

# **Supplemental Communications (1)**

(Received before 12pm  
October 3)

## Communications

---

**From:** Alex Knox <alex@telegraphberkeley.org>  
**Sent:** Monday, October 2, 2023 6:43 PM  
**To:** Planning Commission  
**Cc:** Slaughter, Kieron  
**Subject:** Item 11 - Zoning Amendments to Support Businesses  
**Attachments:** 9.29.23 TBID letter of support - Small Business Support Package.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commission,

Please see the attached letter of support for the October 4, 2023 public hearing item. We respectfully request your support for the proposals listed in the letter and urge you to include them in your recommendations to the City Council.

Please note the attachment to the letter for consideration/analysis has been revised following the June 7 meeting for added clarity.

Thank you kindly,

Alex Knox

Executive Director

**Telegraph Business Improvement District**

2437 Durant Ave. Ste. 206

Berkeley, CA 94704

(o) (510) 486-2366

[www.telegraphberkeley.org](http://www.telegraphberkeley.org)



## Telegraph Business Improvement District

2437 Durant Avenue #206, Berkeley, CA 94704

510-486-2366

[alex@telegraphberkeley.org](mailto:alex@telegraphberkeley.org)

September 29, 2023  
Planning Commission  
City of Berkeley

### Item 11: 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 These outdated regulations create additional barriers to updating storefronts to accommodate new tenants and changing business needs.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 to improve the zoning code for further review.

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.

<b>Public and Quasi-Public Uses</b>	<b>Current Permitting</b>	<b>Requested change</b>
Child Care Center	UP(PH)	AUP

**Retail Uses**

Alcoholic Beverage Retail Sale	NP	AUP
Pawn Shop/Auction House	NP	AUP

Pawn shops are heavily regulated by the State of California, eliminating the traditional concerns people have regarding them (receiving stolen goods, shady business practices, etc.). In stark contrast to the Berkeley end of Telegraph, Telegraph in Oakland allows pawn shops over the counter provided they meet the stringent State requirements. The AUP designation provides ample City control.

	<b>Current Permitting</b>	<b>Requested change</b>
Veterinary Clinic	UP(PH)	AUP

**Food and Alcohol Services, Lodging, Entertainment, and Assembly Uses**

Amusement Device Arcade	ZC for up to 25% of space	ZC (no space restrictions)
-------------------------	---------------------------	----------------------------

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.

Theater	UP(PH)	AUP
---------	--------	-----

**Industrial and Heavy Commercial Uses**

Media Production	UP(PH)	AUP
------------------	--------	-----

**Incidental Uses**

Cafeteria, On-Site	UP(PH)	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. The AUP process would allow the City to approve only the drive-in uses that provide a true community benefit while rejecting those that don't.