

ROUGHLY EDITED COPY
CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REMOTE BROADCAST CAPTIONING
JUNE 14, 2018

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>> Chair I. Tregub: WELCOME, EVERYONE TO THE JUNE 14th
MEETING OF THE ZONING BOARD.

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

>> Staff: HAPPY TO.

BOARD MEMBER OLSON.

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

>> Staff: BOARD MEMBER O'KEEFE.

>> S. O'Keefe: PRESENT, NO EX PARTE.

>> Staff: WE SHOULD INTRODUCE A NEW BOARD MEMBER
TONIGHT, BOARD MEMBER DODSWORTH.

>> F. Dodsworth: PRESENT, NO EX PARTE.

>> Staff: CHAIR TREGUB.

>> Chair I. Tregub: PRESENT, NO EX PARTE.

>> Staff: VICE CHAIR PINKSTON.

>> Vice Chair D. Pinkston: PRESENT, NO EX PARTE.

>> Staff: BOARD MEMBER KAHN.

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

>> Staff: BOARD MEMBER BRAZILE CLARK?

>> B. Clark: PRESENT, NO EX PARTE.

>> Staff: THANK YOU.

BOARD MEMBER TERESA CLARKE?

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

>> Chair I. Tregub: THANK YOU.

I THINK WE HAVE A QUORUM.

AND WELCOME, FRED.

WE ARE NOW GOING TO HEAR ON ITEMS NOT ON THE AGENDA.

IF YOU HAVE A NON-AGENDA ITEM, PLEASE SEE STAFF AND
YOU COULD FILL OUT A SPEAKER CARD.

THE TWO I HAVE ARE FROM JANICE CHING AND MARIANNE
LEWIS, IF YOU WOULD BOTH LIKE TO COME UP.

AND EACH OF YOU WILL HAVE THREE MINUTES.

>> I'LL BE THREE MINUTES EXACTLY.

HELLO, ZAB MEMBERS, MY NAME IS MARIANNE AND I'M HERE
TO FOLLOW-UP ON THE LETTER I SENT MAY 9th ABOUT THE CONDITIONS
OF APPROVAL FOR BERKELEY HONDA'S USE PERMIT.

YOU ALSO HEARD FROM TWO NEIGHBORS ON MAY 10th AND
THERE ARE LETTERS IN YOUR PACKET, I THINK FROM THREE MORE.

I'M WONDERING IF YOU HAVE HEARD BACK FROM PLANNING
WITH MORE INFORMATION SINCE MAY 10th AND YOU HAVE ASKED FOR MORE
INFORMATION.

THERE ARE THREE CATEGORIES OF USE PERMIT FOR THIS
BUSINESS.

SOME ARE PART OF THE BUILDING PERMIT PROCESS, SOME ARE
FOR TEST DRIVES.

AND CONDITIONS THAT MUST BE MET PRIOR TO ISSUANCE OF OCCUPANCY PERMIT.

THESE ARE THE CONDITIONS 33-36 THAT'S COMPLIANCE WITH CONDITIONS, COMPLIANCE WITH APPROVED PLANS, NOISE AND TRAFFIC CIRCULATION.

SO I GOT AN EMAIL FROM OUR PLANNING DIRECTOR AND HE INCLUDED THOSE ON A LIST OF CONDITIONS THAT WERE SATISFIED DURING THE BUILDING PERMIT REVIEW PROCESS.

BUT THAT ISN'T POSSIBLE.

TRAFFIC CIRCULATION SPECIFIES A STUDY TAKES PLACE APPROXIMATELY 6-8 MONTHS AFTER THE T.C.O.

SO WHEN EVERYTHING IS ALREADY IN OPERATION AND THE NOISE STUDY ALSO HAPPENS AFTER THE BUSINESS IS IN OPERATION, THAT CAN'T HAPPEN DURING THE BUILDING PERMIT PROCESS.

SO ON APRIL 27th A PERMIT CENTER EMPLOYEE TOLD ME BERKELEY HONDA NEVER RECEIVED A TEMPORARY CERTIFICATE OF OCCUPANCY, IT OPENED MARCH 23rd AND THEY GOT THEIR OCCUPANCY PERMIT THREE DAYS LATER.

SO FOR ME A TEMPORARY OCCUPANCY PERMIT, I MAY BE WRONG, IT'S LIKE BEING ON PROBATION OF A NEW JOB WHERE IT'S LET'S SEE HOW YOU DO BEFORE WE GRANT YOU ALL THE BENEFITS AND PROTECTIONS OF A PERMANENT POSITION.

BUT IT SEEMS BERKELEY HONDA NEVER HAD THIS PROBATIONARY PERIOD, EVEN THOUGH THEY AGREED TO OPERATE UNDER A T.C.O. WHEN THEY ACCEPTED THEIR USE PERMIT.

DOES ZAB HAVE THE AUTHORITY TO ENSURE PERMIT
CONDITIONS LIKE THE T.C.O. ARE MET OR IS YOUR ROLE ONLY
ADVISORY?

RESIDENTS NEED TO KNOW.

BERKELEY HONDA HAS HAD TWO NOISE VIOLATIONS.

THEY HAVE CAUSED UNSHIELDED LIGHTS TO GLARE INTO A
WINDOW FOR WEEKS.

THOSE ARE FIXED.

THEY HAVE BLOCKED THE F BUS STOP ON ADELINE AT LEAST
TWICE.

WE HAVE SEEN TEST DRIVES ON FOUR RESIDENTIAL STREETS.
USED CARS STORED IN THE YELLOW ZONE FOR AT LEAST A
HALF HOUR OR MORE.

TOW TRUCK DRIVERS MAKING ILLEGAL LEFT TURNS OUT OF THE
REPAIR DRIVEWAY AND IT SEEMS THE AUDIBLE ALARM WAS DISABLED TO
FIT MORE CARS IN THE DRIVE AISLES.

THE SINGLE BLOWER APPROVED BY ZAB MARKED INTO THREE
AND THE CORELLA PARKING SPACES USED TO FIT MORE CARS.

THE CITY AUDITOR JUST RELEASED A PERFORMANCE AUDIT OF
THE CODE ENFORCEMENT DIVISION AND IT'S PRETTY BLEAK.

IT DOESN'T HAVE A CENTRAL RESOURCES NECESSARY TO
ENFORCE BERKELEY MUNICIPAL CODES WHICH LEADS TO SELECTIVE OR
INEQUITABLE ENFORCEMENT.

WE NEIGHBORS REALLY DON'T WANT TO BE HALL MONITORS.

IT'S NOT SOMETHING WE GO OUT AND STARE FOR, WE SEE THIS WHEN WE GO ABOUT OUR DAILY LIVES AND WE HAVE NO POWER TO HOLD THIS BUSINESS ACCOUNTABLE FOR VIOLATING THE TERMS THEY AGREED TO HONOR.

THAT'S THE CITY'S RESPONSIBILITY AND THE CITY IS FAILING US.

THIS ISN'T SUSTAINABLE.

MY QUESTION IS THERE SOMETHING YOU COULD DO TO HELP OR ARE WE GOING TO BE IN THIS MORASS FOREVER?

THANK YOU SO MUCH.

>> Chair I. Tregub: THANK YOU.

AND I WOULD LIKE TO ASK STAFF TO COMMENT, IF YOU ARE FAMILIAR WITH THESE ISSUES THAT HAVE BEEN BROUGHT TO OUR ATTENTION.

AND WHAT ACTIONS, IF ANY, THE CITY IS DOING, TO YOUR KNOWLEDGE?

>> Staff: I WOULD LIKE TO DEFER TO COME BACK IN TWO WEEKS WHEN SHANNON IS HERE.

AS SHE WAS THE PROJECT PLANNER AND SHE COULD GIVE YOU AN UPDATE.

BECAUSE MY INFORMATION IS ABOUT A MONTH OUT OF DATE AND I WOULDN'T WANT TO SAY.

BUT THERE WAS AN ENFORCEMENT EFFORT UNDER WAY BUT I DON'T KNOW WHAT THE CURRENT STATUS IS.

>> Chair I. Tregub: I WOULD LIKE US TO AGENDIZE THAT,
IF THAT'S OKAY, IN TWO WEEKS SO WE DON'T LOSE SIGHT OF THAT.

>> Staff: I THINK THAT'S GREAT.

>> C. Olson: CAN I ADD TO THAT?

COULD WE SEE IT SOMEWHERE ON THE AGENDA SO THE PUBLIC
CAN SEE WHAT TIME THEY HAVE TO BE HERE TO LISTEN TO IT?

>> Chair I. Tregub: ABSOLUTELY.

MAYBE WE COULD PUT IT RIGHT AT THE BEGINNING.

THANK YOU.

JANIS?

>> HI, THANK YOU, I'M JANIS CHING.

I WOULD LIKE TO SET THE RECORD STRAIGHT ABOUT SOME
THINGS SAID AT THE MAY 10th ZAB MEETING ABOUT DEVELOPMENT IN
SOUTH BERKELEY.

SEVERAL ZAB MEMBERS BROUGHT UP 2902 ADELINE AS AN
EXAMPLE OF A PROJECT THAT NEIGHBORS KILLED BECAUSE OF HEIGHT.

THIS IS UNTRUE.

MY NEIGHBORS AND I MET WEEK AFTER WEEK TO COME TO A
CONSENSUS THAT BUILDING AFFORDABLE HOUSING ON SITE WAS OUR
PRIMARY AND HIGHEST PRIORITY.

WE SEE THIS AS THE ONLY WAY TO SLOW THE EROSION OF THE
RACIAL AND SOCIOECONOMIC DIVERSITY THAT MAKES OUR SOUTH BERKELEY
AREA SPECIAL.

ANOTHER ZAB MEMBER STATED THAT NEIGHBORS NEED TO
ACCEPT THAT FIVE STORY HEIGHT IS THE NEW NORMAL.