



Office of the City Manager

November 4, 2013

To: Honorable Mayor and Members of the City Council  
From: Christine Daniel, City Manager *CD*  
Subject: Alameda County Parks, Recreation and Historic Commission  
Comments regarding the Berkeley Main Post Office

I am forwarding for your information the attached letter from the Alameda County Parks, Recreation and Historic Commission on the subject of the Section 106 Consulting Party request for the Berkeley Main Post Office. Please let me know if you have any questions regarding this issue. Thank you.

#### Attachment

cc: William Rogers, Deputy City Manager  
Ann-Marie Hogan, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager

**PARKS, RECREATION AND HISTORICAL COMMISSION**

Alameda County Administration Building  
224 West Winton Avenue, Room 111  
Hayward, CA 94544  
(510) 670-5400

November 1, 2013

Ann Yarnell  
Facilities Environmental Specialist  
USPS Facilities Department – HQ Field Office  
Facilities Implementation Team A  
PO Box 39430  
Tampa, FL 33630-9430

**Re: Section 106 Consultation, Berkeley Main Post Office, 2000 Allston Way,  
Berkeley, CA 94704**

Dear Ms. Yarnell:

The Alameda County Parks, Recreation and Historical Commission (PRHC) is concerned about the sale of post offices within Alameda County. A matter of particular interest to the PRHC is the planned sale of the Berkeley Main Post Office located at 2000 Allston Way. Our Commission believes that the sale of the Berkeley or other post offices should only be considered after all other options have been exhausted and that impacts to historic resources be addressed before any such transfer could occur. However, should all alternatives be exhausted, the PRHC recommends that the following changes be made to the Preservation Covenant and Agreement for the Loan of Artwork prior to sale or transfer of the post office.

**Reference to the California State Historical Building Code**

In addition to the *Secretary of the Interiors Standards for the Treatment of Historic Properties*, a reference should be made to the *California State Historical Building Code*. Towards that end, the Commission suggests the following text be added to paragraph 1, "The California State Historical Building Code shall be applied, whenever feasible, to minimize adverse affects that may occur in the event that the building may need to be altered in order to meet current building standards."

**"Post Office Activities" by David Slivka**

Paragraph 3 of the Preservation Covenant does not appear to include a specific reference to the relief sculpted by artist David Slivka entitled "Post Office Activities". The term "loggia" is not sufficiently descriptive.

**Selection of a Covenant Enforcer**

The lack of a specified covenant enforcer is a concern for the Commission. Comments from the National Trust for Historic Preservation dated, September 28, 2012 had summarized those concerns as follows:

*The Section 106 regulations clearly establish that the "[t]ransfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property's historic significance" constitutes and adverse affect on a historic property under Section 106.36 § 800.52(a)(2)(viii). A preservation covenant without anyone in the role of "ensuring" its enforcement simply does not satisfy that requirement.*

**Agreement for the Loan of Artwork**

This document does not include a survivorship or transfer clause. Paragraph 11 would seem to indicate that a new owner would have no obligation to maintain the mural in accordance with paragraphs 1-10. A statement obligating any new owner to maintain the mural in perpetuity should be added.

In addition, the Description of Affected Historic Properties which begins on page 3 of the Request for Consultation, does not specifically state that neither the relief by David Slivka nor the mural by Suzanne Sheurer were produced as a result of the Works Progress Administration or WPA. The period during which the murals were created and their themes are consistent with comparable projects supported by the WPA and other projects which provided commissions to artists such as the Treasury Relief Art Project (TRAP) and as such a statement included to verify or refute their relationship to the WPA or other project of the New Deal. Furthermore, the DPR 523 forms which accompanied your Request for Consultation does not specify that these pieces of art were created as a result of a New Deal commission.

The members of the Commission understand that there are financial pressures facing the United States Postal Service (USPS); however, post office buildings are public assets and many are worthy of preservation. While the Commission would prefer that the building continue to be used as a post office, in the event that the property is sold or leased we ask that the USPS work collaboratively with the National Trust for Historic Preservation and the Advisory Council on Historic Preservation in developing such a process to ensure that the Berkeley Post Office and all historic post offices remain intact and available for adaptive reuse.

Thank you for the opportunity to comment on this issue. We request that these comments be considered part of the record for both the USPS' internal regulatory review as well as for this Section 106 consultation.

Should you have any questions, please contact Angela Robinson Piñon at (510) 670-6504 or at [angela.robinsonpinon@acgov.org](mailto:angela.robinsonpinon@acgov.org).

Regards,



Al Minard, Chair, Alameda County Parks, Recreation and Historical Commission

cc: Tristan Tozer, Carol Roland-Nawi, California State Office of Historic Preservation  
Sally Zarnowitz, Berkeley Landmarks Preservation Commission  
Christina Morris, Brian Turner, National Trust for Historic Preservation  
Jennifer Gates, California Preservation Foundation  
Susan D. Cerny, Berkeley Architectural Heritage  
Pablo Castro, Office of United States Congresswoman Barbara Lee