01
Special Meeting Item

Office of the City Manager

PUBLIC HEARING
July 24, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning & Development Department

Subject: ZAB Appeal: 2720 Hillegass Avenue, Willard Park, Use Permit/Variance #ZP2022-0095

RECOMMENDATION
Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve a Use Permit and Variance to demolish and replace/expand the existing recreation building and public restroom (community center), with a reduced rear setback, and to construct a stand-alone public restroom building and a trash enclosure, within an existing public park, and dismiss the appeal.

SUMMARY
The City of Berkeley's Parks, Recreation and Waterfront Department has been studying the need for and possibility of replacing the existing building at Willard Park to provide improved public facilities for after-school programs, summer camps, and community gathering, as well as improved hygiene by providing centrally located bathrooms and a separate trash enclosure. After several community meetings and design studies, the department sought land use entitlements.

The zoning ordinance requires a Use Permit for construction of new main and non-residential accessory buildings, and a Variance for a reduced setback in the rear yard for the main building. The Zoning Adjustments Board (ZAB) reviewed the application and determined that it was appropriate in light of the special characteristics of the use and site, concluding that the park and facilities had a public purpose and competing demands that warrant a reduced setback.

Several neighbors filed an appeal of the ZAB decision, taking issue with a number of elements of the project and the zoning determinations. The Council must conduct a public hearing to resolve the appeal.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS

On June 9, 2022, City of Berkeley Parks, Recreation, and Waterfront Department staff submitted a Use Permit application to demolish the existing recreation building/restroom and construct a new community center in the southeast corner of Willard Park, a Variance for a 4-foot reduction of the rear setback (16 feet where 20 feet is required), an Administrative Use Permit (AUP) for a new restroom building north of the playground and east of the tennis courts, and an AUP for a new trash enclosure within the street side setback along Hillegass Avenue.

Prior to submitting this application to the Land Use Planning Division, the applicant held five community meetings between 2019 and 2021. Members of the community and owners and occupants within 1,000 feet of Willard Park were invited, received presentations from staff, and provided feedback on the project design. A pre-application poster was erected at the site by the applicant in June 2022 to notify passersby of the development application. While the application was being reviewed, staff received letters from the community concerned about the status of the project, the ZAB meeting, and the demolition of the building. Land Use staff responded to questions and concerns about the entitlement review process, while the applicant team responded to questions and concerns in regards to the proposed demolition and replacement of the building.

On November 3, 2022 the Landmarks Preservation Committee (LPC) reviewed the demolition of the existing recreation building and took no action to initiate the property for local register consideration (Landmark or Structure of Merit designation). Although a motion was made regarding recommendations to implement certain design features celebrating the history of the site, this motion failed.[1]

On April 13, 2023, staff posted the public hearing notice of the ZAB hearing at the site and six nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area.

On April 27, 2023, the ZAB conducted a public hearing for the Use Permit/Variance. After receiving a presentation from staff and the applicant, and hearing public comments from community members, the Board discussed the project and approved the Use Permit and Variance by a vote of 8-1-0-0 (Yes: Duffy, Hauser, Yung, Lunaparra, Sanderson, Thompson, Gaffney, Tregub; No: O'Keefe; Abstain: None; Absent: None).

On May 9, 2023, staff issued the notice of the ZAB decision, and on May 23, 2023, the matter was appealed to City Council. The appellants include seven individuals who obtained signatures from 62 residents within 300 feet of the project site and 32 signatures from others, for a total of 101 signers of the appeal letter. The City Clerk set

[1] The ZAB staff report inaccurately stated that the LPC forwarded six recommendations to ZAB; in fact the motion to forward recommendations to ZAB failed.

the matter for review by the Council on July 24, 2023. Appellants were informed of the hearing date by letter on June 14, 2023.

On or before July 10, 2023, staff posted the public hearing notice of the Council hearing at the site and six nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, to all registered neighborhood groups that cover this area, interested parties who requested notice, and the appellants. The Council must conduct a public hearing to resolve the appeal.

BACKGROUND

The project site is located east of Telegraph Avenue and Willard Middle School. The area north, south, and east of Willard Park is residential and consists predominantly of two- to three-story dwellings.

The generally rectangular, 2.7-acre project site is a corner lot, with frontages on Derby Street and Hillegass Avenue. In 1969 Willard Park opened with only a turfed field. In 1970, the Willard Park Citizens Committee approved designs for a playground, “clubhouse,” tennis courts, and restroom. A Use Permit was not located for the building.

The Willard Park tennis courts occupy the former Regent Street right-of-way that passes through the park, and a path west of the tennis courts connects Derby Street to the Regent Street cul-de-sac behind Willard Middle School. The site is currently developed with the clubhouse and attached restrooms (now defined for zoning purposes as a community center) at the southeast corner of the lot, and a playground east of the tennis courts and north of the clubhouse. Much of the park is open space, with grass and mature trees. North of the clubhouse, along the Hillegass Avenue frontage, is a large oak tree. A large maple tree is east of the clubhouse along Hillegass Avenue, and a large redwood tree is south of the clubhouse.

The proposed project would involve the demolition of the existing clubhouse and restrooms and the construction of a new larger clubhouse in the southeast corner of the lot. The new clubhouse would include two community rooms, which could be combined into one room, a kitchen, restrooms, and an office. A covered trash enclosure would be added at the southeast corner of the lot. There would be a terrace east of the clubhouse, and new bicycle racks would be added between the terrace and the maple tree. A separate new restroom building would be added north of the playground and east of the tennis courts.

While the project was being reviewed in 2022 for zoning compliance, off-street parking was required by ordinance and a variance was requested to provide zero parking spaces. The applicant hired a consultant to prepare a transportation impact study to determine the number of parking spaces that should be required. The consultant recommended that a temporary on-street loading zone be added to accommodate drop-off and pick-up of children. The applicant planned to expand the existing 24-foot loading zone on Hillegass Avenue by 36 feet, to create a 60-foot on-street loading zone near

the clubhouse. On January 1, 2023, AB 2097 went into effect and off-street parking is no longer required for this project proposal. Parks staff may still work with Public Works staff to add an on-street loading zone in the future.

At its April 27, 2023 hearing, the ZAB heard concerns from the community about the size and location of the project buildings. Much of the ZAB's discussion was focused on the question of whether ZAB could make the findings that a variance for a reduced rear setback was necessary to preserve a substantial property right. While the ZAB ultimately determined that the findings could be made, staff have subsequently revised the findings to add additional background regarding the substantial property rights that are at issue (see Attachment 1A, section 3B). ZAB also added a condition of approval to consider bird safe glass measures, which is included in the findings and conditions before City Council (condition number 11).

The ZAB staff report inaccurately stated that the LPC had forwarded six recommendations to ZAB pertaining to historic preservation. Based on that presumed recommendation, ZAB added conditions of approval requiring the applicant to salvage the plaque attached to the building, photo document the existing building, and include interpretive panels on the park's history in park renovations. However, in fact the motion to forward recommendations to ZAB failed (M/S/F: Finacom/Adams; Vote: 3-6-0-0; Yes: Adams, Finacom, Linvill; No: Crandall, Enchill, Leuschner, Montgomery, Schwartz, Twu; Abstain: none; Absent: none). Therefore, the revised Findings and Conditions (Attachment 1A) prepared for City Council do not include those conditions that were based on the supposed LPC recommendation.

For additional project background, please see Attachment 4, the April 27, 2023 ZAB staff report for this project.

RATIONALE FOR RECOMMENDATION

The issues raised in the appellants' letter and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the attached appeal letter (Attachment 2) for the full text.

Issue 1: Measure L (1986) violation. Appellants assert that the replacement of the existing clubhouse with a larger building requires voter approval (Attachment 2, page 1).

Response 1: Measure L was adopted by the City in 1986 and is codified in Berkeley Municipal Code (BMC) Chapter 6.42. BMC Section 6.42.010 states that no public parks or public open space shall be used for any purpose other than public parks and open space. A change in use at a park or open space requires voter approval.

"Public parks" are defined as "City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent

recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds." *(BMC Chapter 6.42)*

"Public open space" is defined as "all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreation use or potential use on or after January 1, 1985." *(BMC Chapter 6.42)*

The parcels that make up Willard Park were purchased by the City of Berkeley in 1957, 1964, and 1968. The park was formally dedicated in 1971 and has been in use as a public park ever since. Therefore, Willard Park is a "public park" and not "public open space" for the purposes of Measure L.

"Park" is not defined elsewhere in the BMC. The Random House Dictionary definition of "park", which has previously been cited by California case law, is "an area of land, usually in a largely natural state, for the enjoyment of the public, having facilities for rest and recreation, often owned, set apart, and managed by a city, state, or nation."

The operative question is not whether construction changes the purpose of a facility, but whether it changes the purpose of the public park. The renovation and expansion of the Clubhouse (and its renaming as the Community Center) does not constitute a change in purpose for Willard Park; the park will still be used for recreation.

Under the ZAB-approved Use Permit project, the park would remain a park and the existing built areas for park buildings would increase in size. Voter approval is not required for the proposed improvements to Willard Park because no new or altered land uses would be introduced to the park. Furthermore, the zoning definition of "community center" is consistent with the existing use of the site: *A noncommercial facility where the public can meet for social, educational, or recreational activities*.

An example of a new use that would require voter approval would be the addition of a building to be used as classrooms for a school, since a school is a different use category. The community center use is an existing use at the park because there is an existing clubhouse building. Parks staff indicate that the building has been used for an afterschool program since it opened in the 1970s.

At the April 27, 2023 ZAB hearing, staff advised ZAB and the interested parties the Use Permit request was not a change-of-use, and therefore was not subject to a vote of Berkeley residents. ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point.

Issue 2: California Environmental Quality Act (CEQA). Appellants assert that a categorical exemption should not apply because the use is changing from a

clubhouse to a community center and associated impacts, such as parking and traffic, have not been sufficiently addressed (Attachment 2, page 8).

Response 2: Appellants are concerned that the new community center will create impacts on traffic, parking, and noise. Section 21084 of the Public Resources Code requires the CEQA guidelines to have a list of projects that have been determined not to have a significant effect on the environment, and are therefore exempt from the provisions of CEQA. Based on the recommendation from staff, ZAB found that the project qualifies for the Class 3 (New Construction of Conversion of Small Structures) categorical exemption (Section 15303 of the CEQA Guidelines).

The Guidelines list, as non-exclusive examples of small facilities that would qualify for the exemption, a store, motel, office, restaurant, or similar structure not exceeding 2500 square feet, or up to 4 such buildings not exceeding 10,000 square feet, in an urbanized area. (*Id.* § 15303(c).) The Guidelines also list, as further examples, a single-family residence, or up to 3 such residences in urbanized areas. (*Id.* § 15303(a).)

The proposed Community Center is similar to these examples because it is 3,499 square feet, which is smaller than the 10,000 square feet authorized by the Guidelines, and it is smaller and uses fewer resources than commercial structures or residences that are expressly exempt under Class 3 (such as a 9,000 square foot home or four separate restaurants of 2,000 square feet or more). The proposed Community Center is also only 15 feet, 8.5 inches tall, which is shorter than that allowed by zoning in the surrounding area. (See BMC 23.202.080(D).) Thus, it is appropriate to apply the Class 3 exemption.

Additionally, none of the exceptions in CEQA Guidelines Section 15300.2 apply because: (a) the project will not "impact an environmental resource of hazardous or critical concern"; (b) there are no cumulative impacts because there have not been successive projects of this type in the same place; (c) there is not a "reasonable possibility that the [Project] will have a significant effect on the environment due to unusual circumstances"; (d) the project is not located near a scenic highway; (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5; and (f) the project would not affect any historical resource because there are no landmarks or structures of merit in Willard Park.

For purposes of exception (c), the Project's size, location, and purported impacts on traffic do not amount to an "unusual circumstance" creating a reasonable possibility of a significant effect on the environment. The proposed Community Center is similar in size and effect to other Class 3 projects, and to other buildings in the surrounding area. It is also less resource-intensive than other projects in the exempt class, such as large commercial structures. As a result, there are no unusual effects on traffic and noise in the community that would differ from the norm for other projects of its type.

Traffic impact analysis is not required for projects located within a quarter mile of a "high-quality transit corridor[2]" or a half mile from a "major transit stop[3]." Because this site is within a quarter mile from a high-quality transit corridor, no traffic impact analysis is required for the City's review and consideration. In addition, the use of the site will not increase substantially but instead will be enhanced to meet existing demand in a more suitable setting.

ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point.

Issue 3: Intensification of Use. Appellants assert that a change in use from "clubhouse" to "community center" and the intensification of use would lead to impacts to the neighborhood such as increased noise (Attachment 2, page 1).

Response 3: This appellant point appears to be the result of a misunderstanding of terminology. The subject building, referred to as the Willard Park Clubhouse, is a community center as defined under the Zoning Ordinance, BMC Section 23.502.020. Specifically, the BMC defines community center as a "noncommercial facility where the public can meet for social, educational, or recreational activities."

The term "clubhouse" is not defined in the municipal code. The existing and proposed new buildings both function as a community center because of their noncommercial recreational use. Adding a new building to be used for social, educational, and recreational activities would not change the use at the site. The use would continue to be a park, with related uses and structures, including a field, playground, tennis courts and restrooms.

Appellants are concerned that the proposed park improvements would result in greater noise because the park would be available for social activities and could include amplified music. However, the facility would be under the control and supervision of the City, which could impose various restrictions on the use of the facility, and any noise disturbance is governed by the Community Noise Ordinance, BMC Section 13.40. The park is currently and would continue to be subject to the Community Noise Ordinance if City Council upholds the ZAB decision to approve the project.

The applicant arrived at the proposed improvements and programming of Willard Park after reviewing feedback from the community and the Parks, Recreation and Waterfront Commission, studying the site constraints and budget, and weighing all of the public

[2] Defined in Public Resources Code 21155 as corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
[3] Defined in CEQA Section 21064.3 as a site containing a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

interests. In accordance with its purview under the Zoning ordinance (Title 23), ZAB does not dictate park programming. According to Parks staff, the increased size of the facility would better accommodate existing demand. Currently, the capacity of the afterschool and summer day camp programs are limited to 45 children, with a waitlist of approximately 25 children. The proposed maximum enrollment with the new building is 60 children.

ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point.

Issue 4: Variance Findings. Appellants assert that reducing the R-2 District minimum rear yard setback from 20 feet to 16 feet would impact the abutting property at 2732 Hillegass Avenue (neighboring property to the south) and violates the owner's property rights (Attachment 2, page 1).

Response 4: The applicant has requested a variance to the required R-2 District minimum rear setback for the new building. This adjustment would facilitate a new community center while reducing impacts to the park's open lawn area. The requested 16-foot setback will reduce the open lawn area by 1,088 square feet, which is 1.3 percent of the lawn open space area (84,384 square feet, including the playground). A 20-foot setback will reduce the open lawn area by 1,752 square feet, which is 2 percent of the lawn open space area.

The appellants state that the proposed 16-foot rear setback is insufficient when compared to other community centers within the City, which often have a street separating them from neighboring properties (Appeal letter, page 9 of 22). It is true that the community centers at other parks (for example Live Oak Park and San Pablo Park) do not abut residential properties. However, the existing clubhouse building has a rear setback of 11 feet 8 inches, and has been in operation since the 1970s. Parks staff prefer a 16-foot setback for the proposed community center because the building will largely comply with the required rear setback, the setback will increase relative to existing conditions, the programmatic needs of the project can be met, less land behind the building will be unnecessarily left unused, and the impacts to the open lawn area will be minimized.

The appellants contend that the variance for the rear setback is a "taking" from the property rights of the abutting property owner (Appeal letter, page 9 of 22). Takings jurisprudence arises from the Fifth Amendment to the United States Constitution, and provides that no private property can be taken for public use without the payment of just compensation. There are many different types of takings (physical invasions of property, regulatory takings that restrict the use of property, or land use exactions such as easements), none of which are applicable to the effect of this project upon neighboring parcels. The appellants cite a ZAB member who said "there is no exceptional circumstance" that warrants the variance for the setback. As discussed in the ZAB staff

report and findings, Willard Park is one of the few places in the area that provides City-owned public open space, the need for public open space limits the location of the proposed community center, and the variance is proposed to add a new community center while limiting impacts to open space. In a vote of eight "yes" and one "no," the majority of ZAB members voted to approve the variance. In approving the variance, the City is not taking any part of the property at 2732 Hillegass Avenue.

The appeal point appears to be without merit. ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point

Issue 5: Detriment Finding – Interior Side Yard. Appellants assert that the proposed 6-foot interior side setback from 2731 Regent Street (neighboring property to the west) is detrimental and violates the owner's property rights (Attachment 2, page 1).

Response 5: The current interior (right) side setback for the clubhouse is 87 feet. The R-2 development standards require only a 4-foot interior setback for the proposed building. The appellants refer to the change in the setback as a "violation of the historically determined setback for the lot on which the proposed building is going to be built" (Appeal letter, page 21 of 22). A setback is defined as the distance between a lot line and a building or other site improvement (BMC Section 23.502.020). Setbacks are not based on the historical use or condition of a property. The proposed interior-side setback conforms to the Zoning code.

The appeal point appears to be without merit. ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point.

Issue 6: Detriment Finding – Building Height. Appellants assert that the proposed building is two stories when viewed from the west, and will impact the views of abutting properties (Attachment 2, page 2).

Response 6: The proposed building is one story in height and no significant view corridors would be affected by the ZAB-approved project.

BMC Section 23.106.060 defines a story as the "portion of a building included between the upper surface of any floor and the upper surface of the floor next above." The number of stories of a building is not based on the height of the building. The proposed building would feature a single floor level and, therefore, would be a single-story building. The proposed height of the building is 17 feet 8 ½ inches, and the existing building is approximately 12 feet high. The height of the building is based on measuring from the average grade under the building to the top of the ridge of the proposed shed roof (see BMC Section 23.106.090(A) for more on *average height*).

The appellants are concerned the new community center will block the view of the park for some tenants who reside at 2732 Hillegass Avenue (Appeal letter, page 20 of 22). Evidence of the existing view and the impact of the proposed project were not provided by appellants. BMC Section 23.502.020, defines view corridors as a "significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property." The Willard Park neighborhood features relatively flat topography and does not provide significant west-facing vistas. Sightlines of the park from nearby vantage points are not protected view corridors under the Zoning ordinance. Substantial tree cover already obscures views, as well.

ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point.

Issue 7: Detriment Finding - Rainwater Drainage (Attachment 2, Page 2). Appellants assert that runoff will be affected by the development and harm neighboring property.

Response 7: The adjacent neighbors residing at 2731 Regent Street and 2732 Hillegass Avenue are concerned about the drainage at the site of the proposed building because their properties are at a lower elevation than the park.

The City's standard practice requires drainage to be unimpeded and not redirected to neighboring properties. The slopes of the site will be slightly modified to accommodate the floor of the new building, and retaining walls and swales will be provided to direct runoff within the park site. Public Works Engineering staff review building permit applications for compliance with best practices. The ZAB-approved Use Permit includes standard Conditions of Approval (COAs) that address drainage at the site during construction and at all times; see COAs #35-41 and #48 in Attachment 1, Exhibit A. Therefore, staff concludes that this matter would be addressed if City Council were to uphold ZAB's decision and recommends the Council dismiss this appeal point.

Issue 8: Detriment Finding - Size, Placement, and Safety of Restroom. (Attachment 2, page 2).

Response 8: The proposed park improvements include a new restroom building to be located east of the tennis courts, at the edge of the open space area, that will open to the west. However, the appellants would prefer that the proposed restrooms be located north of the tennis courts, and have suggested a Portland Loo (prefabricated restroom) be installed instead of a new restroom building (Appeal letter, pages 18 to 19 of 22). The appellants are concerned because the restroom doors will not be readily visible from Hillegass Avenue or Derby Street and people may not feel safe walking from the

street to the restrooms at night. The appellants would like to know whether the Berkeley Police Department has reviewed the location and orientation of the restroom building.

At the ZAB hearing, the project architect stated that they chose not to locate the new restroom north of the tennis courts because that would have required removing the "potters" wall along Derby Street. The applicant team took a poll and surveyed the public, and also talked to the police, and decided to locate the new restroom east of the tennis courts, at the edge of the open space area. After confirming that the applicant had discussed the restroom location with the police ZAB indicated that they were satisfied with the location of the restroom.

The applicant has proposed a new restroom building, with two gender neutral stalls, that is 17 feet 11 inches in length and 10 feet wide. The appellants state that the Portland Loo is smaller, measuring 10 feet 7 inches in length and 6 feet in width. The appellants add that two Portland Loos would fit parallel to the north fence of the tennis court, and since the Portland Loo would not require utility connections it would cost less than a new restroom building. The type of restroom building added to the site (modular or new construction that matches the new community center) is not under the purview of ZAB. The appellants' preferred location for the new restrooms is outside of the project site, on an abandoned right-of-way.

ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point.

Issue 9: Participation: Appellant asserts that the plans presented at the April 27, 2023 ZAB hearing were not previously presented to the community for comment. They also believe that time allotted to speakers at the hearing was insufficient (Attachment 2, page 5).

Response 9: Between September 2019 and October 2021, Parks staff held five community meetings and eight focus group meetings. The final conceptual design was presented to the community at a meeting on October 28, 2021, with a compliant 20-foot rear setback for the community center. Due to community concerns about impacts to the open lawn area, the applicant's architect created architectural drawings with a 16-foot setback subsequent to the public meetings.

In June 2022, the applicant submitted their Use Permit/Variance application to Land Use Planning, including architectural plans which were more detailed than the conceptual designs previously shared with the community. However, the required project information poster was attached to fences on the Hillegass Avenue and Derby Street frontages at the site, which provided a description of the project and a contact person for obtaining more information. In October 2022 the applicant submitted revised project plans. The size of the main building was reduced from 4,200 square feet to 3,285 square feet due to increased construction costs. Like all other discretionary

Zoning permits, the project files, including plans, were posted to the City's webpage (https://permits.cityofberkeley.info/citizenaccess/Default.aspx). Staff was contacted by members of the public about the project, and staff provided instructions on how the public could locate the plans on the City's website.

Two weeks before the ZAB meeting, staff sent out public hearing notices to the owners and occupants who reside at or own properties within 300 feet of the project site, and posted public hearing notices in the project vicinity. When the ZAB meeting agenda packet was published, staff forwarded the link to members of the public who had previously emailed staff. At the ZAB meeting, due to the number of attendees interested in speaking on this item, and other items on the agenda, the ZAB chair limited public comment to one minute per person. The project plans presented at the ZAB hearing were more refined than the conceptual drawings presented at public meetings before the application was submitted, and also showed a 16-foot rear setback. Members of the community have been able to review the plans and submit comments since the application was submitted.

ZAB considered and discussed the evidence presented at the hearing, and acted within its purview to approve the proposed project. Staff recommends that Council dismiss this appeal point.

Issue 10: Application Materials: Appellant asserts that story poles should have been installed (Attachment 2, page 2).

Response 10: Consistent with the City's practice, the installation of story poles is not required for low-rise development projects like the subject single-story building nor for projects outside of the Hillside Overlay district.

The City's Zoning Project Application Submittal Requirements indicate that story poles are required for new main buildings and additions exceeding 14 feet in average height in the Hillside Overlay District. This project is not in the Hillside Overlay. Furthermore, staff did not require the installation of story poles because the project area does not feature scenic vistas as defined in BMC Section 23.502.020 for view corridors as discussed previously under Appeal Issue 6, above.

Therefore, staff finds that this Appeal point does not warrant further consideration and recommends the Council dismiss this matter.

ENVIRONMENTAL SUSTAINABILITY

The project approved by the ZAB is in compliance with all applicable State and local environmental requirements, would be located in a transit-rich area, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

ALTERNATIVE ACTIONS CONSIDERED
Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ZAB approved the variance for the 16-foot rear setback, but Council could modify the allowed rear setback. The new building otherwise complies with development standards. At the request of staff, after the ZAB hearing, the applicant provided an alternative, modified version of the site plan which shows the impact of shifting the proposed building to comply with the 20-foot rear setback (Attachment 3). A 20-foot setback will not impact the existing mature trees (oak, maple, and redwood), but it will shift the path in front of the new community center further north, which will reduce the open lawn area by approximately 1,800 square feet.

Action Deadline:
Pursuant to BMC Section 23.410.040(I), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS
Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Allison Riemer, Associate Planner, (510) 981-7433

Attachments:
1. Draft Resolution
    - Exhibit A: Findings and Conditions – revised for Council
    - Exhibit B: Project Plans, received April 7, 2023
2. Appeal Letter, received May 23, 2023
3. Alternative Site Plan showing 20-foot setback, received June 2, 2023
4. April 27, 2023 ZAB Hearing Staff Report
5. Index to Administrative Record
6. Administrative Record
7. Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

AFFIRMING THE ZONING ADJUSTMENTS BOARD APPROVAL OF VARIANCE/USE PERMIT #ZP2022-0095 TO DEMOLISH AND REPLACE/EXPAND THE EXISTING RECREATION BUILDING AND PUBLIC RESTROOM (COMMUNITY CENTER) WITH A REDUCED REAR SETBACK AND TO CONSTRUCT A STAND-ALONE PUBLIC RESTROOM BUILDING AND A TRASH ENCLOSURE WITHIN AN EXISTING PUBLIC PARK IN THE R-2 (RESTRICTED TWO-FAMILY RESIDENTIAL) DISTRICT. AND DISMISS THE APPEAL.

WHEREAS, on June 9, 2022, City of Berkeley Parks, Recreation, and Waterfront Department staff ("Applicant") submitted a Variance/Use Permit application (UP) to demolish the existing clubhouse and restrooms, and construct a new community center in the southeast corner of Willard Park, with a variance for a rear setback of 16 feet where 20 feet is required, and add a new restroom building north of the playground and east of the tennis courts; and

WHEREAS, on November 3, 2022, the Landmarks Preservation Committee (LPC) reviewed the demolition of the existing recreation building and took no action to initiate the property for local register consideration (i.e., Landmark or Structure of Merit designation);

WHEREAS, on April 13, 2023, staff posted the public hearing notice of the ZAB hearing at the site and six nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area

WHEREAS, on April 27, 2023, the ZAB conducted a public hearing for the Variance/Use Permit. After hearing public comments and holding discussion, the ZAB approved the Use Permit by a vote of 8-1-0-0; and

WHEREAS, on May 9, 2023, staff issued the notice of the ZAB decision, and on May 23, 2023, the matter was appealed to City Council. The appellant party includes seven appellants who obtained signatures from 62 residents within 300 feet of the project site, and 32 signatures from others, for a total of 101 signers to the appeal letter. The City Clerk set the matter for review by the Council on July 24, 2023. Appellants were informed of the hearing date by letter on June 14, 2023; and

WHEREAS, on or before July 10, 2023, staff posted the public hearing notice of tonight's hearing at the site and six nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and

WHEREAS, on July 24, 2023, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby adopts the findings made by the ZAB in Exhibit A to affirm the decision of the ZAB to approve Use Permit #ZP2022-0095, adopts the conditions of approval in Exhibit A, adopts the project plans in Exhibit B, and dismisses the appeal.

Exhibits
A: Findings and Conditions
B: Project Plans, received April 7, 2023

Attachment 1, Exhibit A

DRAFT FOR CITY COUNCIL

Findings and Conditions

JULY 24, 2023

2720 Hillegass Avenue – Willard Park

#ZP2022-0095 Use Permit and Variance to demolish and replace/expand the existing recreation building and public restroom (community center) with a reduced rear setback and to construct a stand-alone public restroom building and a trash enclosure within an existing public park in the R-2 (Restricted Two-Family Residential) District.

PERMITS REQUIRED

- Use Permit, under BMC Section 23.326.070(A), to demolish the existing non-residential main building (community center and restroom).
- Use Permit, under BMC Section 23.202.020(A), to construct a new non-residential main building to expand and operate the new community center.
- Variance, under BMC Section 23.406.050, from BMC Section 23.202.080(D)(1), to allow a reduced rear setback of 16 feet where 20 feet is required (new community center building).
- Administrative Use Permit, under BMC Section 23.304.060(C)(1) to construct a non-residential accessory building (new restroom).
- Administrative Use Permit, under BMC Section 23.304.060(C)(2)(b), to construct an accessory structure (trash enclosure) within a street side setback on a corner lot.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines ("New Construction"). Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area where an environmental resource of hazardous or critical concern is designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies; (b) there are no cumulative impacts of successive projects of the same type in the same place over time; (c) there are no significant effects due to unusual circumstances; (d) the project is not located near a scenic highway, (e) the project site is not located on a list of hazardous waste sites compiled pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. ZONING FINDINGS

1. Use Permit for Demolition. As required by BMC Section 23.326.070(C) and (D), the Council finds that the proposed demolition of the existing non-residential building is permissible because:

A. A historic resources evaluation of the property (Rincon Consultants, September, 2021) concluded that the existing clubhouse did not meet the criteria for the California/National Register or a City of Berkeley Landmark. At the regular LPC meeting on November 3, 2022, the LPC took no action to initiate the property for local register consideration (i.e. Landmark or Structure of Merit designation), but did vote to forward to ZAB several recommendations that were adopted by ZAB as special conditions of approval.

B. The demolition of the existing building will not be materially detrimental to the commercial andpublic interest of any affected neighborhood in the City because the existing community center is undersized and would be replaced to meet the needs of the community as expressed in a number of workshops, interviews, and studies. The existing 565 square foot building would be replaced with a new 3,301 square-foot building for childcare and community use, a new trash enclosure to secure and separate that function from the community center, and the new accessory restroom building would replace the existing 114 square-foot floor area with a new 198 square-foot building near the tennis courts, a location that is preferred by staff and the community (based on surveys and public meetings).

C. Demolition is necessary to allow construction of the proposed buildings because the site area available for a community center is limited based on the location of the general recreation area, large protected trees and circulation pathways.

2. Use Permit for New Construction and Operation. As required by BMC Section 23.406.040(E)(1), the Council finds that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. The project is subject to the City's standard conditions of approval regarding construction noise and air emissions, waste diversion, toxics management, tree protection, and stormwater control measures, among others. These standard conditions will ensure the project will not be detrimental to adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

B. Shadow studies document the project's shadow angles and lengths at three times of the day during the summer and winter solstice. The studies show that the new buildings would not shade any nearby dwellings.

C. Although the proposed community center building will not comply with the required 20-foot rear setback, the proposed 16-foot rear setback will be greater than the existing setback of 11 feet 8 inches. The proposed buildings will comply with all other required setbacks.

D. The new community center will not result in obstruction of significant views in the neighborhood. This neighborhood is generally flat and developed with multi-story buildings that filter or obscure views that may be available from off-site view angles.

E. The existing oak and redwood trees near the community center will be retained, and minimal grading and drainage changes will be made to fit to the site contours.

F. The community center building will be sited to provide a secure area in the rear and side yards with minimal public access and activity and an adjacent patio area for gathering near the public street where noise will be less noticeable.

G. The restroom building will be sited and designed to address the need for restrooms in a public park, to meet operations needs for security and maintenance, and to minimize visual intrusion on the park experience and surrounding neighborhood.

3. Variance for Reduced Rear Setback. As required by BMC Section 23.406.050(A) and (F), the Council finds that the Variance from BMC Section 23.202.080(D) to allow a rear setback of 16 feet where 20 feet is required is appropriate because the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property:

A. There are exceptional circumstances applying to the property which do not apply generally in the same district. The project site is unique in that it is relatively small for the number of uses at the site (2.72 acres, with a clubhouse, restroom, playground, and a large lawn). Furthermore, due to the unusual shape and size of the parcel, the yard dimensions required by the zoning ordinance are measured at odd points around the site. The site is a public park that provides open space and a community center, and contains several large, mature trees. The park is shared with the City and Willard Junior High School through a joint agreement. The community center and park is the site of a City of Berkeley after-school and summer day camp program for 45 children. The park is one of the few places in the area that provides City-owned public open space. There are several mature trees at the park, including a 36-inch Coast Live Oak tree. Per BMC Section 6.52.010 there is a moratorium on the removal of Coast Live Oaks. The need to preserve existing City trees, especially oak trees, and the need for public open space limits the location of the proposed community center.

B. The Variance is necessary to preserve a substantial property right. This publicly owned, operated, and maintained land presents unique requirements, opportunities and constraints not found in private development, thus the development of the project requires the balancing of the public interest with the strict adherence to development standards commonly applied to private development. The City of Berkeley has a substantial property right to maintain and upgrade its park facilities in order to meet demand. The new community center has been designed to provide more indoor space for after-school and summer day camp programs while also adhering to the other required setbacks and preventing negative impacts to on-site trees. The design of the park improvements is based on community meetings and focus group meetings with neighbors, parents, and Parks Department staff, in light of the view that parks are an important resource for everyone, and after-school and summer day camp programs are important to area families. The community center would be larger than the existing building so that more children may enroll in after-school and summer day camp programs and so that the function of the building is more conducive to modern needs including accessible all-gender restrooms, a small kitchen, and a secure administrative office. The proposed 4-foot reduction in the rear setback along one side of the new community center building allows for a building that meets the needs of all park users, without damaging or removing large trees, and by retaining other adjacent recreational open space and circulation paths to the maximum extent possible. Because the Project would be the only community center in Districts 7 and 8, it is appropriate to look at other community centers in the City as a whole as a comparison. Willard Park is zoned R-2.

Berkeley has three other community centers: Frances Albrier Community Center, James Kenney Community Center, and Live Oak Community Center. Most analogous is Live Oak, which is zoned R-2H and was developed using a T-1 bond in 2020. It is 15,000 sq ft. Frances Albrier is zoned R-1 and is 21,300 sq ft. James Kenney is in R1-A and is 20,960 sq. ft. The proposed new Community Center is 3,301 sq ft, substantially less than these other community centers. Failure to allow the Applicant to renovate and expand the Willard Park clubhouse could deprive the City of a substantial property right to develop its land.

C. The Variance will not adversely affect the health or safety of persons residing or working near the property. The Variance would not modify the requirements of the California Building Code, Fire Code, and all other applicable laws, which the project would adhere to. The reduced rear setback for the community center would not induce any other impacts. Although the community center would increase in size, the functions of the building would remain essentially the same, and a modest increase in enrollment and usage would be accommodated by the local streets and sidewalks.

D. The Variance will not be materially detrimental to the public welfare or injurious to nearby property or improvements. The new clubhouse would be compatible in terms of building height and the quality of materials with other buildings in the immediate neighborhood and therefore would not be materially detrimental to the neighborhood in terms of views, light, or air impacts. The new clubhouse would not cast shadows onto nearby residences, and would be lower in height than area residences. Runoff would be controlled to remain on site and not cause erosion or other impacts to neighboring property.

E. The Variance will promote the municipal health, welfare, and safety and benefit the city as a whole.

4. Administrative Use Permit for Accessory Buildings. As required by BMC Section 23.304.060(C)(1) and (C)(2) and Section 23.406.030, the Council finds that construction of an accessory building and accessory structure for purposes of a public restroom and a trash enclosure is permissible because it:

A. Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of the proposed use because the new restroom will be located along a path near the tennis courts where it will serve the needs of the recreational users of the park including the playground and lawn area, while avoiding impacts to the existing trees and lawn, and the trash enclosure is located within the existing development envelope of the community center, will screen trash bins from view and secure them from public access, and will be designed to be consistent with the character of the site.

B. Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City because the restroom building would comply with the accessory building development standards and would be subject to maintenance and security measures as recommended by the Parks Department staff and Police Department, and the trash enclosure would be of a small scale and provide water quality control measures by being roofed and drained.

C. Will not be detrimental to the light, air, privacy, and view of adjacent properties because the enclosure will be set back from the street and adjacent properties and screened by existing and proposed landscaping, while providing a secure and well-designed location for trash and recycling that is separate from the community center building and that will be accessible for regular pick-up by collection vehicles.

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.

B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.

B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.

C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).

D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)
No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement
The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

IV. ADDITIONAL CONDITIONS IMPOSED BY THE CITY COUNCIL

Pursuant to BMC 23.404.050(H), the Council attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Tree and Root Protection. The applicant shall include the March 28, 2022 letter from City staff on Tree and Root Protection in the plans and follow recommendations on those plans.

11. Consider bird safety measures:

A. Create visual markers and mute reflections in the glass features of the buildings. Glass treatment, e.g. modifications in transparency, reflectivity, patterns and colors shall be on all glazing surfaces larger than 12 square feet in uninterrupted area. Applying these solutions to the entire building is preferred. Indicate the glass treatment in the building permit plans.

B. Reduce light pollution which disorients migrating birds by choosing exterior light fixtures that project light downward rather than toward the sky, by turning off interior lights at night, especially during spring and fall migration periods, and by locating interior plantings away from glass areas that are lit at night.

12. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

☐ **Project Liaison** _____

Name Phone #

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

13. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

14. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.

15. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. Environmental Site Assessments:

1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:

- All new commercial, industrial and mixed use developments and all large improvement projects.
- All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
- EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf

2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:
1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:
1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:
1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at http://cers.calepa.ca.gov/ within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at http://ci.berkeley.ca.us/hmr/

Prior to Issuance of Any Building (Construction) Permit

16. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and

cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

17. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.

18. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ETo) for Berkeley is 41.8.

19. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The building permit plan set submission shall both include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.

20. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).

21. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

22. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

23. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
D. All vehicle speeds on unpaved roads shall be limited to 15 mph.

E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

24. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using Green Halo and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original Construction Waste Management Plan and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

25. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.

26. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking

of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

27. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

28. Archaeological Resources (*Ongoing throughout demolition, grading, and/or construction*). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

29. Human Remains (*Ongoing throughout demolition, grading, and/or construction*). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate

the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

30. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

31. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

32. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater

pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.

H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

I. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.

J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

33. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

34. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

35. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

36. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

37. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.

38. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

39. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit application. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.

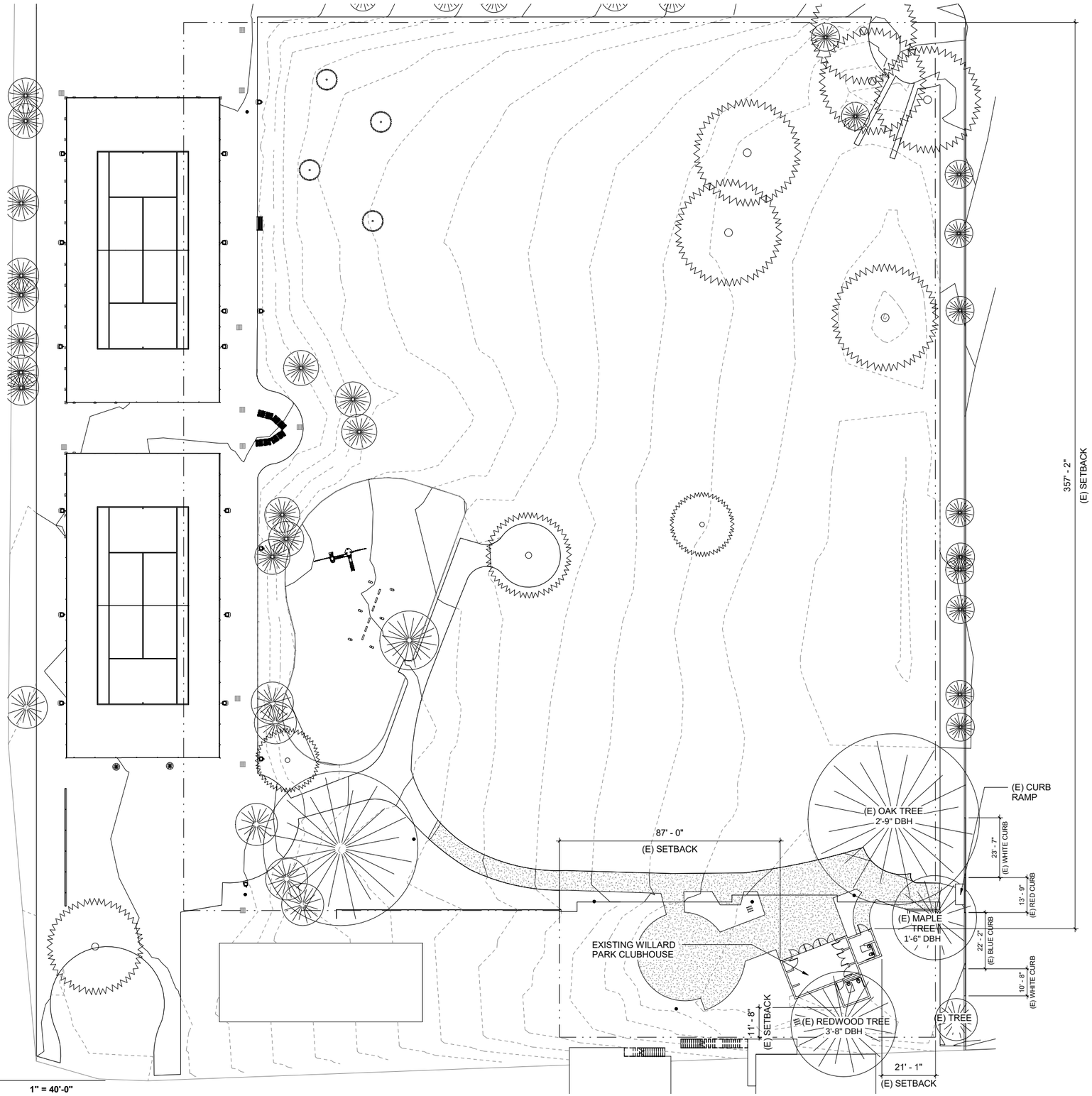
40. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings received April 7, 2023, except as modified by conditions of approval.

At All Times:

41. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

42. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

43. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.



SITE PLAN 1" = 40'-0"

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PROJECT:

WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE. BERKELEY, CA 94705

PROJECT INFO:

ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

ELS PROJECT NUMBER:

201320.27

CLIENT:

CITY OF BERKELEY

1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

PROJECT TEAM:

ARCHITECT:
ELS ARCHITECTURE AND URBAN DESIGN
2040 Addison Street
Berkeley, CA 94704
P: 510.549.2929

REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:

ZONING SUBMITTAL

DATE:

03/20/2023

STAMP:

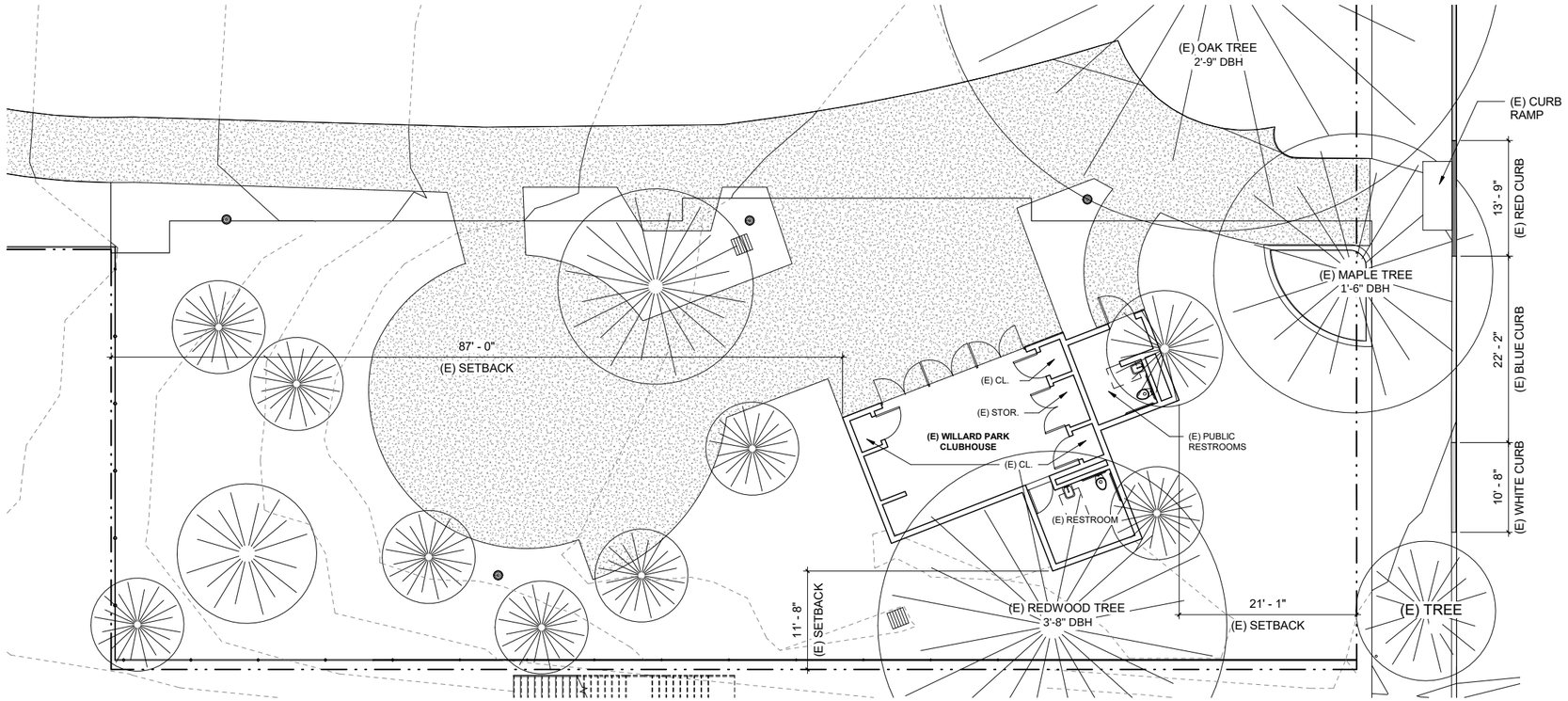
LICENSED ARCHITECT
GERALD NAVARRO
C-26408
REN. 05/23
STATE OF CALIFORNIA

SHEET TITLE:

EXISTING SITE PLAN

SHEET NUMBER:

Z2-A1



1 EXISTING FLOOR PLAN
1/16" = 1' -0"

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2720 HILLEGASS AVE. BERKELEY, CA 94705

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201320.27

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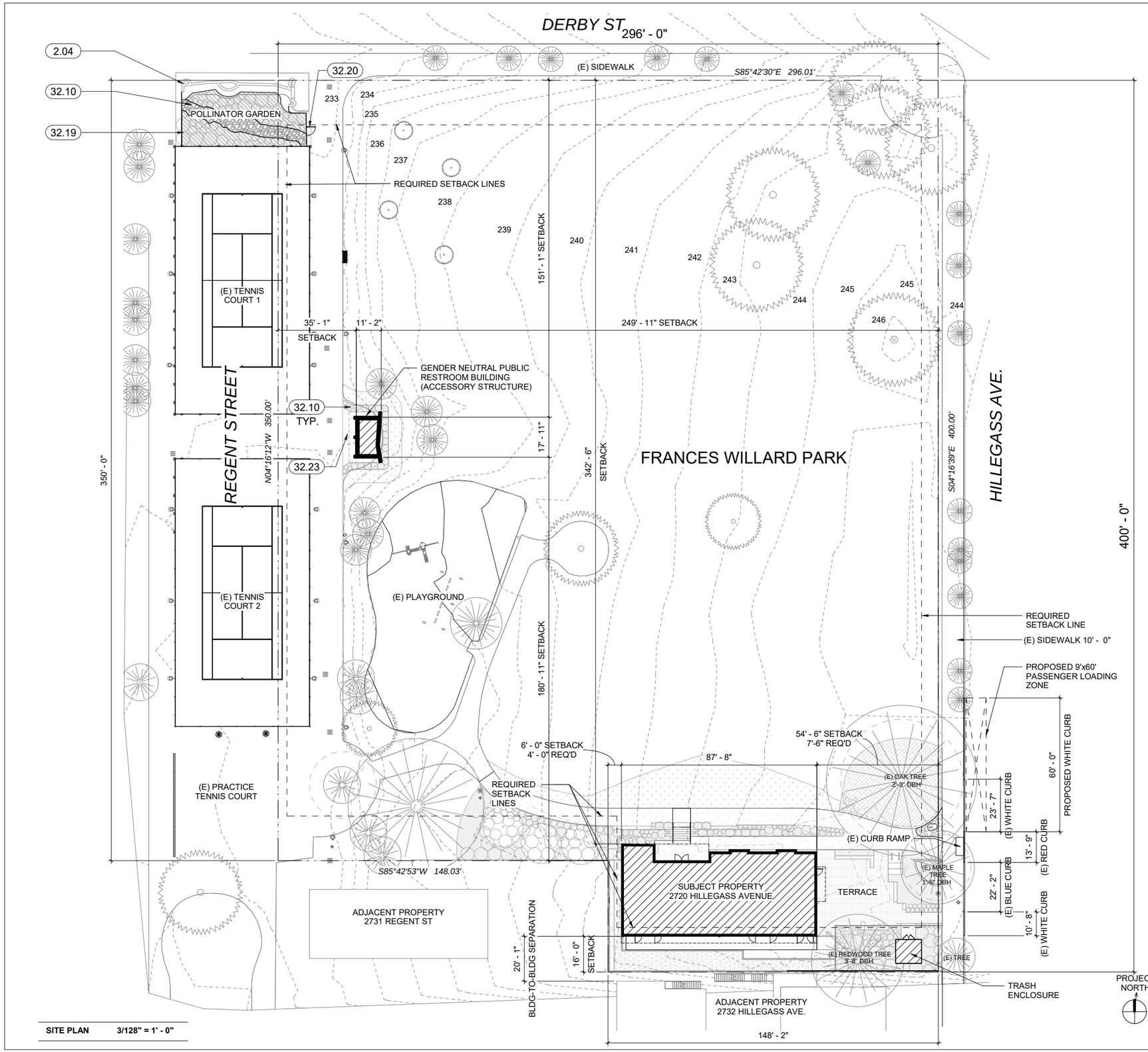
LICENSED ARCHITECT
GERALD NAVARRO
C-26408
REN. 05/23
STATE OF CALIFORNIA

SHEET TITLE:

EXISTING FLOOR PLAN

SHEET NUMBER:

Z2-A2



SITE PLAN 3/128" = 1' - 0"

KEYNOTE LEGEND - ZONING

2.04	(E) DECORATIVE "POTTERS" WALL TO REMAIN
32.10	PLANTING, S.L.D.
32.19	3'-0" HIGH CHAIN LINK FENCE, S.L.D.
32.20	3'-0" HIGH CHAIN LINK GATE, S.L.D.
32.23	PROVIDE PAVING

GROSS FLOOR AREA SF

	SF	TOTAL SF
WILLARD PARK CLUBHOUSE	3,301 SF	3,499 SF
GENDER NEUTRAL PUBLIC RESTROOM BUILDING	198 SF	

LEGEND

- PROPERTY LINE
- EXISTING TOPOGRAPHY LINE
- PROPOSED TOPOGRAPHY LINE
- EXISTING ITEM TO REAMIN AND BE PROTECTED
- PROPOSED ITEM
- EXISTING TREE TO REMAIN AND BE PROTECTED
- PROPOSED TREE

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1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

PROJECT TEAM:

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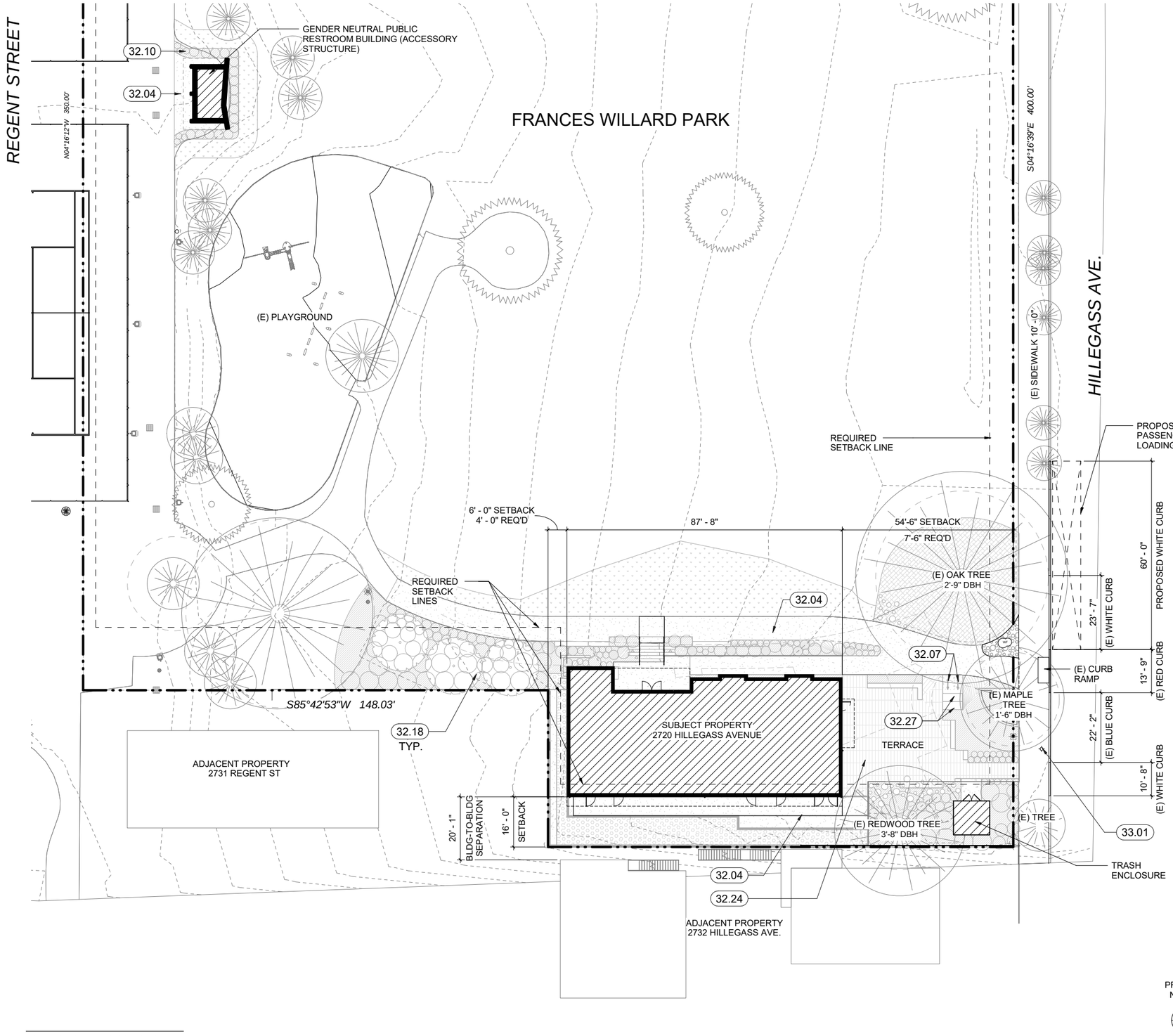
LICENSED ARCHITECT GERALD NAVARRO C-26408 REN. 05/23 STATE OF CALIFORNIA

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

Z2-A3



SITE PLAN **1/32" = 1' - 0"**

KEYNOTE LEGEND - ZONING

32.04	CONCRETE PAVING, S.L.D.
32.07	BICYCLE RACKS, S.L.D.
32.10	PLANTING, S.L.D.
32.18	PROPOSED TREE, S.L.D.
32.24	PERMEABLE PAVERS, S.L.D.
32.27	LONG-TERM BIKE LOCKERS, S.L.D.
33.01	FIRE HYDRANT, S.C.D.

GROSS FLOOR AREA SF

	SF	TOTAL SF
WILLARD PARK CLUBHOUSE	3,301 SF	3,499 SF
GENDER NEUTRAL PUBLIC RESTROOM BUILDING	198 SF	

LEGEND

- PROPERTY LINE
- EXISTING TOPOGRAPHY LINE
- PROPOSED TOPOGRAPHY LINE
- EXISTING ITEM TO REAMIN AND BE PROTECTED
- PROPOSED ITEM
- EXISTING TREE TO REMAIN AND BE PROTECTED
- PROPOSED TREE

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PROJECT:

WILLARD PARK CLUBHOUSE

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PROJECT INFO:

ZONING: R2
APN: 54-1711-27
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OCCUPANCY: A-3, B, S-2

ELS PROJECT NUMBER:

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CLIENT:

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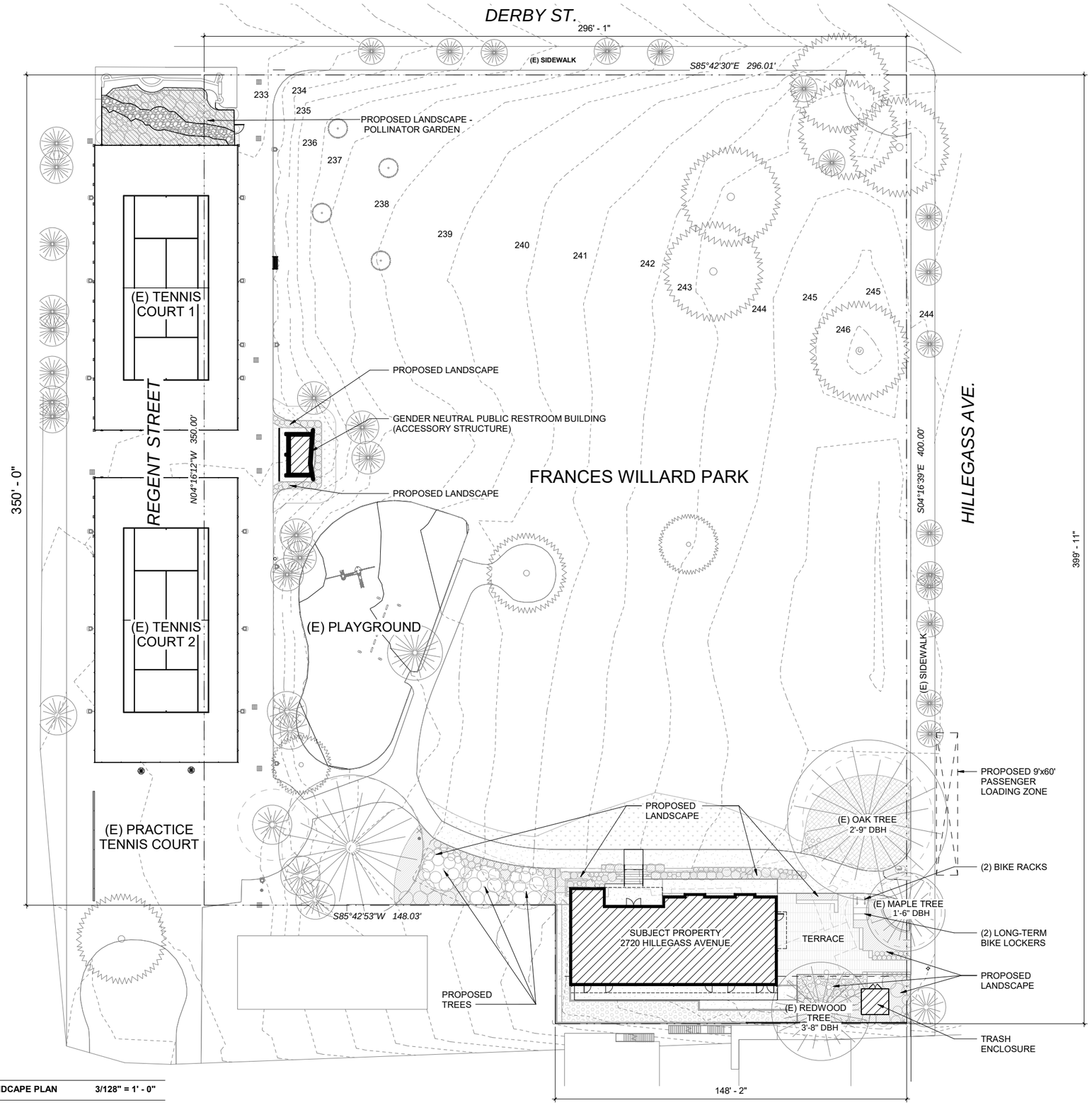
SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

Z2-A4



LANDCAPE PLAN 3/128" = 1' - 0"

LEGEND

- PROPERTY LINE
- EXISTING TOPOGRAPHY LINE
- PROPOSED TOPOGRAPHY LINE
- EXISTING ITEM TO REAMIN AND BE PROTECTED
- PROPOSED ITEM
- EXISTING TREE TO REMAIN AND BE PROTECTED
- PROPOSED TREE
- PROPOSED LANDSCAPE

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PROJECT:

WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE. BERKELEY, CA 94705

PROJECT INFO:

ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

ELS PROJECT NUMBER:

201320.27

CLIENT:

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1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

PROJECT TEAM:

ARCHITECT:
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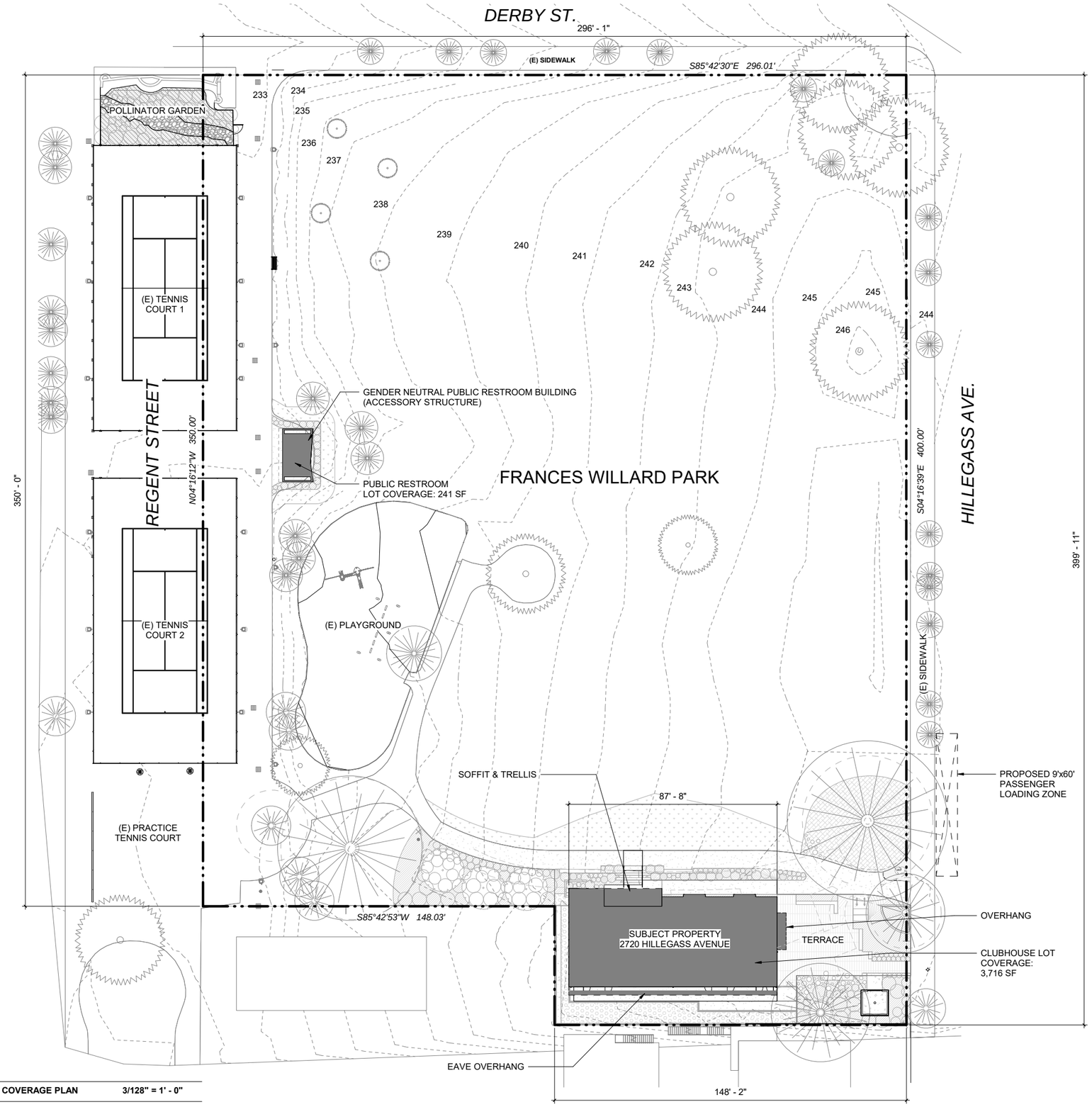
SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
Z2-B



LOT COVERAGE PLAN 3/128" = 1' - 0"

LOT COVERAE:

CLUBHOUSE:	3,716 SF
PUBLIC RESTROOM:	241 SF
TOTAL:	3,957 SF

LEGEND

- PROPERTY LINE
- EXISTING TOPOGRAPHY LINE
- PROPOSED TOPOGRAPHY LINE
- EXISTING ITEM TO REAMIN AND BE PROTECTED
- PROPOSED ITEM
- EXISTING TREE TO REMAIN AND BE PROTECTED
- PROPOSED TREE
- AREA COUNTING AS LOT COVERAGE - UP TO 18" OF EAVE OVERHANG IS EXCLUDED FROM LOT COVERAGE

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PROJECT:

WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE. BERKELEY, CA 94705

PROJECT INFO:

ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

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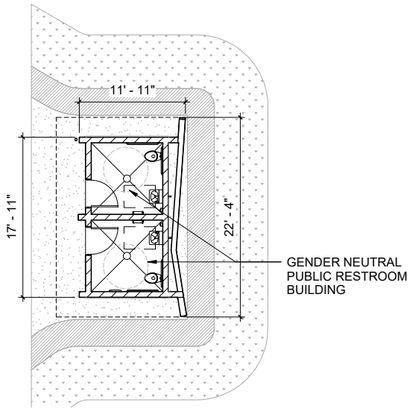
SHEET TITLE:

LOT COVERAGE

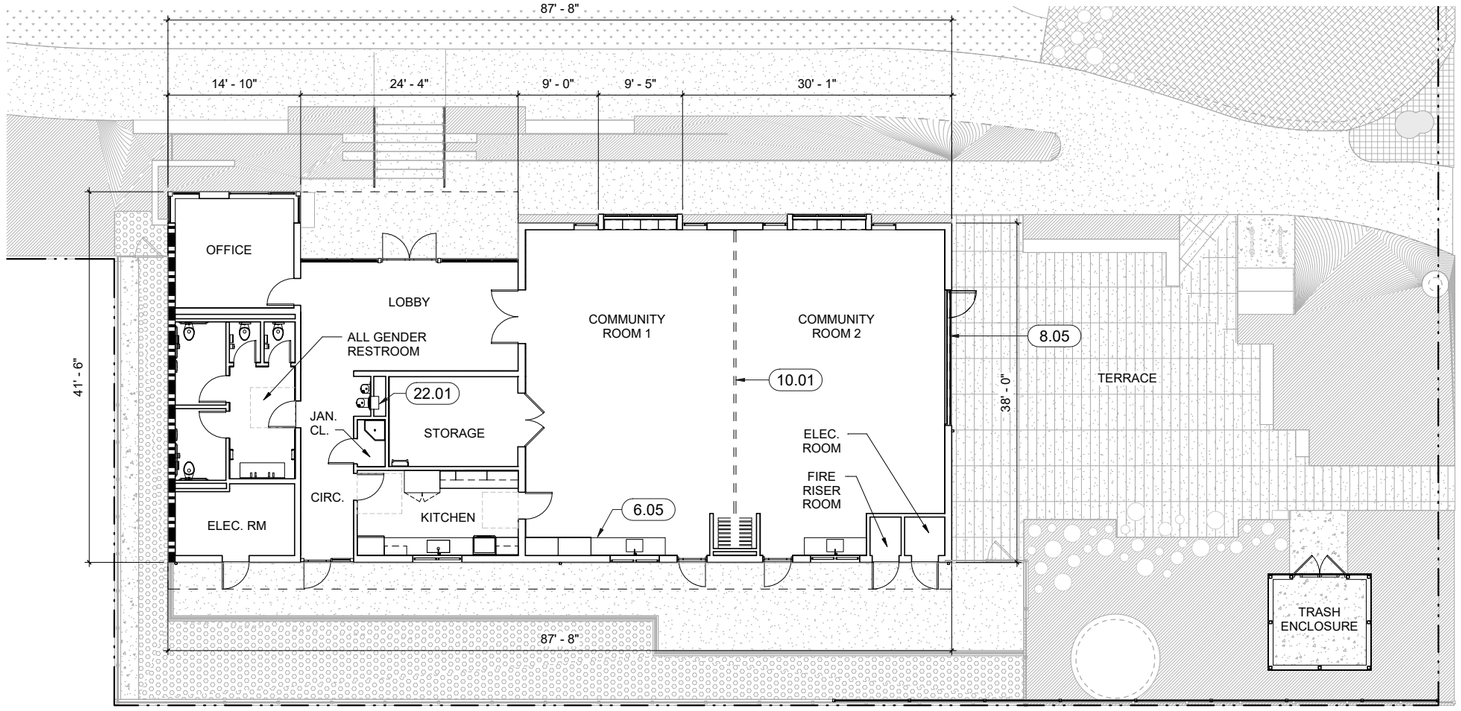
SHEET NUMBER:

Z2-C



PROJECT NORTH

PUBLIC RESTROOM FLOOR PLAN **1/16" = 1' - 0"**



PROJECT NORTH

CLUBHOUSE FLOOR PLAN **1/16" = 1' - 0"**

KEYNOTE LEGEND - ZONING

6.05	QUARTZ COUNTERTOP WITH 4" BACKSPLASH
8.05	ALUMINUM FRAMED FOLDING GLASS STOREFRONT, REFER TO SPECS.
10.01	FOLDING PANEL PARTITON, MANUAL
22.01	DUAL HEIGHT DRINKING FOUNTAIN WITH BOTTLE FILLER, S.P.D. AND SHEET A020

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PROJECT:

WILLARD PARK CLUBHOUSE

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PROJECT INFO:

ZONING: R2
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CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

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201320.27

CLIENT:

CITY OF BERKELEY

1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

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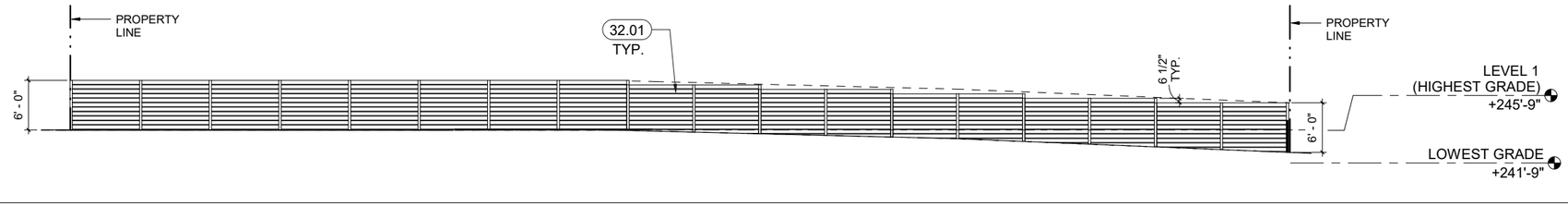
SHEET TITLE:

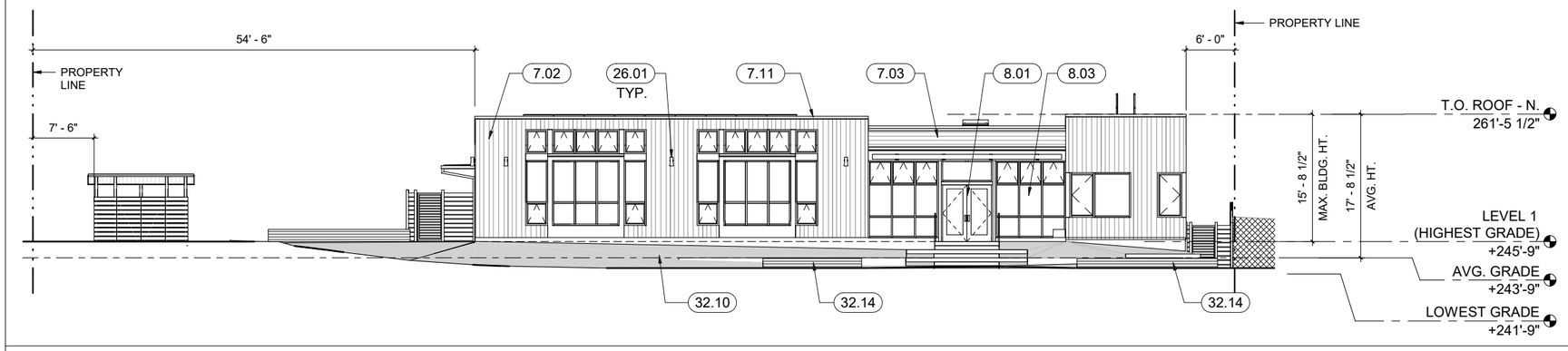
FLOOR PLANS

SHEET NUMBER:

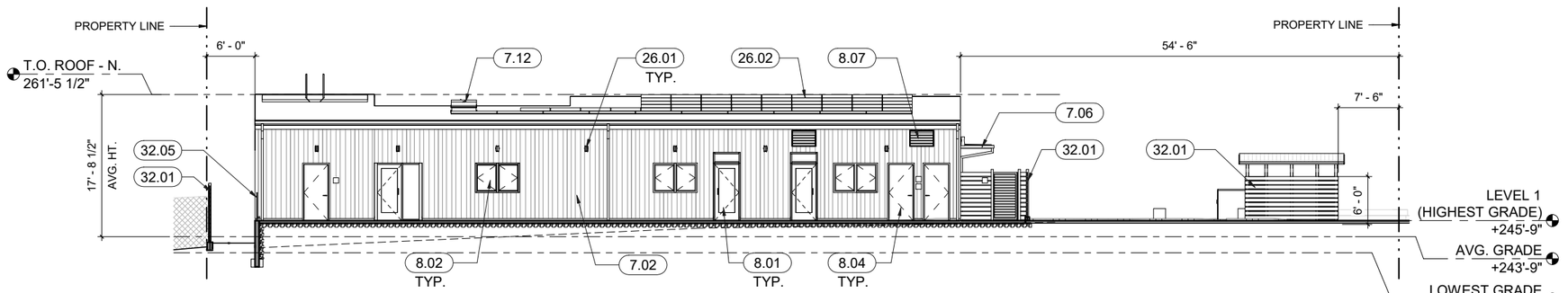
Z2-D



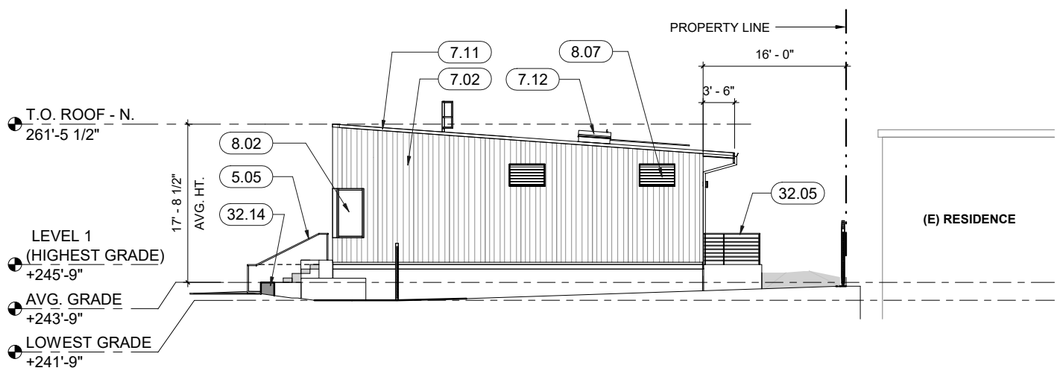
FENCE - NORTH ELEVATION **1/16" = 1' - 0"**



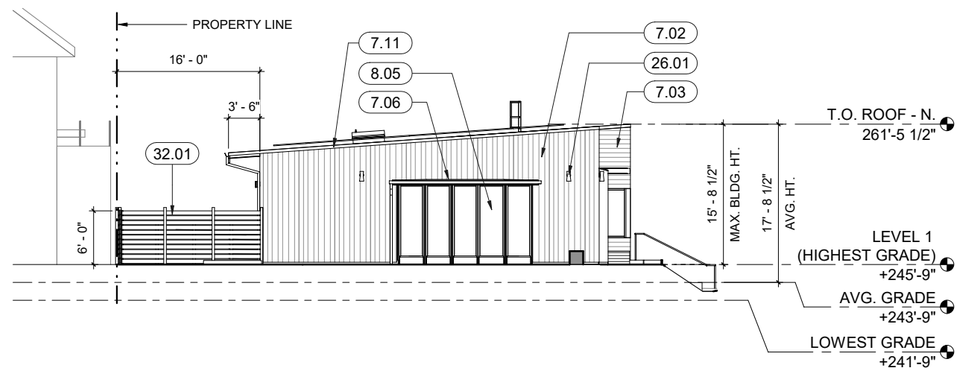
NORTH ELEVATION **1/16" = 1' - 0"**



SOUTH ELEVATION **1/16" = 1' - 0"**



WEST ELEVATION **1/16" = 1' - 0"**



EAST ELEVATION **1/16" = 1' - 0"**

KEYNOTE LEGEND - ZONING

5.05	1 1/2" DIAMETER STEEL PIPE HANDRAIL, PTD, S.L.D.
7.02	VERTICAL WESTERN RED CEDAR WOOD SIDING
7.03	HORIZONTAL WESTERN RED CEDAR WOOD SIDING
7.06	S.S. GUTTER, PTD., CONNECT TO DOWNSPOUT
7.11	GALV. METAL COPING, PAINTED
7.12	ROOF HATCH, SEE DETAIL 11/A860
8.01	EXTERIOR WOOD & GLASS DOOR
8.02	ALUMINUM FRAMED WINDOWS
8.03	ALUMINUM FRAMED STOREFRONT SYSTEM
8.04	HOLLOW METAL DOOR
8.05	ALUMINUM FRAMED FOLDING GLASS STOREFRONT, REFER TO SPECS.
8.07	ALUM. WALL LOUVER, S.M.D.
26.01	WALL MOUNTED LIGHT FIXTURE, S.E.D.
26.02	PHOTOVOLTAIC SYSTEM, S.E.D.
32.01	1X6 TIMBER BOARD WOOD FENCE, SEE SPECS
32.05	METAL GUARDRAIL, S.L.D.
32.10	PLANTING, S.L.D.
32.14	CONCRETE SEAT WALL W/ WOOD TOP, S.L.D.

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WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE. BERKELEY, CA 94705

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ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
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ELS PROJECT NUMBER:

201320.27

CLIENT:

CITY OF BERKELEY
1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

PROJECT TEAM:

ARCHITECT:
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LICENSED ARCHITECT GERALD NAVARRO C-26408 REN. 05/23 STATE OF CALIFORNIA

SHEET TITLE:

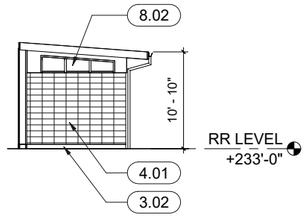
BUILDING ELEVATIONS

SHEET NUMBER:

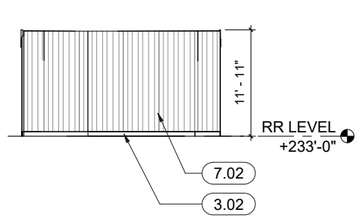
Z2-E1

KEYNOTE LEGEND - ZONING

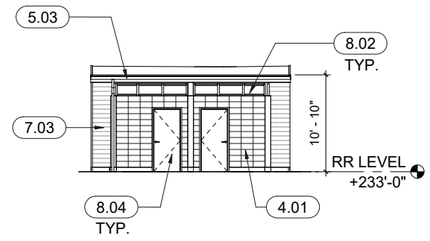
3.02	CONCRETE CURB, S.S.D.
4.01	CONCRETE MASONRY UNIT, GROUND FACE, PAINTED
5.03	BRAKE METAL FASCIA, MATCH WINDOW FINISH
7.02	VERTICAL WESTERN RED CEDAR WOOD SIDING
7.03	HORIZONTAL WESTERN RED CEDAR WOOD SIDING
8.02	ALUMINUM FRAMED WINDOWS
8.04	HOLLOW METAL DOOR



PUBLIC RESTROOM - NORTH ELEVATION 1/16" = 1' - 0"



PUBLIC RESTROOM - EAST ELEVATION 1/16" = 1' - 0"



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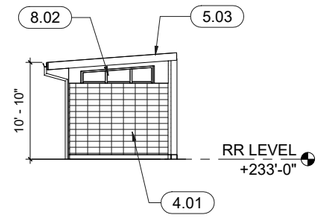

PUBLIC RESTROOM - SOUTH ELEVATION 1/16" = 1' - 0"

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510.549.2929 | elsarch.com

PROJECT:

WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE. BERKELEY, CA 94705

PROJECT INFO:

ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

ELS PROJECT NUMBER:

201320.27

CLIENT:

CITY OF BERKELEY

1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

PROJECT TEAM:

ARCHITECT:
ELS ARCHITECTURE AND URBAN DESIGN
2040 Addison Street
Berkeley, CA 94704
P: 510.549.2929

REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:

ZONING SUBMITTAL

DATE:

03/20/2023

STAMP:

LICENSED ARCHITECT
GERALD NAVARRO
C-26408
REN. 05/23
STATE OF CALIFORNIA

SHEET TITLE:

BUILDING ELEVATIONS

SHEET NUMBER:

Z2-E2

EXISTING CONDITION: **STREET STRIP ELEVATION - EAST**

PROPOSED DESIGN: **STREET STRIP ELEVATION - EAST** **1/16" = 1' - 0"**

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510.549.2929 | elsarch.com

PROJECT:

WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE. BERKELEY, CA 94705

PROJECT INFO:

ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

ELS PROJECT NUMBER:

201320.27

CLIENT:

CITY OF BERKELEY
1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

PROJECT TEAM:

ARCHITECT:
ELS ARCHITECTURE AND URBAN DESIGN
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REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:

ZONING SUBMITTAL

DATE:

03/20/2023

STAMP:

LICENSED ARCHITECT GERALD NAVARRO C-26408 REN. 05/23 STATE OF CALIFORNIA

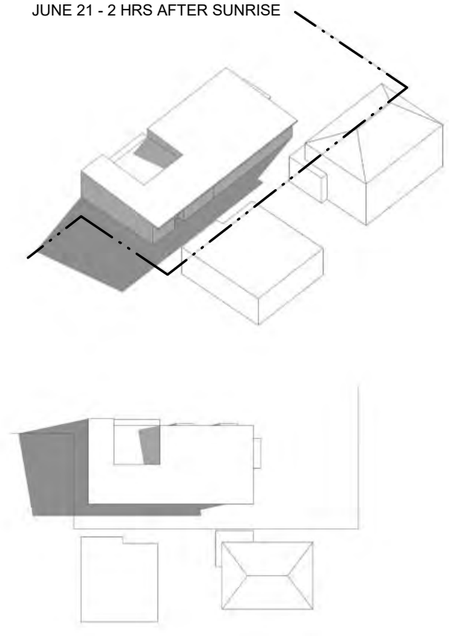
SHEET TITLE:

STREET STRIP ELEVATION

SHEET NUMBER:

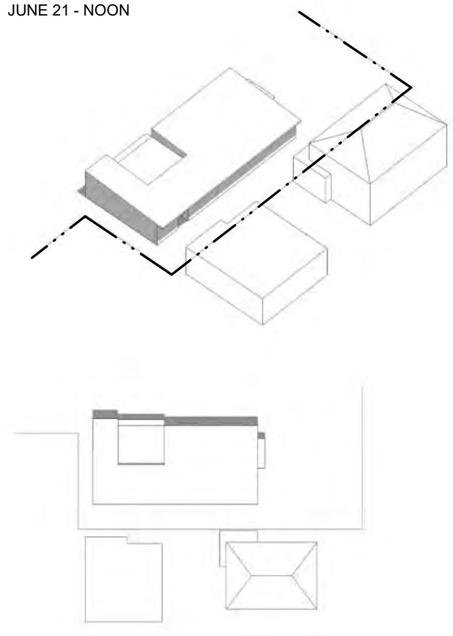
Z2-F1

JUNE 21 - 2 HRS AFTER SUNRISE



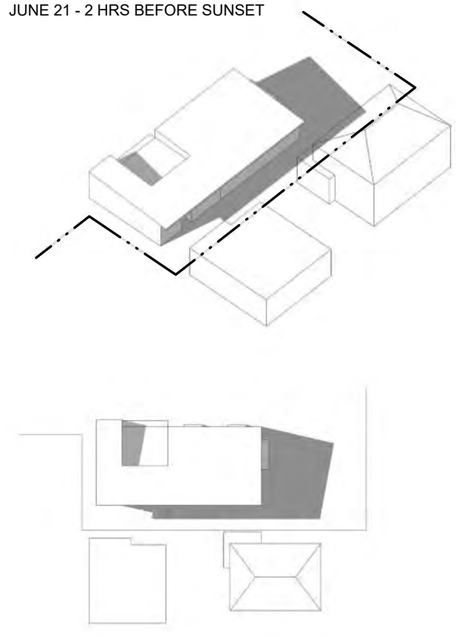
PROJECT NORTH

JUNE 21 - NOON



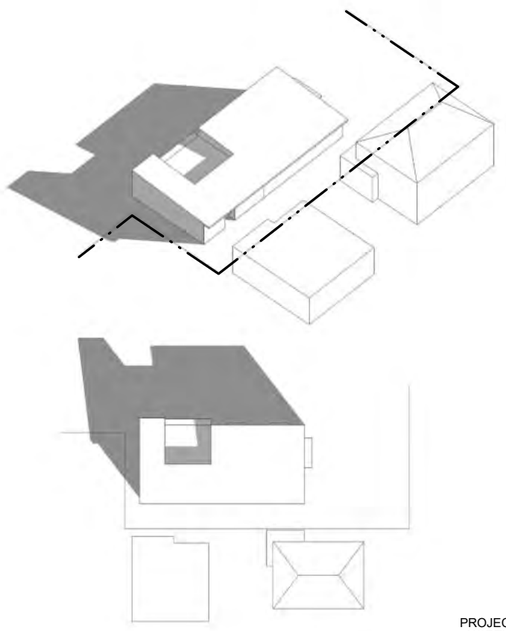
PROJECT NORTH

JUNE 21 - 2 HRS BEFORE SUNSET



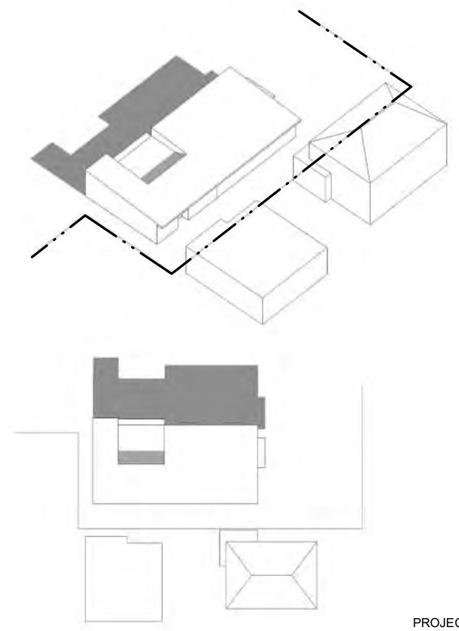
PROJECT NORTH

DEC 21 - 2 HRS AFTER SUNRISE



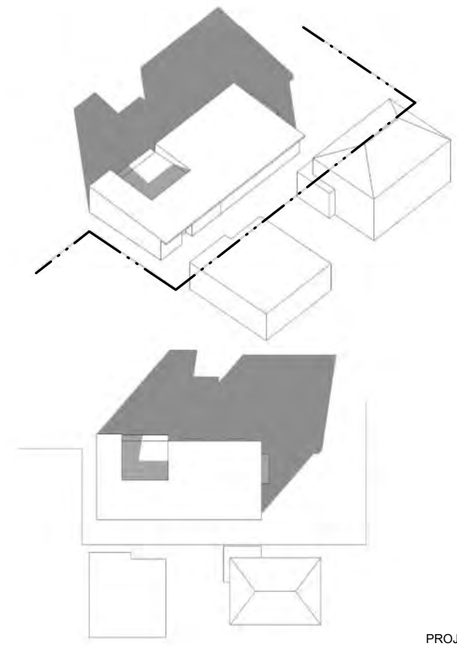
PROJECT NORTH

DEC 21 - NOON



PROJECT NORTH

DEC 21 - 2 HRS BEFORE SUNSET



PROJECT NORTH

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510.549.2929 | elsarch.com

PROJECT:

WILLARD PARK CLUBHOUSE

2730 HILLEGASS AVE. BERKELEY, CA 94705

PROJECT INFO:

ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

ELS PROJECT NUMBER:

201320.27

CLIENT:

CITY OF BERKELEY
1947 CENTER STREET, 4TH FL, BERKELEY, CA 94704

PROJECT TEAM:

ARCHITECT:
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Berkeley, CA 94704
P: 510.549.2929

REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:
ZONING SUBMITTAL

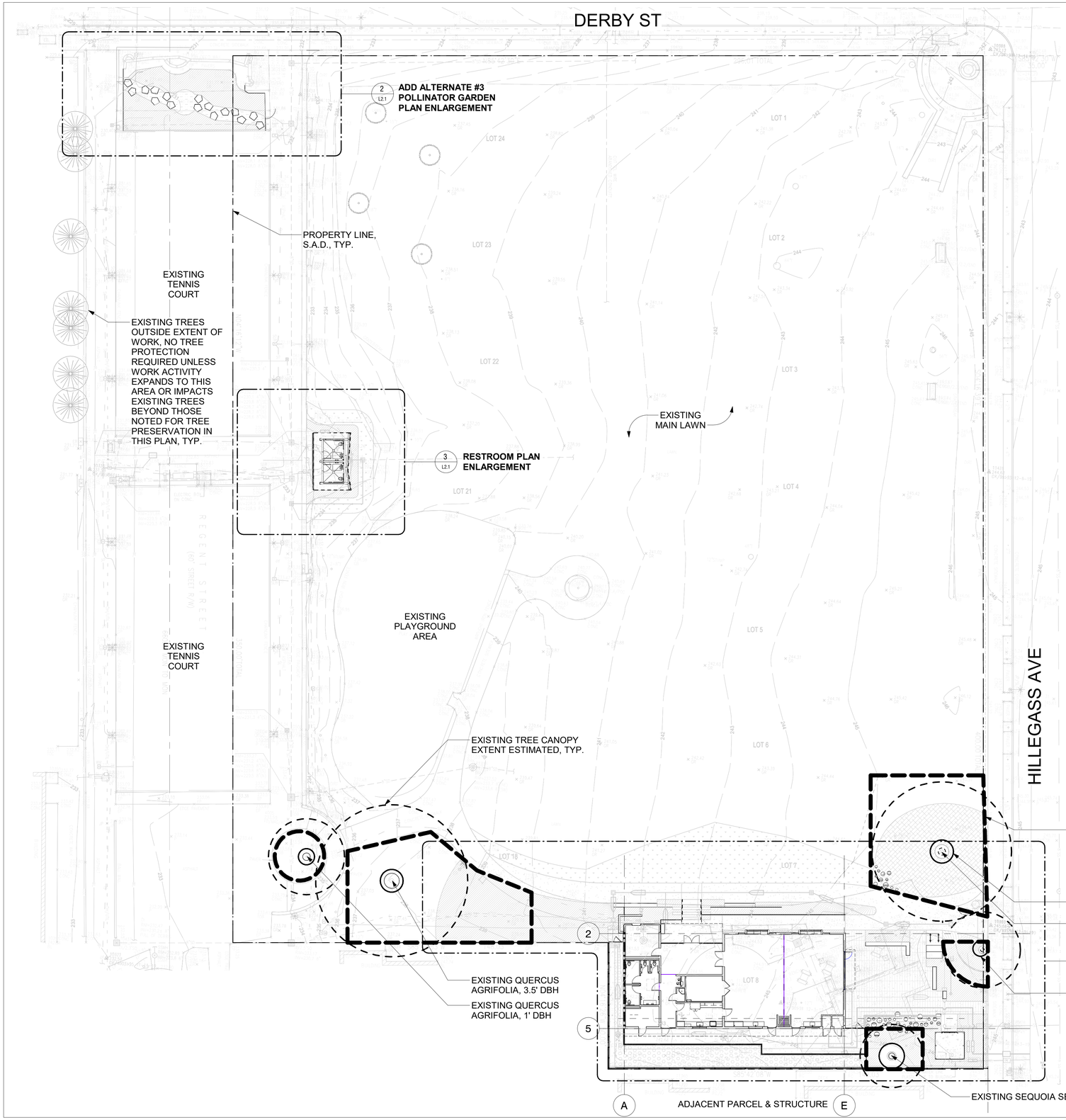
DATE:
11/18/2022

STAMP:

LICENSED ARCHITECT
GERALD NAVARRO
C-26408
REN. 05/23
STATE OF CALIFORNIA

SHEET TITLE:
SHADOW STUDY

SHEET NUMBER:
Z3-B



GENERAL SYMBOLS & ABBREVIATIONS

	PROPERTY LINE
	POINT OF BEGINNING
— ℄ —	CENTERLINE
EQ.	EQUAL
O.C.	ON CENTER
N.I.C.	NOT IN CONTRACT
NO.	NUMBER
TYP.	TYPICAL
QTY.	QUANTITY
V.I.F.	VERIFY IN FIELD
S.A.D.	SEE ARCHITECTURAL DRAWINGS
S.C.D.	SEE CIVIL DRAWINGS
S.S.D.	SEE STRUCTURAL DRAWINGS
S.M.D.	SEE MECHANICAL DRAWINGS
S.E.D.	SEE ELECTRICAL DRAWINGS
1 / A101	DETAIL CALLOUT
1 / A101	SECTION CALLOUT

LANDSCAPE GENERAL NOTES

1. EXISTING SITE INFORMATION IS PROVIDED BY OTHERS. LANDSCAPE ARCHITECT ASSUMES NO RESPONSIBILITY OR LIABILITY FOR COMPLETENESS OR ACCURACY OF PLANS PROVIDED BY OTHERS.
2. `TYP' OR TYPICAL MEANS THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS OTHERWISE NOTED. DETAILS ARE USUALLY NOTED 'TYP' ONLY ONCE WHEN THEY FIRST OCCUR.
3. NOTES AND SYMBOLS ON ONE DRAWING APPLY TO OTHER SIMILAR DETAILS AND CONDITIONS.
4. BECOME ACQUAINTED WITH SUBGRADE UTILITIES, PIPES AND STRUCTURES. SHOULD UTILITIES OR OTHER WORK NOT SHOWN ON THE PLANS BE FOUND DURING EXCAVATIONS, PROMPTLY NOTIFY OWNER'S REPRESENTATIVE. FAILURE TO DO SO WILL MAKE CONTRACTOR LIABLE FOR DAMAGE ARISING FORM HIS OPERATIONS SUBSEQUENT TO DISCOVERY OF SUCH UTILITIES NOT SHOWN ON PLANS.
5. DIMENSIONS ARE FROM OUTSIDE FACE OF BUILDING OR WALLS, UNLESS OTHERWISE NOTED, AND ARE TO BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION AND MAJOR EXCAVATION. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALING.
6. UNLESS OTHERWISE NOTED, ANGLES TO BE RIGHT ANGLES, ARCS WHICH APPEAR TANGENT AND UNIFORM ARE TO BE TANGENT AND UNIFORM, LINES WHICH APPEAR PARALLEL ARE TO BE PARALLEL, AND ITEMS WHICH APPEAR CENTERED TO BE CENTERED, MAINTAIN LINES TRUE, LEVEL, PLUMB, AND SQUARE.
7. REFER TO GRADING PLANS FOR GRADING AND DRAINAGE STRUCTURES PRIOR TO INSTALLATION OF WALKS, WALLS, FOOTINGS, AND OTHER STRUCTURES.
8. LANDSCAPE ARCHITECT TO APPROVE LAYOUT IN THE FIELD PRIOR TO INSTALLATION OF FORMS OR GRADING FOR LANDSCAPE WORK.
9. LOCATE ELECTRICAL JUNCTION BOXES FOR LIGHTS IN PLANTING AREAS UNLESS SHOWN OTHERWISE. LAYOUT TO BE APPROVED BY THE CITY OF BERKELEY PRIOR TO TRENCHING.
10. CAREFULLY REVIEW LANDSCAPE IRRIGATION PLANS AND NOTES TO IDENTIFY LOCATIONS WHERE PIPE, SLEEVES, SANDBED OR CONDUIT MUST BE PLACED PRIOR TO PLACEMENT OF FORMWORK FOR INSTALLATION OF CONCRETE, OTHER PAVING, OR WALLS.
11. QUANTITIES PROVIDED ARE FOR INFORMATION ONLY, VERIFY QUANTITIES AND NOTIFY OWNER OF DISCREPANCIES.

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510.549.2929 | elsarch.com

PROJECT:

WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE., BERKELEY, CA 94705

CITY SPECIFICATION NUMBER:
201730.27

ELS PROJECT NUMBER:

CLIENT:
CITY OF BERKELEY, CA

PROJECT TEAM:

ARCHITECT:
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Berkeley, CA 94704
P: 510.549.2929

CIVIL ENGINEER:
BKF ENGINEERS
1646 N. California Blvd, Suite 400
Walnut Creek, CA 94596
925.940.2200

LANDSCAPE ARCHITECT:
PGAdesign LANDSCAPE ARCHITECTS
444 17th Street
Oakland, CA 94612
510.465.1284

STRUCTURAL ENGINEER:
IDA STRUCTURAL ENGINEERS, INC.
1629 Telegraph Avenue, Suite 300
Oakland, CA 94612
510.834.1629

MECHANICAL AND PLUMBING ENGINEER:
ALTER CONSULTING ENGINEERS
1624 Franklin St. #1300
Oakland, CA 94612
510.474.0379

ELECTRICAL ENGINEER:
RUA INC.
5515 Doyle Street, #7
Emeryville, CA 94608
415.730.7994

ACOUSTICAL ENGINEER:
SALTER ENGINEER
130 Sutter Street, Floor 5
San Francisco, CA 94104
415.397.0442

REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:
PERMIT SET

DATE:
04/07/2023

STAMP:

NOT FOR CONSTRUCTION

SHEET TITLE:
LANDSCAPE OVERALL PLAN & TREE PROTECTION PLAN

SHEET NUMBER:
L1.1

TREE PRESERVATION & REMOVAL NOTES

1. PROJECT ARBORIST TO BE PROVIDED AND IDENTIFIED BY OWNERS REPRESENTATIVE AT START OF PROJECT. PROJECT ARBORIST TO BE A CERTIFIED ARBORIST OR CERTIFIED TREE WORKER (INTERNATIONAL SOCIETY OF ARBORICULTURE). PROJECT ARBORIST TO MEET WITH THE CONTRACTOR, LANDSCAPE ARCHITECT AND CITY'S ARBORIST ON SITE TO DISCUSS TREE PRESERVATION, REVIEW THE LOCATION OF THE TREE PROTECTION FENCING, OTHER TREE PROTECTIONS AND WORK PROCEDURES AROUND TREES PRIOR TO CONSTRUCTION AND BE PRESENT ON SITE FOR ALL WORK WITHIN TREE PROTECTION ZONE OF EXISTING TREES.
2. BEFORE ANY DEMOLITION OR CONSTRUCTION ACTIVITY BEGINS COMPLETELY ENCLOSE THE TREE PROTECTION ZONE (TPZ) AS SHOWN ON TREE PRESERVATION PLAN AND ARBORIST REPORT, INSTALL ALL SPECIFIED TRUNK PROTECTION AND ROOT BUFFERS. FENCING AND OTHER PROTECTIONS TO REMAIN IN PLACE UNTIL GRADING AND CONSTRUCTION IS COMPLETED.
3. CONTRACTOR NOT TO ENGAGE IN ANY CONSTRUCTION ACTIVITY WITHIN THE TPZ WITHOUT THE APPROVAL OF THE PROJECT ARBORIST OF LANDSCAPE ARCHITECT INCLUDING: OPERATING, MOVING OR STORING EQUIPMENT; STORING OR STAGING SUPPLIES OR MATERIALS. DO NOT PERMIT EMPLOYEES TO ENTER FENCED AREAS.
4. DO NOT OPERATE OR PARK VEHICLES OR HEAVY EQUIPMENT WITHIN THE TPZ.
5. STRICTLY MINIMIZE GRADING, CONSTRUCTION AND DEMOLITION WORK TO OCCUR WITHIN THE TPZ. ALL WORK WITHIN TPZ MUST BE MONITORED AND APPROVED BY THE PROJECT ARBORIST.
6. ALL EXCAVATION AND OR TRENCHING WORK DONE WITHIN THE TPZ IS TO BE DONE BY HAND OR AIR TOOLS ONLY.
7. ALL PRUNING, BRANCH TIE BACK, TREE REMOVAL, ROOT PRUNING AND STUMP REMOVAL IS TO BE DIRECTLY SUPERVISED BY AN ISA CERTIFIED ARBORIST.
8. IMMEDIATELY REPORT ANY INJURY DONE TO A TREE DURING CONSTRUCTION TO THE PROJECT ARBORIST SO THAT APPROPRIATE TREATMENTS CAN BE APPLIED.
9. TREE PRUNING NEEDED FOR CLEARANCE DURING CONSTRUCTION MUST BE PERFORMED BY A CERTIFIED ARBORIST AND NOT BY CONSTRUCTION PERSONNEL.
10. ROOT PRUNING REQUIRED FOR CONSTRUCTION PURPOSES MUST RECEIVE THE PRIOR APPROVAL OF, AND BE SUPERVISED BY THE PROJECT ARBORIST.
11. CONTRACTOR TO MINIMIZE DISTURBANCE TO EXISTING TREE ROOTS ON SITE. ANY ROOTS ENCOUNTERED LESS THAN 4" IN DIAMETER MAY BE PRUNED AS NECESSARY. ANY ROOT LARGER THAN 4" OBSTRUCTING CONSTRUCTION MAY BE PRUNED. ANY ROOTS GREATER THAN 4" ARE ENCOUNTERED STOP WORK AND CONTACT THE URBAN FORESTY UNIT FOR REVIEW PRIOR TO PRUNING. ROOT PRUNING SHALL BE PERFORMED USING A STUMP/ROOT CUTTING MACHINE, SAW, AXE, OR ANY OTHER SHARP BLADE TOOL; RESULTING IN A FLAT SURFACE WITH THE ADJACENT BARK FIRMLY ATTACHED. NO ROOTS SHALL BE TORN OR PULLED USING ANY OTHER TOOLS OR MACHINERY UNLESS ALREADY SERVERED ON EACH END BY ONE OF THE APPROVED PRUNING TOOLS

AIRSPADE TRENCHING NOTES:

1. ALL TRENCHING AROUND TREES IS TO BE COMPLETED WITH THE USE OF AN AIRSPADE TO A DEPTH NEEDED TO EXPOSE ROOTS FOR REVIEW.
2. ALL AIRSPADE WORK IS TO BE COMPLETED BY AN EXPERIENCED TREE COMPANY UNDER THE SUPERVISION OF A CERTIFIED ARBORIST.
3. SOIL FROM AIRSPADE WORK IS TO BE COLLECTED AND STORED ON SITE TO BE RETURNED TO THE EXPOSED ROOT AREAS ONCE TRENCHING WORK IS COMPLETED.
4. REQUIRED CUTTING OF ANY ROOTS ENCOUNTERED DURING THE TRENCHING PROCESS IS ONLY TO BE DONE AFTER A CERTIFIED ARBORIST HAS MADE A VISUAL ASSESSMENT AND GIVEN DIRECTION ON THE CUTTING.
5. ROOTS EXPOSED DURING THE TRENCHING PROCESS MUST BE PROTECTED AS MUCH AS POSSIBLE. COVER EXPOSED ROOTS WITH BURLAP AND KEEP MOIST. ONCE THE TRENCHING WORK HAS BEEN COMPLETED, RETURN THE EXCAVATED SOIL TO THE EXPOSED ROOTS AND INSTALL MULCH AS A PROTECTIVE LAYER.

BAY-FRIENDLY PRACTICE NOTES

BAY-FRIENDLY BASIC PRACTICES CHECKLIST FOR PRIVATE DEVELOPMENT IS REQUIRED FOR THIS PROJECT AND WITH THE SUBMISSION OF ALL DEVELOPMENT APPLICATIONS TO THE CITY OF FREMONT, EXCLUDING SINGLE FAMILY HOME PARCELS, BUT INCLUDING SUBDIVISION COMMON AREAS.

EACH PROJECT IS REQUIRED TO MEET THE FOLLOWING NINE PRACTICES.

IN ADDITION TO THIS REQUIREMENT, EACH PROJECT IS ENCOURAGED TO MEET 60 POINTS ON THE BAY-FRIENDLY CIVIC AND COMMERCIAL LANDSCAPE SCORECARD, WHICH IS AVAILABLE AT BAYFRIENDLY.ORG OR FREMONT.GOV. THE FORM IS REQUIRED TO BE SUBMITTED WITH THE DEVELOPMENT APPLICATION.

THE NINE REQUIRED PRACTICES ARE AS FOLLOWS:

1. MULCH ALL SHRUB AREAS WITH 3 INCH THICK LAYER OF MULCH. ALL SOIL ON SITE IS PROTECTED WITH A MINIMUM OF 3 INCHES OF MULCH AFTER CONSTRUCTION. ALL MULCH IS ARBOR WASTE MATERIAL.
2. AMEND SOIL WITH COMPOST BEFORE PLANTING. COMPOST IS SPECIFIED AS THE SOIL AMENDMENT, AT THE RATES INDICATED BY A SOIL ANALYSIS TO BRING THE SOIL ORGANIC MATTER CONTENT TO A MINIMUM OF 3.5% BY DRY WEIGHT OR 1 INCH OF COMPOST. OPTION 1: REQUIRE IMPORT TOPSOIL TO MEET ORGANIC MATTER CONTENT OF A MINIMUM 3.5% BY DRY WEIGHT. OPTION 2: SUBMIT SOILS REPORT THAT IDENTIFIES EXISTING TOPSOIL MEETS ORGANIC MATTER CONTENT OF 3.5% BY DRY WEIGHT OR GREATER.
3. REDUCE AND RECYCLE LANDSCAPE CONSTRUCTION WASTE. DIVERT 50% OF LANDSCAPE CONSTRUCTION AND DEMOLITION WASTE BY VOLUME OR WEIGHT.
4. CHOOSE AND LOCATE PLANTS THAT GROW TO NATURAL SIZE AND AVOID SHEARING. NO PLANT SPECIES WILL REQUIRE SHEARING. SELECT SPECIES AND SPACING TO ALLOW PLANTS TO GROW TO NATURAL SIZE AND SHAPE WITHOUT SHEARING AT ANY POINT IN THE LIFESPAN OF THE PLANT, EXCLUDING STRUCTURAL AND REGULAR MAINTENANCE.

5. DO NOT PLANT INVASIVE SPECIES. NONE OF THE PLANT SPECIES LISTED BY CAS-IPC AS INVASIVE IN THE SAN FRANCISCO, BAY AREA ARE INCLUDED IN THE PLANTING DESIGN.

6. GROW DROUGHT TOLERANT CALIFORNIA NATIVE, MEDITERRANEAN OR CLIMATE ADAPTED PLANTS. A MINIMUM OF 75% OF THE TOTAL NUMBER OF PLANTS IN THE NON-TURF AREAS MUST BE SPECIES THAT REQUIRE NO OR LITTLE SUMMER WATERING ONCE ESTABLISHED. SPECIES SHOULD BE ADAPTED TO THE CLIMATE IN WHICH THEY WILL BE PLANTED, AS REFERENCED BY A THIRD PARTY SOURCE. PLANT SHALL BE RATED FOR MODERATE OR OCCASIONAL WATER USE FOR THIS REGION AND CLIMATE.

7. MINIMIZE TURF. A MAXIMUM OF 25% OF TOTAL IRRIGATED AREA IS SPECIFIED AS TURF, WITH SPORTS OR MULTI-USE FIELDS EXEMPTED.

8. SPECIFY AUTOMATIC WEATHER-BASED CONTROLLER WITH SOIL MOISTURE AND/OR RAIN SENSOR.A WEATHER-BASED IRRIGATION CONTROLLERS, SOIL MOISTURE BASED CONTROLLERS, OR OTHER SELF-ADJUSTING IRRIGATION CONTROLLERS, SHALL BE REQUIRED FOR ENTIRE IRRIGATION SYSTEM.

9. SPRINKLER AND SPRAY HEADS ARE NOT SPECIFIED IN AREAS LESS THAN 8 FEET WIDE.SPRINKLER AND SPRAY HEADS ARE NOT SPECIFIED IN AREAS LESS THAN OR EQUAL TO 8 FEET WIDE TO PREVENT OVERSPRAY AND RUNOFF. ACCEPTABLE ALTERNATIVES INCLUDE BUBBLER OR DRIP WITH SUBSURFACE RIGID LATERAL PIPES. BUBBLERS SHALL NOT EXCEED 1.5 GALLONS PER MINUTE PER BUBBLER.

CITY OF BERKELEY
Parks, Recreation & Waterfront
Parks Division / Forestry Unit

March 28, 2022

Re: Tree and Root Protection at Willard Park

Ms. Wellbrock,

I have reviewed the plans for the new clubhouse and additional renovations at Willard Park. All of the tree and root protection measures outlined in the plans are consistent with industry standards and are acceptable as designed.

The fencing will keep all activity beyond the drip line of the coast live oak except where there is existing hardscape and will protect the critical root zone of the other trees that are being retained. Any roots four inches in diameter or less that are encountered during the excavation may be pruned as necessary. If any roots greater than four inches are encountered, contact the Urban Forestry Unit for review prior to pruning. Root pruning shall be performed using a stump/root cutting machine, saw, axe, or any other sharp blade tool; resulting in a flat surface with the adjacent bark firmly attached. No roots shall be torn or pulled using any other tools or machinery unless already severed on each end by one of the approved pruning tools.

Thank you,
Thomas Dodge
Urban Forestry Technician,
City of Berkeley, PR&W

1326 Allston Way, Berkeley, CA 94702 Tel: 510-981-6660 TDD: 510.981-6903 Fax: 510.981-6665
Email: trees@cityofberkeley.info

PLANTING NOTES

1. VERIFY LOCATION OF SUBSURFACE UTILITIES, PIPES AND STRUCTURES. SHOULD UTILITIES OR OTHER WORK NOT SHOWN ON THE PLANS BE FOUND DURING EXCAVATIONS, PROMPTLY NOTIFY OWNER'S REPRESENTATIVE. FAILURE TO DO SO WILL MAKE CONTRACTOR LIABLE FOR DAMAGE ARISING FROM HIS OPERATIONS SUBSEQUENT TO DISCOVERY OF UTILITIES NOT SHOWN ON PLANS.
2. KEEP PLANTING CLEAN AND FREE FROM ALL CONCRETE, ASPHALTIC WASTE, LUMBER AND OTHER SUCH MATERIALS AND SHOULD BE REMOVED BY EXCAVATION OF THE SOIL AND REPLACED WITH CLEAN NATIVE TOP SOIL.
3. CLEAR AND GRUB ALL AREAS TO RECEIVE NEW PLANTING AND PREPARE SOIL PER SPECIFICATION.
4. DO NOT WORK SOIL WHEN WET TO AVOID COMPACTION.
5. NO PLANT SPECIES SUBSTITUTIONS WILL BE ACCEPTED, UNLESS OTHERWISE APPROVED BY THE LANDSCAPE ARCHITECT. SAME GENUS DIFFERENT SPECIES SUBSTITUTIONS ARE ACCEPTABLE PROVIDED THE VARIETY IS SIMILAR IN GROWTH HABIT AND SIZE TO THE SPECIFIED PLANT AND WATER USE IS THE SAME. EXAMPLE: ESCALLONIA 'TERRI' COULD SUB FOR 'RED ELF.' RHAPHIOLEPSIS CAN NOT SUBSTITUTE FOR ESCALLONIA AS THEY HAVE DIFFERENT WATER USE REQUIREMENTS. CERTIFICATES OF COMPLIANCE WILL NOT BE COMPLETED FOR PROJECTS WHICH EXCEED THE WATER USE OF SPECIFIED PLANT MATERIALS UNTIL CONFORMANCE WITH THE WATER EFFICIENT LANDSCAPE REQUIREMENTS IS ACHIEVED.
6. CONTRACT GROW PLANTS AS REQUIRED. CONTRACT GROWN PLANTS MUST MEET INDUSTRY STANDARDS FOR SIZE IN ORDER TO BE ACCEPTED.
7. ALL PLANTS AND LAYOUT TO BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO EXCAVATION OF PLANTING HOLES.
8. NOTIFY OWNER'S REPRESENTATIVE 36 HOURS PRIOR TO COMMENCEMENT OF WORK TO COORDINATE PROJECT OBSERVATION MEETINGS.
9. SPACE GROUND COVERS TRIANGULARLY IN PLANTING AREAS. GROUND COVER KEY INDICATIONS ARE SHOWN IN LEGEND. HOLD GROUND COVER BACK IN 18 IN. FROM THE EDGE OF NEW SHRUB PLANTS UNLESS OTHERWISE. PLANT GROUND COVER WHERE SHRUBS ARE PLANTED 2 1/2 FT. APART OR MORE.
10. PROTECT EXISTING TREES TO REMAIN PER TREE PRESERVATION AND REMOVAL PLAN.
11. PLANT QUANTITIES ARE FOR INFORMATIONAL PURPOSES AND CONSTRUCTION DOCUMENT WATER USE CALCULATIONS ONLY, CONTRACTER TO VERIFY THE QUANTITY AND USE THE GRAPHIC PLANS AS A BASIS FOR QUANTITY OF PLANTS.
12. SEE DETAILS AND SPECIFICATIONS FOR PROCEDURES, MATERIALS AND INSTALLATION REQUIREMENTS.
13. PROVIDE SOILS REPORTS FOR ALL IMPORTED SOILS, PER SPECIFICATIONS AND WELO CONFORMANCE. SUBMIT REPORTS TO OWNER'S REPRESENTATIVE AND LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL.
14. KEEP ADJACENT STREETS, SIDEWALKS AND OTHER AREAS FREE OF MUD, DIRT OR SIMILAR NUISANCES RESULTING FROM EARTHWORK OPERATIONS.
15. REPLACE TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE ANY DAMAGED OR DESTROYED LANDSCAPING.
16. FOR BEST RESULTS, NATIVE PLANT MATERIALS SHOULD NOT HAVE THEIR ROOTS DISTURBED. FOR PLASTIC CANS, REMOVE BOTTOM OF CAN, PLACE IN PLANT PIT AND CUT SIDES TO REMOVE. CUT METAL CANS IN THREE PLACES MINIMUM AND CAREFULLY SLIDE ROOT BALL INTO PLANT PIT, FOR LARGE MATERIAL, USE BOTTOM SUPPORT AS NECESSARY.
17. AREAS IDENTIFIED AS BIORETENTION PLANTING ARE FUNCTIONAL STORM WATER PLANTERS WITH AN ENGINEERED IMPORTED SOIL MIX DESIGNED FOR SPECIFIC PERFORMANCE CRITERIA. AMEND ONLY PLANTING PITS AND ASSOCIATED PLANTING BACKFILL PER THE PLANTING INSTRUCTIONS. SEE CIVIL DRAWINGS FOR BIOFILTRATION MIX AND DRAINAGE.

STATEMENT OF COMPLIANCE TO MWELO FOR DESIGN PLANS

I HAVE COMPLIED WITH THE CRITERIA OF ARTICLE 19 OF THE ZONING CODE, INCLUDING ALL DESIGN STANDARDS OF SECTION 4-1908, AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

Karen Kaelewijn

LANDSCAPE ARCHITECT SIGNATURE

PLANT LIST

QTY	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	SPACING	WATER USE
TREE					
4	LAGERSTROEMIA INDICA	CRAPE MYRTLE	24" BOX	20'-0"	LOW
TALL SHRUB					
1	CEANOTHUS 'FROSTY BLUE'	FROSTY BLUE CEANOTHUS	5 GAL	10'-0"	LOW
1	CERCIS OCCIDENTALIS	WESTERN REDBUD	5 GAL	10'-0"	VERY LOW
SHRUB					
1	ARCTOSTAPHYLOS 'HOWARD MCMINN'	HOWARD MCMINN MANZANITA	1 GAL	5'-0"	LOW
1	CEANOTHUS 'DARK STAR'	DARK STAR CEANOTHUS	1 GAL	8'-0"	LOW
1	CEANOTHUS 'RAY HARTMMAN'	RAY HARTMAN WILD LILAC		10'-0"	LOW
1	CEANOTHUS GLORIOSUS 'ANCHOR BAY'	ANCHOR BAY CEANOTHUS	1 GAL	3'-0"	LOW
1	MAHONIA AQUIFOLIUM	OREGON GRAPE	5 GAL	3'-0"	LOW
15	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	1 GAL	3'-0"	MODERATE
7	RHAMNUS CALIFORNICA 'MOUND SAN BRUNO'	COFFEEBERRY	1 GAL	6'-0"	LOW
1	RHAMNUS CALIFORNICUS 'SEA VIEW'	SEA VIEW COFFEEBERRY	15 GAL	4'-0"	LOW
3	RIBES SANGUINEUM 'CLAREMONT'	FLOWERING CURRANT	5 GAL	6'-0"	LOW
PERENNIAL					
19	HEUCHERA MAXIMA	ISLAND ALUM ROOT		1'-0"	MODERATE
1	ZAUSCHNERIA CALIFORNICA VAR. LATIFOLIA	EVERETT'S CALIFORNIA FUCHSIA	1 GAL	4'-0"	LOW
GROUNDCOVER					
1	ASCLEPIAS FASCICULARIS	NARROW LEAF MILKWEED	1 GAL	1'-6"	LOW
1	EPILOBIUM CANUM 'BOWMAN'S HYBRID'	BOWMAN'S CALIFORNIA FUCHSIA	1 GAL	1'-6"	LOW
1	LEONOTIS LEONURUS	LIONS TAIL	1 GAL	4'-0"	LOW
1	SALVIA 'ELK NOTE BLUE'	ELK NOTE BLUE SAGE	1 GAL	1'-0"	LOW
1	SALVIA CLEVELANDII 'WINNIFRED GILMAN'	CLEVELAND SAGE	1 GAL	3'-0"	LOW
14	SALVIA GREGGII 'MIRAGE SOFT PINK'	AUTUMN SAGE	1 GAL	1'-0"	LOW
1	SALVIA SPATHACEA	HUMMINGBIRD SAGE	1 GAL	4'-0"	LOW
1	SALVIA X JAMENSIS 'NACHTVLINDER'	COAHUILA SAGE	1 GAL	2'-0"	LOW
1	TEUCRIUM FRUTICANS 'AZUREUM'	BUSH GERMANDER	1 GAL	3'-0"	LOW
GRASS					
1	BOUTELOUA GRACILIS 'BLONDE AMBITION'	MOSQUITO GRASS	1 GAL	1'-6"	LOW
21	LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH		2'-0"	LOW
1	LOMANDRA LONGIFOLIA 'NYALLA'	NYALLA MAT RUSH		3'-6"	LOW
1	MUHLENBERGIA DUBIA	PINE MUHLY	1 GAL	2'-0"	LOW
1	STIPA CERNUA	DESERT NEEDLE GRASS	1 GAL	2'-6"	LOW

PLANT LEGEND

XxXx — PROPOSED TREE AND SPECIES ABBREVIATION, SEE PLANT LIST FOR SPECIES

EXISTING TREE TO REMAIN, SEE TREE PRESERVATION PLAN

EXISTING TREE TO BE REMOVED, SEE TREE PRESERVATION PLAN OR DEMOLITION PLAN

XX XX XX — SHRUB OR GROUNDCOVER, SEE PLANT LIST FOR SPECIES

ROOT BARRIER

els architecture+ urban design
2040 Addison St, Berkeley, CA 94704
510.549.2929 | elsarch.com

PROJECT:

WILLARD PARK CLUBHOUSE

CITY SPECIFICATION NUMBER:
201730.27

ELS PROJECT NUMBER:

CLIENT:
CITY OF BERKELEY, CA

PROJECT TEAM:

ARCHITECT:
ELS ARCHITECTURE AND URBAN DESIGN
2040 Addison Street
Berkeley, CA 94704
P: 510.549.2929

CIVIL ENGINEER:
BKF ENGINEERS
1646 N. California Blvd, Suite 400
Walnut Creek, CA 94596
925.940.2200

LANDSCAPE ARCHITECT:
PGAdesign LANDSCAPE ARCHITECTS
444 17th Street
Oakland, CA 94612
510.465.1284

STRUCTURAL ENGINEER:
IDA STRUCTURAL ENGINEERS, INC.
1629 Telegraph Avenue, Suite 300
Oakland, CA 94612
510.834.1629

MECHANICAL AND PLUMBING ENGINEER:
ALTER CONSULTING ENGINEERS
1624 Franklin St. #1300
Oakland, CA 94612
510.474.0379

ELECTRICAL ENGINEER:
RUA INC.
5515 Doyle Street, #7
Emeryville, CA 94608
415.730.7994

ACOUSTICAL ENGINEER:
SALTER ENGINEER
130 Sutter Street, Floor 5
San Francisco, CA 94104
415.397.0442

REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:

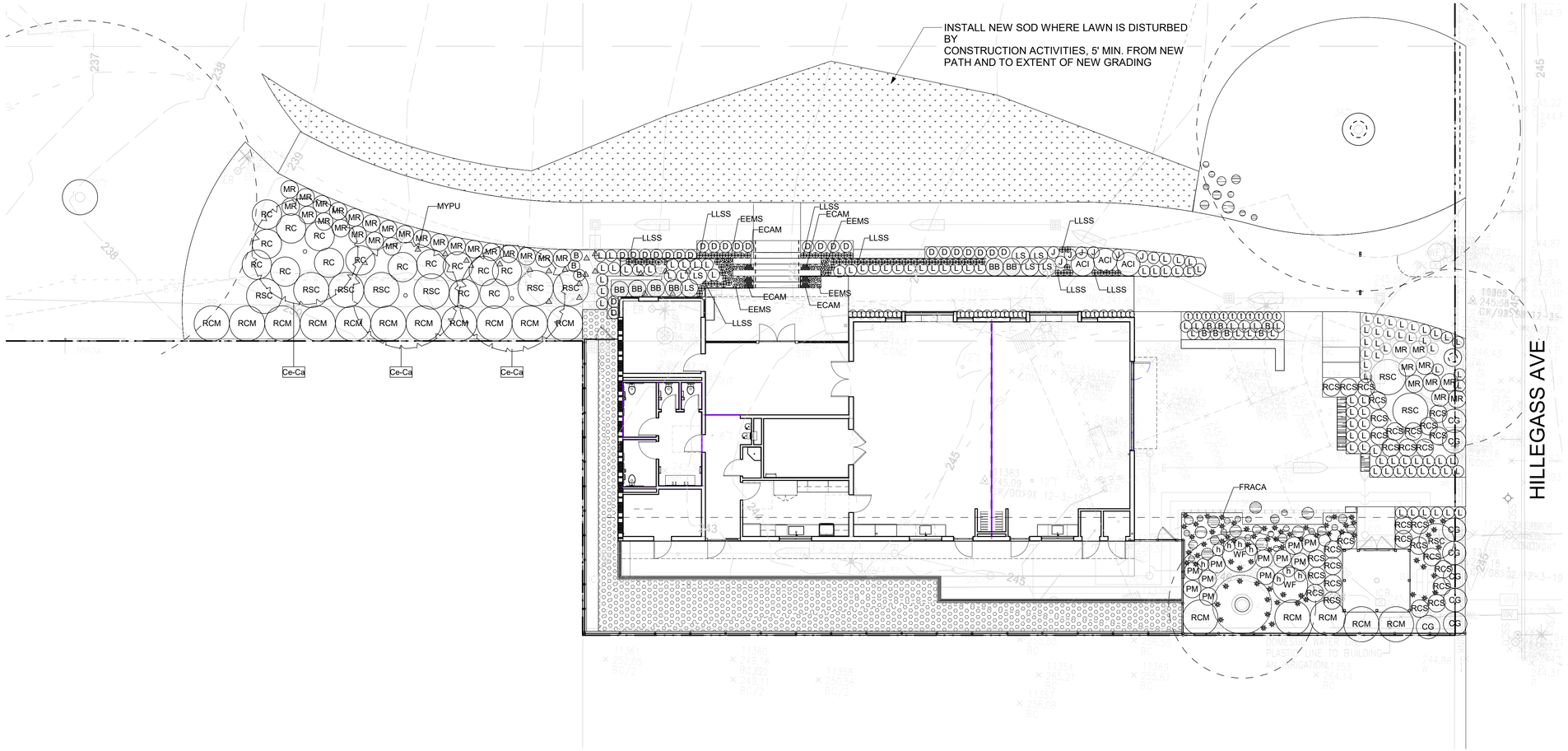
DATE:

STAMP:

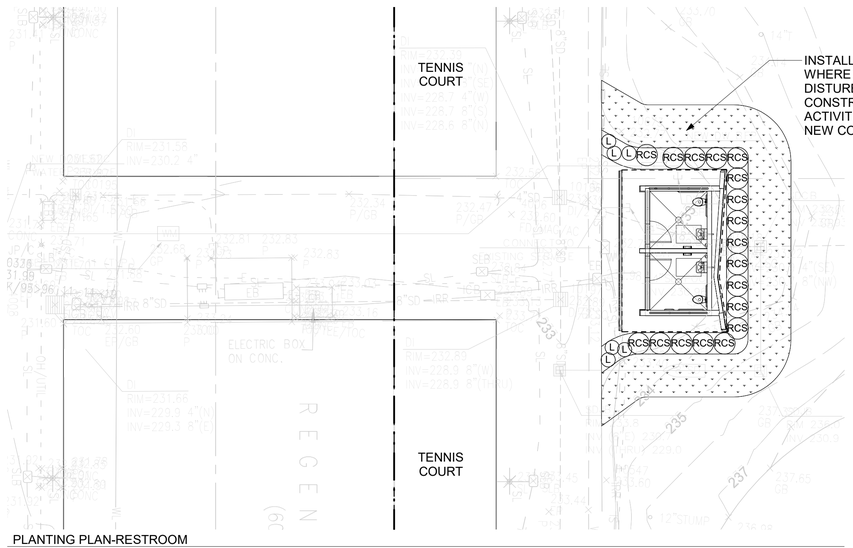
NOT FOR CONSTRUCTION

SHEET TITLE:
PLANTING SCHEDULE & NOTES

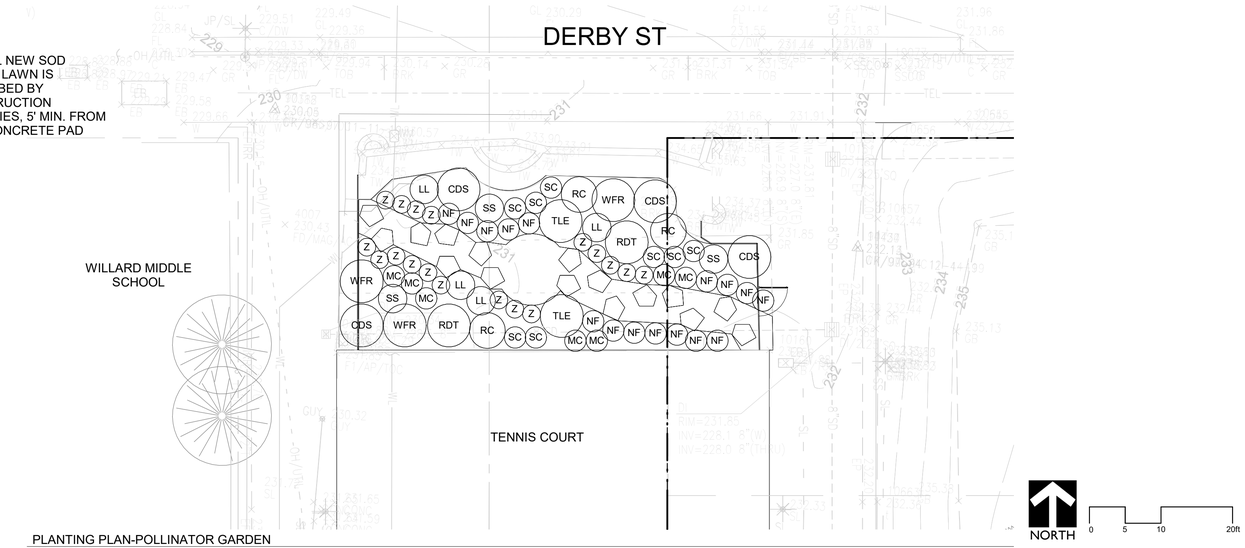
SHEET NUMBER:
L1.5



PLANTING PLAN-CLUBHOUSE
1" = 10'-0"



PLANTING PLAN-RESTROOM
1" = 10'-0"



PLANTING PLAN-POLLINATOR GARDEN
1" = 10'-0"

els architecture+ urban design
2040 Addison St, Berkeley, CA 94704
510.549.2929 | elsarch.com

PROJECT:

WILLARD PARK CLUBHOUSE

2720 HILLEGASS AVE., BERKELEY, CA 94705

CITY SPECIFICATION NUMBER:
201730.27

ELS PROJECT NUMBER:

CLIENT:
CITY OF BERKELEY, CA

PROJECT TEAM:

ARCHITECT:
ELS ARCHITECTURE AND URBAN DESIGN
2040 Addison Street
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130 Sutter Street, Floor 5
San Francisco, CA 94104
415.397.0442

REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:
PERMIT SET

DATE:
04/07/2023

STAMP:

NOT FOR CONSTRUCTION

SHEET TITLE:
PLANTING PLAN

SHEET NUMBER:
L5.2

GENERAL NOTES

1. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND MARKINGS PROVIDED GEOTECT UTILITY LOCATORS. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.

2. CONTRACTORS AND OTHERS PERFORMING WORK SHALL VERIFY THE EXACT LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES.

3. CONTOUR INTERVAL = 1'

4. BASIS OF BEARINGS: THE ASSUMED BEARING S04°16'39"E BETWEEN TWO FOUND CITY OF BERKELEY MONUMENTS ON HILLEGASS AVENUE.

5. BENCHMARK: MONUMENT B0265, FOUND 7/8" IRON PIN IN MONUMENT WELL. ELEVATION = 230.02' CoB.

LICENSED LAND SURVEYOR
PATRICK M. REI
LS 8178
STATE OF CALIFORNIA

12/9/19
PATRICK M. REI — DATE
L.S. # 8178

REFERENCES
FIELD BOOK No.
FILE MAP:
TITLE CO.:
POLICY No.:
DATUM: C.O.B.
MISC. REF.:

REVISIONS
09/30/2022
REMOVED 36" TREE, PER EMAIL FROM CITY OF BERKELEY, SEPTEMBER 28, 2022.

KISTER, SAVIO & REI, INC.
LAND SURVEYORS – CIVIL ENGINEERS
825 SAN PABLO AVE
PINOLE, CALIFORNIA 94564
PHONE: (510) 222-4020 FAX: (510) 222-3718
E-MAIL info@ksrinc.net

DESCRIPTION

TOPOGRAPHIC SURVEY

WILLARD PARK

BERKELEY, CALIFORNIA

FOR: CITY OF BERKELEY

SCALE: 1' = 20' | JOB No. 19653-19-07

DATE: 12/09/19 | DWG No. O-1431 TOPO

APN:

C:\Projects\19-07\DWGS\SURVEY\O-1431 TOPO & UTIL 09-30-22.dwg 9/30/22

Appeal of Zoning Adjustments Board's decision
Use Permit #ZP2022-095
(2720 Hillegass Ave.)

May 23, 2023

Summary

The appellants hereby appeal the decision of the Zoning Adjustments Board with respect to the Willard Clubhouse taken by ZAB on April 27, 2023.

Willard neighbors ("Neighbors") have a long history of contributing to Willard Park improvements, design, and maintenance.

Neighbors would like to continue working with the City on park improvements, particularly on the redesign of the Willard Clubhouse.

Neighbors feel that their opinions and concerns with regard to the project have been largely ignored by the City in spite of an extensive effort we have made.

Neighbors find several issues with the design approved by ZAB. Earlier attempts to communicate with the Applicant, and various levels of the City government failed. Therefore, we find it necessary to file this appeal.

The issues are as follows:

1. 1986 measure L violation: the Applicant failed to demonstrate that proper legal consideration was given to measure L. The opinion of the Applicant offered right before ZAB Commisioners took the vote appeared to be based on guesswork. Neither did ZAB commissioners follow up on obtaining the legal opinion.

2. Potential CEQA violation: the issue was brought up in writing and during the public hearing, but there was no discussion of it.

3. Neighbors feel that the proposed change in use of the new structure (implied by its Community Center status) will have a significant impact on the neighborhood, especially those who live next to it. That impact has not been properly considered.

4. Approved variance with respect to the setback related to 2732 Hillegass violates owner's property right.

5. The setback shown for the abutting property at 2731 Regent violates owner's property right.

6. The new building has been characterized to ZAB as a single story, but this is misleading; its actual height measured on the western lot boundary is that of a two-story building. This has severe impact on the view from the abutting properties.

7. The issue of rainwater drainage raised by owners of abutting lots has not been addressed.

8. We find the size and placement of the proposed restroom cause it not only to encroach on the green, open space of the park, but make it hard to monitor, especially at night. Willard Neighborhood Association presented an alternate solution, Portland Loo, and asked that the Applicant consider it. This request was ignored. The Portland Loo solution would minimize the cost, preserve open space, and would make it easy to monitor by law enforcement.

9. Updated Willard Community Center plans presented at the ZAB public hearing were never presented to the community for feedback.
   (It is worth noting that the change of plans was not motivated by public input but forced by the amount of T-1 funds available for the project in the high inflation economy.)

10. Despite several requests, the Applicant refused to deploy story poles that would make the general public aware of the project size.

For further details, discussion, drawings, and additional material, please see the main body of the Appeal document below.

Thank you.

The Appellants
(See signature pages for list of names)

A Stec

APPEAL

Members of the Willard Neighborhood Association Steering Committee and Willard Park neighbors are appealing the decision of the Zoning Adjustment Board on 2720 Hillegass Ave., specifically ZAB's approval of the demolition of the current clubhouse in Willard Park and the construction of a new Community Center.

This appeal is not solely related to the motion to move forward with the construction of the new Community Center. We are also appealing out of concern that much broader issues which we, and other Willard Park neighbors, communicated to ZAB and raised at meetings with City officials.

Willard Park was jointly designed and built by **the City and Willard Neighbors.** Over the years we saw the Clubhouse and the original tot lot (see picture at left) next to the Clubhouse age.

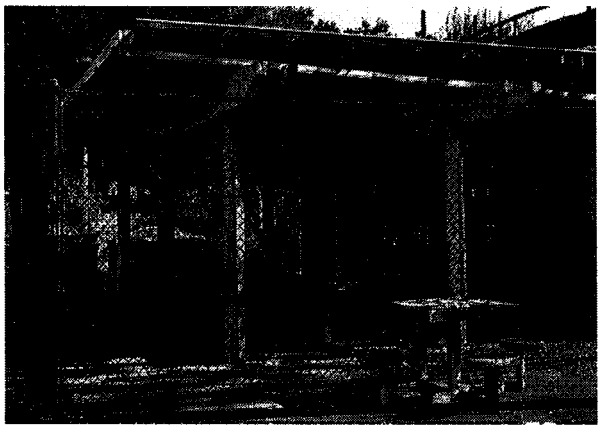
It was clear that the tot lot was in need to repair or replacement. The Willard neighbors decided a new tot lot with current best practice play structures was the direction to go.

"Over the course of six years beginning in 1990, dozens of neighbors came together as Friends of Willard Park to improve this park, which had fallen into a sad state. Groups of volunteers enlarged the playing field and created the Derby/Hillegass corner entrance before moving on to construct the cobble-lined concrete paths and this tot lot (see picture at left).

In the final phase of work neighbors contributed almost 5,000 hours on 88 days to install the pathway lights with stone bases, plant trees, and restore the circular bench". (See *Attachment 2* "Your Neighbors Built this Tot Lot" for more on this story)

Today the Open Space in Willard Park has morphed into a vibrant place for small children and parents, dog lovers, soccer players, yoga classes, and people who come just to enjoy the grassy area on warm sunny days.

We have seen the Willard Clubhouse change too as times have changed. It was originally designed with very large boulders piled up to make it look like it grew organically out of the ground with a stairway to a parapet on the roof for people to overlook the entire park.



Now the boulders and the parapet are gone and there is a fence that isolates it from the rest of Willard Park making it accessible only for the after-school program and in the past for summer session kids. Willard Park is not currently listed as a site for a summer program this year nor was it a summer program site in 2022 as well, and we are concerned that it will not be the site of future summer programs.

The proposed Community Center continues the loss of open space in Willard Park that started with fencing in the current Clubhouse. The City plans to install a fence around the new Community Center that will cut off all access around the South and West faces of the building except for those people using the Community Center.

"IN THE ACTION CALENDAR FOR THE CITY COUNCIL NOVEMBER 14th, 2017 (Council) ACKNOWLEDGE THAT SOUTHEAST BERKELEY HAS THE LEAST GREEN SPACE BOTH IN TERMS OF SQUARE FOOTAGE THAN ANY OTHER PLACE IN BERKELEY AND THE COMMITMENT WAS TO NOT ONLY PRESERVE WHAT GREEN SPACE WE HAD BUT TO ADD MORE. THAT SEEMS TO NOT HAVE BEEN CONSIDERED." Pamela (no last name given) from the 4/27/2023 ZAB meeting Transcript.

We have always been in favor of seeing a new Clubhouse that serves the needs of the kids in the after-school and summer programs (should the summer programs return), especially if that was the sole use of the new building.

The issue that separates us is how big should the new clubhouse be. There's a clear tradeoff between open space in the park and the size of the building that will take the Clubhouse's

place. This was one of the specific issues we raised both in the public meetings in the park and at the ZAB meeting.

"Rather than reduce the open space in Willard Park with such a large "Community Center", the Willard Neighborhood Association urges the Parks Recreation & Waterfront Department to focus on a smaller clubhouse that could meet staff and children's needs with emphasis on supporting outdoor learning, social interaction and the physical benefits of spending time in the open air." (See *Attachment 3*, Rebecca Tracy's **OpEd in Berkeleyside** for the full article.)

The latest iteration of the plan for the Community Center and restroom, presented at the 4/27/23 public hearing, had never been presented to the public for comment before the ZAB meeting.

We feel that the minimal time allotted to speakers, both pro and con, was insufficient given the scope and complexity of the issues and changes made in the proposal. We would like to see a new more open-ended presentation and comment session held – ideally in the park, where story poles could give the public a sense of the building's impact on Willard Park and its neighbors.

We feel our position has been unreasonably characterized by Councilmember Humbert and other presenters in multiple venues as being opposed to building something that will provide new opportunities for children in need of a safe place to be, and for the staff that supports that goal.

In a "Special Report" dated 4/27/23 (See *Attachment 4a* **Willard Park Clubhouse Special Edition**) Councilmember Humbert states "**I am re-sending former Councilmember Lori Droste's special edition newsletter about the Willard Park clubhouse project**". This statement suggests that Councilmember Humbert is sending a copy of what former Councilmember Droste sent regarding the new Clubhouse (See *Attachment 4b*).

A closer look at Councilmember Humbert's email shows that he edited the copy in former Councilmember Droste's email, leaving out portions, adding new pictures, and extensive new commentary of his own. If you don't compare the two side by side, it's extremely difficult to tell whether it is the former Councilmember Droste speaking, or if it is Councilmember Humbert speaking. Often both are speaking in the same paragraph of Councilmember Humbert's email.

On pages 7 through 9 of the email, Councilmember Humbert cherry picked phrases from emails we sent out. We know that's the case since this example never appeared in former Councilmember Droste's email:

- **"The project is a bait and switch! It was once billed as a remodel and now staff is creating a community center." (A quote from the Willard**

Neighborhood Association email – taken out of context)

At no time did anyone from the Willard Neighborhood Association Steering Committee argue that the clubhouse should not be renovated. The project description always included an expansion and replacement of the existing clubhouse because of concerns that the current size was insufficient for the community's needs. Community centers are intended for people in the community and not parties with "loud music." (**A quote from Councilmember Humbert's "Special Report"**)

Councilmember Humbert would have you believe that our position was that nothing could be built that was not the exact same size as the current Clubhouse. That has never been, and never will be our position. We support after-school and summer programs in the park to the greatest extent possible given the available space. The Willard Neighborhood Association undertook a park user survey and we got 300 unique on line respondents mostly from flyers posted around the park. Of those 300 respondents over 50% wanted to see a bigger space and 76% of them live within 6 blocks of the park. (**See *Attachment 1*: Exhibit A "Willard Park Survey" in the Greenfire letter to ZAB.)**

A map of the immediate neighborhood marking addresses of neighbors who signed this appeal (red dot), whether as appellants or just signers, is shown in ***Attachment 10***.
In the short period of time we had to prepare the appeal we collected in excess of 90 signatures.

The City of Berkeley General Rules for Community Centers do in fact allow for parties and specifically amplified music in Community Center spaces, subject to BMC 13:40 subsection 13.40.030:

C. If it is determined by the responding agency that a sound level violates this chapter, the following procedures shall be followed, except as otherwise provided in Section 13.40.070:

1. A warning shall be issued by a NCO to the person responsible for the violation.

2. If the violation persists following the warning or recurs within an eight-hour period, the person responsible shall be in violation of this chapter.

For those of us that live in the South Campus area, we are intimately aware of how limited the enforcement of Berkeley's Noise Ordinance is. We have often complained about loud parties, and often hours later a police officer has come to ask the offenders to hold the noise down. Rarely is a second response notice posted. Just because there is a BMC description of what can be done, that does not mean that the code section will actually be enforced. Yes, we fully understand that Noise Control is time consuming, and officers have other pressing issues to pursue. We would prefer not to rely on the sparsely enforced Noise Ordinance for this new

Community Center and request that these concerns be taken into consideration before project approval.

We urge you to read pages 7 through 9 of Councilmember Humbert's "Special Report" and compare them to the specific concerns we are raising in this appeal. Furthermore, we believe that Councilmember Humbert's "Special Report" shows throughout that he is predisposed to vote in favor of the project as it is currently proposed, notwithstanding his statement "I am keeping an open mind about the project".

When we asked to meet with Councilmember Humbert before he distributed his "Special Report" he was very clear that he would not speak with us. (See ***Attachment 3c***: **Councilmember Humbert's refusal email.**)
Councilmember Bartlett did meet with us when we asked him to come to Willard Park and see what open space was being eliminated.

Based on Councilmember Humbert's refusal to meet with us prior to his release of his "Special Report", which clearly shows his position on the Community Center Project, we ask that Councilmember Humbert recuse himself from discussing and voting on this appeal based on his clear bias relating to the new Clubhouse. If he fails to agree, we hope that the Council will take some action.

We also feel there was unequal treatment of our concerns at the 4/27/2023 ZAB meeting. Former Councilmember Lori Droste was allowed to speak uninterrupted by Chair Duffy for over two minutes at the hearing regarding her unwavering support of the project as proposed. In addition, four of the Commissioners reported ex-parte communications with her regarding the project.

When former Councilmember Carla Woodworth was allowed to speak, she was only given 1 minute to raise her concerns. This seems to us as a bias by ZAB Chair Duffy, who voted in support of the project.

In 1986 Berkeley enacted Measure L, an initiative that was meant to keep park open space from being slowly chipped away. The measure asks the people of Berkeley to decide if new construction in the parks is in the best interests of Berkeley. In the Parks, Recreation and Waterfront presentation to ZAB by Scott Ferris he chose to consider only the small grassy area that would be taken out by the change in the walkway.

>> "I JUST WANTED TO GET SOME CLARIFICATION, . . CAN YOU JUST CONFIRM, ARE YOU SAYING THE ENCROACHMENT WILL ONLY ENCROACH ON LESS THAN 1% OF THE OTHERWISE OPEN SPACE?" Board Member I. Tregub from ZAB Transcript

>> "LESS THAN 1%, CORRECT." Scott Ferris, Director of Parks, Recreation and Waterfront Dept. from ZAB Transcript

We challenged that at the ZAB meeting. Measure L (1986) (**for the full text of Measure L including arguments for and against, see *Attachment 1:* Exhibit B in the Greenfire Law letter to ZAB**) is clear that it is meant to protect open space not just green space. Open space would include the footprint of the new building as well as the space fenced off for all park users except those using the Community Center, as well as the construction of a new restroom near the tennis courts.

The California Environmental Quality Act (CEQA) specifies changes in use as one of the criteria requiring a review. The City deems this project "categorically exempt", which means that voters who feel that traffic, parking, and noise issues won't have a chance to challenge them. (**See *Attachment 1*, page 3 Traffic Item 3c in the Greenfire Law letter to ZAB.**)

We also feel that the change of use from the Clubhouse, used solely for after-school and summer programs, to a much larger Community Center, used for meetings, events and parties, needs to be addressed under Measure L as well as CEQA. (**See *Attachment 1* Greenfire Law letter to ZAB: page 2 Item 1 paragraph 4 as well as page 3 Open Space Reduction Item 3b.**)

The project architect when responding to Commissioners questions maintained that there is no change of use. For most of us, however, the concern for the change of use was very real.

Increasing the number of children will increase the need for a larger pickup and drop off zone. We understand that state law may not require it, nonetheless double parking on Hillegass Ave. in the afternoon during pickup time will be more serious for the neighbors than with the current number of kids. It also raises questions about children's safety, entering and exiting double parked cars.

The issue of parking for events and parties to be held in the Community Center is a serious concern for neighbors where there are already more parking permits than there are parking spaces (as per Parking & Transportation Dept.). Since any citizen of Berkeley can rent the space for an event or party, there is a high likelihood that numerous cars from out of the Willard neighborhood will want to park nearby making a significant impact on our ability to park near our homes.
The street where the designated loading zone is to be created, Hillegass Ave., is actually designated a Bicycle Boulevard. Proposed change in use will be detrimental to the safety or bicycle riders.

The motion made by Commissioner Tregub that was debated and passed at the ZAB meeting failed to address most of the concerns we raised whether by speaking or in writing. The motion, as debated, dealt solely with the issue of the setback variance. The bulk of the discussion revolved around whether the variance for a 16' set-back had a nexus for passage. Commissioner O'Keefe (appointed by Councilmember Hahn) made a strong case that no nexus was put forward.

"I HAVE ALWAYS UNDERSTOOD THE EXCEPTIONAL CIRCUMSTANCE FINDING, WHATEVER THE CIRCUMSTANCE IS NAMED IN THAT FINDING HAS TO HAVE SOME SORT OF NEXUS WITH THE EXCEPTION BEING ASKED FOR. .... TO ME,

IT SEEMS IT'S A PARK, THAT'S UNUSUAL. WHAT DOES THAT HAVE TO DO WITH THE SETBACK? .... I DON'T SEE ANYTHING THAT JUSTIFIES CHANGING THE SETBACK, BECAUSE YOU HAVE A PARK IN THE AREA. YOU COULD DO THIS WITH ANY PARCEL" **Commissioner O'Keefe from ZAB Transcript.**

"THERE IS ANOTHER FINDING B THAT WE HAVEN'T ADDRESSED. VARIANCE NECESSARY TO PRESERVE A SUBSTANTIAL PROPERTY RIGHT.
SO WHAT'S IN FRONT OF US RIGHT NOW, IT IS SAYING WE WANT A BIGGER CLUBHOUSE. IF WE ARE MAPPING THAT ONTO THIS SORT OF PUBLIC USE, THE USE, THE PROPERTY RIGHT WE ARE TRYING TO PRESERVE IS WHAT? HAVING A BIGGER VERSION OF SOMETHING WE ALREADY HAVE? THAT'S NOT A SUBSTANTIAL PROPERTY RIGHT. THAT'S SOMETHING THAT WE WANT. **Commissioner O'Keefe from ZAB Transcript**

"I THINK WHAT YOU ARE SAYING IS WHY CAN'T IT COMPLY WITH THE LAW? IF IT COMPLIED WITH THE LAW IT WOULD BE SMALLER. IF WE JUST SHRUNK IT, IT WOULDN'T VIOLATE THE SETBACK . . . AND WE WOULDN'T NEED A VARIANCE AND I WOULD VOTE FOR IT". **Commissioner O'Keefe from ZAB Transcript**

Other public speakers spoke against the variance including Paul Tuleya and Lucas Stec in their public comments.

"I LIKE BOARD MEMBER O'KEEFE'S COMMENT WHY IS THERE AN EXCEPTION BEING MADE, WE HAVE 5X BIGGER, IF YOU SHRINK THAT A LITTLE, YOU DON'T NEED VARIANCES OR AFFECT THE NEIGHBORS AS MUCH." **Lucas Stec from ZAB Transcript**

"I REPRESENT THE OWNER OF THE PROPERTY DIRECTLY TO THE SOUTH OF THE PROJECT. THE THING IS TO NOT ENCROACH ON THE GRASS THERE, NOW ENCROACHING ON MY FOUR FEET THAT THERE IS SUPPOSED TO BE A 20 FOOT (set back) BETWEEN MY PROPERTY AND THE PARK. THEY ARE TRYING TO ENCROACH FOUR FEET BACK TO MAKE IT 16 ft." **Paul Tuleja from ZAB Transcript**

The variance is based on a wish list of taking 4 feet off of the stipulated 20-foot setback, so the City can build a very large recreational center, a center that has been designed as too big for the confined space it is meant to fit in. **As ZAB Board member O'Keefe stated, "THERE IS NO EXCEPTIONAL CIRCUMSTANCE"** that justifies the setback. This variance is a "taking" from the property rights of the abutting property.

The one thing that clearly is unique in the plan for the Community Center, is that it is the only Community Center that backs up against residential housing. All the other Community Centers have a least a street separating them from the neighboring community – roughly 60 ft. or more of separation. In comparison that makes even the 20 ft. setback largely insufficient with respect to noise for neighbors whose property abuts the South boundary of the park as compared to other Berkeley parks with Community Centers.

We strongly oppose the setback variance issued as it effects property rights of the people living at 2732 Hillegass Ave.

Finally, the project as presented at the ZAB meeting has had major revisions since it was last presented to the public. We believe at a minimum that a public meeting where neighbors can raise concerns about the new configuration should be held.

It is worth noting that it is not the concerns of the neighbors that drove the recent change in design, but increased construction costs caused by high inflation and the scarcity of T-1 funds that affected the change.

Over the following pages, we will present more detailed discussion of these points with references to the letter from our lawyers. (**See *Attachment 1*: Greenfire Law letter to ZAB**)

Measure L

In the distant past in 1980, the Berkeley Unified school District attempted to put portable classrooms onto Civic Center Park while the "C Building" was being seismic retrofitted. In the end they found it more expedient to place them elsewhere, but it was a wakeup call for the need for some legislation to protect Berkeley's parks. (**See *Attachment 5*: BUSD Bungalows from 6/23/80 Berkeley Gazette.**)

Berkeley voters approved Measure L in 1986. It was a citizens' initiative ordinance created to allow Berkeley voters to directly participate in decisions to change the use of Public Parks and Open Space.

It specifically prevents the City Council from using the existing public parks and open space for any new use without the approval of the community. If the Council wants to remove or develop existing public parks and open space, prior voter approval is required. (**See *Attachment 1*: Greenfire Law letter to ZAB page 2 item 1**)

In the past when the new City Hall needed seismic retrofitting, the City proposed putting temporary buildings on Civic Center Park for City staff. When Measure L concerns were raised by citizens of Berkeley, the City decided that the temporary buildings were inconsistent with Measure L, and other locations were found for the City staff.

The proposed Project involves demolition of the existing clubhouse that is approximately 565 square feet in size and an existing public restroom that is approximately 114 square feet in size.

It would allow the new construction of a new Community Center that is approximately 3,300 square feet in size and a restroom that is approximately 241 square feet in size. The community center is not only **6 times larger** than the existing facility, but it entails a change of use. We believe that both the size of the new Community Center and the Center's change of use should have triggered a CEQA review.

"To provide the public with adequate opportunity to raise CEQA objections, the City must give notice of the grounds for making an exemption determination." (See *Attachment 1*: Greenfire Law letter to ZAB page 2 item 2.)

The City's assertion that the project is "categorically exempt" from CEQA, besides quoting a specific section, does not give an adequate description of the grounds used in that determination.

The issue of CEQA was raised during the public hearing of the 4/27 meeting, yet Commissioners chose not to discuss it at all.

The demolition and new construction fall squarely within the 1986 Measure L, and therefore, we believe the City Council is legally mandated to place the Project before voters in the next general election. and the language of Berkeley City **ORDINANCE NO. 5785-N.S.** **(*Attachment 1*: Greenfire Law letter, Item 1 page 2.)**

> Section 1. **VOTER AUTHORIZATION PROCEDURE.**
>
> That **no public parks** (hereinafter defined) or public open space (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, **shall be used for any other purpose than public parks and open space**, without The Berkeley City Council first having submitted such use to the citizens for **approval by a majority of registered Berkeley voters voting at the next general election**.

Former Councilmember Carla Woodworth raised this issue in her presentation to ZAB:

>> THE COMMUNITY CENTER IS NOT ONLY MUCH LARGER THAN THE EXISTING FACILITY BUT ENTAILS A CHANGE OF USE. SUCH NEW CONSTRUCTION FALLS SQUARELY WITHIN 1986 MEASURE L AND THE COUNCIL IS MANDATED TO PLACE THIS PROJECT BEFORE THE VOTERS. Former Councilmember CARLA WOODWORTH from ZAB Transcript

We believe that going from a facility that provides only after-school care and summer children's programs to a facility that will host parties and events for hire is clearly a change of use. We believe this is exactly the kind of change of use that Measure L was enacted to prevent without voter approval.

We would also like to bring to your attention that there are other projects involving open space and the 1986 Measure L that are slated to come before you in coming months. A decision to not consider Measure L as it relates to Willard Park may well have ramifications on these other projects.

In fact, we question whether the City considered applicability of 1986 Measure L to the project

at all. In the *Questions to the Applicant* part of the hearing in response to Commissioner Tregub's question with regard to the applicability of Measure L to the project we heard:

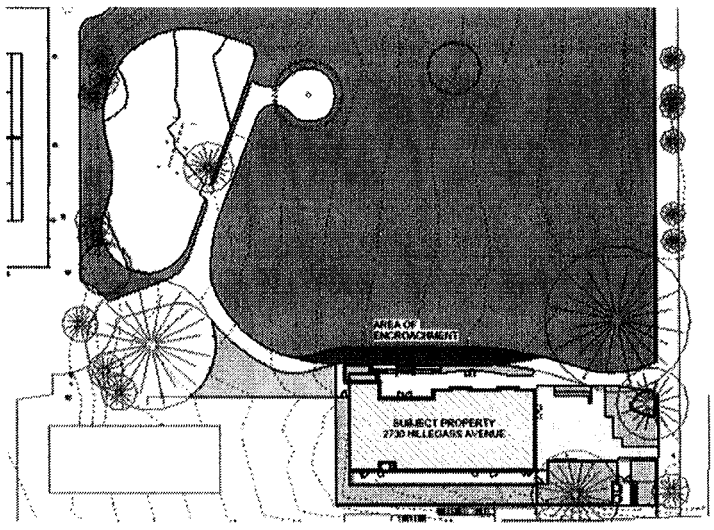
>> SO I WILL SAY I'M NOT A LAWYER. BUT MY UNDERSTANDING OF MEASURE L THERE IS NOT A PROBLEM WITH THIS FACILITY IN THE PARK. THE A RECREATIONAL IN PARK USE ALREADY SO THERE ISN'T AN ISSUE. BUT I'M NOT THE CITY ATTORNEY.
PR&W manager, Scott Ferris, from ZAB Transcript

There was no further discussion of Measure L in the hearing and the vote was taken without consideration for Measure L (1986).

Open Space In Willard Park

Willard Park is a small neighborhood park occupying just slightly more than half of a city block (see *Attachment 7*: **List of Neighborhood Parks in Berkeley**). As you can see from the list, there are 15 parks in Berkeley that are larger than Willard Park and 9 of them don't have a Community Center or some other significant structure. We are concerned about the fact that that our smaller neighborhood park needs a Community Center when so many other parks, many of them much larger than Willard Park, are not being considered for a Community Center.

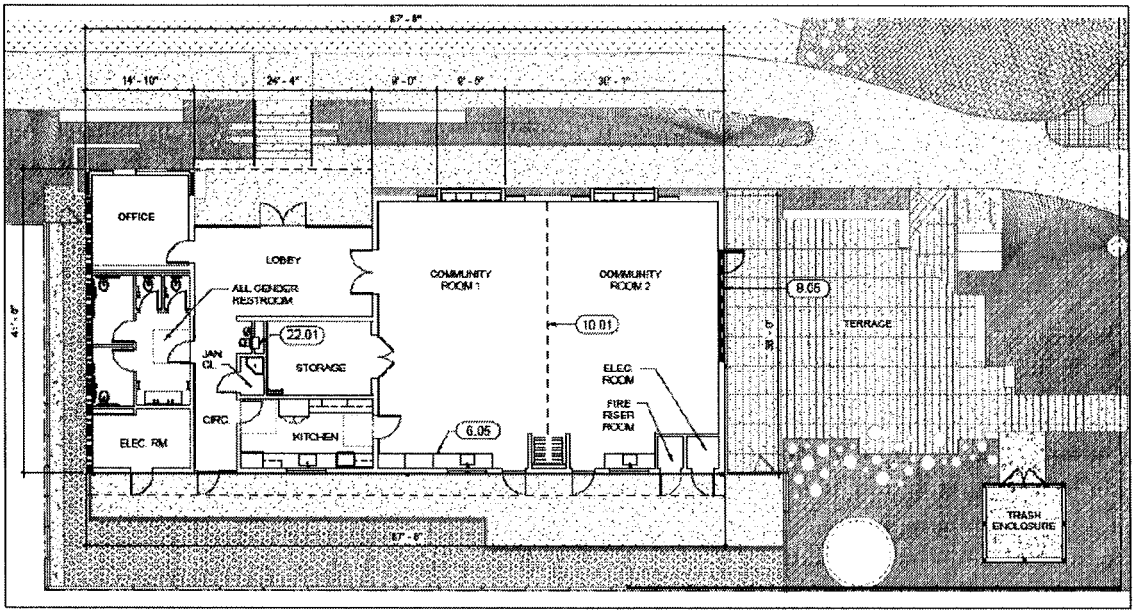
Districts 7 & 8 have the smallest available green space area *per capita* in Berkeley and the housing density of our two districts are getting denser each year as new high rise multi-family house is being built and more students get enrolled by UC Berkeley. Two new buildings are in development now on Telegraph and three more on Shattuck. This increasing density will only make the open space in Willard Park that much more valuable to the community as a whole.



Based on the City's application data, the external footprint of the current clubhouse is 679 sf. The external footprint of the proposed Community Center is 3,499 sf. That comparison does not give you the real picture of the actual change in the loss of open space in the park. To compare apples tp apples you need to look at the space that will no longer be open to park users. In the illustration on the right from the ZAB Packet, the area in red is the amount of encroachment the pathway in front of the proposed building will take out of the grassy area of the park. That is the area the PR&W presentation at the ZAB meeting described as the loss of open space and was stated to be less than 1% of the park area.

To calculate the real loss of usable open space, you must start with the size of the new Community Center building (external footprint: 3,500 sf), add in the open space that will be fenced off behind and beside the building that will no longer be accessible except for those using the Community Center (1,600 sf), due to the fence and gates around the new building – see the greyed out portions on the West and South sides of the building, and finally add in the area for the new restroom (216 sf), then subtract the size of the old building 679 sf (external footprint) and the area in the SE corner of the park that will no longer be fenced in. This yields roughly 4,636 sf of open space that will no longer be part of the park. **(See *Attachment 1*: Greenfire Law letter to ZAB, page 3 item 3 Open Space Reduction.)**

Figure 4: Community Center Floor Plan



"We would like to see a reasonably sized clubhouse designed for children's use, playful and colorful, with new interior bathrooms, office and storage space, and enough indoor space for children's daily use. The focus of the redesign should be primarily to promote active outdoor play for an increased enrollment of primary-school-aged children, understanding that indoor space is needed on rainy and cold days." (From a WNA article published in the Claremont Elmwood Neighborhood Association newsletter.)

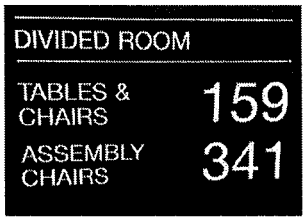
That works out to be 3.9% of the entire park including the tennis courts, tennis backboard and the potters wall area (City owned Regent St. right of way). If you figure about 24 sf for someone lying on the grass on a sunny afternoon, you get 180 fewer people being able to use the park on crowded days in the future.

However, an argument can be made that the tennis courts and the wide asphalt path separating them from the green, open park space, should be excluded from the calculation, as the capacity of the tennis courts is fixed, and is dedicated to a specific use. This makes the total usable space 111,000 sf. Therefore, the loss of 4,636 sf will constitute the loss of 4.2% of park usable space.

"WE BELIEVE NOW THIS IS ABOUT THE MINIMUM; THE SMALLEST IT COULD BE TO STILL ACCOMMODATE THE PROGRAMS THAT THE COMMUNITY NEEDS IN THIS SPACE." Scott Ferris, Director PR&W Dept. from ZAB Transcript

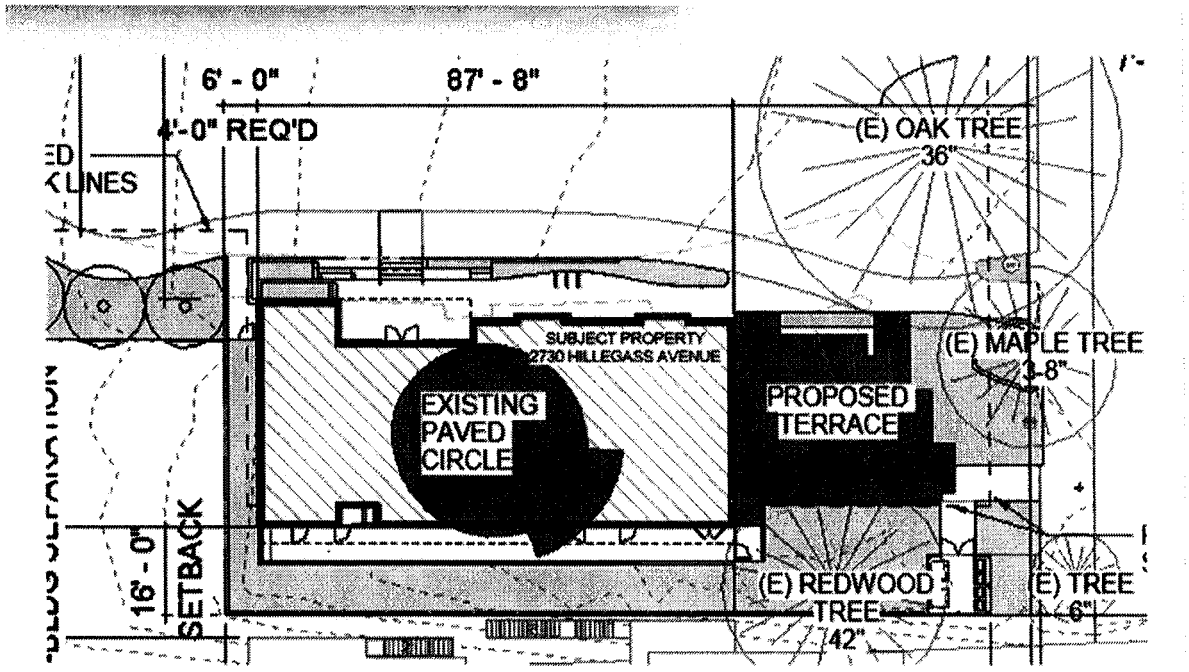
There was no further discussion by the City to support this statement in their presentation nor were there questions raised by any of the ZAB Commissioners asking for clarification of why the building could not be smaller.

We believe that a more robust discussion of the size of the space needed for the after school and summer programs would yield a very different answer. By way of comparison, the main assembly hall in the Burlingame Community Center can be divided, and the larger division is roughly 1,755 sf, which is just slightly larger than the proposed Community Room in the Community Center.
The occupancy sign for the Burlingame space shows 159 people seated around 8' round tables.

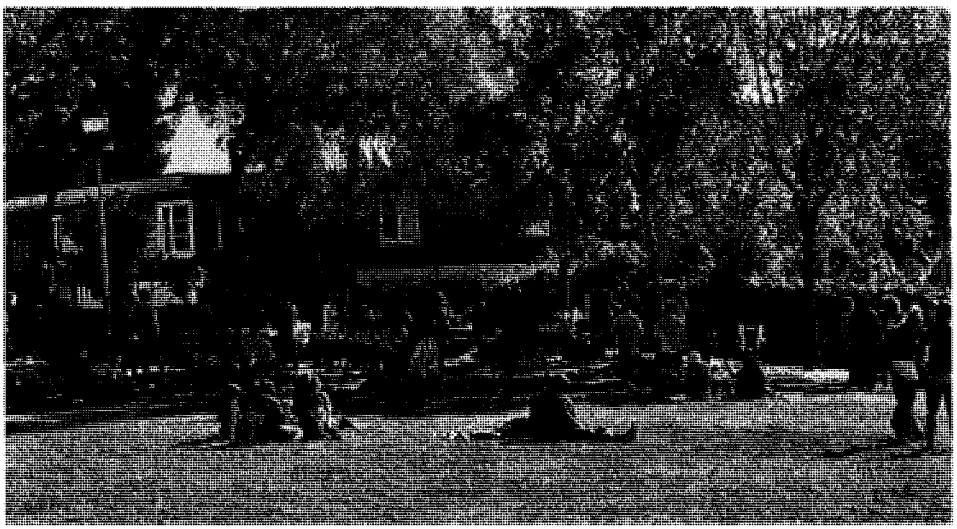


If Burlingame can get 159 people seated at tables in a space the size of the proposed Community Room, surely Berkeley would be able to get 60 kids at tables while leaving interior activity space for use during inclement weather all in a much smaller Community Room space. (**See *Attachment 1*: Greenfire Law page 3 item 3 Paragraph 2 Open Space Reduction.**)

The new terrace being built on the East side of the building is much less welcoming than the current plaza which is in filtered sun virtually all day. The terrace is shaded by the tall redwood and maple trees for the morning and mid-day and by the new Community Center in the afternoon. (**See *Attachment 1* Greenfire Law page 3 Item 3 Paragraph 2 Movement of Plaza / Terrace**)



In addition, **moving the new Community Center to the West will require the destruction of the seven mature trees** that ring the current plaza (shown at the right). We understand the City will plant new trees but these 30 year old trees have many good years still to come.



That's an issue in that many days out of the year, even in the afternoon the wind blows in off the Bay and unless you are in the sun, the chill is very noticeable. Yes, the existing Plaza is replaced by a Terrace but it's not really as inviting to use. That's true whether it is groups holding a picnic with tables & BBQ's, the kids when the grass area is too damp, tai-chi classes, dancers, or public meetings.

The plans fail to show **the location of the proposed bicycle parking** and how it might impinge on the proposed terrace's ability to be used for organized activities.

We are also concerned about the safety of having young children playing on the terrace when the grass is too damp. The terrace will be just a few feet away from the street and a child running into the street to collect a runaway ball could well end up in tragedy. Having the existing paved circle protects the children from those hazards. **(See *Attachment 1*: Greenfire Law page 3 Item 3 Paragraph 3 Traffic Impacts)**

Another issue will be increased traffic and additional parking in and around Willard Park. That's especially true about double parking on Hillegass during drop off and pick up for the school and summer programs as well as for events and parties.

>> THE BUILDING PLANS AS PROPOSED WOULD REDUCE THE AMOUNT OF ALREADY SCARCE GREEN SPACE IN THE PARK AND NEW PARKING DESIGNATIONS THAT WOULD LIMIT THE ALREADY TIGHT NEIGHBORHOOD PARKING ISSUES. Patrick Kehoe from ZAB Transcript

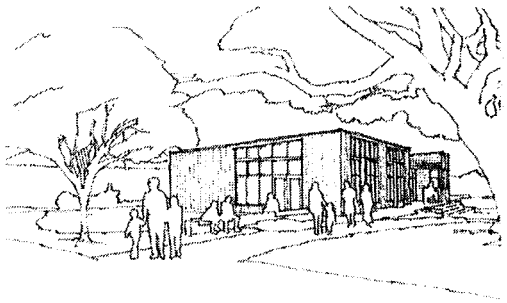
Hillegass Avenue is a dedicated bike boulevard. Having to weave around cars and pedestrians crossing from the cars to the park are a real safety hazard – not just to the people who bike but to the people who are getting into and out of the cars. With no CEQA review, these issues of safety have no venue for discussion other than as part of an appeal. **(See *Attachment 1*: Greenfire Law page 3 Item 3 Paragraph 3 Traffic Impacts)**

Willard Park is used by all kinds of people in all age groups for dozens of different outdoor activities.

Currently, the after-school program reserves a significant grassy area when it's in operation during the school year and during prior summers when the Summer Youth program was happening at Willard Park. Increasing the number of children in the program will call for a tradeoff: a larger area to be set aside for the children's program needs and consequently further diminishment of the open space available to other users.

As there is no easy access to the proposed construction site, heavy construction equipment and materials will require that a goodly part of the existing grass area be fenced off and used as a construction zone for months, or more likely several years, once the project commences. It will likely exclude nearly 1/3 of the open space in the park from use during construction.

The proposed height of the structure (16 ft. above grade on the East end of the building and 20 ft. on the West end park-facing side) would unnecessarily dominate the small park and completely change its character. The existing clubhouse is only 12 ft high and blends well with the park. The conceptual rendering of the current design (on the right) amply demonstrates why the building is out of scale to the people in the park.



View of the building from the East

In 2022 at one of the public meetings in the park, we requested that story poles be erected so that neighbors and park users could get a better grasp of just how out of scale this building in in relation to the park. At that meeting we were told by Scott Ferris that the City does not need install story poles.

At the ZAB meeting this issue was again raised by Paul Tuleja and was not discussed by the ZAB Commissioners.

"I WOULD LIKE TO SEE SOME POLES PUT UP TO SHOW US THE DIMENSIONS OF THE NEW BUILDING THAT IS SUGGESTED TO GO UP." **Paul Tuleja from ZAB Transcript**

Noise issues are a real concern to the neighbors who live next to, or within a short distance from the proposed Community Center. Willard Park is the smallest neighborhood park in Berkeley. (**See *Attachment 7*: Parks in Berkeley.**) Of the 15 larger neighborhood parks, 9 of them do not have a Community Center, two have Community Centers, three have Recreation Centers, and one has a Nature Center. All of the parks with some sort of Center have one thing in common – all of them have at least the width of a street including sidewalks and parking between the building and the nearest residence. (**See *Attachment 1*: Greenfire Law Letter to ZAB page 3 Item 3 Paragraph 4 Noise Impacts)**

The proposed placement of the Willard Park Community Center in the South East corner of the park does not allow a "buffer zone" between the park and the immediate neighbors (along the south edge of the park, i.e., 2732 Hillegass, 2731 Regent St, 2735 Regent St) as was allowed in all other Community Centers. (See picture of Francis Albrier Community Center at right with a 100+ ft. buffer to the closest household.)

The closest neighbors' windows will be merely 20 ft. away from the Willard Park Community Center.

The proposed project will increase the noise level because changing the use of the Clubhouse, which only serves after-school and summer programs, to a Community Center means that rentals of the space will be available for parties and other events. As was stated earlier in this appeal, there will be no alcohol allowed, but amplified and live music will be allowed as per Berkeley Parks, Recreation and Waterfront rules.

There are 23 households within 50 feet of the back fence that will be impacted by the noise that will come from parties and events that could accommodate over 100+ people in the 1,700 sq. ft. Community Room. Three of the households' windows are within 20 feet of the proposed structure and even closer if the event uses the area behind the Community Room and the back fence.

We feel the placement of the new restroom building between the grass area and the tennis courts will be a safety issue both during the day and especially after dark. (**See *Attachment 1*: Greenfire Law Letter to ZAB page 4 Item 3 Paragraph 2 Moving Public Restroom)**

"WE CAME UP, INITIALLY WITH TWO DIFFERENT LOCATIONS (for bathrooms). ONE WHICH WAS ABOVE THE TENNIS COURTS RIGHT NEXT TO THE STREET RIGHT NEXT TO THE POTTER'S WALL IT WOULD HAVE CALLED FOR REPLACING THE POTTER'S WALL." Mark, Project Architect from ZAB Transcript

There is unused open space at the North end of the tennis courts that is 15' wide by 60' long between the Tennis Courts and the Potters Wall. The Portland Loo is 10'7"(L) x 6'(W) x 8' 6"(H).

That area has plenty of room to place two Bronze colored Portland Loos parallel to the North fence of the tennis court and leave a 9-foot unobstructed walkway between the Loo's and the demarcation of the Potters Wall.

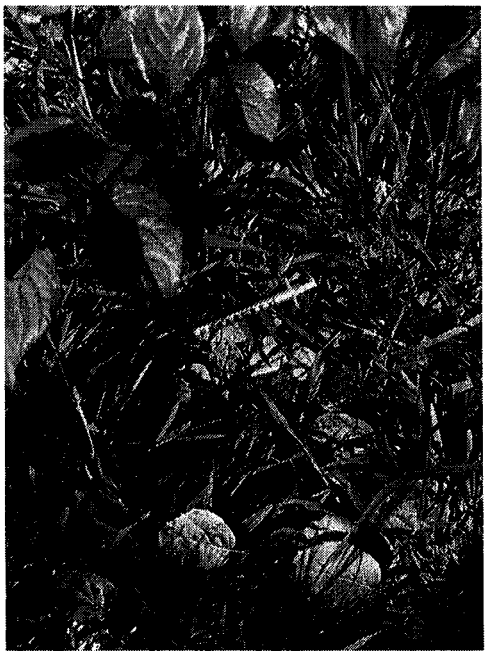
"I (want) TO TALK ABOUT THE LOCATION AND ORIENTATION OF THE BATHROOM. IF IT'S MOVED ACROSS FROM THE WALKWAY FROM THE TENNIS COURTS AND THE DOORS ARE ORIENTED TOWARD THE WEST, THEY ARE NOT VISIBLE FROM HILLEGASS OR DERBY BY ANYONE WALKING BY OR THE POLICE AFTER THE PARK CLOSES." Mary Oram from ZAB Transcript

"Putting the restroom distant from the street like that, with areas where people can easily hide, seems like an invitation for various forms of assaults on people who just want to use the restroom. In the winter, when it gets dark early, I think a lot of people would not feel (or be) safe walking all the way from the street to a restroom that was located there." Russel Tillman – letter to WNA

"WE TOOK A POLL, A COUPLE SURVEYS BUT WE ALSO TALKED TO THE POLICE AND THEY FELT LIKE . . . THIS WAS THE BEST LOCATION FOR IT." Mark, Project Architect from ZAB Transcript

"BACK TO THE ISSUE OF TALKING WITH THE POLICE. CAN I ASSUME YOU MET WITH OR WORKED WITH THE DEFENSIBLE SPACE PROGRAM IN THE POLICE DEPARTMENT?" Commissioner Sanderson from ZAB Transcript

If you look at the transcript of the ZAB meeting, this was the last statement by either staff or Commissioners before they made their motion to approve the variance. Commission Sanderson asked a question that we would very much like to have heard the answer to. No answer was provided. (**See *Attachment 1*: Greenfire Law page 4 Item 5 Paragraph 3 Movement of the Restroom.**)



We strongly urge that the issue of public safety with a restroom that will be virtually unseen, and unseeable, once darkness falls, needs to be addresed by the Berkeley Police Department. Without an answer we believe that drug dealing, and drug use will be probable with the restroom in its planned location. See picture of drug paraphernalia recently taken in the general location where the proposed restroom will be located.

We also urge that the architects look at the Portland Loo placed just to the North of the tennis courts. There is the space for it without impinging on the Potters Wall, and it will be very visible from people walking on Derby street. In a brief discussion after the ZAB meeting, the Project Architect seemed unaware of the new finishes to the Portland Loo that would make it blend in more with the neighborhood and how the Portland Loo's lighting is designed to discourage drug use in the restroom.

A strong feature of the Portland Loo is its cost. According to the Berkeley Wash Assessment 2020, the stand-alone Portland Loo (no utility connections needed) would be considerably cheaper than designing and constructing a one-off building that would need utility hook ups and would be considerably more susceptible to vandalism and graffiti.
(**See *Attachment 6c*: "Berkeley Wash Assessment – Portland Loo".**)

The Portland Loo was designed with the primary intent to prevent problems that are commonly experienced with public toilets. The modular construction of the restroom allows for easy installation, and it can be quickly repaired on site.
(**See *Attachment 6a & 6b*: "Why a Portland Loo & FAQ"**)

The coated stainless-steel walls (bronze color in above picture) are sleek and modern, which also makes them hard to vandalize and easy to clean. Nothing can be ripped off the walls or damaged, because the hand-washing station is mounted on the exterior.

The entire unit can be off grid, operating totally on solar power. At night the exterior has gentle lighting that switches off when the unit is occupied. The interior lighting is blue and comes on when the unit is occupied. That color discourages use for shooting up as it makes the veins much harder to locate.

An added advantage for the beat officer during the day or a BPD patrol car at night would be to easily see if the unit was in use – allowing the bathroom to be available for much longer hours and making everyone using it feel safer.

Building height, obstructed views

During the City presentation we heard -

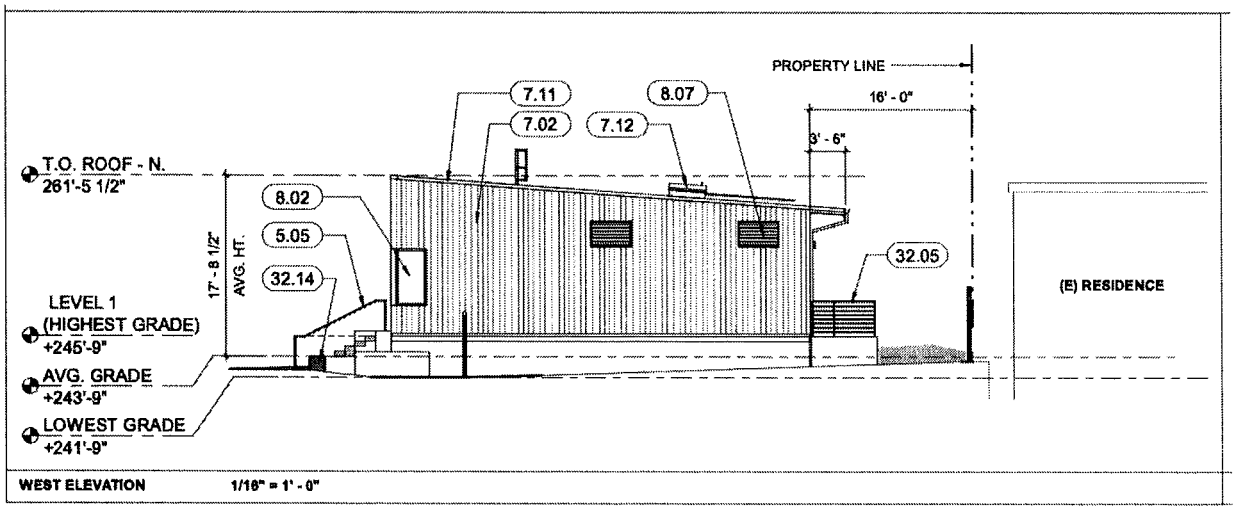
>>> FOR FINDING D, THE NEW CLUBHOUSE WOULD BE COMPATIBLE IN TERMS OF HEIGHT AND MATERIALS WITHIN THE NEIGHBORING BUILDINGS AND WOULDN'T BE DETRIMENTAL IN TERMS OF VIEWS, LIGHT AND AIR IMPACTS. IT WOULDN'T CAST SHADOWS ON NEARBY RESIDENTS AND ONE WOULD BE LOWER IN HEIGHT THAN AREA RESIDENCES, THIS FINDING CAN BE MADE. A.Riemer from ZAB Transcript

The proposed Community Center building has been described as a single-story structure and its average height has been declared as 18 ft. While this is true, it is also misleading. The highest point is 20 ft off the ground (see the drawing below: T.O.ROOF-N – LOWEST GRADE, i.e., 261'-5 ½" – 241'9") and is larger than the height of the two-story building located in the back of 2732 Hillegass – see *(E) Residence* shown on the drawing below.

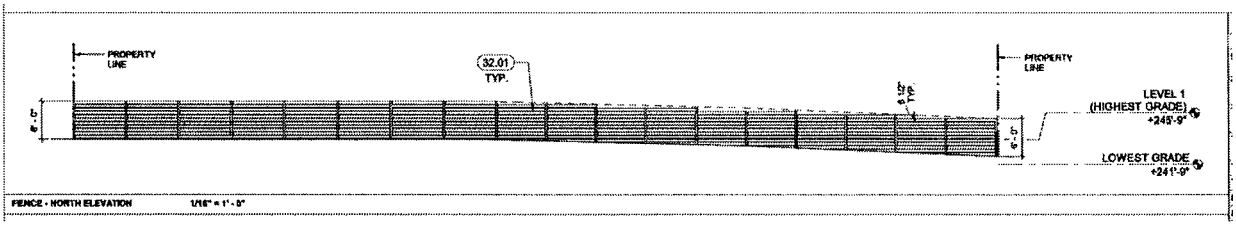
The new structure blocks the view of the park for several tenants who live at the said property. Existing views of the park and its open space will be replaced by a new building blocking the view, which will lead to lower economic returns and a less desirable place to live.

The new structure will increase the current height of the existing structure by 50% and by its proposed closer location, invades the privacy rights of the residents of the surrounding buildings.

Please note that the current single-story clubhouse, which has the height of 12 ft, is much shorter and is closer to Hillegass, thus the park view from residence (E) is unobstructed. (Sheet Z2-A1)



For the residence abutting on the west side, i.e., 2731 Regent, the problem is even more pronounced as the park terrain slopes down from Hillegass to Regent. The drawing below illustrates the slope just for the 2732 Hillegass lot.



Park terrain continues to slope down towards Regent St, which effectively amplifies the height of the proposed structure as perceived by immediate neighbors.

The effect of this on the views has been illustrated in the document submitted earlier to ZAB by email. Edited parts from it are attached as an Addendum for reference.
(See *Attachment 8*: "ViewImpact 2731Regent")

Drainage

Immediate neighbors, whose lots abut the proposed construction site, have raised the issue of drainage. The adjacent lots (2732 Hillegass and 2731 Regent St) lie lower than the site of the proposed structure and the question with respect to where the rainwater is going to go, raised via email, has not been addressed. This issue is particularly important because the proposed structure's footprint is several times the size of the old one.

Setback violation

The setback with respect to the property at 2731 Regent St is being reduced from 87' to 6'. This is in clear violation of the historically determined setback for the lot on which the proposed building is going to be built. The issue was reported to ZAB via email, yet there was no discussion of the item by the time the vote was taken. The effect of the setback violation combined with the height of the proposed structure (perceived as an almost two-story building) has major impact on the property at 2731 Regent.

Historical Sanborn Fire Insurance map for the relevant portion of the Berry-Bangs tract, where Willard Park is located, shows orientation of original residences in the neighborhood.
(See *Attachment 9*: "Berry Bangs Tract Map".)

In general, the front setback is defined by the front of the lot. For lot 2728 Hillegass (between 2732 and 2726), which is now a part of the park parcel, its front faces the street. Consequently, its back abuts the 2731 Regent lot. Therefore the "required setbacks" line on plan sheet Z2-A4 is incorrect as it violates R-2 setback requirements defined in the Berkeley Municipal Code.

Material impact

Several of the above enumerated issues related to the proposed construction, unless they are properly addressed, will have material impact on the value of the abutting properties. (2731 Regent, 2732 Hillegass.) In particular, the size, height and new evening intended uses of the project will deny the owners a reasonable economic use of their properties on many levels.

In closing:

Our park is heavily used by the public. Increasing population in our part of the city brought on by new ADUs, new apartment buildings recently completed, as well as proposed new multi-family housing construction on Telegraph and Shattuck Avenues as well as the up-zoning of Southside from Bancroft to Dwight. Those issues and the steadily growing population of UC students demand that we save as much of the existing outdoor space that we have as possible – unless the City wants to do what they did to create Willard Park, which was to take property by eminent domain to build a new park.

We continue to want to work with the City to help make Willard Park a better place for kids in need of after-school and summer programs.

We would prefer any new facility's sole function be continuing the after-school and summer programs currently run out of a slightly expanded Clubhouse.

If the new facility must be a Community Center (just like other Community Centers) it will be available at no cost for community meetings, City of Berkeley events, childcare and National Night Out as well as park related activities such as Willard Park Yoga Collective in inclement weather.

We do not want the new facility to be rented out for private events or parties, keeping it available for the community when not in use by childcare, after-school or summer programs.

We have presented a range of issues of various scope and weight, some effecting majority of park users, some just the people who live right on the other side of the fence from the proposed building.

We are optimistic that by working together we can overcome the issues we have identified and can create a solution that will work for everyone.

We hope that Council will send the proposal back to the Parks & Waterfront Department to allow for further discussion of the serious procedural and legal concerns we have raised in this appeal.

SIGNATURE PAGES

APL – appellant (7)
SFR - signer fee reduction (62)
Other signers – 32
Total – 101
Pages - 24

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. BARBARA TULEJA Barbara Tuleja 5/19/23
Printed name Signature Date

APL

22 Purcell, Alameda, CA 94502
Mailing Address Apt. Zip

2732 HILLEGASS, Berkeley, CA 94705
Owner of: Address Apt. Zip

2. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Mailing Address Apt. Zip

_____ _____
Owner of: Address Apt. Zip

3. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Mailing Address Apt. Zip

_____ _____
Owner of: Address Apt. Zip

4. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Mailing Address Apt. Zip

_____ _____
Owner of: Address Apt. Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Mary E. Oram — Mary E Oram — 5/22/23
   Printed name — Signature — Date

APL

2705 Hillegass Ave. — 94705
Address — Apt. — Zip

2. ALEXANDER STEC — A Stec — 05/23/2023
   Printed name — Signature — Date

APL

2731 REGENT ST, BERKELEY — 94705
Address — Apt. — Zip

3. Kinga CHOMICZ — K Chom — 05/23/2023
   Printed name — Signature — Date

APL

2731 Regent St Berkeley — 94705
Address — Apt. — Zip

4. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

5. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

6. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Yvonne Donnelley Yvonne Donnelley 5/20/2023
Printed name Signature Date
1235 Benvenue Ave 94705
Address Apt. Zip

2. Steven Dopkin Steven Dopkin 5/20/2023
Printed name Signature Date
2731 Benvenue 94705
Address Apt. Zip

3. Christi Tuleja Christi Tuleja 5/21/2023
Printed name Signature Date
2918 Benvenue Ave. 94705
Address Apt. Zip

4. PAUL TULEJA 5/21/2023
Printed name Signature Date
APL
2918 Benvenue AVE 94705
Address Apt. Zip

5. Carla K. Woodworth Carla Woodworth 5/21/2023
Printed name Signature Date
APL
2335 Parker St. #2 94704
Address Apt. Zip

6. Christine Schoefer 5/21/23
Printed name Signature Date
2600 Ellis St. 4 94704
Address Apt. Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. ELSA CAMPO — Printed name — Signature — 05/15/23 — Date
SFR 2525 Stuart St - B. — Address — #502 Apt. — 94705 Zip

2. Joerlyn Padilla — Printed name — Signature — 5/15/2023 — Date
SFR 2741 Hillegass Ave. — Address — Apt. — 94705 Zip

3. Dionisio Ramirez — Printed name — Signature — 5/15/2023 — Date
SFR 2741 Hillegass Ave — Address — Apt. — 94705 Zip

4. Samantha Gagliardi — Printed name — Signature — 4/15/23 — Date
SFR 2503 Stuart St — Address — Apt. — 94705 Zip

5. Paul Young — Printed name — Signature — 5/15/2023 — Date
SFR 2732 Hillegass — Address — Apt. — 94705 Zip

6. Angela Pike — Printed name — Signature — 05/15/2023 — Date
SFR 2717 Hillegass C — Address — Apt. — 94705 Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Mark Weiman — Mark Weiman — 5/15/2023
   Printed name — Signature — Date

SFR

2747 Regent St. — 94705
Address — Apt. — Zip

2. Donna Pitetti — Donna Pitetti — 5/15/23
   Printed name — Signature — Date

SFR

2735 Regent St #5 — 94705
Address — Apt. — Zip

3. MARCIA LEVENSON — Marcia Levenson — 5/15/23
   Printed name — Signature — Date

SFR

2507 Stuart St. — 94705
Address — Apt. — Zip

4. Ronn Simpson — Ron Simpson — 5/15/23
   Printed name — Signature — Date

SFR

2800 Hillegass Ave — 94705
Address — Apt. — Zip

5. Marcela Simpson — Marcela Simpson — 5/15/23
   Printed name — Signature — Date

SFR

2800 Hillegass ave — 94705
Address — Apt. — Zip

6. Bonnie Walsh — Bonnie Walsh — 5/15/23
   Printed name — Signature — Date

SFR

2747 Hillegass — 94705
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Lance Batten — Lance Batten — 5/16/23
   Printed name — Signature — Date
   SFR
   2707 Hillegass Ave — Apt. — 94705
   Address — Apt. — Zip

2. Susan Bowman — Susan Bowman — 5/16/23
   Printed name — Signature — Date
   SFR
   2707 Hillegass Ave — Apt. — 94705
   Address — Apt. — Zip

3. Paul T. Keenan — Paul T. Keenan — 5/16/23
   Printed name — Signature — Date
   SFR
   2735 Hillegass — Apt. — 94705
   Address — Apt. — Zip

4. Gloria Bonilla — Gloria Bonilla — 5/16/2023
   Printed name — Signature — Date
   SFR
   2727 Hillegass Ave — Apt. — 94705
   Address — Apt. — Zip

5. BELINDA JONES — Belinda Jones — 5/17/23
   Printed name — Signature — Date
   SFR
   2735 Regent St — 8 — 94705
   Address — Apt. — Zip

6. ANITHA BROWN — Anitha Brown — 5/17/23
   Printed name — Signature — Date
   SFR
   2638 BENVENUE AVE — Apt. — 94704
   Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Han Emerson — Han Emer — 5/15/2023
   Printed name — Signature — Date

SFR 2739 Regent St — 94705
Address — Apt. — Zip

2. David Emerson — D Drew — 5/15/2023
   Printed name — Signature — Date

SFR 2739 Regent St — 94705
Address — Apt. — Zip

3. Stephen Born — Mborn — 5/16/2023
   Printed name — Signature — Date

SFR 2708 Benvenue Ave — 94705
Address — Apt. — Zip

4. Tamara Lerner — Tamara Le — 5/16/23
   Printed name — Signature — Date

SFR 2700 Benvenue Ave — 94705
Address — Apt. — Zip

5. Nicolás Depetris — [signature] — 5/16/23
   Printed name — Signature — Date

SFR 2708 Benvenue Ave — Back House — 94705
Address — Apt. — Zip

6. Agatha AISSA — [signature] — 5/16/23
   Printed name — Signature — Date

SFR 2708 Benvenue Ave. — 94705
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Avery Redlitz — Printed name — Signature — 4/14/23 — Date
SFR 2719 A Hillegass — Address — Apt. — 94705 — Zip

2. Ben Smith — Printed name — Signature — 5/14/23 — Date
SFR 2719 B Hillegass — Address — Apt. — 94705 — Zip

3. Molly Bradley — Printed name — Signature — 5/14/2023 — Date
SFR 2721 Hillegass Ave — Address — Apt. — 94705 — Zip

4. Theresa Fleury — Printed name — Signature — 5/15/2023 — Date
SFR 2715 Hillegass Ave. — Address — Apt. — 94705 — Zip

5. Bettina Bergo — Printed name — Signature — 14/05/2023 — Date
SFR 2727 Hillegass — Address — 1 — Apt. — 94705 — Zip

6. Lukasz Stec — Printed name — Signature — 5/15/2023 — Date
SFR 2731 REGENT ST — Address — Apt. — 94705 — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. James Schnitzer — 5/15/23
Printed name — Signature — Date

SFR 2732-A Hillegass — C — 94705
Address — Apt. — Zip

2. Sven Kisrong — 05/15/23
Printed name — Signature — Date

SFR 2736 Hillegass — 94705
Address — Apt. — Zip

3. Friedrich Burk — 05/15/23
Printed name — Signature — Date

2505 Stuart St — 94705
Address — Apt. — Zip

4. barb scheffler — 05/15/23
Printed name — Signature — Date

SFR 2606 Stuart St. — 94705
Address — Apt. — Zip

5. DONI DEL PILA — 5/15/23
Printed name — Signature — Date

SFR 2606 STUART St — 94705
Address — Apt. — Zip

6. Inese Civkulis — 5/15/23
Printed name — Signature — Date

SFR 2501 Stuart St — 94705
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Will Quinn — Printed name | [signature] — Signature | 05/16/23 — Date
SFR 2719 Hillegass Ave — Address | A — Apt. | 94705 — Zip

2. Yuki Toyozumi — Printed name | [signature] — Signature | 5/17/23 — Date
SFR 2717 Hillegass Ave — Address | — Apt. | 94705 — Zip

3. Shilu Sheng — Printed name | [signature] — Signature | 05/17/23 — Date
SFR 2731 Hillegass Ave — Address | — Apt. | 94705 — Zip

4. _____ — Printed name | _____ — Signature | ____/____/____ — Date
_____ — Address | — Apt. | _____ — Zip

5. _____ — Printed name | _____ — Signature | ____/____/____ — Date
_____ — Address | — Apt. | _____ — Zip

6. _____ — Printed name | _____ — Signature | ____/____/____ — Date
_____ — Address | — Apt. | _____ — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. CHRISTOPHER BORN — 5/16/23
Printed name — Signature — Date

SFR

2708 BENVENUE AVE — 94705
Address — Apt. — Zip

2. NAOMI HIROSHIGE BORN — 5/17/2023
Printed name — Signature — Date

SFR

2708 BENVENUE AVE, — 94705
Address — Apt. — Zip

3. MAIKO BORN — 5/17/2023
Printed name — Signature — Date

SFR

2708 Benvenue Ave. — 94705
Address — Apt. — Zip

4. Carl Collier — 20/5/2025
Printed name — Signature — Date

2810 Benvenue Ave — 94705
Address — Apt. — Zip

5. _____ — _____ — ____/____/____
Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

6. _____ — _____ — ____/____/____
Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Evan N. Losito — Evan N. Losito — 05/18/23
   Printed name — Signature — Date

SFR

2632 Hillegass Ave. — C — 94704
Address — Apt. — Zip

2. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

3. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

4. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

5. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

6. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. RUSSELL GREENE — Russell Greene — 5/16/23
   Printed name — Signature — Date

SFR

2735 REGENT ST. — 14 — 94705
Address — Apt. — Zip

2. Sabina Tuteja — Sabina Tuteja — 5/21/23
   Printed name — Signature — Date

SFR

2732 Hillegass Ave — 4 — 94705
Address — Apt. — Zip

3. Noah Faerber — [signature] — 5/21/23
   Printed name — Signature — Date

SFR

2732 Hillegass Ave — 4 — 94705
Address — Apt. — Zip

4. Joseph Perkins — Joseph Perkins — 5/20/23
   Printed name — Signature — Date

SFR

2745 Regent st — 94705
Address — Apt. — Zip

5. Marilynn Rowland — Marilynn Rowland — 5/20/23
   Printed name — Signature — Date

SFR

2717 Hillegass Ave — ~~Apt.~~ — 94705
Address — Apt. — Zip

6. _____ — _____ — ___/___/___
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Gregory FORTSON _____ 5/14/2023
Printed name Signature Date

SFR 2735 Regent St 12 94705
Address Apt. Zip

2. Nassim Taibi _____ 5/14/23
Printed name Signature Date

SFR 2735 REGENT St a 94705
Address Apt. Zip

3. Lynn Bradley Lynn Bradley 5/14/2023
Printed name Signature Date

SFR 2721 Hillegass 94705
Address Apt. Zip

4. _____ _____ ___/___/___
Printed name Signature Date

_____ _____
Address Apt. Zip

5. MARGARET L. ANDERSON Margaret L. Anderson 17 May 2023
Printed name Signature Date

SFR 2742 BENVENUE AVE 94705
Address Apt. Zip

6. JAMES SHEEHAN _____ 05/17/2023
Printed name Signature Date

SFR 2742 BENVENUE 94705
Address Apt. Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. MARK LOWE _____ 5/15/23
Printed name Signature Date

SFR 2643 Hillegass Ave 94704
Address Apt. Zip

2. ANA LOWE _____ 5/15/23
Printed name Signature Date

SFR 2643 Hillegass Ave. 94704
Address Apt. Zip

3. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

4. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

5. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

6. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. SASIKALA VENKATACHALAM — V. Sasikala — 5/17/2023
   Printed name — Signature — Date

SFR

2638 BENVENUE AVE — 94704
Address — Apt. — Zip

2. Jennifer Hudin — [signature] — 5/18/2023
   Printed name — Signature — Date

SFR

2732 A Hillegass — A — 94705
Address — Apt. — Zip

3. Angelica Dicott — [signature] — 5/18/2023
   Printed name — Signature — Date

SFR

2736 Hillegass Ave — 94705
Address — Apt. — Zip

4. Sven — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

5. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

6. _____ — _____ — ____/____/____
   Printed name — Signature — Date

_____ — _____
Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Roberta ROUNTREE — Signature — 05/15/23
   Printed name — Date
   2630 Benvenue Ave. Berkeley — Apt — 94704.
   Address — Zip

2. FERA PETERSON — Signature — 05/15/23
   Printed name — Date
   2505 Derby St. — Apt. — 94705
   Address — Zip

3. JUlianne Feldman — Signature — 05/16/2023
   Printed name — Date
   SFR
   owner of 2701 Hillegass ave — Apt. — 94705
   Address — Zip

4. Edward Jacobson — Signature — 5/16/23
   Printed name — Date
   SFR
   2732 Hillegass # 3 Berkeley — Apt. — 94705
   Address — Zip

5. PIERRE JOHNSON — Signature — 05/16/23
   Printed name — Date
   SFR
   2735 REGENT ST. — 8 — 94705
   Address — Apt. — Zip

6. Tara NOONAN — Signature — 05/16/2023
   Printed name — Date
   SFR
   2632 HILLEGASS AVE. — C — 94704
   Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Nisalda Gonzalez. _____ 05 / 17 / 2023
Printed name Signature Date

SFR

2734 Hillegass Avenue _____ 94705
Address Apt. Zip

2. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

3. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

4. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

5. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

6. _____ _____ ____/____/____
Printed name Signature Date

_____ _____
Address Apt. Zip

Appeal of ZAB decision on 2720 Hillegass Ave. Use Permit #ZP2022-0095

All Not within 300' of Willard Park

I have read the appeal and agree to sign as a supporter of that appeal.

1. Deborah Dille — Deborah Dille — 5/16/23
   Printed name — Signature — Date
   2619 Benvenue Ave — A — 94704
   Address — Apt. — Zip

2. Miriam Casalaina — M.C. — 5/18/23
   Printed name — Signature — Date
   2418 Stuart St. — 94705
   Address — Apt. — Zip

3. Rahsaan Whitney — Rahsaan Whitney — 5/18/23
   Printed name — Signature — Date
   2619 Benvenue ave — F — 94704
   Address — Apt. — Zip

4. CAROLYN CURRAN — Carolyn Curran — 5/18/23
   Printed name — Signature — Date
   2615 Benvenue — #1 — 94704
   Address — Apt. — Zip

5. Vincent Casalaina — V.C. — 5/18/23
   Printed name — Signature — Date
   2619 Benvenue Ave — A — 94704
   Address — Apt. — Zip

APL

6. Kathryn E. Hambly — Kathryn E. Hambly — 05/18/2023
   Printed name — Signature — Date
   2622 Benvenue Ave — 94704-3405
   Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. VIRGINIA SIDELLS — Virginia Sidells — 5/15/23
   Printed name — Signature — Date
   2808 Regent St — 94705
   Address — Apt. — Zip

2. LARRY SNYDER — [signature] — 5/15/23
   Printed name — Signature — Date
   2812 Regent St. — 94705
   Address — Apt. — Zip

3. Claire Hartmeyer — [signature] — 5/15/23
   Printed name — Signature — Date
   1036 Oxford St. — 94707
   Address — Apt. — Zip

4. Patrick Kehoe — [signature] — 05/16/23
   Printed name — Signature — Date
   2412 Stuart St. #3 — 94705
   Address — Apt. — Zip

5. Randy Fish — [signature] — 5/19/23
   Printed name — Signature — Date
   2600 Hillegass Ave 2 — 94704
   Address — Apt. — Zip

6. RANDOLPH STARN — Randolph Starn — 5/19/23
   Printed name — Signature — Date
   2619 Hillegass Ave — 94704
   Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. FRANCES STARN — Printed name | Frances Starn — Signature | 5/19/23 — Date
   2619 HILLEGASS AVE — Address | — Apt. | 94704 — Zip

2. Marian Snyder — Printed name | Marian Snyder — Signature | 5/20/23 — Date
   2812 Regent St. — Address | — Apt. | 94705 — Zip

3. ANDRÉ DECARY — Printed name | A D. — Signature | 5/20/23 — Date
   2440 Oregon St. — Address | — Apt. | 94705 — Zip

4. Dolores Konn — Printed name | Dolores Konn — Signature | 5/20/23 — Date
   2817 Regent St. — Address | — Apt. | 94705 — Zip

5. KIM CRANNEY — Printed name | Kim Cranney — Signature | 5/20/23 — Date
   2807 Regent St. — Address | — Apt. | 94705 — Zip

6. Anja Plowright — Printed name | — Signature | 5/20/23 — Date
   2829 Regent — Address | — Apt. | 94705 — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. Use Permit #ZP2022-0095

Not within 300' of Willard Park

I have read the appeal and agree to sign as a supporter of that appeal.

1. SCOTT HAMBLY — Scott Hambly — MAY 19 2023
   Printed name — Signature — Date
   2622 Benvenue Ave. — — 94704-3405
   Address — Apt. — Zip

2. Armin Wiff — [signature] — 5/21/23
   Printed name — Signature — Date
   2600 Etna Street #3 — — 94704
   Address — Apt. — Zip

3. Ellen Rosenberg — Ellen Rosenberg — 5/21/23
   Printed name — Signature — Date
   2828 Regent St — — 94705
   Address — Apt. — Zip

4. Howard Rosenberg — Howard Rosenberg — 5/21/23
   Printed name — Signature — Date
   2828 Regent St. — — 94705
   Address — Apt. — Zip

5. _____ — _____ — ____/____/____
   Printed name — Signature — Date
   _____ — _____ — _____
   Address — Apt. — Zip

6. _____ — _____ — ____/____/____
   Printed name — Signature — Date
   _____ — _____ — _____
   Address — Apt. — Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. Chris Carlisle C. Carlisle 5/21/23
   Printed name Signature Date
   2427 Ashby 94705
   Address Apt. Zip

2. Antoinette Belt Antoinette Belt 5/21/2023
   Printed name Signature Date
   2425 OREGON ST Berk. 94705
   Address Apt. Zip

3. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

4. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

5. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

6. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

Appeal of ZAB decision on 2720 Hillegass Ave. / demolition & new construction

1. MARY ENGLE Mary Engle 5/22/23
   Printed name Signature Date
   2836 Regent St 94705
   Address Apt. Zip

2. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

3. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

4. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

5. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

6. _____ _____ ____/____/____
   Printed name Signature Date
   _____ _____
   Address Apt. Zip

GREENFIRE LAW, PC

RAE LOVKO
2748 Adeline Street, Suite A
Berkeley, CA 94703
Phone: (510) 900-9502
Email: rlovko@greenfirelaw.com
www.greenfirelaw.com

April 25, 2023

By Electronic Mail

City of Berkeley Land Use Planning Division
ATTN: Zoning Adjustments Board Secretary
1947 Center Street, Second Floor
Berkeley, CA 94704
zab@cityofberkeley.info

City of Berkeley Land Use Planning Division
ATTN: Zoning Adjustments Board Staff Planner
1947 Center Street, Second Floor
Berkeley, CA 94704
ARiemer@cityofberkeley.info

City Council
2180 Milvia Street
Berkeley, CA 94704
council@cityofberkeley.info

RE: Comments from the Willard Neighborhood Association Re: 2720 Hillegass Avenue (Willard Park), Use Permit #ZP2022-0095

Dear Members of the ZAB and City Council:

These comments on the application for Use Permit #ZP2022-0095 are made on behalf of the Willard Neighborhood Association ("WNA"), a group of concerned citizens that live near and use Willard Park.

Use Permit #ZP2022-0095 would allow the demolition of the existing clubhouse and restroom at Willard Park, the new construction of a 3,301 square-foot community center, and the new construction of a public restroom (the "Project"). While some changes to Willard Park may be warranted, the WNA objects that the City is considering approval of the Project without adhering to the requirements of Berkeley Municipal Code 6.42.010 and CEQA. Elements of the Project also are inconsistent with Berkeley's General Plan. WNA's opposition mirrors that of the neighboring Berkeley community, as evidenced by a 2021 survey conducted on WNA's behalf in

which 75% of the respondents identified as living within 6 blocks of the park. A copy of that survey is attached hereto as **Exhibit A**.

1. Consideration of the Project Without Voter Approval is in Violation of Berkeley Municipal Code 6.42.010

Measure L was adopted in 1986 and is codified in Berkeley Municipal Code ("BMC") Chapter 6.42. It requires that plans involving change to public parks and public open land must be submitted by the Berkeley City Council "to the citizens for approval by a majority of registered Berkeley voters voting at the next general election." (BMC 6.42.010.)

The voter information pamphlet for Measure L, attached hereto as **Exhibit B**, establishes the intent and purpose of Measure L. Recognized as a "citizen's initiative ordinance," the measure was created to allow Berkeley Voters to directly participate in decisions to change the use of Public Parks and Open Space." It "**prevents** the **City Council** from **using the existing public parks and open spaces** for any **new use without the approval** of the **community**. If the **Council wants to remove/develop** existing public parks and open space, **prior voter approval is required**." (emphasis in the original.)

Berkeley City Councilmember Terry Taplin has affirmed the importance of BMC 6.42.010, noting that "Measure L provides for the protection of open space and requires any proposed construction on existing parks be approved by voters." (Berkeley Community Members Discuss Importance of Protecting Urban Green Space, *Daily Californian*, April 22, 2021, https://www.dailycal.org/2021/04/22/berkeley-community-members-discuss-importance-of-protecting-urban-green-space.)

The proposed Project at Willard Park involves the demolition of an existing clubhouse that is approximately 565 square feet in size and an existing public restroom that is approximately 114 square feet in size. It would allow the new construction of a community center that is approximately 3,301 square feet in size and a restroom that is approximately 241 square feet in size. The community center is not only larger than the existing facility, but it entails a change of use. Such demolition and new construction falls squarely within BMC 6.42.010, and therefore, the City Council is legally mandated to place the Project before voters in the next general election.

2. The Project Has Not Been Properly Analyzed Under CEQA

The agenda for the April 27, 2023 ZAB Meeting, wherein the proposed Project is to be addressed, recommends that it be "[c]ategorically exempt pursuant to CEQA Guidelines Section 15303 ('New Construction')."[1] To provide the public with adequate opportunity to raise CEQA objections, the City must give notice of the grounds for making an exemption determination. (*Los Angeles Dept. of Water & Power v. County of Inyo* (2021) 67 Cal.App.5th 1018, 1034.)

Nothing in the language of Section 15303 in and of itself demonstrates that the proposed Project should be considered exempt — it is larger than 2,500 square feet, and WNA objects that the City has not provided the public with grounds for this recommendation. As a result, WNA and the public are unable to raise CEQA objections and meaningfully participate in environmental review of the proposed Project.

[1] The CEQA Guidelines are codified in title 14 of the California Code of Regulations.

Relatedly, WNA objects that the information provided to the public does not address design specifications that might make the Project more environmentally friendly. For example, they would like to know whether solar panels will be installed or whether a water collection cistern will be utilized.

3. The Project is Inconsistent with Berkeley's General Plan

Decisions made by ZAB and the Berkeley City Council must be consistent with the goals, objectives, and policies of the City's General Plan. Elements of the proposed project go against the Plan's goals and policies as regards to maximizing citizen participation, maintaining open space and parks, and reducing traffic impacts on the community. The public safety and welfare have not been properly addressed.

Open Space Reduction

The new community center, which is roughly six times the size of the existing clubhouse, and new restroom will result in a marked reduction of open space, critical to the community. The increased size of the school program in the community center also would further affect open space as the program routinely sequesters section of the park grounds for their activities.

The Project would significantly change the use and feel of a relatively compact park, in an area where there is little alternative open space. Also, the City is becoming increasingly dense, making shared green space ever more important.

In the past, the lawn areas of Willard Park have been used for concerts, movies, bouncy house events, and an annual Easter egg hunt. It is unclear that sufficient open space will remain post-construction to accommodate these important community traditions.

Traffic Impacts

The current clubhouse is used for a school program involving approximately 45 children. The new community center supposedly will allow the program to serve 60 children — but it is 6 times the size of the existing structure, so this seems like an undercount[2]. As a community center, the new building also may be used for additional community programs and events. All such increased use necessarily involves increased traffic that impacts the neighborhood. In addition to traffic congestion, the community center will increase the need for parking.

The proposed Project envisions adding a passenger loading zone on Hillegass Avenue. This addition does not ameliorate the amount of traffic or its impacts.

Noise Impacts

The new community center can handle a larger school program, and it can be rented out for parties and other events. This new and increased use will generate a substantial increase in noise levels for those living in the vicinity.

Movement of Plaza/Terrace

The new community center would allow for the expansion of the school program to include many more children. An open plaza area exists to the west of the existing clubhouse, which is utilized by the program. The proposed Project eliminates this area, and instead a terrace

[2] The City has not articulated why an enlarged school program is necessary. WNA is aware that public school enrollment has been on the decline in Berkeley over the past 5 years. Further, the summer school program was cancelled in 2022 and is not scheduled for 2023.

will be located east of the community center. WNA assumes the terrace would be utilized by the children in the school program.

The new terrace area abuts Hillegass Avenue, posing a safety risk to the children that are playing there. This risk is heightened by the fact that a passenger loading zone will be added to the street near the terrace.

Movement of Public Restroom

The new restroom is located in an area of the park not visible from any of the roadways that surround the park. This impacts the ability of law enforcement to conduct visual surveillance and provide for the public safety and welfare of park users and neighbors.

Thank you for your attention to these comments.

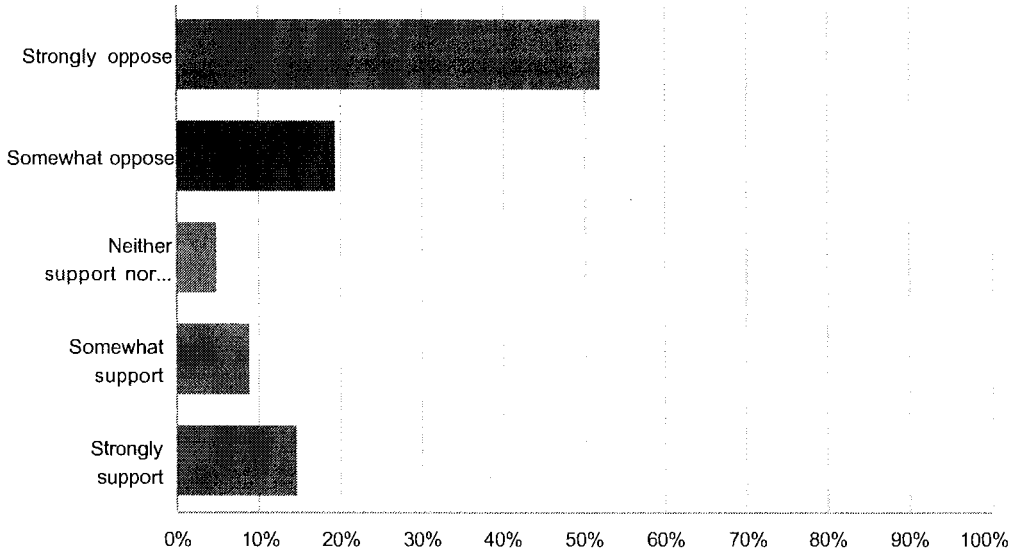
Sincerely,

Rae Lovko
Greenfire Law, PC

EXHIBIT A

Q1 How much do you support or oppose the expansion of the Club House?

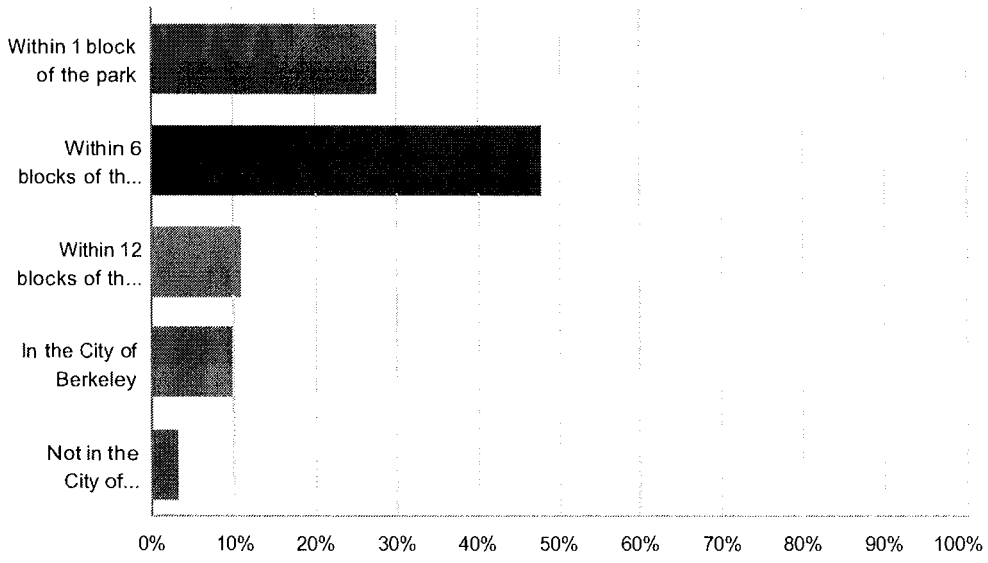
Answered: 300 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly oppose	52.00%	156
Somewhat oppose	19.33%	58
Neither support nor oppose	5.00%	15
Somewhat support	9.00%	27
Strongly support	14.67%	44
TOTAL		300

Q2 Where to you live?

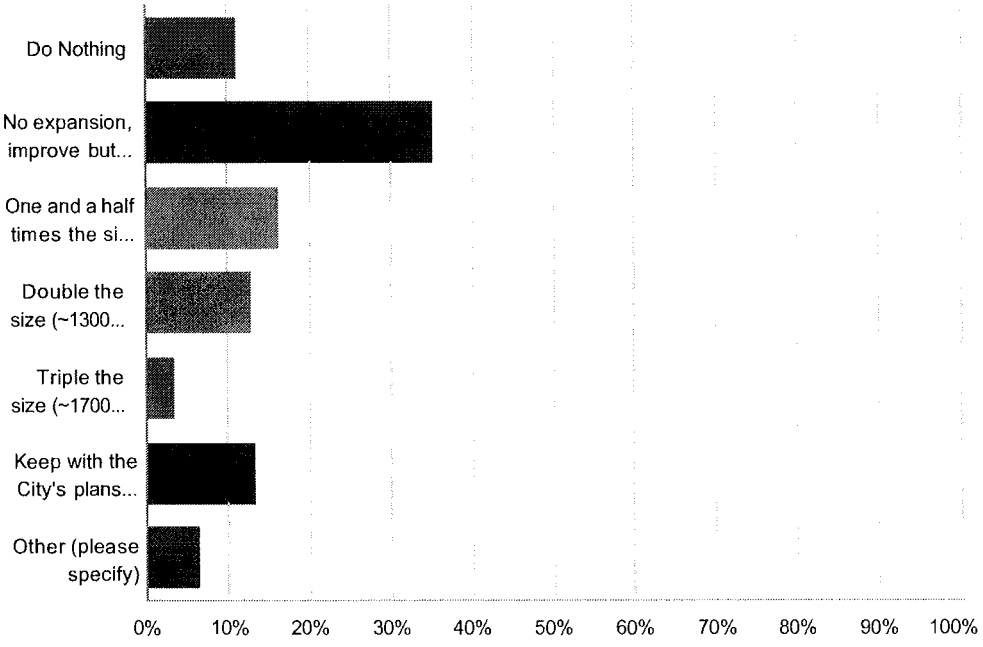
Answered: 300 Skipped: 0



ANSWER CHOICES	RESPONSES	
Within 1 block of the park	27.67%	83
Within 6 blocks of the park	48.00%	144
Within 12 blocks of the park	11.00%	33
In the City of Berkeley	10.00%	30
Not in the City of Berkeley	3.33%	10
TOTAL		300

Q3 What size Club House would you like to see?

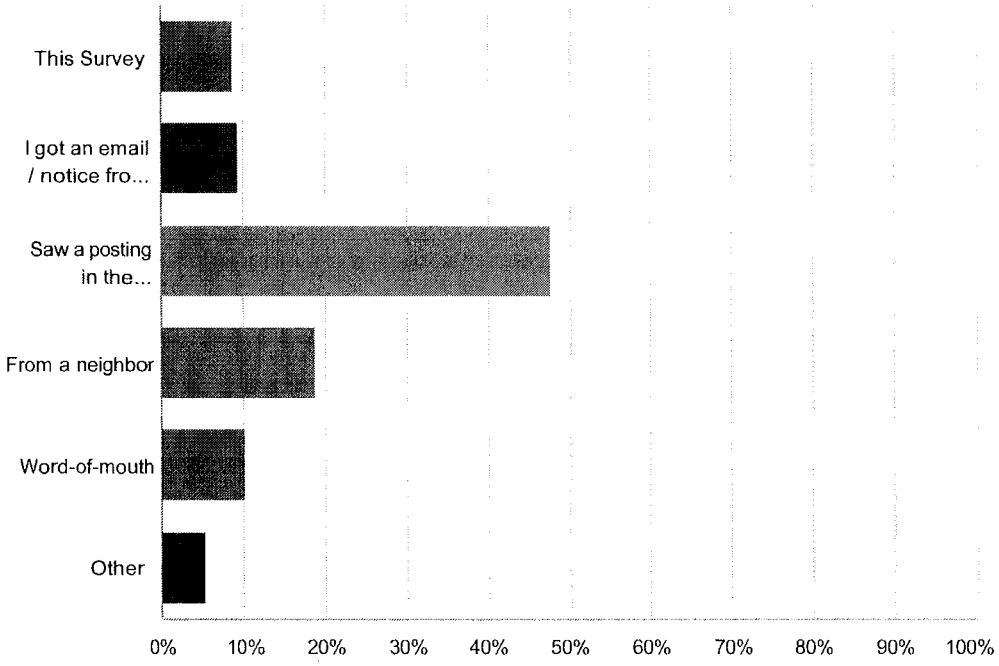
Answered: 299 Skipped: 1



ANSWER CHOICES	RESPONSES	
Do Nothing	11.37%	34
No expansion, improve but keep the same size	35.45%	106
One and a half times the size (~850 square feet)	16.39%	49
Double the size (~1300 square feet)	13.04%	39
Triple the size (~1700 square feet)	3.68%	11
Keep with the City's plans (~5000 square feet)	13.38%	40
Other (please specify)	6.69%	20
TOTAL		299

Q4 How did you find out that this is being planned?

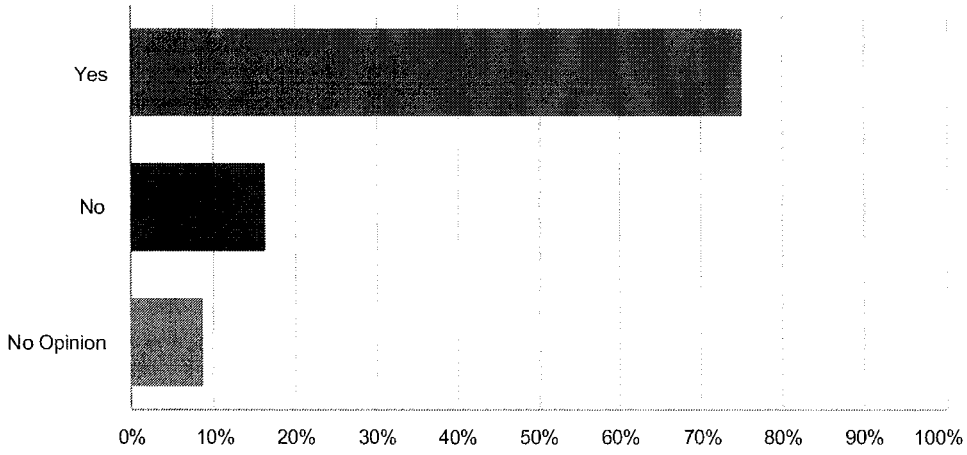
Answered: 300 Skipped: 0



ANSWER CHOICES	RESPONSES	
This Survey	8.67%	26
I got an email / notice from the City	9.33%	28
Saw a posting in the neighborhood	47.67%	143
From a neighbor	18.67%	56
Word-of-mouth	10.33%	31
Other	5.33%	16
TOTAL		300

Q5 Do you support a public bathroom in the park (separate from the Club House)?

Answered: 300 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	75.00%	225
No	16.33%	49
No Opinion	8.67%	26
TOTAL		300

EXHIBIT B

fY OF BERKELEY INITIATIVE ORDINANCE	
L MEASURE L: Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition ts the only means of preserving the open space'!	YES
Financial Implication: Increase in landscape assessment fees: acquisition costs unknown.	NO

FULL TEXT OF MEASURE L

LET_ IT HEREBY BE ORDAINED that an Ordinance shall be passed which shall provide:

THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE: PROPOSAL fOR AN ORDI1'1ANCE TO REQUIRE THE BERKELEY CITY COUNCIL TO PRESERVE AND MAINTAIN THE PUBLIC PARKS AND OPEN SPACE WHICH EXIST IN BERKELEY, AS WELL AS TO ACQUIRE AND MAINTAIN PUBLIC.PARKS AND OPEN SPACE IN THE CENSUS TRACTS AND NEIGHBORHOODS·OF BERKELEY HAVING LESS THAN THE MINIMUM AMOUNT OF OPEN SPACE RELATIVE TO POPULATION (2 ACRES PER 1,000) IDENTIFIED IN THE BERKELEY MASTER PLAN OF 1977: AND TO REQUIRE THE CITY TO SUBMIT TO A POPULAR VOTE ALL PROPOSALS TO WITHDRAW FROM RECREATIONAL USE PUBLIC PARKS OR PUBLIC OPEN SPACE.

FINDINGS:

WHEREAS the Berkeley Master Plan of 1977 (hereinafter Master Plan) provides for a minimum standard of two acres of public open space per 1,000 persons and identifies specific Berkeley census tracts as having high population density and high.open space demands, and attainment of the minimum standard is jeopardized by continued loss of Public open spaces.

WHEREAS the City of Berkeley is the second most densely populated city in California, undeveloped land is at a high premium in Berkeley, there are significant pressures to convert City owned or controlled open space to permanent or long-term non-park, non-open space uses and there exists a clear and present emergency in that the.threatened loss of open space, parks and recreational opportunities in the neighborhoods in Berkeley. will cause irreparable damage to the health and welfare of Berkeley· residents.

WHEREAS the Berkeley City Council has failed to provide and fund the Master Plan minimum standard of public parks and open space in every Berkeley neighborhood, and in particular in those census tracts having high park and open space requirements.

WHEREAS, specific procedures and directives to the Berkeley City Council are necessary to insure that the Master Plan's minimum park and open space goals are not rendered impossible through the continued loss of public open spaces;

VOTER AUTHORIZATION PROCEDURE .

Section I': That no public parks (hereinafter defined) or public -open space (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, shall be used for any other purpose than public parks and open space, without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next occurring _general election.

FUNDING LEVELS TO ALLOW FULL USE

Section 2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley City Council to enable public recreaiional use of those lands. (c) That those census tracts containing less than the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational .facilities.

(ij; DEFINITIONS

Section 3(a): **Public. parks** shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity. which have been formally dedicated to permanent recreational use by the City of Berkeley. and funded for recreational use by City of Berkeley public funds.

Section 3(b) **Public open space** shall be defined a all City of Berkeley parks. public school playgrounds. and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January I, 1985.

ADOPTION OF THIS ORDINANCE

Section 4(a): If the petition·accompanying this proposed ordinance is signed by the-number of voters required by the Berkeley City·charter, Article XIII. Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter ·Section that applies to the highest number of voter signatures certified by the City Clerk. unless the Council passes this ordinance pursuant to the Charter, Article XIII. Section (3)(a).

RETROACTIVITY

Section S(a): Upon passage of this initiative, all .actions taken on or after January I, 1985. by the Berkeley City Council. Housing Authority. or any agency of the City of Berkeley which contravane the provisions herein shall be declared null and void.

Section 5(b): Upon passage of thii initiative, all actions, even administrative, taken by the Berkeley City Council. or Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance. shall be declared null and void.

SEVERABILITY

Section 6: If any provision of this Ordinance or the application thereof to any person. or circumstances is held invalid, such invalidity. shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this and, the provisions of this Ordinance are severable.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE L

The initiative ordinance would have the following effect:

1. Require that all existing public parks and vacant public land, either formally or informally devoted to recreational use after January I , 1985. be retained and maintained at their present level of service. This requirement would only apply to land owned or controlled by the City of Berkeley, since the City does riot have the authority to regulate land owned by other public entities such as the school district or the University of California. The Berkeley Redevelopment Agency and the Berkeley Housing Authority are independent state agencies and thus would be immune from regulation in this manner.
2. Require prior voter approval if such City of Berkeley public parks or open space are to be used for any other purpose. This measure requires the City to acquire land it does not presently own, if acquisition is the only means to retain the land as open space or public park. As of the date this analysis was prepared, several City parks are owned by others. including: sections of Ohlone Park, leased from Bay Area Rapid Transit District; six school parks owned by the Berkeley Unified School District and maintained, in part. by the City: and Douglas Park on Dwight Way which is owned by the University. The City has plans underway to acquire the remaining section of Ohlone Park.
3. Census tracts that do not meet the. Master Plan open space requirements will have priority for the funding, acquisition. development and maintenance of parks and recreational facilities:

Financial Implications •

Currently park maintenance is funded by fees through the Landscape Assessment District. Increase in fees will be required to maintain additional land. Costs to acquire land owned by others is unknown at this time. but may be significant.

ARGUMENT IN FAVOR OF MEASURE L

Approval of this citizen's initiative ordinance will allow Berkeley Voters to directly participate in decisions to change the use of Public Parks and Open Space.

Berkeley's parks and public open spaces are highly used and valued by all parts of the community. They help provide for the health, fiiness, children's play. entertainment, and recreational needs of all citizens. Decisions to reduce our presently insufficient number of parks belong on the ballot where all citizens can express their opinion with their vote.

This initiative ordinance requires that the voters must approve new uses for city lands held in public trust. It does not limit or prohibit any potential new uses approved by the. majority of the voters.

Approval of this ordinance would certify that Berkeley Census tracts that presently contain less public open space than the Master Plan standard of two acres per 1,000 residents be given priority fundin_g in acquisition, development and maintenance of parks/recreational_ facilities. It will help make distribution of parks more equitable throughout Berkeley. This is a minimal standard, since Berkeley has fewer parks than state and national averages.

The provisions of the Master Pian combined with the approval of Measure Y (1974) park funding, strongly suggests that the Citizens of Berkeley believe that Public Parks and Open Space need expansion. Since there is no indication that Berkeley has changed its opinion, it is aH the more appropriate to require vo_te_r approval when potential development removes parks and open space called for in the Berkeley Master Plan.

You can help Preserve Berkeley's parks and open space by voting YES on Measure L.

s/Martha Nicoloff, Co Author, .Neighborhood Preservation Ordinance
s/Clifford Fred
s/Dorothy Bryant
s/Carroll B. Williams, Former Berkeley School Director
s/John G. Cecil. Chair, Preservation Initiatives Committee

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

The need for parks is a serious issue which should not be the subject of the scare tactics employed by the proponents of Measure L.

City **parks are designated in the Master Plan** for recreational use. Contrary to implications made by the proponents of this measure, no one can recall any City plan-past, present, or future-to reduce the **number of parks** serving Berkeley's recreational needs. Open space, sometimes a vacant lot, on the other hand. is usually _held by owners other than the City. They-may, or may not, have plans for future use of their property.

The real reason for Measure Lis the Housing Authority's plan to build 12 single-family townhouses for low income famil'ies on a small portion of School District property at Savo Island (MLK,k Way between Derby and Ward). The remaining piece of land is large enough to accommodate a football field. The neighborhood will still be able to enjoy the use of this open space.

Measure L does more than require a vote for new uses for City lands held in public trust. It requires the City to acquire land. But **where will the money come from?** Given the tremendous federal budget cuts to municipalities and the demands ori the City's budget, from what other City services will the_ trade-off come? And given the pressure of Measure L on the City, .property owners would be foolish to negotiate.

If we want additional parks, someone has to pay. And since we will ultimately pay, **we should know the cost before we make such an important decision.**

Don't let the proponents of this measure scare you into believing that our parks will disappear."Quite honestly, they won't.

VOTE NO ON MEASURE L

s/Wesley E. Hester. Chair. Council Committee on Revenue and Finance
s/Arlene Irlando, Member, Berkeley Chicano/Latino Network
s/Maudelle Miller Shirek. Berkeley City Council
s/Stacy Wilson, Chair. Citizens Budget Review Commission
s/Carole K, Davis, Former Vice-Mayor

ARGUMENT AGAINST MEASURE L

On its face as a statement of community values, Measure L seem_s harmless. What could be wrong with wanting additional parks? However, the difference between the outcome of Measure Land the kind of program which can come from a thoughtful parks proposal such as Measure Y (1974) is a budget-a specific amount dedicated to acquiring and maintaining parks and open space.

In 1974 voters passed a park acquisition, renovation and development- ordinance: Measure Y. It raised more than $5 million. As a result, the City was able.to create 9 new parks and 8 parks on.school grounds. That measure was a dire_ct result of the recognition that Berkeley was deficient in park space and was able to accomplish what it did because it included a budget.

As a community we are stretched thin in trying to fuhd a variety of City Services ranging from police services to sidewalk repair. **New parks** and additional open space **cost money** (if and when the City can get title to the property. In fact, this measure may well prejudice City negotiations _with landowners who will use this measure in their bargaining. The proponents of Measure L are irresponsible in offering this proposal -without including the means by which to finance it. They have _made promises but have not provided any way of keeping them. **The citizens deserve to know how the money will be obtained, an_d what the price tag will be.**

s/Hynetha Hewitt, Parks and Recreation Commissioner
s/Carole Davis, Former Vice-Mayor
s/Maudelle Shirek, Berkeley City Council
s/Carole Lewis, Social Services Director
s/Rich Illgen, President, Planning Commission

REBUTTAL TO ARGUMENT AGAINST MEASURE L

The opponents of Measure L have missed its major provision.

Measure L **prevents** the **City Council** from **using the existing public parks and open spaces** for any **new use without** the **approval** of the **community.**

If the **Council wants to remove/develop** existing public parks and open space, **prior voter approval is required.**_

At this time, **no law. prevents** our elected officials from pla\:ing such **decisions on the ballot.**

Measure L also requires that the **minimal standard for parks already in existence** lie observed in **areas that** presently **have less than** their **"fair share" of parks** called for in the Berkeley Master Plan of 1977.

We do not agree with the opponents financial argument.

D pite. ;he imp_licaiF :!R"Lr the pponent's argument. responsibility for implement_iilg and financing the,Master Plan has not shifted rom Council and Staff to individual community members. It should be noted that **determined citizens** who **believe** in the **imp rtance of parks** and recreational facilities in **everyone's quality of life,** have and will coniinue to assist in the search for sources of new and additional funding.

Measure L ensures the **community** will be **directly involved** in decisions to re-use existing Public Parks and Open Space by placing every proposed development plan on the ballot and **letting the voters decide** between parks and development.

Vote YES on Measure L.

s/Michael Winter, Executive Director, Center for Independent Living
sf Pamela l Ferguson
s/Gloria **A.** Belsky
s/John G. Cecil, Chair, Preservation Initiatives Committee
s/Janet **M.** Maestre

CITY OF BERKELEY INITIATIVE ORDINANCE

M MEASURE M: Shall an ordinance be adopted requiring voter approv;d for non-educational and/or. non-recreational uses of Berkeley Unified School District property?	YES
	NO
Financial Implications: Unknown.	

FULL TEXT OF MEASURE M

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF BERKELEY:

FINDINGS:

WHEREAS the Berkeley City Council and Berkeley Housing Authority have attempted to acquire. develop, use or approve Berkeley Unified School District property for non-educational purposes.

WHEREAS the Berkeley Unified School District (hereinafter School District) has been given a public trust in real property to use for the educational benefit of the Citizens of Berkeley.

WHEREAS the School District has purchased and developed real property with monies received in trust and intended to be expended for the educational benefit of the citizens of Berkeley, which property_ if lost to the originally intended and dedicated educational and related recreational uses, will be unavailable or irreplaceable when needed for those uses.

w·HEREAS there is a potential that use or development of School District property for non educational uses will ultimately act to the detriment of the Citizens of Berkeley and will violate the wishes of a majority of the Citizens of Berkeley regarding the use of that property.

WHEREAS these actions have been proposed and are'being undertaken without the approval of the voters of Berkeley.

WHEREAS· there exists a clear and present emergency in that the threatened sale or_ long-term· lease of School District real property and buildings for non-educational or non-recreational use will cause irreparable damage to the health and welfare of Berkeley residents.

LET ,IT·-EREBY E ORD:IN that an Ordi : :h:: e

VOTER AUTHORIZATION PROCEDURE

Section I: That should the Berkeley City Council, Housing Authority or any other agency of the City of Berkeley .propose to acquire, or approve the use of, School District property (hereinafter defined) for other than educational or existing recreational purposes, and should that approval or use require the purchase, sale {Jr long-term encumbrance (hereinafter defined) of that property, the Berkeley City Council shall first submit that specific proposal. detailing the specific use, transaction sought.·and the site involved, after being approved officially by the appropriate City agency and the Berkeley City Council, to the Citizens for approval by a majority of registered Berkeley voters voting at the next.occurring general election.

DEFINITIONS

Section 2(a): **School District property** shall be defined to include the land and buildings which have been used by the Berkeley Unified School District for educational purposes, child-care, recreation or Schoof District'· support services (including maintenance) at any time since January 1980.

Section 2(b): **A long-term encumbrance** shall include a lease whose term is greater than five years or where· options are granted such that the term may be extended beyond five years by option of the lessee. In addition, a long-term encumbrance shall include any mortgage transaction which pledges the p perty as security.

ADOPTION. OF THIS ORDINANCE

Section 3(a): If the·petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3) (a).

RETROACTIVITY

Section 4(a): Upon passage of _this initiative, all actions taken on or after January I, 1985, by the Berkeley City Council, Housing, Authority or any agency of the City of Berkeley which contravene the provisions herein shall be declared null and void.

Section 4(b): Upon passage of this initiative, all actions, even administrative, taken by the Berkeley City Council, Housing Authority or agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next.occurring general election ballot, which actions·are not in full conformity with this Ordinance, sha_ll be declared null and void.

SEVERABILITY

·section 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

BERKELEY CITY ATTORNEY ANALYSIS OF MEASURE M

The initiative ordinance would have the following effect:

1. Require the City Council to submit to the voters for prior approval any proposal to acquire, encumber or lease for a period longer than five years, or approve the use of property owned by the Berkeley Unified School District,. if the property is not intended to be devoted to educational or recreational uses. Under current law; voter approval of such a proposal ould be required only if the property was to be used for specified kinds of public housing and the City had exhausted its current voter approved authority to construct such units. The Housing Authority is an independent state agency implementing statewide laws and is not subject to this ordinance. Zoning or other City land use approvals of projects proposed by other private or public persons or entities would not be subject to prior voter approval under current case law.
2. Provide that any actions taken by the City Council or the Berkeley Housing Authority or other City agency after January I, 1985, which contravene the ordinance in the above respect, are null and void. The Berkeley Housing Authority has entered into a long-term lease with the Berkeley Unified School District

Your Neighbors Built this Tot Lot

Over the course of six years beginning in 1990, dozens of neighbors came together as Friends of Willard Park to improve this park, which had fallen into a sad state. Groups of volunteers enlarged the playing field and created the Derby/Hillegass corner entrance before moving on to construct the cobble-lined concrete paths and this tot lot. In the final phase of work neighbors contributed almost 5,000 hours on 88 days to install the pathway lights with stone bases, plant trees, and restore the circular bench at your right.

This work would not have been accomplished, and this lot would not be here for our children, without support from city staff, UC students, paid contractors, $53,000 donated by the community and local businesses, $253,000 from state and county funds, the design wisdom and guidance of landscape architect Michael O'Leary, and the vision and tenacity of one remarkable man. Bill Lipsky, a sometime salesman, programmer and student of Gurjieff, launched the Friends' efforts, organized meetings and work parties, made phone calls, cajoled contributors, found funds, and never gave up.

Bill Lipsky 1933-2011

OPINION

Opinion: Creating ample space for play at Willard Park

The Willard Neighborhood Association urges the parks department to focus on a smaller clubhouse that could meet staff and children's needs.

By Rebecca Tracy
Feb. 04, 2022, 8:00 a.m.

The T1 bond measure passed in 2016 allocates public funds for rebuilding the Willard Park clubhouse in Berkeley's south campus area. The design phase of this project is currently going forward, following the planning phase that included two periods for public commentary and input.

The current one-room clubhouse supports a robust after-school activity program, run by Berkeley Parks and Recreation Department, for elementary school-age children (accommodating up to 45), plus a summer recreation program for the same age group. Historically these programs fill up quickly once they are opened online for enrollment. The indoor clubhouse space at 580 square feet is small. The children spend most of their time outdoors. Organized games, active exploratory play, art and table games happen on the park's open lawn or the paved patio beside the clubhouse.

The children's program integrates with the many other daily uses of the park's open space — space that provides visual and physical respite to an increasingly densely populated neighborhood. Even with the children present, at least half the open space is available for informal adult games (soccer, volleyball, frisbee, etc.), small-group gatherings, martial-arts practice, sunset watching. At least three neighborhood preschool programs also use the park in the mornings for outdoor play.

Berkeley Parks Recreation & Waterfront Department preferred alternative for the clubhouse project calls for a much larger building that would provide three "community rooms," both for the children and additional community activities, that would entail 2,300 square feet of interior space. Additional elements include an office, storage space, restrooms, utility room and circulation space, making a total building area of 4,195 square feet, according to Wendy Wellbrock, project manager for the parks department. This proposed construction is seven times the footprint of the existing 580 square feet building and will reduce the open space in the park by 20%.

Rather than reduce the open space in Willard Park with such a large "community center," the Willard Neighborhood Association (WNA) urges the Parks Recreation & Waterfront Department to focus on a smaller clubhouse that could meet staff

and children's needs, with emphasis on supporting outdoor learning, social interaction, and the physical benefits of spending time in the open air.

Specific concerns voiced by the neighborhood association at public hearings (three Zoom meetings and two in-person meetings in Willard Park during the summer and fall of 2021) called for a significantly reduced clubhouse footprint, both to preserve the outdoor emphasis of the children's programs and to retain maximal open space for public use.

These concerns were echoed in a survey conducted by the WNA that generated 347 responses (more than 70% of the respondents live within six blocks of Willard Park). The vast majority of the respondents asked for a significantly smaller clubhouse than the preferred alternative presented to the city council by the parks department in December. The council voted to approve moving the project forward to the design phase at that meeting.

Outdoor play is a key developmental component. Based on my 27 years of experience as center director in UC Berkeley's Early Childhood Education Program, I can verify that children who have spent six hours in a schoolroom need space to run, play, explore and try new physical and interpersonal skills. To plan a park clubhouse around "classroom" activities is not appropriate. Instead, the outdoor setting can be configured to provide space for quiet self-directed occupations (reading, drawing, exploring materials like clay and water) as well as for active supervised games (ball games, tag and relay races, etc.) or games of the children's own devising that build on their imaginative and negotiation skills.

An example of such a "fresh-air" environment can be seen at UC Berkeley's Harold Jones Child Study Center (2425 Atherton St.), built in 1960 by Joseph Esherick, where extended semi-shelters in each of two play yards allow all sorts of active learning to take place outdoors, even on rainy days. The California Academy of Science's newly opened "**Wander Woods**" is another example of a learning environment free of "classroom" constraints.

WNA hopes the City Council will reconsider their vote and send the project back to the Berkeley Parks, Recreation & Waterfront Department for further work in planning a clubhouse that more nearly matches the neighborhood's demonstrated desires for open space.

Rebecca Tracy is on the Steering Committee of the Willard Neighborhood Association. She has lived in the Willard Park neighborhood since 1968 and worked in the field of Early Childhood Education since 1963, much of it as a center director with UC Berkeley's Early Childhood Education Program.

Attachment 4a

From: mhumbert@cityofberkeley.info,
To: ProBerk@aol.com,
Subject: Willard Park Clubhouse Special Redux
Date: Wed, Apr 26, 2023 11:54 am

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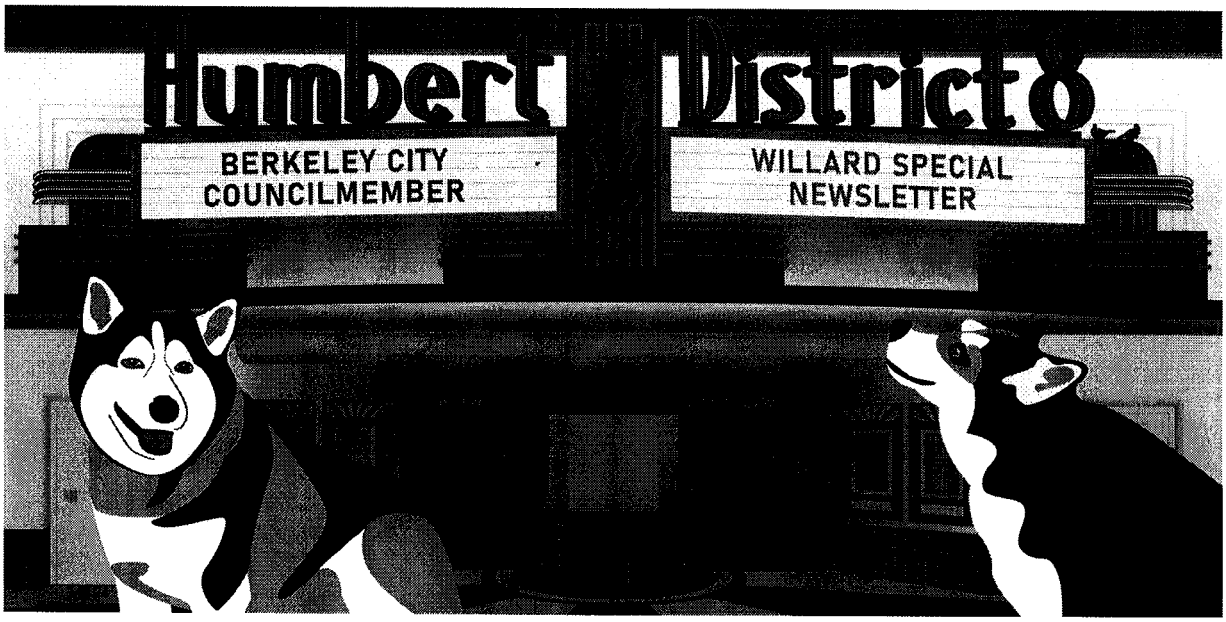


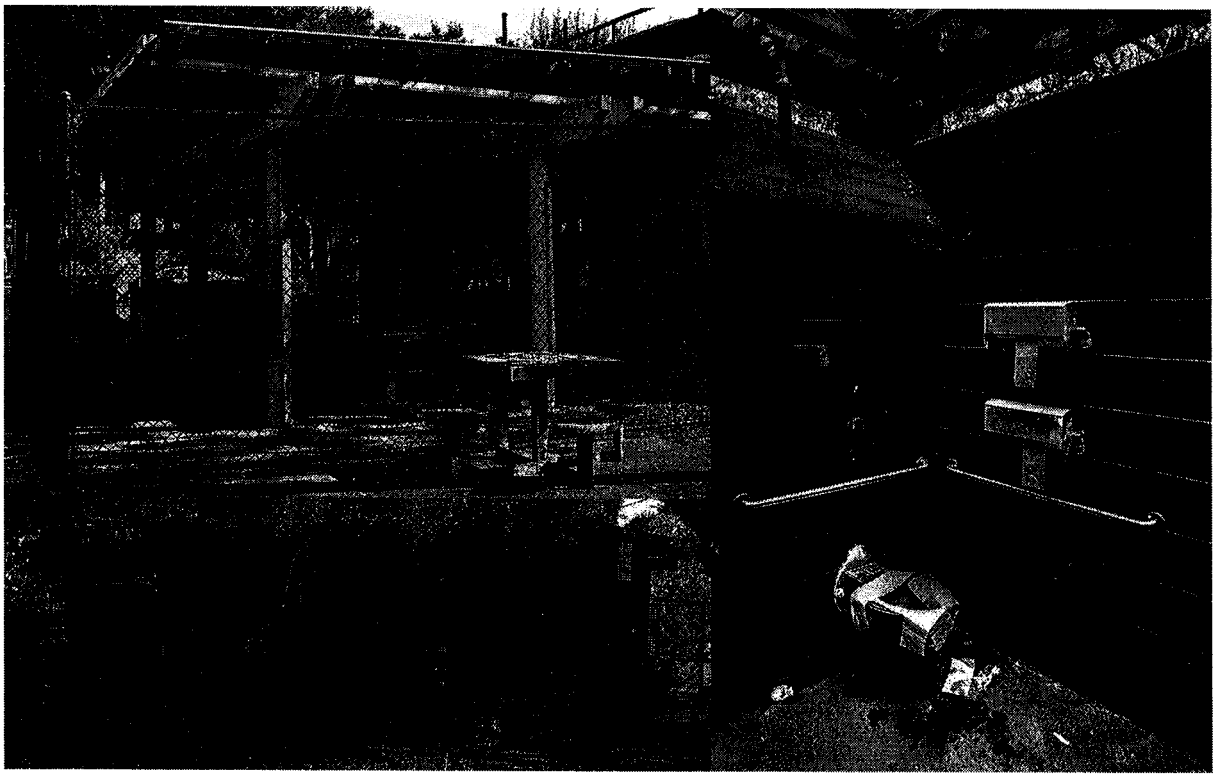
Willard Park Clubhouse Special Edition

Hello, Vincent!

I am re-sending former Councilmember Lori Droste's special edition newsletter about the Willard Park clubhouse project because a few of you have some questions. Unfortunately, some false information has been circulated so I want to make sure you have the facts. I am going to provide a lot of detail in the second part of this newsletter, but please feel free to read the first few paragraphs to get a summary of the project's history, present status, and the current clubhouse plans.

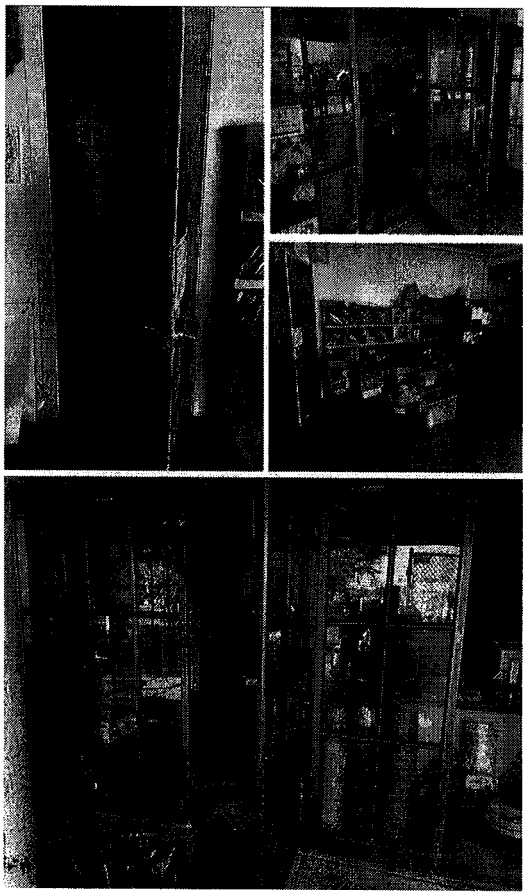
I have not expressed a position on this project yet but I encourage you to contact ZAB at zab@cityofberkeley.info if you would like. The meeting is on Thursday, April 27, at 7:00. You can log on remotely here: https://us06web.zoom.us/j/82805274623

City staff and the District 8 office have been engaged in an ongoing, multi-year public engagement process to learn what parents, kids, neighbors, and other residents of South Berkeley would like to see with the Willard Clubhouse redesign.



The existing clubhouse has scarcely changed since it was completed in 1971 and only manages to serve 45 kids at a time by using the outdoor space. With only one room and 565 square feet total, the indoor space alone only has capacity for about 25 kids.

The proposed new design preserves green space at Willard Park, while offering an expanded indoor space with a kitchen, an office, improved ADA accessibility, a new public restroom, and new fully indoor restrooms.

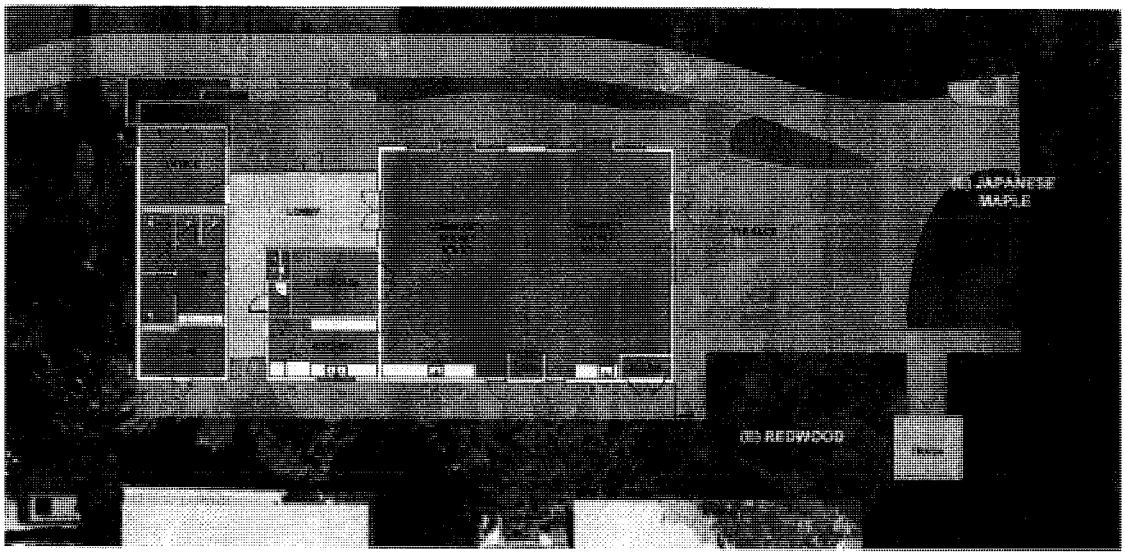


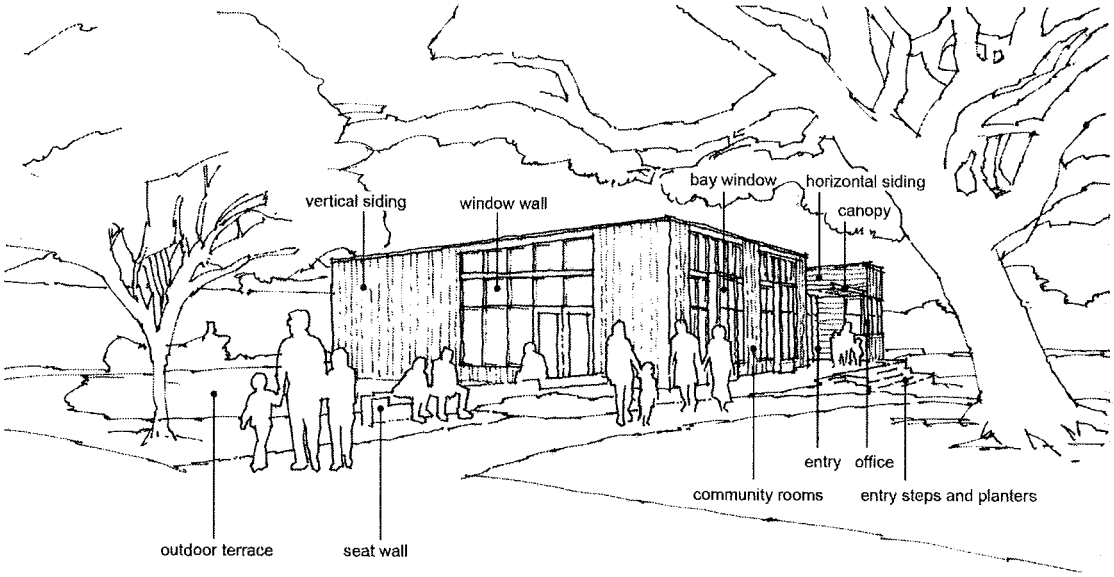
A few immediate neighbors expressed a desire for a smaller space. Across the board, the City heard strong support for preserving green space at Willard, which was always part of the plan. Staff took these initial comments and ongoing feedback to heart as they undertook an iterative design process with neighbors, other stakeholders, and project architects.

Although the initial design was bigger, city staff have scaled back the project due to construction costs. (You can visit the project webpage here.) This updated design accounts for increased construction costs by slightly reducing the overall footprint of the building, while still maintaining key new features and adequate space for the envisioned programming.

The City heard broad support from parents, PTAs, and others in South Berkeley for a larger and improved space that would be capable of hosting more afterschool programs and community events. These programs are vital to Berkeley's low-income children and families. City staff and the majority of community participants believe the proposed upgrades will make the clubhouse a stronger asset for the neighborhood, and a better and safer place for afterschool activities, which are currently scarce in Berkeley.

The Clubhouse will also serve the Willard neighborhood and South Berkeley by creating a more usable community space. This project is a centerpiece of the City's efforts to achieve recreational equity for South Berkeley children—something Councilmembers Ben Bartlett and Lori Droste and parks commissioner Caitlin Lempres Brostrom advocated for many years ago. At the same time, the project proposes to preserve the green space at Willard Park, with the new clubhouse remaining tucked into a corner of the park.


JAPANESE MAPLE
REDWOOD



Thank you to everyone who has participated in the community process to envision this space. While no community process ever has 100% agreement, the resulting proposal represents what City staff heard from the majority of participants in the public process. I also want to thank City staff and the project architects, who have shown incredible dedication to this process and sensitivity to the community's desires and concerns for the project. It is very important to me that we continue to hear from you about this project!

If you would like additional information about the new clubhouse, and to see replies to some common questions and myths, please read on!

As I mentioned, I am keeping an open mind about this proposed project but I would love to hear from you as well! Please feel free to email me at mhumbert@cityofberkeley.info

Best,
Mark

Why is a new clubhouse being proposed?

- The Clubhouse was built in 1971 and has one room and 565 square feet of space. The current clubhouse can serve up to 45 children in its programs, even when fully using its outdoor space—the interior space only has a capacity of 25.
- With a larger space, the Clubhouse could potentially meet more community needs. Enrollment for after school and day camp programs typically fills up fast, with a wait list of typically around 25 children. Staff, parents, PTA equity liaisons, and community members all emphasized the need for a larger space to support the children's programs, and potentially be a place for other community meetings, classes, and activities.
- Recreational programs at Berkeley's parks, community centers, and clubhouses are among the most affordable and accessible to under-resourced communities

in Berkeley.

- This project will include new public restrooms and a new indoor restroom. Currently, there is a one-stall, open roof restroom with just a chain to indicate if it is in use. This project would make the public restroom more accessible to the community by relocating it away from the clubhouse and changing it into a prefabricated building with two gender-neutral stalls. Meanwhile, children and others using the clubhouse will have fully indoor restrooms.
- The current clubhouse is not fully ADA compliant. Ensuring that City facilities are accessible to all is an equity issue and essential for complying with federal law.

What exactly is being proposed?

Community members and staff identified priorities and concerns about a new clubhouse and created three initial designs based on that feedback. After extensive community outreach, the current design includes:

- Expanding the footprint of the single story clubhouse to meet greater demand and serve more children. It will not take over the park's central green space and it is **not two stories**.
- Maintaining a similar patio size but relocating it to make it more visible and integrate it with the adjacent clubhouse and surrounding green spaces.
- Moving and updating the public restrooms to make them more accessible.
- Additional amenities such as a kitchenette, an office, a lobby area, increased storage, community meeting rooms with a removable divider to create one large room, and new landscape features.
- Restrooms within the new clubhouse space specifically for after school and summer camp participants and other building users.
- A terrace area for outdoor programming. Classrooms will still have direct access to park lawn space.

Who took part in the community feedback process?

Staff gathered feedback through community meetings, focus groups, online surveys, and emails from:

- Members of the general public
- Families enrolled in the afterschool care programs
- Friends of Willard Park
- City Councilmembers
- Parks Commissioners
- Parks and Recreation staff

- Maintenance staff

What are some myths about the project?

- **"The project is a bait and switch! It was once billed as a remodel and now staff is creating a community center."**

  At no time did anyone suggest that the clubhouse was going to remain the same size. The project description always included an expansion and replacement of the existing clubhouse because of stated concerns that the size was insufficient for the community's needs. Community centers are intended for people in the community and not parties with "loud music."

- **"The project includes a 'corporate-style office park.'"**

  This claim is categorically false. At no point were there any plans for an office park on the site, and claims to the contrary are pure misinformation.

- **The proposed clubhouse will "take over green space," "reduce open space by 20%," have a "significant impact on open space in the park," or "result in a net loss of trees."**

  This is not, nor was it ever, correct. The project's impact to the amount of green open space in the park is negligible. In a small section, a path is moved northward a couple feet–less than 1% of the open green space in the park. The ZAB hearing on Thursday requests a variance to increase the amount of green space by pulling the building back four feet. Additionally, the city plans on planting over 30 trees in the area. The design was specifically created to save the oak, the maple, and the redwood trees.

- **"The proposal is too big and against community wishes!"**

  While a handful of people didn't want a size increase, focus group participants were in overwhelming support of the project and many community members and parents wanted an even bigger project than what was initially envisioned. Now, with the recent revisions, the footprint is even smaller.

- **"The new space is unsafe for children."**

  Children currently are obscured from view in the current configuration. The new design will place children in view of adult supervision and is protected from the street. PTA presidents from Malcolm X, Emerson, John Muir, and Sylvia Mendez have all expressed support for the project and would not have done so if it were unsafe for kids.

- **"Only 58 people were surveyed."**

  Over the course of planning for this project, hundreds of community members and parents took part in the public engagement for this project. There were five

public meetings and eight focus group meetings. Groups that were consulted included Parent Teacher Associations, the Willard Neighborhood Association, Friends of Willard Park, city commissioners, councilmembers, neighbors, families in the program,and park maintenance staff. Staff mailed 2,685 notices and consultants went door to door as well. Lori Droste also sent emails to her list of thousands of constituents asking for feedback and participation. Staff also canvassed park visitors during recreational events. The overwhelming sense from the majority of these participants was that they wanted an expanded and improved clubhouse at Willard Park.

- **"These resources could have been used to open Willard Pool"**

  Sadly, no. The Willard Pool property is owned by the Berkeley Unified School District, which has given no indication that it intends to sell or re-lease the property back to the City for pool use. Additionally, when given the option to fund re-opening of Willard Pool in 2010 and 2012 (through aquatic-focused bond measures), Berkeley voters sadly declined to support the ballot measures. On the other hand, Berkeley voters did support T1, which is the source of funding for the Willard Clubhouse update. There is not funding to reopen the pool in Willard Park and the funds for the Willard Clubhouse cannot be used for that purpose.

- **"The facility is only available if you pay for it."**

  The City frequently makes free and reduced-cost programming and use of its buildings available for community events and for low-income families. The City of Berkeley Recreation Division has among the least expensive childcare in the city.

- **"The new bathroom is against community wishes and takes up green space."**

  The new separate bathroom will not take up green space and was the favored location selected in the multitude of public meetings. Currently, the recreational staff and children have to share a bathroom with park goers and the new configuration allows the children in recreational programs to have a new bathroom inside the facility and a separate bathroom for the public.

- **"The city is planning on creating an extensive 60 foot drop off zone, eliminating parking."**

  The city currently has white curb drop off zone already in the area so the additional new drop off space is 37', a loss of about two parking spaces. But it is unclear even if the 60' drop off zone is needed. I have asked staff for more information on this.

- **"The new plans do not have a budget attached and funds are not sufficient."**

This project has always had a budget attached with a cost estimate and there is currently enough money to cover the project.

Office of District 8
Councilmember Mark Humbert
mhumbert@cityofberkeley.info (510) 981-7180
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Berkeley, CA 94704
United States

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Police Non-Emergency: (510) 981-5900

Sign up for emergency notifications on AC Alert
and crime prevention/updates on Nixle
For more information, visit *the City of Berkeley website*

From: ldroste@cityofberkeley.info,
To: ProBerk@aol.com,
Subject: Willard Park Clubhouse Special Edition!
Date: Thu, Sep 29, 2022 10:17 am

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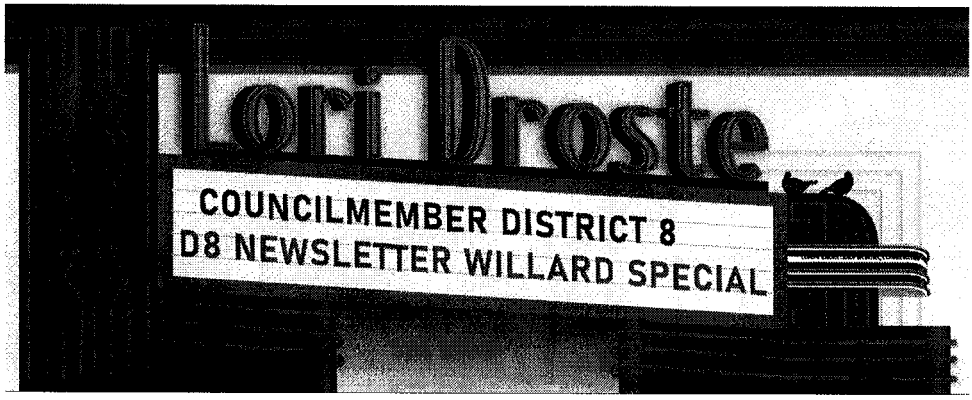


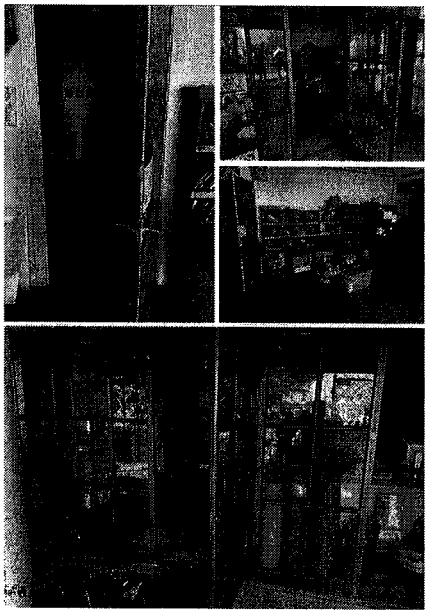
Willard Park Clubhouse Special Edition

Hello, Vincent!

I am sending this special edition newsletter because I'm excited to give you an update about the planned improvements to the Willard Park clubhouse! I am going to provide a lot of detail in the second part of this newsletter, but please feel free to read the first few paragraphs to get a summary of the project's history, present status, and the current clubhouse plans.

City staff and my office have been engaged in an ongoing multi-year public engagement process to learn what parents, kids, neighbors, and other residents of South Berkeley would like to see with the Willard Clubhouse renovation. We heard broad support from parents, PTAs, and others in South Berkeley for a larger and improved space that would be capable of hosting more afterschool programs and community events. We heard from a few immediate neighbors a desire for a smaller space. Across the board, we heard strong support for

preserving green space at Willard, which was always part of the plan. (Unfortunately, we also heard utterly false and unfounded accusations that the project could create a "homogenized corporate office" campus overtaking the grassy park.) Staff took these initial comments and ongoing feedback to heart as they undertook an iterative design process with neighbors, other stakeholders, and project architects.

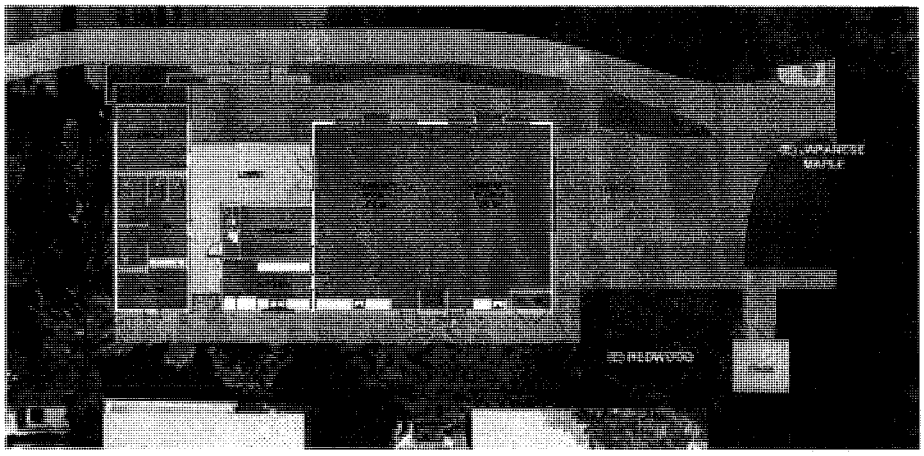


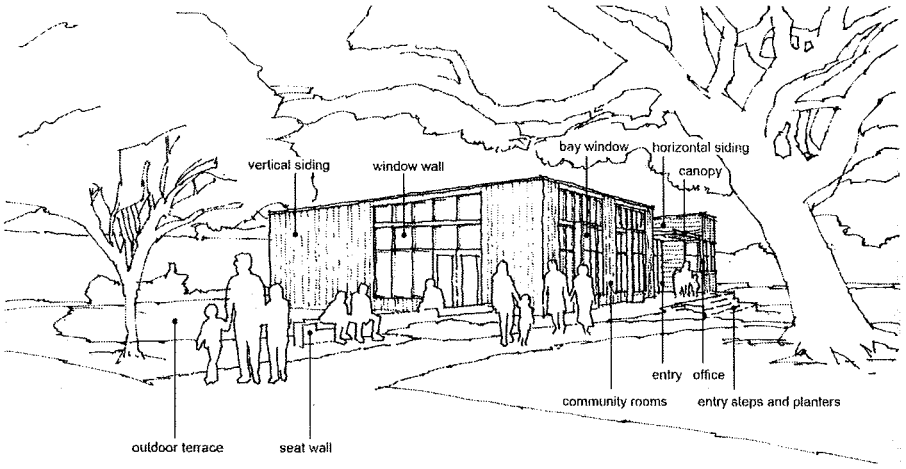
The existing clubhouse has scarcely changed since it was completed in 1971. It is only 565 square feet and with only one room, it can only serve about 45 kids at a time through the use of outdoor space—but the capacity of that room is only about 25. These programs are vital to Berkeley's low-income children and families. The proposed new design preserves green space at Willard Park, while offering a dramatically improved indoor space with a kitchen, an office, improved ADA accessibility, and new public restrooms, as well as new fully indoor restrooms.

These changes will make the clubhouse a stronger asset for the neighborhood, and a better and safer place for afterschool activities for children, which are currently scarce in Berkeley. The Clubhouse will also serve the Willard neighborhood and South Berkeley by establishing a community space. At the same time, the project preserves the green space at Willard Park, with the new clubhouse remaining tucked into the corner of the park. The new clubhouse will also be better integrated with surrounding open areas. This will help beautify the southern boundary of the park and encourage more indoor/outdoor play and activities.

In consultation with the project architects, staff have just completed and are about to share a new design for the proposed clubhouse (new documents will be active on the project webpage on Friday). This updated design accounts for increased construction costs by slightly reducing the overall footprint of the

building, while still maintaining key new features and adequate space for the envisioned programming.





Thank you to everyone who has participated in the community process to envision this space. And an enormous thank you to City staff and the project architects, who have shown incredible dedication to this process and sensitivity to the community's desires and concerns for the project. It is very important to me that we continue to hear from you about this project—even if it is just to share how excited you are to see it finally complete!

If you would like additional information about the new clubhouse, and to see replies to some common questions and myths, please read on! Otherwise, thank you again for your feedback and involvement, and I look forward to seeing you in our new neighborhood clubhouse at Willard!

Best,
Lori

Why do we need a new clubhouse at Willard Park?

- The Clubhouse was built in 1971 and is long overdue for an update. With only one room and 565 square feet of space, the current clubhouse can only serve up to 45 children in its programs, even when using its outdoor space—the interior space only has a capacity of 25.
- With a larger space, the Clubhouse could meet more community needs. Enrollment for after school and day camp programs typically fills up fast, with a wait list of typically around 25 children. If the space were roomier, there would be greater capacity to meet that demand. Staff, parents, PTA equity liaisons, and community members all emphasized the need for a larger space to support the children's programs, and potentially be a place for other community meetings, classes, and activities.
- These programs are vital to under-resourced communities in Berkeley. Recreational programs at Berkeley's parks, community centers, and clubhouses are among the most affordable and accessible.
- This project will include new public restrooms and a new indoor restroom. Currently, there is a one-stall, open roof restroom with just a chain to indicate if it is in use. This project would make the public restroom more accessible to the community by relocating it away from the clubhouse and changing it into a prefabricated building with two gender-neutral stalls. Meanwhile, children and others using the clubhouse will now have the comfort, privacy, and convenience of fully indoor restrooms.
- The current clubhouse is not fully ADA compliant. Ensuring that City facilities are accessible to all is an equity issue and essential for complying with federal law.

What exactly is being proposed?

Community members and staff identified priorities and concerns about a new clubhouse and created three initial designs based on that feedback. After extensive community outreach, the preferred design includes:

- Expanding the footprint of the single story clubhouse to meet greater demand and serve more children. It will **not** take over the park's central green space.
- Maintaining a similar patio size but relocating it to make it more visible and better integrate it with the adjacent clubhouse and surrounding green spaces.
- Moving and updating the public restrooms to make them more comfortable and accessible.
- Restrooms within the new clubhouse space specifically for after school and summer camp participants and other building users.
- A terrace area for outdoor programming. Classrooms will still have direct access to park lawn space.
- Additional amenities such as a kitchenette, an office, a lobby area, increased storage, community meeting rooms with a removable divider to create one large room, and new landscape features.

Who took part in the community feedback process?

Staff gathered feedback through community meetings, focus groups, online surveys, and emails from:

- Members of the general public
- Families enrolled in the afterschool care programs
- Friends of Willard Park
- City Councilmembers
- Parks Commissioners
- Parks and Recreation staff
- Maintenance staff

What are some myths about the project?

- **"The project includes a 'corporate-style office park.'"**

  This claim is categorically false. At no point were there any plans for an office park on the site, and claims to the contrary are pure misinformation.

- **"The proposed clubhouse will take over green space," reduce open space by 20%, or have a "significant impact" on open space in the park.**

  This is not, nor ever was, correct. The project's impact to the amount of green open space in the park is negligible. It actually enhances existing open space by better integrating the proposed clubhouse and its patios into the surrounding areas of the park.

- **"The proposal is too big!"**

  Focus group participants were in overwhelming support of the project and

many parents wanted an even bigger project than what was initially envisioned. Now, with the recent revisions, the footprint is smaller but will still be able to serve community members far better than the current clubhouse.

- **"Only 58 people were surveyed."**

  Over the course of planning for this project, hundreds of community members and parents took part in the public engagement for this project. There were five public meetings and eight focus group meetings. Groups that were consulted included Parent Teacher Associations, the Willard Neighborhood Association, Friends of Willard Park, city commissioners, councilmembers, neighbors, families in the program,and park maintenance staff. Staff mailed 2,685 notices and consultants went door to door as well. Staff also canvassed park visitors during recreational events. The overwhelming sense from the majority of these participants was that they wanted an expanded and improved clubhouse at Willard Park.

- **"These resources could have been used to open Willard Pool"**

  Sadly, no. The Willard Pool property is owned by the Berkeley Unified School District, which has given no indication that it intends to sell or re-lease the property back to the City for pool use. Additionally, when given the option to fund re-opening of Willard Pool in 2010 and 2012 (through aquatic-focused bond measures), Berkeley voters sadly declined to support the ballot measures. On the other hand, Berkeley voters did support T1, which is the source of funding for the Willard Clubhouse update. There is not funding to reopen the pool in Willard Park and the funds for the Willard Clubhouse cannot be used for that purpose.

- **"The facility is only available if you pay for it."**

  The City frequently makes free and reduced-cost programming and use of its buildings available for community events and for low-income families. Without a doubt, this project will dramatically help families throughout Berkeley, many of whom are struggling with childcare options as recently reported by Berkeleyside. The City of Berkeley Recreation Division has among the least expensive childcare in the city. It is important that park users in South Berkeley have access to updated, affordable, beautiful, and safe facilities.

- **"Kids won't be able to play outside."**

  Of course children need to play outside. Thankfully, the proposed clubhouse will in no way reduce opportunities for outside play. The clubhouse will actually enhance them by better integrating the clubhouse with adjacent outdoor areas. Sometimes kids need to play inside as well, especially during inclement weather or increasingly common days with smoke. Children may also need to have an ADA accessible bathroom as well. This clubhouse offers better and safer opportunities for indoor play when it is preferred/necessary.

Once the city website goes live on Friday, even more questions will be addressed so stay tuned!

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Berkeley, CA 94704
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Sign up for emergency notifications on AC Alert and crime prevention/updates on Nixle
For more information, visit the City of Berkeley website

Attachment 4C

From: MHumbert@cityofberkeley.info,
To: proberk@aol.com,
Cc: markh@humbertlaw.us,
Date: Wed, Apr 19, 2023 4:26 pm

Dear Vincent - I encourage you to submit your comments to ZAB. I cannot engage on this; if there is an appeal of ZAB's determination it will come to Council in its quasi-adjudicatory role. Best, Mark

---

From: Vincent Casalaina <proberk@aol.com>
Sent: Tuesday, April 18, 2023 6:40 PM
To: Humbert, Mark <MHumbert@cityofberkeley.info>
Cc: markh@humbertlaw.us <markh@humbertlaw.us>
Subject:

Councilmember Mark Humbert

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

Subject: New plans for Willard Park Clubhouse

Dear Councilmember Humbert,

The Willard Park Clubhouse is on the agenda for the Zoning Adjustments Board on Thursday, April 27. However the last minute plans are **radically different** from the plans that were presented to the community two years ago. The current plaza area is adjacent to the existing clubhouse, just to the west of the club house building. Today the plaza serves children in the after-school program as well as the community park users. The plaza is sunny and is in a very protected area of the park. When the grass is wet, this is the area that many people use for tai-chi, or small impromptu birthday parties or other lowkey activities. However, the plans just revealed by the City Staff reveals that the building has shifted to the West, moving the terrace area towards Hillegass instead. This entry area is very close to car traffic which makes it **much less safe for children playing**. It is also in a shady area which makes it darker, harder to keep clean. It will also be located next to a trash enclosure! The new plans shifts the outdoor plaza into a much less desirable area.

The City also did not respond to the neighborhood request to install a "Portland Loo" restroom where the current restroom exists today. Instead the City is planning to build a bathroom structure in the open space adjacent to the tennis courts. This removes much needed open space in the park as well as places the restroom in a area without the eyes and ears of neighbors. I think this placement ignores the safety issues of an urban park where park goers could be assaulted.

I served three terms as President of the Willard Neighborhood Assoc. I had the privilege of working with Michael O'Leary, a local landscape architect, Bill Lipsky (Friends of Willard Park leader), city staff and a large cross section of the community in designing the tot-lot area. It took months of discussion among everyone but as a result Willard Park has a tot-lot that is well used and enjoyed by families from all over Southside.

The process around the updating of the Willard Club House is quite the opposite. & now the Zoning Adjustments Board is poised to approve plans that no one but the staff has seen. If this plan goes forward, Berkeley residents and park users will be shocked at what this $7 million project in Willard Park - the only park in the Southside.

I would like to meet with you to discuss these new plans for the Willard Clubhouse. Please let me know when I could schedule an appointment at your earliest convenience to discuss the neighborhood concerns about this last minute and radical change in approach.

Sincerely,

Vincent Casalaina

Attachment 5

Berkeley Gazette 6/23/1980

Council to seek truce in bungalow battle

By BARBARA ERICKSON

BERKELEY — The city council will hold a special session at 8:30 p.m. Tuesday to discuss moving bungalows for high school classrooms onto Civic Center Park.

The school district is searching for a site to house Berkeley High students while earthquake reconstruction work takes place on the "C" building. Other plans to place the students in Washington School and on a vacant district-owned lot on McKinley Street have run into community opposition.

City Manager Wise Allen said the council briefly discussed the proposal Thursday night during another special meeting. The council members invited school district staff to attend the Tuesday night meeting and asked the city attorney to look into the legality of closing the park down for the use of the district.

Meanwhile, the school district is running out of time in its efforts to prepare a place for nine history and English classrooms which will have to relocate off campus during the two years of reconstruction work. Nearly 1,000 students a day will use the classrooms.

This February the school district proposed to place the students on the second floor of Washington School and house some of the kindergarten through third-grade Washington students in bungalows on the play yard. But when Washington parents complained that the high school students would disrupt the school program, the administration decided to place nine bungalows on a lot formerly used for child care and adult school classes. The lot is on McKinley Street across from Washington School.

But three weeks ago residents of McKinley Street heard of the plan and threatened to block the district by court action. They said the schools failed to request a use permit from the city and skipped environmental impact requirements.

A steering committee of the neighborhood group said the residents would be willing to accept four bungalows on the site, but the administration says it must place at least six there or else move the high school students into Washington School.

The possibility of using Civic Center Park for some of the bungalows offers another option to the already complex issue and creates more discussion while the district is looking for a quick resolution of the problem.

Schools business manager Royal Olsen said Wednesday at a school board meeting that the district has [illegible] moving bungalows by June [illegible] classrooms will not be ready when school opens in September. Meanwhile, he said, the staff is going ahead with the latest directive to place all nine bungalows on the McKinley Street lot.

THE PORTLAND LOO.

THE ONLY LOO PROVEN TO KEEP CLEAN AND CRIME-FREE

Portland's public toilets have succeeded where others failed.

The secret is in the design.

The Portland Loo® was designed with the primary intent to prevent problems that are commonly experienced with public toilets, such as crime, vandalism, and deterioration. This freed The Portland Loo® from becoming a beaten-down haven for illegal activity, while also enduring wear and use over time.

The design is timeless.

The Portland Loo® is constructed of materials that last! Initially installed over 10 years ago, the first one still looks new today. The innovative shape and presentation integrates beautifully with the city environment.

The design is more than it appears.

The Portland Loo® is attractive and durable, but it's functional too. The coated stainless steel walls are sleek and modern, which also makes them hard to vandalize and easy to clean. Nothing can be ripped off the walls or damaged, because the hand-washing station is mounted on the exterior.

The design is done for you.

All this has already been built into the design, which means you don't have the legwork or expense to design your own. It's fabricated off site, and can be delivered on site completely assembled.

The design is affordable.

The Portland Loo® is made with few materials, making it less expensive to construct. It requires minimal utilities that can operate on solar power or low level volt power. And, the components are commonly used by cities around the world, so they're easy to replace or upgrade.

Read more about the features of The Portland Loo® design below.

PREVENTS CRIME

Louver grating at the top and bottom of the bathroom wall create an interior environment that offers complete visual privacy, while remaining as connected with the outside as possible. These louvers are angled in such a way that doesn't compromise privacy, but does allow law enforcement the ability to observe the number of users inside. The unit's hand-washing station is mounted on the exterior, which promotes quicker turnaround time, serving a higher pedestrian population. The restroom was designed with Crime Prevention Through Environmental Design by using high traffic areas and visibility to deter illegal activities and generate high usage rates. Each Portland Loo® is built to fully comply with ADA Standards.

EASY TO CLEAN & MAINTAIN

The unit is composed of a minimum of materials. Utilizing stainless steel for the structure means that the Portland Loo weighs a fraction of a typical restroom and can be delivered on site as a complete enclosure. The modular construction of the restroom allows for it to be quickly removed during flood

conditions or easily repaired onsite. Protected with an anti-graffiti clear coat, the restroom can take a lot of abuse, and is easy to maintain with a cleaning hose and janitorial supplies stored in the mechanical closet. The Portland Loos® in Portland are available to the public 24/7, taking the strain off local business, and creating a welcoming environment for families.

INEXPENSIVE TO INSTALL & RUN

The entire unit can be off-grid and lit entirely by solar-powered LED fixtures. The restroom can be pre-wired for 115 volt AC power or powered by a hybrid system of solar and AC. At night a gentle light washes the exterior until it is occupied, at which time the interior lights activate and the exterior lights dim, announcing that it is in use. The Loo is functional year round with all exposed plumbing and toilet bowl wrapped in heated wire for freeze protection. The restroom requires minimal utilities, at 1.28 gallons per flush and a max 60 watt load. Fitted with an occupancy counter the restrooms in Portland often average 250 flushes per day, equivalent to busy airport restrooms.

For more specific measurements and component features that are used to build The Portland Loo®, view our Portland Loo® Specs document.

THE PORTLAND LOO

How often do we need to clean The Portland Loo®?

In Portland they get cleaned 2-5 times a day. There is also a number to report incidents inside the restroom for cleaning.

Why is The Portland Loo® better than the 'automated' alternatives?

While the automated restrooms focus on easy cleaning, The Portland Loo® focuses on the crime prevention aspect of public restrooms. The automated restrooms provide too much privacy which has allowed prostitution and drug use to flourish. Moving parts and maintenance costs are much higher with automated restrooms, as the moving parts wear out or break and have to be sourced from Europe, unlike the local fixtures The Portland Loo® uses.

How long does it take from order to install?

The Portland Loo® is built to order and can take as little as 90 days from order to delivery. Deliveries are prioritized by first come first serve and lead times can grow if our schedule is filled with current orders.

Are these available outside of Portland?

All The Portland Loos® for North America are manufactured in Portland, Oregon. All The Portland Loos® for Australia, New Zealand and South East Asia are manufactured in New Zealand.

Are these good for rural parks?

Yes, The Portland Loo® can be placed in rural parks and trail heads. The Portland Loo® will be able to flush without connection to water and sewer with our off-grid option for The Portland Loo®. The off-grid option uses a holding tank below the restroom to supply flushing water and collect waste water for 1,326 flushes before needing to be refilled and waste emptied.

How does The Portland Loo® address the issue of drug use?

The Portland Loo® uses angled louvers for police and security to limit privacy. The Portland Loo® also uses blue lights to prevent drug users from locating veins.

How does The Portland Loo® help reduce inappropriate use such as prostitution and drugs?

The open bottom and top of the restroom allow sight lines and sounds to carry outside the restroom. The restroom should be sited with Crime Prevention Through Environmental Designs (CPTED) that places the restroom in visible areas that prevent crime with open sight lines.

How long can I expect The Portland Loo® to last?

With proper maintenance The Portland Loo® is expected to last up to one hundred years.

Can The Portland Loo® come in custom colors?

Yes, The Portland Loo® can be made in a variety of custom colors.

Where is the best place to install The Portland Loo®?

Install The Portland Loo® in areas with open sightlines that can provide service to a variety of people such as: transit commuters, shoppers, tourists, residents, bar/restaurant goers, families/children, pedestrians, homeless and attendees at special events.

How long does it take to install The Portland Loo®?

Once the foundation is poured and cured correctly The Portland Loo® can be installed in two to four hours.

Do you have privacy with the louvers on the top and bottom of the restroom?

The Louvers create complete dead space around the top and bottom of the toilet. No matter if you're looking up at the louvers or looking into the restroom from a multi-story condo, The Portland Loo® still provides absolute privacy for the user.

Can the Loo be used for advertisements and art work?

The Portland Loo® can be wrapped in vinyl wrapping to show art work or advertisements. Local laws may conflict with the ability to advertise on the restroom.

Attachment 7

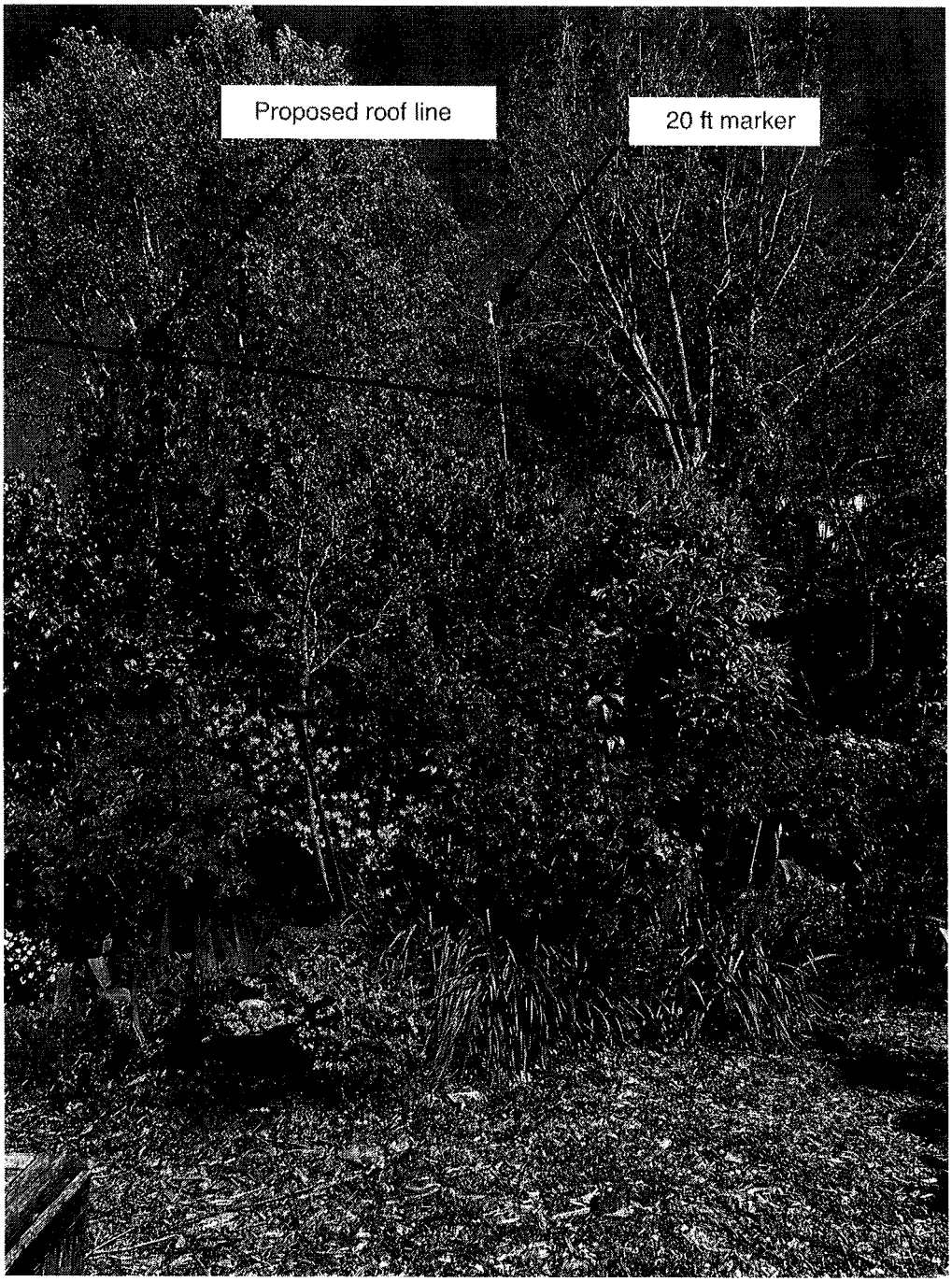
Berkeley Neighborhood Parks – with & without Community Centers ranked according to size

	Park	Square Footage	Structures on park space
1	Cesar Chavez Park (90 acres)	3,920,400 sf	**no community center**
2	Aquatic Park (32.76 acres)	1,427,000 sf	**no community center**
3	San Pablo Park (12.95 acres)	564,100 sf	Community Center, 1 large space for 200 people, 2 smaller spaces for 40 people each
4	Ohlone Park (9.8 acres)	426,900 sf	**no community center**
5	Cordonices Park (approx 8.8 acres)	392,040 sf	**no community center**
6	Shorebird Park (6.17 acres)	268,770 sf	Shorebird Nature Center
7	Harrison Park (5.6 acres)	243,900 sf	**no community center**
8	Live Oak Park (4.52 acres)	240,450 sf	Community Center & Theater
9	Cedar Rose Park (4.94 acres)	215,000 sf	Recreation Center
10	James Kinney Park (4.24 acres)	184,700 sf	Clubhouse (Bahia School), gymnasium
11	John Hinkel Park (4.19 acres)	182,520 sf	**no community center**
12	Strawberry Creek Park (3.7 acres)	161,200 sf	**no community center**
13	Berkeley Rose Garden (3.64 acres)	158,560 sf	**no community center**
14	Grove Park (3.09 acres)	134,600 sf	Recreation Center, baseball field, very small grass area
15	MLK Jr Park (2.77 acres)	120,700 sf	**no community center**
16	Willard Park (2.72 acres)	118,500 sf	Clubhouse

Attachment 8

View Impact – 2731 Regent

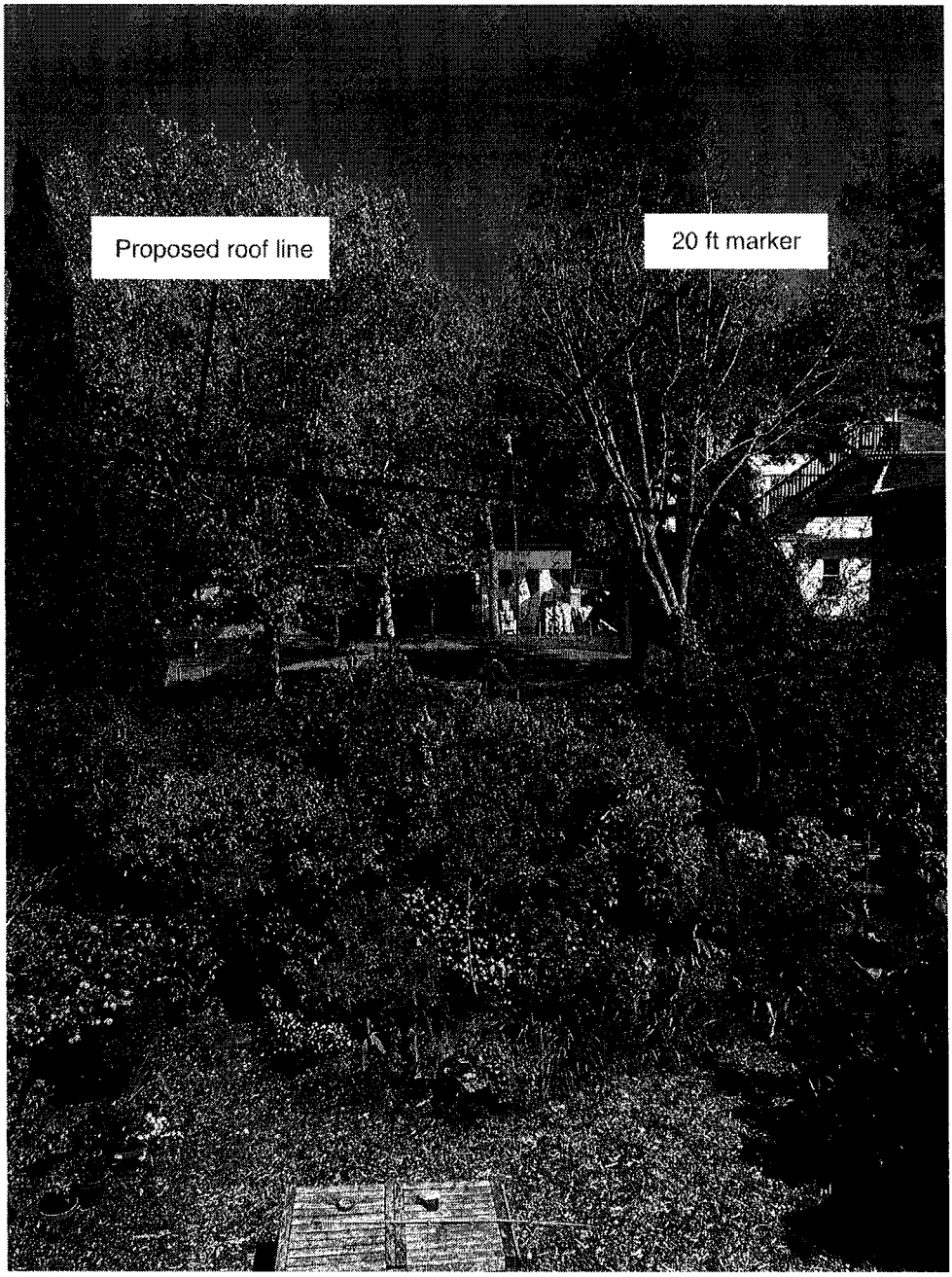
The new building will be towering over the backyard of the 2731 Regent St lot. See photos below.



The above photo was taken when standing in the backyard. The light-colored marker pointed to by the arrow shows a point 20 ft off the ground. The pole is situated 6 feet behind the property line. The slanted line shows the roof edge of the proposed building

situated 6 ft behind the property line.

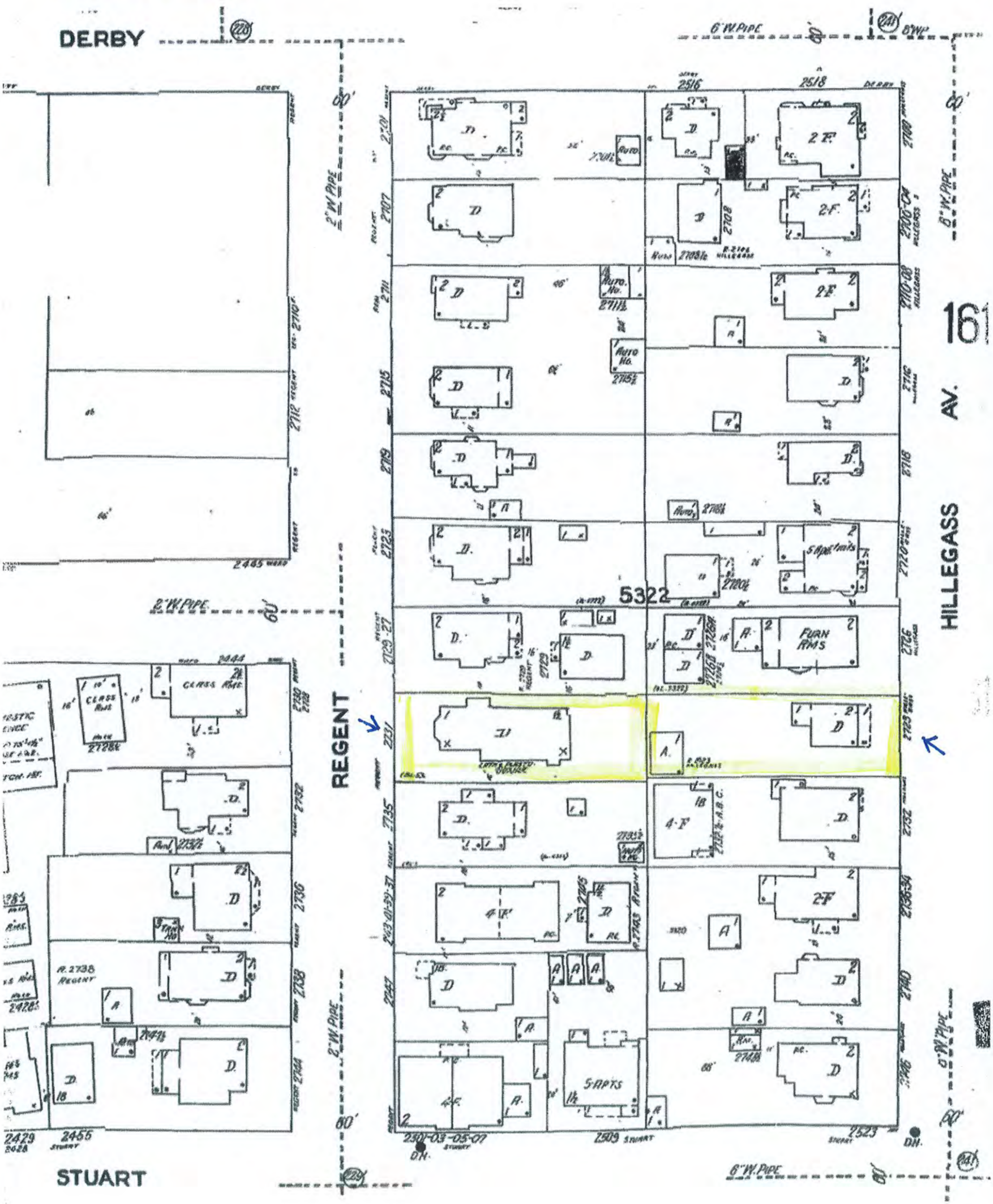
In contrast the photo below shows the view from the second floor of the home at 2731 Regent St with the same 20 ft marker, and the proposed roof line.
The existing clubhouse and the plaza are in the background. Please note that the maximum height of the new, one-story building in the picture is almost equal to the height of the existing, two-story building on the right. (2732 Hillegass Ave.)



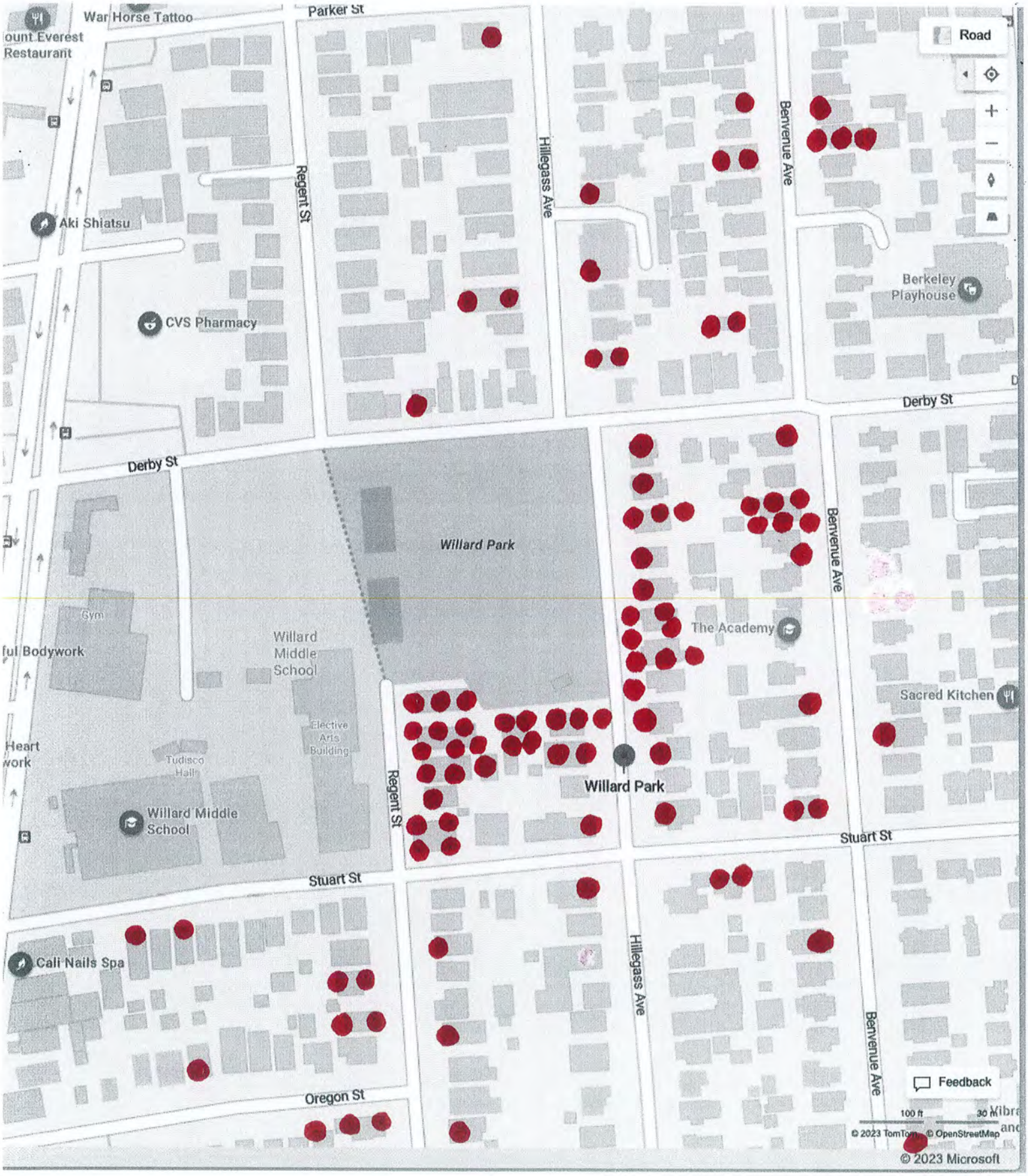
The proposed one-story building is significantly taller than the existing clubhouse.
Due to formation of the park terrain the new one-story building will be almost as high as

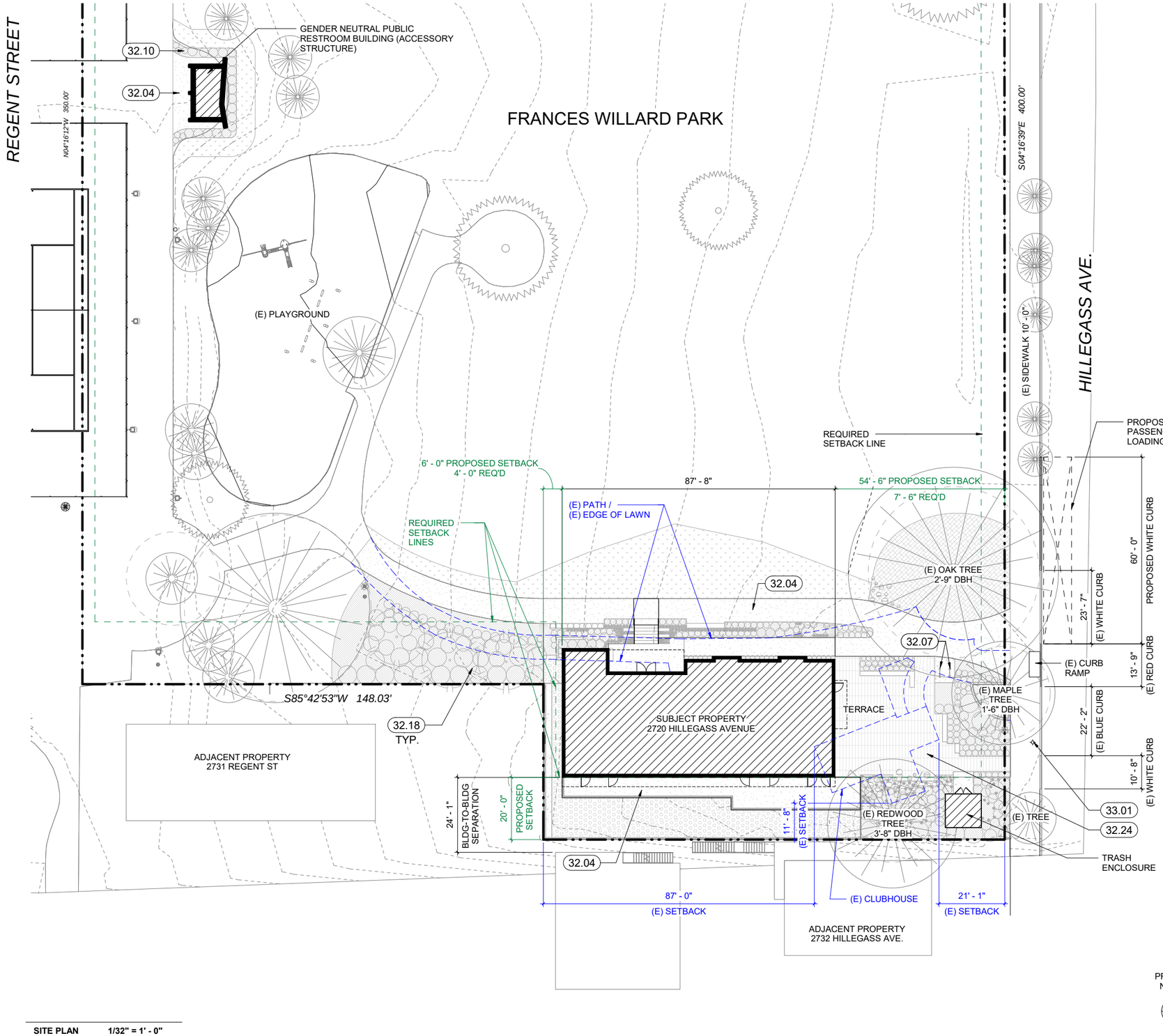
a two-story building in the back of 2732 Hillegass and at 2731 Regent St.
New structure's impact on the view of the park, surrounding area, and Berkeley Hills is significant.

Attachment 9



Attachment 10





SITE PLAN 1/32" = 1' - 0"

KEYNOTE LEGEND - ZONING

32.04	CONCRETE PAVING, S.C.D. & S.L.D.
32.07	BICYCLE RACKS, S.L.D.
32.10	PLANTING, S.L.D.
32.18	PROPOSED TREE, S.L.D.
32.24	PERMEABLE PAVERS, S.L.D.
33.01	FIRE HYDRANT, S.C.D.

GROSS FLOOR AREA SF

	SF	TOTAL SF
WILLARD PARK CLUBHOUSE	3,301 SF	3,499 SF
GENDER NEUTRAL PUBLIC RESTROOM BUILDING	198 SF	

LEGEND

- PROPERTY LINE
- EXISTING TOPOGRAPHY LINE
- PROPOSED TOPOGRAPHY LINE
- EXISTING ITEM TO REAMIN AND BE PROTECTED
- PROPOSED ITEM
- EXISTING TREE TO REMAIN AND BE PROTECTED
- PROPOSED TREE

els architecture+ urban design
2040 Addison St, Berkeley, CA 94704
510.549.2929 | elsarch.com

PROJECT:

WILLARD PARK CLUBHOUSE & RESTROOM REPLACEMENT PROJECT
2720 HILLEGASS AVE. BERKELEY, CA 94705

PROJECT INFO:
ZONING: R2
APN: 54-1711-27
CONSTRUCTION: V-B
OCCUPANCY: A-3, B, S-2

ELS PROJECT NUMBER:
201320.27

CLIENT:
CITY OF BERKELEY
1947 CENTER STREET, 5TH FL, BERKELEY, CA 94704

PROJECT TEAM:
ARCHITECT:
ELS ARCHITECTURE AND URBAN DESIGN
2040 Addison Street
Berkeley, CA 94704
P: 510.549.2929

REVISION

NUMBER	DATE	DESCRIPTION

ISSUE:
ZONING SUBMITTAL

DATE:
05/31/2023

STAMP:
LICENSED ARCHITECT GERALD NAVARRO C-26408 REN. 05/23 STATE OF CALIFORNIA

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
Z2-A4

ZONING ADJUSTMENTS BOARD

STAFF REPORT

FOR BOARD ACTION
APRIL 27, 2023

2720 Hillegass Avenue– Willard Park

Use Permit #ZP2022-0095 to demolish the existing clubhouse and restroom, construct a 3,301 square-foot single-story (18 feet) community center with a variance for a rear setback of 16 feet where 20 feet is required, and add a new single-story restroom building (12 feet).

I. Background

A. Land Use Designations:

- General Plan: OS – Open Space and Recreation
- Zoning: R-2 – Restricted Two-Family Residential District

B. Zoning Permits Required:

- Variance, under Berkeley Municipal Code (BMC) Section 23.406.050, from BMC Section 23.202.080(D)(1) to allow a rear setback of 16 feet for the community center where 20 feet is required.
- Use Permit, under BMC Section 23.326.070(A), to demolish a non-residential main building.
- Use Permit, under BMC Section 23.202.020(A), to construct a community center.
- Administrative Use Permit, under Section 23.304.060(C)(1) to add an accessory building (restroom).

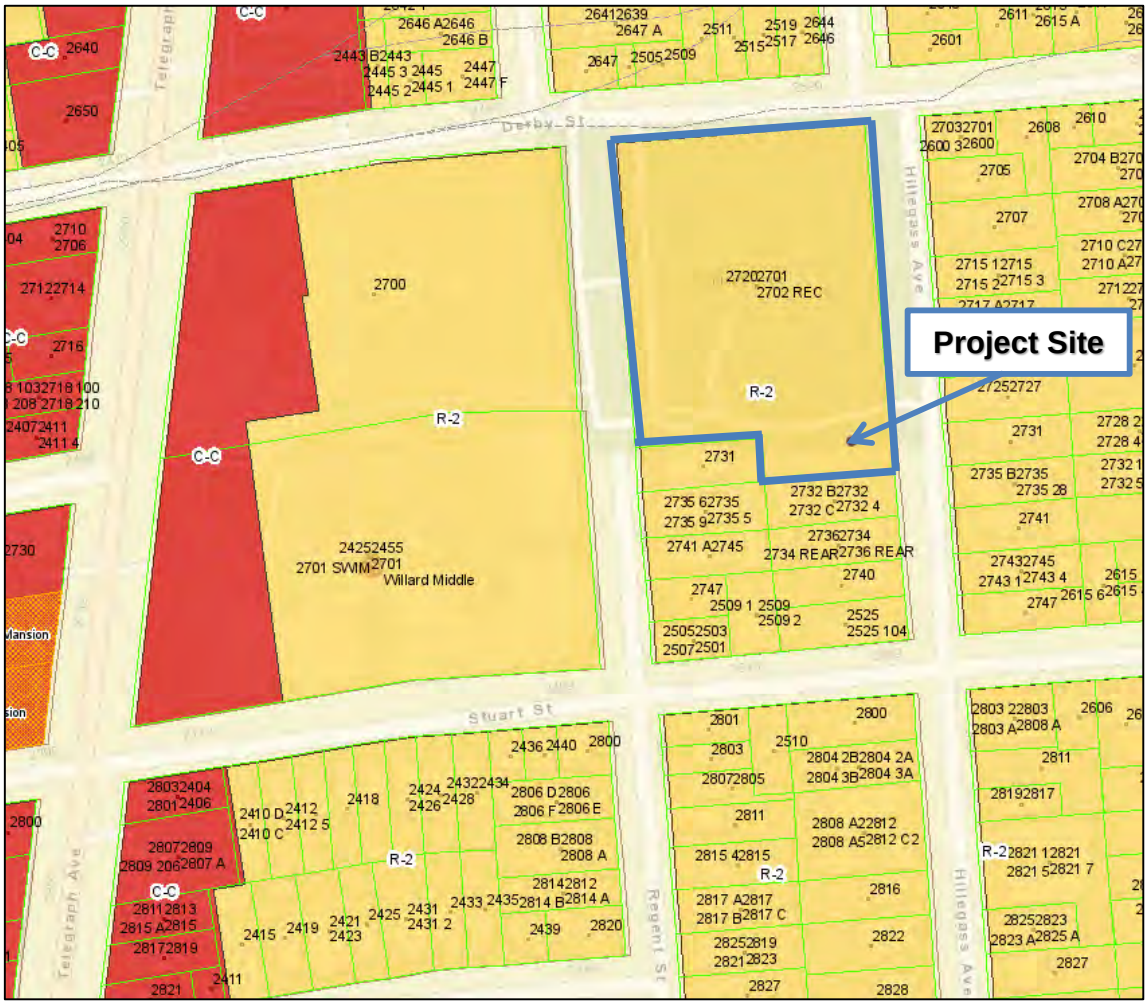
C. CEQA Recommendation:

It is staff's recommendation that the project is categorically exempt pursuant to Section 15303 ("New Construction"). The determination is made by the Zoning Adjustments Board.

D. Parties Involved:

- Applicant — Evelyn Chan, Supervising Civil Engineer
  City of Berkeley Parks, Recreation, and Waterfront Department
  1947 Center Street, 5th Floor, Berkeley
- Property Owner — City of Berkeley
  2180 Milvia Street, Berkeley

Figure 1: Vicinity Map



Legend
R-2: Restricted Two-Family Residential District
C-C: Corridor Commercial District

N

Figure 2: Full Site Plan

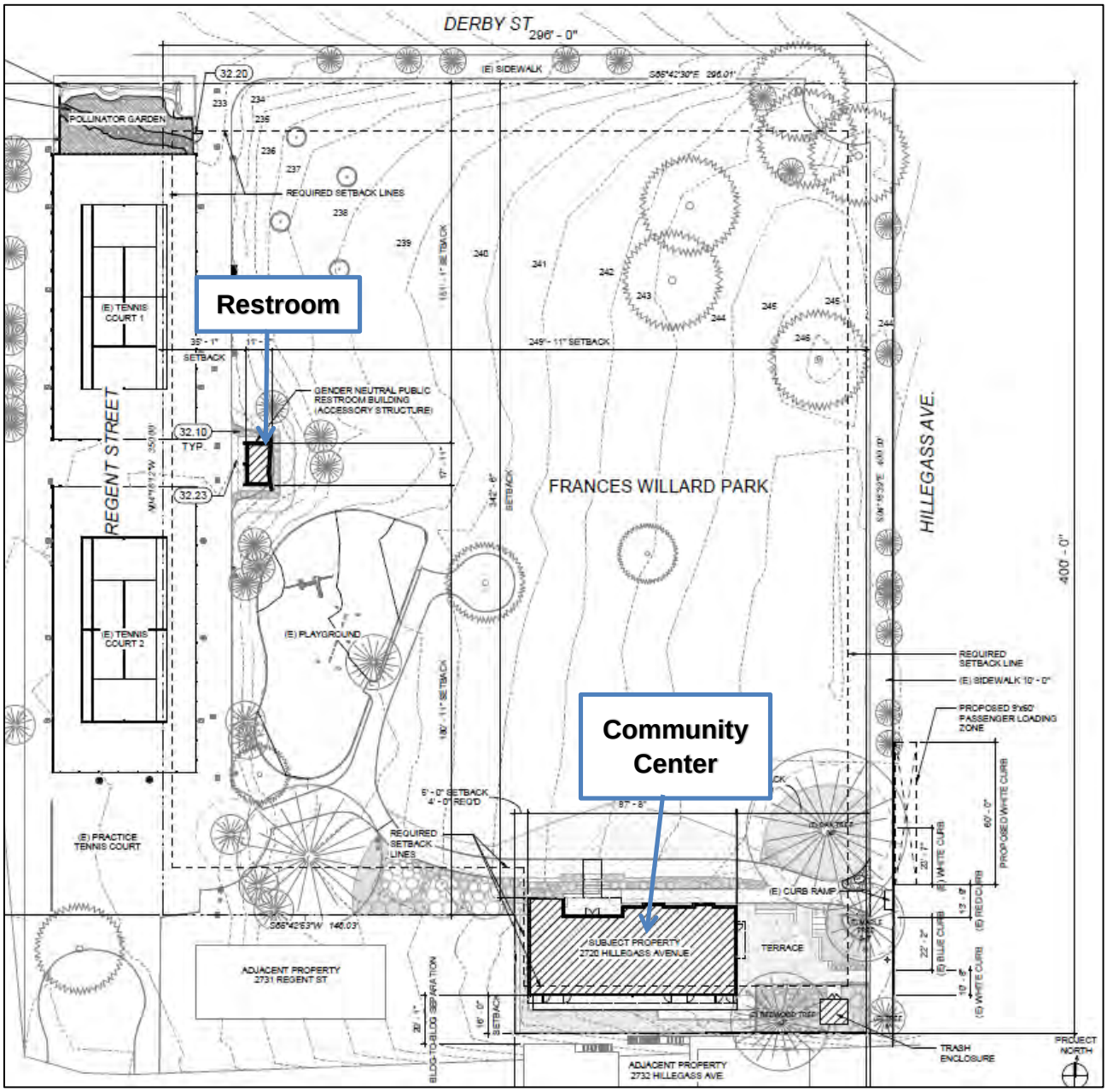


Figure 3: Enlarged Site Plan

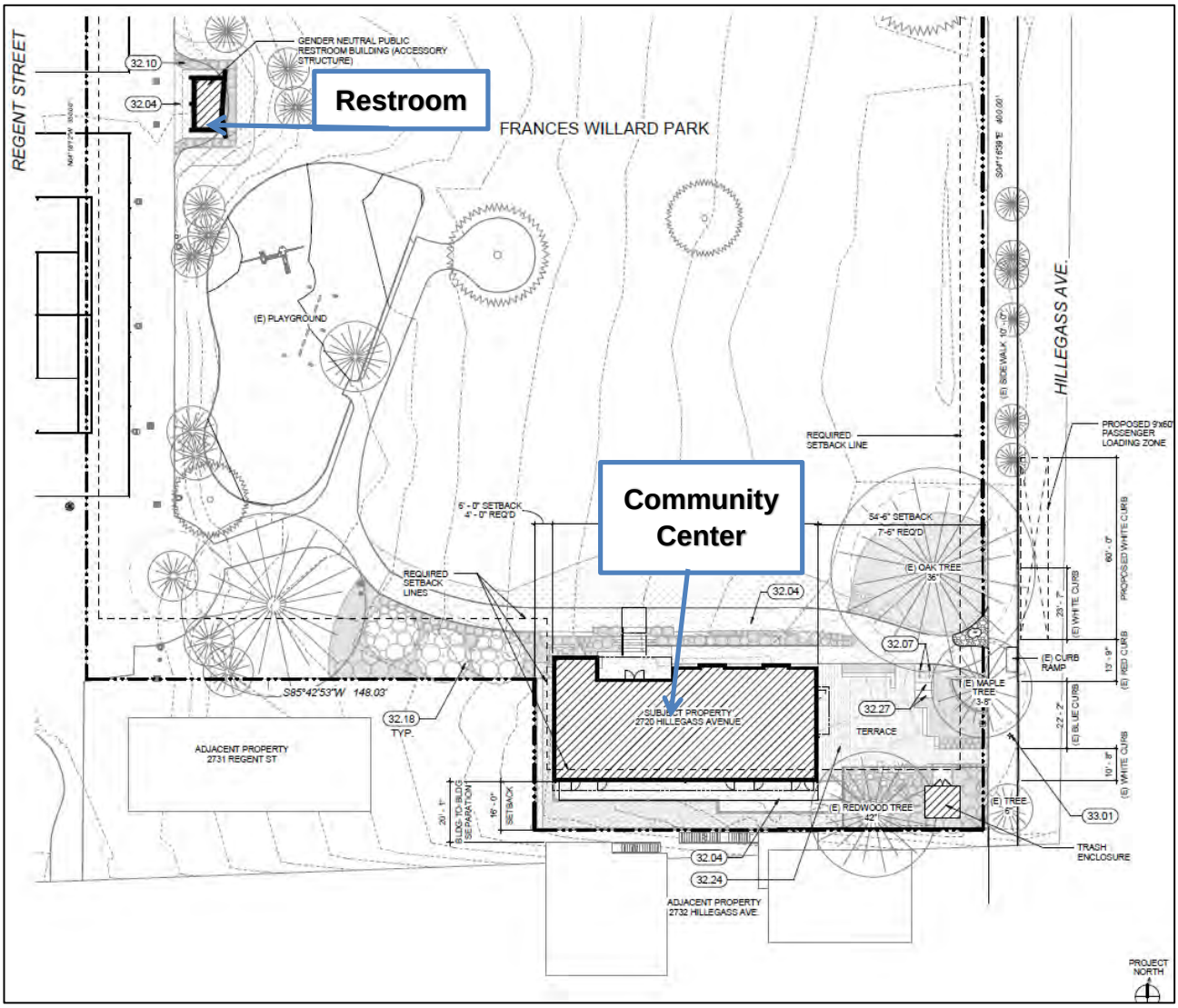


Figure 4: Community Center Floor Plan

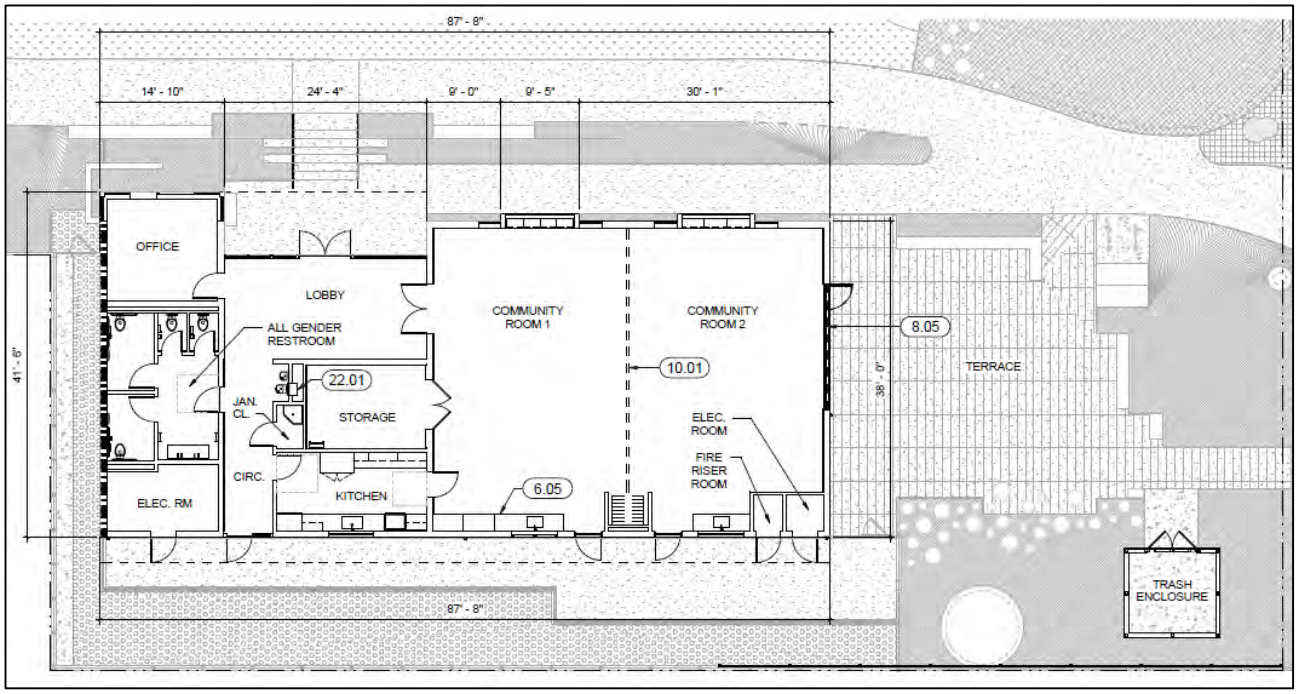


Figure 5: North Elevation

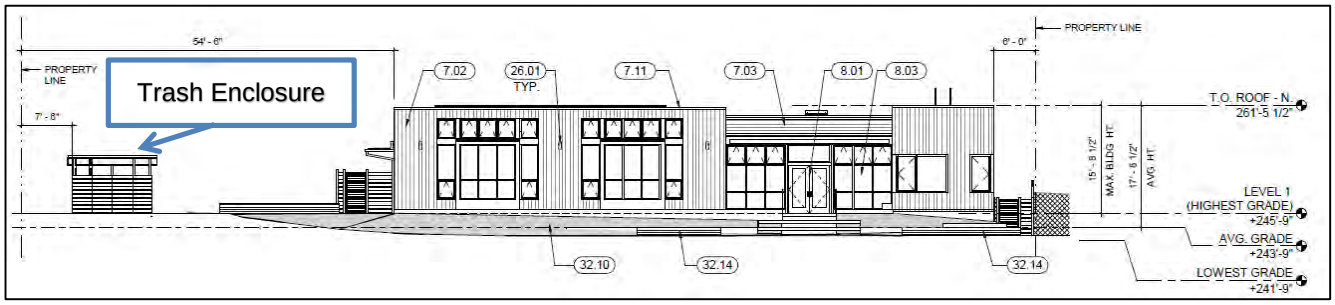


Figure 6: East Elevation

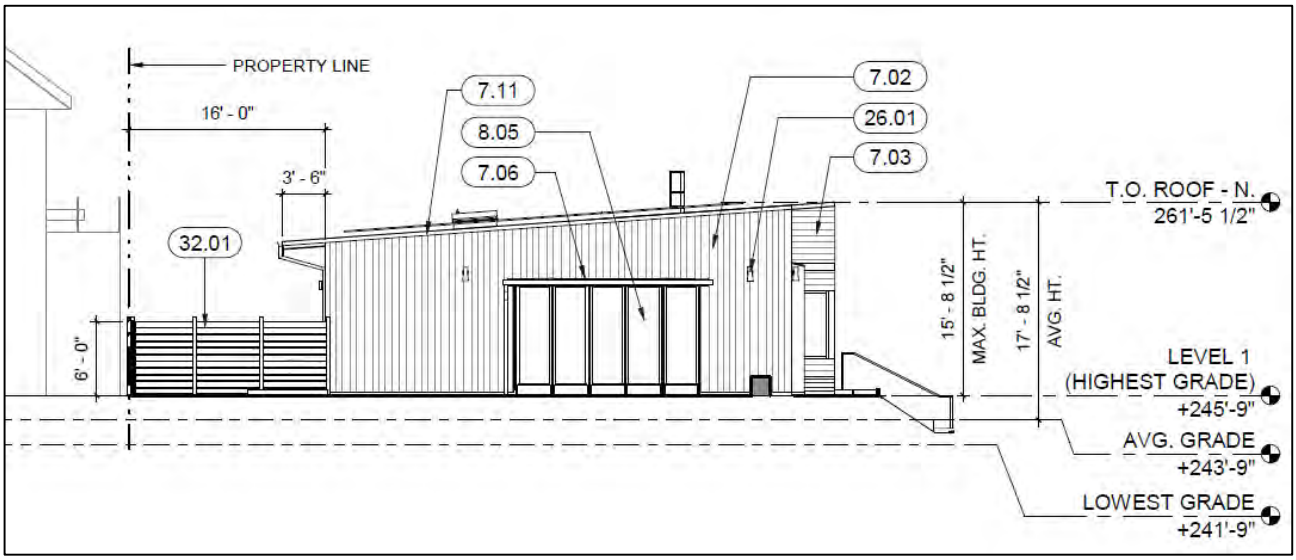


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Park	Restricted Two-Family Residential (R-2)	Open Space and Recreation
Surrounding Properties	North	Dwellings		Low Medium Density Residential
	South			
	East			
	West	Middle School		Institutional

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	The proposed project includes construction of buildings with a net increase of 2,820 square feet of non-residential space, and therefore this project is not subject to these resolutions.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	Not applicable.
Creeks	No	The project site is not near a mapped creek or creek culvert.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	The project complies and is not proposing natural gas use.
Historic Resources	No	The project would involve demolition of the existing clubhouse and restroom. A historic resources evaluation (Rincon, September 2021) concluded that the existing clubhouse does not meet the criteria for the California Register or a City of Berkeley Landmark. See Section IV.C.
Residential Preferred Parking (RPP)	Yes	The project site is located within RPP zone B.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, fault rupture, or landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is not located within the City's Environmental Management Area. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is served by multiple bus lines that operate along Telegraph Avenue and College Avenue.

Table 3: Project Chronology

Date	Action
June 9, 2022	Application submitted
July 12, 20222	Application deemed incomplete
October 4, 2022	Resubmittal
November 3, 2022	Landmarks Preservation Commission Meeting
November 7, 2022	Application deemed incomplete
November 18, 2022	Resubmittal
December 16, 2022	Application deemed incomplete
December 23, 2022	Resubmittal
January 19, 2023	Application deemed incomplete
January 31, 2023	Resubmittal
March 6, 2023	Application deemed incomplete
March 21, 2023	Resubmittal
March 28, 2023	Application deemed complete
April 13, 2023	Public hearing notices mailed/posted
April 27, 2023	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23.202.080 (R-2)		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		118,500		5,000 min
Gross Floor Area (sq. ft.)		679	3,611[1]	N/A
Floor Area Ratio		0.006	0.030	No max
Building Height	Average	11.75'	17'-8 1/2" community center 11'-11" restroom	28'
	Stories	1	1	3
Lot Line Setbacks (ft.) (community center)	Front (Derby Street)	357.17	342.5	20
	Rear	11.71	16 (Variance Requested)	20
	Left Street-Side (Hillegass Avenue)	21.05	54.5	7.5[2]
	Right Side	87	6	4
Lot Coverage (%)		0.6	3	50% max
Usable Open Space (sq. ft.)		117,821	115,001	400/dwelling unit
Parking	Automobile	0	0	0[3]

= Variance to modify the standard.

II. Project Setting

A. Neighborhood/Area Description: The project site is located east of Telegraph Avenue, and east of Willard Middle School. The area north, south, and east of Willard Park is residential, and consists predominantly of two- to three-story dwellings.

B. Site Conditions: The generally rectangular, 2.7-acre project site is a corner lot, with frontages on Derby Street and Hillegass Avenue. The Willard Park tennis courts occupy the Regent Street right-of-way, and a path west of the tennis courts connects Derby Street to the Regent Street cul-de-sac behind Willard Middle School. The site is currently developed with a clubhouse and attached restrooms at the southeast corner of the lot, and a playground east of the tennis courts and north of the clubhouse. Much of the park

[1] 3,301 square-foot community center, 198 square-foot restroom building, 112 square-foot covered trash enclosure.
[2] BMC Section 23.304.030(B)(1): For corner lots in the R-2 District with a rear lot line abutting a key lot, the minimum street side setback is half the front setback existing on the key lot.
[3] Parking not required per AB-2097, effective January 1, 2023, which prohibits local jurisdictions from requiring minimum parking for most non-residential uses, including community centers.

is open space, with grass and mature trees. North of the clubhouse, along the Hillegass frontage, is a large oak tree. A large maple tree is east of the clubhouse and along Hillegass Avenue, and a large redwood tree is south of the clubhouse.

III. Project Description

The proposed project would involve the demolition of the existing clubhouse and restrooms, and the construction of a new larger clubhouse in the southeast corner of the lot. The new clubhouse would include two community rooms, which could be combined into one room, a kitchen, restrooms, and an office. A covered trash enclosure would be added at the southeast corner of the lot. There would be a terrace east of the clubhouse, and new bicycle racks would be added between the terrace and the maple tree. A new restroom building would be added north of the playground and east of the tennis courts.

While the project was being reviewed in 2022, off-street parking was required, and a variance was requested to provide zero parking spaces. The applicant hired a consultant to prepare a Transportation Study to determine the number of parking spaces that should be required. The consultant recommended that a temporary on-street loading zone be added to accommodate drop-off and pick-up of children. The applicant planned to expand the existing 24- foot loading zone on Hillegass Avenue by 36 feet, to create a 60-foot on-street loading zone near the clubhouse. In 2023, AB 2097 went into effect, and off-street parking is no longer required. Since parking is no longer required, Land Use Planning will not be requiring an on-street loading zone. Parks staff may work with Public Works staff to add an on-street loading zone in the future.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the Land Use Planning Division, the applicant (Parks staff) invited members of the community, and owners and occupants within 1,000 feet of Willard Park, to five community meetings, held from 2019 through 2021, to receive presentations from staff and provide feedback. Meeting presentations, attendee lists, and Zoom chat logs are available on the Willard Clubhouse Project webpage (https://berkeleyca.gov/your-government/our-work/capital-projects/willard-clubhouse-project). The summary that outlines the pre-application contact was included with the initial submittal, and is included as Attachment 4. A pre-application poster was erected by the applicant in June 2022. While the application was being reviewed, staff received letters from the community concerned about the status of the project, noticing of the Zoning Adjustments Board (ZAB) meeting, and the demolition of the clubhouse. Land Use staff responded to questions and concerns about the Land Use process and ZAB, and Parks staff and the applicant team responded to questions and concerns in regards to the demolition of the clubhouse. Communications are included as Attachment 5. On April 13, 2023, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations.

B. Design Review Committee Review: This project is not subject to review by the Design Review Committee because it is not located in a residential district that requires design review, or in a commercial or manufacturing district.

C. Landmarks Preservation Commission Review: The project involves demolition of a non-residential building over 40 years in age. Pursuant to BMC Section 23.326.070(C)(1), the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review. A historic resources evaluation of the property (Rincon Consultants, September, 2021) concluded that the existing clubhouse did not meet the criteria for the California/National Register or a City of Berkeley Landmark. At the November 3, 2022, LPC Meeting, the LPC took no action to initiate the property for local register consideration (i.e. Landmark or Structure of Merit designation), but did vote to forward to ZAB the following recommendations:

(1) Salvage of the brass Frances Willard memorial plaque currently attached to the building and placement of it either on the new building, or elsewhere in the park;
(2) Photo documentation of the existing building and its context in the park, with copies of the photographs deposited in local historical / architectural repositories;
(3) Design the new clubhouse to serve in the same way as the existing club house as a low-key, perimeter and peripheral, built structure of the park, secondary to the open space, rather than a visually dominant building in the park (this recommendation does not presuppose or mandate any specific architectural 'style');
(4) Additionally, reflect the placement of the clubhouse to avoid intrusion of the new clubhouse building and its supporting spaces / structures into the large, informal, multi-purpose lawn area that is physically and conceptually "central" to the character of Willard Park;
(5) Design the new clubhouse to reflect the original in being a low-key "good neighbor", both in physical form and in function, to adjacent residential structures and their residents;
(6) Incorporate interpretive panels in park renovations to document and share Willard Park's history with the public (discussed on page 33 of the HRE). The interpretive panels should also incorporate information on more recent park design history and use beyond the 1960s/70s.

V. Issues and Analysis

A. Variance to Allow a Rear Setback of 16 Feet Where 20 Feet is Required: Pursuant to BMC Section 23.202.080(D), Table 23.202-6, R-2 Setback and Building Separation Standards, the required main building rear setback is 20 feet. The proposed main building would have a setback of 16 feet. The applicant considered several design iterations and feasibility alternatives and found it necessary to request a Variance to the strict application of the 20-foot rear setback.

Pursuant to BMC Section 23.406.050(F), the Board must make all required Variance Findings to approve a Variance. The applicant submitted their reasons for the variance

request in support of the Findings. A summary of the Findings along with staff's recommended conclusions follows.

Finding (a): "There are exceptional circumstances applying to the property which do not apply generally in the same district."

The project site is unique in that it is the only City Park that serves Council District 7, and the clubhouse is the only community center for Council Districts 7 and 8. The park is shared with the City and Willard Junior High School through a joint agreement. The clubhouse and park is the site of a City of Berkeley after-school and summer day camp program for 45 children. The park is one of the few places in the area that provides City-owned public open space. It is 2.72 acres in size and features a clubhouse, restroom, playground, and a large lawn. There are several mature trees at the park, including a 36-inch Coast Live Oak tree. Per BMC Section 6.52.010 there is a moratorium on the removal of Coast Live Oaks. The need to preserve existing City trees, especially oak trees, and the need for public open space limits the location of the proposed community center. This Finding can be made.

Finding (b): "The Variance is necessary to preserve a substantial property right."

The applicant, City of Berkeley Parks, Recreation, and Waterfront Department, has proposed a clubhouse that is larger than the existing clubhouse so that more children may enroll in after-school and summer day camp programs. Currently, the adjacent concrete patio and open lawn area are used by after school and summer day camp programs, in addition to the clubhouse. The existing clubhouse has a rear setback of 11.72 feet, and the proposed clubhouse would have a rear setback of 16 feet. The new community center has been designed to provide more space for after-school and summer day camp programs, while also adhering to the other required setbacks, and preventing negative impacts to City trees. Since the land is publicly owned the goals of the project are multi-faceted. Parks are important for everyone, and after-school and summer day camp programs are important to area families. The City is rapidly densifying, and public open spaces are needed. The proposed 16-foot setback allows for a building that meets the needs of all park users, without damaging or removing large trees. This Finding can be made.

Finding (c): "The Variance will not adversely affect the health or safety of persons residing or working near the property."

The Variance would not adversely affect the health or safety of persons residing or working near the property since the new building would adhere to all requirements of the California Building Code, and all other applicable laws. The new clubhouse will allow after-school and summer camp programming to take place indoors, which will be beneficial in inclement weather, including when the outdoor air quality is poor due to wildfires. This Finding can be made.

Finding (d): "The Variance will not be materially detrimental to the public welfare or injurious to nearby property or improvements"

The new clubhouse would be compatible in terms of building height and the quality of materials with other buildings in the immediate neighborhood and therefore would not be materially detrimental to the neighborhood in terms of views, light, or air impacts. The new clubhouse would not cast shadows onto nearby residences, and at one story would be lower in height than area residences. This Finding can be made.

Finding (e): "The Variance will promote the municipal health, welfare, and safety and benefit the city as a whole."

The 16-foot rear setback reduces the impact of the new building on the open lawn area. A 20-foot setback would increase the encroachment of the new clubhouse into the open lawn area. The variance for the setback allows for a one-story building that can be used for a variety of programmatic needs, including childcare, and preserves open space and large trees. This Finding can be met.

Finding (f): "Any other Variance findings required by Zoning Ordinance can be made."

This Finding is not applicable to the Variance request.

B. Demolition of Existing Non-Residential Building: The proposed project includes the demolition of the existing clubhouse and restroom on the site. Pursuant to BMC Section 23.326.070, the demolition of a non-residential building requires ZAB approval. In addition, pursuant to BMC Section 23.326.070(C), an application for a permit to demolish a non-residential building or structure which is 40 or more years old must be forwarded to the LPC for review prior to the consideration of the use permit. As noted above in Section IV.C, at a duly noticed hearing, the LPC reviewed the demolition referral and took no action to initiate a local historic designation.

Pursuant to BMC 23.326.070(D), the demolition of the non-residential building would not be materially detrimental to the commercial and public interest of any affected neighborhood in the city. The new clubhouse would replace the existing 565 square foot clubhouse with a new 3,301 square-foot building for childcare and community use, and the new restroom building would replace the existing 114 square-foot restroom with a new 198 square-foot building near the tennis courts, a location that is preferred by staff and the community (based on surveys and public meetings). Overall, demolition of the buildings would allow redevelopment of the park, while also meeting the needs of a variety of users, and preserving existing open space and trees.

Therefore, staff believes that ZAB can make the required finding that demolition would be necessary to allow construction of the proposed clubhouse, subject to the condition of approval allowing demolition of the existing buildings only after complete construction plans are submitted to the City for the replacement buildings.

C. New Accessory Building: The proposed project includes a request to add a new accessory building (the detached restroom). Pursuant to BMC Section 23.304.060(C)(1) an Administrative Use Permit is required to add a new accessory building. An existing bench would be removed to add the new restroom near the tennis courts, but there would be no impacts to the existing trees and lawn. The building would comply with the accessory building development standards, and would have a right-side setback of 35 feet.

D. General Non-Detriment Finding: Pursuant to BMC Section 23.406.040(E)(1) ZAB must find that the project, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or visiting in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements as well as any other project specific conditions. These standard conditions would ensure that the project would satisfy this finding. An analysis of sunlight/shadows, air, and views for the new building follows**:**

Finding 1: Sunlight/Shadow: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. The studies show that the new building would not shade any nearby dwellings.

Finding 2: Air: The existing building has a rear setback of 11 feet 8 inches. The proposed building would not comply with the required 20-foot rear setback, but the proposed rear setback would be greater than the existing setback. The proposed clubhouse and restroom building would comply with all other required setbacks. Therefore, there would be minimal, if any, air impacts.

Finding 3: Views: The new building would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary). This neighborhood is generally flat and developed with multi-story buildings that filter or obscure views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.

E. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

   Staff Analysis: The project would add a clubhouse that has a larger footprint than the existing clubhouse, but is still one-story and located at the far corner of the park, which will maintain the existing public open space. The project would meet

zoning standards, except at the rear setback, but would still be compatible with the scale, historic character, and surrounding uses in the area, as the large open space area will be maintained.

2. Policy LU-13– Basic Goods and Services, Action C: Encourage a range of child-care facilities, including family child-care homes, public and private childcare centers, and recreation centers.

   Staff Analysis: The proposed clubhouse will be larger than the existing clubhouse and would allow the City to enroll more children in after-school and summer day camp programs.

3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.

4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

   Staff Analysis: The design and scale of the new clubhouse would be compatible with the existing residential environment, and would not impede on existing mature trees and open space.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

APPROVE #ZP2022-0095 pursuant to Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:
1. Findings and Conditions
2. Project Plans, received April 7, 2023
3. Notice of Public Hearing
4. Pre-Application Community Contact Summary
5. Correspondence Received

Staff Planner:
Allison Riemer, ariemer@cityofberkeley.info, (510) 981-7433

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
http://www.berkeleyca.gov

NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL

ZAB APPEAL: 2720 HILLEGASS AVENUE- WILLARD PARK, USE PERMIT #ZP2022-0095

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **MONDAY, JULY 24, 2023** at **6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to **APPROVE Use Permit #ZP2022-0095 to demolish and replace/expand the existing recreation building and public restroom (community center) with a reduced rear setback, and to construct a standalone public restroom building and a trash enclosure within an existing public park.**

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at www.berkeleyca.gov as of July 17, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Allison Riemer, Project Planner, (510) 981-7433 or ariemer@berkeleyca.gov.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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. 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 City Clerk at (510) 981-6900 or council@berkeleyca.gov for further information.

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Mark Numainville, City Clerk

Mailed: **July 10, 2023**

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above 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 City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.