

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES POSTAL SERVICE,

No. C 16-04815 WHA

Plaintiff,

v.

CITY OF BERKELEY,

**REQUEST FOR INFORMATION  
FOLLOWING VIEWING**

Defendant.

The Court thanks both sides in this matter for facilitating the viewing yesterday so the undersigned judge could see the post office building and surrounding historic district at issue.

As follow-up on the viewing, this order asks the following questions of both sides:

1. The Court understands that the United States Postal Service intends to secure a perpetual covenant to maintain as-is the front portion of the building, including the facade, retail windows, and service areas currently used by the public, as well as the relief on the wall outside and the mural on the wall inside. Is this understanding correct?
2. Would the aforementioned covenant include the vacant office spaces on the second floor above the retail area? If not, what would become of those spaces?
3. What other measures, if any, would the USPS take to ensure that any future use of the building would continue to preserve the historical nature of the building as a whole? For example, would any potential buyer of the building be free to erect large, tall, or even ugly facilities that might overpower the aesthetics of the building's historical features? Or would any potential buyer instead be restricted to essentially remodeling the existing shell of the building without enlargement or significant modification thereof?

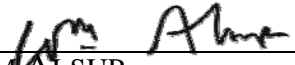
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 4. Since much of the building has fallen into disuse and seems to be in a state of near-disrepair, if the situation is left as-is, and time goes on, is there any risk that the vacant structure will become a hazard or blight to the City?
  
- 5. Would the Civic Center District Overlay challenged by the USPS in this action in any way prevent the federal government itself from remodeling unused portions of the building for some other purpose (e.g., a federal prison or detention facility, or a Drug Enforcement Administration facility)? If so, please discuss the legality of such interference under the Supremacy Clause.

Both sides shall please submit their answers to the foregoing questions, not to exceed **12 PAGES** IN LENGTH, by **MARCH 23 AT NOON**.

**IT IS SO ORDERED.**

Dated: March 9, 2017.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE