

Office of the City Manager

November 14, 2013

To: Honorable Mayor and
Members of the City Council

From: Christine Daniel, City Manager *CD*

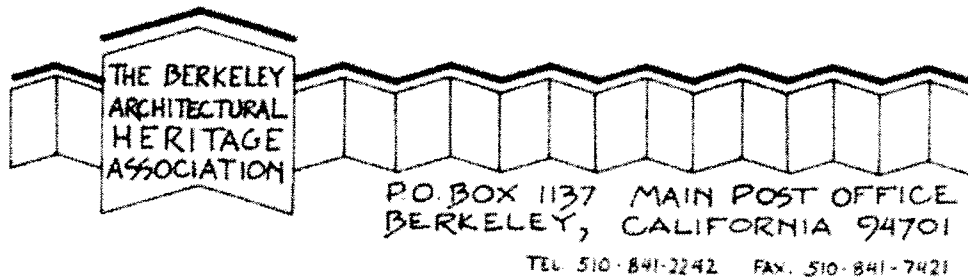
Subject: Section 106 Letters regarding the Berkeley Main Post Office

I'm forwarding for your information copies of letters received regarding the Section 106 consultation for the Berkeley Main Post Office from the following organizations:

1. Berkeley Architectural Heritage Association dated November 5, 2013
2. National Post Office Collaborate dated November 10, 2013
3. Citizens to Save the Berkeley Post Office dated November 12, 2013.

Attachments

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



November 5, 2013

VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED

Ann M. Yarnell
Facilities Environmental Specialist
United States Postal Service
P.O. Box 39430
Tampa, FL 33630-9430

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

Dear Ms. Yarnell:

Thank you for including the Berkeley Architectural Heritage Association (BAHA) as a consulting party in the Section 106 process for the Berkeley Main Post Office (Post Office) and the opportunity to comment on the findings by the USPS, as outlined in the letter dated September 3, 2013, addressed to the State Historic Preservation Officer.

BAHA disagrees with the USPS finding of no adverse effect, since the proposed sale of the Post Office could have far-reaching implications for the entire Berkeley Civic Center Historic District, which is listed on the National Register of Historic Places (NRHP).

BAHA reiterates the Berkeley City Council's request that any action concerning the proposed sale of the Post Office be deferred for a one-year term in order to explore a negotiated outcome.

BAHA also concurs with the Berkeley City Council's statement that a Section 106 process cannot be lawfully completed without an environmental impact statement (EIS) as required by NEPA.

Furthermore, BAHA believes that a sale of the Post Office would be shortsighted and lead to long-term loss. The building should continue under Government ownership, its front part retaining the historic postal retail operations and the

upper story and rear part leased to various government- and non-profit agencies that are currently leasing privately owned space.

If a sale goes through, it should include a leaseback of the lobby area for retail Post Office operations for at least 50 years and preferably in perpetuity. Such an arrangement will ensure preservation of the historic use and character-defining features, as well as continued public access.

Before any sale of the Post Office takes place, a professional seismic assessment of the building should be completed.

Area of Potential Effects (APE). The alleged Area of Potential Effects, as shown by the blue boundary in Figure 2 of the USPS letter, is much too limited. The APE needs to be expanded so as to include all of the Berkeley Civic Center Historic District. BAHA agrees with the Berkeley Landmarks Preservation Commission (LPC) that selling off the Post Office could undermine the integrity of this National Register-listed historic district, whose components were painstakingly assembled over four decades with the goal of providing the residents of Berkeley with a public and civic core. The APE should also include the property containing the Berkeley Main Public Library, a National Register-listed facility located very near the Post Office.

Affected Historic Properties. The USPS letter erroneously identified only three potentially affected historic properties: the Post Office itself, the YMCA at 2001 Allston Way, and the former Federal Land Bank building at 2180 Milvia Street. However, the enumeration of, and assessment of effects upon, specific historic properties should also include all of the other facilities identified as contributors to the National Register-listed Civic Center Historic District, such as but not limited to the Berkeley Community Theater and Old City Hall. Also included should be the former Armstrong College (2222 Harold Way) and Elks Club (2018 Allston Way)—both of which are City-designated landmarks and directly adjoin the Post Office—and the aforementioned Public Library.

Preservation Covenant. BAHA concurs with the Berkeley City Council that the preservation covenant should state explicitly that nothing in it limits the City's police power or exempts the owner from complying with local laws. The covenant should specifically address all the resources, including the artwork in its current location. All should be subject to strong and clear controls that would permanently guarantee protection for all the historic character-defining features and prevent the possibility of inappropriate work, alterations, or uses that do not meet the Secretary of the Interior's Standards.

In order to facilitate enforcement of the preservation covenant, the covenant should require an annual fee payable by the new owner for inspection of compliance, as well as attorneys' fees and cost if the City of Berkeley has to take enforcement action.

BAHA concurs with the LPC that the covenant agreement should be in perpetuity; that it should be transferrable, not dissolvable; and that it should be enforced by a coalition of agencies, in consultation with the LPC, with ongoing funding provided by the USPS.

Future Uses. In order to meet the Secretary of the Interior's Standard 1, the property should be used as it has been used historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships. The property is significant under National Register Criterion A within the historic context and significant historic theme of Politics/Government.

Additions/Alterations. Any addition, exterior alterations, or related new construction should be compatible with the historic materials, features, size, scale, proportions, and massing of the existing landmark property and surrounding historic district. Since the overall mass and scale of the Post Office building is identified as an exterior character-defining feature, it is critical that any alteration will not destroy this key feature of the property. Thus, any addition should be smaller than the original building in mass and scale and designed sensitively to reference the proportions, patterns, and elements found at the landmark property. Any addition and adjacent or related new construction should also be constructed so that, if removed in the future, the essential form and integrity of the property and its environment would be unimpaired. Any addition, whether vertical or horizontal, should also be set back an appropriate distance from the front and sides of the original building, so that the original form is preserved, and the addition reads as a secondary element. Current views of the Post Office façades shall not be obstructed by any new construction. The Preservation Covenant should clearly state that any exterior alterations, addition, or related new construction should not destroy historic materials, features, and spatial relationships that characterize the building, and should be compatible with the landmark property and surrounding historic district.

Character-Defining Features. BAHA concurs with the list of Revised Historic Character-Defining Features submitted by the LPC in an attachment to its letter of September 30, 2013. The following features should be added to that list:

- David Slivka's "Post Office Activities" limestone bas-relief on the eastern wall of the loggia.
- The two-part composition and fenestration pattern of the southern one-story addition constructed between 1931 and 1932.

There should also be consideration for the spatial relationships around the building, including the open space that allows the building's entire exterior to be clearly visible from public streets, enhancing the property's sense of significance.

Should you have any questions concerning this letter, please contact the undersigned by email at baha@berkeleyheritage.com.

Sincerely,

Susan D. Cerny

Susan D. Cerny
Corporate Secretary

cc: Carol Roland-Nawi, State Historic Preservation Officer & Tristan Tozer, USPS Reviewer,
Office of Historic Preservation, 1416 9th Street Sacramento, CA 95814

Mayor Bates and Berkeley City Council, 2180 Milvia Street, Berkeley, CA 94704

Sally Zarnowitz, Secretary, Landmarks Preservation Commission, City of Berkeley, 2120
Milvia Street, Berkeley, CA 94704

Eric Angstadt, Director of Planning, City of Berkeley Department of Planning &
Development, 2120 Milvia Street, Berkeley, CA 94704

Al Minard, Chair, Alameda County Parks, Recreation, and Historical Commission,
Alameda County Administration Building, 224 West Winton Avenue, Hayward, CA
94544

Cindy Heitzman, Executive Director, California Preservation Foundation, 5 Third Street,
Suite 424 San Francisco, CA 94103

National Post Office Collaborate, PO Box 1234, Berkeley, CA 94701

National Post Office Collaborate

Berkeley Main Post Office P.O. Box 1234
Berkeley, California 94701
www.nationalpostofficecollaborate.com

November 10, 2013

Carol Roland-Nawi
State Historic Preservation Officer
Tristan Tozer, State Historian
Office of Historic Preservation
1725 – 23rd Street, Suite 100
Sacramento, CA 95816

RE: Section 106 Consultation for the Berkeley Main Post Office
2000 Allston Way, Berkeley CA 94704

Dear Ms. Roland-Nawi and Mr Tozer:

This letter will represent the National Post Office Collaborate (NPOC) submittal as a participating party in the Section 106 consultation process with regard to the potential sale of the Berkeley Main Post Office. The National Post Office Collaborate is urging that the State Historic Preservation Office reject the finding of no adverse effect in the matter of the sale of the Berkeley Main Post Office and of every other historic (or eligible) post office in our great State. The justification for such finding follows.

Our organization has been successful in obtaining a preliminary injunction in the matter of the sale of the historic Stamford CT post office (reference Attachment #2 City of Berkeley letter dated November 7, 2013). As such, the Section 106 process should not be concluded until all National Environmental Policy Act (NEPA) documentation and considerations have been met. Section 106 process is only a prelude to the full obligation to comply with NEPA. However the Post Office(s) may be preserved for future usage in compliance with Section 106, it should be fully discussed in accordance with NEPA, fully analyzing the environmental impacts of all potential project proposals and/or alternatives on behalf of the public good, before USPS may or may not dispose of federal historic property(s). And alternatives should include remaining in the building and out-leasing the excess space.

Most importantly, in addition to this consideration, the NPOC compels the California Office of Historic Preservation to consider the impact of this sale *combined with* the cumulative impact of all other proposed post office sales throughout the State of California and the Nation within the context of NEPA obligations.

The overarching issue of this mass disposition of historic properties is the *intent* of their original construction and use, the *context* in which they were constructed and how this disposition impacts the legacy of our country's history in architecture, art and public service.

At the time of the construction of the Berkeley Main Post Office, the Federal government promoted the concept that government buildings should be monumental and beautiful, and should represent the ideals of democracy and high standards of architectural sophistication in their communities. The supervising architect of the Treasury Department, John Knox, believed that Federal buildings should be built to last and also emphasized the use of high quality construction materials.

From authors Marlene Park and Gerald Markovitz, who wrote about why post offices were built the way they were: "The post office was 'the one concrete link between every community of individuals and the Federal government' that functioned 'importantly in the human structure of the community.... [The post office] brought to the locality a symbol of government efficiency, permanence, service, and even culture.'" These buildings were built in the manner they were because we considered self-government, for all its faults, to be something precious that belonged to all of us, and that it should be housed in places that looked as though we valued it enough to celebrate it and protect it at the same time.

This was further emphasized by President Franklin Delano Roosevelt's New Deal cultural programs. These programs marked the U.S. Government's first and large, direct investment in cultural development. The goals of these programs were clearly stated and democratically inspired: they supported artistic endeavors not already subsidized by private sector patrons; and they emphasized the interrelatedness of culture with all aspects of American life, not the separateness of a rarefied art world.

The cultural impact of this democratic initiative was far-reaching, as summed up by Holger Cahill, director of the Federal Art Project, in a 1939 speech: "... the Project has discovered that such a simple matter as finding employment for the artist in his [sic] hometown has been of the greatest importance. It has, for one thing, helped to stem the cultural erosion which in the past two decades has drawn most of America's art talent to a few large cities. It has brought the artist closer to the interests of a public which needs him, and which is now learning to understand him. And it has made the artist more responsive to the inspiration of the country, and through this the artist is bringing every aspect of American life into the currency of art."

Artists, too, envisioned a future for the projects. Stuart Davis, then secretary of the American Artists' Congress, stated "The artists of America do not look upon the art projects as a temporary stopgap measure, but see in them the beginning of a new and better day for art in this country."

In an era when the local post office was a place of some leisure and conversation among townsmen, pleasant, easy-to-understand murals and sculpture did affect the art consciousness of many patrons. Residents of small towns brought their out-of-town guests into the post office to view the art, and in rural America, ladies' clubs traveled from post office to post office on art tours. The post office mural or sculpture was the first work of original art in many communities. In a letter from Postmaster Basil V. Jones of Pleasant Hill, Missouri, he states his appreciation for bringing art to small town America: "In behalf of many smaller cities, wholly without objects of art, as ours was, may I beseech you and the Treasury to give them some art, more of it, whenever you find it possible to do so. How can a finished citizen be made in an artless town?"

The intent for the art that was created during the New Deal era and the vision for its enduring legacy were eloquently stated by Franklin Delano Roosevelt in his dedication of the Nation Gallery of Art on March 17, 1941:

There was a time when the people of this country would not have thought that the inheritance of art belonged to them or that they had responsibilities to guard it. A few generations ago, the people of this country were often taught by their writers and by their critics and by their teachers to believe that art was something foreign to America and to themselves – something imported from another continent, something from an age which was not theirs – something they had no part in, save to go to see it in some guarded room on holidays or Sundays.

But recently, within the last few years – yes, in our lifetime—they have discovered that they have a part. They have seen in their own towns, in their own villages, in schoolhouses, in post offices, in the back room of shops and stores, pictures painted by their sons, their neighbors – people they have known and lived beside and talked to. They have seen, across these last few years, rooms full of painting and sculpture by Americans, walls covered with painting by Americans, – some if it good, some of it not so good, but all of it native, human, eager, and alive – all of it painted by their own kind in their own country, and painted about things they know and look at often and have touched and loved.

The people of this country know now, whatever they were taught or thought they knew before, that art is not something just to be owned but something to be made: that it is the act of making and not the act of owning that is art. And knowing this they know also that art is not a treasure in the past or an importation from another land, but part of the present life of all the living and creating peoples – all who make and build; and, most of all, the young and vigorous peoples who have made and built our present wide country.

New Deal cultural projects, exemplified in the Berkeley Main Post Office and many of the historic post offices being offered for sale by the USPS, took responsibility for our cultural commonwealth. They took on the task of recording history – and creating a cultural legacy that was intended to endure for centuries.

How can our State and National Historic Preservation organizations allow these American cultural legacies to fall into private ownership? No individual covenant can ensure perpetual care of a national asset. Who or what will ultimately enforce the covenant? What is the enforcement remedy if care is not maintained? What is the impact to the asset if we allow it to deteriorate before the malfeasance can be observed and saved? Since the USPS claims to own these works of art, what will happen to the art if it goes out of business?

The demise of such assets is occurring throughout America. In Bethesda MD the post office has been sold and stands vacant after almost 2 years. The front doors are chained but the lobby is exposed to the elements – and it contains murals. In Ukiah, the main Post Office was closed despite massive community oppositions and now stands derelict, its mural removed “for restoration” with no assured return. Elsewhere murals and sculpture have been removed for “restoration”, consigned to storage, or have been effectively sold with the building rendering them inaccessible to the public for which they were intended. In many instances, site-specific works have been removed from their contexts. In the case of Stamford CT, the developer was going to demolish the New Deal addition and construct two new high-rise condominium buildings. He stated that he “didn’t know” what he was going to do with the historic post office building in the front - “maybe a restaurant”. Following the closure on September 21, 2013 one of the historic bronze lanterns has been vandalized – torn off its pedestal and smashed – because the postal service has abandoned its responsibility to maintain this historic property. A listing on the National Register is no impediment to the desecration and even major demolition of many of these buildings.

The State of California is facing the greatest number of potential historic post office sales and stands to endure the greatest impact to our cultural legacy. Once again, the National Post Office Collaborate urges the State Historic Preservation Office to reject the finding of no adverse effect in the matter of the sale of the Berkeley Main Post Office and of every other historic (or eligible) post office in our great State. Let us send a message to the entire country that these buildings are part of our national legacy and should be honored and maintained as such.

We appreciate your consideration.

Sincerely,



Jacquelyn McCormick
Executive Director
National Post Office Collaborate

cc: Mayor and City Councilmembers, City of Berkeley
Ann M. Yamell, USPS Facilities Department
Austene Hall Chair, Berkeley Landmarks Preservation Commission
Christina Morris, National Trust for Historic Preservation
Cindy Heitzman, California Preservation Foundation
Susan Cerny, Berkeley Architectural Heritage Association
Citizens to Save the Berkeley Post Office
Antonio Rossman, Esq., Rossman & Moore
Hal Hughes, Esq., Michelle Bushman, Esq., Adam Ford, Esq., Ford & Huff LC

Citizens to Save the Berkeley Post Office



November 12, 2013

Mr. Dallan Wordekemper, CCIM
Federal Preservation Officer
United States Postal Service
475 L'Enfant Plaza, SW, Suite 6670
Washington, DC 20260-1862

Subject: Request for Section 106 Consulting Party Status and Lifting of the November 12, 2013 comment deadline, Berkeley Main Post Office, Berkeley, CA

Dear Mr. Wordekemper:

We received a copy of a November 8, 2013 opinion addressed to you from the Advisory Council on Historic Preservation (ACHP). We request that you direct your attention to the following:

"...to meet the intent and spirit of Section 106, consulting parties must be given the opportunity to engage in a dialog with the other parties, to share in problem -solving, and to have their questions and concerns addressed. To that end, we encourage the USPS to include all interested parties, including the Citizens to Save the Berkeley Post Office, in the Section 106 consultation for this undertaking."

By means of this letter we again respectfully request that the United States Postal Service (USPS) include Citizens to Save the Berkeley Post Office in the Section 106 consulting process.

We further respectfully request that the comment deadline be indefinitely lifted. The USPS comment deadline of November 12, 2013 is premature. The USPS has reduced the Section 106 process to a mere comment period on the USPS draft preservation covenant. We submit that the direction of the ACHP is that to comply with its Section 106 obligations the USPS must first provide a forum in which all consulting parties can engage in dialog, share in problem-solving, and have their concerns addressed.

Sincerely,

Michael D. Lonergan
for Citizens to Save the Berkeley Post Office

cc: Carol Roland-Nawi, California State Preservation Officer
Caroline D. Hall, Advisory Council on Historic Preservation
Christine Morris, National Trust for Historic Preservation



Preserving America's Heritage

November 8, 2013

Mr. Dallan Wordekemper, CCIM
Federal Preservation Officer
United States Postal Service
475 L'Enfant Plaza, SW, Suite 6670
Washington, DC 20260-1862

Ref: *Request for Section 106 Consulting Party Status, Berkeley Main Post Office
Berkeley, California*

Dear Mr. Wordekemper:

The Advisory Council on Historic Preservation (ACHP) received a copy of the U.S. Postal Service's (USPS's) October 23, 2013 letter to the Citizens to Save the Berkeley Post Office. In the letter, the USPS rejects the organization's request to be a consulting party in the consultation for the disposal of the Berkeley Main Post Office; the USPS's letter provided no justification for this decision. Subsequently, the ACHP received an inquiry from the National Trust for Historic Preservation regarding this decision by the USPS.

As you are aware, the federal agency, in consultation with the State Historic Preservation Officer, invites consulting parties to participate in the consultation in accordance with Section 800.3(f) of the National Historic Preservation Act regulations (36 CFR Part 800). The USPS has provided no explanation for the refusal to grant consulting party status to the Citizens to Save the Berkeley Post Office, so the justification for this decision is unclear. However, to meet the intent and spirit of Section 106, consulting parties must be given the opportunity to engage in a dialog with the other parties, to share in problem-solving, and to have their questions and concerns addressed. To that end, we encourage the USPS to include all interested parties, including the Citizens to Save the Berkeley Post Office, in the Section 106 consultation for this undertaking.

If you have any questions, please contact Najah Duvall-Gabriel at (202) 606-8585 or via email at ngabriel@achp.gov. Thank you in advance for your attention to this matter.

Sincerely,

Caroline D. Hall
Assistant Director
Federal Property Management Section
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov