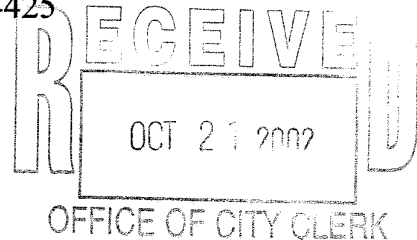


Jason C. Jones
PO Box 183
Corte Madera, CA 94976
(415) 924-4420 fax: (415) 924-4425

October 15, 2002

To: Berkeley Mayor and City Council Members
Re: Appeal of Use Permit for 91 Bolivar
Council Date: November 12, 2002



Dear Council Members,

I am one of the owners of the property located at 91 Bolivar Dr. in Berkeley. We have a proposal to build an extension to an existing lab building on the property. We have gone through the Design Review process and our project was given preliminary approval by a unanimous vote of the Design Review Board. Our next step was ZAB, where we found ourselves defending our project from an attack from a small group of people led by Stephen Swanson. The ZAB spent over an hour having a public hearing on the matter, including many questions directed to both sides. They discussed the issue thoroughly and reached a unanimous decision, voting to approve our project with conditions. Stephen Swanson's group is now appealing this unanimous decision.

Our proposal is for an addition to an existing building located at 91 Bolivar Dr. The proposal will add approximately 19,000 square feet of lab and warehouse, as well as approximately 14 new parking spaces to an existing parking lot, and automation of a gate on Addison St to serve as the main entrance to the new project. Recently there has been discussion about closing Bolivar Dr. to the public. Bolivar Dr. is a through street from Addison to Bancroft, open to public use. Access to 91 Bolivar Dr. has been from a gate on Bolivar Dr. since the building was built in 1969. There was some concern that if the use permit was accepted without mention of the gate from Bolivar Dr. that that might be a prescriptive easement that could give us the power to stop a possible future closing of Bolivar Dr. We suggested to the ZAB that the use permit be worded to say that we agree now to close our gate should the City decide to close Bolivar Dr., but that as long as Bolivar Dr. is open to public through traffic, we can keep our access to it from our property. The ZAB felt that this fairly addressed the concerns of all sides and voted unanimously to approve our use permit with this condition.

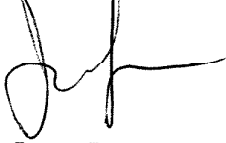
We have always had an amicable relationship with the City of Berkeley. We let the city use our parking lot for functions such as the bike/pedestrian over crossing dedication. The Berkeley Animal Shelter uses our property to train dogs. Whenever the City asks for a favor or some assistance, we do anything we can to help. As part of this project, we are cutting off the northwest corner of the property to provide a public seat wall and increase the size of the turn around at the base of Addison St., necessary to any possible closing of Bolivar Dr. We are landscaping the parking lot strip along the edge of Bolivar Dr. for an entire city block, as well as re-landscaping the front of the existing building. All of this landscaping is being planned by Wolfe Mason, the landscape

architect hired by the City for the over crossing touchdown plaza, and will greatly improve the look of Bolivar Dr. and the north end of Aquatic Park.

You have appointed the members of the ZAB to guide zoning and development in the City. The ZAB looked at our project, conducted a public hearing, which included asking many questions of both sides, and carried on an in-depth discussion of the situation. They came to a unanimous agreement on our project that addresses the future of Bolivar Dr. as well as fair treatment of us as the property owners. Please listen to the ZAB that you have appointed and don't let Stephen Swanson and his group hold up a project that has received unanimous approval from both design review and ZAB.

Thank you very much!

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Jones', with a long horizontal flourish extending to the right.

Jason Jones

Kelly, Sherry

From: Marcy Greenhut [imgreen@jps.net]
Sent: Saturday, September 07, 2002 9:36 AM
To: Kelly, Sherry
Subject: 91 Bolivar use permit

Dear Mayor Dean and City Council Members:

As a gardener, I spend time regularly at Bolivar and Addison Streets. I am aware of a use permit for a business at that intersection, granting entrance to the parking lot at Addison and Bolivar via Bolivar, rather than limiting the entrance/exit to Addison Street.

Bolivar Street, I believe should be limited to use by park-goers. Travel on Bolivar is confusing enough, without signage directing motorists: I know this from the multiple times I get asked for directions during the time periods I am there. Why do workers/commuters need to mix with park traffic?

Typically commuters travel at a higher rate of speed than park-goers. Why not make the commuters trip shorter, by requiring them to enter their place of employment on Addison Street?

Pedestrian, bicycle and auto travel would be safer if workers commuting to their job weren't added to the mix on Bolivar. Please review this permit and limit access to the parking to the Addison Street side.

Sincerely,

Marcy Greenhut
3210 King St.
Berkeley, Ca. 94703

Kelly, Sherry

From: Charles Siegel [siegel@preservenet.com]
Sent: Thursday, September 05, 2002 7:26 PM
To: Kelly, Sherry
Subject: Zoning Appeal for 91 Bolivar Drive

To: Mayor Dean and City Councilmembers:
Re: Appeal of use permit #01-70000027 for 91 Bolivar Drive. City of Berkeley Zoning Adjustments Board Notice mailed on 08-20-02

Mayor Dean and Councilmembers:

The Zoning Board was wrong to approve a project that allows the continued use of Bolivar Drive for access to 91 Bolivar Drive. The project should provide adequate access from Addison St., rather than using a road that is in the park for access.

As a bicycle commuter who rides on Bolivar Drive daily, I know from experience that drivers using that street to get to the park are usually cautious and courteous, while commuters using it to access 91 Bolivar Drive are often drive aggressively and exceed the speed limit. Using this park road for access to 91 Bolivar Drive is unsafe for park users -- both for bicyclists and pedestrians.

I urge you to send this issue back to the Zoning Board with instructions that the project should be redesigned to provide access from Addison St. and that Bolivar Drive should not be used for access.

Charles Siegel