

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Objection for the Record — 2128 Oxford Sidewalk & ADA Access (ZP2025-0113)

From: Steven Schuyler <tell.stevenj@gmail.com>
Sent: Thursday, July 23, 2026 8:42 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Objection for the Record — 2128 Oxford Sidewalk & ADA Access (ZP2025-0113)

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July 23, 2026

Re: Formal Objection and ADA Grievance for the Record — Functional Sidewalk Usability, 2128 Oxford Street / The HUB (Use Permit Modification ZP2025-0113)

To City Clerk Mark Numainville; the City of Berkeley ADA Coordinator / Disability Services; the Zoning Adjustments Board and Land Use Planning; Public Works; Transportation; the City Attorney; and the City Manager:

I am writing to place a formal objection on the public record regarding the 2128 Oxford Street project (also known as The HUB), Use Permit Modification ZP2025-0113, approved by the Zoning Adjustments Board on April 9, 2026, and to request that the City's ADA Coordinator treat this letter as a grievance under the City's ADA Grievance Procedure. I ask that it be entered into and retained in the record for this project and included in City Council communications.

My concern is specific and unchanged. It is whether the Oxford Street sidewalk will remain functionally usable by disabled pedestrians under the foreseeable pedestrian demand generated by a 433-unit residential tower with ground-floor commercial use and one on-site parking space, along a corridor with fixed tree-well choke points of approximately 68 to 72 inches and existing zero-foot-setback conditions.

I want to be precise about what I am and am not raising. The approval conditions require the sidewalk to be replaced to meet current accessibility construction standards — surface, slope, curb, gutter, and tree grates. That addresses technical ADA compliance. It does not address functional usability under crowding. **Rebuilding a sidewalk to dimensional standards does not answer whether disabled pedestrians can use the route safely and independently once the project adds the pedestrian volume of a 433-unit tower to fixed choke points that cannot be widened from the building side.**

This issue is already the subject of pending public records requests I have filed with the City: **PRR 26-1196** (Functional Sidewalk Usability Records, filed April 25, 2026, assigned to Public Works); **PRR 26-1201** (Sidewalk and Public Right-of-Way Review Records, filed April 27, 2026, assigned to Building & Safety and Public Works); **PRR 26-1199** (ZAB Consent Calendar Removal Procedure Records, filed April 26, 2026); and **PRR 26-1323** (a narrower follow-up on the same consent-calendar removal procedure, filed May 6, 2026). On July 4, 2026, I submitted a written clarification on **PRR 26-1201** asking the City to confirm whether the ADA Coordinator consultation referenced at the April 2026 ZAB hearing evaluated functional disabled-pedestrian usability under foreseeable demand, and to confirm in writing if no such

records exist.

On July 16, 2026, the City made a partial production in response to **PRR 26-1201**. The City stated that it had identified responsive records, that certain records are being withheld under claimed attorney-client privilege and litigation exemptions (Cal. Gov. Code sections 7927.705 and 7927.200), that the next release is set for July 30, 2026, **and that it does not expect to complete production until June 3, 2027**. To date, the City has not identified any functional pedestrian-usability analysis, and has not answered my July 4 clarification. A completion date of June 3, 2027 is long after demolition is scheduled to begin in November 2026, which means the records process will not answer, before construction, the single question at the center of my concern.

I therefore ask the City to answer, in writing, one direct question, before any demolition or building permit for this project is issued:

Has the City performed any pedestrian level-of-service, pedestrian-capacity, ADA Title II program-access, PROWAG, or equivalent functional-usability or feasibility analysis of the Oxford Street sidewalk under the pedestrian demand projected from the approved 433-unit project — as distinct from physical sidewalk replacement to construction standards?

If the answer is yes, please produce or identify that analysis now, rather than deferring it within a rolling production that will not conclude until June 2027. If the answer is no, please state that plainly and in writing, and I request that the City perform such an analysis before demolition and building permits are issued, or adopt a practical mitigation such as widening the pedestrian area into the parking lane.

I further request that the City:

- A. Treat this as a formal grievance under the City's ADA Grievance Procedure and provide a written response within ten (10) business days of the date of this letter.
- B. Answer the single direct question above, in writing, before any demolition or building permit is issued for this project.
- C. Produce, on the earliest possible basis and not deferred to a June 2027 completion date, the records responsive to **PRR 26-1201** and **PRR 26-1196** that bear on functional sidewalk usability and disabled-pedestrian access, and answer my unanswered July 4, 2026 clarification.
- D. Place me on notice, and as an interested party, for all future approvals on this project, including demolition, building, encroachment, and public-works and traffic-control permits.
- E. Confirm receipt of this letter and confirm that it has been entered into the record for ZP2025-0113 and into City Council communications.

For the record, I am not asserting that the consent-calendar procedure at the April 9, 2026 hearing was defective. My concern is the substantive public-right-of-way accessibility issue described above.

Respectfully,
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