



REGULAR MEETING OF THE PLANNING COMMISSION

Wednesday, January 12, 2005
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:* Approved Minutes of November 29, 2004; Draft Minutes of December 8 and December 15, 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.

9. **Creek Preservation Ordinance** (Memorandum from staff attached).
10. **Southside Plan EIR Status and Consideration of Establishing a Planning Commission Subcommittee for Liaison with Staff and EIR Consultants**
11. **Landmarks Preservation Ordinance and Zoning Ordinance Amendments** (Memo from Commission Chair Pollack attached).

PUBLIC HEARING:

12. **Public Hearing: Proposed General Plan Amendment and Rezoning to allow for the West Berkeley Bowl Project, a full-service grocery marketplace including construction of two buildings totaling 91,060sq. ft., at 920 Heinz Avenue** (Staff report attached) (Communications were received concerning this matter; see under “Communications”, below) **Note: The staff recommendation is to continue this item to January 26, 2005 at the applicant’s request.**
13. **Public Hearing: Proposed Zoning Amendments to implement the Mayor's Task Force on Permitting and Development Recommendations C1.1 and C1.2 for non-residential parking requirements** (staff report attached).
14. **Public Hearing: Condominium map for 1809 Shattuck Avenue, Berkeley - Proposed thirty-two (32) unit condominium project comprised of twenty-nine (29) dwelling units and three (3) commercial units to allow condominium ownership – Tentative Tract Map 7527** (Staff report attached).
15. **Public Hearing: Condominium map for 2131 Durant Street, Berkeley - Proposed seventy-seven unit condominium project comprised of three (3) commercial units and seventy-four (74) residential units to allow condominium ownership – Tentative Tract Map 7538** (Staff report attached).

SET FOR HEARING:

16. **Zoning Ordinance Amendments for Home Occupation Permitting Thresholds** (Staff report 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.

17. Checklist for Brown Act and Commissioner’s Handbook compliance, Prepared by Manuela Albuquerque, City Attorney, revised January 2005 (copy attached)
18. Article from New York Times, “Property Rights Law May Alter Oregon Landscape”, Nov. 26, 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.

- Letter (dated January 3, 2005) from Byron Stryzek of Kava Massih Architects concerning request for continuance of the West Berkeley Bowl proposal, 920 Heinz Avenue, to January 26, 2005
- E-mail from Zelda Bronstein concerning the West Berkeley Bowl proposal, dated January 5, 2005
- E-mail from Fran Haselsteiner concerning the West Berkeley Bowl proposal, dated January 4, 2005
- E-mail from Laura Fosbender – Support for Building a Berkeley Bowl on 9th Street, dated December 11, 2004
- E-mail from Michael Rossman – Choking the Marin Corridor, and Citizen Participation, dated December 10, 2004
- Letter from Richard K. Robbins for Seventh St. Properties I, A Wareham Development, concerning the West Berkeley Bowl Project, dated December 15, 2004

- Letter from Andrew Watry and others concerning St. Mary's Non-compliance with Use Permit, dated Dec. 17, 2004
- Letter from Richard K. Robbins for Seventh St. Properties I, A Wareham Development, concerning the West Berkeley Bowl Project, dated January 4, 2005

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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.