



PARKS, RECREATION, AND WATERFRONT COMMISSION

Regular Meeting

Wednesday, May 10, 2023, 7:00 P.M.
2800 Park St, Berkeley, CA 94703
(Frances Albrier Community Center – Auditorium)

Parks and Waterfront Commission

Agenda

The Commissions may discuss any items listed on the agenda, but may take action only on items identified as Action.

1. **Call to Order** (Chair).
2. **Roll Call** (Secretary).
3. **Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.
4. **Action: Approval of Agenda** (Chair).
5. **Action: Approval of Minutes** for April 12, 2023 (Chair).*
6. **Public Comment.**
7. **Chair's Report.**
8. **Presentation – Undergrounding Interstate 80 in Berkeley** (Tony Bruzzoni).*
9. **Presentation/Action – Waterfront Specific Plan [Webinar 1](#)¹ and [Webinar 2](#)² and subcommittee report*** (Abshez/Cox/Diehm/Kawczynska).*
10. **Discussion/Action – Measure T1 Proposed Reductions [\(link\)](#)³** (Wozniak).*
11. **Discussion – Proposed Fee Increases to City Recreation and Waterfront fees and programs** (Ferris). **
12. **Discussion/Action: PRW Commission Workplan 2023 (DRAFT) and approval of new liaisons** (Kawczynska/Diehm).*
13. **Director's Report** (Ferris): Divisions: Recreation; Parks; Waterfront; Capital; Budget.
14. **Information: Recent Council Reports.** *
15. **Future Agenda Items:** priorities for parks capital projects FY2023-24; PRW Commission Workplan 2023; Parks Development Fee; Citywide Accessibility Plan; Dogs in Parks; Berth Fee Waivers for community service organizations
16. **Communications.** McGrath ltr, 2023-05-02; Schwartz ltr, 2023-05-05; Schwartz ltr, 2023-05-01; Schwartz ltr, 2023-05-01; Dean, CESP ltr, 2023-04-26; Kawczynska, Sewage in the Bay article; Beverley Spencer, Marine Mammals in the Bay article; Eleanor Hollandar, 2023-05-05; Friends of 5 Creeks, 2023-05-08.
17. **Next PRW Commission meeting:** Wednesday, June 14, 2023 (in-person).
18. **Adjournment.**

* document is attached to agenda packet and on the commission website.

** document will be provided at the meeting.

¹ <https://berkeleyca.gov/community-recreation/events/waterfront-specific-plan-webinar-1>

² <https://berkeleyca.gov/community-recreation/events/waterfront-specific-plan-webinar-2>

³ <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2023-04-20%20Item%2002%20Supplemental.pdf>

ADA Disclaimer: This meeting is being held in a wheelchair accessible location. To request disability-related accommodations to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB343 Disclaimer: Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Parks Recreation & Waterfront Department Office at 2180 Milvia Street, Berkeley, CA.

Communications Disclaimer: Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** All communications to the Commission should be received at least 10 days before the meeting date. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the commission or committee for further information.

Commission Information: The agenda packets for the Parks and Recreation Commission and the Waterfront Commission are available for review at www.cityofberkeley.info/commissions; the Berkeley Main Library and the Parks Recreation & Waterfront Department Office at 2180 Milvia Street –3rd Floor, during their normal business hours. If you have questions, call Commission Secretary, Roger Miller at 981-6704 at 2180 Milvia Street, Berkeley, CA 94704 or by email at rmiller@cityofberkeley.info.

MISSION STATEMENT – PARKS AND WATERFRONT: Reviews and advises the City Council on issues related to all City/public parks, open space, greenery, pools, programs, recreation centers, the Waterfront, and resident camps: their physical conditions, policies, projects, programs, planning efforts, activities, and funding; early childhood education programs; and animal care issues in parks.

COMMISSION MEMBERS

Mayor - Gordon Wozniak	District 3 - Gianna Ranuzzi	District 6 - Anna Avellar
District 1 - Reichi Lee	District 4 - Erin Diehm	District 7 - Davina Srioudom
District 2 - Claudia Kawczynska	District 5 - Brennan Cox	District 8 - Allan Abshez

Current assignments

Subcomm on Marina Fund (12-14-2022)
 Subcomm on dogs and parks (02-08-2023)

Liaison - Civic Center Planning – Erin Diehm
 Liaison - Civic Arts in Parks – Brennan Cox
 Liaison - Commission on Aging – Anna Avellar

2022 Commission Meeting Dates

Name of Commission: Parks, Recreation, and Waterfront Commission

Commission Secretary: Roger Miller

Location: Frances Albrier Community Center, 2800 Park St

Month	Meeting Day and Date (2 nd Wednesday per month)	Time	Notes
2023			
January	Wednesday, January 11	7:00 p.m.	Regular Mtg (Zoom)
February	Wednesday, February 8	7:00 p.m.	Regular Mtg (Zoom)
March	Wednesday, March 8	7:00 p.m.	Regular Mtg – Albrier Ctr
April	Wednesday, April 12	7:00 p.m.	Regular Mtg – Live Oak Ctr
May	Wednesday, May 10	7:00 p.m.	Regular Mtg – Albrier Ctr
June	Wednesday, June 14	7:00 p.m.	Regular Mtg – Albrier Ctr
July	Wednesday, July 12	7:00 p.m.	Regular Mtg – Albrier Ctr
August	No meeting		
September	Wednesday, September 13	7:00 p.m.	Regular Mtg – Albrier Ctr
October	Wednesday, October 11	7:00 p.m.	Regular Mtg – Albrier Ctr
November	Wednesday, November 8	7:00 p.m.	Regular Mtg – Albrier Ctr
December	No Meeting		
2024			
January	<i>Wednesday, January 10</i>	<i>7:00 p.m.</i>	<i>Regular Mtg</i>

PARKS AND WATERFRONT COMMISSION
Regular Meeting
 Wednesday, April 12, 2023, 7:00 P.M., Zoom Meeting

Minutes – Draft

The Commissions may discuss any items listed on the agenda, but may take action only on items identified as Action.

1. **Call to Order** (Chair): 7pm.
2. **Roll Call** (Secretary). Present: Abshez; Cox; Diehm; Kawczynska; Lee; Ranuzzi; Srioudom; Wozniak; Absent: Avellar.
3. **Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.
4. **Action: Approval of Agenda** (Chair). (M/S/C: Wozniak/Diehm/U) Ayes: Abshez; Cox; Diehm; Kawczynska; Lee; Ranuzzi; Srioudom; Wozniak; Absent: Avellar.
5. **Action: Approval of Minutes** for March 8, 2023 (Chair).* (M/S/C: Srioudom / Wozniak/Diehm/U) Ayes: Abshez; Cox; Diehm; Kawczynska; Lee; Ranuzzi; Srioudom; Wozniak; Absent: Avellar.
6. **Public Comment.** a) Paul Kamen, Commission Act; b) Camille Antinori, Aquatic Center; c) Robert Ofsevit, Waterfront; d) Jim McGrath; e) Sam Reifsnyder, slip fee waiver for non-profit kayak polo club; f) Julie Sirrup, Nature/Waterfront; g) Susan Schwartz, rules for letters to commission; h) Kelly Hammargren; i) Tetsu Tokunaga, skate boarding; j) Sara Sate, birding at Marina; k) Josh Kornbluth, birding at Marina; l) Rebecca Young, long-term planning, financial transparency; m) Mary Oram, City & schools – parks; n) Naomi Friedman, Cesar Chavez Park.
7. **Chair's Report.** Recording the meeting (Kawczynska); \$15 million from State Coastal Conservancy was partly awarded (Kawczynska); South Bay Project – BART extension wetlands restoration (Kawczynska); WPS new meetings (Kawczynska); Civic Ctr Plan worksession on 3/21/2023 (Diehm); new commissioner (Gianna Ranuzzi).
8. **Director's Report** (Ferris): Divisions: Recreation; Parks; Waterfront; Capital; Budget. Brief update was provided.
9. **Presentation – Waterfront Specific Plan (WSP)** (Ferris).** Presentation was provided. Public comment: a) Ellen Sims; Tom Colton; David Fielder; Kelly Hammargren;
10. **Discussion/Action – Create Waterfront Specific Plan subcommittee** (Abshez). Commission took action to create subcommittee, send a report to Council by June 2013 (Abshez; Cox; Diehm; Kawczynska). (M/S/C: Wozniak/Srioudom/U) Ayes: Abshez; Cox; Diehm; Kawczynska; Lee; Ranuzzi; Srioudom; Wozniak; Absent: Avellar.

- 11. Discussion/Action – Measure T1 budget shortfall – send a letter and appoint a commissioner to represent commission at City Council and Council Budget Committee meetings** (Wozniak, Kawczynska/Diehm). * The commission took action to send the letter to the Council Budget Committee and designate Wozniak to speak on behalf of the commission.
- 12. Discussion – Proposed Fee Increases to City Recreation and Waterfront fees and programs** (Ferris). ** Held over.
- 13. Discussion/Action: PRW Commission Workplan 2023 (DRAFT) and approval of new liaisons** (Kawczynska/Diehm).* Held over.
- 14. Information: Recent Council Reports.** *
- 15. Future Agenda Items:** priorities for parks capital projects FY2023-24; PRW Commission Workplan 2023; Parks Development Fee; Citywide Accessibility Plan; Dogs in Parks.
- 16. Communications.** Claudia Kawczynska, Robert Ofsevit, Paul Kamen, Sam Reifsnnyder, BAKPC, Jim McGrath, Susan Schwartz, Scott Ferris.
- 17. Next PRW Commission meeting:** Wednesday, May 10, 2023 (in-person).
- 18. Adjournment.** 10:25pm.

* document is attached to agenda packet and on the commission website.

** document will be provided at the meeting.

- Commissioners in attendance: 8 of 9 appointed.
- Public in attendance: 45
- Public speakers: 18

***Note:** For any handouts distributed at the meeting, please see the Draft Minutes for April 12, 2023 on the Parks, Recreation, and Waterfront Commission webpage at the following link online:

<https://berkeleyca.gov/your-government/boards-commissions/parks-recreation-and-waterfront-commission>

What is the USDOT Reconnecting Communities Program and Can Berkeley Benefit?

Generally taken from the USDOT Reconnecting Communities Website

Since the opening of the Bay Bridge in 1936, the Berkeley waterfront has been physically and psychologically separated from the city by a high speed freeway (originally US 40, now I-80). Access to and enjoyment of the city's Marina and shoreline parks is impaired. In 2021, the federal Bipartisan Infrastructure Law (BIL) established a new \$1 billion discretionary grant program to reconnect communities divided by transportation infrastructure. This federal Reconnecting Communities Pilot (RCP) grant program supports planning, capital construction, and technical assistance to restore community connectivity through the removal, retrofit, mitigation or replacement of eligible transportation infrastructure that creates barriers in communities.

Purpose: The RCP Program is to reconnect communities by removing, retrofitting, or mitigating transportation facilities like highways or rail lines that create barriers to community connectivity, including to mobility, access, or economic development. The program provides technical assistance and grant funding for planning and capital construction to address infrastructure barriers, reconnect communities, and improve peoples' lives.

The variety of transformative solutions to knit communities back together can include: high-quality public transportation, infrastructure removal, pedestrian walkways and overpasses, capping and lids, linear parks and trails, roadway redesigns and complete streets conversions, and main street revitalization.

Grant Types: The RCP Program provides funding for two types of grants, Planning Grants and Capital Construction Grants.:

- Planning Grants fund the study of removing, retrofitting, or mitigating an existing facility to restore community connectivity; public engagement; and other transportation planning activities. Planning Grants are authorized about \$50 million per year over 5 years for a total of \$250 million.
- Capital Construction Grants are to carry out a project to remove, retrofit, mitigate, or to replace an existing eligible facility with a new facility that reconnects communities.

Grant Requirements: Eligible applicants for Planning Grants are States, units of local government (i.e., cities), Federally recognized Tribal governments, Metropolitan Planning Organizations, and nonprofit organizations. These entities are also eligible to serve as the recipient to administer the award.

Planning Grant awards are not to exceed \$2 million per recipient. USDOT anticipates that Planning Grants may range from \$100,000 to \$2,000,000. Planning (and Capital Construction) grants require a minimum 20% Non-Federal match.

Evaluation Criteria: USDOT evaluates grant applications based on Merit Criteria, Project Readiness, and Benefit Cost Analysis (for Capital Construction Projects). The four Merit Criteria are:

- Equity, Environmental Justice, and Community Engagement;
- Mobility and Community Connectivity;
- Community-based Stewardship, Management, and Partnerships; and
- Equitable Development and Shared Prosperity.

The criteria will be weighted equally during application review. USDOT may use some other considerations, such as benefits to disadvantaged communities, urban / rural balance, geographic and organizational diversity.

Eligible Projects: Eligible facilities are highways or other transportation facilities that create a barrier to community connectivity. This includes barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors. A bridge can be an eligible facility under the RCP program if it creates a barrier to community connectivity. Rivers, lakes, mountains and other natural geographic features are not eligible transportation facilities that create barriers under the RCP Program.

Eligible Activities: Public engagement activities, including community visioning or other place-based strategies for public input into project plans.

Planning studies to assess the feasibility of removing, retrofitting, or mitigating an existing eligible facility to reconnect communities, including assessments of: current traffic patterns on the facility and the surrounding street network; capacity of existing transportation networks to maintain mobility needs; alternative roadway designs or other uses for the right-of-way; the project's impact on mobility of freight and people; the project's impact on safety; the estimated cost to restore community connectivity and to convert the facility to a different design or use, compared to any expected maintenance or reconstruction costs; the project's anticipated economic impact and development opportunities; the project's environmental, public health, and community impacts.

Other planning activities in advance of the project, such as: conceptual and preliminary engineering, or design and planning studies that support the environmental review for a construction project; and associated needs such as locally-driven land use and zoning reform, transit-oriented development, housing supply, in particular location-efficient affordable housing, managing gentrification and neighborhood change, proposed project impact mitigation, green and open space, local history and culture, access and mobility barriers, jobs and workforce, or other necessary planning activities as put forth by the applicant that do not result in construction.

Other transportation planning activities required in advance of a project to remove, retrofit, or mitigate an existing eligible facility to restore community connectivity such as: conceptual and preliminary engineering or design and planning studies that support the environmental review for a construction project.

Important dates: Notice of Funding Opportunity (NOFO) will likely open in the next several months, with grant proposals likely due in mid-October.

More Information:

In 2022 (the first year) USDOT funded 39 planning studies totaling \$47 million that will consider reconnecting cities with their neighborhoods, downtowns and recreational attractions. Examples include the Manchester Reunited program in Pittsburgh PA to remove a freeway barrier to the riverfront; a project in San Juan Puerto Rico to remove freeway neighborhood barriers; freeway capping studies in Atlanta; a Kansas City planning project; and many others. The full list of funded projects is here:

<https://www.transportation.gov/grants/reconnecting-communities/reconnecting-communities-fy22-awards>

In the Bay Area there are several keystone projects where freeway removal or redesign created important improvements to a community. The removal of the Embarcadero and Central Freeways were considered vital to creating better and more usable places; the redevelopment of Doyle Drive into Presidio Parkway redesigned and realigned a freeway to traverse a park in a much more benign manner, and created new parks and open space in the process.

General USDOT RCP website:

<https://www.transportation.gov/grants/reconnecting-communities>

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**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

I. Fiscal Recommendations

A. The Commission is concerned that the Marina Fund concept is unsustainable as it presently exists. The Marina Fund should not be burdened by non-Marina expenses including street maintenance, trash collection, the maintenance of Cesar Chavez Park, special events and recreational programs. Non-Marina costs should be reassigned to Parks Department and Public Works Department budgets.

B. A life-cycle Asset Management Program for the Marina assets should be created. Net revenue from Marina commercial uses, slip rentals, and Marina hotel operations (including Transient Occupancy Tax) should be dedicated to the Marina Fund and the Asset Management Program.

C. Existing infrastructure needs of the Marina discussed in Section VII should be addressed by the City Council through the Marina Fund.

II. Specific Plan Vision

A. The Berkeley Waterfront Area is a municipal treasure and regional asset reflecting years of public investment, community initiative, creativity and activism.

B. The contributions and interests of existing Waterfront Area organizations and users to the vitality and existing experience of the Waterfront Area should be recognized and supported.

C. The Specific Plan should preserve, protect and enhance the best aspects of the existing waterfront experience, but can support additional responsibly planned uses and activities that will invite new and diverse users. Carefully planned uses, investments, and activities can make the Berkeley Waterfront Area a still greater and broader resource to the Berkeley community and the Bay Area.

D. The Berkeley Waterfront Area lies within a global diversity hotspot, and certain areas of the Berkeley Waterfront Area have significant ecological value that should be protected and enhanced.

E. The Berkeley Kite Festival is recognized as one of the greatest kite festivals in the United States and should be strongly supported by the City.

F. The Berkeley Waterfront Area has lacked a comprehensive vision and plan that maximizes its recreational, environmental, tourism, and economic development potential, which the Specific Plan should address.

G. The Berkeley Waterfront Area is in need of additional public and private investment to maintain its utility, attractiveness and environmental value, as well as to invite new and diverse users.

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

III. Planning Principles

- A. Adopt a Specific Plan that will be flexible and adaptable to community interests over time without having to be frequently reopened.
- B. Adopt a Specific Plan that will be administratively easy to implement and that will thereby attract public and private investment.
- C. Recognize that the Berkeley Waterfront Area requires key infrastructure investments that must be prioritized.
 - 1. The Marina must be dredged to be functional
 - 2. The South Basin must be dredged to be functional
- D. Identify key areas of ecological value throughout the Waterfront Area and ensure their protection and enhancement.
- E. Encourage a broader variety of recreational activities, visitor-serving and hospitality uses that complement the natural environment.
- F. Require that new development be consistent with the highest design and environmental standards, including actively protecting and complementing the nearby natural environment.
- G. The Specific Plan should maximize access to the shoreline area with a continuous shoreline corridor activated with amenities, appropriate uses and opportunities to engage the water.
- H. Link all areas of the Waterfront for accessibility, including the perimeter trail at CCP with the pedestrian bridge and beyond to facilities east of I-80, including Bay Area Outreach and Recreation Program (BORP) and Aquatic Park.
- I. Adopt generalized planning guidelines and design standards that address potential development sites, preserve the Berkeley Waterfront Area's scenic and ecological values, but that are subject to future site-specific evaluation when development proposals emerge.
- J. Refrain from terminating existing leases before replacement uses and projects are identified. Do not extend long extend long term leases for areas that are designated for potential redevelopment.
- K. Improve the dirt pathway along Marina Blvd, making the connection to the park safer and more inviting. Make sure it is ADA accessible.
- L. Consider the implications of Climate Change and Sea Level Rise.

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

M. Consider opportunities to add wind and solar power features to the Waterfront Area.

IV. Cesar Chavez Park

A. Cesar Chavez Park is the City's largest park and is an important resource and opportunity. Cesar Chavez Park is also the most utilized public attraction within the Waterfront Area. As part of the Specific Plan, a comprehensive master plan for the Park should be developed, including a master landscape plan that will increase the Park's biodiversity, scenic attraction, and the number of sheltered areas. A list of permitted and prohibited activities should be included.

B. The 17-acre Off-Leash Area of Cesar Chavez Park is an important City-wide amenity. The Off-Leash Area is also a core use of the Park.

1. The boundaries of the Off-Leash Area (OLA) should be appropriately fenced to protect sensitive ecological areas and marked to deter off-leash activity in Park areas not intended for that purpose.

2. A mowing plan should be adopted for the entirety of Cesar Chavez Park that contains a schedule, and a viable and sustainable foxtail management program and native grass seeding plan, as well as shrubs and other native vegetation.

3. The Off-Leash Area should be dedicated to the memory of Cesar Chavez's dogs, Boycott and Huelga (Strike), with a public artwork memorial.

4. Add bulletin board improvements, including Park maps depicting the boundaries of the Off-Leash Area.

5. The Off-Leash Area hills provide visitors with panoramic views and could be vastly improved by complementary amenities, including boulders, features that people can sit on, strawbales, and appropriately located seating walls and artwork.

6. City of Berkeley should not use the Off-Leash Area to dump wood chips, in not only makes many areas unusable for dogs and people but also covers native burrowing bee habitats.

C. The landscaping biodiversity of the Park should be increased to improve its ecological value, scenic diversity, and attractiveness.

1. Background

a) The Waterfront Area is biologically rich, with more than 946 unique species documented to date, including 215 species of birds and 151

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

species of insects, and that cities are increasingly recognized as important places for biodiversity conservation.

b) North America bird populations have declined 29% since the 1970s, that 2/3rds of the remaining birds are at risk of extinction, and that several threatened avian species are documented at the Waterfront, including 2 Federally listed Species (Brown Pelican, Least Tern) and 3 Species of Special Concern (White-tail Kites, Northern Harriers, Burrowing Owls)

c) There has been a 33% decline of butterflies and moth populations since 1999, with an ongoing decline of 2% per year, and global declines of insects up to 75% or more (known as the "Insect Apocalypse")

d) The Waterfront is ecologically connected with nearby Aquatic Park, Eastshore State Park, the Albany Bulb and beyond, and connections between patches are a critical element in urban biodiversity. Promote landscape and aquatic connectivity as a key design principle.

e) Access to nature is an equity issue.

f) More biodiverse green spaces are a public health benefit, and deliver greater benefits for children's cognitive development.

2. Create unstructured natural spaces filled with native vegetation that reflect California's 30x30 and Biodiversity Initiative guidelines and goals.

3. Add wayfaring and interpretative signage such as bird and wildlife identification as well as panoramic landmark signage along perimeter trail and elsewhere.

4. Improve the westernmost dirt pathways and provide more seating opportunities.

5. Working with the Shorebird Nature Center, identify a list of species - abundant and declining/disappeared - to support, including the vegetation/structures needed. Utilize Citizen Science platforms like iNaturalist and eBird to identify a core set of insects, birds, and amphibians to support.

D. Great design should be a hallmark of all future Park improvements, while maintaining the "wildness" of its character.

1. Create a "go-to" experiences not unlike the public's attraction to California Super Blooms and "Pollinator Mega-Gardens."

2. Provide more and better picnicking amenities, integrated with landscaping and topography to provide shade and shelter from windy conditions.

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

3. Provide more seating areas and benches along walkways for people to rest and enjoy the views.
4. Enliven the Park with public art.
5. Enhance ADA access to Cesar Chavez Park. ADA trails should be added.
6. Soften the land/water edge in areas where it is deemed appropriate.
7. Additional public uses and amenities (including temporary uses and pop-up amenities) should be introduced in or proximate to Cesar Chavez Park that complement and support existing uses, and that invite broader use of the Park by the public, including parents and children.
 - a) A public café.
 - b) A nature interpretive center.
 - c) Public bike rental and support facilities
 - d) A kayak rental facility and launch ramp
 - e) An outdoor activity and adventure center for children and teens; perhaps including outdoor camping facilities.
 - f) Areas for outdoor weddings and private events.
8. As the Park is the City's largest public open space, well-planned festivals and events should be considered on a case-by-case basis.
9. Allow (by reconsidering the new higher fees) public safety groups, such as the ham radio operators, that provide such a valuable safety service to the COB, to use certain areas of the park for their annual practice sessions (as they used to do.)

V. Waterfront Area Development

A. Commercial/Retail Uses

1. Existing Inventory [quantifications to be confirmed]
 - a) Privately operated buildings in the Waterfront Area contain more than 20,000 square feet of indoor space and over 10,000 square feet of outdoor space available for meetings, events, and private dining.
2. Additional Commercial/Retail Uses

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
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- a) Authorize an additional total of 12,000 square feet of commercial/retail uses for a total of 32,000 square feet of commercial/retail uses in new, redeveloped and reconfigured spaces.
- b) Encourage commercial and retail uses that feature local businesses, products and art.
- c) Encourage pop-up rentals.
- d) Encourage food trucks where built-service is less available or less adequate.

B. Hotels

1. Existing Inventory [quantifications to be confirmed]

- a) The 378-room DoubleTree Hotel provides visitor-serving accommodations, and includes 24 meeting rooms and 14,000 square feet of event space, with capacity for 850 guests. The Berkeley Yacht Club and OCSC both rent their facilities for smaller events (less than 150 guests).

2. Additional Hotel facilities

- a) Authorize up to 200 new hotel rooms (and ancillary facilities/amenities) in addition to the 378 rooms of the Doubletree Hotel in existing new and redeveloped space for a total of 578 hotel rooms within the Berkeley Waterfront Area Specific Plan in new, redeveloped and/or reconfigured space in areas identified for commercial/retail development.

C. Commercial/Retail/Hospitality Site Planning

- 1. Identify generalized areas where commercial/retail/hotel development is permitted subject to future site-specific proposals and environmental review.
- 2. To encourage the highest quality and creativity in commercial/retail/hotel proposals in areas where commercial/retail/hotel development is permitted, allow use proposers to provide their own siting and design proposals consistent with the Specific Plan's generalized guidelines.
- 3. Encourage synergies with major Waterfront Area attractions, such as the Pier, Cesar Chavez Park, the Marina, and the water's edge.
- 4. Establish appropriate height limit zones to guide future site-specific proposals.

D. Public Facilities

Friday May 5, 2023

DRAFT

6

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

1. Existing Inventory [to be confirmed]
 - a) The City of Berkeley occupies nearly 13,000 square feet of floor area in several Waterfront Area buildings for administrative offices and equipment storage. Public facilities in the planning area include the waterfront office, corporation yard, and the ground floor of 125-127 University Avenue, which will soon be occupied by the Berkeley Police Department's Traffic Bureau.
 - b) [Shorebird Park and Nature Center, Adventure Playground, and children's playground]
 - c) The Berkeley Yacht Club, OCSC Sailing, Cal Adventures, and Cal Sailing—occupy landside facilities that total nearly 10,000 square feet of building area.
 - d) The Berkeley Marine Center operates a boatyard, chandlery, and fuel dock, while the Berkeley Marina Sportsmans Center operates a bait and tackle shop. Together, these marina-related commercial uses occupy close to 10,000 square feet of building area and lease over five acres of land area.
2. Additional Public Facilities to be Authorized
 - a) Provide a dedicated windsurfing launch facility
 - b) Consider creating a sandy beach accessible to children and swimmers

E. Private Facilities

1. Existing Inventory [quantities to be confirmed]
 - a) The second floor of the two-story, City-owned building at 125-127 University Avenue contains 6,000 square feet of rentable floor area leased to several office tenants, including two small financial services firms and a nonprofit advocacy organization.

VI. The Pier

- A. A new Berkeley pier should be a centerpiece of the Specific Plan and associated recreational and visitor-serving uses.

VII. Seawall Drive

- A. Revetment-fronting parking along Seawall Drive should be eliminated.

Friday May 5, 2023

DRAFT

7

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

B. A landscaped pedestrian promenade and bikeway should extend along Seawall Drive with appropriate visitor-serving uses located close to the Pier.

VIII. Marina Docks and Berthing Slips

A. Berkeley Marina has 15 publicly owned docks with more than 1000 slips. But the Berkeley Marine Center leases A Dock, with its 44 slips, from the city.

B. Recreational vessels in California and Alameda have decreased by 20%. Berkeley's marina has smaller slips, 48% are less than 30 ft in length. The market trend is towards larger vessels.

C. We recommend that as docks reach the end of their useful life, that the slips be reconfigured to address this market demand for boats greater than 35 ft in length.

D. We also recommend that an asset management plan, as well as a Marina Area 5-Year Capital Improvement Plan be created.

VIII. South Sailing Basin

The existing infrastructure needs of the sailing South Basin should be addressed as part of Marina infrastructure, in fiscal planning, prioritize the maintenance of operational facilities.

IX. Parking & Circulation

A. Cesar Chavez Park-serving parking should be free at all times.

B. Trailer parking should be limited along Spinnaker Way

C. Consider expanding the amount of publicly-available parking in the lots that are currently reserved for slipholders during appropriate periods.

D. A continuous bikeway should be improved around the perimeter of the Waterfront Area, supported by family-friendly bike rental facilities.

E. Consider a water taxi/ferry to create a pedestrian and bike ferry across the Marina channel.

X. Process for implementing the Plan

A. Uses authorized by the Specific Plan should be subject to site-specific review and approval by the Planning Commission with lease review by the City Council.

B. New public recreation uses and amenities should be subject to review and approval by the Parks, Recreation & Waterfront Commission.

**PARKS, RECREATION & WATERFRONT COMMISSION
REPORT & RECOMMENDATIONS TO CITY COUNCIL
REGARDING
BERKELEY WATERFRONT AREA SPECIFIC PLAN**

C. Temporary activities, events and concerts in public recreation areas should be subject to review and approval by the Parks, Recreation & Waterfront Commission.

DRAFT

MEMORANDUM

Date: April 12, 2023
To: Mayor and Members of the Berkeley City Council
From: Parks, Recreation and Waterfront Commission
Subject: Communication to City Council on Proposed Measure T1 Phase 2 Shortfall Solution

Dear Mayor and Council Members,

The Parks, Recreation and Waterfront Commission is committed to ensuring the success of the T1 Bond effort. We write now to share our recommendations on the current funding gap in Phase 2 projects.

BACKGROUND

Working with the Public Works Commission we successfully advocated for the passage of the T1 Bond in 2016 and now want to ensure the best use of those funds, to address critical infrastructure needs, promote transparency, support the community, address inequities, and, of critical importance, **build long-lasting trust with Berkeley residents**. For example, to ensure the optimal allocation of T1 funds our commissions developed criteria on which to base selections for T1 projects. The original list of 7 criteria was defined in 2017 and used to prioritize Phase 1 projects. In 2020 those criteria were updated to include:

- Greatest Benefit
- Equity
- Health, Safety and Resilience
- Environmental Sustainability/Durability

Very importantly, we wanted to provide our residents with additional improvements in the areas of the city that have fewer parks, and in areas that have received less funding over the past decades. Addressing racial equity played a major part in formulating our final recommendations and we request that our focus on equity and our original project list remain a priority

Those decisions were made before Covid-19, long before we witnessed the increased importance of our parks, open space, and a functioning infrastructure for the health and safety of our community. Providing our residents access to clean, accessible, and available facilities and open space is one of the most important duties we have before us.

CURRENT SITUATION

Staff have now identified a funding gap of \$4.5 to \$8.2M for the Phase 2 T1 projects. The City has faced T1 budgetary deficits in the past and found elegant solutions.

In 2019, the City faced a \$6.8 million funding gap between the cost of the approved T1 Phase 1 Projects and the available Phase 1 bond funds. This gap was caused by “an increase in energy upgrades included in the facility projects, and soaring escalation in construction costs.”

Because delay would increase the project costs and the importance of leveraging the voter approved T1 funds, the Council approved

- * \$1.5 million in interest income and

- * the transfer of \$5.3 million from the GF to T1 fund to close the funding gap.

With this additional funding, all of the Phase 1 projects were fully funded.

In 2023, the City again faces a large gap of \$4 – \$8M between the estimated cost of the approved Phase 2 Projects and the available bond funding. While some of the shortfall is caused by large increases in construction costs, requiring the T1 fund to pay back the \$5.3M GF transfer significantly decreased the bond funding available for T1 projects.

The Parks, Recreation and Waterfront Commission believes that all the approved T1 Phase 2 projects should be completed as they were recommended by both the Parks and Waterfront Commission and the Public Works Commission and approved by the City Council on Dec. 15, 2020. As discussed above, the projects in Phase 2 attempted to provide a more equitable distribution of facilities in the City, whereas Phase 1 projects were selected from existing shovel ready projects to meet the three-year bond spending requirement.

To solve the FY2023 funding cap, we ask the Council to come up with creative solutions that allow all approved projects to be complete. To facilitate finding a creative solution, we list several options for Council consideration.

Option 1. Over the next five years, allocate the increase in General Fund interest income over the 2022 baseline to the T1 Fund. The recent FY 2023 Mid-Year Budget Update presented to the Council reported that the increase in interest income over the 2022 baseline was \$0.9M for the first six months. Due to the significantly higher interest rates in 2023, the annual increase in interest income for the full year is likely to be ~\$2M/yr. Since interest rates are projected to remain high for some time, the excess interest income over 5 years would fund all of the T1 Phase 2 projects, including the preferred 6,000 ft² AAHRC.

Option 2. Forgive the 2019 General Fund loan and transfer \$5.3 million back to the T1 account. As of June 30, 2022, the “unassigned” portion of the GF balance in the City’s Investment Portfolio was \$75 million. Transfer of 7% of the “unassigned” funds to the T1 fund would allow the completion of all of the Phase 2 projects and the construction of new 4,000 ft² African American Holistic Research Center (AAHRC).

Option 3. To get us to the preferred 6,000 ft² AAHRC, in addition to Option 2, borrow an additional \$3.7M from the Workers Compensation Fund (WC), à la the Premier Cru building purchase of \$6.6M, and pay back the loan from the ten annual contributions from the GF capital equipment funds. This would allow all of the Phase 2 Projects to be completed and the construction of a 6,000 ft² AAHRC. In FY 22, the WC fund revenues exceeded expenses by \$3M, increasing its “cash and cash equivalents, as of June 30, 2022, to over \$49M.

Option 4. Assign the cost of connecting the proposed three public restrooms in the ROW at (a) Telegraph/Channing, (b) San Pablo/University, and (c) Alcatraz/Adeline to the City’s Sanitary Sewer Fund.

These three projects are estimated to cost \$1.35M of which 50% is due to connecting the public toilets to the City’s sewer lines. In 2022 the City’s Sanitary Sewer Fund had revenues of \$25.5M and expenses of \$16.7M, generating a surplus of \$8.8M, which increased its fund balance to \$35M. Since these public

toilets will address a great scarcity of public toilets in Berkeley and the Sewer funds has ample monies, they should pay the \$0.7M cost of connecting the three new public restrooms to the sanitary sewer system. Implementing this policy of sharing the costs will facilitate the creation of more public restrooms.*

Option 4a. If the Sewer Fund is legally restricted from contributing to the cost of making a public restroom operational, then the City should consider using some of the interest revenue from the Sewer Funds large balance to fund these costs.

Authors: Gordon Wozniak, Erin Diehm and Claudia Kawczynska

Noted:

**We reached our conclusions after listening carefully to the public and other Commission commentary, that identified restrooms and play equipment as high priorities. As part of Phase 1 funding the City conducted a [Citywide Restroom Study](#) that helped to direct our selection of eight restrooms, three of which are located in the ROW requiring an additional expensive of sewer line hookups. [Public restrooms](#) are a vital community resource and a basic necessity.*

Citywide Restroom Study: **Berkeley Wash Assessment**, Hyphae Design Laboratory (2020)

<https://berkeleyca.gov/sites/default/files/documents/Citywide%20Restroom%20Study%20and%20Executive%20Summary%20-%202020-10-06%20-%20Final.pdf>

Public Restrooms a vital resource: "Why Are Public Restrooms Still So Rare", NY Times (March 22, 2023)

<https://www.nytimes.com/2023/03/22/business/public-restrooms-bathrooms-us-city.html>

Summary of Proposed Fee Changes to Selected Parks and Recreation Fees
 May 2023

The City periodically reviews all recreation fees in an effort to keep programs and facilities accessible to residents while accounting for increased costs to deliver those services. Fees for picnic area rentals, bounce house permits, and John Hinkel amphitheater rentals were last increased in May 2017 and May 2018. Since then, demand for reservable picnic sites and outdoor rentals has increased, along with costs to maintain and service those sites. An increase in fees is needed to offset those costs of the existing rentals and the addition of new outdoor rental sites.

The proposed fees cover existing and new reservable picnic sites, outdoor reservable assembly spaces, including mini-amphitheaters and small event venues, and permits for bounce houses in City parks. Non-resident fees are set 20% higher than resident fees, with the exception of sites at the Waterfront, as a distinction between resident and non-resident fees is not permitted on public trust lands.

Picnic Sites

A 10% increase is proposed for reservable picnic sites, (see Table 1). New fees are proposed for nine new reservable picnic sites at levels similar to existing sites based on number of tables, amenities and location. These fees are needed to offset the cost of increased maintenance of park areas and facilities, and the increased costs of cleaning and restocking restrooms. Even with the fee increases, Berkeley’s costs for reservable picnic areas remain lower than neighboring communities, (see Attachment 2).

Table 1 – Proposed reservable picnic area fees (new sites are shaded)

Picnic Areas (4-hour minimum)	Unit of Measure	Resident	Resident Proposed 10% increase	#Tables	Max Capacity
Aquatic Park Area 1	4-hours	\$45.00	\$50.00	3	50
Aquatic Park Area 2 (inside Dreamland without grill)	4-hours	N/A	\$54.00	3	50
Cedar Rose Area 1	4-hours	\$30.00	\$33.00	2	40
Cedar Rose Area 2	4-hours	N/A	\$36.00	2	40
Cesar Chavez Area 1	4-hours	\$45.00	\$50.00	3	50
Cesar Chavez Area 2	4-hours	\$200.00	\$220.00	10	200
Cesar Chavez: Area 3	4-hours	N/A	\$70.00	2	50
Codornices Park Area 1	4-hours	\$75.00	\$83.00	5	80
Codornices Park Area 2	4-hours	\$60.00	\$66.00	4	70
Codornices Park Area 4	4-hours	N/A	\$50.00	2	50
Cragmont Area 1	4-hours	\$45.00	\$50.00	2	45
Glendale La Loma Area 1	4-hours	N/A	\$40.00	2	40
Grove Area 1	4-hours	\$30.00	\$33.00	2	30
James Kenney Area 1	4-hours	\$45.00	\$50.00	2	45

Picnic Areas (4-hour minimum)	Unit of Measure	Resident	Resident <i>Proposed 10% increase</i>	#Tables	Max Capacity
James Kenney Area 2	4-hours	N/A	\$50.00	2	45
John Hinkel Area 1	4-hours	N/A	\$40.00	2	45
King School Area 1	4-hours	\$30.00	\$33.00	2	45
Live Oak Park 1	4-hours	\$60.00	\$66.00	6	80
Live Oak Park 2	4-hours	\$60.00	\$66.00	4	70
Ohlone Park @ McGee Area 1	4-hours	\$45.00	\$50.00	2	45
San Pablo Park Area 1	4-hours	\$30.00	\$33.00	2	30
San Pablo Park Area 2	4-hours	N/A	\$33.00	2	30
San Pablo Park Area 3	4-hours	N/A	\$33.00	2	30
Strawberry Creek Area 1	4-hours	\$30.00	\$33.00	3	50

Outdoor Assembly Spaces

The community has expressed a need for outdoor space to gather for meetings, classrooms, and events. PRW proposes three new reservable Mini Amphitheater/ Outdoor Meeting Spaces and Small Wedding/Event Venues, described below. The rental duration will be set in 4-hour time blocks like picnic sites. The rental fees will be for non-exclusive use of parks and open space and are needed to cover the cost of increased maintenance of park areas and facilities, in addition to increased costs of cleaning and restocking restrooms.

Table 2 – Proposed new reservable outdoor assembly spaces

Location	Unit of Measure	Maximum Capacity	Resident
Codornices Park #A1 (Next to Picnic Site #2)	4-hours	25-30	\$40.00
Live Oak Park #A1	4-hours	25-30	\$50.00
Shorebird Park #A1 (near Nature Center/Playground)	4-hours	30-50	\$50.00

John Hinkel Amphitheatre

Fees for John Hinkel Amphitheater, which seats up to 200 people and can be reserved for \$120 per day (\$15 per hour), are low compared to surrounding venues, (see Attachment 2). For example, the Berkeley Botanical Gardens Redwood Grove Amphitheater seats 200 persons and charges an average of \$2,000 per hour for Friday through Sunday reservations.

Fee changes for John Hinkel Amphitheater include shifting from a “Daily Rate” of \$120 to a “4-Hour” time block rate of \$200, with \$75 for each additional hour after the 4-hour time block; and increasing the refundable Cleaning/Damage Deposit from \$350 to \$500 per rental. This fee is needed to offset the cost of increased maintenance of the Amphitheater and facilities, in addition to increased costs of cleaning and restocking restrooms. Changing the rate from a full-day to a 4-hour block will provide more community access to this space.

Table 3 – Proposed fees for John Hinkel Amphitheater

John Hinkel Amphitheater	Current Unit of Measure	Resident Fee	Proposed Unit of Measure	Proposed Fee
Rental Fee	Day (8-hours)	\$120	4-Hours	\$200
Each Additional Hour (after 4-hours)	-	-	Hour	\$75
Cleaning/Damage Deposit (refundable)	Rental	\$350	Rental	\$500

Bounce House Permits

Bounce house permits are issued in an effort to reduce injuries and liability of inflatable play structures in the City parks. The fee for bounce house permits is proposed to increase from \$20 to \$30 per use. The increase is needed to offset the cost of staff to verify insurance, monitor reservations, and address damage to turf that occurs with bounce house wear and tear.

Fiscal Impact

The proposed new fees and fee increases are estimated to provide an additional \$52,598 in revenue to the Parks Tax Fund and \$2,800 to the Marina Fund to offset the costs for service and maintenance of these reservable picnic sites and outdoor gathering spaces in the City parks.

ATTACHMENT 1 - Proposed fee changes

Program Area	Unit of Measure	Resident	Resident (proposed)	Non-Resident	Non-Resident (proposed)
6. Picnic Areas (4-hour minimum)					
Aquatic Park Area 1	4-hours	\$45.00	\$50.00	\$54.00	\$60.00
Aquatic Park Area 2	4-hours	N/A	\$54.00	N/A	\$65.00
Cedar Rose Area 1	4-hours	\$30.00	\$30.00	\$36.00	\$40.00
Cedar Rose Area 2	4-hours	N/A	\$36.00	N/A	\$43.00
Cesar Chavez Area 1	4-hours	\$45.00	\$50.00	\$50.00	\$50.00
Cesar Chavez Area 2	4-hours	\$200.00	\$220.00	\$200.00	\$220.00
Cesar Chavez: Area 3	4-hours	N/A	\$70.00	N/A	\$70.00
Codornices Park Area 1	4-hours	\$75.00	\$83.00	\$90.00	\$100.00
Codornices Park Area 2	4-hours	\$60.00	\$66.00	\$72.00	\$79.00
Codornices Park Area 4	4-hours	N/A	\$50.00	N/A	\$60.00
Cragmont Area 1	4-hours	\$45.00	\$50.00	\$54.00	\$60.00
Glendale La Loma Area 1	4-hours	N/A	\$40.00	N/A	\$48.00
Grove Area 1	4-hours	\$30.00	\$33.00	\$36.00	\$40.00
James Kenney Area 1	4-hours	\$45.00	\$50.00	\$54.00	\$60.00
James Kenney Area 2	4-hours	\$45.00	\$50.00	\$54.00	\$60.00
John Hinkel Area 1	4-hours	N/A	\$40.00	N/A	\$48.00
King School Area 1	4-hours	\$30.00	\$33.00	\$36.00	\$40.00
Live Oak Park Areas 1	4-hours	\$60.00	\$66.00	\$72.00	\$79.00
Live Oak Park Areas 2	4-hours	\$60.00	\$66.00	\$72.00	\$79.00
Ohlone Park @ McGee Area 1	4-hours	\$45.00	\$50.00	\$54.00	\$60.00
San Pablo Park Area 1	4-hours	\$30.00	\$33.00	\$36.00	\$40.00
San Pablo Park Area 2	4-hours	\$30.00	\$33.00	\$36.00	\$40.00
San Pablo Park Area 3	4-hours	N/A	\$33.00	N/A	\$40.00
Strawberry Creek Area 1	4-hours	\$30.00	\$33.00	\$36.00	\$40.00
Bounce House Permit	Per Use	\$20.00	\$30.00	\$25.00	\$36.00
B. John Hinkel Amphitheater					
	Day 4-hours	\$120	\$200	\$144	\$240
Each Additional Hour (after 4 hours)	Hour	N/A	\$75	N/A	\$90
Cleaning/Damage Deposit (refundable)		\$350.00	\$500	\$350.00	\$500

Wednesday, May 10, 2023
Regular Meeting

Program Area	Unit of Measure	Resident	Resident (proposed)	Non-Resident	Non-Resident (proposed)
9. Mini-Amphitheater/Outdoor Classroom (4-hour minimum)					
Codornices Park #A1 (Next to Picnic Site #2)	4-hours	N/A	\$40.00	N/A	\$48.00
Live Oak Park #A1	4-hours	N/A	\$50.00	N/A	\$60.00
Shorebird Park #A1 (near Nature Center Playground)	4-hours	N/A	\$50.00	N/A	\$50.00

ATTACHMENT 2 - Fee Comparisons

Table 1: Picnic Site – Per Hour Fee Comparison

Note: This analysis compares hourly rates for picnic reservations.

<u>Price Comps By # of Tables</u>							
	<u>Picnic Time</u>	<u>Min</u>	<u>#Tables</u>	<u>Max#</u>	<u>4 hr rate</u>	<u>4 hr rate</u>	
2 Tables	<u>Blocks</u>	<u>Hours</u>			<u>Fee Resident</u>	<u>Fee Non-Resident</u>	<u>Details</u>
Albany, CA	4	4	2	12	\$ 38.59	\$ 49.87	
Richmond, CA	4	1	2	*50	\$ 178.00	no differential	* based on 50 person general fee #31 plus table fee of \$27 per table
Oakland, CA	4	2	2	30	\$ 60.00	\$ 72.00	2 hr rate Res \$30 / Non-res \$36
Berkeley, CA	4	4	2	**41	\$ 42.00	\$ 47.10	
4 Tables	<u>Blocks</u>	<u>Hours</u>	<u>#Tables</u>	<u>Max#</u>	<u>Fee Resident</u>	<u>Fee Non-Resident</u>	<u>Details</u>
Albany, CA	4	4	4	30	\$ 92.92	\$ 104.21	
Richmond, CA	4	1	4	60	\$ 360.00	no differential	* based on 51-100 person general fee \$63 plus table fee of \$27 per table
Oakland, CA	4	2	4	49	\$ 160.00	\$ 160.00	2 hr rate Res \$80 / Non-res \$86
Berkeley, CA	4	4	4	70	\$ 60.00	\$ 72.00	
10 ro 12 Tables	<u>Blocks</u>	<u>Min</u>	<u>#Tables</u>	<u>Max#</u>	<u>Fee Resident</u>	<u>Fee Non-Resident</u>	<u>Details</u>
Albany, CA	4	4	12	72	\$ 219.97	\$ 231.25	All 12 tables are in this fee
Richmond, CA	4	1	10	200	\$ 766.00	no differential	* based on 51-100 person general fee \$124 plus table fee of \$27 per table
Oakland, CA	4						none in this range
Berkeley, CA	4	4	10	200	\$ 200.00	\$ 200.00	Marina location, no differential resident non-resident

Table 2: Outdoor Amphitheater– Per Hour Fee Comparison

Note: This analysis compares the hourly rate for amphitheater rentals. Rental rules and minimum hours vary a great deal among other cities.

Venue	Location	Capacity	Average Fee per hour	Rate Types
John Hinkel Amphitheater	Berkeley	200	\$15	Resident/Non-Resident for 8 hours
Mill Valley Amphitheater	Mill Valley		\$143	Residents: # of attendees up to 49/50-74/Private 75+/Commercial 75+
Woodminster Amphitheater	Oakland	1500	\$313	Resident/Non-Resident/Non-Profit
Piedmont Amphitheater	Piedmont	200	\$438	Resident/Non-Resident
Redwood Grove Amphitheater	UC Botanical Garden at Berkeley	200	\$2,000	Friday-Sunday rate

Summary of Proposed Marina Fee Changes
 May 2023

The Marina Fee Schedule was last updated in May 2019, when the City Council increased several Marina fees including visitor berth fees, launch ramp fees, and new fees for lost/unreturned parking permits, outdated or inadequate registration/documentation, and Waterfront Special Event fees. Since then, low berth occupancy rates have made it difficult to raise berth fees biannually, as the City has historically done. The loss of this consistent revenue source has been a key driver of the Marina Fund’s structural deficit. The proposed fee increases are needed to offset the rising costs for maintaining the Waterfront. Note that for all Waterfront fees, there is no distinction between resident and non-resident fees; that distinction is not permitted on public trust lands.

There are increases proposed for Berth Fees, Surcharges, as well as Skiff, Dry Storage, Liveaboard, Visitor Berths (11-30 nights), and Launch Ramp fees. Modifications to new slip holder incentive fees are proposed. One new fee is proposed for Abandoned Vessels. The proposed updates and modifications to Marina Fees are proposed and justified as follows:

- The **Berth Fees** are the monthly slip fees for slipholders with a permit to berth. The fee is proposed to increase by 3% for each of the next three years: a 3% increase in FY24, a 3% increase in FY25, and a 3% increase in FY26. This is to better recover operational costs, while staying competitive with the local market for slips. This fee has not increased since 2015, (see Tables 1 & 2).

Table 1 – Proposed Berth Fees

Size of Boat (in feet)	Current Berth Fees (\$/ft)	FY24 Berth Fees +3% (\$/ft)	FY25 Berth Fees +3% (\$/ft)	FY26 Berth Fees +3% (\$/ft)
20' -21'	\$8.20	\$8.45	\$8.70	\$8.96
22' –24'	\$8.67	\$8.93	\$9.20	\$9.48
25' –29'	\$9.76	\$10.05	\$10.35	\$10.66
30' –39'	\$10.34	\$10.65	\$10.97	\$11.30
40' –49'	\$10.95	\$11.28	\$11.62	\$11.97
50' –59'	\$11.61	\$11.96	\$12.32	\$12.69
60' –69'	\$12.33	\$12.70	\$13.08	\$13.47
70' –79'	\$13.04	\$13.43	\$13.83	\$14.24
80' –89'	\$13.81	\$14.22	\$14.65	\$15.09
90'+		\$17.00	\$17.51	\$18.04

Table 2 - Berth Fee Comparisons (shown for 30' and 50' length boats)

Marina - 30' length boat	Single Finger
San Francisco Marina Small Craft Harbor - West	\$18.62
Richardson Bay Marina (Sausalito)	\$14.50
Santa Cruz Harbor	\$13.87
Safe Harbor Emeryville	\$13.25
BRICKYARD COVE on the Boardwalk (Richmond)	\$12.75
Blu Harbor Marina (Redwood City)	\$12.67
Marina Village Yacht Harbor (Alameda)	\$12.40
Average	\$11.37
San Francisco Marina Small Craft Harbor -EAST	\$11.30
Median	\$11.30
City of Berkeley Proposed FY26	\$11.30
Pillar Point Harbor (Half Moon Bay)	\$11.29
City of Berkeley Proposed FY25	\$10.97
City of Berkeley Proposed FY24	\$10.65
City of Berkeley Marina Current	\$10.34
Oyster Point Marina (South San Francisco)	\$9.27
Brisbane Marina	\$8.67
Vallejo Municipal Marina	\$8.36
Coyote Point Marina (San Mateo)	\$7.63
Martinez Marina -Almar Marinas	\$5.70

Marina - 50' length boat	Double Finger
Blue Water Yacht Harbor (Sausalito)	\$32.90
Clipper Yacht Harbor (Sausalito)	\$26.72
Schoonmaker Point Marina (Sausalito)	\$24.00
San Francisco Marina Small Craft Harbor - West	\$23.09
South Beach Harbor (San Francisco)	\$20.68
Marina Village Yacht Harbor (Alameda)	\$16.68
Average	\$15.55
Santa Cruz Harbor	\$15.27
Oakland Marinas	\$12.98-\$16
Safe Harbor Ballena Isle (Alameda)	\$14.22
City of Berkeley Proposed FY26	\$13.96
Treasure Island Marina	\$13.90
Oakland Yacht Club	\$13.80
BRICKYARD COVE on the Boardwalk (Richmond)	\$13.75
Emery Cove Yacht Harbor (Emeryville)	\$13.75
Median	\$13.75
Safe Harbor Marina Bay Yacht Harbor (Richmond)	\$13.55

Marina - 50' length boat	Double Finger
City of Berkeley Proposed FY25	\$13.55
City of Berkeley Proposed FY24	\$13.16
Safe Harbor Loch Lomond (San Rafael)	\$13.00
Grand Marina (Alameda)	\$12.87
City of Berkeley Marina Current	\$12.77
Westpoint Harbor (Redwood City)	\$12.75
Richmond Yacht Club	\$10.82
Vallejo Municipal Marina	\$10.27
Oyster Point Marina (South San Francisco)	\$9.92
Brisbane Marina	\$9.52
Lowrie Yacht Harbor (San Rafael)	\$9.00

- The **Skiff <20' length fee**, is a monthly slip fee for small vessels less than 20' who can utilize dock areas with no power, water, or dockbox. This is proposed to increase from \$125/month to \$140/month. This fee has not been increased since 2018, and is expected to help offset the costs of maintenance and management of the Marina. This fee is lower than local Marinas, (see Table 3).

Table 3 – Skiff <20' length fee comparisons

Marina	Rate	Notes
Safe Harbor Marina Bay Yacht Harbor (Richmond)	\$287.85/month	\$15.15 Per foot rate for 19'
Safe Harbor Ballena Isle (Alameda)	\$249/month	
Safe Harbor Emeryville (Emeryville)	\$247.95/month	\$13.05 Per foot rate for 19'
Coyote Point Marina (San Mateo)	\$159/month	
Brisbane Marina (Brisbane)	\$145.73/month	\$7.67 Per foot rate for 19'
Berkeley (Proposed)	\$140/month	
Berkeley (Current)	\$125/month	

- **Surcharges** are applied to the base Berth Fee in order to appropriately charge for premium locations. This includes “upwind”, “single slip” and Catamaran/Trimaran fees. End Ties are not included on this list of surcharges, despite being a desirable premium location. The proposed fee will add End Ties to the Catamaran/ Trimaran surcharge of 20%, meaning that any End Tie (whether it is occupied by a Catamaran or not) will be charged the 20% surcharge, (see Table 4).

Note: In 2019, a typo was made in the fee schedule that showed the surcharges at 15%-40% above the base rate. The surcharges should remain at 10% for upwind berths or for single berths, and 20% for Upwind & Single Berths and also 20% for Catamaran/ Trimaran Fees; this correction has been made in the attached fee schedule.

Table 4 – End tie fee comparisons

Marina	Rate	Notes
South Beach Harbor (San Francisco)	\$22.30/ft for end ties,	used for large vessels About 7.8% increase for 50'
Westpoint Harbor (Redwood City)	\$22.00/ft for end ties	About 107% increase for 30', 72.5% for 50'
Oakland Yacht Club	\$15.80/ft for all size end ties.	About 71% increase for 30', 14% for 50'
Marina Bay Yacht Harbor (Richmond)	\$15.15/ft for all size end ties.	About 27% increase for 30', 11% for 50'
Loch Lomond Marina (San Rafael)	\$15/ft for all size end ties.	About 36% increase for 30', 15% for 50'
Berkeley (Proposed)	\$12.78/ft for 30' \$14.35 for 50'	20% increase from current rate
Berkeley (Current)	\$10.34/ft for 30' \$11.61/ft for 50'	

- **Incentive: Referral Discount**

Incentive fees are currently in place in the form of a \$50 referral discount at the Berkeley Marina. With this existing discount, an existing monthly slip holder can refer a friend to join the Berkeley Marina as a new monthly slip holder and both will receive a one-time \$50 discount off the next month of slip fees. We have averaged 14 referrals per year. This fee update will raise the referral discount to a one-time discount of \$250 for both the new and referring customers. The incentive is expected to serve a public purpose by increasing occupancy, and raising revenue to better maintain the Marina and expand its use as a recreational amenity. Existing customers will be limited to two referrals per year. New customers will be limited to one discount as a new customer, and two per year as referring customers once they join the Marina.

- **Incentive: New Customer Discount**

A new incentive discount is proposed in addition to the referral fee in order to attract new customers to the Marina. This is a one-time discount of two months free in December and January, along with a one-time \$75 gift card to a Berkeley Waterfront business. This incentive will make it worth the effort for a new customer to relocate to our Marina, or for a new boater to sign up with us instead of a competitor. The Marina Fund will break even on the new slip holder incentive discount within three months, and will generate new revenue in slip fees for every new customer attracted. As an example, a 30-foot boat would pay \$3,834 in basic slip fees over the course of one year in FY24. This incentive discount for a new customer with a 30-foot boat would reduce Marina revenue by \$639 in discounted slip fees, and would cost \$75 in gift cards, equivalent to a 19% reduction in revenue for the initial year. However, it attracts new slipholders to the Marina who may not have otherwise come; and provides a source for sustained revenue in the future. The incentive also links new Marina customers with our Waterfront businesses.

- **Dry Storage (22' length or less), Dry Storage (23'-27' length), Dry Storage (28'-40' length), & Dry Storage (40' or greater length)** fees are the monthly fees for a secured parking spot for a boat on a trailer. This fee is broken down in two size groups; 27' or less and 28' or more. Dry Storage sizes range from 18' to 40'. The proposed fee change breaks down the 22-foot range of sizes into four groups instead of two, for greater consistency with other Marinas. The proposed fees will increase the rates to levels that are more comparable with the limited local dry storage locations, while still providing a good price for our customers. Our Dry Storage fees are unique in that they include access to the launch ramp which is on site and adjacent to the dry storage area. Dry

storage occupancy is at 100% and has a long waiting list indicating that the market will support the proposed price increase. This fee has not been increased since 2018, and is expected to help offset the costs of maintenance and management of the Marina. This fee is lower than local Marinas, (see Table 5).

Table 5 – Dry Storage fee comparisons

Marina	Monthly Rate	Notes
Mariners Square Drystack (Alameda)	<ul style="list-style-type: none"> \$375 	Valet service, 4 launches per month on site.
Clipper Yacht Harbor (Sausalito)	<ul style="list-style-type: none"> 22' length or less: \$218 23'-27': \$308 28'-40': \$308 40' or greater: \$308 	Launch Ramp on site, access included with fee.
Alameda Point Storage (Alameda)	<ul style="list-style-type: none"> 20' length or less: \$200 21'-30': \$315 	.5 mile from launch ramp
Berkeley Marina (Proposed)	<ul style="list-style-type: none"> 22' length or less: \$200 23'-27': \$220 28'-40': \$240 40' or greater: \$280 	Launch Ramp on site, access included with fee.
Berkeley Marina (Current)	<ul style="list-style-type: none"> 27' length or less: \$125 28' length or greater: \$150 	

- Liveaboard Fee – boat (monthly) and Liveaboard Fee – floating home (monthly)** are applied to our permits for cruising vessels used as a residence, and thirteen floating homes in the Berkeley Marina. This fee is proposed to increase from \$200/month to \$220/month. This liveaboard fee increase is in place to offset staff costs of administrating this permit, including the Liveaboard waiting list and annual inspections. The fee also offsets the additional usage of Marina facilities for that of a full-time resident at an otherwise recreational facility. This fee has not been increased since 2017, (see Table 6).

Table 6 – Liveaboard fee comparisons

Marina	Rate	Source
Westpoint Harbor (Redwood City)	\$425/month	2023 Bay Area Marina Survey
Safe Harbor Emeryville Marina	\$400/month	2023 Bay Area Marina Survey
Emery Cove Marina (Emeryville)	\$400/month	2023 Bay Area Marina Survey
Safe Harbor Marina Bay Yacht Harbor (Richmond)	\$275/month	2023 Bay Area Marina Survey
Berkeley (proposed)	\$220/month	
Berkeley (current)	\$200/month	

- Visitor Berth Fees (11-30 nights)** are applied to visiting boaters who are staying longer than 10 nights, but no longer than a month and are not applying for a permit to berth. This proposed fee increase will change the current way the rate is calculated from 20% of base berth rent to a per foot/per night rate to Visitor Berth Fees (11-30 nights) up to

29': \$0.50/ft/night, Visitor Berth Fees (11-30 nights) 30'-49': \$0.60/ft/night, and Visitor Berth Fees (11-30 nights) 50' and greater: \$0.70/ft/night. This fee was last increased in 2018.

The proposed fee change will reduce the administrative burden of having to calculate the surcharges for larger vessels, upwind, or single slips for a short-term transaction. Visitors are usually placed in slips that are convenient and least disruptive to operations, which could mean larger slips or slips with premium surcharges. The proposed fee change will make it fairer to the customer to be charged a flat rate per length of boat.

Table 7 – Visitor Berth Fees

Marina	Rate
Santa Cruz	\$2.00/ft over 2 weeks
Safe Harbor Emeryville	\$1.08/ft/night weekly \$.75/ft/night monthly
Berkeley (Current)	Current Rate: 20% of base berth rent 29': \$.45/ft/night 40': \$.52/ft/night 60': \$.59/ft/night
Berkeley (Proposed)	Visitor Berth Fees (11-30 nights) up to 29': \$0.50/ft/night Visitor Berth Fees (11-30 nights) 30'-49': \$0.60/ft/night Visitor Berth Fees (11-30 nights) 50' and greater: \$0.70/ft/night

- The launch ramp fees, charged for access to the Berkeley Marina Boat Launch Ramp and parking lot, are proposed to increase from \$16 to \$17/day; from \$95 to \$105/month; and \$310 to \$350 for a seasonal pass. This fee has not been increased since 2019, and is expected to help offset the costs of maintenance and management of the Launch Ramp facilities. This fee is consistent with local Marinas, (see Table 8).

Table 8 – Launch ramp fee comparisons

Marina	Rate	Notes
Loch Lomond Marina (San Rafael)	\$20/launch	\$500 annual pass
Santa Cruz Harbor	\$18/launch	
Marina Bay Yacht Harbor (Richmond)	\$17/launch	
Berkeley (Proposed)	\$17/day	\$105/month, \$350/seasonal
Berkeley (Current)	\$16/day	\$95/month \$310/seasonal
Oyster Point Marina (San Mateo)	\$13/launch	\$213/year
Coyote Point (San Mateo)	\$12/launch	

- A new fee for **Abandoned Vessels** of \$1,000 is proposed, to be charged to boat owners who abandon their vessels in the Berkeley Marina if their vessel does not sell in a lien sale and has to be destroyed. This process is partially paid for by a grant from the State of California Division of Boating & Waterways. This fee is a requirement of the State of California Harbors and Navigation Code, HNC § 525.

Fiscal Impact

The cumulative impact of these fee increases is estimated to add \$206,793 in annual revenue to the Marina Fund (Fund 608), which supports all Waterfront operations including the Marina,

landscaping, facilities, parks, roads, recreation programs and special events. These fee increases are important in helping the City recover a greater share of the Marina’s operating costs. Marina Fund revenues can no longer cover operations, and in FY24 fund reserves will be exhausted, (see Table 9). Without fee increases, the Marina Fund will need nearly \$1.3M to continue Waterfront operations. With fee increases, the Fund will need nearly \$1.1M to continue to operate. Even with fee increases, there will continue to be an ongoing structural deficit of more than \$1.4M.

Table 9 - Impact of Fee Increases on the Marina Fund

FY24	Without fee increase	With fee increase	Change
Total Revenues	\$6,299,416	\$6,506,209	\$206,793
Total Expenditures	\$8,348,631	\$8,348,631	\$0
Deficit	(\$2,049,215)	(\$1,842,422)	\$206,793
Reserve Balance	(\$1,285,692)	(\$1,078,899)	\$206,793

ATTACHMENT 1

Waterfront Fees: Current vs. Proposed

Fee	Current		Proposed				Notes:
1. Berth Fees	Berth Fee per size of boat (in feet)	Berths \$/ft	Berth Fee per size of boat (in feet)	Berths 3% \$/ft FY24	Berths 3% \$/ft FY25	Berths 3% \$/ft FY26	Last increased 2015
	20' – 21'	\$8.20	20' – 21'	\$8.45	\$8.70	\$8.96	
	22' – 24'	\$8.67	22' – 24'	\$8.93	\$9.20	\$9.48	
	25' – 29'	\$9.76	25' – 29'	\$10.05	\$10.35	\$10.66	
	30' – 39'	\$10.34	30' – 39'	\$10.65	\$10.97	\$11.30	
	40' – 49'	\$10.95	40' – 49'	\$11.28	\$11.62	\$11.97	
	50' – 59'	\$11.61	50' – 59'	\$11.96	\$12.32	\$12.69	
	60' – 69'	\$12.33	60' – 69'	\$12.70	\$13.08	\$13.47	
	70' – 79'	\$13.04	70' – 79'	\$13.43	\$13.83	\$14.24	
	80' – 89'	\$13.81	80' – 89'	\$14.22	\$14.65	\$15.09	
			90' +	\$17.00	\$17.51	\$18.04	
	2. Skiff <20' length	\$125/month		\$140/month			
3. Surcharges	Surcharges	Base Rate Per Foot	Surcharges	Base Rate Per Foot			Last adjusted in 2019
	Upwind Berth*	10% added to the base rate	Upwind Berth*	10% added to the base rate			
	Single Berth (Double Finger Berth)	10% added to the base rate	Single Berth (Double Finger Berth)	10% added to the base rate			
	Upwind & Single Berth	20% added to the base rate	Upwind & Single Berth	20% added to the base rate			
	Catamaran/ Trimaran Fees	20% added to the base rate	Catamaran/ Trimaran/ or End Tie Fees	20% added to the base rate			
4. Referral Discount for New Slip Holders	-\$50 on first month of berth fees		-\$250 on first month of berth fees				Introduced in 2018
5. New Customer Discount	No slip fees December & January plus \$75 gift card						New Fee
6. Dry Storage	Dry Storage (27' length or less): \$125/month		Dry Storage (22' length or less): \$200/month				Last increased in 2018
	Dry Storage (28' length or more): \$150/month		Dry Storage (23'-27' length): \$220/month Dry Storage (28'-40' length): \$240/month Dry Storage (40' or greater length): \$280/month				

Agenda Item 11. Fee Increases - Recreation & Marina

Fee	Current	Proposed	Notes:
7. Liveaboard Fee	\$200/month	\$220/month	Last increased in 2017
8. Visitor Berth Fees (11-30 nights)	20% of base berth rent	Visitor Berth Fees (11-30 nights) up to 29': \$0.50/ft/night Visitor Berth Fees (11-30 nights) 30'-49': \$0.60/ft/night Visitor Berth Fees (11-30 nights) 50' and greater: \$0.70/ft/night	Last increased in 2018
9. Launch Ramp Fees	\$16/daily \$95/monthly \$310/seasonal	\$17/daily \$105/monthly \$350/seasonal	Last increased in 2019
10. Abandoned Vessel Fee		\$1,000	New Fee

Agenda Item 12. PRW Commission Workplan 2023-2024

Parks and Waterfront Commission 2023-2024 Work Plan

DRAFT

FUNCTION

(BMC 3.26.040) The Parks, Recreation and Waterfront Commission shall be an advisory board and shall review the following related to all City/public parks, open space, greenery, pools, programs, recreation centers, the Waterfront, and resident camps: their physical conditions, policies, projects, programs, planning efforts, activities, and funding; early childhood education programs; and animal care issues in parks, and shall advise the City Council on these matters.

LIAISONS

- Civic Center Planning – Erin Diehm
- Civic Arts in Parks – Brennan Cox
- Commission on Aging – Anna Avellar

STRATEGIC OBJECTIVES

- Fiscal Matters - understand challenges facing Waterfront and identify solutions
- Fiscal Matters - requesting funds from City - develop a Prioritized list of funds needed for PRW to be submitted to the Budget and Finance Committee for regular review
- Fiscal Matters - bringing in funds for Parks - Parks Development Fee, Increased Parks Tax, Philanthropy
- Dogs in Parks
- Promoting Equity and Inclusivity in the Parks
- Promoting Nature into Our Parks (Aquatic Park, Birdability, Habitat Gardens, Biodiversity Initiative)
- Adding amenities in our parks targeted specifically to seniors

WORK ITEMS

PROJECT	STATUS	DESCRIPTION	LEAD
BMASP	Ongoing	Evaluate proposed development strategies while ensuring recreational availability to current and future stakeholders	
Liaisons	Ongoing		
T1 Phase 2 oversight	Ongoing		
Waterfront Fiscal	Established Dec '22		Subcommittee: Gordon Wozniak, Brandon FLOYD, Allan Abshez, Claudia

PROJECT	STATUS	DESCRIPTION	LEAD
			Kawczynska
Dogs in Parks	Initiated Q1-23	Establishing a dogs in park subcommittee to review new opportunities for off leash recreation.	Subcommittee: Claudia Kawczynska, Anna Avellar, Davina Srioudom
Budgetary Priority List		Development of a priority list of projects for funding and to be submitted to the Budget and Finance Committee for regular review	Gordon Wozniak, Erin Diehm, Allan Abshez
Promoting Nature in Our Parks		Explore opportunities to promote nature in our parks and accessibility (e.g. Birdability, Habitat Gardens, Aquatic Park)	Erin Diehm
Fundraising Opportunities		Bringing in funds for Parks - Parks Development Fee, Increased Parks Tax, Philanthropy	Brennan Cox/Gordon Wozniak
Promoting Equity and Inclusivity in the Parks		Meet with community based organizations	Reichi Lee
BUSD and Parks		Exploring opportunities to expand cooperative agreements for green space usage	Reichi Lee

Agenda Item 14. Recent Council Reports**PARKS AND WATERFRONT COMMISSION****RECENT COUNCIL REPORTS**

The following recent PRW council reports can be accessed from the City Council Website by using the following URL's:

May 9, 2023 (regular)

19.-Donation: Memorial Bench at Mortar Rock Park in memory of Charles D. Sooy

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-05-09%20Item%2019%20Donation%20Memorial%20Bench%20at%20Mortar.pdf>

20.-Amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc. for On-Call Waterfront Project and Construction Management Services

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-05-09%20Item%2020%20Amendments%20to%20Contract%20No.pdf>

21.-Contract: Elavon, Inc. for Online Credit Card Payment Processing Transaction Services for the Recreation Division's Online Registration System

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-05-09%20Item%2021%20Contract%20Elavon%2C%20Inc.%20for%20Online.pdf>

22.-Contract No. 32200098 Amendment: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-05-09%20Item%2022%20Amending%20Contract%20No.%2032200098.pdf>

April 25, 2023 (regular)

1.-Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-25%20Item%2001%20Lease%20Amendment%20Cazadero.pdf>

7.-Contracts: Freitas Landscaping and Pacific Site Management for On-Call Vegetation Management Services

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-25%20Item%2007%20Contracts%20On-Call%20Vegetation%20Management.pdf>

8.-Contracts: Redwood Engineering and OBS Engineering for As-Needed Irrigation Services

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-25%20Item%2008%20Contracts%20As-Needed%20Irrigation%20Services.pdf>

9.-Contract No. 32200178 Amendment: Mountain Valley Environmental Services for Chief Water Plant Operator Services for Berkeley Tuolumne Camp

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-25%20Item%2009%20Contract%20No.%2032200178.pdf>

10.-Grant Application: Clean California Local Grant Program – Tom Bates Fields Beautification Project

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-04-25%20Item%2010%20Grant%20Application%20Clean%20California.pdf>

WHY IS BERKELEY MARINA IN SUCH BAD FISCAL SHAPE?

There are more than ten marinas in the Bay Area, most of them publicly owned. In the East Bay, Berkeley marina has the best access to the challenging winds of the Olympic Circle but competes with marinas at Emeryville and Richmond that have newer facilities. The lack of maintenance dredging and the poor condition of some Berkeley facilities and concerns about security has led to a decline in occupancy and about \$300,000 less revenue each year.

Most marinas have a fee structure that covers the cost of operating the marina, including replacement of structures and maintenance dredging. All marinas have public use areas, and generally have lease revenues from restaurants and hotels that cover those costs. Berkeley is unusual in that it has both large public recreation areas—more than 100 acres of parks—and recreational programs like those at the Shorebird Center. These are currently paid for out of the marina fund, with the cost of park maintenance reaching \$1.5 million a year, and the cost of recreational programs about \$400,000. For comparison, the two leases in the marina that generate the most revenue, the Doubletree hotel and the Skates restaurant, generate an estimated \$1,326,000 and \$393,000, respectively. Those leases barely cover the cost of park maintenance.

In other areas of the city, park maintenance is covered by the parks tax, and recreational programs are paid out of the general fund. It is no coincidence that these long-standing practices of charging fees to the marina fund have contributed heavily to the current structural deficit of about \$1.4 million a year. Review of annual reports to the Council and the Marina Master Plan adopted in 2003 all warn of the gathering dark fiscal clouds. For example, the FY 2014 and FY 2015 adopted budget warns “The Marina Fund has a structural deficit of \$500,000 and a substantial backlog of deferred maintenance and capital work.” Since the marina fund had accumulated a capital fund for maintenance, it was possible to ignore the fact that repairs were lagging and people were leaving.

How did this come to pass? Only some of the historical records of Berkeley’s budgets can be retrieved on-line, so it is impossible to know exactly. But according to Lisa Caronna, who was head of Parks and Recreation at the city at the time, and Brad Smith, who was chair of the Waterfront Commission, park maintenance and recreational programs have been charged to the marina fund at least since 2003. Over that 20 years, that is more than \$20 million. There are other ways the city has charged the marina fund for maintenance costs that could and perhaps should have been paid through alternative sources. Trash collection, and road maintenance were also charged to the marina fund. Cesar Chavez is a closed landfill that is the responsibility of the Public Works Department—yet access to the closed landfill for maintenance comes to some degree out of the marina budget. Between 2013 and 2020, Fourth of July fireworks cost the marina fund more than \$1 million—most of it for police overtime.

City policies have also set compensation rates at the marina, with the result being a smaller but better paid work force is responsible for the marina—and the largest park in Berkeley. Between 1988 and 2011, wages went up 100%, marina fees went up 60%, and the consumer price index went up 70%. Staffing at the marina has dropped from 22 to 16 full-time employees.

A way to get some perspective on this trend is to compare the marina budget to the property tax revenues in the city. In 2002, property tax revenues were \$23.89 million and marina operations cost \$3.8 million. In 2022, property tax revenues had grown to \$153.44 million --a 6.4 fold increase-- while marina costs were \$6.1 million—a 1.6 fold increase. The relatively small marina budget didn't get much attention—and even less love—or a share of the property tax increase to fund rising personnel costs.

HOW MUCH WILL NEW DEVELOPMENT FIX?

Not enough, especially in the short term.

The studies that have been undertaken as part of the marina planning effort have inconsistent numbers, so it is impossible to say with precision. But we know that the pandemic has been particularly trying for the hospitality industry, and that Berkeley has a new hotel on Center Street that is expected to accommodate some of the potential increase in demand for hotel rooms. None of the reports on the city web site predict much improvement in the short term. The fate of the H's Lordships building is a case in point. City staff have been searching for new tenants for that building without any new revenue generated. The building needs at least \$5 million in repairs, which would mean that little or no revenue would be generated if it is leased. The fact that Berkeley has over 350 restaurants, most in neighborhoods with local clients, makes the competitive environment for that building difficult.

The economic consultants for the city, Keyser Marston, analyzed the potential market over the next twenty years. Their report estimates \$723,000 in lease for a 200-room hotel and \$207,000 from food service (3 concepts) for a total of \$930 million. Reconfiguration of the marina for larger slips could add another \$123,000. But when you subtract the revenue from existing leases from the boat launch and marine repair facility and the dry boat storage, you only net about \$700,000. Some of the background documents, including the staff report to the Council's March 20, 2023, work session have lower estimates, with food revenues only \$96,000 and a smaller hotel of 160 rooms generating only \$546,000 in lease revenue. It is essential to have reliable estimates, as well as time frames for when new development might be absorbed.

WHAT NOW?

For the immediate future, the city doesn't have much choice, it will need to absorb the losses of the structural deficit. Berkeley has borrowed money from the Department of Boating and Waterways for replacement of docks and must keep a certain coverage of those loans. It is both impossible, and unwise, to abruptly abandon the marina. Slip rentals account for 64% of the income at the marina—it seems that boat owners have been subsidizing recreational programs for Berkeley's youth for decades. New revenue, even with the most aggressive and lucky development, won't generate new revenue for years, and won't generate enough to begin to pay the bills. Since marina plans since at least 1986 have designated most of the marina as open space, it will require an election to permit new development under the 1986 citizen initiative, Measure L.

Step one should be preparation of an asset management program for the marina. Currently the marina budget adopted by the Council provides little detail about the different cost and revenue centers at the marina, or the disposition of the transitory overnight tax generated by the Doubletree, which generates over \$4.5 million in a good year. Maintaining that revenue stream, and the jobs of businesses and public employees at the marina requires an economic approach that maintains the viability of a hotel that generates about 2/3 of the marina leases—and lets the city put it in the general fund.

Since an election will be required in any event, a comprehensive plan with clear choices should be developed and laid before the voters. The options seem to be:

- Increase the parks tax and devote that increase to the marina parks. A 10% increase would generate about \$1.5 million, the rough cost of maintaining the marina parks.
- Transfer the cost of recreational programs to the general fund, which is the practice in all the other recreational programs in the city.
- Develop a funding measure for repair of the marina infrastructure. Give the public an honest assessment of the costs, and give them a choice of funding measures with, and without, new commercial development.

In the long term, maintaining Berkeley marina as a recreational asset will require approval, and funding, from Berkeley voters. Give them choices and complete information.

Miller, Roger

From: Susan Schwartz <susanschwa1236@gmail.com>
Sent: Friday, May 05, 2023 12:50 PM
To: BMASP; Ferris, Scott; Miller, Roger; Endress, Alexandra
Cc: City Clerk; All Council; Manager, C

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

1236 Oxford St.
Berkeley, CA 94709
May 4, 2023

Berkeley Parks, Recreation, and Waterfront Commission; Scott Ferris, Roger Miller, Alexandra Endress,
bmasp@cityofberkeley.info
Cc: City council, city manager, city clerk

Re: Berkeley Waterfront Specific Plan, comments following Design Guidelines webinars May 1 and 3

Thank you for the May 1 and 3 webinars on design guidelines for the draft Berkeley Waterfront Specific Plan. Our family has used many Marina area facilities over close to 40 years, and I have volunteered in the Marina area for more than 20 years. I attended both webinars. **I am writing because (a) the relevant documents became available only just before the meetings; thoughtful reflection takes more time and (b) no recording or notes other than staff synthesis exist. See more on this below.**

1. **The plan offers some promising ways to increase income while broadening and refreshing ways to enjoy the Marina area. I am especially enthusiastic about the proposed “events plaza,”** which could welcome the small-scale, creative, community-initiated activities that have long been the soul of the area. This would be further enlivened by the excitement of seeing board and kite sailors launching there. Pop-up art shows? Drumming? Small performances? This could generate revenue from a spot, perhaps adjacent, where people could warm up and get out of rain inexpensively. **The city may need to clarify whether the prohibition on commercial uses here bans these kinds of fun.**
2. **This plan would be stronger and more reassuring if it added a few phrases recognizing qualifications and limitations,** particularly where non-commercial and community uses are involved. (The “parking” goals do this, maybe too generously, with “Accommodate the parking needs of all visitors at the Waterfront, **while also integrating targeted site improvements to address parking needs associated with specific user groups.**”)
 - a. “Reinforce a continuous shared-used trail around entire perimeter of the Berkeley Waterfront” is conceptually attractive. But this is impossible at some places, such as the Berkeley Yacht Club. Trails might veer to protect environmentally sensitive areas, such as established waterbird nesting or resting spots, if these exist.

More important, goals or guidelines should explicitly recognize needs for caution and slow speeds for safety, e.g. where boats will be carried or hauled across the trail (South Basin, boat yard) or children and families will cross to and from the beach (Shorebird Park). Bicyclists, scooters, etc., will have protected rapid access to the waterfront along University, according to your draft documents and presentations; this should be shown in the plan. Once there, they don’t need speed.

- b. **“Fences at the edge of development are not allowed, except where they are associated with storage” would rule out Adventure Playground** -- one of the aspects of community-developed and creative activity that make the Marina area interesting, unique, and an opportunity for youngsters to create on their own.
3. At the May 3 webinar, Parks Director Ferris was clear that there was no prospect that the Marina area would attain fiscal self-sufficiency, and would need continued infusion of city funding. **Will the goal of the final plan be updated to reflect this reality?** Director Ferris also said that there was no need to talk about multiple hotels, as we were discussing only one additional hotel. A phrase about this was added to the draft documents for the webinars. (It did not appear in City Council presentations.) Small-group leaders, however, said that Berkeley would welcome more hotels if someone would build them. **Having dodged public discussion of multiple hotels, will the plan continue to say that the goal is several?**
4. The most recent (in person) meeting of the Parks, Recreation, and Waterfront Commission showed how thoughtful, stimulating, and respectful Berkeley public meetings can be. Unfortunately, **the City of Berkeley, and by inclusion the Parks, Recreation, and Waterfront Department, continue to make thoughtful public comment difficult and ineffectual in several ways:**
 - a. Drafts were available only shortly before or after the May 1 and 3 webinars. **Few people can make thoughtful or creative comments about something they are seeing for the first time.** This encourages preconceived, shallow, often negative or suspicious responses and discourages fresh thinking. **The city needs a policy of providing all documents at least a few days in advance of meetings where comment is possible.**
 - b. For the May 1 webinar, both (redundant) links did not supply the needed passcode. You had to figure out that you needed to click “Event details.”
 - c. This was not corrected for the May 3 webinar,. You could sign on with no passcode until very close to 6:30 PM. Then you again needed to figure out how to find the hidden passcode.
 - d. All reference to the May 3 webinar was removed from the Waterfront Specific Plan website Thursday, and still is not there Friday. **It is impossible to find the draft document if you want to think and reflect more, or if you want to find out what was proposed and comment in writing.**
 - e. There continue to be no records and no notes except what the staff chooses to reflect. **Little Albany records meetings and puts the recordings on line. Why can’t Berkeley?**
 - f. Small-group breakout rooms can be useful, but they prevent hearing or building on others’ ideas, and they leave all reports to staff, who cannot escape bias. At the extremely brief summary on May 3, I heard several creative ideas, but there is no way to know who made the suggestion, build on the idea, etc.
 - g. There is no assurance that comments will be included in the packets or distributed to commissioners in time for relevant discussions. Other commission secretaries have sat on letters sent well before meetings . **Little Albany promises to distribute communications up to at least close of business before evening meetings. This may be too much, but Berkeley can do better.**

Thank you for considering these points.

Susan Schwartz
1236 Oxford St.

Miller, Roger

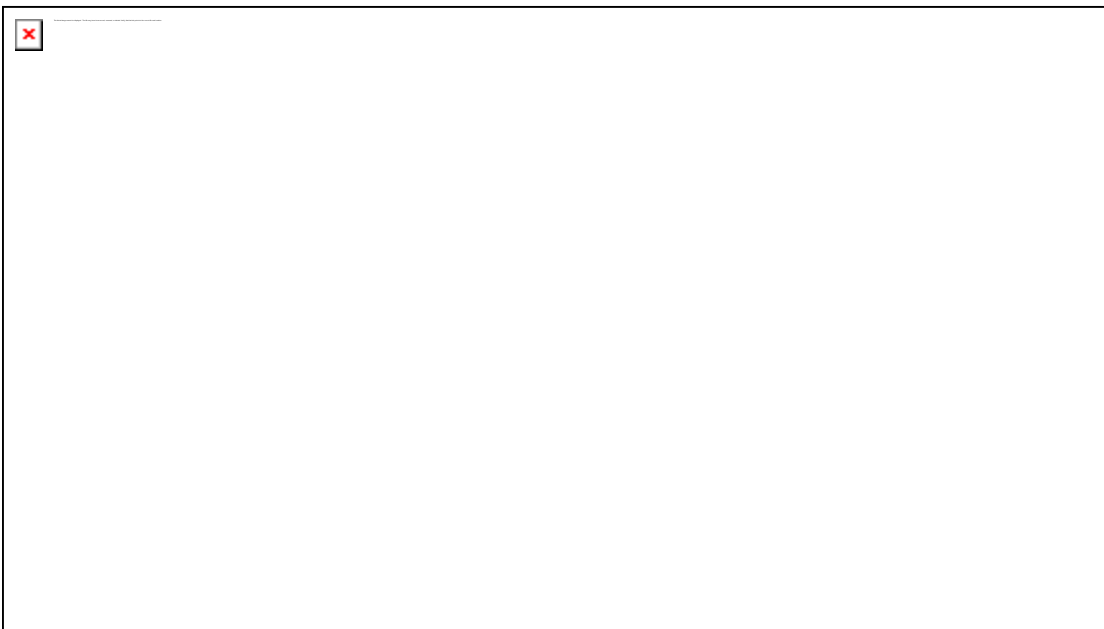
From: Susan Schwartz <susanschwa1236@gmail.com>
Sent: Monday, May 1, 2023 10:24 PM
To: Claudia Kawczynska
Cc: Ferris, Scott; Miller, Roger
Subject: Re: Your web site really does require a passcode, not given

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please consider this a communication to the Parks Commission and make sure it is included in the next packet.

Regarding the Monday, May 1, webinar on the Waterfront Specific Plan, see the print screens below, regarding the difficulty of getting access to the Monday, May 1 webinar. **Please get the web sites fixed before Wednesday's meeting.**

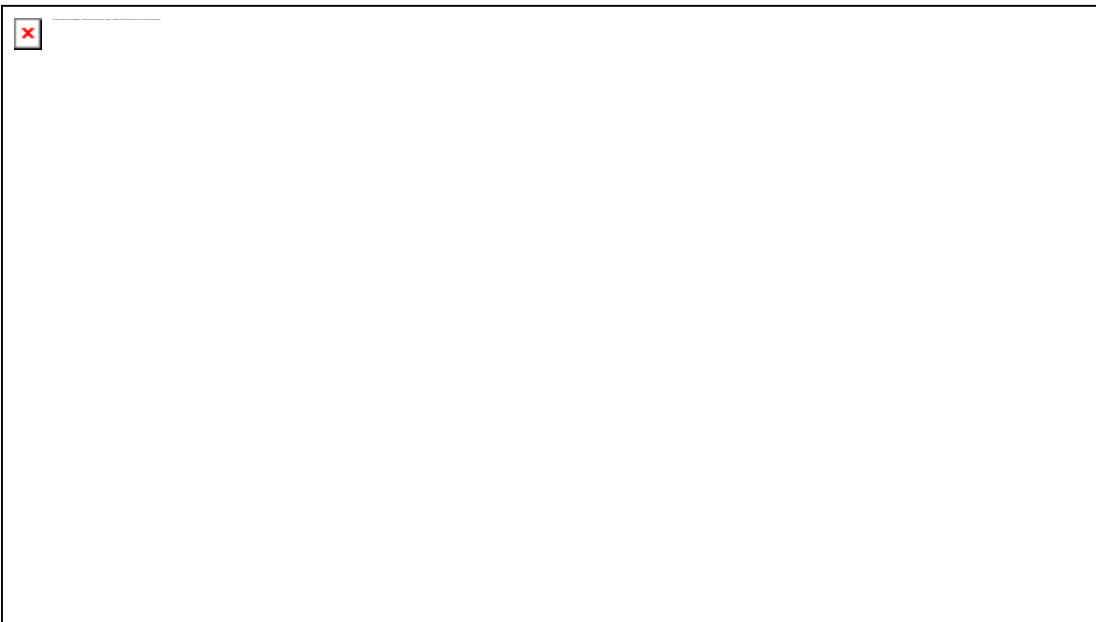
1. If you go to the Waterfront Specific Plan web page, <https://berkeleyca.gov/your-government/our-work/capital-projects/waterfront-specific-plan> there are two (redundant) links to the Monday webinar.



2. If you click on either of the redundant links for Webinar #1, you get the screen below. Note it says "zoom link," and there has been no passcode or reference to a passcode.



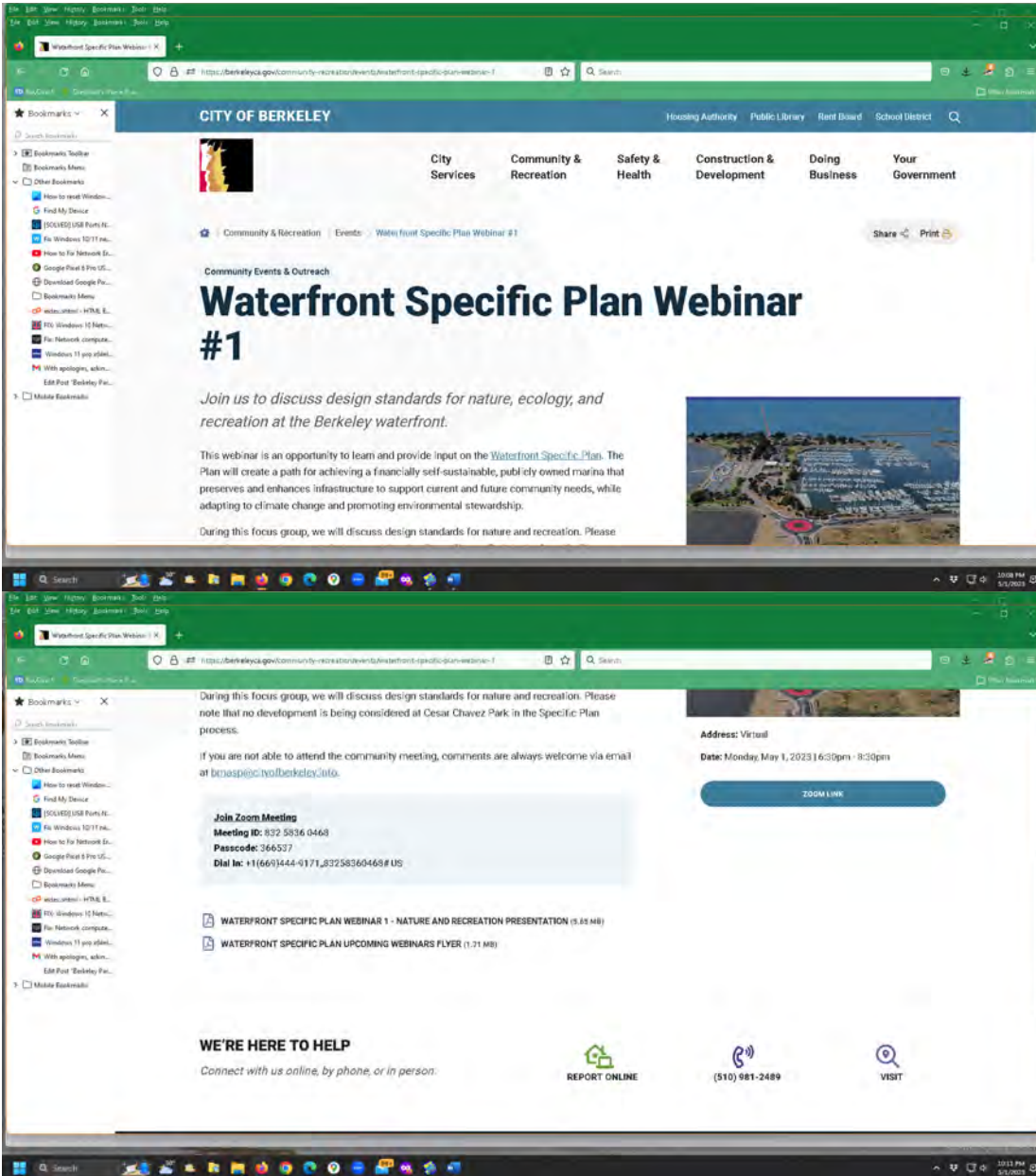
3. If you click on "zoom link" in the screen above, you get the screen below, asking for a passcode which you do not have.



4. To get the passcode, you have to click on "Event Details," from the second screen above. This took you to the Berkeley Parks web

site, <https://berkeleyca.gov/community-recreation/events/waterfront-specific-plan-webinar-1>

As the two two print screens below show, you had to scroll down to find the passcode. There was no clue, when you opened the link, or from anything else, that it would be more than background information -- what you would expect from something called "event details."



If anyone has any evidence that the above is incorrect, please send it to me.

Please be more careful about claims that the passcode was "in several places."

Please correct all your websites and make instructions clear before Wednesday's webinar.

Please be more careful about these kinds of details in future.

Susan Schwartz (as an individual)

On Mon, May 1, 2023 at 9:29 PM Claudia Kawczynska <claudia94710@gmail.com> wrote:

It was there, on the page that had the zoom link too, but once you went to the zoom link you had to go back to the other page to get the pass code. Not sure why they used a passcode though. I know that Terry Taplin had these meetings in his newsletter, and I believe did not give the

If you are not able to attend the community meeting, comments are always welcome via email at bmasp@cityofberkeley.info.

Join Zoom Meeting
Meeting ID: 832 5836 0468
Passcode: 366537
Dial In: +1(669)444-9171,,83258360468# US

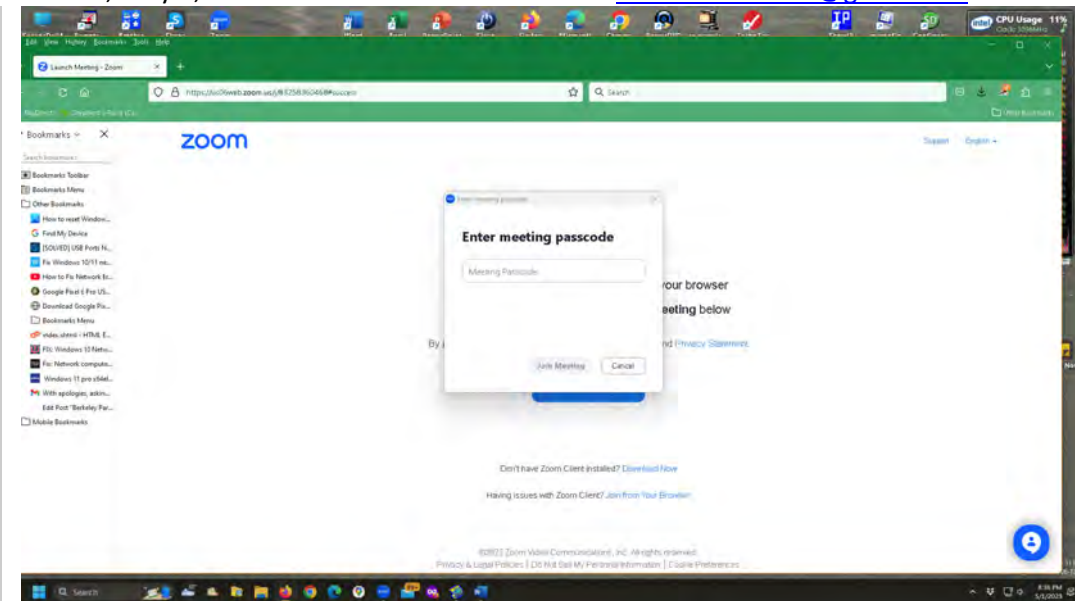
passcode.

Claudia

Claudia Kawczynska

2810 8th St. | Berkeley, CA 94710 | 510.821.0044

On Mon, May 1, 2023 at 8:44 PM Susan Schwartz <susanschwa1236@gmail.com> wrote:



This is a print screen from two of the links to tonight's meeting, from the Waterfront Specific Plan web site. There were the two on the

Waterfront Specific Plan web site. But it was not on the one for the Waterfront Specific Plan. Unfortunately, since I wrote our e-news earlier, I didn't have your link, which also doesn't appear anywhere else unless you have the email.

Susan Schwartz

It may have been on this site: <https://berkeleyca.gov/community-recreation/events/waterfront-specific-plan-webinar-1>

So maybe it was somewhere,

Miller, Roger

From: Susan Schwartz <susanschwa1236@gmail.com>
Sent: Monday, May 1, 2023 11:15 PM
To: BMASP; Miller, Roger
Subject: Comments on Mon., May 1, webinar on Marina Specific Plan

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Since there is no recording and no chat, and we are dependent on staff's summary of what was said at Monday's webinar on the Marina Specific Plan, I am summarizing my comments on the first two questions, re nature and recreation, and sending them to the Parks, Recreation, and Waterfront Commission, for inclusion in the packet.

I am writing as an individual with 25 years of hands-on volunteer work at the waterfront and elsewhere. I also am a longtime resident whose family has enjoyed many aspects of the marina area: sailing, dragonboating, Adventure Playground, birdwatching, restaurants, and more.

Zoom or my computer failed and I was unable to re-connect, so I was unable to comment on some aspects.

Here are some specifics I think should be considered in the Marina Specific Plan:

1. Shoreline reinforcement:

a. I strongly recommend trying coir reinforcement soon on the south shoreline south of University Avenue (south of the planned BMX park). This is cheap; I believe Friends of Five Creeks would do it or maybe get a small grant. If it fails, you'll know without a lot of investment.

b. Seat walls are great, and the reinforcement they provide could be helpful where erosion is a problem. However, at the intersection and Virginia Extension and Marina Blvd., there is no erosion, just routine flooding when tides are high, as documented by years of King Tides

photos. Seat walls will not change this. I believe this also is true at the hotel, but do not know.

c. Reef balls would be a hazard offshore at the Shorebird beach, which is increasingly used for swimming as the Bay warms, and where kayakers and wind boards of various kinds routinely pull in, sometimes due to emergencies.

2. Recreation:

a. Emphasize the value of nonprofits and community groups that build social capital. Clarify that Adventure Playground will be maintained. that nature education for kids and low-cost day camps will continue to be goals. Invite community members to devise ways to "activate" the berms that protect Shorebird Park from wind.

b. The desire to minimize parking, or use it for commercial or ferry purposes, must be tempered by the needs of those who will continue to use vehicles: Large families or groups having picnics, anyone bringing a boat or board, anyone with limited mobility, probably most fishers.

c. The concept of an all-users trail around the waterfront periphery is appealing, but fast-moving bicycles become a hazard in the South Sailing Basin area, where people cross the trail with boats and boards, and at Shorebird Park, where children and families are apt to cross without looking. Speed has to be severely curbed in these areas.

3. Landscaping, nature, biodiversity: The wording and policies in this plan sound fine but are unrealistic in view of Berkeley Parks' available maintenance staff and past experience. (This is based on 25 years of experience in such efforts.) Most attempts at so-called "restoration" in urban areas fail, or end up with much less than what was hoped. The kinds of landscaping shown in renderings and described in policies require more intensive gardening than the city could offer or that volunteers could supply long term. They also tend to be incompatible with heavy park use. The city has a long record of destroying or failing to

maintain native plantings and habitat -- not through ill will, but because of changing needs, various emergencies such as fire hazard or perceived safety, or lack of staff or staff training. Do not believe the promises of consultants who take no long-term responsibility. Seek community buy-in on maintenance but remember that volunteer commitments are rarely lasting.

Thank you for your attention to these points.

Susan Schwartz

Citizens for East Shore Parks



PO Box 6087, Albany, CA 94706 | Office: 1604 Solano Avenue, Albany, CA 94707
Office: 510.524.5000 | www.eastshorepark.org | cespmanager@eastshorepark.org

April 26, 2023

To: Mayor Jesse Arreguin and Council Members Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson and Humbert
City Manager, Dee Williams-Ridley
Scott Ferris, Waterfront, Parks and Recreation Department
City Clerk Mark Numainville

From: Citizens for East Shore Parks
Shirley Dean, President; Robert Cheasty, Executive Director

Re: **Citizens for East Shore Parks (CESP) concerns re Waterfront Specific Plan**

CESP has long been involved in the planning of the waterfront in Berkeley and in protecting both the essential natural habitat for birds and aquatic species, plus protecting recreational access for people. A large part of what has worked over the years has been the commitment to an open and inclusive process that involves the community in planning for waterfront uses, including all aspects of what that involves. Today, CESP has some concerns about how the city of Berkeley is proceeding with its discussions for the waterfront. We list a number of them below and we thank you for your time and consideration in looking them over.

- The consultants by-passed the Waterfront, Parks and Recreation Commission (WPRC) which is tasked by the City to advise the Council on matters relative to the waterfront and parks, and went directly to the City Council on March 20, 2023 to present their conceptual plan. That direct approach leaves out an important opportunity for the public to comment on the consultants' plan at this stage and for the Council to hear those comments. When the plan was presented to the Council there were only 13 speakers, a stunningly low number considering the size and importance of this project. No one really knew about this meeting so moving forward needs to be slowed down a bit for the public to catch up and comment. See the following points.

CESP Board of Directors: Shirley Dean (President), Norman La Force (Vice President), Marge Atkinson (Recording Secretary), Alan Carlton (Treasurer), Teddi Baggins, Ellen Barth, Helen Burke, Brennan Cox, Kelly Hammargren, Doris Sloan, Pam Stello, Tony Sustak, Sally Tobin

CESP Staff: Robert Cheasty (Executive Director), Roberta Wyn (Manager)

Emeritus: Dwight Steele (Emeritus Co-Chair, 1914-2002), Sylvia McLaughlin (Emeritus Co-Chair, 1916-2016)

- According to the current schedule, the WPRC will have no role at this time as there isn't enough time for them to meet and comment since there are 2 public engagement meetings scheduled for Monday, May 1, and Wednesday, May 3, on the "design concept." That and the Council's feedback on March 20th seems to signify the acceptance of a plan before the public, including the WPRC, has had sufficient opportunity to comment on the details, including both park concepts and fiscal realities.
- The consultants divided their plan into 3 areas: 1). The Inner Marina area – boat slips and the Doubletree Hotel and other buildings; 2). a northern section - the Yacht Club; and 3) a southern section - Hs Lordships and 2 city parks, Horseshoe and Shorebird. The Bay Conservation and Development Commission (BCDC) has some authority over some of this area which means that changes to uses would require an amendment to the Bay Plan. There should be a map that clearly indicates the boundaries of all the waterfront areas: McLaughlin Eastshore State Park, City land and Horseshoe, Shorebird and Cesar Chavez Parks, as well as the BCDC area, along with a clear understanding of what the authority means in terms of any change to uses.
- For over 40 years the City has siphoned off money from the Berkeley waterfront uses to plug gaps in the City's General Fund budget. It is then concluded that the waterfront uses are not self-sustaining, thus requiring more and more commercial development. This is a recurring fact of fiscal reality, e.g. the transient occupancy tax from the Doubletree Hotel was allocated to the City's General Fund instead of the Marina fund; and the City requires that the waterfront must pay the City for services such as law enforcement and clean-up. Originally it was shown that waterfront revenues could cover waterfront expenses if the City did not siphon off funds into the City's General Fund. What is needed is a financial analysis regarding use of waterfront funds.
- There seems to have been no discussion regarding an alternative of following the example of the 2003 Master Plan – no development except replacement and how a fiscal plan could be implemented around that concept. This would require an emphasis on park aspects of the waterfront plan and how that would be the priority, rather than new development.
- It was said that there would be no development in Cesar Chavez Park. However, during the discussion with Council Members, the matter of "special events" kept being hinted at leading to the question of whether such events, such as a large concert held without a building would be considered for this park. CESP has joined with many others who believe that Cesar Chavez Park should become a part

of McLaughlin Eastshore State Park and that should be the path forward for planning for Cesar Chavez Park.


- Not in the consultant presentation, nor discussed on March 20, is the concern that drones might be considered for use possibly in Cesar Chavez Park as well as in other parts of the waterfront. Drones should be prohibited throughout the waterfront, but it needs to be determined how and when such a subject, or other similar activities would be introduced into the planning process.
- During the March 20th meeting there was a great deal of discussion about parking – for both the existing and the new and proposed buildings, for people just wanting to enjoy the waterfront, and for those with boats anchored in the Marina. Current parking capacity has clearly been reached. The Council indicated a desire to charge for parking – hourly or all day - but did not discuss specific locations. They want the parking charge to be money making, and also seemed to be saying that they want to use the fee to discourage the use of cars, promoting instead pedestrian and bike use. There was no discussion about how parking charges would impact access to the waterfront for people of all ages and income groups.
- It was indicated that there might be a Marine Center constructed in the southern section. The Center would house groups like Cal Sailing, but it would be expanded to have a place where people could rent a boat or other equipment. Paddle boats available to the public were mentioned as a use possibly along a beach or launch area in the South Cove area. Our concern is this location, or possibly in the North Cove area as well, where such activity would be damaging to existing waterfowl. Both the North and South Basin Coves have existing protected periods for waterfowl. This should be acknowledged early in the planning process. A map that was included in the written material provided to the Council on March 20 is attached.
- Regarding the applicability of the 1986 Measure L initiative to the waterfront, that measure requires a vote of the people when park or open space is used for some other purpose in Berkeley, including the waterfront. That should be included in any planning for the Berkeley Waterfront.

Again, CESP wishes to thank you for your consideration of our present concerns. We look forward to participation in a successful waterfront planning project that will provide a sustainable and magnificent “front door” to the city of Berkeley – “front door” being the original terminology applied to the Waterfront when it was first proposed as a park in the 1950s.

Sincerely,



Shirley Dean, CESP Board President



Robert Cheasty, CESP Executive Director

CITY

Kayaker caught a Skates on the Bay sewage leak into bay waters

A leaky pipe, first noticed by an alert paddler, was plugged on April 13. It's not clear how long raw sewage had been flowing into the bay.

By Kate Darby Rauch
May 03, 2023, 11:39 a.m.



Skates on the Bay during a Jan. 5 atmospheric river storm. A kayaker spotted raw sewage leaking from under the seafood restaurant late last month, the restaurant closed early and called a plumber. Credit: Kelly Sullivan
Parks, Recreation and Waterfront Commission

A kayaker paddling along the Berkeley Marina noticed something concerning recently, and rather gross. Raw sewage appeared to be dripping into the San Francisco Bay from under Skates on the Bay restaurant.

The kayaker reported the sighting on the **pollution hotline of San Francisco Baykeeper**, an environmental nonprofit, which passed the information to the city of Berkeley.

RELATED



Winter storms test East Bay's progress in stopping sewage from entering the bay

In response to a lawsuit, Berkeley, Oakland, EBMUD and others agreed to rehab wastewater systems so less sewage lands in the bay. Tested by heavy rains and pipe-clogging pandemic wipes, leaks continue but work is on track.

cleared to reopen.”

Chakko added: “As a side note, the plumber surveyed the rest of the underside of the restaurant to see whether there were any other issues with the sewer lines in preparation for a proposed major remodel.”

Berkeleyside reached out to Skates' corporate owners, Landry's, and hasn't yet heard back. A supervisory employee at Skates, who said he couldn't be quoted by name, said the restaurant had no idea the sewage pipe was broken until being contacted by the city, and that the fix happened right away.

Nicole Sasaki, an attorney with Baykeeper, said the organization's hotline, accessed by email or phone, worked just how it's meant to.

“Skates on the Bay quickly fixed its faulty sewer line, so raw sewage from the restaurant is no longer discharging directly into the Bay,” she said.

In working order, the sewage pipe under the restaurant directs flows to the city's sewage system, which then connects to East Bay Municipal Water District's (EBMUD) large “interceptor” pipes, and on to the treatment plant near the Oakland terminal of the Bay Bridge.

The city confirmed the leak as raw sewage on April 13, and by the end of the day the restaurant, which sits on pillars in the bay, and is known for panoramic views, had the problem fixed, said Matthai Chakko, the city's spokesperson.

It's not clear how long the pipe was leaking.

“City's Environmental Health staff was able to confirm a slow, steady flow at/around 2 pm on Thursday, 4/13/23,” Chakko said. The restaurant closed early, and called a plumber, he said.

A cap at the end of a pipe had fallen off.

“The flow was completely stopped by 9 pm, and the plumber returned the following morning to access the plumbing at low tide and complete the repair by boat,” Chakko said. “The missing end cap was replaced with a new cap, and the restaurant was

Chakko said he believes sewage leaks into bay waters from the city's few businesses located in or on the shoreline are rare. Eileen White, executive officer of the San Francisco Bay Regional Water Quality Control Board, which regulates state and federal water pollution laws, echoed this for the Bay Area.

"I don't think it's common for businesses on the Bay to have sewage problems, but all SSOs [sanitary system overflows] that enter storm drains go to the Bay [through gutters, streets, and soils]. SSOs are quite common, and we're taking actions to reduce them."

Berkeley reported the leak to the regional water board, an optional step. The incident was handled as it should be, White said, from a leak report to the city to an inspection to a fix. "That's the way it's supposed to work," she said.

White said the impact from the Skates' leak should be minimal.

"Because the volume from the leakage is such a small percentage of the volume of the Bay and there is great mixing in the Bay, we do not anticipate that there were any impacts," she said. "The Bay recovers rapidly due to rapid mixing due to winds and tides."

It's impossible to know the condition of sewage infrastructure on private property, because, with a few exceptions, inspection is voluntary. Property owners can have old leaking sewage pipes, called private sewage laterals, from their building to the municipal system, usually under streets, without being aware.

The main exception is a requirement for private sewage laterals to be inspected and repaired if needed before the sale of a property. This requirement, effective in 2011, applies to municipalities served by EBMUD's wastewater system, including Berkeley.

Another exception is the city of Richmond, which requires private property sewage line inspections. Sasaki, of Baykeeper, thinks the Richmond approach should be the norm.

"Cities should require businesses and homeowners to determine whether the sewer pipes on their properties are working correctly—which the City of Richmond is already doing—and likewise find ways to provide incentives for folks to do the right thing," Sasaki said.

"Without this requirement, there is no way to tell how many more businesses and homes are also unknowingly polluting our environment."





8 comments

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High-speed ferries, recreational boats are big noise polluters in SF Bay

By Strategic Marketing and Communications (mailto:pubcom@sfsu.edu)

Monday, May 24, 2021



A San Francisco Bay ferry. Photo Credit: Jack Snell / Flickr
(<https://www.flickr.com/photos/jacksnell707/12365065805/>) (CC BY-ND 2.0
(<https://creativecommons.org/licenses/by-nd/2.0/>))

EOS Center study has implications for marine mammal safety

In a recent study, researchers found that recreational boats and high-speed ferries contribute significant underwater noise in San Francisco Bay, a highly urbanized coastline that is increasingly becoming a stop along the migratory routes of gray and humpback whales and is home to bottlenose dolphins and harbor porpoises.

“This is really cutting-edge research, and we’re very proud to have done it first here in the Bay,” said San Francisco State University Professor of Geography & Environment Ellen Hines, a study co-author, adding that the tracking technology has garnered interest from international researchers. “This has so many applications and is something that can be done remotely, easily and sustainably.”

The study is the first of its kind to use radar to track boats not broadcasting information through the Automatic Identification System (AIS), a navigation safety system required onboard large commercial ships. The findings add to the growing evidence that smaller vessels, which are not required to broadcast data through the AIS, contribute significant underwater noise along urban coastlines.

The  A radar array with solar panels on the edge of a body of water
The ProtectedSeas M2. Credit: ProtectedSeas

research
team was
Parks, Recreation, and
Waterfront Commission

Wednesday, May 10, 2021

Regular Meeting

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University

Communications

Email:pubcom@sfsu.edu

(mailto:pubcom@sfsu.edu)

Phone: (415)

338-1665

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led by alumna Samantha Cope, now a researcher at the California-based Anthropocene Institute. Using the ProtectedSeas Marine Monitor (M2), an autonomous vessel-tracking system and high-definition camera, the team tracked all types of vessel for 11 days in a region of San Francisco Bay that is host to traffic from high-speed ferries as well as recreational and commercial boats. The findings were recently published in the Journal of the Acoustical Society of America (<https://asa.scitation.org/doi/10.1121/10.0003963>).

At the time of the study, Cope was a master's student in Hines' lab at the San Francisco State Estuary & Ocean Science (EOS) Center. In collaboration with SF State Professor Emeritus Roger Bland, the team combined hydrophone measurements of underwater sound from the EOS Center research pier with data from the M2 to trace the noise produced by individual vessels.

"With the recent influx of gray and humpback whales coming into the Bay to feed within the last five years and more frequent carcasses that have washed ashore, it's important that we quantify the threats to these marine mammals," said Cope. "This is one of only a few studies to quantify vessel noise within the Bay."

Boat noise pollution can affect these animals' abilities to find food and mates and to navigate their underwater environment, putting them at an increased risk for collisions with vessels.

While larger vessels tended to produce the loudest noise, the researchers found that the biggest noise polluters by area were high-speed ferries, which made up 80% of the vessels observed in the study and covered 17 times more area than large commercial ships. Ferries, which make frequent trips across the Bay every day, are tracked by AIS but are also unique to San Francisco Bay and are an important part of the suite of threats to the marine mammals that come into the Bay.

According to Cope, the level of noise exposure due to recreational boats, which were primarily tracked by radar and not AIS, covered roughly twice as much area as exposure levels from large commercial ships.

"The M2 was a valuable tool for this type of analysis along an urban coastline where there are large amounts of recreational, non-AIS traffic," said Cope.

The researchers plan to continue their work in the region, including a collaboration with the Marine Mammal Center tracking vessel traffic near the Golden Gate Bridge, which will allow them to capture information about all of the boats entering and leaving the Bay.

This article was co-written with ProtectedSeas (<https://protectedseas.net/>).



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Miller, Roger

From: Hollander, Eleanor
Sent: Friday, May 05, 2023 1:25 PM
To: Hollander, Eleanor; Javandel, Farid; Crane, Fatema; Miller, Roger; Lovvorn, Jennifer; Brozyna, Andrew; Mostowfi, Hamid
Cc: Kapfer, Elmar; Garland, Liam
Subject: Berkeley's Civic Center | Upcoming Briefing, 5/16/23 | Sub Committee of your Commission

Internal

RE: Berkeley's Civic Center | Upcoming Briefing, 5/16/23 | Sub Committee of your Commission

Greetings to the Secretaries of Berkeley's Landmarks, Parks, Recreation and Waterfront, Civic Arts, Transportation, Disability, and Public Works Commissions!

I hope this finds you all well. Recall, that was back in 2020, your commission participated in developing the now adopted vision for Berkeley's Civic Center. To further this [vision](#), we have continued to use a "super sub-committee commissions" structure to meet throughout the project to offer feedback and develop the preferred design concept for Civic Center. This is the final briefing for this project phase, the first was held in September of 2022, the second in February 2023, and a robust work session regarding the draft design concept was held at city council on March 21, 2023.

Please encourage your commissioners to attend the upcoming in person briefing meeting on 5/16 where we'll discuss the design concept for Civic Center Park, the Veterans Memorial Building and the Maudelle Shirek Building ("Old City Hall") and provide an overview briefing of the final report that is headed to council in June 2023. Agenda is attached and is available in hard copy on the 5th floor of 2180 Milvia, and will be posted outside the meeting location shortly.

Tuesday, May 16th | 10 AM- 11AM | Civic Center Conceptual Design Report Briefing

Cypress Conference Room, 1st floor, 2180 Milvia St, Berkeley CA 94704

If your commissioners or members of the public have questions and/or [would like to be added to the project mailing list](#), reach out to the project managers: EHollander@cityofberkeley.info, (510) 981-7536 and [Elmar Kapfer](#). Project information can be found on the city's website here: <https://berkeleyca.gov/your-government/our-work/capital-projects/civic-center-vision-plan-project> or email civiccenter@cityofberkeley.info.

Thanks!



Friends of Five Creeks

*Volunteers preserving and restoring watersheds of
North Berkeley, Albany, Kensington, south El Cerrito and Richmond since 1996
1236 Oxford St., Berkeley, CA 94709
510 848 9358 f5creeks@gmail.com www.fivecreeks.org*

May 8, 2023

Berkeley Parks, Recreation, and Waterfront Commission; Parks Director Scott Ferris; Deputy Director Roger Miller; Waterfront Manager Alexandra Endress
Cc: Berkeley City Council, City Manager, City Clerk, Environment and Climate Commission
By email, including to commission secretaries for distribution at first opportunity,

Re: Draft Berkeley Waterfront Specific Plan, comments following webinars May 1 and 3

Council Members, Commissioners, City Manager, Director Ferris, and staff:

Thank you for the opportunity to comment on Berkeley's proposed Berkeley Waterfront Specific Plan following the Parks Department's May 1 and 3 webinars on design guidelines for the draft plan. Having worked as volunteers in the Marina for more than 20 years, Friends of Five Creeks wishes Berkeley the best results in improving recreation, finances, and nature, including resilience, for the area.

We believe that the plan needs stronger and more appropriate guidelines regarding climate change and sea-level rise. Otherwise, attempts to bring financial gains and new opportunities may instead saddle Berkeley with demands for costly protections that it may not be able to provide.

The Marina peninsula consists of unconsolidated fill jutting a third of a mile into San Francisco Bay. Threats from climate change include [sea-level rise](#), frequency and power of storms, [rising groundwater levels, salt intrusion and corrosion of infrastructure](#), and dissemination of toxics. **[No state, regional, or local agency claims that its permit authority protects against these threats.](#)**

- As a simple example, the Bay Conservation and Development Commission's (BCDC) authority extends only 100 feet inland. As the draft plan shows, proposed developments lie almost entirely inland from this narrow band. No one except Berkeley claims permit authority for inland areas.
- The most recent studies by the San Francisco Estuary Institute, NOAA, and others point out that the most serious near-term challenges resulting from climate change in the flatlands from Oakland to Richmond are likely to be rising groundwater and salt intrusion.
- Governor Newsom and state agencies have repeatedly stated that local governments must bear most of the burden of adaptation.
- BCDC, the Association of Bay Area Governments, Metropolitan Transportation Commission, and San Francisco Estuary Institute are urging adjacent local governments facing similar problems to [group themselves into Operational Landscape Units to plan for these challenges.](#)

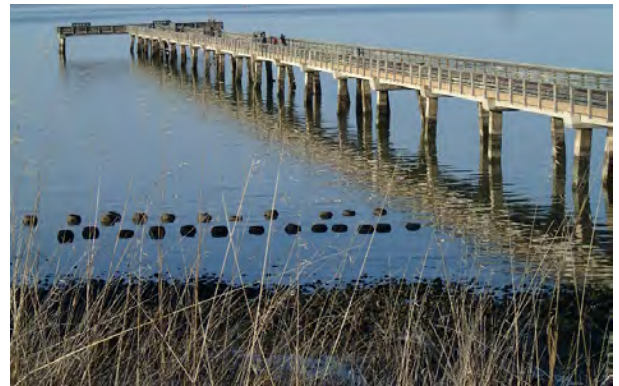
Thus, we believe that Berkeley's draft plan needs wording stronger than the following design guideline: "Sea Level Rise: All proposed re-development projects for recreational or commercial opportunities will comply with state Sea Level permitting guidelines." ([Waterfront Specific Plan May 3 2023 Commercial Redevelopment & Parking](#) Community Workshop, p. 36,) **The plan's guidelines should require at least the following:**

- Developments must be planned to incur no net public expense over their lifetimes, using best available projections from NOAA, BCDC, SFEI, USGS, and other respected authorities.
- All environmental documentation should consider retreat as an alternative.

Friends of Five Creeks also believes that a draft plan should have goals broader and stronger the following: “Stabilize shorelines vulnerable to future sea-level rise, as identified using the 2100 sea level/extreme tide scenario” (p. 22, Waterfront Specific Plan May 1 2023 Nature & Recreation Community Workshop). Sea-level rise may affect areas not identified in the scenario, as projections recognize both a broad range and significant uncertainties, and are frequently revised. [Harm also may come from flooding, groundwater, or salt intrusion even if shorelines are stable.](#)

The draft plan presented at the May 1 workshop cites three “areas of opportunity” for shoreline stabilization. These proposals need improvement.

- On the south shoreline near University Avenue, coir rolls seem worth trying as a way of lessening erosion due to waves.
- On the north shore near the intersection of Marina Boulevard and Virginia Extension, however, shoreline “stabilization” with a sea wall will not prevent flooding. Erosion is not a problem here. Rather, high tides or storm waves for a decade have regularly flooded the bicycle/pedestrian trail and much of Virginia Extension, as can be seen in the 2022 King Tide photo at right. A sea wall would not lessen this flooding or protect the vehicles and road. The same may be true of the flood-prone area at the Doubletree Hotel.
- The suggestion for the Shorebird Park beach is stabilization using reef balls. These irregular lumps of concrete, dotted with hollows, provide habitat for marine plants and animals and lessen the power of waves. The photo right shows them at Pt. Pinole at low tide. These would be a hazard at Shorebird Park beach, which is regularly used to launch and haul out kayaks and boards, including for training and in emergencies. Swimming at Shorebird Beach also is increasingly popular as the Bay warms. Reef balls would shut off both activities.



Thank you for your attention to these points. We would be glad to work with others on better wording.

Sincerely,

Susan Schwartz, President, Friends of Five Creeks

Friends of Five Creeks is a partner project of 501(c)3 Berkeley Partners for Parks