



## REGULAR MEETING OF THE PLANNING COMMISSION

Wednesday, June 12, 2002  
7:00 PM

North Berkeley Senior Center  
1901 Hearst Avenue

### AGENDA

1. *Roll Call*
2. *Order of Agenda*
3. *Public Comment Period:* Speakers are allotted three minutes or less each. Speakers are encouraged to submit more extensive comments in writing. To ensure adequate time for action items on the Agenda, the Planning Commission may limit the number of public speakers during the public comment period.
4. *Chairperson's Report:* Report by Commission Chair.
5. *Committee Reports:* Reports by Commission committees or liaisons.
6. *Planning Director's Report:* Report on upcoming planning issues and recent Council actions.
7. *Approval of Minutes:* Approved minutes of April 10, 2002; draft minutes of April 24, 2002, May 8, 2002, and May 22, 2002 (attached).
8. *Future Planning Commission Agenda Items and Other Planning-Related Events*

**Action Items:** Matters on which the Planning Commission may discuss and possibly take action.

9. *Public Hearing, Discussion, and Possible Action:* Proposed rezoning of 1036 Carleton Street from the C-W zoning to the MU-R zoning district in West Berkeley (no staff report available at this time).
10. *Public Hearing, Discussion, and Possible Action:* Proposed Tentative Map 7383, 1843 Dwight Way, containing 9 commercial and residential condominium units (to be delivered).
11. *Discussion and Possible Action:* Zoning Ordinance amendment to prohibit the use of dangerous and/or sharp material in or on top of fences in residential districts (attachments).
  - a. Staff report (to be delivered).
  - b. Letter from Michael Tandy, Derby Street Neighbors, with accompanying photographs
  - c. Memorandum from Gene Poschman, Planning Commission
12. *Discussion and Possible Action:* Zoning Ordinance amendment regulating properties with legal non-conforming coverage, FAR, or density (report attached).
13. *Discussion and Possible Action:* Revision of Tree Preservation Amendments Proposed at the May 22<sup>nd</sup> Planning Commission Meeting (draft memorandum attached).

14. *Discussion and Possible Action:* Presentation of Shadow Impact Analysis of Proposed R-SMU and R-S Zoning Districts in the Planning Commission Subcommittee Draft Southside Plan, December 2001, by Steve Solomon, Senior Planner (report to be delivered).
15. *Presentation:* University of California at Berkeley Planning Staff Presentation on Potential Bus Rapid Transit Concepts for West Campus/Downtown and Southside Areas of Berkeley (report to be delivered).
16. *Discussion and Possible Action:* Continuation of Downtown (C-2) Commercial District Regulations draft amendments
  - a. Staff report on Density Bonus issues in C-2 Downtown Commercial Zoning District Regulations (report attached).
  - b. Staff report on CEQA issues raised at May 22, 2002 Planning Commission Meeting.

**Information Items:** Action may be taken on any information report at this meeting if any Commissioner requests its placement on the agenda as an action item.

17. *Summary Collected Information on the Planning and Development Department's Budget for Fiscal Year 2002-03.*
18. *Berkeley City Attorney Memorandum to Mark Rhoades, Current Planning Manager, dated May 17, 2002, "Under Government Code Section 65589.5, Is an Affordable Housing Project Subject to a Downzoning Enacted After the Project Application Was Complete?"*
19. *Rancho San Antonio Master Development Plan, May 2002; and Memorandum from Carol D. Barrett, FAICP, Director of Planning and Development to Planning Commission and Waterfront Commission, dated June 4, 2002, "Rancho San Antonio, An Application for a Master Development Plan for Portions of the Berkeley Waterfront."*
20. *Draft Council Report on BOSS's proposal to create an Organic Nursery, Food Gardens and Outdoor Community classroom on two blocks of the Santa Fe Right-of-Way at Oregon and Sacramento Streets.*

**Communications:** In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon a Commissioner request.

21. *Articles on University of California at Berkeley's Academic Plan from UC Berkeley publications, provided as background for discussants at a May 18, 2002, League of Women Voters of Berkeley, Albany, and Emeryville event where Professor David Dowall spoke.*
22. *Announcement from the East Bay Community Foundation concerning a Speech by Minnesota State Senator Myron Orfield on June 18<sup>th</sup> in Oakland.*
23. *Email from Howie Muir, May 22, 2002, 3:39 PM, "Smart Growth is a solution that needs to get Smarter!"*
24. *Email from Howie Muir, May 28, 2002, 9:04 AM, "Berkeley's Density: Past and Approaching."*
25. *Email from Howie Muir, June 2, 2002, 11:21 AM, "Manipulating/Planning Density: 'Smart Growth? Let the 'chips' fall where they may.'"*
26. *Chapter 6, "How Local Governments Can Help," from Urban Land Institute book, "Developing Infill Housing in Inner-City Neighborhoods," submitted by Patrick Kennedy, Panoramic Interests, May 20, 2002.*

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**Please refrain from wearing scented products to public meetings.**

**Written material** may be viewed in advance of the meeting at the Planning and Development Department, 2118 Milvia Street, Third Floor, during working hours or at the Main Branch Library, Shattuck/Kittredge Streets, during regular library hours at the Reference Desk.

**Accommodations Provided Upon Request.** To request meeting materials in large print, Braille, or on cassette, or to request a sign language interpreter, assistive-listening device, real-time captioning or other accommodation for the meeting, call 705-8116 (voice) or 981-6903 (TDD). Providing at least five working days' notice will help to ensure availability at the meeting.

**Note: If you object to a project or to any City action** or procedure relating to the project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.