

Berkeley Public Parks and Open Space Preservation Ordinance "Measure L"

This Ordinance was approved by the electors of the City of Berkeley at the Municipal Election held in the City of Berkeley on November 3, 1986.

In effect: December 19, 1986

ORDINANCE NO. 5785-N.S.

THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE: PROPOSAL FOR AN ORDINANCE TO REQUIRE THE BERKELEY CITY COUNCIL TO PRESERVE AND MAINTAIN THE PUBLIC PARKS AND OPEN SPACE WHICH EXIST IN BERKELEY, AS WELL AS TO ACQUIRE AND MAINTAIN PUBLIC PARKS AND OPEN SPACE IN THE CENSUS TRACTS AND NEIGHBORHOODS OF BERKELEY HAVING LESS THAN THE MINIMUM AMOUNT OF OPEN SPACE RELATIVE TO POPULATION (2 ACRES PER 1,000) IDENTIFIED IN THE BERKELEY MASTER PLAN OF 1977; AND TO REQUIRE THE CITY TO SUBMIT TO A POPULAR VOTE ALL PROPOSALS TO WITHDRAW FROM RECREATIONAL USE PUBLIC PARKS OR PUBLIC OPEN SPACE. BE IT ORDAINED by the People of the City of Berkeley as follows:

FINDINGS:

WHEREAS, the Berkeley Master Plan of 1977 (hereinafter Master Plan) provides for a minimum standard of two acres of public open space per 1,000 persons and identifies specific Berkeley census tracts as having high population density and high open space demands, and attainment of the minimum standard is jeopardized by continued loss of public open spaces.

WHEREAS, the City of Berkeley is the second most densely populated City in California, undeveloped land is at a high premium in Berkeley, there are significant pressures to convert City owned or controlled open space to permanent or long-term non-park, non-open space uses and there exists a clear and present emergency in that the threatened loss of open space, parks and recreational opportunities in the neighborhoods in Berkeley will cause irreparable damage to the health and welfare of Berkeley residents.

WHEREAS, the Berkeley City Council has failed to provide and fund the Master Plan minimum standard of public parks and open space in every Berkeley neighborhood, and in particular in those census tracts having high park and open space requirements

WHEREAS, specific procedures and directives to the Berkeley City Council are necessary to insure that the Master Plan's minimum park and open space goals are not rendered impossible through the continued loss of public open spaces;

Section 1. VOTER AUTHORIZATION PROCEDURE.

That no public parks (hereinafter defined) or public open space (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, shall be used for any other purpose than public parks and open space, without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next general election.

EXHIBIT E

Section 2. FUNDING LEVELS TO ALLOW FULL USE

2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services.

(b) That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley City Council to enable public recreational use of those lands. (c) That those census tracts containing less than the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.

Section 3. DEFINITIONS

3(a): Public parks shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds.

3(b): Public open space shall be defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985.

Section 4. ADOPTION OF THIS ORDINANCE

4(a): If the petition accompanying this proposed ordinance is signed by the number of voters required by the Berkeley City Charter, Article XIII, Section (3) or (4) or (5), the Berkeley City Council is hereby directed to submit this ordinance forthwith to the vote of the people pursuant to the appropriate Charter Section that applies to the highest number of voter signatures certified by the City Clerk, unless the Council passes this ordinance pursuant to the Charter, Article XIII, Section (3)(a).

Section 5. RETROACTIVITY

5(a): Upon passage of this initiative, all actions taken on or after January 1, 1985, by the Berkeley City Council, Housing Authority, or any agency of the City of Berkeley occurring after the date this initiative is certified for placement on the next occurring general election ballot, which actions are not in full conformity with this Ordinance, shall be declared null and void.

Section 6. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are severable.

RESOLUTION NO. 54,583-N.S.

THE PUBLIC AGENCY ACCOUNTABILITY MEASURE

WHEREAS, to protect and enhance the quality of life in our City, Berkeley citizens have adopted planning, zoning, and other laws, and have approved taxes and fees to fund important services. Public agencies, including the University of California at Berkeley, Lawrence Berkeley Laboratory, the State of California, Alameda County and other governmental agencies, play an important role in Berkeley's community life. Berkeley citizens seek good relations with these agencies and value their contributions to our community including the provision of student and other housing, and employment opportunities for Berkeley residents; and

WHEREAS, currently, public agencies do not pay city fees or taxes and are not required to follow our city's zoning and land use policies. Development and expansion by public agencies has a profound cumulative impact on traffic, parking, density, air quality, and the character and livability of our city. Such development creates increased demands for municipal services including sewers, streets, police, and fire protection, without accompanying increases in revenue. Public agencies should be as accountable to their civic responsibilities as other private citizens and businesses; and

WHEREAS, development by public agencies which disregards city policies shows a lack of respect for the future of city residents and businesses, disrupts cooperative relations with the city, and undermines the spirit of neighborliness and civic responsibility upon which public life depends.

NOW THEREFORE, BE IT RESOLVED by the People of the City of Berkeley that in order to minimize or eliminate problems resulting from public agency expansion and development, we the citizens of Berkeley support the following policies:

EXHIBIT F

1. It shall be the policy of the City of Berkeley that all land use plans, development and expansion by public agencies follow city laws, the City's General Plan and Zoning Ordinance, and the California Environmental Quality Act.
2. The City Manager and the elected representatives of the City of Berkeley shall use all available lawful means to ensure that public agencies abide by the rules and laws of the city and that these agencies pay taxes and fees, comparable to those paid by private citizens and businesses, to support their fair share of city services.

This Resolution was approved by the electors as Measure N at the City of Berkeley General Municipal Election held in the City of Berkeley on November 8, 1988.

Copies sent 12/12/88

To: City Manager

Passed by the electorate on November 8, 1988,
and confirmed by Council on November 29, 1988.

RESOLUTION

No. 54,583 N.S.

Dated November 29, 1988

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: _____

Noes: _____

Abstaining: _____

Absent: _____

Loni Hancock
Mayor and President of the Council

Attest Maria Stecher
City Clerk and Clerk of the Council

EXHIBIT F