
NEBA News

NORTH EAST BERKELEY ASSOCIATION

Spring 2010

★★★★★ **BERKELEY BUDGET EDITION** ★★★★★
GENERAL MEMBERSHIP MEETING IN MAY

BERKELEY'S BUDGET AND THE POOLS BALLOT MEASURE
Wednesday, May 26, 2010, 7:00 p.m. (Mingle with your neighbors 6:00-7:00 p.m.)

AT NORTHBRAE COMMUNITY CHURCH, HAVER HALL
941 The Alameda (at Los Angeles)

President's Message

With finite resources, the only way to do the most good for Berkeley is to use those resources in the most prudent way possible.

These are difficult times for many people and governments, and Berkeley is no exception. Read the article that follows about Berkeley's budget. Given that you and I will have to give up some things while paying more to balance the budget, we need to take a hard look at where our money goes. In our city as in our own finances, many plans were made with the expectation of a very different economy. We will not be able to pay for all that we had hoped to do without higher taxes. Hear what our city government officials have to say, Wednesday, May 26, 2010, 7:00 p.m!

The Pools Measure asks us to commit to a \$22,500,000 plus bond that will improve three public pools (rebuilding one of them) and construct a new warm water pool. The next article describes the pools plan and costs and asks whether there is a more cost effective way to provide those benefits. Come to the NEBA meeting, Wednesday, May 26. Hear arguments for and against the Pools Measure! You decide!

The article about the rapid rise of parking fees and tickets highlights one of the ways that Berkeley funds our government. Is this the way we want to do this?

Read the latest news about our historic Thousand Oaks

Theater, real estate sales trends in North Berkeley, the council insiders who flout building laws, our new police chief and North Berkeley crime stats.

Whatever your opinion, you and your neighbors will have your opportunity to join the discussion Wednesday, May 26, 2010 at 7:00 p.m. (not on Thursday, as has usually been the case).

Please join NEBA. Your membership dues support the newsletter mailings and public meetings where our voices can be heard! We need your support. If you have not yet renewed or joined, NOW IS THE TIME! Visit: www.northeastberkeleyassociation.org.

Sharon Eige

NEBA Board Election, Wednesday, May 26, 2010

The Nominating Committee, composed of members in good standing, Jo Ann Minner and Beth Feingold, and chaired by Board Director Barbara Gilbert, proposes the following slate of Candidates for the Board of Directors of the North East Berkeley Association for the term of office from 2010 to 2013:

Nicky Scott, Cole Smith, Kevin Sutton, Albert Sukoff

Members in good standing may nominate or be nominated by eligible members according to the by-laws of the NEBA.

BERKELEY'S BUDGET NIGHTMARE (AND OURS)

As everyone certainly knows, government, families and individuals are facing catastrophic loss of assets and income, a situation deemed by most experts as the most serious since the Great Depression. There is no sure end in sight and there is a reasonable chance that the situation could even worsen.

After years of high spending and high local taxation, the City of Berkeley is facing an annual operating deficit of almost \$15M which will grow exponentially unless drastic measures are taken. In one category alone, City contributions for employee retirement, the projections indicate an increase of more than 50% between 2009 and 2016. As bad as are these current deficits, there are hundreds of millions in unfunded longterm City liabilities that must be addressed. But there has not been a full public accounting of the City's long term unfunded liabilities for personnel costs, infrastructure requirements, and bonded indebtedness. A clear assessment of our short-term situation, of immediate spending and cuts and new revenues, surely should not be made without this overall picture. A report on the City's longterm unfunded liabilities, prompted by a group of concerned citizens and to be prepared by the City Manager, is due in May. While this is not the independent outside audit initially requested, it will hopefully provide an honest and competent assessment, and a framework for informed decisionmaking.

FY 2011 Citywide Operating Deficit of about \$15M

The City's all-fund annual budget is about \$325M and includes the General Fund budget of about \$150M and "special funds" budgets of about \$175M. 77% of the City's overall budget, about \$250M, is devoted to personnel costs. Many of the "special funds" (e.g. refuse, public health) are budget and tax fictions that justify special fees, taxes, and entrenched programs, confuse the public and City Council, and make priority-setting and spending decisions quite complicated. Resident property owners should study their various bills to understand the nature and scope of local taxation: the property tax bill (right side) for a list of special taxes; the property tax bill (left side under "voter approved debt service") for bonded indebtedness; the various utility and refuse bills for a wide variety of fees and taxes. Many Berkeley property owners are shocked by the "City of Berkeley Sewer Service Fee" billed for the City by EBMUD, and no one seems to know exactly how it is accounted for

or spent.

The General Fund (which pays for most of our essential public safety and general government services) is supported by base real property taxes, the property transfer tax, the City sales tax, City utility users taxes, the hotel tax, and parking revenues. All of these revenues are down, about \$6M down in total. We note that the controversial increase in parking meter fees and fines, instead of the projected revenue infusion, resulted in a loss of about \$1.5M in parking revenues in addition to the loss to local merchants from fewer customers. People are still free to avoid Berkeley and shop elsewhere. We do not want to reach the point where productive families avoid living here and choose to live elsewhere.

Special Fund losses account for the additional \$9M deficit. The biggest of these is a \$4M+ deficit in the "Refuse Fund" despite the unpopular recent 20% rate increase implemented in a dubious "protest vote" manner (written up in the last NEBA newsletter). Residents and even some Councilmembers are stunned at the apparent lack of knowledge, planning, foresight, and business sense evident in this situation, and are calling for a complete rethinking of Berkeley's refuse service. While some apologists point to increased resident recycling, reduced resident waste and can size, reduced use of the Transfer Station, and ongoing poaching of recyclables, the basic cause of the huge deficit is stunningly simple—Berkeley uses almost twice as many refuse employees per route as any neighboring City, the compensation for these employees has steadily increased, and the department functions under arcane work rules that allow refuse employees to have short runs, depart work early and/or sign up for overtime on other routes.

Other Revenue Problems

There are numerous other revenue issues and shortages that will impact us—for example, at the permit center, in mental health services, in affordable housing funding. One of the most shocking pertains to the voter-approved animal shelter. While the voters approved a \$7.2M bond in 2002 based on the written descriptions, promises, and commitments made at that time, there has apparently been so much infighting, confusion, extravagant demands, and delay that the shelter has not only remained unbuilt, there are now cost overruns projected at about \$4.5M. The City

**COME TO THE NEBA GENERAL MEMBERSHIP MEETING, WEDNESDAY, MAY 26, 2010
BERKELEY'S BUDGET AND WARM WATER POOL**

Wednesday, May 26, 2010, 7:00 p.m. **(Come early, mingle with your neighbors 6:00-7:00 p.m.)**
AT NORTHBRAE COMMUNITY CHURCH, HAVER HALL
941 The Alameda (at Los Angeles), Berkeley

AGENDA

- 7:00PM BOARD MEMBER ELECTION
- 7:10 PM SPEAKERS ON THE BUDGET:
City Manager Phil Kamlarz And City Budget Manager Tracy Vesely
Council Members Susan Wengraf and Laurie Capitelli
- 7:40 PM YOUR QUESTIONS
- 8:25PM SPEAKERS ON THE POOLS MEASURE:
Rob Collier and Jean Johnsen – For The Measure
Marie Bowman and Robert Cabrera – Opposing The Measure
- 8:45PM YOUR QUESTIONS

has already allocated \$1M from the General Fund to “subsidize” the 2002 bond, and the City Manager has proposed an additional City bonded indebtedness of \$4-5M to cover the shortfall. This indebtedness could go forward without voter approval, in the form of Certificates of Participation, which would cost the General Fund an additional \$340,000 annually for the life of the bond.

Now What?

Clearly, this is a terrible situation for the City, its residents, and its taxpayers. Various powerful interest groups continue to press for their own particular funding without apparent regard for the long-term well-being and sustainability of the City and of its actual silent majority of taxpayer families. Pool advocates want almost \$23M in a bond for new pools (see separate article herein); City refuse collectors are obviously disinclined to give up their overmanned routes and privileged work rules, and they flood City Council meetings with their members; many animal advocates don't seem to care how much it costs to get a perfect animal shelter in a perfect location with perfect state-of-the-art medical facilities; Berkeley renters will vote to pass any tax measure so long as it is not paid by them but by homeowners, actually a form of representation without taxation; City employees are loathe to change their multimillion dollar personal guaranteed pension plan which is unmatched anywhere except on Wall Street and to which they made no financial contribution; City streets are crumbling, our traffic lights are archaic, and current shortfalls (mostly for personnel costs) are being financed with capital maintenance moneys and scarce Reserve Funds; the City's Reserve Fund of about \$14M is well below the

15% norm and still shrinking.

To begin to see our way out of the current and long-term economic crisis, if there is a way out, responsible politicians, residents and employees need:

Receive, review and integrate into decisionmaking a complete, competent and accurate audit of the City's long term liabilities for pensions and related employee costs, infrastructure requirements, and bonded indebtedness;

Come to immediate grips with the unfairness and unsustainability of the current City employee compensation structure and work rules, and make immediate changes in the labor contracts and/or in City Manager-promulgated work mandates; insofar as feasible, limit employee terminations by re-assigning employees and cutting hours/expenses across-the-board; where terminations are required by economic reality, terminate ineffective and unreliable employees and programs first, regardless of longevity and political pressures;

Seriously examine all City programs for intrinsic value, efficiency, and effectiveness, prioritize on a scale of essential to relatively non-essential, and make appropriate alterations and eliminations; put first things first—public safety and basic infrastructure; provide educational and safety net services that really work, not simply sound good; add no new taxes, fees or programs until we have our priorities straight and there is a real community consensus;

Set up a truly representative budget review commission

comprised of ordinary taxpayers and economic experts, one that is not slanted to special-interest money seekers or that is impervious to the declining fortunes of most Berkeley residents, businesses, and taxpayers; this commission should develop its knowledge and expertise and become the go-to group for feedback to

the City Council and City Manager on spending, programs, and taxes.

The economic world has changed for the foreseeable future and we in Berkeley simply cannot conduct our business as usual.

JUNE BALLOT MEASURE ON POOLS

After months of discussion, two voter surveys, and intense lobbying by pool advocates, the City Council voted to place a \$22,500,000 (plus built-in inflator) Community Facilities bond on the June 8, 2010 ballot. This measure requires a 2/3 majority to pass. It would: provide for a replacement indoor warm pool of about 2250sf and associated facilities constructed at West Campus, to replace the warm pool at the BHS gym scheduled for demolition by BUSD; construct a new all-purpose 25 meter pool and associated facilities at King; and renovate the existing pool and associated facilities at Willard. Over the life of the bond, the average annual tax cost for a 1900 sf residence is estimated at \$70, and at \$297 for a 10,000 sf commercial space. Since the measure includes an unusual levy for ongoing maintenance (ordinarily paid out of the General Fund), after the bond is repaid in 2040 there would remain an annual maintenance tax of \$24 for the average homeowner. And as the measure is based on property square footage, these forgoing taxes would be proportionately higher for larger properties.

The NEBA board met with proponents and opponents, and discussed this measure extensively at its March and April meetings. At this time, the NEBA Board is neither officially opposing or supporting this bond measure. The NEBA board, in general, strongly supports adequate community swim facilities, but nevertheless has reservations about this particular bond measure. NEBA would prefer a smaller, more focused and realistic budget and plan to renovate and maintain those pool facilities that will be widely used by the community, including the King and Willard pools. The threat to close down the Willard pool if the bond measure fails is unconvincing and a form of unacceptable strong-arming.

In particular, the NEBA board has reservations about the proposed construction of a "warm pool" at a construction cost of almost \$10,000,000 plus ongoing maintenance costs. "Warm pool" is a misnomer, since the proposed 92 degree Fahrenheit temperature is

appropriately called a "therapeutic pool" and is, in the vernacular, a "hot pool". The Aquatic Exercise Association guidelines for pool temperature indicate that a temperature of 90 degrees and above is only suitable for certain limited types of therapy and rehabilitation, and for Parkinson's Disease. A lower temperature is recommended for most other potential users of a warmer-than-normal pool, such as pregnant women, older adults, the obese, the arthritic, and those with multiple sclerosis. It appears that there are only about 100 Berkeley users of the existing therapeutic pool at Berkeley High School. A new therapeutic hot pool would thus serve very few Berkeleyans and at most a few hundred regional users--without regional financial contribution. Current user fees are subsidized by about \$20 per swim and there has been no effort to explore higher user fees for those who can afford it or who can get health insurance reimbursement, or for non-Berkeleyans. In any event, a direct subsidy to all current users for use elsewhere would be minuscule compared to the bond cost. The YMCA has two therapeutic pools and there are other possible resources at UCB.

The NEBA board also feels that the size and timing of this bond measure is inappropriate given the City's overall unfunded longterm liabilities in the hundred of millions of dollars, its \$14+ million annual operating deficit, the shockingly poor state of the local and national economy, and BUSD plans to float a new \$200M+ facilities bond in November 2010. The NEBA board was unhappy with the BUSD decision to tear down the existing therapeutic pool at BHS and hopes BUSD will reconsider so that this pool may be renovated. The board also frowned upon the unorthodox use of bond money for staff and maintenance functions ordinarily paid by the City's General Fund, and the floating of yet another revenue measure that is purported to benefit the entire community but is only to be paid for by property owners.

In summary, in the foreseeable future NEBA would

like to see a better and smaller plan for our community pools that does not include a \$10,000,000+ therapy pool for the benefit of a few hundred persons at most. The NEBA Board understands that some voters will support this particular pool bond measure in the belief that it is right for Berkeley or that the good parts outweigh the rest. We urge you to proceed with caution and care.

For your information, below is a summary of the official ballot arguments for and against the measure:

For: municipal pools are a treasure but all four are near the end of their useful lives; there's no time to lose; all pools will become more energy efficient; operating funds will be guaranteed; supporting this measure will result in a legacy for Berkeley.

Against: Berkeley already has 15 pools, 9 public, 3 nonprofit, and 3 private; warm pool users can be provided with passes to the YMCA and Cal Stars pools; new regional facilities should be regionally funded; BUSD should not be demolishing the warm pool at BHS and it could be rehabbed for 1/3 the cost;

all BUSD pools should be available to the general community as in other jurisdictions; Berkeley finances are already stretched too thin, more taxes and fees are impending, and essential needs have not been established or prioritized.

Rebuttal to the Argument For: according to the Aquatic Exercise Association, the Cal and YMCA pools should meet the needs of nearly all warm pool swimmers, and membership costs would be minuscule compared to this measure; the proposed 91F temperature of the new warm pool is not recommended for tots, children, pregnant women, the arthritic, seniors and the obese; BUSD will be demolishing a certified National Landmark; Berkeley faces skyrocketing debt and hundreds of millions in unfunded liabilities.

Rebuttal to the Argument Against: Berkeley's naysayers want to shut down pools; Berkeley has 4 municipal pools, not 9; maintenance costs will actually be lower; Berkeley's debt is not skyrocketing; no adequate alternatives to the new warm pool exist; youth swim teams need better training conditions.

“A LITTLE AIN'T ENOUGH”: HOW BERKELEY PLANS TO MAKE MORE SPARE CHANGE FROM PARKING METERS AND PARKING TICKET REVENUE BALANCE THE BUDGET

By Pat Mapps, a wife, Computer Systems Engineer, writer, and tennis enthusiast, has lived in Northeast Berkeley since 1983.

During a recent skirmish with Berkeley's Parking Enforcement bureaucracy, I confronted once again the persistent, deeply disturbing dissonance between the Mission Statement (of the Parking Enforcement Unit, in this case) and the reality of the City Mothers' and Fathers' unending quest to balance the budget, this time using a combination of the “spare change” that we feed into parking meters and the rising painful penalties exacted from those who do not timely spare said change.

Parking Citations are Big Business

The parking ticket I received was so mind-numbingly unfair that it could not go unchallenged. I used the ‘by telephone’ option to contest the ticket citation even though I fully intended to prepare a written protest. I described to the Call Taker the location where the ticket was issued and, being unsure of the name of the street, asked of she was familiar with the area I was describing. Her shocking reply was that she did not and could not know the area since she was in Iowa!

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Aha! Parking citation appeals processing is such a Big Business that there are private firms to which this process can be “outsourced.” She took my information and told me that I would be notified by mail of the result of my contest.

A few days later, I called the Center again to inquire about the due date for my written appeal. I was again shocked, this time by being told that my appeal had been denied! This decision was made despite the facts that 1) The initial 21 day appeal period had not elapsed and 2) I had not signed anything so there was no valid appeal to adjudicate. When the written notice of denial arrived, it stated that my appeal had been denied due to lack of written evidence!

The same entity that was going to “earn” money by denying my appeal decided whether my appeal would be upheld. Could this possibly have been fair?

I Find an Angel

Now I had two mind-numbingly unfair experiences:

First the circumstances in which the citation was issued; second, in my eyes, a simple scam – and a poorly executed one at that.

I redoubled my commitment to contest the citation. I contacted a few offices in the City to inquire about the circumstances which led to my being issued the citation. The results that I achieved were pretty poor – with the exception of an awesome individual in Public Works Transportation. She showed interest in the circumstances surrounding the issuance of the original citation and an in-depth knowledge of rules about signage. In the end, she voiced concerns at my description of the signage and gave me her explicit support of my challenge of the citation.

Fair's Fair

In addition to this very welcome support from someone actually in the know, I learned from the City's web site that there actually is a rule requiring fairness in the issuance of parking tickets.

The Parking Enforcement Unit has published and the Council endorsed a Mission Statement which includes the requirement that the issuance of parking citations to be fair. According to the Parking Enforcement Unit's Mission Statement and the Council's Endorsing Resolution, "The purpose of Parking Enforcement is to mitigate traffic congestion and promote parking turnover ... by the consistent enforcement of parking regulations ... The Parking Enforcement Unit will accomplish its goals by insuring that appropriate enforcement is carried out vigorously, **yet fairly** and efficiently." (Emphasis added.) Council Resolution No. 63,497–N.S. endorsed this Mission Statement.

Parking Tickets Also Are Big Government

My relief at finding this commitment to fairness was short-lived as I soon discovered parking to be a Big Government as well. Berkeley issued 270,435 parking citations in 2006, 313,597 in 2007, and 296,440 in 2008. Total Net Collections were \$9,004,505, \$11,860,190, and \$10,187,314 in those years respectively. 2009 Net Collections are expected to be \$9,975,000.

The "spare change" that we deposit into parking meters is accounted for separately but appears to be projected at \$4,518,313 for 2009 and \$6,526,958 for 2010. Off-street parking fees produced additional

2009 revenue of about \$3,000,000. The City also receives revenue from gasoline taxes. "Spare change," it seems, adds up quickly, in this case to more than \$17,000,000, well over 10% of the General Fund. This amount and percentage increases when gasoline taxes are added. The reaction of municipal management to this enormous quantity of "spare change" seems to be "the more the merrier."

Matier and Ross reported in their Sunday, January 31, 2010, San Francisco Chronicle column that, "After repeatedly claiming that parking enforcement is not about money, San Francisco officials have quietly added 10 more ticketers to the streets on Saturdays – on overtime – with the goal of bringing in more money... It wasn't that long ago that the [Metropolitan Transportation] Agency was talking about laying off 24 parking officers to save money. There's good reason those plans have changed: It's estimated that each parking officer turns a \$200,000 annual profit for the city."

The Berkeley budget document states, "In recognition of the impending State budget cuts and the general economic uncertainty, on June 9, Council directed staff to bring forward increases in a number of parking related fees and fines, which would raise approximately \$1.59 million in new revenue in FY 2010 and \$2.64 million in new revenue in FY 2011." In fact, all of the projected sources of new revenue in this budget are related to parking fees and fines.

So What's Wrong With This Picture?

We are left with some pretty big questions about parking and how the pursuit of parking and, more generally, carbon-centric revenue fits or clashes with our vision of our Town.

Parking policies have a direct effect on local businesses as does outsourcing of City functions. There also are huge implications for our commitment to fiscal diversity and to carbon reduction. More generally, there is an absence of a coherent vision of how we can realize a more appealing version of our daily lives.

Parking policy hit the headlines last summer when local businesses decided that the Oakland City Council "has declared war on our businesses, our customers and Oakland residents. The new parking regulations that extend meter hours to 8pm, increase

meter rates to \$2.00 per hour, increase fines for parking violations and the avalanche of parking tickets has placed the survival of our shopping districts in jeopardy.”

I can find no evidence to support the rumor that several Oakland Council members were injured while running away from their initial support of the new parking regulations and policies. The rules, or at least some of them, were quickly rescinded.

Outsourcing of City functions also has a deleterious effect on local commerce. There is no way that Berkeley parking citation processing jobs that are being done in Iowa can benefit the local economy. The Iowans doing these reasonably well-paying jobs do not own homes, drive vehicles, shop, patronize restaurants or movie theatres, or pay taxes in Berkeley. We get neither direct nor indirect revenue from them.

There is an even bigger issue with outsourcing governmental functions to the private sector. The only reason any private firm would take on a public function is that its executives see the opportunity to make a profit. This motive is incongruous with the City’s goal of raising revenue, particularly when Mission-related parameters – in this case, a desire to promote traffic circulation and a standard of fairness – govern the way in which the revenue is raised. In the end, the shenanigan that the Citation Call Center pulled on me is just a scam – and a bad one at that.

THE OAKS THEATER AND OUR NEIGHBORHOOD

Compiled by Connie and Kevin Sutton, neighbors of the theater

We’re very fortunate to live in such an interesting neighborhood. This area was built out before developers used bulldozers and earthmovers to shape the landscape when they laid out streets and home sites, so our geology and topography are relatively natural. When we walk the streets and paths of the neighborhood, we’re walking along the same little hills and valleys that have existed for thousands of years. It’s easy to imagine the lives of those who lived here before us, and to appreciate our history and the brief moment we are here to enjoy our part in it.

Right here in our neighborhood, we can walk to Mortar Rock Park (next to Indian Rock Park) and look at the depressions ground down by hand into the rock,

The lack of fiscal diversity is another dangerous condition, especially when money is scarce and sources of funds are shrinking or disappearing. In addition to the parking fees that constitute more than 10% of City revenues, another \$8,402,035 of revenue was expected to come from Vehicle License Fees in FY 2009.

This means that carbon-centric revenues could total more than \$30,000,000 per year. This dependence on carbon related revenues well may be a poor idea when we all view the reduction of our individual and collective “carbon footprints” as a primary objective. To focus on a technology whose use we hope to reduce drastically over a relatively short time seems both risky and at odds with a larger and much more significant goal than balancing Berkeley’s budget.

In Conclusion

It started out as a truly unjust parking citation and ended up causing me to think about much bigger issues. The two most important issues I found were the validity (or not) of outsourcing the contesting of parking citations and the issue of focusing so much of the budget on carbon-centric revenues. Neither action seems to take a middle- or long-term view of our City’s future. That’s what’s wrong with this picture.

And yes, I did get a ‘courtesy’ dismissal of the citation.

and imagine the local Ohlone Indians grinding acorns and seeds in them hundreds of years ago, preparing their staple food for the winter. Then just by walking down the hill to Solano Avenue you can see the marquee of the Oaks Theater rising up, and be transported back to the Roaring 20s, back to 1925, when the Theater was built. Here’s just a little bit of the history behind the theater, with an update on the future of this local landmark.

Prior to 1900, the Northbrae and lower Thousand Oaks areas were known as "The Ranchlands", with gently rolling hills ideal for pasturing small herds of cattle, sheep, and goats. The area was not part of Berkeley, and was sparsely settled. It was a favorite

place for Sunday picnics. This began to change when the 1906 earthquake and fire in San Francisco forced an exodus towards the East Bay and Berkeley. The need for housing and the availability of efficient train and ferry service to San Francisco made the undeveloped land beyond the northern border of the city desirable for new homes. (Berkeley historian Richard Schwartz's, recently published book, "Earthquake Exodus, 1906", provides an excellent description of this process., see www.richardschwartz.com.)

In 1907 the first section of the Northbrae residential tract was opened for development, including the upper blocks of Solano Avenue, which were planned as a commercial strip. (You're in the Northbrae tract if your sidewalk has a red tint to it; that's how they identified the area when it was first laid out.) This area was formally annexed by the city of Berkeley in 1908. In 1910 the "Northbrae Tunnel" at the top of Solano Avenue was constructed, opening up Solano to interurban transit, and the street became a transportation hub. The Southern Pacific Railroad built rail tracks through the tunnel and down Solano Avenue.

In 1909 Thousand Oaks, another large residential tract adjoining Northbrae, was opened and home sites were offered for sale. Solano Avenue, while not part of the Thousand Oaks development, became the commercial focus of both Thousand Oaks and Northbrae. Homes were built on the streets close to Solano Avenue in the teens, and development accelerated throughout both tracts during the "Roaring 20's".

In 1925 the Oaks Theater was built, becoming a focus of the entire North Berkeley area. It is the oldest still-surviving building along upper Solano.

From the early 1900s, every neighborhood wanted to have its own theater since most travel involved walking. Many of Berkeley's neighborhoods had their own local theaters, including the Elmwood (1914) on College Ave, The UC on University Ave (1916), and the United Artists (1911) on Shattuck. Several of these theaters (including the Oaks) have been landmarked, and the Elmwood and the Oaks both are anchor buildings in very successful shopping areas in the city.

The Oaks Theater was designed by the Reid Brothers. These well-known architects built movie theaters
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throughout California, along with several monumental buildings in San Francisco and other cities in California. James and Merritt Reid were born in New Brunswick Canada in the 1850s. James was educated at the Massachusetts Institute of Technology and served as the principal architect in the partnership. He first came to California in 1888, after he was commissioned to design the Hotel del Coronado in San Diego. In 1889 he moved to San Francisco to join his brother Merritt.

Much of their work occurred during the reconstruction of San Francisco after the 1906 earthquake and fire. The firm was very versatile, designing hotels, office buildings, churches, and theaters. They designed the Grand Lake Theater in Oakland (opened less than 6 months after the Oaks, on March 6, 1926), the Hotel Del Coronado in San Diego (built in 1888), the Spreckels Temple of Music in Golden Gate Park (1900), the Fairmont Hotel in San Francisco (1906), and the Cliff House in San Francisco (1909).

The Oaks was built for the Blumenfeld Theater Chain, which had a Northern California empire of theaters. (Max Blumenfeld got his start in the entertainment business with a nickelodeon in North Beach in 1917, which would show new releases featuring Charlie Chaplin and the Keystone Cops.) When he had The Oaks built in 1925 it was the 10th theater in his growing chain of theaters. In time his family would own 60 theaters throughout Northern California.

During the Roaring 20's the demand for movie houses exploded throughout the country. With newfound prosperity (and no television at home) people in Berkeley flocked to the movies, enjoying new releases, newsreels, cartoons, and often even a live act or two like magicians or ventriloquists to complete the experience. Imagine how convenient and lively an evening would be for neighbors who walked to the theater after dinner to enjoy a new movie and entertainment at the brand new Oaks Theater.

The motion picture industry was hit hard by the advent of television in the 1950's, however, and most of the neighborhood theaters throughout Berkeley were torn down or converted to other uses. We've been very fortunate that the Oaks has survived, through the efforts of various owners and operators. Probably the most creative operator was Alan Michaan of the Grand Lake Theater in Oakland. He ran the Oaks for several years, and did a wonderful

job of updating the interior and recreating the Art Deco look it now has. It's hard to believe, but until recently the Oaks had only two owners: The Blumenfeld family owned it from 1925 until 1979, when the Lee family of Oakland bought it and owned it until 2009. The Lees completed an exterior renovation in 2001 that removed the ugly sheet metal covering the second story (installed in the late 1940s) and revealed the distinctive windows and the attractive second story facade.

COUNCIL INSIDERS FLOUT BUILDING LAWS: THE RYAN LAU/NICOLE DRAKE CAPER

Ryan Lau has been an aide to Councilmember Darryl Moore (District 2) for six years. He was also Moore's appointee to the powerful Zoning Adjustment Board, which reviews and enforces use and building permits. Ryan's significant other, Nicole Drake, is a longterm aide to District 1 Councilmember Linda Maio and is also a paid Commissioner on the Rent Board, which oversees regulation of residential rental property. Both Ryan and Nicole are in the "line of succession" should there be a civic emergency and the respective Councilmembers are not available to helm the ship of state. Ryan and Nicole live together at a property recently purchased by Lau on Carlton Street.

Based on a tip to the Berkeley Daily Planet in early March this year, independent Berkeley journalist Fred Dodsworth uncovered the following shocking story.

Completely without the required use and building permits, and of course without the costly payments for same, Lau tore down most of his garage and began replacing it with an upscale residential structure twice the size and located far less than the required four feet from the property line. The demolition and construction was apparently hidden from public view by one wall of the old structure. If Dodsworth had not uncovered the situation, Lau and Drake would also have avoided the other costs and requirements imposed on the general public by the very same City Council and City administration for which they work—for example, numerous building inspections, upward ad valorem property tax reassessment, upward reassessment of square-footage based taxes and fees, required sewer lateral inspection and replacement, compliance with various "green" regulations.

Most Berkeley residents would view this situation as cheating and hypocrisy by two public employees who are in the unique position of knowing the rules and

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The new owner is John Gordon, a well-known local investor who owns several landmarked buildings in Berkeley. Gordon has leased the theater to a new group who plan to show a mix of movies, with lots of foreign films and Bollywood movies in the mix. They also hope to provide more food choices and also maybe beer and wine. We all hope this is another lively chapter in the history of the Oaks Theater and our own little neighborhood.

helping enforce them against the rest of us. Most Berkeley residents might think that removal from all of their various City positions would be in order.

But no. According to Councilmember Moore..."I know Ryan is a good person and he'll do the right thing and make the situation right". Says Lau "I guess I should have had better judgment, and I'm working...to rectify the situation". Most other City officials refused to comment.

Can the property situation be made right? Unless a convenient loophole is found, not likely.

On March 18, Berkeley's Deputy Planning Director Wendy Cosin stated that she was not optimistic that the City would be able to approve Lau's project without a variance (since aspects of the project are outright prohibited under Berkeley codes) and that obtaining such a variance is usually impossible. "In no case can zoning approve this (without a variance) if the setbacks are less than four feet...if Lau does not get a variance, the Council Aide would have to tear the structure down" she stated.

Since the situation was revealed, the only resignation has been Lau's from the Zoning Adjustment Board. In late March he began the process to apply for permits. The first step is the application for an Administrative Use Permit—and City staff, alone, could approve, deny, or approve this with conditions. The next step might be an appeal of the staff decision, whatever it may be, to the ZAB, by either Lau, neighbors, or an interested member of the public. The final appeal would be to the City Council, which would be the very last thing the City Council would choose to occur. Clearly, Dodsworth and many Berkeleyans will be closely following this story of insider malfeasance.

REAL ESTATE PRICES (ASKING VS SALES PRICES) AND TIME REQUIRED TO SELL HOMES IN NORTH BERKELEY, March 2009 to March 2010

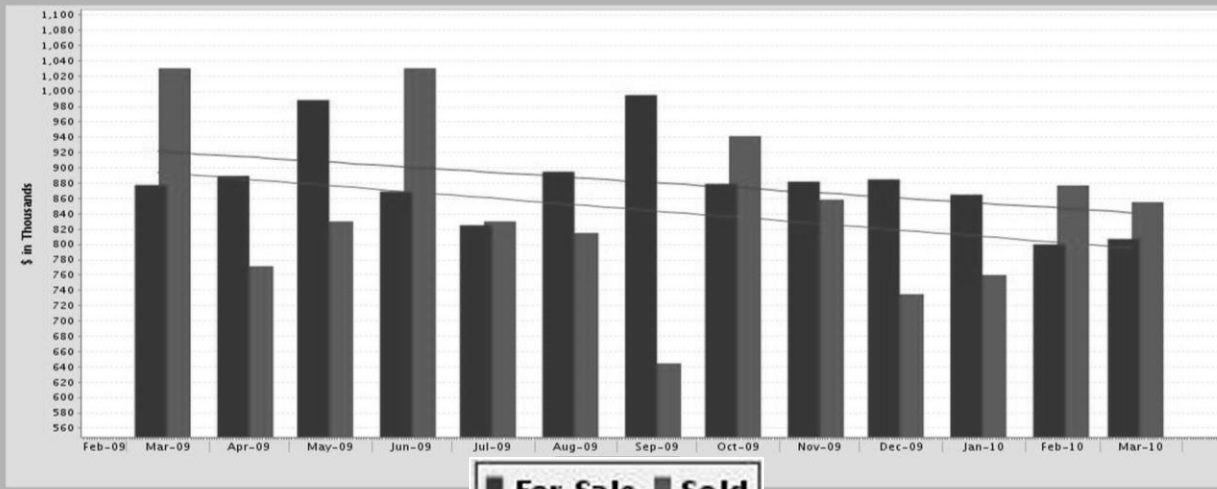
MarketMetrics Reports by Gloria Polanski

Gloria Polanski

Median For Sale vs. Median Sold

EBRDI

Mar-09 vs. Mar-10: The median price of for sale properties is down 8% and the median price of sold properties is down 17%



For Sale **Sold**

↓ -8%

↓ -17%

Mar-09 vs. Mar-10				Mar-09 vs. Mar-10			
Mar-09	Mar-10	Change	%	Mar-09	Mar-10	Change	%
877,500	807,000	-70,500	-8%	1,030,000	855,250	-174,750	-17%

MLS: MAX-EBRD Time Period: 1 year (monthly) Price: All Construction Type: All Bedrooms: All Bathrooms: All
 Property Types: Residential: (Detached Single)
 MLS Areas: 2301, 2302

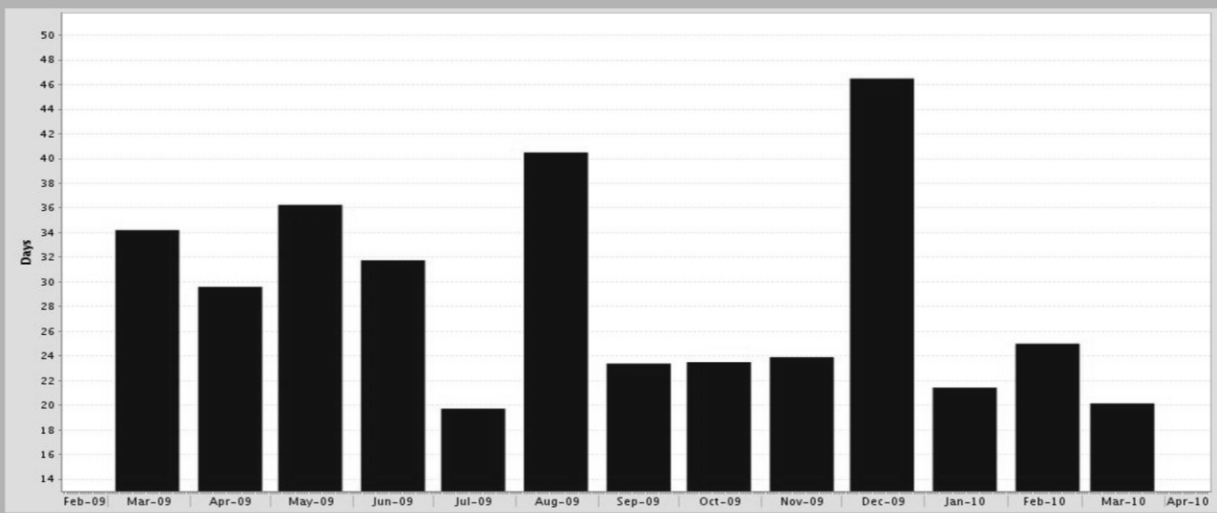
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Gloria Polanski

The Average Days on Market by Month

EBRDI

Mar-09 vs. Mar-10: The average days on market is down 41%



Mar-09 vs. Mar-10			
Mar-09	Mar-10	Change	%
34	20	-14	-41%

MLS: MAX-EBRD Time Period: 1 year (monthly) Price: All Construction Type: All Bedrooms: All Bathrooms: All
 Property Types: Residential: (Detached Single)
 MLS Areas: 2301, 2302
 Statistics are based on closed MLS transactions. Each closing generates one transaction side only.

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CRIMEBEAT

North Berkeley welcomes new Berkeley Police Chief Michael Meehan and his family.

Chief Meehan has three major goals: cutting crime, improving police interactions and morale, and creating a transparent department with accessible and timely crime information. At a North Berkeley community meeting, the Chief made a very favorable impression. He was forceful, direct and honest. The Chief publicly noted that, for a city of its size, Berkeley has the highest serious crime rate and highest traffic-related incident issues. Our serious crime rate is 50% higher than average for this size city, and is actually higher than that of Richmond and Oakland, although the incidence here tends more toward serious property as opposed to violent crimes. While the Chief understands the deeper issues said to

relate to criminal behavior, he appears unwilling to accept these as excuses for police underperformance in reducing criminal acts. He hopes that community members sharing his concerns and supporting his goals will make their voices heard at City Hall.

The Chief, most recently of Seattle, was born and raised in California. He lives in Berkeley and his two boys attend Berkeley public schools. He received two parking tickets on his first day of work here, and his wife got one the next week. All were apparently paid!

Our always-informative Police Area Coordinator, Cas Pierantoni, has supplied the following quarterly crime statistics for serious (Part I) crimes for North Berkeley's Beats 1 and 2*:

2009	Totals	January		February		March	
		Beat One	Beat Two	Beat One	Beat Two	Beat One	Beat Two
Homicide	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0
Robbery	9	0	0	3	3	1	2
Agg Assault	1	0	0	1	0	0	0
Burglary	51	11	7	7	3	12	11
Larceny**	203	23	42	23	38	30	47
Auto Theft	32	5	7	3	4	4	9
Arson	2	1	0	0	1	0	0

2010	Totals	January		February		March		% Change from 2009
		Beat One	Beat Two	Beat One	Beat Two	Beat One	Beat Two	
Homicide	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Robbery	2	0	0	0	1	1	0	-78%
Agg Assault	0	0	0	0	0	0	0	0
Burglary	29	2	9	6	1	5	6	-43%
Larceny**	222	25	42	31	52	24	48	+9%
Auto Theft	31	2	5	6	10	1	7	-1%
Arson	0	0	0	0	0	0	0	-200%

*Beat 1 is roughly coincident with northwest Berkeley (Council District 5) and Beat 2 with northeast Berkeley (Council District 6) with Marin Avenue and Henry Street as the dividing lines.

**Larceny includes purse-snatching, shoplifting, and thefts from motor vehicles, of motor vehicle parts and accessories, of bicycles, from buildings where there is legal access, and from coin-operated device or machine.

North East Berkeley Association
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North East Berkeley Association (NEBA) is a nonpartisan community organization whose mission is to inform, educate, and advocate for the interests of Berkeley residents of local electoral Districts 5 and 6 (roughly coincident with the 94707 and 94708 zip codes). Civic issues of particular interest and concern include municipal fiscal responsibility, local taxes and fees, public safety, public education, and basic neighborhood services. NEBA is informed and guided in its mission by the single-family zoning and homeowner status of most of NEBA residents. NEBA does not support or oppose any political candidates or parties. However, NEBA does hold candidate and issue forums, thereby stimulating interest and discussion. On occasion, NEBA will offer analysis, opinion, and a recommended position on important local issues. To accomplish its mission, NEBA publishes a newsletter and holds community meetings, each at least twice annually. Its Board of Directors meets monthly and Board subcommittees more often as needed.

Contact your Berkeley city government with your questions and concerns. They want to hear from you!
City Council Roster Contact Information: <http://www.cityofberkeley.info/ContentDisplay.aspx?id=18496>