

This is my final post on the CEQA litigation over UC Berkeley enrollment. For earlier posts, see [here](#) (providing background information), [here](#) (discussing the implications of considering enrollment decisions to be within the scope of CEQA), and [here](#) (discussing whether to expand CEQA to cover socioeconomic impacts). In this final post, I want to explore the policy implications of the court's decision in this case.

The superior court's remedy in this case is what really has put the Internet up in arms. That remedy was not just an injunction against the individual project that was the trigger for the lawsuit (the Upper Hearst housing project) but also enjoining any change in university enrollment above 2020-21 levels. That remedy makes sense if you think of enrollment as a "project" - see my first post on that topic. But it also looks a lot like policymaking by a court - one of the reasons UC Berkeley enrollment has expanded, for instance, is [real pressure by the state legislature](#) on the UC system to expand enrollment for Californian students. (These issues are not unique to [UC Berkeley either](#).) And here the policymaking is really problematic when you consider the policy context.

The UC system is one of the single most important programs for social mobility in the state of California - it has a [high number of undergraduate students](#) who are first in their family to get a higher education degree (41%). A [significant proportion of the student body receives Pell Grants](#) from the federal government (38%), reserved for low-income students. Both of these statistics are also significant for UC Berkeley, even if lower than other UC units ([26% first generation](#), [32% Pell Grant](#)) Moreover, a key driver for the UC Berkeley's increase in enrollment is an effort to expand the diversity of the student body and serve larger numbers of lower-income and first-generation students.

Yet it is plaintiffs in surrounding Berkeley neighborhoods - some of which are higher-income and whiter than the average neighborhood in the East Bay - that are seeking to (at least temporarily) shut the doors to access at UC Berkeley for these students. For instance, [this census tract south of campus](#) is 61% white and has a median household income of \$102,000, compared to [Alameda County as a whole](#) which is 49% white and has a median household income of \$99,000. [Another census tract east of campus](#) is 74% white and has a median house hold income over \$200,000. And while the plaintiffs have made statements about welcoming increased enrollment [if the university would just provide additional housing](#), there have also been statements by leadership of the plaintiff's organization that that additional housing is best put several miles away, [on a UC Berkeley owned site in the city of Richmond](#).

But residents of Richmond surely have reason to object to university development there. Much of Richmond is much more disempowered and has suffered arguably worse impacts

from historical racial discrimination than the neighborhoods around the UC Berkeley campus. And on top of that, the UC Berkeley site in Richmond is likely vulnerable to impacts from sea level rise from climate change. Even worse, by dispersing students over a wider geographic area, focusing development at the Richmond site (which is not close to public transit) rather than the central UC Berkeley campus would probably increase automobile usage and greenhouse gas emissions.

Which begs the real policy question here – *if you aren't going to increase enrollment in UC Berkeley, where would you do it?*

If you aren't willing to increase student enrollment – and residential density – in a relatively wealthy, relatively white city like Berkeley, a city that already has significant public transportation, where are you going to do it in California? Perhaps the alternative really is shutting the gates of opportunity to tens of thousands of lower-income Californians.