ORDINANCE NO. 7,304–N.S.

AMENDING THE C-SA DISTRICT TO ALLOW SALE OF AUTOMOBILES AND MOTORCYCLES WITH OUTDOOR ACTIVITIES IN THE DEALERSHIP OVERLAY AREA AND INDOOR-ONLY OPERATIONS THROUGHOUT THE DISTRICT; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23E.52 AND SECTION 23F.04.010

BE IT ORDAINED by the Council of the City of Berkeley as follows:

<u>Section 1.</u> That the "Automobile and Other Vehicle Oriented Uses" section of Berkeley Municipal Code Table 23E.52.030 is amended to read as follows:

Table 23E.52.030				
Use and Required Permits				
Use	Classification	Special Requirements (if any)		
Automobile and Other Vehicle Oriented U	ses			
Automobile Parts Stores	ZC*	Excluding service of auto parts		
Automobile and Motorcycle Repair and Service, including Parts Service	Prohibited			
Automobile and Motorcycle Sales Exclusively indoor operations With outdoor activities	ZC* UP(PH)	Subject to additional requirements, see 23E.52.070.F. Uses with outdoor activities limited to the Dealership Overlay Area by Section 23E.52.060.E.		
Automobile and Motorcycle Rentals	Prohibited			
Automobile Washes, Mechanical or Self-Service	Prohibited			
Automobile Wrecking Establishments	Prohibited			
Gasoline/Automobile Fuel Stations	UP(PH)			
Recreational Vehicle and Trailers Sales and Rental	Prohibited	Including Boats		
Tire Sales/Service Stores	Prohibited			

<u>Section 2.</u> That a new subdivision (E) is added to Berkeley Municipal Code section 23E.52.060 to read as follows:

E. New or relocated automobile or motorcycle sales uses with outdoor activities, including but not limited to storage and display of vehicle inventory, shall be limited to the Dealership Overlay Area, which includes all lots with a frontage on Adeline Street, Shattuck Avenue or Ashby Avenue between Dwight Way and the south side of Alcatraz Street, with the exceptions of the Ashby BART Station block and all lots confronting this block and lots with frontage exclusively on Shattuck Avenue south of Ashby Avenue.

<u>Section 3.</u> That Berkeley Municipal Code subdivision 23E.52.070.B is amended to read as follows:

- B. The height for a Main Building shall not exceed the following limits, and shall satisfy the following requirements:
 - 1. For those blocks and portions of blocks of the District adjacent to Shattuck Avenue between Dwight Way on the north and Parker Street on the south:

<u>Use Type</u>	Height (ft.)	Stories (number)
Commercial only	36	3
Mixed Use*	60	5*
Other uses	36	3
Residential only	60	5

^{*}In Mixed Use buildings, the third, fourth and fifth floors shall be used for residential purposes entirely.

For those portions of the District adjacent to Shattuck Avenue between Parker Street on the north and Ward Street on the south, and those properties bounded by Adeline Street, Shattuck Avenue, and Russell Street:

<u>Use Type</u>	Height (ft.)	Stories (number)
Commercial only	24	2
Mixed Use*	50	4*
Other uses	24	2
Residential only	50	4

^{*}In Mixed Use buildings, the third and fourth floors shall be used for residential purposes entirely.

3. For all other properties classified in the District:

<u>Use Type</u>	Height (ft.)	Stories (number)
Commercial only	24	2
Mixed Use*	36	3*
Other uses	24	2
Residential only	36	3

*In Mixed Use buildings, the third floor shall be used for residential purposes entirely.

<u>Section 4.</u> That a new subdivision (F) is added to Berkeley Municipal Code section 23E.52.070 to read as follows:

- F. New or relocated automobile or motorcycle sales uses are subject to the following standards. Expansions or modifications of existing uses are encouraged to meet these standards where feasible and shall not worsen a non-conformity with these standards. These standards may be modified by an AUP subject to Section 23E.52.090.E.
 - 1. Outdoor vehicle display shall only be permitted along Shattuck Avenue and Adeline Street and shall be limited to 30 percent of the lot frontage on those streets;
 - A maximum of 40 percent of the lot area may be used for outdoor uses, including but not limited to vehicle display and storage. Adequate landscaping and/or fencing shall be used to filter the view of outdoor uses from the adjacent right-ofway and abutting properties, with the exception of outdoor vehicle display;
 - 3. Vehicle and repair service entries may not exceed 20 percent of the primary lot frontage, no entrance may exceed a width of 20 feet. The primary street frontage is the frontage towards which the primary building entrance is oriented;
 - 4. At least 60 percent of any new building shall be within 10 feet of the right of way along the primary street frontage and 60 percent of the street-facing façade shall be comprised of clear glass;
 - 5. All vehicle repair activities shall be conducted indoors;
 - 6. All noise-generating equipment and activities, such as vehicle repair, shall be shielded by noise-attenuating materials; outdoor amplification is prohibited;
 - 7. Exterior light standards and fixtures shall not be taller than 20 feet, shall achieve uniform light coverage and minimize glare, shall use light cutoffs to control light spillover onto adjacent properties and urban sky glow, and shall use low energy light fixtures consistent with the City's goals for energy efficiency; and
 - 8. No vehicles shall be stored in the public-right-of way.

<u>Section 5.</u> That Berkeley Municipal Code Table 23E.52.080 is amended to read as follows:

Table 23E.52.080			
Parking Required			
Use	Number of spaces		
Libraries	One per 500 sq. ft. of floor area that is publicly accessible		
Medical Practitioner Offices	One per 300 sq. ft. of floor area		
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area		
Residential Uses, Nursing Homes	Refer to R-4 Standards, Section 23D.40.080		
Automobile and Motorcycle Sales	One per 1,000 sq. ft. of floor area		

<u>Section 6.</u> That a new subdivision (E) is added to Berkeley Municipal Code section 23E.52.090 to read as follows:

E. The Zoning Officer may approve a modification of the standards applicable to new or relocated automobile or motorcycle sales uses if it finds that doing so is necessary to facilitate incorporation of an existing structure, to achieve greater consistency with the surrounding street pattern, to buffer impacts to an adjacent residential district, or to accommodate dealership operations.

<u>Section 7.</u> That Berkeley Municipal Code Section 23F.04.010 is amended to include the definitions of "Automobile Sales" and "Motorcycle and small vehicle sales" as follows:

Automobile Sales: An establishment which sells, or leases long-term, new, used or pre-owned automobiles or trucks; restored vintage, specialty, or antique automobiles or trucks; or automobiles or trucks refurbished for alternative fuels (alternative to conventional gasoline). Ancillary uses and services that are supporting of an automobile sales use may include the sale and installation of automobile parts, accessories and equipment; repair, maintenance, bodywork and other service of automobiles; loaning of vehicles to service patrons; storage of vehicles outdoors; and automobile washes.

Motorcycle and small vehicle sales: An establishment which sells, or leases long-term, new, used or pre-owned, motorized vehicles other than passenger automobiles and trucks, which are characterized by fewer than four wheels or a minimal frame, including but not limited to motorcycles, scooters, three-wheel motorcycles, electric carts, electric scooters, and such vehicles design or refurbished for alternative fuels/power sources (alternative to conventional gasoline).

<u>Section 8.</u> Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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At a regular meeting of the Council of the City of Berkeley held on July 2, 2013 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington,

Wozniak and Bates.

Noes: None.

Absent: None.