

March 28, 1021

On Feb. 22, 2021, UC Berkeley announced two ambitious plans for constructing new, much-needed housing for its students.¹

That UC Berkeley needs to address its current dire lack of housing is not in question. However, UC's stated mission is as follows:

The distinctive *mission* of the University is to serve society as a center of higher learning, providing long-term societal benefits through transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge.²

Are the proposed plans consistent with this mission? A test of whether they are might be whether they can reasonably be expected to be implemented without resort to police force, and/or significant diversion of funds intended for research and teaching to legal defenses of UC Berkeley against lawsuits charging it is violating tenants' rights, historic preservation values, and/or environmental standards. Significant opposition to both plans suggests that they fall short of this standard.

One plan, for development of People's Park, envisions (but does not illustrate in its promotional video) a 16-story tower along Haste St., "stepping down to 11-stories toward Bowditch," plus a 5-story south wing, collectively providing "beds for 950-1200 students." It also includes a 6-story structure along the Telegraph Ave. side of the park, providing "supportive housing" for non-students in 75-125 apartments.

This plan does not conform to the City of Berkeley's design guidelines, and the City's Planning and Department's own mission:

to enhance safety, livability and resilience in the built environment and to work together with the community to promote and protect Berkeley's distinctive neighborhoods, vibrant commercial areas, unique character and natural resources for current and future generations.³

These guidelines call for new buildings to "respect the height of neighboring buildings," and in the Telegraph Avenue Commercial District to be "at least 3 stories plus 35 feet" and "at most four stories plus 50 feet," though exceptions are allowed if specified amounts of affordable housing are included.⁴ Moreover, in 1999 the Berkeley City Council unanimously adopted a resolution calling on UC to maintain People's Park as "permanent, public open space." Although UC is not legally required to abide by the City of Berkeley's land use regulations, it is hard to see why it should not voluntarily do so, especially when promoting goodwill within a community it depends upon for support might seem in its own best interest.

The plan also includes "commemoration" of the history of the Park, including the land's pre-colonial habitation by Ohlone peoples; the two-and three-story homes on the area that between 1956 and 1960 were bought up by UC and demolished; and the subsequent struggle to preserve the area as a park, which in 1969 led to police and national guard troops killing one person and wounding more than 100.⁵

The plan is opposed by a broad coalition of students, area residents, historic preservationists and environmental advocates, including the People's Park Historic District Advocacy Group, the People's Park Committee, and even UCB students currently occupying the park in protest against the plan. In 2016 current Berkeley Mayor Jesse Arreguin campaigned on a promise of maintaining People's Park as a park, although he now supports UC Berkeley's plan.

The other plan, the "Anchor Project", for the area bounded by University Ave., Oxford St., Walnut St., and Berkeley Way, envisions a 772-bed student housing project prioritizing transfer students. Funded by a private donation from Jackie Safier, President of the Helen Diller Foundation and CEO of the Prometheus Real Estate Group founded by Sanford Diller,⁶ the project promises, in a vaunted but under-explained scenario, that "any net revenue generated by the project" would be "dedicated to funding scholarships targeted toward under-represented and first-generation undergraduates." On the site there currently stands a rent-controlled apartment building, 1921 Walnut St., built in 1909, which UC Berkeley purchased in July 2020 and plans to tear down, but whose tenants oppose the project, and have declined UC Berkeley's offers of relocation compensation which, according to UC Berkeley's Assistant Vice Chancellor for Executive Communications Dan Mogulof, for each tenant could "easily reach six figures."⁷ Demolition of the building is opposed also by UC Berkeley's own ASUC (Associated Students of the University of California), the Berkeley Tenants' Union, the Berkeley Architectural Heritage Association (BAHA), the Berkeley Rent Stabilization Board and the Berkeley City Council, which passed a resolution "in support of 1921 Walnut St." on July 28, 2020.⁸

Again, that UC Berkeley students face an acute housing crisis is not in question. It is a crisis long in the making, well known to all who live or work in Berkeley, or would like to. It is one that must be solved. Just like anyone else, UC Berkeley students need and deserve safe, near, healthful, comfortable, socially supportive and aesthetically pleasing housing if they are to live productive lives, doing the challenging work expected of them as UC Berkeley students, cultivating and using their talents ultimately for the benefit of us all.

What is in question is whether UC Berkeley, charged with transmitting, developing and preserving knowledge, cannot come up with a more imaginative, just, and forward-thinking solution to this problem than the controversial plans proposed. UC Berkeley hosts world renowned departments of Architecture, Landscape Architecture, City and Regional Planning, Civil and Environmental Engineering, History, and Economics, not to mention schools of Public Policy, Social Welfare and Education. Are the proposed plans really the best it can do?

Obviously, finding solutions to the student housing problem is a complex challenge; the effort the Task Force has made in that direction is appreciated, and the work that must have taken cannot be underestimated. However, a good measure of whether the work is really done, and good solutions have in fact been found, is that those whose lives would be affected by the proposed solutions broadly consider them satisfactory; and a good measure of that in turn is, as noted above, whether the proposed solutions are not considered so unsatisfactory as to provoke opposition that could require police force or legal action to be suppressed. The organized opposition to both currently proposed plans suggests, as noted, that they fall short of this standard. For the People's Park plan especially, this should not be surprising, when a process of consultation, however,

sincerely initiated, moved online in spring 2020 because of the coronavirus pandemic, plainly making genuine participation by many who care passionately about the fate of the park unlikely, if not impossible.

Finally, although it is obviously of no short-term practical help in this matter, it might be of long-term conceptual help for UC Berkeley to reconsider its starting premise that it is “land-poor”. In the present economy, throughout the world, nothing is of greater value than long-held, well-cared for land, especially when enhanced by beautiful, historic structures in central locations in major metropolitan areas. Such land is the present gold, or oil; UC Berkeley is rich in it, and especially in its current underfunded state is vulnerable to many who would like to get their hands on it. Of course, what UC Berkeley means by its use of this phrase is simply that it doesn’t have unused land at hand which can readily be developed into the student housing it sorely needs. However, in reflecting on how to solve this problem, it is worth dwelling a moment not on what UC doesn’t have, but rather on how it comes to have the treasure it does have -- its beautiful, historic and bucolic campus in the center of Berkeley and of the entire urban expanse of the East Bay.

The campus sits on land that was inhabited by Ohlone peoples for thousands of years. In 1820 the King of Spain granted 48,000 acres “between San Leandro Creek and El Cerrito (Albany Hill)” to Mexican army Sargent Luis Maria Peralta in recognition of his decades of service to the King.⁹ In 1842 Peralta divided that land, by then no longer Spanish but Mexican, among his four sons, with the portion that included what is now Berkeley going to his son José Domingo Peralta, who in 1841 had built an adobe for his family on the banks of Cordonices Creek, at what would now be 1304 Albina Ave in Berkeley.¹⁰ In 1848, the Treaty of Guadalupe Hidalgo transferred control of California from Mexico to the United States, gave California’s Mexican landowners American citizenship, and promised to protect those landowners’ property rights. However, at the same time, Americans were allowed to occupy and obtain title to land they believed to be vacant. The Gold Rush brought men whose names we recognize from our streets’ names -- Shattuck, Hillegass, Blake, Leonard, Curtis -- to Peralta’s land, which they occupied whether that condition was met or not. Peralta’s complex legal fights to retain title to his land, not only against them but also against his own sisters, who challenged their fathers’ bequest of land to his sons only, although posthumously successful, ruined him financially; to meet legal costs he was forced to sell all but 300 acres of his inheritance, and after his death his heirs were evicted from that land. In 1853, retired sea captain Orrin Simmons acquired 160 acres of it, and in 1853, another 540, all for less than \$5,000, to make up a 700 acre ranch in what we now know as Strawberry Canyon.

It is this land which the Trustees of the College of California, smitten by the beautiful oak-tree studded creek and magnificent view of the Golden Gate, purchased for \$35,000 in 1858, and in 1867 donated to the State of California for its new university. In 1866 the State had founded an Agricultural, Mining and Mechanical Arts college in response to the federal Morrill Land Grant Act of 1862, and the Trustees’ donation was on condition that their own college with its focus on liberal education in the arts, humanities and sciences “would become a College of Letters within the new university,” the University of California chartered on March 23, 1868.¹¹ It is impossible not to wonder what those Trustees would have thought to see UC Berkeley’s administration 150 years later deploy police to quell protests against their felling oak trees, and lawyers to quell protests

against their blocking the view of the Golden Gate from the Campanile by constructing a high-rise building in downtown Berkeley.

Obviously, no turn of phrase can redress the layers of injustice that this history entails. Still, this history can serve to remind those with power and responsibility to make decisions about precious land at UC Berkeley, why all residents of Berkeley, and indeed of California, might care enough about maintaining their homes, their history, and some land that can still be experienced as land, to oppose plans that take these away.

A petition calling on UC Berkeley's Chancellor Christ to respect opposition to its proposed plans for new student housing, return to the drawing board, and find alternatives to the student housing problem that are broadly acceptable to our entire community may be found here:

More information on the plan for People's Park, including an open letter to the Chancellor opposing the plan, can be found here:

<http://peoplesparkhxdist.org/>

More information on the plan for the site including 1921 Walnut St., including its tenants' opposition to the plan, can be found here:

<https://www.save1921walnut.org/>

Finally, as an example of how UC Berkeley is faring now in its role of managing student housing, more information about the current situation at University Village, including a petition from its residents, can be found here:

https://www.change.org/p/university-of-california-support-uc-albany-village-in-rent-crisis?utm_source=share_petition&utm_medium=custom_url&recruited_by_id=debf3898-5bd8-4447-9977-12fbe26a5c33

Notes:

¹ <https://news.berkeley.edu/2021/02/22/an-update-from-chancellor-christ-on-two-uc-berkeley-student-housing-projects/> (accessed March 22, 2021)

² <https://www.ucop.edu/uc-mission/index.html> (accessed March 22, 2021)

³ <https://www.cityofberkeley.info/DepartmentHome.aspx?id=3460>

⁴ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_DAP/DBDesignGuidelines2012.pdf

https://www.cityofberkeley.info/Planning_and_Development/Home/Southside_Plan_-_DSS_11_Zoning_CT.aspx

⁵ <http://picturethis.museumca.org/timeline/unforgettable-change-1960s/people-s-park-fights-uc-land-use-policy-one-dead-thousands-tear->

⁶ <https://www.save1921walnut.org/>

⁷ <https://www.berkeleyside.com/2021/01/27/uc-berkeley-tells-tenants-of-112-year-old-rent-controlled-building-they-must-leave>

⁸ https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/City_Council_07-28-2020_-_Regular_Meeting_Agenda.aspx (accessed March 22, 2021; see item 31)

⁹ Wollenberg, Charles. 2002. *Berkeley - A City in History*. Berkeley: Heyday Books.
<https://bcourses.berkeley.edu/courses/1197829/files/45385994> (accessed March 22, 2021)

¹⁰ http://berkeleyheritage.com/eastbay_then-now/peralta_park1.html (accessed March 22, 2021)

¹¹ Helfand, Harvey. 2002. *University of California: An Architectural Tour and Photographs*. New York: Princeton Architectural Press. Therefore, it is a problem that it should surely solve through knowledge, not force, and in a way that respects, rather than violates, the human, social, historic, aesthetic, and environmental values that it is charged with serving.

For more background, go to www.peopleparkhxdist.org. If you want to add your name to this statement, send name and affiliation to peopleparkhxdist@gmail.com.