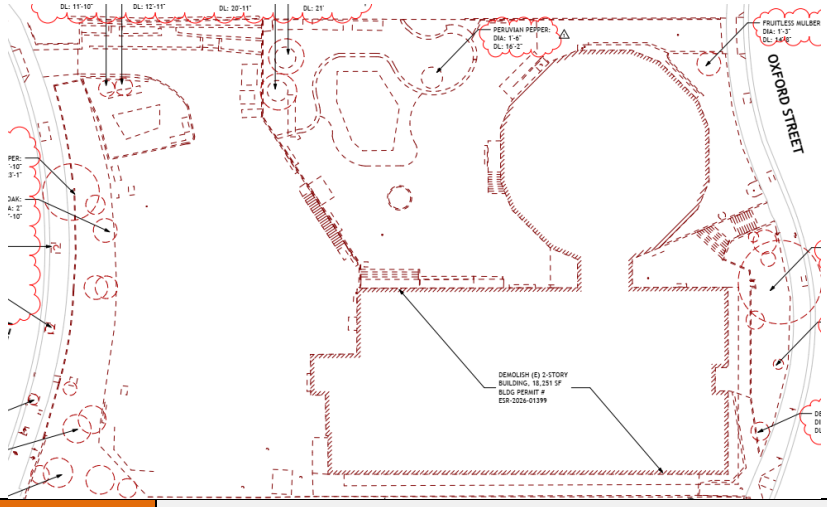
Zoning Adjustments Board Staff Report

APP #ZP 2026-0056

November 5, 2026

Use Permit for Demolition of Non- Residential Buildings at 1130 Oxford Street



Quick Facts	Project Description:
Applicant: Henry Chan, Studio KDA **Property Owner:** 1130 Oxford, LLC **Project Address:** 1130 Oxford Street **Site Size:** 1.3 acres (55,737 sf) **GP Land Use:** Low Density Residential **Zoning:** Residential Multi-Unit 1 Hillside Overlay (R-1H) **CEQA:** Statutorily exempt pursuant to Public Resources Code Section 21080.66 (AB 130) **Date Submitted:** June 8, 2026 **Vesting Date:** December 30,	The applicant is seeking approval to demolish two non-residential buildings and existing associated flatwork/hardscape and landscaping, at 1130 Oxford Street (a former school site). The buildings to be demolished consist of one rectangular, three-story classroom building containing 27,100 square feet, and a circular multi-purpose building containing 5,500 square feet. For the purposes of CEQA analysis, the Use Permit application is a component of a housing development project to develop 31 townhomes on the property pursuant to SB 684/SB 1123 "Starter Home Revitalization Act." The Use Permit application is also associated with a Tentative Tract Map (TM#8782) to subdivide the property into eight lots with a minimum lot size consistent with the underlying zoning. **Zoning Permits Requested:** A Use Permit Public Hearing is required for the following permits: 1. **Demolition.** BMC Section 23.326.070(A) **"Main Non-Residential Building"** to demolish a non-residential building over 40 years old.

Zoning Adjustments Board Staff Report

2025 (via SB 330 Preliminary Application PLN2025-0132) **Date Deemed Complete:** August 21, 2026 **Tribal Consultation Conclusion:** October 16, 2026 **Project Planner:** Lisa Gordon, Contract Planner	**Staff Recommendation:** Staff recommends that ZAB approve ZP2026-0056 pursuant to Section 23.406.040 (E) (1-5) "**Findings for Approval**" and subject to the attached Findings and Conditions of Approval.

ZONING MAP



Source: City of Berkeley GIS Map

Figure 1: Vicinity and Zoning Districts Map

Comparison of Adjacent Properties			
Vicinity	**GP Land Use**	**Zoning**	**Current Use**
North, South, East & West	Low Density Residential (LDR)	R-1H Residential Multi-Unit 1 District (Hillside Overlay)	Single Family Residential Uses, Children's Community Center (preschool) to the southwest

AERIAL



STREET ELEVATIONS



Figure 2: From the northeast corner of the site on Oxford Street looking west.



Figure 3: From the southwest corner of the site on Oxford Street looking west.



Figure 4: From the northwest corner of the site along Walnut Street looking east. Source: Google Maps

BACKGROUND

Subject Site

The subject site is located in the Residential Multi-Unit 1 – Hillside Overlay District, or R-1H. The subject site is located west of Oxford Street, east of Walnut Street, north of Eunice Street and south of Los Angeles Avenue. The site is approximately 1.3 acres and consists of one parcel (Assessor's Parcel Number 61-2558-17). The elevation of the site changes approximately 40 feet across the site from the east (at Oxford Street) to the west (at Walnut Street). The site was previously occupied by the Oxford School and contains two-buildings, a 3-story, 27,100 square foot rectangular shaped classroom building and a one-story, 5,500 square foot round multi-purpose building; two play structures; an approximately 12-foot-tall retaining wall running south to north through the middle of the site; landscaping and hardscape. The existing buildings were constructed in 1965. The school is vacant and the buildings have been unoccupied since 2020.

The project site is located in the western portion of the Berkeley Hills neighborhood. Surrounding properties are also within the R-1H, Residential Multi-Unit 1 – Hillside Overlay District. The area is characterized by a residential development pattern of one- to three-story single-family dwellings. Lots in the neighborhood are generally rectangular with some irregularities due to existing slopes and curved roadways. The neighborhood hills generally slope downward from the northeast to the southwest and provide west facing views of the San Francisco Bay. The project site is surrounded by single-family residential uses to the north, south, east and west. The Children's Community Center preschool is located to the southwest of the site.

Site History

The site was used for school purposes since approximately 1910, when the first school building was constructed on the property. The Oxford school opened in 1910 and served children from kindergarten through sixth grade. Various additional buildings were added to the site between 1929 and 1955. These structures were removed when the site was redeveloped in 1965 and the site currently contains the buildings and improvements described above. The Oxford school relocated to a different site after a geological survey raised concerns of the safety of the school in the event of an earthquake[1].

Community Meeting

The project is not considered a project of Community or Neighborhood interest[2] as defined by the City of Berkeley, so the applicant was not required to have a community meeting. On July 1,

[1] Source: https://www.oxfordelementary.org/about

[2] Projects of Community or Neighborhood Interest: 1) Any project in a Residential District that would create 6 or more bedrooms on a parcel within ½ mile of the UC Campus (or the area confined by Grant Avenue on the west, Derby Street on the south, and Rose Street on the north); and 2) Any project in a non-residential district that involves three or more stories, a Density Bonus under Section 65919 of California State Law, a Floor Area Ratio > 2.00, or more than 10,000 square feet gross floor area.

2026, the applicant went door to door in the neighborhood to complete the community outreach on the project and obtain signatures from abutting and confronting neighbors. Notices of the project were also sent via certified mail on July 23, 2026. (See Attachment 5). The applicant installed pre-application posters on the site on June 3, 2026.

At the time of writing this report staff has received 82 letters in opposition and 4 letters in support of the project (see Attachment 9). Letters in opposition to the project generally express similar concerns regarding the following items:

1. Project location in a High Fire Zone

   City Response: The AB 130 exemption can still be used for projects located within a Local Responsibility High Fire Area. The AB 130 exemption does not apply to projects located with State Responsibility Very High or High Fire Areas.

2. Emergency Access and Evacuation Inadequate

   City Response:

   - The project has been reviewed by Berkeley Fire Department; no concerns were raised.
   - Evacuation plans are not typically prepared for individual projects.
   - The project adds a secondary access on Walnut Street, which improves emergency access.

3. Traffic and Speeding on Oxford Street

   City Response:

   - The project did not warrant a traffic study based on Transportation Department screening thresholds.
   - Speeding can be addressed by the Berkeley Police Department when violations occur.

4. Parking Inadequate

   City Response: Although no parking is required, parking will be provided on site. Each unit will have a one car garage. The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ½ mile of the site.

5. Construction Parking and Traffic Impact

   City Response: The project is conditioned to prepare a Transportation Construction Plan to the City for review prior to issuance of the building/demolition permits.

6. Landslide Concerns

   City Response: A Geotechnical Study has been submitted to the City for review. New structures on the site will be constructed that are consistent with the latest version of the California Building Code and in compliance with the recommendations of a project specific Geotechnical evaluation to ensure safety.

7. Air Quality and Asbestos during Demolition

   City Response: Demolition of the existing site will comply with all local and State

Health and Safety Codes. The project approval includes a Condition requiring compliance with the Bay Area Air District Recommended Measures During Construction to reduce dust and other emissions during demolition and ground disturbance. Standard Use Permit Conditions of Approval apply: air quality and diesel particulate matter controls, construction emissions reduction measures, and Bay Area Air District recommended measures.

8. SB 684/Ministerial Process/Piecemealing

   City Response: Piecemealing usually refers to the CEQA document's failure to analyze the full scope of a project. To develop the site for housing, the applicant is processing a Use Permit for the demolition of the buildings, a Tentative Tract Map to subdivide the property into eight parcels, and SB 684/SB1123 applications for the 31 residential condominium units. The required applications are being processed separately because the Use Permit requires approval by ZAB, the Tentative Tract Map to subdivide the property into eight lots requires approval by the Planning Commission and the SB 684/SB1123 application is required to be approved ministerially (no public hearing). For this development, the project is eligible for a CEQA exemption under AB 130 for the entirety of the project, including all of the applications and permits necessary to implement the project; therefore, the CEQA is not being piecemealed.

On October 22, 2026, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices in three locations within the neighborhood.

ANALYSIS

Project Scope

The proposed project would involve the demolition of two non-residential buildings, both of which are over 40 years old, and associated flatwork/hardscape and landscaping at 1130 Oxford Street (a former school site). The buildings to be demolished include one rectangular, three-story classroom building containing 27,100 square feet, and a circular multi-purpose building containing 5,500 square feet.

The Use Permit application is a component of a housing development project to develop 31 townhomes on the property pursuant to SB 684/SB 1123 "Starter Home Revitalization Act." The Use Permit application is also associated with a Tentative Tract Map (TM#8782) to subdivide the property into eight lots with a minimum lot size consistent with the underlying zoning.

The Tentative Tract Map (TM#8782) was filed in February 2026 and proposes to subdivide the project site into eight parcels. This application will be scheduled for a public hearing before the Planning Commission pursuant to BMC Title 21.

The SB 684/SB 1123 applications will be processed after approval of Tentative Tract Map #8782.

Each of the new parcels will be further subdivided pursuant to SB 684/SB 1123 into 3-4 lots to accommodate 3-4 townhomes on each parcel, for a total of 31 townhomes within the 1.3 acre property. The Department of Housing and Community Development (HCD) has provided Technical Assistance confirming that SB 684/SB 1123 allows for multiple 10-unit residential projects to be constructed on adjacent parcels by the same developer, please see Attachment 8, Question 6 on Page 4 for more information.

SB 684/SB 1123 Housing Development and Relation to Use Permit

The demolition of the buildings is proposed so that the site can be redeveloped for a housing development in the future as noted above. The housing development is proposed under SB 684 (adopted in 2023), as amended by SB 1123 (adopted in 2024). Generally, these bills require a local agency to ministerially consider without discretionary review or a hearing, a parcel map, tentative map or final map for a housing development project that meets certain requirements as long as the proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units.

Therefore, the subdivision of the property and development of the housing pursuant to SB 684 and SB 1123 will be processed separately from the Use Permit for the demolition of the non-residential buildings.

The applicant filed an SB 330 Preliminary Housing Development Application on December 30, 2025 for the SB 684/SB 1123 application. The SB 330 application is not included with the current project scope, the use permit for demolition, but applies to the permit as it relates to the number of public hearings allowed and historic resource determination as discussed below.

Findings

Draft findings for approval can be found in Attachment 2 to the staff report. Staff believes that findings for the use permit approval are satisfied.

Environmental Review

Assembly Bill 130 (AB 130) is a new law under the California Environmental Quality Act Guidelines (CEQA) that provides a complete statutory exemption for qualifying urban infill housing development projects[3]. The Bill was signed into law and effective on June 30, 2025, and is codified in Public Resources Code (PRC) Section 21080.66. The exemption, codified in Public Resources Code Section 21080.66 provides an exemption from CEQA for all aspects of a qualifying "housing development project," including permits and public improvements required for the project.

The Use Permit for the demolition of the existing buildings and site features is a necessary aspect in the process to develop housing on the project site pursuant to SB 684 and SB 1123. The State Department of Housing & Community Development (HCD) issued a technical

[3] As defined in Government Code Section 65589.5(h)(2).

assistance letter regarding the Starter Home Revitalization Act (SHRA) that supports the interpretation that multiple subdivisions on adjacent parcels is allowed under SHRA. (See Attachment 6) Therefore, the applicant has requested that the use permit be reviewed in accordance with AB 130, taking the position that the proposed SHRA project, including the demolition, is consistent with all requirements of that CEQA exemption.

Staff evaluated the request and determined that the housing development project meets the requirements for CEQA exemption under PRC Section 21080.66 (AB 130). Because the use permit for demolition is required for the project, the use permit is also exempt under PRC Section 21080.66. The following analysis applies to the housing development project:

- **Infill Criteria.** The project's consistency with the allowed housing development type defined in PRC Section 21080.66(a), subdivisions (1) through (5) and (8).
- **Environmental Criteria.** The project's consistency with the individual environmental requirements pursuant to PRC Section 21080.66(a), subdivisions (6) and (7).
- **Tribal Cultural Resources.** The project's consistency with the tribal notification and outreach requirements pursuant to PRC Section 21080.66(b).
- **Hazardous Materials.** The project's consistency with the requirements for the identification and treatment of hazardous materials pursuant to PRC Section 21080.66(c).
- **Other Requirements.** The project's consistency with the Labor Code requirements and eligibility of a housing development project for a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to PRC Sections 21080.66(d) and (e), respectively.

The City conducted tribal consultation as required by PRC Section 21080.66(b) with the Confederated Villages of Lisjan Nation, Amah Mutsun Tribe and Muwekma Ohlone Tribe. Under PRC Section 21080.66(b)(4), the project is subject to any enforceable agreements reached during consultation and to the standard conditions, unless the Tribe and the project proponent mutually agree not to include certain measures as binding conditions. Consultation concluded with the applicant and each Tribe reaching agreement on the conditions for project approval. In accordance with PRC Section 21080.66(b)(4), the City has included the agreed-upon Conditions of Approval (See Attachment 3).

Pursuant to the project processing deadlines established by AB 130, the City must approve or disapprove the use permit within 30 days from the later of:

(1) the conclusion of tribal consultation and
(2) the date on which the project was deemed consistent with applicable objective standards (Gov. Code Section 65950).

The use permit was deemed consistent with all applicable objective standards on August 24, 2026 (PLN2026-0056), and tribal consultation concluded on October 16, 2026.

Due to the City's 14-day public hearing notice requirement, the November 5, 2026, ZAB hearing is the first possible hearing date for this project after the conclusion of tribal consultation. Thus, the City must take action on the project by the November 5, 2026, ZAB meeting.

AB 130 includes specific conditions and requirements that must be met for a project to be exempt from CEQA. The project's conformance with the eligibility conditions for housing projects under AB 130 are discussed in detail in the table below.

Table for Project Qualification with AB 130 Conditions

Statutory Exemption Condition	Does this Project Meet this Condition			Analysis
	Yes	No	N/A	
Project meets the definition of a "housing development project" pursuant to Government Code Sections 65905.5(b) and 65589.5(h)(2). [PRC Section 1080.66(a)]	X			The use permit for demolition of the existing school site is a permit required for the development of a housing project that meets the definition of a "housing development project" pursuant to Government Code Sections 65905.5(b) and 65589.5(h)(2) as it is for a 100 percent residential project containing 31 residential units. Therefore, the project is consistent with this condition and the exemption applies to the use permit pursuant to Public Resources Code 21080.66.
Project site is not greater than 20 acres.	X			The project site is approximately 1.3 acres, which is less than the 20-acre maximum lot size condition. Therefore, the project is consistent with this condition.
Project site is located within the boundaries of an incorporated municipality	X			The project site is located within the City of Berkeley, an incorporated municipality. Therefore, the project is consistent with this condition.
Project site meets any of the following criteria: • Has been previously developed with an urban use. • At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. • At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses. • For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.	X			The project site is developed and was formerly used as an elementary school, which is considered an urban use. The project site is bounded by urban uses (residential uses) on all four sides of the property. Therefore, the project is consistent with this condition.

Project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program.	X			The general plan land use of the site is Low Density Residential (LDR). The zoning of the site is R-1H Residential Multi-Unit 1 District (Hillside Overlay). The demolition of the school site to facilitate a residential development is consistent with applicable general plan and zoning ordinance policies and findings. The proposed future residential subdivision of the site shall be consistent with the general plan and zoning standards with the incorporation of allowances required by SB 684/1123 which supersede local standards. The project site is not located within a local coastal program. Therefore, the project is consistent with this condition.
Project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code	X			This section of the government code generally requires that projects have a minimum density of 15 dwelling units per acre. The proposed SB 684/1123 housing development would have a density of approximately 24 units per acre. Therefore, the project is consistent with this condition.
Project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code.	X			The project site does not contain a historic structure that was placed on a national, state, or local historic register. Therefore, the project is consistent with this condition.
For a project that was deemed complete on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.	X			The project site has not been used as a hotel, motel, bed and breakfast in or other transient lodging, and no such use is proposed. The previous use of the site was for an elementary school. Therefore, the project is consistent with this condition.
Not located in any of the following coastal zone areas: 1) An area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or 2) Tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. 3) An area of the coastal zone that is	X			The project site is located at 1130 Oxford Street in Berkeley, approximately 12 miles from the Pacific Ocean and over 2 miles from the San Fransico Bay. The project site is not located within any coastal zone areas or subject to a certified local coastal program. Therefore, the project is consistent with this condition.

not subject to a certified local coastal program or a certified land use plan. 4) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment. 5) On a parcel within the coastal zone that is not zoned for multifamily housing. 6) On a parcel in the coastal zone and located on or within a 100-foot radius of a wetland, as defined in Section 30121 of the Public Resources Code, or on prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.				
Not located on wetlands, as defined in the United States Fish and Wildlife Service Manual.	X			Based on the USFWS Wetlands Mapper, the project site does not contain mapped wetlands and the nearest wetlands to the site include riverine habitat located approximately 0.19 mile to the south (USFWS 2025). The site is mostly paved and is currently developed as an elementary school. Therefore, wetlands are not present on the project site. Therefore, the project is consistent with this condition.
Not located within a very high fire hazard severity zone or within the state responsibility area, unless the site has adopted specified fire hazard mitigation measures.	X			Based on CAL FIRE's Fire Hazard Severity Zone (FHSZ) map for City of Berkeley, the site is not located within a very high fire hazard severity zone or state responsibility area. However, the site is located in a local responsibility area high fire zone. Therefore, the project is consistent with this condition.
Not located on a hazardous waste site, unless either of the following apply: 1) The site is an underground storage tank site that received a uniform closure letter based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. 2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a	X			The development is not located within a hazardous waste site that is listed pursuant to Government Code Section 65962.5 or hazardous waste site designated by the Department of Toxics Substances Control pursuant to Health and Safety Code Section 25356. Therefore, the project is consistent with this condition.

determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.				
Not located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law, and by any local building department.	X			According to the DOC California Geological Survey (CGS) California Earthquake Hazards Zone Application mapping database, the project site is not located within an earthquake fault zone. The site is located approximately 115 feet to the west of a fault zone. Therefore, the project is consistent with this condition.
Not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless either of the following apply: 1) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction. 2) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.	X			According to the FEMA Flood Insurance Rate Map number 06001C0019G, (effective August 2009), the project site is not located within a special flood hazard area. Therefore, the project is consistent with this condition.
Not located within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification.	X			According to the FEMA Flood Insurance Rate Map number 06001C0019G, (effective August 2009), the project site is not located within a special project site is not located within a regulatory floodway. Therefore, the project is consistent with this condition.
Not located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan.	X			The site is mostly paved and is currently developed as an elementary school. The project site is not located on lands identified for conservation in conservation plan. Therefore, the project is consistent with this condition.
Not located within a habitat for protected	X			The site is mostly paved and is currently

species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.				developed as an elementary school. The project site is not located within habitat for protected species. Therefore, the project is consistent with this condition.
Not located on lands under conservation easement.	X			The project site is not located on lands under a conservation easement. Therefore, the project is consistent with this condition.

ADVISORY BODY REVIEW

Landmarks Preservation Commission Review: Demolition Referral

The project site does not contain a historic resource. The project is not subject to review by the Landmarks Preservation Commission (LPC) because the applicant submitted an SB 330 application on December 30, 2025 as discussed under the Project Scope section of the staff report above. BMC Section 3.24.120 "Landmarks, historic districts and structures of merit – Designation – Initiation procedures" creates an exception for SB 330 projects. Pursuant to BMC Section 3.24.120 C., "Any historic designation shall not be processed for five (5) years following the receipt of a Preliminary Development application under SB 330 (the Housing Crisis Act of 2019) by the City of Berkeley, unless initiated by the property owner." Therefore, the demolition was not brought before the LPC for review.

Design Review Committee Review: Preliminary Design Review

The Use Permit for the demolition of the buildings is not subject to Design Review Committee review.

POLICY CONSISTENCY

General Plan Consistency

The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3 Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-6 Safe and Attractive Neighborhoods: Ensure that all residential areas are safe and attractive places to live.
3. Policy H-19 Regional Housing Needs: Encourage adequate housing production to meet City needs and the City's share of regional housing needs.
4. Policy H-32 Middle Housing: Promote and facilitate a mix of dwelling types and sizes, particularly infill middle housing in high resource neighborhoods.
5. Policy H-34 Streamlined Review Process: Provide for timely and coordinated processing of residential and mix-use development projects in order to minimize project holding

costs and increase housing supply.

Evidence: The project, demolition of existing buildings, would further the redevelopment of a vacant site, previously occupied by a public school into a housing development project. The demolition of the existing vacant buildings will help to create a safe and attractive neighborhood when the site is redeveloped. The project site is located within an existing residential neighborhood, surrounded by existing single-family uses and a preschool, providing for an infill middle housing development. The project site is identified as a Housing Opportunity site in the City's Housing Element (7th Cycle 2023-2031) which assumed seven above moderate housing units on the site. The demolition of the existing buildings will accommodate the future development of the site with at least seven residential units, meeting the City's goal for housing on the site. The project is being processed using several streamlining processes, such as AB 130 (CEQA Streamlining), SB 684 and SB 1123. Therefore, the project is consistent with the City's General Plan.

RECOMMENDATION

Because of the project's consistency with the Zoning Ordinance and General Plan (factoring in ministerial, superseding provisions of SB 684 and SB 1123), and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

1. **APPROVE** ZP2026-0056 pursuant to BMC Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachments 2 and 3).

Attachments

1. Tables:
    a. Table 1: Project Chronology
    b. Table 2: Special Characteristics
    c. Table 3: Development Standards
2. Draft Findings
3. Draft Conditions of Approval
4. SB 1214 Site Plan, June 8, 2026
5. Notice of Public Hearing
6. AB 130 Exemption Letter from Hanson Bridgett LLP
7. Frequently Asked Questions (FAQ)
8. HCD Letter, dated November 17, 2025
9. Correspondence Received

Attachment 1

Table 1: Project Chronology

Date	Action
December 23, 2025 (vesting date)	SB 330 complete Preliminary Housing Development Project Application submitted
June 6, 2026	Use Permit Application submitted
June 24, 2026 – August 18, 2026	Application Processing [a]
August 21, 2026	Application deemed complete
October 16, 2026	Tribal Consultation Concludes
October 16, 2026	CEQA Exempt Determination by Staff
October 22, 2026	Public hearing notices mailed/posted
November 5, 2026	ZAB hearing
Notes: a. Application processing reflects the project compliance review after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project includes less than 7,500 square feet of net new commercial space. Therefore, the project is not subject to this fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is proposing a demolition of a non-residential building and is not a housing development project, as defined in BMC 23.328.020[a].
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project proposes to completely demolish the main building and will not have any remaining transparent or reflective material. Therefore, these provisions do not apply.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (*Quercus agrifolia*) trees on the project site.
Creeks	Yes	An unprotected creek runs through the project site; however, no culverted or protected creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	No	The project is not a housing project and is not proposing to utilize Density Bonus.

Characteristic	Applicability	Explanation
Hard Hats (BMC Chapter 13.107)	No	The project does not meet the definition of a "Covered Project" which includes construction, alteration, or demolition of 50,000 square feet or more of floor area which has not received its final permits, variances, approvals and/or other entitlements.
Historic Resources	No	The existing buildings are more than 40 years old but are not identified on the California Historical Resources Inventory List as a National or State historic resource. The property is not identified as a City of Berkeley Landmark or Structure of Merit. The applicant filed an SB 330 application on December 30, 2025 and is exempt from LPC review pursuant to Section 3.24.120 C. See staff report for discussion.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project is proposing a demolition of a non-residential building, and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2)b. Therefore, the HAA regulations do not apply.
Housing Crisis Act of 2019 (SB 330)	No	The project is proposing a demolition of a non-residential building and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2)b; however, the project is associated with an SB 330 project. See staff report for discussion.
Opportunity Sites	Yes	The subject site is identified as an opportunity site in the 7th Cycle 2023-2031 Housing Element.
Rent Controlled Units	No	The project would involve the demolition of non-residential structures; no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone. The project, a Use Permit for demolition of an existing school site, is not eligible for RPP permits.
Seismic Hazards (SHMA)	Yes	The project site is located within a landslide zone, but is not located within an area susceptible to liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. [c]
Soil/Groundwater Contamination	No	The site is not on the Cortese List. [d] The site is not located within the City's Environmental Management Area. The applicant submitted a Phase I Environmental Site Assessment dated December 4, 2025 and a Limited Hazardous Materials Survey dated April 22, 2026 that have been reviewed by the Toxics Management Division. Standard conditions of approval will address soil/groundwater contamination.
Transit	Yes	The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ½ mile of the site. Bus stops for Line 67 are located at the corner of Eunice and Spruce Streets approximately 0.2 miles from the site and Lines 7 and 18 at the intersection of Hopkins and Sutter Streets approximately 0.4 miles from the site.

Characteristic	Applicability	Explanation

Notes:

a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.

b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.

c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologichazards/

d. Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.

Table 3: R-1H Zoning District Development Standards BMC Sections 23.204.130 and 23.322 Parking and Loading

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		**55,737**	N/A	**55,737**	5,000 min.
Gross Floor Area (sq. ft.)		32,600	- 32,600	0	N/A
Floor Area Ratio		0.58	-0.58	0	N/A
Lot Coverage		30%	-30%	0	40%
Commercial Floor Area		0	0	0	N/A
Dwelling Units	Total	0	0	0	N/A
	Live/Work	0	0	0	N/A
	Bedrooms	0	0	0	N/A
Building Height (ft. - in.)	Maximum	39'	-39'	0	28 feet average and 3 stories, 35 feet maximum or 35 feet average with an AUP
Building Setbacks (ft. - in.)	Front (East) (Oxford)	10' 2"	-10' 2"	0	20'
	North Interior Side	13'	-13'	0	4'
	South Interior Side	9' 7"	-9' 7"	0	4'
	Rear (West)	95' 4"	-95' 4"	0	20'
Usable Open Space (sq. ft.)		33,000	-33,000	0	400 sf per d/u min

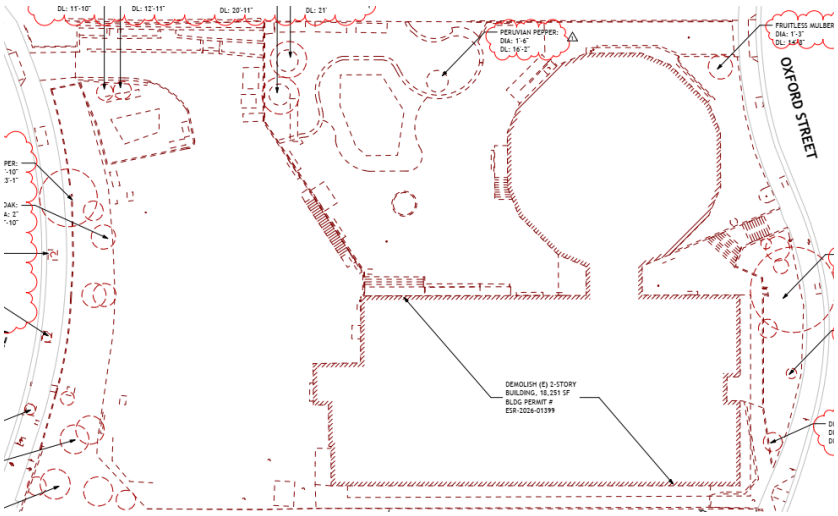
Standard	Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Automobile Parking	0	0	0	If located on a roadway less than 26 ft. in width in the Hillside Overlay: 1 per unit
Bicycle Parking	0	0	0	1 space per 3 bedrooms
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet (’), in. = inches (”)				

LAND USE PLANNING

Zoning Adjustments Board Findings

APP #ZP 2026-0056
Use Permit for Demolition of Non-Residential Buildings at 1130 Oxford Street

November 5, 2026



Quick Facts	Project Description:
Applicant: Henry Chan, Studio KDA **Property Owner:** 1130 Oxford, LLC **Project Address:** 1130 Oxford Street **Site Size:** 1.3 acres (55,737 sf) **GP Land Use:** Low Density Residential **Zoning:** Residential Multi-Unit 1 (R-1H) **CEQA:** Statutorily exempt pursuant to Public Resources Code Section 21080.66 (AB 130) **Date Submitted:** June 6, 2026 **Vesting Date:** December 30, 2025	The applicant is seeking approval to demolish two non-residential buildings and existing associated flatwork/hardscape and landscaping, at 1130 Oxford Street (a former school site). The buildings to be demolished consist of one rectangular, three-story classroom building containing 27,100 square feet, and a circular multi-purpose building containing 5,500 square feet. For the purposes of CEQA analysis, the Use Permit application is a component of a housing development project to develop 31 townhomes on the property pursuant to SB 684/SB 1123 "Starter Home Revitalization Act." The Use Permit application is also associated with a Tentative Tract Map (TM#8782) to subdivide the property into eight lots with a minimum lot size consistent with the underlying zoning.
	Permits Requested:
	A Use Permit Public Hearing is required for the following permits: 1. **Demolition.** BMC Section 23.326.070(A) **"Main Non-Residential Building"** to demolish a non-residential building over 40 years old.* *Denotes required finding

	Staff Recommendation
Date Deemed Complete: August 21, 2026 **Tribal Consultation Conclusion:** October 16, 2026 **Project Planner:** Lisa Gordon, Contract Planner	Staff recommends that ZAB approve ZP2026-0056 pursuant to Section 23.406.040 (E) (1-5) "**Findings for Approval**" and subject to the attached Findings and Conditions of Approval.

I. CEQA

The project is statutorily exempt from the requirements of CEQA pursuant to Public Resources Code Section 21080.66 (Assembly Bill 130). The exemption, codified in Public Resources Code Section 21080.66 provides an exemption from CEQA for all aspects of a qualifying "housing development project," including permits and public improvements required for the project.

Evidence: The project is a use permit to demolish two non-residential buildings, both of which are over 40 years old, and associated flatwork/hardscape and landscaping at 1130 Oxford Street (a former school site), is a necessary component for the construction of a qualifying infill housing development project on the site pursuant to SB 684 and SB 1123. The housing development project will be processed pursuant to SB 684 and SB 1123. The housing development project meets the specified criteria in Public Resources Code Section 21080.66(a). The City conducted tribal consultation with the Confederated Villages of Lisjan Nation, Amah Mutsun Tribe and Muwekma Ohlone Tribe Incorporated and has included agreed-upon Conditions of Approval pursuant to Public Resources Code Section 21080.66(b).

II. FINDINGS FOR APPROVAL

As required by BMC Section 23.406.040 (E) (1-4) "Findings for Approval," the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and

Evidence: This finding is met because the project is for the demolition of two non-residential buildings, both of which are over 40 years old, and associated flatwork/hardscape and landscaping at a former school site to accommodate a

housing development project, which will be processed pursuant to SB 684/SB 1123. The project is exempt from CEQA review pursuant to AB 130 as described above. The applicant submitted a Geotechnical Investigation dated June 4, 2026, that was peer reviewed by the City's Geotechnical Consultant. The project demolition will comply with the recommendations contained in the report. The applicant also submitted a Phase I Environmental Site Assessment dated December 4, 2025 and a Limited Hazardous Materials Survey dated April 22, 2026 that have been reviewed by the Toxics Management Department. Demolition of the existing site will comply with the recommendations of the reports and with City of Berkeley standard conditions of approval related to Toxics. The demolition of the existing site will comply with all local and State Health and Safety Codes at the time of Building Permit Issuance. Therefore, the project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use.

(b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Evidence: The Use Permit is for the demolition of two non-residential buildings, both of which are over 40 years old, and associated flatwork/hardscape and landscaping at a former school site to accommodate a housing development project, which will be processed pursuant to SB 684/SB 1123. This finding is met because the project – demolition of the site – will not introduce new building mass, height, shadows, or features that would be incompatible with the surrounding residential character. In addition, the findings for the required discretionary permits are satisfied per the Evidence in Findings 2 and 3 below.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

(a) Pursuant to BMC Section 23.326.070(D): A Use Permit for demolition of a main building used for non-residential purposes on any lot may be approved only if the ZAB finds that:

i. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

Evidence: This finding is met because the existing buildings on the site were used for a public school and not for commercial purposes. In 2020, the school relocated to a new site after a geological survey raised concerns of the safety of the school in the event of an earthquake. The existing buildings are currently vacant. The demolition

of the site will allow for the development of an infill housing project allowed pursuant to SB 684/SB 1123. Demolition of the buildings will also deter trespassers and vandalism thereby increasing the safety of the neighborhood. Therefore, the demolition of the subject buildings will not be materially detrimental to the commercial needs or public interest of the area.

ii. The demolition:

a. Is required to allow a proposed new building or other proposed new use;

Evidence: This finding is met because the demolition is required to allow the site to be used for a future housing development project.

b. Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

Evidence: The existing buildings include a three-story building containing classrooms and a one-story multi-purpose room building. The buildings are not usable for residential purposes and it would be infeasible to modify the structures for the residential use contemplated by the associated SB 684/SB 1123 application, which includes attached multi-family housing.

The project site is located in the R-1H, Residential Multi-Unit 1 District, Hillside Overlay. The R-1 District purposes include:

1. Implement the General Plan by facilitating the development of residential areas consistent with a pattern of housing types ranging from single-family to small apartment structures;
2. Make housing available for persons who desire detached and multi-unit housing with usable open space;
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air.

The Hillside Overlay District purposes include:

1. Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;

2. Protect the character of Berkeley's hillside areas and their immediate environs;

The demolition of the existing buildings will allow for a housing development project that will be consistent with the district purposes.

c. Will remove a structure which represents an uninhabitable attractive nuisance to the public; or

Evidence: N/A. The structure is not known to present an uninhabitable attractive nuisance to the public. The site has been observed to be the subject of acts of vandalism and graffiti.

d. Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use.

Evidence: N/A. The demolition is not required for the furtherance of a specific plan or project sponsored by the City of Berkeley or other local district or authority.

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

(a) The proposed land use; and

Evidence: The use permit is for the demolition of two non-residential buildings and associated flatwork/hardscape and landscaping at a former school site to accommodate a housing development project. The use permit does not include a proposed land use. The AB 684/SB 1123 housing development project associated with the project is a ministerial application that will be processed separately from the use permit for demolition and is not under the scope of this application.

(b) The structure or addition that accommodates the use.

Evidence: The use permit is for the demolition of two non-residential buildings and associated flatwork/hardscape and landscaping at a former school site to accommodate a housing development project. The use permit does not include the construction of a structure or addition. The AB 684/SB 1123 housing development project associated with the project is a ministerial application that will be processed separately from the use permit for demolition and is not under the scope of this application.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on July 24, 2026 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.

STANDARD CONDITIONS OF APPROVAL
APPLICABILITY

Development projects approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

Part I. Administrative Conditions
- A. General Project Conditions
- B. Project Specific Conditions
- C. Final Approval Conditions – Not applicable
- D. On-Going Operational Conditions – Not applicable

Part II. Prior to Issuance of Demolition Permit

Part III. At the Time of Building Permit Submittal

Part IV. Prior to Issuance of Building Permit
- A. Building & Safety/Land Use Planning
- B. Public Works
- C. Toxics
- D. Health Housing Community Services – Not applicable
- E. Rent Stabilization Board – Not applicable

Part V. During Demolition/Construction
- A. Building & Safety
- B. Land Use Planning
- C. Public Works
- D. Toxics
- E. Health Housing Community Services – Not applicable

Part VI. Prior to Final Inspection

Part VII. Prior to Certificate of Occupancy - Not applicable

Part. VIII. Fees - Not applicable

Part X. HARD HATS - Not applicable

Part XI. AB130

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
	Project Approval. This Project approval is for 1130 Oxford Street, as substantially shown and described on the Project plans dated July 24, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on September 10, 2026 ("Approval Date."). This Project vested on December 30, 2025 through PLN2025-0132. For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
	Approval Limited to Proposed Project and Replacement of Existing Uses. This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant shall obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
	Compliance Required. All land uses and structures in the City of Berkeley shall comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley BMC Section 23.102.050(B)	On-Going	Land Use Planning
	Other Regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley BMC Section 23.102.050 (E)	On-Going	Land Use Planning
	Conformance with Approved Plans. All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on July 24, 2026 and pursuant to the Conditions of Approval.	City of Berkeley BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
	Permit Modifications. No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board's policy adopted on May 24, 1978.	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
	Permit Revocation. The City may revoke or modify a discretionary permit for completed projects due to: 1) Violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. No lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board, or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning
	Permit Remains Effective for Vacant Property. Once a permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard COA #5 above.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
	Exercise and Expiration of Permits A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the Zoning Adjustments Board in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant shall apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C)	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
	Hold Harmless. The permittee agrees as a Condition of Approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.	City of Berkeley	On-Going	Land Use Planning
	Compliance with Conditions of Approval and Environmental Mitigations. The Building Permit application is subject to verification of compliance of these Conditions of Approval and any applicable Mitigation Measures. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.	City of Berkeley	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit: • N/A	City of Berkeley BMC Section 23.040.050 (H)	N/A	N/A

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

II. Prior to Issuance of Demolition Permit		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Conditions of Approval Included in Building Permit Plan Submittal** **A. Use Permit.** The Conditions of Approval for this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Use Permit Conditions.' *Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; (8-1/2" by 11" sheets are not acceptable)*	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name, e-mail address, and telephone number of an individual empowered to manage construction-related complaints generated from the Project. The individual's name, telephone number, and responsibility for the Project shall be posted at the project site for the duration of the Project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** _____ Name Phone #	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

3.	**Construction Noise Management - Public Notice Required**. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) Project Description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name, e-mail, and phone number of the Project Liaison for the Project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.	City of Berkeley	Prior to Demolition Permit Issuance (At least Two Weeks Prior to Construction Commencement)	Building & Safety Division
4.	**Construction Phases**. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or their designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these Conditions of Approval. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
5.	**Condition and Compliance Monitoring.** The applicant shall pay a $22,000 deposit for the cost of monitoring compliance with the Conditions of Approval and other applicable conditions and regulations prior to issuance of building permit. City staff shall obtain a scope and cost from a pre-approved consultant to conduct required monitoring compliance. If compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses prior to the initiation of monitoring compliance. The City shall not issue a notice-to-proceed until all funds are deposited. Any unused deposit will be refunded to the applicant.	City of Berkeley	Prior to Demolition Permit Issuance	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

6.	**Erosion Prevention Plan.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season, the applicant shall obtain approval of an erosion prevention plan from the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Public Works
7.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 "Berkeley Green Code" including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works
8.	**Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for all new commercial, industrial and mixed-use developments, all improvement projects that require work **5 or more feet below grade**, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal (arcgis.com)	City of Berkeley	Prior to Demolition Permit Issuance	Toxics Management Division

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

9.	**Construction Noise Reduction Program**. The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits compliance with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical: A. Construction equipment should be well maintained and used judiciously to be as quiet as practical. B. Equip with all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible. D. Locate stationary noise-generating equipment as far as possible from sensitive receptors. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible. E. Prohibit unnecessary idling of internal combustion engines. F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise. H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.	City of Berkeley BMC Section 13.40.070	Prior to Demolition Permit Issuance	Zoning Officer

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
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10.	**Damage Due to Construction Vibration.** The Project applicant shall submit screening level analysis prior to demolition permit issuance. The analysis shall account for project specific information including the composition of the structures, location of the various types of equipment used during each phase of the Project, as well as the soil characteristics in the Project area, in order to determine whether Project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. • If a screening level analysis shows that the Project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). • If the assessment finds that the Project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall include: o Establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and o include written descriptions and photographs.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety Division/Zoning Officer

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
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III. At the Time of Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.	City of Berkeley	At Building Permit Submittal	Public Works
2.	**Public Works – Stormwater Pollution Prevention Program (SWPPP).** As part of the building permit submittal, the applicant shall submit the following documents to the Public Works Department for review: **A.** A copy of the "Notice of Intent" filed with the State Water Resources Control Board (SWRCB)/Division of Water Quality; **B.** The Waste Discharger Identification (WDID) number issued by the SWRCB for the Project; **C.** A copy of the SWPPP prepared for each phase of the Project; and **D.** The name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP. Construction shall comply with the statewide general permit requiring owner to: (1) notify the State; (2) prepare and implement a SWPPP; and (3) monitor the effectiveness of the SWPPP. Additional information may be found online at http://www.swrcb.ca.gov.	City of Berkeley	At Building Permit Submittal	Public Works
3.	**National Pollution Discharge Elimination System (NPDES).** The applicant shall demonstrate compliance with the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:	City of Berkeley BMC Section 17.20	At Building Permit Submittal	Public Works

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	A. The Project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions. **B.** Trash enclosures and/or recycling areas shall be covered, and no other areas shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and the East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD. **C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans. **D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a building permit. **E.** All paved outdoor storage areas shall be designed to reduce/limit the potential for runoff to contact pollutants. **F.** All on-site storm drain inlets/catch basins shall be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the Project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Department.			

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	G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface shall comply with Provision C.3 of the NPDES permit and shall incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed Project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) An O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological). (Project required to meet applicable code at time of building permit application, if different from above.) **H.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City. **I.** Washing and/or steam cleaning shall be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing shall be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the East Bay Municipal Utility District. **J.** All loading areas shall be designated to minimize run-on or run-off from the area. Accumulated wastewater that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.			

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	K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge. **L.** The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.			
4.	**Geotechnical Plan Review.** The Applicant's Geotechnical Consultant should review and approve all geotechnical aspects of the building plans (i.e., site preparation and grading, site surface and subsurface drainage improvements and design parameters for foundation, etc.,) to ensure that their recommendations have been properly incorporated. In their Plan Review letter, the Geotechnical Consultant shall provide a conclusion (based on their investigation and analysis) regarding whether the proposed habitable structures will be safe from collapse due to landslide displacement, or seismically induced accelerated landslide displacement. The Geotechnical Plan Review should be organized by the Project Geotechnical Consultant as a letter and submitted to the City for review and approval by the appropriate City Staff prior to issuance of building permits.	City of Berkeley	At Building Permit Submittal	Building & Safety/Public Works

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IV. Prior to Issuance Building Permit: A. Building & Safety/Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with either A or B, and C: **A.** The Project applicant shall prepare a health risk assessment that demonstrates the Project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from the Bay Area Air District and the California Office of Environmental Health Hazard Assessment. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or **B.** All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. **C.** In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following: **i.** An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date. **ii.** A Certification Statement that the contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.	City of Berkeley	Prior to Building Permit Issuance	Land Use Planning/ Public Works

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2.	**Construction Emissions Reduction Measures.** Development projects shall comply with the current Bay Area Air District's basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 Air District CEQA Guidelines), outlined below. **1.** All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. **2.** All haul trucks transporting soil, sand, or other loose material offsite shall be covered. **3.** All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. **4.** All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. **5.** All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. **6.** Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. **7.** All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation. **8.** Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations.	Air Quality District	Prior to Building Permit Issuance	Land Use Planning/ Building and Safety/Air Quality District

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IV. Prior to Issuance of Building Permit: B. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Transportation Construction Plan.** The applicant and all persons associated with the Project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities: **A.** Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes); **B.** Storage of building materials, equipment, dumpsters, debris anywhere in the public right of way; **C.** Provision of exclusive contractor parking on-street; or **D.** Significant truck activity. Please contact the Department of Public Works Transportation Division at (510) 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of the TCP shall be available at all times at the construction site for review by City Staff.	City of Berkeley	Prior to Building Permit Issuance	Public Works

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IV. Prior to Issuance of Building Permit: C. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Demolitions & Renovations – Building Materials Survey.** A hazardous materials survey shall be prepared by qualified professionals and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. The survey shall identify building materials, plans for hazardous materials, hazardous waste removal and disposal, the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division
2.	**Asbestos Identified.** Pursuant to Bay Area Air District Regulation 11-2-401.3, if asbestos is identified a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors shall follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)	Bay Area Air District	Prior to Issuance of Building Permit	Bay Area Air District
3.	**Environmental Site Clearance.** Prior to issuance of any building permits, the applicant shall submit to the Toxics Management Division (TMD) an environmental screening clearance to ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Documentation in the form of a letter shall be provided from one of the following external agencies: • San Francisco Bay Regional Water Quality Control Board (RWQCB); • California Department of Toxic Substances Control (DTSC); or • The Alameda County Department of Environmental Health's Local Oversight Program (LOP).	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division

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V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal holiday.	City of Berkeley BMC 13.40.070 (B) (7)	During Demolition/Construction	Building & Safety
2.	**Construction Hours Exceptions**. Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time. If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start. The Project shall only be allowed 15 extended working days.	City of Berkeley	During Demolition/Construction	Environmental Health/ Land Use Planning
3.	**Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant: • Contact information (i.e. "hotline" phone number, and email address) for the Project construction manager • Calendar and schedule of daily/weekly/monthly construction activities • The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.	City of Berkeley	During Demolition/Construction	Building & Safety
4.	**Construction / No Parking Permits**. If "Construction/No Parking Permits" are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.	City of Berkeley	During Demolition/Construction	Building & Safety
5.	**Geotechnical Construction Inspections -** The Geotechnical Consultant should inspect, test (as needed) and approve all geotechnical aspects of the project construction. The inspections should	City of Berkeley	During Demolition/Construction	Building & Safety/Public Works

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	include, but not necessarily be limited to: site preparation and grading, geogrid reinforcement, site surface and subsurface drainage improvements, and observations of excavations for foundations prior to placement of steel and concrete. The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (as-built) project approval.			

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V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the Project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish & Game Code, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.	California Department of Fish & Wildlife (CDFW)/ City of Berkeley	During Demolition/Construction	Land Use Planning

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2.	**Unanticipated Discovery of Paleontological Resources.** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified archeologist (per Secretary of Professional Qualification Standards National Park Service 1983). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The archeologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the archeologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	City of Berkeley	During Demolition/Construction	Land Use Planning
3.	**Unanticipated Discovery of Tribal Cultural Resources.** In the event that Tribal Cultural Resources are identified during construction or any soils-disturbing activity, all work within 50 feet of the discovery shall be redirected. The Project applicant and Project construction contractor shall notify the Land Use Planning Division within 24 hours. The City will contact any tribes who have requested consultation under AB 52 (if applicable), as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a Tribal Cultural Resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	City of Berkeley	During Demolition/Construction	Land Use Planning
4.	**Unanticipated Discovery of Archeological Resources.** Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique paleontological resources accidentally discovered during construction” should be instituted. Therefore:	City of Berkeley	During Demolition/Construction	Land Use Planning

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	A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within a minimum of 50 feet of the resources shall be halted and the Project applicant and/or lead agency shall consult with a Registered Professional Archeologist or paleontologist, and the culturally-affiliated California Native American Tribe ("Tribe") to assess the significance of the find. **B.** If any find is determined to be significant, representatives of the Project proponent and/or the lead agency and the Tribe shall meet to determine the appropriate avoidance measures or other appropriate measures to mitigate impacts to the Tribal Cultural Resource., **C.** In considering any suggested measure proposed by the Registered Professional Archeologist, the Tribe and the lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be reached. **D.** If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitors may be instituted. Work may proceed on other parts of the Project site while mitigation measures for cultural resources is carried out. **E.** If significant materials are recovered, the Registered Professional Archeologist shall prepare a report on the findings for submittal to the Northwest Information Center.			

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5.	**Discovery of Human Remains.** In the event that human skeletal remains are uncovered at the Project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. A. The descendants' preferences for treatment may include the following: i. The nondestructive removal and analysis of human remains and items associated with Native American human remains. ii. Preservation of Native American human remains and associated items in place. iii. Relinquishment of Native American human remains and associated items to the descendants for treatment. iv. Other culturally appropriate treatment. B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures. C. For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other.			

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	i. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. ii. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains. D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code Section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following: i. Record the site with the commission or the appropriate Information Center. ii. Utilize an open-space or conservation zoning designation or easement. iii. Record a document with the county in which the property is located. F. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e). G. Pursuant to State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.			

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V. During Demolition/Construction: C. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Debris.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works
2.	**Excavation.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.	City of Berkeley	During Construction	Public Works
3.	**Sandbags.** The Project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The Project sponsor shall comply with all City ordinances regarding construction and grading.	City of Berkeley	During Construction	Public Works
4.	**Fire Hydrant.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.	City of Berkeley	During Construction	Public Works
5.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.	City of Berkeley	During Construction	Public Works

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6.	**Public Works - Implement Bay Area Air District Recommended Measures during Construction**. For all proposed projects, the Bay Area Air District recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust: **A.** All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. **B.** All haul trucks transporting soil, sand, or other loose material off-site shall be covered. **C.** All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. **D.** All vehicle speeds on unpaved roads shall be limited to 15 mph. **E.** All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. **F.** Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. **G.** All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator. **H.** Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air District's phone number shall also be visible to ensure compliance with applicable regulations.	City of Berkeley/ Bay Area Air District	During Construction	Public Works

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V. During Demolition/Construction: D. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	**Hazardous Materials Business Plan.** A Hazardous Materials Business Plan shall be submitted to the Toxics Management Division through the California Environmental Reporting System: http://cers.calepa.ca.gov/ for chemicals used or stored on site during construction that exceed reporting thresholds. The Plan shall be in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20.	City of Berkeley/State of California BMC Section 15.12.040	During Construction	Toxic Management Division
2.	**Hazardous Waste Compliance Plan.** Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to the TMD within 30 days of the completion of the demolition.	City of Berkeley	During Construction	Toxic Management Division

VI. Prior to Final Inspection		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Construction and Demolition Diversion Receipt Reporting.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using Green Halo and submit online for City review and approval prior to final inspection. Alternatively, complete the Construction Waste Management Plan and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.			Building & Safety

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XI. Assembly Bill 130 A. Tribal Consultation Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Pursuant to Public Resources Code Section 21080.66 (b) (4) the City of Berkeley shall include, as binding conditions of the project approval, all of the following: (A) Any enforceable agreements reached during the project consultation. (i) Agreement reached with the Confederated Villages of Lisjan Nation, Amah Mutsun Tribe and Muwekma Ohlone Tribe (See conditions 2-10 below for agreed upon conditions) (i) Upon request by a California Native American tribe, the project shall include tribal monitoring during all ground-disturbing activities, as follows: (I) Confederated Villages of Lisjan Nation shall designate a monitor; Muwekma Ohlone Tribe shall designate a monitor (II) Both tribal monitors shall comply with applicant's site access and workplace safety requirements. (III) The applicant shall compensate both tribal monitors at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as the scope and duration of the project. (ii) Tribal cultural resources shall be avoided where feasible, in accordance with subdivision (a) of Section 21084.3. In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes. (iii) All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Section 21083.9.	State of California Public Resources Code Section 21080.66	Prior to Issuance of Building Permit	Land Use Planning

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	(iv) A California Historical Resources Information System archaeological records search and a tribal cultural records search shall be completed for the project site. (v) A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission. (vi) The project shall comply with Section 7050.5 of the Health and Safety Code and Section 5097.98, including immediate work stoppage upon discovery of human remains or burial grounds, and treatment in accordance with applicable law and in consultation with the affected California Native American tribe. (vii) An application of tribal ecological knowledge into habitat restoration efforts undertaken by the project as applicable to the specific environmental context and conditions of the project.			
2.	**Stop Work and Notification Upon Discovery – Amah Mutsun Tribe.** Should any indication of a tribal cultural resource be encountered during any soils-disturbing activity of the project, the project Head Foreperson and/or project sponsor shall immediately notify tribe and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery until the Cultural Monitor and a qualified archeological consultant from the Qualified Archeological Consultants List have assessed the find and the respective parties have determined whether and what additional measures should be undertaken.	City of Berkeley	During Demolition/Construction	Land Use Planning
3.	**Stop Work – Muwekma Ohlone Tribe -** Should any tribal cultural resources or Native American human remains be encountered during construction, all work within the vicinity of the discovery shall cease immediately, and the appropriate procedures under CEQA, the Health and Safety Code, and the Public Resources Code shall be followed.	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

4.	**Preservation in Place - Amah Mutsun Tribe.** In the event of the discovery of a tribal cultural resource, the cultural resource team (if one is present on job), the project sponsor, the archeological consultant, and the Ohlone representative shall consult to determine whether preservation in place would be feasible and effective in preserving the values represented by the resource. The archeological consultant, in consultation with the Ohlone representative, shall document the find to current professional standards. The tribe may also require that the project sponsor immediately implement a site security program if the resource is at risk from vandalism, looting, or other damaging actions. If it is determined that preservation-in-place of the tribal cultural resource would be both feasible and effective, the archeological consultant shall prepare a Resource Preservation Plan (RPP) in consultation with the Ohlone representative, for review, which shall be implemented by the project sponsor during construction. If it is determined that preservation in place would not be feasible or effective, then archeological assessment and treatment shall be implemented and in consultation with the Ohlone representative, as detailed below.	City of Berkeley	During Demolition/Construction	Land Use Planning
5.	**Archeological Treatment – Amah Mutsun Tribe.** If it is determined, in consultation with the Ohlone representative and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option to preserve the values represented by the resource, then the archeological consultant, in consultation with the Ohlone representative, shall conduct archeological assessment to determine the significance of the find and determine whether it retains sufficient integrity to warrant additional treatment. If the tribal cultural resource is determined to be a significant archeological resource, the archeological consultant, in consultation with the Ohlone representative, shall recommend appropriate archeological treatment to preserve the data and values of the tribal cultural resource, which may include archeological data recovery. Data recovery shall be implemented in consultation with the Ohlone representative and shall include appropriate analyses and reporting. If an	City of Berkeley	During Demolition/Construction	Land Use Planning

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

	archeological interpretive, monitoring, and/or testing program is required, it shall be consistent with Standard guidelines for such programs and shall be implemented immediately.			
6.	**Human Remains and Funerary Objects – Amah Mutsun Tribe.** The treatment of any human remains, and funerary objects discovered during any soils disturbing activity shall comply with applicable State laws, including Section 7050.5 of the Health and Safety Code and Public Resources Code 5097.98. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this section. The project sponsor shall immediately notify the Medical Examiner of the County in which the job resides and the Tribe of the find. In the event of the Medical Examiner's determination that the human remains are Native American in origin, the Medical Examiner will notify the California State Native American Heritage Commission (NAHC) within 24 hours and all provisions of Public Resources Code 5097.98 will be followed.	City of Berkeley	During Demolition/Construction	Land Use Planning
7.	**Tribal Monitoring – Muwekma Ohlone Tribe.** Tribal monitoring will be required during all ground-disturbing activities, including the planed excavation for soil stabilization due to the depth of excavation and the project's proximity to Marin Creek, Codornices Creek and other nearby waterways that may have supported ancestral use of the area.	City of Berkeley	During Demolition/Construction	Land Use Planning
8.	**Native American Monitoring – Confederated Villages of Lisjan.** Native American Monitoring. Prior to ground disturbing activities, including any testing involving ground disturbance, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Tribal monitors will not be required during the abatement or demolition phases, unless demolition could involve disturbance of native soils (e.g., by removing a foundation that extends into native soils). The Tribe will monitor initial ground-disturbing work at the site to assess below-ground sensitivity, alongside the surface survey (TCR-4). If these results indicate that the site is not sensitive for Tribal Cultural Resources, Tribal monitoring for the remainder of	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
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	the project may not be required. CVLN Tribal monitor(s) will have the authority to halt and redirect work should any Tribal Cultural Resources be identified during monitoring. **If Tribal Cultural Resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the CRHR and NRHP.** Monitoring may be reduced or halted at the discretion of the CVLN monitor at any time, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc.			
9.	**Unanticipated Discovery of Tribal Cultural Resources – Confederated Villages of Lisjan. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency.** If the lead agency in consultation with the consulting Tribe(s) determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, the lead agency shall retain a Tribal monitor and, if applicable, a qualified archeologist, at the project proponent's expense, to prepare a mitigation plan, which shall be implemented by the lead agency in accordance with state guidelines and in consultation with the consulting Tribe(s). The mitigation plan shall describe avoidance of the resource whenever feasible. If avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe. Examples of appropriate mitigations other than avoidance for Tribal Cultural Resources include, but are not limited to: protecting the cultural character and integrity of the resources; protecting traditional use of the resources; protecting the confidentiality of the resources; permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places; and/or protecting the resource.	City of Berkeley	During Demolition/Construction	Land Use Planning
10.	**Halt Work/Coroner's Evaluation/Impact to Previously Undiscovered Human Remains – Confederated Villages of Lisjan.** If human remains are encountered during construction and/or other ground disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist shall be contacted to assess the	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
Application Number: ZP2026-0056

	situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. **There shall be no pictures taken or testing done on the Native American human remains. All bone, until identified as not human remains, shall be treated as potential human remains and the appropriate protocols followed.** The archeologist shall record information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archeological materials. The report should be submitted to the lead agency, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity, either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the project proponent, which would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.			
XI. Assembly Bill 130 B. Other Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
11.	Pursuant to Public Resources Code Section 21080.66 (C) (1) (A) the City of Berkeley shall, as a condition of approval for the development, require the development proponent to complete a Phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code. (B) If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.	State of California Public Resources Code Section 21080.66	Prior to Issuance of Building Permit	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: 1130 Oxford
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	(C) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy. (D) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.			
12.	Pursuant to Public Resources Code Section 21080.66(d)(2), if the Project is modified at a future date such that the building is over 85 feet tall, the provisions of this Section shall apply.	State of California Public Resources Code Section 21080.66	Prior to Issuance of Building Permit	Land Use Planning
13.	Pursuant to Public Resources Code Section 21080.66(d)(4), the provisions of Section 218.8 of the Labor Code shall extend to the development proponent in addition to the direct contractor or subcontractor. For purposes of this paragraph, “development proponent” shall mean a developer who submits the housing development project application to a local government that is exempt from this division pursuant to this section.	State of California Public Resources Code Section 21080.66	Prior to Issuance of Building Permit	Land Use Planning

ALTA/NSPS
LAND TITLE SURVEY

OF

1130 OXFORD STREET
CITY OF BERKELEY, ALAMEDA COUNTY, STATE OF CALIFORNIA
DECEMBER 2025

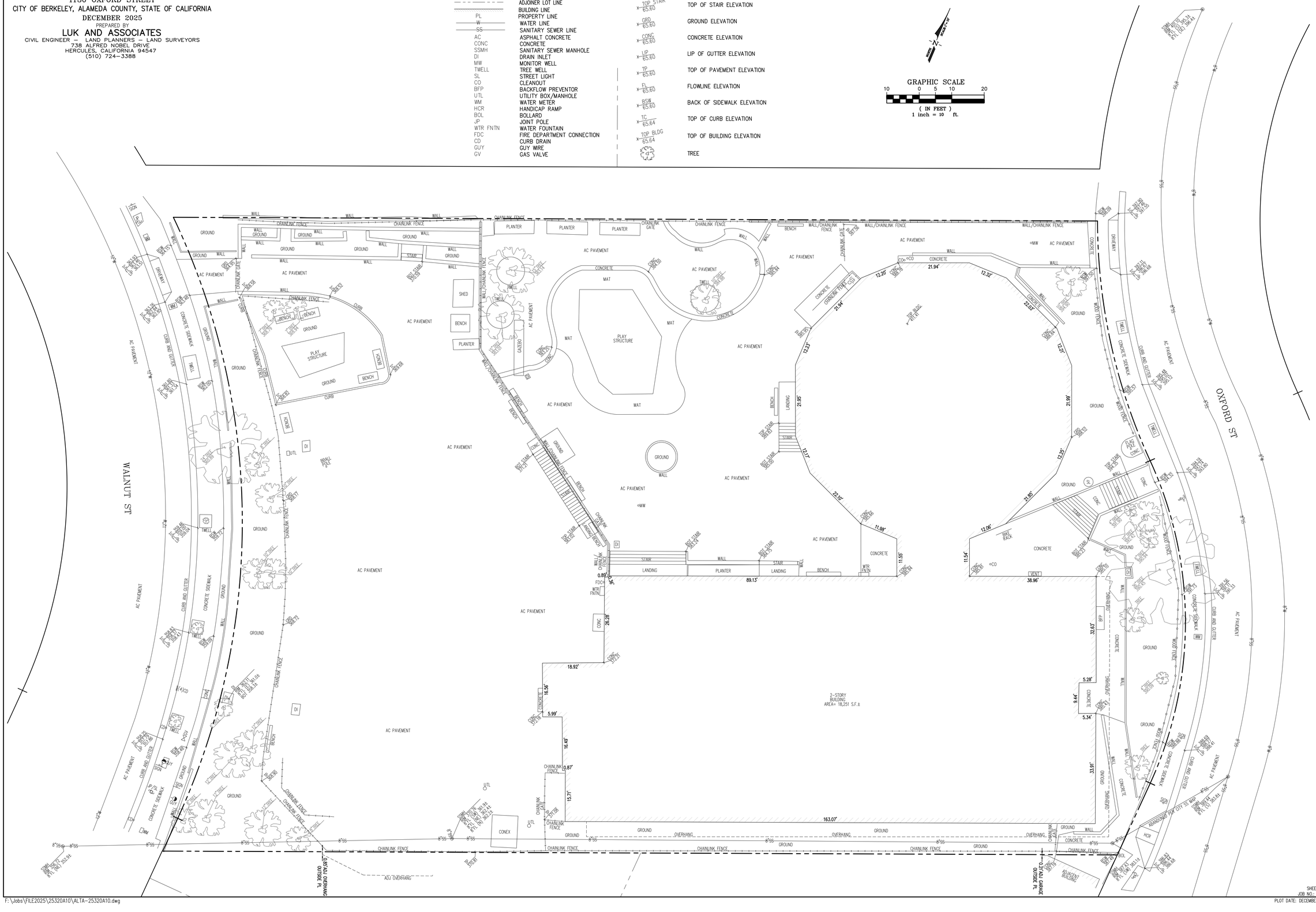
PREPARED BY
LUK AND ASSOCIATES
CIVIL ENGINEER – LAND PLANNERS – LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724–3388

LEGEND

SYMBOLS	DESCRIPTION
	BOUNDARY – SUBJECT PROPERTY
	RIGHT–OF–WAY LINE
	ADJOINER LOT LINE
	BUILDING LINE
PL	PROPERTY LINE
W	WATER LINE
SS	SANITARY SEWER LINE
AC	ASPHALT CONCRETE
CONC	CONCRETE
SSMH	SANITARY SEWER MANHOLE
DI	DRAIN INLET
MW	MONITOR WELL
TWELL	TREE WELL
SL	STREET LIGHT
CO	CLEANOUT
BFP	BACKFLOW PREVENTOR
UTL	UTILITY BOX/MANHOLE
WM	WATER METER
HCR	HANDICAP RAMP
BOL	BOLLARD
JP	JOINT POLE
WTR FNTN	WATER FOUNTAIN
FDC	FIRE DEPARTMENT CONNECTION
CD	CURB DRAIN
GUY	GUY WIRE
GV	GAS VALVE

ADJ	ADJACENT
BBALL	BASKETBALL
BOT STAIR 65.60	BOTTOM OF STAIR ELEVATION
TOP STAIR 65.60	TOP OF STAIR ELEVATION
GRD 65.60	GROUND ELEVATION
CONC 65.60	CONCRETE ELEVATION
LIP 65.60	LIP OF GUTTER ELEVATION
TP 65.60	TOP OF PAVEMENT ELEVATION
FL 65.60	FLOWLINE ELEVATION
BSW 65.60	BACK OF SIDEWALK ELEVATION
TC 65.64	TOP OF CURB ELEVATION
TOP BLDG 65.64	TOP OF BUILDING ELEVATION
	TREE

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 inch = 10 ft.



ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

1130 Oxford Street

Use Permit #ZP2026-0056

Demolish two non-residential buildings and existing associated flatwork/hardscape and landscaping, at 1130 Oxford Street (a former school site). The buildings to be demolished consist of one rectangular, three-story classroom building containing 27,100 square feet, and a circular multi-purpose building containing 5,500 square feet.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section 23.404.050 (Public Hearings and Decisions)

When: Thursday, November 5, 2026, 7:00 pm
Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY*: *THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474
E-mail: zab@berkeleyca.gov

A. Land Use Designations:
- General Plan: Low Density Residential
- Zoning: Residential Multi-Unit 1 Hillside Overlay (R-1H)

B. Zoning Permit Required:
- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building

C. CEQA Recommendation: Exempt from CEQA pursuant to Public Resources Code Section 21080.66 ("AB 130").

D. Project Recommendation: Approve Use Permit #ZP2026-0056 pursuant to BMC Section 23.406.040(D)

E. Parties Involved:
- Applicant — Henry Chan, Studio KDA, 1810 Sixth Street, Berkeley
- Property Owner — 1130 Oxford, LLC, 100 Bush Street, #1725, San Francisco

Further Information:
All application materials are available online at: https://aca-prod.accela.com/BERKELEY/Default.aspx.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board.

Questions about the project should be directed to the project planner, Vicky Schlepp at vschlepp@berkeleyca.gov or Lisa Gordon, Contract Planner, at (805) 324-7207 or lgordon@rinconconsultants.com.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:
Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:
Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.

Accessibility Information / ADA Disclaimer:
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:
If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
    a. That this belief is a basis of your appeal.
    b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
    c. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

ROBIN R. BARAL
PARTNER
DIRECT DIAL (415) 995-6331
E-MAIL rbaral@hansonbridgett.com

HansonBridgett

February 17, 2026

VIA E-MAIL btatarevic@berkeleyca.gov

Branka Tatarevic
Associate Planner
City of Berkeley
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Re: 1130 Oxford Street - AB 130 CEQA Exemption

Dear Ms. Tatarevic:

Hanson Bridgett LLP represents the project sponsor for the above-referenced project, which was initiated via submittal of a SB 330 Preliminary Application to the City of Berkeley ("City") on December 29, 2025. The project consists of subdividing 1130 Oxford Street, a 55,737 square-foot parcel, into eight parcels consistent with the City's subdivision and zoning standards for the R-1H zone, coupled with small-lot subdivision and housing development applications for each new parcel, pursuant to SB 1123.[1] This letter is submitted to document that the subdivision approval is exempt from CEQA review under the AB 130 statutory infill exemption.[2]

AB 130 broadly states that CEQA "does not apply to any aspect of a housing development project… including any permits, approvals, or public improvements required for the housing development project"[3] provided that the project meets all of the following conditions:

- The site must be less than 20 acres; here, the 1.3-acre site easily falls within this cap.
- The project is within City limits.
- The site must be developed with an urban use, among other factors; here, the site is comprised of abandoned school facilities and buildings that constitute an urban use.
- The project is consistent with the general plan and zoning; here, subdividing the site into eight parcels is consistent with all applicable general plan and R-1H zoning standards.
- The housing development project must exceed a minimum density of 15 dwelling units per acre; here the project has a gross density of 24 dwelling units per acre, with 32 units proposed on 1.30 acres.

[1] Gov. Code §§ 65852.28, 66499.41
[2] Pub. Res. Code 21080.66
[3] *Id.*, subd. (a)

- The project must meet all of environmental site requirements referenced in SB 35/423:[4] the project meets all criteria: the site is not located in the coastal zone, on prime farmland, within federal wetlands, in a very high fire severity zone, on a hazardous waste site, in a delineated earthquake fault zone, in a special flood hazard area or regulatory floodway, or contain any habitat for protected species.

- The project will not involve demolition of any structure listed on a national, state or local historic register at the time that the SB 330 Preliminary Application was filed.

In addition to AB 130's broad exemption coverage, CEQA generally requires that a "project" be defined broadly to include the whole of an action, "which may be subject to several discretionary approvals by government agencies."[5] Here, the subdivision approval is a necessary prerequisite to the eight small-lot subdivision and housing development applications at this site. For CEQA purposes, the "project" therefore includes the subdivision approval, coupled with the SB 1123 small-lot subdivisions and housing development projects for 32 total units. The site meets all of AB 130's exemption criteria for the subdivision approval and any other approvals that fall outside of SB 1123's ministerial and statutory CEQA exemption.

Once the subdivision application is deemed complete, the applicant requests that the City initiate consultation with any California Native American tribe that may be affiliated with the project site, as directed pursuant to AB 130.[6] Lastly, we note that no portion of the project will exceed 85 feet in building height.

We look forward to the City confirming this CEQA exemption so that 32 units of middle housing can be promptly approved, constructed, and delivered to the Berkeley community. Please do not hesitate to contact me if you have questions or comments regarding this exemption.

Sincerely,

Hanson Bridgett LLP

Robin R. Baral
Partner

RRB

cc: Client

[4] Pub. Res. Code § 21080.66(a)(6); citing Gov. Code § 65913.4(a)(6)
[5] 14 Cal. Code §15378; see also *Save Tara v. City of W. Hollywood* (2008) 45 Cal.4th 116
[6] Pub. Res. Code § 21080.66(b)(1)(B)

FREQUENTLY ASKED QUESTIONS
for Proposed Development
1130 Oxford Street



1130 Oxford Street (Oxford Elementary School)

Quick Facts

Applicant: Henry Chan, Studio KDA

Project Address: 1130 Oxford Street

Site Size: 1.3 acres (55,737 sf)

Status: Vacant since 2020

Site Use: Elementary school

GP Land Use: Low Density Residential

Zoning: Residential Multi-Unit 1 Hillside Overlay (R-1H)

Housing Element Opportunity Site: #27

SB 330 Vesting Date: December 30, 2025 (PLN2025-0132)

CEQA: Statutorily exempt pursuant to Public Resources Code Section 21080.66

Project Description

The applicant is seeking Use Permit approval to demolish two buildings (24,000 sq. ft. in area and three stories in height) on 1.26 acres in the R-1H zoning district. The most recent land use was an elementary school that closed in 2020 (Oxford Elementary). The site was substantially developed in 1909 and rebuilt in 1965.

The applicant is proposing to develop the site with 31 fee simple townhouses, served by a new street between Walnut and Oxford Streets, utilizing a tentative tract map and SB 684 "Starter Home Revitalization Act."

Zoning Permits Requested

Demolition Permit: A Use Permit and a public hearing before the Zoning Adjustments Board (ZAB) are required to demolish the former school, a non-residential building (BMC Section 23.326.070 (A)). ZAB's purview is limited to the demolition Use Permit and the applicable zoning findings. Since the applicant is utilizing AB130 for CEQA, the project is statutorily exempt from CEQA.

Tentative Tract Map Requested

(AB 130) AB 130 (exemption law for qualifying projects)

AB 130 Checklist submitted: June 16, 2026

Tribal Consultation Commencement: June 18, 2026

Date Zoning Permit Submitted: June 8, 2026 (ZP2026-0056)

Application Status Letter: June 23, 2026

Application Resubmittal: July 24, 2026

Date Deemed Complete: August 21, 2026

Access Application Materials:
Application materials are located online at: https://aca.cityofberkeley.info/CitizenAccess/Default.aspx.
Click on Zoning tab;
Enter permit number #ZP2026-0056;
Click on the "Record Info" drop down menu;
Click on Attachments for a list of all application materials.

A tentative tract map was filed on February 18, 2026 (TM#8782) to subdivide the site into eight (8) parcels with a new street. The tract map is subject to Planning Commission review and action.

Ministerial State Law

The 8 new individual parcels and proposed residential construction will be reviewed utilizing SB 684 "Starter Home Revitalization Act," which allows for small lot subdivision and approval of new residential construction.

Each of the eight parcels created through the tract map will be further subdivided into four parcels using SB 684 with a townhouse on each newly created parcel, resulting in 31 new residential units.

AB 130

AB 130 is a California housing law that provides a statutory exemption from the California Environmental Quality Act (CEQA) for certain qualifying projects. If a project meets the eligibility criteria established by state law, the applicant notifies the City that the project qualifies for the exemption by providing information demonstrating the project meets the criteria. The City must then process the project under the procedures and timelines established by AB 130. Once it is determined that a project meets all statutory requirements for the AB 130 exemption, the City does not have discretion to require CEQA review, such as preparation of an Initial Study or Environmental Impact Report (EIR). The City's role is to determine whether the project meets the applicable eligibility and consistency requirements within the statutory timelines set by the legislation.

Project Schedule

Step 1 - Zoning Adjustments Board:

The project goes to the Zoning Adjustments Board (ZAB) for a public hearing. The ZAB will take action on the use permit to demolish two non-residential buildings (BMC Section 23.326.070 (A)).

What will the public hearing address?
The public hearing will address the proposed demolition. The decision before the ZAB is limited to the demolition request.

How will I know when the hearing is?
Public hearing notices will be mailed to properties within a 300-foot radius of the project site and posters will be posted on site 14-days before the hearing date. If you are not within the area, send an email to planning@berkeleyca.gov requesting notification or check the ZAB webpage.

How can I attend the ZAB meeting? Zoning Adjustments Board meets the 2nd Thursday of the month with a second meeting as required, at 7:00 pm, at the Berkeley Unified School District Board Room, 1231 Addison Street. The public may attend in person or by videoconference using the link provided in the final agenda.

How can I comment on the proposed demolition?
All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing.

Where can I find the staff report?
The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board.

Step 2 – Planning Commission:

The project goes to the Planning Commission (PC) for a public hearing. The Planning Commission will take action on the Tentative Tract Map.

What will the public hearing address?

The public hearing will address the proposed tentative tract map to create eight parcels. The decision before the Planning Commission is limited to the parcel map.

How will I know when the hearing is scheduled?

Notice of the public hearing shall be given by publication once in a newspaper of general circulation published and circulated in the City of Berkeley. Public hearing notices will also be mailed to properties within a 300-foot radius of the project site and posters will be posted on sight not less than 10-days before the hearing date. If you are not within the area, send an email to planning@berkeleyca.gov requesting notification or check the Planning Commission webpage.

How can I attend the meeting?
Meetings are held on the first Wednesday of each month at 6:30 PM at the North Berkeley Senior Center 1901 Hearst Avenue. Please refer to the meeting agenda for additional details. Meetings are conducted in person, with a hybrid attendance option also available.

How can I comment on the Tentative Tract Map?
All persons are welcome to attend the hearing and will be given an opportunity to address the Planning Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing.

Where can I find the staff report?

The Planning Commission final agenda and staff reports will be available online 6 days prior to this meeting at: Planning Commission | City of Berkeley

Step 3 – SB 684 Ministerial Review: The applicant has indicated that they plan to submit eight individual applications to create four single family dwellings on each of the seven lots and three single family dwellings on one lot, for a total of 31 units. This is a future action that would occur after ZAB and PC decisions are finalized.

The developer is proposing a housing development that will be reviewed under SB 684 (adopted in 2023), as amended by SB 1123 (adopted in 2024). Generally, these bills require a local agency to ministerially consider, without discretionary review or a hearing, a parcel map, tentative map or final map for a housing development project that meets certain requirements.

QUESTIONS:

BUILDING & SAFETY

How will asbestos removal during construction being managed?

The project applicant has prepared a preliminary Hazard Mitigation plan. Asbestos was identified in building materials. A Condition of Approval will require the applicant to prepare a hazardous materials survey that includes plans for the removal and disposal of all hazardous materials in compliance with State and Federal codes. The applicant will be required to hire an asbestos abatement consultant to remove the asbestos containing materials prior to demolition of the entire building. The areas containing asbestos will be sealed off and contained during the removal process to prevent asbestos from entering the air.

How will air quality be addressed during demolition/construction (project next to day care)?

Demolition of the existing site will comply with all local and State Health and Safety Codes. The project approval includes a Condition requiring compliance with the Bay Area Air District Recommended Measures During Construction to reduce dust and other emissions during demolition and ground disturbance. Standard Use Permit Conditions of Approval apply: air quality and diesel particulate matter controls, construction emissions reduction measures, and Bay Area Air District recommended measures.

Can't the City deny the application on the basis of health and safety risks posed by the geological conditions of the site?

The Building and Safety Division has reviewed a geotechnical study of the site and determined, in accordance with California Government Code Section 65589.5(d)(2), that there is no basis for disapproval of entitlement permits due to a lack of evidence indicating that there is a specific adverse impact upon the public health or safety.

While the California Geological Survey records indicate that the site is located within a landslide zone and adjacent to a seismic fault zone, these conditions are not unique to this location and engineering methods exist to address potential seismic hazards. The feasibility and suitability of the mitigation methods to be utilized for the proposed housing development will be addressed by the licensed design professional(s) in responsible charge of the development and evaluated by Building and Safety staff for conformance with the applicable provisions of the California Building Standards Code during the code compliance plan review of the associated post-entitlement permits.

Oxford Elementary was relocated due to a study revealing high earthquake vulnerability at the site. What is the significance of this earthquake vulnerability for the proposed 31 home housing development?

The Oxford school relocated to a different site after a geological survey raised concerns of the safety of the school in the event of an earthquake. New structures on the site will be constructed consistent with the latest version of the California Building Code and in compliance with the recommendations of a project specific Geotechnical evaluation to ensure safety.

How will the developer ensure that construction parking and traffic will not impact the residents in the area?
The project is conditioned to prepare a Transportation Construction Plan to the City for review prior to issuance of the building/demolition permits.

FIRE

How will the City address emergency access and evacuation?

- The Berkeley Fire Department reviews projects to ensure adequate emergency access.
- Evacuation plans are not prepared or required for individual projects.
- The site also has two points of access in and out. Currently, the site only has one way in and one way out.
- The addition of 31-units on a through lot with access points on Oxford Street and Walnut Street (2-way streets) will have minimal impact on a large-scale evacuation.

How is the project exempt from CEQA per AB 130 if it is located in a High Fire Zone?

- AB 130 may apply to projects located within a Local Responsibility Area High Fire Hazard Severity Zone, subject to meeting the applicable statutory requirements. If the site was located in a Very High Fire Severity Zone, it would be ineligible.
- The proposed residential units will be constructed in compliance with the applicable California Wildland-Urban Interface (CWUI) and Berkeley Wildland-Urban Interface (BWUI) requirements, including applicable vegetation management requirements. Each dwelling unit will also be equipped with an automatic fire sprinkler system.
- The project proposes a new fire hydrant along the proposed fire apparatus access road serving the development.
- The proposed fire apparatus access road through the development, connecting Oxford Street and Walnut Street, will be designed to comply with the applicable California Fire Code requirements, including Appendix D for Fire Apparatus Access Roads.

LAND USE

Is it legal to subdivide the parcel?

Yes. The developer is processing a tentative tract map (TM#8782) to subdivide the property into 8 lots using the City's Subdivision Ordinance (BMC Section 21.16 Tentative Maps [Five or More Parcels]). The lots created under this map are consistent with the minimum lot size (5,000 square feet) allowed by the zoning code. Once approved and recorded, the developer may proceed to processing an SB 684/SB1123 application, a subdivision allowed under state law as reflected in BMC Section 21.30 "Small Lot Subdivisions (Middel Housing Infill Projects). State law requires that the City process this map ministerially.

Why is the lot considered vacant if there are existing buildings on the property?
Per SB684 "vacant" means having no permanent structure, unless the permanent structure is abandoned and uninhabitable.

How can the developer process two subdivisions at the same time?

The subdivisions are not being reviewed at the same time. The project must first receive an approved parcel map, record the approved map, and then the SB 684 applications can be reviewed.

Is there a traffic study?
The project does not warrant a traffic study based on Transportation Department screening thresholds. Traffic and Parking Requirements for Development Projects | City of Berkeley

What is the plan to limit parking impacts to the existing residential neighborhood?
Although no parking is required, parking will be provided on site. Each unit will have a one car garage. The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ½ mile of the site. Bus stops for Line 67 are located at the corner of Eunice and Spruce Streets approximately 0.2 miles from the site and Lines 7 and 18 at the intersection of Hopkins and Sutter Streets approximately 0.4 miles from the site.

CEQA

Why is the project exempt from CEQA if the project is in a Landslide Zone and near a fault zone?
According to the DOC California Geological Survey (CGS) California Earthquake Hazards Zone Application mapping database, the project site is not located within an earthquake fault zone. The site is located approximately 115 feet to the west of a fault zone. The project site is located within a landslide zone, but location in a landslide zone is not identified under AB 130 as an item that would preclude the use of the CEQA exemption.

Why is the project being processed ministerially and with no EIR? AB130 allows for a Statutory Exemption for qualifying projects based on criteria contained in California Resources Coder Section 21080.66. The applicant submitted a City issued checklist which demonstrates compliance with the requirements of State law.

The applications for this process are being processed separately. How is this not considered piecemealing under CEQA? Piecemealing usually refers to a CEQA document's failure to take into account the full scope of a project. The applications are being processed separately because some of the applications require approval by ZAB or the PC and the SB 684/SB1123 application is required to be approved ministerially (no public hearing). For this development, the project is eligible for a CEQA exemption under AB 130 for the entirety of the project, including all of the applications and permits necessary to implement the project; therefore, the CEQA is not being piecemealed.

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

November 17, 2025

Matthew Glesne
City of Los Angeles
Senior City Planner, Los Angeles City Planning
Los Angeles City Hall
200 N. Spring Street, Suite 525
Los Angeles, CA 90012

Dear Matthew Glesne:

RE: City of Los Angeles – Starter Home Revitalization Act (SHRA) – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request for technical assistance regarding the Starter Home Revitalization Act (SHRA)[1] as the City of Los Angeles (City) prepares for implementation.[2] This letter provides technical assistance and general guidance to support the City's efforts to implement these new statutes in a manner consistent with state housing law. The information below addresses a range of inquiries related to statutory interpretation, interaction with other housing laws, and practical considerations for application of the SHRA to eligible housing development projects.

Analysis

The City submitted the following questions to HCD:

Question 1: Regarding Government Code section 65852.28, subdivision (b)(2)(A)(i), how many units are subject to the physical preclusion provision? Does it only protect units up to the default density or does it cover projects built to the maximum allowable zoned density if the underlying zoning is greater than 30 dwelling units per acre (du/ac) ("default density")?

[1] As created by Senate Bills 684 (Chapter 783, Statutes of 2023) and subsequently amended by Senate Bill 1123 (Chapter 294, Statutes of 2024)
[2] Gov. Code, §§ 65852.28, 65913.4.5, and 66499.41

The answer is "both." Government Code section 65852.28, subdivision (b)(2)(A)(i) only refers to the default density, which is established in Government Code section 65583.2, subdivision (c)(3)(B). However, this must be considered in conjunction with Government Code section 65852.28, subdivision (b)(1), which authorizes local agencies to impose objective standards only to the extent that they do not conflict with Government Code sections 65852.28 and 66499.41. Government Code section 66499.41 sets forth the eligibility criteria for use of the SHRA, including that a qualifying project must achieve at least 66 percent of the greater of either the default density or the maximum allowable density under local zoning.[3]

Accordingly, where a project satisfies the statutory criteria, a local agency may apply objective standards only to the extent that those standards do not prevent the project from meeting the requirements of Government Code section 66499.41. Because some projects may be required to use the higher, underlying zoned capacity, the agency must only apply standards that still allow the project to be developed at the density needed to maintain eligibility. Limiting these protections to only the portion of units within the default density would create a confusing and inconsistent outcome and undermine the statutory framework. Therefore, to give full effect to both statutes, the protections under Government Code section 65852.28, subdivision (b)(1) should be understood as applying to the project regardless of whether it is developed at the default density or at the higher density required by local zoning.

Question 2: Regarding Government Code section 66499.41, subdivision (a)(5), when the default density is to be utilized as a minimum density, is the applicable minimum density 20 du/acre (66 percent of 30 du/acre) or something higher, as could be inferred from HCD's letter to the City of Oakland?[4]

The answer is "both," depending on whether the underlying zoning is greater than the default density. The statute requires that the proposed development must result in at least 66 percent of the maximum allowable residential density under local zoning or 66 percent of the default density established under Government Code section 65583.2, subdivision (c)(3)(B), whichever is greater.[5] Where local zoning permits densities above the default density, the 66 percent threshold must be calculated from the higher local density. Where local zoning is more restrictive than the default density, the 66 percent threshold is calculated from the default density.

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[3] Gov. Code, § 66499.41, subd. (a)(5)(B)(i).
[4] See HCD's Letter of Technical Assistance to the City of Oakland (Feb. 19, 2025), available at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/oakland-hau-1147-sb-684-ta-02192025.pdf.
[5] Gov. Code, § 66499.41, subd. (a)(5)(B)(i).

Question 3: Can accessory dwelling units (ADUs), if permitted by the jurisdiction, be used to meet the minimum density requirement in Government Code section 66499.41, subdivision (a)(5)?

The answer is "no." Pursuant to Government Code section 66499.41, subdivision (g) ADUs or junior ADUs (JADUs) on parcels created pursuant to this section, those units "shall not count as residential units for the purposes of paragraph (1) of subdivision (a)." Accordingly, ADUs and JADUs may not be included in the calculation of the "10 or fewer units" threshold required for eligibility under subdivision (a)(1). Moreover, because these units are not recognized as part of the principal residential unit count, they similarly may not be considered when evaluating whether a project satisfies the minimum density requirement under subdivision (a)(5). HCD has given similar guidance in relation to other state housing laws, including the State Density Bonus Law (SDBL), where ADUs are not included in calculations of base density or maximum allowable residential density.[6] The exclusion of ADUs reinforces their role as accessory uses rather than principal dwelling units for the purposes of density and eligibility thresholds.

Question 4: Does the SHRA allow multifamily buildings in single-family zones, where the zoning code "use" restrictions do not permit this use?

The answer is "it depends." The SHRA applies to lots that are vacant and zoned for single-family use or are zoned for multifamily residential use. With the passing of SB 1123 Chapter 294, Statutes of 2024), Government Code section 66499.41, subdivision (a)(2), was amended such that projects in single-family residential zones, in addition to multifamily residential zones, would be able to make use of the SHRA. Eligibility depends upon whether a site is located in a zone that allows for residential uses as a principally or conditionally permitted use. If it does, the project must then demonstrate that it meets other criteria, including minimum density, lot size, and average unit size requirements. Once these requirements are satisfied, the project may proceed, and the site may be subdivided into fee simple ownership lots, a common interest development, or other allowable configurations. In this way, the SHRA is "agnostic" as to which specific, locally defined residential land uses are permitted.

While local governments may apply objective zoning and design standards, Government Code section, 65852.28, subdivision (b) clarifies that those standards must be modified as necessary to avoid physically precluding development of a qualifying project at the density authorized under the SHRA. This provision of the law precludes a local government from requiring a project to fit within one specific residential use type (e.g.,

[6] See HCD's letter to the City of Carlsbad (Feb. 16, 2024), available at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/carlsbad-hau565-ta-02162024.pdf.

detached single-family residence, attached single-family residence, duplex, triplex, multifamily residential, townhome, rowhouse, condominium, cottage court, etc.) and underscores the necessity for design flexibility within the density and design parameters of the SHRA. For example, a qualifying project may consist of condominiums or attached townhomes, even if the local zoning ordinance does not otherwise permit these housing types (i.e., it allows only single-family detached residences). Once the statutory thresholds are met, the SHRA ensures that eligible projects may be developed notwithstanding local use restrictions.

Question 5: Can the SHRA be combined with two-unit developments pursuant to SB 9?

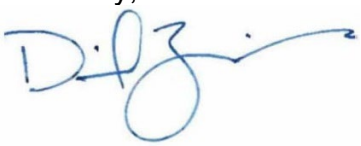
The answer is “yes,” if the local agency chooses to allow it. Government Code section 66499.41, subdivision (h)(1) provides the ability, but not the obligation, to allow this practice by stating that a “local agency is not required to permit an urban lot split on a parcel created through the exercise of the authority contained within this section.” This provision is permissive in nature and does not prohibit a local agency from allowing an urban lot split on such a parcel if it so chooses. If a local agency elects to allow an urban lot split on a parcel created pursuant to section 66499.41, it may also permit up to two units on each lot consistent with the provisions of SB 9, provided that all applicable eligibility and development standards are met.

Question 6: Does the SHRA allow for multiple 10-unit SHRA projects to be constructed on adjacent parcels by the same developer?

The answer is “yes,” provided that each project application is processed separately. The statute does not include any provision that would prohibit multiple projects pursuant to the SHRA from being proposed on adjacent parcels, including when submitted by the same applicant or property owner. Nevertheless, each proposed subdivision must be reviewed and approved independently, with each parcel evaluated for compliance with all applicable eligibility criteria, including the maximum of 10 residential units, minimum lot size, and density requirements. While common ownership or adjacency does not preclude application of the statute, jurisdictions should ensure that each proposal stands on its own merits and conforms to the statutory framework without relying on aggregation across parcels.

If you have any questions or need additional information, please contact Mackenzie Goldberg at mackenzie.goldberg@hcd.ca.gov.

Sincerely,



David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

From: Silva Skenderi-Brown
To: Planning Dept. Mailbox
Cc: Ethan Brown
Subject: 1130 Oxford Street
Date: Monday, June 1, 2026 1:19:02 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 Berkeley Land Use Planning department

I am the home owner and resident at 1141 Oxford St, Berkeley, CA 94707. I am writing to request information on the planned project at 1130 Oxford Street.

At a community event on 5/28 with Patrick Kennedy of Panoramic Interests, we were told by Patrick Kennedy that the property does not fall on a high fire risk zone. He referenced the CAL Fire website. Because of this, he told us his project is exempt from conducing an EIR.

After conducting some research, I found that the fire zone designation for that location is transferred to the local municipality and I see on the City of Berkeley fire zone map that it is indeed a High Fire Hazard Severity Zone 2025. In addition, this property is also on a well documented active landslide, meaning they are required to conduct an EIR prior to beginning construction to avoid any catastrophic damage/injuries to surrounding properties.

Can you please let me know if the city has discussed this and if they plan to conduct an official EIR for this 31 unit project?

Thank you

Silva Skenderi-Brown
201-486-0607

From:	Dennis Fantin
To:	Zoning Adjustments Board (ZAB)
Cc:	Planning Dept. Mailbox; Records; Dennis Fantin
Subject:	California Public Records Act Request - 1130 Oxford Street, Berkeley, CA
Date:	Monday, June 1, 2026 8:42:48 PM
Attachments:	California Public Records Act Request.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.

Hello,

Please read the signed attached letter requesting documents for 1130 Oxford Street, Berkeley CA 94707.

Thank you,
Dennis M. Fantin
(805)-234-7222

Dennis M. Fantin
1124 Walnut Street
Berkeley, CA 94707
June 1, 2026

Planning and Development Department
City of Berkeley
1947 Center Street, Second Floor
Berkeley, CA 94704

Re: California Public Records Act Request — SB 330 Preliminary Application, 1130 Oxford Street, Berkeley, CA

Pursuant to the California Public Records Act (Government Code § 7920 et seq.), I hereby request copies of all of the following records related to the property at 1130 Oxford Street, Berkeley, CA.

1. The complete SB 330 Preliminary Application submitted for the proposed housing development project at 1130 Oxford Street, including all attachments, exhibits, site plans, and project descriptions submitted with the application.
2. The complete formal development permit application filed in May 2026 for the same property, including all attachments, exhibits, site plans, and project descriptions.
3. All correspondence between the City of Berkeley and the applicant (Panoramic Interests / Patrick Kennedy or any representative) related to both the SB 330 Preliminary Application and the May 2026 formal application, from November 1, 2025 to the present.
4. Any completeness determination, acknowledgment of receipt, or notice issued by the City in response to either application.
5. Any zoning, fee, or development standard memoranda prepared by City staff in connection with the vesting date established by the January 2026 Preliminary Application.
6. The City's application checklist (Gov. Code § 65940) in effect on the date the Preliminary Application was received.

I request that these records be provided in electronic format (PDF) sent by email to Dennismfantin@gmail.com. If any responsive records are withheld, I request a written explanation citing the specific statutory exemption relied upon, as required by Government Code § 7922.000.
The CPRA requires a response within **10 business days** of receipt of this request (Gov. Code § 7922.530).

Sincerely,

Dennis M. Fantin

Dennis M. Fantin
(805)-234-7222
Dennismfantin@gmail.com

From: Andrea Mason
To: Planning Dept. Mailbox
Subject: 1130 Oxford St
Date: Tuesday, June 2, 2026 2:15:38 PM
Attachments: logo.png

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 hope this message finds you well. I'm reaching out to request information regarding the planning and zoning project at 1130 Oxford St. I understand a formal permit has already been submitted for this address, and I'd appreciate any details you can share about the status of municipal approvals and what the next steps are for the applicant.

Additionally, I'm hoping to obtain contact information for the architect, engineer, and owner/developer involved in the project. If you could also provide details regarding the scope of work, including the total square footage and number of stories planned, that would be extremely helpful.

Any information you can share would be greatly appreciated. Please feel free to call or email me at your earliest convenience. If you're open to it, I'd love to schedule a brief 15-minute conversation to review how your projects appear on our platform and gather your feedback about which analytics or insights would be most valuable for you. This is not a sales call—just a chance to better understand your needs.

Thank you very much for your time and assistance. I look forward to hearing from you soon.

Book time to meet with me

Andrea Mason
Sr. Content Specialist

p: 770-209-3811

From: Hannah Morris
To: Klein, Jordan
Cc: Planning Dept. Mailbox
Subject: Re: [The Daily Californian] Interview Request
Date: Thursday, June 4, 2026 9:27:05 AM
Attachments: image001.jpg
ATT00001.jpg

Hello,

Thank you for your response.

Best,
Hannah Morris

On Thu, Jun 4, 2026 at 9:25 AM Klein, Jordan <JKlein@berkeleyca.gov> wrote:

> Hi Hannah,
>
> Staff's role is to ensure that applications comply with relevant laws, procedures and policies. We don't have any further comment.
>
> Regards,
>
> Jordan
>
> ---
>
> Jordan Klein
>
> Director, Department of Planning & Development
>
> City of Berkeley
>
> Phone: (510) 774-1337
>
> jklein@berkeleyca.gov
>
> **Fraud Alert**
> A phishing scam is targeting Berkeley clients with fraudulent invoices. Take steps to protect from fraud:
>
> - Before replying to invoice requests, verify that the message is from a legitimate email address ending in @cityofberkeley.info or @berkeleyca.gov.
> - The Berkeley Planning and Development Department will never call you for payment and will never ask you to wire funds.
> - If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900.
>
> ---
>
> **From:** Hannah Morris <hmorris@dailycal.org>

Sent: Thursday, June 4, 2026 8:00 AM
To: Planning Dept. Mailbox <Planning@berkeleyca.gov>
Subject: [The Daily Californian] Interview Request

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'm Hannah Morris, a reporter with *The Daily Californian*, UC Berkeley's student newspaper. I'm reaching out as I am working on a story about Berkeley developer Panoramic Interests filing formal permits for a residential development on the former site of Oxford Elementary. I would greatly appreciate the insight of the Land Use Planning Division of the city's Planning and Development Department for this story. My deadline is 5PM Sunday, 6/7.

My questions are as follows:

1.) For the person responding, can you please state your name, title, and pronouns, as you would like them to appear in print?

2.) What were the considerations and/or standards of the city of Berkeley regarding what the site of 1130 Oxford Street could be used for?

3.) I understand that Oxford Elementary was relocated, in part, due to a 2020 study that revealed high earthquake vulnerability at the site (as it is located within the Keith Avenue landslide complex). What is the significance of this earthquake vulnerability for the proposed 32-home housing development?

4.) What are the city's largest considerations in deciding whether to authorize construction of the housing development at this site? How will earthquake safety be ensured, etc.?

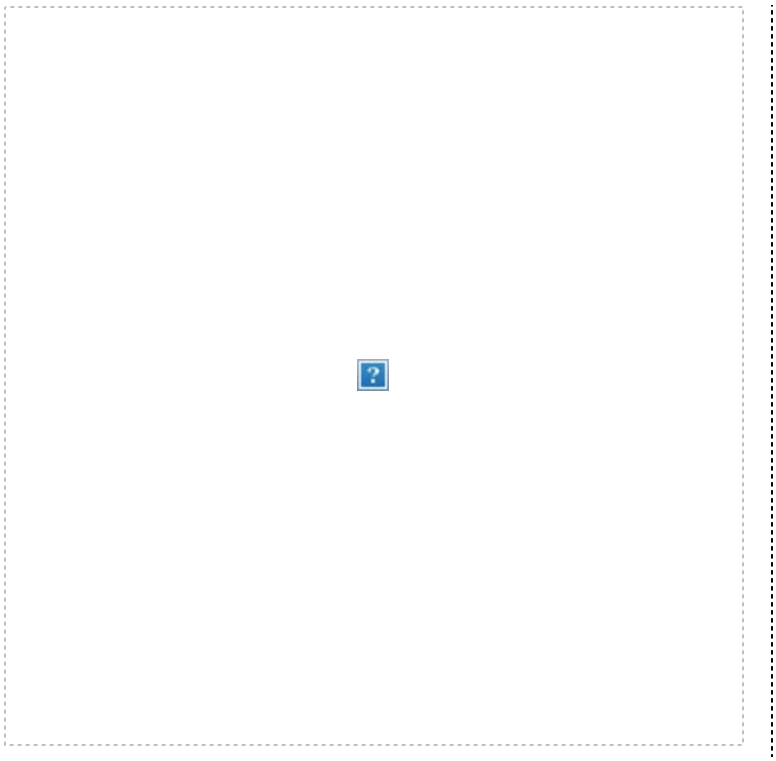
5.) What is the significance of this proposed housing development in the context of the Berkeley housing crisis?

Additionally, if a phone interview would be more convenient, I am available from 10:30AM-5PM tomorrow and 10AM-5PM Friday. I can be reached at (424) 210-2001.

Thank you,

Hannah Morris

Hannah Morris *(she/her)*
News Reporter
The Daily Californian | Web & Print
Email: hmorris@dailycal.org
Phone: (424) 210-2001





Hannah Morris *(she/her)*
News Reporter
The Daily Californian | Web & Print
Email: hmorris@dailycal.org
Phone: (424) 210-2001

From: Alexander Altman
To: Planning Dept. Mailbox
Subject: In Support of 32-Unit Project at 1130 Oxford Street – Please Approve
Date: Sunday, June 7, 2026 8:47:21 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 Land Use Planning Division,

I am writing in strong support of the application by Panoramic Interests to build 32 homes at 1130 Oxford Street, the former Oxford Elementary School site.

This vacant lot has been an eyesore and a missed opportunity since 2020. The school district offered it to public agencies and nonprofits and no one bit. A developer is now ready to build 32 three-bedroom homes at market rate, each built to modern seismic standards, on an infill site that is half a mile from BART and transit.

The neighborhood opposition campaign mischaracterizes the applicable law. California's SB 684 and SB 330 streamlining pathways are valid and legally sound. The ministerial approval process exists to ensure that projects like this one — on underutilized infill land, in a high-opportunity neighborhood — aren't buried in procedural delay.

Please approve this application promptly and without unnecessary obstruction. Berkeley's housing shortage is real, and every delay has consequences for real families.

Thank you!

Alexander Altman
1615 Posen Ave.

From:	Anne Ray
To:	Planning Dept. Mailbox; O"Keefe, Shoshana; City Attorney"s Office
Subject:	concerns about development plans for Oxford School site
Date:	Monday, June 8, 2026 5:46:22 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.

Hello, Berkeley Planning Department, Councilmember O'Keefe, and City Attorney Brown,

I'm a longtime neighbor of the Oxford School site, writing to voice concerns over the current proposal for the site and to ask that you prevent its fast-tracking via ministerial approval of the project. A change this drastic to our neighborhood warrants careful and considered examination, and input from community members living in the hills and proximate to the site, who will be greatly impacted by the changes in density.

Many of my neighbors and I welcomed the idea of a housing development on this now-disused site, but I find the plan for such a large number of densely arranged homes to be surprising, to say the least--and I question its wisdom.

For years, we've heard the repeated concerns from city representatives and the fire chief about woefully deficient emergency response times and estimated evacuation times in the hills--concerns that feel amplified by the potential closing of the fire station at Marin and the Alameda. Already, on "normal" days, traffic regularly gets clogged on the main arteries of Marin Avenue (where I live), Spruce, Shattuck, and the Marin Circle during rush hour and during drop-off and pick-up hours at Cragmont Elementary. And the neighborhood's winding streets--including Walnut and Oxford, which border the site--aren't wide enough to allow two cars to pass each other without one pulling off to the side. I can't imagine what the impact to emergency response times and evacuations would be with the addition of 32 housing units and the cars associated with them.

Let me be clear: I am not anti-development, nor am I against changes in my neighborhood. But when I see how slowly and carefully the city has weighed changes to the street where I live--the site of numerous injuries and fatalities, spanning decades--because of concerns about difficulty moving vehicles and people during emergencies, I am frankly stunned that a project of this scale has the potential for a speedy approval without input from the community.

If this project is to move forward, it needs to happen thoughtfully and carefully, and with input from the people who know the area best and use it daily. The homes built on the Oxford School site will house our neighbors, and we should take the time to plan expansion of the neighborhood in a way that works for all, new and old.

Thank you for your consideration of these concerns. I do hope we can count on you to require that this project follow the traditional processes of hearings and reviews before it moves forward.

Sincerely,
Anne Ray
2119 Marin Ave.

--
Anne C. Ray
annecray@gmail.com

From: another day
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Revised Formal Opposition Letter
Date: Tuesday, June 9, 2026 8:23:33 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.

Date: June 9, 2026
To: City of Berkeley Planning Commission & Land Use Planning Division
Address: 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Regarding: Formal Opposition to Proposed 32-Unit Fee-Simple Development on 1.26-Acre R-1 Parcel

To the City of Berkeley Land Use Planning Division and Honorable Planning Commissioners,

I am writing to formally log my opposition to the proposed 32-unit residential development on the 1.26-acre parcel currently located within the R-1 (Residential Multi-Unit 1) District. While the developer may have resolved preliminary infrastructure design elements with the Fire Marshal, those technical clearances do not alter the fundamental land-use, zoning, and subdivision laws governing this property.

I urge the City to enforce its full discretionary oversight, reject any claims of ministerial ("by-right") shortcuts, and subject this project to rigorous public and environmental scrutiny based on the following grounds:

1. Severe Incompatibility with Existing R-1 Zoning

The property is strictly zoned R-1 (Single-Family Residential), which is designated for low-density housing frameworks. A

32-unit project yields a gross density of 25.4 dwelling units per acre (DU/A). Because the project represents an intense over-development that completely violates the established R-1 zoning framework, it cannot proceed without a formal, discretionary **Zoning Ordinance and Map Amendment** initiated through the Planning Commission and approved by the City Council.

2. Invalidation of Builder's Remedy Claims

The developer has no legal authority to bypass local R-1 density caps via the "Builder's Remedy" (under the Housing Accountability Act, Gov. Code § 65589.5). Because the California Department of Housing and Community Development (HCD) has officially certified the **City of Berkeley's Housing Element as fully compliant ("IN")**, the city retains its full statutory right to enforce its zoning ordinance and density limits.

3. Inapplicability of Ministerial State Streamlining (SB 684 / SB 1123 Caps)

The developer cannot exploit the Starter Home Revitalization Act (SB 684 / SB 1123) to achieve a ministerial, non-discretionary approval. SB 684 and the City of Berkeley's Middle Housing framework strictly cap ministerial small-lot subdivisions at a maximum of **10 parcels and 10 primary units**. At 32 units, this project is legally disqualified from any state-mandated ministerial fast-track.

4. Mandatory Discretionary Tract Map Review & CEQA Compliance

Because this project proposes a 32-lot subdivision to create fee-simple homes, it falls strictly under the jurisdiction of the California Subdivision Map Act and Berkeley Municipal Code Title 21 (Subdivisions). The city must require a **Vesting Tentative Tract Map (TTM)**. This process is entirely discretionary and requires public notices and a formal hearing before the Planning Commission.

Furthermore, clearing technical fire safety codes does not exempt a massive 32-unit structural footprint from the **California Environmental Quality Act (CEQA)**. The City must mandate a full environmental review to evaluate neighborhood impacts, including localized traffic congestion, construction disruptions, and the cumulative impact on neighborhood evacuation routes during emergency events.

Conclusion

The Fire Marshal's preliminary sign-off on a physical road layout does not grant the developer a free pass to rewrite Berkeley's zoning map. I request to be formally notified of all future Zoning Adjustment Board (ZAB), Planning Commission, or design review hearings associated with this parcel so that the public may voice its concerns.

Sincerely,

Bernard McPhillips
1147 Oxford Street

Berkeley, Ca94707
Oxfordplace@yahoo.com

From:	Michael Wymes
To:	Planning Dept. Mailbox
Cc:	O"Keefe, Shoshana; City Attorney"s Office
Subject:	Proposed 32-Unit Development (R1 Neighborhood)
Date:	Tuesday, June 9, 2026 12:29:09 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.

This email is to express strong objection to the proposed 32-unit development of the former Oxford Elementary School parcel and to request that you reject the automatic "ministerial" approval track. This pathway cuts out all neighborhood notification, public hearings, and environmental studies. I urge the City of Berkeley Planning Department to reject this automatic approval track based on two critical zoning rules:

• Potential Piecemealing: Under California law, a developer cannot split a large project into smaller fractions to avoid environmental review. Because this is a coordinated plan creating 8 lots, the Subdivision Map Act requires a discretionary Tentative Tract Map. This automatically triggers a full public review and a California Environmental Quality Act (CEQA) analysis.

• The 10-Unit Cap Violation: Berkeley Municipal Code Section 21.30.050(B)(3) explicitly mandates that no middle housing project shall result in more than 10 total dwelling units on the original parent parcel. A 32-unit footprint directly conflicts with this legal cap.

Whereas there is an undeniable need for more housing throughout California and important for this to be a shared responsibility among all Californians, I respectfully urge the City of Berkeley, city attorney and all stakeholders to adhere to the established legal and transparent process for this type of development.

Sincerely,
Michael Wymes

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent Request ... 1130 Oxford (rename)
Date: Thursday, June 11, 2026 8:37:50 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900

From: Alessia
Sent: Wednesday, June 10, 2026 4:15 PM
To: Planning Dept. Mailbox ; City Attorney's Office ; O'Keefe, Shoshana
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR). In particular, I am concerned with what this project will mean for air quality during demolition and construction, as well as street parking and increased pollution given the current plans only allocate one parking spot per 3 bedroom townhouse, and there are 30+ of them! No driveways, no parking on the private street.

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken.

Thank you for your attention to this matter.

Alessia Bhargava
1157 Oxford st, Berkeley CA 94707

From:	Ben Shemuel
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Urgent Request for Full Public Review of Oxford School Project
Date:	Wednesday, June 10, 2026 5:49:45 PM

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Dear Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken.

Thank you for your attention to this matter.

Ben Shemuel

--

Ben Shemuel Audiovisual
510 224 8697

From: Bonnie Mitchell
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project
Date: Wednesday, June 10, 2026 2:54:59 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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

Thank you for taking careful attention with this important matter,

Bonnie Mitchell
2100 Los Angeles Ave
510-461-6376

From:	Ilana Peterson
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Urgent Request for Full Public Review and EIR for 1130 Oxford Street Project
Date:	Wednesday, June 10, 2026 1:52:29 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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street. I live around the corner at 2122 Los Angeles Avenue and have been a resident of the neighborhood for more than 25 years.

I attended a recent community meeting where Patrick Kennedy of Panoramic Interests presented plans for the project. While I am not opposed to increased housing density in our community and appreciate some of the project's stated goals of fostering social connection among residents, I am concerned that this development may be approved through an expedited process without a full Environmental Impact Report (EIR).

My understanding is that certain residential developments may qualify for exemptions from CEQA review. However, projects that may have significant impacts on issues such as traffic and wildfire risk should receive careful environmental evaluation before approval.

Traffic safety is already a serious concern in our neighborhood. Vehicles frequently speed along Los Angeles Avenue, Oxford Street, Shattuck Avenue, Spruce Street, and Marin Avenue, and drivers often fail to stop at stop signs. As a pedestrian, I regularly witness unsafe driving behaviors and there have been several accidents where pedestrians were seriously injured or killed. A 31-unit development will introduce dozens of additional vehicles, along with increased visitor, delivery, and service traffic. At a minimum, the project's traffic impacts warrant careful analysis.

I am also concerned about wildfire risk. Our neighborhood lies within an area of elevated fire danger, and the proposed development would place 31 residential units in close proximity to one another. It is important that the City carefully evaluate emergency access, evacuation considerations, fire-resistant design measures, and the potential for fire spread both within the project and to surrounding properties.

Again, I support thoughtful housing development and recognize the need for additional housing in Berkeley. However, I believe this proposal deserves thorough public review to ensure that its impacts on traffic safety, wildfire risk, and other environmental concerns are fully understood and addressed.

I therefore urge the City to reject any attempt to approve this project through a ministerial process or other mechanisms that would limit meaningful public review. Instead, I respectfully request a full and transparent evaluation of the project's environmental impacts and careful consideration of whether an Environmental Impact Report is warranted.

I understand that a decision may be made as early as June 20. Given the significance of this proposal for the surrounding neighborhood, I respectfully ask that these concerns receive full consideration before any final action is taken.

Thank you for your time and attention.

Sincerely,

Ilana Peterson

2122 Los Angeles Ave, Berkeley CA

From: Jess Parker
To: City Attorney"s Office; Planning Dept. Mailbox; O"Keefe, Shoshana
Subject: Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project
Date: Wednesday, June 10, 2026 4:03:24 PM

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Jessica Parker
1021 Mariposa Ave
Berkeley, CA 94797

Jess Parker/ Co-Founder
jess@510waterline.com / 510-333-0365

510-Waterline
SUP FITNESS YOGA
www.510waterline.com
info@510waterline.com



From: Marya Grosse
To: Planning Dept. Mailbox; O"Keefe, Shoshana; City Attorney"s Office
Subject: Oxford Street Property Proposal: please do an EIR!!!!
Date: Wednesday, June 10, 2026 2:19:35 PM

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Dear Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

We are looking at 31 properties on a landslide and earthquake zone with small streets, and the neighbors and property owners deserve to have a full and public review process. Can you imagine living next to the school site with the pounding and grating during demolition and not having all the risks taken into consideration for your property's foundation? Our neighbors on Oxford and Walnut Streets deserve to know that everything will be done in a thoughtful and safe way.

Additionally, the fact that 31 properties is being proposed on a parcel deemed unsafe for a school is a real red flag.

Thanks for your consideration,

Margaret Grosse (property owner) and Marya Grosse (daughter)
21 Terrace Walk
Berkeley, 94707

From:	Sam Swig
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Urgent Request for Full Public Review of 1130 Oxford Street Project
Date:	Wednesday, June 10, 2026 2:39:42 PM

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Dear Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

From: Shannon Kelly
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project
Date: Wednesday, June 10, 2026 2:34:21 PM

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Dear Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

Shannon Kelly

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent Request ...1130 Oxford rename 3
Date: Thursday, June 11, 2026 9:53:54 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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From: Sophia Lehmann
Sent: Wednesday, June 10, 2026 2:20 PM
To: Planning Dept. Mailbox ; O'Keefe, Shoshana ; City Attorney's Office
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

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 Department, Berkeley City Attorney, and Council Member O'Keefe,

I have lived near Oxford School for most of my life, having grown up in the house I now occupy with my family. I am writing to you as a concerned neighbor and longtime Berkeley resident regarding the proposed 31-unit residential project at 1130 Oxford St.

I strongly urge the City to reject any attempt to get this project approved through stacked ministerial parcel maps. **A full and transparent public review process, including an Environmental Impact Report (EIR), should be required.**

This is an urgent matter, as I understand a decision may be made by June 20. **Please ensure this issue receives the full review it is due before any final action is taken.**

Thank you for your attention to this matter,

Regards,

Sophia Lehmann

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent Request ...1130 Oxford rename 4
Date: Thursday, June 11, 2026 9:54:13 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
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- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900

From: Trevor Mitchell
Sent: Wednesday, June 10, 2026 4:08 PM
To: Planning Dept. Mailbox ; City Attorney's Office ; O'Keefe, Shoshana
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

Thank you,
Trevor
2100 Los Angeles Ave

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent Request f... 1130 Oxford rename 5
Date: Thursday, June 11, 2026 9:54:39 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
(510) 981-7428
JBondi@berkeleyca.gov
https://berkeleyca.gov/

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- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900

From: Claire Kahane
Sent: Thursday, June 11, 2026 9:08 AM
To: Planning Dept. Mailbox ; City Attorney's Office ; O'Keefe, Shoshana
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,
I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.
I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).
This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

Claire Kahane, Ph.D.
Visiting Scholar, UC Berkeley
Professor of English Emerita, SUNY-Buffalo
website: clairekahane.net
510 524-9708 (home)
510 229-0797 (cell)

]

From: Dan Newman
To: Planning Dept. Mailbox
Subject: Proper Review of Proposed 32-Unit Fee-Simple Development
Date: Thursday, June 11, 2026 12:52:02 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.

To the City of Berkeley Land Use Planning Division and Planning Commissioners,

I am writing to ask that you require proper review of the proposed 32-unit fee-simple residential development on the 1.26-acre parcel currently zoned R-1.

My concern is not limited to infrastructure design or fire access. Even if the developer has resolved certain technical issues with the Fire Marshal, that does not change the project's basic land-use, zoning, subdivision, and environmental review obligations.

This proposal appears to be proceeding through review pathways intended for much smaller developments, even though the project is far larger in scale. A 32-unit subdivision on this parcel would create a density of approximately 25.4 dwelling units per acre and would substantially exceed the scale contemplated for the existing R-1 zoning framework. It should not be treated as a ministerial or "by-right" project.

In particular:

1. **The project is inconsistent with the existing R-1 zoning framework.**
   A 32-unit development on this parcel represents a major increase in density and intensity. If the developer seeks that level of development, the City should require the appropriate discretionary zoning review and public approval process, rather than allowing the project to advance under rules intended for smaller or less intensive projects.
2. **The project should not qualify for small-lot ministerial streamlining.**
   State and local middle-housing streamlining rules, including SB 684 / SB 1123 and Berkeley's related framework, are intended for limited small-lot subdivisions. A 32-unit fee-simple project is well beyond the 10-parcel / 10-primary-unit scale associated with those ministerial pathways and should not be allowed to use them to avoid discretionary review.
3. **A 32-lot fee-simple subdivision requires full subdivision review.**
   Because the project proposes to create fee-simple homes through a multi-lot subdivision, the City should require review under the

California Subdivision Map Act and Berkeley Municipal Code Title 21, including a Vesting Tentative Tract Map, public notice, and a Planning Commission hearing.

4. **Fire access clearance does not eliminate CEQA or public review.**
   A preliminary fire-safety or access determination does not resolve the broader impacts of a 32-unit development. The City should evaluate traffic, construction disruption, neighborhood compatibility, emergency access and evacuation concerns, and cumulative impacts through the required environmental review process.

The developer should not be permitted to use procedures designed for smaller projects to avoid the scrutiny required for a development of this size. I respectfully request that the City require full discretionary review, reject any improper ministerial or by-right approval path, and ensure that the public has a meaningful opportunity to comment.

Sincerely,

Dan Newman

1047 Oxford St, Berkeley 94707

From: Gail Stempler
To: Planning Dept. Mailbox
Subject: Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project
Date: Thursday, June 11, 2026 5:00:40 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.

Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

Dear Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,
I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.
I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).
This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

I have been a resident on the street for the last 41 years. The neighbors supported and helped the school. We deserve
further consideration before this project is blindly approved. We don't deserve to lose our views and privacy when the
plans could be altered to benefit not harm the existing homes.

Thank you,

Gail Stempler Lake
1160 Oxford Street

From: Jamie Keller
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Residential project at 1130 Oxford Street.
Date: Thursday, June 11, 2026 6:27:25 PM

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June 11, 2026

Dear All,

I am writing as a concerned neighbor regarding the proposed residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken.

Thank you for your attention to this matter.

Jamie Keller

--
Jamie Keller M.Ed.
Educational Therapist/Professional
Reading Specialist
510 524 8697 office
510 847 2505 cell
www.LearnWithMe.com

From:	Janet King
To:	Planning Dept. Mailbox; O"Keefe, Shoshana
Cc:	City Attorney"s Office
Subject:	Kennedy former Oxford school development project
Date:	Thursday, June 11, 2026 11:23:22 AM

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Dear Leaders,
I live at and own 1116 Walnut Street, , across the street from the old Oxford School site.

I recognize that we need more housing in Berkeley, and also, that “dead” playground has been an eyesore for several years now.

Many of us got tired of seeing new graffiti on the lower playground, which would return almost as soon as it was painted over.

Though I find Mr. Kennedy’s ideas to be interesting, possibly charming —a community within a community, I am, as are many of my neighbors, concerned not only by the noise and obstruction of demo and building, but also about traffic on both Oxford andWalnut Streets once it’s all complete.

I also am aghast at the number of houses M. Kennedy has planned1. 31 dwellings seems crowded and excessive! I, and many of my neighbors, would be more enthusiastic if he would lower that to 20. Also, I am anxious about any attempt to bypass building codes or procedures.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

Respectfully,
Janet King
1116Walnut St.

From: Joan Blades
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: 1130 Oxford Street Project
Date: Thursday, June 11, 2026 2:35:26 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 Department, Berkeley City Attorney, and Councilmember O'Keefe,

I'm writing as the owner of 1145 Walnut Street. Our house is just three houses away from the Oxford School property on Walnut Street. We're also right across the street from the CCC Children's Center preschool.

I support more housing in the city, but I'm really concerned to hear that the developer is trying to move forward without any traditional reviews -- like environmental review, including noise, traffic, etc. I'm especially concerned about demolishing a large structure in a slide area without a geological review of how that might affect the stability of the slide zone. And, of course, chemical or material hazards that might threaten a residential neighborhood during demolition and building.

From what I've heard, the developer is trying to skirt the normal process by subdividing into eight parcels and then getting all eight through as being below the project size limits for new in-fill laws. This seems to run counter to the spirit and the letter of the law, but in any case, as an attorney, I would probably advise neighbors and the preschool to engage counsel if the city doesn't follow proper process.

I hope our fears are unfounded and that the city attorney and planning department will take a reasonable approach here.

Thank you,

-Joan Blades
1145 Walnut Street

From: John Neal
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Review of the 1130 Oxford Street Project
Date: Thursday, June 11, 2026 7:48:54 PM

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Good evening!

We are parents of a child that attends children's community Center (and have an older child that attended for multiple years previously). Our school flagged that the 1130 Oxford Street project will be turned into housing.

I believe some other neighbors and stakeholders might be suggesting slowing down or adding NIMBY hurdles for the project, but we wanted to voice our strong support for adding additional housing and doing it at this infill site.

Our only request, being daily visitors to this street and having a child that currently attends the preschool across the street is that:

1) the city enforce an approach to parking for construction site staff that doesn't consume street parking

2) that a traffic pattern be established to minimize the amount of chaos that can occur in these small Hillside neighborhoods, which would be made even more difficult with large construction equipment and vehicles.

3) that third-party air quality monitoring is performed during demolition to ensure that particulates are not released into the neighborhood.

Thank you!

John Neal
415.559.4180

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent request ... 1130 Oxford (rename2)
Date: Thursday, June 11, 2026 8:38:48 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900

From: Lisa Nelson
Sent: Thursday, June 11, 2026 5:39 AM
To: Planning Dept. Mailbox
Subject: Urgent request for full public review of 1130 Oxford street project

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 department:

I am writing as a concerned neighbor regarding the proposed 31 unit residential development at 1130 Oxford Street.

I urge the city to require a full and transparent public review process, including an Environmental Impact Report (ERI). This is an urgent matter as I understand a decision may be made by June 20. Please ensure this issue receives full review before any action is taken. Thank you for your attention in this matter.

Sincerely,

Lisa Nelson
1149 Oxford St, Berkeley, CA 94707

May all Beings live in Peace and Harmony

From:	M Hennings
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Urgent Request for Full Public Review of 1130 Oxford Street Project
Date:	Thursday, June 11, 2026 3:12:53 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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I live across the street at 1133 Oxford, and have been a resident of the neighborhood for more than 8 years (my partner has been a resident for over 25 years). My neighbor Nomi and I have hosted annual Oxford Street block parties for the past 3+ years. This neighborhood is a mixture of homeowners and renters (there are numerous multi-family buildings and ADUs) with a combination of younger residents with small children, college students renting apartments in multi-unit dwellings and ADUs, dual income no kids, families with grown children and some older retired residents.

I attended a recent community meeting where Patrick Kennedy of Panoramic Interests presented plans for the project.

While I am not opposed to increased housing density in our community, I am concerned that this development may be approved through an expedited process without a full Environmental Impact Report (EIR).

My understanding is that certain residential developments may qualify for exemptions from CEQA review. However, projects that may have significant impacts on issues such as traffic and wildfire risk should receive careful environmental evaluation before approval.

As I brought up several times during the meeting, **traffic safety is already a serious concern in our neighborhood.**

Vehicles frequently speed along Oxford, veering into oncoming traffic as they approach the curve in the road directly in front of my home (and the proposed location of multiple new driveways at 1130 Oxford).

We have asked for street calming measures in the past, but with the proposal of adding more driveways along what is essentially a blind curve on Oxford, failure to do careful analysis of current traffic/safety issues seems like a lawsuit just waiting to happen.

In the past **8 years, my car has been hit on 3 separate occasions** by cars speeding up Oxford (3 side mirrors have been replaced). **My partner has had 2 cars totaled and a recent one damaged ($5000.00).** Just a few months ago, I witnessed a car speeding down Oxford sideswipe a neighbor's car and knock off the side mirror. The driver didn't even slow down. Other neighbors have reported similar incidents.

All of these incidents took place in front of my home and/or directly in front of the school

(1133-1130 Oxford) Adding more driveways along Oxford along this curve will result in more accidents (and potential fatalities) unless significant traffic calming measures are introduced. We have a garage that faces the school, and the speeding cars coming around that curve can make it difficult to safely enter and exit. This project is proposing an additional 6(?) driveways (garages?) facing what is essentially a blind curve on Oxford.

I am not as familiar with Walnut Street aside from it already being a very narrow street.

Adding an additional interior road that sends traffic from the interior units to Oxford and Walnut is going to add yet another complexity (and additional traffic).

Parking issues/considerations for existing residents:

During the presentation, Patrick mentioned having street parking available for 'visitors and overnight guests' of the new development.

I am unclear why the focus was on the parking needs for overnight guests of the new development, instead of considering how this project will impact existing residents (many of whom are renters in multi-unit buildings). The proposed project will eliminate approximately 10 street parking spaces along Oxford Street. Most of these parking spaces are currently used by the renters in the multi-family units and ADUs nearby that do not have the luxury of off street parking.

At the very least, residents may want to consider limiting Oxford to 2 hour residential to prioritize parking access for those who live on Oxford street.

Fire risk:
Our neighborhood lies within an area of elevated fire danger, and the proposed development would place 31 residential units in close proximity to one another.

Tightly packed homes drastically increase the risk of rapid fire spread, creating a dangerous domino effect. When buildings are located close together—often less than 30 feet apart—a single house fire or wildfire ember can easily ignite neighboring structures through direct flames and radiant heat, leading to community-wide losses.

Many neighbors just up the hill from us have had their homeowners insurance policies cancelled due to fire risks

It is important that the City carefully evaluate emergency access, evacuation considerations, fire-resistant design measures, and the potential for fire spread both within the project and to surrounding properties.

Again, although I assume this will be written off as 'NIMBYISM', I support thoughtful housing development and recognize the need for additional housing in Berkeley. I am also disappointed to learn that all of these units are going to be 'market rate', instead of a mixture of market and below market rate.

However, I believe this proposal deserves thorough public review to ensure that its impacts on traffic safety, wildfire risk, and other environmental concerns are fully understood and addressed.

I therefore urge the City to reject any attempt to approve this project through a ministerial process or other mechanisms that would limit meaningful public review.

Instead, I respectfully request a full and transparent evaluation of the project's environmental impacts and careful consideration of whether an Environmental Impact Report is warranted.

I understand that a decision may be made as early as June 20. Given the significance of this proposal for the surrounding neighborhood, I respectfully ask that these concerns receive full consideration before any final action is taken.

Thank you for your time and attention.
Melissa Hennings
1133 Oxford Street

From: Sophie Winitsky
To: O"Keefe, Shoshana; Planning Dept. Mailbox; City Attorney"s Office
Subject: Request for Full Public Review of the 1130 Oxford Street Project
Date: Thursday, June 11, 2026 3:27:11 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 Department, City Attorney, and Councilmember O'Keefe,

I am writing as a concerned parent of a child enrolled at Children's Community Center regarding the proposed 31-unit residential project at 1130 Oxford Street. I support appropriate housing on this site, but I am concerned that the project may be approved through stacked ministerial parcel maps in a way that avoids a full environmental review.

I urge the City to require a full and transparent public review process, including an Environmental Impact Report (EIR), before any final action. I understand a decision may be made by June 20, so I would appreciate this matter receiving full review beforehand.

Thank you for your attention.

Sophie Winitsky

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: FORMAL OBJECTION 1130 Oxford (shortened name)
Date: Thursday, June 11, 2026 8:39:23 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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A phishing scam is targeting Berkeley clients with fraudulent invoices. Take steps to protect from fraud:

- Before replying to invoice requests, verify that the message is from a legitimate email address ending in @cityofberkeley.info or @berkeleyca.gov
- The Berkeley Planning and Development Department will never call you for payment and will never ask you to wire funds
- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900

From: another day <oxfordplace@yahoo.com>
Sent: Sunday, June 7, 2026 11:07 AM
To: Planning Dept. Mailbox <Planning@berkeleyca.gov>; City Attorney's Office <attorney@berkeleyca.gov>; O'Keefe, Shoshana <SOKeefe@berkeleyca.gov>
Subject: FORMAL OBJECTION AND DEMAND FOR REJECTION OF MINISTERIAL PATHWAY: Illegal "Serial Subdivision Map Stacking" and SB 684 / SB 1123 Unit Cap Violation at 1130 Oxford Street, Berkeley, CA.94707

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 Whom It May Concern,
I am writing to submit a formal objection regarding the proposed 32-unit residential development at **1130 Oxford Street, Ca.94707**. The applicant appears to be attempting to abuse California Senate Bills 684 and 1123 to split a single 1.26-acre parcel into 8 sub-lots, with 4 three-story units proposed per lot.
This configuration represents an intentional evasion of both state subdivision laws and the Berkeley Municipal Code via a tactic known as "serial map stacking." We demand that the

Planning Department immediately reject this project from the ministerial, streamlined approval track and mandate a full, discretionary Tentative Tract Map and California Environmental Quality Act (CEQA) environmental review.

The proposed application is legally disqualified from ministerial tracking based on the following local and state statutory mandates:

1. Violation of the Absolute 10-Unit Parent Parcel Cap

The developer assumes that by breaking the property into eight individual 4-unit "Parcel-Map Middle Housing Infill Projects (MHIPs)," they fall within ministerial guidelines. This directly violates **Berkeley Municipal Code Section 21.30.050(B)(3)**, which states: *"No MHIP shall result in more than ten dwelling units on the parent parcel."* The law establishes that density, unit counts, and layout constraints must be evaluated using the original parent parcel prior to subdivision. Because the 1.26-acre parent parcel is being developed into 32 units, it exceeds the absolute statutory limit by 22 units.

2. Violation of the Anti-Fractionation Clause

The developer's proposal requires creating sub-lots and immediately subdividing them further to achieve a 4-unit-per-lot layout. This is expressly prohibited under **Berkeley Municipal Code Section 21.30.050(D)**: *"Lots created under this Chapter shall not be further subdivided."*

3. Illegal Piecemealing Under CEQA and the Subdivision Map Act

Under the "Single Project Rule" established by California

planning law, a single developer cannot chop a large project into smaller fractions to avoid environmental review. Because this is a coordinated plan creating 8 lots, the California Subdivision Map Act demands that any unified development plan creating five or more lots must go through a discretionary Tentative Tract Map process, enabling public notice, hearings, and mandatory CEQA analysis.

4. Legal Definition of "Vacant Lot" Excludes Intentional Demolition

The developer cannot artificially manufacture "vacancy" to trigger SB 1123's single-family fast track.

- **The "At Submittal" Rule:** To qualify under SB 1123, a single-family residential parcel must satisfy the definition of "vacant" *at the time the application is submitted*. [1]
- **The 5-Year Lookback Loophole Block:** State anti-gaming laws look back at the historical status of a lot. If a developer intentionally demolishes a structure to clear a lot, the city's land-use history records that the lot was *not* naturally vacant. Berkeley can reject the "vacant lot" classification by pointing to the recent institutional or residential building

Conclusion & Demand for Action

I request that the Planning Department immediately issue a formal **Notice of Incomplete Application or Denial of Ministerial Status** to the applicant. The city cannot legally approve a 32-unit complex on a single R1 parent parcel without a public review process. Please place this formal objection into the administrative record for the property address listed above.

Sincerely,

Bernard McPhillips

1147 Oxford Street,

Berkeley, Ca.94707

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: FORMAL OBJECTION 1130 Oxford (shortened 2)
Date: Thursday, June 11, 2026 8:39:52 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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- The Berkeley Planning and Development Department will never call you for payment and will never ask you to wire funds
- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900

From: another day <oxfordplace@yahoo.com>
Sent: Sunday, June 7, 2026 5:46 PM
To: Planning Dept. Mailbox <Planning@berkeleyca.gov>; City Attorney's Office <attorney@berkeleyca.gov>; O'Keefe, Shoshana <SOKeefe@berkeleyca.gov>
Subject: Re: FORMAL OBJECTION AND DEMAND FOR REJECTION OF MINISTERIAL PATHWAY: Illegal "Serial Subdivision Map Stacking" and SB 684 / SB 1123 Unit Cap Violation at 1130 Oxford Street, Berkeley, CA.94707

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 of Berkeley Attorney, Assigned Planner, Representative O'keefe

I am writing to briefly supplement the formal objection letter I submitted earlier today regarding 1130 Oxford Street.

To ensure the administrative record is perfectly precise, please note that regardless of any semantic debate surrounding the historical "vacant lot" classification of the decommissioned school site, the application remains fundamentally disqualified from the SB 1123 ministerial track.

Per my previous letter, the project's proposal for 32 units directly violates the absolute **10-unit statutory cap** mandated by California SB 1123 and Berkeley Municipal Code Section 21.30.050(B)(3). We urge the city to deny ministerial status based strictly on this overreach.

Sincerely,

Bernard McPhillips

1147 Oxford Street,

Berkeley, Ca.94707
On Sunday, June 7, 2026 at 11:07:25 AM PDT, another day <oxfordplace@yahoo.com> wrote:

To Whom It May Concern,
I am writing to submit a formal objection regarding the proposed 32-unit residential development at **1130 Oxford Street, Ca.94707**. The applicant appears to be attempting to abuse California Senate Bills 684 and 1123 to split a single 1.26-acre parcel into 8 sub-lots, with 4 three-story units proposed per lot.
This configuration represents an intentional evasion of both state subdivision laws and the Berkeley Municipal Code via a tactic known as "serial map stacking." We demand that the Planning Department immediately reject this project from the ministerial, streamlined approval track and mandate a full, discretionary Tentative Tract Map and California Environmental Quality Act (CEQA) environmental review.

The proposed application is legally disqualified from ministerial tracking based on the following local and state statutory mandates:

1. Violation of the Absolute 10-Unit Parent Parcel Cap

The developer assumes that by breaking the property into eight individual 4-unit "Parcel-Map Middle Housing Infill Projects (MHIPs)," they fall within ministerial guidelines. This directly violates **Berkeley Municipal Code Section 21.30.050(B)(3)**, which states: *"No MHIP shall result in more than ten dwelling units on the parent parcel."* The law establishes that density, unit counts, and layout constraints must be evaluated using the original parent parcel prior to subdivision. Because the 1.26-acre parent parcel is being developed into 32 units, it exceeds

the absolute statutory limit by 22 units.

2. Violation of the Anti-Fractionation Clause

The developer's proposal requires creating sub-lots and immediately subdividing them further to achieve a 4-unit-per-lot layout. This is expressly prohibited under **Berkeley Municipal Code Section 21.30.050(D)**: *"Lots created under this Chapter shall not be further subdivided."*

3. Illegal Piecemealing Under CEQA and the Subdivision Map Act

Under the "Single Project Rule" established by California planning law, a single developer cannot chop a large project into smaller fractions to avoid environmental review. Because this is a coordinated plan creating 8 lots, the California Subdivision Map Act demands that any unified development plan creating five or more lots must go through a discretionary Tentative Tract Map process, enabling public notice, hearings, and mandatory CEQA analysis.

4. Legal Definition of "Vacant Lot" Excludes Intentional Demolition

The developer cannot artificially manufacture "vacancy" to trigger SB 1123's single-family fast track.

- **The "At Submittal" Rule:** To qualify under SB 1123, a single-family residential parcel must satisfy the definition of "vacant" *at the time the application is submitted*. [1]
- **The 5-Year Lookback Loophole Block:** State anti-gaming laws look back at the historical status of a lot. If a developer intentionally demolishes a structure to clear a

lot, the city's land-use history records that the lot was *not* naturally vacant. Berkeley can reject the "vacant lot" classification by pointing to the recent institutional or residential building

Conclusion & Demand for Action

I request that the Planning Department immediately issue a formal **Notice of Incomplete Application or Denial of Ministerial Status** to the applicant. The city cannot legally approve a 32-unit complex on a single R1 parent parcel without a public review process. Please place this formal objection into the administrative record for the property address listed above.

Sincerely,

Bernard McPhillips

1147 Oxford Street,

Berkeley, Ca.94707

From: BETSY MITCHELL
To: Planning Dept. Mailbox
Subject: Fwd: Request for Full Public Review of the 1130 Oxford Street Project
Date: Friday, June 12, 2026 11:21:58 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 Berkeley Planning Department, City Attorney, and Councilmember O'Keefe,
I am writing as a concerned Children's Community Center staff member regarding the proposed 31-unit residential project at 1130 Oxford Street. I support appropriate housing on this site, but am concerned that the project may be approved through stacked ministerial parcel maps in a way that avoids a full environmental review. Less or no review of geotechnical conditions could allow the developer to avoid paper seismic work. The parcel (and CCC) sit almost directly on the Hayward fault and are in an extreme liquefaction zone. That means whatever is on that parcel may slide downhill into CCC in the case of an earthquake.
I urge the City to require a full and transparent public review process, including an Environmental Impact Report (EIR), before any final action. I understand a decision may be made by June 20, so I would appreciate this matter receiving full review beforehand.

Thank you for your attention.

Betsy Mitchell
Children's Community Center Staff

I am living a powerful life.

From:	Brendan Boland
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Request for Full Public Review of the 1130 Oxford Street Project
Date:	Friday, June 12, 2026 1:20:32 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 Department, City Attorney, and Councilmember O'Keefe,

I am a concerned parent of a child enrolled at Children's Community Center regarding the proposed 31-unit residential project at 1130 Oxford Street.

I support housing on this site, however I am concerned the project may be approved through stacked ministerial parcel maps that will avoid a full environmental review.

I urge the City to require a full and transparent public review process, including an Environmental Impact Report (EIR), before any final action.

I understand a decision may be made by June 20, so I would appreciate this matter receiving full review beforehand.

Thank you for your attention.
Brendan Boland
CCC parent

From:	Jennifer Rose
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana; Kesarwani, Rashi; Kesarwani, Rashi
Subject:	1130 Oxford St project: Request a full public review with EIR
Date:	Friday, June 12, 2026 7:24:59 AM
Attachments:	Berkeley-Hills-Slide-Map.jpg

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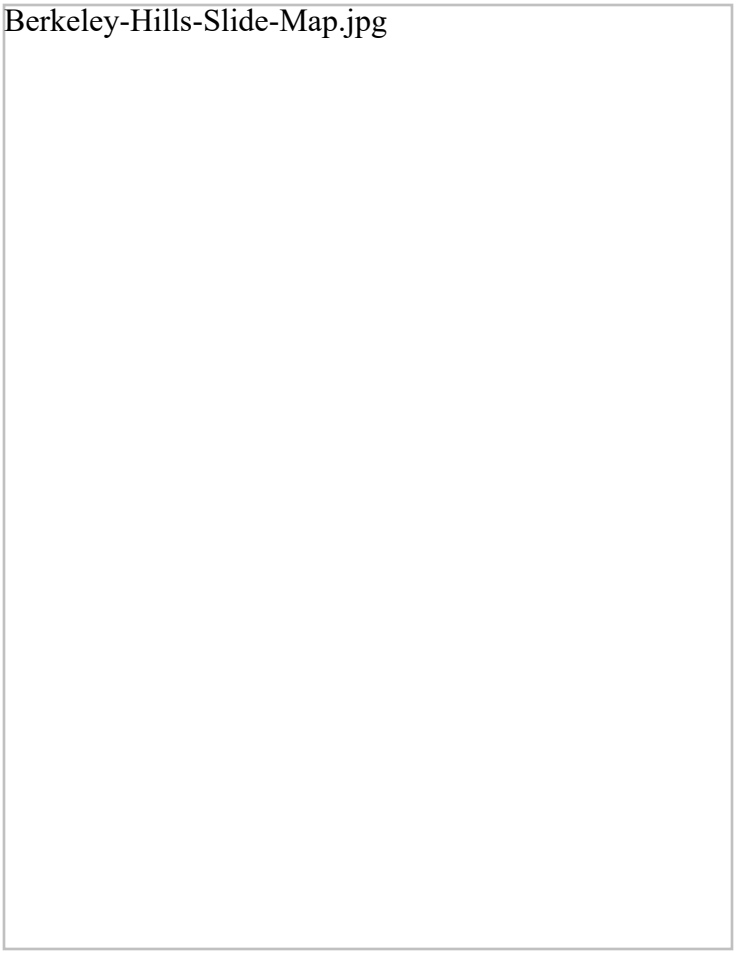
Dear Berkeley Planning Department, City Attorney, Councilmember O'Keefe, and Councilmember Kesarwani,

I'm writing as a resident of District 4 (Rashi's district) and a concerned parent of a child at Children's Community Center (CCC) preschool regarding the proposed 31-unit residential project at 1130 Oxford Street. I support appropriate housing on this site, but I'm concerned that the project may be approved through stacked ministerial parcel maps in a way that avoids a full environmental review.

The possibility of no Environmental Impact Report (EIR) is so alarming. The parcel and CCC sit almost directly on the Hayward fault and are in an extreme liquefaction zone. That means whatever is on that parcel may slide downhill into the preschool in the case of an earthquake. I'm really upset to think there might not be an EIR (i.e. less or no review of "geotechnical conditions") and thus perhaps allow the developer to avoid proper seismic work on this parcel.

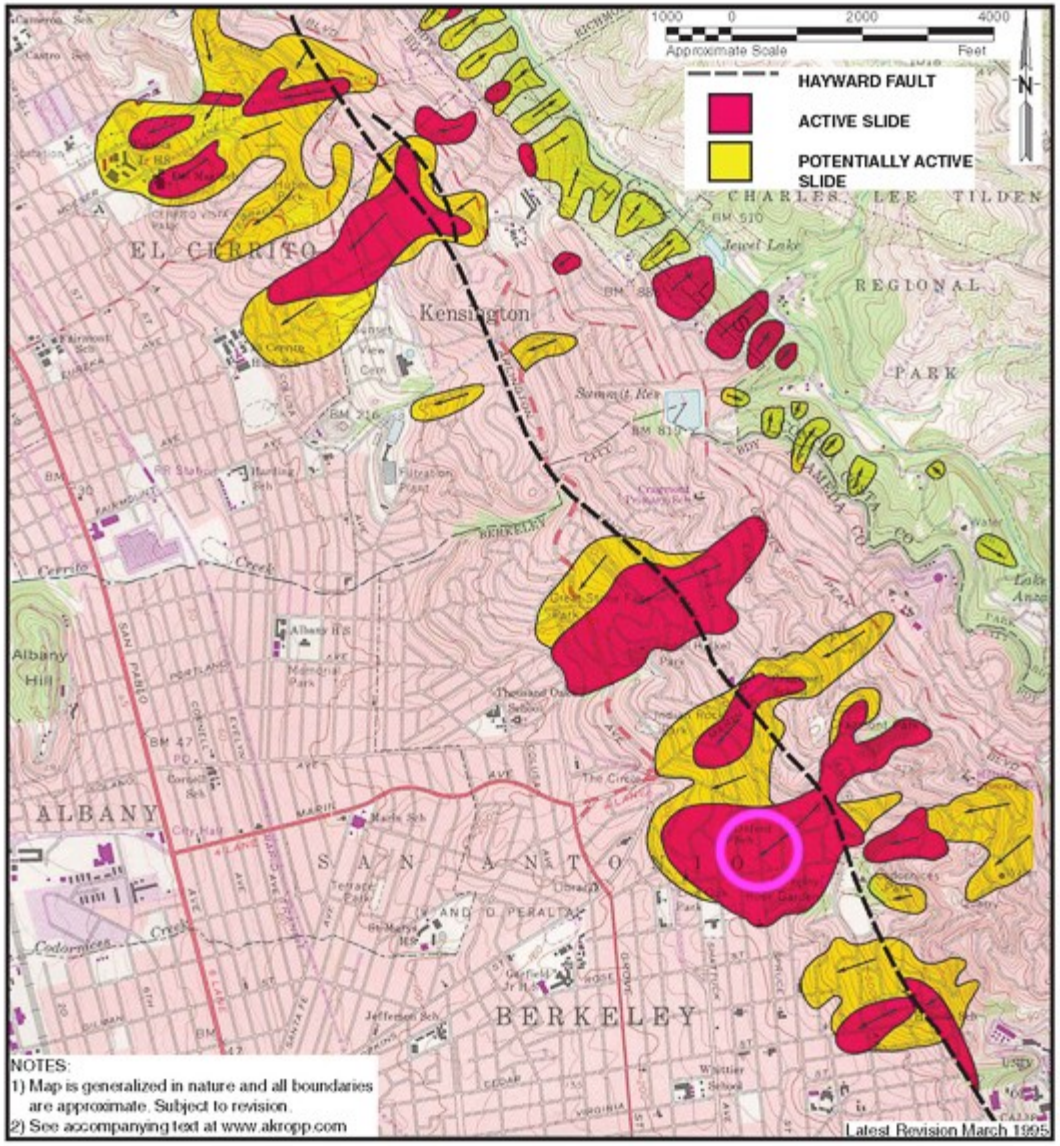
I've added an image below to show how close to the fault and thus how critical an EIR is. CCC and the parcel are where I added the pink circle. The black line is the Hayward fault, which historically has had a major rupture every 150 years on average, and it has been 158 years since the last one so it is well overdue. Proper seismic work on this site, determined by an EIR, is of absolutely critical importance.

So, I urge the City to require a full and transparent public review process, including an EIR, before any final action. I understand a decision may be made by June 20, so I would appreciate this matter receiving full review beforehand.



Thank you,
Jennifer Rose
1721 Virginia St
Berkeley, CA
94703

LANDSLIDES OF THE BERKELEY HILLS



ALAN KROPP & ASSOCIATES, INC.

Geotechnical Consultants

2140 Shattuck Avenue, Berkeley, CA 94704
(510) 841-5095

From: Jonah Gollub
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Date: Friday, June 12, 2026 7:44:51 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 Berkeley Planning Department, City Attorney, and Councilmember O'Keefe,

I am writing as a concerned parent of a child enrolled at Children's Community Center regarding the proposed 31-unit residential project at 1130 Oxford Street. I support appropriate housing on this site, but I am concerned that the developers are trying to side-step a full environmental impact review. ***Given the unique geotechnical conditions of being on the Hayward fault and steep terrain with extreme danger of liquefaction and landslides, I fear this is short-sighted***. I urge the City to require a full and transparent public review process, including an Environmental Impact Report (EIR), before any final action. I understand a decision may be made by June 20, so I would appreciate this matter receiving full review beforehand.

Thank you for your attention to the matter,

Jonah Gollub
1418 Peralta Ave, Berkeley, CA 94702

From: jonas duke
To: Planning Dept. Mailbox; O"Keefe, Shoshana; City Attorney"s Office
Subject: Oxford School 31 house proposal
Date: Friday, June 12, 2026 11:39:28 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 Berkeley Planning Department, Berkeley City Attorney, and Council Member O'Keefe,

I am writing to you as a concerned neighbor and lifelong Berkeley resident, living for the past 20+ years in the house my wife grew up in one block from the proposed project.

Regarding the proposed 31-unit residential project at 1130 Oxford St. I strongly urge the City to reject any attempt to get this project approved through stacked ministerial parcel maps. **A full and transparent public review process, including an Environmental Impact Report (EIR), should be required.**

This is an urgent matter, as I understand a decision may be made by June 20. **Please ensure this issue receives the full review it is due before any final action is taken.** Thank you for your attention to this matter,

Regards, Jonas

From: Mike King
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: 1130 Oxford Street
Date: Friday, June 12, 2026 9:24:58 AM

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Good morning,

Would like you to register one local resident (1029 Mariposa Street) who is not a priori opposed to the proposed development at 1130 Oxford. California desperately needs housing. Enough NIMBY!

Michael King
1029 Mariposa St

From:	Sandi Ford
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Urgent Request for Full Public Review of 1130 Oxford Street Project
Date:	Friday, June 12, 2026 7:20:59 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 Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street. I live on Oxford Street directly across the school.
I attended a recent community meeting where Patrick Kennedy of Panoramic Interests presented plans for the project. While I am not opposed to increased housing density in our community, I was shocked at the density of the project with what seemed like no regard to parking, traffic concerns, or safety and that no study or impact report had been done. I am concerned that this development may be approved through an expedited process without a full Environmental Impact Report (EIR). My understanding is that certain residential developments may qualify for exemptions from CEQA review. However, projects that may have significant impacts on issues such as traffic and wildfire risk should receive careful environmental evaluation before approval.

Traffic safety is already a major issue in our neighborhood. Vehicles frequently speed along Los Angeles Avenue, Oxford Street, Shattuck Avenue, Spruce Street, and Marin Avenue, and drivers often fail to stop at stop signs. As a pedestrian, I regularly witness unsafe driving behaviors and there have been several accidents where pedestrians were seriously injured or killed. A 31-unit development with only one allotted parking space (not even enough for most residences of this size and no guest parking), will introduce dozens of additional vehicles, along with increased visitor, delivery, and service traffic. At a minimum, the project's traffic impacts warrant careful analysis.

I am also concerned about wildfire risk. Our neighborhood lies within an area of elevated fire danger, and the proposed development would place 31 residential units in close proximity to one another. It is important that the City carefully evaluate emergency access, evacuation considerations, fire-resistant design measures, and the potential for fire spread both within the project and to surrounding properties.

Again, I support thoughtful housing development and recognize the need for additional housing in Berkeley. However, I believe this proposal deserves thorough public review to ensure that its impacts on traffic safety, wildfire risk, and other environmental concerns are fully understood and addressed.

I therefore urge the City to reject any attempt to approve this project through a ministerial process or other mechanisms that would limit meaningful public review. Instead, I respectfully request a full and transparent evaluation of the project's environmental impacts and careful consideration of whether an Environmental Impact Report is warranted.

I understand that a decision may be made as early as June 20. Given the significance of this proposal for the surrounding neighborhood, I respectfully ask that these concerns

receive full consideration before any final action is taken.

Thank you for your time and attention.
Sandi Ford

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent Request ...1130 Oxford rename 613A
Date: Monday, June 15, 2026 9:21:06 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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- The Berkeley Planning and Development Department will never call you for payment and will never ask you to wire funds
- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900

From: Elyse Klaidman
Sent: Saturday, June 13, 2026 8:28 AM
To: Planning Dept. Mailbox ; O'Keefe, Shoshana ; City Attorney's Office
Cc: Elyakim Rinat
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken.

Thank you for your attention to this matter.

Elyse Klaidman

From: R S
To: Planning Dept. Mailbox
Subject: Fwd: 1130 Oxford st - Patrick Kennedy"s project
Date: Sunday, June 14, 2026 8:30:02 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.

Sent from my iPhone

Begin forwarded message:

From: R S
Date: June 13, 2026 at 16:13:34 PDT
To: Attorney@berkeleyca.gov, planning@berkeleya.gov, SOKeefe@berkeleyca.gov, fire@berkeleyca.gov
Subject: 1130 Oxford st - Patrick Kennedy's project

To: Ms Farimah Brown; Mr. Jordan Klein; Ms Shoshana O'Keefe; Mr Dave Sprague : I am writing to you as a neighbor on the block that this project is trying to be built on. We live at 1191 Oxford Street; Our family has lived at this property for over 60 years and been through 2 different Oxford schools. But now they are trying to build a project that is way out of character for this area. I have many concerns especially on the size of this project Especially in a slide area and the amount of soil that may be removed and the weight of the new structures may cause the hill side to move even more. If you are not aware, most people across the street from Oxford school have some type of springs running through their property. I believe an EIR should be done for this project because if this is not done and the project gets approved. It's the City of Berkeley and the home owners in the area; that will be on hook if any major issues arise as the developer will have sold off and moved on. Some of my other concerns is added traffic for this area and fire safety for fire trucks to get up and down the road for any emergencies as we are in a High Fire Hazard Severity Zone. If you ever drive up near Oxford school, you will see most people park their car part way on the sidewalk so cars can get up and down the street safely. Some more of my concerns is the developer wants to have traffic come in from Walnut street and exit on Oxford street. I think it should be the opposite as it would be easier to get out on Walnut Street instead of Oxford Street, especially if there was a big fire and people would need to evacuate Walnut Street would not be as congested has Oxford would. If you are not aware. This block of Oxford Street is a major through fare for people coming up Los Angeles Street and heading toward the University of California. And one of my most concerns why and EIR should be required is this

is a very old building. I have concern about lead paint particles and asbestos particles in the air. Thank you for your time. Eric L. Johnson

From: Han Speed
To: Planning Dept. Mailbox; O"Keefe, Shoshana; City Attorney"s Office
Subject: Support for Oxford School Site Housing Development at 1130 Oxford Street
Date: Saturday, June 13, 2026 3:33:05 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 Planning Staff, City Attorney's Office, and Councilmember O'Keefe,

I am writing to express my support for the proposed residential development at 1130 Oxford Street, the former Oxford School site.

Berkeley continues to face significant housing shortages and affordability challenges. Redeveloping an underutilized site within an established neighborhood represents an important opportunity to add new homes while making efficient use of existing infrastructure, public services, and transit access.

I support the City's efforts to implement California housing laws that are intended to facilitate the production of new housing. State policymakers have recognized that procedural barriers and lengthy approval processes often make it difficult to deliver the housing that communities need. When projects comply with applicable laws and regulations, I believe they should be allowed to move forward in a timely manner.

The Oxford School site is particularly well suited for residential development. It is located in a walkable neighborhood close to schools, parks, transit, and commercial services. Adding housing in locations like this helps accommodate population growth without requiring expansion into undeveloped areas.

I respectfully encourage the City to evaluate the project based on its compliance with applicable state and local requirements and to support the timely creation of new housing at this site.

Thank you for your time and consideration.

Sincerely,

Ian Petrich, Berkeley Resident since 2011

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent Request ... 1130 Oxford rename 613B
Date: Monday, June 15, 2026 9:21:43 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
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From: Lawrence Rosenthal
Sent: Saturday, June 13, 2026 9:48 AM
To: Planning Dept. Mailbox
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

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 Berkeley Planning Department--

I am a neighbor deeply concerned about the proposed 31-unit residential project for 1130 Oxford Street. I live directly across the street from the proposed project.

I urge the City to please reject any initiative to approve this project through stacked ministerial parcel maps. It is appropriate in this matter to require a full and transparent public review process. This would include the filing of an Environmental Impact Report (EIR).

This is an urgent matter; I understand a decision may be made as soon as June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

Sincerely--Lawrence Rosenthal

1145 Oxford St

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: Urgent Request ... 1130 Oxford Street Rename 614A
Date: Monday, June 15, 2026 9:23:29 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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From: Anthony Buckland
Sent: Sunday, June 14, 2026 1:38 PM
To: Planning Dept. Mailbox ; City Attorney's Office ; O'Keefe, Shoshana
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project

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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I have lived across the street from the old Oxford School site for 34 years. This proposed project is far more dense than the surrounding neighborhood and I feel that the community should be able to have some input on this project on matters such as density, traffic & safety. Based on recent meetings and public filings, it appears the developer is attempting to use recent California housing laws, including **SB 330, SB 684, and possibly SB 1123**, to move this project through a **ministerial approval process rather than a standard public review, with a decision from the City expected by June 20.**

SB 684 & SB 1123 don't appear to be intended for 31 unit developments. **I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).**

While I am not opposed to increased housing density in our community, I am concerned that this development may be approved through an expedited process without a full Environmental

Impact Report (EIR).

I understand that a decision may be made as early as June 20. Given the significance of this proposal for the surrounding neighborhood, I respectfully ask that these concerns receive full consideration before any final action is taken.

Sincerely,

Anthony Buckland

1133 Oxford Street

From: vivbill@aol.com
To: Planning Dept. Mailbox
Subject: Oxford School site, 1130 Oxford street
Date: Sunday, June 14, 2026 2:44:28 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 Land Use Planning Division,

RE: Oxford School Site development, 1130 Oxford)

From Bill Roller and Vivian Nelson

We have resided at 1104 Shattuck Avenue, Berkeley for 51 years (1975 to 2026) about 100 yards from Oxford School. We have enjoyed watching three generations of Berkeley citizens come and go. These families mostly had children and the Oxford School site always provided a playground for children in the neighborhood to enjoy, including a few trees and a small garden in front.

At this time, it is only fair to the citizens of our neighborhood surrounding Oxford School
to allow the following standard procedures for such decisions to prevail for determining its use:

1. Meaningful public notice
2. Public hearings
3. Environmental Review
4. Requests for concessions to serve the public interest

The ***rush*** for acceptance of "Mr. Kennedy's Panoramic Interests" smells of "cronyism",
meaning that other interests than the neighborhood or the public appear to be benefitting.
The City Council should not pass it.

In the public interest, the site should permit less housing by one-half--in order to develop
opportunities who will reside there to enjoy a garden that will allow children to watch the growth
of the seeds they plant and develop their own sense of environmental awareness that have always
been a hallmark of Berkeley values. A small grove and redwoods perhaps just three in number
would allow their growth in their native soil giving pleasure and shade generations of residents
to delight in. A small nature awareness cabin (10'x15') could be built to allow classes in the natural

wonders of our region. It also could serve residents the possibility for a public meeting space to
discusses neighborhood concerns.

We practiced as research psychologists and family therapists together for 50 years, working with
9.000 Berkeley families across time. We understand the psychological need for environmentally
sensitive space to elevate the public spirit and cultivate awareness of the natural wonders
just next door.

In closing, we reiterate our support for the standard procedures that ought to precede the
determination of the use of the Oxford School site.

Sincerely,
Bill Roller and Vivian Nelson

From: Christine Hastorf
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Request proper procedures regarding the former Oxford School land
Date: Sunday, June 14, 2026 7:29:13 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 Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor residing around the corner on Shattuck Ave, regarding the proposed 31-unit residential project at 1130 Oxford Street. While I am in support of new housing being built on this space, especially for young families, I am worried about skipping some important procedures especially regarding safety.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process. I am especially concerned when I heard the contractor note they were not going to provide an Environmental Impact Report (EIR). This is a requirement because it allows all of the population of Berkeley to know about the environmental impact, not only for the neighbors but also the future residents.

This is an urgent matter, and I understand a decision may be made by June 20.

Please make sure this project receives full review before any construction or action is begun.

Thank you for your concern about this,

Christine Hastorf

--
Christine A. Hastorf
Alice S. Davis Endowed Chair in Anthropology, emerita
Director McCown Archaeobotany Laboratory
Department of Anthropology
232 Anthropology and Art Practice Building
University of California-Berkeley
94720-3710

From:	Joshua Apte
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Request for full EIR at 1130 Oxford St. Project
Date:	Sunday, June 14, 2026 11:30:30 AM

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Dear Berkeley Planning Department, City Attorney, and Councilmember O'Keefe,

I am writing as a concerned parent of a child enrolled at Children's Community Center (1140 Walnut Street) regarding the proposed 31-unit residential project at 1130 Oxford Street. I am a proud alumnus of Oxford School (class of 1990!), and I am thrilled that this site can continue to serve the community with so many new housing units.

Nonetheless, I am concerned that the project may be approved through stacked ministerial parcel maps in a way that avoids a full environmental review. Particular concerns that require an EIR include:

- Ensuring that the project site appropriately mitigates the major geotechnical hazards that led to BUSD condemning this site.
- Ensuring that intense local impacts of construction in this dense neighborhood are appropriately mitigated.

I urge the City to require a full and transparent public review process, including an Environmental Impact Report (EIR), before any final action. I understand a decision may be made by June 20, so I would appreciate this matter receiving full review beforehand.

thank you,

- Joshua Apte

Home: 1520 Le Roy Ave 94708
Daughter's Preschool: 1140 Walnut St 94709

From: Planning Dept. Mailbox
To: Planning Dept. Mailbox
Subject: FW: 1130 Oxford rename 0614B
Date: Monday, June 15, 2026 9:24:47 AM

Jim Bondi, Associate Management Analyst
City of Berkeley, Department of Planning & Development
1947 Center St., 5th Floor, Berkeley, CA 94704
https://berkeleyca.gov/

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From: Judith Fairchild
Sent: Sunday, June 14, 2026 2:42 PM
To: Planning Dept. Mailbox
Subject:

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Hi Planning committee,

Dear Ms. Tatarevic,

I am writing as the property owner of 1150 Oxford Street, which is located immediately adjacent to the proposed development site at 1130 Oxford Street. I recently reviewed the SB 330 Preliminary Application files and the subsequent legal letter submitted to the City by Hanson Bridgett LLP on February 17, 2026. The applicant asserts that their proposal to subdivide the 1.3-acre parcel into eight lots for a 32-unit housing development is entirely exempt from CEQA review under the AB 130 statutory infill exemption (Pub. Res. Code § 21080.66).

As an immediately affected neighbor, I formally request that the City of Berkeley **reject** the applicant's claim of statutory exemption. The developer's proposal fails to meet the strict environmental baseline requirements mandated by state law, and their own legal counsel has explicitly conceded facts that invalidate their streamlined approval strategy.

I urge the Planning Department to deny the AB 130 exemption based on the following critical legal, factual, and environmental grounds:

1. Factual Error: Failure to Meet SB 35/423 Environmental Site Requirements

(Geologic Hazard)

On Page 2 of their letter, applicant's counsel claims that the project meets all environmental criteria referenced in Public Resources Code § 21080.66(a)(6) and Government Code § 65913.4(a)(6), asserting that the site is not located in a hazardous zone. **This statement is factually and geologically incorrect.** The hillside lot at 1130 Oxford Street is a well-documented, active landslide hazard zone. Under Government Code § 65913.4(a)(6)(B), a project is completely disqualified from ministerial or statutory streamlining if it is located on a landslide hazard zone as identified by the State Geologist or the local General Plan Seismic Safety Element. Because this hillside is an active slide area, the site fails the mandatory baseline environmental safety metrics required by AB 130. The City lacks the statutory authority to grant an exemption for a site burdened by such severe geologic instability.

2. Weaponizing the Applicant's Admission of the "Whole of the Action"

The applicant attempts to split the property into eight separate parcels to slide under the 10-unit caps of SB 1123. However, on Page 2, Paragraph 2 of their letter, the applicant's own counsel explicitly concedes:

> *"For CEQA purposes, the 'project' therefore includes the subdivision approval, coupled with the SB 1123 small-lot subdivisions and housing development projects for 32 total units."*

By admitting that the "project" is legally defined as a singular, cohesive 32-unit development across the entire 1.3-acre site, the applicant has created an indivisible cumulative impact profile. The City cannot separate the intense environmental and structural dangers of heavy construction drilling, shoring, and foundation work on one section of the hill from the others. Because the applicant has legally bound these applications together as the "whole of the action," the massive cumulative impact of drilling 32 units into an active landslide requires discretionary oversight and a full Environmental Impact Report (EIR).

3. Violation of Local Fire Zone and Evacuation Constraints

While the applicant notes the project sits outside CAL FIRE's state-mapped Very High Fire Hazard Severity Zone, the parcel is fully bound by the City of Berkeley's local municipal fire ordinances governing hazardous hillside topography. The proposed gross density of 24 dwelling units per acre—totaling 32 high-density units—sits on narrow, winding roads with severe historic emergency access constraints. Dropping 32 units onto an active landslide zone that directly threatens local wildfire evacuation routing violates the public safety mandates the City is obligated to uphold.

4. Absolute Impairment of Lateral Support (California Civil Code § 832)

Under California Civil Code Section 832, as an adjoining landowner, I am legally entitled to the maintenance of lateral and subjacent support from neighboring land. Heavy machinery drilling and grading on an active slide zone directly threatens the structural foundation of my home. Because the developer is advancing an aggressive, multi-lot development scheme on an unstable slope, a fragmented or rubber-stamped review poses an immediate physical

danger to my property and exposes the City of Berkeley to severe legal liability as the Lead Agency.

Conclusion and Formal Administrative Requests

To ensure public safety and prevent the blatant exploitation of state housing laws, I formally request that the Planning Department take the following immediate actions:

1. **Deny the Exemption:** Issue a formal administrative determination that the project at 1130 Oxford Street is ineligible for the AB 130 statutory exemption due to its failure to meet the landslide/geologic hazard exclusions of Government Code § 65913.4(a)(6).

2. **Reject Automated Subdivisions:** Deny any ministerial processing under SB 1123 or AB 130 that relies on the false premise that this site is geologically stable.

3. **Order a Unified, Site-Wide Geotechnical EIR:** Assert discretionary review over the entire 32-unit scope and mandate a comprehensive Environmental Impact Report, including an independent, multi-lot shoring and lateral support analysis before any subdivision or building permits are considered.

Please place this rebuttal letter, along with all subsequent correspondence regarding 1130 Oxford Street, into the public administrative record for this project. I look forward to your prompt written response.

Sincerely,

Judith Fairchild

From:	Kim Harley
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	In support of project at 1130 Oxford St
Date:	Sunday, June 14, 2026 10:39:27 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 Berkeley Planning Department, Berkeley City Attorney, and Councilmember O'Keefe,

Some emails have been going around my neighborhood urging us to write to you to request that you stall the project at 1130 Oxford St by insisting on an Environmental Impact Report. I am writing to let you know that not all residents in this neighborhood feel that way.

I believe that Berkeley desperately needs thoughtful infill housing development. I am in support of new state laws that help drive down the cost of development by preventing NIMBY neighbors from using EIRs and other stalling mechanisms to block the construction of new housing. Of course it is important that developers respect neighborhood character and work with communities to minimize disruption, but if we continue to block all attempts at development in North Berkeley then our neighborhood will continue to be unaffordable for families. Please don't let a handful of vocal neighbors pressure you into stalling this type of development.

Thank you for your consideration of this matter.

Kim Harley
1049 Mariposa Ave, Berkeley

From:	Meghana Gadgil
To:	City Attorney"s Office; O"Keefe, Shoshana; Planning Dept. Mailbox
Subject:	1130 Oxford must have EIR!
Date:	Sunday, June 14, 2026 11:30:09 AM

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Dear Berkeley Planning Department, City Attorney, and Councilmember O'Keefe,

I am writing to strongly urge the City of Berkeley to require a full and transparent public review process, including an Environmental Impact Report (EIR) on the 1130 oxford st project

The current proposed 31-unit residential project at 1130 Oxford Street is a great idea. I support housing on this site, but I am concerned that the project may be approved through stacked ministerial parcel maps in a way that avoids a full environmental review. There are real and legitimate concerns about liquefaction harms from seismic activity that are very pertinent to that site.

Moreover, there is a preschool with a number of young children across the street, the children's community center, where better understanding the potential environmental hazards from air pollution, dust, asbestos, etc., from the demolition and construction process will enable more proactive protection and mitigation measures.

Thank you for supporting safe and healthy children, and supporting better and more housing for our community!

Sincerely,

Dr Meghana Gadgil MD MPH

Associate Professor of Medicine and Public Health UCSF and UCB

Address - Leroy Ave, Berkeley 94708

From:	Sherry Hsi
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Oxford site development
Date:	Sunday, June 14, 2026 10:50:53 PM

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Dear Planning Dept, City Attorney, and Councilmember O'Keefe,

My mother was a former resident at 1125 Walnut Street (before she passed), and my husband and I lived in that house while raising two boys who attended the Oxford school. Our house is immediately next to the building site and I am anticipating lots of noise, dust, and traffic, but understand there is a housing shortage so the project would benefit the city and its residents.

Patrick Kennedy was kind enough to share preliminary plans with a small number of neighbors. This plan looked like a very tall stacked construction with multiple units (which will unfortunately cast a shadow over our houses along the Oxford walk).

I am raising some concerns because of the large number of stacked units (32 ?) that are planned when my understanding is that there are legal limits to how many units can be built on a single lot 10 units or less). I am concerned about future congestion and the environmental impact in the neighborhood with a 32-unit footprint (based on parceling out 8 units). I don't believe that single families will only have one car and the extra car will be out on the street. There will be alot of congestion during and after construction. Is it legal to divide the site's parcel into eight units? I am hoping you provide careful oversight and appreciate your time to look into the environmental impacts of the project.

Sherry Hsi
1125 Walnut Street

From:	steve tracy
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	full public review of 1130 Oxford development plans
Date:	Sunday, June 14, 2026 4:08:46 PM

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Planners,

Please pause. We residents need to know and discuss how the proposed project impacts local surroundings including air quality, noise levels, traffic patterns, and more.

This parcel appears adequate for 8-10 homes and the much greater impacts from proposed 31 units need to be examined for the good and safety of the neighborhood residents.

Steve Tracy

Euclid Ave

From: Alan Bern
To: City Attorney"s Office
Cc: O"Keefe, Shoshana; Planning Dept. Mailbox
Subject: Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project
Date: Monday, June 15, 2026 7:22:49 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 Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.



Yours,

Alan Bern and Alice Abarbanel
1014 Shattuck Avenue
Berkeley CA 94707

From: dennismfantin@gmail.com
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Ministerial Approval of 8 Parcel / 32 Lot Development at 1130 Oxford Street Is Not Warranted.
Date: Monday, June 15, 2026 8:17:03 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.

Proposed Development of 1130 Oxford Street: Concerns based on CEQA, Fire Safety, and Application of SB1123 / SB684

Dear Planning Staff etal,

I write as a nearby resident regarding the proposed 32-unit housing development at 1130 Oxford Street. I urge the City not to grant ministerial approval to this project, or to accept any claimed CEQA exemption, without a fuller and more transparent analysis of the project's fire risks, evacuation constraints, subdivision structure, and legal basis for streamlining.

The City's own records indicate that this is not a modest infill proposal. Rather, it is a plan to demolish the former Oxford School and replace it with 32 three-story homes totaling 48,480 square feet of residential floor area, with one garage per unit.

The record also indicates that the project depends on what City materials describe as a "stacked subdivision." As currently described, the developer would first subdivide the existing site into 8 parcels through a tract map, and would then further subdivide those parcels into 32 lots/homes under SB 684 / SB 1123. Before the City treats that arrangement as ministerial, CEQA-exempt, or legally compelled, it should provide the public with a clear written explanation of how this two-stage 8-parcel / 32-lot structure fits the text, limits, and purpose of the statutes being invoked.

The statutory issue matters because these laws are commonly described as "starter home" legislation, and the public is entitled to know whether they were actually intended to authorize a serial or layered subdivision approach of this kind. If the governing framework is understood as allowing a limited number of parcels or lots in a streamlined form, that raises an obvious question whether a project can first create multiple parcels through one subdivision mechanism and then further divide those parcels to reach 32 separate lots and homes. If the City believes the answer is yes, it should say so directly and explain why. If that analysis has limits or uncertainties, those should be disclosed as well.

At the same time, the City should not lose sight of the project's public-safety setting. Berkeley's own Fire Zone Verification classifies 1130 Oxford as a High Fire Hazard site. In addition, the subdivision and site plan materials appear to show that all 32 homes would depend on a single internal access and utility spine between Oxford and Walnut for ordinary circulation, emergency access, and evacuation.

That combination of density, hillside conditions, and single-spine access is precisely why deeper review is needed. This does not appear to be the kind of simple, low-risk, straightforward infill project that can be assumed to pose no meaningful danger in an emergency. Fire access, evacuation timing, choke points, and the consequences of blocked or impaired ingress and egress deserve real analysis before approvals are granted.

These same concerns also bear directly on CEQA. I understand that the developer's counsel has argued that AB 130 eliminates CEQA review for this project. But the City should not simply accept that conclusion without careful scrutiny, especially where the project raises substantial questions involving public health and safety, emergency access, and site-specific physical constraints.

The City's own SB-330 completeness letter appears to reserve the ability to impose requirements

necessary to avoid public health and safety impacts and CEQA impacts. Those reservations are important. They suggest that the City has not surrendered all discretion, and they underscore why it would be premature to assume that a project of this scale, on this site, can move forward without meaningful environmental and safety review.

For these reasons, I respectfully request that the City do the following before taking action on the 1130 Oxford proposal:

· Provide a written public analysis explaining how the proposed 8-parcel / 32-lot "stacked subdivision" is consistent with SB 684 and SB 1123, including whether those statutes were intended to support this kind of serial subdivision structure.

· Clarify whether any statutory parcel or lot limits, including the common 10-parcel / 10-lot framing associated with these laws, bear on the legality of using an initial tract map and then further subdivision to reach 32 lots.

· Explain whether the City has obtained an independent legal interpretation from the City Attorney or other City decision-makers, rather than relying primarily on the developer's statutory theory.

· Conduct and disclose a meaningful analysis of fire risk, emergency access, evacuation constraints, and the implications of relying on a single internal access spine for 32 hillside homes in a High Fire Hazard area.

· Determine whether CEQA review, or other discretionary review and conditioning, remains required or appropriate in light of the project's site conditions, public-safety issues, and unresolved legal questions.

Until those questions are answered in a transparent and legally supportable way, the City should not proceed on the assumption that ministerial approval is mandatory or that CEQA review is categorically unavailable.

Thank you for your consideration.

Dennis Fantin PhD
1124 Walnut Street
Berkeley, CA 94707
dennismfantin@gmail.com
P: 805-234-7222

From:	DEREK ABBASSI
To:	Berkeley Mayor"s Office; O"Keefe, Shoshana; City Attorney"s Office; Planning Dept. Mailbox; All Council; City Clerk
Subject:	Urgent Public Safety and Legal Review for Proposed Project at 1130 Oxford Street
Date:	Monday, June 15, 2026 2:49:43 PM

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Date: June 15, 2026

To:

- Adena Ishii, Mayor of Berkeley (mayor@berkeleyca.gov)
- Shoshana O'Keefe, District 5 Councilmember (sokeefe@berkeleyca.gov)
- Farimah Brown, Berkeley City Attorney (attorney@berkeleyca.gov)
- Jordan Klein, Director of Planning and Development (planning@berkeleyca.gov)
- Mark Numainville, City Clerk (clerk@berkeleyca.gov)
- Members of the Berkeley City Council (council@berkeleyca.gov)

Subject: Urgent Public Safety and Legal Review for Proposed Project at 1130 Oxford Street

Dear Mayor Ishii, Councilmember O'Keefe, City Attorney Brown, Director Klein, City Clerk Numainville, and Members of the City Council,

My name is Derek Abbassi. I have lived at 1120 Walnut St since 2004. I am currently a retired physician.

I am writing to you today, as several of my concerned neighbors have done already, regarding the proposed 31-unit residential project by Panoramic Interests at the former Oxford Elementary School site (1130 Oxford St). While our community supports the responsible addition of housing in Berkeley, we urge the City Attorney and the Planning Department to scrutinize the developer's statutory eligibility for ministerial streamlining.

The developer has filed an SB 330 Preliminary Application and stated intent to utilize Senate Bills 684 and 1123, alongside the provisions of Assembly Bill 130. However, a review of the California Government Code and Public Resources Code reveals that this specific parcel fails to meet the strict geographic and environmental criteria required for ministerial exemptions. Consequently, the City retains full discretionary authority and must mandate a comprehensive Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).

We request that the City review the project based on the following critical statutory frameworks:

1. SB 330 Does Not Grant an Exemption from CEQA

While the developer's SB 330 Preliminary Application locks in the local zoning ordinances and building standards in effect at the time of submittal, it does not alter state environmental laws. SB 330 explicitly allows local jurisdictions to enforce CEQA compliance. SB 330 cannot be used to manufacture a ministerial exemption if the underlying development pathway itself is legally

inapplicable to the parcel.

2. Statutory Disqualification Due to Severe Geographic Hazards (SB 684, SB 1123, and AB 130)

California Government Code Section 66499.41(a)(9) (established by SB 684), related provisions under SB 1123, and the infill exemptions under AB 130 explicitly exclude parcels that present severe environmental hazards from utilizing ministerial streamlining pathways or bypassing CEQA:

- **Wildfire Hazard Exclusion (Gov. Code § 66499.41(a)(9)(C)):** Streamlining is strictly prohibited on any parcel located within a Very High Fire Hazard Severity Zone (VHFHSZ). This property is situated within Berkeley's Hillside Overlay District, which directly intersects with designated fire hazard zones. Because the site lacks adequate infrastructure to safely handle additional evacuation traffic during a wildfire emergency, it fails this mandatory state safety criterion. AB 130's statutory infill CEQA exemptions are similarly disqualified in these high-risk fire zones. The City cannot legally or ethically approve this project without a certified, mathematically sound wildfire evacuation and emergency access plan.
- **Seismic and Landslide Hazard Exclusion (Gov. Code § 66499.41(a)(9)(D)-(E)):** State streamlining laws bar ministerial approvals on sites located within an earthquake fault zone or a seismic hazard

(landslide/liquefaction) zone unless stringent, pre-approved structural mitigation measures are met. The definitive geotechnical report that triggered the permanent closure of Oxford Elementary School provides empirical, documented evidence of active landslide and seismic risks on this exact site, placing it squarely outside the safe harbor of AB 130 infill exemptions.

Because the physical geography of 1130 Oxford Street places it within these state-level hazard exclusions, the project is statutorily disqualified from utilizing SB 684, SB 1123, and AB 130 exemptions.

3. Illegal Project Piecemealing to Evade CEQA Jurisdiction

The developer reportedly intends to phase construction by building approximately eight units at a time, attempting to circumvent SB 684's 10-unit cap through incremental development. Under well-established California Environmental Quality Act (CEQA) case law, this constitutes illegal "piecemealing" or project segmentation. A developer cannot fragment a single, unified 31-unit residential footprint into smaller phases to escape environmental review. Because all 31 homes will rely on the same hazardous hillside infrastructure and impact the same high-risk fire evacuation routes, the City must evaluate the project as a singular 31-unit whole. Consequently, the project exceeds all ministerial thresholds and demands a comprehensive Environmental Impact Report (EIR).

4. Evading Intent of Starter Home Legislation

The developer intends to use SB 684 and SB 1123 to secure ministerial, "by-right" approvals that completely circumvent standard public and environmental oversight.

- **Circumventing the 10-Home Limit:** The developer is attempting to utilize artificial lot subdivisions to bypass SB 684's strict cap of 10 units per parcel. By stringing multiple, fragmented applications together on a single historical property to achieve a 31-unit footprint, the developer is attempting to force a large subdivision through a pathway explicitly meant for small-scale infill.
- **Violation of Economic Spirit:** SB 684 and SB 1123 were expressly championed by the California Legislature to build modest, entry-level "starter homes" to boost affordable homeownership. The developer has estimated that these homes will sell for close to $2 million each. High-end luxury houses do not constitute starter homes. This is a clear weaponization of laws meant for affordable homeownership to maximize corporate profit while offering zero affordable housing units. Because no affordable units are included, the project is also entirely ineligible for any local or state density bonuses.

Conclusion and Formal Request for Action

Because the project does not legally qualify for the

ministerial pathways of SB 684 or SB 1123, and fails the threshold criteria for AB 130 infill exemptions, the ministerial exemption to CEQA does not apply. The City of Berkeley possesses the clear legal authority—and the public safety obligation—to subject this application to a standard discretionary review process.

We respectfully request that the City Attorney issue a formal determination regarding the developer's statutory ineligibility for SB 684/1123 streamlining based on these fire and seismic hazards. We further request that the City reject the developer's phased building approach as impermissible piecemealing under CEQA and require a full Environmental Impact Report (EIR) to rigorously evaluate wildfire evacuation capacities and hillside structural integrity before any permits are considered.

Thank you for your time, leadership, and attention to this urgent matter of public safety.

Sincerely,

Derek Abbassi, M.D.
1120 Walnut St., Berkeley, CA
(310) 993-6576
derekabbassi@me.com

CC:

- The Honorable Jesse Arreguín, California State Senate, District 7
- The Honorable Anna Caballero, California State Senate,

District 14 (Author of SB 684)

Sent from my iPad

From:	Georgia Maslowski
To:	O"Keefe, Shoshana; City Attorney"s Office; Planning Dept. Mailbox
Subject:	Proposed developoment at 1130 Oxford, former site of Oxford Elementary
Date:	Monday, June 15, 2026 3:59:58 PM

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City leaders,

My husband and I have lived at 1132 Walnut Street, directly across from the former school's lower playground, since 1978. As you know, that property has been purchased by Patrick Kennedy and a development with 31 single family homes is being proposed.

I am not against the property being developed but am very concerned about the impact of 31 more homes at that location. Unlike much/most of the new housing being developed in or proposed for Berkeley, this property is not on a main thoroughfare. It is in the midst of a residential neighborhood. Oxford and Walnut, the streets bordering the site, are not wide. This is especially true of Oxford. Adding the amount of traffic which might be conservatively expected with 31 new residences seems especially problematic in the case of any emergency or evacuation.

We have been advised we are in a fire zone and I have great concern about how residents of the neighborhood, including new neighbors at the proposed site, would be able to quickly get out of any fire danger and make it to a safer location. We have the Children's Community Center on Walnut, a parent-coop preschool which has been at their location for over 75 years. Added traffic from the proposed development would make it extremely difficult, even hazardous, for caregivers to get to children in an emergency caused by fire or any other disaster.

I request an environmental study be completed to determine the impact of this development on the surrounding neighborhood, especially in regard to traffic, and safety in case of an evacuation.

Thank you,

Georgia Maslowski

Outlook

[Draft] Fw: 1130 Oxford St project: Request a full public review with EIR

From VSchlepp@berkeleyca.gov
Draft saved Mon 8/10/2026 9:38 AM

1 attachment (542 KB)
Berkeley-Hills-Slide-Map.jpg;

From: Jennifer Rose
Sent: Monday, June 15, 2026 9:19 AM
To: Planning Dept. Mailbox; City Attorney's Office; O'Keefe, Shoshana; Kesarwani, Rashi; Kesarwani, Rashi
Subject: Fw: 1130 Oxford St project: Request a full public review with EIR

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 Department, City Attorney, Councilmember O'Keefe, and Councilmember Kesarwani,

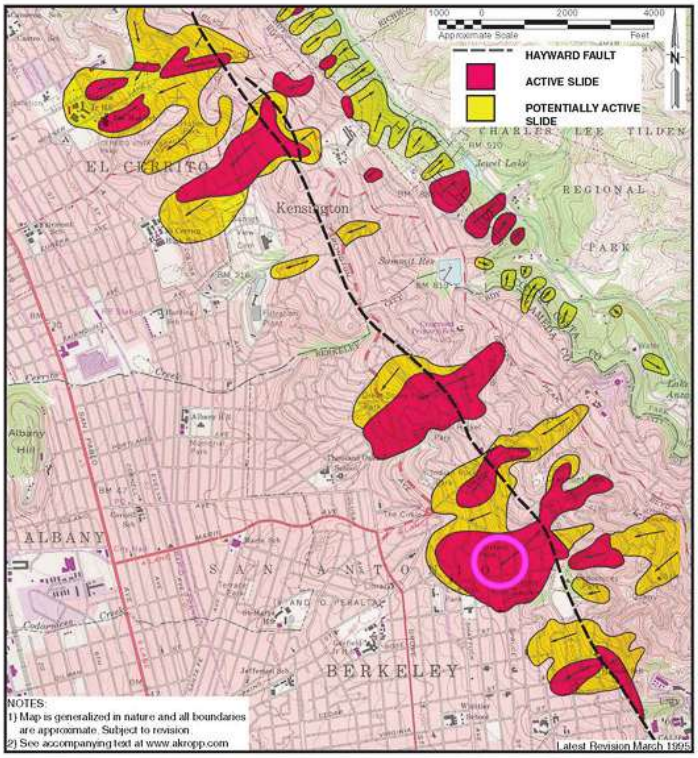
I'm writing as a resident of District 4 (Rashi's district) and a concerned parent of a child at Children's Community Center (CCC) preschool regarding the proposed 31-unit residential project at 1130 Oxford Street. I support appropriate housing on this site, but I'm concerned that the project may be approved through stacked ministerial parcel maps in a way that avoids a full environmental review.

The possibility of no Environmental Impact Report (EIR) is so alarming. The parcel and CCC sit almost directly on the Hayward fault and are in an extreme liquefaction zone. That means whatever is on that parcel may slide downhill into the preschool in the case of an earthquake. I'm really upset to think there might not be an EIR (i.e. less or no review of "geotechnical conditions") and thus perhaps allow the developer to avoid proper seismic work on this parcel.

I've added an image below to show how close to the fault and thus how critical an EIR is. CCC and the parcel are where I added the pink circle. The black line is the Hayward fault, which historically has had a major rupture every 150 years on average, and it has been 158 years since the last one so it is well overdue. Proper seismic work on this site, determined by an EIR, is of absolutely critical importance.

So, I urge the City to require a full and transparent public review process, including an EIR, before any final action. I understand a decision may be made by June 20, so I would appreciate this matter receiving full review beforehand.

LANDSLIDES OF THE BERKELEY HILLS



ALAN KROPP & ASSOCIATES, INC.
Geotechnical Consultants
2140 Shattuck Avenue, Berkeley, CA 94704
(510) 841-5095

Thank you,
Jennifer Rose
1721 Virginia St
Berkeley, CA
94703

From: Marc Bernstein
To: Planning Dept. Mailbox
Subject: 1130 Oxford St – ministerial eligibility determination
Date: Monday, June 15, 2026 8:45:51 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 Department,

I'm a neighbor near 1130 Oxford Street regarding the proposed 31-unit residential project at the former Oxford School site.

The application appears to involve subdivision of approximately a 1.26-acre parcel into multiple lots, with a total of 31 residential units, and may be proposed for ministerial processing under SB 330 and related statutes.

Question: Has the City determined that this project, as currently structured (including subdivision into multiple parcels with multiple units), qualifies for ministerial processing rather than requiring discretionary review under the Subdivision Map Act and/or CEQA?

Thank you,

Marc Bernstein

1156 Walnut St.
Berkeley, CA 94707
(734) 489-2249
moshezimel@gmail.com

From: Mimi Abers
To: Planning Dept. Mailbox
Subject: Oxford school construction
Date: Monday, June 15, 2026 8:19:18 AM

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I live three houses from oxford school and am terrified about the idea of the new owners building 31 houses and a street on this site. There is no doubt it will destroy the neighborhood. I went to a meeting held recently and when anyone asked the new owner about the construction, the answer was he didn't know yet. I'm hoping the planning department can rein in the plans and just allow something more reasonable.
Mimi Abers
1122 oxford st
Berkeley
Sent from my iPad

From:	Priscilla Rice
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Urgent request for Full Public Review of 1130 Oxford Street Project
Date:	Monday, June 15, 2026 10:49:48 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 Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O"keefe,

I am writing as a concerned neighbor regarding the development being planned at 1130 Oxford Street.
I urge the city to reject any attempt to approve the proposed project through stacked ministerial parcel maps
and instead require a full and transparent public review process, including providing an Environmental
impact report .This is an urgent matter and I understand a decision may be made by June 20th.Please ensure
this issue is given a full review before any final action is taken.
Thank you for your attention to this matter.

Priscilla Rice
1300 Arch Street
Berkeley, CA 94708
priscilla@priscillarice.com

From:	Richard C. Sauer
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Subject: Request for Full Public Review of 1130 Oxford Street Project
Date:	Monday, June 15, 2026 8:19:11 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.

To: keefe@beplanning@berkeleyca.gov; attorney@berkeleyca.gov; sorkeleyca.gov

Dear Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street. My wife and I live around the corner from the site at 1027 Shattuck Avenue and our son lives directly across from the site at 1128 Walnut Street. Members of my family have resided in Berkeley for a full century, I know and value its unique history and character and view with great concern the willingness of the City Council to make dramatic changes to the city without proper, and perhaps legally required, consideration of the impact of such policies on its residents.

The planned development squeezes 31 housing units with limited parking between narrow, winding streets with serious current parking congestion. Demolition of the current structure and the planned new construction raise manifold environmental issues (toxic substances, noise pollution, rodent infestation, etc.) that will have a major impact on a quiet, historic neighborhood. This matter should receive considered evaluation with opportunity for community input.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

Very truly yours,

Richard C. Sauer
Attorney at Law

From:	Rod Maslowski
To:	O"Keefe, Shoshana; City Attorney"s Office; Planning Dept. Mailbox
Subject:	Oxford development
Date:	Monday, June 15, 2026 4:18:21 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.

Berkeley Planning Dept, City Attorney, and Councilmember O'Keefe,

My wife Georgia and I own and live at our single-family residence at 1132 Walnut St, directly across from Oxford School. We have resided here for more than 45 years.

I am extremely concerned that the Oxford development could possibly go ahead without normal environment reviews and other evaluations. This project as currently envisioned seems simply too large and out of character for this neighborhood and also seems much larger than the law supporting urban in-fill addresses. It also seems wrong to me that stacking sub-divisions of the property might be used to circumvent the intent of the law.

I am not opposed to an appropriate development of housing on the site. The present abandoned school building has become an eyesore and needs to be replaced. But my understanding is that the streamlining statutes Mr. Kennedy is trying to use have limits, including a cap on the project size. Dividing the parcel into eight units appears to be trying to circumvent the law. There are good reasons for a project of this size to do a real study of traffic, geotechnical conditions and construction impacts given the location for this development. As in many neighborhoods in Berkeley, parking here has always been an issue, and this project appears to make that much worse.

I think the city attorney should be looking closely at this project to make sure it complies with all the relevant laws. I request that further study be done before project approval to assure that the final project for the Oxford development will be most suitable for this neighborhood.

Thank you for your attention to this issue,

Rod Maslowski
1132 Walnut Street, Berkeley
510 367 9197

From:	Silva Skenderi-Brown
To:	Tatarevic, Branka
Cc:	O"Keefe, Shoshana; Planning Dept. Mailbox
Subject:	RE: Formal Rebuttal to Applicant's AB 130 CEQA Exemption Claim – 1130 Oxford Street
Date:	Monday, June 15, 2026 8:38:10 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.

Attn: Branka Tatarevic, Associate Planner

CC: Soshana O'Keefe, Councilmember District 5

Land Use Planning Division

City of Berkeley

1947 Center Street, 3rd Floor

Berkeley, CA 94704

Assessor's Parcel Number (APN): 061-2558-017-00

Project Reference: SB 330 Preliminary Application (Submitted Dec 29, 2025)

Applicant Counsel Letter Dated: February 17, 2026 (Robin R. Baral, Hanson Bridgett LLP)

Dear Ms. Tatarevic,

I am writing as the property owner at 1141 Oxford Street, located immediately adjacent to the proposed development at 1130 Oxford Street. I recently reviewed the project files and the legal letter submitted to the City by Hanson Bridgett LLP on February 17, 2026, which argues that this 32-unit project should be entirely exempt from environmental review under the AB 130 infill exemption.

I want to be clear at the outset: **I am generally supportive of this housing project and do not want to stall its progress.** I welcome new neighbors and recognize the need for housing in Berkeley. However, because this site sits on a highly challenging hillside, I am writing to ask that the City require a focused Environmental Impact Report (EIR) rather than granting a blanket exemption.

A unified EIR ensures the project is built safely, protecting both the future residents and the existing neighborhood. I urge the Planning Department to require a full environmental review based on the following practical concerns:

1. Actual Geologic and Landslide Risks The applicant's letter states the site is not in a

hazardous zone. However, this specific hillside lot is part of a known active landslide hazard area. Under state streamlining laws (like SB 35/423, which AB 130 relies on), sites in state-designated Seismic Hazard Zones—including landslide areas—are generally disqualified from automated or ministerial approval unless very strict engineering criteria are pre-certified. Because of the active slide risks on this slope, a standard "rubber-stamp" exemption isn't appropriate here.

2. A Unified Project Requires a Unified Review The applicant is proposing to subdivide the 1.3-acre parcel into eight smaller lots, seemingly to fit under the 10-unit caps of SB 1123. Yet, their own counsel explicitly acknowledges on Page 2 of their letter that *"the 'project' therefore includes the subdivision approval, coupled with the SB 1123 small-lot subdivisions and housing development projects for 32 total units."*

Since the applicant agrees this is a single, cohesive 32-unit project, the City should look at the cumulative impact of the entire development. Drilling foundations and installing retaining walls on one part of this unstable hill directly impacts the rest of the slope. We need a single, comprehensive EIR that looks at the whole hillside at once, rather than analyzing eight separate lots in isolation.

3. Fire Safety and Evacuation Access While the property is just outside the state-mapped Very High Fire Hazard Severity Zone, it is fully subject to Berkeley's local hillside fire ordinances. Adding 24 units per acre (32 units total) onto our narrow, winding roads introduces significant density to a sensitive area. An EIR will help ensure that emergency vehicle access and neighborhood evacuation routes are thoroughly vetted and safely integrated into the final design.

4. Ensuring Structural Support for Adjacent Homes As an immediate neighbor, I have a natural concern regarding lateral and subjacent support (California Civil Code § 832). Heavy excavation and shoring on an active slide zone can directly impact the structural integrity of neighboring foundations. A formal EIR process would provide a transparent, independent geotechnical analysis, giving everyone peace of mind that the grading and construction methods are entirely safe for the hillside.

Conclusion and Requests To ensure this project is a long-term success for the city, the applicant, and the neighborhood, I formally request that the Planning Department:

- **Deny the total CEQA exemption** under AB 130 due to the clear landslide and geologic constraints of the site.
- **Require a Unified, Site-Wide EIR** that analyzes the entire 32-unit scope together, specifically focusing on hillside stability, cumulative shoring requirements, and emergency access.

I want to see this project move forward, but it needs to be done with the right environmental oversight. Please include this letter in the public administrative record for 1130 Oxford Street.

Thank you for your time and your dedication to keeping Berkeley safe and well-planned.

Sincerely,

Silva Skenderi-Brown

1141 Oxford Street

Berkeley, CA 94707

silvaskenderi@gmail.com

201-486-0607

From:	terillester2@aol.com
To:	Berkeley Mayor"s Office; O"Keefe, Shoshana; City Attorney"s Office; Planning Dept. Mailbox; City Clerk; All Council
Subject:	Urgent Public Safety and Legal Review Required for 1130 Oxford Street
Date:	Monday, June 15, 2026 12:29:47 PM

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Dear Mayor Ishii, Councilmember O'Keefe, City Attorney Brown, Director Klein, City Clerk Numainville, and Members of the City Council,

As a Berkeley resident, I support the responsible addition of new housing, but I insist that all projects comply with state safety laws. I am deeply concerned about the proposed 31-unit Panoramic Interests project at the former Oxford Elementary School site (1130 Oxford St). The developer intends to use SB 684 and SB 1123 to secure ministerial ("by-right") approvals. Reportedly, the plan is to phase construction by building approximately eight units at a time to circumvent the 10-unit statutory cap. Under well-established California Environmental Quality Act (CEQA) case law, this constitutes illegal "piecemealing" or project segmentation. A developer cannot fragment a single 31-unit residential footprint into smaller phases to escape environmental review.
Furthermore, California Government Code Section 66499.41(a)(9) and AB 130 explicitly disqualify properties from ministerial streamlining if they sit in severe hazard zones. 1130 Oxford Street fails to qualify for the following reasons:

1. **Seismic & Landslide Risks:** This exact parcel was permanently closed as an elementary school due to a documented geotechnical report proving active landslide and earthquake risks. Bypassing an EIR on an unstable hillside directly threatens public safety.
2. **Fire Hazards:** The site is in the sensitive Hillside Overlay District. Adding 31 homes without a comprehensive wildfire evacuation study poses an unacceptable threat to emergency route capacities.
3. **Evaded Intent of Starter Home Laws:** SB 684 and SB 1123 were created to encourage affordable starter homes. The developer plans to sell these for close to $2 million each with zero affordable housing, weaponizing for profit a program intended for starter homeownership.

Because this property is statutorily excluded from SB 684/1123 streamlining and cannot be illegally piecemealed, the City retains full discretionary authority. I respectfully request that the City Attorney deny a ministerial bypass and require a full Environmental Impact Report (EIR) under CEQA to ensure the safety of our community.

Thank you for your time and rigorous oversight.

Sincerely,
Teri Lester
1101 Walnut St.

From:	Tesfaye Tsadik
To:	mayor@berkelyca.gov; Sokeefe@berekeleyca.gov; City Attorney"s Office; Planning Dept. Mailbox; All Council; senator.arreguin@senate.ca.gov; senator.caballero@senate.ca.gov
Subject:	Fwd: Development project at former oxford school site (1130 Oxford Street)
Date:	Monday, June 15, 2026 1:45:15 PM

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---------- Forwarded message ---------
From: **Tesfaye Tsadik** <ttsadik3@gmail.com>
Date: Sun, Jun 14, 2026 at 8:18 PM
Subject: Development project at former oxford school site (1130 Oxford Street)
To: <planning@berkeley.gov>, <Sokeefe@berekeleyca.gov>, <mayor@berkelyca.gov>

I am a resident near the proposed project site. I am writing this email to voice my opposition to the project and seek your support in requiring environmental review before approving the project. As you know, the project is not only planned on a site well known for its landslide but also the site exists near the fault line and within the berkeley fire zone. There is also a preschool serving a large number of children right across the project site. Whatever merits the project may have, it should not and cannot outweigh the clear and legitimate request by the neighbors that a proper environmental review be conducted. Thank you for your consideration in this matter. Tesfaye W. Tsadik, 1189 Walnut Street, Berkeley.

Alicia C. Park
Lee A. Bernstein
1111 Oxford Street
Berkeley, CA 94707
(510)847.3435 | (510)847.3434
parklaw@mindspring.com

June 15, 2026

City of Berkeley Land Use Planning Division
planning@berkeleyca.gov

City Attorney, City of Berkeley
attorney@berkeleyca.gov

Council Member Shoshana O'Keefe
sokeefe@berkeleca.gov

Re: Proposed Development at Oxford School Site

Dear Officials of the City of Berkeley:

We are homeowners who reside at 1111 Oxford Street in Berkeley. We are on the same block as 1130 Oxford Street, the Oxford School site that has been purchased by Panoramic Interests with plans to develop a 31-unit residential project.

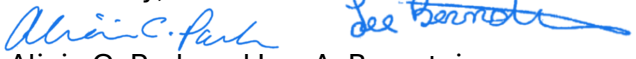
We urge the City of Berkeley to reject attempts to approve this project through stacked ministerial parcel maps. Instead, a full and transparent public review process should occur for the benefit and protection of current residents, including an Environmental Impact Report.

We are not opposed to much needed housing coming to our neighborhood. However, such housing and the process of the demolition of Oxford School and the building of the new homes should be subject to review based upon its environmental impact upon the neighborhood, including but not limited to an increase of traffic and parking and a decrease of parking spaces on both Oxford and Walnut Streets.

The application made by Panoramic Interests and its assertion that no additional review is required is pending. We understand that a decision may be made by June 20, 2026. Please ensure that this issue receives full review prior to any final action.

Thank you for your attention to this topic that is of utmost concern to the neighbors of the Oxford School site.

Yours truly,



Alicia C. Park and Lee A. Bernstein

From:	jessica
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	review process for 1130 Oxford Street development project
Date:	Tuesday, June 16, 2026 10:39:10 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 Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing about the review process for the proposed residential project at 1130 Oxford Street.

As our civic leaders, I hope you will take responsibility for your role in the approval process for the proposed development and do your due diligence to make the process transparent and coherent. This would include either a full Environmental Impact Report, or an explanation for why one is unnecessary.

As Berkeley hills residents we are being asked to undergo disaster preparedness training, fire safety mitigations, and more, in order to ensure the safety of our neighborhood. Please reassure us that you are also taking appropriate measures to safeguard this community and either require a full and transparent public review process, or provide us with the information we need to understand why it is appropriate to forego one.

Thank you.

Respectfully,
Jessica Samuels
Walnut Street resident

From:	neal sauer
To:	Berkeley Mayor"s Office; O"Keefe, Shoshana; City Attorney"s Office; Planning Dept. Mailbox; City Clerk; All Council
Subject:	Public Safety and Legal Review for 1130 Oxford Street
Date:	Tuesday, June 16, 2026 10:39:26 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 Mayor Ishii, Councilmember O'Keefe, City Attorney Brown, Director Klein, City Clerk Numainville, and Members of the City Council,

I am writing concerning the proposed development of the former Oxford Elementary School site. I live directly across from the property at 1128 Walnut Street. His proposal is for a 31-unit development. I have recently learned that the developer intends to circumvent the legally required environmental review process through "piecemealing" the development in order to evade the 10-unit statutory cap.

Living here, I am entirely sure that he is doing so because it would immediately show very clear problems with the proposal.

1. First off. The Oxford school was closed due to the documented landslide and earthquake risks at the property. This was why he was able to acquire it in the first place. And since I live directly underneath the development, that is of some worry.

2. The area is part of the Hillside Overlay District. Access for any engines is really difficult on the Walnut side. The fire fighters themselves I know have expressed concerns about being able to get into the area, or getting people out, in case of an emergency. And fire evacuation is a major issue in the neighborhood.

3. And finally, has anyone thought through the implications of increasing traffic from that area. From the development to the neighboring commercial districts of Hopkins or Solano, all the traffic from this increased density would naturally fall down Eunice, which, between Walnut and Shattuck, narrows down to bi-directional single lane, a "suicide lane", at very steep grade. This is just the reality of the streets in this area. And this intersection has an unusually high amount of pedestrian and bike crossing traffic, particularly cargo bikes. Why? Because it is adjacent to the local preschool, and they are parents, who are picking up their preschoolers. So, that should be reviewed.

Towards the highway, access is down Los Angeles, into The Circle, where one of my neighbors was recently severely injured by a motor vehicle. The downhill approach to The Circle (down Marin) was just recently the site of a fatality. The City has been making a show of spending money on that area after the fact. Except there really isn't even room for public safety theater down Los Angeles, due to the narrowness of the street.

These issues are all immediately apparent to anyone who lives here. I understand the interests for creating additional housing. However, this hillside really does not have the public infrastructure to support such a massive housing development. It was never designed for it, and, aside from historical, a lot of these issues are just topographical. Even a cursory glance of the area would show the problems here.

I am not entirely sure what reviews the developer is intending to evade, but I do imagine that it

would be that be that developers are usually supposed to insure that in the case of a landslide their property is not then on top of the property downhill, that in case of a fire, the residents can escape, and that the resultant traffic isn't t-boning the crossing preschoolers.

I do think there should be a way for the Oxford property to be developed responsibly, and I do support the general attempt to increase the overall supply of housing in Berkeley overall. But that takes a lot of work, and infrastructure in order to be compatible with the resultant increase in demand and be compliant with the requirements of public safety.

There definitely should be a review here. Really badly.

Sincerely,
Neal Sauer
1128 Walnut St, Berkeley CA, 94707

PS- My next-door neighbor was extremely opposed to this development, but she unfortunately passed away recently, and so is not able to pass on her objections in person.

June 16, 2026

City of Berkeley Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

RE: Proposed SB 330 Housing Development Project at 1130 Oxford Street

Hello, we are writing as concerned property owners at 1201 Oxford Street, which is located approximately 800 feet south of the proposed development site at 1130 Oxford Street (formerly the Oxford Elementary School). As a neighbor and resident of the neighborhood for more than 30 years, **we formally request that the City of Berkeley reject the applicant's claim of statutory exemption and require the proposed project to comply with a thorough and open public and environmental review process.**

We urge the City Planning Department to enforce its full discretionary oversight and reject any claims of ministerial approval shortcuts or AB 130 exemptions for the proposed project based on a number of legal, factual, and environmental grounds as highlighted below:

1. Inaccurate Application of AB 130 and SB330 to Defined Project

We recently reviewed a number of the Project (SB 330) Preliminary Application files, including the subsequent California Environmental Quality Act (CEQA) Exemption letter submitted to the City by Hanson Bridgett LLP dated February 17, 2026. The applicant asserts that their proposal to subdivide the 1.3-acre parcel into eight lots, for a 32-unit housing development is entirely exempt from CEQA review under the AB 130 statutory infill exemption (Pub. Res. Code § 21080.66). This is an inaccurate interpretation of AB 130 and does not exempt a project from complying with local zoning and general plan rules. The project pre-application information provided explicitly conceded facts that invalidate their streamlined approval strategy.

As highlighted below, many of the proposed project pre-application assertions and interpretations of state and local laws and regulations are not accurate. The information provided is incomplete, selective in nature, and misrepresents project requirements with respect to site conditions, local land use and zoning, potential neighborhood impacts, and state required environmental (hazard) assessment investigations.

2. Failure to Meet SB 35/423 Environmental Site Requirements (Geologic Hazard)

On page 2 of the applicant CEQA exemption request letter, a claim is made that the project meets all environmental criteria referenced in Public Resources Code § 21080.66(a)(6) and Government Code § 65913.4(a)(6), asserting that the site is not located in a hazardous zone.

This statement is factually and geologically incorrect. The hillside lot at 1130 Oxford Street is a well-documented active landslide hazard zone within the Keith Avenue landslide complex (ref. Oxford School Geotechnical Report, Alan Kropp & Associates2019). Under Government Code § 65913.4(a)(6)(B), a project is completely disqualified from ministerial or statutory streamlining if it is located on a landslide hazard zone as identified by the State Geologist or the local General Plan Seismic Safety Element. Because this hillside is an active slide area, the site fails the mandatory baseline environmental safety metrics required by AB 130.

The proposed project site's location is in an area with increased landslide risk in the event of a major earthquake. The Hayward fault, with a characteristic earthquake of moment magnitude (M) 7.2, lies 1,500 feet to the east of the proposed project site. The site falls within the jurisdiction of the California Geological Survey (CGS) State Earthquake Zones of Required Investigation Maps and Reports as stipulated under the Alquist-Priolo Earthquake Fault Zoning Act (1972) and the Seismic Hazards Mapping Act (1990). The CGS hazard zones are intended to trigger site-specific geologic/geotechnical studies for new developments and reconstruction of existing structures for human occupancy, so hazards can be identified and mitigated prior to construction.

3. Incorrect Application of "Whole Of The Action" Defined Project

The proposed project pre-application attempts to split the property into eight separate parcels to slide under the 10-unit parcel limit under SB 1123. On Page 2, Paragraph 2 of the applicant's letter, the applicant's own counsel and explicitly concedes "For CEQA purposes, the 'project' therefore includes the subdivision approval, coupled with the SB 1123 small-lot subdivisions and housing development projects for 32 total units."

By defining the "project" as a singular, cohesive 32-unit development across the entire 1.3-acre site, the applicant has created an indivisible cumulative impact profile. A request for a CEQA exemption does not alleviate the applicant's requirement to comply with local land use zoning and general plan rules. In addition, a Builders Remedy approach is not valid for the project under the City's full compliance with the State Housing Accountability Act and housing element timelines.

The project applicant and the City's review cannot separate the significant potential environmental and structural dangers of heavy construction drilling, shoring, and foundation work on one section of the hill from the others. Because the applicant has legally bound these applications together as the "whole of the action," the massive cumulative impact of drilling 32 units into an active landslide requires discretionary oversight and a full environmental impact assessment.

4. Inapplicability of Builder's Remedy and Ministerial State Streamlining (SB 684/SB 1123)

The proposed project site is zoned R-1 (Single-Family Residential), which is designated for low-density housing frameworks. A 32-unit project yields a gross density of 25.4 dwelling units per acre (DU/ A). Because the proposed project represents an intense over-development that completely violates the established R-1 zoning framework, it should not proceed in absence of any formal, discretionary Zoning Ordinance and Map Amendment process initiated through the Planning Commission and approved by the City Council.

The developer has no legal authority to bypass local R-1 density caps via the "Builder's Remedy" (under the Housing Accountability Act, Gov. Code § 65589.5). Because the California Department of Housing and Community Development (HCD) has officially certified the City of Berkeley's Housing Element as fully compliant with the Housing Accountability Act, the City retains its full statutory right to enforce its zoning ordinance and density limits.

The developer incorrectly applies the Starter Home Revitalization Act (SB 684 / SB 1123) to achieve ministerial, non-discretionary approval. SB 684 and the City of Berkeley's Middle Housing framework strictly cap ministerial small-lot subdivisions at a maximum of 10 parcels and 10 primary units. At 32 units, this project is legally disqualified from any state-mandated ministerial fast-track.

Because this project proposes a 32-lot subdivision to create fee-simple homes , it falls strictly under the jurisdiction of the California Subdivision Map Act and Berkeley Municipal Code Title 21 (Subdivisions). The City has the authority to require a Vesting Tentative Tract Map (TTM). This process is entirely discretionary and requires public notices and a formal hearing before the Planning Commission.

5. Potential Severe Impacts to Local Fire Zone and Evacuation Constraints

While the applicant notes the project sits outside CAL FIRE's state mapped Very High Fire Hazard Severity Zone, the parcel is fully bound by the City of Berkeley's local municipal fire ordinances governing hazardous hillside topography. The proposed gross density of 32 high-density units (24 dwelling units per acre) sits on narrow, winding roads already impacting by heavy street parking and historic emergency access constraints. The neighborhood surrounding the project site lies within an area of elevated fire danger, and the proposed development would place 32 residential units in close proximity to one another. It is important that the City, under its public safety mandates, carefully evaluate emergency access, evacuation considerations, fire-resistant design measures, and the potential for fire spread both within the project and to surrounding properties.

Traffic safety is already a serious concern in our neighborhood. Vehicles frequently speed along Los Angeles Avenue, Oxford Street, Shattuck Avenue, Spruce Street, and Marin Avenue, and drivers often fail to stop at stop signs. A 32-unit development will introduce dozens of additional vehicles, along with increased visitor, delivery, and service traffic. At a minimum, the project's traffic impacts warrant careful analysis.

Conclusion

We support thoughtful housing development and recognize the need for additional housing in Berkeley. As a long-term former commissioner and Vice-Chair of the Community Environmental Advisory Commission, the proposed project at 1130 Oxford Street is an strong example of just the type, scale and scope of project that warrants further evaluation and a CEQA environmental assessment. It is critical that a thorough, transparent and open public review process is followed to ensure that all potential impacts on traffic safety, wildfire risk, and other environmental concerns are fully understood and addressed.

Thank you for your attention to this matter. Please confirm receipt of this letter for the record.

Regards,



Richard Harris, P.E.
Sandra Harris
1201 Oxford Street
Berkeley, CA 94709
rharrisconsults@gmail.com

cc: Berkeley City Attorney
Councilmember Shoshana O'Keefe

From:	Jessica Rohman
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Request of the City of Berkeley regarding 1130 Oxford Street development to reject ministerial review process and require an Environmental Impact Report
Date:	Wednesday, June 17, 2026 10:50:25 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.

To the City of Berkeley Attorney, City of Berkeley Land Use Planning Division, and District 5 Councilmember O'Keefe:

My name is Jessica Rohman and I live at 1125 Oxford St., directly across the street from Oxford School Path and the northernmost edge of the Oxford School Site at 1130 Oxford Street.

Over the past several weeks, based on our community meetings with the developer, a review of documents that have been submitted by the developer to the City, examination of new state laws, as well as research that has been conducted by individual community members, my neighbors have brought to my attention serious and apparently legitimate concerns with the plans proposed by Panoramic Interests to leverage new state bills in order to bypass what, until recently, has been considered standard safety and environmental protocol required for new construction in Berkeley--particularly for property zoned as RH-1.

I am not opposed to the construction of new housing on the Oxford School Site property. However, as a homeowner whose property will be dramatically and permanently affected by the decisions made surrounding this new development, I am deeply concerned with expediting plans without third-party due diligence examining how the proposed development will impact the wellbeing and safety of residents. This includes critical issues such as emergency evacuation planning in a high fire zone, geological impact in a landslide risk zone, traffic considerations on a blind curve where neighbors' cars have been side-swiped and even totalled, impact to street parking, and other obvious liabilities that come with 31 new single family homes on a footprint that had originally been zoned for ten.

I, along with my neighbors, are calling for a third-party Environmental Impact Report to be conducted, with transparent sharing of the findings and openness to community involvement in assessing solutions. Three specific requests I have of the EIR are 1) a third party traffic study 2) a third party evacuation study, and 3) a third party geological impact study.

1. **Traffic study:** I have lived in my home since 2010. Oxford Street serves as a main thoroughfare for traffic coming to and from Cal campus. The Oxford School site is located on a blind curve. In front of my home, where cars from the proposed "Walnut Walk" would exit the new development, I have witnessed multiple neighbor's cars be completely totalled as cars coming around the curve have misjudged the curve and slammed into their parked cars. My own dog was hit by a car coming around the curve, and many of us have lost rearview mirrors or had our cars side-swiped by cars coming around this same curve. Moreover, I am a single-car family, however, I am typically unable to park my car in front of my own home based on the number of vehicles already in the neighborhood. I ask that the City require a third-party traffic study to assess how the addition of 31 new homes in this space would impact the current flow of traffic in and around this block of Oxford Street, the impact to street parking for residents, and that the City take action to implement recommendations made by the assessment to help mitigate negative impacts.

2. **Fire Evacuation study:** I request that a third party conduct a formal evacuation study of how the new development would affect existing fire evacuation routes should there be a fire in the Berkeley Hills. Given we are in a high fire zone, and with the layout of our long and windy streets as well as The Circle roundabout that serves as a key exit point, 31 NEW houses in a single block would

appear to create a dangerous choke point for anyone East of the new development who is evacuating the Berkeley Hills using Los Angeles or Eunice Streets as exit points. I ask that the City require an in-depth, third-party fire evacuation review to assess the impact on how residents East of 1130 Oxford St. would safely evacuate their homes in case of a fire, and take action to implement recommendations made by the assessment to support speedy evacuation in case of a fire (for example, having 1130 Oxford Street cars EXIT the development on Walnut street, which would take them AWAY from the fire as opposed to driving TOWARD the fire and exiting on Oxford Street as currently planned).

3. **Geological Impact study:** I request that a third party prepare a new report detailing the geological impact of these specific proposed plans. I understand that the developer has conducted their own research about this and is relying on an engineering firm who has experience building in the Berkeley Hills. However, because this party has been hand-selected by the developer himself, neighbors would like an independent third-party to conduct the study before breaking ground.

Above all, I request that the City of Berkeley **reject** any attempts by the developer to 1) secure ministerial review, or 2) to bypass CEQA or a third-party Environmental Impact Report (EIR). Bypassing these important processes is hasty and puts all of our livelihoods and safety at risk - permanently. My neighbors' letters to the City requesting that it reject attempts by the developer to secure ministerial review and to bypass EIR are in a shared database for our collective future reference, establishing documentation of our communication to the City about such concerns that we believe to be a liability to our individual and collective safety. Given the significance of this proposal for the surrounding neighborhood, I respectfully ask that our concerns receive full consideration before any final action is taken.

Thank you,

Jessica Rohman
415-310-9134

From:	Richard Harris
To:	Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject:	Urgent Request for Full Public Review of Proposed 1130 Oxford Street Project
Date:	Wednesday, June 17, 2026 2:49:27 PM
Attachments:	1130 Oxford St Ltr.pdf 1130 Oxford St Ltr.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.

Dear Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

We are writing as concerned neighbors regarding the proposed 32-unit residential project at 1130 Oxford Street. Please see the detailed comment letter attached.

We urge the City to reject any attempt to approve this project through stacked ministerial parcel maps. Instead, we request a transparent public review process to address potential significant environmental concerns, including traffic, noise, and aesthetics. The former Oxford Elementary School site has a long history of fostering public goodwill and a participatory neighborhood environment. We believe the current proposed project proposal, specifically the request to bypass the public review process via a full CEQA exemption, fails to adequately address the development's potential impacts on surrounding properties, the environment, and the public right-of-way.

Please ensure this project receives a comprehensive review before any final action is taken.

Thank you for your attention to this matter.

Regards,

Richard Harris, P.E.
Sandra Harris
1201 Oxford Street
Berkeley, CA 94709

From: Bean Kelly
To: Planning Dept. Mailbox; City Attorney"s Office; O"Keefe, Shoshana
Subject: Urgent Request for Full Public Review of 1130 Oxford Street Project
Date: Friday, June 19, 2026 6:39:18 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 Berkeley Planning Department, Berkeley City Attorney, and Councilmember Shoshana O'Keefe,

I am writing as a concerned neighbor regarding the proposed 31-unit residential project at 1130 Oxford Street.

I urge the City to reject any attempt to approve this project through stacked ministerial parcel maps and instead require a full and transparent public review process, including providing an Environmental Impact Report (EIR).

This is an urgent matter, and I understand a decision may be made by June 20. Please ensure this issue receives full review before any final action is taken. Thank you for your attention to this matter.

From:	Sarah Pfeil
To:	O"Keefe, Shoshana; City Attorney"s Office; Planning Dept. Mailbox; City Clerk; All Council; Berkeley Mayor"s Office
Subject:	Proposed development concerns at 1130 Oxford street
Date:	Sunday, June 21, 2026 7:53:07 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 Mayor Ishii, Councilmember O'Keefe, City Attorney Brown, Director Klein, City Clerk Numainville, and Members of the City Council,

As a Berkeley resident, I support the responsible addition of new housing, but I insist that all projects comply with state safety laws. I am deeply concerned about the proposed 31-unit Panoramic Interests project at the former Oxford Elementary School site (1130 Oxford St).

The developer intends to use SB 684 and SB 1123 to secure ministerial ("by-right") approvals. Reportedly, the plan is to phase construction by building approximately eight units at a time to circumvent the 10-unit statutory cap. Under well-established California Environmental Quality Act (CEQA) case law, this constitutes illegal "piecemealing" or project segmentation. A developer cannot fragment a single 31-unit residential footprint into smaller phases to escape environmental review.

Furthermore, California Government Code Section 66499.41(a)(9) and AB 130 explicitly disqualify properties from ministerial streamlining if they sit in severe hazard zones. 1130 Oxford Street fails to qualify for the following reasons:

1. Seismic & Landslide Risks: This exact parcel was permanently closed as an elementary school due to a documented geotechnical report proving active landslide and earthquake risks. Bypassing an EIR on an unstable hillside directly threatens public safety.
2. Fire Hazards: The site is in the sensitive Hillside Overlay District. Adding 31 homes without a comprehensive wildfire evacuation study poses an unacceptable threat to emergency route capacities.
3. Evaded Intent of Starter Home Laws: SB 684 and SB 1123 were created to encourage affordable starter homes. The developer plans to sell these for close to $2 million each with zero affordable housing, weaponizing for profit a program intended for starter homeownership.

Because this property is statutorily excluded from SB 684/1123 streamlining and cannot be illegally piecemealed, the City retains full discretionary authority. I respectfully request that the City Attorney deny a ministerial bypass and require a full Environmental Impact Report (EIR) under CEQA to ensure the safety of our community.

Thank you for your time and rigorous oversight.

Sincerely,

Sarah Pfeil

2139 Eunice St

Berkeley, Ca 94709

From: DEREK ABBASSI
To: Berkeley Fire Department; Berkeley Mayor"s Office; O"Keefe, Shoshana; City Attorney"s Office; City Clerk; Planning Dept. Mailbox
Subject: Formal Safety Concern Letter
Date: Thursday, June 25, 2026 12:04:00 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.

Formal Safety Concern Letter

Date: June 25, 2026
To:
Fire Chief David Sprague
Berkeley Fire Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94704
Sent via Email to: fire@berkeleyca.gov

Subject: Fire Safety, Evacuation, and Seismic Risks Regarding the Proposed 31-Unit Project at 1130 Oxford Street in Light of Severe Public Safety Budget Reductions

Dear Chief Sprague,

On behalf of the residents of the Northbrae neighborhood, we are writing to formally request the Berkeley Fire Department's rigorous review of a preliminary application submitted by Patrick Kennedy of Panoramic Interests. The developer proposes to build a high-density, 31 unit luxury residential project on the parcel of the former Oxford Elementary School (1130 Oxford Street).

As the Fire Chief, your primary mandate is the protection of

life and property. We believe this massive influx of density at this specific location poses an immediate threat to neighborhood wildfire safety and emergency evacuation capabilities—particularly given the City's current public safety resource constraints. We urge you to consider the project in light of the following risks:

1. Heightened Wildfire Evacuation Bottlenecks
The 1130 Oxford Street property sits entirely within Berkeley's restricted **Hillside Overlay District** and is positioned dangerously close to Very High Fire Hazard Severity Zones**.** The streets surrounding the former school site are narrow, winding, and frequently obstructed by curbside parking. Adding dozens of vehicles from a high-density complex will create a catastrophic bottleneck during a wildfire, trapping fleeing residents and blocking incoming Type-1 engines.

2. Severe Infrastructure Constraints Amid Public Safety Budget Cuts
This application comes at a time when Berkeley's emergency response infrastructure is facing unprecedented strain.

- **City Council Budget Reductions:** Following the Berkeley City Council's budget approval—attempting to close a $30 million deficit—public safety and emergency services are facing devastating long-term impacts.
- **Threatened Closure of Fire Station #4:** While immediate layoffs were narrowly avoided by city

council members, Fire Station #4 (on Marin Avenue) was explicitly targeted for closure to address this deficit. Fire Station #4 is the primary responder for our immediate area.
- **Compounded Risk:** It is a dangerous contradiction for the City to consider adding a 31-unit residential footprint to a narrow hillside road while simultaneously planning to reduce fire staff, eliminate firefighting positions, or close the neighborhood's closest fire house.

3. Immediate Seismic and Landslide Hazards (A Timely Warning)

The recent, terrifying seismic activity over the last 24 hours serves as a direct warning against high-density development on geologically unstable terrain:

- **The June 24, 2026 Mendocino County Quake:** The **magnitude-5.6 earthquake** that struck Northern California yesterday morning was the largest earthquake in the state in over three years, causing widespread power outages, property damage, and localized panic.
- **The June 24, 2026 Twin Venezuela Quakes:** Compounding this warning, the devastating back-to-back **7.1 and 7.5 magnitude earthquakes** that struck Venezuela yesterday demonstrate the rapid catastrophe that occurs when high-density residential structures collapse on active faults, tragically killing over 160 people.
- **The Oxford Site:** The former Oxford Elementary School campus was permanently closed in 2020 precisely because a geotechnical and landslide deformation report proved the site sat on the active

Keith Avenue Landslide Complex. A seismic event on the Hayward Fault could trigger ground failure, instantly rupture underground utility lines, and create immediate fire-following-earthquake hazards. (https://www.dailycal.org/news/city/housing/berkeley-developer-files-permits-to-build-3-story-homes-on-former-site-of-oxford-elementary/article_56b70146-0863-4484-ab4e-1b2c57906c60.html)

Conclusion and Requested Actions

State housing laws do not grant developers the right to compromise public safety on geologically active, high-fire-risk hillsides. We respectfully urge the Berkeley Fire Department to intervene during the City's preliminary project review and take the following actions:

1. **Mandate a Comprehensive Wildfire Evacuation Analysis:** Require an independent evacuation study that explicitly accounts for the cumulative impact of these added vehicles on narrow streets, factoring in the potential reduction of fire department assets and the threat to Fire Station #4.
2. **Enforce Strict Fire Code Inspections:** Ensure the project is held to the absolute highest standards of the California Fire Code, including strict turn-radius compliance for Berkeley's largest emergency vehicles.
3. **Submit Formal Testimony to the Planning Commission:** Formally document the Fire Department's stance on adding dense housing to active landslide zones within a High Fire Hazard Severity Zone

(berkeleyfiresafe.org) during a period of municipal public safety cutbacks.

Thank you for your tireless service to Berkeley and for your dedication to keeping our hillsides safe.

Sincerely,

Derek Abbassi, M.D.
1120 Walnut St., Berkeley, 94707
(310) 993-6576
derekabbassi@me.com

Sent from my iPad

July 6, 2026

DELIVERED VIA ELECTRONIC MAIL

To:
Adena Ishii, Mayor of Berkeley (mayor@berkeleyca.gov)
Farimah Brown, Berkeley City Attorney (attorney@berkeleyca.gov)
Jordan Klein, Director of Planning and Development (planning@berkeleyca.gov)
Shoshana O'Keefe, District 5 Councilmember (sokeefe@berkeleyca.gov)
CC:
Mark Numainville, City Clerk (clerk@berkeleyca.gov)
Members of the Berkeley City Council (council@berkeleyca.gov)
Fire Chief David Sprague
(fire@berkeleyca.gov)

Subject: 1130 Oxford Street — Statutory Safety Exclusions to Streamlined Housing (SB 330 / SB 1123)

Dear Mayor Ishii, Councilmember O'Keefe, City Attorney Brown, and Planning Director Klein,

I am writing to follow up on our neighborhood correspondence dated June 15, 2026, and our subsequent letter to the Berkeley Fire Chief dated June 25, 2026, which was copied to City leadership. We acknowledge receipt of a form acknowledgment from the Mayor's Office and a helpful response from Councilmember O'Keefe's office.

As a retired physician and a Berkeley resident since 2004, I trust we are aligned in our duty to protect public health and to safeguard residents from the predictable wildfire, seismic, and landslide risks unique to the Hillside Overlay District. Because we share these same critical safety goals, our community is looking to your offices for clarity on how the city plans to apply the mandatory state safety protections governing this site.

We understand that the developer, Panoramic Interests, has filed an SB 330 Preliminary Application for the site. While SB 330 freezes baseline local zoning ordinances, it explicitly does not grant a waiver from environmental review, fire safety requirements, or public oversight. If the applicant ultimately intends to rely on streamlining pathways like SB 684 or SB 1123 to bypass the California Environmental Quality Act (CEQA), eliminate comprehensive environmental review, and escape standard local planning oversight, the project must strictly satisfy every statutory prerequisite and trigger zero safety exclusions. State streamlining laws mandate that a project must comply with 100% of a jurisdiction's "objective standards"—defined by state law as criteria involving no personal judgment, subjective evaluation, or discretionary waivers by local officials. To ensure a complete and reviewable administrative record, we request that the City provide written responses identifying the City's formal determinations, findings, and the exact legal basis for those determinations in the record on the following issues:

1. Geotechnical Conditions and Landslide Hazard Review

State streamlining laws bar ministerial fast-tracking on parcels located within a documented seismic hazard or active landslide zone unless specific mitigation standards are met. Given that the definitive geotechnical report prepared by Alan Kropp & Associates for the Berkeley Unified School District identifies 1130 Oxford Street as part of the active Keith Avenue Landslide Complex—empirically forcing the permanent closure of the elementary school—this property raises a critical statutory question regarding its eligibility for automated streamlining. We request that the City provide written responses identifying how it will legally reconcile the necessity for complex technical engineering evaluations, risk assessments, and safety findings with an automated, ministerial approval pathway, including:

- Whether the City acknowledges that evaluating complex structural engineering mitigation plans for an active landslide complex inherently requires technical judgment and subjective review, thereby legally disqualifying the project from a purely "objective standard" ministerial pathway under Government Code Section 65913.4(a)(6).
- Whether the City will exercise its full authority to perform a comprehensive geotechnical review of the underlying site conditions, and whether it will mandate a fully independent, third-party technical review of any risk mitigation plans eventually submitted by the applicant.
- How these documented geological conditions and review requirements are being recorded within the administrative record regarding the availability of mandatory, local discretionary review.

2. Wildfire Hazard Severity and Hillside Overlay Disqualifications

We appreciate District 5 Councilmember O'Keefe's written assurance that the Berkeley Fire Department will review the project plans to ensure compliance with emergency vehicle access, site access, and fire-code requirements within their authority. However, because of the profound physical risks surrounding this specific location, we believe this property requires a comprehensive evaluation that extends far beyond a routine code check. State housing laws bar automated, ministerial fast-tracking on parcels located within hazardous territories. Because 1130 Oxford Street sits within a documented fire hazard zone, is located entirely within Berkeley's Hillside Overlay District, and immediately interfaces with narrow, winding evacuation corridors that run directly through adjacent Very High risk territories, this development presents an acute risk of triggering these explicit statutory exclusions. In a wildfire emergency, fire and gridlock do not respect map lines; these constrained streets serve as the primary evacuation chokepoint for hundreds of families fleeing the hills.

Crucially, state housing laws explicitly respect local safety ordinances designed to mitigate localized environmental hazards within overlay zones. Because Berkeley's Hillside

Overlay, District regulations remain legally active and inherently require discretionary, subjective findings regarding slope stability, grading, and emergency egress, the City retains its full authority to mandate a comprehensive environmental review and maintain standard planning oversight. Furthermore, under Government Code Section 51179, the City has an explicit mandate to adopt and enforce Fire Hazard Severity Zones that reflect localized wildfire risk. We request that the City provide written responses identifying how it will legally evaluate these wildfire safety boundaries and ordinances, including:

- The official fire hazard severity zone classification applicable to this parcel under both state and local maps. Specifically, how the City will apply the strict, dual-standard text of **Government Code Section 66499.41(a)(9)(C)**—which explicitly disqualifies parcels located in **either a 'High' or 'Very High'** fire hazard severity zone—to completely deny the applicant's eligibility for automated small-lot subdivision streamlining.
- Whether the Planning Department will enforce these legally recognized local Hillside Overlay controls to deny automated, checklist-based ministerial processing for this parcel.
- Whether the Berkeley Fire Department's review, as assured by Councilmember O'Keefe, will require a dynamic, time-based wildfire evacuation capacity study for these narrow hillside corridors before any preliminary or final development permits are considered?

3. Project Definition, Scope Contradiction, and Subdivision Mapping

Under the Starter Home Revitalization Act framework, the statutory benefits of SB 684 and SB 1123 are strictly limited to housing development projects that cap total unit yields at a maximum of 10 units per parcel. The applicant has formally filed an SB 330 Preliminary Application for 1130 Oxford Street specifying a single housing development project consisting of 32 residential units. Because the property currently exists as a single parcel, a 32-unit project is legally disqualified from using this framework unless the site is subdivided into a minimum of four separate parcels. In light of the applicant's public statements indicating an intent to build out the site in phases of approximately eight units at a time, it is our logical conclusion that the developer intends to split this single historical lot into multiple sub-parcels to bypass the 10-unit cap. We request that the City provide written responses identifying the legal framework governing such a strategy, including:

- The legal basis the City would rely upon if it attempts to allow a 31 or 32-unit development project to utilize a streamlining framework strictly capped at 10 units per parcel, and whether the City will explicitly reject any sequential subdivisions on this single 1.26-acre footprint.
- How the City is evaluating this proposed phased structure under the California Subdivision Map Act (Government Code § 66410 et seq.), specifically whether a sequence of multiple tentative map filings on a single parcel constitutes an impermissible

project segmentation scheme designed to artificially bypass the statutory unit cap per parcel and escape comprehensive environmental review.

4. SB 1123 "Vacant Lot" Statutory Definition and Verification Burden

Single-family zoning fast-tracking under SB 1123 applies strictly to unimproved "vacant lots," defined under Government Code Section 66499.41(a)(2)(A)(ii) as having no permanent structure unless that structure is explicitly "abandoned and uninhabitable." A major institutional public school facility transitioned through a standard school district surplus sale does not inherently mirror the statutory profile of a blighted, abandoned single-family infill lot. This is underscored by the fact that following its educational closure, the campus remained a secured and actively maintained public asset under school district oversight—with continuous brush clearance, weed abatement, and graffiti removal—while parts of the site were utilized for municipal operations, including local police department training. We request that the City provide written responses identifying the legal and factual framework governing this definition, including:

- Whether the Planning Department has already made an administrative determination that this institutional campus qualifies as an "abandoned and uninhabitable" structure, and if so, the exact factual and legal basis for that determination in the record.
- Whether the Planning Director will require the applicant to provide definitive, independent public records—such as formal local condemnation orders or official habitability determinations—proving the intact structure met the strict statutory criteria of being legally abandoned and uninhabitable at the time of the application.

5. Preservation of the Administrative Record

For each of the above issues, we request that the City ensure that its determinations, fire department safety assessments, planning communications, and supporting legal analyses are fully documented in the record for the project, and made entirely transparent and available for public review prior to any final decision deadlines.

Our neighborhood association is highly engaged on this matter, and our intent is to ensure that state housing laws are applied consistent with their strict statutory requirements. We emphasize that public health and safety considerations must be fully, explicitly, and legally addressed in the City’s review process.

Thank you for your dedicated leadership, your protection of our hillsides, and your continued service to Berkeley. I look forward to your timely guidance and formal commitments on these critical matters.

Sincerely,

Derek Abbassi, M.D.
1120 Walnut St, Berkeley, 94707
(310) 993-6576
derekabbassi@me.com

Outlook

[Draft] Fw: FW: 1130 Oxford Street--Technical Hazards Letter, Addendum, and Prior Legal Concerns Letter

From VSchlepp@berkeleyca.gov
Draft saved Fri 8/7/2026 5:36 PM

2 attachments (90 KB)
Addendum Re Landslide, Seismic, and Foundation Design Concerns.pdf; Letter Re CEQA, Fire Safety,CA Laws.pdf;

From: dennismfantin@gmail.com <dennismfantin@gmail.com>
Sent: Wednesday, July 8, 2026 12:38 PM
To: Planning Dept. Mailbox <Planning@berkeleyca.gov>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; City Attorney's Office <attorney@berkeleyca.gov>; All Council <council@berkeleyca.gov>; O'Keefe, Shoshana <SOKeefe@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; senator.caballero@senate.ca.gov; senator.arreguin@senate.ca.gov
Cc: dennismfantin@gmail.com
Subject: 1130 Oxford Street--Technical Hazards Letter, Addendum, and Prior Legal Concerns Letter

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.

July 8th,2026

Dear Planning Staff and Commissioners,

Please accept this submission regarding the proposed 32-home development at 1130 Oxford Street.
This email includes:

1. A main technical letter below.
2. An attached addendum responding to the applicant's May 28, 2026 statements about geogrid reinforcement, excavation, and a "super thick" mat slab.
3. A copy of my June 15, 2026 letter, attached for convenience, addressing related legal and procedural concerns, including CEQA, fire safety, and the City's reliance on SB 684 / SB 1123 streamlining theories.

Taken together, these materials address both the project's physical hazard setting and the unresolved legal and procedural questions surrounding review of this proposal.

July 8, 2026
City of Berkeley
Planning Commission / Planning Department
2180 Milvia Street
Berkeley, CA 94704
Re: 1130 Oxford Street proposed 32-home development — combined seismic, landslide, and wildfire constraints
To the City:

This letter submits technical objections to approval of the proposed 32-home development at 1130 Oxford Street.

Based on the applicant's own submitted materials, including the December 4, 2025 Phase I Environmental Site Assessment and the referenced 2019 Alan Kropp Associates Landslide Deformation Hazard Study, the site is not an ordinary infill parcel. It is a constrained hillside property with documented active landslide conditions, groundwater complications, and acknowledged seismic landslide hazard.

The project record states that the proposed plan is to demolish the existing school improvements and redevelop the parcel into multi-family residential. The same record also states that the property lies within the "actively-moving Keith Avenue Landslide Complex" and that "a high safety hazard would result from a significant seismic event."

Those are not minor qualifications. They are direct admissions that the site is subject to active slope instability under static conditions and elevated danger under earthquake loading.

The submitted materials also report the following site conditions:

1. The site slopes to the west.
2. Site soils consist predominantly of silty to sandy clay with cobbles and boulders to about 54 feet below ground surface.
3. Fill extends to as much as 10 feet in some areas.
4. Groundwater was encountered from about 19.5 to 60 feet below ground surface.
5. Piezometer readings were approximately 12.4 to 18.2 feet below ground surface.
6. Groundwater monitoring wells and piezometers remain on the property.
7. The school was closed following the geotechnical findings.

These are highly material facts for any City review of site suitability.

A proposal to place 32 homes on a steep hillside parcel, including areas with approximately 20 percent slopes, cannot be treated as routine where the record simultaneously acknowledges active landslide conditions, groundwater, fill, seismic hazard, and subsurface instability.

The environmental record is also internally inconsistent.

The Phase I references the landslide study, groundwater conditions, monitoring infrastructure, and school closure, yet still concludes that there is "no further action needed" because no recognized environmental condition was identified under ASTM Phase I methodology. That may be a narrow ASTM conclusion for a recognized environmental condition inquiry, but it is not a land use suitability determination.

It should not be misread as evidence that the site is safe or appropriate for dense residential occupation.

ASTM Phase I review is not a substitute for the City's independent duty to evaluate:

1. Geologic hazard.
2. Public safety.
3. Emergency access.
4. Evacuation constraints.
5. Cumulative risk.

Wildfire concerns further complicate the site.

Berkeley's wildfire materials describe hillside areas subject to stricter defensible-space measures, fire-hardening obligations, steep terrain concerns, and limited accessibility for emergency responders.

If this parcel and its surroundings fall within the City's high-fire-hazard hillside context, then the City cannot reasonably evaluate the project as though it were a standard residential site. Adding 32 homes would increase population, structures, ignition sources, vehicles, utility demand, and evacuation demand on a steep, landslide-prone hillside parcel.

That creates a compound hazard condition.

The risks here are not isolated.

A major fire, earthquake, or heavy-rain event could:

1. Impair access.
2. Destabilize slopes.
3. Complicate firefighting.
4. Disrupt utilities.

5. Trap residents or neighbors on constrained hillside streets.

Landslide and wildfire hazards also interact.

Fire can remove vegetation, increase erosion, weaken slope cohesion, and worsen post-fire slope failure potential. Unstable slopes and narrow, steep access can in turn hinder firefighting, evacuation, and emergency medical response.

Where the record already identifies active movement, groundwater, and a high seismic safety hazard, adding 32 dwelling units is not a risk-neutral act.

The City should therefore require, at minimum, a full integrated hazards analysis before considering approval. That analysis should address:

1. Static and seismic slope stability under full buildout.
2. The effects of grading, excavation, retaining systems, utilities, drainage, and altered infiltration on landslide behavior.
3. Wildfire exposure and ember-intrusion risk for the proposed building arrangement.
4. Emergency access and evacuation performance for future residents and nearby neighbors.
5. Cumulative effects of adding 32 homes to an already constrained hillside area.

Unless and until the applicant demonstrates, with substantial evidence, that these combined risks can be reduced to a genuinely acceptable level, the City should not approve the project.

On the present record, approval would appear inconsistent with basic public safety obligations because the site is already documented as part of an actively moving landslide complex, subject to significant seismic hazard, affected by groundwater and slope constraints, and located in a wildfire-sensitive hillside context.

For these reasons, the proposed 32-home development at 1130 Oxford Street should be denied, or at minimum continued pending a much more complete geotechnical, wildfire, evacuation, and cumulative hazard review.

An attached addendum addresses statements made by the applicant at the May 28, 2026 voluntary/public meeting that the proposed row homes would rely on geogrid soil reinforcement, excavation, and a “super thick” mat slab, and that “all these problems could be mitigated.” That addendum explains why those engineering measures, while familiar tools on difficult sites, do not by themselves resolve the documented deep-seated landslide, groundwater, seismic, and wildfire concerns reflected in the project record.

For convenience, I am also attaching my June 15, 2026 letter addressing related legal and procedural concerns, including CEQA, fire safety, emergency access, and the asserted use of SB 684 / SB 1123 streamlining for this project.

Sincerely,

Dennis Fantin PhD
1124 Walnut Street
Berkeley, CA 94707
Email: dennismfantin@gmail.com
Phone: 805-234-7222

July 7, 2026

City of Berkeley
Planning Commission / Planning Department
2180 Milvia Street
Berkeley, CA 94704

Re: Addendum regarding applicant statements at the May 28, 2026 public meeting

To the City:

This addendum letter addresses statements made by the applicant at the May 28, 2026 voluntary/public meeting that the proposed 32 row homes at 1130 Oxford Street would be supported by an engineered system including geogrid soil reinforcement, excavation to approximately six feet, and emplacement of a "super thick" mat slab beneath the units, and that, based on this engineering, "all these problems could be mitigated." Those statements do not resolve the concerns already established by the project record.

The applicant's own documents acknowledge that the property is located within the "actively-moving Keith Avenue Landslide Complex" and that "a high safety hazard would result from a significant seismic event." The Phase I Environmental Site Assessment also reports that the site slopes to the west; that site soils consist predominantly of silty to sandy clay with incorporated cobbles and boulders to approximately 54 feet below ground surface; that fill extends as deep as 10 feet below ground surface in some areas; that groundwater was encountered between about 19.5 and 60 feet below ground surface; that piezometer readings were approximately 12.4 to 18.2 feet below ground surface; and that the school was closed following the findings of the geotechnical investigation. A piezometer is an instrument used to measure groundwater pressure and water level in soil or rock, and these readings indicate relatively shallow subsurface water conditions at portions of the site rather than ordinary dry hillside conditions. These are not ordinary site conditions. They describe a hillside parcel with active landslide conditions, groundwater complications, and acknowledged seismic instability.

A mat foundation, sometimes called a raft foundation, can distribute structural loads over a broader area and reduce some forms of differential settlement compared with isolated footings. Geogrid reinforcement is likewise a known soil-stabilization method that can improve the performance of compacted fill and reinforced soil systems. But these measures are not extraordinary, and they are not magic. They are common engineering tools used to improve performance on difficult sites.

That is precisely why they should not be mistaken for proof that the site is safe for a dense 32-home perimeter development. Near-surface reinforcement such as geogrid and a thick mat slab may improve the way the upper soil and structure behave together, but they do not eliminate a mapped deep-seated landslide complex, remove groundwater, erase slide planes, or prevent seismic reactivation of an unstable hillside. The applicant's description therefore reinforces, rather than resolves, the need for careful scrutiny.

If the proposed design depends on unusually robust engineering to make the site buildable, that is evidence of a difficult and hazardous site condition, not evidence that 32 homes are inherently appropriate here. The City should require the applicant to show, with detailed calculations and independent review, exactly what hazard is being mitigated, to what performance level, for what design

life, and under what combination of landslide creep, seismic shaking, rainfall, and emergency access conditions.

The same caution applies to statements made at the May 28 meeting about earthquake and wildfire hazards. The applicant reportedly stated that the site was “not really in an earthquake zone” because it is some distance from the Hayward Fault, and that the school was not in the “new State maps for the fire zone.” But distance from the mapped active trace of the Hayward Fault does not eliminate seismic hazard, especially where the project record itself states that a significant seismic event would create a high safety hazard on this active landslide complex, and a prior seismic evaluation for Oxford Elementary described the site as about 1,500 feet from the active Hayward Fault as part of its explanation of seismic concern.

Similarly, Berkeley’s and CAL FIRE’s own fire-hazard materials distinguish between different levels of fire hazard severity, and public discussion at the meeting itself reflected uncertainty and disagreement about which fire hazard designation applies to the site and surrounding properties. Where the applicant has made broad oral assurances while also acknowledging technical complexity, the City should rely on documented geotechnical, seismic, and fire-hazard evidence rather than informal meeting characterizations.

At a minimum, the City should require the applicant to identify the exact fire hazard designation applicable to the parcel, the exact seismic hazard assumptions used in the engineering design, and the basis for any claim that landslide, seismic, and wildfire concerns have all been satisfactorily mitigated for long-term residential occupancy.

The concern is amplified by the proposed project form. Public reporting describes a 32-home development composed of three-story attached or closely spaced row-house structures on the former Oxford Elementary site. Where multiple structures are closely spaced or effectively function as a cluster, engineering literature indicates that soil-structure-structure interaction can alter performance in complex ways, including reducing average settlement in some scenarios while increasing tilt or uneven movement in others depending on spacing, soil behavior, and seismic input. That means the City should be especially cautious about accepting generalized assurances that geogrid and a mat slab make a tightly grouped hillside project safe.

Accordingly, the City should require the applicant to provide a full, site-specific geotechnical and structural explanation of the proposed foundation and slope-reinforcement system, including whether the foundations are continuous across building groups, how the geogrid is configured, how the system is expected to perform under ongoing creep and seismic shaking, what permanent displacement or tilt is anticipated, and whether the resulting performance is compatible with safe long-term residential occupancy and emergency access. The City should also require independent peer review of any claim that the proposed mat slab and geogrid system materially mitigate the hazards already documented in the project record.

Until that analysis is completed and publicly vetted, the applicant’s reliance on terms such as “geogrid,” “super thick mat slab,” and “all these problems could be mitigated” should not be treated as substantial evidence that this 32-home project is safe for residents, neighbors, or first responders. On the current record, those design features appear to be a response to acknowledged instability, not proof that the site can safely support this level of hillside intensification.

Sincerely,

Dennis Fantin PhD

Sources

- Project geotechnical and environmental materials for 1130 Oxford Street, including the Phase I Environmental Site Assessment and associated geotechnical findings.
- Berkeley Unified School District, Oxford Elementary School Report (2019).
- California Department of Conservation, Hayward Fault Fact Sheet.
- UC Berkeley Seismology Lab, Hayward Fault: Hazards and Preparedness.
- Technical materials regarding piezometers and groundwater measurement.
- U.S. Geological Survey materials regarding limitations of certain landslide stabilization measures for deep-seated failures.

Public reporting on the 32-home development proposal at 1130 Oxford Street.

Proposed Development of 1130 Oxford Street: Concerns based on CEQA, Fire Safety, and Application of SB1123 / SB684

Dear Planning Staff etal,

I write as a nearby resident regarding the proposed 32-unit housing development at 1130 Oxford Street. I urge the City not to grant ministerial approval to this project, or to accept any claimed CEQA exemption, without a fuller and more transparent analysis of the project's fire risks, evacuation constraints, subdivision structure, and legal basis for streamlining.

The City's own records indicate that this is not a modest infill proposal. Rather, it is a plan to demolish the former Oxford School and replace it with 32 three-story homes totaling 48,480 square feet of residential floor area, with one garage per unit.

The record also indicates that the project depends on what City materials describe as a "stacked subdivision." As currently described, the developer would first subdivide the existing site into 8 parcels through a tract map, and would then further subdivide those parcels into 32 lots/homes under SB 684 / SB 1123. Before the City treats that arrangement as ministerial, CEQA-exempt, or legally compelled, it should provide the public with a clear written explanation of how this two-stage 8-parcel / 32-lot structure fits the text, limits, and purpose of the statutes being invoked.

The statutory issue matters because these laws are commonly described as "starter home" legislation, and the public is entitled to know whether they were actually intended to authorize a serial or layered subdivision approach of this kind. If the governing framework is understood as allowing a limited number of parcels or lots in a streamlined form, that raises an obvious question whether a project can first create multiple parcels through one subdivision mechanism and then further divide those parcels to reach 32 separate lots and homes. If the City believes the answer is yes, it should say so directly and explain why. If that analysis has limits or uncertainties, those should be disclosed as well.

At the same time, the City should not lose sight of the project's public-safety setting. Berkeley's own Fire Zone Verification classifies 1130 Oxford as a High Fire Hazard site. In addition, the subdivision and site plan materials appear to show that all 32 homes would depend on a single internal access and utility spine between Oxford and Walnut for ordinary circulation, emergency access, and evacuation.

That combination of density, hillside conditions, and single-spine access is precisely why deeper review is needed. This does not appear to be the kind of simple, low-risk, straightforward infill project that can be assumed to pose no meaningful danger in an emergency. Fire access, evacuation timing, choke points, and the consequences of blocked or impaired ingress and egress deserve real analysis before approvals are granted.

These same concerns also bear directly on CEQA. I understand that the developer's counsel has argued that AB 130 eliminates CEQA review for this project. But the City should not simply accept that conclusion without careful scrutiny, especially where the project raises substantial questions involving public health and safety, emergency access, and site-specific physical constraints.

The City's own SB-330 completeness letter appears to reserve the ability to impose requirements necessary to avoid public health and safety impacts and CEQA impacts. Those reservations are important. They suggest that the City has not surrendered all discretion, and they underscore why it would be premature to assume that a project of this scale, on this site, can move forward without meaningful environmental and safety review.

For these reasons, I respectfully request that the City do the following before taking action on the 1130 Oxford proposal:

· Provide a written public analysis explaining how the proposed 8-parcel / 32-lot "stacked subdivision" is consistent with SB 684 and SB 1123, including whether those statutes were intended to support this kind of serial subdivision structure.

· Clarify whether any statutory parcel or lot limits, including the common 10-parcel / 10-lot framing associated with these laws, bear on the legality of using an initial tract map and then further subdivision to reach 32 lots.

· Explain whether the City has obtained an independent legal interpretation from the City Attorney or other City decision-makers, rather than relying primarily on the developer's statutory theory.

· Conduct and disclose a meaningful analysis of fire risk, emergency access, evacuation constraints, and the implications of relying on a single internal access spine for 32 hillside homes in a High Fire Hazard area.

· Determine whether CEQA review, or other discretionary review and conditioning, remains required or appropriate in light of the project's site conditions, public-safety issues, and unresolved legal questions.

Until those questions are answered in a transparent and legally supportable way, the City should not proceed on the assumption that ministerial approval is mandatory or that CEQA review is categorically unavailable.

Thank you for your consideration.

Dennis Fantin PhD

1124 Walnut Street

Berkeley, CA 94707

dennismfantin@gmail.com

P: 805-234-7222

From:	CCC Chair
To:	Planning Dept. Mailbox; info@panoramic.com
Subject:	Inquiry Regarding Demolition & Development at 1130 Oxford Street – CCC Preschool Safety Concerns
Date:	Tuesday, August 4, 2026 1:30:58 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.

Hi,

We are writing on behalf of the Children's Community Center (CCC) Preschool, located adjacent to the former Oxford Elementary School site at 1130 Oxford Street. We understand that Panoramic Interests has filed an application with the City of Berkeley for a 32-home development at this site and has since applied for a permit to demolish the existing school buildings.

Given our preschool's immediate proximity to this site, we would like to formally request information on the following:

1. Environmental Protections: What containment measures are planned to prevent demolition dust, silica, lead, asbestos, or diesel exhaust from affecting our outdoor play areas during demolition and construction?

2. Traffic and Drop-off Safety: What measures will be taken to ensure heavy machinery, concrete haulers, and construction traffic do not block or endanger our morning drop-off and afternoon pick-up windows?

3. Construction Schedule and Noise: Is there a proposed construction schedule, and can it be coordinated to minimize acoustical disruption during our classroom hours and nap times?

4. CEQA Review: Given that our facility may be considered a sensitive receptor under CEQA, has an environmental review specifically evaluated impacts to our school, and if so, could you share that documentation?

5. Permit Timeline: Could you provide the current status and expected timeline for the demolition permit and development application, including any opportunities for public comment?

We would appreciate a response at your earliest convenience, and would welcome the opportunity to speak directly with the assigned city planner and a representative from Panoramic Interests. Thank you for your attention to the health and safety of our students and staff.

Best,
Lela Legesse (she/her), (Lariah FY)
Aracelle O'Mahony (she/her), (Sebastian FY)
Board Co-Chairs | CCC Preschool

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Letter to Zoning Adjustments Board, and Planning and Development Department Re Demolition at 1130 Oxford Street

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From: Planning Dept. Mailbox <Planning@berkeleyca.gov>
Sent: Monday, August 17, 2026 10:31 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: FW: Letter to Zoning Adjustments Board, and Planning and Development Department Re Demolition at 1130 Oxford Street

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From: dennismfantin@gmail.com <dennismfantin@gmail.com>
Sent: Sunday, August 16, 2026 10:42 AM
To: Berkeley Mayor's Office <Mayor@berkeleyca.gov>; City Attorney's Office <attorney@berkeleyca.gov>; Planning Dept. Mailbox <Planning@berkeleyca.gov>; O'Keefe, Shoshana <SOKeefe@berkeleyca.gov>; City Clerk <clerk@berkeleyca.gov>; All Council <council@berkeleyca.gov>; Berkeley Fire Department <FireMailbox@berkeleyca.gov>
Subject: Letter to Zoning Adjustments Board, and Planning and Development Department Re Demolition at 1130 Oxford Street

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.

August 15, 2026
To:
Members of the Zoning Adjustments Board
City of Berkeley Planning & Development Department
1947 Center Street, Second Floor
Berkeley, California 94704
Re: 1130 Oxford Street—Deny or Continue Demolition Until ZAB Can Make Required Public-Safety and Welfare Findings

Dear Members of the Zoning Adjustments Board and Planning & Development Staff:
We respectfully request that the Zoning Adjustments Board deny or continue the requested Use Permit for demolition of the former Oxford Elementary School buildings at 1130 Oxford Street.

Demolition is not a stand-alone action
Demolition is the first irreversible step toward clearing the site for the connected proposal to construct 32 homes, together with related subdivision, access, grading, utility, and construction work.
The demolition permit is a discretionary Use Permit, not a routine ministerial building permit. Before approving it, ZAB must find that, under the circumstances existing at the time of approval, demolition would not be detrimental to the health, safety, comfort, or general welfare of persons living or working in the neighborhood, or injurious to nearby property. On the present record, ZAB should not make that finding.
Because CEQA defines a project as the whole of an action and related activities such as clearing and grading, the City should evaluate demolition in its real-world context: the first physical action necessary to implement the connected subdivision and 32-home development. It should not authorize demolition first and postpone consideration of foreseeable safety impacts until after the school buildings are gone.

The City should release the record

As of the date of this letter, we have not located publicly available materials sufficient for ZAB and the public to evaluate the requested demolition in the full context of the connected 32-home development.

Before any demolition hearing or decision, the City should release:

- The staff report, proposed Use Permit findings, and proposed CEQA determination.
- The demolition plan and proposed conditions of approval.
- The hazardous-materials, dust-control, air-monitoring, truck-routing, traffic-control, pedestrian-safety, and child-safety plans.
- The relevant geotechnical, wildfire, fire-access, emergency-response, and evacuation analyses.
- A clear explanation of how demolition relates to the proposed eight-parcel subdivision and the larger 32-home project.

The City should not ask ZAB to approve the first irreversible project step before publicly providing the safety analysis needed to support its findings.

Children and neighbors need protection

The December 2025 Phase I Environmental Site Assessment recommends asbestos-containing-materials and lead-based-paint surveys before demolition or disturbance of the older school buildings. The Children's Community Center is located across the street from the proposed demolition site.

A general assurance that the applicant will use "dust control" is not enough. Before demolition is considered, the City should require a detailed, public, enforceable plan addressing:

- Asbestos and lead surveys, abatement, handling, and disposal.
- Dust suppression, air monitoring, public reporting of results, and stop-work procedures.
- Truck routes, traffic control, and pedestrian protection.
- Specific protections for children, staff, and families at the Children's Community Center.
- Advance notice to nearby residents about hazardous-materials work and demolition scheduling.

This site has unusual hazards

The Phase I report summarizes the 2019 Kropp landslide study, stating that 1130 Oxford lies within the actively moving Keith Avenue Landslide Complex and that a significant seismic event would create a high safety hazard.

The Phase I also reports a westward-sloping site, fill extending to about 10 feet in some locations, groundwater at varying depths, and piezometer monitoring wells. City fire-hazard materials classify the site within a High Fire Hazard Severity Zone.

These conditions do not automatically prohibit development or demolition. They do require a careful, transparent, project-level evaluation before the City authorizes the first irreversible action. The City must consider demolition and future construction traffic, narrow hillside streets, fire response, emergency access, and evacuation.

Requested action

We respectfully request that ZAB and Planning & Development:

1. **Deny or continue the demolition Use Permit** until ZAB can make evidence-based findings that demolition will not be detrimental to neighboring properties or public welfare.
2. **Treat demolition as part of the connected 32-home development**, not as an isolated action.
3. **Release the complete public record before any decision**, including the staff report, proposed findings, CEQA determination, demolition plan, hazardous-materials plan, traffic plan, and relevant geotechnical, fire-access, and evacuation analyses.
4. **Require a detailed, enforceable demolition-safety plan** before work begins.
5. **Provide a written explanation of the approval path**, including what the Planning Commission will consider, whether those actions are discretionary or ministerial, and how demolition relates to the eight-parcel subdivision and proposed 32-home development.

Demolition at 1130 Oxford is not neutral. It is the first irreversible step toward a major hillside redevelopment with documented landslide, seismic, wildfire, access, and hazardous-materials concerns.

The City should use its existing discretion to protect children, neighbors, first responders, and the public before allowing the site to be cleared.

Sincerely,
Dennis Fantin, PhD
1124 Walnut Street
Berkeley, California 94707
dennismfantin@gmail.com
805-234-7222

Annotated References to Letter Regarding Demolition at 1130 Oxford Street
Prepared for the Zoning Adjustments Board and City of Berkeley Planning & Development Department

1. **City of Berkeley. "Use Permit"; Berkeley Municipal Code Section 23.406.040.**
   Before ZAB may approve a Use Permit, it must find that the proposed use, under the circumstances existing at the time of approval, would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons living or working in the neighborhood, or injurious to nearby property. This supports the request that ZAB make evidence-based public-safety and public-welfare findings before authorizing demolition.berkeleyca+1
2. **California Code of Regulations, Title 14, Section 15378, "Project."**
   CEQA defines a project as the whole of an action and related construction activities, including clearing and grading. This supports the request that demolition be evaluated in the context of the connected subdivision and proposed 32-home development, rather than as an isolated action.law.cornell
3. **ACC Environmental Consultants.** *Phase I Environmental Site Assessment, 1130 Oxford Street.* December 4, 2025.
   The report recommends asbestos-containing-materials and lead-based-paint surveys before demolition or disturbance of the older school buildings. It summarizes the Alan Kropp & Associates landslide study, states that the site lies within the actively moving Keith Avenue Landslide Complex, and reports that a significant seismic event would create a high safety hazard. It also describes westward-sloping terrain, site fill, groundwater, and piezometer monitoring wells.Phase-1-report-pg-1-100.pdf
4. **City of Berkeley / CAL FIRE. Fire Hazard Severity Zone materials.**
   City fire-hazard materials identify 1130 Oxford within a High Fire Hazard Severity Zone. These materials support the request for careful review of demolition traffic, construction access, fire response, and evacuation conditions.ehs.berkeley+1
5. **Public reporting on 1130 Oxford.**
   Public reporting describes the proposed replacement of the former Oxford School campus with 32 homes and states that demolition of the existing building is required for redevelopment. It also reports that the City is reviewing a Use Permit application for demolition and that the application was under review for completeness as of August 7, 2026. This supports the position that demolition is connected to the larger development proposal.sfyimby+1

From:	Gloria Frym
To:	Planning Dept. Mailbox; Zoning Adjustments Board (ZAB); City Attorney"s Office; All Council; O"Keefe, Shoshana; Berkeley Mayor"s Office; Berkeley Fire Department; transportation; permits; City Clerk; senator.caballero@senate.ca.gov; senator.arreguin@senate.ca.gov
Subject:	Oxford Street Project
Date:	Friday, August 21, 2026 12:36:14 PM
Attachments:	demolition at 1130 Oxford.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.

Hello,
I live just around the corner from the Oxford School site. I completely support the halting of any demolition on this site. I completely support the issues raised by Dennis Fantin in the attached letter to you.

Sincerely,
Gloria Frym
2119 Eunice St.

To: mayor@berkeleyca.gov; attorney@berkeleyca.gov; planning@berkeleyca.gov; sokeefe@berkeleyca.gov; clerk@berkeleyca.gov; council@berkeleyca.gov; fire@berkeleyca.gov

Subject: Letter to Zoning Adjustments Board, and Planning and Development Department RE Demolition at 1130 Oxford Street

Message:

August 15, 2026

To:
Members of the Zoning Adjustments Board
City of Berkeley Planning & Development Department
1947 Center Street, Second Floor
Berkeley, California 94704

Re: 1130 Oxford Street—Deny or Continue Demolition Until ZAB Can Make Required Public-Safety and Welfare Findings

Dear Members of the Zoning Adjustments Board and Planning & Development Staff:

We respectfully request that the Zoning Adjustments Board deny or continue the requested Use Permit for demolition of the former Oxford Elementary School buildings at 1130 Oxford Street.

Demolition is not a stand-alone action

Demolition is the first irreversible step toward clearing the site for the connected proposal to construct 32 homes, together with related subdivision, access, grading, utility, and construction work.

The demolition permit is a discretionary Use Permit, not a routine ministerial building permit. Before approving it, ZAB must find that, under the circumstances existing at the time of approval, demolition would not be detrimental to the health, safety, comfort, or general welfare of persons living or working in the neighborhood, or injurious to nearby property. On the present record, ZAB should not make that finding.

Because CEQA defines a project as the whole of an action and related activities such as clearing and grading, the City should evaluate demolition in its real-world context: the first physical action necessary to implement the connected subdivision and 32-home development. It should not authorize demolition first and postpone consideration of foreseeable safety impacts until after the school buildings are gone.

The City should release the record

As of the date of this letter, we have not located publicly available materials sufficient for ZAB and the public to evaluate the requested demolition in the full context of the connected 32-home development.

Before any demolition hearing or decision, the City should release:

- The staff report, proposed Use Permit findings, and proposed CEQA determination.
- The demolition plan and proposed conditions of approval.
- The hazardous-materials, dust-control, air-monitoring, truck-routing, traffic-control, pedestrian-safety, and child-safety plans.
- The relevant geotechnical, wildfire, fire-access, emergency-response, and evacuation analyses.
- A clear explanation of how demolition relates to the proposed eight-parcel subdivision and the larger 32-home project.

The City should not ask ZAB to approve the first irreversible project step before publicly providing the safety analysis needed to support its findings.

Children and neighbors need protection

The December 2025 Phase I Environmental Site Assessment recommends asbestos-containing-materials and lead-based-paint surveys before demolition or disturbance of the older school buildings. The Children's Community Center is located across the street from the proposed demolition site.

A general assurance that the applicant will use "dust control" is not enough. Before demolition is considered, the City should require a detailed, public, enforceable plan addressing:

- Asbestos and lead surveys, abatement, handling, and disposal.
- Dust suppression, air monitoring, public reporting of results, and stop-work procedures.
- Truck routes, traffic control, and pedestrian protection.
- Specific protections for children, staff, and families at the Children's Community Center.

- Advance notice to nearby residents about hazardous-materials work and demolition scheduling.

This site has unusual hazards

The Phase I report summarizes the 2019 Kropp landslide study, stating that 1130 Oxford lies within the actively moving Keith Avenue Landslide Complex and that a significant seismic event would create a high safety hazard.

The Phase I also reports a westward-sloping site, fill extending to about 10 feet in some locations, groundwater at varying depths, and piezometer monitoring wells. City fire-hazard materials classify the site within a High Fire Hazard Severity Zone.

These conditions do not automatically prohibit development or demolition. They do require a careful, transparent, project-level evaluation before the City authorizes the first irreversible action. The City must consider demolition and future construction traffic, narrow hillside streets, fire response, emergency access, and evacuation.

Requested action

We respectfully request that ZAB and Planning & Development:

1. **Deny or continue the demolition Use Permit** until ZAB can make evidence-based findings that demolition will not be detrimental to neighboring properties or public welfare.
2. **Treat demolition as part of the connected 32-home development**, not as an isolated action.
3. **Release the complete public record before any decision**, including the staff report, proposed findings, CEQA determination, demolition plan, hazardous-materials plan, traffic plan, and relevant geotechnical, fire-access, and evacuation analyses.
4. **Require a detailed, enforceable demolition-safety plan** before work begins.
5. **Provide a written explanation of the approval path**, including what the Planning Commission will consider, whether those actions are discretionary or ministerial, and how demolition relates to the eight-parcel subdivision and proposed 32-home development.

Demolition at 1130 Oxford is not neutral. It is the first irreversible step toward a major hillside redevelopment with documented landslide, seismic, wildfire, access, and hazardous-materials concerns.

The City should use its existing discretion to protect children, neighbors, first responders, and the public before allowing the site to be cleared.

Sincerely,

Dennis Fantin, PhD
1124 Walnut Street
Berkeley, California 94707
dennismfantin@gmail.com
805-234-7222

Annotated References to Letter Regarding Demolition at 1130 Oxford Street

Prepared for the Zoning Adjustments Board and City of Berkeley Planning & Development Department

1. **City of Berkeley. "Use Permit"; Berkeley Municipal Code Section 23.406.040.** Before ZAB may approve a Use Permit, it must find that the proposed use, under the circumstances existing at the time of approval, would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons living or working in the neighborhood, or injurious to nearby property. This supports the request that ZAB make evidence-based public-safety and public-welfare findings before authorizing demolition.berkeleyca+1

2. **California Code of Regulations, Title 14, Section 15378, "Project."**
   CEQA defines a project as the whole of an action and related construction activities, including clearing and grading. This supports the request that demolition be evaluated in the context of the connected subdivision and proposed 32-home development, rather than as an isolated action.law.cornell

3. **ACC Environmental Consultants.** *Phase I Environmental Site Assessment, 1130 Oxford Street.* December 4, 2025.
   The report recommends asbestos-containing-materials and lead-based-paint surveys before demolition or disturbance of the older school buildings. It summarizes the Alan Kropp & Associates landslide study, states that the site lies within the actively moving Keith Avenue Landslide Complex, and reports that a significant seismic event would create a high safety hazard. It also describes westward-sloping terrain, site fill, groundwater, and piezometer monitoring wells.Phase-1-report-pg-1-100.pdf

4. **City of Berkeley / CAL FIRE. Fire Hazard Severity Zone materials.**
   City fire-hazard materials identify 1130 Oxford within a High Fire Hazard Severity Zone. These materials support the request for careful review of demolition traffic, construction access, fire response, and evacuation conditions.ehs.berkeley+1

5. **Public reporting on 1130 Oxford.**
   Public reporting describes the proposed replacement of the former Oxford School campus with 32 homes and states that demolition of the existing building is required for redevelopment. It also reports that the City is reviewing a Use Permit application for demolition and that the application was under review for completeness as of August 7, 2026. This supports the position that demolition is connected to the larger development proposal.sfyimby+1

From:	Claire Kahane
To:	Planning Dept. Mailbox; Zoning Adjustments Board (ZAB); City Attorney"s Office; All Council; O"Keefe, Shoshana; Berkeley Mayor"s Office; Berkeley Fire Department; transportation; permits; City Clerk; senator.caballero@senate.ca.gov; senator.arreguin@senate.ca.gov
Cc:	Robert Melville
Subject:	Concerning demolition of buildings at 1130 Oxford Street
Date:	Saturday, August 22, 2026 7:16:37 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 Members of the Zoning Adjustments Board and Planning & Development Staff:

I respectfully request that the Zoning Adjustments Board deny or continue the requested Use Permit for demolition of the former Oxford Elementary School buildings at 1130 Oxford Street.

This site has unusual hazards.

The Phase I report summarizes the 2019 Kropp landslide study, stating that 1130 Oxford lies within the actively moving Keith Avenue Landslide Complex and that a significant seismic event would create a high safety hazard.

The Phase I also reports a westward-sloping site, fill extending to about 10 feet in some locations, groundwater at varying depths, and piezometer monitoring wells. City fire-hazard materials classify the site within a High Fire Hazard Severity Zone.

These conditions do not automatically prohibit development or demolition. They do require a careful, transparent, project-level evaluation before the City authorizes the first irreversible action. The City must consider demolition and future construction traffic, narrow hillside streets, fire response, emergency access, and evacuation.

Before any demolition hearing or decision, the City should release:

- The staff report, proposed Use Permit findings, and proposed CEQA determination.
- The demolition plan and proposed conditions of approval.
- The hazardous-materials, dust-control, air-monitoring, truck-routing, traffic-control, pedestrian-safety, and child-safety plans.
- The relevant geotechnical, wildfire, fire-access, emergency-response, and evacuation analyses.
- A clear explanation of how demolition relates to the proposed eight-parcel subdivision and the larger 32-home project.

  The City should not ask ZAB to approve the first irreversible project step before publicly providing the safety analysis needed to support its findings.

Demolition at 1130 Oxford is not neutral. It is the first irreversible step toward a major hillside redevelopment with documented landslide, seismic, wildfire, access, and hazardous-materials concerns.

The City should use its existing discretion to protect children, neighbors, first responders, and the public before allowing the site to be cleared.

Respectfully,

Claire Kahane

2115 Eunice St.

Berkeley, CA 94709

]

Outlook

Fw: 1130 Oxford Street — Demolition Use Permit

From VSchlepp@berkeleyca.gov

1 attachment (44 KB)
1130 Oxford Street 19-Aug-26.pdf;

From: Marc Bernstein
Sent: Monday, August 24, 2026 8:46 AM
To: Planning Dept. Mailbox; Zoning Adjustments Board (ZAB); City Attorney's Office; All Council; O'Keefe, Shoshana; Berkeley Mayor's Office; Berkeley Fire Department; transportation; permits; City Clerk; senator.caballero@senate.ca.gov; senator.arreguin@senate.ca.gov
Subject: Fw: 1130 Oxford Street — Demolition Use Permit

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 Members of the Zoning Adjustments Board and Planning & Development Department,

Please see the attached letter regarding 1130 Oxford Street.

Best wishes,
Marc Bernstein

Marc Bernstein
1156 Walnut St.
Berkeley, CA 94707
(734) 489-2249
moshezimel@gmail.com

August 21, 2026

Subject: 1130 Oxford Street — Demolition Use Permit

Dear Members of the Zoning Adjustments Board and Planning & Development Department,

I am a homeowner at 1156 Walnut Street. I recently reviewed the materials concerning the proposed demolition and redevelopment at **1130 Oxford Street**, including materials submitted by the applicant's attorneys. I am concerned that the demolition should not be approved until the City has sufficient information about the proposed development and the conditions at the site.

1. SB 1123 and the 10-unit limit

I have a significant concern about the proposed reliance on SB 1123. Government Code § 66499.41 states that the streamlined subdivision process applies only if "the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units."

That language appears straightforward. It does not refer to 10 units per resulting parcel; it refers to the housing development project **on the lot proposed to be subdivided**. If the developer is proposing to use SB 1123 to subdivide the existing single lot while the overall development proposed for that lot contains 32 units, how does the proposal satisfy that requirement? If the developer is relying on a provision that allows the 10-unit limitation to be applied separately to the resulting parcels, the City should identify that provision and explain how it applies here.

Because the proposed demolition is being considered in connection with this development, ZAB should resolve this question **before approving the demolition**.

2. Environmental review and demolition safety

The City should also address the environmental and safety issues before approving the demolition.

CEQA. The applicant's attorneys have requested a CEQA exemption. The City should identify the specific exemption being relied upon and make the supporting analysis available for public review before ZAB acts.

Site conditions. The proposed development calls for 32 homes on the site of the former Oxford Elementary School. The school was relocated after a district-commissioned geotechnical study identified serious earthquake-related landslide hazards at the site. The December 2025 Phase I Environmental Site Assessment discusses the Keith Avenue

Landslide Complex and recommends asbestos and lead surveys before demolition or disturbance of the existing buildings.

Demolition impacts. The Children's Community Center is directly across the street. Before approving demolition, the City should require clear plans for hazardous materials, dust and air monitoring, truck traffic, pedestrian safety, and emergency access.

3. Housing affordability

I recognize the City's need for additional housing. The developer has described the proposed homes as “starter homes,” but I have not seen any stated price range or affordability commitment for the 32 units. The City should clarify whether “starter homes” has any meaning beyond a description of the intended market, and whether the developer is making any actual affordability commitment.

Before making its decision, I ask that ZAB have access to the staff report, proposed findings, demolition plans, hazardous-materials and traffic plans, CEQA determination and supporting analysis, and geotechnical and emergency-access materials.

I ask that ZAB continue consideration of the demolition application until these issues have been addressed and ZAB has the information necessary to make the required findings concerning the project's effects on the health, safety, and general welfare of the surrounding area.

Thank you for your consideration.

Sincerely,

Marc Bernstein
1156 Walnut Street
Berkeley, CA 94707

August 27, 2026

To: sokeefe@berkeleyca.gov, Planning@berkeleyca.gov, zab@berkeleyca.gov, attorney@berkeleyca.gov, council@berkeleyca.gov, mayor@berkeleyca.gov, fire@berkeleyca.gov, transportation@berkeleyca.gov, permits@berkeleyca.gov, clerk@berkeleyca.gov, senator.caballero@senate.ca.gov, senator.arreguin@senate.ca.gov,

From: Jessica Samuels
1135 Walnut St
Berkeley, CA
94707

Dear State of California and local Berkeley civic leaders,

I am writing about the review process for the proposed residential project at 1130 Oxford Street.

As our civic leaders, I hope you will take responsibility for your roles in the approval process for the proposed development and do your due diligence to make the process transparent and coherent. This would include either a full Environmental Impact Report, or an explanation for why one is unnecessary.

As residents of this neighborhood we are often asked to undergo disaster preparedness training, told that emergency evacuations in this area are challenging and dangerous, asked to arrange and pay for fire safety mitigations, and more, in order to ensure the safety of our community. Many of us have lost our homeowners insurance policies because of fire hazard; I lost mine last month. While we are directly on a faultline, earthquake insurance is harder to get or afford these days. Oxford school (1130 Oxford St) may have initially been closed because of seismic unsafety, but BUSD chose not to reinforce the structure or rebuild on the site because of documented landslide risks.

The Berkeley Zoning Adjustments Board will consider whether to grant the developer a Use Permit for the demolition of both school buildings on September 10. On its own, one would think that this warrants environmental and health and safety review by the city because of the effects of lead paint and asbestos emitions. These could be harmful, especially to the many children who play outdoors at the preschool across the street.

The developer's design relies on segmenting the lot in order to build 32 homes. This design exploits a contradiction between state and local building measures. We are all

painfully aware of the need for housing in this city, and are not opposed to housing on this site. But it would seem obvious that the city of Berkeley leaders should first examine whether this approach is in fact lawful, not to mention safe, and delay the demolition if it is unlawful or unsafe.

While we cannot fault the developer for wanting to maximize his return, and while we also cannot fault the city for wanting to benefit from additional tax revenue, *I hope you will commit yourselves to ensuring the safety of the current residents as your highest priority*. Please reassure us that you are taking appropriate measures to safeguard this community and either require a full and transparent public review process, including an EIR, or provide us with the information we need to understand why it is appropriate to forego these measures.

We put our faith in you as our elected leaders. Please show us that our faith is not misplaced.

Thank you.

Respectfully,

Jessica Samuels
Walnut Street resident

Short record-preservation letter

Subject: 1130 Oxford Street—Request for inclusion in project record and statutory basis before AB 130 determination

Dear Director Klein and Ms. Hersch,
Please include this letter in the administrative and project record for 1130 Oxford Street. I request written confirmation of its inclusion.

I understand that Planning staff may soon issue an AB 130 CEQA-exemption determination for the proposed 32-unit project. Before that determination is issued, please identify the complete statutory basis for the proposed subdivision and residential development, including every state-law streamlining provision on which the applicant relies.

In particular, please identify the precise provision of Government Code section 66499.41 relied upon to support ministerial processing and explain how the proposed subdivision of the original lot into eight parcels, with a reported total of 32 dwelling units, satisfies the statute's ten-parcel and ten-residential-unit requirements or any specifically identified exception.

If the applicant relies on the AB 130 remainder-parcel provision, please provide the proposed map identifying that parcel, its acreage, the existing structure or use to be retained, any proposed new residential units on it, and the basis for concluding that it is not exclusively dedicated to serving the development. If no remainder parcel is proposed, please explain the legal basis for finding that the reported 32-unit project satisfies section 66499.41.

Please also make available the AB 130 eligibility checklist, the applicant's supporting materials and legal memorandum, the City's written analysis, and the application chronology for the SB 330 preliminary application, any SB 1123/SB 684 application, the demolition permit, and the AB 130 exemption request. This letter is not intended to assume a legal conclusion. It requests disclosure of the factual and legal basis for an impending decision before irreversible demolition or other approvals proceed.

Thank you.
Dennis Fantin, PhD
1124 Walnut Street
Berkeley, CA 94707
805-234-7222
dennismfantin@gmail.com

Outlook

[Draft] Fw: Redevelopment of Oxford Elementary School

From VSchlepp@berkeleyca.gov

From: Ali Schwarz <alischwarz@gmail.com>
Sent: Thursday, September 3, 2026 5:13 PM
To: Planning Dept. Mailbox <Planning@berkeleyca.gov>
Cc: ADELE SCHWARZ <adeleschwarz@sbcglobal.net>; Ali Schwarz <alischwarz@gmail.com>
Subject: Re: Redevelopment of Oxford Elementary School

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 am a property owner at 1155 Walnut St in Berkeley. I am writing because I would like to have information regarding the redevelopment of the Oxford Elementary School site.

It is my understanding that a developer has purchased the property and has submitted plans for building permits.

I would like to know the following:

1) What specifically are the plans for development - How many homes? Are they single family homes or townhouses?

2) What is the permit review process?

3) When will there be public hearings?

4) Any other information that nearby property owners should be made aware of.

Thank you,

Adele Schwarz

From: dennismfantin@gmail.com
To: Planning Dept. Mailbox; Klein, Jordan; Hersch, Anne; Tatarevic, Branka
Cc: dennismfantin@gmail.com; derekabbassi@me.com; "Marc Bernstein"
Subject: 1130 Oxford Street. Request for public disclosure and written legal basis prior to ZAB and PC hearings
Date: Tuesday, September 29, 2026 11:46:25 AM

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[Date: September 29, 2026]

Via Email and U.S. Mail

Berkeley Planning and Development Department
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Director Jordan Klein

Ms. Anne Hersch, Ms. Branka Tatarevic

Berkeley Planning and Development Department

Re: 1130 Oxford Street — Request for Public Disclosure and Written Legal Basis Before Reported October 22, 2026 ZAB Hearing and November 4, 2026 Planning Commission Hearing

Dear Director Klein, Ms. Hersch, and Ms. Tatarevic:

Please include this letter in the administrative and project record for 1130 Oxford Street. This letter concerns the reported October 22, 2026 Zoning Adjustments Board hearing on the demolition Use Permit and the reported November 4, 2026 Planning Commission hearing on the tentative tract map. Based on public project materials and communications from City staff, these hearings appear to be coordinated steps in a single redevelopment plan involving demolition of the former Oxford School buildings, subdivision of the site into eight parcels, and later use of a claimed ministerial pathway to reach 32 dwelling units.

The undersigned request a prompt written response and public posting of the City's legal and factual basis for the claimed approval path before either hearing proceeds. This request is being made now so that the public, and any counsel later retained, can understand the City's position in time to respond meaningfully before irreversible approvals are granted. If the City intends to rely on a CEQA exemption, a Notice of Exemption, or a project definition that may trigger short legal deadlines, the City should identify that fact clearly and in writing before the demolition hearing.

Request for statutory explanation

Government Code section 66499.41 states that the ministerial small-lot process applies where the proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units, except as otherwise provided by statute. The City should therefore provide a project-specific written explanation addressing the following questions:

- Does the City consider the eight-parcel tentative tract map plus the eight planned four-home components to be one "housing development project" for purposes of Government Code section 66499.41(a)(1)?
- If not, what exact statutory language authorizes the City to treat those components as separate projects despite the shared demolition, grading, access, utilities, and stated 32-unit master plan?
- Which parcel is the "lot proposed to be subdivided" for each claimed SB 684 or SB 1123

application?

- Does the City consider the existing school campus to be "vacant" for purposes of the single-family-zoned-lot provisions, and if so, what authority supports that determination?
- Is the City relying on any remainder-parcel provision, and if so, what parcel, map, unit count, ownership structure, and statutory subsection does it rely upon?
- How does the City reconcile any claimed 66 percent density requirement with section 66499.41(a)(1)'s express 10-unit ceiling for the housing development project on the lot proposed to be subdivided?
- Is the parcel included in Berkeley's current Housing Element inventory, and if so, what site number, assumed unit count, and affordability assumptions are being relied upon?
- Is the City treating the October 22 demolition Use Permit as part of the same project for purposes of AB 130 and the claimed subdivision pathway?

AB 130 and tribal consultation

City staff have indicated that the claimed AB 130 exemption has been delayed by tribal consultation and that consultation with three tribal groups has concluded, subject to applicant acceptance of resulting conditions. Public Resources Code section 21080.66 requires formal tribal notification, gives tribes 60 days to accept consultation, requires consultation to begin within 14 days of acceptance, and requires the local government to incorporate enforceable agreements and specified tribal cultural-resource protections into the project approval unless the statute's mutual-agreement language applies.

Accordingly, before the City finalizes any AB 130 determination or presents demolition for approval, the City should publicly disclose all nonconfidential information necessary to establish compliance with section 21080.66, including:

- The date and manner of each tribal notice.
- Whether consultation was requested and by how many tribes.
- The dates consultation began and concluded.
- Whether the applicant has executed every acceptance or agreement required for the exemption to proceed.
- All nonconfidential conditions of approval, monitoring obligations, and enforceable agreements resulting from consultation.
- The date on which the City expects to issue any final AB 130 determination and any Notice of Exemption.

This request does not seek confidential tribal cultural-resource information. It seeks only the nonconfidential procedural and approval record necessary for meaningful public review before the City acts.

Demolition and hearing sequence

The reported October 22 demolition Use Permit appears to be a discretionary ZAB action, while the reported November 4 tentative tract map appears to be a separate discretionary subdivision action. Even if the City concludes that AB 130 removes CEQA review for a qualifying housing development project, that does not by itself eliminate the City's obligation to make the findings required for a discretionary Use Permit or to apply objective fire, building, grading, drainage, hazardous-material, emergency-access, and public-welfare standards.

For that reason, the City should post before the demolition hearing:

- The final AB 130 eligibility analysis and any draft or final Notice of Exemption.
- The nonconfidential tribal-consultation conditions and evidence of applicant acceptance where required.
- The full demolition plan, including asbestos and lead surveys, abatement procedures, dust-control and air-monitoring measures, truck routing, pedestrian protection, and protections for the Children's Community Center across the street.
- The project-specific geotechnical, drainage, utility-disconnection, erosion-control, access, and construction-monitoring materials on which the City intends to rely.
- The legal and factual basis for the City's claimed path from one lot to eight parcels and later to 32 dwelling units.

If those materials are not available sufficiently in advance of the hearing for meaningful public review, the demolition hearing should be continued.

Public records request

The City has extended the response period on the August 26, 2026 Public Records Act request by 14 days under Government Code section 7922.535, citing the need to examine a voluminous amount of separate and distinct records and to consult among multiple City departments or offices with substantial subject-matter interest. That extension appears to require the City, by the stated date, to make its disclosure determination and identify withheld records and the basis for any withholding. Please confirm that, on or before October 6, 2026, the City will provide:

- Its determination as to what responsive records will be disclosed.
- The legal basis for any withholding or redaction.
- A reasonable estimated production date for all nonexempt records.

Given the reported hearing schedule, timely production of those records is necessary for meaningful participation in the October 22 and November 4 proceedings.

Thank you for your prompt attention to this request.

Sincerely,

Dennis Fantin, PhD
1124 Walnut Street Berkeley, CA 94707
dennismfantin@gmail.com

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Non-Compliance with SB 1123 Vacant Lot Requirements – 1130 Oxford Street (Former Oxford Elementary School Site)

From: DEREK ABBASSI <derekabbassi@me.com>
Sent: Thursday, October 22, 2026 12:34 PM
To: Hersch, Anne <AHersch@berkeleyca.gov>; Planning Dept. Mailbox <Planning@berkeleyca.gov>; Schlepp, Victoria <VSchlepp@berkeleyca.gov>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; City Attorney's Office <attorney@berkeleyca.gov>; City Clerk <clerk@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Non-Compliance with SB 1123 Vacant Lot Requirements – 1130 Oxford Street (Former Oxford Elementary School Site)

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Date: 10/22/26

RE: Non-Compliance with SB 1123 Vacant Lot Requirements – 1130 Oxford Street (Former Oxford Elementary School Site)

Dear Members of the Planning Department and the Zoning Adjustments Board,

This letter is submitted on behalf of local residents to formally challenge the proposed housing development application submitted by Panoramic Interests at **1130 Oxford Street**. While our community maintains multiple foundational objections to this project—including zoning inconsistencies, protected species habitat disruptions, and the dangers of building on an active landslide —**the sole purpose of this specific correspondence is to address the applicant's failure to meet the statutory "vacant lot" requirement under Senate Bill 1123.**

1. The Statutory Definition of "Vacant" Under SB 1123
Under the Starter Home Revitalization Act framework expanded by **Senate Bill 1123**, a project utilizing single-family residential parcel streamlining is strictly limited to lots that are legally "vacant." The statute explicitly defines a vacant lot as:

"...having no permanent structure, unless the permanent structure is abandoned and uninhabitable."

Because **1130 Oxford Street** prominently features two major, permanent structural facilities (the multi-story main schoolhouse and the secondary circular building), the applicant's path to SB 1123 eligibility relies on proving these buildings are both legally abandoned and uninhabitable. Neither condition is met.

2. Evidence of Active Maintenance and Non-Abandonment Pre-Sale (BUSD)
Prior to the property's sale, the **Berkeley Unified School District (BUSD)** continuously maintained active possessory control, strict liability management, and physical care of the campus, including:

- **Infrastructure Upgrades:** As reported in local news media covering the district's site management, BUSD actively approved capital funds to completely replace the school's fire alarm system in **2023**—a full three years after the campus was closed. Investing significant public resources into life-safety infrastructure refutes any claim of statutory abandonment.
- **Active Perimeter Security:** The district consistently maintained a secure, locked fence around the entire property perimeter posted with signs explicitly stating **"School Grounds. No Loitering. No Trespassing."** This proactive restriction of access demonstrates an ongoing assertion of legal control and ownership by the district throughout the post-closure period.
- **Fire Safety & Neighborhood Aesthetics:** Regular weed abatement, landscaping upkeep, and brush clearing to prevent fire hazards and maintain appearances for the neighborhood.
- **Vandalism Remediation:** Immediate remediation of vandalism to preserve neighborhood standards. As documented in an August 25, 2023, article in Berkeleyside, the district actively managed the site's physical security and appearance, noting that "*The district also replaced and boarded up broken windows.*" This ongoing building maintenance, alongside the systematic painting-over of graffiti, directly confirms active property care years after classes ended.

3. Personal Observation of Continued Maintenance Post-Sale (Panoramic Interests)
Furthermore, the new owner, **Panoramic Interests**, has actively continued regular maintenance since taking title, disqualifying the site from "abandoned" status. Though multiple neighbors have witnessed similar evidence of ongoing maintenance, as someone who lives directly across from this property I am attesting to the following first-hand observations:

- **Graffiti Abatement:** I personally observed fresh graffiti appear on the structures, which was then systematically painted over and remediated. This occurred a few times over the last year and as recently as approximately two months ago. This rapid, targeted response directly demonstrates ongoing, active property monitoring.
- **Landscaping and Upkeep:** I personally witnessed brush clearing and leaf collection on site grounds several times and as recently as approximately two weeks ago.

4. Active Security, Police Authorization, and Express Denial of Public Abandonment
1130 Oxford Street remains entirely enclosed by a secured, locked perimeter fence. Furthermore, the owner has explicitly engaged local law enforcement to enforce its private property boundaries. The perimeter is posted with prominent "Private Property" signage alongside official enforcement notices issued by the Berkeley Police Department stating **"NO TRESPASSING / PRIVATE PROPERTY" dated January 8, 2026**. These official police postings cite Berkeley Municipal Code Sections 13.52.010 and 13.52.020, and include the explicit directive: **"I request that the Berkeley Police Department enforce these laws on the property for a period of one year."**

Under BMC § 13.52.010, it is an offense to enter land where the owner has posted notices warning against trespass. The verbatim language on the sign indicates that the owner has executed a formal BPD No Trespassing Letter of Agency. This mechanism legally designates local police officers to act on the owner's behalf to remove, cite, or arrest intruders. The execution of this official enforcement notice—explicitly binding the property to active police protection through **January 2027**—constitutes an ongoing, legally binding declaration of active possessory control and liability management by the developer.

A property owner cannot logically claim a site is legally "abandoned" to secure State-level development streamlining while simultaneously asserting strict municipal property rights to criminally prosecute the public for entering it.

5. The Buildings Are Not "Uninhabitable"

To qualify under SB 1123, the permanent structures must also be "uninhabitable." Public records, geotechnical documents, and official district statements prove that these buildings have never been condemned, tagged, or structurally classified as uninhabitable:

- **2019 Geotechnical Report:** The report that prompted the school's relocation explicitly stated that the buildings themselves were in "*relatively good condition*."
- **BUSD Public Statements:** As reported by Berkeleyside, district officials clarified that "the problem wasn't with the buildings, which have held up well over time, but with the risk of being cut off from help by emergency vehicles in that part of the Berkeley Hills in general."
- **Seismic Risk vs. Structural Soundness:** The ultimate decision to vacate the site was due to a geotechnical report detailing **future seismic and landslide risks** regarding the underlying Keith Avenue Landslide complex. The closure was driven by the high cost for BUSD to perform the necessary site remediation, alongside the risk that students could be cut off from emergency vehicles in the event of an earthquake—not because the buildings themselves had collapsed, failed, or become structurally unlivable.
- **Official District Timeline:** On the BUSD website's Long Term Timeline for the Oxford Community, the administration explicitly assured the public that the facility "continues to comply with all state requirements for earthquake safety and is in this respect no different from any other BUSD facility."
- **Continued Educational Use:** Proving their habitability, the school district safely continued to hold regular classes and occupy the buildings after these geotechnical results were fully known.

Because the structures are sound, compliant with state safety standards, and were vacated strictly due to the cost of site-wide landslide mitigation and regional emergency access risks, they fail to meet the legal threshold of "uninhabitable."

Conclusion

Because the permanent structures at 1130 Oxford Street are structurally sound, regularly maintained, secured by locked fencing and an active Berkeley Police enforcement agreement securing private property rights and guarding against trespass through 2027, they do not meet the legal threshold of being "abandoned and uninhabitable" under California state housing law. Consequently, the lot is not vacant**,** making the project **ineligible for the ministerial streamlining benefits of SB 1123**.

ADDENDUM: PRECLUSION OF ARTIFICIALLY MANUFACTURED VACANCY VIA DISJOINTED DEMOLITION STRATEGY

Clearly, the existing structures make it impossible to claim that the lot is vacant. I assume the developer knows this to be true. The sequencing of the applicant's municipal filings seems to reveal an intent to circumvent the statutory constraints of SB 1123. Panoramic Interests has concurrently submitted an SB 330 Preliminary Application (detailing a final intent to construct a 32-unit residential master plan) alongside an AB 130 request for a CEQA exemption to facilitate the immediate demolition of the pre-existing school buildings.

It appears that the objective of this piecemeal application strategy is to exploit the city's planning framework by demolishing the school under an urban infill exemption, and subsequently applying for streamlined SB 1123 ministerial approvals by pretending the newly cleared land is a historical "vacant lot." The City of Berkeley should not permit or validate this strategy :

1. The SB 330 "Vesting Lock" Fixes the Site Baseline
Under California's Housing Crisis Act (SB 330), the submittal of a preliminary application locks in the ordinances, policies, and physical baseline standards applicable to a development project. At the moment Panoramic Interests filed its preliminary application to vest its project rights for the 32-unit master plan, the permanent school structures were fully intact, secured, and actively maintained. Consequently, for the legal duration of this project's review, the site profile is frozen as an improved institutional parcel. The developer cannot legally detach the demolition phase from the subsequent construction phase to evade the "vacant lot" restriction.

2. Estoppel via AB 130 Urban Infill CEQA Record
By seeking a statutory CEQA exemption under Assembly Bill 130 (Public Resources Code § 21080.66), the developer is legally required to prove the site qualifies as an eligible "urban infill" site. To meet this statutory burden, the developer must explicitly document that the parcel has been *"previously developed with urban uses"*—relying entirely on the physical footprint of the existing school structures to satisfy the law. The applicant is legally estopped from asserting that the buildings are active "urban uses" to strip the public of CEQA review rights, while simultaneously claiming to the Zoning Adjustments Board or Planning Department that those same building's existence is irrelevant because they no longer exist or will not exist after being demolished in order to qualify as a vacant lot to exploit the ministerial streamlining benefits of SB 1123**.** The city's administrative record cannot tolerate two fundamentally contradictory definitions of the same land within the same master application.

3. Alignment with California Municipal Precedent Against "Self-Induced Vacancy"
Allowing a developer to bulldoze structural assets as a tactical, intermediate mechanism to artificially engineer a vacant lot violates the clear legislative intent of California's housing streamlining acts. This exact maneuver was recently rejected in Campbell, California (Ordinance 2354, April 2026), where the City Council scrambled to eliminate an interim loophole that had temporarily allowed developers to propose projects on improved lots that "might become vacant" via post-application demolition. Campbell permanently amended its code to mandate that vacancy must exist at the exact moment of application submittal, strictly prohibiting developers from manufactured "self-induced vacancy".

We respectfully request that the Planning Department and Zoning Adjustments Board reject the applicant's invocation of SB 1123 and require any future iterations of this project to undergo standard, discretionary local planning reviews.

Sincerely,

Derek Abbassi, M.D.
1120 Walnut St, Berkeley, CA
derekabbassi@me.com
(310) 993-6576

Law Offices of
THOMAS N. LIPPE, APC

50 California Street, Suite 1500
San Francisco, California 94111

Telephone: 415-777-5604
Email: Lippelaw@sonic.net

October 22, 2026

By email to: zab@berkeleyca.gov
City of Berkeley Zoning Adjustments Board
1947 Center Street
Berkeley, CA 94704
Attn: Sarah Price & Sharon Gong, Board Secretary

By email to: planning@berkeleyca.gov
Anne Hersch
City of Berkeley Planning and Development Department
1947 Center Street, 3rd Floor
Berkeley, CA 94704

By email to: attorney@berkeleyca.gov
Farimah Brown
City of Berkeley City Attorney

Re: November 5, 2026, Zoning Adjustments Board Public Hearing Re 1130 Oxford Street and Use Permit #ZP2026-0056

Dear members of the Zoning Adjustments Board, Ms. Price, Ms. Gong; Ms. Hersch; and Ms. Brown:

This office represents Oxford Hillside: Safety, Scale, Access and Accountability (OHSSA), an association of Berkeley residents working for safe, appropriately scaled, accessible, environmentally responsible, and legally compliant housing plans. OHSSA objects to city approval of Use Permit #ZP2026-0056 to authorize demolition at the site and to the associated subdivision approvals and housing development project proposed for 1130 Oxford Street. The demolition and associated subdivision approvals and housing development project are referred to collectively in this letter as the "Project."

The Project represents a clever, but unsuccessful, attempt to game California's new housing laws. The Project proposes to obtain city permits in three distinct steps. Step 1 is to obtain a Use Permit to demolish two existing buildings previously used as a public school. Step 2 is to obtain approval to subdivide the 1.24-acre parcel into 8 new parcels. Step 3 is to subdivide the 8 newly created parcels into 31 new parcels, resulting in 31 parcels and 31 new single-family homes, one on each new parcel.

At the outset, I note that the public notice for this hearing references Use Permit #ZP2026-0056 to authorize demolition at the site but fails to notify the public that the Project also seeks approval to subdivide the parcel into 31 separate lots and to build 31 new single-family homes. Thus, it appears that the city, in considering how to apply the California

Environmental Quality Act ("CEQA") to the Project, is committing the elementary legal error of "piecemealing" the Project into separate components. Simply put, and as explained in more detail below, the city cannot exempt the demolition permit from CEQA without considering CEQA's applicability to the entire Project.

1. The Project Is Not Entitled to the "AB 130 Exemption" from CEQA.

The applicant's attorney contends that the Project is exempt from CEQA pursuant to AB 130 (i.e., Public Resources Code § 21080.66). This is incorrect. This exemption is unavailable because (1) the city cannot apply the AB 130 exemption to the selected portions of the Project; (2) the Project is not consistent with the city's general plan or zoning ordinance (Public Resources Code § 21080.66(a)(4)); and (3) the development is on a site that is habitat for protected species (Public Resources Code § 21080.66(a)(6)).

a. The city cannot apply the AB 130 exemption to selected portions of the Project.

For purposes of applying the AB 130 exemption from CEQA, the city must consider the entire project, and cannot piecemeal its analysis of the question by applying the exemption to selected aspects of the "project" such as the demolition use permit.

For purposes of applying CEQA, the "project" is the "activity" for which the applicant seeks government approvals, not each separate permit that may be required. (*Guerrero v. City of Los Angeles* (2024) 98 Cal.App.5th 1087, 1102; *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 105-106 ["This definition ensures that the action reviewed under CEQA is not the approval itself but the development or other activities that will result from the approval"]; CEQA Guidelines, § 15378, subd. (c).) Here, the "activity" includes demolishing the existing buildings on site and building 31 new homes on 31 new lots that are less than 5,000 square feet in size.

Therefore, the city cannot apply the AB 130 exemption to individual permits such as the demolition permit or the initial subdivision from 1 to 8 lots while ignoring the subsequent subdivision from 8 to 31 lots. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 129; CEQA Guidelines, § 15352, subds. (b) ["With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project"].)

Further, CEQA applies to the entire project if any required government approval is discretionary, even if one or more approvals are ministerial. (*Protecting Our Water & Environmental Resources v. County of Stanislaus* (2020) 10 Cal.5th 479, 501; *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 271–272; *People v. Department of Housing & Community Dev.* (*Ramey*) (1975) 45 Cal.App.3d 185, 193.)

CEQA's conception of the term "project" remains broad to maximize protection of the environment. (*Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist.* (2007) 147 Cal.App.4th 643, 653; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (*San Joaquin Raptor I*) (1994) 27 Cal.App.4th 713, 730). "This big picture approach to the definition of a project (i.e., including "the whole of an action") prevents a proponent or a public agency from avoiding CEQA requirements by dividing a project into smaller components which, when considered separately, may not have a significant environmental effect." (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 270-271.) Lead agencies must also evaluate the environmental impacts of reasonably foreseeable future activities associated with a CEQA project that may contribute to significant environmental effects. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376, 395-396.) This obligation attaches whether the new housing is considered part of the Project, a foreseeable future activity, or a separate project subject to cumulative effects analysis; one way or the other the EIR must conduct the analysis. (*San Joaquin Raptor I, supra*, 27 Cal.App.4th at 733.)

b. The Project is not consistent with the city's general plan or zoning ordinance.

The "AB 130 exemption" cannot be used if the Project is not consistent with the city's general plan or zoning ordinance (Public Resources Code § 21080.66(a)(4)). The Project violates the minimum lot size requirements of the city's zoning ordinance.

For the R-1H district in which the Project is located, the city's zoning code requires that new lots have a minimum area of 5,000 square feet. (BMC § 23.202.050, Table 23.202-3, R-1H.) The zoning code also provides, in all districts, that a "lot may not be subdivided or reduced in size and a lot line may not be adjusted or redrawn in a manner that conflicts with the Zoning Ordinance or: (a) Reduces the lot area ... below the district minimum requirement." (BMC § 23.304.020.A.1.)

The Project's proposal to subdivide 1 lot into 8 lots complies with these requirements but the further subdivision of 8 lots into 31 lots is inconsistent with the city's zoning ordinance because each of the 31 lots will be less than 5,000 square feet. (See Tentative Tract Map submitted by applicant.)[1]

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[1]For purposes of obtaining ministerial review of the Step 3 subdivision of 8 parcels into 31 parcels, the zoning code's minimum lot size of 5,000 square feet may be preempted by SB684/1123's minimum lot size of 1,200 square feet (see Gov. Code § 66499.41(a)(3)(B)), but even if this is true, it would not alter the conclusion that use of the AB 130 exemption is precluded by the Project's inconsistency with this provision of the city's zoning ordinance.

When the entire Project and all of its required permits are considered, the AB 130 exemption from CEQA is inapplicable to any portion of the Project because the Project's proposal to create new lots in the R-1H district that are less than 5,000 square feet is inconsistent with the city's zoning ordinance.

c. The Project is located on a site that is habitat for protected species.

The AB 130 exemption from CEQA cannot be used where the development is on a site that is habitat for "protected species." (See Public Resources Code § 21080.66(a)(6), citing Government Code § 65913.4(a)(6)(J).)[2] Here, on October 8, 2026, Dr. Shawn Smallwood, a qualified wildlife biologist, observed several "protected species" as that term is defined in Government Code section 65913.4(a)(6)(J) on the Project site. Since the development is located on a site that is "habitat for protected species," as provided in AB 130, the city cannot exempt the project from CEQA review pursuant to AB 130. (See October 21, 2026, letter from Dr. Shawn Smallwood, attached hereto as Exhibit 1.)

d. The Project is located on a site within a delineated earthquake fault zone.

The AB 130 exemption from CEQA cannot be used where the development is on a site that is:

> Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(See Public Resources Code § 21080.66(a)(6) ["The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code]; Government Code § 65913.4(a)(6).)

Here, the site is within a delineated earthquake fault zone as determined by the State

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[2]Government Code § 65913.4(a)(6)(J) provides: "The development is not located on a site that is any of the following: ... (H) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code)."

Geologist in an official map published by the State Geologist. (See Exhibits 2 and 3, attached hereto, and https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/.)

Furthermore, there is no evidence in the application that the Project "complies with applicable seismic protection building code standards" described in Government Code § 65913.4(a)(6).

Therefore, the city cannot use the AB 130 exemption to avoid CEQA review of the Project.

2. The Subdivision Applications Are Not Entitled to Ministerial Review Pursuant to Government Code § 66499.41.

The applicant's attorney contends that the subdivisions (i.e., from 1 to 31 new parcels in two phases) is entitled to ministerial review pursuant to Gov. Code § 66499.41. (See February 17, 2026, letter from Robin Baral, of Hanson Bridgett LLP.)[3] This is incorrect. Neither the Project nor any portion of it is entitled to ministerial review under SB 684, as modified by SB 1123 (i.e., Government Code § 66499.41) because (1) the subdivision will result in more than 10 parcels and the development will result in more than 10 residential units; (2) the parcel is not vacant; (3) the lot is located on a site that is habitat for "protected species"; and (4) the Project is located on a site within a delineated earthquake fault zone.

a. The subdivision will result in more than 10 parcels and the development will result in more than 10 residential units.

SB 1123 does not authorize ministerial review of subdivisions for housing development projects unless the "proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units." (Government Code § 66499.41(a)(1)(A).)

The applicant incorrectly assumes that this inconvenient requirement can be met by separating the subdivision process into two successive steps: first from 1 to 8 parcels (which is "fewer than 10 parcels"); and second, from each 1 of 8 parcels to 3 or 4 parcels (each of which is "fewer than 10 parcels"). This attempt to manipulate the subdivision approval process fails because the maneuver would effectively negate the "10 or fewer parcels" and "10 or fewer residential units" requirements for a subdivision application to qualify for ministerial review.

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[3]The Hanson Bridgett letter is ambiguous as to whether the applicant is seeking ministerial review under SB 1123 for both phases of the subdivision approval process, or just the second stage. Regardless, the subdivision of 1 lot into 31 is not entitled to ministerial review under SB 1123 no matter how artfully the process is structured.

The applicant's interpretation of section 66499.41(a)(1)(A) would eliminate any upper limit on the number of parcels that could be created through ministerial review. This interpretation is clearly inconsistent with the statute's plain language and it would render the "10 or fewer parcels" and "10 or fewer residential units" requirements superfluous. The courts "avoid interpretations that render any language surplusage." (*Mayor v. Workers' Compensation Appeals Board* (2026) 20 Cal.5th 874; 347 Cal.Rptr.3d 570, 587.) The plain language of the statute indicates that the Legislature intended to require ministerial review only for relatively small housing projects, i.e., those with 10 or fewer parcels containing 10 or fewer residential units. The applicant's interpretation would read this requirement out of the statute. This is not allowed. "[W]e may not broaden or narrow the scope of [a] provision by reading into it language that does not appear in it or reading out of it language that does." (*Mayor v. Workers' Compensation Appeals Board*, *supra*, quoting *Doe v. City of Los Angeles* (2007) 42 Cal.4th 531, 545.)

b. The parcel is not vacant.

SB 1123 does not authorize ministerial review of a subdivision for a housing development project on a lot zoned for single-family residential development unless the lot is "vacant." (Government Code section 66499.41(a)(2)(A)(ii).) The statute defines "vacant" as "having no permanent structure, unless the permanent structure is abandoned and uninhabitable."

Here, the lot has two permanent structures, as described in the December 4, 2025, Phase I Environmental Site Assessment and the September 12, 2019, Alan Kropp & Associates landslide deformation report submitted by the applicant.

There is no evidence in the record that the buildings are "abandoned and uninhabitable."

The buildings are not "abandoned" because both the school district, before selling the property to the current developer, and the developer, after purchasing the property, continued to maintain the buildings. For example, in or about 2023, "neighbors complained that people were vandalizing the property, and [Berkeley Unified School District] facilities director John Calise said the district spent $23,000 on a new fire alarm system after someone ripped out the old one. The district also replaced and boarded up broken windows." (See August 25, 2023, article in Berkeleyside, attached hereto as Exhibit 4.)

Also, the current owners painted over graffiti on the school building just a few months ago and have continued to cut the grass and clear brush around the buildings. (See comment letter from Derek Abbassi submitted on October 22, 2026.)

The buildings are also not "uninhabitable." The geotechnical report commissioned by the school district in 2019 specifically noted that: "the existing school buildings appear to be in relatively good condition considering they are approximately 60 years old. The buildings, pavement areas, and the existing retaining wall do not appear to have been significantly distressed by landslide movement."

Further, in a November 12, 2019, article in The Daily Californian (attached hereto as Exhibit 5), the school district is quoted as saying: "For the remainder of the 2019-2020 school year, my current thinking is that the Oxford community will remain in place....The Oxford facility continues to comply with all state requirements for earthquake safety and is in this respect no different from any other BUSD facility."

Since the buildings are not "abandoned" and "uninhabitable," the lot is not vacant, and the Project is not entitled to ministerial review pursuant Government Code section 66499.41.

This Board cannot authorize the applicant to create a "vacant" lot by demolishing the buildings on site.

c. The lot is located on a site that is habitat for species identified in section 66499.41(a)(9)(I).

SB 1123 does not authorize ministerial review of a subdivision for a housing development project on a lot located on a site that is habitat for "protected species" as that term is defined in Government Code section 66499.41(a)(9)(I). As noted above, this Project is located on a site that is habitat for protected species. Therefore, the subdivision applications are not entitled to ministerial review pursuant to Government Code § 66499.41.

d. The Project is located on a site within a delineated earthquake fault zone.

SB 1123 does not authorize ministerial review of a subdivision for a housing development project on a lot located on a site that is:

> Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(See Government Code § 6649.41(a)(9)(E).

As noted above, the site is within a delineated earthquake fault zone as determined by the State Geologist in an official map published by the State Geologist. (See Exhibits 2 and 3, attached hereto, and https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/.)

Furthermore, there is no evidence in the application that the Project "complies with applicable seismic protection building code standards" described in Government Code §

65913.4(a)(6).

Therefore, neither the Project nor any portion of it is entitled to ministerial review under SB 684, as modified by SB 1123.

Thank you for your attention to this matter.

Very Truly Yours,



Thomas N. Lippe

List of Exhibits

1. October 21, 2026, letter from Dr. Shawn Smallwood.

2. Excerpt of California Geological Survey, EarthQuake Zones of Required Invesigation Map.

3. Excerpt of California Geological Survey, EarthQuake Zones of Required Invesigation Map.

4. August 25, 2023, article in Berkeleyside.

5. November 12, 2019, article in The Daily Californian.

EXHIBIT 1

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Law Offices of THOMAS N. LIPPE, APC
50 California Street, Suite 1500
San Francisco, California 94111
Telephone: 415-777-5604

21 October 2026

RE: Wildlife Habitat at 1130 Oxford Street

Dear Mr. Lippe,

I write to share my assessment of whether the proposed construction site at 1130 Oxford Street in Berkeley, California is:

> "Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code)."

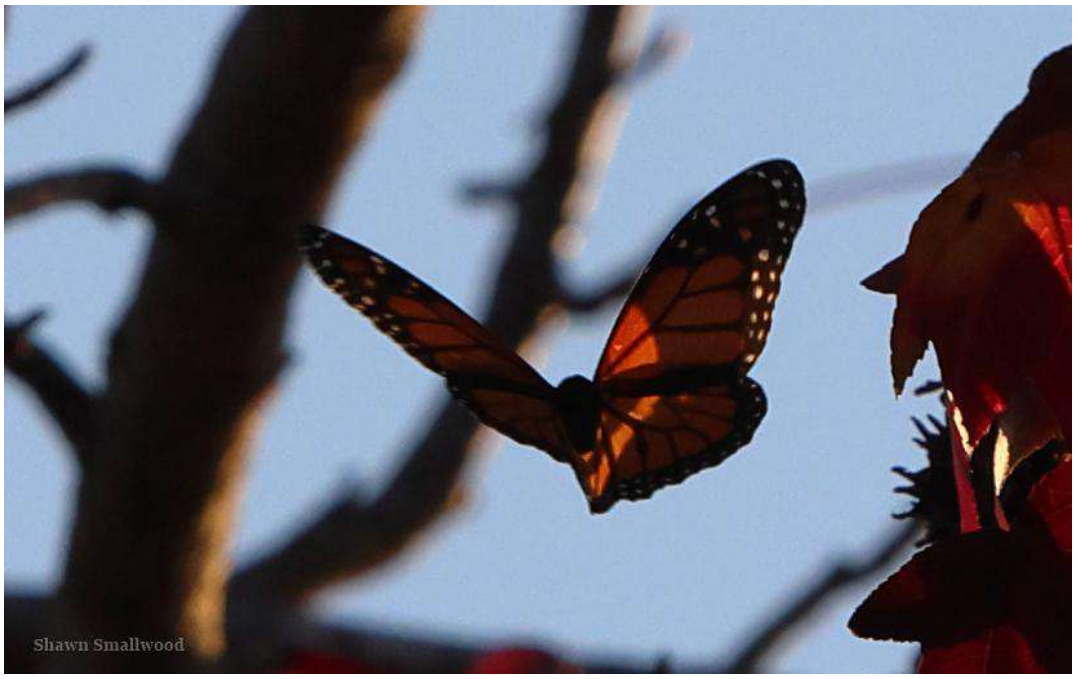
The site is occupied by a elementary school campus, currently unused, including empty buildings, playgrounds, and ornamental vegetation consisting of trees, shrubs and grasses. To assess the site for wildlife habitat value, I visited it for 70 minutes of evening survey beginning at 17:02 hours, and for 164 minutes of nocturnal survey starting at 18:57 hours on 8 October 2026. For the evening survey, I walked on public sidewalks along the site's perimeter, stopping to scan for wildlife using Leica binoculars and to listen for calls. For the nocturnal survey, I affixed a Pettersson M500 acoustic bat detector to a 5-m pole, and cabled the detector to my computer, which ran Sonobat Live to identify bats to species based on the bats' sonograms. I recorded all species of vertebrate wildlife I detected, including those whose members flew low over the site.

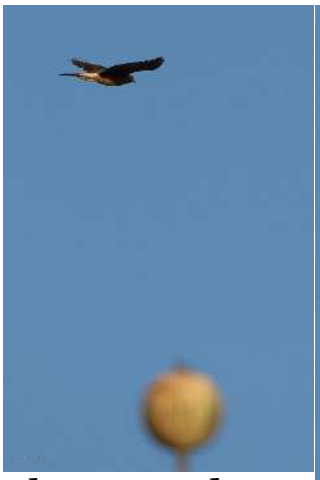
My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of

Environmental Management. I have performed wildlife surveys in California for 41 years. My CV is attached.

Based on my observations described here, I conclude that the site is habitat for "protected species" as defined above. On the site I saw Monarch butterfly (Photo 1), which is a candidate for listing under the federal Endangered Species Act. I saw Cooper's hawk (Photos 2 and 3), which is listed on the California Department of Fish and Wildlife's Taxa to Watch List, and which is protected by California's Birds of Prey Code. Other special-status species I detected included oak titmouse, American kestrel and American barn owl. I also saw other species of wildlife, including Anna's hummingbird (Photo 4), Mexican free-tailed bat (Photo 5), striped skunk, and black-tailed deer. I detected 35 species of vertebrate wildlife, which along with Monarch included 5 special-status species (Table 1).

Photo 1. *Monarch on the project site, 8 October 2026.*







Photos 2 and 3. *Cooper's hawk flying by the distinctive flagpole cap on the school grounds of the project site, 8 October 2026.*



Photo 4. *Anna's hummingbird on the project site, 8 October 2026.*

Table 1. *Species of wildlife I observed in 1.17 hours of diurnal survey and 2.73 hours of nocturnal survey on 8 October 2026.*

Common name	***Species name***	**Status**[1]	**Note**
Monarch	*Danaus plexippus*	FC	Roosting on site
Mourning dove	*Zenaida macroura*		
Anna's hummingbird	*Calypte anna*		Multiple
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Hunted site
American barn owl	*Tyto furcata*	BOP	Called
Hairy woodpecker	*Dryobates villosus*		
Northern flicker	*Colaptes auratus*		
American kestrel	*Falco sparverius*	BOP	
Black phoebe	*Sayornis nigricans*		
California scrub-jay	*Aphelocoma californica*		
American crow	*Corvus brachyrhynchos*		Multiple
Chestnut-backed chickadee	*Poecile rufescens*		
Oak titmouse	*Baeolophus inornatus*	BCC	Multiple
Cedar waxwing	*Bombycilla cedrorum*		Roving flock
Bewick's wren	*Thryomanes bewickii*		
American robin	*Turdus migratorius*		
House sparrow	*Passer domesticus*	Non-native	
House finch	*Haemorhous mexicanus*		
Lesser goldfinch	*Spinus psaltria*		
American goldfinch	*Spinus tristis*		
White-throated sparrow	*Zonotrichia albicollis*		
Dark-eyed junco	*Junco hyemalis*		
White-crowned sparrow	*Zonotrichia leucophrys*		
Golden-crowned sparrow	*Zonotrichia atricapilla*		
Savannah sparrow	*Passerculus sandwichensis*		Likely stopover
Song sparrow	*Melospiza melodia*		
California towhee	*Melozone crissalis*		
Red-winged blackbird	*Agelaius phoeniceus*		
Orange-crowned warbler	*Oreothlypis celata*		
Yellow-rumped warbler	*Setophaga coronata*		
Townsend's warbler	*Setophaga townsendi*		
Mexican free-tailed bat	*Tadarida brasiliensis*		
Eastern gray squirrel	*Sciurus carolinensis*	Non-native	
Striped skunk	*Mephitis mephitis*		
Black-tailed deer	*Odocoileus h. hemionus*		4 or 5
Botta's pocket gopher	*Thomomys bottae*		Burrow system

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FC = federal candidate for listing; BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); WL = CDFW's Taxa to Watch List; and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, https://wildlife.ca.gov/Conservation/Birds/Raptors).

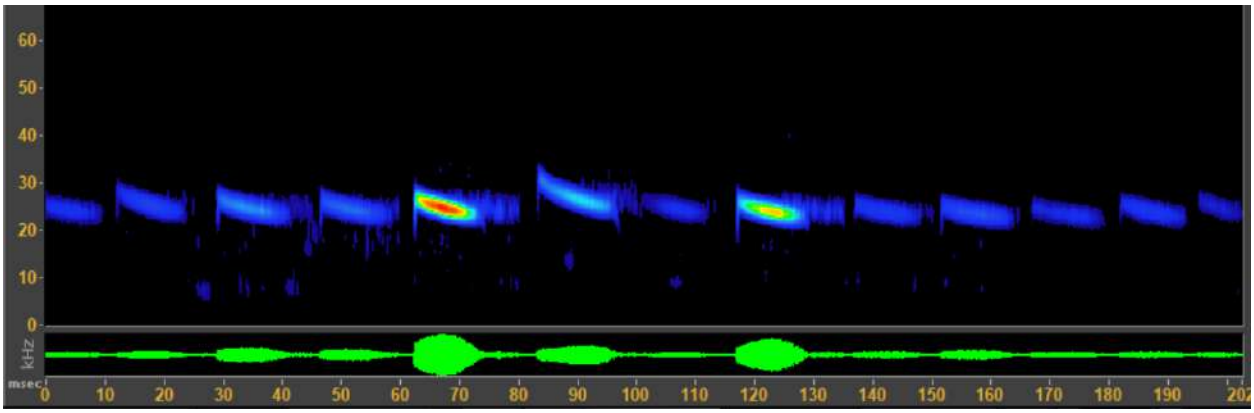


Photo 5. *Sonogram of Mexican free-tailed bat on the project site, 8 October 2026, as depicted by Sonobat Live.*

CONTEXTUAL ANALYSIS OF FIELD SURVEY DATA

I detected 35 species of vertebrate wildlife on the evening of 8 October 2026. This is a large number for the brevity of my survey effort. All the species in Table 1 would face habitat loss caused by development of the site. However, the species of wildlife I detected were not the only species present during my surveys, as there are always species that are not detected. To demonstrate this, I fit a nonlinear regression model to my cumulative number of vertebrate species detected with time into the daylight portion of my survey to predict the number of species I would have detected with a longer survey or perhaps with additional biologists to assist. The type of model is a logistic growth model. The model that best fits my survey data predicts 49 species of vertebrate wildlife were available for detection had my survey lasted through three hours, which of course was not possible due to the onset of darkness (Figure 1). My rate of species detections far exceeded the upper bound of my 95% confidence interval based on eight other evening surveys in the region, indicating the project site possesses an unusually high species richness.

Unknown are the identities of the species I missed, but those available for detection during my site visit composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort because they are highly cryptic, and the members of other species would visit the site only periodically while patrolling large home ranges. A survey on only one or two days cannot possibly detect all the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have my one survey date. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely occur on the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern in the rate of species detections is consistent from site to site.

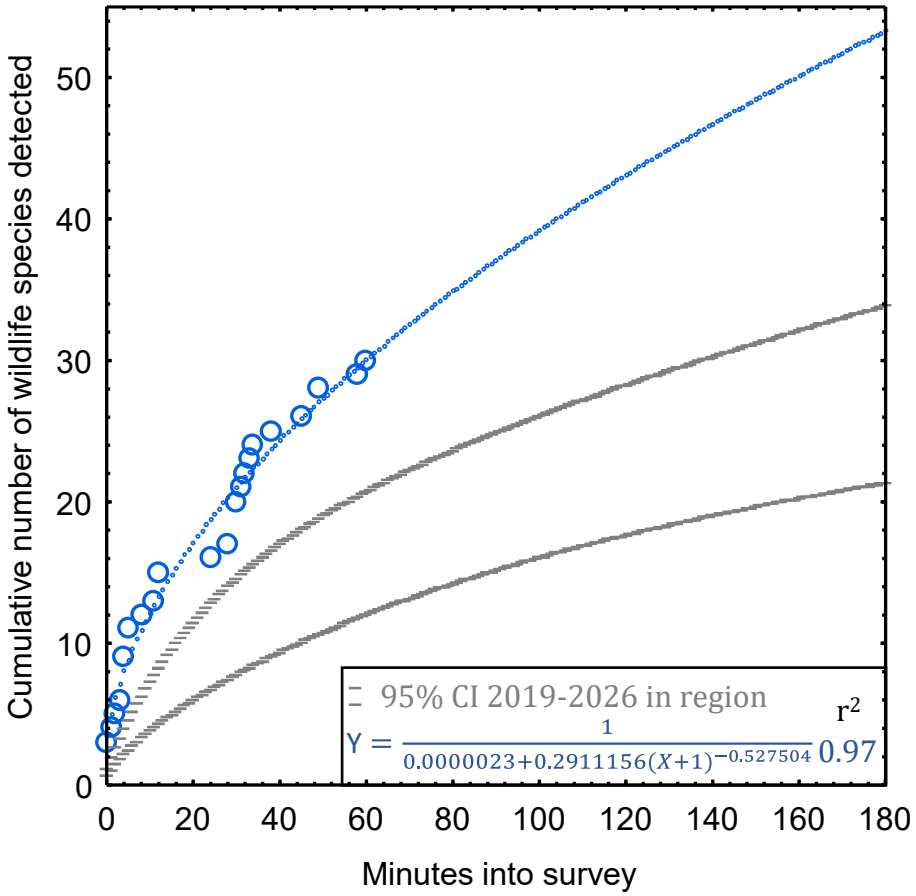


Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on my visual-scan survey on the evening of 8 October 2026, and compared to the 95% confidence interval estimated from other evening surveys throughout the East Bay region since 2019.*

As part of my research, I completed 40 field surveys across 12.74-acre site adjacent to the American River in Rancho Cordova, California. The research site was covered by an abandoned walnut orchard, riparian forest along the River, and ornamental hedge vegetation where homes abutted the site. I surveyed the site from 2020 through 2023, using the same methods as I used at the 1130 Oxford Street site. I tallied new species detected with the accumulation of time across the surveys, and then I related the cumulative species detected to the hours used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate the least-squares, best-fit nonlinear model of the number of cumulative species detected regressed on hours of survey: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficient of determination, r^2, of the model was 0.98, which indicates an excellent model-fit to the data.

I projected the model's predictions to thousands of hours to find the model-predicted asymptote of wildlife species richness. The asymptote of diurnally active vertebrate wildlife species detectable by visual-scan surveys was 177 (Figure 2). On average I would have detected 30.5 species over my first 70 minutes of diurnal surveys at my research site (70 minutes to match the 70 minutes I surveyed during daylight hours at the 1130 Oxford Street project site), which composed 17.2% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 30 vertebrate species I detected after 70 minutes of

daylight survey at the project site likely represented 17.2% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys throughout one or more years, I would likely detect $^{30}/_{0.172} = 174$ species of vertebrate wildlife detectable during daylight surveys at the site. Assuming my ratio of special-status to non-special-status species was to hold through the detections of all 174 predicted species, then continued daytime surveys would eventually detect 29 special-status species of vertebrate wildlife, not including bats and owls. The evidence is clear that my survey findings represent only a fraction of the numbers of species that occur on the project site over the long term.

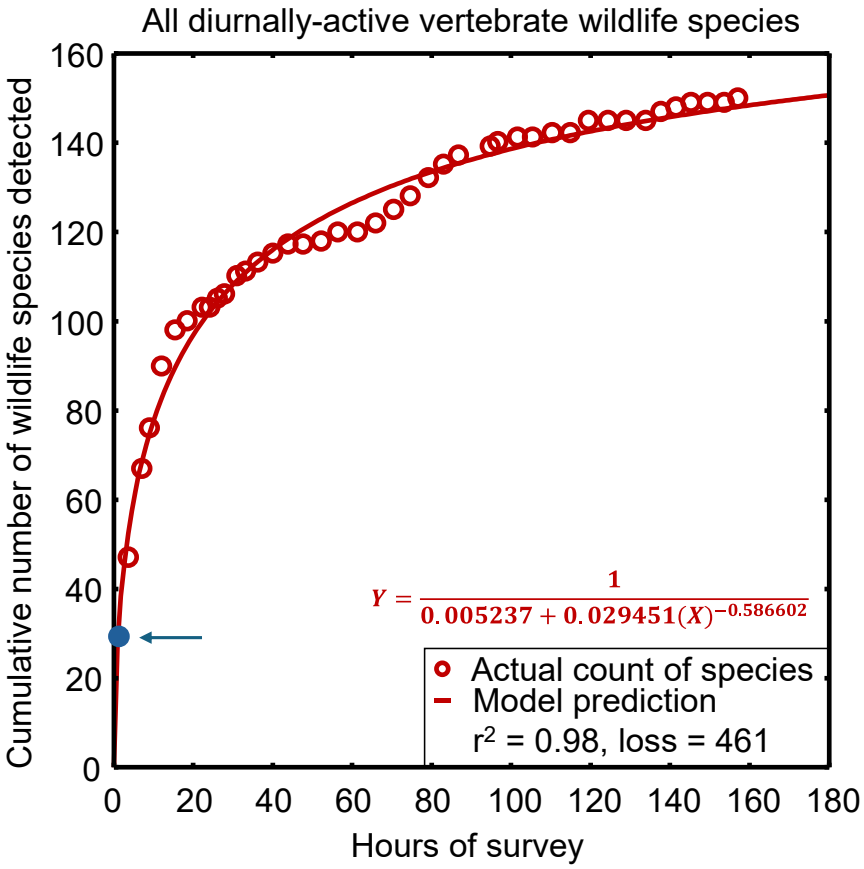


Figure 2. *Cumulative tally of wildlife species detected as a nonlinear function of field survey time at a research site in Rancho Cordova, 2020–2023. Note the location of the study is largely irrelevant to the utility of the graph for interpreting survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere. The filled blue circle and arrow represent the number of vertebrate wildlife species I detected in daylight on the project site.*

One should expect the same increase in the number of bat species known to the site after continued surveys for nocturnally active wildlife. Based on our monitoring of bats in both our backyards and at a third monitoring site in a nature reserve, Noriko Smallwood and I observed a 2.125-fold increase in the average cumulative number of bat species detected per night with additional surveys throughout one year (Figure 3). This same magnitude of increase would be expected at the project site if the site was to be similarly monitored. However, I cannot analytically bridge what I found at the project site to our one-year monitoring of bats elsewhere because my survey at the project site was conducted in October, which was after the peak activity season for bats. Multiple species of bats would have already migrated away or reduced their foraging activity by the date

of my survey. Suffice it to say that the project site supports more species of bats than the Mexican free-tailed bats I found there.

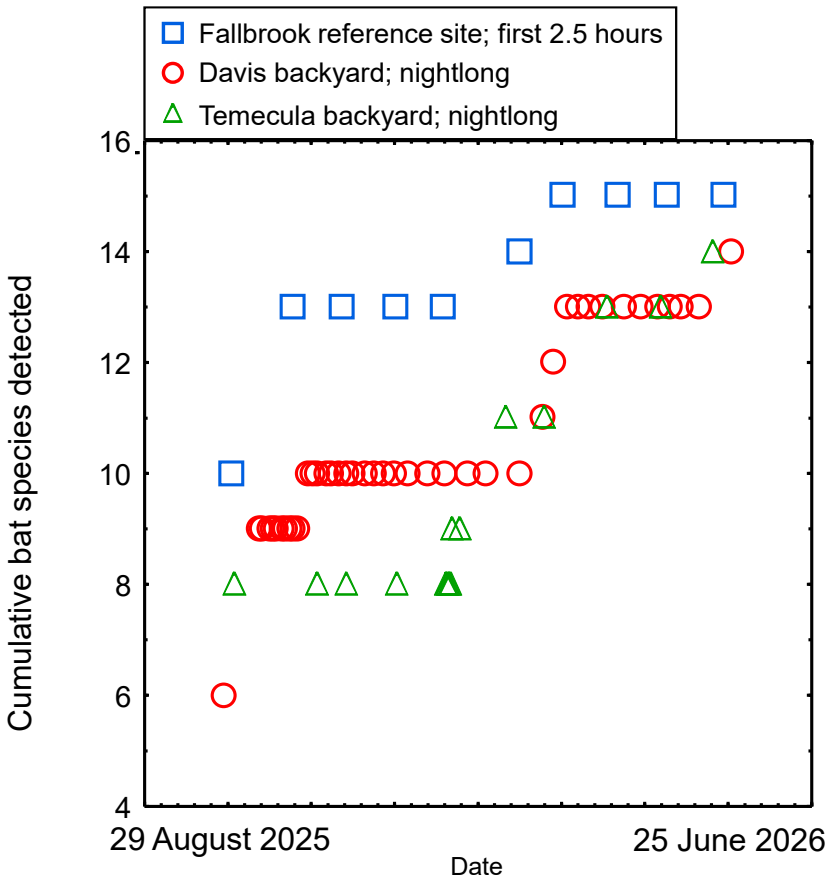


Figure 3. *The cumulative numbers of bat species detected at each of 3 sites increased with more surveys from late August 2025 through 25 June 2026. One site is a reference site with high ecological integrity at Fallbrook, California. The other two sites were in backyards in Davis and Temecula, California.*

In my assessment based on a review of eBird and iNaturalist records and a site visit, 58 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Not all these species should be expected to occur at the project site, but each of them should be given a closer look to determine occurrence likelihoods and whether additional surveys are needed, or implementation of detection surveys, or whether it would be reasonable to assume presence. Of these 58 special-status species, 5 have been recorded on the project site, and another 36 (62%) species have been documented within 1.5 miles of the site (Very close), another 7 (12%) between 1.5 and 4 miles (Nearby), and another 7 (12%) between 4 and 30 miles (In region). Most (83%) of the species in Table 2 have been reportedly documented within 4 miles of the project site. The site therefore supports at least 5 special-status species of wildlife, and it carries the potential for supporting many more special-status species of wildlife based on the close proximities of recorded occurrences. Evidence certainly suggests that habitat assessments are needed for these species.

The site of the proposed project supports multiple special-status species of wildlife, and it is therefore important to the ecological community of the region. It is my opinion that exempting the proposed project from CEQA review would be inappropriate. Projects such as the proposed project have been documented to substantially reduce the

abundances of many species of wildlife (Smallwood and Smallwood 2023). Noriko Smallwood and I performed an experiment to measure the efficacy of required mitigation measures at avoiding or minimizing project impacts. We revisited the project sites we had surveyed as experts to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to control these sources of variation to cleanly measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. All the developed sites had included mitigation measures to avoid, minimize or compensate for impacts on wildlife. And all the sites had been disturbed to various degrees, usually to high degrees. Nevertheless, we found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. We found that "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures and existing policies, regulations, and habitat plans. Experimental evidence demonstrates the need to analyze a project's potentially significant impacts on wildlife.

Thank you for your consideration,



_____

Shawn Smallwood, Ph.D.

LITERATURE CITED

Smallwood, K. S., and N. L. Smallwood. 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. Diversity 15, 1037. https://doi.org/10.3390/d15101037.

Table 2. *Occurrence likelihoods of special-status species of wildlife at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species I detected during my site visits.*

Common name	***Species name***	**Status[1]**	**Occurrence potential based on database records and surveys**
Monarch	*Danaus plexippus*	FC	Very close/**On site**
Black swift	*Cypseloides niger*	SSC3, BCC	Very close
Vaux's swift	*Chaetura vauxi*	SSC2	Very close
Costa's hummingbird	*Calypte costae*	BCC	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC	Very close
Rufous hummingbird	*Selasphorus rufus*	BCC	Very close
Allen's hummingbird	*Selasphorus sasin*	BCC	Very close
Heermann's gull	*Larus heermanni*	BCC	Nearby
Western gull	*Larus occidentalis*	BCC	Very close
California gull	*Larus californicus*	BCC, WL	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	Very close
Turkey vulture	*Cathartes aura*	BOP	Very close
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	Very close
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close/**On site**
Red-shouldered hawk	*Buteo lineatus*	BOP	Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP	Very close
American barn owl	*Tyto furcata*	BOP	Very close/**On site**
Great horned owl	*Bubo virginianus*	BOP	Very close
Lewis's woodpecker	*Melanerpes lewis*	BCC	Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	Very close/**On site**

Common name	***Species name***	**Status[1]**	**Occurrence potential based on database records and surveys**
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP	Very close
Prairie falcon	*Falco mexicanus*	WL, BOP	Very close
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Very close
Willow flycatcher	*Empidonax trailii*	CE	Very close
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	In region
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Very close
Oak titmouse	*Baeolophus inornatus*	BCC	Very close/**On site**
California horned lark	*Eremophila alpestris actia*	WL	Very close
Bank swallow	*Riparia riparia*	CT	Nearby
Purple martin	*Progne subis*	SSC2	Very close
Wrentit	*Chamaea fasciata*	BCC	Very close
California thrasher	*Toxostoma redivivum*	BCC	Very close
Cassin's finch	*Haemorhous cassinii*	BCC	Very close
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Very close
Bell's sparrow	*Amphispiza b. belli*	WL	Nearby
Yellow-breasted chat	*Icteria virens*	SSC3	Very close
Bullock's oriole	*Icterus bullockii*	BCC	Very close
Lucy's warbler	*Leiothlypis luciae*	SSC3	Nearby
San Francisco common yellowthroat	*Geothlypis trichas sinuosa*	SSC3, BCC	In range
Northern yellow warbler	*Setophaga aestiva*	SSC2	Very close
Summer tanager	*Piranga rubra*	SSC1	Very close
Pallid bat	*Antrozous pallidus*	SSC, WBWG:H	Nearby
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG:H	In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M	In region
Western red bat	*Lasiurus blossevillii*	SSC, WBWG:H	Nearby
Hoary bat	*Lasiurus cinereus*	WBWG:M	In region
Long-eared myotis	*Myotis evotis*	WBWG:M	In region
Little brown myotis	*Myotis lucifugus*	WBWG:M	In region

Common name	***Species name***	**Status[1]**	**Occurrence potential based on database records and surveys**
Fringed myotis	*Myotis thysanodes*	WBWG:H	In range
Long-legged myotis	*Myotis volans*	WBWG:H	In range
Yuma myotis	*Myotis yumanensis*	WBWG:LM	In region
San Francisco dusky-footed woodrat	*Neotoma fuscipes annectens*	SSC	Very close

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; CFP = California Fully Protected (California Fish and Game Code 3511); SSC_i = California Species of Special Concern with i = priorities 1, 2 and 3; WL = CDFW's Taxa to Watch List; BGEPA = Bald and Golden Eagle Protection Act; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors); and SA = Specially Protected Mammal under California Wildlife Protection Act of 1990.

EXHIBIT 2

Department of Conservation
California Geological Survey

Earthquake Zones of Required Investigation Maps and Reports

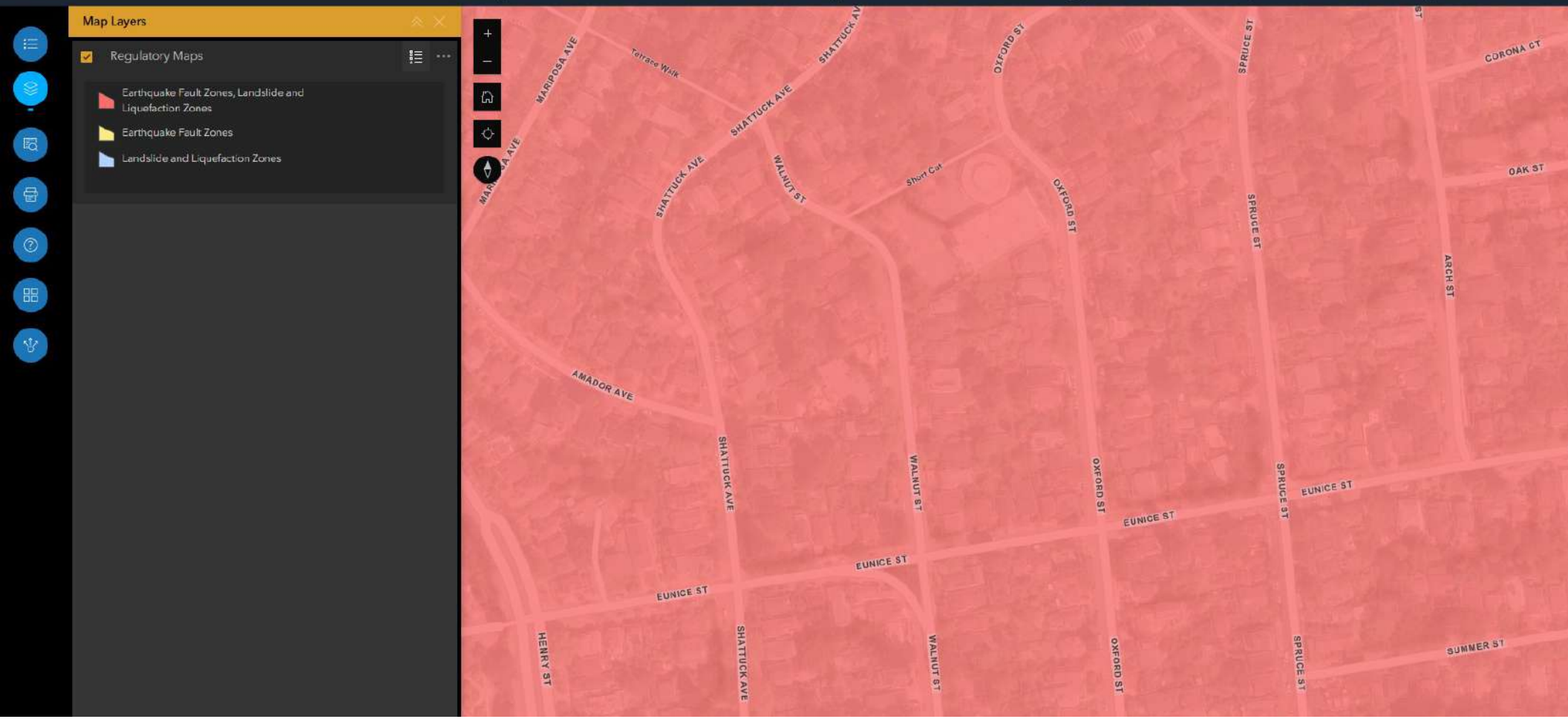


EXHIBIT 3

Earthquake Zones of Required Investigation Maps

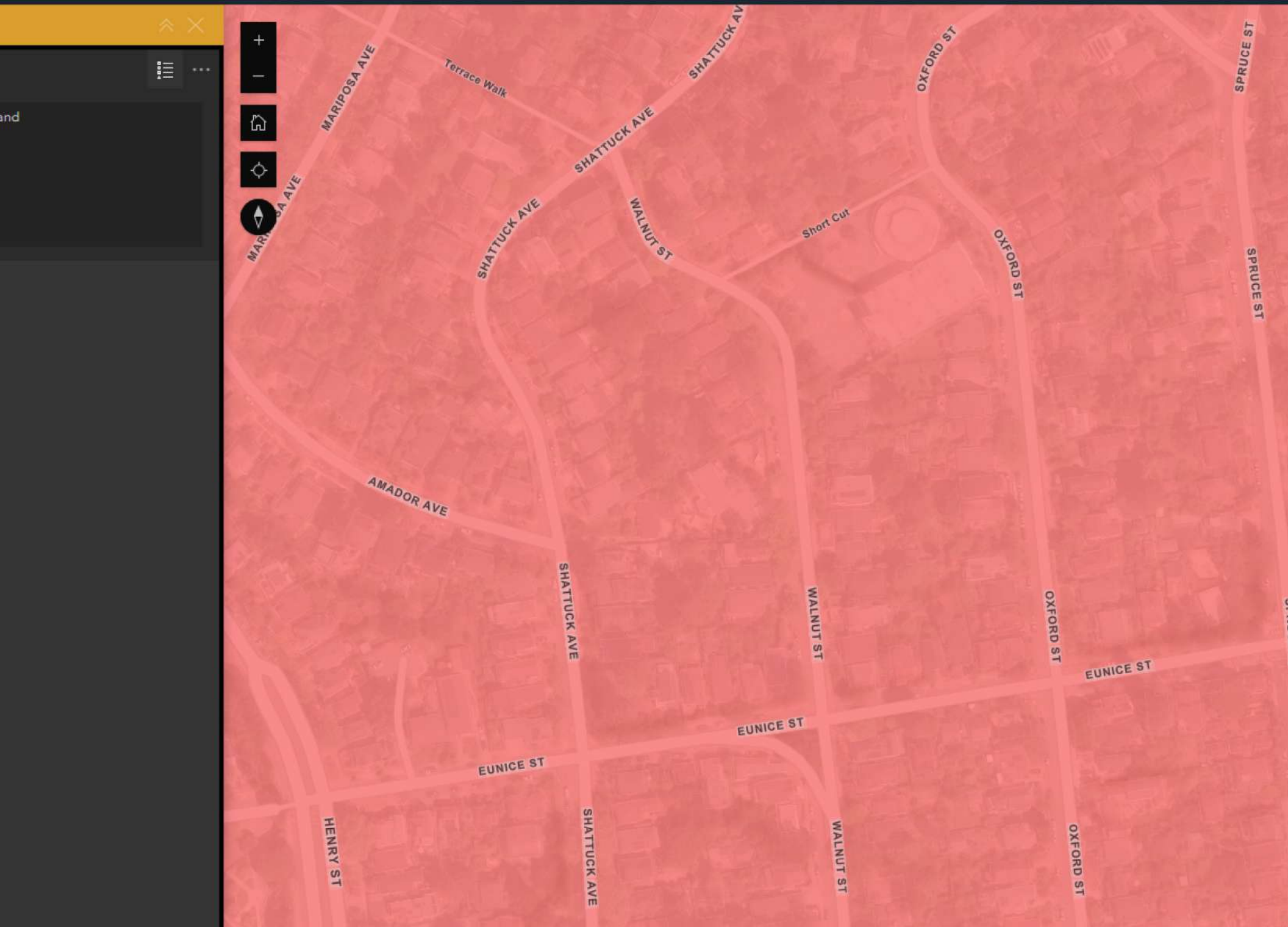


EXHIBIT 4

Berkeleyside

EDUCATION

What's next for Berkeley's old Oxford Elementary School?

Sell it? Turn it into housing? Knock it down? The fate of the North Berkeley school building, vacated in 2020 after a report showed vulnerability to earthquake damage, is still undecided.

By Ally Markovich
Aug. 25, 2023, 3:30 p.m.

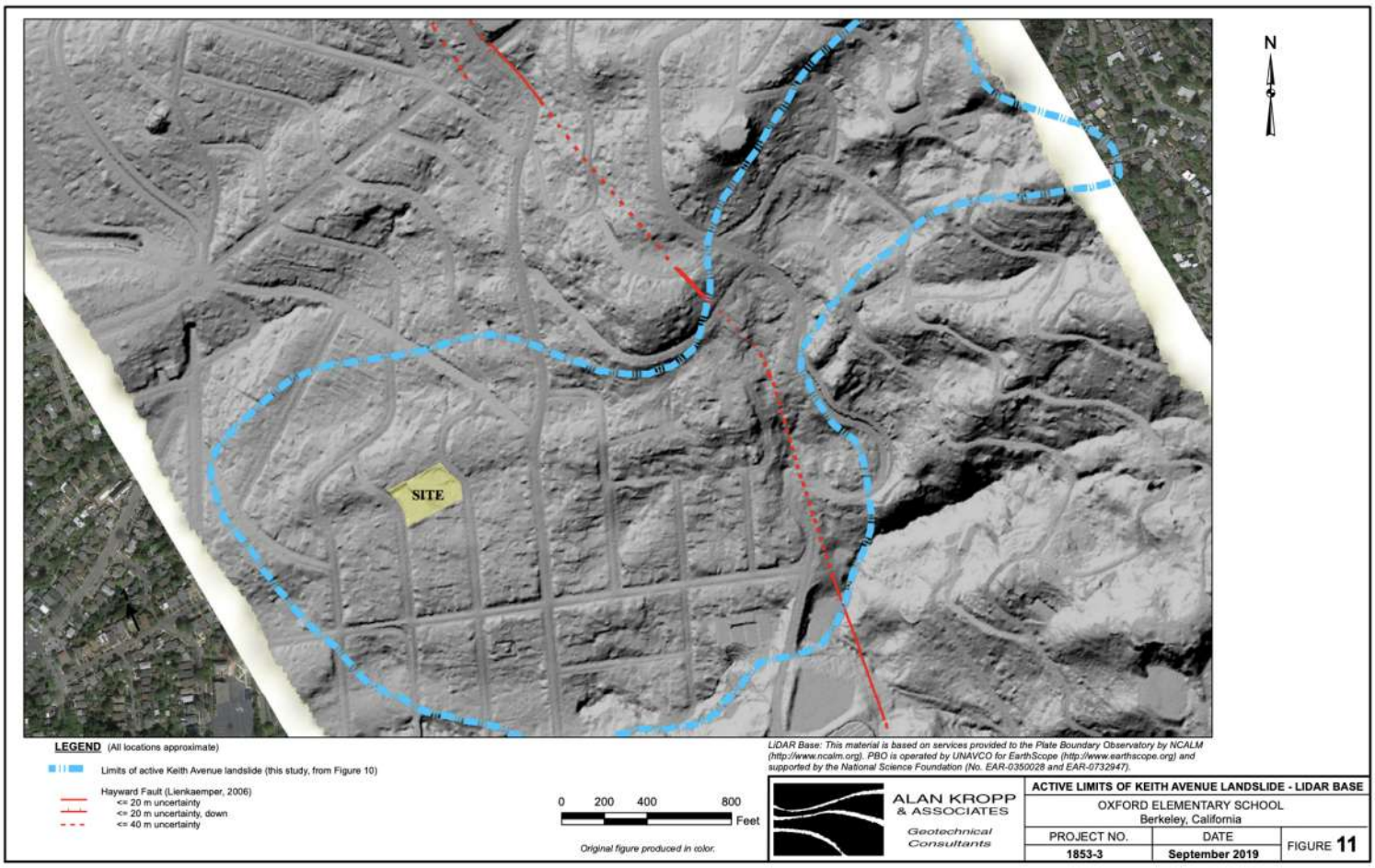


The old Oxford Elementary School in North Berkeley was vacated in 2020 due to risks posed by earthquake. Credit: Natalie Orenstein

Three years after students were moved from the old Oxford Elementary School due to **risk of major earthquake damage**, the Berkeley school district has yet to make a decision about what to do with the building.

Sell the North Berkeley property? Demolish the building and build on top of it? Develop it into workforce housing? All these options are still on the table after school board directors discussed what to do with the old schoolhouse on Wednesday during the first school board meeting of the year.

In September 2019, a report found that a major earthquake could **seriously endanger students** and staff at the old elementary school at 1130 Oxford St. An earthquake could move the school up to 20 feet, ignite utility lines and make roads impassable. Even if the school was rebuilt, students could still be stranded from help, **according to the report**.



A report by Alan Kropp & Associates maps the location of the old Oxford Elementary School within the Keith Avenue landslide zone. Credit: BUSD

Students stayed at the school for the remainder of the year, though a handful of families left for other

schools in the district, fearing the worst-case scenario. Fall 2020 was held online due to the pandemic, but when students returned in March, it was to a new building near West Campus in West Berkeley, which remains the site of the school.

Since then, the Oxford Street building has sat vacant as a district committee has weighed its options. Recently, neighbors complained that people were vandalizing the property, and facilities director John Calise said the district spent $23,000 on a new fire alarm system after someone ripped out the old one. The district also replaced and boarded up broken windows.

In January, six members of the committee recommended that the district sell the property. When the district had the property appraised, it was valued at $2 million, a number that Calise said may seem low because of the different way public school property is valued.

Three members of the committee wanted BUSD to develop workforce housing. They noted that the appraisal determined that the "highest and best use" — the most profitable and legally permissible use — for the property was housing development.

"[T]he 1130 Oxford site has been public land for over a century, and it's now in the hands of BUSD and COB to figure out how this land can best serve the public going forward," Phyllis Orrick, a member of the committee, wrote in a letter to Berkeley Assemblymember Buffy Wicks and Senator Nancy Skinner.

"Will it be sold to a private developer who may construct ten McMansion, or will there be +/-40 affordable housing units in a high resource area, delivering on the promise of affirmatively furthering fair housing?" Orrick asked.

On Wednesday, the school board did not decide what to do with the property, asking facilities for more information before making a decision. What would the cost of demolition be, and how much would it raise the property value? School Board president Laura Babitt asked the district for more information on staff interest in workforce housing, while others cautioned against building housing on the site.

A **110-unit affordable housing project** is already planned for BUSD staff in the parking lot of the Berkeley Adult School. A 2017 survey found that half of staff who responded said they would be interested in living in BUSD employee housing.

"The board has publicly acknowledged that it was not safe to keep students and staff," Calise said. "So when we say that to then potentially move our workforce, or any workforce up there, and put them potentially in the same condition, that can prove to be problematic."

The problem wasn't with the buildings, which have held up well over time, Calise emphasized, but with

the risk of being cut off from help by emergency vehicles in that part of the Berkeley Hills in general.

“A place doesn’t just become safe if we decide to put adults rather than children on the campus,” Director Ka’Dijah Brown said.

The area’s neighbors also weighed in at the meeting, one dreaming up a community recreation center, while others reiterated their desire to be involved with the process as it unfolds and asked for better communication.

Neighbor Eileen Killory lives around the corner from the vacant school building and her son lives downhill from it, in the landslide zone. “When you hear about a landslide that’s got gigantic boulders coming down with a quake happening, and you’re reading this report, it seems to be more personal,” Killory said.

For now, the district will continue to maintain the vacant property. “Our real financial obligation right now is just to maintain a vacant property, to keep it safe and keep it from being vandalized,” Babitt said.

The timeline for next steps isn’t clear. Facilities will respond to questions from the board, which will eventually make a decision about the property.

RELATED STORIES



Oxford Elementary at risk of major earthquake damage, report finds. BUSD weighs school’s future



Wednesday marked an end to ‘de facto segregation’ at Berkeley’s middle schools



Berkeley council to consider undergrounding utility wires

EXHIBIT 5

http://dailycal.local/2019/11/12/oxford-elementary-school-relocating-for-2020-21-academic-year-because-of-safety-risks/

Oxford Elementary School relocating for 2020-21 academic year because of safety risks

By Thao Nguyen
Nov 12, 2019

Oxford Elementary School will relocate to the Berkeley Unified School District, or BUSD, West Campus facility by fall 2020 because of potential earthquake safety risks at the Oxford school site, as first reported by Berkeleyside. In September, the school district received a geotechnical report completed by Alan Kropp & Associates of Berkeley, which confirmed and assessed that the school is built within the Keith Avenue landslide and that there is risk associated with the site in the event of a major earthquake. “For the remainder of the 2019-2020 school year, my current thinking is that the Oxford community will remain in place,” according to an update from Brent Stephens, BUSD superintendent. “The Oxford facility continues to comply with all state requirements for earthquake safety and is in this respect no different from any other BUSD facility.” According to the report, the elementary school is located within the actively moving Keith Avenue landslide complex. The landslide mass moves at an average rate of about one inch per year and has significant variations related to annual rainfall patterns, which will cause the movement to continue. According to the agenda from Wednesday’s BUSD meeting, the school district's staff presented a summary of the report in four separate meetings with Oxford Elementary teachers and parents to engage with the Oxford Elementary community. “Based on calculations of the additional magnitude of landslide movement that would occur during an earthquake, the Oxford Elementary School campus would likely have a total movement that might range from as little as 2 feet to as much as 20 feet,” according to Stephens’ presentation with John Calise, executive director of facilities for BUSD, at Wednesday’s meeting. The staff put forward a recommendation to relocate Oxford Elem

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students and staff to the West Campus facility during summer 2020 for the start of the 2020-21 academic year. The agenda also stated that there is currently no proposed end date for this relocation. The update added that the West Campus facility is attached to the school district office and is currently being renovated for the Oxford Elementary community relocation. Some renovations include a playground, an outdoor learning environment and a garden space. The Measure I 2010 bond will help fund this renovation. Stephens and Calise said during their presentation that the school district will finish the modernization of the facility by the end of the 2019-20 school year. Oxford Elementary School librarian Karen Sasamoto said while the school is small, there is still a strong sense of community, and she is sad to see some families leave but understands their decisions due to safety concerns. “As for the move, I have to say that Beth Rhine has been an excellent principal to serve under and I’m sure under her watch she and the teachers will work together to help make the adjustment as smooth as possible for the staff and families,” Sasamoto said in an email.

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FORMAL OBJECTION TO PUBLIC NOTICE

DATE: October 27, 2026

TO:
Berkeley Zoning Adjustments Board (ZAB): zab@berkeleyca.gov
Berkeley Planning & Development Department: planning@berkeleyca.gov

CC VIA EMAIL:
City of Berkeley Planning/Zoning Staff: vschlepp@berkeleyca.gov, ahersch@berkeleyca.gov
California Department of Fish and Wildlife (Region 3): askbdr@wildlife.ca.gov (Formal Trustee Request)

SUBJECT: FORMAL OBJECTION TO PUBLIC NOTICE INTENT TO RECOMMEND AB 130 CEQA EXEMPTION AND DEMOLITION USE PERMIT: 1130 Oxford St. (Pending Application)

Dear Members of the Zoning Adjustments Board and Planning Staff,

I am writing on behalf of an organized group of North Berkeley neighbors to submit formal expressions of concern regarding the pending development application for 1130 Oxford Street (the former Oxford Elementary School campus). Our group is writing in response to the Notice of Public Hearing posted by the City of Berkeley on October 21, 2026, which indicates staff's intention to recommend a statutory CEQA exemption via AB 130 and approval of the Demolition Use Permit at the upcoming hearing on November 5, 2026.

Our previous letters and a letter from our legal counsel have already formally briefed the City on several aspects of our objection. This letter serves to supplement the record with evidence addressing critical habitat values and downstream watershed impacts on Central California Coast Steelhead, a designated threatened species under the Endangered Species Act (ESA).

The project site is situated uphill and less than two blocks away from Codornices Creek. Codornices Creek is a highly sensitive urban stream hosting a naturally reproducing, migrating population of Central California Coast Steelhead. While the stream channel was excluded from formal federal geographic critical habitat map designation, the species itself is strictly protected. The California Department of Fish and Wildlife (CDFW) retains trustee agency oversight regarding downstream water quality, erosion impacts, and streambed protections affecting this sensitive fishery.

Runoff Risks and Seasonal Storm Considerations

The 1130 Oxford site sits within the active Keith Avenue Landslide complex, which historically associated the school's closure with landslide and earthquake-safety concerns. Stabilizing and developing a 31- or 32-unit residential plan on this active slide zone will require significant ground disturbance, grading, and structural foundation engineering.

The applicant's stated timeline for structural demolition and subsequent ground disturbance overlaps with anticipated elevated seasonal storm risks. A statewide State of Emergency was declared in September to prepare for heightened flood and mudflow hazards during the upcoming wet season.

There is a foreseeable risk that executing heavy grading and exposing soil on an active landslide during the wet season may overwhelm standard stormwater Best Management Practices (BMPs). Wet-season demolition and ground disturbance could mobilize substantial sediment, runoff, and potential legacy building materials into the municipal storm system, which is gravity-directed toward Codornices Creek. Sediment transport carries a potential risk of impacting downstream water quality and altering conditions in downstream gravel spawning beds (redds) during periods when adult steelhead enter the system to spawn and young trout are rearing. We believe the City must verify the exact drainage route and require stringent, site-specific controls adequate to protect this downstream aquatic habitat, ensuring full compliance with the federal Clean Water Act and the Endangered Species Act (ESA).

Questions Regarding Scope of Review Under CEQA

Because the City's public notice appears to isolate the demolition Use Permit from the rest of the development project, we are concerned that the true cumulative environmental impacts—specifically total tree canopy loss for protected raptors, cumulative grading impacts on an active landslide, and the combined stormwater runoff volume with potentially hazardous material draining toward Codornices Creek—are not being fully evaluated as a single, integrated project. Under CEQA guidelines, a Lead Agency is expected to assess exemption eligibility using the complete, known scope of development rather than a narrow project description.

Mandatory Adherence to Independent Environmental and Statutory Frameworks

We emphasize to the Planning Department and the Zoning Adjustments Board that a statutory or categorical exemption from CEQA does not vacate, override, or insulate the applicant from mandatory compliance with independent state and federal environmental protection laws. Regardless of the project's ultimate CEQA classification, the City cannot legally authorize site activity that triggers a violation of non-CEQA environmental statutes. Specifically, the applicant remains strictly subject to:

- California Fish and Game Code Sections 3503 and 3503.5: These provisions establish an absolute, non-discretionary prohibition against the taking, possession, or needless

destruction of the nests, eggs, or individual birds of prey (raptors). A CEQA exemption provides no legal safe harbor for the removal of trees or demolition of structures containing active roosts or nests of the special-status raptor species verified on-site by Dr. Smallwood.

- The Federal Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES): The City and the applicant are legally bound to prevent any uncontained discharge of sediment or legacy building pollutants in runoff and/or into the municipal storm sewer network. Because the 1130 Oxford site drains directly into an urban system feeding Codornices Creek, a CEQA exemption does not bypass the rigorous, independent enforcement mandates of the San Francisco Bay Regional Water Quality Control Board.
- The Federal Endangered Species Act (ESA): Because Codornices Creek contains a naturally reproducing population of federally threatened Central California Coast Steelhead, any unmitigated wet-season runoff from this landslide complex that results in downstream sedimentation or the destruction of active gravel spawning beds (redds) risks constituting an unauthorized "take" under federal law.

Our Formal Requests to the City of Berkeley:

To ensure a legal and environmentally sound process, we respectfully request that the Zoning Adjustments Board take one of the following actions at the November 5, 2026, hearing:

- **Deny the AB 130 CEQA Exemption and Require an Environmental Impact Report (EIR)**: Conclude that because the project site features documented special-status species habitat, active landslide risks, and downhill watershed connections, as well as for the other arguments submitted previously, it is legally ineligible for a statutory streamlining exemption under AB 130. We request that the Board deny the exemption and determine that further environmental study, beginning with a unified Initial Study and a comprehensive EIR, must be completed and reviewed before any structural demolition or site disruption is permitted.
- **Grant a Continuance on the Demolition Use Permit**: Postpone a determination on the demolition permit. Because the staff's initial CEQA recommendation was noticed on October 21, prior to receiving Dr. Smallwood's report on October 22, a continuance is necessary to allow staff to thoroughly analyze the findings, assess potential negative impacts on the downstream steelhead population, coordinate a review with the California Department of Fish and Wildlife (CDFW) and the San Francisco Bay Regional Water Quality Control Board (SF Water Board) regarding Clean Water Act compliance.
- **Defer Demolition Pending Wet-Season Studies and Mitigation**: If the Board is inclined to consider approval, we request a binding permit condition that postpones structural demolition and heavy ground disturbance until after the regional wet weather season concludes on April 15. This deferral is necessary to allow for independent hydrological studies to verify the exact path of the site's gravity-fed runoff, ensuring that site-specific mitigation measures can be properly designed to minimize sediment transport, insulate the downhill landslide complex, and protect the fragile downstream steelhead spawning gravels in Codornices Creek from heavy seasonal runoff.
- **Place Pre-Conditions on the Demolition Permit**: If the Board moves forward with

approvals, we ask that the Demolition Use Permit be made explicitly conditional upon the applicant funding and executing professional, building-interior roosting surveys (photographic evidence of open and broken windows provide reasonable suspicion of interior access), tree-canopy nesting surveys, and a comprehensive hydrological evaluation appropriate to the season before any physical site disturbance or demolition occurs. Taking these steps will provide clear safeguards to ensure full compliance with California Fish and Game Code Section 3503 and Section 3503.5.

Thank you for your time and consideration.

Sincerely,

Derek Abbassi, M.D.
1120 Walnut St., Berkeley, CA