



Office of the City Manager

ACTION CALENDAR

December 6, 2005

To: Honorable Mayor and  
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Marc Seleznow, Director, Parks Recreation & Waterfront

Subject: Derby Street Athletic Field

RECOMMENDATION

Adopt a Resolution: 1) supporting in concept playing fields on the East Campus site; 2) advising the Berkeley Unified School District that the City cannot take formal action on the closure of Derby Street until the District has completed its environmental review of the playing fields project; 3) encouraging the District to proceed with options for closing Derby Street and leaving it open; 4) informing the District of the City's street vacation process; and 5) agreeing to work with the District and the community to raise funds and reduce the costs of the project; and 6) supporting a phased approach to playing field development.

FISCAL IMPACTS OF RECOMMENDATION

No City funds are currently budgeted for this project.

CURRENT SITUATION AND ITS EFFECTS

On October 5, 2005 the Berkeley Unified School District Board of Directors discussed the direction for an East Campus/Derby Street plan (Attachment 3) and adopted the following motion to summarize their comments (Attachment 4):

- The Board formally requests that the City Council close Derby Street
- The District will budget \$1.3 million toward the Derby Street closed project
- The Board requests that the City work with the community to raise additional revenues for the project and/or work with the District to reduce the project requirements
- On April 15, 2006, the Board will move forward with planning a Derby Street open projects.

Following up on the Board's action, on October 25, 2005, Superintendent Michele Lawrence sent a letter to Mayor Bates requesting formal action to close Derby Street in order to create a full-size baseball field for Berkeley High School. (Attachment 2)

On October 31, 2005, the Council received an off-agenda memo that transmitted the latest construction cost estimates from BUSD, and pointed out that the total project cost must include both construction costs and non-construction costs, also known as soft costs. The BUSD

estimates only provide construction costs. For a complete project cost estimate, an additional 30% must be added to the construction estimate in order to capture the total costs to complete a project. These include but are not limited to the environmental review process (CEQA), testing, design, and construction support services. Please see the following table for a calculation of the estimated total project costs for each of the BUSD project alternatives, based on their September 28, 2005 construction estimates.

	<b>OPTIONS</b>				
	<b>FULL SCHEME</b>		<b>MINIMAL SCHEME</b>		
	<b>Derby Open</b>	<b>Derby Closed</b>	<b>Derby Open</b>	<b>Derby Closed</b>	
				<b>With Farmers' Market/ Basketball Ct</b>	<b>Without Farmers' Market/ Basketball Ct</b>
Construction Cost Estimate	\$1,944,307	\$4,652,444	\$716,899	\$2,700,694	\$2,413,640
Non-Construction Project Cost Estimate (30%)	\$ 583,292	\$1,395,733	\$215,070	\$ 810,208	\$ 724,092
<b>Total Project Cost Estimate</b>	<b>\$2,527,599</b>	<b>\$6,048,177</b>	<b>\$931,969</b>	<b>\$3,510,902</b>	<b>\$3,137,732</b>

### BACKGROUND

On October 24, 2005, the Parks and Recreation Commission approved endorsing BUSD's request to work together to create a multipurpose athletic field (see accompanying report from Parks and Recreation Commission).

As that report indicates, a survey done in 1992 by the Association of Sports Users (ASFU) showed the limited number of fields available in Berkeley. A follow-up survey by City staff in 1996 determined the need for additional multi-purpose playing fields to accommodate the number of users.

In 1999, the City contracted with Brady/LSA, Inc. for an environmental impact report for the proposed playing fields at East Campus (Derby Street). On December 19, 2000, Council received the final environmental impact report (FEIR) and directed the City Manager to transmit it to BUSD for their consideration and possible future use because BUSD was the property owner. After receiving the document, BUSD chose not to complete the process and the FEIR was never certified.

The City further acknowledged the need for additional open space and recreational resources in Berkeley's Open Space and Recreational Element of its General Plan, adopted in 2002.

On January 14, 2003, Council authorized the City Manager to write a letter to the Berkeley Unified School District requesting they evaluate applying eligible BUSD Measure AA funds or any other possible funding sources for development of playing fields, including the East Campus/Derby Street site.

RATIONALE FOR RECOMMENDATION

This resolution indicates the City's interest in exploring projects that increase the amount of playing fields for Berkeley residents and also clarifies that the City can only take a position on the closing of the Derby Street right-of-way after the feasibility and environmental review processes are completed.

CONTACT PERSON

Deborah Chernin, Senior Planner  
Parks Recreation & Waterfront Department  
981-6705

Attachments:

- 1: Resolution
- 2: Letter from Michele Lawrence to Mayor Bates, dated October 25, 2005
- 3: Proposed Plans for the East Campus Project (sheets A1.1)
4. BUSD October 5, 2005 minutes re: East Campus, Item 4.1-CF

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

DERBY STREET ATHLETIC FIELD

WHEREAS, the Berkeley Unified School District has requested that the City vacate one block of Derby Street, located east of Martin Luther King, Jr. Way, in order to create a full-size baseball field; and

WHEREAS, the procedures for the vacation or abandonment of any public right-of-way are controlled by the California Streets and Highways Code and are described in the City's Street Vacation Procedures; and

WHEREAS, the California Streets and Highways Code requires that the City Council hold a public hearing to consider testimony and evidence relating to the proposed vacation in order to make certain findings; and

WHEREAS, the Council recognizes that the development of a baseball field on the East Campus Derby Street site will allow San Pablo Park the opportunity for increased youth recreational sports serving the immediate neighborhood.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley:

- 1) Thanks the School Board for pursuing playing fields for youth on the East Campus site;
- 2) Recognizes that the development of a baseball field on the East Campus site will allow San Pablo Park the opportunity for increased youth recreational sports serving the immediate neighborhood;
- 3) Advises the Berkeley Unified School District that the City cannot take formal action on the closure of Derby Street until the District has completed the environmental review of the total project including all aspects related to the street closure;
- 4) Encourages the District to proceed with options for both Derby Street open and Derby Street closed scenarios;
- 5) Informs the District of the street vacation process including the need to complete environmental review, to make required findings, to conduct a public hearing before the Planning Commission, and to establish the necessary easements, etc.;
- 6) Agrees to work with the District and the community to raise funds and reduce the costs of the project where feasible; and
- 7) Supports a phased approach to playing field development and encouraging the District to secure funding for the street closure project prior to submitting a formal application for street vacation by the City on behalf of the District.

Attachment 2

**BERKELEY UNIFIED SCHOOL DISTRICT**  
2134 Martin Luther King Jr. Way, Berkeley, California 94704  
(510) 644-6206 Fax: (510) 540-5358

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Office of the Superintendent

**October 25, 2005**

Tom Bates, Mayor  
2180 Milvia Street  
Berkeley, CA 94704

Dear Tom,

As you may be aware, the Board approved a motion on October 5 to move forward with a closed Derby Street plan that will create a full-size baseball field for Berkeley High School. The Board believes that this project will be beneficial not only to BHS students, but also to the City as a whole. As part of that motion, the Board now formally requests that the City Council close Derby Street between Milvia Street and Martin Luther King Jr. Way.

The Board has committed \$1.3 million to the project and is optimistic that the remaining funds can be raised from the community through our joint efforts. Thus, the Board is requesting that you bring this formal request for action to close Derby Street before the City Council as soon as possible.

To keep the existing property from remaining fallow, the Board will begin to develop a plan that leaves Derby Street open on April 15, 2006. Consequently, a decision from you and the Council as soon as possible would be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Michele Lawrence".

Michele Lawrence  
Superintendent

CC: Phil Kamlarz, City Manager

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## Attachment 4

agency in order to gain a clear understanding of how it is being gathered and if it is recreationally centered or tied to academic achievement.

### **Item 3.3-A: Planning for BSEP Measure**

Vice President Doran requested that the agenda be amended to reflect what Superintendent Lawrence is requesting the Board to approve: On the agenda, under staff recommendation it should say "approve timeline for the renewal of the BSEP Tax Measure election, November 2006."

**Motion:** Selawsky/Rivera and approved unanimously on voice vote

### **Item 4.1-A: TRANS**

Deputy Superintendent Eric Smith presented a Resolution to adopt issue notes in excess of \$17 million to shore up the District's cash flow. President Riddle asked Deputy Smith to provide the District's rating from S&P when available.

**Motion:** Rivera/Selawsky and approved unanimously on voice vote

### **Item 4.2-A: Approval to create a Site Committee for the West Campus project and an approval to refer the policy for Site Committee involvement in Capital Improvement Projects to the Board Policy Sub Committee**

Student Director Miller noted that the proposed Committee does not include student participation. Director Issel requested that the staff put in more work before this Policy is referred to the Board Policy Committee. Vice President Doran noted that this Policy does not include community participation in planning and sees this as a potentially provocative issue. Superintendent Lawrence committed to developing a preliminary draft for a new policy.

**Motion:** Selawsky/Doran and approved on voice vote: Director Issel abstained

### **Item 4.1-CF: East Campus Data**

Facilities Director, Lew Jones, brought three items that the Board requested on August 24 in the form of minimal schemes for the open and closed Derby Street options. There was a lengthy discussion about the construction and soft costs and the fiscal implication of either option.

Director Selawsky expressed his disagreement with the majority of the Board's support of the closed option, noting that land use issues in Berkeley are contentious. He feels the Board should give more thought to the neighborhood relationships we are damaging especially in light of a parcel tax renewal next year.

The Board discussed direction for an East Campus plan and crafted a motion to summarize their discussions. The motion was as follows:

- The Board formally requests that the City Council close Derby Street
- The District will budget \$1.3 million toward the Derby Street closed project
- The Board requests that the City work with the community to raise additional revenues for the project and/or work with the District to reduce the project requirements
- On April 15, 2006, the Board will move forward with planning a Derby Street open project

Director Issel expressed her support to Director Selawsky saying his commitment to students is without question and the Board will work in a sensitive way to mitigate the impact on the neighborhoods.