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Planning Commission

## PUBLIC HEARING NOTICE

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE [BMC TITLE 23] TO CORRECT PROCEDURAL ISSUES ARISING FROM THE INTERACTION OF THE LPO (LANDMARKS PRESERVATION ORDINANCE) AND THE ZONING ORDINANCE.**

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE [BMC TITLE 23] TO CORRECT TYPOGRAPHICAL ERRORS WITHIN THE ZONING ORDINANCE.**

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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:

### **Landmarks Preservation Ordinance-related Provisions**

**Section 23B.08.020.B.** No substantive change - clarifying amendments.

**Section 23B.08.020.C** eliminated as unnecessary.

**Section 23B.24.030 B & C** Requires that applications that involve exterior alterations to a building that is 1) listed on the State Historical Resources Inventory, 2) a non-residential building over 40 years old, or 3) a building or property that the Secretary of the Landmarks Preservation Commission (LPC) determines to have historical, architectural, or cultural value shall not be complete until the proposal has been placed on the LPC agenda prior to the date the application is submitted. Also requires adequate information to be provided for alteration permits.

**Section 23B.32.050.E.** Elimination of automatic stay on appeal.

**Section 23E.08.020.A** Extends design review to all non-residential uses, regardless of zoning district.

**Section 23E.08.020.B** No substantive change - clarifying amendments.

**Section 23E.08.030 A & B** Eliminated as unnecessary since design review will precede ZAB action.

**Section 23E.12.020 A-D** Specifies responsibility for design review.

**Section 23E.12.030 A-C** Eliminates extension of design review timeline to conform to the Permit Streamlining Act. Specifies ZAB authority to impose design review conditions.

**Section 23E.12.040 A-C** Eliminated as redundant.

**Section 23E.12.050 B&C** Eliminates paraphrase of Brown Act.

**Section 23E.12.060 A-C** Clarifying changes concerning staff-level design review and appeal process for same.

### **Technical Corrections**

**Section 23C.04.060.A.3** Typographical error corrected as follows: “Conforms to all other applicable requirements of this Ordinance including the Use standards set forth in Section 23DE.16.010; and”

**Section 23C.12.040.E.1** Typographical error corrected as follows: “The in-lieu fee shall be the fractional value of the difference between development cost (excluding marketing costs and profit) and actual sales price for the average comparable unit in projects, where Government Code Section ~~69515~~ 65915 does not apply, and the difference between affordable cost for an appropriately-sized household and the fractional value of the average comparable actual sales price for the fraction of the unit in projects where Government Code Section ~~69515~~ 65915 does apply to require a Density Bonus or equivalent incentive;”

**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