



Planning and Development
Land Use Division
Design Review Committee

AGENDA

DESIGN REVIEW COMMITTEE MEETING

Thursday, December 15, 2022 AT 7:00 PM
On-Line (No Physical Location)
Berkeley, CA

PUBLIC INFORMATION

The packet for this (and past) Design Review Committee meeting is available for review online on the Design Review Committee page under Boards and Commissions.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Design Review Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID- 19 virus, there will not be a physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us06web.zoom.us/j/89267364699> If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial [1 669 900 6833](tel:16699006833) and enter Meeting ID: [892 6736 4699](tel:89267364699). If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

*Written comments pertaining to Design Review issues must be submitted by email to the Current Planning Division by **5 pm on December 13, 2022** at aburns@cityofberkeley.info. Persons wishing to offer testimony are encouraged to submit their comments in writing. Written or verbal comments must be limited to issues under the scope of the Design Review Ordinance. Written comments will be entered into the public record.*

For Communications information and Legal Notice Concerning Your Legal Rights, please refer to the last page of this Agenda.

AGENDA

I. ROLL CALL

Lillian Mitchell, Chair (*Appointed by Zoning Adjustments Board*)
Charles Kahn, Vice-Chair (*Zoning Adjustments Board*)
Steve Finacom (*Landmarks Preservation Commission*)
Kimberly Gaffney (*Zoning Adjustments Board*)
Diana Pink (*Appointed by Zoning Adjustments Board*)
Janet Tam (*Appointed by Zoning Adjustments Board*)
Cameron Woo (*Civic Arts Commission*)

II. PUBLIC COMMENTS AND COMMITTEE MEMBER COMMENTS

The applicant and or their designee will have 5 to 10 minutes to make a presentation of their project to the Committee. The public is also invited to make a public comment if they wish. Please be

advised that the Committee may limit the number of speakers and the length of time allowed to each speaker (3 minutes is the usual amount of time allowed). The public is also encouraged to submit their comments and or testimony in writing at which time it will become a part of the public record. CONTACT: Secretary of the Committee, Anne Burns, (510) 981-7415, aburns@cityofberkeley.info

III. RE-ARRANGEMENT OF AGENDA ORDER

Due to the large volume of projects, and the limited amount of time available to hear each project, the Design Review Committee has the right to re-arrange the order of the agenda in order to accommodate the projects that will not require a lot of time.

The next Design Review Committee meeting will be held on Thursday January 19, 2023.

IV. PROJECT REVIEW

1. [2190 SHATTUCK AVENUE \[at Allston\] \(MODDRCP2022-0001\)](#): **Preview** to redevelop a 19,967 square-foot (0.46-acre) site at the southwest corner of Shattuck Avenue and Allston Way with a proposed 25-story building with 326 residential units above approximately 7,500 square feet of ground floor retail space. Approximately 51 parking spaces would be provided in a single level subterranean garage accessed from Allston Way. **Committee Discussion.**

V. BUSINESS MATTERS

- Approval of Previous Meeting Minutes
 - A. Minutes from 10/20/22 DRC Meeting
Recommendation: Approve Minutes
- [Approval of 2023 Meeting Schedule](#)

VI. SB 330 PROJECTS

Projects classified as a “Housing Development Project” may apply. A “housing development project” means a use consisting of any of the following: (A) Residential units only; (B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or (C) Transitional housing or supportive housing.

In an effort to expedite this project, we provide a link below to the most recent drawings. This project will be on next month’s agenda as an action item. If you believe that some additional information is needed for that review, please forward your request to Staff and we will work with the applicant to see what is possible.

[3000 Shattuck Avenue \[at Ashby\] \(DRCP2022-0006\)](#)


VII. COMMISSION COMMENTS

This is an opportunity for comments either to or from Commissions for which the DRC has liaisons: the Zoning Adjustments Board (ZAB), the Civic Arts Commission (CAC), and the Landmarks Preservation Commission (LPC). Committee members may ask for discussion to be scheduled on a future agenda (per Brown Act, no deliberation or final action may be taken).

VIII. COMMUNICATIONS

[Land Acknowledgement Memo, Mark Numainville, City Clerk, dated October 21, 2022](#)

IX. ADJOURN (by 10:45 pm)

 To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date.

COMMUNICATIONS

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

LEGAL NOTICE CONCERNING YOUR LEGAL RIGHTS

If you object to a decision by the Design Review Committee, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Design Review Committee at, or prior to, the public hearing.
2. You must appeal to the Zoning Adjustments Board within fourteen (14) days of the date of the action of the Design Review Committee.
3. Pursuant to Code of Civil Procedure Section 1094.6(b), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
5. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
6. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a

“taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

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