

**Jacob, Melinda**

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**From:** Steven Schuyler <tell.stevenj@gmail.com>  
**Sent:** Tuesday, April 21, 2026 6:24 AM  
**To:** Zoning Adjustments Board (ZAB)  
**Cc:** All Council; Brown, Farimah F.; Manager, C; Klein, Jordan  
**Subject:** Demand to Cure and Correct Brown Act Violations (Item 6-C, ZP2025-0113)

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**FORMAL DEMAND TO CURE AND CORRECT VIOLATION OF THE RALPH M. BROWN ACT (Pursuant to California Government Code Section 54960.1)**

Date: April 21, 2026

To: Zoning Adjustments Board, City of Berkeley

Cc: Farimah Brown, City Attorney Jordan Klein, Director of Planning Paul Buddenhagen, City Manager Berkeley City Council

From: Steven Schuyler 2175 Kittredge Street, Unit 318 Berkeley, CA 94704

Subject: Demand to Cure and Correct Brown Act Violations Regarding April 9, 2026 Board Meeting, Agenda Item 6-C (Use Permit Modification ZP2025-0113 for 2128 Oxford Street)

Dear Members of the Zoning Adjustments Board:

This letter serves as a formal Demand to Cure and Correct under California Government Code Section 54960.1 regarding severe procedural and open-meeting violations committed by the Zoning Adjustments Board during its regular meeting on April 9, 2026. This demand is timely submitted within the strict 30-day statutory window following the violation.

Violations of Government Code Section 54954.3(a) and Published Meeting Rules During the April 9, 2026 meeting, the board deliberately violated my statutory right to provide public comment on a specific agenda item before or during its consideration, in direct violation of the Ralph M. Brown Act. The board's own published, public-facing agenda explicitly guarantees that there will be no separate discussion on consent calendar items unless a member of the board or a member of the public requests removal of the item.

I meticulously followed this published procedure. I submitted multiple formal written requests to pull Item 6-C from the consent calendar prior to the hearing, and I submitted a physical speaker card and explicitly informed Associate Planner Joshua Muller of my demand to pull the item before the meeting began. Despite this undeniable notice, the acting Chair refused to honor the request, denied me a separate hearing on this item, and illegally

forced the zero-foot setback waiver through on the consent calendar. This constituted a direct procedural bypass to suppress my public testimony regarding severe accessibility hazards.

Violation of Binding Legal Precedent As established in the recent 2025 appellate ruling, Berkeley Peoples Alliance v. City of Berkeley (114 Cal.App.5th 984), the City of Berkeley may not manipulate meeting procedures to exclude the public and cannot invent unwritten workarounds to bypass explicit statutory or published procedures. The board's refusal to honor its published consent calendar rules and any post-hoc reliance on an unwritten discretion of the chair rule to deny my hearing request is a direct violation of this binding legal precedent.

Formal Demands To legally cure and correct these procedural and open-meeting violations, I formally demand that the Zoning Adjustments Board take the following three specific actions:

1. Officially void its April 9, 2026 approval of Use Permit Modification ZP2025-0113 (Item 6-C for 2128 Oxford Street).
2. Re-notice the item for a full, open public hearing in compliance with the Brown Act and all published procedures.
3. Formally identify and correct in the administrative record the fabricated condition of approval verbally cited by Associate Planner Joshua Muller during the April 9 hearing, which was falsely presented to the board to secure their vote.

Pursuant to California Government Code Section 54960.1, the Zoning Adjustments Board and the City of Berkeley have 30 days from the receipt of this demand to cure and correct these violations. If the board refuses to void the illegal vote and cure the procedural defects within this statutory timeframe, I am statutorily authorized to file a lawsuit in Superior Court to have a judge declare the developer's permit null and void.

I am preserving this correspondence as part of my formal evidentiary record.

Sincerely,

Steven Schuyler

Steven Schuyler

Words I live by:

**Every moment of your life, always do what is in your best interest**

**The things I avoid right now are only waiting for me down the line!**

**Relationships with customers last a lifetime; transactions are only temporary!**