



Planning and Development
Land Use Division
Design Review Committee

AGENDA

DESIGN REVIEW COMMITTEE MEETING

Thursday, February 21, 2019 AT 7:00 PM
1947 CENTER STREET
MULTI-PURPOSE ROOM (Basement)
Berkeley, CA 94704
Wheelchair Accessible

PUBLIC INFORMATION

The packet for this (and future) Design Review Committee meeting is available for review at the Berkeley Library main branch at 2090 Kittredge Street, or online on the Design Review Committee page under Boards and Commissions.



This meeting is being held in a wheelchair accessible location. 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. Please refrain from wearing scented products to this meeting.

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

Meetings must adjourn by 11:00 pm, when room reservations expire. Please exit promptly.

AGENDA

I. ROLL CALL

Lillian Mitchell, Chair (*Appointed by Zoning Adjustments Board*)
Burton Edwards, Vice-Chair (*Appointed by Zoning Adjustments Board*)
Teresa Clarke (*Zoning Adjustments Board*)
Charles Kahn (*Zoning Adjustments Board*)
Steve Finacom (*Landmarks Preservation Commission*)
Diana Pink (*Appointed by Zoning Adjustments Board*)
Matthew Passmore (*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. To do so, you should fill out a speaker card before the meeting starts and give it to the Secretary of the Committee. 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) 981-7410, 1947 Center Street, 3rd Floor.

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 March 21, 2019.

IV. PROJECT REVIEW

1. [2100 SAN PABLO AVENUE \[at Addison\] \(MODDRCP 2019-0002\): Preliminary Design Review Modification](#) of a project to modify an approved 60,428 sq. ft., four-story, 48 ft. tall mixed-use building containing a 96-unit Residential Care Facility with 3,465 square feet of combined ground floor commercial space for restaurant, flower shop, personal household and club/wellness center uses, and grade level parking for 30 vehicles as well as 12 bicycle parking spaces, by reducing the number of off-street parking spaces, adding new gross floor area, and modifying the interior layout of the commercial and residential uses of the approved Residential Care Facility. **Majority Recommendations.**
2. [1951 SHATTUCK AVENUE \[at Berkeley Way\] \(DRCP2018-0005\): Preliminary Design Review](#) to redevelop an approximately 17,424 square-foot parcel, including the demolition of two existing commercial buildings and the construction of a 120-foot tall, 12-story, mixed-use building with approximately 5,000 square feet of commercial space on the ground floor, 156 residential units, and a 100-space subterranean parking garage. **Majority Recommendations.**

V. DISCUSSION/ ACTION ITEMS

- LEED standards for buildings – City review process underway. Discussion Item
- Local Hazards Mitigation Plan (LHMP) Review. Action Item.
 - [Review memo with recommendations from S. Finacom, dated February 13, 2019, and vote to forward on as is or with modifications.](#)

VI. BUSINESS MATTERS

- Approval of Previous Meeting Minutes
 - A. Minutes from 1/17/19 DRC Meeting
Recommendation: Approve Minutes
- Annual Chair / Vice-Chair Election

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

- [K Hammergren e-mail, dated January 25, 2019](#)

IX. ADJOURN (by 10:45 pm)

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.