



Planning Commission

## AGENDA

### REGULAR MEETING OF THE PLANNING COMMISSION

**Wednesday, October 25, 2006**  
**7:00 PM**

**North Berkeley Senior Center**  
**1901 Hearst Avenue**

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.
  - a. Creeks Task Force
  - b. Density Bonus Procedure/Inclusionary Housing Provisions Subcommittee
  - c. Downtown Area Plan Advisory Committee (DAPAC)
  - d. Downtown BART Plaza and Transit Area Design Plan Citizens Advisory Committee
  - e. Southside Plan Subcommittee
7. *Approval of Minutes:* Draft minutes of September 27 and October 11 meetings.
8. *Future Planning Commission Agenda Items and Other Planning-Related Events*

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

9. **DAPAC Quarterly Report** (Report Attached)
10. **ZA 6-06: Amendments to the Zoning Ordinance (BMC Title 23) related to the Creeks Ordinance and rebuilding after involuntary destruction of structure.** (Report attached)
11. **Recommendations on the Creeks Ordinance Revisions (BMC 17.08).** (Report attached)  
(Note: Please bring Item 9 from the October 11, 2006 meeting)

***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.*

## 12. Creeks Ordinance Notice of Intent to adopt Negative Declaration/Initial Study and Notice of November 14, 2006 City Council Public Hearing.

**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. Normally, communications received by the end of the day on the Wednesday one week before the Planning Commission meeting will be transmitted with the staff report packet to the commissioners. Communications received later will be sent to the Commission separately, either by handing out at the meeting or including in the next available Planning Commission packet.

- Letter from Jennifer Mary Pearson, dated October 11, 2006, regarding the Creeks Ordinance
- Letter from Neighbors on Urban Creeks, dated October 11, 2006, regarding the Creeks Ordinance
- Email from Michael Eisenberg, dated October 11, 2006, regarding the Creeks Ordinance
- Email from Patricia Boyar, dated October 11, 2006, regarding the Creeks Ordinance
- Letter from Ella Thorp Ellis dated October 12, 2006, regarding the Creeks Ordinance
- Email from Robert B. Reich, dated October 18, 2006, regarding the right to rebuild

### *Late Creeks Ordinance communications received at last meeting 10-11-06:*

- Two emails from Cy Silver, dated October 11, 2006
- Letter from Eric Wasserman, dated October 11, 2006
- Email from Eric Wasserman, dated October 10, 2006
- Email from Martha Jones, dated October 9, 2006
- Email from Robert and Elizabeth Burrell, dated October 10, 2006
- Email from Peter Klatt, dated October 10, 2006
- Email from Richard B. Norgaard, dated October 9, 2006
- Email from Dominique Philippine, dated October 9, 2006
- Email from Charles and Carolyn Reese, dated October 9, 2006
- Email from Nancy Ribak, dated October 9, 2006
- Email from David Rinaldo, dated October 10, 2006
- Email from Janusz Bajsarowicz, dated October 10, 2006
- Email from L. Darlene Pratt, dated October 10, 2006
- Email from David Daniels, dated October 10, 2006

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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.