



**P L A N N I N G  
C O M M I S S I O N**

**N O T I C E O F P U B L I C  
H E A R I N G**

Proposed Zoning Ordinance amendments to Berkeley Municipal Code (BMC) Chapter 23B.44, Variances, to allow issuance of a Use Permit rather than a Variance in certain situations, and BMC Subtitle 23C, General Provisions, to allow rebuilding of certain residential buildings by right after a disaster.

**NOTICE OF PUBLIC HEARING**  
**Wednesday October 11, 2006 @ 7:00 PM**  
**North Berkeley Senior Center, 1901 Hearst Avenue**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter on **Wednesday, October 11** at the North Berkeley Senior Center, 1901 Hearst Avenue (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible).

Following the public hearing, the Planning Commission may vote to recommend adoption, modification, or rejection of the proposed amendments. If the Planning Commission recommends adoption, the proposed amendments will be forwarded for action to the City Council.

**PROJECT DESCRIPTION:** Proposed amendments to BMC Title 23 (Zoning Ordinance) of the Berkeley Municipal Code to consider:

- Amendment of Section 23B.44.010, Variances, to allow a Use Permit to be approved rather than a Variance to modify zoning regulations regarding height, setbacks, lot coverage, or parking requirements if needed to meet the City's Creek Ordinance setback requirements.
- Addition of Section 23C.04.100, Rebuilding after involuntary destruction of structure or portion thereof, to allow reconstruction of nonconforming residential buildings with up to three dwelling units if destroyed by disaster.

**LOCATION:** Citywide

**ENVIRONMENTAL REVIEW STATUS:** Staff concluded the proposed changes would be exempt from the California Environmental Quality Act pursuant to Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed amendments would not have a significant effect on the environment. Any proposed discretionary project will require its own review pursuant to CEQA. No new uses are proposed to be established or eliminated.

Berkeley Planning Commission Public Hearing Notice

**FURTHER INFORMATION:** Questions about the project should be directed to the project planner, Wendy Cosin, AICP at (510) 981-7402 or [wcosin@ci.berkeley.ca.us](mailto:wcosin@ci.berkeley.ca.us).

**PUBLIC COMMENT**

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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 concerning this project should be directed to:

Planning Commission  
**Jordan Harrison**  
Land Use Planning Division  
2120 Milvia Street  
Berkeley, CA 94704

Fax: (510) 981-7490  
E-mail: [JHarrison@ci.berkeley.ca.us](mailto:JHarrison@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**

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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](http://www.ci.berkeley.ca.us).