

Late Correspondence #2

**Received by 5:00 pm
on Tuesday, October 6 2026**



555 Montgomery Street
Suite 720
San Francisco, CA 94111
info@housingactioncoalition.org
housingactioncoalition.org

October 6, 2026

Berkeley Planning Commission
North Berkeley Senior Center
1901 Hearst Ave,
Berkeley, CA 94709

Re: Item 10B – Support for ADU Ordinance Amendments to Comply with State ADU Law

Dear Chair Marthinsen and Members of the Planning Commission,

The Housing Action Coalition (HAC) writes in support of the proposed amendments to BMC Chapter 23.306, which bring Berkeley's ADU and JADU regulations into compliance with HCD's June 16, 2026 findings and with the state law changes that took effect this year.

ADUs are one of the most effective tools California has for adding housing without new land, new infrastructure, or new discretionary review. This ordinance meaningfully expands what's buildable on every residential lot in the city. Allowing up to three ADUs and a JADU on single-family lots, fixing the unfair cap on lots with multiple existing houses, and adding a unit to the multifamily allowance, when multiplied across thousands of parcels, offers the potential actual homes for our residents.

We also want to flag the removal of the deed-restriction requirement for ADUs as a change that deserves more attention than it will likely get. Recorded deed restrictions create title complications and lender friction that discourage owners from building in the first place, even when a project otherwise pencils. Removing that barrier for ADUs – while correctly retaining it for JADUs, where state law still requires it – is a well-targeted fix that makes ADU production easier in practice.

Finally, we want to speak directly to the policy question in front of you tonight: whether to apply Berkeley's local size standards to every ADU category in the Hillside Overlay, or to shrink one category down to the state's 800-square-foot minimum. Both paths comply with state law. We urge the Commission to choose the more generous option, consistent with your own 2025 recommendation. When a jurisdiction has the legal room to be more permissive, "minimum compliance" shouldn't be the default and there's no public benefit to shrinking a unit type just because state law allows it.

We appreciate staff's work bringing this ordinance into alignment with state law, and we urge the Commission to recommend adoption as drafted. Thank you.

Sincerely,

Brianna Morales, *Political Organizing &
Programs Manager*
Housing Action Coalition (HAC)

From: Biolab Watch<biolabwatch2@humanebiotech.org>

To: Planning Commission;**All Council**

CC: Jeremy Gruber <biolabwatch@humanebiotech.org>

Date: October 6, 2026

To: Berkeley Planning Commission

CC: Berkeley Mayor, Berkeley City Council

Attn: Planning Commission Secretary

From: [Biolab Watch](#)

RE: staff recommendation concerning 600 Bancroft Way Research and Development Project and Development

Agreement

Contact: biolabwatch@humanebiotech.org ATTN: Jeremy Gruber, JD.

We write noting that the item on the Planning Commission agenda for this coming Wednesday, Oct

7, https://berkeleyca.gov/sites/default/files/Item%2010%20C_600%20Bancroft.pdf

does not reference the identity of the applicant or developer(s) for the project, nor does it reveal what “R & D” is intended for or likely to take place at the site. Especially given the preponderance of biolab development in the area, the lack of transparency is concerning. We request that, in advance of the meeting, the staff publicize this information.

Additionally, please note that in November 2024, Biolab Watch submitted a list of 31 [questions pertinent to work conducted at biolabs](#). Although promulgated for labs then intended for the Gilman Forge site, these questions remain highly pertinent for civic oversight and safety throughout Berkeley.



Outlook

Letter from PC Subcommittee re: Ashby BART West Lot ODS

From Shen, Alisa <AShen@berkeleyca.gov>**Date** Tue 10/6/2026 5:00 PM**To** Planning Commission <PlanningPC@berkeleyca.gov>**Cc** Horner, Justin <JHorner@berkeleyca.gov> 1 attachment (135 KB)

2026-10-5_PC Subcommittee - Ashby BART West Lot ODS recommendations.pdf;

Dear Commissioners,

Please find attached a letter from the subcommittee established at the September 16, 2026 Planning Commission meeting, comprising Commissioners Merker, Wang, and Twu, regarding potential supplemental recommendations on the Ashby BART West Lot Objective Design Standards.

This letter will also be included in Late Correspondence #2 for the October 7 meeting.

Thank you,
Alisa

**Alisa Shen, Principal Planner (she/her/hers)**

Planning and Development, Land Use Division

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Planning Commission Subcommittee Report
Ashby BART Objective Design Standards (ODS)
October 5, 2026

Dear Planning Commissioners:

Planning Commissioners Alfred Twu, Angela Wang and Blaine Merker met as a subcommittee to further study the Ashby BART objective design standards proposed by staff at the 9/16/26 Planning Commission Meeting. The Planning Commission voted to recommend that the standards as proposed by staff be forwarded to the City Council as-is, with the provision that this subcommittee would study and develop additional improvements or additions to be included as a letter to Council. This report includes the additional recommendations from this subcommittee.

During the 9/16/26 meeting, some public commenters expressed concern that the ODS didn't adequately address provisions for community open space, ecological features and public gathering in the neighborhood and within the project. Many of the issues raised were complex and cannot be addressed within the framework of ODS. Some are being addressed in separate projects, are larger scale city issues, have significant technical constraints on this site, or would impact the target capacity for housing already settled through years of public process and set forth in the Joint Vision and Priorities document and BMU zoning.

Without weighing in on all of the comments expressed at the public hearing, this subcommittee feels that there are some improvements to be made to the ODS that will allow for a more vibrant, high quality and human scale public realm that serves both the many future residents on this site and the general public who will use the BART station. We have focused our recommendations only on factors that can be addressed through ODS and that we understand are practical and feasible to implement, without impacting the housing goals of the project.

The Ashby BART project will be home to hundreds of future residents of all ages and household types, living in denser and more urban conditions than are typical of the neighborhood today. Therefore it is critical that the public spaces of the project be of a quality and robustness that invites the fullest level of vibrancy possible, accommodates both moving and staying, and supports users of all ages. We believe the additions detailed below can meet these goals in accordance with the Exchange Agreement and expressed community needs without delaying the project.

Additions and Modifications to the ODS for Consideration

Rationale discussed by the subcommittee is shown in italics

2.1 Streets and Sidewalks

The current ODS provides tree spacing requirements on MLK and Ashby but does not ensure their installation size, mature size, or establishment requirements.

2.1.2 Street Trees + Planting Area/Amenity Zone

- Street trees shall be selected from city approved list that, at mature size, provide at least 40' crown diameter. Trees shall be planted as a minimum 24" box and provided irrigation and no less than three years' establishment warranty.

2.2 Station Entrance Plaza Design

The current ODS has little to say about the station entrance plaza (144 of the 4280 words in the ODS), though it is one of the most central public features of the project and will be used by large numbers of people. It is arguably the living room and heart of the project. These recommendations address elements that the ODS was silent on but would provide for the structural conditions of successful public spaces: 1) comfort and protection, 2) access to nature, 3) places to gather, 4) places to sit or stay, 5) provisions for different aged users.

- Trees shall be planted in the plaza to provide not less than 25% canopy coverage at maturity, as a portion of the total plaza area. Trees shall be planted as a minimum 24" box and provided irrigation and no less than three years' establishment warranty.
- Seating shall be provided within the plaza to accommodate at least $\frac{1}{3}$ of the number of users in an active period. Because the exact plaza size is not fixed and "active" is open to interpretation, we recommend calculating this number based on the following formula:
 - Size in square feet x 0.005 x 33% (based on 50 users per 10,000 square feet as a target for active use – typical of other plazas in the region when active).
Example: 24,000 square foot plaza x 0.005 x 33% = 40 seats
 - This provision may be satisfied with site furnishings or integral site elements such as seatwalls, provided the geometry is equivalent to a typical seat.
 - Not less than 50% of the seating shall be shaded by tree canopy coverage at its mature size.
- The plaza shall provide not less than one drinking fountain.
- A children's play feature shall be provided within the Station Entrance Plaza. This requirement can be satisfied with formal or informal play features.

2.3 Internal Access Drives and Emergency Vehicle Access (EVA) Design

The internal EVA drives can function as public spaces and extensions of the station entrance plaza, providing additional capacity and options for residents. We assume at least the B1/B2 street will be provided as the EVA-only option, which effectively makes it a resident woonerf-

style public space. Current ODS does not specify tree spacing, which makes the requirement for either trees or public art ineffective since there's no way to measure fulfillment.

2.3.1 Access Drive Design

- Internal access drives shall provide pedestrian amenities along both sides, including but not limited to seating, at the rate provided in the plaza requirements in Section 2.2.
- Emergency Vehicle Access drives within the Station Entrance Plaza and the internal north-south street between buildings B1 and B2 shall be curbless.
- Trees shall be provided on both sides of the street to the specifications listed for MLK and Ashby in Section 2.1.2, but if a tree is not feasible within 10' of a specified location, substitutions with "other elements" that "enhance the pedestrian experience and buffer parking and utility area frontages" as specified in Section 2.3.1 (5) shall be of similar height to the mature clear trunk of the street trees or 20% of the width of their mature crown. *(This ensures any tree substitute that is not public art is not simply a trash can, but would need to be of a scale that reads as a continuation of the tree pattern.)*

2.4 TPSS Access and Staging Area

The current ODS does not specify the amount/coverage of trees, their size at maturity or planting, or provide the elements for long-term health and establishment. We understand the TPSS Staging Area can be used as an ad-hoc public space when not in use by BART for staging. However, the ODS does not provide for "eyes on the space" safety principles or physical access that would be advisable for this use, given the staging area's isolated configuration on the site.

2.4.1 TPSS Access and Staging Area

- The TPSS Staging Area shall be designed to be accessible to residents when not in use for staging, with paving quality and exterior landscape finishes at least as high quality as the sidewalks of internal streets and the station entrance plaza.
- The TPSS Staging Area shall be lit similarly to other public spaces in the project and provide for sightlines that allow for substantial visibility both into and out of the staging area. At least two pedestrian exit points shall be provided.
- The public access point to the TPSS Staging Area shall be clear and visible from other public areas. Residential buildings may access the TPSS Staging Area directly from their ground floors and shall not be prohibited from access when TPSS Staging is not in use by BART.
- Trees shall be provided at a coverage of no less than 50% of the provided buffer planter area, measured by the mature crown width. Trees shall be provided with the same box size, irrigation and establishment warranty as those listed in the street tree section, Section 2.1.2. *(This allows for trees to be narrow if needed for TPSS staging requirements.)*

3.3 Design Elements

The conditions around the station entrance plaza and the future plaza along Adeline are significantly different given the cultural tradition of live music and public gathering that the project expects to continue. Given this outdoor condition of intermittent noise, buildings should be designed to minimize future conflicts between indoor and outdoor users.

3.3.4 Events and Noise

- Window glazing - Building design should assume there will be live music in the Station Entrance Plaza and Adeline Street Main Plaza