

ROUGHLY EDITED COPY
CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REMOTE BROADCAST CAPTIONING
JUNE 28, 2018

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[NO AUDIO PRESENT ON VIDEO MEETING START TO 14:42]

ADDITION TO THE NORTHERN REAR PORTION OF THE BUILDING WHICH REPLACES A 13-SPACE PARKING LOT AND INCLUDED A 2,500 SQUARE FOOT AREA FOR STORAGE.

IT WAS RESEALED AND RESTRIPEDED AND THE ACCESS CURB ALONG SHATTUCK WAS REMOVED.

SIGNAGE AND PLANTERS ADDED.

IT WAS APPROVED BY ZAB.

THE ZAB APPROVAL WAS FINAL.

LITIGATION WAS FILED BY THE NEIGHBORS AND I BELIEVE THE LITIGATION WAS NOT FRUITFUL.

THE ASSOCIATED FINAL DESIGN WAS APPROVED IN MAY 2017.

THE FINAL DECISION WAS APPEALED TO ZAB IN JULY OF 2017 ZAB UP HELD AND APPROVED THE DESIGN REVIEW THAT WAS APPEALED AND THE FINAL DESIGN WAS APPROVED BY COUNCIL.

SINCE PROJECT CONSTRUCTION BEGAN MULTIPLE NEIGHBORS RAISED CONCERNS WITH CONDITIONS OF THE USE PERMIT, NOISE, PARKING, SITE CIRCULATION HAVE BEEN ADDRESSED BY THE PLANNING AND BUILDING OR LAND USE MANAGER.

I SPOKE WITH A CODE ENFORCEMENT SUPERVISOR WHO SAID IT HAS BEEN TWO WEEKS SINCE THEY RECEIVED A COMPLAINT AGAINST HONDA

AND HONDA IS SUBSTANTIALLY IN COMPLIANCE WITH THE CONDITIONS OF THE USE PERMIT.

STAFF HAS RECOGNIZED THE PROCESS AT TIMES HAS BEEN FRUSTRATING AND CONFUSING AND WE'LL CONTINUE TO WORK WITH ISSUES WITH THE NEIGHBORS AND OPERATOR AS NEEDED.

>> IS THAT THE UPDATE?

ARE THERE QUESTIONS FOR STAFF?

>> YOU USED THE PHRASE, SUBSTANTIAL COMPLIANCE, WHAT IS NOT IN COMPLIANCE THAT LIES OUTSIDE THE SUBSTANTIAL COMPLIANCE?

>> I WOULD SAY EVERYTHING SO HAVE I A BULLET LIST OF 8 ITEMS THAT HAVE BEEN RAISED TO CODE ENFORCEMENT AND THE ACTIONS, THE FOLLOW-UP CONDUCTED AND CLOSED OUT THROUGH CODE ENFORCEMENT OR ENVIRONMENTAL HEALTH.

SO THERE ARE NO ACTIONS THEY'RE WORKING ONLY.

I THINK THE SUBSTANTIALLY COMPLIANT IS TO THE BEST OF OUR KNOWLEDGE, TO THE COMPLAINTS THAT HAVE BEEN BROUGHT TO THE CITY THAT MULTIPLE CITY DEPARTMENTS HAVE FOLLOWED UP WITH.

WE'RE NOT OUT THERE ISSUING NOTICES OF VIOLATIONS OR CONTINUING TO MEET WITH THE OPERATORS.

>> CHAIR TREGUB: ONE OTHER QUESTION IS TRAFFIC ENFORCEMENT INVOLVED IN ANY ENFORCEMENT ACTIVITIES RELATE TO THE SITE AND ACTIVITY?

>> NOT TO MY KNOWLEDGE.

IN MY CONVERSATION WITH CODE ENFORCEMENT, TWO INSTANCES THEY WERE CALLED BECAUSE A DELIVERY TRUCK WAS BLOCKING TRAFFIC AND CODE ENFORCEMENT RECOMMENDED FOR SAFETY ISSUES LIKE BLOCKING TRAFFIC THAT CERTAINLY CODE ENFORCEMENT WOULD FOLLOW-UP ON AN OPERATION STANDPOINT.

WHEN THERE ARE SAFETY ISSUES THE BERKELEY POLICE SHOULD BE CONTACTED.

IN THAT PARTICULAR INSTANCE THE FOLLOW-UP BY CODE ENFORCEMENT REVEALED THAT OPERATOR WAS NOT ASSOCIATED WITH BERKELEY HONDA BUT WITH A DIFFERENT AUTO DEALERSHIP IN THE AREA AND FOUND IT WAS MOST CONVENIENT TO PARK THERE TO UNLOAD CARS FOR OTHER DEALERS.

>> CHAIR TREGUB: JOHN?

>> THAT WAS ESSENTIAL MY QUESTION ABOUT SUBSTANTIALLY, IS THAT STANDARD LANGUAGE?

>> THAT IS MY UNDERSTANDING, YES.

>> J. SELAWSKY: THERE IS A LITTLE BIT OF WIGGLE ROOM. THAT WAS MY QUESTION AS WELL.

I'LL LET IT GO FOR NOW BUT I WOULD LIKE FULL COMPLIANCE.

I MEAN, SUBSTANTIALLY, I'M NOT SURE, THAT'S SOMEWHAT SUBJECTIVE AND I DON'T EVEN KNOW WHAT THAT MEANS.

RIGHT?

FROM MY POINT OF VIEW.

THANK YOU.

>> CHAIR TREGUB: THANKS.

>> SO IN THE USE PERMIT IT TALKS ABOUT TEMPORARY -- I DON'T KNOW WHAT THAT MEANS, OCCUPANCY PERMIT AND A FINAL OCCUPANCY PERMIT, IS THERE SUCH A THING AS A TEMPORARY OCCUPANCY PERMIT?

>> THAT IS ONE OF THE QUESTIONS ADDRESSED BY THE LAND USE MANAGER AND DIRECTOR.

THE EXPLANATION BACK IS THAT THERE IS SUCH A THING THAT -- BUT IT IS NOT THE BEST TOOL FOR PLANNERS OR ZAB TO ATTACH CONDITIONS OF APPROVAL THAT REALLY THE CERTIFICATE OF OCCUPANCY IS THE PROCESS FOR BUILDING AND SAFETY.

AND IF THERE IS A TEMPORARY CERTIFICATE OF OCCUPANCY THAT FUNCTIONS MORE OF A PUNCH LIST FOR SOMETHING THAT DOESN'T RELATE TO BUILDING AND SAFETY.

THAT'S MORE OF PIECES OF A DIFFERENT, IT MIGHT BE THE TREES NEED TO BE DONE A CERTAIN WAY AND WE NEED TO ENSURE MINOR ELEMENTS THAT AREN'T CRITICAL TO LIFE AND SAFETY AND THE STRUCTURE.

>> SOUNDS LIKE IMPLEMENTATION OF FINAL DESIGN REVIEW MORE THAN --

>> AND THERE WAS THE ACOUSTICS.

I THINK THAT WAS THE BIG ONE THAT WAS CONCERNING, NUMBER 35.

>> THAT'S CERTAINLY THE NEIGHBORS CAN SPEAK TO THAT PROCESS IN TERMS OF ENVIRONMENTAL HEALTH GOING OUT MEASURING THAT.

AGREEING THE APPROPRIATE HOOD OVER THE VENTS WAS NOT PUT IN.

SINCE THEN IT HAS BEEN PUT IN AND TESTS HAVE BEEN DONE TO SHOW IT'S IN COMPLIANCE.

>> I'M NOT QUITE DONE YET, SORRY.

I DID WANT TO FOLLOW-UP SPECIFICALLY ON NUMBER 35 NOISE AND 36 TRAFFIC CIRCULATION.

I DON'T KNOW IF YOU KNOW THE ANSWER TO THIS OR NOT BUT I WOULD LIKE TO KNOW WHEN THE TEMPORARY CERTIFICATE OF OCCUPANCY WAS ISSUED AND WHEN THE FINAL CERTIFICATE OF OCCUPANCY WAS ISSUED?

AND I WOULD ALSO LIKE TO HEAR WHERE ON THE PUNCH LIST THE EXHAUST VENTS, THE MECHANICAL EQUIPMENT WE WERE TOLD THERE WAS SUPPOSED TO BE ONE, AND THERE IS FIVE.

I WOULD LIKE TO KNOW THE CURRENT SITUATION WITH THAT.

>> I DON'T KNOW THAT LEVEL OF DETAIL OF THE NUMBER OF VENTS, I KNOW THE NOISE ISSUE ASSOCIATED WITH THE VENTS HAVE BEEN RESOLVED.

>> IF THIS BODY APPROVED ONE OR DESIGN REVIEW AND WE UP HELD ONE VENT AND MORE VENTS WERE PUT ON, I THINK THAT'S A DIFFERENT ISSUE THAN NOISE BECAUSE IT MEANS THERE IS NOISE BEING EMITTED FROM DIFFERENT LOCATIONS.

>> THAT'S -- I APPRECIATE THAT DISTINCTION BUT THE NOISE MEASUREMENT IS DECIBELS --

>> I USED TO MANAGER A LARGE BUILDING AND I HAD ROOF TOP EQUIPMENT SO I KNOW THE IMPACTS BECAUSE I HAD TO DEAL WITH THE NEIGHBORS WHO WERE NEAR THE DIFFERENT PIECES OF EQUIPMENT.

SO I WANT TO MAKE SURE BEFORE WE HAVE FOLKS SPEAK, I ASSUME WE WILL HAVE FOLKS SPEAK, THEY UNDERSTAND IT'S AN ISSUE THAT AT LEAST I AM AWARE OF AND WANT TO MAKE SURE WE'RE HANDLING IT AS INTENDED.

IF IT WAS ONE THING IN THE USE PERMIT, I DON'T UNDERSTAND WHY MORE THINGS WOULD GET PUT IN WITHOUT IT COMING BACK FOR A CHANGE.

>> CHAIR TREGUB: THANK.

TERESA.

>> T. CLARKE: I WANT TO KNOW WHERE THE DOCUMENTATION IS COLLECTED ON THE WEBSITE.

FOR INSTANCE, FOR EACH CONDITION THAT WAS VIOLATED, IS THIS GOING TO BE ON THE PLANNING DEPARTMENT'S WEBSITE?

I THINK WHAT WE NEED TO DO IS HAVE THE INFORMATION COMPILED INTO ONE PLACE BECAUSE IT SOUNDS LIKE THERE IS SEVERAL DIFFERENT DEPARTMENTS WHO ARE ENFORCING IT BUT IN ORDER FOR US TO MONITOR THEIR COMPLIANCE, WE CAN'T KEEP GOING TO FIVE DIFFERENT AGENCIES WITHIN THE CITY TO GATHER THAT INFORMATION.

HOW ARE WE DOCUMENTING COMPLIANCE?

DO YOU HAVE A WRITTEN RECORD FROM EACH OF THOSE DEPARTMENTS THAT THEY HAVE SENT TO YOU SAYING, THIS WAS THE COMPLAINT ON THIS DAY AND THIS WAS THE RESOLUTION OR YOU JUST ACCEPTED AN EMAIL SAYING, IT'S TAKEN CARE OF?

>> YES, I JUST HAD A MEETING WITH THE SUPERVISOR AND CODE ENFORCEMENT AND HE REVIEWED THE ACTIONS TAKEN AND PROVIDED AN EMAIL SUMMARY.

IF COLLECTIVELY THE ZAB, AS THIS IS AN INFORMATION ITEM AND WE'RE GATHERING INFORMATION IF THE BOARD CHOOSES TO AGENDIZE THIS TO REQUEST ACTION ON THIS ITEM THAT COULD BE REQUESTED.

THE OTHER ANSWER TO YOUR QUESTION IS, NO, THERE IS NO SINGLE PLACE WHERE THERE IS REPORTING, OR I SHOULD SAY TO MY KNOWLEDGE BECAUSE I'M NOT FAMILIAR WITH ALL THE PRACTICES OF VOTE ENFORCEMENT IF THERE IS A PORTAL WHERE YOU CAN SEE COMPLAINTS THAT ARE SUBMITTED AND RESPONSES TO THOSE COMPLAINTS.

YOU ARE RIGHT, IT IS CODE ENFORCEMENT, LAND USE PLANNING AND ENVIRONMENTAL HEALTH WHO HAVE BEEN WORKING ON DIFFERENT ANGLES OF CONDITIONS OF APPROVAL.

SO THERE IS NOT A SINGLE PORTAL OF COMPREHENSIVE INFORMATION.

>> CHAIR TREGUB: PATRICK.

>> P. SHEAHAN: TO TAKE THE EXAMPLE OF THE NUMBER OF EVENTS WHICH I GATHER EXCEEDS THAT WHICH WAS APPROVED IN THE ORIGINAL APPLICATION THAT CAME BEFORE ZAB, WOULDN'T THE ADDITION

OF THOSE EVENTS TRIGGER THE REQUIREMENT FOR APPLICATION FOR REVISION?

>> I WOULD NEED TO LOOK AT WHAT WAS THE APPROVED AND THE CONDITIONS.

I DON'T RECALL FROM A YEAR AGO EXACTLY THE EVENT STRUCTURE AND WHAT WAS APPROVED.

I THINK WHAT IS MORE TYPICAL IS THE CONDITION OF APPROVAL RELATED TO THE NOISE AND IF IT'S ONE OR FOUR VENTS, AS LONG AS IT MEETS THE REQUIREMENTS FOR THE NOISE STANDARD THAT WOULD BE APPROPRIATE.

>> I RECALL SUBSTANTIAL DISCUSSION OF THE VENTS AND NOISE ASSOCIATED.

THE ASSURANCE FROM THE ARCHITECT THERE WAS A SINGLE VENT AS FAR TO THE NORTH AS POSSIBLE TO MITIGATE THE ADJACENT RESIDENTS.

THAT WAS THE ASSURANCE PROVIDED TO THE BOARD.

IF THERE WAS MORE THAN ONE THAT IS AN EXPANSION OF THE SCOPE AND NORMALLY THAT REQUIRES APPLICATION AS A REVISION WHICH WOULD THEN CONSEQUENTLY BACK TO ZAB.

>> CHAIR TREGUB: WHICH CONDITION IS THIS?

>> 20.

>> CHAIR TREGUB: 20.

STAFF, DO YOU WANT US TO COME BACK?

>> I DON'T HAVE AN ANSWER OF THAT LEVEL OF DETAIL THIS EVENING.

>> CHAIR TREGUB: THANK YOU.

WE WOULD LIKE FOR STAFF TO FOLLOW-UP AND WE WOULD LIKE TO KNOW THE ANSWER AT FUTURE MEETING.

>> PERHAPS AFTER WE HEAR FROM THE PUBLIC AND THE ZAB DISCUSSES THIS IF THIS IS AGENDIZED AGAIN THERE COULD BE, YOU CAN AT THAT TIME DECIDE IF IT'S AN INFORMATION ITEM OR AN ACTION ITEM THE ZAB IS INTERESTED IN PURSUING.

>> AND IF STAFF LOOKS AT ITEM NUMBER 20 AND DECIDES IN FACT ONE VENT IS FAR TO THE WEST AS POSSIBLE, SPECIFIC LANGUAGE AWAY FROM RESIDENTIAL USE WAS APPROVED, WHAT WAS THE PROCESS FOR IN FACT ONLY HAVING ONE VENT AS WAS APPROVED?

IT SEEMS TO ME IT'S NOT THAT WE NECESSARILY NEED ANOTHER HEARING TO SOLVE THIS ONE PROBLEM, IT'S THAT FROM MY OPINION, NOT IN COMPLIANCE.

>> CHAIR TREGUB: WE'RE GOING TO GO TO PUBLIC COMMENT ON THIS ITEM.

I HAVE A FEW CARDS.

I'M GOING TO CALL OUT EVERYONE'S NAME IF YOU COULD COME TOWARDS THE FRONT, THAT WOULD BE GREAT.

LOUISE ROSENKRANZ FOLLOWED BY MANY ANN, CHRISTINE AND EARNEST.

AND IF THERE IS ANYONE ELSE, FILL OUT A CARD.

THANK YOU SO MUCH.

LOUISE.

>> I APPRECIATE HEARING THERE HAVE BEEN NO COMPLAINTS
IN THE LAST TWO WEEKS.

WE HAVE BECOME JADED.

WE HAVE SENT SO MANY LETTERS, SO MANY PHOTOGRAPHS.

I CANNOT BELIEF HOW JADED I HAVE BECOME. IN FACT, I
HAVE BECOME SO JADED I WALKED PAST A VIOLATION AND ALMOST DIDN'T
STOP TO TAKE PICTURES.

WHAT ARE YOU THINKING ABOUT?

THIS IS THE VIOLATION I'M TALKING ABOUT.

IT IS A TRAFFIC VIOLATION.

IT IS A SAFETY VIOLATION AND IT IS A VIOLATION THAT WE
ALL KNEW WHAT HAPPENED BECAUSE WE WERE PUTTING SOMETHING INTO
SOMETHING TOO SMALL, THE FAMOUS TOW TRUCK VIOLATION, IT IS
BLOCKING FIRST THE DRIVEWAY, WHICH MEANS THAT ANY PEDESTRIAN OR
PERSON IN A WHEELCHAIR IN ORDER TO WALK BY HAS TO MOVE INTO THE
STREET.

BUT IT IS ALSO BLOCKING THE STREET.

WHICH MEANS THAT THIS TRUCK, WHICH WAS COMING BY AT
THAT MOMENT I WAS WALKING BY LAST MONDAY, CARRYING GLASS, HAD TO
MOVE INTO THE LANE OF ON-COMING TRAFFIC.

THIS IS LIKE A MAJOR SAFETY -- I ALMOST DIDN'T TAKE
THESE PICTURES I HAVE BECOME SO JADED.

IT'S TRUE, I DIDN'T CALL IT INTO COMPLAINTS.

THAT'S WHAT HAPPENS WHEN WE CALL AND CALL AND COMPLAIN
AND WE'RE MADE TO FEEL LIKE IT DOESN'T MAKE SENSE TO DO IT
ANYMORE.

BUT HERE WE HAVE A DRIVEWAY AND A STREET BEING BLOCKED
BY A TOW TRUCK FORCING A TRUCK CARRYING LARGE PANES OF GLASS
INTO THE LANES OF ON-COMING TRAFFIC.

>> DID YOU REPORT THAT TO THE POLICE?

>> NO.

>> HAVE YOU BEEN REPORTING THINGS TO THE POLICE OR
CODE ENFORCEMENT?

>> TRYING TO SEND THEM TO A VARIETY OF PEOPLE.

>> SO FAR, HAS IT GONE TO THE POLICE?

>> I DON'T KNOW, I HAVEN'T SENT TO THE POLICE.
I SEND TO CODE.

>> DID THE CODE ENFORCEMENT TELL YOU TRAFFIC
VIOLATIONS SHOULD BE CALLED TO THE POLICE?

DID THEY INFORM YOU OF THAT?

>> I DON'T THINK I HAVE GOTTEN A RESPONSE.

BUT I DO KNOW WE HAVE A PERSON WHO HAS BEEN ARCHIVING
AND KEEPING TRACK OF VIOLATIONS AND I SEND THEM TO HER.

>> IT SOUNDS LIKE THE CITY IS RECOMMENDING THOSE
SHOULD BE CALLED INTO THE POLICE.

>> I WANT TO ACKNOWLEDGE HOW AWKWARD IT IS.

I WAS WALKING DOWN THE STREET, I'M NOT A CODE ENFORCEMENT PERSON, I'M A NEIGHBOR AND I SEE THIS, I WALK PAST AND SAY WAIT A MINUTE, THAT'S REALLY DANGEROUS.

IT'S EASY ENOUGH TO TAKE OUT MY PHONE. I'M NOT LIKELY TO CALL THE POLICE.

>> CHAIR TREGUB: THANK YOU.

DID I SEE ANOTHER HAND FOR QUESTIONS?

OKAY.

THANK YOU SO MUCH.

MANY ANN.

>> I HAVE A DUMB PHONE SO I CAN'T TAKE PICTURES.

I HAVE TO PAINT THEM AND SEND THEM IN.

I'M THE ZONING GEEK HERE AND I HAVE TALKED TO A PLANNER IN SANTA MONICA.

THEY HAD TROUBLE WITH CAR -- THE NOISE IS GONE BY THE TIME YOU CALL IN.

WE SEE TEST DRIVES ON RESIDENTIAL STREETS.

I JUST SEE IT AND WE HAVE ONE OR TWO PHOTOS.

ANOTHER CONCERN, MY BIGGEST IS SOMEONE NOT INJURED OR KILLED. NONE OF US WANT TO SEE THAT.

WE HAVE A NEW PROJECT COMING UP THAT IS CAR FREE AND IT'S LESS THAN A BLOCK AWAY.

SO WE'LL MORE PEOPLE ON BIKES AND PEDESTRIANS REAL SOON.

IT REALLY CONCERNS AND WORRIES ME.

I WANTED TO BRING UP THAT CONDITION 36.

TRAFFIC CIRCULATION.

SO THAT ONE IS ONE OF THE ONES THAT WAS SUPPOSED TO BE UNDER A T.C.O. WHICH DOESN'T EXIST APPARENTLY.

WE ASSUMED WRONGLY THERE WAS A PROGRESSION.

I HAVE THIS IN MY BRAIN BUT THE BUSINESS OPENED ON MARCH 26. THEY GOT THEIR CERTIFICATE OF OCCUPANCY OF MARCH 28 AND THERE IS NO NOTHING CALLED A T.C.O. THAT GETS ISSUED.

SO WE WERE ALL KIND OF GOING WHERE IS THIS PROGRESSION.

AREN'T THEY UNDER A PROBATIONARY PERIOD?

NO, NO, IT'S A PUNCH LIST.

SO I THINK WE SHOULD CHANGE THE WORDING IN THOSE CONDITIONS OF APPROVAL.

IT DID GIVE A DIFFERENT IDEA OF HOW MUCH MONITORING WAS GOING ON.

WHAT I WOULD LIKE TO RECOMMEND, THE TRAFFIC CIRCULATION NOISE STUDY WAS WRONG, THE SECOND NOISE STUDY WAS INACCURATE.

THEY ASSUMED THEY WEREN'T OPERATING AT 26 SHATTUCK, THEY RUN THEIR USED CARS THERE FOR YEARS.

THERE HAS BEEN ALWAYS MORE THAN ONE LOCATION.

NOW THEY'RE MOVING THEM BACK AND FORTH BETWEEN THEM.

I DON'T TRUST THEIR HIRED CONSULTANTS. I WOULD LOVE TO SEE AN INDEPENDENT STUDY THAT THEY PAID FOR BUT WASN'T THEIR REGULAR PERSON AND THAT WOULD BE MY REQUEST TO YOU.

I THINK I'M GOING TO LEAVE IT AT THAT.

AND THANK YOU SO MUCH FOR CARING ENOUGH TO FOLLOW-UP ON THIS.

IT REALLY HAS BEEN A CHORE.

WE'RE NOT HAPPY TO DO THIS BUT WE'RE COMMITTING TO PROTECTING THE NEIGHBORHOOD.

IF THE CITY WON'T STAND UP FOR US, WE'LL STILL HAVE TO DO THIS AND IT'S A PITY IT'S COME TO THIS.

THANK YOU, GUYS.

>> WHEN UNDER YOUR KNOWLEDGE DID THEY MOVE IN AND START OPERATION?

>> MARCH 26.

>> THAT WOULD BE THE DATE OF THE T.C.O.

A T.C.O. MEANS THEY GOT SIGN OFF BY BUILDING AND FIRE TO MOVE IN.

IT DOESN'T MEAN THEY GOT THE FINAL CONDITIONS MET BUT THEY GET ALL THE LIFE SAFETY CONDITIONS AND THAT'S WHAT-- WHEN THEY MOVED IN THEY ESSENTIALLY HAD THE SIGN OFF ON THE BUILDING JOB CARD THAT SAID, YOU ARE GOOD TO MOVE IN.

BUT THE FINAL IS ALL THESE OTHER REQUIREMENTS THAT MIGHT NOT HAVE TO DO WITH LIFE SAFETY ISSUES.

SO THAT'S PROBABLY WHERE, THAT WAS MARCH THIS YEAR?

>> YES.

>> OKAY.

SO SIX TO EIGHT MONTHS AFTER THAT WE SHOULD BE EXPECTING THIS TRAFFIC ENGINEERING STUDY SO WE WANT TO FOLLOW-UP ON THAT.

>> THAT WOULD BE GREAT.

THANK YOU.

>> CHAIR TREGUB: THANK YOU.

STAFF I HOPE YOU ARE TAKING NOTES.

I KNOW YOU ARE.

CHRISTINA OLDFIELD.

>> GOOD EVENING.

I JUST WANTED TO FLAG SOME OF THE CONDITIONS OF APPROVAL YOU MAY BE AWARE OF BUT I BELIEVE MAY NOT BE COMPLIED WITH OR THAT I WOULD LIKE YOU TO LOOK INTO.

THE VEHICLE OPERATIONS PLAN ITEM NUMBER 10, WHICH SAYS THE PLAN SHALL ALSO IDENTIFY OPERATING MEASURES AND OPERATING PROCEDURES TO ENSURE THE SERVICE USE IS MANAGED TO NOT RESULT IN TRAFFIC CONGESTION.

IN MY PERSONAL EXPERIENCE I HAVE NEARLY BEEN HIT BY A CAR BY SHATTUCK AND WARD SINCE HONDA MOVED IN.

NOT THAT IT WAS GREAT PREVIOUSLY.

LIGHT AND GLARE, 15, HAS BEEN AN ISSUE FOR NEIGHBORS OF OURS IMMEDIATELY ADJACENT TO HONDA.

NUMBER 16, PROJECT LIAISON, THERE SUPPOSED TO BE A NAME AND TELEPHONE NUMBER OF THE INDIVIDUAL EMPOWERED TO MANAGE THE COMPLAINTS, WHO IS THAT?

DOES ANYONE KNOW?

>> CHAIR TREGUB: THAT IS A QUESTION FOR STAFF.

>> ACTUALLY, THAT IS A CONDITION ACTIVATED DURING CONSTRUCTION, IT'S NOT FOR THE DURATION OF THE PROJECT.

>> WE NEVER KNEW WHO THAT WAS, AT LEAST I DIDN'T.

NUMBER 35.

NOISE HAS BEEN A BIG ISSUE AND THERE HAS BEEN ONLY SLAPS ON THE WRIST FOR HONDA FOR BLATANT VIOLATION OF THE NOISE PROVISIONS.

36, TRAFFIC CIRCULATION. WE WANT TO MAKE SURE THE STUDY THAT HAPPENS IS NOT BOGUS LIKE THE PREVIOUS.

39, TRANSIT SUBSIDY, THERE ARE SUPPOSED TO BE TRANSIT PASSES TO EMPLOYEES OF HONDA, HAS THAT HAPPENED?

>> 41 LOCATION OF TEST DRIVES.

WE HAVE SEEN LOTS AND LOTS OF TEST DRIVES, EVERYWHERE, THEY'RE NOT SUPPOSED TO BE HAPPENING.

>> CHAIR TREGUB: THIS IS A FOLLOW-UP TO A QUESTION ASKED TO STAFF.

I'M A LITTLE BIT UNCLEAR.

CHRISTINA YOU TALKED ABOUT THE LIGHT AND GLARE CONDITION AS ONE OF THEM?

>> YEAH, THERE HAS BEEN GLARE IN THE NEIGHBOR'S HOUSE ON STEWART STREET NEXT TO HONDA.

>> CHAIR TREGUB: YOU SAID IT APPLIES TO -- I DON'T SEE WHERE IT SAYS CONSTRUCTION.

>> YOU WILL SEE WITHIN THE CONDITIONS OF APPROVAL, PRIOR TO SUBMITTAL OF ANY BUILDING PERMITS, THIS IMPLIES THIS IS PART OF THE CONSTRUCTION PROCESS.

AND THERE IS THEN LATER DURING CONSTRUCTION, WHICH INCLUDES CONSTRUCTION HOURS, TRANSPORTATION CONSTRUCTION PLAN AND THEN TOWARDS THE END, PRIOR TO FINAL INSPECTION OR ISSUANCE OF OCCUPANCY PERMIT -- I'M SORRY WHICH CONDITION OF APPROVAL?

15

>> AFTER THE CONSTRUCTION IS OVER IS GLARE ALLOWED?

>> THAT IS ALL THE TIME, NUMBER 15.

I THINK 16 IS THE ONLY ONE THAT WAS MAYBE ONLY SUPPOSED TO BE DURING CONSTRUCTION BUT IT IS NOT CLEAR THAT IS TRUE.

I THINK WITH ALL THE CONDITIONS WE PUT ON, I THINK THAT WAS INTENDED TO BE EVEN AFTERWARDS.

>> CHAIR TREGUB: THAT'S CERTAINLY WHAT I REMEMBER VOTING TO APPROVE.

I WAS HERE.

>> TO CLARIFY FOR LIGHT AND GLARE, IT'S AN ISSUE REPORTED TO CODE ENFORCEMENT THAT WAS REVIEWED AND ADDITIONAL SHIELDS WERE PUT ON LIGHTS.

FROM A CODE ENFORCEMENT STANDPOINT, THAT WAS RAISED,
SITE VISITS AND THAT HAS BEEN ADDRESSED.

>> CHAIR TREGUB: SO CHRISTINA, YOUR CONTENTION IS THAT
YOU ARE STILL SEEING GLARE POST CONSTRUCTION?

>> THE LAST GLARE WAS AN ISSUE WITH THEIR HOUSE BUT
I'M NOT SURE AS OF TODAY.

>> CHAIR TREGUB: IF IT CONTINUES TO BE AN ISSUE, I'M
SURE WE'LL HEAR ABOUT IT.

THANKS FOR BRINGING THIS TO OUR ATTENTION.

DID THE CONDITIONS REPEAT THERE?

>> CAN I REQUEST WE GET THROUGH SOME OF THE TESTIMONY
AND GET BACK TO THE QUESTIONS.

WE HAVE BEEN FOR 45 MINUTES.

I WANT TO BE RESPECTFUL OF THE TIME IN THE AUDIENCE.

>> CHAIR TREGUB: THANKS DENISE, THAT'S A FAIR REQUEST.
EARNEST.

>> I THINK I CAN BE QUICK.

I LIVE A HALF BLOCK FROM THIS CAR DEALERSHIP AND SOME
OF THE NEIGHBORS IN THE GENERAL NEIGHBORHOOD TRIED FOR YEARS
EVEN BEFORE BERKELEY HONDA MOVED TO GET THE PARKING ENFORCEMENT
PEOPLE TO ENFORCE THE PARKING LAWS AROUND BOTH THE BERKELEY
HONDA DEALERSHIP WHERE IT USED TO BE WITH IT WENT ON BEFORE WE
RAN OUT OF ENERGY AND IT WAS NEVER TAKEN CARE OF.

SO I'M THRILLED TO HEAR THESE THINGS ARE BEING TAKEN
CARE OF AND ARE GOING TO BE TAKEN CARE OF.

I WALK A DOG TWICE A WEEK ALONG BOARD STREET AND SEE
TEST DRIVES ALL THE TIME.

I DON'T HAVE A CAMERA WITH ME USUALLY WHEN I'M WALKING
MY DOG.

I DON'T HAVE A CELLPHONE.

I DON'T HAVE THAT TECHNOLOGY.

AND SO I HAVING HAD THE EXPERIENCE I HAD WITH PARKING
ENFORCEMENT, IT NEVER OCCURRED THERE WAS SOMEONE I COULD CALL.

I'M WALKING DOWN THE STREET, I SEE WHAT OBVIOUSLY A
TEST DRIVE GOING BY.

AND THIS HAPPENS, I'M OUT THERE ONLY A FEW MINUTES,
ACTUALLY PER DAY, AND I SEE IT ALL THE TIME.

IF YOU DO THE MATH YOU SEE IT'S HAPPENING ALL DAY
LONG. SO I WOULD LIKE TO KNOW WHOM TO CALL?

WHAT CAN I DO AND HOW DO I REPORT THIS?

HOW IS IT TAKEN CARE OF GIVEN IT'S SUCH A FLEETING
OCCURRENCE, THERE IS NO LICENSE NUMBER TO TAKE DOWN AND I DON'T
HAVE A CAMERA, HOW DOES THIS WORK?

>> CHAIR TREGUB: THANK YOU.

>> I'LL TRY TO BE BRIEF TOO.

I'M A RELUCTANT ACTIVIST.

I BUILD FOR A BUILDING.

THIS PROCESS NEVER IN BERKELEY ANYMORE BUT I'M SORT OF
AMAZED.

I REALLY THINK HAVING A ZONING ORDINANCE AND SOMEONE LIKE ZAB TO ADJUST IT MAKES PERFECT SENSE.

THE FACT YOU CAN THROUGH MONTHS OF TRYING TO ADJUST IT AND AT THE END YOU HAVE A PERSON IN THE BUILDING WHO TOTAL FLOUTS AND IGNORES IT AND THERE IS NO ENFORCEMENT EXCEPT BY THE MAYORS.

THERE IS ALL THIS TALK, DID YOU SEE THIS OR THAT?

I HAVE A JOB.

I GO TO WORK EVERY DAY.

WHY AM I SUDDENLY BEING THE ENFORCEMENT PERSON FOR THE CITY OF BERKELEY?

I HAVE OTHER THINGS I WOULD LIKE TO DO.

NOT MY JOB.

I'M PERFECTLY HAPPY TO REVIEW THEM.

I DO IT ALL THE TIME BUT I GET PAID FOR IT, IT'S MY PROJECTS.

IT'S LIKE WHAT WE'RE TALKING ABOUT THE FANS.

THERE WAS ONE FAN, THE ACTUAL ON THE FACE OF THE PERMIT THERE ARE THREE FANS, TWO OF THEM ARE SMALL FANS FOR SHOW ROOM AND A BATHROOM I THINK OR SHOWER STALL.

THERE WAS DUCTING IN THE CEILING, WHICH I HAVE NO IDEA IF IT'S THERE, I'M NOT WELCOME.

THAT WOULD HAVE LOWERED THE REQUIREMENTS FOR FANS BECAUSE YOU ARE NOT TRYING TO EVACUATE THE WHOLE BUILDING FROM THE POLLUTION.

I DON'T KNOW WHO REDESIGNED IT AND IT'S NOT MY JOB TO KNOW. IT'S YOUR JOB, YOUR JOB OR THE ARCHITECT'S JOB.

CERTAINLY NOT MINE.

I FEEL LIKE THE SYSTEM IS REALLY NOT WORKING AND WORKING VERY POORLY AND TO THE DETRIMENT OF THE PEOPLE WHO LIVE HERE.

AND I FIND IT EXTREMELY UPSETTING.

I KNOW PEOPLE WANT TO DO THINGS I DON'T WANT TO IN THEIR BUILDINGS, AND THAT'S FAIR.

I'M DONE.

I WISH I WERE DONE, I DON'T THINK I AM.

>> CHAIR TREGUB: THANK YOU.

STEVE?

>> I HAVE FOUR POINTS.

FIRST, IT VERY OFTEN SEEMS TO BE THE CASE THAT PLANNING STAFF DON'T ALWAYS MAKE IT CLEAR TO DECISION MAKERS EXACTLY WHAT CAN AND CAN'T BE DONE IN APPROVING A PROJECT.

SO OFTEN IN TO CAUSE A GENUINE COMPROMISE THE ZAB MAKES COMPROMISES LIKE A TEMPORARY CERTIFICATE OF OCCUPANCY AND WE LEARN AFTER THE FACT IT'S NOT REALLY WHAT EVERYBODY THOUGHT IT WAS.

AND THERE IS NO PROCESS TO GO BACK AND FIXING THAT OTHER THAN SORT OF A SHRUG FROM THE CITY.

STAFF DON'T OFTEN INSIST THEY GIVE COMPLETE ACCURATE INFORMATION.

WITH THE HONDA GARAGE ENTRANCE, ONE WAS EXACTLY HOW MANY SERVICE VISITS DO THEY GET A DAY AND HOW MANY CARS GO IN AND OUT?

HONDA WAS NEVER REQUIRED TO SAY THAT AND THE NUMBER CHANGED OVER TIME.

THEY GAVE YOU A GUESSTIMATE OR SOMETHING.

WE WENT THROUGH THE PROCESS INCLUDING THE APPEALS.

THEY WERE NEVER TOLD BY THE CITY YOU HAVE TO TELL US WHAT YOUR CURRENT TRAFFIC GENERATION IS.

WE FOUND THAT MANY REQUIRED CONDITIONS ARE LARGELY UNENFORCEABLE.

THE CITY, THERE WERE A COUPLE DAYS WHEN CONSTRUCTION STARTED EARLY.

IT TURNS OUT THE CITY STAFFER WHO IS SUPPOSED TO SITE CONTRACTORS FOR STARTING EARLY DOESN'T GET TO WORK UNTIL 9:00 AND SAID CALL HIS PHONE NUMBER, HE SAID CALL MY PHONE NUMBER AND I THINK HIS VOICEMAIL WAS FULL.

HOW DO YOU ENFORCE THAT?

PARKING ENFORCEMENT STAFF SOMEHOW LOSE THEIR SITE WHEN THEY SEE A CAR DEALERSHIP VEHICLE PARKED ILLEGALLY OR LEFT IN THE WRONG SPACE.

YOU WERE TOLD EVERYTHING WAS RESOLVED.

I WANT TO READ YOU A PARAGRAPH FROM A LETTER BY STEVEN BUCKLEY, LAND USE PLANNING MANAGER TO SOME OF THE NEIGHBORS ON JUNE 20.

YOUR CONCERNS ABOUT LIMITED DELIVERS TO ADELINE, NOT TEST DRIVING IN RESIDENTIAL STREETS, TOW TRUCKS AND PEOPLE MAKING PROHIBITED TURNS ARE NOTED AND HAVE BEEN FORWARDED TO HONDA.

THAT WAS THE ANSWER THE NEIGHBORS GOT.

THE PEOPLE YOU ARE COMPLAINING ABOUT HAVE BEEN SENT YOUR CONCERNS, END OF STORY.

LAST ITEM, YOU TRY CALLING THE POLICE AND REPORTING THAT AN ILLEGAL TEST DRIVE IS OCCURRING ON SUNDAY.

I UNDERSTAND THAT BUT WE ARE, I MEAN YOU WOULD BE LABELED A LUNATIC BY THE POLICE IF YOU DID THAT.

>> CHAIR TREGUB: THANK YOU, STEVE.

[APPLAUSE]

>> CHAIR TREGUB: WE'RE GOING TO GO IF ANYONE ON ZAB WISHES TO MAKE COMMENTS, BRIEF COMMENTS, NOW WOULD BE THE TIME.

JOHN?

>> J. SELAWSKY: I WOULD LIKE TO PLACE ON A FUTURE AGENDA A REVIEW OF CONDITIONS OF APPROVAL AND USE PERMITS FOR THIS PROJECT, AND THAT'S A MOTION.

>> SECOND.

>> J. SELAWSKY: THANK YOU.

BECAUSE THERE ARE A NUMBER OF ISSUES HERE THAT I DON'T THINK HAVE BEEN FULLY RESOLVED AND THERE ARE ON-GOING AND I REALLY THINK WE NEED TO REVIEW THIS.

THANK YOU.

>> CHAIR TREGUB: THANK YOU. THEN --

>> CAN I ADD I WOULD WANT SUGGESTIONS FROM STAFF ABOUT
WHAT ACTIONS WE MIGHT BE ABLE TO TAKE.

LIKE CAN WE ACTUALLY GO SO FAR AS TO REVOKE AN
OCCUPANCY PERMIT?

>> I ACCEPT THAT, THANK YOU.

I THINK THAT'S A GREAT IDEA.

>> CHAIR TREGUB: YES.

>> I WOULD LIKE TO ADD WE REQUEST A RESPONSE IN
WRITING FROM HONDA AS PART OF THE WHEN IT GETS CALENDARED AGAIN
THEY NEED TO ADDRESS THE COMPLAINTS THAT HAVE BEEN FORWARDED AND
ALSO, WE NEED TO MAKE A SCHEDULE FOR THE SOME OF THE CONDITIONS
STILL OUTSTANDING.

CONDITION 36, WHICH STILL HAS TO HAPPEN.

SO WE WANT TO HAVE THEM RESPOND AND PROPOSE WHEN THAT
IS GOING TO HAPPEN AND WHO THEY'RE GOING TO BE HIRING AND
POTENTIALLY HAVE AN INDEPENDENT ENGINEER REVIEW THAT THE
TRAFFIC, NUMBER 36.

>> A POINT OF CLARIFICATION, THE PREVIOUS TRAFFIC
STUDIES SUBMITTED BY HONDA AS WITH ANY APPLICANT ARE REVIEWED BY
THE CITY TRAFFIC ENGINEER.

WOULD YOU LIKE A THIRD PARTY FROM THE CITY TRAFFIC
ENGINEER?

>> A QUALIFIED TRAFFIC ENGINEER.

THEY WOULD HAVE BEEN APPROVED BY THE CITY, CORRECT?

THAT NEEDS, I GUESS IT'S NOT SIX MONTHS YET BUT SOONER RATHER THAN LATER IT SOUNDS LIKE THEY HAVE ALREADY BEEN HAVING SOME PROBLEMS WITH -- I GUESS SOME OF THE ISSUES THAT THEY HAVE BEEN HAVING PROBLEMS WITH ARE MORE AS PEOPLE GO INTO THE DRIVEWAY AND THE HALF IN DRIVEWAY, THAT'S A BIG MISTAKE THEY DON'T HAVE A HIGH ENOUGH DOORWAY TO ALLOW A TOW TRUCK.

I MEAN, I CAN'T BELIEVE THEY DESIGNED THAT THAT WAY. IN FACT, THAT'S REALLY A BIG MISTAKE ON THEIR PART.

IS NOT TO HAVE A DRIVEWAY THAT CAN FIT A TOW TRUCK.

I THINK WE NEED TO FIGURE OUT HOW TO MITIGATE THAT PROBLEM FOR SURE.

I DO WANT TO SAY THAT ON THE WAY OUR SYSTEM WORKS, IT IS COMPLAINT BASED.

AND I THINK THE TEST DRIVES QUESTION, YES, THAT IS NOT A MATTER FOR THE POLICE.

BUT IF IT'S BOTHERING PEOPLE THE WHOLE POINT WE DIDN'T WANT A LOT OF TRAFFIC DOWN THERE.

SO IT SHOULD BE WHETHER IT'S CAUSES A PROBLEM FOR THE RESIDENTS.

THE FACT THEY DO A TEST DRIVE, IF THEY'RE DOING TEST DRIVES AND THERE IS CONSTANTLY TRAFFIC THAT'S WHAT WE WANT TO AVOID.

I THINK WE NEED TO FOCUS ENERGIES ON THE HEALTH AND SAFETY, SAFETY ESPECIALLY.

I'M NOT SO WORRIED ABOUT THE TEST DRIVES UNLESS THEY ARE GOING ON EIGHT HOURS A DAY AND RACING DOWN THE STREET.

I AM REALLY VERY CONCERNED ABOUT THE TRAFFIC ISSUES AND AS WELL AS THE NOISE AND THE PARKING ISSUES.

WE UNDERSTAND HAVING ANY KIND OF DEALERSHIP IS GOING TO CREATE ISSUES AND WE WERE VERY SPECIFIC ABOUT THEM COMPLYING.

IT IS VERY DISAPPOINTING AND I WANT HONDA AND THE PROJECT TEAM THAT PROMISED TO FOLLOW THE RULES TO BE IN HERE AND EXPLAIN THEMSELVES.

>> CHAIR TREGUB: YEAH, I WANTED TO SECOND THAT.

SHOSHANA.

>> IF THIS PASSES WILL HONDA REQUIRED TO COME?

I WOULD LIKE FOR THEM TO BE HERE SO WE CAN ASK THEM QUESTIONS.

>> I DON'T BELIEVE WE CAN REQUIRE THEM TO ATTEND BUT WE'LL COORDINATE THE SCHEDULING OF THE MEETING AND HOPEFULLY AT A TIME WHEN THEY'RE AVAILABLE AND SEE HOW THIS IS IN THEIR BEST INTEREST.

>> S. O'KEEFE: I WOULD LIKE FOR THEM TO COME.

>> CHAIR TREGUB: THANK YOU.

PATRICK.

>> P. SHEAHAN: IS THERE A REPRESENTATIVE FROM HONDA HERE TONIGHT?

NO REPRESENTATIVE, WOW.

IF THERE WERE I WOULD ASK THEY PROVIDE CONTRACT INFORMATION FOR NEIGHBORS' COMPLAINTS ABOUT ANY OF THESE ISSUES THAT HAVE COME UP.

I THINK THE CRUX OF THE PROBLEM, AND I KNOW WHEN THIS WAS APPROVED I MADE A REQUEST TO THE REPRESENTATIVES OF HONDA AT THE TIME TO PLEASE, PLEASE COMPLY WITH THE CONDITION AS WELL AS LAW AS APPLICABLE TO YOUR OPERATION.

THAT SEEMS ON THE FACE SIMPLE ENOUGH.

AND IT PLACES AN UNFAIR BURDEN ON THE STAFF, ON TRAFFIC ENFORCEMENT, ON POLICE, ALL THESE AGENCIES SHOULDN'T HAVE TO BE DOING THIS, THE NEIGHBORS SHOULDN'T HAVE TO POLICE THIS.

AND IT'S SIMPLY UNETHICAL AND UNFAIR OF HONDA TO PLACE ALL THESE PEOPLE IN THAT POSITION, WHICH IS OBVIOUSLY AGGRAVATING AND SERIOUSLY DIMINISHES THE QUALITY OF LIFE LIVING IN THE IMMEDIATE NEIGHBORHOOD.

I THINK WE SHOULD, I WOULD -- AND I SUPPORT THE MOTION AND I THINK I WOULD LIKE TO SEE THE BOARD BE VERY STRONG ABOUT ENFORCEMENT OF NOT ONLY CONDITIONS BUT ALL APPLICABLE LAWS BE COMPLIED WITH.

>> I WOULD LIKE TO MAKE A FRIENDLY AMENDMENT TO YOUR MOTION.

IT'S LOOKS LIKE YOU ARE ABOUT TO DO IT YOURSELF.

I THINK WHAT WE'RE ALL INTERESTED IN HERE IS COMPLIANCE.

AND I DO THINK THIS IS A GOOD IDEA THIS MOTION IF IT GETS THEIR ATTENTION BECAUSE ULTIMATELY, WE HAVE THE POWER TO REVOKE THE USE PERMIT IF THEY ARE OUT OF COMPLIANCE BUT I REALLY WANT THEM TO COMPLY.

SO IF WE CAN IDENTIFY AND I THINK YOU ARE DOING THAT IN OUR MOTION, THE PARTICULAR AREAS, THEY NEED FULL COMPLIANCE WITH ALL ITEMS AS PROMISED AND REQUIRED.

BUT THERE ARE PARTICULAR ITEMS BROUGHT FORTH BY THE COMMUNITY, THE LIGHT, THE DRIVING THROUGH THE NEIGHBORHOOD, THE BLOCKING OF THE SIDEWALK, THE ACOUSTIC ISSUES RELATIVE TO THE MULTIPLE RATHER THAN THE ONE VENT.

ARE THESE THE ONES YOU HAVE ENUMERATED HERE?

IF WE LIST THOSE AS PARTICULAR CONCERNS WE WOULD LIKE TO HEAR THEIR DEFENSE, RESPONSE, CORRECTION, WHAT HAVE YOU, WE NEED TO BE SATISFIED THEY ARE TAKING ACTIONS NOT STICKING COMPLAINTS IN THE BOTTOM DOOR.

>> CHAIR TREGUB: BRAZILE AND CARRIE.

>> B. CLARK: I WANTED TO ECHO WHAT TERESA SAID REGARDING TRAFFIC NOISE AND PARKING BUT ALSO WHAT YOU SAID CHARLES BUT I ALSO WANTED TO POINT TO YOU KNOW SECTION 42 BECAUSE THAT WASN'T TALKED ABOUT, THE IMPOSITION OF ADDITIONAL CONDITIONS.

A LOT OF COMPLAINTS WERE TAKEN BEFORE ITEM 37 AND AT 37 IS WHERE IT SAYS AT ALL TIMES.

AND THE ONLY COMPLAINT I HEARD REALLY BROUGHT UP WAS NUMBER 41, THERE LOCATION OF TEST DRIVES.

T SO I THINK ALL OF OUR AMENDMENTS NEED TO BE PLACED IN THIS SECTION.

AND ALSO READING FURTHER INTO LINE 42, IT'S A QUESTION FOR MYSELF ON BEHALF OF THOSE I HEARD, WHO IS THE ZONING OFFICER?

IT SAYS IF A FACTUAL COMPLAINT IS RECEIVED BY THE ZONING OFFICER, WHO IS THE ZONING OFFICER, WHERE ARE THEY LOCATED AND WHAT ENFORCEMENT POWERS DO THEY HAVE?

>> CHAIR TREGUB: SHANNON, WOULD YOU LIKE TO ANSWER?

>> SURE, GREG POWELL.

>> THE CAN COMPLAINTS THEN COME BACK TO US.

>> AS WHEN GREG POWELL WAS HERE TWO WEEKS AGO AND SAID, SHANNON WILL BE HERE IN TWO WEEKS TO ANSWER YOUR QUESTIONS, HE WILL BE HERE TO ANSWER YOUR QUESTIONS ON THE DUTIES OF THE ZONING OFFICER.

SO A -- A BETTER ANSWER IS I'M NOT SURE.

AND HONESTLY THIS DOES NOT COME UP VERY OFTEN.

THIS IS THE FIRST INSTANCE THAT I HAVE HAD AND I HAVE BEEN WITH THE CITY JUST UNDER FOUR YEARS.

IN TERMS OF BRINGING INFORMATION BACK, WALKING THROUGH THE CONDITIONS OF APPROVAL METHODICALLY DOESN'T COME UP ON A REGULAR BASIS.

IT'S FUN TO THROW GREG UNDER THE BUS BUT I'M NOT SURE THIS COMES UP REGULARLY AND WE WOULD HAVE AN ANSWER.

>> DEFINE CLARITY FOR THE PUBLIC.

WHAT IS EDUCATIONAL OR INTERESTING ABOUT THESE CONVERSATIONS HELPS STAFF AND I HOPE IT HELPS ZAB AS WELL WHEN WE RIGHT OUR CONDITIONS OF APPROVAL.

MAYBE THE STANDARD LANGUAGE IS THE ZONING OFFICER AND THE CODE ENFORCEMENT UNIT WHICH THAT DIVISION IN THE CITY FOLLOW-UP WITH THE MAJORITY OF THE CONDITIONS OF APPROVAL, IT'S UNDER THEIR PURVIEW AND A SMALL PIECE IS BUILDING AND SAFETY AND ENVIRONMENTAL HEALTH.

THERE MAY BE A BETTER WAY TO WRITE THE CONDITION OF APPROVAL SO I DON'T HAVE TO SAY I'M NOT SURE WHAT IT MEANS.

>> I WANTED TO SPEAK TO THAT EXACTLY.

THAT IS WHAT I WAS ASKING.

THE ZONING OFFICER SHOULD RECEIVE EVERY COMPLAINT.

IT SAYS FACTUAL COMPLAINT MUST BE RECEIVED BY THE ZONING OFFICER.

IN ORDER FOR US TO DO A REVOCATION OF A PERMIT, THE ZONING OFFICER NEEDS A COPY OF ALL FACTUAL COMPLAINTS AND THEN THEY SHOULD BE DISTRIBUTING THEM AND MAKING SURE OUR OTHER AGENCIES FOLLOW-UP ON THOSE AND HAVE A WRITTEN RESPONSE.

HAVING IT ALL DISPERSED IS NOT THE RIGHT WAY.

IT'S SPECIFIC HERE, HOW CAN YOU REVOKE A USE PERMIT IF YOU DIDN'T HAVE ALL THE INFORMATION IN ONE PLACE YOU COULD CREATE A CASE ON.

IT'S IMPORTANT TO DOCUMENT THESE KINDS OF THINGS IN ORDER TO ENFORCE THEM.

>> CHAIR TREGUB: CARRIE AND THEN ME AND WE SHOULD MOVE TO A VOTE.

>> SUBJECT TO REVIEW, 42.

THIS PERMIT IS SUBJECT TO REVIEW IN POSITION OF ADDITIONAL CONDITIONS OR REVOCATION IF FACTUAL COMPLAINT IS RECEIVED BY THE ZONING OFFICER, GREG POWELL AT THE CITY OF BERKELEY PLANNING OFFICER, THE MAINTENANCE OR OPERATION OF THIS ESTABLISHMENT IS VIOLATING ANY OF THESE OR OTHER REQUIRED CONDITIONS OR DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, MORALS, COMFORT OR GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR IS DETRIMENTAL OR INJURIOUS TO PROPERTY OR NEIGHBORHOOD OR GENERAL WELFARE OF THE CITY.

THE PHOTOS WERE REALLY INTERESTING TONIGHT.

CLEARLY THERE IS SOMETHING GOING ON THAT WASN'T ANTICIPATED.

I WOULD ASK THAT GREG POWELL ATTEND THE HEARING.

THEN THERE ARE A FEW PROVISIONS CALLED OUT AS VERY SPECIFIC AND I'M SORRY, I RIPPED MY PAPER APART. I WANTED TO TELL YOU WHAT THEY WERE.

SORRY I SHOULDN'T HAVE RIPPED THIS APART OF THE AND I
DID.

I'M GOING TO START WITH 10, WHICH IS A VEHICLE
OPERATIONS PLAN.

I'M SAYING THESE WHETHER OR NOT THESE WERE PRIOR TO
ISSUANCE OF THE PERMIT OR NOT.

I'M SAYING ALL OF THE THESE ARE THE ISSUES WE HAVE HAD
BROUGHT UP AND I THINK WE ALL HAVE CONCERNS WITH WHETHER OR NOT
THESE HAVE BEEN SUCCESSFULLY IMPLEMENTED.

NUMBER 15, WHICH IS THE LIGHT AND GLARE.

I WOULD LIKE PROOF THAT THAT IS TAKEN CARE OF AND I
WOULD ALSO LIKE TO HEAR FROM THE NEIGHBOR IF YOU CAN ARRANGE
THAT.

I'M GOING TO LEAVE ASIDE 16 ASK COME BACK.

20 IS NOISE AND AIR QUALITY, 35 AND 36, 39, THE
TRANSIT SUBSIDY.

AND 41 IS TEST DRIVES.

16, WHICH IS THE PROJECT LIAISON, I THINK GIVEN WHAT
WE HAVE SEEN, WHICH I CAN TELL THE NEIGHBORHOOD, IS REALLY
UNUSUAL, IN MY 20 YEARS OF DOING THIS AS WELL YOU HEARD IT FROM
SHANNON ALLEN AND I'M ADDING MY VOICE IN, THIS IS NOT NORMAL.

SO IT MAYBE WE NEED A PROJECT LIAISON THAT THE
NEIGHBORHOOD CAN GET IN TOUCH WITH.

CALLING THE POLICE ON A SUNDAY WILL NOT GET A
RESPONSE.

>> MY MOTION IS TO INCLUDE THEM TO REQUEST THE CITY
COME BACK WITH ANSWERS ON WHETHER OR NOT THEY HAVE BEEN COMPLIED
WITH.

>> THAT'S FINE WITH ME.

THANK YOU.

>> I WOULD LIKE HONDA TO COME BACK WITH ANSWERS.

>> CHAIR TREGUB: I PRESUME THAT WAS PART OF THE
MOTION.

>> NUMBER 42 SAYS WE COULD REVOKE THE PERMIT.

SO IF HONDA DOESN'T SHOW UP THEY SHOULD BE AWARE WE
COULD FIND THIS HAS NOT BEEN A SUCCESSFUL PROJECT AND THE PERMIT
NEEDS TO BE REVOKED.

THAT IS MY UNDERSTANDING AND STAFF CAN TELL US WHETHER
OR NOT WE HAVE THE POWER TO DO THAT.

>> I DON'T THINK THEY'RE REQUIRED TO BE HERE BUT THE
MOTION WOULD BE AN UNOFFICIAL INVITATION.

>> I SUSPECT IF WE HAVE A REVOCATION HEARING THEY WILL
MAKE AN APPEARANCE AND IF THEY DON'T THEY DON'T.

THAT'S THEIR CHOICE.

>> CHAIR TREGUB: IS THAT GOING TO BE FOR INFO OR
ACTION IF THERE IS AN ACTION PROPOSED, I MEAN, SO I ASSUME EVEN
THOUGH WE CAN'T COMPEL OR SUBPOENA SOMEONE TO ATTEND IT WOULD BE
IN THEIR BEST INTEREST TO DO IT.

WHAT I WOULD SUGGEST IS WE GO WITH THAT AND --

>> THIS IS NOT A MOTION FOR A REVOCATION HERE.

IT'S INFORMATION.

>> CHAIR TREGUB: GOOD.

SO THAT WILL BE AGENDIZED FOR INFORMATION, AGAIN.

I KNOW STAFF WILL BE ABLE TO PUT THIS NICELY, IT WOULD BE IN THEIR BEST INTEREST OF BERKELEY HONDA TO BE THERE.

ACTUALLY, IF POSSIBLE, I KNOW WE CAN'T COMPEL STAFF TO ATTEND, I MEAN GREG SHOULD BE HERE, IT WOULD BE WONDERFUL IN THE SOMEONE FROM THE CODE ENFORCEMENT DEPARTMENT COULD ATTEND AS WELL AND TELL US, BUT MORE IMPORTANTLY, LET THE NEIGHBORS KNOW WHAT STEPS HAVE BEEN TAKEN AROUND ENFORCEMENT OF THESE CONDITIONS.

AND FINALLY, BECAUSE THIS CAME UP WE'RE NO LONGER IN CONSTRUCTION BUT I WOULD LIKE CONDITION 23, CONSTRUCTION HOURS, SINCE THERE WERE ALLEGATIONS OF CONSTRUCTION STARTING EARLIER, TO BE DISCUSSED AS WELL.

SO ARE YOU OPEN TO THAT BEING PART OF THE MOTION?

>> YES.

>> CHAIR TREGUB: OKAY.

>> SURE.

>> CHAIR TREGUB: WITH THAT, LET'S MOVE TO A VOTE ON THAT MOTION.

[ROLL CALL VOTE].

>> CHAIR TREGUB: YES.

SO THANK YOU.

I REALIZE THIS IS UNUSUAL BUT THIS IS A POSTER CHILD FOR MANY ISSUES THAT WE HAVE HEARD ABOUT OVER THE YEARS AROUND THE LACK OF ENFORCEMENT.

IF WE CAN FIX THIS, THEN THAT CAN A BEST PRACTICE FOR EVERY SINGLE THING THAT WE VOTE TO APPROVE IN THE FUTURE.

OKAY.

SO WE'LL GIVE STAFF A SECOND TO SHUFFLE.

>> WE HAVE TO APPROVE THE ACTION CALENDAR, RIGHT?

THE MINUTES

>> MOTION TO APPROVE.

>> SECOND.

>> CHAIR TREGUB: ALL IN FAVOR.

ANY OPPOSING OR ABSTAINING?

>> SO BRAZILE PASSED AND CARRIE SECONDED.

THANK YOU.

>> CHAIR TREGUB: SO NOW WE WILL MOVE TO THE ACTION CALENDAR.

SHATTUCK IS OUR FIRST OF TWO ITEMS TONIGHT.

>> GOOD EVENING.

AS YOU MENTIONED, THE ITEM BEFORE YOU IS THE CONTINUED ITEM 3,000 SHATTUCK INITIALLY HEARD ON JULY 3, 2017, APPROXIMATELY A YEAR AGO.

AND MOST RECENTLY ON MAY 10, 2018 AT WHICH POINT YOU DIRECTED THEM TO MAKE CHANGES.