

Correspondence:
Initial Packet, Updated
September 11, 2026

From: [Kayla Jimenez](#)
To: [Kesarwani, Rashi](#); [Planning Commission](#)
Subject: San Pablo Plan step-backs
Date: Thursday, August 13, 2026 3:55:17 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Rashi Kesarwani and Berkeley Planning,

I am a Berkeley resident and homeowner at 1626 Kains Avenue, a duplex immediately adjacent to the San Pablo Avenue corridor and the Cedar node. I am writing to ask that the City restore the residential-edge upper-story stepback that was included in the earlier draft of the San Pablo Avenue Specific Plan but removed from the June 2026 Final Draft.

I support the City's goals of increasing housing production and creating a more active and walkable San Pablo Avenue. My concern is specifically about the transition between substantially taller San Pablo Avenue development and the existing low-rise residential neighborhoods immediately behind it.

The earlier draft contemplated a 10-foot stepback above the fifth story for buildings adjacent to residentially zoned parcels. I understand that this provision was subsequently removed. I respectfully ask the City Council to restore that residential-edge stepback before adopting the Specific Plan.

This is particularly important at the Cedar node. The City is contemplating substantial increases in development intensity along San Pablo Avenue, while existing homes immediately behind the corridor remain at a much smaller scale. A six-story building approaching 65–70 feet in height can create a very abrupt transition when its upper floors are placed directly against existing residential properties. I'm particularly worried about my tenant and I (both women) and our privacy if several floors of windows are facing directly into our homes.

A 10-foot stepback above the fifth story would not prevent substantial housing production. Instead, it would create a modest transition at precisely the point where the building becomes most impactful to adjacent homes. It would reduce the apparent mass of the upper floors, preserve more sky exposure, reduce overlooking, and provide some mitigation for the loss of light experienced by immediately adjacent residential properties.

I am not asking the City to prevent housing development or to preserve existing low-density zoning along San Pablo Avenue. I am asking the City to retain a basic objective design standard that recognizes the very different scale of the properties on the two sides of the corridor.

I would respectfully ask the City to:

1. Restore the previously contemplated minimum 10-foot stepback for portions of buildings above the fifth story when the development parcel directly abuts an R-zoned residential parcel.
2. Include appropriate privacy protections for upper-story windows, balconies, and rooftop amenities facing adjacent residential properties.

3. If the City does not intend to restore the 10-foot standard, direct Planning staff to explain publicly what analysis supported its removal, including the consideration given to shadow, daylight, privacy, and building-massing impacts on existing residential properties.

I believe this would be a reasonable compromise between the City's housing-production goals and its stated goal of creating a San Pablo Avenue district that is integrated with the residential neighborhoods surrounding it. Because the Planning Commission has already completed its recommendation on the Final Draft and the plan is now headed to City Council for adoption, I would appreciate confirmation that this request will be considered before the Council adopts the plan.

Thank you for your consideration.

Sincerely,

Kayla Jimenez

Homeowner of 1626 Kains Ave.

From: [Diana Hembree](#)
To: [Planning Commission](#)
Subject: No bike lane on Hopkins! It will result in death, injury and neighborhood fury
Date: Monday, August 24, 2026 7:35:02 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Planning Commission,

I go to Hopkins Street in the Berkeley flats almost daily to run or walk around the track at King School Park in the early evening, to shop at one of the great small stores or take my grand daughter to the toddler park there. It is one of Berkeley's most beautiful and beloved streets, featuring lovely 100-year-old sycamore trees that provide shade under a gorgeous green canopy during our increasingly sweltering days.

The huge green field at the park, encircled by the popular walking track, receives shade on the right from the iconic tree-lined street and is a wildly popular place for King students, soccer leagues, walkers runners, picnickers, baseball and other sports enthusiasts supported by city youth sports teams. Parents often bring their children to cheer them on or for King School graduations and other popular events are held on the green. It is a safe, relaxing, lively space for everyone in the city.

Imagine my shock and anger, then, at hearing the City of Berkeley is planning to cut down the beautiful sycamores shading the street to enlarge it for a bike lane! Noooooooo! Although I am a lifelong bicycle rider and enthusiast, I fervently oppose this move: This is terrible planning on the city's part: People with toddlers, infants and small children cross the bike lane and sidewalk to enter the green space and toddler park; students in graduation gowns will have to dodge bikes, electric bikes and scooters in the bike lane, and elders and would-be swimmers going to the rec center could be knocked over and killed, as is already happening in other parts of the city. We have already had a number of deaths from people hit by people whizzing by on bikes and electric scooters. This would be inviting far more injuries and fatalities.

Plus, people will have _ nowhere _ to park for soccer, walking, running, graduations, and other events in the track and field except in the neighborhoods around the park, which is bound to anger the residents. I live near a religious entity that has frequent large events with little to no parking, and residents are often angered to come home and find they have to park on a street far away from their homes. This lack of proper planning sets the stage for unnecessary animosity.

You will destroy the safety, fun, beauty and love for this incredible green space in the city by cutting down the trees and turning this street into a bike freeway. Consequently, you will see children, elders and others badly injured or even killed in the bike lane they must cross to reach the park. In addition to tragedy, pain and suffering, the lawsuits alone could drain Berkeley's coffers..

Why not be like other cities and use the city's greenway to create a bike path, perhaps building an elevated platform to connect it if necessary? Or move this plan to a street that doesn't connect to a major park used by thousands of residents. Just don't decimate this beautiful neighborhood's center and its safety, shops and badly needed shade for the bike lobby. This is one of the closest things we have to a beloved historic and thriving neighborhood in Berkeley,

and you are planning to raze it for no good reason.

Again, I am a biker and I support biking and bike lanes. But not by destroying a street that is not meant to be a bike thoroughfare and by endangering public safety, which is already in tatters due to heedless bikers and youth (sorry, kids) who don't understand how close they come to killing pedestrians every day. Again, this is an area frequented by toddlers, small children, students, and parents carrying babies. It should not be a bike freeway.
.Thank you, and I feel so strongly about this that I will escalate thsi issue to the Mayor's office, the County and the City Council.

Best,

Diana Hembree
Berkeley resident

From: [Diana Hembree](#)
To: [Planning Commission](#)
Subject: Re: No bike lane on Hopkins! It will result in death, injury and neighborhood fury
Date: Monday, August 31, 2026 12:03:41 AM
Attachments: [Outlook-color logo.png](#)

Ah, thank you so much for your kindness in response to my misdirected letter., especially since it wrongly directed all my worries at your department! Per your clarification I will direct it to the Department of Public Works and the Mayor's Office. Thanks again for your rapid and courteous response!

All best,

Diana Hembree

On Tue, Aug 25, 2026 at 2:35 PM Planning Commission <PlanningPC@berkeleyca.gov> wrote:

Ms Hembree,

Thank you for your email and for sharing your thoughts with the Planning Commission. I wanted to add, however, that the Planning Commission does not, and has not, had a role in the Hopkins bike lanes proposal(s). The Planning and Development Department regulates developments on *private* property; changes in *public* property (like roads and sidewalks) are the jurisdiction of the Department of Public Works.

Thank you again.



Justin Horner

Principal Planner

Planning and Development, Land Use Division

1947 Center St., 2nd Floor, Berkeley, CA 94704

Phone: [\(510\) 981-7476](tel:(510)981-7476)

Email: jhorner@berkeleyca.gov

In Office Days: Monday – Thursday

Remote Day: Friday

The Permit Service Center (PSC), including the zoning counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.

All permit-related and Zoning services are available online. Please visit us [online](#) for more information.

From: Diana Hembree <dkhembree@gmail.com>
Sent: Monday, August 24, 2026 7:34 PM
To: Planning Commission <PlanningPC@berkeleyca.gov>
Subject: No bike lane on Hopkins! It will result in death, injury and neighborhood fury

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

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lobby. This is one of the closest things we have to a beloved historic and thriving neighborhood in Berkeley, and you are planning to raze it for no good reason.

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.Thank you, and I feel so strongly about this that I will escalate thsi issue to the Mayor's office, the County and the City Council.

Best,

Diana Hembree
Berkeley resident

From: [Eunice Lee](#)
To: [Planning Commission](#)
Cc: [Shen, Alisa](#); jhomer@berkeley.ca.gov; [Klein, Jordan](#); [Bartlett, Ben](#); [Berkeley Mayor's Office](#)
Subject: PUBLIC COMMENT & REQUEST FOR CONTINUANCE: Ashby BART Objective Design Standards (ODS) – September 16 Meeting
Date: Saturday, September 5, 2026 1:27:19 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Planning Commissioners, I am a South Berkeley resident/community member writing regarding the Ashby BART West Lot Objective Design Standards (ODS). My immediate neighborhood has very limited substantial open green space. While there are small neighborhood parks nearby, there is a lack of significant open green space within the immediate area. Adding a high-density housing development of this scale will substantially increase the number of residents relying on the limited open space that already exists. I believe the development should therefore include meaningful, accessible green and open space to support both existing and future residents and preserve the livability of the neighborhood. I respectfully ask the Planning Commission to continue consideration of the ODS for 30–60 days to allow sufficient time for meaningful community review and for outstanding concerns to be addressed before a recommendation is made to the City Council. I ask that the final Objective Design Standards include strong, enforceable protections for meaningful unpaved ground-level green space, mature trees, protected community/civic space, and careful consideration of building height and neighborhood impacts. I am particularly concerned about the need for adequate open space in South Berkeley and ask the Commission and City staff to fully consider Berkeley Municipal Code Chapter 6.42 (Measure L) and Berkeley's broader open-space goals as this process moves forward. If the Commission decides not to continue the matter, I ask that you not approve the ODS as currently written. Please first incorporate meaningful community-requested protections, including adequate unpaved ground-level green space and protected community/civic space. Please take the time necessary to ensure that the final standards reflect meaningful community input and the long-term needs of South Berkeley. Thank you for considering my comments. Sincerely, Eunice Lee A South Berkeley Resident

From: [Michael Calderon](#)
To: [Planning Commission](#)
Cc: [Shen, Alisa](#); [Horner, Justin](#); [Klein, Jordan](#); [Bartlett, Ben](#); [Berkeley Mayor's Office](#)
Subject: PUBLIC COMMENT & REQUEST FOR CONTINUANCE: Ashby BART Objective Design Standards (ODS) – September 16 Meeting
Date: Saturday, September 5, 2026 2:45:45 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Planning Commissioners,

I am a South Berkeley community member writing regarding the Ashby BART West Lot Objective Design Standards (ODS).

I respectfully ask the Planning Commission to complete their review of the ODS as soon as possible and make a recommendation to the City Council.

I ask that the final Objective Design Standards include strong, enforceable protections for **building as much housing as possible**. This may include raising the height limits on the project beyond the original submittal.

I am particularly concerned about the need for adequate housing in South Berkeley and ask the Commission and City staff to fully consider Berkeley's broad housing and environmental goals as this process moves forward. As has been argued by many organizations ([Here is the Sierra Club for example](#)), dense transit oriented urban living is one of the best ways to fight climate change.

If the Commission decides to continue the matter, I ask that you approve the ODS with more housing. Please first incorporate meaningful transit oriented housing, including reducing parking to encourage transit use.

Please take the time necessary to ensure that the final standards reflect meaningful environmental consideration and the long-term housing needs of South Berkeley.

Thank you for considering my comments.

Respectfully,
Michael Calderón

From: [Amber Richardson](#)
To: [Planning Commission](#)
Cc: [Bartlett, Ben](#); [Shen, Alisa](#); [Horner, Justin](#); [Klein, Jordan](#); [Berkeley Mayor's Office](#)
Subject: PUBLIC COMMENT request for continuance Ashby BART Objective Design Standards
Date: Sunday, September 6, 2026 9:43:52 AM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am writing to voice my concerns with the proposals for the West Lot housing development.

Within a 3 block radius of Ashby BART there are 5 projects in various phases of construction bringing thousands of residents to the area. Given the lack of meaningful investment in South Berkeley from decades of neglect we have not a single green space, not a single park within walking distance of BART.

Additionally this area has the lowest rates of homeownership in all of Berkeley. This is a direct result of the damage to these neighborhoods by the construction of BART and racist zoning laws.

I request that this proposal include actual green space that can accommodate the thousands of residents who will be housed here. Consider the quality of life of the residents of South Berkeley as if we are the wealthy, lawsuit pursuing neighbors to the North.

I also request that this development include meaningful access to ownership of the constructed units to allow residents to build the wealth that was robbed from previous residents.

You have an opportunity to make meaningful change for South Berkeley. Please treat us with respect.

Amber Richardson

From: [Gloria Bromberg](#)
To: [Planning Commission](#)
Cc: [Shen, Alisa](#); [Horner, Justin](#); [Klein, Jordan](#); [Bartlett, Ben](#); [Berkeley Mayor's Office](#)
Subject: PUBLIC COMMENT & REQUEST FOR CONTINUANCE: Ashby BART Objective Design Standards (ODS) – September 16 Meeting
Date: Sunday, September 6, 2026 8:17:10 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Planning Commissioners, I am a South Berkeley resident who lives on Martin Luther King Jr Way, directly across from the Ashby BART station. I'm writing regarding the Ashby BART West Lot Objective Design Standards (ODS). I respectfully ask the Planning Commission to continue consideration of the ODS for 30–60 days to allow sufficient time for meaningful community review and for outstanding concerns to be addressed before a recommendation is made to the City Council. I ask that the final Objective Design Standards include strong, enforceable protections for meaningful unpaved ground-level green space, mature trees, protected community/civic space, and careful consideration of building height and neighborhood impacts. I am particularly concerned about the need for adequate open space in South Berkeley and ask the Commission and City staff to fully consider Berkeley Municipal Code Chapter 6.42 (Measure L) and Berkeley's broader open-space goals as this process moves forward. If the Commission decides not to continue the matter, I ask that you not approve the ODS as currently written. Please first incorporate meaningful community-requested protections, including adequate unpaved ground-level green space and protected community/civic space. Please take the time necessary to ensure that the final standards reflect meaningful community input and the long-term needs of South Berkeley. Thank you for considering my comments. Sincerely,

Gloria Bromberg
3018 Martin Luther King Jr Way
Berkeley, CA 94703-2402

From: [Sara Shendelman](#)
To: [Planning Commission](#); [Shen, Alisa](#)
Cc: [Bartlett, Ben](#); [Horner, Justin](#); [Klein, Jordan](#)
Subject: Building at Ashby BART: Public Comment & Request for Continuance
Date: Sunday, September 6, 2026 9:08:22 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

PUBLIC COMMENT & REQUEST FOR CONTINUANCE: Ashby BART Objective Design Standards (ODS) – September 16 Meeting Dear Berkeley Planning Commissioners, I am a South Berkeley resident/community member writing regarding the Ashby BART West Lot Objective Design Standards (ODS). I respectfully ask the Planning Commission to continue consideration of the ODS for 30–60 days to allow sufficient time for meaningful community review and for outstanding concerns to be addressed before a recommendation is made to the City Council. I ask that the final Objective Design Standards include strong, enforceable protections for meaningful unpaved ground-level green space, mature trees, protected community/civic space, and careful consideration of building height and neighborhood impacts. I am particularly concerned about the need for adequate open space in South Berkeley and ask the Commission and City staff to fully consider Berkeley Municipal Code Chapter 6.42 (Measure L) and Berkeley's broader open-space goals as this process moves forward.

We are paving our way into suffocating and adversely affecting our basic nature without having antidotes to modern life.

More trees, more grass - not less!! If the Commission decides not to continue the matter, I ask that you not approve the ODS as currently written. Please first incorporate meaningful community-requested protections, including adequate unpaved ground-level green space and protected community/civic space. Please take the time necessary to ensure that the final standards reflect meaningful community input and the long-term needs of South Berkeley. Thank you for considering my comments. Sincerely,

Rabbi Sara Shendelman South Berkeley resident

--

There is no difficulty that comes that is not accompanied by the support you need to expand into the light, solve the problem and create powerful healing and growth.

"Life is never made unbearable by circumstances, but only by lack of meaning and

purpose. We can't choose our circumstances, but we can choose our attitude. In some ways suffering ceases to be suffering at the moment it finds a meaning, such as the meaning of a sacrifice. The salvation of man is through love and in love."

Viktor Frankl

Little ideas that tickle and nag and refuse to go away
should never be ignored,
for in them lie the seeds of destiny.

**What if.....everything you are going through, is
preparing you for what you asked for?**

The essential thing is not to win, but to have fought in a way that enlarged your spirit.

R Sara

From: [Shane McCall](#)
To: [Planning Commission](#)
Cc: [Shen, Alisa](#); [Horner, Justin](#); [Klein, Jordan](#); [Bartlett, Ben](#); [Berkeley Mayor's Office](#)
Subject: PUBLIC COMMENT & REQUEST FOR CONTINUANCE: Ashby BART Objective Design Standards (ODS) – September 16th Meeting
Date: Sunday, September 6, 2026 9:19:47 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Planning Commissioners, I am a South Berkeley resident writing regarding the Ashby BART West Lot Objective Design Standards (ODS). I respectfully ask the Planning Commission to continue consideration of the ODS for 30–60 days to allow sufficient time for meaningful community review and for outstanding concerns to be addressed before a recommendation is made to the City Council. I ask that the final Objective Design Standards include strong, enforceable protections for meaningful unpaved ground-level green space, mature trees, protected community/civic space, and careful consideration of building height and neighborhood impacts. I am particularly concerned about the need for adequate open space in South Berkeley and ask the Commission and City staff to fully consider Berkeley Municipal Code Chapter 6.42 (Measure L) and Berkeley's broader open-space goals as this process moves forward. If the Commission decides not to continue the matter, I ask that you not approve the ODS as currently written. Please first incorporate meaningful community-requested protections, including adequate unpaved ground-level green space and protected community/civic space. Please take the time necessary to ensure that the final standards reflect meaningful community input and the long-term needs of South Berkeley.

Thank you for considering my comments. Sincerely, Shane McCall (South Berkeley resident)

From: [blancheb.b.](#)
To: [Planning Commission](#)
Subject: Further Apt Buildings @ Ashby Parking Lot
Date: Monday, September 7, 2026 12:31:36 AM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Planning Comission,
Please dont allow construction of extremely tall apt buildings. Please take into consideration the needs of the surrounding neighborhoods and include a park, a community center and tree's, This part of Berkeley is devoid of parks and green spaces.
Thank you for this consideration.

Sincerely
B. Bolsega
3132 MLK Jr Way
Berkeley, CA, 94703

From: [Alden Jenks](#)
To: [Planning Commission](#)
Cc: [Shen, Alisa](#); [Horner, Justin](#); [Klein, Jordan](#)
Subject: High-rises Around Ashby BART
Date: Monday, September 7, 2026 5:01:36 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I think there are enough high-rise buildings in Berkeley now. There are two within walking distance of the station. The size of this plan is going to be ruinous for the neighborhood --- the traffic, noise, trash, crime. Please. Restrain yourselves, just this once.

Alden Jenks

From: [Alice Shen](#)
To: [Planning Commission](#)
Cc: [Shen, Alisa](#); [Horner, Justin](#); [Klein, Jordan](#); [Bartlett, Ben](#); [Berkeley Mayor's Office](#)
Subject: PUBLIC COMMENT & REQUEST FOR CONTINUANCE: Ashby BART Objective Design Standards (ODS) – September 16 Meeting
Date: Monday, September 7, 2026 7:23:45 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Planning Commissioners, I am a South Berkeley resident/community member writing regarding the Ashby BART West Lot Objective Design Standards (ODS). I respectfully ask the Planning Commission to continue consideration of the ODS for 30–60 days to allow sufficient time for meaningful community review and for outstanding concerns to be addressed before a recommendation is made to the City Council. I ask that the final Objective Design Standards include strong, enforceable protections for meaningful unpaved ground-level green space, mature trees, protected community/civic space, and careful consideration of building height and neighborhood impacts. I am particularly concerned about the need for adequate open space in South Berkeley and ask the Commission and City staff to fully consider Berkeley Municipal Code Chapter 6.42 (Measure L) and Berkeley's broader open-space goals as this process moves forward. If the Commission decides not to continue the matter, I ask that you not approve the ODS as currently written. Please first incorporate meaningful community-requested protections, including adequate unpaved ground-level green space and protected community/civic space. Please take the time necessary to ensure that the final standards reflect meaningful community input and the long-term needs of South Berkeley. Thank you for considering my comments. Sincerely, Alice Shen South Berkeley resident / Berkeley community member

From: [Asmara Beraki](#)
To: [Planning Commission](#); [Horner, Justin](#); [Shen, Alisa](#); [Klein, Jordan](#)
Subject: PUBLIC COMMENT: ODS Amendments for the Ashby BART TOD
Date: Tuesday, September 8, 2026 2:52:02 PM
Attachments: [Formal Correspondence.pdf](#)
[ADDENDUM.pdf](#)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the City Planning Department:

Please accept and include the attached texts as **Primary Correspondence** for the upcoming September 16, 2026, Planning Commission meeting regarding the Objective Design Standards (ODS) vote for the Ashby BART transit-oriented housing development.

Please confirm receipt of this email and integration into the Commissioner's packet. Please contact me if you have any questions or issues accessing the attachments.

Kind regards,
Asmara Marek

OFFICIAL CORRESPONDENCE



TO: The Planning Commission of the City of Berkeley

CC: Jordan Klein, Director, Department of Planning & Development; Alisa Shen, Principal Planner & Commission Co-Secretary; Justin Horner, Commission Co-Secretary

FROM: Asmara Marek, South Berkeley Community Advocate

DATE: September 8, 2026

SUBJECT: Community Objective Design Standards (ODS) for the Ashby BART Transit-Oriented Development

I. Formal Motion Request for Continuance

I am formally requesting that the Planning Commission table and continue any binding vote on the proposed Ashby BART Objective Design Standards (ODS). Proceeding to a vote without addressing fundamental policy conflicts with existing state and municipal law creates serious legal and administrative vulnerabilities for the Ashby Development project. The goal here is not to slow down the development, but rather to fix current vulnerabilities to ensure a smooth and successful development.

Transit-oriented development frameworks are legally required to actively consult with impacted communities during the formative stages of planning. Despite engaging and conducting mandated community consultations, the city and planning authorities ultimately failed to integrate critical feedback into the official Objective Design Standards (ODS). Nor has any community data feedback been shared publicly, if it was collected and collated. This disconnect has led to design criteria in the ODS that clash with the established character, open-space mandates (such as Berkeley Municipal Code Chapter 6.42), and the particular historical context of the South Berkeley neighborhood. To fix this omission, I conducted a week-long data gathering of opinions regarding integrating community amendments into the ODS. Whether these amendments find a home in the ODS or in the City's lease agreement with BART, the community's design standards and preferences will ensure a stronger project overall, and one supported by the South Berkeley community. Please note, the findings and quantitative metrics

presented in the current analysis represent only a limited sample size rather than an exhaustive data set. Obviously, those who support the amendments are more incentivized than those who do not to respond, however, I theorize if the City or BART has collected community feedback data, it will align with the sample below. If more comprehensive data exists, I ask it to be shared.

Regarding the green space amendment supported by 100% of responders, please note that under **Berkeley Municipal Code Chapter 6.42 (Measure L / The Berkeley Public Parks and Open Space Preservation Ordinance)**, the official city benchmark for open space is **2.0 acres per 1,000 residents**. Subsection 6.42.020(c) explicitly mandates that census tracts containing less than this 2.0-acre threshold "shall be singled out as having a high priority for funding, acquisition, development, and maintenance of parks and open space." The South Berkeley census tracts surrounding the Ashby BART station operate at approximately **1.0 to 1.1 acres of open space per 1,000 residents**, well below the voter-mandated 2.0-acre threshold. The draft ODS presented by staff permits generic "public open space" requirements to be satisfied through hardscaped plazas, elevated podium decks, or offsite alternative compliance. Allowing a multi-acre transit-oriented development to add hundreds of residents without mandating contiguous, unpaved deep-soil green space directly exacerbates the census-tract deficit that BMC Chapter 6.42 legally mandates the City to prioritize and remedy.

Rather than rubber-stamping an imprecise draft that creates legal ambiguity under BMC Chapter 6.42, the Planning Commission has clear parliamentary authority on September 16th to exercise one of the following binding actions:

Option A: *Motion to Continue (Table for 30–60 Days)*

Move to continue the item to a specified future meeting, directing City Staff and the City Attorney's Office to return with: A formal, written analysis detailing how the draft ODS complies with the high-priority open space mandate set forth in BMC Chapter 6.42.c and revised ODS language incorporating explicit numerical metrics for unpaved ground-level green space and site-specific sustainability standards, as well as the other amendments.

Option B: *Conditional Approval with Incorporated Community Redlines*

Move to recommend adoption of the Ashby BART ODS only upon the express condition that the submitted community redline amendments—including the 28,750 sq. ft. ground-level unsealed permeable green space mandate and local preference frameworks—are explicitly written into the final resolution forwarded to City Council.

Option C: *Rejection of Staff Draft*

Vote to reject or return the proposed draft to staff, issuing a formal finding that the current document lacks objective, enforceable guardrails necessary to protect South Berkeley's environmental health and public open space infrastructure.

II. Proposed Objective Design Standard (ODS) Redline Amendments

The following redlines are submitted for formal incorporation into the Ashby BART Objective Design Standards to ensure compliance with state housing mandates, local environmental policies, and equity frameworks (**ADDENDUM**):

- **Section 1: Public Realm / Open Space**
 - **Proposed Redline:** The development must permanently allocate a minimum of 28,750 contiguous square feet (representing 15% of the total 4.4-acre site area) exclusively to unsealed, permeable green space at the ground level. This at-grade space must be structurally equipped with integrated water and power utilities to permanently and safely house the historic Ashby Flea Market away from city traffic and heat-radiating asphalt.
 - **Legal / Policy Justification:** AB 2923 (cohesive public spaces in TODs); Berkeley Climate Action Plan (urban heat island mitigation via permeable green space).
- **Section 2: Streetscape / Planting Zones**
 - **Proposed Redline:** To structurally address neighborhood food insecurity, a minimum of 25% of all non-turf public landscaping, street trees, and amenity planting zones must consist of climate-appropriate, non-toxic, edible fruit-bearing flora and accessible raised community garden beds designed for public foraging.
 - **Legal / Policy Justification:** AB 551 (Urban Agriculture Incentive Zones Act); City of Berkeley Resilience Strategy targeting localized food security.

- **Section 3: Land Use / Affordability Metrics**
 - **Proposed Redline:** Maximum monthly housing costs (rent/mortgage plus utilities) shall not exceed 30% of the median net income of verified, full-year California residents living within Alameda County, mathematically excluding high-net-worth outliers (>200% of the median) to reflect true local workforce purchasing power. To prevent artificial price-setting by developers, any market-rate unit remaining vacant for more than 90 days must trigger a mandatory 10% monthly rent reduction until occupancy is achieved.
 - **Legal / Policy Justification:** Berkeley Municipal Code Chapter 7.54 (Empty Homes Tax); prevents artificial supply suppression and speculative rent models that distort true market demand.
- **Section 4: Ground Floor Civic Allocation**
 - **Proposed Redline:** The development must allocate a minimum of 25,000 square feet of active ground-floor space for community-facing infrastructure (health clinics, local arts, co-op retail). This commercial/civic space must be leased using the identical affordable cost-basis formula applied to deed-restricted residential units, permanently protecting these grassroots assets from speculative commercial rent escalation. Furthermore, to objectively anchor the site's historical context, the developer must permanently install the Mable Howard Promissory Note Sculpture in a prominent, central, and publicly accessible plaza location.
 - **Legal / Policy Justification:** California Surplus Land Act; mandates public land development prioritize public benefit, equity, and local economic development over speculative profit.
- **Section 5: Building Design / Sustainability**
 - **Proposed Redline:** Monolithic double-loaded corridors are prohibited. Architectural massing must incorporate stepped-back podiums featuring tiered above-ground gardens to actively reduce the building's solar heat gain. A minimum of 10% of the gross floor area on every level above the third floor must be allocated to these exterior tiered gardens. Furthermore, a minimum of 75% of

residential units must feature dual-aspect floor plans to guarantee natural cross-ventilation. The building must integrate Passivhaus-level thermal envelopes, exterior shading systems, and these elevated green spaces to self-cool and self-heat, eliminating primary reliance on mechanical HVAC.

- **Legal / Policy Justification:** CALGreen (Title 24) energy efficiency mandates; Berkeley Local Hazard Mitigation Plan addressing extreme heat vulnerability and grid resilience.

- **Section 6: Land Use / Anti-Gentrification**

- **Proposed Redline:** The development must implement an auditable local preference leasing framework. Priority allocation for 100% of the affordable housing units and community commercial spaces must be legally reserved for documented residents utilizing the City's Right to Return policy, specifically addressing populations historically displaced by eminent domain and original station construction.
- **Legal / Policy Justification:** Berkeley Housing Element (Right to Return); Fair Employment and Housing Act (FEHA) mandate to affirmatively overcome historic patterns of economic displacement.

III. Community Outreach Findings

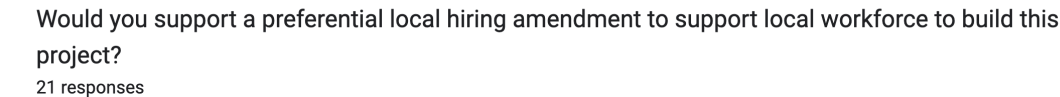
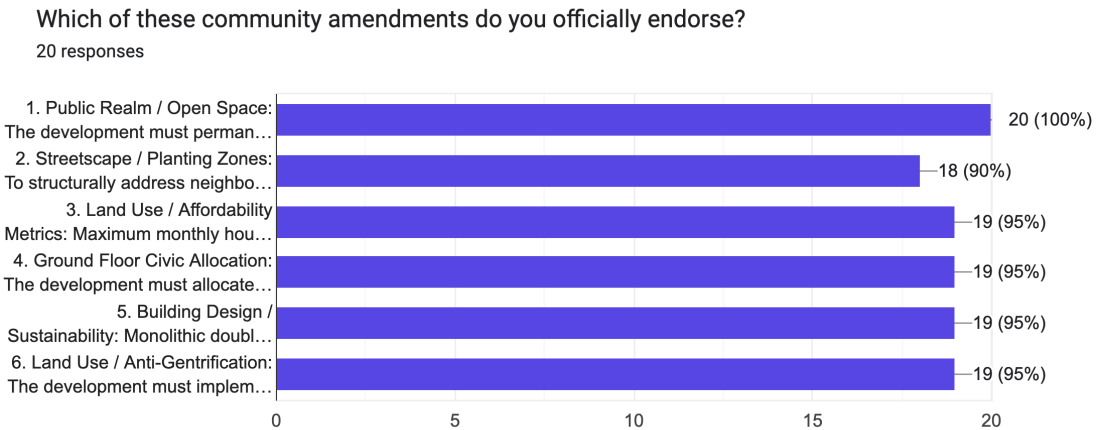
The proposed amendments attached below represent the direct priorities of South Berkeley residents, compiled through direct outreach, community meetings, and local organizing.

To ensure alignment with official records, I formally reached out to the following project leads and organizational representatives to request data gathered during public outreach:

- **Jordan Klein**, Director, Department of Planning & Development, City of Berkeley
- **Alisa Shen**, Principal Planner, Department of Planning & Development, City of Berkeley
- **Justin Douglas**, Principal, Relequity Enterprises
- **Yes Duffy**, Founder & Principal, Yes Community Architects

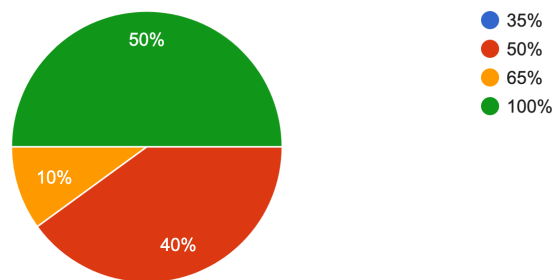
Regrettably, these administrative and development partners met my outreach with silence, failing to provide raw community feedback or survey data.

Consequently, I conducted an independent, week-long community data gathering campaign across South Berkeley. The proposed amendments attached to this letter are directly backed by a representative sample consisting of **21 community responses** and members from local community groups. Please also find above an **approximate 3D architectural rendering** demonstrating the structural feasibility of integrating these amendments into the site design.



What range do you think should be affordable (please see our definition of "affordable" according to Alameda County income in Amendment 3)? Currently,...they can) the percentage defaults back to 35%.

20 responses



Do you have any suggested modifications or comments for the City Planning Commission? (10 responses)

The Berkeley Flea Market must be preserved in its current location at all costs. And the elder trees that help to mitigate the surrounding traffic air should not be removed. If this Development goes through. there will be a lot more people in this small area. Old trees are good for the air & what's good for the air is good for we the people. The invisibility of air makes it easy to ignore; It requires extra protection.

Preserve the Berkeley Flea Market and the oldest surrounding trees. Don't let the bottom line make you myopic.

Postpone the Sept 16th vote until the inclusion and integration of all community amendments have been made.

Town homes

Respect South Berkeley's green space and architecture and people! Please don't bring ugly big box Emeryville-like construction here. We want affordable housing that makes lots of room for green space and local people, that respects the beauty of this neighborhood.

Listen to Berkeley residents. We need low income housing for working folks.

Definitely include this in the ODS

Please work to ensure that our community housing and community space needs are met. The redevelopment of this area is a vital lifeline to creating a robust, and lively transit center and hub

for community life. CODIFYING the 6 items above into the ODS will help ensure that the community needs are met.

The behavior of this Commission illustrates their ignorance and hostility toward those in our community who they purport to represent. They should commit to individually spend several hours a month on a listening tour, to hear firsthand the desperate housing needs of our community members. And leave their agendas behind.

The vote should be postponed until community amendments are officially included in the ODS. There is legal duty here and it is imperative that you do right by the community.

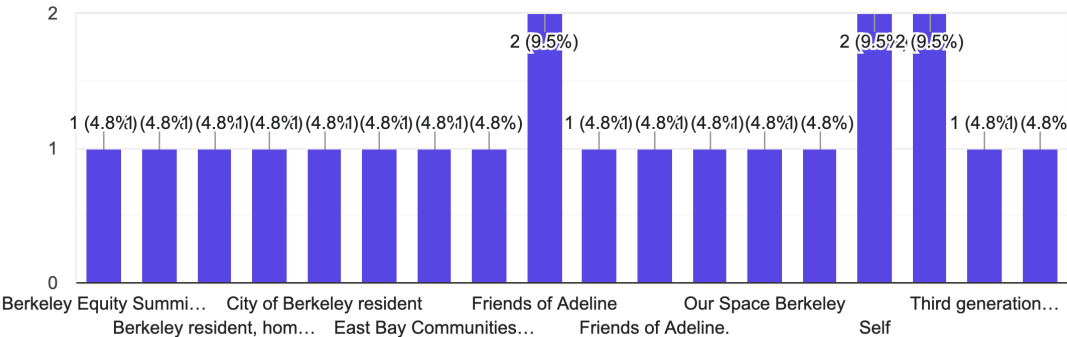
Hear from the city residents

Signatories: Laura Hanson, South Berkeley Resident & UC student, Mari Mendonca, Berkeley resident, Shilpa Jain, Smith, Margot, B Okereke, Vonnie Chan, Catherine Huchting, Willie Phillips, Lani Marsden, Paola Laverde, Kelechi Okereke, Asmara Marek, Carol Crooks, Nadya Lateef, Elana Auerbach, Kate Harrison, Sean, Negeene Mosaed, Brittany Murlas

Responders identified themselves as members of the following organizations and/or identities: Berkeley Equity Summit Alliance, Black Repertory Theatre, City of Berkeley/Kate Harrison Consulting, East Bay Communities for Action, Berkeley resident, parent, homeowner, lifelong Berkeley resident, South Berkeley resident and UC student, 3rd generation Berkeley resident, Friends of Adeline, Our Space Berkeley, Flip the Berkeley City Council/Berkeley Against Mass Surveillance/Berkeley Network for Palestine, Friends of Adeline/Gray Panthers, volunteer of BORP.org (tenant of ERC), YES! Yes World.

Please enter your organization/affiliation.

21 responses



IV. Rebuttal to Staff's Exclusion of Amendments Based on Pre-Existing Law

During direct consultations (Friday, August 28, 2026), Principal Planner Alisa Shen argued on behalf of City Staff that several proposed community amendments should be excluded from the Objective Design Standards (ODS) specifically because existing state or municipal laws already address the underlying subject matter (e.g., California's Right to Return, Title 24, or general open space policies). As I had cited the rules I had researched myself and shared with her in advance of our meeting, I found this rebuttal to not only be bureaucratically lazy, but unfounded.

Shen's reasoning relies on a fundamental misapplication of municipal planning authority and must be rejected by the Planning Commission for three key reasons:

- 1. Pre-Existing Law Provides the Legal Authority—The ODS Provides the Enforceable Metric:** The purpose of an Objective Design Standard under AB 2923 is not to invent new state legislation from scratch, but to convert broad statutory goals into **site-specific, measurable, and ministerial parameters**. Citing pre-existing laws (such as FEHA, CALGreen, or the Housing Element) provides the mandatory legal authority required to make an ODS legally defensible. Staff's attempt to use these supporting legal frameworks as a justification to *omit* clear numerical metrics (such as exact square footages, permeability minimums, or local preference allocations) renders those broader goals completely unenforceable on this specific parcel.
- 2. Without Objective Codification in the ODS, Existing Policies Become Unenforceable Guidelines:** Under state housing law (SB 330 / AB 2923), once a transit-oriented development enters ministerial review, staff and commissioners **cannot** retroactively enforce general municipal goals or policy aspirations unless they are explicitly written down as *objective standards* in the site's governing design document. Omitting these specific thresholds now under the guise that "laws already exist" effectively waives the City's right to enforce those protections when site plans are formally submitted. Please note on this point Shen misled the Commissioners at the previous meeting on July 1, whether intentionally or by accident is of no consequence as incompetence is just as much of a problem as wily disregard.
- 3. Closing the Interpretation Loophole:** Relying on general, high-level municipal statutes leaves critical design choices open to developer interpretation. Codifying precise metrics—such as requiring 28,750 square feet of unsealed ground-level permeable space or 25%

edible flora—ensures that out-of-state master developers cannot satisfy broad, high-level policy goals through bare-minimum compliance or hardscaped workarounds.

If a policy goal is already supported by state or municipal law, that is the exact reason it **must** be codified as a clear, numerical standard within the Ashby BART ODS—not discarded.

While staff have framed the omission of specific, measurable metrics as a measure of efficiency, Principal Planner Alisa Shen, consultant Chris Sensenig, and Planning Director Jordan Klein have taken a passive and imprecise approach to drafting these standards. By abdicating their regulatory authority instead of establishing clear, site-specific guardrails, staff are actively laying the groundwork for prolonged community conflict and legal friction down the road. I urge the Planning Commission to exercise its oversight role on September 16th: adopt these redline amendments now to establish the objective guardrails necessary for a successful, ecologically sound development that the South Berkeley community can wholeheartedly embrace or table the vote until these standards are met by city planners.

Commissioners, you are not obligated to rubber-stamp a draft that lacks objective guardrails. You have the authority to present a **Motion to Continue** this item for 30 days, directing staff to return with explicit numerical metrics for deep-soil permeability and civic space. Alternatively, you can move to approve this ODS only with our submitted redline amendments incorporated. Do not forward an imprecise document to the City Council that invites future legal and neighborhood conflict, thereby passing the problem down the road and shirking your due diligence as Planning Commissioners, thus repeating the same mistakes of the Berkeley City Planners.

Respectfully submitted,

Asmara Marek /s/ *Asmara Marek*

South Berkeley Community Advocate

Date Submitted: September 8, 2026

ADDENDUM

ODS Target Section	Proposed Redline (Precise Objective Standard)	Legal / Policy Justification
1. Public Realm / Open Space	Mandate: The development must permanently allocate a minimum of 28,750 contiguous square feet (representing 15% of the total 4.4-acre site area) <i>exclusively</i> to unsealed, permeable green space at the ground level. This at-grade space must be structurally equipped with integrated water and power utilities to permanently and safely house the historic Ashby Flea Market away from city traffic and heat-radiating asphalt.	AB 2923 (cohesive public spaces in TODs); Berkeley Climate Action Plan (urban heat island mitigation via permeable green space).
2. Streetscape / Planting Zones	Mandate: To structurally address neighborhood food insecurity, a minimum of 25% of all non-turf public landscaping, street trees, and amenity planting zones must consist of climate-appropriate, non-toxic, edible fruit-bearing flora and accessible raised community garden beds designed for public foraging.	AB 551 (Urban Agriculture Incentive Zones Act) ; City of Berkeley Resilience Strategy targeting localized food security.
3. Land Use / Affordability Metrics	Mandate: Maximum monthly housing costs (rent/mortgage plus utilities) shall not exceed 30% of the median net income of verified, full-year California residents living within Alameda County, mathematically excluding high-net-worth outliers (>200% of the median) to reflect true local workforce purchasing power. To prevent artificial price-setting by developers, any market-rate unit remaining vacant for more than 90 days must trigger a mandatory 10% monthly rent reduction until occupancy is achieved.	Berkeley Municipal Code Chapter 7.54 (Empty Homes Tax) ; Prevents artificial supply suppression and speculative rent models that distort true market demand.

4. Ground Floor Civic Allocation	Mandate: The development must allocate a minimum of 25,000 square feet of active ground-floor space for community-facing infrastructure (health clinics, local arts, co-op retail). This commercial/civic space must be leased using the identical affordable cost-basis formula applied to deed-restricted residential units, permanently protecting these grassroots assets from speculative commercial rent escalation. Furthermore, to objectively anchor the site's historical context, the developer must permanently install the Mable Howard Promissory Note Sculpture in a prominent, central, and publicly accessible plaza location.	California Surplus Land Act; Mandates public land development prioritize public benefit, equity, and local economic development over speculative profit.
5. Building Design / Sustainability	Mandate: Monolithic double-loaded corridors are prohibited. Architectural massing must incorporate stepped-back podiums featuring tiered above-ground gardens to actively reduce the building's solar heat gain. A minimum of 10% of the gross floor area on every level above the third floor must be allocated to these exterior tiered gardens. Furthermore, a minimum of 75% of residential units must feature dual-aspect floor plans to guarantee natural cross-ventilation. The building must integrate Passivhaus-level thermal envelopes, exterior shading systems, and these elevated green spaces to self-cool and self-heat, eliminating primary reliance on mechanical HVAC.	CALGreen (Title 24) energy efficiency mandates; Berkeley Local Hazard Mitigation Plan addressing extreme heat vulnerability and grid resilience.
6. Land Use / Anti-Gentrification	Mandate: The development must implement an auditable local preference leasing framework. Priority allocation for 100% of the affordable housing units and community commercial spaces must be legally reserved for documented residents utilizing the City's Right to Return policy, specifically addressing populations historically displaced by eminent domain and original station construction.	Berkeley Housing Element (Right to Return); Fair Employment and Housing Act (FEHA) mandate to affirmatively overcome historic patterns of economic displacement.

Planning Commission

From: John A Givens <john.a.givens@mac.com>
Sent: Tuesday, September 8, 2026 6:18 PM
To: Planning Commission
Subject: We need density near Bart

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I'm a home owner a few blocks from ashby Bart wanting to express my support for some tall and narrow residential buildings. We need housing!

The massive 6 story buildings we typically approve are mindless, with no green space and no sight lines to the hills.

Let's have the courage to build some graceful and elegant tall buildings near transport where they are best suited.

Thank you
John givens
3010 king st
Berkeley

Sent from my iPhone

Re: Ashby West Development

From Chang, James <jchang@berkeleyca.gov>

Date Wed 9/9/2026 12:08 PM

To Elaine Magree she,they,it <elaine.magree@gmail.com>

Cc Bartlett, Ben <BBartlett@berkeleyca.gov>; Planning Commission <PlanningPC@berkeleyca.gov>

Hi Elaine,

I'm including Planning Commission email, so your communication gets included.

Thank you.

Best regards,

James Chang

Chief of Staff

Office of Councilmember Ben Bartlett

City of Berkeley, District 3

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

(415) 527-7765 Cell

(510) 981-7130 Phone

bbartlett@cityofberkeley.info

Please sign up for District 3's email list here:

https://www.councilmemberbartlett.com/sign_up

From: Elaine Magree she,they,it <elaine.magree@gmail.com>

Sent: Wednesday, September 9, 2026 11:09 AM

To: All Council <council@berkeleyca.gov>; Bartlett, Ben <BBartlett@berkeleyca.gov>; Barnali.Ghosh@bart.gov <Barnali.Ghosh@bart.gov>; Victor.Flores@bart.gov <Victor.Flores@bart.gov>

Subject: Ashby West Development

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Subject: Sept. 16 Ashby BART hearing: Adopt enforceable neighborhood protections

Dear Planning Commissioners:

I live on Fairview Street between Adeline Street and Dover Street, in the Bordertown neighborhood South East of Ashby BART. Please include this letter in the public record. I may not be able to get to the meeting. I support housing, including affordable housing, while expecting the City and BART to protect surrounding neighborhoods that pay substantial property taxes and fees for City and County services. Because later project review may be largely ministerial, the Objective Design Standards (ODS) must establish clear, measurable protections now.

Please address these six priorities:

1. Adopt the lowest feasible heights in Areas B and C. The preliminary ODS shows density-bonus ceilings of 200 feet in Area B and 160 feet in Area C, while stating that the heights will be refined. Do

not carry those ceilings into the final ODS unless the City publishes capacity calculations proving they are necessary to satisfy the Exchange Agreement. Do not shift additional development from the Ashby or MLK edges into Areas B and C. Require substantial upper-story setbacks, massing breaks, and objective shadow and privacy protections along the Adeline and southern edges. The Exchange Agreement provides that adopted standards for height, setbacks, open space, and massing will remain binding despite density-bonus waivers (Preliminary ODS; Exchange Agreement).

2. Adopt a binding Parking Protection Plan before demolition. Berkeley has acknowledged that project residents who are ineligible for residential permits may nevertheless park on nearby streets and move their cars every two hours (City parking policy report). For example, Areas M and J are enforced only from 8 a.m. to 7 p.m. on weekdays, leaving nights, weekends, and holidays unprotected (RPP enforcement schedule). Please recommend that the Council:

measure parking occupancy before construction and again during construction and at each occupancy phase;

strengthen enforcement in Areas M and J and use its Council-initiated authority to add affected eligible blocks before spillover occurs;

establish automatic triggers for extending permit boundaries and enforcement hours, including weekends;

fund the enforcement needed to make these protections meaningful; and

require a published demand study, clear notice that project residents will not qualify for neighborhood permits, and adequate on-site parking and management for residents, visitors, caregivers, service providers, accessible spaces, deliveries, and move-ins.

3. Keep construction and project operations off residential streets. Require normal construction access, hauling, truck staging, and worker transportation to use Adeline, Ashby, MLK, or Alcatraz (when feasible). Prohibit project traffic and truck queuing on Shattuck south of Ashby, Woolsey, Essex, Emerson, Prince, Harper, Ellis, King, Fairview, Whitney, Harmon, or other residential streets immediately adjacent to Adeline and MLK in Berkeley except during a documented emergency. Provide off-street worker parking or shuttles. Before work begins, publish the construction-management, noise, dust, diesel, and vibration plans; provide a 24-hour project contact, enforceable response deadlines, a public complaint log, and meaningful penalties for repeated violations (Exchange Agreement, Schedule 5.5).

4. Control traffic, loading, and emergency access. Require on-site loading, refuse, move-in, and delivery areas so normal operations do not block major roads or spill onto residential streets. BART and the City should publish a circulation plan addressing cut-through traffic around the station, supported by before-and-after counts and automatic mitigation triggers. Emergency routes and required clearances must remain unobstructed and separate from deliveries, refuse collection, parking, and public events. Narrow Shattuck south of Ashby must remain free of project and construction traffic so emergency access is not compromised.

5. Require usable open space and a real children's play area. Preserve the preliminary tree and soil-volume standards, narrowly limit infrastructure exceptions, and require replacement canopy and shade where planting locations are lost. The ODS must also require a dedicated, ground-level children's play area, not plazas, rooftops, emergency routes, landscaping, or leftover space relabeled as recreation. It should occupy at least 15 percent of required public open space and no less than 3,000 contiguous square feet; serve children ages 2–5 and 5–12; provide inclusive equipment, safe surfacing, caregiver seating and sightlines, and at least 50 percent shade; and be protected from traffic, loading, BART operations, and emergency routes. Require nearby accessible restrooms and drinking water, permanent maintenance funding, public-access hours, and prompt equipment replacement. Flea-market and event space must not substitute for this play area.

6. Fund resident services. Before the ground lease or building permits are finalized, BART, the City, housing operators, and the developer should adopt a funded Resident Services Plan for the project's substantial affordable-housing component. It should identify accountable parties, staffing,

performance measures, and annual public reporting for on-site service coordination, property management, behavioral-health and case-management connections, youth and family services, and resident and transit safety. Providing these supports helps new residents and the surrounding community succeed together.

For September 16, I ask the Commission to (1) place every protection within its ODS authority directly into the standards; (2) send the Council and BART a formal recommendation covering parking, construction, traffic, enforcement, and resident services; and (3) require staff to respond to these requests in writing before the Council acts in November. Please do not defer them until project approval, when little or no discretionary public review may remain.

Sincerely,

Elaine Magree Bordertown Neighborhood Alliance Organizing Member and Emergency Preparedness
Elaine Magree