

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 #2013-0163**

Property Address:

**82 FAIRLAWN DRIVE**

Permittee Name:

**BRAD LORD**

Use and/or Construction Permitted: This permit will conditionally authorize the construction of a two-story addition of approximately 210 sq. ft. on the basement and main levels of a single-family residence; the addition will match the existing building height of 19 ft. and 4 inches pursuant to:

- Section 23D.16.070.C for a residential addition greater than 14 ft. in average height.

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 April 16, 2014.

Attest: Aaron Sage  
Aaron Sage, Senior Planner  
For Eric Angstadt, Zoning Officer

April 16, 2014  
Effective Date

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

MARCH 26, 2014

### 82 Fairlawn Drive

#### Administrative Use Permit #AUP2013-0163

**This permit conditionally authorizes the construction of a two-story addition of approximately 210 sq. ft. on the basement and main levels of a single-family residence; the addition will match the existing building height of 19 ft. and 4 inches.**

#### CEQA FINDINGS

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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

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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 as described below:
  - A. As required under Sections 23D.16.070 (Development Standards) and 080 (Parking) the project is permissible as it will comply with the District's minimum standards for lot area, yard setbacks, Usable Open Space and off-street parking as well as with the maximum standards for residential density, lot coverage and building heights. Specifically, the existing storage structure that is currently obstructing use of the previously approved parking space in the front yard will be removed as a Condition of this permit (Condition of Approval 11).
  - B. The proposed expansion of the first and second stories at the rear of the subject main building (on the west and south elevations) will result in only a modest increase to its overall mass and profile. Due to its limited size and location as well as the existing development context and topography in and around the project

area, this building expansion will not result in additional shading on the adjacent residences.

The existing distances between the subject main building and its neighbors will remain unchanged thus ensuring the preservation of adequate air, sunlight and spatial separation.

There are no projected views or view corridors as defined in Section 23F.04 (Definitions) to consider with this project.

For these reasons, the project is found to be permissible as it would not unreasonably obstruct sunlight, air or views as required under Section 23D.16.090 Paragraph B.

3. This proposal will create and legalize a total of two distinct rooms that satisfy the definition of a “bedroom” for the purposes of Section 13.42.020 (Definitions). However, the creation of only two “bedrooms” is permissible as of right in accordance with Section 23D.28.050, Special Provisions: Addition of Bedrooms to Parcels, because the total number of “bedrooms” on the parcel would not be increased beyond five.
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## STANDARD CONDITIONS

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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 building permit application for this project shall include the removal of all structures that obstruct use of the required parking space with this property as well as improvement to restore its permitted use, subject to review and approval and approval by the Traffic Engineer.
- 11. 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: \_\_\_\_\_

- 12. 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:**

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

**During Construction:**

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. 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.

**23.** 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:**

**24.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

**25.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **FEBRUARY 12, 2014.**



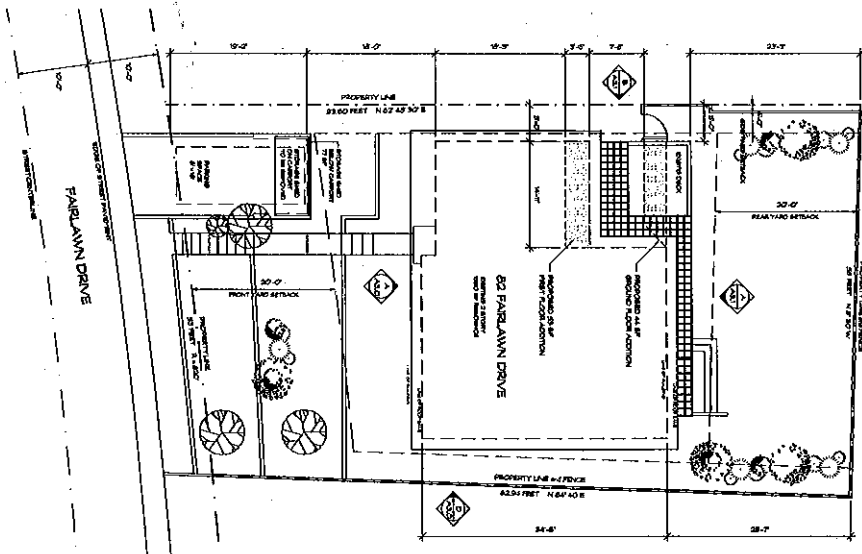
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Prepared by: Fatema Crane, Associate Planner  
For Eric Angstadt, Planning Director

RECEIVED

FEB 12 2014

LAND USE PLANNING



A SITE PLAN  
1/8" = 1'-0"

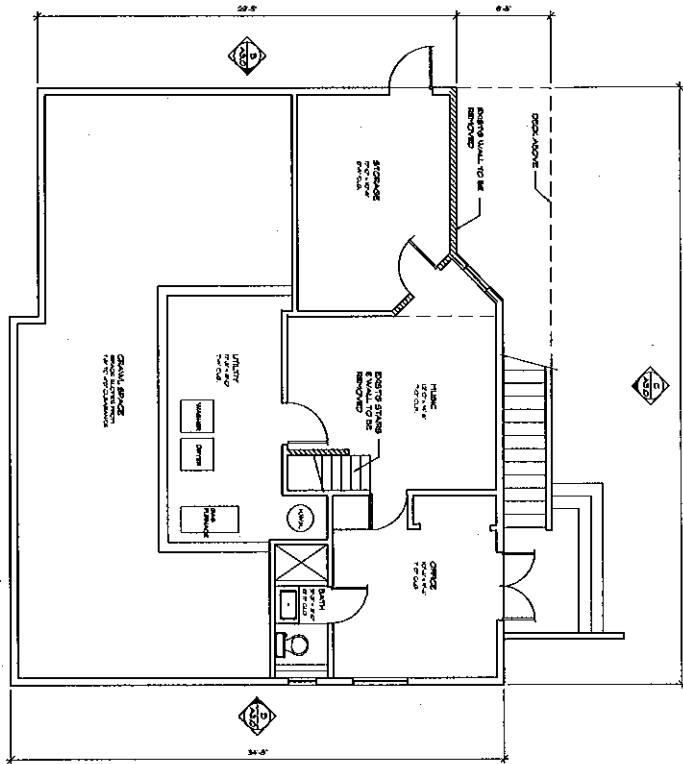
APPROVED PLAN  
DATE 03/09/14  
PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

DRAWING NO. 1000000000 CLIENT: 02-18-0000	DATE: 03/09/14 DRAWN BY: [Signature] CHECKED BY: [Signature] TITLE: SITE PLAN	PROJECT NO. 1000000000 CLIENT: 02-18-0000	SHEET NO. A111 TOTAL SHEETS: 1
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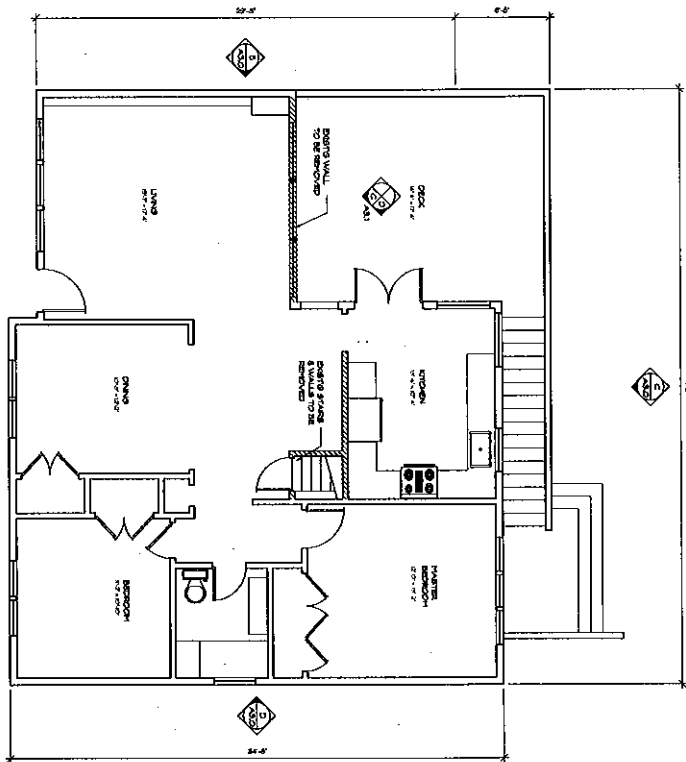
FERLIN - STEIBER RESIDENCE  
ADDITIONS and ALTERATIONS

82 FAIRLAWN DRIVE • BERKELEY, CA • APN # 60-2485-4





**B** EXISTING  
GROUND FLOOR PLAN  
1/8" = 1'-0"



**A** EXISTING  
FIRST FLOOR PLAN  
1/8" = 1'-0"

APPROVED PLAN  
DATE 08/19/14  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

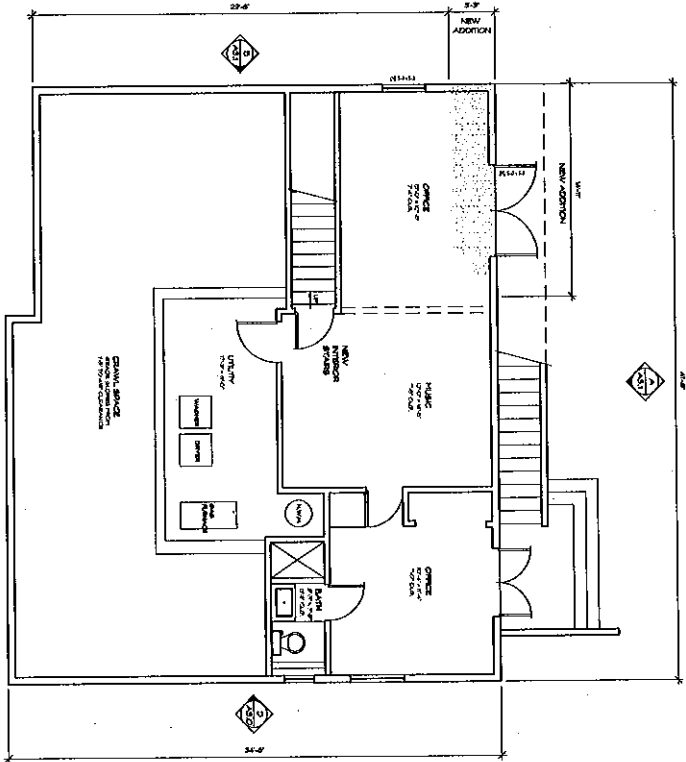
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 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

FERLIN - STEIBER RESIDENCE  
 ADDITIONS and ALTERATIONS  
 82 FAIRLAWN DRIVE • BERKELEY, CA • APN # 60-2465-4

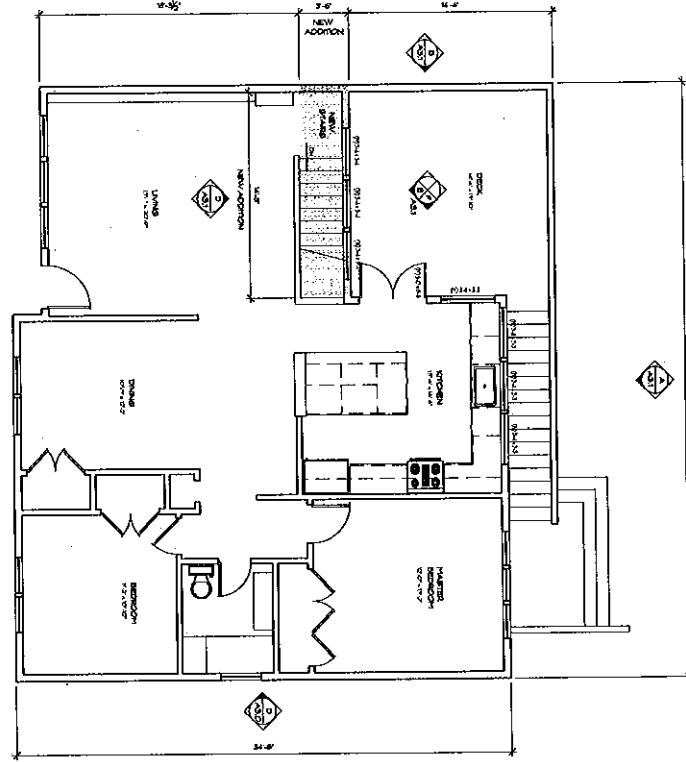
SOLUTIONS  
 1234567890  
 1234567890

SHEET  
**A2.0**  
 OF 2

**B** PROPOSED  
GROUND FLOOR PLAN  
1/6.13.20

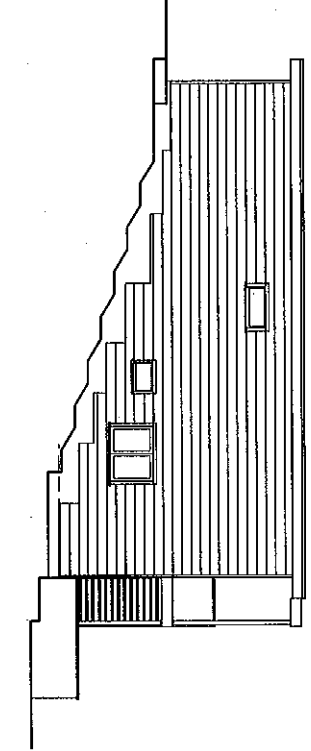


**A** PROPOSED  
FIRST FLOOR PLAN  
1/6.13.20

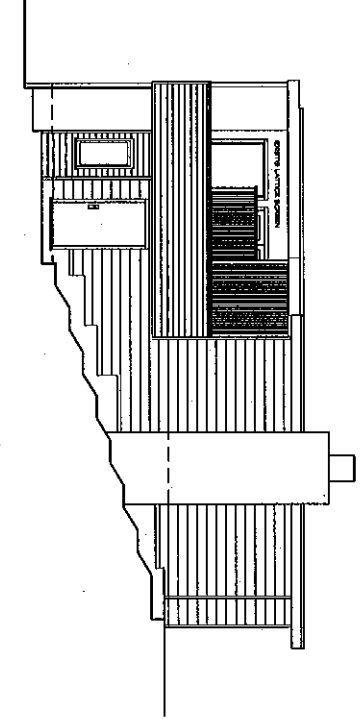
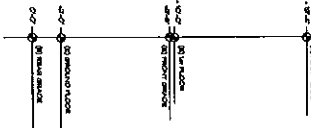


<b>A2.1</b> SHEET REVISIONS	TITLE PROPOSED FLOOR PLAN	DATE 01/13/2020	DRAWN BY J. FERLIN
	CHECKED BY J. FERLIN	PROJECT NO. 2019-01-003	SCALE 1/8" = 1'-0"
DESIGNER J. FERLIN ARCHITECTURE 62 FARLAWN DRIVE BERKELEY, CA 94704		CLIENT FERLIN-STEIBER RESIDENCE	

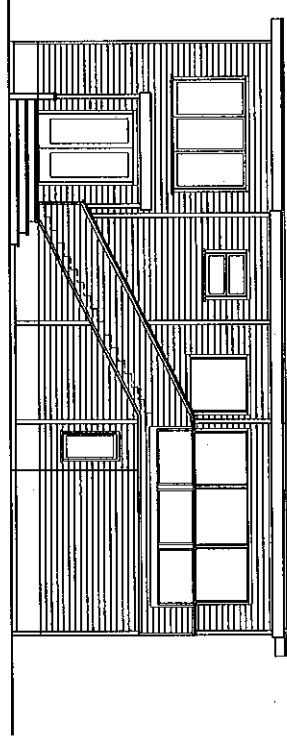
**FERLIN - STEIBER RESIDENCE  
ADDITIONS and ALTERATIONS**  
 62 FARLAWN DRIVE • BERKELEY, CA • APN # 60-2485-4



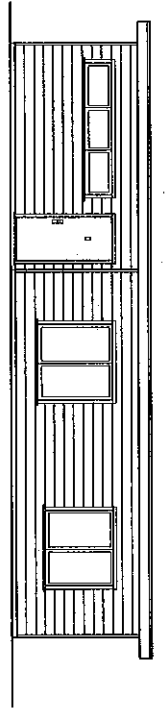
EXISTING WEST ELEVATION  
1/2" = 1'-0"



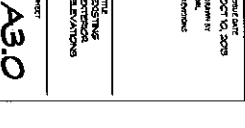
EXISTING EAST ELEVATION  
1/2" = 1'-0"



EXISTING WEST ELEVATION  
1/2" = 1'-0"



EXISTING EAST ELEVATION  
1/2" = 1'-0"



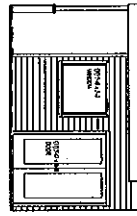
APPROVED PLAN  
DATE 02/19/14  
 PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached  
 DATE 02/19/14  
 DATE 02/19/14  
 DATE 02/19/14

**3030**

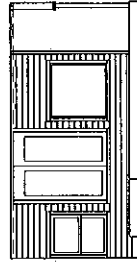
DATE: OCT 10, 2008  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**3030 SOLUTIONS**  
 3030 SOLUTIONS  
 1000 UNIVERSITY AVENUE  
 BERKELEY, CA 94702  
 (415) 863-9300

**FERLIN - STEIBER RESIDENCE ADDITIONS and ALTERATIONS**  
 62 FARLAWN DRIVE • BERKELEY, CA • APN # 60-2485-4



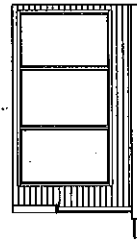
**F** PROPOSED SOUTH ELEVATION @ DECK  
1/4" = 1'-0"



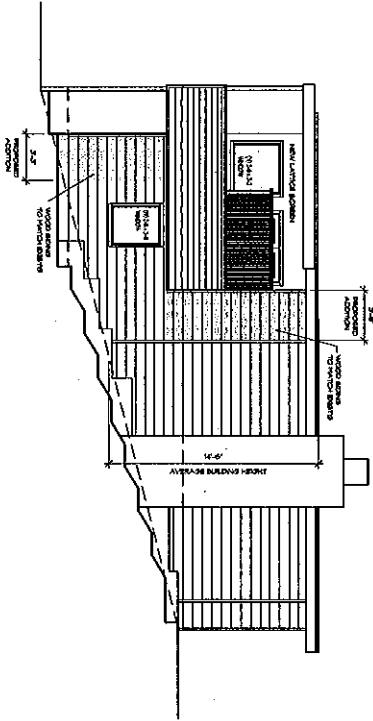
**E** EXISTING SOUTH ELEVATION @ DECK  
1/4" = 1'-0"



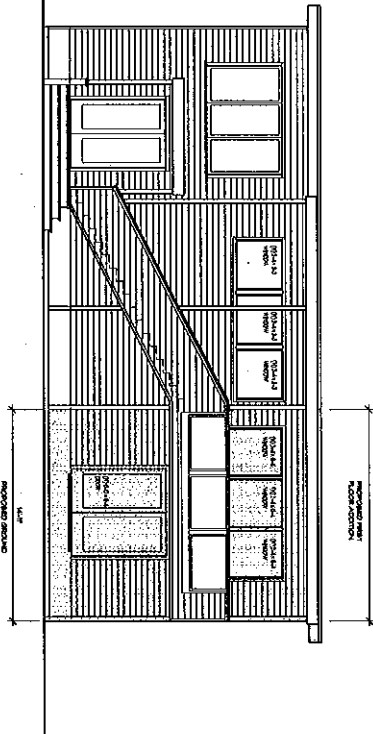
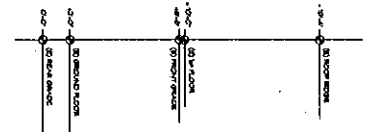
**D** PROPOSED WEST ELEVATION @ DECK  
1/4" = 1'-0"



**C** EXISTING WEST ELEVATION @ DECK  
1/4" = 1'-0"



**B** PROPOSED SOUTH ELEVATION  
1/4" = 1'-0"



**A** PROPOSED WEST ELEVATION  
1/4" = 1'-0"

**APPROVED PLAN** 03/19/14  
DATE  
PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

TITLE: PROPOSED ELEVATIONS  
DATE: 03/19/14  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: AS SHOWN  
PROJECT: [Signature]  
SHEET: A3.1

**BLANCKSON SOLUTIONS**  
3000 UNIVERSITY AVENUE, SUITE 200  
BERKELEY, CA 94704  
TEL: 415.863.1111  
WWW.BLANCKSON.COM

**FIRLIN - STEIBER RESIDENCE ADDITIONS and ALTERATIONS**  
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