

REFERRALS SUPPORTING BERKELEY BUSINESSES

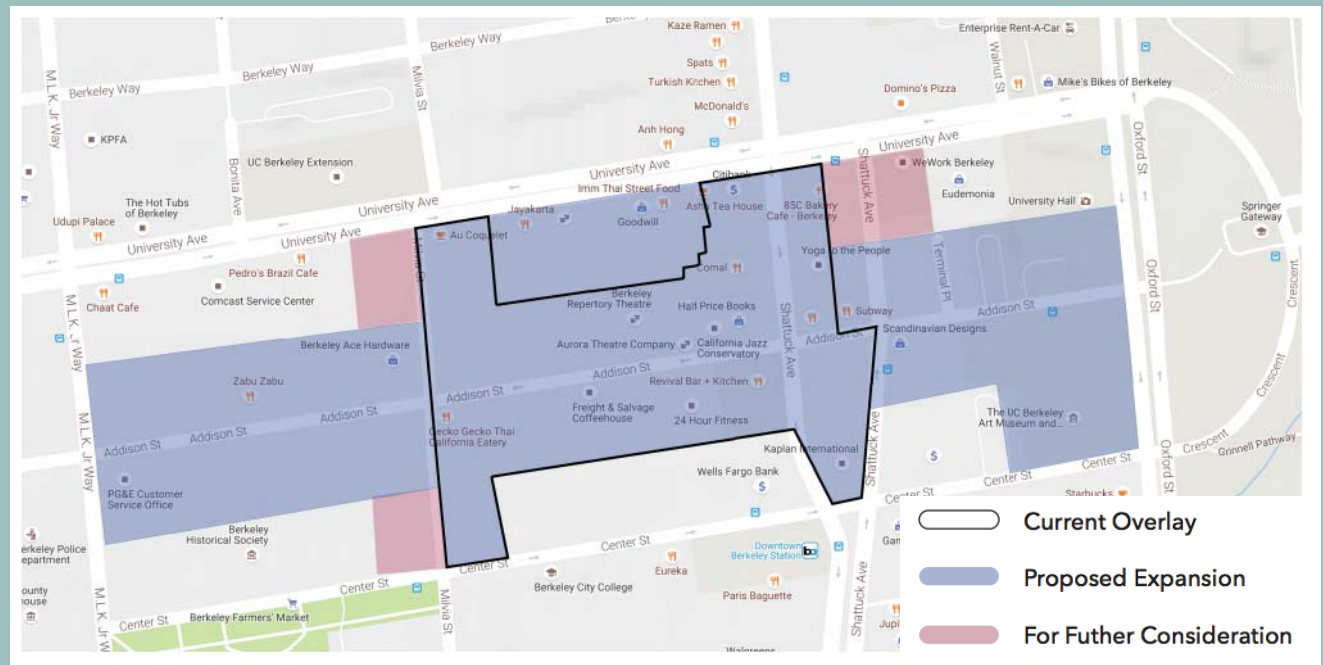
Planning Commission
July 1, 2020

OVERVIEW

- Overview of Referrals
- Analysis Approach
- Feedback from Planning Commission
- Next Steps

OVERVIEW OF REFERRALS

- 1 Expanding the Downtown Arts District Overlay (ADO) (10/18/16) - This referral requests expansion of the ADO boundaries as well as increased flexibility in allowable ground-floor uses.



OVERVIEW OF REFERRALS

- 2** Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (12/4/18) - This referral requests these same regulations be extended to beer and wine service at restaurants in the manufacturing districts.
- 3** Zoning Ordinance Modification for Elmwood Commercial Districts (6/25/19) - This referral requests levels of discretion for arcades in the C-E district be re-examined and relaxed.

OVERVIEW OF REFERRALS

- 4 Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (City Manager, 10/15/19) - This referral presents OED's eight recommendations for consideration and discussion:
- a. Permit group instruction with a Zoning Certificate (ZC) in commercial districts
 - b. Clarify design review and guidelines for signs in commercial districts.
 - c. Permit the sale of Distilled Spirits that are incidental to food service with and AUP subject to performance standards
 - d. Permit standalone beer and wine sales with ZC subject to performance standards.

OVERVIEW OF REFERRALS

- 4
 - e. Review the limitation on “Hours of Operation” in commercial districts
 - f. Review “Change of Use” requirements in commercial districts triggered by square footage
 - g. Review levels of discretion for “Amusement Device Arcades” and “Automatic Teller Machines” (ATMs) in commercial districts
 - h. Update the Special Use Standards in Section 23E.16.040 for Alcoholic Beverage Sales and 23E.16.050 Amusement Arcades to reflect the potential changes to the Zoning Ordinance

OVERVIEW OF REFERRALS

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Referral: Update the Definition of “Research and Development” (3/10/20) -

This referral requests the definition of “Research and Development” be updated to reflect evolving business practices.

ANALYSIS APPROACH

1. Activity Based Experiences
2. Allowable Uses
3. Alcohol Service
4. Sign Ordinance Updates

1. ACTIVITY BASED EXPERIENCES

Research Questions:

Group Classes - What are the permit requirements for group classes in commercial and manufacturing districts? What are the permit requirements for serving food or beer and wine for group classes in commercial and manufacturing districts?

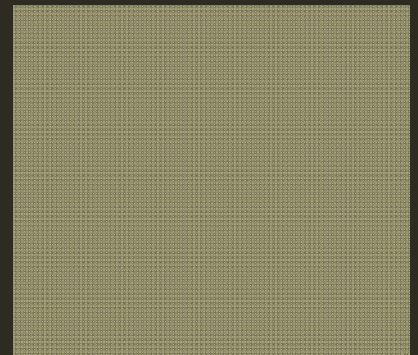
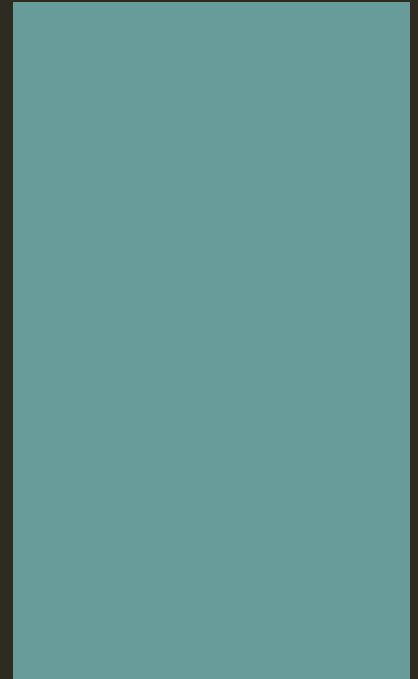
Arcades - What are the permit requirements for arcades in commercial and manufacturing districts? What are the Special Use Standards for Arcades?

2. ALLOWABLE USES

Research Questions:

Change of Use Thresholds – What are the existing thresholds and permit requirements for a change of use in commercial districts? Is there a need for square footage to serve as an indicator permit type?

Expanding Hours of Operation – What are the existing regulations in commercial districts? What is the rationale for these regulations and are there opportunities for modifications across some or all commercial districts?

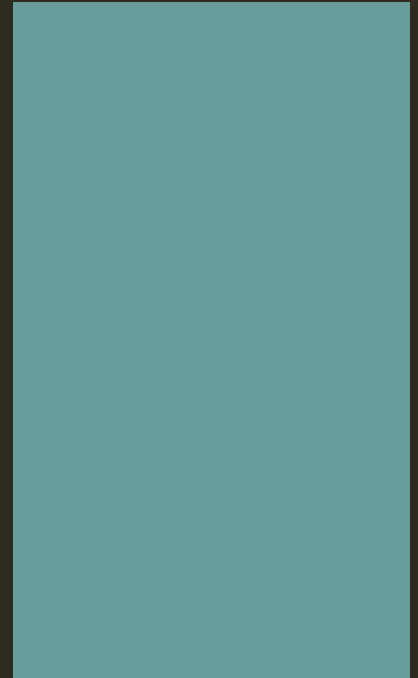


2. ALLOWABLE USES

Standalone Automatic Teller Machines (ATM) – What are the regulations for standalone ATMs in commercial districts? What are the implications of lowering levels of discretion?

Defining Research & Development – What are the limitations of the existing definition and the functional needs of R&D facilities?

Expanding the Downtown Arts District Overlay – What are the existing uses and activity types along the current boundaries of the Downtown ADO? What additional ground-floor uses would complement the services of existing businesses in the Downtown ADO?



3. ALCOHOL SERVICE

Research Questions:

Distilled Spirits as incidental to food service – What are the permit requirements for such use? What are the ABC requirements to obtain a license for such use? What opportunities and constraints exist to lower levels of discretion?

Standalone Beer & Wine Sales – What are the permit requirements for such use? What are the ABC requirements to obtain a license for such use? What opportunities and constraints exist to lower levels of discretion?

3. ALCOHOL SERVICE

Beer and Wine as incidental to a food service in the manufacturing districts – What are the permit requirements to serve beer and wine incidental to food service in the manufacturing districts? Examine the purpose of manufacturing and rationale for beer and wine sales in these districts. What opportunities and constraints exist to lower levels of discretion?

Updates to Special Use Standards – What are the Special Use Standards for Alcoholic Beverages? If modifications to Uses are proposed, what updates will be necessary for Special Use Standards to maintain consistency in the BMC?

4. SIGN ORDINANCE UPDATES

Research Questions:

Design Review Thresholds – What are the design review requirements for new or modified signs? What are the design review requirements for replacement signs? Is there an opportunity to clarify the design review process and applicability for signs in the BMC?

Master Sign Program – What existing sign processes can be codified in the BMC through a Master Sign Program?

Design Review Guidelines (DRG) – How do DRGs work with the BMC and when are they applicable?

QUESTIONS FOR PLANNING COMMISSION

- *Does the grouping of these questions and considerations reflect an intuitive workflow?*
- *Will the proposed research provide ample information for Planning Commission to consider amendments that address referral requests?*
- *Are there any additional questions or considerations staff should research?*

NEXT STEPS

Based on Planning Commission's feedback, staff will draft Zoning Ordinance amendments and set a public hearing to consider items presented and formulate recommendations for City Council.

1. Expanding the Downtown Arts District
2. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (12/04/18)
3. Zoning Ordinance Modification for Elmwood Commercial Districts
4. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (10/15/19)
5. Referral: Update the Definition of “Research and Development”

OVERVIEW OF REFERRALS

1

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