



Ben Bartlett
Councilmember, District 3

REVISION, Item # 11

CONSENT CALENDAR
February 13, 2018

To: Members of the City Council

From: Councilmember Ben Bartlett and Mayor Jesse Arreguin

Subject: Direction to the City Manager: Negotiate with BART Regarding Ownership or Management of Parcel to Remove Prison-Like Fence from Here-There Sign Located at 63rd Street and Martin Luther King Jr. Way Street

RECOMMENDATION

Direct the City Manager to negotiate with BART over possible ownership or management of the fenced BART-owned parcels east and west of the BART tracks to remove the prison-like fence from the Here-There Sign located at 63rd Street and Martin Luther King Jr. Way Street to ensure visibility of the HERE/THERE public artwork and to create open space accessible to the public.

BACKGROUND

On January 22, 2018, BART began installing a prison-like fence along both sides of the BART tracks at 63rd Street and Martin Luther King Jr Street. This is an entrance to our City; it creates a highly negative first impression for visitors and for residents, it is quite simply depressing and an eye-sore.

The BART-owned parcel is also home to the “HERE/THERE” sculpture, a piece of public art commissioned by the Civic Arts Commission, and designed by Oakland artist Steve Gillman.

When the City of Berkeley issued a Request for Bids for an art installation at this entrance to the city fifteen years ago, it requested proposals for a “friendly monument to both motorists and pedestrians”.

Mr. Gillman was selected by the Civic Arts Commission to construct a sculpture at this location. He constructed a sculpture of large steel letters in the shape of the words “HERE and “THERE” to define the boundary between Berkeley and Oakland.

Mr. Gillman attended the January 23, 2018 Berkeley City Council meeting to speak in opposition to the installation of this new fence. Specifically, Mr. Gillman alleged that this

fence may be in violation of the California Arts Preservation Act which states that art in public spaces cannot be modified or destroyed. He argued that the fence destroys its public viewing and its intent.

The installation of a new metal fence by BART has obstructed views of this public artwork, and also prevents any access to the property, which the City of Berkeley is supposed to maintain for public use.

BART has owned the property since 1969 and has an agreement with the City of Berkeley for management of the parcel. Origins of this agreement go back to the successful effort by the City to underground BART tracks in South Berkeley. The undergrounding created open space, which was intended for public use. Until its recent fencing in November 2017, the property on both sides of the BART tracks were open to the public. Nearby residents and school children used the property on the east side of the tracks as an open space.

During discussions last year with BART regarding the ongoing homeless encampment, the idea of transferring ownership to the City of Berkeley, or negotiating an agreement with the City to allow use of the parcel for open space was discussed.

Immediate neighbors have requested that the City of Berkeley appeal to BART to remove the fence and return access to the property so it can be used as an open space. There is a critical need for more open space in the South Berkeley neighborhood.

Adoption of this item will direct the City Manager to engage with BART in discussions over the ownership or stewardship of this property as an open space, and enable removal of the current fencing.

FINANCIAL IMPLICATIONS: Staff time.

CONTACT PERSON:

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