

## Jacob, Melinda

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**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: Public Record Submission – 2128 Oxford Street – Clarification of Sidewalk Usability Concern

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**From:** Steven Schuyler <tell.stevenj@gmail.com>  
**Sent:** Saturday, April 25, 2026 12:08 AM  
**To:** Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Brown, Farimah F. <FBrown@berkeleyca.gov>; Manager, C <CManager@berkeleyca.gov>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; City Clerk <clerk@berkeleyca.gov>  
**Cc:** All Council <council@berkeleyca.gov>; ADAMailbox <ADA@berkeleyca.gov>; transportation <transportation@berkeleyca.gov>; Klein, Jordan <JKlein@berkeleyca.gov>; Public Works Sidewalk Program <pwsidewalks@berkeleyca.gov>; Muller, Joshua <JMuller@berkeleyca.gov>; Gregory, Thomas <TGregory@berkeleyca.gov>  
**Subject:** Public Record Submission – 2128 Oxford Street – Clarification of Sidewalk Usability Concern

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Date: April 24, 2026

Dear ZAB Secretary, Members of the Zoning Adjustments Board, Mayor and Members of the City Council, Planning Director Klein, City Manager Buddenhagen, and City Attorney Brown:

Please include this correspondence in the official public record and any supplemental communications file for 2128 Oxford Street, Use Permit Modification ZP2025-0113.

I am submitting this clarification regarding my prior public comments and written submissions concerning this project.

After reviewing the April 9, 2026 ZAB meeting video and the project materials, I want to clarify and narrow my continuing concern.

At the meeting, it was stated that the contractor will replace the sidewalk to make it ADA compliant. I understand that such work may address surface condition, slope, curb, gutter, and other standard physical accessibility requirements.

My continuing concern is separate.

The issue I am raising is whether the Oxford Street sidewalk will remain functionally usable by disabled pedestrians under foreseeable pedestrian volume after a 433-unit residential tower and ground-floor commercial use are added to a corridor with fixed tree-well choke points of approximately 68 to 72 inches.

Technical sidewalk replacement and functional usability under crowding are not the same issue.

There is also a related physical constraint on the rest of the block between Oxford Lane and Allston Way. Much of that portion of the block is already built at or near a zero-foot setback, meaning the sidewalk width in that area is effectively fixed from the building side. If the corridor proves too narrow under existing or future pedestrian demand, the practical remedy is not available from the private-property side. The realistic mitigation would have to come from the street side, such as widening the sidewalk into the existing parking lane.

This is why the zero-foot setback issue matters. It is not only about whether the new project can replace its frontage sidewalk to current construction standards. It is about whether the City is permanently locking in a corridor width that may already be inadequate for present and foreseeable pedestrian demand.

My written submissions before the April 9 meeting placed this issue into the record. I specifically raised the concern that minimum dimensional compliance does not answer whether the sidewalk will remain effectively usable at project-generated pedestrian volumes.

For the record, after reviewing the April 9, 2026 meeting video, I am not presently asserting that the procedural handling of the consent calendar was definitively defective. My continuing concern is the substantive public right-of-way accessibility issue: whether a sidewalk corridor with fixed choke points, added pedestrian demand, existing zero-foot setback conditions, and a new zero-foot setback approval has been evaluated for functional usability under foreseeable conditions.

I respectfully request that the City identify where in the approval record it evaluated functional pedestrian usability under projected occupancy, as distinct from physical sidewalk replacement to current construction standards.

If no pedestrian level-of-service analysis, ADA Title II program access analysis, or equivalent functional usability review has been performed, I respectfully request that the City require such an analysis before the project proceeds further, or require a practical mitigation plan such as widening the pedestrian area into the parking lane.

Please confirm receipt of this correspondence and its inclusion in the official record for 2128 Oxford Street, ZP2025-0113.

Respectfully,

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