# 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

Small Business Support Package

(Council Referral to Staff April 2017)

Worksession: Small Business Support

(Staff Presentation to Council January 2018)

Zoning Modifications to Support Small Business

(Council Referral to Planning Commission May 2017) Planning Commission Meetings

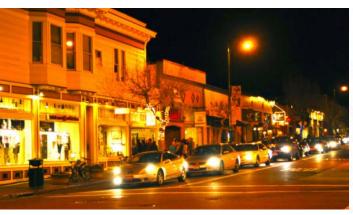
(June 20, July 18, and Public Hearing October 3)

City Council
Public
Hearing
(TONIGHT)

# 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;
- 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 easer 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