

Modifications to the Zoning Ordinance to Support Small Businesses

ITEM 41 | CITY COUNCIL PUBLIC HEARING | NOVEMBER 27, 2018

Project History – Small Business Support Package to Zoning Amendments



Why do Small Businesses need support?

- The six zoning changes are a **tool for helping to prevent displacement** of small businesses in Berkeley.



- Permitting **Process improvements** that help **control the variables** of money (but more importantly **time**) will directly alleviate impacts on small, independent, local businesses.

Planning Commission's Role

Meetings (6/20/18, 7/18/18, Public Hearing 10/3/18 - unanimous vote to advance to City Council)

Areas of Focus

- Permits required (i.e. permit levels, noticing, performance standards)
- Commercial space size thresholds (i.e. Neighborhood versus Avenue Commercial)
- Parking requirements

Actions

- Considered existing conditions
- Reviewed best practices from neighboring and like-cities
- Recommended a set of amendments that achieve goals of referral

Six Zoning Ordinance Amendments

1. Reducing the amount of **parking** required for businesses moving into existing commercial spaces
2. Simplifying **food service categories** by reducing them from three to one;
3. Reducing permitting time and costs for small businesses that request a **change of use** in existing commercial spaces;
4. Clarifying the permit process for **new business types** that may not be specifically defined in the City's zoning rules;
5. Making '**commercial recreation**' uses (such as bowling alleys, miniature golf courses or ping pong clubs) easier to permit in commercial districts; and
6. Streamlining the permit process and providing clear performance standards for restaurants that wish to **serve beer and wine**

Summary of ZO Amendments

1: Remove additional parking sometimes required with a change of use

- Reason: Requirement difficult for existing commercial spaces; Costly waivers and leasing
- Benefit: Reduce costs; Make vacant spaces more attractive; Conform with CAP

2: Simplify restaurant classifications

- Reason: Relic from quotas; Complicated permitting process
- Benefit: Reduce confusion; Reduce permitting time and costs

3: Make it easier to change uses in existing commercial spaces

- Reason: Complicated permitting process; Limited options for small businesses
- Benefit: Reduce confusion; Cut permitting time and costs; Make vacant spaces more attractive

Summary of ZO Amendments

4 Zoning Officer can allow innovative (not listed) uses with an AUP

- Reason: Marketplace moves faster than the ZO; Risk losing businesses to other cities
- Benefit: Flexible, innovative, progressive; New uses in shorter permitting time

5 Encourage Commercial Recreation Centers in all commercial districts

- Reason: Concentrated in C-DMU; Location limitation inflates rent; Difficult to establish
- Benefit: Neighborhood amenity; Draw for commercial districts (synergy); Equitable distribution

6 Allow beer and wine at restaurants with a Zoning Certificate

- Reason: Redundancy with ABC requirements; Additional permitting time and costs
- Benefit: Reduce barriers; Eliminate duplicate noticing processes; Codify performance standards

Questions & Discussion
