

Getting to Work on Our Downtown Plan
By Mayor Tom Bates

The agreement signed by the City and the University earlier this year provides an historic opportunity to work together on a range of community issues – from summer literacy programs to economic and urban development plans.

One of the most important pieces of this agreement is the creation of a new Downtown Area Plan to guide new development in the heart of our City. There has been considerable discussion, and some anxiety, about how all this will work. Let me offer answers to some of the questions that have been raised.

First, I want to dispel the most troubling misinformation I've heard over the past few months – that the City gave the University veto power over City planning decisions regarding the downtown. This is absolutely false. In fact, the settlement agreement requires the University to work with the City on new development rather than simply act unilaterally to build whatever it wants on the land that it owns.

The Downtown Area Plan is the most effective way for the citizens of Berkeley to have a voice in UC development. The 2020 UC Long Range Development Plan (LRDP) calls for 1.1 million square feet of new buildings off campus, but provides almost no detail as to where the development might take place or the purpose for the new buildings. Unfortunately, under the State Constitution, the University can build most anything it wants on the land it owns without following the city zoning laws, as any private developer must. Prior to the Downtown Area Plan, our only recourse to a university project that we did not like was to sue UC under the California Environmental Quality Act in an effort to force some changes.

This lack of community control over university growth was the single most important reason we filed a lawsuit to stop implementation of their LRDP. We fought hard for the University to step back from its unilateral position and work with the City and the community on its plans. After much back and forth, they agreed to participate in the creation of a detailed new plan that will provide us information about their plans and give the City and the community an opportunity to shape those new plans from the outset.

While we will work closely with the university, this is a City plan. The City will lead the process. The City will create its own community task force to help draft a new plan. The City's Planning Commission will review, edit, and take action on the new plan. And the City Council will ultimately decide whether to adopt it.

The University cannot veto any decision by these bodies. I am confident that we can work collaboratively and cooperatively with the campus throughout this effort. If the campus ultimately decides they do not like the plan, their only recourse will be to pull out of the process. If that should occur, the City would retain the authority to move forward with its downtown plan would leave us no worse off than we are now. The University retains its Constitutional right to build without our permission and we retain our right to

sue the university when we do not like a proposed project. The only specific projects we agreed not to sue over are two on-campus buildings, the new Asian Library and the planned joint business and law school academic building.

Second, people have asked why the boundaries of the Downtown Area Plan are somewhat larger than the downtown core and include portions of residential neighborhoods that border the downtown. This was done in to allow the City to consider ways to better protect those neighborhoods nearest the downtown from encroachment. The Downtown Plan boundary stretched north to Hearst in order to incorporate the old State Health Building, which will likely be taken over and redeveloped by the university in the near future.

Third, some community members have wondered what is wrong with the City's existing downtown plan. The current downtown will be used as a starting point for the new plan. However, it was developed over 15 years ago and is, in many cases, out of date. In 1990, when it was adopted, the downtown had seen little new development and the arts district was just getting started. Now, the downtown is teeming with new restaurants, arts venues, and shops. Hundreds of new housing units – both rentals and condos – have been built. New hotels and transit options are being planned. It would be time to take a fresh look even if the University were not looking to build downtown.

Fourth, the downtown planning process provides an opportunity for the City to conduct an updated and complete historic survey of all buildings within the downtown area. An update of our old survey is long overdue and is needed to help the City, preservationists, and property owners have a better sense of our historic inventory. It will allow us to better protect our historic resources.

Lastly, the City must work with the University to protect the interests of our community. The University of California's constitutional protections make it immune from nearly all taxes and fees and give it authority to build outside of local control. I continue to strongly believe that this authority is out-of-date and has been misused in established and built-out communities like Berkeley. But only an amendment to the State Constitution can change that.

This is a great time for downtown Berkeley. After years of hard work, Berkeley's downtown is thriving. The Downtown Area Plan gives us all a great opportunity to get involved in shaping our downtown's development for the next decade or more.

In front of us are years of public discussion, public meetings, and public hearings. We will start by creating a community-led task force that will work over 18 months or so with the public, city staff, and the university on considering ideas and drafting a new plan for the downtown. I look forward to getting to work.