

**BERKELEY UNIFIED SCHOOL DISTRICT**

**SURPLUS FACILITIES COMMITTEE**

**REPORT ON THE HILLSIDE SCHOOL SITE**

**December 18, 2006**

## **Purpose of the Committee**

On January 19, 2005, the Board of Education of the Berkeley Unified School District approved the formation of a Surplus Facilities Committee with the direction that the Committee consider and make a recommendation as to whether the Hillside School site (“Hillside”) should be declared surplus to the District’s needs and, if so, to recommend to the Board a plan for the disposition of Hillside.

## **Committee Membership**

On November 16, 2005, the Board appointed the following persons as members of the Committee:

<b>Member</b>	<b>Representing</b>
Carl Bridgers	Parents of students Persons with expertise
Richard Carr	Landowners or renters
Judi Cohen	Landowners or renters Persons with expertise
Merlin Edwards	Landowners or renters Demographic composition
Marion Rita Franklin	Teachers Demographic composition
Elaine Green (Resigned 4/20/06)	Landowners or renters Demographic composition
Rebecca Hayden	Parents of students Persons with expertise
Robert Jackson	Landowners or renters
William Savidge	Parents of students Persons with expertise
Elizabeth Shaughnessy	Landowners or renters Parents of students

Robert Jackson served as chair of the Committee. Lew Jones served as staff to the Committee. Marilyn Cleveland, attorney with Miller Brown & Dannis, provided legal advice and counsel.

## **Charge to the Committee**

Education Code section 17390 directs the Committee to:

1. Review projected school enrollment and other data to determine whether the property under consideration is surplus to the educational needs of the District;
2. Establish a priority list of uses of the surplus property that will be acceptable to the community;
3. Circulate throughout the attendance area a priority list of surplus property and provide for a public hearing for community input to the Committee regarding acceptable uses for the surplus space and real property, including the sale or lease of the surplus real property for child care development purposes pursuant to Section 17458 of the Education Code;
4. Make a final determination of limits of tolerance of use of space and real property;
5. Make a report to the Board recommending uses of the surplus space and real property.

## **Summary of the Committee's Work**

The Committee met on the following dates: January 17, February 21, March 23, April 20, May 25, July 27, August 31, September 28, October 31, and December 18, 2006. A public hearing was held on November 28, 2006.

The Committee received information concerning the legal process for the determination and disposal of surplus real property as required by the Education Code.

The Committee reviewed District demographics and considered whether Hillside could ever constitute available classroom capacity. A chart of District-wide enrollment projections through the 2010/11 school year is attached as Exhibit A.

The Committee reviewed detailed reports on the structural and seismic condition of Hillside in relation to state laws regarding permissible use of buildings for classroom purposes. (See Exhibits D, E, F, and G)

The Committee received and considered a report by District staff regarding possible non-classroom uses of Hillside by the District (Exhibit H).

The Committee received and considered information concerning the current zoning of the Site and possible reuses, including a report prepared in 1992 by Wayne Edward Miller & Associates, Architects (Exhibit I).

The Committee observed that Hillside is comprised of thirteen parcels totaling approximately 2.85 acres. Eight of these parcels contain improvements in the form of school buildings, while five consist entirely of asphalt-covered playground.

The Committee verified that Hillside is listed on the National Register of Historic Places (10/29/1982) and is a City of Berkeley Landmark (number 62, 6/21/1982).

The Committee received and considered the results of a detailed 1993 opinion survey of the Hillside community regarding future disposition of Hillside (Exhibits J and K). The Committee also met with members of the Hillside Association of Berkeley and received two documents that update and expand upon the 1993 survey (Exhibits L and M).

### **Committee Public Hearing**

The Committee held a public hearing for community comment concerning its findings and recommendations on November 28, 2006. The public was notified of that hearing by the following means:

1. Announcements via e-mail to relevant lists of individuals, including every school site PTA, all District employees, city officials, community leaders, local churches, and citizens who have taken part in recent District construction community meetings.
2. An announcement posted on the home page of the District website, with a copy of the draft report.
3. Copies of the draft report made available for review in the office of the Superintendent.
4. A public notice posted in the Hillside neighborhood and at all District offices.

### **Committee Findings**

1. Hillside cannot be used as public school classroom space because of the Field Act, which prohibits classroom structures atop seismic fault traces.
2. The District staff has demonstrated that Hillside is not appropriate for any anticipated non-classroom use by the District, such as administration.
3. Hillside has received almost no maintenance since its closure as a public school in 1982 and is now in a deteriorated state.

4. Current income from month-to-month tenants does not cover the cost of utilities and routine maintenance, and Hillside is therefore a significant drain on District resources. In addition, estimated system replacement costs, amortized annually, of \$250,000 continue to be deferred, except for minor repairs and replacements.
5. As long as Hillside is classified as active District property and therefore limited to month-to-month tenancy, it is highly unlikely that sufficient tenants will be found to support the cost of maintaining and restoring the site.
6. Hillside is a vital historic architectural resource for the Berkeley community as recognized by its inclusion in the National Register of Historic Places. The protection of this resource and the restoration of the building are paramount considerations for the District in any disposition of Hillside.
7. Adaptive reuse or development for any purpose other than educational or residential use would be highly problematic because of zoning, planning, and other regulatory issues, as well as community opposition.
8. The terms of the Naylor Act will probably require that at least thirty percent of Hillside continue to be open space, available for public use. The Hillside playground and open space are a valuable community resource and should be preserved in any proposed development of the site.
9. A beneficial outcome for Hillside may include the sale or lease of its separate parcels to more than one party, so long as the historic structure is preserved.
10. The position of the surrounding community is that Hillside should be restored and returned to its historical use, as an elementary school, while understanding that such use is prohibited for a public school. The surrounding community also strongly favors retention and enhancement of the existing open space, including the playground, which is historically and currently in active public use. It also favors retention of the auditorium in public use. It would be favorable to adaptive reuse of all or part of Hillside for a limited range of community services: daycare for children, senior activities, meeting space, day/evening classes, etc. It would also be open to adaptive reuse as market-rate residential condominiums. The surrounding community is expressly opposed to any other suggested conversion, such as institutional or commercial use.
11. Several current tenants in the Hillside building have expressed a desire to continue renting their spaces, possibly through the creation of an arts center on the site.

## **Committee Recommendations**

1. The entire Hillside site should be declared surplus to the District's educational needs.
2. The District should implement an aggressive plan to sell, trade, or lease Hillside for uses consistent with Findings 6-10, above, immediately engaging for this purpose the services of appropriate real estate brokers or other professionals.
3. The District should seek purchasers or long-term tenants whose use of Hillside would reliably meet the following criteria:
  - A. Uncompromising commitment to the restoration, enhancement, and maintenance of the historic structures on the site, given that Hillside is listed on the National Register of Historic Places and is a City of Berkeley Landmark.
  - B. Compatibility with the residential character of the surrounding community.
  - C. Maintenance of substantial open space for community use, in accordance with the terms of the Naylor Act.
  - D. Achievement of a lasting outcome that substantially reduces future uncertainty regarding the site.
  - E. Achievement of an appropriate rate of financial return for the District, either through sale of the property, or through leasing with complete elimination of District liability and administrative responsibility.
  - F. Protection of the District from further liability for Hillside.
4. Until an appropriate bid to purchase or lease has been accepted, sufficient funds should be invested at least to prevent further deterioration of Hillside.
5. The District should maintain advisory contact with the Hillside community for the purpose of mutual review of proposed uses of Hillside.
6. Given the continuing deterioration of Hillside, the Committee strongly believes that the District should achieve a disposition of Hillside in accordance with the above recommendations within two years of the adoption of this report.

**EXHIBITS**

- A BUSD Multi-Year Student Projections, 2006-2011
- B Hillside School: A Brief History
- C Map of the Hillside site
- D HLA Fault Hazard Evaluation, 1991
- E SOHA Seismic Report, 1991
- F Memorandum, Office of the State Architect, 1991
- G "Earthquake Hazard Conditions at the Hillside School," 1999
- H BUSD Staff Report: Non-School Uses for Hillside
- I Wayne Edward Miller & Associates: Development Options Study, 1992
- J Hillside Association of Berkeley: Neighborhood Survey, 1993
- K Hillside Association of Berkeley: Neighborhood Survey Results, 1993
- L Hillside Association of Berkeley: Neighborhood Update, 2006
- M Minutes of the public hearing, November 28, 2006