

**18. 2489 Martin Luter King Jr. Way**

**c. Communications.**

1. Paul Ugenti
2. Jerome Taylor
3. Margaret Pillow
4. Huiging Fong
5. Jerome Taylor and Margaret Pillow



January 4, 2005,

City Council Members of Berkeley,

My name is Paul Ugenti. I am the owner of the property at 2489 Martin Luther King Way, located at the corner of MLK and Dwight. Our project is a mixed use retail condominium project located in a C-N District. It replaces a recycling drop off center that is out of place in that neighborhood. As stated by one member of the DRC our proposed building will nicely anchor the corner of MLK and Dwight. We feel that it will also bring **affordable home ownership property** to the area; something the City of Berkeley has been encouraging.

Our project was approved in July 2004 by the ZAB. Present at this public meeting was Ms. Fong and her daughter who owns the property at 2451 MLK adjacent to our property just north on MLK. Also present was Ms. Prado. These three people were the only people to express their comments at any of our 5 public meetings.

Ms. Fong complained about windows on the property line. Ms. Fong shows a misunderstanding of our plans as well as what was stated at the ZAB meeting. A look at our floor plans will clearly show there are no windows **on the property line** of her property.

Also in attendance was Ms. Prado who represented criticisms that were inaccurate and not well founded in existing planning policy.

It has been insinuated that the collision rate will increase due to the density proposed. In actuality the rate should decrease due to the decreasing flow of traffic into the proposed lot. The Recycling Facility currently receives upwards of 100 cars a day to its facility. That is 200 in's and out's. Our project will drastically reduce that effect.

Our parking meets code requirements as does the face of the building on the MLK frontage.

We have a partial fourth floor design on the east side of the building that is in harmony with the three and four story apartment buildings that continue up Dwight Way. Our retail space represents one of the larger retail offerings in the immediate area. There are two recently approved projects in our immediate C-N District at 2451 MLK, which is Ms. Fong's Project, 2488 MLK as well as other C-District developments throughout the city which have received the same setback considerations as our project. Our building design is a collaborate effort between the Design Review Committee and Staff that took over 6 months and 4 public meetings the result of which was unanimous approval by the DRC and with no community objection.

The ZAB after hearing the concerns of the Fongs and Ms. Prado by an overwhelming majority approved our plans.

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CITY OF BERKELEY  
CITY CLERK DEPT

**The critiques of the appealing parties represent an underlying feeling that the present zoning rules are not right and that projects should be designed under different rules than those that exist.**

**After over a year of work that has been scrutinized by City Staff, the Design Review Committee, Zoning Adjustment Board and in 5 public meetings we have received overwhelming to unanimous acceptance.**

**We have relied on Board, Committee and Staff comments as to zoning interpretations to define and shape our project. The ZAB has applied the rules fairly and consistently.**

**We have a ZAB approved project.**

**The City Council should uphold the decisions of its agencies, who continue to support our project.**

Respectively,

  
Paul Ugenti

**Feranec, Kelley C.**

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**To:** Feranec, Kelley C.  
**Subject:** FW: Building at MLK and Dwight

-----Original Message-----

From: Jerome Taylor [mailto:jmjb7@earthlink.net]  
 Sent: Friday, September 24, 2004 12:11 PM  
 To: Berkeley Mayor's Office  
 Subject: Building at MLK and Dwight

We live on McKinley Ave., just below MLK, and we would be negatively impacted by the size of the building proposed for the corner of MLK and Dwight Way. First, this is a walking-around neighborhood of small to medium houses and moderate apartment/condos. The proposed building is just too big, too out-of-scale, with large flat walls, no space for shrubs or trees, towering over the street and built up to and beyond the lot line. A bit more architectural interest on the large walls, a bit of space for trees or plants, less height these would yield a building much more in keeping with our trees, shrubs, flowers, kids, cats and dogs neighborhood.

More importantly, this neighborhood is already critically short of parking spaces. Many of the houses are old, and were built with limited or no parking, and are now two or three family residences. The area already supports two schools (Walden and Berkwood-Hedge), with parking needed for teachers, parents and businesses dealing with the schools. Mostly people are fairly polite about it, but there is an on-going problem. According to the article in the Berkeley Planet, the proposed building would contain 21 condominiums, including 9 2-bedrooms and 8 3 bedroom units. the plans specified one parking space for each unit how many families can afford these condominiums on one income? How will they get to both jobs? Or will the units be shared by 3-6 single people, each needing separate transportation? There need to be more parking spaces than one for each unit. If the city is truly serious about restricting the number of cars used by residents of the proposed building, then an alternative would be not to issue "C" permits for that address, so as not to impact the current parking situation.

Jerome Taylor  
 2435 McKinley

Cox, Sara

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**From:** Fong, Calvin  
**Sent:** Wednesday, September 29, 2004 8:27 AM  
**To:** Cox, Sara; Feranec, Kelley C.  
**Subject:** FW: Proposed bldg at Dwight & MLK

-----Original Message-----

From: Margaret Pillow [mailto:por@wolffenet.com]  
Sent: Friday, September 24, 2004 3:50 PM  
To: Berkeley Mayor's Office  
Subject: Proposed bldg at Dwight & MLK

Dear Mayor Bates,

The proposed building for the corner of Dwight Way and Martin Luther King Jr. Way is too large for the scale of the neighborhood. We live about a block away, and would walk by the building often. A smaller building which did not hang over the sidewalk and block light would be much more in keeping with the neighborhood.

Because of the proximity to UC-Berkeley, the local elementary schools, shops, etc., parking is already difficult in this area. Many of the houses are old--Victorian or turn of the century vintage, and have limited parking on the property. Adding more cars from a building which is designed with only one parking space per unit would be disastrous for the neighborhood. Thank you,

Margaret Pillow  
2435 McKinley Avenue

Re: Use permit 03-10000106-2489 M.L. King Jr Way Proposed  
 CITY OF BERKELEY  
 CITY CLERK DEPT  
 04 NOV 22 AM 9:41

Dear Concial members,

Please be so kind as to consider my concern below.

I am Huiging Fong, I am owner of the building on 2441 M.L.K Jr Way, right next to the above proposed project. I am apealing the decision of the Zoning Adjustmens Board.

This planned structure will directly block of sunlight from entering my house garden. According to their proposal, my garden will only receive sunlight around 12:00 PM. The Board was the one who instructed me to set-back and plant a garden when I applied for an addition in Feb, 2004. What's more important is the deprivation of sunlight almost the whole length of the day to my bedroom and living room, which will seriously effect our physical and mental health.

I ask that the design of the structure be reconsidered. The part of the 2489 M.L.King Jr Way structure facing my garden, the north end should be at most 20 feet tall. Also, regarding the proposed third and fourth stories adjacent to the back of my house, may I request it be set back six feet so that we can have a bit of light and air to our house.

I have reviewed the videotape and cassette tape of the hearing, and compared with the Approved plans. There appears to be a glaring discrepancy between the Plan and the Hearing. In the middle of discussion between the Plan architected and a female Board member, the Board member distinctly reiteratect that there is to be "no windows", and the plan architect replied at once "there'll be no windows". This was in regard to the corridor on All levels,

ones facing the back and ones facing the side of my tiny 10x10 ft backyard. The corridor will be used by all residents of the Project and my privacy will be severely infringed upon if windows were allowed. That was why the architect had agreed to this restriction. I discovered that the Plan still show windows, unmodified from the earlier drawings. Please correct this mistake and let me know.

Truly yours.

Huigang Fong

2001 ML King Jr Way

Berkeley CA

Huigang Fong

11/22/2004



**Response on 2489 Martin Luther King Way – Use Permit # 03-10000106  
From Jerome Taylor, Margaret Pillow, 2435 McKinley Ave.**

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Jerome Taylor  
Margaret Pillow  
2435 McKinley

05 JAN -4 AM 10:15  
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CITY CLERK DEPT