



REGULAR MEETING OF THE PLANNING COMMISSION

Wednesday, November 10, 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.
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:* Draft Minutes of September 8, September 22, and October 13, 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.

Discussion:

9. **Continue Discussion: 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)** Commissioners are requested to bring the previous staff reports distributed for the July 28, 2004 and September 8, 2004 Planning Commission meetings and the reports distributed with the October 13, 2004 packet. (Staff report attached). (A communication listed below pertains to this topic)
10. **Mayor's Task Force on permitting and Development Recommendations C1.1 and C1.2 For Commercial Parking Requirements - Discussion** (Staff report attached).

11. **Discussion of Impact on Planning Commission of City Council's action (if any) on Creeks Ordinance process (This item refers to City Council Agenda Item 19 on the November 9, 2004 Council Agenda. The outcome of Council Item 19 is not known as of the date of Planning Commission agenda preparation)(Copy of City Manager's Report to Council attached).**

Set for Hearing:

12. **Set for hearing: Proposed Amendments to the Zoning Ordinance, BMC 23D.XX.030, 23E.04.020, 23E.48.040, 23E.48.070, 23F.040.010, and Appendix A, concerning the special requirements for hot tubs, accessory building standards, a food service permitting requirement, a mixed-use building setback, the demolition of enclosed structures and a code reference (ZA 9-04).** Set proposed amendments for hearing November 29, 2004 (Memo from staff attached).
13. **Set for hearing: Proposed Amendments to the Zoning Ordinance, BMC 23D.08.010, 23E.28.030, 23E.52.030, 23E.56.030, and 23E.80.080 correcting code references, parking and special requirements for live/work projects, and clarifying considerations for shared parking (ZA 10-04).** Set the proposed amendments for hearing November 29, 2004. (Memo from staff attached).

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.

14. Notice of Special Planning Commission Meeting at 7:00 p.m., December 15, 2004, at the West Berkeley Senior Center
15. Agenda for Joint Workshop of the City of Berkeley Transportation and Waterfront Commissions and the San Francisco Bay Water Transit Authority to be held Nov. 6, 2004.
16. Letter to Cathy Creswell, State of California Department of Housing and Community Development, concerning the Annual Progress Report on Implementation of the Housing Element, from Wendy Cosin, Deputy Planning Director, dated October 28, 2004.
17. Letter to Paul Fassinger, Association of Bay Area Governments, concerning Berkeley's response to ABAG's draft Projections 2005, from Dan Marks, Director of Planning and Development, dated October 27, 2004
18. Draft Southside Plan EIR Scoping Meeting notice, Notice of Preparation, and Initial Study, issued by City of Berkeley Planning Department November 5, 2004.

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.

- Memo from David Early, Chair, Livable Berkeley, concerning Landmarks Preservation Ordinance Revision – Questions for Workshop, dated Nov. 2, 2004

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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 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.