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Planning Commission

PUBLIC HEARING NOTICE

PROPOSED AMENDMENT TO THE ZONING CODE ADDING CHAPTER 23B.52 TO COMPLY WITH THE FEDERAL FAIR HOUSING ACT, THE AMERICANS WITH DISABILITIES ACT AND THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT TO PROVIDE REASONABLE ACCOMMODATION BY MODIFYING THE APPLICATION OF ITS ZONING AND SUBDIVISION REGULATIONS FOR PERSONS WITH DISABILITIES SEEKING FAIR ACCESS TO HOUSING.

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE [BMC TITLE 23] TO ALLOW HANDICAP ACCESS RAMPS OVER 30 INCHES IN HEIGHT WITHIN A REQUIRED SETBACK IN RESIDENTIAL ZONES WITH A MINISTERIAL PERMIT.

The City of Berkeley Planning Commission will hold a public hearing on the above matter on Wednesday, **September 12, 2001** at the North Berkeley Senior Center, 1901 Hearst Ave (at Martin Luther King), Berkeley. The meeting begins at 7 p.m.

Staff is proposing amendments to the Zoning Ordinance (BMC Title 23) as follows:

The addition of Chapter 23B.52, the purpose of which is to comply with the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act to provide reasonable accommodation by modifying the application of its zoning and subdivision regulations for persons with disabilities seeking fair access to housing. [The full text of the proposed chapter is available through the Current Planning Division.]

Revision of Section 23D.04.030.A.2. Wheelchair ramps and lifts may reduce any yard, except that one (1) side yard which contains a pedestrian pathway of at least three (3) feet in width that provides access to the rear yard is maintained on the lot, and the following requirements are met:

- a. The lift/ramp serves a single-family dwelling or a duplex;
- b. The lift/ramp's surface does not exceed four (4) feet above finished grade (except for a railing not exceeding three feet six inches (3'6"));
- c. The lift/ramp does not block access to or encroach into an off-street required off-street parking space or driveway leading to such space; and
- d. ~~An Administrative Use Permit is obtained.~~

Following the public hearing, the Planning Commission may vote to adopt, modify, or reject the proposed amendments. If adopted by the Planning Commission, the proposed amendments will be forwarded for action by the City Council, which may approve, modify, or reject the proposed amendment.

Environmental Review Status: The proposed action is exempt from review under the California Environmental Quality Act because it can be seen with certainty that the proposed amendments would not have a significant effect on the environment. Moreover, the proposed action is not a project as defined under Public Resources Code Sec. 21065 because it would not cause either a direct physical change or a reasonably foreseeable indirect physical change in the environment.

To obtain copies of the proposed amendments and Staff Report to the Planning Commission regarding this matter please contact **Christina Ratcliffe, AICP at (510) 705-8189.**

Notice mailed to:

- Neighborhood and Community Organizations
- Members of the Planning Commission
- Members of the Zoning Adjustments Board
- Members of the Landmarks Preservation Commission
- Interested Parties