

GMSX LLC
2106 Shattuck Avenue
Berkeley, CA 94704

MAYOR + COUNCIL

Sara T. Cox
City Clerk
2180 Milvia Street
Berkeley, CA 94704

October 10, 2005

RE: 2170 Shattuck Avenue - Appeal ZAB Decision Use Permit #05-70000026

Dear Ms. Cox:

Thank you for your letter of September 26, 2005 regarding our appeal of the Zoning Adjustments Board decision of August 25, 2005 with regards to 2170 Shattuck Avenue. You invited communications by October 11, 2005 to be included in the agenda packet, which we now enclose.

The only additional comment we add at this time is to reaffirm the original appeal of May 31, 2005. As stated in Staff's report of August 25, 2005 under Section V, Subsection A "Key Issues":

"The proposed food service use is compatible with other uses in the district because it will implement the policies of the General Plan and Downtown Plan to create an appealing and comfortable pedestrian oriented environment by: 1) widening the variety of commercial business serving a City-wide cliental [...]"

Which was merely a restating of the original Zoning Officer's decision which we appealed originally:

"As required under Section 23E.68.020, the proposed quick-service restaurant is found to be compatible with other uses in the district because it will widen the variety of commercial businesses serving a City-wide cliental, and will implement policies of the General Plan (2001) and Downtown Plan (1990) to create an appealing, comfortable, pedestrian orientated environment for the Downtown that will also support the neighborhood's evening activities;

Throughout the appeal process we never received any argument how a fourth ice cream store in a 400 ft radius or a second gelateria in a 200 ft radius can possibly widen the variety of commercial businesses for the Downtown. So as we stated in the May 31, 2005 appeal, the proposed quick-service restaurant will *not* widen the variety of commercial businesses for the Downtown, and should be found *not* compatible with current uses in the district.

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CITY OF BERKELEY
CITY CLERK DEPT

Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Chris Tan", written in a cursive style.

GMSX LLC, by
Chris Tan

Note: Please send all correspondence about this Project, hearings and related materials to:

Chris Tan
GMSX LLC
2106 Shattuck Avenue
Berkeley, CA 94704