



**Planning and Development Department**  
Land Use Planning Division

**STAFF REPORT**  
July 1, 2026

TO: Members of the Planning Commission  
FROM: Justin Horner, Principal Planner  
SUBJECT: Public Hearing: Tentative Tract Map #8760 for 1155–1163 Hearst Avenue

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**RECOMMENDATION**

Hold a Public Hearing to approve Tentative Tract Map #8760 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, and consistent with Berkeley’s Tentative Maps Ordinance (BMC Chapter 21.16), applicable condominium conversion requirements, the Subdivision Map Act, and the Berkeley General Plan.

**PROJECT DESCRIPTION**

Tentative Tract Map #8760 would establish an eight-unit residential condominium subdivision at 1155–1163 Hearst Avenue, consisting of six conversion condominium units in three existing duplex buildings and two new-construction condominium units in a new two-story duplex building. The site is a rectangular interior lot located on the north side of Hearst Avenue in West Berkeley, between San Pablo Avenue and Curtis Street, with approximately 66 feet of frontage along Hearst Avenue and a lot depth of approximately 204 feet. The subject lot is part of the larger Hearst Gardens development, which shares open space, pedestrian and vehicular access, parking, bicycle/container storage, and drainage facilities with the adjacent parcel.

**PROCESSING TIMELINE**

March 11, 2026	Map Application Submitted
March 31, 2026	Map Application Deemed Incomplete
May 4, 2026	Application Resubmitted
May 13, 2026	Application Deemed Complete
July 2, 2026	Required Deadline for Action pursuant to 66452.1
<b>July 1, 2026</b>	<b>Planning Commission Hearing Date</b>



## SUMMARY OF PROJECT APPROVED BY THE ZONING ADJUSTMENTS BOARD

On August 30, 2018, the Zoning Adjustments Board (ZAB) approved Use Permit #ZP2016-0028 for the Hearst Gardens residential development. The approved project included the substantial rehabilitation of seven existing dwelling units on two parcels and construction of three new two-story duplexes, for a total of 13 dwelling units within seven buildings. The City Council upheld the ZAB approval on June 9, 2020 after an appeal.

On June 12, 2025, the ZAB approved Use Permit Modification #ZP2024-0157 modified Conditions of Approval #16<sup>1</sup> and #58<sup>2</sup> of the original Use Permit to allow processing of a condominium conversion application for the existing rent-controlled apartments. The Use Permit Modification did not approve physical changes to the previously approved project design or layout.

Tentative Tract Map #8760 applies to the 1155–1163 Hearst Avenue portion of the Hearst Gardens development, which includes six existing dwelling units in three duplex buildings and two new dwelling units in a new two-story duplex building.

## ROLE OF PLANNING COMMISSION IN APPROVAL OF TENTATIVE TRACT MAPS

Pursuant to BMC Section 21.16.047, the Planning Commission may approve, conditionally approve, or deny a tentative map. If the Commission were to deny a tentative tract map, the Planning Commission must make one or more of the findings listed in BMC Sections 21.16.047.A-G. If the Planning Commission cannot make one or more of the findings, it cannot deny a tentative tract map.

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### **<sup>1</sup> Revised Condition #16 from Use Permit #ZP2016-0018**

Notice of Limitation. The Notice of Limitation recorded with Alameda County shall be rescinded and a new Notice of Limitation shall be filed stipulating that all owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder that all of the six existing apartments: 1153 & 1155 Hearst Avenue; 1161 & 1163 Hearst Avenue, and 1165 & 1167 Hearst Avenue may be allowed to convert to condominiums, but that existing tenants as of October 24, 2024 shall be permitted to remain in their unit(s) until they choose to vacate their unit(s). The new Notice of Limitation shall include the names of the existing tenants and describe the address and location of their dwelling units. Each tenant-occupied, condominium-converted units shall remain subject to rent control and will not be sold separately from the other unit in the duplex until both units are vacated by the existing tenants unless the existing tenants purchase their unit. No work that requires a new Certificate of Occupancy shall be performed on any one of the two occupied duplexes until that building is vacant. Conversion of the existing rental units to condominium units shall be processed consistent with BMC Chapter 21.28 "Condominiums and Other Common Interest Subdivisions", Chapter 23.326 "Demolition and Dwelling Unit Controls" and Chapter 13.76 "Rent Stabilization and Eviction for Just Cause Ordinance".

### **<sup>2</sup> Revised Condition #58 from Use Permit #ZP2016-0018**

Rent Control. The existing six dwelling units may be permitted to be converted to condominiums and all existing tenants who occupied the existing rental units as of October 24, 2024, the filing date of #ZP2024-0157 (the application to modify #ZP2016-0028), shall be allowed to remain in their dwelling units until they choose to vacate their unit(s). Each of the three existing rental units that are currently occupied shall continue to be subject to rent control under the Rent Stabilization Ordinance (BMC Chapter 13.76), and will not be sold separately from the other unit in the duplex even if a unit is converted to condominiums, until such times as those units are vacated by the existing residents and then sold. No work that would require a new Certificate of Occupancy shall be performed on any one of the two occupied duplexes until that building is vacant. Conversion of the existing rental units to condominium units shall be processed consistent with BMC Chapter 21.28 "Condominiums and Other Common Interest Subdivisions", Chapter 23.326 "Demolition and Dwelling Unit Controls" and Chapter 13.76 "Rent Stabilization and Eviction for Just Cause Ordinance".

### 21.16.047 Planning Commission Action

A. That the proposed map is not consistent with applicable general and specific plans.

**Evidence:** The proposed map is consistent with applicable general and specific plans.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

**Evidence:** The design and improvements are consistent with applicable general and specific plans.

C. That the site is not physically suitable for the proposed density of development.

**Evidence:** The site is physically suitable for the proposed density of development.

D. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Evidence:** The subject site is not a natural habitat and therefore would not injure fish or wildlife.

E. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

**Evidence:** The subdivision is designed around existing building placement and is not likely to cause serious public health problems.

F. That conflicts with public access easements exist, in accordance with Section 66474(g) of the Subdivision Map Act.

**Evidence:** There are no conflicts with public access easements.

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.

**Evidence:** The subdivision design does not preclude future passive or natural heating or cooling opportunities in the subdivision.

Staff was not able to make the findings to deny a tentative tract map pursuant to BMC Section 21.16.047. Staff therefore recommends approval of the tentative tract map and

all of the conditions required for approval of the map under BMC Section 21.16.048 satisfied.

### ROLE OF PLANNING COMMISSION IN APPROVAL OF CONDOMINIUMS

BMC Section 21.16.048 (Findings for approval of condominiums in new buildings) requires the Planning Commission to make the following findings to approve condominiums in new buildings.

*A. The Planning Commission shall make the findings required for approval of a tentative map, and shall not deny or impose any conditions on a tentative map, under the following circumstances:*

1. The tentative map is required solely in order to permit the establishment of condominiums in a building in which the units which are proposed to be condominiums have never been rented because the units are to be, or have recently been, constructed;

**Evidence:** Tentative Tract Map #8760 includes both conversion of residential rental units to condominium units and new-construction condominium units. Six of the eight proposed condominium units are existing rental dwelling units located within three existing duplex buildings. These units are subject to the applicable condominium conversion requirements of BMC Chapter 21.28, including local law compliance, tenant notice and protection requirements, Rent Board and Housing review, and affordable housing mitigation fee requirements, as applicable.

2. The application for the use permit required to construct the building disclosed that the units which are the subject of the tentative map were intended to be condominiums;

**Evidence:** On June 12, 2025, the Zoning Adjustments Board approved Use Permit Modification #ZP2024-0157 to modify Conditions of Approval #16 “Notice of Limitation” and #58 Rent Control” of the original Use Permit (ZP2016-0028) to allow the applicant to process a condominium conversion application for the existing rent-controlled apartments

3. The construction of the building units has received all discretionary approvals required under the Zoning Ordinance; and

**Evidence:** On June 12, 2025, the Zoning Adjustments Board approved Use Permit Modification #ZP2024-0157 to modify Conditions of Approval #16 “Notice of Limitation” and #58 “Rent Control” of the original Use Permit (ZP2016-0028) to allow the applicant to process a condominium conversion

application for the existing rent-controlled apartments. The Use Permit Modification did not approve physical changes to the previously approved project design or layout and did not waive any applicable condominium conversion requirements.

4. The Zoning Adjustments Board made all of the findings required by the Subdivision Map Act and this chapter for approval of a tentative map.

**Evidence:** In 2025, the ZAB approved Use Permit Modification #ZP2024-0157 to modify Conditions of Approval #16 and #58 of the original Use Permit to allow the applicant to process a condominium conversion application for the existing rent-controlled apartments. The proscribed authority to approve a tentative tract map lies with the Planning Commission

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Approval of Tentative Tract Map #8760 is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(k), which applies to the division of existing multiple-family or single-family residences into common-interest ownership where no physical changes occur that are not otherwise exempt. The underlying Hearst Gardens residential development was previously determined to be categorically exempt pursuant to CEQA Guidelines Section 15332, "In-Fill Development Projects." The 2025 Use Permit Modification allowing processing of a condominium conversion application was also determined to be categorically exempt pursuant to CEQA Guidelines Section 15301, "Existing Facilities." None of the exceptions in CEQA Guidelines Section 15300.2 apply.

### NEXT STEPS

After reviewing the report, the Planning Commission will hold a public hearing, receive public comment, and vote on a recommendation to the City Council on Tentative Tract Map #8760. If recommended for approval by the Planning Commission, the tentative map will be forwarded to the City Council for review and certification.

### CONTACT PERSON

Justin Horner, Principal Planner, Planning and Development,  
[JHorner@berkeleyca.gov](mailto:JHorner@berkeleyca.gov), 510-981-7476

### **ATTACHMENTS**

1. Planning Commission Resolution and Findings and Conditions
2. Tentative Tract Map #8760
3. Condominium Plans for Tentative Map #8760

4. City Council Resolution Upholding ZAB Approval and Findings and Conditions  
June 9, 2020.
5. Use Permit Modification #ZP2024-0157 Findings and Conditions
6. Public Hearing Notice

## ATTACHMENT 1

### PLANNING COMMISSION RESOLUTION NO. 2026-11

#### A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION APPROVING TENTATIVE TRACT MAP #8760 (1155-1163 HEARST AVENUE) AND RECOMMENDING THAT THE CITY COUNCIL REVIEW AND CERTIFY THE TENTATIVE TRACT MAP

**WHEREAS**, the project was originally approved by City Council on August 23, 2018, and included the rehabilitation of seven existing dwelling units on two parcels and the construction of three new two-story duplexes, for a total of 13 dwelling units within seven buildings; and

**WHEREAS**, the project was modified by the Zoning Adjustments Board on June 12, 2025, to allow a condominium conversion application to convert units from rent-controlled apartments into for-sale condominium units; and

**WHEREAS**, on March 11, 2026, Hearst Avenue Cottages, LLC (“Applicant”) filed a tentative tract map for an eight-unit residential condominium subdivision which includes the conversion of six condominium units in three existing duplex buildings and two new-construction condominium units in a new two-story duplex building; and

**WHEREAS**, the application was deemed complete on May 13, 2026; and

**WHEREAS**, Approval of Tentative Tract Map #8760 is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(k), which applies to the division of existing multiple-family or single-family residences into common-interest ownership where no physical changes occur that are not otherwise exempt; and

**WHEREAS**, the underlying Hearst Gardens residential development was previously determined to be categorically exempt pursuant to CEQA Guidelines Section 15332, “In-Fill Development Projects:” and

**WHEREAS**, the 2025 Use Permit Modification allowing processing of a condominium conversion application was also determined to be categorically exempt pursuant to CEQA Guidelines Section 15301, “Existing Facilities.” None of the exceptions in CEQA Guidelines Section 15300.2 apply; and

**WHEREAS**, a public hearing notice was published in the Berkeley Voice and posted in three public places pursuant to California Government Code Section 65090 on June 19, 2026 for the public hearing held on July 1, 2026; and

**WHEREAS**, on July 1, 2026, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed tentative tract map; and

**WHEREAS**, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

**NOW, THEREFORE, IT BE RESOLVED** that the Planning Commission does hereby make the following findings pursuant to BMC 21.16.047 (A-G) to approve tentative tract map #8760, and recommends that the City Council of the City of Berkeley review and certify the map subject to the following findings:

**21.16.047 Planning Commission Action**

A. That the proposed map is not consistent with applicable general and specific plans.

**Evidence:** The proposed map is consistent with applicable general and specific plans.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

**Evidence:** The design and improvements are consistent with applicable general and specific plans.

C. That the site is not physically suitable for the proposed density of development.

**Evidence:** The site is physically suitable for the proposed density of development.

D. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Evidence:** The subject site is not a natural habitat and therefore would not injure fish or wildlife.

E. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

**Evidence:** The subdivision is designed around existing building placement and is not likely to cause serious public health problems.

F. That conflicts with public access easements exist, in accordance with Section 66474(g) of the Subdivision Map Act.

**Evidence:** There are no conflicts with public access easements.

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.

**Evidence:** The subdivision design does not preclude future passive or natural heating or cooling opportunities in the subdivision.

**NOW, THEREFORE, IT BE FURTHER RESOLVED** that the Planning Commission does hereby make the following findings pursuant to BMC 21.16.048 to approve tentative tract map #8760, and recommends that the City Council of the City of Berkeley review and certify the map subject to the following findings:

### **21.16.048 Findings for approval of condominiums in new buildings**

1. The tentative map is required solely in order to permit the establishment of condominiums in a building in which the units which are proposed to be condominiums have never been rented because the units are to be, or have recently been, constructed;

**Evidence:** Tentative Tract Map #8760 includes both conversion of residential rental units to condominium units and new-construction condominium units. Six of the eight proposed condominium units are existing rental dwelling units located within three existing duplex buildings. These units are subject to the applicable condominium conversion requirements of BMC Chapter 21.28, including local law compliance, tenant notice and protection requirements, Rent Board and Housing review, and affordable housing mitigation fee requirements, as applicable.

2. The application for the use permit required to construct the building disclosed that the units which are the subject of the tentative map were intended to be condominiums;

**Evidence:** On June 12, 2025, the Zoning Adjustments Board approved Use Permit Modification #ZP2024-0157 to modify Conditions of Approval #16 “Notice of Limitation” and #58 Rent Control” of the original Use Permit (ZP2016-0028) to allow the applicant to process a condominium conversion application for the existing rent-controlled apartments.

3. The construction of the building units has received all discretionary approvals required under the Zoning Ordinance; and

**Evidence:** On June 12, 2025, the Zoning Adjustments Board approved Use Permit Modification #ZP2024-0157 to modify Conditions of Approval #16 “Notice of Limitation” and #58 “Rent Control” of the original Use Permit (ZP2016-0028) to allow the applicant to process a condominium conversion application for the existing rent-controlled apartments. The Use Permit Modification did not approve physical changes to the previously approved project design or layout and did not waive any applicable condominium conversion requirements.

4. The Zoning Adjustments Board made all of the findings required by the Subdivision Map Act and this chapter for approval of a tentative map.

**Evidence:** In 2025, the ZAB approved Use Permit Modification #ZP2024-0157 to modify Conditions of Approval #16 and #58 of the original Use Permit to allow the applicant to process a condominium conversion application for the existing rent-controlled apartments. The proscribed authority to approve a tentative tract map lies with the Planning Commission; and

**BE IT FURTHER RESOLVED** that the Planning Commission does hereby approves Tentative Tract Map #8760 subject to Conditions of Approval (Exhibit A).

**I HEREBY CERTIFY** the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 1st day of July 2026,

by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**ALISA SHEN,  
SECRETARY TO THE PLANNING COMMISSION**

<b>I. General Administrative Conditions</b>		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<b>Project Approval.</b> This Tentative Tract Map (#8760) approval is for 1155-1163 Hearst Avenue, as substantially shown and described on the project plans dated April 20, 2026, except as required to be modified by conditions herein and plans as presented to the Planning Commission on July 1, 2026 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	<b>Approval Limited to Proposed Project.</b> This approval authorizes only the proposed project and uses described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.	City of Berkeley <a href="#">BMC Sections 23.404.060 (B) (1)</a>	On-Going	Land Use Planning
3.	<b>Compliance Required.</b> All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley	On-Going	Land Use Planning
4.	<b>Conformance to Approved Plans.</b> All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley <a href="#">BMC Section 23.404.060 (B) (4)</a>	On-Going	Land Use Planning
5.	<b>Hold Harmless.</b> The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.	City of Berkeley	On-Going	Land Use Planning

<b>II. Prior to Final Map Approval</b>		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<b>Final Map Recordation.</b> The Final Map shall be submitted to the City Engineer 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.	City of Berkeley	Prior to Final Map Approval	Land Use Planning
2.	<b>Conditions, Covenants, &amp; Restrictions.</b> A copy of the Conditions, Covenants, and Restrictions shall be filed with the Public Works Department prior to approval of the Final Map.	City of Berkeley	Prior to Final Map Approval	Public Works
3.	<b>City Monuments.</b> When there is no existing City monumentation in the immediate are 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 California 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.	City of Berkeley	Prior to Final Map Approval	Public Works/City Engineer

## GENERAL NOTES

- OWNER/DEVELOPER: HEARST AVENUE COTTAGES, LLC  
46 SHATTUCK SQUARE, SUITE 11  
BERKELEY, CA 94704
- ENGINEER: LUK AND ASSOCIATES  
738 ALFRED NOBEL DRIVE  
HERCULES, CA 94547  
JACKIE LUK PLS 8934  
(510) 724-3388
- ASSESSOR'S PARCEL NO.: 057-2086-014-3
- TOTAL LOT AREA: 0.309 ACRES (13,468 S.F.)
- ZONING: EXISTING: R-2A RESTRICTED MULTIPLE-FAMILY RESIDENTIAL  
PROPOSED: R-2A RESTRICTED MULTIPLE-FAMILY RESIDENTIAL

## LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF BLOCK 2, AS SHOWN ON THE MAP OF CURTIS TRACT, FILED NOVEMBER 1, 1877, BOOK 6 OF MAPS AT PAGE 5, ALAMEDA COUNTY RECORDS, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF HEARST AVENUE, FORMERLY BRISTOL STREET, DISTANT THEREON SOUTH 80°30'00" WEST, 146.40 FEET FROM THE INTERSECTION THEREOF WITH THE WESTERLY LINE OF CURTIS STREET; THENCE FROM SAID POINT OF BEGINNING ALONG SAID NORTHERLY LINE SOUTH 80°30'00" WEST, 66.00 FEET; THENCE ALONG A LINE PARALLEL WITH SAID LINE OF CURTIS STREET NORTH 5°30'00" WEST, 204.58 FEET; THENCE ALONG A LINE PARALLEL WITH SAID LINE OF HEARST AVENUE NORTH 80°30'00" EAST, 59.37 FEET; THENCE ALONG A LINE PARALLEL WITH SAID LINE OF CURTIS STREET SOUTH 5°30'00" EAST 26.86 FEET; THENCE AT RIGHT ANGLES NORTH 84°30'00" EAST, 0.87 FEET; THENCE AT RIGHT ANGLES SOUTH 5°30'00" EAST, 4.00 FEET; THENCE AT RIGHT ANGLES NORTH 84°30'00" EAST, 5.74 FEET; THENCE AT RIGHT ANGLES SOUTH 5°30'00" EAST, 26.23 FEET; THENCE AT RIGHT ANGLES NORTH 84°30'00" EAST, 1.41 FEET; THENCE AT RIGHT ANGLES SOUTH 5°30'00" EAST, 40.53 FEET; THENCE AT RIGHT ANGLES NORTH 84°30'00" EAST, 2.00 FEET; THENCE AT RIGHT ANGLES SOUTH 5°30'00" EAST, 42.43 FEET; THENCE AT RIGHT ANGLES SOUTH 84°30'00" WEST, 3.41 FEET; THENCE AT RIGHT ANGLES SOUTH 5°30'00" EAST, 64.06 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL BEING PURSUANT TO LOLA-355: LOT LINE ADJUSTMENT APPROVED BY THE CITY OF BERKELEY AND RECORDED MARCH 29, 2022 IN OFFICIAL RECORDS UNDER RECORDER'S SERIES NO. 2022064289.

APN: 057-2086-014-3

## NOTES

- DATE OF FIELD SURVEY: FEBRUARY 26, 2025
- THE UTILITIES SHOWN HEREON ARE BY SURFACE OBSERVATION AND RECORD INFORMATION ONLY AND NO WARRANTY IS GIVEN HEREIN AS TO THEIR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR CONTRACTOR TO VERIFY THE EXACT LOCATION OF THE UTILITIES WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY.
- UTILITY JURISDICTIONS / PROVIDERS ARE AS FOLLOWS:  
STORM DRAINS: CITY OF BERKELEY  
SANITARY SEWER: CITY OF BERKELEY  
WATER: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)  
ELECTRICITY: PACIFIC GAS & ELECTRIC CO.  
NATURAL GAS: PACIFIC GAS & ELECTRIC CO.
- THERE ARE NO CEMETERIES ON OR WITHIN 100 FEET OF THE SUBJECT PROPERTY
- THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL
- FLOOD ZONE DESIGNATION: THE PREMISES ARE LOCATED IN ZONE "X" (NO SHADING) DEFINED AS "AREAS DETERMINE TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", PER FEMA FLOOD INSURANCE RATE MAP NO. 06001C0056H, EFFECTIVE DATE DECEMBER 21, 2018.

## BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND CITY MONUMENTS ALONG DELAWARE STREET BETWEEN SAN PABLO AVENUE AND CURTIS STREET AS SHOWN ON TRACT MAP T.M. 8621, FILED SEPTEMBER 30, 2022 IN BOOK 369 OF MAPS, AT PAGES 5 TO 7 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA. TAKEN AS SOUTH 80°30'00" WEST.

## RECORD REFERENCES

- (R1) TRACT MAP T.M. 8621, FILED SEPTEMBER 30, 2022 IN BOOK 369 OF MAPS, AT PAGES 5 TO 7 INCLUSIVE, ALAMEDA COUNTY RECORDS.
- (R2) PARCEL P.M. 10873, FILED DECEMBER 11, 2018 IN BOOK 342 OF MAPS, AT PAGES 15 TO 16, ALAMEDA COUNTY RECORDS.
- (R3) PARCEL MAP P.M. 6439, FILED MAY 07, 1993 IN BOOK 205 OF PARCEL MAPS, AT PAGES 86 TO 87, ALAMEDA COUNTY RECORDS.
- (R4) PARCEL MAP P.M. 10916, FILED MARCH 04, 2021 IN BOOK 348 OF PARCEL MAPS, AT PAGES 78 TO 80 INCLUSIVE, ALAMEDA COUNTY RECORDS.
- (R5) PARCEL MAP P.M. 9716, FILED DECEMBER 15, 2009 IN BOOK 315 OF PARCEL MAPS, AT PAGES 1 TO 2, ALAMEDA COUNTY RECORDS.
- (R6) FIELD NOTE IN FIELD BOOK 415, AT PAGE 74 DATED JANUARY 28, 1913, CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS. CITY ENGINEER FIELD BOOK 14, AT PAGE 74
- (R7) MAP ENTITLED "MAP OF THE CURTIS TRACT, BERKELEY", FILED NOVEMBER 01, 1877 IN BOOK 6 OF MAPS, AT PAGE 5, ALAMEDA COUNTY RECORDS.
- (R8) GRANT DEED, RECORDED JULY 05, 2019 AS DOCUMENT NUMBER 2019-127561, ALAMEDA COUNTY RECORDS.
- (R9) PARCEL MAP P.M. 5717, FILED SEPTEMBER 25, 1990 IN BOOK 194 OF PARCEL MAPS, AT PAGES 15 TO 16, ALAMEDA COUNTY RECORDS.
- (R10) GRANT DEED, RECORDED MARCH 29, 2022 AS DOCUMENT NUMBER 2022-064290, ALAMEDA COUNTY RECORDS.

## SURVEYOR'S STATEMENT

THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS ACT IN JUNE 2025.

JACQUELINE LUK P.L.S. 8934  
FOR LUK & ASSOCIATES, INC.

DATE JUNE 2, 2025



## SHEET INDEX

- GENERAL NOTES
- BOUNDARY SURVEY
- TOPOGRAPHIC SURVEY
- PROPOSED SITE PLAN

## TENTATIVE TRACT MAP #8760

A 1-LOT SUBDIVISION FOR 8 CONDOMINIUMS

1155-1161 HEARST AVENUE

CITY OF BERKELEY - ALAMEDA COUNTY - CALIFORNIA

JUNE 2025 SCALE: AS NOTED

Update Date →

Prepared By  
**Luk and Associates**

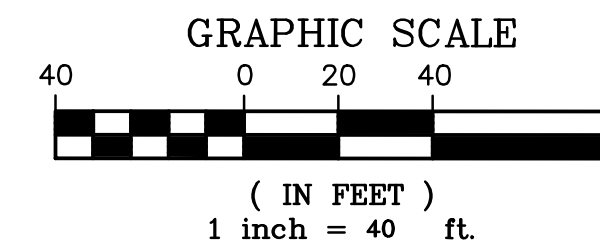
Civil Engineers - Land Planners - Land Surveyors  
738 Alfred Nobel Drive  
Hercules, California 94547  
(510) 724-3388

SHEET 1 OF 4  
JOB NO: 24316A10

PLOT DATE: JUNE 2, 2025

Description does not match what's shown on sheet 2 or the closure calculations →

Supply copy →



Stamped DEPT. OF TRANSPORTATION

**NOTES**

1. THIS RECORD OF SURVEY IS BEING FILED IN COMPLIANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT SECTION 8762, PARAGRAPH (B)(4) & (5) OF THE PROFESSIONAL LAND SURVEYORS' ACT (SECTION 8764 PLSA).
2. BEARING IS BASED ON IMPROVEMENTS. RIGHT OF WAY OF HEARST AVENUE IS ESTABLISHED BASED ON IMPROVEMENTS, AND THE WIDTH IS BASED ON R1 AND R2.
3. BEARING IS BASED ON THE MEAN BEARING OF DELAWARE STREET AND HEARST AVENUE FOR THIS RETRACEMENT WHERE THE VESTING DEED PER R8 CALLS THE LINE TO BE PARALLEL WITH DELAWARE STREET.

- BOUNDARY OF SUBJECT PROPERTY
- - - RIGHT OF WAY LINE
- - - ADJOINER PROPERTY LINE
- CENTERLINE
- - - TIE LINE
- - - OLD LOT LINE
- - - EASEMENT LINE
- - - MONUMENT LINE
- - - EXISTING TOP FACE OF CURB LINE
- FOUND CITY MONUMENT AS NOTED
- (T) TOTAL
- PM PARCEL MAPS
- (M-M) MONUMENT TO MONUMENT
- (R1) REFERENCE
- R/W RIGHT OF WAY
- APN ASSESSOR'S PARCEL NUMBER
- (479.24') RECORD DATA
- DOC. NO. DOCUMENT NUMBER
- S.F.± SQUARE FEET, MORE OR LESS
- E-1 EASEMENT NOTE
- FOUND NAIL & TAG, LS 8934, AT 4' PROPERTY LINE EXTENSION

LINE	BEARING	DISTANCE
L1	N05°29'43\"/>	

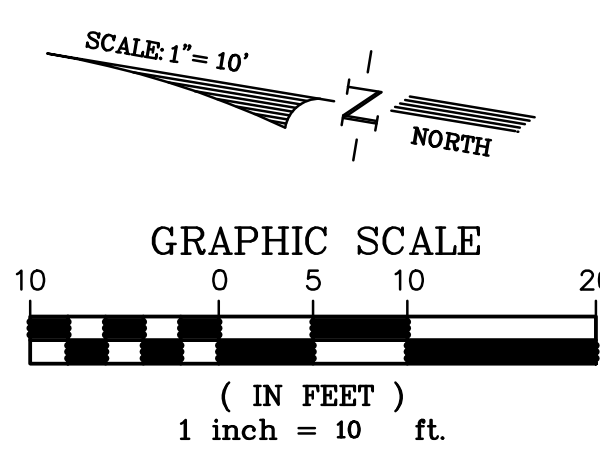
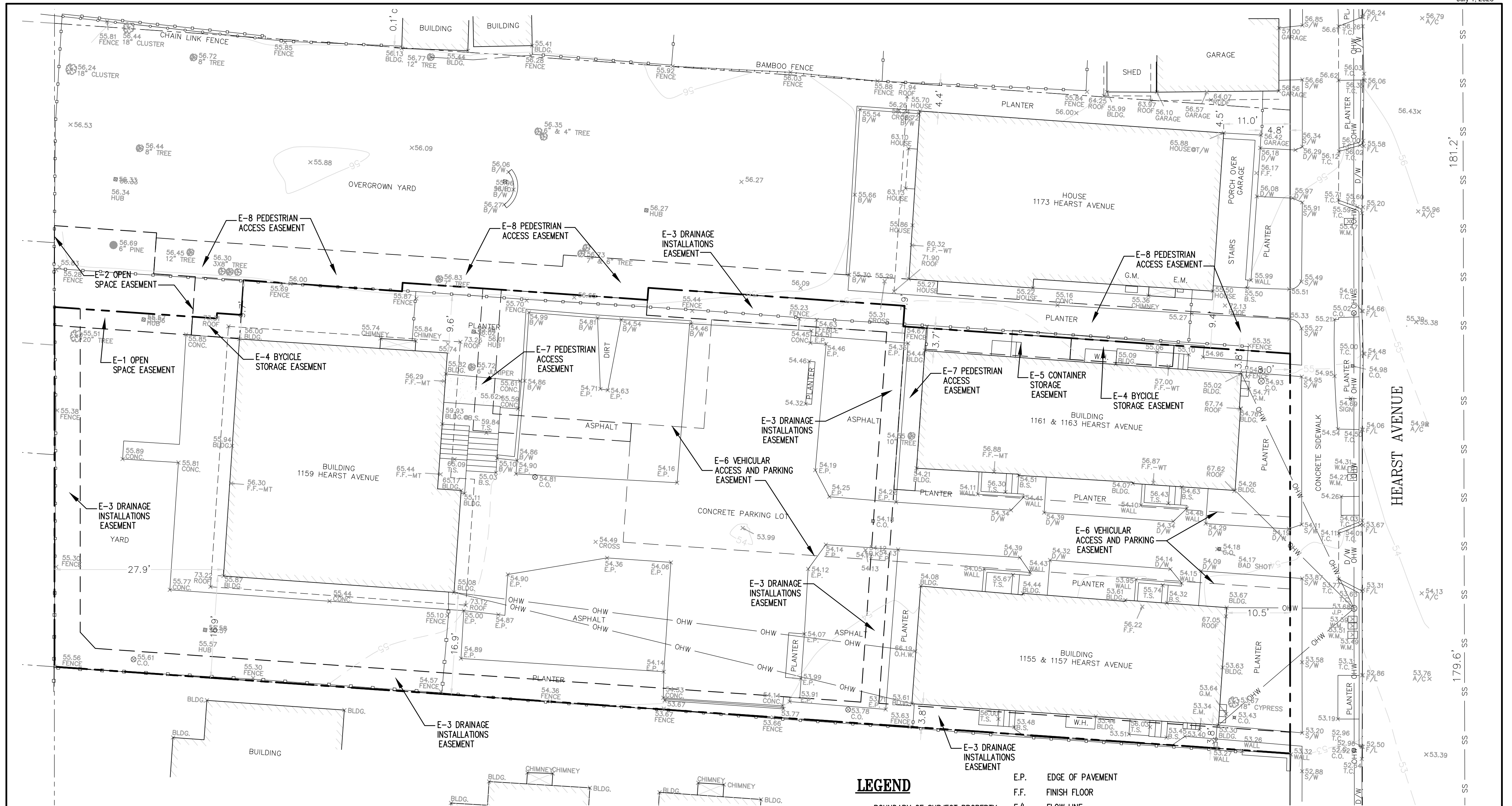
**EASEMENT NOTES:**

- E-1: OPEN SPACE EASEMENT IN FAVOR OF 1173 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.
- E-2: OPEN SPACE EASEMENT IN FAVOR OF 1155 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.
- E-3: DRAINAGE INSTALLATIONS EASEMENT IN FAVOR OF 1173 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.
- E-4: BICYCLES STORAGE EASEMENT IN FAVOR OF 1173 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.
- E-5: CONTAINER STORAGE EASEMENT IN FAVOR OF 1173 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.
- E-6: VEHICULAR ACCESS AND PARKING EASEMENT IN FAVOR OF 1173 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.
- E-7: PEDESTRIAN ACCESS EASEMENT IN FAVOR OF 1173 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.
- E-8: PEDESTRIAN ACCESS EASEMENT IN FAVOR OF 1155 HEARST AVENUE, RECORDED JULY 20, 2022 AS DOCUMENT NUMBER 2022-130421, OFFICIAL RECORDS OF ALAMEDA COUNTY.

**TENTATIVE TRACT MAP #8760**  
 A 1-LOT SUBDIVISION FOR 8 CONDOMINIUMS

1155-1161 HEARST AVENUE  
 CITY OF BERKELEY - ALAMEDA COUNTY - CALIFORNIA  
 JUNE 2025 SCALE: 1"=40'  
 Prepared By  
**Luk and Associates**  
 Civil Engineers - Land Planners - Land Surveyors  
 738 Alfred Nobel Drive  
 Hercules, California 94547  
 (510) 724-3388

Update Date →

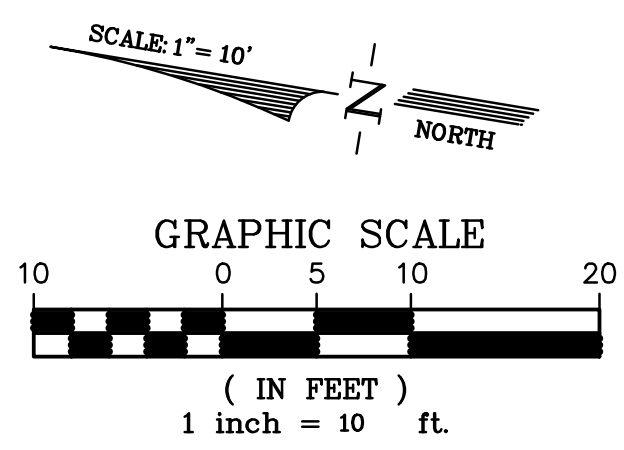
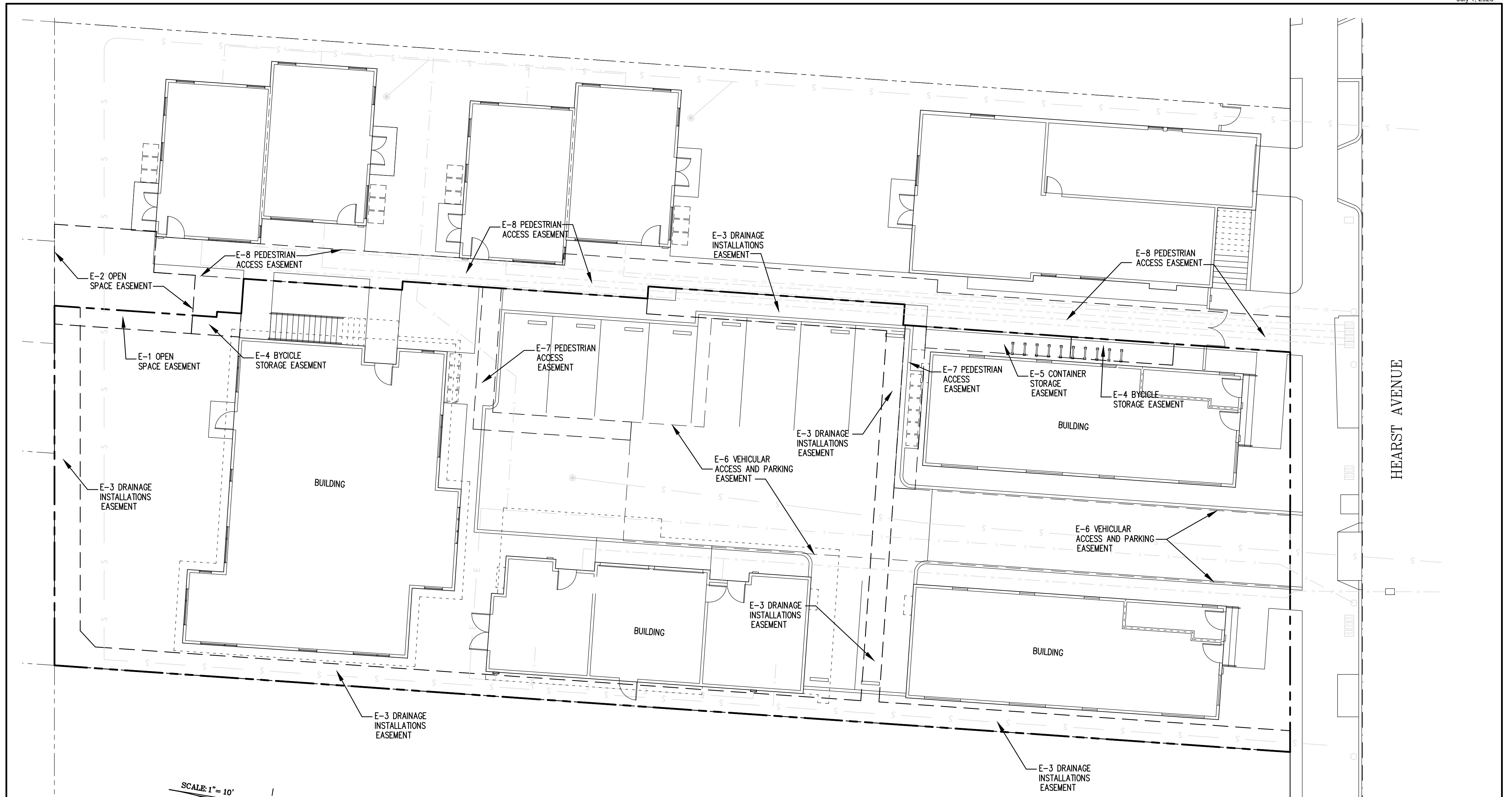


Add a note describing the Benchmark used

**LEGEND**

---	BOUNDARY OF SUBJECT PROPERTY	E.P.	EDGE OF PAVEMENT
---	RIGHT OF WAY LINE	F.F.	FINISH FLOOR
---	ADJOINER PROPERTY LINE	F/L	FLOW LINE
---	EASEMENT LINE	G.M.	GAS METER(S)
A/C	ASPHALT/CONCRETE	J.P.	JOINT POLE
BLDG.	BUILDING	MT	METAL THRESHOLD
B.S.	BASE OF STEPS	OHW	OVERHEAD WIRES
B/W	BASE OF WALL	SS	SANITARY SEWER
C.O.	CLEAN OUT	S/W	SIDEWALK
CONC.	CONCRETE	T.C.	TOP OF CURB
D/W	DRIVEWAY	TOP	TOP OF BANK
ELECT.	ELECTRIC	T.S.	TOP OF STEPS
E.M.	ELECTRIC METER(S)	W.H.	WATER HEATER
		W.M.	WATER METER
		WT	WOOD THRESHOLD

**TOPOGRAPHIC SURVEY**  
**TENTATIVE**  
**TRACT MAP #8760**  
**A 1-LOT SUBDIVISION FOR 8 CONDOMINIUMS**  
**1155-1161 HEARST AVENUE**  
 CITY OF BERKELEY - ALAMEDA COUNTY - CALIFORNIA  
 JUNE 2025 SCALE: 1"=10'  
 Prepared By  
**Luk and Associates**  
 Civil Engineers - Land Planners - Land Surveyors  
 738 Alfred Nobel Drive  
 Hercules, California 94547  
 (510) 724-3388



- LEGEND**
- BOUNDARY OF SUBJECT PROPERTY
  - RIGHT OF WAY LINE
  - ADJOINER PROPERTY LINE
  - EASEMENT LINE

**PROPOSED SITE PLAN  
 TENTATIVE  
 TRACT MAP #8760  
 A 1-LOT SUBDIVISION FOR 8 CONDOMINIUMS**

**1155-1161 HEARST AVENUE**  
 CITY OF BERKELEY - ALAMEDA COUNTY - CALIFORNIA

Update Date → JUNE 2025 SCALE: 1"=10'  
 Prepared By

**Luk and Associates**  
 Civil Engineers - Land Planners - Land Surveyors  
 738 Alfred Nobel Drive  
 Hercules, California 94547  
 (510) 724-3388

# RESIDENTIAL CONDOMINIUM PLAN FOR HEARST GARDENS

## GENERAL NOTES:

1. THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND CITY MONUMENTS ALONG DELAWARE STREET BETWEEN SAN PABLO AVENUE AND CURTIS STREET AS SHOWN ON TRACT MAP T.M. 8621, FILED SEPTEMBER 30, 2022 IN BOOK 369 OF MAPS, AT PAGES 5 TO 7 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA. TAKEN AS SOUTH 80°30'00" WEST.
2. ELEVATIONS ARE BASED ON MONUMENT B0530, BEING A 2" DIA CITY OF BERKELEY BRASS DISK W/PUNCH IN MONUMENT WELL. ELEVATION = 59.72 FEET, CITY OF BERKELEY DATUM.
3. ALL ANGLES ARE 90° OR 45° UNLESS OTHERWISE NOTED.

LOT \_ AS SHOWN ON THAT CERTAIN MAP ENTITLED  
"PARCEL MAP \_\_\_\_\_" FILED \_\_\_\_\_  
IN BOOK \_\_\_\_ OF CONDOMINIUM MAPS, PAGES \_\_\_\_  
THROUGH \_\_\_\_, OFFICIAL RECORDS OF ALAMEDA COUNTY

PREPARED BY  
LUK AND ASSOCIATES  
738 ALFRED NOBEL DRIVE  
HERCULES, CALIFORNIA 94547  
(510) 724-3388  
APRIL 2026

## DEFINITIONS:

1. THE TERM "UNIT" REFERS TO THE UNIT AS FURTHER DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS OF HEARST GARDENS, A CONDOMINIUM PROJECT AND AS SHOWN ON THE CONDOMINIUM PLAN.
2. THE TERM "COMMON AREA" DESIGNATED HEREIN WITH "CA" AND AS DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS OF HEARST GARDENS, A CONDOMINIUM PROJECT AND AS SHOWN ON THE CONDOMINIUM PLAN.
3. THE TERM "EXCLUSIVE USE COMMON AREA" DESIGNATED HEREIN WITH "EUCA" AND AS DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS OF HEARST GARDENS, A CONDOMINIUM PROJECT AS SHOWN ON THE CONDOMINIUM PLAN.
4. THE TERM "PARKING SPACE", AS DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS OF HEARST GARDENS, A CONDOMINIUM PROJECT AND AS SHOWN ON THE CONDOMINIUM PLAN WITH DESIGNATION "PS" FOLLOWED BY THE NUMBER OF THE UNIT TO WHICH IT IS APPURTENANT.
5. THE TERM "PATIO", AS DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS OF HEARST GARDENS, A CONDOMINIUM PROJECT AND AS SHOWN ON THE CONDOMINIUM PLAN WITH DESIGNATION "P" FOLLOWED BY THE NUMBER OF THE UNIT TO WHICH IT IS APPURTENANT.

XREF: NONE

SNAPSHOT: NONE

## SHEET INDEX

SHEET NUMBER	DESCRIPTION
1.	GENERAL NOTES, DEFINITIONS, & OWNER'S STATEMENT
2.	SIGNATURE SHEET
3.	PROPERTY BOUNDARY
4.	SITE PLAN
5.	1ST FLOOR PLAN - UNIT 1 & UNIT 2
6.	2ND FLOOR PLAN - UNIT 2
7.	1ST FLOOR PLAN - UNIT 3 & UNIT 4
8.	2ND FLOOR PLAN - UNIT 3 & UNIT 4
9.	3RD FLOOR PLAN - UNIT 3
10.	1ST FLOOR PLAN - UNIT 5
11.	2ND FLOOR PLAN - UNIT 6
12.	1ST FLOOR PLAN - UNIT 7 & UNIT 8
13.	2ND FLOOR PLAN - UNIT 8
14.	UNIT AREA SUMMARY TABLE

OWNER'S STATEMENT

WE, THE UNDERSIGNED, BEING THE OWNERS OF RECORD IN THE REAL PROPERTY DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE CONSENT TO THE RECORDATION OF THIS CONDOMINIUM PLAN PURSUANT TO THE PROVISIONS OF THE DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT SECTION 4285, CONSISTING OF:

1. THE DESCRIPTION OF THE LAND INCLUDED WITHIN THIS PROJECT, AS SET FORTH ON THIS CONDOMINIUM PLAN FOR HEARST GARDENS. THIS CONDOMINIUM PLAN, AS DEFINED BY SECTION 4285 OF THE CALIFORNIA CIVIL CODE, REFERENCES PARCEL MAP NO. 10191, BEING LOT \_ AS SHOWN ON THE CONDOMINIUM FINAL MAP ENTITLED "PARCEL MAP NO. \_\_\_\_" FOR A 8 RESIDENTIAL UNIT CONDOMINUM PROJECT.

PARCEL MAP NO. \_\_\_\_

FILED \_\_\_\_\_, IN PARCEL MAP BOOK \_\_\_\_, PAGES \_\_\_ THROUGH \_\_\_\_, ALAMEDA COUNTY RECORDS.

2. THE DIAGRAMMATIC FLOOR PLANS ATTACHED HERETO AND MADE A PART HEREOF.

HEARST AVENUE COTTAGES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

ITS MANAGER: \_\_\_\_\_

BY: \_\_\_\_\_  
NAME

OWNER'S ACKNOWLEDGMENT

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 \_\_\_\_\_, 20\_\_ 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 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: \_\_\_\_\_

NOTARY PUBLIC, STATE OF CA COMMISSION NO.: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

COUNTY OF PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

SURVEYOR'S STATEMENT

I DO HEREBY STATE THAT DURING THE YEAR OF 2025 A SURVEY WAS MADE UNDER MY DIRECTION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN ON THIS MAP AND CONDOMINIUM PLAN OF THE HEARST GARDENS, COMPRISING OF FOURTEEN (14) SHEETS.

I DO HEREBY STATE THAT THE MONUMENTS AND BENCHMARKS ARE OF THE CHARACTER AND OCCUPY OR WILL OCCUPY THE POSITIONS INDICATED ON THE WITHIN MAP AND THAT THEY ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED; AND THAT THE CONDOMINIUM PLAN CONSISTS OF A DESCRIPTION OR SURVEY MAP OF A CONDOMINIUM PROJECT WHICH REFERS TO OR SHOWS MONUMENTATION ON THE GROUND AND A THREE DIMENSIONAL DESCRIPTION OF THE PROJECT IN SUFFICIENT DETAIL TO IDENTIFY THE COMMON AREAS AND EACH SEPARATE INTEREST PURSUANT TO THE REQUIREMENTS OF CALIFORNIA CIVIL CODE § 4285.

\_\_\_\_\_  
JACQUELINE LUK, PLS NO. 8934  
LUK AND ASSOCIATES

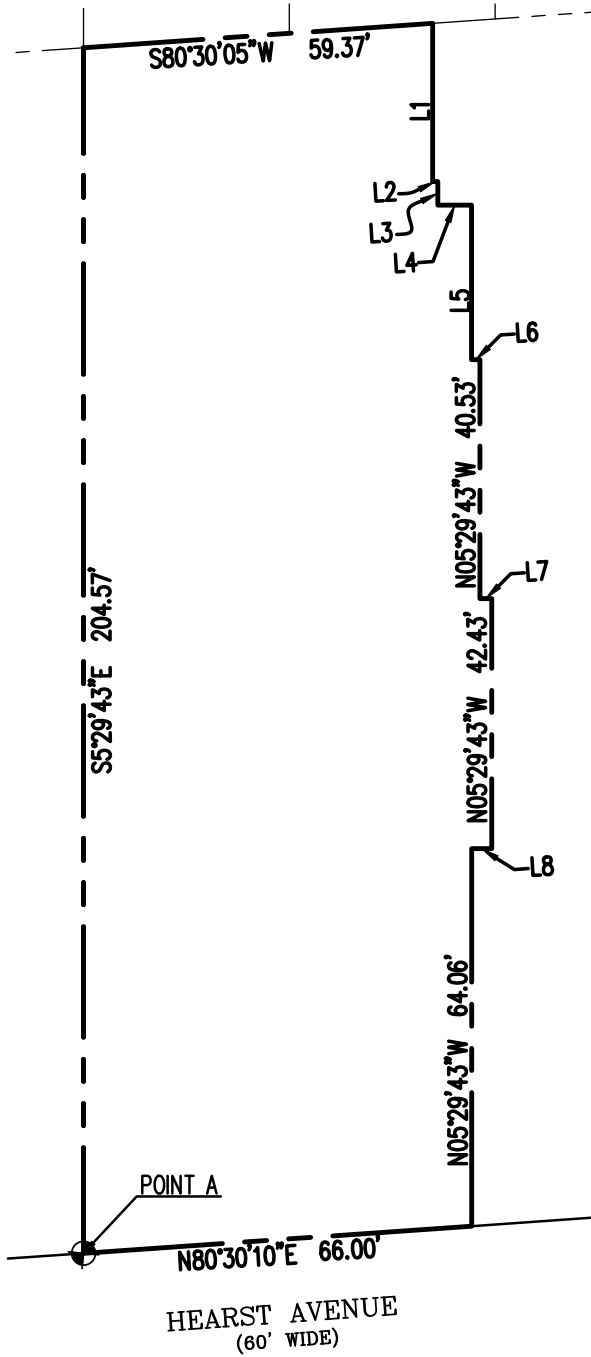


**RESIDENTIAL CONDOMINIUM PLAN  
FOR  
HEARST GARDENS  
SIGNATURE SHEET**

XREF: NONE

SNAPSHOT: NONE

**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS  
 PROPERTY BOUNDARY  
 SCALE: 1" = 30'**



LINE DATA

LINE	BEARING	DISTANCE
L1	N05°29'43"W	26.86'
L2	S84°30'17"W	0.87'
L3	N05°29'43"W	4.00'
L4	S84°30'17"W	5.74'
L5	N05°29'43"W	26.23'
L6	S84°30'17"W	1.41'
L7	S84°30'17"W	2.00'
L8	N84°30'17"E	3.41'

**NOTES**

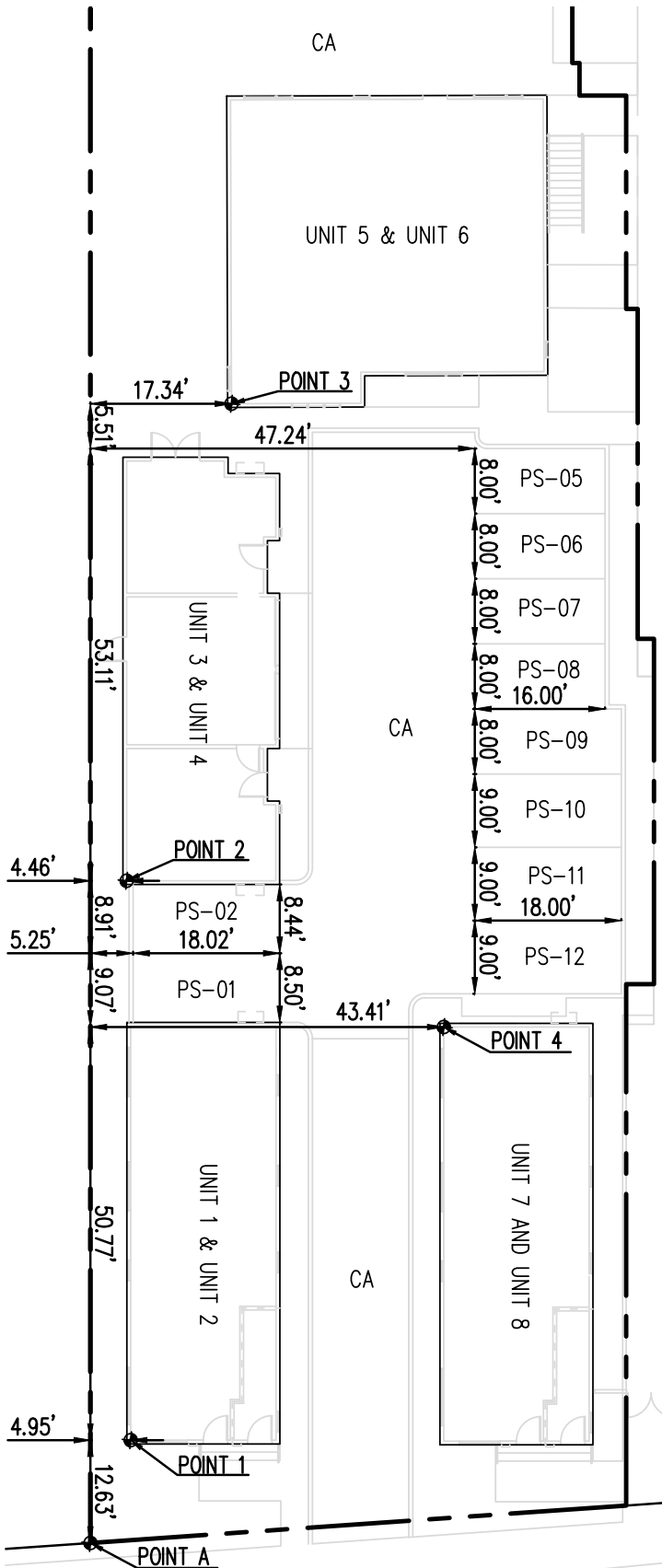
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

**LEGEND**

- POINT A      PROPERTY LINE REFERENCE POINT
- BOUNDARY
- ADJOINERS PROPERTY LINE

SNAPSHOT: NONE

**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**  
 SITE PLAN  
 SCALE: 1" = 20'



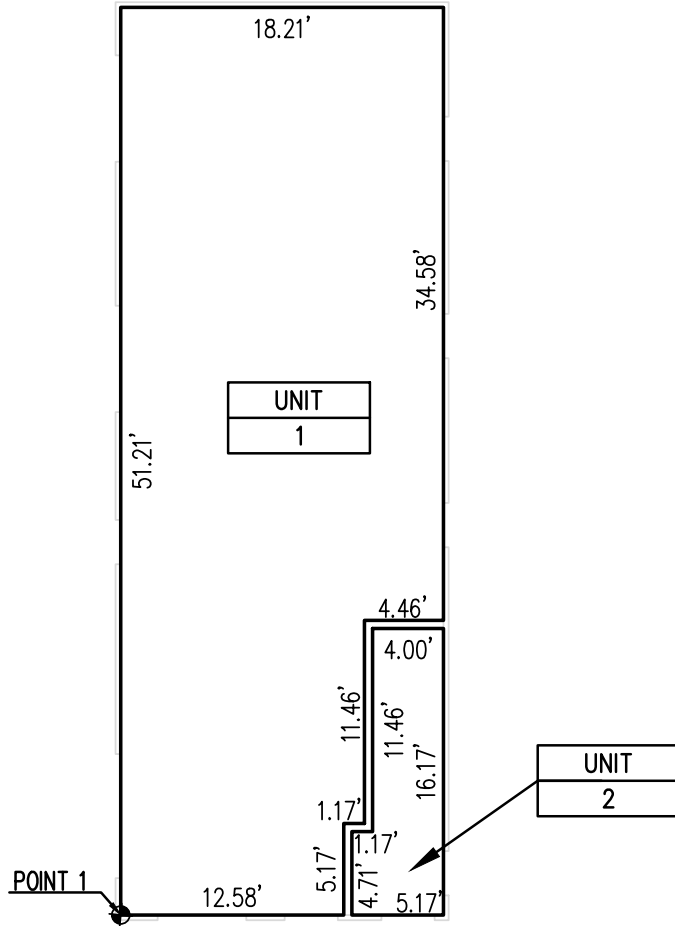
**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

**LEGEND**

CA	COMMON AREA
PS-#	PARKING SPACE
POINT #	UNIT REFERENCE POINT
POINT A	PROPERTY LINE REFERENCE POINT
	BOUNDARY
	ADJOINERS PROPERTY LINE

SNAPSHOT: NONE



**LEGEND**

POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
	INTERIOR WALL
	EXTERIOR WALL

**NOTES**

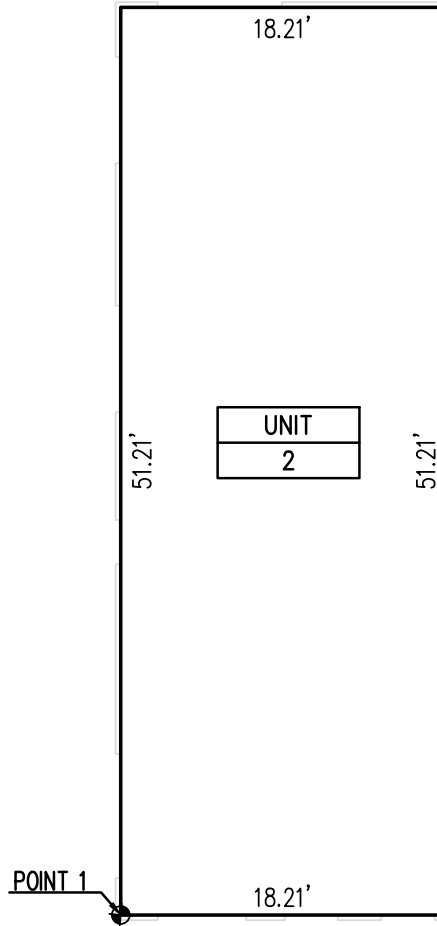
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

UNIT 1 & UNIT 2  
 LOWER ELEVATION: 56.6±  
 UPPER ELEVATION: 65.7±



**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**

1ST FLOOR PLAN – UNIT 1 & UNIT 2  
 SCALE: 1" = 10'





**LEGEND**

POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
	INTERIOR WALL
	EXTERIOR WALL

**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

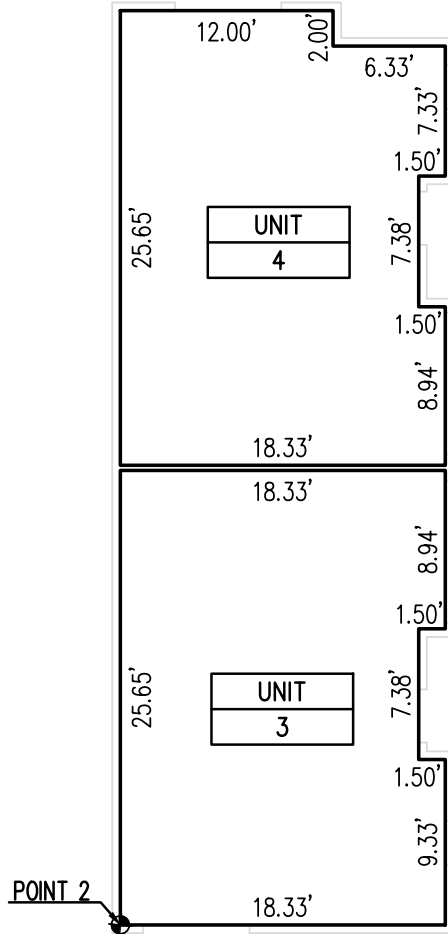
**UNIT 2**

LOWER ELEVATION: 66.9±  
 UPPER ELEVATION: 76.0±



**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**

2ND FLOOR PLAN – UNIT 2  
 SCALE: 1" = 10'



**LEGEND**

POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
	INTERIOR WALL
	EXTERIOR WALL

**NOTES**

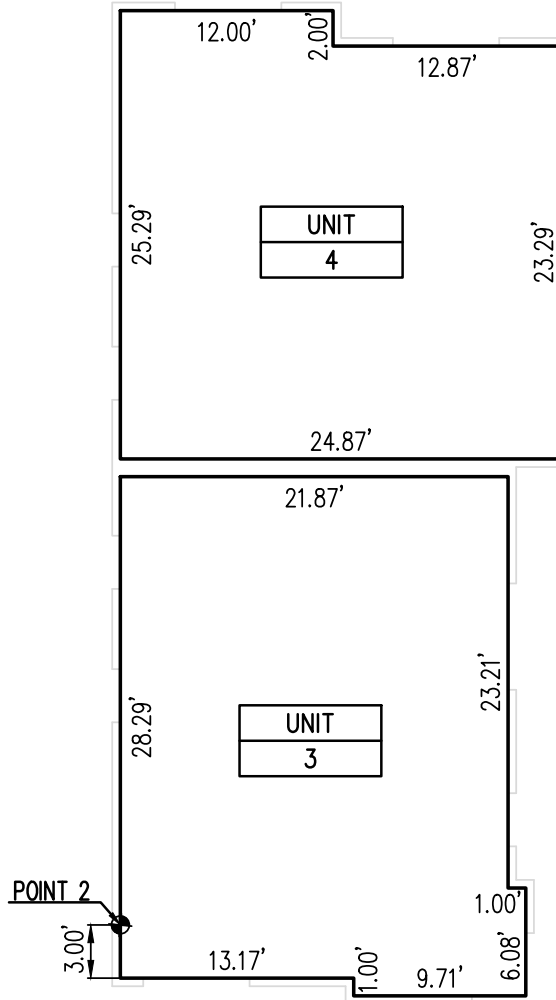
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

UNIT 3 AND UNIT 4  
 LOWER ELEVATION: 55.4±  
 UPPER ELEVATION: 64.5±



**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**

1ST FLOOR PLAN – UNIT 3 & UNIT 4  
 SCALE: 1" = 10'



**LEGEND**

POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
	INTERIOR WALL
	EXTERIOR WALL

**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

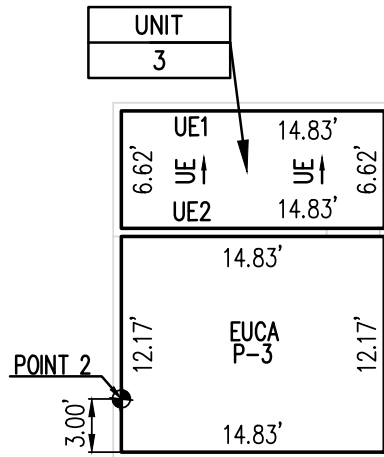
UNIT 3 AND UNIT 4  
 LOWER ELEVATION: 65.6±  
 UPPER ELEVATION: 74.1±



**RESIDENTIAL CONDOMINIUM PLAN  
 FOR**

**THE GERANIUM AT HEARST STREET**

2ND FLOOR PLAN – UNIT 3 & UNIT 4  
 SCALE: 1" = 10'



**LEGEND**

P	PATIO
UE	UPPER ELEVATION
EUCA	EXCLUSIVE USE COMMON AREA
POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
—————	INTERIOR WALL
—————	EXTERIOR WALL

**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

UNIT 3

LOWER ELEVATION: 75.2±  
 UPPER ELEVATION 1: 81.4±  
 UPPER ELEVATION 2: 82.5±

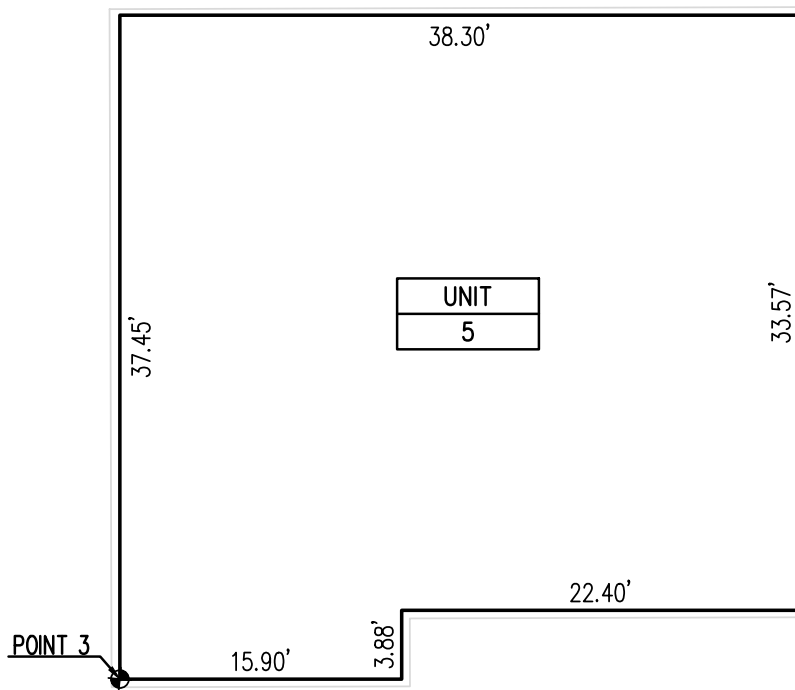
EUCA

LOWER ELEVATION: 75.2±  
 UPPER ELEVATION: 82.5±



**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 THE GERANIUM AT HEARST STREET**

3RD FLOOR PLAN – UNIT 3  
 SCALE: 1" = 10'



**LEGEND**

POINT # XX.XX'	UNIT REFERENCE POINT
—————	INTERIOR WALL DIMENSION IN FEET
—————	INTERIOR WALL
—————	EXTERIOR WALL

**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

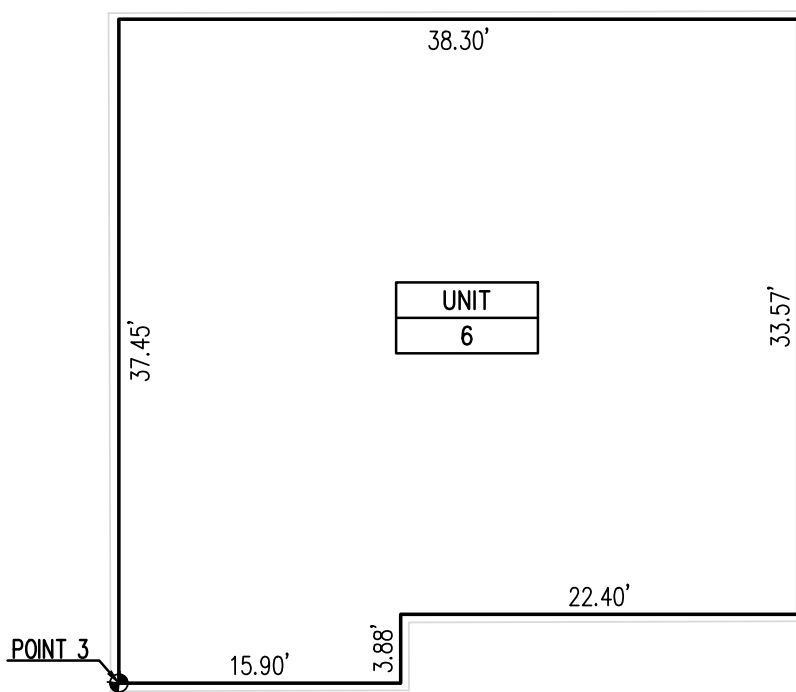
UNIT 5

LOWER ELEVATION: 56.7±  
 UPPER ELEVATION: 64.5±





**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**

1ST FLOOR PLAN – UNIT 5  
 SCALE: 1" = 10'



**LEGEND**

POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
	INTERIOR WALL
	EXTERIOR WALL

**NOTES**

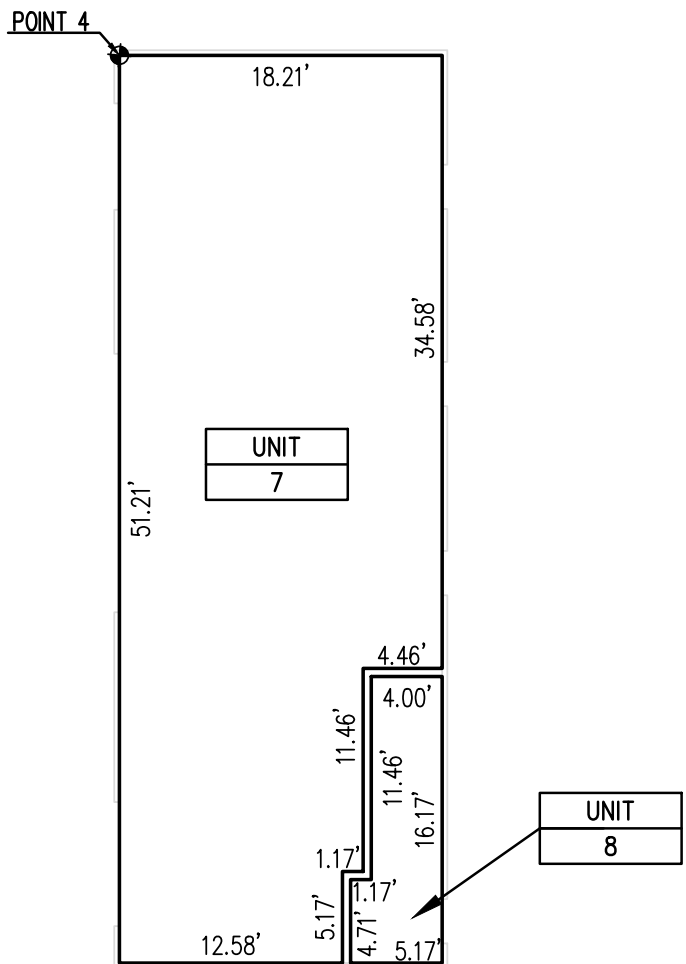
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

UNIT 6  
 LOWER ELEVATION: 65.8±  
 UPPER ELEVATION: 73.6±



**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**

2ND FLOOR PLAN – UNIT 6  
 SCALE: 1" = 10'



**LEGEND**

POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
	INTERIOR WALL
	EXTERIOR WALL

**NOTES**

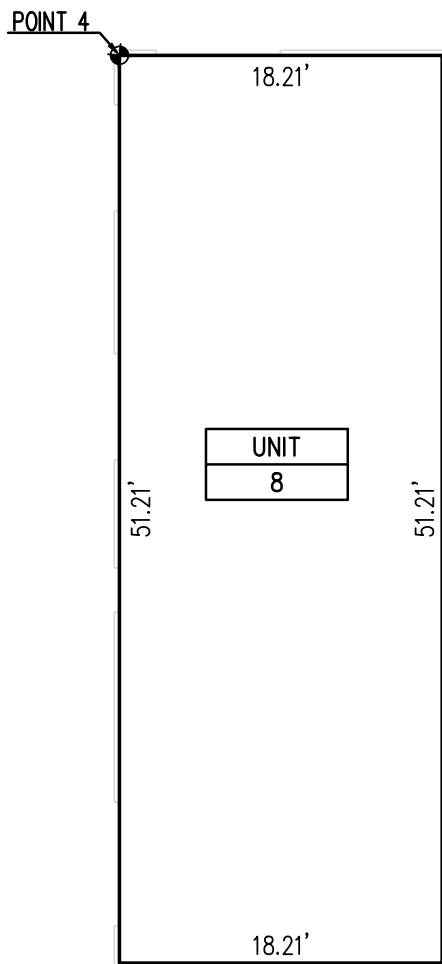
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

UNIT 7 AND UNIT 8  
 LOWER ELEVATION: 57.4±  
 UPPER ELEVATION: 66.5±





**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**

1ST FLOOR PLAN – UNIT 7 & UNIT 8  
 SCALE: 1" = 10'



**LEGEND**

POINT #	UNIT REFERENCE POINT
XX.XX'	INTERIOR WALL DIMENSION IN FEET
	INTERIOR WALL
	EXTERIOR WALL

**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SPECIFIED.

UNIT 8  
 LOWER ELEVATION: 67.7±  
 UPPER ELEVATION: 76.8±



**RESIDENTIAL CONDOMINIUM PLAN  
 FOR  
 HEARST GARDENS**

2ND FLOOR PLAN – UNIT 8  
 SCALE: 1" = 10'

Unit No.	Area (S.F.)	% Area
1	835	9.70%
2	1003	11.65%
3	1191	13.83%
4	1050	12.19%
5	1347	15.64%
6	1347	15.64%
7	835	9.70%
8	1003	11.65%
TOTAL	8611	100.00%

**RESIDENTIAL CONDOMINIUM PLAN  
FOR  
HEARST GARDENS  
UNIT AREA SUMMARY TABLE**

RESOLUTION NO. 69,439-N.S.

APPROVING USE PERMIT #ZP2016-0028 TO DEVELOP TWO PARCELS, INCLUDING THE SUBSTANTIAL REHABILITATION OF THE EXISTING SEVEN DWELLING UNITS AND CONSTRUCTION OF SIX NEW DWELLING UNITS IN THE RESTRICTED MULTIPLE-FAMILY RESIDENTIAL (R-2A) ZONING DISTRICT

WHEREAS, on February 2, 2016, Mark Rhoades of Rhoades Planning Group filed an application on behalf of Hearst Avenue Cottages, LLC (“applicant”) to substantially rehabilitate seven existing dwelling units, and construct eleven new dwelling units employing State Density Bonus Law on two parcels located at 1155 – 1173 Hearst Avenue (“project”); and

WHEREAS, on May 17, 2017, staff deemed this application complete; and

WHEREAS, on August 10, 2017, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on August 24, 2017, the ZAB continued the item to September 28, 2017 to allow the Applicants time to address tenant protections; and

WHEREAS, on September 28, 2017, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, and continued the project off calendar to allow the Applicants further time to address tenant protections; and

WHEREAS, on March 6, 2018, the Applicants submitted a revised project that reduced the proposed new construction of dwelling units to seven; and

WHEREAS, on July 3, 2018 staff deemed the revised application complete; and

WHEREAS, on August 8, 2018, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on August 23, 2018, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, and approved the project; and

WHEREAS, on August 30, 2018, staff issued the notice of the ZAB decision; and

WHEREAS, on September 12, 2018, Hussein Saffouri, on behalf of Rain Sussman, owner and resident of 1824 Curtis Street (“Appellant”), filed an appeal with the City Clerk; and

WHEREAS, on January 15, 2019, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on January 29, 2019, the Council held a public hearing to consider the ZAB’s decision, and, and remanded the item back to ZAB to undertake further CEQA analysis,

review the project based on CEQA findings, and analyze the detriment to rent-controlled units; and

WHEREAS, on April 23, 2019 the City received, from an independent consultant, a Class 32 Urban Infill categorical exemption analysis that concludes no unusual circumstances that would trigger further CEQA review exist at the project site; and

WHEREAS, on April 25, 2019, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on May 9, 2019, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, and took no action on the project; and

WHEREAS, on October 10, 2019 the Applicant submitted a compilation of geotechnical and hydrology reports with updated memoranda from the technical consultants that was peer reviewed by a City Consultant; and

WHEREAS, on May 26, 2020, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on June 9, 2020, the Council held a public hearing to consider the ZAB's decision, and, in the opinion of this Council, the facts stated in or ascertainable from the public record, including comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby adopts the findings made by the ZAB in Exhibit A, affirms the decision of the ZAB to approve Use Permit #ZP 2016-0028, adopts the conditions in Exhibit A, project plans in Exhibit B, and the Applicant Commitment to tenant protections in Exhibit C, and dismisses the appeals.

The foregoing Resolution was adopted by the Berkeley City Council on June 9, 2020 by the following vote:

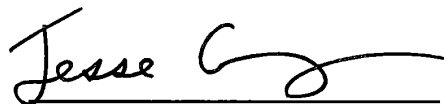
Ayes: Bartlett, Droste, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: Davila and Hahn.

Absent: None.

Attest:

  
Rose Thomsen, Deputy City Clerk

  
Jesse Arreguin, Mayor

# ATTACHMENT 1 EXHIBIT A

## FINDINGS AND CONDITIONS

JUNE 9, 2020

### 1155-1173 Hearst Street

**Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new dwelling units.**

#### PERMITS REQUIRED

- Use Permit for construction of dwelling units, under BMC Section 23D.32.030
- Use Permit for the addition of a sixth or greater bedroom on a parcel, under BMC 23D.32.050.A
- Administrative Use Permit to construct residential additions greater than 14' in average height, under BMC Section 23D.32.070.C
- Administrative Use Permit to allow an extension of a non-conforming wall within a front and side yard, under BMC Section 23C.04.070.B
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1", under BMC Section 23D.32.070.D.4

#### I. CEQA FINDING

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 and 15332 of the CEQA Guidelines ("New Construction and Conversion of Small Structures" and "In-Fill Development") because it involves the modification of six existing multifamily dwellings and the rehabilitation of a single-family dwelling plus the development of an additional six multifamily dwellings in an urbanized area, and

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as an independent review of the project file, technical reports, peer reviews, and public comment by a third party CEQA consultant found that:

- a) the site is not located in an environmentally sensitive area;
- b) there are no cumulative impacts because;
- c) there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- d) the project is not located near a scenic highway;

- e) the project site is not located on a hazardous waste site listed pursuant to Government Code Section 65962.5; and
- f) the project would not affect any historical resource because there are none located on or near the site.

## **II. FINDINGS FOR APPROVAL**

1. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - The project will add six new housing units to the City's housing stock and will comply with the City's Inclusionary Ordinance by either providing one below market rate unit for a Low Income Household and payment into the Affordable Housing Trust Fund of the remainder 0.2 unit fee, or payment of the in-lieu fee.
  - The project's proposed massing contributes to the continued evolution of the City's development landscape. The project design was modified in several ways to respect the lower density single-family dwellings fronting Curtis Street. The final development plan will renovate and rehabilitate the existing dwellings to match the style and materials of the new construction for a cohesive and attractive street presence that fits well with the surrounding mix of architectural styles.
  - As the properties to the east of the subject site front Curtis Street and have rear yards abutting the subject site, the building separation between the Curtis Street Neighbors and the new construction ranges from approximately 36 feet to 42 feet. The properties abutting to the north and fronting Delaware Street have more substantial rear yard areas, resulting in a proposed main building separation of approximately 175 feet and more. Buildings to the west are closest due to the abutting side yard orientation to the subject lot. But with building separation ranging from approximately 8.5 feet to 18 feet, the project's proposed massing will be compatible with the four neighboring two-story buildings to the west.
  - Shadow impacts from the project are expected to affect direct sunlight on certain residential windows. However, these areas will still experience indirect lighting during these hours, as well as have direct light from other windows. At no time of year will the proposed project cause adjacent properties to lose access to direct sunlight from all the windows throughout the whole day at any time of the year. Such shading impacts are to be expected in an infill urbanized area and are not deemed detrimental.
  - The project site is located one block east of San Pablo Avenue and one block north of University Avenue, two major transit thoroughfares. The project will add eleven additional residential units located within one quarter mile of the San Pablo/University intersection that is served by the following AC Transit bus lines: 72 Rapid, 49, 51B, 52, FS, G, 72, 72M, 800 and 802. The project helps encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, jobs, basic goods and services.
  - The project meets the purposes of the Restricted Multiple-family Residential District as it will provide smaller multiple-family garden-type apartment structures with the

maximum feasible amount of useable open space on the property. The buildings will be constructed with sufficient separation on the subject lot, and with ample distance with abutting single-family neighbors. Light and air, therefore, will not be unreasonably obstructed. Based on the proposed two-story height of the building, the existing structures around the site, and the generally flat topography of the neighborhood, the project will not affect significant views enjoyed by neighboring residents. The project will further not be detrimental to the neighborhood as it would be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

2. Pursuant to BMC 23C.04.070.C, the proposed vertical extensions of the non-conforming front and side yard setbacks of Azalea and Begonia are permissible as they will not further reduce existing non-conforming yards.
  3. Pursuant to BMC Section 23D.32.050, the project, when completed, would change the existing configuration of the duplexes to four two-bedroom dwelling units and two four-bedroom dwelling units. Both the two-unit layout and the four-unit layout are designed to be occupied by single households within a development of six other newly constructed two-bedroom units. The renovated dwellings are designed to provide for a range of family composition and is not expected to lead to formation of a mini-dorm.
  4. Pursuant to BMC 23D.070.D.4 the project the reduction in the building to building separation between Freesia and Geranium from the District minimum of 8' on the first floor and 12' on the second floor down to 6'-1" is permissible as the minimum distance is only at one horizontal plane between the buildings; otherwise the separation ranges from 8 feet to 13 feet. The current building layout and juxtaposition provides adequate air and light between the buildings. With the proposed added condition that the north facing window of the northeast bedroom in Geranium be a minimum of 68 inches from finished floor level, privacy between residents of the two opposing units will be ensured.
-

### **III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

**1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

**2. Applicant Responsible for Compliance with Conditions**

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

**3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)**

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

**4. Modification of Permits (Section 23B.56.020)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

**5. Plans and Representations Become Conditions (Section 23B.56.030)**

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

**6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)**

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

**7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)**

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

**8. Exercise and Lapse of Permits (Section 23B.56.100)**

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

**9. Indemnification Agreement**

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC 23B.32.040.D, the following additional conditions are added to this Permit:

**Prior to Submittal of Any Building Permit:**

- 10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

**Project Liaison** \_\_\_\_\_  
Name Phone #

- 11. Plan Set Revisions. The plan set shall be revised to reflect the following changes:

- The north facing window of the northeast bedroom in **Geranium** be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units.

1155-1173 HEARST AVENUE- USE PERMIT ZP #2016-0028  
June 9, 2020

FINDINGS & CONDITIONS  
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- The roof deck on **Geranium** shall be moved to the east side of the roof and the roof access shall not include any windows and shall be reduced in massing (i.e. sloped) to limit impacts to the western neighbors.
  - All west facing windows on **Freesia** and **Geranium** shall, subject to review and approval by the Zoning Officer, be redesigned to ensure privacy for the residents of the building to the west. This may include, but is not limited to, frosted glass and/or clerestory design.
  - A maximum of three full bathrooms are permitted in the two **Freesia** dwelling units.
12. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application for that unit.

**Prior to Issuance of Any Building Permit:**

13. Geotechnical Report. The applicant shall submit to the Building and Safety Division the geotechnical report, prepared by Alan Kropp & Associates, dated March 1, 2019, updated April 17, 2019, as well as the peer review conducted by Cotton, Shires & Associates, Inc. dated March 14, 2019, supplemented April 29, 2019 and December 2, 2019. A civil engineer shall be employed to draft plans in conformance with all recommendations of the Geotechnical and Hydrology reports and associated peer reviews. The engineer shall annotate the recommendations to state where in the building permit plan submittal set each recommendation is addressed.
14. Design Level Civil Plans and Plan Review. The Project Civil Engineer should review the completed geotechnical and hydrologic studies and subsequent peer review letters by professionals contracted by the City and incorporate the pertinent design recommendations into the design level grading and drainage plans. As part of the Civil Plans, at a minimum, 150-200 gallon rain barrels and/or cisterns to collect storm water shall be fitted for both new buildings along the eastern portion of the site (Daffodil and Edelweiss). The Project Civil Engineer shall design pervious drainage features considering the benefits of additional run off collection and discharge (e.g. additional subgrade preparation or storage beneath areas to receive pervious pavers, etc.), and with the understanding that pervious pavements/sidewalks may percolate at the flows stated by the manufacturer. Civil Plans shall include detailed cross sections of all proposed swales and artificial pervious areas including the design thickness of the proposed concrete, subgrade, swale dimensions, and grass seed or planting recommendations as appropriate for the grass-lined swale.

A maintenance and monitoring program shall be included for site drainage improvements that, as applicable, details the regular procedure for discharging rain barrels and/or cisterns, the clearing of constructed concrete swales, and the mowing or landscaping of grass swales and other bio-drainage improvements. We recommend the Project Design Team consider incorporating site topographic surveying into the monitoring program to, at minimum, document the final as-built site drainage conditions.

The final plans should be reviewed, analyzed, and approved from a surface hydrologic perspective by the applicant's registered/licensed Project Hydrologist to ensure the proposed design is adequate to improve site drainage conditions and to ensure the plans incorporate

their hydrologic recommendations. Project civil grading and drainage plans and hydrologic evaluations shall also be reviewed by the City's peer reviewer.

The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

These plans and evaluations should be completed, submitted and then reviewed and approved by appropriate City Staff or their designee prior to building permit approval.

15. Demolition Schematic. The applicant shall include a sheet within the plan set for each existing building (Azalea, Begonia, Camellia, and Freesia) that clearly shows the surface area of each exterior wall and the roof that is to be removed and that is to remain. A percentage calculation for the sum of the exterior walls to be removed and for the roof shall be included. A building permit will not be issued unless it is confirmed that the project would not result in a demolition as defined in BMC 23F.04.010.
16. Notice of Limitation. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a "Notice of Limitation on Use of Property" and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that none of the six existing rent controlled units (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst) shall undergo condominium conversion, Tenancy in Common, or any work that would require a new Certificate of Occupancy for the building; and shall remain subject to rent control in perpetuity.
17. Occupancy Restriction. No work related to this Use Permit may commence on any of the existing buildings (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst, and 1173 Hearst), until all residents within the building have vacated the premises. The property owner shall provide verification from the Rent Stabilization Board that all tenants with the building have voluntarily vacated. This condition does not apply to routine maintenance and repairs.
18. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
19. Percent for Art: Consistent with BMC §23C.23, prior to issuance of a building permit for foundation or construction work the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
20. Construction Noise Management - Public Notice Required. At least thirty calendar days prior to initiating any construction activities at the site related to this Use Permit, the applicant shall provide notice to existing residents on the project site, including (1) description of construction activities, (2) daily construction schedule (i.e., time of day) and expected duration (number of months), (3) the name and phone number of the Noise Management Individual for the project, and (4) designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine

the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. This conditions does not apply to routine maintenance and repairs.

The public notice shall also state that the applicant will hold a community meeting every six months from the start of construction to the conclusion of construction for all active building permits related to this Use Permit. And pursuant Condition of Approval number 33; that the existing tenants have the option to temporarily relocate during construction for all active building permits related to this Use Permit and that parking shall be provided on or off site during all construction in compliance with Condition of Approval number 32.

21. Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- Construction equipment should be well maintained and used judiciously to be as quiet as practical.
  - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
  - Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
  - Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
  - Prohibit unnecessary idling of internal combustion engines.
  - If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
  - Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
  - Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
  - Route construction related traffic along major roadways and away from sensitive receptors where feasible.

22. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
23. Drainage Plan. Subject to review and approval by the City's Building & safety Division and/or Department of Public Works, plans submitted for building permit shall include the drainage design as presented in Stormwater and Flooding Assessment and Mitigation Design for the Hearst Avenue Project, prepared by Clearwater Hydrology, dated January 7, 2016 as revised July 12, 2017, and all recommendations of the peer review prepared by Balance Hydrologics.
24. Electric Vehicle (EV) Charging. At least 10% of the project parking spaces for residential parking shall be pre-wired to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, as specified by the Office of Energy and Sustainable Development. Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable pre-wiring requirement. Pre-wiring for EV charging and EV charging station installations shall be noted on site plans.
25. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
26. Water Efficient Landscaping. Applicant shall provide an updated Bay-Friendly Basics Landscape Checklist that includes detailed notes of any measures that will not be fully met at the project. Landscape improvements shall be consistent with the current versions of the State's Water Efficient Landscape Ordinance (WELO) and the East Bay Municipal Utility District's Section 31: Water Efficiency Requirements.
27. Construction and Demolition. Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.
28. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
29. First Source Agreement. The applicant and/or end user(s) shall enter into a First Source Agreement with the City of Berkeley. First Source promotes the hiring of local residents on local projects. The agreement requires contractors/employers to engage in good faith efforts to hire locally, including utilizing graduates of local job training programs. Please call (510) 981-4970 for further information, or visit the City's Employment Programs office at 2180 Milvia, 1<sup>st</sup> Floor.
30. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 2120 Milvia, 3<sup>rd</sup> Floor or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. Environmental Site Assessments:

- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old\*) shall be submitted to TMD for developments for:
  - All new commercial, industrial and mixed use developments and all large improvement projects.
  - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
  - EMA is available online at:
  - [http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)
- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
- 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality

Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

**Prior to Construction:**

31. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

**During Construction:**

32. Tenant Parking. During any construction related to this Use Permit, the applicant/property owner shall ensure that parking is provided to existing tenants per their lease agreement either on-site or in an alternative location within the area bounded by San Pablo Avenue to the west, Francisco Street to the north, Chestnut Street to the east, and University Avenue to the south. If parking cannot be found within the boundary then the applicant/property owner shall provide tenants with \$100/month as a parking stipend. This condition does not apply to routine maintenance and repairs.
33. Temporary Relocation. During any construction related to this Use Permit, a tenant household that has been a tenant as of the date of Use Permit entitlement, may choose to temporarily relocate during construction activities related to entitlement of this Use Permit, and the applicant/property owner shall initiate relocation commensurate with the provisions set forth in the Relocation Ordinance, BMC Section 13.84. This condition does not apply to routine maintenance and repairs.
34. Neighborhood Construction Meetings. The applicant will hold a community meeting every six months from the start of construction to the conclusion of construction for all active building permits related to this Use Permit.
35. Existing Perimeter Vegetation. The applicant shall retain all perimeter vegetation on the property during all phases of construction.
36. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional

measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

- 37. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
  - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
  - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
  - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 38. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 39. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist

shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

40. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 12:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
41. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks or pedestrian paths
  - Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
  - Storage of building materials, dumpsters, debris anywhere in the public ROW
  - Provision of exclusive contractor parking on-street relevant
  - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3<sup>rd</sup> floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

42. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) 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.
  - B. 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.

- C. Landscaping shall be designed with efficient irrigation to reduce runoff, 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.
- D. 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 shall be conducted prior to the issuance of a Building Permit.
- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F. 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 the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- J. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall

not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

- L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

- 43. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 44. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 45. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 46. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

47. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
48. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
49. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
50. Public Works. The applicant shall inform the contractor of the potential for high groundwater and that a temporary de-watering method during construction may become necessary. Temporary construction dewatering methods may include sumps and pumps placed in a low spot within the excavations. Several sumps and pumps may be required depending on the magnitude of water encountered. The design and implementation of temporary construction de-watering is considered the responsibility of the contractor. Caution should be exercised to prevent softening of the subgrade soils exposed within the excavations. Equipment operated upon saturated subgrade soils tends to cause rutting and weakening, which will require over-excavation of the weakened subgrade. Standing water within the excavation can also cause weakening of the subgrade soils. A temporary mud slab or gravel pad may be needed at the base of the garage and/or parking lifts excavations to provide a clean, dry working area.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

51. Access Agreement. Subject to review and approval by the Zoning Officer, an access agreement shall be recorded with the title of the properties with the County and a copy shall be provided to the planner that provides for the following:
  - Parking access for dwelling units in Edelweiss and Daffodil on 1155-63 Hearst (current APN 057-2086-014-00); and
  - Cross access for all units for all common Useable Open Space Areas on both parcels (current APNs 057-2086-014-00 and 057-2086-0130-00).
52. Regulatory Agreement for Ownership Units. Prior to the issuance of a certificate of occupancy, the applicant shall enter into an inclusionary housing agreement providing for compliance with the requirements of Berkeley Municipal Code (BMC) Chapter 23C.12. The inclusionary housing agreement shall include, but not be limited to, the following conditions:
  - A. Sales prices of inclusionary units. If inclusionary housing units (i.e. condominiums) are provided on site, the sales price shall not exceed three (3) times eighty percent (80%) of the Area Median Income (hereinafter referred to as "AMI") as of the date of the sale the unit. Allowable sale prices shall be determined in accordance with BMC 23C.12.090.

**B. In-Lieu Fee.** Instead of providing the 1.2 inclusionary (i.e. 2 ownership) units on site, the applicant may pay an in-lieu fee for any or all portion of the 1.2 required inclusionary units in accordance with BMC Section 23C.12.035 and 23C.12.040.E.1.

**53. Determination of Area Median Income (AMI).**

The “AMI” (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.

The applicable AMI for the purpose of determining the allowable rent or sale price for each unit (but not for the purpose of determining eligibility for occupancy of a BMR unit) shall be determined in accordance with the following table:

<b>Unit Size</b>	<b>AMI Standard</b>
Studio unit	AMI for a one person household
One-bedroom unit	AMI for a two person household
Two-bedroom unit	AMI for a three person household
Three-bedroom unit	AMI for a four person household

**54.** Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

**55. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.

**56. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 8, 2018, except as modified by conditions of approval, including:

- The north facing window of the northeast bedroom in **Geranium** be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units.
- The roof deck on **Geranium** shall be moved to the east side of the roof and the roof access shall not include any windows and shall be reduced in massing (i.e. sloped) to limit impacts to the western neighbors.
- All west facing windows on **Freesia** and **Geranium** shall, subject to review and approval by the Zoning Officer, be redesigned to ensure privacy for the residents of the building to the west. This may include, but is not limited to, frosted glass and/or clerestory design.
- A maximum of three full bathrooms are permitted in the two **Freesia** dwelling units.

**57. Construction and Demolition Diversion.** A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City’s Building and Safety Division. The Zoning

Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.

**At All Times:**

58. Rent Control in Perpetuity. The existing six dwelling units shall not undergo condominium conversion, Tenancy in Common, or any work that would require a new Certificate of Occupancy for the building; and shall remain as rental units subject to rent control under the Rent Stabilization Ordinance.
  59. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
  60. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
  61. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
  62. Parking to be Leased or Sold Separately. The seven existing units are guaranteed one parking space per unit as part of the lease or future sale. For the eleven newly constructed units, parking spaces shall be leased or sold separately.
  63. Bike Parking. Secure and on-site bike parking for a minimum of 19 bicycles shall be provided for the life of the building.
  64. Geranium and Freesia Windows. The north facing window of the northeast bedroom in Geranium shall be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units. The west facing windows of both Geranium and Freesia shall retain the location and treatment as approved by the Zoning Officer pursuant to Condition of Approval number 54 to ensure privacy for the residents of the dwellings to the west.
-



**PROJECT:**

**HEARST GARDENS  
 BERKELEY, CA 94702**

**DESCRIPTION:**

DEVELOPMENT OF TWO EXISTING LOTS AT HEARST STREET BETWEEN SAN PABLO & CURTIS STREET. THE EXISTING LOTS ARE OVER 21,000 SF, AND CURRENTLY HAVE 7 RESIDENCES ON SITE. ALL OF THESE ARE TO BE MAINTAINED AND RENOVATED. THERE WILL BE 6 HOMES ADDED TO THE SITE. UNITS ARE ARRANGED AROUND A CENTRAL PASEO THAT PROVIDES ACCESS TO ALL UNITS AND AMPLE OPEN SPACE.

**SITE ADDRESS:**

1155, 1157, 1159, 1161, 1163 & 1173 HEARST AVE.  
 BERKELEY, CA 94704

**ASSESSOR'S PARCEL #:**

LOT @ 1173 057 208601300  
 LOT @ 1157 057 208601400



**ZONING INFORMATION:**

GENERAL PLAN	MDR
ZONING DISTRICT	R-2A
FLOOD ZONE	NO
FIRE ZONE	1
ENV. MGMT. AREA	NO
LANDMARK STRUCT. MERIT	NO
LOT AREA 1173	8,204 SF
LOT AREA 1157	13,468 SF
TOTAL	21,673 SF

**APPLICANT:**

RHOADES PLANNING GROUP  
 46 SHATTUCK SQUARE, SUITE 11  
 BERKELEY, CA 94704  
 info@rhodesplanninggroup.com

**ARCHITECT:**

DEVI DUTTA-CHOUDHURY, AIA  
 DEVI DUTTA ARCHITECTURE INC.  
 929 CARLETON STREET  
 BERKELEY, CA 94710  
 (510) 705-1937  
 hello@deviddutta.com

**OWNER:**

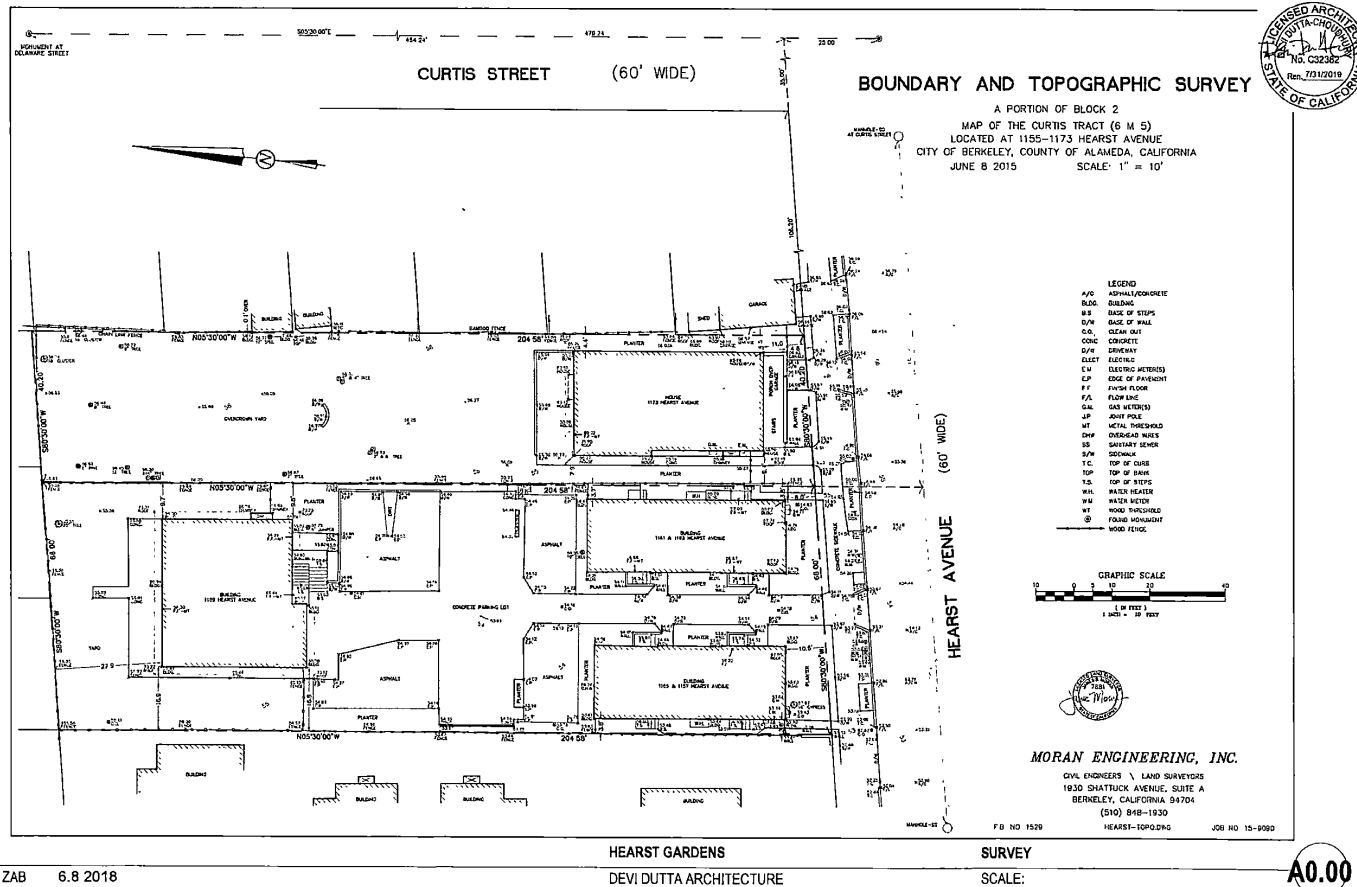
HEARST AVE COTTAGES, LLC  
 46 SHATTUCK SQUARE, SUITE 11  
 BERKELEY, CA 94704

**SHEET INDEX**

A0 0	COVER SHEET
A0.00	SURVEY
A0 2	PROJECT INFORMATION
A0 3	SITE PLAN, SETBACKS & OPEN SPACE
A0.7	VICINITY MAP
A1 0	EXISTING SITE PLAN
A1 1	EXISTING PLANS & ELEVATIONS
A1 2	EXISTING PLANS & ELEVATIONS
A1.3	EXISTING PLANS & ELEVATIONS
A1 4	LOT COVERAGE & HYDROLOGY
A1 5	GROUND FLOOR
A1 6	SECOND FLOOR
A1 8	ROOF PLAN
A2 0	SOUTH SITE ELEVATION (FRONT)
A2 1	NORTH SITE ELEVATION
A2 2	EAST SITE ELEVATION
A2 3	WEST SITE ELEVATION
A3 0	SITE SECTIONS LOOKING WEST
A3 1	SITE SECTIONS LOOKING EAST
A3 2	SITE SECTIONS LOOKING NORTH
A3 3	SITE SECTIONS LOOKING SOUTH
A3 4	BUILDING SITE SECTIONS
A3 5	BUILDING SITE SECTIONS

**SHEET INDEX**

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A4 0A	AZALEA ELEVATIONS
A4.0B	AZALEA ELEVATIONS
A4 0C	BEGONIA ELEVATIONS
A4 0D	BEGONIA ELEVATIONS
A4 1	CAMELLIA PLANS
A4 1A	CAMELLIA ELEVATIONS
A4 1B	CAMELLIA ELEVATIONS
A4 2	DAFFODIL & EDELWEISS PLANS
A4 2A	DAFFODIL & EDELWEISS ELEVATIONS
A4.2B	DAFFODIL & EDELWEISS ELEVATIONS
A4 3	FREESIA PLANS
A4.3A	FREESIA ELEVATIONS
A4 3B	FREESIA ELEVATIONS
A4.4	GERANIUM PLANS
A4.4A	GERANIUM ELEVATIONS
A4.4B	GERANIUM ELEVATIONS
A4.5	FENCE DETAIL
A4 6	BIKE STORAGE DETAILS
A5 0	RENDERING - HEARST LOOKING WEST
A9 1	BUILDING CODE SUMMARY



ZAB 6.8 2018

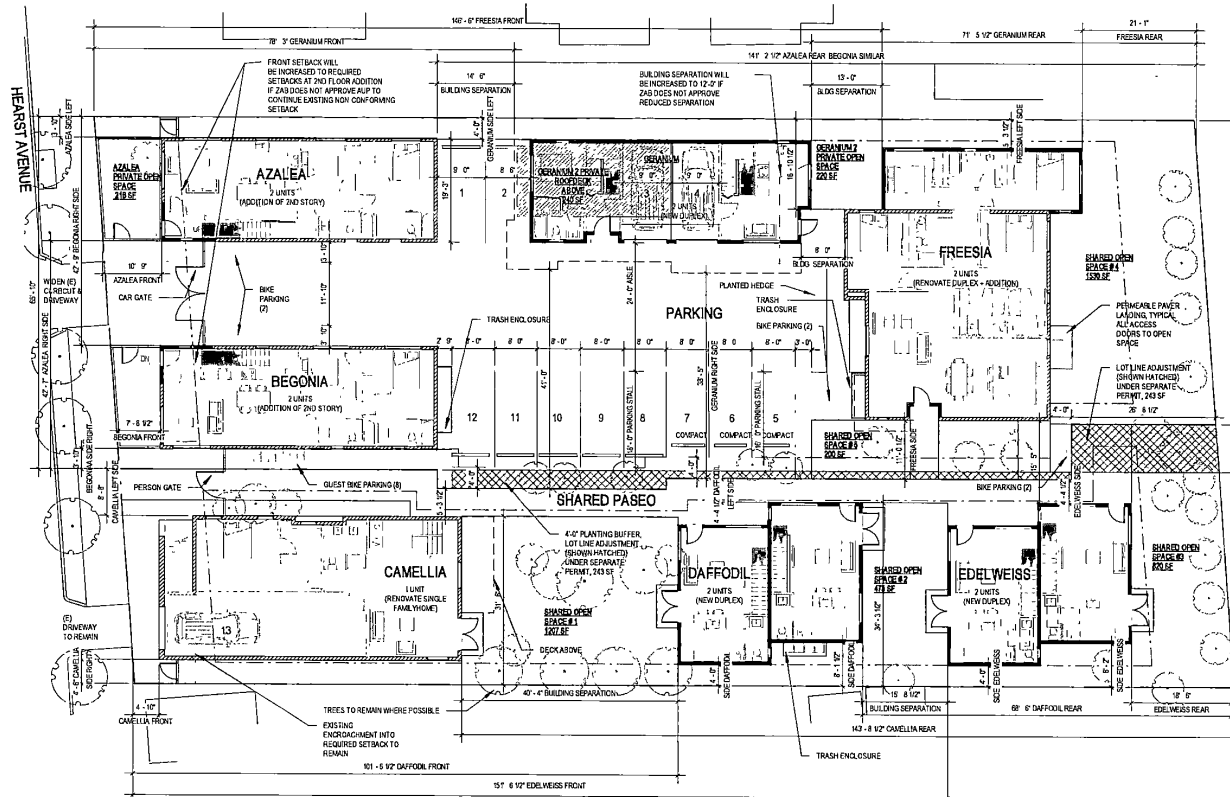
**A0.00**



HEIGHT & STORIES	ZONING:	EXISTING:	PROPOSED:
STORIES	2 ALLOWED	2	2
HEIGHT:	28' AVG	23' MAX	28' MAX
SETBACKS (MIN. DIMENSIONS SHOWN - SEE SETBACK DIAGRAM, A0.3)			
FRONT	15'	4'-10" - 10'-5"	4'-9" - 7'-10" ADDITION CONTINUE EXIST. SETBACK
SIDE	4' @ 1ST STORY 4' @ 2ND STORY	3'-10" @ WEST 4'-6" @ EAST	3'-10" - 5'-3 1/2"
BACK	15'	28'-8" - 143'-8"	16'-3" - 21'-1"
BUILDING SEPARATION	8' @ 1ST STORY 12' @ 2ND STORY	13'-3"	A - B 19' - 4" B - C 12' - 5" C - D 40' - 4" D - E 15' - 8 1/2" E - F 19' - 5" F - G 8' - 0" AUP REQ A - G 14' - 6"
LOT AREA			
	@ 1173 @ 1157	8,204 SF 13,469 SF	8,204 SF 13,469 SF
LOT COVERAGE			
	2 - STORY 40%	@ 1173 17.5% @ 1157 26%	@ 1173 3,275 SF 39.9% @ 1157 5,170 SF 38.9%
PARKING: CARS			
RESIDENTIAL	1/UNIT 13 REQUIRED	7 (1 COVERED @ CAMELLIA, 6 @ SURFACE LOT)	13 10 UNCOVERED @ SURFACE LOT 2 COVERED @ GERANIUM 1 COVERED @ CAMELLIA
PARKING: BIKE			
RESIDENTIAL	NONE REQUIRED	0	13

DENSITY:	ZONING:	EXISTING:	PROPOSED:
* NOTE SEE SHEET A0.8 FOR UNIT MIX AND SIZES			
ALLOWED 1173 HEARST: 1157 HEARST	1 / 1650 SF LOT AREA 8,204/1650 = 5 UNITS 13,469/1650 = 8 UNITS	1 UNIT 6 UNITS	4 NEW UNITS = 5 TOTAL 2 NEW UNITS = 8 TOTAL
OPEN SPACE (SEE OPEN SPACE DIAGRAM, A0.3)			
	300 SF / UNIT X 13 = 3900 SF  @ 1173 5 X 300 = 1500 SF  @ 1157 8 X 300 = 2400 SF	@ 1173 5,599 SF  @ 1157 2,560 SF	SEE A0.3
BUILDING OCCUPANCY PER CBC.			
R-3 (SINGLE FAMILY RESIDENTIAL DUPLEXES)			
PROPOSED CONSTRUCTION TYPE			
TYPE VB CONSTRUCTION THROUGHOUT - WOOD FRAMING, NON-RATED PER CALIFORNIA RESIDENTIAL CODE			
EXCAVATION			
APPROXIMATELY 55 CUBIC YARDS, FOR NEW FOUNDATIONS ONLY			



- LEGEND**
- PEDESTRIAN WALKWAY, PERMEABLE
  - PLANTING (NOT COUNTING TOWARDS OPEN SPACE)
  - OPEN SPACE
  - NON-CONFORMING SETBACKS & BUILDING SEPARATION
  - DRIVEWAY AND PARKING
  - PROPERTY LINE
  - REQUIRED SETBACK
  - OPEN SPACE ABOVE
  - LOT AREA CHANGE

**PROVIDED OPEN SPACE**

**1157 HEARST**

- AZALEA 1 278 SF PRIVATE OPEN SPACE
- 84 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5
- AZALEA 2 300 SF COMMON AT #4 & #5
- BEGONIA 1 300 SF COMMON AT #4 & #5
- BEGONIA 2 300 SF COMMON AT #4 & #5
- FREESIA 1 300 SF COMMON AT #4 & #5
- FREESIA 2 300 SF COMMON AT #4 & #5
- GERANIUM 1 240 SF PRIVATE
- 60 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5
- GERANIUM 2 200 SF PRIVATE
- 80 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5

**1173 HEARST**

- CAMELLIA 300 SF COMMON AT OPEN SPACE #1, #2 & #3
- DAFFODIL 1 300 SF COMMON AT #1, #2 & #3
- DAFFODIL 2 300 SF COMMON AT #1, #2 & #3
- IDELWEISS 1 300 SF COMMON AT #1, #2 & #3
- IDELWEISS 2 300 SF COMMON AT #1, #2 & #3

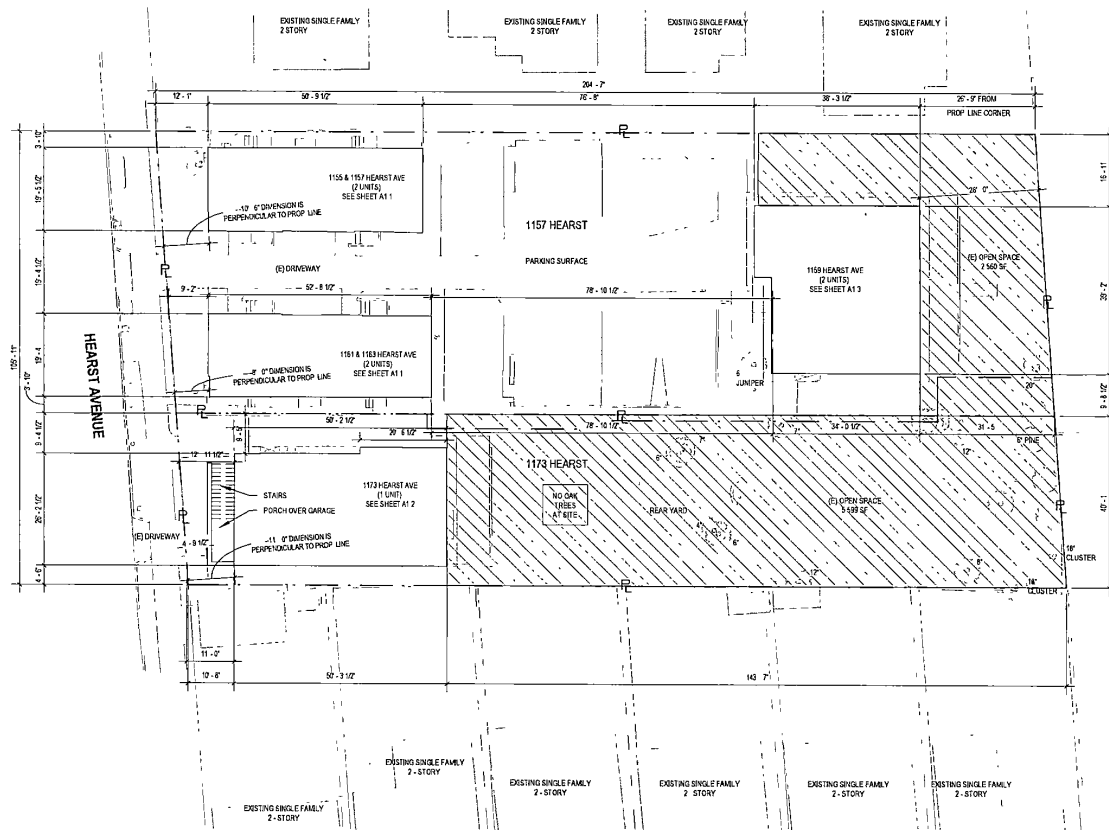
TOTAL PRIVATE O/S	1157	1173
TOTAL COMMON O/S	678	9
TOTAL OPEN SPACE PROVIDED	2499 SF	2692 SF
TOTAL OPEN SPACE REQUIRED	2400 SF	1900 SF



ATTACHMENT 1, Exhb B  
 from ZAB 08-23-18  
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ATTACHMENT 1, Exhb B  
 from ZAB 08-23-18  
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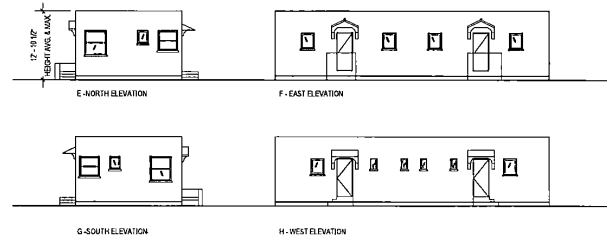
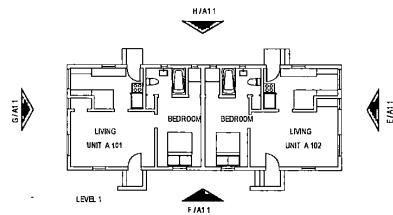
HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE

EXISTING SITE PLAN  
 SCALE: 1" = 20'-0"

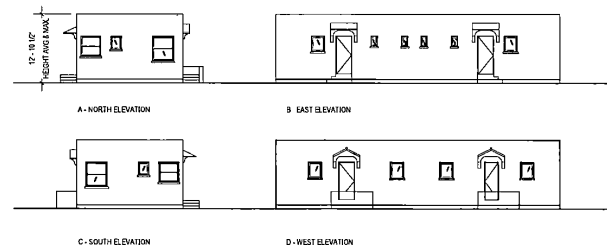
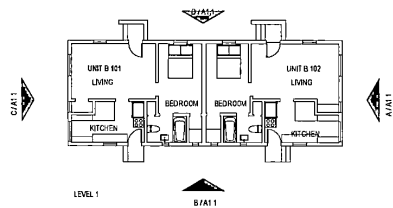
ZAB 6.8.2018



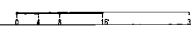
ATTACHMENT 1, Exhb B  
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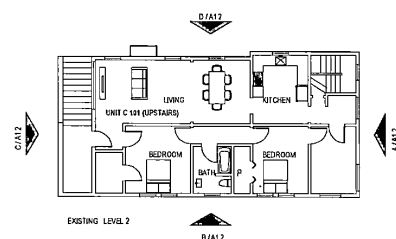


2 AZALEA 1155 & 1157 HEARST  
 1/16" = 1'-0"

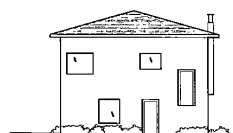


1 BEGONIA 1161 & 1163 HEARST  
 1/16" = 1'-0"

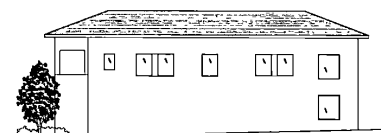




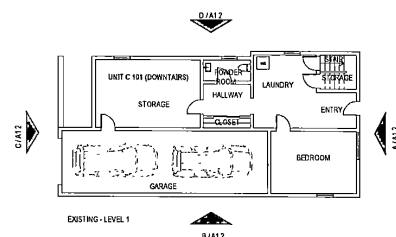
EXISTING - LEVEL 2  
 B/A12



A - EXISTING NORTH ELEVATION



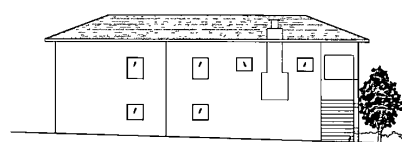
B - EXISTING EAST ELEVATION



EXISTING - LEVEL 1  
 B/A12



C - EXISTING SOUTH ELEVATION

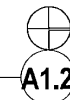


D - EXISTING WEST ELEVATION

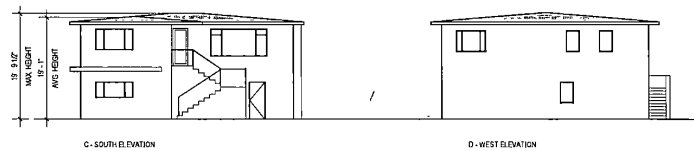
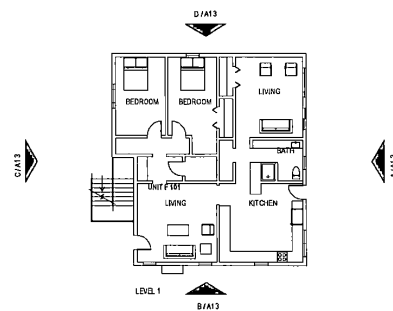
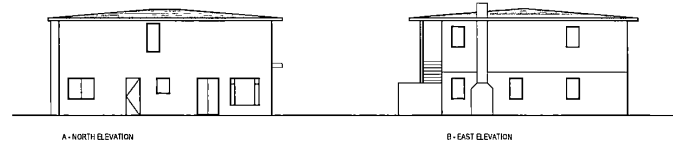
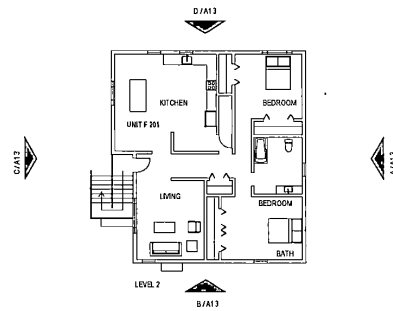
EXISTING PLANS & ELEVATIONS - CAMELIA / 1173

1 HEARST

1/16" = 1'-0"



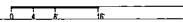
ATTACHMENT 1, Exhb B  
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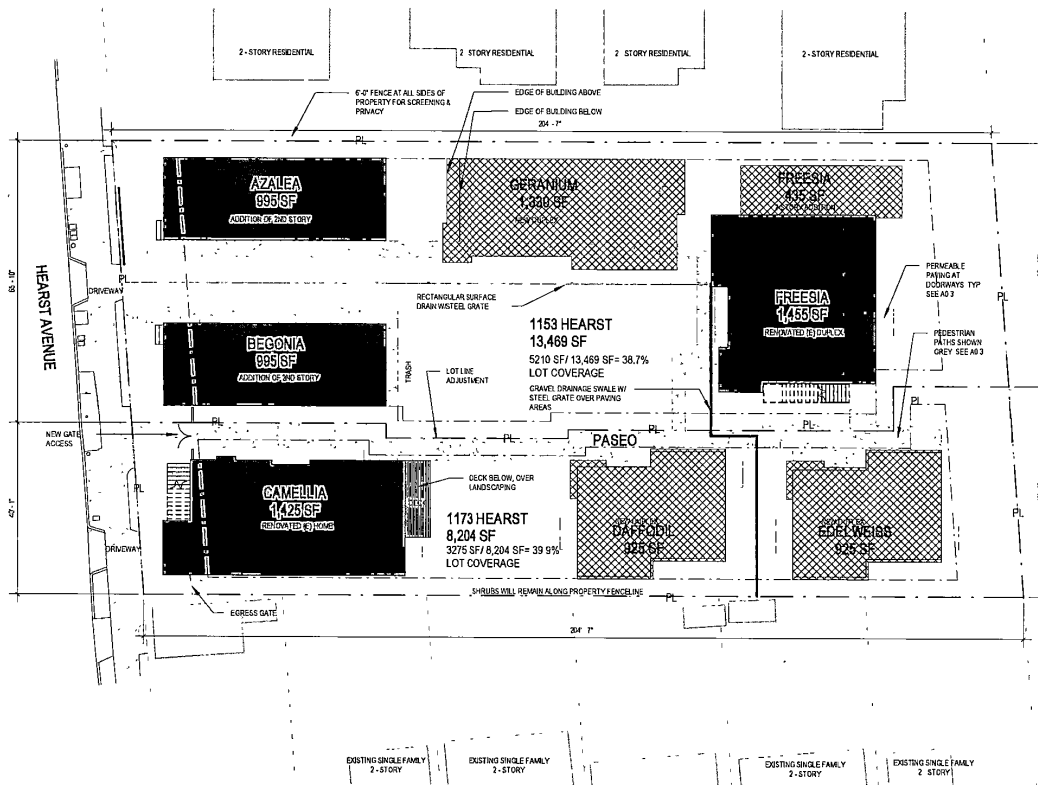


EXISTING PLANS & ELEVATIONS - FREESIA / 1179

HEARST

1/16" = 1'-0"





- LEGEND**
- ▨ NEW BUILDING AREA
  - ▩ RENOVATED (E) BUILDING
  - PEDESTRIAN PATHS
  - - - NON-CONFORMING SETBACKS & BUILDING SEPARATION
  - PROPERTY LINE
  - - - REQUIRED SETBACK

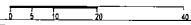


**HYDROLOGY NOTES**

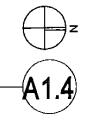
Unless modified by the City's Building & Safety Division and/or Department of Public Works, the drainage system shall be designed and installed as presented in the Stormwater and Flooding Assessment and Mitigation Design prepared by Chenwater Hydrology, dated January 7, 2016 and as well as all recommendations of the peer review prepared by Balance Hydrologics on March 16, 2017.

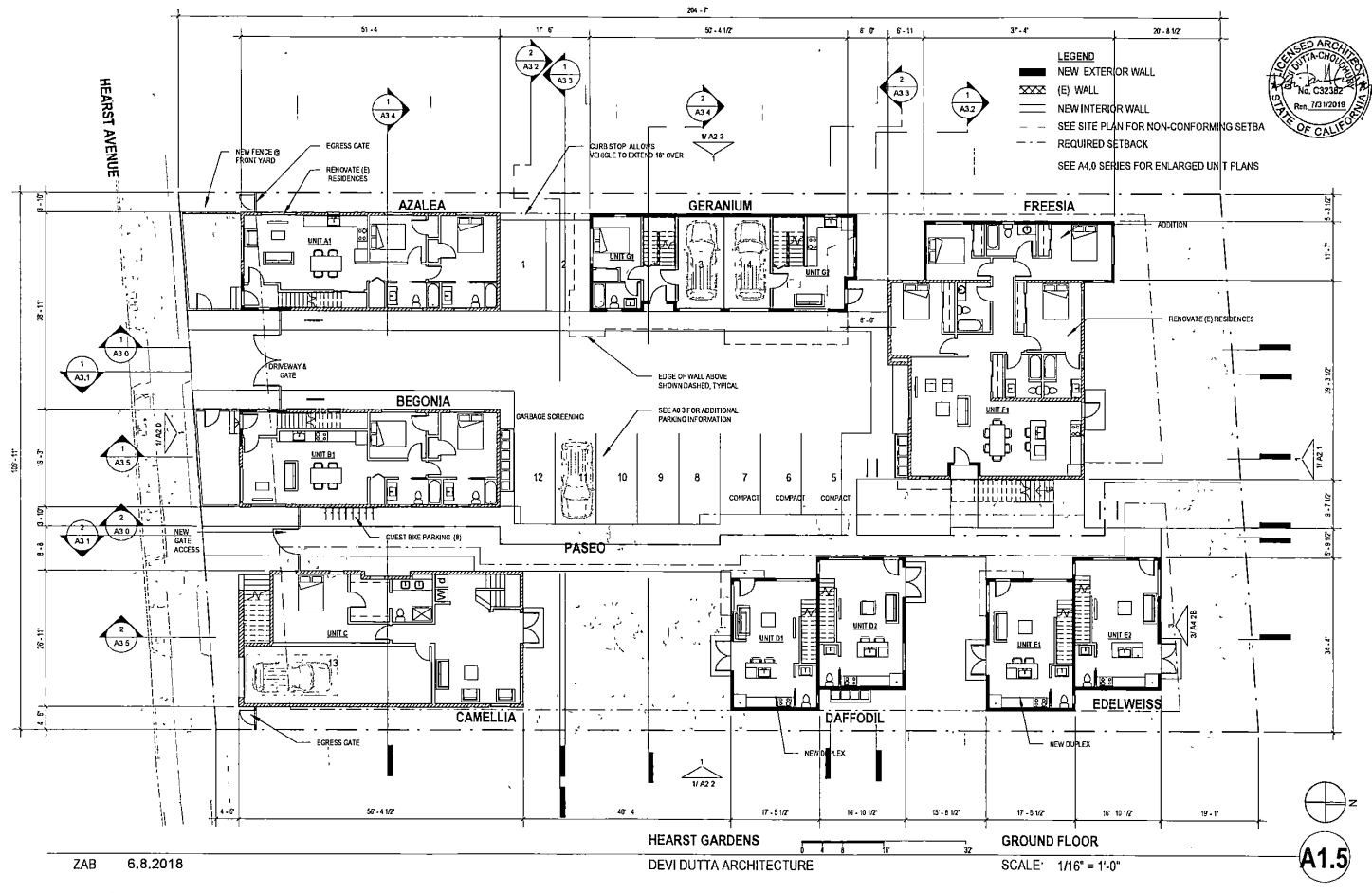
ZAB 6.8.2018

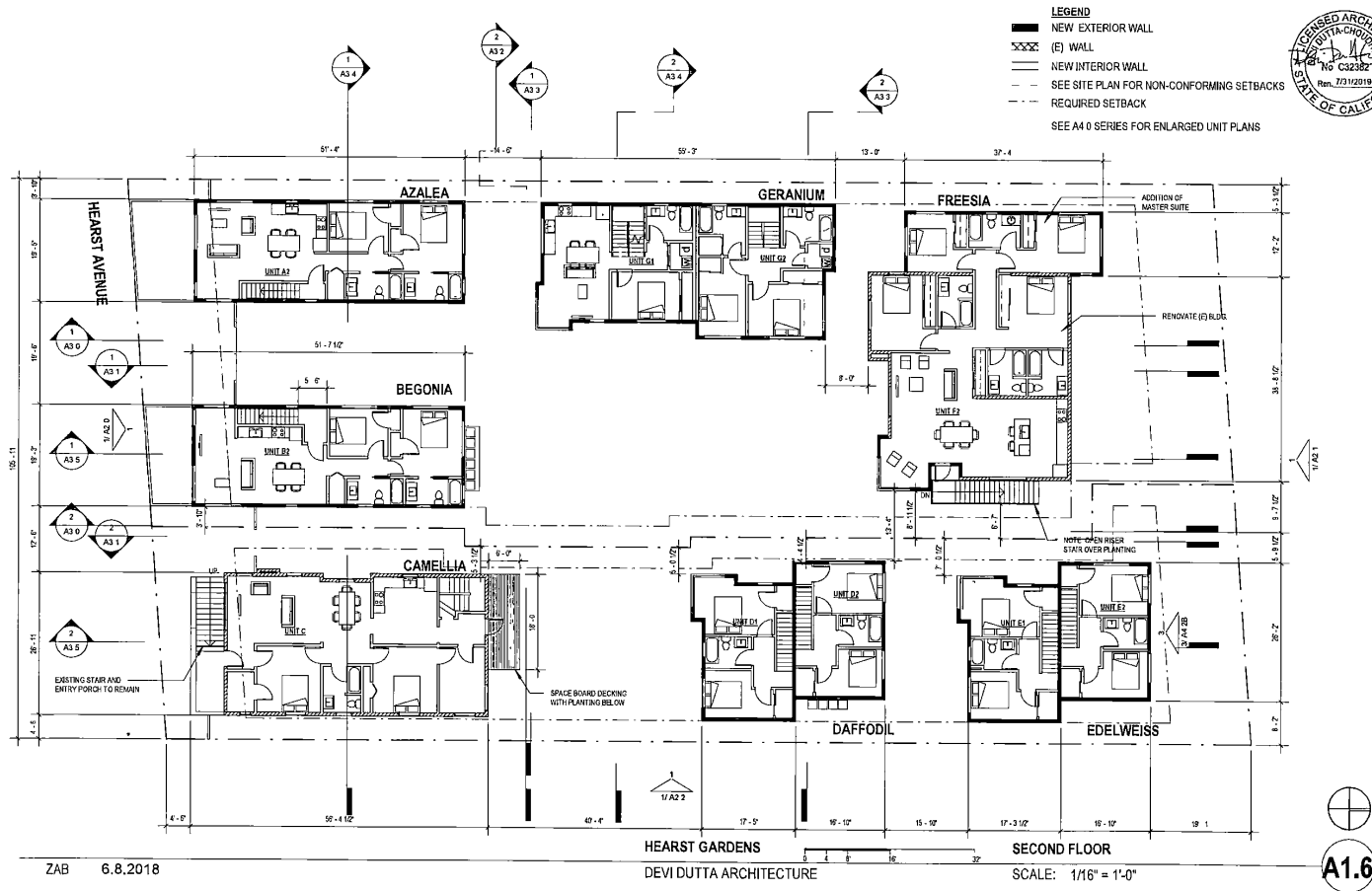
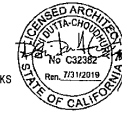
HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE

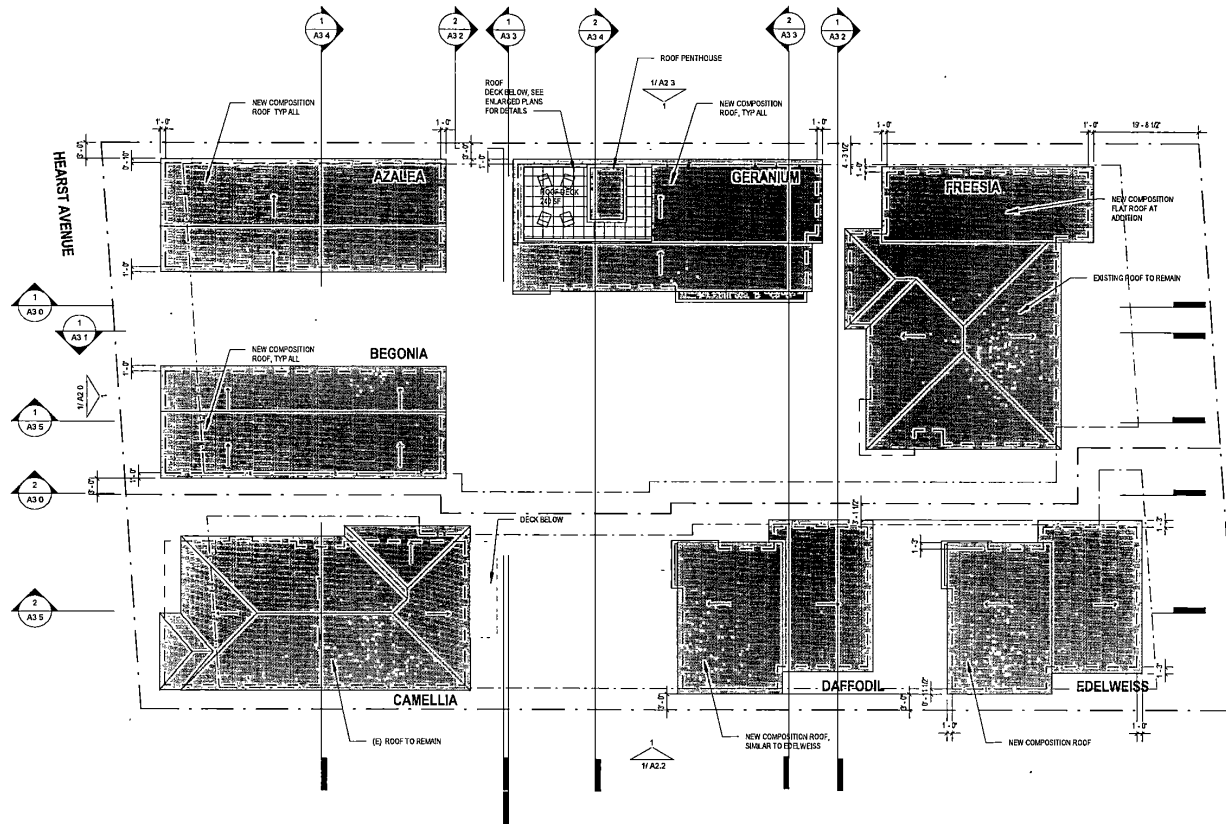


LOT COVERAGE & HYDROLOGY  
 SCALE: As indicated













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HEARST GARDENS  
DEVI DUTTA ARCHITECTURE

ROOF PLAN  
SCALE: 1/16" = 1'-0"

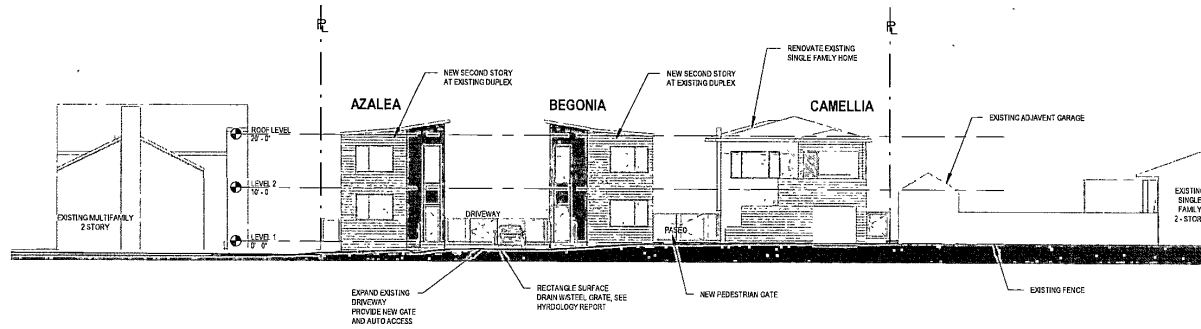


A1.8

- MATERIAL LEGEND**
-  PAINTED WOOD SIDING
  -  WOOD PATTERNED FIBER CEMENT
  -  CEMENT PLASTER
  -  CEMENT PLASTER

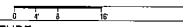


SEE A4.0 SERIES FOR ENLARGED ELEVATIONS



ZAB 6.8 2018

HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE



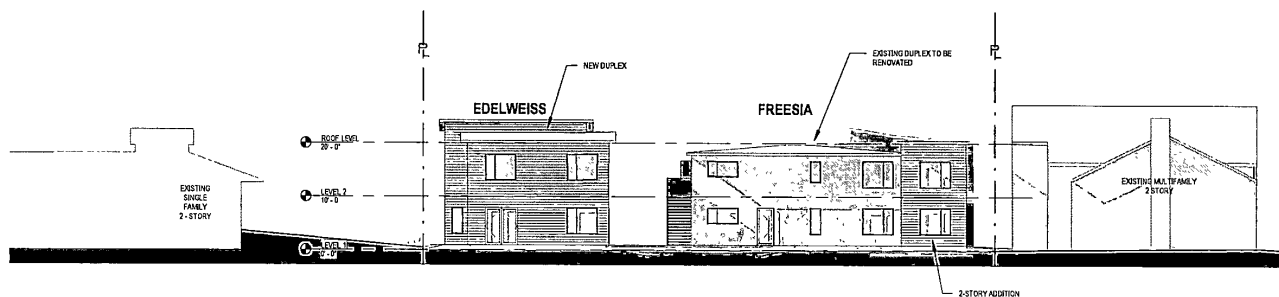
SOUTH SITE ELEVATION (FRONT)  
 SCALE: 1/16" = 1'-0"



**MATERIAL LEGEND**  
— PAINTED WOOD SIDING  
— WOOD PATTERNED FIBER CEMENT  
— CEMENT PLASTER  
— CEMENT PLASTER



SEE A4 0 SERIES FOR ENLARGED ELEVATIONS







ZAB 6.8.2018

HEARST GARDENS  
DEVI DUTTA ARCHITECTURE



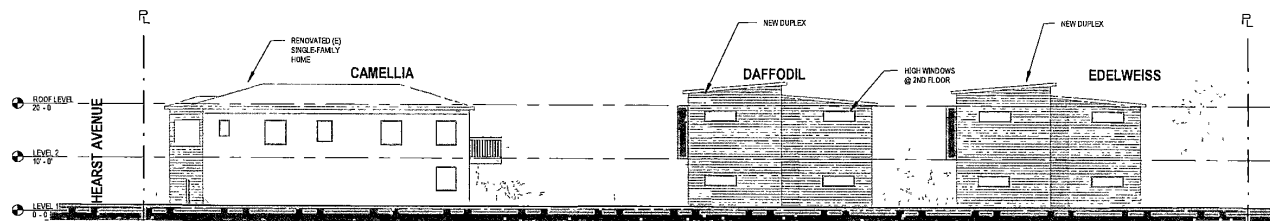
NORTH SITE ELEVATION  
SCALE: 1/16" = 1'-0"

A2.1

- MATERIAL LEGEND**
-  PAINTED WOOD SIDING
  -  WOOD PATTERNED FIBER CEMENT
  -  CEMENT PLASTER
  -  CEMENT PLASTER

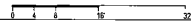


SEE A4.0 SERIES FOR ENLARGED ELEVATIONS



ZAB 6 8 2018

HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE



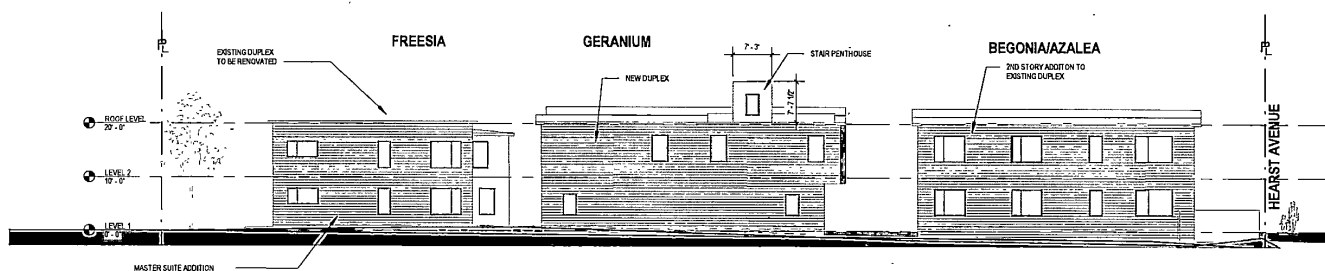
EAST SITE ELEVATION  
 SCALE: 1/16" = 1'-0"



**MATERIAL LEGEND**  
 [Pattern] PAINTED WOOD SIDING  
 [Pattern] WOOD PATTERNED FIBER CEMENT  
 [Pattern] CEMENT PLASTER  
 [Pattern] CEMENT PLASTER

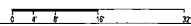


SEE A4 0 SERIES FOR ENLARGED ELEVATIONS



ZAB 6.8.2018

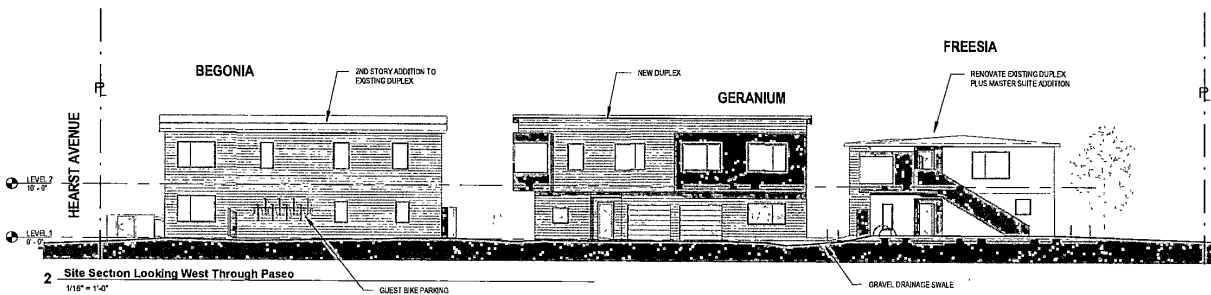
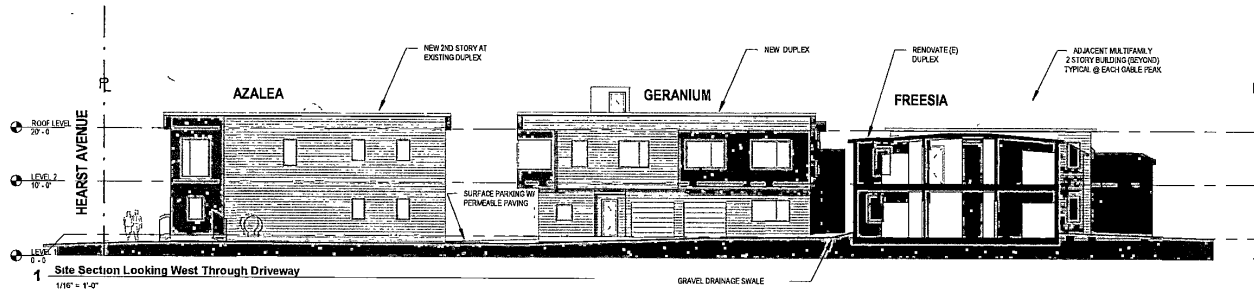
HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE



WEST SITE ELEVATION  
 SCALE: 1/16" = 1'-0"

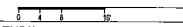
A2.3

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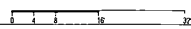
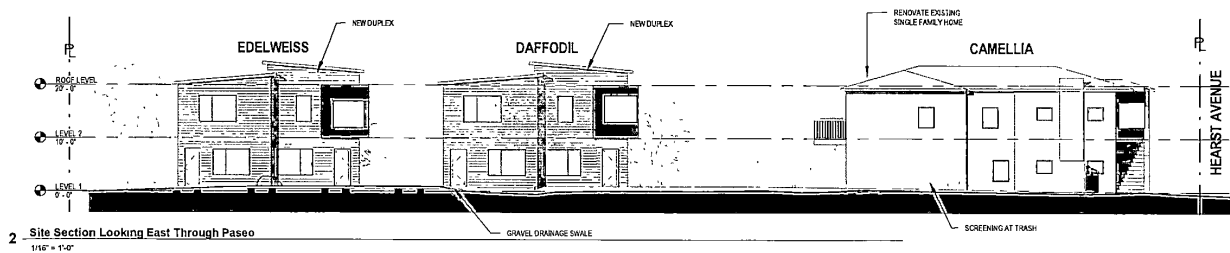
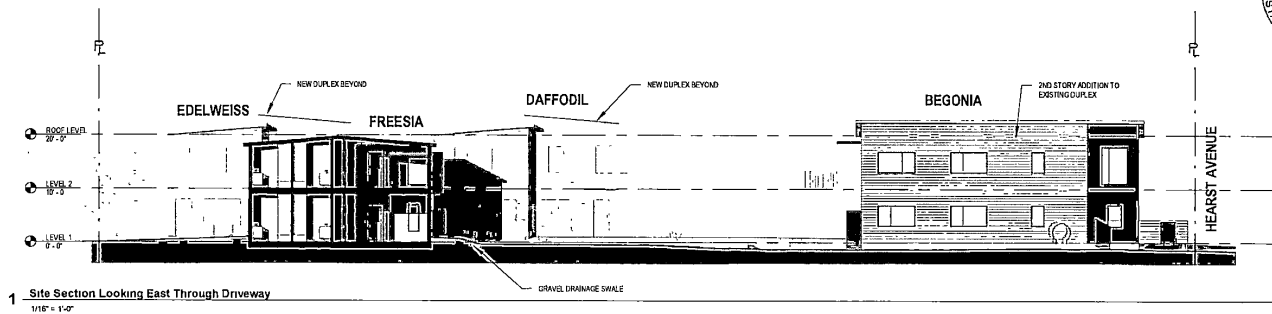
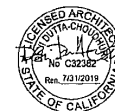
HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE



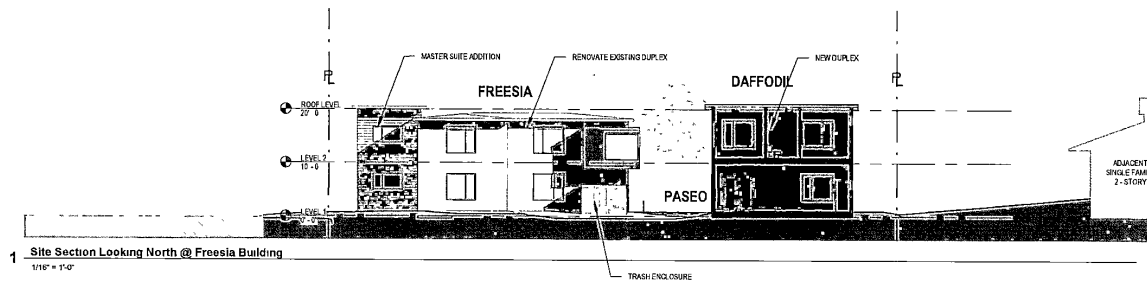
SITE SECTIONS LOOKING WEST  
 SCALE: 1/16" = 1'-0"



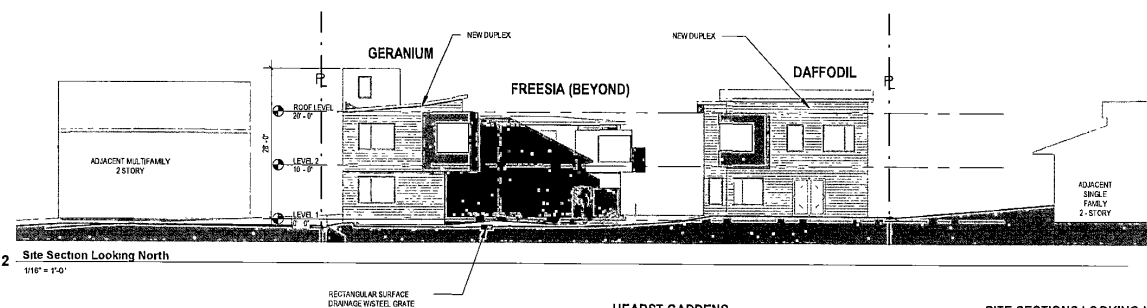
ATTACHMENT 1, Exhb B  
 from ZAB 08-23-18  
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ATTACHMENT 1, Exhb B  
 from ZAB 08-23-18  
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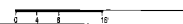
1 Site Section Looking North @ Freesia Building  
 1/16" = 1'-0"



2 Site Section Looking North  
 1/16" = 1'-0"

ZAB 6.8.2018

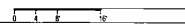
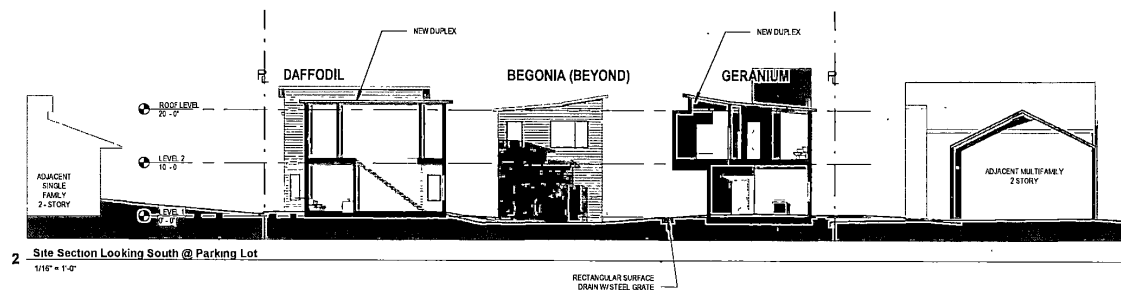
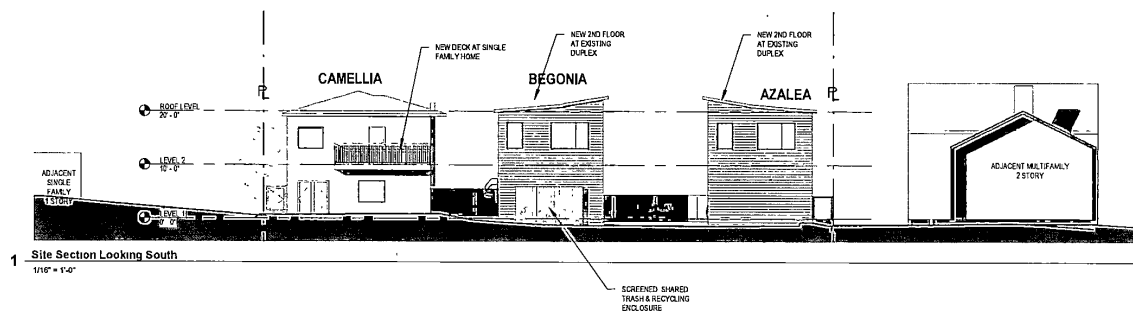
HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE



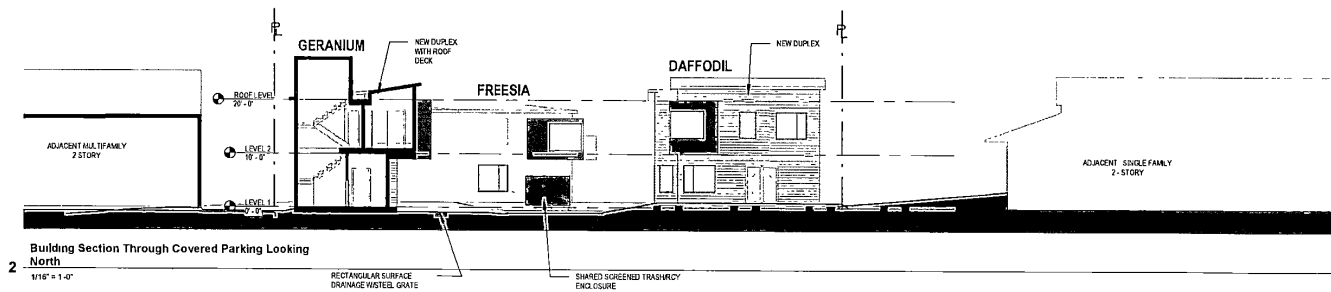
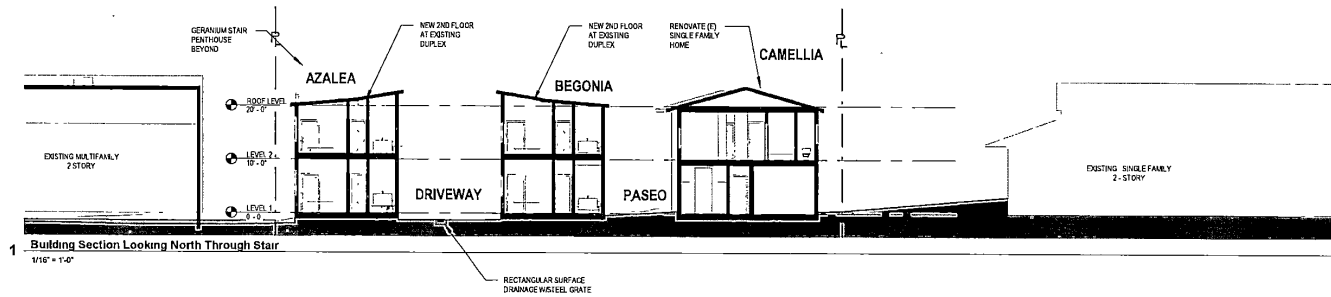
SITE SECTIONS LOOKING NORTH  
 SCALE: 1/16" = 1'-0"

A3.2

ATTACHMENT 1 Exhb B  
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ATTACHMENT 1, Exhb B  
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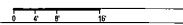
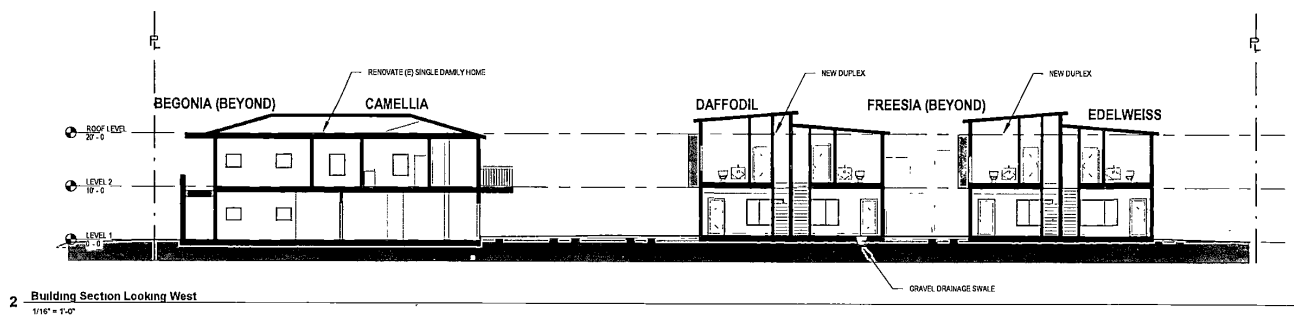
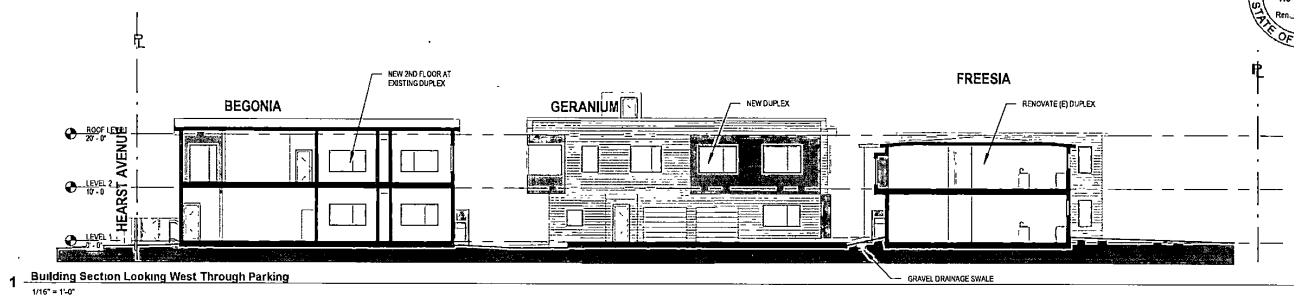


ZAB 6.8.2018

HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE

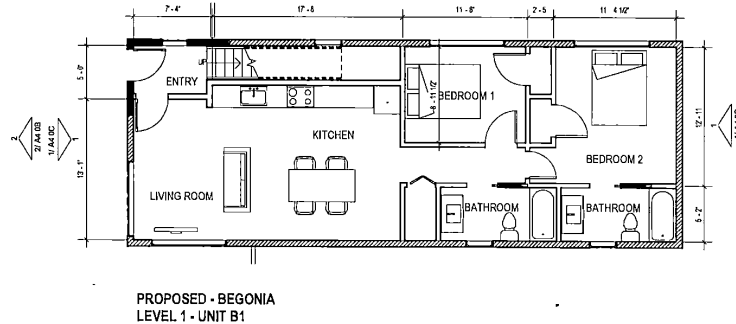
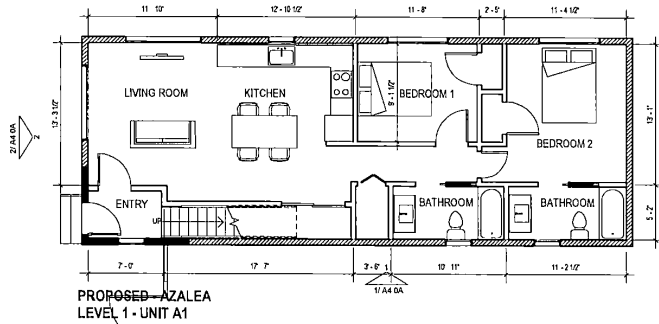
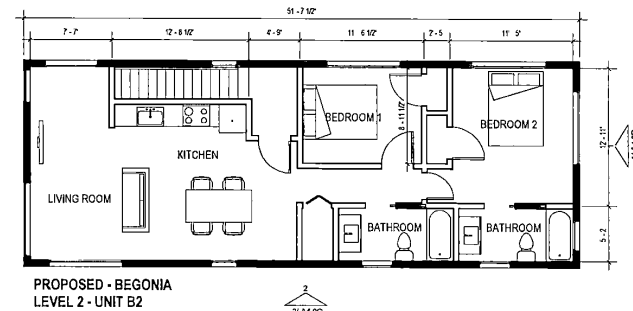
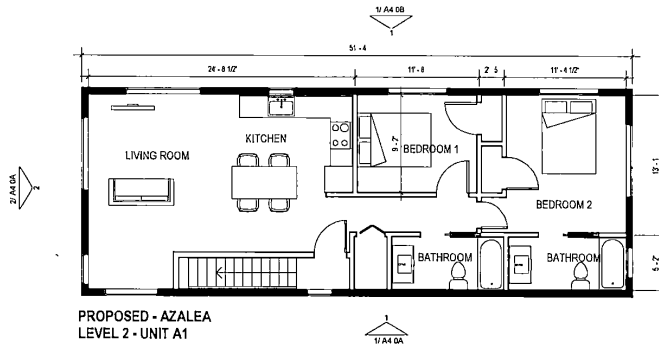
BUILDING SITE SECTIONS  
 SCALE: 1/16" = 1'-0"

A3.4

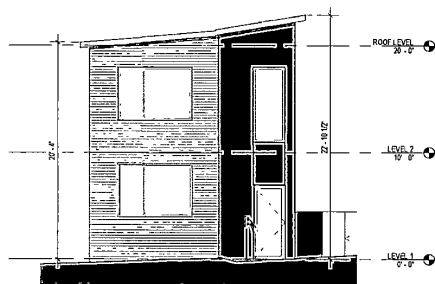


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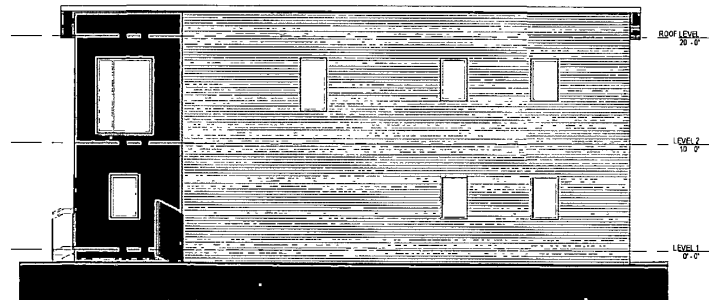
- LEGEND**
- NEW EXTERIOR WALL
  - XXXX (E) WALL
  - NEW INTERIOR WALL
  - - - SEE SITE PLAN FOR NON-CONFORMING SETBACK
  - - - REQUIRED SETBACK
- 2/A4 00, A4 0 SERIES FOR ENLARGED UNIT PLANS



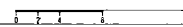
**MATERIAL LEGEND**  
 [Symbol] PAINTED WOOD SIDING  
 [Symbol] WOOD PATTERNED FIBER CEMENT  
 [Symbol] CEMENT PLASTER  
 [Symbol] CEMENT PLASTER



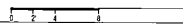
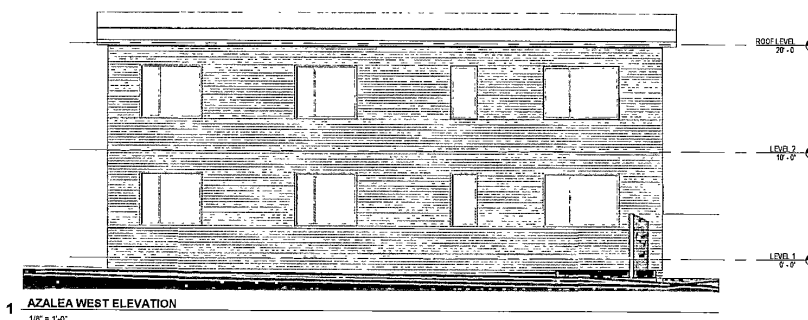
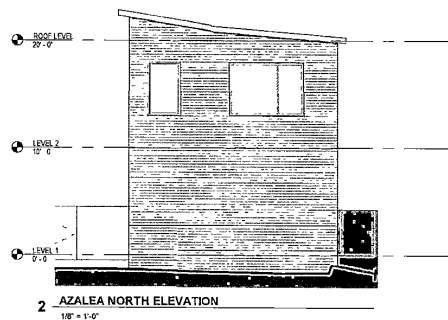
2 AZALEA SOUTH ELEVATION  
 1/8" = 1'-0"



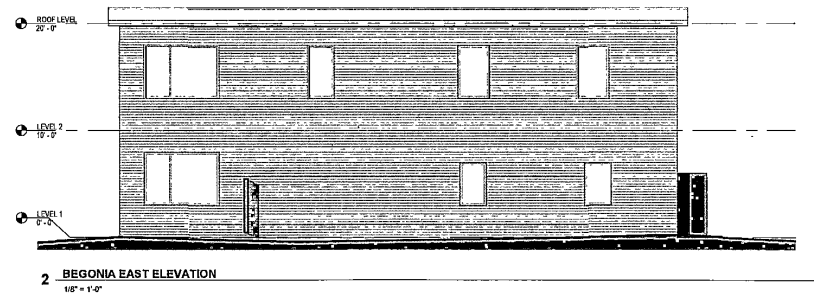
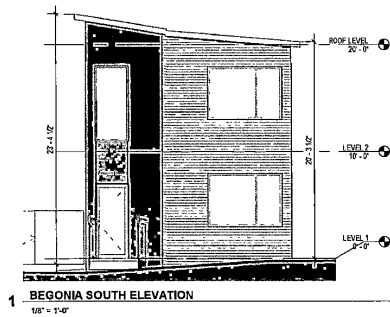
1 AZALEA EAST ELEVATION  
 1/8" = 1'-0"



**MATERIAL LEGEND**  
 [Pattern] PAINTED WOOD SIDING  
 [Pattern] WOOD PATTERNED FIBER CEMENT  
 [Pattern] CEMENT PLASTER  
 [Pattern] CEMENT PLASTER

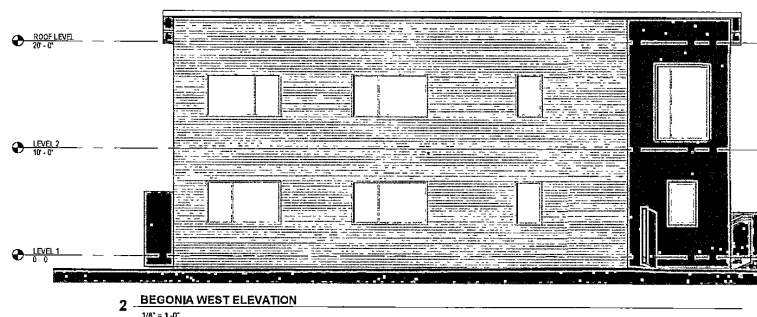
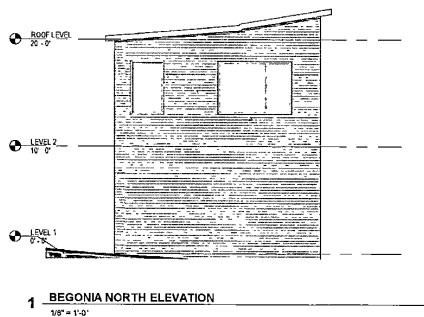


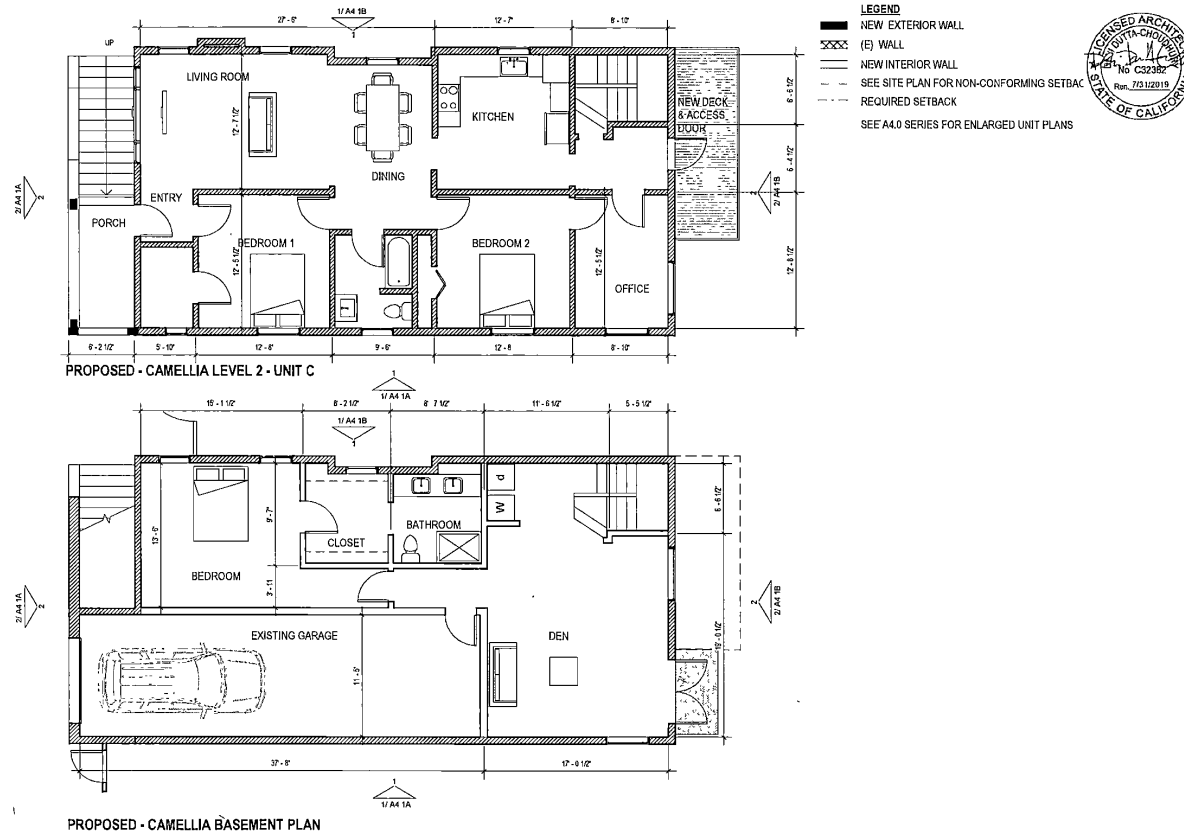
**MATERIAL LEGEND**  
 [Pattern] PAINTED WOOD SIDING  
 [Pattern] WOOD PATTERNED FIBER CEMENT  
 [Pattern] CEMENT PLASTER  
 [Pattern] CEMENT PLASTER



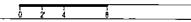
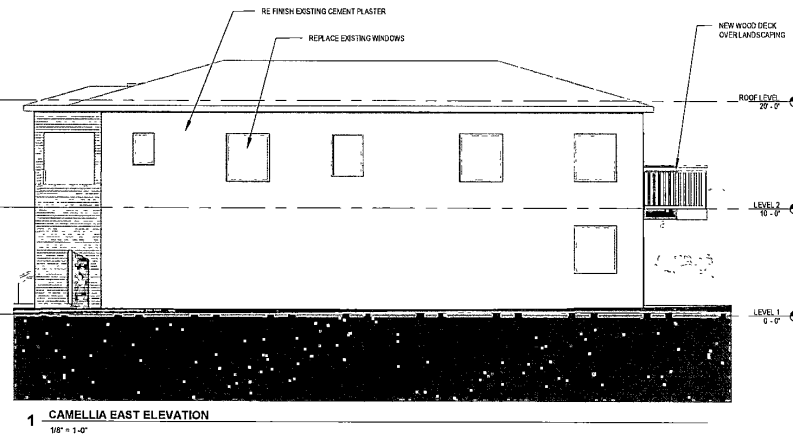
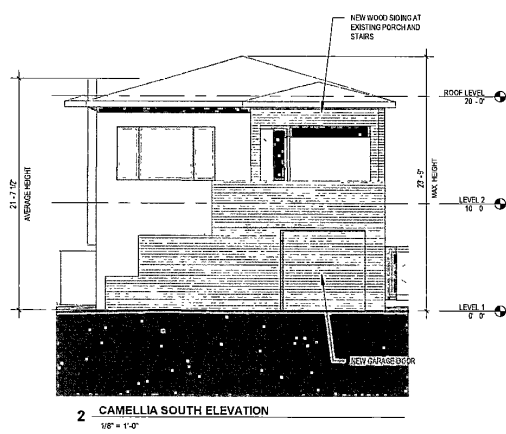
ATTACHMENT 1, Exhb B  
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**MATERIAL LEGEND**  
 [Pattern] PAINTED WOOD SIDING  
 [Pattern] WOOD PATTERNED FIBER CEMENT  
 [Pattern] CEMENT PLASTER  
 [Pattern] CEMENT PLASTER



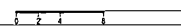
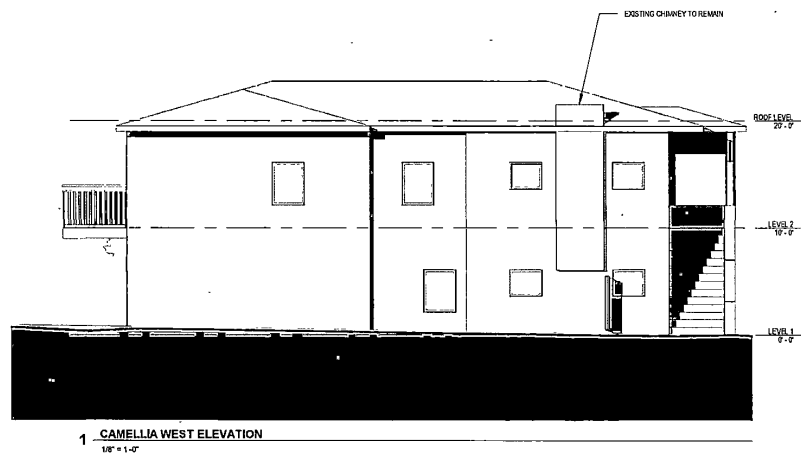
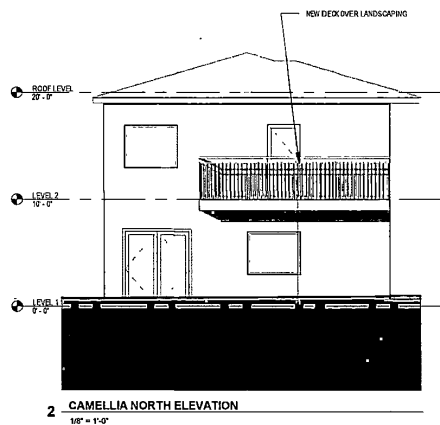


- MATERIAL LEGEND**
-  PAINTED WOOD SIDING
  -  WOOD PATTERNED FIBER CEMENT
  -  CEMENT PLASTER
  -  CEMENT PLASTER

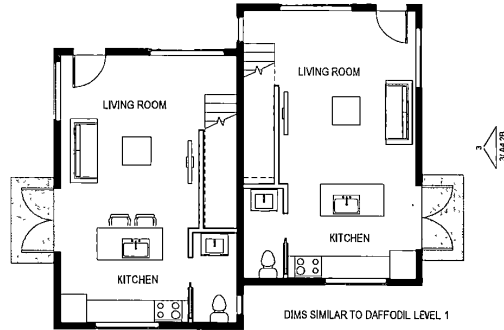


**MATERIAL LEGEND**  
 [Symbol] PAINTED WOOD SIDING  
 [Symbol] WOOD PATTERNED FIBER CEMENT  
 [Symbol] CEMENT PLASTER  
 [Symbol] CEMENT PLASTER

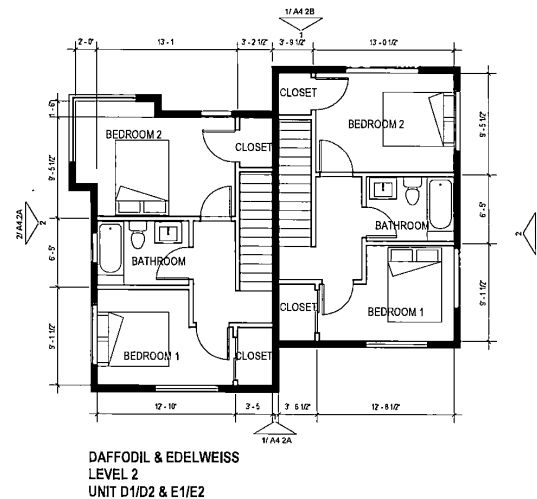
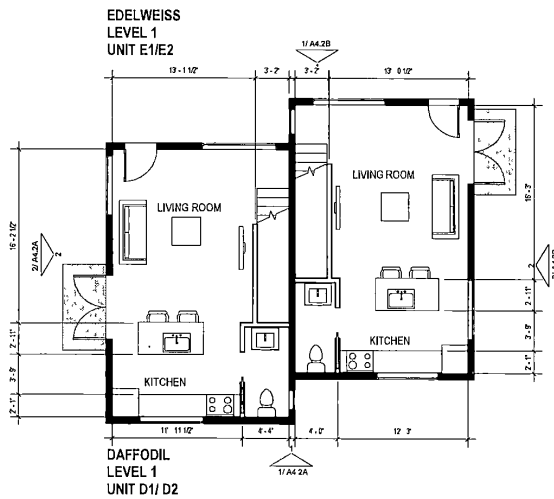
SEE A40 SERIES FOR ENLARGED ELEVATIONS



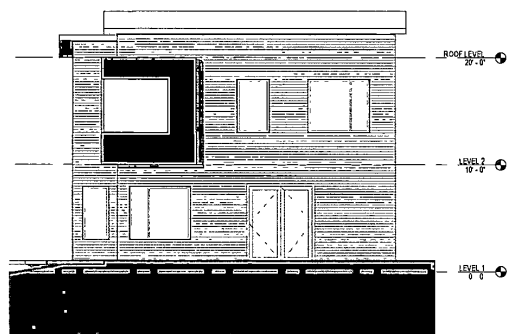
ATTACHMENT 1, Exhb B  
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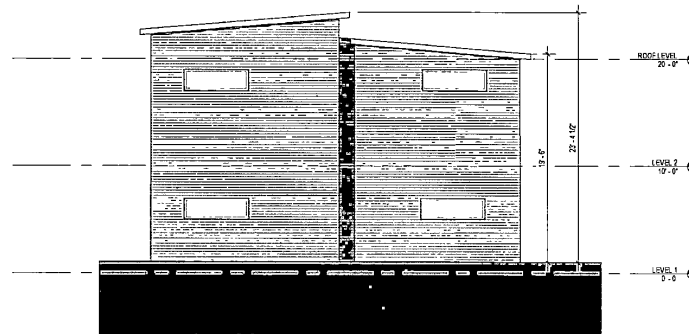
- LEGEND**
- NEW EXTERIOR WALL
  - (E) WALL
  - NEW INTERIOR WALL
  - - - SEE SITE PLAN FOR NON-CONFORMING SETBACKS
  - - - REQUIRED SETBACK



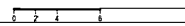
**MATERIAL LEGEND**  
 [Hatched pattern] PAINTED WOOD SIDING  
 [Horizontal line pattern] WOOD PATTERNED FIBER CEMENT  
 [Solid black] CEMENT PLASTER  
 [White] CEMENT PLASTER



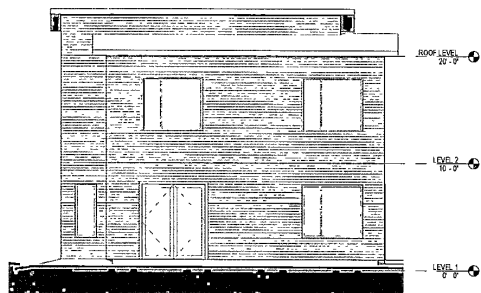
**2 DAFFODIL & EDELWEISS SOUTH ELEVATION**  
 1/8" = 1'-0"



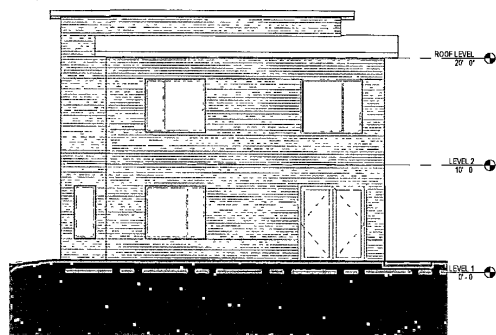
**1 DAFFODIL & EDELWEISS EAST ELEVATION**  
 1/8" = 1'-0"



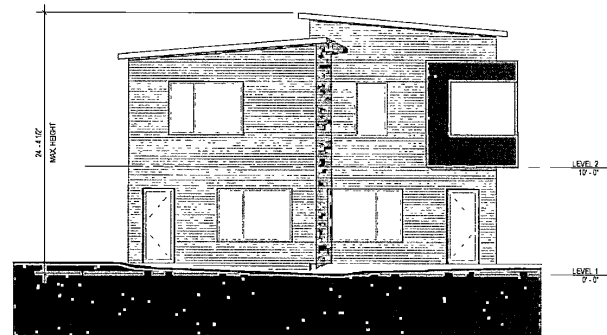
ATTACHMENT 1, Exhb B  
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3 - EDELWEISS NORTH ELEVATION  
 1/8" = 1'-0"



2 - DAFFODIL NORTH ELEVATION  
 1/8" = 1'-0"

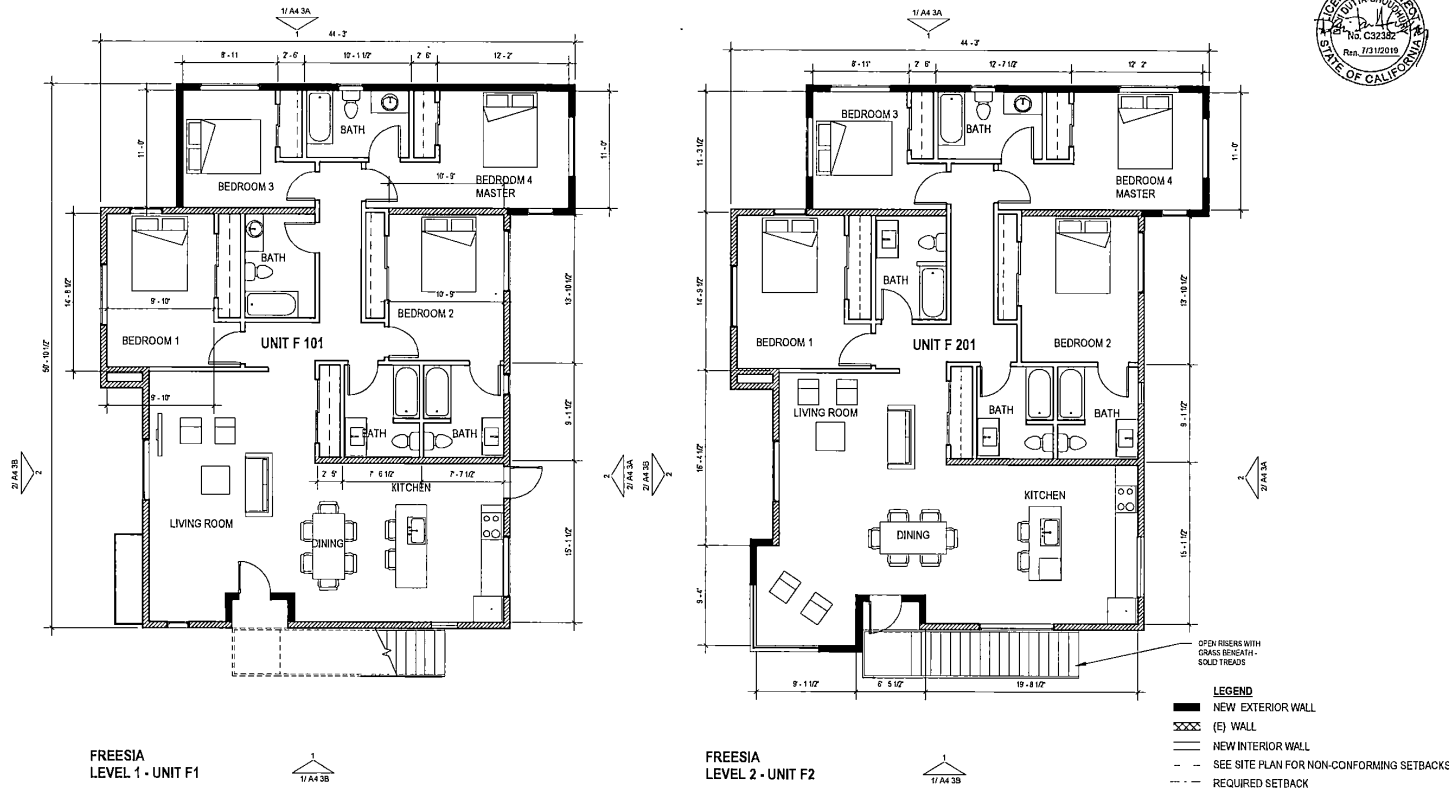


1 - DAFFODIL & EDELWEISS WEST ELEVATION  
 1/8" = 1'-0"

**MATERIAL LEGEND**  
 PAINTED WOOD SIDING  
 WOOD PATTERNED FIBER CEMENT  
 CEMENT PLASTER  
 CEMENT PLASTER



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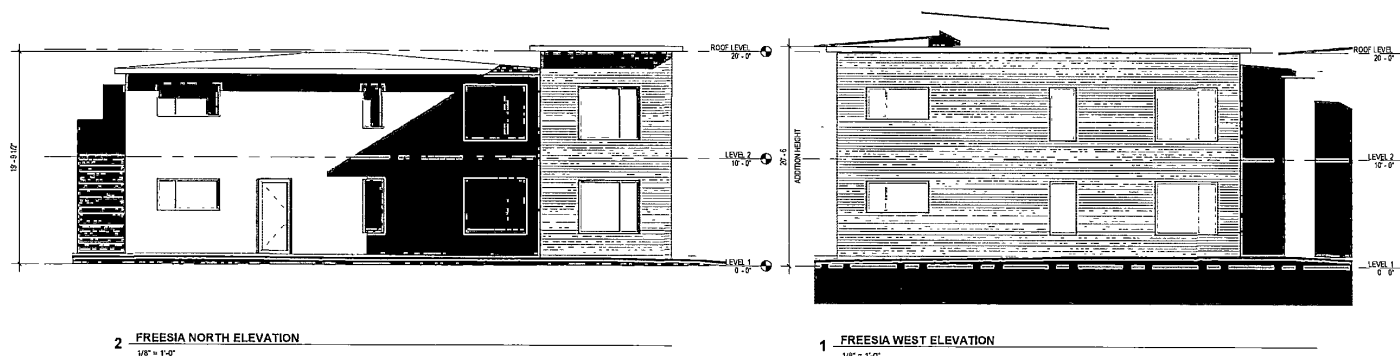


FRESIA  
 LEVEL 1 - UNIT F1

FRESIA  
 LEVEL 2 - UNIT F2

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**MATERIAL LEGEND**  
 — PAINTED WOOD SIDING  
 — WOOD PATTERNED FIBER CEMENT  
 ■ CEMENT PLASTER  
 □ CEMENT PLASTER



ZAB 6.8.2018

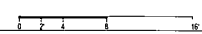
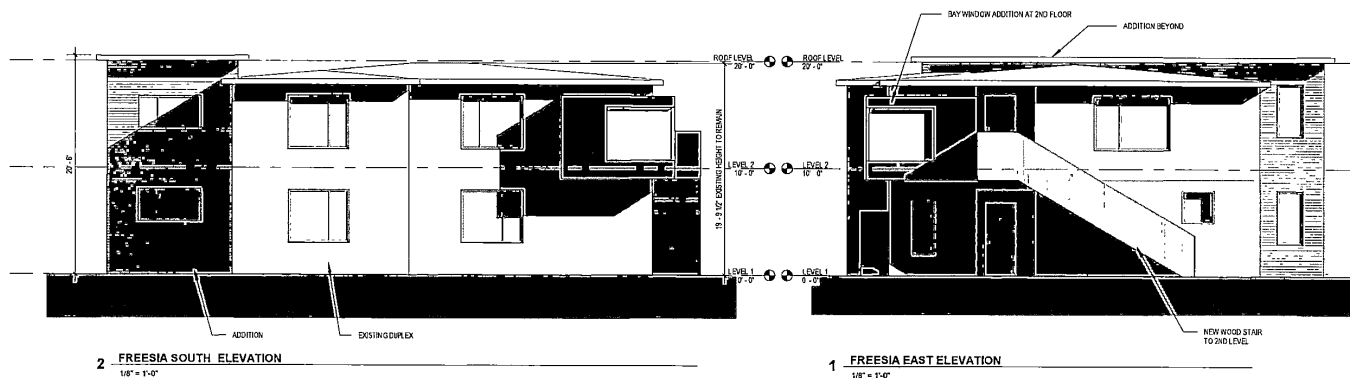
HEARST GARDENS  
 DEVI DUTTA ARCHITECTURE



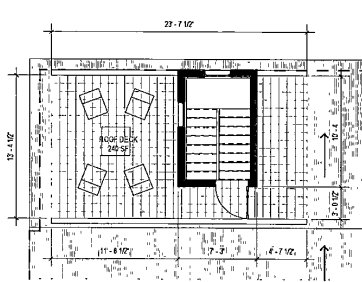
FREESIA ELEVATIONS  
 SCALE: As Indicated

**A4.3A**

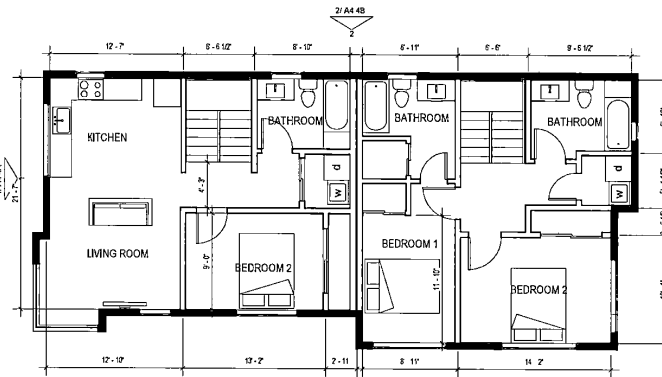
**MATERIAL LEGEND**  
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 [Pattern] WOOD PATTERNED FIBER CEMENT  
 [Pattern] CEMENT PLASTER  
 [Pattern] CEMENT PLASTER



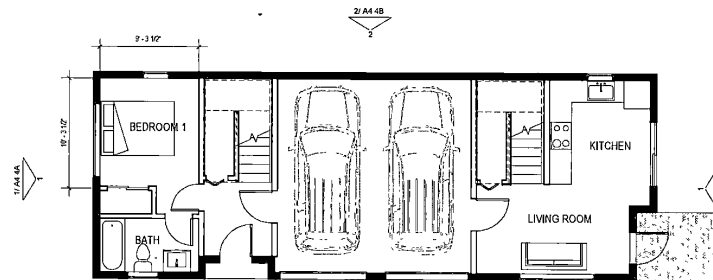
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3 - ROOF DECK - PARTIAL PLAN  
 1/8" = 1'-0"



2 GERANIUM LEVEL 2  
 1/8" = 1'-0"

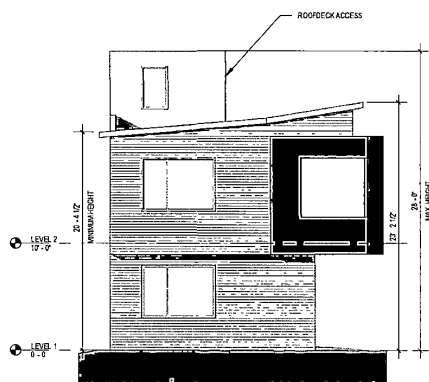


1 GERANIUM LEVEL 1  
 1/8" = 1'-0"

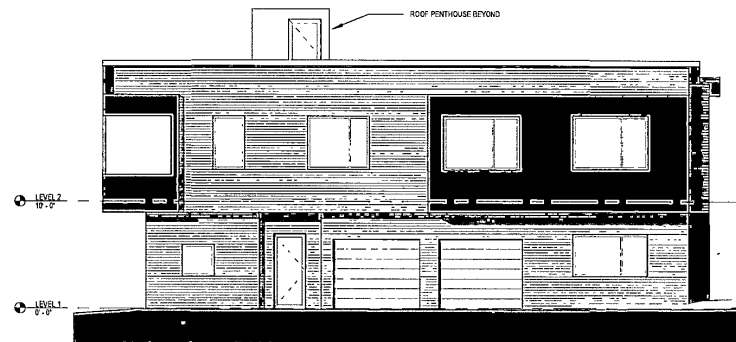
- LEGEND**
- NEW EXTERIOR WALL
  - (E) WALL
  - NEW INTERIOR WALL
  - - - SEE SITE PLAN FOR NON-CONFORMING SETBACKS
  - - - REQUIRED SETBACK



- MATERIAL LEGEND**
- PAINTED WOOD SIDING
  - WOOD PATTERNED FIBER CEMENT
  - CEMENT PLASTER
  - CEMENT PLASTER



1 GERANIUM SOUTH ELEVATION  
 1/8" = 1'-0"

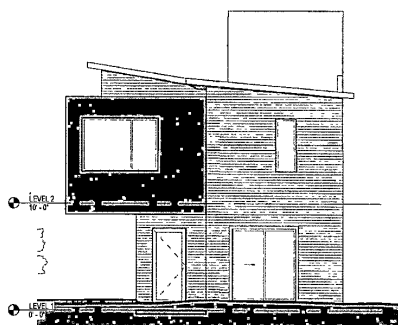


2 GERANIUM EAST ELEVATION  
 1/8" = 1'-0"

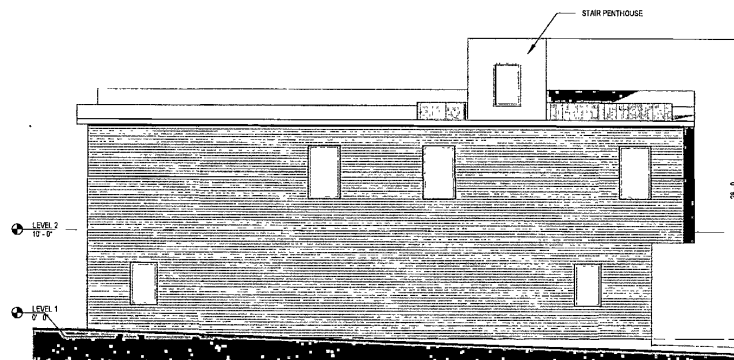
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 from ZAB 08-23-18  
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**MATERIAL LEGEND**  
 PAINTED WOOD SIDING  
 WOOD PATTERNED FIBER CEMENT  
 CEMENT PLASTER  
 CEMENT PLASTER



1 GERANIUM NORTH ELEVATION  
 1/8" = 1'-0"

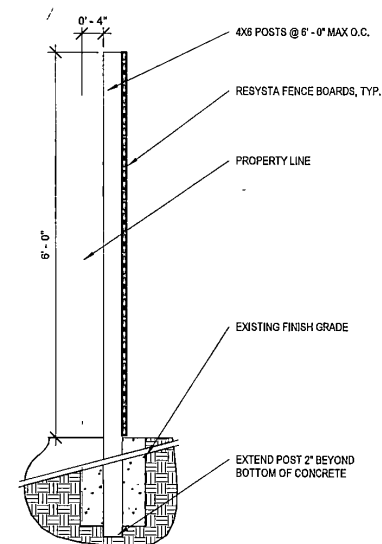


2 GERANIUM WEST ELEVATION  
 1/8" = 1'-0"

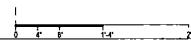
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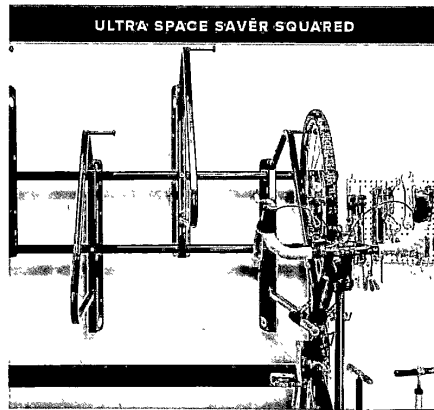


CEDAR FENCE ALONG PROPERTY LINE



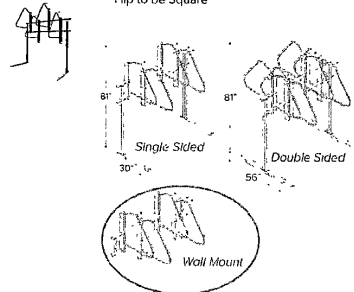
1 CEDAR FENCE DETAIL  
3/4" = 1'-0"





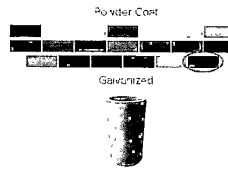
ULTRA SPACE SAVER SQUARED

Hip to be Square



WALL MOUNT, SQUARE PROFILE BIKE STORAGE. LOCATED ON EAST WALL OF BEGONIA BUILDING

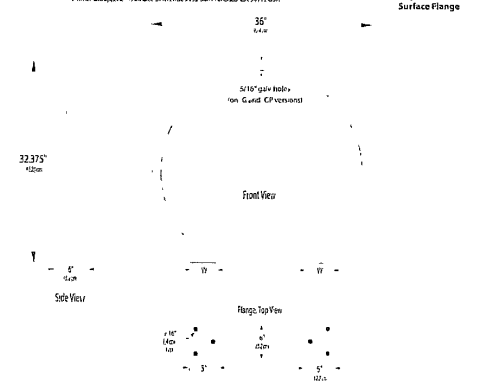
FINISH OPTIONS



DARK GREY POWDERCOAT FINISH AT BIKE STORAGE

**BIKEPARKING.COM™**  
 311-415-3331 4420 1074880 864 2413 Fax 416 933-3003 Email: info@bikeparking.com  
 Phone: Canada: 1-781-226-6666 or 416-933-3003 Fax: 416-933-3003

**Welle® Circular Rack**  
 Square Tube  
 Surface Flange



Welle® Circular Rack Square Tube Surface Flange						
Qty	Model	Height	Width/Depth	Weight	Material/Finish	Notes
4	WELLE-CR-35	32.375"	35"	11.2 lbs	Galvanized Steel	2 Bikes per Rack
4	WELLE-FL-35	0.5"	35"	0.5 lbs	Galvanized Steel	Surface Flange
4	WELLE-FL-35	0.5"	35"	0.5 lbs	Galvanized Steel	Surface Flange
4	WELLE-FL-35	0.5"	35"	0.5 lbs	Galvanized Steel	Surface Flange
4	WELLE-FL-35	0.5"	35"	0.5 lbs	Galvanized Steel	Surface Flange

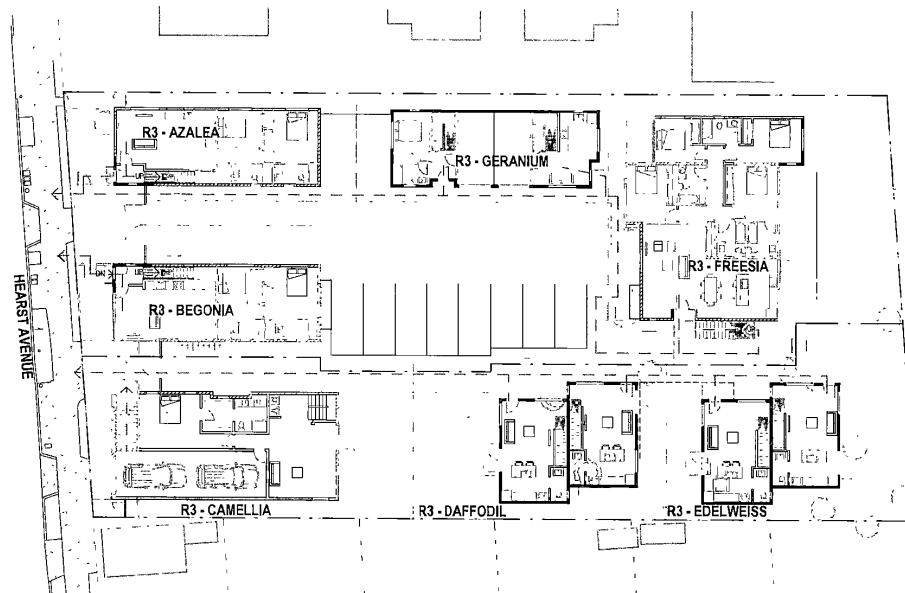
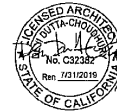
GROUND ANCHORED, SQUARE PROFILE BIKE STORAGE CIRCULAR RACK. 2 BIKES PER RACK. LOCATED ALONG THE PASEO, AND FLANKING THE DRIVEWAY BETWEEN AZALEA AND BEGONIA.



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1 GROUND PLAN BUILDING CODE & EXITING  
 3/64" = 1'-0"

OCCUPANCY	SPRINKLERED?	CORR. TYPE	HEIGHT & NUMBER OF STORES
AZALEA	R3	SPRINKLERED	V B 3 STORES
BEGONIA	R3	SPRINKLERED	V B 3 STORES
CAMELLIA	R3	SPRINKLERED	V B 2 STORES
DAFFODIL	R3	SPRINKLERED	V B 3 STORES
EDELWEISS	R3	SPRINKLERED	V B 3 STORES
FREESIA	R3	SPRINKLERED	V B 2 STORES
GERANIUM	R3	SPRINKLERED	3 STORES - STAIR VENTHOUSE

ALL HOMES SUBJECT TO 2018 CALIFORNIA BUILDING CODE  
 ALL HOMES TO BE EQUIPPED WITH RESIDENTIAL SPRINKLER SYSTEM  
 - - - EXIT PATH  
 . . . ASSUMED PROPERTY LINE

Rhodes Planning Group

ATTACHMENT 1, Exhb C

Memorandum

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**To:** Leslie Mendez, City of Berkeley Planning & Development Department  
**From:** Mark Rhoades, Rhoades Planning Group  
**Date:** February 6, 2020  
**Re:** 1155-1173 Hearst Avenue/ZP2016-0028

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Dear Ms. Mendez,

This memo serves to memorialize the owners' commitment to:

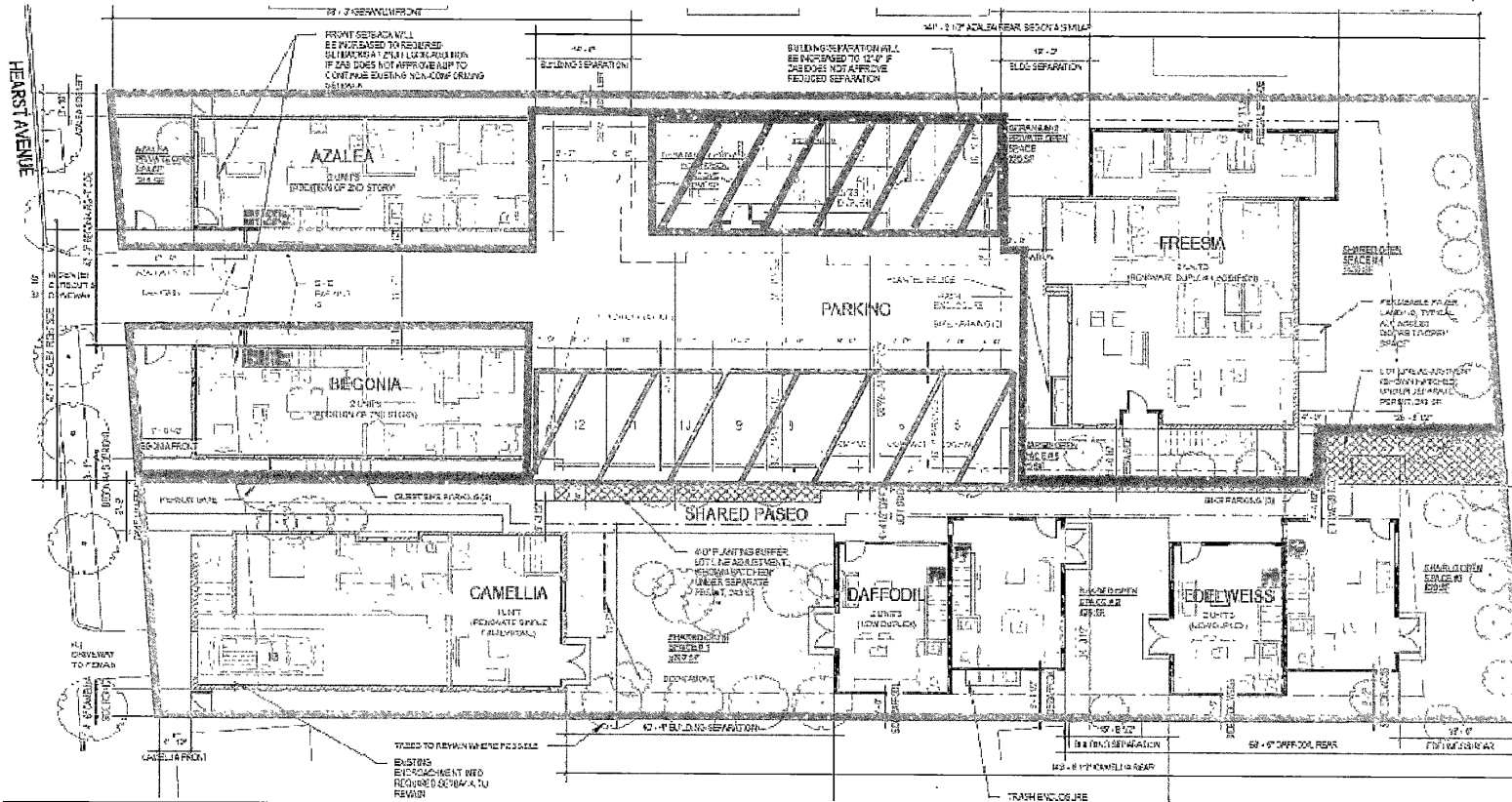
- Preserve the six-existing rent-controlled units in the project in perpetuity.
- The six-existing rent-controlled units will not be converted to condominiums, and no work proposed in this Use Permit, other than routine maintenance, will be performed on any building that is occupied by a resident.
- The owners are prepared to have staff recommend the above commitments as Conditions of Approval.
- These commitments were also discussed at the meeting that was held on February 26, 2019 at the Berkeley Rent Board offices with Rent Board staff, Rhoades Planning Group, and the existing residents of 1155-1173 Hearst Avenue. The meeting was noticed by Rent Board staff well in advance of the meeting date, both by USPS and email. One resident attended the meeting and had the opportunity to have her questions answered by Rent Board staff, including a staff attorney.

Please also find attached proposed construction phasing plan which will benefit the current residents by maintaining some of the parking onsite during construction.

Sincerely,



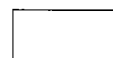
Mark Rhoades, AICP  
510-545-4341



**Hearst Gardens- Project Phasing and Implementation**



**Phase I**  
 4 new units, renovate ex SFR, install drainage facility, maintain up to 8 resident parking spaces during construction along west property line



**Phase II**  
 Fully improve parking area, landscape, and walkway treatments, paint existing apartments



**Phase I**  
 Construction staging, 8' screen fence for dust and view control



**Phase III – At voluntary vacancy of at least one of the existing duplexes**  
 2 new units (pay AHMF for full project – triggered by 5<sup>th</sup> unit), duplex additions



# ZONING ADJUSTMENTS BOARD – FINDINGS

June 12, 2025

## 1153-1173 Hearst Avenue – Hearst Gardens

**Use Permit Modification #ZP2024-0157 to modify conditions of approval for a residential project originally approved under #ZP2016-0028. The modification revises Conditions of Approval #16 and #58 in #ZP2016-0028 to allow a condominium conversion application to convert units from rent-controlled apartments into for-sale condominium units.**

### **ZONING PERMITS REQUIRED**

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- Use Permit pursuant Berkeley Municipal Code (BMC) 23.404.070(A) to modify an approved Use Permit to modify two conditions of approval to allow the applicant to process condominium conversions of existing dwelling units.

### **I. CEQA FINDINGS**

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- A. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15301 (“Existing Facilities”).
- B. 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.

### **II. HOUSING ACCOUNTABILITY ACT FINDINGS**

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- A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to

satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

- B.** The previously approved project is a “Housing development project” consisting of dwelling units only. The Use Permit Modification is for changes to the conditions of approval, proposes no physical changes to the approved project, and is compliant with objective planning standards. Therefore, this section does not apply to the project.

### **III. FINDINGS FOR APPROVAL**

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- A.** As required by BMC Section 23.406.040(E), Findings for Approval, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City. The Use Permit Modification will not result in any physical changes to the previously approved project.

The project will be subject to the City’s standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

- B.** As required by BMC Section 23.202.090 the project is consistent with the purposes of the underlying district.

The Use Permit modification for the revision to the conditions of approval will not result in a revision to the project that would make the project incompatible with the District purposes. Removing the condominium restriction from the original Use Permit #ZP2016-0018 would still meet the intent of the District to provide small multiple-family or apartment-type structures. The Use Permit Modification does not involve any changes to the project design or layout.

**C. General Plan Consistency:**

The 2002 General Plan contains several policies applicable to the project, including the following:

- 1. Policy LU-3–Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.

2. **Policy LU-7–Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. **Policy UD-16–Context:** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. **Policy UD-24–Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.  

The Use Permit Modification will not involve any changes to the project design or layout. Revising the conditions of approval to eliminate the condominium restriction placed on the project will not alter the project’s design or consistency with General Plan policies.
5. **Policy LU-23–Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
6. **Policy H-12 Transit-Oriented New Construction:** Encourage construction of new medium and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
7. **Policy T-16 Access by Proximity, Action B:** Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.  

The project site is located one block east of San Pablo Avenue and one block north of University Avenue, two major transit thoroughfares. The project provides housing opportunities located within one quarter mile of the San Pablo/University intersection that is served by the following AC Transit bus lines: 72 Rapid, 49, 51B, 52, FS, G, 72, 72M, 800 and 802.
8. **Policy H-33–Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.
9. **Policy H-8–Maintain Housing:** Maintain and preserve the existing supply of housing in the City.

Revising the conditions of approval to eliminate the condominium restriction placed on the project will provide more for-sale condominium units for entry-level home ownership opportunities in the City.



# PLANNING COMMISSION

## Notice of Public Hearing

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### Wednesday, July 1, 2026

### Tentative Tract Map #8760 – 1155-1163 Hearst Avenue

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, July 1, 2026 at 6:30 p.m.** at the **North Berkeley Senior Center**, 1901 Hearst Ave, Berkeley (wheelchair accessible).

The agenda will be posted on the Planning Commission website (<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>) no later than 5:00 p.m. on Wednesday, June 24, 2026.

#### PROJECT DESCRIPTION

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Tentative Tract Map #8760 would establish an eight-unit condominium subdivision at 1155–1163 Hearst Avenue, consisting of six conversion condominium units in three existing duplex buildings and two new-construction condominium units in a new two-story duplex building. The subject lot is part of the larger Hearst Gardens development, which shares open space, pedestrian and vehicular access, parking, bicycle/container storage, and drainage facilities with the adjacent parcel. The Hearst Gardens development was approved by ZAB on August 23, 2018, upheld by the City Council on June 9, 2020, and modified in 2025 to allow processing of a condominium conversion application for the existing rent-controlled apartments.

**PROJECT APPLICANT:** Mark Rhoades, 2140 Shattuck Avenue, Suite 705, Berkeley 94704

#### LOCATION:

1155-1163 Hearst Avenue, Berkeley, CA, 94702  
APN: 59-2326-33

The site is a rectangular interior lot located on the north side of Hearst Avenue in West Berkeley, between San Pablo Avenue and Curtis Street. The lot has approximately 66 feet of frontage along Hearst Avenue and a depth of approximately 204 feet.

The zoning map is available online:

<https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Base%20Data;Planning%20and%20Building>

**ENVIRONMENTAL REVIEW STATUS:** Approval of Tentative Tract Map #8760 is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(k), which applies to the division of existing multiple-family or single-family residences into common-interest ownership where no physical changes occur that are not otherwise exempt. The underlying Hearst Gardens residential development was previously determined to be categorically exempt pursuant to CEQA Guidelines Section 15332, “In-Fill Development Projects.” The 2025 Use Permit

Tentative Tract Map - 1155-1163 Hearst Avenue  
Page 2 of 2

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Modification allowing processing of a condominium conversion application was also determined to be categorically exempt pursuant to CEQA Guidelines Section 15301, "Existing Facilities." None of the exceptions in CEQA Guidelines Section 15300.2 apply.

## **PUBLIC COMMENT & FURTHER INFORMATION**

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All persons are welcome to attend the 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:

Joshua Muller  
Planning Commission Clerk  
Email: [PlanningPC@berkeleyca.gov](mailto:PlanningPC@berkeleyca.gov)

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

Correspondence received by **5 pm on Tuesday, June 24, 2026** will be included as a Communication in the agenda packet. Correspondence received by **12 pm on Monday, June 29, 2026** 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 **5 pm on Tuesday, June 30, 2026** 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.

Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before, or at the beginning, of the meeting.

## **COMMUNICATION ACCESS**

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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://berkeleyca.gov/your-government/boards-commissions/planning-commission>.

## **FURTHER INFORMATION**

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Questions should be directed to Justin Horner, at (510) 981-7476 or [jhorner@berkeleyca.gov](mailto:jhorner@berkeleyca.gov). Current and past agendas are available on the City of Berkeley website at: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.