

ROUGHLY EDITED COPY
CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REMOTE BROADCAST CAPTIONING
MAY 10, 2018

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>> Chair I. Tregub: HOW ARE WE DOING?

>> Staff: YEP.

>> Chair I. Tregub: ARE THE MICS ON?

>> Staff: YEP.

>> Chair I. Tregub: OKAY.

WE ARE GOING TO CALL THIS MEETING TO ORDER.

CAN FOLKS HEAR US?

OKAY, GOOD.

WE ARE GOING TO CALL THIS MEETING, THE ZONING ADJUSTMENTS BOARD TO ORDER.

STAFF, WILL YOU PLEASE CALL THE ROLL AND ASK FOR EX PARTES.

>> Staff: HAPPY TO.

BOARD MEMBER CARRIE OLSON.

>> C. Olson: PRESENT, NO EX PARTE.

>> Staff: BOARD MEMBER O'KEEFE.

>> S. O'Keefe: SHOSHANA O'KEEFE.

PRESENT NO EX PARTE.

>> Staff: BOARD MEMBER DARRYL OWENS AND THANK YOU FOR COMING OUT TONIGHT.

>> YOU'RE WELCOME, I'M HERE.

>> Staff: DO YOU HAVE ANY EX PARTE, COMMUNICATIONS WITH PEOPLE ASKING ABOUT ITEMS ON THE AGENDA TONIGHT?

>> NONE.

>> Staff: THANK.

BOARD MEMBER KHAN?

>> C. Kahn: YES, I HAD A FRIEND TIM FRANKS, A MEMBER TO 3000 SHATTUCK AVENUE PROJECT.

HE EXPRESSED CONCERNS IN PARTICULAR ABOUT WHETHER OR NOT UNION LABOR WOULD BE USED FOR THE PROJECT.

THAT WAS HIS PRIMARY CONCERN.

>> Staff: THANK YOU, IF YOU DON'T HAVE ONE, WE WILL GET YOU THE EX PARTE FORM TO FILL OUT.

BOARD MEMBER SELAWSKY.

>> J. Selawsky: PRESENT NO EX PARTE.

>> Staff: BOARD MEMBER IS IT THUI.

>> YES.

>> Staff: WELCOME.

>> PRESENT, NO EX PARTE.

>> Staff: BOARD MEMBER CLARKE.

>> T. Clarke: PRESENT, NO EX PARTE.

>> Staff: AND CHAIR TREGUB?

>> Chair I. Tregub: PRESENT, I HAVE AN EX PARTE TO REPORT ON 1711, 1713 M.L.K.

MARK RHOADES WHO REPRESENTS THE APPLICANT TEAM REACHED OUT TO ME TO GIVE ME A HEADS-UP ABOUT CERTAIN PROPOSED CHANGES TO A COUPLE CONDITIONS.

AND I SPOKE WITH MARK RHOADES, NATHAN GEORGE AND TIM FRANK ON 3000 SHATTUCK.

MOSTLY ABOUT UNION LABOR AND PROJECT LABOR AGREEMENT WOULD BE USED.

BUT ALSO BRIEFLY ABOUT THE PROJECT CONFIGURATION.

THANK YOU.

>> Staff: THANK YOU.

>> Chair I. Tregub: I THINK WE HAVE A QUORUM.

SO AT THIS TIME, WE HAVE OPPORTUNITIES TO COMMENT ON ITEMS NOT ON THE AGENDA AND I HAVE SEVERAL SPEAKER CARDS.

I WOULD LIKE TO CALL UP [INAUDIBLE] ROSENCRANTZ, GEORGE, JANIS AND KELLY HAMMARGREN AND EACH OF YOU WILL HAVE THREE MINUTES.

>> THANK YOU.

THOUGHT YOU MIGHT LIKE TO HEAR FEEDBACK FROM A PREVIOUS BOARD APPROVAL AND HOW IT'S AFFECTING OUR NEIGHBORHOOD.

OUR NEIGHBORHOODS HAVE TO LIVE WITH YOUR DECISIONS LONG AFTER THEY ARE MADE.

IN THE HONDA PROJECT ON SHATTUCK, ZAB MADE A PROVISION FOR TEMPORARY CERTIFICATE OF OCCUPANCY.

AS FAR AS NEIGHBORS CAN SEE THAT NEVER HAPPENED.

AS A RESULT OF THIS, VIOLATION OF BERKELEY MUNICIPAL CODE THAT OUTDOOR LIGHTS BE SHIELDED WASN'T DISCOVERED BY CITY STAFF.

AT LEAST EIGHT OF OUR NEIGHBORS HAD TO DEAL WITH STRONG LIGHTS SHINING INTO THEIR HOUSE ALL NIGHT FOR OVER THREE WEEKS BEFORE COMPLIANCE WITH BERKELEY MUNICIPAL CODE WAS ENFORCED.

FIRST THE NEIGHBORS HAD TO BRING IT TO ATTENTION TO STAFF, WITH LETTERS AND THEN PHOTOS.

AFTER STAFF VISITED THE SITE IT WAS ANOTHER WEEK BEFORE HONDA TURNED OFF THE LIGHTS.

THE LIGHTS WERE FINALLY BROUGHT UP TO CODE AT THE BEGINNING OF THIS WEEK.

YOU PROBABLY DON'T KNOW THE NOISE CONCERNS RAISED BY NEIGHBORS AT THE ZAB REVIEW ALSO OCCURRED.

NEIGHBORS WERE ASSURED, THE ONLY FAN BEING INSTALLED IS CLOSER TO SHATTUCK AVENUE NEXT TO KOALA.

THE NOISE STUDY ON THE PLANNING DEPARTMENT'S OWN WEBSITE STATES THAT THE BLOWER, AND I'M QUOTING, WILL BE INSTALLED NEAR THE FRONT OF THE DOOR CLOSE TO SHATTUCK AVENUE AS FAR AWAY AS POSSIBLE FROM THE NEAREST RESIDENTIAL USES TO THE EAST.

BUT NOW THERE ARE FIVE FANS AND ONE OF THEM IS ON THE CORNER CLOSEST TO THE RESIDENTS.

ENVIRONMENTAL HEALTH HAS ISSUED TWO WARNINGS OF VIOLATION OF THE CITY NOISE ORDINANCE, ONE ON APRIL 24th AND ANOTHER ON APRIL 30th.

WHEN THEY ORDERED THE EXHAUST FANS TURNED OFF UNTIL THERE'S COMPLIANCE.

THEY ARE BACK ON AND THE THIRD TEST HAS NOT YET OCCURRED.

WHAT'S HAPPENED BETWEEN THE TIME ZAB WORKED TO HAVE THE BUILDING PLANS MEET QUIET NOISE LEVELS WITH ONE FAN LOCATED AWAY FROM RESIDENCES AND INSTALLATION OF FIVE FANS, ONE OF WHICH IS IN THE SPITTING DISTANCE OF SEVEN NEIGHBORS.

AGAIN, THIS POTENTIALLY COULD HAVE BEEN AVOIDED IF THE ZAB REQUIREMENT FOR A TEMPORARY OCCUPANCY PERMIT HAD BEEN FOLLOWED AND INSPECTORS FOLLOWED THE ZAB-APPROVED PLANS.

THIS BRINGS ME TO THE QUESTION.

WHO IS SUPPOSED TO ENSURE THAT ZAB'S RECOMMENDATIONS ARE FOLLOWED?

WHY IS IT LEFT TO THE NEIGHBORS TO DO THIS AFTER THE FACT?

WE NEED A BETTER SYSTEM.

THANK YOU.

>> I HAVE A QUESTION.

>> Chair I. Tregub: THERE'S A QUESTION FOR YOU.

>> T. Clarke: WHAT DID THE BUILDING OFFICIALS SAY?

>> WE HAVEN'T GOTTEN AN ANSWER BACK.

>> T. Clarke: YOU SUBMITTED A LETTER TO THE BUILDING OFFICIAL?

>> IT SHOULD HAVE COME TO YOU TOO.

WE HAVEN'T YET GOT ANY ANSWER AS TO WHY THE TEMPORARY CERTIFICATE OF OCCUPANCY WASN'T ASKED FOR.

>> T. Clarke: WHAT DO YOU MEAN BY TEMPORARY CERTIFICATE OF OCCUPANCY?

>> ONE OF THE PROVISIONS THAT ZAB PUT IN WAS PRIOR TO THE PERMANENT CERTIFICATE OF OCCUPANCY.

THERE SHOULD BE A TEMPORARY ONE.

NEVER HAPPENED.

>> T. Clarke: OKAY.

>> IT WENT STRAIGHT TO PERMANENT.

>> T. Clarke: HOW DOES THAT HELP YOU, THE TEMPORARY?

>> IT WOULD HAVE MEANT THAT SOMEBODY FROM THE CITY WOULD HAVE COME OUT AND SAID, WAIT A MINUTE, BY MUNICIPAL CODE THOSE LIGHTS SHOULD HAVE --

>> T. Clarke: THEY SHOULD HAVE DONE THAT PRIOR TO T.C.O. ANYWAY.

>> YES.

>> T. Clarke: AND PRIOR TO -- I UNDERSTAND NOW.

THERE SHOULD HAVE BEEN AN INSPECTION.

SHOULD HAVE BEEN BUILT ACCORDING TO THE PLANS AND CONDITIONS OF APPROVAL.

SO IF THAT WAS NOT FOLLOWED THEN THEY WILL HAVE TO CORRECT IT.

>> IT'S STILL NOT ACCORDING TO PLANS.

THERE ARE FIVE FANS THERE.

>> T. Clarke: THAT WILL HAVE TO BE CORRECTED AND IT MIGHT TAKE, UNFORTUNATELY BUREAUCRATICALLY LONG.

>> WHO WILL MAKE SURE IT WILL HAPPEN?

>> T. Clarke: THE BUILDING OFFICIAL WILL HAVE TO SEE THEY DIDN'T FOLLOW THE PLANS AND PUT A YELLOW TAG OR SOMETHING.

>> DO WE NEED TO SEND ANOTHER LETTER TO THE BUILDING TO ASK THEM TO LOOK HOW ONE FAN TURNED INTO FIVE FANS?

>> T. Clarke: YEAH.

>> SO IT'S REALLY UP TO THE NEIGHBORS TO DO?

>> T. Clarke: NO.

>> Chair I. Tregub: IF YOU COULD STAY UP.

THANK YOU, TERESA.

I HAVE A FOLLOW-UP.

BUT IT'S ACTUALLY FOR STAFF.

IS STAFF AWARE OF THIS ISSUE?

AND ARE THEY AT LIBERTY TO COMMENT ON CONCERNS THAT HAVE BEEN PROVIDED WHICH, IT SOUNDS LIKE DEAL WITH ENFORCEMENT OF CONDITIONS THAT WE APPROVED?

>> Staff: I SAW THE EMAIL TODAY BEFORE THE COMMENTS AND IT WAS ALSO SENT TO SHANNON ALLEN WHO IS THE PROJECT PLANNER ON IT.

I DON'T KNOW WHAT THE CITY'S ACTIONS ARE, BUT IT IS SOMETHING I WILL MENTION TOMORROW, THERE'S CORRESPONDENCE AND THE TESTIMONY THAT CAME TONIGHT ABOUT POTENTIAL FEATURES OF THE HONDA OPERATION THAT ARE OUT OF COMPLIANCE.

SO WHAT WE WILL DO IS REFER TO CODE ENFORCEMENT, IF THEY HAVE DONE THINGS BEYOND THE SCOPE OF THE WORK OF THE BUILDING PERMIT.

IF NOT, I'M NOT SURE WHAT WE WOULD DO.

WE DEFINITELY NEED TO LOOK INTO IT.

I THINK THEY ARE RIGHT, THERE WERE LOTS OF CONCERNS HOW IT WAS GOING TO OPERATE, THE NOISE, GLARE AND ODORS.

>> C. Kahn: WHATEVER BUILDING INSPECTOR WENT TO REVIEW THE WORK AND SIGNED OFF ON THE C.F.O. WOULD BE AWARE IF THERE'S ONE OR FIVE FANS SHOWING UP IN THE PLANS.

>> Staff: INDEED.

>> C. Olson: IGOR, I JUST WANT TO BE A LITTLE MORE SPECIFIC.

BECAUSE I'M REMEMBERING 1725 UNIVERSITY, A FAN WAS ADDED OVER THE COUNTER, AFTER-THE-FACT.

THIS PROCESS WAS COLLABORATIVE, CONTENTIOUS, AND WE THOUGHT RESOLVED.

SO APPROVING FOUR MORE FANS OVER THE COUNTER IS NOT AN OPTION AS FAR AS I'M CONCERNED.

>> Chair I. Tregub: CAN STAFF, I KNOW THAT YOU ARE HEARING ABOUT THIS SECONDHAND, BUT CAN YOU LOOK INTO WHAT HAS ACTUALLY BEEN -
- WHAT IS IN THE AS-IS CONFIGURATION, THAT IS IN THE PROJECT NOW, VERSUS WHAT HAS BEEN APPROVED AND IF THERE IS A DIFFERENCE BETWEEN THE TWO, WHAT HAS HAPPENED TO GET US TO THIS POINT?

I UNDERSTAND THAT THERE ARE CERTAIN THINGS THAT COULD BE DONE AFTER THE FACT THAT COULD BE APPROVED OVER THE COUNTER BUT FOR EXTRA FANS, DOES NOT SOUND LIKE SOMETHING THAT WOULD BE AT THE SCALE THAT IT WOULD JUST BE OVER THE COUNTER.

>> Staff: SO WHAT I HEAR YOU ARE SAYING, YOU WOULD LIKE SOME SORT OF REPORT BACK TO THE BOARD AS SOON AS POSSIBLE?

>> Chair I. Tregub: YEAH, WE WOULD APPRECIATE SOME FOLLOW-UP. BECAUSE I THINK THIS HAS BEEN A LONG STANDING ISSUE.

NOT JUST ON THIS PROJECT BUT ON SEVERAL ONES WHERE -- I MEAN WE APPROVE SOMETHING AND THAT'S THE LAST WE HEAR OF IT, UNLESS NEIGHBORS COME BACK TO US LATER.

SO I THINK, I DON'T SPEAK FOR JUST MYSELF, I THINK I SPEAK FOR A NUMBER OF MY COLLEAGUES.

COMPLIANCE WITH CONDITIONS THAT WE APPROVE IS IMPORTANT.

WE ARE ALSO INTERESTED IN WHAT, IF ANY ENFORCEMENT HAPPENS AFTER-THE-FACT.

IF THERE IS SOMETHING ACTIONABLE, THAT NEEDS TO BE LOOKED AT.

YOU DON'T NEED TO PROVIDE US WITH AN ANSWER NOW BUT IT WOULD BE HELPFUL, I THINK, NOT JUST FOR US, BUT FOR MEMBERS OF THE PUBLIC THAT ARE CONCERNED ABOUT THIS ISSUE.

>> Staff: ABSOLUTELY.

I CAN'T GUARANTY IT WILL BE AVAILABLE OR READY TWO WEEKS FROM NOW, BUT IT COULD BE.

BUT CERTAINLY, I WILL LET SHANNON ALLEN, THE PROJECT PLANNER KNOW, IF NOT TOMORROW, MONDAY, THIS HAS BEEN REQUESTED.

>> C. Kahn: YOUR QUESTION ABOUT ACCOUNTABILITY AND WHO IN THE CITY, VERSUS, YOU KNOW, DO THE NEIGHBORS REALLY HAVE TO DO THIS?

AND WHAT IT BOILS DOWN TO, AND GREG, CORRECT ME IF I'M WRONG ABOUT THIS, THE CITY RESPONSIBLE PARTY WITH CONFORMANCE TO THE PLANS WHAT WE APPROVE AND WHAT THE BUILDING DEPARTMENT APPROVES IS THE SITE BUILDING INSPECTOR.

AND THEY REALLY WE HAVE SOME GREAT BUILDING INSPECTORS AND THEY WORK REALLY HARD AND THEY REALLY TRY TO BE AS CAREFUL AS THEY CAN BE, WHICH DOESN'T MEAN THEY DON'T MISS STUFF SOMETIMES.

TO MY KNOWLEDGE, WE DON'T HAVE THE FUNDING, AND WE HAVE NO INSPECTION DEPARTMENT FROM THE PLANNING DEPARTMENT, EXCEPT WHEN THERE ARE CONCERNS OR COMPLAINTS THAT ARE REGISTERED BECAUSE WE JUST DON'T HAVE THE FUNDING FOR THAT.

THESE GUYS ARE WORKING AWFULLY DARN HARD JUST TO WRITE THE REPORTS THEY ARE WRITING.

SOME IS HOW DO YOU USE YOUR CITY RESOURCES, YOU COULD UNDERSTAND.

SO YES, IT DOES END UP BEING CITIZENS LIKE YOU AND ME THAT HAVE TO MONITOR WHAT'S GOING ON AS AN ADDED PROTECTION AND OVERSIGHT TO WHAT THE CITY IS REALLY TRYING TO DO WELL.

SO THANK YOU FOR COMING FOR IT.

I'M SORRY YOU HAD TO DO IT.

AND HOPEFULLY WE WILL GET TO THE BOTTOM OF YOUR CONCERNS.

>> THANK YOU.

PEOPLE FEEL MOST CONCERNED ARE THE EIGHT PEOPLE WHO LIVE IN THE BUILDING RIGHT NEXT AND ALSO THE NEIGHBOR ACROSS THE STREET WHO ALSO MADE A COMPLAINT.

BUT THANK YOU FOR LISTENING, I APPRECIATE IT.

>> Chair I. Tregub: TERESA?

>> T. Clarke: THERE IS SUPPOSED TO BE A PLANNER AND SHANNON CAN SPEAK TO IT WHEN SHE GIVES US HER REPORT.

BUT THE PLANNER DOES HAVE TO DO A SIGN-OFF.

AND THEY ARE SUPPOSED TO MAKE SURE ALL THE CONDITIONS IN THE PLANNING WERE MET DURING THE BUILDING PROCESS.

SO IT IS A BUILDING PLANNING SIGN-OFF.

I DON'T KNOW IF IT'S AN ACTUAL INSPECTION, BUT I THINK IT IS, BECAUSE I'VE HAD THEM BRING UP THE ISSUE OF LIGHTS.

>> C. Kahn: DO THEY TYPICALLY GO OUT TO THE SITE TO DO AN INSPECTION OR NOT?

JUST CURIOUS.

>> T. Clarke: I'VE HAD TO DO BUILDING SIGN-OFF.

>> Staff: ON OCCASION, YES.

IN PARTICULAR DESIGN REVIEW PLANNERS GO OUT, THOSE AREN'T BUILDING CODE THINGS, TO SAY WHICH PLANTS AND WHAT SPACING.

>> Chair I. Tregub: AND THEN -- FIRST OF ALL, I WANT TO THANK YOU AND THE OTHER NEIGHBORS WHO CAME OUT.

I'M SURE YOU HAVE PLENTY OF OTHER THINGS YOU COULD BE DOING WITH YOUR EVENING TONIGHT.

FOR FUTURE REFERENCE AND THIS IS FOR THE BENEFIT OF EVERYONE IN THE ROOM AND ALSO LISTENING IN, THE BEST MECHANISM FOR US TO GET

CORRESPONDENCES IS TO, WHOEVER ELSE YOU SEND IT TO, TO CC IT TO ZAB@CITYOFBERKELEY.INFO.

I'M NOT AWARE OF RECEIVING ANYTHING FROM MARIANNE LATELY.

>> I'M REALLY SURPRISED BECAUSE I SAW IT WENT OUT AT LEAST YESTERDAY.

DID YOU FOLKS GET THE EMAIL FROM MARIANNE?

WITH THE PHOTOGRAPHS?

>> Staff: I DID SEE AN EMAIL, I DON'T KNOW IF THERE WERE ATTACHMENTS.

>> BUT NO ONE ON THE ZAB GOT IT?

>> T. Clarke: IT WOULDN'T HAVE GOTTEN IN OUR PACKET THAT QUICKLY.

>> Chair I. Tregub: WE DID CHANGE SUPPLEMENTAL, I THINK TWO DAYS IN ADVANCE.

I WOULD ASK STAFF IF THEY WOULDN'T MIND FORWARDING TO US ANYTHING THEY RECEIVED.

>> Staff: OKAY, WILL DO.

>> Chair I. Tregub: THANK YOU FOR COMING.

AND GEORGE, YOU ARE NEXT.

>> GEORGE KILLINGSWORTH, I'M A PART OF THE SAME GROUP THAT LOUISE ROSENCRANTZ IS.

MY STATEMENT IS A BIT OF A RANT AND I'VE HEARD SOME SYMPATHETIC EARS HERE BUT I WILL READ IT TO YOU ANYWAY.

JUST UNDERLINE WHAT'S ALREADY BEEN SAID AND I CAN ANSWER SOME QUESTIONS AFTER.

AS WE HAVE WRITTEN TO YOU AND TESTIFIED AGAIN AND AGAIN MY NEIGHBORS AND I ARE SHOCKED, SHOCKED TO FIND OUR CITY OFFICIALS ARE TURNING THEIR HEADS AWAY FROM RULES AND REQUIREMENTS IMPOSED ON DEVELOPERS.

IT DOESN'T TAKE MUCH TO SEE THE CONCERNS OF A FEW HUNDRED CITIZEN RESIDENTS DON'T AMOUNT TO A HILL OF BEANS SO HERE IS LOOKING AT YOU BERKELEY PLANNERS, DECISION MAKERS, ZONING OFFICIALS, CODE ENFORCERS TO TAKE CONDITIONS YOU APPLY SERIOUSLY

TO FAITHFULLY AND RIGOROUSLY ENFORCE REGULATIONS WITHOUT WAITING FOR CITIZEN COMPLAINTS TO TRIGGER YOUR ACTION.

WE IMPLORE YOU TO DO YOUR JOB.

IF YOU DON'T, YOU WILL REGRET IT MAYBE NOT NOW, OR TOMORROW BUT SOON AND FOR THE REST OF YOUR TERMS.

THANK YOU.

I GUESS I HAD A LITTLE MORE TIME.

THE MEMORANDUM FROM MARIANNE THAT WAS REFERRED TO OUTLINES MANY OTHER UNMET CONDITIONS THAT ARE STILL UNMET.

DESPITE THE BUILDING PERMIT HAVING BEEN ISSUED AND IT'S CLEAR IN YOUR DIRECTION TO HONDA THE PERMIT WOULDN'T BE ISSUED UNTIL THE CONDITIONS WERE MET.

SO WE ARE JUST CONCERNED THAT WE DON'T WANT TO BE THE NEIGHBORS, THE POLICEMEN ON THIS AND NO COMPLIANCE UNTIL WE RAISE OUR VOICES.

THANK YOU FOR YOUR SYMPATHETIC EAR TONIGHT AND HOPEFULLY OUR QUESTIONS WILL BE ANSWERED SHORTLY.

THEY WERE WIDELY CC'D TO PLANNERS, TO THE CITY AUDITOR EVEN, AND TO YOU.

SO THEY MIGHT BE IN YOUR INBOXES WHEN YOU GET HOME TONIGHT.

THANK YOU.

>> Chair I. Tregub: LET'S HOPE.

OR IF NOT TONIGHT, SHORTLY AFTER.

THANK YOU.

JANIS, YOU ARE NEXT.

>> GOOD EVENING, I'M JANIS CHANG, ALSO A SOUTH BERKELEY NEIGHBOR.

I DIDN'T COME TO SPEAK ABOUT THAT PROJECT BUT AFTER HEARING THE DISCUSSION ABOUT IT, I HAVE TO SAY THOSE SORTS OF NON-COMPLIANCE ISSUES AFFECT ALL THE PROJECTS SO IT COULD AFFECT ALL THE PROJECTS POTENTIALLY.

AND I WOULD SUGGEST THAT IF CONDITIONS AREN'T BEING MET, THE PROJECT SHOULD BE HALTED.

SOUNDS LIKE THE CONSTRUCTION NEVER SHOULD HAVE STARTED UNTIL CONDITIONS WERE MET SO WHY COULDN'T YOU JUST STOP IT RIGHT NOW RATHER THAN LETTING THE NEIGHBORS LIVE WITH THE LIGHTS FOR THREE WEEKS.

ANYWAY, THAT'S MY TWO CENTS.

BUT I WANTED TO THANK YOU ALL FOR YOUR VOLUNTEERING TO SERVE ON THIS BOARD.

I KNOW IT'S A HUGE AMOUNT OF TIME FOR ALL OF YOU AND I APPRECIATE THE WORK THAT YOU DO.

I KNOW THAT YOU ARE ALL TRYING TO DO WHAT YOU THINK IS BEST FOR OUR CITY.

AND LIKE LOUISE SAID, YOUR DECISIONS IMPACT ALL OF US IN BERKELEY FOR GENERATIONS, DECADES TO COME.

SO AT EVERY MEETING YOU HEAR MANY VOICES BOTH FOR AND AGAINST SPECIFIC PROJECTS.

I THINK IT'S IMPORTANT FOR YOU TO KNOW WHAT MOTIVATES PEOPLE TO SPEAK AT THESE MEETINGS.

LAST WEEK THE "NEW YORK TIMES" REPORTED THAT A TECH COMPANY HAS DONATED \$1 MILLION TO THE NIMBY ORGANIZATION AND THIS ORGANIZATION HAS SEVERAL FULL-TIME EMPLOYEES.

I'M WONDERING WHETHER THEY ARE ALREADY HAVING PEOPLE COME TO THESE MEETINGS WHO ARE BEING PAID TO SPEAK FOR A SPECIFIC PROPOSAL.

I STRONGLY ENCOURAGE YOU TO ASK SPEAKERS TO STATE WHETHER THEY ARE BEING COMPENSATED FOR BEING HERE, OR BEING COMPENSATED FOR THEIR WORK ON A SPECIFIC PROJECT.

I KNOW IN THE PAST WHEN DEVELOPERS HAVE TRIED TO HAVE PEOPLE SPEAK FOR THEM, CITY COUNCIL OR THE ZAB HAS SAID WAIT A MINUTE, DON'T YOU WORK FOR THE COMPANY AND THEY SAID YES, AND THEY WOULDN'T LET THEM SPEAK.

I DON'T KNOW THAT WOULD APPLY TO PEOPLE WHO ARE JUST BEING PAID TO GIVE AN OPINION BUT PUBLIC COMMENT SHOULD REFLECT PUBLIC OPINION.

WHEN THAT OPINION IS BEING PAID FOR, I THINK YOU SHOULD AT LEAST KNOW THAT AND I THINK IT'S IMPORTANT TO FIND THAT OUT.

SO I MEAN I UNDERSTAND THERE'S A BAY-AREA WIDE SHORTAGE OF HOUSING.

I ALSO BELIEVE IT'S POSSIBLE TO FIND A COMPROMISE THAT COULD, BETWEEN THE PROFITS THEY NEED TO MAKE AND PROVIDING FOR THE COMMUNITY AND THAT COMPROMISE COULD ONLY BE FOUND IN CLEAR AND OPEN COMMUNICATION.

YOUR DECISIONS NOT ONLY DETERMINE THE LOOK OF THE CITY, BUT ALSO INDIRECTLY IT DETERMINES WHO CAN LIVE HERE AND WHO NEEDS TO MOVE OUT, YOU KNOW, BECAUSE IT'S GOING TO ALL COME DOWN TO COSTS.

AS A LONG-TIME RESIDENT OF BERKELEY, I CARE DEEPLY ABOUT OUR FUTURE AND THAT'S WHY I'M HERE TONIGHT.

ANOTHER THING SOMEBODY MENTIONED IS WE SHOULD SAY WHETHER WE LIVE IN BERKELEY, I DON'T KNOW IF THAT'S SOMETHING YOU NEED TO KNOW BUT IT'S ANOTHER CONSIDERATION.

>> Chair I. Tregub: THANK YOU SO MUCH FOR YOUR TIME.

AND I JUST WANTED TO COMMENT REALLY QUICKLY ON TWO POINTS THAT YOU MADE.

ONE, YOU ARE VERY WELCOME.

WE ARE ALL BERKELEY CITIZENS AND RESIDENTS LIKE YOU, TRYING TO DO OUR BEST.

WHAT CAME UP ACTUALLY IN THE PREVIOUS CONTEXT ALMOST ALWAYS ONCE WE MAKE A DECISION ON A USE PERMIT, IT DOES NOT GO BACK TO THIS BODY.

THERE'S STILL STAFF-LEVEL REVIEW AND APPROVAL.

A BUILDING PERMIT MAY GET ISSUED IF IT'S A USE PERMIT APPROVAL.

BUT THAT'S BEEN ONE OF OUR CONCERNS, IT'S BEEN KIND OF LONG STANDING, UNFORTUNATELY WE HAVE LIMITED RESOURCES AND UNLIMITED NEEDS ENFORCEMENT IS PARAMOUNT.

IT IS INCUMBENT ON ALL OF US TO MAKE SURE IF SOMETHING DOESN'T ALIGN WITH WHAT THE ACTION WAS THAT WAS TAKEN, IT'S IMPORTANT TO BRING IT TO THE CITY STAFF'S ATTENTION.

WE ARE ALL VOLUNTEERS HERE.

AND THE OTHER THING, OH, YOU MENTIONED, YOU HAD A QUESTION WHETHER WE COULD KEEP SOMEONE FROM SPEAKING.

>> NOT WHETHER YOU COULD KEEP THEM FROM SPEAKING.

>> Chair I. Tregub: WHAT'S CUSTOMARY IS IF SOMEONE IS PART OF THE APPLICANT TEAM, THE APPLICANT WILL GET A COMBINED FIVE MINUTES IN MOST CASES.

AND ANYONE PART OF THAT TEAM, OR WHO IS A FAMILY MEMBER OF THE APPLICANT, YOU KNOW, THEY WILL HAVE AN OPPORTUNITY TO SPEAK THEN.

WE DON'T ASK IF SOMEONE LIVES IN BERKELEY OR IF THEY ARE PAID BY AN OUTSIDE ORGANIZATION THAT'S NOT THE APPLICANT.

BUT WE DO APPRECIATE IF FOLKS ARE WILLING TO DISCLOSE IF THEY HAVE AFFILIATIONS OR INTERESTS.

WE DO APPRECIATE THAT.

>> THANK YOU.

>> Chair I. Tregub: THANK YOU.

WE HAVE KELLY NEXT.

AND IF ANYBODY ELSE WISHES TO SPEAK ON A NON-AGENDA ITEM, PLEASE COME SEE STAFF AND YOU COULD FILL OUT A SPEAKER CARD.

>> OKAY, HI, KELLY HAMMARGREN.

I'M NOT PAID.

[CHUCKLES]

I DO WHAT I DO AS VOLUNTEER IN MY CIVIC DUTY.

I DO WANT TO ASK BEFORE YOU START THAT CLOCK ABOUT THE TWO PEOPLE THAT WE HAVE THAT ARE NOT LISTED ON THE AGENDA TONIGHT, DARRYL OWENS AND ALFRED THUI, ARE THEY PERMANENT MEMBERS?

>> Chair I. Tregub: WE WILL TAKE AN OPPORTUNITY TO INTRODUCE THEMSELVES AFTER PUBLIC COMMENT ON NON-AGENDA ITEMS.

>> COULD WE RESET THE CLOCK.

THANK YOU.

OKAY, WE ARE SUPPOSED TO HAVE THIS PASSED OUT TO YOU, DO YOU HAVE IT?

BECAUSE I WANTED TO REFERENCE IT AS I SPOKE.

WE OFTEN TALK ABOUT A LIVING WAGE WHICH WOULD BE \$15 AN HOUR, AND IF SOMEONE IS WORKING FULL-TIME THE MONTHLY RENT THEY COULD AFFORD IS \$780 PER MONTH.