

**BUSINESS SUPPORT ZONING AMENDMENT REFERRALS -
AMUSEMENT DEVICE ARCADES & THE DOWNTOWN ARTS DISTRICT OVERLAY**

Planning Commission
October 7, 2020

OVERVIEW

Arcades & The Downtown ADO

- ❖ Define Terms & Overview of the Referral
- ❖ Staff's Analysis & Recommendation
- ❖ Feedback from Planning Commission

DEFINING ARCADES

Amusement Device:

Any machine or device which may be operated for use as a game, contest or amusement upon the insertion of a coin, slug or token in any slot or receptacle attached to such machine or connected therewith, which does not contain a payoff device for the return of slugs, money, coins, checks, tokens or merchandise

Amusement Device Arcade:

An establishment which contains six (6) or more Amusement Devices. An Amusement Device Arcade is a Commercial Recreation Center irrespective of whether such machines are the principal commercial activity of an establishment.



OVERVIEW OF REFERRAL - ARCADES

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Zoning Ordinance Modification for Elmwood Commercial Districts (6/25/19) -

This referral requests levels of discretion for arcades in the C-E district be re-examined and relaxed.

Permit Threshold Suggested for Arcades by the Referral for the Elmwood Commercial District

Size Threshold (square feet)	Permit Required
Under 3,000	ZC
Over 3,000	AUP

ZC – Zoning Certificate | **AUP** – Administrative Use Permit | **UP(PH)** – Use Permit (Public Hearing)

EXISTING REGULATIONS FOR ARCADES

Districts	Arcades*	Up-to 3 Amusement Devices allowed as an Incidental Use
Neighborhood Commercial		
C-N Neighborhood	Prohibited	UP(PH)
C-E Elmwood	Prohibited	UP(PH)
C-NS North Shattuck	Prohibited	UP(PH)
C-SA South Area	UP (PH)	UP(PH)
C-SO Solano Avenue	Prohibited	UP(PH)
Avenue Commercial		
C-1 General	UP (PH)	AUP
C-T Telegraph Ave	Prohibited	AUP
C-W West Berkeley	UP (PH)	AUP
C-DMU	UP (PH)	AUP
Manufacturing Districts		
M Manufacturing	Prohibited	Prohibited
MM Mixed Manufacturing	Prohibited	Prohibited
MU-LI Mixed Light Industrial	Prohibited	AUP
MU-R Mixed Use Residential	Prohibited	AUP

*Arcades cannot locate within 600 feet of a primary or secondary school.

EXAMPLE OF ACTIVITY-BASED EXPERIENCES

- ❖ Escape Rooms
- ❖ Axe Throwing
- ❖ Billiards & Pool Halls



Albany Bowl, Albany CA



High Scores, Alameda CA



Plank, Oakland CA

DEFINING CRCs

Commercial Recreation Center:

Any establishment other than a theater at which recreation facilities are offered or amusement devices provided to the public as a principal commercial activity of such establishment. This may include, but is not limited to, bingo parlors, bowling alleys... and amusement device arcades.

- ❖ Escape Rooms
- ❖ Axe Throwing
- ❖ Billiards & Pool Halls



Albany Bowl, Albany CA



High Scores, Alameda CA



Plank, Oakland CA

EXISTING THRESHOLDS FOR CRCs

Neighborhood Commercial Permit Threshold for CRCs

Size Threshold (square feet)	Permit Required
Under 3,000	AUP
Over 3,000	UP(PH)

Avenue Commercial Permit Threshold for CRCs

Size Threshold (square feet)	Permit Required
Under 5,000	ZC
5,000 - 10,000	AUP
Over 10,000	UP(PH)

Outdoor uses require UP(PH)



EXISTING REGULATIONS FOR ARCADES

Districts	Arcades
Neighborhood Commercial	
C-N	Prohibited
C-E	Prohibited
C-NS	Prohibited
C-SA	UP (PH)
C-SO	Prohibited
Avenue Commercial	
C-1	UP (PH)
C-T	Prohibited
C-W	UP (PH)
C-DMU	UP (PH)
Manufacturing Districts	
M	Prohibited
MM	Prohibited
MU-LI	Prohibited
MU-R	Prohibited

REGULATE ARCADES AS CRCs

Districts	Arcades
Neighborhood Commercial	
C-N	Prohibited
C-E	Prohibited
C-NS	Prohibited
C-SA	UP (PH)
C-SO	Prohibited
Avenue Commercial	
C-1	UP (PH)
C-T	Prohibited
C-W	UP (PH)
C-DMU	UP (PH)
Manufacturing Districts	
M	Prohibited
MM	Prohibited
MU-LI	Prohibited
MU-R	Prohibited

Recommendation:
Regulate Arcades as Commercial Recreation Centers.

Size Threshold (square feet)	Permit Required
Under 3,000	AUP
Over 3,000	UP(PH)

Size Threshold (square feet)	Permit Required
Under 5,000	ZC
5,000 - 10,000	AUP
Over 10,000	UP(PH)

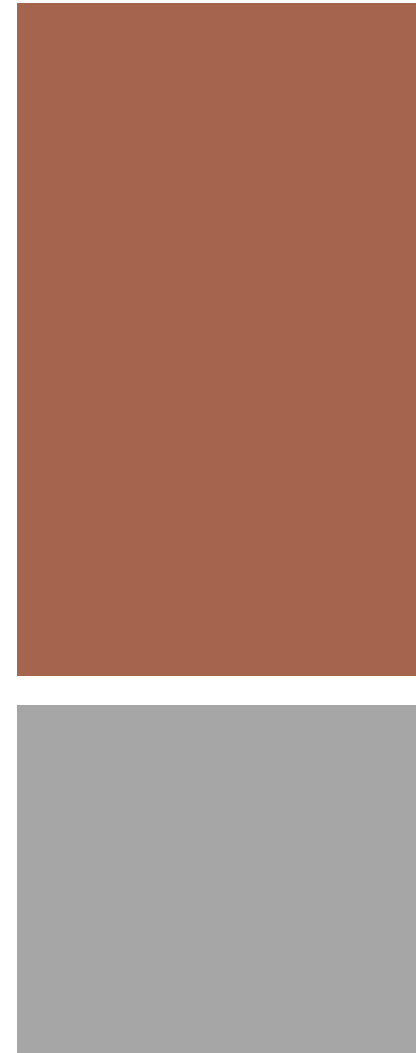
CRCs are prohibited. Staff recommends no changes.

REMOVE BUFFER

Recommendation:
Remove 600-foot buffer for Arcades.

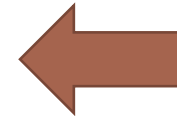
Are there any Special Provisions on how close a business can locate to a primary or secondary school?

Berkeley	Yes- 600 ft.
Oakland - Rockridge, Piedmont & Telegraph	No
Sacramento	No
San Diego	Yes - 300 ft.
Alameda	No
San Francisco	No
Albany	No



AMUSEMENT DEVICES AS AN INCIDENTAL USE

Districts	Up-to 3 <u>5</u> Amusement Devices allowed as an Incidental Use
Neighborhood Commercial	
C-N Neighborhood	UP(PH)
C-E Elmwood	UP(PH)
C-NS North Shattuck	UP(PH)
C-SA South Area	UP(PH)
C-SO Solano Avenue	UP(PH)
Avenue Commercial	
C-1 General	AUP
C-T Telegraph Ave	AUP
C-W West Berkeley	AUP
C-DMU	AUP
Manufacturing Districts	
M Manufacturing	Prohibited
MM Mixed Manufacturing	Prohibited
MU-LI Mixed Light Industrial	AUP
MU-R Mixed Use Residential	AUP



Recommendation:
Allow up to five Amusement Devices as an incidental use.

Arcade:
 An establishment which contains **six (6) or more Amusement Devices.**

AMUSEMENT DEVICES AS AN INCIDENTAL USE

Districts	Up-to 5 Amusement Devices allowed as an Incidental Use
Neighborhood Commercial	
C-N Neighborhood	UP(PH)
C-E Elmwood	UP(PH)
C-NS North Shattuck	UP(PH)
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Manufacturing Districts	
M Manufacturing	Prohibited
MM Mixed Manufacturing	Prohibited
MU-LI Mixed Light Industrial	AUP
MU-R Mixed Use Residential	AUP

Recommendation:

Allow up-to five Amusement Devices as an incidental use with a ZC for all Commercial Districts, the MU-LI and the MU-R



SUMMARY OF RECOMMENDATIONS

Arcades

- ❖ Arcade ⇒ CRC;
- ❖ Remove 600-foot buffer;
- ❖ Change the maximum number of amusement devices allowed as an incidental use from 3 to 5; and
- ❖ Allow up-to five Amusement Devices as an incidental use with a Zoning Certificate.



BACKGROUND - DOWNTOWN ADO

Downtown Arts District Overlay (ADO)

Berkeley Rep



Revival Bar and Kitchen



Half Price Books



Freight & Salvage



BACKGROUND - DOWNTOWN ADO

Downtown ADO vs. Downtown Mixed-Use District

	Ground Floor Uses	
	<i>Offices</i>	<i>Food Service Establishments</i>
Downtown ADO	AUP	AUP (Off-site consumption)
Downtown Mixed Use (C-DMU)	ZC*	Under 3,000 SF – ZC Over 3,000 SF - AUP

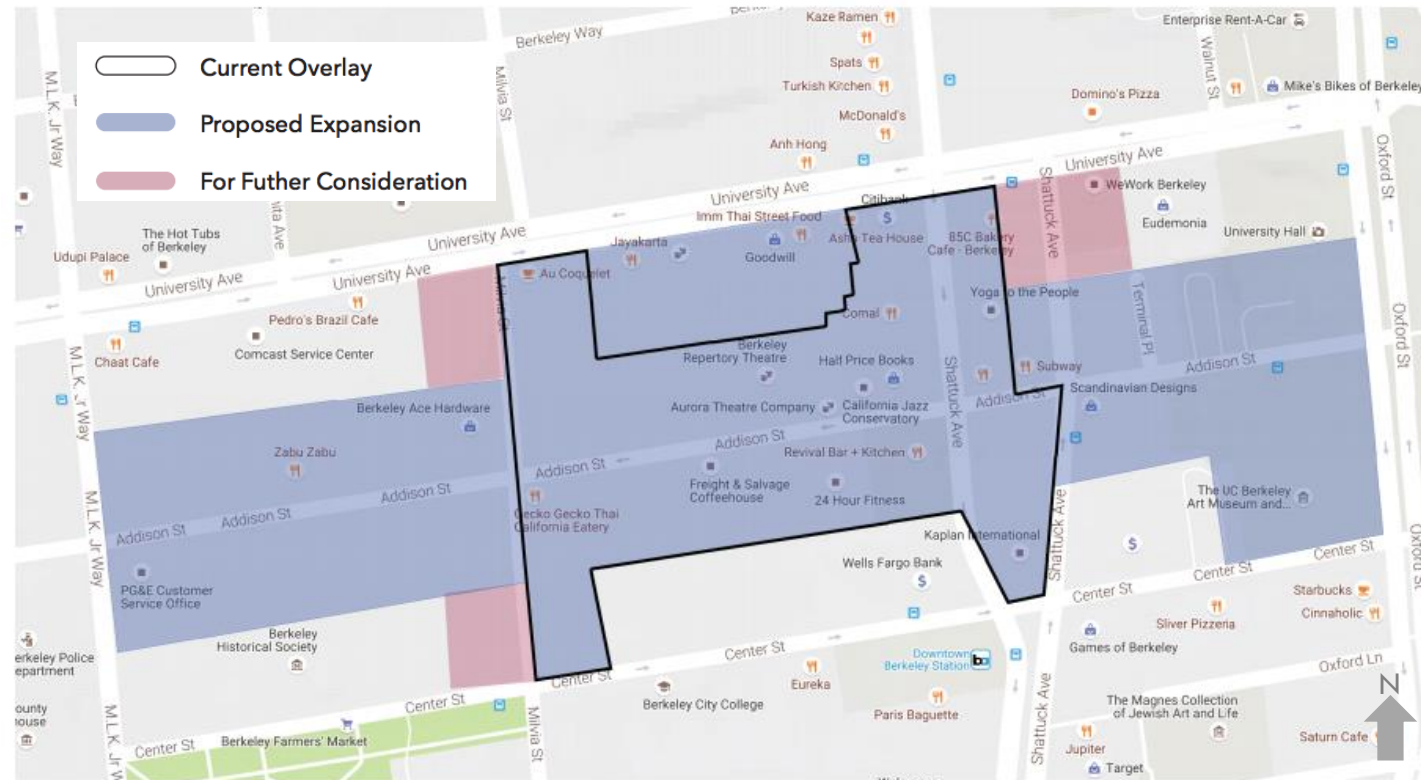
*Financial Services Retail (Banks) larger than 7,500 SF require an AUP.

OVERVIEW OF REFERRAL- DOWNTOWN ADO

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Expanding the Downtown Arts District Overlay (ADO) (10/18/16)

This referral requests the expansion of the ADO boundaries.



Source: Bates Referral 2016

MAINTAIN EXISTING BOUNDARIES

Recommendation:

Maintain the existing boundaries of the ADO.

❖ **Expansion from Milvia Street to MLK**



2100 Addison – Offices



1933 Addison – Rush BOWLS



1950 Addison – The Addison

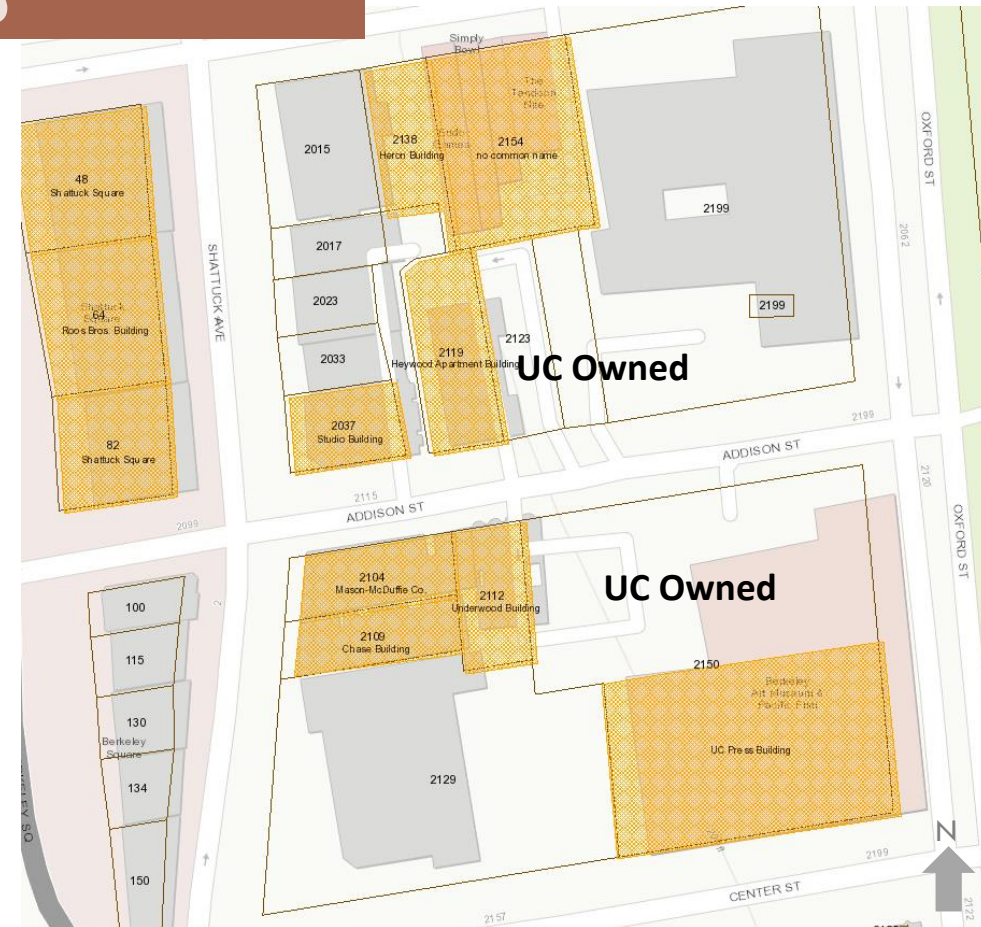
MAINTAIN EXISTING BOUNDARIES

Recommendation:

Maintain the existing boundaries of the ADO.

❖ **Expansion from Shattuck to Oxford and Along University Avenue**

- UC Owned Properties
- Historic Landmarks



 Historic Landmark

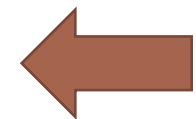
Source: Berkeley GIS 2020

REMOVE AUP REQUIREMENT / FOOD SERVICE

Recommendation:

Remove the provision requiring an AUP for Food Service Establishments that primarily provide food for offsite consumption in the ADO

	Ground Floor Uses	
	Offices	Food Service Establishments
Downtown ADO	AUP	AUP (Off-site consumption)
Downtown Mixed Use (C-DMU)	ZC*	Under 3,000 SF – ZC Over 3,000 SF - AUP



PROGRAMMATIC INCENTIVES

Recommendation:

Explore programmatic incentives to encourage more art- and culture-focused establishments to locate within the ADO

Artist Space Assistance + Streamlining



Nashville, Tennessee

Creative Placemaking Toolkit



Seattle, Washington

SUMMARY OF RECOMMENDATIONS

ADO

- ❖ Maintain the existing boundary of the ADO
- ❖ Remove AUP requirement for Food Service Establishments for offsite consumption
- ❖ Consider programmatic incentives

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ADO

- ❖ Maintain the existing boundary of the ADO
- ❖ Remove AUP requirement for Food Service Establishments for offsite consumption
- ❖ Consider programmatic incentives

Arcades

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