



PARKS, RECREATION, AND WATERFRONT COMMISSION

Regular Meeting

Wednesday, November 8, 7:00 P.M.
2800 Park St, Berkeley, CA 94703
(Frances Albrier Community Center – Auditorium)

Parks and Waterfront Commission

Agenda

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

1. **Call to Order** (Chair).
2. **Roll Call** (Secretary).
3. **Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.
4. **Action: Approval of Agenda** (Chair).
5. **Action: Approval of Minutes** for September 13, 2023 (Chair).*
6. **Public Comment.**
7. **Chair's Report.**
8. **Director's Report** (Ferris): PRW Divisions: Recreation; Parks; Waterfront; Capital; Budget.
9. **Discussion/Action: Communication to Council to Update Resolution No. 66,544-N.S., a Policy for the Use of Berths at the Berkeley Marina by Non-Profit Organizations Providing Community Service** (Kawczynska).*
10. **Discussion/Action: Approve Proposed New Historic Plaque at Presentation Park** (Hal Reynolds).*
11. **Discussion/Action: Update on the Waterfront Specific Plan (WSP)** (Ferris). See link at <https://berkeleyca.gov/sites/default/files/documents/WSP-DRAFT-2023-10-30.pdf>
12. **Discussion/Action: PRW Commission Addendum to the Commission Recommendations Report on the WSP** (Kawczynska/Diehm).*
13. **Discussion/Action: Report on Possible Parks Tax Increase** (Wozniak).*
14. **Discussion: Update on 600 Addison Project** (Diehm).*
15. **Information: Recent Council Reports.***
16. **Future Agenda Items:** Public Art (Lavvorn); Priorities for parks capital projects FY2023-24; PRW Commission Workplan 2023; Parks Development Fee; Citywide Accessibility Plan; Berth Fee Waivers for community service organizations; Locations for Dog Parks
17. **Communications.*** a) In Maine, a return of tribal land shows how conservation can work best The Washington Post, 11-01-2023 (Diehm); b) Why dozens of bird species are losing human names linked to racists - The Washington Post, 11-01-2023 (Diehm).
18. **Next PRW Commission meeting:** Wednesday, January 10, 2024 (in-person).
19. **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 - Anna Avellar
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
 Liaison - Commission on Aging – Anna Avellar

2023 Commission Meeting Dates

Name of Commission: Parks, Recreation, and Waterfront Commission

Commission Secretary: Roger Miller

Location: Frances Albrier Community Center, 2800 Park St

Month	Meeting Day and Date (2 nd Wednesday per month)	Time	Notes
2023			
January	Wednesday, January 11	7:00 p.m.	Regular Mtg (Zoom)
February	Wednesday, February 8	7:00 p.m.	Regular Mtg (Zoom)
March	Wednesday, March 8	7:00 p.m.	Regular Mtg– Albrier Ctr
April	Wednesday, April 12	7:00 p.m.	Regular Mtg – Live Oak Ctr
May	Wednesday, May 10	7:00 p.m.	Regular Mtg – Albrier Ctr
June	Wednesday, June 21	7:00 p.m.	Regular Mtg – Albrier Ctr
July	Wednesday, July 12	7:00 p.m.	Regular Mtg – Albrier Ctr
August	No meeting		
September	Wednesday, September 13	7:00 p.m.	Regular Mtg – Albrier Ctr
October	Wednesday, October 11	7:00 p.m.	Regular Mtg – Albrier Ctr
November	Wednesday, November 8	7:00 p.m.	Regular Mtg – Albrier Ctr
December	No Meeting		
2024			
January	<i>Wednesday, January 10</i>	<i>7:00 p.m.</i>	<i>Regular Mtg</i>

**PARKS AND WATERFRONT COMMISSION
Regular Meeting**

Wednesday, October 11, 2023, 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: Avellar; Diehm; Hurtado; Lee; Kawczynska; Ranuzzi; Wozniak; Absent: Abshez; Cox.
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/Wozniak/U): Ayes: Avellar; Diehm; Hurtado; Lee; Kawczynska; Ranuzzi; Wozniak; Noes: None; Absent: Abshez; Cox.
5. **Action: Approval of Minutes** for September 13, 2023 (Chair).* (M/S/C: Kawczynska/Diehm/U): Ayes: Avellar; Diehm; Hurtado; Lee; Kawczynska; Ranuzzi; Wozniak; Noes: None; Absent: Abshez; Cox.
6. **Public Comment.** Bay Area Kayak Polo Club: Sam Reifsnnyder, Alicia Pozos, Lorelai, Alberto Godoy, Marcos F, Alex Izmailou, Peter Hargreaves, Oscar Megorady; b) Tony Wright, Parking & Safety; Jim McGrath, Waterfront Plan, c) Lori Hines, Community & Pollinator garden.
7. **Chair's Report.** Ribbon-cutting at Aquatic Park Boat Club (Kawczynska); Sept 23 Open House for Draft WSP (Kawczynska); ribbon-cutting at Ohlone Park Playground (Diehm); final Movie-in-the-Park (Wings of Life) at Shorebird Nature Center (Diehm); Shoreline Coastal Cleanup with 700-1000 people (Wozniak); Lack of public trash cans in District 3 (Ranuzzi); Issue of electric bikes in San Pablo Park and grass (Avellar).
8. **Director's Report** (Ferris): PRW Divisions: Recreation; Parks; Waterfront; Capital; Budget. Update was provided.
9. **Discussion: Update on the Public Arts Project at Aquatic Park** (Cox). Update was provided by C. Kawczynska.
10. **Discussion/Action: Possible Parks Tax Increase Ballot Measure** (Wozniak). Discussion was held. Public comment: a) Jim McGrath; b) Kelly Hammargren.
11. **Discussion/Action: Proposed Ohlone Greenway Improvement Project** (Ferris).** Update was provided. It was M/S/C to send a note of support to Council (Kawczynska/Diehm/C): Ayes: Avellar; Diehm; Hurtado; Kawczynska; Lee; Ranuzzi; Wozniak; Noes: None; Absent: Abshez; Cox.

12. Discussion/Action: Feedback on Draft Waterfront Specific Plan

(Diehm/Kawczynska).* Discussion was held. Public comment: Gordon Stout. It was M/S/C to appoint the following 3 speakers for the November 2, 2023 Council Special Meeting discussion of the draft Waterfront Specific Plan (Abshez, Diehm, Wozniak). Ayes: Avellar; Diehm; Hurtado; Kawczynska; Ranuzzi; Wozniak; Noes: None; Abstain: Lee; Absent: Abshez; Cox.

13. Discussion/Action: Update on the Waterfront Specific Plan (WSP) process (Ferris/ Abshez). See link at <https://berkeleyca.gov/sites/default/files/documents/WSP-DRAFT-2023-09-22.pdf>. Update was provided by Ferris.

14. Information: Recent Council Reports.*

15. Future Agenda Items: Inclusionary Playgrounds (Cox); Public Art (Lavvorn); Priorities for parks capital projects FY2023-24; PRW Commission Workplan 2023; Parks Development Fee; Citywide Accessibility Plan; Berth Fee Waivers for community service organizations; Locations for Dog Parks

16. Communications. Memo to Council re: PRW Comm subcommittee re: WSP, 9/19/2023 (Kawczynska); Ltr to Council re: Taplin Item for San Pablo Park Pool funding to State, 09/13//2023.

17. Next PRW Commission meeting: Wednesday, November 8, 2023 (in-person).

18. Adjournment: 10:06pm.

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

** document will be provided at the meeting.

- Commissioners in attendance: 7 of 9 appointed.
- Public in attendance: 22
- Public speakers: 14

***Note:** For any handouts distributed at the meeting, please see the Draft Minutes for October 11, 2023 on the Parks, Recreation, and Waterfront Commission webpage at the following link online:

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

COMMUNICATION

To: The Mayor and City Council Members

From: Claudia Kawczynska, Chair of the Parks, Recreation and Waterfront Commission

Date: November 8, 2023

Re: Recommended Update to Resolution No. 66,544-N.S., POLICY FOR THE USE OF BERTHS AT THE BERKELEY MARINA BY NON-PROFIT ORGANIZATIONS PROVIDING COMMUNITY SERVICE

The Parks, Recreation and Waterfront Commission recommends that Resolution No. 66,544-N.S., a Policy for the Use of Berths at the Berkeley Marina by Non-Profit Organizations Providing Community Service, be updated to change the name “Parks and Waterfront Commission” to “Parks, Recreation and Waterfront Commission.”

This change is a simple “housecleaning” matter and does not change or affect the policy described in this Resolution. The recommended changes would be reflected in the following sections (the name change has been applied in the examples, bolded):

“2. The **Parks, Recreation and Waterfront Commission** shall review the application and make a recommendation to the Council that the provision of community services warrants berthing compensation commensurate with the public benefit.”

The name change is also included in this section:

“1 c. No later than the February meeting each organization must appear before the **Parks, Recreation and Waterfront Commission** and describe its activities in the prior calendar year...”

And in this section:

“2. Organizations that comply with the requirements of this policy and other applicable City ordinances and/or policies shall have any applicable berthing compensation renewed annually by the Council after a review and recommendation by the **Parks, Recreation and Waterfront Commission.**”

Resolution 58,859–N.S. was adopted by Council on March 14, 1997, establishing that the Waterfront Commission was charged with reviewing these applications for berth waivers by non-profits. Then on November 13, 2012, the Waterfront Commission and the Parks and Recreation Commissions were consolidated into a single commission, the Parks and Waterfront Commission. In response to this consolidation on April 29, 2014, Council rescinded Resolution No. 58,859–N.S. and replaced it with No. 66-544–N.S. More recently, on February 9, 2022, the existing Parks and Waterfront Commission was merged with certain responsibilities of the Recreation Commission and the Animal Care Commission, resulting in the newly named Parks, Recreation and Waterfront Commission. Given this recent update, it is a timely and overdue matter, to update the empowered commission to be the current Parks, Recreation and Waterfront Commission. This commission recommends that the City Council make this update at meeting of City Council in December 2023.

RESOLUTION NO. 66,544–N.S.

POLICY FOR THE USE OF BERTHS 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 if they are found to provide community service that exceeds the value of the berths they occupy at the Berkeley Marina, along with other community service criteria; 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 November 13, 2012, the Parks and Recreation Commission and the Waterfront Commission were consolidated into a single commission called the Parks and Waterfront Commission; and

WHEREAS, as a housekeeping matter, Resolution No. 58,859-N.S. must be updated to change the name of the "Waterfront Commission" in the policy to the "Parks and Waterfront Commission."

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following policy is hereby established for the use of berths at the Berkeley Marina by non-profit organizations that provide community service:

A. QUALIFYING ORGANIZATIONS: MINIMUM REQUIREMENTS

1. Only those organizations that meet the following criteria shall be eligible to receive berth spaces in exchange for community service:
 - a. The purpose of the organization is to supply a beneficial public service.
 - b. The organization must conduct an activity on a regular and on-going basis.
 - c. The organization must clearly demonstrate that its presence in the Marina or its service to the community, as evidenced by a cost/benefit analysis provided by the non-profit, greatly exceeds the value of the berth.
 - d. The organization must provide a service not duplicated by a private business operator.

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 Berkeley Marina advocates and practices equal opportunity in terms of access to its berthing facilities. Availability and use of the facilities will 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. Age-level of members of organization and/or participants
 - g. Contribution to community including hours of service (if applicable) and activities
 - h. Reason and justification for request
 - i. Time period/duration for use of Marina (indefinite or specific time period)
 - j. Copy of bylaws (if any)
 - k. List of completed and planned community projects
 - l. Financial statement for prior year
2. The Parks and Waterfront Commission shall review the application and make a recommendation to the Council that the provision of community services warrants berthing compensation commensurate with the public benefit.

C. REPORTING REQUIREMENTS, COMPLIANCE, AND ADMINISTRATION

1. All organizations that receive berthing space compensation in consideration 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. No later than the February meeting of the Parks and Waterfront Commission, or at its next meeting in the event there is no February meeting, each organization must appear before the Parks and Waterfront Commission and describe its activities in the prior calendar year, as described in this section.
 - d. On August 1 of each year, each organization must submit to the Waterfront Manager a semi-annual report containing the information described herein for the first six months of the calendar year.
 - e. Any organization failing to provide the prescribed information and reports by the listed deadlines will be required to pay the normal fee charged for its berth or remove its vessel or material from the Marina within 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 any applicable berthing compensation renewed annually by the Council after a review and recommendation by the Parks and Waterfront Commission.
 3. When the owner of a private vessel requests a berth that is occupied by a vessel owned by a non-profit organization receiving berthing compensation for community services, the Waterfront Manager may require, with thirty (30) days advance notice, the vessel owned by the non-profit organization to move to another berth.

BE IT FURTHER RESOLVED that Resolution No. 58,859-N.S. is hereby rescinded.

The foregoing Resolution was adopted by the Berkeley City Council on April 29, 2014 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: Maio.



Tom Bates, Mayor

Attest: 

Mark Numainville, CMC, City Clerk

Bay Area Kayak Polo Club

Application for Berth Fee Waiver

by Bay Area Kayak Polo Club (BAKPC)

To Whom It May Concern,

We the Bay Area Kayak Polo Club (BAKPC), would like to request a berth fee waiver in return to providing community service at the Berkeley Marina. Please find below the required information for the application of a berth fee waiver, as required by City Council Resolution 66,544 – N.S.

Please do not hesitate to ask questions should you have any.

Thank you for your time and consideration.

Truly,

Sam Reifsnyder, BAKPC Member and Coach

Peter Hargreaves, BAKPC Member and Coach

Alexander Izmailov, BAKPC Member and Coach

Applicant Information

Mission Statement

Our BAKPC association is committed to promote the sport of kayak polo here in the Bay Area. Being the only kayak discipline that incorporates teamwork, ball skills and strategy, kayak polo provides a unique way for people to get out and active while fostering a sense of community and appreciation for the beautiful waterfront environment the Bay Area has to offer. Our commitment is especially directed towards those who do not otherwise have access to watersports in the Bay or might not have the financial means to pursue such passion, including youth and under-represented communities.

Cultural and Ethnic Diversity Statement

The BAKCP organization prioritizes among all other goals the inclusion of any member, regardless their nationality, religious affiliation, sexual preferences, gender identification and political opinions.

Members will not under any circumstances discriminate or harass other members on the basis of race, ethnicity, color, national origin, religion, sex, gender identity, political opinion, pregnancy, disability, age, medical condition (cancer-related), ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran.

Members who display attitude or behavior which go against the above mentioned BAKPC's stated philosophy of inclusion, will be unconditionally lifted from their membership.

A) Name and Address of Organization

Bay Area Kayak Polo Club (BAKPC)

5364 Boyd Avenue

Oakland, CA, 94618 – 0000

Website: <https://www.bayareakayakpolo.com/>

B) Name, address, and telephone number of person responsible for business affairs of the group

Samuel Reifsnyder

2890 Treat Blvd, Unit 44

Concord, CA, 94518

(949) 372-9945

samreif@mac.com

C) Type of Organization

The Bay Area Kayak Polo Club is a non-profit IRS 501(c)(3) educational and charitable organization committed to promoting the sport of kayak polo in the Bay Area and across the state of California.

EIN: 21-5731455

D) Number of members in organization

There are approximately 60 members of the Bay Area Kayak Polo Club. Our youth program comprises 25-30 members, depending on seasonal participation.

E) Level of participation of members

Our club has been a regular presence at the Berkeley marina since 2013. Most of our members consistently meet every Sunday morning at the Berkeley Marina between 10am and 2pm. Our more trained members will also train multiple times during the months preceding competitions. Our club fosters both recreational and competitive members. We also, provide seasonal training camps for beginners and our youth members. These typically take place during the weekends at the San Leandro High School pool and last for 6 weeks each season (total of 24 weeks).

Most of our members regularly volunteer their time to support our club and its initiatives. A few examples are the following:

- Coaching during our beginners and youth training camps
- Maintenance, repair and procurement of kayak polo boats and equipment (paddles, personal flotation devices, polo balls, polo net, etc.)
- Outreach events and initiatives

We take pride in having several of our top athletes be part of the USA Kayak Polo National Team. This past year we have had a total of 7 athletes partake in the 2022 World Games held in Alabama and in the 2022 Kayak Polo World Championships held in France, more than any other club in the country! Each of our more experienced athletes and members can boast more than 20 years of experience in the sport including other paddling disciplines.

F) Age-level of members of organization and/or participants

The age distribution of our members spans across a wide range. Our Youth Program currently held in the San Leandro Highschool Pool is quite successful, with over 25 kids ranging in ages between 9 to 17. Our more experienced members range from 16 to 65 years old.

G) Contribution to the community including hours of service (if applicable) and activities

During the 2023 calendar year our members volunteered over 400 hours towards community services for our seasonal (Spring and Summer) youth training camps at the San Leandro High School Pool and at the Berkeley Marina. Typically, between 20-30 kids and teens will participate at our training camps.

An additional 200 hours have been volunteered to help organize and host youth and senior tournaments such as our yearly Cup of the West Tournament, which attracts adult and youth teams from both the US and Canada. Last year our tournament attracted 12 teams of which 6 were youth. Each team averages 7 players.

The skills that we teach during our training camps do not stop at kayak polo but also carry onto other kayaking disciplines such as sea kayaking, whitewater, slalom, etc., which are also very popular in the Bay Area.

Below is an estimate of the value of our community service compared to value of berths.

Service	Quantity	Value per Unit Quantity	Value of Service	Ratio of Community Service
Youth Training Camps, and Youth Tournaments (hours)	700	\$ 50.00	\$ 35,000.00	7.3
Bay Area Kayak Polo Club (berth feet per year)	40	\$ 120.00	\$ 4,800.00	

H) Reason and justification for request

To achieve our mission of promoting our sport of kayak polo here in the Bay Area we are asking for the permission to obtain a berth fee waiver for kayak and equipment storage. Since a few dockage areas in shallower water are currently empty we would like to propose the Berkeley Waterfront Commission with a win-win opportunity that would put to good use the currently underutilized docks for outreach and recreational water activities provided by our club.

We envision placing a roughly 25’x40’ floating dock on the West side of the N dock for storing kayaks and gear, and for easy access to the water (see Figure 1). This storage dock would be mostly funded via our clubs’ finances and crowd funding initiatives. As such, the City of Berkeley would not need to incur in significant overhead costs (limited mainly to the allocation of the proposed area).

This would greatly expand our ability for a more robust outreach, while creating a beneficial public service in our community. We realize that for people from under-served communities it can be challenging to haul their kayaks to the marina or for some to even buy a relatively expensive kayak and paddling equipment. By providing a small hub where club kayaks and gear are provided and can be stored for club members, we believe we can bring down these obstacles and reach out more effectively to a wider group of our under-served community.



Figure 1. Aerial view of the location for the proposed berth site on the West side of the N dock.

I) Time period/duration for use of Marina (indefinite or specified period)

A berth fee waiver is requested for the 2023/2024 calendar year.

J) Copy of bylaws (if any)

Please See Appendix A.

K) List of completed and planned community projects

The following are the planned community projects for the year 2023:

- Youth Winter Session 2023 (100 volunteered hours)
Our members volunteered to train our youth winter session at the San Leandro High School Pool.
- Cup of the West 2023 – April 8th-9th, 2023 (200 hours)
Our members volunteered in providing logistical support for the organization of this event. Free tryouts will be available to the public.
- Summer Youth Session 2023 (200 hours)
Our members have volunteered in training our youth during Summer session at the Berkeley Marina.

- Fall Youth Session 2023 (200 hours)
Our members will be volunteering in training our youth during Fall session.

Total hours: 700 hours.

Estimated value: \$35,000

L) Financial statement

Please see Appendix B.

Appendix A – BAKPC Bylaws

Drafted: 11/6/2018

ARTICLE I. NAME OF ORGANIZATION

The name of the organization is “Bay Area Kayak Polo Club”, also referred to as “Bay Area Kayak Polo”.

ARTICLE II. ORGANIZATION PURPOSE

Section 1. Nonprofit Purpose

This corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Section 2. Specific Purpose

Bay Area Kayak Polo Club (BAKPC) provides opportunities for beginning kayakers of all ages to learn kayak polo. This includes but is not limited to:

- youth and adult classes
- pool sessions
- gear purchase and maintenance
- scholarships for travel and tournament entry

It also provides an organization structure for intermediate and advanced athletes to practice and compete. BAKPC occasionally hosts local tournaments and periodically hosts the Kayak Polo National Championships.

Section 3. Cultural and Ethnic Diversity Statement

The BAKCP organization prioritizes among all other goals, the inclusion of any member, regardless their nationality, religious affiliation, sexual preferences, gender identification and political opinions.

Members will not under any circumstances discriminate other members on the basis of race, ethnicity, color, national origin, religion, sex, gender identity, political opinion, pregnancy, disability, age, medical condition (cancer-related), ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran.

Members who display attitude or behavior which go against the above mentioned BAKPC’s stated philosophy of inclusion, will be unconditionally lifted from their membership.

ARTICLE III. MEMBERSHIP

Section 1. Membership Eligibility

Application for voting membership shall be open to any current resident of the Bay Area. Membership is granted after completion and receipt of a membership application and annual dues.

Section 2. Annual Dues

The amount required for annual dues shall be \$50 each year, unless changed by a majority vote of the members at an annual meeting of the full membership. Continued membership is contingent upon being up-to-date on membership dues. Annual dues will be collected by the treasurer by January 1st of each year. A membership card will be issued and a list of members who are current on their dues will be also kept by the treasurer. Dues will go towards goal repair, maintenance and purchase of club gear, and club fees such as club ACA membership and Meetup.com fees.

Section 3. Rights of Members

Each member shall be eligible to cast a vote in association elections.

Section 4. Resignation and Termination

Any member may resign by filing a written resignation with the secretary. Resignation shall not relieve a member of unpaid dues, or other charges previously accrued. A member can have their membership terminated by a majority vote of the membership.

ARTICLE IV. BOARD OF DIRECTORS

Section 1. General Powers

The affairs of the Corporation shall be managed by its Board of Directors. The Board of Directors shall have control of and be responsible for the management of the affairs and property of the Corporation.

Section 2. Number, Tenure, Requirements, and Qualifications

The number of Directors shall be fixed from time-to-time by the Directors but shall consist of no less than two (2) nor more than five (5) including the following officers: the President, the Secretary, and the Treasurer.

Section 3. Quorum

The presence of an in person majority of current members of the Board of Directors shall be necessary at any meeting to constitute a quorum to transact business, but a lesser number shall have power to adjourn to a specified later date without notice. The act of a majority of the members of the Board of Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these by-laws.

ARTICLE VI. OFFICERS

The officers of this Board shall be the President, Vice-President, Secretary and Treasurer. All officers must have the status of active members of the Board.

Section 1. President

The President shall preside at all meetings of the membership. The President shall have the following duties:

- a. He/She shall preside at all meetings of the Executive Committee.
- b. He/She shall have general and active management of the business of this Advisory Board.
- c. He/She shall see that all orders and resolutions of the Advisory Board are brought to the Advisory Board.
- d. He/She shall have general superintendence and direction of all other officers of this corporation and see that their duties are properly performed.
- e. He/She shall submit a report of the operations of the program for the fiscal year to the Advisory Board and members at their annual meetings, and from time to time, shall report to the Board all matters that may affect this program.
- f. He/She shall be an Ex-officio member of all standing committees and shall have the power and duties usually vested in the office of the President.

Section 2. Secretary

The Secretary shall attend all meetings of the Board, and all meetings of members, and assisted by a staff member, will act as a clerk thereof. The Secretary's duties shall consist of:

1. He/She shall record all votes and minutes of all proceedings in a book to be kept for that purpose. He/She in concert with the President shall make the arrangements for all meetings of the Advisory Board, including the annual meeting of the organization.
2. Assisted by a staff member, he/she shall send notices of all meetings to the members of the Advisory Board and shall take reservations for the meetings.

Section 3. Treasurer

The Treasures duties shall be:

1. He/She shall submit for the Finance and Fund Development Committee approval of all expenditures of funds raised by the Board, proposed capital expenditures (equipment and furniture) , by the staff of the agency.
2. He/She shall present a complete and accurate report of the finances raised by this Board and at each meeting of the members, or at any other time upon request to the Board.
3. He/She shall have the right of inspection of the funds resting with the Bay Area Kayak Polo Club including budgets and subsequent audit reports.
4. It shall be the duty of the Treasurer to assist in direct audits of the funds of the program according to funding source guidelines and generally accepted accounting principles.

Section 5. Election of Officers

Any member may nominate themselves or another member for a position on the Board. The election shall be held at the annual meeting of the Advisory Board. Those officers elected shall serve a term of two (2) years, commencing at the next meeting following the annual meeting.

Section 6. Removal of Officer

The Advisory Board with the concurrence of 3/4 of the members voting at the meeting may remove any officer of the Board of Directors and elect a successor for the unexpired term. No officer of the Board of Directors shall be expelled without an opportunity to be heard and notice of such motion of expulsion shall be given to the member in writing twenty (20) days prior to the meeting at which motion shall be presented, setting forth the reasons of the Board for such expulsion.

Section 7. Vacancies

The Nominating Committee shall also be responsible for nominating persons to fill vacancies which occur between annual meetings, including those of officers. Nominations shall be sent in writing to members of the Advisory Board at least two (2) weeks prior to the next meeting at which the election will be held. The persons so elected shall hold membership or office for the unexpired term in respect of which such vacancy occurred.

ARTICLE VII. INDEMNIFICATION

Section 1. General

To the full extent authorized under the laws of the California, the corporation shall indemnify any director, officer, employee, or agent, or former member, director, officer, employee, or agent of the corporation, or any person who may have served at the corporation's request as a director or officer of another corporation (each of the foregoing members, directors, officers, employees, agents, and persons is referred to in this Article individually as an "indemnitee"), against expenses actually and necessarily incurred by such indemnitee in connection with the defense of any action, suit, or proceeding in which that indemnitee is made a party by reason of being or having been such member, director, officer, employee, or agent, except in relation to matters as to which that indemnitee shall have been adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of a duty. The foregoing indemnification shall not be deemed exclusive of any other rights to which an indemnitee may be entitled under any bylaw, agreement, resolution of the Board of Directors, or otherwise.

Section 2. Expenses

Expenses (including reasonable attorneys' fees) incurred in defending a civil or criminal action, suit, or proceeding may be paid by the corporation in advance of the final disposition of such action, suit, or proceeding, if authorized by the Board of Directors, upon receipt of an undertaking by or on behalf of the indemnitee to repay such amount if it shall ultimately be determined that such indemnitee is not entitled to be indemnified hereunder.

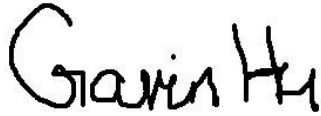
Section 3. Insurance

The corporation may purchase and maintain insurance on behalf of any person who is or was a member, director, officer, employee, or agent against any liability asserted against such person and incurred by such person in any such capacity or arising out of such person's status as such, whether or not the corporation would have the power or obligation to indemnify such person against such liability under this Article.

In attendance:

Peter Hargreaves

President

A handwritten signature in black ink that reads "Gavin Hu". The letters are cursive and somewhat stylized.

Gavin Hu

Secretary

A handwritten signature in black ink that reads "Kenneth Andrew Irvine". The signature is highly stylized and cursive.

Kenneth Andrew Irvine

Treasurer

Appendix B – Financial Statement

2022 Bay Area Kayak Polo Budget

Revenue	Date	
GoFundMe fundraiser	9/8	\$2,589.69
Pool fees collected from participants	3/28	\$3,275.00
Cup of the West Registration fees	4/12	\$3,013.00
Revenue Subtotal		\$8,877.69

Expenses		
New nets for Berkeley goals	10/17	\$158.90
Purchased used polo boat for youth program (Lettmann Strike)	7/18	\$1,356.00
Three replacement facemasks for club helmets	7/5	\$96.00
Shoreline Venue Rental Fee for Cup of the West	4/12	\$1,700.00
Pool Rental for youth sessions	4/1	\$1,672.08
Banner printed for Cup of the West Tournament	4/1	\$142.08
PVC for goal repair	3/31	\$368.68
ACA club membership renewal	1/24	\$145.00
Tax filing fees	1/6	\$80.00
Stickers and Medals for Cup of the West	3/30	\$95.62
Expenses Subtotal		\$5,814.36

BERKELEY HISTORY -- PRESENTATION PARK

The Huchiun Ohlone natives hunted and fished for thousands of years in this area on the northern bank of Strawberry Creek. In the late 18th century, Spanish explorers arrived, and the native population was soon decimated. In 1820, this property became part of a royal grant to Luís María Peralta, which he named Rancho San Antonio. In 1848, the Rancho became part of the United States, and pieces of it were subsequently sold to various squatters and investors.

By the late 1850s, Irish immigrant farmer James McGee (1814-1899) had acquired 157 acres of the old Rancho. In 1877 he deeded 2.7 acres of his farm to the San Francisco Sisters of Presentation, led by Mother Mary Teresa Comerford (1821-1881). Under her leadership and that of her priest brother, Rev. Pierce Michael Comerford, a convent, St. Joseph's church, and schools for girls and boys were built. This neighborhood, around today's Jefferson Ave. and Addison St., became a major center for Irish Catholic culture in the East Bay.

Where Presentation Park is today was once the site of the convent cemetery, where Mother Mary Teresa and other sisters were buried. After Berkeley banned cemeteries within the city limits, all the remains were moved to St. Mary's Cemetery in Oakland.

None of the original buildings survived. The original convent burned down in 1966 and was replaced in a new location on Allston Way, which now serves as student housing for the Berkeley Student Cooperative. The University purchased the entire property in 1991, built University Terrace for faculty housing, and gave the land for Presentation Park to the City of Berkeley.

Plaque donated by the McGee-Spaulling-Hardy Historical Interest Group

Berkeley Historical Plaque Project, 2023

www.berkeleyplaques.org

Presentation Park

Presentation Park is a small open space with lawn and picnic area. The play area is owned by the home owners' association.

FEATURES

- ✓ Lawn
- ✓ Picnic Area
- ✓ School-age Play Area
- ✓ Wheelchair Accessible

Presentation Park was built on land that was previously part of a Catholic monastery.



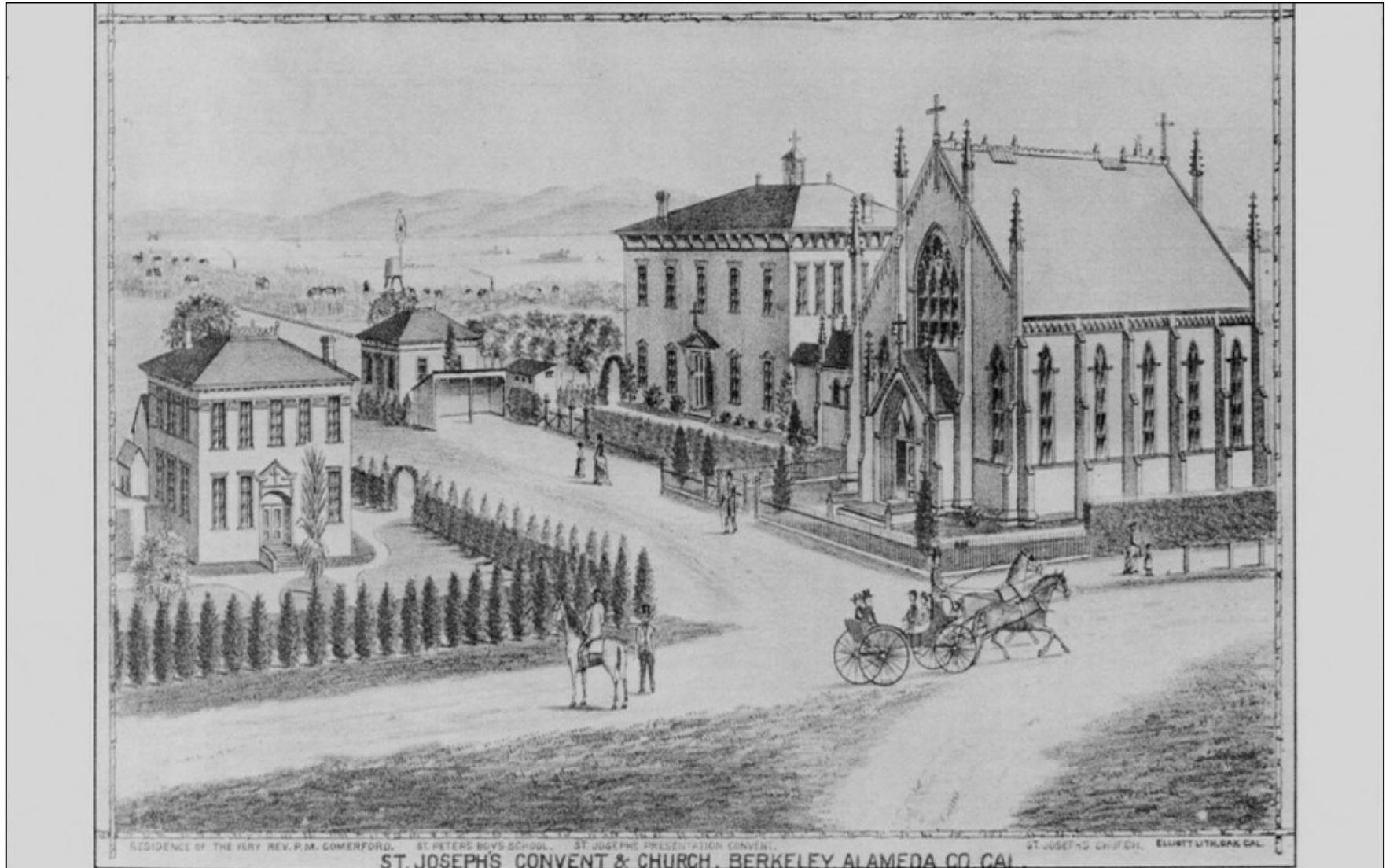
Address: 2199 California St, Berkeley, CA 94703

[Open in map](#)

Size: 0.17 acre | 7410 sq. ft.

Hours: 6 am to 10 pm (unless otherwise indicated) 12 pm to 5 pm (for play area unless otherwise indicated)

St. Joseph the Workman Parish Centennial Calendar 1879 – 1979



St. Joseph the Workman Parish Centennial Calendar 1879
Berkeley, California

COMMUNICATION

DATE: October 11, 2023
TO: Honorable Mayor and Berkeley City Councilmembers
FROM: Parks, Recreation and Waterfront Commission (PRW)
RE: Edits and Addendum to the PRW's "Report & Recommendations" Regarding the Berkeley Waterfront Area Specific Plan (WSP)

We write to reaffirm the "MEMO & RECOMMENDATIONS" that were unanimously approved by the Commission on September 13, 2023 and submitted to City Council as a Communication for Council's regular meeting on September 19, 2023. We also submit edits to the aforementioned "MEMO & RECOMMENDATIONS" that were approved by the Commission on October 11, 2023. These changes are few but substantive, and outlined below. (See PART 1.) In addition, we offer feedback to share on the Draft WSP that was released on September 22, 2023. (See PART 2.) We would like to recognize all the work staff and the consultants have done to bring the draft report before you on November 2, 2023. The items below outline our concerns and requests for further action.

PART 1: EDITS to "MEMO & RECOMMENDATIONS"

The majority of the edits were made to address the recommendation for a Master Plan to be conducted during the WSP process that appeared in our "Memo & Recommendations" communication. But it was then decided by the PRW commission on 10/11/23 that it would be better to wait until the completion of the Waterfront Specific Plan to undertake a Conceptual Plan specifically for Cesar Chavez Park. Those changed texts are detailed below:

In the Table of Content section IV, **Original text:** "A Comprehensive Master Plan and Landscape Plan for Cesar Chavez Park should be included in the Specific Plan"

Changed text: "A Future Conceptual Plan and Landscape Plan for Cesar Chavez Park should be completed in the near future."

Page 4, IV, **Original text:** "A Comprehensive Master Plan and Landscape Plan for Cesar Chavez Park should be included in the Specific Plan."

Changed text: "A Future Conceptual Plan and Landscape Plan for Cesar Chavez Park should be completed in the near future."

Page 5 A, **Original text:** "Accordingly, the Specific Plan should include a comprehensive Master Plan, including a Landscape Plan...and the number of sheltered areas."

Changed text: "Accordingly, a Conceptual Plan for the Park, including a Landscape Plan that will increase the Park's biodiversity, scenic attraction, and the number of sheltered areas, should be completed in the near future. ...and programs should be included in the future Plan."

Page 5 Section C, **Original text:** "...areas should be a key design principle of the Park Master Plan and Landscape Plan."

Changed text: "...areas should be a key design principle of the future Conceptual and Landscape Plan."

Page 6 Section F, **Original text:** "These concepts should be reevaluated as part of a Master Plan for the Park."

Changed text: "These concepts should be reevaluated as part of a future Conceptual Plan for the Park."

Original text: "The Master Plan for the Park should also facilitate uses and amenities (including temporary and pop-up uses and amenities) in, or proximate to the Park..."

Changed text: "A Plan for the Park should facilitate uses and amenities (including temporary and pop-up uses and amenities) proximate to the Park ..."

Page 9 Section IX, **Original text:** "The Specific Plan (including the recommended Master Plan for Cesar Chavez Park) should become the primary land use regulatory document and 'zoning' for the Waterfront Area."

Changed text: "The Specific Plan should become the primary land use regulatory document and 'zoning' for the Waterfront Area."

PART 2: ADDENDUM to "MEMO & RECOMMENDATIONS"

PROCESS

1. **Ensure Public is Informed and Included in the EIR Process.** We request that a detailed description of the upcoming steps of the EIR be posted to the city's website, including how and where the public can provide questions and input on the initial Scoping Process.
2. **Add Critical Data on Pier/Ferry and 199 Seawall Dr.** During the WSP public process both the pier/ferry and 199 Seawall Dr. projects were not allowed to be discussed. Critical economic data for the WETA ferry, including economic feasibility studies, were not discussed, aren't included in the draft plan, and should be added. This includes how a ferry might impact the economic, environmental and recreational use of the Waterfront. In addition, development at 199 Seawall Dr. (the former Hs Lordships) has not been brought forward for public review.
3. **New Uses that Significantly Increase Marina Activity Must Lead with a Viable Parking Plan.** As a planning document for a regional recreational resource involving diverse specialized activities, the WSP must recognize that access for most recreational users requires parking, and will continue to require parking into the foreseeable future. Any new use that compromises low-cost all-day parking must be evaluated in terms of reduced access to recreational resources, particularly water-related activities which form the core unique public value of the waterfront.

CONTENT

The commission requests that additional information be added to the pending WSP Draft document on the following topics:

1. **Diversity Representation.** Describe the current richness of diversity representation at the Waterfront and provide specific ideas how to increase it, a key goal of the planning process.
2. **Document the Value of Existing Non-Profit Groups.** Add detailed descriptions and baseline data on existing non-profit groups that serve the south side, including Cal Sailing, Cal Adventures, Dragon Boats, Pegasus Voyages, Open Water Swim Clubs and other nonprofit recreational groups; include services provided and number of people served (for the members and general public).
3. **Evaluate the Economic Value of and Goals to Support Shoreline Fishing.** The Waterfront has historically served a diverse population of fishers, providing sustenance and economic benefit. Shoreline fishing is estimated to bring a total consumer surplus in the millions of dollars and is a valued water sport.
4. **Ensure Transparency on Events and Concerts in Cesar Chavez Park.** If large scale events and concerts are still being considered at Cesar Chavez Park, we would like to be able to review detailed information about the permit process and fee structure; document the process for evaluating possible impacts to the environment, thresholds and criteria used, including potential noise and light pollution, and how these impacts will be anticipated and mitigated. It is suggested that notification of pending large scale events and concerts be reviewed by the PRW commission and other relevant commissions, during a publicly-noticed meeting, in advance of an approval.
5. **Document Biological Resources and Plan to Align with California's 30x30 and Biodiversity Initiatives.** Enhance the document with species list from eBird, iNaturalist, or equivalent source; acknowledge biodiversity declines and solutions; provide suggestions how to support example selected species, including threatened, resident and migratory; shift the narrative away from non-native ("adaptive") species and set minimum goals for native species vegetation by location.
6. **Utilize Latest Science to Reduce Light Pollution.** Add lighting guidelines as outlined by recognized leaders on minimizing light pollution such as the [International Dark-Sky Association](#), to ensure environmental stewardship and no net gains in light pollution.
7. **Ensure PRW Commission's Advisory Role.** The Commission's "listening session" on 7/13/22 (200 attendees) was an important vehicle for the public to express their concerns about process and proposed vision for Cesar Chavez Park. We request that the Commission be actively engaged and asked to be part of the EIR Process.
8. **Expand on Visions for Seawall Drive.** The draft plan doesn't detail potential developments along Seawall Drive. Add a more comprehensive description of the options, including increased opportunities for fishing and other water- and land-based activities.

9. **Describe the Input and Involvement of Indigenous Peoples.** Identify potential reparative and restorative actions at the Waterfront, in support of the Resolution adopted by the City Council on October 11, 2022, the “Land Acknowledgement Recognizing Berkeley as the Ancestral Unceded Home of the Ohlone People.”
10. **Expand Inclusion of Public Art.** The Waterfront provides many locations that can provide opportunities, including possible promenades, that make it an ideal setting for art installations that are inspirational and educational, and address environmental issues. Smartly curated public art that does not impose on the natural surroundings, could also be a major attraction for locals and tourists alike and could include modest-sized performances and art festivals—fulfilling another goal of the WSP.

2024 Ballot Measures
Street Rehabilitation Tax?
Parks Tax Increase?
Impact on Marina Fund

Berkeley Yacht Club

Wednesday, Oct. 24, 2023

$$\text{Deficit} = \text{Revenue} - \text{Expenses} = -\$1\text{M}/\text{Yr}$$

Three Solutions:

1. Increase Revenue

A. **BMASP & WSP**

2. Decrease Expenses

A. D&E Dock Loans

B. Treat Waterfront like rest of the City

a. Streets & Paths

b. Parking Lots

c. Landscaping & Parks

3. Combination of 1 & 2

Unfunded Waterfront infrastructure

Needed Improvements	Cost Estimate
Waterfront Pier and Docks	102,600,000
Waterfront Pathways, Shoreline and Buildings	30,040,000
Waterfront Parking Lots	10,702,000
Waterfront Streets	2,750,000
Total	\$146,092,000

Two Possible 2024 Ballot Measures

Ballot Measure	Parcel Tax Revenue* (\$Million/yr)	Other City Funds (\$Million/yr)	Total Funds (\$M/yr)	Waterfront (\$M/yr)
Street Rehabilitation & Safety (15cts/ft2)	\$12.6	\$14.5	\$27.1	\$1.4**
Increase in Parks Tax (4cts/ft2 or ~19%)	\$3.3			\$1.5***
*taxable square footage ~84 million square feet			** assumes 5% streets funding	***current Waterfront park expenses





What Can You Do?

Ask that any new tax measure treat Public Infrastructure the same throughout the City.

LOBBY

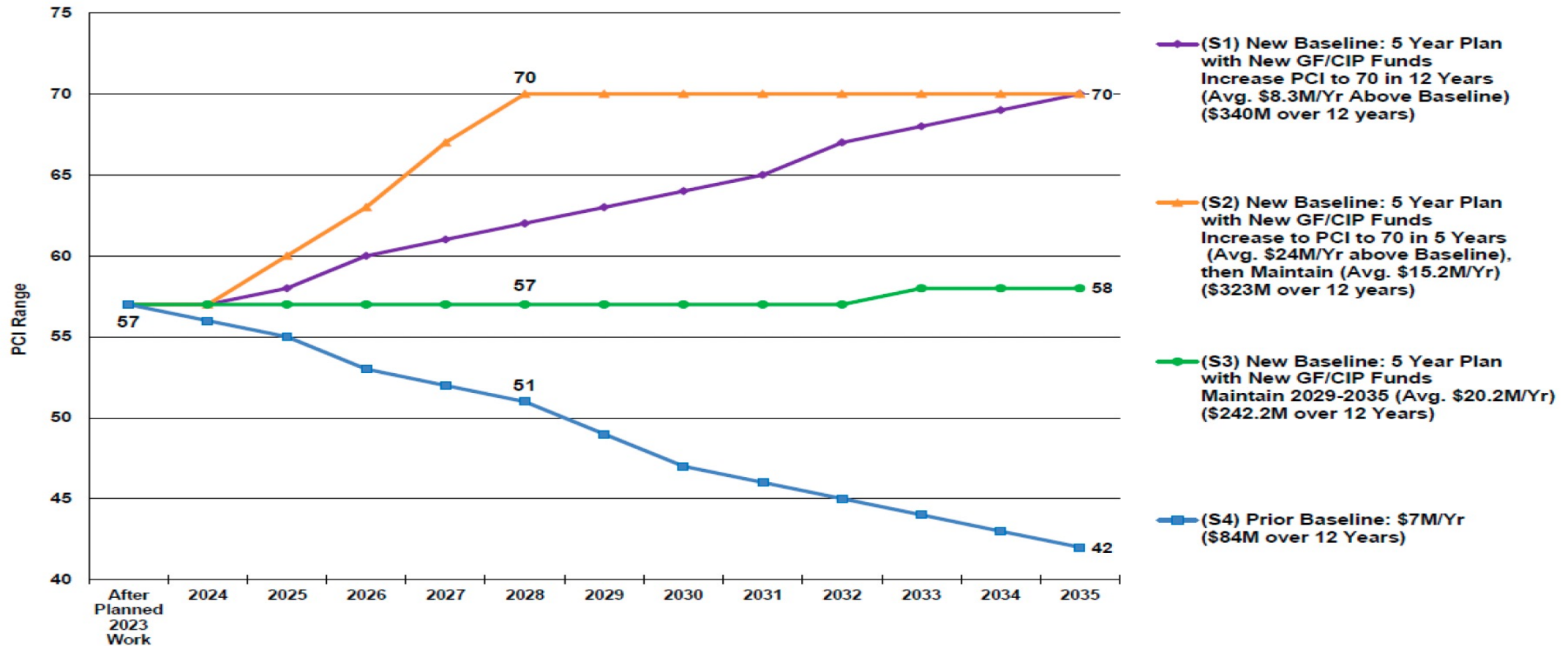
1. Berkeleyans for Better Planning
2. Safe Streets Initiative
3. Parks, Recreation, and Waterfront Commission
4. City Council

Need for a Parks Tax Increase

- **Unfunded Capital Liabilities**
 - With the exhaustion of T1 bond funds capital funding is inadequate
 - Lack of funding for grant matching: 12.5% -> 50%
- **Urban Forest is declining**
 - City has 10,000 empty spaces for trees
 - Due to lack of funding -> little progress
- **Consolidation of funding for ALL City Parks**
 - Only 60% of the City's Parks are Supported by the Parks Tax
 - Waterfront Parks/Landscaping ~20% of Marina Fund Revenues

Need for a Streets Rehabilitation Tax

Table 5: Paving Projection Scenarios



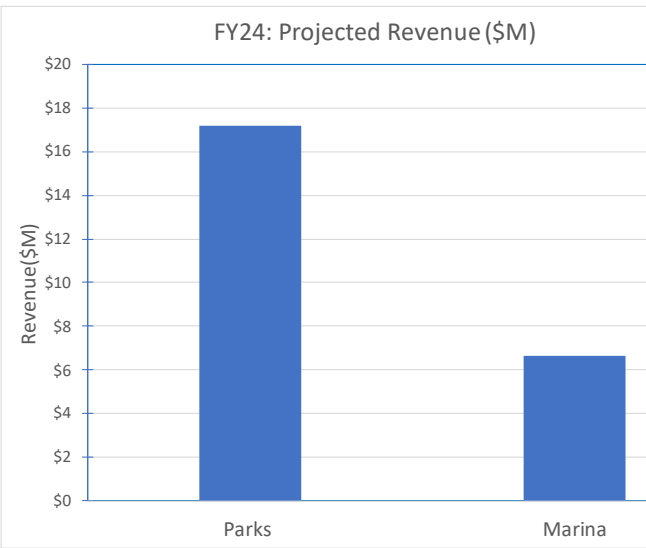
Berkeley Parks

East of I80

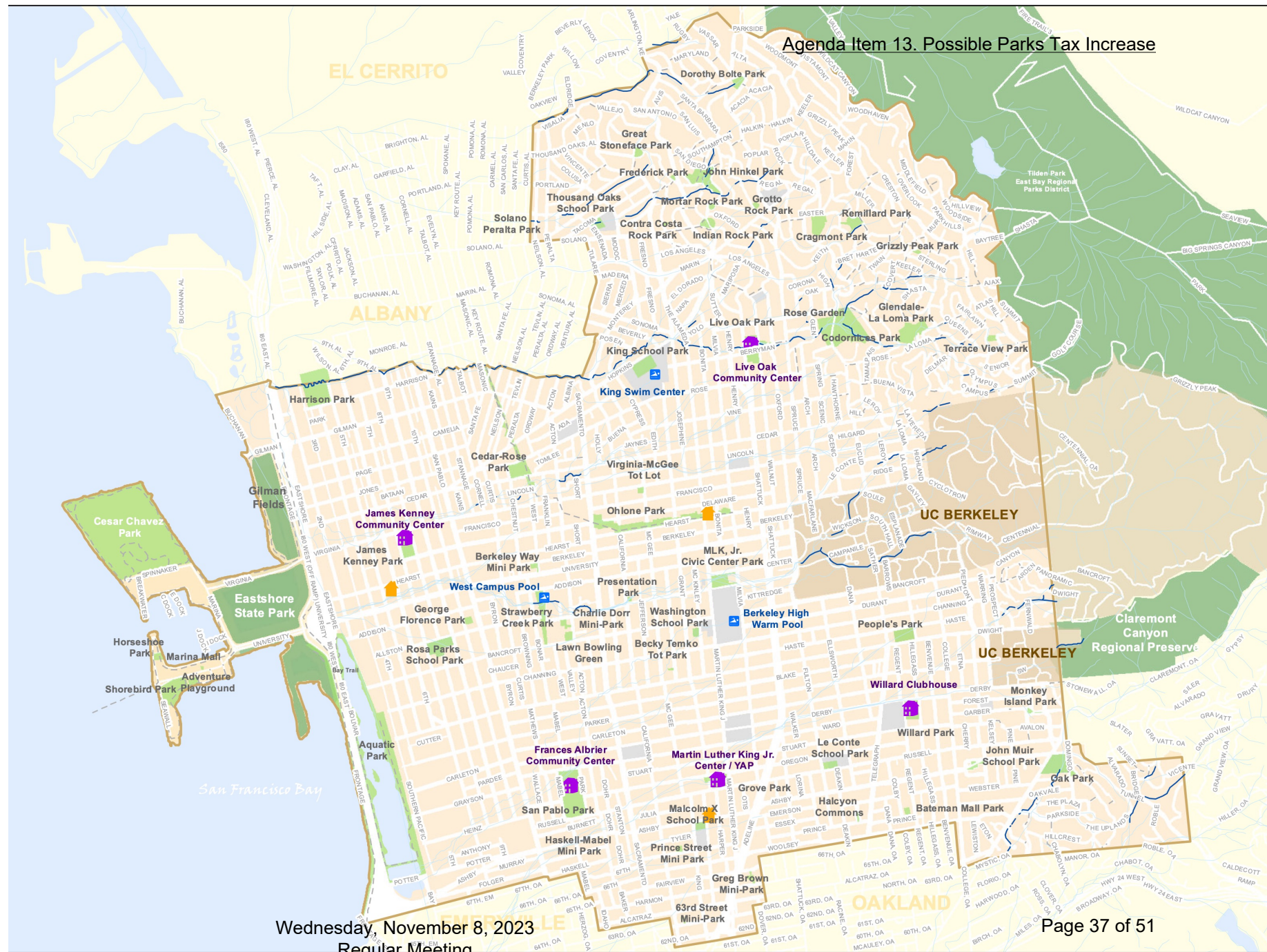
50 parks -> 150 acres

West of I80

3 parks -> 100 acres



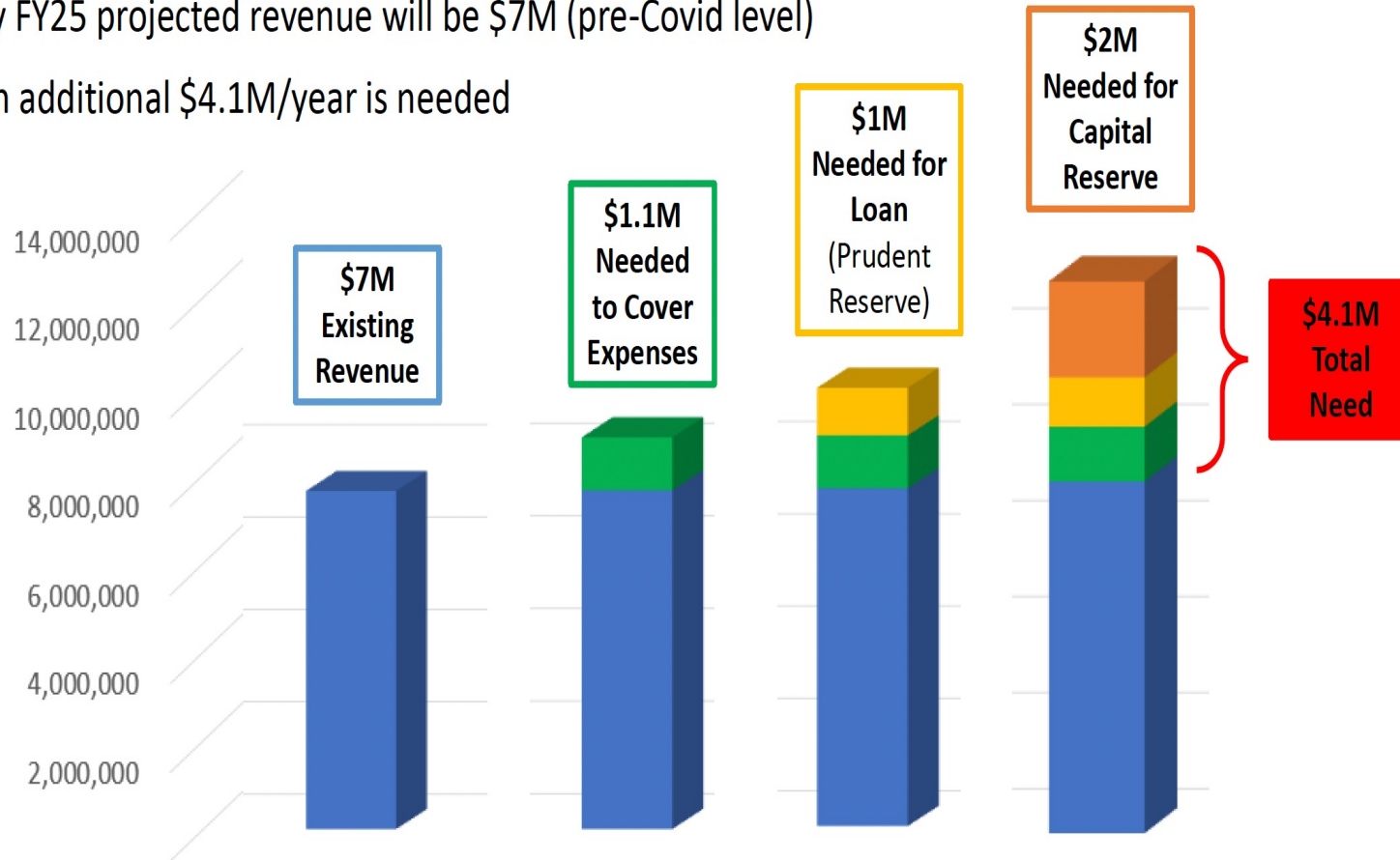
Parks, Recreation, and Waterfront Commission



Wednesday, November 8, 2023
Regular Meeting

FUTURE MARINA FUND NEEDS

- By FY25 projected revenue will be \$7M (pre-Covid level)
- An additional \$4.1M/year is needed

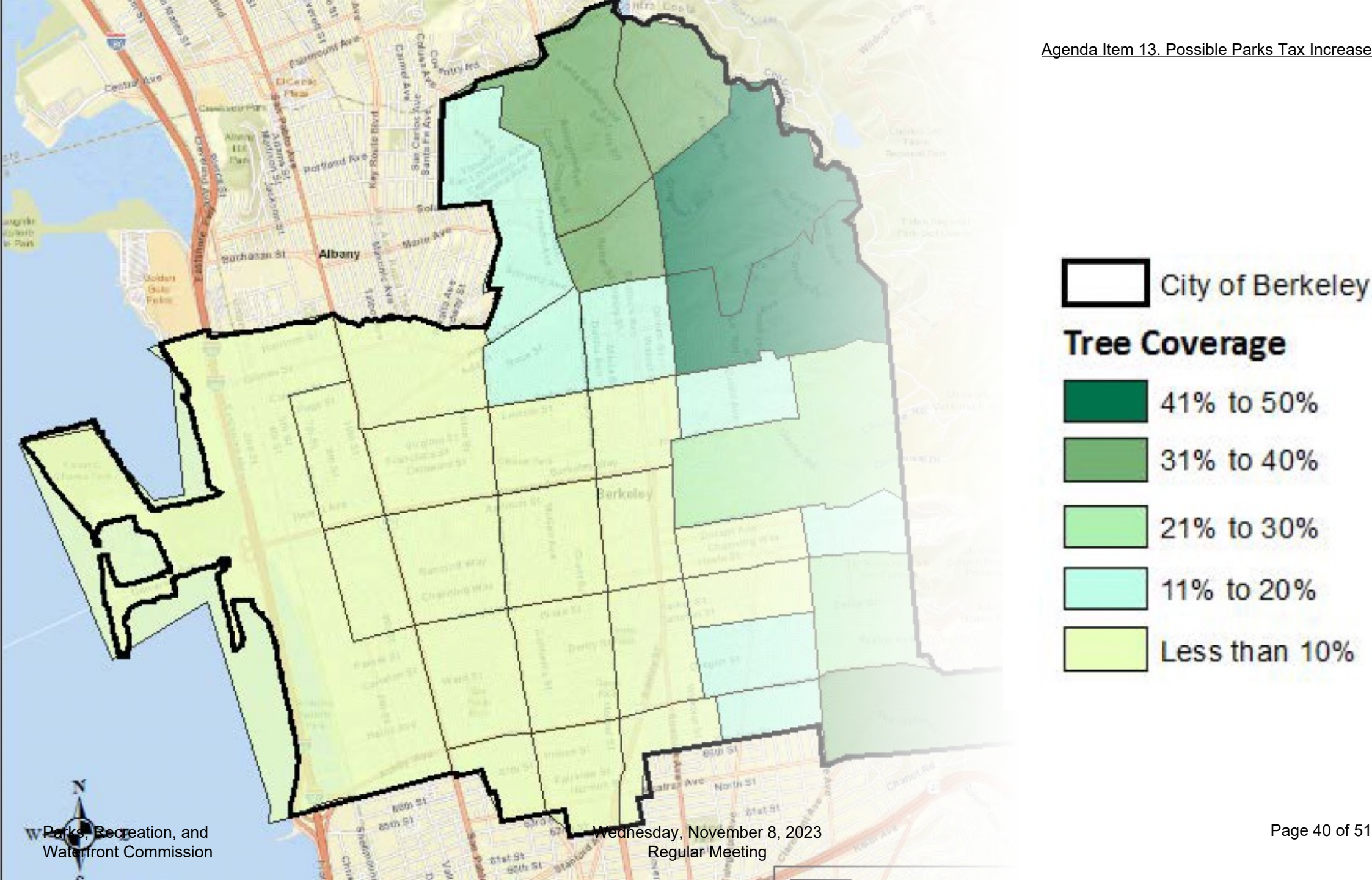


Unfunded Waterfront infrastructure

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Waterfront Pathways, Shoreline and Buildings	30,040,000
Waterfront Parking Lots	10,702,000
Waterfront Streets	2,750,000
Total	\$146,092,000

Parks Tax Needs for FY25

FY25 Needs	Dollars	
Additional Capital for Parks Projects	\$1,100,000	
Tree Planting Unit	\$700,000	
Est. Marina Fund cost shift	\$1,500,000	
TOTAL	\$3,300,000	
Revenue* from 4cts/ft2 tax increase	\$3,300,000	
*assume ~84,000,000 square feet of taxable space		



Date: November 8, 2023
To: Parks, Recreation and Waterfront Commission
From: Erin Diehm, Commissioner
RE: Update on 600 Addison

I wish to share a brief update on the project at 600 Addison, located at the northeast corner at the border of Aquatic Park. Specifically,

- recent approval of Commercial Signage and potential ALAN (Artificial Light At Night)
- discussion of 2012 West Berkeley Project EIR

Approval of Commercial Signage and concerns about potential ALAN (Artificial Light At Night)



3 exceptions approved by the ZAB on October 26, 2023 as part of the **Coordinated Sign Design Program** (BMC Section 20.16.105):

- 5 "identification" signs¹
- within 100' of the park²
- above 40' (or third story, whichever is less)

The City doesn't have a Dark Sky Ordinance (2019 Council Referral is pending).

Artificial Light At Night (ALAN) harms humans, wildlife, and the environment. It is associated with serious human diseases, including Breast Cancer, Pancreatic Cancer, Diabetes, and more³. It interferes with bird migration, is driver of global insect declines (including aquatic insects), disrupts plants' seasonal rhythms, modifies ecosystems beyond the area lit⁴, and more.

¹ dimmable, to be turned off 10pm-5am, 3000 kelvin

² **BMC 30.32.050** "Special regulations applicable to properties in vicinity of public parks"
<https://berkeley.municipal.codes/BMC/20.32.050>

³ **Breast Cancer** <https://doi.org/10.1002/ijc.33016>; **Thyroid Cancer** <https://doi.org/10.1002/cncr.33392>; **Diabetes** <https://link.springer.com/article/10.1007/s00125-022-05819-x>.

⁴ **Bird Migration** <https://www.un.org/en/un-chronicle/growing-effects-light-pollution-migratory-birds>; **Insect Declines** <https://www.sciencedirect.com/science/article/abs/pii/S0006320719307797?via%3Dihub>; **Aquatic Insects Harmed**

More than 200 species of birds have been documented at Aquatic Park. The Consultant's report mentioned "a variety of waterfowl, shorebirds, herons and egrets, and terrestrial birds" but did not quantify. The statement was also made that "the white light emanating from the approved signs will not significantly add to the overall illumination emanating from the project building" but no data was submitted quantifying the amount of existing ambient light or anticipated increase.

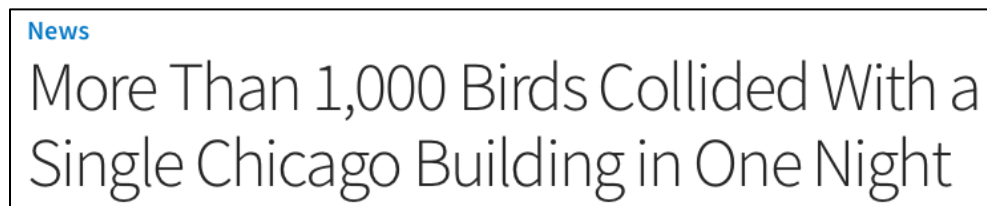
DISCUSSION: What can we do to ensure future projects don't add to cumulative light pollution, at Aquatic Park, the Waterfront, and beyond?

West Berkeley Project EIR 2012

The 2012 West Berkeley Project EIR BIO-1 Mitigation stated: "*For buildings located inside of, or within a clear flight path of less than 300 feet from, suitable bird habitat, require bird-safe glass treatment on building facades such the first 60 feet of the building is no more than 10 percent untreated glass.*" (cf. also mentioned in the 3-30-2023 ZAB mtg for 2190 Shattuck Avenue #ZP2022-0026, see page 79 of 170).

To the best of my knowledge, the 2012 EIR was adopted but relevant mitigations weren't discussed at the PRW Commission. Efforts were made at PRW meetings to ensure bird-safe glass was included on all four sides of the building. The project was approved with bird-safe glass on the west-facing side only, plus west-facing corners and parts of the mews. Much of the glazing on the North, South, and East-facing sides is untreated and may threaten the 200+ species of birds documented at Aquatic Park.

On September 19, 2019, research was published in *Science*⁵ documenting that the total breeding bird population in the continental U.S. and Canada has dropped by 29 percent since 1970 - "*A staggering loss that suggests the very fabric of North America's ecosystem is unraveling*"⁶. Collisions with glass is the #2 direct cause of mortality to birds, up to 1 billion deaths a year. Although unusual, there was a recent single-event death of 1,000 birds in Chicago:



<https://www.audubon.org/news/more-1000-birds-collided-single-chicago-building-one-night>

Since the project was approved the City of Berkeley has adopted a Bird-Safe Ordinance. This is good news. However, the potential threats of the glazing on the N, E, and S sides at this site will remain.

DISCUSSION: What is the applicability of Project EIRs? What can be done to further minimize bird-collisions?

<https://therevelator.org/light-pollution-aquatic-insects/#>; **Plant Disruptions** <https://www.bbc.com/future/article/20230308-how-light-pollution-disrupts-plants-senses>; **Beyond Lit Area** <https://www.nature.com/articles/s41598-020-68667-y>

⁵ "Decline of the North American avifauna" <https://www.science.org/doi/10.1126/science.aaw1313>

⁶ <https://www.birds.cornell.edu/home/bring-birds-back>

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:

November 7, 2023 (regular)

16.-Budget Referral: Refer \$800,000 to the November 2023 AAO #1 for Matching Funds to Repair Eight Deficient Tide Tubes to Avoid Catastrophic Structural Failure and Escalating Construction Costs

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-11-07%20Item%2016%20Budget%20Referral%20Refer%20800%2C000.pdf>

Revised material (Supp 1)

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-11-07%20Item%2016%20Tide%20Tubes%20Harrison%20-%20Rev1.pdf>

October 3, 2023 (regular)

1.-Utility Easement: Bolivar Drive – East Bay Municipal Utility District

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-10-03%20Item%2001%20Ordinance%207883.pdf>

September 12, 2023 (regular)

2.-Contract No. 32200058 Amendment: ACI Payments, Inc for Recreation Online Registration System Credit Card Transaction Processing Fees

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-09-12%20Item%2002%20Contract%20No.%2032200058%20Amendment.pdf>

3.-Stipend for Echo Lake Camp Staff

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-09-12%20Item%2003%20Stipend%20for%20Echo%20Lake%20Camp.pdf>

21.-Grant Applications: Bipartisan Infrastructure Law (BIL) and State Funds For Six City Infrastructure Improvement Projects

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-09-12%20Item%2021%20Grant%20Applications%20Bipartisan.pdf>

22.-Utility Easement: Bolivar Drive – East Bay Municipal Utility District

URL: <https://berkeleyca.gov/sites/default/files/documents/2023-09-12%20Item%2022%20Utility%20Easement%20Bolivar%20Drive.pdf>

Opinion In Maine, a return of tribal land shows how conservation can succeed



By [Bina Venkataraman](#)

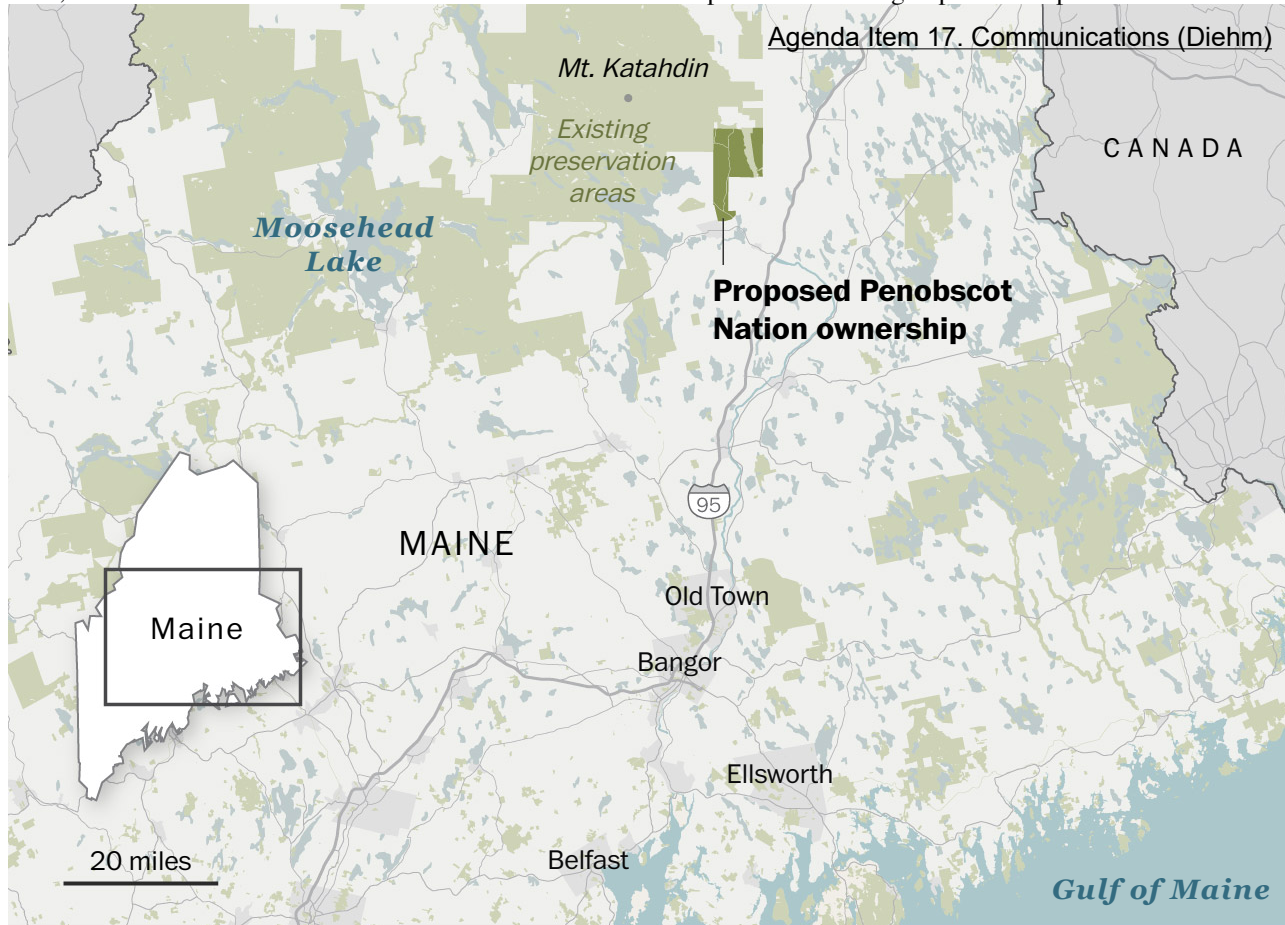
Columnist | [+ Follow](#)

November 1, 2023 at 7:57 a.m. EDT

The Mattamiscontis stream in central Maine flows through land that has been in Penobscot stewardship since the late 1980s. The tiers of stone placed in the river are a method of fishery restoration. (Tristan Spinski for The Washington Post)

PENOBSCOT COUNTY, Maine — On a recent morning at the Penobscot Nation headquarters, moose mating rituals dominated the office banter: the wacky way a lovesick moose had stumbled around someone's pickup truck, the grunts a bull moose made when he heard a hunter's low moan — an imitation of a female mating call. "I don't care anymore how ridiculous I sound to people," said Chuck Loring, who heads the tribe's department of natural resources. "What matters is how I sound to a moose." He had just shot a bull with a 40-inch antler span. Outside, a stretched-out hide — the future head of a ceremonial drum — was drying in the sun.

The Penobscot Nation's record of caring for nature while still using it — hunting moose and duck while keeping their populations steady, selectively harvesting timber to preserve forests and restoring rivers to support fisheries — inspired an effort to return a 31,000-acre tract of forested land to tribal ownership. Late last year, the Trust for Public Land, a conservation group, bought the parcel from an industrial timber company, and today it announced it will give the land to the tribe once it pays off \$32 million in loans. Called Wáhsehtək^w by the Penobscot, which means east branch of the river (and is pronounced WAH-seh-teg), it's the largest contiguous tract that the tribe will have acquired in more than four decades.



Agenda Item 17. Communications (Diehm)

THE WASHINGTON POST

The land is close to Mount Katahdin, sacred in Penobscot tradition, and to an 87,000-acre national monument created in 2016 in the North Woods of Maine. It contains 53 miles of streams in the watershed of the Penobscot River, which has been for the tribe a central highway and a source of food and water.

The transfer is part of a movement to return lands to Indigenous stewardship and work with tribal communities to protect biodiversity. The hope is both to restore justice for tribes that were long ago stripped of their ancestral homelands and to learn from long-standing Indigenous practices new ways to save a beleaguered planet. The pending land return in Maine, or “rematriation” as some Indigenous people call it, stands out because of its scale — many previous land returns in the eastern United States have been on the order of hundreds of acres — and because the Penobscot will decide how the land will be managed.

This is a significant change. For most of the past two centuries, Western conservationists have largely ignored Indigenous people's knowledge of landscapes and wildlife, along with tribes' historic claims to the land. But that is no longer tenable. Worldwide, Indigenous-managed lands host 80 percent of the world's biodiversity, by some estimates, and encompass much of the world's remaining intact forests, savannas and marshes. If environmentalists and political leaders hope to conserve more natural landscapes, including carbon sinks and critical buffer ecosystems such as wetlands that can protect against the harms of climate change, collaboration with tribal nation leaders is critical.

Modern environmentalism has been deprived of Indigenous knowledge, in part, because it has seen nature as something apart from humans. Early thinkers hold some responsibility for this. John Muir, long lauded as the father of the national parks, believed that natural landscapes needed to be stripped of the Native Americans who lived on them to create his ideal of pristine wilderness. In the Muir tradition, the U.S. government drove tribal people out of areas that today are considered America's most beloved landscapes — Yellowstone, Yosemite, the Everglades — a history documented by David Treuer, an Ojibwe writer.

The federal government created the National Bison Range in 1908 by evicting tribal members from more than 18,000 acres of the Flathead Indian Reservation — ignoring century-old practices for keeping up the bison herd. Only recently has the government returned the land to the Confederated Salish and Kootenai Tribes, whose successful traditional methods for maintaining the herd are featured in a forthcoming ABC documentary.

When Henry David Thoreau — someone I long admired for his quest to “live deliberately” — traveled to the Maine woods in the 19th century, he distinguished between “scientific men” and Indian guides, even as he acknowledged the latter's navigational expertise. It's laughable now to think that communities that had inhabited a place for centuries, gaining intimate knowledge of the natural features, flora and fauna and passing down that knowledge across generations, could have less to offer scientifically than settlers encountering those lands for the first time. Yet it was only last year that the U.S. government formally recognized how much tribes can contribute to ecological knowledge of their ancestors' landscapes.

Meanwhile, traditional tribal practices have often proved the most sustainable way to manage natural resources. Prescribed burns in forests carried out by generations of Native Americans in the Klamath Mountains in California, for instance, have prevented destructive wildfires better than European settlers' methods, which suppressed fire and let forests grow too dense. More wildland managers and scientists in North America now recognize the need for prescribed burns, but they still are not being carried out enough to prevent catastrophic fires.

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For decades, tribal members in Maine advocated bringing down Penobscot River dams that once powered saw and paper mills to restore an Atlantic salmon fishery. The Penobscot method of timber harvesting, which leaves 75- to 100-foot buffers of trees around rivers and streams, creates ideal conditions for salmon. Salmon like to spawn upriver in shady pools, created by allowing the forest at a river's edge to thicken and birch trees to fall into it. One afternoon in late October, I watched Penobscot tribal members and scientists from Maine's department of marine resources release into the Penobscot watershed 80 adult salmon that the state agency had raised in a hatchery, in the hope that they would spawn in such pools and help restore the historic salmon population.

Some evidence suggests that, globally, the track record for Indigenous management of wildlife is at least as good as that of formal conservation. Researchers have shown, for instance, that Indigenous-managed lands in Canada, Australia and Brazil contain biodiversity equivalent to that of areas designated for conservation.

But perfect alignment between tribes and environmental groups doesn't always happen. The economic challenges that many tribes face — and their efforts to acquire land to reclaim sovereignty — often force tough decisions about development, gambling and heavy industry. Some tribal nations have greenlighted oil and gas drilling. The Penobscot have allied with conservationists to oppose a proposed zinc mine in northern Maine because of its likely harm to fisheries. But several tribal members expressed to me their misgivings about wind farms, which most environmentalists see as essential to combat climate change.

Penobscot leaders have varying visions about how they might one day develop the land that is now being returned to them. Some imagine using it to adapt to sea-level rise — by building housing or growing food; others envision ecotourism lodges or a cultural center that could be accessed by the general public. In the near term, tribal leaders aim to make it accessible to hikers and hunters with permits and to offer public access to the national monument via an old logging road.

In other parts of North America, co-management of conservation areas is becoming more common. Canada has a program that invests in “Indigenous Guardians,” members of First Nations who steward natural resources and public lands. In the United States, in recent years, the National Park Service and other federal agencies under the leadership of Interior Secretary Deb Haaland, the first Native American Cabinet member, have collaborated more with tribes on conservation. But returns of land to tribal jurisdiction have largely arisen from legal settlements that acknowledge historic treaty violations and injustices — not from a recognition of the central role that tribes could play in preserving nature.

Groups such as the Trust for Public Land and the Nature Conservancy are brokering more land returns and collaborating with tribes to manage ecologically important landscapes. But more private landowners, philanthropists, nonprofit groups and governments should mimic the efforts in Maine — and more scientists and conservation agencies should document the outcomes for biodiversity and communities.

Conservation has always been about people, even when the people were not visible. Environmental movements might have better protected nature if they had long sought to conserve cultures and communities along with land. Earning the trust now of people who have inherited wisdom for living in balance with nature will give conservation a fighting chance on a warming planet. It might also offer a reprieve from focusing on the dire future to reach for solutions that lie deep in the past.

The Washington Post

Democracy Dies in Darkness

Dozens of bird names honoring enslavers and racists will be changed

The American Ornithological Society says it will alter the names of North American birds named after humans, starting with up to 80 of them



By [Darryl Fears](#)

Updated November 1, 2023 at 9:52 a.m. EDT | Published November 1, 2023 at 9:00 a.m. EDT

After two years of discussion and debate, the nation's premier birding organization has decided that birds should not have human names.

The [American Ornithological Society](#) announced Wednesday that it will remove names given to North American birds in honor of people and replace them with monikers that better describe their plumage and other characteristics. The group said it will prioritize birds whose names trace to enslavers, white supremacists and robbers of Indigenous graves. Among them is one of the most famous birders in U.S. history, [John James Audubon](#).

"There is power in a name, and some English bird names have associations with the past that continue to be exclusionary and harmful today," the society's president, Colleen Handel, said in a statement. "We need a much more inclusive and engaging scientific process that focuses attention on the unique features and beauty of the birds themselves."

Sometime next year, the society is expected to appoint a committee to explore up to 80 new names. The move, at an organization known for its reluctance to rename birds, was surprising even to the activists within the group [who requested it](#) after a White woman in Central Park falsely accused a Black birder of assault in 2020. In a racial reckoning that shook the field of ornithology, the activists, most of them White, argued that the names of some birds were offensive to people of color.

"We have seen a lot of changes in our world in the recent past," Sara Morris, the society's president-elect, said in reference to racial justice protests that followed George Floyd's murder by a Minneapolis police officer and the Central Park incident involving birder [Christian Cooper](#).

Racial insensitivity in the overwhelmingly White field of ornithology and birding should be rejected, Morris said. Recent reports projected that North America has lost 3 billion birds in the last 50 years, and “we need to engage as many people as we can in the enjoyment, study and conservation of birds as we can,” said Morris. “We need to break down as many barriers to participation as we can.”

Not every birder in the 2,700-member society is expected to welcome the news. Some who’ve memorized names established for more than a century are likely to push back. “Are we expecting that people won’t agree with this decision — sure,” Morris said. “But we’re proud of this decision. As we talked to people, many of them changed their minds.”

Jordan Rutter, a birder who organized the petition with her fiancé, Gabriel Foley, said the society’s action left her speechless. “That’s everything we asked,” said Rutter, who co-founded the group Bird Names for Birds, which listed about a dozen men honored with bird names and described their racist pasts. “I never thought this would be happening. ... What an incredible moment for the birding community.”

For the time being, birders of color who spot the Townsend’s warbler and the Townsend’s solitaire might be startled by the history of their namesake, John Kirk Townsend. His journals describe his collection of skulls, stolen from the graves of Native people in the 1800s, to promote his theory that they were racially inferior.

In North America, where Indigenous tribes in what are now the United States and Canada encountered and named wild birds centuries before the arrival of European settlers, “White people are credited for discovering [the birds]. White people were the ones to name the birds after other White people. And White people are still the folks that are perpetuating these names,” Rutter said in a 2021 interview with The Washington Post.

At least two chapters of the National Audubon Society voted to change their names and distance themselves from the enslaver who detested abolitionists and, by his own account, once guided a family of escapees back to their enslaver. The Audubon’s shearwater and Audubon’s oriole were named to honor him.

Black birders who trace the Bachman’s sparrow and Bachman’s warbler to the man they immortalized, John Bachman, might find this passage in one of his speeches: “That the Negro will remain as he is, unless his form is changed by an amalgamation, which ... is revolting to us. That his intellect ... is greatly inferior to that of the Caucasian, and that he is, therefore ... incapable of self-government. That he is thrown to our protection. That our defense of slavery is contained within the Holy scriptures.”

Two members of Bird Names for Birds, Jess McLaughlin and Alex Holt, confirmed this history in library archives and helped bring it to the ornithological society’s attention, Rutter said. “It wasn’t, ‘Take our word for it.’ The evidence was right there.”

The society and its predecessor, the American Ornithologists’ Union, have managed a list of English-language bird names in North America since 1886. They are used by schools, government, conservationists, birders and other groups, the statement said.

Erica Nol, co-chair of the society's Ad Hoc Committee on English Bird Names, said members took the issue seriously from the day the committee was formed more than a year ago. Meeting every two weeks via Zoom, they came up with a priority list of names to consider changing.

At first, the diverse White, Black and Latino members failed to arrive at a consensus. In addition to North American birds, they mulled changing the names of South American birds but eventually decided that it was not their place.

Months later, the members came to the realization that all eponymous names were problematic. "They imply possession of a species," Nol said. "They are overwhelmingly from a particular time and social fabric, they are almost all White men, few women, and women were almost all first names. Our main goal was to increase the birdwatching public."

The committee startled the society's leadership with its recommendation to change all English bird names and at least two cultural names of birds that did not make sense. "The name should be descriptive of the bird," Nol said.

Both Morris and Judith Scarl, the chief executive and executive director, agreed with Nol's observation that the society's leadership looked at them as though they were crazy. "There were hard questions about how we would justify this," Nol said.

"This is a historic, momentous decision," said Scarl. "This is the way to go. We are going to work hard to bring people along to that understanding."

Kenn Kaufman, a society member, started birding at age 6. "I was a little kid in South Bend, Indiana, and got interested in birds because they were there and they were fascinating," he said. "Some of these bird names I've been using for a half-century."

Overall, Kaufman said, "I thought it was a mess to go in and change all these names." But he started talking with people such as Rutter and Drew Lanham, a Black ornithologist and professor at Clemson University in South Carolina. "As the conversation went on I realized they were changing my mind. It's amazing how more information can do that," he said.

"I'm sure there are going to be objections," Kaufman said. "I'm sure the term 'woke' will be used. I still don't know what that means. I just hope they can come around to see this from the view of groups of people who may have been marginalized in the past."