

1 SAM HIRSCH
Acting Assistant Attorney General
2 Environmental & Natural Resources Division

3 MELINDA HAAG (CABN 132612)
United States Attorney
4 ALEX G. TSE (CSBN 152348)
Chief, Civil Division
5 ERICA BLACHMAN HITCHINGS (MABN 669825)
Assistant United States Attorney
6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102
8 Telephone: (415) 436-7015
9 Facsimile: (415) 436-6927
erica.hitchings@usdoj.gov

10 KENNETH ROONEY (NMBN 128670)
Trial Attorney
11 Natural Resources Section
12 U.S. Department of Justice
13 Attorneys for Federal Defendants

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 CITY OF BERKELEY; MAYOR AND
18 MEMBERS OF THE CITY COUNCIL
19 OF THE CITY OF BERKELEY,
20 Plaintiffs,

21 v.

22 UNITED STATES POSTAL SERVICE;
PATRICK R. DONOHOE AS POSTMASTER
23 GENERAL OF THE UNITED STATES
POSTAL SERVICE; TOM A. SAMRA,
24 VICE PRESIDENT-FACILITIES
OF THE UNITED STATES POSTAL
25 SERVICE; DIANA ALVARADO,
26 DIRECTOR, REAL ESTATE, USPS PACIFIC
REGION,
27 Defendants.

) Case No.: 3:14-cv-04916-WHA
)
) DECLARATION OF DIANA ALVARADO IN
) SUPPORT OF FEDERAL DEFENDANTS'
) OPPOSITION TO PLAINTIFFS' MOTION FOR A
) PRELIMINARY INJUNCTION
)
) Date: Thursday, December 11, 2014
) Time: 8:00 am
) Judge: Hon. William Alsup

Declaration of Diana Alvarado

DIANA ALVARADO, pursuant to the provisions of 28 U.S.C. § 1746, declares as follows:

1. I am Diana Alvarado, Real Estate Specialist with the Facilities Department of the United States Postal Service (“USPS” or “Postal Service”). I have held this position for ten (10) years. In 2012, I was the Acting Manager, Property Management, where I was made aware of studies and other information related to postal facilities in the Pacific Area. In 2013, after a reorganization of the Facilities Department, I was the Real Estate Specialist on the Implementation Team, where my main duties and responsibilities related to handling the Postal Service’s community contact obligations under 39 C.F.R. § 241.4 (Community Relations Regulations) for the Pacific Area. Currently, I am the Real Estate Specialist and Team Leader for Western Leasing Team, which includes the Pacific Area.

2. On March 7, 2012, the Postal Service’s Pacific Area’s Area Vice President signed a Facility Optimization Study which found that the Berkeley Main Post Office, located at 2000 Allston Way, Berkeley, CA (“Berkeley MPO”) was underutilized and costs savings could be achieved by selling the property and relocating to a smaller location.

3. In late 2012 and early 2013, the Postal Service, in conformance with its responsibilities to inform the community per 39 C.F.R. § 241.4 – termed “community contact” – notified the public of the fact that the Postal Service was considering moving postal services from the Berkeley MPO to another location. The community contact process is in place to allow the members of the communities, who may be affected by certain Postal Service projects, along with local officials, to convey their views concerning the contemplated project. Those views are then considered prior to any final decision to expand, relocate to another existing building or to construct a new building that is owned or leased. To facilitate this process, the Postal Service conducts a public meeting and provides local officials and members of the public with a 15 day comment period. After receiving and considering all comments, a decision is made. Local officials and members of the public have 30 days to appeal that decision. At the

1 conclusion of the appeals period a Final Determination is made by the Vice President of Facilities. The
2 Berkeley community meeting was held in February 2013, followed by a 15 day comment period and a
3 30 day appeal period.

4 4. On April 19, 2013, the Postal Service decided to relocate retail services at the Berkeley MPO.

5 5. On July 18, 2013, Vice President, Facilities of USPS, issued a Final Determination Regarding
6 Relocation of Retail Services in Berkeley, California. A true and accurate copy of the Final
7 Determination is attached at Exhibit A. In the Final Determination, the Vice President, Facilities of
8 USPS acknowledged the history of the Berkeley MPO, but given the Postal Service's financial status
9 and operational needs, the Postal Service determined that it was no longer operationally necessary for it
10 to retain ownership of this property, particularly since the Postal Service's operations only required
11 approximately 4,000 square feet of the approximately 57,000 square feet of space in the building.

12 6. In or around August 2013, the Postal Service undertook to sell the Berkeley Main Post Office
13 (MPO).

14 7. In or around October 2013, the Postal Service began considering a plan in which it would
15 relocate non-retail operations only, and that following the sale it would retain current retail operations at
16 the Berkeley MPO. This plan was finalized in September 2014.

17 8. I understand that the property was marketed for sale with an indication of the Postal Service's
18 desire to leaseback the retail portion of the Property and that the current agreement to sell the Property
19 includes a leaseback provision.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Dated: November 24, 2014

22 /s/ Diana Alvarado
23 DIANA ALVARADO