



## REGULAR MEETING OF THE PLANNING COMMISSION

**Wednesday, September 8, 2004**  
**North Berkeley Senior Center**  
**7:00 PM**

**1901 Hearst Avenue**

### AGENDA

1. *Roll Call*
2. *Order of Agenda*
3. *Public Comment Period:* Speakers are customarily allotted up to three minutes 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. *Planning Staff Report:* Report on upcoming planning issues and recent Council actions. In addition to the items below, additional matters may be reported to the Commission at the meeting.
  - a. West Berkeley Bowl Status Report
5. *Chairperson's Report:* Report by Commission Chair.
6. *Committee Reports:* Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported to the Commission at the meeting.
7. *Approval of Minutes:* Approved Minutes of July 14, 2004 and Draft Minutes of July 28, 2004 (copies for commissioners only)
8. *Future Planning Commission Agenda Items and Other Planning-Related Events* (copy attached).

**ACTION ITEMS:** Matters for discussion and possible action.

#### **Matter to be Set for Public Hearing:**

9. **Set for hearing: Proposed Amendments to the Zoning Ordinance BMC 23C.12, 23D.04, 23E.56, and 23E.96 concerning density bonus, yard requirements, building separations, street level office location, and maximum height of accessory buildings. B.32.060.D (ZA 8-04).** Set proposed amendments for hearing September 22, 2004 (Memo from staff attached).

#### **Discussion items:**

10. **Discussion: Zoning Ordinance Amendments for Parking Requirements per Mayor's Permitting Task Force Recommendations** (Memo from staff attached).
11. **Proposed amendment to Section 23C.08.030.A.2 (Findings for elimination of units from conversions), ZA 5-05** Discussion by Commission. (Public hearing conducted and closed July 28,

2004. Discussion continued from the July 28, 2004 Planning Commission meeting) (Memo from staff attached).

12. **Conformance Review and Comment on Housing Trust Fund Applications for 2004.** Discuss and comment to the Housing Department and Housing Advisory Commission on proposed projects' conformance with the Zoning Ordinance, General Plan and Area Plans (Memo from staff attached).

**Public Hearing:**

13. **Public Hearing: Proposed Amendments to the Zoning Ordinance BMC 23B.28.060.D and 23B.32.060.D to revise the consideration of ex parte communications (ZA 7-04).** (Memo from staff attached).

**Discussion item:**

14. **Discussion of Proposed Zoning Ordinance Amendments: Amending provisions of the Zoning Ordinance related to review of zoning applications by the Landmarks Preservation Commission concerning BMC Sections 23B.24.030 (Application Forms and Supporting Materials--Additional Information for Certain Projects); 23B.32.050 (Notice of Decision and Appeal); and 23C.08.050 (Demolitions of Buildings Used for Commercial, Manufacturing or Community, Institutional or Other Non-residential Uses)** (Memo from staff attached) (A communication concerning this item is listed below).

**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.

15. Information on Submittal requirements and Posting requirements per Mayor's Task Force Recommendations (Memo from staff attached).
16. Information on Commission Endorsement of Candidates and Ballot Measures from Manuela Albuquerque, City Attorney (Memo attached).
17. Memo on "Creeks ordinance Public Hearing on September 28, 2004", from Phil Kamlarz, City Manager, dated September 1, 2004 (Attached).

**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.

- Comments titled "The Proposed Revisions to Berkeley's Landmarks Preservation Ordinance – Discussion and Recommendations for the Planning Commission from Livable Berkeley", from Alan Tobey for Livable Berkeley, Sept. 1, 2004

OOO

**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 981-7480 (voice) or 981-7474 (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.