



PARKS, RECREATION, AND WATERFRONT COMMISSION

Regular Meeting

Wednesday, March 13, 2024, 7:00 P.M.
Frances Albrier Community Center - auditorium
2800 Park Street, Berkeley, CA 94702

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 February 15, 2024 (Chair).*
6. **Public Comment.**
7. **Chair's Report.**
8. **Discussion/Action: Election of Officers** (chair).
9. **Director's Report** (Ferris): PRW Divisions: Recreation; Parks; Waterfront; Capital; Budget; Grants.
10. **Presentation: Upcoming Waterfront Parking Study** (Kawczynska/McNulty).
11. **Discussion/Action: New Developments Adjacent to Public Parks/Open Space (2136 San Pablo Ave)** (Kawczynska/Diehm).*
12. **Discussion/Action: Proposed updates to Berth Fee Waiver Resolution (66,544-N.S.)** (Kawczynska/Ferris).*
13. **Discussion/Action: Update on FY25-26 PRW Capital Projects submittals** (Ferris).*
14. **Information: Recent Council Reports.***
15. **Future Agenda Items:** Public Art in Aquatic Park (Lavvorn); PRW Commission Workplan 2024; Parks Development Fee; Citywide Accessibility Plan; Locations for Dog Parks.
16. **Communications.*** RoberOfsevit, 2024-03-07.
17. **Next PRW Commission meeting:** Wednesday, April 10, 2024.
18. **Adjournment.**

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

** document will be provided at the meeting.

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 -
District 1 - Reichi Lee	District 4 - Erin Diehm	District 7 - Alyssa Hurtado
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

2024 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
2024			
January	Wednesday, January 10	7:00 p.m.	Regular Mtg
February	Thursday, February 15	5:30 p.m.	Regular Mtg/Corp Yard Rm
March	Wednesday, March 13	7:00 p.m.	Regular Mtg
April	Wednesday, April 10	7:00 p.m.	Regular Mtg
May	Wednesday, May 8	7:00 p.m.	Regular Mtg
June	Wednesday, June 12	7:00 p.m.	Regular Mtg
July	Wednesday, July 10	7:00 p.m.	Regular Mtg
August	No meeting		
September	Wednesday, September 11	7:00 p.m.	Regular Mtg
October	Wednesday, October 9	7:00 p.m.	Regular Mtg
November	Wednesday, November 13	7:00 p.m.	Regular Mtg
December	No Meeting		
2025			
January	<i>Wednesday, January 8</i>	<i>7:00 p.m.</i>	<i>Regular Mtg</i>

**PARKS AND WATERFRONT COMMISSION
Regular Meeting**

Wednesday, February 15, 2024, 7:00 P.M., Live Oak Community Ctr, Fireside Room

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: .
3. **Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiu (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: Kawczynska/Diehm/U): Ayes: Abshez; Diehm; Hurtado; Kamen; Kawczynska; Noes: none; Absent: Cox; Lee; Ranuzzi.
5. **Action: Approval of Minutes** for January 10, 2023 (Chair).* (M/S/C: Diehm/Hurtado/U): Ayes: Abshez; Diehm; Hurtado; Kawczynska; Noes: none; Abstain: Kamen; Absent: Cox; Lee; Ranuzzi.
6. **Public Comment.** a) Mina Sun, Adaptive sports & rec; b) Naomi Friedman, commission meeting time; c) Jim McGrath, public comment; d) Camille Antinori, RFQ for Parking study
7. **Chair's Report.** Feb 3 Tree Planting Event at Aquatic Park (Kawczynska); upcoming March 9 Tree Planting Event at Aquatic Park (Kawczynska); March 2 pickleball tournament (Kawczynska); March 9 ground-breaking at Willard Park project (Kawczynska); DRC mtg – new building near park should have impact fee to cover park maintenance (Kawczynska).
8. **Discussion/Action: Election of Officers** (chair). Item was held over.
9. **Director's Report** (Ferris): PRW Divisions: Recreation; Parks; Waterfront; Capital; Budget. Update was provided.
10. **Discussion: Update on Capital Projects at the Waterfront** (Ferris).** Update was provided. Public Comment: a) Camille Antinori.
11. **Discussion: Upcoming Waterfront Parking Study** (Kawczynska).* Discussion was held. Public Comment: a) Gordon Stout, b) Jim McGrath.
12. **Discussion: Update on Bay Area Air Quality Management District and Methane System at Cesar Chavez Park** (Kawczynska). Update was provided. Public Comment: a) Jim McGrath.
13. **Information: Recent Council Reports.***
14. **Future Agenda Items:** Berth Fee Waiver Policy revision; Public Art in Aquatic Park (Lavvorn); Priorities for parks capital projects FY2023-24; PRW Commission Workplan

2024; Parks Development Fee; Citywide Accessibility Plan; Berth Fee Waivers for community service organizations; Locations for Dog Parks.

15. Communications.* a) Mina Sun, 01-16-2024; b) Camille Antinori, 02/02/2024; c) Martin Nicolaus, 01/25/2024; d) Jim McGrath, 01-10-2024; e) Gordon Stout, 01/02/2024; f) Carol Hirth, 02/06/02024; g) Cameron Woo, 02/07/2024.

16. Next PRW Commission meeting: Wednesday, March 13, 2024 (in-person).

17. Adjournment. 7:55pm.

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

** document will be provided at the meeting

- Commissioners in attendance: 5 of 8 appointed.
- Public in attendance: 7
- Public speakers: 8

***Note:** For any handouts distributed at the meeting, please see the Draft Minutes for February 15, 2024 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>

Subject: Special Consideration for Developments with Adjacency to a Public Park or City-Owned Open Space

RECOMMENDATION

That Council adopt a resolution that when multi-unit housing or commercial development plans are adjacent to or border on any public park or city-owned open space that the developer must consult with the Director of the Parks, Recreation and Waterfront (PRW) Department and hold community and stakeholder meetings to discuss issues related to up-to-date demarcations (fencing), access, plantings, bird-safe glass, and light pollution. Agreement with the PRW Department needs to be finalized before proceeding to the Zoning Adjustment Board (ZAB) and the final Design Review Committee (DRC) meeting.

We also recommend that this report be forwarded to ZAB before the ZAB's agenda cut off of 3/21/24, and that its authors represent the commission at the 3/28/24 ZAB meeting. Importantly, we also ask that our recommendations be sent to the City Council as a commission Communication at the earliest convenience.

BACKGROUND

At the DRC Committee meeting on Feb. 15, 2024, the development team of a proposed housing development to be located at 2136 San Pablo Ave. (between Addison and Allston) presented its plans for Preliminary Design Review. See Figure 1(a)(b) and Figure 2.



Figure 1a. (above) Current situation. George Florence Mini-Park (yellow outline), proposed development site (red outline), and **Figure 1b.** (below, next page)



Figure 1b. Photos of the park by the author, 3/1/24.



Figure 2. Proposed development. View from George Florence Mini-Park.
From the materials for DRC [“2024-02-15 Late Meeting Materials Updated Renderings”](#)

This six-story, mixed-use building with 125 residential units backs up to the George Florence Mini Park on the west side. Most of the units face San Pablo Ave. However, on the west side of the building, the developer is proposing five ground floor townhouses with small individual patios facing the park (see Figure 2.). There also is a ground floor “common area” with a patio that will be open to all the residents. Both the townhouses and the common area border the mini park,

giving the appearance that the park is somehow a part of the development. A low (40 inches) metal fence is the only demarcation element that separates private property from this city-owned park. It is worth noting that the height of the fence was intentionally lowered to “allow for more visibility to and from the park” (Staff Report, DRC 2024-02-15, Page 7 of 8). To further complicate matters, at the DRC the development team proposed that each unit, including the common area, have gates with direct access to and from the park. See Figure 3.



Figure 3. Proposed development. Shows multiple points of direct access, to and from the park. From [Staff Report of Item #2 at 2/15/24 regular meeting of the DRC](#). Page 8 of 50 total)

HISTORY

George Florence Mini Park was built in 1979, and is a very small park of approximately .51 acre. It received Phase One, T1 renovation funding in 2018 that included two new playgrounds for tots and school-age children, and a picnic area (not shown in these rendering). In 2020, volunteers planted one of the first COB park area California native-plant pollinator gardens along the eastern edge. These native plantings also extend to both the south and north boundaries as well. CA-native trees and shrubs—including Coast Live Oak, Elderberry, Toyon, Coffeeberry, California Fremontia, Fuchsia-flowered Gooseberry, and more—are interspersed in the pollinator garden to provide habitat and attract birds. This park is well used by the public including families with small and young children, picnickers, nearby school groups and dog walkers and, importantly, is the *only* mini park in the area west of San Pablo Ave.

RATIONALE

Impact on parks. Several neighborhood parks in Berkeley are close to housing and residences including Ohlone, Willard, Cedar Rose and San Pablo Parks. However, at the 2/15/24 meeting of the DRC it was noted that there are none, in recent memory, where a new multi-unit housing development has been proposed that is directly adjacent to a park. And while there are both state and local laws that dictate design standards and other development criteria that, at times, can trigger impact fees, there is little regulation that the city has in place that would govern this particular situation, including developer fees devoted to green space and public parkland (while there is an art fee devoted to public art).

The only mention of parks or open space development impact fees can be found in the 2012 “Downtown Streets and Open Space Plan,” which states, “Developers can be assessed impact fees to address increased demand for open space and other facilities, which result from development. These fees can only go toward capital improvements...”

Not only is this 2136 San Pablo Ave. development directly adjacent to a park but it has the potential to greatly increase its usage. With 125 units it seems feasible to predict that this mini park and its current stakeholders and users will be burdened by a much higher usage, without any additional funding needed for its upkeep, maintenance and possible improvements.

While West Berkeley corridors, especially San Pablo Ave. are experiencing a much needed housing boom—partially because the city must fulfill its Housing Element projections—without increases in funding our city-owned parks will surely be negatively affected. Ideally developments should be adequately assessed for these impacts, not just in the downtown area but throughout the whole city.

Impacts on wildlife. Development impacts wildlife. Birds are of special concern as their populations are in steep decline. Collisions with window glass and light pollution are major contributors to these losses. (See Appendix.)

The project at 2136 San Pablo abuts a park where considerable effort has been made to increase the habitat value, which will attract birds. The project as currently proposed doesn't include bird-safe glass, which will result in unnecessary bird deaths, especially at sunset when the reflection off the westward park-facing glass is strongest. Moreover, lower elevations are some of the most dangerous, as they reflect images of nearby trees and vegetation.

To protect declining and threatened bird populations, bird-safe glass should be installed on all sides of the building, per the Ordinance passed by the City Council on June 6, 2023. If those protections are not implemented, mitigations from the West Berkeley Project EIR 2012 should be applied. These mitigations are relevant and have precedent as they were included among ZAB's Condition of Approval on March 30, 2023 for a mixed-use project by this same development team, at 2190 Shattuck Ave, with these 3 conditions (See Appendix for details), namely:

(1) visual markers up to 12 meters, (2) reduced light pollution, and (3) 100% protection for glass walls/balconies/windscreens.

DESIGN REVIEW COMMITTEE COMMENTS

At the DRC on 2/15/24, the Committee, while approving much of the design of the project that faces San Pablo Ave., its proximity to the park and the direct access to the park was noted and discussed in great detail. The Committee had decided that on the following points:

- “Applicant shall conduct further collaborative meetings with Parks and Recreation and the neighborhood to further develop the connection between the park and the building.”
- The metal fence that delineates the patios from the park was shown to be only 40 inches, elicited the decision that “Alternate treatments of the fence at the West edge of the property shall be provided at Final Design Review.”
- And that the “Plant palette should include at least 75% of native plants and should work with the existing pollinator garden in the adjacent park.”
- Plus, they asked for the “Removal Bradford Pear species from the plant palette.” (note: Bradford Pears are a recognized invasive species.)

We, the PRW Commission, Recommend:

1. Concurrence with the DRC that the development applicant must have further meetings with the PRW Department director and the stakeholders in that community and reach a consensus agreement.
2. The applicant shall not be given direct access from this private development into a public park, be it from the individual townhouse units or from the common area (that would provide access to *all* the residents). We must preserve our public parks and this public space should not be perceived as part of a private development.
3. Require that the applicant meet with the volunteers who are responsible for the pollinator garden and resolve issues around the ongoing maintenance of those gardens due to the differing of shade and shadowing that will be caused by the development.
4. Request that the applicants’ plant palette be increased from 75% to 100% of California-native plants.
5. Require that bird-safe glass be required throughout the entire development, with special attention to the west side of the building.
6. Require the applicant to provide accurate renderings that portray the current plantings and play areas in George Florence Mini Park and not their imagined one.

CONTACT PERSONS:

Claudia Kawczynska, Chair of the PRW commission

Erin Diehm, Vice-Chair of the PRW commission

APPENDIX

Bird Declines

Bird populations have declined almost 1/3rd since the 1970s¹, “a staggering loss that suggests the very fabric of North America’s ecosystem is unraveling”². The second largest anthropogenic cause of bird mortality in North America is bird-window collisions³. Up to 1 billion birds/year, roughly 10% of all breeding birds in North America, die after striking window glass. (Note that even if birds fly away, most die days later from injuries sustained.) In addition, light pollution is increasing at 2.2% annually and contributes to the death of millions of birds every year.⁴ Most migratory birds migrate at night. Light pollution interferes with the timing of their migration, causing birds to leave too soon. It also draws migrating birds into urban areas where the birds face numerous potentially lethal threats.

Bird-Safe Precedent

(1) West Berkeley Plan 2012 Mitigations (as referenced in EIR for 2190 Shattuck Ave)

The City of Berkeley has adopted bird-safe building standards that are “uniformly applicable development policies for multi-story buildings with the potential for significant bird strikes (City of Berkeley, Additional Amendments to the Master Use Permit Process, West Berkeley Project EIR, 2012). Pursuant to these standards, new buildings with the potential for significant bird strikes must adhere to specific design measures, which would be included in the conditions of approval for the proposed project, as applicable.

Source: 2023-03-30 ZAB Staff Report, Item #2

https://berkeleyca.gov/sites/default/files/documents/2023-03-30_ZAB_Item%202190%20Shattuck_Staff%20Report%20and%20Attachments.pdf

(2) Bird-Safe Mitigations for 2100 Shattuck Ave (Approved by ZAB on March 30, 2023)

¹ <https://academic.oup.com/condor/article/116/1/8/5153098?login=false>

² <https://www.birds.cornell.edu/home/bring-birds-back>

³ <https://conservancy.umn.edu/handle/11299/195856>

⁴ <https://www.un.org/en/un-chronicle/growing-effects-light-pollution-migratory-birds>

ADDITIONAL CONDITIONS

MARCH 30, 2023

2190 Shattuck Avenue

Use Permit Modification #ZP2022-0026 to modify the project originally approved under #ZP2016-0117, to construct a 25-story (268 feet, 6 inches), 397,212-square-foot mixed-use building with up to 326 dwelling units (including up to 32 Very Low-Income Density Bonus qualifying units), approximately 7,500 square feet commercial space, and approximately 51 underground parking spaces.

The 2190 Shattuck project Final EIR identified the following measures to be attached to the project as Conditions of Approval, in order to reduce potential impacts to Biological Resources to be less-than-significant:

10. Bird Safety

- A. Create visual markers and mute reflections in the glass features of buildings. Glass treatment e.g., modifications in transparency, reflectivity, patterns and colors) shall be on at least the first 12 meters, or to the anticipated height of the majority of vegetation at maturity, whichever is higher. Applying these solutions to the entire building is preferred.
- B. Reduce light pollution which disorients migrating birds by choosing exterior light fixtures that project light downward rather than toward the sky, by turning off interior lights at night, especially during spring and fall migration periods, and by locating interior plantings away from glass areas that are lit at night.
- C. For structures such as greenhouses, skyways, free-standing glass walls and some balconies, require that 100 percent of glass be treated.



MEMORANDUM

Date: March 13, 2024

To: Parks, Recreation, and Waterfront Commission

From: Ali Endress, Waterfront Manager

Re: Staff Recommendations for Updated Berth Fee Waiver Policy

The Resolution that provides the policy and procedures for non-profits to request a waiver of annual berth fees in exchange for community service has been revised in the attached draft Resolution.

RESOLUTION ##

ADOPTING A POLICY FOR THE WAIVER OF ANNUAL BERTH FEES AT THE
BERKELEY MARINA BY NON-PROFIT ORGANIZATIONS PROVIDING COMMUNITY
SERVICE

WHEREAS, on March 14, 1997, Council adopted Resolution No. 58,859-N.S. that established the policy by which non-profit organizations at the Berkeley Marina can receive a waiver of annual berth fees in exchange for community service; and

WHEREAS, the procedures for obtaining such waivers involved a review by the Waterfront Commission of the applicant's annual report, annual finances, and by-laws related to their non-discrimination policies and their community outreach efforts to under-served populations; and

WHEREAS, on April 29, 2014, Council adopted Resolution No. 66,544-N.S. that changed the name of the reviewing commission to the "Parks and Waterfront Commission"; and

WHEREAS, as a housekeeping matter, the name of the reviewing commission must now be updated to the "Parks, Recreation, and Waterfront Commission", and other minor updates shall be made to the berth fee waiver policy.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley hereby establishes the following policy for the waiver of annual berth fees at the Berkeley Marina in exchange for community service:

A. QUALIFYING ORGANIZATIONS: MINIMUM REQUIREMENTS

1. Only those organizations that meet the following criteria shall be eligible to receive an annual waiver of berth spaces in exchange for community service:
 - 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 on-going 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.
2. Only those organizations that demonstrate that they promote cultural and ethnic diversity, as evidenced by the following criteria, shall be eligible for consideration:
 - a. Membership policy and practices.
 - b. Recruitment strategy.
 - c. Outreach to under-represented populations.
 - d. Mission statement, if any.

The City of Berkeley advocates and practices equal opportunity in terms of access to its berthing facilities. Availability and use of the facilities may not be predicated on a person's race, color, religion, ethnicity, national origin, age, sex, sexual orientation, marital status, political affiliation, disability or medical condition.

B. APPLICATION PROCEDURE

1. Non-profit applicants for berths at the Berkeley Marina must make written application to the Waterfront Manager stipulating the following:
 - a. Name and address of organization
 - b. Name, address & telephone number of person responsible for business affairs of the group
 - c. Type of organization
 - d. Number of members in organization
 - e. Level of participation of members
 - f. Description of members participants of organization
 - g. Community Service activities (including hours provided; number of people served; and an explanation and calculation of how the Community Service meets the requirement in Section A.1.e.)
 - h. Reason and justification for request
 - i. Time period/duration for use of the requested berth slips at the Berkeley Marina (indefinite or specific time period)
 - j. Copy of bylaws (if any)
 - k. List of completed community projects for the prior year, and planned projects for the coming year.
 - l. Financial statement for prior year.
2. The Parks, Recreation, and Waterfront Commission shall review the application and make a recommendation to the Council that the requesting non-profit organization receives a waiver of annual berth fees in exchange for community service.

C. REPORTING REQUIREMENTS, COMPLIANCE, AND ADMINISTRATION

1. All organizations that receive a waiver of berth fees in exchange for community services at the Berkeley Marina must comply with the following provisions:
 - a. On February 1 of each year, each organization must submit a report to the Waterfront Manager detailing the organization's community service for the prior calendar year, including the following:
 1. Number of members of the organization and/or level of participation.
 2. Number and type of community activities.
 3. Number of persons participating in each activity both from the membership and from the community, if different.
 4. Plans for the upcoming year for community service.
 - b. On February 1 of each year, each organization must submit a financial statement for the prior calendar year to the Waterfront Manager.
 - c. At the initial request, and at each subsequent renewal after a four year term, each organization shall provide a presentation on its activities in the prior calendar year, as described in this section to the Parks, Recreation, and Waterfront Commission at the February meeting.
 - d. Any organization failing to provide the prescribed information and reports by the listed deadlines will lose its waiver of berth fees, or remove its vessel or material from the Marina after thirty (30) days notice by the Waterfront Manager.
2. Organizations that comply with the requirements of this policy and other applicable City ordinances and/or policies shall have the waiver of annual berth fees renewed every four years by the Council after a review and recommendation by the Parks, Recreation, and Waterfront Commission.
3. This resolution's four-year cycle shall begin in 2024 and end in December 2027, and will require a new four-year renewal commencing in calendar year 2028.
4. New organizations may request a waiver of annual berth fees in exchange for community service at any time during a four-year cycle for the remainder of the resolution's four-year cycle.
5. When the owner of a private vessel requests a berth that is occupied by a vessel owned by a non-profit organization receiving a waiver of annual berth fees in exchange for community service, the Waterfront Manager may require, with thirty (30) days advance notice, the vessel owned by the non-profit organization to move to another berth.

Agenda Item 13. FY25-26 PRW capital project budget requests

PRW CIP Budget Requests - FY25 and FY26

DRAFT - 2/14/2024

Parks Tax / CIP	FY25	FY26	Notes
Budget			
Parks Tax (baseline)	1,065,000	1,090,000	
Parks Tax (addl)	2,500,000	2,000,000	<i>Taken from fund balance; included in fund forecast.</i>
Marina Fund	-	-	<i>No fund balance available for capital projects.</i>
Camps Fund	-	-	<i>No fund balance available for capital projects.</i>
CIP (baseline)	2,400,000	2,400,000	<i>Assumes we maintain FY24 CIP Fund baseline of \$2.4M/year.</i>
Total budget	5,965,000	5,490,000	11,455,000
Unfunded Need			
<i>Waterfront (shown in Marina Fund 5-year forecast)</i>	(1,010,000)	(2,065,672)	
<i>Camps (shown in Camps Fund 5-year forecast)</i>	(450,000)	(100,000)	
Other	(850,000)		
Total Unfunded Need	(2,310,000)	(2,165,672)	(4,475,672)
Project Needs			
			<i>*Note: Grey projects can be funded with existing budget.</i>
<u>Highest priority projects</u>			
MLK YAP	(3,500,000)		<i>Total project is \$12.5M. \$3.5M is the gap. Applied for \$3.6M grant to cover. April 2024</i>
Santa Fe ROW		(3,000,000)	<i>Total project is \$8M-\$10M. We have \$5M. \$3M is the min gap. Applied for \$5M grant to cover. Feb/March 2024</i>
Tom Bates	(3,900,000)		<i>Total project is \$8M. We have \$4.1M. \$3.9M is the gap.</i>
Echo trees	(200,000)		<i>Estimated amount. Note: also need funds in FY24 for tree removal prior to camp opening.</i>
South Cove West parking lot (gap from SCC grant)	(250,000)	(250,000)	
K-Dock Restroom gap		(110,000)	
199 Seawall beam/piling	(260,000)		<i>Critical beam and piling at risk of failing. Design and study in FY25, construction in FY26.</i>
Additional Piling Replacements (J Dock)		(140,000)	
Total highest priority projects	(8,110,000)	(3,500,000)	(11,610,000)
			<i>Note: could fully fund these projects by accelerating FY26 allocations.</i>
<u>Additional emergency needs</u>			
199 Seawall beam/piling		(765,672)	<i>Critical beam and piling at risk of failing. Design and study in FY25, construction in FY26.</i>
Design for seawall repair at South Cove	(500,000)		<i>South Cove seawall failing. Possible grant for construction.</i>
Caz riverbed erosion	(300,000)		<i>River wall eroding camp property. Assumes 50/50 share with Caz Music Camp, total cost is \$600K.</i>
Addl MM for Camps, as per FY23-24	(100,000)	(100,000)	
Total addl emergency needs	(900,000)	(865,672)	(1,765,672)
<u>Additional high priority needs</u>			
Aquatic Park Tide Tubes Planning (grant match)	(66,000)		<i>FY24 grant application; will need this allocation if awarded. (Separate from \$800k match in AAO1).</i>
University Ave SLR (grant match)	(64,000)		<i>FY24 grant application; will need this allocation if awarded.</i>
Convert JK Restroom to Public RR	(150,000)		
South Berkeley Landscaping / Here There	(400,000)		
Design for Codornices Play	(250,000)		<i>Play structure is deteriorated and needs to be replaced.</i>
Design for Shorebird Play	(175,000)		<i>Play structure is deteriorated and needs to be replaced.</i>
Design for Glendale LaLoma Play	(250,000)		<i>Play structure is deteriorated and needs to be replaced.</i>
Generator at BTC	(150,000)		<i>This is required; but a generator could be rented in summer 2024.</i>
Re-deck F&G dock		(500,000)	
Finger Dock Replacements		(300,000)	
Total addl high priority needs	(1,505,000)	(800,000)	(2,305,000)
GRAND TOTAL - Project Needs	(10,515,000)	(5,165,672)	(15,680,672)

Note: This gap may be fully or partially offset by 2 grant applications totalling \$6.6M for MLK YAP (\$3.6M) and Sante Fe ROW (\$3M).

Citywide Request		
Grant writing services	\$100,000	\$100,000
Architectural services for grant work	\$50,000	\$50,000 <i>Renderings</i>
Matching funds for grants	\$5,000,000	\$5,000,000
Total Citywide Request	\$5,150,000	\$5,150,000

DRAFT

Parks, Recreation and Waterfront Department - Capital Projects List/ Status

Project	Type /Funded	Status
Camps		
Echo Lake ADA pathway Improvements	Funded -Construction	In Construction
Echo Lake Tree Removal Phase 3	Unfunded-Potential FY25 Request	Phase 1 and 2 Complete
Tuolumne Camp EVC Charging Stations	Funded -Construction	In Closing
Tuolumne Camp Generator Insatlation	Unfunded-Potential FY25 Request	Not started
Cazadero Riverbed Erosion Phase 1	Funded	Complete
Cazadero Riverbed Erosion Phase 2	Unfunded-Potential FY25 Request	Not started
Waterfront		
199 Seawall Structural Evaluation	Funded	In Process
199 Seawall Structural Improvements	Unfunded-Potential FY25 Request	Not Started
Bike Park	Funded-Conceptual Design Only	Final Design nearing comp.
Cesar Chavez Parimter Pathway	Funded - Construction	In Design
Cesar Chavez Park Restroom	Funded - Construction	In Design
D and E dock Replacement	Funded - Construction	Bidding
F and G Dock Resurfacing	Unfunded-Potential FY25 Request	Not Started
J dock - misc Piling Improvements (3)	Unfunded-Potential FY25 Request	Not Started
J dock - Diamond Plate Resurfacing	Funded- Construction	Starting in April
K Dock Restroom	Funded - Construction	In Design
Main Channel Dredging	Funded - Construction	Bidding
Marina/Virgina Sea Level Rise	Concepetual/ Planning only	Funding from SSC in process
Misc Piling Replacements	Funded -Construction	In Closing
Pier with Water Transportation	Funded - Design/ Plannig	In Process
South Cove Seawall Repair	Unfunded-Potential FY25 Request	Not Started
South Cove West Parking Lot	Funded- Construction	In Design
South Sailing Basin Dredging	Funded - Conceptual Design Only	In Process
University Ave Sea Level Rise	Unfunded- Grant App Pending	Preliminary design only
Waterfront Specific Plan	Funded	In Process
Facilities/Large Buildings		
African American Holistic Resource Center	Funded - Construction	In Conceptual Design
John Hinkle Hut	Funded - Design Only	In Conceptual Design
MLK Jr. Youth Services Center	Funded - Construction	In Design
Willard Clubhouse and Restroom	Funded - Construction	In Construction
Parks		
63rd Avenue-Community Garden	Funded- Construction	In Closing
Aquatic Park - ADA Parking Lagoon Access	Funded - Constuction	In Closing
Aquatic Park - Dreamland Area Design	Funded - Design/ Planning	Not Started
Aquatic Park - West Side Tree Planting	Funded- Construction	In Construction
Aquatic Park- East Bolivar Landscape and	Funded- Constuction	In Construction
Aquatics Park Tide Tubes- Phase 2 Design	Unfunded- Grant App	Preliminary Design
Berkeley Way Mini- Community Garden	Unfunded- FY25 MM	In Design
Berkeley Way Mini- New fencing/ Picnic A	Funded- Construction	In Design

Agenda Item 13. FY25-26 PRW capital project budget requests

Cedar Rose Playgrounds	Funded - Construction	In Design
Civic Center Upper Plaza Improvements/T	Funded - Construction	In Design
Codornices Play Structure	Unfunded-Potential FY25 Request	Not Started
General- Misc Sport Court Resurfacing	Funded- Construction	In Construction
Glendale Laloma Play Structures	Unfunded-Potential FY25 Request	Not Started
Greg Brown Park- Community Garden	Unfunded- FY25 MM	In Closing
Grove Park- Play Structures	Funded - Construction	In Constructions
Grove Park- Sports Field Improvements	Funded - Construction	In Construction
Harrison Park Restroom Remodel	Funded - Construction	In Design
James Kenney Restroom	Unfunded-Potential FY25 Request	Not Started
James Kenney Skate Spot	Conceptual Design Only	In Closing
Live Oak Park Tennis Lights	Unfunded FY25 MM	Not Started
Ohlone Park Lighting	Funded- Construction	In Design
Ohlone Park Restroom	Funded - Construction	Bidding
Shorebird Park Play Structure Replacement	Unfunded-Potential FY25 Request	Unfunded
Solano- Peralta Phase 1- Play Structures	Funded - Construction	In Closing
Solan0- Peralta Phase 2 -Upper Plaza	Partially Funded	In Design
Tom Bates ADA, Restroom and Community	Funded- Construction	In Design
Tom Bates- Gillman Street Sewer Line	Funded - Construction	In Closing
Tom Bates Pickle Ball and Soccer field	Funded- Construction	In Design

Pools

West Campus Pool PTC, Pool Filters, Floor	Funded- Construction	In Closing
King Pool PTC, Mechanical, Electrical, Floor	Funded - Construction	In Closing
King and West Interior Painting	Funded- Construction	Bidding

Agenda Item 15. 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:

March 12, 2024 (regular)

9.-Grant Application: Firehouse Subs Foundation for Polaris all-terrain vehicle (ATV) for Berkeley Echo Lake Camp

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-03-12%20Item%2009%20Grant%20Application%20Firehouse%20Subs%20Foundation%20for%20Polaris.pdf>

12.-Budget Referral: Publicly Accessible Permanent Bathroom at James Kenney Park

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-03-12%20Item%2012%20Budget%20Referral%20Publicly%20Accessible%20Permanent%20Bathroom.pdf>

13.-Vision 2050 Community Engagement Expansion

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-03-12%20Item%2013%20Vision%202050%20Community%20Engagement%20Expansion.pdf>

January 30, 2024 (regular)

18.-Donation: Memorial Bench at Cesar Chavez Park in memory of Samuel Lepie Hallward

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-01-30%20Item%2018%20Donation%20Memorial%20Bench%20at%20Cesar.pdf>

Miller, Roger

From: Robert <robert@alamolighting.com>
Sent: Friday, March 8, 2024 8:34 AM
To: Miller, Roger; Claudia Kawczynska; Commission; Parks Division
Cc: Taplin, Terry; Kesarwani, Rashi
Subject: PRW Meeting, 3/13/24: Non-Profit Fee Waivers

I would be grateful if you include these comments regarding the Cal Sailing Club, J-Dock and fee waivers, for the meeting on 3/13/24. Would you kindly confirm receipt and inclusion in the record?

The Cal Sailing Sailing Club, *the Beating Heart of the Berkeley Marina*, has long received fee waivers for our J-Dock berths, and should continue to receive this consideration, to the mutual benefit to the City of Berkeley and CSC alike.

First, CSC, successfully, for decades, has operated a community based sailing and windsurfing organization open to all, run by volunteers, without city staff or financial outlays from the city, in contrast to community sailing organizations, like, for example, the City of Oakland's Lake Merritt Boating Center, which must be managed by paid city staff, with annual financial inflows for costs not covered by rental fees. The multiple benefits CSC provides to the wider community, from open house rides, to summer youth rides, to easy financial access to all, alone justify our J-Dock fee waivers,

Additionally, some may mistakenly view the nature of the J-Dock fee waivers received by the Cal Sailing Club, considering these a handout, a gift, to a needy non-profit. This perspective misunderstands the nature of the arrangement; it is more appropriate to consider these modest waivers—about \$22,000—an *investment* that annually pays back to the City quite a handsome return. For over a decade, I have researched and tallied a list of CSC clubmates who have gone on to buy their own boats, dock in the Berkeley Marina, and pay slip fees. *They came to the Berkeley Marina, because of the Cal Sailing Club and stayed because of CSC*—our low bar financial access, social camaraderie, and comprehensive lessons on dinghies and keelboats—notably learning to dock and depart under sail from our unique J-Dock slips. I very conservatively calculated in 2022 alone, these slip fees generated over \$125,000. This revenue is directly attributable to the Cal Sailing Club. They would not be here without us.

In 2022, for example, the City received a 500% return on their fee waiver investment, yielding a \$100,000 net return. That is for one single year. Imagine what CSC has generated in positive net revenue, year after year, over decades. The Club has shared this document multiple times, and I am happy to review it in detail by request. As previously noted, these very conservative calculations did not even include added surcharges for upwind slips, end-ties, etc.

So please consider the fee waivers *investment* made in CSC J-Dock berths a savvy financial policy, in more ways than one—and worth preserving.

On a related note, it is no accident that for decades, CSC slips have been located at our specific location on J-Dock, facilitating docking and departing under sail. With its singular adjacent open water expanse, we are able to train better and safer sailors, unlike ~~those who~~ only know how to motor to and from their slips, and are at a loss what to do when their motor dies. This 50-year practice, from this specific location, is central to our identity and a big factor that continues to attract new members, including those who, year after year, go on to buy their own boats, and pay slip fees to the Berkeley Marina. This location is worth preserving.

I thank you for your consideration.

Best,

Robert Ofsevit
 Cruising Skipper
 Cal Sailing Club