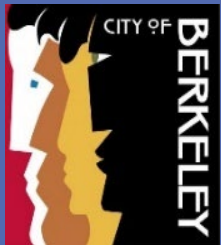


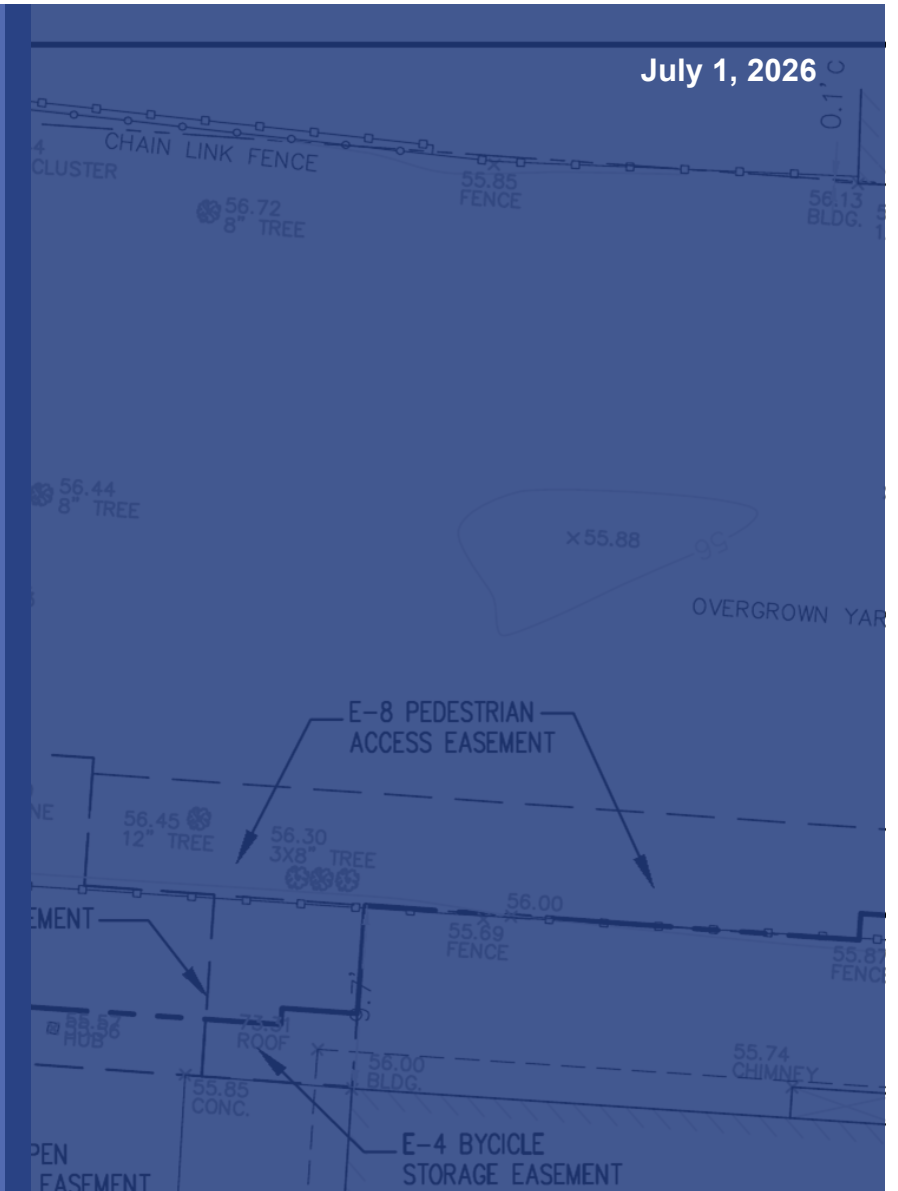
Tentative Tract Map #8760

1155–1163 Hearst Avenue

Eight-unit condominium subdivision



Justin Horner, Principal Planner

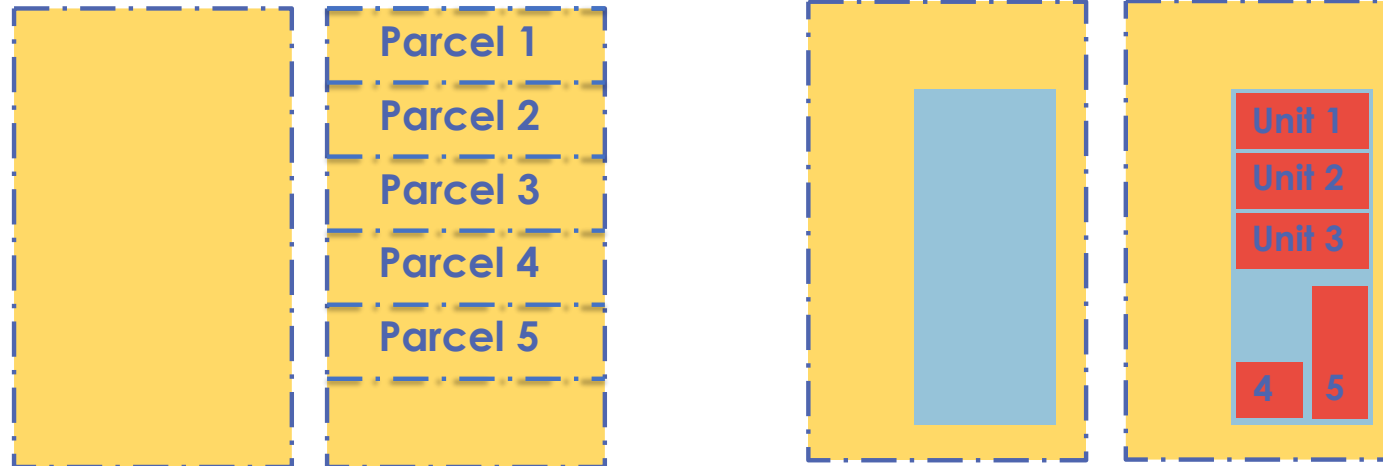


Internal

Agenda

- 01** Tentative Map overview
- 02** Hearst Gardens approval history and proposed map
- 03** BMC Chapter 21.28 Condominium Conversion requirements
- 04** BMC Chapter 21.16.047: Role of Planning Commission in tentative tract maps
- 05** BMC Chapter 21.16.048: Role of Planning Commission in approving condominiums
- 06** Staff recommendation

What is a Tentative Tract Map (TTM)?



- TTM is required for any project that divides land into 5 or more parcels.
- The proposed project converts the sole ownership into 8 residential units, consisting of 6 conversion units and two newly constructed units.

1155 – 1163 Hearst Avenue

ZAB approved the Use Permit #ZP2016-0028 in 2018



Approval History:

- 2020 - City Council upheld the ZAB approval after appeal.
- 2025 – ZAB approved an UP MOD to allow processing of the condo conversion application.

Internal

CONDOMINIUM CONVERSION

Condominium Conversion (BMC Chapter 21.28) is applicable

Six of the eight units are existing units, so the map must proceed with applicable conversion requirements.

Local law compliance (completed)

- Required inspection / disclosure steps
- Life-safety corrections or recorded disclosures where applicable

Tenant protections

- Notice requirements
- Right to remain and applicable exclusive right to purchase

Housing / Rent Board review

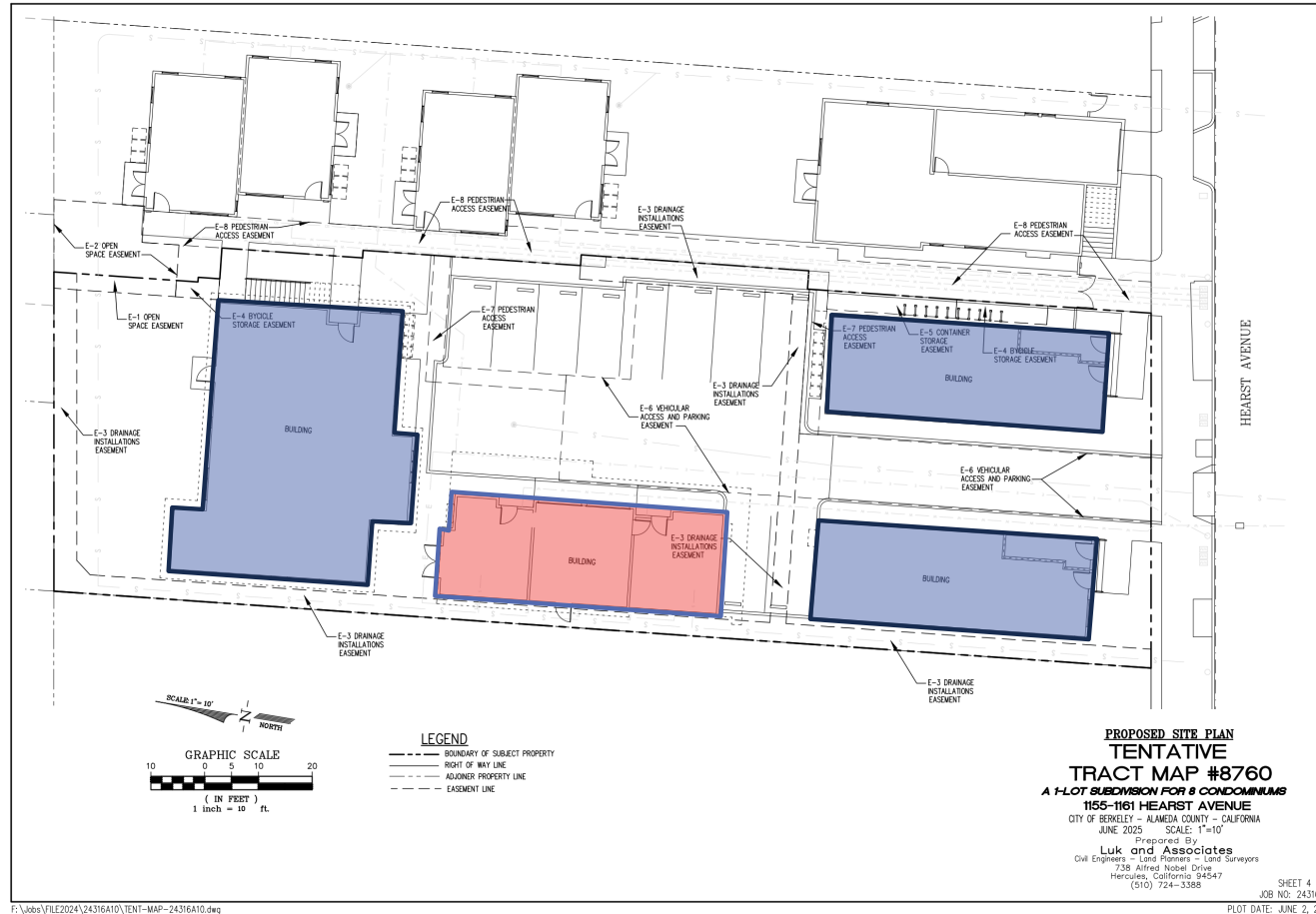
- Affordable housing mitigation fee requirements as applicable
- Coordination before final map / recordation

The 2025 Use Permit Modification allowed processing of the application; it did not waive Chapter 21.28 requirements.

Before final map approval/recordation, the applicant must satisfy all applicable conditions and condominium conversion requirements.

Internal

Proposed eight-unit condominium subdivision



Ownership structure

8 condominium units total

6 conversion condominium units

2 new-construction condominium units

TTM Review - Planning Commission Role

Item 12– Presentation
Planning Commission
December 4, 2024

BMC Section 21.16.047 – Subdivisions: Planning Commission Action

- Planning Commission can approve, conditionally approve, or deny a tentative tract map
- To deny a tentative tract map, the Planning Commission must make one or more of the following findings:
 1. Map is **inconsistent** with the General Plan;
 2. Project is **inconsistent** with the General Plan;
 3. Site is **not suitable for development**;
 4. Substantial **environmental damage** and injure fish and wildlife or their habitat
 5. Cause **serious public health problems**; or
 6. Conflicts with **public access** easements; or
 7. Does not provide for **future passive or natural heating or cooling opportunities**
- None of these findings can be made, as shown in staff report. Therefore, PC must approve.

TTM Review - Planning Commission Role

BMC Section 21.16.048 – Findings for Approval of Condos

- Planning Commission must make the following findings for condos in new buildings:
 1. Map is for condos that have never been rented;
 - Two are new condos
 - Six are conversions and subject to BMC Condo Conversion requirements
 2. The use permit disclosed the condos;
 3. The proposed project has received all required approvals under the ZO; and
 4. The ZAB made all the findings required to allow condos.
- All these findings can be made, as shown in staff report.

Internal

Item 12– Presentation
Planning Commission
December 4, 2024

Staff Recommendation

Hold a Public Hearing to approve Tentative Map #8760,
pursuant to Berkeley Municipal Code (BMC) Section
21.16.047, subject to the attached Findings and Conditions

Thank you

Justin Horner, Principal Planner
jhorner@berkeleyca.gov

