

Late Correspondence
Received after noon
Tuesday March 17, 2026
Planning Commission

Late Correspondence

From: Margots999@sonic.net
Sent: Thursday, March 19, 2026 10:41 AM
To: Planning Commission
Subject: Corridor Development: What DATA exists?

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 Commissioners,
Chair Emily Marthinsen, Vice-Chair Savlan Hauser, Commissioner Blaine Merker, Commissioner Jeff Vincent, Commissioner Darrell Owens, Commissioner Christina Oatfield, Commissioner Charles Kahn, Commissioner Alfred Twu, Commissioner Angela Wang,

As a social scientist, I have serious concerns about the quality of the Corridor report presented by the planning department.

The Planning Commission is not receiving accurate information about the effects of up zoning in the corridors. The Summary of findings on page five of the Corridor Report is not based on data but is merely opinions of realtors and the Office of Economic Development. In order to make good decisions you must have data, accurate data.

I gave you a paper that describes what you need to determine the current commercial corridor activit: the cost of development to the city, measuring the potential impact on small businesses, and data on the proposed housing for corridor development. Would it provide housing for workers and elders? No. For homeless? No. Would it displace residents and small businesses? YES. The report by the Ad Hoc Committee only discusses the size of buildings, not the total economic effects of up zoning on the city and its business community.

Given the low quality of the Corridor report and its misinformation, how can you trust anything it says about the laws, density bonuses or anything else?

Here are some data needed:

The Cost of Corridor Development

How many **business licenses** are in each district?

How much **city sales tax** is generated each year?

Parking fees?

Property taxes generated?

Other income?

Possible loss of income to the city by up zoning the commercial corridors can be estimated by examining data from Berkeley's downtown development area. The city has many vacant stores; **no data from city planning.**

How have the number of business licenses, sales tax, parking fees, property taxes and other income has changed in Downtown Berkeley from 2010 to 2025? This is the cost of development. **No data.**

Vacancy rates in downtown Berkeley can also show the commercial and residential impact of development. We do not know commercial or residential vacancy rates in new downtown buildings. This information is important to policy decisions regarding development.

High rents in new buildings can create high vacancy rates. **Landlords may keep units vacant rather than lower rents to avoid reducing the building's valuation for refinancing or sale. But vacancies reduce tax income to the city.**

There are many (17?) stalled projects in the downtown area. We only can look at abandoned Center Street to see the impact of demolition and no construction. Is there any guarantee that this would not occur in the corridors?

According to the **Corridor Report Summary of Findings**, "Any redevelopment along the corridors will be gradual and limited." However no data are supplied; this is an *opinion*. Planning only mentions talking to realtors; you are hearing their opinion.

Before the Commission and Council approves development in these areas, it should be provided with DATA.

I attended the March 4th meeting regarding Corridors and was disappointed that you decided not to hear the concerns of Berkeley residents. You chose 10 speakers, clearly you were not interested in what people had to say, but only to appear to have democratic participation. This is what I would have said. Faulty data.

Margot Smith
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510-660-5508 (Text)
Margots999@sonic.net

Late Correspondence

From: aimee baldwin <junk.menagerie@gmail.com>
Sent: Thursday, March 19, 2026 9:10 AM
To: Planning Commission; San Pablo Plan; Berkeley Mayor's Office; All Council
Subject: Public Comment on SPASP

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Re-Segregation of Berkeley: is it on purpose or just being lazy?

The San Pablo Plan in-lieu affordable housing “Local Density Bonus”, or direct upzoning to 7 stories will effectively re-segregate our city, because these would undermine the use of the State Density Bonus, which is our best mechanism to *ensure affordable housing units* directly **integrated** with market rate housing, and get affordable units dispersed across the city.

A national study, [HOPE VI](#), showed that fully integrated housing that supported social connections across socioeconomic backgrounds resulted in measurable significant increased education levels, increased employment, increased pay, and decreased incarceration for the disadvantaged children who grew up in the integrated housing. This is not just access to higher resources from living in a nicer neighborhood, the key is direct social ties to the people of different socioeconomic backgrounds. This can not happen when people are segregated into different isolating buildings, into different neighborhoods, or if neighborhoods aren't designed to foster human interaction. It is particularly bad when buildings are allowed to have internal amenities that prevent residents from ever leaving their buildings, which our community asked to prevent in the SP Plan, but we haven't seen any such policy.

People incorrectly assume that vibrancy is an automatic result of population density alone. Please visit the base of MacArthur BART housing, or walk south from Pete's coffee on 4th street, past University to the new high-density housing, and observe where the most pedestrian and social activity is. Residential density alone doesn't create vibrancy or social interaction.

The city also allows segregation by default by having no geographic equity guardrails to prevent all the city's in-lieu funded affordable housing from being concentrated in the cheapest land in the city, which is of course the formerly redlined, struggling, often more toxic, and disinvested neighborhoods, where the poor have always been kept in their place. This Plan suggests rezoning some MULI sites for 100% affordable housing, but where is the plan for multiple major 100% affordable housing sites in the CZU districts? Just because concentrating Berkeley's affordable housing in redlined districts is cheap, easy, or profitable, doesn't make it right.

The city is legally obligated under [AB 686 to Affirmatively Further Fair Housing](#), to fight patterns of segregation and concentration of poverty, and, importantly, *to invest in transforming disinvested areas into highly resourced areas of opportunity*. The city bludgeons us with social justice defending the middle housing ordinance as anti-racist, but now promotes “separate but equal” segregation in larger developments and citywide plans; separate, as we all know, has never been equal.

The San Pablo Ave Specific Plan focuses on giving cheap buy-outs to developers in the name of increasing residential unit numbers, but at what cost: it undermines integration and the long term future success of our children and entire community. The plan mentions vibrancy, but avoids implementing robust small business support and retention plans for legacy minority businesses, or design standards to support and integrate a strong diverse community across socioeconomic lines. We see the same patterns of segregation and disinvestment that have always been in place. We deserve better.

The SPASP should be more than just a means to increase housing stock, instead it is a once in a lifetime an opportunity to lift up this disinvested commercial corridor, and transform entire districts that suffer from injustices of decades of segregation, commercial disinvestment, and neglect from the city, into a thriving example of a successful diverse, well integrated, vibrant 15-minute city, where everyone of us would want to raise our children and live out the rest of our lives.

-Aimee Baldwin
Beautiful San Pablo

Things you should know:

Hope VI: improved lives through integration

- Harvard Paper: https://opportunityinsights.org/wp-content/uploads/2025/09/HopeVI_Paper.pdf
- Phili news: <https://thephiladelphiacitizen.org/hope-iv-affordable-housing/>
- NYT news: <https://www.nytimes.com/2026/01/28/opinion/american-dream-poverty.html>

California AB 686 Affirmatively Furthering Fair Housing

- CA code: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8899.50.
- AB 686 Guidelines: https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf

Crime Prevention Through Environmental Design:

- What is CPTED: especially read 2nd Generation: <https://www.cpted.net/Primer-in-CPTED>

Late Correspondence

From: meryl siegal <merylsiegal@gmail.com>
Sent: Thursday, March 19, 2026 8:53 AM
To: Planning Commission; Horner, Justin; Klein, Jordan; James, Ashley; Manager, C
Cc: Kesarwani, Rashi; Tregub, Igor; Bartlett, Ben; Lunaparra, Cecilia; Buddenhagen, Paul; Humbert, Mark; Ishii, Adena; Taplin, Terry; Shoshana O'Keefe
Subject: Comments made at the Planning Commission for inclusion in the minutes of the meeting

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: Planning Commission, Ashley James, Justin Horner, Jordan Klein
Cc: City Manager Paul Buddenhagen, CM Kesarwani, Taplin, O'Keefe, Bartlett, Blackaby, Tregub, Lunaparra, Humbert and Mayor Ishii.

(Please include in the write up on the PC meeting on March 18th, 2026)

To: Planning Commission, Ashley James, Justin Horner, Jordan Klein
Cc: City Manager Paul Buddenhagen, CM Kesarwani, Taplin, O'Keefe, Bartlett, Blackaby, Tregub, Lunaparra, Humbert and Mayor Ishii.

My comments on policies and ODS are built upon the idea of PLACE BUILDING . This is a community and cultural prerequisite to housing development. Place Making is especially important for a formerly redlined areas like San Pablo Avenue that does need more housing but also needs a new look, with preserving what is working there now and defying what is not working (too many single economically segregated housing). Place Building was the promise the neighborhood was given when we TOGETHER worked to participate in the development of the San Pablo Avenue Specific Plan.

Do not rush through regulations that are poorly thought out or fueled by corruption. Design standards need to be met, just like the higher income areas in the city; and we need more efforts on SPA to consider community building, and community cultural uses of buildings in interesting ways, all which can possibly contribute to the vibrancy, and economic viability of SPA. The resources on the CZU corridors must be brought to San Pablo Avenue such as BIDS, community meeting areas, cleanliness of streets, lighting, safety, farmers markets, outdoor seating, privately owned public space (POPOS). Ideal spaces for POPOS are some of the nodes. The planning options here need to be very careful and gentle.

Objective design standards.

ODS are needed for widening sidewalks, creation of plazas and POPOS. Also encouraging Interesting Streetscapes are needed to support commercial and pedestrian activity.

Place Building SPA Policy!

There are many kinds of affordable housing types that can occur on SPA. We want to see policies that encourage artists such co-ops and other kinds of affordable housing, such as condos that include affordable options (Below Market Rate option) so that first time home-buyers can participate in equity building and home ownership.

We know that affordable housing is best built, as discussed at the CZU meetings with a base height of 4, a first floor that can welcome community in some way (see below) and the option for inclusionary housing to use the state density bonus. Please help us build affordable housing.

Height, Nodes – Economic development

Currently, the SPA plan focuses on increasing height on nodes, but there are portions of the nodes which hold the most successful continuous strips of lively, vibrant small businesses. South of University, south of Dwight and the east of Cedar and east-west of Virginia come to mind. To echo the recent CZU planning commission meeting, instead of focusing on the nodes, how about spot zoning to add capacity and to save the successful businesses? (It would be great to have the community and businesses involved in a wider discussion.) Please note the vibrancy brought to the area with Kermit Lynch fairs. In the past, Café Leila has hosted musicians at its Sunday Brunch. We need more of these innovative ideas and NOT LESS! The recent CZU planning meeting had an economic analysis. The San Pablo Avenue plan has not!

Please note, first floors should be places of liveliness and joy, not dark unlit places. Commercial can be multiple - maker spaces, community centered spaces, etc. We need grant funding for a lot of this. Lets go!

Economic Development Policies

Policies that support the arts and cultural uses are needed to increase community cohesion, vibrancy and diversity and safety. We would like to see businesses open their doors at night to multiple uses such as arts and other cultural evenings, (and begin to create more policies for hosting music, dance, community talks, and art related events.). Bring on the maker industries, mom and pop small stores with housing in the back. You can do this!

(A policy strategy to maintain vibrant streets also can aid in social cohesion and inclusion. If a building wants to include amenities such as a pool, or a gym for its residents, these should be open to the larger community.)

Encouraging multiple uses for commercial space is essential. Residencies can get more height for community benefits and amenities, such as Privately OWNED PUBLIC SPACES including gardens, a theater, community center, a maker center, a classroom. (Building these inside residences where the outside community can enter and enjoy them is a way to encourage and improve neighborhood cohesion, safety and vibrancy.) And by maker centers, various kinds – small scale industry that is not polluting and can bring joy (foods, such as fill your own yogurt, etc. to cater to a new generation of folks who understand that we need to live a different way.).

Businesses:

1-The SPASP needs to have a strong policy to prevent displacement of **currently successful** stores and businesses. The current commercial in-lieu and grant plan is not good enough.

2-Policy is needed to prevent long term commercial vacancies. Incentives are needed to prevent this. If a vacancy does occur, new laws are necessary so that the empty store front is not a blight.

Recognizing the immigrant, and family legacy businesses on San Pablo Avenue and increasing business vitality through multi use projects are cultural gifts the SPA plan can give to this formerly red-lined area.BUILD THE PLACE!

Finally, the MULI Overlay needs a fuller discussion. One of the MULI spots is on SPA and is now a successful wine shop. Another MULI spot is a Karate studio. It seems counter intuitive to destroy these areas that bring joy, youth (in the case of the Karate studio) and liveliness (in the case of the Wine shop) to the street.

(This could be financial --- a business can be given a lower rent for longer leases—or the city could prioritize small business development on SPA through various programs.

(pairing an employee or perhaps a Haas business student to work one-on-one with small business owners on strategic plans, etc.).

BACKDROP

Just like the CZU economic corridor, we must have a rational, well-thought out plan for economic development. It is obvious that this was automobile row at one time and redevelopment is needed, but why hasn't the city used the adequate resources from its economic development group to sit down with businesses and the community to work on this? Why was that put forth for the CZU and not for SPA?

Why hasn't there been help for our BPS group when we asked to bring a farmers market to SPA, and we asked for help to develop BIDS throughout the avenue?

San Pablo Avenue and D1 has given a lot to house homeless individuals (see previous BSP studies) while the city has participated in no competition grants for funding, creating disaster for the neighborhoods and businesses, and has failed its citizens when it comes to dropping homeless services into their community without real services and without neighborhood follow-up! Let's create affordable housing, and a vibrant, diverse, socio-economically integrated community. And help those who need it, for real!

These ideas are from the cohesive efforts of Aimee Baldwin, Dietmar Lorenz, and several others in the group, Beautiful San Pablo, local businesses, as well as neighbors throughout D1 and D2.

Meryl Siegal - co-founder Beautiful San Pablo

Chapter for Feedback	Specific Questions and Considerations
Land Use	<ul style="list-style-type: none"> • • Are the proposed developments standards appropriate for their respective locations? • • Are there development standards that should not be included in the Specific Plan? • • Should the Specific Plan include a San Pablo Avenue Density Bonus Program? • • What development standards or objective development standards should <i>not</i> be waivable as part of a San Pablo Avenue Density Bonus Program? • • Should the Specific Plan include the proposed MU-LI Housing Overlay?
Economic Development	<ul style="list-style-type: none"> • • Are there specific economic development policies that should not be included in the Specific Plan? • • Are there any other economic development policies or strategies that the Specific Plan should consider?

Streets, Mobility and Public Realm	<ul style="list-style-type: none"> • Are the proposed street design and mobility strategies sufficient to address safety and comfort for all travel modes along San Pablo Avenue?
Objective Design Standards	<ul style="list-style-type: none"> • • To what extent should the proposed Specific Plan incorporate Objective Design Standards? • • How can the proposed Specific Plan balance the inclusion of Objective Design Standards with flexibility to avoid being overly prescriptive? • • Should ODS be applied to all projects, or only to certain types (e.g., larger multi-family projects)? • • Should ODS replace Design Review (BMC Section 23.406.070)?
Implementation	<ul style="list-style-type: none"> • Are there any policies, standards, or approaches you feel are missing from the draft plan that staff should consider?
West Berkeley Plan	<ul style="list-style-type: none"> • Should the West Berkeley Plan be amended specifically to enact the Specific Plan, or should it be retired altogether?

For three years, I have lived, breathed and studied San Pablo Avenue and Geography/Architecture. My comments have been honed and informed by architects, business owners, professors, and community members, including those who understand the serious issues facing our city.

Late Correspondence

From: [REDACTED]
Sent: Thursday, March 19, 2026 1:07 AM
To: Planning Commission; Horner, Justin; emarthinsen@berkeleyca.gov
Cc: Lopez, David; HCI; Rent Stabilization Board; Planning Dept. Mailbox; Klein, Jordan; Zoning Adjustments Board (ZAB); Sprague, David A.; BFD Fire Prevention; Berkeley Fire Department; Berkeley Mayor's Office; Manager, C; City Attorney's Office; Auditor; Housing Advisory Commission
Subject: FINAL NOTICE: Systemic Failure & Conflict of Interest – 2425 Durant (APN 055-1878-00701) – Case Study for Item 10A/10B on March 18, 2026
Attachments: HCE26-000763-MASTER REGULATORY DEFICIENCY MATRIX-24212425
DURANT-55-1818-00701.pdf

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MANDATORY REDACTION REQUEST:

Pursuant to CA Gov. Code § 7922.525, I formally request that all personal identifiers (name, phone, email) be REDACTED from this communication before it is posted to any public website or Supplemental Communications packet.

Dear Chair Marthinsen, Secretary Horner and Planning Commissioners,

I am addressing this follow-up to Chair Marthinsen, the Building Official, and the Fire Chief to formally bridge my testimony tonight with the multiple-point refutation provided to BFD and HCE earlier this week. This consolidated notice ensures the entire administrative chain—including the Mayor and City Manager—is aware that current 'technical uncertainties' are being used to bypass state safety mandates (25 CCR § 42).

Tonight's suggestion to refer 2425 Durant to HCE is a rejection of documented facts already known to every level of this administration. **Mayor Ishii, the City Manager, the Fire Chief, BFD, the Rent Board, ZAB, the Building Official, and the Planning Director** have all received physical evidence and direct testimony regarding the misdemeanor non-compliance and life-safety impairments at this 19-unit parcel.

Despite this, the City has twice voted to grant lucrative entitlements while ignoring the safety mandates of 25 CCR § 42.

This is a documented record of **Institutional Complicity and Willful Blindness**, involving:

- **ZAB Conflict of Interest:** It is a matter of record that Yes Duffy, a sitting ZAB member, is the Architect of Record and co-applicant for the 2425 Durant permit (ZP#2024-0162). This conflict undermines the integrity of every "technical uncertainty" staff uses to bypass safety laws.
- **Multi-Agency Negligence:** BFD, the Rent Board, and the Planning Department have all refused to cite building-wide impairments or open hearings on factual retaliation—the legal basis for permit revocation.
- **The 19 vs. 15 Fraud:** The City recognizes **19 units** for developer profit (High-Density Bonus) but permits a fraudulent **15-unit** count for tenant safety to evade the cost of an onsite manager.

By moving Items 10A and 10B forward without closing these loopholes, the Commission is choosing to prioritize developer profit over the lives of Berkeley residents. I am resending the **Master Regulatory Deficiency Matrix** (attached) as formal notice.

As a participant in the City Auditor's Whistleblower Program, I am ensuring this record—and the \$8.45 Million **fiscal liability** it creates under BMC 23.326—is preserved for independent oversight and potential litigation. I am copying the City Attorney to ensure the City's legal counsel is formally apprised of this liability and the ongoing violation of 25 CCR § 42.

Respectfully,

The Participant, City Auditor Whistleblower Case #HCE-26-000763
(Verified Whistleblower Status on file with the City Auditor and City Attorney)

**CONFIDENTIAL & PROTECTED RECORD
ATTENTION PUBLIC RECORDS OFFICER:**

This document contains sensitive tenant information, including evidence of ongoing harassment, physical injury, and safety emergencies.

MANDATORY REDACTION REQUEST:

Pursuant to the **Berkeley Tenant Protection Ordinance** and **CA Gov. Code § 7922.525**, the sender formally requests that all personal identifiers (name, phone number, and email) be **REDACTED** from any public-facing version of this record.

The unauthorized disclosure of the whistleblower's identity poses a significant risk of further **Retaliation (CIV § 1942.5)** and **Hostile Environment Harassment (2 CCR § 12120)**.

This cover sheet serves as actual notice of the sensitive nature of the document.

MASTER REGULATORY DEFICIENCY MATRIX: 2421/2425 DURANT AVE

Property Address: 2421/2425 Durant Ave | **APN:** 055-1878-00701 (19 Units)

Reference Case: HCE #26-000763 | **BFD Ref:** March 9 Disclosure | **ZP#2024-0162**

CORE SYSTEMIC FAILURE: The intentional evasion of the **25 CCR § 42** Onsite Manager Mandate (16+ units) has created a "**Safety Vacuum**" (CFC 114), a building-wide **Substandard Condition** (HSC § 17920.3(j)), and **Administrative Fraud** (BMC 19.40 / 23.326). This further leads to **documented threat and factual retaliation**.

CATEGORY I: SUBSTANDARD BUILDING CONDITIONS (HSC § 17920.3, 17995.1-5)

Category / Incident	Specific Evidence (18 Exhibits)	Local Code (BMC)	State Code (HSC/CCR/CIV)	Bldg & Fire Stds (Title 24)	Legal Implication
Lack of Onsite Manager	Unit Count Fraud: Owner lied (15 vs 19 units) to evade 25 CCR § 42 . (Exhibit 1, 2, 3, 4) Vacancy since 2022 led to July 2024 infestation. Chronic refuse overflow; Managed Decay (Exhibit 18).	19.40.080 / 13.79.060	25 CCR § 42; HSC § 17920.3(j)17995.3; Measure BB; CIV § 1962, 3480	CFC § 304.1; CBC § 1202.5.2;	Environmental Harassment; Fraudulent Disclosure; Non-Delegable Duty (CIV § 1572).
Defective Gas Equipment (GBI)	Aug 4, 2024 near-fatal injury: Landlord provided secondhand defective stove (leak/broken foot). No emergency protocol; stove toppled onto tenant after a major gas leak (Exhibit 10).	19.40.080 / 13.79.060	HSC § 17995.3, 17920.3(k,f) (GBI); CIV § 1941.1, 1714; 24 CCR 5 (CPC) § 1212.8 / 1212.9	CFC 603.1, 114,303.3 605.2 ; CPC § 1211.0; CMC § 303.0 / 901.1,923.3;	Criminal Negligence; Negligence Per Se; Treble Damages (13.79.060).
Missing CO Detectors	2019–2024 (2,000-Day Gap): Systemic absence across 19 units. Cured only via aggressive tenant advocacy (Exhibit 9).	19.40.080	HSC § 17926; HSC § 17920.3(h)	CFC § 915, 901.6.2; CBC § 915.1	Gross Negligence; Criminal Misdemeanor (HSC § 17995).

Retaliation / Repair Refusal	Aug 2024–Present: Defunct replacements and radio silence for 600+ day following law citations (Exhibit 12,13);	13.79.060	CIV § 1942.5, 1962,	CFC § 901.6, 1032.2;	Demolition Ineligibility (BMC § 23.326); Statutory Retaliation.
	Landlord threat on Aug 8, 2024: "Attorney contact." (Exhibit 11)	19.40.050	HSC § 17920.3	CBC § 1010.2	

CATEGORY II: FIRE & LIFE-SAFETY SYSTEM IMPAIRMENTS (CFC / TITLE 24)
Demolition Ineligibility

Category / Incident	Specific Evidence (Exhibits)	Local Code (BMC)	State Code (HSC/CCR/CIV)	Bldg & Fire Stds (Title 24)	Legal Implication
Emergency Response Failure	Nov 1, 2024 Gas Leak: Disabled senior at risk; zero onsite response. Residents acted as first responders (Exhibit 15).	19.40.050 ; 13.79.060	25 CCR § 42; HSC § 17920.3(h)	CFC § 401.3.8 , 603.1; CMC § 901.1	Gross Negligence; HSC § 13000 Misdemeanor; Cost Recovery, BFD HSC § 13009
Impairment Coordinator	Vacancy of Role: No onsite manager to handle emergencies. Directly caused Safety Vacuum during multiple gas leaks, near-fatal injury, lockouts, and 9-hour alarm etc.	19.40.050 ; 19.40.080	25 CCR § 42; HSC § 17920.3(h)	CFC § 901.7.1 , 104.12	Strict Liability / HSC § 13114.7; Gross Negligence, Treble Damages (13.79.060)
Egress Smoke Alarm Failure	Dec 9, 2025: 9-hr unmanaged blast; 90+ day to present corridor absence. Forced tenant "broom action." (Exhibit 14)	19.40.080 ; 13.79.060	HSC § 13113.7, 17920.3	CFC § 901.6, 901.7, 901.8, 907.8.5	Unsafe Condition (CFC § 114); Nuisance Abatement (BMC § 1.20). Harassment
Smart Lock Failures	Sept 16, 2023: Lockouts due to battery neglect and forced tenants to DIY with help from neighbors to regain entry (Exhibit 17); maintenance illegally offloaded to tenants. (Exhibit 16) No emergency response.	19.40.050 ; 13.79.060	CIV § 1941.3; CIV § 1941.1(a)(8)	CFC § 1032.2. 1/CBC 1010.2, 1010.2. 14; CIV § 3479	Illegal Lockout (CIV § 789.3); \$100/day penalty. Abatement Order (CFC 104.12)

First Responder Obstruction	Anticipated BFD Destructive Entry: No manager/dead batteries prevent rapid entry; necessitates BFD forcible entry.	19.40.050	25 CCR § 42, HSC § 17920.3(h)	CFC § 506.1; CFC § 901.6	Operational Hazard; Negligence Per Se. Strict Liability for BFD damage
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CATEGORY III: ADMINISTRATIVE & REGULATORY FRAUD (BMC 19.40 / 23.326)
Primary Impact: Demolition Ineligibility & \$8M+ Project Liability

Category / Incident	Specific Evidence (Exhibits)	Local Code (BMC)	State Code (PC/CIV/LC)	Bldg & Fire Stds (Title 24)	Legal Implication
Unit Count Fraud (Scienter)	Scienter: Evasion of manager mandate to maximize profit in ZP#2024-0162 . Claimed 15 vs 19 units (Exhibits 1, 2, 3, 4, 5, 6) .	23.326.030 A.2	25 CCR § 42; CIV § 1572, 1962	CFC § 104.12; CBC § 110.3	Demolition Block (3-5 years); Liability for \$8.45M+ project. BMC 23.326.030. A.2
RHSP Inspection Fraud	2019-2024: Zero RHSP annual safety checks (Exhibit 7). 2025/26: Landlord certified unit "OK" without entry or "toilet check" only (Exhibit 8), despite known 600-day stove hazards.	19.40.080	PC § 115; HSC § 17995	CFC § 901.6.2, 114; CMC § 923.3	Felony Potential (PC § 115); False Certification to City.
Retaliatory Legal Threats	Aug 8, 2024: Landlord threatened "Attorney contact" to silence tenant citing safety codes (Exhibit 11). Followed by delivery of retaliatory dangerous stoves (Exhibits 13, 14) to present.	13.79.060(C)	CIV § 1942.5; LC § 1102.5	CFC § 114.1.1; CMC § 901.1	Treble Damages (13.79.060); Whistleblower Protection.

Received
MAR 18 2026
Land Use Planning

Submitted to the PC Meeting March 18th, 2026

Comments from Steve Sullivan to be included in the comments from this meeting:

The letters on bike lanes do not contain any acknowledgment of the fact that ninth Street and 10th St. are both very wide, bicycle— friendly streets, quite close to San Pablo Avenue and parallel. It also doesn't consider the fact that north-south traffic on San Pablo would be diverted onto those parallel streets with the removal of traffic lanes and that people in the neighborhoods just east and west of San Pablo Ave. would definitely prefer more bicycle traffic rather than more automobile traffic.

It also fails to mention that the excellent functionality of those streets for bicycle traffic is the precise reason that the City of Berkeley determined that it made sense to wait a while longer and see how the CTC project in Oakland pans out.

Oakland does not have an equivalent system of broad bicycle boulevards running parallel to (and across) San Pablo Avenue.

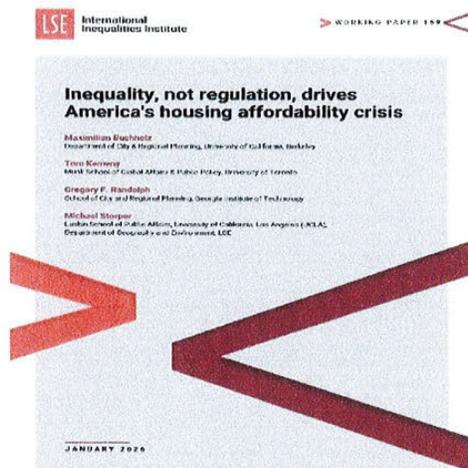
However, I hope the bicycle organization advocates would agree with me when I point out that it WOULD make sense for developers and marketers of large residential complexes on San Pablo Ave. to point out in their materials that future residents would be living near and among a very convenient and effective network of bicycle boulevards that the City of Berkeley implemented years ago.

(p.s. I'm not sure how and when it would be practical to get those "reminders" attached to or associated with the comments.)

Public Comment, Berkeley City Council Feb 10, 2026

Good evening. I am Dr. Stephen Alpert. Last week I forwarded this recent publication by the London School of Economics,

Inequality, not regulation, drives America's housing affordability crisis, to the Council and Planning Director Klein.



Received
MAR 18 2026
Land Use Planning

This article and two other recent publications examine and dismiss a core belief, that the shortage of housing in the U.S. is primarily due to excessive regulation.

From the Abstract:

A popular view holds that declining housing affordability stems from regulations that restrict new supply, and that deregulation will spur sufficient market-rate construction to improve affordability. **We argue that this 'deregulationist' view rests upon flawed assumptions, and that even a dramatic, deregulation-driven supply expansion would take decades to generate widespread affordability in high-cost U.S. markets.**

Unfortunately, too many in both state and local governments adhere to the unfounded concept that *excessive regulation* is responsible for the current housing crisis.