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Planning Commission

## PUBLIC HEARING NOTICE

**PROPOSED AMENDMENT TO THE ZONING ORDINANCE [BMC TITLE 23] TO PROHIBIT CARRY-OUT OR QUICK SERVICE RESTAURANTS WITH A DRIVE-THROUGH ON LOTS WITH FRONTAGE ON SAN PABLO AVENUE AND WITHIN THE DESIGNATED NODES AND TO REQUIRE SPECIAL FINDINGS IN ORDER TO APPROVE CARRY-OUT OR QUICK SERVICE RESTAURANTS IN THE WEST BERKELEY COMMERCIAL (CW) ZONE WITH FRONTAGE ON SAN PABLO AVENUE.**

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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.

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

**Section 23E.64.040.E.** The ground floor of buildings in designated nodes shall only be used for retail sales, personal/household services, banks, food and alcohol service, lodging, entertainment and assembly uses, gasoline/automobile fuel stations, enclosed auto repair uses, new car dealers, enclosed used car dealers and required access to and lobbies serving upper-story uses. No Carry-Out or Quick Service Restaurant drive-through is permitted in a designated node.

**Section 23E.64.090.H.** Prior to approval of an Administrative Use Permit or a Use Permit for a Carry Out Food Store or Quick Service Restaurant on a lot with frontage on San Pablo Avenue, the Zoning Officer or Board shall find that:

- 1) The project does not conflict with the goals and policies of the C-W district; and
- 2) The location, size, appearance and signage of the proposed use will not adversely affect the San Pablo Avenue Corridor; and
- 3) The project supports pedestrian-oriented development; and
- 4) The project is designed to protect the residential character of surrounding neighborhoods from the adverse impacts of fast food development, including, but not limited to: increased traffic, litter, and noise.
- 5) For projects which include construction of new buildings, the Board shall also make the findings that the project design:
  - i. Provides intensity of development which does not underutilize the property; especially at or near intersections of major streets; and
  - ii. Provides pedestrian scale and siting; and
  - iii. Incorporates continuity in street facades.

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:

- Existing Carry-Out and Quick Service Restaurants on San Pablo Ave.
- Neighborhood and Community Organizations
- Members of the Planning Commission
- Members of the Zoning Adjustments Board
- Members of the Landmarks Preservation Commission
- Interested Parties