gift shop. The applicant/owner indicates they will obtain an Alcohol Beverage Control License Type 70 (Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees).

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

From the application it appears this is an existing business operation. There are no substantive changes to the streetscape, front of the business, or anywhere else on the exterior.

We believe the addition of this alcohol license for this business in the neighborhood will not cause a radical change to the neighborhood. The neighborhood is very active businesses district and main thoroughfare for the city. A records check with ABC shows, Aiden by Best Western has no prior operating restrictions, disciplinary action or disciplinary history to report. The location appears to be in good standing with ABC.

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Internal

The business will not alter vehicle or pedestrian traffic in the area. The business is in an existing hotel space, located on the north west corner of the University Ave and Sacramento St intersection. As stated above, this area of University Ave and Sacramento St is a very active business district. The Aiden by Best Western hotel has become an established and well received business addition to the area.

An analysis of police calls for service data shows approximately 21 calls for service since January 1, 2023. The calls trend largely towards disturbances and trespassing calls for service. The majority of these two categories appear to be generated by the staff of the hotel for non-guest/unwanted subject entering the hotel or loitering outside. This would tend to indicate the staff of the hotel working to insure a safe and professional business environment. Nothing indicates a pattern of conduct that would be the causation or aid to crime or disorder.

Based on this information we believe the proposed addition is not at all likely to increase crime or disorder in this busy business area. Researching other applications, we have noticed a correlation between businesses having live music and increased calls for service to BPD, often for noise complaints. Aiden by Best Western Hotel will not have any live music or amplified sound.

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

Sincerely,



Jennifer Louis
Chief of Police

JL/brh