Office of the City Manager

13

CONSENT CALENDAR
January 21, 2014

To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Eric Angstadt, Director, Planning and Development

Subject: Final Map of Tract 8107: 1337 Henry Street

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8107, a five (5) unit residential condominium conversion project located at 1337 Henry Street.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On September 20, 2012, the Planning Department issued a Notice of Decision approving Tentative Tract Map 8107. The tentative tract map is valid for a period of 24 months from the date of the Notice of Decision. Prior to selling any condominium units, state law and City Ordinances require the owner to submit a final map to the Council for approval. The owner has submitted a final map for this project and is seeking the Council's approval of this map.

BACKGROUND

On September 5, 2012 the Planning Commission voted unanimously to approve the application for a 5-unit residential condominium project located at 1337 Henry Street, subject to findings, conditions and plans. The tentative tract map approval became effective following expiration of the 21-day statutory appeal period following issuance of the September 20, 2012 Notice of Decision.

All conditions of approval have been completed to the satisfaction of the City Engineer and the Director of the Planning and Development Department. The map has been examined by Engineering staff and has been determined to be in substantial compliance with the approved tentative tract map.

The purpose of the final tract map is to provide a record of the survey of the underlying property, and does not constitute the approval of proposed or existing structures on the property.

RATIONALE FOR RECOMMENDATION

Section 21.36.080 of the Berkeley Municipal Code requires City Council approval of all final subdivision maps. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, the legislative body of the agency responsible for approving a final map must approve a final map if it is found to be in substantial compliance with the approved tentative map. Staff has reviewed the map and found it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative courses of action are feasible.

CONTACT PERSON

Leslie Mendez, Associate Planner, Planning and Development, (510) 981-7426

Attachments:

1: Resolution
    Exhibit A: Final Map of Tract 8107
2: Notice of Decision from Planning Commission, September 12, 2012

RESOLUTION NO. ##,###-N.S.

FINAL MAP OF TRACT 8107: 1337 HENRY STREET

WHEREAS, the Berkeley Planning Commission determined that the tentative map of Tract 8107, a five (5) unit condominium project, conforms to the requirements of the City's Subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8107 on September 5, 2012 and issued a Notice of Decision on September 20, 2012; and

WHEREAS, the City Engineer and the Planning and Development Director have certified that the final map of Tract 8107 substantially conforms to the conditionally approved tentative tract map, as required by the California Subdivision Map Act.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8107 (Exhibit A), a five (5) unit residential condominium project located at 1337 Henry Street and is hereby approved.

Exhibit A: Final Map of Tract 8107

TRACT MAP 8107

BERKELEY ALAMEDA COUNTY CALIFORNIA

OWNERS' STATEMENT

THE UNDERSIGNED HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8107, BERKELEY, ALAMEDA COUNTY, STATE OF CALIFORNIA, THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEEDS RECORDED ON SEPTEMBER 22, 2010, SERIAL NUMBER 2010-274440, AND ON NOVEMBER 2, 2010, SERIAL NUMBER 2010-321164, IN OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, AND THAT THEY CONSENT TO THE PREPARATION AND FILING OF THIS MAP.

GLENN A. ZAHLER

EQUITY TRUST COMPANY, CUSTODIAN, F.B.O. SHERIE GLATT IRA

JOHN B. BEAR, TRUSTEE, JOHN B. BEAR AND MARINA C. BEAR 1986 TRUST

MARINA C. BEAR, TRUSTEE JOHN B. BEAR AND MARINA C. BEAR 1986 TRUST

AVI ATID

HEIDI HEADAPOHL

OWNERS' ACKNOWLEDGEMENT

STATE OF CALIFORNIA COUNTY OF Alameda

ON Oct 9, 2013 BEFORE ME, Y. Jefferson A NOTARY PUBLIC, PERSONALLY APPEARED GLENN A. ZAHLER, AVI ATID, HEIDI HEADAPOHL, JOHN B. BEAR AND MARINA C. BEAR, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS OR THE ENTITY ON BEHALF OF WHICH THE PERSONS 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

Y. Jefferson

NAME (PRINTED) NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

MY COMMISSION EXPIRES August 9, 2017

MY COMMISSION NUMBER 2036275

COUNTY OF PRINCIPAL PLACE OF BUSINESS Alameda County

OWNERS' ACKNOWLEDGEMENT

STATE OF Ohio COUNTY OF Lorain

ON September 5, 2013 BEFORE ME, Alison Leitner A NOTARY PUBLIC, PERSONALLY APPEARED Gail Pribanic WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS OR THE ENTITY ON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL SIGNATURE

Alison Leitner

NAME (PRINTED) NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

MY COMMISSION EXPIRES April 23, 2018 MY COMMISSION NUMBER 2013-RE-452871

COUNTY OF PRINCIPAL PLACE OF BUSINESS Lorain

ALISON LEITNER
Notary Public, State of Ohio
My Commission Expires
April 23, 2018

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF GLENN ZAHLER ON SEPTEMBER 19, 2012.

I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP IF ANY.

I HEREBY STATE THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

ANDREAS DEAK L.S. 4739
EXPIRATION 9-30-2014

LICENSED LAND SURVEYOR No. 4739 STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND ANY APPROVED ALTERATION THEREOF.

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE LOCAL ORDINANCES.

I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

JEFFREY W. HEBERT R.C.E. 23808
MANAGER OF ENGINEERING
EXPIRATION DATE 12-31-2013

CITY CLERK'S STATEMENT

I, MARK NUMAINVILLE, CITY CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8107, BERKELEY, ALAMEDA COUNTY CALIFORNIA, WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY, AT A MEETING THEREOF, HELD ON _____ AND THAT SAID COUNCIL BY RESOLUTION NUMBER _____ DID APPROVE SAID MAP, THAT SAID COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE, AND THE SALES OF INDIVIDUAL UNITS WILL BE PERMITTED.

IN WITNESS I HAVE SET MY HAND THIS _____ DAY OF _____ 2013.

MARK NUMAINVILLE
CITY CLERK AND CLERK OF THE
COUNCIL OF THE CITY OF BERKELEY

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, CHERYL PERKINS, ASSISTANT CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA STATE OF CALIFORNIA DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

DATED _____

DATED _____

CHERYL PERKINS
ASSISTANT CLERK OF THE BOARD OF SUPERVISORS,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY _____
DEPUTY

RECORDER'S STATEMENT

FILED _____ DAY OF _____, 201__ AT _____ M.
BOOK _____ OF PARCEL MAPS, AT PAGE _____ AT REQUEST OF

SERIES NO:
FEE

PATRICK O'CONNELL
COUNTY RECORDER

BY _____
DEPUTY COUNTY RECORDER

A FIVE UNIT SUBDIVISION FOR CONDOMINIUM CONVERSION PURPOSES

A PORTION OF LOT 4 BLOCK 11 OF THE MAP OF THE BERRYMAN TRACT, BERKELEY, MAP BOOK 3 PAGE 9, ALAMEDA COUNTY, CALIFORNIA

SCALE 1" = 10' APN 60-2455-68 DATE FEB. 2013

OWNERS
GLENN ZAHLER; JOHN BEAR AND MARINA BEAR, TRUSTEES, AVI ATID, HEIDI HEADAPOHL, AND EQUITY TRUST COMPANY, 1397 HENRY ST. BERKELEY, CA 94709

SURVEYOR
ANDREAS DEAK L.S. 4739
216 BUENA VISTA AVENUE
ALAMEDA, CA 94501

SHEET 1 OF 2

Exhibit A

TRACT MAP 8107

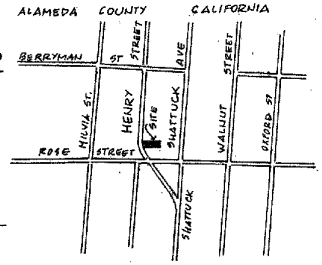
BERKELEY ALAMEDA COUNTY CALIFORNIA

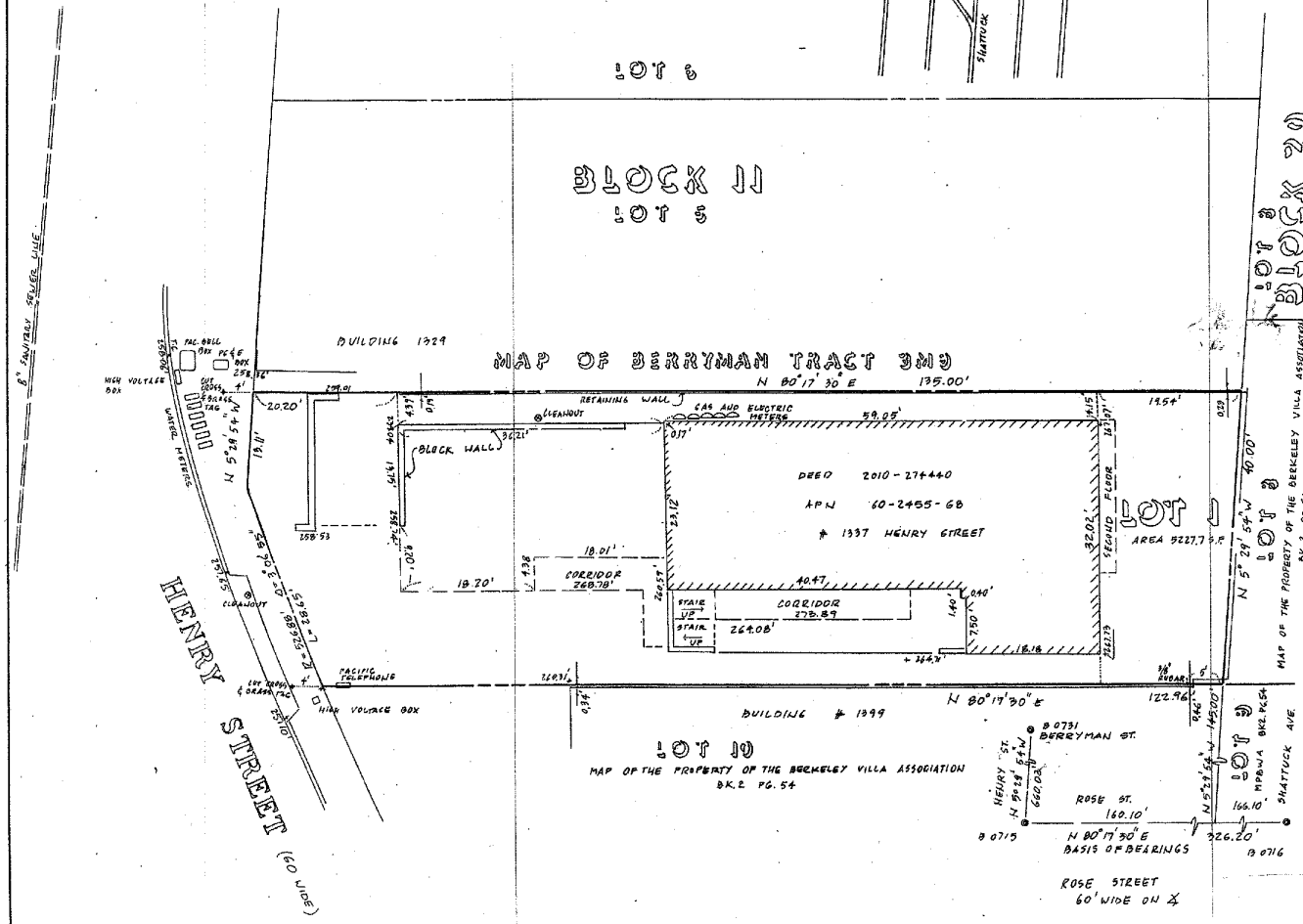
SCALE 1" = 10'

10 5 0 5 10 20 30

VICINITY MAP

NO SCALE





LEGEND

- ● CITY OF BERKELEY MONUMENT FOUND
- EXTERIOR BOUNDARY
- UNIT BOUNDARY
- TIE TO BUILDING (UNIT) BOUNDARY
- MONUMENT LINE
- • 3/8" REBAR WITH CAP L.S. 4739 SET
- + CUT CROSS, NAIL & BRASS TAG L.S. 4739 SET

BENCHMARK

BENCHMARK B0716, BRASS PIN CITY MONUMENT AT ROSE STREET AND HENRY STREET, ELEVATION 263.86' CITY OF BERKELEY DATUM.

BASIS OF BEARINGS

THE BEARING OF ROSE STREET BETWEEN MONUMENTS B 0715 AND B 0716 TAKEN AS N 80°17' 30" E AS SHOWN ON PM 266 AND PM 3897

A FIVE UNIT SUBDIVISION FOR CONDOMINIUM CONVERSION PURPOSES

A PORTION OF LOT 4 BLOCK II OF THE MAP OF THE BERRYMAN TRACT, BERKELEY, MAP BOOK 3 PAGE 9 ALAMEDA COUNTY CALIFORNIA

SCALE 1" = 10' APN 60-2455-68 DATE FEB. 2013

OWNERS

GLENN ZAHLER, JOHN BEAR AND MARINA BEAR, TRUSTEES, AVI ATID, HEIDI HEADAPOHL, AND EQUITY TRUST COMPANY, 1337 HENRY ST. BERKELEY, CA 94709

SURVEYOR

ANDREAS DEAK L.S. 4739
216 BUENA VISTA AVENUE
ALAMEDA, CA 94501

SHEET 2 OF 2

Planning and Development Department
Land Use Planning Division

September 20, 2012

John Bear, Glenn Zahler, Avi Atid
1337 Henry Street, #E
Berkeley, CA 94709

RE: Notice of Decision: Tentative Tract Map 8107 -5 unit residential condominium project at 1337 Henry Street

Dear Applicants,

The Planning Commission of the City of Berkeley, after conducting a public hearing, approved Tentative Tract Map 8107 for a 5-unit residential condominium project in an existing 2-story building, on September 5, 2012, subject to the attached findings, conditions, and plan.

The Commission decision is subject to appeal to the City Council. It may be appealed by the subdivider or other persons aggrieved by the decision for a period of ten (10) days from the date of the Commission's action. Such appeal must be filed in writing with the City Clerk. The Commission's action may also be certified or reviewed by the City Council for a period of twenty-one (21) days from the date of the Commission's action.

The approval of the Tentative Tract Map will expire twenty-four (24) months from the date of the Planning Commission's approval of the map subject to the conditions described in Section 66452.6 of the State Subdivision Map Act. An extension to the expiration date may be approved as provided in Section 21.16.080 of the Subdivision Ordinance.

Commission Vote;

Ayes: Clarke, Dacey, Eisen, Pollack, Poschman, Samuels, Sheahan, Stoloff.
Noes: None..
Abstain: None.
Absent: Novosel.
Recused: None.

Attest: D R Sanderson for Alex Amoroso 9/20/12
Alex Amoroso Date
Secretary, Planning Commission

2120 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
E-mail: planning@ci.berkeley.ca.us

cc: Building and Safety Division
City Clerk
Main Library – Reference Desk
Public Works Department – Ted Zupan

Attachments

1. Findings and Conditions
2. Tract Map
3. Condominium Plans

Staff planner: Leslie Mendez, lmendez@ci.berkeley.ca.us, (510) 981-7410.

File: G:\LANDUSE\Projects by Address\Henry\1333-37\SUBD\MAP 12-00000004\Document Finals\Tentative Map Approval Docs\2012-09-06_CConv_TM_PC NOD_1337 Henry.docx