



Cecilia Lunaparra  
Councilmember District 7

## **REVISED AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** July 23, 2024

**Item Number:** 18

**Item Description:** **Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space**

**Submitted by:** Councilmember Lunaparra

This supplemental material clarifies the item's reference to and utilization of Berkeley Municipal Code chapter 6.42. It also clarifies the financial implications with the input our office received from staff.



Cecilia Lunaparra

Councilmember, District 7

## CONSENT CALENDAR

July 23, 2024

To: Honorable Members of the City Council

From: Councilmember Lunaparra

Subject: Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle as Public Open Space

### RECOMMENDATION

Adopt a Resolution Approving Peaceful and Lawful Use of the Dwight Triangle at the intersection of Dwight Way and Telegraph Avenue **and formally designating it as Public Open Space Pursuant to Berkeley Municipal Code** chapter 6.42.

### CURRENT SITUATION AND ITS EFFECTS

Since the closure of People's Park in early January, Berkeley's District 7 has lost its last remaining park. While District 7 is Berkeley's densest City Council district, it is also the only one without a public park. Southside residents deserve public open space for rest, gathering, and recreating. The limited public space in the Southside neighborhood makes it difficult for those who do not have access to private space to rest or gather. In lieu of the space lost at People's Park, community organizations, and individuals have gathered in the small area at the intersection of Dwight Way and Telegraph Avenue to continue food distribution, harm reduction, and mutual aid programming for the community they have served for decades. This item seeks to ensure continued use of the Dwight Triangle for the well-being of our community.

**Formally designating the Dwight Triangle as Public Open Space,<sup>1</sup> renders Berkeley Municipal Code (BMC) chapter 14.32.40, which prohibits using divisional islands for anything other than temporary refuge, no longer applicable.** Moreover, this item aligns

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<sup>1</sup> "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 recreation use or potential use on or after January 1, 1985. (<https://berkeley.municipal.codes/BMC/6.42.020>)

with the intention of Measure L,<sup>2</sup> a voter-approved ballot measure that passed in 1986, codifying the importance of protecting and maintaining public open space. Measure L, as outlined in Chapter 6.42 of the BMC, states that all public open space, whether officially designated as parks or used de facto as open space, shall remain as public open space unless otherwise decided by the voters of Berkeley (unless a State of Emergency has been declared). Additionally, within Berkeley's Open Space and Recreational Element of the General Plan, adopted on April 3, 2002, the objectives are as follows and are consistent with the goals of this item:

- preserving, maintaining, and repairing the city's existing open space and recreational resources and facilities;
- expanding open space and recreational resources to meet the evolving open space and recreational needs of all segments of this community through land acquisitions and improvements;
- increasing funding for parkland, recreational facilities, and open space maintenance, improvement, and expansion.<sup>3</sup>

The Dwight Triangle has been closed off and more stringently policed over the past five years. Although it was briefly unenforced in January and February 2024, it was soon closed again with increased trespassing signage and policing.<sup>4</sup> Community members should not be penalized or harassed for using public space to rest, gather, and access crucial social services.

The Telegraph Public Realm Plan, adopted in May 2016, identified the Dwight Triangle as a priority site for creating a thriving public space. In 2019, former Councilmember Robinson submitted a referral to direct the City Manager to implement street improvements outlined in the Telegraph Public Realm Plan. During the November 2020 Annual Appropriations Ordinance (AAO) process, the City allocated \$100,000 to begin rehabilitating the Triangle. In 2021, the City Council approved a budget request for placemaking enhancements in the Telegraph District, including converting the right-turn slip lane at the Dwight Triangle into a public plaza.<sup>5</sup> In October 2023, former Councilmember Robinson submitted a referral to the City Manager to open the Triangle for recreational use, along with a budget request that was deferred to a future budget cycle. The recommendation passed unanimously. The Dwight Triangle has long been a

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<sup>2</sup> [berkeleyca.gov/sites/default/files/documents/08\\_Open%20Space%20and%20Recreation%20Element-FINAL.pdf](https://berkeleyca.gov/sites/default/files/documents/08_Open%20Space%20and%20Recreation%20Element-FINAL.pdf)

<sup>3</sup> [berkeleyca.gov/sites/default/files/documents/08\\_Open%20Space%20and%20Recreation%20Element-FINAL.pdf](https://berkeleyca.gov/sites/default/files/documents/08_Open%20Space%20and%20Recreation%20Element-FINAL.pdf)

<sup>4</sup> [berkeleyside.org/2024/02/26/telegraph-mutual-aid-store-downsized-services-continue](https://berkeleyside.org/2024/02/26/telegraph-mutual-aid-store-downsized-services-continue)

<sup>5</sup>

<https://records.cityofberkeley.info/PublicAccess/api/Document/Ac%C3%89wgnXaUalrM7v4%C3%89XHd9aKQCKxDYtXeFcHijl68fHelagagPr9EL8AJUT3X3Gv8ppRM%C3%8129b14IWrlQ%C3%81bHlu6AsE%3D/>

vital public space in the Southside neighborhood, embodying a rich history as a beloved community gathering place.

## BACKGROUND

In 1968, community leaders with Ecology Action repurposed a vacant lot at the Southwest corner of Dwight Way and Telegraph Avenue into a community park to honor Chuck P. Herrick, a Vietnam veteran, Ecology Action organizer, and victim of fatal traffic violence earlier that year.<sup>6</sup> Community members organized a “plant-in” on this lot, previously designated for incorporation into a “street-widening operation,” revitalizing public space that otherwise would have increased the potential for traffic violence to the neighborhood.<sup>7</sup>

For over 56 years, members of the community have used the park as a gathering space.” Along with People’s Park and several other locations in Berkeley, the Chuck P. Herrick Peace and Freedom Memorial Park helped fuel the movement to “let 1000 parks bloom” nationwide, which inspired communities around the country to organically create open green space that fostered collective action and mutual aid.<sup>8</sup> As People’s Park, the last public green space in Southside, has been walled off for the last 6 months, community members have used the Peace and Freedom Park to gather, memorialize and grieve the dead, create public art, grow an urban food forest, and to distribute basic needs and harm reduction supplies. These mutual aid practices have been basic tenets of the space since its inception in 1968.



*Left: The First People’s Park, Dwight and Telegraph. Photo: Lewis C. Shaffer.*

*Right: Bulletin with flag design “C.P. Herrick Peace + Freedom PARK”, displaying a petition to “BUILD A PARK”.  
Photo: Ecology Action Project*

<sup>6</sup> Dalzel, Tom, *The Battle for People’s Park, Berkeley 1969*, page 2

<sup>7</sup> Raynsford, Anthony, “Ecology as Architekturwissenschaft: Sim Van Der Ryn and the ‘Soft Science’ of Radical Design,” 2021, [doi.org/10.14279/DEPOSITONCE-11388](https://doi.org/10.14279/DEPOSITONCE-11388).

<sup>8</sup> [berkeleyside.org/2018/02/21/berkeley-peoples-park-1968-peoples-park-1969](https://berkeleyside.org/2018/02/21/berkeley-peoples-park-1968-peoples-park-1969)

### FISCAL IMPACTS OF RECOMMENDATION

None. City staff has indicated that there will be no increased maintenance costs associated with this policy because the Parks, Recreation, and Waterfront department already maintains public right of way which includes divisional islands and medians. There is an existing budget referral that was passed in October 2023, deferred to the June FY 2025/2026 budget process and then deferred again to FY 2025/2026 AAO1 process, which allocates \$25,000 for Dwight Triangle improvements. If this item passes, the aforementioned budget referral would be more of a priority to fund, but it is not necessary for this policy to function.

### ENVIRONMENTAL SUSTAINABILITY

Opening the existing Dwight Triangle will provide new open space in a transit-rich and pedestrian-friendly area, fostering a more walkable and sustainable environment for community activities. A walkable neighborhood gathering space reduces the need for residents to travel to access park space, reducing vehicle miles traveled, thus reducing emissions and air pollution.

### CONTACT PERSON

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