



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

1730 Capistrano Avenue

Administrative Use Permit #ZP2015-0076

Project Description: To construct a new 788-square-foot third story¹ on an existing two-story house resulting in a maximum average height of 23 feet; and to construct a 139.5-square-foot, second story deck off the rear right (southwest) corner of the addition, pursuant to:

- Section 23D.16.030 to construct a major (>600 sq. ft) residential addition; and
- Section 23.16.070.C to construct a residential addition >14' 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 January 12, 2016.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manger

January 12, 2016
Effective Date

¹ The first story is non-habitable: consists of garage, crawl space, laundry, storage and utility room
2120 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
E-mail: planning@ci.berkeley.ca.us

ATTACHMENT 1

FINDINGS AND CONDITIONS

DECEMBER 18, 2015

1730 Capistrano Avenue

Administrative Use Permit #ZP2015-0076

To construct a new 788-square-foot third story¹ on an existing two-story house resulting in a maximum average height of 23 feet; and to construct a 139.5-square-foot, second story deck off the rear right (southwest) corner of the addition.

PERMITS REQUIRED

- Administrative Use Permit for major (>600 sq. ft.) residential addition, per BMC Section 23D.16.030; and
- Administrative Use Permit for residential addition to exceed 14 feet in average height, per BMC Section 23D.16.070.C.

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 would 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, 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 a third (second habitable) story towards the rear of the existing home. The addition would maintain the existing 6'-2" left (east) side yard setback, the 7'-8" right (west) side yard setback, and the 27' rear yard setback. The addition would be setback approximately 15'-6" from the front façade's non-conforming 18' front yard setback on the west side and 27' from the front façade on the east side. The addition exceeds the District setbacks and, therefore, air impacts to surrounding properties are

¹ The first story is non-habitable: consists of garage, crawl space, laundry, storage and utility room

determined to be insignificant in nature. In addition, the design limits the massing of the building as perceived from the public right-of-way, thereby minimizing the impact to the neighborhood's existing development pattern, which is predominantly two-story homes.²

- The applicant submitted a State of California Department of Parks and Recreation (DPR) 523 form evaluation the development history of the existing home. The City's Landmark Preservation Planner peer reviewed the DPR and concluded the home is not a historical resource. Therefore, the renovation of the front façade is appropriate and will be compatible with the style of the new addition.
- There are two coast live oak trees in the back yard area of the subject property. Foundation work completed on the property in 2012 was done under the guidance of a local arborist and completed outside of the drip lines of the oaks. No new foundation or construction work will occur within the drip line of the oak trees. The City Arborist reviewed the plan set and conducted a site visit and had no immediate concerns about the proposed project. The Arborist expected some pruning to occur and recommended that a tree protection plan be in place during project construction. This recommendation has been included as a condition of project approval.
- The project includes new windows on the side elevations facing both the neighbors to the northeast (1738 Capistrano) and southwest (1722 Capistrano). As both neighboring homes are two stories, the new windows will have site lines to the neighbors' roofs. The proposed new deck is oriented towards the subject property's rear yard area and will be screened from abutting properties by the mature vegetation (i.e. oak trees) on the subject property. Privacy impacts are, therefore, deemed non-detrimental.
- To reduce new shading on the neighboring property to the northeast (1738 Capistrano) which, due to its orientation, could experience the greatest shading impacts; the third story addition is designed in an "L" shape, with reduced massing along the northeast (left) side. The addition is 39'-5" in length along the southwest (right) façade of the home, but only 26'-11" along the northeast (left) side.
- Shadow studies submitted with the application show the proposed addition's projected shadow angles and lengths that would occur throughout the year. The project is expected to cast additional shadows in the morning hours during the summer months on the northeastern (left) façade of the home to the right (1722 Capistrano). The southwestern façade of the home to the left (1738 Capistrano) is expected to receive additional shading in the evening during the summer months on the back third of the façade and over approximately two thirds of the southwest façade during the winter months. The additional shading during the winter months falls on the top half of the windows and roof. As the new shading will be limited to certain windows of the neighboring residence at limited times during the day; the shadowing impacts are deemed to be reasonable as well as expected in a dense semi-urban setting such as existing in Berkeley.
- The project will not obstruct or significantly reduce any prominent views of surrounding neighbors. Prominent views are generally considered to be views such as the Golden Gate or Bay Bridges, the Downtown San Francisco skyline, the bay, and Treasure Island.

² The Zoning Ordinance defines a story as, "That portion of a building included between the upper surface of any floor and the upper surface of the floor next above [...]. *If the finished floor level directly above the ceiling of a basement, garage structure, cellar or unused underfloor space is more than six (6) feet above existing grade at any point, such basement, cellar or unused underfloor space shall be considered a story [emphasis added].*"

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 attorney’s 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 shall submit a Tree Protection Plan to the project planner that has been reviewed and approved by the City Arborist. This Plan shall be included in the building permit plan set.

During Construction:

- 12. 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, 3rd 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.

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.

Prior to Issuance of Occupancy Permit or Final Inspection:

22. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated November 16, 2015.

At All Times (Operation):

24. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.



Prepared by: Leslie Mendez
For City of Berkeley Zoning Officer

Mendez, Leslie

From: Anand Chokkalingam <anand.chokkalingam@gmail.com>
Sent: Monday, November 16, 2015 3:50 PM
To: Mendez, Leslie
Subject: Corrected plans for 1730 Capistrano Ave
Attachments: 2015-11-16_1730 Capistrano drawings.pdf

Hi Leslie,

Per my voicemail on Friday, attached please find a set of corrected plans that integrate all the edits that have gone in thus far, plus removal of one window and replacement of one door with a window in the upper story addition. These are:

- Oak tree in back yard at SE corner - correction, previously communicated
- Demolition of wall sections and door separating Family Room from Kitchen - correction, previously communicated
- Removal of tall window in Bedroom 3 in east elevation - correction of inconsistency between floorplan and elevation
- Removal of door from Bedroom 4 to deck, and replacement with window

No further changes will be made prior to your Notice of Decision.

Many thanks,

-Anand

2-20-15
5-1-15

Kerna Troffier, Architect
2807 Stuart Street
Berkeley, California, 94705 tel. (510) 548-5648



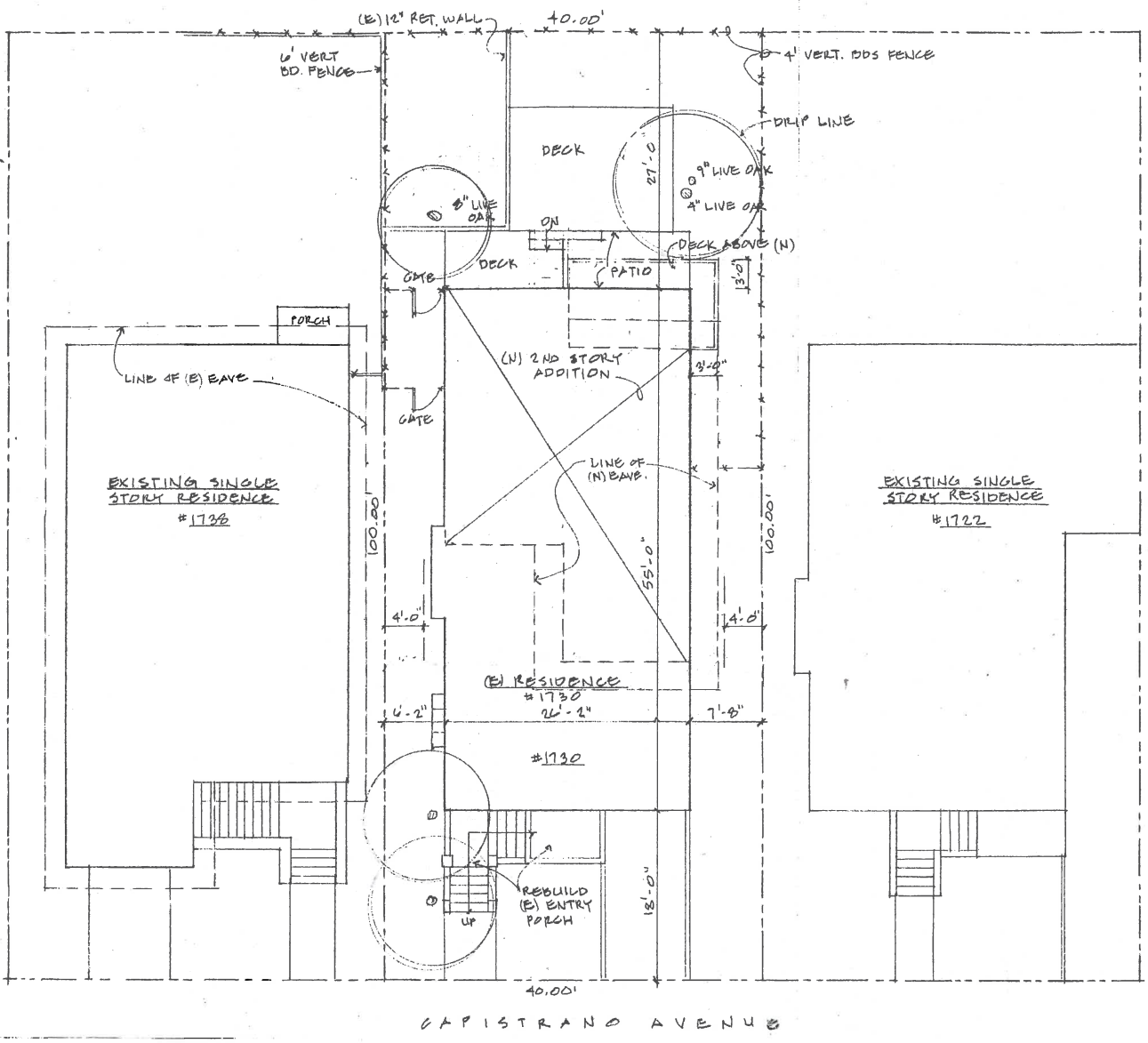
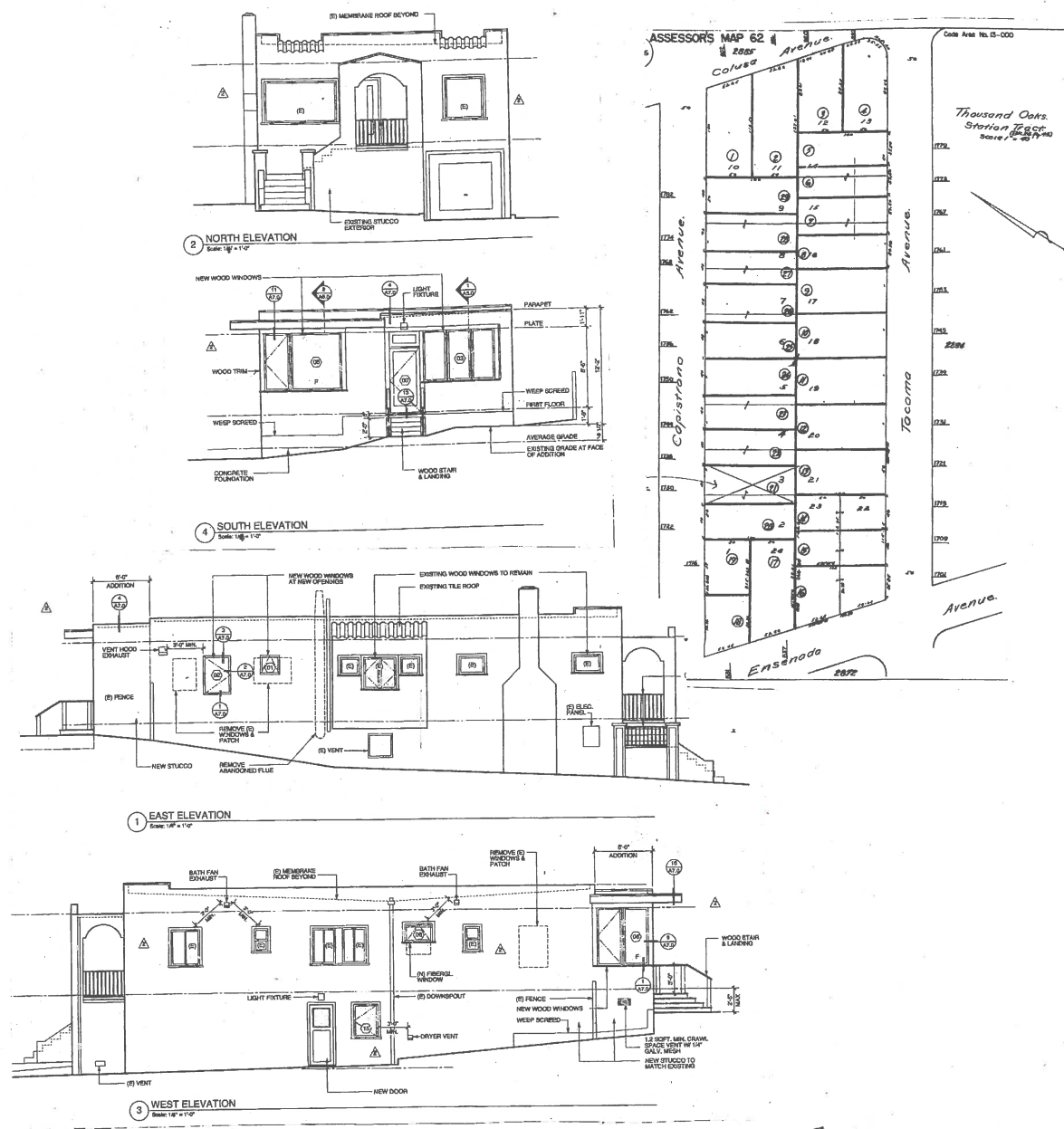
House Addition for
Anand Chokkalingam & Radha Seshagiri
1730 Capistrano Avenue, Berkeley, CA, 94707
Tel. 510-590-0075

1

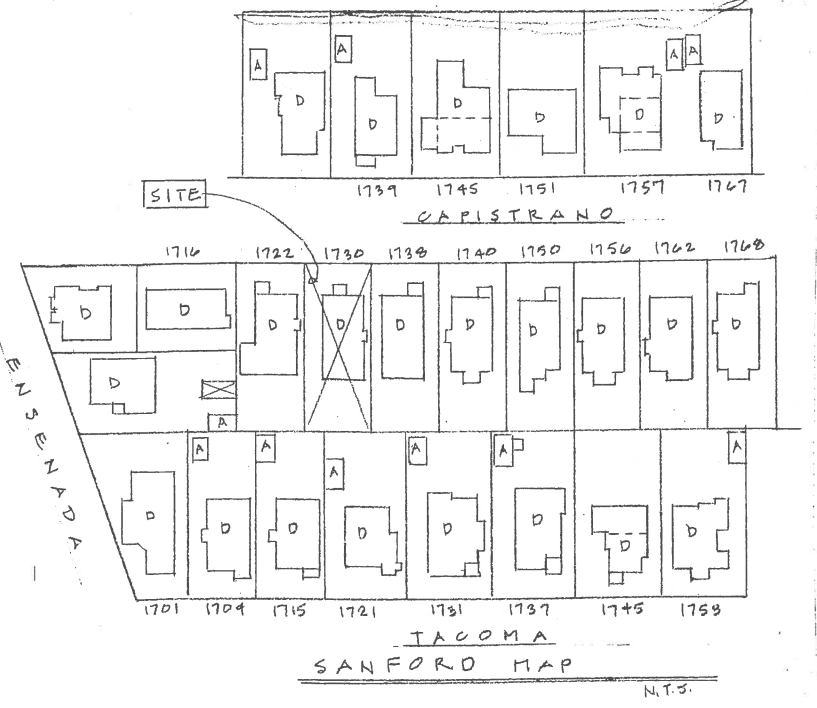
SITE DATA
AP.# 02-2886-21
ZONE: R1
LOT SIZE - 4000 SF.
(B) FINISHED SPACE - 1440 SF
(N) ADDITION - 788 SF
(N) TOTAL = 2,228 SF
(B) GARAGE 242 SF
(B) BLDG FOOTPRINT 37.18%

CONSTRUCTION TYPE V
OCCUPANCY GROUP - R3

SCOPE OF WORK
1. ADD 2ND STORY BEDROOMS BATHS & DECK
2. REBUILD ENTRY PORCH (DETACH) W/ FLAT ROOF
3. (N) FLAT ROOF @ DINING RM, BATH
4. REBUILD STAIRS TO BASEMENT
5. REPLACE (B) WINDOWS W/ (N) DBL GLAZED AS NOTED ON PLANS.



RECEIVED
NOV 16 2015
LAND USE PLANNING



PLANNING & DEVELOPMENT
Land Use Planning, 3120 Wilke Street, Berkeley, CA 94704
Tel: 510.861.1219 TDD: 510.861.8963 Fax: 510.861.7429 Email: Planning@landuseos.org

TABULATION FORM

Project Address: 1730 CAPISTRANO AVE. Date: _____
Applicant's Name: ANAND CHOKKALINGAM
Zoning District: R1

Please print in ink the following numerical information for Use Permit, Variance, and other Zoning Ordinance related permit applications:

	Existing	Proposed	Permitted/Required
Units; Parking Spaces			
Number of Dwelling Units (R)	1	1	
Number of Parking Spaces (R)	1	1	
Yards and Height			
Front Yard Setback (ft.)	15'-0"	15'-0"	
Side Yard Setbacks (facing property)			
Left (ft.)	6'-2"	6'-2"	
Right (ft.)	7'-8"	7'-8"	
Rear Yard Setback (ft.)	21'-0"	21'-0"	
Building Height* (# Stories)	2	3	
Average* (ft.)	17'	15'	
Maximum* (ft.)	19'-0"	27'	
Areas			
Lot Area (SqFt.)	4000	4000	
Gross Floor Area* (SqFt.)			
Total Area Covered by All Floors	1440	2228	
Building Footprint* (SqFt.)	1440	1440	
Lot Coverage* (%)	37.18	37.18	
Useable Open Space* (SqFt.)	1080	1080	
Floor Area Ratio* Non-Residential Projects only (except ES-R) (except ES-R)			

*See Definitions - Zoning Ordinance Title 23F. Revised: 09/02
g:\forms & instructions\land use planning\format\tabletabulation_form.doc

New Upper Story Addition

SITE PLAN
AP.# 02-2886-21

PLANS APPROVED by

Lisli Mundy

SIGNATURE

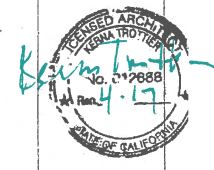
DATE

December 18, 2015

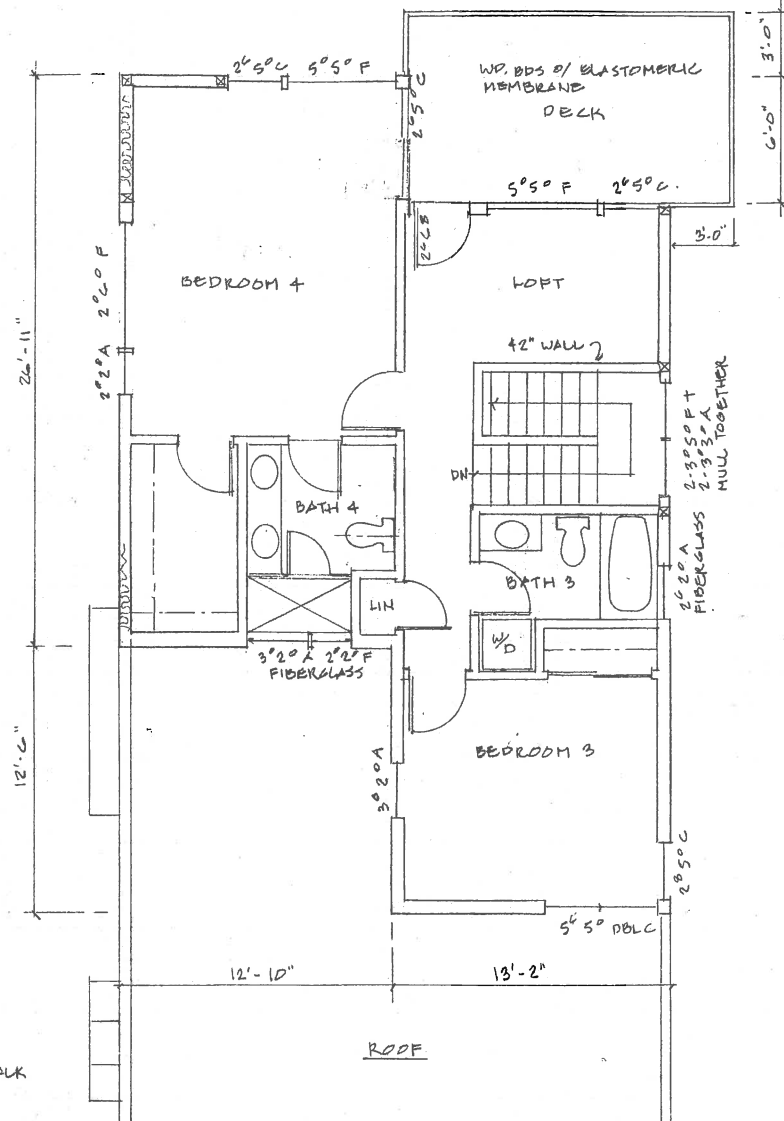
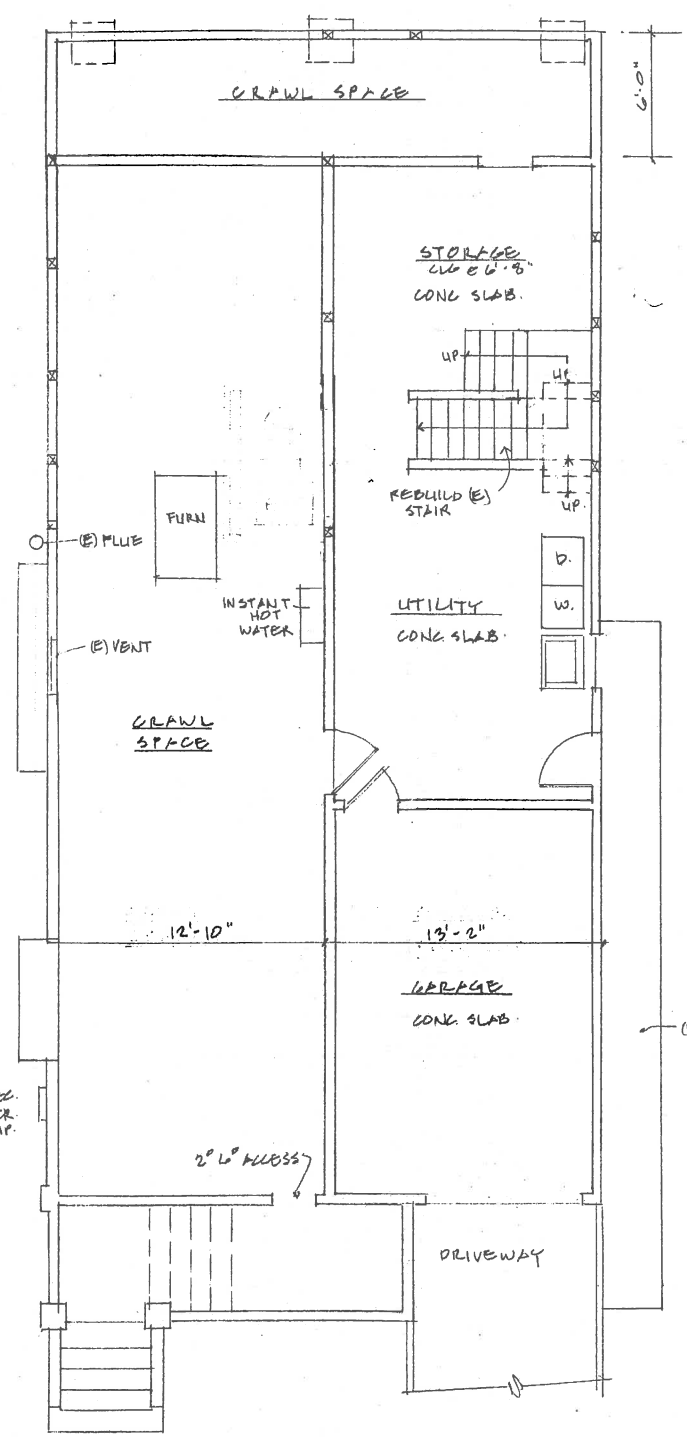
***AUP Findings and Conditions Attached**

2-20-15
 5-9-15
 11-13-15

Kerna Troffler, Architect
 2807 Stuart Street
 Berkeley, California, 94705 tel. (510-548-5648)

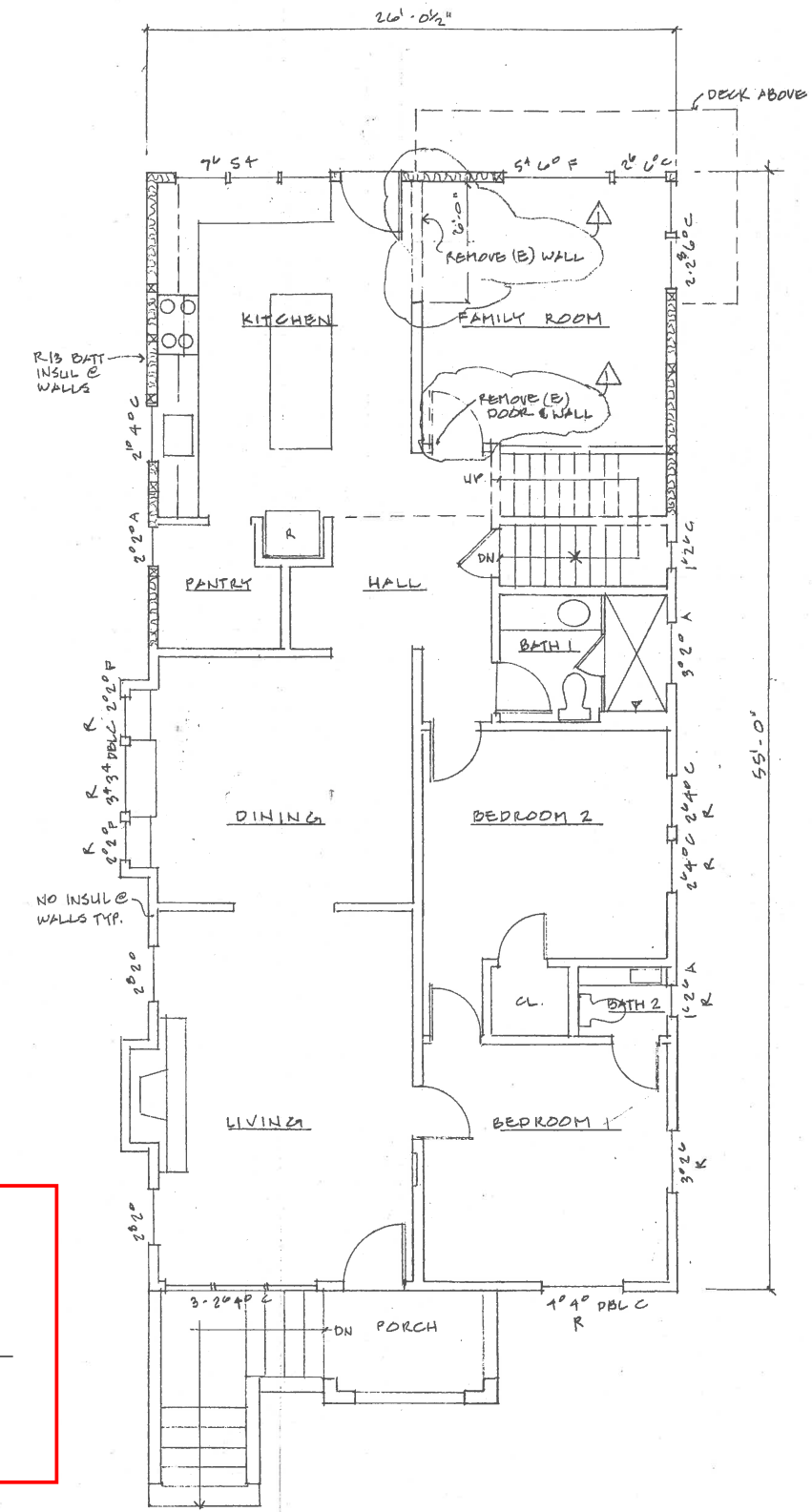


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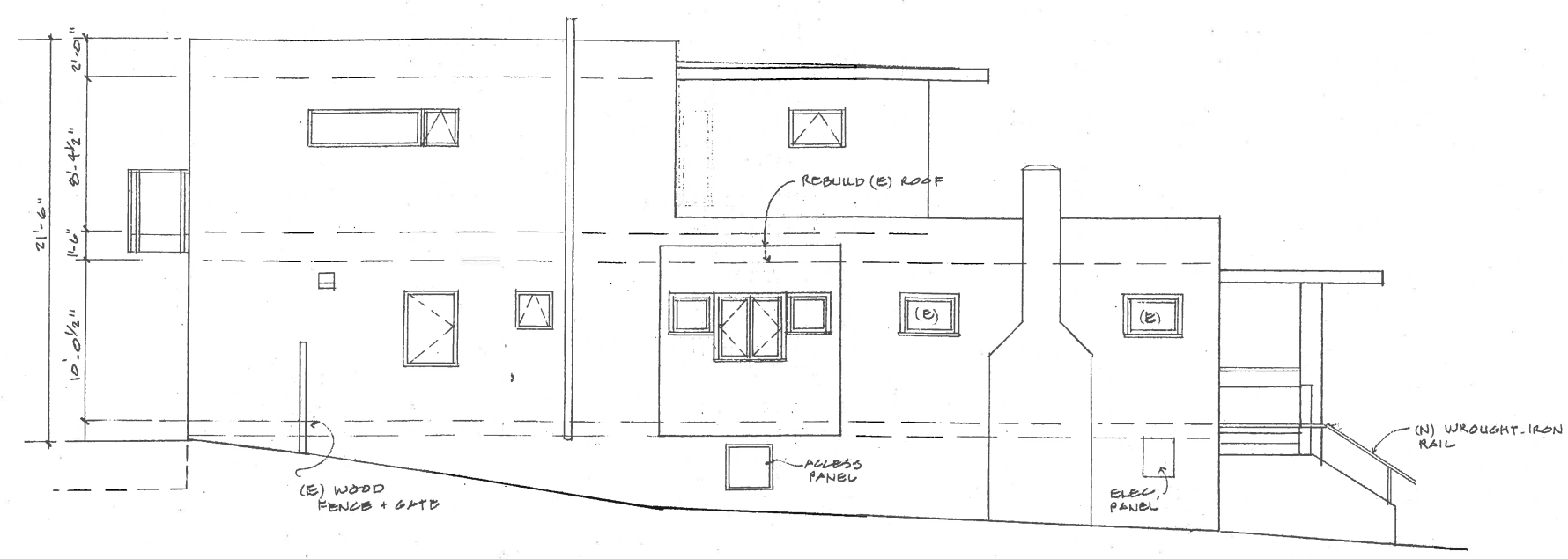
PLANS APPROVED by

December 18, 2015
 SIGNATURE DATE
***AUP Findings and Conditions Attached**

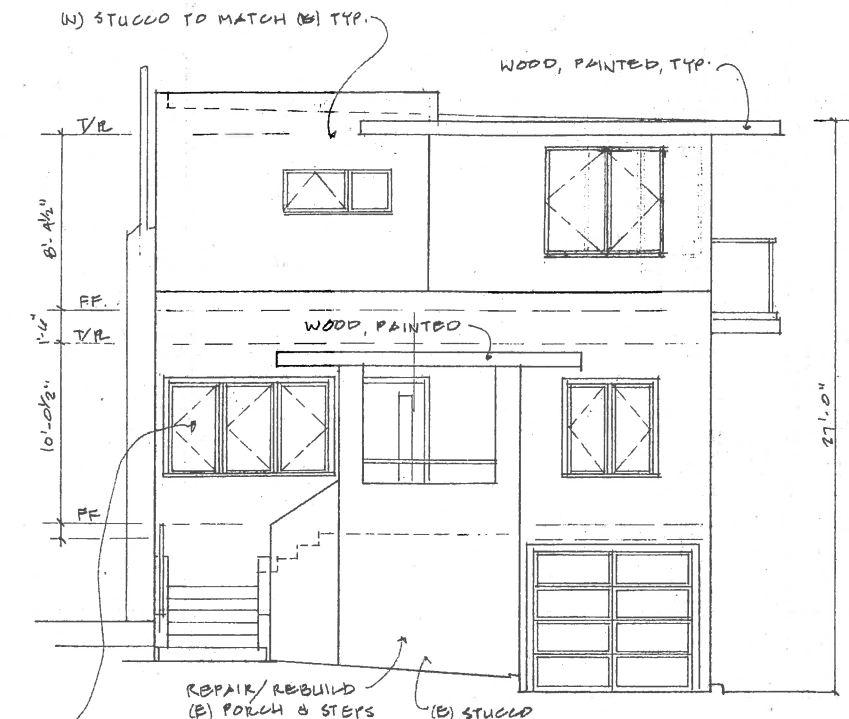


2-10-15
5-9-15
11-13-15

Kerna Trotter, Architect
2807 Stuart Street
Berkeley, California, 94705 tel. (510 - 548-5648)



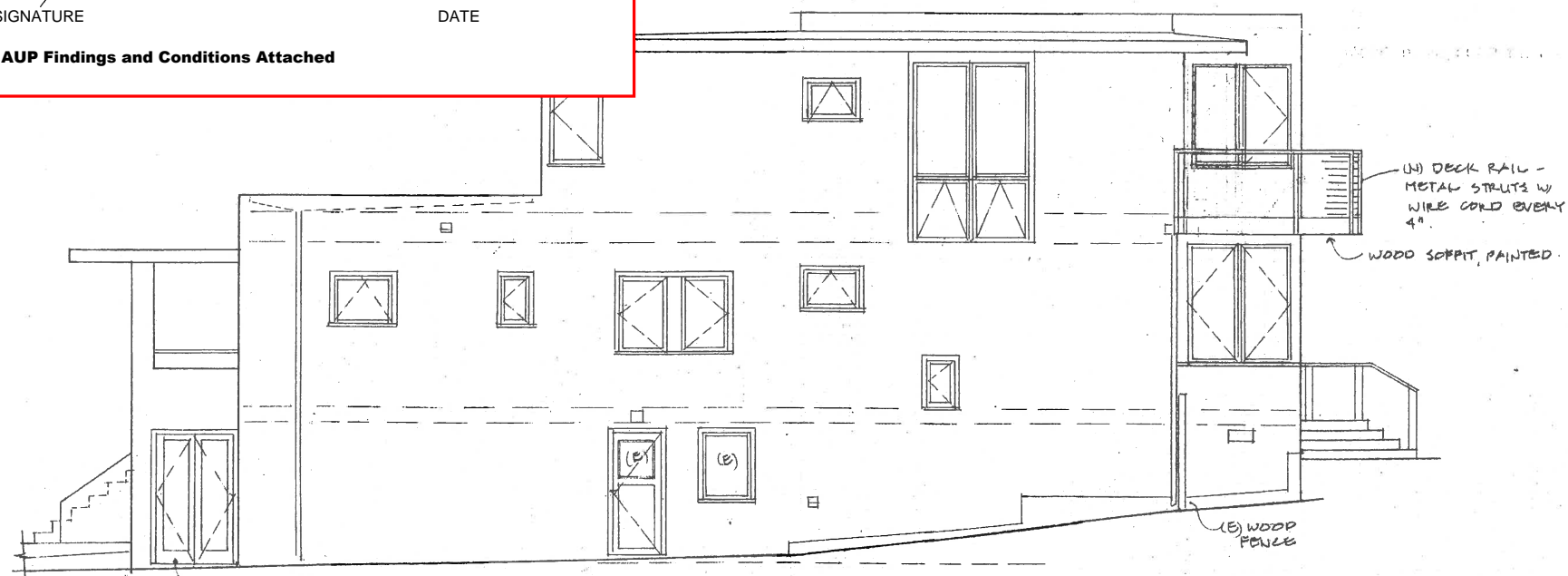
EAST ELEVATION
1/4" = 1'-0"



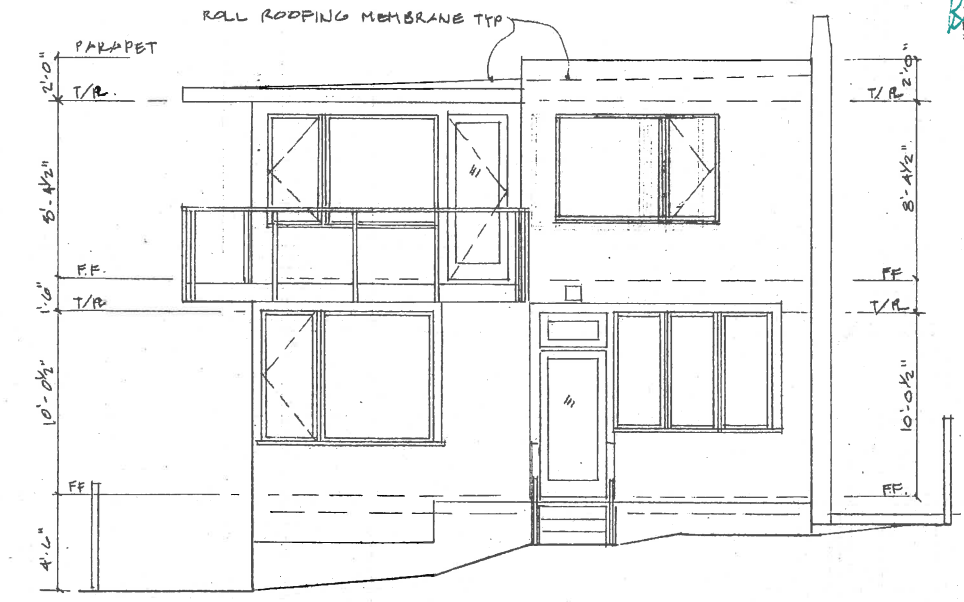
NORTH ELEVATION
1/4" = 1'-0"

ALL WINDOWS ARE DBL GLAZED, LOW E, WOOD CLAD. EXCEPT AS NOTED (E) ON ELEVATIONS

PLANS APPROVED by
Lisli Mendy
SIGNATURE
December 18, 2015
DATE
***AUP Findings and Conditions Attached**



WEST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



House Addition for
Anand Chokkalingam & Radha Seshagiri
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