From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Wednesday, January 19, 2011 5:36 PM
To: Harrison, Jordan
Subject: For Plan Commn. Members - Draft Library EIR Comments for today's meetingFYI -- Fw: Ignored Questions, Unannounced 11-Day Planning Dept. Closure 12-23-10 to 1-3-11... RE: Thanks, and some questions: RE: Link to Draft EIR for Branch Libraries

Dear Secretary Jordan Harrison:

Please distribute to Planning Commission members as soon as possible, preferably prior to tonight's meeting.

Thank you.

Peter Warfield
Library Users Association
***********************************************************

Dear Planning Commission Members:

We hope that you review the Draft EIR with an awareness of some major concerns:

1. The information about the Draft EIR included some serious problems, including unavailability in paper format during the closure of the Planning Department for 11 days starting December 23, 2010 and extending through January 2, 2011. The Planning Department website did not carry information about the closure, the announcement of the Draft EIR did not include mention of the closure, and a request for open hours, so as to obtain a printed copy, which we made directly to the Planning Department staff, was ignored. (See attached email, below.)

In addition, the notice about the Draft EIR gave an incorrect day of the week for your meeting January
19, 2011 -- saying it was on Thursday. Additionally, the DEIR only, without Appendices, was listed as being available only at the Central library and two branches (excluding North and Claremont); while Mr. Sage said the document was available at all four branches, there has not, to our knowledge, been any correction published so that the public might know where it is actually available -- not were noted to be available.

A $20 charge for a copy could reduce public interest and comment.

2. The document unfortunately says the scope does -- not -- include locations that are not being demolished, even though the zoning ordinance amendment clearly applies to all five current library locations.

And the document exhibits an unfortunate bias in favor of the library administration, including apparent endorsements of the supposedly open process by which the public was informed of plans, and the supposed public acceptance. Please read Steven Finacom's long article in the December 14, 2010 Berkeley Daily Planet for another view on the library administration and Trustees' apparent indifference to public concerns, as well as the five Commentaries that I have written for the Planet starting in May, 2010.

3. While you may consider cutting books (heavy cuts at Claremont Branch) to be out of the scope of your deliberations, please consider the two impacts of new libraries: (a) an almost invariable jump in visitors, at least at the beginning; (b) increased travel to other branches and library systems as the public realizes the impoverishment of library design and services that has occurred.

Thank you for your attention to this.

Sincerely yours,

Peter Warfield
Executive Director
Library Users Association
415/753-2180

--- On Wed, 1/5/11, Library Users Association <libraryusers2004@yahoo.com> wrote:

From: Library Users Association <libraryusers2004@yahoo.com>
Subject: LPC Members: FYI -- Fw: Ignored Questions, Unannounced 11-Day Planning Dept. Closure 12-23-10 to 1-3-10... RE: Thanks, and some questions: RE: Link to Draft EIR for Branch Libraries
To: JClai borne@CityofBerkeley.info
Date: Wednesday, January 5, 2011, 8:37 PM

Secretary:
Jay Claiborne (Acting LPC Secretary)
Planning & Development
(510) 981-7429
E-mail: JClaiborne@CityofBerkeley.info
Dear Secretary:

Please forward this letter to each member of the Landmarks Preservation Commission as soon as possible, and preferably prior to the next meeting, which I understand is January 6, 2011 and is to discuss the Library Draft EIR.

Thank you

Peter Warfield
Executive Director
Library Users Association

Dear Landmarks Preservation Commission Members:

When your scheduled discussion of the Draft EIR for the Berkeley Public Library occurs -- and we were informed that the discussion is scheduled for January 6, 2011 -- we ask you to keep in mind that the document was not available to the public in printed form for the entire period, December 23, 2011 through January 2, 2011.

Our request to obtain a copy and to learn when we could pick it up appears to have been ignored by the Planning Department staffer working on this. His response to our request made no mention of the office closure, with the result that we had no access over the holidays to the paper copy we requested in December. The email exchange is attached below.

Thank you for your attention to this.

Sincerely yours,

Peter Warfield
Executive Director
Library Users Association

--- On Wed, 1/5/11, Library Users Association <libraryusers2004@yahoo.com> wrote:

From: Library Users Association <libraryusers2004@yahoo.com>
Subject: Ignored Questions, Unannounced 11-Day Planning Dept. Closure 12-23-10 to 1-3-10... RE: Thanks, and some questions: RE: Link to Draft EIR for Branch Libraries
To: "Aaron E.Sage" <ASage@ci.berkeley.ca.us>
Date: Wednesday, January 5, 2011, 8:27 PM

Dear Mr. Sage:

Your reply below to my last request, regarding the Draft EIR on the Library's legislation and building plans, ignored my question about your holiday schedule and the fact that I said I wished to pick up the Draft EIR regarding the library plans promptly or have it mailed.

This was particularly dismaying because I did not come to your office on the same day as you sent your reply --
and learned the next day, by a recorded telephone message when I telephoned the Planning Department, that the entire Planning Department would be closed from that day -- Thursday, December 23, 2010, through January 2, 2011, reopening January 3, 2011.

In other words, I could neither pick up the document to study it, as I requested of you, nor could I ask any questions about it, for 11 days -- and there are meetings scheduled immediately afterwards, for example January 6, 2010 is the Landmarks Preservation meeting at which other information indicates this DEIR is to be discussed.

I think it unconscionable that the Draft EIR should be scheduled for these meetings, and have a comment closing date of January 31, when the requested printed report is inaccessible and the department closed for 11 of those 48 or so days -- especially when there has been no notice of this fact in your emails, the departmental announcement, or the departmental website.

Regarding locations of DEIRs and Appendices, my specific question might be stated more pointedly: WHY IS NEITHER The DEIR nor Appendices to be available at North Branch and Claremont Branch libraries? Certainly the zoning amendment portion affects the legality of their renovation approvals -- so why are DEIRS only (and not appendices) to be provided only to three library locations (with the Planning Department to have all the documents)?

I would urge the Planning Department to postpone the due date for DEIR comments because of the closure and short notice to the various city agencies that are to consider the document this month.

Peter Warfield
Executive Director
Library Users Association
415/7 5 3 - 2 1 8 0

--- On Wed, 12/22/10, Sage, Aaron E. <ASage@ci.berkeley.ca.us> wrote:

From: Sage, Aaron E. <ASage@ci.berkeley.ca.us>
Subject: RE: Thanks, and some questions: RE: Link to Draft EIR for Branch Libraries
To: libraryusers2004@yahoo.com
Date: Wednesday, December 22, 2010, 9:58 AM

Mr. Warfield, I will mail you a CD rom free of charge. As to where the documents are available, this is our standard practice, going back several years at least.

Please let me know if I can be of further assistance.

Aaron Sage

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From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Tuesday, December 21, 2010 8:51 PM
To: Sage, Aaron E.
Subject: Thanks, and some questions: RE: Link to Draft EIR for Branch Libraries
Dear Aaron Sage:

Thank you for this; I expect to come shortly but if I cannot, could you mail (and what would be the cost for mailing) the DEIR and appendices on CD rom? Also, **what is your work schedule for the holiday period, meaning when might I drop by and find you in the office?**

Also -- how was it determined where the locations for the DEIR documents would be and what portions of the full DEIR with Appendices? If mandated by regulation or law, a citation, preferably with text, would be helpful.

Thank you--

Peter Warfield  
Executive Director  
Library Users Association  
415/753-2180

--- On Thu, 12/16/10, Sage, Aaron E. <ASage@ci.berkeley.ca.us> wrote:

From: Sage, Aaron E. <ASage@ci.berkeley.ca.us>  
Subject: RE: Link to Draft EIR for Branch Libraries  
To: libraryusers2004@yahoo.com  
Date: Thursday, December 16, 2010, 12:06 PM

Hi Peter,

A hard copy of the EIR, not including the appendices, is $20.00. It is available now. For the appendices, you would need to take a CD rom (available from us for free) to a printer (e.g., FedEx Office) to have it printed. Please let me know if any questions.

Aaron

From: Library Users Association [mailto:libraryusers2004@yahoo.com]  
Sent: Wednesday, December 15, 2010 1:19 PM  
To: Sage, Aaron E.  
Subject: Re: Link to Draft EIR for Branch Libraries
Dear Aaron Sage:

Thank you for this notice. How much would a hard copy cost and how soon could I obtain one?

Peter Warfield
Executive Director
Library Users Association
415/753-2180

--- On Wed, 12/15/10, Sage, Aaron E. <ASage@ci.berkeley.ca.us> wrote:

From: Sage, Aaron E. <ASage@ci.berkeley.ca.us>
Subject: Link to Draft EIR for Branch Libraries
To:
Date: Wednesday, December 15, 2010, 11:22 AM

Dear community member,
The Draft EIR for the South and West Branch Libraries and Zoning Amendment has now been posted on the Planning Department’s website at the following link. (This is a more direct link than the one provided in my previous e-mail.) Please let me know if you have any questions.
http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=62528

Aaron Sage, AICP
Senior Planner
City of Berkeley
ph 510-981-7425
fax 510-981-7420
Please note that I am out of the office on Fridays. Thank you.

From: Sage, Aaron E.
Sent: Tuesday, December 14, 2010 6:04 PM
Subject: Draft EIR now available for South and West Branch Library Projects and Zoning Amendment

Dear community member,
The City of Berkeley has completed a Draft Environmental Impact Report (EIR) for a proposed Zoning Ordinance Amendment (ZOA) to allow flexibility in the application of development standards at the City’s existing public libraries, and for proposed development projects at the South Branch Library and at the West Branch Library. The Draft EIR will be available online at the following link beginning tomorrow, December 15:
http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=362#DEIR

Hard copies and CDs are available for purchase. Please see attached notice for further information regarding this document and opportunities for public review and comment, and let me know if you have any questions.

<< File: 2010-12-14_NOA_Corrected_Library EIR.pdf >>

Aaron Sage, AICP
Senior Planner
City of Berkeley
ph 510-981-7425
fax 510-981-7420
Please note that I am out of the office on Fridays. Thank you.
Planning Department  
c/o Aaron Sage  
Berkeley, California  
By email: asage @ cityofberkeley.info  

Subject: Library Draft EIR Comments - Berkeley Public Library -  
“Significant Impacts” Is an Understatement for the Impact  
of Two Demolitions, and Proposed Zoning Ordinance  
Amendment  

Ladies and Gentlemen:  

We are commenting on the “Berkeley Branch Libraries Program  
Draft Environmental Impact Report, SCH # 2010062051, Prepared for  
the City of Berkeley by Design, Community & Environment (DC&B),  
with “technical subconsultants” Page and Turnbull, issued December 14,  
2010.

First, we agree with the overall assessment that the impact of  
demolishing South Branch and West Branch libraries would be  
significant, and that the mitigation efforts described would still leave  
impacts that “remain significant and unavoidable.” (page 2-9)

But we think that this impact is an understatement. That is because the  
target libraries represent half of all Berkeley’s library branches, and  
because, at least in the case of Hans Ostwald, the South Branch architect,  
this is one of the few public buildings he designed and one of just a small  
handful of libraries that he designed. South Branch won an AIA/ALA  
award as well. Both South and West Branch libraries have been  
recognized by the city as having excellent architectural qualities that  
merit preservation.

We are concerned that the Zoning Ordinance Amendment has not clearly  
been identified as having a significant impact -- without time limit -- and  
it has only been discussed in regard to currently planned demolitions,
omitting the potential impacts on all current library locations. Additionally there is no explanation as to why the Central Library should be included in an ordinance that the report says is intended to “facilitate[e] Branch Library projects.” (page 1-4)

In general, we are concerned that the problems with the planned projects have been understated and the supposed pro-project positions overstated.

Attached are some additional comments on this document.

Thank you for your attention to this.

Sincerely yours,

Peter Warfield
Executive Director
Library Users Association
Some Comments on the December 14, 2010 Draft EIR for Berkeley Public Library

There has been no comment about the environmental impact of a bookmobile traveling around Berkeley while the branches are being rebuilt or renovated. Renovations with expansions would presumably require less time to complete, and less time for a bookmobile to generate environmental impacts.

In addition, the library has not seriously considered providing the interim service that was provided when the Central Library was closed for renovation: a stationary store front (or other fixed location). Such a facility, or a trailer parked at or near the libraries having construction, would likely be far less environmentally harmful than a vehicle that must be driven out to branches and back multiple days a week.

Why wasn’t this impact considered?

This EIR is said to be 1,878 pages long -- making review and public comment exceptionally arduous, especially for those with a primary interest in just one aspect, e.g. one branch. Why was this EIR structured this way?

The availability of the EIR was undermined by the closure of the Planning Department for 11 days shortly after it was issued, making paper copies completely unavailable for one quarter of the comment time.

The DEIR repeatedly uses prejudicial terminology to reference the Zoning Amendment Ordinance (ZOA). It is not providing zoning “flexibility” but a fixed exemption from the need for Variances -- a blank check in perpetuity. And why aren’t the potential environmental impacts of easing development on all five library locations discussed?
Why did the ZOA include Central Library, even though it was excluded from Measure FF?

The many negative comments from the public about various aspects of the projects is ignored or occasionally hinted at as being in the Appendix. Meanwhile, we read how the October 20, 2010 meeting received comments “all in favor of the project.” (p. 1-9)

We also read that some negative comments were “outside the scope of this CEQA review,” but we do not get an analysis of the favorable comments as to their scope. Why not?

While comments about loss of books are said to be outside the scope of this CEQA review, this DEIR repeatedly talks about the library’s objectives regarding books. Isn’t that inconsistent?

Further, we read that the South Branch project is to improve the library with, among other things, “a minimum ten-percent increase in book shelving…” Was someone working too close to a marijuana dispensary? The South Branch program, according to the architect, speaking at a BOLT meeting last summer, was to provide ONE LINEAR FOOT of additional shelving in a branch that would increase floor space by 64%. The actual was shown as 85 linear feet added, or less than 5%. Where did this ten percent figure come from? Later in the report there is no mention of shelving increases as a goal (p. 3-4).

Why is there no mention of the generally large increase in visits that all new libraries tend to experience? What about the drop in visits and increased visits to other libraries/jurisdictions once patrons realize how poorly the design may work? Poor design example: South Branch’s desk facing AWAY FROM THE ENTRANCE in Fig. 5.2-3. Another poor design example: The entrance to the South Branch is completely un-observed by any desk (Fig. 3-2). It’s mugger alley, and additionally has nothing of interest to a library patron shown. Another example:
South Branch’s entrance is surrounded on either side by non-book activity: the mostly-empty and unused meeting room at the left, and staff areas on the right. Only at a distance is the children’s area visible at the far right. From MLK Jr Way, no books or reading activities are visible.

The Library has been extraordinarily bad at providing the public with information about key elements of its plan, including such things as book cuts at Claremont and public floor space cuts there. See Exhibits’ A and B.
September 2, 2010

Since Berkeley’s voters approved Measure FF in November 2008, the Library has embarked on its building program to enhance library services and to improve accessibility, code compliance and seismic safety in all the neighborhood branches.

The design team of Gould Evans / Baum Thornley (www.btarchitects.com) has been selected to work on the Claremont Branch Library project, which entails restoring the interior historical elements of the 1920’s building and expanding the 1970’s wing 350 sq. ft. by infilling at three corners (SW, NW, NE) of the addition and adding new construction for children’s services at the junction between the two wings.

The newly renovated and expanded Library will comply with all current codes including being seismically safe and fully ADA-accessible, to serve the Elmwood community into the future. Information on the condition of the branch is available in the Branch Libraries Facilities Master Plan and was updated in the design process by the architects. Input from the community during the planning process, including the four neighborhood community meetings and three design presentations made to the Board of Library Trustees, was a critical piece of the decision-making process.

Features of the newly renovated and expanded Library include a more open and inviting lobby area which will feature a centralized service desk for convenient assistance, new display units for ease of browsing new materials, and accessible self-check machines; a new separate, enclosed acoustically-treated teen room; and increased and varied seating so one may settle in to read the newspaper in the adult reading room, pull up to a work table or curl up with a good read in the new reading nook, which replaces the original entrance. The children’s wing will feature a fun, new picture book alcove for children and caregivers to explore and enjoy and a large multifunctional space, which will host a variety of children’s seating options, collections and programs. Skylights are planned in the teen and children’s areas to introduce natural light as well as a new bay window with bench seating at the rear of the children’s room.

Exterior improvements include a new accessible ramp built to the current code, new landscaping, benches and signage. The entrance façade will have tall dormer windows for a more transparent feeling and to bring more light into the lobby area. Bricks from the existing ramp will be reused in the landscaping to create seating in a wave shaped wall in front of the new ramp. A new information kiosk will replace the current one and exterior lighting will be improved on the Benvenue side of the building, creating a better street presence.

In keeping with Berkeley’s commitment to a green future, the renovated library will reduce energy and water consumption, achieving LEED Silver Certification.

The planning process is ongoing and prior to construction beginning the final plans will be reviewed as required by the Board of Library Trustees and other city boards, commissions and agencies. For more project information, go to http://berkeleypubliclibrary.org/branchimprovements or call 510-981-6195.

The Library continues to seek input from the Berkeley community! Please share your comments, questions, and ideas about the branch improvement projects on a Branch Improvement Program Comment Form. We value your input!

Berkeley Public Library  Branch Renovation Project  www.berkeleypubliclibrary.org

LUA-23 cont.
Since the passage of Measure FF in November 2008, the Library has embarked on its building program to improve accessibility, code compliance and seismic safety in all the neighborhood branches.

Field Paoli (www.fieldpaoli.com) is the design team selected to work on the South Branch / Tool Lending Library project. The Board of Library Trustees has decided to replace the existing building of 5,400 sq. ft. with a new, larger 8,656 sq. ft. library that complies with all current codes including being seismically safe and fully ADA-accessible, to serve the South Berkeley community into the future. Information on the condition of the existing branch is available in the Branch Libraries Facilities Master Planning and was updated in the design process by the architects. Input from the community during the design process, which included four neighborhood community meetings and four design presentations to the Board of Library Trustee, was a critical piece in the decision-making process.

The new South Branch / Tool Lending Library will be a warm and welcoming building with improved lighting, ventilation, and thermal comfort. It will create a civic presence for pedestrians and passers-by, be easier to use with a more spacious and organized layout and will be part of the revitalization of the South Berkeley neighborhood. With input from the community and staff the design team has brought the Tool Lending Library and South Branch Library together into one space with distinct zones throughout the building for adults, teens, and children’s services and a true separation of noisy and quiet areas. Features of the design include a flexibly planned program space which will be available throughout the day for multiple purposes and a small group study room. The Library will have more seating, including lounge chairs, more public access computers, improved collection access and additional space for laptop users.

The much loved, unique Tool Lending Library will have a larger space with adequate storage for their large collection of tools, designated staff space for maintenance and repair of the collection, adequate counter and display space, and the two short-term parking spaces for pick-up and drop off will remain.

In keeping with Berkeley’s commitment to a green future, the new library design will reduce energy and water consumption. The design team will be working to attain LEED Gold Certification, adding photovoltaics to offset-dependence on the energy grid and taking advantage of natural lighting and ventilation opportunities. One such feature is a central, day-lit browsing area with popular materials, media, holds, and self-check stations. The new Library will serve the community well into the future.

The planning process is ongoing. The City of Berkeley Planning & Development Department is managing the CEQA process and an Environmental Impact Report (EIR) is underway. Prior to construction, beginning the final plans will be reviewed by the Zoning Adjustment Board, the Board of Library Trustees, and other agencies as required.

For more project information, go to http://berkeleypubliclibrary.org/branchimprovements or call 510-981-6195.

The Library continues to seek input from the Berkeley community! Please share your comments, questions, and ideas about the branch improvement projects on a Branch Improvement Program Comment Form. We value your input!
Reader Commentaries

**Opposing Zoning Ordinance Changes Regarding Demolishing Libraries**

By Peter Warfield  
Tuesday May 25, 2010

This is a letter Library Users Association sent to the Planning Commission expressing concern about the Berkeley Public Library's product and process for carrying out branch library renovations under Measure FF and the consequent concerns about granting the Library special exemptions from the customary scrutiny that its current and future building projects would undergo:

Honorable Members:

As supporters of good libraries and good library service, we respectfully oppose granting the above-referenced zoning changes as a kind of partial zoning blank check for current and as yet unspecified future “improvement projects,” as your public notice refers to them, by the Berkeley Public Library, and we ask you not to approve the amendments at your May 26, 2010 meeting or at any other meeting.
Our primary reasons are twofold:

1. **There is at least serious question as to whether the Library is doing the right thing with its planned renovations**, and instead degrading and dumbing down libraries through a book de-emphasis program that appears to be well along in the planning stages. Despite a small increase in floor space, Claremont Branch is to receive a 23% decrease in linear feet of shelving. West Branch is to receive 50% more floor space, but only a 3% increase in shelving.

2. **The Library has misrepresented its plans and misled the public with respect to the facts about its plans.** As a consequence, the Library needs far greater scrutiny for its actions, rather than another opportunity to evade accountability.

Some may argue that surely the Library has in the past fully reported, and would in future fully describe, its plans in public – but my personal experience at last week’s meeting of the Board of Library Trustees (BOLT) says otherwise.

**WEST BRANCH**

The architect’s presentation on West Branch plans at the May 12, 2010 BOLT meeting showed a new building – and a small portion of one chart showed a **50% increase in floor space but only a 3% increase in linear feet of shelving** for books and materials. These percentages, which represent a de-emphasis on books, were nowhere shown or mentioned in the agenda packet for the meeting, which included a memo to the Trustees from Director of Library Services Donna Corbeil, plus three attachments: a 4-22-10 Community Meeting announcement, meeting notes from the meeting, and eight pages of the architect’s “Design Schemes” and “Schematic Designs.” Neither the meeting announcement nor the notes, which included summaries what the architects said, made any mention of specific shelving statistics. (The notes said there were “7 non-library attendees, over ½ were first time attendees.”)

In the meeting room was a glossy, color booklet apparently prepared by the library, titled “Shaping the Future of Your Neighborhood Library; the Berkeley Public Library Branch Libraries Facilities Master Plan” (SFYNL), which purported to present a “summary of the Facilities Master Plan and the promise it brings for our branch libraries.” Neither the planned demolition of the West branch nor the book de-emphasis were even hinted at in the Library’s booklet. Instead the booklet boasted that the branch “In May of 2003, was designated by the City
Landmarks Commission as a ‘Structure of Merit.’” A second page says, “The recommended RENOVATIONS will add much-needed space.” (Emphasis added.)

**CLAREMONT BRANCH**

The May 12, 2010 BOLT meeting continued with a different architect’s presentation on Claremont Branch renovations. No statistics were presented about such basic aspects of the renovation as floor space increases/decreases, shelving, etc. Only after two members of the public complained about a floor space reduction for children, and book reductions generally, did the library director acknowledge that some details could be found in the agenda packet. A page on “Existing Vs. Proposed Conditions” revealed adult book shelving is to be cut by 27%, and overall shelving reduced 23%. The Library’s booklet, SFYNL, says nothing about Claremont’s shelving reductions—instead, it says, “The branch boasts a large collection...” and it promises “a more efficient interior layout.”

We note that the library’s plan to cut 913 linear feet of shelving from Claremont’s current listed total of 4,027 was buried in a quarter-inch thick agenda packet, and is equal to eliminating more than 60 bookcases, each one three feet wide and five shelves high.

The Berkeley Public Library Foundation’s full-size color fundraising brochure, copies of which were also on the table at the meeting, is also misleading. The title is, “Four Branches, One Goal; the Neighborhood Libraries Campaign.” It makes no mention of the planned book reductions at Claremont Branch and the book de-emphasis in West Branch, although it does reference “replacement of the current [West Branch] building with a brand new building.” For Claremont Branch, the brochure specifically praises written materials as follows: “Claremont’s collection—strong in travel, art, bestsellers, literary fiction, magazines, and newspapers—will be more accessible with the help of this [fund-raising] Campaign.” And on the opposite page, the brochure highlights in large type, “Last year, neighborhood library users checked out 875,000 items—books, DVDs, other media, and more.” (Emphasis in the original.) But nothing is said about Claremont’s many planned reductions in specific categories of shelving: 42 linear feet cut from Children’s Books, and 30 feet cut from Children’s A/V; Teen Books + A/V are to be cut by 105 linear feet. Adult Books are to be cut by 607 linear feet (from 2264, a 27% reduction). Adult Magazines are to be cut by 80 feet, Adult A/V cut by 172 feet (of an existing 252—a 68% reduction). Lighter reading gets increased shelf space: Children’s Magazines, and Teen Magazines are increasing by 12 and 36 linear feet, respectively. The only other increase in shelving is +75 feet for holds, up from zero—these are materials obtained from other branches or library systems when not available at the branch.
The May 12, 2010 BOLT agenda packet included notes of a March 31, 2010 community meeting on Claremont Branch’s Design Development. The notes show “16 non-library audience members” attended. Of 15 comments, both that were related to shelving and books commented negatively on the book and shelving reductions. The two pages of notes do not say what, if anything, the public was shown or told about the reductions.

**SUMMARY**

While we have not yet reviewed renovation plans for the other two branches, we are very concerned that the product of at least these two library renovations appears to be a dumbing down of the service, while the Library’s practices both un-inform and mis-inform the public. We therefore ask you not to allow less accountability than is currently required. We urge rejection of the proposed zoning amendments to Title 23 of the Berkeley Municipal Code for “Development Flexibility for Existing Public Libraries.”

Library Users Association thanks you for your efforts on this matter.

*Peter Warfield is Executive Director of the Library Users Association.*

Email: libraryusers2004@yahoo.com

******************************************************************************

**TWO.**

Berkeley's Branch Library Plans: Two Demolitions Instead of Renovation, Book Cuts and Permanent Changes to Zoning Variance Requirements

By Peter Warfield (Partisan Position)
Monday June 21, 2010

The promise of Library Measure FF (2008) to “renovate and expand” Berkeley Public Library’s four branch libraries, has instead turned into plans to demolish and replace two of the branches, cut shelving for books and materials, eliminate all reference desks in favor of roving reference librarians – and on June 29 the City Council is expected to vote on zoning legislation that would permanently exempt all existing library buildings from having to obtain variances for any future changes, or demolitions combined with new library construction on the same site.

West Branch, despite being a city “structure of merit,” and South Branch, are both to be demolished and replaced with new buildings. A library-sponsored review of these facilities found that both have qualities that could make them worthy of landmarking, but 1970s renovations at West Branch and neglect over time at South Branch have damaged or hidden many of their landmark-worthy features.

Claremont Branch is to get a small addition of 340 square feet while losing 913 linear feet of shelving for books and materials, out of the existing 4,027 – a 23% cut in space for books. Other branches are to receive floor space expansions of 50% or more, while book space is to increase by only 4%.

The traditional adult and children’s reference desks – separate from each other and apart from busy and noisy circulation desks – are to be eliminated. The “Building Program,” authored by Page + Moris, dated January 2010, says that for South and West branches, “One service desk will serve the whole library.” The other branch building programs say the same thing in almost identical words. The reference librarians will be roving about, we are told in the “Building Program” and the same thing was said at one of the Board of Library Trustees (BOLT) meetings I attended in May and June. The “Building Program” says, “Librarians will be encouraged circulate through the public areas when they are on ‘desk duty’ for proactive interaction with library users, rather than to remain at the [single] Service Desk at all times.”

And another change in Berkeley’s branch libraries will be “Recognition Opportunities.” That means, in exchange for donations to the Berkeley Public Library Foundation, donor names and honorees are to be posted in locations such as library rooms, on or at the “North Branch
Chandelier,” on equipment such as self-check stations, in Children/Teen/Adult Areas, on book shelves. Additionally publicity from the Foundation says, “A donor wall will be prominently located in each branch,” and those giving more than $2,500 will receive “temporary recognition” in the Central Library.

Three current designs exceed lot coverage or setback requirements, some by substantial amounts. North Branch’s blockbuster two-story addition would add 77% to existing floor space – with only a 4% increase in shelving space for books. The addition would cause lot coverage to jump from 32% to 43% in a district zoned for a maximum of 40%. The park-like area to the west of the library, along Josephine Street, would have a two-story addition jutting out from the existing building, about 55 feet wide, and coming to as close as four feet from the property line, just 16 feet from the curb. The exact width and setback distance were unavailable as of June 10 because plans on file with the Planning Department did not show them, an error acknowledged by a Planning Department employee.

South Branch plans provide for lot coverage to balloon from 38% to 61%, where the allowable is 50%. In addition, two of South Branch’s proposed setbacks conflict with what is permitted. The West setback is to range from three feet to 37 feet, where six feet is required. And the North setback is to range from 6 feet 6 inches to 16 feet, where 15 feet is the minimum required.

Claremont Branch lot coverage increases from 60% to 63%, with a permitted coverage of 50%. A variance for the existing lot coverage was granted circa 1974, according to the Planning Department.

The Planning Department on May 26 voted 7-2 to recommend City Council approval of proposed zoning legislation, paving the way for City Council action expected June 29. At a “preview” of North Branch and Claremont branch plans presented to the Zoning Adjustments Board (ZAB) meeting June 10, one of the commissioners ask whether such legislation for exemption from having to obtain variances has been provided for other agencies. The Planning Department representative said No.

Bradley Wiedmaier, an architectural historian, said the proposed permanent zoning exemption represents “an assault on planning.” “North Branch’s new addition places an urban high-density addition, that is more suitable for a commercial district, into a residential, low-density neighborhood,” he said.

John English, a Berkeley citizen and preservationist, said “The most outrageous thing is that the Board (of Library Trustees) plans demolitions. Measure FF does not authorize demolition – it authorized renovations.”
Poor Maintenance Affects Library Branches

Berkeley has not been kind to all of its branch libraries. A report that includes the condition and history of Berkeley’s libraries was prepared for the library by Noll and Tam Architects in July, 2008. North Branch is a city landmark in “good to excellent” condition, and Claremont Branch “appears eligible to [be listed] to the California Register under Criterion 3 (design) with an overall condition of “good to excellent.

The Noll and Tam report said of South Branch: “It appears the property is eligible to [be listed on] the California Register for its association with architect John Hans Ostwald and potentially for its design characteristics.” But the report says the condition of the building is “fair to bad.” The report recommended “stabilization and repair” of “exterior portions of the original building [which] are among its most deteriorated features, though they appear very easy to restore. Additionally, they recommend “reversal of incompatible alterations….,” And, they wrote, “Restoration of the original lighting would measurably increase the historical integrity of the building in a way likely to be readily understood by many visitors. The same is true of the skylights. A 1975 book about the architect, John Hans Ostwald, would make assessment of the significance of the building easier, according to the report.

At West Branch, the report says 1970s changes have spoiled its “historical integrity.” “Most of the original exterior elevations are no longer visible, the ceiling in the reading room has been lowered, (adult reading room), and the original entry steps have been floored over. The 1970s additions are so divergent from the original in character, and alter and cover it so much on both interior and exterior, that they impair the historical integrity of the property.”

The report also includes pictures of West Branch’s coved ceiling and “wood crown molding” currently not visible because they are above the “suspended acoustic ceiling system in adult reading room’s northwest corner.”

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Peter Warfield is Executive Director of Library Users Association.

A previous article about library renovation plans was published in the Berkeley Daily Planet May 25, 2010, “Opposing Zoning Ordinance Changes Regarding Demolishing Libraries”.

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THREE.
Berkeley City Council to Take Final Vote on Library Exemption from Zoning Variances

By Peter Warfield, Executive Director, Library Users' Association
Monday July 05, 2010

Berkeley's City Council is scheduled to vote tonight, July 6, 2010, on a second, and presumably final, passage of legislation that would exempt the Berkeley Public Library (BPL) from having to obtain zoning Variances for any future renovations to, or demolitions with replacement of, existing buildings, including the downtown Central library.

At a contentious City Council meeting June 29, during which members of the public and then Council members raised questions about the legality and propriety of Measure FF (2008) being used to demolish two branch libraries, the Council nonetheless voted 10-0, with one abstention (Arreguin) to approve the legislation on first reading.

There were several problematic aspects to what happened, particularly regarding the accuracy of information provided to the City Council by the Planning Department and Board of Library Trustees (BOLT).

A Planning Department memo to the Mayor and City Council, dated June 29, 2010, asserted that the City Attorney gave advice about the legality of the library's planned demolition of South Branch and West Branch prior to planned replacement with new buildings. But when we caught up with the author of the memo, we were told that the advice had been given orally -- not in writing. We found this surprising, to say the least.
We are accustomed to seeing City Attorney opinions on significant matters made in writing. These are typically carefully worded products of research and experience, often containing citations to legal cases. The opinions usually state the question asked, and may extrapolate to questions not asked but still relevant to the matter at hand.

Additionally, we found an apparent serious error in the Planning Department memo's statement about the wording of Measure FF. The memo says, "Measure FF expressly referred to 'construction,' and therefore its funds "may be used for construction of new libraries." But we double-checked the wording and there is no mention of "construction" in the measure itself. The word "construction" is only used in the "City Attorney's Impartial Analysis of Measure FF."

The Planning Department memo additionally says Measure FF "does not prohibit demolition," and that "the City Attorney has also advised that Measure FF funds should not be used for demolition...." In somewhat tortured logic, the memo says, "current plans are to use other funds for demolition."

Susan Kupfer, Chair of the Board of Library Trustees (BOLT), sent a letter to the City Council dated June 18, 2010, in which she makes some interesting statements. One of them is this: "While the existing buildings are grandfathered in place, and the planned renovations and/or new construction are not an expansion of library collections or services, the lots on which they are located are small and there is the need to provide upgraded and compliant facilities which might require variances of the current code."

But in fact, it is not the case that the new library facility designs "might" require variances -- all three designs for all three branches whose designs are at the Planning Department DO require variances under current code. We noted this in a previous Daily Planet Article in the June 22, 2010 issue, "Berkeley's Branch Library Plans: Two Demolitions Instead of Renovation, Book Cuts and Permanent Changes to Zoning Variance Requirements."

North Branch's planned blockbuster two-story addition, which would extend close to Josephine Street, would add 77% to existing square footage, and would exceed the currently allowable 40% lot coverage. The plans would increase lot coverage to 43%, from the current 32%. 
South Branch, currently planned as a demolition and complete rebuild, would violate current zoning codes regarding both lot coverage and setbacks. Allowable lot coverage now is 50%, while the existing building covers 38%. The planned building's lot coverage would be 61%. The planned building would also violate existing setback requirements on two of its sides.

And Claremont Branch plans would also increase lot coverage beyond what was approved in the early 1970s as a variance allowing 60% coverage where 50% was and still is the maximum allowed. The newly planned expansion would make the building cover 63% of the lot.

Here is the exact wording of the Planning Department's June 29, 2010 paragraph regarding Measure FF and the library's demolition plans:

"Regarding the concerns raised by community members as to whether the proposed projects are consistent with Measure FF, the City Attorney has confirmed that Measure FF does not require expansion or retention of book shelving, and does not prohibit demolition. However, the City Attorney has also advised that Measure FF funds should not be used for demolition absent a validation action. Thus, at present there are no plans to use Measure FF funds for demolition. Rather, current plans are to use other funds for demolition. Because Measure FF expressly referred to 'construction,' Measure FF funds may be used for construction of new libraries."

This is wording of "City of Berkeley Bond Measure FF": "Shall the City of Berkeley issue general obligation bonds not exceeding $26,000,000 to renovate, expand, and make seismic and access improvements at four neighborhood branch libraries, but not the Central Library, with annual reporting by the Library Board to the City Council?"

And here is the second paragraph of the "City Attorney's Impartial Analysis of Measure FF":

"This bond measure would authorize the issuance of $26 million of general obligation bonds. The bond measure specifies that bond proceeds would be limited to renovation, construction, seismic, and disabled access improvements, and expansion of program areas at the City's four neighborhood branch libraries, but not the Central Library downtown. Current plans for renovation include restoration and refurbishment of historic features at the branch libraries as part of any renovation."

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FOUR.

BAHA Opposition to Demolitions:


Also at:  http://tinyurl.com/BPLPlans-4

Page One

BAHA Opposes Library Demolitions; Council Approves Zoning Waiver for Library

By Peter Warfield (Partisan Position)
Monday July 26, 2010

Berkeley Architectural Heritage Association (BAHA) has taken a formal position opposing demolition of Berkeley Public Library’s (BPL’s) South Branch Library, in a letter sent to the Planning Department earlier this month.

Meantime, the City Council on July 6 approved the library’s permanent exemption from having to obtain variances for existing buildings that are to be renovated or demolished and replaced,
and the Zoning Adjustments Board (ZAB) July 22 voted to approve use permits for Claremont and North Branch libraries, subject to the City Council’s exemption taking effect August 9. The use permits would allow the library to move forward with its renovation plans for the two libraries.

The library’s plans for Claremont Branch included a cut of 913 linear feet of shelving for books and materials, which is 23% of the library’s figure for existing shelving of 4,098 linear feet. However, in a modest victory for critics of the cuts, the library’s director, Donna Corbeil, said at the July 14 meeting of the Board of Library Trustees that the shelving cuts would be reduced. An attachment to the agenda showed a net shelving reduction of 574 linear feet, still a substantial number. The cuts would affect shelving for everything except Teen Magazines, Children “Programming,” and Holds (material from other library branches or library systems), which are to be increased by 34, 90, and 96 feet, respectively. The collection and media categories would be cut for all categories of users: adults, teens, and children.

In addition to formal opposition on South Branch, expressed in comment on an upcoming Environmental Impact Report, BAHA’s president, Daniella Thompson, writes in the online BAHA News dated July 21, 2010, “We are dismayed to learn that the Library Board of Trustees is planning to demolish two branch libraries: West Berkeley and South Berkeley.” She adds, “The Library Bond Measure FF, which passed in the November 2008 election, promised an altogether different outcome.”

Thompson goes on to say that “The West Berkeley Branch Library (William K. Bartges, 1923) was designated a Structure of Merit in 2003, and any application for a demolition permit should require CEQA review and a public hearing before the Landmarks Preservation Commission.”

South Branch, Thompson writes, “designed by John Hans Ostwald in 1960, is one of Berkeley’s Mid-Century Modern gems.”

Measure FF said the following: “Shall the City of Berkeley issue general obligation bonds not exceeding $26,000,000 to renovate, expand, and make seismic and access improvements at four neighborhood branch libraries, but not the Central Library, with annual reporting by the Library Board to the City Council?”

Measure FF made no mention of demolition.

According to a Planning Department memo to the City Council, the City Attorney has since advised that Measure FF funds may not be used for demolition, but could be used to rebuild libraries if funding for demolitions came from another source. As noted in a previous Commentary, the Planning Department said that this advice had been given orally, not in writing.

Numerous members of the public have spoken at public meetings and written letters opposing the library’s plans, particularly the demolitions.
At the City Council’s July 6, 2010 meeting, Council Member Susan Wengraf asked Director of Library Services Donna Corbeil “why the recommendation has been made that the two branches be demolished rather than be restored.” Ms. Wengraf said, “it would be useful for [the public] to know.”

Ms. Corbeil replied as follows, according to the city’s unofficial text file provided by Certified Realtime Reporter [Note: “sic” means we are quoting what was written, even though it may not appear to be quite right]:

“I am Donna Corbeil, director of the library. I think to speak to them together doesn’t do either one of those projects together [sic]. But the South Berkeley branch, we had extensive discussions there about the library and the architect looked at many options of trying to make that a functional library, to have as much square footage as we possibly could, and as you know there are two libraries also there. And brought forward several different options to the community, including keeping a portion of the current building. We also met I think at least three times with a subcommittee of the landmarks preservation commission to discussion [sic] the projects and options under consideration and held community meetings. It became clear in order to maximize that space to have as much library as we could and to function as efficiently as possible that a one-story option was preferred and that we could make best use of that site for the tool library and the library both with an entirely new building versus trying to keep one small section of the original building. So a lot of thought went into that, and it took many, many months to get to that place where the library board discussed that opening, I think at more than one meeting before they made that recommendation.” Ms. Corbeil continued: “The West branch project is a little bit – is not quite to that stage yet. We have held community meetings discussing the options. Again, the community – at the community meetings we talked about repainting the oldest portion of the building. As you know, it was added on to later on, and unfortunately, a large portion of the original building was destroyed in that addition at that time. And that branch is unique in that it houses the Berkeley Reads program which is our adult literacy program. And so trying to again maximize our space for both the Berkeley Reads program and Berkeley desire [sic] is to have one library so it runs more efficiently. Not to go on about it. But I think the board felt that was the best option for that community, given the space, a well functioning library, and to accommodate the needs of the literacy program. So that project is still under discussion as well.”

“S. Wengraf: Thank you very much.”

Peter Warfield is Executive Director of Library Users Association. Email: Libraryusers2004@yahoo.com.

Previous articles about Library plans by the same author have appeared in the Berkeley Daily Planet ’s issues of May 22, June 25, and July 6, 2010.

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Berkeleyside published an article two days later, dated July 28, by Frances Dinkelspiel, “South branch library demolition opposed.”

It quoted library director Donna Corbeil as saying the following about the South Branch Library:

“It’s a concrete block building,” she said. “It was a cute design for its time, but it was really built on the cheap. “

The full article is provided below. The url is:


Page One

Library Continues March to RFID, Branch Demolitions Despite Opposition and Lawsuit
Berkeley Public Library’s Board of Library Trustees (BOLT) approved the purchase of a new RFID (Radio Frequency Identification) check-out/check-in system from a new vendor, Bibliotheca, to replace the existing system from Checkpoint, despite near-unanimous opposition from members of the public at the meeting, whose concerns included privacy threats, high cost, and potential health risks to the public and staff from radio frequency radiation.

BOLT took the action on a unanimous 4-0 vote at a Special Meeting October 18, 2010 (Winston Burton, Abigail Franklin, Susan Kupfer, and Darryl Moore, with Carolyn Henry-Golphin absent). The Trustees approved signing a three-year contract not to exceed $447,006, through October 28, 2013.

The Monday, October 18th Special Meeting had been called after cancellation of the regularly scheduled meeting of Wednesday, October 13. With agendas mailed late Thursday, October 14th, according to the library, a number of the members of the public on the mailing list only received notice the same day as the specially-scheduled Monday meeting. It appeared to be a very hastily called meeting with minimal advance notice, on a matter the library has been considering for well over a year.

A contract for an RFID system was signed with the vendor, Bibliotheca, on October 29, 2010.

Despite the short notice and unusual time and day of the meeting, nine members of the public spoke during Public Comment. Every member of the public who spoke to the matter of RFID opposed the system, suggesting the library obtain a barcode system instead. One member of the public did not address the issue of RFID but rather praised the library for taking steps toward fulfilling its obligations under the Nuclear Free Berkeley Act (NFBA).

The City Council on January 27, 2009, had granted the library a two-year waiver under the Act so as to allow the 3M company to maintain the library’s existing proprietary RFID check-out/check-in system for just two years, with the expectation that the library would find a compliant vendor to maintain or replace the system within that time. The library wanted to give the 3M Company a contract to take over over maintenance of the library’s Checkpoint RFID system in 2008, when 3M became Checkpoint’s exclusive provider of maintenance. However, 3M would not sign Berkeley’s standard form that it would not do work for nuclear weapons during the life of the contract.

Questions remain as to the scheduling of the new RFID system’s installation, and when the 3M maintenance contract for the existing system is to be terminated. The Library’s plans indicate implementation is to be phased, beginning with Central, and the West and South branches. Implementation at North and Claremont branches is to occur in fiscal year 2011-2012. The latter installations would exceed the City Council’s two-year waiver of the Nuclear Free Berkeley Act by four to 16 months, and raise the question of when use of the existing system and its maintenance by 3M are to be ended.
Lawsuit Against Demolitions Filed

Recently, a group called Concerned Library Users (CLU) filed a lawsuit opposing the Library’s plans to demolish West Branch and South Branch library buildings. The demolitions are part of the Library’s plan to replace these buildings with brand-new ones, rather than renovate and expand the branches, as provided by Measure FF, which passed in 2008.

Library publicity and studies have praised both the West Branch and South Branch library buildings for their architectural qualities. West Branch was designated by the city as a “Structure of Merit” and Berkeley Architectural Heritage Association (BAHA) is among those supporting renovation and expansion, instead of demolition.

The CLU lawsuit argues that Measure FF provided funding for renovations and expansions -- not demolitions -- and that the Library’s current demolition plans are not a legitimate use of the funds provided by the measure.

An appeal of the Zoning Adjustment Board’s approval for the North and Claremont branch libraries’ building expansions has also been filed and is scheduled to be heard by the Berkeley City Council on December 7, 2010. The Library’s plans would expand both branches beyond the lot coverage percentages allowed prior to the recent City Council action to permanently waive the need for variances when existing library buildings are expanded or demolished and rebuilt.

The CLU lawsuit also challenges the legality of the City Council’s legislation because, it says, potential environmental impacts were not adequately considered as required under the California Environmental Quality Act (CEQA).

The planned renovations to the Claremont Branch, despite a small increase in floor space, would provide less floor space for the public, according to a Planning Department memo, and would also diminish public service by drastically cutting back on existing space for books, according to library plans. The library plans for North Branch include a very substantial 77% increase in floor space, but a much smaller percentage increase in shelving for books and materials. In both instances this represents an unfortunate book de-emphasis.

Peter Warfield is Executive Director of Library Users Association and can be reached at libraryusers2004@yahoo.com. Four articles about the Berkeley Public Library’s branch renovation and demolition plans have previously appeared in the Berkeley Daily Planet in May, June, and July, 2010.
-----Original Message-----
From: Daniella Thompson [mailto:editor@berkeleyheritage.com]
Sent: Monday, January 31, 2011 2:47 PM
To: Sage, Aaron E.
Cc: baha@berkeleyheritage.com
Subject: BAHA comments on Branch Libraries DEIR

Aaron,

Attached please find BAHA's comments on the Branch Libraries DEIR.

--
Daniella Thompson

President
Berkeley Architectural Heritage Assn.
http://berkeleyheritage.com
January 31, 2011

Aaron Sage
City of Berkeley Planning Dept.
2120 Milvia Street
Berkeley, CA 94704

Re: Comments on Draft Environmental Impact Report for the Berkeley Branch Libraries Program

Dear Mr. Sage:

The Berkeley Architectural Heritage Association (BAHA) firmly supports renovating, improving, and upgrading Berkeley’s branch libraries. However, we remain extremely concerned at and discouraged by the attitude of the City of Berkeley and the Berkeley Public Library leadership towards both historic preservation and the integrity of public funding processes.

Measure FF provided for the renovation, expansion, and improvement of the four branch libraries. The Library now asserts it has the right to use this funding for the demolition and rebuilding of two of those branches. We disagree. This is a good-government issue entirely separate from the merits of the currently proposed projects. It is not acceptable public policy to take funds approved by the voters for a very specific purpose and re-direct them to a purpose that was not mentioned—and was, in fact, essentially foreclosed—in the voter approval process.

The Zoning Amendment also analyzed in the DEIR goes beyond facilitation of the current Branch Library programs to provide a blanket loophole, in perpetuity, for the Berkeley Public Library to alter, demolish, replace, renovate, or expand any of its five facilities, including the historic Central, North Berkeley, and Claremont Libraries.

This permanent blanket exemption is not needed for the Central Library at all—a facility not included in the Branch Libraries Program—and is dangerous to the futures of the North Berkeley and Claremont branches, since it would make it easier for future library administrations to propose demolition of those historic resources and obtain City approval under the Zoning Ordinance.

In addition, the current plans for the South and West Berkeley Branch Libraries as analyzed in the DEIR needlessly destroy established historic resources important to the Berkeley community. The DEIR acknowledges these are significant impacts to
historic resources. This is entirely at odds with the Library’s own publicity, as found on its “Frequently Asked Questions About the Library Bond” page, on January 29, 2011: http://berkeleypubliclibrary.org/about_the_library/bond_faq.php

The page states: “Will the historic elements of the Branch Libraries be preserved? Absolutely! Current plans for renovation include restoration and refurbishment of historic features at the branch libraries as part of any renovation, while improving their functionality into the 21st century.”

Aside from these general comments, below are our specific concerns about the DEIR.

Errors in the Document

Page 3-12 of the DEIR contains a factual error. It states that at the September 17, 2009, community meeting regarding the South Berkeley Library, “the general consensus was that maximum use of space was more important than preserving the building.” In fact, of the small public attendance at that meeting, at least three individuals spoke clearly and emphatically in favor of renovation of the existing historic library. The word “consensus” is not accurate in this context.

Undesirable Breadth of the Zoning Amendment

(A) The DEIR states on pages 1-4 and 1-5, that “in the interests of facilitating the branch Library projects for which an extensive public outreach process had been carried out, and a bond had already been approved by the voters, the City proposed adding the following language to the Zoning Ordinance to remove the need for Variances on these projects...

...any conforming or lawful non-conforming public library existing as of May 1, 2010 may be (1) changed, (2) expanded, or (3) demolished and a new public library constructed on the same site, subject to issuance of a use permit…”

Please explain in the FEIR why the proposed zoning amendment includes language allowing demolition, when demolition was not included as an option in the Measure FF bond.

Please explain why the proposed Zoning Amendment includes language allowing change, expansion, or demolition/new construction at all public libraries in Berkeley, when the Measure FF bond and the City’s recent planning processes for spending Measure FF funds have been specific to the branch libraries and have explicitly not included the Central Library.

In essence: why is the Central Library a part of the Zoning Amendment at all? We suggest removing the Central Library entirely from the proposed Zoning Amendment.

(B) Additionally, the DEIR states on page i-5:

“As there are no proposed projects involving the Central Library (which was substantially renovated and expanded beginning in 2000)…this EIR is focused on the environmental implications of the ZOA as it pertains to the South and West Branches only…”

On page 2-2, the DEIR states that “…there are no projects planned for foreseeable for the Central Library…”
Neither statement is accurate. The Board of Library Trustees initiated in 2009 and adopted in 2010 a Central Library Planning Study that contemplated, among other things, reorganization of functions, spaces, and circulation within the Central Library, possibly including the original, historic landmark building.

Please examine plans for the reorganization of the Central Library facility as considered and/or proposed in the Central Library Planning Study (initiated by the Board of Library Trustees in July, 2009). Do these plans have any potential for additions, demolitions, expansions, or renovations at the Central Library? If so, please evaluate their environmental impact as part of the Final EIR.

Please include a summary of the Central Library Planning Study in the FEIR and specific descriptions of projects proposed and/or approved within it that might alter the physical character of the Central Library, particularly the historic spaces.

(C) Historically, Berkeley Public Library facilities have undergone numerous renovations, relocations, additions, and replacements as programs and public needs have changed. Major changes to BPL facilities occurred as follows:

- The Central Library facility was built in 1905, demolished in 1930, replaced by the current, now-historic, Main Library in 1931, expanded in the 1960s, and entirely renovated and expanded in 2002. That represents four major facilities changes over 97 years at Central.

- The South Berkeley Branch facility was built in 1927 at a different site, removed to its current site and a new building in 1961, added to in 1974 and 1979. That represents four major facilities changes over 84 years.

- The Claremont Branch facility was built in 1924 and extensively added to in 1975, representing two major facilities changes in 87 years.

- The West Berkeley Branch facility was built in 1923, extensively renovated and expanded in 1973, representing two major facilities changes in 88 years.

- Only the North Berkeley Branch Library has not undergone major expansion or renovation or replacement since its original construction in the 1936.

In sum, over a little more than a century, Berkeley has seen 12 major new construction of extensive addition/renovation projects to its public library facilities, with another two (North and Claremont) getting underway this year, and two more (South and West) proposed.

That represents 16 major new building, relocation, or renovation/addition projects since 1905 to Berkeley Public Library facilities. Given that history and the rapid pace of change in technology and public facilities usage, it is entirely foreseeable—indeed, it is certain—that the Central Library and all the branch libraries—both renovated and rebuilt—with undergo further projects in the future, quite possibly within a few decades.

The DEIR cannot pretend that just because there are no major library construction projects proposed beyond the current ones for the branches that it is not foreseeable
that the Zoning Amendment—proposed to be in place permanently—will not have an effect on library facilities and resources beyond the current renovations.

We ask that the FEIR specifically evaluate, under Cultural Resources impacts, the potential of the Zoning Amendment to enable the demolition or alteration of the North, Claremont, and historic Main Library facilities in the future.

An alternative would be for the Zoning Amendment to apply only to the four branch projects and to expire after their completion, rather than remain in force. This would not only obviate the need for any long-term mitigations, but would appropriately allow future Berkeley residents and governing bodies to make their own decisions about the desirability of major library alterations.

Mitigation Comments

A. Mitigation Measure CULTURAL-South 1A states in part: “The project sponsors should undertake a salvage program to save an reuse the wood slat ceiling…”

This mitigation should be amended to replace “should” with “will” or “shall.” There is no effective meaning to a mitigation that suggests something “should” be done, but does not require it.

B. There should be, at a minimum, an additional mitigation under Cultural Resources for both West and South branches, requiring measured drawing documentation of the historic structures (Ostwald’s original South Berkeley branch, Bartages’ original West Berkeley branch) to the standards of the Historic American Building Survey (HABS) and photo-documentation of the entire present structures, to the standards of the Historic American Building Survey (HABS).

The DEIR acknowledges that both original branch facilities are historically significant.

The HABS documentation should be done by a professional architectural historian, and the resulting material deposited in one (and, preferably, two) public archives, possibly the Main Library History Room and the Environmental Design Archives at the College of Environmental Design, UC Berkeley.

Please note that HABS documentation would contribute useful permanent documentary materials for use in the mitigations proposed in Cultural South 1b, and Cultural West 1a and 1b, but those mitigations in and of themselves are not sufficient to properly document the buildings if they are demolished. HABS documentation is the appropriate mitigation in these circumstances, not simply the collection of some historic materials to be displayed in a “kiosk.”

C. Archaeological Mitigation. Page 3-19 of the DEIR states that a portion of the South Branch was built over a foundation from a building constructed in 1911 or earlier and believed to be part of a Berkeley church from that era. Page 3-24 states: “the new library would be built over a portion of the existing basement from a previous building on the site that underlies the existing library. The top 3 feet of the basement walls would be removed and the basement filled and compacted for new construction…”

BAHA DEIR Comments—Branch Library Projects, January 31, 2011, page 4 of 7
These statements confirm that the South Branch site contains known pre-1911 archaeological features. The construction process should be governed by a mitigation that would provide for an archaeologist qualified in the understanding of early Bay Area buildings to evaluate the construction procedures, examine the site as the pre-1911 structure is unearthed, and recommend salvage and treatment for any archaeological artifacts found during that process.

The Archaeological Research Facility (ARF) at the University of California, Berkeley, has undertaken a number of similar excavations in Berkeley and should be contacted for advice on the proper wording of a mitigation and procedures to be followed.

Please note that requirements very similar to these are specified on page 4.1-8 of the DEIR summarizing City of Berkeley Standard Conditions of Approval: Archaeological Resources. The City’s standard requirements require consultation with a qualified archaeologist if any cultural resources are found on site, and define cultural resources to include “…foundations…”

Since the DEIR and Library studies already document the existence of a pre-1911 foundation on the South Branch site, this standard should have been incorporated as a specific cultural resource mitigation in the DEIR.

A passing reference to adhering to Standard Conditions of Approval on page 4.1-17 is not sufficient. This should be a specific mitigation.

Project Alternatives

A. Please include and evaluate an additional mitigation for the South Berkeley Branch, defined as a “Partial renovation and site expansion” alternative. For the South Berkeley Library, an appropriate alternative consistent with both the stated goals of Measure FF and the renovation/expansion needs defined by the Library for the branch would be for the City to purchase a portion of the adjacent vacant property immediately to the north of the Library, removal of the 1960s addition to the branch, and construction of a hybrid scheme involving renovation of the original historic library at the corner of Russell and Martin Luther King, Jr. Way and a new addition extending over the present site and the additional land.

This would be an environmentally and programmatically superior alternative since it would not only preserve the historic sections of the building but give the branch additional space for a suitably sized addition/expansion beyond the existing, constrained, footprint of the Library site.

The DEIR states on page 2-10 that “an EIR must evaluate a reasonable range of feasible alternatives to the project or the location of the project that would achieve most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project.”

This alternative would indeed achieve that goal.

B. Please include and evaluate an additional mitigation for the West Berkeley Branch, defined as a “Partial renovation and site expansion” alternative.
For the West Berkeley Library, an appropriate alternative consistent with both the stated goals of Measure FF and the renovation/expansion needs defined by the Library for the branch would be for the City to purchase a portion of the adjacent parking lot immediately to the west of the Library, removal of the 1970s addition to the branch, and construction of a hybrid scheme involving renovation of the remaining original library structure and construction of an addition on the enlarged site.

This would be an environmentally and programmatically superior alternative, since it would not only preserve the historic sections of the building, but give the branch additional space for a suitably sized addition/expansion beyond the existing, constrained, footprint of the Library site.

C. The DEIR contains a substantial flaw in that it lacks adequate analysis of Measure FF and building demolition.

Measure FF expressly provided funds to “renovate, expand, and make seismic and access improvements at four neighborhood branch libraries”. It did not provide funds to demolish the branches and/or entirely rebuild them on the same site, or on any other site.

The Alternatives section of the DEIR, page 5-1, states that “An off-site alternative was not considered because the proceeds of Measure FF bonds may not be used except at the four existing branch library sites, and there are no other funds available for the renovations…”

Authority for this statement is footnoted as “Memorandum from Zach Cowan, Acting City Attorney to Donna Corbeil, Library Director, dated October 2, 2009. Subject: Expenditure of Measure FF Funds for Construction of Replacement New Tool Lending Library at New Site.”

Please provide a copy of this correspondence in the FEIR, rather than a short summary reference without quotations.

If, for legal reasons, the correspondence cannot be provided in the FEIR, please withdraw the entire statement from the FEIR.

The FEIR is a public document, analyzing material in the public domain. If the Library cannot or will not provide the public with a document that is used as the sole support for a major claim of the DEIR and Alternatives section, that claim should not be made. How is the public to evaluate its validity without a public airing and discussion of the supporting documentation?

The DEIR goes on to state, page 5-2, that “The Bond Measure itself, as well as the impartial analysis of the Bond Measure and the Bond Measure arguments, made no mention of moving an existing branch library to a different site and therefore evaluation of off-site locations is not appropriate.”

The Bond Measure itself, the impartial analysis of the Bond measure provided to voters, and the official Bond Measure arguments also made no mention of demolishing an existing branch library. In fact, they referred only to “renovate, expand, and make seismic and access improvements”, and every piece of publicly
available literature or correspondence during the election campaign from the Measure FF proponents reinforced the assumption that the money would be used only for those purposes.

Please explain in the FEIR how the document can conclude that relocation of a branch is not an option because it was not mentioned in the Bond Measure or campaign, but demolition of half of the branch libraries is allowed, even though no mention was made of demolition.

If the FEIR contends that demolition is allowable under Measure FF, please provide supporting documentation in the public domain to fully establish this claim.

This all seems to be a case of the City of Berkeley and the Berkeley Public Library picking and choosing selective interpretations of Measure FF to support pre-ordained conclusions.

Sincerely,

Daniella Thompson
President
Hi Aaron, Please accept this comment to the draft EIR for the North and West Branch Libraries. Thanks so much.

Todd Jersey

TODD JERSEY ARCHITECTURE
1321 EIGHTH STREET, SUITE 2
BERKELEY, CA 94710

Todd Jersey, AIA
Principal
DIRECT: 510.528.5477 x301
OFFICE: 510.528.5477
todd@toddjerseyarchitecture.com

http://www.toddjerseyarchitecture.com
January 30, 2011

To: Aaron Sage
City of Berkeley Planning Dept.
2120 Milvia Street
Berkeley, CA 94704

From: Todd Jersey, Architect

RE: Draft Outline Rebuttal to Draft EIR of Berkeley Branch Libraries (West and South)

Dear Aaron,

As you may know, I am a Berkeley resident and a leading practitioner of sustainable architecture, with offices on 8th and Gilman street in Berkeley. You may also know that from my public presentations that I grew up in Berkeley and have extremely fond memories of the South Branch Library as a child in the early 1970’s. I remember feeling safe welcomed in these warm and carefully designed and crafted spaces.

The original South Branch, though suffering from years of neglect and poor “upgrades”, is a wonderful and rare example of the kind of human scaled architecture that came out of the notion of design for the public good which was taught and practiced in the late 1950-s and 1960s. The West branch, while not as unique as the South is also considered a historic structure of merit by the architectural community and is a lovely old building.

Both of these buildings require our best thinking and planning to adopt them into any scheme for expanding or remodeling these branch libraries. Having studied the Draft EIR and the proposed designs and design process, it is my general opinion that there was a lack of commitment and/or emphasis to save these original buildings by both Field Paoli on the South Branch and Harvey Ellis Deveraux on the West Branch.

Since it is relevant to this conversation I want to let you know that I am also the architect and major preservation force behind the restoration of the venerable Richmond Plunge, one of the nation’s premier restoration projects of the last few years. I designed the structural system to seismically upgrade this structure in a way that saved hundreds of thousands of dollars over what was originally propose by another architect/structural engineering team. I have the skill, experience and passion for saving and restoring old beloved buildings.

It is from my work with the Plunge that I was contacted by the Concerned Library Users (CLU) to look at the Draft EIR which was submitted by Design, Community & Environment for public review on December 14, 2010. The CLU has specifically tasked me with looking at the assumptions made by the City and its consultants that have led to the plans to demolish rather than restore and add to the original West and South branches of the library and to provide my opinion as to the validity of those assumptions. They also asked me to see if I could create designs for the West and South Branch libraries which met all the requirements of the Facilities Master Plan while saving the original buildings. I have happily taken on these tasks which I think we have successfully accomplished.

This report is the result of this work and I submit it to you and in the public record as a road map toward saving the original South and West branch library buildings. It comes with floor plans and square footage lists to back up our claims.

I do want to say at this point that, outside of the issue of saving the original buildings the new proposals designed by the separate firms are pleasant and mostly well considered and done by design firms I have great respect for. However it is my opinion that, though brand new, both proposals are still cramped for space on the small existing lots and do not provide sufficient long term storage or room to expand and grow, which is essential for public libraries. We sought to address this issue with the addition of long term storage space and in the case of the West, larger program spaces, and to do so at the same overall construction costs.

The Draft EIR:

Let us now move to an examination of the EIR itself and its reports on what is needed for the new libraries as well as the assumptions, statements and conclusions about the original structures.
The first part of the EIR discusses the Facilities Master Plan which was released in July 2008 which established the following problems at the South and West branches:

South:
- Not Seismically Sound
- Lack of sufficient staff office, equipment and workspace
- Lack of sufficient programming, computer and common space
- Lack of sufficient space for collections and materials, including too library
- Inadequate seating and lighting
- Inadequate and outdated electrical, ventilation and plumbing systems
- Structural damage from decay and rot
- Occasional flooding in rainy season
- Not ADA compliant

West:
- Not Seismically Sound
- Lack of sufficient staff office, equipment and workspace
- Lack of sufficient programming and meeting space including “Berkeley Reads” the adult literacy program
- Lack of sufficient space for collections and materials, including too library
- Inadequate lighting
- Inadequate and outdated electrical, ventilation and plumbing systems
- Structural damage from decay and rot
- Not ADA compliant

This list is the baseline for improvements and is generally acceptable to all parties. In addition the DEIR correctly determines that the original libraries are projects of historic merit and therefore cultural resources which would constitute significant detriment if lost.

What is unacceptable to me as a Berkeley resident and green preservation architect (and to the CLU), are certain notions, assumptions and conclusions about the potential or lack thereof of the original libraries to be saved as a part of an expanded new modern library as required by the FMP.

The first troubling notion is that the architects hired by the City for these project have fulfilled the requirement that a “reasonable range of alternatives to avoid significant impacts” as required by law. I have looked at the alternatives that the architects of the West branch have put forward to keep the buildings as a part of an expanded scheme and I find them to be less than exhaustive and actually quite rudimentary in nature. The architects of the South did a more extensive look at saving at least the main historic reading room, but they never seemed to come up with a scheme which had sufficient creativity to demonstrate a successful path towards saving and reintegrating the original building. Both studies in this regard seemed to me to be more committed to justifying demolition of the original buildings than preservation of the valued historic fabric. It seems to me likely that the designers and others involved were heavily weighted and prejudiced toward demolition.

Along these lines there are troubling conclusions reached in the EIR with regard to the feasibility of saving the original buildings. For instance, with regard to the designs that keep the original South Branch buildings, this comment is found on page 2-10:

“This alternative (saving the original library) however, would result in an effectively smaller library with reduced programming and would not accomplish most of the project objectives”

This is a statement that has led to the determination that it is not feasible to keep the original building and is, in my opinion a false assertion based upon insufficient discovery and creativity and was unfortunately a death sentence for the historic building. In a relatively short time, my office has come up with as design that meets every single project objective, saves the South Branch.
On page 3-1 it is stated that in 2009 the Architects studied design options for the South Branch that retained and reused the original Adult and Child reading rooms but warns that structural testing was done and that the horizontal rebar was only at the top of the wall and that there was insufficient roof support (this is visibly obvious). Then the report warns us:

“This could result in failure due to shearing in an earthquake”

And then the report makes the assertion that fixing these problems would:

“Alter the appearance of the building”

This seems to me an attempt to try and make a case increasing the perceived cost of saving the building in dollars scaring us to believe that it can’t be fixed without looking badly. The truth as I see it is that the original building is easily seismically strengthened and in ways which do not significantly alteration to the appearance of the building.

The most troubling statement I found in the Draft EIR regarding the West Branch is this statement on page 3-39 with regard to the original W Barteges building:

“Due to the extensive renovations required, it would essentially have to be rebuilt”

To the extent that they falsely lead to the demolition of important cultural resources, I find these assertions to be inappropriately misleading.

Now lets look at what we can do if, instead of assuming that these buildings are a detriment to a new modern library, we commit ourselves to their preservation and find ways to create a greater more culturally valuable new whole than what we would have if we demolished these projects:

How we did it:

West Branch:

The key ideas we employed to save and re-integrate the original structure:

- Restore the original library as the Adult Reading Room. This is a perfect space for an adult reading room, especially when restored with its original skylight! This reading room is also much larger than the reading area scheme proposed by the design firm Harvey Ellis Deveraux.
- Restore the original façade as a beautiful classical design that already has terrific civic presence! This saves a large sum of money over demolishing a building with this kind of civic presence and then having to recreate this existing civic presence in expensive modern design elements as proposed in the Harvey Ellis Deveraux design.
- Move the building to a location 2 feet north of the current sidewalk and closer to the east property line to increase it’s civic presence on University Avenue and make room for expanded program space to the west and behind the original building.
- Create a new entry courtyard on the west side of the original building with stairs, bike parking and a ADA ramp that allows those with disabilities to start the building entrance process in the same location as non disabled persons thus confirming to Universal Design practices.
- Split the building program into two distinct parts and make the building two stories to house the distinct parts. Place the library program on the first level and the literacy, meeting spaces and mechanical and longer term storage on upper level. This allows us to have much less of a building footprint and to save the lovely redwood grove in the back of the library and make that a feature of the new library.
- Put the Berkeley Reads program and the dedicated meeting room on the second level. Both can be accessed independent of the library but access to the upper level is seen by library personnel at the service desk to increase security.

It should be noted that keeping the meeting room on the ground level was desired so that library users could access this room when it is not being used so as to increase the area in the library for reading and study. Our design has a library that is larger than what is proposed even with the meeting room counted full time. This allows us to have a meeting room that is dedicated to meeting function and therefore much better at its dedicated function. It can also be used as a conference room for staff, etc without removing library patrons. Also this room can be used for all sorts of
programs during the day that would be awkward to be housed in a space that is basically inside a library. Uses such as music and dance class, etc. It should also be noted that there is really no reason at all to keep the Adult Literacy Program on the ground level. It is an entirely distinct program and will have a better identity being separate from the library proper. Also by placing it on the second level we eliminate two separate entrances to the library and the long exterior corridor to the east which could be a security risk especially at night.

- Put the kid’s room into a playful and comforting round room that is embedded into the redwood grove so kids can learn amongst the giants.

Advantages in our design:

- Our library is bigger! We have more breathing room for a larger library that has room to grow. Our adult reading room is almost twice the size of the Harvey Ellis Deveraux design.
- We save the redwood grove and can then place the kids room to be between and amongst the redwoods. This enables us to do something kids will love and that works with our biological and cultural heritage in a fun way.
- We show how cultural assets can be recombined into creative new compositions
- We avoid having two separate entrances and access the library proper, meeting rooms and the Berkeley Reads program from the same lobby. This increases the security and avoids a long unsupervised exterior walk that the HED plans have to allow for access the Berkeley Reads program when the library is closed.
- We get more library square footage for the same money! It will be argued that our larger library will be too expensive. Nonsense! Our design spends money on the restoration of the original for our new adult reading room and our dramatic circular kids space and the rest of the building is class A rated commercial space which is being built by prevailing and union wages all over the bay area for less than $300 per square foot! Our scheme uses the existing building to create the civic presence of the project. We avoid the type of gymnastic architectural features that are employed in the new design to make it appealing by re-using an original structure of significant appeal and in a significant place. We then build another new building and connect the two with durable and elegant but not showy commercial quality construction systems and materials. Again, I just completed one of the most renowned historic restoration projects in the nation in the Richmond Plunge and did so at prevailing wages for $250 per square foot including a near Olympic sized interior swimming pool! I know that our design can be done for the same or less than the 4.6 million dollar figure being proposed for the new design and that we can get a bigger and more spacious library in the process!

South Branch:

Key ideas to save and reintegrate the original structure:

- Put additional entrance off MLK between existing children’s reading room and new building.
- Put meeting room in original kids room to put the meeting room at the corner and give it better presence and access by public. Also place bathrooms off MLK entrance so meeting rooms can be closed off to library but still have access to restrooms
- Create additional interior ceiling height in new spaces
- Create additional interior height in original children’s room (new meeting room) by creating a hip roof similar to adult reading room.
- Create limited second level for long term storage for tools, books etc. and a lounge with privacy from staff and view on the upper level and mechanical and IT space. A limited use elevator can be placed for under $100,000. Again, placing this now allows for breathing room for the staff and much needed storage space. This storage space is needed but not provided in the proposed scheme by Field Paoli. Our proposal has ample area for storage which every library really desperately needs. The money by reemploying the existing structures in our scheme easily pays for the elevator, stairs and extra square footage for storage. This storage space can be built and conditioned very inexpensively. Why not take advantage of vertical air space to help us make a library that can grow!

Advantages in our design:

- We have a larger library for the same money! By employing vertical space, we create larger spaces with more breathing room. Our adult reading room, which is the original historic reading room, has 150 square feet more than the adult reading room in the Field Paoli scheme.
We have a bigger (100sf larger) and a larger private staff lounge on a partial second level which has bay and hill views and is away from the hustle and bustle of the main level staff work area to provide more separation between work and rest.

We have a 400sf long term storage area on the upper level.

We have a sizable mechanical and electrical room on the upper level. This alone will reduce costs from our HVAC subcontractor!

We have a larger IT room

We show how cultural assets can be recombined into creative new compositions

Construction cost is less! Forget the argument that our larger library and second level make our scheme more expensive. We use the same strategy to fix up the original and piggy back on its beauty to create a wonderful elegant new composition and do so for less money than what it would take to create the Field Paoli scheme.

Let’s now revisit the FMP criterion specifically to see how we are doing against that criterion:

South:

Not Seismically Sound

- The original building has a wood frame roof structure and the overall building is low and has a low seismic load. We can take care of a seismic upgrade to this building in a variety of economical methods that DO NOT CHANGE THE LOOK OF THE BUILDING, similar to what I employed at the Richmond Plunge which was a much greater challenge. This is a lengthy discussion for a later submittal.

Lack of sufficient staff office, equipment and workspace

- This has been addressed in our design. Our square footages meet or exceed those of the proposed design. See attached plans and square footage comparisons.

Lack of sufficient programming, computer and common space

- This has been addressed in our design. Our square footages meet or exceed those of the proposed design. See attached plans. We are using the original children’s room as the multi purpose room as its square footage and location is similar to what is proposed by the Field Paoli design and allows us to keep the original room.

Lack of sufficient space for collections and materials, including too library

- This has been addressed in our design. Our square footages meet or exceed those of the proposed design. We have added a second level storage space over the tool library to create more space for books and materials that might want to be stored rather than on open shelves. This gives the library much more breathing room so stuff that really should be in longer term storage is not boxed lying around the staff work area as will surely occur without extra storage. See attached plans.

Inadequate seating and lighting

- Our seating exceeds the proposed. Natural light will be from skylight in keeping with the original design. Artificial lighting is TBD

Inadequate and outdated electrical, ventilation and plumbing systems

- Both schemes upgrade the HVAC strategies and systems and employ radiant floor heating and natural ventilation.

Structural damage from decay and rot

- Walls are CMU and in great shape. Roof easily repaired and made to last using steel beams for overhangs and replacing sagging wood members.

Occasional flooding in rainy season

- Not clear what the source of this is but most likely has several remedies as would be employed in either scheme.

West:

Not Seismically Sound.
This building is a simple light wood framed building which is very easy and economical to seismically upgrade and move into another location. The original building is no bigger than a nice large home and its roof and floor diaphragms are in fine shape. Simple stuff; done all day every day in the Bay Area.

Lack of sufficient staff office, equipment and workspace
- This has been addressed in our design. Our square footages meet or exceed those of the proposed design. Again we go vertical to gain valuable long term storage and ample mechanical space. It should be also noted that the proposed design uses a two story volume to “create civic presence” Why not use the volume for space to serve library program instead of an expensive way to create more mass and presence. See attached plans

Lack of sufficient programming and meeting space including “Berkeley Reads” the adult literacy program
- Again, in our design we provide “breathing room” for the libraries to expand some and have more storage and staging area. The second level is again key to allowing this breathing room. The Berkeley Reads program has its own identity and upper lobby area and the meeting room is larger than the proposed design and dedicated to meeting space. Our ground level library is larger than the proposed space with our Adult area being substantially larger than proposed. We win the additional space game hands down.

Lack of sufficient space for collections and materials, including too library
- This has been accomplished and some. See above.

Inadequate lighting; Inadequate and outdated electrical, ventilation and plumbing systems; Structural damage.
- All can be easily, economically and sufficiently addressed as would as is also done in the proposed design

Other discussion points:

Issue of “Civic Presence” and aesthetics:
In both of our designs we use the existing buildings as places of “embodied civic presence” and elegance rather than tearing them down and using new expensive tall volumes and costly architectural methods and materials to create interest and presence. By working with the inherent beauty of the original buildings we save a TON of money by not having to re create and reestablish that beauty, scale and harmony with entirely new architectural fabric.

Since aesthetics is not technically a part of the Draft EIR nor a part of the task of demonstrating the feasibility of saving the original buildings, I am not including the design sketches and perspectives we have developed to demonstrate the aesthetic beauty we have developed in our designs. These will be a part of any public presentation as the public discourse moves forward. I can say that our general approach is to attach the original buildings with low spaces and once away from the original buildings to pop up into higher volume single story spaces and our multi story areas. This allows the original buildings to remain set off from anything new and continue to have independent artistic clarity and distinction. This is typically how we make additions to historic buildings and the where I have employed this simple and elegant strategy the project has been received awards for the careful blend of historic and new elements. This is said because we are not strangers to this issue or its challenges and we have succeeded in every instance of creating harmonious new composition that respects and enhances the existing while creating a powerful new whole.

Green Design:
Todd Jersey Architecture is one of the leading green design firms in the nation having been doing innovative sustainable approaches to design for over 20 years. All green architects know that rule number one is to save and reincorporate existing architectural fabric wherever we can. In fact the LEED green building certification system awards points to projects that save existing buildings. The truth is we can’t afford to tear down buildings and the embodied energy they contain and call our projects green or sustainable. By saving the original buildings we should be able to reach a LEED Platinum level on both locations if desired. Our firm designed a LEED Platinum class A commercial space at a cost of less than $200 per square foot that is now well on its way to being completed. This translates into a prevailing wage cost of about $250 per square foot. We can do the same for our libraries!

Construction Costs (all costs assume prevailing wages):
West:
Site work and vertical circulation: $400,000
<table>
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<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restore and move original 1,800sf original library to new foundation @ 350sf:</td>
<td>$630,000</td>
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<tr>
<td>New 1,000sf Children’s Room at $500/sf</td>
<td>$500,000</td>
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<tr>
<td>Remainder of library, meeting space and literacy program, 11,000 at $300/sf (grade A commercial):</td>
<td>$3,300,000</td>
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<tr>
<td><strong>Total:</strong></td>
<td><strong>$4,830,000</strong></td>
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**South:**

- Site work: $300,000
- Restore original children’s room and adult reading rooms: $900,000
- New portion of library, 6,000sf at $400psf (higher psf than West due to use of CMU block) $2,400,000
- Upper level storage, break room with vertical circulation $300,000
- **Total construction cost:** $3,900,000

Our designs make appropriate and economical use of vertical space to provide the required program space AND some important and necessary additional space to grow. Use of this vertical space also takes some of the pressure to jam all programs on the same level and helps us work to save artfully restore and reemploy the original beloved structures and do so at or below the construction budgets for the proposed plan. Before you disregard my construction costs please know that I met my budget for the Richmond Plunge at $250 psf. I would be happy to have the budget numbers I have outlined above to work with!

**Summary:**

Our intent was to demonstrate the feasibility of keeping the original buildings as part of a new library that, at a minimum, matched the same economic and program requirements and constraints of the proposed building. We have done so and have made additional improvements that we feel are important even essential aspects of new libraries at the West and South branches.

We have done our work in a limited time frame. Both designs will need to be optimized for function and economy as we move forward but our purpose for now is complete and the feasibility and benefits of saving these buildings now well established for public consideration.

We look forward to having these designs be part of the public discourse as we as a City contemplate our alternatives and pave a logical way forward.

Thank you for you careful attention to this important matter.

Todd Jersey, AIA
Square footage comparisons between schemes. Note the Todd Jersey Architecture schemes have utilized vertical space to economically increase the building and program size of our schemes and done so at same or less cost as we avoid expensive architectural elements and tall volumes which the proposed schemes need to do to create civic presence. We create renewed civic presence in the restoration and reemployment of the original buildings into a beautiful and vastly more economical whole.

**South Branch:**

<table>
<thead>
<tr>
<th>Name of Area</th>
<th>Field Paoli Design (all new)</th>
<th>Todd Jersey Architecture Design (preserves original)</th>
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<tbody>
<tr>
<td>Lobby</td>
<td>500</td>
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<td>Browsing Area</td>
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<tr>
<td>Mechanical Room</td>
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<td>IT Room</td>
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<td>Tool Lending Area</td>
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<td><strong>Total library</strong></td>
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**West Branch:**

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<td>Staff Workroom</td>
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<td>Returns/Sorting</td>
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<td>400 on third level above meeting space</td>
</tr>
<tr>
<td>Mechanical Room</td>
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<tr>
<td>IT Room</td>
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<td>Meeting Room</td>
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<td><strong>Total library</strong></td>
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<td><strong>11,600</strong></td>
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COMMENT LETTER #SM

Nicola Swinburne

From: Sage, Aaron E. [ASage@ci.berkeley.ca.us]
Sent: Monday, January 03, 2011 8:23 AM
To: Nicola Swinburne; Corbeil, Donna; Steven Dewan
Subject: FW: Comment on DEIR on West & South Branch Libraries & Zoning Amendment

FYI.

-----Original Message-----
From: Stephanie Manning [mailto:sfbayshellmounds@yahoo.com]
Sent: Sat 1/1/2011 1:14 PM
To: Sage, Aaron E.
Subject: Comment on DEIR on West & South Branch Libraries & Zoning Amendment

To: Aaron Sage, Planning Department
From: Stephanie Manning, public comment
These are my public comments regarding the Draft EIR on the West & South Branch Library changes being proposed and the amendment to the City's Zoning Ordinance.

Zoning Ordinance Amendment: The justification for this amendment is that voters approved Measure FF which funds the improvement of the branch libraries. However, this measure did not address the demolition of these libraries, only the renovation. These renovations include expansion and seismic and access improvements, not demolition. Many times in the past, older historic buildings such as these have been preserved, only to be made accessible, seismically safe and expanded without demolishing the original building. Furthermore, the National Trust for Historic Preservation has determined that the greenest building is a renovated older building, even if a new design encompasses the latest environmental standards. EIR law calls for consideration of alternative proposals when the environment may be effected by such things as demolishing structures with historical design elements.

South Branch: City staff claims that the proposed new building would serve the same functions and same number of patrons and only aims at providing a more efficient and less cluttered floor plan, work areas, seating and space for computers. Such improvements can be achieved by preserving and enhancing what is already there. The Fairfield Public Library, although not historic in nature, accomplished this by using the original building and re-arranging the interior. Alternatives should be investigated to demolishing the South Branch Library. Some have suggested that the Library should be moved to the school building on Oregon St. near MLK which appears to be vacant and needing to be rehabilitated. This would be one way to preserve the old South Branch building with its lovely design while meeting the needs of the library.

West Branch: As a long-time user of this branch, it seems to me to be a great waste of money to demolish a building which the city renovated relatively recently. Since expansion of functions and patronage is not expected, there is really no reason to demolish this fine old structure. Other ways of expanding the meeting room should be explored as that is not the sole purpose of a public library and in recent years that room has been devoted to the literacy program which it adequately accommodates.

In sum, both branch libraries should be preserved as they both have design elements which would be irreplaceable and they embody existing energy that would be lost by their demolition and are therefore the greenest buildings at their sites. Measure FF did not involve demolition projects, only renovation. In addition, many Berkeley citizens and library users appreciate the existing buildings and would like to see them preserved and enhanced rather than wastefully destroyed. The impact on the environment would be tons of building debris added to the landfills needlessly, the destruction of a cultural amenity and the loss of historic buildings.

Stephanie Manning
2339 Oregon St., #C
Berkeley, CA 94705
(c)(510)295-8498

2/10/2011
The wholly inadequate Page and Turnbull, Historic Resource Report on South Branch Library gives no accurate sense of the stature of John Hans Ostwald. The biography is grossly inadequate. To neglect the stature of his architectural roots in Europe, notably Switzerland, in the manner of this report, is totally unprofessional. There is no indication of the magnitude of Ostwald's stature and significance.

After spending his youth in Berlin and Austria, Hans Ostwald worked in London for several years, returning to Vienna to focus on his architectural studies. He went on to Zurich to study under Karl Moser at the Eidgenossische Technische Hochschule (Federal Institute of Technology), at Zurich. Moser was not only one of the leading architectural instructors, but was also one of the leading architects of Switzerland and Central Europe, in the first half of the Twentieth Century. Ostwald worked as well for several years in Karl Moser's office in Zurich, before Ostwald's emigration to the United States. Moser's important art museum and his masterpiece, S. Antonius in Basel are commissions that should really be included in the historic report.

Ostwald's work for Richard Neutra one of the undisputed leading modernists of the United States, West Coast, was not just "briefly", but work by Ostwald on Neutra's most important Northern
Californian Commission. The Sidney Kahn residence on Telegraph Hill is also one of Neutra's all time most important residences.

Ostwald's work with Anshen + Allen was on their reputation making residence for Ralph K Davies, whose wife would later give Davies Symphony Hall to the Bay Area in San Francisco.

Ostwald's many awards are not included and the early and important magazine articles at the dawn of Californian Modernism are spottily presented (see "CALIFORNIA ARTS AND ARCHITECTURE", June 1947, p. 36-7 "House for Dr. and Mrs. Lessor").

His own teaching career is not discussed as he taught at the University of California, Berkeley, School of Architecture 1971 as well as internationally.

The contributing role the South Branch Library had in Ostwald's formulation of his design for his winning design in the Architectural Competition for California Governor's Mansion is noted in the Donald Reay & Peter Paret biography, "John Hans Ostwald, Architect". The residential appropriate nature of the Branch neighborhood library is certainly confirmed by this win.

Ostwald's 1953 American Institute of Architecture, Award of Honor, for the Wienand House at 3577 Pacific at the Presidio Wall was a very important early Modern award that should not be overlooked. It indicates the timeliness of Ostwald's innovative design sensibility. He was always up with the cutting edge of design as is reflected in the highly significant South Berkeley Branch Library.

Bradley Wiedmaier,
Architectural Historian
From: Bradley Wiedmaier [mailto:bradley_wiedmaier@yahoo.com]
Sent: Monday, January 31, 2011 5:00 PM
To: Sage, Aaron E.
Subject: Structural disinformation

The new library proponents have falsely presented the South Berkeley Branch Library structure as being "cinder-block". The building is a post and beam reinforced concrete structure with seismic standards of connection of roof to columns. The library management has presented a completely false notion that can be viewed by the highly honest librarian Jane Scantlebury in her 7 Dec. 2010 Berkeley Daily Planet article which is honestly mistaken in portraying the building as a cinder-block structure.

The official structural report does nothing to dispell the confusion.

This Historic resources also avoids describing the structure as post and Beam.

Bradley Wiedmaier
January 30, 2011

Aaron Sage
Senior Planner
City of Berkeley
Planning and Development Department
2120 Milvia St.
Berkeley, CA 94704

Re: Draft EIR Comments Regarding Berkeley Branch Library Program

Dear Mr. Sage,

This letter is regarding the planned demolition of the West and South Berkeley libraries.

Ballot Measure FF, passed by the voters, was never meant to be used for demolition of any of the library branches. The ballot stated that bond proceeds would be used for renovation, construction, seismic and disabled improvements. The language also stated that plans for renovation include restoration and refurbishment of historic features at the branch libraries as part of any renovation.

The West Berkeley branch was originally built in 1923. It is considered an example of the Carnegie style of libraries along with the Oakland Golden Gate branch Library at 5606 San Pablo and the Oakland Temescal branch at 5205 Telegraph.

In 2003 the Berkeley Library wrote and sponsored an application to the Landmarks Commission that the West Berkeley branch be designated a Structure of Merit. At that time they wanted to restore its historic facade. Recently, a member of the Landmarks Commission during that time period has recounted that the Library proposed restoring the West Berkeley branch, including restoration of its historic facade. Plans were presented to the Landmarks Commission in 2003 that need to be brought back and disclosed for public review. The Structure of Merit designation was approved by the City of Berkeley Landmarks Commission in 2003. There are reasons the Library advocated at that time that the West Berkeley branch be designated a Structure of Merit. These reasons are on record and need to be brought to the public for review.

The West Berkeley Branch Library is a significant building, an historic resource on a significant intersection at University and San Pablo Avenues. University Avenue is the gateway to the University. University and San Pablo Avenues are the intersection of 4 corners of one of the earliest roads connecting Alameda and Contra Costa Counties going back at least 80 years.
Another key issue that needs to be looked at is that of embodied energy. In general, talk about energy use and new buildings usually is regarding operating energy. Analysis needs to take into account the energy that is bound up in existing buildings. Embodied energy is the total expenditure of energy involved in the creation of the building and its materials. When we throw away an historic building we simultaneously throw away the embodied energy incorporated into that building. Razing historic buildings results in a triple hit on scarce resources.

1) We are throwing away thousands of dollars of embodied energy involved in the creation of the building.
2) We are replacing with materials vastly more consumptive of energy.
3) Recurring embodied energy savings increase dramatically as a building life stretches over 50 years.

Mike Jackson, Chief Architect, Illinois Historic Preservation Agency, believes that only a fool or a fraud would claim to be an environmentalist and yet throw away historic buildings. Our local Architect Todd Jersey has created plans for the West and South branches showing how they can be preserved and made earthquake safe. He has carefully incorporated all of library staff concerns, as well as nearby residents concerns garnered from several public meetings. His plans and budget save money as well. We have an opportunity to renew the West and South Berkeley branches and bring them to their original glory with updates to the 21st century. A plan for demolition of the buildings requires a CEQA review and a full EIR.

Sincerely,
Julie Dickinson
Branch Libraries Program DEIR Comments and Questions
Submitted by Judith Epstein on January 31, 2011

Please answer the following questions and revise the Draft EIR as appropriate to produce a complete and accurate EIR, written in good faith.

A. The feasibility of plans for the South and West Branch Library improvement programs is, in part, related to economics. The second project objective of each of the South and West Branch Library projects is to “be on budget and consistent with Measure FF funding.” The EIR must accurately describe and analyze funding for each proposed project and alternative.

1. What is the precise definition of being “on budget?”
2. Measure FF funds were allocated between the four branch library projects and other project expenses not related to a single library.
   a) How were allocation decisions made?
   b) What criteria were used to assign a cost to each branch library project and other expenses?
3. If one branch library project or another expense came in under budget, would it be possible to allocate unused funds to another branch library project?
4. Since the proposed projects for the South and West Branch Libraries were considered to be “on budget” by the DEIR, then the cost to demolish each library must be known, at least up to a reasonably accurate estimate.
   a) What is the best estimate of the total cost of each of these demolitions, including but not limited to, the labor, the disposal of materials, and the costs of trucks to dispose of materials?
   b) To within what percentage is each estimate accurate?
5. What does the DEIR mean by the term “consistent with Measure FF funding?”
6. Are the proposed demolitions of the current South and West Branch Libraries consistent with Measure FF funding, which was to “renovate, expand, and make seismic and access improvements at four neighborhood branch libraries?”
7. Is it true that if the demolition of the current South or West Branch Library is not considered consistent with Measure FF funding, then a plan involving demolition for the South or West Branch Library, respectively, does not satisfy program objective #2?
8. Does the City propose to use Measure FF funding for the above-mentioned demolitions?
9. The City Attorney has publicly stated that Measure FF funds cannot be used for demolition, and the Director of Library Services has said that funds for demolition will come from the General Fund.
   a) Is Measure FF the only source of funds for each of the branch library improvement projects, or are there other potential sources of funding?
   b) Is the General Fund one such source of funding?
   c) What programs or services might be cut to supply funds for demolitions?
10. Has the public been notified of possible program cuts or asked if it supports using General Fund monies for demolitions?
11. The DEIR does not mention other sources of funding for the Branch Libraries projects.
a) If there are other potential sources of funding, then why weren’t they mentioned in the DEIR?
b) Isn’t it true that an accurate EIR requires full disclosure of all potential sources of funding for the projects in question?

12. The DEIR does not mention if other sources of funds for the Branch Library Program (outside of Measure FF) were discussed at public meetings.
   a) Have there been any public meetings at which other sources of funding for the Branch Libraries Program was discussed?
   b) If so, at which public meetings did such discussions take place?
   c) What sources of funding were discussed, and who discussed them?

13. Has the public been informed in any way about the possible use of funding outside of Measure FF for any parts of the branch library projects?

14. The DEIR does not mention if City officials or staff have discussed funding possibilities outside of public forums.
   a) Has there been discussion among City officials or staff outside of public forums about using funding other than Measure FF funding for any parts of the library projects, such as demolitions?
   b) If so, what are these sources of funding and which City officials or staff proposed them?
   c) Under what circumstances were these other sources of funding considered?

15. If the demolition of the current South or West Branch Library cannot be funded by Measure FF bond funds, then how could the South or West Branch project, respectively, satisfy its program objectives?

16. Isn’t it true that neither Proposed Plan for the South or West Branch Library project satisfies its program objectives?

B. The seventh project objective of each of the South and West Branch Library projects is to “provide a welcoming civic presence on a major street while respecting neighborhood context.”

1. The DEIR provides no definition of a “welcoming civic presence,” so it’s difficult to understand how some plans may satisfy this condition and others may not.
   a) What is the definition of a “welcoming civic presence?”
   b) Exactly what criteria must be satisfied for a project to have a “welcoming civic presence?”
   c) Are they published anywhere?
   d) Are any criteria of a welcoming civic presence subjective?
   e) If so, then who decides if the subjective criteria have been satisfied, and how would there be a fair and objective public process?

2. The DEIR provides no definition of a “respecting the neighborhood context,” so it’s difficult to understand how some plans may satisfy this condition and others may not.
   a) What is the definition of “respecting the neighborhood context?”
   b) Exactly what criteria must be satisfied for a project to respect the neighborhood context?
   c) Are they published anywhere?
   d) Are any criteria of a respecting the neighborhood context subjective?
e) If so, then who decides if the subjective criteria have been satisfied, and how would there be a fair and objective public process?

3. Is it possible for subjective criteria to be used in such a way to exclude plans that might otherwise satisfy the program objectives?

4. Projects that satisfy many program objectives might be able to be modified to satisfy others.
   a) Is it possible for a project that is said not to have a welcoming civic presence to be modified in such a way that it would have a welcoming civic presence?
   b) If so, how may this be achieved?
   c) If not, why not?
   d) Is it possible for a project that is said not to respect the neighborhood context to be modified in such a way that it would respect the neighborhood context?
   e) If so, how may this be achieved?
   f) If not, why not?

C. The South Branch Project
   1. Why did the Landmarks Preservation Commission (LPC) consider only one Partial Preservation Alternative of the several considered during the Concept Design Phase, as stated on p. 5.2-4?
   2. Was a single-story Partial Preservation Plan considered as an alternative in this DEIR, since such a plan might have a greater chance to satisfy all of the program objectives?
   3. According to Table 5.2-3, the Measure FF budget for the South Branch project is $4,300,000, but the Proposed Project would cost $4,416,000.
      a) Isn’t Table 5.2-2 inaccurate in stating that the Proposed Project satisfies program objective #2 (to be within budget and consistent with Measure FF funding) when it clearly doesn’t?
      b) Isn’t it true that the Proposed Project is really over budget and does not satisfy condition #2?
      c) Why wasn’t this discussed in the comparison of alternatives?
   4. On p. 5.2-18, the Partial Preservation Alternative is estimated to cost $4,562,000. Why does the DEIR say that the Partial Preservation Project is 10% more expensive than the Proposed Project, costing $4,416,000, rather than 03.3% more expensive, which is the accurate figure?

D. The West Branch Project
   1. The 2002-2004 Proposition 14 Plan to renovate and expand the West Branch Library is discussed on p. 3-37. This plan would have saved the 1923 portion of the library, while demolishing the 1974 addition, expanding the library, and moving the 1923 portion closer to University Avenue. According to the DEIR, “an Initial Study was completed for this project in October 2003 and found that, with mitigation measures, there would not be a significant effect on the environment, including on historic resources.” (Emphasis mine.) The DEIR states on p. 5.3-3, that Partial Preservation Alternative 1 is “similar to the alternative that ... was analyzed in an Initial Study in 2003,” and on p.5.3-5, that “Partial
Preservation Alternative 2 is similar to Partial Preservation Alternative 1.” Then how is it possible for the DEIR to reach the conclusion on p. 5.3-12 that both Partial Preservation Alternatives 1 and 2 would result in a significant and unavoidable impact on cultural resources, when the Initial Study for a similar plan concluded that there would be no such impact? The DEIR should be revised to include an accurate assessment of the impacts of Partial Preservation Plans 1 and 2.

2. On p. 5.3-10, the DEIR states that the Facilities Master Plan (FMP) proposed rebuilding the West Branch Library in a way that was similar to the Proposition 14 plan. This plan was in turn similar to Partial Preservation Plan 1 (and also to Partial Preservation Plan 2, which is not mentioned in this context). The plan that the FMP proposed is referred to as the “preferred scheme.” What is the complete list of qualities that this scheme had that made it “preferred?”

3. On p. 5.3-10, the DEIR states that cost of the preferred scheme was estimated to be $4,751,000. The footnote states that this estimate was “without contingency and escalation.”
   a) How was the $4.9 million estimate Measure FF funding request in the footnote calculated, based on the cost of the preferred scheme?
   b) Since photovoltaic panels were expected to be part of the project, why wasn’t an estimate for the $210,000 cost figured into the cost for the Partial Preservation Alternatives before the Measure FF funds were requested?

4. Why aren’t there separate cost estimates for both partial preservation alternatives?

5. Why are there two columns labeled “Partial Preservation Alt 1” in Table 5.3-2 and none labeled “Partial Preservation Alt 2?”

6. The proposed West Branch project is described as two stories on p. 3 –27, but presented as only one story on p. 5.3-4.
   a) Why is this?
   b) Does the proposed project have a second floor?
   c) If so, why is there no diagram for it?
   d) If there is a second floor, then why isn’t it shown or discussed in the comparison of alternatives in Section 5.3?

7. There is considerable expense in adding a second floor.
   a) Does it seem reasonable to build a second floor only to provide a 700-square-foot mechanical area, as stated on p. 3-27?
   b) The West Branch is on a transit corridor on University Avenue and near a transit node at University and San Pablo, where population is expected to increase in accordance with the City’s Climate Action Plan. Would having a larger second floor allow for the library better accommodate the future needs of a growing neighborhood without having to spend as much later?
   c) Is it possible that anticipating and accommodating the needs of a growing neighborhood might outweigh the benefits of having a visible meeting space on the first floor?
   d) Is it possible that there are mitigations for having the meeting room on the second floor, such as notices posted in the library and outside the doors?
   e) Is it possible that it may better serve the community to build a more complete second floor during this branch improvement process? There may never be funds
to do this again, and it will certainly be more expensive to expand the second floor later.

E. The Zoning Ordinance Amendment is considered in this DEIR, but no real work has done to assess potential environmental impacts of such a far-reaching amendment. Maybe the ZOA goes too far.
1. On p. 3-2, the DEIR states that the overarching program objective is “to facilitate the approval of improvements authorized by Measure FF to ‘renovate, expand, and make seismic and access improvements at the four neighborhood branch libraries, but not the Central Library’ without eliminating public review, by allowing modification of Zoning Ordinance requirements for the existing public libraries with Use Permits rather than Variances.”
   a) Then why is the Central Library included as part of the ZOA, which applies to “all conforming or legal non-conforming public library existing as of May 1, 2010?”
   b) Does this contradict the overarching objective?
   c) Are there other objectives for the ZOA?
   d) If so, what are they?
   e) If there are other objectives, what are all of the potential environmental impacts that may result from these objectives?
   f) Would the ZOA facilitate the demolition or a major alteration of the Central Library? At the January 19, 2011 Planning Commission Meeting, Planner Aaron Sage acknowledged that this was possible.
   g) Then why weren’t these potential environmental impacts on this historic resource studied in the DEIR?
2. The ZOA does not sunset after the completion of the improvements authorized by Measure FF.
   a) Why not?
   b) Would the ZOA facilitate any demolitions or major alterations of the branch libraries after the branch library projects were completed?
   c) If so, then why aren’t these potential environmental impacts analyzed as part of this DEIR? The EIR should be corrected to include such an analysis.
3. On p. 3-1, the DEIR states “besides facilitating the approval of improvements discussed in the Branch Libraries Facilities Master Plan (FMP) and authorized under Measure FF, the ZOA would also allow modification of zoning requirements applicable to future, as yet unknown, improvements that may be necessary.”
   (Emphasis mine.)
   a) In what ways might zoning requirements change?
   b) Why is there no discussion or analysis of the potential environmental impacts of such a far-reaching and unknown changes to the Zoning Ordinance?
4. The ZOA states, “the Board may modify any requirement of this Title applicable to such a change, expansion or new library as part of the Use Permit.”
   a) What does this mean?
   b) Is the “Board” the Zoning Adjustments Board?
   c) What specific powers are being given to the Board?
   d) Are these powers necessary?
   e) If so, why?
5. On p. 2-2, the DEIR states that “the potential impacts of the ZOA relate only to planned improvements at the South and West Branches. Thus, this Draft EIR addresses only those impacts.” How is it possible to come to such a conclusion when the ZOA has potential impacts as discussed in items 1-4, above? The EIR must be corrected to fully explore and analyze all of the potential impacts discussed above.

6. The alternatives to the ZOA presented in the DEIR were not feasible alternatives. Why was there no consideration of a ZOA that would apply only to the Measure FF projects and sunset upon their completion? This is a reasonable alternative whose environmental impacts could be understood by the public and analyzed.
Dear Mr. Sage,

The Zoning Amendment Ordinance (Z.A.O.) for the Berkeley Public Library must be approved. City agencies and departments should not be exempt from the laws and procedures with which the residents and businesses in Berkeley must comply.

What sort of precedent and instructive example will the Library set by requesting near sovereign immunity and exemption from the Zoning requirements of the City of Berkeley?

Berkeley proclaims itself as a "Green" city. Isn't this mere rhetoric, when the Berkeley Public Library is planning to demolish and rebuild, rather than renovate, the West and South Berkeley Branch Libraries? Furthermore, the West Branch is a "Structure of Merit" and the South Branch received an American Institute of Architects (A.I.A.) award of merit.

If the Concerned Library Users' lawsuit is successful in preventing the demolition of one or both branches, passage of the Z.A.O. will facilitate any future demolition and bypass the Variance request procedure.
required of the residents and business owners in Berkeley.

The enclosed appendices are part and parcel of my comment letter to be included in the FEIR:

Appendix A. Stephanie Rabling: Letter to City Council
Appendix B. Susan D. Cerny: Letter to City Council
Appendix C. Steven Finacom "Measure FF and Branch Library Demolitions", Berkeley Daily Planet, 12/14/10.

Sincerely, Gene Bernardi

Page 2 of 9 pages.
Dear Mayor and City Councilmembers:

This letter addresses the second reading of the repeal of Ordinance No. 7,148-N.S. which appears on the January 18th Council agenda.

As a long time low-income Berkeley citizen, avid reader and public library user, I urge you to repeal this ordinance which allows for the use of Use Permits rather than Variances regarding changes or demolitions to Berkeley Public Library branches. Berkeley's libraries are as worthy of careful consideration as commercial and residential structures and deserve fair citizen input on design changes and certainly on outright demolitions.

In addition, the illegal use of Measure FF funds towards demolition of the South and West Branches should be prohibited at all costs, since FF was designed to rehab these structures not demolish and rebuild them.

Both South and West Branch libraries have historic design elements which should be preserved as added cultural amenities to library users and Berkeley residents. In addition, the National Trust for Historic Preservation has determined that the greenest building is a rehabilitated older building which is already standing, even if new buildings were designed up to the latest standards. The embodied energy of the existing buildings, in addition to the historic design and cultural attachment, would still be lost.

In sum, please consider rehabilitating these fine structures rather than wastefully demolishing them. Many of us library users have become attached to them and, while we all agree that expansion is necessary, we would hate to see these old friends destroyed.

Sincerely,

Stephanie Manning
2339 Oregon St., #C
Berkeley, CA 94705
(c)(510)295-8498
Dear Mayor and City Council Members:

This letter is in regards to the second reading of the repeal of Ordinance No. 7,148-N.S. which appears on the January 18th Council agenda.

As a long time Berkeley resident and public library user, I urge you to repeal Ordinance No. 7,148-N.S. which substitutes Use Permits rather than Variances for alterations or demolitions to Berkeley Public Library branches. Berkeley's libraries are a public trust and deserve citizen input on alterations and especially on demolitions.

In addition, the illegal use of Measure FF funds towards the demolition of the South and West Branches should be prohibited. Measure FF was enacted by citizen vote to rehabilitate and enhance these structures not to demolish and rebuild them.

Both the South and West Branch libraries have historic design elements which should be preserved as added cultural amenities to library users and Berkeley residents. In addition, the National Trust for Historic Preservation has determined that the greenest building is a rehabilitated older building which is already standing, even if new buildings were designed up to the latest "green" standards. The embodied energy of the existing buildings, in addition to the historic design and cultural attachment, would be lost if they are "demolished.

To circumvent a public process by eliminating the public hearing requirements regarding alterations to public libraries, by lifting, "at the last minute" those requirements is truly undemocratic. Please repeal Ordinance No. 7,148-N.S.

Sincerely,
Susan D. Cerny
860 Keeler Avenue
Berkeley 94708
Measure FF and Branch Library Demolitions  

By Steven Finacon  
Monday December 13, 2010

A community group, “Concerned Library Users”, recently sued the City of Berkeley to, in part, stop the illegal use of bond funds for the demolition of two branch libraries.

Although the lawsuit has been excoriated and ridiculed by some public officials and community members it is, in my view, a justifiable and important effort to restrain the City from improperly changing the voter-approved use of bond money.

Let me state first that I am not a member of “Concerned Library Users”, nor am I a party to the lawsuit. My concerns about the bond arose separately, and well before the suit was filed. But they are directly relevant to some of the issues in the lawsuit.

There is one—just one—central point here. Is it legal for a City to solicit bond funds from the voters with a specific set of written promises, then later change the use of the money to do something the ballot measure specifically did NOT fund?

In 2008 Berkeley voters approved Measure FF, which provided 26 million dollars to renovate and expand Berkeley’s four branch public libraries. The exact wording of the ballot language is worth remembering.

“Shall the City of Berkeley issue general obligation bonds not exceeding $26,000,000 to renovate, expand, and make seismic and access improvements at four neighborhood branch libraries, but not the Central Library, with annual reporting by the Library Board to the City Council?” Vote Yes or No.

Subsequent to voter approval of the bonds, the Library continued a planning and design process and hired a design team for each branch.

By early 2010 the direction of the detailed planning was clear. The Board of Library Trustees intended to renovate and build a rear addition on the North Branch, renovate the Claremont Branch without significant expansion, and demolish and completely rebuild the West and South branches.

The bond allows two of those proposed activities—renovation and expansion. One of them—demolition—is not allowed.

By proceeding down a path that will result in the demolition of the two branches, the City of Berkeley and Board of Library Trustees are directly violating the will of the voters.

Is this important? Indeed it is. If the City can establish that the explicit conditions of voter-approved bonds can be altered or ignored after the fact, then no funding earmarked for a specific purpose is safe.

There would be no point in detailed bond language or conditions at all. Instead, each ballot statement might as well read, “Do you, Berkeley voters, approve giving X million dollars above and beyond your regular taxes to the City of Berkeley to spend as it wishes? Yes or No.”
Does this matter to you? It should. What if, for instance, the School District put up a bond measure promising to renovate your neighborhood school, and you worked hard to get it passed. Then, after the election, the School Board said, “Hey, sorry, we thought all along that money would be better spent closing your school and renovating another. Sorry.”

Or what if the City Council asked voters to approve a special tax devoted solely to increase police services then, after it passed, decided that the money should go to sewer repairs instead? All for good reason, of course.

\text{JAN 31 2011}

Wouldn’t you object on principle? Shouldn’t you?

So why didn’t anyone object to the proposed demolition of the South and West branches earlier than the middle of this year, when the plans were far advanced?

People did object earlier. I was one of them. No objections had any effect.

Consider the minutes of the October, 2009, Board of Library Trustees meeting. The Board met to discuss the South Branch project and take public testimony.

I attended that meeting and spoke specifically to the issue of the intent of Measure FF. Here’s how the minutes recorded my comments. They don’t exactly repeat my words, but the summary is reasonably accurate.

“Demolition vs. renovation: he has reviewed all of the public documents on the library bond through the annual report. He believes library represented to the community that would renovate and expand the branch, in his analysis given the wording of the bond measure and election analysis the library is foreclosed from a teardown of any branch, legal risk of violation, can not be easily dismissed.”

Remember, this is in October 2009, well over a year ago and before the Board of Library Trustees had stated its choice of a demolition/rebuild scheme for the South and West Branches.

What did the Board say in response to my comments?

Here’s a comment from Darryl Moore, as reported in the minutes. \textit{“In response to questions raised he suggested staff consult with the City Attorney’s Office if needed.”}

That’s dry language, but it makes the point. I recall Councilmember Moore said something along the lines of “We’ve been put on notice” and asked the staff to get legal advice on whether the bond language would allow the demolitions.

Then there’s this highly revealing comment. Remember, this is not my wording; it’s from the official minutes of the Board.

\textit{“Trustee Kugler agreed with the positive comments regarding Scheme 2. To address a concern expressed during comments about the library’s ability to build new, she does not believe it is not allowed. The process leading up to the bond measure included a community process, public discussion by the board and a vote by BOLT; a new library scheme was discussed as an option throughout the process.”}

\textit{Appendix C, page 6 of 9 pages}
Again, dry official minutes language. I remember that Trustee Kupfer seemed genuinely mystified that anyone would think the bond funds couldn’t be used for demolition. After all, they had

demolition on the table all along, she argued. Everyone knew it was being considered.

Did they? Did we? Did the Trustees really intend, from before the 2008 election, that any planning for the South and West Branch Libraries put demolition seriously on the table?

If so, they had a strange way of communicating that intention to the voters.

There was indeed a consultant report before the election that considered demolition. But in the critical months leading up to the bond election itself, public library documents and campaign literature fell strangely and selectively silent on the possibility of the demolition.

For example, here’s part of the text of the ballot argument in favor of Measure FF signed by, among others, Councilmember Moore, then Vice-Chair of the Board of Library Trustees.

“... The branches are old and out of date and must be improved in order to support the over 800,000 visits during the year... This measure will bring the buildings up to current code standards, meet seismic requirements, make all of the branches fully accessible to Berkeley’s diverse population.”

No word about “demolition” there, or elsewhere in the ballot arguments. In fact, the rebuttal to the ballot argument against Measure FF emphasized, “Help save and restore our neighborhood branch libraries by voting YES on Measure FF!” (emphasis added).

And it wasn’t only the official ballot arguments. Here’s what “Save Our Branch Libraries: Yes on Measure FF” said on its Facebook page. “Measure FF is a $26 million bond to renovate, expand, and make seismic and access improvements at four of Berkeley’s neighborhood branch libraries...”

And here’s a fact sheet issued on Library stationery for the election.

“The revenue from the bond will bring the buildings up to current code standards... What are the plans for each of the Branch Libraries?... North Branch, receive a small addition... West Branch have it’s 1974 addition replaced to address structural issues; restore original 1923 branch facade... South Branch... expanded to incorporate the Tool Library program into the branch with substantial increase in space... net space increase of 3,160 sq. feet... Claremont Branch receive a small lobby expansion... refurbished/restored historic features...”

And here’s part of a Daily Planet opinion piece by three prominent Library supporters, less than two months before the election. “It is critical that we renovate all our branches to ensure they are safe, modern, buildings that will serve our community...”

Consider all that language. “Bring the buildings up to current code standards... must be improved... save and restore our neighborhood branch libraries... be expanded... receive an addition... restore original... refurbish... restore... renovate all our branches...”

If arguments like those constituted a clear request to the voters to allow demolition of half the branch libraries, the Library must be using a different dictionary than the rest of us.

Councilmember Max Anderson recently told the San Francisco Chronicle, “The people voted for these libraries to be fixed up — they didn’t vote to put restrictions on what can and can’t be done with them.”
Councilmember Anderson is well intentioned, but completely wrong. The people DID indeed vote for restrictions, restrictions crafted by the promoters of Measure FF.

If Measure FF had simply been a mandate to “fix up” and/or completely rebuild the branches without precondition, then it would not have included the “renovate, expand and make seismic and access improvements” wording. 

It would have simply said something like this: “Do you approve of appropriating 26 million dollars from special property taxes that the Board of Library Trustees may then use for making the four branch libraries better, in whatever way the Board deems best?”

Or perhaps it would have said, “renovate, expand, demolish / rebuild, and make seismic and access improvements...”

There’s a good reason, I suspect, that language like that did NOT go on the ballot. I believe that those who prepared the wording of Measure FF were afraid that if the measure seemed to open the door to demolition, enough voters would say “No” to sink the bonds.

In particular, voters in politically influential north and southeast Berkeley might have been afraid the Library would demolish either the North or the Claremont Branches. It wouldn’t be the first time in Berkeley that a public institution asked for bond funds to upgrade facilities, then demolished and rebuilt them instead.

If the ballot measure wording had been in specific—or had specifically mentioned demolition—it is quite likely the measure would have been defeated and there would be no money to do anything with any of the branch libraries at this time.

I know I would have voted against it for that reason, and I know many others who probably would have, too. And it would have made a critical difference.

Measure FF passed with 68.01 percent of the votes. It needed a two-thirds majority, 66.6 percent.

That two-thirds majority would have required 37,223 votes out of those cast. The Measure received 37,973. Thus, it has a margin of victory of about 750 votes.

Would 750 “Yes” voters—out of more than 55,000 casting votes on the Measure—have decided against Measure FF if the ballot language and campaign had given them reason to be concerned about demolition of any or all of the branch libraries instead of renovation?

I think any reasonable person familiar with Berkeley would agree that’s quite possible, especially if the Board of Library Trustees had made honestly made demolition a part of their case and campaign for the branch funding.

So foreclosing the possibility of demolition was, in my view, a direct reason the Measure achieved the two-thirds threshold.

In essence, the trustees chose to opt for a “safe” bond measure that would not include demolition. Now that they have the money they shouldn’t go back and change its use.

They had free will in this. They chose the wording of the bond measure. They advocated for “renovate, expand, and make seismic and access improvements...” They entered into a compact with Berkeley voters and taxpayers on terms they established.
That seems to me to be an essential point of the lawsuit. And perhaps there's a little tacit agreement, even on the City side.

In June, City Attorney Zach Cowan apparently advised the City Council that Measure FF money could not be used to demolish the South and West Branches.

There's simply no reason he would have advised that, if he didn't believe a legal challenge to the Measure on the demolition issue would have a chance in court.

That advice may not, however, have extended the same prohibition to use of the Measure FF funds to construct entirely new buildings. So the City and the Board of Library Trustees and their legal staff might be working on a back-up strategy.

Find funds elsewhere, outside the bonds—probably on the order of hundreds of thousands—to tear down the two branches. That would cause the City some financial pain, but would not be impossible.

Then claim that, with the old buildings gone, entirely new buildings can be constructed with the Measure FF funds to satisfy the bond intent of providing safe, accessible, expanded branch libraries.

If that indeed is the City's strategy it is important that it be vigorously opposed. Making the branch buildings go away with some other funds then rebuilding them with Measure FF funds would be, in my view, as clear a violation of voter intent as doing it all with the bond money.

It would be a bit of legal sophistry, not clear justice. And it would open the door just as fully to official amnesia about voter intentions in the future on any other ballot measure. That would be very bad for Berkeley.

(I fully understand many readers are now wondering what I would propose for the libraries instead of what the City is currently trying to do?

If all my arguments went to their logical conclusion, the City would have no bond funds available to pursue the preferred plan of demolishing the South and West branches. Surely I don't believe they should just sit there in poor condition?

No, I don't. I would be happy to write another opinion piece explaining—again, going back to 2009—what approach I think the Library could have followed and why they can still follow it and achieve the goal of good, updated, branch libraries.

But the arguments for or against other alternatives should not detract from the primary argument I've made in this commentary—that regardless of benefits or harm to the Library's projects, it is bad public policy, and probably illegal, to change the use of bond monies from what voters explicitly approved.)

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Appendix C, page 9 of 9 pages.
COMMENT LETTER #GG

Aaron Sage
Senior Planner
City of Berkeley
Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704

Re: Comments and Questions about Draft EIR for Berkeley Branch Libraries Program

Dear Mr. Sage:

I gathered signatures all over Berkeley for two petition drives regarding our Landmark Preservation Ordinance. During the several weeks total that I actively sought signatures – talking to community members on the street every day – it became clear to me that the residents of South and West Berkeley were particularly concerned about the loss of their historic resources. Dozens of African American residents of South and West Berkeley told me that they felt that their neighborhoods were targets for demolitions. By contrast, I never once heard a similar statement in North Berkeley or the Elmwood.

It is therefore disheartening that the Trustees' plan is to demolish the South and West Branch libraries, while simply renovating, expanding and making seismic and access improvements – exactly what the voters approved in 2008 in Measure FF – to the North Branch and Claremont libraries.

South Berkeley Branch Library

The Berkeley Public Library Branch Libraries Facilities Master Plan (FMP) included a report by Frederick Knapp Architects concluding that the original 1961 structure was eligible for inclusion on the California Register of Historic Resources because of its association with the original architect, John Hans Ostwald (pg 3-9 of the DEIR).

For some recent history about the South Berkeley Branch Library: in 2007 there was a top-down plan to move it into the Ed Roberts complex on Adeline Street. Immediate neighbors of the library formed a group called Save Our Library (SOL) to preserve the library – the existing building in its existing location. SOL advocated for the preservation and improvement of the South Branch Library, which is what Measure FF claimed would be done to all of the branch libraries (see Exhibits A, B, C, D and E).

The Library Board of Trustees hired a firm, Hatchesil Tabernik & Associates (HTA), to survey the community's library needs. It determined that there would be a favorable response to the move. How it came to this decision is unknown.

SOL members felt that the survey did not reflect the community and therefore did their own survey. They stood outside the South Branch Library for many days and asked people how they felt about the potential move. They found that only a few people even knew about the proposed move and they found only one person who actually had been
interviewed by HTA. They collected signatures seeking to save the South Branch Library.

Ultimately SOL gathered over 600 signatures asking to keep the South Branch library (and historic building) on Russell Street. This is an indication that the real community wants the South Branch to be renovated rather than demolished.

The Library Board of Trustees knew about this grassroots effort to save the South Branch Library yet apparently entirely ignored it. Just two years later, a “public process” was conducted where politically well-connected persons were heard, and people who disagreed with the new top-down plan to demolish the South Branch Library were ignored (as was reported to me by an attendee of the “public process”).

West Berkeley Branch Library

West Berkeley, one of the least wealthy parts of town, has suffered more than its fair share of recent demolitions.

The Boy Scout building, formerly at 2040 Fourth Street and in use as a Mexican restaurant, was designated a City of Berkeley Structure of Merit in 2005. It was demolished for a housing development in 2008.

The Brennan’s Building, specifically mentioned in the West Berkeley Plan as a cultural resource and known to everyone as a visual landmark of West Berkeley until its demise, was demolished for the same housing project.

The Drayage Building, formerly at the southwest corner of Addison Street and 3rd Street (the railroad tracks), was identified in the West Berkeley Field Survey as a potential City of Berkeley Structure of Merit Landmark property. Yet in 2005 its low-income population was evicted when a developer showed an interest in the property for a housing development. A different developer purchased the site and demolished the building. It lies vacant today.

A pre-World War II Japanese American florist shop at the corner of San Pablo Avenue and Delaware Street, a lovely Art-Deco structure, was destroyed in 2007 despite a growing movement at the time to preserve California’s Japan-towns.

The Historic Resource Technical Report for the West Berkeley Branch prepared by Page & Turnbull concluded that the branch is eligible for listing in the California Register for, among other reasons, its Classical Revival-style design influenced by the Carnegie design and because it was the first branch library constructed in Berkeley. Furthermore, it was designated a City of Berkeley Structure of Merit in 2003. The FMP recommended restoring “the original 1923 branch façade and the lovely interior historic details” (see Exhibit F). Why is demolition even being considered?

How were the decisions to demolish the branches made?
In Appendix C to the DEIR there was a partial explanation of the so-called "public process" in choosing the "Preferred Schemes" for the two branch libraries:

"1. Public Participation in the Choice of Preferred Schemes for South and West Branch Libraries

Comment: At the community meetings on South Branch and West Branch projects, was the option of demolition [and new construction] discussed?

Reply from South Branch Project Architect: Yes, the demolition option was discussed, and most comments received were in favor of the demolition [and new construction] option.

Comment: At the community meetings, was there a community consensus on preserving aspects of the building?

Reply from West Branch Project Architect: Several studies were presented at the meetings about possible reuse of the older building. The consensus at the community meetings was not towards rebuilding the older building but towards producing a really good library."

It appears that the architects who stood to profit from the projects were the people who got to summarize the comments from the public. Why was this allowed to happen? This seems to be a flagrant conflict of interest, especially in light of the evidence that dissenting opinions were not given the same importance as those supporting the top-down plan (see Exhibits A-E and G).

Cumulative Impacts

The cumulative impact of targeting South and West Berkeley for demolitions, despite ample evidence that the people who live in those neighborhoods wish to preserve their historic buildings rather than have them replaced with brand new buildings, has not been adequately studied.

Questions and requests:

1. What is the cumulative impact of so many demolitions of historic buildings in West Berkeley?

2. What is the cumulative impact to low-income Berkeley residents of so many demolitions occurring in low-income areas?

3. Please analyze the environmentally superior Todd Jersey Architecture plans for the South Branch Library that would preserve and enhance the historic adult and children's reading rooms.
4. Please analyze the environmentally superior Todd Jersey Architecture plans for the West Berkeley Branch Library that would preserve the historic 1923 portion of the building and restore some of the architectural elements.

5. The "public process" should begin anew with impartial individuals quantifying responses from the public after a detailed and thorough survey has been taken of South and West Berkeley residents' sentiments with respect to the proposed demolitions of historic resources.

Sincerely,

[Signature]

Gale Garcia
Why we want the South Branch Library to stay where it is

The Berkeley South Branch library is on the Library Trustees’ fast track to being moved to the Ed Roberts campus. Much money has already been spent on this project. Architects Noll and Tam have developed three space options at the Ed Roberts campus.

We are a group of South Berkeley residents who are opposed to the proposed move. We have called ourselves Save Our Library, (SOL). We believe that the proposal is being driven by political motives that have little to do with better serving South Berkeley residents.

At the June 9th community forum, held at St. Paul African Methodist Episcopal Church (A.M.E.), some community members felt strongly that the move to the Ed Roberts campus was being “sold” to the community and their survey did not reflect the number of neighbors and community members who do not want our South Branch library moved or services reduced. We are concerned with maintaining this venue as it is central to our diverse community connection which has been developed over years.

After the forum it was clear that we needed to raise our community’s awareness of these issues. We decided to take the concerns we voiced at the forum to our community members and get their opinions and concerns to get a consensus. The consensus was: concern for the safety of our children, keeping the library in our neighborhood and making changes at South Branch, e.g., remodel, rearrange, and reuse, rather than putting our money somewhere else, were the dominant issues. We are advocating for the preservation and improvement of our South Branch library.

Many children use the South Branch Library. We are concerned that the move will put our children at risk in two ways. There will be two large very busy streets for the children to cross. Currently, the intersections of Adeline Street and Ashby Avenue do not have caution signs alerting motorist that our community has disabled persons, children, elders, or dogs, as pedestrians. Even if caution signs are installed, people drive and multi-task these days and there is no way to guarantee the safety of pedestrians. Several people have been killed or badly injured in this area as it is. There are many concerns with the concept of a “transit library” built on top of a light rail system.

A Berkeley firm, Hatcheul Tabernik & Associates (HTA), was hired by the Library Trustees to survey the South Berkeley community’s library needs. They came up with statistics that pointed to a very favorable response to the move by the community; we decided to look into it further.

We stood outside the South Branch library for many days and asked people if they knew about the move and how they felt about it. In the course of a petition drive to contest the proposed move, we collected hundreds of signatures, but encountered only a handful, (fewer than 10%) who even knew about the proposed move, and only one person who had been actually interviewed by HTA.

What we want is for the South Branch library to stay on Russell Street. Please come to the next Board of Library Trustees (BOLT) meeting. Meetings are usually at the South Branch library on Russell at M.L.King, Jr. Way at 7pm. Public Comment begins the meeting, (you will have to sign a speaker card so please arrive a few minutes early). Your presence insures the democratic process.

If you cannot make the meetings,
please write to: BOLT at 2090 Kittredge Street, Berkeley, CA 94704
Or Berkeley Daily Planet at: opinion@berkeleydailyplanet.com

Save Our Library (SOL) 510 849-1296 savesobranch@yahoo.com
Berkeley Library Deserves to Be Saved

by Jane Welford

Berkeley's Library Trustees face a task of being moved to the Ed Roberts campus on the uphill side of the Ashby village. Much money has already been spent on this project, but Berkeley has hired the Library Trustees to survey the South Berkeley community's library needs. They came up with statistics that pointed to a very favorable response to the move by the community. We decided to look into it further. We believe that the proposal is being driven by political motives that have little to do with better serving South Berkeley residents.

Save Our Library is a group of South Berkeley residents and library users who came together at a Community Forum on June 9, called by the Board of Library Trustees and held at St. Paul African Methodist Episcopal Church.

The South Branch Library is a small, safe and friendly space where many children go after school and on Saturdays.

We felt strongly that the move to the Ed Roberts campus was being "sold" to the community. We also felt that the survey of South Berkeley needs, ordered by the Board of Library Trustees, did not reflect the needs and community members.

We decided to go to the community and ask them so we went to the South Branch library for many days and asked people if they knew about the move and how they felt about it. In the course of a petition drive to contest the proposed move, we collected hundreds of signatures, but only a handful (less than 10 people) who even knew about the proposed move, and only one person who had been actually interviewed by the company hired to do the survey.

There are many concerns with the concept of a "transit library" built on top of a freight rail system where the children are concerned. The South Branch Library is a small and friendly space where many children go after school. We are advocating for the present.

-- LIBRARY: PAGE 5

LIBRARY, NEWS & MARKETPLACE

FROM PAGE 4

do and improvement of South Branch's
library at Russell Street and Martin
Luther King Jr. way to be an expanded
Children's and Teen Lending Library.
We are not opposed to the building of a
library at the Ed Roberts Campus.

However, there are many concerns with the concept of a "transit library" built on top of a freight rail system where the children are concerned. The South Branch Library is a small, safe and friendly space where many children go after school and on Saturdays.

The new Director of the Library has called for a community meeting to be held this week at 750 Ashby Avenue, Berkeley, at 7 p.m. on the fourth floor of the library. We are not opposed to the building of a library at the Ed Roberts Campus. However, there are many concerns with the concept of a "transit library" built on top of a freight rail system where the children are concerned. The South Branch Library is a small, safe and friendly space where many children go after school and on Saturdays.

Jane Welford is a member of Save Our Library. Welford can be reached at welfordj@usa.net.
Meeting Draws South Branch Library Supporters

By JUDITH SCHERR

A community meeting which officials said they called Tuesday evening to assess general library needs was part Berkeley Library lovefest, part rally to save the South Berkeley Branch Library.

While notices of the community meeting at the I Over 60's Health Clinic on Sacramento Street and Alcatraz Avenue, posted around town and on the city website, called for people to come to the meeting to "tell us what you want from your Berkeley Public Library," other notices posted by a group organizing to save the South Berkeley Library asked for supporters to turn out to the meeting.

There has been a plan afoot, which the Library Board of Trustees has been discussing for more than a year, to move the small South Berkeley library at Martin Luther King Jr., Way and Russell Street a few blocks southeast, to the larger Ed Roberts Campus, slated to house mostly non-profit organizations serving disabled people.

The project, to be located where the Ashby BART Station east parking lot is now, has yet to raise the funds it needs to break ground.

The first community meeting to introduce the possible library move was held last month at St. Paul's AME Church, where there is support for the proposal, opposition has also begun to congeal.

The trustees have commissioned architectural drawings of the project and, while speaking favorably of it, they are quick to say they have made no decision about the move.

The architects will speak about the project at a public meeting at 7 p.m. August 1 at the Central Library third-floor meeting room. At the same meeting there will be interviews for a new trustee and selection of the trustee by the board.

When the 30 or so people attending the Tuesday evening meeting were asked what they like about the library, people did not hesitate to speak up: "It's rare that I'm looking for a book I can't find in the library," said one person.

"I go to the West Branch and I like it because they'll send me a book from another branch," said another.

People said they like the reference staff, the fact that they can get newspapers online or go to the Central Library to look at paper copies, the children's programs, the way homeless people visiting the library are treated with respect and much more.

The discussion turned to the possible move of the South Branch.

"I'd like to know why you want to relocate it," said one person, "it's right next to a park and in a residential setting.

"While South Branch Supervisor Jeri Ewart underscored how small the library is, one person responded with a snicker. "You don't need a map to move around in it," she said.

A woman identifying herself as a teacher at the adult school said her students told her they feel more comfortable in the small setting. "They feel intimidated in the Central Library," she said.

Yolanda Huang, a Parks and Recreation Commission member, said the South Branch Library is on a trajectory for kids walking down from Willard Middle School, up from Longfellow School and is next to a recreation center. "It's part of their world," she said, suggesting that the recreation center ought to be better integrated with the library.

"The South Branch is a safe place for kids in the afternoon," Huang said.

Elaine Green, a candidate for the Board of Trustees, said the proposed move of South branch and east of Ashby poses safety

Continued on Page Twenty-One

South Branch Library

Continued from Page Three

concerns for children crossing the wide streets.

A member of the group is forming to keep the South Branch where it is; Green said they have collected signatures of 300 people who oppose the move.

Winston Burton suggested spending funds to improve South Branch rather than moving it, using the meeting room for homework help, showing films and hosting art and music programs. "It can become so much more than a place to read books," he said.

One person suggested moving the adult books to a new site at the Ed Roberts Campus and leaving the children's and youth component where it is, and another said the tool library should move, leaving space for expansion of the rest of the library.

Library Trustee Terry Powell pointed out some of the negatives of the present South Branch site. "We know that the South Branch is very crowded," she said, noting that the space limits the number of books there.

"It has limited accessibility for disabled people," and a limited number of computers, she said, underscoring, however, "We haven't made a decision, no commitment.

But Huang was not convinced that South Branch versus Ed Roberts was the correct discussion to be having. "The needs of the South Branch need to be unhinged from Ed Roberts," and considered in their own right, she said.
August 2, 2007

Councilman Max Anderson
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

Re: Keeping our South Branch Library on Russell Street.

Dear Councilman Anderson

On behalf of the committee, Save Our Library (SOL), (South Berkeley residents) and supporters, your constituents, we strongly urge you to advocate for our position to keep the library at its present location. We have enclosed petitions containing five hundred and seventy-five (575) signatures of your constituents who are collectively teachers, students, property owners, business owners, and elders all of whom want to keep our beloved South Branch at its current location. Over the past fifty years our South Branch has been an integral part of our daily neighborhood activity and community connection. Our South Branch has an atmosphere of peace and a special quality that feels sacred to those of us who love it. It has maintained an educational and cultural partnership with our children’s schools and our children in a safe environment. Its’ presence is a welcoming venue for our culturally diverse community. It is our library. Its’ opening in 1961 marked the end of a segregated Berkeley and the beginning of our social justice era. It is the center piece of our neighborhood. Our concerns about the proposed new site are real. In addition to the objectionable prospect of ripping the soul out of our community; crossing the Adeline St. and Ashby Ave. corridors raises some serious safety issues. One could argue that the Ed Roberts Campus (ERC) location is only two blocks away and is still in our neighborhood. No, The ERC is a light rail site in South Berkeley; with the risk of crossing the highway and a transit location, as well as the danger of drivers who multi-task (this cannot be mitigated)! We know that our branch needs some improvements and we believe that those improvements can be satisfactorily met at the current location. In addition, as mentioned at last weeks meeting the findings of a sociologist held that children do not change their established routes of travel. The ERC is not on their route. We hope you will partner with us and other members in our community to strengthen our connection through other activities at the
library. One of our members designed a plan for development and introduced it to the city, which was well received for addressing the needs of our community; it has the Youth Uprising Model (youth advocacy) as a component. The library could partner with the recreation center, across the street, and implement this model. Another study revealed that small venues enhanced the individual’s connection to their environment (related to our tribal needs). Conversely, when there are fewer small venues e.g. branch libraries, corner stores, or barber shops, people become disconnected with their neighborhood.

There is another issue that is evidenced in our city as a consequence of this new development trend, it is gentrification. Wherever these light rail developments occur the impact is gentrification to residents and existing businesses. We are your constituents not those who might be commuting from elsewhere. Gentrification is development void of democracy, this is an avoidable aberration for Berkeley. We hope that you will consider all of the factors thoroughly before proceeding deliberately; being ever watchful for the “x” factor that cannot be mitigated and has the potential to cause irrevocable damage.

We believe in order to assess the needs of our library; you must engage the community in the process. The library trustees’ and Mr. Bern have agreed to work with us on this issue; we are willing to partner with them or anyone who is able to help.

What is at stake is the safety of our children, the loss of our community connection, the decline of our children’s participating in library services, the loss of a treasure to the entire community, our South Branch, and a significant part of our social history. We will zealously continue our commitment to keep our branch library.

Thank you

Enclosures
Co: Board of Library Trustees

Email: savesobranch@yahoo.com
Date: April 1, 2008

To: The Honorable Mayor and Council members

From: Elaine Green, Chair
       Save Our Library (SOL), savesobranch@yahoo.com

Re: Petition to keep the South Branch Library (and historic building) on Russell Street

Public Comment

Dear Honorable Mayor Bates and Council Members

Our committee, Save Our Library (SOL) and the signers of the attached petition urge to consider our concerns when reviewing the reports and needs of our community. The South Branch Library has historical value, a public venue where our diverse community has a sense of “community property,” and is the center piece of our neighborhood. It is a safe place for our children.

We have attended many meetings held by the Board of Library Trustees requesting that our library be remodeled and in compliance with the ADA. Our request seems to be the ballot measure package 2.

We urge again to consider the public will in your decision process.

*over God*
Shaping the Future of Your Neighborhood Library

West Branch

West Branch, constructed in 1923, is the oldest of the four branch libraries. In May of 2003, was designated by the City Landmarks Commission as a "Structure of Merit." The branch serves an active and diverse community and houses the library's successful "Berkeley Reads" adult literacy program, providing over 8,000 hours of literacy education each year. In addition, West Branch offers storytimes and programs for young children, a meeting room for community use, programs for teens and a popular selection of multilingual materials.
With over 93,000 visits a year, West Branch is a hub of activity. However, branch activities and services are hampered by its small size. The community meeting room is in constant use for literacy tutoring and youth programming, and demand outweighs available space for program events, seating and tables for reading, and computers. The recommended renovations will add much-needed space — including a study room for the literacy program, address structural issues, and restore the original 1923 branch façade and the lovely interior historic details.

**Issues of concern**
- Lack of sufficient programming and meeting space
- Inadequate and outdated electrical, ventilation, and plumbing systems
- Inadequate lighting
- Structural damage from decay, pests, and rot
- Not seismically sound
- Not ADA compliant

**Recommendations**
- Increase existing 6,230 sq ft building by 38%, approximately 2,300 sq ft of additional space
- Make existing building seismically safe
- Upgrade and/or replace the mechanical, electrical, and telecommunication systems
- Replace existing lighting
- Add a fire sprinkler system for the entire building
- Bring existing building up to full ADA compliance
Reader Opinion

Measure FF and Branch Library Demolitions

By Steven Finacom
Mon Dec 13 17:56:00 -0800 2010

A community group, Concerned Library Users, recently sued the City of Berkeley to, in part, stop the illegal use of bond funds for the demolition of two branch libraries.

Although the lawsuit has been excoriated and ridiculed by some public officials and community members it is, in my view, a justifiable and important effort to restrain the City from improperly changing the voter-approved use of bond money.

Let me state first that I am not a member of Concerned Library Users, nor am I a party to the lawsuit. My concerns about the bond arose separately, and well before the suit was filed. But they are directly relevant to some of the issues in the lawsuit.

There is one—just one—central point here.

Is it legal for a City to solicit bond funds from the voters with a specific set of written promises, then later change the use of the money to do something the ballot measure specifically did NOT fund?

In 2008 Berkeley voters approved Measure FF, which provided 26 million dollars to renovate and expand Berkeley’s four branch public libraries. The exact wording of the ballot language is worth remembering.

“Shall the City of Berkeley issue general obligation bonds not exceeding $26,000,000 to renovate, expand, and make seismic and access improvements at four neighborhood branch libraries, but not the Central Library, with annual reporting by the Library Board to the City Council?” Vote Yes or No.

Subsequent to voter approval of the bonds, the Library continued a planning and design process and hired a design team for each branch.
By early 2010 the direction of the detailed planning was clear. The Board of Library Trustees intended to renovate and build a rear addition on the North Branch, renovate the Claremont Branch without significant expansion, and demolish and completely rebuild the West and South branches.

The bond allows two of those proposed activities—renovation and expansion. One of them—demolition—is not allowed.

By proceeding down a path that will result in the demolition of the two branches, the City of Berkeley and Board of Library Trustees are directly violating the will of the voters.

Is this important? Indeed it is. If the City can establish that the explicit conditions of voter-approved bonds can be altered or ignored after the fact, then no funding earmarked for a specific purpose is safe.

There would be no point in detailed bond language or conditions at all. Instead, each ballot statement might as well read, “Do you, Berkeley voters, approve giving X million dollars above and beyond your regular taxes to the City of Berkeley to spend as it wishes? Yes or No.”

Does this matter to you? It should. What if, for instance, the School District put up a bond measure promising to renovate your neighborhood school, and you worked hard to get it passed. Then, after the election, the School Board said, “Hey, sorry, we thought all along that money would be better spent closing your school and renovating another. Sorry.”

Or what if the City Council asked voters to approve a special tax devoted solely to increase police services then, after it passed, decided that the money should go to sewer repairs instead? All for good reason, of course.

Wouldn’t you object on principle? Shouldn’t you?

So why didn’t anyone object to the proposed demolition of the South and West branches earlier than the middle of this year, when the plans were far advanced?

People did object earlier. I was one of them. No objections had any effect.

Consider the minutes of the October, 2009, Board of Library Trustees meeting. The Board met to discuss the South Branch project and take public testimony.

I attended that meeting and spoke specifically to the issue of the intent of Measure FF. Here’s how the minutes recorded my comments. They don’t exactly repeat my words, but the summary is reasonably accurate.

“Demolition vs. renovation: he has reviewed all of the public documents on the library bond through the annual report. He believes library represented to the community that would renovate and expand the branch, in his analysis given the wording of the bond measure and election analysis the library is foreclosed from a teardown of any branch, legal risk of violation, can not be easily dismissed.”

Remember, this is in October 2009, well over a year ago and before the Board of Library Trustees had stated its choice of a demolition/rebuild scheme for the South and West Branches.

What did the Board say in response to my comments?

Here’s a comment from Darryl Moore, as reported in the minutes. “In response to questions raised by staff consult with the City Attorney’s Office if needed.”

That’s dry language, but it makes the point. I recall Councilmember Moore said something along the lines of “We’ve been put on notice” and asked the staff to get legal advice on whether the bond language would allow the demolitions.

Then there’s this highly revealing comment. Remember, this is not my wording; it’s from the official minutes of the Board.

“Trustee Kupfer agreed with the positive comments regarding Scheme 2. To address a concern expressed during comments about the library’s ability to build new, she does not believe it is not allowed. The process leading up to the bond measure included a community process, public discussion by the board and a vote by BOLT, a new library scheme was discussed as an option throughout the process.”

Again, dry official minutes language. I remember that Trustee Kupfer seemed genuinely mystified that anyone would think the bond funds couldn’t be used for demolition. After all, they had demolition on the table all along, she argued. Everyone knew it was being considered.

Did they? Did we? Did the Trustees really intend, from before the 2008 election, that any planning for the South and West Branch Libraries put demolition seriously on the table?

If so, they had a strange way of communicating that intention to the voters.

There was indeed a consultant report before the election that considered demolition. But in the critical months leading up to the bond election itself, public library documents and campaign literature fell strangely and selectively silent on the possibility of the demolition.

For example, here’s part of the text of the ballot argument in favor of Measure FF signed by, among others, Councilmember Moore, then Vice-Chair of the Board of Library Trustees.

“The branches are old and out of date and must be improved in order to support the over 800,000 visits during the year... This measure will bring the buildings up to current code standards, meet seismic requirements, make all of the branches fully accessible to Berkeley’s diverse population.”

No word about “demolition” there, or elsewhere in the ballot arguments. In fact, the rebuttal to the ballot argument against Measure FF emphasized, “Help save and restore our neighborhood branch libraries by voting YES on Measure FFP” (emphasis added).

And it wasn’t only the official ballot arguments. Here’s what “Save Our Branch Libraries: Yes on Measure FF” said on its Facebook page. “Measure FF is a $26 million bond to renovate, expand, and make seismic and access improvements at four of Berkeley’s neighborhood branch libraries...”

And here’s a fact sheet issued on Library stationery for the election.

“The revenue from the bond will bring the buildings up to current code standards... What are the plans for each of the Branch Libraries?... North Branch, receive a small addition... West Branch have it’s 1974 addition replaced to address structural issues; restore original 1923 branch facade; South Branch... expanded to incorporate the Tool Library program into the branch with substantial increase in space... net space increase of 3,160 sq. ft... Claremont Branch receive a small lobby expansion... refurbished/restored historic features...”

And here’s part of a Daily Planet opinion piece by three prominent Library supporters, less than two months before the election. “It is critical that we renovate all our branches to ensure they are safe, modern, buildings that will serve our community...”

Consider all that language. “Bring the buildings up to current code standards... must be improved... save and restore our neighborhood branch libraries... be expanded... receive an addition... restore original... refurbish...restore...renovate all our branches...”

If arguments like those constituted a clear request to the voters to allow demolition of half the branch libraries, the Library must be using a different dictionary than the rest of us.
Councillember Max Anderson recently told the San Francisco Chronicle, "The people voted for these libraries to be fixed up - they didn't vote to put restrictions on what can and can't be done with them."

Councillember Anderson is well intentioned, but completely wrong. The people DID indeed vote for restrictions, restrictions crafted by the promoters of Measure FF.

If Measure FF had simply been a mandate to "fix up" and/or completely rebuild the branches without precondition, then it would not have included the "renovate, expand and make seismic and access improvements" wording.

It would have simply said something like this: "Do you approve of appropriating 26 million dollars from special property taxes that the Board of Library Trustees may then use for making the four branch libraries better, in whatever way the Board deems best?"

Or perhaps it would have said, "renovate, expand, demolish and rebuild, and make seismic and access improvements..."

There's a good reason, I suspect, that language like that did NOT go on the ballot. I believe that those who prepared the wording of Measure FF were afraid that if the measure seemed to open the door to demolition, enough voters would say "No" to sink the bonds.

In particular, voters in politically influential north and southeast Berkeley might have been afraid the Library would demolish either the North or the Claremont Branches. It wouldn't be the first time in Berkeley that a public institution asked for bond funds to upgrade facilities, then demolished and rebuilt them instead.

If the ballot measure wording had been in specific or had specifically mentioned demolition-it is quite likely the measure would have been defeated and there would be no money to do anything with any of the branch libraries at this time.

I know I would have voted against it for that reason, and I know many others who probably would have, too. And it would have made a critical difference.

Measure FF passed with 68.01 percent of the votes. It needed a two-thirds majority, 66.6 percent.

That two-thirds majority would have required 37,223 votes out of those cast. The Measure received 37,973. Thus, it has a margin of victory of about 750 votes.

Would 750 "Yes" voters-out of more than 55,000 casting votes on the Measure-have decided against Measure FF if the ballot language and campaign had given them reason to be concerned about demolition of any or all of the branch libraries instead of renovation?

I think any reasonable person familiar with Berkeley would agree that's quite possible, especially if the Board of Library Trustees had made honestly made demolition a part of their case and campaign for the branch funding.

So foreclosing the possibility of demolition was, in my view, a direct reason the Measure achieved the two-thirds threshold.

In essence, the trustees chose to opt for a "safe" bond measure that would not include demolition. Now that they have the money they shouldn't go back and change its use.

They had free will in this. They chose the wording of the bond measure. They advocated for "renovate, expand, and make seismic and access improvements..." They entered into a compact with Berkeley voters and taxpayers on terms they established.

That seems to me to be an essential point of the lawsuit. And perhaps there's a little tacit agreement, even on the City side.

In June, City Attorney Zach Cowan apparently advised the City Council that Measure FF money could not be used to demolish the South and West Branches.

There's simply no reason he would have advised that if he didn't believe a legal challenge to the Measure on the demolition issue would have a chance in court.

That advice may not, however, have extended the same prohibition to use of the Measure FF funds to construct entirely new buildings. So the City and the Board of Library Trustees and their legal staff might be working on a back-up strategy.

Find funds elsewhere, outside the bonds-probably on the order of hundreds of thousands-to tear down the two branches. That would cause the City some financial pain, but would not be impossible.

Then claim that, with the old buildings gone, entirely new buildings can be constructed with the Measure FF funds to satisfy the bond intent of providing safe, accessible, expanded branch libraries.

If that indeed is the City's strategy it is important that it be vigorously opposed. Making the branch buildings go away with some other funds then rebuilding them with Measure FF funds would be, in my view, as clear a violation of voter intent as doing it all with the bond money.

It would be a bit of legal sophistry, not clear justice. And it would open the door just as fully to official amnesia about voter intentions in the future on any other ballot mea-
-----Original Message-----
From: Clifford J Fred [mailto:cafred1@juno.com]
Sent: Monday, January 31, 2011 3:31 PM
To: Sage, Aaron E.
Subject: comments on Branch Libraries Program Draft EIR

1-31-11
to Aaron Sage,
Please include my attached comments on the Berkeley Branch Libraries Program Draft EIR in the official CEQA record for response.

Please reply by phone or e-mail to confirm that you have received my comments.

thank you
Clifford Fred
525-1486

Get Free Email with Video Mail & Video Chat!
http://www.juno.com/freemail?refcd=JUTAGOUT1FREM0210
January 30, 2011  
Clifford Fred  
1334 Peralta Avenue  
Berkeley, California 94702

Aaron Sage  
City of Berkeley Planning Department

RE: COMMENTS ON CITY OF BERKELEY BRANCH PUBLIC LIBRARIES DEMOLITION & RENOVATION PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

I urge the City of Berkeley to extend the comment period for the Branch Public Libraries Demolition & Renovation Project Draft EIR by at least an additional 30 days, and to schedule an additional public hearing on the Draft EIR at the end of the comment period. The Branch Libraries service a broad section of the community, and notification of the availability of the DEIR has been inadequate.

The proposed demolitions of the South and West Branches have not been well publicized. The historic features of these libraries deserve to be preserved, just as those of the Claremont and North Branches.

Based on the public’s comments on the Draft EIR, I urge the City to re-circulate a revised Branch Libraries Demolition & Renovation Project and a revised Draft EIR.

The Revised Draft EIR - which responds to and incorporates the public's comments on the First Draft, should be re-circulated for public review and comment, with at least one public hearing on the Revised Draft EIR. This would give the public the opportunity to review and comment on the Lead Agency’s responses to the significant environmental points raised in the review and consultation process.

The Branch Libraries Demolition & Renovation Project should be considered separately from the EIR. Once a Final EIR is approved, the City should hold public hearings on the project itself.

THE LIKELY ABANDONMENT, DESTRUCTION, OR REMOVAL AND RELOCATION OF BOOKS FROM THE BRANCH LIBRARIES.

Where appropriate, a Draft EIR should contain discussion of the economic and social impact of a proposed project.

The likely abandonment, destruction, and removal and relocation of large numbers of books from the branch libraries is a significant social impact that should be discussed in the EIR. The essence of a public library is its book collection.

How many books will be removed from each of the Branch Libraries?  
Specifically, which of these books will be discarded or destroyed?  
Specifically, which of these books will be sold or given away?  
Specifically, which of these books will be sent to deep storage?

See page 2.
The loss of these unique books would be a significant social and historically loss to the Berkeley community. Older books, especially, contain information and ideas not found anywhere else.

About 10 years ago, in a controversial move, the City of San Francisco abandoned, gave away or destroyed thousands of irreplaceable books in the course of relocating its Main Public Library. Will this be repeated in Berkeley?

The EIR should discuss Project alternatives in which no books are destroyed, sold or given away.

**SOCIAL IMPACT OF LOSS OF BRANCH LIBRARIES FOR AN EXTENDED PERIOD**

The EIR should also consider the negative social impact of the loss of each of the Branch Public Libraries for an extended period of time. Realistically, where are Berkeley residents expected to go for their library needs while the Branch Libraries are being rebuilt or renovated?

Can the Berkeley Main Library really handle a large additional volume of people everyday? The EIR should recognize that while parking is generally available near the Branch Libraries, there is no free parking anywhere near the Berkeley Main Library.

Please inform me of the availability of the Final EIR or Revised Draft EIR, and of any subsequent public hearings on the EIR or the Branch Libraries Project.

Thank you,

Clifford Fred
From: G. Poschman [mailto:poschman1@comcast.net]
Sent: Friday, January 28, 2011 9:56 AM
To: Sage, Aaron E.
Subject: Corrected copy-- my name added!

I hope this does it.
Thursday, January 27, 2011

To: Aaron Sage, Senior Planner  
Land Use Planning Division

From: Gene Poschman

Re: Comments on the Inadequacy of the “Berkeley Branch Libraries Program—Draft Environmental Impact Report Sch #2010062051”

I. Section 5.1 Alternatives to Zoning Ordinance Amendment of the DEIR reads as follows:

In granting a Variance to a project, the City must make at least one of two findings specified by Section 23B.44.030 of the Berkeley Municipal Code, including finding that there are "exceptional or extraordinary circumstances [sic-"or conditions” omitted] applying to the land, building or use" and finding that a "Variance [sic- “the granting of the application” is omitted ] is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner." Of the two required findings, the former would be difficult to conclude for the South and West Branches because these sites are, by Berkeley standards, relatively large, rectangular sites with no special constraints compared to other sites in their respective neighborhoods. Demolition of the South and West Branch buildings would create a "blank slate," allowing relatively easy compliance with setback and lot coverage requirements. The latter finding would also be difficult to conclude for these projects since the library is a publicly owned and operated facility, and therefore the economic use of the building is irrelevant. Compliance with the setback requirements would not preclude the continued use of the sites as public libraries.

There are many inadequacies in this part of the DEIR

1)---The inability to count.

To quote:

“In granting a Variance to a project, the City must make at least one of two findings specified by Section 23B.44.030 of the Berkeley Municipal Code,....”

(bold added)

Comment: But section 23B.44.030 has not two but three findings and states in Section A that all of the findings must be made.

23B.44.030 Findings for Issuance and Denial
A. After the Board has conducted a public hearing, it shall act on the application. The Board may approve a Variance application, either as submitted or modified, only if it makes all of the following findings: (Bold added)) [goes on to show 3 findings]

How any competent DEIR preparation could count 2 rather than 3 findings and then somehow get 1 out of 2 is inexplicable to say the least.

2) The excluding of “relatively large rectangular sites from being eligible for receiving a variance” no matter what their use.

To quote the DEIR:

Of the two required findings, the former would be difficult to conclude for the South and West Branches because these sites are, by Berkeley standards, relatively large, rectangular sites with no special constraints compared to other sites in their respective neighborhoods.

To quote the variance language of the Zoning Ordinance.

23B.44.010 Variances
The Board may grant Variances to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the use of property, the height of buildings, the yard setbacks of buildings, the percentage of lot coverage, the lot area requirements, or the parking space requirements of this Ordinance....(Bold added)

23B.44.030.1.

There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District; (bold added)

Comment: It is again inexplicable, to say the least, that the “use of the property” is ignored and only the site’s shape and size --“relatively large, rectangular” is invoked. The “use of the property” is a public library of which there is one in the whole West Berkeley area and one in the whole South Berkeley area.

Is this DEIR invoking official City policy and/or the City Attorney’s opinion that “use of the property” is not to be considered in variance findings despite the wording of the ordinance?

Further, is this DEIR invoking official City policy and/or the City Attorney’s opinion that there can be no variances on sites in the neighborhoods around these libraries which are
relatively large and rectangular? Of course, if this is policy it would refer to all such sites in Berkeley of which there must be many thousands.
3)—Demolition and “easy compliance”?

To quote:

Demolition of the South and West Branch buildings would create a "blank slate," allowing relatively easy compliance with setback and lot coverage requirements.

Comment: This sentence is very confused—There is no relationship between demolition and “easy compliance.” The buildings could by demolished now with a use permit but if the variances remain—which they would without the ZOA, there would be supposedly—I say supposedly because I have doubts about this contention about variances—no “relatively easy compliance.” So it is not demolition which makes for “easy compliance.”—It is (supposedly) only after the ZOA is enacted and it would then only take a use permit that it would be “easy compliance.”.

Take it out.

4)--- The difficulty or perhaps impossibility of granting a variance to any “publicly owned and operated facility.”

The second finding is

2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property’s owner;

To quote the DEIR:

The latter finding would also be difficult to conclude for these projects since the library is a publicly owned and operated facility, and therefore the economic use of the building is irrelevant.

Comment: It is nice to see the word “use”—which was left out in the first variance finding—actually used albeit, in a garbled manner. It seems to say that the library has an “economic use” but since the City owns it, it is irrelevant because the City cannot have any substantial property rights with regard to say, a new West Berkeley Library. There is a bond issue for 26 million dollars of which many millions are to be devoted to the West Berkeley site but such economic figures, no matter how many millions, are not a substantial property right!

Please have the DEIR refer to a written opinion by the City Attorney on this finding and the way the DEIR has described it so that the EIR will have some chance of being adequate.
II. The wording and meaning of the Zoning Ordinance Amendment.

Notwithstanding any other provision of this Title, any conforming or lawful nonconforming public library existing as of May 1, 2010 may be (1) changed, (2) expanded, or (3) demolished and a new public library constructed on the same site, subject to issuance of a Use Permit, unless such change, expansion or new library is otherwise allowed by this Title. The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.

The wording of the amendment is overly broad, unclear, and needs modification and there is really no direct analysis of its impact.

1)—The declaration that the ZOA does not really “by itself would not result in an environmental impacts”

Although the ZOA is a policy or administrative process, that by itself would not result in environmental impacts, it facilitates four branch library projects each of which is reasonable [sic] foreseeable.” (5.1.2)

Comment: Given the preparer’s difficulty with language and interpretation as shown above with regard to variance language, the disclaimer is both wrong and inadequate. The ZOA is an amendment to the ZO which covers 5 libraries. Any changes that could be made with a use permit and could have an impact on the environment, require the ZOA language --whether a policy or an administrative process or whatever-- be examined for such impact. This is not done.

3------The last sentence of the ZOA gives the Zoning Adjustment Board the overly broad authority to change by use permit any requirement in the entire ZO which may be applicable to “such change, expansion, or new library.”

To quote:

*The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.*

There is simply nowhere in the DEIR any recognition of the possibly dozens or perhaps hundreds of requirements that can be modified. I am not describing what might or might not happen, but the clear issue is what authority this provision actually gives the Zoning Adjustment Board. **And nowhere is this discussed.**
We know that the change from variance to use permit explicitly changes the authority of the Zoning Adjustment Board with regard to

the use of property, the height of buildings, the yard setbacks of buildings, the percentage of lot coverage, the lot area requirements, or the parking space requirements of this Ordinance;

Take for example the height of the building which houses a library. The setbacks, percentage of lot coverage etc. may have very little environmental impact but clearly with the wording of the ZOA the Zoning Adjustment Board has the authority by issuing a use permit to build any number of stories on any of the 5 library sites at any time in the future--three stories, four stories, or even more. Again, the issue is not what is the probability of something happening but does the looseness of the language legally give the Zoning Adjustment Board authority to do so with a use permit. This ZOA language also applies to the library building site downtown and gives the Zoning Adjustment Board the authority with a use permit to build any number of stories on that site, 5, 6 or even more. The impact of such authority given to the Zoning Adjustment Board by the language of the ZOA is never addressed by the DEIR and thus the DEIR is not adequate.

Suggested language change—Since the clear reason for the ZOA language is setbacks, lot coverage, lot area requirements and parking and not stories, rewrite the ZOA to refer specifically to these items.

*The Board may modify any requirement of this Title concerning setbacks, lot coverage, lot area requirements and parking applicable to such change, expansion or new library as part of the Use Permit.*

3)—What is the meaning of the phrase in the ZOA which reads after “subject to the issuance of a Use Permit” —*unless such change, expansion or new library is otherwise allowed by this Title”*?

At first glance it appears to perhaps mean that if something is now a ZC that it would not be upped to a Use Permit but the phrase is “otherwise allowed by this title.” It makes it appear that if it now is allowed by this title by a use permit that after this ZOA is enacted it would no longer need a use permit. There is no explanation anywhere that I know of why this language is in here and what it means. If it has something to do with ZC’s or AUP’s make it explicit with regard to these two things. If it is broader—spell it out. There is no way to know its impact if it difficult or impossible to know what it means.
From: Corbeil, Donna
Sent: Thursday, January 20, 2011 9:00 AM
To: Sage, Aaron E.
Subject: FW: big mistake in eir!

Aaron,
Thought you should know about this. Also, I have some comments on the draft, mostly typo sort of thing, do you want these now?
Donna

Donna Corbeil
Director of Library Services
Berkeley Public Library
2090 Kittredge Street
Berkeley, CA 94704
510-981-6195
FAX 510-981-6111
DCorbeil@CityofBerkeley.info

From: Mark Schatz [mailto:ms@fieldpaoli.com]
Sent: Wednesday, January 19, 2011 5:50 PM
To: Corbeil, Donna
Cc: Avery Taylor Moore; Hye-Yeon Jamie Park
Subject: big mistake in eir!

Donna,
Something sounded wrong to me about sara shumer’s comment on the cost estimates for the two library options at last week’s zab meeting.
Turns out nicola got the number transposed for option c’s concept estimate.

The correct figure is $4.146 million, but she has $4.416 million instead.

The dd estimate was $4,331K including the solar panels, and the cost of demo, which wasn’t in the concept estimate as I recall.
Anyways, sara’s point was that the costs were so close, we couldn’t use that as an argument, but they were only that close because of the transcribed numbers!!

Let us know how to proceed so we can get this corrected.
Hi Aaron and Donna,

I have just reread the EIR, and I do have a few important (and a few minor) comments.

1. Page 2-5, first paragraph – 8th line – would be better if it said (e.g. wider aisle widths and hallways ...)
2. Page 2-5, 2nd paragraph – we actually have a second entrance into the main library as well as a separate entrance into the tool lending library on martin luther king way. Also, we should note here, since this is the first mention of the on-site loading/unloading spaces, that one of them meets the ADA requirement for van accessible parking.
3. Page 3-12, 1st paragraph – 11th line – makes reference to the new structure “using all 9,600 square feet”. 9,600 sf is actually the proposed area for west branch, not south. I think this would be better worded to say, “... a well-designed new structure to meet the full program on a single story.”
4. Page 3-13, 1st paragraph, line 2 – delete the word “more” between require and an.
5. Page 4.3-13 – bottom paragraph, 2nd to the last line – south is pursuing a lead gold rating. However, I don’t think we should say that we would receive the credit for recycled materials and locally produced materials because we’re not sure of getting them. maybe we say that “within that scoring system, they are pursuing a credit for ...”
6. Page 5.2-18 – the chart is incorrect. The concept design report estimate for the proposed project is $4,146,000. The numbers are transposed. There are more recent estimates for this design, but since we didn’t do later estimates for the other alternatives, I think it’s best to use these for comparative purposes.
7. Page 5.2-20 – first paragraph, first line. This is not correct. the existing library is substantially lower than the surrounding residences, and since the houses predate the library, I’m guessing it’s always been that way. from mlk way, this is particularly noticeable, and if anything, detracts from the library having any sense of civic presence within the context of this neighborhood, or along the busy main street.
8. Page 5.2-21 – a few minor typos – first full paragraph, line 6 – should be space, not spaces.
9. Same page, first paragraph, 2nd to the last line – should be do, not does
10. Same page, 2nd paragraph, 5th line – should be computer users, who – not which.

I have to say that this was a very tedious document to read, mainly because there were so many elements that were repeated twice or even more often. Sometimes there were full paragraphs or even pages that were repeated verbatim, but I guess that’s just the nature of an EIR.

I certainly appreciate the thoroughness of the study, and wish us all well in getting it approved in final form very
soon.

Thanks, and have a good weekend.

Mark

---

Mark Schatz, FAIA, LEED AP
Principal
FIELD PAOLI
150 CALIFORNIA, 7TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111
[T] 415.788.6606 [F] 415.788.6650

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From: Corbeil, Donna
Sent: Friday, January 28, 2011 2:52 PM
To: Sage, Aaron E.
Cc: Mark Schatz; 'Dean, Edward'
Subject: DEIR feedback

Dear Aaron,
Just a few comments on the document I the attached, it is a lot and well done. I am also sending to Ed and Mark as FYI. I have asked them to send comments as well.
Thank you,
Donna

Donna Corbeil
Director of Library Services
Berkeley Public Library
2090 Kittredge Street
Berkeley, CA 94704
510-981-6195
FAX 510-981-6111
DCorbeil@CityofBerkeley.info
DEIR comments:

3-8 “elements of.” Hanging sentence
3-12 footnote 9 references LPC but it is the BOLT minute meetings which should be referenced here
3-13 “would also require more an additional” – grammatical / typo
3-14 LPC took no action. Can you say the result of no action, it almost implies that they could revisit later but it was a referral and as they took no action it moves to the next step in the process, but is not open to retuning to LPC again, right?
3-15 “schedule and truck traffic;” typo
3-58 Section on noise mitigation seems excessive, particularly bullet #2 and #3; we really need a Noise enforcement officer? Is this the norm for City projects?
4.1-21 mitigation – should we agree to capture before demolition with professional photographer engaged to take picture?
4.3-13 south is intending to receive a gold LEED rating I think
4.3-15 second paragraph – spacing of 2nd line and punctuation needs fixing. Also can we say Gold LEED rating here, are the energy-calc. updated since the time this was written?
5.2-4 Footnote 3, on page 5.3-4 the same code is fully cited and italicized, can we do the same here for consistency?
5.2-15 b. “the same number as presenting the existing library” typo
5.2-16 C. “however it should be noted, however, that the although..” typo
5.2-18 chart and text below – need to correct to $4,146 M
5.2-20 “the second addition also slopes away…” second story addition might read more clearly
5.3-2 second paragraph, last line, staff room changed to staff work room
5.3-4 first paragraph – “the doors would be restored” I thought doors would be replaced with windows since these are not the originals?
5.3-13 “first paragraph: “As the No Project alternative… (change to - too?)” and “is worse” to “is a worse”
5.3-18 #3. “although the wider aisles” not sure what trying to say here
5.3-19 #7 “If moved to the street it and associated with a taller addition…” typo
From: Dean, Edward [mailto:etdean@hedev.com]
Sent: Friday, January 28, 2011 4:44 PM
To: Corbeil, Donna; Sage, Aaron E.
Cc: Avery Taylor Moore
Subject: RE: DEIR feedback

Notes:

p. 3-27. Gross floor area is 9,400 sf, not 9,600 sf. Also, the Multipurpose Room is not only intended for “larger meetings”, but is a true multipurpose room that will be open for general reading and computer use. This is an important point since the adjacency and staff control of this room is important for non-meeting periods. Otherwise, it could be kept locked up and on a different floor, as in Scheme A. The intent is to accommodate the community’s oft-repeated request for more reading space.

p. 3-58. It is a little odd to have so much noise control in that very noisy location. Can’t this be toned down and be limited to tool use section? There must be so much noise coming from trucks unloading at the 99 cents Store to the west of those residences as well as the University Avenue noise. (If anything, our building will be a great noise barrier for them once the structure is up.)

p. 4.3-14. “Overall, the increase in emissions due to all projects combined, would not be large”. This is not an accurate statement. I would restate it as “Overall, there would be a decrease in emissions due to all projects combined even though two of the branches grow in size because the buildings would be brought up to current Title-24 energy standards, significantly reducing their overall energy use and therefore their GHG emissions. In fact, since South is expected to perform at 35% below Title-24 standards and West is expected to perform at zero-net-energy use and zero carbon emissions, the reduction in GHG emissions for all four branches combined will be substantial.” The document goes on to make summary statements about South’s energy use likely to be higher than the existing building, partly due to the increase in computer use. Avery can comment on the basis for this assumption, but I doubt that these generalizations are true. We have annual energy bills for all the branches and we know the projected energy use of West including plug loads like computers (namely zero) and we know the projected energy use of South. If we compare the existing with the proposed, we can state definitively that South will in fact use less and by how much. Also, it is troublesome to see language for West that says it will use “considerably less” than the existing building—why mince words?—they should just say flat out that it is projected to consume zero non-renewable energy over the course of a year and will have a zero carbon footprint.

p. 5.3-4. “The doors would be restored and used as windows”. I think that we should also note that the door location, to remain historically correct from the outside, would require a hole in the floor with a guardrail around it, since it is about 2’ below the floor level at the threshold. (There was an internal short flight of stairs in 1923.) The alternative is to change the exterior (historic tampering that would probably not be accepted) and raise the historic arched door/window up to floor level so that its sill aligns with the other window sills on that
wall. (The Jersey schemes keep ignoring this seemingly unimportant detail. It is actually important and I think that the EIR should note it.)

etdean@greenworkstudio.com; etdean@hedev.com

GREENWORKSTUDIO

Harley Ellis Devereaux
California Offices: Los Angeles | Berkeley | San Diego | Riverside
2430 5th Street | Studio M | Berkeley, CA 94710

From: Corbeil, Donna [mailto:DCorbeil@ci.berkeley.ca.us]
Sent: Friday, January 28, 2011 2:52 PM
To: Sage, Aaron E.
Cc: Mark Schatz; Dean, Edward
Subject: DEIR feedback

Dear Aaron,
Just a few comments on the document I the attached, it is a lot and well done. I am also sending to Ed and Mark as FYI. I have asked them to send comments as well.
Thank you,
Donna

Donna Corbeil
Director of Library Services
Berkeley Public Library
2090 Kittredge Street
Berkeley, CA 94704
510-981-6195
FAX 510-981-6111
DCorbeil@CityofBerkeley.info
Comments Submitted from Landmark Preservation Commissioners:

The following comments were made at the Landmarks Preservation Commission meeting of January 6, 2011 regarding the Draft EIR for the West and South Branch Berkeley Libraries and are being submitted from the recorded minutes at the request of the commissioners by the Secretary.

1. **Gary Parsons:**
   - The Zoning Amendment that is part of the EIR scope addresses five (5) specific sites where there are existing library buildings. Both the Planning Commission and City Council reports identify different issues with the sites that require special treatment. Three (3) of the sites are in residential districts. The precedent for such amendments is not adequately provided nor can the analysis be combined.

2. **Anne Wagley:**
   - The EIR schedule is such that the last two weeks in December should be a moratorium period and the schedule extended to allow for the limited public access to the EIR documentation during the holidays. When the general public has no access to a required public document for which there is a hearing or action has to be taken within a certain period, then the time to respond should be extended by the amount of time that the public was not able to access that document.
   - Requests that newly surfaced “preservation alternatives” either be incorporated into the EIR for consideration as alternative plans, or that they at least be reviewed by the body that certifies the EIR.

3. **Steve Winkel:**
   - The concept represented in the EIR that the “no project” alternative is feasible is misleading.
   - All approved buildings are code compliant when built; standards change.
   - It is understandable to aggregate EIRs, but it also is very difficult, as different buildings raise different issues (structure, character, integrity, context). The comparisons between the West and South Branch facilities are a comparison of “apples and oranges”. For clarity, there should be two (2) EIR documents. The following three (3) sub-items also should be addressed in each — 1) the bond measure; 2) the context and programs for the two buildings; and 3) the site analysis and use of Measure F funds for each.
   - Notes that on page 5.2-5, the cost is discussed as part of the reason that the partial preservation alternative (Option B2 of Convept Design Report for the
South Branch Library) was discarded. Would like to note than the objection of an EIR is to provide facts regarding environmental impacts, not fiscal impacts, and therefore feels that this discussion of costs is inappropriate. The attention of the decision makers should be on Table 5.2-1 (on page 5.2-11), which discusses significant-unavoidable and less-than-significant impacts of the various alternatives. For example, should this table and the environmental findings provided in this document cause the decision makers to determine that a preservation or partial preservation alternative would be the best choice, then it may preclude a decision for $2.6 million more to be allocated to this job vis-a-vis the other projects.

4. Antoinette Pietras:
- Public expectations for the bond measure that funded the project should be considered, especially if demolition was not identified as a possibility. The financial aspect of the allocations per branch may be missing in terms of how the total allocation will be directed to each branch.

5. Gary Parsons, Anne Wagley:
- Carrie Olson’s father, who was the architect in charge of the working drawings for South Branch should be contacted and interviewed for any missing information on the design and construction details. Given the sensitivity of the situation (out of concern for both his emotional and delicate physical health), attempted contact should be made through his daughter, Carrie Olson.

6. Chris Linvill:
- The analysis should discourage variances, which are possible with findings for unusual circumstances. Alterations that legalize non-conforming conditions are not adequate for findings that allow a variance.

7. Austene Hall
- Questions the inclusion of the Zoning Ordinance Amendment within the EIR for the buildings. First, with the pending lawsuit feels they [the Zoning Ordinance Amendment EIR and the Library Buildings EIR] should be separate EIR reports. Furthermore, feels it is inappropriate to change zoning laws for individual projects. It sets a precedent.
Transcript of Zoning Adjustments Board hearing on Draft EIR for Branch Libraries
January 14, 2011

It's Linda SCHACHT, I live on Benvenue, have lived in Berkeley my whole life. I thank you for listening to us about this plan for the two libraries in Berkeley. I've read the entire EIR, and I just want to point out a few things to you. It says in the community process section about the south branch, that the landmarks preservation commission had taken no action to initiate the establishment of the existing building as a landmark nor to express opposition to the demolition. In the same section about west, it says the design team showed the new building design to the LPC and everyone at the new building. The EIR finally says that the only alternative that will fully protect the historic nature of south and west is to have no project at all. In other words, to leave the branches as they are. That would of course deny Berkeleyians the libraries that they have come to expect based on their vote overwhelming support for measure FF, the bond measure that provided $26 million to do the four branches. There have been, as the architect mentioned, dozens of meetings about these two branches attended by hundreds of people in Berkeley who all came to the conclusion that these buildings needed to come down and that they wanted full library services in those two neighborhoods
that would be equivalent to those in the other neighborhoods at the north and Claremont branches, which will be undergoing renovations starting in March. If this doesn't go forward, my sense is that, because of clay delays and increased cost of construction, those two branches could end up not being reconstructed at all. And that would be an unacceptable result of this entire lawsuit and planning process. I'd appreciate that the EIR has been completed, that was part of the settlement with the people who have -- the plaintiffs in the lawsuit. This has gone forward. I urge you to support it and I want you to know that over the past several months the people of Berkeley have raised and donated almost $1.4 million to go ahead with these branch projects. And there is overwhelming support in the community for them. I hope that you can confirm the EIR's findings and support it. Thanks very much.

D. Matthews: Yes, we have a question.

R. Allen: I'm sorry, but I must have misunderstood your comments earlier. I thought you were saying that the EIR conclusion was that there should be nothing built.

No, it says that the -- no project alternative is the superior environmental alternative in the sense that if you don't do anything then you don't disturb the environment at all. But it poses of course significant life safety risks to library patrons and the public. These buildings are not accessible. The roof of the south branch is not attached to the rest of the buildings.
The staff who work there and the people who go there to use the libraries are endangered every time they enter the door. The city could condemn the south branch if it wanted to.

D. Matthews: We're with you.

R. Allen: I thought we had more of an issue --

No, no. Got to do it. Thank you.

D. Matthews: Could some one answer this, is there solar on the south library? There is, okay. Elizabeth Watson.

S. Shumer: Do we have copies of this?

I'm Elizabeth Watson, live on campus drive. I am in support of anything that you can do to support getting these new libraries built. To be honest, the variances of what planning and zoning and landmarks and all that does is a bit Greek to me. I'm really more concerned about the libraries. I do understand that the ordinance change, amendment that we asked for, would facilitate the planning process. The results of which is that these gorgeous libraries would get built and the citizens of Berkeley would be served. And I also am enthusiastically agree with Linda's comments that we do run the risk of perhaps not building them at all if we continue with delays. I also have a request, I'm a citizen of Berkeley, I've only lived here for five years, but I like living here. Would you please ask all of us to identify where we live. Because there seems to be substantial opposition to these libraries that come from people who do not
live in Berkeley. As you are zoning land use, the physical space that is the City of Berkeley, I would appreciate that anyone who has comments either for or against mention whether or not they live here. And pay taxes here.

D. Matthews: In actuality, that should be part of the record and that's an oversight. Thank you for calling it to my attention.

Thanks for your help with getting us new libraries.

D. Matthews: Peter warfield.

Good afternoon, Peter warfield, libraries users association. The two libraries in question --

D. Matthews: I'm going to start right now, let's state your address, too.

I live in San Francisco, I want to say that it is not permissible to require people to identify themselves or give their names, leapt alone their addresses, as a precondition for making public comment under the brown act. Unfortunately, there seems to have ban heavy campaign to make it -- have been a heavy campaign to make it seem people who don't live in Berkeley or don't live close enough to a branch that they are not allowed to speak about the matter.

D. Matthews: No one is making that assumption. I suggest you use your time wisely.

Thank you. So the campaign to try and disrespect and disallow
folks who have something to say, especially journalists to reveal about what is going on, is most unfortunate. The first thing to be said about the libraries in question is that Berkeley has an extraordinarily excellent group of branch libraries. The north branch is a landmark. The west branch is an official structure of merit. And the south branch is a really quite wonderful building when you remove at least in your mind the overcrowded conditions that exist there. For reasons that are quite reasonable the library wants to put a lot of materials in there, computers and so on. But as a result, it's not really something that can be appreciated as well as it should and could be. If you see the original photograph that was published of the interior and exterior, particularly the interior, in the HUNTS-OSWALD book, one of which was published in the BAHA blog which opposes very much the demolition. Berkeley architectural heritage association, you see a beautiful building, wonderful, spacious, with light. The interior has become a cramped attic, that just doesn't show off for example when you put bookcases smack up against the floor to ceiling windows you can't see the charm of the windows, look out or looking in. The choice here is not to do nothing versus tear two of the branches down. But rather to renovate versus build new. And the mandate of measure FF did not contemplate demolitions. I want to say that overall the point that I was going to make earlier in public comment was simply that the draft EIR and paper version was not available
during the entire 11 days of Christmas time that the planning department was closed. And there was no indication in the information about the materials that the planning department would be closed, and not available for questions or paper copies. There were copies available of things online. Unfortunately this is a very political document. I think. The purpose of the zoning ordinance amendment is stated as being to facilitate the measure FF, measure FF talks about four branches. It does not include the central library. But the zoning amendment did. There is talk about impact minimal, therefore the scope only includes two branches. And doesn't include the larger issues of the other branches as well. Everybody knows that new branching variably bring huge crowds that, is not contemplated. And ultimately, think that the emphasis that this program represents will actually drive people to go to other libraries branches or to other library systems ultimately. Thank you.

D. Matthews: Thank you. Bradley Wiedmaier. Sorry. Tricky German names. Chairman Matthews and board members, thank you for hearing me, I will voluntarily give my address, I live in downtown San Francisco in union square. I'm over here all the time, to the libraries on campus and in the city. And I consider myself a Berkeleyan of a certain sense. I also note that some of the people speaking for this do not live in the neighborhoods of the two branches if you want to get particular.
Really, we're not ZENOphobic or parochial. Berkeley is a world class city because of the university. It has a heritage that needs to be protected. One of the things that needs to be protected is the south branch library. Although it's not a landmark it deserves to be under CEQA, having just arrived at 50 years of age, it should be so designated. It's unfortunate that has not happened. It's too bad that the 45 days required by CEQA were IMPENDED by the holidays and the holiday next week to interrupt the time for people to speak. I have distributed two messages from Steve, that were published to the people of Berkeley through the "daily planet." You urge to you read those. I think that they're very fair. I would like to illustrate, I think, how the process has been pretty grossly presented. The idea that this building is not connected to its roof is false. There's no proof of that. I've heard people make this statement which is ridiculous. Also talking about the concrete block. The concrete block is not structural. Primarily. The concrete block is infill. It is a post and beam structure. Over and over again the people that have tried to eliminate the possibility of renovation of the buildings, and driven, if you read Steven's piece, how they planned all along to demolish these buildings. They have couldn't get the ones in the neighborhoods to come down, people live historic buildings. The ones that were on the flat lands, it's a little more up for grabs. Who knows who is going to get what kind of goodies through these jobs. But the
issue on the presentation that this building is going to collapse is preposterous. The standards are there, the engineer's report, and the DEIR does not categorically say they did not find connections. They didn't thoroughly look. Also, I would like to say, why is the main branch library included in this elimination of variance? Why are all the branches included in perpetuity, not just on the projects at hand? I think that there are real issues of lot coverage and setbacks that impact people, north branch talking to the neighbors, they aren't out here, because they think that this is being ran through, there's nothing they can say, the process has been decided on and it's a waste of time. That's what I got from people. They will have cars from their overscaled new neighbor meeting room clogging up their neighborhoods. They weren't happy about that. They weren't happy about the building being right on the corner of the property line on Josephine.

D. Matthews: I have to ask you to finalize, please.

Let me finish this sentence, please. The Tamm report which had no problems with renovation HAS been 86'ed. You don't hear about that. It didn't have the information that the library wanted to put out. I would urge you to check it out.

D. Matthews: Thank you for your comments. Judith Epstein.

I'm Judith Epstein. I urge to you participate in the DEIR process as commissioners and private citizens. The DEIR process
is open to everyone until January 31. You can make comments and you can also ask questions. If there's something you don't understand, ask questions about it. It's part of the CEQA process they have to answer your questions. CEQA allows for considerations of alternatives. And on behalf of concerned library users we intend to present an alternative in the DEIR process. We have hired preservation architect Todd jersey. If his name is familiar, he did the Richmond plunge. The Richmond plunge is a pool that everyone thought would be too expensive to save, they thought it would be cheaper to start anew. He proved them wrong. The community now has a beautiful public resource. We propose to do something similar, in proposal for the south and west branches. For the west branch we propose to save only the 1923 section and then rehabilitate that and demolish the 1970s section and with that space expand upon the rest of the lot. This allows you to have room for all of the library's himself. It makes it ADA accessible. And it will be up to code seismically. For the south branch, we propose to save the 1960s portion of the reading room, and then DEMOLISH the 1970s portion, expand on to the full lot. We don't need two stories to do this, as the other partial preservation alternative that was mentioned. Apparently they needed to stories to do it. There's enough room to use the entire lot, have the ADA spaces, have the tool library, and accommodate all of the library's programs. In both cases, these alternatives would be seismically safe and ADA
accessible. They would be less expensive. That's an important thing to note. Because with the demolition processes, measure FF cannot pay for demolition as the City Attorney s that said. It means the money comes from the general fund. And we're a cash-strapped city as all cities are today. That means that money that might be used for other programs will be needed to be taken away for demolition. You really want to consider that. I hope you will ask a lot of questions, also about the zoning amendment. Bradley brought up an interesting point. Why was the zoning amendment so widely construed? Why not more narrowly construed? Why should it not just apply to the projects at hand. Why is it applying to the main library as well, where there's been no construction and in PERPETUITY. We don't know what the future may bring, we may regret this. I hope you will participate actively in this process. If you don't get all of your questions answered tonight or if you haven't had time to study the report, you have until January 31 at 5:00 P.M.

D. Matthews: Thank you for your comments. Good timing. Liz modestly.

I'm Liz, I live at 1705 BUENA avenue. I live in Berkeley. And I have been a resident for over 30 years. I've ban user of the library and supporter, financial supporters of the library. I wanted to reiterate the importance of the public process in support of the library that has where taken place. The citizens
of Berkeley voted to support a bond measure, and to finance the renovations of the branches. And there's been a lot of fundraising going on to add additional support to the library. And there's been a very public process of people being really engaged in thinking about the use of the library, and how the design, renovations and the design can address the changes that need to happen, enhance the functionality of the library and the branches. And I think it's important to remember that this process has gone on over a number of months, with lots of people participating in the process. So the idea of kind of bringing in these new ideas of that had no public process, I think, is not very SIMPATICO of what the city has constructed as a good public process. It's true that we're existing in a very cash-strapped N, and one of the impacts of drawing this whole process out is that it's costing the city more, it's making these projects become more expensive, and I think actually doing all of these renovations to these -- instead of the demolition of the two branches would actually be more expensive, and problematic. I encourage you to really help move this process forward, and approve the EIR.

D. Matthews: I have a question for you.

M. Alvarez-Cohen: I have a QUESTION. If you aren't the definitive person to answer, this I'll --

Okay.

M. Alvarez-Cohen: There is bond funding for some of this work.
Is the bond funding covering all of the work proposed?

No. There's additional fundraising that is being done bite Berkeley public library foundation. So the bond money can only go to supporting actual construction, but furniture and fixtures have to be supported outside of the bond money. That's why there is fundraising going on.

M. Alvarez-Cohen: Is there any assumption that the work for the proposed project would come from the general fund of the city?
I don't know that. I don't have the answer to that.

M. Alvarez-Cohen: All right.

D. Matthews: Gail Garcia.

I'm Gail Garcia, I am a south Berkeley resident, as I have been for about 33 years. I also grew up in Berkeley about six blocks away from the west Berkeley branch. I support the alternative of preserving the historic pourings of the south and Berkeley –

Bring the Mike towards your mouth.

I support the alternative of preserving the historic portions of the south and west branch libraries. Using the designs of a preservation oriented architect such as Todd jersey. Todd jersey found a way to restore the Richmond plunge for a fraction of the cost estimated by those who wished to demolish it. And I'd like to reiterate in case you didn't hear me, I live in south Berkeley and grew up in Berkeley near the west branch. And by the way, CEQA is a public process.
D. Matthews: Thank you for your comments. Anyone else who wishes to speak on this item? That didn't have an opportunity to. Okay, we're going to move forward. Any additional comments from you, Aaron?

A. Sage: I thought I would make con clarification about the way that the item was described tonight. It says something along the lines of receiving comments on the adequacy of the EIR. I want to be clear that this is not when you would formally make a decision as a body that the document is or isn't adequate. It's more as individual ZAB members or if you like to adopt a set of comments that the ZAB would make, which would be taken in as part of the normal CEQA process. I wanted to make that clear.

D. Matthews: Thank you. I'm going to close the public comment and bring it back to the board. Michael?

M. Alvarez-Cohen: I did want to see if I could get my question answered before we closed the public hearing.

D. Matthews: Can I open it again.

M. Alvarez-Cohen: I think at some point I'd like to know what the library's official position is on how you expect this to be funded.

D. Matthews: We're opening up the public hearing again. See if some one can answer that for us.

Good evening commissioners, I'm Donna Corbeil, the director of the public library.

Your address?
I LIVE IN Oakland, I'm sorry to say. But I work in Berkeley every day.

D. Matthews: No one has to apologize, it's fine. Not like it's a loaded question for everyone.

I am an employee of the city. The $26 million currently is budgeted to cover all the EXPENSES associated with the four projects as put forward. As a previous speaker says, it will not cover furniture, fixtures and equipment which is not allowable under the use of bond funds.

M. Alvarez-Cohen: Then you are trying to raise the money privately?

Yes, the foundation, the library foundation is undertaking a campaign to raise $3 million. They raised, want to say $5 million -- $4 million for the central library project out of private funds, not city funds or public funds. They have undertaken that campaign, doing well with that.

D. Matthews: Are they going to to put up one of those barometers that we see?

We can ask them if they'd like to do that.

M. Alvarez-Cohen: What happens if you don't raise the money privately?

Well I'm very optimistic, our foundation has a good record of raising funds. And they have the time period for all the branches to be done to do that in. If not, I guess our worst case scenario we put things back that we currently have in the
branches or use library tax fund. We are allowed to use the library tax funds for furniture and other equipment.

M. Alvarez-Cohen: What some one said in the public hearing is wrong, then, that you are expecting to rely on the general fund.

You know, I would just say that the library has in the budget the demolition portion of the project is part of the construction budget. It is budgeted.

D. Matthews: Sara?

S. Shumer: So do I understand that even though FF does not have demolition in the list of things that you can do, you are using FF funds for demolition?

You know, there is currently, a few people alluded to. There is litigation. I think it would be improper to comment on anything that is associated with the litigation.

S. Shumer: That issue is under litigation.

Yes, it is.

S. Shumer: Out of curiosity, there is the statement that the measure FF does not cover moving the tools to another location, the tool library. I'm not clear why, if demolition is permitted, even though it's not included -- one of the preservation options is thrown out the door because you can't move the tools and you can't accommodate the tools.

I can clarify that, as the library board of trustees actually explored that idea, ball games it was brought forward in our community process, the library could move the tool library to
another location. And one of the library board agenda items we fully examined that. Several issues, I would say briefly, one is that we could move the tool library, we could not use bond funds for the alternative site that we found for the tool library. If we move it to another location we built a building or something, we could do that but we can't use the bond monies. There is no other source of funding available to do that. The second thing is the reason we cannot use the bond funds for that is correct it has been determined that the expectation, and then the City Attorney's analysis of the bond fund at the time it was put forward on the ballot, City Attorney's analysis, it says that the projects would take place at the current locations. So the idea was no one wanted us to consider alternative locations for the library but that we would -- the libraries would stay in their current lot locations that they're knot at. And there's a lot of operational issues with us, the library operating another location, and another service at another alternate location. Those are some of the thing the library board did consider. We did explore alternative funding but given the economic times and some other factors, there is no other funding available. We proceeded -- also just one other part, the community in our meetings really did want the tool library to stay where it is. It's been there for a long time. It came from a CDBG grant, that's why it's there, and people wanted to it stay.

D. Matthews: Hold on a minute. Bob?
R. Allen: Can you tell me, I think mark touched on it, but what is your desired schedule for starting construction on all these buildings?

The north and the Claremont PROJECTS are expected to start construction in late March or April. These two projects are on hold pending the completion of the EIR. Because of course we would need a use permit. And we need to go through the full planning process. But also Aaron might be able to speak more about the whole approval process which we would have to go through. Our schedule is depending on that.

R. Allen: Appreciate it.

D. Matthews: I am pretty sure we understand the process of the thank you. Any other questions? Aaron, you want to offer any clarification? You're good? About the approval process.

A. Sage: If you want further information on that I'd be happy to provide it. Basically our schedule has the EIR being completed in April. And then also at the same time you considering the use permits. Depending on whether that decision, what the outcome of that decision is and whether that is appealed to council. It's likely that this would not be finished before June or July.

D. Matthews: Thank you. Any additional questions? I'm going to close the public hearing, again.

S. Shumer: Of staff.

D. Matthews: Edward? Sara, then Edward.
S. Shumer: We don't have to have an open hearing for that, do we?

D. Matthews: You have a question for staff?

S. Shumer: I have a few questions but we can close the public hearing.

D. Matthews: It's already closed.

S. Shumer: Okay, sorry. The one question is that there don't seem to be any alternatives that don't include at least 50% demolition. And it's kind of, I was wondering about that problem. At some point, let me raise another very minor issue, or specific, and that is that the alternative which is the partial preservation alternative says that, on page 5.5, that it can't be done because the cost is prohibitive. And that the cost is of the -- I'm sorry, of the proposed project is $41.4. The alternative is $45.6. And that that is a prohibitive difference. But then on the table on 5.23, it says that -- and below it says that it is a bid day. My first question, are the two estimates for the same day? Then on table 5.23, it turns out that the proposal, I think, is actually 4.416 which makes it very close to the alternative, to the partial preservation alternative. And therefore it doesn't seem to me that -- it's no longer 4 million difference. I'm not sure I understand where all of the figures come from and if they're all comparable.

I got lost on the second part of -- I was following you on 5.2-5, so if you wouldn't mind just --
S. Shumer: Table 5.23 --

Table 5.23.

S. Shumer: On page 5.312 -- I'm sorry, it's not, that's a different problem.

A. Sage: 5.2-18 is where table 5.23 is.

S. Shumer: Right.

A. Sage: Are you saying there's a discrepancy between the table and the paragraph?

S. Shumer: Yeah. Sorry, table 5.23. I'm sorry, I should have put the page down also. 5.2-1. What it says -- 5.2-18. What it says is that the proposed project is 4.1 -- 4.416 and the partial preservation is 4.562 which makes the preservation one lower. Whereas preservation one is rejected because on page 5.25 -- tell you what, my general question is, which is that it seems to me the alternatives that preserve part of the building are not really flushed out, not really developed. And they're rejected on things like it would be too expensive then it turns out when you look at other figures they're not too expensive. That begins to undermine my faith, if you will, in the rejection of the partial preservation. And also on a chart, although I don't know that that is binding in any way, the chart claims that the preservation, because it's not a total preservation, has the same status as the total demolition.

D. Matthews: I actually think that this is the kind of discussion that will come up when we're in the process of
looking at this to take action.

S. Shumer: I thought you said the discussion today, were things that we thought the EIR ought to approach.

D. Matthews: Okay, I'm with you.

S. Shumer: I thought this was preliminary that this was things they might look at.

A. Sage: Thank you, noted.

D. Matthews: All right, noted. Bob?

R. Allen: Well, it's either respond to that or run out of the room screaming in agony. All of these items have been on the public table for, I don't know, two years. I've lost track of how many public meetings I have gone to. I would say that this is the most irrational approval process I've ever witnessed. Except my wife would be angry with me, she spent four years of her life fighting to get a simple single fire station built in the Berkeley hills. It's a commentary on the Berkeley process. And I think this one is just OBSCENE. I admire the patience and graciousness of the APPLICANTS and the people working with them that you had to go through this. Since the issue of money and costs have come up, I would emphasize that all of these issues were on the table. And we've been very lucky in Berkeley that we have had a depression, because if this had been a normal economy we would have run out of money a long time ago to get these buildings built. And if this is delayed any further by any of this irrational "no we don't want it" it could cost us the
ability to build one of these. As an architect I can say I don't see an upsign of the economy turning around, there is a little breath of air, and it wouldn't surprise me at all within 6 to 12 months to see things change, and the bidding climate change entirely from a point where right now the city can get terrific prices and most likely meet their budget A year from now I think that won't be possible. I would like for the record to say that this process has been more than thorough. We would do detriment to this city and the library system if we allowed anything further to delay it.

D. Matthews: I'd also like to go on the record in regard to the libraries, that I agree with Bob, as a real estate broker I totally understand the cost per square footage for development. And we are at a time when it's a bargain to build things if you have the financing to do it. Utilize that to the benefit. In addition to that, as a mom of a child who really enjoyed reading and spending time in the libraries here in Berkeley, which was more than 20 years ago, I was fully aware that they were in need of redevelopment even then. And to have it before us, for example, that our libraries are in good order and can accommodate and really service the needs of our children, and purport positive education is not where I sit in regard to this. I think that our responsibility first of all is to our children. And if we are not providing excellent environments for them to continue their educational efforts, it's costly to the city, to
the community, to our state. So I'm supporting this to move forward as quickly as possible. George?

**G. Williams:** So, I understand our role tonight is simply to hear comments from the public on the adequacy of the EIR and comments from the board. And I have no comments on the inadequacy of it. I think it is a thoroughly-done EIR. And therefore have no comment.

D. Matthews: Edward?

**E. Kopelson:** Echoing some of the same comments that were just mentioned, definitely support this moving quickly forward. Regarding the adequacy, I think it's more than adequate EIR and it's very thorough. That said, if you could put the same amount of information regarding the landmark preservation committee and subcommittee feedback, the same amount of information regarding the west Berkeley branch as you did on the south Berkeley branch that would be helpful.

D. Matthews: Any other comments? If not that's it. We have more items on our agenda, what do I have. Where's my agenda? I think they're leaving. Hold on, hold on just a second.
DRAFT MINUTES OF REGULAR PLANNING COMMISSION MEETING
January 19, 2011

Time: The meeting was called to order by Chair Stoloff at 7:10 p.m.

Location: North Berkeley Senior Center.

ROLL CALL

Commissioners Present:, Patricia Dacey Victoria Eisen, Larry Gurley, Jim Novosel, Harry Pollack, Gene Poschman, Jim Samuels, David Stoloff.

Commissioners Absent: Teresa Clarke (excused).

Staff Present: Amoroso, Harrison, Marks, Sage.

ORDER OF AGENDA - No change.

PUBLIC COMMENT PERIOD – No speakers.

PLANNING STAFF REPORT – None.

CHAIR and COMMITTEE REPORTS – None.

APPROVAL OF MINUTES

Motion/Second/Carried (HP/JS) to approve the draft minutes of the regular and special meetings of December 8, 2010 with changes. Ayes: Dacey, Eisen, Gurley, Novosel, Pollack, Poschman, Samuels, Stoloff. Noes: None. Abstain: None. Absent: Clarke.

CONSENT CALENDAR - None.

AGENDA ITEMS

Item 9: SB 375 Sustainable Communities Strategy (SCS) Process

Planning Director Dan Marks provided an overview of the SCS process and answered Commissioner questions about Berkeley’s role.

Item 10: Library Amendments: Public Comment on the DEIR

Senior Planner Aaron Sage provided an overview of the proposed zoning amendments to allow library modifications and demolitions, and a summary of the DEIR findings, and asked that the Commission take public comments on the DEIR and provide Commissioner comments.

Public Comment
Speaker 1: A Berkeley Public Library Board member and planner, stated that the EIR adequately addresses the integrity of the West Branch EIR. She urged the Commission to move the project forward to the City Council.

Speaker 2: Stated support for the library project and the proposed zoning amendments.

Speaker 3: Jane Sadlery (sp?), a retired librarian, stated she has volunteered at the South Branch Library and that it is difficult to get around the library and the City should build the best, most modern libraries that it can without delay.

Speaker 4: Linda Schact stated support for the library improvements, particularly due to social justice concerns regarding the poor condition of the South and West branch libraries in comparison with the other branches.

Speaker 5: David Snyder, Executive Director of the Berkeley Library Foundation, stated the proposed improvements are necessary to improve services and fulfill the voter’s goals with Measure FF. Stated there has be ample public input and involvement. He stated that the South and West branch libraries must stay on schedule in order to stay within budget.

Speaker 6: Merilee Mitchell stated opposition to the demolition of library buildings because Measure FF did not mention demolition and because re-use of existing buildings is a greener option.

Speaker 7: Judith Epstein, a member of Concerned Library Users, stated the DEIR inadequately addresses the proposed zoning amendments because it says the impacts of the amendments are the same as those for demolishing the South and West Berkeley Library branches, but the amendments apply to all branches (including Central Library) in perpetuity. She stated that the EIR should address other potential impacts at the libraries. She stated the South and West branch libraries have been neglected while the other branches have been better maintained, which is a social justice issue. She also stated that the partial preservation alternative for South was not adequately studied. Her group has hired preservation architect Todd Jersey to study other alternatives, including one which saves the entire original building, but not the 1970s addition.

Speaker 8: Todd Jersey, architect, stated there are feasible partial preservation alternatives that could meet the project objectives and offered to provide descriptions of those alternatives. He stated that significant historic pieces can be integrated into a new whole.

Commissioner Discussion and Comment

Commissioner Poschman indicated that page 5.1-1 refers to two findings for variance, but there are actually three required findings. He stated the EIR should explain why a variance for the use of the building is not a feasible alternative,
given that public libraries are a unique use (only 5 in the City). He stated the EIR does not adequately make the case that a public building cannot get a variance. He stated that the EIR's analysis of the "economic use" Variance finding is such that no public building could ever get a Variance and that there is no opinion from the City Attorney to support this analysis, therefore the EIR is inadequate.

Commission Poschman also stated the amendments could potentially allow a 3, 4, or 5 story building on a library site, but the EIR does not analyze the potential impacts of this outcome and only analyzes the outcome of the proposed buildings. He wanted to know how the Judith Epstein/Todd Jersey alternatives compared to the Partial Preservation alternatives for West Branch in the EIR, and how not including these alternatives would affect the quality of the EIR.

Commissioners asked if the publicly-proposed partial preservation alternatives meet the project objectives.

| Motion/Second/Carried (JN/HP) to set a public hearing on the propose zoning ordinance amendments and permit staff to select the date. Ayes: Dacey, Eisen, Gurley, Novosel, Pollack, Poschman, Samuels, Stoloff. Noes: None. Abstain: None. Absent: Clarke. |

ADJOURNMENT

The meeting was adjourned at 8:35 pm

Commissioners in attendance: 8
Members of the public in attendance: 15
Public Speakers: 9
Length of the meeting: 1 hour 25 minutes