



Planning and Development Department
Land Use Planning Division

A D M I N I S T R A T I V E U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #2013-0117

Property Address: **2420 BONAR STREET**

Permittee Name: **EDWARD SOOS/STUDIO GS
ARCHITECT**

Use and/or Construction Permitted: to enlarge an existing 1,124 sq. ft. single-family dwelling by raising the structure approximately 5' to create 1,066 sq. ft. of habitable space for a relocated kitchen, dining and living room, ½ bath & mechanical room, and a mudroom/storage area, increasing the average height from 18' to 23', resulting in a 2,190 sq. ft. single-family residence, and to vertically extend a non-conforming front yard setback of 14'6" where 20' is required and a non-conforming side yard setback of 3'3" where 3'6" is required pursuant to:

- Section 23D.28.070.C to construct a residential addition exceeding 14' in height;
- Section 23D.28.030 to allow a major residential addition exceeding 600 sq. ft.;
- Section 23C.04.070.B to vertically extend a non-conforming front yard setback of 14'6" where 20' is required; and
- Section 23C.04.070.B to vertically extend a non-conforming side yard setback of 3'3" where 3'6" is required.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

Following the expiration of the mandatory appeal period set forth in Section 23B.28.040 of the Berkeley Municipal Code, with no timely appeal being filed, the Administrative Use Permit described herein has been duly granted by the Zoning Officer on November 5, 2013.

Attest: Terry Blount
Terry Blount, AICP, Principal Planner
For Debbie Sanderson, Zoning Officer

November 5, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 15, 2013

2420 Bonar Street

Administrative Use Permit #2013-0117

To enlarge an existing 1,124 sq. ft. single-family dwelling by raising the structure approximately 5' to create 1,066 sq. ft. of habitable space for a relocated kitchen, dining and living room, ½ bath & mechanical room, and a mudroom/storage area, increasing the average height from 18' to 23', resulting in a 2,190 sq. ft. single-family residence, and to vertically extend a non-conforming front yard setback of 14'6" where 20' is required and a non-conforming side yard setback of 3'3" where 3'6" is required.

CEQA FINDINGS

1. 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 15301 of the CEQA Guidelines ("Existing Facilities"). 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.

FINDINGS FOR APPROVAL

2. 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, 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 because:
 - As required under Section 23C.04.070.B.1 (Expansions of Non-Conforming Buildings and Setbacks), the new openings located within the existing non-conforming front (east) and side (south) setbacks and the 5' vertical extension of east and south facades, which have an existing and proposed 14'6" and 3'3" front and side yard setback (where 20' and 3'6" are required), does not further encroach into the required setbacks or exceed the height limit in the R-2 District.

- As required under Section 23D.28.030 (Use Permitted) and 090 (Findings), the proposed major residential addition exceeding 14' in average height and the vertical extension of the non-conforming front and side yards, do not create significant impacts to sunlight, air, or views, and is found to be non-detrimental and permissible for the following reasons:
 - 1) Sunlight – The existing average height is 18' and the proposed average height is 23'. The adjacent property to the north at 2418 Bonar Street is approximately 12' away. Existing shadows current affect the property to the north and the proposed addition is expected to marginally impact the direct sunlight currently experienced at this location, however, this loss is found to be non-detrimental because the loss of sunlight will occur for a small portion of the day, in the afternoon during the winter months;
 - 2) Air – Because the proposal exceeds the district standards for minimum rear and north side setbacks, it is expected to provide adequate spatial separations between developments on abutting properties. The existing non-conforming 14'6" and 3'3" front and side setbacks to don further encroach into the required setbacks, therefore, the proposed addition and alteration is not expected to impact air circulation to the neighboring properties;
 - 3) Views – The addition and alteration is not expected to significantly block the adjacent neighbors' views of any significant features. The addition and alteration will not exceed the full height limit allowed in the R-2 District and will not exceed the maximum number of stories allowed; and
 - 4) Privacy – The project involves creating new window and door openings at the front and side elevations, however, these features are not expected to create significant privacy impacts given that:
 - a) The distance from the subject property to the confronting property to the east at 2419 Bonar Street is more than adequate; and
 - b) At the proposed south elevation windows are proposed for the master bedroom, walk-in closet, and interior staircase, on the second floor. These windows are not expected to create significant impact to the neighboring property to the south at 2422 Bonar as the distance from the subject property and 2422 Bonar is approximately 9'. A new door on the first floor is proposed at the north elevation; however, the door leads to a proposed mechanical room and rarely used, and is therefore not expected to create significant privacy impacts to the abutting neighbor.
- As required by Section 23D.28.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, maximum residential density, and maximum building height.

STANDARD CONDITIONS

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 the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

- 10.** The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Individual Responsible for Noise Management:**

Name: _____ Phone: _____

- 11.** The applicant and all persons associated with the project are hereby notified that a Transportation Management Permit (TMP) would be required under any of the following circumstances:

- 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
- Significant truck activity.

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). Public Works Traffic Engineering (981-6400) reviews all submitted TMP requests.

The TMP may include designation of a specific truck haul route. Meter heads (if in the construction area) shall be removed only by City staff. Contact the site inspector 72 hours in advance of required removal so arrangements can be made.

Prior to Issuance of Any Building Permit:

12. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

During Construction:

13. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
14. 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.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. 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 in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

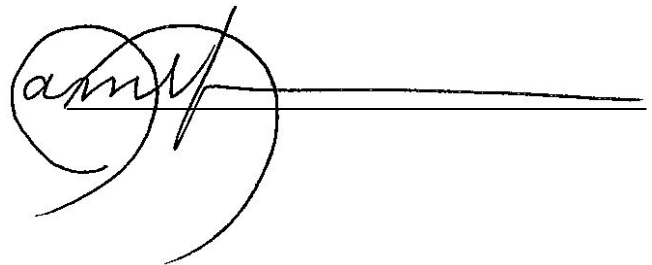
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

Prior to Issuance of Occupancy Permit or Final Inspection:

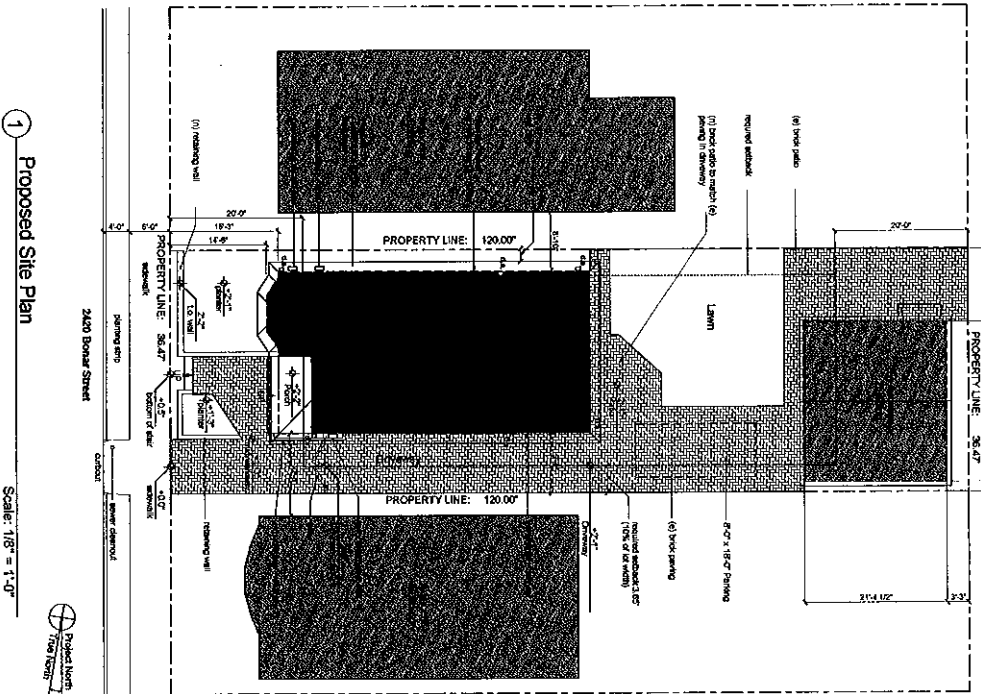
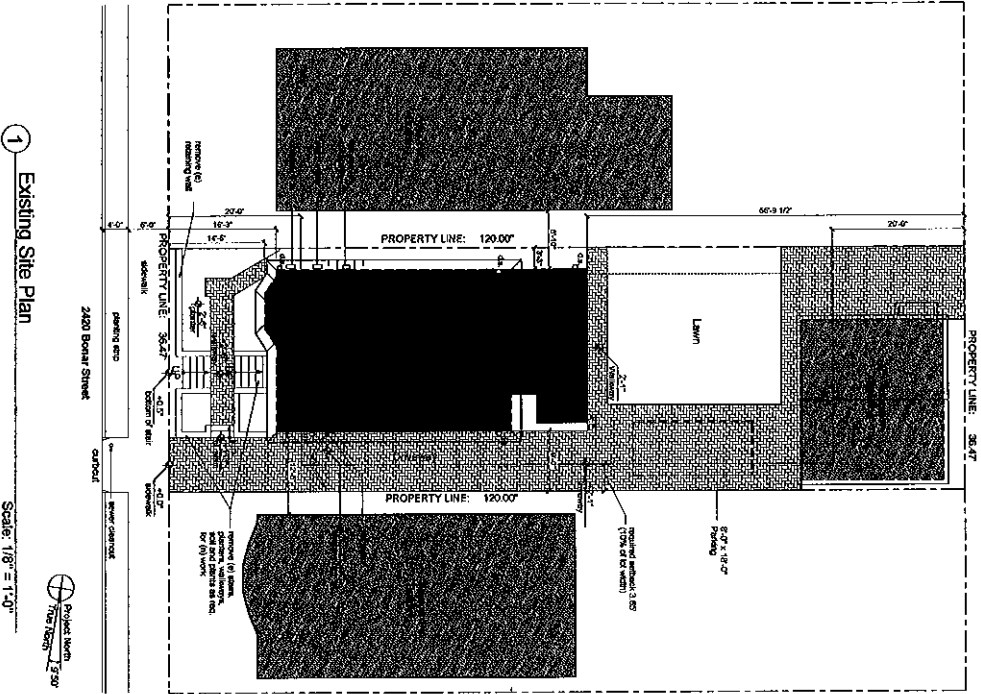
23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **SEPTEMBER 12, 2013 AND OCTOBER 2, 2013.**

At All Times (Operation):

25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
27. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.

A handwritten signature in black ink, appearing to read 'amj', is written over a horizontal line. The signature is enclosed within a circular scribble.

Pamela Johnson, Assistant Planner for
Debra Sanderson, Zoning Officer

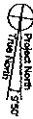


1 Existing Site Plan

1 Proposed Site Plan

Scale: 1/8" = 1'-0"

Scale: 1/8" = 1'-0"



APPROVED PLAN
 PLANNING
 DATE
 10.3.13
 ID.R. Conditions Attached
 I.A.U.P. Conditions Attached
 I.U.P. Conditions Attached

STOCK
 A0.1

Scale: AS NOTED

Project No: 13-12-270

Drawn By: N.L.A, B.M.S

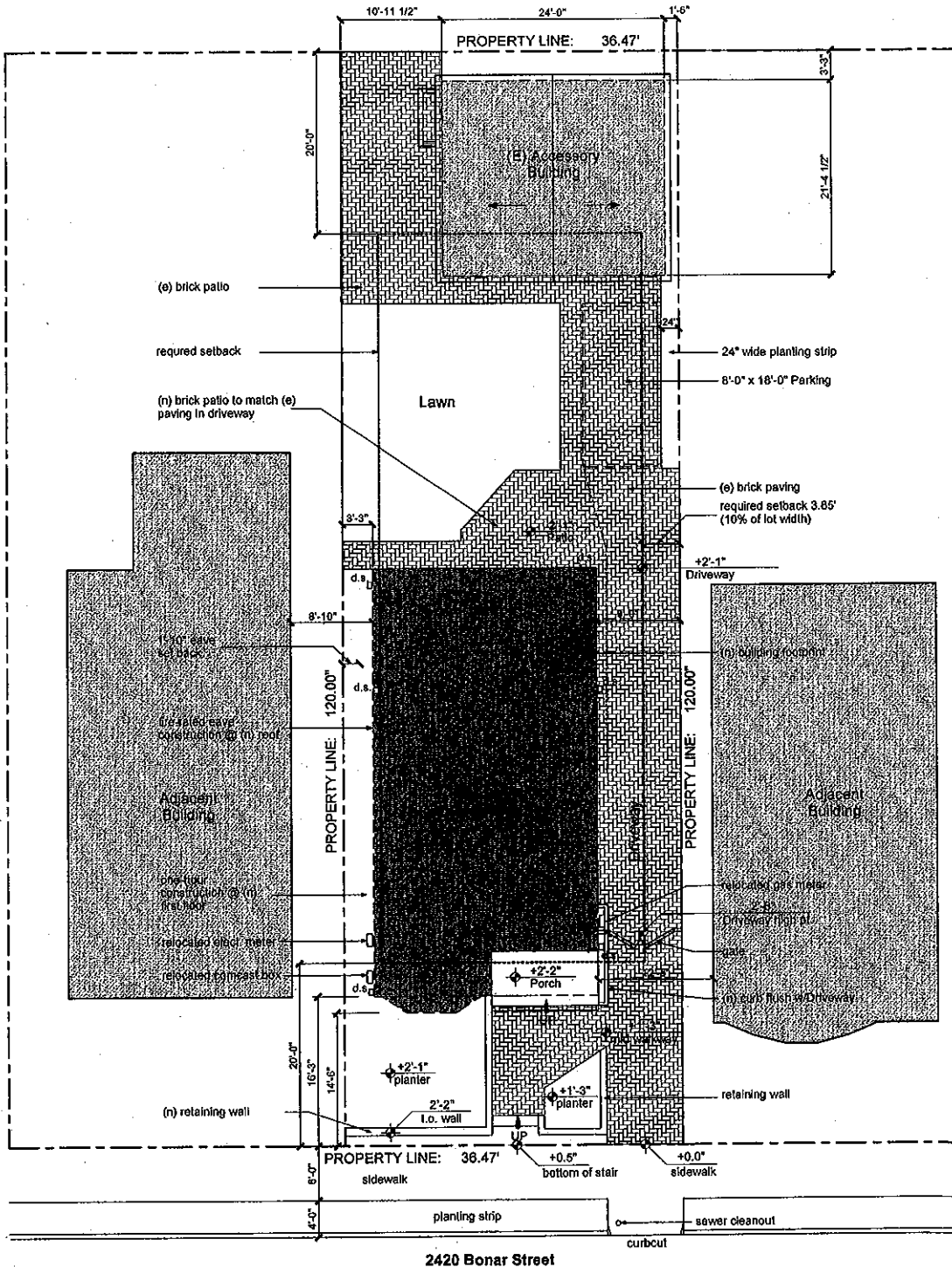
Checked By: S.S.G, E.M.S

Approved By: A.P. Sussman, 8-03-2013

BERGMAN RESIDENCE
 2420 Bonar Street
 Berkeley, CA 94702
 APN: 056 193101100



STUDIO G+S ARCHITECTS
 2223 FIFTH ST.
 BERKELEY, CA 94702
 PH: 510.544.7448
 FAX: 510.544.7449
 info@studiogs.com



APPROVED PLAN
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

10.3.13
 DATE

Bergman Residence
 2420 Bonar Street
 Berkeley, CA 94702

Proposed Site Plan
 Scale: 1" = 15'-0"

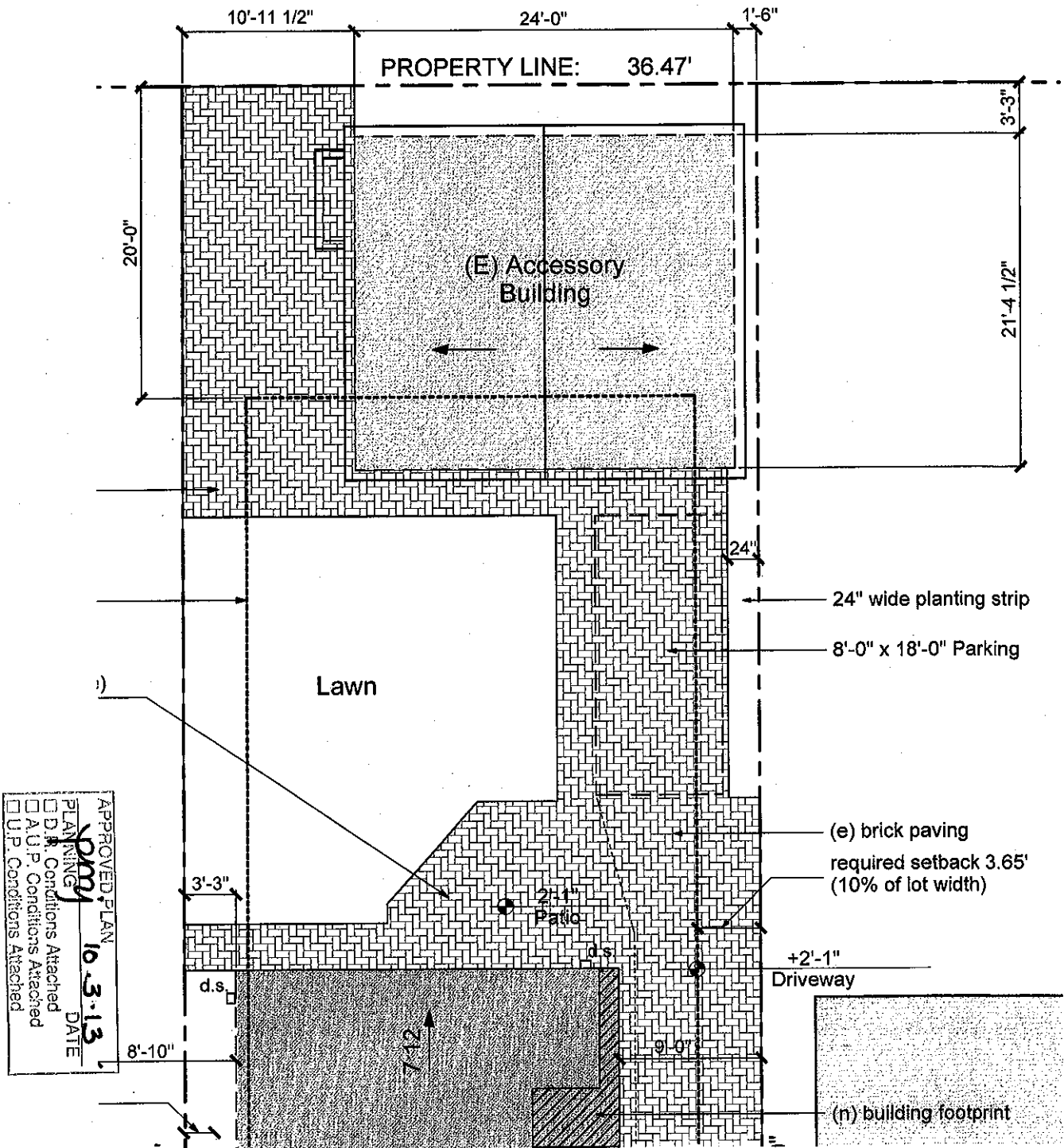
STUDIO G+S ARCHITECTS

2223 Fifth Street
 Berkeley, CA 94710
 Ph: 510.548.7448
 Fax: 510.548.7441

RECEIVED

OCT 02 2013

LAND USE PLANNING



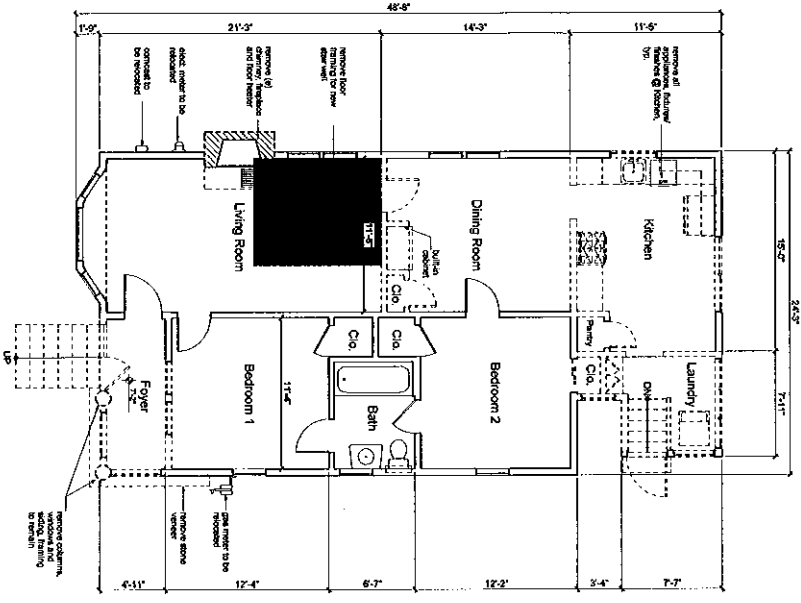
Bergman Residence
 2420 Bonar Street
 Berkeley, CA 94702

Proposed Site Plan (partial plan)

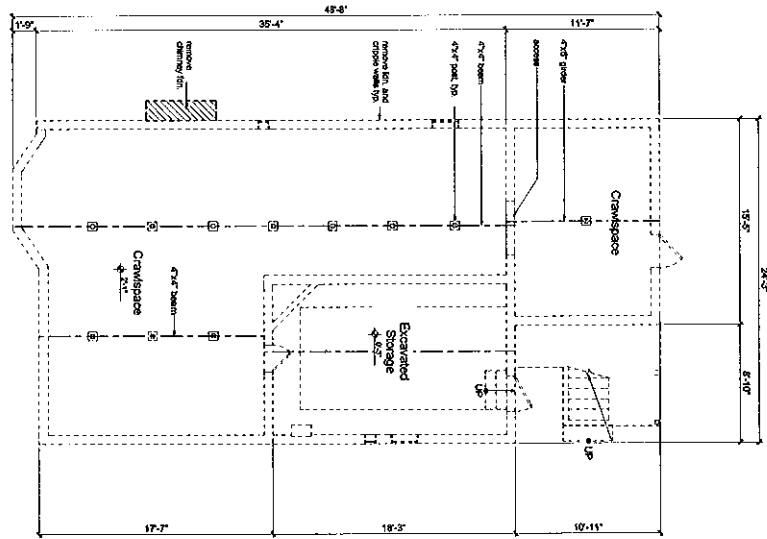
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2223 Fifth Street
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 Ph: 510.548.7448
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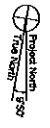
2 Existing First Floor and Demolition Plan



1 Existing Basement and Demolition Plan

APPROVED PLAN **10.3.13**
 DATE
 PLANNING **pmj**
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

Existing First Floor & Demo Plan

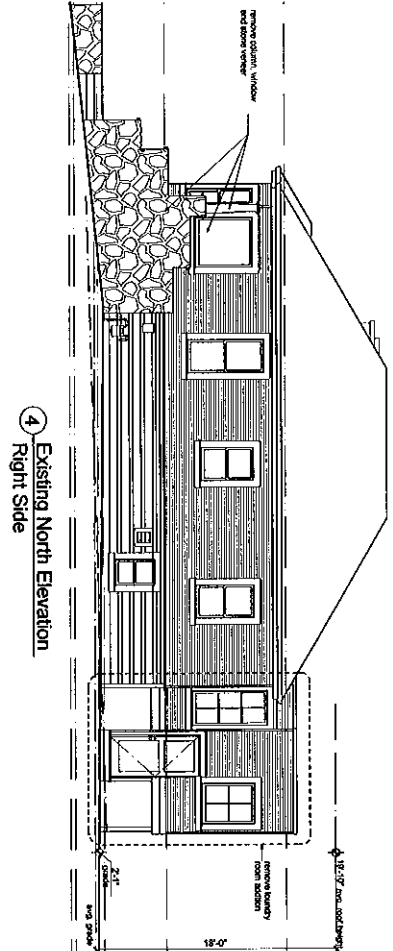


BERGMAN RESIDENCE
 2420 Bonar Street
 Berkeley, CA 94702
 APN: 056 193101100

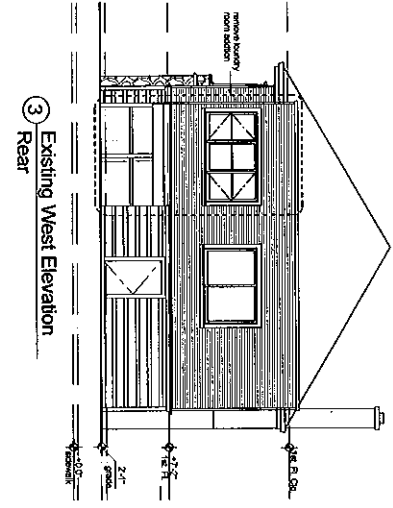
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Drawn By: N.A. BMS
 Checked By: SSG, EMS
 Scale: 1/4" = 1'-0"
 Project No: 13-12-270
 Date: 10/3/13
 Title: Existing First Floor & Demo Plan

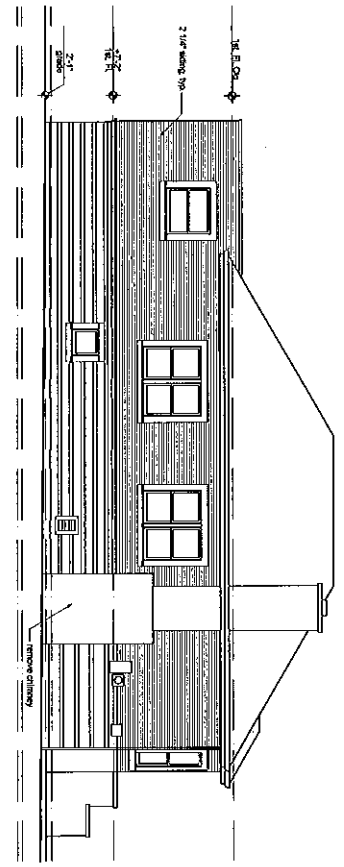
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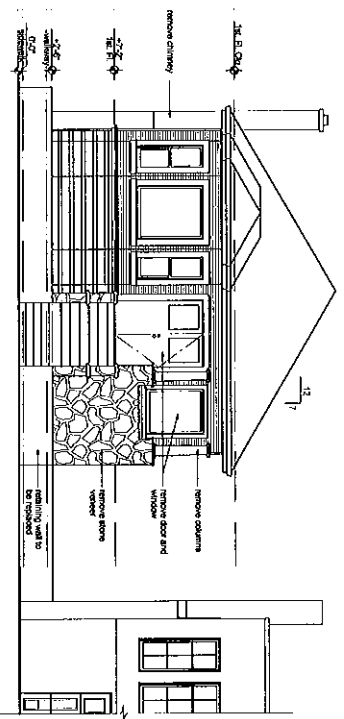
4 Existing North Elevation
Right Side



3 Existing West Elevation
Rear



2 Existing South Elevation
Left Side



1 Existing East Elevation
Front

APPROVED PLAN
PLANNING
DATE
10.3.13
N.D.R. Conditions Attached
I.U.P. Conditions Attached

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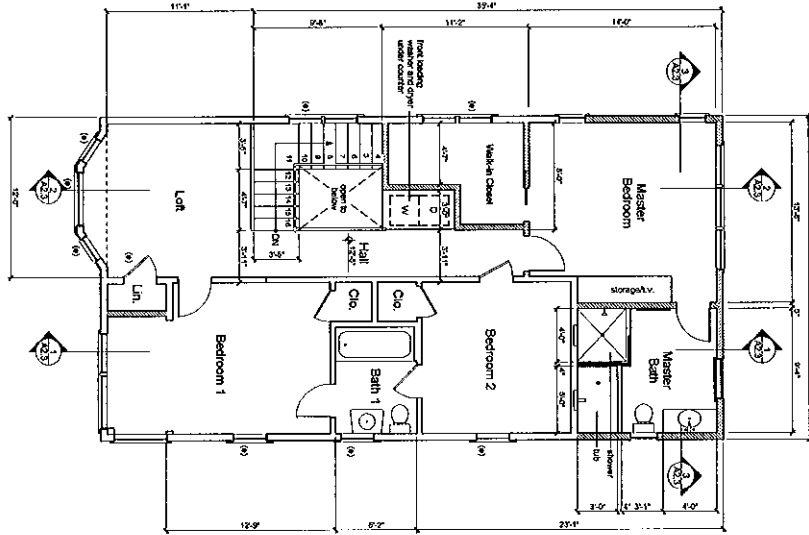


BERGMAN RESIDENCE
2420 Bonar Street
Berkeley, CA 94702
APN: 056 193101100

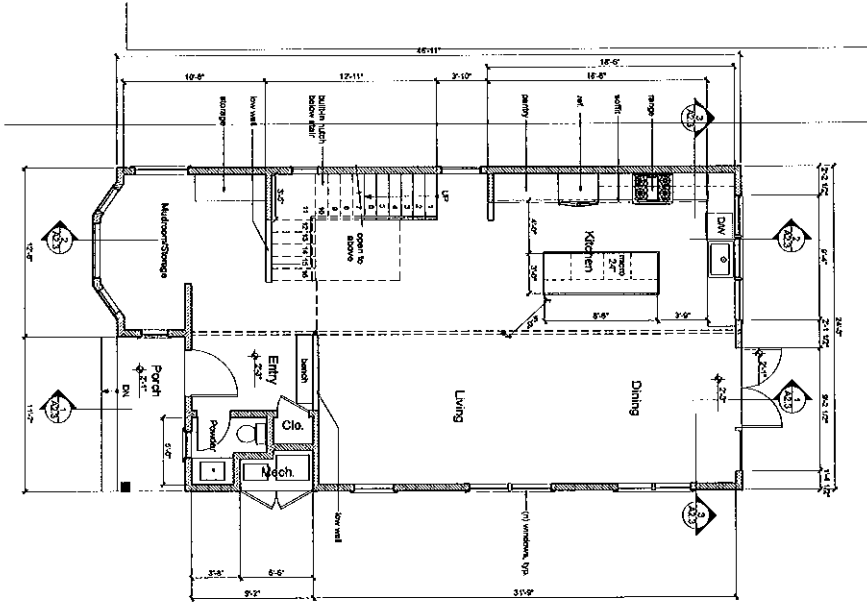
Street Context
Existing Exterior Elevation

Project No: 13-12-270
Drawn By: N.A. BMS
Checked By: SSG, EMS
Scale: 1/4" = 1'-0"
Revisions:
AJP Summer 2008/013

Sheet
A1.2



2 Proposed Second Floor Plan



1 Proposed First Floor Plan

APPROVED PLAN
 PLANNING *pmj* 10.3.13
 DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

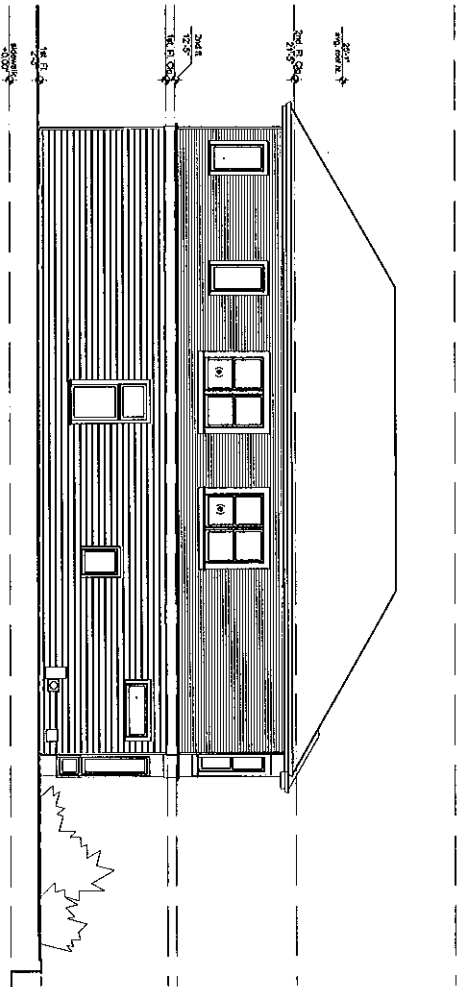


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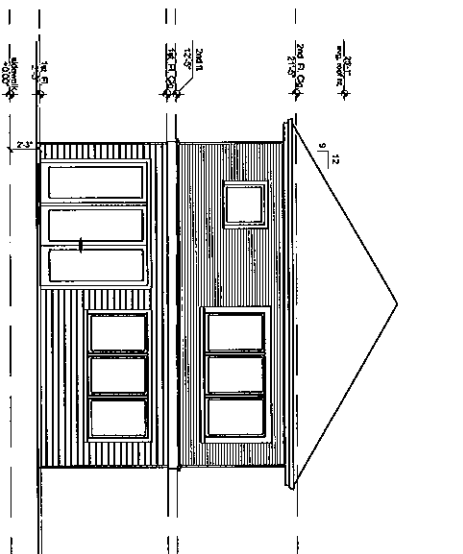
BERGMAN RESIDENCE
 2420 Bonar Street
 Berkeley, CA 94702
 APN: 056 193101100

Sheaf Contents:
 Proposed Floor Plans
 Drawn By: NLA, BMS
 Checked By: SSG, EMS
 Scale: 1/4" = 1'-0"
 Project No: 13-12-270
 Date: 10-3-13
 2013 © G+S Studio, Inc.

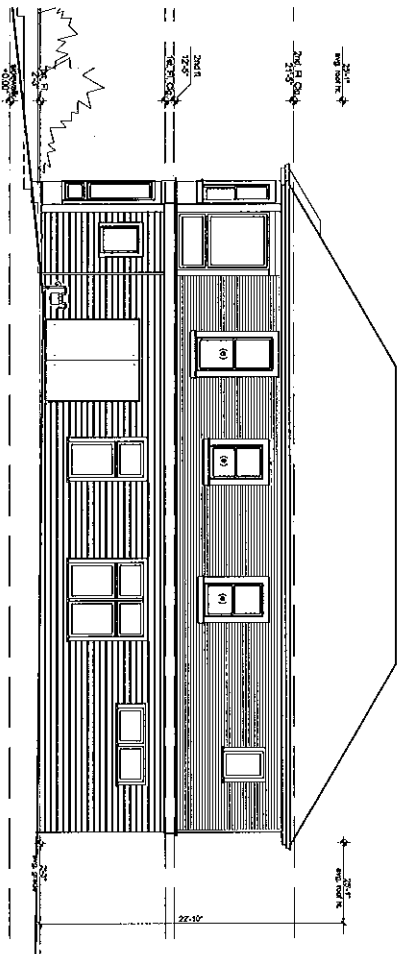
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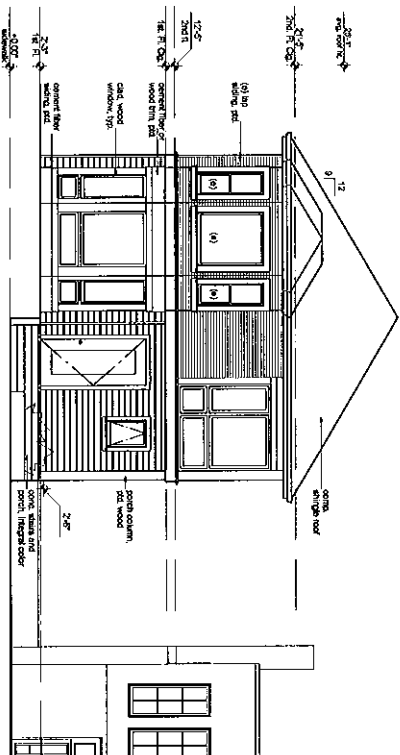
4 Proposed North Elevation
Right Side



3 Proposed West Elevation
Back



2 Proposed South Elevation
Left Side



1 Proposed East Elevation
Front

APPROVED PLAN
DATE 10-3-13
PLANNING DMJ
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



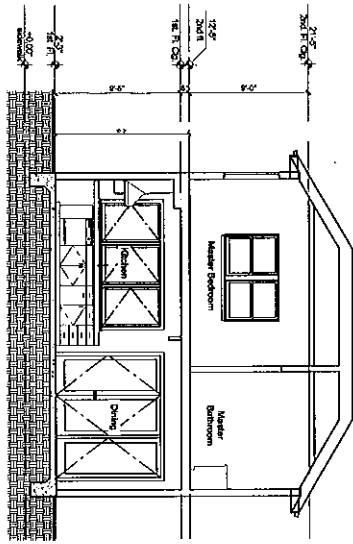
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BERGMAN RESIDENCE
2420 Bonar Street
Berkeley, CA 94702
APN: 056 193101100

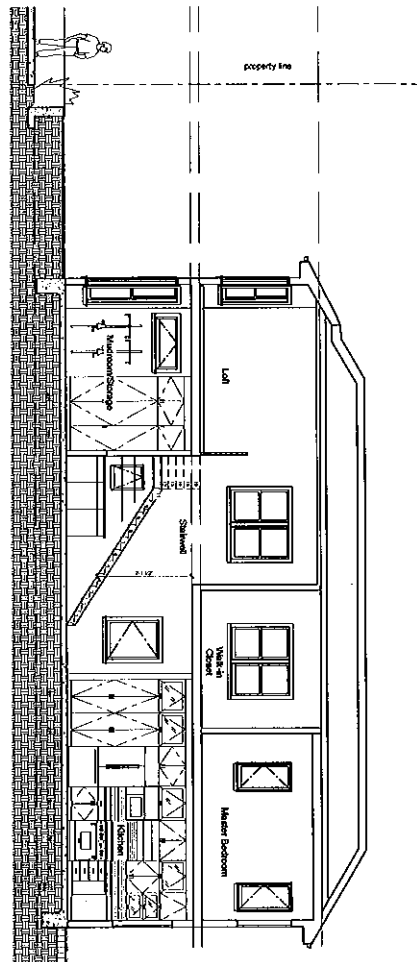
Sheet Contents:
Proposed Exterior
Drawings

Project No: 13-12-270
Client: N/A, BMS
Contractor: SSG, EMS
Scale: 1/4" = 1'-0"
Revision: AUP Showdate: 8-9-2013

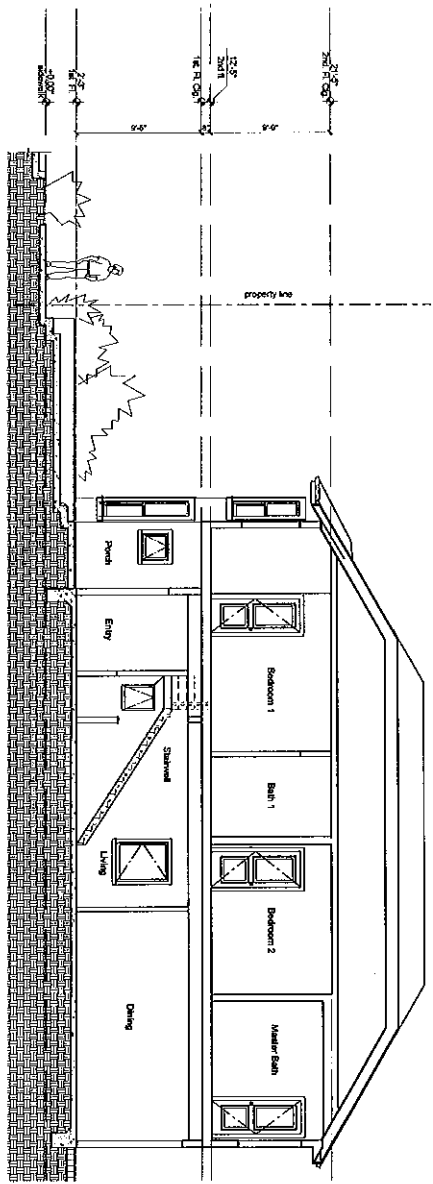
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A2.2



3 Proposed Building Section



2 Proposed Building Section



1 Proposed Building Section

APPROVED PLAN
 10-3-13
 DATE
 PLANNING
 Dmg
 I.D.B. Conditions Attached
 I.A.D.P. Conditions Attached
 I.A.P. Conditions Attached

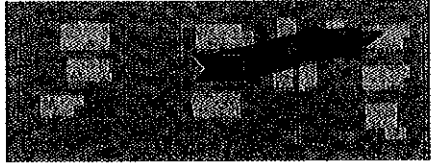
G+S
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 2 233 FIFTH ST.
 BERKELEY, CA 94710
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 info@studiosandco.com



BERGMAN RESIDENCE
 2420 Bonar Street
 Berkeley, CA 94702
 APN: 056 193101100

Scale: 1/4" = 1'-0"
 Proposed Building Section

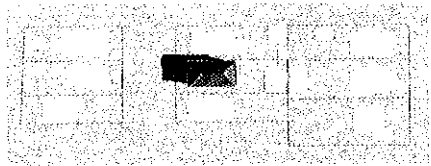
Project No: 13-12-270
 Date: 12-12-270
 Drawn By: N.A. BMS
 Checked By: SSG, EMS
 Title: 1/4" = 1'-0"
 A.I.P. Number: 240-2013



6:21-2013 / 6:22 am



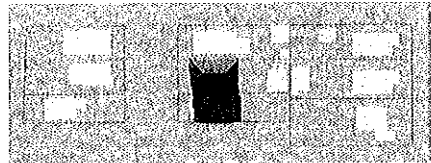
6:21-2013 / 12:11 pm



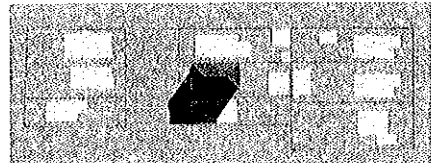
6:21-2013 / 5:00 pm



12:21-2013 / 9:28 am

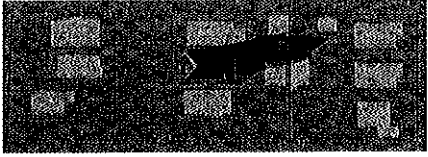


12:21-2013 / 12:58 pm



12:21-2013 / 2:49 pm

2 Proposed Shadow Study



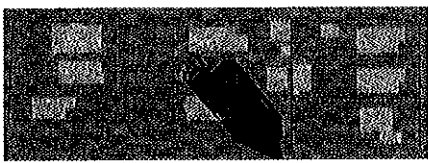
6:21-2013 / 6:22 am



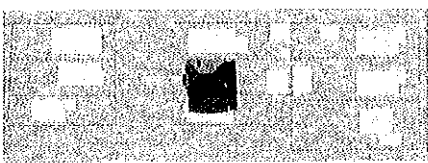
6:21-2013 / 12:11 pm



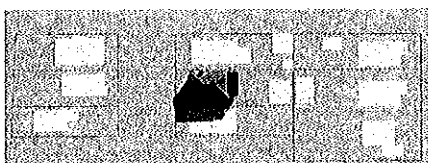
6:21-2013 / 5:00 pm



12:21-2013 / 9:28 am



12:21-2013 / 12:58 pm



12:21-2013 / 2:49 pm

1 Existing Shadow Study

APPROVED PLAN **DM** DATE **10-3-13**

PLANNING

D.R. Conditions Attached

A.U.P. Conditions Attached

U.P. Conditions Attached

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Sheet Contents
Shadow Study

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Sheet
A3.1