



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

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Wednesday, December 1, 2021

7:00 PM

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE. Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Planning Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us06web.zoom.us/j/83800308140>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1 669 900 6833** and enter Meeting ID: **838 0030 8140**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Please be mindful that the video conference and teleconference will be recorded. All rules of procedure and decorum that apply for in-person Planning Commission meetings apply for Planning Commission meetings conducted by teleconference or videoconference.

See **"MEETING PROCEDURES"** below.

All written materials identified on this agenda are available on the Planning Commission webpage: https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Homepage.aspx

PRELIMINARY MATTERS

- 1. Roll Call:** **Wiblin, Brad**, appointed by Councilmember Kesarwani, District 1
Vincent, Jeff, appointed by Councilmember Taplin, District 2
Moore III, John E. "Chip", appointed by Councilmember Bartlett, District 3
Oatfield, Christina, appointed by Councilmember Harrison, District 4
Mikiten, Elisa, appointed by Councilmember Hahn, District 5
Kapla, Robb, Chair, appointed by Councilmember Wengraf, District 6
Twu, Alfred, appointed by Councilmember Robinson, District 7

Hauser, Savlan, Vice Chair, appointed by Councilmember Droste, District 8
Ghosh, Barnali, appointed by Mayor Arreguin

2. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
3. **Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “*Public Testimony Guidelines*” below):
4. **Planning Staff Report including Future Agenda Items:** In addition to the items below, additional matters may be reported at the meeting.
5. **Chairperson’s Report:** Report by Planning Commission Chair.
6. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
7. **Approval of Minutes:** Approval of Draft Minutes from the meeting on **November 3, 2021**.
8. **Other Planning-Related Events:**

AGENDA ITEMS: All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

- | | |
|---------------------------|--|
| 9. Action: | Public Hearing: Tentative Tract Map #8621 |
| Recommendation: | Hold a public hearing to consider Tentative Map #8621 pursuant to BMC Section 21.16.047. |
| Written Materials: | Attached |
| Presentation: | N/A |
| | |
| 10. Presentation: | Zoning Ordinance Revision Project (ZORP) Update |
| Recommendation: | Receive presentation on status of the ZORP Project. |
| Written Materials: | N/A |
| Presentation: | N/A |

ADDITIONAL AGENDA ITEMS: In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

Information Items:

- None.

Communications:

- BART Communications

Late Communications: (Received after the packet deadline):

- Supplemental Packet One – received by noon two days before the meeting

- Supplemental Packet Two
- Supplemental Packet Three

ADJOURNMENT

****** MEETING PROCEDURES ******

Public Testimony Guidelines:

All persons are welcome to attend the virtual meeting and will be given an opportunity to address the Commission. Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

Procedures for Correspondence to the Commissioners:

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may limit the time granted to each speaker.

Written comments must be directed to the Planning Commission Secretary at the Land Use Planning Division (Attn: Planning Commission Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, or via e-mail to: **apearson@cityofberkeley.info**. All materials will be made available via the Planning Commission agenda page online at this address: <https://www.cityofberkeley.info/PC/>.

Correspondence received by **12 noon, nine days** before this public meeting, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12 noon two days** before this public meeting, will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to Commissioners one day before the public meeting.
- Correspondence received after the above deadline and before the meeting will be included in a second and/or third Supplemental Packet, as needed, which will be posted to the online agenda as a Late Communication and emailed to the Commissioners by 5pm on the day of the public meeting.

Note: It will not be possible to submit written comments at the meeting.

Communications are Public Records: Communications to Berkeley boards, commissions, or committees are public records and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service, or in person, to the Secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

Communication Access: To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice), or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability.

Meeting Access: To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

I hereby certify that the agenda for this regular meeting of the Planning Commission was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on **November 22, 2021**.

Alene Pearson
Planning Commission Secretary



Planning Commission

1 **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **November 3, 2021**

3 The meeting was called to order at 7:02 p.m.

4 **Location:** Virtual meeting via Zoom

5 **1. ROLL CALL:**

6 **Commissioners Present:** Laurie Capitelli, Barnali Ghosh, Savlan Hauser, Robb Kapla,
7 Elisa Mikiten, Chip Moore, Christina Oatfield, Alfred Twu, and Jeff Vincent.

8 **Commissioners Absent:** Brad Wiblin.

9 **Staff Present:** Secretary Alene Pearson, Katrina Lapira, Alisa Shen, Justin Horner, and
10 Steve Buckley.

11 **2. ORDER OF AGENDA:** No changes.

12 **3. PUBLIC COMMENT PERIOD:** 0

13 **4. PLANNING STAFF REPORT:**

- 14 • City Council
 - 15 ○ October 26 – ADU Ordinance: Action requires amendments to zoning language
 - 16 ○ November 30 - ADU Ordinance: Public Hearing on amended Ordinance
- 17 • Planning Workshop
 - 18 ○ October 27 – Housing Element Public Workshop #1
 - 19 ▪ [Recording](#)
 - 20 ▪ [Survey open thru November 8](#)
- 21 • Objective Standards
 - 22 ○ Self- guided tour and survey to be released around Thanksgiving
- 23 • Planning Commission
 - 24 ○ December 1
 - 25 ▪ Tentative Tract Maps
 - 26 ▪ ZORP Update
 - 27

28 **Information Items:**

- 29 • None.
- 30
- 31

32 **Communications:**

- 33 • BART Communications

34 **Late Communications:** *See agenda for links.*

- 35 • Supplemental Packet One
36 • Supplemental Packet Two
37 • Supplemental Packet Three

38 **5. CHAIR REPORT:**

- 39 • None.

40
41 **6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the
42 items below, additional matters may be reported at the meeting.

- 43
44 • None.

45 **7. APPROVAL OF MINUTES:**

46 Motion/Second/Carried (Vincent/Twu) to approve the Planning Commission Meeting Minutes
47 from October 20, 2021.

48
49 Ayes: Capitelli, Ghosh, Kapla, Mikiten, Moore, Twu, and Vincent. Noes: None. Abstain:
50 Hauser. Absent: Oatfield. (7-0-1-1)

51

52 **8. OTHER PLANNING RELATED EVENTS:**

- 53 • None.

54 **AGENDA ITEMS**

55 **9. Public Hearing: Ashby and North Berkeley BART Station Areas: Zoning and General**
56 **Plan Amendments, Joint Vision and Priorities, and Draft Environmental Impact Report**
57 **(EIR)**

58 Based on the feedback received at the Planning Commission meeting in September, staff
59 shared the draft zoning and General Plan amendments, the City-BART Joint Vision and
60 Priorities (JVP) document, and the scope and general content of the Draft EIR. Public
61 comments on the Draft EIR can be sent to bartplanning@cityofberkeley.info by **December 1,**
62 **2021.**

63 After staff's presentation, the Planning Commission held a public hearing, received public
64 comment and provided input related to housing affordability and density.

65 Motion/Second/Carried (Vincent/Moore) to close public hearing on the Ashby and North
66 Berkeley BART Station Areas: Zoning and General Plan Amendments, Joint Vision and
67 Priorities, and Draft EIR) at 9:25pm.

68
69 Ayes: Capitelli, Ghosh, Hauser, Kapla, Mikiten, Moore, Oatfield, Twu, and Vincent. Noes:
70 None. Abstain: None. Absent: None. (9-0-0-0)
71

72 **Public Comments: 53**

73
74 **10. 2022 Planning Commission Calendar**

75 The Planning Commission reviewed the 2021 meeting schedule.

76 Motion/Second/Carried (Mikiten/Ghosh) to adopt the following 2022 Planning Commission
77 meeting schedule:

78
79 Wednesday, January 19, 2022

80 Wednesday, February 2, 2022

81 Wednesday, March 2, 2022

82 Wednesday, April 6, 2022

83 Wednesday, May 4, 2022

84 Wednesday, June 1, 2022

85 Wednesday, July 6, 2022

86 Wednesday, September 7, 2022

87 Wednesday, October 5, 2022

88 Wednesday, November 2, 2022

89 Wednesday, December 7, 2022

90
91 Ayes: Capitelli, Ghosh, Hauser, Kapla, Mikiten, Moore, Oatfield, Twu, and Vincent.

92 Noes:None. Abstain: None. Absent: None. (9-0-0-0)
93

94 **Public Comments: 0**

95
96 Motion/Second/Carried (Ghosh/Vincent) to adjourn the Planning Commission meeting at
97 10:58pm.

98
99 Ayes: Capitelli, Ghosh, Hauser, Kapla, Mikiten, Moore, Oatfield, Twu, and Vincent. Noes:
100 None. Abstain: None. Absent: None. (9-0-0-0)
101

102 **Members in the public in attendance: 107**

103 **Public Speakers: 53**

104 **Length of the meeting: 3hr 56minutes**



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: December 1, 2021
TO: Members of the Planning Commission
FROM: Katrina Lapira, Assistant Planner
SUBJECT: Public Hearing: Tentative Map 8621 for 1169-1173 Hearst (APN 57-2086-13)

RECOMMENDATION:

Hold a Public Hearing to approve Tentative Map 8621 and recommend that the City Council review and certify the map pursuant to Berkeley Municipal Code (BMC) Section 21.16.047, subject to the attached Findings and Conditions (*see Attachment 1*) and consistent with Berkeley's Tentative Maps Ordinance BMC 21.16, the Subdivision Map Act, and Berkeley's General Plan.

BACKGROUND

Tentative Tract Map #8621 would convert the sole ownership of the entire property into individual units - two duplex units and an existing single-family dwelling unit. The subject lot shares open space, pedestrian/ vehicular access, bicycle/ container storage, and drainage with the adjacent lot. The development project, which includes development of two duplexes and the rehabilitation of the existing single-family dwelling, was approved by the Zoning Adjustments Board (ZAB) on August 30, 2018 and by the City Council on June 9, 2020 after an appeal of the ZAB approval.

Building permits for the construction of the new duplexes and the rehabilitation of the single-family dwelling unit were issued in 2021.

I. Application Basics

A. Chronology of Subdivision Application:

September 29, 2021	Map Application submitted
October 29, 2021	Letter of Incompletion sent to Applicant
November 4, 2021	Map Application resubmitted
November 5, 2021	Map Application considered complete

B. CEQA Determination:

Construction of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“In-fill Development Projects”). Approval of the Tentative Map is also categorically exempt pursuant to Section 15331 of the CEQA Guidelines which involves the operations and permitting of existing facilities involving no expansion of use beyond prior approvals. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

C. Parties Involved:

Applicant: Mark Rhoades, Rhoades Planning Group
Property Owner: Hearst Avenue Cottages, LLC

II. Project Description

On June 9, 2021, City Council adopted Resolution 67,439-N.S. upholding the 2018 ZAB decision to approve Use Permit #ZP2016-0028 to develop two parcels (APN 57-2086-14 and 57-2086-13), including the substantial rehabilitation of seven existing dwelling units (three duplexes and one single-family dwelling) and construction of three two-story duplexes as a common interest development (i.e. condominiums) for a total of seven buildings and 13 dwelling units. The subject tentative tract map accommodates a portion of the approved project under the subject use permit: the addition of two duplex units on a parcel (APN 57-2086-13) that is currently occupied by one single-family dwelling.

III. Analysis**A. Subdivision Map Act Consistency:**

The Public Works Department has reviewed the form and content of the Tentative Tract Map, and has verified that it contains the content required by the Subdivision Map Act, including the subdivision number, the legal address of the legal owner or subdivider, sufficient legal description to define the boundary of the proposed subdivision, the location, right of way width, and name of existing streets or highways, the widths, location, and identity of all existing easements. The Public Works Department has determined that the Tentative Tract Map is suitable for review by the Planning Commission.

B. Tentative Maps Ordinance (BMC Chapter 21.16) Consistency:

The Planning Commission may approve, conditionally approve, or deny the tentative map in accordance with BMC Section 21.16.047. According to this section of the Code, the Planning Commission shall deny approval of the tentative map if it can

make any of the following findings from BMC Section 21.16.047.A through 21.06.047.G.

- A: That the proposed map is not consistent with the applicable general and specific plans.*
- B: That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*
- C. The site is not physically suitable for the proposed density of development.*

Staff Analysis: The subject property and proposed improvements were evaluated and found to be consistent with the General Plan and Zoning Ordinance, and the density was found to be physically appropriate for the site and consistent with applicable zoning regulations, in conjunction with the Zoning Permits issued by the Zoning Adjustments Board (ZAB) on August 30, 2018 and upheld by the City Council on June 9, 2020. Therefore, Staff does not believe that either Findings A, B or C can be made.

- D. That the design of the subdivision or the type of the improvements is likely to cause environmental damage or substantially and avoidably injure fish, or wildlife, or their habitat.*
- E. That the design of the subdivision or the type improvements is likely to cause serious public health problems.*

Staff Analysis: The potential for substantial environmental damage, or harm to fish and wildlife, or their habitat, or the likelihood of public health problems was evaluated when the Use Permits for the project were approved by the ZAB on August 30, 2018. This included a review in order to determine whether any of the exceptions to the CEQA Exemption for in-fill development were present. No potential environmental or public health impacts were found. Staff does not believe that either Findings D or E can be made.

- F. That conflicts with existing public access easements, in accordance with Section 6674(g), of the Subdivision Map Act, which states: "That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision."*

Staff Analysis: The City of Berkeley Public Works department has verified that the proposed Subdivision will not conflict with any easements of record, or with any easements established by judgment of a court.

G. That the design of the subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Staff Analysis: Subdivision of the project into condominiums will not alter passive or natural heating or cooling opportunities since it is limited to the subdivision of previously entitled and permitted multiple family residences. Staff does not believe that Finding G can be made.

C. Inclusionary Housing and Affordable Housing Mitigation Fee

Use Permit #ZP2016-0028 includes the development of more than six new housing units and it is subject to the provisions of BMC Section 22.20.065 Affordable Housing Mitigation Fee (AHMF) if units will be rented and BMC Section 23C.12 Inclusionary Housing Requirements if the units will be sold. As a finding for approval, the project will comply with the respective BMC affordable housing requirements for rental or ownership identified above by either providing one of the following options:

- Ownership
 - One Below Market Rate unit for income range defined by BMC 23C.12.070 and payment into the Affordable Housing Trust Fund of .2 unit; or
 - Full payment of the in-lieu fee
- Rental
 - One Below Market Rate unit for a Very Low Income Household and payment into the Affordable Housing Trust Fund of a prorated AHMF of 0.2 unit: or
 - full payment of the AHMF

IV. Public Notice/Comment

BMC Section 21.16.045 requires public notice. Notice was provided as follows:

- Published in the Berkeley Voice on November 12, 2021;
- Posted at the subject property on November 19 2021; and
- Mailed to the applicant and owner of the subject property, and to owners and occupants of properties abutting upon or confronting 1169-1173 Hearst , on November 18, 2021.

At the time of the writing of this report, there has been no public comment received.

DISCUSSION AND NEXT STEPS

After reviewing report, Planning Commission will hold a public hearing, receive public comment, and through a vote, make a recommendation to City Council that includes the Findings and Conditions on Tentative Map 8621.

ATTACHMENTS

1. Findings and Conditions
2. Tentative Map 8621
3. Condominium Plans for Tentative Map 8621
4. Notice of Public Hearing

KEY LINKS

1. August 23, 2018. 1155-73 Hearst, Zoning Adjustments Board (ZAB)
https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1155-1173_Hearst.aspx
2. June 9, 2020. Resolution No. 67,439, City Council ZAB Appeal. Uphold the ZAB Decision to Approve Use Permit #ZP2016-0028.
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2020-06-09_Resolution_City%20Council_Upholding%20ZAB%20Decision_1155-73%20Hearst.pdf

Exhibit A

STANDARD CONDITIONS OF APPROVAL FOR ALL LAND SUBDIVISIONS, NEW CONDOMINIUMS AND COMMERCIAL CONDOMINIUM CONVERSIONS WITHIN THE CITY OF BERKELEY

SECTION I: GENERAL

A. Sidewalk, Driveway, Curb and Gutter Repair:

Missing, damaged, deteriorated or non-standard sidewalk, driveway, curbing and/or gutter, adjacent to the subdivision, shall be replaced to the standards and approval of the Department of Public Works. In the event that such replacement causes any survey markers, either set under surveys performed in conjunction with this subdivision or by some other survey, to be moved or obliterated, such marks shall be replaced, after the installation of the new concrete, and such replacement shall be attested to in writing by the project engineer/surveyor.

B. Street Repair:

Missing, badly pot-holed, alligatored, or similarly substandard streets, adjacent to or contiguous with the subdivision shall be constructed or re-constructed to City standards and shall be subject to the approval of the Department of Public Works.

C. Drainage:

No drainage of surface or intercepted ground waters into the sanitary sewer system will be allowed. Existing non-conforming systems (including roof, yard, or interior drains) shall be disconnected, sealed, and the flow redirected into the existing storm water drainage system in accordance with the standards of the Department of Public Works (Ordinance No.: 5030 N.S.).

D. All drainage shall be designed to comply with the City's clean water ordinance (Ordinance No.: 6216 N.S.).

E. Drain Structures:

Existing drainage facilities (including catch basins, drain culvert inlets, storm drains, culverts, and sanitary sewers) altered by any work done in connection with this subdivision shall be restored in accordance with design and construction standards in use by the Department of Public Works at the time of such new construction.

F. Encroachments:

All encroachments into the public right-of-way shall be removed, unless an encroachment permit is obtained through the Department of Public Works (Ordinance No.: 5514 N.S.).

G. Underground Structures:

Underground fuel tanks or other private subsurface structures, within the public right-of-way, which are not in use, shall be removed. If the fuel tank currently is in use, the subdivider shall request the City of Berkeley Fire Department to test it. Such testing shall be at the expense of the subdivider. If the test results are found to be satisfactory, the subdivider shall apply for an underground fuel tank permit (if one does not exist). If the test results are unsatisfactory, the tank shall be promptly removed by the subdivider.

H. Utilities and Service Lines:

1. The subdivider shall be responsible for relocating all underground and/or overhead utilities or service lines which may serve adjacent properties and which cross over, under or through the ground or airspace of the proposed subdivision. In lieu of relocating such utilities or aerial service lines, the subdivider may provide appropriate easements. If existing utilities or service lines cross beneath a house or other structure (proposed or existing), such utilities or services must be relocated in accordance with the standards and approval of the Department of Public Works.
2. Applicant shall install all utilities requiring trenching in streets scheduled for repaving (list of such streets is attached) prior to the actual street paving. Applicant is directed to contact the various utilities several months in advance prior to trenching so that they can obtain all required permits. Failure to perform such trenching prior to paving may result in denial of an excavation permit by the Director of Public Works and will result in imposition of additional trenching and pavement restoration requirements.

I. Weeds, Debris, etc.:

Noxious weeds, shrubs, debris, etc., must be removed from the public right-of-way along the frontage of the subdivision.

J. Geological Report:

Subdivisions within the Seismic Special Study Zone must provide a geological report approving the new lots for their intended use.

K. City Monuments:

When there is no existing City monumentation in the immediate area of the subdivision, where required by state law or as directed by the Department of Public Works, the subdivider shall have such monuments constructed and established in conformance with the standards and approval of the Department of Public Works. Such work shall be done by the subdivider's appropriately licensed Engineer or Surveyor, and such monuments shall be verified by the Engineering Division of the City of Berkeley, at the sole expense of the subdivider.

L. Street Trees:

When, required by the Planning Commission or the City Council, all trees required to be planted within the public right-of-way along with their method of planting, shall be subject to the approval of the Department of Public Works, Parks/Marina Superintendent.

M. Additional Conditions:

In addition to the above standards, additional conditions of approval may be imposed by the Board of Adjustments, the Planning Commission, or the City Council to reflect circumstances associated with specific properties.

N. Final Map:

The final map shall be certified and recorded in compliance with the City of Berkeley Municipal Code Title 21, and with the Subdivision Map Act of the State of California.

General Note:

When any work is required to the "standards and approval of the Department of Public Works," such work must be inspected and/or verified by the Department of Public Works and a written release of such requirements obtained by the subdivider.

Section II: New Condominiums

In addition to the requirements of Section I above, if the subdivision is a new condominium, the following standards shall apply:

A. Smoke Detectors and RECO Requirements:

When new buildings are to be constructed, such buildings shall meet the City of Berkeley Residential Energy Conservation Ordinance (RECO) requirements, and each unit within the building shall be equipped with the smoke detectors.

B. New Sanitary Lateral:

When a new sanitary sewer lateral line is to be installed, any existing lateral lines shall be located and sealed at the sanitary sewer main in accordance with the standards and requirements of the Department of Public Works. New lateral(s) shall have a cleanout installed immediately at the back of the curb.

C. Existing Sewer Lateral:

If re-use of an existing sanitary lateral is desired, the lateral must satisfy an approved pressure test, as determined by the City Engineer.

D. Conditions, Covenants, and Restriction:

A copy of the Conditions, Covenants, and Restrictions (C.C. & R's) shall be filed with the Department of Public Works prior to approval of the Final Map.

E. Tentative and Final Parcel Maps:

A map of the interior division of the building showing both the horizontal and vertical boundaries of all units shall be provided so that deeds can be written without ambiguity as to location. The interior division map may be in the form of attachments to the C.C. & R's and recorded therewith. If they are in attachment form, a copy thereof is required to be filed with the Department of Public Works.

F. Final Map:

The final map shall show all common areas of usage of the building and grounds and shall conform to the provisions of the City of Berkeley Municipal Code, Title 21.

G. City Access to Common Areas:

The City reserves the right to enter common areas of the condominium to abate public nuisances and to charge the cost of such abatement to the condominium association.

Section III: COMMERCIAL OR INDUSTRIAL CONDOMINIUM CONVERSIONS

In addition to Section I, above, if the subdivision is a Condominium Conversion, the following standards shall apply:

A. Tenant Provisions

Commercial or industrial condominium conversions shall comply with the following tenant provisions:

1. A notice of intent to convert shall be delivered to each at least sixty (60) days prior to filing a tentative map. Evidence of receipt by each tenant shall be submitted with the tentative or parcel map. The form of the notice shall be developed and approved by the Planning Director. It shall inform the tenants of all rights provided under this chapter and the Subdivision Map Act.

2. Any present tenant or tenants of any unit shall be given a non-transferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least ninety (90) days from the date of issuance of the subdivision public report or sixty (60) days from the commencement of sales, whichever date is later.
3. Each non-purchasing tenant not in default under the obligations of the rental agreement or lease under which he occupies his unit shall have not less than one hundred and twenty (120) days from the approval date of the final subdivision or parcel map to find substitute facilities and relocate. The subdivider shall notify each tenant immediately prior to the time of the final map or parcel map approval of the anticipated date required to vacate the unit and when the 120-day period will begin. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
4. After submittal of the tentative or parcel map, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit.

B. Code Conformance, Smoke Detectors, and RECO Requirements:

The buildings involved shall be brought into conformance with the Plumbing, Electrical, Housing, and Uniform Building Codes, including sound conformance standards, and with the Residential Energy Conservation Ordinance (RECO) requirements. Each unit shall also be equipped with a smoke detector. These requirements shall be satisfied prior to approval of the final map or a subdivision improvement agreement, which is satisfactory to the Department of Public Works, which guarantees that such conformance has been executed by the subdivider.

C. Conditions, Covenants, and Restrictions:

A copy of the Conditions, Covenants, and Restrictions (C.C. & R's) shall be filled with the Department of Public Works prior to approval of the final map.

D. Tentative and Final Parcel Maps:

A map of the interior division of the building(s) showing both the horizontal and vertical boundaries of all the units shall be provided so that deeds can be written without ambiguity as to location. The interior division map may be in the form of attachments to the C.C. & R's and recorded therewith. If the interior division maps are in attachment form, a copy thereof is required to be filled with the Department of Public Works.

E. Notice of Decision:

The subdivider shall furnish each prospective buyer with a copy of the Planning Commission's Notice of Decision approving the Tentative Map.

F. Final Map:

The Final Map shall show all common areas and usage of the building grounds and shall conform to the provisions of the Berkeley Municipal Code, Title 21.

G. Existing Lease:

Existing leases will be honored until expiration, with the subdivider or purchaser being responsible for owner association dues or for assessments imposed as a result of the conversion.

H. City Access to Common Areas:

The City reserves the right to enter common areas of the condominium to abate public nuisances and to charge the cost of abatement to the condominium association.

STORMWATER CONDITIONS OF APPROVAL

Discharges from the City of Berkeley's stormwater system are regulated under a National Pollutant Discharge Elimination System (NPDES) permit. The permit requires that the City emphasize source controls for all construction work within its jurisdiction. To comply with this requirement, the City requires all construction projects to employ appropriate best management practices (BMP's) during construction and throughout the life of the development, and incorporate permanent stormwater quality controls, as appropriate to minimize impacts on water quality. The water quality includes both pollutant and flow concerns. To comply with the NPDES permit, the City adopted its stormwater ordinance, as promulgated in Berkeley Municipal Code (BMC) Chapter 17.20. Following are items which must be implemented for your project, in order to meet the requirements of the NPDES permit and BMC Chapter 17.20.

The project plans shall identify and show site-specific BMP's appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

The project plan shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with BMC Chapter 17.20, examples of which are outlined in the *ABAG Erosion and Sediment Control Handbook*, *California Storm Water Best Management Practice Handbooks*, *Regional Water Quality Control Board's Erosion and Sediment Control Field Manual*. The applicant is responsible for ensuring that all contractors and subcontractors are aware of, and implement, all stormwater quality and pollution control measures. Failure to employ appropriate measures to prevent stormwater pollution and protect stormwater quality shall result in the issuance of correction notices, citations, or a project stop order.

Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City of Berkeley and EBMUD.

Landscaping shall be designed with efficient irrigation to reduce runoff and promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

Design, location, and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.

All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless such facilities are accepted by the City by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM

Project Worksheet for Permanent Stormwater Quality Controls

Project Name:	
Location:	
Description:	
Total Project Area:	Area Soil Disturbed:
Completed by: (include name, title, company)	Date:

Select one of the following that best describes your development project.

Low and Medium Density, Single-family Residential..... Complete Section A

High Density, Multi-family Residential..... Complete Section B and C

Residential Infill and Redevelopment Project..... Complete Section B and C

Commercial/Industrial Development and Redevelopment..... Complete Sections B, C, and G

Institutional Development and Redevelopment or Roadwork..... Complete Sections B, C, and G

Development projects must include site planning and design techniques to prevent and minimize impacts to water quality. If sufficient site planning measures are not implemented or not feasible, development projects must include permanent (post construction) stormwater quality controls.

A. Required or Alternative Controls for Low and Medium Density, Single-Family Residential – Check that you have incorporated the following site planning and design techniques into your project.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Minimized directly connected impervious area. If yes, describe how: (check all that apply)
		<input type="checkbox"/> roof drains to pervious areas
		<input type="checkbox"/> vegetated filter strips, grassed swales and biofilters, or other infiltrative landscaping
		<input type="checkbox"/> porous pavement
		<input type="checkbox"/> modular pavement or other permeable materials
		<input type="checkbox"/> other: _____
<input type="checkbox"/>	<input type="checkbox"/>	Minimized disturbed area
<input type="checkbox"/>	<input type="checkbox"/>	Used clustering
<input type="checkbox"/>	<input type="checkbox"/>	Preserved quality open space
<input type="checkbox"/>	<input type="checkbox"/>	Maintained, restored if possible, riparian areas and wetlands

• If you responded "no" to any of the above, complete Section D. Otherwise, you are done.

B. Required or Alternative Controls for Other Types of Projects – Check that you have incorporated the following site planning and design technique into your project.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Minimized directly connected impervious area. If "yes", describe how: (check all that apply)
		<input type="checkbox"/> roof drains to pervious areas
		<input type="checkbox"/> vegetated filter strips, grassed swales and biofilters, or other infiltrative landscaping
		<input type="checkbox"/> porous pavement
		<input type="checkbox"/> modular pavement or other permeable materials
		<input type="checkbox"/> other: _____

• If you responded "no", complete Sections C and D. If you responded "yes", complete Section C.

Project Worksheet for Permanent Stormwater Quality Controls

Project Name: _____

C. Controls Where Feasible – Check what site planning and design techniques you have incorporated into your project.

Yes	Not Feasible	
<input type="checkbox"/>	<input type="checkbox"/>	Minimized disturbed area
<input type="checkbox"/>	<input type="checkbox"/>	Used clustering
<input type="checkbox"/>	<input type="checkbox"/>	Preserved quality open space
<input type="checkbox"/>	<input type="checkbox"/>	Maintained, restored if possible, riparian areas and wetlands
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

• If you responded "not feasible" to any of the above, complete Section D.

D. Constructed on-Site Treatment Controls

Yes	Not Feasible		Attach	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Grass swales and biofilters	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Infiltrative landscaping	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Porous pavement and modular pavers	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Maintenance plan

• If you responded "not feasible" to any of the above, complete Section E.

E. Constructed Downstream Treatment Controls
 If none of the on-site drainage and treatment controls is feasible or sufficient, select the downstream treatment control your project will implement.

Yes	Not Feasible		Attach	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Extended dry detention	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Constructed wetlands	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Vegetated filter strips	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Biorétention systems	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Wet ponds	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Sand Filters	<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	Maintenance plan

• If you responded "not feasible" to all of the above, complete Section F.

F. Manufactured Treatment Controls

<input type="checkbox"/>	Storm drain inlet filters.	Attach	<input type="checkbox"/>	Explanation why this is the only feasible option and Maintenance plan
<input type="checkbox"/>	Oil/sediment separators.	Attach	<input type="checkbox"/>	Explanation why this is the only feasible option and Maintenance plan
<input type="checkbox"/>	Other: _____			

Explain how this control is appropriate for the pollutant load expected in stormwater runoff from this project:

Attach Explanation why this is the only feasible option and Maintenance plan

Project Worksheet for Permanent Stormwater-Quality Controls

Project Name: _____

To the extent possible, pollution prevention controls for commercial/industrial development and redevelopment projects must also be considered during site planning and design. Outdoor activity areas must be designed so that no non-stormwater (e.g., washwaters, automotive and equipment fluids, garbage fluids, etc.) discharges to the storm drain. These outdoor activity areas must also be protected from run-on and run-off to minimize pollutant exposure to rain.

G. Pollution Prevention Controls for Commercial/Industrial Development and Redevelopment

Check that you have incorporated appropriate control measures to eliminate non-stormwater discharges from the following outdoor activity areas. Attach description.

NOTE: If pollution prevention controls are not included with the project application, agency staff can require additional controls as Conditions for Approval.

Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Manufacturing and Process Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Material Storage and Transfer Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste Storage and Disposal Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle and Heavy Equipment Storage and Maintenance Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wash Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rooftop Equipment

Check that you have incorporated appropriate control measures to minimize pollutant exposure from the following outdoor activity areas. Attach description.

Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Manufacturing and Process Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Material Storage and Transfer Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste Storage and Disposal Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle and Heavy Equipment Storage and Maintenance Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wash Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rooftop Equipment

FINDINGS AND CONDITIONS

DECEMBER 1, 2021

CEQA FINDINGS

1. Construction of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”) and the approval of the Tentative Map is also categorically exempt pursuant to Section 15331 of the CEQA Guidelines which involves the operations and permitting of existing facilities involving no expansion of use beyond prior approvals. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

TENTATIVE MAP FINDINGS

2. Pursuant to Berkeley Municipal Code Section 21.16.047, the Planning Commission cannot make any of the seven findings for denial of the tentative map for the following reasons:
 - A. The proposed Tentative Tract Map #8621 is consistent with the applicable General Plan policies because:
 1. The proposed Tentative Map is consistent with Policy LU-3 Infill Development. The infill development will add two duplexes at the rear of lot that contains an existing single-family dwelling unit.
 2. The project is consistent with Policy H-8 Maintain Housing, as it maintains and rehabilitates the existing single-family dwelling unit on the lot.
 3. The project is consistent with Policy H-32 Regional Housing Needs, as it adds four new two-bedroom, one-bath residential units, to meet the City’s share of regional housing needs.
 - B. The design and development of the project proposed to be subdivided is consistent with the City of Berkeley’s General Plan because:
 1. The project is consistent with Action B of Policy LU-7 Neighborhood Quality of Life. It encourages sensitive infill residential development in a manner that minimizes negative impacts on adjacent residential uses and is compatible with existing development patterns.
 2. The project is consistent with Policy LU-3 Infill Development and Policy UD-16 Context because it is architecturally compatible in design and scale with land uses along Hearst Avenue and within the surrounding neighborhood.

- C. The project site and proposed improvements were evaluated and found to be consistent with the General Plan and Zoning Ordinance, and the density was found to be physically suitable for the site and consistent with applicable zoning regulations, in conjunction with the Zoning Permits issued by the Zoning Adjustments Board on August 30, 2018 and upheld by City Council on June 9, 2020.
- D. The project will not have adverse environmental effects or substantially and avoidably injure fish or wildlife in their habitat since it is limited to the subdivision of condominium units in a building that has been evaluated to determine whether any of the exceptions to the CEQA Exemption for in-fill development relating to environmental damage or harm to fish and wildlife or their habitat, and none were found.
- E. The design of the subdivision and the proposed improvements will not likely cause serious health problems.
- F. The project will not conflict with any public access easements, as determined pursuant to a review by the Berkeley Public Works Department.
- G. The project will not alter passive or natural heating or cooling opportunities because it was designed to minimize solar access impacts and minimize detrimental shadows to existing buildings adjacent to the property, as evaluated in its use permit approvals for ZP2016-0028.

STANDARD CONDITIONS

1. The Final Map shall be submitted for certification and shall be recorded in compliance with the *Berkeley Municipal Code*, Title 21, and with the *Subdivision Map Act* of the State of California.
2. A copy of the Conditions, Covenants, and Restrictions shall be filed with the Planning and Development Department prior to approval of the Final Map.
3. Prior to approval of the Final Tract Map, an Affordable Housing Agreement shall be entered into with the City's Housing Department that specifies the number, location, and pricing of units that will be affordable in order to remain compliant with Berkeley Municipal Code 23C.12 [Inclusionary Housing Requirements] and California Government Code 65915-65918 [Density Bonuses and Other Incentives] regulations applied when project Use Permits were issued.
4. The *Standard conditions of approval for all subdivisions, new condominiums and commercial condominium conversions within the City of Berkeley*, dated January 1994, applies and shall be satisfied prior to approval of the Final Map. (Attachment 1, Exhibit A)

PROJECT SUMMARY

PROPERTY ADDRESS: 1173 HEARST AVENUE
 BERKELEY, CA 94702

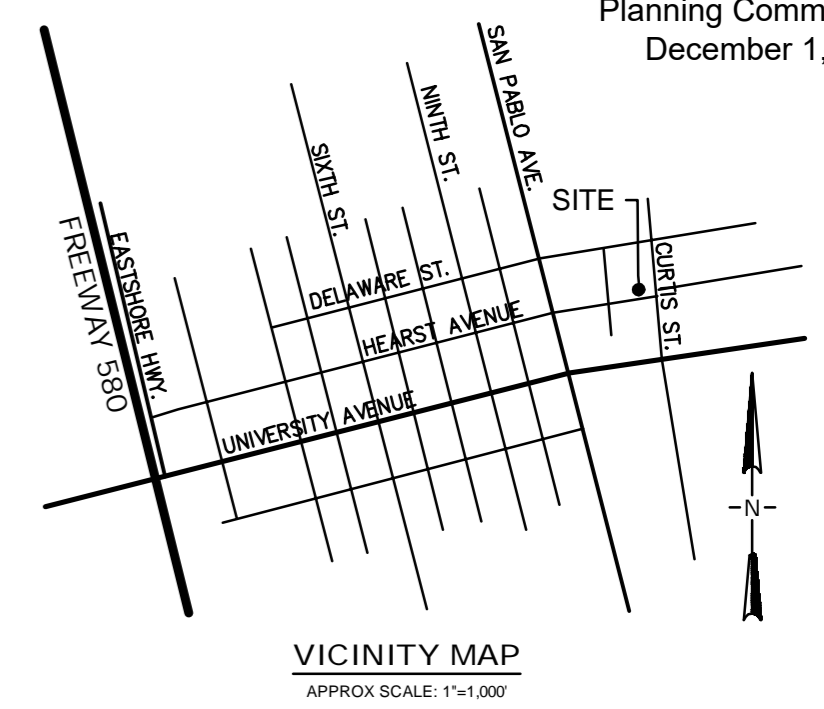
DEVELOPER: HEARST AVENUE COTTAGES, LLC.
 C/O RHOADES PLANNING GROUP
 46 SHATTUCK SQUARE, SUITE 11
 BERKELEY, CA 94704

CIVIL ENGINEER: TALUS, INC.
 811 SAN RAMON VALLEY BLVD #201
 DANVILLE, CA 94526
 CONTACT: EASTON McALLISTER
 (415) 948-0440

ARCHITECT: ARRIS STUDIO ARCHTECTS
 1327 ARCHER STREET, SUITE 220
 SAN LUIS OBISPO, CA 93401
 (805) 547 - 2240

SURVEYOR: MORAN ENGINEERING, INC.
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CA 94704
 (510) 848 - 1930

1173 HEARST AVENUE
VESTING TENTATIVE TRACT MAP # 8621
FOR CONDOMINIUM PURPOSES
TOTAL UNITS: 5 RESIDENTIAL
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA



ASSESSOR'S PARCEL NO.: APN: 057-2086-013

TOTAL AREA: 8,204 SQ FT (APPROX 0.19 ACRES)

EXISTING ZONING: RESIDENTIAL

EXISTING LAND USE: SINGLE-FAMILY RESIDENTIAL

PROPOSED ZONING: RESIDENTIAL

PROPOSED LAND USE: MULTI-FAMILY RESIDENTIAL

UTILITIES:

WATER SUPPLY: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)

FIRE PROTECTION: BERKELEY FIRE DEPARTMENT

SEWAGE DISPOSAL: CITY OF BERKELEY

STORM DRAIN: CITY OF BERKELEY

GAS & ELECTRIC: PACIFIC GAS & ELECTRIC

TELEPHONE: AT&T

CABLE TELEVISION: COMCAST

FLOOD ZONE

ZONE X: AREA OF MINIMAL FLOOD HAZARD.
 FLOOD INSURANCE RATE MAP PANEL NUMBER
 06001C0056H, DATED 12/21/2018.

SURVEY BY OTHERS

TOPOGRAPHIC AND BOUNDARY SURVEY PROVIDED BY
 MORAN ENGINEERING, INC., DATED JUNE 19, 2015.

EXISTING UTILITY NOTE:

THE UTILITY LINES SHOWN ON THIS DRAWING ARE DERIVED FROM
 SURFACE OBSERVATION AND ARE APPROXIMATE ONLY. ACTUAL
 LOCATION AND SIZE, TOGETHER WITH PRESENCE OF ANY ADDITIONAL
 UTILITY LINES NOT SHOWN ON THIS DRAWING SHALL BE VERIFIED IN
 THE FIELD BY THE CONTRACTOR PRIOR TO ANY EXCAVATION.

ENGINEER'S STATEMENT

CIVIL ENGINEERING WORK ON THIS TENTATIVE PARCEL MAP HAS BEEN
 PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH
 STANDARD CIVIL ENGINEERING PRACTICE.

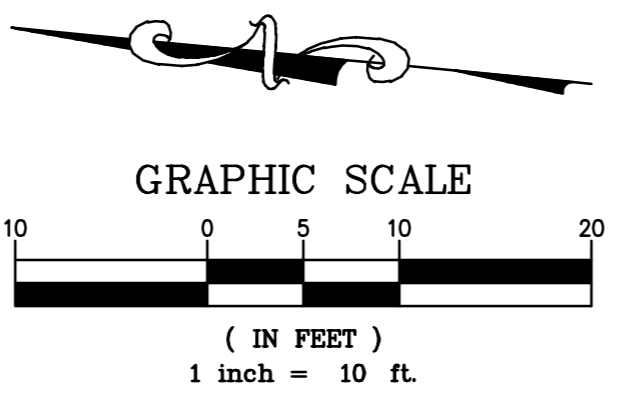


Easton C. McAllister

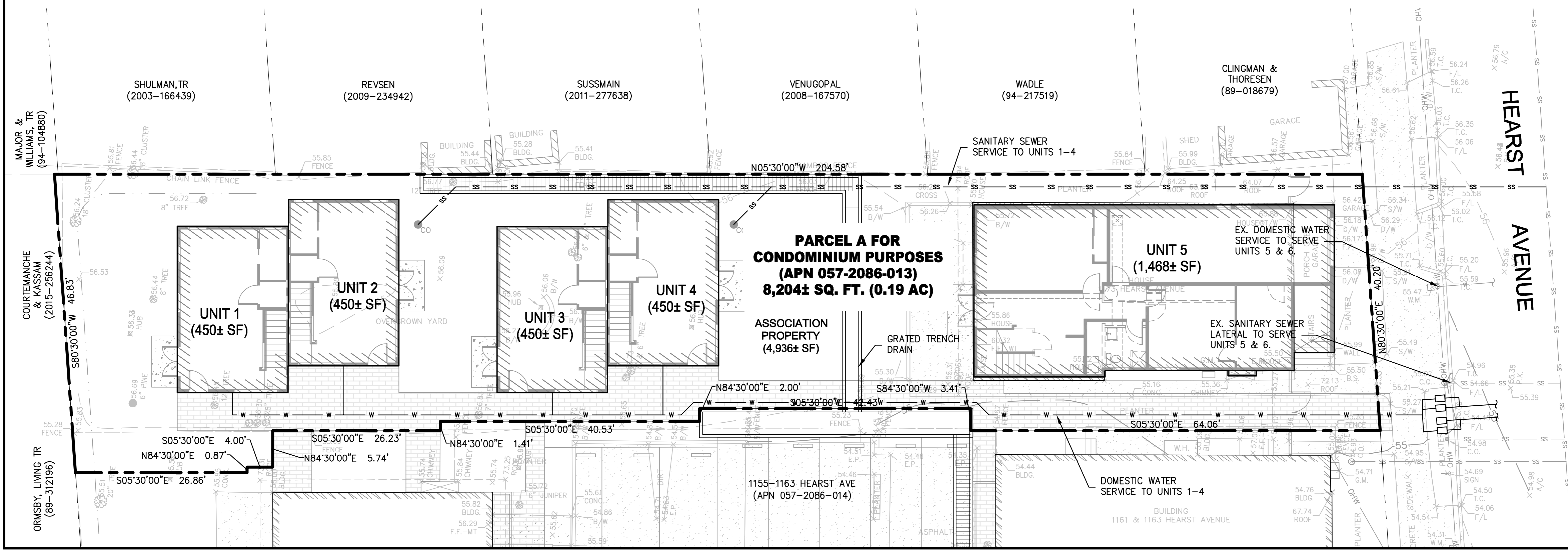
08/31/2021

EASTON C. MCALLISTER, P.L.S.
 P.L.S. 9583 EXP 03/31/23

DATE



DRAWING NAME: P:\p20281\T-MAP_20281 - VTPM.dwg
 PLOT DATE: 09-09-21 PLOTTED BY: easton



RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

SPACE RESERVED FOR RECORDER'S USE

APN: 057-2086-013

CONDOMINIUM PLAN
FOR
TRACT 8621
1173 HEARST AVENUE
BERKELEY
ALAMEDA COUNTY, CALIFORNIA



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SEPTEMBER 2021

CONDOMINIUM PLAN
FOR
TRACT 8621
1173 HEARST AVENUE
BERKELEY
ALAMEDA COUNTY, CALIFORNIA

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CONDOMINIUM PLAN
FOR
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1173 HEARST AVENUE
BERKELEY
ALAMEDA COUNTY, CALIFORNIA

OWNER'S CERTIFICATE

THE UNDERSIGNED, BEING THE RECORD OWNER OF, AND RECORD HOLDER OF SECURITY INTEREST IN THE REAL PROPERTY DESCRIBED IN THE DOCUMENTS HEREINAFTER MENTIONED, DO HEREBY CERTIFY THAT:

WE, HERE BY CONSENT TO THE RECORDATION OF THIS PLAN OF CONDOMINIUM, PURSUANT TO SECTION 6624 (c) OF THE CALIFORNIA CIVIL CODE, CONSISTING OF: (i) THE DESCRIPTION OR SURVEY MAP OF THE SURFACE OF THE LAND INCLUDED WITHIN THE PROPERTIES, AS SUCH DESCRIPTION IS SET FORTH UPON OR CONSTITUTED ALL OF TRACT 8621 AS SHOWN ON THE TRACT MAP FILED IN MAP BOOK ____ AT PAGES ___-___ INCLUSIVE, ON _____ IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA, INCORPORATED HEREIN; AND (ii) THIS CERTIFICATE.

HEARST AVENUE COTTAGES, LLC.
a California limited Liability Corporation.

BY: _____

NAME:

ITS: GENERAL PARTNER

BY: _____

NAME:

ITS: GENERAL PARTNER



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BERKELEY
ALAMEDA COUNTY, CALIFORNIA

OWNER'S NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____) SS

ON _____ BEFORE ME _____ ,
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED _____

_____ WHO PROVED TO ME
ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT
THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED,
EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF NOTARY: _____
PRINT NAME OF NOTARY: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____



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STATE OF CALIFORNIA)
COUNTY OF _____) SS

ON _____ BEFORE ME _____ ,
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED _____

_____ WHO PROVED TO ME
ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED
CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT
THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED,
EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE OF NOTARY: _____
PRINT NAME OF NOTARY: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____



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CONDOMINIUM PLAN
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ALAMEDA COUNTY, CALIFORNIA

GENERAL NOTES:

CONFLICTS. IN THE EVENT OF A CONFLICT BETWEEN THE CONDOMINIUM PLAN AND THE DECLARATION, THE DECLARATION SHALL CONTROL. CAPITALIZED TERMS NOT DEFINED HEREIN SHALL HAVE THE MEANINGS SET FORTH IN THE DECLARATION.

CONDOMINIUM PLAN FOR DIAGRAMMATIC PURPOSES ONLY. THIS CONDOMINIUM PLAN AND THE DIMENSIONS SHOWN HEREIN IS INTENDED TO CONFORM TO CALIFORNIA CIVIL CODE SECTION 6624(c), WHICH REQUIRES, IN PART, CONCERNING THE LAND AND REAL PROPERTY DESCRIBED IN THE ABOVE-REFERENCED SUBDIVISION, THE INCLUSION OF DIAGRAMMATIC PLANS IN SUFFICIENT DETAIL TO IDENTIFY EACH UNIT, ITS RELATIVE LOCATION AND APPROXIMATE DIMENSIONS. THE DIAGRAMMATIC PLANS CONTAINED HEREIN INTENTIONALLY OMIT INFORMATION WITH RESPECT TO CERTAIN IMPROVEMENTS CONSTRUCTED WITHIN THE UNITS. THE ACTUAL DIMENSIONS AND USEABLE FLOOR AREA OR VOLUME OF A ROOM, A UNIT OR ANY EXCLUSIVE USE AREA SHOWN HEREIN ARE ALL DEPENDENT ON THE IMPROVEMENTS AS THEY WERE ACTUALLY CONSTRUCTED, AND THERE MAY BE VARIANCES AMONG CONDOMINIUMS OF THE SAME FLOOR PLAN. THE DIMENSIONS SHOWN HEREIN ARE THEREFORE NOT INTENDED TO BE SUFFICIENTLY ACCURATE TO USE FOR SALES PURPOSES, OR FOR COMPUTATION OF USABLE FLOOR AREA, OR THE VOLUME OF ANY PORTION OF THE UNITS OR ANY EXCLUSIVE USE AREAS SHOWN IN THIS CONDOMINIUM PLAN. ALL OF THE DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF. ALL OF THE ANGLES ARE 90° UNLESS SHOWN OTHERWISE. ALL ELEVATIONS ARE TO THE INTERIOR UNFINISHED SURFACES. NONE OF THE DIMENSIONS DISCLOSED IN THIS CONDOMINIUM PLAN MAY BE RELIED UPON IN MAKING ANY DECISION TO PURCHASE, LEASE OR FINANCE A CONDOMINIUM. TO THE EXTENT SUCH DECISIONS TAKE INTO ACCOUNT THE DIMENSIONS OR THE USABLE FLOOR AREA OR VOLUME OF ANY ROOM, UNIT OR EXCLUSIVE USE AREA SHOWN IN THIS CONDOMINIUM PLAN, THOSE DECISIONS MUST BE BASED ONLY ON THE ACTUAL PHYSICAL DIMENSIONS OF THE IMPROVEMENTS AS CONSTRUCTED, AS DETERMINED BY PERSONAL ON-SITE INVESTIGATION.



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CONDOMINIUM PLAN
FOR
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1173 HEARST AVENUE
BERKELEY
ALAMEDA COUNTY, CALIFORNIA

DEFINITIONS:

- For the definitions of "Association Property," "Building Common Area," "Condominium Building," "Exclusive Use Common Area," and "Unit," see the Hearst Gardens Duplex Declaration of Restrictions (CC&Rs) (the "Declaration").
- Declaration: The term "Declaration" shall refer to the Hearst Gardens Duplex Declaration of Restrictions (CC&Rs).



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CONDOMINIUM PLAN
FOR
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BERKELEY
ALAMEDA COUNTY, CALIFORNIA

SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR OF THE STATE OF CALIFORNIA, AND THAT THIS CONDOMINIUM PLAN CONSISTING OF 16 SHEETS CORRECTLY (1) REPRESENTS THE TRUE AND COMPLETE SURVEY OF THE BOUNDARY OF TRACT 8235, MADE UNDER MY SUPERVISION, AND WHICH TRACT IS INCORPORATED HEREIN; AND (2) THE APPROXIMATE LOCATION OF THE UNITS.



EASTON C McALLISTER, PLS 9583
EXP. 3/31/2023



BENCHMARK:

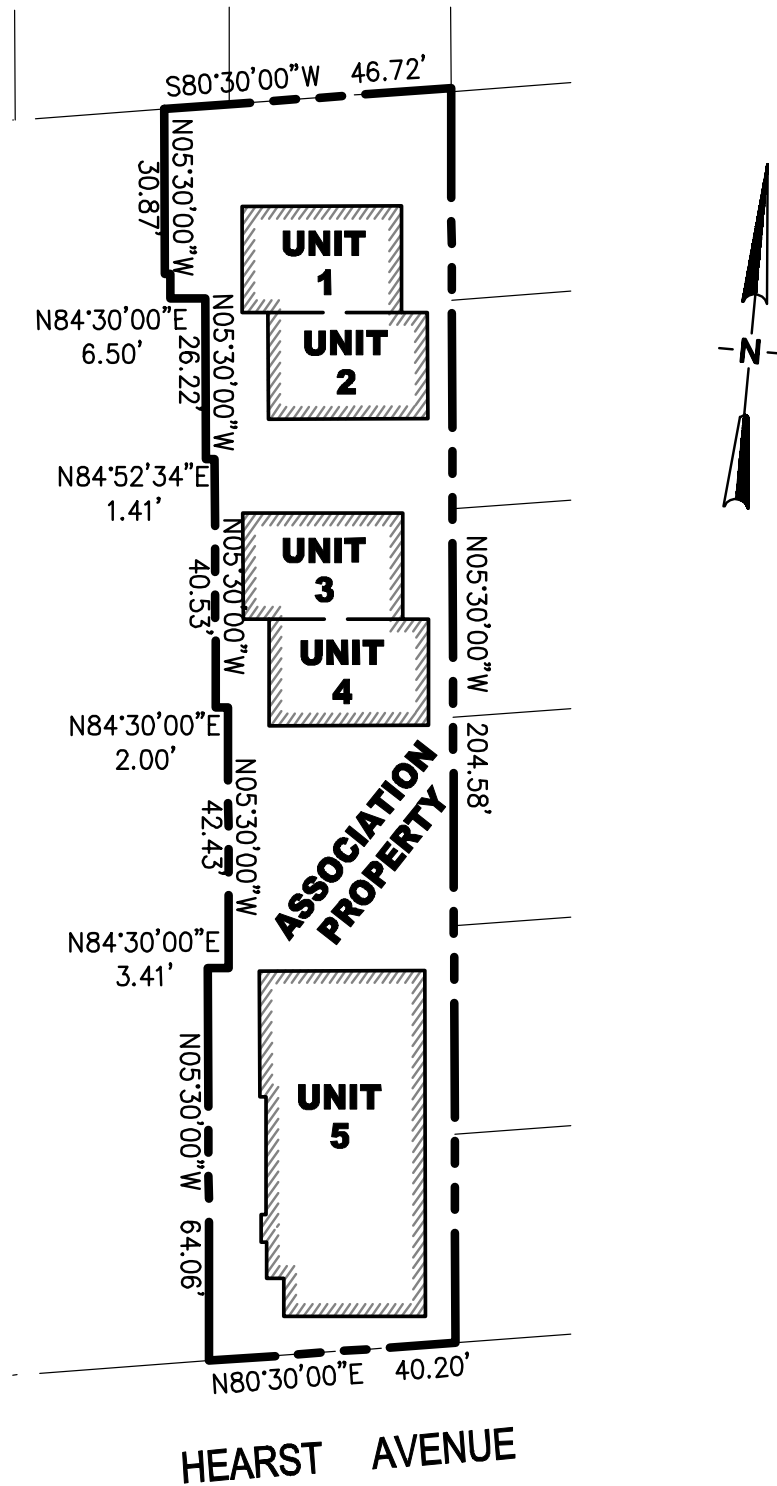
BASIS OF BEARINGS:



DEBOLT CIVIL ENGINEERING

45+
YEARS

811 SAN RAMON VALLEY BLVD #201
DANVILLE, CALIFORNIA 94526
(925) 837-3780 | DEBOLTCIVIL.COM



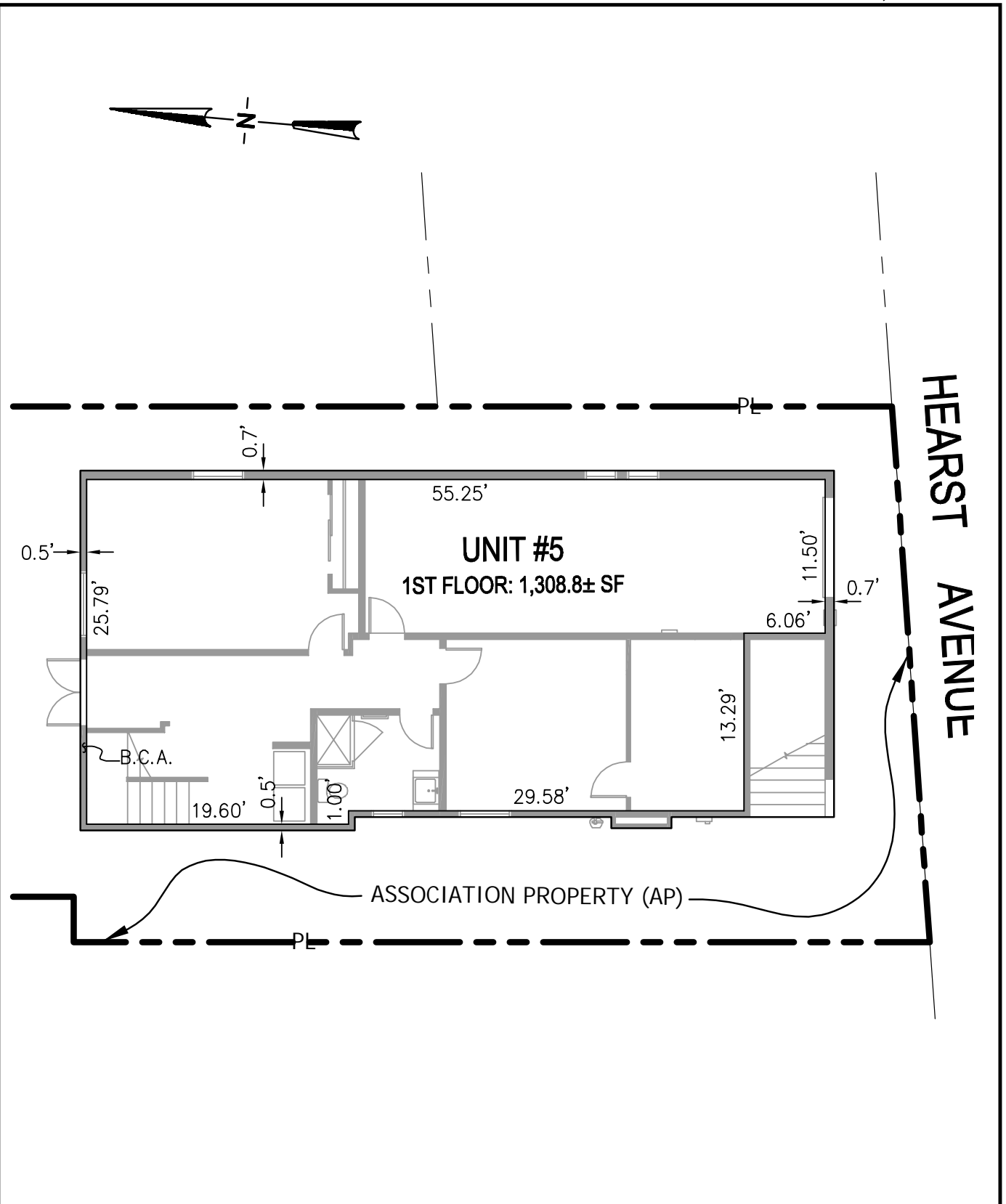
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CONDOMINIUM PLAN
 TRACT 8621
 1173 HEARST AVENUE
 BOUNDARY MAP



DeBolt Civil Engineering
 811 San Ramon Valley Boulevard
 Danville, California 94526
 925/837-3780

Date: 09/07/2021
 Scale: 1" = 30'
 By: ECM
 Job No.: 20281



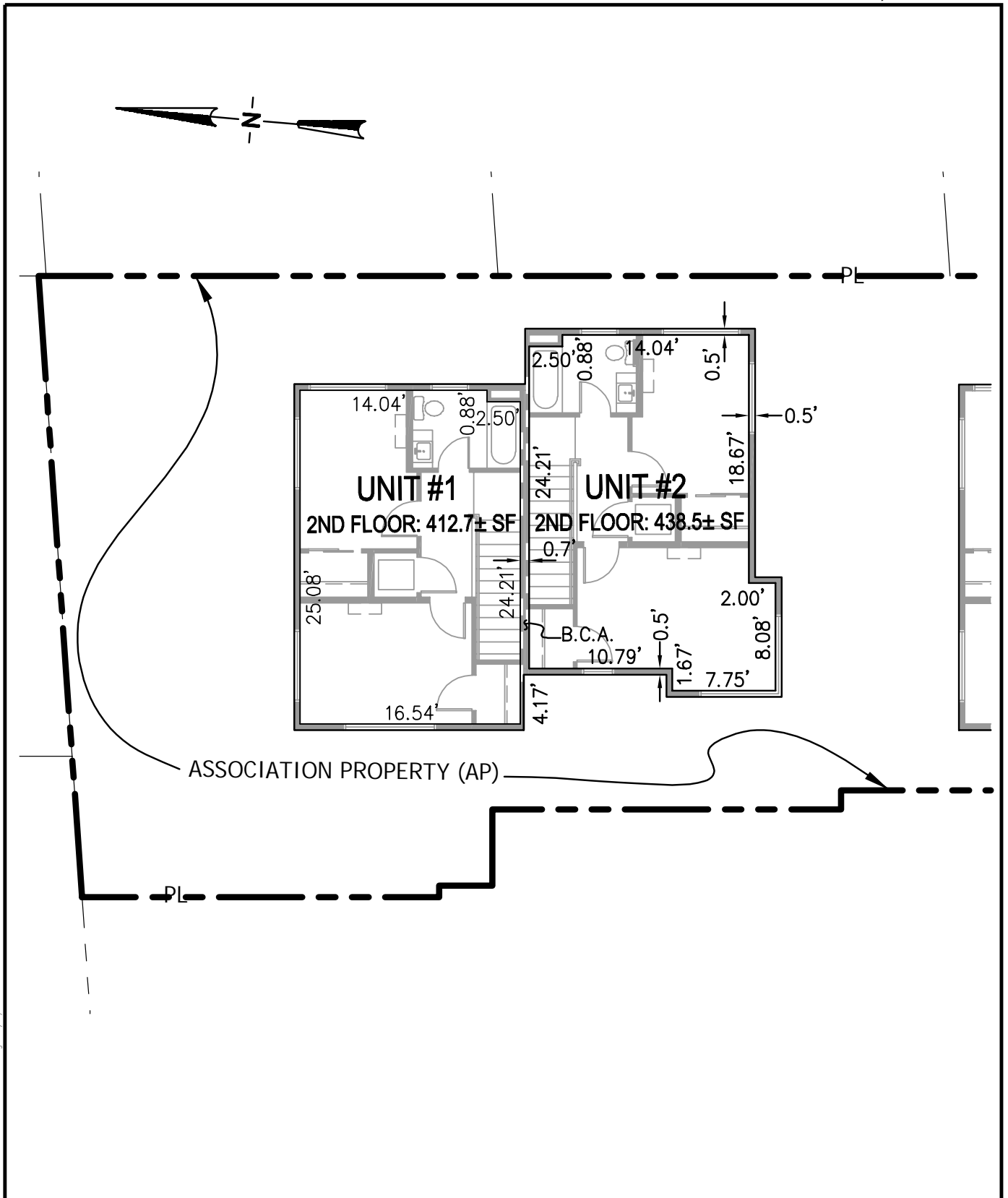
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CONDOMINIUM PLAN
 TRACT 8621
 1173 HEARST AVENUE
 CONDO UNIT #5 - 1ST FLOOR

DEBOLT CIVIL ENGINEERING
45+
 YEARS

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Date: 09/07/2021
 Scale: 1" = 10'
 By: ECM
 Job No.: 20281



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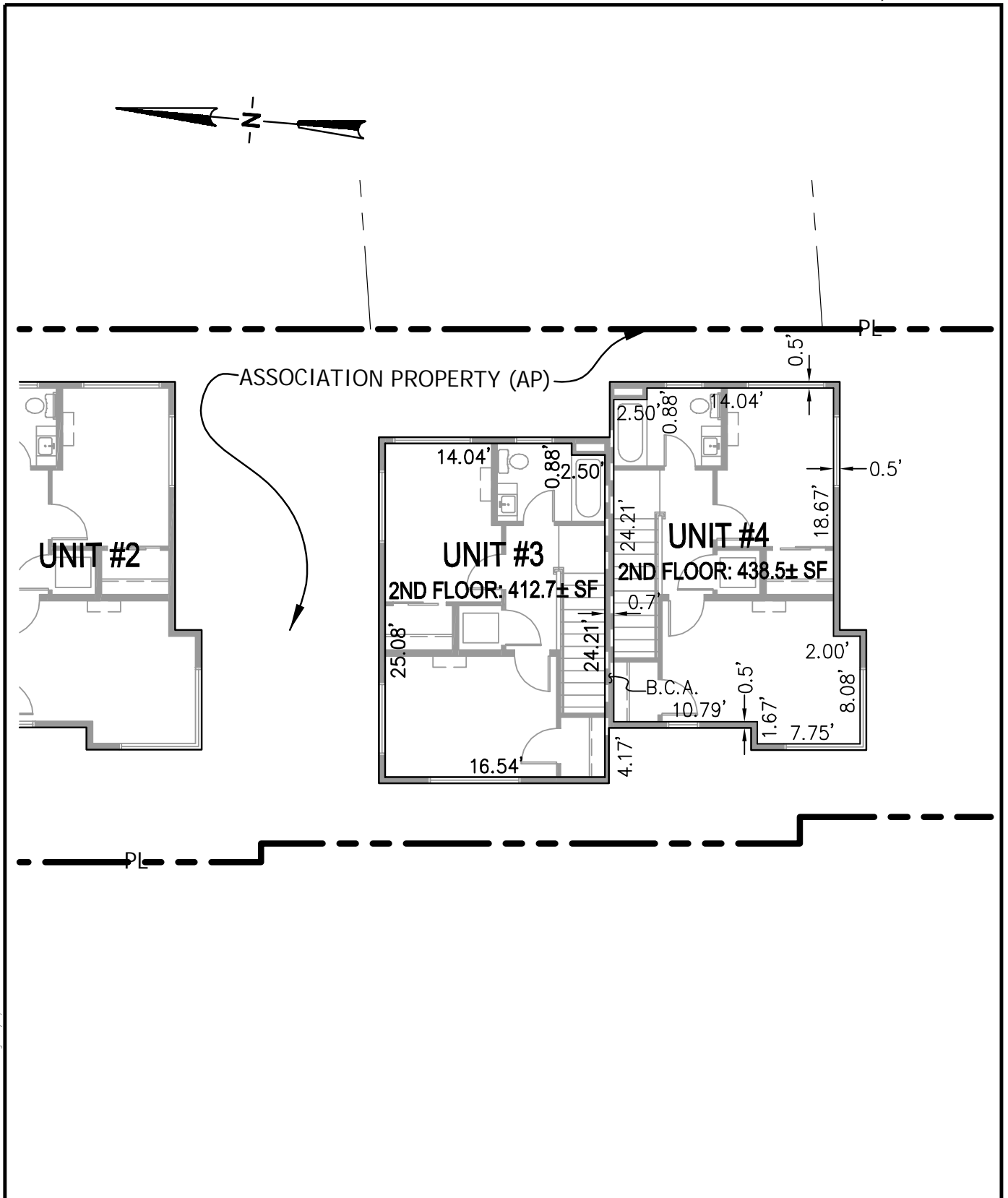
CONDOMINIUM PLAN
 TRACT 8621
 1173 HEARST AVENUE
CONDO UNITS #1 & 2 - 2ND FLOOR



DEBOLT CIVIL ENGINEERING
45+
 YEARS

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 DANVILLE, CALIFORNIA 94526
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Date: 09/07/2021
 Scale: 1" = 10'
 By: ECM
 Job No.: 20281



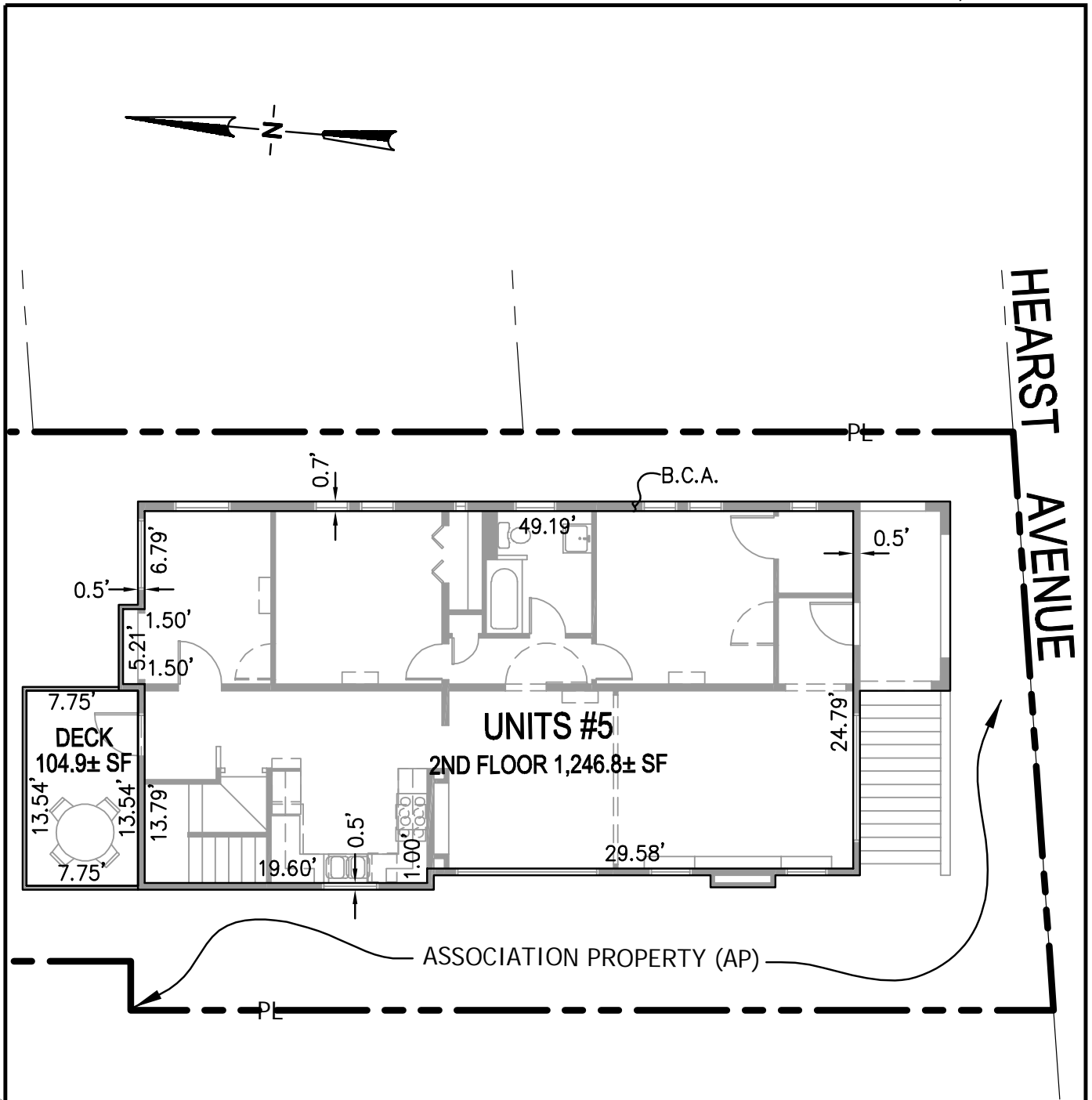
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CONDOMINIUM PLAN
 TRACT 8621
 1173 HEARST AVENUE
CONDO UNITS #3 & 4 - 2ND FLOOR



DEBOLT CIVIL ENGINEERING
45+
 YEARS
 811 SAN RAMON VALLEY BLVD #201
 DANVILLE, CALIFORNIA 94526
 (925) 837-3780 | DEBOLTCIVIL.COM

Date: 09/07/2021
 Scale: 1" = 10'
 By: ECM
 Job No.: 20281

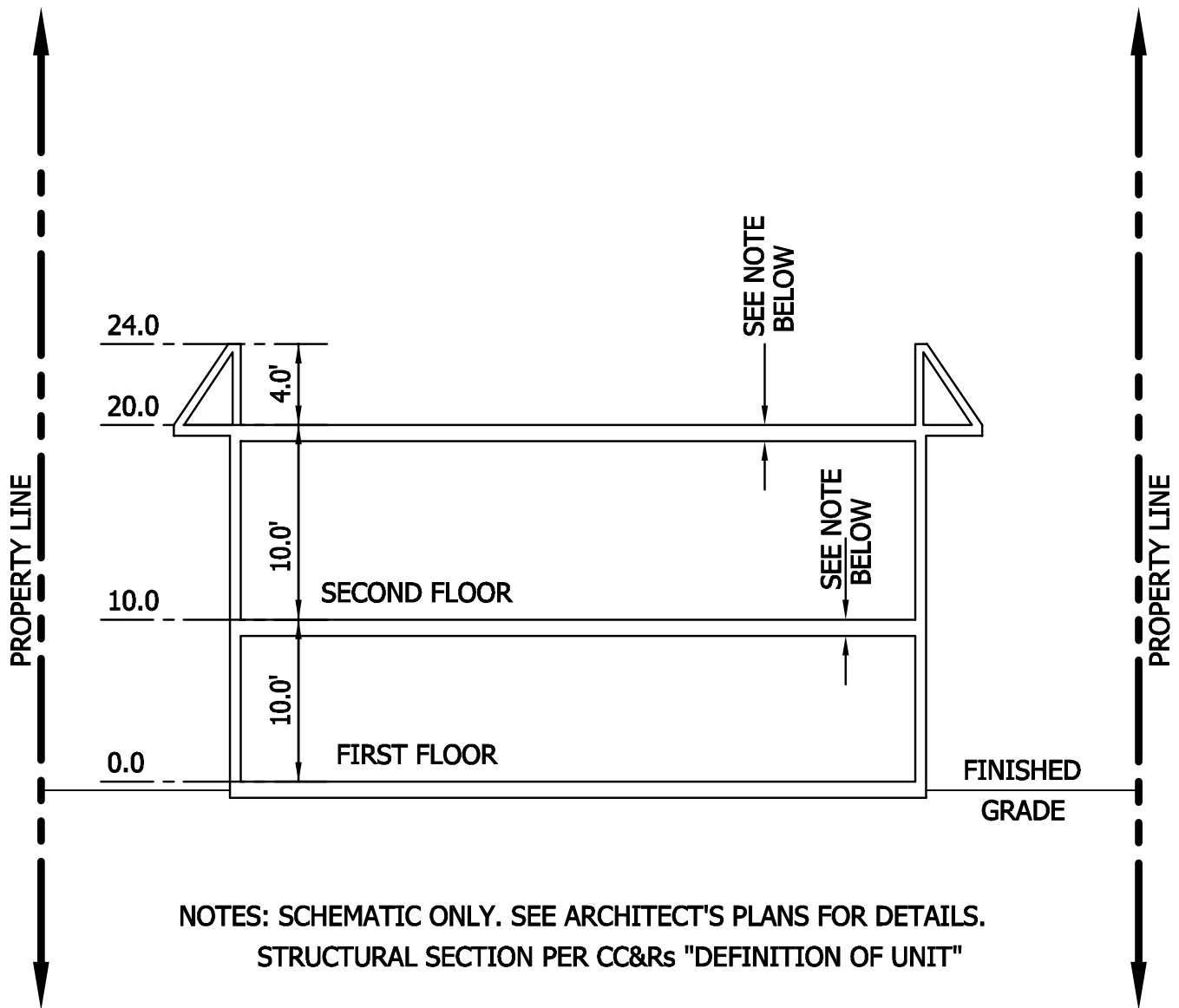


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CONDOMINIUM PLAN
 TRACT 8621
 1173 HEARST AVENUE
 CONDO UNIT #5 - 2ND FLOOR

	DEBOLT CIVIL ENGINEERING 45+ YEARS	811 SAN RAMON VALLEY BLVD #201 DANVILLE, CALIFORNIA 94526 (925) 837-3780 DEBOLTCIVIL.COM
	Date: 09/07/2021 Scale: 1" = 10' By: ECM Job No.: 20281	

CONDOMINIUM PLAN
FOR
TRACT 8621
HEARST GARDENS DUPLEX
BERKELEY
ALAMEDA COUNTY, CALIFORNIA



NOTES: SCHEMATIC ONLY. SEE ARCHITECT'S PLANS FOR DETAILS.
STRUCTURAL SECTION PER CC&Rs "DEFINITION OF UNIT"



DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
925/837-3780

TYPICAL BUILDING SECTION
NOT TO SCALE



PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

WEDNESDAY, DECEMBER 1, 2021

Tentative Tract Map #8621 – 1169-1173 Hearst

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 21.16.047, on **Wednesday, December 1, 2021 at 7:00 p.m.** The hearing will be conducted via Zoom – see the Agenda for details, which can be found here: <https://www.cityofberkeley.info/PC/>.

PUBLIC ADVISORY: This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Planning Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

PROJECT DESCRIPTION: Tentative Tract Map #8621 would add 2 duplex units on a lot with an existing single-family dwelling unit. The subject lot shares open space, pedestrian/vehicular access, bicycle/container storage, and drainage with the adjacent lot. The development project was approved by the Zoning Adjustments Board (ZAB) on August 30, 2018 and by the City Council on June 9, 2020 after an appeal of the ZAB approval.

PROJECT APPLICANT: Mark Rhoades
2140 Shattuck Ave., Ste. 705, Berkeley, CA 94704

LOCATION:
1169-1173 Hearst, Berkeley CA, 94704

ENVIRONMENTAL REVIEW STATUS: Construction of the project is categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-fill Development Projects”), and approval of the Tentative Map is also categorically exempt pursuant to Section 15331 of the CEQA Guidelines, which involves the operations and permitting of existing facilities involving no expansion of use beyond prior approvals.

PUBLIC COMMENT & FURTHER INFORMATION

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. Written comments must be directed to:

Alene Pearson
Planning Commission Secretary
Email: apearson@CityofBerkeley.info

City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Correspondence received by **12 pm on Wednesday, November 17, 2021**, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by 12pm noon two days before this public hearing will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication one day before the public hearing.
- Correspondence received by 5pm one day before this public hearing, will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication by 5pm on the day of the public hearing.
- Correspondence received after 5pm one day before this public hearing will be saved as part of the public record.

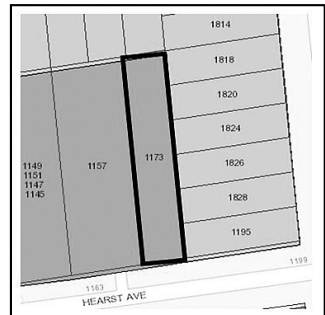
Note: It will not be possible to submit written comments at the meeting.

COMMUNICATION ACCESS

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. All materials will be made available via the Planning Commission agenda page online at <https://www.cityofberkeley.info/PC/>.

FURTHER INFORMATION

Questions should be directed to Alene Pearson, at (510) 981-7489 or apearson@cityofberkeley.info. Current and past agendas are available on the City of Berkeley website at: <https://www.cityofberkeley.info/PC/>



BV 6623407 November 12, 2021

Communication

From: Barbara Fisher <barbara.fisher2000@gmail.com>

Sent: Wednesday, November 10, 2021 2:31 PM

To: Pearson, Alene <apearson@cityofberkeley.info>; Rebecca Saltzman <Rebecca.Saltzman@bart.gov>; Kesarwani, Rashi <RKesarwani@cityofberkeley.info>; All Council <council@cityofberkeley.info>

Subject: BART parking lot housing

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I live in the neighborhood around the North Berkeley BART station. In regard to building plans:

- The neighborhood welcomes an affordable, contextual, green-built project that fits the neighborhood.
- The city must zone the site as an Urban City Center as required by law, but it need not and should not increase the required minimums (and should specify them as maximums).

Furthermore, we have an *affordable* housing crisis, and plenty of market rate units. Plan Bay Area 2050 (ABAG and MTC) states the following ways to address this:

- Produce 1 million permanently affordable units by 2050 in order to meet the needs of low-income and unhoused families and individuals.
- Reuse public and community-owned land for affordable housing, in addition to converting old malls and office parks into new neighborhoods.
-

Let us do the difficult but right thing for the shelter insecure and unhoused on our streets and build 100% affordable housing.

Barbara Fisher