

Neighborhood Preservation Initiative History - Martha Nicoloff

The Neighborhood Preservation Ordinance came into existence five years ago because residents of Berkeley realized that the city's elected officials would not act to prevent neighborhood deterioration. Proof of this unresponsive disposition was demonstrated when another ordinance to establish an Environmental Quality Commission was stopped cold at the Planning Commission level. (It was drafted by a large group in the early 70's under the sponsorship of Ecology Center.)

Many conflicts were occurring because Berkeley's zoning laws at that time were written to allow, as a matter of right, the construction and demolition of structures that caused detriment to the residential environment.

Under Mayor Wallace Johnson's administration, loop holes were found to by-pass the few amenities that were included in the zoning ordinance. Many areas of the city were slated for vast land-use changes from low to high density. During Johnson's term the worst examples of land-hogging "Ticky-Tacky" construction were built. Poorly designed and cheaply built apartments began encroaching on older neighborhoods, especially in the flatlands of the city.

Late in the summer of 1972, on our first meeting, Ken Hughes suggested a way out of this dilemma by proposing the use of the initiative process for the April '73 ballot. After several months of concentrated conferences with all segments of the

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residential community an ordinance emerged. It's original name "Liveable Space Amendment" was changed by a suggestion from David Munstock to "Neighborhood Preservation Ordinance".

If passed, the initiative would restrain construction and demolition of housing until an assessment of neighborhood goals could be made including a rewrite of the zoning laws to reflect those goals.

At that time the N.P.O. excluded single family and duplex dwellings from resident review and was actually a very moderate document, (except for demolition controls that covered every residential building.) By-passing the unfriendly Planning Commission, we placed the N.P.O. on the City Council agenda late in 1972. There was the slightest chance that it might get enough votes. However, the Council hesitated, but indicated interest if we went back to the community for more input. Back in the neighborhoods, in numerous additional meetings, we found that people wanted N.P.O. to extend it's protections all the way to the single family dwelling. We were convinced by the arguments and rewrote those sections. As a consequence when we reappeared before the City Council with a far tougher ordinance, the members were upset, felt we had tricked them. They voted it down, even though the changes were a result of following their instructions.

We had suspected from the beginning that the initiative process would be required for any change in the status quo, so plans for a petition drive and campaign were set in motion.

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Teams of neighborhood people and students set out into wet and stormy January weather to various locations throughout the city to collect the required number and a surplus margin of registered voter signatures. Word of N.P.O.'s importance must have gotten around, because people lined up to sign petitions and then sent their friends around afterwards.

In a short two and a half weeks we had reached our goal, long before the petitions were due for counting by the City Clerk.

While we were involved with the community, City Hall was up to no good. In order to manipulate voter attitudes the bureaucrats of the Planning Department were hastily drafting an ordinance of their own called "Land Use Controls". They hoped that quick passage of this pseudo preservation legislation would persuade voters that N.P.O. was no longer necessary. City Hall attempts impressed no one, the ordinance was vague with loop-holes large enough for skyscrapers to fall through.

With the petition drive behind us, our efforts turned to the texts, design and production of campaign materials that would help explain N.P.O. to every resident of Berkeley. With the help of facultymembers of a high school printing department, thousands of booklets and posters were printed in short order. Volunteers took this material door to door, others handed them out at shopping centers, on campus, downtown and at BART stations. The war of the telephone poles began, with our posters going up, being ripped off, and going up again several times. Finally the posters began appearing in front windows of houses in abundance.

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Where was the opposition as election day was approaching? Alan Hofsy, a developer, wrote a negative argument on M.P.C. for the Voter's Handbook, a copy of it revealed that it was more an attack on the initiators than on the ordinance itself. Apparently, the City Attorney thought it too defamatory and it was deleted from publication. Therefore, since time had run out for submission, no negative argument was included. Dan and Shirley Dean mounted a minor campaign against the ordinance with leaflets and newspaper ads. Shirley Dean and I recorded an hour long debate at KPFA. It would have been great if voters could have heard it, but the tape was withheld from broadcast by Fran Watkins, program director at the time. (I still have a duplicate copy on file.)

Supporters of M.P.C. made a sad and symbolic gesture of the last legal demolition of a home before the ordinance passed in April of 1973. Significantly the house was owned by ex-Mayor Wallace Johnson. The day of demolition the resident was evicted by police. She was a welfare mother with a small child and had no place to move to. As a crowd gathered to protest the demolition, a line of police placed themselves between the large group and the bulldozer. The police interacted with the crowd in a provocative manner, saying the woman was low class, had bad living habits and we should be glad to get rid of her sort. It is difficult to know what the opposition hoped to

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gain by such a blatant display of inhumanity and brute police force. All that law enforcement to create an empty lot by destroying a house that could have been useful all these years.

While supporters of N.P.O. were writing newspaper articles, speaking at meetings, getting good support and high ratings in pre-election polls, another more sinister form of opposition was being planned by the executive committee of the Chamber of Commerce. In a last ditch, "dirty trick" effort to turn voters against the N.P.O. the Chamber published a counterfeit Voter's Handbook, which was delivered to every doorstep two days before the election. On the opening page, was a twisted and stuffy argument in opposition to N.P.O., claiming the initiative was racist and "would actually encourage housing to become run-down and unlivable". Fortunately the voters had gotten the "real" Voter's Handbook weeks before and had time to study the full text of the N.P.O. plus the arguments for it. The Chamber of Commerce's dirty trick it turned out didn't pick up many votes. Some of us were amazed that they would risk their already tarnished reputation with the voting public... who are also the consuming public.

Needless to say our side rolled in a healthy majority from the flatlands on electionday, including good support from the minority communities... and a promising sprinkling from the hills.

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In conclusion, it would be difficult to single out the contributions of everyone who worked for the passage of N.P.O. It was a grassroots movement from start to finish representing the feelings of residential people in defence of their right to a decent home. It was, and still is, not just a matter of holding on to housing stock or resisting commercial and institutional encroachments.

By invoking the initiative process, we have clearly demonstrated that communities can be protected against the erosive influence of bureaucrats and their trickery.

Maitha Di Coloff
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