



# PLANNING COMMISSION

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## NOTICE OF PUBLIC HEARING

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FEBRUARY 28, 2007

**Zoning Ordinance Amendment for Telegraph Avenue Economic Assistance: extended hours of operation; lower discretionary thresholds for new businesses, change of use, and conversion of existing space; and elimination of the Transportation Services Fee  
(BMC Title 23, Chapter 23E.56)**

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, February 28, 2007** at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible). The meeting starts at 7:00 p.m.

**PROJECT DESCRIPTION:** The proposed zoning amendments would: extend the by right hours of operation from 10 p.m. to 2 a.m. Friday and Saturday and midnight Sunday through Thursday for businesses that *do not* involve alcohol sales or service, and allow these hours to be exceeded with an AUP; extend the by right hours of operation for businesses that *do* involve alcohol sales or service from 10 p.m. to midnight on Friday and Saturday (a Use Permit would still be required to extend these hours further; by right hours for other evenings would be remain 10 p.m.); and, eliminate existing references to the Transportation Services Fee (TSF) in the C-T Zoning District standards.

On October 11, 2006 the Planning Commission conducted a public hearing on zoning amendments that would lower discretionary thresholds for new businesses, change of use, and conversion of existing space. The Commission recommended adoption of those amendments by the City Council. The amendments the Planning Commission recommended for adoption on October 11, 2006 would make starting a new business easier in the C-T district by lowering the level of discretion required for certain business to an AUP from a Use Permit and by eliminating discretionary review for a change of use; allow quotas to be exceeded with a Use Permit rather than requiring a Variance; and allow easier conversion of exiting commercial space to larger or smaller units. The Commission does not propose to reconsider these recommendations.

**LOCATION:** The proposed amendments would address the C-T zoned portions of Telegraph Avenue generally between Bancroft and Parker, and Bancroft and Durant generally between Telegraph and Bowditch.

**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 to extend the hours of operation and change discretionary thresholds 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. No changes to existing development standards are proposed (with the exception of discretionary thresholds).

**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, Secretary**  
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) 981-7410 (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).

**FURTHER INFORMATION**

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Questions should be directed to **Jordan Harrison**, at (510) 981-7416 or [jharrison@ci.berkeley.ca.us](mailto:jharrison@ci.berkeley.ca.us).