PROCLAMATION
CALLING A SPECIAL JOINT MEETING OF THE
BERKELEY CITY COUNCIL AND BERKELEY SCHOOL BOARD

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special joint session as follows:

TUESDAY, JANUARY 28, 2014
5:00 P.M.
Council Chambers – 2134 Martin Luther King Jr. Way
Teleconference Location – 4850 Makena Alanui, Kihei, HI 96753

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

Preliminary Matters

Roll Call

Worksession:

1. Violence Prevention
From: City Manager
Contact: William Rogers, City Manager’s Office, 981-7000

From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Public Comment – Items on this agenda only

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 16th day of January, 2014.

Tom Bates, Mayor
Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:

[Signature]

Date: 1/16/14
Mark Numainville, CMC, City Clerk

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To: Honorable Mayor and Members of the City Council
From: Christine Daniel, City Manager
Submitted by: William Rogers, Deputy City Manager
Subject: Violence Prevention

The City of Berkeley suffered 4 homicides in 2013, as well as other violent crimes including robbery and assault. The homicide victims and perpetrators were young men. According to the World Health Organization, one of the most significant factors for reducing violence in a society is the guidance and discipline of children as they mature. This guidance comes from individuals, family, school, community and institutions. The purpose of this workshop and report is to facilitate a discussion about youth violence in Berkeley. The report will cover some of the risk factors and impacts of violence, the prevalence of violence in Berkeley, and some of the current prevention strategies. While this report is not a comprehensive analysis of youth violence, it provides context and information to assist Council in addressing this important community issue.

Violence is a complex and multi-faceted subject. It can be physical, psychological, sexual, or involve deprivation or neglect. It can manifest as self-inflicted violence, interpersonal violence or collective violence. It also has significant physical and psychological consequences for the victim, perpetrator, witness, family and community. Successful prevention and intervention strategies must address violence from the perspective of all those who are affected. It is a community effort and requires an understanding of risk factors for violent behavior and the impacts of violence. Research demonstrates that it is possible to intervene and interrupt an individual's progression toward violence by developing and implementing strategies to address the underlying causes of violent behavior.

Many of the risk factors for violence are evident early in life and provide a critical opportunity for intervention. There are risk factors that can be modified or mitigated more easily than others. Risk factors for violence include racial inequality, gender inequality, harmful use of alcohol, and the absence of safe, stable, and nurturing environment.

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relationships between children and parents.\textsuperscript{4} Fortunately, because violence is often a learned behavior, it can be unlearned. Addressing factors early on that are correlated with violence later in life can help significantly reduce the future incidence of violence.

This work session is designed to provide some insight into youth violence and associated risk factors, an outline of the public health framework for addressing youth violence, a sense of the scope of the problem in Berkeley and a greater understanding of some of the measures the City of Berkeley and the Berkeley Unified School District are taking to address factors that can lead to violent behavior.

**Violence Defined.**
Youth violence involves children, adolescents, and young adults between the ages of 10 and 24 years old.\textsuperscript{5} Violence is "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development, or deprivation."\textsuperscript{6} An important aspect of this definition is that it includes a person's intention to commit the violent act itself, regardless of the outcome it produces. This encourages the development of prevention and intervention strategies that precede violent action.

Violent acts are on a spectrum and include aggressive behaviors such as verbal abuse, bullying (including cyber bullying), hitting, slapping, or fist-fighting, as well as serious violent acts such as aggravated assault, robbery, rape, and homicide (with or without weapons) that can lead to serious injury or death.\textsuperscript{7} There are three primary targets of violence: self-directed violence in which an individual can inflict violence upon him/herself; Interpersonal violence in which violence can be inflicted by another individual or by a small group of individuals; and Collective Violence which can be inflicted by larger entities such as states, institutions or organized political groups. The nature of violent acts includes physical, sexual, psychological and/or involve deprivation or neglect.\textsuperscript{8}

**Risk Factors for Youth Violence**
Risk factors can be associated with the Individual, family, and/or negative peer/social influences. The factors below are risk factors and not determinants of youth violence.

**Individual Risk Factors**
- History of violent victimization
- Involvement with drugs, alcohol or tobacco
- Poor behavioral control

\textsuperscript{4} WHO / Liverpool JMU Centre for Public Health, "Violence Prevention: The evidence", 2010
\textsuperscript{5} http://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html
\textsuperscript{6} Krug et al., "World report on violence and health", World Health Organization, 2002
\textsuperscript{7} http://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html
Family Risk Factors

- Exposure to or victim of violence or conflict in the family
- Childrearing: authoritarian, harsh, lax, or inconsistent
- Low parental involvement
- Parental substance abuse or criminality

Peer/Social Risk Factors

- Negative peer pressure
- Social rejection by peers
- Diminished economic opportunities
- High concentrations of poor residents
- Low levels of community participation
- Socially disorganized neighborhoods

As with Risk Factors, there are also Protective Factors that help reduce the chances of violent behavior. These include:

- Connectedness to family or other adult
- Commitment to school (child and parent)
- Involvement in social activities
- Ability to discuss problems with parents
- Frequent shared activities with parents
- Consistent presence of parent during at least one daily activity

Impacts of Violence

The effects of violence don’t end with the violent incident itself and can create physical and emotional trauma for all involved. This includes the victim, perpetrator, witness, family and community. Exposure to violence can have a serious, often lifelong, impact on psychological and social functioning and often leads to trauma, fear, interruption of brain development, poor school performance, poor health outcomes and high-risk behaviors.

Scope of Youth Violence in Berkeley

The Berkeley Police Department collects data on juvenile detentions (ages 17 and under). About 5% of the total arrests in Berkeley involve juveniles. Of those, approximately 11% were arrested for Robbery, 9% for Assault, 4% for weapons and 2% for aggravated assault. Approximately 47% of the juvenile offenders are Berkeley residents and 85% are male. In 2013, there were a total of 296 juvenile offenders in Berkeley who were arrested by Berkeley police.

Preventing Violence

While school-associated violent deaths represent less than 1% of all homicides and suicides that occur among school-aged children, many violence prevention programs are centered in schools for very practical reasons. A high percentage of Berkeley’s youth, for example, are on school campuses daily. Schools can implement interventions, set policies, and alter physical surroundings to minimize risk factors for

9 http://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html
violence. In collaboration with the City and other community institutions, schools can be a model environment for violence prevention efforts.10

Violence Prevention Framework
A useful frame for violence prevention efforts is one of public health. Violence prevention from a public health perspective does not mean the City of Berkeley Public Health Division per se – it simply means approaching violence through the lens of public health principles and practices. This comports with the general frame of the Alive and Free trainings that the City and the School district currently fund in which violence is treated as a communicable disease.

There are three essential public health prevention strategies:

- **Primary Prevention.** Methods designed to prevent violence before it occurs. The goal is to reduce both the incidence and prevalence of violence.

- **Secondary Prevention.** Methods that focus on addressing the more immediate responses to violence. The event has occurred, the goal is to address immediate issues resulting from the violence and mitigate harm.

- **Tertiary Prevention.** Methods that focus on long-term care in the wake of violence, such as rehabilitation and reintegration, and attempts to lessen trauma or reduce long-term disability associated with violence.

At its core, a public health approach is an evidence-based and systematic process.11 One of the most critical aspects of a public health approach to prevention is the ability to identify underlying causes rather than focusing upon more visible "symptoms." This provides for the development and testing of effective approaches to address the underlying causes and thus eradicate "symptoms." The Public Health approach includes the following four steps:

1) **Define the Problem** using statistics that accurately describe the nature and scale of violence, the characteristics of those most affected, the geographical distribution of incidents, and the consequences of exposure to such violence.

2) **Investigate Why the Problem Occurs** by determining the causes and correlates of violence, the factors that increase or decrease the risk of its occurrence (risk and protective factors) and the factors that might be modifiable through intervention.

3) **Explore Ways to Prevent the Problem** by using the above information to design, monitor and assess the effectiveness of violence prevention strategies through outcome evaluations.

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10 [http://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html](http://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html)

4) **Disseminate Information on the Effectiveness of Programs and Increase the Scale of Proven Effective Strategies** by properly evaluating violence prevention and interventions for their effectiveness and then sharing the results. This includes adapting strategies to local contexts and subjecting them to rigorous re-evaluation to ensure their effectiveness in the new setting\(^{12}\).

The goal is always to prevent a violent event from occurring in the first place but if the violent event has already happened, the goal is to intervene and prevent further harm.

**Efforts that Address Youth Violence**

The four homicide victims of 2013 were generally young men, some of whom had gone to Berkeley High. In response to these murders, City of Berkeley, Berkeley Unified School District and Berkeley Community Leaders came together to address violence prevention in a way that was holistic and preventative and created a Violence Prevention Working Group. Over the years, there have been many community efforts to address youth violence in Berkeley. For example, Berkeley's faith community has actively worked for years to prevent violence, has respond to it when it occurs and provides essential community and familial support in its wake. Community based organization that work with youth have built critical interpersonal connections with at-risk youth which have been important in preventing some youth violence. BOCA brought Alive and Free trainings to the City of Berkeley in August of 2011. Thirty (30) people were trained including staff from BUSD, Lifelong, BOCA, RISE, BYA and the City of Berkeley. The Violence Prevention Working Group are currently meeting to discuss violence prevention strategies.

The Community, the City and Berkeley Unified School District all address youth violence prevention from their respective vantage points. The following are a list of some of the current efforts undertaken in the City. However, given the concentration of youth on school campuses and the potential for effective and targeted interventions, the primary emphasis is on the Berkeley Unified School District's programs.

**City of Berkeley**

The City of Berkeley provides a plethora of services that address many of the risk factors for youth violence. The City’s Parks, Recreation and Waterfront Department provides hundreds of recreation programs to thousands of youth per year during out-of-school time. They provide numerous scholarships and provide experiences that some young people might not otherwise have. These include day and residential camps, sports teams, recreation centers, teen programs and programs for preschoolers and toddlers. These programs provide constructive alternatives for youth and teach important interpersonal and developmental skills. In addition, the city provides services to over 1600 youth though the High School Health Center at Berkeley High School and at the High School Health Clinic at BTEC. Finally, the City provides a multitude of service programs that support the entire family system including housing, health and mental health services.

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\(^{12}\) [http://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html](http://www.cdc.gov/violenceprevention/youthviolence/riskprotectivefactors.html)
Berkeley Unified School District
Given the significant presence of community youth, Schools are an excellent context in which to provide violence prevention interventions. Berkeley Unified School District provides programs that address violence directly as well as the risk factors for violence. The following are specific BUSD prevention and intervention programs.

Culturally Responsive Positive Behavior Intervention
Positive behavioral expectations are taught, acknowledged, and reinforced school-wide. This program intentionally addresses conditions in school which perpetuate power and privilege to some, leads school staff towards reflection on culture and attitudes, and re-adjusts practices to meet the needs of students.

Mental Health Services
Mental health support is provided at all BUSD schools through a variety of funding sources and providers including the City of Berkeley via Berkeley Mental Health and School-based clinics, as well as community providers such as LifeLong Medical, Bay Area Community Resources, the Child Therapy Institute and Children’s Hospital. All BUSD middle schools and high schools have credentialed counselors. BUSD also has a McKinney-Vento counselor who provides support for homeless BUSD students.

Non-Violent Crises Prevention and Intervention (CPI)
CPI focuses on the safe management of disruptive and assaultive behavior. Many BUSD staff, including Administrators, many Special Education teachers and Support Staff, Safety Officers and Campus Monitors, Secretaries, and staff who work with students with high emotional needs have received CPI training.

On Campus Intervention (OCI)
OCI provides intervention counseling for trauma and/or behavioral issues, mediation, limited counseling for substance use (1 on 1 and/or small group), a School Resource Police Officer; Youth Court and Incident reporting (e.g. bullying, sexual harassment, theft, etc.)

Welcoming Schools
The Welcoming Schools curriculum addresses family diversity, gender stereotyping, and name-calling and has been implemented in all BUSD elementary schools. BUSD’s Board recently approved a Gender Identity and Access policy which ensures the rights of transgendered students.

Anti Bullying
BUSD’s Board approved an anti-bullying policy two (2) years ago and now has a BHS Intervention Counselor certified as an Olweus Bullying Prevention trainer. Several BHS staff and middle school vice principals and counselors have participated in Olweus Bullying Prevention training. A bullying survey was administered to all students at BHS in spring 2013.

Toolbox Socio-emotional Program
The Toolbox Project is a research-based, community-tested, social-emotional learning (SEL) curriculum that fosters the development of resilience, self-mastery, and empathy.
in K–6 students and above. Toolbox was implemented at Malcolm X last fall and will be implemented in the near future at John Muir.

**Alcohol, Tobacco and Other Drugs (ATOD)**

Tobacco Use Prevention Education (TUPE) Grant provides ATOD prevention and intervention education and counseling at King, Longfellow, and Willard Middle Schools, Berkeley Technology Academy, and Berkeley High School. Project ASPIRE through New Bridge provides ATOD prevention/intervention education and counseling at Willard Middle School and Berkeley Technology Academy. Health Centers at Berkeley High School and Berkeley Technology Academy provide medical and mental health support and referrals to services for ATOD.

**Restorative Justice**

Restorative Justice, through SEEDS Community Resolution Center, has been provided at Longfellow Middle School and Rosa Parks Elementary School in recent years. Restorative Justice support through SEEDS has been added to King and Willard Middle Schools and Malcolm X Elementary School this school year. Restorative Justice Community Conferencing, which is used as an alternative to expulsion, has been provided through Community Works West for the past 2 years.

**Alive and Free**

More than 100 BUSD staff will be trained in Alive & Free by June 2014, including Administrators, Teachers, Safety Officers and Campus Monitors, Counselors, Parent Liaisons, and After-School Coordinators. All BTech students participate in Alive & Free with Dr. Marshall and staff every Wednesday. Students who have engaged in risky behavior participate in the LifeLines Academy (grades 8 – 12) or LifeLines Prep Academy (grades 4 – 7) as an intervention and/or an alternative to suspension or expulsion.

**BACKGROUND**

In August 2013, as a result of the recent homicides in Berkeley, the City, BUSD and Community came together to discuss how to prevent youth violence in the City of Berkeley. The result was a Violence Prevention Action Team that includes Councilmembers, School Board members, community leaders, City Officials, BUSD Officials and community-based organizations. The purpose of the group is to look at effective violence prevention strategies that can be implemented for Berkeley youth. Three of the four homicides in Berkeley occurred in Councilmember Maio’s district and as a result, Councilmember Maio requested a Council Workshop on violence prevention.

**FINANCIAL IMPLICATIONS**

None

**CONTACT PERSON**

William Rogers, Deputy City Manager, 981-7000
To: Honorable Mayor, Members of the City Council and Berkeley Unified School District School Board Directors

From: Christine Daniel, City Manager and Donald Evans, School Superintendent

Submitted by: Scott Ferris, Director, Parks, Recreation & Waterfront Department

Subject: Status Report on 2020 Vision Phase I-III Work Plan

SUMMARY

2020 Vision for Berkeley’s Children and Youth is a multi-agency initiative with the aim of ending the racial predictability of academic achievement that exists in Berkeley public schools. On June 24, 2008, Resolutions were adopted by the City Council (Council) and Governing School Board (Board) to authorize the development of plans and models for internal and cross-jurisdictional collaboration to remove barriers to learning and to promote healthy development for all Berkeley children and youth (64,113-N.S.).

Phase I involved the development of priority recommendations for pilot projects and the creation of eight guiding principles to be used for subsequent work and programming. Phase II entailed the restructuring of the planning and oversight teams, the selection of eight measurable 2020 Vision indicators, and a Phase II work plan for the three priority indicators with deliverables for FY 2011-2013. The three priority indicators selected were Kindergarten Readiness, Proficiency in Reading by the Third Grade and Attendance for High School students. Phase III has involved continued work on the three priority indicators, and the addition of work on a new indicator, College and Career Readiness. Additionally, Phase III has involved continued work on the community agency contract process for youth serving organizations to create greater alignment with the goals of 2020 Vision.

On March 6, 2012, Council received a status report on 2020 Phase II activities and on March 7, 2012, the Board received the same report. At those meetings, the 2020 Vision team was asked to return to the Council and Board to provide an update on the progress made on work plan implementation and current indicator data. This report provides Council and the Board with an update on the following items, including accomplishments made thus far:

- 2020 Vision indicator data
- Work plans related to 2020 Vision priority indicators and Phase I projects
- City’s community agency contract process for youth serving organizations
CURRENT SITUATION

2020 Vision Indicators
On September 8, 2010, the 2020 Vision Design Team selected eight indicators to measure progress toward closing the achievement gap, to quantify results, and to guide the construction of priority program areas. The indicators are:

1. **Kindergarten Readiness**: Number/Percent of entering kindergarteners identified as 'ready to learn,' as measured by BUSD Universal Screening Assessment.
2. **Proficiency in Reading by the Third Grade**: Number/Percent of 3rd graders identified as 'reading at or above grade level' as measured by BUSD Reading Assessments.
3. **Successful Completion of Ninth Grade Math Standards**: Number/Percent of students who have successfully completed Algebra or IMP 2 by the end of 9th grade as measured by course grades.
4. **College and Career Readiness**: Cohort BUSD graduation rate.*
5. **Attendance**: Number/Percent of K-12 students who are chronically absent. Chronic absenteeism is defined when the number of absences is 10% or more of the number of school days.
6. **Disproportionality in Suspensions**: Number/Percent of K-12 students involved in school suspensions.
7. **Disproportionality in Police Contacts**: Number/Percent of youth involved in police contacts.
8. **Student Engagement**: Number/Percent of 11th grade students who report high levels of environmental supports and opportunities ("external assets"), which include caring relationships, high expectations, and opportunities for meaningful participation as measured by the California Healthy Kids Survey.

*Further discussion on a change related to measuring the College and Career Readiness Indicator to follow below.

Indicators of Focus for FY 2012-2013

Given the realities of the current economy and the subsequent reduction in capacity among the stakeholders, as well as the importance of starting smaller and building upon successes, the Design Team decided to focus on four (4) of the eight (8) chosen indicators for the Phase III work plan for Fiscal Year 2012 through 2014. They include: Kindergarten Readiness (Indicator 1), Proficiency in Reading by the Third Grade (Indicator 2), Attendance (Indicator 5) and College and Career Readiness (Indicator 4). The most current data on all eight indicators can be found in Table 1 in the Appendix.

Common Core State Standards and Smarter Balanced Assessments
The California Department of Education has adopted new curriculum standards called the California Common Core State Standards, which align with Federal Common Core Standards and those adopted by 45 other states. BUSD has begun implementation of
these standards in 2012-13 and continuing implementation efforts in Fall 2014. Additionally, new state testing, called Smarter Balanced Assessments (SBA), has been created by a multi-state consortium to align with Common Core standards. The New SBA are being field tested this year in Grades 3-8, 9 and 11 with full testing and reporting to begin in the 2014-2015 school year. No reports will be available this year. STAR will be replaced by the new reporting system entitled California Assessment of Student Performance and Progress (CAASPP). As such, beginning with this academic year (2013-2014) California Standardized Testing (CST) will only be administered in Science for Grades 5, 8 and 10. This may impact comparison of future academic outcomes to 2020 Vision baseline and current indicator data.

Data and Assessment of Kindergarten Readiness
Early childhood educational experiences for young children ages 0-5 can have a significant impact on their academic performance in later years. September 2011 marked the pilot year of administering the Kindergarten Universal Screening Tool in BUSD. The goal of the tool is to provide K teachers real-time information about the skill level of their students in the beginning of the year as well as provide information on how many students overall entered kindergarten “ready to learn” as defined by proficiency in several key child development/skill domains. The tool was based in part on the Kindergarten Observation Form developed by Applied Survey Research and with additional input from the BUSD teacher’s Kindergarten Task Force. In Fall 2013 all 48 kindergarten teachers participated in administering the assessment and 100% (N=757) of the entering kindergarten class were assessed. In the first year of District wide administration (September 2012), there were two areas that noted considerable differences in outcomes by race/ethnicity. The first measure was sound/letter identification which measures how many letters a Kindergartener can identify by sound, and has a target of identifying at least 10 out of the 26 letters. The other measure was rote counting which has a target of counting up to at least 20.

In Fall 2012, 34% of African Americans entering Kindergarten met the expected target of identifying at least 10 of 26 letters in the alphabet; this percentage was 32% for Latino students, and 58% for White students. One year later, in Fall 2013, the percentage of African American students meeting this target increased by 10 percentage points to 44%. Minimal change in percentage points was seen for Latino and White students.

In Fall 2012, 54% of African Americans entering Kindergarten met the expected target of counting up to at least 20; this percentage was 51% for Latino students, and 72% for White students. In Fall 2013, the percentage of African American students meeting this target increased by 14 percentage points and by 10 percentage points for white students. Minimal change in percentage points was seen for Latino students. In Fall 2014, the Universal Screener will be modified slightly to be more aligned with new Common Core Standards.
<table>
<thead>
<tr>
<th>Sound/Letter Identification</th>
<th>% of Kindergarteners meeting target 2013-2014</th>
<th>% of Kindergarteners meeting target 2012-2013</th>
<th>Change in percentage points from baseline year*</th>
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<tbody>
<tr>
<td>All</td>
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<td>African American</td>
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<tr>
<td>Hispanic/Latino</td>
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<tr>
<td>White</td>
<td>58%</td>
<td>60%</td>
<td>-2</td>
</tr>
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*2012-2013 was the first year the Kindergarten Universal Screening form was administered. The change in percentage points is calculated as the difference between the percentage reported in the 2013-2014 school year and the percentage reported in 2012-2013.

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<tr>
<th>Rote Counting</th>
<th>% of Kindergarteners meeting target 2013-2014</th>
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<th>Change in percentage points from baseline year*</th>
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<td>63%</td>
<td>+7</td>
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<td>68%</td>
<td>54%</td>
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<tr>
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</tr>
<tr>
<td>White</td>
<td>82%</td>
<td>72%</td>
<td>+10</td>
</tr>
</tbody>
</table>

*2012-2013 was the first year the Kindergarten Universal Screening form was administered. The change in percentage points is calculated as the difference between the percentage reported in the 2013-2014 school year and the percentage reported in 2012-2013.

Data and Assessment of Proficiency in Reading
According to a national longitudinal study released by the Annie E. Casey Foundation, high school students who did not read proficiently by 3rd grade are four times more likely to drop out than students who demonstrated 3rd grade reading proficiency. Third grade also marks an important transition point for students as they shift from learning how to read, to needing to know how to read in order to learn additional subjects in school.

Two assessments have been used in Berkeley public schools to gauge proficiency in reading. The BUSD Reading Assessment is based on the adopted curriculum designed by the Teachers College Reading and Writing Project (TCWRP). This curriculum uses the Fountas and Pinnell system for leveling books based on the level of literacy required to read with some comfort while gaining skill and vocabulary. Books are leveled on a gradient from A through Z where the expectation is that entering kindergarteners begin at Level A and progress to Level Z by the end of 8th grade. The target for 3rd graders in the Spring semester is to be reading at Level P or above. BUSD assessment scores from Spring 2012 show that 72% of all 3rd graders tested at or above the desired target. When results are examined by race/ethnicity, 50% of African American and 51% of Latino third-graders tested at or above the target while 90% percent of White students tested at or above the desired target. For African American students this represents a 9 percentage point increase from third graders tested in our baseline year (2010-2011). For Hispanic/Latino students this represents a 20 percentage point increase from third graders tested in our baseline year.

The second assessment, the California Standards Test in English-Language Arts (CST), is a state assessment that tests for proficiency more broadly in the language
arts, including reading, writing, vocabulary, and comprehension. This measure of proficiency will no longer be used due to the fact that no CST tests are being administered this year in English Language Arts, and new state assessments will be used starting 2014-2015.

<table>
<thead>
<tr>
<th>District Reading Assessment (TCRWP)</th>
<th>% of 3rd graders testing at Spring target or higher 2012-2013</th>
<th>% of 3rd graders testing at Spring target or higher 2011-2012</th>
<th>% of 3rd graders testing at Spring target or higher 2010-2011</th>
<th>Change in percentage points from baseline year*</th>
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<td>All</td>
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</tbody>
</table>

*The change in percentage points is calculated as the difference between the percentage reported for the most recent year of available data (2012-2013) and the baseline year (2010-2011).

Data and Assessment of Chronic Absenteeism

Generally speaking, students who attend school have higher GPAs and test scores while those who miss a lot of school risk dropping out of school and falling into alcohol, tobacco, drugs and other high risk behaviors. Going to school regularly in the early years is especially critical for children from families living in poverty, who are less likely to have the resources to help children make up for lost time in the classroom. 2020 Vision uses Heddy Chang’s definition of Chronic Absenteeism, which refers to a student missing more than 10% of the school (Attendance Works; attendanceworks.org). This translates to more than 18 days out of the school year. For the 2012-2013 school year, African American and Hispanic/Latino high school students had higher rates of chronic absenteeism than the school population as a whole.

<table>
<thead>
<tr>
<th>Chronic Absenteeism (Missing 10% or more of the school year)</th>
<th>% of high school students that are chronically absent 2012-2013</th>
<th>% of high school students that are chronically absent 2011-2012</th>
<th>% of high school students that are chronically absent 2010-2011</th>
<th>Decrease in chronic absenteeism from baseline year*</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>20%</td>
<td>26%</td>
<td>31%</td>
<td>-11</td>
</tr>
<tr>
<td>African American</td>
<td>35%</td>
<td>39%</td>
<td>45%</td>
<td>-10</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>24%</td>
<td>25%</td>
<td>38%</td>
<td>-14</td>
</tr>
<tr>
<td>White</td>
<td>13%</td>
<td>17%</td>
<td>18%</td>
<td>-5</td>
</tr>
</tbody>
</table>

*The change in percentage points is calculated as the difference between the percentage reported for the most recent year of available data (2012-2013) and the baseline year (2010-2011).

Specifically, 35% of African American, 24% of Hispanic/Latino, and 13% of White students were absent 10% or more of the school year. There has been steady improvement in attendance for the past two years. Data for elementary, middle, and high school students are given in Appendix Table 2.
Assessment of College and Career Readiness
The importance of post-secondary success was cited in a 2012 report entitled Municipal Leadership for Postsecondary Success: Getting Started\(^1\) published by the National League of Cities. The report states:

“A postsecondary credential – whether it is a bachelor’s degree, associate degree, apprenticeship, or certificate – is critical for success in today’s economy. The Center on Education and the Workforce (CEW) at Georgetown University estimates that more than six in 10 jobs will require at least some postsecondary education by 2018. For an individual, the higher the level of educational attainment, the higher the earnings over a lifetime. The CEW found that, ‘In 2002, a bachelor’s degree holder could expect to earn 75 percent more over a lifetime than someone with only a high school diploma. [In 2011], that premium is 84 percent.’”

Initially, when this indicator was selected as one of the eight 2020 Vision indicators, we proposed to measure it by the number and percentage of students who successfully completed ‘A-G requirements’, requirements required for UC/CSU admissions. Currently, BUSD is working with UC Office of the President, the 2020 design team and other partners to gather resources to calculate this rate. We hope to have this data at the time of our next 2020 Vision report to the Council and Board. The 2020 Vision Design team will also be exploring the use of post-secondary enrollment via CAL-PASS, on-track persistence and completion data provided by the National Student Clearinghouse and in 2014-15 of the 11th Grade Smarter Balanced Assessment as an indication of College and Career readiness.

For the purposes of this report we present data on the California Department of Education cohort-graduation rate as a temporary substitute for a College and Career Readiness measure. Cohort graduation is calculated as the percentage of 9\(^{th}\) – 12\(^{th}\) grade students (the cohort) that graduate within 4 years. The cohort graduation rate for 2012 was 83% for all students, 75% for African American students, 82% for Hispanic/Latino students and 90% for White students. Cohort graduation rates are used to determine whether schools met their targets for increasing the graduation rate for the Adequate Yearly Progress reporting under the federal school accountability system.

WORK PLANS RELATED TO 2020 VISION

Phase I Program Activity
Phase I included the development of priority recommendations for pilot projects, some of which are still continuing and evolving. A brief overview of highlights from existing Phase I projects are provided in Table 2 in the Appendix.

Program Spotlight
The Berkeley High School Bridge program (Bridge) started as a pilot summer bridge program for underserved students as part of the initial plan for 2020 Vision. The purpose of the program was to assist incoming BHS 9th graders in making a smooth transition from middle school to high school. Now in its fourth year of operation, the program has expanded to provide comprehensive guidance and academic support for participating students during all four years in high school. The program aims to prepare students to maintain eligibility to attend a four-year college or university once they graduate and develop leadership skills. Students participate in summer and after-school tutoring and mentoring sessions and families participate in workshops that provide insight into navigating BHS and how to support their children academically.

In the 2012-2013 academic year the Bridge program served 84 students (freshman, sophomores and juniors) comprised mostly of African American and Latino students. A few highlights on their impact include:

- 100% of participating sophomores passed the math portion of CAHSEE (vs. 86% of BHS sophomores).
- All sophomores and juniors were on track for graduation and A-G progression and all freshmen, except for one, were on track with A-G progression.
- 81% of juniors enrolled in 1 or more AP classes, with 84% of those students passing with a C or better
- Bridge students have a higher rate of attendance and GPA than their peers with similar student characteristics

An additional cohort (27 freshman students) was added this academic year with funding provided by the City Council.

Process for Developing Indicator Work Plans
Work plans for the four priority indicators were developed in partnership with subject-matter experts and organizational representatives working in respective fields related to each indicator. The Design Team outlined primary strategies for each work plan, and based on research and input from the Indicator Work Groups, staff developed work plans for FY 2013 and FY 2014. The information below represents a significant amount of work on the part of staff from City, BUSD, U.C. Berkeley, Berkeley Alliance and several community-based organizations.

Work Plan for Increasing Kindergarten Readiness

Kindergarten Readiness Goal
By September Fall 2014, the goal is to see a 10% increase in the number of African-American and Latino students who enter Kindergarten meeting the target for sound/letter identification and rote counting as measured by the BUSD Kindergarten Universal Screening Assessment. The 2020 Vision Design Team is currently working with BUSD on evaluating measures and goals related to social-emotional development.
**Theory of Change**

The goal is to have an increase in the number of kindergartners who enter kindergarten ready to learn in terms of development in domains of self-care and motor skills, social expression, self-regulation and kindergarten academics. We can increase the number of children who enter kindergarten ready to learn through (1) the creation of a smoother transition from pre-K to K; (2) an increase in opportunities for children to develop and maintain self-regulation skills; (3) an increase of quality of pre-K experiences; and (4) using the data from the K readiness assessment to inform programming or strategies in 0 to 5 programs and services.

**Program Spotlight**

One of the early 2020 Vision goals was to enhance early interventions that could support students being ready for Kindergarten through increased opportunities for development screenings administered by the City of Berkeley’s Division of Public Health BE A STAR Program. Early identification of children in the early years is important if we want to address issues and needs that may affect their future success in school. Additionally, children of depressed mothers are at increased risk for developmental delays, and so it is important to screen new mothers for depression.

Be A Star is a program that promotes developmental screening with the Ages and Stages Developmental Screening questionnaire (ASQ) in the Berkeley community. The Public Health Nurses are screening children from 1 month of age to 5 years of age during home visits as well as screening the pregnant and postpartum mothers for depression using the Edinburgh Depression Screen. Through collaborations between BE A STAR and BUSD, over 300 children in the BUSD preschools are screened each fall.

Highlights from the 2012-2013 school-year include:

- 313 ASQs distributed at BUSD Pre-Schools, 81% were returned
  - 41 children who scored in monitor range received ongoing surveillance.
  - 6 children who scored as monitor range received intervention services.
  - 7 children who scored in concern range received services and/or a referral for assessment and follow-up.
- ASQ and Depression Screening with pregnant and postpartum mothers during home visits were conducted
  - 108 ASQs in homes of Berkeley residents; 5 ASQ screens scored in the “of concern” range and were referred on for further assessment.
  - All families participating in the screenings received educational materials related to typical child development.
  - 40 prenatal or postpartum depression screenings were administered during the year; 5 scored “of concern” and were referred appropriately.

The BE A STAR program is part of a collaborative with Alameda County’s First 5 program called Help Me Grow. Help Me Grow provides ongoing training and technical assistance to Alameda County pediatric providers. In Berkeley we currently support 4 of our pediatric healthcare practices. Through this program, children are screened at
different intervals during their well child visits. If there are concerns identified by the screening, families are referred to appropriate services or are contacted by the Help Me Grow phone line where they receive assistance in accessing services and supports. First 5 collects all the data on this program and will provide annual reports of the outcomes.

For a more detailed overview of the K-Readiness work plan see Table 3 in the Appendix.

Work Plan for Increasing Proficiency Rates in Reading among Third Graders

Proficiency in Reading by Third Grade Goal
By Spring 2014, the goal is to see a 10% increase in African American and Latino third graders that will test at or above the target on the BUSD reading assessment.

Theory of Change
To increase the number of students reading at grade level or above, this theory of change is based on research showing that additional time spent reading “just right” books and discussing content with an adult will help a child can improve their reading skills. Additionally, out-of-school time entities (such as afterschool programs, libraries, time with parents) aligning with BUSD reading curriculum will provide multiple supports operating with the same framework to assist struggling readers.

Program Spotlight
BUILD: Equity through Literacy (BUILD: Equity) is a partnership between UC-Berkeley’s Cal Corps Public Service Center (Cal), BUSD, BYA, BAHIA and the City. It is a concerted literacy tutoring system that leverages the tutoring resources of Cal, bridges school-day lessons and interventions with afterschool tutoring and utilizes expert BUSD literacy coaches to help struggling readers. BUILD: Equity with input from the 2020 Vision 3rd Grade Reading Indicator Work Group redesigned its program to align more with BUSD curriculum and to reach more students in need of additional reading support.

In September 2011, the program was launched at 15 after school program sites: every elementary school in BUSD, along with all COB afterschool programs for elementary school students, Berkeley Youth Alternatives and BAHIA. BUSD literacy coaches and elementary school teachers identified students that had the potential to reach proficiency with specific, focused instruction provided by BUILD tutors. Tutors spend time with students, having them read and engage in content discussion. Aligning out-of-school time supports with BUSD curriculum was a primary strategy achieved by providing literacy trainings to all BUILD tutors working afterschool, led by BUSD Literacy Coaches. Tutors are trained in BUSD’s methods of selecting “just right” books that match children’s literacy levels and are taught strategies to build fluency, reading comprehension, and word recognition. BUILD programming activities continued for FY13, with the addition of an expanded evaluation of program impact and targeted outreach to the parents of emerging readers just prior to the summer break.
Evaluation findings include:

- 15 participating afterschool programs through BUSD, COB Recreation Division, BYA and BAHIA
- 328 K-5 aged students were regular participants in BUILD programs housed at BUSD afterschool programs and had Fall and Spring District Reading assessment scores for 2012-2013.
  - On average, they each received 20 one-to-one reading tutoring sessions over the course of the year. (An additional 147 students participated in BUILD at the schools but did not meet minimum attendance criteria, receiving an average of 3 sessions).
  - Of the 328 BUILD participants, 97% of these students progressed in reading levels during the year; close to 40% of BUILD participants improved their reading ability by 4 levels or more; and additionally, in Fall 2012 31% of BUILD students were reading at target levels or higher, in Spring this percentage increased to 41% of BUILD students tested.
- Participating students at BUSD afterschool programs are primarily African American (44%) and Hispanic/Latino (33%). About 62% are in grades K-3.
- In terms of reading growth, the top 25% of BUILD third graders achieved between 1.25 to 1.66 years of growth in one school year.
- 393 students were identified as having risk factors for the summer slide. A total of 49 of these students participated in a BUILD summer program. 61% of these students participated in 7 or more sessions with a BUILD tutor.
  - 153 families at risk for the summer slide were contacted prior to the end of the school year and informed of BUILD programming for the summer.
  - Of the families called, 41 students (about 27% of those contacted) participated in a BUILD program (although the majority had already enrolled before the call. None of the families who did not have summer plans at the time of the call ended up enrolling). All of the students enrolled in BUSD BEARS program, except for one who enrolled at BYA.
  - 95% of parents contacted said their child could benefit from additional reading support during the summer and 74% of parents said they had plans to enroll their child in a summer program. The top reason given for not enrolling their child in a summer program was cost.

For an overview of the Proficiency in Reading by Third Grade work plan see Appendix Table 4.

**Work Plan for Decreasing Chronic Absenteeism**

**Attendance Goal**
By Spring 2014, the goal is that the number of BUSD students that are chronically absent will be reduced by 10%, as measured by attendance data.

**Theory of Change**
We can increase attendance among all students through (1) increased monitoring and identification of truancy “hot spots” (2) case management and healthy behavior supports
for the highest tier of at-risk students, and (3) the creation of a culture change among youth service providers and administration to reflect high expectations, clear and consistent boundaries, and importance of attendance.

Program Spotlight
The Berkeley Alive & Free Coalition (BAFC) was formed after 33 staff and community members from Berkeley Organizing Congregations for Action (BOCA), BUSD, Berkeley Police Department, Berkeley Alliance and COB participated in a 3-day training youth violence prevention and training delivered by Dr. Joseph Marshall. Dr. Marshall, founder of Alive & Free/Omega Boys Club, a MacArthur Genius Fellow has been recognized by the Annie E. Casey Foundation for his work in supporting at-risk youth in making positive behavior and lifestyle changes that keep them alive, free and educated. Dr. Marshall has developed the Alive & Free Prescription curriculum that uses a public health approach to preventing violence and promoting healthy choices. The curriculum also involves the commitment of youth service providers holding high expectations and consistent boundaries with the youth they regularly work with. BAFC meets monthly to study the curriculum and discuss strategies for implementing the framework into existing programs. Dr. Marshall and other Alive & Free staff regularly attend to provide technical assistance and support to BAFC members. BUSD staff Susan Craig and Sheila Quintana have been active in providing leadership in implementing Alive & Free programming in the District.

BAFC members in 2012-2014 accomplished the following:

- Over 130 Berkeley youth service providers, elected officials and administrators have completed the 3-day Alive & Free Prescription training, including the entire Berkeley Technology staff, Berkeley police officers, teacher, school counselors, staff from the City’s Public Health and Recreation Division, and staff from our community non-profits such as BOCA, BYA and RISE. Trainings have been sponsored by BOCA, Berkeley Alliance, City of Berkeley and Berkeley Unified School District.
- Berkeley Technology (BTech) holds a weekly class for the entire student body (N=141) based on the Alive & Free curriculum and is participating in the Alive & Free School adoption program.
- BUSD’s Lifeline Academy weekly class for at-risk middle school and high school students and their families based on Alive & Free curriculum.
- Honoring our Communities Peacekeepers: Day of learning about gun violence, planned by Berkeley High School (BHS) teacher Alan Miller, Ms. Estelle (Alive & Free staff) as MC, special speaker Dr. Victor Rios (March 2013).
- Boys & Men of Color Leadership Forum at BHS, Mr. Aikins (Alive & Free staff) led a violence prevention workshop at forum (April 2013).
- 55 students from BTech, Berkeley High and Longfellow Middle School attend National Alive & Free Conference December 7, 2012 at Sacramento State University.
- Alive & Free curriculum is currently being implemented in selected youth programs at BYA and COB’s Public Health Division.
For an overview of the Attendance work plan see Appendix Table 5.

Work Plan for Increasing College & Career Readiness

FY 13 launched the formation of the 2020 Vision College and Career Readiness Work Group. The College and Career Readiness Work plan was developed with input from the following organizations: Berkeley Adult School, Berkeley Alliance, Berkeley City College, Berkeley High School College and Career Center, Berkeley Technology Academy, Berkeley Youth Alternatives, Biotech Partners, City of Berkeley Mayor’s Office, City of Berkeley Youth Works, PG&E YMCA Teen Center, UC Berkeley Office of Community and Government Relations, and UC Berkeley Office of Equity and Inclusion.

With funding provided by the Lumina Foundation, Berkeley was invited to join a small cohort of cities around the nation working on postsecondary success to receive targeted technical assistance from the National League of Cities (NLC). The support provided by NLC has been helpful to staff in identifying best practices that can be applied to initiatives in Berkeley to increase post-secondary success and college readiness.

Strategies for FY 14 Work Plan

To increase college and career readiness, work plan activities focused on the following strategies:

- Develop a mechanism for accurately reporting “A-G” completion rates and identify where students begin to drop off of the “A-G” track. Develop protocols and identify available tools for data use and sharing to calculate baseline post-secondary access and completion rates, set goals, and track progress.
  - Strategy Rationale: Currently, there are challenges for calculating the A-G rate for all Berkeley High school students; in particular, those transferring in high school from out of district high schools. There is a need to capture this rate to determine how many of our students are on track to completing A-G or are off-track. Research shows that course taking patterns in high school are strongly correlated to post-secondary success. Additionally, to determine the effectiveness of our programs and intervention focused on preparing students for college, the best measure of this would be data on post-secondary enrollment, persistence and completion.

- Develop a common language regarding A-G/College Readiness among youth providers from community non-profit organizations, City youth providers and BUSD programs to increase college knowledge among middle school and high school students and their families.
  - Strategy Rationale: Information about preparing for college is not always complete, accurate, or consistent with messages coming from high school counselors or parents. We seek to develop common language, and understanding among all youth providers about what is necessary to prepare for and be successful in college.

- Develop and map out the current resources, supports and services that aid effective transitions into and persistence through postsecondary credentialing for Berkeley K-12 students, and develop a plan for expanding resources as needed.
Additionally, identify resources to increase case management capacity for middle and high school students.

- Provide recommendations for strategies for formalizing current registration and transition support efforts (e.g. concurrent enrollment and ‘Student Handoff’ pilot programs with BHS, BTech and Berkeley City College)
  - Strategy Rationale: A three-year study tracking outcomes for thousands of students across California shows that career-focused dual enrollment programs can provide important benefits for those who are underachieving and underrepresented in higher education. (James Irving Foundation Broadening the Benefits of Dual Enrollment Report).

Work on these strategies is already underway, highlights can be found in the Appendix in Table 6.

**Program Spotlight**

On March 1, 2013 over 4,000 Berkeley students participated in activities designed to inspire college and career aspirations in Berkeley’s first ever College and Career Day. College and Career Day was a community-wide effort spearheaded by the Berkeley Alliance, The Center for Educational Partnerships and the City of Berkeley. The goal of College and Career Day was to create a college-going culture in the City of Berkeley and help our children and youth visualize and plan post-secondary option pathways, and college and career aspirations. Adults from a range of educational and professional backgrounds shared their educational and career journeys with students. Students were engaged in conversations, lessons, and other college and career promoting activities.

**ALIGN CITY’S COMMUNITY AGENCY CONTRACT PROCESS AND OUTCOMES FOR YOUTH SERVING ORGANIZATIONS**

For the FY 12-13 cycle for awarding community agency contracts, questions were added to the application for childcare and youth serving organizations to encourage organizations to align their work with 2020 Vision goals. To further support alignment with 2020 Vision goals, City staff issued an RFP to solicit competitive proposals from contractors and agencies with expertise in program evaluation, grant making programs and best practices in youth programming. In the Fall of 2013, the City received five qualified proposals. A review panel comprised of City staff and Children, Youth, and Recreation Commissioners was convened by City staff to review the proposals. Based on the review, the panel identified the top three proposals and invited each of those bidders to present in person their approach in working with community agencies. Based on the proposal review, the in-person presentations, as well as a comprehensive and detailed check of references, Gibson & Associates was determined to be the most responsive proposal to the requirements specified by the RFP.

Staff from COB’s Departments of Parks, Recreation & Waterfront and Health, Housing and Community Services will be working with the consulting firm Gibson & Associates, to align contracts even more with 2020 Vision goals by identifying program areas and measurable outcomes that would support the priorities outlined by 2020 Vision. Gibson
& Associates will conduct independent third party program evaluation of currently funding youth-serving programs. Additionally, they will provide three technical assistance workshops to youth serving agencies working with Berkeley youth on topics such as evaluation, best practices, and the City’s future RFP processes.

NEXT STEPS
The 2020 Vision Design Team will continue implementing, reviewing and refining work plans for selected 2020 Vision indicators. While programs and interventions are a critical part of closing the academic achievement gap, equally important is having a clear picture of our current and future investment in youth programs and services. Many cities and counties develop an annual Children’s Budget that lays out current spending on services and programs focused on children and youth. A Children’s Budget can help policy makers and communities understand the amount of current spending on youth and how that changes over time, identify gaps or areas of duplication in spending, and connect priorities with future investment. City staff will explore the development of a Children’s Budget for Berkeley.

BACKGROUND
On June 24, 2008, the City Council adopted Resolution No. 64,113-N.S. approving the 2020 Vision for Berkeley's Children and Youth and authorizing the City Manager to develop plans and models for internal and cross-jurisdictional collaboration to remove barriers to learning and to promote healthy development for all Berkeley children and youth.

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Scott Ferris, Director, Parks, PRW, City of Berkeley, 981-6711
Debbi D’Angelo, Director of Berkeley Evaluation and Assessment, Berkeley Unified School District, 644-6959
## APPENDIX: TABLES AND FIGURES

### Table 1. Summary of 2020 Vision Indicator Data for 2012-2013* School Year

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Population</th>
<th>Data Source</th>
<th>All</th>
<th>African American</th>
<th>Hispanic / Latino</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>K Readiness</td>
<td>Kindergarteners</td>
<td>BEA</td>
<td>49% (N=697)</td>
<td>34% (N=81)</td>
<td>32% (N=173)</td>
<td>60% (N=297)</td>
</tr>
<tr>
<td>Percent of Kindergartens meeting target for sound/letter identification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent of Kindergartens meeting target for rote counting</td>
<td></td>
<td></td>
<td>63% (N=695)</td>
<td>54% (N=81)</td>
<td>51% (N=172)</td>
<td>72% (N=297)</td>
</tr>
<tr>
<td>Proficiency in Reading by 3rd Grade</td>
<td>3rd graders</td>
<td>BEA</td>
<td>72% (N=679)</td>
<td>50% (N=122)</td>
<td>51% (N=127)</td>
<td>90% (N=275)</td>
</tr>
<tr>
<td>Percent of students scoring at or above proficiency levels on District reading assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Successful Completion of 9th Grade Math Standards</td>
<td>9th graders</td>
<td>BEA</td>
<td>88% (N=820)</td>
<td>73% (N=171)</td>
<td>84% (N=192)</td>
<td>93% (N=293)</td>
</tr>
<tr>
<td>Percent of 9th graders who successfully completed Algebra or IMP 2 by the end of 9th grade**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attendance (Chronic Absenteeism)</td>
<td>High School</td>
<td>BUSD</td>
<td>20% (N=3289)</td>
<td>35% (N=759)</td>
<td>24% (N=687)</td>
<td>13% (N=1172)</td>
</tr>
<tr>
<td>Percent of high school students who have missed 10% or more of the school year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle School</td>
<td>BUSD</td>
<td>8% (N=1870)</td>
<td>12% (N=424)</td>
<td>9% (N=437)</td>
<td>7% (N=616)</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>BUSD</td>
<td>6% (N=4185)</td>
<td>14% (N=723)</td>
<td>7% (N=952)</td>
<td>3% (N=1575)</td>
<td></td>
</tr>
<tr>
<td>College and Career Readiness</td>
<td>High school</td>
<td>CDE</td>
<td>83% (N=772)</td>
<td>75% (N=194)</td>
<td>82% (N=146)</td>
<td>90% (N=265)</td>
</tr>
<tr>
<td>Cohort Graduation Rate (2011-2012 school year)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Contacts</td>
<td>Youth under 18</td>
<td>BPD</td>
<td>Total Contacts =124</td>
<td>52% (N=64)</td>
<td>16% (N=20)</td>
<td>17% (N=21)</td>
</tr>
<tr>
<td>Percent of police contacts with youth offenders (2012 calendar year)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspensions</td>
<td>High School</td>
<td>BUSD</td>
<td>Total Susp = 307</td>
<td>57% (N=174)</td>
<td>17% (N=51)</td>
<td>14% (N=43)</td>
</tr>
<tr>
<td>Percent of suspensions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Engagement</td>
<td>11th graders</td>
<td>CHKS</td>
<td>54% (N not reported)</td>
<td>36% (N=174)</td>
<td>57% (N=51)</td>
<td>64% (N=43)</td>
</tr>
<tr>
<td>Percent of 11th graders scoring “high” on resiliency scale, as measured by the California Healthy Kids Survey. (2011-2012)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Abbreviations:** BEA = Berkeley Evaluation and Assessment; BPD = Berkeley Police Department; BUSD=Berkeley Unified School District; CHKS=California Healthy Kids Survey; CDE=California State Department of Education. *Data is reported for 2012-2013 academic school year unless otherwise noted** Note: Common Core State Standards are currently being reevaluated which will impact this indicator. Indicator may change for future years. N=Total enrolled in the Racial/Ethnic Group except where N is the actual total number of Police Contacts or Suspensions. Note: N does not add to “All” due to other groups not represented.
<table>
<thead>
<tr>
<th>Activity</th>
<th>Description/Status</th>
<th>Effort/Impact</th>
<th>Participating Orgs</th>
</tr>
</thead>
</table>
| BHS Bridge Program               | In 2010, Summer Bridge began as a 3 ½ week summer class that was meant to help incoming ninth grade students transition smoothly from middle to high school. Over the last four years, Summer Bridge has developed into a comprehensive four-year program to support students in high school and prepare them for college.                                                                 | -Program served 84 freshman, sophomores, and juniors, mostly African American or Latino  
-100% of participating sophomores passed the math portion of CAHSEE (vs. 86% of BHS sophomores).  
-All sophomores and juniors were on track for graduation and A-G progression and all freshmen, except for one, were on track with A-G progression.  
-81% of juniors enrolled in 1 or more AP classes, with 84% of those students passing with a C or better  
-Bridge students have a higher rate of attendance and GPA that their peers with similar student characteristics                                                                                       | BUSD                                                                                     |
| Be A Star Program                | Be A Star is a program that promotes developmental screening in the Berkeley community using the Ages and Stages Developmental Screening Questionnaire (ASQ). Be A Star supports the public health nurses, BUSD’s pre-k schools, and 4 of our community health care providers that serve children.                                                                 | -313 ASQs distributed at BUSD Pre-Schools  
-252 ASQs returned (81%)  
-41 children who scored in monitor received ongoing surveillance  
-6 children who scored as monitor range received intervention services.  
-37 children who scored in concern range received services and/or a referral for assessment and follow-up  
-ASQ and Depression Screening with pregnant and postpartum mothers during home visits were conducted  
-108 ASQs in homes of Berkeley residents.  
-16 screens scored in the “monitor” range and were scheduled to be rescreened at a later date  
-5 screens scored in the “of concern” range and were referred on for further assessment  
-40 clients during the year  
-5 scored “of concern” and were referred appropriately.                                                                                     | COB-Division of Public Health, Alameda County First Five Help Me Grow                     |
| Pre-K Power Play Program         | Ten week program for 3-5 year olds to help promote and develop executive functioning and self regulation skills.                                                                                                                                                                                                                      | -6 10-week sessions completed  
-108 students participating; 56 unduplicated students  
-32 week session of parent-child play group sessions, 96 playgroups in total  
-New partnership with Lawrence Hall of Science                                                                                              | COB Division of Parks, Recreation and Waterfront                                           |
| Family Advisory Council          | The goal was to build a Family Advisory Council that was an independent and self-sustaining organization of community members and caregivers that could advise on 2020 Vision projects and decision making.                                                                                                                                  | -Plan completed  
-Not pursued due to lack of funding and resources.                                                                                             | BOCA, BUSD                                 |
Table 3. 2012-2013 Work Plan Activities for Increasing Kindergarten Readiness

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description/Status</th>
<th>Effort/Impact</th>
<th>Participating Orgs</th>
</tr>
</thead>
</table>
| Kindergarten Universal Screening Administration | The screening measures K readiness for incoming Kindergartens, and was conducted for the first time in all K classrooms Fall 2012. Results were used by K teachers to inform instruction and set baseline data on K Readiness for incoming Kindergartners. | -100% of K Teachers implemented the K Screener in FY 13  
-697 Kindergarteners assessed  
-The teachers used this data to inform both their "Balanced Beginnings Program"  
-The Pre-K Readiness Coordinator tagged all students attending the Pre-K program from BUSD and the data was re-analyzed according to the participants. The Director of BEA and Principal of BUSD Pre-K program met to identify the areas of weakness and areas of strength. They then presented the data to the teachers at the Pre-K program to identify programmatic changes necessary to further strengthen the areas where students are showing less Kindergarten readiness. | BUSD, with support from 2020 Vision Design Team                                       |
| Pre-K Power Play Program               | See Table 2 for report                                                                                                                                                                                           |                                                                                                                                                                                                             |                                                                                      |
| ASQs                                  | See Table 2 for report                                                                                                                                                                                           |                                                                                                                                                                                                             |                                                                                      |
| Breathmobile at King CDC              | The Breathmobile, a project of the Prescott-Joseph Center for Community Excellence (PJCCE), is partnering with BUSD and Public Health to bring free asthma care to preschool and elementary BUSD students. The mobile asthma clinic provides diagnosis, education, and treatment for children with asthma. | -12 King CDC students had visits at the Breath Mobile, with an average of 1.3 encounters  
-9 students identified with having uncontrolled to severe levels of asthma  
-Estimated cost savings is $6,595 from avoiding missed days of school and ER visits | Prescott-Joseph Center for Community Excellence, BUSD, and Berkeley Public Health (School-linked Health Services)                                      |
<table>
<thead>
<tr>
<th>Activity</th>
<th>Description/Status</th>
<th>Effort/Impact</th>
<th>Participating Orgs</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILD: Equity Through Literacy</td>
<td>Tutoring system that leverages tutoring resource of Cal to provide additional afterschool support for emerging readers.</td>
<td>-15 participating afterschool programs through BUSD, COB Recreation Division, BYA and BAHIA &lt;br&gt;-328 K-5 aged students were regular participants in BUILD programs housed at BUSD afterschool programs and had Fall and Spring District Reading assessment scores for 2012-2013. &lt;br&gt;-On average, they each received 20 one-to-one reading tutoring sessions over the course of the year. (An additional 147 students participated in BUILD at the schools but did not meet minimum attendance criteria, receiving an average of 3 sessions). &lt;br&gt;-Of the 328 BUILD participants, 97% of these students progressed in reading levels during the year; close to 40% of BUILD participants improved their reading ability by 4 levels or more; and additionally, in Fall 2012 31% of BUILD students were reading at target levels or higher, in Spring this percentage increased to 41% of BUILD students tested. &lt;br&gt;-Participating students at BUSD afterschool programs are primarily African American (44%) and Hispanic/Latino (33%). About 62% are in grades K-3. &lt;br&gt;-In terms of reading growth, the top 25% of BUILD third graders achieved between 1.25 to 1.66 years of growth in one school year.</td>
<td>UCB, BUSD, COB, BYA, BAHIA</td>
</tr>
<tr>
<td>Family Outreach for Summer Reading Programs</td>
<td>Outreach to families of emerging readers before summer break to make sure they have awareness of summer programs that support reading development.</td>
<td>-393 students were identified as having risk factors for the summer slide. A total of 49 of these students participated in a BUILD summer program. 61% of these students participated in 7 or more sessions with a BUILD tutor. &lt;br&gt;-153 families at risk for the summer slide were contacted prior to the end of the school year and informed of BUILD programming &lt;br&gt;-Of the families called, 41 students (about 27% of those contacted) participated in a BUILD program (although the majority had already enrolled before the call. None of the families who did not have summer plans at the time of the call ended up enrolling). All of the students enrolled in BUSD BEARS program, except for one who enrolled at BYA. &lt;br&gt;-95% of parents contacted said their child could benefit from additional reading support during the summer 74% of parents said they had plans to enroll their child in a summer program. The top reason given for not enrolling their child in a summer program was cost.</td>
<td>BUSD, Berkeley Alliance, COB, UCB Cal Corps</td>
</tr>
<tr>
<td>Activity</td>
<td>Description/Status</td>
<td>Effort/Impact</td>
<td>Participating Orgs</td>
</tr>
<tr>
<td>----------</td>
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<tr>
<td>Truancy Absenteeism Reduction Prevention Program (TARPP)</td>
<td>TARPP was developed in partnership between BUSD and BPD. Multi-agency team canvas area surrounding BHS during school hours to identify students who should be in class.</td>
<td>Monthly outings</td>
<td>BUSD, BPD</td>
</tr>
<tr>
<td>Berkeley Alive and Free Coalition (BAFC)</td>
<td>Coalition of youth service providers and administrators who completed Alive &amp; Free Prescription training facilitated by Dr. Joseph Marshall, Alive &amp; Free/Omega Boys Club. BAFC meets monthly to review curriculum and provide support for implementation of curriculum into program activities.</td>
<td>-Over 130 staff have been trained (to date) -Ongoing technical assistance for providers that work with at-risk youth. -BUSD’s Lifeline Academy weekly class for at-risk middle school and high school students and their families based on Alive &amp; Free curriculum. -BTech Alive &amp; Free school adoption. 30 Alive &amp; Free sessions to support 141 students in making choices that keep them Alive &amp; Free. -Honoring our Communities Peacekeepers: Day of learning about gun violence, planned by BHS teacher Alan Miller, Ms. Estelle as MC, special speaker Dr. Victor Rios (March 2013) -Boys &amp; Men of Color Leadership Forum at BHS, Alive &amp; Free staff led a violence prevention workshop at forum (April 2013) -55 students from BTech, BHS and Longfellow Middle School attend National Alive &amp; Free Conference December 7, 2012 at Sacramento State University -Alive &amp; Free curriculum is currently being implemented in selected youth programs at BYA and COB’s Public Health Division</td>
<td>BOCA, COB, BUSD, Berkeley Alliance</td>
</tr>
<tr>
<td>Improved SARB</td>
<td>The School Attendance Review Board (SARB), help students and their parents/guardians address attendance and behavior problems through available resources in the schools and community. The SARB is comprised of school officials, Berkeley PD, City staff and representatives from local youth serving agencies.</td>
<td>-45 students referred to SARB -9 referred to truancy court -Increased participation of community partners on SARB board</td>
<td>BUSD, Berkeley Alliance, BYA, PG&amp;E YMCA Teen Center, COB</td>
</tr>
<tr>
<td>Breathmobile</td>
<td>The Breathmobile, a project of the Prescott-Joseph Center for Community Excellence (PJCCE), is partnering with BUSD and Public Health to bring free asthma care to preschool and elementary BUSD students. The mobile asthma clinic provides diagnosis, education, and treatment for children with asthma.</td>
<td>-Total # of Students Served: 28 -Total # of Student Encounters: 68 -Average # of visits/student: 2.5 -3 students identified with uncontrolled asthma</td>
<td>COB-Public Health Division, Prescott-Joseph Center for Community Excellence, BUSD</td>
</tr>
</tbody>
</table>
Table 6. Work Plan Activities for College & Career Readiness

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description/Status</th>
<th>Effort/Impact</th>
<th>Participating Orgs</th>
</tr>
</thead>
</table>
| Concurrent Enrollment Pilot     | Cohort of BHS enrolled in a Berkeley City College course - Spring 2013. Purpose was to map out and test the process for enrolling a group of students.                                                             | -9 students enrolled in the course, 6 students completed the course with passing grades  
-Mapped out process of enrollment, identified challenges and opportunities | BUSD-BHS, BCC, COB                                                            |
| College & Career Day            | College and Career Day was a community-wide effort spearheaded by the Berkeley Alliance, The Center for Educational Partnerships and the City of Berkeley. The goal of College and Career Day was to create a college-going culture in the City of Berkeley and help our children and youth visualize and plan post-secondary option pathways, college and career aspirations. Adults from a range of educational and professional backgrounds shared their educational and career journeys with students. Students were engaged in conversations, lessons, and other college and career promoting activities. Students were engaged in conversations, lessons, and other college and career promoting activities.  
On March 1, 2013 over 4,000 Berkeley students participated in activities designed to inspire college and career aspirations. |                                                                                   | Berkeley Alliance, UC Berkeley-Center for Educational Partnerships, COB       |
| Transcript Evaluation Service   | UCOP provided at no charge a transcript evaluation service providing summary measures of A-G completion as well as personalized student profiles for students with complete A-G data submitted.  
-Process identified areas of data coding to address with students transferring from other Districts  
-BUSD will participate again, resources pending |                                                                                   | UCB, BUSD                                                                     |
| College 101 workshops           | Workshop series for youth providers that are post-secondary success navigators. Topics include: Steps to eligibility for UC/CSU, Community College Pathway, Navigating College Options, Opportunities for Undocumented Students, and Financial Aid.  
-27 participants attended first workshop Dec. 6 on UC/CSU Eligibility Steps  
-High evaluation marks. Gained useful info they will share with students in program.  
-BHS Counselors and community agency providers attended Counselors Breakfast sponsored by UC Center for Educational and partnerships |                                                                                   | COB, UCB Center for Educational Partnerships, BHS College & Career Center and Office of Academic Support |
AGENDA

BERKELEY CITY COUNCIL MEETING
TUESDAY, JANUARY 28, 2014
7:00 P.M.
COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
TELECONFERENCE LOCATION - 4850 MAKENA ALANUI, KIHEI, HI 96753
TOM BATES, MAYOR
Councilmembers:
DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN
DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRIS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.

City Manager Comments: The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.

Public Comment on Non-Agenda Matters: Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.
Public Comment on Consent Calendar and Information Items Only: The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.

In the event that there are more than three persons wishing to speak either in opposition to or support of a “Consent” item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to “Action”, however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on January 28, 2014
   From: City Manager
   Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
   Financial Implications: Various Funds - $1,926,380
   Contact: Robert Hicks, Finance, 981-7300

2. Contract: Berkeley Free Clinic for Clinical Laboratory Services
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with the Berkeley Free Clinic in an amount not to exceed $50,000 for the period July 1, 2013 through June 30, 2014.
   Financial Implications: See report
   Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
Council Consent Items

3. Resources for Community Development (RCD): Relinquishment of Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $100 per Councilmember including up to $100 from Councilmember Maio to Resources for Community Development (RCD) to help ensure they continue their work to providing housing opportunities to low-income residents of our city, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $100
Contact: Linda Maio, Councilmember, District 1, 981-7110

4. Ashkenaz 40th Anniversary “40 Years Dancing for Peace”: Relinquishment of Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Maio
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $100 per Councilmember including up to $100 from Councilmember Maio to Ashkenaz Music & Dance Community Center in honor of their 40th anniversary year, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $100
Contact: Linda Maio, Councilmember, District 1, 981-7110

5. First Annual Black History Month Celebration: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Anderson
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $250 from Councilmember Anderson to the First Annual Black History Month Celebration hosted by The Berkeley Juneteenth Association, Inc., with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - $500
Contact: Max Anderson, Councilmember, District 3, 981-7130

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.
Action Calendar – Public Hearing

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

6. 2133 Parker Street - Determination Re: Public Nuisance
   From: City Manager
   Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 65,596-N.S. to incorporate the terms of the Settlement Agreement executed by the City and the property owner.
   Financial Implications: None
   Contact: Zach Cowan, City Attorney, 981-6950

7. Fee Increases for Gilman Fields and Revised Policies
   From: City Manager
   Recommendation: Conduct a public hearing and upon conclusion:
   1. Adopt a Resolution amending the Recreation fee schedule to increase the current Gilman Field Permit Fees by 10%, and rescinding Resolution No. 65,719-N.S.; and
   2. Adopt a Resolution revising the City's Policies and Procedures for Parks and Recreation Programs and Facilities to include sports fields, and rescinding Resolution No. 65,720-N.S.
   Financial Implications: See report
   Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Action Calendar – New Business

8. Berkeley Civic Center District Zoning Overlay
   From: City Manager
   Recommendation: Provide feedback to staff on the Applicability, Purposes and Uses sections of the working draft overlay ordinance described in the report, so that staff can return with an ordinance for the Council to consider.
   Financial Implications: See report
   Contact: Eric Angstadt, Planning and Development, 981-7400
9. **Second Response Ordinance Enforcement; Data and Legal Analysis**  
*From: City Manager*  
Contact: William Rogers, City Manager’s Office, 981-7000

10. **Access to Divisional Islands**  
*From: City Manager*  
Contact: Andrew Clough, Public Works, 981-6300

**Public Comment – Items Not Listed on the Agenda –**

**Adjournment**

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:  
1) No lawsuit challenging a City decision to deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred.  
2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at [http://www.cityofberkeley.info/video](http://www.cityofberkeley.info/video) and KPFB Radio 89.3.  
Archived indexed video streams are available at [http://www.cityofberkeley.info/citycouncil](http://www.cityofberkeley.info/citycouncil).  
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at [http://www.cityofberkeley.info](http://www.cityofberkeley.info).

Agendas and agenda reports may be accessed via the Internet at [http://www.cityofberkeley.info/citycouncil](http://www.cityofberkeley.info/citycouncil) and may be read at reference desks at the following locations:

- **City Clerk Department:** 2180 Milvia Street  
  Tel: 510-981-6900  
  Fax: 510-981-6901  
  Email: clerk@cityofberkeley.info

- **Libraries:**  
  Main - 2090 Kittredge Street  
  Claremont Branch – 2940 Benvenue  
  North Branch – 1901 Russell  
  South Branch – 1901 Russell

**COMMUNICATION ACCESS INFORMATION:**  
This meeting is being held in a wheelchair accessible location.  
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.
Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on January 16, 2014.

Mark Numainville, City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Human Rights Compliance Reports
1. Vicki Alexander
To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Robert Hicks, Director, Finance Department

Subject: Formal Bid Solicitation and Request for Proposal Scheduled for Possible Issuance After Council Approval on January 28, 2014

RECOMMENDATION
Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION
Total estimated cost of items included in this report is $1,926,380

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>Fund</th>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food Service Items for Camps</td>
<td>330</td>
<td>Playground Camp Fund</td>
<td>$1,415,000 (for 5 years)</td>
</tr>
<tr>
<td>Bus Transportation for Summer Camp &amp; Teen Programs</td>
<td>330 010</td>
<td>Playground Camp Fund General Fund</td>
<td>$135,000</td>
</tr>
<tr>
<td>Bus Transportation for Summer Day Camp</td>
<td>330 010</td>
<td>Playground Camp Fund General Fund</td>
<td>$376,380 (for 5 years)</td>
</tr>
</tbody>
</table>

Total: $1,926,380
CURRENT SITUATION AND ITS EFFECTS
On May 6, 2008, Council adopted Ordinance No 7,035-N.S. effective June 6, 2008, which increased the City Manager’s purchasing authority for services to $50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of $100,000 for goods; and $200,000 for playground and construction; and $50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB or RFP may be sent out to the potential bidder/respondent list.

BACKGROUND
On May 6, 2008, Council adopted Ordinance No. 7,035-N.S. amending the City Manager’s purchasing authority for services.

CONTACT PERSON
Henry Oyekanmi, General Services Manager, Finance, 510-981-7326

Attachments:
1: Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance After Council Approval on January 28, 2014
   a. Food Service Items for Camps
   b. Bus Transportation for Summer Camp Programs
   c. Bus Transportation for Summer Day Camp

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.
### Table: Specifications

<table>
<thead>
<tr>
<th>Specification No</th>
<th>Description of Goods / Services Being Purchased</th>
<th>Approx. Release Date</th>
<th>Approx. Bid Opening Date</th>
<th>Intended Use</th>
<th>Estimated Cost</th>
<th>Budget Code to Be Charged</th>
<th>DEPT. / DIVISION</th>
<th>Contact Name &amp; Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-10828-C</td>
<td>Food Service Items for Camps Echo Lake &amp; Tuolumne</td>
<td>1/29/2014</td>
<td>2/13/2014</td>
<td>Purchase of food service items for Echo Lake Camp ($72,000/yr for 5 yrs)</td>
<td>$360,000</td>
<td>330-5996-450-5550</td>
<td>PRW/Recreation</td>
<td>Denise Brown 981-6707</td>
</tr>
<tr>
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<td></td>
<td>Purchase of food service items for Tuolumne Camp ($155,000 yr 1 and $252,000 yrs 2-5)</td>
<td>$1,055,000</td>
<td>330-5998-450-5550</td>
<td></td>
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<td></td>
<td></td>
<td>Total: $1,415,000</td>
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<tr>
<td>14-10829-C</td>
<td>Bus Transportation for Summer Camp Programs</td>
<td>1/29/2014</td>
<td>2/13/2014</td>
<td>Transportation services to and from Echo Lake Camp and Teen Programs. Echo Lake Teens (5 yr contract for approximately $27,000/yr)</td>
<td>$97,750</td>
<td>330-5996-450-5020</td>
<td>PRW/Recreation</td>
<td>Denise Brown 981-6707</td>
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<td></td>
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<td>$37,250</td>
<td>010-5994-450-5020</td>
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<td>1/29/2014</td>
<td>2/13/2014</td>
<td>Local transportation services to and from Berkeley Day Camp location sites. Berkeley Day Camp James Kenney Live Oak Francis Albrier Young Adult Project (5 yr contract for approximately $75,276,000/yr)</td>
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**DEPT. TOTAL**: $1,926,380
To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Jane Micallef, Director, Health, Housing & Community Services

Subject: Contract: Berkeley Free Clinic for Clinical Laboratory Services

RECOMMENDATION
Adopt a Resolution authorizing the City Manager to execute an expenditure contract and any amendments or extensions with the Berkeley Free Clinic in an amount not to exceed $50,000 for the period July 1, 2013 through June 30, 2014.

FISCAL IMPACTS OF RECOMMENDATION
Funding for this contract is available in Budget code: 010-4500-440.30-37. Funding for this contract is in the adopted FY 2014 budget. The contract has been entered into the City’s Contract Management System and assigned CMS No. DKMEI.

Additionally, Council has authorized a contract with the Berkeley Free Clinic (BFC) through the Community Agency Contracting process in the amount of $15,000. Budget Code: 010-9703-410.35-10. With this Community Agency Contract and the proposed Public Health Division contract the combined total contract is $65,000.

CURRENT SITUATION AND ITS EFFECTS
This contract provides financial support to BFC by reimbursing it for clinical laboratory expenses up to $50,000 for the period July 1, 2013 through June 30, 2014. These clinical laboratory services are related to reproductive and sexual health and will be provided by a clinical laboratory which is currently licensed and in good standing.

BACKGROUND
Berkeley Public Health Division has a longstanding partnership with BFC, providing funding for laboratory services for BFC clients. Historically the City has paid the laboratory directly for services received by BFC clients. This has presented challenges for both BFC and the City in adequately managing laboratory usage and expenditures. This contract allows the City to provide improved fiscal oversight of expenditures and BFC to assume responsibility for oversight of its use of available funds to optimally service BFC clients.
BFC was founded in 1969 and is an essential safety-net provider of health care services in Berkeley. Fees have never been charged for any services, materials, medications or supplies provided at BFC. Income has been generated solely via individual or organizational donations and government programs. Direct services are provided almost exclusively by volunteer lay health care workers. Volunteers receive extensive and specific training in classroom and clinical settings. Treatments, referrals and guidance are provided in a client-centered context, and are appropriate to their lifestyle, culture, language and financial situation.

RATIONALE FOR RECOMMENDATION
BFC offers free health care services, provided by volunteer staff, to uninsured, disenfranchised, and under-served populations. Services include reproductive and sexual health services for men, women, and trans-gender individuals. These services complement those provided by the City and other community health care providers, and support public health goals of improving the health and well-being of the community.

ALTERNATIVE ACTIONS CONSIDERED
The City could continue to pay the laboratory directly for Clinical services for BFC patients. This was rejected because the process does not provide the City adequate opportunity for appropriate fiscal oversight of the funds.

CONTACT PERSON
Janet Berreman, Health Officer, HHCS 981-5301

Attachments:
1: Resolution
RESOLUTION NO. ##.###-N.S.

CONTRACT: BERKELEY FREE CLINIC FOR CLINICAL LABORATORY SERVICES

WHEREAS, Berkeley Public Health Division has a longstanding partnership with BFC, providing funding for laboratory services for BFC clients; and

WHEREAS, BFC was founded in 1969 and is an essential safety-net provider of health care services in Berkeley; and

WHEREAS, BFC offers free health care services, provided by volunteer staff, to uninsured, disenfranchised, and under-served populations; and

WHEREAS, BFC’s services complement those provided by the City and other community health care providers, and support public health goals of improving the health and well-being of the community; and

WHEREAS, funds are available in the current year budgets in General Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an expenditure contract and any amendments or extensions with the Berkeley Free Clinic (BFC) in an amount not to exceed $50,000 for the period July 1, 2013 through June 30, 2014 for the purpose of funding clinical laboratory expenses for BFC clients related to reproductive and sexual health; CMS No. DKMEI. Budget Code (Expenditure) 010-4500-440.30-37. A record signature copy of said contract to be on file in the office of the City Clerk.
TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Linda Maio

SUBJECT: Resources for Community Development (RCD): Relinquishment of Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:
Adopt a Resolution approving the expenditure of an amount not to exceed $100 per Councilmember including up to $100 from Councilmember Maio to Resources for Community Development (RCD) to help ensure they continue their work to providing housing opportunities to low-income residents of our city, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmembers who would like to contribute.

BACKGROUND:
Affordable housing is a priority in Berkeley. Resources for Community Development (RCD) provides housing opportunity to very low-income residents of our city. RCD was one of the first housing non-profits in Berkeley and has an excellent record of productivity and management. RCD housing developments bring together the residents with the resources they need to provide food security, health care, education, transportation and life skills.

FISCAL IMPACTS OF RECOMMENDATION:
No General Fund impact; $100 is available from Councilmember Maio’s Council Office Budget discretionary account.

CONTACT PERSON:
Councilmember Linda Maio, District 1, 510-981-7110
RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Maio has surplus funds in her office budget account; and

WHEREAS, Resources for Community Development (RCD) will be granted money to support their work in developing housing for very low-income residents of Berkeley, and linking them to essential services and resources such as health care, food security, education, transportation and life skills; and

WHEREAS, the provision of such services would fulfill the following municipal purpose: helping to ensure this valuable community organization continues to provide housing and opportunities to low-income members of our community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $100 per office shall be granted to Resources for Community Development (RCD) to support their work in developing housing for very low-income residents of Berkeley, and linking them to essential services and resources such as health care, food security, education, transportation and life skills.
TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Linda Maio

SUBJECT: Ashkenaz 40th Anniversary “40 Years Dancing for Peace”: Relinquishment of Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:
Adopt a Resolution approving the expenditure of an amount not to exceed $100 per Councilmember including up to $100 from Councilmember Maio to Ashkenaz Music & Dance Community Center in honor of their 40th anniversary year, with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Maio and any other Councilmembers who would like to contribute.

BACKGROUND:
The Ashkenaz Music & Dance Community Center has been a Berkeley hub for world music and dance since 1973. To help ensure and expand this strong tradition of music and dance programming, contributions can be made to help the organization improve their security, retrofit their building, remodel the interior and refinish their well-used dance floor.

FISCAL IMPACTS OF RECOMMENDATION:
No General Fund impact; $100 is available from Councilmember Maio’s Council Office Budget discretionary account.

CONTACT PERSON:
Councilmember Linda Maio, District 1, 510-981-7110
RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Maio has surplus funds in her office budget account; and

WHEREAS, Ashkenaz Music & Dance Community Center -- a Berkeley hub for world music and dance since 1973 -- will be granted money to ensure and expand their strong tradition of music and dance programming by helping the organization improve their security, retrofit their building, remodel the interior and refinish their well-used dance floor; and

WHEREAS, the provision of such services would fulfill the following municipal purpose: helping to ensure the security and safety improvements happen, and working toward the organization’s broader goal of promoting world peace through music and dance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from the Council Office Budget up to $100 per office shall be granted to Ashkenaz Music & Dance Community Center to ensure and expand their strong tradition of music and dance programming by helping the organization improve their security, retrofit their building, remodel the interior and refinish their well-used dance floor.
TO: Honorable Mayor and Members of the City Council
FROM: Councilmember Max Anderson
SUBJECT: First Annual Black History Month Celebration: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION
Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $250 from Councilmember Anderson to the First Annual Black History Month Celebration hosted by The Berkeley Juneteenth Association, Inc., with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Councilmember Anderson and any other Councilmembers who would like to contribute.

BACKGROUND
The Berkeley Juneteenth Association, Inc. was established almost 28 years ago for the purpose of celebrating Juneteenth in Berkeley "To promote greater societal growth and community cohesiveness in the City of Berkeley and surrounding environs through educating and involving people of color in historical, family, economic business, and cultural activities." 2013 has witnessed a culmination of division, mistrust, and social wounds to name a few of the maladies that have stricken the work place, schools and neighborhoods in Berkeley between the ethnic classes. To that end we are seeking to expand our mission by hosting the First Annual Black History Month Celebration on Saturday, February 8, 2014 at the Berkeley Community Theatre, in addition to the annual Juneteenth Festival in June that we have produced since 1986. Our vision is to bring people of all races together for a day of dialog and festivities for a shared experience of "healing."

The theme will be: “Harambee: Community Pulling Together” will be a daylong celebration with historical exhibits, vendors, food, entertainment and a town hall panel format of notable community leaders discussing issues pertinent to the Black community in Berkeley and the greater Berkeley community at large.
Black History Month celebrations began on a national basis in 1926 by writer and educator Dr. Carter G. Woodson who launched Negro History Week in 1926. Woodson proclaimed that Negro History Week should always occur in the second week of February—between the birthdays of Frederick Douglass and Abraham Lincoln. Since 1976, every American president has proclaimed February as Black History Month. Today, other countries such as Canada and the United Kingdom also devote an entire month to celebrating black history.

FINANCIAL IMPLICATIONS
No General Fund impact; $250 is available from Councilmember Anderson’s Council Office Budget discretionary account.

CONTACT PERSON
Councilmember Max Anderson (510) 981-7130

Attachments:
  1. Resolution
  2. Postcard
RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPEDITEITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Max Anderson has surplus funds in his office expenditure account (budget code 010-0232-410-35-10); and

WHEREAS, Berkeley Juneteenth Association, Inc, a California non-profit tax exempt corporation seeks funds in the amount up to $500 to provide the following public services to pay for the operations of this celebration; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose that the event provides education, entertainment, celebration, advocacy and grassroots community organizing for Berkeley families; and

WHEREAS, this First Annual Black History Month Celebration will take place Saturday, February 8, 2014 at the Berkeley Community Theatre.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $500 per office shall be granted to Berkeley Juneteenth Association, Inc. for the First Annual Black History Month Celebration.
January 14, 2014

CONTACT:

DELORES NOCHI COOPER
510-717-4020
denocoo@aol.com

ANGELA CLEO SMITH
510-927-7511
angcleo2003@gmail.com

Having successfully produced twenty-seven Juneteenth Festivals, Berkeley Juneteenth Association, Inc. (BJAI) will expand its reach by hosting the First Annual Black History Month Celebration in Berkeley on Saturday, February 8, 2014 from 1:00-6:00pm at the Berkeley Community Theater. Admission is free and open to the public.

The theme is HARAMBEE! A COMMUNITY COMING TOGETHER: AFRICAN, THEN AMERICAN. The music of artists Kev Choice, Zulu Spear, Afropunk Experience, and Akayaa Atule will be woven into the edutainment musical which will include poetry, drums, song, dance, video, and narrative. Berkeley filmmaker Doug Harris will present an excerpt from his current documentary film entitled FAIR LEGISLATION: The Byron Rumford Story, about Northern California's first Black Assemblyman from Berkeley. The film presentation will take a close look at Berkeley's Black history from a socio-economic and political perspective. Some of the documentary’s cast include: Elihu Harris (former assemblyman and Oakland mayor), Belva Davis (news reporter and political journalist), Jerri Lange (television host and author), and William Rumford Jr. (Byron Rumford’s son), all of who grew up in Berkeley. Berkeley civic icons will also be honored with civil rights awards.

Programming at the First Annual Black History Month event is a collaboration with the following organizations: Berkeley NAACP; Berkeley High School - African American Studies Department; Peace & Justice Commission; Parents of Children of African Descent (PCAD), and Berkeley Unified School District. Event sponsors are the City of Berkeley and Cooperative Center Federal Credit Union.

BJAI was established in 1986 for the purpose of celebrating Juneteenth in Berkeley and “to promote greater societal growth and community cohesiveness in the City of Berkeley and surrounding environs through educating and involving people of color in historical, family, economic business, and cultural activities.” With the addition of Black History Month, BJAI will now host two yearly events in February and in June. This year’s 28th annual Berkeley Juneteenth Festival will be held on Sunday June 15, 2014.

For more information about the Black History Month Celebration or the Berkeley Juneteenth Festival call 510-655-8008 or email berkeleyjuneteenth@sbcglobal.net
Berkeley’s FIRST ANNUAL BLACK HISTORY MONTH CELEBRATION

Berkeley’s First Annual Black History Month Celebration will be held on Saturday, February 8, 2014 from 1PM to 6 PM, with the theme: “Harambee! A Community Coming Together-African, Then American” The event will be held at the Berkeley Community Theater located at 1930 Allston Way. Take BART to downtown Berkeley, walk west toward Allston Way and Martin Luther King Jr. Way. Enjoy the music of Kev Choice, Zulu Spear, Afrofunk Experience, Akayaa Atule, and a docufilm by Doug Harris about the history of Black Berkeley politics. Admission is free. Call 510.655.8008 or email berkeleyjuneteenth@sbcglobal.net.

COMMUNITY CALENDAR LISTING

January 14, 2014

CONTACT:

DELORES NOCHI COOPER
510-717-4020
denocoo@aol.com

ANGELA CLEO SMITH
510-927-7511
angcleo2003@gmail.com
To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Zach Cowan, City Attorney

Subject: 2133 Parker Street - Determination Re: Public Nuisance

RECOMMENDATION
Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 65,596-N.S. to incorporate the terms of Settlement Agreement executed by the City and the property owner.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
On November 1, 2013, the Superior Court issued a Peremptory Writ of Mandate (Writ) remanding Resolution No. 65,596-N.S. to the City for consideration of whether to amend the Resolution to incorporate Sections 1.1 and 1.2 of the Settlement Agreement approved by the City Council on October 3, 2013 and entered into by the City and the property owner on October 15, 2013.

The City must hold a public hearing to consider whether to amend the Resolution within 90 days of issuance of the Writ. Therefore, the City must hold a public hearing on or before January 30, 2014.

BACKGROUND
On January 31, 2012, the City Council considered the recommendation of the Zoning Adjustments Board (ZAB) to declare the property at 2133 Parker Street (the property) a public nuisance. The ZAB’s recommendation was based on its determination that, although the physical improvements to the property (i.e., addition of bedrooms) were legal, the number of bedrooms and the internal arrangement of the three units would lend the property to being used as a Group Living Accommodation, in violation of the Zoning Ordinance.

The City Attorney’s Office advised Council that there were legal risks associated with upholding the ZAB’s determination. Nonetheless, at the conclusion of its hearing, the Council adopted Resolution No. 65,596-N.S. declaring the property a public nuisance. That Resolution adopted the ZAB’s theory and articulated a separate and independent basis that the building was inconsistent with the R2-A zoning regulations due to its
density. The Resolution required elimination of 10 bedrooms from the property to abate the nuisance.

The property owner filed a petition for writ of administrative mandamus challenging the City’s determination on May 7, 2012 seeking a peremptory writ of mandamus, prohibition or other appropriate writ to vacate and set aside the Resolution and prohibit the City from enforcing the Resolution, damages, attorneys’ fees and costs of suit (the Petition). Settlement negotiations ensued. During this period, the City has not received any complaints regarding the use of the property.

Staff negotiated a Settlement Agreement with the owner and the Council approved it on October 3, 2013. Fundamentally, the Agreement addresses the impacts of the actual use of the property rather than its physical characteristics. Under the Agreement, the owner would be obligated to perform certain pro-active measures to avoid nuisance conditions through the end of 2014, in return for certain modifications to the Resolution by the City Council after public hearing. If the Resolution is so modified, then the owner would dismiss his suit and the City would retain full authority to address any future nuisance conditions or Zoning Ordinance violations at the property. The structure of the settlement follows.

- The City stipulated to a Peremptory Writ of Mandate that remanded the Resolution to the City to consider whether to amend it to include the following operating requirements which would remain in place until December 31, 2014:
  
  - When any new lease is executed for any of the units at the property, the owner will appoint one tenant responsible for: 1) ensuring all refuse from the property is managed and collected appropriately and that all refuse and recycling containers are returned to their appropriate locations within a reasonable amount of time after collection; and 2) responding to all complaints regarding the property within 24 hours.
  
  - When any new lease is executed, the owner will provide notice of the tenant’s and the owner’s contact information to the occupants of properties within 100 feet. The notice will indicate that complaints regarding the property should be made to the contact tenant and, if he or she does not respond within 24 hours, then the owner should be notified and he will promptly respond.
  
  - Any time a new lease or sublease is executed, the owner will provide copies of the leases to the City.
  
  - The owner will provide annual reports to the City indicating any vacancy or any new tenancy of the units.
  
  - The owner will include a provision in all new leases that a tenant’s responsibility for any public nuisance as defined in BMC Section 13.48.020 (the Second Response Ordinance) shall constitute good cause for lease termination and eviction.
• If the owner complies with the operating restrictions continuously through December 31, 2014, then the Resolution will automatically be rescinded.

• If the owner does not comply with the operating restrictions through December 31, 2014, then, after the City gives notice and a reasonable opportunity to cure the violation, it can consider whether a violation(s) of the operating restrictions constitutes a public nuisance at a hearing before the Council.

• If the Council amends the Resolution to include these terms, then the City will file a return to the writ and the Petition will be dismissed. Both parties would bear their own costs and fees.

RATIONALE FOR RECOMMENDATION
See "Background."

ALTERNATIVE ACTIONS CONSIDERED
None.

Update on Mini-Dorm Regulations

As a result of consideration of the issues related to this property and other similar properties, the City adopted legislation to regulate mini-dorms. For example, in 2012 BMC Chapter 13.42 was adopted and it sets forth operating standards applicable to “mini-dorms”. In addition, in 2013 the Zoning Ordinance was amended to control the addition of bedrooms to existing parcels.

On July 13, 2013, the City Council referred a request to modify Chapter 13.42 to both the Planning Commission and the City Manager. The Council referral requested that Chapter 13.42 be modified to apply to R-1 through R-3 Zoning Districts and to incorporate definitional provisions similar to those in a San Luis Obispo ordinance. The referral also requested that the Planning Commission consider development of a possible overlay district.

Staff intends to provide proposed amendments to Chapter 13.42 for Council’s consideration at its March 11, 2014 meeting. The Planning Commission will consider the other portion of Council’s referral in the spring.

CONTACT PERSONS
Zach Cowan, City Attorney, 981-6998

Attachments:
1: Resolution
2: Peremptory Writ of Mandate
3: Public Hearing Notice
RESOLUTION NO. ##.###-N.S.

AMENDING RESOLUTION NO. 65,596-N.S. DECLARING 2133 PARKER STREET A PUBLIC NUISANCE AND IMPOSING REMEDIES

WHEREAS, on January 31, 2012, the City Council adopted Resolution No. 65,596-N.S. declaring 2133 Parker Street (the Property) a public nuisance and imposing remedies; and

WHEREAS, on May 7, 2012, the property owner filed a petition for writ of administrative mandamus challenging the City’s determination seeking a peremptory writ of mandamus, prohibition or other appropriate writ to vacate and set aside the Resolution and prohibit the City from enforcing the Resolution, damages, attorneys’ fees and costs of suit (the Petition); and

WHEREAS, the City received no complaints regarding the use of the property while the litigation was pending and staff entered into settlement negotiations with the property owner; and

WHEREAS, the Council approved a proposed Settlement Agreement on October 3, 2013; and

WHEREAS, pursuant to the terms of the Settlement Agreement, on November 1, 2013 the Superior Court issued a Peremptory Writ of Mandate (Writ) remanding Resolution No. 65,596-N.S. to the City for consideration of whether to amend it to incorporate Sections 1.1 and 1.2 of the Settlement Agreement; and

WHEREAS, the City Council held a duly noticed public hearing on January 28, 2014 in compliance with the Writ and considered whether to amend the Resolution to incorporate Sections 1.1 and 1.2 of the Settlement Agreement; and

WHEREAS, the Council has considered the written evidence and oral testimony presented to it and has evaluated the credibility of witnesses who appeared before it as well as the probative value of the evidence.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the building at 2133 Parker Street is a public nuisance, on two separate and independent grounds: 1) that it is inconsistent with the R2-A zoning regulations due to its density and; 2) that it is a Group Living Accommodation (“GLA”) that is not permitted in the R-2A zoning district. The City Council makes this determination on the basis of the findings set forth below.
1. Excessive Density.
The property is located in the R2-A zoning district. The R2-A zone is designed to “permit only that intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood.” BMC 23D.32.020.D. The property has seventeen bedrooms spread across three units. This far exceeds the density allowable in the R2-A district and is incompatible with its low density residential character and is detrimental to the neighborhood.

   a. Incompatibility with Low Density Residential Neighborhood. The use of this property by nineteen persons in seventeen bedrooms spread across three units violates the density restrictions in the R2-A district because it is inconsistent with low-density residential use. The property’s seventeen bedrooms allow for an occupancy well above that which is contemplated by the R2-A zoning district. The Land Use Element of the City’s General Plan provides for a recommended density range of 44-88 persons per acre in Medium Density residential areas, such as R2-A zoned areas.

   The Land Use Element states:
   These areas of Berkeley are generally characterized by a mix of single family homes and small to medium sized multi-family structures. The same uses appropriate in Low Density Residential are appropriate in Medium Density Residential areas. Building intensity will range from 20 to 40 dwelling units per net acre, and the population density will generally range from 44 to 88 persons per acre.

   Although the General Plan clearly states that its density ranges are not intended to be applied on a parcel by parcel basis, and the City does not do so, it is nevertheless instructive to note that, in this fully-developed neighborhood, applying the General Plan’s density range to 2133 Parker Street, which has a lot area of 5400 square feet, yields a density of 7-14 persons, which at the high end, is less than the current occupancy of nineteen.

   b. Detriment to the Neighborhood.
The property contains seventeen bedrooms, currently occupied by nineteen residents. The number of bedrooms, and the number of residents it allows for, exceeds the allowable density in R2-A zoned areas because this intensity of use is detrimental to the neighborhood. Unlike a house rented to three separate households, here, the property is rented to two sets of residents and has been used extensively for loud, unruly parties. Although it has only been occupied since August, the property has been the subject of numerous noise complaints from neighborhood residents related to loud, unruly parties. Two of these parties in recent months resulted in calls for service to BPD, on August 20, 2011 and September 16-17, 2011. In responding to the party on the night of September 16, 2011, BPD and UC Berkeley Police shut down the party as a public nuisance pursuant to BMC Section 13.48.020 of the Second Response Ordinance.

   In the course of shutting down the party, the officers posted an “Exhibit A” Notice pursuant to the Second Response Ordinance on the property because more than 30 people were in attendance and loud shouting and music could be heard 50 feet away
from the property. The police report stated that an intoxicated person answered the door of Unit #2 and Mr. Nicolas Hu who was 20 years old at the time, and who also appeared intoxicated, stated he was having a birthday party for a friend. The report further indicated that many of the party attendees appeared to be exhibiting signs of alcohol intoxication and that they observed a Jack Daniels bottle in the Unit.

Further, neighbors of the property testified to numerous other loud and unruly parties at the property, including instances where all units and even the roof were being used for loud and unruly parties. In addition to the noise, the neighbors testified that these parties have resulted in trash being strewn about the property and on the front yard, and even trash and litter on surrounding properties.

The property is a detriment to the neighborhood because it has been used as the site for a number of loud parties, including one which was itself declared to be a public nuisance under BMC 13.48.020. The density at which the property is occupied and for which it is built, with seventeen bedrooms, is the source of the detriment to the neighborhood, as this level of use by so many persons leads to a level of noise beyond that which is in character with a residential low density property.

Stated differently, the property is zoned for low density residential use and frequent loud parties are not consistent with that level of use; instead loud parties of this sort, and the related problems with trash they create for the neighborhood, are the result of the fact that the property has an excessive density and therefore excessive level of use. Further, the numerous complaints by the neighbors about the trash strewn about the property and spilling over onto neighboring properties, indicates that as a result of its excessive density, the property is used in a manner that is detrimental to the neighborhood.

The property is also a detriment to the neighborhood at the current density and resulting level of use because the number of residents combined with the lack of adequate offstreet parking reduces relatively scarce on-street parking. The standards for R2-A zoning areas require at least one parking space per unit. Here, there is only a single parking space, which is insufficient to ensure that the residents’ demand for parking does not adversely affect the neighborhood. This is particularly true given the testimony by residents as to the already severely limited availability of parking in the neighborhood.

Further, the lease for Units 2 and 3 provides that no parking spaces are included with the apartment, forcing the fourteen residents of those units to park only on the street. A lower density use of the property would result in a reduced demand for parking, allowing the property to be used within the neighborhood’s character and consistent with low density residential use.

2. Group Living Accommodation.
   a. Use as GLA.
   The Zoning Ordinance defines a Group Living Accommodation (GLA) as “A building or portion of a building designed for or accommodating Residential Use by persons not
living together as a Household, but excluding Hospitals, Nursing Homes and Tourist Hotels.” BMC 23F.04.010. The Zoning Ordinance defines Household as “One or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the Household and other similar characteristics indicative of a single Household.” BMC 23F.04.010.

The building at 2133 Parker Street contains three units with a total of seventeen bedrooms. Unit 1 has five bedrooms and two bathrooms. Unit 2 has five bedrooms and two bathrooms. Unit 3 has seven bedrooms and three bathrooms. Each unit has only a single room that serves as a combined kitchen, living room, and dining room. Under a Notice of Limitation filed by the property owner of 2133 Parker Street, each unit may only be occupied by a single Household.

Unit 1 of the property is rented by five tenants. Section 2 of the lease signed by the Unit 1 tenants provides that the tenants must share the common areas with the tenants of the other units.

Units 2 and 3 are rented by a combined 14 tenants. Section 2 of the lease for these two units, signed by ten persons, provides that the tenants are to share the top two units (#2 and #3) and to also share the common areas with the tenants of Unit 1.

The leasing of the top two units as a single unit violates the Notice of Limitation on the property because the property owner is not renting each of Units 2 and 3 to a single Household, but instead, is renting both units to one group of tenants. Were the property owner complying with the Notice of Limitation and the Zoning Ordinance, each of the three units would be separately rented, each to a single Household.

Further, the fact that the two upper units are connected by an internal, unlocked staircase indicates that the units, rather than being occupied by two separate Households as required under the Zoning Ordinance and Notice of Limitation, are actually being used as a GLA, where the tenants all have access to the common areas and freely move among the common areas, instead of each Household living within its separate unit.

The provision in each of the two leases which requires that the tenants share and make available the common areas in each unit for use by the tenants of the other units is characteristic of a GLA rather than three separate dwelling units, in that each alleged “Household” is required to make its common space available to the other tenants, even though they are not members of the same “Household”. Were the property being used by Households and not as a GLA, each Household would be using its unit as a separate residence, and not be subject to intrusions by other residents of the building into their Household space.
In addition, the disturbances discussed in 1(b) above are more typical of GLAs than individual Households, and indicate that the property is being used as a GLA. In particular, the testimony that all of the units were being used for a party, even though they are allegedly occupied by separate “Households”, further indicates that the entire building is used in common as a single GLA, consistent with the lease terms discussed above that require all common areas to be shared among all residents of the building.

b. Prior Determination by Zoning Adjustments Board (ZAB).

In January 2011, the ZAB denied the owner’s application for an AUP for certain physical modifications:

Alter the roofline at the southeast corner of the building above the front entry stair;
- Expand a deck and access stair to the third floor; and
- Relocate the parking to the front yard.

In doing so, the ZAB made the following findings (emphasis supplied):

Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the above-described project, under the circumstances of the particular case existing at the time at which the application is granted, would be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City, for the following reasons:

A. That the alterations to the structure to create 19 bedrooms, with little common living space within the three apartments, constitutes a de facto group living accommodation, a use that is not allowed in the R-2A District unless such housing is for Senior Congregate Housing;

B. That when a group living accommodation is permissible, the 5,400 sq. ft. of parcel area for this property would only support 7 group living accommodations, not the 19 that are proposed;

C. That the alterations to the structure to create 19 bedrooms where only 6 existed previously would violate the R-2A District Purposes by creating an intensity of use which is not compatible with existing low density residential structures and would be detrimental to the immediate neighborhood by creating a scarcity of parking;
D. The alteration to the front roofline would be detrimental because the revised roofline would not be architecturally compatible with the existing building;

E. That the rear deck and stair accessed from the third floor would be detrimental because the height above grade and the large size would create a privacy and noise impact to adjacent residential properties; and
F. That parking within the front yard would be crowded, unworkable, and unattractive. Thus, a replacement parking space, within the building, is required. (Emphasis supplied.)

In other words, in support of the basic finding supporting the denial, the ZAB determined as a factual matter that the proposed alterations would constitute a “de facto” GLA. The subsequent modification of the proposal to eliminate 2 bedrooms does not change this determination or the rationale on which it was based. The owner did not appeal this action by the ZAB and it is therefore final and binding.

The Council therefore determines that the owner may not now dispute the ZAB’s factual determination in this subsequent proceeding. Moreover, even if the owner were entitled to contest this conclusion, the Council finds that his failure to contest it in a timely manner by appealing the ZAB’s January decision is an implicit acknowledgment of its correctness and his lack of any basis for contesting it, and thus supports the Council’s determination that 2133 Parker Street is a GLA.

BE IT FURTHER RESOLVED that:

1.1 Operating Requirements.

a. When any new lease or rental agreement is signed for any of the units at the Property, A. Ali Eslami (“Eslami”) shall appoint one tenant (the “Contact Tenant”) who will be responsible for: (1) Ensuring that all refuse and materials to be recycled are reasonably managed and collected, and that all refuse and recycling containers are returned to their appropriate locations within a reasonable amount of time after collection; and (2) Responding to all complaints regarding the Property within twenty four (24) hours of receipt of any such complaints or within a reasonable amount of time if a response within twenty four (24) hours is not reasonable.

b. When any new lease or rental agreement is signed for any of the units at the Property, Eslami shall provide a written notice to the occupants of each address within one hundred (100) feet of the Property of the Contact Tenant’s name and contact information, including at least one telephone number. The notice shall also include Eslami’s contact information, including at least one telephone number. The notice shall request that any such occupant contact Eslami concerning any complaints and that if the Contact Tenant does not respond to any such complaint within twenty four (24) hours, then Eslami should be notified that the Contact Tenant has not responded and Eslami will promptly respond to the complaint. The City shall provide Eslami with a list of all addresses within one hundred (100) feet of the Property. Eslami shall mail the notices via First Class U.S. Mail or cause the notices to be hand delivered whenever the Contact Tenant is established and any time the Contact Tenant changes. Eslami shall have the option of either providing a letter to a person designated by the City confirming when written notices are transmitted and that they were sent to all addresses indicated by the City, or sending copies of each of the transmitted written notices to a person designated by the City.
c. At the time any new lease or rental agreement is signed for any of the units at the Property or another tenant or subtenant is added to an existing lease for any of the units at the Property, Eslami shall provide a copy of such leases, rental agreements, and amendments thereto for the Property to the City within thirty (30) calendar days of the date any lease or amendment is fully executed by all parties thereto. The City shall designate a person to whom these copies shall be provided.

d. Eslami shall provide annual reports to the City which indicates any vacancy and any new tenancy of the units on the Property. The City shall designate a person to whom these reports shall be provided.

e. Eslami shall include in all new leases and rental agreements for the Property a provision that in addition to the provisions of California Code of Civil Procedure § 1161, subdivision 4, and other applicable law, a tenant's responsibility, either in whole or in part, for any public nuisance as defined in Chapter 13.48.020 of the City of Berkeley's Municipal Code shall constitute good cause for lease termination and eviction.

1.2 Terms for Incorporation From the Settlement Agreement

a. Unless there is substantial evidence presented that Eslami has not complied with the Operating Requirements set forth in Section 1.1 above continuously through December 31, 2014, then the Resolution shall automatically be rescinded on January 1, 2015.

b. In the event that the City contends there is substantial evidence that Eslami has not complied with the Operating Requirements at any time prior to December 31, 2014, then the City and Eslami shall meet and confer in good faith to attempt to informally resolve, and permit Eslami a reasonable opportunity to cure, any claim by the City that Eslami has not complied with the Operating Requirements.

c. Provided that the Parties have fulfilled their respective obligations set forth in Section 1.2.b but the Parties cannot resolve the City’s claim that Eslami has not complied with the Operating Requirements, then the City Council may notice and hold a public hearing to make a determination as to whether Eslami has not complied with the Operating Requirements and, if any such failure constitutes a public nuisance. In any such public hearing, the City Council may not refer or rely upon the Resolution, including any facts or evidence relied upon in the Resolution, to support a finding that the Property is a public nuisance.

In the event that the City Council holds a public hearing in accordance with this subsection on or before December 31, 2014 and determines that Eslami's non-compliance constitutes a public nuisance, then the Resolution shall be rescinded and superseded by any resolution adopted by the City Council as a result of such public hearing.
Nothing in this Resolution limits the City’s discretion, authority or ability to initiate new nuisance abatement proceedings for any potential nuisance activity at the Property that is unrelated to Eslami’s compliance or non-compliance with the Operating Requirements set forth in Section 1.1 above and nothing in this Resolution limits Eslami’s ability to legally challenge any such new nuisance abatement proceedings on any grounds.

d. If the City Council holds a public hearing pursuant to Section 1.2.c, it shall consider whether Eslami and the Contact Tenant have been informed of the alleged non-compliance with the Operating Requirements and have had a reasonable opportunity to address or cure the alleged non-compliance and whether they have done so.

e. Unless the City Council notices a public hearing pursuant to Section 1.2.c on or before December 31, 2014, the Resolution shall automatically be rescinded on January 1, 2015.
A. ALI ESLAMI, an individual;

Petitioner,

vs.

CITY OF BERKELEY, a Municipal Corporation and a Chartered California City; CITY COUNCIL OF THE CITY OF BERKELEY, an elected body of the City of Berkeley; ZONING ADJUSTMENTS BOARD OF THE CITY OF BERKELEY; an appointed body of the City of Berkeley; and DOES 1-50, inclusive;

Respondents.

No. RG12628979

ASSIGNED FOR ALL PURPOSES TO JUDGE Evelio Grillo Department 31

[PROPOSED]

PEREMPTORY WRIT OF MANDATE

To RESPONDENTS:

Pursuant to the parties’ Stipulation, the Court hereby issues a Peremptory Writ of Mandate remanding Resolution No. 65,596-N.S. (the “Resolution”) to Respondents for consideration of whether to amend the Resolution to incorporate Sections 1.1 and 1.2 of the parties’ Settlement Agreement attached hereto and incorporated herein as Exhibit 1 (the “Settlement Agreement”). Respondents shall:

1. Consider amending Resolution No. 65,596-N.S to incorporate Sections 1.1 and 1.2 of the Settlement Agreement within 90 days from the issuance of this Writ.
2. File a return to this Writ within 30 days from adoption of any resolution pursuant to Paragraph 1.

3. If Respondents amend the Resolution to incorporate Sections 1.1 and 1.2 of the Settlement Agreement, the Petition shall be dismissed.

This Court retains jurisdiction over these proceedings by way of a return to the writ and any subsequent return proceedings until the Court has determined that Respondents have complied with the Writ. The briefing schedule and writ hearing previously ordered by this Court Peremptory Writ of Mandate in this action are vacated.

Dated: NOV 01 2013

Honorable Evelio Grillo
JUDGE OF THE SUPERIOR COURT
RELEASE AND SETTLEMENT AGREEMENT

This Release and Settlement Agreement ("Agreement") is entered into by and between A. Ali Eslami, an individual ("Eslami") and the City of Berkeley, a Municipal Corporation and charter city, the City Council of the City of Berkeley, an elected body of the City of Berkeley, and the Zoning Adjustments Board of the City of Berkeley, an appointed body of the City of Berkeley (collectively the "City"). Eslami and the City are hereinafter collectively referred to as the "Parties."

RECITALS

A. This dispute arises out of the City's adoption of Resolution No. 65,596-N.S. (the "Resolution"), which declared the real property and improvements thereon commonly known as 2133 Parker Street, Berkeley, California (the "Property") a public nuisance and specified remedies intended to abate the nuisance. Eslami is an owner of the Property. Eslami asserts, in part, the following: the City adopted the Resolution without, or in excess of, its jurisdiction; the City failed to provide him with a fair hearing; the City failed to proceed in a manner required by law; the Resolution is not supported by findings and the findings are not supported by evidence; the City acted arbitrarily and capriciously in conducting the hearing and adopting the Resolution; and the City deprived him of his procedural Due Process rights and equal protection rights. The City denies these claims and any liability.

B. Eslami filed a Verified Petition for Writ of Administrative Mandamus, or in the Alternative for Writ of Traditional Mandamus or Prohibition, and Damages (the "Petition") in the Alameda County Superior Court (Case Number RG12628979) on May 7, 2012 seeking a peremptory writ of mandamus, prohibition or other appropriate writ to vacate and set aside the Resolution and prohibit the City from enforcing the Resolution, damages, attorneys' fees and costs of suit (the "Action").

C. The Parties wish to settle their dispute and resolve the Action.

In consideration of the above recitals and agreements contained herein and for other valuable consideration, the Parties agree as follows:

AGREEMENT

1.0 Stipulated Peremptory Writ of Mandate for Remand to Amend Resolution; Dismissal.

a. The Parties hereby stipulate to the issuance of a Peremptory Writ of Mandate, as set forth in the Stipulation for Issuance of Writ of Administrative Mandamus to Remand Resolution 65,596-N.S. for Amendment Pursuant to Settlement Agreement and Upon Such Amendment Dismissal, a copy of which is attached as "Exhibit A" hereto, which shall remand the Resolution to the City for the purpose of considering whether to amend the Resolution to incorporate the terms set forth in Sections 1.1 and 1.2 of this Agreement. The Parties further stipulate that, if the City amends the Resolution to incorporate the terms set forth in Sections 1.1 and 1.2 of this Agreement, the Petition shall be dismissed by the Court.

b. Sections 1.1 through 9 below shall not become operative and have force and effect unless and until the City amends the Resolution to incorporate the terms as set forth in Sections 1.1 and 1.2 below.
1.1 Terms for incorporation into the Resolution.

a. Unless there is substantial evidence presented that Eslami has not complied with the Operating Requirements set forth in Section 1.2 below continuously through December 31, 2014, then the Resolution shall automatically be rescinded on January 1, 2015.

b. In the event that the City contends there is substantial evidence that Eslami has not complied with the Operating Requirements at any time prior to December 31, 2014, then the City and Eslami shall meet and confer in good faith to attempt to informally resolve, and permit Eslami a reasonable opportunity to cure, any claim by the City that Eslami has not complied with the Operating Requirements.

c. Provided that the Parties have fulfilled their respective obligations set forth in Section 1.1.b but the Parties cannot resolve the City’s claim that Eslami has not complied with the Operating Requirements, then the City Council may notice and hold a public hearing to make a determination as to whether Eslami has not complied with the Operating Requirements and, if any such failure constitutes a public nuisance. In any such public hearing, the City Council may not refer or rely upon the Resolution, including any facts or evidence relied upon in the Resolution, to support a finding that the Property is a public nuisance.

In the event that the City Council holds a public hearing in accordance with this subsection on or before December 31, 2014 and determines that Eslami’s non-compliance constitutes a public nuisance, then the Resolution shall be rescinded and superseded by any resolution adopted by the City Council as a result of such public hearing.

Nothing in this Agreement limits the City’s discretion, authority or ability to initiate new nuisance abatement proceedings for any potential nuisance activity at the Property that is unrelated to Eslami’s compliance or non-compliance with the Operating Requirements set forth in Section 1.2 below and nothing in this Agreement limits Eslami’s ability to legally challenge any such new nuisance abatement proceedings on any grounds.

d. If the City Council holds a public hearing pursuant to Section 1.1.c, it shall consider whether Eslami and the Contact Tenant have been informed of the alleged non-compliance with the Operating Requirements and have had a reasonable opportunity to address or cure the alleged non-compliance and whether they have done so.

e. Unless the City Council notices a public hearing pursuant to Section 1.1.c on or before December 31, 2014, the Resolution shall automatically be rescinded on January 1, 2015.

1.2 Operating Requirements.

a. When any new lease or rental agreement is signed for any of the units at the Property, Eslami shall appoint one tenant (the “Contact Tenant”) who will be responsible for: (1) Ensuring that all refuse and materials to be recycled are reasonably managed and collected, and that all refuse and recycling containers are returned to their appropriate locations within a reasonable amount of time after
collection; and (2) Responding to all complaints regarding the Property within twenty four (24) hours of receipt of any such complaints or within a reasonable amount of time if a response within twenty four (24) hours is not reasonable.

b. When any new lease or rental agreement is signed for any of the units at the Property, Eslami shall provide a written notice to the occupants of each address within one hundred (100) feet of the Property of the Contact Tenant’s name and contact information, including at least one telephone number. The notice shall also include Eslami’s contact information, including at least one telephone number. The notice shall request that any such occupant contact Eslami concerning any complaints and that if the Contact Tenant does not respond to any such complaint within twenty four (24) hours, then Eslami should be notified that the Contact Tenant has not responded and Eslami will promptly respond to the complaint. The City shall provide Eslami with a list of all addresses within one hundred (100) feet of the Property. Eslami shall mail the notices via First Class U.S. Mail or cause the notices to be hand delivered whenever the Contact Tenant is established and any time the Contact Tenant changes. Eslami shall have the option of either providing a letter to a person designated by the City confirming when written notices are transmitted and that they were sent to all addresses indicated by the City, or sending copies of each of the transmitted written notices to a person designated by the City.

c. At the time any new lease or rental agreement is signed for any of the units at the Property or another tenant or subtenant is added to an existing lease for any of the units at the Property, Eslami shall provide a copy of such leases, rental agreements, and amendments thereto for the Property to the City within thirty (30) calendar days of the date any lease or amendment is fully executed by all parties thereto. The City shall designate a person to whom these copies shall be provided.

d. Eslami shall provide annual reports to the City which indicates any vacancy and any new tenancy of the units on the Property. The City shall designate a person to whom these reports shall be provided.

e. Eslami shall include in all new leases and rental agreements for the Property a provision that in addition to the provisions of California Code of Civil Procedure § 1161, subdivision 4, and other applicable law, a tenant’s responsibility, either in whole or in part, for any public nuisance as defined in Chapter 13.48.020 of the City of Berkeley’s Municipal Code shall constitute good cause for lease termination and eviction.

2. Settlement as Full Satisfaction.

Eslami agrees to accept the settlement set forth in this Agreement as full satisfaction of all litigation and/or claims that were made or could have been made against the City in the Action.

3. Agreement Not to File Suit.

If the City amends the Resolution to incorporate the terms set forth in Sections 1.1 and 1.2 above, then Eslami agrees not to file any lawsuit to challenge the amended Resolution other than a lawsuit to enforce the terms of the settlement set forth in this Agreement and exhibits hereto.
4. Release by Eslami

With the exception of the obligations created by this Agreement, Eslami releases and forever discharges the City, and its officers, agents, employees, and the heirs, executors, or assigns of any of the foregoing, from any and all claims, demands, and causes of action of every kind, known or unknown, whether based on tort, contract, indemnification, estoppel, negligence or other legal theory of recovery, and whether for general, special, compensatory, or punitive damages, arising out of or in any way related to the Action, and all other claims or causes of action which are, have been, or could have been asserted in the Action.

5. Release by the City

With the exception of the obligations created by this Agreement, the City releases and forever discharges Eslami, and his agents, employees, tenants in common, partners, joint venturers, investors, lenders, tenants, accountants, attorneys, and the heirs, executors, or assigns of any of the foregoing, from any and all claims, demands, and causes of action of every kind, known or unknown, whether based on tort, contract, indemnification, estoppel, negligence or other legal theory of recovery, and whether for general, special, compensatory, or punitive damages, arising out of or in any way related to the facts and circumstances underlying the Resolution.

6. Settlement as a Compromise

The Parties acknowledge and agree that the execution of this Agreement is the result of a compromise of disputed claims. This Agreement is not to be construed or deemed as, and is not, an admission of liability concerning any of the matters set forth in the Petition. No past or present wrongdoing or liability upon the part of any of those released in this Agreement shall be implied by any of the agreements herein.

7. Attorneys' Fees and Costs

The Parties agree that each party shall bear and pay their own attorney's fees and costs in connection with the matters set forth in the Petition, the Action, and the preparation of this Agreement and documents related thereto.

8. Waiver of Claims For Unknown Damages by Eslami

Eslami expressly waives and assumes the risk of any and all claims that exist concerning the Action as of this date, but which it does not know of or suspect to exist, whether through ignorance, oversight, error, negligence, or otherwise, and which, if known, might materially affect its decision to enter into this Agreement. Eslami waives such claims concerning the Action under section 1542 of the Civil Code of California, which reads as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his settlement with the debtor.
9. Waiver of Claims For Unknown Damages by the City

The City expressly waives and assumes the risk of any and all claims that exist concerning the facts and circumstances underlying the Resolution as of this date, but which it does not know of or suspect to exist, whether through ignorance, oversight, error, negligence, or otherwise, and which, if known, might materially affect its decision to enter into this Agreement. The City waives such claims concerning the facts and circumstances underlying the Resolution under section 1542 of the Civil Code of California, which reads as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his settlement with the debtor.

10. Authority

Each person signing this Agreement on behalf of a party hereto warrants and represents that she or he has authority to sign on behalf of said party and that this Agreement has been validly authorized and constitutes a legally binding and enforceable obligation of said party.

11. Representations Regarding Comprehension and Preparation of Document

Each party represents that in entering into this Agreement, it has relied upon the legal advice of its attorneys, who are the attorneys of the party’s own choice. Each party further represents that the terms of this Agreement have been completely read by the parties, and that these terms are fully understood and voluntarily accepted by both their attorneys and themselves.

Each party and counsel for each party has reviewed and revised, or had the opportunity to revise this Agreement, and accordingly the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party is not applicable and therefore shall not be employed in the interpretation of this Agreement or any amendment of it.

12. Entire Agreement

This Agreement contains the entire agreement of the Parties with regard to the matters set forth herein and may not be amended except by a writing executed by all of the Parties.

13. Governing Law and Venue

This Agreement is made and entered into in the State of California and shall, in all respects, be interpreted, enforced, and governed under California law. Any lawsuit arising out of, relating to, or in connection with this Agreement, including, but not limited to, any lawsuit to interpret or enforce the terms of this Agreement, shall exclusively be filed in the Superior Court of California, County of Alameda.
14. Admissibility

The Parties intend that this Agreement is binding and fully admissible for purposes of its enforcement pursuant to California Code of Civil Procedure § 664.6 or otherwise.

15. Successors and Assigns

This Agreement shall be binding upon, and inure to the benefit of, the Parties and their respective agents, heirs, successors, and assigns.

16. Notices

Any notices permitted by, required by, arising out of or relating to this Agreement, including, but not limited to, enforcement of this Agreement, shall be effective three calendar days after mailing via First Class U.S. Mail to the follow address of each party:

[for Eslami] –

A. Ali Eslami
P.O. Box 4623
Berkeley, CA 94704

[for the City] –

Zachary D. Cowan
Laura N. McKinney
Office of the City of Attorney
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704

Either of the Parties may change their address by a written notice delivered to the other.

18. Severability

In the event that any portion of this Agreement is held by a court of competent jurisdiction to be unenforceable or invalid, the validity and enforceability of the remaining portions shall not be adversely affected.

19. Counterparts

This Agreement may be executed in any number of counterparts, each of which may be deemed an original and all of which collectively shall constitute a single instrument.

[signatures appear on following page]
Dated: 10/1/2012
By: 
Christine Daniel
City Manager for the City of Berkeley

Dated: 10/7/2012
By: 
A. Ali Eslami

AS THE ATTORNEY FOR ESLAMI, I hereby represent and declare that I have fully explained the contents and legal effect of this Agreement to the above signed.

BERDING WEIL Attorneys at Law

Dated: 10/7/2012
By: 
Aaron Ehrlich, Attorney for Eslami

AS THE ATTORNEY FOR THE CITY, I hereby represent and declare that I have fully explained the contents and legal effect of this Agreement to the above signed.

Dated: 10/15/12
By: 
Zach Cowan, City Attorney for the City of Berkeley
NOTICE OF PUBLIC HEARING-BERKELEY CITY COUNCIL
CITY COUNCIL CHAMBERS, 2134 MARTIN LUTHER KING JR. WAY

2133 Parker Street - Public Nuisance

Notice is hereby given by the City Council of the City of Berkeley that on TUESDAY, JANUARY 28, 2014 at 7:00 PM, a public hearing will be conducted pursuant to Berkeley Municipal Code section 23B.64.020 pursuant to the Peremptory Writ of Mandate issued by the Alameda Superior Court to consider whether to amend Resolution No. 65,596-N.S. to incorporate the terms set forth in a Settlement Agreement between the City and the property owner including removing the requirement that 10 bedrooms be eliminated from the property, adding operating requirements and requiring that the Resolution terminate at the end of 2014 if the property owner has complied with the operating requirements.

A copy of the agenda material for this hearing will be available at the City Clerk’s Office and on the City’s website at www.CityofBerkeley.info as of January 16, 2014.

For further information, please contact: Zach Cowan, City Attorney, (510) 981-6998

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, will become part of the public record. 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 City Clerk. 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 City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: The Berkeley Voice – 1/17/14

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on January 16, 2014.

Mark Numainville, CMC, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.
To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront Department

Subject: Fee Increases for Gilman Fields and Revised Policies

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a Resolution amending the Recreation fee schedule to increase the current Gilman Field Permit Fees by 10%, and rescinding Resolution No. 65,719-N.S.; and
2. Adopt a Resolution revising the City's Policies and Procedures for Parks and Recreation Programs and Facilities to include sports fields, and rescinding Resolution No. 65,720-N.S.

FISCAL IMPACTS OF RECOMMENDATION

The Gilman Fields began operation in August of 2008 using a model whereby field user permit fees generate sufficient revenue to both maintain the fields and cover the capital replacement costs of the synthetic turf fields. The initial cost estimate to replace the synthetic fields after ten years was $750,000. In the fall of 2013, staff compiled a cost estimate and learned that the replacement would be $1.2 million. The capital reserve fund for the Gilman Fields is projected to have $830,000 by the year 2017, which means that the fund will need an additional $370,000 in order to replace the synthetic turf fields.

The City will use two methods to generate the needed revenue by FY 2017. First, over the next four years, a $15,000 contribution will be collected from each of the five member cities of the Joint Powers Agreement of 2003, which will generate $300,000. Second, a modest increase in field user permit fees of 10% will generate approximately $70,000 over the next four years. A comparison of field user fees per hour in the Bay Area shows that the Gilman Field fees are reasonable, even after a 10% increase (Attachment 3). The increased fees at Gilman Fields will take effect on January 29, 2014. The following table shows the current and proposed fee with a 10% increase per time slot. A slot is defined as a two-hour slot.
<table>
<thead>
<tr>
<th>Gilman Field Type</th>
<th>Current Fee per slot</th>
<th>Proposed Fee per slot (10% increase)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth – Grass Field</td>
<td>$23</td>
<td>$25</td>
</tr>
<tr>
<td>Youth – Artificial Field</td>
<td>$32</td>
<td>$35</td>
</tr>
<tr>
<td>Adult – Grass Field</td>
<td>$57</td>
<td>$63</td>
</tr>
<tr>
<td>Adult – Artificial Field</td>
<td>$72</td>
<td>$79</td>
</tr>
</tbody>
</table>

Revenues collected from the fee increase will be deposited into Sports Field Fund (Revenue Account 111-5813-347-3005).

CURRENT SITUATION

Gilman Fields
In the fall of 2013, staff compiled a cost estimate and learned that the replacement of the synthetic turf fields at the Gilman Fields complex would be $1.2 million. The capital reserve fund for the Gilman Fields is projected to have $830,000 by the year 2017, which means that the fund will need an additional $370,000 in order to replace the synthetic turf fields. The additional revenue will be generated by collecting $15,000 per JPA city per year for the next four years, as well as a 10% increase in field user permit fees.

Revisions to Policies and Procedures for Parks & Recreation Programs and Facilities

The Policies and Procedures for Parks & Recreation Programs and Facilities were last revised in 2012. This year, they will be revised to include the refund policy for all sports fields in the City. The proposed policy revisions will take effect on January 29, 2014.

BACKGROUND

Gilman Fields
At a regular meeting of the Children, Youth, and Recreation Commission, Parks on Monday, December 9, 2013, the commission took action to recommend that Council adopt a 10% increase in Gilman Field Permit Fees and minor revisions to the City’s Policies and Procedures for Parks & Recreation Programs and Facilities regarding sports fields. (M/S/C: Kenney/Gallegos/unanimous; Ayes: Gebhart; Gerstein; Issel; Kenney; Lawrence; Waldstein; No’s: none; Abstain: none; Absent: Smith; Taplin).

At the meeting of the Joint Powers Agreement Cities Oversight Committee for the Gilman Fields on Wednesday, November 20, 2013, the representatives unanimously approved the 10% fee increase.
Revisions to Policies and Procedures for Parks & Recreation Programs and Facilities


RATIONALE FOR RECOMMENDATION
The 10% increase in field user permit fees for the Gilman Fields Sports Complex is needed in order to build up enough funds to replace the synthetic fields in 2017.

CONTACT PERSON
Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Denise Brown, Recreation and Youth Services Manager, 981-6707

Attachments:
1. Resolution: Amending the Recreation Fee Schedule
   Exhibit A: Fee Schedule
2. Resolution: Amending Policies and Procedures for Park and Recreation Programs and Facilities
   Exhibit A: Policies and Procedures for Parks & Recreation Programs and Facilities
3. Athletic Field Rate Comparisons: Bay Area
4. Public Hearing Notice
RESOLUTION NO. ##,###-N.S.

ESTABLISHING FEES FOR PARKS AND RECREATION PROGRAMS AND
FACILITIES AND RESCINDING RESOLUTION NO. 65,719–N.S.

WHEREAS, on May 15, 2012, Council adopted the new Fee Schedule for Recreation Division programs (Resolution No. 65,719-N.S.); and

WHEREAS, at a regular meeting of the Children, Youth, and Recreation Commission, Parks on Monday, December 9, 2013, the commission took action to recommend that Council adopt a 10% increase in Gilman Field Permit Fees and minor revisions to the City’s Policies and Procedures for Parks & Recreation Programs and Facilities regarding sports fields. (M/S/C: Kenney/Gallegos); Ayes: Gebhart; Gerstein; Issel; Kenney; Lawrence; Waldstein; No’s: none; Abstain: none; Absent: Smith; Taplin); and

WHEREAS, at the meeting of the Joint Powers Agreement Cities Gilman Fields Oversight Committee on Wednesday, November 20, 2013, members approved the Gilman Fields 10% fee increase.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the rates and charges set forth in Exhibit A are hereby fixed and established for the Parks and Recreation programs and facilities and shall be effective January 29, 2014.

BE IT FURTHER RESOLVED that Resolution No. 65,719-N.S. is hereby rescinded effective January 29, 2014.

Exhibit
A: Fee Schedule
### Recreation Fee Schedule (effective January 29, 2014)

<table>
<thead>
<tr>
<th>Program Area</th>
<th>Unit of Measure</th>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. FACILITY RENTAL CHARGES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Room Rentals (2 hr minimum per room)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>James Kenney (JK) Live Oak (LO) Frances Albrier (FA), Martin Luther King (MLK)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A. Youth, Senior, Disabled</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours Hour</td>
<td>$40</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Non-Regular Hours Hour</td>
<td>$59</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td><strong>B. All Other</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auditorium (FA) &amp; Social Hall (LO)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours Hour</td>
<td>$65</td>
<td>$78</td>
<td></td>
</tr>
<tr>
<td>Non-Regular Hours Hour</td>
<td>$80</td>
<td>$96</td>
<td></td>
</tr>
<tr>
<td>Fireside Room (LO), Community Room (JK)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours Hour</td>
<td>$50</td>
<td>$60</td>
<td></td>
</tr>
<tr>
<td>Non-Regular Hours Hour</td>
<td>$65</td>
<td>$78</td>
<td></td>
</tr>
<tr>
<td>Game Room (FA, MLK)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arts &amp; Crafts Room (FA, JK, LO)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting Room (JK, LO, MLK)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours Hour</td>
<td>$45</td>
<td>$54</td>
<td></td>
</tr>
<tr>
<td>Non-Regular Hours Hour</td>
<td>$60</td>
<td>$72</td>
<td></td>
</tr>
<tr>
<td><strong>C. Multi Room Discount</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd room Rental</td>
<td>-25%</td>
<td>-25%</td>
<td></td>
</tr>
<tr>
<td>3rd room, each additional room</td>
<td>-50%</td>
<td>-50%</td>
<td></td>
</tr>
<tr>
<td><strong>D. Gym Rentals (James Kenney, Martin Luther King)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Hours Hour</td>
<td>$62</td>
<td>$74</td>
<td></td>
</tr>
<tr>
<td>Non-Regular Hours 2 Hour</td>
<td>$146</td>
<td>$175</td>
<td></td>
</tr>
<tr>
<td><strong>E. Surcharges</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Table &amp; Chair Set-Up Rental</td>
<td>$61</td>
<td>$73</td>
<td></td>
</tr>
<tr>
<td>Kitchen Use Rental</td>
<td>$59</td>
<td>$71</td>
<td></td>
</tr>
<tr>
<td>Small Storage Locker Month</td>
<td>$20</td>
<td>$24</td>
<td></td>
</tr>
<tr>
<td>Large Storage Locker Month</td>
<td>$30</td>
<td>$36</td>
<td></td>
</tr>
<tr>
<td>Stage Use w/Room Rental</td>
<td>$25</td>
<td>$30</td>
<td></td>
</tr>
<tr>
<td>P/A system &amp; staff operation</td>
<td>$41</td>
<td>$49</td>
<td></td>
</tr>
<tr>
<td>Cleaning/Damage Deposit All Rentals (Refundable)</td>
<td>$200</td>
<td>$200</td>
<td></td>
</tr>
<tr>
<td>* Regular hours (1 hr minimum); Non-regular hours (2-hr minimum)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. City Operated Athletic Fields</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedar Rose, Codornices, Glendale-LaLoma, Grove, James Kenney, Ohlone, San Pablo, Willard, Rosa Parks, Thousand Oaks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth non-profit leagues</td>
<td>$36</td>
<td>$43</td>
<td></td>
</tr>
<tr>
<td>Adults, for-profits, private schools</td>
<td>$72</td>
<td>$86</td>
<td></td>
</tr>
<tr>
<td>Maintenance Deposit</td>
<td>40% of fee</td>
<td>40% of fee</td>
<td>40% of fee</td>
</tr>
<tr>
<td>3. ASFU Operated Athletic Fields</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A. Gabe’s Fields, Natural Turf</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth non-profit leagues</td>
<td>$23</td>
<td>$23</td>
<td></td>
</tr>
<tr>
<td>Adults, for-profits, private schools</td>
<td>$57</td>
<td>$57</td>
<td></td>
</tr>
<tr>
<td>Program Area</td>
<td>Unit of Measure</td>
<td>Resident</td>
<td>Non-Resident</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------------</td>
<td>----------</td>
<td>--------------</td>
</tr>
<tr>
<td><strong>B. Gilman Fields, Natural Turf</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth non-profit leagues</td>
<td>2-Hours</td>
<td>$25</td>
<td>$25</td>
</tr>
<tr>
<td>Adults, for-profits, private schools</td>
<td>2-Hours</td>
<td>$63</td>
<td>$63</td>
</tr>
<tr>
<td><strong>C. Gilman Fields, Synthetic Turf</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth non-profit leagues</td>
<td>2-Hours</td>
<td>$35</td>
<td>$35</td>
</tr>
<tr>
<td>Adults, for-profits, private schools</td>
<td>2-Hours</td>
<td>$79</td>
<td>$79</td>
</tr>
<tr>
<td><strong>D. User Fines (Policy Violations)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playing On Closed Grass Fields</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Offense Incident1</td>
<td></td>
<td>$250</td>
<td>$250</td>
</tr>
<tr>
<td>2nd Offense Incident2</td>
<td></td>
<td>$500</td>
<td>$500</td>
</tr>
<tr>
<td>Running practices in main goal areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Offense within 12 months</td>
<td>Incident 1</td>
<td>$50</td>
<td>$50</td>
</tr>
<tr>
<td>2nd Offense within 12 months</td>
<td>Incident 2</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>3rd Offense within 12 months</td>
<td>Incident 3</td>
<td>$200</td>
<td>$200</td>
</tr>
<tr>
<td>Dogs, Alcohol, Trash, Wheeled vehicles</td>
<td>Incident</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>Field Monitor</td>
<td>Hourly</td>
<td>$25</td>
<td>$25</td>
</tr>
</tbody>
</table>

* Weekday slots used before 3:30pm throughout the year are discounted 50%
* Weekday slots 5:30pm-7:00pm are charged as full two-hour slot
* All other slots are pro-rated in 30 minute increments

| 4. Skate Park Rental (only available AM hours) | |
| A. Morning Hours (includes 2 staff members) | Hour | $250 | $300 |
| B. Birthday Party (includes 2 staff members & lesson) | Hour | $350 | $420 |
| Cleaning/Damage Deposit (refundable) | Rental | $200 | $200 |

| 5. Tennis Courts | |
| A. Day Use (All Courts) Cedar Rose, Grove, James Kenney, Live Oak, Rose Garden, Roy Oakes, San Pablo, Strawberry Creek, Willard | |
| Adult | Hour | $7 | $8 |
| Youth, Senior, Disabled | Hour | $5 | $6 |
| B. Night Use/Lighted Courts | Cedar Rose, Grove, James Kenney, Live Oak, San Pablo, Strawberry Creek, Willard | |
| Adult | Hour | $10 | $12 |
| Youth, Senior, Disabled | Hour | $9 | $11 |

| 7. Swim Centers (1-Hour minimum) King, West Campus | |
| 1-35 people | Hour | $97 | $116 |
| 36-70 people | Hour | $141 | $169 |
| 71-100 people | Hour | $172 | $206 |
| 101-150 people | Hour | $211 | $253 |
| Cleaning/Damage Deposit (refundable) | Rental | $200 | $200 |

| 8. Picnic Areas (4 hour minimum) | |
| A. Aquatic Park | 4-Hours | $45 | $50 |
| B. Cedar Rose | 4-Hours | $30 | $36 |
| C. Codornices Park Area 1 | 4-Hours | $75 | $90 |
| D. Codornices Park Area 2 | 4-Hours | $60 | $72 |
| E. Cragmont | 4-Hours | $30 | $36 |
| F. Great Stone Face | 4-Hours | $30 | $36 |
| G. Grove | 4-Hours | $30 | $36 |
| H. James Kenney | 4-Hours | $45 | $54 |
### Recreation Fee Schedule (effective January 29, 2014)

<table>
<thead>
<tr>
<th>Program Area</th>
<th>Unit of Measure</th>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. King School</td>
<td>4-Hours</td>
<td>$30</td>
<td>$36</td>
</tr>
<tr>
<td>J. Live Oak Park (Areas 1 &amp; 2)</td>
<td>4-Hours</td>
<td>$60</td>
<td>$72</td>
</tr>
<tr>
<td>K. Ohlone Park @ McGee</td>
<td>4-Hours</td>
<td>$45</td>
<td>$54</td>
</tr>
<tr>
<td>L. San Pablo Park</td>
<td>4-Hours</td>
<td>$30</td>
<td>$36</td>
</tr>
<tr>
<td>M. Strawberry Creek</td>
<td>4-Hours</td>
<td>$30</td>
<td>$36</td>
</tr>
<tr>
<td>N. Willard</td>
<td>4-Hours</td>
<td>$30</td>
<td>$36</td>
</tr>
<tr>
<td>O. Bounce House Permit</td>
<td>Per Use</td>
<td>$20</td>
<td>$25</td>
</tr>
</tbody>
</table>

9. Parks & Open Space (not athletic fields)
Aquatic Park, Cedar Rose, Civic Center, Live Oak, James Kenney, Willard

<table>
<thead>
<tr>
<th>A. Special Events</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1-99 Participants</td>
<td>Day</td>
<td>$90</td>
<td>$90</td>
</tr>
<tr>
<td>100-249 Participants</td>
<td>Day</td>
<td>$135</td>
<td>$135</td>
</tr>
<tr>
<td>250-499 Participants</td>
<td>Day</td>
<td>$175</td>
<td>$175</td>
</tr>
<tr>
<td>500+ Participants</td>
<td>Day</td>
<td>$275</td>
<td>$275</td>
</tr>
<tr>
<td>Cleaning/Damage Deposit (refundable)</td>
<td>Day</td>
<td>$350</td>
<td>$350</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. John Hinkel Amphitheater</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleaning/Damage Deposit (refundable)</td>
<td>Day</td>
<td>$116</td>
<td>$139</td>
</tr>
</tbody>
</table>

10. Weddings (4 hour minimum)

<table>
<thead>
<tr>
<th>A. Rose Garden</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4-Hours</td>
<td>$615</td>
<td>$738</td>
<td></td>
</tr>
<tr>
<td>Each Additional Hour (after 4 hours)</td>
<td>Hour</td>
<td>$102</td>
<td>$122</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Cragmont &amp; Live Oak Park (outside areas)</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4-Hours</td>
<td>$352</td>
<td>$422</td>
<td></td>
</tr>
<tr>
<td>Each Additional Hour (after 4 hours)</td>
<td>Hour</td>
<td>$56</td>
<td>$68</td>
</tr>
</tbody>
</table>

| Cleaning/Damage Deposit (refundable)              | Rental | $350     | $350         |

II. SWIM CENTER FEES

1. Admissions (Public & Family Swim, Laps)

<table>
<thead>
<tr>
<th>Adult (Drop-in)</th>
<th>Swim</th>
<th>$6</th>
<th>$6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult (10-Swim Card)</td>
<td>10-Swims</td>
<td>$51</td>
<td>$51</td>
</tr>
<tr>
<td>Adult (Monthly)</td>
<td>Month</td>
<td>$73</td>
<td>$73</td>
</tr>
<tr>
<td>Youth, Senior, Disabled (Drop-In)</td>
<td>Swim</td>
<td>$3</td>
<td>$3</td>
</tr>
<tr>
<td>Youth Senior Disabled (10-Swim Card)</td>
<td>10-Swims</td>
<td>$22</td>
<td>$22</td>
</tr>
<tr>
<td>Youth Senior Disabled (Monthly Card)</td>
<td>Month</td>
<td>$37</td>
<td>$37</td>
</tr>
</tbody>
</table>

2. Red Cross Swim Sessions

<table>
<thead>
<tr>
<th>Adult</th>
<th>Session</th>
<th>$75</th>
<th>$90</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth, Senior, Disabled</td>
<td>Session</td>
<td>$72</td>
<td>$84</td>
</tr>
<tr>
<td>Organized Youth Groups (Residents only)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10-15 participants</td>
<td>Session</td>
<td>$65</td>
<td>n/a</td>
</tr>
<tr>
<td>16-21 participants</td>
<td>Session</td>
<td>$62</td>
<td>n/a</td>
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<tr>
<td>22-32 participants</td>
<td>Session</td>
<td>$54</td>
<td>n/a</td>
</tr>
<tr>
<td>33-43 participants</td>
<td>Session</td>
<td>$48</td>
<td>n/a</td>
</tr>
<tr>
<td>44-54 participants</td>
<td>Session</td>
<td>$39</td>
<td>n/a</td>
</tr>
<tr>
<td>55+ participants</td>
<td>Session</td>
<td>$37</td>
<td>n/a</td>
</tr>
</tbody>
</table>
### Recreation Fee Schedule (effective January 29, 2014)

<table>
<thead>
<tr>
<th>Program Area</th>
<th>Unit of Measure</th>
<th>Resident</th>
<th>Non- Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Premium Classes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continuous &amp; Coached Workouts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(water aerobics, parent/tot, stroke technique, Master Swim)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult (Drop-in) Swim</td>
<td>$7</td>
<td>$7</td>
<td></td>
</tr>
<tr>
<td>Adult (10-Swim Card) 10-Swims</td>
<td>$66</td>
<td>$66</td>
<td></td>
</tr>
<tr>
<td>Adult (Monthly) Month</td>
<td>$82</td>
<td>$82</td>
<td></td>
</tr>
<tr>
<td>Youth, Senior, Disabled (Drop-In) Swim</td>
<td>$5</td>
<td>$5</td>
<td></td>
</tr>
<tr>
<td>Youth Senior Disabled (10-Swim Card)</td>
<td>$40</td>
<td>$40</td>
<td></td>
</tr>
<tr>
<td>Youth Senior Disabled (Monthly Card)</td>
<td>$57</td>
<td>$57</td>
<td></td>
</tr>
<tr>
<td><strong>4. Special Swim Classes (1/2 hour session)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Lessons Session</td>
<td>$30</td>
<td>$36</td>
<td></td>
</tr>
<tr>
<td>Semi-Private Lesson (2 or more) Session</td>
<td>$50</td>
<td>$60</td>
<td></td>
</tr>
<tr>
<td><strong>III. RECREATION PROGRAMS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>1. Sports</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A. Adult Softball</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 games Team</td>
<td>$755</td>
<td>$831</td>
<td></td>
</tr>
<tr>
<td>8 games Team</td>
<td>$604</td>
<td>$679</td>
<td></td>
</tr>
<tr>
<td>4 games Team</td>
<td>$302</td>
<td>$362</td>
<td></td>
</tr>
<tr>
<td><strong>B. Adult Basketball</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 games Team</td>
<td>$651</td>
<td>$726</td>
<td></td>
</tr>
<tr>
<td>8 games Team</td>
<td>$519</td>
<td>$594</td>
<td></td>
</tr>
<tr>
<td><strong>C. Open Gym Volleyball</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 games Team</td>
<td>$389</td>
<td>$467</td>
<td></td>
</tr>
<tr>
<td><strong>D. Youth Baseball</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instructional &amp; Pee Wee Session</td>
<td>$44</td>
<td>$53</td>
<td></td>
</tr>
<tr>
<td>Jr. Bantam &amp; Sr. Bantam Session</td>
<td>$51</td>
<td>$61</td>
<td></td>
</tr>
<tr>
<td><strong>E. Youth Basketball</strong></td>
<td></td>
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<td>Team Session</td>
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<td>Individual Session</td>
<td>$27</td>
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<td><strong>H. Tennis Lessons</strong></td>
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<td>Adult Session</td>
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<td>Youth Session</td>
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<tr>
<td><strong>I. Skate Park Lessons &amp; Classes</strong></td>
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<td>1/2 Day Camp Session</td>
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<td>Trick Clinic Session</td>
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<td>Private Lessons Hour</td>
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<td>Group Lessons Session</td>
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Recreation Fee Schedule (effective January 29, 2014)

<table>
<thead>
<tr>
<th>Program Area</th>
<th>Unit of Measure</th>
<th>Resident</th>
<th>Non-Resident</th>
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<tr>
<td><strong>2. Programs at Centers</strong></td>
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<tr>
<td><strong>A. After School Program</strong></td>
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<td>Supply Fee (Francis Albrier, James Kenney)</td>
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<td>Willard Program</td>
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<tr>
<td><strong>B. Fun Camp Program</strong> (Winter, Spring, Summer)</td>
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<tr>
<td>Core</td>
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<tr>
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<td>PM Extended Care</td>
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<td>Swimming Lessons</td>
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<tr>
<td><strong>C. Open Gym Volleyball</strong></td>
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</tr>
<tr>
<td></td>
<td>Per Person</td>
<td>$2</td>
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<tr>
<td><strong>3. Camp Programs</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>A. Day Camp</strong></td>
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<tr>
<td>Youth Core Program</td>
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<td>PM Extended Care</td>
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<td>Counselor-In-Training</td>
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<td><strong>Surcharges</strong></td>
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<tr>
<td>Changed Reservation</td>
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<tr>
<td>Cancelled Reservation</td>
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<tr>
<td><strong>B. Echo Lake Youth Camp</strong></td>
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<td>Youth Camp</td>
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<td>Core Program</td>
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<td>Adult (15+)</td>
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<td>Youth (7-14)</td>
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<td>Child (3-6)</td>
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<td><strong>4. Marina Programs</strong></td>
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<td><strong>A. Adventure Playground</strong></td>
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<td>Group size 5-10</td>
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<td>Group size 11-20</td>
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<td>Group size 21-30</td>
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<td>Group size 31-40</td>
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<td>Group size 41-50</td>
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### Recreation Fee Schedule (effective January 29, 2014)

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<thead>
<tr>
<th>Program Area</th>
<th>Unit of Measure</th>
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<th>Non-Resident</th>
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<tr>
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<td>Animal</td>
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<td>Low Tide</td>
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<td>Research Boat Trip</td>
<td>Session</td>
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<td>Sail Boat Trip</td>
<td>Session</td>
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<td>Docent Training</td>
<td>Session</td>
<td>$62</td>
<td>$62</td>
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<tr>
<td>Special Program Request</td>
<td>Session</td>
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<tr>
<td>Marine Biology</td>
<td>4 Day</td>
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<tr>
<td>Marine Biology</td>
<td>8 Day</td>
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<td>$145</td>
</tr>
<tr>
<td>Boating</td>
<td>4 Day</td>
<td>$145</td>
<td>$145</td>
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<tr>
<td>Canoeing</td>
<td>3 Day</td>
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<tr>
<td>Waterskiing</td>
<td>2 Day</td>
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<tr>
<td>Aquatic Park</td>
<td>4 hr</td>
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RESOLUTION NO. ##,###-N.S.

POLICIES AND PROCEDURES FOR PARKS & RECREATION PROGRAMS AND FACILITIES, AND RESCINDING RESOLUTION NO. 65,720-N.S.

WHEREAS, on May 15, 2012, Council adopted policies for parks and recreation programs and facilities (Resolution No. 65,720-N.S.); and

WHEREAS, the policies and procedures have been revised to include sports fields.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the policies and procedures for Parks & Recreation programs and facilities are revised as set forth in Exhibit A and shall be effective January 29, 2014.

BE IT FURTHER RESOLVED that Resolution No. 65,720-N.S. is hereby rescinded effective January 29, 2014.

Exhibit
A: Policies and Procedures for Parks and Recreation Programs and Facilities
TABLE OF CONTENTS

I. CLASSIFICATION AND DEFINITION OF USER GROUPS 2
II. ELIGIBILITY REQUIREMENTS 3
III. ECHO LAKE CAMP 3
IV. LOW INCOME FEE SUPPORT/SCHOLARSHIPS 5
V. FEE WAIVERS 6
VI. REFUNDS 7
VII. IMPLEMENTATION OF NEW FEES 8
I. CLASSIFICATION AND DEFINITION OF USER GROUPS

The following classifications and definitions are established for the purpose of determining recreation facility priority use and rental charges (exception: Athletic Fields).

User Groups may be required to provide insurance, (as a condition of facility use) as determined by the City of Berkeley Risk Manager.

A. City of Berkeley: Any department of the City of Berkeley using the facility for recreational or educational purposes.

B. Public Agencies: Agencies, such as Berkeley Unified School District, State of California, County, or University of California, providing a service to the City of Berkeley. (For example, the University providing tutoring to City recreation program participants.)

C. Resident Groups Serving Berkeley Residents With Disabilities: Per subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S. C. 12131), the term “disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
2. A record of such impairment; or
3. Being regarded as having such impairment.

D. Resident Youth Groups: Any organized non-profit resident youth group that meets the following criteria:

1. A majority of the members are 17 years of age or under;
2. There are adult leaders, advisors and/or chaperones that are present during events at COB facilities;
3. The group has documentation of non-profit status and adheres to all applicable rules and laws for non-profits including established meeting schedule, board of directors, and by-laws;
4. The group/non-profit organization does not discriminate on the basis of race, color, religion, ancestry, national origin, age, sex, sexual orientation, marital status, political affiliation, veterans’ status, disabilities (physical and mental), and medical condition (including cancer and HIV status);
5. The group’s activities are recreational and/or educational in nature;
6. At least 50% of the membership are residents of the City of Berkeley.

E. Resident Senior Citizen Groups: Any organized adult group meeting the requirements listed under Resident Youth Groups in Section D. above, except for numbers D.1. and D.2., and at least 75% of the membership is comprised of persons 65 years of age or older.
F. **Residents**: Persons who can prove Berkeley residency as noted below in Section II. A. and whose event/rental is not open to the public. (For example, wedding receptions or parties.) Liability and/or other insurance may be required as determined by the City’s Risk Manager. Resident must be at least 21 years old to rent facility.

G. **Non-Resident**: Persons residing outside of Berkeley. Non-resident must be at least 21 years old to rent facility.

**Non-resident Fees**
- Rental Fees for facilities, fields, and picnic areas are Resident Rate + 20% of Resident Rate
- Program Fees for swim lessons, youth sports, tennis lessons, Skate Camp/Lessons, Recreation Center Afterschool Programs and Day Camp and Summer Fun Camps are Resident Rate + 20% of Resident Rate
- Adult Sports Team Fees are Resident Rate + 20% of Resident Rate ($75 cap per team per season)
- Echo Lake Camp are Resident Rate + 10% of Resident Fees

II. **ELIGIBILITY REQUIREMENTS**

A. **Residency**: Proof of residency is required to receive the resident rate. A recent utility bill (within the past two months) is required for verification. Youth attending Berkeley Public Schools are eligible for the resident rate with current school photo identification card, and/or letter from school.

B. **Age**: New program participants may be required to provide proof of age at the time of registration to receive a youth discount. A copy of birth or baptismal certificate is acceptable proof.

III. **ECHO LAKE CAMP**

A. **Fee Classifications** (note: ages at arrival to camp)

1. Adult (ages 15+)*
2. Youth (ages 7-14)*
3. Child (ages 3-6)*
4. Infants (under 3)* stay free of charge.

B. **Calculating Rates**

1. **Echo Lake Camp**

   Rates for one full day include programs, breakfast, lunch, dinner, and overnight lodging. Stay is calculated from the first meal after arrival to the last meal before departure.
Policies and Procedures for Parks and Recreation Programs  
(effective January 29, 2014)

2. Special Discounted Programs for Echo Lake  
The Department Director or designee may establish a discount during low- 
attendance periods or during times when no formal camp is in session as a 
method to increase camp use. A discount of up to 40% may be given provided 
there is a clear benefit to the City of Berkeley and/or the City’s Camp Fund.

3. Off Season Use  
Off-season rates are applied when there is no program occurring at the Camp. 
(Off-season individuals or groups may use the campgrounds, tents, cots with 
mattresses, and facilities, including food service, after payment of applicable 
fee.)

C. Reservations  
1. A reservation will be cancelled if the balance is not paid by May 1, or the 
following business day, should May 1 be a non-business day.

2. Any change that results in a reduction in a reservation must be requested at 
least 30 days or more prior to camp arrival date.

3. A maximum of two cabins can be reserved under a single name. An 
accommodation may be made for large group reservations.

D. Camps Service Charges

1. Changing Reservation: All changes must be made in writing at least 30 days 
prior to arrival date. No charges will be incurred for adding people, dates, or 
meals to an existing reservation. Changes resulting in a reduction of the 
reservation will result in a service charge according to the prevailing fee 
schedule. Additions may be made less than 30 days in advance as space 
allows.

2. Camp Closure Due to Emergency or Illness: In the event of an emergency or 
ilness which leads to closure of camp, the Department Director, or designee 
may waive any unused portion of the reservation fee.

3. Cancel Reservation: A fee will be incurred for cancellations. Payments will be 
forfeited if cancellation is less than 30 days in advance of arrival date. See 
Refunds Policy. (Section VI)

E. Group Rentals -- Camps

1. Exclusive use of Echo Lake Camp requires a minimum of 60 people. 
Groups of less than 60 people may rent space at the camp, but use will not 
be exclusive.

2. Certificate of Insurance showing evidence of liability insurance in limits of 
not less than $1,000,000, and naming the City of Berkeley as an additional 
insured, is required for exclusive use group rentals only.
3. Groups Rentals are required to pay a 10% non-refundable deposit upon submission of the rental agreement to the City.
4. Group Rentals are required to pay an additional 20% non-refundable deposit at least 30 days prior to camp arrival date.
5. Group Rentals are required to pay the remaining balance due upon arrival at camp.
6. Group Rentals do not include access to the kitchen for meal preparation.
7. Groups must provide one dedicated medical staff at the user group’s expense.
8. Groups must provide lifeguards, at the user group’s expense. The number of lifeguards is based on the number of participants as determined by the Camp Manager.
9. A $300 cleaning deposit is required. Deposit will be returned if the camp has been left in the same condition as before the rental, as determined by the Camp Manager.

IV. LOW INCOME FEE SUPPORT / SCHOLARSHIPS

Low-income fee support / scholarships are available to Berkeley residents who meet Federal Low Income Guidelines. Individuals or groups who are eligible for low income fee support must provide proof of Berkeley residency (except for Marina programs, where there is no residency requirement) and proof that gross household income meets Federal Low Income Guidelines. The Department Director, or his/her designee, can approve low income fee support for the following programs:

A. Citywide Fun Camps (Exception: One Day Camps), Swim Lessons, Youth Tennis Lessons, Youth Baseball, Skate Park ½ Day Camp and Skate Park Group Lessons: A 50% discount from the standard/core fee for each child registered will be allowed. Participants must re-apply to receive unlimited discounts for each program, if not in the same time period.

B. Camp Programs (Day Camp, Echo Lake)

1. Youth: Fees will be reduced by 50% for a limited number of participants, as determined by the Director of Parks Recreation and Waterfront, or his/her designee. Participant is allowed a discount for one session of Day Camp and one session of Echo Lake Youth Camp annually.

2. Families: Fees will be reduced by 50% for a limited number of participants, as determined by the Director of Parks, Recreation and Waterfront, or his/her designee. Families are allowed one discount for one (weekend or 5-day) session of Echo Lake Camp annually.

C. The Marina Programs do not require Berkeley residency, however, individuals or groups requesting low income fee support for these programs are required to show proof that gross household income meets Federal Low Income Guidelines:
Policies and Procedures for Parks and Recreation Programs  
(effective January 29, 2014)

1. **Marine Biology and Boating Classes:** A 50% discount from the standard/core fee. Eligible program participants will receive one discount per class per year.

2. **Docent Training Programs:** A 50% discount from the standard/core fee. Eligible program participants will receive one discount per class per year.

3. **Classroom Field Trips to the Nature Center or Adventure Playground:** A 50% discount from the standard/core fee will be allowed for qualifying classrooms. To qualify, teachers must first send a letter with proof that a minimum of 50% of the class(s) qualify for the school’s free lunch program. Letter must be directed to:

   Recreation & Youth Services Manager  
   Recreation Division  
   1947 Center Street, 1st Floor,  
   Berkeley, CA. 94704

V. **FEE WAIVERS**

   A. **Youth:** In a limited number of cases, fees may be waived altogether for youth who would otherwise not be able to participate in the program due to extreme financial, familial or other hardship. The Director of Parks Recreation and Waterfront, or his/her designee will evaluate requests for waivers. Recipients of waivers are required to demonstrate proof of Berkeley residency and that gross household income meets Federal Low Income Guidelines.

   B. **Camp Service Providers:** Nurses and Independent Contractors are paid for their services and may receive a waiver of all camp fees while they are providing this service. One additional adult or two children under the age of fifteen, accompanying the camp service provider, may receive a waiver of all camp fees. Up to three additional family members, accompanying the camp service provider, may receive a waiver up to 80%, provided they use one tent cabin.

   C. **Artists-in-Residence:** Artists-in-Residence are volunteers and are not paid for their services. They may receive a waiver of all camp fees while they are providing this service. One additional adult or two children under the age of fifteen, accompanying the artist-in-residence, may also receive a waiver. Up to three additional family members may receive a waiver up to 80%, provided they use one tent cabin.

   D. **Camp Volunteers:** Volunteers may receive a fee waiver of all camp fees if all of the following applies: 1) must be a previous City of Berkeley or Tuolumne or Echo Lake Camp employee, or have a skilled service that is deemed a necessity by the Parks Recreation & Waterfront Director; 2) must be over 18;
Policies and Procedures for Parks and Recreation Programs
(effective January 29, 2014)

and 3) no guests of volunteers are allowed during organized volunteer/work weekends.

VI. REFUNDS

All requests for refunds must be directed to the Recreation & Youth Services Manager, Recreation Division, 1947 Center Street, First Floor, Berkeley, CA 94704. The original receipt must be submitted with a written request for a refund. The request must state the reason for the refund, and the date, time and location of the program, and the amount requested. The Recreation and Youth Services Manager will render a decision to either: 1) refund the fee; 2) pro rate the fee; 3) apply the fees to another session or program (not applicable to sports field permits); or 4) deny the request.

A. Recreation and Marina Programs & Services: No refunds or credit will be granted without 7 days notice prior to start of class or date of reservation. The City will deduct 25% of the amount paid from the Refund to cover administrative expenses or will add a minimum $10.00 service charge.

B. Camp Programs: No refunds will be provided if cancellation is made less than 30 days before camp arrival date. A refund will be provided if the entire reservation is cancelled not less than 30 calendar days prior to arrival date, less a 25% administration fee not to exceed $150.

C. Emergency, Illness and/or Bereavement Refund Request: The Department Director, or designee, may refund the reservation fee on a prorated basis in the event of an emergency, illness or bereavement of an immediate family member occurring after registering for a program. A written request must be submitted no later than 30 days after the date of the event, and must include the reason a refund is being requested and a copy of a written doctor’s verification for medical reasons, or a copy of the obituary or memorial service program for bereavement reasons.

D. Picnic Site and Adventure Playground Reservations: No refunds or credit will be granted without 7 days notice prior to date of reservation, except for rainouts. The City will deduct 25% of the amount paid from the refund to cover administrative expenses or will add a minimum $10.00 service charge. In the event of a rainout on the date of reservation, customer may request to change the reservation to a later date, subject to availability. If no other date is available or desirable, customer may request to apply the fees toward another Recreation program or request a refund. Requests must be made in writing no later than 72 hours after the date of reservation. The Recreation and Youth Services Manager will render a decision to either: 1) refund the fee; 2) apply the fees to another program; or 3) deny the request.

E. Sports Field Permits: A refund may be requested for any time that a City field is not used due to circumstances beyond the control of the permit holder (e.g.,
weather). To request a refund, a letter must be sent to the City’s Recreation Division Manager for approval at their discretion. The letter must contain the following items: the dates and times and amounts requested, along with a copy of the permit and the City-issued payment receipt number. Refunds for full-season permits shall be issued for field closures that happen on the third or more closure that occurs in subsequent and separate weeks (e.g., the third Monday out of three rained out Mondays would be refunded), and are processed at the end of each season. Refunds for spot bookings are refunded in the full amount upon request and are processed throughout the season.

VII. IMPLEMENTATION OF NEW FEES

The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs up to $250 based on comparison with other municipalities.
### Athletic Field Rate Comparisons: Bay Area
*(A proposed 10% Increase at Gilman Fields)*

#### GRASS - YOUTH - No Lights Rate/Hr

<table>
<thead>
<tr>
<th>Location</th>
<th>Rate/Hr</th>
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<tbody>
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<td>San Francisco</td>
<td>$27</td>
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<tr>
<td>Emeryville</td>
<td>$20</td>
</tr>
<tr>
<td>Berkeley - City fields - current</td>
<td>$18.00</td>
</tr>
<tr>
<td>Berkeley - Gilman @ 10%</td>
<td>$12.65</td>
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<tr>
<td>Albany</td>
<td>$11.5</td>
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<tr>
<td>Berkeley - Gilman - current</td>
<td>$11.50</td>
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<tr>
<td>Fremont</td>
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<tr>
<td>Richmond</td>
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<td>Union City</td>
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<td>Hayward</td>
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<tr>
<td>Oakland (+ $5 per Youth per season)</td>
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#### GRASS - YOUTH - w / LIGHTS Rate/hr

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<tr>
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<tr>
<td>Berkeley - Gilman @ 10%</td>
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#### GRASS - ADULT - No Lights Rate/Hr

<table>
<thead>
<tr>
<th>Location</th>
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<tbody>
<tr>
<td>Berkeley - Gilman @ 10%</td>
<td>$31.35</td>
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<tr>
<td>Berkeley - City fields - current</td>
<td>$36.00</td>
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<tr>
<td>Berkeley - Gilman - current</td>
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</tr>
<tr>
<td>San Francisco</td>
<td>$27</td>
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<td>Oakland</td>
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<td>Union City</td>
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</tr>
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<td>Hayward</td>
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<td>Fremont</td>
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#### GRASS - ADULTS - w / LIGHTS Rate/hr

<table>
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<td>$38</td>
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<td>Berkeley - Gilman @ 10%</td>
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</tr>
<tr>
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<td>$17</td>
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#### SYNTHETIC FIELDS YOUTH - No Lights Rate/Hr

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</tr>
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<td>$20</td>
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<tr>
<td>Berkeley - Gilman @ 10%</td>
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#### SYNTHETIC FIELDS YOUTH - w / LIGHTS Rate/hr

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<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Oakland (+ $5 per Youth per season)</td>
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<td>Fremont</td>
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<td>Richmond</td>
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<tr>
<td>Berkeley - Gilman @ 10%</td>
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<td>Berkeley - Gilman - current</td>
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<tr>
<td>Hayward</td>
<td>$15</td>
</tr>
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#### SYNTHETIC FIELDS ADULT - No Lights Rate/Hr

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<thead>
<tr>
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</thead>
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<tr>
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<td>Union City</td>
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#### SYNTHETIC FIELDS ADULT - w / LIGHTS Rate/hr

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<td>Richmond</td>
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<tr>
<td>Berkeley - Gilman @ 10%</td>
<td>$39.60</td>
</tr>
<tr>
<td>Berkeley - Gilman - current</td>
<td>$36.00</td>
</tr>
</tbody>
</table>
INCREASE FEES FOR PARKS AND RECREATION PROGRAMS AND FACILITIES

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, JANUARY 28, 2014 at 7:00 PM**, a public hearing will be conducted to consider the Department of Parks Recreation & Waterfront’s proposal to increase fees for field user permits at the Gilman Fields Sports Complex by 10%, effective January 29, 2014, as follows:

<table>
<thead>
<tr>
<th>Gilman Field Type</th>
<th>Current Fee per slot</th>
<th>Proposed Fee per slot (10% increase)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth – Grass Field</td>
<td>$23</td>
<td>$25</td>
</tr>
<tr>
<td>Youth – Artificial Field</td>
<td>$32</td>
<td>$35</td>
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<tr>
<td>Adult – Grass Field</td>
<td>$57</td>
<td>$63</td>
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<tr>
<td>Adult – Artificial Field</td>
<td>$72</td>
<td>$79</td>
</tr>
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</table>

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of January 16, 2014.

For further information regarding this fee increase, please contact Denise Brown, Recreation and Youth Services Manager, Recreation Division, Parks Recreation & Waterfront Department at 981-6707.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, will become part of the public record. 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 City Clerk. 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 City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk.
Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** January 17 and January 24, 2014 – The Berkeley Voice

*Per Government Code 6062A*

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on January 16, 2014.

Mark Numainville, CMC, City Clerk
To: Honorable Mayor and Members of the City Council
From: Christine Daniel, City Manager
Submitted by: Eric Angstadt, Director, Planning and Development
Subject: Berkeley Civic Center District Zoning Overlay

RECOMMENDATION
Provide feedback to staff on the Applicability, Purposes and Uses sections of the working draft overlay ordinance described in this report, so that staff can return with an ordinance for the Council to consider.

FISCAL IMPACTS OF RECOMMENDATION
Unknown; depends on final overlay ordinance provisions. Implementing the proposed zoning overlay would not have any fiscal impacts to the City.

CURRENT SITUATION AND ITS EFFECTS

Project Description -
The Council referral (Attachment #1) requested that the Commission consider ways to preserve and enhance the civic uses within the Civic Center Historic Overlay area.

Attachment #2, a portion of the City Zoning Map, identifies all parcels to be affected by the overlay. A working draft overlay ordinance (Attachment #3) is written to include the Applicability, Purposes and Uses sections of a typical zoning ordinance; it does not include Development Standards or any other zoning ordinance sections. This ordinance is written to be a “stand alone” section of the zoning ordinance, and would be added to the City of Berkeley Zoning Ordinance, Title 23.

Several of the properties within the proposed overlay have differing zoning district designations including Restricted Two-Family Residential District (R-2), Multi-Family Residential District (R-3) and Downtown Mixed-Use Commercial District (C-DMU). These districts have varying Use lists and Development Standards. As discussed by the Commission, the overlay district is intended to allow a common list of uses for all properties, regardless of underlying zoning. As drafted, the ordinance would not affect the development standards or other special regulations which may be present in a particular district (R-2, R-3, C-DMU).

The included working draft ordinance is a guide for this discussion.
It has the Applicability and Purposes sections as recommended by the Commission. In addition, it has three categories of uses including: Uses common to the R-2, R-3 and C-DMU; Uses identified during the public meeting process (by the public and Commission); and a broad definition of a ‘Civic Use’. This working draft ordinance offers the Council a range of possible uses from which to choose. It is not intended to be a finished draft ordinance and would require additional City Council direction, staff time, and a new Public Hearing notice.

Environmental Review -
CEQA is used to evaluate physical impacts resulting from the change in the use and activity (traffic, use, etc.) on the identified site. The proposed overlay includes several different scenarios, so staff is unable to make a final CEQA decision at this time. These scenarios include:

- Direct staff to return with an ordinance, which includes all or part of the list of uses already available to the overlay because they are included, commonly, in the R-2, R-3 and C-DMU (see Attachment #3). It can be argued that no change would result from using the common list of uses, so the project could be considered exempt from CEQA review.
- Direct staff to return with an ordinance including uses which are not shared among the three zoning districts. These uses are in Attachment #3 as well as in the Commission Consideration section of the staff report. The CEQA review would expand depending on the range of the uses and their potential impacts. The review could be a focused EIR or Mitigated Negative Declaration.

Planning Commission Consideration -
The Commission discussed the overlay on September 4, 2013. In addition, they held a two meeting Public Hearing on October 2, 2013 and November 6, 2013.

The Commission considered a wide variety of information including:
- Numerous letters and statements from the public
- Staff reports and proposed ordinance language
- A draft ordinance provided by Councilmember Arreguin
- Ordinances, use lists and other language compiled from several other jurisdictions

These materials are available as attachments to this staff report and are separated both by category (Staff Reports, Final Minutes, and Communications) and by date. Staff Reports include the entirety of the Planning Commission staff report, and any attachments provided. Attachments 4 and 5 are the staff report and minutes for the 9-4-13 PC meeting, respectively; attachments 6 and 7 are the staff report and minutes for the 10-2-13 PC meeting, and attachments 8 and 9 are the staff report and minutes for the 11-6-13 PC meeting. Communications include Late Communications on the Civic Center overlay item and are all grouped in Attachment 10 regardless of date.

The working document and ordinance for Commission consideration are divided into three sections, to follow the outline of a Zoning Ordinance chapter:
• **Applicability** identifies the area to which the overlay would apply; a list of the parcels underlying the buildings identified in the Civic Center Historic Overlay.

• **Purposes** provides the policy guidance for implementing the ordinance regulations and links back to the General Plan.

• **Uses** controls what uses would be allowed within the overlay and at what level of discretion (ZC, AUP, UP).

Applicability - The Commission discussed whether the existing list of properties in the overlay district should be increased or reduced in number. All buildings surrounding the City Hall and park were discussed, as were the park and public rights of way. The Commission concluded that the parcels and properties currently in the Civic Center Historic Overlay should remain the same for the proposed Civic Center District Zoning Overlay.

Purposes – The Purposes Section was provided in two different formats: an alpha order list of purpose statements in the pattern of existing Berkeley ordinances, and in paragraph form as suggested by Councilmember Arreguin and used in other jurisdictions. The Commission concluded that the alpha order Purposes, as edited, are appropriate for the proposed Civic Center District Zoning Overlay.

Uses – The Uses list available in the working draft ordinance (Attachment #3) as well as provided below covers all uses discussed during the Commission consideration. The list is compiled from uses of interest, those already allowed and uses from the materials presented from other jurisdictions. The Commission considered both a list of uses, and the option of creating a ‘Civic Use’ overarching description (also represented in the use list). The Commission did not come to a conclusion on the appropriate list of uses, but did provide a “straw poll” vote for each use, shown in Attachment 9. A complete discussion of the Uses list is available in the November 6, 2013 Commission report. It details the various uses below and has a discussion of “Civic Use” as a stand-alone option.

<table>
<thead>
<tr>
<th>Use and Required Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>-------------------------------</td>
</tr>
<tr>
<td><strong>Uses Common to the R-2, R-3, and C-DMU</strong></td>
</tr>
<tr>
<td>Any telecommunications facility besides microcell</td>
</tr>
<tr>
<td>Child Care Centers</td>
</tr>
<tr>
<td>Clubs, Lodges</td>
</tr>
<tr>
<td>Columbarium</td>
</tr>
<tr>
<td>Community Centers</td>
</tr>
<tr>
<td>Use</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dwelling Units (Single family, Duplex, or Multi-family)</td>
</tr>
<tr>
<td>Libraries</td>
</tr>
<tr>
<td>Microcell Facilities</td>
</tr>
<tr>
<td>Surface Parking Lot with less than 8 spaces</td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
</tr>
<tr>
<td>Religious Assembly</td>
</tr>
<tr>
<td>Schools, Public or Private</td>
</tr>
</tbody>
</table>

**Uses to be Considered for Inclusion in the ordinance, identified during the public process**

- Other Professionals and Government, Institutions, Utilities
- Schools, Public Only
  - PC Note: Consider allowing only public and not private schools
- YMCA
- Marketplace
- Affordable housing
- Group Class Instruction for Business, Vocational or Other Purposes *(from referral)*
- Gyms and Health Clubs *(from referral)*
- Dance, Exercise, Martial Arts and Music Studios *(from referral)*
- Theaters, including Motion Pictures and Stage Performance *(from referral)*
- Entertainment Establishments – “Live Entertainment” *(from referral)*
- Museums
- Publicly owned / nonprofit art galleries

**Civic Use: separate use category**

Uses which help facilitate community well-being and cohesion, support and invest in the existing Civic Center area, and may fiscally support preservation of existing structures. Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
Commission Actions –
The Commission passed the following motions, which are taken from the 11/6/13 minutes (Attachment #9).

Motion/Second/Carried (DL/GP) to affirm the strong guiding role of General Plan Policy LU-22 in the Commission deliberations and all of the motions and decisions that were made during the course of this meeting.

Friendly Amendment (TC), accepted by DL to include the language of GP LU-22 in the 23#.##.020 Purposes section of the draft ordinance.


Motion/Second/Carried (GP/SM) to direct staff to amend the Applicability section of the draft ordinance to use the parcel numbers of the existing Civic Center Historic District Overlay rather than a list of buildings. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy. Noes: None. Abstain: None.

Motion/Second/Carried (TC/TD) to use the Alpha List style for Section 23#.##.020 Purposes, with GP LU-22 added as an introductory paragraph followed by the list of purposes A through H. Ayes: Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy. Noes: Gene Poschman. Abstain: Harry Pollack.

Motion/Second/Carried (GP/TD) to direct staff to forward to the Council all material considered as part of the Public Hearing process, as modified by the motions and votes of the Commission, in the interest of expediting the process of creating an overlay ordinance to the Civic Center Historic District: Including a draft ordinance as refined by the Commission. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy. Noes: None. Abstain: None.

Motion/Second/Carried (GP/TC) to close the Civic Center Historic District Overlay public hearing. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy, Harry Pollack. Noes: None. Abstain: None.

Motion/Second/Carried (HP/TC) to urge City Council to explore the possibility of acquiring the Post Office property. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy, Harry Pollack. Noes: None. Abstain: None.

In addition, the Commission took “straw polls” on each of the uses listed in the working draft ordinance, expressing to the Council what the Commissioners thought of each use. The Commission made it clear that the votes were non-binding and did not signify
whether to include or exclude any of the uses from the working draft ordinance. The votes can be found in the 11/6/13 minutes (Attachment #9).

**Council Options –**
The Planning Commission considered and forwarded without specific recommendation a wide range of material as described above and referenced in the 9/4/13, 10/2/13, and 11/6/13 Planning Commission reports. Out of that information, staff identifies two decision pathways for the Council:

1. Direct staff to draft an ordinance which includes some or all of the common uses to the R-2, R-3 and C-DMU, and would apply to the Civic Center Zoning Overlay described in the Applicability section of the draft ordinance. Suggest any necessary edits to the Purposes section. Staff would return with a draft ordinance (including Applicability, Purposes and Uses) and CEQA finding, for Council consideration.

2. Evaluate the wide range of uses discussed by the Commission and listed in the working draft ordinance (Attachment 3). Direct staff to return an ordinance including any of the uses on the list discussed/considered. Add properties to the zoning overlay district if desired. The ordinance would include the Applicability, Purposes and Uses sections. An appropriate level of CEQA review would accompany the draft ordinance.

Option 1 offers the most direct path to adoption of an Overlay because the existing list of uses common to the R-2, R-3 and C-DMU, covering the existing set of properties, can be adopted without further CEQA review. This is because the currently allowed set of uses has already been vetted through the public hearing process and prior CEQA review. However, this option would not include a robust set of “civic uses”, since the common list of uses includes uses which may not be considered ‘civic’ in nature and excludes several ostensibly ‘civic’ uses. Staff could return with a finding of Exemption from CEQA based on pre-existing conditions and no foreseeable change resulting from adoption of the overlay.

Option 2 offers the Council the opportunity to mold the list of uses to incorporate the full range of “civic uses” they may want to see allowed in the Overlay. In addition, the Council could modify the Applicability list by adding or deleting properties. However, this option will require additional CEQA evaluation and a review of the proposed uses to be certain that they are either defined in the Planning Code, or creating new definitions for consideration. Option 2 will require additional staff time and a new Public Hearing notification describing the proposed ordinance.

The Commission did not make a recommendation on either of these options, but did provide a set of “straw votes” for each use in the list of Uses. The Applicability and Purposes sections can remain constant, following the Commission recommendation, unless the Council identifies changes to those sections.
BACKGROUND
On July 16, 2013, the City Council referred to the Planning Commission a proposal to create an overlay district that would encompass the existing Civic Center Historic District and constrain the range of uses allowed within to those defined as ‘civic’. During the subsequent three Planning Commission meetings, over a hundred citizens showed up and expressed their firm support for such an overlay. Several speakers dissented due to their belief that the overlay would needlessly constrain allowable uses within the historic buildings and could possibly lead to vacant or underutilized spaces when such buildings are vacated by their original tenants.

Over the course of the three meetings, several questions emerged regarding the exact form this Overlay would take. While all Commissioners and most citizens agreed upon the desirability of an Overlay, there was some debate upon the following questions:

1. What properties should be included within the overlay?
2. Which uses could be considered ‘civic’ and should be included within the overlay? Furthermore, how would one define potential uses such as ‘marketplace’ for which the City had no prior definition?

At the final Planning Commission meeting of November 6, 2013, the Commission voted to affirm the strong guiding role of General Plan policy LU-22: Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities. Due to the urgency of the matter, the Commission chose to forward all the materials considered to Council together with a series of non-binding straw votes. Although a recommendation forwarded this way is less specific, this increased the speed with which the Overlay item has returned to Council.

RATIONALE FOR RECOMMENDATION
The Civic Center District Zoning Overlay is a useful tool to guide oversight and use in the Civic Center area. The existing Civic Center Historic Overlay (adopted 1998) identifies both the physical characteristics of buildings and the civic nature of the Civic Center.

The underlying zoning of the overlay includes three different zoning districts detailed previously in this report and shown on the map (Attachment #2). The uses which are common to these three districts (Attachment #3) are limited and not representative of the “civic use” intended by the Council referral, or preferred by the speakers at the Planning Commission hearings.

ALTERNATIVE ACTIONS CONSIDERED
The Commission considered a wide range of options, including two forms of ordinances and a broad list of uses, whether other buildings should be added to the overlay and what form each of the ordinance sections should take.

CONTACT PERSON
Alex Amoroso, Principal Planner, 981-7520
Eric Angstadt, Director, Planning and Development, 981-7410
Attachments:
1. Civic Center Overlay referral text
2. Civic Center Historic District map
3. Working draft ordinance
4. 9-4-13 PC Staff Report
5. 9-4-13 PC Final Minutes
6. 10-2-13 PC Staff Report
7. 10-2-13 PC Final Minutes
8. 11-6-13 PC Staff Report
9. 11-6-13 PC Final Minutes
10. Communications
To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguin

Subject: Referral to Planning Commission: Civic Center District Zoning Overlay

RECOMMENDATION:
Refer to the Planning Commission amending B.M.C. Chapter 23D.36 (R-3 District) and B.M.C. Chapter 23E.68 to establish a zoning overlay for properties designated as part of the Civic Center Historic District, restricting uses permitted to only the use categories listed below:

- Other Professionals and Government, Institutions, Utilities
- Group Class Instruction for Business, Vocational or Other Purposes
- Gyms and Health Clubs
- Dance, Exercise, Martial Arts and Music Studios
- Theaters, including Motion Pictures and Stage Performance
- Live Entertainment
- Community Centers
- Parks and Playgrounds
- Public Safety and Emergency Services
- Schools, Public or Private

The Planning Commission should make its recommendation to the City Council by September 2013.

BACKGROUND:
In December of 1998, the City of Berkeley established a Civic Center Historic District containing the following properties:

- Old City Hall, 2134 Martin Luther King Jr. Way
- Civic Center Park
- Veterans Memorial Building, 1931 Center Street
- Federal Land Bank Building (MLK Civic Center Building), 2180 Milvia Street
- Berkeley High School Community Theater, 1930 Allston Street
- Berkeley High School
Florence Schwimley Little Theater, 1920 Allston Way
YMCA Building, 2001 Allston Way
Berkeley Main Post Office Building, 2000 Allston Way
State Farm Insurance Building, 1947 Center Street
City Hall Annex, 1835 Allston Way
County Courthouse, 2120 Martin Luther King Jr. Way
Public Safety Building, 2100 Martin Luther King Jr. Way

Subsequently, the Civic Center Historic District was added to the National Register of Historic Places, National Register # 98000963.

The creation of the Civic Center Historic District recognized the special role that the civic center district played in the history of Berkeley, as well as preserving buildings of special cultural and architectural merit.

The Berkeley General Plan also speaks to the role of maintaining the Civic Center as a place for community activities, cultural, educational, and civic facilities.

Policy LU-22 Civic Center
Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities.

Policy UD-38.A
A. Promote the Civic Center as a historic resource listed on the National Register of Historic Places.

The establishment of a Civic Center District zoning overlay will not only limit uses of properties in the district to those consistent with the character of the district, but it will also ensure that the Downtown Post Office can only be utilized for a civic or community-oriented use, and may help influence the USPS decide a more favorable future for the building.

FINANCIAL IMPLICATIONS:
Staff time involved in researching proposal, developing staff reports for commission review, presenting before Planning Commission and developing a report to City Council

CONTACT PERSON:
Jesse Arreguin, Councilmember, District 4 981-7140

Attachments:
1. Map of Civic Center Historic District
2. Zoning Map showing zoning designations for properties in Civic Center Historic District
Civic Center Historic District Use Overlay District

Sections:
23##.010 Applicability of Regulations
23##.020 Purposes
23##.030 Uses Permitted

Section 23##.010 Applicability of Regulations

The regulations in this Chapter are applicable to the parcels whose properties are identified in the Civic Center Historic District Overlay, including:

1. APN 057 201701601
2. APN 057 202202000
3. APN 057 202200600
4. APN 057 202100200
5. APN 057 202100100
6. APN 057 202601500
7. Portion of APN 057 202000503 which contains the Berkeley Community Theater/ Florence Schwimley Little Theater
8. APN 057 202000400
9. APN 057 202700500

Section 23##.020 Purposes

The Purpose of the overlay district is to implement General Plan Policy LU-22 Civic Center: Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities.

The specific Purposes are to:

A. Preserve and protect the integrity of the City of Berkeley Historic Civic Center through preservation of existing buildings and open space listed in the Civic Center Historic District.
B. Allow a set of uses, which are “civic” in nature, and support active community use
C. Promote uses, which combined or individually will maintain public access to the buildings or historic portions of the buildings.
D. Promote appropriate uses which respect the Civic Center’s historic significance in unifying the community and forming a link to Berkeley’s past.
E. Promote the cultural and architectural heritage of the Civic Center.
F. Preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities.
G. Retain a mix of public community services such as governmental offices and public meeting spaces.
H. Promote uses which could financially support the goal of upgrading and preserving the existing historic structures.

Section 23#.#.030 Uses Permitted

<table>
<thead>
<tr>
<th>Use and Required Permits</th>
<th>Classification</th>
<th>Special Requirements (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Uses Common to the R-2, R-3, and C-DMU</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any telecommunications facility besides microcell</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Clubs, Lodges</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Columbarium</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Community Centers</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Dwelling Units (Single family, Duplex, or Multi-family)</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Libraries</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Microcell Facilities</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Surface Parking Lot with less than 8 spaces</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Uses to be Considered for Inclusion in the ordinance, identified during the public process</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Professionals and Government, Institutions, Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Schools, Public Only</td>
<td>PC Note: Consider allowing only public and not private schools</td>
<td></td>
</tr>
<tr>
<td>YMCA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marketplace</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Affordable housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Class Instruction for Business, Vocational or Other Purposes <em>(from referral)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gyms and Health Clubs <em>(from referral)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dance, Exercise, Martial Arts and Music Studios <em>(from referral)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters, including Motion Pictures and Stage Performance <em>(from referral)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment Establishments – “Live Entertainment “ <em>(from referral)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Museums</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publicly owned / nonprofit art galleries</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Civic Use: separate use category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses which help facilitate community well-being and cohesion, support and invest in the existing Civic Center area, and may fiscally support preservation of existing structures. Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STAFF REPORT

DATE: September 4, 2013

TO: Members of the Planning Commission

FROM: Eric Angstadt, Director of Planning

SUBJECT: Civic Center Historic Overlay Council Referral

Recommendation

Discuss the City Council referral to create an overlay district for the Civic Center Historical District. Provide feedback to staff on which uses are or are not appropriate for the proposed district. Determine the schedule for a Public Hearing to consider the referral.

Background

On July 16, 2013, the City Council referred to the Planning Commission a proposal to create an overlay district that would encompass the existing Civic Center Historic District. The referral and the annotated action from that meeting are Attachment 1 and 3. The Council indicated that the item was time urgent but ultimately did not specify a return date to Council.

Discussion

There are four main points on which the Planning Commission needs to discuss and provide feedback to staff:
   1) The appropriateness of the use of an overlay district as described in the referral;
   2) Whether any changes to the proposed boundary are appropriate;
   3) Whether any additions or deletions to the proposed allowed uses are appropriate (Council did strike “Schools, Public or Private” in their motion);
   4) Public Hearing date.

Conclusion and Next Steps

The Planning Commission should hear public comment, discuss the issue and provide staff feedback on any desired items to be added or deleted from an overlay district. The
Commission should select a date for a Public Hearing when staff will return with a draft text for a zoning ordinance amendment to create an overlay district for Planning Commission consideration.

1. **Attachments:** Council Referral; and  
2. Civic Center Historic District Nomination report 1998;  
3. Council Annotated Action Summary - (see below).

7/16/13 Council Action regarding referral:

<table>
<thead>
<tr>
<th>Action:</th>
<th>10 speakers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>M/S/C (Arreguin/Worthington) to approve the recommendation with the following revisions:</td>
<td></td>
</tr>
<tr>
<td>1. Include R-2 properties in the Civic Center Historic District.</td>
<td></td>
</tr>
<tr>
<td>2. Remove &quot;Schools: Public or Private&quot; from the list of uses.</td>
<td></td>
</tr>
<tr>
<td>3. Strike the September 2013 date for delivering recommendations.</td>
<td></td>
</tr>
<tr>
<td>4. Add that staff will review the proposed uses and make recommendations on adding or removing certain uses.</td>
<td></td>
</tr>
<tr>
<td><strong>Action:</strong> M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.</td>
<td></td>
</tr>
</tbody>
</table>
To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguin
Subject: Referral to Planning Commission: Civic Center District Zoning Overlay

RECOMMENDATION:
Refer to the Planning Commission amending B.M.C. Chapter 23D.36 (R-3 District) and B.M.C. Chapter 23E.68 to establish a zoning overlay for properties designated as part of the Civic Center Historic District, restricting uses permitted to only the use categories listed below:

Other Professionals and Government, Institutions, Utilities
Group Class Instruction for Business, Vocational or Other Purposes
Gyms and Health Clubs
Dance, Exercise, Martial Arts and Music Studios
Theaters, including Motion Pictures and Stage Performance
Live Entertainment
Community Centers
Parks and Playgrounds
Public Safety and Emergency Services
Schools, Public or Private

The Planning Commission should make its recommendation to the City Council by September 2013.

BACKGROUND:
In December of 1998, the City of Berkeley established a Civic Center Historic District containing the following properties:

Old City Hall, 2134 Martin Luther King Jr. Way
Civic Center Park
Veterans Memorial Building, 1931 Center Street
Federal Land Bank Building (MLK Civic Center Building), 2180 Milvia Street
Berkeley High School Community Theater, 1930 Allston Street
Berkeley High School
Florence Schwimley Little Theater, 1920 Allston Way
YMCA Building, 2001 Allston Way
Berkeley Main Post Office Building, 2000 Allston Way
State Farm Insurance Building, 1947 Center Street
City Hall Annex, 1835 Allston Way
County Courthouse, 2120 Martin Luther King Jr. Way
Public Safety Building, 2100 Martin Luther King Jr. Way

Subsequently, the Civic Center Historic District was added to the National Register of Historic Places, National Register # 98000963.

The creation of the Civic Center Historic District recognized the special role that the civic center district played in the history of Berkeley, as well as preserving buildings of special cultural and architectural merit.

The Berkeley General Plan also speaks to the role of maintaining the Civic Center as a place for community activities, cultural, educational, and civic facilities.

**Policy LU-22 Civic Center**

*Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities.*

**Policy UD-38.A**

A. *Promote the Civic Center as a historic resource listed on the National Register of Historic Places.*

The establishment of a Civic Center District zoning overlay will not only limit uses of properties in the district to those consistent with the character of the district, but it will also ensure that the Downtown Post Office can only be utilized for a civic or community-oriented use, and may help influence the USPS decide a more favorable future for the building.

**FINANCIAL IMPLICATIONS:**

Staff time involved in researching proposal, developing staff reports for commission review, presenting before Planning Commission and developing a report to City Council

**CONTACT PERSON:**

Jesse Arreguin, Councilmember, District 4 981-7140

Attachments:

1. Map of Civic Center Historic District
2. Zoning Map showing zoning designations for properties in Civic Center Historic District
LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARING NOTICE

Berkeley Civic Center

Historic District

Addresses vary, Proposed District Map and landmark packet are available for review at the Current Planning Division

PROPOSED DESIGNATION OF HISTORIC DISTRICT

THE BERKELEY LANDMARKS PRESERVATION COMMISSION WILL HOLD A PUBLIC HEARING TO CONSIDER THE LANDMARK ALTERATION DESCRIBED BELOW ON MONDAY, DECEMBER 7, 1998 AT THE NORTH BERKELEY SENIOR CENTER, 1901 HEARST STREET, MAIN ROOM, (AT MARTIN LUTHER KING JR. WAY), BERKELEY. THE MEETING WILL BEGIN AT 7:30 P.M.

SUBJECT OF HEARING

DESIGNATION OF AN INITIATED LANDMARK STRUCTURE PER SECTION 3.24.110 OF THE LANDMARKS PRESERVATION ORDINANCE.

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. For further information call the Landmarks Secretary, Mark Rhoades at 705-8113. Written comments should be mailed to the Planning and Development Department, Current Planning Division, 2120 Milvia Street, Berkeley, CA 94704

cc: City Clerk, Codes and Inspection,
Planning Commission, Property Records
United States Department of the Interior
National Park Service

National Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Berkeley Historic Civic Center District

other names/site number N/A

2. Location

street & number N/A

N/A not for publication

city or town Berkeley

N/A □ vicinity

state California code CA county Alameda code 001 zip code 94704

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this □ nomination □ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property □ meets □ does not meet the National Register criteria. I recommend that this property be considered significant □ nationally □ statewide □ locally. (□ See continuation sheet for additional comments.)

Signature of certifying official/Title

Date

State of Federal agency and bureau

In my opinion, the property □ meets □ does not meet the National Register criteria. (□ See continuation sheet for additional comments.)

Signature of commenting official/Title

Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that the property is:

□ entered in the National Register. □ See continuation sheet.

□ determined eligible for the National Register. □ See continuation sheet.

□ determined not eligible for the National Register.

□ removed from the National Register.

□ other. (explain:)

Signature of the Keeper

Date of Action
### 5. Classification

<table>
<thead>
<tr>
<th>Ownership of Property</th>
<th>Category of Property</th>
<th>Number of Resources within Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ private</td>
<td>□ building(s)</td>
<td>□ contributing buildings</td>
</tr>
<tr>
<td>□ public-local</td>
<td>□ district</td>
<td>□ noncontributing buildings</td>
</tr>
<tr>
<td>□ public-State</td>
<td>□ site</td>
<td>□ sites</td>
</tr>
<tr>
<td>□ public-Federal</td>
<td>□ structure</td>
<td>□ structures</td>
</tr>
<tr>
<td></td>
<td>□ object</td>
<td>□ objects</td>
</tr>
</tbody>
</table>

Number of contributing resources previously listed in the National Register: 2

Name of related multiple property listing: N/A

(Enter "N/A" if property is not part of a multiple property listing.)

### 6. Function or Use

<table>
<thead>
<tr>
<th>Historic Functions</th>
<th>Current Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Enter categories from instructions)</td>
<td>(Enter categories from instructions)</td>
</tr>
<tr>
<td>(See attached continuation sheet)</td>
<td>(See attached continuation sheet)</td>
</tr>
</tbody>
</table>

### 7. Description

**Architectural Classification**

(Enter categories from instructions)

(See attached)

**Materials**

(Enter categories from instructions)

- foundation
- walls
- roof
- other

**Narrative Description**

(Describe the historic and current condition of the property on one or more continuation sheets.)

(See attached)
8. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

☐ A Property is associated with events that have made a significant contribution to the broad patterns of our history.

☐ B Property is associated with the lives of persons significant in our past.

☒ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

☐ D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark "x" in all the boxes that apply.)

Property is:

☐ A owned by a religious institution or used for religious purposes.

☐ B removed from its original location.

☐ C a birthplace or grave.

☐ D a cemetery.

☐ E a reconstructed building, object, or structure.

☐ F a commemorative property.

☐ G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance
(Enter categories from instructions)

Politics/Government

Social History

Architecture

Community Planning

Period of Significance

1909 - 1950

Significant Dates

Significant Person
(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Bakewell, John R.; Brown, Arthur, Jr.; Corlett, William, Sr.; Guterson, Henry Higby; Maybeck, Bernard Ralph; Morgan, Julia; Meyers, Henry H.; Plachek, James W.; Schnier, Jacques; Howard, Robert Boardman

9. Major Bibliographical References

Bibliography (See attached)
(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Preceding documentation on file (NPS):

☐ preliminary determination of individual listing (36 CFR 67) has been requested

☐ previously listed in the National Register

☐ previously determined eligible by the National Register

☐ designated a National Historic Landmark

☐ recorded by Historic American Buildings Survey

☐ recorded by Historic American Engineering Record

Primary location of additional data:

☒ State Historic Preservation Office

☐ Other State agency

☐ Federal agency

☒ Local government

☐ University

☐ Other

Name of repository:
10. Geographical Data

Acreage of Property (Under 10 acres)

References
(Place additional UTM references on a continuation sheet.)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Easting</th>
<th>Northing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>Easting</th>
<th>Northing</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Verbal Boundary Description
(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title: Susan Cerny/Arch’l Historian; Jerri Holan/Arch’l Historian; Linda Perry/Historian
organization: Berkeley Architectural Heritage Assoc.
date: March 2, 1998

street & number: 2318 Durant Avenue
telephone: (510) 841-2242

city or town: Berkeley
state: CA
zip code: 94704

Additional Documentation
Submit the following items with the completed form:

Submission Sheets

Maps

A USGS map (7.5 or 15 minute series) indicating the property’s location.

A Sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional Items
(Check with the SHPO or FPO for any additional items)

Property Owner
(Complete this item at the request of SHPO or FPO.)

name: (Varies - please see attached)

street & number: ____________________________
telephone: ____________________________

city or town: ____________________________
state: ____________________________
zip code: ____________________________
<table>
<thead>
<tr>
<th>#</th>
<th>Historic Functions</th>
<th>Current Functions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2134 Martin Luther King, Jr. Way</td>
<td>EDUCATION/administrative</td>
</tr>
<tr>
<td></td>
<td>GOVERNMENT/city hall</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Allston-MLK Jr. Ways-Center Street</td>
<td>LANDSCAPE/park</td>
</tr>
<tr>
<td></td>
<td>LANDSCAPE/park</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>1931 Center Street</td>
<td>SOCIAL/civic</td>
</tr>
<tr>
<td></td>
<td>SOCIAL/civic</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>2180 Milvia Street</td>
<td>GOVERNMENT/city hall</td>
</tr>
<tr>
<td></td>
<td>GOVERNMENT/banking</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>1980 Allston Way</td>
<td>EDUCATION/CULTURE/theater</td>
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<tr>
<td></td>
<td>EDUCATION/CULTURE/theater</td>
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</tr>
<tr>
<td>6.</td>
<td>2001 Allston Way</td>
<td>SOCIAL/civic-recreational</td>
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<td></td>
<td>SOCIAL/civic-recreational</td>
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</tr>
<tr>
<td>7.</td>
<td>2000 Allston Way</td>
<td>GOVERNMENT/post office</td>
</tr>
<tr>
<td></td>
<td>GOVERNMENT/post office</td>
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</tr>
<tr>
<td>8.</td>
<td>1947 Center Street</td>
<td>COMMERCE/business</td>
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<tr>
<td></td>
<td>COMMERCE/business</td>
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<tr>
<td>9.</td>
<td>1835 Allston Way</td>
<td>EDUCATION/administrative</td>
</tr>
<tr>
<td></td>
<td>GOVERNMENT/city hall annex</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>2171 McKinley Street</td>
<td>GOVERNMENT/police-jail</td>
</tr>
<tr>
<td></td>
<td>GOVERNMENT/police-jail</td>
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</tr>
<tr>
<td>11.</td>
<td>2117 McKinley Street</td>
<td>GOVERNMENT/fire station- headquarters</td>
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<tr>
<td></td>
<td>GOVERNMENT/fire station- headquarters</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>2130 Martin Luther King Jr. Way</td>
<td>GOVERNMENT/court house</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>13.</td>
<td>2111 McKinley</td>
<td>HOUSING/public</td>
</tr>
<tr>
<td></td>
<td>HOUSING/private</td>
<td></td>
</tr>
</tbody>
</table>
7. DESCRIPTION
Architectural Classification and Narrative Description (continued)

Architectural Classification

EARLY 20TH CENTURY
Beaux Arts Classicism
Moderne
Art Deco

Materials

foundations-concrete
walls-painted concrete-stucco
roof- hidden behind parapet, slate, clay tile
other:
painted sheet metal cupola
ART/bas relief sculpture
terra cotta decorative elements
National Register of Historic Places
Continuation Sheet

7. DESCRIPTION Architectural Classification and Narrative Description (continued)

CIVIC CENTER HISTORIC DISTRICT: GENERAL DESCRIPTION

Berkeley, California's Civic Center Historic District comprises portions of a five block area surrounding Martin Luther King Jr., Civic Center Park, the district's central feature. The area is located approximately a 1/4 mile to the East and South of the physical center of the city, and one block west from the center of downtown. The area is bordered on the west by McKinley Street, on the east by Milvia Street, on the south by Allston Way and on the north by Center Street.

The district provides predominantly public services. Thirteen buildings, one site and one structure are in the district. There are nine contributing buildings, one contributing site and one contributing structure, there are four noncontributing buildings. Civic Center Park is located on the west side of the block boarded by Allston Way, Center Street, Milvia and Martin Luther King, Jr. Way. This block is 315' x 590'. The civic center's four major contributing buildings are located on an axis with one another, forming a cross axis at the center of Civic Center Fountain located in the park. The four buildings which form the cross-axis are: "Old" City Hall, on the west, across Martin Luther King, Jr. Way; the former Federal Land Bank Building, located on the eastern third of the park block; the Veterans Memorial Building, located on the north, across Center Street; and the Berkeley Community Theater located on the south, across Allston Way. The architectural styles of contributing buildings are representative of the period of significance 1909-1950. The buildings range from one to six stories. "Old" City Hall (1909), in the Beaux Arts Classic style, and the Post Office (1914), in the Classic Italian Renaissance Style, are among the earliest buildings and the most decorative. Six contributing buildings date from 1928-1950 and are variations of the simpler Moderne Style. All share a high degree of workmanship, materials, quality of design, decoration, and are painted in a compatible palette of pale golds, greens, rose, blues, grays and cream.

The block on the west, across Martin Luther King Jr. Way, where the "Old" City Hall stands, is owned by the City. There are seven buildings on this block. Three are contributing buildings and four are noncontributing buildings. The three contributing buildings include "Old" City Hall and are on the south end of the block and were built to house civic functions. The County Court House and the Fire Department Headquarters, generally in the center of the block, were built after the period of significance. Most of the north third of the block is a surface parking lot and includes two noncontributing buildings which were originally private dwellings but now owned by the city.

Berkeley's Civic Center area is bordered by the downtown commercial and retail district on the east and north, and residential neighborhoods to the west and south. Characteristics that distinguish the Civic Center are achieved by the presence of the park with its tall green background of mature trees, and the siting of contributing buildings back from the sidewalk with some planted landscape features in front or next to them. Major landscape features are present in Civic Center Park and in front of "Old" City Hall. The elements that make up these major landscape features include concrete paths, lawns, mature evergreen trees and Civic Center Plaza and Fountain.
7. DESCRIPTION  Architectural Classification and Narrative Description (continued)

The creation of a clearly defined civic center required more than three decades of planning and land acquisition to achieve. Despite the decades of planning, and the separate nature of each individual project, a cohesive ensemble was created. The appearance of the district retains a high degree of integrity because there have been few changes since the district achieved significance when the Berkeley High School Community Theater was completed in 1950, after 11 years of construction. However, since the district evolved over more than three decades, significant changes did occur between 1909-1950. For example, the land for Civic Center Park, the Veterans Building and the Old City Hall block was purchased from private owners; buildings were removed for the park, parking lots, the Community Theater, Veterans Building, and County Court House. The general condition of the buildings is good to excellent and there have been no significant alterations to the park or individual contributing buildings.

No known archeological resources have been recorded. Strawberry Creek, which once flowed through the park has been culverted and there is no evidence of the creek today. However, creekside areas often contain evidence of indigenous people. All features of the district are manmade. There are no natural prominent features. Vegetation, even large trees, were planted. The topography gently slopes to the west.

1. City Hall - Contributing Building
2134 Martin Luther King, Jr. Way
John Bakewell & Arthur Brown, Jr.
1908-9

Listed on the National Register of Historic Places

City Hall is located on the west side of Martin Luther King, Jr. Way across the street from Civic Center Park, facing east towards the park. City Hall is an example of early 20th Century Revival Beaux-Arts classicism, using decoration derived from Greek and Roman sources in a symmetrically composed three part arrangement. The design of the Berkeley City Hall was inspired by the Town Hall at Tours, France which was designed in 1901 by Arthur Brown’s professor at the Ecole des Beaux Arts, Victor Laloux. John Bakewell and Arthur Brown’s design was selected as the winner of a 1907 competition. The center of the facade is on axis with the center of Civic Center Park.

City Hall is a rectangular shaped building containing two main floors over a raised concrete basement. The surface of the building is blue/grey painted plaster over concrete; the window trim, wrought iron balconies and the cupola is painted a grayed blue/green. The building is set back from the street approximately 30'. Three concrete pathways lead to the entrance staircase; approaching from the south and north the pathways form a semi-circle and there is one in the center. These pathways surround a lawn. Large redwood trees on either side of the building create a green backdrop. A central concrete staircase rises in two sections. The wide three-sided lower staircase rises from the pathways at ground level. The center portion of this staircase is the widest side. The lower staircase rises to a wide landing enclosed by classic balustrades on the north and south. The upper section of the staircase
terminates at the entrance. The entire composition of the entrance staircases is wide at the bottom and progressively gets narrower towards the top.

The central element on the east side is recessed, contains the entrance and is flanked by two projecting side bays that are smaller, decoratively simpler and shorter than the dominant central element. The central element is 86 x 66" and is divided into five equal sized bays with the entrance in the center. Each bay is separated by engaged Ionic styled columns that rise the full two stories and support six projecting cornice elements that serve as bases for ornamental dentils and monumental urns. Behind the urns is a blank frieze terminating in a secondary cornice molding, with a cartouche in the center. The columns stand on large square bases that are approximately 5' on each side. Each base is separated by Classical balustrades below each arched window. The central portion has a raised, hipped gray slate roof, which provides a large attic storage space. There are ornamental flames at either end of the metal capped ridge. At the center of this hipped grey slate roof is a lantern styled 60' cupola and spire constructed of painted sheet metal on wood frame. The cupola was restored and the building painted original pale blue/gray colors in 1991. There are two small bulls-eyed dormers on the lower portion of the roof, above and between the central bay.

The fenestration of the central section consists of one large window (almost a full floor tall) in each bay, on both floors. The windows on the first floor are arched and framed by an arched molding fabricated from the same concrete plaster as the walls. This window molding is bisected in the center of the arch by a decorative volute keystone element. The central arched opening contains the entrance. On the second floor the windows are framed by rectangles. Both have keystone elements in the center of the window frames. Under the first floor windows is a Classic balustrade and under the second story windows are individual balconies with decorative iron railings, supported by brackets. The two wings (each 31' x 77") are identical and are set perpendicular to the central portion. The details and materials of the wings are the same as the central section, but treated more simply. Under their second floor windows, on the south and north sides, are balconies, supported by large curved foliated brackets, which run the entire length of the windows; they have the same decorative iron railings as on the main facade. These wings have hipped roofs, capped with a metal ridge with ornamental flames at either end. The interior is also significant for the decorative techniques exhibited in the painted columns at the base of the main stairway and in the trompe l'oeil painting of the walls and ceiling of the stairwell. These are perfectly preserved examples of decoration that was popular at the turn-of-the-century.

There have been few alterations to the building since it was completed in 1909. The only change on the main facade was the replacement of the operable sections of the original wood sash with aluminum, but the pattern of the window divisions has been retained. The major alteration occurred in 1950 when the rear of the building was extended about 10' on each side of the stair bay to create additional office space. The windows on either side of the stair bay were enclosed as part of this work so that the main staircase is now much darker than it was originally. The building retains a high degree
7. DESCRIPTION  Architectural Classification and Narrative Description (continued)

of integrity and was designated a City Landmark in 1975. It is also listed on the National Register of Historic Places.

2. Civic Center Park - Contributing Site
Civic Center Fountain - Contributing Structure
2100 Block of Martin Luther King Jr. Way
Henry Gutierrez, Chair of the Design Committee
Bernard Maybeck, Julia Morgan, John Gregg,
East side between Allston Way and Center Street
1938-1942

Martin Luther King, Jr., Civic Center Park occupies the western 2/3 of a block. The land slopes gently to the west. The park is composed of seven major elements: Fountain Terrace, Christmas Tree Terrace, Civic Center Fountain, large open lawn area, shuffle board court, playground and flagpole. All original elements date from the completion of the park in 1942. At the east side, the park ends at the Fram Credit Building and its driveway/parking lot. Between the formal park spaces and the Farm Credit Building, is a green backdrop created by of groves of trees, including redwood, deodar cedar, and magnolia. Sheltered in the groves were two concrete restroom structures; the southern structure remains, but the northern bathroom was removed in the 1970s. Between the groves of trees is a raised terrace with original concrete perimeter walls; in the center stands Berkeley's "Municipal Christmas Tree", a Giant Sequoia (approximately 90' tall) lit with colored lights during the winter holiday season. This terrace forms the narrow eastern end of a hardscape area that widens out in the center of the park into Fountain Terrace. Fountain Terrace is a circular flagstone terrace. Half the terrace is surrounded by tile covered concrete walls with five openings to paths. The original wall was reconstructed to display the brightly colored hand painted tiles of the Peace Wall in 1987. The location and size of the reconstructed walls replicate the original perimeter walls of the terrace with the exception of a new opening on the west side, but the colors of the tiles are not compatible with the creamy colors of the district. The Fountain is in the center of this terrace. It is a 50 foot diameter circular concrete fountain composed of a large outer pool with two tiered levels that step up to a cylindrical core where water jets and colored lights were once mounted. It has not been determined when the fountain water jets and lights were removed. The cross-axis formed by the district's four major buildings (City Hall to the Farm Credit Building running east-west, and north-south from the Veterans' Memorial Building to the Community Theater) is located here. All of the fountain structure is original, as is the flagstone terrace surrounding the fountain. The fountain is Moderne in character, constructed of undorned concrete with the original board marks still showing. West of the fountain terrace is a large lawn surrounded by wide paths in their original configuration, and most in original concrete. The lawn is the open centerpiece of the park, intended for large gatherings and recreational use. West of the lawn is a narrow, linear hard surfaced area, flanked by trees and shrub plantings, along the Martin Luther King, Jr. Way frontage of the park. The southern end of this area was intended for the elderly, and retains
7. DESCRIPTION

Architectural Classification and Narrative Description (continued)

Shuffleboard courts, although in damaged condition. The northern portion is a children’s play area, which is its original use, although the play equipment is modern. Between the play area/shuffleboard courts and the central lawn is a flagpole, the first feature installed in the park during construction. Surrounding the park are a number of original light poles, although their heads have been removed and replaced with modern fixtures.

Most of the plantings in the park, including an array of camphor trees flanking the central lawn and western end, are original. Original elements of the park furniture still remain, including a number of concrete and wooden benches. Although Civic Center Park was not completed until 1942 it was anticipated as early as 1908 when “Old” City Hall was designed. Bonds were finally approved in 1940 making $125,000 available to buy and develop the land. A committee was appointed to design the park. The chair was architect Henry Gutterson, with architects Bernard Maybeck and Julia Morgan and Landscape Design Professor, John Gregg. Henry Gutterson, with William Corlet, Jr., designed the Community Theater in 1937, and had located the theater on axis with the Veterans Building. As chair of the park design committee it is not surprising that the major significant element in the cross axial plan is the Civic Center Fountain. Civic Center Park is a Berkeley Landmark, designated in 1997.

3. Veterans Memorial Building - Contributing Building

1931 Center Street
Henry H. Meyers
1928

The Veterans Building is an example of the Classic Moderne style. The facade is a simplified, horizontal three-part vertical composition, two stories with a raised concrete basement as the base, a two-story shaft, and parapet entablature above a simple cornice molding. The building is constructed of reinforced concrete-plaster, painted cream with pale rose and blue accents, and is T-shaped in plan. Overall the building is 180’ wide and 120’ deep. The central entrance section is recessed and slightly taller than the wings. Each wing is about 40’ feet wide and articulated into 3 bays by 4- two-story fluted pilasters. There is one window between the pilasters on each floor with ornamental spandrel panels. The parapet has panels with a scrolled tendril motif and projecting acanthus leaf cornice at the top. The words “Veterans Memorial” are incised in the frieze between the seals of the United States and the State of California. The building has not been altered. A disabled ramp was added on the east side of the entrance in 1990, which removed some planting, but this is not a significant alteration, and it was retrofitted and repainted by the City in 1996.

Most of the interior is finished in dark wood paneling and smooth plaster. The main lobby has a tile floor and polychrome tile baseboard. Display cases with contain momentos of veterans organizations. Tile faced staircases with wrought iron handrails rise to the second floor at either end of the lobby. In the center of the building is a large two-story auditorium. The building was designed by Alameda County Architect Henry H. Meyers and architects Mildred Meyers, his daughter, and George R. Klinkhardt. The building was designated a City of Berkeley Landmark in 1985.
4. **Federal Land Bank - Contributing Building**

2180 Milvia Street
James W. Plachek
1938

The Federal Land Bank building is a classic WPA Moderne style with a symmetrical three-part composition repeated around the building in different ways. The building was designed by James W. Plachek. On the Milvia Street side the main entrance to the building is in the center of a slightly recessed central section. On the west side of the building, overlooking Civic Center Park, the building is a deep U-shape with two towers, one containing stairs and the other containing the elevators, that create an exaggerated Art Deco zigzag design. Above the central section is a penthouse, containing mechanical equipment, with a hipped roof. Windows are grouped in threes and these groups are separated by wide bands of concrete-stucco. On the north and south sides the window groups are again treated in a three-part composition. The five-story building has understated, shallow decoration incised into its concrete-stucco siding. The building is painted gray with pale blue/green and rose beige accents. The blue/green color is also used for the window trim. These are colors believed to be original. Most of the interior remains intact and the exterior of the building has not been altered. The entrance lobby is notable for its original Moderne details. The building became Berkeley's new City Hall in 1977 and was designated a City of Berkeley Landmark in 1983.

5. **Berkeley High School Community Theater 1937, completed 1950 and Little Theater 1937/40 - Contributing Building**

1930 & 1920 Allston Way
Henry H. Gutterson and William Corlett, Sr., Architects
Robert Howard, Sculptor-1937-50

The Florence Schwimley Little Theater and Berkeley High School Community Theater along with associated classrooms, offices, storage and shop rooms, are located on Allston Way in the center of the block bordered by Martin Luther King Jr. Way on the west, and Milvia Street on the East. The entire composition is nearly symmetrical in plan with three major divisions: the large four story theater proper in the center, the 2 1/2 story west wing containing the Little Theater, and the 1 1/2 story east wing containing the music and drama classrooms and offices. On the north side of the building overlooking Civic Center Park, the stage area of the Community Theater is expressed as the tall central portion of this composition, set above a rectangular one-story base. In the center of this is a deeply carved bas-relief of seven figures, designed by sculptor Robert Howard, depicting from the bottom to top, sculpture, painting, music, dance, poetry and drama. The center of this work of art is directly on axis with Civic Center Fountain and the entrance to the Veterans Building on the north side of the park.
On the flanking wings are two bas relief heralds, one female and the other male, also by Robert Howard. The Little Theater is the high school's old auditorium, built in 1907, which was extensively remodeled and incorporated into the plan. It has a broad entry staircase to an open entrance balcony on its west side, it is approximately 1/2 a story higher than on the east wing.

The south side of the theater complex faces into the school campus on axis with the entrance to the main classroom building (the "C" building) across an open courtyard. The entrance vestibule and exhibition halls are contained in a one-story section which is set in front of a second story section so that the height and mass of the theater is minimized on the interior of the campus. On either side of the entrance are two panels with bas-reliefs also by Robert Howard; the one on the west is a figure representing drama, dance, music and the figure on the east represents poetry, sculpture and painting.

The seating area of the Community Theater is circular. The rectangular stage, with a slightly curving north wall, is located on the north side. The Little Theater is on the west side of the Community Theater and the classrooms, shops and offices are on the east side. On the south side of the Community Theater, curving around approximately 3/4 of the seating area, is the entrance vestibule flanked by two exhibition halls. The School Board Journal Vol. 122 #1, 1951 further describes the interior: "The interior diameter of the main theater is 160 feet, with an orchestra floor of 2406 seats and a balcony of 1091 seats, a total of approximately 3500 seats. The stage is 100 by 55 feet and the proscenium opening is 50 feet wide and 30 feet high. The orchestra pit, which is raised and lowered by electrically operated screws, accommodates 84 musicians with their instruments. This orchestra pit may also be raised to stage a height to enlarge the stage apron...The Little Theater seats 628."

Its basic method of construction is steel and reinforced concrete, made up of pre-fabricated rectangular panels hung on a steel frame. The repetitive rectangular shapes created by these panels are decorative as well as functional. The Moderne/Art Deco styled building is sheathed in cream-colored concrete-plaster; window trim and doors are pale pink. The colors are original. The building express a hierarchy of space through the use of simple geometric volumes emphasized by the decorative and artistic bas-relief murals and other surface embellishments molded or carved into the concrete-stucco walls. Decoration also includes: lettering and stripes carved into the concrete-stucco exterior surfaces; fluted pilasters and columns; rounded bays and corners; curved overhangs over some entrances; and concrete and brick-faced planters boxes.

Berkeley High School moved to a newly built school building located at the corner of Martin Luther King, Jr. Way and Allston Way in 1901. By 1934 three additional buildings had been constructed along Allston Way. Two of the older building were demolished for the construction of the Science Building and the Community Theater in 1934. As noted above, the auditorium building was remodeled and incorporated into the theater building.

The Berkeley High School Community Theater was dedicated June 5th, 1950 twelve years after the school board entered into an agreement with architect William Corlett Sr. and Henry Gutterson "for the preparation of plans and specifications for the erection and construction of a new auditorium at Berkeley High School and for the remodeling of the old auditorium" (Minutes of the
United States Department of the Interior  
National Park Service

BERKELEY CIVIC CENTER DISTRICT  
ALAMEDA COUNTY, CALIFORNIA

National Register of Historic Places  
Continuation Sheet

Section number 1  Page 8

7. DESCRIPTION  Architectural Classification and Narrative Description (continued)

School Board January 31, 1938) Construction of the theater was begun in late 1940, and by December 1941 the steel frame of the almost circular building was nearly complete when the United States entered World War II and construction came to a standstill. It was not until 1949 that construction resumed. The open steel-frame theater stood for almost a decade and became known as the "bird cage".

The Berkeley High School Community Theater is oriented with its back to the Civic Center and its entrance from the interior of the school campus. However, a sketch of a "General Scheme of Expansion and Development" dated October 1937 shows the auditorium facing a Civic Center Park, which didn't yet exist. School Board minutes of November 1, 1939 report that "Architects Corlett and Gutterson presented sketches of a new idea for the orientation of the auditorium unit for Berkeley High School previously approved June 28, 1939. The architects pointed out that on further study, the required high scene house, as originally located opposite the north front of the academic building, would be, in their judgment over-powering in mass and an obstacle to the openness and unity of the courtyard and that the reversal of the plan...would eliminate that difficulty. Other advantages cited: direct access to the auditorium by the students, lower cost of the vestibule, more space between "C" building and auditorium, less glare, avoidance of traffic hazard on Allston Way and removal of heating plant to separate building. Architects stated that the new front on Allston would be adequate and appropriate for the proposed Civic Center."

The theater building retains a high degree of integrity. The exterior of the building, its color, windows, brick side walks, retaining walls and planter beds, stairs and pathways, have had little modification or alteration, and are present in photographs for the theater's opening celebrations. Even some plant material has been partially retained. Most of the major interior spaces are also original including upholstery, drapery and rugs. The Florence Schwimley Little Theater and Berkeley High School Community Theater were designed as an ensemble of high school related buildings in 1937 and include the Shop and Science Buildings located to the west, and buildings to the east that were never built. For purposes of the Civic Center Historic District Application, only the Community Theater and the Florence Schwimley Little Theater are included in the Civic Center District application because of their community uses. The Florence Schwimley Little Theater, Berkeley High School Community Theater and Shop and Science Buildings are City of Berkeley Landmarks, designated in 1992.

6. Young Men's Christian Association - Contributing Building  
2001 Allston Way  
Benjamin G. McDougall  
1910

The Young Men's Christian Association building is a four story rectangular building above a raised basement. The building sits flush with the sidewalks at the north east corner of Allston Way and Milvia Street. The main entrance is on Allston Way with a secondary entrance on Milvia Street. The building is a three part composition vertically and horizontally on both sides, with the entrances in the
center of the composition. The walls of the raised basement and first floor are cream colored concrete plaster, formed to look like stone, and serve as the base of the composition. The walls of the third, fourth and fifth floors are faced with dark red brick. The "shaft" of the composition, the third and fourth floors, is separated from the "base" by a horizontal belt course; the fifth floor is also separated by a horizontal belt course and is capped by a heavy cornice supported by dentils. A parapet completes the composition. All decorative elements are cream colored concrete plaster. Quoins, also of concrete plaster define the corners and separate the central sections from the sections on either side. The central element on the Allston Way facade contains a recessed entry, with marble floors and kick-plate, framed by Tuscan columns; and above is a classic Palladian styled window. The entrance on the Milvia street side is framed by an arch of concrete plaster made to look like stone. Above the central element on the Allston Way facade, under the cornice are the words "Young Men's Christian Association" in gold lettering. The style of the YMCA building is Early 20th Century Revival/Colonial/Georgian.

The YMCA building has had two additions of almost equal size to the original building. Both these additions are on the east side of the building, along Allston Way.

The first addition was constructed in 1960 in a style consistent with mid-century utilitarian architecture in cream colored concrete plaster. The second addition was constructed in 1992 and is sheathed in red brick. It was designated a City Landmark in 1990.

7. United States Post Office - Contributing Building

2000 Allston Way

Oscar Wenderoth

1914

Listed on The National Register of Historic Places

The elegant facade of the Post Office could be described as a "free adaptation of Brunelleschi’s Foundling Hospital" in Florence with its arcade high round arches on plain Tuscan columns gracing its facade. The style of the Post Office is referred to as Second Renaissance Revival. The two story, raised basement rectangular shaped building is set back from the sidewalk about 15 feet. The building faces Allston Way. A series of entrance doorways are recessed behind the entrance loggia of eleven vaulted arches extending almost the full width of the building. Marble Tuscan columns support the arches. Concrete plaster made to look like stone define the corners of the building. The arches are outlined in molded terra cotta. A wide terra cotta belt-course, with dentils, swags, medallions, and wave patterns, visually separates the ground floor from the second floor and continues around the whole building. A smaller terra cotta frieze, with other Classical motifs, tops the second-story just below the eaves. The corners of the facade are heavily rusticated with cast blocks simulating stone. The roof is hipped, red tile over wood sheathing, and has a wide overhang with two rows of curved wooden brackets framing rectangular panels. The arches on the exterior are repeated on the inner wall of the loggia and again in the wall between the lobby and the workroom. These arches are identically
7. DESCRIPTION Archietctural Classification and Narrative Description (continued)

The Postmaster’s office door is framed in carved wood, similar to the vestibule, and in the arch around the door is a mural of figures from the Spanish and pioneer period of Berkeley’s history, painted in 1936-7 by Suzanne Scheuer for the Treasury Relief Art Project. A 130’ addition was constructed in 1931/2 at the rear of the original 35’ deep building, along Milvia Street. This addition has a flat-roof and is one-story plus basement. It has the same wall, cornice and window motif as the facade, even on the sides facing the driveway and loading dock. The Berkeley Main Post Office is well preserved and its fine materials have endured well. The Post Office was designated a City of Berkeley Landmark in 1980 and is listed on the National Register of Historic Places.

8. State Farm Insurance Companies Building-Contributing Building
1947 Center Street
James Plachek
1947/8

The State Farm Insurance Company Building is a six-story, 115,000 square feet, steel-reinforced concrete structure in Classic Moderne style. The building is divided horizontally and vertically into three sections. The recessed entrance opening is two stories high in the center of the facade. The central section, which contains a group of three windows on each floor projects several feet from the side sections. The side sections contain two groups of three windows on each floor. The corner element, set back about 4 feet, has a single window on each floor. The base of the building is rose colored polished stone and the rest of the building is concrete stucco painted pale rose. The building has not been significantly altered. A huge neon sign, which sat on the roof of the building, was removed in 1963 when the company sold the building.

9. City Hall Annex - Contributing Building
1835 Allston Way
James W. Plachek
1925

The building is a one story stucco-sided building with a red tile roof. It is located on the corner of Allston Way and McKinley Street. The roof line repeats and continues that of "old" City Hall and the fenestration follows the same simple elongated vertical lines which are evenly spaced around the building. Small hipped ventilation dormers are set into the roof. It is a free standing building set apart from the City Hall. From Civic Center Park the building is not visible behind bushes and trees. The interior was alterationed in 1983, but the the exterior of the building has not been altered and retains its integrity. The building was designated a City of Berkeley landmark in 1988.

10. Hall of Justice - Contributing Building
2171 McKinley Street
James Plachek
1938/39

Groundbreaking for Berkeley's Hall of Justice, commonly known as the police station, was
March 28, 1938 and the building opened November 12, 1939. The building is a three-story L-shaped
building with its horizontal facade facing McKinley Street, and the end of the L facing east to Center
Street. It is constructed of re-reinforced concrete. The building is larger than "old" City Hall
approximately 130' long x approximately 75 feet deep, with an "L" on the north/east side
approximately 40' x 25'.

On the McKinley street facade the building is a three part composition with the entrance in the
center of a projecting bay, which is approximately 1/2 the width of the flanking bays. This central
element has a slightly rounded corner element. Vertically the building is a two part composition, with
the first floor treated like a raised basement with two main floors above. On the ground floor of the
entrance bay is a single doorway opening. On each of the two floors above the entrance there are three
windows. At the cornice in the center is an incised sign proclaiming: 'Hall of Justice'. The two bays
flanking the entrance have five windows on the ground floor; and on the two main floors there is a
single window next to the central bay and then four large windows divided into three sections except
for the north second floor where there are only three "slits" for windows (where the jail is located) These
slit windows are probably an alteration; early drawings for the building show the fenestration the same
on both sides and this would be more consistent with the Classic Moderne style of the building. The
windows contain three lights each resulting in an overall horizontal composition.

Stylistically the building is simple Moderne, with subtle overtones of classic revivalism popular
in the early 20th Century. Except for the slit windows and some small additions at the rear, the
building has not been altered.

11. Berkeley Public Health Building - Noncontributing Building
2117 McKinley Street
Michael Goodman
1955

Berkeley Public Health Building, now the main administrative office building for the Fire
Department, is a two story rectangular building with a cut-out, recessed entry on the south side of the
building creating a small L. The building is faced with rose colored concrete blocks. Window frames
are rusticated concrete block to look like stone one block wide. Window frames are brown steel
divided into three parts; upper and lower sections are the same size, fixed, narrow and horizontal; the
center section is taller and divided in the center with two operable windows. The windows are evenly
space around the building and are the same size on the two floors: six on the south sides, 2 on the
south facing wall of the entry, four across the front, and 8 on the north side. The entrance, on the
south-west side of the building, facing McKinley Street, is sheltered by a simple, tar-roofed awning
supported by steel poles that are very typical of the building's period. There is a gray concrete sided
utility box on the roof. Two dwellings were demolished for this building. The building has not been altered and retains integrity. The building is a noncontributor because it was built after the period of significance.

12. Alameda County Court House - Noncontributing Building
2120 Martin Luther King Jr. Way
John Hudspeth
1958/9

The Alameda County Court House, dedicated June 30, 1959, is a two story rectangular building facing Martin Luther King Jr. Way and is located to the north of "Old" City Hall. The two story recessed glazed entrance is on the south side of the building approached under a projecting two story porch. A string course of windows along the first floor are set above blue tile panels and wrap around the south corner of the building. The second floor string course of windows are centered in the center half of the building. The exterior of the building has had little modification, only a small addition to the north side was added in the 1980s and is very compatible with the original design. The building appears to be in good condition and retains its integrity. It is a noncontributing building because it was constructed after the period of significance.

13. McKinley House - Noncontributing Building
2111 McKinley
c1925/moved to site in 1950s

Three story multi-unit dwelling, rectangular in shape. The narrower side of the building faces McKinley Street. The ground floor is treated like a raised basement. The two main floors are treated identically: a pair of French doors with three lights each, open to a very narrow wrought iron balcony on the north side; on the south side on each floor is a large window with a single pane central section flanked by side panels with three lights each. The entry is on the south side in the center of the building. It is covered by a small entry porch with a clay tile roof. A single row of clay tiles decorate the front parapet. The walls are gray textured plaster painted gray, with white painted simulated quoins at the corners. The "raised" basement walls and quoins are painted a darker gray than the main floors. It is a representative example of a 20th Century Revival Italianate Style. It is a noncontributing building because it was moved to the site after the period of significance.
8. Statement of Significance

BERKELEY’S CIVIC CENTER HISTORIC DISTRICT

The solemnity and seriousness of democratic community government, the jubilation and pageantry involved with public festivals and other cultural events taking place in the civic center complex and a bit of the grandeur and pomp inevitably associated with formal aspects of government anywhere...are expressed within Berkeley’s Civic Center as a whole... From its earliest and most primitive beginning amongst neolithic cultures, the civic square or park was the center of community activity, whether the activity was play, pageantry, religion, government or commerce. As time passed, structures arose around it to house one or more of these functions. So in a very real sense, the central square or park should remain the dominant element of a governmental center. As a key element in Berkeley’s civic center complex, the park, then, is an important place and the means by which the expression of local civic character can be achieved.

-Lawrence Halprin, Halprin & Associates, Landscape Architects

“Report on Master Plan for Berkeley Civic Center Park”

January, 1964, pp. 1-3

I. SUMMARY FOR NATIONAL REGISTER CRITERIA A AND C

For almost one hundred years, Berkeley’s civic center district has served the needs of its government and small community. Beginning in 1899 when the first City Hall building was strategically relocated to its current site, the district took over a half century to plan and develop. It embodies the political trends of the nation as well as the region and the city during the district’s period of significance, 1909-1950. Both World Wars, the Depression, and local politics influenced the district’s development. The district also represents the town’s importance as an agricultural center for the surrounding region due to the influence of the first state university, the University of California, Berkeley.

The civic center district includes federal, regional, and local government buildings, along with a community theater, a YMCA, and a Veteran’s Memorial Building all surrounding a central park. These diverse community buildings, located in Berkeley’s most important public space, reflect significant social aspects of Berkeley’s history, important to the citizens’ health, safety, and welfare. The park plan and its collection of civic buildings illuminate the variety of architectural and design influences (the City Beautiful Movement, Beaux Arts and Art Deco/Moderne) that prevailed during the first half of this century. The park layout and its buildings were executed by renowned designers and fortunately the district is largely unaltered and retains a high degree of integrity. As a result, Berkeley’s Civic Center is locally significant as an ensemble of harmoniously planned buildings and as a collective body of civic architecture.
II. AREAS OF SIGNIFICANCE

A. Politics/Government/Social History

By its very nature, Berkeley’s Civic Center District has been intimately intertwined with the political and social history of the city. The land was acquired, and the buildings designed and constructed, with public approval and funding. Every significant government decision in Berkeley, from 1899 onwards, occurred somewhere in the Civic Center District. The enactment and administration of laws by which the city was governed, and most activities related to political processes, took place within the district’s buildings. In addition, the community’s most cherished public service, its renowned police department, resides in the district.

From its elegant Old City Hall to its streamlined Community Theater, the district has survived almost 100 years of local politics amazingly intact. From festive Christmas celebrations at the fountain to solemn Memorial Day gatherings with the Veterans, Civic Center Park has been the center of a democratic community’s pattern of life. Not surprisingly, the district has been -- and still is -- the most important site in Berkeley’s history.

Berkeley incorporated as a city in 1878 in order to prevent annexation by the neighboring City of Oakland. The process also identified a need for better law enforcement: settlers from the Gold Rush had brought commerce as well as shiftless characters. Consequently, law enforcement was an important concern for the City’s early residents which has continued to the present day. While unifying its different communities, the incorporation was an uncomfortable union of contrasting interests: the University at one end and commerce at the other, separated by farmers who were reluctant to have their land made part of the town in the first place.

Tensions were reflected in civic decision-making and the location of the Town Hall became a chronic source of controversy. Initially, Berkeley did not have any civic buildings and Town Trustees met in rented or borrowed buildings, trying to adjust their meeting place from east to west and back again to satisfy both parts of town. In 1884, a Hall was built at Sacramento and University Avenues which was used for twenty years. It satisfied neither district and was difficult to get to. This Hall, in 1895, witnessed the adoption of the Town’s Charter. By 1897 considerable community sentiment for removal of the Hall to the eastern part of town was evident and in 1899, Trustees decided that the Hall would have a new home on Grove Street (now Martin Luther King Jr. Way). The new building site was reasonably centered in town enough to avoid the claim that any one district had been disadvantaged by the relocation.

In 1900, after two unsuccessful tries, Berkeleyans approved a bond issue to build an adequately-sized public high school. A permanent site was purchased on an adjacent block southeast of the Town Hall site. The pool was built in 1901 and, in combination with the Town Hall, the two municipal functions formed the beginnings of Berkeley’s historic Civic Center district.

In 1904, the Town Hall burnt down and the city’s volunteer fire department was transformed into a full-time paid force. In 1905, August Vollmer (1905-45) was elected as Town Marshal and over the next forty
years, with much support from the Berkeley community, he developed one of the most highly respected police departments in the United States. In 1906, with community support, the Berkeley police developed the first electric signal light system in the United States.

At this time, the city entered a new era, politically, socially and economically. A spirit of political reform was abroad in the nation and California. The “Progressive Era” was well underway: industrial trusts were being attacked, government corruption exposed and reform proposed, the power of the individual citizen strengthened through direct primary elections and the initiative process, and far-sighted enterprises in the public interest were created or expanded. The 1906 earthquake and fire in San Francisco brought a flood of new residents to Berkeley and the town was becoming one of the leading cities in California. The University of California was flourishing, with enrollment rising and grand new permanent buildings of the Phoebe Apperson Hearst Architectural Plan completed on the campus nearly every year. New residential subdivisions were being planned on all sides, the business district was prospering and busy, and municipal facilities were growing. In 1903, Berkeley housed its Public Library Building (at Kittredge and Shattuck) in a substantial Carnegie-sponsored building designed by University Architect John Galen Howard. The newly minted high school campus, adjacent to the proposed new City Hall, was a source of community pride.

As a result of these forces, the City Beautiful Movement was introduced to Berkeley’s civic-minded leaders as a fitting way to design Berkeley’s most important and public building, the new Town Hall. Built in 1909, the new Hall marks the formal beginning of Berkeley’s progressive political history. It was the first civic building constructed in the district’s Period of Significance. In 1909, citizens amended their City Charter to make Berkeley a city, not a town, and the “Town Hall” became “City Hall.”

Located in traditional proximity to City Hall, Berkeley’s first federal government office, the Post Office, was authorized in 1910 but not completed until 1915. Across from the Post Office, built with funds raised by civic leaders in 1910, the YMCA was located catty corner from the high school and was one of the community’s most beneficial social organizations. Lodges and fraternal orders such as the YMCA and the Elks Lodge were important in America in the late nineteenth and early twentieth centuries. They were centers of community life where ‘prestigious’ citizens socialized. Not surprisingly, most early civic leaders were associated with one organization or another. In the early 1900s, as there were not a lot of public facilities available, these buildings provided an important service for the community. In Berkeley, a number of large buildings were erected to house such groups, the largest being the Elks Lodge next to the Post Office. Because many of the groups were socially active, they were usually involved with controversial issues and in Berkeley, they were an integral part of the city’s early political history. The YMCA was especially significant because it was not exclusive and open to the general public, including women.

About the time the YMCA was being completed, the Police Department, firmly established in the basement of new City Hall, was competently overseeing the safety of its community. Berkeley became the first American city to put all of its officers on bicycles. Later, in 1912, the force became the first completely
motorized department in the country with motorcycles. In 1914, the entire force was equipped with cars. In 1915, Dr. Albert Schneider of the Berkeley Police Force created the nation’s first scientific crime detection laboratory. That same year, the first Junior Traffic Police Force in the country was organized by Berkeley’s police force in cooperation with its public schools in order to prevent crime among juveniles.

Contemporaneously, efforts to improve cities and apply the lessons of the new planning profession were changing communities throughout the nation. The “White City” of the Chicago’s Columbian Exposition of 1892 and the City Beautiful Movement had awakened civic-minded leaders to the concept that America’s increasingly crowded, dirty, and disorganized urban centers could be transformed into pleasant, attractive, healthful communities. Public-spirited citizens brought Chicago’s Daniel Burnham to San Francisco just before the 1906 earthquake to plan its civic areas. His designs widely influenced government planning throughout the 

In the midst of the many important public buildings being constructed in Berkeley, city officials in 1911 and 1915 commissioned master plans for the City’s growing civic center. Influenced by the City Beautiful Movement, the plans were intended to transform the messy area into a healthy, rationally-organized park district which would improve urban life, uplift the spirit and inspire civic pride and good citizenship. The plans denote a central park surrounded by harmoniously designed civic buildings. At about this time, to bolster public interest, the city initiated an annual fair in the civic center district and promised to include a children’s playground in developing the park.

The same public spirit, in 1911, elected Berkeley Mayor J. Stitt Wilson who became the first Socialist Mayor elected in the United States. For purposes of civic betterment in 1923, after many years of debate, Berkeley also became one of the country’s first cities to adopt a “City Manager” type of government. This meant closer collaboration between legislative and administrative branches of city government, budget control, greater efficiency, and integration of municipal departments. It was intended to reduce corruption and waste in the provision of municipal services. Similarly, Berkeley’s Police Force was gaining recognition at the time under its progressive Chief August Vollmer and was beginning experiments in “scientific policing.” In 1923, lie detectors were invented at the University of California in Berkeley and the first practical model was used by the City’s police force. In addition, as a result of extensive training programs, Berkeley’s police department recruited the first college-trained woman police officer in the United States.

World War I interrupted further development of city government and the Civic Center. Not surprisingly, the first civic building to be constructed in Berkeley after the War was the Veterans’ Memorial in 1928, an important part of the civic center’s development. An ambitious statewide building program was passed by the state legislature in the 1920s reflecting the political and social influence of World War I veterans. It enabled counties to include in their tax rate a certain portion for construction of memorial buildings dedicated to war veterans. As a result, Alameda County contains an impressive collection of veterans’ memorial buildings, including Berkeley’s, still in use today.

The Depression stifled Berkeley’s grand plans for a government center and funding for “the civic park”
8. Statement of Significance

was slow in materializing. It was not until federal relief programs of the late 1930s that a second phase of civic improvements began. Because the university was a land grant college and the center of agricultural education and research in the state, Berkeley was, by 1917, one of twelve regional locations in the United States for the Federal Land Bank. After the Depression, the Agricultural Adjustment Act of 1933, required the Farm Administration, through the Federal Land Bank, to refinance farm mortgages in order to help farmers reestablish themselves. As part of President Roosevelt’s “New Deal” policies, universities were to educate farmers to farm more efficiently in order to better feed the millions of hungry people. Because the School of Agriculture and Extension Services at the University of California in Berkeley were the center of agricultural education in the state, the Federal Land Bank, in 1937, needed to build new regional headquarters in Berkeley to administer the federal relief program and implement its policies. Strategically, the city sold the land it had acquired for the eastern portion of civic park to the Bank for its headquarters and then used income from the sale to purchase private parcels on the rest of the block for the rest of the park.

The further development of the civic center is also related to the Federal Land Bank. From the 1920s through the 1950s, the State Farm Insurance Company sold insurance to county Farm Bureaus throughout the country. Based in Illinois, the company typically positioned itself in medium-sized university towns and located its offices in civic or city centers, very often close to Federal Land Banks. In the 1940s, the company expanded its insurance to include auto and life. As a result, in 1946, it built its new offices across the street from the Federal Land Bank, its largest client, while other similar business located in Berkeley’s downtown business district on Shattuck Avenue.

In order to continue serving citizens with a top-notch police force, in 1939, the city built new headquarters for its most popular branch of city services. The force moved out of the basement of City Hall and into the new Hall of Justice, located directly behind City Hall, in close proximity to other municipal services. The Hall of Justice contained a dual radio/telephone switchboard installed by telephone engineers and police technicians and the department became the first in the country to use radios in its police cars.

Ironically, by this time, all of Berkeley’s civic buildings were in place surrounding the central park, but the City had yet to acquire the remaining private parcels for the civic district’s central park.

In 1939, the Golden Gate International Exposition opened on Treasure Island in San Francisco Bay. Glowing in the center of the Bay and clearly visible from Berkeley, it provided a fantasy city of designs and attractions. Berkeley residents flocked to the Exposition which held ‘Berkeley’ and ‘University of California’ Days. Perhaps it was the threat of impending World War, or perhaps it was the appeal of preserving memories of Treasure Island in the form of a civic fountain centerpiece, whatever the cause, Berkeley citizens finally approved a bond measure in 1940 -- after rejecting a few other measures beginning with one in 1914 -- that enabled the City to purchase the remaining land for its civic center park. The park was one of the last park projects undertaken by the Works Progress Administration which assisted the City with construction.

Once approved, the development of Civic Center’s park moved rapidly forward. Civic leaders, local
organizations, and the WPA all contributed to the Park’s realization by donating funds, flagpoles, benches, memorial trees, and the promised children’s playground equipment. In the midst of World War II, in 1942, the park was completed, over 30 years after its original conception by City Beautiful planners. It culminated three decades of public effort to create a formal open space in Berkeley’s civic core. It was one of the community’s most important events. The new park was dedicated on Memorial Day, 1942, with patriotic pageantry appropriate to a nation at war. Crowds ringed the central lawn. Soldiers in World War I uniforms proceeded a young woman in flowing white dress and crown (presumably Lady Victory), borne by Boy Scouts, through the park. An orchestra performed on a temporary stage and speeches were made. Photographs of the event reveal Berkeley’s distinctive small-town character, with young children scurrying around on the lawn to get the best view of the parade, people of all ages, and knots of spectators gossiping on the margins of the crowd. In the 56 years the Park was dedicated, a broad array of political, cultural, and other events have taken place in the park capturing the physical space with social and historical associations.

At about the same time that the Federal Land Bank was being constructed, Berkeley’s school system was also being affected by President Roosevelt’s New Deal policies. The school administration, in 1937, planned an expansion of the high school facing the central park. The school was a great source of civic pride and the expansion was to take up the whole block directly south of the park. The expansion not only included the typical science and math laboratories, but the planners also included a performing arts facility because such arts were an integral part of education. Furthermore, the sophisticated Berkeley community -- where amateur drama had been popular since the turn of the century -- lacked a good facility for performing arts. The idea to merge the community’s need for a theater with the philosophy of broad education seemed to suit the nature of Berkeley’s growing civic center. When proposed in the late 1930s, the theater building was conceived with the spirit that a school should be a community center, not a blackboard jungle. It was part of the 1930s Model City Program which envisaged, among other things, an exemplary school system and a Civic Center complex for Berkeley.

Because the building trades were badly affected during the Depression, Roosevelt created the Works Progress Administration, commonly known as the WPA. Because of a WPA grant in 1939, construction for the theater began in 1940 and was rushed to avoid conflict with the national defense program of World War II. But with the attack on Pearl Harbor, construction stopped and was not resumed until 1949. For an entire decade, the auditorium sat an unfinished skeleton on the local skyline and was known familiarly as the Bird Cage. The Community Theater was finally completed in 1950, the last civic building constructed during the Civic Center District’s Period of Significance (1908-1950).

In October, 1949, the local school board decreed the name of the facility would be the Berkeley High School Community Theater. Local veteran groups favored a name which would commemorate the 137 student who died in World War II. After a prolonged debate which considered such suggestions as a beacon light atop the auditorium and even an eternal light within, the board decided instead to incorporate a Memorial Court into
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The project. It should be noted that in January, 1965, the adjacent Little Theater became officially the Florence T. Schwinley Little Theater in honor of a long-time drama teacher at the High School.

The Berkeley High School Community Theater was formally dedicated on June 5, 1950. With a program devoted to the history of Berkeley, then Governor Earl Warren spoke at the opening ceremonies. On June 10, 1950, the local Lions Club sponsored a presentation of Art Linkletter’s “People Are Funny” radio show in the theater as a charity. For years, the Berkeley Community Theater was one of the best-equipped theaters in the Bay Area and was rivaled only by the War Memorial Opera House in San Francisco. In the early 1950s, it was lauded as Berkeley’s “Temple of Beauty” or as the largest indoor auditorium on the Pacific Coast and one of the largest in the country. In an article published in the 1951-52 (23rd Edition) of the American School and University, Superintendent Nelson reported that George Ford, manager of the Ballet Russe de Monte Carlo, called this one of the finest theaters in the world. Since then, it has been eclipsed by such facilities as UC-Berkeley’s Zellerbach Hall and the Center for the Performing Arts in San Jose -- just as it superseded the once popular and heavily used Greek Theater on the UC-Berkeley campus.

As the anchor for the community’s performing arts, the Berkeley High School Community Theater has been a mainstay for the cultural life in Berkeley and the East Bay. It was -- and is -- supported by Berkeley’s adjacent downtown district which contained a variety of entertainment venues, restaurants, and the like. The Park, too, was the site of many community festivities, city-wide gatherings, and cultural events of importance. It was -- and is -- used for a wide range of civic purposes including celebrations, rallies, fairs, holiday celebrations, and concerts. In combination with the Berkeley Community Theater, the park has been the stage for a broad array of performing events all of which express the diverse lifestyles of Berkeley citizens.

The Civic Center District has continued to serve Berkeley’s government and community until the present day. Between 1955-63, the City purchased the northern half of the City Hall block and in 1958, the Alameda County Courthouse was built on this block. Later, Berkeley’s Fire Department built its headquarters here and other city services have located in smaller buildings on this block. The City Council outgrew its quarters and moved the City Hall into the Federal Farm Credit Buildings in the 1970s and the School Administration moved into the Old City Hall. Lastly, in the 1980s, a “Peace Wall” was constructed to celebrate peace with the Soviet Union and Hiroshima. The Wall was among the first of its type and has led to similar memorials throughout the world.

By its very nature, Berkeley’s Civic Center District has been intimately intertwined with the political/social history and welfare of the city. Every civic and social function within the district promoted the welfare of citizens. The district is significant for efforts during the first four decades of the twentieth century to establish good public parks and buildings -- not only as a way to beautify communities, but as a means of fostering public-minded behavior and good citizenship. Currently, many civic projects, large and small, are being considered for the district. A county courthouse, a public safety building, a new high school building, and a replacement fountain have all been proposed for Berkeley’s historic Civic Center District.
8. Statement of Significance

II. AREAS OF SIGNIFICANCE

B. Architecture/Community Planning and Development

Berkeley, California's Civic Center Historic District is significant locally for its ensemble of civic buildings which are characteristic of architecture and city planning during the period of significance 1909-1950. The district embodies the distinctive characteristics common to many early 20th century civic centers inspired by the City Beautiful movement and Beaux Arts classicism popularized by the 1893 Chicago World's Fair. Such civic centers often have a central park or plaza area surrounded by a group of compatible or harmonious buildings whose functions are primarily civic. Individual buildings are symmetrically designed and usually form an axis or axes with one another. A Beaux Arts plan for Berkeley's civic center was published in 1914 illustrating a central park with a fountain in the center and surrounded by a harmonious group of buildings. These characteristics are present in today's Civic Center District.

Old City Hall (1909) and the Post Office (1914) were built before the First World War and are representative of Beaux Arts classic revival styles with richly decorated, but harmonious, facades. Three major contributing buildings and the park were built between 1928-1950, and are representative of the artistic values and economic restraints of Classic Moderne. All contributing buildings have the symmetrical facade arrangement typical of classicism, and four of these buildings create a cross axial composition running east-west (from Old City Hall to the Farm Credit Building) and north-south (from the Veterans' Memorial Building to the Community Theater) which meets in the center of Civic Center Fountain. The area conveys its significance through the spatial relationships between these major features that were created by conscious community planning beginning in 1909 and culminating in 1950. Despite the length of time it took the city to assemble the property and construct the buildings, the resulting district is a clear expression of aesthetic ideals and preferences at the turn of the century. The major contributing is (the park) and fountain, and individual contributing buildings reflect historic and current functions which remain essentially the same and have retained a high degree of integrity. All are located on their original sites; few, if any, physical alterations or changes have been made to the individual buildings or the park; the original harmonious colors of the buildings have been retained; most of the interiors are intact. The relationship between contributing buildings, the downtown and the park has not been changed since the area achieved significance.

When Old City Hall was completed in 1909, its design, scale, and elegant silhouette reflected Berkeley's growth from a town to a city. Its design was a conscious community planning decision because it proclaimed the city's new image as the "Athens of the West" in keeping with the beautiful neo-classic buildings being built on the University campus under
University architect, John Galen Howard. Despite the ambitious plans published in 1914 for a grand colonnaded, tile-roofed ensemble of buildings, the citizens of Berkeley repeatedly rejected bond issues for its construction. While the larger and more fully realized Beaux-Arts University of California Campus was being built between 1902 and the late 1920s, Berkeley's Civic Center remained uncompleted.

1. Old City Hall, 1909, was the first building to be constructed in what would become Berkeley's more fully developed civic center. It set the stage and became the keystone for the future civic center. It embodies the distinctive characteristics of Beaux Arts Classicism, a significant style of architecture for primarily institutional and civic buildings during the late 19th and early 20th centuries. It was designed by John Bakewell and Arthur Brown, Jr. who studied at the Ecole des Beaux Arts in Paris, after graduating from the University of California in the 1890s. They established a partnership in 1906 and the Berkeley City Hall was one of their earliest commissions. Other works by the firm include the more elaborate San Francisco City Hall (1912-1916), and the San Francisco Opera House (1932). Their design was selected as the winner of a 1907 competition to replace the original Berkeley Town Hall (Samuel and J. C. Newsom, 1884) which had burned in 1904. As the keystone to the future Civic Center and in anticipation of a larger complex, the "new" City Hall was constructed a few feet to the north of the previous building so that it was on axis with the block to the east. Thirty-three years later Civic Center Park was built on this block.

Old City Hall is an expression of aesthetic ideals and preferences during the period of significance and is a characteristic example of a particular time. The building illustrates the physical features that occur in Beaux Arts Classicism by the form and proportion of the structure, its plan, style and materials. The building is reinforced concrete over a steel frame, a method of construction typical of large buildings during this period. Its decoration is derived from Greek and Roman sources in a symmetrical arrangement.

The building retains a high degree of integrity. There have been few alterations to the building since it was completed in 1909. The interior exhibits decorative techniques used at the time for the painted columns at the base of the main stairway and in the trompe l'oeil painting of the walls and ceiling of the stairwell. These are well preserved examples of decoration and representative example of a period.

The only change in the main facade has been the replacement of the operable sections of the original wood sash windows with aluminum, but the pattern of the window divisions has been retained. The major alteration occurred in 1950, when the rear of the building was extended about 10 feet on each side of the stair-bay to create additional office space, but this can not be seen from any public right-of-way. The windows on either side of the stair bay were enclosed as part of this work, so that the main staircase is now much darker than it was originally.
8. Statement of Significance

2. Martin Luther King, Jr., Civic Center Park and Fountain, 1938-1942, are the physical centerpieces of Berkeley Civic Center District. Although the second-to-last part of the Civic Center complex to be completed, the park was anticipated in 1908 when City Hall was designed. Its acquisition and construction culminated more than three decades of planning and attempts to achieve a unified civic center of public buildings arranged harmoniously around a central park/plaza. The park retains a high degree of integrity. Most of its original features, and almost all of the park hardscape and most of its permanent landscape plantings have survived intact.

The park is significant because it embodies the distinctive characteristics of a civic center park conceived in the early 20th century as an expression of the City Beautiful movement which emphasized the creation of parks and other public amenities as a way to beautify communities and inspire public-minded behavior. These characteristics include: a symmetrical plan; an open lawn space for public gatherings and relaxation; two raised performance spaces, one above the lawn and another above the fountain plaza; a water element in the form of a fountain; the community Holiday Tree; and paved pathways, benches and trees. It also displays distinctive stylistic characteristics in the form of physical features such as the fountain, steps and walls that use Streamline, Art Deco or Modern design themes from the 1930s when the park was constructed. The park is associated with regionally and nationally significant designers including Henry Guterson, Bernard Maybeck, and Julia Morgan (all studied at the Ecole des Beaux Arts in Paris) and university Professor and landscape architect John Gregg.

The park is associated stylistically with the 1939 Golden Gate International Exposition (on Treasure Island in San Francisco Bay), a major cultural and design milestone in regional history. The inspiration for a large, lighted fountain and the actual plumbing and pumps of the fountain came from the Exposition, which closed in 1940 while the park was being planned. It is likely that the direct model for the fountain was the Exposition's monumental "Fountain of Western Waters" in the "Court of Pacifica" which had a closely similar arrangement of circular basins, water jets, and colored lights. All of the fountain structure remaining is original, as is the flagstone terrace surrounding the fountain and an underground concrete vault where the pumps were located. The fountain is Modern in character, with symmetrical circular and curved elements and constructed of unadorned concrete with the original board marks still showing.

3. The Veterans Memorial Building, 1928, is an important part of the development of the Civic Center and expresses the community's desire to create a cohesive unity. The building is a characteristic example of the Classic Modern Style: while it lacks the highly decorative plastic qualities of Beaux Arts classicism, it retains the symmetry and classic references of that style in a simpler and less three-dimensional manner. Its classic colonnaded recessed entry refers to both Old City Hall and the Post Office, and to three High School buildings (now gone) which were in the classic revival style and standing at the time this building was built. The building exemplifies a simplified handling of classicism that was popular for civic buildings between 1920-1950. This
8. Statement of Significance

Form of classicism has not been highly regarded and is sometimes referred to as "stripped" classicism. It was not a style associated with avant-garde design at the time, but the style was appropriate for the area and supported the Beaux Arts concept of a harmonious grouping of buildings and its function as a Veterans Memorial Building. The building is the work of a regionally noted architect who designed other Veterans buildings in Alameda County, and with his daughter, who was also an architect.

4. The Federal Land Bank Building is significant for its contribution as a major element in the district's axial plan: it is the east element on the east/west axis through the park to Old City Hall and shows the conscious planning decisions made by the community to organize the civic center space. Used as Berkeley's City Hall since 1977, the building exemplifies its heritage as a Federally sponsored Depression era building project through its restrained classic ornamentation and symmetrical three-part classical composition. Its most notable exterior feature is the exuberant zigzag design of the twin elevator towers, which are both practical and decorative, flanking the west entrance to the building and emphasizing the axial composition with Old City Hall. The interior is also intact and distinctive for its Art Deco detailing, especially in the lobby. It was designed by locally prominent architect James W. Plachek in 1938. The building retains a high degree of integrity.

5. The Berkeley High School theater complex building: Florence Schwimley Little Theater, 1937, and Berkeley High School Community Theater, 1937-50, is a significant component of the Civic Center District. The center of the 1/2 block long 1 to 2 1/2 story building is the four story Community Theater. In the center of its north facing exterior wall, overlooking Civic Center Park, is an exuberant three story bas relief sculpture which rises above the stage door. The center of this is the south element of the north/south axis of the Civic Center District. The building was designed by Bay Area architects Henry H. Gutterson and William Corlett Sr. Architect Henry Gutterson was a 1907 graduate of the University of California at Berkeley and had studied at the Ecole Des Beaux Arts in Paris. Gutterson was appointed chair of the Civic Center Park project in 1937. He and Corlett created the north/south axis by designing the center of the theater building on axis with the Veterans Building with the fountain in the center. The building is also a characteristic example of the Art Deco Moderne style popular after the 1925 Paris fair entitled "Arts Decoratifs et Industriels." The bas relief sculptures by Robert Howard are examples of a Depression era federally funded public work project. This building, along with the Shop and Science Buildings on the Berkeley High School Campus, are significant as the only planned ensemble of Art Deco styled buildings in the city. The theater building complex, both on the exterior and interior, has had little modification or alteration and retain a high degree of integrity.

6. The Young Men's Christian Association Building, 1910, embodies the distinctive characteristics of the early 20th century revival style in the form of the Georgian Colonial type. It
is the work of noted local architect Benjamin McDougall. It is an expression of the aesthetic ideals of the period as illustrated by its materials and form of decoration. This building is related to the Civic Center by its semi-public function as a social, cultural and recreational center.

7. The United State Post Office, constructed in 1914, embodies the distinctive characteristics of the Beaux Arts Classic Renaissance Revival style. The building is an expression of the aesthetic ideals of the government to “educate and develop the public taste and eventually elevate it to a higher plane” and was designed by the Treasury Department Supervising Architect’s Office headed by Oscar Wenderoth. The building conveys its significance through its colonnaded recessed entry, ornamentation and materials. The Post Office is related to the Civic Center by its location, function, date and style. The building retains a high degree of integrity of materials and workmanship; and has not been significantly altered since a 130 foot addition was constructed in 1931/2 at the rear of the original 35 foot deep building, along Milvia Street, which has the same wall, cornice and window motif as the facade.

8. The State Farm Insurance Companies Building, 1947/8, relates to the Civic Center through its architectural design. Built by a private company, but located in the Civic Center District, the building was designed by James Plachek who built the Federal Land Bank Building a decade earlier. Designed to appear as part of the Civic Center, the building, through its method of construction, style of architecture, form, proportion, materials, fenestration, color and details, clearly relates to the Civic Center. The building retains its integrity of materials, workmanship, association, location, and design and has not been altered on the exterior.

9. City Hall Annex, 1925, is related to the Civic Center by its function, location, date and style. It is an expression of an aesthetic ideal and a preference to build a modest, but pleasant addition for city functions. It was also designed by local architect James Plachek. It is residential in scale, showing a preference to be compatible with the residential neighborhood that it faces. The building retains its integrity of materials, workmanship, feeling, association, location, and design. It has not been altered or changed.

10. The Hall of Justice was constructed in 1938 and is characteristic of a utilitarian building (a police department and jail) constructed of reinforced concrete, with sparse decorative detailing found only on its entrance bay. Designed by James Plachek, it is stylistically representative of the period in which it was built and is in a less visually prominent location behind Old City Hall. It is related to the civic center by its function, location and date.
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UNPUBLISHED RESOURCES

Individual Landmark Applications

Civic Center Park, recorders: Steve Finacom, Linda Perry, Gale Keleman, 1997
Berkeley High School, recorder: Susan Cerny, 1992
YMCA, recorder: Charles Bucher, Jr. 1989
Veterans Memorial Building, recorder, Betty Marvin, 1985
City Hall Annex, recorder: JoAnn Price, 1983
United States Post Office, recorder: Betty Marvin, 1980
City Hall, recorder: Trish Hawthorne, 1980
Federal Land Bank, recorder: Richard Ingersoll, 1977
9. Major Bibliographical References

Landmark applications can be obtained from the Secretary to the Landmarks Preservation Commission, Zoning Department, City of Berkeley

The archives of the Berkeley Architectural Heritage Association; The Berkeley Historical Society; Berkeley Public Library: Swingle Collection; The Bancroft Library, University of California; and the Documents Collection of the Environmental Design Library, University of California, Berkeley.

Oral Histories Bancroft Library, UC Berkeley: Jacques Schnier

Public Records: Berkeley School Board Minutes 1938-40

John Galen Howard Papers, Bancroft Library, University of California
Verbal Boundary Description

The boundary of the nominated property includes the entire block bounded by McKinley and Addison Streets and Allston and Martin Luther King Jr. Way. It also includes the adjoining block bounded by Center Street, Milvia Street, Allston Way and Martin Luther King Jr. Way. North across Center Street is included the Veteran’s Building at 1931 Center St. and the State Farm Insurance Building at 1947 Center Street, both to the rear property line. To the East, at the NE corner of Milvia St. and Allston Way is included the Berkeley YMCA at 2001 Allston Way and at the SE corner is the Berkeley Post Office at 2000 Allston Way. The property at the SW corner of the intersection of Milvia and Allston and the Berkeley Community Theater/Florence Schwimley Little Theater at 1930/1920 Allston Way are included. The final piece of the boundary of the nominated property contains the structure at the SW corner of Martin Luther King Jr. Way and Allston Way, at 2200 Martin Luther King Jr. Way.

Boundary Justification

The proposed district boundaries were determined by the civic function of the individual properties surrounding Civic Center Park.
<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Property Location</th>
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| Mayor Shirley Dean  
Members of the City Council  
James Keene, City Manager  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704 | (1) 2134 Martin Luther King Jr. Way  
Berkeley, California                                                                                                                                         |
| (2) 1835 Allston Way (Annex)  
Berkeley, California                                                                                                                                     |
| (3) Civic Center Park  
Berkeley, California                                                                                                                                 |
| (4) 2180 Milvia Street (City Hall)  
Berkeley, California                                                                                                                                 |
| (5) 1931 Center Street (Veterans Bldg.)  
Berkeley, California                                                                                                                                 |
| (6) (DELETED)                                                                                                                                                                                                 |
| (7) 2111 McKinley Street  
Berkeley, California                                                                                                                                 |
| (8) 2121 McKinley Street (Fire Department)  
Berkeley, California                                                                                                                                 |
| (9) 2131 McKinley Street (Police Department)  
Berkeley, California                                                                                                                                 |
| (10) 2120 Martin Luther King Jr. Way (County Courthouse)  
Berkeley, CA                                                                                                                                               |
# National Register of Historic Places
## Continuation Sheet

### Property Owners

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Property Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larry Bush, President and CEO</td>
<td>(1) 2001 Allston Way Berkeley, California</td>
</tr>
<tr>
<td>Board of Directors</td>
<td></td>
</tr>
<tr>
<td>Berkeley YMCA</td>
<td></td>
</tr>
<tr>
<td>2001 Allston Way</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California 94704</td>
<td></td>
</tr>
<tr>
<td>Jack McLaughlin, Superintendent</td>
<td>(1) Berkeley Community Theater 1930 Allston Way</td>
</tr>
<tr>
<td>Berkeley Unified School District</td>
<td></td>
</tr>
<tr>
<td>2134 Martin Luther King Jr. Way</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California 94704</td>
<td></td>
</tr>
<tr>
<td>United States Postal Service</td>
<td>(1) 2000 Allston Way Berkeley, California</td>
</tr>
<tr>
<td>c/o George Banks, Postmaster</td>
<td></td>
</tr>
<tr>
<td>2000 Allston Way</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California 94704</td>
<td></td>
</tr>
<tr>
<td>G. Bakar Partnership</td>
<td>(1) 1947 Center Street Berkeley, California</td>
</tr>
<tr>
<td>201 Filbert Street, #700</td>
<td></td>
</tr>
<tr>
<td>San Francisco, California 94133</td>
<td></td>
</tr>
</tbody>
</table>
FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
SEPTEMBER 4, 2013

Time: The meeting was called to order by Chair Eisen, at 7:06 PM.

Location: North Berkeley Senior Center, 1901 Hearst Ave., Berkeley, CA

ROLL CALL

Commissioners Present: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel

Commissioners Absent: None.

Staff Present: Alex Amoroso, Eric Angstadt, Julian Bobilev

ORDER OF AGENDA: Item 10 discussed before Item 9. Item 11 carried over to the next meeting on September 18.

PUBLIC COMMENT PERIOD: No speakers.

PLANNING STAFF REPORT: AB 1229 passed and is currently waiting for Gov. Brown’s signature. This is the legislative answer to Riggs v. Palmer and would bring Berkeley’s inclusionary housing policy back into effect.

LATE COMMUNICATIONS (received after Agenda deadline):

CHAIR REPORT: Councilmember Kriss Worthington has appointed Elizabeth Lam to a permanent post on the Planning Commission.

COMMISSION REPORT: None.

APPROVAL OF MINUTES:

Motion/Second/Carried (GP/SM) to approve the draft minutes of the regular meeting of September 4, 2013, with a modification. Ayes: Stephen Murphy, Gene Poschman, Tracy Davis, Dan Lindheim, Jim Novosel. Noes: None. Abstain: Teresa Clarke, Victoria Eisen, Patrick Sheahan, Elizabeth Lam.
CONSENT CALENDAR: None

FUTURE AGENDA ITEMS and OTHER PLANNING-RELATED EVENTS: On September 18, 2013, an item should be placed on the agenda regarding a statement of support for the Berkeley Tuolumne camp being rebuilt as quickly as possible.

AGENDA ITEMS:

**Item 9 Discussion / Action: Soft Story Building Ordinance**

Motion/Second/Carried (PS/TD) to support the adoption of the Soft Story Building Ordinance and to ask that the Commissioners’ comments be conveyed to the Council. Ayes: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel. Noes: None. Abstain: None.

Commissioners made the following comments:
- It may be beneficial to have an option for building owners to demolish the building rather than have it be retrofitted, particularly if it has no significant aesthetic value.
- Maybe permit fees could be waived for building owners.
- Discuss options for enforcement on non-compliant buildings, since the public nuisance process is very difficult to use.
- Could more be done to allow the elimination of parking to facilitate retrofits?
- Perhaps the time frame to apply for a building permit could be shortened to 1 or 2 years instead of 3, since building owners have already had sufficient time to be informed of the requirements.

Public Comment: None.

**Item 10 Discussion / Action: Civic Center Historic District Overlay**

Motion/Second/Carried (TC/GP) to set a Public Hearing on the Civic Center Historic District Overlay on October 2, 2013, using broadly worded language so as to not overly constrict the possible discussion regarding the range of allowed uses. Ayes: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel. Noes: None. Abstain: None.

Commission directed staff to provide the following information during the October 2, 2013 public hearing:
- Check with the City Attorney whether the Planning Commission process can constitute notice to any potential buyer that a proposal to add an overlay zone and restrict the range of allowed uses for the Post Office property is already in motion. Has sufficient action been taken to put them on notice and if not, what further action should be taken?
- Is there a timetable and description of the process whereby the City of Berkeley will negotiate with the Post Office?
- Create a list of all uses in the affected zoning districts, including which uses should not be allowed in the proposed overlay and a description of how the exclusion fits with the goal of the overlay.
Motion/Seconded/Carried (GP/JN) that the Planning Commission Chair and Vice-Chair will work with staff to develop a list of uses for the overlay zone. Ayes: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel. Noes: None. Abstain: None.

Public Comment: 25.

Item 11 Discussion / Action: Work Plan Schedule
Due to lack of time, Item 11 will be carried over to the next Planning Commission meeting on September 18.

The meeting was adjourned at 10:17 p.m.
Commissioners in attendance: 9 of 9
Members of the public in attendance: 32
Public Speakers: 25
STAFF REPORT

DATE: October 2, 2013
TO: Members of the Planning Commission
FROM: Eric Angstadt, Director, Planning and Building
SUBJECT: Public Hearing – Civic Center Overlay Zoning Council Referral

Recommendation
1. Open a Public Hearing and take public testimony regarding the Council Referral to create a Civic Center Overlay zone;
2. Consider a list of uses to apply to the proposed zoning overlay;
3. Direct staff to draft zoning language for consideration at a future meeting.

Background
The Planning Commission heard initial public comment on this subject and discussed it at the September 4, 2013, meeting. Attachment 1 provides the Staff Report and related attachments for that meeting, including the Council Referral.

The Commission directed staff to set a Public Hearing for October 2, 2013, and directed staff to research and respond to several questions from the meeting. The Minutes from the September 4th Commission meeting are contained within Attachment 2, and the published Public Hearing Notice is Attachment 3.

Discussion
The Referral –

The Council Referral asks that the Commission consider the following:
Refer to the Planning Commission amending B.M.C. Chapter 23D.36 (R-3 District) and B.M.C. Chapter 23E.68 to establish a zoning overlay for properties designated as part of the Civic Center Historic District, restricting uses permitted to only the use categories listed below:
Other Professionals and Government, Institutions, Utilities
Group Class Instruction for Business, Vocational or Other Purposes
Gyms and Health Clubs
Dance, Exercise, Martial Arts and Music Studios
Theaters, including Motion Pictures and Stage Performance
Live Entertainment
Community Centers
Parks and Playgrounds
Public Safety and Emergency Services
Schools, Public or Private

With further caveats as part of the adopted motion to:

- Include R-2 properties in the Civic Center Historic District.
- Remove “Schools: Public or Private” from the list of uses.
- Add that staff will review the proposed uses and make recommendations on adding or removing certain uses.

Staff Analysis –

The Council Referral includes a list of uses (noted above) to be considered for the proposed Civic Center Zoning Overlay. Attachment 4 is the list of fourteen (14) Zoning Ordinance uses common to the R-2, R-3 and C-DMU. The attachment also includes the levels of discretion (ZC, AUP, UP) for each use as found in the Zoning Ordinance.

The set of common uses does allow for a range of civic as well as other uses; with the removal of schools (see Council Referral motion), the list is reduced. The remaining group of uses varies widely and may or may not promote consistently attended civic uses.

The use of all Civic Center Overlay buildings would be affected by the overlay. The uses cannot be made specific to a particular building. Levels of discretion should be considered for the proposed list of uses so an appropriate level of public input and consideration can be engaged on any proposals for any changes of use.

The Referral is silent on any changes to the development standards for the proposed overlay zoning. Development standards vary dramatically between the C-DMU, R-2 and R-3 districts, though the R-2 and R-3 are more similar to each other. Staff has not analyzed the range of difference in the development standards, since it is not part of the Referral, which focuses on a combined use list. Staff recommends that the development standards not be changed and that the overlay only be applicable to uses.

Selecting from the list of common uses offers the most efficient and timely way to complete the zoning overlay process. The environmental review for such a list would be relatively limited in nature, since the common uses would not signal a significant change in the potential uses of the involved overlay properties.

Moving outside of the common list of uses, or adding new properties to the overlay district could engage a higher level of environmental review, and increase the time required to move the zoning overlay through the City process. Staff recommends selecting from the list of common uses.
Conclusion
The Commission is tasked with referring a list of uses back to the Council, which support the intended "civic" use of the Overlay area as described in the General Plan:

Policy LU-22 Civic Center
Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities.

The Recommendation section identifies the steps to that end. Staff asks that the Commission provide guidance on the breadth of the list of uses and properties involved in the proposed Overlay zone. The recommendation should be made in the context of the best opportunities for maintaining the civic nature and public accessibility of the area, as well as recognize the timing and process issues inherent with the different options.

Attachments:
1. 9/4/13 PC Report and Attachments Compiled
2. 9/4/13 PC Meeting Minutes
3. Public Hearing Notice
4. List of Uses: R-2, R-3, C-DMU Combined
STAFF REPORT

DATE: September 4, 2013

TO: Members of the Planning Commission

FROM: Eric Angstadt, Director of Planning

SUBJECT: Civic Center Historic Overlay Council Referral

Recommendation

Discuss the City Council referral to create an overlay district for the Civic Center Historical District. Provide feedback to staff on which uses are or are not appropriate for the proposed district. Determine the schedule for a Public Hearing to consider the referral.

Background

On July 16, 2013, the City Council referred to the Planning Commission a proposal to create an overlay district that would encompass the existing Civic Center Historic District. The referral and the annotated action from that meeting are Attachment 1 and 3. The Council indicated that the item was time urgent but ultimately did not specify a return date to Council.

Discussion

There are four main points on which the Planning Commission needs to discuss and provide feedback to staff:

1) The appropriateness of the use of an overlay district as described in the referral;
2) Whether any changes to the proposed boundary are appropriate;
3) Whether any additions or deletions to the proposed allowed uses are appropriate (Council did strike “Schools, Public or Private” in their motion);
4) Public Hearing date.

Conclusion and Next Steps

The Planning Commission should hear public comment, discuss the issue and provide staff feedback on any desired items to be added or deleted from an overlay district. The
Commission should select a date for a Public Hearing when staff will return with a draft text for a zoning ordinance amendment to create an overlay district for Planning Commission consideration.

1. **Attachments:** Council Referral; and
2. Civic Center Historic District Nomination report 1998;
3. Council Annotated Action Summary - (see below).

7/16/13 Council Action regarding referral:

<table>
<thead>
<tr>
<th>Action: 10 speakers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>M/S/C (Arreguin/Worthington) to approve the recommendation with the following revisions:</td>
</tr>
<tr>
<td>1. Include R-2 properties in the Civic Center Historic District.</td>
</tr>
<tr>
<td>2. Remove &quot;Schools: Public or Private&quot; from the list of uses.</td>
</tr>
<tr>
<td>3. Strike the September 2013 date for delivering recommendations.</td>
</tr>
<tr>
<td>4. Add that staff will review the proposed uses and make recommendations on adding or removing certain uses.</td>
</tr>
<tr>
<td>Action: M/S/C (Wengraf/Arreguin) to suspend the rules and extend the meeting to 11:15 p.m.</td>
</tr>
</tbody>
</table>
ACTION CALENDAR
July 16, 2013

To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguin

Subject: Referral to Planning Commission: Civic Center District Zoning Overlay

RECOMMENDATION:
Refer to the Planning Commission amending B.M.C. Chapter 23D.36 (R-3 District) and B.M.C. Chapter 23E.68 to establish a zoning overlay for properties designated as part of the Civic Center Historic District, restricting uses permitted to only the use categories listed below:

Other Professionals and Government, Institutions, Utilities
Group Class Instruction for Business, Vocational or Other Purposes
Gyms and Health Clubs
Dance, Exercise, Martial Arts and Music Studios
Theaters, including Motion Pictures and Stage Performance
Live Entertainment
Community Centers
Parks and Playgrounds
Public Safety and Emergency Services
Schools, Public or Private

The Planning Commission should make its recommendation to the City Council by September 2013.

BACKGROUND:
In December of 1998, the City of Berkeley established a Civic Center Historic District containing the following properties:

Old City Hall, 2134 Martin Luther King Jr. Way
Civic Center Park
Veterans Memorial Building, 1931 Center Street
Federal Land Bank Building (MLK Civic Center Building), 2180 Milvia Street
Berkeley High School Community Theater, 1930 Allston Street
Berkeley High School
Florence Schwimley Little Theater, 1920 Allston Way
YMCA Building, 2001 Allston Way
Berkeley Main Post Office Building, 2000 Allston Way
State Farm Insurance Building, 1947 Center Street
City Hall Annex, 1835 Allston Way
County Courthouse, 2120 Martin Luther King Jr. Way
Public Safety Building, 2100 Martin Luther King Jr. Way

Subsequently, the Civic Center Historic District was added to the National Register of Historic Places, National Register # 98000963.

The creation of the Civic Center Historic District recognized the special role that the civic center district played in the history of Berkeley, as well as preserving buildings of special cultural and architectural merit.

The Berkeley General Plan also speaks to the role of maintaining the Civic Center as a place for community activities, cultural, educational, and civic facilities.

**Policy LU-22 Civic Center**
*Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities.*

**Policy UD-38.A**
*A. Promote the Civic Center as a historic resource listed on the National Register of Historic Places.*

The establishment of a Civic Center District zoning overlay will not only limit uses of properties in the district to those consistent with the character of the district, but it will also ensure that the Downtown Post Office can only be utilized for a civic or community-oriented use, and may help influence the USPS decide a more favorable future for the building.

**FINANCIAL IMPLICATIONS:**
Staff time involved in researching proposal, developing staff reports for commission review, presenting before Planning Commission and developing a report to City Council.

**CONTACT PERSON:**
Jesse Arreguín, Councilmember, District 4 981-7140

Attachments:
1. Map of Civic Center Historic District
2. Zoning Map showing zoning designations for properties in Civic Center Historic District
LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARING NOTICE

Berkeley Civic Center Historic District

Addresses vary, Proposed District Map and landmark packet are available for review at the Current Planning Division

PROPOSED DESIGNATION OF HISTORIC DISTRICT

THE BERKELEY LANDMARKS PRESERVATION COMMISSION WILL HOLD A PUBLIC HEARING TO CONSIDER THE LANDMARK ALTERATION DESCRIBED BELOW ON Monday, December 7, 1998 AT THE NORTH BERKELEY SENIOR CENTER, 1901 HEARST STREET, MAIN ROOM, (AT MARTIN LUTHER KING JR. WAY), BERKELEY. THE MEETING WILL BEGIN AT 7:30 P.M.

SUBJECT OF HEARING

DESIGNATION OF AN INITIATED LANDMARK STRUCTURE PER SECTION 3.24.110 OF THE LANDMARKS PRESERVATION ORDINANCE.

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. For further information call the Landmarks Secretary, Mark Rhoades at 705-8113. Written comments should be mailed to the Planning and Development Department, Current Planning Division, 2120 Milvia Street, Berkeley, CA 94704

cc: City Clerk, Codes and Inspection,
Planning Commission, Property Records
National Register of Historic Places
Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "X" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900A). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

   historic name Berkeley Historic Civic Center District
   
   other names/site number N/A

2. Location

   street & number N/A
   city or town Berkeley
   state California code CA county Alameda code 001 zip code 94704

3. State/Federal Agency Certification

   As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this □ nomination □ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property □ meets □ does not meet the National Register criteria. I recommend that this property be considered significant nationally □ statewide □ locally. (□ See continuation sheet for additional comments.)

   Signature of certifying official/Title __________________________ Date __________

   State of Federal agency and bureau __________________________

   In my opinion, the property □ meets □ does not meet the National Register criteria. (□ See continuation sheet for additional comments.)

   Signature of commenting official/Title __________________________ Date __________

   State or Federal agency and bureau __________________________

4. National Park Service Certification

I hereby certify that the property is:

□ entered in the National Register. □ determined eligible for the National Register
□ See continuation sheet. □ See continuation sheet.
□ determined not eligible for the National Register.
□ removed from the National Register.
□ other. (explain:)

Signature of the Keeper __________________________ Date of Action __________
### 5. Classification

**Ownership of Property** (Check as many boxes as apply)
- [ ] private
- [ ] public-local
- [ ] public-State
- [x] public-Federal

**Category of Property** (Check only one box)
- [ ] building(s)
- [ ] district
- [ ] site
- [ ] structure
- [ ] object

**Number of Resources within Property** (Do not include previously listed resources in the count.)

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<th>Noncontributing</th>
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<td><strong>3</strong></td>
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<td>Total</td>
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</tr>
</tbody>
</table>

**Name of related multiple property listing**
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

**Number of contributing resources previously listed in the National Register**

2

### 6. Function or Use

**Historic Functions** (Enter categories from instructions)

(See attached continuation sheet)

**Current Functions** (Enter categories from instructions)

(See attached continuation sheet)

### 7. Description

**Architectural Classification** (Enter categories from instructions)

(See attached)

**Materials** (Enter categories from instructions)

- foundation
- walls
- roof
- other

**Narrative Description**
(Describe the historic and current condition of the property on one or more continuation sheets.)

(See attached)
8. Statement of Significance

Applicable National Register Criteria
(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

☐ A Property is associated with events that have made a significant contribution to the broad patterns of our history.

☐ B Property is associated with the lives of persons significant in our past.

☒ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

☐ D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark "x" in all the boxes that apply.)

Property is:

☐ A owned by a religious institution or used for religious purposes.

☐ B removed from its original location.

☐ C a birthplace or grave.

☐ D a cemetery.

☐ E a reconstructed building, object, or structure.

☐ F a commemorative property.

☐ G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance
(Enter categories from instructions)

Politics/Government

Social History

Architecture

Community Planning

Period of Significance
1909 - 1950

Significant Dates

Significant Person
(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Bakewell, John R.; Brown, Arthur, Jr.; Corlett, William, Sr.; Gutterson, Henry Highy; Maybeck, Bernard Ralph; Morgan, Julia; Meyers, Henry H.; Plachek, James W.; Schnier, Jacques; Howard, Robert Boardman

9. Major Bibliographical References

Bibliography (See attached)
(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Primary location of additional data:

☒ State Historic Preservation Office
☐ Other State agency
☐ Federal agency
☒ Local government
☐ University
☐ Other

Name of repository:
10. Geographical Data

Acreage of Property (Under 10 acres)

<table>
<thead>
<tr>
<th>Zone</th>
<th>Easting</th>
<th>Northing</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Verbal Boundary Description
(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title: Susan Cerny/Arch'l Historian; Jerri Holan/Arch'l Historian; Linda Perry/Historian

organization: Berkeley Architectural Heritage Assoc.
date: March 2, 1998

street & number: 2318 Durant Avenue
telephone: (510) 841-2242

city or town: Berkeley
state: CA
zip code: 94704

Additional Documentation
Submit the following items with the completed form:

- Inquisition Sheets
- Maps
  - A USGS map (7.5 or 15 minute series) indicating the property's location.
  - A Sketch map for historic districts and properties having large acreage or numerous resources.
- Photographs
  - Representative black and white photographs of the property.

Additional Items
(Check with the SHPO or FPO for any additional items)

Property Owner
(Complete this item at the request of SHPO or FPO.)

name: (Varies - please see attached)

street & number: __________________________ telephone: __________________________
city or town: __________________________ state: _______ zip code: _______

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain benefits in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reduction Projects (1024-0018), Washington, DC 20503.
<table>
<thead>
<tr>
<th>#</th>
<th>Historic Functions</th>
<th>Current Functions</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>2134 Martin Luther King, Jr. Way</td>
<td>GOVERNMENT/city hall</td>
</tr>
<tr>
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<td>GOVERNMENT/city hall</td>
<td>EDUCATION/administrative</td>
</tr>
<tr>
<td>2.</td>
<td>Allston-MLK Jr. Ways-Center Street</td>
<td>LANDSCAPE/park</td>
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<tr>
<td>3.</td>
<td>1931 Center Street</td>
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<td>4.</td>
<td>2180 Milvia Street</td>
<td>GOVERNMENT/banking</td>
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<td>SOCIAL/civic-recreational</td>
<td>SOCIAL/civic-recreational</td>
</tr>
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<td>7.</td>
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<td></td>
<td>GOVERNMENT/post office</td>
<td>GOVERNMENT/post office</td>
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<tr>
<td>8.</td>
<td>1947 Center Street</td>
<td>COMMERCE/business</td>
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<tr>
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<td>COMMERCE/business</td>
<td>COMMERCE/business</td>
</tr>
<tr>
<td>9.</td>
<td>1835 Allston Way</td>
<td>GOVERNMENT/city hall annex</td>
</tr>
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<td></td>
<td>GOVERNMENT/city hall annex</td>
<td>EDUCATION/administrative</td>
</tr>
<tr>
<td>10.</td>
<td>2171 McKinley Street</td>
<td>GOVERNMENT/police-jail</td>
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<td>GOVERNMENT/police-jail</td>
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<tr>
<td>11.</td>
<td>2117 McKinley Street</td>
<td>GOVERNMENT/fire station- headquarters</td>
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<td>GOVERNMENT/fire station- headquarters</td>
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<tr>
<td>12.</td>
<td>2110 Martin Luther King Jr. Way</td>
<td>GOVERNMENT/court house</td>
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<td>GOVERNMENT/court house</td>
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<tr>
<td>13.</td>
<td>2111 McKinley</td>
<td>HOUSING/private</td>
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<td></td>
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</tr>
</tbody>
</table>
7. DESCRIPTION  Architectural Classification and Narrative Description (continued)

Architectural Classification

EARLY 20TH CENTURY
Beaux Arts Classicism
Moderne
Art Deco

Materials

foundations-concrete
walls-painted concrete-stucco
roof- hidden behind parapet, slate, clay tile
other:
painted sheet metal cupola
ART/bas relief sculpture
terra cotta decorative elements
National Register of Historic Places
Continuation Sheet

Section number 1 Page 1

7. DESCRIPTION Architectural Classification and Narrative Description (continued)

CIVIC CENTER HISTORIC DISTRICT: GENERAL DESCRIPTION

Berkeley, California's Civic Center Historic District comprises portions of a five block area surrounding Martin Luther King Jr., Civic Center Park, the district's central feature. The area is located approximately a 1/4 mile to the East and South of the physical center of the city, and one block west from the center of downtown. The area is bordered on the west by McKinley Street, on the east by Milvia Street, on the south by Allston Way and on the north by Center Street.

The district provides predominantly public services. Thirteen buildings, one site and one structure are in the district. There are nine contributing buildings, one contributing site and one contributing structure, there are four noncontributing buildings. Civic Center Park is located on the west side of the block boarded by Allston Way, Center Street, Milvia and Martin Luther King, Jr. Way. This block is 315' x 590'. The civic center's four major contributing buildings are located on an axis with one another, forming a cross axis at the center of Civic Center Fountain located in the park. The four buildings which form the cross-axis are: "Old" City Hall, on the west, across Martin Luther King, Jr. Way; the former Federal Land Bank Building, located on the eastern third of the park block; the Veterans Memorial Building, located on the north, across Center Street; and the Berkeley Community Theater located on the south, across Allston Way. The architectural styles of contributing buildings are representative of the period of significance 1909-1950. The buildings range from one to six stories. "Old" City Hall (1909), in the Beaux Arts Classic style, and the Post Office (1914), in the Classic Italian Renaissance Style, are among the earliest buildings and the most decorative. Six contributing buildings date from 1928-1950 and are variations of the simpler Moderne Style. All share a high degree of workmanship, materials, quality of design, decoration, and are painted in a compatible palette of pale golds, greens, rose, blues, grays and cream.

The block on the west, across Martin Luther King Jr. Way, where the "Old" City Hall stands, is owned by the City. There are seven buildings on this block. Three are contributing buildings and four are noncontributing buildings. The three contributing buildings include "Old" City Hall and are on the south end of the block and were built to house civic functions. The County Court House and the Fire Department Headquarters, generally in the center of the block, were built after the period of significance. Most of the north third of the block is a surface parking lot and includes two noncontributing buildings which were originally private dwellings but now owned by the city.

Berkeley's Civic Center area is bordered by the downtown commercial and retail district on the east and north, and residential neighborhoods to the west and south. Characteristics that distinguish the Civic Center are achieved by the presence of the park with its tall green background of mature trees, and the siting of contributing buildings back from the sidewalk with some planted landscape features in front or next to them. Major landscape features are present in Civic Center Park and in front of "Old" City Hall. The elements that make up these major landscape features include concrete paths, lawns, mature evergreen trees and Civic Center Plaza and Fountain.
United States Department of the Interior
National Park Service

BERKELEY CIVIC CENTER DISTRICT
ALAMEDA COUNTY, CALIFORNIA

7. DESCRIPTION
Architectural Classification and Narrative Description (continued)

The creation of a clearly defined civic center required more than three decades of planning and land acquisition to achieve. Despite the decades of planning, and the separate nature of each individual project, a cohesive ensemble was created. The appearance of the district retains a high degree of integrity because there have been few changes since the district achieved significance when the Berkeley High School Community Theater was completed in 1950, after 11 years of construction. However, since the district evolved over more than three decades, significant changes did occur between 1909-1950. For example, the land for Civic Center Park, the Veterans Building and the Old City Hall block was purchased from private owners; buildings were removed for the park, parking lots, the Community Theater, Veterans Building, and County Court House. The general condition of the buildings is good to excellent and there have been no significant alterations to the park or individual contributing buildings.

No known archeological resources have been recorded. Strawberry Creek, which once flowed through the park has been culverted and there is no evidence of the creek today. However, creekside areas often contain evidence of indigenous people. All features of the district are manmade. There are no natural prominent features. Vegetation, even large trees, were planted. The topography gently slopes to the west.

1. City Hall - Contributing Building
2134 Martin Luther King, Jr. Way
John Bakewell & Arthur Brown, Jr.
1908-9
Listed on the National Register of Historic Places

City Hall is located on the west side of Martin Luther King, Jr. Way across the street from Civic Center Park, facing east towards the park. City Hall is an example of early 20th Century Revival Beaux-Arts classicism, using decoration derived from Greek and Roman sources in a symmetrically composed three part arrangement. The design of the Berkeley City Hall was inspired by the Town Hall at Tours, France which was designed in 1901 by Arthur Brown's professor at the Ecole des Beaux Arts, Victor Laloux. John Bakewell and Arthur Brown's design was selected as the winner of a 1907 competition. The center of the facade is on axis with the center of Civic Center Park.

City Hall is a rectangular shaped building containing two main floors over a raised concrete basement. The surface of the building is blue/grey painted plaster over concrete; the window trim, wrought iron balconies and the cupola is painted a grayed blue/green. The building is set back from the street approximately 30'. Three concrete pathways lead to the entrance staircase; approaching from the south and north the pathways form a semi-circle and there is one in the center. These pathways surround a lawn. Large redwood trees on either side of the building create a green backdrop. A central concrete staircase rises in two sections. The wide three-sided lower staircase rises from the pathways at ground level. The center portion of this staircase is the widest side. The lower staircase rises to a wide landing enclosed by classic balustrades on the north and south. The upper section of the staircase
terminates at the entrance. The entire composition of the entrance staircases is wide at the bottom and progressively gets narrower towards the top.

The central element on the east side is recessed, contains the entrance and is flanked by two projecting side bays that are smaller, decoratively simpler and shorter than the dominant central element. The central element is 86' x 66" and is divided into five equal sized bays with the entrance in the center. Each bay is separated by engaged Ionic styled columns that rise the full two stories and support six projecting cornice elements that serve as bases for ornamental dentels and monumental urns. Behind the urns is a blank frieze terminating in a secondary cornice molding, with a cartouche in the center. The columns stand on large square bases that are approximately 5' on each side. Each base is separated by Classical balustrades below each arched window. The central portion has a raised, hipped gray slate roof, which provides a large attic storage space. There are ornamental flames at either end of the metal capped ridge. At the center of this hipped grey slate roof is a lantern styled 60' cupola and spire constructed of painted sheet metal on wood frame. The cupola was restored and the building painted original pale blue/gray colors in 1991. There are two small bulls-eyed dormers on the lower portion of the roof, above and between the central bay.

The fenestration of the central section consists of one large window (almost a full floor tall) in each bay, on both floors. The windows on the first floor are arched and framed by an arched molding fabricated from the same concrete plaster as the walls. This window molding is bisected in the center of the arch by a decorative volute keystone element. The central arched opening contains the entrance. On the second floor the windows are framed by rectangles. Both have keystone elements in the center of the window frames. Under the first floor windows is a Classic balustrade and under the second story windows are individual balconies with decorative iron railings, supported by brackets. The two wings (each 31' x 77") are identical and are set perpendicular to the central portion. The details and materials of the wings are the same as the central section, but treated more simply. Under their second floor windows, on the south and north sides, are balconies, supported by large curved foliated brackets, which run the entire length of the windows; they have the same decorative iron railings as on the main facade. These wings have hipped roofs, capped with a metal ridge with ornamental flames at either end. The interior is also significant for the decorative techniques exhibited in the painted columns at the base of the main stairway and in the trompe l'oeil painting of the walls and ceiling of the stairwell. These are perfectly preserved examples of decoration that was popular at the turn-of-the-century.

There have been few alterations to the building since it was completed in 1909. The only change on the main facade was the replacement of the operable sections of the original wood sash with aluminum, but the pattern of the window divisions has been retained. The major alteration occurred in 1950 when the rear of the building was extended about 10' on each side of the stair-bay to create additional office space. The windows on either side of the stair bay were enclosed as part of this work so that the main staircase is now much darker than it was originally. The building retains a high degree
National Register of Historic Places
Continuation Sheet

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7. DESCRIPTION
Architectural Classification and Narrative Description (continued)

of integrity and was designated a City Landmark in 1975. It is also listed on the National Register of
Historic Places.

2. Civic Center Park - Contributing Site
Civic Center Fountain - Contributing Structure
2100 Block of Martin Luther King Jr. Way
Henry Guterson, Chair of the Design Committee
Bernard Maybeck, Julia Morgan, John Gregg,
East side between Allston Way and Center Street
1938-1942

Martin Luther King, Jr., Civic Center Park occupies the western 2/3 of a block. The land
slopes gently to the west. The park is composed of seven major elements: Fountain Terrace, Christmas
Tree Terrace, Civic Center Fountain, large open lawn area, shuffle board court, playground and flag
pole. All original elements date from the completion of the park in 1942. At the east side, the park ends
at the Fram Credit Building and its driveway/parking lot. Between the formal park spaces and the Farm
Credit Building, is a green backdrop created by of groves of trees, including redwood, deodar cedar,
and magnolia. Sheltered in the groves were two concrete restroom structures; the southern structure
remains, but the northern bathroom was removed in the 1970s. Between the groves of trees is a raised
terrace with original concrete perimeter walls; in the center stands Berkeley's "Municipal Christmas
Tree", a Giant Sequoia (approximately 90' tall) lit with colored lights during the winter holiday season.
This terrace forms the narrow eastern end of a hardscape area that widens out in the center of the park
into Fountain Terrace. Fountain Terrace is a circular flagstone terrace. Half the terrace is surrounded
by tile covered concrete walls with five openings to paths. The original wall was reconstructed to
display the brightly colored hand painted tiles of the Peace Wall in 1987. The location and size of the
reconstructed walls replicate the original perimeter walls of the terrace with the exception of a new
opening on the west side, but the colors of the tiles are not compatible with the creamy colors of the
district. The Fountain is in the center of this terrace. It is a 50 foot diameter circular concrete fountain
composed of a large outer pool with two tiered levels that step up to a cylindrical core where water jets
and colored lights were once mounted. It has not been determined when the fountain water jets and
lights were removed. The cross-axis formed by the district's four major buildings (City Hall to the
Farm Credit Building running east-west, and north-south from the Veterans' Memorial Building to the
Community Theater) is located here. All of the fountain structure is original, as is the flagstone terrace
surrounding the fountain. The fountain is Moderne in character, constructed of undecorated concrete
with the original board marks still showing. West of the fountain terrace is a large lawn surrounded by
wide paths in their original configuration, and most in original concrete. The lawn is the open
centerpiece of the park, intended for large gatherings and recreational use. West of the lawn is a
narrow, linear hard surfaced area, flanked by trees and shrub plantings, along the Martin Luther King,
Jr. Way frontage of the park. The southern end of this area was intended for the elderly, and retains
7. DESCRIPTION  Architectural Classification and Narrative Description (continued)

shuffleboard courts, although in damaged condition. The northern portion is a children's play area, which is its original use, although the play equipment is modern. Between the play area/shuffleboard courts and the central lawn is a flagpole, the first feature installed in the park during construction. Surrounding the park are a number of original light poles, although their heads have been removed and replaced with modern fixtures.

Most of the plantings in the park, including an array of camphor trees flanking the central lawn and western end, are original. Original elements of the park furniture still remain, including a number of concrete and wooden benches. Although Civic Center Park was not completed until 1942 it was anticipated as early as 1908 when “Old” City Hall was designed. Bonds were finally approved in 1940 making $125,000 available to buy and develop the land. A committee was appointed to design the park. The chair was architect Henry Guterson, with architects Bernard Maybeck and Julia Morgan and Landscape Design Professor, John Gregg. Henry Guterson, with William Corlet, Jr., designed the Community Theater in 1937, and had located the theater on axis with the Veterans Building. As chair of the park design committee it is not surprising that the major significant element in the cross axial plan is the Civic Center Fountain. Civic Center Park is a Berkeley Landmark, designated in 1997.

3. Veterans Memorial Building - Contributing Building
1931 Center Street
Henry H. Meyers
1928

The Veterans Building is an example of the Classic Moderne style. The facade is a simplified, horizontal three-part vertical composition, two stories with a raised concrete basement as the base, a two-story shaft, and parapet entablature above a simple cornice molding. The building is constructed of reinforced concrete-plaster, painted cream with pale rose and blue accents, and is T-shaped in plan. Overall the building is 180' wide and 120' deep. The central entrance section is recessed and slightly taller than the wings. Each wing is about 40' feet wide and articulated into 3 bays by 4- two-story fluted pilasters. There is one window between the pilasters on each floor with ornamental spandrel panels. The parapet has panels with a scrolled tendril motif and projecting acanthus leaf cornice at the top. The words “Veterans Memorial” are incised in the frieze between the seals of the United States and the State of California. The building has not been altered. A disabled ramp was added on the east side of the entrance in 1990, which removed some planting, but this is not a significant alteration, and it was retrofitted and repainted by the City in 1996.

Most of the interior is finished in dark wood paneling and smooth plaster. The main lobby has a tile floor and polychrome tile baseboard. Display cases with contain momentos of veterans organizations. Tile faced staircases with wrought iron handrails rise to the second floor at either end of the lobby. In the center of the building is a large two-story auditorium. The building was designed by Alameda County Architect Henry H. Meyers and architects Mildred Meyers, his daughter, and George R. Klinkhardt. The building was designated a City of Berkeley Landmark in 1985.
7. DESCRIPTION

Architectural Classification and Narrative Description (continued)

4. Federal Land Bank - Contributing Building
2180 Milvia Street
James W. Plachek
1938

The Federal Land Bank building is a classic WPA Moderne style with a symmetrical three part composition repeated around the building in different ways. The building was designed by James W. Plachek. On the Milvia Street side the main entrance to the building is in the center of a slightly recessed central section. On the west side of the building, overlooking Civic Center Park, the building is a deep U-shape with two towers, one containing stairs and the other containing the elevators, that create an exaggerated Art Deco zigzag design. Above the central section is a penthouse, containing mechanical equipment, with a hipped roof. Windows are grouped in threes and these groups are separated by wide bands of concrete-stucco. On the north and south sides the window groups are again treated in a three-part composition. The five-story building has understated, shallow decoration incised into its concrete-stucco siding. The building is painted gray with pale blue/green and rose beige accents. The blue/green color is also used for the window trim. These are colors believed to be original. Most of the interior remains intact and the exterior of the building has not been altered. The entrance lobby is notable for its original Moderne details. The building became Berkeley's new City Hall in 1977 and was designated a City of Berkeley Landmark in 1985.

5. Berkeley High School Community Theater 1937, completed 1950 and Little Theater 1937/40 - Contributing Building
1930 & 1920 Allston Way
Henry H. Gutterson and William Corlett, Sr., Architects
Robert Howard, Sculptor-1937-50

The Florence Schwimley Little Theater and Berkeley High School Community Theater along with associated classrooms, offices, storage and shop rooms, are located on Allston Way in the center of the block bordered by Martin Luther King Jr. Way on the west, and Milvia Street on the East. The entire composition is nearly symmetrical in plan with three major divisions: the large four story theater proper in the center, the 2 1/2 story west wing containing the Little Theater, and the 1 1/2 storey east wing containing the music and drama classrooms and offices. On the north side of the building overlooking Civic Center Park, the stage area of the Community Theater is expressed as the tall central portion of this composition, set above a rectangular one-story base. In the center of this is a deeply carved bas-relief of seven figures, designed by sculptor Robert Howard, depicting from the bottom to top, sculpture, painting, music, dance, poetry and drama. The center of this work of art is directly on axis with Civic Center Fountain and the entrance to the Veterans Building on the north side of the park.
7. DESCRIPTION

Architectural Classification and Narrative Description (continued)

On the flanking wings are two bas relief heralds, one female and the other male, also by Robert Howard. The Little Theater is the high school's old auditorium, built in 1907, which was extensively remodeled and incorporated into the plan. It has a broad entry staircase to an open entrance balcony on its west side, it is approximately 1/2 a story higher than the east wing.

The south side of the theater complex faces into the school campus on axis with the entrance to the main classroom building (the "C" building) across an open courtyard. The entrance vestibule and exhibition halls are contained in a one-story section which is set in front of a second story section so that the height and mass of the theater is minimized on the interior of the campus. On either side of the entrance are two panels with bas-reliefs also by Robert Howard; the one on the west is a figure representing drama, dance, music and the figure on the east represents poetry, sculpture and painting.

The seating area of the Community Theater is circular. The rectangular stage, with a slightly curving north wall, is located on the north side. The Little Theater is on the west side of the Community Theater and the classrooms, shops and offices are on the east side. On the south side of the Community Theater, curving around approximately 3/4 of the seating area, is the entrance vestibule flanked by two exhibition halls. The School Board Journal Vol. 122 #1, 1951 further describes the interior: "The interior diameter of the main theater is 160 feet, with an orchestra floor of 2406 seats and a balcony of 1091 seats, a total of approximately 3500 seats. The stage is 100 by 55 feet and the proscenium opening is 50 feet wide and 30 feet high. The orchestra pit, which is raised and lowered by electrically operated screws, accommodates 84 musicians with their instruments. This orchestra pit may also be raised to stage a height to enlarge the stage apron. The Little Theater seats 628."

Its basic method of construction is steel and reinforced concrete, made up of pre-fabricated rectangular panels hung on a steel frame. The repetitive rectangular shapes created by these panels are decorative as well as functional. The Moderne/Art Deco styled building is sheathed in cream-colored concrete-plaster; window trim and doors are pale pink. The colors are original. The building expresses a hierarchy of space through the use of simple geometric volumes emphasized by the decorative and artistic bas-relief murals and other surface embellishments molded or carved into the concrete-stucco walls. Decoration also includes: lettering and stripes carved into the concrete-stucco exterior surfaces; fluted pilasters and columns; rounded bays and corners; curved overhangs over some entrances; and concrete and brick-faced planter boxes.

Berkeley High School moved to a newly built school building located at the corner of Martin Luther King, Jr. Way and Allston Way in 1901. By 1934 three additional buildings had been constructed along Allston Way. Two of the older buildings were demolished for the construction of the Science Building and the Community Theater in 1934. As noted above, the auditorium building was remodeled and incorporated into the theater building.

The Berkeley High School Community Theater was dedicated June 5th, 1950 twelve years after the school board entered into an agreement with architect William Corlett Sr. and Henry Gutterson "for the preparation of plans and specifications for the erection and construction of a new auditorium at Berkeley High School and for the remodeling of the old auditorium." (Minutes of the
United States Department of the Interior  
National Park Service  

National Register of Historic Places  
Continuation Sheet  

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7. DESCRIPTION  Architectural Classification and Narrative Description (continued)  

School Board January 31, 1938) Construction of the theater was begun in late 1940, and by December 1941 the steel frame of the almost circular building was nearly complete when the United States entered World War II and construction came to a standstill. It was not until 1949 that construction resumed. The open steel-frame theater stood for almost a decade and became known as the "bird cage". 

The Berkeley High School Community Theater is oriented with its back to the Civic Center and its entrance from the interior of the school campus. However, a sketch of a "General Scheme of Expansion and Development" dated October 1937 shows the auditorium facing a Civic Center Park, which didn't yet exist. School Board minutes of November 1, 1939 report that "Architects Corlett and Gutterson presented sketches of a new idea for the orientation of the auditorium unit for Berkeley High School previously approved June 28, 1939. The architects pointed out that on further study, the required high scene house, as originally located opposite the north front of the academic Building, would be, in their judgment over-powering in mass and an obstacle to the openness and unity of the courtyard and that the reversal of the plan...would eliminate that difficulty. Other advantages cited: direct access to the auditorium by the students, lower cost of the vestibule, more space between "C" building and auditorium, less glare, avoidance of traffic hazard on Allston Way and removal of heating plant to separate building. Architects stated that the new front on Allston would be adequate and appropriate for the proposed Civic Center."

The theater building retains a high degree of integrity. The exterior of the building, its color, windows, brick side walks, retaining walls and planter beds, stairs and pathways, have had little modification or alteration, and are present in photographs for the theater's opening celebrations. Even some plant material has been partially retained. Most of the major interior spaces are also original including upholstery, drapery and rugs. The Florence Schwinmley Little Theater and Berkeley High School Community Theater were designed as an ensemble of high school related buildings in 1937 and include the Shop and Science Buildings located to the west, and buildings to the east that were never built. For purposes of the Civic Center Historic District Application, only the Community Theater and the Florence Schwinmley Little Theater are included in the Civic Center District application because of their community uses. The Florence Schwinmley Little Theater, Berkeley High School Community Theater and Shop and Science Buildings are City of Berkeley Landmarks, designated in 1992. 

6. Young Men's Christian Association - Contributing Building  
2001 Allston Way  
Benjamin G. McDougall  
1910  

The Young Men's Christian Association building is a four story rectangular building above a raised basement. The building sits flush with the sidewalks at the north east corner of Allston Way and Milvia Street. The main entrance is on Allston Way with a secondary entrance on Milvia Street. The building is a three part composition vertically and horizontally on both sides, with the entrances in the
7. DESCRIPTION  Architectural Classification and Narrative Description (continued)

center of the composition. The walls of the raised basement and first floor are cream colored concrete plaster, formed to look like stone, and serve as the base of the composition. The walls of the third, fourth and fifth floors are faced with dark red brick. The "shaft" of the composition, the third and fourth floors, is separated from the "base" by a horizontal belt course; the fifth floor is also separated by a horizontal belt course and is capped by a heavy cornice supported by dentils. A parapet completes the composition. All decorative elements are cream colored concrete plaster. Quoins, also of concrete plaster define the corners and separate the central sections from the sections on either side. The central element on the Allston Way facade contains a recessed entry, with marble floors and kick-plate, framed by Tuscan columns; and above is a classic Palladian styled window. The entrance on the Milvia street side is framed by an arch of concrete plaster made to look like stone. Above the central element on the Allston Way facade, under the cornice are the words "Young Men's Christian Association" in gold lettering. The style of the YMCA building is Early 20th Century Revival/Colonial/Georgian.

The YMCA building has had two additions of almost equal size to the original building. Both these additions are on the east side of the building, along Allston Way.

The first addition was constructed in 1960 in a style consistent with mid-century utilitarian architecture in cream colored concrete plaster. The second addition was constructed in 1992 and is sheathed in red brick. It was designated a City Landmark in 1990.

7. United States Post Office - Contributing Building
2000 Allston Way
Oscar Wenderoth
1914

Listed on The National Register of Historic Places

The elegant facade of the Post Office could be described as a "free adaptation of Brunelleschi's Foundling Hospital" in Florence with its arcade high round arches on plain Tuscan columns gracing its facade. The style of the Post Office is referred to as Second Renaissance Revival. The two story, raised basement rectangular shaped building is set back from the sidewalk about 15 feet. The building faces Allston Way. A series of entrance doorways are recessed behind the entrance loggia of eleven vaulted arches extending almost the full width of the building. Marble Tuscan columns support the arches. Concrete plaster made to look like stone define the corners of the building. The arches are outlined in molded terra cotta. A wide terra cotta belt-course, with dentils, swags, medallions, and wave patterns, visually separates the ground floor from the second floor and continues around the whole building. A smaller terra cotta frieze, with other Classical motifs, tops the second-story just below the eaves. The corners of the facade are heavily rusticated with cast blocks simulating stone. The roof is hipped, red tile over wood sheathing, and has a wide overhang with two rows of curved wooden brackets framing rectangular panels. The arches on the exterior are repeated on the inner wall of the loggia and again in the wall between the lobby and the workroom. These arches are identically
glazed. The Postmaster's office door is framed in carved wood, similar to the vestibule, and in the arch around the door is a mural of figures from the Spanish and pioneer period of Berkeley's history, painted in 1936-7 by Suzanne Scheuer for the Treasury Relief Art Project. A 130' addition was constructed in 1931/2 at the rear of the original 35' deep building, along Milvia Street. This addition has a flat-roof and is one-story plus basement. It has the same wall, cornice and window motif as the facade, even on the sides facing the driveway and loading dock. The Berkeley Main Post Office is well preserved and its fine materials have endured well. The Post Office was designated a City of Berkeley Landmark in 1980 and is listed on the National Register of Historic Places.

8. State Farm Insurance Companies Building-Contributing Building
1947 Center Street
James Plachek
1947/8

The State Farm Insurance Company Building is a six-story, 115,000 square feet, steel-reinforced concrete structure in Classic Moderne style. The building is divided horizontally and vertically into three sections. The recessed entrance opening is two stories high in the center of the facade. The central section, which contains a group of three windows on each flood projects several feet from the side sections. The side sections contain two groups of three windows on each floor. The corner element, set back about 4 feet, has a single window on each floor. The base of the building is rose colored polished stone and the rest of the building is concrete stucco painted pale rose. The building has not been significantly altered. A huge neon sign, which sat on the roof of the building, was removed in 1963 when the company sold the building.

9. City Hall Annex - Contributing Building
1835 Allston Way
James W. Plachek
1925

The building is a one story stucco-sided building with a red tile roof. It is located on the corner of Allston Way and McKinley Street. The roof line repeats and continues that of "old" City Hall and the fenestration follows the same simple elongated vertical lines which are evenly spaced around the building. Small hipped ventilation dormers are set into the roof. It is a free standing building set apart from the City Hall. From Civic Center Park the building is not visible behind bushes and trees. The interior was altertationed in 1983, but the the exterior of the building has not been altered and retains its integrity. The building was designated a City of Berkeley landmark in 1988.

10. Hall of Justice - Contributing Building
2171 McKinley Street
United States Department of the Interior  
National Park Service  

BERKELEY CIVIC CENTER DISTRICT  
ALAMEDA COUNTY, CALIFORNIA  

National Register of Historic Places  
Continuation Sheet  

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7. DESCRIPTION  Architectural Classification and Narrative Description (continued)  

James Plachek  
1938/39  

Groundbreaking for Berkeley’s Hall of Justice, commonly known as the police station, was March 28, 1938 and the building opened November 12, 1939. The building is a three-story L-shaped building with its horizontal facade facing McKinley Street, and the end of the L facing east to Center Street. It is constructed of re-reinforced concrete. The building is larger than "old" City Hall approximately 130' long x approximately 75 feet deep, with an "L" on the north/east side approximately 40' x 25'.  

On the McKinley street facade the building is a three part composition with the entrance in the center of a projecting bay, which is approximately 1/2 the width of the flanking bays. This central element has a slightly rounded corner element. Vertically the building is a two part composition, with the first floor treated like a raised basement with two main floors above. On the ground floor of the entrance bay is a single doorway opening. On each of the two floors above the entrance there are three windows. At the cornice in the center is an incised sign proclaiming: "Hall of Justice". The two bays flanking the entrance have five windows on the ground floor; and on the two main floors there is a single window next to the central bay and then four large windows divided into three sections except for the north second floor where the are only three "slits" for windows (where the jail is located) These slit windows are probably an alteration; early drawings for the building show the fenestration the same on both sides and this would be more consistent with the Classic Moderne style of the building. The windows contain three lights each resulting in an overall horizontal composition.  

Stylistically the building is simple Moderne, with subtle overtones of classic revivalism popular in the early 20th Century. Except for the slit windows and some small additions at the rear, the building has not been altered.  

11. Berkeley Public Health Building - Noncontributing Building  
2117 McKinley Street  
Michael Goodman  
1955  

Berkeley Public Health Building, now the main administrative office building for the Fire Department, is a two story rectangular building with a cut-out, recessed entry on the south side of the building creating a small L. The building is faced with rose colored concrete blocks. Window frames are rusticated concrete block to look like stone one block wide. Window frames are brown steel divided into three parts; upper and lower sections are the same size, fixed, narrow and horizontal; the center section is taller and divided in the center with two operable windows. The windows are evenly space around the building and are the same size on the two floors. six on the south sides, 2 on the south facing wall of the entry, four across the front, and 8 on the north side. The entrance, on the south-west side of the building, facing McKinley Street, is sheltered by a simple, tar-roofed awning supported by steel poles that are very typical of the building's period. There is a gray concrete sided
utility box on the roof. Two dwellings were demolished for this building. The building has not been altered and retains integrity. The building is a noncontributor because it was built after the period of significance.

12. Alameda County Court House - Noncontributing Building
2120 Martin Luther King Jr. Way
John Hudspeth
1958/9

The Alameda County Court House, dedicated June 30, 1959, is a two story rectangular building facing Martin Luther King Jr. Way and is located to the north of "Old" City Hall. The two story recessed glazed entrance is on the south side of the building approached under a projecting two story porch. A string course of windows along the first floor are set above blue tile panels and wrap around the south corner of the building. The second floor string course of windows are centered in the center half of the building. The exterior of the building has had little modification, only a small addition to the north side was added in the 1980s and is very compatible with the original design. The building appears to be in good condition and retains its integrity. It is a noncontributing building because it was constructed after the period of significance.

13. McKinley House - Noncontributing Building
2111 McKinley
c1925/moved to site in 1950s

Three story multi-unit dwelling, rectangular in shape. The narrower side of the building faces McKinley Street. The ground floor is treated like a raised basement. The two main floors are treated identically: a pair of French doors with three lights each, open to a very narrow wrought iron balcony on the north side; on the south side on each floor is a large window with a single pane central section flanked by side panels with three lights each. The entry is on the south side in the center of the building. It is covered by a small entry porch with a clay tile roof. A single row of clay tiles decorate the front parapet. The walls are gray textured plaster painted gray, with white painted simulated quoins at the corners. The "raised" basement walls and quoins are painted a darker gray than the main floors. It is a representative example of a 20th Century Revival Italianate Style. It is a noncontributing building because it was moved to the site after the period of significance.
BERKELEY’S CIVIC CENTER HISTORIC DISTRICT

The solemnity and seriousness of democratic community government, the jubilance and pageantry involved with public festivals and other cultural events taking place in the civic center complex and a bit of the grandeur and pomp inevitably associated with formal aspects of government anywhere...are expressed within Berkeley’s Civic Center as a whole...From its earliest and most primitive beginning amongst neolithic cultures, the civic square or park was the center of community activity, whether the activity was play, pageantry, religion, government or commerce. As time passed, structures arose around it to house one or more of these functions. So in a very real sense, the central square or park should remain the dominant element of a governmental center. As a key element in Berkeley’s civic center complex, the park, then, is an important place and the means by which the expression of local civic character can be achieved.

-Lawrence Halprin, Halprin & Associates, Landscape Architects
"Report on Master Plan for Berkeley Civic Center Park"
January, 1964, pp. 1-3

I. SUMMARY FOR NATIONAL REGISTER CRITERIA A AND C

For almost one hundred years, Berkeley’s civic center district has served the needs of its government and small community. Beginning in 1899 when the first City Hall building was strategically relocated to its current site, the district took over a half century to plan and develop. It embodies the political trends of the nation as well as the region and the city during the district’s period of significance, 1909-1950. Both World Wars, the Depression, and local politics influenced the district’s development. The district also represents the town’s importance as an agricultural center for the surrounding region due to the influence of the first state university, the University of California, Berkeley.

The civic center district includes federal, regional, and local government buildings, along with a community theater, a YMCA, and a Veteran’s Memorial Building all surrounding a central park. These diverse community buildings, located in Berkeley’s most important public space, reflect significant social aspects of Berkeley’s history, important to the citizens’ health, safety, and welfare. The park plan and its collection of civic buildings illuminate the variety of architectural and design influences (the City Beautiful Movement, Beaux Arts and Art Deco/Moderne) that prevailed during the first half of this century. The park layout and its buildings were executed by renowned designers and fortunately the district is largely unaltered and retains a high degree of integrity. As a result, Berkeley’s Civic Center is locally significant as an ensemble of harmoniously planned buildings and as a collective body of civic architecture.
8. Statement of Significance

II. AREAS OF SIGNIFICANCE

A. Politics/Government/Social History

By its very nature, Berkeley’s Civic Center District has been intimately intertwined with the political and social history of the city. The land was acquired, and the buildings designed and constructed, with public approval and funding. Every significant government decision in Berkeley, from 1899 onwards, occurred somewhere in the Civic Center District. The enactment and administration of laws by which the city was governed, and most activities related to political processes, took place within the district’s buildings. In addition, the community’s most cherished public service, its renowned police department, resides in the district.

From its elegant Old City Hall to its streamlined Community Theater, the district has survived almost 100 years of local politics amazingly intact. From festive Christmas celebrations at the fountain to solemn Memorial Day gatherings with the Veterans, Civic Center Park has been the center of a democratic community’s pattern of life. Not surprisingly, the district has been -- and still is -- the most important site in Berkeley’s history.

Berkeley incorporated as a city in 1878 in order to prevent annexation by the neighboring City of Oakland. The process also identified a need for better law enforcement: settlers from the Gold Rush had brought commerce as well as shiftless characters. Consequently, law enforcement was an important concern for the City’s early residents which has continued to the present day. While uniting its different communities, the incorporation was an uncomfortable union of contrasting interests: the University at one end and commerce at the other, separated by farmers who were reluctant to have their land made part of the town in the first place. Tensions were reflected in civic decision-making and the location of the Town Hall became a chronic source of controversy. Initially, Berkeley did not have any civic buildings and Town Trustees met in rented or borrowed buildings, trying to adjust their meeting place from east to west and back again to satisfy both parts of town. In 1884, a Hall was built at Sacramento and University Avenues which was used for twenty years. It satisfied neither district and was difficult to get to. This Hall, in 1895, witnessed the adoption of the Town’s Charter. By 1897 considerable community sentiment for removal of the Hall to the eastern part of town was evident and in 1899, Trustees decided that the Hall would have a new home on Grove Street (now Martin Luther King Jr. Way). The new building site was reasonably centered in town enough to avoid the claim that any one district had been disadvantaged by the relocation.

In 1900, after two unsuccessful tries, Berkeleyans approved a bond issue to build an adequately-sized public high school. A permanent site was purchased on an adjacent block southeast of the Town Hall site. The school was built in 1901 and, in combination with the Town Hall, the two municipal functions formed the beginnings of Berkeley’s historic Civic Center district.

In 1904, the Town Hall burnt down and the city’s volunteer fire department was transformed into a full-time paid force. In 1905, August Vollmer (1905-45) was elected as Town Marshal and over the next forty
years, with much support from the Berkeley community, he developed one of the most highly respected police departments in the United States. In 1906, with community support, the Berkeley police developed the first electric signal light system in the United States.

At this time, the city entered a new era, politically, socially and economically. A spirit of political reform was abroad in the nation and California. The “Progressive Era” was well underway: industrial trusts were being attacked, government corruption exposed and reform proposed, the power of the individual citizen strengthened through direct primary elections and the initiative process, and far-sighted enterprises in the public interest were created or expanded. The 1906 earthquake and fire in San Francisco brought a flood of new residents to Berkeley and the town was becoming one of the leading cities in California. The University of California was flourishing, with enrollment rising and grand new permanent buildings of the Phoebe Apperson Hearst Architectural Plan completed on the campus nearly every year. New residential subdivisions were being planned on all sides, the business district was prospering and busy, and municipal facilities were growing. In 1903, Berkeley housed its Public Library Building (at Kittredge and Shattuck) in a substantial Carnegie-sponsored building designed by University Architect John Galen Howard. The newly minted high school campus, adjacent to the proposed new City Hall, was a source of community pride.

As a result of these forces, the City Beautiful Movement was introduced to Berkeley’s civic-minded leaders as a fitting way to design Berkeley’s most important and public building, the new Town Hall. Built in 1909, the new Hall marks the formal beginning of Berkeley’s progressive political history. It was the first civic building constructed in the district’s Period of Significance. In 1909, citizens amended their City Charter to make Berkeley a city, not a town, and the “Town Hall” became “City Hall.”

Located in traditional proximity to City Hall, Berkeley’s first federal government office, the Post Office, was authorized in 1910 but not completed until 1915. Across from the Post Office, built with funds raised by civic leaders in 1910, the YMCA was located catty corner from the high school and was one of the community’s most beneficial social organizations. Lodges and fraternal orders such as the YMCA and the Elks Lodge were important in America in the late nineteenth and early twentieth centuries. They were centers of community life where ‘prestigious’ citizens socialized. Not surprisingly, most early civic leaders were associated with one organization or another. In the early 1900s, as there were not a lot of public facilities available, these buildings provided an important service for the community. In Berkeley, a number of large buildings were erected to house such groups, the largest being the Elks Lodge next to the Post Office. Because many of the groups were socially active, they were usually involved with controversial issues and in Berkeley, they were an integral part of the city’s early political history. The YMCA was especially significant because it was not exclusive and open to the general public, including women.

About the time the YMCA was being completed, the Police Department, firmly established in the basement of new City Hall, was competently overseeing the safety of its community. Berkeley became the first American city to put all of its officers on bicycles. Later, in 1912, the force became the first completely
motorized department in the country with motorcycles. In 1914, the entire force was equipped with cars. In 1915, Dr. Albert Schneider of the Berkeley Police Force created the nation’s first scientific crime detection laboratory. That same year, the first Junior Traffic Police Force in the country was organized by Berkeley’s police force in cooperation with its public schools in order to prevent crime among juveniles.

Contemporaneously, efforts to improve cities and apply the lessons of the new planning profession were changing communities throughout the nation. The “White City” of the Chicago’s Columbian Exposition of 1892 and the City Beautiful Movement had awakened civic-minded leaders to the concept that America’s increasingly crowded, dirty, and disorganized urban centers could be transformed into pleasant, attractive, healthful communities. Public-spirited citizens brought Chicago’s Daniel Burnham to San Francisco just before the 1906 earthquake to plan its civic areas. His designs widely influenced government planning throughout the nation. In the midst of the many important public buildings being constructed in Berkeley, city officials in 1911 and 1915 commissioned master plans for the City’s growing civic center. Influenced by the City Beautiful Movement, the plans were intended to transform the messy area into a healthy, rationally-organized park district which would improve urban life, uplift the spirit and inspire civic pride and good citizenship. The plans denote a central park surrounded by harmoniously designed civic buildings. At about this time, to bolster public interest, the city initiated an annual fair in the civic center district and promised to include a children’s playground in developing the park.

The same public spirit, in 1911, elected Berkeley Mayor J. Stitt Wilson who became the first Socialist Mayor elected in the United States. For purposes of civic betterment in 1923, after many years of debate, Berkeley also became one of the country’s first cities to adopt a “City Manager” type of government. This meant closer collaboration between legislative and administrative branches of city government, budget control, greater efficiency, and integration of municipal departments. It was intended to reduce corruption and waste in the provision of municipal services. Similarly, Berkeley’s Police Force was gaining recognition at the time under its progressive Chief August Vollmer and was beginning experiments in “scientific policing.” In 1923, lie detectors were invented at the University of California in Berkeley and the first practical model was used by the City’s police force. In addition, as a result of extensive training programs, Berkeley’s police department recruited the first college-trained woman police officer in the United States.

World War I interrupted further development of city government and the Civic Center. Not surprisingly, the first civic building to be constructed in Berkeley after the War was the Veterans’ Memorial in 1928, an important part of the civic center’s development. An ambitious statewide building program was passed by the state legislature in the 1920s reflecting the political and social influence of World War I veterans. It enabled counties to include in their tax rate a certain portion for construction of memorial buildings dedicated to war veterans. As a result, Alameda County contains an impressive collection of veterans’ memorial buildings, including Berkeley’s, still in use today.

The Depression stifled Berkeley’s grand plans for a government center and funding for “the civic park”
8. Statement of Significance

was slow in materializing. It was not until federal relief programs of the late 1930s that a second phase of civic improvements began. Because the university was a land grant college and the center of agricultural education and research in the state, Berkeley was, by 1917, one of twelve regional locations in the United States for the Federal Land Bank. After the Depression, the Agricultural Adjustment Act of 1933, required the Farm Administration, through the Federal Land Bank, to refinance farm mortgages in order to help farmers reestablish themselves. As part of President Roosevelt’s “New Deal” policies, universities were to educate farmers to farm more efficiently in order to better feed the millions of hungry people. Because the School of Agriculture and Extension Services at the University of California in Berkeley were the center of agricultural education in the state, the Federal Land Bank, in 1937, needed to build new regional headquarters in Berkeley to administer the federal relief program and implement its policies. Strategically, the city sold the land it had acquired for the eastern portion of civic park to the Bank for its headquarters and then used income from the sale to purchase private parcels on the rest of the block for the rest of the park.

The further development of the civic center is also related to the Federal Land Bank. From the 1920s through the 1950s, the State Farm Insurance Company sold insurance to county Farm Bureaus throughout the country. Based in Illinois, the company typically positioned itself in medium-sized university towns and located its offices in civic or city centers, very often close to Federal Land Banks. In the 1940s, the company expanded its insurance to include auto and life. As a result, in 1946, it built its new offices across the street from the Federal Land Bank, its largest client, while other similar business located in Berkeley’s downtown business district on Shattuck Avenue.

In order to continue serving citizens with a top-notch police force, in 1939, the city built new headquarters for its most popular branch of city services. The force moved out of the basement of City Hall and into the new Hall of Justice, located directly behind City Hall, in close proximity to other municipal services. The Hall of Justice contained a dual radio/telephone switchboard installed by telephone engineers and police technicians and the department became the first in the country to use radios in its police cars.

Ironically, by this time, all of Berkeley’s civic buildings were in place surrounding the central park, but the City had yet to acquire the remaining private parcels for the civic district’s central park.

In 1939, the Golden Gate International Exposition opened on Treasure Island in San Francisco Bay. Glowing in the center of the Bay and clearly visible from Berkeley, it provided a fantasy city of designs and attractions. Berkeley residents flocked to the Exposition which held ‘Berkeley’ and ‘University of California’ Days. Perhaps it was the threat of impending World War, or perhaps it was the appeal of preserving memories of Treasure Island in the form of a civic fountain centerpiece, whatever the cause, Berkeley citizens finally approved a bond measure in 1940 -- after rejecting a few other measures beginning with one in 1914 -- that enabled the City to purchase the remaining land for its civic center park. The park was one of the last park projects undertaken by the Works Progress Administration which assisted the City with construction.

Once approved, the development of Civic Center’s park moved rapidly forward. Civic leaders, local
organizations, and the WPA all contributed to the Park’s realization by donating funds, flagpoles, benches, memorial trees, and the promised children’s playground equipment. In the midst of World War II, in 1942, the park was completed, over 30 years after its original conception by City Beautiful planners. It culminated three decades of public effort to create a formal open space in Berkeley’s civic core. It was one of the community’s most important events. The new park was dedicated on Memorial Day, 1942, with patriotic pageantry appropriate to a nation at war. Crowds ringed the central lawn. Soldiers in World War I uniforms proceeded a young woman in flowing white dress and crown (presumably Lady Victory), borne by Boy Scouts, through the park. An orchestra performed on a temporary stage and speeches were made. Photographs of the event reveal Berkeley’s definite small-town character, with young children scurrying around on the lawn to get the best view of the parade, people of all ages, and knots of spectators gossiping on the margins of the crowd. In the 56 years the Park was dedicated, a broad array of political, cultural, and other events have taken place in the park enhancing the physical space with social and historical associations.

At about the same time that the Federal Land Bank was being constructed, Berkeley’s school system was also being affected by President Roosevelt’s New Deal policies. The school administration, in 1937, planned an expansion of the high school facing the central park. The school was a great source of civic pride and the expansion was to take up the whole block directly south of the park. The expansion not only included the typical science and math laboratories, but the planners also included a performing arts facility because such arts were an integral part of education. Furthermore, the sophisticated Berkeley community -- where amateur drama had been popular since the turn of the century -- lacked a good facility for performing arts. The idea to merge the community’s need for a theater with the philosophy of broad education seemed to suit the nature of Berkeley’s growing civic center. When proposed in the late 1930s, the theater building was conceived with the spirit that a school should be a community center, not a blackboard jungle. It was part of the 1930s Model City Program which envisaged, among other things, an exemplary school system and a Civic Center complex for Berkeley.

Because the building trades were badly affected during the Depression, Roosevelt created the Works Progress Administration, commonly known as the WPA. Because of a WPA grant in 1939, construction for the theater began in 1940 and was rushed to avoid conflict with the national defense program of World War II. But with the attack on Pearl Harbor, construction stopped and was not resumed until 1949. For an entire decade, the auditorium sat an unfinished skeleton on the local skyline and was known familiarly as the Bird Cage. The Community Theater was finally completed in 1950, the last civic building constructed during the Civic Center District’s Period of Significance (1908-1950).

In October, 1949, the local school board decreed the name of the facility would be the Berkeley High School Community Theater. Local veteran groups favored a name which would commemorate the 137 student who died in World War II. After a prolonged debate which considered such suggestions as a beacon light atop the auditorium and even an eternal light within, the board decided instead to incorporate a Memorial Court into
the project. It should be noted that in January, 1965, the adjacent Little Theater became officially the Florence T. Schwimley Little Theater in honor of a long-time drama teacher at the High School.

The Berkeley High School Community Theater was formally dedicated on June 5, 1950. With a program devoted to the history of Berkeley, then Governor Earl Warren spoke at the opening ceremonies. On June 10, 1950, the local Lions Club sponsored a presentation of Art Linkletter's "People Are Funny" radio show in the theater as a charity. For years, the Berkeley Community Theater was one of the best-equipped theaters in the Bay Area and was rivaled only by the War Memorial Opera House in San Francisco. In the early 1950s, it was lauded as Berkeley's "Temple of Beauty" or as the largest indoor auditorium on the Pacific Coast and one of the largest in the country. In an article published in the 1951-52 (23rd Edition) of the American School and University, Superintendent Nelson reported that George Ford, manager of the Ballet Russe de Monte Carlo, called this one of the finest theaters in the world. Since then, it has been eclipsed by such facilities as UC-Berkeley's Zellerbach Hall and the Center for the Performing Arts in San Jose -- just as it superseded the once popular and heavily used Greek Theater on the UC-Berkeley campus.

As the anchor for the community's performing arts, the Berkeley High School Community Theater has been a mainstay for the cultural life in Berkeley and the East Bay. It was -- and is -- supported by Berkeley's adjacent downtown district which contained a variety of entertainment venues, restaurants, and the like. The Park, too, was the site of many community festivities, city-wide gatherings, and cultural events of importance. It was -- and is -- used for a wide range of civic purposes including celebrations, rallies, fairs, holiday celebrations, and concerts. In combination with the Berkeley Community Theater, the park has been the stage for a broad array of performing events all of which express the diverse lifestyles of Berkeley citizens.

The Civic Center District has continued to serve Berkeley's government and community until the present day. Between 1955-63, the City purchased the northern half of the City Hall block and in 1958, the Alameda County Courthouse was built on this block. Later, Berkeley's Fire Department built its headquarters here and other city services have located in smaller buildings on this block. The City Council outgrew its quarters and moved the City Hall into the Federal Farm Credit Buildings in the 1970s and the School Administration moved into the Old City Hall. Lastly, in the 1980s, a "Peace Wall" was constructed to celebrate peace with the Soviet Union and Hiroshima. The Wall was among the first of its type and has led to similar memorials throughout the world.

By its very nature, Berkeley's Civic Center District has been intimately intertwined with the political/social history and welfare of the city. Every civic and social function within the district promoted the welfare of citizens. The district is significant for efforts during the first four decades of the twentieth century to establish good public parks and buildings -- not only as a way to beautify communities, but as a means of fostering public-minded behavior and good citizenship. Currently, many civic projects, large and small, are being considered for the district. A county courthouse, a public safety building, a new high school building, and a replacement fountain have all been proposed for Berkeley's historic Civic Center District.
II. AREAS OF SIGNIFICANCE

B. Architecture/Community Planning and Development

Berkeley, California's Civic Center Historic District is significant locally for its ensemble of civic buildings which are characteristic of architecture and city planning during the period of significance 1909-1950. The district embodies the distinctive characteristics common to many early 20th century civic centers inspired by the City Beautiful movement and Beaux Arts classicism popularized by the 1893 Chicago World's Fair. Such civic centers often have a central park or plaza area surrounded by a group of compatible or harmonious buildings whose functions are primarily civic. Individual buildings are symmetrically designed and usually form an axis or axes with one another. A Beaux Arts plan for Berkeley's civic center was published in 1914 illustrating a central park with a fountain in the center and surrounded by a harmonious group of buildings. These characteristics are present in today's Civic Center District.

Old City Hall (1909) and the Post Office (1914) were built before the First World War and are representative of Beaux Arts classic revival styles with richly decorated, but harmonious, facades. Three major contributing buildings and the park were built between 1928-1950, and are representative of the artistic values and economic restraints of Classic Moderne. All contributing buildings have the symmetrical facade arrangement typical of classicism, and four of these buildings create a cross axial composition running east-west (from Old City Hall to the Farm Credit Building) and north-south (from the Veterans' Memorial Building to the Community Theater) which meets in the center of Civic Center Fountain. The area conveys its significance through the spatial relationships between these major features that were created by conscious community planning beginning in 1909 and culminating in 1950. Despite the length of time it took the city to assemble the property and construct the buildings, the resulting district is a clear expression of aesthetic ideals and preferences at the turn of the century.

The major contributing site (the park) and fountain, and individual contributing buildings reflect historic and current functions which remain essentially the same and have retained a high degree of integrity. All are located on their original sites; few, if any, physical alterations or changes have been made to the individual buildings or the park; the original harmonious colors of the buildings have been retained; most of the interiors are intact. The relationship between contributing buildings, the downtown and the park has not been changed since the area achieved significance.

When Old City Hall was completed in 1909, its design, scale, and elegant silhouette reflected Berkeley's growth from a town to a city. Its design was a conscious community planning decision because it proclaimed the city's new image as the 'Athens of the West' in keeping with the beautiful neo-classic buildings being built on the University campus under
University architect, John Galen Howard. Despite the ambitious plans published in 1914 for a
grand colonnaded, tile-roofed ensemble of buildings, the citizens of Berkeley repeatedly rejected
bond issues for its construction. While the larger and more fully realized Beaux-Arts University
of California Campus was being built between 1902 and the late 1920s, Berkeley's Civic Center
remained uncompleted.

1. Old City Hall, 1909, was the first building to be constructed in what would become
Berkeley's more fully developed civic center. It set the stage and became the keystone for the
future civic center. It embodies the distinctive characteristics of Beaux Arts Classicism, a
significant style of architecture for primarily institutional and civic buildings during the late 19th
and early 20th centuries. It was designed by John Bakewell and Arthur Brown, Jr. who studied
at the Ecole des Beaux Arts in Paris, after graduating from the University of California in the
1890s. They established a partnership in 1906 and the Berkeley City Hall was one of their
earliest commissions. Other works by the firm include the more elaborate San Francisco City
Hall (1912-1916), and the San Francisco Opera House (1932). Their design was selected as the
winner of a 1907 competition to replace the original Berkeley Town Hall (Samuel and J. C.
Newsom, 1884) which had burned in 1904. As the keystone to the future Civic Center and in
anticipation of a larger complex, the "new" City Hall was constructed a few feet to the north of
the previous building so that it was on axis with the block to the east. Thirty-three years later
Civic Center Park was built on this block.

Old City Hall is an expression of aesthetic ideals and preferences during the period of
significance and is a characteristic example of a particular time. The building illustrates the
physical features that occur in Beaux Arts Classicism by the form and proportion of the structure,
its plan, style and materials. The building is reinforced concrete over a steel frame, a method of
construction typical of large buildings during this period. Its decoration is derived from Greek
and Roman sources in a symmetrical arrangement.

The building retains a high degree of integrity. There have been few alterations to the
building since it was completed in 1909. The interior exhibits decorative techniques used at the
time for the painted columns at the base of the main stairway and in the trompe l'oeil painting of
the walls and ceiling of the stairwell. These are well preserved examples of decoration and
representative example of a period.

The only change in the main facade has been the replacement of the operable sections of
the original wood sash windows with aluminum, but the pattern of the window divisions has
been retained. The major alteration occurred in 1950, when the rear of the building was extended
about 10 feet on each side of the stair-bay to create additional office space, but this can not be
seen from any public right-of-way. The windows on either side of the stair bay were enclosed as
part of this work, so that the main staircase is now much darker than it was originally.
2. Martin Luther King, Jr., Civic Center Park and Fountain, 1938-1942, are the physical centerpieces of Berkeley Civic Center District. Although the second-to-last part of the Civic Center complex to be completed, the park was anticipated in 1908 when City Hall was designed. Its acquisition and construction culminated more than three decades of planning and attempts to achieve a unified civic center of public buildings arranged harmoniously around a central park/plaza. The park retains a high degree of integrity. Most of its original features, and almost all of the park hardscape and most of its permanent landscape plantings have survived intact.

The park is significant because it embodies the distinctive characteristics of a civic center park conceived in the early 20th century as an expression of the City Beautiful movement which emphasized the creation of parks and other public amenities as a way to beautify communities and inspire public-minded behavior. These characteristics include: a symmetrical plan; an open lawn space for public gatherings and relaxation; two raised performance spaces, one above the lawn and another above the fountain plaza; a water element in the form of a fountain; the community Holiday Tree; and paved pathways, benches and trees. It also displays distinctive stylistic characteristics in the form of physical features such as the fountain, steps and walls that use Streamline, Art Deco or Moderne design themes from the 1930s when the park was constructed. The park is associated with regionally and nationally significant designers including Henry Gutterson, Bernard Maybeck, and Julia Morgan (all studied at the Ecole des Beaux Arts in Paris) and university Professor and landscape architect John Gregg.

The park is associated stylistically with the 1939 Golden Gate International Exposition (on Treasure Island in San Francisco Bay), a major cultural and design milestone in regional history. The inspiration for a large, lighted fountain and the actual plumbing and pumps of the fountain came from the Exposition, which closed in 1940 while the park was being planned. It is likely that the direct model for the fountain was the Exposition's monumental "Fountain of Western Waters" in the "Court of Pacifica" which had a closely similar arrangement of circular basins, water jets, and colored lights. All of the fountain structure remaining is original, as is the flagstone terrace surrounding the fountain and an underground concrete vault where the pumps were located. The fountain is Moderne in character, with symmetrical circular and curved elements and constructed of unadorned concrete with the original board marks still showing.

3. The Veterans Memorial Building, 1928, is an important part of the development of the Civic Center and expresses the community's desire to create a cohesive unity. The building is a characteristic example of the Classic Moderne Style: while it lacks the highly decorative plastic qualities of Beaux Arts classicism, it retains the symmetry and classic references of that style in a simpler and less three-dimensional manner. Its classic colonnaded recessed entry refers to both Old City Hall and the Post Office, and to three High School buildings (now gone) which were in the classic revival style and standing at the time this building was built. The building exemplifies a simplified handling of classicism that was popular for civic buildings between 1920-1950. This
8. Statement of Significance

Form of classicism has not been highly regarded and is sometimes referred to as "stripped" classicism. It was not a style associated with avant garde design at the time, but the style was appropriate for the area and supported the Beaux Arts concept of a harmonious grouping of buildings and its function as a Veterans Memorial Building. The building is the work of a regionally noted architect who designed other Veterans buildings in Alameda County, and with his daughter, who was also an architect.

4. The Federal Land Bank Building is significant for its contribution as a major element in the district's axial plan: it is the east element on the east/west axis through the park to Old City Hall and shows the conscious planning decisions made by the community to organize the civic center space. Used as Berkeley’s City Hall since 1977, the building exemplifies its heritage as a Federally sponsored Depression era building project through its restrained classic ornamentation and symmetrical three-part classical composition. Its most notable exterior feature is the exuberant zigzag design of the twin elevator towers, which are both practical and decorative, flanking the west entrance to the building and emphasizing the axial composition with Old City Hall. The interior is also intact and distinctive for its Art Deco detailing, especially in the lobby. It was designed by locally prominent architect James W. Plachek in 1938. The building retains a high degree of integrity.

5. The Berkeley High School theater complex building: Florence Schwimley Little Theater, 1937, and Berkeley High School Community Theater, 1937-50, is a significant component of the Civic Center District. The center of the 1/2 block long 1 to 2 1/2 story building is the four story Community Theater. In the center of its north facing exterior wall, overlooking Civic Center Park, is an exuberant three story bas relief sculpture which rises above the stage door. The center of this is the south element of the north/south axis of the Civic Center District. The building was designed by Bay Area architects Henry H. Gutterson and William Corlett Sr. Architect Henry Gutterson was a 1907 graduate of the University of California at Berkeley and had studied at the Ecole Des Beaux Arts in Paris. Gutterson was appointed chair of the Civic Center Park project in 1937. He and Corlett created the north/south axis by designing the center of the theater building on axis with the Veterans Building with the fountain in the center. The building is also a characteristic example of the Art Deco Moderne style popular after the 1925 Paris fair entitled “Arts Decoratifs et Industriels.” The bas relief sculptures by Robert Howard are examples of a Depression era federally funded public work project. This building, along with the Shop and Science Buildings on the Berkeley High School Campus, are significant as the only planned ensemble of Art Deco styled buildings in the city. The theater building complex, both on the exterior and interior, has had little modification or alteration and retain a high degree of integrity.

6. The Young Men’s Christian Association Building, 1910, embodies the distinctive characteristics of the early 20th century revival style in the form of the Georgian Colonial type.
8. Statement of Significance

is the work of noted local architect Benjamin McDougall. It is an expression of the aesthetic ideals of the period as illustrated by its materials and form of decoration. This building is related to the Civic Center by its semi-public function as a social, cultural and recreational center.

7. The United State Post Office, constructed in 1914, embodies the distinctive characteristics of the Beaux Arts Classic Renaissance Revival style. The building is an expression of the aesthetic ideals of the government to “educate and develop the public taste and eventually elevate it to a higher plane” and was designed by the Treasury Department Supervising Architect’s Office headed by Oscar Wenderoth. The building conveys its significance through its colonnaded recessed entry, ornamentation and materials. The Post Office is related to the Civic Center by its location, function, date and style. The building retains a high degree of integrity of materials and workmanship; and has not been significantly altered since a 130 foot addition was constructed in 1931/2 at the rear of the original 35 foot deep building, along Milvia Street, which has the same wall, cornice and window motif as the facade.

8. The State Farm Insurance Companies Building, 1947/8, relates to the Civic Center through its architectural design. Built by a private company, but located in the Civic Center District, the building was designed by James Plachek who built the Federal Land Bank Building a decade earlier. Designed to appear as part of the Civic Center, the building, through its method of construction, style of architecture, form, proportion, materials, fenestration, color and details, clearly relates to the Civic Center. The building retains its integrity of materials, workmanship, association, location, and design and has not been altered on the exterior.

9. City Hall Annex, 1925, is related to the Civic Center by its function, location, date and style. It is an expression of an aesthetic ideal and a preference to build a modest, but pleasant addition for city functions. It was also designed by local architect James Plachek. It is residential in scale, showing a preference to be compatible with the residential neighborhood that it faces. The building retains its integrity of materials, workmanship, feeling, association, location, and design. It has not been altered or changed.

10. The Hall of Justice was constructed in 1938 and is characteristic of a utilitarian building (a police department and jail) constructed of reinforced concrete, with sparse decorative detailing found only on its entrance bay. Designed by James Plachek, it is stylistically representative of the period in which it was built and is in a less visually prominent location behind Old City Hall. It is related to the civic center by its function, location and date.
National Register of Historic Places
Continuation Sheet

Section number 9  Page 1

9. Major Bibliographical References


Bender, Richard, Director, *Campus Historic Resources Inventory*, Berkeley, University of California Planning Office, 1978


Bohn, David, *East of these Golden Shores*, Oakland, Scrimshaw Press, Oakland Junior League, 1971


Cerny, Susan D. Stern, Henry Higby Gutterson, *House Tour Brochure*, Berkeley


Ferrier, William, *The History of Berkeley*, Berkeley, 1933


Jones, William Carey, *Illustrated History of the University of California*, 1895, Berkeley, University of California
9. Major Bibliographical References


*Domestic Architecture of the San Francisco Bay Region*, San Francisco S F Museum of Art, 1949, S F Museum of Art


Pettitt, George, BERKELEY: The Town and the Gown of It, Howell North Books, Berkeley, 1973

Woodbridge, Sally, Editor, *Bay Area Houses*, New York, Oxford University Press, 1976


UNPUBLISHED RESOURCES

Individual Landmark Applications

Civic Center Park, recorders: Steve Finacom, Linda Perry, Gale Keleman, 1997
Berkeley High School, recorder: Susan Cerny, 1992
YMCA, recorder: Charles Bucher, Jr. 1989
Veterans Memorial Building, recorder, Betty Marvin, 1985
City Hall Annex, recorder: JoAnn Price, 1983
United States Post Office, recorder: Betty Marvin, 1980
City Hall, recorder: Trish Hawthorne, 1980
Federal Land Bank, recorder: Richard Ingersoll, 1977
9. Major Bibliographical References

Landmark applications can be obtained from the Secretary to the Landmarks Preservation Commission, Zoning Department, City of Berkeley

The archives of the Berkeley Architectural Heritage Association; The Berkeley Historical Society; Berkeley Public Library: Swingle Collection; The Bancroft Library, University of California; and the Documents Collection of the Environmental Design Library, University of California, Berkeley.

Oral Histories Bancroft Library, UC Berkeley: Jacques Schnier

Public Records: Berkeley School Board Minutes 1938-40

John Galen Howard Papers, Bancroft Library, University of California
Verbal Boundary Description

The boundary of the nominated property includes the entire block bounded by McKinley and Addison Streets and Allston and Martin Luther King Jr. Way. It also includes the adjoining block bounded by Center Street, Milvia Street, Allston Way and Martin Luther King Jr. Way. North across Center Street is included the Veteran’s Building at 1931 Center St. and the State Farm Insurance Building at 1947 Center Street, both to the rear property line. To the East, at the NE corner of Milvia St. and Allston Way is included the Berkeley YMCA at 2001 Allston Way and at the SE corner is the Berkeley Post Office at 2000 Allston Way. The property at the SW corner of the intersection of Milvia and Allston and the Berkeley Community Theater/Florence Schwimley Little Theater at 1930/1920 Allston Way are included. The final piece of the boundary of the nominated property contains the structure at the SW corner of Martin Luther King Jr. Way and Allston Way, at 2200 Martin Luther King Jr. Way.

Boundary Justification

The proposed district boundaries were determined by the civic function of the individual properties surrounding Civic Center Park.
<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Property Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor Shirley Dean</td>
<td>2134 Martin Luther King Jr. Way Berkeley, California</td>
</tr>
<tr>
<td>Members of the City Council</td>
<td>1835 Allston Way (Annex) Berkeley, California</td>
</tr>
<tr>
<td>James Keene, City Manager</td>
<td></td>
</tr>
<tr>
<td>City of Berkeley</td>
<td></td>
</tr>
<tr>
<td>2180 Milvia Street</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California 94704</td>
<td></td>
</tr>
<tr>
<td>Civic Center Park</td>
<td></td>
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<tr>
<td>Berkeley, California</td>
<td></td>
</tr>
<tr>
<td>2180 Milvia Street (City Hall)</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California</td>
<td></td>
</tr>
<tr>
<td>1931 Center Street (Veterans Bldg.)</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California</td>
<td></td>
</tr>
<tr>
<td>(DELETED)</td>
<td></td>
</tr>
<tr>
<td>2111 McKinley Street</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California</td>
<td></td>
</tr>
<tr>
<td>2121 McKinley Street (Fire Department)</td>
<td></td>
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<tr>
<td>Berkeley, California</td>
<td></td>
</tr>
<tr>
<td>2131 McKinley Street (Police Department)</td>
<td></td>
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<tr>
<td>Berkeley, California</td>
<td></td>
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<tr>
<td>2120 Martin Luther King Jr. Way (County Courthouse)</td>
<td></td>
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<tr>
<td>Berkeley, CA</td>
<td></td>
</tr>
<tr>
<td>Mailing Address</td>
<td>Property Location</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>Larry Bush, President and CEO</td>
<td>(1) 2001 Allston Way Berkeley, California</td>
</tr>
<tr>
<td>Board of Directors</td>
<td></td>
</tr>
<tr>
<td>Berkeley YMCA</td>
<td></td>
</tr>
<tr>
<td>2001 Allston Way</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California 94704</td>
<td></td>
</tr>
<tr>
<td>Jack McLaughlin, Superintendent</td>
<td>(1) Berkeley Community Theater 1930 Allston Way</td>
</tr>
<tr>
<td>Berkeley Unified School District</td>
<td>Berkeley, California</td>
</tr>
<tr>
<td>2134 Martin Luther King Jr. Way</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California 94704</td>
<td>(2) Florence Schwimley Little Theater 1920 Allston Way</td>
</tr>
<tr>
<td>United States Postal Service</td>
<td>Berkeley, California</td>
</tr>
<tr>
<td>c/o George Banks, Postmaster</td>
<td></td>
</tr>
<tr>
<td>2000 Allston Way</td>
<td></td>
</tr>
<tr>
<td>Berkeley, California 94704</td>
<td></td>
</tr>
<tr>
<td>G. Bakar Partnership</td>
<td>(1) 1947 Center Street Berkeley, California</td>
</tr>
<tr>
<td>201 Filbert Street, #700</td>
<td></td>
</tr>
<tr>
<td>San Francisco, California 94133</td>
<td></td>
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</tbody>
</table>
DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
SEPTEMBER 4, 2013

Time: The meeting was called to order by Chair Eisen, at 7:06 PM.

Location: North Berkeley Senior Center, 1901 Hearst Ave., Berkeley, CA

ROLL CALL

Commissioners Present: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel

Commissioners Absent: None.

Staff Present: Alex Amoroso, Eric Angstadt, Julian Bobilev

ORDER OF AGENDA: Item 10 discussed before Item 9. Item 11 carried over to the next meeting on September 18.

PUBLIC COMMENT PERIOD: No speakers.

PLANNING STAFF REPORT: AB 1229 passed and is currently waiting for Gov. Brown’s signature. This is the legislative answer to Riggs v. Palmer and would bring Berkeley’s inclusionary housing policy back into effect.

LATE COMMUNICATIONS (received after Agenda deadline):

CHAIR REPORT: Councilmember Kriss Worthington has appointed Elizabeth Lam to a permanent post on the Planning Commission.

COMMISSION REPORT: None.

APPROVAL OF MINUTES:

Motion/Second/Carried (GP/SM) to approve the draft minutes of the regular meeting of September 4, 2013, with a modification. Ayes: Stephen Murphy, Gene Poschman, Tracy Davis, Dan Lindheim, Jim Novosel. Noes: None. Abstain: Teresa Clarke, Victoria Eisen, Patrick Sheahan, Elizabeth Lam.
CONSENT CALENDAR: None

FUTURE AGENDA ITEMS and OTHER PLANNING-RELATED EVENTS: On September 18, 2013, an item should be placed on the agenda regarding a statement of support for the Berkeley Tuolumne camp being rebuilt as quickly as possible.

AGENDA ITEMS:

Item 9 Discussion / Action: Soft Story Building Ordinance

Motion/Second/Carried (PS/TD) to support the adoption of the Soft Story Building Ordinance and to ask that the Commissioners’ comments be conveyed to the Council.
Ayes: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel. Noes: None. Abstain: None.

Commissioners made the following comments:
- It may be beneficial to have an option for building owners to demolish the building rather than have it be retrofitted, particularly if it has no significant aesthetic value.
- Maybe permit fees could be waived for building owners.
- Discuss options for enforcement on non-compliant buildings, since the public nuisance process is very difficult to use.
- Could more be done to allow the elimination of parking to facilitate retrofits?
- Perhaps the time frame to apply for a building permit could be shortened to 1 or 2 years instead of 3, since building owners have already had sufficient time to be informed of the requirements.

Public Comment: None.

Item 10 Discussion / Action: Civic Center Historic District Overlay

Motion/Second/Carried (TC/GP) to set a Public Hearing on the Civic Center Historic District Overlay on October 2, 2013, using broadly worded language so as to not overly constrict the possible discussion regarding the range of allowed uses. Ayes: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel. Noes: None. Abstain: None.

Commission directed staff to provide the following information during the October 2, 2013 public hearing:
- Check with the City Attorney whether the Planning Commission process can constitute notice to any potential buyer that a proposal to add an overlay zone and restrict the range of allowed uses for the Post Office property is already in motion. Has sufficient action been taken to put them on notice and if not, what further action should be taken?
- Is there a timetable and description of the process whereby the City of Berkeley will negotiate with the Post Office?
- Create a list of all uses in the affected zoning districts, including which uses should not be allowed in the proposed overlay and a description of how the exclusion fits with the goal of the overlay.
Motion/Seconded/Carried (GP/JN) that the Planning Commission Chair and Vice-Chair will work with staff to develop a list of uses for the overlay zone. Ayes: Stephen Murphy, Patrick Sheahan, Elizabeth Lam, Gene Poschman, Tracy Davis, Victoria Eisen, Teresa Clarke, Dan Lindheim, Jim Novosel. Noes: None. Abstain: None.

Public Comment: 25.

**Item 11 Discussion / Action: Work Plan Schedule**

Due to lack of time, Item 11 will be carried over to the next Planning Commission meeting on September 18.

The meeting was adjourned at 10:17 p.m.

Commissioners in attendance: 9 of 9

Members of the public in attendance: 32

Public Speakers: 25
Notice of Public Hearing

October 2, 2013

Recommendation to City Council: Creating a Zoning Overlay District Encompassing the Existing Civic Center Historic District and potentially other Adjacent Properties

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, on **Wednesday, October 2, 2013**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible). The meeting starts at 7:00 p.m.

PROPOSED PROJECT SCOPE:
- Consider creating a Zoning Overlay for properties in the Civic Center Historic District.
- Consider the existing allowable uses for properties and propose changes to that list of uses. Properties currently within the Civic Center Historic District include the R-2, R-3, C-DMU Buffer, Core and Outer Core (Zoning Ordinance Sections 23D.28, 23D.36, 23E.68.
- Consider adding properties beyond the boundaries of the existing Civic Center Historic District.
- Consider changes to policies in the General Plan and Downtown Area Plan as appropriate to support the project.

The Planning Commission will consider creating an overlay zoning district that takes in all properties in the Civic Center Historic District. This process is undertaken at the direction of the City Council. The purpose of the action is to apply a list of uses which will outline the allowable uses of buildings within the Civic Center Historic District area.

ENVIRONMENTAL REVIEW STATUS: The zoning overlay only takes in the existing Civic Center Historic District properties and as proposed creates no change to the existing condition, so no environmental analysis is necessary. Additional CEQA review may be necessary prior to Council action.

PUBLIC COMMENT & FURTHER INFORMATION
Comments may be made verbally at the public hearing and in writing before the hearing. Written comments or questions concerning this project should be directed to:

Planning Commission  
Alex Amoroso, PC Secretary  
Land Use Planning Division  
2120 Milvia Street  
Berkeley, CA 94704  
E-mail: aamoroso@cityofberkeley.info  
(510) 981-7410

To assure distribution to Commission members prior to the meeting, correspondence must be received by 12:00 p.m. (noon), seven (7) days before the meeting. For items with more than ten (10) pages, 15 copies must be submitted to the Secretary by this deadline.
For any item submitted less than seven (7) days before the meeting, 15 copies must be submitted to the Secretary prior to the meeting date.

**COMMUNICATION ACCESS**
To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice), or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at:  [www.ci.berkeley.ca.us](http://www.ci.berkeley.ca.us).

**FURTHER INFORMATION**
Questions should be directed to Alex Amoroso, at 981-7410, or aamoroso@cityofberkeley.info.
### List of Uses common to C-DMU, R-2, and R-3 (Civic Center District Overlay)

<table>
<thead>
<tr>
<th>Use</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any telecommunications facility besides microcell</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Clubs, Lodges</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Columbarium</td>
<td>AUP</td>
</tr>
<tr>
<td>Community Centers</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Libraries</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Microcell Facilities</td>
<td>AUP</td>
</tr>
<tr>
<td>Surface Parking Lot with less than 8 spaces</td>
<td>AUP</td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
<td>ZC</td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>UP(PH)</td>
</tr>
</tbody>
</table>
Attachment 7 - 10/2/13 Minutes
Page 1 of 3
Item 7
October 16, 2013

DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
OCTOBER 2, 2013

Time: The meeting was called to order by Chair Eisen, at 7:07 PM.

Location: North Berkeley Senior Center, 1901 Hearst Ave., Berkeley, CA

ROLL CALL

Commissioners Present: Stephen Murphy, Victoria Eisen, Jim Novosel, Teresa Clarke, Gene Poschman, Tracy Davis, Dan Lindheim, Elizabeth Lam, Patrick Sheehan.

Commissioners Absent: None.

Staff Present: Alex Amoroso, Julian Bobilev

ORDER OF AGENDA: No change.

PUBLIC COMMENT PERIOD: None.

PLANNING STAFF REPORT: None.

LATE COMMUNICATIONS (received after Agenda deadline):

Received before meeting:

1. Moni Law, Support of the Historic Zoning Overlay, October 2, 2013
2. Alison Thomas, Zoning for Historical District, September 29, 2013

Received at meeting, October 2, 2013:

5. Moni Law, Letter of Support for Historic District Zoning Overlay
6. Unknown, Notice of Approval – Relocation of Berkeley Post Office
7. Harvey Smith, Testimony for Planning Commission, Berkeley Civic Center
8. Ron Heglin, Berkeley Post Office
9. Unknown, originally written by Ralph Nader and Jeff Musto, Letter to Senator Dianne Feinstein, Re: Historical Post Office in Berkeley
10. The Committee to Save the Berkeley Post Office (Harvey Smith, Gray Brechin, Ph.D, David Welch, Ying Lee, Margot Smith), Berkeley’s Need for a Zoning Overlay
11. Council Member Jesse Arreguin, Ordinance to Establish a Civic Center Historic District Overlay and Set Forth Use Limitations and Development Standards within the Overlay District

CHAIR REPORT: The current meeting (October 2, 2013) is Chair Eisen’s last meeting. The agenda for the October 16th meeting will include the election of a new chair and vice-chair to serve the remainder of the regularly scheduled term. Another election will be held in February since that will be the beginning of a new term.

COMMISSION REPORT: None.

APPROVAL OF MINUTES:

Motion/Second/Carried (GP/PS) to approve the draft minutes of the regular meeting of September 18, 2013, with two modifications. Ayes: Stephen Murphy, Victoria Eisen, Jim Novosel, Teresa Clarke, Gene Poschman, Tracy Davis, Dan Lindheim, Elizabeth Lam, Patrick Sheahan. Noes: None. Abstain: None.

CONSENT CALENDAR: None.

FUTURE AGENDA ITEMS and OTHER PLANNING-RELATED EVENTS: At the October 16, 2013, meeting, an election will be held for the chair and vice-chair positions. Lot mergers and Telegraph FARs will also be agenda. Demolition ordinance will be discussed on the November 6, 2013, meeting.

AGENDA ITEMS:

Item 9 Discussion / Action: Civic Center Zoning Overlay Referral

Motion/Second/Carried (GP/JN) to open the public hearing. Ayes: Stephen Murphy, Teresa Clarke, Tracy Davis, Jim Novosel, Victoria Eisen, Gene Poschman, Elizabeth Lam, Patrick Sheahan, Dan Lindheim. Noes: None. Abstain: None.

Motion/Second/Carried (GP/JN) to continue the public hearing to a date certain of November 6, 2013, and to direct staff to draft zoning language for a Civic Center Historic District overlay incorporating and integrating all of the following:

- Councilmember Jesse Arreguin’s draft ordinance
- A broad list of possibly acceptable uses for the overlay, with the understanding that uses can be added or removed by the Commission at the meeting.
- The list of common uses for R-2, R-3, and C-DMU districts as well as the list from the Council Referral.
- Uses should be evaluated by staff within the context of General Plan Policy LU-22.
- Consider including civic uses, marketplaces, and the YMCA within the list of uses.
(Motion continued from previous page)

Friendly Amendment (DL) to incorporate the views of people who spoke at the hearing, many of whom favored a more narrow interpretation of ‘civic uses’ which could be included within the overlay.

Ayes: Stephen Murphy, Victoria Eisen, Jim Novosel, Teresa Clarke, Gene Poschman, Tracy Davis, Dan Lindheim, Elizabeth Lam, Patrick Sheahan. Noes: None. Abstain: None.

Several Commissioners raised questions about the list of uses, such as:

- How would you define a marketplace for the purposes of a zoning overlay?
- Would it be possible to limit the Schools use to public schools only?
- Would it be possible add a farmer’s market use?

Public Comment: 35 speakers. Most speakers spoke in support of the proposed overlay, except for three speakers from Downtown Berkeley Association, Livable Berkeley, and Berkeley Design Advocates, who raised the prospect of a vacant / underutilized Post Office building if the overlay was too restrictive.

**Item 10 Discussion / Action: West Berkeley Parcels Rezone continued from the July 24, 2013, and September 18, 2013, meeting.**

Motion/Second/Carried (JN/TC) to accept staff findings and move to Council the rezone / General Plan redesignation from MU-LI / Industrial to C-W / Commercial of the remaining MU-LI portion of APN #060-235200100 and the entirety of APN #060-235500802.

Ayes: Stephen Murphy, Victoria Eisen, Jim Novosel, Teresa Clarke, Tracy Davis. Noes: Gene Poschman, Patrick Sheahan, Elizabeth Lam, Dan Lindheim. Abstain: None.

Commissioner Poschman opined that the proposed rezone was inconsistent with the General Plan. Commissioner Lindheim stated that he did not agree with a piecemeal approach to rezoning West Berkeley and would prefer to discuss the bigger picture.

Public Comment: 3 speakers.

**The meeting was adjourned at 10:27 p.m.**

Commissioners in attendance: 9 of 9
Members of the public in attendance: 70.
Public Speakers: 38 speakers.
STAFF REPORT

DATE: November 6, 2013

TO: Members of the Planning Commission

FROM: Alex Amoroso, Principal Planner
       Julian Bobilev, Planning Intern

SUBJECT: Council Referral: Civic Center District Zoning Overlay

Recommendation
1. Take further public input regarding the draft language and close the Public Hearing;
2. Consider all the material provided and select from one of the three options as identified in ‘Conclusions and Next Steps’.

Introduction
On October 2, 2013, the Planning Commission passed the following motion regarding the proposed Civic Center Historic District overlay:

Motion/Second/Carried (GP/JN) to continue the public hearing to a date certain of November 6, 2013, and to direct staff to draft zoning language for a Civic Center Historic District overlay incorporating and integrating all of the following:
- Councilmember Jesse Arreguin’s draft ordinance
- A broad list of possibly acceptable uses for the overlay, with the understanding that uses can be added or removed by the Commission at the meeting.
- The list of common uses for R-2, R-3, and C-DMU districts as well as the list from the Council Referral.
- Uses should be evaluated by staff within the context of General Plan Policy LU-22.
- Consider including civic uses, marketplaces, and the YMCA within the list of uses.
- Friendly Amendment (DL) to incorporate the views of people who spoke at the hearing, many of whom favored a more narrow interpretation of ‘civic uses’ which could be included within the overlay.

Ayes: Stephen Murphy, Victoria Eisen, Jim Novosel, Teresa Clarke, Gene Poschman, Tracy Davis, Dan Lindheim, Elizabeth Lam, Patrick Sheahan. Noes: None. Abstain: None
In response to this motion, staff has prepared zoning language with options based on Commission direction. The Commission may select from the alternatives given or send the zoning language back to staff for further modification. The Public Hearing is continued from 10/2/13, so additional public input is anticipated.

**Background**

On July 16, 2013 the City Council referred to the Planning Commission a proposal to create an overlay district that would encompass the existing Civic Center Historic District (Attachment 1). The purpose of this overlay district is to focus the permissible uses to a range compatible with the broad definition of ‘civic use’.

Currently, the Civic Center Historic District is a designation under the National Register of Historic Places, but has no corresponding counterpart in the zoning ordinance. The zoning proposals use the already existing boundaries of the Historic District for the uses zoning overlay district (draft language is Attachment 2).

The boundaries of the Civic Center Historic District Overlay contain properties in the C-DMU, R-2, and R-3 zoning districts. Each of these districts has an extensive list of permissible uses. Many of these uses are incompatible with the community-oriented and public-serving character of the buildings as discussed by the Commission and community.

The Planning Commission heard initial public comment on this subject and discussed it at the September 4, 2013, meeting. The Commission directed staff to set a Public Hearing for October 2, 2013, and to research and respond to several questions from the meeting.

At the subsequent Public Hearing (October 2), over forty speakers from the community expressed their support for a proposed zoning overlay. After hearing public comment, the Commission unanimously voted to direct staff to bring back zoning language at the November 6, 2013 meeting. Three different sets of uses were requested to be included: 1) the common list of uses from the R-2, R-3, and C-DMU districts, 2) an additional list of uses to be considered for inclusion within the overlay, and 3) a definition of ‘civic use’ which would encompass a focused range of uses.

**Discussion**

**Overview and Attachments**

This staff report and attachments provide a range of options for Commission discussion. The report refers to a draft zoning ordinance (Attachment 2) and examples of zoning language from other jurisdictions (Attachment 3). The Commission may consider the full range of options for zoning ordinance language, including the staff drafted ordinance, the ordinance drafted by Council Member Arreguin (Attachment 4) and other
components developed at the meeting. Council Member Arreguin’s draft ordinance language is provided for Commission consideration. Staff comments on Council Member Arreguin’s Draft Ordinance below.

Additional staff work on the ordinance will be necessary prior to Commission vote. Editing of the zoning overlay to address feedback, as well as the potential need for drafting new definitions (to describe uses) will be included in that work. Depending on the outcome of Commission and Council discussions, additional environmental review may be necessary and is discussed below.

Ordinance Interaction with Environmental Review

The California Environmental Quality Act (CEQA) requires an evaluation of a project to determine whether a significant environmental change will result based on the scope of the identified project. The proposed zoning overlay district (the project) may have environmental issues to address depending upon the range of uses, which are considered by Council.

The least environmental impact would result from selecting uses which apply to the three zoning districts involved in the overlay area (R-2, R-3, C-DMU). There would be no environmental change within the overlay if the Council selects from only the common set of uses (no change of uses). While this option would require the least level of environmental review and the least time for that review, it is not the anticipated path based on Commission and public input thus far.

The Commission and community have stated an interest to include and/or create a list of uses which are not common to the three noted zoning districts. Should such a use list be recommended by the Commission and considered by the Council, additional environmental review can be anticipated. The environmental review, depending on the level (Negative Declaration, Environmental Impact Report) could add significant time to the zoning overlay adoption process.

Adding to the list of properties in the overlay district beyond those currently in the Historic Overlay could also affect environmental review.

Staff Comments: Council Member Arreguin Draft Ordinance

The Council Member proposes a series of zoning ordinance amendments, which would affect the R-2, R-3 and C-DMU districts by incorporating overlay changes and use list changes, along with purpose language for the overlay. In addition the draft ordinance changes suggest a maximum height limit in the overlay area of 60 feet, which is applied to the C-DMU district only. It also proposes an allowance for a special permit process (comparable to a Use Permit with Public Hearing) to allow other uses in the overlay.

Staff is concerned that redrafting language in three separate zoning districts may create confusion in future interpretation of allowed uses and intent of the overlay. Staff has
instead approached this effort by creating an overlay district similar to the Hillside Overlay, which identifies all regulations applicable within the overlay, as a separate section of the Zoning Ordinance.

While the Council Member’s draft ordinance addresses development standards, staff does not do so, because the Council Referral only directs staff to address uses in the overlay.

Staff agrees that an opportunity/process to consider uses not otherwise allowed is appropriate and suggests similar language in the staff draft overlay district.

Both the Council Member and staff include the same list of properties; those identified in the existing Civic Center Historic Overlay District. Staff has excerpted “Purposes” language from the Council Member’s proposal and used it in the draft staff ordinance.

**Draft Ordinance(s)**

Both the staff and Council Member drafts refer to three components of a zoning district ordinance:

- **Applicability:** what physical/geographic area, or properties the ordinance applies to
- **Purposes:** the intent or guiding principles for the ordinance
- **Uses:** the allowed uses, levels of discretion and other rules that apply to the Use category for the district

This portion of our discussion focuses on these three components.

Attachment 3 includes language from various jurisdictions, with a focus on civic uses and definitions. The communities selected have focused on their Civic Center uses in different ways, and all have strong “civic centers” of varying size. These materials are offered for Commission consideration and use as appropriate.

**General Plan Support**

The City of Berkeley General Plan has two policies, listed below, which can be used as a screening mechanism for uses that could be considered for the overlay. These policies incorporate both the civic nature and intent of the district, as well as the importance of preserving and promoting the historic significance of the area.

**Policy LU-22 Civic Center**

*Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities.*

**Policy UD-39 Tourism**

*As an economic development strategy, promote the city’s cultural and architectural heritage.*

*Action:*
A. Promote the Civic Center as a historic resource listed on the National Register of Historic Places.

Zoning Ordinance Components

23##.##.010 Applicability of Regulations

“Applicability” refers to the properties covered by the overlay. In this case, all properties listed in the existing Historic overlay are identified. Any uses allowed in the overlay would be allowed on any property and uses would not be considered site specific. The Commission may choose to remove from or add sites to the proposed overlay. However, such changes may require a higher degree of environmental review and increase the time necessary to move the overlay through the required process as discussed above.

23##.##.020 Purposes

Staff has identified two methods for formulating the Purposes section of the zoning ordinance. Method 1 is an alpha list (A, B, C, etc), which states a number of discrete purposes. This is the method typically used in the City of Berkeley Zoning Ordinance and is used by other municipalities such as City of Pasadena (see Attachment 3). Method 2 is the paragraph style, which provides a more narrative description that does not enumerate the purposes specifically. The Purposes provided in this style are taken from Council Member Arreguin’s draft ordinance. This style is also used by other municipalities such as City of Santa Monica (see Attachment 3).

23##.##.030 Uses Permitted

The Uses Permitted component of the draft ordinance identifies the wide range of uses discussed for the overlay district. As directed by the Commission at the October 2, 2013 meeting, staff has come up with a series of uses to be considered. The uses are presented in table format typical of the City’s Zoning Ordinance and organized into the following headings blocks:

1) List of Common Uses (to the R-2, R-3 and C-DMU);
2) List of Uses from Public Process;
3) a discrete “Civic Use”.

First block of Uses – List of Common Uses

The first block of the table is the list of common uses, identical to the list supplied by staff at the October 2 meeting. It consists of fourteen (14) Zoning Ordinance uses common to the R-2, R-3 and C-DMU. The list also includes the levels of discretion (ZC, AUP, UP) for each use as found in the Zoning Ordinance. The set of common uses does allow for a range of civic as well as other uses; with the removal of schools (see Council Referral motion), the list is reduced.
The drawback of selecting the common list is that the uses vary widely and may or may not promote public and available civic uses. Some uses which could be considered highly desirable for a vacant Civic Center building, such as Other Professionals and Government, Institutions, Utilities or Museums, would be excluded from the overlay if this option was adopted. While these uses are allowed in the C-DMU, they are not allowed in the R-2 or R-3 and so the uses are not part of the common list. The Commission may consider changes to the levels of discretion for any of the uses.

Selecting from the list of common uses offers the most efficient and timely way to complete the zoning overlay process. The environmental review for such a list would be relatively limited in nature, since the common uses would not signal a significant change in the potential uses of the involved overlay properties. Moving outside of the common list of uses could increase the time required to move the zoning overlay through the City process, due to the potential need for additional environmental review.

Second block of Uses – List of Uses from Public Process

The second block is a list of additional uses which may be desirable to permit in the overlay. They are not common to the R-2, R-3, and C-DMU district, but were identified by the public, City Council, or Commission for possible inclusion. The Commission should consider which of these uses are compatible with General Plan policies and intent of the referral. Several other municipalities have chosen to have a list of defined uses for their Civic Center area, such as the cities of Oakland and Santa Monica.

Staff has reviewed the list of identified uses and comments are included below. The uses may be broadly grouped into two categories: 1) existing uses which are already in the City Zoning Ordinance, and 2) new uses which require new definitions and consideration of levels of discretion.

*Other Professionals and Government, Institutions, Utilities*
*Group Class Instruction for Business, Vocational or Other Purposes*
*Gyms and Health Clubs*
*Dance, Exercise, Martial Arts and Music Studios*
*Theaters, including Motion Pictures and Stage Performance*

The above uses are all listed in the Zoning Ordinance and were specifically identified by City Council for inclusion in the use list. They provide for uses which could activate existing spaces and/or provide financial support to improve and upgrade the historic structures.

*Scole School, Public Only*
*Live Entertainment*

The two above uses are modifications of already existing uses. The Council originally included Schools, Public and Private on its list of uses; however, the motion to pass the
referral included a provision to remove “school” use from the list. Commissioner Clarke requested that staff consider a Schools use that would allow only public schools.

The Live Entertainment use was included in the original Council referral. The Zoning Ordinance lists a similar Entertainment Establishment use, which is defined as: ‘A permanent establishment which includes live performance and/or patron dancing, including but not limited to, cabarets, nightclubs, dance halls or discotheques’. It is unclear whether there is any substantial difference between these two uses or if they are identical.

Museums
Publicly owned / nonprofit art galleries
YMCA - quasi-public Club or Lodge, but has a wider range of activities and services than is typical of lodges or clubs
Marketplace
Affordable Housing

The uses listed above are not part of the current Berkeley Zoning Ordinance and would require new definitions to provide specificity. Museums and publicly owned / nonprofit art galleries are two uses which are commonly allowed in the Civic districts of other jurisdictions; they also appear to be compatible with GP Policy LU-22. These uses may be specific enough not to need to be defined.

Marketplace and affordable housing are uses which are not commonly associated with a ‘Civic district’; however, if properly and restrictively defined, they could bring additional vibrancy to the Civic Center area and promote the adaptive reuse of the buildings, consistent with GP Policy UD-39 Tourism: As an economic development strategy, promote the city’s cultural and architectural heritage. If the Commission chooses to include these uses on the final list for the overlay, a careful thought process must occur regarding the proper definition for each term.

As is the case with other changes to the breadth of the ordinance, inclusion of additional uses from list may modify environmental review requirements and increase the amount of time needed to adopt the finished overlay ordinance.

Third block – Civic Use

The third block is an option that is entirely separate from the previous two. Instead of enumerating every use that would be permitted in the district, this option would adopt an overarching definition of ‘Civic Use’ which would encompass a range of uses. Several other municipalities have adopted a broad definition of either ‘Institutional’ or ‘Civic Use’ (see City of Pasadena, Mendocino County and County of San Diego.)

The City of Berkeley uses a list of narrowly defined uses for every zoning district. Adopting a single broad, vaguely defined use type that would be permitted in the overlay would be a departure from past practice and may potentially lead to confusion.
Furthermore, defining a ‘Civic Use’ would be a difficult task. Any such definition would be open to interpretation and could potentially allow uses to be permitted in the future that were not anticipated with the original intent of the ordinance. On the other hand, the broadly worded language of this definition would allow for more flexibility in dealing with unforeseen circumstances and potential users of the space.

Staff has attempted to supply a ‘Civic Use’ definition modeled upon the definitions used by other jurisdictions. However, the jurisdictions that have taken this path were unable to define ‘Civic’ or ‘Institutional Use’ without including a list of example uses (e.g., ‘government offices’, ‘libraries’, ‘recreational’, ‘cultural’). Such examples may serve to narrow down the focus, but they rely on a form of “I’ll know it when I see it” thinking, rather than the listing of uses, which Berkeley Ordinance typically defines in very specific terms.

**Conclusion and Next Steps**

The draft language as provided is not final and will need additional work if the Commission wishes to recommend a complete ordinance to the Council. Depending on Commission direction, staff may need to develop new definitions; shift boundaries of the study area or incorporate development standards, among other things.

The Commission has several options in addressing the Council referral:

- Ask staff to finalize a use overlay ordinance with specific modifications and bring it back at a future Commission meeting. This could occur in late December or early January, depending on the breadth of the Commission’s direction and time required for staff to modify the documents. Council consideration would occur approximately 2-3 months after Commission decision, based on Council report queues and timing.
- Consider the range of materials presented as part of this report; make recommendations to the Council about the form of an ordinance and any specific pieces that the Commission deems of particular importance; note that all materials have been considered, so that the Council can choose from the range of materials presented. Forwarding a recommendation in this manner is less specific, but increases the speed with which the item returns to Council for their consideration.
- Direct staff to return with a reformulated ordinance, taking a different tact than that presented in this report, perhaps mirroring the Council Member’s draft or some other format. Such direction would require discussion with the City Manager because it would take staff outside the direction of the referral and modify staff commitments to the project (probably increasing staff requirements beyond that currently authorized).

**Attachments:**

1. Council Referral, Civic Center District Zoning Overlay
2. Civic Center Zoning Overlay Draft Ordinance
3. Examples of Ordinances from Other Jurisdictions
4. Council Member Arreguin’s Draft Ordinance
Attachment 8 - 11/6/13 Staff Report
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ACTION CALENDAR
July 16, 2013

To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguin

Subject: Referral to Planning Commission: Civic Center District Zoning Overlay

RECOMMENDATION:
Refer to the Planning Commission amending B.M.C. Chapter 23D.36 (R-3 District) and B.M.C. Chapter 23E.68 to establish a zoning overlay for properties designated as part of the Civic Center Historic District, restricting uses permitted to only the use categories listed below:

Other Professionals and Government, Institutions, Utilities
Group Class Instruction for Business, Vocational or Other Purposes
Gyms and Health Clubs
Dance, Exercise, Martial Arts and Music Studios
Theaters, including Motion Pictures and Stage Performance
Live Entertainment
Community Centers
Parks and Playgrounds
Public Safety and Emergency Services
Schools, Public or Private

The Planning Commission should make its recommendation to the City Council by September 2013.

BACKGROUND:
In December of 1998, the City of Berkeley established a Civic Center Historic District containing the following properties:

Old City Hall, 2134 Martin Luther King Jr. Way
Civic Center Park
Veterans Memorial Building, 1931 Center Street
Federal Land Bank Building (MLK Civic Center Building), 2180 Milvia Street
Berkeley High School Community Theater, 1930 Allston Street
Berkeley High School
Florence Schwimley Little Theater, 1920 Allston Way
YMCA Building, 2001 Allston Way
Berkeley Main Post Office Building, 2000 Allston Way
State Farm Insurance Building, 1947 Center Street
City Hall Annex, 1835 Allston Way
County Courthouse, 2120 Martin Luther King Jr. Way
Public Safety Building, 2100 Martin Luther King Jr. Way

Subsequently, the Civic Center Historic District was added to the National Register of Historic Places, National Register # 98000963.

The creation of the Civic Center Historic District recognized the special role that the civic center district played in the history of Berkeley, as well as preserving buildings of special cultural and architectural merit.

The Berkeley General Plan also speaks to the role of maintaining the Civic Center as a place for community activities, cultural, educational, and civic facilities.

**Policy LU-22 Civic Center**
*Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities.*

**Policy UD-38.A**
A. *Promote the Civic Center as a historic resource listed on the National Register of Historic Places.*

The establishment of a Civic Center District zoning overlay will not only limit uses of properties in the district to those consistent with the character of the district, but it will also ensure that the Downtown Post Office can only be utilized for a civic or community-oriented use, and may help influence the USPS decide a more favorable future for the building.

**FINANCIAL IMPLICATIONS:**
Staff time involved in researching proposal, developing staff reports for commission review, presenting before Planning Commission and developing a report to City Council.

**CONTACT PERSON:**
Jesse Arreguin, Councilmember, District 4 981-7140

Attachments:
1. Map of Civic Center Historic District
2. Zoning Map showing zoning designations for properties in Civic Center Historic District
Civic Center Historic District Use Overlay District

Sections:
23#..##.010 Applicability of Regulations
23#..##.020 Purposes
23#..##.030 Uses Permitted

Section 23#..##.010 Applicability of Regulations

The regulations in this Chapter are applicable to those properties identified in the Civic Center Historic District Overlay including:

1. City Hall, 2134 Martin Luther King Jr. Way
2. Civic Center Park, 2100 Block of Martin Luther King Jr. Way / East side between Allston Way and Center Street
3. Veterans Memorial Building, 1931 Center Street
4. Federal Land Bank Building (MLK Civic Center Building), 2180 Milvia Street
5. Berkeley High School Community Theater, 1930 Allston Street
6. Florence Schwimley Little Theater, 1920 Allston Way
7. Young Men’s Christian Association, 2001 Allston Way
9. State Farm Insurance Building, 1947 Center Street
10. City Hall Annex, 1835 Allston Way
11. Hall of Justice, 2171 McKinley Street
12. Berkeley Public Health Building, 2117 McKinley Street
13. Alameda County Courthouse, 2120 Martin Luther King Jr. Way
14. McKinley House, 2111 McKinley Street

Note: These are the properties currently listed in the Civic Center Historic Overlay

Section 23#..##.020 Purposes

Pathway #1 – Alpha list style
The Purposes of the overlay district are to:
   A. Preserve and protect the integrity of the City of Berkeley Historic Civic Center, through preservation of existing buildings and open space.
   B. Allow a set of uses, which are “civic” in nature, and support active community use
   C. Promote uses, which combined or individually will keep public access to the buildings or historic portions of the buildings.
D. Promote appropriate uses which respect the Civic Center’s historic significance in unifying the community and forming a link to Berkeley’s past.
E. Promote the cultural and architectural heritage of the Civic Center for the purposes of economic development and attracting tourism.
F. Preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities.
G. Retain a mix of public and quasi public community services such as governmental offices, and public meeting spaces
H. Promote uses which could financially support the goal of upgrading and preserving the existing historic structures.

Pathway #2 – Paragraph Style
The purposes of the Civic Center Zoning District Overlay are:

to recognize the historic role of the Civic Center in providing community services and to preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities. The overlay seeks to maintain the present assemblage of civic buildings in the Civic Center area. It also seeks to maintain and enhance Civic Center Park and ensure that buildings that face Civic Center Park and abutting streets provide active, community-serving street level uses.

To this end, the Civic Center District Overlay intends to preserve existing buildings and uses and allow for appropriate adaptive reuse of buildings consistent with the character of the area, and to ensure active, community oriented uses to promote the revitalization of the Downtown area.

Section 23#.##.030 Uses Permitted
This table is broken into three sections as described in the staff report – 1. Uses allowed in the existing three zoning districts; 2. Uses noted for consideration during the public process; 3. A separate use class of “Civic Use”

<table>
<thead>
<tr>
<th>Use and Required Permits</th>
<th>Classification</th>
<th>Special Requirements (if any)</th>
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<tbody>
<tr>
<td>Uses Common to the R-2, R-3, and C-DMU</td>
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<td>Any telecommunications facility besides microcell</td>
<td>UP(PH)</td>
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<td>Child Care Centers</td>
<td>UP(PH)</td>
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<td>Category</td>
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<td>Clubs, Lodges</td>
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<td>Columbarium</td>
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<td>Community Centers</td>
<td>UP(PH)</td>
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<td>Dwelling Units (Single family, Duplex, or Multi-family)</td>
<td>UP(PH)</td>
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<td>Libraries</td>
<td>UP(PH)</td>
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<td>Microcell Facilities</td>
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<td>Surface Parking Lot with less than 8 spaces</td>
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<td>Parks and Playgrounds</td>
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<td>Public Safety and Emergency Services</td>
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<td>Public Utility Substations, Tanks</td>
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<td>Religious Assembly</td>
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<td>Schools, Public or Private</td>
<td>UP(PH)</td>
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<tr>
<td><strong>Uses to be Considered for Inclusion in the ordinance, identified during the public process</strong></td>
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<td>Other Professionals and Government, Institutions, Utilities</td>
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<td>Schools, Public Only</td>
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<td>PC Note: Consider allowing only public and not private schools</td>
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<td>YMCA</td>
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<td>Marketplace</td>
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<td>Affordable housing</td>
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<td>Group Class Instruction for Business, Vocational or Other Purposes <em>(from referral)</em></td>
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<td>Entertainment Establishments – “Live Entertainment “ <em>(from referral)</em></td>
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<td>Museums</td>
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<td>Publicly owned / nonprofit art galleries</td>
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<td>Civic Use: separate use category</td>
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Uses which help facilitate community well-being and cohesion, support and invest in the existing Civic Center area, and may fiscally support preservation of existing structures. Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
23#.#.020 Purposes

Alpha List Style

City of Pasadena Zoning Code
17.28.080 - LD Landmark Overlay District

1. **Purpose.** The purposes of the LD landmark overlay district are to:
   1. Implement the General Plan by ensuring development consistent with the urban design, neighborhood enhancement, housing, land use, and historic and cultural resources elements thereof;
   2. Deter the demolition, destruction, alteration, misuse or neglect of architecturally significant buildings that form an important link to Pasadena's past;
   3. Promote the conservation, preservation, protection, and enhancement of each landmark district;
   4. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property; and
   5. Encourage development tailored to the character and significance of each LD overlay district through a conservation plan that includes goals, objectives, and design criteria.

2. **Allowable land uses.** All land uses allowed in the base zoning district as permitted or conditional uses are allowable in the LD overlay district in compliance with the land use permit requirements of the base zoning district.

3. **Development standards.** Development standards in the LD overlay district shall be those of the applicable base district. In the event of a conflict, the provisions of the LD district shall control.

4. **Zoning Map designation.** LD overlay districts shall be depicted on the Zoning Map by adding the suffix "LD" to the base district designation, followed by the number of the LD district based on order of adoption.

5. **Application of district and development review procedures.** The requirements of this Zoning Code for the application of the LD overlay district to property, and administrative procedures for the review of proposed development within an LD overlay district are in Chapter 17.62 (Historic Preservation).
Santa Monica: 9.04.08.32.010 Purpose.

The CC District is intended to provide for the retention of the major concentration of government and cultural facilities at the Santa Monica Civic Center and nonprofit office and educational and research uses. The CC District is designed to allow for additional uses in the area, including expanded and improved government and cultural facilities; the expansion of the City’s housing supply, including a significant percentage of affordable housing as part of a mixed-use, urban neighborhood; public recreational facilities; neighborhood and visitor serving retail and restaurant uses; and other compatible uses. The development intensity is intended to accommodate existing and future uses in the area consistent with the goals, objectives, and policies of the General Plan. (Prior code § 9025.1; amended by Ord. No. 2262CCS § 2, adopted 5/27/08)
City of Oakland
17.10.130 – General description of civic activities.
Civic Activities include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other activities which are strongly vested with public or social importance. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.140 - Essential service civic activities.
Essential Service Civic Activities include the maintenance and operation of the following installations: A. Electric, gas, and telephone distribution lines and poles, and water, storm drainage, and sewer lines, with incidental appurtenances thereto, but excluding electric transmission lines;
B. Community gardens. For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by more than one person for personal consumption and/or donation. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;
C. Botanical gardens;
D. Private streets;
E. Public polling places;
F. Freeways, rapid transit routes, streets, alleys, and paths, but excluding activities on, under, or over such ways which activities are not customarily appurtenant thereto;
G. Seasonal retail sales conducted for a limited duration under valid license or lease on property owned by the City;
H. Police and Fire stations;
I. Post offices, but excluding major mail processing centers;
J. Telecommunications activities including the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.
K. All activities not classified elsewhere in the use regulations that are conducted on City and regional parklands and which are specifically referenced in master plans which are adopted by the Oakland City Council.

17.10.150 - Limited child-care activities.
Limited Child-Care Civic Activities include the provision of day-care service for fourteen (14) or fewer children, provided, however, that care for six (6) or more children be provided only in facilities licensed by a state or county agency. This classification also
includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.160 - Community assembly civic activities.
Community Assembly Civic Activities include the provision of civic activities to assembled groups of spectators or participants at the following institutions or installations. Examples of activities in this classification include but are not limited to the following:
• Churches, temples, synagogues, and other similar places of worship;
• Public and private nonprofit clubs, lodges, meeting halls, and recreation centers;
• Community, cultural, and performing arts center;
• Public and nonprofit gymnasiums and indoor swimming pools.
This classification also includes certain activities accessory to the above, as specified in Section 17.10.040

17.10.170 - Recreational assembly civic activities.
Recreational Assembly Civic Activities include the provision of recreational activities, typically performed by participants within public facilities. Examples of activities in this classification include but are not limited to the following:
• Food service and other concessions located within public parks;
• Public and parochial playgrounds and playing fields;

17.10.180 - Community education civic activities.
Community Education Civic Activities include the activities typically performed by the following institutions:
A. Public and private day-care centers for fifteen (15) or more children;
B. Public and private nursery schools and kindergartens;
C. Public and private elementary, junior high, and high schools;
D. Support services provided for independent living skills development including self-improvement education, employment and job training for both on-site and off-site residents in conjunction with Service-Enriched Permanent Housing and Transitional Housing Residential Activities. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.190
Activities that are primarily engaged in the display or preservation of objects of interest in the arts or sciences, for public, or private non-profit purposes. Examples of activities in this classification include but are not limited to the following:
• Publicly owned and nonprofit art galleries;
• Plant conservatories;
• Libraries;
• Museums;
• Observatories.

17.10.200 - Administrative civic activities.
Administrative Civic Activities include the activities typically performed by government and public utility administrative offices. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.220 - Health care civic activities.
Health Care Civic Activities include all activities which primarily provide medical care and supervision other than those defined elsewhere in the Zoning Regulations. Examples of activities in this classification include but are not limited to the following:
A. Health clinics;
B. Hospitals;
C. Skilled nursing, extended care, residential care (including facilities licensed for six or fewer residents), and assisted living facilities, all of which provide medical care on site;
D. Nonresidential centers providing psychological or family counseling and mental hygiene services to individuals or groups;
E. Support services which include regular individualized case management for both on-site and offsite residents in conjunction with Service-Enriched Permanent Housing and Transitional Housing Residential Activities;
F. Facilities which provide inpatient and/or outpatient medical and/or psychological treatment for mental illness, substance and alcohol abuse and addiction;
G. State licensed "Adult Day Care Facilities" and "Adult Day Support Centers". This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.
F. (Health Care Civic Activities: Facilities which provide inpatient and/or outpatient medical and/or psychological treatment for mental illness, substance and alcohol abuse and addiction) when such services are provided primarily to persons who currently use hypodermic needles to illegally inject controlled substances and where such services may include needle exchange, drug treatment, drug counseling or such other health services frequently required by persons currently using hypodermic needles to illegally inject controlled substances. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

17.10.230 - Utility and vehicular civic activities.
Utility and Vehicular Civic Activities include the maintenance and operation of the following installations:
A. Communications equipment installations and exchanges, but excluding
Telecommunications Activities specified in Section 17.10.140 Essential Civic Service
Activities;
B. Electrical substations;
C. Gas substations;
D. Neighborhood news-carrier distribution centers;
E. Publicly operated off-street parking lots and garages available to the general public
either without charge or on a fee basis. This classification also includes certain activities
accessory to the above, as specified in Section 17.10.040

17.10.240 - Extensive impact civic activities.
Extensive Impact Civic Activities include the activities typically performed by, or the
maintenance and operation of, the following institutions and installations:
A. Airports, heliports, and heli-stops;
B. Cemeteries, mausoleums, and columbaria;
C. Colleges, junior colleges, and universities, but excluding business schools operated
as profit making enterprises;
D. Detention and correction institutions;
E. Docks and wharves operated by a public agency;
F. Electric transmission lines;
G. Garbage dumps;
H. Golf courses and driving ranges;
I. Major mail-processing centers;
J. Military installations;
K. Public and public utility corporation or truck yards;
L. Radio and television transmission stations;
M. Railroad and bus terminals;
N. Railroad rights-of-way and yards and bus storage areas;
O. Reservoirs and water tanks;
P. Sewage disposal tanks;
Q. Stadiums, sports arenas, auditoriums, and bandstands;
R. Truck terminals operated by a public agency;
S. Zoological gardens and wildlife preserves;
T. Campgrounds;
U. Stormwater detention ponds and facilities;
V. Facilities supervised by or under contract with the State Department of Corrections,
including alternative sentencing and community work release programs.
Santa Monica Civic Center District:
9.04.08.32.020 Permitted uses.
   The following uses shall be permitted in the CC District:
   (a) Convention and conference facilities.
   (b) Cultural facilities.
   (c) Homeless shelters.
   (d) Nonprofit office, educational and research facilities.
   (e) Public institutions.
   (f) Public open space, parks and playgrounds.
   (g) Public parking.
   (h) Transitional housing.
   (i) A mixed use housing project, including neighborhood market, restaurant, dry cleaning, small scale bank and other convenience services, drug store or other uses that provide residents or employees of the immediate area with access to basic goods and services within walking distance of their home or work.
   (j) Other compatible public uses.
   (k) On-premises, accessory uses for any of the above uses, including cafes, restaurants, and newsstands, which are primarily intended to serve visitors and users of the primary use. Except for the mixed use housing project, there shall be no direct access to any accessory use from the exterior of a building or structure; access shall be permitted only through a foyer, court, lobby, patio, or other similar area. (Prior code § 9025.2; amended by Ord. No. 1750CCS § 16, adopted 6/28/94; Ord. No. 2262CCS § 3, adopted 5/27/08)
City of Pasadena Land Use Element

C. Land Use Diagram

Institutional
This category is used to designate public land uses, including schools, colleges, libraries, fire stations, police stations, convention centers, museums, governmental offices, utility stations, and hospitals. This category is also used to designate land used by some quasi-public entities, including public utilities and such institutions as churches, private schools and private hospitals. Pasadena has a variety of institutional uses including colleges such as California Institute of Technology, hospitals such as Huntington Hospital, as well as churches, museums, and government facilities.
San Francisco Civic Center Area Plan

OBJECTIVE 2
DEVELOP THE CIVIC CENTER AS A COHESIVE AREA FOR THE ADMINISTRATIVE FUNCTIONS OF CITY, STATE AND FEDERAL GOVERNMENT, AND AS A FOCAL POINT FOR CULTURAL, CEREMONIAL, AND COMMUNITY ACTIVITIES.
The function of the Civic Center area as a governmental services and administration district should be reinforced by locating within the area those Federal, State and City activities that require a high degree of interaction. Similarly, those Federal, State and City agencies providing basic governmental services (such as tax collection and permit processing), and particularly those agencies intensively used by the public, should be located in the Civic Center to facilitate public access and convenience.
Cultural activities, such as libraries, museums, and concert halls, that attract a broad community interest and attendance are also desirable parts of the Civic Center area. They add interest and variety to the scope of activities occurring in the Civic Center area and provide a nighttime use for the Center.

POLICY 2.2
Locate civic cultural facilities in the Civic Center.
Identity of the Civic Center as the cultural focus of the community is enhanced through the location in this area of a variety of cultural facilities such as museums, auditoriums, concert halls, theaters, and library. Incorporating cultural activities within the Civic Center extends activity into evening hours, increasing use and enjoyment of the public spaces and adding to the liveliness of the Center.

COUNTY OF MENDOCINO
County Planning and Building Services, Division of Title 0 – Inland Zoning Code

Sec. 20.020.005 General Description of Civic Use Types
Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 23D.28.030 (R-2 District), 23D.36.030 (R-3 District), 23E.68.030, 23E.68.070, 23E.68.090 (C-DMU District) AND ADDING SECTIONS 23D.28.050 (R-2 District), 23D.36.045 (R-3 District), and 23E.68.045 (C-DMU District) TO ESTABLISH A CIVIC CENTER HISTORIC DISTRICT OVERLAY AND SET FORTH USE LIMITATIONS AND DEVELOPMENT STANDARDS WITHIN THE OVERLAY DISTRICT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23D.28.030 is hereby amended to read as follows:

23D.28.030 Uses Permitted

The following table sets forth the Permits required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a public hearing (UP(PH)), or is Prohibited.

<table>
<thead>
<tr>
<th>Use and Required Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
</tr>
<tr>
<td>Uses Permitted</td>
</tr>
<tr>
<td>Child Care Centers</td>
</tr>
<tr>
<td>Clubs, Lodges</td>
</tr>
<tr>
<td>Community Care Facilities/Homes</td>
</tr>
<tr>
<td>New Construction</td>
</tr>
<tr>
<td>Community Centers</td>
</tr>
<tr>
<td>Dwelling Units, Single-family, Duplex, or Multi-family, subject to R-2 Standards</td>
</tr>
</tbody>
</table>
| Uses and Structures                                      | ZC | Prohibited in the Civic Center District Overlay
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Additions (up to 15% of lot area or 600 square feet, whichever is more restrictive) Major</td>
<td>ZC</td>
<td>See Section 23D.28.070 for restrictions.</td>
</tr>
<tr>
<td>Residential Additions</td>
<td>AUP</td>
<td>See definition in Sub-title F. Denial subject to Section 23D.28.090.B.</td>
</tr>
<tr>
<td>Libraries</td>
<td>UP(PH)</td>
<td>Subject to parking requirements under Section 23D.28.090.A.</td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
<td>ZC</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>Parking Lots</td>
<td>UP(PH)</td>
<td>Subject to requirements of Section 23D.12.090.</td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>Religious Assembly Uses</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td>ZC</td>
<td>Must satisfy the requirements of Chapter 23D.08.</td>
</tr>
<tr>
<td>Accessory Buildings or Structures</td>
<td>ZC</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>If has either habitable space and/or exceeds the requirements under Chapter 23D.08</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>When located on a vacant lot without a Main Building</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>Accessory Dwelling Units in compliance with applicable standards</td>
<td>ZC</td>
<td>Subject to Section 23D.28.040.</td>
</tr>
<tr>
<td>Accessory Dwelling Unit which does not comply with requirements under Section 23D.28.080</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay.</td>
</tr>
<tr>
<td>Accessory Dwelling Unit which involves a Major Residential Addition</td>
<td>AUP</td>
<td>Denial subject to Section 23D.28.090.B.</td>
</tr>
<tr>
<td>Item</td>
<td>Use or Activity</td>
<td>Zoning</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>--------</td>
</tr>
<tr>
<td>(500 sq. ft. or more)</td>
<td>Accessory Dwelling Unit which involves meeting the on-site parking requirement with tandem parking (See Section 23D.28.040.F)</td>
<td>AUP</td>
</tr>
<tr>
<td></td>
<td>Accessory Dwelling Unit in a detached Accessory Building which does not conform to the setbacks in Section 23D.28.070</td>
<td>AUP</td>
</tr>
<tr>
<td></td>
<td>Accessory Dwelling Unit in a detached Accessory Building which does not conform to the height limit in Section 23D.28.040.E.2</td>
<td>AUP</td>
</tr>
<tr>
<td></td>
<td>Child Care, Family Day Care</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Small Family Day Care Homes of eight or fewer children</td>
<td>ZC</td>
</tr>
<tr>
<td></td>
<td>Large Family Day Care Homes of nine to 14 children</td>
<td>AUP</td>
</tr>
<tr>
<td>Fences</td>
<td>If six ft. or less in height</td>
<td>ZC</td>
</tr>
<tr>
<td></td>
<td>Exceeding six ft. in height</td>
<td>AUP</td>
</tr>
<tr>
<td>Home Occupations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Impact</td>
<td></td>
<td>ZC</td>
</tr>
<tr>
<td>Moderate Impact, teaching-related</td>
<td></td>
<td>AUP</td>
</tr>
<tr>
<td>Moderate Impact</td>
<td></td>
<td>UP(PH)</td>
</tr>
<tr>
<td>Hot Tubs, Jacuzzis, Spas</td>
<td></td>
<td>AUP</td>
</tr>
<tr>
<td>Stables for Horses</td>
<td></td>
<td>AUP</td>
</tr>
</tbody>
</table>
## Miscellaneous Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>Permit Type</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries, Crematories, Mausoleums</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Columbaria</td>
<td>AUP</td>
<td>Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Commercial Excavation</td>
<td>UP(PH)</td>
<td>Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Wireless Telecommunications Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microcell Facilities</td>
<td>AUP</td>
<td>Subject to the requirements and findings of Section 23C.17.100</td>
</tr>
<tr>
<td>All Other Telecommunication Facilities</td>
<td>UP</td>
<td>Subject to the requirements and findings of Section 23C.17.100</td>
</tr>
</tbody>
</table>

### Offices

**Other Professionals and Government, Institutions, Utilities**: AUP

**Within the Civic Center District Overlay Only**

<table>
<thead>
<tr>
<th>Legend:</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZC -- Zoning Certificate</td>
<td>UP(PH) -- Use Permit, public hearing required</td>
</tr>
<tr>
<td>AUP -- Administrative Use Permit</td>
<td>Prohibited -- Use not permitted</td>
</tr>
</tbody>
</table>

Section 2. That Berkeley Municipal Code Section 23D.28.050 is hereby added to read as follows:

### 23D.28.050 Civic Center Historic District Overlay
A. The City Council finds and declares that:

1. The purpose of the Civic Center Historic District Overlay is to recognize the historic role of the Civic Center in providing community services and to preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities. The overlay seeks to maintain the present assemblage of civic buildings in the Civic Center area. It also seeks to maintain and enhance Civic Center Park and ensure that buildings that face Civic Center Park and abutting streets provide active, community-serving street level uses.

2. To this end, the Civic Center District Overlay intends to preserve existing buildings and uses and allow for appropriate adaptive reuse of buildings consistent with the character of the area, and to ensure active, community-oriented uses to promote the revitalization of the Downtown area.

B. Civic Center District Overlay shall be abbreviated as “CCDO.” Said overlay district shall consist of:

1. All buildings with street frontage on Martin Luther King Jr. Way between Addison Street and Allston Way; and
2. Martin Luther King Jr. Civic Center Park
3. Berkeley Veterans Building, 1931 Center Street
4. State Farm Insurance Building, 1947 Center Street
5. Federal Land Bank Building (MLK Jr. Civic Center Building) 2180 Milvia Street
6. Berkeley High School properties facing Allston Way between Milvia Street and Martin Luther King Jr. Way
8. YMCA Building, 2001 Allston Way

9. These proposed boundaries are as set forth in the map on file with the City Clerk and incorporated by reference herein.

Section 4. That Berkeley Municipal Code Section 23D.36.030 is hereby amended to read as follows:

23D.36.030 Uses Permitted
The following table sets forth the Permits required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a public hearing (UP(PH)) or is Prohibited.

<table>
<thead>
<tr>
<th>Use and Required Permits</th>
<th>Use</th>
<th>Classification</th>
<th>Special Requirements (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Uses Permitted</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care Centers</td>
<td></td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Clubs, Lodges</td>
<td></td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Community Care Facilities/Homes</td>
<td></td>
<td></td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Changes of Use</td>
<td></td>
<td>ZC</td>
<td>Subject to parking requirements. See Section 230.36.080.A</td>
</tr>
<tr>
<td>New Construction</td>
<td></td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Community Centers</td>
<td></td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Dwelling Units, Single-family, Duplex, or Multi-family, subject to R-3 standards</td>
<td></td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Residential Additions (up to 15% of lot area or 600 square feet, whichever is more restrictive)</td>
<td></td>
<td>ZC</td>
<td>See Section 230.36.070 for restrictions. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Major Residential Additions</td>
<td></td>
<td>AUP</td>
<td>See definition in Sub-title F. Denial subject to Section 230.36.090.B. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Group Living Accommodations, subject to R-3 standards</td>
<td></td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Hospitals</td>
<td></td>
<td>UP(PH)</td>
<td>Subject to parking requirements. See Section 230.36.080.A Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Libraries</td>
<td></td>
<td>UP(PH)</td>
<td>Subject to parking requirements. See Section 230.36.080.A</td>
</tr>
<tr>
<td>Activity</td>
<td>Zoning District</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>UP(PH)</td>
<td>Subject to parking requirements. See Section 23D.25.080.A</td>
<td></td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lots</td>
<td></td>
<td>Subject to Section 23D.12.090</td>
<td></td>
</tr>
<tr>
<td>When located in R-3 District within the Southside Plan boundaries</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When located in any other R-3 District</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
<td>UP(PH)</td>
<td>Prohibited</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly Uses</td>
<td>UP(PH)</td>
<td>Prohibited</td>
<td></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Congregate Housing</td>
<td></td>
<td>Prohibited</td>
<td></td>
</tr>
<tr>
<td>Six or fewer persons</td>
<td>ZC</td>
<td>Changes of use from an existing dwelling unit</td>
<td></td>
</tr>
<tr>
<td>Seven or more persons</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Construction</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Accessory Uses and Structures

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zoning District</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Buildings or Structures</td>
<td>ZC</td>
<td>Must satisfy the requirements of Chapter 23D.08</td>
</tr>
<tr>
<td>If has either habitable space and/or exceeds the requirements under Chapter 23D.08</td>
<td>AUP</td>
<td>Prohibited</td>
</tr>
<tr>
<td>When located on a vacant lot without a Main Building</td>
<td>AUP</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Accessory Dwelling Units in compliance with applicable standards</td>
<td>ZC</td>
<td>Subject to Section 23D.36.060</td>
</tr>
<tr>
<td>Accessory Dwelling Unit which does not comply with requirements under</td>
<td>AUP</td>
<td>Subject to making applicable findings in Section 23D.36.090</td>
</tr>
<tr>
<td>Section</td>
<td>Type</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| 23D.36.080 | AUP | Accessory Dwelling Unit which involves a Major Residential Addition (500 sq. ft. or more) | Denial subject to Section 23D.36.090.B
| | | **Prohibited In the Civic Center District Overlay** | |
| | AUP | Accessory Dwelling Unit which involves meeting the on-site parking requirement with tandem parking (See Section 23D.36.040.F) | Subject to making applicable findings in Section 23D.36.090.D
| | | **Prohibited in the Civic Center District Overlay** | |
| | AUP | Accessory Dwelling Unit in a detached Accessory Building which does not conform to the setbacks in Section 23D.36.070 | In no case shall side or rear setbacks be allowed to be less than four feet, or the front setback to be less than 15 feet. Subject to making the finding in Section 23D.36.090.A
| | | **Prohibited in the Civic Center District Overlay** | |
| | AUP | Accessory Dwelling Unit in a detached Accessory Building which does not conform to the height limit in Section 23D.36.040.E.2 | Subject to making applicable findings in Section 23D.36.090
| | | **Prohibited in the Civic Center District Overlay** | |
| | | **Prohibited in the Civic Center District Overlay** | |
| | ZC | Small Family Day Care Homes of eight or fewer children | **Prohibited in the Civic Center District Overlay**
| | AUP | Large Family Day Care Homes of nine to 14 children | **Prohibited In the Civic Center District Overlay**
| | ZC | Fences If six ft. or less in height | In required setbacks
| | AUP | Exceeding six ft. in height | **Prohibited In the Civic Center District Overlay**
| | ZC | Home Occupations Low Impact | If the requirements of Section 23C.16.020 are met
| | AUP | Home Occupations Moderate Impact, teaching-related | Subject to the requirements of Section 23C.16.030.A
| | UP(PH) | Home Occupations Moderate Impact | Subject to the requirements of Section 23C.16.030.B
| | AUP | Home Occupations Hot Tubs, Jacuzzis, Spas | See Section 23D.08.000.C
<p>| | | <strong>Prohibited in the Civic Center District Overlay</strong> | |</p>
<table>
<thead>
<tr>
<th>Miscellaneous Uses</th>
<th>AUP</th>
<th>Prohibited in the Civic Center District Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries, Crematories, Mausoleums</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Columbaria</td>
<td>AUP</td>
<td>Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23G.08. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Commercial Excavation</td>
<td>UP(PH)</td>
<td>Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Wireless Telecommunications Facilities</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Microcell Facilities</td>
<td>AUP</td>
<td>Subject to the requirements and findings of Section 23G.17.100</td>
</tr>
<tr>
<td>All Other Telecommunication Facilities</td>
<td>UP</td>
<td>Subject to the requirements and findings of Section 23G.17.100</td>
</tr>
</tbody>
</table>

Legend:

ZC -- Zoning Certificate
AUP -- Administrative Use Permit
UP(PH) -- Use Permit, public hearing required
Prohibited -- Use not permitted

Section 5. That Berkeley Municipal Code Section 23D.36.045 is hereby added to read as follows:

**23D.36.045 Civic Center Historic District Overlay**

A. The City Council finds and declares that:

1. The purpose of the Civic Center Historic District Overlay is to recognize the historic role of the Civic Center in providing community services and to preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities. The overlay seeks to maintain the present assemblage of civic buildings in the Civic Center area. It also seeks to maintain and enhance Civic Center Park and ensure that buildings that face Civic Center Park and abutting streets provide active, community-serving street level uses.
2. To this end, the Civic Center District Overlay intends to preserve existing buildings and uses and allow for appropriate adaptive reuse of buildings consistent with the character of the area, and to ensure active, community oriented uses to promote the revitalization of the Downtown area.

B. Civic Center District Overlay shall be abbreviated as "CCDO." Said overlay district shall consist of:

1. All buildings with street frontage on Martin Luther King Jr. Way between Addison Street and Allston Way; and
2. Martin Luther King Jr. Civic Center Park
3. Berkeley Veterans Building, 1931 Center Street
4. State Farm Insurance Building, 1947 Center Street
5. Federal Land Bank Building (MLK Jr. Civic Center Building) 2180 Milvia Street
6. Berkeley High School properties facing Allston Way between Milvia Street and Martin Luther King Jr. Way
8. YMCA Building, 2001 Allston Way

9. These proposed boundaries are as set forth in the map on file with the City Clerk and incorporated by reference herein.

Section 6. That Berkeley Municipal Code Section 23E.68.030 is hereby amended to read as follows:

23E.68.030 Uses Permitted

A. The following table identifies permitted, permissible, and prohibited uses and sets forth the Permit required for each allowed use. Each use and structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a Public Hearing (UP/PH), or is prohibited. Uses within the Downtown Arts District Overlay area (ADO) are also subject to Section 23E.68.040.
<table>
<thead>
<tr>
<th>Use and Required Permits</th>
<th>Use</th>
<th>Classification</th>
<th>Special Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Retail Sales</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Retail Sales Uses, except those listed below</td>
<td>ZC</td>
<td>As defined in Sub-title 23F, except otherwise listed</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Alcoholic Beverage Retail Sales, including liquor stores and wine shops</td>
<td>UP(PH)</td>
<td>Includes sale for off-site consumption at restaurants</td>
<td>Within the Arts District Overlay, see Section 23E.68.045</td>
</tr>
<tr>
<td><strong>Department Stores</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 7,500 s.f.</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td><strong>Firearm/Munitions Businesses</strong></td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td><strong>Pawn Shops, including Auction Houses</strong></td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td><strong>Pet Stores, including Sales and Grooming of Animals (but not Boarding)</strong></td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td><strong>Smoke Shops</strong></td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td><strong>Personal and Household Services</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Personal and Household Services, except those listed below</td>
<td>ZC</td>
<td>As defined in Sub-title 23F, except those otherwise listed (does not include Massage)</td>
<td>Within the Civic Center District Overlay, see Section 23E.68.045</td>
</tr>
<tr>
<td>Laundromats</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Veterinary Clinics</td>
<td>UP(PH)</td>
<td>Including Pet Hospitals</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td><strong>Offices</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Services, Retail (Banks)</td>
<td>AUP</td>
<td>Within the Arts District Overlay, see Section 23E.68.040</td>
<td></td>
</tr>
<tr>
<td>Under 7,500 s.f.</td>
<td>ZC</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Zoning</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Within the A.D.O.</td>
<td><strong>AUP</strong></td>
<td>Subject to additional requirements; see Section 23E.68.060.E</td>
<td></td>
</tr>
<tr>
<td>Insurance Agents, Title Companies, Real Estate Agents, Travel Agents</td>
<td><strong>ZC</strong></td>
<td>Subject to additional requirements; see Section 23E.68.060.E.</td>
<td></td>
</tr>
<tr>
<td>Within the A.D.O.</td>
<td><strong>AUP</strong></td>
<td>Within the Arts District Overlay, see Section 23E.68.040</td>
<td></td>
</tr>
<tr>
<td>Medical Practitioners</td>
<td><strong>ZC</strong></td>
<td>Including Holistic Health and Mental Health Practitioners</td>
<td></td>
</tr>
<tr>
<td>Within the A.D.O.</td>
<td><strong>AUP</strong></td>
<td>Within the Arts District Overlay, see Section 23E.68.040</td>
<td></td>
</tr>
<tr>
<td>Other Professionals and Government, institutions, Utilities</td>
<td><strong>ZC</strong></td>
<td>Subject to additional requirements; see Section 23E.68.060.E</td>
<td></td>
</tr>
<tr>
<td>Within the A.D.O.</td>
<td><strong>AUP</strong></td>
<td>Within the Arts District Overlay, see Section 23E.68.040</td>
<td></td>
</tr>
<tr>
<td>Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult-Oriented Businesses</td>
<td><strong>UP(PH)</strong></td>
<td>Subject to additional requirements; see Section 23E.16.030</td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverage Service of beer and wine incidental to food service at quick and full service restaurants</td>
<td><strong>AUP</strong></td>
<td>For on-site consumption only</td>
<td></td>
</tr>
<tr>
<td>Alcohol Beverage Service, including Bars, Cocktail Louges, and Taverns</td>
<td><strong>UP(PH)</strong></td>
<td>Includes service of distilled spirits incidental to food service.</td>
<td></td>
</tr>
<tr>
<td>Amusement Device Arcades</td>
<td><strong>UP(PH)</strong></td>
<td>Subject to additional requirements; see Section 23E.16.050</td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation Center</td>
<td><strong>UP(PH)</strong></td>
<td>Subject to additional requirements; see Section 23E.68.060.E</td>
<td></td>
</tr>
<tr>
<td>Dance, Exercise, Martial Arts and Music Studios</td>
<td><strong>ZC</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment Establishments</td>
<td><strong>UP(PH)</strong></td>
<td>Including Nightclubs</td>
<td></td>
</tr>
<tr>
<td>Food Service Establishments</td>
<td><strong>UP(PH)</strong></td>
<td>Within the Civic Center District Overlay, see Section 23E.68.045</td>
<td></td>
</tr>
<tr>
<td>Carry Out Food Service Stores</td>
<td><strong>AUP</strong></td>
<td>Within the Arts District Overlay, see Section 23E.68.040</td>
<td></td>
</tr>
<tr>
<td>Under 2,000 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>----</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within the A.D.O.</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quick Service Restaurants</td>
<td>AUP</td>
<td>See Alcoholic Beverage Service above</td>
<td></td>
</tr>
<tr>
<td>Under 2,000 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full Service Restaurants</td>
<td>AUP</td>
<td>See Alcoholic Beverage Service above</td>
<td></td>
</tr>
<tr>
<td>Under 2,000 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Class Instruction for Business, Vocational or Other Purposes</td>
<td>ZC</td>
<td>Subject to additional requirements; see Section 23E.68.060.E</td>
<td></td>
</tr>
<tr>
<td>Gyms and Health Clubs</td>
<td>AUP</td>
<td>Subject to additional requirements; see Section 23E.68.060.E</td>
<td></td>
</tr>
<tr>
<td>Under 7,500 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels, Tourist, including Inns, Bed and Breakfasts and Hostels</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Motels, Tourist</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Theaters, including Motion Pictures and Stage Performance</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile and Other Vehicle-Oriented Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Parts Stores</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Repair and Service</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Sales and Rentals, and motorcycle stores</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Automobile Washes, Mechanical or Self-Service</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Wrecking Establishments</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline/Automobile Fuel Stations</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle and Trailers Sales and Rental</td>
<td>Prohibited</td>
<td>Including Boats</td>
<td></td>
</tr>
<tr>
<td>Tire Sales/Service Stores</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking, Outdoor and Exterior Service Window Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activities or Storage Outside of a building:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>When not abutting R-District</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Scenario</td>
<td>Zoning</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>When abutting R-District</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Drive-in uses</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Parking Lots:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eight (8) or fewer Off-street Parking Spaces</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>More than eight (8) Off-street Parking Spaces</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Structures</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Recycling Redemption Centers</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Outdoor Cafe Seating</td>
<td></td>
<td>Quick and Full-Service Restaurants only</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Within the Civic Center District Overlay, see</strong> Section 23E.68.045</td>
<td></td>
</tr>
<tr>
<td>When seating not abutting R-District</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When seating abutting R-District</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Combination Commercial/Residential Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live/Work Units</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Not requiring a UP under Chapter 23E.20</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requiring a UP under Chapter 23E.20</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed Use Developments (e.g., Residential/Commercial; Hotel/Other Commercial; Office/Other Commercial)</td>
<td>UP(PH)</td>
<td>Subject to additional requirements; see Section 23E.68.060.F</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subject to Section 23E.68.070.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Uses Incidental to a Permitted Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Devices (up to three)</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Food or Beverage for Immediate Consumption</td>
<td>ZC</td>
<td><strong>Within the Civic Center District Overlay, see</strong> Section 23E.68.045</td>
<td></td>
</tr>
<tr>
<td>Live Entertainment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unamplified</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amplified</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing Uses</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Attachment 8 - 11/6/13 Staff Report

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<table>
<thead>
<tr>
<th>Uses Permitted in Residential Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Storage of Goods (over 25% of gross floor area)</strong></td>
</tr>
<tr>
<td><strong>Wholesale Activities</strong></td>
</tr>
<tr>
<td><strong>Uses Permitted in Residential Districts</strong></td>
</tr>
<tr>
<td><strong>Accessory Buildings and Structures</strong></td>
</tr>
<tr>
<td><strong>Child Care Centers</strong></td>
</tr>
<tr>
<td><strong>Clubs, Lodges</strong></td>
</tr>
<tr>
<td><strong>Community Centers</strong></td>
</tr>
<tr>
<td><strong>Dwelling Units, including multifamily developments</strong></td>
</tr>
<tr>
<td><strong>Group Living Accommodations</strong></td>
</tr>
<tr>
<td><strong>Hospitals</strong></td>
</tr>
<tr>
<td><strong>Residential Hotels, including Single Room Occupancy (SRO) Hotels</strong></td>
</tr>
<tr>
<td><strong>Libraries</strong></td>
</tr>
<tr>
<td><strong>Nursing Homes</strong></td>
</tr>
<tr>
<td><strong>Parks and Playgrounds</strong></td>
</tr>
<tr>
<td><strong>Public Safety and Emergency Services</strong></td>
</tr>
<tr>
<td><strong>Religious Assembly Uses</strong></td>
</tr>
<tr>
<td><strong>Schools, Public or Private</strong></td>
</tr>
<tr>
<td><strong>Senior Congregate Housing:</strong></td>
</tr>
<tr>
<td><strong>Six or fewer persons</strong></td>
</tr>
<tr>
<td><strong>Seven or more persons</strong></td>
</tr>
<tr>
<td><strong>New Construction</strong></td>
</tr>
<tr>
<td><strong>Miscellaneous Uses</strong></td>
</tr>
<tr>
<td><strong>Automatic Teller Machines When not a Part of a Retail</strong></td>
</tr>
</tbody>
</table>
| Financial Service | Exterior | Exterior/Interior | Prohibited in the Civic Center District Overlay
| --- | --- | --- | --- |
| Cafeteria, Employee or Residential | UP(PH) | AUP | Prohibited in the Civic Center District Overlay
| Cemeteries, Crematories, Mausoleums | Prohibited | | Prohibited in the Civic Center District Overlay
| Columbaria | AUP | | Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building.
| | | | Prohibited in the Civic Center District Overlay
| Circus or Carnival | UP(PH) | | Prohibited in the Civic Center District Overlay
| Dry Cleaning and Laundry Plants | UP(PH) | | Prohibited in the Civic Center District Overlay
| Kennels or Pet Boarding | Prohibited | | Prohibited in the Civic Center District Overlay
| Laboratories, Testing | AUP | | Prohibited in the Civic Center District Overlay
| Mortuaries | UP(PH) | | Prohibited in the Civic Center District Overlay
| Public Utility Substations, Tanks | UP(PH) | | Prohibited in the Civic Center District Overlay
| Radio, Television or Audio/Sound | | | Prohibited in the Civic Center District Overlay
| Recording Studios | AUP | | Prohibited in the Civic Center District Overlay
| Broadcast Studios | UP(PH) | | Prohibited in the Civic Center District Overlay
| Warehouses or Storage including Mini-storage Warehouses | UP(PH) | | Prohibited in the Civic Center District Overlay
| Wireless Telecommunications Facilities | AUP | | Subject to the requirements and findings of Section 23C.17.100
| Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District | | | Prohibited in the Civic Center District Overlay
| All Other Telecommunication Facilities | UP(PH) | | Subject to the requirements and findings of Section 23C.17.100
| Legend: | | | |

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Section 7. That Berkeley Municipal Code Section 23E.68.045 is hereby added to read as follows:

23E.68.045 Civic Center Historic District Overlay
A. The City Council finds and declares that:
   1. The purpose of the Civic Center Historic District Overlay is to recognize the historic role of the Civic Center in providing community services and to preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities. The overlay seeks to maintain the present assemblage of civic buildings in the Civic Center area. It also seeks to maintain and enhance Civic Center Park and ensure that buildings that face Civic Center Park and abutting streets provide active, community-serving street level uses.
   2. To this end, the Civic Center District Overlay intends to preserve existing buildings and uses and allow for appropriate adaptive reuse of buildings consistent with the character of the area, and to ensure active, community oriented uses to promote the revitalization of the Downtown area.
B. Civic Center District Overlay shall be abbreviated as "CCDO." Said overlay district shall consist of:
   1. All buildings with street frontage on Martin Luther King Jr. Way between Addison Street and Allston Way; and
   2. Martin Luther King Jr. Civic Center Park
   3. Berkeley Veterans Building, 1931 Center Street
   4. State Farm Insurance Building, 1947 Center Street
   5. Federal Land Bank Building (MLK Jr. Civic Center Building) 2180 Milvia Street
   6. Berkeley High School properties facing Allston Way between Milvia Street and Martin Luther King Jr. Way
   8. YMCA Building, 2001 Allston Way
   9. These proposed boundaries are as set forth in the map on file with the City Clerk and incorporated by reference herein.
C. Exceptions to prohibited uses indicated in Section 23E.68.030 may be established in the Civic Center District Overlay, either as a new use or as a change of use, subject to approval by the Zoning Officer or Board and subject to the findings in Section 23E.68.090.J.

Section 8. That Berkeley Municipal Code Section 23E.68.070 is hereby amended to read as follows:

23E.68.070 Development Standards

A. The height for main buildings shall not exceed the following limits and shall satisfy the following requirements:

<table>
<thead>
<tr>
<th>C-DMU Sub-Area **</th>
<th>Minimum ***</th>
<th>Maximum****</th>
<th>Maximum With Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area†</td>
<td>50 feet</td>
<td>60 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>Outer Core†</td>
<td>40 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corridor</td>
<td>40 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffer</td>
<td>None</td>
<td>50 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

Table 23E.68.070

Height Limits (as per Downtown Area Plan) *

* Notwithstanding Sub-title 23E, in the case of a roof with parapet walls, building height shall be measured to the top of the roof and parapets may exceed the height limits above by up to five (5) feet as of right.

** See Downtown Area Plan Sub-area map in Figure LU-1 and the Zoning Map.

*** New buildings only, measured to the top of the plate. Theater and Museum Buildings are exempt.

**** Buildings within the Civic Center District Overlay shall have a maximum height of 60 feet.

† Within the Core, up to three buildings over 120 feet but not more than 180 feet. Within the Core and Outer Core, up to two buildings over 75 feet but not more than 120 feet. See section 23E.68.070.B.

Section 9. That Berkeley Municipal Code Section 23E.68.090 is hereby added to read as follows:

23E.68.090 Findings

A. In order to approve any Use Permit under this Chapter, the Zoning Officer or Board must make the findings required by Section 23E.32.040, as well as the
findings required by the following paragraphs of this Section to the extent applicable.

B. A proposed use or structure must:
   1. Be compatible with the purposes of the District; and
   2. Be compatible with the surrounding uses and buildings.

C. For each Administrative Use Permit obtained under Section 23E.68.040.C to allow a new carry out food service store or ground floor office use within the Downtown Arts District Overlay, the Zoning Officer must find that:
   1. The project meets the purposes of the Arts Overlay District as set forth in Section 23E.68.040; and
   2. The location, size, type, appearance, and signage of the proposed use will:
      a. Animate and enhance the pedestrian experience on the street; and
      b. Be generally open to the public evenings and on weekends, whenever practicable.

D. In order for any Use Permit to be granted under Section 23E.68.050 for new floor area, the Board must find that:
   1. The addition or new building is compatible with the visual character and form of the District; and
   2. No designated landmark structure, structure of merit, or historic district in the vicinity would be adversely affected by the appearance or design of the proposed addition.

E. In order to approve a Use Permit for buildings over 75 feet in height under Section 23E.68.070.B, the Board must find that the project will provide significant community benefits, either directly or by providing funding for such benefits to the satisfaction of the City, beyond what would otherwise be required by the City. These may include, but are not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities. The applicable public benefit requirements of this Chapter shall be included as conditions of approval and the owner shall enter into a written agreement that shall be binding on all successors in interest.
F. In order to approve a Use Permit for modification of the setback requirements of 23E.68.070.C, the Board must find that the modified setbacks will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

G. In-Lieu Open Space.

1. In order to approve a Use Permit under Section 23E.68.070.D for payment of an in-lieu fee, the Board must find that the in-lieu payment will support timely development of open space improvements that will serve the needs of both project residents and other people living in and using the downtown.

2. In order to approve a Use Permit under Section 23E.68.070.D for construction of public improvements consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP), the Board must find that the public improvements:

   a. Will be located within the vicinity of the project and are consistent with the SOSIP; and

   b. The improvements will be coordinated with other ongoing or approved SOSIP or other right-of-way improvements in the vicinity, and will not create a hazardous situation or an unusual appearance in the downtown; and

   c. The improvements will be completed prior to issuance of a certificate of occupancy for the project, unless otherwise allowed by the Conditions of Approval.

H. In order to approve a Use Permit to allow a reduction of required vehicle parking spaces under Section 23E.68.080.D, which may be reduced to zero, the Board must find that the applicant will pay an in-lieu fee to a fund established by the City that provides enhanced transit services.

I. In order to approve a Use Permit to allow parking spaces to be leased or sold in combination with the proposed affordable housing units under Section 23E.68.080.G, the Board must find that applicant has demonstrated that
the combined parking is necessary for the purpose of obtaining financing or meeting other obligations. (Ord. 7229-NS § 1 (part), 2012)

J. For each Administrative Use Permit or Use Permit obtained under Section 23E.68.045.C to allow an exception to prohibited uses within the Civic Center District Overlay, the Zoning Officer or Board must find that:

1. The project meets the purposes of the Civic Center District Overlay as set forth in Section 23E.68.045; and

2. The proposed project will provide active, community-serving street level uses; and

3. The project is consistent with the historic character of existing buildings within the Civic Center Historic District; and

4. Be generally open to the public, including on evenings and weekends, whenever practicable; and/or

5. Comply with the preservation covenants for the sale of the Berkeley Main Post Office, 2000 Allston Way, ensuring public access and preservation of historic features.

Section 10. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.
DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
NOVEMBER 6, 2013

Time: The meeting was called to order by Chair Novosel at 7:06 PM.

Location: North Berkeley Senior Center, 1901 Hearst Ave., Berkeley, CA

ROLL CALL

Commissioners Present: Stephen Murphy, Harry Pollack, Jim Novosel, Teresa Clarke, Gene Poschman, Tracy Davis, Dan Lindheim, Elizabeth Lam, Patrick Sheahan.

Commissioners Absent: None.

Staff Present: Eric Angstadt, Alex Amoroso, Julian Bobilev.

ORDER OF AGENDA: Changed as follows: Item 11 (Election of Vice-Chair) was heard first, followed by Item 10 (Demolition Ordinance), and Item 9 (Civic Center Historic District Overlay) last.

PUBLIC COMMENT PERIOD: 2 speakers.

One speaker requested that the Planning Commission ask for additional environmental review on the Maxwell Family Field project. The second speaker spoke regarding a possible hazard from an unsafe retaining wall in front of his house and his belief that the City is responsible for repairing it.

PLANNING STAFF REPORT: None.

LATE COMMUNICATIONS (received after Agenda deadline):
2. Seven letters/emails from Berkeley residents supporting the June 4 draft of the demolition ordinance.
3. Planning Commission Chair Jim Novosel, Re: Consideration of Civic Center Zoning Overlay
4. Clark Morrison representing USPS, Re: Item 9: Civic Center Historic District Overlay Modifications
5. Robert Pack Browning, Preserving the Post Office Building in public hands
7. The Secretary of the Interior’s Standards for Rehabilitation
9. Sally Nelson, Re: Zoning Overlay proposed for Berkeley’s existing Historic District

CHAIR REPORT: None.

COMMISSION REPORT: None.

APPROVAL OF MINUTES:

Motion/Second/Carried (GP/EL ) to approve the draft minutes of the regular meeting of October 16, 2013, with modifications on lines 12-13, 130, and 152. Ayes: Stephen Murphy, Jim Novosel, Teresa Clarke, Gene Poschman, Tracy Davis, Dan Lindheim, Elizabeth Lam, Patrick Sheahan, Harry Pollack. Noes: None. Abstain: None.

CONSENT CALENDAR: None.

FUTURE AGENDA ITEMS and OTHER PLANNING-RELATED EVENTS:

At the November 20th meeting, the Local Hazard Mitigation Plan will be on the agenda. A Planning staff person will make a presentation regarding the Plan; staff anticipates a Public Hearing regarding this item in the spring. There will be a Public Hearing regarding a condo conversion map. The work plan may possibly be on the agenda, as well.

At the December 4th meeting, any items continued from the previous meeting will be heard. The agenda for this meeting will be shorter due to the Thanksgiving holiday the week prior.

At the December 18th meeting, staff will bring back the requested information regarding the Telegraph FAR referral and hold a Public Hearing. The Accessory Dwelling Units referral will be in front of the Commission for the first time.

AGENDA ITEMS:

Item 11 Discussion / Action: Election: Planning Commission Vice Chair

Motion/Second/Carried (DL/TD) to elect Stephen Murphy as Planning Commission Vice-Chair. Ayes: Stephen Murphy, Teresa Clarke, Tracy Davis, Jim Novosel, Harry Pollack, Gene Poschman, Elizabeth Lam, Patrick Sheahan, Dan Lindheim. Noes: None. Abstain: None.

Item 10 Discussion / Action: Council Referral: Demolition Ordinance

7 speakers addressed the demolition ordinance. Several people recommended enacting a moratorium on demolition until the appropriate nexus study was complete. Two speakers urged the Planning Commission to adopt 1:1 replacement of demolished affordable units. Another speaker stated that if the city wasn’t able to require 1:1 replacement of units which would be permanently affordable, they should not allow the demolition of rent-controlled units.

Two speakers offered their opinion that the City should explore the full range of legal possibilities. They believe that the path laid out by Planning Director Eric Angstadt and City Attorney Zach Cowan is not the only legally defensible way, only the most conservative one.
Another possibility would be to state that demolitions are prohibited and then extract affordable housing concessions from developers in return for waiving the ban on demolitions.

Planning Director Angstadt summarized the new developments that have occurred in the week since the staff report was created and recommended that the Commission disregard the now outdated recommendation in the report. Instead, he recommended that the Commission ask Council to commission a nexus study for the demolition of pre-1980 housing showing the relationship between demolition and the loss of affordable housing. The amended Demolition Ordinance should then be sent back to the Planning Commission for consideration.

**Motion/Second/Carried (GP/SM)** That the Commission requests the Council authorize a nexus study related to cost of rental housing units.

Friendly Amendment (DL), accepted by GP to recommend to Council that the nexus study consider and be cognizant of the June 14th draft Demolition Ordinance principles, which have already been approved by the Planning Commission.

Ayes: Stephen Murphy, Harry Pollack, Jim Novosel, Gene Poschman, Tracy Davis, Dan Lindheim, Elizabeth Lam, Patrick Sheahan, Teresa Clarke. Noes: None. Abstain: None.

Public Comment: 7 speakers.

**Item 9 Public Hearing:** Civic Center District Zoning Overlay

14 speakers addressed the Civic Center overlay item. All were unanimous in urging the Commission to forward the overlay to Council with as much speed as possible.

**Motion/Second/Carried (DL/GP)** to affirm the strong guiding role of General Plan Policy LU-22 in the Commission deliberations and all of the motions and decisions that were made during the course of this meeting.

Friendly Amendment (TC), accepted by DL to include the language of GP LU-22 in the 23#.#.020 Purposes section of the draft ordinance.


Planning Commission Secretary Amoroso presented the Commission with three possible options in addressing the referral.

1. Ask staff to finalize an overlay ordinance with specific modifications and bring it back at a future Commission meeting.
2. Consider the range of materials presented, make recommendations, and forward to City Council.
3. Direct staff to return with a reformulated ordinance.
To complete the Overlay process with the greatest possible speed, the Commission selected Option 2. In order to expedite the process, the Commission took the step of taking non-binding straw votes to express their opinion on which uses should be allowed in the Civic Center overlay. No discussion was held and the votes were not assigned to any particular Commissioners. The results were recorded for every use listed in Section 23##.030 Uses Permitted section of the draft ordinance as a simple Aye-No-Abstain count. This is recorded and follows at the end of this document, to simplify the organizational structure of the Minutes.

Please note: There were several listed uses which were divided into individual words by the Commission and voted on separately. Namely, Schools, Public and Private and Schools, Public Only were amended to Schools, Public and Schools, Private to gauge Commissioner support for either category. Other Professionals and Government, Institutions, Utilities was separated into three categories: 1. Professional Uses, 2. Government and Institutions, and 3. Public Utilities.

Before the votes took place, Commissioner Pollack expressed his opinion that the overlay was not an appropriate tool for the preservation of the Post Office and urged the Council to consider ways in which the City could purchase the Post Office building.

Motion/Second/Carried (GP/SM) to direct staff to amend the Applicability section of the draft ordinance to use the parcel numbers of the existing Civic Center Historic District Overlay rather than a list of buildings. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy. Noes: None. Abstain: None.

Motion/Second/Carried (TC/TD) to use the Alpha List style for Section 23##.020 Purposes, with GP LU-22 added as an introductory paragraph followed by the list of purposes A through H. Ayes: Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy. Noes: Gene Poschman. Abstain: Harry Pollack.

The Commission made a number of modifications to the Purposes A through H as part of the motion, including:

A. Preserve and protect the integrity of the City of Berkeley Historic Civic Center, through preservation of existing buildings listed in the Civic Center Historic District and open space.

B. Promote uses, which combined or individually will keep maintain public access to the buildings or historic portions of the buildings.

C. Promote the cultural and architectural heritage of the Civic Center, for the purposes of economic development and attracting tourism.

G. Retain a mix of public and quasi public community services such as governmental offices and public meeting spaces.
Additionally, several of the Commissioners voiced concerns that Purpose H would be used to justify privatization. The H Purpose remains.

Motion/Second/Carried (GP/TD) to direct staff to forward to the Council all material considered as part of the Public Hearing process, as modified by the motions and votes of the Commission, in the interest of expediting the process of creating an overlay ordinance to the Civic Center Historic District: Including a draft ordinance as refined by the Commission. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy. Noes: Harry Pollack. Abstain: None.

Motion/Second/Carried (GP/TC) to close the Civic Center Historic District Overlay public hearing. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy, Harry Pollack. Noes: None. Abstain: None.

Motion/Second/Carried (HP/TC) to urge City Council to explore the possibility of acquiring the Post Office property. Ayes: Gene Poschman, Dan Lindheim, Patrick Sheahan, Elizabeth Lam, Harry Pollack, Tracy Davis, Teresa Clarke, Jim Novosel, Stephen Murphy, Harry Pollack. Noes: None. Abstain: None.

Public Comment: 14 speakers.
The meeting was adjourned at: 10:02 p.m.
Commissioners in attendance: 9 of 9
Members of the public in attendance: 70.
Public Speakers: 23.

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<table>
<thead>
<tr>
<th>Use and Required Permits</th>
<th>Commission Vote (Aye-No-Abstain)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses Common to the R-2, R-3, and C-DMU</td>
<td></td>
</tr>
<tr>
<td>Any telecommunications facility besides microcell</td>
<td>0-8-1</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>0-5-4</td>
</tr>
<tr>
<td>Clubs, Lodges</td>
<td>3-5-1</td>
</tr>
<tr>
<td>Columbarium</td>
<td>0-5-4</td>
</tr>
<tr>
<td>Community Centers</td>
<td>8-0-1</td>
</tr>
<tr>
<td>Dwelling Units (Single family, Duplex, or Multi-family)</td>
<td>2-4-3</td>
</tr>
<tr>
<td>Libraries</td>
<td>8-0-1</td>
</tr>
<tr>
<td>Microcell Facilities</td>
<td>0-4-5</td>
</tr>
<tr>
<td>Surface Parking Lot with less than 8 spaces</td>
<td>0-8-1</td>
</tr>
<tr>
<td>Use</td>
<td>Code</td>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td>Parks and Playgrounds</td>
<td>8-0-1</td>
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<tr>
<td>Public Safety and Emergency Services</td>
<td>8-0-1</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>0-6-3</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>2-5-2</td>
</tr>
<tr>
<td>Schools, Private</td>
<td>1-6-2</td>
</tr>
</tbody>
</table>

Uses to be Considered for Inclusion in the ordinance, identified during the public process:

<table>
<thead>
<tr>
<th>Use</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Uses</td>
<td>2-4-3</td>
</tr>
<tr>
<td>Government and Institutions</td>
<td>8-0-1</td>
</tr>
<tr>
<td>Public Utilities</td>
<td>0-2-7</td>
</tr>
<tr>
<td>Public Schools</td>
<td>8-0-1</td>
</tr>
<tr>
<td>YMCA</td>
<td>6-0-3</td>
</tr>
<tr>
<td>Marketplace</td>
<td>3-2-4</td>
</tr>
<tr>
<td>Affordable housing</td>
<td>3-2-4</td>
</tr>
<tr>
<td>Group Class Instruction for Business, Vocational or Other Purposes (from referral)</td>
<td>0-5-4</td>
</tr>
<tr>
<td>Gyms and Health Clubs (from referral)</td>
<td>0-7-2</td>
</tr>
<tr>
<td>Dance, Exercise, Martial Arts and Music Studios (from referral)</td>
<td>0-3-6</td>
</tr>
<tr>
<td>Theaters, including Motion Pictures and Stage Performance (from referral)</td>
<td>4-0-5</td>
</tr>
<tr>
<td>Entertainment Establishments – “Live Entertainment “(from referral)</td>
<td>0-3-6</td>
</tr>
<tr>
<td>Museums</td>
<td>8-0-1</td>
</tr>
<tr>
<td>Publicly owned / nonprofit art galleries</td>
<td>7-0-2</td>
</tr>
<tr>
<td>Civic Use: separate use category</td>
<td>3-3-3</td>
</tr>
</tbody>
</table>

Uses which help facilitate community well-being and cohesion, support and invest in the existing Civic Center area, and may fiscally support preservation of existing structures. Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
September 4, 2013

VIA E-MAIL

Members of the City of Berkeley Planning Commission
Alex Amoroso, Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704
aamoroso@cityofberkeley.info

Re: Item 10: Civic Center Historic District Overlay Modifications

Dear Commissioners:

The United States Postal Service (the “USPS”) welcomes this opportunity to provide comments on the City Council’s referral for proposed zoning changes which would affect the Main Post Office (“Berkeley MPO”) located at 2000 Allston Way. The USPS would like to highlight its initial concerns with the proposal:

1. The proposal by the City of Berkeley (the “City”) to rezone the area which includes the Berkeley MPO property appears to be an attempt to influence the USPS’s decision with respect to the future of this property. In particular, we are concerned that this is an attempt to chill any possible sale of the facility should the property be placed on the market. We do not believe that this is an appropriate rationale for the exercise of the City’s police power.

2. It is unclear how the extremely restricted uses set forth for the Berkeley MPO property in the proposal tie into the goal of assuring an appropriate adaptive reuse of the Berkeley MPO. An aggressive timeline for enactment of the rezoning would only serve to limit the opportunity for future discussions between the USPS and the City regarding the USPS’s plans for the property and may preclude adequately analyzing the potential environmental impacts of any zoning changes under the California Environmental Quality Act.

3. There does not appear to be a link between this proposal and the City’s stated rezoning goal of providing protection to the Berkeley MPO’s historic features. Any historic preservation concerns of the City can be addressed through a dialogue with the USPS. The USPS would be happy to discuss the applicable requirements of the National Historic Preservation Act and the USPS’s proposal to satisfy its obligations thereunder. It is anticipated that, were the property to be transferred out of federal ownership, future owners of the property would be subject not only to deed restrictions that might be imposed by the USPS, but also, by local preservation laws and ordinances. The proposed rezoning is not necessary to achieve the goal of historic preservation.
4. The proposal does not appear to comport with the City's General Plan, which requires the City to "[e]ncourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley." And the Downtown Plan directs the City to provide a broad range of uses to meet daily needs, on foot, in the Outer Core (in which the Berkeley MPO is located). The proposed use restrictions would inhibit the potential to further these policies on a property that is only a short walk from BART.

5. The proposal also appears to conflict with the policies of Plan Bay Area, the sustainable communities strategy ("SCS") developed by ABAG and MTC in furtherance of SB 375 and AB 32. The SCS envisions the majority of new growth will occur within Priority Development Areas ("PDAs") such as the one established for Downtown Berkeley. This rezoning proposal may impede the potential for desirable and financeable transit-oriented growth and undermine the SCS itself.

The USPS respectfully requests the Planning Commission return this proposal to the City Council with a recommendation to table it (i.e., the "no action alternative"). The City and the USPS could then discuss the City's concerns and the potential methods through which they could be addressed.

Sincerely,

R. Clark Morrison

RCM/CHC

06841955712256
September 17, 2013

From: Berkeley citizens present at the Berkeley Planning Commission meeting in regard to the Historic District Zoning Ordinance testimony.

To: Members of the Berkeley Planning Commission.

On September 4th, 2013 Mr. Clark Morrison of Cox, Castle & Nicholson representing the Postal Service, stood before the Berkeley Planning Commission and engaged with all of you in a long discussion.

We who had stood and spoken before he gave his presentation had no chance to respond to what he had said. We would therefore like to take this opportunity to set the record straight concerning some of the non-legal subjects on which he spoke.

First, Mr. Morrison said (paraphrasing) that the Post Office had been and was still interested in engaging with Berkeley in discussing the fate of the Downtown Berkeley Post Office.

- Members of Save the Berkeley Post Office, the City Council, and other interested parties have been attempting to engage the Post Office in a reasoned discussion for more than a year. On February 26th, 2013 a public hearing was held at City Hall which the Postal Service sponsored (required by law), in which almost unanimous opposition to the Postal Service's plans was apparent.
- Up until March 13th, written public comments were received by the Postal Service, almost all of which were in opposition to the Postal Service's plans regarding 2000 Allston Way.
- On March 7th, the City Council respectfully asked the Postal Service, in a unanimous resolution, to engage with the City of Berkeley to talk about the fate of the downtown Post Office:

"BE IT FURTHER RESOLVED that the USPS suspend, for one year, efforts to sell the Berkeley Main Post Office building and work with the City of Berkeley with the goal of continuing the USPS's ownership of the building, and the leasing of the rear portion of the building to provide an ongoing income stream to the USPS."

Yet on or about April 22nd, 2013, disregarding the overwhelming sentiment of the citizenry of Berkeley, disregarding all the public input and the request of the City Council, the Post Office approved a relocation followed by a sale:

"The U.S. Postal Service announced today that it has approved the relocation of the Berkeley Post Office... USPS plans to sell the building on Allston Way after operations are relocated."

We believe the record shows that the Postal Service has had no interest whatsoever in - nor do we believe there is any evidence other than Mr. Morrison's claim - that it has any current interest in engaging with Berkeley's public and its elected representatives.

Second, Mr. Morrison said (again paraphrasing) that no decision had been made as to whether to sell the Berkeley Post Office.
But in a letter from Tom Samra, Vice President of Facilities at the Postal Service, dated July 17th, denying Berkeley's subsequent appeal of the aforementioned April 22nd decision, he wrote:

"I am satisfied the April 9th relocation decision properly took into account community input...

"While I am sympathetic to the concerns raised by the concerned parties ... I will not set aside the Postal Service's April 19th DECISION TO SELL THE POST OFFICE."

(Capitalization provided for emphasis.)

Since the very first more than a year ago, we feel, as evidenced by the above quote, that the Postal Service has made quite clear that a decision to sell has already been made and that it is only "going through the motions" to clear the legal brambles so that a sale can be done without further challenge.

Finally, Mr. Morrison suggested (paraphrasing once more) that there would be a "process" that the Post Office would have to continue to go through which would entail further discussions with the community before a sale would take place.

This is, to the best of our knowledge, incorrect. The Postal Service, by hearing, then denying, the appeal of its April 22nd decision has done all that is legally necessary - as far as we understand the process - for it to effect the sale (save, perhaps, for environment impact reviews that your Planning Director, Mr. Angstadt, mentioned).

It is true - confusingly true - that the Post Office may yet have to deal with the Postal Regulatory Commission, a separate agency that has jurisdiction over sales that result in loss of service (but not relocations) of Post Offices. The PRC is the entity to which Mayor Bates appealed on July 31, 2013, and which denied his appeal without prejudice as "not yet ripe" on August 27th, 2012.

Mayor Bates (or anyone, for that matter) can again appeal to the Postal Regulatory Commission once the Postal Service concretizes its plans, but that does not mean that the Postal Service has any obligation to engage the public or the City of Berkeley again. What it means is that the entity that appeals (the plaintiff) and the Postal Service (the defendant) will have to go through a court-like process wherein briefs and counterbriefs are submitted to the PRC, which will then decide the issue much like an Appeals Court. (This was what was scheduled to happen with Mayor Bates' appeal before it dismissed; no public input was involved.)

It may also be the case that the Post Office may have to have a public discussion of their choice of a particular relocation site, but that is a different matter than the sale of the existing building.

Thank you for listening.

Signed,

[Signature]

[Address]
20 September 2013

Ms. Victoria Eisen  
Chair, Planning Commission  
City of Berkeley  
2120 Milvia Street  
Berkeley, California 94704

Dear Chair Eisen and Planning Commissioners:

Re: Downtown Post Office

Berkeley Design Advocates (BDA) is a membership organization of Berkeley design professionals that supports sound urban and environmental design and planning. We encourage positive change in the built environment to help achieve society's social and economic objectives and our membership adopts positions on issues of importance to the design community.

As design professionals, we are concerned about the future of the Downtown Post Office and the ongoing community reactions to the Postal Service's proposal to relocate the downtown Post Office and sell the current facility. Given the Postal Service's financial deficits as well as global changes in how we communicate, the Postal Service's market is forever changed, as is its facility needs. In spite of the City's active opposition and that of our state and national elected representatives, the Postal Service's position on relocation of the downtown Post Office and sale of the facility is unlikely to be successfully challenged.

We believe that continuing to fight for no change in the Post Office's current operation is futile and will lead to unexpected and unwanted outcomes. The City should recognize this new reality and work for positive change from an unwelcome event. The current proposal before the Planning Commission to create a historic overlay district is a troubling and unwelcome attempt to stop inevitable change and will lead to unfortunate unanticipated impacts.

Historic Preservation and Reuse Is Appropriate

As design professionals, we passionately believe that buildings live and evolve, just as their communities do. While the original 1917 Post Office that faces Allston is a widely recognized architectural jewel within Downtown, we note that it was enlarged to the south in 1931. We believe that the original Post Office can be sensitively reused and enlarged again – to add to Downtown's vitality while protecting and correcting the building's structural deficiencies.
The existing Post Office contains about 57,000 sq. ft. and occupies more than an acre in the heart of Downtown. Much of the building is already vacant or under-utilized for Postal Services as many mail operations have been relocated elsewhere. Now is the time for the City to determine how this building – in such a prominent location – can have new uses that will contribute positively to the revitalization of Downtown – and we note this is an entirely appropriate conversation given the Downtown Area Plan’s intention to encourage both historic preservation and complementary new development, as was affirmed by the community’s overwhelming support for Measure R.

There are many examples in other communities of creative reuse and sensitive expansion of public buildings. Later this month, a BDA exhibit in the lobby of the Wells Fargo Building will show how other cities have reused historic post offices for new purposes. The exhibit will also show the context for the Post Office building in the Downtown Area and the Civic Center Historic District, and suggested ways the Post Office might accommodate new purposes that will benefit the cultural, economic and social life of Berkeley.

We hope this exhibit will provide ideas and creative approaches for reuse of the Post Office that will help City Council members and other City officials and interested Berkeley citizens envision how this beautiful building can bring more people, more jobs and more economic activity to our city and become a major contributor to the vitality of Downtown. The City should consider the range of alternations that can retain and even enhance the building’s historic architecture while providing for additional activity through increased height and possible expansion that would encourage new uses and more activity by more people in the structure.

**Dangers in the Historic District Proposal**

Given the inevitability of the sale, the City Council’s most appropriate and valuable response should be to establish criteria for any use of any part of the building so any prospective buyer will understand the need to work with the City in the public interest. The Planning Commission has scheduled an October 2, 2013 hearing regarding a referral from the Council for a zoning overlay for the entire Civic Center Historic District in which the Post Office is located. This proposal would restrict the uses of all buildings in the district and would preclude most of the kinds of commercial uses that create jobs and economic growth and belong in our Downtown. BDA opposes such “scorched earth” approaches to complex problems, and we oppose this proposal.

We need a living, vibrant downtown and we need the ability to reuse buildings as the public’s tastes and needs change. Accordingly, the City should not be starting with restrictions that block opportunities. Such restrictions are neither in our local self-interest, nor are restrictions an effective way to reverse the
technological trends and political currents that challenge the future of the Postal Service.

The City should be open to many possibilities for the Post Office. The Council should direct the Planning Commission to focus its hearing on ideas and proposals for reuse of the building and direct staff to propose criteria and related land use controls that would support a broad range of kinds of uses. The city needs a vision for the site that encourages historic reuse, public access and economic development and is consistent with the Downtown Plan and Measure R.

**BDA's Recommendations**

The City should be negotiating with the Postal Service to achieve historic easements on the reuse of the building as part of any sale. These negotiations could include an agreement to drop the current lawsuit in exchange for conditions of sale that require at minimum public uses and public access to the building.

BDA recommends the following be considered as City Council and City staff move forward with Postal Service negotiations and developing land use controls:

1. Encourage retention of the Post Office retail functions in the original (1917) Allston building.

2. Require that the entire ground floor be devoted to active publicly-accessible space that attracts many people on a daily basis and contributes positively to the pedestrian environment and to the economic and social vitality of Downtown. (Such uses might be an arts market place, hotel/conference center, "Ferry Building" food hall, retail specialty shops, museum, or performance space.)

3. Preserve the historic exterior of the original Allston building and its publicly-accessible lobby.

4. Reuse and enlarge the back (Kittredge) of the site to increase downtown economic activity, such as by adding cultural, commercial, and/or residential space. Make the edge along Kittredge Way pedestrian-oriented.

5. Engage in a focused visioning process of short duration that results in guidelines for how the Post Office might be reused, enlarged, or reconfigured consistent with the criteria above as well as the Downtown Plan, the Civic Center District and conservation requirements. The process should emphasize both community benefits and project feasibility.
6. Require that any private reuse of the building contribute financially to the improvements in the Downtown, especially pedestrian-oriented improvements to Allston Way as noted in Policy 1.13 of the Street and Open Space Improvement Plan (SOSIP).

Berkeley Design Advocates stands ready to assist in the process of decisions about the future of this historic building.

This BDA position was approved by the BDA membership on September 11, 2013.

Sincerely,

[Signature]

Anthony Bruzzone, President
Berkeley Design Advocates

cc: Planning Commission Secretary
September 20, 2013

Planning Commission  
Alex Amoroso, Secretary  
Land Use Planning Division  
2120 Milvia Street  
Berkeley, CA 94704

Re: Civic Center Historic District Zoning Overlay

Dear Planning Commissioners:

The Berkeley Architectural Heritage Association (BAHA) supports the proposal to amend the Zoning Ordinance to establish a Civic Center zoning overlay that would be coterminous with the present Civic Center Historic District and would restrict permitted uses within it to civic and community activities.

All the buildings encompassed within the Civic Center Historic District were constructed to serve civic and/or community functions, and they continue to do so today. This historic usage must be perpetuated if we are to preserve the character of central Berkeley.

The proposed zoning overlay is entirely in conformance with the Civic Center Historic District’s description in the National Register of Historic Places (“The district provides predominantly civic or public services.”). It also conforms with B.M.C. Chapter 3.24.010 C.1. (“The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important to local, state or national history…”).

BAHA urges you to vote in favor of the proposed zoning overlay.

Sincerely,

Susan D. Cerny  
Corporate Secretary
Attachment 10 - Communications
Page 10 of 102

Berkeley Planning Commission
Land Use Planning Division
2120 Milvia St., 2nd Floor
Berkeley, CA 94704

September 20, 2013

Re: Downtown Berkeley Main Post Office

Downtown Berkeley’s Main Post Office is a lasting symbol of farsighted public investments made by earlier generations, and Livable Berkeley wholeheartedly supports ongoing efforts to preserve and restore this magnificent structure. Livable Berkeley also believes that our most treasured historic buildings, especially those within the public realm, deserve innovative and active uses fitting of their heritage and grandeur. Livable Berkeley urges the Planning Commission and the City Council to adopt a forward-thinking, proactive approach to ensure the Post Office remains a vibrant focus of public life.

Achieving a desirable outcome for the Main Post Office demands that the City abandon obstructive and reactionary responses. Attempts to maintain the existing ownership and operations of the Main Post Office have, so far, been unsuccessful. The future of the United States Postal Service is shaped by technological and political circumstances well beyond the control of Berkeley City government. Livable Berkeley believes local leaders should, at this time, shift perspective and refocus their energy on efforts to realize a bold new vision for the Main Post Office.

Sale of the Main Post Office represents a singular opportunity to influence the future of this property and bring new vitality to Berkeley’s Civic Center. The USPS has already relocated most of its operations away from the Main Post Office, leaving large portions of the existing facility underutilized. Fewer and fewer people make regular use of the handsome service lobby, as communications technology evolves. Allowing the Main Post Office to itself evolve is critical to maximizing the future use and enjoyment of this inspiring structure.

Future uses for the Main Post Office should invite large numbers of people to absorb its rich history and enjoy its gracious interior. Visits to the Main Post Office have become a rare and unexciting errand for most Berkeley citizens. Whether the Main Post Office becomes a public market, an arts space, or even simply a brew pub with a stunning interior, any of these uses would stand to increase patronage and enjoyment of this building. Although a purely public use remains the favored outcome for the Main Post Office, decision-makers should not foreclose possibilities such as publicly-accessible private space, private space with public events, or even a combination of public and private spaces.

Moving forward, we must recognize that public ownership or operation is not always synonymous with maximum public enjoyment. Berkeley’s Old City Hall, although publicly owned, remains closed to the public much of the time. Broad public access to the building has long been limited to
Attachment 10 - Communications
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attendance at City meetings. Old City Hall’s future remains uncertain, as
funding for seismic retrofitting and other improvements remains elusive.
Meanwhile, San Francisco’s iconic Ferry Building has undergone extensive
renovation, and now offers immense enjoyment to San Francisco residents
and visitors—all under a public-private partnership. City leaders should
acknowledge and act upon the likelihood that public-private partnerships—
and even certain scenarios for private ownership—represent our best
chance to guarantee the restoration, maintenance, and continued public
enjoyment of the Main Post Office.

Restrictive zoning and land use regulations for Berkeley’s Civic Center
would be risky and counterproductive. Given the City’s strained
resources and the public’s limited will for increased taxation, imposing strict
ownership and use limitations in this area would be a recipe for stagnation
and decay. In other communities, stalled negotiations have even caused
frustrated developers to abandon their plans for adaptive reuse, leaving
shuttered post offices vacant and blighted. Instead, we must encourage and
coordinate with favored buyers and developers, and offer them the
flexibility to realize new futures for the Main Post Office and other civic
buildings. Continued resistance to the evolution of the Main Post Office may
very well engender its purchase by entities eager to quickly convert the
building to uses utterly incompatible with the sort of public access and
vibrant activity we envision.

Creative approaches to adaptive reuse are our best chance to sustain
the Main Post Office as an economic and cultural touchstone of
Downtown Berkeley. Across the country, innovative projects have led to a
renaissance for retired postal facilities. The Old Post Office in St. Louis is a
prime example of how forging public-private partnerships and blending
private and public space can both respect history and support the local
economy. Berkeley should build upon these models, working alongside the
USPS and developers to repurpose the Main Post Office as a central
attraction and jobs-creator for Downtown Berkeley.

Strategy, not eulogy, is now the way forward. Sale of the Main Post
Office may be all but inevitable, but positive outcomes remain within
our grasp. Local leaders must change their tactics to work with, rather than
against the Postal Service, prospective buyers, and potential developers.
Livable Berkeley urges the Planning Commission and the City Council to
resist the siren song of recalcitrant nostalgia, and openly embrace creative
possibilities for the Downtown Berkeley Main Post Office. Cooperation is
imperative to ensure that the future of the Main Post Office rests with those
who will respect its place in history as they work to fulfill our shared vision
for a vibrant, publicly-enjoyed space.

Sincerely,

Eric Panzer,
Chair, Livable Berkeley Board of Directors
GOING POSTAL

The husband of US Senator Dianne Feinstein has been selling post offices to his friends, cheap.

By Peter Byrne
Going Postal

The husband of US Senator Dianne Feinstein has been selling post offices to his friends, cheap.

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On July 27, two hundred people sang and chanted on the steps of the historic main post office in downtown Berkeley to protest its impending closure and sale. City Councilman Jesse Arreguin took the microphone to gently decry the closure. In fact, the Berkeley City Council had voted unanimously to oppose the sale. Why the day of rage?

When a post office closes, it is obviously that much harder to buy a stamp, pick up a package, send a registered letter, or purchase a money order. But inconvenience alone did not account for the existential angst being expressed by the mostly over-fifty members of the throng as they questioned the motives of the United States Postal Service for selling post offices all over the country to developers. "Which of our public assets will be privatized next?" speakers asked. "Streets? Schools? The Lincoln Bedroom?"

The Berkeley crowd is not acting alone. From the beaches of Santa Monica to the avenues of the Bronx to the orange farms of Nalcrest, Florida, people who like the US Mail are getting mad. "Hey, wait a minute, Mr. Postman! That is our community post office!"

To which the federal flak-catcher replies, "The Internet is killing us. The Postal Service is broke. We have to sell. Get used to it."

But email is not the problem and the budget deficit is easy enough to fix, so there must be other reasons for the forced sales, say save-the-post-office activists. The post office is being killed for political reasons, they assert, pointing out that the corporation with the exclusive contract to negotiate sales for the Postal Service's $35 billion real estate portfolio is C.B. Richard Ellis (CBRE). And that the company is chaired by Richard C. Blum, who is the husband of US Senator Dianne Feinstein and a member of the University of California's Board of Regents.

Editor's Note: The following is an edited version of the introductory chapter of a new e-book, Going Postal, by investigative journalist Peter Byrne.

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My yearlong investigation has uncovered evidence of multiple conflicts of interest and problems with post office sales supervised by Blum's company, including:

- CBRE appears to have repeatedly violated its contractual duty to sell post offices at or above fair market value.

- CBRE has sold valuable postal properties to developers at prices that appear to have been steeply discounted from fair market values, resulting in the loss of tens of millions of dollars in public revenue.

- In a series of apparently non-arm's-length transactions, CBRE negotiated the sale of postal properties all around the country to its own clients and business partners, including to one of its corporate owners, Goldman Sachs Group.

- CBRE has been paid commissions as high as 6 percent by the Postal Service for representing both the seller and the buyer in many of the negotiations, thereby raising serious questions as to whether CBRE was doing its best to obtain the highest price possible for the Postal Service.

- Senator Feinstein has lobbied the Postmaster General on behalf of a redevelopment project in which her husband's company was involved.

The Backstory

Because the Postal Service is running an artificially created budget deficit, tens of thousands of jobs are being liquidated as post offices and mail processing facilities in towns and cities across the country are short-listed to be sold for ready cash. CBRE has already sold 62 of these properties, and hundreds more are on the chopping block.

And 80 percent of the Postal Service's multibillion-dollar deficit is caused by a law passed by Congress in 2006 that requires it to prepay retiree health benefits 75 years into the future. This unprecedented, budget-killing command does not apply to any other government agency. If this burden were to be rescinded — and business mail were to be charged the cost of its delivery — the Postal Service would be in the black, according to Congressional reports.

The ugly truth of the matter, say informed critics such as New York University professor Steve Hultman, is that the Postal Service is being privatized in the interests of scores of corporations that not only compete with it, but are also its largest contractors, including FedEx and United Parcel Service (package routing); Parsons Corporation (management services); Accenture (financial consulting); and Pitney Bowes (direct mail).

And then there is CBRE, the world's largest commercial real estate firm. In June 2013, Postal Service Inspector General David C. Williams published a scathing audit of CBRE's exclusive contract to manage all the sales and leasing of postal real estate. Williams noted that outsourcing these activities to a single firm is "a fundamental change from how the Postal Service previously managed its real estate portfolio [and] Facilities officials should improve oversight to mitigate inherent risks associated with the CBRE contract... Specifically, there are conflict of interest concerns."
Williams warned of the potential for contract fraud, by referring the matter to a prosecutor, and advised the postal executives in charge of the CBRE contract to clean up their act.

Over the past year, my investigation has explored the kinds of conflicts of interest that concerned Williams by diving deep into the public record. CBRE’s contract, its postal facility sales data, as well as expense reports for Postal Service executives were obtained under the Freedom of Information Act (FOIA). The deals of sale and assessment data for most of the postal properties sold by CBRE were found at the county level.

The county records allow for comparing the assessed value of the postal properties before they were sold to the final sales prices negotiated by CBRE on behalf of the Postal Service: And the comparisons reveal that CBRE has sold the bulk of this public real estate at prices lower than assessed values — and apparently at far below fair market values.

When these findings were shared with Chuck Zlatkin, Legislative and Political Director of the New York Metro Area Postal Union, he said, "The selling of this information is, it is not surprising because we have seen a pattern of corruption at the Post Office ever since the manufacture of the health care benefit prepayment crisis. It is certainly not permissible for CBRE to sell property for the benefit of its own business partners, or to anyone else, at a discount. In my opinion, CBRE's conflicts of interest contain an element of fraud."

CBRE Group Inc. was given a list of the key facts and analysis reported in this investigation. Through its spokesman Philip Russo, the company declined to comment.

**Conflicts of Interest**

In June 2011, the Postal Service hired CBRE as its exclusive agent to sell post offices, warehouses, parking lots, and vacant land worth hundreds of millions of dollars. The contract instructed CBRE to propose properties to sell with final approval reserved to the head of the Postal Service's Facilities Division, Tom Saun. And it requires CBRE to sell them at or below assessed (fair market) values, or not at all.

CBRE is also charged with appraising the fair market value of these properties and listing a reasonable sales price. It is important to point out that real estate appraisals are not customarily performed by the agent marketing the property. To avoid conflicts of interest, property appraisals are normally performed by professionals not involved in negotiating the sale.

Responding to a FOIA request through a staff attorney, Postmaster Patrick Donohoe categorically refused to disclose CBRE's appraisals. Attorney Jeff Mendels said that CBRE's appraisals do not need to be disclosed to the public because such information is "commercially sensitive" and it is comparable to a "national security" secret (even though the appraisals are not classified). The Postal Service eventually released the final sales price for each property sold by CBRE and CBRE's sales invoices, which recorded the amount of its commissions (2 to 6 percent). The appraisal figures, however, remain secret.

By way of explanation, an assessed value is normally based upon the most recent sales price of a parcel, which is likely to be less than its current fair market value. In many counties, the assessed value is calculated as a percentage of the fair market value. And during economic downturns, assessed values are often lowered to keep pace with a falling market.

During the first two years of its contract, CBRE sold the 52 properties it had picked to market for millions of dollars less than their assessed values. For

Details presented in the chapter "Following the Money" of this book show that from June 2011 through May 2013, CBRE sold 52 postal properties for $165 million. The total assessed value of this portfolio at the time of sale was $232 million. Subtracting out the nine properties that sold at a value higher than their assessed value, CBRE has arguably undersold its postal real estate portfolio by at least $79 million. And it undervalued these properties even at the price of commercial real estate, especially for central downtown parcels, was approaching the pre-crash highs of 2007.

Interviews about standard real estate practices with two experts provided by the National Association of Realtors indicate that the sale of a property at or below assessed values most often occurs when it is located in a distressed or impoverished area. Where there is shortage of commercial real estate in developable areas — which has been the general situation, nationwide, for several years — demand tends to push prices far higher than assessed values.

But the vast majority of the CBRE-negotiated sales did not involve distressed properties: They were mostly located in economically healthy neighborhoods. The sales were mostly of central downtown buildings, with parking, in wealthy or revitalizing neighborhoods that attracted restaurant, boutique, and residential developers, or modern, suburban office buildings and warehouses, also with ample parking that attracted high-tech industrial firms.

In other words, the most saleable postal properties were the ones most likely to command prices that exceeded their assessed values.

**Not at Arm's Length**

Real estate transactions are normally negotiated by agents who stay at "arm's length" from each other's interests. That makes sense because sellers try to obtain the highest price possible, while buyers angle for the lowest price. Each agent is bound to get the best possible price for his or her client in a competitive marketplace.

But in a series of non-arm's-length transactions, CBRE has sold 20 percent of its postal portfolio to its own clients and/or business partners. In Boston, it sold a parcel at a large discount of its assessed value to a developer with whom it was partnered. And it sold another Boston parcel to one of its largest shareholders, Goldman Sachs Group. Real estate industry ethics require agents to get the best deal for their clients (in this case, the US Postal Service), not for their business partners and owners.

CBRE kept the entire seller/buyer commission of up to 6 percent in 34 of 52 transactions. In the majority of these deals, CBRE appears to have represented the interests of the buyer as well as those of the seller, even though CBRE was originally contracted to represent only the interests of the Postal Service.

Astonishingly, CBRE's contract was amended in 2013, at the request of CBRE, to allow it to negotiate on behalf of both the Postal Service and prospective buyers.

**No Oversight**

To be fair, CBRE need not shoulder all of the blame for the $79 million in lost revenue. In his June 2013 audit, the post office inspector general reported that executives running the Postal Service Facilities Division were not
properly monitoring the CBRE contract.

Williams found that:

- the dollar amount of the contract was improperly open-ended and posed a risk of runaway costs. The original $2 million budget had unaccountably tripled.

- Facilities Division officials improperly paid CBRE invoices without checking for fraud. At least 227 invoices worth $1.7 million were paid without proper oversight — "present[ing] an increased risk of fraud [and] pose[ing] an increased risk to the Postal Service's finances, brand, and reputation."

In short, the normal checks-and-balances mechanisms for preventing conflicts of interest and contract fraud have been missing in the monitoring of CBRE's performance by Facilities Division officials. Given the ethical norms at play on the top floors of the Postal Service's headquarters at L'Enfant Plaza in Washington, DC, this is not surprising. The inspector general has also reported that high-ranking Postal Service executives have charged home mortgages and European vacations to their government credit cards.

And Facilities Division expense reports reveal that staff have purchased hundreds of thousands of dollars worth of expensive dinners, online gift cards, books, and even toys with their government-issued credit cards. The division's chief, Kamara, has billed the deficit-ridden Postal Service for flying first class to Europe, even though he personally is worth as much as $98 million.

The Postal Service was given a list of the key facts and analysis reported in this investigation. Through his spokesman, David Partenheimer, Postmaster General Patrick Donahoe declined to comment.

The Boston Seaport Deals

CBRE is a major player in the development of a brand-new neighborhood in downtown Boston called the Seaport District. The mixed-use district is slated to revitalize 1,000 acres of abandoned railways and crumbling docks that surround the Boston Convention Center. The linchpin of the giant redevelopment project's design is the upscale Channel Center, which will sport expensive residences, office buildings, and fancy parks. A portion of the project is sited on Postal Service land that has been sold by CBRE to the developers.

In Boston, during 2012, while acting as the Postal Service's agent, CBRE sold real estate at less than its assessed value to a group of developers called Commonwealth Ventures LLC, with whom it was partnered in a redevelopment project. CBRE also sold a valuable parcel in the same development project to one of its largest stockholders, Goldman Sachs Group. These and a host of similar transactions around the country raise questions as to whether CBRE improperly benefited from selling postal properties to its clients and business partners.

According to the Channel Center developer, Commonwealth Ventures LLC, CBRE is a member of its development team, which provides real estate services to the project. Commonwealth Ventures is also partnered with AREA Property Partners, which has collaborated with CBRE on other real estate ventures. Another CBRE client, the real estate arm of General Electric Corporation, is also a member of Commonwealth Ventures' Channel Center team. In what appears to have been a conflict of interest, CBRE has acted as the broker for both the Postal Service and the Channel Center development partnership, which is composed of its clients.

In September 2012, AREA Property Partners paid the Postal Service $10.3 million for a parking lot on which the company planned to construct the Channel Center parking garage. The Postal Service was represented by CBRE in the sale, even though CBRE is also the agent for the Channel Center developers, Commonwealth Ventures, and AREA.

According to the Boston Assessor's property database, the parking lot was valued at $12.4 million in 1991. This key piece of real estate in the Channel Center project was sold by CBRE for 20 percent less than it had been valued more than two decades before. In addition, because CBRE is also a member of the development team, the sale raises questions as to whether the company stands to reap additional profits from the Channel Center project.

Remarkably, the invoice that CBRE submitted to the Postal Service's Facilities Division for the sale of the Channel Center parking lot to Commonwealth Ventures did not contain an address for the property sold, only the notation "0 Square Feet." Under "value," someone wrote, "$0". Nowhere on the undated invoice does the purchase price appear. Nor does the invoice reference a contract number, nor any form of payment authorization. It demands a "flat fee" of $377,500 for negotiating the sale, even though the CBRE contract does not allow for flat fees. Nonetheless, the incomplete invoice was paid by Postal Service facilities executives.

The Goldman Sachs Connection

A real estate partnership created by the Goldman Sachs Group called W200, BWH Realty LLC purchased a parcel of Postal Service land for a residential development alongside the Channel Center in September 2011. The parcel was subdivided from a larger parcel, so it had no previously assessed value as a unit. CBRE sold the postal parcel for $1 million to the entity controlled by the Goldman Sachs Group, which owns 6.6 percent of CBRE, a stake that rivals Blum Capital Partners' stake of 6.9 percent. Goldman Sachs is also a longstanding CBRE client and its co-investor in numerous ventures. Since CBRE took the entire commission of 6 percent, it appears to have represented both seller and buyer in a transaction that poses an apparent conflict of interest.

The CBRE invoice for the sale to the Goldman Sachs partnership does not list a dollar amount for the sale, nor the name of the buyer (which was obtained from deeds on file with the Boston Assessor's office).

In an email, James Allen of the Postal Service Facilities Division wrote that after paying CBRE for both of the Boston Seaport deals, facilities managers requested that CBRE change the format of its invoices to include more information.

Richard C. Blum did not respond to repeated requests for comment.

To read about Senator Feinstein's efforts in a California redevelopment project in which Blum's company was involved, see the chapter "DPI and th Blumpire" of the e-book.

Proceeds from the sale of the e-book, Going Postal, which may be downloaded in its entirety at Amazon, go solely to the author of this report.

Contact the author of this piece, send a letter to the editor, like us on Facebook, or follow us on Twitter.

* Corrections For the Week of S...
From: Alison Thomas [mailto:athomas2449@sonic.net]
Sent: Sunday, September 29, 2013 1:00 PM
To: Amoroso, Alexander
Subject: Zoning for Historical District

Planning Commission
Attn: Alex Amoroso, PC Secretary
Land Use Planning Division
2120 Milvia St., 2nd Floor
Berkeley, CA 94704

Because I am unable to attend the Planning Commission meeting on Wednesday, Oct 2, I want to record my strong citizen support for the proposed Zoning Overlay for Berkeley’s designated Historic District to protect those areas as public commons owned by and for the people who reside in the area, and to protect that small defined area against exploitation by private development or business interests.

This constellation of public building, which officially includes the Berkeley Downtown Post Office, Berkeley High School, the old and new city halls, central park area, YMCA, and Veterans Memorial Hall—and unofficially the nearby library—are located in the heart of Berkeley and form the core of our downtown. These public buildings are conveniently adjacent to shops, restaurants and other commercial enterprises, where there is ample real estate outside the Historic District for development by private interests for the purposes of growing the economy and vibrancy of the city.

Unlike the suburban malls where services are spread around because there is no city center, Berkeley is a small town located in the midst of a greater urban area, a real community of fellow citizens sharing public space and public services—a traditional value too rapidly disappearing in our sprawling country.
This is an opportunity to use the zoning ordinances to appropriately protect our historical, social and cultural heritage in this small communal area and I urge the Planning Commission to do so. I also urge the Commission to extend the Historic District to include adjacent properties, notably the Berkeley Public Library.

Sincerely,

Alison Thomas

2440 McGee Avenue

Berkeley, CA 94703

510/841-5143
Executive Order 13006 of May 21, 1996

Locating Federal Facilities on Historic Properties in Our Nation's Central Cities

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) and the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505), and in furtherance of and consistent with Executive Order No. 12072 of August 18, 1978, and Executive Order No. 11933 of May 13, 1971, it is hereby ordered as follows:

Section 1. Statement of Policy. Through the Administration's community empowerment initiatives, the Federal Government has undertaken various efforts to revitalize our central cities, which have historically served as the centers for growth and commerce in our metropolitan areas. Accordingly, the Administration hereby reaffirms the commitment set forth in Executive Order No. 12072 to strengthen our Nation's cities by encouraging the location of Federal facilities in our central cities. The Administration also reaffirms the commitments set forth in the National Historic Preservation Act to provide leadership in the preservation of historic resources, and in the Public Buildings Cooperative Use Act of 1976 to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.

To this end, the Federal Government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas. When implementing these policies, the Federal Government shall institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society.

Sec. 2. Encouraging the Location of Federal Facilities on Historic Properties in Our Central Cities. When operationally appropriate and economically prudent, and subject to the requirements of section 601 of title VI of the Rural Development Act of 1972, as amended (42 U.S.C. 3122), and Executive Order No. 12072, when locating Federal facilities, Federal agencies shall give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties.

Sec. 3. Identifying and Removing Regulatory Barriers. Federal agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing Federal facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulations, policies, and procedures that impede the Federal Government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy Federal space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. Federal agencies are encouraged to seek the assistance of the Advisory Council on Historic Preservation when taking these steps.
Sec. 4. *Improving Preservation Partnerships.* In carrying out the authorities of the National Historic Preservation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships with States, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

Sec. 5. *Judicial Review.* This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

*THE WHITE HOUSE,*

*May 21, 1996.*

*William Clinton*
Executive Order 12072

Federal Space Management

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1-1. Space Acquisition.

1-101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1-102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1-103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1-104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatibility of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1-105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.
(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1-106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.


1-201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the Executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of Executive agencies.

(f) Annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1-202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1-203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:
(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1-204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.


1-301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1-302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended, shall conform to the provisions of this Order to the extent they have the authority to do so.

1-303. Executive Order No. 11512 of February 27, 1970, is revoked.

JIMMY CARTER

THE WHITE HOUSE,


Last Reviewed 2012-06-27
October 1, 2013

Via Facsimile to: 510-981-6960 and
by U.S. Certified Mail/Return Receipt Requested
City Council
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

RE: U.S. Postal Property at 2000 Allston Way, Berkeley, CA 94704 ("Property") Proposed Council Action and Extension of Section 106 Comment Period

Dear Honorable Councilmembers:

The United States Postal Service ("Postal Service") hereby agrees, in response to your request to extend the comment period for you, as a consulting party under the Federal Regulations implementing Section 106 of the National Historic Preservation Act ("NHPA"), for an additional thirty (30) days (until November 12, 2013). We understand that the City Planning Commission intends to propose to the City Council a zoning overlay for the Property and we would ask the City Council not to fast-track or otherwise accelerate any pending actions under consideration related to the zoning overlays or rezoning of the Property to allow for thoughtful consultation by the Postal Service, the City and other consulting parties under Section 106 of the NHPA.

The Postal Service trusts that the parties will use this additional time to work on a mutually acceptable solution. Further, the Postal Service invites interested Councilmembers and other City officials to tour the Property at a mutually convenient time. Arrangements for the tour can be made by contacting Diana Alvarado at diana.alvarado@usps.gov or by phone at 415-550-5117.

Sincerely,

Tom Russell
Contracting Officer
(336) 665-2800

cc: Zach Cowan, City Attorney
    Clark Morrison, Cox, Castle & Nicholson
Berkeley Civic Center as a concept goes back over a hundred years. However, it is also self-evident that a great city deserves a great civic center.

The new 1909 City Hall was put forward as part of the city's image of the "Athens of the West" and was linked to the neo-classical buildings being built on the U.C. campus.

City Hall bordered what was planned as a City Beautiful Movement-style central park area. Architect and city planner Charles Henry Cheney, who drafted California's first city planning act (passed in 1915), provided initial designs for what he called "Liberty Square."

The 1914 Post Office was part of this conception and was done in an Italian Renaissance style.

The Veteran's Building, Community Theater, Farm Credit Building (now the Civic Center Building) and other buildings contributed to this grouping of public buildings.

Berkeley voters approved a bond measure in 1940 that furnished the last funds needed to complete Civic Center Park.

The historic Civic Center has the most concentrated number of New Deal-era projects in Berkeley - "Berkeley's New Deal Nexus": Berkeley Community Theater, G and H Buildings at Berkeley High, old Hall of Justice, Farm Credit Building, WPA work on Civic Center Park, art work on and in a number of these buildings (including the Main Post Office).

The entire district was listed in 1998 to the National Register of Historic Places and the California Register of Historical Resources due to its historic, cultural, educational, governmental and judicial significance. The Civic Center Park fountain is at the center of the axis of these structures representing our community's democratic and social functions.

Civic Center Park continues to function as site of public events, concerts and fairs, and the adjacent Center Street hosts the weekly Saturday Farmers' Market. Dubbed Provo Park in the 1960s, it was the site of many anti-war demonstrations. In 1983, it was designated as Martin Luther King Jr. Civic Center Park.

The recent expose of the conservative effort to privatize our postal system and the opportunistic dealings of CBRE in the selling of post offices throughout the country illustrate the cynical and greedy attempts to strip public assets from communities for private gain.

Citizens in communities throughout the country have protested this heist of our cultural heritage. In Berkeley it has been a broad-based effort involving the mayor, entire city council, citizens of every background and members of our state and federal legislative delegations.

Two groups, Berkeley Design Advocates and Downtown Berkeley Association, have recently come forward advocating for development of the Post Office property. They have been entirely absent in the over one-year struggle to protect our Main Post Office. Their greed seems to parallel the privatizers and CBRE. The Shattuck corridor, North Berkeley, South Berkeley, West Berkeley, Fourth Street and Telegraph Avenue are not enough for them. They seek unfettered development of our Historic Civic Center District.

This all raises a question of civic values. What is the propriety in public assets being liquidated as if they were the spoils of a hostile corporate raid?

The effort to establish a zoning overlay for the Civic Center Historic District merely respects, codifies, and protects over 100 years of Berkeley history. Civic uses of the district are not in opposition to other types of development but will complement them.
Proposed Liberty Square (1919), Berkeley Public Library
October 2, 2013

Dear Senator Feinstein,

This summer protests broke out over the upcoming closure and sale of a historic post office in downtown Berkeley, California. This century old post office represents a piece of our collective history. It contains New Deal-era murals, architecture and artwork. Not to mention, it was paid for by the public. Now, against the wishes of many in the Berkeley community, this historic post office is set to be closed and sold off. Unfortunately, post offices across the country, many of which have comparable rich historical value of Berkeley’s downtown post office, are on the chopping block to be closed and sold.

That we have resorted to selling off valuable pieces of our country’s heritage is shameful. But even more reprehensible is the process by which these post offices are being sold off, and this is the reason that we are writing you.

C.B. Richard Ellis Group, Inc. (CBRE), the company chaired by your husband, Richard Blum, has an exclusive contract to negotiate the nationwide sales of U.S. Postal Service (USPS) real estate. An investigative journalist, Peter Byrne, brought to light some of the most disconcerting aspects of CBRE’s involvement in the sale of post offices throughout the country in an article for the East Bay Express titled “Going Postal” (he has also written an e-book by the same name that goes into more detail on the subject).

The highlights from Mr. Byrne’s article indicate that CBRE’s actions in the sale of the USPS’s real estate portfolio are suspicious at best. According to the article, CBRE was awarded its exclusive contract with the USPS in June 2011. The contract requires CBRE to sell postal service properties at or above fair market value. However, the contract also allows CBRE to conduct its own appraisals of each property. Appraisals are best conducted by parties not involved in the sale of the property. The existing contractual arrangement gives CBRE unusual control over determining the value of a property and creates the potential for conflicts of interest.

To demonstrate the problems that this contractual arrangement creates, one only needs to look at the sale of properties CBRE has executed. Mr. Byrne reported that in the first two years of its contract, CBRE sold 52 postal properties at $66 million less than their assessed value. Two examples he cites include an office building CBRE sold in 2011 in Seattle for $8 million that was assessed at $16 million, and a building in St. Paul, Minnesota that sold for about $20 million under its 2009 assessed value of nearly $25 million.

Perhaps of even greater concern is that, according to Mr. Byrne, CBRE has sold 20 percent of the postal service’s real estate portfolio that has been sold to date to its own clients or business partners. Byrne reports that it seems as though CBRE likely represented both the seller and buyer in a number of postal property sales, which if true, would reflect a serious conflict of interest. It would also raise serious ethical concerns about CBRE’s business practices. Disturbingly, Byrne reports that “CBRE’s contract was amended in 2012, at the request of CBRE, to allow it to negotiate on behalf of both the Postal Service and
prospective buyers." How can the U.S. Postal Service reasonably expect that CBRE would obtain the highest value possible for postal properties if CBRE represents both sides of the transaction?

In a June 2013 report, the USPS's Office of Inspector General (OIG) echoed many of the same types of concerns that Mr. Byrne has revealed. The OIG tellingly observes that, "Outsourcing real estate management services to one supplier is a fundamental change from how the Postal Service previously managed its real estate portfolio." Notably, the OIG's report expressed concern about: the potential for a conflict of interest when CBRE is allowed to negotiate on behalf of the seller, the USPS, as well as the buyer; the lack of proper oversight of the CBRE contract; and a failure to establish a maximum contract value, which could lead to cost overruns.

As we have repeatedly said, the U.S. Postal Service is facing a congressionally manufactured financial crisis. Eighty percent of the USPS's losses since 2006 are directly attributable to the unreasonable requirement enacted in the Postal Accountability and Enhancement Act of 2006 that the USPS prefund its future retiree health benefits for the next 75 years in just a ten year time frame. No other private corporation or government agency that we are familiar with is required to bear such a burden. One of your colleagues, Senator Bernie Sanders (VT), echoed this sentiment in May 2012 when he said "Ninety-four percent of the Postal Service's losses this year are a direct result of an onerous payment, unprecedented in either government agencies or private corporations, to pre-fund 75 years of future retiree health benefits in a 10-year period."

And of course, this doesn't even address the fact that the USPS has overpaid between $50 billion and $75 billion to federal pension funds for its employees that the federal government has failed to repay. That makes the USPS a creditor of the U.S. government - more than can be said of large bailed out corporations such as the big banks.

So, in light of those facts, many of these post office sales are not necessary. But is it any wonder that you haven't been particularly outspoken on this issue in light of the fact that you and your husband, Richard Blum, stand to gain generously from his connection to the sale of post offices throughout the country?

To remove all doubt of impropriety, you should: introduce and champion a bill to immediately suspend all sales of postal properties throughout the country; and call for a close examination of the contract between CBRE and the USPS to sell postal properties.

Sincerely,

Ralph Nader and Jeff Musto

P.O. Box 19312
Washington, D.C. 20036
202-387-8030
Good evening Commissioners, My name is Moni Law, and I am a resident of Berkeley, Cal Berkeley graduate class of 1982, USF law school class of 1986, and returnee to Berkeley as of 2010. I plan to ‘age in place’ here... and I currently rent an apartment near the Historic Civic District.

I speak briefly in support of the staff report to propose a zoning overlay for the current Historic District. It should be passed for two reasons: 1) it falls within the scope of such zoning overlays that have been upheld by courts in all 50 states including the US Supreme Court, see Penn Central v NY City, 438 U.S. 104 (1978); and 2) it is crucial to retaining the civic center’s historic, cultural integrity of this increasingly dense area downtown (1,000 new apartment units have been approved near the downtown area, with uncontrolled rents ranging from $3,200- $6,000 per month).

Acc to the Center for Land Use Education, “Overlay zones may be applied to protect historical areas or encourage or discourage specific types of development. Land within the historic overlay district may be subject to requirements that protect the historical nature of the area (eg materials, façade design, etc.”—A solid zoning overlay has three things: 1) defines the purpose of the district (which you do here... i.e. preserve historical, civic character), 2) maps district boundaries to preserve the cultural resources, and 3) provides specific rules that apply to the identified district (A HEIGHT LIMIT MUST BE ADDED to avoid new construction of high rise apartments).

As for the specific proposed sale of the 99 year old PUBLIC TREASURE, the US Post Office, the USPS officials are slow to respond and have little to no merit in their position. They claim at the 12th hour (the evening before this public hearing), that a zoning overlay is “FAST Tracking.” However, the mayor and council unanimously passed a resolution in FEB.. to oppose the sale and place such movement toward a sale for a year to provide an opportunity to discuss options for the use of the building. USPS had 8 months to respond to the city’s request for a tour of the building and meetings to discuss options. THEY FAILED TO issue any such invitation until yesterday. It is only a ‘fast track’ to those who are moving at a snail’s pace for collaboration and community input, but on the fast track themselves in an effort to sell the property to a private purchaser. They’ve given an exclusive contract to CBRE to list our public community treasure for sale.

PLEASE pass this important zoning overlay to protect and to preserve our civic, cultural and historic area in the city. These buildings, park and art are entitled to protection and you have the right to assert their protection.
ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 23D.28.030 (R-2 District), 23D.36.030 (R-3 District), 23E.68.030, 23E.68.070, 23E.68.090 (C-DMU District) AND ADDING SECTIONS 23D.28.050 (R-2 District), 23D.36.045 (R-3 District), and 23E.68.045 (C-DMU District) TO ESTABLISH A CIVIC CENTER HISTORIC DISTRICT OVERLAY AND SET FORTH USE LIMITATIONS AND DEVELOPMENT STANDARDS WITHIN THE OVERLAY DISTRICT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23D.28.030 is hereby amended to read as follows:

23D.28.030 Uses Permitted
The following table sets forth the Permits required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a public hearing (UP(PH)), or is Prohibited.

<table>
<thead>
<tr>
<th>Use and Required Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
</tr>
<tr>
<td>Uses Permitted</td>
</tr>
<tr>
<td>Child Care Centers</td>
</tr>
<tr>
<td>Clubs, Lodges</td>
</tr>
<tr>
<td>Community Care Facilities/Homes</td>
</tr>
<tr>
<td>Community Centers</td>
</tr>
<tr>
<td>Dwelling Units, Single-family, Duplex, or Multi-family, subject to R-2 Standards</td>
</tr>
</tbody>
</table>

Prohibited in the Civic Center District Overlay

Table 23D.28.030
<table>
<thead>
<tr>
<th>Use Type</th>
<th>Zoning Code</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Additions (up to 15% of lot area or 600 square feet, whichever is more restrictive) Major Residential Additions</td>
<td>ZC</td>
<td>See Section 23D.28.070 for restrictions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Libraries</td>
<td>UP(PH)</td>
<td>Subject to parking requirements under Section 23D.28.090.A</td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Parking Lots</td>
<td>UP(PH)</td>
<td>Subject to requirements of Section 23D.12.090</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly Uses</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Buildings or Structures</td>
<td>ZC</td>
<td>Must satisfy the requirements of Chapter 23D.08</td>
</tr>
<tr>
<td>If has either habitable space and/or exceeds the requirements under</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Chapter 23D.08</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When located on a vacant lot without a Main Building</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Accessory Dwelling Units in compliance with applicable standards</td>
<td>ZC</td>
<td>Subject to Section 23D.28.040</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Accessory Dwelling Unit which does not comply with requirements under</td>
<td>AUP</td>
<td>Subject to making applicable findings in Section 23D.28.090</td>
</tr>
<tr>
<td>Section 23D.28.080</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Accessory Dwelling Unit which involves a Major Residential Addition</td>
<td>AUP</td>
<td>Denial subject to Section 23D.28.090.B</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>(500 sq. ft. or more)</td>
<td>Accessory Dwelling Unit which involves meeting the on-site parking requirement with tandem parking (See Section 23D.28.040.F)</td>
<td>AUP</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Accessory Dwelling Unit in a detached Accessory Building which does not conform to the setbacks in Section 23D.28.070</td>
<td>AUP</td>
<td>In no case shall side or rear setbacks be allowed to be less than four feet, or the front setback to be less than 20 feet. Subject to making the finding in Section 23D.28.090.A</td>
</tr>
<tr>
<td>Accessory Dwelling Unit in a detached Accessory Building which does not conform to the height limit in Section 23D.28.040.E.2</td>
<td>AUP</td>
<td>Subject to making applicable findings in Section 23D.28.090</td>
</tr>
<tr>
<td>Child Care, Family Day Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Family Day Care Homes of eight or fewer children</td>
<td>ZC</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Large Family Day Care Homes of nine to 14 children</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Fences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If six ft. or less in height</td>
<td>ZC</td>
<td>In required setbacks</td>
</tr>
<tr>
<td>Exceeding six ft. in height</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Home Occupations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Impact</td>
<td>ZC</td>
<td>If the requirements of Section 23C.16.020 are met</td>
</tr>
<tr>
<td>Moderate Impact, teaching-related</td>
<td>AUP</td>
<td>Subject to the requirements of Section 23C.16.030.A</td>
</tr>
<tr>
<td>Moderate Impact</td>
<td>UP(PH)</td>
<td>Subject to the requirements of Section 23C.16.030.B</td>
</tr>
<tr>
<td>Hot Tubs, Jacuzzis, Spas</td>
<td>AUP</td>
<td>See Section 23D.08.080.C</td>
</tr>
<tr>
<td>Stables for Horses</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
</tbody>
</table>
## Miscellaneous Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries, Crematories, Mausoleums</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Columbaria</td>
<td>AUP</td>
<td>Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building columbaria structures are subject to Chapter 23D.08. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Commercial Excavation</td>
<td>UP(PH)</td>
<td>Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Wireless Telecommunications Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microcell Facilities</td>
<td>AUP</td>
<td>Subject to the requirements and findings of Section 23C.17.100</td>
</tr>
<tr>
<td>All Other Telecommunication Facilities</td>
<td>UP</td>
<td>Subject to the requirements and findings of Section 23C.17.100</td>
</tr>
<tr>
<td><strong>Offices</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other Professionals and Government, Institutions, Utilities</strong></td>
<td>AUP</td>
<td></td>
</tr>
</tbody>
</table>

### Within the Civic Center District Overlay Only

Legend:
- ZC -- Zoning Certificate
- UP(PH) -- Use Permit, public hearing required
- AUP -- Administrative Use Permit
- Prohibited -- Use not permitted

Section 2. That Berkeley Municipal Code Section 23D.28.050 is hereby added to read as follows:

**23D.28.050 Civic Center Historic District Overlay**
A. The City Council finds and declares that:
1. The purpose of the Civic Center Historic District Overlay is to recognize the historic role of the Civic Center in providing community services and to preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities. The overlay seeks to maintain the present assemblage of civic buildings in the Civic Center area. It also seeks to maintain and enhance Civic Center Park and ensure that buildings that face Civic Center Park and abutting streets provide active, community-serving street level uses.
2. To this end, the Civic Center District Overlay intends to preserve existing buildings and uses and allow for appropriate adaptive reuse of buildings consistent with the character of the area, and to ensure active, community oriented uses to promote the revitalization of the Downtown area.

B. Civic Center District Overlay shall be abbreviated as "CCDO." Said overlay district shall consist of:
1. All buildings with street frontage on Martin Luther King Jr. Way between Addison Street and Allston Way; and
2. Martin Luther King Jr. Civic Center Park
3. Berkeley Veterans Building, 1931 Center Street
4. State Farm Insurance Building, 1947 Center Street
5. Federal Land Bank Building (MLK Jr. Civic Center Building) 2180 Milvia Street
6. Berkeley High School properties facing Allston Way between Milvia Street and Martin Luther King Jr. Way
8. YMCA Building, 2001 Allston Way
9. These proposed boundaries are as set forth in the map on file with the City Clerk and incorporated by reference herein.

Section 4. That Berkeley Municipal Code Section 23D.36.030 is hereby amended to read as follows:

23D.36.030 Uses Permitted
The following table sets forth the Permits required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a public hearing (UP(PH)) or is Prohibited.

<table>
<thead>
<tr>
<th>Use</th>
<th>Classification</th>
<th>Special Requirements (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Uses Permitted</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Clubs, Lodges</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Community Care Facilities/Homes</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Changes of Use</td>
<td>ZC</td>
<td>Subject to parking requirements. See Section 23D.36.080.A</td>
</tr>
<tr>
<td>New Construction</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Community Centers</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Dwelling Units, Single-family, Duplex, or</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Multi-family, subject to R-3 standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Additions (up to 15% of lot</td>
<td>ZC</td>
<td>See Section 23D.36.070 for restrictions.</td>
</tr>
<tr>
<td>area or 600 square feet, whichever is</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>more restrictive)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Residential Additions</td>
<td>AUP</td>
<td>See definition in Sub-title F. Denial subject to Section 23D.36.090.B.</td>
</tr>
<tr>
<td>Group Living Accommodations, subject to R-3 standards</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Hospitals</td>
<td>UP(PH)</td>
<td>Subject to parking requirements. See Section 23D.36.080.A</td>
</tr>
<tr>
<td>Libraries</td>
<td>UP(PH)</td>
<td>Subject to parking requirements. See Section 23D.36.080.A</td>
</tr>
</tbody>
</table>
## Attachment 10 - Communications

### Page 35 of 102

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Zoning</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>UP(PH)</td>
<td>Subject to parking requirements. See Section 230.36.040.A</td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Parking Lots</td>
<td></td>
<td>Subject to Section 230.12.090.</td>
</tr>
<tr>
<td>When located in R-3 District within the</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Southside Plan boundaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When located in any other R-3 District</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Religious Assembly Uses</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Senior Congregate Housing</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Six or fewer persons</td>
<td>ZC</td>
<td>Changes of use from an existing dwelling unit</td>
</tr>
<tr>
<td>Seven or more persons</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>New Construction</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Uses and Structures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Buildings or Structures</td>
<td>ZC</td>
<td>Must satisfy the requirements of Chapter 230.08</td>
</tr>
<tr>
<td>If has either habitable space and/or</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>exceeds the requirements under</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapter 230.08</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When located on a vacant lot without a</td>
<td>AUP</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Main Building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Units in compliance with</td>
<td>ZC</td>
<td>Subject to Section 230.36.040.</td>
</tr>
<tr>
<td>applicable standards</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Accessory Dwelling Unit which does not</td>
<td>AUP</td>
<td>Subject to making applicable findings in Section 230.36.040.</td>
</tr>
<tr>
<td>comply with requirements under</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
</tbody>
</table>
### Attachment 10 - Communications

#### Page 36 of 102

<table>
<thead>
<tr>
<th>Section</th>
<th>Type</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>23D.36.080</td>
<td>AUP</td>
<td>Accessory Dwelling Unit which involves a Major Residential Addition (500 sq. ft. or more)</td>
<td>Denial subject to Section 23D.36.090.B <strong>Prohibited In the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090.D</td>
<td>AUP</td>
<td>Accessory Dwelling Unit which involves meeting the on-site parking requirement with tandem parking (See Section23D.36.040.F)</td>
<td>Subject to making applicable findings in Section 23D.36.090.D <strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.070</td>
<td>AUP</td>
<td>Accessory Dwelling Unit in a detached Accessory Building which does not conform to the setbacks in Section 23D.36.070</td>
<td>In no case shall side or rear setbacks be allowed to be less than four feet, or the front setback to be less than 15 feet. Subject to making the finding in Section 23D.36.090.A <strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.040.E.2</td>
<td>AUP</td>
<td>Accessory Dwelling Unit in a detached Accessory Building which does not conform to the height limit in Section 23D.36.040.E.2</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090.A</td>
<td>AUP</td>
<td>Child Care/Family Day Care</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090</td>
<td>ZC</td>
<td>Small Family Day Care Homes of eight or fewer children</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090</td>
<td>AUP</td>
<td>Large Family Day Care Homes of nine to 14 children</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090</td>
<td>ZC</td>
<td>Fences</td>
<td>In required setbacks <strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090</td>
<td>AUP</td>
<td>If six ft. or less in height</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090</td>
<td>AUP</td>
<td>Exceeding six ft. in height</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090</td>
<td>ZC</td>
<td>Home Occupations</td>
<td>If the requirements of Section23C.16.020 are met <strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090.A</td>
<td>AUP</td>
<td>Low Impact, teaching-related</td>
<td>Subject to the requirements of Section23C.16.030.A <strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.36.090.B</td>
<td>AUP</td>
<td>Moderate Impact</td>
<td>Subject to the requirements of Section23C.16.030.B <strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>23D.08.000.C</td>
<td>AUP</td>
<td>Hot Tubs, Jacuzzis, Spas</td>
<td>See Section 23D.08.000.C <strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
</tbody>
</table>
### Table: Miscellaneous Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Approval Type</th>
<th>Notes and Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries, Crematories, Mausoleums</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Columbaria</td>
<td>AUP</td>
<td>Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, and no more than 5% of the subject property area. When located outside of the main building, columbaria structures are subject to Chapter 23C.08. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Commercial Excavation</td>
<td>UP(PH)</td>
<td>Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Wireless Telecommunications Facilities</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Approval Type</th>
<th>Notes and Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microcell Facilities</td>
<td>AUP</td>
<td>Subject to the requirements and findings of Section 23C.17.100</td>
</tr>
<tr>
<td>All Other Telecommunication Facilities</td>
<td>UP</td>
<td>Subject to the requirements and findings of Section 23C.17.100</td>
</tr>
</tbody>
</table>

**Legend:**
- ZC -- Zoning Certificate
- UP(PH) -- Use Permit, public hearing required
- AUP -- Administrative Use Permit
- Prohibited -- Use not permitted

Section 5. That Berkeley Municipal Code Section 23D.36.045 is hereby added to read as follows:

**23D.36.045 Civic Center Historic District Overlay**

A. The City Council finds and declares that:

1. The purpose of the Civic Center Historic District Overlay is to recognize the historic role of the Civic Center in providing community services and to preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities. The overlay seeks to maintain the present assemblage of civic buildings in the Civic Center area. It also seeks to maintain and enhance Civic Center Park and ensure that buildings that face Civic Center Park and abutting streets provide active, community-serving street level uses.
2. To this end, the Civic Center District Overlay intends to preserve existing buildings and uses and allow for appropriate adaptive reuse of buildings consistent with the character of the area, and to ensure active, community oriented uses to promote the revitalization of the Downtown area.

B. Civic Center District Overlay shall be abbreviated as "CCDO." Said overlay district shall consist of:

1. All buildings with street frontage on Martin Luther King Jr. Way between Addison Street and Allston Way; and
2. Martin Luther King Jr. Civic Center Park
3. Berkeley Veterans Building, 1931 Center Street
4. State Farm Insurance Building, 1947 Center Street
5. Federal Land Bank Building (MLK Jr. Civic Center Building) 2180 Milvia Street
6. Berkeley High School properties facing Allston Way between Milvia Street and Martin Luther King Jr. Way
8. YMCA Building, 2001 Allston Way
9. These proposed boundaries are as set forth in the map on file with the City Clerk and incorporated by reference herein.

Section 6. That Berkeley Municipal Code Section 23E.68.030 is hereby amended to read as follows:

23E.68.030 Uses Permitted

A. The following table identifies permitted, permissible, and prohibited uses and sets forth the Permit required for each allowed use. Each use and structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a Public Hearing (UP/PH), or is prohibited. Uses within the Downtown Arts District Overlay area (ADO) are also subject to Section 23E.68.040.
<table>
<thead>
<tr>
<th>Use and Required Permits</th>
<th>Use</th>
<th>Classification</th>
<th>Special Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Retail Sales</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Retail Sales Uses, except those listed below</td>
<td>ZC</td>
<td>As defined in Sub-title 23E, except otherwise listed</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Alcoholic Beverage Retail Sales, including liquor stores and wine shops</td>
<td>UP(PH)</td>
<td>Includes sale for off-site consumption at restaurants</td>
<td><strong>Within the Arts District Overlay, see Section 23E.68.040</strong></td>
</tr>
<tr>
<td>Department Stores</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 7,500 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Firearm/Munitions Businesses</strong></td>
<td>Prohibited</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Pawn Shops, including Auction Houses</td>
<td>UP(PH)</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td><strong>Pet Stores, including Sales and Grooming of Animals (but not Boarding)</strong></td>
<td>UP(PH)</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Smoke Shops</td>
<td></td>
<td>Prohibited</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td><strong>Personal and Household Services</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Personal and Household Services, except those listed below</td>
<td>ZC</td>
<td>As defined in Sub-title 23E, except those otherwise listed (does not include Massage)</td>
<td><strong>Within the Civic Center District Overlay, see Section 23E.68.040</strong></td>
</tr>
<tr>
<td>Laundromats</td>
<td></td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Veterinary Clinics</td>
<td></td>
<td>UP(PH)</td>
<td>Including Pet Hospitals</td>
</tr>
<tr>
<td><strong>Offices</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Services, Retail (Banks)</td>
<td>AUP</td>
<td></td>
<td><strong>Within the Arts District Overlay, see Section 23E.68.040</strong></td>
</tr>
<tr>
<td>Under 7,500 s.f.</td>
<td>ZC</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
</tr>
<tr>
<td>Within the A.D.O.</td>
<td>AUP</td>
<td>Within the A.D.O.</td>
<td>ZC</td>
</tr>
<tr>
<td>------------------</td>
<td>-----</td>
<td>------------------</td>
<td>----</td>
</tr>
<tr>
<td>Insurance Agents, Title Companies, Real Estate Agents, Travel Agents</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Practitioners</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Other Professionals and Government, institutions, Utilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult-Oriented Businesses</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverage Service of beer and wine incidental to food service at quick and full service restaurants</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverage Service, including Bars, Cocktail Lounges, and Taverna</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Device Arcades</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation Center</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dance, Exercise, Martial Arts and Music Studios</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment Establishments</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food Service Establishments:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carry Out Food Service Stores</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Zone</td>
<td>Special Requirement</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------</td>
<td>-------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Under 2,000 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within the A.D.O.</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quick Service Restaurants</td>
<td>AUP</td>
<td>See Alcoholic Beverage Service above</td>
<td></td>
</tr>
<tr>
<td>Under 2,000 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full Service Restaurants</td>
<td>AUP</td>
<td>See Alcoholic Beverage Service above</td>
<td></td>
</tr>
<tr>
<td>Under 2,000 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Class Instruction for Business, Vocational or Other Purposes</td>
<td>ZC</td>
<td>Subject to additional requirements; see Section 23F.06.050.E</td>
<td></td>
</tr>
<tr>
<td>Gyms and Health Clubs</td>
<td>AUP</td>
<td>Subject to additional requirements; see Section 23F.06.050.E</td>
<td></td>
</tr>
<tr>
<td>Under 7,500 s.f.</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels, Tourist, including Inns, Bed and Breakfasts and Hostels</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Motels, Tourist</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Theaters, including Motion Pictures and Stage Performance</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile and Other Vehicle-Oriented Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Parts Stores</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Repair and Service</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Sales and Rentals, and motorcycle stores</td>
<td>UP(PH)</td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>Automobile Washes, Mechanical or Self-Service</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Wrecking Establishments</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline/Automobile Fuel Stations</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational Vehicle and Trailers Sales and Rental</td>
<td>Prohibited</td>
<td>Including Boats</td>
<td></td>
</tr>
<tr>
<td>Tire Sales/Service Stores</td>
<td>Prohibited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking, Outdoor and Exterior Service Window Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activities or Storage Outside of a building:</td>
<td></td>
<td><strong>Prohibited in the Civic Center District Overlay</strong></td>
<td></td>
</tr>
<tr>
<td>When not abutting R-District</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When abutting R-District</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------</td>
<td>---------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Drive-in uses</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Surface Parking Lots:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eight (8) or fewer Off-street Parking Spaces</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>More than eight (8) Off-street Parking Spaces</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Parking Structures</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Recycling Redemption Centers</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Outdoor Cafe Seating</td>
<td></td>
<td>Quick and Full-Service Restaurants only</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Within the Civic Center District Overlay, see Section 23E.68.045</td>
<td></td>
</tr>
<tr>
<td>When seating not abutting R-District</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When seating abutting R-District</td>
<td>AUP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Combination Commercial/Residential Uses</td>
<td></td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Live/Work Units</td>
<td></td>
<td>Prohibited in the Civic Center District Overlay</td>
<td></td>
</tr>
<tr>
<td>Not requiring a UP under Chapter 23E.20</td>
<td>ZC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requiring a UP under Chapter 23E.20</td>
<td>UP(PH)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Mixed Use Developments (e.g., Residential/Commercial; Hotel/Other Commercial; Office/Other Commercial) | UP(PH) | Subject to additional requirements; see Section 23E.68.060 F 
Subject to Section 23E.68.070 
Prohibited in the Civic Center District Overlay |
<p>| Uses Incidental to a Permitted Use | | Prohibited in the Civic Center District Overlay |
| Amusement Devices (up to three) | AUP | Prohibited in the Civic Center District Overlay |
| Food or Beverage for Immediate Consumption | ZC | Within the Civic Center District Overlay, see Section 23E.68.045 |
| Live Entertainment      | ZC |                                             |
| Unamplified             | AUP |                                             |
| Amplified               |     |                                             |
| Manufacturing Uses      | AUP | Prohibited in the Civic Center District Overlay |</p>
<table>
<thead>
<tr>
<th>Activity</th>
<th>Permit Type</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage of Goods (over 25% of gross floor area)</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Wholesale Activities</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td><strong>Uses Permitted in Residential Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Buildings and Structures</td>
<td>As per R-5 District</td>
<td>See Table 230.44.030</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Clubs, Lodges</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Community Centers</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Dwelling Units, including multifamily developments</td>
<td>UP(PH)</td>
<td>Subject to additional requirements; see Section 23E.68.090.F</td>
</tr>
<tr>
<td>Group Living Accommodations</td>
<td>UP(PH)</td>
<td>Subject to additional requirements; see Section 23E.68.090.F</td>
</tr>
<tr>
<td>Hospitals</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Residential Hotels, including Single Room Occupancy (SRO) Hotels</td>
<td>UP(PH)</td>
<td>Subject to Section 23E.68.090.F</td>
</tr>
<tr>
<td>Libraries</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Parks and Playgrounds</td>
<td>ZC</td>
<td></td>
</tr>
<tr>
<td>Public Safety and Emergency Services</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Religious Assembly Uses</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Schools, Public or Private</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Senior Congregate Housing:</td>
<td></td>
<td>Change of use of an existing dwelling unit</td>
</tr>
<tr>
<td>Six or fewer persons</td>
<td>ZC</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Seven or more persons</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>New Construction</td>
<td>UP(PH)</td>
<td>Subject to Section 23E.68.070</td>
</tr>
<tr>
<td><strong>Miscellaneous Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automatic Teller Machines When not a Part of a Retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Service</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Exterior</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Interior</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cafeteria, Employee or Residential</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Cemeteries, Crematories, Mausoleums</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Columbaria</td>
<td>AUP</td>
<td>Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building. Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Circus or Carnival</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Dry Cleaning and Laundry Plants</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Kennels or Pet Boarding</td>
<td>Prohibited</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Laboratories, Testing</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Mortuaries</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Public Utility Substations, Tanks</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Radio, Television or Audio/Sound</td>
<td></td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Recording Studios</td>
<td>AUP</td>
<td></td>
</tr>
<tr>
<td>Broadcast Studios</td>
<td>UP(PH)</td>
<td></td>
</tr>
<tr>
<td>Warehouses or Storage including Mini-storage Warehouses</td>
<td>UP(PH)</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Wireless Telecommunications Facilities</td>
<td></td>
<td>Subject to the requirements and findings of Section 23C.17.100 Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District</td>
<td>AUP</td>
<td>Prohibited in the Civic Center District Overlay</td>
</tr>
<tr>
<td>All Other Telecommunication Facilities</td>
<td>UP(PH)</td>
<td>Subject to the requirements and findings of Section 23C.17.100</td>
</tr>
</tbody>
</table>

Legend:
Section 7. That Berkeley Municipal Code Section 23E.68.045 is hereby added to read as follows:

23E.68.045 Civic Center Historic District Overlay

A. The City Council finds and declares that:
   1. The purpose of the Civic Center Historic District Overlay is to recognize the historic role of the Civic Center in providing community services and to preserve the Civic Center District as a place for community activities, cultural and educational uses, and essential civic functions and facilities. The overlay seeks to maintain the present assemblage of civic buildings in the Civic Center area. It also seeks to maintain and enhance Civic Center Park and ensure that buildings that face Civic Center Park and abutting streets provide active, community-serving street level uses.
   2. To this end, the Civic Center District Overlay intends to preserve existing buildings and uses and allow for appropriate adaptive reuse of buildings consistent with the character of the area, and to ensure active, community oriented uses to promote the revitalization of the Downtown area.

B. Civic Center District Overlay shall be abbreviated as “CCDO.” Said overlay district shall consist of:
   1. All buildings with street frontage on Martin Luther King Jr. Way between Addison Street and Allston Way; and
   2. Martin Luther King Jr. Civic Center Park
   3. Berkeley Veterans Building, 1931 Center Street
   4. State Farm Insurance Building, 1947 Center Street
   5. Federal Land Bank Building (MLK Jr. Civic Center Building) 2180 Milvia Street
   6. Berkeley High School properties facing Allston Way between Milvia Street and Martin Luther King Jr. Way
   8. YMCA Building, 2001 Allston Way
   9. These proposed boundaries are as set forth in the map on file with the City Clerk and incorporated by reference herein.
C. Exceptions to prohibited uses indicated in Section 23E.68.030 may be established in the Civic Center District Overlay, either as a new use or as a change of use, subject to approval by the Zoning Officer or Board and subject to the findings in Section 23E.68.090.J.

Section 8. That Berkeley Municipal Code Section 23E.68.070 is hereby amended to read as follows:

23E.68.070 Development Standards
A. The height for main buildings shall not exceed the following limits and shall satisfy the following requirements:

<table>
<thead>
<tr>
<th>C-DMU Sub-Area **</th>
<th>Minimum ***</th>
<th>Maximum****</th>
<th>Maximum With Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area†</td>
<td>50 feet</td>
<td>60 feet</td>
<td>75 feet</td>
</tr>
<tr>
<td>Outer Core†</td>
<td>40 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corridor</td>
<td>40 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffer</td>
<td>None</td>
<td>50 feet</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

* Notwithstanding Sub-title 23E, in the case of a roof with parapet walls, building height shall be measured to the top of the roof and parapets may exceed the height limits above by up to five (5) feet as of right.
** See Downtown Area Plan Sub-area map in Figure LU-1 and the Zoning Map.
*** New buildings only, measured to the top of the plate. Theater and Museum Buildings are exempt.
**** Buildings within the Civic Center District Overlay shall have a maximum height of 60 feet.
† Within the Core, up to three buildings over 120 feet but not more than 180 feet. Within the Core and Outer Core, up to two buildings over 75 feet but not more than 120 feet. See section 23E.68.070.B.

Section 9. That Berkeley Municipal Code Section 23E.68.090 is hereby added to read as follows:

23E.68.090 Findings
A. In order to approve any Use Permit under this Chapter, the Zoning Officer or Board must make the findings required by Section 23E.32.040, as well as the
findings required by the following paragraphs of this Section to the extent applicable.

B. A proposed use or structure must:
   1. Be compatible with the purposes of the District; and
   2. Be compatible with the surrounding uses and buildings.

C. For each Administrative Use Permit obtained under Section 23E.68.040.C to allow a new carry out food service store or ground floor office use within the Downtown Arts District Overlay, the Zoning Officer must find that:
   1. The project meets the purposes of the Arts Overlay District as set forth in Section 23E.68.040; and
   2. The location, size, type, appearance, and signage of the proposed use will:
      a. Animate and enhance the pedestrian experience on the street; and
      b. Be generally open to the public evenings and on weekends, whenever practicable.

D. In order for any Use Permit to be granted under Section 23E.68.050 for new floor area, the Board must find that:
   1. The addition or new building is compatible with the visual character and form of the District; and
   2. No designated landmark structure, structure of merit, or historic district in the vicinity would be adversely affected by the appearance or design of the proposed addition.

E. In order to approve a Use Permit for buildings over 75 feet in height under Section 23E.68.070.B, the Board must find that the project will provide significant community benefits, either directly or by providing funding for such benefits to the satisfaction of the City, beyond what would otherwise be required by the City. These may include, but are not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities. The applicable public benefit requirements of this Chapter shall be included as conditions of approval and the owner shall enter into a written agreement that shall be binding on all successors in interest.
F. In order to approve a Use Permit for modification of the setback requirements of 23E.68.070.C, the Board must find that the modified setbacks will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

G. In-Lieu Open Space.

1. In order to approve a Use Permit under Section 23E.68.070.D for payment of an in-lieu fee, the Board must find that the in-lieu payment will support timely development of open space improvements that will serve the needs of both project residents and other people living in and using the downtown.

2. In order to approve a Use Permit under Section 23E.68.070.D for construction of public improvements consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP), the Board must find that the public improvements:
   a. Will be located within the vicinity of the project and are consistent with the SOSIP; and
   b. The improvements will be coordinated with other ongoing or approved SOSIP or other right-of-way improvements in the vicinity, and will not create a hazardous situation or an unusual appearance in the downtown; and
   c. The improvements will be completed prior to issuance of a certificate of occupancy for the project, unless otherwise allowed by the Conditions of Approval.

H. In order to approve a Use Permit to allow a reduction of required vehicle parking spaces under Section 23E.68.080.D, which may be reduced to zero, the Board must find that the applicant will pay an in-lieu fee to a fund established by the City that provides enhanced transit services.

I. In order to approve a Use Permit to allow parking spaces to be leased or sold in combination with the proposed affordable housing units under Section 23E.68.080.G, the Board must find that applicant has demonstrated that
the combined parking is necessary for the purpose of obtaining financing or meeting other obligations. (Ord. 7229-NS § 1 (part), 2012)

J. For each Administrative Use Permit or Use Permit obtained under Section 23E.68.045.C to allow an exception to prohibited uses within the Civic Center District Overlay, the Zoning Officer or Board must find that:
1. The project meets the purposes of the Civic Center District Overlay as set forth in Section 23E.68.045; and
2. The proposed project will provide active, community-serving street level uses; and
3. The project is consistent with the historic character of existing buildings within the Civic Center Historic District; and
4. Be generally open to the public, including on evenings and weekends, whenever practicable; and/or
5. Comply with the preservation covenants for the sale of the Berkeley Main Post Office, 2000 Allston Way, ensuring public access and preservation of historic features.

Section 10. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.
To: Berkeley City Planning Commission

Subject: Berkeley Post Office

From: Ron Heglin

Date: October 2, 2013

Aside from the fact that the process of the selling of these post offices is appalling. I would like to address the functional, aesthetic, and emotional aspects of the role of the post office in the city.

Functionally it is apparent that the post office is what it does. It is centrally located and is a part of the functional pathways that citizens travel to do their daily activities. The fact that the post office is located centrally with the library, city offices, Social Security offices, high school, and other public entities, speaks of the activity fabric that has evolved not by accident but by an essential logic. The prominence of the building attests to the importance of this fabric and the integrity of this logic.

Aesthetically the post office is an asset to the downtown core of the city. The building reads of the era of an integrity of service and an optimism about the future. These aspects are grounded in the design and construction of this building. I believe these aspects are read by the community and are part of the grounding of a particular urban experience.

It may not be too great an exaggeration to compare the post office to a part of the urban landscape akin to the natural landscape in the sense that the natural landscape can provide orientation, centering and grounding. It is not some aberrant process that has evolved this building in the land use fabric of our city.

I would suggest that the Planning Commission take these considerations seriously and preserve the essential integrity of the fabric of Berkeley by determining that this post office not be erased from that fabric.

Ron Heglin
3130 Prince St
Our Vital Civic Center

- Berkeley's Civic Center as a concept goes back over a hundred years. The 1909 City Hall was put forward as part the city's image of the "Athens of the West" and a link to the neo-classical buildings being built on the U.C. campus. The 1914 Post Office was part of this idea and was copied from an Italian Renaissance building in Florence, Italy. Both buildings were planned as part of the City Beautiful Movement-style central park area, now Civic Center Park.

- The entire civic center district is on the National Register of Historic Places. The Veteran's Building, Community Theater, Farm Credit Building (now Civic Center Building) and other buildings contributed to this grouping of public buildings. Berkeley voters approved a bond measure in 1940 that furnished the last funds needed to complete Civic Center Park.

- Berkeley's Civic Center has one of the most-concentrated number of New Dealer projects in Northern California. It includes the Berkeley Community Theater, G and H Buildings at Berkeley High, old Hall of Justice, the Farm Credit Building, WPA work on Civic Center Park, and art work on and in a number of these buildings (including the Main Post Office).

Saving our Cultural Heritage

- Establishing a zoning overlay for the Historic District merely codifies, respects and protects over 100 years of Berkeley history. Civic uses of the district are not in opposition to other types of development in the city, but will complement them.

- Selling the Post Office would mean the loss of its art and function to the public forever. The recent expose of the conservative effort to privatize our postal system and the sleazy dealings of CBRE in the selling of post offices throughout the country illustrate the cynical and greedy attempts to strip public assets from communities for private gain.

- The USPS must listen to the community, according to its own regulations. Although citizens in communities throughout the country have protested this heist of our cultural heritage, the USPS has ignored local objections. In Berkeley it has been a broad-based effort involving the mayor, entire city council and citizens of every background. Berkeley must act to make itself heard.

- Berkeley Design Advocates now proposes the commercial development of the post office property. They have been entirely absent in the over one year trouble to protect our Main Post Office. Their greed parallels the privatizers and CBRE. The Shattuck corridor, North Berkeley, South Berkeley, West Berkeley, Fourth Street and Telegraph Avenue are not enough for them. They seek unfettered development of our Historic Civic Center District. They hope to profit from the privatization of our public property.

- There is no need for further residential housing in Downtown Berkeley. Over 1000 apartments were recently approved for construction only one block away that will lead to increased need for businesses and parking.

- If the USPS was a responsible property owner, it would keep the building in the public sector, maximize the income that the Post Office could generate from the facility AND preserve our cultural heritage.

Therefore, we urge the Berkeley Planning Commission to now approve the plan for a Zoning Overlay for our historic Civic Center.

The Committee to Save the Berkeley Post Office
Harvey Smith, Gray Brechin, Ph. D, David Welsh, Ying Lee, Margot Smith

Submitted to the Berkeley Planning Commission
October 2, 2013
April 22, 2013

Notice of Approval

Relocation of Berkeley Post Office

The U.S. Postal Service (USPS) has approved the relocation of the Berkeley Main Post Office located at 2000 Allston Way, to a yet to be determined location as close to the current site as possible. There will be no ZIP Code change, and our goal is to retain all Post Office Box numbers.

USPS plans to sell the Post Office building on Allston Way after operations are relocated. There will be a marketing alternative to keep a right-sized retail presence in a portion of the existing Berkeley Post Office. An implementation date has not been established at this time.

This cost-reduction and revenue-generation plan is part of a nationwide response by the Postal Service to maintain universal service and operate more efficiently in the face of dramatic decreases in mail volume and other economic factors that have caused net losses of over $25 billion in the past five years. USPS does not receive tax dollars for its operations or facilities.

This decision may be appealed for 15 days from the date of this posting. An appeal must be postmarked by May 7, 2013, and mailed to:

Vice President, Facilities
Facilities Implementation – Pacific Area
1300 Evans Ave. Ste. 200
San Francisco CA 94188-0200
To:       Planning Commission

From:    Jim Novosel, Chair

Date:    November 6, 2013

Re: Consideration of Civic Center Zoning Overlay

Planning Commission prospective action on the Civic Center District Zoning Overlay

In the interest of expediting the process of creating an overlay ordinance to the Civic Center Historic District, the Planning Commission, after considering the full range of material presented by the staff and the public for the Civic Center Historic District Zoning Overlay, directs staff to forward to the Council:

1. All material considered as part of the Public Hearing process, including all written materials.
2. The following list of additional guidelines for drafting the Ordinance:
   - Promote the conservation, preservation, protection and enhancement of all landmark buildings.
   - Require daily public access into Civic Center buildings which contain interiors of documented landmark and historical significance.
   - Implement policies of the Downtown Plan regarding urban design, land use, historic resources and the creation of new housing (especially affordable housing) to make feasible the preservation of the District’s historical resources by allowing for the best use of the property in conjunction with the preservation of resources.
   - Stimulated the economic health and residential quality of the District.
3. The following list of uses listed in the Council’s July 16th Referral and others with the purpose of not triggering a full blown EIR process for the overlay’s approval:
   - Other Professionals and Government, Institutions, Utilities
   - Group Class Instruction for Business
   - Vocational or Other Purposes
   - Gyms and Health Clubs
   - Dance, Exercise, Martial Arts and Music Studios
   - Theaters, including Motion Pictures and Stage Performance
   - Live Entertainment
   - Community Centers
   - Parks and Playgrounds
   - Public Safety and Emergency Services
   - Schools, Public or Private
   - A mixed use housing project, including neighborhood market and other convenient services that provide residents and employees of the immediate area with access to basic and services within walking distance of their home or work.
November 6, 2013

VIA E-MAIL

Members of the City of Berkeley Planning Commission
Alex Amoroso, Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704
aamoroso@cityofberkeley.info

Re: Item 9: Civic Center Historic District Overlay Modifications

Dear Commissioners:

The United States Postal Service (the “USPS”) welcomes this opportunity to provide its further comments on this proposal for zoning changes that would include the Main Post Office (“Berkeley MPO”) located at 2000 Allston way.¹

First, we would like to inform you of USPS’s outreach with the City regarding historic preservation issues. At the October 15, 2013 City Council meeting, USPS requested a face-to-face dialogue, with appropriate representatives of the City, to discuss creative approaches to the adaptive reuse of the MPO. We look forward to the City Council’s response to that invitation. USPS has also provided tours of the Berkeley MPO to various stakeholders.

However, it is our view that the staff report’s proposed frameworks for a zoning overlay, while possibly effective in preventing non-civic uses from occurring within the Civic Center Historic District, (i) are not consistent with the proposed purposes of the zoning overlay because the draft framework does not promote any steps that might be taken to assure the survival of civic uses within the district – let alone assure the actual protection of the contributing elements of historic buildings within the district – particularly when it has become uneconomic to continue those uses in existing buildings; and (ii) the draft frameworks would not allow for financially feasible adaptive reuse of buildings to ensure active, community-oriented uses to promote the revitalization of the Downtown area. Instead, the frameworks proposed in the staff report may have the unintended consequence of draining vitality from the Civic Center area as current businesses leave the area over time, and unduly restrictive zoning discourages new property owners from investing in the Civic Center’s future.

¹ We note that it does not appear the USPS received a 10 day notice as required by Government Code sections 65091 and 65854. It may be the case that other property owners in the proposed overlay and within 300 feet of the overlay have not been afforded the opportunity to provide their input on the proposed overlay if the public hearing is closed at the November 6th meeting.
The example of Santa Monica’s Civic Center District provided by staff stands out in stark contrast to staff’s proposal. Santa Monica Civic Center District “is designed to allow for additional uses in the areas, including expanded and improved government and cultural facilities; expansion of the City’s housing supply, including a significant percentage of affordable housing . . .; neighborhood retail and visitor serving retail and restaurant uses; and other compatible uses.” Instead of encouraging a vibrant and healthy component of Berkeley’s urban landscape, the proposals found in the staff report would seem to preclude creative and financially feasible projects that would protect the historic resources of the area while also activating the Civic Center.

Also, while we appreciate the potential for use permits to provide relief from the extraordinarily limited uses permitted by Council Member Arreguin’s proposed ordinance, the standards for issuance of that relief appear to be impossible to meet. This is because, among other things, the very purposes of the ordinance are mutually exclusive as presently written (Section J.1) and the historic consistency and street-level uses standards (Section J.3) are impermissibly vague. Finally, these permit standards provide no assurance that there is a reasonable likelihood that a permit will in fact be granted if the standards are met. That is, the “relief” to be provided by these standards is essentially illusory. We agree that reliance upon preservation covenants for the Berkeley MPO is an appropriate means to ensure the requirements under the National Historic Preservation Act are met, and are awaiting the requested dialogue to discuss these covenants as well as potential for adaptive reuse of the buildings.

It seems to us that, if the real purpose of the zoning overlay were to encourage protection of the historic character of the district while promoting adaptive reuse that will benefit the Downtown area, it will never accomplish its intended purpose as drafted by staff or Council Member Arreguin. It is fairly apparent from the record, including the originally-proffered ordinance, and the lengthy discussion in prior meetings, that the purpose of the zoning overlay is to specifically restrict future uses of the Berkeley MPO, and that other properties are included in the proposed overlay to attempt to avoid claims of spot-zoning. We remain disappointed that the City appears to be simply trying to “increase pressure” on the USPS to retain the property by chilling the market and driving down the value of the building.

We also note that the staff report contains no discussion of the City’s Downtown Area Plan and the proposals’ consistencies with it. The Downtown Area Plan designates the Berkeley MPO property as “Outer Core” as opposed to the lower density designations that surround Civic Center Park (See Figure LU-1A). Further, the Berkeley MPO is not included in the Downtown Area Plan’s defined “Civic Center Area.” (See Figure LU-2). The Downtown Area Plan states: The Outer Core contains mixed use areas within a quarter mile of BART, giving it good proximity to transit and conveniences. High densities in the Outer Core will confer a variety of economic, social and environmental benefits.” Critically, the staff report fails to state how severely restricting the uses permitted in areas designated Outer Core, as the current proposals do, is consistent with Downtown Area Plan Policy LU-1.1, which states:

Allow the following uses in the mixed-use Core Area, Outer Core, Corridor, and Buffer areas, except as noted below.
commercial uses (such as retail, restaurants, offices, cinemas, nightclubs, hotels, personal services, professional services, fitness centers); multifamily residential uses (such as apartments, condominiums, townhouses, and “live-work” lofts/townhouses); cultural & community uses (such as libraries, theaters, museums, art galleries, visitor services, supportive services, childcare, government, health care & health-related facilities); educational uses (such as classrooms, student and staff services, recreation facilities, and research facilities); and public and private open space.

The proposed limited permitted uses for the Outer Core portion of the proposed overlay is facially inconsistent with this policy and do not meet the limited exceptions called out in the policy. To be consistent with the years of planning associated with the Downtown Area Plan, the City would be required to adopt a zoning overlay that makes some attempt to meet the intended uses of the Outer Core designation.

Further, the USPS requests clarity on how the City intends to comply with CEQA for the proposed overlay. As the City is aware, CEQA review must be conducted prior to the City committing to a definite course of action and prior to foreclosing any mitigation measures or alternatives.

The USPS looks forward to continuing to work with the City on the future of the Berkeley MPO. However, the zoning overlay proposals would appear to require additional review, deliberation, and revision by the Planning Commission prior to the Commission referring an ordinance to the City Council. The haste in which an ordinance implementing the proposals is being prepared appears solely motivated by an interest in impacting the sale of the Berkeley MPO. We believe this is misguided given the impact of such decisions upon the future of the center of Berkeley. The USPS requests that the Planning Commission continue the hearing and instruct staff to prepare an ordinance that better reflects the proposed purpose of the ordinance and the policies of the Downtown Area Plan.

Sincerely,

R. Clark Morrison

cc: Zach Cowan, City Attorney
    Christine Daniel, City Manager
    Sharon Freiman, USPS
    Barbara Cioffi, USPS

RCM/CHC/mlh
0684195792414v5
To the Berkeley Planning Commission:

I am very sorry that other obligations prevent my attending your meeting today. But I want again to urge you to do all you can to ensure that our post office remains in public hands.

As the economy struggles to overcome the disasters of recent years, the very forces responsible for those disasters are still grasping to extend their grip. The privatizers and deregulators are out to kill the US Post Office. They have succeeded in saddling it with an extraordinary requirement (a requirement unique among public—or private—agencies)—the requirement that the Post Office pre-fund its pension obligations 75 years in advance. This requirement costs the Post Office a crushing $5.5 billion annually and explains why public treasures like Berkeley’s magnificent post office building have been tossed on a greedy market.

Architecturally one of the finest buildings in Berkeley and—in its unity, its graceful symmetry, and its rational proportions—a most elegant and refined design in our distinguished and distinctive Civic Center, our hundred-year-old post office is modeled on a great work by one of history’s greatest architects, the Ospedale degli Innocenti, designed in Florence in 1419 by Brunelleschi. It is a Berkeley treasure.

The U.S. Post Office is the only public institution that traces its foundation to our Constitution itself. The Post Office embodies, in vividly palpable form, notions that are at the very heart of our democracy: serving equally all citizens, profiting none above others, serving community in its most fundamental sense through its commitment to universal communication. These are bedrock democratic values.

I urge the commission to do everything in your power to help prevent what would effectively be a theft from the public of one of our finest public buildings. Proposals to zone this public building solely for public uses deserve our vigorous support. Please do what you can to keep this great public building in the public realm.

Sincerely,

Rob Browning

1732 Berkeley Way
DATE: November 5, 2013

TO: Planning Commissioners

RE: Demolition Ordinance

SUMMARY: Please preserve affordable housing by again recommending the June 4 compromise on the Demolition Ordinance. Please find attached our petition -- with 270 signatures.

Respected Planning Commissioners:

The Berkeley Tenants Union is extremely concerned about proposed changes to the demolition ordinance. As you may recall, you already approved changes to this zoning code in the spring. We think it might be a bit confusing that this law is before you once again, so we have tried to provide a comprehensive summary with links to all relevant documents in this correspondence.

In December of 2011, the Berkeley City Council directed staff to draft amended language to Berkeley Municipal Code Chapter 23C.08, the “Demolition and Elimination of Dwelling Units Ordinance.” (Document: Council Direction 12-6-11) In June of 2013, staff presented a draft that met all the requests Council made in 2011, and was approved by the Rent Board and the Planning Commission. The same draft has also been presented one month before, at the 4x4 Committee, and neither Mayor Bates nor Councilman Capitelli voiced any concerns with the draft. On June 4, it looked like Council was going to pass this compromise draft (Document: June 4 draft), until time ran out on the meeting.

Then something changed. The Council began to question the June 4 compromise, and considered a new draft, perhaps hastily prepared, presented at the July 2 Council meeting. (Document: July 2 Draft). The new draft appeared to be based on requests made by developer Equity Residential (Document: ER Letter to Council), who are now Berkeley’s largest landlord. Since Council got letters of objection from many civic groups, including the Sierra Club, Berkeley Architectural Heritage Association, Berkeley Neighborhoods Council, and Berkeley Tenants Union, they sent the Ordinance back to the Planning Commission and the Housing Advisory Commission.
What do these drafts say?

Currently BMC 23C says “controlled rental units” cannot be eliminated unless the owner “cannot make a fair return on investment by maintaining the dwelling unit as a part of the rental housing market” and that those apartments must also be “seriously deteriorated beyond the conditions which might reasonably be expected due to normal use.” It also says that demolished rent controlled units must be replaced with permanently affordable housing. (Document: DemoCURRENT)

Problems with the current law arose because the City Attorney decided that empty units which would otherwise be under rent control are not “controlled rental units” and therefore not subject to the rules above. This means any empty unit can be torn down with no mitigation for the loss of affordable older units which would be under rent control if they were rented. Such a policy encourages owners to leave buildings to rot, promotes evictions and harassment, and may violate not only the Demolition law, but also the voter-approved Neighborhood Preservation Ordinance. (Document: NPO)

To end the controversy about the interpretation of the law, the Rent Board and the City Council called for revisions, but Council also asked that new rules require “units are replaced with an equal or greater number of new units inclusive of the current number of existing affordable units.” (Document: Council Direction 12-6-11) Likewise, the June 4 draft required developers who tear down multiunit buildings built before 1980 (those covered by rent control) replace them with “designated below-market rate units equal in number and comparable in size to the demolished units.”

However, the July and August drafts do not call for one-for-one replacement of affordable rent controlled units with housing for low-income renters. The July 2 and August 30 drafts both require developers pay a fee into the Housing Trust Fund. However, the fee in the July 2 draft is about 10% of what it costs to build an affordable unit, and the fee in the August 30 draft is unspecified and thus could be changed by City Council at any time. (Document: Worse Aug 30 draft)

There are numerous other problems with the July and August drafts. For example, one scheme outlined by developer Equity Residential was included in the July draft. This calls for replacement units in the new building which would be “designated rent increase restricted” – however, the Rent Board (Document: Berkeley Rent Board letter) and East Bay Community Law Center (Document: EBCLC Letter) have both pointed out that this violates the state law called Costa-Hawkins, because that law banned any new rent control in California, even if you call it by another name.

In addition, later drafts contradict the voter-approved Neighborhood Preservation Ordinance and may be challenged in court if they are made law. (Document: NPO)
Several community groups have sent communications on this issue that raise various additional concerns, such as the wisdom of tearing down perfectly fine small buildings at all, and the environmental impact of encouraging growth through demolition. You can find copies of public communications from The Sierra Club, Berkeley NAACP, Berkeley Neighborhoods Council, and Berkeley Architectural Heritage Assn. on our website along with all documents we have linked to in the text above.

The real question here is what kind of community benefits does Berkeley need in exchange for allowing speculators to tear down a useable rent controlled building in order to build a bigger one with market rate apartments? This is not just about what legal mitigations a nexus study might allow. We can actually choose, as Berkeley did in the 1970s, to ban demolition altogether. BTU hopes you might realize that rent control has been Berkeley’s most successful affordable housing program, and that rent controlled units should be preserved, even if they are not rented at this time.

You can choose not to allow ANY demolition – and you should choose this if there is going to be a long wait for a Nexus study.

Please see the attached petition, with 270 signatures. Please note that, following pages with electronic signatures and comments, there are scans of the paper petitions.

Please again recommend the June 4 compromise draft.

Sincerely,
Berkeley Tenants Union Steering Committee, on behalf of the tenants of Berkeley

P.S. All documents mentioned in this correspondence can be found here: http://berkeleytenants.org/?page_id=773
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<thead>
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<td>Katherine Harr</td>
<td></td>
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<td>6/21/2013</td>
<td>If older units are in bad shape, and still occupied by tenants, it is your duty to see that there are repaired in accordance with the housing code.</td>
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<td>Adrienne Lauby</td>
<td>Cotati</td>
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<td>Until the homeless have a place to live, we must preserve the housing we have. Walk down the street— are the homeless housed in Berkeley? Not yet, they aren’t.</td>
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<td>Eric Pomert</td>
<td>Berkeley</td>
<td>CA</td>
<td>94705</td>
<td>6/25/2013</td>
<td>Because I know what it’s like to do without. We need to preserve housing stock people who already live here can afford than replace with expensive luxury housing that most people here can’t afford</td>
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<tr>
<td>James Marshall</td>
<td>Berkeley</td>
<td>CA</td>
<td>94704</td>
<td>6/26/2013</td>
<td>I am a homeowner, but a huge supporter of rent control and affordable housing. We need to preserve housing stock people who already live here can afford than replace with expensive luxury housing that most people here can’t afford</td>
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<tr>
<td>Willia Bogert</td>
<td>Berkeley</td>
<td>CA</td>
<td>94709</td>
<td>6/26/2013</td>
<td>Because I believe a community where persons of all demographics can afford to live and enjoy what Berkeley has to offer creates a better community for all.</td>
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<td>Marc Janowitz</td>
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<td>CA</td>
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<td>6/26/2013</td>
<td>I live in Berkeley and rents are sky-high, and this is a ploy to get people out of rent-controlled apartments and tear down buildings!</td>
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<td>Kathleen Labriola</td>
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<td>CA</td>
<td>94710</td>
<td>6/26/2013</td>
<td>I support rent control and housing in the public welfare. If anyone has ever been homeless or in danger of homelessness this issue would be obvious and visceral.</td>
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<td>Eleanor Walden</td>
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<td>To support affordable housing</td>
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<td>Jon Ginoli</td>
<td>San Franci</td>
<td>CA</td>
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<td>6/27/2013</td>
<td>Housing is a human right. Changing the ordinance will increase homelessness. My current living situation is affected by this. I want to fight against the</td>
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<td>Wesley Stratton</td>
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<td>David Holly</td>
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<td>7/1/2013</td>
<td>I support affordable housing!!! All people, no exceptions, need want deserve a nice place to live. There is no such thing as affordable rent. End rent. Housing is a right - for all people - and</td>
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<td>Norma J F Harrison</td>
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<td>7/1/2013</td>
<td>our live-in other animals. Affordable housing is a necessity. Landlords should not be able to bully their</td>
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<td>alvao cortez</td>
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<td>tenants out of a place to live, just so they can go to the highest bidder.</td>
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<td>Teresa Paris</td>
<td>Berkeley</td>
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<td>7/1/2013</td>
<td>I strongly support these revisions. It would be nice to be able to continue to afford to live in Berkeley. I understand making well thought out changes when necessary, but the implications of the June 11 revisions seem hasty.</td>
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<td>Maggie Hurley</td>
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<td>7/2/2013</td>
<td>I am an attorney who represents Berkeley tenants. We are in a housing crisis.</td>
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<td>Leah Hess</td>
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<td>7/2/2013</td>
<td>Reducing the number of affordable units will exacerbate the problem.</td>
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<td>Sharon Mulgrew</td>
<td>Emeryville</td>
<td>94608</td>
<td>7/2/2013</td>
<td>I am currently able to live close to campus because my building is rent controlled. If my building is torn down I will be forced to find somewhere new. and not as affordable.</td>
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<td>Nicole Yeghiazarian</td>
<td>North Holly</td>
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<td>Preserve affordable housing in Berkeley.</td>
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<td>Michael Donaldson</td>
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<td>Affordable Housing keeps community together.</td>
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<td>Elena Berman</td>
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<td>7/2/2013</td>
<td>7/2/2013 I care about keeping (and expanding) housing for those in the greatest need -</td>
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<td>Peni Hall</td>
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<td>7/8/2013</td>
<td>I'm struggling to live with the annual increases as it is, since few of us have had increases in our income for many years while housing costs keep escalating.</td>
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<td>Nicola Bourne</td>
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<td>9/14/2013</td>
<td>We simply do not need ordinances that make it ok for there to be less rent-controlled, affordable, safe housing. Berkeley, given its progressive history should be on the map with forward-looking policies, not this demolition.</td>
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<td>I could never afford to live in Berkeley if I were not in a rent controlled flat.</td>
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<td>Nancy Lieblich</td>
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<td>Rent control is vital and it should be respected in Berkeley.</td>
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Please do not approve the recently proposed changes to the Demolition Ordinance, which would make it easy to tear down rent controlled apartments. Vote instead for the June 4 draft of the Demolition Ordinance, which preserves Affordable Housing. Rent controlled units should be repaired, but if they must be torn down, they must be replaced with permanent affordable housing.

I stand with the Berkeley Tenants Union:
No occupied units should be eliminated for any reason.
Units emptied via the Ellis Act cannot be eliminated.
Demolished empty units must be replaced with permanently affordable housing.
A mitigation fee will not meet our housing needs soon enough.
If voted in, the July 2 changes will violate the Neighborhood Preservation Ordinance

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<td>16</td>
<td>Jean Allen</td>
<td>1733 Cooker Berkeley, CA 94705</td>
<td><a href="mailto:jeanallen@earthlink.net">jeanallen@earthlink.net</a></td>
</tr>
<tr>
<td>17</td>
<td>Stan Collins</td>
<td>2540 College #311, Berkeley, CA 94704</td>
<td></td>
</tr>
</tbody>
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<thead>
<tr>
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<tbody>
<tr>
<td>17 Marcia</td>
<td>Levenson</td>
<td>2807 Stuart St. 94705</td>
<td></td>
</tr>
<tr>
<td>16 Ilene</td>
<td>Cirkulis</td>
<td>2801 Stuart St. 94705</td>
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<tr>
<td>19 Tefnke</td>
<td>Kehoe</td>
<td>2412 Stuart St. #3, Berkeley CA 94705</td>
<td></td>
</tr>
<tr>
<td>20 ACES</td>
<td>EHRNACK 2412 Stuart Rd. #4 94705 <a href="mailto:leiwolfe@att.net">leiwolfe@att.net</a></td>
<td></td>
<td></td>
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<tbody>
<tr>
<td>21</td>
<td>Judy</td>
<td>2920 Hillsgate #12</td>
<td><a href="mailto:contact@sonic.net">contact@sonic.net</a></td>
</tr>
<tr>
<td>22</td>
<td>Robert</td>
<td>1818 Davis St</td>
<td><a href="mailto:rrotondson@gmail.com">rrotondson@gmail.com</a></td>
</tr>
<tr>
<td>23</td>
<td>Rachel</td>
<td>2920 Hillsgate #4</td>
<td>94705</td>
</tr>
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<tr>
<td>Nile</td>
<td>Yeghiazarian</td>
<td>2657 Orant Ave #101</td>
<td><a href="mailto:nyeghiazarian@berkeley.edu">nyeghiazarian@berkeley.edu</a></td>
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<tr>
<td>Barry</td>
<td>Flanders</td>
<td>2230 Haste St Apt 309 Berkeley CA 94704</td>
<td></td>
</tr>
<tr>
<td>A. B.</td>
<td>Dedworth</td>
<td>2185 Acton</td>
<td><a href="mailto:dedworth@gmail.com">dedworth@gmail.com</a></td>
</tr>
<tr>
<td>Lynne</td>
<td>Azaz</td>
<td>2820 Hilgass #207</td>
<td></td>
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<tr>
<td>Dan</td>
<td>McMullen</td>
<td>2431 Browning St</td>
<td><a href="mailto:danmcmullen@ucop.com">danmcmullen@ucop.com</a></td>
</tr>
<tr>
<td>Matthew</td>
<td>Mendoza</td>
<td>2426 Stuart St</td>
<td><a href="mailto:martha1994@gmail.com">martha1994@gmail.com</a></td>
</tr>
<tr>
<td>Nalya</td>
<td>Rodriguez</td>
<td>2426 Stuart St</td>
<td><a href="mailto:nalyagof@yahoo.com">nalyagof@yahoo.com</a></td>
</tr>
<tr>
<td>Anand</td>
<td>Gur Arye</td>
<td>2951 Derby St</td>
<td><a href="mailto:agurarye@fotima.com">agurarye@fotima.com</a></td>
</tr>
<tr>
<td>Shaughn</td>
<td>Bar</td>
<td>2084 Sycamore St, Oakland, CA</td>
<td><a href="mailto:shaughn.bar@gmail.com">shaughn.bar@gmail.com</a></td>
</tr>
<tr>
<td>Kendrick</td>
<td>Aliar</td>
<td>322 Florida Ave, Hayward, CA</td>
<td></td>
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<tr>
<td>Alexis</td>
<td>Salle</td>
<td>13700 San Palomar St, Hayward, CA</td>
<td><a href="mailto:asnelle@gmail.com">asnelle@gmail.com</a></td>
</tr>
<tr>
<td>Maddie</td>
<td>Martin</td>
<td>2423 Blake St</td>
<td><a href="mailto:maddie@fotima.com">maddie@fotima.com</a></td>
</tr>
<tr>
<td>Faye</td>
<td>Kearney</td>
<td>2423 Blake St</td>
<td><a href="mailto:kayley@fotima.com">kayley@fotima.com</a></td>
</tr>
<tr>
<td>Brigitte</td>
<td>Kennos</td>
<td>2637 Wellwood St, CA</td>
<td><a href="mailto:brigitte@fotima.com">brigitte@fotima.com</a></td>
</tr>
<tr>
<td>Danny</td>
<td>Davino</td>
<td>6132 Mauritania Ave, Oakland, CA</td>
<td><a href="mailto:davino2001@gmail.com">davino2001@gmail.com</a></td>
</tr>
<tr>
<td>Rachel</td>
<td>Molina</td>
<td>6132 Mauritania Ave, Oakland, CA</td>
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<tr>
<td>Celsius</td>
<td>Morgan</td>
<td>2918 Dana St</td>
<td><a href="mailto:celsius@berkeley.com">celsius@berkeley.com</a></td>
</tr>
<tr>
<td>Steven</td>
<td>Martin</td>
<td>2014 Stamford St, Berkeley, CA</td>
<td><a href="mailto:steven123@berkeley.com">steven123@berkeley.com</a></td>
</tr>
<tr>
<td>Jim</td>
<td>Lebow</td>
<td>2753 Shasta Rd</td>
<td><a href="mailto:jim@lebow.com">jim@lebow.com</a></td>
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<tr>
<td>Mary</td>
<td>Emery</td>
<td>180 Tomaipas 94708</td>
<td></td>
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<tr>
<td>Cyndie</td>
<td>Davis</td>
<td>11432 Fanning Dr 20190</td>
<td></td>
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<tr>
<td>Chris</td>
<td>Davis</td>
<td>1711 Jaynes St</td>
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<tr>
<td>Judith</td>
<td>Dunham</td>
<td>2215 Derby St 94705</td>
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<tr>
<td>Judy</td>
<td>MacLean</td>
<td>2616 Regent St 94704</td>
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<tr>
<td>Funchen</td>
<td>Shi</td>
<td>2208 8th St Way Apt 5 94704</td>
<td></td>
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<tr>
<td>Tji</td>
<td>Chen</td>
<td></td>
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<tr>
<td>Bruce</td>
<td>Loeb</td>
<td>1214 Cedar St CA 94702</td>
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<tr>
<td>Mark</td>
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<tr>
<td>Miriam</td>
<td>Amado</td>
<td>2115 Sacramento St 94702</td>
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<tr>
<td>Obrian</td>
<td>Reyes</td>
<td>210 Hasler St #322 94704</td>
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<tr>
<td>Beth</td>
<td>Poyh</td>
<td>2340 Ellsworth 94704</td>
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<tr>
<td>Helen</td>
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<td>Mary</td>
<td>Lynx</td>
<td>1421-50 St, Berkeley, 94710</td>
<td><a href="mailto:m.lynx2020@gmail.com">m.lynx2020@gmail.com</a></td>
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<tr>
<td>Marsha</td>
<td>Feinland</td>
<td>2217½ Mcond Ave</td>
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<tr>
<td>Mary</td>
<td>St. Elievar</td>
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Attachment 10 - Communications

To: Berkeley City Council  Page 77 of 102

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<tr>
<td>Lisa</td>
<td>Glamour</td>
<td>2125 Brown St, 702</td>
<td><a href="mailto:lisagix7@hotmail.com">lisagix7@hotmail.com</a></td>
</tr>
<tr>
<td>Marcia</td>
<td>Poole</td>
<td>2512 Regent St, 643</td>
<td><a href="mailto:mpoole2002@mindspacenet.com">mpoole2002@mindspacenet.com</a></td>
</tr>
<tr>
<td>Mary</td>
<td>Eliezar</td>
<td>2029 Piedmont St, 94702</td>
<td><a href="mailto:marylieselser@ymail.com">marylieselser@ymail.com</a></td>
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<tbody>
<tr>
<td>Brian</td>
<td>Duane</td>
<td>63 1910 Chestnut</td>
<td><a href="mailto:brendarow123@gmail.com">brendarow123@gmail.com</a></td>
</tr>
<tr>
<td>Rod</td>
<td>Lamkey</td>
<td>2310 Roosevelt</td>
<td><a href="mailto:rod@blue.com">rod@blue.com</a></td>
</tr>
<tr>
<td>Brian</td>
<td>Mason</td>
<td>1917 Mulholland</td>
<td><a href="mailto:briandale.mason@gmail.com">briandale.mason@gmail.com</a></td>
</tr>
<tr>
<td>Kate</td>
<td>Henke</td>
<td>2709-B Benvenue Ave</td>
<td><a href="mailto:kathryn@sonic.net">kathryn@sonic.net</a></td>
</tr>
<tr>
<td>Ettie</td>
<td>Jones</td>
<td>94704</td>
<td><a href="mailto:trilbyster@gmail.com">trilbyster@gmail.com</a></td>
</tr>
<tr>
<td>Susan</td>
<td>Winsmith</td>
<td>200 22nd Ave.</td>
<td><a href="mailto:susan@leach.net.net">susan@leach.net.net</a></td>
</tr>
<tr>
<td>Keith</td>
<td>Wonesmith</td>
<td>200 22nd Ave.</td>
<td><a href="mailto:kew@kewonsmith.com">kew@kewonsmith.com</a></td>
</tr>
<tr>
<td>Shari</td>
<td>John</td>
<td>1791 Solano, 94707</td>
<td></td>
</tr>
<tr>
<td>Anne</td>
<td>Herrick</td>
<td>2214 Eunice St</td>
<td><a href="mailto:annaherrick@yahoo.com">annaherrick@yahoo.com</a></td>
</tr>
<tr>
<td>Gordon</td>
<td>Pedersen</td>
<td>2018 Virginia St</td>
<td><a href="mailto:gordon@visi.com">gordon@visi.com</a></td>
</tr>
<tr>
<td>Sam</td>
<td>Leppard</td>
<td>2091 Ca. St. 230</td>
<td><a href="mailto:sam@gmail.com">sam@gmail.com</a></td>
</tr>
<tr>
<td>Robert</td>
<td>Davidson</td>
<td>2208 damon ave</td>
<td><a href="mailto:felix@gmail.com">felix@gmail.com</a></td>
</tr>
<tr>
<td>Judith</td>
<td>Valentine</td>
<td>2240A Grant St.</td>
<td></td>
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<tr>
<td>Roger</td>
<td>Kubalek</td>
<td>1416 Addison St. 94702</td>
<td><a href="mailto:roger.kubalek07@gmail.com">roger.kubalek07@gmail.com</a></td>
</tr>
<tr>
<td>Olivia</td>
<td>Marshall</td>
<td>2244 Fulton</td>
<td><a href="mailto:oli.isle@yahoo.ca">oli.isle@yahoo.ca</a></td>
</tr>
<tr>
<td>Emi</td>
<td>Spiegel</td>
<td>2244 Fulton</td>
<td>nune.</td>
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<tr>
<td>Arthur Billitt</td>
<td>78</td>
<td>2130 McKinley Ave</td>
<td>New</td>
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<td>Michael</td>
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<tr>
<td>Dorothea</td>
<td>Cowbow</td>
<td>2117 Grant St. Berk 94703 (Warrant)</td>
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</tr>
<tr>
<td>Elizabeth</td>
<td>Stenzel</td>
<td>2131 Wkace 94702</td>
<td></td>
</tr>
<tr>
<td>Alyssa</td>
<td>Westlund</td>
<td>1340 07 th Berkley Ca 94702</td>
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<tr>
<td>Sally</td>
<td>Salter</td>
<td>3114 8th Berkley 94705</td>
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<td>Maull</td>
<td>1748 Rose St B 94703</td>
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<tr>
<td>James</td>
<td>Hosley</td>
<td>2123 Oregon St 94705</td>
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<td>Pinheiro</td>
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<td>Dillon</td>
<td>1441 Walnut St 94709</td>
<td><a href="mailto:lindseydillon@gmail.com">lindseydillon@gmail.com</a></td>
</tr>
<tr>
<td>Penny</td>
<td>Plunket</td>
<td>2833 Regent St 94705</td>
<td><a href="mailto:pennyplunket@gmail.com">pennyplunket@gmail.com</a></td>
</tr>
<tr>
<td>Juanita</td>
<td>Bent</td>
<td>1301 Hearst St 94702</td>
<td><a href="mailto:spitterjd@gmail.com">spitterjd@gmail.com</a></td>
</tr>
<tr>
<td>Eric</td>
<td>Bent</td>
<td>1301 Hearst St 94702</td>
<td><a href="mailto:ericbent007@gmail.com">ericbent007@gmail.com</a></td>
</tr>
<tr>
<td>Lee</td>
<td>Birdwhistel</td>
<td>2429 Huxley Way 94702</td>
<td><a href="mailto:lhbirdwhistel@gmail.com">lhbirdwhistel@gmail.com</a></td>
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<tr>
<td>Willis</td>
<td>Reid</td>
<td>2759 Price St 94705</td>
<td></td>
</tr>
<tr>
<td>Marie</td>
<td>Gill</td>
<td>1320 Addison St 94702</td>
<td></td>
</tr>
<tr>
<td>Laurel</td>
<td>Sharp</td>
<td>1640 Julia St Berkeley 94703</td>
<td><a href="mailto:lavishpraise@gmail.com">lavishpraise@gmail.com</a></td>
</tr>
<tr>
<td>Romilla</td>
<td>Hwang</td>
<td>2420 movement 94702</td>
<td></td>
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<tr>
<td>David</td>
<td>Glesser</td>
<td>2420 Austin St Berkeley 94702</td>
<td></td>
</tr>
<tr>
<td>Obra</td>
<td>Fisher</td>
<td>1422 Addison St 94702</td>
<td><a href="mailto:ofrafisher@hotmail.com">ofrafisher@hotmail.com</a></td>
</tr>
<tr>
<td>Begonia</td>
<td>Abell</td>
<td>221 1st Street Berkeley 94710</td>
<td>begoniaherberly</td>
</tr>
<tr>
<td>Linda</td>
<td>Rosenzweig</td>
<td>40 Northgate Ave Berkeley 94708</td>
<td><a href="mailto:lindarosenzweig@gmail.com">lindarosenzweig@gmail.com</a></td>
</tr>
</tbody>
</table>
From: Phoenix [phoenixsings@gmail.com]
Sent: Wednesday, November 06, 2013 2:21 AM
To: Amoroso, Alexander
Subject: Demolition Ordinance

As a long-time resident of Berkeley, I stand with the Berkeley Tenants Union in requesting that the Planning Commission approve the June 4 draft and replace any demolished rent controlled units, even empty ones, with permanently affordable housing. Rents in this city have become entirely unaffordable, & are forcing out people who've lived here for decades. Please support affordable housing in Berkeley.

Sincerely,
Phoenix Vie
15A Hopkins Court
Berkeley, CA 94706
I object to the changes to this zoning code, because easing restrictions on empty units encourages eviction and harassment.

Thank you, Meridian

"It is time to choose to see life as a blessing for wholeness and transformation."

😊 Wishing You Peace and Wellness, Rev. Mangala Meridian

Clarity Breathworker at http://meridiansunbreathwork.com
Pastoral Counselor and Minister at http://theinterfaithcircle.org/revmeridian.htm

On Wednesday, November 6, 2013 6:03 AM, meridian <meridiansun@yahoo.com> wrote:
We stand with the Berkeley Tenants Union in requesting Planning approve the June 4 draft and replace any demolished rent controlled units, even empty ones, with permanently affordable housing.

Please vote accordingly.

Thank you, S.B. Meridian

"It is time to choose to see life as a blessing for wholeness and transformation."

😊 Wishing You Peace and Wellness, Rev. Mangala Meridian

Clarity Breathworker at http://meridiansunbreathwork.com
Pastoral Counselor and Minister at http://theinterfaithcircle.org/revmeridian.htm
From: Olempia D. Castillo [mailto:olempiacastillo.01@berkeley.edu]
Sent: Tuesday, November 05, 2013 9:45 AM
To: Amoroso, Alexander
Subject: Demolition Ordinance

Dear Council Members,

I am writing to put my support behind passing the version that is closest to the June 4th model. As a long time resident of the east bay and a current student at UC Berkeley, there are a number of benefits that would result from the ordinance that can offset some of the negative trends that have emerged over the years, which includes the following:

- Preserve diversification and counteract growing gentrification
- Preserve affordability (rent in Berkeley is marginally lower than SF, taking advantage of residents and students)

While there are other benefits to the passing of this ordinance which I have neglected to mention, I believe that the two listed above are critical in preserving the unique (now disappearing) and diverse historical culture of Berkeley.

Regards,
Olempia Castillo

--
Olempia D. Castillo
B.A. Film Studies
University of California, Berkeley
Telephone: (510) 259-8232
Email: olemiacastillo.01@berkeley.edu
Dear Planning Commission Secretary -

This letter is to voice my adamant opposition to the current Demolition Ordinance currently before the Planning Commission (the one that would allow destruction of any property zoned for a larger development).

I'm a single mother, and a massage therapist by trade. I have lived in Berkeley three years, and I love so much about it - I want to stay here for the rest of my life! My daughter is thriving in the public schools, and I have an apartment I can afford on my income. I'm worried that if this ordinance passes, Berkeley will continue San Francisco's trend of gentrification and pricing anyone who isn't stupidly wealthy out of being able to afford to live here. My favorite thing about Berkeley is its diversity - both economic and racial - and if this ordinance passes, that will undoubtedly take a sharp nosedive.

Please keep Berkeley affordable and diverse - DO NOT PASS THIS DEMOLITION ORDINANCE.

Thank you for your consideration of my opinion.

respectfully and sincerely yours,

Karin Wertheim

--

Karin Wertheim - Providing Relaxation and Love

Love:  www.havemoreloveinyourlife.com   Relaxation:  www.karinwertheim.com

phone - 415-710-3327
Dear Mr. Amoroso,

I support the Berkeley Tenants' Union position, and urge the Commission to approve the June 4 draft of the Demolition Ordinance, requiring that any demolished rent controlled units, even empty ones, be replaced with permanently affordable housing.

Thank you.

Marcy Rein
2116 10th St.
Berkeley, CA 94710

writing * editing * yoga instruction

inhale, exhale, raise hell....
From: Lisa Camasi [lcamasi@yahoo.com]
Sent: Tuesday, November 05, 2013 9:11 PM
To: Amoroso, Alexander

I stand with the Berkeley Tenants Union in requesting Planning approve the June 4 draft and replace any demolished rent controlled units, even empty ones, with permanently affordable housing.

Lisa Camasi
Dear Commission Secretary,

Just wanted to drop an email in support of the Berkeley Tenants Union position on the Demolition Ordinance to the Planning Commission.

I stand with the Berkeley Tenants Union in requesting Planning approve the June 4 draft and replace any demolished rent controlled units, even empty ones, with permanently affordable housing.

Sincerely,

Joshua Smith
> Berkeley Tenant
> Oakland Landlord
1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
Planning Commission  
City of Berkeley  
c/o Alex Amoroso, Secretary  
Land Use Planning Division  
2120 Milvia Street, 2nd Floor  
Berkeley, CA 94704  

November 6, 2013

RE: Zoning Overlay proposed for Berkeley’s existing Historic District

Dear Planning Commissioners,

Thank you for your attention and efforts regarding this important matter. As you consider the Zoning Overlay on Berkeley’s existing Historic District, I urge you to support it and pass it this evening according to Option Two that you cited in your documents. It is critical that it be passed and referred on to Berkeley’s City Council in its current form. The Council can attend to the details, which will happen in any event; and you the Planning Commission can be free to address other city planning matters. These are numerous, and include the large number of vacant storefronts on University and Telegraph Avenues. Having these rented to businesses will restore to the city the vibrancy you seek.

Our actions regarding Berkeley’s Main Post Office affect our city’s citizens, its businesses, and our sense of dignity and community. Consider how important this is to other communities throughout the nation, where post offices are being sold to privatizers, often below market value, and then removed from public access. Some are abandoned and vandalized as pictured in the photos seen in the storefront at 2133 University Ave. We need to stop the USPS from privatizing properties that rightfully belong to the public citizens, here in Berkeley and nationwide.

I urge you to pass the Zoning Overlay this evening, according to Option Two, and to refer it to Berkeley’s City Council, while recommending that it be passed. Time is of the essence.

Thank you,
Respectfully yours,

Sally Nelson

[Signature]
From:
Andrew D. Masri
15 Canyon Rd.
Berkeley, Ca. 94704

Subject:
A possible HAZARD from the Retaining wall in front of the house.

When I purchased the house at 15 Canyon Rd. in April of 1999, I asked the real-estate broker to find out from the City whether the retaining wall in front of the house was to be maintained by me, or by the City. The answer from the city, at that time was that the wall was the property of the City of Berkeley, and that I was “not to touch it, or play with it in any manner whatsoever.”

Since that time, the only work I have ever done to the wall has been to trim the ivy which grows over the edge of the wall, and covers some of the cement pillars which come out of the top of the wall, which, in turn, support a massive redwood beam which encircles the perimeter of the retaining wall.

It seems that over the years, rainwater has slowly penetrated the outer surface of at least one of the pillars at the top of the wall which has had no ivy growing over it, and has rusted the internal re-bar. The resultant rust has caused the external cement to crack away from the rest of the pillar. A large piece (probably about 40LBS or more of the pillar now looks like it has completely cracked away from the main part of the pillar and, should it break away, it will fall from the top of the wall at least 20 feet to autos and pedestrians who use the roadway below. (SEE PHOTOS).

If you could send someone by to assess this issue, and perhaps check the structural integrity of all the pillars at the top of the wall, as well as the redwood beam around the top, it would be greatly appreciated.

Thank you

Andrew Masri.

510-499-2639
From: Andrew Masri [mailto:amasri@comcast.net]
Sent: Sunday, October 13, 2013 2:33 PM
To: Berkeley Mayor's Office
Subject: A hazard I cannot seem to get anyone to pay attention to.

I was concerned about the wall in front of the building located at 15 Canyon Rd. I learned at the time I purchased the property, that the wall was the City of Berkeley's property and that the City would maintain it. In 2007 I noticed that the wall was starting to crumble at the top and pieces of cement were falling onto the roadway below. I contacted public works about the problem. Public works sent out an engineer who looked at the wall and confirmed that it was city property. However, no work has ever been done to the wall in my estimation. Now it seems to be posing a very high risk. I was hoping someone would go by and take a look at the situation and see if some repair work could be done to this wall before it causes serious damage, injury.

Thank you for your time in reading this message, Andrew Masri telephone 510-499-2639 amasri@comcast.net

From: Gregory Magofna <gmagofna@ci.berkeley.ca.us> Mon, Oct 14, 2013 10:37 AM
Subject: RE: A hazard I cannot seem to get anyone to pay attention to.

To: 'Andrew Masri' <amasri@comcast.net>

Dear Andrew,

Thanks for bringing this to our attention. Do you happen to remember the person you talked to in Public Works? In any case, I'll forward this to the City Manager's Office to see what they know about it.

Regards,
Gregory Magofna
Legislative Aide
Office of Mayor Tom Bates
City of Berkeley

From: "Gregory Magofna" <gmagofna@ci.berkeley.ca.us>
To: "Andrew Masri" <amasri@comcast.net>
Sent: Tuesday, October 15, 2013 4:19:04 PM
Subject: RE: A hazard I cannot seem to get anyone to pay attention to.

Hello Andrew,

I got a response from the City Manager's Office that let me know that since you've raised the issue with Customer Service, Councilmember Wozniak, and us, that Public Works is going to investigate this further. I will get back to you when I get any updates.

Regards,
Greg

From: amasri@comcast.net

Subject: Re: A hazard I cannot seem to get anyone to pay attention to.

Gregory,

Thank you for everything you have done so far.

Please forgive me for going off to a few different parties regarding this issue. During a football game, maybe 10,000 people pass beneath that wall, and I would hate myself if a beam fell out of it when a lot of people were passing by. That is why I am pushing to do what I can reasonably do get some action to repair this wall and make it safer.

I had my cement contractor, a local guy, Bill Milligan, with Milligan Concrete Construction Company, 510-774-1640, 2823 Woolsey St. Berkeley, 94709, Contractor Lic C-6 and B-461027 look at the wall the other day. He was pretty alarmed by the wall's condition, and said work needed to be done not a month from now, or even a week from now, but right now. He suggested I continue to contact the City until someone started to actually repair the wall.

Please, please, continue to stay in the loop on this issue, and apply a gentle pressure if you can. I would really like to get this wall in better shape while it is still a happy, accident free, situation.

Thanks again for listening.

Yours,
Andrew Masri.

Have any questions, or items to discuss, call anytime. 510-499-2639—510-499-ANDY
November 5, 2013

Sent via email: aamoroso@cityofberkeley.info

Planning Commission
City of Berkeley
c/o Alex Amoroso, Secretary
Land Use Planning Division
2120 Milvia St. 2nd Floor
Berkeley, CA  94704

RE: Berkeley Main Post Office – Historic Zoning Overlay

Dear Commissioners and Mr. Amoroso:

On Monday, October 28th, Judge Janet Bond Arterton of the U.S. Department of Justice issued a 39-page ruling in support of a preliminary injunction to stop the sale of the historic Post Office to developer Louis Capelli in Stamford, CT.

The Court’s order stated that the Postal Service failed to do a satisfactory environmental review as required by the National Environmental Policy Act. This decision could have far-reaching impacts. As this particular case moves forward, it may put more pressure on the Postal Service to conduct environmental impact reviews when it wants to sell a historic Post Office. The Court went further and added, “There is a strong public interest in ensuring that USPS complies with its NEPA obligations here and in any future sales of its historic properties.”

Our mission is to prevent further loss of irreplaceable resources to ensure they remain in the public domain. These Post Office buildings were meant to provide democratic spaces where the public could gather within a civic center, participate in community-centric events, and enjoy art and architecture that reflected the city and our national heritage. They should not be sold to private investors for private gain and profiteering.

We strongly encourage that the City of Berkeley Planning Commission support the historic zoning overlay that would limit the use of our Berkeley Main Post Office. Communities throughout the nation need to take a stand against the sales of these historic properties. The City of Berkeley is known for taking bold steps in supporting the rights of the public. Please continue this legacy by standing up against the USPS and its actions to deplete the public of its rightful ownership of legacy properties and the art that graces their walls.

Your consideration is greatly appreciated.

Sincerely,

Jacquelyn McCormick
Executive Director
National Post Office Collaborate
To: Planning Commission

From: Jim Novosel, Chair

Date: November 6, 2013

Re: Consideration of Civic Center Zoning Overlay

Planned Commission prospective action on the Civic Center District Zoning Overlay

In the interest of expediting the process of creating an overlay ordinance to the Civic Center Historic District, the Planning Commission, after considering the full range of material presented by the staff and the public for the Civic Center Historic District Zoning Overlay, directs staff to forward to the Council:

1. All material considered as part of the Public Hearing process, including all written materials.
2. The following list of additional guidelines for drafting the Ordinance:

   Promote the conservation, preservation, protection and enhancement of all landmark buildings.
   Require daily public access into Civic Center buildings which contain interiors of documented landmark and historical significance.
   Implement policies of the Downtown Plan regarding urban design, land use, historic resources and the creation of new housing (especially affordable housing) to make feasible the preservation of the District’s historical resources by allowing for the best use of the property in conjunction with the preservation of resources.
   Stimulated the economic health and residential quality of the District.

3. The following list of uses listed in the Council’s July 16th Referral and others with the purpose of not triggering a full blown EIR process for the overlay’s approval:

   Other Professionals and Government, Institutions, Utilities
   Group Class Instruction for Business,
   Vocational or Other Purposes
   Gyms and Health Clubs
   Dance, Exercise, Martial Arts and Music Studios
   Theaters, including Motion Pictures and Stage Performance
   Live Entertainment
   Community Centers
   Parks and Playgrounds
   Public Safety and Emergency Services
   Schools, Public or Private
   A mixed use housing project, including neighborhood market and other convenient services that provide residents and employees of the immediate area with access to basic and services within walking distance of their home or work.
November 6, 2013

VIA E-MAIL

Members of the City of Berkeley Planning Commission
Alex Amoroso, Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704
aamoroso@cityofberkeley.info

Re: Item 9: Civic Center Historic District Overlay Modifications

Dear Commissioners:

The United States Postal Service (the “USPS”) welcomes this opportunity to provide its further comments on this proposal for zoning changes that would include the Main Post Office (“Berkeley MPO”) located at 2000 Allston way.¹

First, we would like to inform you of USPS’s outreach with the City regarding historic preservation issues. At the October 15, 2013 City Council meeting, USPS requested a face-to-face dialogue, with appropriate representatives of the City, to discuss creative approaches to the adaptive reuse of the MPO. We look forward to the City Council’s response to that invitation. USPS has also provided tours of the Berkeley MPO to various stakeholders.

However, it is our view that the staff report’s proposed frameworks for a zoning overlay, while possibly effective in preventing non-civic uses from occurring within the Civic Center Historic District, (i) are not consistent with the proposed purposes of the zoning overlay because the draft framework does not promote any steps that might be taken to assure the survival of civic uses within the district – let alone assure the actual protection of the contributing elements of historic buildings within the district – particularly when it has become uneconomic to continue those uses in existing buildings; and (ii) the draft frameworks would not allow for financially feasible adaptive reuse of buildings to ensure active, community-oriented uses to promote the revitalization of the Downtown area. Instead, the frameworks proposed in the staff report may have the unintended consequence of draining vitality from the Civic Center area as current businesses leave the area over time, and unduly restrictive zoning discourages new property owners from investing in the Civic Center’s future.

¹ We note that it does not appear the USPS received a 10 day notice as required by Government Code sections 65091 and 65854. It may be the case that other property owners in the proposed overlay and within 300 feet of the overlay have not been afforded the opportunity to provide their input on the proposed overlay if the public hearing is closed at the November 6th meeting.
The example of Santa Monica's Civic Center District provided by staff stands out in stark contrast to staff's proposal. Santa Monica Civic Center District "is designed to allow for additional uses in the areas, including expanded and improved government and cultural facilities; expansion of the City's housing supply, including a significant percentage of affordable housing . . . ; neighborhood retail and visitor serving retail and restaurant uses; and other compatible uses." Instead of encouraging a vibrant and healthy component of Berkeley's urban landscape, the proposals found in the staff report would seem to preclude creative and financially feasible projects that would protect the historic resources of the area while also activating the Civic Center.

Also, while we appreciate the potential for use permits to provide relief from the extraordinarily limited uses permitted by Council Member Arreguin's proposed ordinance, the standards for issuance of that relief appear to be impossible to meet. This is because, among other things, the very purposes of the ordinance are mutually exclusive as presently written (Section J.1) and the historic consistency and street-level uses standards (Section J.3) are impermissibly vague. Finally, these permit standards provide no assurance that there is a reasonable likelihood that a permit will in fact be granted if the standards are met. That is, the "relief" to be provided by these standards is essentially illusory. We agree that reliance upon preservation covenants for the Berkeley MPO is an appropriate means to ensure the requirements under the National Historic Preservation Act are met, and are awaiting the requested dialogue to discuss these covenants as well as potential for adaptive reuse of the buildings.

It seems to us that, if the real purpose of the zoning overlay were to encourage protection of the historic character of the district while promoting adaptive reuse that will benefit the Downtown area, it will never accomplish its intended purpose as drafted by staff or Council Member Arreguin. It is fairly apparent from the record, including the originally-proffered ordinance, and the lengthy discussion in prior meetings, that the purpose of the zoning overlay is to specifically restrict future uses of the Berkeley MPO, and that other properties are included in the proposed overlay to attempt to avoid claims of spot-zoning. We remain disappointed that the City appears to be simply trying to "increase pressure" on the USPS to retain the property by chilling the market and driving down the value of the building.

We also note that the staff report contains no discussion of the City's Downtown Area Plan and the proposals' consistencies with it. The Downtown Area Plan designates the Berkeley MPO property as "Outer Core" as opposed to the lower density designations that surround Civic Center Park (See Figure LU-1A). Further, the Berkeley MPO is not included in the Downtown Area Plan's defined "Civic Center Area." (See Figure LU-2). The Downtown Area Plan states: The Outer Core contains mixed use areas within a quarter mile of BART, giving it good proximity to transit and conveniences. High densities in the Outer Core will confer a variety of economic, social and environmental benefits." Critically, the staff report fails to state how severely restricting the uses permitted in areas designated Outer Core, as the current proposals do, is consistent with Downtown Area Plan Policy LU-1.1, which states:

Allow the following uses in the mixed-use Core Area, Outer Core, Corridor, and Buffer areas, except as noted below.
commercial uses (such as retail, restaurants, offices, cinemas, nightlife clubs, hotels, personal services, professional services, fitness centers); multifamily residential uses (such as apartments, condominiums, townhouses, and “live-work” lofts/townhouses); cultural & community uses (such as libraries, theaters, museums, art galleries, visitor services, supportive services, childcare, government, health care & health-related facilities); educational uses (such as classrooms, student and staff services, recreation facilities, and research facilities); and public and private open space.

The proposed limited permitted uses for the Outer Core portion of the proposed overlay is facially inconsistent with this policy and do not meet the limited exceptions called out in the policy. To be consistent with the years of planning associated with the Downtown Area Plan, the City would be required to adopt a zoning overlay that makes some attempt to meet the intended uses of the Outer Core designation.

Further, the USPS requests clarity on how the City intends to comply with CEQA for the proposed overlay. As the City is aware, CEQA review must be conducted prior to the City committing to a definite course of action and prior to foreclosing any mitigation measures or alternatives.

The USPS looks forward to continuing to work with the City on the future of the Berkeley MPO. However, the zoning overlay proposals would appear to require additional review, deliberation, and revision by the Planning Commission prior to the Commission referring an ordinance to the City Council. The haste in which an ordinance implementing the proposals is being prepared appears solely motivated by an interest in impacting the sale of the Berkeley MPO. We believe this is misguided given the impact of such decisions upon the future of the center of Berkeley. The USPS requests that the Planning Commission continue the hearing and instruct staff to prepare an ordinance that better reflects the proposed purpose of the ordinance and the policies of the Downtown Area Plan.

Sincerely,

R. Clark Morrison

cc: Zach Cowan, City Attorney
    Christine Daniel, City Manager
    Sharon Freiman, USPS
    Barbara Cioffi, USPS

RCM/CHC/mlh
06841915792414x5
Attachment 10 - Communications
Page 100 of 102
Sally Nelson 2200 McGee Avenue Berkeley, California 94703

Planning Commission
City of Berkeley
c/o Alex Amoroso, Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

November 6, 2013

RE: Zoning Overlay proposed for Berkeley’s existing Historic District

Dear Planning Commissioners,

Thank you for your attention and efforts regarding this important matter. As you consider the Zoning Overlay on Berkeley’s existing Historic District, I urge you to support it and pass it this evening according to Option Two that you cited in your documents. It is critical that it be passed and referred on to Berkeley’s City Council in its current form. The Council can attend to the details, which will happen in any event; and you the Planning Commission can be free to address other city planning matters. These are numerous, and include the large number of vacant storefronts on University and Telegraph Avenues. Having these rented to businesses will restore to the city the vibrancy you seek.

Our actions regarding Berkeley’s Main Post Office affect our city’s citizens, its businesses, and our sense of dignity and community. Consider how important this is to other communities throughout the nation, where post offices are being sold to privatizers, often below market value, and then removed from public access. Some are abandoned and vandalized as pictured in the photos seen in the storefront at 2133 University Ave. We need to stop the USPS from privatizing properties that rightfully belong to the public citizens, here in Berkeley and nationwide.

I urge you to pass the Zoning Overlay this evening, according to Option Two, and to refer it to Berkeley’s City Council, while recommending that it be passed. Time is of the essence.

Thank you,
Respectfully yours,

Sally Nelson
2000 Allston Way

2000 Allston Way
Berkeley, CA 94704

$0

This flyer features a QR barcode! Scan with your mobile phone using a bar code scanner to access additional photos, details and more.

REF/ID # 364778

48500 Square Feet.
0 Restroom(s)
Building Class: N/A
Type: None
Approx. year(s) old.
Kathy Kelleher
CBRE, Inc.
Phone: 510-674-1909
E-mail: kathy.kelleher@cbre.com
uspspropertiesforsale.com

USPS Post Office for sale. No list price.

Features:

Late Communications Planning Commission

OCT 16 2013
RECEIVED at Meeting

All information deemed accurate but not warranted.
To the Berkeley Planning Commission:

I am very sorry that other obligations prevent my attending your meeting today. But I want again to urge you to do all you can to ensure that our post office remains in public hands.

As the economy struggles to overcome the disasters of recent years, the very forces responsible for those disasters are still grasping to extend their grip. The privatizers and deregulators are out to kill the US Post Office. They have succeeded in saddling it with an extraordinary requirement (a requirement unique among public—or private—agencies)—the requirement that the Post Office pre-fund its pension obligations 75 years in advance. This requirement costs the Post Office a crushing $5.5 billion annually and explains why public treasures like Berkeley’s magnificent post office building have been tossed on a greedy market.

Architecturally one of the finest buildings in Berkeley and—in its unity, its graceful symmetry, and its rational proportions—certainly the most elegant and refined design in our distinguished and distinctive Civic Center, our hundred-year-old post office is modeled on a great work by one of history’s greatest architects, the Ospedale degli Innocenti, designed in Florence in 1419 by Brunelleschi. It is a Berkeley treasure.

The U.S. Post Office is the only public institution that traces its foundation to our Constitution itself. The Post Office embodies, in vividly palpable form, notions that are at the very heart of our democracy: serving equally all citizens, profiting none above others, serving community in its most fundamental sense through its commitment to universal communication. These are bedrock democratic values.

I urge the commission to do everything in your power to help prevent what would effectively be a theft from the public of one of our finest public buildings. Proposals to zone this public building solely for public uses deserve our vigorous support. Please do what you can to keep this great public building in the public realm.

Sincerely,

Rob Browning

1732 Berkeley Way
INFORMATION CALENDAR
January 28, 2014

To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Jim Hynes, Assistant to the City Manager

Subject: Second Response Ordinance Enforcement; Data and Legal Analysis

CURRENT SITUATION AND ITS EFFECTS
At its November 12, 2013 meeting, the City Council requested certain information regarding enforcement of Berkeley Municipal Code Chapter 13.48, the Second Response Ordinance. The Council requested data regarding the number of notices issued under the ordinance, the current process for enforcement, clarification of the appeal process and the City Attorney’s opinion regarding the legality of the ordinance. This report responds to all of these requests.

Constitutionality and Due Process
Chapter 13.48 prohibits imposing a monetary penalty for a first unruly gathering. The ordinance requires the City to first provide a written warning, which must be posted at the site where the unruly gathering occurred. This is referred to as an “Exhibit A”. (See Attachments 1 and 2 showing the front and back of the Exhibit A form). The property owner receives a letter describing the incident and the consequences if a second unruly event occurs (See Attachment 3). Only if the City is required to intervene in a second unruly gathering within 120 days of the posting of the notice, may penalties be assessed. At the time that the Exhibit A is posted, police officers review both sides of the form with the residents of the subject property and ensure that the residents understand that BMC Chapter 13.48 provides that specified persons are jointly and severally liable for civil penalties of $750 for a second response, $1,500 for the third response, and $2,500 for each subsequent response within the 120 day warning period.

If another unruly event that meets the criteria under BMC 13.48 occurs in the 120 day warning period, the property owner is sent via registered mail an Exhibit B Letter (See Attachment 4) and an administrative citation. In addition, the property is posted with another Exhibit A and the 120 day warning period begins anew. Issuance of an Exhibit B provides notice to the property owner that a subsequent unruly event did in fact occur.

1 Notice must also be provided to the property owner.
within the 120 day warning period and that a penalty $750, $1,500 or $2,500 is being imposed depending on whether this is the second, third or fourth response.

Penalties are assessed pursuant to the procedure set forth for administrative citations in BMC Chapter 1.28 (Administrative Citations), which permits appeals to a City Hearing Officer and then to Superior Court. Since the basis for any penalty assessed under Chapter 13.48 is that there have been at least two unruly gatherings, a person upon whom a penalty is assessed may argue on appeal that two unruly gatherings did not occur, either because the first gathering was not “unruly” as defined, or because the second was not. Thus, before any penalty may be assessed under Chapter 13.48, an aggrieved person may appeal on the grounds that the first gathering, which triggered the posting of the notice, was not unruly under Chapter 13.48. Accordingly, the idea that the warning required by Chapter 13.48 may not be appealed is incorrect.

As far as staff can discern, the purported harm to owners and/or residents of properties that have been posted under Chapter 13.48 is to their reputation – as one speaker said at the Council meeting, the posted notice is like a “scarlet letter”. However, “injury to… reputation alone will not support a federal due process claim…. A similar result follows under the California Constitution.” (Burt v. County of Orange (2004) 120 Cal.App.4th 273, 283-284, citing Paul v. Davis (1976) 424 U.S. 693, 711-712; other citations omitted. Accord Ryan v. California Interscholastic Federation-San Diego Section (2002) 94 Cal.App.4th 1048, 1071.)

Chapter 13.48 is fully consistent with the requirements of due process. Chapter 13.48 defines “unruly gatherings”, declares them to be public nuisances, and authorizes the City to intervene to abate or quell them. Chapter 1.28 provides for appeals to the City Hearing Officer and then to Superior Court.

Citations issued in 2013
From January, 2013 to December, 2013, there were approximately 93 Exhibit A’s posted citywide. (See Attachment 5 for a list of block addresses and Attachment 6 showing a map of where violations occurred). Of these, approximately 11 resulted in the issuance of an Exhibit B Letter and administrative citation. There were no appeal requests.

Warning and Citation Procedures
In an effort to provide Council with additional information about the procedures associated with BMC 13.48, staff has described both the warning and citation process below.

Warnings
Berkeley Police Department (BPD) officers and University of California Police Department (UCPD) officers become aware of events that may qualify for enforcement
under the second response ordinance in several ways, including complaints from neighbors, referrals through the Berkeley Fire Department (BFD) and while on routine patrol.

Once the event comes to the officer’s attention and the officer determines that the event meets the enforcement criteria defined under the ordinance, a gathering of 10 or more people that causes a disturbance of the quiet enjoyment of a significant segment of a neighborhood, the officer will initiate contact with the event organizers, inform them that the event is creating a significant disturbance to the neighborhood and that the event meets the criteria for enforcement under the ordinance. The officer then has the discretion to decide to issue a formal written warning, referred to as Exhibit A (BMC Section 13.48.030.A.).

If the officer decides to issue a formal written warning, this warning notice is posted in a conspicuous location on the property and remains in effect for 120 days. Removal of the posting is subject to a $100 fine. The owner of record is notified of the Exhibit A posting via registered mail. The Exhibit A posted warning expires on the 121st day.

Citations

A second response to the same property within the 120 day warning period may result in the issuance of an Exhibit B Letter and a citation (BMC Section 13.48.050.B.). If the officer determines that the event is again in violation, he or she will initiate contact with the event organizers, inform them that they are in violation within the 120 day warning period, the property owner is subject to an Exhibit B Letter and administrative citation, and that the property will be re-posted with a new Exhibit A starting over the 120 day warning period. The officer forwards the case to the BPD Area Coordinator who reviews the incident to ensure it meets all the criteria for enforcement. If it does meet the criteria for enforcement, the BPD Area Coordinator forwards the case to the BPD Area Commander Lieutenant who then completes an Exhibit B Letter, writes an administrative citation for $750 and mails them to both the event organizer and the owner of record via registered mail.

A third response to the same property within the revised 120 day warning period may result in a second fine of $1500, subject to the same discretionary factors used in issuing the previous Exhibit B Letter. All subsequent violations within each 120 day warning period may result in additional Exhibit Bs and citations of $2500 for each violation. BPD notifies the property owner of record via registered mail for all subsequent Exhibit B Letters that are issued.

In enforcement situations in which UC Berkeley students are involved, UC’s Office of Student Conduct is informed of the enforcement actions and students are subjected to disciplinary action under the Code of Student Conduct. In addition, in the event that enforcement occurs at fraternity or sorority houses, the Greek Advisor in the Office of Student Life is notified and the national organization is then notified. This may result in
revocation of chapter recognition by the national organization and loss of UC recognition.

BACKGROUND

BMC Chapter 13.48 was enacted in 1993 and allows police to issue citations for noise disturbances associated with unruly parties, gatherings and similar events with ten or more people on any private property that disrupts a significant segment of a neighborhood. Police officers exercise discretion when determining if the event causes a significant disruption to a neighborhood.

The 1993 ordinance imposed a $500 fine for the second response and $1000 for the third response and $1500 for any subsequent response within the posting period of 60 days. The ordinance was amended in 2008 to increase the posting period to 120 days and increase the fines, respectively, to $750, $1500 and $2500 for second, third and all subsequent violations. At that time, Council had considered a 180 day warning period, but decided on a 120 day period instead with the provision that a 180 day period could be considered in the future.

RATIONALE FOR RECOMMENDATION
The current Chapter 13.48 is fully consistent with the requirements of due process.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Jim Hynes, Assistant to the City Manager, 510-981-2493

ATTACHMENTS
1. Exhibit A- front side
2. Exhibit A- back side
3. Exhibit A- Letter to property owner
4. Exhibit B- Letter to property owner
5. List of addresses where violations occurred- 2013
6. Citywide map of where violations occurred- 2013
EXHIBIT A
(BMC §13.48.030)

IMPORTANT NOTICE REGARDING
PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT, pursuant to Berkeley Municipal Code Chapter (BMC) 13.48, on:

Date: ________________, 20____, at _________ a.m./p.m.,

The Berkeley Police Department found that a gathering at the below-listed premises caused a public nuisance as defined by BMC Chapter 13.48 (e.g., disturbance of the peace, threat to public safety, etc.):

Address: __________________________________________

WARNING

IF THE POLICE RESPOND TO ANOTHER DISTURBANCE CONSTITUTING A NUISANCE (AS DEFINED BY BMC CHAPTER 13.48) AT THE ABOVE PREMISES WITHIN 120 DAYS OF THIS NOTICE, INCLUDING, BUT NOT LIMITED TO, A DISTURBANCE LATER TODAY OR TONIGHT, CIVIL PENALTIES WILL BE IMPOSED UPON:

1. ALL GUESTS CAUSING THE NUISANCE
2. ALL SPONSORS OF THE GATHERING
3. ALL RESIDENTS OF THE PREMISES
4. ALL PERSONS IN CONTROL OF THE PREMISES
5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS NOTICE IS FIRST POSTED

Property owners who do not reside on or adjacent to the above premises, and who are not present when this Notice is first posted, are also jointly and severally liable for said civil penalty, if the next disturbance occurs after two weeks after this Notice is mailed to said owner.

THIS NOTICE MUST REMAIN POSTED ON THE PREMISES FOR 120 DAYS
$100 FINE FOR UNAUTHORIZED REMOVAL OR DEFACEMENT OF THIS NOTICE

(Name and Signature of the Officer Issuing This Notice) (Officer’s Phone Number)

Date: __________________________

Case Number: __________________________

cc: Area Coordinator, Community Services Bureau

2100 Martin Luther King Jr. Way, Berkeley, CA 94704  Tel: (510) 981-5900  FAX: (510) 981-5819
BERKELEY MUNICIPAL CODE §13.48.
CIVIL PENALTIES FOR MULTIPLE RESPONSES TO LOUD/UNRULY GATHERINGS

PERSONS LIABLE FOR SUBSEQUENT RESPONSE UNDER THE ORDINANCE (BMC §13.48.040)

If the City is required to intervene as to a gathering constituting a public nuisance on the same premises more than once in any 120-day period, including a second intervention during the same day or night as the first intervention, the following persons shall be jointly and severally liable for civil penalties as set forth in Sections 13.48.050 below, in addition to liability for any injuries to City personnel or damage to City property.

A. The person or persons who own the premises where the gathering constituting a public nuisance took place if any of the following are the case: (1) said owner resides on or adjacent to the premises, (2) said owner was present when the Notice described in Exhibit A was first posted, or (3) the Notice described in Exhibit A was mailed to said owner and 14 days have elapsed since the date of said mailing. For purposes of this subsection, where a gathering takes place within the confines of a single unit in a building owned by a housing cooperative, the owner of the property shall be deemed to be the owner of the single unit and not the members of the housing cooperative in general. Where the gathering took place in the common area of a building owned by a housing cooperative, only the members of the cooperative owning units in the building where the gathering took place shall be deemed the owners of the property for purposes of this subsection. Other members of the housing cooperative may still be liable if they fall within the categories of person made liable by Section 13.48.040, subsections B., C., or D., below.

B. The person or persons residing on or otherwise in control of the property where such gathering took place.

C. The person or persons who organized or sponsored such gathering.

D. All persons attending such gathering who engaged in any activity resulting in the public nuisance.

E. Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering, for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises. Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor, owner, or resident for the purposes of determining whether the event constitutes a public nuisance under this section.

F. There shall be no liability for civil penalties under this chapter for a subsequent intervention during the same day or night as the prior intervention, unless a reasonable time has been provided to abate the public nuisance, taking into account the size of the gathering, the time of day, and other relevant factors.

G. There shall be no liability for civil penalties under this chapter for a second response during the same day or night as the first response when a person who would otherwise be liable under subdivision (A) seeks assistance from the Police Department to abate a public nuisance under this Chapter, and the person cooperates fully with the police while taking reasonable action to abate the public nuisance.

H. If the City is required to intervene at a gathering constituting a public nuisance on the same premises more than once in any 120-day period, excluding a second intervention during the same day or night as the first intervention, the 120-day period shall be extended by another 120 days from the date of the second intervention.

SCHEDULE OF CIVIL PENALTIES (BMC §13.48.050)

A. Civil penalties shall be assessed against all persons liable for the City's intervention to abate a gathering constituting a public nuisance as follows:

1. For the second response in any 120-day period the penalty shall be the total sum of $750.
2. For the third response in any 120-day period the penalty shall be the total sum of $1,500.
3. For a fourth or subsequent response in any 120-day period the penalty shall be the total sum of $2,500 for each such further response.
4. The penalties that are provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an event which is a public nuisance under this ordinance, provided however, that if the only violation of law which constituted the public nuisance under this chapter is excessive noise, the remedies provided under this chapter shall be exclusive of any other remedies provided by law to the City for such excessive noise.

B. The City shall bill all persons liable for the penalties by mail by sending a letter in substantially the form attached hereto as Exhibit "B". Payment of the bill is due within thirty days of the date the bill is deposited in the mail. If full payment is not received within the required time for payment, the bill will be delinquent, and all persons liable for the penalties shall be charged interest at the maximum legal rate from the date the payment period expires and a further civil penalty in the amount of $100.

EXHIBIT A: NOTICE FORM, LIABILITY FOR REMOVAL OR DEFACEMENT (BMC §13.48.030(A))

The residents and persons in control of such property, and the sponsors of the event, shall be responsible for ensuring that such Notice is not removed or defaced and shall be liable for a civil penalty of $100 in addition to any other penalties which may be due under this chapter, if such Notice is removed or defaced, provided, however, that the residents of the premises or sponsor of the event, if present, shall be consulted as to the location in which such Notice is placed in order to achieve both the security of the Notice and its prominent display. The Notice shall remain posted for the entire 120-day period.

COLLECTION OF DELINQUENT COSTS (BMC §13.48.080)

A. The penalties assessed as a result of a subsequent City response to a loud or unruly gathering shall constitute a debt of all persons liable for the penalties in favor of the City and may be collected in any manner authorized by law and are recoverable in a civil action filed by the City in a court of competent jurisdiction. The remedies provided by this chapter are in addition to all other civil and criminal remedies available to the City with respect to the unlawful conduct constituting the public nuisance which gave rise to the need for the City response under this chapter.

B. The City of Berkeley may also collect the fees assessed against the owner of the property as provided in Ordinance No. 6158-H.S., The Recovery of Costs for Abatement of Nuisances Ordinance (BMC Chapter 1.25).

NONDISCRIMINATION AGAINST STUDENTS (BMC §13.48.070)

This chapter shall not be enforced in a manner which targets property housing students. Nothing in this section shall preclude the City from setting priorities in the use of its resources by enforcing this chapter against the events that are the most disruptive or against properties at which disruptive events are held most often or on the basis of other similar legitimate factors.
Police Department

(Date)

(Property Owner's address)

**RE: NOISE COMPLAINT NOTICE**

Dear Sir or Madam:
The University and City of Berkeley Police Departments responded to a noise complaint at the following address, where our records indicate that you are the current owner of the property.

First response:  Address:
Date:
Time:
Case #:

(Explanation of violation)

Pursuant to Berkeley Municipal code Chapter 13.48 et seq, the “Second Response Ordinance” was initiated and a written warning (Exhibit A) was posted on the premises. The residents of such property shall be responsible for ensuring that such notice is not removed or defaced and shall be liable for a civil penalty of $100 in addition to any other penalties, which may be due under this section if such notice is removed or defaced. This letter serves as notification of the posting as required by Berkeley Municipal code 13.48.030(B).

Any subsequent event within 120 days on the same premises necessitating City intervention shall result in liability for all penalties associated with such intervention. Every participant in and sponsor of such event, as well as the owner of the premises, shall be jointly liable for the civil penalties connected with this response as set forth in Chapter 13.48 of the Berkeley Municipal Code.
The penalties for responses are as follows:

**Within a 120-Day Period**

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<th>First Response (noted above)</th>
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<tr>
<td>Second Response:</td>
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<tr>
<td>Third Response:</td>
<td>$1500</td>
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<td>All Responses After the Third:</td>
<td>$2500</td>
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Additionally, any subsequent responses within the 120-day period shall result in the 120-day period being extended another 120 days from the date of that response.

We are respectfully requesting your immediate attention and cooperation in mitigating what may become a nuisance, thereby affecting the quality of life for neighbors and the adjacent community. We trust that you will contact the manager of the property, the resident, and any additional personnel to formulate the necessary communication to bring this problem to a swift resolution.

If you have any questions, please contact Officer Jessyca Nabozny #118 in the Community Services Bureau at 510-981-5778.

Sincerely,

Erik Upson
Operations Division Captain
EXHIBIT B (Section 13.48.050)

To: ADDRESS OF PROPERTY OWNER

Dear PROPERTY OWNER,

The City of Berkeley was required to abate the public nuisance caused by a gathering of 50 or more persons at [redacted] on [redacted], at [redacted], and documented under BPD Case # [redacted]. Documented under this case is the fact that the Berkeley Police Department responded to a loud party at this location, which could be heard from approximately 100 feet away from the building. Loud, amplified music and shouting could be heard from outside the building, there were broken beer bottles both inside and outside, and officers located multiple red plastic cups, beer bottles and cans. This nuisance substantially disrupted the quiet enjoyment of property in a significant segment of the adjacent neighborhood. This is the second such public nuisance at this property within 120 days, and thus, a penalty of $750 is imposed upon you. The first violation occurred one day prior on [redacted]: [redacted]. The person responsible for the event stated that he forgot it was the beginning of rush week for the fraternity system and therefore he allowed the second party to happen.

If you fail to remit this fine to the City of Berkeley by [redacted] you will be liable for an additional $100 penalty, plus interest. The payment should be remitted to the address listed below.

City of Berkeley, Attn: Finance Dept 2nd Response, 2180 Milvia St., Berkeley, CA 94704

Your liability is based on the fact that you were:

[ ] An owner of the property to whom was sent prior notice of a public nuisance at the property within the previous 120 days; and/or
[ ] An owner of the property who resided on or adjacent to the property when the public nuisance took place; and/or
[ ] An owner of the property who was present when a Notice of a public nuisance was first posted at the property; and/or
[ ] A person who resided on or was otherwise in control of the property when the public nuisance took place; and/or
[ ] A person who organized or sponsored the event that created the public nuisance at such property: and/or
[ ] A person who attended the event constituting the public nuisance at such property and engaged in the conduct which resulted in the public nuisance.

If you believe that you are not liable you may contest the issuance of the administrative citation by requesting a hearing pursuant to BMC Section 1.28.060.

Sincerely yours,

Acting Lt. J. Louis
Operations Division
Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94707
jlouis@ci.berkeley.ca.us
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INFORMATION CALENDAR
January 28, 2014

To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Andrew Clough, Director, Public Works

Subject: Access to Divisional Islands

INTRODUCTION

At its June 4, 2013 meeting Council directed “the City Manager to provide a report on the possibility of limited and permitted access to divisional islands (medians), and any attendant issues.” This would be a change or exceptions to Section 14.32.040* of the Berkeley Municipal Code (BMC), which states that it is unlawful for any person to use any divisional island for any purpose other than that necessary to provide temporary safety from moving vehicular traffic.

The premise of Council’s action would be to allow access that would “serve a municipal service.” An example was submitted with the June report: a 2009 proposal from the Earth Island Institute, in cooperation with the City Manager’s Office, to “adopt” the “Oxford Median Strip” facing the David Brower Center. It was anticipated that volunteers would maintain the native and drought tolerant plantings, and “assume responsibility for watering and weeding.” Other references were made to a bench placed at Adeline and Oregon Streets; and to business customers in North Berkeley using a narrow grassy area between traffic lanes, in spite of the signage to keep off this median.

CURRENT SITUATION AND ITS EFFECTS

Public Works Traffic Engineers evaluated the current uses of, and access to traffic medians in the City. It remains staff’s opinion that access to medians (divisional islands) for any purpose other than what is allowed under BMC 14.32.040 will create safety, access, liability, and administrative issues.

1. Safety: Medians are intended to separate opposing directions of traffic in an effective and environmentally pleasing manner. Permitting even limited public use of these areas would compromise public safety. Unlike sidewalks, which are commonly

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* BMC 14.32.040: Standing in roadway – Use of divisional islands. It is unlawful for any person to stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic and it is unlawful for any person to use any safety zone or divisional island for any purpose other than that necessary to provide temporary safety from moving vehicular traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street or divisional island in the line of duty.
separated from traffic lanes by parked cars, street trees, landscaping strips, utility poles, parking meters, and other physical barriers, medians commonly have none of these features to enhance the separation and safety of vehicles and pedestrians. Constructing guard rails or other safety barriers would entail expenditures for both construction and ongoing maintenance.

2. **Access**: Use of the medians would trigger ADA access issues, including: pedestrian access ramps for entry and exit points, accessibility of planting areas and boxes with a minimum of 4’ wide paths of travel and a 5’ turn around space at the ends, which would likely limit possible uses and significantly reduce the green space on landscaped medians. There would be additional significant construction costs to install ADA compliant ramps.

3. **Liability**: The City is open to considerable liability if the public is allowed to use an area in the middle of active roadways that includes heavy vehicle traffic.

4. **Administrative**: There are staffing impacts and expenses associated with establishing, managing and enforcing a permit process for any form of public access to, and use of medians, which would affect staff from several different City Departments, including City Manager – Code Enforcement, City Attorney, Police, Parks, and Public Works.

Based on these considerations, staff does not support amending provisions of access to divisional islands for purposes other than what are currently allowed in the BMC. Even considering exceptions, the Oxford Street Median example attached to the June 2013 report has proved to be unsustainable, and maintenance is now conducted principally by Parks staff. At this time, with limited City resources to initiate, monitor and enforce changes of use for even “large median spaces, such as Sacramento Street” or other strips of land on traffic routes, no further action is proposed. If funding and other support become available in the future, staff might reconsider reasonable options or exceptions.

**BACKGROUND**
BMC Section 14.32.040 states that it is unlawful for any person to use any divisional island for any purpose other than that necessary to provide temporary safety from moving vehicular traffic.

**POSSIBLE FUTURE ACTION**
No future action is anticipated in the near future.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**
As long as there is no further action, there is no further fiscal impact.

**CONTACT PERSON**
Hamid Mostowfi, P.E., Public Works, Transportation Division, 981-6403
All communications submitted to the City Council are public record. Communications are not published directly to the City’s website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

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Berkeley, CA 94704
(510) 981-6900

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