

Jacob, Melinda

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**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: 2777 Shattuck Ave

**From:** Shirley Dean [mailto:shirley.dean@sbcglobal.net]  
**Sent:** Wednesday, June 08, 2016 5:04 PM  
**To:** Zoning Adjustments Board (ZAB) <Planningzab@ci.berkeley.ca.us>  
**Subject:** 2777 Shattuck Ave

Dear Zoning Adjustments Board Members,

I am writing this brief communication to you because I will not be able to attend your hearing on 2777 Shattuck Avenue because of health reasons. Basically, I want to express my full support of the excellent letter dated June 9, 2016 written by Marianne Sluis, who lives fairly close to the proposed project. Ms. Sluis' letter is well researched and requires your close attention. I wish to add below a few extra thoughts to what she has already supplied.

1. From its very inception, the move by Honda to this location has given every indication it is based on a "promise" made to Honda that if they moved to make room for other projects, they would be given the right to locate to 2777 Shattuck Avenue, thus solving two problems for the City in one shot – filling the unsightly vacant storefront left by Any Mountain and retaining the revenue generated by new car sales. If one examines the very first time this subject appeared on the Council agenda, before any zoning or planning review, statements were highlighted to Council Members regarding the City's loss of revenue should Honda leave, but there was no real explanation regarding what permits such a proposal would require, what the possible impacts of such a move would involve, nor that any notification or discussion with the surrounding residential neighborhood had ever occurred.
2. A visit to the surrounding neighborhood presents a clear and stunning example of a neighborhood that is full of carefully restored and well maintained residences which highlight the great care that must be given to mitigating the impact of a regional serving, automobile centric business and services immediately adjacent to it. The care that must be taken in making this decision is evident, and simply cannot be dismissed because this is a done deal. This is one of Berkeley's "bests" combining restored Victorians, craftsman and more modern Berkeley bungalows. Care must be taken to preserve it.
3. The traffic in the area is complex because of the islands in Shattuck Avenue, and that traffic, like traffic in the rest of Berkeley, is increasing. It seems that the proposed driveway poses problems for pedestrian safety and with the increases in traffic that the City is experiencing, that danger comes ever closer to reality.

Maybe this is not the right location for this car dealership. Even if granted a permit to locate at 2777 Shattuck Avenue, they will always be constrained at this location. That is not a good or reasonable business plan for either the Honda dealership nor for the City. At one time, City planners were promoting that car dealerships should be located closest to the freeway which seems to be the preferred location by the car companies themselves. That was the promise of the South Berkeley Plan, and when residents spend time and effort on creating a Plan, and that Plan falls apart, that is exactly what makes people lose faith in "City Hall." I leave the thought that the City should use the full force of its energy and resources to help Honda find a more appropriate location, reassuring them that we value what they bring to the City in jobs and revenue, and at the same time assuring the residential neighborhood surrounding 2777 Shattuck Avenue they are equally valued.

Thank you,  
Shirley Dean  
Former Mayor and Berkeley resident

Jacob, Melinda

**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: Opposition to Honda dealership proposal

**From:** David Puzey [mailto:david.lee.puzey@gmail.com]  
**Sent:** Wednesday, June 08, 2016 11:41 PM  
**To:** Zoning Adjustments Board (ZAB) <Planningzab@ci.berkeley.ca.us>  
**Subject:** Opposition to Honda dealership proposal

Dear Zoning Adjustments Board Members:

I am writing to express my strong opposition to the application for a Honda dealership and service garage on Shattuck Ave between Ward and Stuart Streets.

I live nearby in the neighborhood on Parker Street two blocks from Shattuck and I get around primarily by bicycle and walking. I do not own a car and I do not plan to buy one anytime soon so a car dealership would be of no service to me, nor to many of my neighbors who I know also do not own cars. I think they would agree with me that that the city should prioritize neighborhood-serving businesses in neighborhood commercial districts, such as along Shattuck Ave in South Berkeley.

The intersections on Shattuck are already really congested and I often find them hard to navigate on my bike. I also understand that Honda wants to add a driveway for bringing their car and parts deliveries in and out ON Shattuck Ave where the street bottlenecks down to one lane in each direction, which would make things even worse.

Zoning permit decisions should be made with an eye for better accommodation of pedestrians and cyclists in line with numerous city plans, including the Climate Action Plan and the South Shattuck Strategic Plan.

Finally, I understand that this project is being pushed by Republican fundraisers and real estate developers from Danville, whose businesses already have some very poor reports with the Better Business Bureau and on Yelp - that does not sound to me like the kind of business we would want in Berkeley, period. Surely there are better options for responsible development available to our city.

Thank you for considering my comments.

Sincerely,

David Lee Puzey

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"Life's not about waiting for the storms to pass, it's about learning to dance in the rain".

- *Vivian Greene*

Jacob, Melinda

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**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: 2777 Shattuck Neighbors Response  
**Attachments:** Position Paper for June 9 ZAB revised.pdf

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**From:** Louise Rosenkrantz [mailto:lrosenkrantz@sbcglobal.net]  
**Sent:** Wednesday, June 08, 2016 8:39 AM  
**To:** Zoning Adjustments Board (ZAB) <Planningzab@ci.berkeley.ca.us>; Allen, Shannon <ShAllen@ci.berkeley.ca.us>  
**Subject:** 2777 Shattuck Neighbors Response

Please find attached a neighborhood response to the latest applicant request and staff report on 2777 Shattuck.

## Parking

ZAB is being asked to approve a permit that contains a serious planning error.

**The C-SA District requires twice the number of parking spaces for a “change of use” to auto sales than it requires for auto sales on a parcel with a history of commercial auto use.**

The staff recommendation is based on the standard for a building that had previously been used for auto sales & service—1 space per 1000 sq ft.

The proper parking requirement for a site undergoing a “change of use” is 2 spaces per 1000 square feet, double what staff recommends.

### **23E.52.080 Parking -- Number of Spaces**

A. All parking shall be provided in accordance with the requirements of this section and Chapter [23E.28](#), except as set forth in this section.

**B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area. Uses listed in Table [23E.52.080](#) shall meet the requirements listed or the district minimum, whichever is more restrictive, for newly constructed floor area or *changes of use*.**

**By code 2777 Shattuck should provide 46 parking spaces. It is only providing 23. This includes Honda using the service lifts and queuing space on the garage drive aisles to count as 14 parking spaces. This is ~~unprecedented and untenable~~**

## Primary or Ancillary Use

**C-SA District zoning prohibits a change of use to auto repair and parts service as the primary use of a building. The Dealership Overlay ordinance did not change this prohibition. Auto service activities are allowed only if they are *ancillary* to automobile sales.**

*An ancillary use is defined by code as “a use that is both dependent on and commonly associated with the principal permitted use of a lot and/or building and that does not result in greater or different impacts than the principal use.*

Most (but not all) of the detriments of the Honda project derive from the building’s function as an auto service center. The greatest impacts are due to traffic, safety, noise, and parking of the auto service function. Most of the square footage in the Honda proposal is devoted to auto repair service,

**The primary use is the one that best describes the activity within the building, and that would clearly be auto repair. This change of use is not by right.**

## Safety

**This project prioritizes auto access over safe streets and sidewalks.**

In the last six years there have been 14 injury accidents at Shattuck and Stuart that were reported to the police. As neighbors we know there have been many more unreported accidents at this corner. **The intersection at Shattuck and Stuart has an F rating for level of service.**

Shattuck traffic regularly backs up, blocking the proposed door to the repair shop, as cars stop for the red light at Ward St. Yet this is precisely where the Traffic Engineer has approved a left-hand turn across northbound traffic to enter Berkeley Honda's garage entrance.

This project conflicts with the Safe Routes to Schools Plan, the Complete Streets Ordinance and the Berkeley Pedestrian Master Plan. The BPMP ranks Shattuck from Ward to Russell as #11 of 35 high priority areas needing improvement based on factors that include collision history, area plan priorities for traffic and safety improvements, and feedback from participants in the Pedestrian Master Plan process.

## Zoning

**This project conflicts with two existing Area Plans (the South Berkeley Area Plan and the South Shattuck Strategic Plan) as well as the goals of the Adeline/South Shattuck Priority Development Area Plan.**

This is a complicated project involving three parcels.

- The Ward Street Parking Lot which is zoned R-2
- The Triangle display/parking lot, a city gateway, fronts on Adeline, a major thoroughfare
- 2777 Shattuck the proposed Honda Sales and Service/Repair center that fronts on Shattuck where it is a narrow collector street and is bounded by two residential streets (Ward and Stuart) as well as residences to the rear

**Design Review did not see or discuss plans for the R-2 parking lot on Ward, the lighting or signage on the triangle, or details of the service entrance on Shattuck (the applicant told Design Review this was a use issue, not a design one).**

It is difficult to know what "Design Review approval" means in this context, since virtually everything but landscaping and the addition was left for ZAB or Final Design Review. There are numerous unaddressed operational and design issues that would affect nearby residents, including those who live on the other side of Adeline.

**Please do not leave important design considerations for Final Design Review, which takes place after project approval and without notification to neighbors.**

## Ward Street Lot

**Has a use permit ever been filed to allow commercial use of the R-2 zoned lot on Ward Street? According to Berkeley Municipal Code auto service and sales uses are restricted to parcels zoned C-SA.**

The applicant statement promises that "Berkeley Honda's new use will maintain all conditions" attached by ZAB to Kirala's use permit modification (#A1379MOD) for a 1997 building expansion.

Conditions imposed by the ZAB in 1997 to address impacts on Ward Street neighbors from use of this residentially zoned (R-2) parking lot include

- closing the lot at 7:00 p.m
  - locking the gate at 8:00 pm,
  - closing the parking lot on Sundays
  - No commercial deliveries are allowed on Ward Street
  - The property owner must designate 9 parking spaces on the 2747 Adeline triangle for use by Kirala, with 7 of these spaces "as close to the restaurant as possible" and with legal statements regarding towing.
- The Berkeley Honda plans have shifted Kirala's designated parking away from their current location near the restaurant.

**These previously negotiated conditions must be maintained. In considering this application the ZAB must also include enforcement measures to the Ward Street parking lot that protect the neighbors.**



## Neighborhood Impacts

**It is the mission of the ZAB to ensure the public health and safety of all neighborhoods. Changing the use for a retail store to auto service, repair and sales raises concerns about health and safety, parking, traffic, and noise.**

**Honda plans to be open seven days a week from 7:00 am to 10:00 pm.**

The applicant statement claims that extended hours at this inferior site are necessary to "maintain its level of service to its customers and a competitive business." It gives Albany Ford Subaru's hours of 6:30 a.m. to midnight as an example.

*However the application fails to mention that*

- Albany Ford Subaru operates on three separate lots: new car sales at 718 San Pablo in Albany, auto repair at 929 San Pablo, and used car sales at 10481 San Pablo in El Cerrito.
- Auto repair is the only use open until midnight; it is closed on Saturdays and Sundays
- The auto repair does not abut a residential property line with no setback.
- Albany granted extended hours to an existing business, not to a change of use.

Our neighborhood has serious concerns about the

- Lack of setbacks to residential properties
- Amount of traffic that will be generated by sales, service, and related test drives
- Amount of noise
- Loss of neighborhood parking

Honda is indifferent to neighborhood concerns:

- They continue to park display cars in publically-owned parking spaces
- They continue to park display cars on the sidewalk

Honda continues to misrepresent this project. It never acknowledges the difference between:

- Its former site with 44,000 sq. ft. and its proposed site with 23,000 sq. ft.
- Shattuck with 2 lanes (46 ft. wide) and Shattuck with 4 lanes, parking bays, and a 14ft. grassy divider (160 ft. wide)

**If health and safety issues are ignored before a use permit is issued, what can neighbors expect if a use permit is granted?**

