



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

**November 14, 2007
7:00 PM**

**North Berkeley Senior Center
1901 Hearst Avenue**

1. *Roll Call*

CONSENT CALENDAR ITEMS:

The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Chair will announce items for the Consent Calendar at 7:05 p.m. The Commission may place action items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card or raise his or her hand and advise the Chairperson, and the item will be pulled from the consent calendar.

NONE

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. Downtown Area Plan Advisory Committee (DAPAC)
7. *Approval of Minutes:* Draft minutes of October 24 and final minutes of September 26.
8. *Future Agenda Items and Other Planning-Related Events*

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

9. **Public Hearing: Zoning Amendments related to alcohol sales outlets.** (Report attached) Proposed amendments to allow: (1) the City to terminate legal non-conforming liquor stores closed for more than 90 days; (2) private right of action against nuisances; and

(3) the Zoning Adjustments Board greater flexibility when considering applications to serve alcohol.

10. **Discussion of Density Bonus Recommendations.** *(Please bring report from the October 24 meeting.)* Background discussion related to State density bonus law and the recommendations of the Joint Density Bonus Subcommittee.

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.*

None.

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 from commissioner Poschman regarding State density bonus law background, dated November 14, 2007.
- A public agency guide to California density bonus law, Barbara E. Kautz, Land Use Fall 2005 Study Section Conference

Late Communications received at previous meeting:

- Handout from Commissioner Poschman, page CP-7 of Berkeley General Plan.

OOO

Please refrain from wearing scented products to public meetings.

Procedures for correspondence to the Commissioners:

- To distribute correspondence to Commissioners **prior to the meeting date** -- submit comments **by 12:00 noon, seven (7) days before the meeting**. Please provide 15 copies of any correspondence with more than ten (10) pages.
- Any correspondence received after this deadline will be given to Commissioners on the meeting date just prior to the meeting.
- Staff will not deliver to Commissioners any additional written (or email) materials received after 12:00 noon on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before or at the beginning of the meeting.
- Written comments should be directed to the Planning Commission Secretary at the Land Use Planning Division (Attn: Planning Commission Secretary)

Written material may be viewed in advance of the meeting at the Planning and Development Department, 2118 Milvia Street, First 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 a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

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.