



# **Zoning Amendments to Support Berkeley Business**

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**Planning Commission, October 4, 2023**



# Background

Zoning Amendments to Support Small Businesses

**2017-2022**

Small Business Support Package #1 adoption  
Planning Commission discussion  
Additional changes identified and adopted

June 7, 2023: Planning Commission discussion

June 28: Subcommittee meeting #1

August 23: Subcommittee meeting #2

# Zoning Amendments to Support Small Businesses

Council Referrals 2019, Reviewed by Planning Commission 2020 & 2023



## 1. Group Instruction

- Revision of duplicative definitions
- Revised permit requirements
- Distinction between larger and smaller uses

## 2. Allow distilled spirits incidental to food service with an AUP

## 3. Allow stand-alone beer and wine service with an AUP in all commercial districts

## 4. Update alcohol beverage standards

- Streamline approvals
- Preserve staff review and right of appeal

## 5. Expand Hours of Operation in commercial districts

## 6. Remove change of use requirements in commercial districts

# Zoning Amendments to Support Small Businesses

Reviewed by Planning Commission 2023



## 8. Revised permit requirements

- Office, Business and Professional use with a ZC in C-NS and C-T districts
- Art/Craft Studio with a ZC in all commercial districts
- Pet Stores with AUP in commercial districts

## 9. Live entertainment

- Unamplified with a ZC and amplified with an AUP in commercial districts, MU-LI and MU-R

## 10. Allow distilled alcohol service without seated food service in C-T, C-NS and C-SO

## 11. Allow restaurants 3,000 sf or less with ZC and allow restaurants larger than 3,000 sf with AUP in commercial districts, R-SMU and R-BMU

## 12. Remove food service quota in the C-E district

## 13 Allow incidental food service in manufacturing districts with AUP

## 14. Allow retail sale of drug paraphernalia in C-T districts



# Revised Recommendations

Topic	June 7th Recommendation	October 4 <sup>th</sup> Recommendation
<b>Group Class Instruction</b>	Three revised definitions  ZC in all commercial districts	Two revised definitions 1. Group Instruction 2. Health and Fitness Facility  Size distinctions for Group Instruction and Health and Fitness Facilities
<b>Office, Business and Professional</b>	Allow with ZC in all commercial districts	<ul style="list-style-type: none"> <li>• Allow with AUP in C-N, C-E and C-SO districts</li> <li>• Allow with ZC in all other commercial districts</li> </ul>
<b>Live Entertainment</b>	Revisions in commercial districts, MU-LI and MU-R	Add R-SMU



# Organizational Changes

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see <a href="#">23.204.020(B)</a> [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	<b>COMMERCIAL DISTRICTS</b>										C - A C  <b>USE-SPECIFIC REGULATIONS</b>
	<b>C-C</b>	<b>C-U</b>	<b>C-N</b>	<b>C-E</b>	<b>C-NS</b>	<b>C-SA</b>	<b>C-T</b>	<b>C-SO</b>	<b>C-DMU</b>	<b>C-W</b>	
Live Entertainment	See <a href="#">23.302.020.D</a>										



**D. Live Entertainment -- Permits Required.** Live entertainment incidental to a permitted use is allowed as shown in Table 23.302-2.

**Table 23.302-2: Permit Requirements for Live Entertainment**

ZONES	PERMIT REQUIRED	
	AMPLIFIED	UNAMPLIFIED
C-C, C-U, C-SA, C-T, C-SO, C-DMU, C-AC	AUP	ZC
C-N, C-NS, C-W	UP(PH)	ZC
C-E	Not Permitted	ZC
M, MM	Not Permitted	Not Permitted
MU-LI, MU-R	UP(PH)	UP(PH)



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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W
Live Entertainment, Unamplified	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC
Live Entertainment, Amplified	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP

1. Live Entertainment (Unamplified/Amplified)
2. Food Service Establishments (Over/under 3,000 sf)
3. Group Instruction (Over/under 3,000 sf)
4. Health Fitness Facilities (over/under 7,500 sf)



## Requested Action

Hold a public hearing and make a recommendation to City Council





# Questions and discussion