

## Agenda Item 9. DBW Loan for D&E Dock Project

To: Parks, Recreation and Waterfront Commission  
From: PRW Staff  
Re: Division of Boating and Waterways \$5.5M Loan for Replacement of D & E Docks

The City has a long history (1964-\$1.8M, 1971-\$1.5M, 1985-\$2.0M, 2001-\$7.8M) of borrowing funding from the California State Division of Boating and Waterways (DBA) in order to build and renovate our Waterfront docks, parking lots, utilities, breakwaters, restrooms and complete dredging. Three of these four loans have been totally repaid by the Marina Fund, which has typically carried multiple loans at one-time. Currently, the Marina Fund is paying off the \$7.8M loan authorized in 2001 (but not completely spent until 2010) and is scheduled to be paid off in 2040.

The City applied for the latest \$5.5M DBW loan in 2019 to replace the D and E docks. This \$8.26M project is 90% designed and will be funded by the DBW loan (repaid by the MF), T1 (\$684k), the State Coastal Conservancy (SCC) grant (\$1.5M), and the Marina Fund (\$585K – portion from Double Tree Capital Contribution).

After a visit from DBW commissioners and staff in 2020, the \$5.5M loan was granted and executed by the City Council on March 9, 2021 (see attachment). This loan was issued with 4 requirements, 2 of them were economic ratios for operating income and expenses and debt service coverage ratio that needed to be met by the Marina Fund before construction loan funding was authorized. Staff believe that the 3<sup>rd</sup> condition, requiring a Council Resolution stating that the City would repay debt service from any legally available source would be sufficient to authorize construction funding.

In last 6 weeks DBW staff have raised concerns that the language in our resolution does not adequately protect them from default and that our loan was in danger of being terminated given that all of these original requirements were not met. DBW has recently had loan repayment issues with the cities of Stockton, Martinez and Petaluma and has become increasingly worried about their liability in their entire loan program. They have noted that City's Marina Fund has continued to deteriorate in the last 2 years, raising their concerns about the City's ability to pay debt service not just on the new loan, but on the existing loan from 2001. Together these two loans will result in an over \$800,000 annual payment.

In lieu, DBW has proposed 5 potential options, 4 of them will allow this loan to proceed. The options are below:

A. Formalize a City financial process whereby a subaccount within the Marina Fund is established solely for the purpose of repaying all outstanding DBW loans. This subaccount must be fully funded with \$2 million. Funding within the subaccount must only be used by the City for DBW loan repayments and the subaccount must be fully refreshed within 30 days of each loan payment. The subaccount must be fully funded each fiscal year before Marina Fund revenues are used for any other purpose. The subaccount shall remain fully funded until either this loan is fully repaid or until the City demonstrates to DBW for twelve (12) consecutive months that the Marina Fund has achieved the income/expense ratio and the

## Agenda Item 9. DBW Loan for D&E Dock Project

debt service coverage ratio that DBW normally requires. The City agrees to maintain these ratios in the Marina Fund for the life of the loan. In the event of default, the subaccount may be utilized by DBW for loan payments and to cure any deficiencies in maintenance or operation.

B. Formalize a City financial process whereby non-boating-related waterfront expenses will be paid from a specified source other than the Marina Fund, or establish an alternate revenue source (or sources) within the Marina Fund, not to include boating related revenues, to off-set all non-boating-related expenses. Loan funds would be made available after this process is implemented and once the City demonstrates to DBW for twelve (12) consecutive months that the Marina Fund has achieved the income/expense ratio and the debt service coverage ratio that DBW normally require. The City agrees to maintain these ratios in the Marina Fund for the life of the loan. Note: The Loan agreement will not be extended beyond the funding availability, which currently expires June 30, 2026. To meet this deadline, the conditions noted above must be met, and loan funding requested no later than February 1, 2026.

C. As a substitute for meeting the loan ratio conditions DBW normally requires, no later than March 31, 2024, the City shall establish an escrow account funded with \$2 million in City funds. The funds in this account shall be held in reserve to ensure payment of debt service on both the DBW loan currently in repayment and this new loan. The escrow account shall remain fully funded until either the loan is fully repaid or when the City demonstrates to DBW for twelve (12) consecutive months that the Marina Fund has achieved the income/expense ratio and the debt service coverage ratio that DBW normally requires. The City agrees to maintain these ratios in the Marina Fund for the life of the loan.

D. As a substitute for meeting the loan ratio conditions DBW normally requires, no later than March 31, 2024, the City shall obtain a surety bond naming DBW as its beneficiary. The City shall bear all expenses and other obligations associated with obtaining and maintaining the surety bond. The surety bond shall be in the amount of the outstanding principal and shall remain fully funded until either the loan is fully repaid or until the City demonstrates to DBW for twelve (12) consecutive months that the Marina Fund has achieved the income/expense ratio and the debt service coverage ratio that DBW normally requires. The City agrees to maintain these ratios in the Marina Fund for the life of the loan. (PRW staff note: This option is estimated to cost an additional \$250-\$375K)

E. Cancel existing loan due to the City's inability to meet previous conditions.

DBW staff are recommending that the loan be approved by using one of alternatives A-D. These options will go to their Commission on Friday, 6/23 for further advice and then DBW staff will make the final decision over the next few weeks. City Council will begin to give feedback on this issue tomorrow at the Budget and Finance Committee meeting. Ultimately, the full City Council will need to take-action to include the chosen option in an amendment to the March 2021 agreement. City staff is concerned that option E is still a possibility after several weeks of negotiation, given that many State Departments will be facing budget reductions.

RESOLUTION NO. 69,746-N.S.

LOAN AGREEMENT WITH CALIFORNIA DEPARTMENT OF BOATING & WATERWAYS FOR REPLACEMENT OF D & E DOCKS AT THE BERKELEY MARINA

WHEREAS, the State Department of Boating and Waterways provides loans to cities, counties and districts for the development of small craft harbor facilities; and

WHEREAS, the City of Berkeley needs to replace D & E Docks at the Berkeley Marina in order to meet the needs of the boating public in Berkeley and the surrounding area and to make these facilities comply with the access requirements of the Americans with Disabilities Act; and

WHEREAS, the City has conducted a feasibility study which has found the proposed project to be feasible and economically justified; and

WHEREAS, the City of Berkeley has requested, and the State Department of Boating and Waterways has approved a \$5,500,000 loan; and

WHEREAS, the annual debt service payments will be made from the Marina Fund (Fund 608). However, in the event the Marina Fund cannot fulfill its repayment obligation for this loan in any fiscal year, the City shall supplement that year's repayment from any legally available source, for every year until the loan is fully repaid.

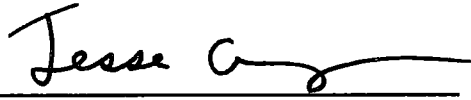
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to sign the loan agreement for \$5,500,000 and accept the loan for the replacement of D & E docks at the Berkeley Marina.

The foregoing Resolution was adopted by the Berkeley City Council on March 9, 2021 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk

## Agenda Item 10 – Marina Fund Update

### Item 10:

#### **Marina Fund: Update on FY24 Fiscal Gap**

General Fund support has been needed since 2021 to maintain Waterfront operations. The Council authorized transfers to the Marina Fund of \$1.4M in FY22 and \$1.15M in FY23 using American Rescue Plan funding to keep the Fund solvent. These transfers will still be needed in coming years to maintain operations.

In FY24, \$800K is needed to maintain operations. This is reduced from the earlier estimate of \$1.5M because of increased occupancy, delayed debt service payments on the new loan, and recently approved fee increases. Despite City Council taking action in May 2022 to recommend that \$1.5M of General Fund be allocated to the Marina Fund in FY24, funding for this gap has yet to be confirmed. City Council will begin discussing how to fund this gap tomorrow morning at Budget & Finance Committee.

After that, there is a structural deficit of an average of \$1M/year, (see fund forecast in Attachment 1). The Marina Fund will need further supplement in FY25-FY27 if no other revenue source or cost shifts are identified.



Department of Parks, Recreation & Waterfront  
5-Year Financial Plan - Marina Fund (825) - With Fee Increases

06/14/23

Description / Account	2018	2019	2020	2021	2022	2023 Adopted	2023 Revised	2023 Projected	2024 Projected	2025	2026	2027
<b>Beginning Fund Balance (825-9701-399.99-01)</b>	<b>3,998,848</b>	<b>3,058,152</b>	<b>3,503,847</b>	<b>3,151,380</b>	<b>5,461,419</b>	<b>4,411,407</b>	<b>4,520,961</b>	<b>4,520,155</b>	<b>723,877</b>	<b>(771,687)</b>	<b>(2,300,391)</b>	<b>(3,259,460)</b>
<b>Revenues</b>												
Dmg to Cty			396	18								
Short and Over (825-3302-360.05-01)	0	(25)	(1,078)	(112)	(20)	0	0		0	0	0	0
Interest Invest Pool (825-3302-361.30-01)	45,562	73,621	42,706	802	9,266	2,000	2,000	120,000	25,000	25,000	25,000	25,000
Marina Benches / Trees (825-5902-368.20-01)	10,200	20,400	3,400	0	27,200	6,800	6,800	13,600	6,800	6,800	6,800	6,800
Sewer Service/Marina (825-5903-344.20-41)	3,975	3,748	3,750	3,850	3,974	4,045	4,045	4,045	4,146	4,250	4,356	
Live Aboard Fees (825-5903-347.41-38)	250,924	261,215	259,664	256,143	266,631	262,547	262,547	244,215	269,111	273,690	280,533	280,533
Launch Ramp (825-5903-347.60-02)	76,671	102,724	129,657	121,220	95,360	80,000	80,000	80,000	84,000	82,000	84,050	86,151
Dry Storage (825-5903-347.60-07)	87,596	104,421	105,928	105,671	109,737	108,313	108,313	108,313	169,513	169,513	173,751	173,751
Charter Boat Fees (825-5903-347.60-11)	137,057	111,993	113,012	66,935	98,469	82,000	82,000	89,229	84,050	86,151	88,305	90,513
Locker Rentals (825-5903-347.60-03)	16,369	17,879	9,523	20,773	24,609	21,292	21,292	21,292	21,824	22,370	22,929	23,502
EV Charging Stations (825-5903-347.60-05)	2,839	3,268	2,380	1,946	3,686	3,280	3,280	3,280	3,362	3,446	3,618	3,799
Miscellaneous (825-5903-347.60-99)	24,857	49,855	37,304	105,389	29,916	30,922	30,922	36,369	40,507	41,317	41,317	43,383
Fines & Penalties (825-5903-353.47-01)	78,524	71,087	76,835	64,319	66,758	64,319	64,319	64,319	64,319	64,319	64,319	64,319
Marina Leases	1,990,306	2,478,754	1,806,344	1,186,077	1,583,795	2,129,170	2,129,170	2,097,074	2,118,045	2,332,766	2,731,077	3,028,388
Berth Rentals (825-5903-347.60-01)	3,470,525	3,426,173	3,420,177	3,443,688	3,493,497	3,443,688	3,443,688	3,500,000	3,622,831	3,801,977	4,100,034	4,364,472
Special Event Parking (825-5903-368.99-99)	55,126	82,325	101,626	0	0	75,000	75,000		0	0	0	0
Special Event / Filming Fees (825-5901-347.60-99)								7,000	25,000	75,000	75,000	75,000
Playground Svc Fees (825-5904-347.30-04)	30,398	30,136	8,848	(605)	105	35,000	35,000	25,000	35,000	35,000	35,000	40,000
Nature Center Fees (825-5904-347.39-12)	14,737	13,565	9,240	0	0	15,000	15,000	13,000	15,000	15,000	15,000	20,000
Donations (825-5904-368.20-99)	867	352	284	0	0	1,500	1,500					
Insurance Claims (825-5903-360.99-25)								15,977				
Other Revenue (825-5904-368.22-99)	0	0	1,830	0	0	0	0		0	0	0	0
Misc Fees (Doubletree Capital Payment)				3,000,000								
Transfer from ARPA Fund					1,400,000	1,150,000	1,150,000	1,150,000				
<b>Subtotal, Revenues</b>	<b>6,296,532</b>	<b>6,851,491</b>	<b>6,131,825</b>	<b>8,376,115</b>	<b>7,212,983</b>	<b>7,514,876</b>	<b>7,514,877</b>	<b>7,592,713</b>	<b>6,588,507</b>	<b>7,038,600</b>	<b>7,751,089</b>	<b>8,325,611</b>
	-											
<b>Expenditures</b>												
Personnel	3,619,415	3,579,940	3,142,775	3,220,688	3,352,407	4,262,025	4,262,025	3,916,530	4,253,438	4,338,506	4,425,277	4,513,782
Non-Personnel (excludes debt svc & capital)	1,982,484	2,111,462	1,930,250	1,841,572	2,120,261	2,509,625	2,480,109	2,590,109	2,744,915	2,801,078	2,857,163	2,914,309
Capital Projects	1,149,602	228,675	782,038	345,016	2,038,295	650,000	4,020,853	4,020,853	350,000	350,000	350,000	350,000
Minor Maintenance			143,510	173,082	156,760	250,000	375,781	375,781	250,000	250,000	250,000	250,000
Principal Payment (825-5903-450.82-10)	165,036	172,633	180,579	188,059	197,546	305,391	305,391	197,546	216,150	319,871	335,225	350,553
Interest Payment (825-5903-450.82-25)	320,683	313,086	305,140	297,660	288,173	522,328	522,328	288,173	269,569	507,848	492,494	477,166
<b>Subtotal, Expenditures</b>	<b>7,237,220</b>	<b>6,405,796</b>	<b>6,484,292</b>	<b>6,066,076</b>	<b>8,153,441</b>	<b>8,499,369</b>	<b>11,966,487</b>	<b>11,388,992</b>	<b>8,084,071</b>	<b>8,567,303</b>	<b>8,710,158</b>	<b>8,855,810</b>
<b>Operating Income / (Loss)</b>	<b>(940,687)</b>	<b>445,695</b>	<b>(352,467)</b>	<b>2,310,039</b>	<b>(940,458)</b>	<b>(984,493)</b>	<b>(4,451,610)</b>	<b>(3,796,278)</b>	<b>(1,495,564)</b>	<b>(1,528,704)</b>	<b>(959,069)</b>	<b>(530,199)</b>
<b>Ending Fund Balance</b>	<b>3,058,161</b>	<b>3,503,847</b>	<b>3,151,381</b>	<b>5,461,419</b>	<b>4,520,961</b>	<b>3,426,914</b>	<b>69,351</b>	<b>723,877</b>	<b>(771,687)</b>	<b>(2,300,391)</b>	<b>(3,259,460)</b>	<b>(3,789,659)</b>

Internal

<b>Reserve Rate</b>	49%	51%	51%	65%	63%	46%	1%	10%	-12%	-33%	-42%	-46%
---------------------	-----	-----	-----	-----	-----	-----	----	-----	------	------	------	------

**Notes:**

- 1) FY21 operating income appears high because \$3M Doubletree payment for Marina streets was received as revenue, but the \$3M in capital spending on that project happened in FY22-23. Actual operating loss was approx. -\$700k in FY21.
- 2) ARPA funding received in FY22 (\$1.4M) and FY23 (\$1.15M) will generally carry the Marina Fund through FY23. Approx. \$800K is needed to keep the Fund solvent through FY24. After that, there is a structural deficit of approx. \$1M/year.
- 3) Berth rentals expected to remain flat in FY23; increase 2.5%/year starting in FY24 with annual fee increases; and increase an addl 2.5% in FY26 after D&E dock replacement.
- 4) Marina lease revenue est. began recovery in FY22, but not expected to return to baseline levels until FY25. 4% growth in leases is projected in FY25 and FY26 (to reflect potential 199 Seawall \$180k base by FY26), falling to 1% growth after that.
- 5) Full staffing projected in FY24 and beyond. FY24 Personnel is reduced by 1 project-based FTE.
- 6) Non-Personnel projected escalates by 5% to reflect inflation-related cost increases. Personnel and Non-Personnel escalate by 2% starting in FY25.
- 7) Starting in FY25, assume additional \$342K in annual payments for \$5.5M DBAW loan at 4.5% interest rate, 30-year term.
- 8) Includes baseline of \$350k/year in capital; \$250k/year in minor maintenance.

## Agenda Item 14. – Pier with Water Transportation Project

To: Parks, Recreation and Waterfront Commission  
From: PRW Staff  
Re: Pier with Water Transportation Project

The conceptual/ “preferred plan” design was finished in 2021. <https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project>

The next step is the design development phase which includes the state (CEQA) and federal (NEPA) environmental processes. This phase will probably take 2.5- 3 years and will cost approximately \$11M. In May 2023, the City received \$5.138M in grant funds from the Alameda County Transit Commission (ACTC). These funds have a cash match requirement of \$2.8M. This cash match will come from a State Coastal Conservancy (SCC) grant of \$2.91M (approved in June 2023). These funds came from the \$15M allocated to City by the state in FY22. The balance of funding (approx. \$3M) is anticipated to come from WETA. They are going through their budget process allocation of RM3 funding now and should be finalized this summer.

The new project manager on this project is Liza McNulty. She has recently completed the rebuild of Berkeley Tuolumne Camp and the landslide and dormitory rebuild at Cazadero Camp. She is a CEQA/NEPA expert and highly qualified. This summer’s goals are to develop a project timeline, conduct an RFQ process to obtain a qualified consultant for design and the environmental process, and to work on a new MOU with WETA.

The next phase, after design development, is construction and with the release of RM3 funds by the State Supreme Court several months ago, WETA has \$300M for ferry infrastructure improvements throughout the Bay. We anticipate a portion of these funds will be allocated for this project. Additionally, over the next 3 years staff will pursue construction funding from a variety of state and federal grant sources that will issue billions in transportation infrastructure funding.



# Berkeley Civic Center

Design Concept Report Preview

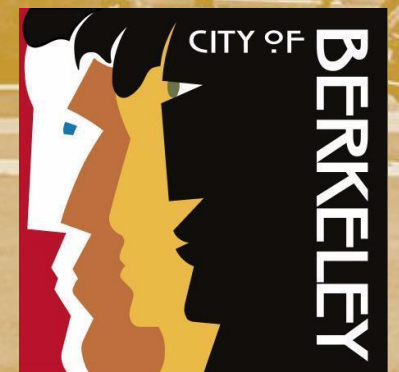
May 16, 2023

SIEGEL & STRAIN Architects

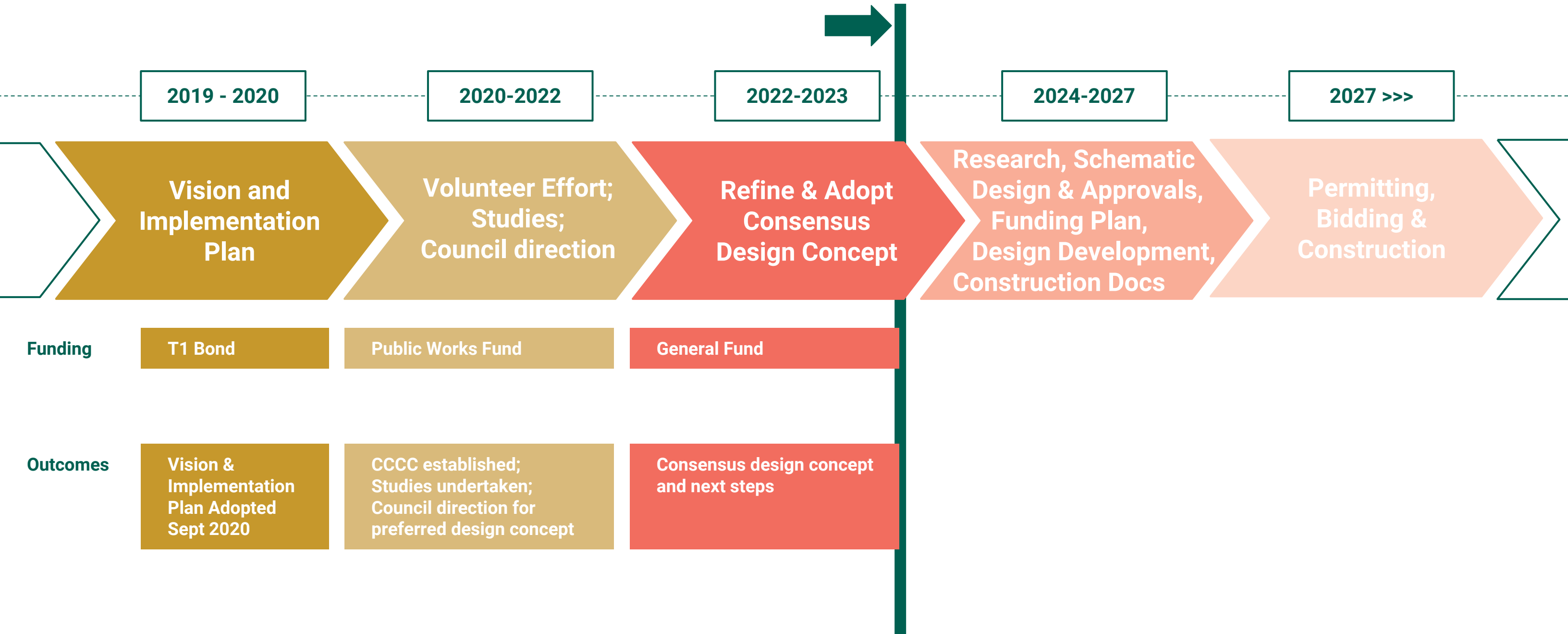
Gehl ecb

tbd

EQUITY  
COMMUNITY  
BUILDERS



# Overall Project Schedule

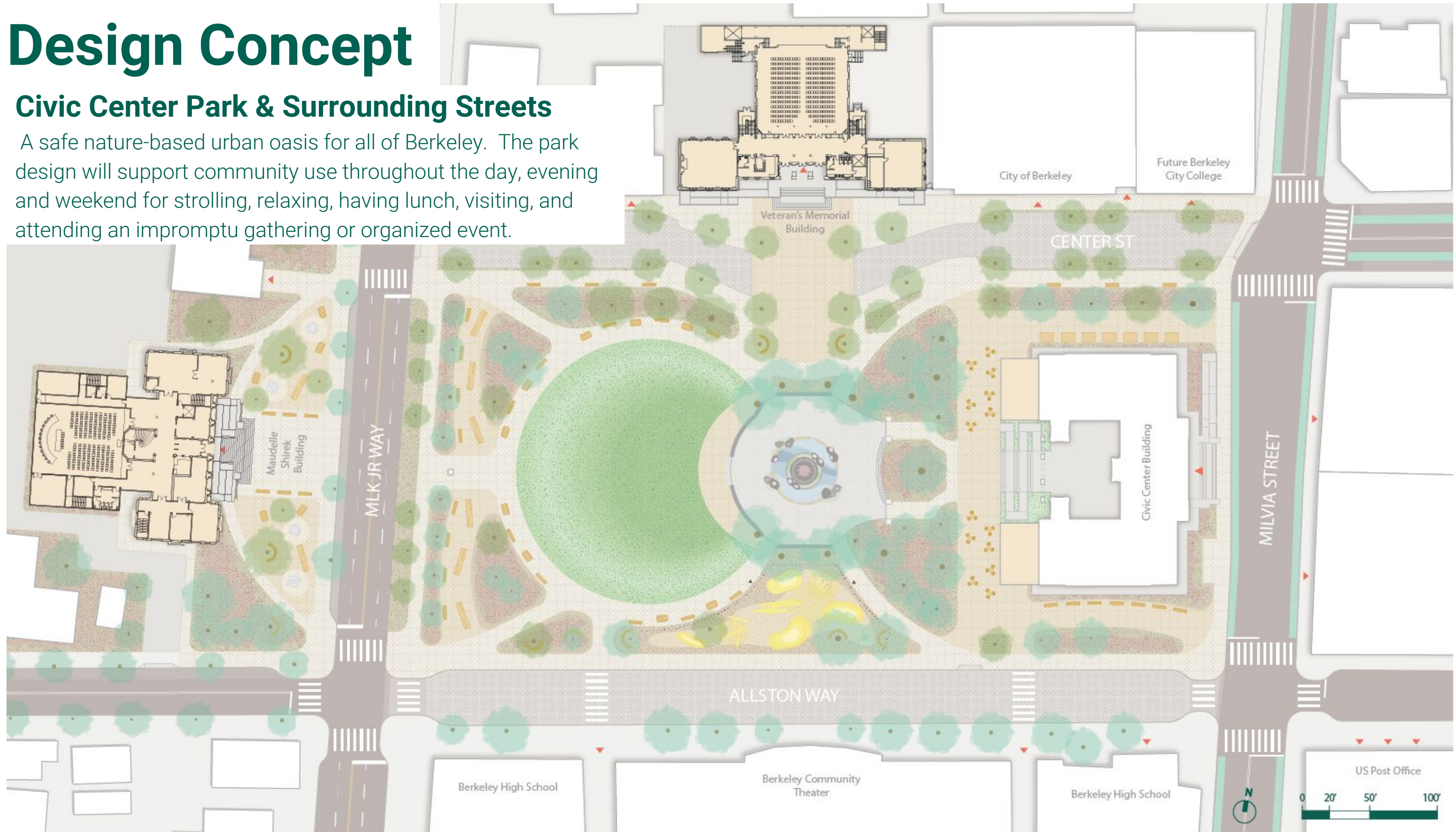




# Design Concept

## Civic Center Park & Surrounding Streets

A safe nature-based urban oasis for all of Berkeley. The park design will support community use throughout the day, evening and weekend for strolling, relaxing, having lunch, visiting, and attending an impromptu gathering or organized event.

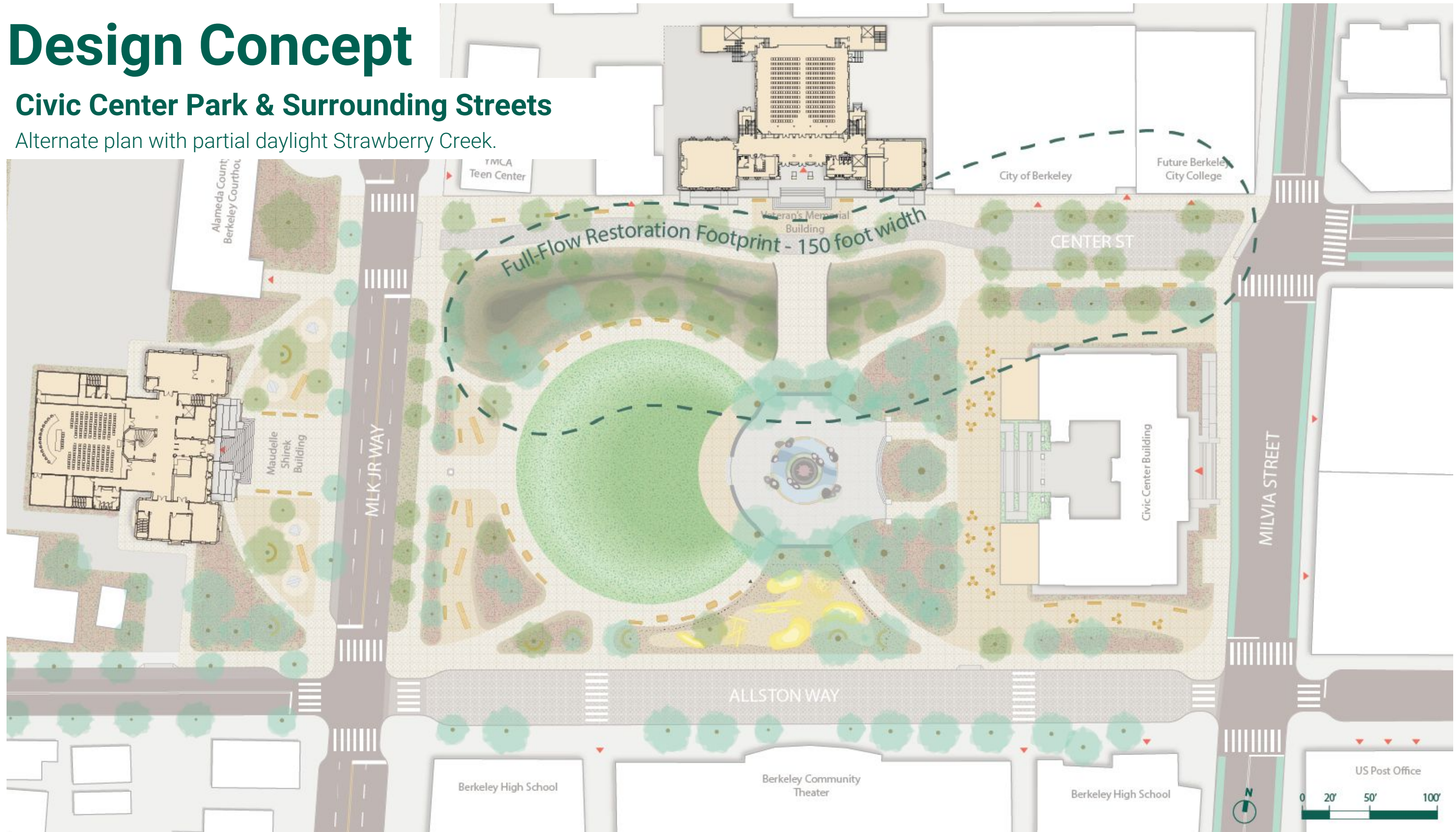




# Design Concept

## Civic Center Park & Surrounding Streets

Alternate plan with partial daylight Strawberry Creek.

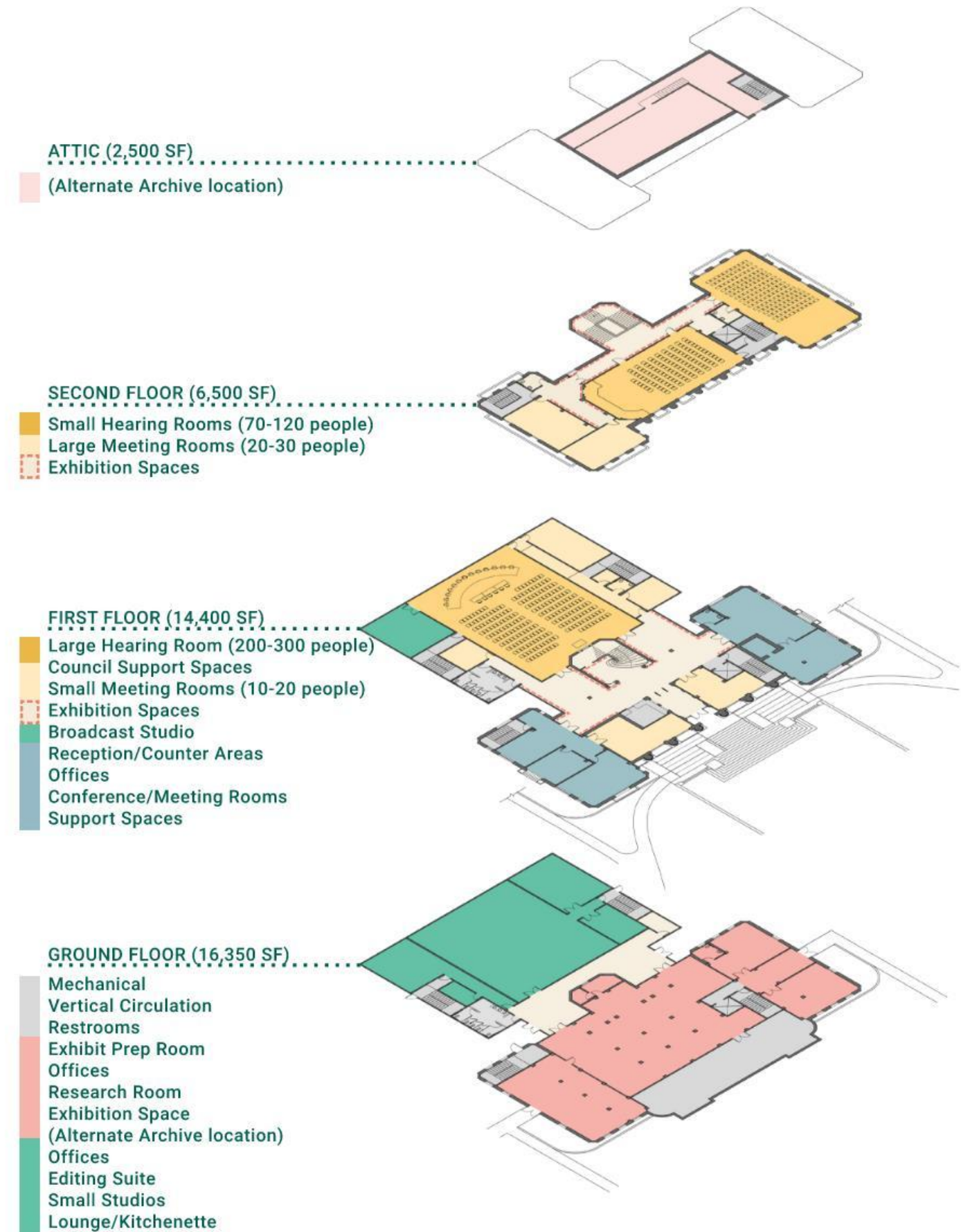




# Design Concept

## Maudelle Shirek Building

Seat of Berkeley's democracy with flexible meeting spaces and supportive and vision-aligned city services and educational uses.

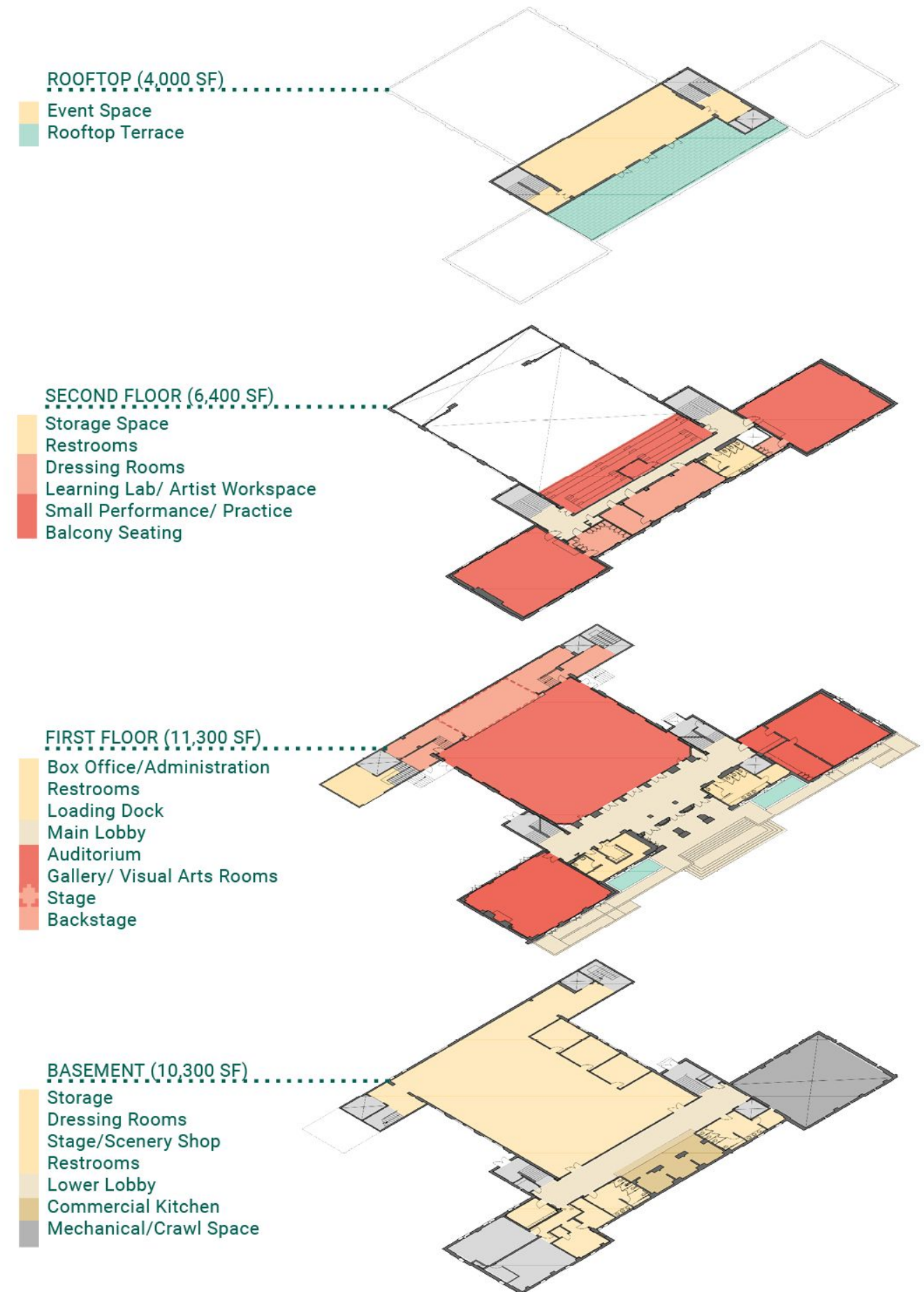




# Design Concept

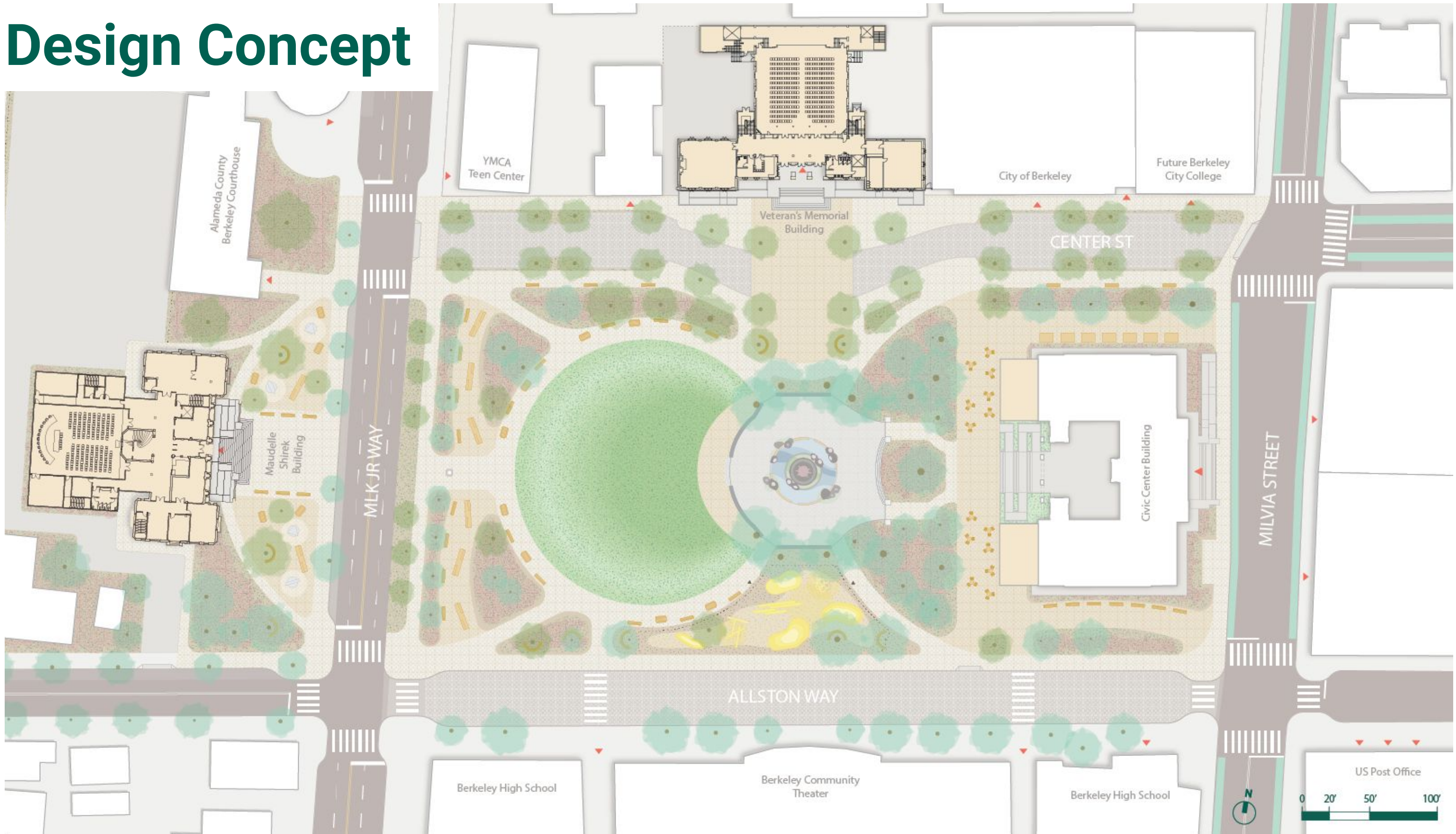
## Veterans Memorial Building

A Community Arts Center, run by the city, with performance venues, teaching and exhibit space, accessible by all in the community.





# Design Concept





# Preliminary Cost Ranges

## Construction Costs

Preliminary construction cost ranges provided in this report are based on the March 2023 Draft Berkeley Civic Center Design Concept Report, the 2021 Civic Center Buildings Study by Tipping Structural Engineers, and guidance from the City of Berkeley Public Works Department. See Appendix A for a full list of exclusions.

	Low (x \$1,000)	High (x \$1,000)
<b>Maudelle Shirek Building - 27,500 GSF Existing + 15,000 GSF Addition</b>	<b>\$ 51,200</b>	<b>\$ 62,600</b>
Seismic Retrofit - Damage Control+ to near Immediate Occupancy	\$ 13,400	\$ 16,400
Envelope & Systems (Electrification, Accessibility, upgrades, finishes)	\$ 15,500	\$ 18,900
Two-story addition on West side	\$ 19,000	\$ 23,200
PVs at new addition, panels & infrastructure	\$ 600	\$ 800
Site Improvement & Utilities	\$ 2,700	\$ 3,300
<b>Veterans Memorial Building - 28,000 GSF Existing + 5,950 GSF Addition</b>	<b>\$ 26,300</b>	<b>\$ 36,900</b>
Seismic Retrofit - Building Performance Objective for New Buildings	\$ 6,300	\$ 7,700
Envelope & Systems (Electrification, Accessibility, upgrades, finishes)	\$ 15,800	\$ 19,400
New Addition at Stage	\$ 2,900	\$ 3,500
Roof Terrace (in high range only)	(excluded)	\$ 4,600
PVs at new addition, panels & infrastructure	\$ 500	\$ 700
Site Improvement & Utilities	\$ 800	\$ 1,000
<b>Martin Luther King Jr. Civic Center Park &amp; Streets</b>	<b>\$ 16,470</b>	<b>\$ 20,130</b>
Paths/paving, planting/irrigation, new trees/tree protection, utilities	\$ 14,670	\$ 17,930
Site Improvements to 2180 Milvia entry, VMB entry, restrooms	\$ 1,800	\$ 2,200
<b>ESTIMATED CONSTRUCTION COSTS</b>	<b>\$ 93,970</b>	<b>\$119,630</b>
+ Construction Contingency (10%)	\$ 9,783	\$ 11,957
<b>TOTAL ESTIMATED CONSTRUCTION COSTS</b>	<b>\$103,753</b>	<b>\$131,587</b>
<b>DRAFT ESTIMATED CONSTRUCTION COSTS</b>	<b>\$101,000</b>	<b>\$129,000</b>

## Other City Costs

Leading up to and during construction, the City will incur costs related to technical studies, existing conditions, design, planning approvals, permitting and management, to name a few. These costs will be further refined in future efforts as more is defined about review process, design requirements and parameters, funding and financing, and timeline.

	Low (x \$1,000)	High (x \$1,000)
Other City Costs (estimated at 20% of construction costs)	\$ 21,523	\$ 26,305
<b>TOTAL ESTIMATED CONSTRUCTION COSTS + OTHER CITY COSTS</b>	<b>\$125,276</b>	<b>\$157,892</b>

## Operations & Maintenance Costs

Utilizing the 2023 annual Operations & Maintenance budget from the 1947 Center Street building, a \$/SF annual cost was determined for O&M at the common and occupied spaces in city-owned buildings. That was applied to the areas of the Maudelle Shirek and Veterans Memorial Building to arrive at the following annual Operations & Maintenance budgets:

<b>Maudelle Shirek Building</b>	<b>\$1,234,389</b>
Occupied Space -	\$1,167,936
Common Space -	\$ 66,453
<b>Veterans Memorial Building</b>	<b>\$1,069,860</b>
Occupied Space -	\$1,012,900
Common Space -	\$ 56,690



# Funding Strategies

With an approved design concept, this project would move into its next phase of additional recommended studies, environmental reviews, and initiating specific design projects. This work is estimated to cost ~\$10 million and take 2-3 years.

A variety of funding sources could contribute to the City's approach to funding. The first approach would involve many different sources of funding all leading to one large project, phased in over the course of years. The following funding sources might contribute to the project:

- Congressionally Directed Spending Requests** (aka earmarks). These are typically in the range of \$750,000-\$1.5 million. The City has submitted a request to our federal legislators for this project and should learn in the fall whether the earmark is successful. If so, funding would commence in calendar year 2024. There is no match requirement.
- Federal Infrastructure Funding.** staff and consultants have not yet been able to find a category within the current funding stream that is a strong fit for this project, but that may change as future opportunities arise. Grant match requirements vary.
- FEMA/Cal OES Hazard Mitigation Grants.** These grants require a cost/benefit calculation that makes the BPON+ standard more likely to qualify for a grant. For that reason, the Veteran's Building is more likely to benefit. Grants require a 25% match.
- Sustainability/Resiliency Grants:** the state and federal government offer grants that might help fund the electric conversion, green infrastructure, permeable paving, etc. Grant match requirements vary.
- Urban Greening Grant/Coastal Conservancy Grant:** these grants may fund a feasibility study of daylighting the creek. Grant match requirements vary.
- City Funding.** The City's General Fund, a future tax measure, or Certificate of Participation could contribute to the project. In addition, traffic safety and stormwater elements of the project might get contributions from Measure BB, Gas Tax, and/or the City's Storm Fund.
- Foundations and/or Private Individuals.** Given the Civic Center's history and importance, private foundations and individuals might be a component to the overall funding strategy.
- Bonding Capacity/Debt Service** - Using early construction costs estimates, and the general fund as collateral, assuming the Maudelle Shirek Building has a project cost of ~\$54M, the annual debt service would be ~\$3,900,000/year (30 year amortization). A ~\$71M project cost would have debt service of ~\$4,900,000/year. For the Veterans Memorial Building, a project cost of ~\$34M would have annual debt service of ~\$2,400,000 and a project cost of ~\$41M would have annual debt service of ~\$2,900,000. There would be a reduction in annual debt service of approximately \$50,000/year if both projects were financed together.

An alternative, more opportunistic approach would be to identify specific project components that would be good fits for available grants, and when successful in gaining grants, move those elements forward, e.g., the project's raised sidewalks and bulbouts. This approach would likely take more time, involve more project cost overall (less efficiencies of scale), but might be more realistic.

Regardless, this project will be significantly more attractive for funding with an adopted design concept. Recognizing that strong plans need funding, and funding is attracted to strong plans, and staff are excited to work with City Council on moving this project forward.



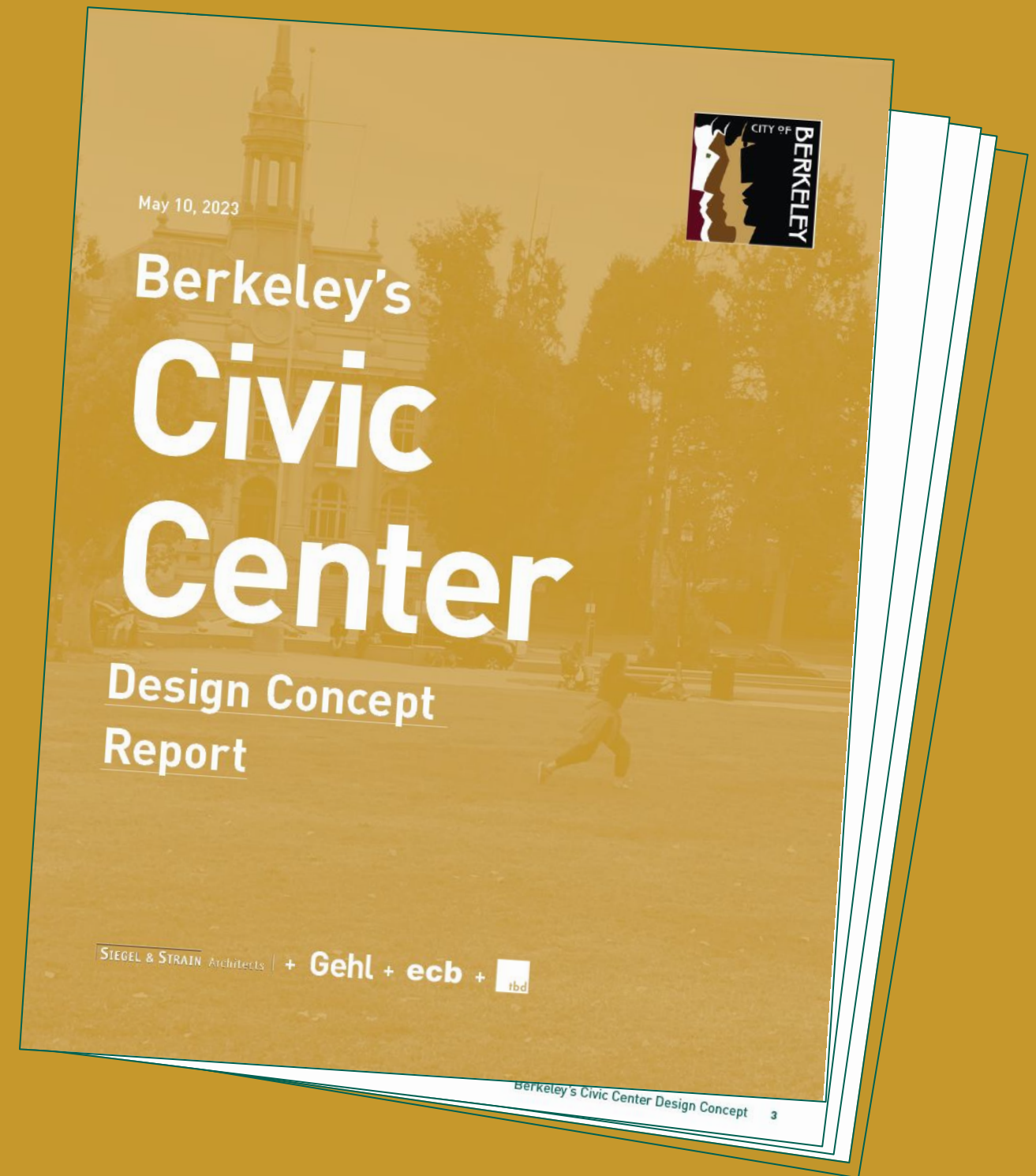
# A Design Concept for Berkeley's Civic Center



Bay Area Book Festival - May 7, 2023, Berkeley Civic Center

Civic Center will be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, the Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space.

*From Berkeley Civic Center Vision & Implementation Plan dated July 10, 2020 and adopted by Berkeley City Council on September 22, 2020*



**Dear City of Berkeley Parks, Recreation and Waterfront Department:**

I attended your May 1, 2023 Draft Waterfront Specific Plan webinar. I have attended at least one other of the preliminary planning meetings if I recall correctly.

I am disappointed and alarmed by the conceptual presentation.

I am also disappointed and alarmed by the lack of useful information on the City of Berkeley Parks, Recreation and Waterfront Department website. What is the deadline for comments on the draft specific plan? Perhaps it's in there but after 10 minutes search I gave up. As of 17 May I have emailed twice with no response.

I grew up in Berkeley and attended Berkeley High School. I visit the waterfront almost every other week for birdwatching, nature bathing, and walking. I have led approximately four Golden Gate Audubon Society (former name) field trips to the Berkeley waterfront.

A new hotel! I am completely opposed to this. It is also difficult to imagine the massive infrastructure and construction costs would ultimately result in making money for the city/waterfront. Berkeley is a rich city. We have many problems. We can, however, protect one of our most precious resources. Berkeley is becoming much denser. Berkeley residents need every scrap of unpaved open space we can get. I have participated in many T-1 Bond Park planning meetings. It was disappointing that what resulted was more hardscape and faster bike lanes (thus reducing relaxing walking and birdwatching).

The zoom meeting May 1 discussed conceptual plans, but if even a portion of these generalized concepts were funded it would reduce birdwatching and nature bathing, impact wildlife, and increase the paved and developed footprint. (I did not attend the Commercial Redevelopment and Parking meeting). (Ugh).

Some of the conceptual ideas included removing trees to increase view of bay (many migrants use those trees), install concrete amphitheater seating from the shoreline edge down to the water (used by rocky shoreline birds such as Spotted Sandpiper), create perimeter bike path (presumably paved) for fast bike travel, create "Shorebird Nature Hill" at fabulous willow ticket west of Shorebird Park including yet another playground (two playgrounds – Shorebird Park Playground and Adventure Playground already exist nearby).

Unless I missed something, there was no mention of reducing dog access and especially reducing/enforcing off-leash dogs. The waterfront already seems like a massive dog park. My ears are actively listening for natural sounds like waves and bird vocalizations. Instead, I am bombarded with people yelling at dogs. Berkeley residents have gotten better at cleaning up after dogs in recent decades but it is still gross. Dogs flush birds thus reducing avian fitness and decreasing the numbers on diversity available for viewing by birdwatchers. Lastly, few people seem to have the courtesy to leash their dogs when I am obviously trying to observe or photograph discrete groups of birds. There should be enforcement of the only off-leash the area (the small portion of Cesar Chavez park that is dedicated to this). There should be no dogs allowed around the rest of the waterfront.





# 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*

June 20, 2023

City of Berkeley Manager, Mayor, and Council  
Parks, Recreation, and Waterfront; Transportation and Infrastructure; and Community Health Commissions  
San Francisco Bay Regional Water Quality Control Board

Re: Pollution and public health risks from lack of toileting facilities for unhoused

Berkeley Mayor, Council, staff, commission members; staff and members of the Regional Water Quality Control Board:

Friends of Five Creeks, a 27-year-old, all-volunteer group working for creeks and watershed from Berkeley to Richmond, applauds planned capital projects that will green and beautify Aquatic Park. We look forward eagerly to Berkeley's finding a way to help those living in RVs and camper vans east of the park's lagoons empty their sewage safely and without causing pollution. This effort should include providing portable toilets for those living in RVs and packed tent encampments like those on Eighth and Harrison, just south of Codornices Creek, in conditions that would disgrace many of the world's poorest nations.

We appreciate the city's focus on providing stable, long-term housing, including a new \$4.9 million state grant to convert another motel in the near future. Berkeley also is paying the Downtown Streets Team \$1.6 million to engage the unhoused in picking up litter. It can afford a few thousand dollars for portable toilets and a pumping service to provide basic dignity and sanitation.

Through the worst of the pandemic Friends of Five Creeks paid for a portable toilet at 8<sup>th</sup> and Codornices Creek, the north end of the tent encampment. We were grateful that the city eventually took it over, and sorry that it has now been removed – and that the two toilets formerly at 8<sup>th</sup> and Harrison are down to one. Campers have included the old, the incontinent, people with walkers and wheelchairs, and people who are seriously delusional and addicted. Do you think they will all walk hundreds of feet to wait at a toilet in the middle of the night? From experience, we know that they will have accidents that cause them to discard their clothing, or refuse to leave the toilet when the cleaner comes.

It goes without saying that under these conditions, human waste goes into storm drains and flows from there to creeks, Aquatic Park, and the Bay. This is supported by the attached record of city tests, showing near-continuous advisories due to exceedance of enterococcus standards in Aquatic Park after the Grayson Street RV site and pump station closed in fall 2022. Anti-pollution agencies such as the Water Quality Control Board should not tolerate this.

We hope to see basic sanitation a priority in policies and spending to end the epidemic of addiction, mental illness, and homelessness that shames and weakens our community and society.

Sincerely,

Susan Schwartz, President, Friends of Five Creeks

Attachment: Aquatic Park Lagoon Enterococcus Sampling Results. Yellow = Enterococcus exceedance

There was a conceptual discussion of increasing boat access and boat launching.

If more than one or two of the conceptual projects discussed in the meeting were constructed, there would be a significant impact to overwintering waterfowl and marine mammals as well as foraging California Least Terns (federally endangered) and nesting White-Tailed Kites (state species of special concern). Also to wintering burrowing owls.

Alas, we absolutely do not need a ferry and pier. The ferry does not garner sufficient usage to mandate implementation.

No businesses should be allowed to have cats. I frequently observe “off leash cats” around the Berkeley Marine Center. Cats have been well documented predated birds and other wildlife.

Perhaps I’m wrong about land ownership/occupation, but I believe that the Berkeley Marine Center has expanded their boat storage sloppily into the southern portion of their (Presumably City of Berkeley’s) area. As far as I understand it, this used to be part of city parklands.

In summary, I found the tone of the Specific Plan to be disappointing. Keep Berkeley parklands wild! In fact, whereas the “recreation” was loud and clear in your presentation the true desire to enhance nature was completely absent.

The waterfront should include willow thickets/shrubs/habitat that do NOT allow for human access. There was massive tree loss during the March 2023 windstorm. As it is difficult to come up with a tree plant palette for species that can tolerate salt spray and drought, I would recommend replanting with somewhat native Monterey Cypress and Monterey pine. The Berkeley waterfront conifers are home to fantastic flocks of chickadees, red-breasted nuthatch, and other species. Parking should be preserved but not increased. Existing pavement should be replaced with modern permeable materials. Any net increase in paving should be mitigated by removing paving elsewhere at the Berkeley waterfront. Consider installing a platform for harbor seals as a “haul out”. This was done in the City of Alameda. Plans proposed by other entities to enhance nesting seabird habitat on the historic Berkeley fishing pier should be instituted.

The ferry, parking, hotel, etc. would create a significant impact and would require an EIR. These projects cannot be piecemealed. Cumulative impacts to wildlife, viewshed, runoff/water quality, congestion, fossil fuel, etc must be evaluated.

Thank you,

Emilie Strauss



Agenda Item 19. Communications - supplemental

Aquatic Park Lagoon Enterococcus Sampling Results				
Sample Collection Date	North	Middle	South	Comments/Observations
05/30/23	ND	ND	10	
05/23/23	20	ND	230	Lagoon is under Yellow Advisory due to Enterococcus exceedances in South sample point; no measurable amounts of precipitation were recorded on 5/23/23; no reported sewage release on/around 5/23/23;
05/16/23	ND	ND	ND	Advisory lifted as of 5/16/22 based on water sample results received for 2nd consecutive week w/ no exceedances
05/09/23	ND	ND	ND	
05/02/23	860	30	20	Lagoon is under Yellow Advisory due to Enterococcus exceedances in North sample point; no measurable amounts of precipitation were recorded on 5/2/23; no reported sewage release on/around 5/2/23;
04/25/23	10/13 g/kg	ND/12 g/kg	ND/12 g/kg	Salinity samples were measured at 10, 12, & 12 g/kg
04/18/23	ND/10 g/kg	ND/11 g/kg	20/10 g/kg	Salinity samples were measured at 10, 11, & 10 g/kg
04/11/23	ND/8.9 g/kg	10/9.5 g/kg	20/9.4 g/kg	Salinity samples were measured at 8.9, 9.5 & 9.4 g/kg
04/04/23	ND/9 g/kg	20/9.1 g/kg	20/9.1 g/kg	Salinity samples were measured at 9, 9.1 & 9.1 g/kg
03/28/23	20/10 g/kg	630/8.9 g/kg	96/9 g/kg	Only one exceedance (middle) resulting in a continued Yellow advisory. Measurable amounts of rain were recorded during the early morning hours on 3/28/23, which could account for the spike in the middle sample. Salinity samples were measured at 10, 8.9 & 9 g/kg
03/21/23	31/12 g/kg	31/12 g/kg	400/11 g/kg	Only one exceedance (south) resulting in a continued Yellow advisory. Measurable amounts of rain were recorded during the early morning hours on 3/21/23 and continued into the week. Salinity samples were measured at 12, 12 & 11 g/kg
03/14/23	5500/11 g/kg	1300/10 g/kg	1600/10 g/kg	Exceedances in all 3 samples (north, middle and south) resulting in a continued Yellow advisory. Measurable amounts of precipitation were recorded on/around 3/14/23, which is a likely cause for the exceedances. Initiated salinity sampling at each of the sampling sites with results reflected as # grams of salt/kg of bay water (in the lagoon)
03/10/23	1000	860	800	Exceedances in all 3 samples (north, middle and south) resulting in a Yellow advisory. Measurable amounts of precipitation were recorded on/around 2/28/23, which is a likely cause for the exceedances.
02/21/23	20	100	30	
02/16/23	20	ND	ND	
02/07/23	20	10	10	Rec'd community concerns over the presence/observations of several dead leopard sharks and bat rays; staff conducted cursory assessment, and met with EBMUD staff who were investigating complaints of "rotten egg" odor, but unable to identify source/cause; notified Fish and Wildlife by completing Mortality Report on F/W website;
01/31/23	100	100	ND	Yellow Advisory lifted as of 2/9/23 based on two consecutive sample sets with no Enterococcus exceedances; reports of 3 dead sting rays observed on 2/7/23, however no other dead fish or other wildlife were observed/reported; State Fish and Wildlife were notified by the reporting party via email on 2/7/23
01/26/23	20	31	ND	

01/17/23	200	97	230	Lagoon to remain under yellow advisory; slight, but measurable amounts of rainfall was detected on 1/15/23; 2 of the 3 sample sites exceeded the Enterococcus thresholds;
01/10/23	4900	4100	1800	Lagoon to remain under yellow advisory; significant amounts of rainfall on 1/10/23 resulting in significant Enterococcus exceedances in each of the 3 sample points;
01/03/23	670	170	150	Lagoon to remain under yellow advisory; measurable amounts of rainfall on/around 1/2 - 1/3/23 resulting in Enterococcus exceedances in each of the 3 sample points;
12/29/22	380	2000	1700	Lagoon to remain under yellow advisory; measurable amounts of rainfall on/around 12/29/22 resulting in Enterococcus exceedances in each of the 3 sample points;
12/20/22	ND	30	1100	Lagoon to remain under yellow advisory; no measurable amounts of rain was detected on/around 12/20/22; unknown cause for Enterococcus spike from the South sample point as there was no 'unusual' activity observed at the lagoon during sampling
12/14/22	10	ND	100	Lagoon to remain under yellow advisory; no measurable amounts of rain on/around 12/14/22; staff observed "floating slime and foam" in the North and Middle sample points; abundance of ducks and other water fowl were observed in the South sample point at time of collection
12/06/22	ND	30	ND	
11/29/22	10	200	ND	Lagoon to remain under Yellow Advisory until 2 successive sample sets are all below the threshold of 110 cfu/100 ml; no detectable rainfall on/around 11/29/22; no observations/notes recorded re: the presence of water fowl and/or other unusual activity observed at the lagoon
11/22/22	ND	ND	150	Lagoon to remain under Yellow Advisory until 2 successive sample sets are all below the threshold of 110 cfu/100 ml; no detectable rainfall on/around 11/22/22, however staff observed ducks and other water fowl present in moderate numbers between the middle and southern sampling points
11/15/22	ND	ND	10	
11/08/22	500	660	590	Lagoon is under Yellow Advisory due to Enterococcus exceedances in each of the collected samples; Measurable amounts of precipitation were recorded on 11/7/22 and 11/8/22, which likely accounts for the elevated Enterococcus levels in each sample;
11/03/22	ND	31	ND	
10/25/22	ND	31	ND	
10/18/22	10	ND	ND	
10/17/22				No Enterococcus samples collected this day, however, EH staff investigated a report of a what appeared to be a small quantity of paint dumped into the lagoon; City Parks Division dispatched Clean Harbors to boom and vacuum up remaining paint residual that same day, 10/17/22. There were no sightings or reports of other dead fish or other animals as a result.
10/13/22	ND	ND	ND	
09/22/22	ND	31	ND	
09/13/22	ND	ND	10	

City of Berkeley Aquatic Park Enterococcus Sampling Results, newest to oldest. Yellow = advisory posted due to exceedance. Grayson St. RV lot and pump-out station closed October 2023. Three-page attachment to Friends of Five Creeks June 20 letter re toileting facilities for unhoused.

Agenda Item 19. Communications - supplemental

09/06/22	ND	ND	ND	
08/23/22	ND	ND	ND	
08/16/22	ND	ND	ND	
08/09/22	ND	ND	ND	
08/04/22	ND	ND	ND	
07/26/22	ND	ND	ND	
07/19/22	20	10	ND	
07/12/22	ND	10	20	
07/05/22	20	10	10	
06/28/22	31	41	10	
06/23/22	ND	10	ND	
06/14/22	ND	100	30	
06/06/22	41	20	10	
05/31/22	0	10	10	
05/26/22	10	ND	ND	
05/17/22	ND	ND	ND	
05/10/22	ND	ND	ND	
05/03/22	10	100	ND	Advisory lifted as of 5/16/22 based on water sample results received for 2nd consecutive week w/no exceedances
04/26/22	0	10	10	
04/19/22	200	110	10	Exceedances in 2 of 3 samples (north, middle lagoon sample) resulting in the continuance of a Yellow advisory. Measurable amounts of precipitation were recorded on 4/19/22, which is a likely cause for the exceedance.
04/12/22	100	200	ND	Exceedances in of 3 samples (middle lagoon sample) resulting in the continuance of a Yellow advisory. Measurable amounts of precipitation were recorded on 4/11/22, which is a likely cause for the exceedance.
04/05/22	ND	ND	10	
03/29/22	10	200	100	Exceedance in 1 of 3 samples (middle sample) resulting in a Yellow advisory. Mesurable amounts of precipitation were recorded on 3/27 and on 3/28/2022, which is a likely cause for the exceedance.
03/22/22	10	ND	100	
03/15/22	10	75	20	
03/08/22	ND	10	20	
03/01/22	10	ND	ND	
02/22/22	ND	10	ND	Advisory lifted as of 2/22/22 based on water sample results received for 2nd consecutive week w/no exceedances
02/15/22	ND	20	20	
02/08/22	ND	410	41	Yellow Advisory reinstated due to an exceedances in 1 of the 3 samples collected on 2/8/2022; there was no measureable amount of rainfall, and there were no reports of sewage releases on/or around 2/8/2022
02/03/22	ND	ND	ND	Advisory lifed as of 2/10/22 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the exceedance on the 1/13/22 sample
01/25/22	ND	41	20	
01/18/22	ND	20	20	
01/13/22	ND	620	30	Advisory to remain in-effect for 2 additional sampling events due to a spike in the Enterococcus levels collected from the mid-lagoon sampling point. No reports of sewage release, however there was a report of possible illegal dumping which was received on 1/5/22; EH staff investigated but were unable to determine whether illegal dumping occurred;

01/04/22	180	180	41	Advisory reinstated due to exceedances in 2 of the 3 samples collected on 1/4/2022; minor amounts of rainfall ranging from 0.1 - 0.3" fell from 1/1 - 1/4/2022, which may have contributed to the higher bacterial counts; there were no reports of sewage releases in/around the Aquatic Park Lagoon; there was a report of possible illegal dumping into the lagoon on/around 1/5/2022, however, EH staff investigated but were unable to confirm
01/13/22	ND	620	30	Advisory to remain in-effect for 2 additional sampling events due to a spike in the Enterococcus levels collected from the mid-lagoon sampling point. No reports of sewage release, however there was a report of possible illegal dumping which was received on 1/5/22; EH staff investigated but were unable to determine whether illegal dumping occurred;
01/18/22	ND	20	20	
12/28/21	10	100	41	Advisory lifed as of 1/10/22 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the exceedances on the 12/14/21 samples
12/21/21	41	10	100	
12/14/21	1800	3,300	2700	Yellow Advisory to remain in-effect due to exceedances in each of the 3 sample locations; over 3" of rainfall were recorded on 12/13/21, which likely caused the bacteria levels to spike
12/07/21	360	10	100	Yellow Advisory posted on Friday, 12/17/21 due to elevated Enterococcus level in the North sample point on 12/7/21; no measureable amounts of were rain recorded on 12/6/21, and no reports of surfacing sewage overflows on/around 12/7/21
11/30/21	ND	ND	20	
11/23/21	10	ND	50	Advisory lifed as of 12/7/21 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the initial exceedance on the 11/9/21 sample
11/16/21	31	10	100	
11/09/21	400	1,200	100	Mesurable amounts of precipitation were recorded on 11/8/21 and 11/9/21, which is the likely cause for elevated Enterococcus levels; Yellow Advisory to remain in-effect for at least 2 consecutive sampling cycles
11/02/21	10	100	10	
10/26/21	8200	10,400	6488	Yellow Advisory posted on Friday, 10/29/21 due to preliminary results provided by lab; spike caused by significant rain events during previous several days prior to sample collection
10/19/21	10	ND	ND	
10/12/21	10	ND	ND	
10/05/21	ND	10	ND	
09/30/21	20	ND	ND	Sample collected on Thursday instead of Tuesday
09/21/21	20	ND	ND	
09/14/21	ND	ND	ND	
09/07/21	ND	10	ND	
08/31/21	ND	30	ND	
08/24/21	ND	ND	10	
08/17/21	ND	10	ND	
08/10/21				
08/03/21	ND	ND	ND	
07/27/21	ND	ND	ND	

Agenda Item 19. Communications - supplemental

07/20/21	ND	10	ND	Advisory lifted as of 7/28/21 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the initial exceedance on the 7/6/21 sample
07/13/21	ND	10	10	
07/06/21	ND	230	ND	Yellow Advisory to be posted; no reports of sewage release in/around the AP lagoon; no rain recorded since April; according to our staff sampler, there was a large presence of Canadian geese in middle segment of the lagoon at the time of sampling
06/29/21	ND	41	ND	
06/22/21	ND	ND	10	
06/15/21	ND	10	ND	
06/08/21	ND	10	ND	
06/01/21	ND	ND	ND	
05/25/21	ND	31	ND	
05/18/21	ND	41	ND	
05/11/21	ND	ND	10	
05/04/21	ND	20	ND	
04/27/21	10	100	20	
04/20/21	10	ND	ND	
04/13/21	ND	ND	10	
04/06/21	20	10	10	
03/30/21	20	20	ND	
03/23/21	10	ND	20	
03/16/21	ND	ND	ND	
03/09/21	41	31	ND	
03/02/21	ND	10	ND	
02/23/21	31	ND	10	
02/16/21	ND	20	10	Advisory lifted as of 2/25/21 based on water sample results received for 2nd consecutive week w/no exceedances
02/09/21	ND	ND	41	Advisory posted on 2/11/21 due to notification of Enterococcus exceedances in water samples collected on 2/2/21
02/02/21	590	360	120	Fairly significant rainfall between 1/31/21 - 2/2/21; no reported sewage releases reported in Berkeley on/around that date range
01/26/21	ND	10	ND	
01/19/21	31	100	200	No rain reported, however unusually strong wind gusts recorded earlier that morning and during the day, which could have blown additional debris into the lagoon
01/12/21	10	ND	100	
01/05/21	160	63	31	Some rainfall recorded on 1/4 and 1/6/21
12/29/20	31	10	63	
12/22/20	10	10	ND	
12/15/20	1300	20	120	Fairly significant rainfall recorded on 12/13/20; no reported sewage releases reported in Berkeley on/around that date
12/08/20	100	10	100	
12/01/20	10	ND	ND	
11/24/20	10	10	10	
11/17/20	10	200	200	Minor rain showers
11/10/20	10	ND	ND	
11/03/20	ND	10	10	
10/27/20	ND	ND	10	
10/20/20	200	ND	10	No reported sewage releases reported in/around Berkeley
10/13/20	20	ND	* N/A	* Sample not collected due to time constraint with sample 'hold-time' and courier service
10/06/20	ND	ND	10	
09/29/20	ND	20	100	

09/22/20	84	ND	ND	
09/17/20	10	97	31	
<b>NOTE:</b> The State standard for monitoring water quality and determining posting status for the Aquatic Park lagoon is based on the "Enterococcus" numbers only. Enterococcus figures in <b>RED</b> exceed the State Standard				
<a href="http://www.balancehydrologics.com/raingage/index.php">http://www.balancehydrologics.com/raingage/index.php</a>				
<a href="https://www.waterboards.ca.gov/water_issues/programs/sso/sso_map/sso_map_pub.shtml">https://www.waterboards.ca.gov/water_issues/programs/sso/sso_map/sso_map_pub.shtml</a>				
Indicates Advisory Posted due to Enterococcus exceedance				
<b>CALIFORNIA STATE STANDARDS</b>	CURRENT STATE STANDARDS FOR SINGLE SAMPLE (#cfu/100 ml)			
BACTERIAL CONSTITUENT	≤ 110			
<b>Enterococcus:</b>				

City of Berkeley Aquatic Park Enterococcus Sampling Results, newest to oldest. Yellow = advisory posted due to exceedance. Grayson St. RV lot and pump-out station closed October 2023. Three-page attachment to Friends of Five Creeks June 20 letter re toileting facilities for unhoused.





June 20, 2023

**VIA EMAIL ONLY**  
[rmiller@berkeleyca.gov](mailto:rmiller@berkeleyca.gov)

Claudia Kawczynska, Chair & Commissioners Allan Abshez,  
Anna Avellar, Brennan Cox, Erin Diehm, Reichi Lee, Gianna Ranuzzi,  
Davina Srioudom, and Gordon Wozniak and Roger Miller  
Berkeley Parks, Recreation, and Waterfront Commission  
2180 Milvia Street  
Berkeley, CA 94707

Re: Berkeley Waterfront Area Specific Plan

Dear Chair Kawczynska and Commissioners Abshez,  
Avellar, Cox, Diehm, Lee, Ranuzzi, Srioudom and Wozniak:

The Sierra Club makes the following comments on the proposed Draft report and recommendations regarding the Berkeley Waterfront Area Specific Plan.

Background on Sierra Club Involvement with the Berkeley Waterfront

The Sierra Club has had a long and extensive involvement with the Berkeley waterfront beginning with the Save the Bay movement in the early 1960's. The Sierra Club was a key advocate for the creation of what is now Cesar Chavez Park. Its members, many of whom have now passed away such as Ed Bennett worked closely with Save the Bay's founders Sylvia McLaughlin, Esther Gulik, and Kay Kerr. Mr. Bennett was a leader in the late 1960's in the campaign that stopped Santa Fe from building a shopping mall on what is now the Berkeley Meadow. The plan that saved the Santa Fe lands as park and open space in the 1980's was "The Sierra Club" Plan. The undersigned has worked on Berkeley waterfront issues since 1983 and is familiar with issues that keep returning as in a feedback loop regarding the Marina, Cesar Chavez Park, and the other areas West of the McLaughlin Eastshore State Park. Consequently, the comments made here reflect that long historical and institutional connection with the Berkeley waterfront.

A major goal for the Sierra Club was the creation of a shoreline and waterfront open space that was free and open to the public so people could enjoy the Bay, the sky, and the open character of the waterfront without the hustle and bustle of city East of the freeway. Once the McLaughlin Eastshore Park was created, another major concern was that the Berkeley city lands to the West of the state park be used and developed in a way that respected the values of the McLaughlin Eastshore State Park and was integrated into the state park's open space and character.



Comments on the Proposals for the Currently Developed Areas

Whatever commercial development is proposed for the developed areas should be integrated with and compatible with the McLaughlin Eastshore State Park's open space character. The development should not overwhelm the state park. Nor should it create adverse environmental impacts on the state park. The plan does not address how impacts from development, including impact of buildings, cars, etc. would affect the McLaughlin East Shore State Park

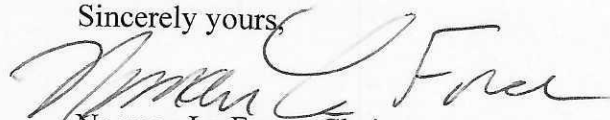
The proposal discusses additional hotel space, but there is no discussion of the economic status of the DoubleTree Hotel right now. Nor is there any comparison of occupancy rates and use rates for the meeting room space. Double Tree has 378 rooms, 24 meeting rooms and 14,000 square feet of event space. Was that booked up pre-covid? Is it booked up now? If not, then why is the plan discussing more rooms, more event space, etc. I would like to see actual factual data that the DoubleTree is so popular that they have had to turn away events and cannot accommodate travelers and meeting events. This would be looking at pre-covid and now current post covid bookings. If the place is not maxing out, why is Berkeley proposing more hotel space?

Cesar Chavez Park.

The draft plan talks about the park as a key open space area, but then proposes a myriad of buildings and programs that are contrary to it being an open space area, to wit,

- (1) A public café. Where would that be built? In the park?
- (2) A nature/arts, science interpretative and education center at Tunnel tops is proposed. This is adding a major building in the park. If it is on the hill area, then you are placing a building where people go for a view. If what is proposed is like the Tilden Farm Nature center, then it is a major building in an open space area that was supposed to be open space.
- (3) Public bike rental and support facilities: If these are not in the park, but adjacent to the park, then that is reasonable. But the implication from reading the plan is that yet another building is proposed.
- (4) A Kayak rental and launch area: Again if this is not in the park, then it is appropriate so long as it is not a launch site into the North Basin Cove of the McLaughlin East Shore State Park which is a protected area for birds.
- (5) Outdoor Activity and Adventure Center and camping area: Again, if this not in the park, then it is appropriate, but the implication is that this would be in the park. Such uses are not appropriate in this park and would be contrary to the reasons why this park was created.
- (6) Paid Parking: Parking should be free as a matter of an environmental equity issue. Poor people should not have to pay to park a car so they can go to the park.

Sincerely yours,



Norman La Force, Chair  
Sierra Club Eat Bay Public Lands  
Committee

## Comment on “Waterfront Specific Plan subcommittee report” dated 5/19/23 and posted 5/24/23

*(Item 13 on June 21 Agenda of Parks, Recreation and Waterfront Commission)*

The document is rough in places and needs copy editing.

The document lacks historic references. Neither the 2003 Specific Plan nor the earlier plans are acknowledged. The document proceeds as if each of the issues it raises were new and being discussed here for the first time, when in fact most of them are old and have been discussed many times.

The document in places reveals lack of familiarity with the area. For example, it proposes creation of a kayak rental place and a windsurfing launch area, both of which already exist and have existed for years. It proposes a cafe near the park, unaware that such a cafe already exists in the Doubletree hotel next door to the park. It proposes creation of native plant areas in Chavez Park, when at least one such area of more than three acres exists and has existed since the 1980s. It calls for developing a list of species in the park, when a list of bird, plant, insect, herps, and mammal species has already been compiled and published on the [chavezpark.org](http://chavezpark.org) website.

Passing to the main content areas, I have the following:

The Fiscal Recommendations on P. 2 are meritorious. The document points out that the official spreadsheet of the Marina fiscal status is profoundly misleading and it calls for a reset from scratch. This is to be welcomed. However, this analysis begs the question of where, pending development of a new and more truthful analysis of Marina finances, the funding for the many proposals in the document is to come from. Until funding is identified, the document describes castles in the air.

About Cesar Chavez Park: The document would benefit from review of the 2003 and earlier plans for the park.

The Off-Leash Area (OLA) is historically a new park use that serves only a minority of park users. An early BMASP survey found fewer than a third of park users came for their dogs. Observation shows that only a fraction of those who come with dogs use the OLA. The great majority of park visitors come for nature: fresh air, great views, grassland, trees, wildflowers, birds, peace and quiet, escape from urban stress. A comprehensive analysis of the OLA needs to focus on whether and how the OLA serves the park's natural and ecological priorities. The only pertinent reference in the document is that “its boundaries should be appropriately fenced to protect sensitive ecological areas.” Since all areas of the park are sensitive ecological areas, the whole OLA should obviously be fenced. If it is too big to fence, it should be relocated and scaled down to manageable size.

On mowing, the document seems unaware of the different park areas and their different mowing needs. A mowing plan needs to respect and protect bird nesting sites, in compliance with the Migratory Bird Treaty Act and its California equivalent.

Agenda Item 19. Communications - supplemental

The document is right to call attention to declining bird populations, but remains silent on the devastating impact of mowing on ground-nesting grassland birds. It also ignores the substandard fence surrounding the seasonal Burrowing Owl Sanctuary, which has claimed owl lives.

The document is silent on other well known park problems, namely the lack of restrictions on drones and other motorized model aircraft, and the problem of off-road bicycles destroying dirt trails and grass areas in wet weather.

The document is silent on the Chavez/Huerta Solar Calendar, a park landmark that merits support and investment for its development.

The document calls the current picnicking areas “not inviting,” even though they are used frequently in good weather.

The document is vague on the kinds of new food, retail, and recreational uses it proposes for the park and its immediate vicinity. If the new Master Plan is to mean anything, specific criteria for what is appropriate need to be spelled out. A proposal such as the SuperBloom festival, for example, if based on the [Munich original](#), would destroy the park and obliterate the wildlife habitat. It would be worse than the commercialization proposals advanced in the initial BMASP documents. The plan must translate its priority on ecological value into specific and clear criteria. Just leaving things to a “case-by-case” evaluation is a loophole for abuse.

The document is also silent on the ferry issue and on other points that are part of the City’s waterfront proposals. Without these matters decided, Marina planning sails in fog. The document would benefit from pointing out these uncertainties.

-- Martin Nicolaus  
CEO, Chavez Park Conservancy  
[martin@chavezpark.org](mailto:martin@chavezpark.org)  
510-717-2414