



Planning and Development  
Land Use Division  
Design Review Committee


# AGENDA

## DESIGN REVIEW COMMITTEE MEETING

Thursday, March 16, 2023 AT 7:00 PM  
SAN PABLO PARK – FRANCES ALBRIER COMMUNITY CENTER  
2800 PARK STREET  
Berkeley, CA 94702  
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.

*Written comments pertaining to Design Review issues must be submitted by email to the Land Use Planning Division by **5 pm on March 14, 2023** at [aburns@cityofberkeley.info](mailto: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

Janet Tam, Chair (*Appointed by Zoning Adjustments Board*)  
Kimberly Gaffney, Vice-Chair (*Zoning Adjustments Board*)  
Steve Finacom (*Landmarks Preservation Commission*)  
Charles Kahn (*Zoning Adjustments Board*)  
Lillian Mitchell (*Appointed by Zoning Adjustments Board*)  
Diana Pink (*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](mailto: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 April 20, 2023.***

#### IV. PROJECT REVIEW

1. **2800 TELEGRAPH AVENUE [At Stuart] (DRCP2022-0009): Preliminary Design Review** to demolish an existing non-residential structure and construct a 15,792 square-foot, five-story residential building containing 16 dwelling units (1 Very Low-Income unit) with 1 parking space and 19 bicycle parking spaces. ***Committee Decision.***
2. **2920 SHATTUCK AVENUE [At Russell] (DRCP2022-0013): Preliminary Design Review** to demolish two existing commercial buildings and construct a density bonus project: a ten-story mixed-use building with 221 dwelling units (22 VLI units), 4,090 square feet of commercial space, and nine parking spaces. ***Committee Decision.***
3. **2538 DURANT AVENUE [between Telegraph and Bowditch] (DRCP2022-0007): Preliminary Design Review** to demolish an existing 4-story residential building including 12 dwelling units and construct an 80,829 square foot, 8-story mixed-use building with 1,641 square feet of ground floor commercial space and 83 dwellings, including 5 Very Low-Income units. ***Committee Decision.***

#### V. DISCUSSION ITEM

- **Land Acknowledgement** – report on ZAB discussion / resolution; vote on DRC resolution.

#### VI. BUSINESS MATTERS

- Approval of Previous Meeting Minutes
  - A. **Minutes from 2/16/23 DRC Meeting**  
**Recommendation: Approve Minutes**

#### VII. 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 these projects, we provide links below to the most recent drawings. These projects will be on next month’s agenda as action items. If you believe that some additional information is needed for those reviews, please forward your request to Staff and we will work with the applicants to see what is possible.

**1598 University Avenue [at California] (DRCP2022-0008)**

**2147 San Pablo Avenue [at Cowper] (DRCP2022-0011)**

**2427 San Pablo Avenue [between Dwight and Channing] (DRCP2022-0012)**

#### VIII. 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).

## IX. COMMUNICATIONS

## X. 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.