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*Attorneys for the Plaintiff* UNITED STATES POSTAL SERVICE

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES POSTAL SERVICE,  
18 Plaintiff,  
19 vs.  
20 CITY OF BERKELEY  
21 Defendant.

Civ. No. 16-cv-04815WHA

JOINT RESPONSE TO COURT ORDER  
RE: VIEWING

24 **INTRODUCTION**

25 On March 8, 2017, the Court and the parties participated in a tour of the Berkeley Main  
26 Post Office at 2000 Allston Way (“the Property”) and the area subject to Berkeley Municipal  
27 Code Chapter 23E.98, Civic Center District Overlay (“the Civic Center Historic District”). The  
28

1 tour of the Property included the retail postal services space, the workspace behind the retail  
2 area, the basement, the second floor, and the exterior perimeter of the building.

3 The Court has ordered the parties to submit a joint report of the key points – without  
4 argument – each party raised during that tour regarding the Property and the Civic Center  
5 Historic District. The parties each respectfully submit the points that they presented below.<sup>1</sup>

6 **A. U.S. Postal Service**

7 **1. The Building**

8 a. As evident by the vast unused space behind the retail postal services area  
9 of the Property, the Postal Service requires only about 4,000 square feet of the 57,000 square  
10 foot Property for its operations. The costs to the Postal Service of retaining this large unused  
11 area include not only opportunity costs, but also the expenses associated with maintaining the  
12 Property.

13 b. But for the Zoning Ordinance, the Property would present an especially  
14 valuable opportunity for a developer because—while it has beautiful historic features in the front  
15 and around the outside—the Property also has a large space inside, in the back of the Property,  
16 that is not historically significant and that therefore may be developed to fit a prospective buyer’s  
17 needs.

18 c. But for the Zoning Ordinance, the Property also would present a  
19 particularly valuable opportunity for a developer because it is located near the large student  
20 population of UC Berkeley—with tens of thousands of students, and easy access to retail  
21 facilities and the Bay Area Rapid Transit (“BART”) Station, only one block away.

22 **2. The District**

23 a. In the front of the Property, there is commercial activity in the vicinity of  
24 the area subject to the Zoning Ordinance; a café, a Walgreens, a commercial office building, and  
25 a hotel are all visible within the same block as the Property.

26  
27 <sup>1</sup> The Court also asked the parties to ensure that their joint summary noted the Postal  
28 Service’s hope to lease back retail space in the Property

1           b.       Behind the Property, there is commercial, retail and residential activity.  
2 Immediately across the street from the Property, there is a car rental facility and a large  
3 residential development. Just behind the car rental facility, there is a sushi restaurant.

4           c.       Walking around the area subject to the Zoning Ordinance, it is apparent  
5 that the only parcel actually affected is the Property. With the other parcels, it is evident that  
6 they will continue to serve the functions they serve for the foreseeable future; for example, the  
7 high school will continue to be a high school and City Hall will continue to be City Hall.

8 **B.       City of Berkeley**

9           **1.       The Building**

10           a.       The Office of the Supervising Architect of the U. S. Treasury Department,  
11 which was established in the 1850s as the Bureau of Construction within the Treasury  
12 Department, was responsible for the design and construction of the Berkeley Post Office. The  
13 design of the Berkeley's Post Office was likely started under John Knox Taylor, who resigned in  
14 1912 and was succeeded by Oscar Wenderoth. Wenderoth only served in the position of  
15 Supervising Architect for two years, but he had been a staff architect for some years prior to his  
16 ascendancy to the Supervising Architect. Due to his short-lived tenure, Wenderoth's California  
17 projects are limited to the Berkeley Post Office (1914), the Chico Post Office (1914), the  
18 Pasadena Post Office (1914), and the Hanford Post Office (1914). Wenderoth's very academic  
19 application of Classical Architecture resulted in different types of buildings than the more  
20 numerous buildings constructed during the New Deal.

21           b.       Wenderoth's model for the Berkeley Post Office façade is Italian  
22 Renaissance architect Filippo Brunelleschi's Foundling Hospital (Ospedale degli Innocenti) in  
23 Florence (begun 1419). A contemporary journal, *the Architect and Engineer*, detailed the well-  
24 received design for the Berkeley Post Office. A later article in the same journal highlighted the  
25 progression of Federal projects in California.

26           c.       Within President Franklin D. Roosevelt's New Deal programs of the  
27 1930s, multiple federal agencies employed architects and artists to serve the Federal Building  
28

1 Program. Thus, many New Deal Federal Buildings included significant works of art; however art  
2 installations designed for older buildings were less frequent. Berkeley's Post Office received a  
3 mural by noted artist and muralist Suzanne Scheuer and a relief panel by sculptor David Slivka  
4 both funded by the Treasury Relief Art Project, each of which is a one of a kind piece of New  
5 Deal artwork.

## 6 **2. The District**

7 a. The Berkeley Civic Center is both a National Register Historic District  
8 and a local Berkeley Historic District. The local designation was based on the earlier National  
9 Register nomination; in fact, the designation report provided to the Berkeley Landmarks  
10 Preservation Commission consisted of the National Register designation form. The boundaries of  
11 these two different historic designations are identical. The boundary for the City of Berkeley's  
12 Zoning Overlay is also the same.

13 b. Many of California's historic Civic Centers include a Post Office or a  
14 multi-purpose Federal Building (often referred to as the small combined Post Office and Federal  
15 Building). While these structures were designed and built by the Federal government, they were  
16 located within many civic centers, sometimes even spurring further growth of a civic grouping of  
17 uses and structures. California cities that have historic Civic Centers with Post Offices or Federal  
18 Buildings (that often included a Post Office) include, but are not limited to, Beverly Hills,  
19 Pasadena, San Francisco, Los Angeles, Orange, Santa Ana, and San Diego. Many of the civic  
20 centers also include a State of California building or courthouse. None of these Civic Centers  
21 have a perfectly square or street aligned boundary.

22 c. The author of the Berkeley Post Office National Register of Historic  
23 Places Nomination (December 1980) opined: "Though never formally part of any of Berkeley's  
24 (unrealized) civic center schemes, the post office is one important member of a de facto civic  
25 center to the west of Shattuck Avenue." When it the Berkeley Civic Center National Register of  
26 Historic Places Historic District was documented, in 1998, the post office was included as a  
27 contributing element within the district. The authors noted: "The creation of a clearly defined  
28

1 civic center required more than three decades of planning and land acquisition to achieve.  
2 Despite the decades of planning, and the separate nature of each individual project, a cohesive  
3 ensemble was created.”  
4

5 Dated: March 30, 2017

Respectfully submitted:

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