

Supplemental Communications (1)

(Received before 12pm June 6)

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From: Alex Knox <alex@telegraphberkeley.org>
Sent: Friday, June 2, 2023 5:25 PM
To: Planning Commission
Cc: Slaughter, Kieron; Horner, Justin
Subject: Zoning Amendments to Support Berkeley Businesses - Item 13 - June 7 PC meeting
Attachments: 6.7.23 TBID letter of support - Small Business Support Package.pdf

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Attn: Planning Commission Secretary,

Please see the attached letter of support from the Telegraph Business Improvement District for item #13 on the June 7, 2023 Planning Commission agenda.

Thank you,

Alex Knox

Executive Director

Telegraph Business Improvement District

2437 Durant Ave. Ste. 206

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Telegraph Business Improvement District

2437 Durant Avenue #206, Berkeley, CA 94704

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June 7, 2023
Planning Commission
City of Berkeley

Item 13: Zoning Amendments to Support Berkeley Businesses + Additional Proposals

Dear Planning Commissioners,

The Telegraph Business Improvement District (TBID) strongly supports the Zoning Amendments to Support Berkeley Businesses proposed by the Office of Economic Development and Land Use Planning Division. We are pleased that this project is advancing the goals of several City Council referrals to reduce barriers and encourage business growth and investment in Berkeley.

In addition to moving these amendments forward we urge the Planning Commission to support the following proposals:

- Review and eliminate burdensome restrictions on the **reconfiguration and division of commercial spaces** such as those in the Neighborhood Commercial Preservation ordinance (BMC 22.12). These outdated regulations create additional barriers to updating storefronts to accommodate new tenants and changing business needs.
- Request an analysis of the **Use Permit (APU & UP(PH)) appeal fees** to address the imbalance favoring appellants and discourage frivolous appeals. The current fee structure places an outsized burden on applicants.
- Urge the City Council to **modify the prohibition on Natural Gas Infrastructure in new developments** (BMC 12.80) to allow natural gas in retail spaces. The total ban has been successfully challenged in court and a revised approach would support retail growth while maintaining significant reductions in fossil fuel consumption.
- Consider and analyze the attached list of use code amendments for the C-T district. The list presents opportunities for further review to improve the zoning code.

The TBID greatly appreciates the City's effort to promote economic development with these zoning amendments. The Planning Commission's support of this item and the above proposals will greatly improve our ability to weather challenging economic trends and grow the Telegraph District as a vibrant retail destination.

Sincerely,

Alex Knox
Executive Director

Attachment: C-T district proposed amendments

The following is a list of amendments proposed by the TBID for consideration and analysis along with the Zoning Amendments to Support Berkeley Businesses. All of the following amendments are for the C-T (Telegraph Commercial) district.

Public and Quasi-Public Uses	Current Permitting	Suggested change
Child Care Center	UP(PH)	ZC or AUP
Club/Lodge	UP(PH)	ZC or AUP
Community Center	UP(PH)	ZC or AUP
Library	UP(PH)	ZC or AUP
Nursing Home	UP(PH)	ZC or AUP
Religious Assembly	UP(PH)	ZC or AUP
School	UP(PH)	ZC or AUP
Retail Uses		
Alcoholic Beverage Retail Sale	NP	AUP
Pawn Shop/Auction House	NP	ZC or AUP
Veterinary Clinic	UP(PH)	ZC or AUP
Food and Alcohol Services, Lodging, Entertainment, and Assembly Uses		
Adult-oriented Business	NP	ZC or AUP

This is a head scratcher. There are two such businesses in Berkeley that I know of, one on San Pablo near Dwight (Good Vibrations) and the other on Shattuck abutting the main library (Feelmore). According to the 23.302.070 use regulations, adult-oriented businesses are not permitted on lots with frontage on San Pablo or on public-serving frontages in the C-DMU district (like Shattuck). They are also not permitted within 600 feet of a public library. This leads me to wonder how the City defines "Adult-oriented Business".

Amusement Device Arcade	Unclear	ZC or AUP
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According to the 23.302.070 use regulations, amusement devices are allowed with a ZC if only as an incidental use of up to 25% of the net floor area. Some years ago we lost an interesting business due to amusement device arcade restrictions in the C-T district. It was a proposed pinball museum that wanted to come to Telegraph but ended up locating outside of Berkeley to avoid the bureaucratic obstacles.

	Current Permitting	Suggested change
Theater	UP(PH)	ZC or AUP
Industrial and Heavy Commercial Uses		
Media Production	UP(PH)	ZC or AUP
Incidental Uses		
Cafeteria, On-Site	UP(PH)	ZC or AUP
Other Miscellaneous Uses		
Drive-in Uses	NP	AUP

When CVS took the old Andronico site at Telegraph and Derby we advocated for a 24 hour pharmacy. Because drive-in service was considered essential for this, we didn't get anywhere with the proposal.

AUP Appeal Fees

The applicant fee for an appeal is \$3,680. The non-applicant fee is only \$200 or \$500. If the fees were equal or nearly so, it would discourage frivolous appeals such as those from competing businesses that don't want competition.

Communications

From: Beth Roessner <beth@berkeleychamber.com>
Sent: Tuesday, June 6, 2023 10:06 AM
To: Planning Commission
Subject: Item 13: Zoning Amendments to Support Berkeley Businesses
Attachments: Zoning Amendments to Support Small Business June 2023.docx-1.pdf

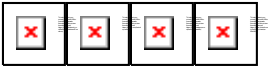
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Dear Planning Commissioners-

Please see our attached letter supporting Item #13: Zoning Amendments to Support Berkeley Businesses. Thank you for your consideration.

Beth Roessner, CEO
Berkeley Chamber
1834 University Ave.
Berkeley, CA 94703
(510) 549-7000
www.berkeleychamber.com

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UPCOMING EVENTS

JUNE 15 @ 5pm | [Business After Hours Networking Event](#) @ Covenant Wines
JULY 12 @ 6pm | [Annual Membership Meeting & Mixer](#) @ Residence Inn

Late Communications
Planning Commission
June 7, 2023

1834 University Avenue
Berkeley, CA 94703
510.549.7000
info@berkeleychamber.com



June 7, 2023
Planning Commission
City of Berkeley

Item 13: Zoning Amendments to Support Berkeley Businesses

Dear Planning Commissioners,

The Berkeley Chamber of Commerce strongly supports the Zoning Amendments to Support Berkeley Businesses proposed by the Office of Economic Development and Land Use Planning Division.

We agree with OED's observation that it is particularly difficult for small, independently-owned businesses to navigate the permit review process and the associated timelines and expenses. We support their recommended amendments to provide a simpler, less-expensive, and speedier process for businesses in their establishment or expansion phases. These changes further the City of Berkeley's Strategic Plan goals to "foster a dynamic, sustainable, and locally- based economy" and "provide excellent, timely, easily- accessible service and information to the community," while honoring the city's commitment to public participation and ensuring that new uses are compatible with neighboring land uses

These amendments are long overdue and when implemented will make Berkeley a more desirable city in which to do business, as well as remove many time and cost barriers that businesses face today. They have broad support from our members and stakeholders alike.

The Chamber appreciates the City's effort to promote economic development with these zoning amendments. The Planning Commission's support of this item will greatly improve our ability to weather challenging economic trends and grow Berkeley as a vibrant retail and nightlife destination. We encourage you to adopt these changes as presented.

Sincerely,

Beth Roessner, CEO

Berkeley Chamber
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