

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: J-Dock Community Service and Recreational Uses

RECOMMENDATION

Adopt a resolution designating Cal Sailing Club's historic J-Dock berths for disaster preparedness and evacuation, community service, and recreational education uses in perpetuity, and refer direct the City Manager to retain sixtwo slips at the terminus of the J-Dock for Cal Sailing Club (CSC) to use for nonprofit sailing instruction programs.

FINANCIAL IMPLICATIONS

TBD. Potential short-term opportunity costs may be offset by long-term revenue generation.

CURRENT SITUATION AND ITS EFFECTS

The nonprofit Cal Sailing Club has operated a community based sailing and windsurfing organization open to all for many years, run by volunteers, without city staff or financial outlays from the city, in contrast to community sailing organizations elsewhere in the San Francisco Bay Area and beyond that receive direct public operating subsidies. However, CSC has long received waivers for annual berth fees to utilize the J-Docks at the Berkeley Marina.

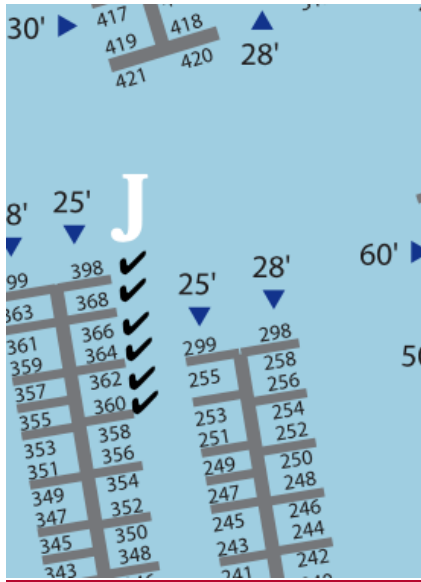
There are currently several major capital projects underway at the Berkeley Marina, including the replacement of D & E Docks, which will result in limited space for slipholders who rely on these docks.¹ However, the J Dock has been critical for sailing instruction programs that Cal Sailing Club provides, because it provides docks that are accessible for 40'-long sailboats to dock, as illustrated below. It is critical that the J Dock remain accessible to Cal Sailing Club for its nonprofit water recreation programming. Cal Sailing Club has utilized the se J Dock berths (numbers 360, 362, 364, 366, 368, 398) for 50 years because it enables an "open water" approach for departing and docking with sails under any wind direction-conditions, with minimal risk of collision with other berthed boats. While it will be necessary to relocate other slipholders during repairs to other docks, the outermost slips of the J-Dock can still be retained for Cal Sailing Club with no impact to other users.

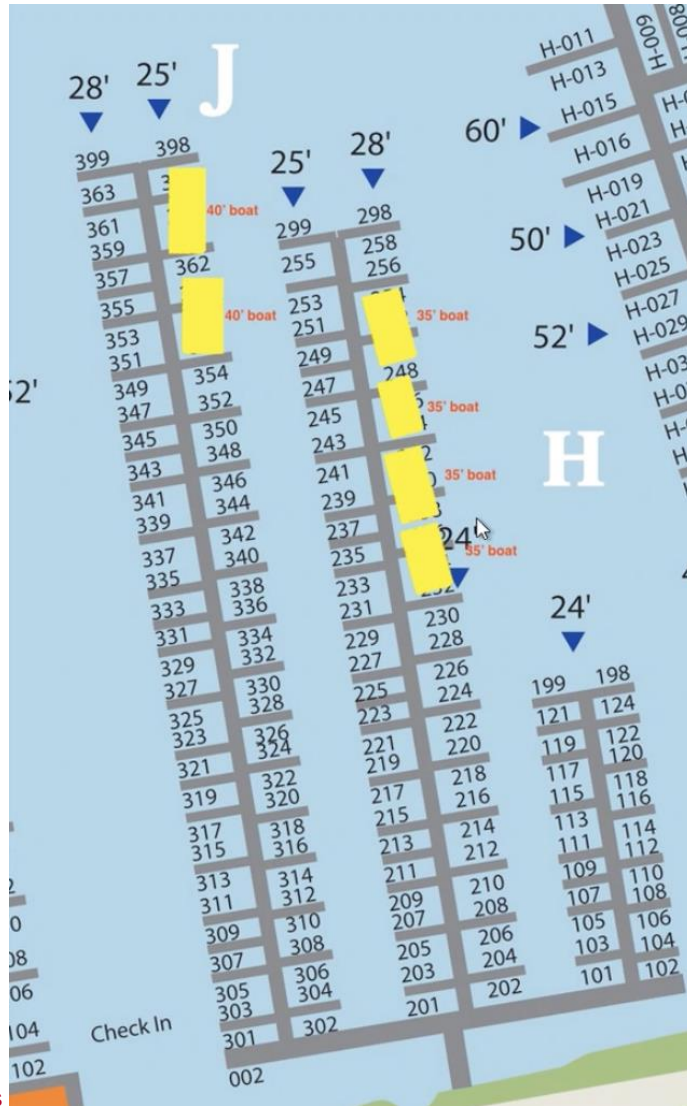
¹ Berkeley Waterfront CIP Projects 2008-Present. (July 20, 2023). *City Manager Off-Agenda Memo*: <https://berkeleyca.gov/sites/default/files/documents/2023-07-20%20BerkeleyWaterfront%20CIP%20-%20Off-Agenda.pdf>

Due to disruption from the D & E Dock Replacement project, it may not be possible to fully reserve the J-Dock for community service and recreational education uses until such capital projects are completed. However, it remains essential that such uses receive priority for slips that are ideal for open water approaches.

J-Dock Recreational Uses

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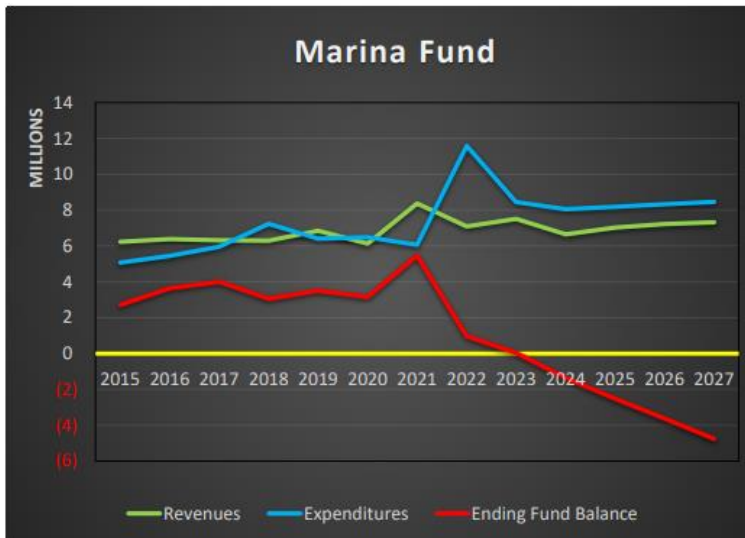
CSC's Six J-Dock Slips
J-Dock Map. Courtesy: Department of Parks, Recreation & Waterfront

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It is important to underscore that the fee waivers for CSC have been a net revenue-positive investment for the Berkeley Marina because many Club members have gone on to purchase their own boats and pay slip fees to dock in the Marina. In 2022, CSC

estimated that current and former Club members generated \$125,000 in annual slip fee revenue, far exceeding the cost of the Club’s berth fee waiver.²

Lacking a permanent and sustainable revenue source, the Berkeley Marina Fund is in a projected operating deficit as of Fiscal Year 2024³ which has impacted the City’s general fund and capital budget. The City is developing a new Waterfront Specific Plan⁴ to better align ongoing repair and future uses, such as an electric Bay Ferry operated by the Water Emergency Transportation Authority, with sustainable revenue generation. For example, various repairs and long-anticipated rehabilitation of the Municipal Pier would increase revenue from slipholders who are currently unable to dock at the Marina.⁵



2022 Marina Fund projections. (see footnote 3)

Retaining free, nonprofit recreational education uses at the Berkeley Marina is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

² E-mail Communication with District 2 Council Office. (March 21, 2024)

³ PRW Budget Presentation (April 28, 2022). <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/PRW%20Budget%20Presentation%20FY23-FY24%20Revised.pdf#page=12>

⁴ Draft Waterfront Specific Plan (November 2, 2023): <https://berkeleyca.gov/sites/default/files/documents/WSP-DRAFT-2023-11-02.pdf>

⁵ Raguso, E. (9 Aug., 2022). City secures \$15M state earmark to improve Berkeley Marina. *Berkeleyside*. Retrieved March 25, 2024 from <https://www.berkeleyside.org/2022/08/09/berkeley-marina-15-million-state-money-pier-ferry-harbor-dredging-waterfront>

BACKGROUND

In the City of Berkeley's General Plan, the Open Space and Recreation Element (adopted in 2002)⁶ includes Policy OS-7, "Serving Disadvantaged Populations":

Within the context of open space resource allocations for new or expanded facilities, give high priority to providing additional facilities for populations that are disadvantaged or underserved.

Actions:

- A. *Ensure that park planning processes consider the needs of low-income residents and residents with limited English.*
- B. *Ensure that park facilities and recreational activities **are available at low costs to low-income residents** [emphasis added] and accessible by public transportation.*
- C. *Ensure that new open space, recreational, or cultural uses are compatible with the other vital community priorities for disadvantaged populations in Berkeley.*

For decades, Cal Sailing Club has provided youth program events serving Berkeley Youth Alternatives and low-income youth, plus area Girl Scouts and Boy Scouts (for earning the sailing merit badge). According to the organization, CSC currently provides:

- **2500+**: total number of free rides per year that have been provided to the public for decades now, giving visitors aged 5 and up superb views of the Golden Gate and the Berkeley waterfront during our monthly Open Houses from April to November.
- **\$90,000** in estimated annual Value of Presence in Marina or Community Service for these free introductory sails provided to the general public and diversity groups.
- **1,100**: annual active memberships.
- **19,026**: number of members since 2009.
- **\$1.33**: Average daily cost for full membership. Fee is waived if a member contributes additional volunteer hours.
- **54.4%** of new members self-identified as other than White in the last 12 months as of November 2023
- **2,942**: lessons given last year in sailing and windsurfing.
- **\$45,000** grant from California Department of Boating and Waterways every year to teach Boating & Water Sports Safety.
- **7,126**: estimated area in square miles from which CSC draws members.
- **\$126,793**: annual slip fees in 2022, paid into Berkeley's Marina Fund by current or former CSC members (this number varies from year to year).

⁶ Open Space and Recreation Element:

https://berkeleyca.gov/sites/default/files/documents/08_Open%20Space%20and%20Recreation%20Element-FINAL.pdf

On March 13, 2024, Berkeley's Parks, Recreation & Waterfront Commission received a draft staff recommendation for an updated Berth Fee Waiver Policy, which would establish qualifications and an application process for organizations to receive annual berth fee waivers in exchange for offering community services free to the public.⁷

The draft proposal included the following qualifications:

- a. *The organization must be a 501(c)(3) non-profit organization.*
- b. *The organization must conduct its primary baseline activities on a regular and ongoing basis.*
- c. *The primary baseline activities of the organization must involve a "water-related activity" (in order to be consistent with uses permitted by the State tideland trust guidelines).*
- d. *The organization must provide Community Service, which is defined as additional water-related activities provided at no charge to the general public that are over and above their primary baseline activities. Examples include free access to their programs and equipment at City special events. Such Community Service must be pre-approved in writing by City staff.*
- e. *The value of the annual Community Service must be one of the following two requirements: (a) at least \$10,000 per year or (b) at least twice the value of the requested annual berth fee waiver, whichever is greater. Each organization shall provide an explanation and calculation of how their Community Service complies with this section at the following reporting times: a) the initial berth fee waiver request, b) the subsequent yearly report, and c) at each four-year renewal.*
- f. *Per the current berth slip procedures at the Berkeley Marina, each organization that receives a berth fee waiver must have a permit to berth, insurance, and registration.*

Additionally, qualifying organizations would be required to "promote ethnic and cultural diversity" in order to qualify, under the following criteria:

- a. *Membership policy and practices.*
- b. *Recruitment strategy.*
- c. *Outreach to under-represented populations.*
- d. *Mission statement, if any.*

Cal Sailing Club has ~~previously~~ qualified for this waiver program annually.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

⁷ March 13, 2024 PRW Commission Agenda: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/PRW%20Comm%20Agenda%20-%202024-03-13.pdf#page=13>

J-Dock Recreational Uses

CONSENT CALENDAR

CONTACT PERSON

Councilmember Taplin

Council District 2 510-981-7120

Attachments:

1: Resolution

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

RESOLUTION DESIGNATING CAL SAILING CLUB'S HISTORIC J-DOCK SLIPS IN
BERKELEY MARINA FOR DISASTER PREPAREDNESS AND EVACUATION,
COMMUNITY SERVICE, AND RECREATIONAL EDUCATION USES

WHEREAS, the Berkeley Marina is a treasured public facility, developed as the Berkeley Yacht Harbor in the 1930s by the Works Progress Administration, which provides recreational opportunities for residents and visitors of all ages, abilities, and backgrounds; and

WHEREAS, Cal Sailing Club's 50-year unique J-Dock open water location provides incomparable access for sailboats to depart and dock under sail in any wind direction, and the J-Dock provides incomparable access for sailboats to depart and dock in open water under any wind conditions; and

WHEREAS, the nonprofit Cal Sailing Club has provided sailing instruction programs and low-income youth programs for free, with membership available at low or no cost to any member of the public, ~~with open access approaches for sailboats at the J-Dock for 50 years;~~ and

WHEREAS, the Open Space and Recreation Element of City of Berkeley's General Plan, adopted in 2002, commits the city to "[e]nsure that park facilities and recreational activities are available at low costs to low-income residents and accessible by public transportation"; and

WHEREAS, the City of Berkeley and the State of California are investing unprecedented sums in various capital projects to revitalize the Berkeley Marina and preserve legacy recreational uses.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the historic the J-Dock slips (numbers 360, 362, 364, 366, 368, 398) at the Berkeley Marina shall be designated for disaster preparedness and evacuation, community service, and recreational education uses, upon the completion of the D & E Dock Replacement project.

BE IT FURTHER RESOLVED that, in the event of future emergencies or other extenuating circumstances, ~~these community service and recreational education~~ uses shall remain the highest priority for the designated J-Dock slips.