



PLANNING COMMISSION

Notice of Public Hearing

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND LANDMARKS PRESERVATION ORDINANCE

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, April 27, 2005** at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King), Berkeley. The meeting starts at 7:00 p.m.

The City of Berkeley is considering changes to the Zoning Ordinance related to review of zoning applications by the Landmarks Preservation Commission (LPC). The Planning Commission will consider various proposed amendments as follows.

Section 23B.24.030: Proposed amendments would provide that applications for discretionary entitlements to demolish or modify the exteriors of structures over 50 years old, as well as some other structures include a statement requesting a determination from LPC as to whether the site or structure that is the subject of the entitlement should be designated as a structure of merit or landmark under the Landmark Preservation Ordinance (LPO). The proposed amendments would establish procedures, timelines and criteria for such review by the LPC.

2.) Section 23B.32.050: Proposed amendments would address how to resolve the current problem of what to do when the ZAB and LPC make inconsistent decisions with respect to an application. The proposed amendments would provide that inconsistent decisions by the ZAB and LPC would constitute a denial of the project, and would require the Council to set a hearing in such cases in the event of an appeal by an applicant. There would be no fee for such appeals.

3.) Section 23C.08.050: Proposed amendments would address the reviewing authority for Use Permits and Administrative Use Permits involving demolition of non-residential structures forty or more years old. The revisions would include but not be limited to changing the age limit from forty to fifty years old to be consistent with State regulations and expanding LPC purview to include non-residential alterations and residential alterations and demolitions in the cases of discretionary permits.

In addition, the Planning Commission will be considering proposed revisions to the Landmarks Preservation Ordinance (BMC Chapter 3.24). Although the Planning Commission is not required to hold a public hearing on these proposed revision it will accept testimony on them. In general, the revisions it will be considering will include but not be limited to:

- Whether the designation of structures of merit should be retained, and, if so, the criteria for designating structures of merit; the extent to which structures of merit should be considered historical resources under CEQA; the level of review and procedures for approving alteration

in structures of merit; and other issues relevant to structures of merit.

- The extent to which integrity should be a requirement for designation of structures of merit, landmarks and historical districts.
- Whether it is appropriate to allow applicants to request a determination of whether a structure/site is a historic resource outside the development process, without affirmatively requesting its designation.
- Whether the LPC, or the ZAB with input from the LPC, should make the determination of the level of environmental review required for projects on site with designated historic resources.
- Whether the LPC should have authority to deny or approve demolitions, and the relationship of such authority to the Zoning Adjustments Board's authority, as well as other issues relevant to demolition.
- The appropriate standards for approving and denying applications to alter or demolish landmarks, structures of merits and sites and structures in historic districts.

ENVIRONMENTAL REVIEW STATUS: Pursuant to sections 15061(b)(3) and 15308 of the California Environmental Quality Act, the ordinance amendments proposed are found to be categorically exempt in that they provide equal or additional protection to potential historic resources as that currently provided in the Zoning and Landmark Ordinances.

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. Written comments to the Commission should be directed to:

Planning Commission
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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) 981-7480 (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.

FURTHER INFORMATION

Please direct your questions to Janet Homrighausen, Senior Planner, at (510) 981-7484 or jhomrighausen@ci.berkeley.ca.us.