

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Monday, July 24, 2023
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1618357177>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 835 7177**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:25 p.m.

Present: Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin

Absent: Harrison

Action Calendar – Public Hearings

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

From: City Manager

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.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 49 speakers. M/S/C (Arreguin/Hahn) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Action: M/S/C (Robinson/Taplin) to adopt Resolution No. 70,963–N.S. 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, with the following revisions:

1. Add a condition that there be no amplified sound indoors after 9:00 p.m.
2. Revise the variance findings to include the following language:

-Exceptional Circumstances: The variance is necessary to build the community center because of the unusual shape and size of the lot. The unusual fact that the yard is measured at odd points necessitates the setback because of the strict application of the zoning ordinance, based on the definition of a front lot line, requires a 20-foot rear setback along the stepped southern lot line. The residential lots that directly abut or are adjacent to the subject parcel are oriented so that their frontage is on Hillegass Avenue for the east parcels, and the improved portion of Regent Street for the western parcels. This means that the northern and southern property lines of the remaining parcels on the block are side lot lines. Whereas other properties on this full block are only required a 4-foot side setback from their north and south lot lines, the subject parcel is required to have a 20-foot rear setback. The location of the Coast Live Oak north of the building along the Hillegass frontage also requires a setback because it would reduce impacts to the root system.

-No Material Impact on Health or Safety: The variance will not be materially detrimental to the public welfare or injurious to nearby property or improvements for a number of reasons, including because the resulting 16-foot setback will in fact be larger than the existing 11 foot-8 inch setback.

-Promotion of Health, Welfare & Safety: The variance will promote municipal health, welfare, and safety because the community center and park is the site of a City of Berkeley after-school and summer day camp program for 45 children, with a 25-children waiting list. The park is one of the few places in the area that provides City-owned public open space. This variance would allow the community center to serve 60 children with after-school programs as well as provide the community with additional recreational opportunities such as tennis, exercise classes, and other events for youth as well as ancillary infrastructure such as safe and adequate bathrooms.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjournment

Action: M/S/C (Arreguin/Bartlett) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 9:40 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: ZAB Appeal: 2720 Hillegass Avenue, Willard Park, Use Permit/Variance #ZP2022-0095

1. Barbara Tuleja
2. Jessica Bylo
3. Joshua Abrams
4. Caroline Massad Francis
5. Bill Williams
6. Vivian White
7. Emily White
8. Kate Gordon
9. Laura King
10. Ben Gerhardstein
11. Chelle Putzer
12. Marti Grubb
13. Claire Greene, Walter Garms and Natalie Garms
14. Nick Roosevelt

15. Stephanie Boys
16. Kathleen Crandall
17. Locke Schultz Jaeger
18. Mary Thompson
19. Tom Miller and Tran T. Nhu
20. Barry Fike
21. Ginger Ogle
22. Richard King
23. Peg Bogle
24. Orli Cotel
25. Katherine Ramage
26. Carrie Gray
27. MacKenzie Smith
28. R.J. Godin
29. Debbie LeVeen
30. David Lehrer
31. Gordon Wozniak
32. Brian M. Wong and Scott T. Hofmeister
33. Lori Droste
34. Mary Oram
35. Rana Cho, Rohini Haar, Justin Randall, Heather Ball
36. Peter Liederman
37. Rachel Hope Crossman
38. Kamala Asher
39. Marc Hedlund
40. Madeline Feingold
41. Todd Andrew
42. Helen Marcus
43. Theo Gordon
44. Ben Gould
45. 119 similarly-worded form letters

Supplemental Communications and Reports 3

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46. Presentation, submitted by Planning and Development
47. Presentation, submitted by Parks, Recreation and Waterfront
48. Alex Stec
49. Caitlin Lempres Brostrom
50. Ben Finkel
51. Max Ventura
52. Vincent Casalaina
53. Larry Hendel
54. Harvey Smith
55. Zach Stewart
56. Mary Oram
57. Carla Woodworth
58. Willard Neighborhood Association
59. Friends of Willard Park
60. 10 similarly-worded form letters