



Berkeley City Council

ACTION CALENDAR

July 10, 2018

*(Continued from June 12, 2018)*

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín and Councilmembers Ben Bartlett and Sophie Hahn  
 Subject: Auto Sales in Commercial South Area (C-SA) Zones

RECOMMENDATION

Refer to the Planning Commission and the Adeline Corridor Planning Process to develop an ordinance that would prohibit new auto uses and auto sales in C-SA zones.

BACKGROUND

In the early 1990s, automotive sales in Commercial South Area (C-SA) zones were prohibited, however, existing dealerships were considered legal non-conforming uses. The C-SA district is located in south Berkeley and includes Adeline Street and Shattuck Avenue from Dwight Way to the city border, Ashby Avenue between Martin Luther King Jr. Way and Lorina Street, Alcatraz Avenue from west of King Street to east of Dover Street, and Sacramento Street from Oregon Street to Alcatraz/city border.

Plans for a mixed-use development on the site of Berkeley Honda at Shattuck/Parker were announced in 2008. After discussing the allowance of new auto uses in C-SA areas with stakeholders for several years, an amendment to the Berkeley Municipal Code under Ordinance No. 7,304-N.S was enacted in July 2013. This amendment addressed Berkeley Honda's desire to stay in close proximity to other existing dealerships in lieu of relocating to other areas of the City where auto uses are allowed, such as West Berkeley. As a result of this ordinance change, Berkeley Honda was able to move a couple of blocks south from its old site to its current location at the former Any Mountain and Berkeley Bowl site.

With the Honda relocation complete, many of the amendments passed in 2013 have now served their purpose and are no longer needed. In addition, dealerships and the ancillary use of auto repair have increased parking demands both for visitors and auto repair staging. The dealership parking demands combined with new development projects that contain limited parking capacity have significant impact on dense neighborhoods that are historically "under-parked".

The Planning Commission was charged with developing Ordinance No. 7,304-N.S in 2011 and currently the City is undertaking a community engagement process in the development of a new plan for the Adeline Corridor. Suggested amendments have

been submitted by the neighborhoods for consideration and are included as Attachment 2.

FINANCIAL IMPLICATIONS

Staff time

ENVIRONMENTAL SUSTAINABILITY

Prohibiting new auto uses is consistent with the goals of the Berkeley Climate Action Plan.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Ordinance No. 7,304-N.S.
- 2: Neighborhood suggested amendment

ORDINANCE NO. 7,304–N.S.

AMENDING THE C-SA DISTRICT TO ALLOW SALE OF AUTOMOBILES AND MOTORCYCLES WITH OUTDOOR ACTIVITIES IN THE DEALERSHIP OVERLAY AREA AND INDOOR-ONLY OPERATIONS THROUGHOUT THE DISTRICT; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23E.52 AND SECTION 23F.04.010

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the “Automobile and Other Vehicle Oriented Uses” section of Berkeley Municipal Code Table 23E.52.030 is amended to read as follows:

Table 23E.52.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
<b>Automobile and Other Vehicle Oriented Uses</b>		
Automobile Parts Stores	ZC*	Excluding service of auto parts
Automobile and Motorcycle Repair and Service, including Parts Service	Prohibited	
Automobile and Motorcycle Sales Exclusively indoor operations With outdoor activities	ZC* UP(PH)	Subject to additional requirements, see 23E.52.070.F. Uses with outdoor activities limited to the Dealership Overlay Area by Section 23E.52.060.E.
Automobile and Motorcycle Rentals	Prohibited	
Automobile Washes, Mechanical or Self-Service	Prohibited	
Automobile Wrecking Establishments	Prohibited	
Gasoline/Automobile Fuel Stations	UP(PH)	
Recreational Vehicle and Trailers Sales and Rental	Prohibited	Including Boats
Tire Sales/Service Stores	Prohibited	

Section 2. That a new subdivision (E) is added to Berkeley Municipal Code section 23E.52.060 to read as follows:

- E. New or relocated automobile or motorcycle sales uses with outdoor activities, including but not limited to storage and display of vehicle inventory, shall be limited to the Dealership Overlay Area, which includes all lots with a frontage on Adeline Street, Shattuck Avenue or Ashby Avenue between Dwight Way and the south side of Alcatraz Street, with the exceptions of the Ashby BART Station block and all lots confronting this block and lots with frontage exclusively on Shattuck Avenue south of Ashby Avenue.

**Section 3.** That Berkeley Municipal Code subdivision 23E.52.070.B is amended to read as follows:

B. The height for a Main Building shall not exceed the following limits, and shall satisfy the following requirements:

1. For those blocks and portions of blocks of the District adjacent to Shattuck Avenue between Dwight Way on the north and Parker Street on the south:

<u>Use Type</u>	<u>Height (ft.)</u>	<u>Stories (number)</u>
Commercial only	36	3
Mixed Use*	60	5*
Other uses	36	3
Residential only	60	5
*In Mixed Use buildings, the third, fourth and fifth floors shall be used for residential purposes entirely.		

2. For those portions of the District adjacent to Shattuck Avenue between Parker Street on the north and Ward Street on the south, and those properties bounded by Adeline Street, Shattuck Avenue, and Russell Street:

<u>Use Type</u>	<u>Height (ft.)</u>	<u>Stories (number)</u>
Commercial only	24	2
Mixed Use*	50	4*
Other uses	24	2
Residential only	50	4
*In Mixed Use buildings, the third and fourth floors shall be used for residential purposes entirely.		

3. For all other properties classified in the District:

<u>Use Type</u>	<u>Height (ft.)</u>	<u>Stories (number)</u>
Commercial only	24	2
Mixed Use*	36	3*
Other uses	24	2
Residential only	36	3
*In Mixed Use buildings, the third floor shall be used for residential purposes entirely.		

Section 4. That a new subdivision (F) is added to Berkeley Municipal Code section 23E.52.070 to read as follows:

F. New or relocated automobile or motorcycle sales uses are subject to the following standards. Expansions or modifications of existing uses are encouraged to meet these standards where feasible and shall not worsen a non-conformity with these standards. These standards may be modified by an AUP subject to Section 23E.52.090.E.

1. Outdoor vehicle display shall only be permitted along Shattuck Avenue and Adeline Street and shall be limited to 30 percent of the lot frontage on those streets;
2. A maximum of 40 percent of the lot area may be used for outdoor uses, including but not limited to vehicle display and storage. Adequate landscaping and/or fencing shall be used to filter the view of outdoor uses from the adjacent right-of-way and abutting properties, with the exception of outdoor vehicle display;
3. Vehicle and repair service entries may not exceed 20 percent of the primary lot frontage, no entrance may exceed a width of 20 feet. The primary street frontage is the frontage towards which the primary building entrance is oriented;
4. At least 60 percent of any new building shall be within 10 feet of the right of way along the primary street frontage and 60 percent of the street-facing façade shall be comprised of clear glass;
5. All vehicle repair activities shall be conducted indoors;
6. All noise-generating equipment and activities, such as vehicle repair, shall be shielded by noise-attenuating materials; outdoor amplification is prohibited;
7. Exterior light standards and fixtures shall not be taller than 20 feet, shall achieve uniform light coverage and minimize glare, shall use light cutoffs to control light spillover onto adjacent properties and urban sky glow, and shall use low energy light fixtures consistent with the City's goals for energy efficiency; and
8. No vehicles shall be stored in the public-right-of way.

Section 5. That Berkeley Municipal Code Table 23E.52.080 is amended to read as follows:

<b>Table 23E.52.080</b>	
<b>Parking Required</b>	
Use	Number of spaces
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
Residential Uses, Nursing Homes	Refer to R-4 Standards, Section 23D.40.080
Automobile and Motorcycle Sales	One per 1,000 sq. ft. of floor area

Section 6. That a new subdivision (E) is added to Berkeley Municipal Code section 23E.52.090 to read as follows:

E. The Zoning Officer may approve a modification of the standards applicable to new or relocated automobile or motorcycle sales uses if it finds that doing so is necessary to facilitate incorporation of an existing structure, to achieve greater consistency with the surrounding street pattern, to buffer impacts to an adjacent residential district, or to accommodate dealership operations.

Section 7. That Berkeley Municipal Code Section 23F.04.010 is amended to include the definitions of “Automobile Sales” and “Motorcycle and small vehicle sales” as follows:

**Automobile Sales:** An establishment which sells, or leases long-term, new, used or pre-owned automobiles or trucks; restored vintage, specialty, or antique automobiles or trucks; or automobiles or trucks refurbished for alternative fuels (alternative to conventional gasoline). Ancillary uses and services that are supporting of an automobile sales use may include the sale and installation of automobile parts, accessories and equipment; repair, maintenance, bodywork and other service of automobiles; loaning of vehicles to service patrons; storage of vehicles outdoors; and automobile washes.

**Motorcycle and small vehicle sales:** An establishment which sells, or leases long-term, new, used or pre-owned, motorized vehicles other than passenger automobiles and trucks, which are characterized by fewer than four wheels or a minimal frame, including but not limited to motorcycles, scooters, three-wheel motorcycles, electric carts, electric scooters, and such vehicles design or refurbished for alternative fuels/power sources (alternative to conventional gasoline).

Section 8. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

\* \* \* \* \*

At a regular meeting of the Council of the City of Berkeley held on July 2, 2013 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

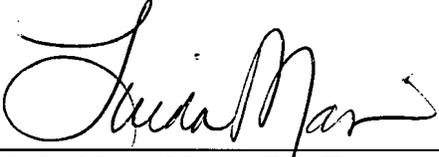
Absent: None.

At a regular meeting of the Council of the City of Berkeley held on July 16, 2013, this Ordinance was adopted by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington and Wozniak.

Noes: None.

Absent: Bates.



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Linda Maio, Mayor Pro Tempore

ATTEST: 

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Mark Numainville, CMC, City Clerk

Date signed: July 22, 2013

**Proposal for Eliminating Auto Uses in the C-SA Zone  
Submitted to Mayor Jesse Arreguin by the 2777 Shattuck Neighbors  
Contacts: Marianne Sluis (510) 704-9534, mqsluis@mac.com  
Christina Oatfield (415) 828-5627, christinaoatfield@gmail.com**

**OPTIONAL LEGISLATIVE INTENT LANGUAGE:**

Whereas, auto sales are generally not consistent with other types of retail uses and are generally not permitted in commercial retail districts in Berkeley.

Whereas, auto sales and service uses do not promote a pedestrian-friendly environment and the City has repeatedly determined that pedestrian safety and character is important in Berkeley neighborhoods and commercial areas.

Whereas, auto sales with semi-industrial uses such as repair are not appropriate in Berkeley neighborhoods where the pedestrian experience should be the priority.

Whereas, auto uses in the C-SA district are inconsistent with numerous city plans, including the Pedestrian Master Plan, the Bicycle Plan, the South Shattuck Strategic Plan, the Climate Action Plan, and the General Plan.

**ORDINANCE LANGUAGE:**

Therefore, **BE IT ORDAINED by the Council of the City of Berkeley as follows:**

**Table 23E.52.030:**

That the "Automobile and Other Vehicle Oriented Uses" section of Berkeley Municipal Code Table 23E.52.030 is amended to read as follows:

[insert table revised as follows: Under Automobile and Other Vehicle Oriented Uses, change "Automobile and Motorcycle Sales..." to "Prohibited" for both types of sales (indoor and outdoor).]

**23E.52.060:**

That subdivision E under section 23E.52.060 is replaced with the following:

1. A use classified as an Automobile or Other Vehicle-Oriented Use may only be established on a site which was legally used or approved for use as an Automobile or Other Vehicle Oriented Use (such sites are hereinafter designated as automotive sites).
2. On an automotive site, if the automotive use is discontinued for any period it may not be re-established.

**23E.52.070:**

Subdivision F is replaced by the following:

no expansions or modifications of existing automobile or motorcycle sales uses are permitted.

**Table 23E.52.080:**

That the last line of Table 23E.52.080 regarding "Automobile and Motorcycle Sales" is removed.

**23E.52.090:**

That subdivision E is removed from section 23E.52.090.

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

