

Small Business Support

July 18, 2018

Planning Commission

Tonight's Goals

Direction from PC on ZO Amendments

- Needed to present existing versus proposed
- Public Hearing swapped for analysis
- Options presented
- Feedback from Planning Commission

Set a Public Hearing for October

District Classifications: GP and ZO

Table 1: General Plan Designations and Zoning Ordinance Land Use Districts

Land Use Designation	Zoning District	District Title
Neighborhood Commercial	C-E	Elmwood Commercial
	C-N	Neighborhood Commercial
	C-NS	North Shattuck Commercial
	C-SA*	South Area Commercial
	C-SO	Solano Avenue Commercial
Avenue Commercial	C-1	General Commercial
	C-SA*	South Area Commercial
	C-T	Telegraph Avenue Commercial
	C-W	West Berkeley Commercial
Downtown	C-DMU	Downtown Mixed Use

Average Size of Commercial Spaces

Table 2: Average Size of Commercial Spaces by District

Land Use Designation	Zoning District	Area Covered	Average Size of Commercial Space (square feet)
Neighborhood Commercial	C-E	Elmwood District	1,426
	C-NS	North Shattuck Avenue	1,520
	C-SA	Sacramento Street	1,274
	C-SO	Solano Avenue	1,237*
Avenue Commercial	C-1	University Avenue	2,252
	C-SA	Lorin District	2,118
	C-SA	South Shattuck Avenue	3,577**
	C-T	Telegraph Avenue	1,742
	C-W	San Pablo Avenue	2,879
Downtown	C-DMU	Downtown	2,314

More West Berkeley
 Ashby: 8,123 sq. ft.
 4th Street: 2,191 sq. ft.
 Gilman: 5,488 sq. ft.

1. Remove Added Parking Associated with a Change of Use

Analysis:

- Medical offices and restaurants require more parking than other uses.
- Parking standards are consistent across *most* districts.
- C-E, C-DMU and C-T parking standards are not consistent.

Table 3: Parking Required with Change of Use in Existing Commercial Spaces

Land Use Designation	Zoning District	Parking Required for Medical Practitioners and Medical Offices	Parking Required for Quick or Full Service Restaurants	Parking Required for All Other Uses
Neighborhood Commercial	C-E	1 per 500 sq. ft. (if over 6,000 sq. ft.)	1 per 500 sq. ft. (if over 6,000 sq. ft.)	1 per 500 sq. ft. (if over 6,000 sq. ft.)
	C-N	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 500 sq. ft.
	C-NS	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 500 sq. ft.
	C-SA	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 500 sq. ft.
	C-SO	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 500 sq. ft.
Avenue Commercial	C-1	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 500 sq. ft.
	C-T	NA	NA	NA
	C-W	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 500 sq. ft.
Downtown	C-DMU	1 per 667 sq. ft.	1 per 667 sq. ft.	1 per 667 sq. ft.

1. Remove Added Parking Associated with a Change of Use

- **Recommended Option 1:**

Reduction of required parking for businesses that move into *existing commercial spaces*.

Reduce incremental parking required for medical offices?

Reduce incremental parking required for restaurants?

2. Condense Food Service Categories

Analysis:

- Condensing requires consideration of parking requirements.
- Condensing requires consideration of permit type and size threshold.
 - C-N, C-NS, C-SA, C-SO could be collapsed with no permit type and threshold size conflicts.**
 - C-E is unique: max size/AUP for all types/numerical limitation
 - C-1 could be collapsed with no permit type and threshold size conflicts.**
 - C-T has a permit type conflict.
 - C-W and C-DMU has a permit type and size threshold conflicts.

2. Condense Food Service Categories

- **Option 1:**
 - Collapse food serve categories in all of the districts.
 - If conflicts arise, decide on appropriate permit type-threshold sizes.
 - Decide on parking requirement.
- **Option 2:**
 - Collapse restaurant types in C-1, C-N, C-NS, C-SA, and C-SO maintaining level of discretion associated with commercial space.
 - Decide on parking requirement.

3. Standardize Change of Use Square Footage Thresholds

ANALYSIS:

- Recommendation asked for changes in thresholds.
- Analysis showed that thresholds are actually consistent across Neighborhood Commercial and Avenue Commercial.
- *Staff recommends leaving thresholds and lowering discretion.*

Table 4: Permits Required with Change of Use in Existing Commercial Spaces

Land Use Designation	Zoning District	Commercial Space (square feet)	Permit Currently Required	Option 1	Option 2
Neighborhood Commercial	C-E C-N C-NS C-SO	under 2,000	ZC	ZC	ZC
		2,000 - 3,000	AUP	AUP	ZC
		over 3,000	UPPH	AUP	AUP
Avenue Commercial	C-1 C-SA	under 3,000	ZC	ZC	ZC
		3,000 - 5,000	AUP	AUP	ZC
		over 5,000	UPPH	AUP	AUP
	C-W (uses other than retail)	under 3,000	ZC	ZC	ZC
		3,000 - 5,000	AUP	AUP	ZC
		over 5,000	UPPH	AUP	AUP
	C-W (retail)	under 3,500	ZC	ZC	ZC
		3,500 - 7,500	AUP	AUP	ZC
		over 7,500	UPPH	AUP	AUP
C-T	NA	NA	NA	NA	
Downtown	C-DMU	NA	NA	NA	NA

3. Standardize Change of Use Square Footage Thresholds

- **Recommended Option 1:**
 - Reduce UPPH to AUP for largest tier in each district.
 - Maintains noticing/discretion for largest tier.
- **Option 2:**
 - Reduce UPPH to AUP for largest tier
 - Reduce AUP to ZC for middle tier.
 - Maintains noticing/discretion for largest tier.
 - Removes noticing/discretion for middle tier.

4. Reduce Level of Discretion for “Uses Deemed Compatible”

Analysis:

- Neighborhood Commercial has higher level of discretion than Avenue Commercial and Downtown
- AUP allows for Zoning Officer Review
- AUP requires noticing
- Decision can be appealed

Recommended Option 1:

- Reduce level of discretion in Neighborhood Commercial districts from UPPH to AUP when establishing a “use deemed compatible” in a commercial district.

Table 5: Permits Required when Establishing a “Use Deemed Compatible”

Land Use Designation	Zoning District	Permit Currently Required	Option 1
Neighborhood Commercial	C-E	UPPH	AUP
	C-N	UPPH	AUP
	C-NS	UPPH	AUP
	C-SA	UPPH	AUP
	C-SO	UPPH	AUP
Avenue Commercial	C-1	AUP	AUP
	C-T	AUP	AUP
	C-W	AUP	AUP
Downtown	C-DMU	AUP	AUP

5. Apply C-DMU Permitting Thresholds for Commercial Recreation Centers (CRCs)

Analysis:

- C-T allows for CRC with an AUP and 300' noticing.
- All other districts require a UPPH, regardless of CRC size.
- Avenue Commercial is regionally serving.
- Neighborhood Commercial is neighborhood serving.
- CRCs are generally considered a regional attraction.
- Note average commercial space sizes in threshold discussion.

Size Threshold	Permit Required
under 5,000	ZC
5,000 – 10,000	AUP
over 10,000	UPPH

5. Apply C-DMU Permitting Thresholds for Commercial Recreation Centers (CRCs)

Recommended Option 1:

Adopt C-DMU regulations in Avenue Commercial Districts.

Option 2:

Option 1 for Avenue Commercial.

See Table for Neighborhood Commercial.

Option 3:

Option 1 for Avenue Commercial.

See Table for Neighborhood Commercial.

Option 1	
Size Threshold	Permit Required
under 5,000	ZC
5,000 – 10,000	AUP
over 10,000	UPPH

Option 2	
Size Threshold	Permit Required
under 1,500	ZC
1,500 – 5,000	AUP
over 5,000	UPPH

Option 3	
Size Threshold	Permit Required
under 1,500	ZC
1,500 – 3,000	AUP
over 3,000	UPPH

6. Reduce Discretion for Incidental Service of Beer and Wine

Analysis:

- All districts require an AUP for incidental service of beer and wine
- AUPs have Conditions of Approval (standards that the applicant agrees to)
- Conditions of Approval will be translated into Performance Standards
- Same outcome → shortened timeline, reduced cost

Recommended Option 1:

Reduce discretion from AUP to ZC in all districts, adding conditions of approval as performance standards.