



Office of the City Manager

April 19, 2024

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Re: Zoning Amendments for Berkeley Business – APA Award of Excellence

On February 27, 2024 Berkeley's City Council passed an ambitious package of over a dozen zoning ordinance amendments designed specifically to support businesses in Berkeley's commercial and light-industrial districts. On April 1, 2024, the American Planning Association (APA) – Northern Section Awards Program selected the **Zoning Amendments for Berkeley Business** for an **Award of Excellence** in the **Economic Planning and Development** category. The Northern Section of APA California extends along the coast from Monterey Bay to the Oregon border and includes the highly populated nine-county San Francisco Bay Area. The City of Berkeley will be celebrated along with the APA Northern California Chapter honorees in [eleven categories](#) at a ceremony in September *and* has been invited to apply for the 2024 APA California Chapter (statewide) award in this category.

The zoning amendments are intended to encourage local economic development and enhance cultural offerings in an equitable manner across Berkeley. The sweeping code changes to the zoning ordinance are wide ranging; spanning the permitting of group class instruction, the service of distilled spirits, expanded hours of operation, live entertainment, pet stores, art and craft studios, outdoor food service, and the removal of restrictions related to change of use, removal of food service quotas, and rentals of food service establishments to third parties. The zoning amendments were unanimously recommended for adoption by Berkeley's Planning Commission in the context of current zoning regulations and General Plan objectives, and when they were subsequently adopted by Berkeley's City Council, elected officials praised the "dedicated staff work" toward the pursuit of a big ambitious idea; and the Mayor indicated it was "his honor" to move the item forward for a 7-0 vote. The adopted zoning amendments advance the City's Strategic Plan goals to *foster a dynamic, sustainable, and locally-based economy* and to *provide excellent, timely, easily accessible service and information to the community*.

The zoning changes are the result of a multi-year successful collaboration of Berkeley's policy makers, city staff in the Office of Economic Development (OED) and the Planning and Development Department, small business operators and the business support

community. This multi-year, and multi-department effort spanned a period of time (the COVID-19 Pandemic) that was especially challenging for small independent businesses and local cultural institutions. Completed with staff resources alone (this was also a challenging time for municipal budgets), these code changes provide immediate relief for many of Berkeley’s businesses and cultural institutions, by making it easier to get a land use permit in Berkeley. In addition, the code changes reduce the amount of time, money, and uncertainty that business owners and cultural operators face when locating or expanding in Berkeley. Examples include: removing outdated and burdensome requirements for food service and nightlife businesses, improving accommodations for businesses with ‘hybrid’ or experiential business models, and removing high discretionary review requirements for desired uses including outdoor food service in certain mixed-use zones. The zoning amendments are already having an impact – the Office of Economic Development is currently working with clients for whom the review process has been shortened dramatically.

By developing specific zoning ordinance amendments to remove barriers for desired business and cultural uses, the zoning changes are also a tool for helping to prevent displacement of small businesses in Berkeley by *supporting culture, arts, and nightlife*, (one of the main ways traditional retail is combating competition from the Internet) and *encouraging Berkeley’s nighttime economy by engendering in-person or “experiential” commercial experiences*. The changes also further the cause of good planning by demonstrating responsiveness to feedback, and implementing desired, meaningful changes to the community.

#### *Zoning Amendment Development*

The Zoning Amendments for Berkeley Business package was developed with extensive input from small business owners and operators in Berkeley. In developing the amendments, staff also consulted with numerous business owners that decided *not* to locate or expand in Berkeley due to factors including our existing regulatory review and permitting processes. The outreach methodology consisted of surveys, forums, and interviews with various public and private business support networks. Surveys included those conducted by various partner agencies including the Berkeley Chamber, the Bay Area Organization of Black-Owned Businesses, and the Berkeley Business District Network. Interviews included one-on-one conversations with a variety of business owners in Berkeley in each Council district, representing a variety of business types and sizes, businesses ranging in age, businesses owned by women and by people of color, and worker-owned cooperatives. Staff engaged participants engaged in small group discussions and open dialogue, (including the Berkeley Neighborhoods Council, and an association of local nightlife operators) and their feedback was recorded.

Office of Economic Development (OED) staff also consulted other City staff sections, including the Community Services Bureau of the Berkeley Police Department, Code Enforcement, and Environmental Health departments. This collaborative effort enabled the identification of enhancements in internal city processes that align with the [Small](#)

[Business Support Package](#) which has been the guiding document for business and cultural support efforts in Berkeley since 2018.

*Online Resources to Access the Zoning Amendments*

The award-winning plan resides in amended municipal code, articulated in both the staff report and zoning amendments codified in the Berkeley City Council Agenda [Item 16 \(2/27/24\)](#), the full report titled [Zoning Amendments for Berkeley Business](#) (111-pages) and is available as a [text report](#), [summary slides](#), and [presentation video](#). The video recording of the Berkeley City Council meeting and staff presentation [delivered by Office of Economic Development \(OED\) staff in collaboration with the Planning and Development Department](#) begins at the 2:33 mark.

*Anticipated Results*

The Zoning Amendments for Berkeley Business will contribute to improving Berkeley's reputation as a place to do business and that entrepreneurs, business owners, cultural organizations and our residents (who are often the same people wearing different hats) *all* feel welcome in Berkeley and thrive. The continued pursuit of a refined zoning code, as well as the programs and policies that encourage enabling sustainable business networks, represents an economic strength for Berkeley and a competitive advantage within the region.

If you have any questions about this initiative, please reach out to Kieron Slaughter, Office of Economic Development, at (510) 981-2490 or [kslaughter@berkeleyca.gov](mailto:kslaughter@berkeleyca.gov).

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