



## PARKS, RECREATION, AND WATERFRONT COMMISSION

### Regular Meeting

Wednesday, April 10, 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 March 13, 2024 (Chair).\*
6. **Public Comment.**
7. **Chair's Report.**
8. **Presentation: Proposed project at 600 Bancroft St** (Woodstock Inc., C. Erickson).
9. **Director's Report** (Erickson): PRW Divisions (Recreation; Parks; Waterfront; Capital; Budget; Grants).
10. **Discussion/Action: Proposed updates to Berth Fee Waiver Resolution** (66,544-N.S.) (Kawczynska/Miller).\*
11. **Discussion/Action: Development Impact Fee for parks improvements** (Abshez).\*
12. **Discussion/Action: Update on FY25-26 PRW Capital Projects submittals and commission recommendations to Council** (Erickson).\*
13. **Information: Recent Council Reports.**\*
14. **Future Agenda Items:** Public Art in Aquatic Park (Lavvorn); PRW Commission Workplan 2024; Citywide Accessibility Plan; Locations for Dog Parks.
15. **Communications.**\* PRW Comm Ltr to ZAB, 3-13-2024; PRW Comm Ltr to Council, 3-13-2024; Special Events, 3-27-2024; Waterfront Scavenger Hunt, 3-30-2024.
16. **Next PRW Commission meeting:** Wednesday, May 8, 2024.
17. **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](http://www.cityofberkeley.info/commissions); the Berkeley Main Library and the Parks Recreation & Waterfront Department Office at 2180 Milvia Street –3<sup>rd</sup> 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](mailto: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**

<b>Mayor-</b> Gordon Wozniak	<b>District 3 -</b> Gianna Ranuzzi	<b>District 6 -</b>
<b>District 1 -</b> Reichi Lee	<b>District 4 -</b> Erin Diehm	<b>District 7 -</b> Alyssa Hurtado
<b>District 2 -</b> Claudia Kawczynska	<b>District 5 -</b> Brennan Cox	<b>District 8 -</b> 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 <sup>nd</sup> Wednesday per month)	Time	Notes
<b>2024</b>			
<b>January</b>	Wednesday, January 10	7:00 p.m.	Regular Mtg
<b>February</b>	Thursday, February 15	5:30 p.m.	Regular Mtg/Corp Yard Rm
<b>March</b>	Wednesday, March 13	7:00 p.m.	Regular Mtg
<b>April</b>	Wednesday, April 10	7:00 p.m.	Regular Mtg
<b>May</b>	Wednesday, May 8	7:00 p.m.	Regular Mtg
<b>June</b>	Wednesday, June 12	7:00 p.m.	Regular Mtg
<b>July</b>	Wednesday, July 10	7:00 p.m.	Regular Mtg
<b>August</b>	No meeting		
<b>September</b>	Wednesday, September 11	7:00 p.m.	Regular Mtg
<b>October</b>	Wednesday, October 9	7:00 p.m.	Regular Mtg
<b>November</b>	Wednesday, November 13	7:00 p.m.	Regular Mtg
<b>December</b>	No Meeting		
<b>2025</b>			
<b>January</b>	<i>Wednesday, January 8</i>	<i>7:00 p.m.</i>	<i>Regular Mtg</i>

**PARKS AND WATERFRONT COMMISSION  
Regular Meeting**

Wednesday, March 13, 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: Present: Abshez; Cox; Diehm; Hurtado; Kawczynska; Lee; Ranuzzi; Wozniak; Absent: None.
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: Wozniak/Kawczynska/U): Ayes: Abshez; Cox; Diehm; Hurtado; Kawczynska; Lee; Ranuzzi; Wozniak; Noe: None; Absent: None.
5. **Action: Approval of Minutes** for February 15, 2024 (Chair).\* (M/S/C: Kawczynska/Hurtado / U): Ayes: Abshez; Cox; Diehm; Hurtado; Kawczynska; Lee; Ranuzzi; Wozniak; Noe: None; Absent: None.
6. **Public Comment.** a) Naomi Friedman, Animal Care issues; b) Jim McGrath, Cesar Chavez Park landfill; c) Csradhna Mayallall, Cal Sailing Club; d) Robert Ofsevit, Cal Sailing Club; e) Lisa Dinh, Cal Sailing Club; f) Paul Kamen, Cal Sailing Club; g) Camille Antinori, Cal Sailing Club; h) Ann Monk, Cal Sailing Club; i) Malu Lujan; j) Shreyas Chand, Cal Sailing Club; k) Alice Dandova, Cal Sailing Club.
7. **Chair’s Report.** March 9 Tree Planting Event was successful. (Kawczynska/Wozniak/Diehm);
8. **Discussion/Action: Election of Officers** (chair). (M/S/C: Wozniak/ Abshez / U) to elect Claudia Kawczynska as Chair: Ayes: Abshez; Cox; Diehm; Hurtado; Kawczynska; Lee; Ranuzzi; Wozniak; Noe: None; Absent: None. (M/S/C: Kawczynska/Ranuzzi/ U) to elect Erin Diehm as Vice-Chair: Ayes: Abshez; Cox; Diehm; Hurtado; Kawczynska; Lee; Ranuzzi; Wozniak; Noe: None; Absent: None.
9. **Director’s Report** (Ferris): PRW Divisions: Recreation; Parks; Waterfront; Capital; Budget; Grants. Update was provided.
10. **Presentation: Upcoming Waterfront Parking Study** (McNulty). Presentation was provided. Public Comment: a) Christopher K; b) Paul Kamen; c) Meryl; d) Malu Lujan; e) Jim McGrath; f) Naomi Friedman.
11. **Discussion/Action: New Developments Adjacent to Public Parks/Open Space (2136 San Pablo Ave)** (Kawczynska/Diehm).\* (M/S/C: Diehm/Kawczynska/U) to send the communication from the packet, as modified at the meeting, to Council and the Zoning



Adjustment Board): Ayes: Abshez; Diehm; Hurtado; Kawczynska; Lee; Ranuzzi; Wozniak; Noes: None; Abstain: Cox; Absent: None. Public Comment: a) Kelly Hammargren; b) Meryl; c) Naomi Friedman; d) Jim McGrath; e) Merrill; f) Aimee Baldwin; g) Kristin Leimkuhler.

**12. Discussion/Action: Proposed updates to Berth Fee Waiver Resolution (66,544-N.S.) (Kawczynska/Ferris).\*** Held over.

**13. Discussion/Action: Update on FY25-26 PRW Capital Projects submittals (Ferris).\*** Held over.

**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.\*** Robert Ofsevit, 2024-03-07.

**17. Next PRW Commission meeting:** Wednesday, April 10, 2024.

**18. Adjournment.** 10:00pm.

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

\*\* document will be provided at the meeting

- Commissioners in attendance: 8 of 8 appointed.
- Public in attendance: 18
- Public speakers: 22

**\*Note:** For any handouts distributed at the meeting, please see the Draft Minutes for March 13, 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>

From: Claudia / Erin

Re: Proposed revised Berth Fee Waiver Resolution

Date: 04-10-2024

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 and/or services 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 vessel 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, including age-level, -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 (if applicable), 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. Initial requests can be submitted at any time for consideration.
  - 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 (3) 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 ~~thirtysixty~~ (6030) days advance notice, the vessel owned by the non-profit organization to move to another berth.

PARKS IMPACT FEE DISCUSSION ITEM

At the March 13, 2024 Commission meeting there was a discussion of the impact of new residential construction to existing parks facilities, and whether new development was contributing its “fair share” towards the City’s existing and future parks needs. This report has been prepared to facilitate an initial discussion by the Commission of a potential Commission recommendation that:

- (1) the City Council consider adopting a Parks Impact Fee to be charged to new development based on foreseeable new park needs given the City’s assigned (RHNA) population growth; and
- (2) that the Council allocate funding for an impact fee study as a first step.

If the Commission agrees that this recommendation is worthy of further consideration and formal action, it is recommended that the Commission establish a subcommittee to further investigate and report back its conclusions and recommendations to the Commission.

**A. Berkeley’s Parks Taxes**

The City of Berkeley currently charges the following parks taxes:

- Residential development: 0.21300 per square foot
- Non-residential development: 0.21300 per square foot
- Non-profits are exempt.

The City’s Open Space Element acknowledges that the parks taxes currently charged “will be needed primarily for maintenance of planned and existing park facilities and will not be sufficient to cover building maintenance, lighting improvements, major capital improvements, or property acquisition.”

Accordingly, the City’s parks taxes are not intended or expected to address the impacts of resident and employee population growth.

**B. Berkeley’s Parks Service Standards and Future Parks Needs**

The City of Berkeley currently maintains a parks service standard of 2 acres of park per 1,000 residents. This standard was last revisited in 1977 when the City adopted its last “Master Plan,” and has been incorporated in the City’s General Plan guidance ever since; most recently in the City’s 2002 Open Space Plan, which is significantly out of date.

The City of Berkeley’s 2/1000 park service standard is modest by comparison to comparable municipalities. By way of information and contrast, the City of Fremont maintains a service standard of 5 acres/1,000, Sacramento’s maintains a service standard of 5 acres/1,000, Fresno maintains a standard of 3 acres/1,000. The City of Los Angeles maintains a service standard of 4.2 acres/1,000.

In 1980, shortly after Berkeley’s last “Master Plan” was adopted, the City’s population was 103,328. By 2010, the City’s population had grown to 112,580 persons. By 2020, the City’s population had grown to 122,580.

Based on the Regional Housing Needs Assessment (RHNA) assigned to Berkeley by the Association of Bay Area Governments (ABAG), Berkeley must accommodate the addition of 8,934 new residential units between 2023-2031, including 3,854 new units for low and very-low income households. **This new growth will bring Berkeley’s population to 140,935 by 2040, a 36% increase over the City’s 1980 population levels.**

The Open Space Element of Berkeley’s General Plan acknowledges that 230 acres of “parks” owned by the City. The 230 acres of parkland do not include regional facilities serving Berkeley and other communities, such as the Bay Trail, Eastshore State Park, and Tilden Regional Park.<sup>1</sup>

Based on its modest service standards of 2 acres/1,000 residents and its 2020 population, Berkeley should have 244 acres of parks. **To meet the modest 2 acre/1,000 standard for the 140,935 residents Berkeley is expected to accommodate by 2040, Berkeley should have 282 acres of parks; or 52 acres of additional parkland** – a daunting challenge

### C. **Parks Impact Fees, Generally**

Each of the cities referenced above maintains a parks impact fee in accordance with its constitutional police powers and California’s Mitigation Fee Act (Government Code Section 66000 et seq.). The parks impact fee is charged to new development to mitigate the impact of new growth (residents and employees) on its parks infrastructure. Park impact fees may be used to pay for park land, park improvements, community centers, recreation facilities, trails, open space, and etc. Impact fees can also be used to pay for vehicles and maintenance equipment.

From the Turner Center Study on Residential Impact Fees in California:<sup>2</sup>

*“Localities have the authority to determine acceptable levels of service, which can influence the maximum fee level defined by a nexus study and increase variation between jurisdictions. Localities determine and plan to meet levels of service for major types of infrastructure, including parks, transportation, and fire protection. Once a city determines its desired level of service, a nexus study calculates the maximum fee amount based on the cost of providing that level of service to new residents. For example, one city may decide that the appropriate amount of parks should be 5 acres per 1,000 residents, while another may decide on 3 acres per 1,000 residents. A nexus study*

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<sup>1</sup> Berkeley’s Open Space element does not distinguish between “types” of parks and their particular use (e.g., passive natural open space v. actively utilized open space). It may be argued that Berkeley is rich in “open space” due to counting natural areas such as Claremont Canyon and Tilden Park, while still poor in neighborhood parks.

<sup>2</sup> <https://www.hcd.ca.gov/policy-research/plans-reports/docs/impact-fee-study.pdf>

*consultant would then determine what an appropriate park impact fee should be for new development in order to maintain that city's desired level of service."*

Santa Monica, a city to which Berkeley often compares itself, currently charges the following park impact fees:

Single Family Residential - \$9,092.38 per unit  
Multi-Family Residential - Studio/1 Bedroom - \$4,927.22 per unit  
Multi-Family Residential - 2+ Bedrooms - \$7,936.19 per unit  
Retail \$1.78 per square foot  
Office \$2.75 per square foot  
Medical Office \$1.51 per square foot  
Lodging \$3.71 per square foot  
Industrial \$1.55 per square foot

In FY 2021-22, the City of Santa Monica collected \$1,952,613 in park impact fees and expended \$944,782 from its improvement fund.

The City of San Francisco, which has rolled its various impact fees (including various parks impact fees) into a single development fee, acknowledges that it has approximately 5.5 open space acres per resident. The Trust for Public Lands rates San Francisco as #7 in its comparison of 100 most populated cities in the US in terms of its parks criteria. The goal of the Trust for Public Land is to ensure that "every person, in every neighborhood, in every city across America has a quality park within a 10-minute walk of home"

The City of Berkeley does not have a parks impact fee.<sup>3</sup> By way of information, Berkeley does have an arts impact fee (Arts Fee (2017)) which applies to multi-family residential development and requires on-site artwork valued at 1.75% of construction costs; or in-lieu fee valued at 0.8% of the construction costs; or combination of the two.

#### **D. Procedure for Adopting a Parks Impacts Fee**

Adopting a Parks Impact Fee does not require a vote of the people, and can be approved by City Council action after complying with the Mitigation Fee Act and conducting requisite public hearing. A Parks Impact Fee would be charged only to new development. Accordingly, it would provide a way for new growth to contribute a "fair share" to address the parks infrastructure it created by that growth.

The process for adopting impact fees is well-established. The principal requirement is the preparation of a "nexus study." Up-to-date guidelines for the nexus fee process were recently

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<sup>3</sup> It also appears that the City has not adopted a "Quimby Fee" in accordance with Government Code 66477. Quimby Fees are a type of parks impact fee authorized by the Subdivision Map Act. Quimby Fees may only be charged in connection with the subdivisions of property (i.e. lot divisions and condominium approvals). Quimby Fees may be used to pay for park land (for projects not involving a subdivision), park improvements, community centers, recreation facilities, trails, open space, etc., maintenance, and only be used to provide land and facilities for to serve new residents.



provided by the California Department of Housing and Community Development (Impact Fee Nexus Study Templates, December 2023, <https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/plan-report/nexus-study-template.pdf>)

Nexus studies are typically prepared by well-established professional consulting firms with expertise in municipal finance and real estate issues. Nexus Studies must address the following issues:

**Step 1** Describe reasoning behind impact fee program

**Step 2** Project existing and future development

**Step 3** Determine facility standard(s) used to identify the facilities required to serve new development

**Step 4** Determine costs of facilities needed to serve new development

**Step 5** Recommended allocation the fair share of facility costs to new development

**Step 6** Recommend a maximum fee for each land use, including consideration of fee based on square footage considering alternative sources

**Step 7** Analyze the financial impact of fees on housing development

Step 7 is a sensitive step given California's housing crisis, the City's RHNA targets, and the fact that impact fees may substantively increase the cost of residential development, particularly when several fees are adopted or updated simultaneously. Accordingly, HCD recommends that a jurisdiction should consider performing an analysis of the financial impact of these fees on residential development, including, analyzing how new or increased fees will affect the cost and/or feasibility of new housing development; convening a developer and community stakeholder group to review draft nexus studies and the potential impact of fee increases, along with other development costs; and considering modifying the fee levels or phasing in fees over several years to allow the real estate market to adjust based on findings from an analysis of financial impact.

**Step 8** Fee Adoption and Program Implementation

This final step (Step 8) is to determine and adopt a fee for each land use through the legislative process, after evaluating local policy and financial considerations, and deciding how the impact fee program will be implemented. This step includes an evaluation regarding whether fees should be charged at or below the maximum nexus fee amount and how the impact fee program will be implemented, including how fees may be annually adjusted.

The Turner Center Study on Residential Impact Fees provides the following discussion of the process and policy implications of adopting residential impacts fees:



*Localities can choose to set their fees below the legal maximum, which is determined by the level of service for that type of infrastructure. Given the diversity of infrastructure needs and housing markets across the state, specific local funding priorities and potential effects on housing feasibility drive the ultimate decision on fee levels.*

*When Oakland implemented three new impact fees in 2016, the city set all three below the maximums determined by their nexus studies. For example, Oakland set a new capital improvement fee at 9 percent of the legal maximum determined by its nexus study, and Los Angeles set a parks fee at 33 percent of the legal maximum. Los Angeles chose to set their parks impact fee below the cap in order to preserve the feasibility of development for multifamily projects (the City's Quimby fee for single-family development is more expensive on a per-unit basis). In contrast, Imperial City and Riverside County each set their parks fees at the maximum amount established in their nexus studies. However, both jurisdictions are among the localities that set lower levels of service, and have lower land and facility development costs; their nexus studies thus calculate low legal maximum fees. Fremont both sets a high level of service for parks and pegs the related fee amounts to the legal maximum determined in the city's 2015 nexus study. The fees have since been subsequently increased to account for inflation.<sup>86</sup> Their current per unit parks fee amount is \$17,850, reflecting not only their high level of service, but also the high land and parks development costs (Figure 9).*

*In some cases, localities lower their levels of service in their nexus studies in order to subsequently lower the fee amount and improve the feasibility of development. While Fresno's parks level of service is 3 acres per 1,000 residents, the city relies on a lower level of service (2.4 acres per 1,000 residents) in its nexus analysis due to feasibility concerns. Similarly, Sacramento's general plan sets their parks level of service at 5 acres per 1,000 residents, but the central city's parks impact fees were set based on lower standards (3.25 per 1,000 residents). Cities and counties rely on a variety of methods when setting fee amounts, but these do not always include a rigorous review of feasibility concerns. Our interviews revealed that cities and counties generally set their fees using a few different methods. These methods range from an analysis of fees charged in adjacent jurisdictions to a full feasibility analyses to determine the amount of fees that the market can bear without slowing or stopping new development. The depth of analysis undertaken by localities is often a function of resources available. As a result, some localities do not commission additional analysis beyond a nexus study, and instead rely on more informal methods such as working groups comprised of individuals from the community with knowledge of the development process to inform their final decisions.*

## **Conclusion**

Berkeley is not keeping up with its *modest* parks service standards. As the City's residential and employee population grows – as it must grow as the City responds to its Regional Housing Needs Allocation – Berkeley's parks infrastructure will foreseeably fall further behind. Berkeley is an outlier in terms of its being a densely urbanized area that has not adopted a Parks Impacts Fee.

Adopting a Parks Impacts Fee will require a meaningful allocation of resources (i.e., funding of a nexus study) as well as a commitment of staff time and resources to support the preparation of the nexus study. However, it is well established that new development may be asked to pay for its “fair share” of costs attributable to the increased demand for public facilities; the City Council has the legal authority to adopt a Parks Impact Fee (and has adopted other impacts fees); and that – considering Berkeley’s projected growth – meaningful funding to meet the needs of that growth would be generated by a Parks Impact fee.



# BERKELEY PARKS PLANNING FOR AN EQUITABLE FUTURE



presented  
July 2016

Parks and Waterfront Commission: Subcommittee on Planning



# UPDATE

This report, Berkeley Parks - Planning for an Equitable Future, was produced during the first half of 2015 and completed in July 2015 by the Parks and Waterfront Subcommittee for Planning. Since then it has been formatted and graphically improved to make it more accessible to a wider audience of Berkeley citizens. This report is a snapshot in time that takes a look at the park's facilities and the issues that affect them up through July 2015. It has not been updated with more current information. Since the time that this report was written, the Berkeley Pier was found to be structurally unsound and closed for use by the public and the James Kenney Community Center Seismic Repair Project was funded and moved forward. The Subcommittee authors hope that the report's information which is intended as an overview, is helpful in moving forward with a discussion of the issues presented.



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THE CITY OF BERKELEY PARKS AND WATERFRONT COMMISSION SUBCOMMITTEE ON PLANNING is a working group made up of Commissioners Caitlin Lempres Brostrom, Dru Howard, and Susan McKay.



## PART 1: DATA COLLECTION

### INTRODUCTION/BACKGROUND

In November 2014, the citizens of Berkeley passed a ballot initiative (Measure F), to increase the parcel tax that supports maintenance of the City's parks and recreation facilities, by an overwhelming majority. The happy result is that increased funds will become available in July 2015 and will begin to be applied to major maintenance projects that will address deferred maintenance that has accrued since the passage of Proposition 13 in 1978.

This year, the Director of the Parks, Recreation and Waterfront Department, Scott Ferris, asked the Parks and Waterfront Commission to weigh in about priorities and schedules for facilities repair. During the PWC's discussions it became apparent that more information was needed for the Commission to feel comfortable about making recommendations.

Two issues arose that the Commission felt deserved further investigation:

1. Application of funds throughout the City and distribution of amenities.
2. Concern about the ability of the parks to meet increased needs brought about by current and projected growth in the City.

The Subcommittee took up the assignment to look into these issues.

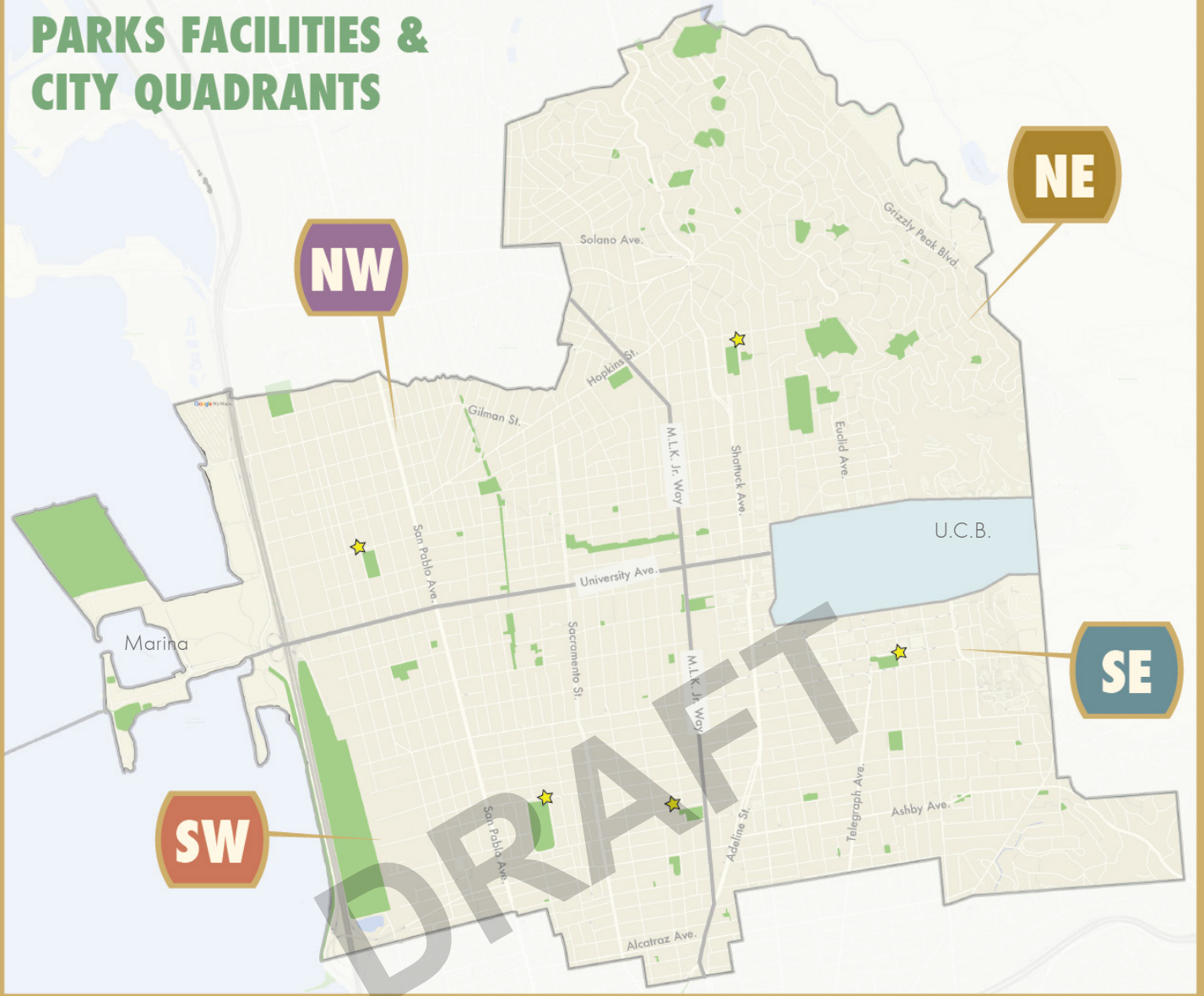
### GOALS & SCOPE

The Subcommittee's work focused on the issues of equity and growth. We researched and prepared an overview of past, present, and projected conditions to provide a comparative base for recommendations. For our review, we divided the City into quadrants (NEQ, SEQ, NWQ, SWQ). We have reviewed general demographics, distribution of park facilities and recreation programs, maintenance funding (past and planned), as well as the implications of the projected population growth. We also reviewed the City's Community Centers' role in supporting surrounding neighborhoods. Another area of review was the BUSD schoolyards which are under the shared Measure Y Use Agreement.

We looked at facilities that are located within the City limits only and did not include camps located outside of the City. The information in this report is intended as an overview and is based on sources that are easily accessible. Further and more in-depth investigation will increase the accuracy of the material.



# PARKS FACILITIES & CITY QUADRANTS



-  BOUNDARY
-  CITY PARK
-  Community & Rec Centers

**NW Quadrant**  
 Boundary: City Limits, MLK Way, University Ave.

**NE Quadrant**  
 Boundary: City Limits, UCB, University Ave., MLK Way.

**SE Quadrant**  
 Boundary: City Limits, UCB, University Ave., MLK Way.

**SW Quadrant**  
 Boundary: City Limits, MLK Way, University Ave.



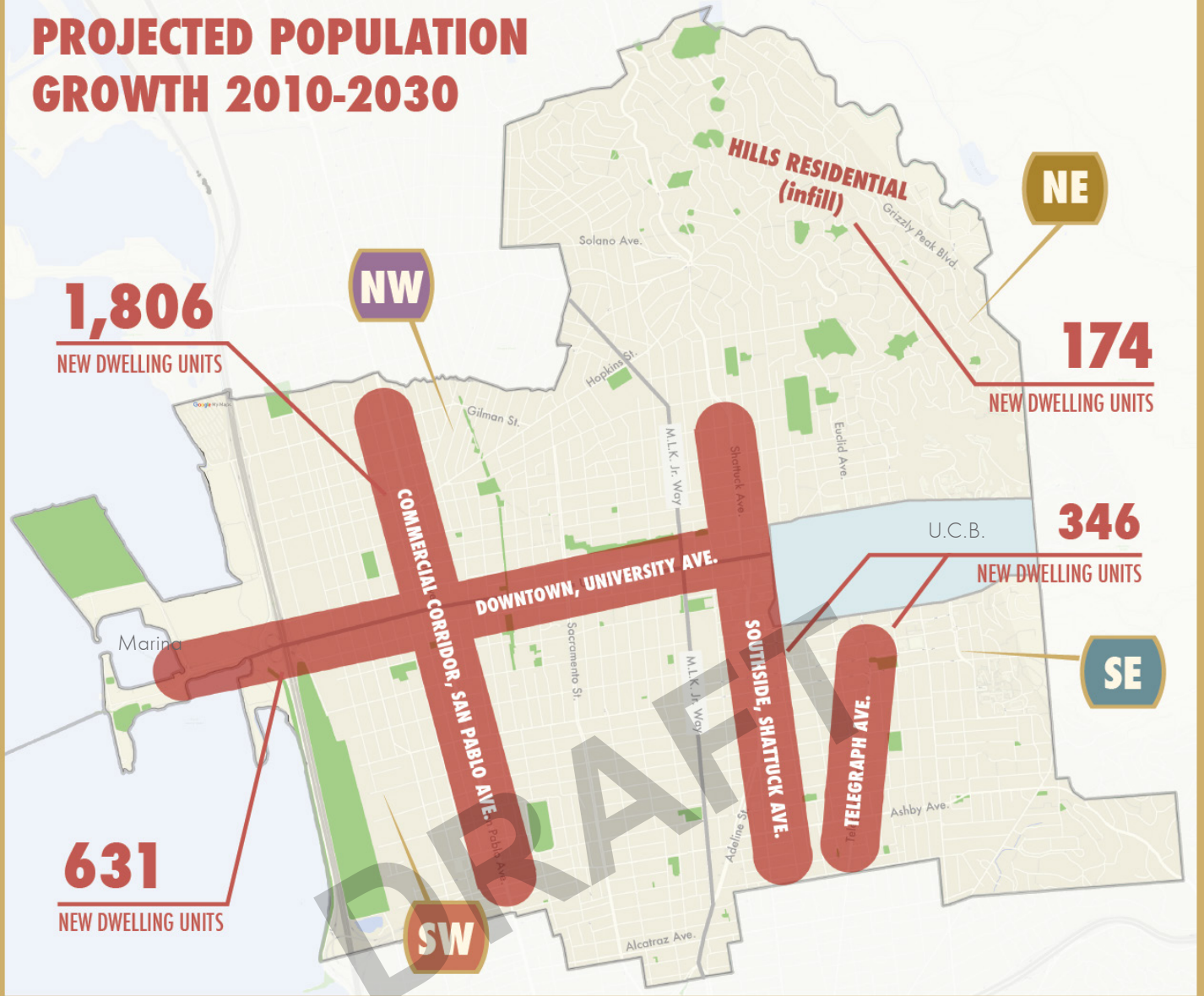
## CITY QUADRANTS

The Subcommittee chose to divide the City into quadrants with University Avenue as the N/S division and Martin Luther King Jr. Way as the E/W division. This divides the City into fairly equal land and population areas. Although U.C. Berkeley is in the Southeast Quadrant, it is viewed as a distinct, "self-contained" entity in relation to housing, open space, and recreation for this report. The Marina is considered separately as it has separate funding and little housing.

## DISTRIBUTION OF PARKS & FACILITIES

Parks are distributed throughout the City. The five largest, are located in the NE, NW and SW Quadrants. These quadrants also have one each of the City's three community/recreation centers. The SE Quadrant has the fewest facilities both by number and acreage. Most of the City's parks and facilities (sports courts, fields, children's play areas, picnic areas) are in the NE, NW and SW Quadrants, within these quadrants, facilities are fairly evenly distributed, the SE quadrant has significantly

# PROJECTED POPULATION GROWTH 2010-2030



- BOUNDARY
- CITY PARK
- POP GROWTH

NW Growth	NE Growth	SE Growth	SW Growth
<b>9%</b>	<b>1%</b>	<b>11%</b>	<b>5%</b>
2010: 17,500 2022: 19,000	2010: 24,500 2022: 24,850	2010: 28,000 2022: 32,000	2010: 28,000 2022: 29,400



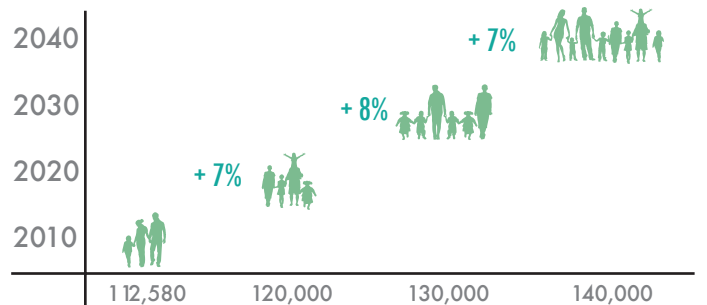
fewer facilities.

## DEMOGRAPHICS

The Subcommittee has gathered demographic information for population and housing units. We have assembled a Fact Sheet that shows current and projected numbers city-wide and by quadrant. The current population is expected to increase 15% over the next 20 years - from 112,000 (2010) to 140,000 (2030).

New housing will increase especially along commercial

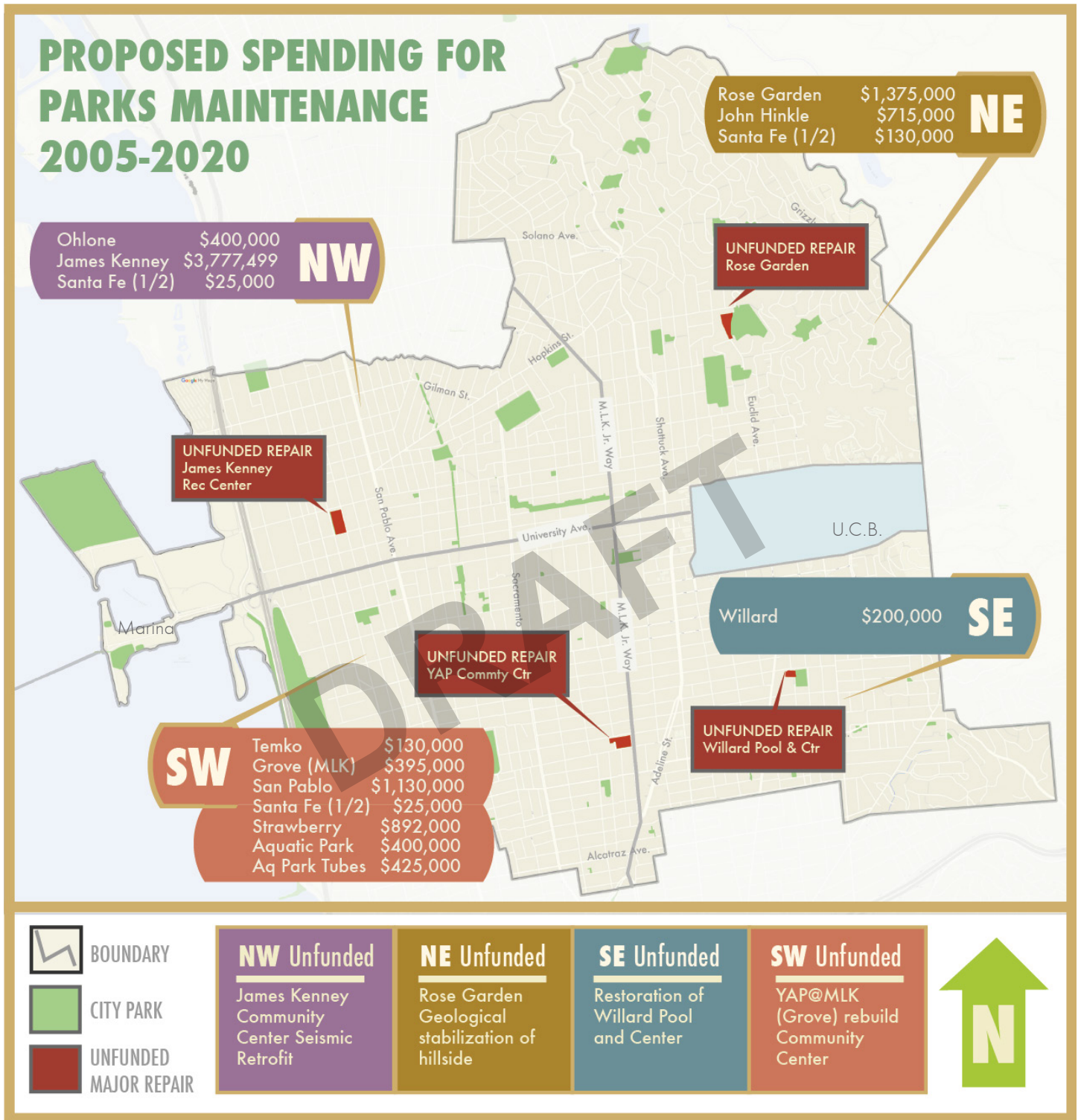
## PROJECTED POPULATION GROWTH CITY WIDE





**Item 11. Develop Impact Fee for parks improvements**

corridors in the SW NW and SE Quadrants of the City. Some near term examples of growth include BUSD’s projection of 3% growth of its student population in the next two years and new housing at the foot of University Avenue where 480 units of new housing have been constructed and/or approved over the last three years with an additional 135 units currently under review.



**PROPOSED SPENDING**

As of July 2015 proposed spending through 2020, on major maintenance projects is distributed as follows: NE - \$2.22 M, NW - \$4.2 M, SW - \$3.4 M and SW \$2. M. Additionally the Marina projects including Cesar Chavez Park (funded by the Marina Fund) will receive \$2.4 M.

The majority of the projects address serious deficiencies that, left unattended, will have costly consequences. These projects



### Item 11. Develop Impact Fee for parks improvements

were determined to be the most necessary and have the highest priority. They are a portion of the total need and the scope reflects the funds available. Unfortunately many major maintenance projects remain unscheduled and unfunded. Some of these projects are shown on the map "Proposed Spending For Parks Maintenance"

### **RECREATION PROGRAMS: CATEGORIES & DISTRIBUTION**

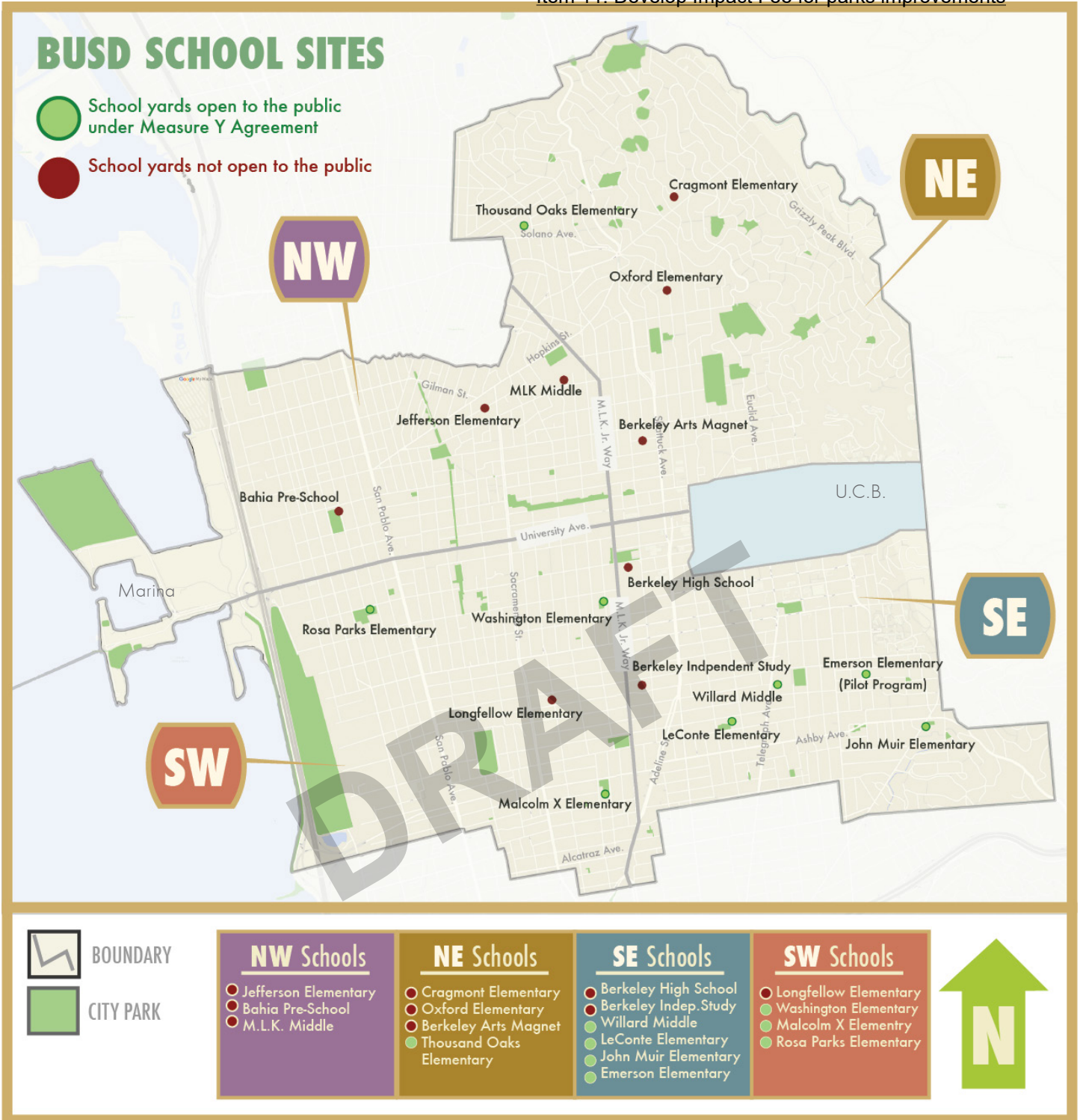
Recreation programs are concentrated in the four large community/recreational centers – Frances Albrier at San Pablo Park, Live Oak, James Kenney and Grove. There are also a few programs run out of the Willard Park Clubhouse and the Harrison Park Field House. Program distribution throughout the City is based on the community/recreation centers being located in the NE, SW and NW quadrants.

The recreation programs offered by the City are extensive, varied and growing in popularity. A complete list of programs and activities is listed on the City's website. Programs seeing major growth (often having waiting lists) are in the early childhood – tots and pre-K (First Five) – and after-school programs. According to the Recreation Division, after-school programs have expanded, could expand further and may need additional facility space. A full analysis of how the parks can better serve the community's recreation needs should be conducted.

### **COMMUNITY/RECREATIONAL CENTERS' SUPPORT OF NEIGHBORHOODS**

Two of Berkeley's three large community/recreational centers are located in northwest (NW) and southwest (SW) Berkeley. These centers and parks have in the past provided essential opportunities for outdoor play, sports and recreational programs to the surrounding lower income neighborhoods. The buildings' gymnasias and sports courts, and activity and meeting rooms host neighborhood functions and meetings as well as city-wide programs. These programs traditionally have supported the neighborhoods by bringing immediate, close access to affordable activities. A further look at specific needs of neighborhoods for recreation program access should be conducted.





**BUSD SCHOOLYARDS**

An initial glance at the general distribution of the parks throughout the City Quadrants shows that geographically, there is uneven distribution. This fact prompted a look at the location of BUSD schoolyards. Some school sites are open to the community now and in the future others could possibly supplement areas that have fewer parks and facilities.

**MEASURE Y USE AGREEMENT**

Measure Y is an active agreement established 25 years ago between the City of Berkeley and BUSD that allows use of six of the District’s elementary and one middle schools’ schoolyards by the community after school hours and activities and on weekends. The sites include Thousand Oaks, Rosa Parks, Washington, Le Conte, Malcolm X, John Muir and King MS. Per the agreement, the principals of each school can determine use and schedule for their school site. The Subcommittee surveyed the



### Item 11. Develop Impact Fee for parks improvements

BUSD Schoolyards principals to see how program is going. All of the responding principals (6 of 7) were supportive of the community's use of the outdoor facilities. A few problems involving litter and minor vandalism were noted.

### **BUSD SCHOOL SITES**

There are BUSD school sites distributed throughout the City as well as the high school's downtown campus. All the schools have outdoor open space that is variously developed. In general, BUSD school sites tend to fill in where there are gaps in geographically even distribution of the parks throughout the City.

Currently there is a pilot program for community access to the schoolyard at Emerson School. This program should be monitored to determine it's potential as a positive model for other sites.

### **IMPROVEMENTS AND NEW PARKS**

In addition to major maintenance projects in the parks, exciting ideas for major improvements to existing parks and new park development are always topics for discussion. Strategies should be developed for funding improvements.

### **CONCLUSION**

The data in this report is intended to initiate and provide a basis for a conversation that pertains to equitably and evenly distributing public funds to maintain, renovate and improve Berkeley's parks facilities as the City enters a growth period that is projected to increase population by at least 15% over the next 20 years.

The hope is that Berkeley can plan for a sustainable park system that will be based on identified community standards, have a solid financial base and fulfill today's undeveloped potential to serve our growing population.

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### **DATA SOURCES**

- City of Berkeley Website - Community Profile Data
- City of Berkeley General Plan - Housing Element 2015
- City of Berkeley General Plan - Open Space and Recreation Element 2000(?)
- Department of Parks Recreation and Waterfront - [www.cityofberkeley.info/recreation](http://www.cityofberkeley.info/recreation)
- Winter and Spring Recreation
- Activity Guide 2015, Summer Recreation Activity Guide 2015
- Conversation with Denise Brown, Recreation and Youth Services Manager, Recreation Division, Parks Recreation and Waterfront Department
- Department of Parks Recreation and Waterfront 5-Year Major Maintenance/Capital Plan, 3/11/15

### **ACADEMIC STUDIES**

- "Parks + Parks Funding in Los Angeles - An Equity Mapping Analysis", J. Wolch, J. Wilson, J. Fehrenbach
- "Got Green? Addressing Environmental Justice in Park Provision", C. Sister, J. Wolch, J. Wilson
- "Urban Green Space, Public Health, and Environmental Justice: The challenge of making cities 'just green enough'", J. Wolch, J. Byrne, J. Newell
- "The Active City? Disparities in Provision of Urban Public Recreation Resources", N. Dahmann, J. Wolch, Joassart-Maricelli, K. Reynolds, M. Jarrett



## PART II: CONCLUSIONS/RECOMMENDATIONS/ACTIONS

### GOAL/SUMMARY

Based on the data and findings presented in Part I the Parks and Waterfront Commission held discussions regarding conclusions, recommendations, and actions to support the goals of equitable application of funds throughout the City and to insure that the parks continue to have the ability to meet increased needs brought about by population growth.

#### 1 CONCLUSION, New residents should invest and contribute financially to Berkeley parks.

##### RECOMMENDATION

- Investigate additional funding mechanisms for parks based on new residents.
- Consider access to Transfer Tax, New Unit Surcharge, Building Permit Fee, etc.

##### ACTION

- As background, review history of parks funding and development in Berkeley.
- Research Strategies (Planning Dept. has asked SF to review other cities' in lieu type fee programs).
- Establish new residents definition, i.e. new housing units, etc. and alternatives for contributions.

#### 2 CONCLUSION, Parks use will increase due to increase in population.

##### RECOMMENDATION

- Investigate strategies for expanding parks' capacity.

##### ACTIONS

- Determine which parks can absorb more intense development and increased use and/or review potential for expansion of programs and activities in existing parks.
- Investigate potential new or expanded park development on City-owned sites, including mini-parks, Cesar Chavez, Adeline Corridor, Santa Fe ROW, etc.

#### 3 CONCLUSION There is an increase in the population of families with children, so expansion of facilities and programs for children may be needed.

##### RECOMMENDATION

- Establish a program to identify and meet the needs for facilities and recreation programs expansion.

##### ACTIONS

- Confirm demographic assumptions through data collection or other method.
- Outline and initiate an analysis (planning) process for identifying and meeting needs Collaborate with Recreation Division for program data (current and future)
- Initiate conversation with BUSD regarding sharing facilities.

#### 4 CONCLUSION Parks use may change over time.

##### RECOMMENDATION

- Initiate an analysis process to study how parks and parks use may change.

##### ACTIONS

- Review how parks are used now; look at how they may be used in the future. Collaborate with the Recreation Division to assess recreation programs needs now and in the future.

#### 5 CONCLUSION With the demographic shift in Berkeley neighborhoods, the City is no longer able to compete for state, fed money, and other grants for disadvantaged areas.

##### RECOMMENDATION

- Look for alternative funding sources.

##### ACTION

- Review funding options including a development foundation, access of City taxes (see above), bonds, etc.

**6 CONCLUSION Berkeley's approach to public facilities (multiple, smaller) is neighborhood focused – libraries, pools, parks, elementary/middle schools.**

**RECOMMENDATION**

- Support this condition and preference.

**ACTIONS**

- Review existing conditions and the role rec programs and facilities play in the support neighborhoods (especially in South Berkeley).
- Establish standards or guidelines for equitable distribution of facilities & programs supporting neighborhood access.

**7 CONCLUSION There is often neighborhood support for supplemental funding of neighborhood focused projects (mini-grant program, Thousand Oaks urn project, Halcyon sculpture, etc.) by resident's direct contributions.**

**RECOMMENDATION**

- Develop strategies to encourage and support supplemental funding for public projects.

**ACTIONS**

- Review history of programs in Berkeley, Develop guidelines to encourage and support neighborhood efforts.

**8 CONCLUSION There are gaps in facilities and programs in some quadrants and neighborhoods.**

**RECOMMENDATION**

- Propose equitable strategy for filling gaps.

**ACTION**

- Increase accuracy of current data
- Develop standards for access to facilities and programs
- Develop scenarios to implement equitable distribution of facilities and programs

**9 CONCLUSION There is a potential for parks facilities to generate revenue.**

**RECOMMENDATION**

- Investigate the potential for revenue generation.

**ACTIONS**

- Conduct study to identify potential revenue generators (including analysis of similar programs in other places)
- Develop goals and guidelines for revenue generation.
- Develop strategies to implement programs to generate revenue.

**10 CONCLUSION There is an opportunity to increase access to open space and recreation through a collaboration between Parks and Recreation and the BUSD.**

**RECOMMENDATION**

- Explore potential collaborations.

**ACTION**

- Initiate meetings of Parks and Waterfront Commission, BUSD Board, Children, Youth, and Recreation Commissions.



PRW CIP Budget Requests - FY25 and FY26  
3/29/2024

Parks Tax / CIP	FY25	FY26	FY25 REV	FY26 REV	Notes
<b>Budget</b>					
Parks Tax (baseline)	1,065,000	1,090,000	1,065,000	1,090,000	
Parks Tax (addl)	2,500,000	2,000,000	2,500,000	2,000,000	Taken from fund balance; included in fund forecast.
Marina Fund (baseline)	-	-	350,000	350,000	
Camps Fund	-	-	-	-	
CIP (baseline)	2,400,000	2,400,000	400,000	400,000	
<b>Total budget</b>	<b>5,965,000</b>	<b>5,490,000</b>	<b>4,315,000</b>	<b>3,840,000</b>	<b>11,455,000</b>
<b>Project Needs</b>					
<u>High priority projects - 1</u>					
MLK YAP	(3,600,000)		(3,600,000)		Total project is \$12.5M. \$3.6M is the gap. Applied for \$3.6M grant to cover. April 2024
Santa Fe ROW		(3,150,000)		(3,150,000)	Total project is \$8M-\$10M. We have \$5M. \$3.15M is the est gap. Applied for \$5M grant to cover. Feb/March 2024
Tom Bates	(3,900,000)			(3,900,000)	Total project is \$8M. We have \$4.1M. \$3.9M is the gap. Estimated amount. Note: also need funds in FY24 for tree removal prior to camp opening.
Echo trees	(200,000)		(200,000)		
South Cove West parking lot (gap from SCC grant)	(250,000)	(250,000)	(250,000)	(250,000)	
K-Dock Restroom gap		(110,000)		(110,000)	
199 Seawall beam/piling	(260,000)		(260,000)		Critical beam and piling at risk of failing. Design and study in FY25, construction in FY26 (see below, under addl emergency needs).
Additional Piling Replacements (J Dock)		(140,000)	(140,000)		
Tom Bates Turf Replacement - Annual JPA Contribution	(15,000)	(15,000)	(15,000)	(15,000)	
Citywide Tree Planting	(75,000)	(75,000)	(75,000)	(75,000)	
<b>Subtotal - High priority projects - 1</b>	<b>(8,300,000)</b>	<b>(3,740,000)</b>	<b>(4,540,000)</b>	<b>(7,500,000)</b>	<b>(12,040,000)</b>
<u>High priority projects - 2</u>					
199 Seawall beam/piling		(765,672)		(765,672)	Critical beam and piling at risk of failing. Design and study in FY25, construction in FY26.
Design for seawall repair at South Cove	(500,000)		(500,000)		South Cove seawall failing. Possible grant for construction. River wall eroding camp property. Assumes 50/50 share with Caz Music Camp, total cost is \$600K.
Caz riverbed erosion	(300,000)		(300,000)		
Addl MM for Camps	(100,000)	(100,000)	(100,000)	(100,000)	
<b>Subtotal - High priority projects - 2</b>	<b>(900,000)</b>	<b>(865,672)</b>	<b>(900,000)</b>	<b>(865,672)</b>	<b>(1,765,672)</b>
<u>High priority needs - 3</u>					
Aquatic Park Tide Tubes Planning (grant match)	(66,000)		(66,000)		FY24 grant application; will need this allocation if awarded. (Separate from \$800k match in AAO1).



Item 12. FY25-26 PRW capital project budget submittals

University Ave SLR (grant match)	(64,000)		(64,000)		<i>FY24 grant application; will need this allocation if awarded.</i>
Convert JK Restroom to Public RR	(160,000)			(160,000)	
South Berkeley Landscaping / Here There	(400,000)			(400,000)	
Design for Codornices Play	(250,000)			(250,000)	<i>Play structure is deteriorated and needs to be replaced.</i>
Design for Shorebird Play	(175,000)			(175,000)	<i>Play structure is deteriorated and needs to be replaced.</i>
Design for Glendale LaLoma Play	(250,000)			(250,000)	<i>Play structure is deteriorated and needs to be replaced.</i>
Generator at BTC	(150,000)			(150,000)	<i>This is required; but a generator could be rented in summer 2024.</i>
Re-deck F&G dock		(500,000)		(500,000)	
Finger Dock Replacements		(300,000)		(300,000)	
<b>Subtotal - High priority projects - 3</b>	<b>(1,515,000)</b>	<b>(800,000)</b>	<b>(130,000)</b>	<b>(2,185,000)</b>	<b>(2,315,000)</b>

<b>GRAND TOTAL - Project Needs</b>	<b>(10,715,000)</b>	<b>(5,405,672)</b>	<b>(5,570,000)</b>	<b>(10,550,672)</b>	<b>(16,120,672)</b>
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	FY25	FY26	FY25	FY26
Parks Tax Funding	3,565,000	3,090,000	3,565,000	3,090,000
CIP Fund	400,000	400,000	400,000	400,000
Marina Fund			350,000	350,000
<b>Funding</b>	<b>3,965,000</b>	<b>3,490,000</b>	<b>4,315,000</b>	<b>3,840,000</b>
<b>Gap</b>	<b>(6,750,000)</b>	<b>(1,915,672)</b>	<b>(1,255,000)</b>	<b>(6,710,672)</b>

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 26, 2024 (regular)**

15.-Contract No. 32400015 Amendment: California Consulting for on-call grant writing services  
URL: <https://berkeleyca.gov/sites/default/files/documents/2024-03-26%20Item%2015%20Contract%20No.%2032400015%20Amendment%20%20California%20Consulting.pdf>

**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>



TO: ZAB

FROM: Parks, Recreation and Waterfront (PRW) Commission

Subject: Special Consideration for Development at 2136 San Pablo Ave. Due to Adjacency to a Public Park or Open Space

DATE: 3/13/24

## 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. 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.

While there are many neighborhood parks in Berkeley that are close to housing and residences including Ohlone, Willard, Rose and San Pablo Parks but at the DRC it was noted that there are none, in recent memory, where a new multi-unit housing development have been proposed that is directly adjacent to a park. And while there are both state and local laws that dictate design standards and other criteria that, at times include impact fees, there is little that the city has put in place that would govern this particular situation, including no impact fees that are devoted to green space and public parkland.

**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.

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.**

RECOMMENDATIONS

At the March 13, 2024, meeting of the PRW Commission we had a very lively discussion about issues related to developments adjacent to parkland and public open space, including the possible impacts to the parks, the benefits to the residents of the development, and the need to provide adequate open space in a growing city. But while a list similar to the one from the DRC that included a native planting suggestion and access issues was proposed at the Commission, we were only able to reach consensus on two items, namely the following:

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. Require that bird-safe glass be required throughout the entire development, with special attention to the west side of the building.

CONTACT PERSONS:

Claudia Kawczynska, Chair of the PRW Commission  
Erin Diehm, Vice-Chair of the PRW

Vote – **Ayes:** Allan Abshez (8), Claudia Kawczynska (2), Gordon Wozniak (mayor), Erin Diehm (4), Gianna Ranuzzi (3), Reichi Lee (2) – **Abstain:** Brennan Cox (5) – **Not Present:** Alyssa Hurtado (7)

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APPENDIX

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.

## COMMUNICATION

To: Honorable Mayor and Members of the Berkeley Council  
From: Parks, Recreation and Waterfront (PRW) Commission  
Subject: Special Consideration for Development at 2136 San Pablo Ave. Due to Adjacency to a Public Park or Open Space  
Date: 3/13/24

## 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. 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.

While there are many neighborhood parks in Berkeley that are close to housing and residences including Ohlone, Willard, Rose and San Pablo Parks but at the DRC on Feb. 15, 2024, it was noted that there are none, in recent memory, where a new multi-unit housing development have been proposed that is directly adjacent to a park. And while there are both state and local laws that dictate design standards and other criteria that, at times include impact fees, there is little that the city has put in place that would govern this particular situation, including no impact fees that are devoted to green space and public parkland.

**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.

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.**

## RECOMMENDATIONS

At the March 13, 2024 meeting of the PRW Commission we had a very lively discussion about issues related to developments adjacent to parkland and public open space, including the possible impacts to the parks, the benefits to the residents of the development, and the need to provide adequate open space in a growing city. But while a list similar to the one from the DRC (\* see below) that included a native planting suggestion and access issues was proposed at the PRW Commission, we were only able to reach consensus on two items, namely the following:

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. Require that bird-safe glass be required throughout the entire development, with special attention to the west side of the building.

## CONTACT PERSONS:

Claudia Kawczynska, Chair of the PRW Commission

Erin Diehm, Vice-Chair of the PRW

Vote – **Ayes:** Allan Abshez (8), Claudia Kawczynska (2), Gordon Wozniak (mayor), Erin Diehm (4), Gianna Ranuzzi (3), Reichi Lee (2) – **Abstain:** Brennan Cox (5) – **Not Present:** Alyssa Hurtado (7)

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\*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.”

APPENDIX

ADDITIONAL CONDITIONS  
MARCH 30, 2023

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**Miller, Roger**

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**From:** Miller, Roger  
**Sent:** Wednesday, March 27, 2024 4:31 PM  
**Subject:** Upcoming Special Events - Please come!

To: PRW Commission  
From: Roger

We are looking for up to a dozen volunteers to help staff Waterfront Scavenger Hunt this Saturday, March 30 from 11am-2:30pm. If you or anyone you know are interested, please contact Isabelle Stine at [istine@berkeleyca.gov](mailto:istine@berkeleyca.gov)

Upcoming special events in the next 2 weeks include:

March 29, 6:00 pm - 8:00 pm: [Silent Disco](#)

March 29, 7:30 pm - 9:00 pm: [Flashlight Egg Hunt](#)

March 30, 9:30 am - 1:00 pm: [Spring Egg Hunt Extravaganza](#)

March 30, 12:30 am - 1:30 pm: [Waterfront Scavenger Hunt](#)

April 6, 9:15 am - 12:00 pm: [Tree Planting at Aquatic Park](#)

# WATERFRONT Scavenger Hunt

**Play in Teams**

**Treats**  
along the way

**Win Prizes**

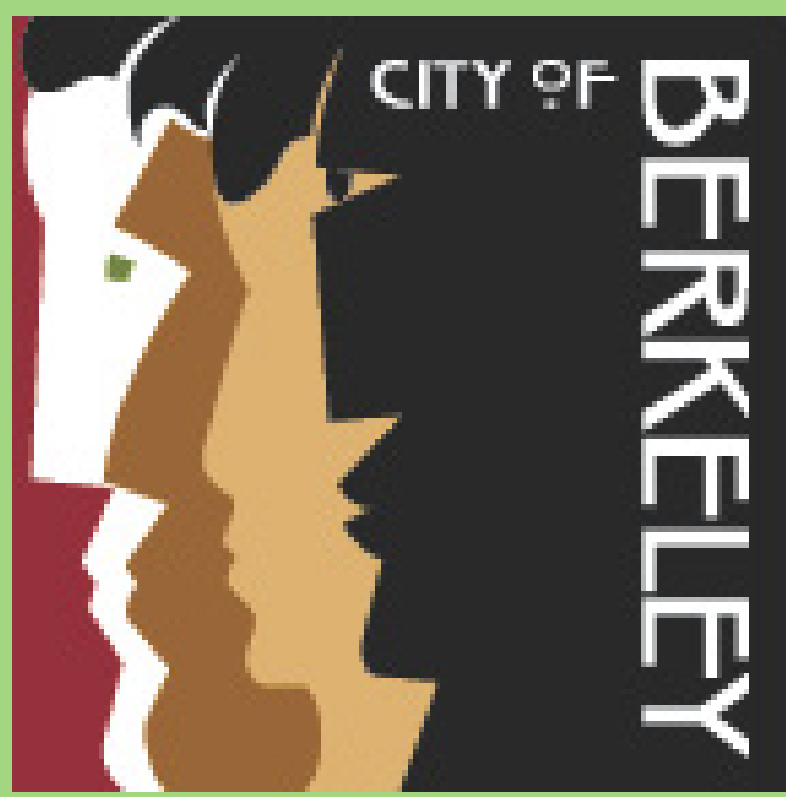
Up to 6 people per team  
\$12 registration per team  
Recommended Age: 16+

Win up to \$200+ in gift cards to Waterfront Restaurants & Hotels

All participants receive a sweatband & Skates Coupon  
*While Supplies Last*

Grab friends. Solve riddles throughout the Waterfront.  
Start & Finish at Cesar Chavez Park

**Noon-1:30 PM**  
**Saturday, March 30th**



**Parks Make Life Better!**

**SCAN TO REGISTER YOUR TEAM**

# Waterfront Scavenger Hunt 2024

Each Riddle = 10 points



## Riddle #1:

Off the Bay trail,  
a morning treat.  
You can find me 4 days a week.  
Serving brews,  
both hot and iced,  
For your caffeine fix,  
it will more than suffice.

## Riddle #2:

Ingredients here are locally sourced,  
Fresh seafood & pasta,  
the chef is a force!  
Boat views from the table,  
where friends can meet,  
Even the soda is Berkeley-made,  
what a treat!

## Riddle #3:

On the shimmering Bay,  
where waters gleam,  
For just twenty bucks,  
fulfill your dream.  
With paddleboards in hand,  
explore the Bay  
Where can you rent one  
to play all day?

## Riddle #4:

Near the Bay  
where ships sail free,  
A warrior stands,  
eyes fixed on sea.  
Gazing towards San Francisco's shore,  
In ferocious stance, forevermore.

## Riddle #5

In a large Waterfront park,  
my purpose is clear  
I show nature's cycles from  
year to year.  
Warmed by the sun and its graceful flight  
I'll watch it for you from day until night.

## Riddle #6

Replace the cityscape  
with a Bay view  
From the first stop,  
there's so much to do!  
Metal art painted a vibrant blue  
The first sign  
your Waterfront welcomes you.



# Waterfront Scavenger Hunt 2024

Each Riddle = 10 points



## Riddle #7

In a restaurant,  
by the bay's gentle flow,  
**A** curious sight in a tank,  
you'll know.  
**W**ith claws that click  
and a shell that's red,  
**I**n salty waters,  
she makes her bed.

## Riddle #8

Three hours of peace,  
a parent can buy,  
**T**hose older than 6  
can sit down and fly!  
**L**ook for this prize next to hammers and glue,  
**D**oc Dangerous hides, so keep on that shoe!

## Riddle #9

**I** am a wise bird  
that burrows deep,  
**B**eneath the grass and dirt is where I sleep.  
**I**n this park, I make my stay,  
**W**hoo-who's home?  
**S**pot my sign to find the way.

## Riddle #10

**A** language of their own,  
they twirl.  
**I**n the wind, colors unfurl.  
**T**urn your gaze & look up high  
**T**o find where "Discover"  
is written in the sky.

## Riddle #11

**I**'m made of dirt  
stuffed full of clean lines  
**M**y lights are powered when the  
sun shines  
**I** care about nature,  
**I**'m big on what's green,  
**W**ander inside  
and see what I mean!

## Riddle #12

**I**'m a place of rest,  
where travelers roam,  
**W**ith plushy beds  
when you're away from home.  
**F**ind this egg under a neon glow,  
**W**here luxury and comfort steal the show!

**Bonus #1**

Take a photo of someone out windsurfing or sailing!

**Bonus #2**

Take a photo of 4 different bird species that call the Waterfront home!

**Bonus #3**

Take a photo of our furriest residents at the Waterfront, the ground squirrels!

**Bonus #4**

Take photos of 5 different color flowers!

**Bonus #5**

Take a single photo featuring two bridges.

**Bonus #6**

Take a photo of a location you can rent on CivicRec.com.

**Bonus #7**

Take a photo of the Waterfront's resident Dragon (boats!)

**Bonus #8**

Take a photo of a public dock inside the Berkeley Marina Harbor.

**Bonus #9**

Take a photo of the plaque that commemorates the "Save the San Francisco Bay" movement.

**Bonus #10**

Take a photo of something you can rent to ride around the Waterfront!

**Bonus #11**

Take a photo of a 2-Dimensional Bike!

**Bonus #12**

Take a photo of a place to fill your reusable water bottle.

**Waterfront Scavenger Hunt 2024  
Bonus Questions**

**Each Photo = 2 points • Max Bonus Points = 38**

# Scavenger Hunt Prizes

Item 15. Communications to commission



## 1st Prize

\$200 Skates on the Bay Restaurant  
Gift Card & One Night Stay at  
Doubletree Hotel by Hilton



## 2nd Prize

\$150 Marina Seafood Dockside  
Patio Gift Certificate & One Night  
Stay at Doubletree Hotel



## 3rd Prize

\$100 Berkeley Boat House  
Restaurant eGift Card

## Best Team Spirit

(Music, Costumes, Energy, Etc.)

\$40 Skates on the Bay Restaurant  
Gift Card

## First Runner Up/Fourth Place

\$40 Skates on the Bay Restaurant  
Gift Card

## Six Runners Up

(5th through 10th place)

\$20 Skates on the Bay Restaurant  
Gift Card



**Winners**



**Honorable  
Mentions**



**Runners  
Up**