

**Kelly, Sherry**

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**From:** JimHult@aol.com  
**Sent:** Friday, September 22, 2006 1:39 PM  
**To:** Anderson, Maxwell; WZSEBEAR1@aol.com; Olds, Betty; clair\_emarie@msn.com; Clerk; Moore, Darryl; Spring, Dona; galeg@uclink.berkeley.edu; Wozniak, Gordon; more1@llnl.gov; Joanmore@comcast.net; Worthington, Kriss; Capitelli, Laurie; Caronna, Lisa; Maio, Linda; Englund, Sandy; Berkeley Mayor's Office; olivelives@sbcglobal.net; Bates, Tom  
**Subject:** 2721 Shattuck Ave. Cell Phone Antennas

Dear Council Members, Mayor Bates:

Please do not approve the installation of Cell phone antennas at 2721 Shattuck Ave. Below are just a few of the many valid reasons before you for not approving this matter.

Important documents that had been in the Zoning File for 2721 Shattuck Ave. are missing (stolen) leaving the City Planner working on this project in the dark on this Property, it's Use Permit and History. This important background information was not provided to either Design Review or ZAB Board Members. Board Members were not aware of the following:

- a) The business is operating without even half the number of required parking spaces. And no handicapped parking.
- b) That the location of the Cell Phone Equipment at the site takes away the required off street off-loading area for the business. This leaves illegal double parking on Ward St. the only alternative for customers to off-load their vehicles and the business to receive deliveries. Off-loading of vehicles on a residential street is prohibited. **Berkeley Zoning Ord. Section 23E.32.010 A-F**
- c) That the site does not have the space to support this added USE without having a major impact on the surrounding neighborhood.
- d) The business is renting out City CarShare trucks from the location. This is a Prohibited Use in the district and not allowed. Neighbors were not notified and do not know who approved this added Use.

In addition, access to the equipment, 4- 5 ton air conditioning units and generator hook up are also located on the Ward St. side of the building closest to the residents.

The top units of the proposed building at 2701 Shattuck will be eye to eye with the Cell Phone Antennas, less than 40 feet away. This will have a direct effect on the ability to sell these units.

Most importantly, had the Design Review and the Zoning Adjustments Board been given the same complete and honest information on this site as the were given on the Gilman St. site they would have also rejected the Cell Phone Antennas at 2721 Shattuck Ave.

Please do what is fair and right, at the very least set this matter for a public hearing so we can get everything out in the open.

Thank you for your time.

Jim Hultman  
 2118/2122 Ward Street  
 Berkeley, Ca.  
 510-827-7433  
[jimhult@aol.com](mailto:jimhult@aol.com)

PS: Neighbors have provided the City of Berkeley with copies of some of the documents missing or stolen from the Zoning Files. Business owners have long known the benefits of stealing or removing pages they don't want seen from their own Zoning File. This practice still takes place in spite of what you have been told.

**Kelly, Sherry**

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**From:** Olive Oil [olivelives@sbcglobal.net]  
**Sent:** Friday, September 22, 2006 2:03 PM  
**To:** Anderson, Maxwell; WZSEBEAR1@aol.com; Olds, Betty; clair\_emarie@msn.com; Clerk; Moore, Darryl; Spring, Dona; galeg@uclink.berkeley.edu; Wozniak, Gordon; more1@lml.gov; Joanmore@comcast.net; Worthington, Kriss; Capitelli, Laurie; Caronna, Lisa; Maio, Linda; Englund, Sandy; Berkeley Mayor's Office; olivelives@sbcglobal.net; Bates, Tom  
**Subject:** So. Berkeley Public Deserves Public Hearing

Dear Mayor Bates and City Council Members--

South Berkeley has intrusted you with the health and prosperity of our neighborhoods.

Given that the ZAB did not have all the facts when it approved 18 CellPhone Towers for Shattuck Avenue Storage--(they said we are NOT a neighborhood)--there is still no seismic review of the building--review of how this affects our property values-- and Zoning Laws are now broken EVERY DAY at this building!!!! PLEASE RESTORE OUR FAITH THAT THE CITY OF BERKELEY WORKS FOR THE TAX PAYERS AND CITIZENS NOT VERIZON AND DEVELOPERS AND OVERTURN THIS OUTRAGEOUS ZAB DECISION THAT HURTS OUR PROPERTY VALUES-- OR AT THE LEAST--GRANT US THE PUBLIC HEARING WE DESERVE!!! VOTERS WILL BE WATCHING TO SEE IF YOU WORK FOR US--OR FOR PATRICK KENNEDY AND VERIZON/NEXTEL. PLEASE STAND UP AND BE COUNTED FOR FAIRNESS. Thank you, Ellen McGovern



**Kelly, Sherry**

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**From:** BrettAlanBrooks@aol.com  
**Sent:** Sunday, September 24, 2006 8:51 PM  
**To:** Olds, Betty; Clerk; Moore, Darryl; Spring, Dona; Wozniak, Gordon; Worthington, Kris; Capitelli, Laurie; Maio, Linda; Englund, Sandy; Anderson, Maxwell; Berkeley Mayor's Office; more1@ltnl.gov; Bates, Tom; JimHult@aol.com  
**Subject:** CELL PHONE ANTENNAS AT 2721 SHATTUCK AVE.

Dear Mayor Bates, City Council Members:

As a resident living adjacent to 2721 Shattuck Ave., I **implore** you, **PLEASE do not uphold the Zoning Adjustment Boards decision allowing Cell Phone Antennas at 2721 Shattuck Ave.**

This project has been rubber stamped and pushed through both Design Review and the ZAB without either Board being supplied important background information on which to base it's decision. **Information intentionally withheld included information on the Site, it's USE PERMIT, Neighborhood History and the Zoning Ordinance in regards to what USE is and is not allowed at the site.**

**Should a business without it's required number of parking spaces be allowed to expand? Should it be allowed to expand it's USE to the point that it takes away the businesses required off street off-loading area?**

The business owner was so sure this would slide right through the City without a hitch he began work on the project before the matter even went to the Zoning Adjustments Board.

Had Design Review and the ZAB been given the same adequate and truthful information on this project as they were given on the Gilman St. project, I have no doubt that this project would have been passed. **The area around 2721 Shattuck Ave. is every bit as much a Residential Neighborhood as the area around the proposed Gilman St. location.**

**I beg you to please do what is fair and right for the Neighborhood and it's Residents and at least hold this matter over for a Public Hearing.**

Thank you very much,

Brett Brooks  
[brettalanbrooks@aol.com](mailto:brettalanbrooks@aol.com)



**Kelly, Sherry**

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**From:** Masuret1@aol.com  
**Sent:** Tuesday, September 26, 2006 2:51 AM  
**To:** Anderson, Maxwell; Olds, Betty; Clerk; Moore, Darryl; Spring, Dona; Wozniak, Gordon; Worthington, Kriss; Capitelli, Laurie; Caronna, Lisa; Maio, Linda; Englund, Sandy; Berkeley Mayor's Office; olivelives@sbcglobal.net  
**Subject:** CELL PHONE ANTENNAS/2721 SHATTUCK

Mayor Bates, Council Members:

I want to express my extreme outrage over the issue of locating cell phone antennas at 2721 Shattuck. Being a long time property owner and neighbor of 2721 Shattuck I can assure you that the location cannot handle any additional types of use. This kind of additional use should never have been considered.

The only reason this issue is before you is the fact that Patrick Kennedy now owns the property and what he wants, he gets.

I urge all of you to take a good look at the site. Mr. Kennedy has been building without permits since 01/06. He has done away with 99% percent of the required parking and required inside unloading area. He is back to renting out vehicles at the location, a use decided long ago was not allowed. This man even began installing equipment for the antennas before it was approved.

What is especially disturbing is the fact that once again you have chosen to reward someone who is violating every Zoning law in the book.

Please tell me who in City Government is behind this kind of crap? DO NOT UPHOLD THE ZAB's DECISION TO ALLOW CELL PHONE ANTENNAS AT 2721 SHATTUCK AVE. EITHER DENY THE ANTENNAS OR SET THE MATTER FOR A PUBLIC HEARING.

Sincerely

Suzanne Masuret  
2128 Ward Street  
Berkeley, Ca.  
Masuret1@aol.com



**Morse, Cheryl**

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**From:** KarlReeh@aol.com  
**Sent:** Tuesday, September 26, 2006 10:48 AM  
**To:** Clerk; Wozniak, Gordon; Worthington, Kriss; Berkeley Mayor's Office; Olds, Betty; Spring, Dona; Maio, Linda; Englund, Sandy; Capitelli, Laurie; Moore, Darryl; Anderson, Maxwell  
**Cc:** editor@berkeleydailyplanet.com; dailycal@dailycal.org; JimHult@aol.com; olivelives@sbcglobal.net  
**Subject:** UC Storage Building, 2721 Shattuck: Request for Public Hearing

#### MISSING FILES

Many important documents that had been in the Zoning File for 2721 Shattuck Ave. have disappeared. The documents missing from the file are Zoning Citations, "Notices of Use Permit Violations", neighbors complaints, Zoning documents spelling out USE PERMIT CONDITIONS, required parking, parking lot and off-loading areas and paperwork from the business agreeing to parking, parking lot and loading areas.

Neighbors kept copies of many of these documents and have supplied them over 10 times in the last 7 years to various City Officials and Departments. To date not one copy of the documents we supplied the City has been placed back into the Zoning File.

Both Design Review or the ZAB were given no background info as to what is and is not allowed at the site. Neither Board was told that the business did not have even half it's required parking spaces. They were not told that the Antennas and Equipment would take away the last of the required off street off-loading area. (This makes illegal double parking on Ward St. the only alternative for deliveries and customer unloading.) In addition, against Zoning Guidelines, City Planner, Christopher Wolf also allowed 4 massive 5 ton air conditioning units to be placed on the roof on both the Ward St. side and east (residential) side closest to residents. He also allowed one of the companies to have their emergency generator hook up and support equipment located on and accessed on Ward St.

Important information was intentionally withheld from both Boards. Had they been given complete and honest information on which to base their decision I have no doubt this issue would not have passed.

In addition the City Planner did not verify the real need for the Antennas or the information submitted by the Cell Phone Companies as required. He decided it was not necessary and rubber stamped the project.

The site does not even have it's required parking or loading areas how can it have room to expand?

#### HISTORY

As most of you know for over 15 years LeConte residents have fought the illegal commercial encroachment of the storage business at 2721 Shattuck Ave. If it was

not one illegal use it was another. Renting Ryder Trucks (Prohibited Use), Vehicles double parking and off-loading on Ward St. (Prohibited Use), Renting their parking lot out to other businesses, Reducing the required # of parking spaces, Homeless Storage Locker Program. Not one time did the business owner seek neighborhood input or advise us of his plans. He just went ahead and did whatever he wanted to, then when neighbors complained he tried to make us out as the bad guys.

#### CURRENT EVENTS

In January Patrick Kennedy bought the business. Since January Mr. Kennedy has been building non stop at the site. Not one plan or permit has been posted or shown to neighbors. Since January we have complained till we are blue in the face to the City Managers Special Code Compliance Officer, Greg Daniel's. To date he has done nothing.

Mr Kennedy had already began illegally installing the Cell Phone Equipment before the matter even went before the ZAB. He has begun renting out City Car Share Trucks from the site, a "USE" we know first hand is prohibited at that site. City CarShare or Ryder Trucks, this "USE" is prohibited, and he has no space for it.

The new signs were also put up without permits and exceed what is allowed under Berkeley's Sign Ordinance.

The big Generator parked on Ward St. begins running as early as 6:00 AM and several times has remained on all night.

In case your wondering, Has the City Fined Mr Kennedy or Red Tagged the property, NO.

Has the City issued any AUP's for the site and notified neighbors, NO., What is the City going to do about the various "Use Permit Violations" and "Prohibited Uses" As of today, the City Managers Office has not questioned whether Mr. Kennedy is doing anything wrong.

The City should never have let this project get started in the first place. At the very least Residents deserve a Public Hearing on this matter and should demand it tomorrow night..

Watch and see if anyone claims conflict of interest tomorrow night and excuses themselves from voting.

Jim Hultman, Ward Street Neighbors

**Morse, Cheryl**

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**From:** KarlReeh@aol.com  
**Sent:** Tuesday, September 26, 2006 11:09 AM  
**To:** Clerk; Wozniak, Gordon; Worthington, Kriss; Berkeley Mayor's Office; Olds, Betty; Spring, Dona; Maio, Linda; Englund, Sandy; Capitelli, Laurie; Moore, Darryl; Anderson, Maxwell  
**Cc:** editor@berkeleydailyplanet.com; dailycan@dailycal.org; LeconteBoard@yahoogroups.com; olivelives@sbcglobal.net  
**Subject:** Public Hearing on Zoning Infractions at UC Storage Bldg.

**Dear Mayor Bates and City Council,**

**Mr. Hultman has reviewed a number of older and current zoning infractions that require consideration.**

**Specifically, What permits does this site have today? Has any work been started that does not have a permit? When was the last inspection?**

**It seems particularly ironic that Mr. Kennedy has adorned his Shattuck Street facade with beautiful aluminum sculptures while putting oversize "billboards" on the roof. Were either of these "approved" by the City?**

**These are but a few of the consideration that our neighborhood association believes should be discussed at a public hearing.**

**Karl Reeh, President, LeConte Neighborhood Assn. (843-2602)**



**Morse, Cheryl**

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**From:** Masuret1@aol.com  
**Sent:** Tuesday, September 26, 2006 11:15 AM  
**To:** Englund, Sandy; Berkeley Mayor's Office; Anderson, Maxwell; Olds, Betty; Clerk; Moore, Darryl; Spring, Dona; Wozniak, Gordon; Worthington, Kriss; Capitelli, Laurie; Caronna, Lisa; Maio, Linda  
**Subject:** CORRUPTION AND 2721 SHATTUCK

To whoever may be in charge:

Can someone with the City of Berkeley please tell me who is Approving all the building activity going on at 2721 Shattuck Ave?

**Who is responsible for allowing Mr. Kennedy to do the following:**

**Removing all the businesses required inside loading areas?**

**Illegally using Ward Street for double parking and off loading of vehicles?**

**Decreasing the number of required parking spaces?**

**The renting of City Car-Share Trucks?**

**The excessive signs on the building, a clear violation of the City of Berkeley Sign Ord.?**

**The installation of the Cell Phone Equipment before the matter even went to the Zoning Adjustments Board?**

**The illegal building that has taken place at the site since Mr. Kennedy took it over?**

As neighbors we have dealt time and time again with the many illegal uses and Use Permit violations this business has subjected us to. We fought long and hard to get these issues resolved. It angers me that Mr. Kennedy feels he can just undo everything we have fought so hard for.

Once again I ask you WHO is behind the re-writing of our Zoning Laws to suit Mr. Kennedy?

As a property owner and tax payer I would like an answer.

Sincerely,

Suzanne Masuret  
2128 Ward Street  
Berkeley  
[masuret1@aol.com](mailto:masuret1@aol.com)

9/26/2006

