

CITY OF BERKELEY - NOTICE OF PUBLIC HEARING

Proposed Amendments to Zoning Ordinance - BMC 23E.36.030, 23E.52.030, 23E.64.030, and 23E.68.030; 23E.36.080.A.1; 23E.72.050; and 23E.28.040.D, 23E.36.080.D, and 23E.52.080.D

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.030, on Wednesday, July 28, 2004 at the North Berkeley Senior Center, 1901 Hearst Avenue, Berkeley, CA at Martin Luther King Jr. Way (wheelchair accessible). The meeting starts at 7:00 p.m.

DESCRIPTION: Proposed Zoning Ordinance Amendment ZA 6-04

Staff proposes that the Planning Commission amend Berkeley Municipal Code 23E.36.030, 23E.52.030, 23E.64.030, and 23E.68.030; 23E.36.080.A.1; 23E.72.050; and 23E.28.040.D, 23E.36.080.D, and 23E.52.080.D. These are Zoning Ordinance sections in need of minor changes to either correct drafting errors which inadvertently occurred when the Zoning Ordinance was re-codified in 1999, or to clarify the wording of specified sections to reflect longstanding City interpretations of the intent of such sections. This amendment proposes several revisions for correction and clarification. These amendments are declaratory of existing law.

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.

Proposed amendment: add Amusement Arcade Regulation 23E.16.050 as a reference to Use Tables of C-1, C-SA, C-W, and C-2.

Proposed New Language:

Amusement Device Arcades	UP(PH)	Subject to additional requirements; see Section 23E.16.050
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C-SA Uses Permitted Table--BMC Section 23E.52.030 [Table Excerpt]

Proposed New Language:

Amusement Device Arcades	UP(PH)	Subject to additional requirements; see Section 23E.16.050
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C-W Uses Permitted Table--BMC Section 23E.64.030 [Table Excerpt]

Proposed New Language:

Amusement Device Arcades	UP(PH)	Subject to additional requirements; see Section 23E.16.050
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C-2 Uses Permitted Table--BMC Section 23E.68.030 [Table Excerpt]

Proposed New Language:

Amusement Device Arcades	UP(PH)	Subject to additional requirements; see Section 23E.16.050
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Proposed amendment: correct reference for Mixed Use Parking for C-1 District - BMC 23E.36.080.

Proposed New Language:

A. No new commercial floor area shall be created unless it satisfies the following requirements:

1. Off-street Parking Spaces must be provided at the minimum ratio of two (2) spaces per one thousand (1,000) square feet of gross floor area of commercial space, and in accordance with the requirements of Chapter 23E.28, except for Mixed Use projects as provided in Section 23E.36.080.D.

Proposed amendment: change "N.A." to "Prohibited" in M District Conversion Regulations Table - BMC Section 23E.72.050.

Proposed New Language:

Table 23E.72.050

Conversion (Division of Space) Regulations			
<u>Size of space prior to conversion</u>	Initial space being divided into 2 or 3 spaces		<u>Initial space being divided into 4+ spaces</u>
	<u>Smallest space less than 10,000 sq ft</u>	<u>Smallest space 10,000 sq ft or greater</u>	
0-15,000 sq ft	Prohibited	ZC	UP(PH)
15,001-39,999 sq ft	AUP	AUP	UP(PH)
40,000 sq ft or more	UP(PH)	UP(PH)	UP(PH)

Proposed revision: clarify parking requirements for Mixed Use Projects and disabled parking ratios for C-1 and C-SA Districts - BMC 23E.28.040, 23E.36.080.D, and 23E.52.080.D.

Proposed New Language:

23E.28.040.D Notwithstanding any reduction in off-street parking spaces that may be granted for mixed use projects in non-residential districts listed in Subtitle 23E, the requirement for off-street parking spaces for disabled persons in the project shall be calculated as if there had been no reduction in total parking spaces.

23E.36.080.D The number of Off-street Parking Spaces required for the commercial portion of Mixed Use projects, which combine Retail Products Stores and/or Personal Household Services, and Multi-family Residential Uses within the same building or located on the same lot (or contiguous lots as part of the same project) may be modified or waived by the Board by approval of an Use Permit in lots on blocks adjacent to University Avenue, and north of University Avenue, south of

Delaware Street, east of Bonita Avenue and west of Oxford Street.

23E.52.080.D

The number of Off-street Parking Spaces required for the commercial portion of Mixed Use projects, as defined in Sub-title 23F, may be modified or waived by the Board, subject to securing a Use Permit, when the proposed Mixed Use project will combine Retail Products Stores and/or Personal Household Services, and Multi-family Residential Uses, to be contained within the same building, or which are to be located on the same lot (or a contiguous lot as part of the same project); and also to the finding required under 23E.52.090.D. The Board may reduce the off-street parking requirements in any portion of the C-SA District, except for a lot abutting or on a block adjacent to Sacramento Street.

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under Section 2180.17 of the California Environmental Quality Act (CEQA).

PUBLIC COMMENT: Comments may be made verbally at the public hearing and in writing before the hearing. Those wishing to speak at the hearing must submit a speaker card by 7:15 p.m. The Commission may limit the number of speakers and the time granted to each speaker. Written comments to the Commission are encouraged and should be directed to: Planning and Development Dept., 2120 Mivlia St., Berkeley, CA 94704; telephone 510-981-7428; e-mail fcrane@ci.Berkeley.ca.us.

To assure distribution to Commission members prior to the meeting, correspondence must be received by 12:00 noon, seven (7) days before the meeting. 15 copies must be submitted of any correspondence with more than ten (10) pages or any item submitted less than seven days before the meeting.

COMMUNICATION ACCESS: To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: www.ci.berkeley.ca.us.

FUTHER INFORMATION: Questions about the project should be directed to Fatema Crane at (510)981-7481 or FCrane@ci.berkeley.ca.us.