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Lafayette decides against accepting "Crosses" land donation

By Pippa Fisher



The Crosses Memorial on Deerhill Road Photo
Pippa Fisher

Lafayette city council members had mixed reactions to Charles Clark's recent offer to donate the well-known 2.7-acre property on Deerhill Road, known as "The Crosses of Lafayette" to the city.

The thousands of white wooden crosses, visible from BART and from Highway 24 which sit opposite the BART station on Deerhill Road, represent a memorial to the U.S. servicemen and women who have died in Iraq and Afghanistan.

Born of Jeff Heaton's idea, the memorial was built by a small group of people from the area in 2006 on the hillside land donated by Johnson and Louise Clark. The Crosses Memorial, which started as a controversial anti-war statement, has now become world renown and is now a memorial, and a recognized institution.

In a Sept. 7 letter to the council, Clark set out his offer to donate the land. He explained that he needs to adjust the lot lines on their land of about 5 acres to allow each of two existing, run down houses to sit on their own parcel of land in order to sell. In so doing he wishes to donate the remaining parcel containing the crosses by the end of this year in order to offset capital gains from a recent sale of an apartment property.

The council discussed the topic at the Sept. 25 city council meeting which appeared on the agenda only under "written communications" in order to determine whether or not to take it forward and place it on a future agenda.

Council Member Ivor Samson was concerned about future uses of the land and whether it was being offered "free and clear" given the suggestions in Clark's letter of a Crosses of Lafayette Peace Memorial, city park and a city-owned metered BART parking lot. Clark explained this was his vision for the land.

Following Council Member Mark Mitchell's concern about the time constraints for getting this done before the end of the year, Samson said that the less information they have about conditions of the offer, the more it decreases the chances of meeting the required deadline - a point Vice Mayor Don Tatzin agreed with.

In answer to Council Member Cam Burks' question regarding whether religious symbols could stay on city land, Lafayette City Attorney Mala Subramanian said she would not recommend it.

Mayor Mike Anderson pointed out the costs that would be incurred by the city in removing the crosses, land maintenance and the cost of possibly replacing the current installation with a new memorial.

The council heard from several speakers who were in favor of keeping the offer on the table, pointing to the value of the crosses to the community and to the country as a respected art installation. Several recognized that the crosses cannot remain there forever but said they would like to see a peace memorial in its place.

The council had also received a couple of letters from residents who disagreed and felt that the cost to the city would be too great.

Having heard from Clark, Samson was blunt in sharing his opinion and called it an "ill-conceived and cynical" idea. He accused Clark of "requesting expedited lot line adjustments in exchange for a gift to the city wrapped up in a patina of supporting an art and peace memorial."

Tatzin and Mitchell pointed to the need for more public input and were in favor of forming a subcommittee. With Samson and Burks adamantly against the idea, Anderson weighed in.

Anderson said that he saw a huge liability. He said that he liked the crosses but recognized they would have to be removed and said that he would like to see a nonprofit take it on instead.

With only two votes from Mitchell and Tatzin to take this forward and the other three against it, the discussion appears over.

After the meeting Clark commented via email, "I was extremely disappointed in the demeanor of the city

council members."

He continued, "I was accused of attempting to manipulate and make an end run around the city's process. I was attacked about my motivation for this donation and the deed restrictions that they incorrectly assumed that I would be requiring in order to establish my personal dictatorial control over the city's every use of this land that I have offered ... Not one question came up from council about the obvious option of embracing this opportunity to build the city a new 10,000 square foot office complex on this 2.66 acres of downtown land that I am still offering to donate to the city, free and clear."

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