



# Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION  
MARCH 9, 2023

## (0)612 Cragmont Avenue

Use Permit #ZP2021-0177 to construct a new 2,095 square-foot two-story (33 feet) single-family dwelling and a one-story detached one-car garage with a roof deck (20 feet) on a 16,550 square feet vacant lot.

### I. Background

#### A. Land Use Designations:

- General Plan: LDR- Low Density Residential
- Zoning: R-1H - Single-Family Residential District, Hillside Overlay Zone

#### B. Zoning Permits Required:

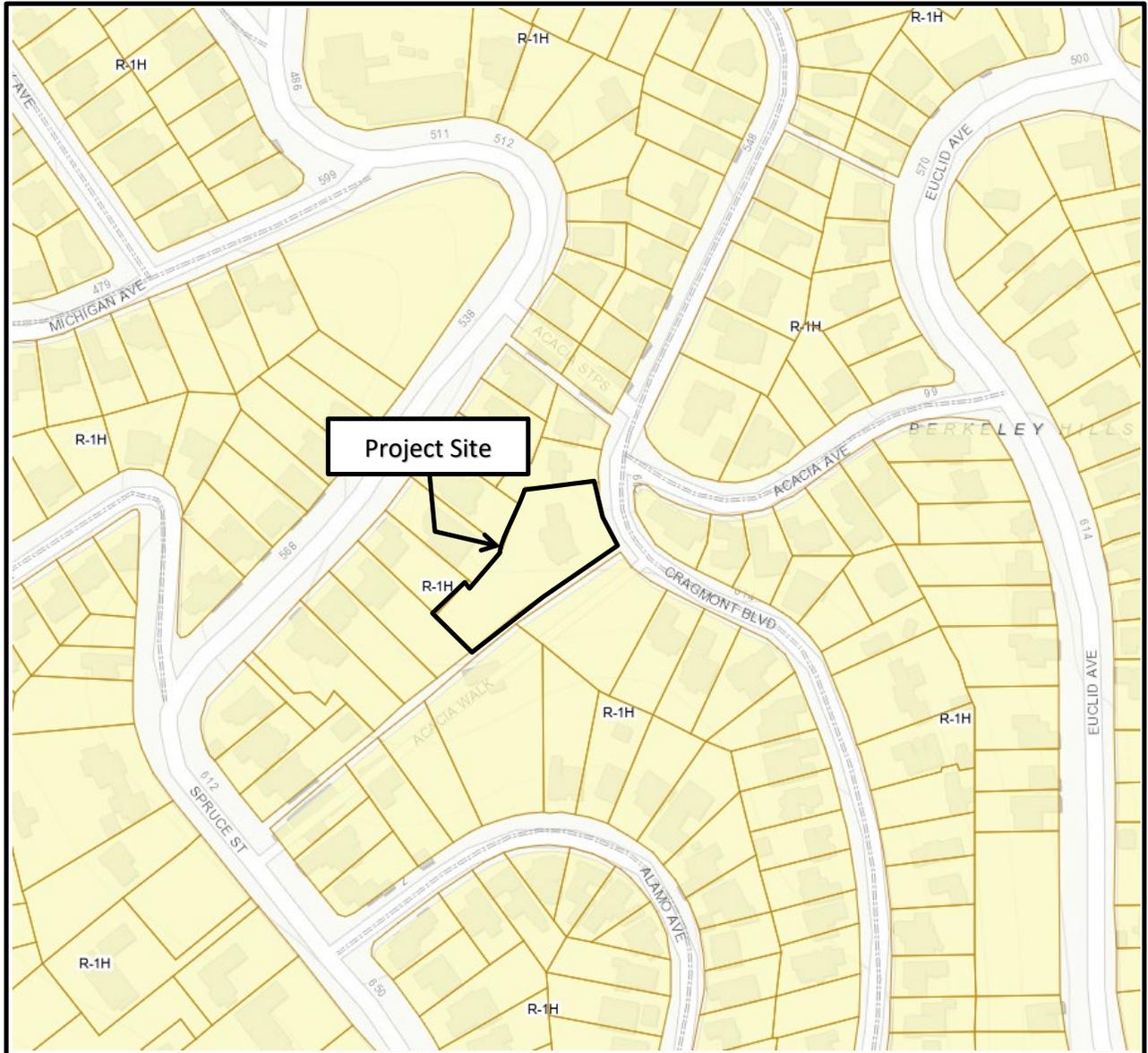
- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.202.020(A) to add a new single-family dwelling
- Administrative Use Permit (AUP) pursuant to BMC Section 23.304.060(C)(2)(a) to add an enclosed accessory structure within the front half of the lot depth
- AUP pursuant to BMC Section 23.304.060(C)(2)(a) to add an enclosed accessory structure greater than 24 feet in length
- AUP pursuant to BMC Section 23.304.080(A) to construct a fence exceeding 6 feet in height

**C. CEQA Recommendation:** It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15303, of the CEQA Guidelines ("New Construction or Conversion of Small Structures"). The determination is made by ZAB.

#### D. Parties Involved:

- Applicant Russ Dotter, 4801 Park Boulevard, Oakland
- Property Owner Cragmont Berkeley Cohen, LLC  
16 Queen Anne Ct., Millbrae, Ca. 94030

**Figure 1: Vicinity Map**



Legend

R-1H: Single-Family Residential District within the Hillside Overlay Zone

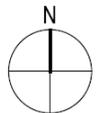


Figure 2: Site Plan



Figure 3: Longitudinal Section (east)

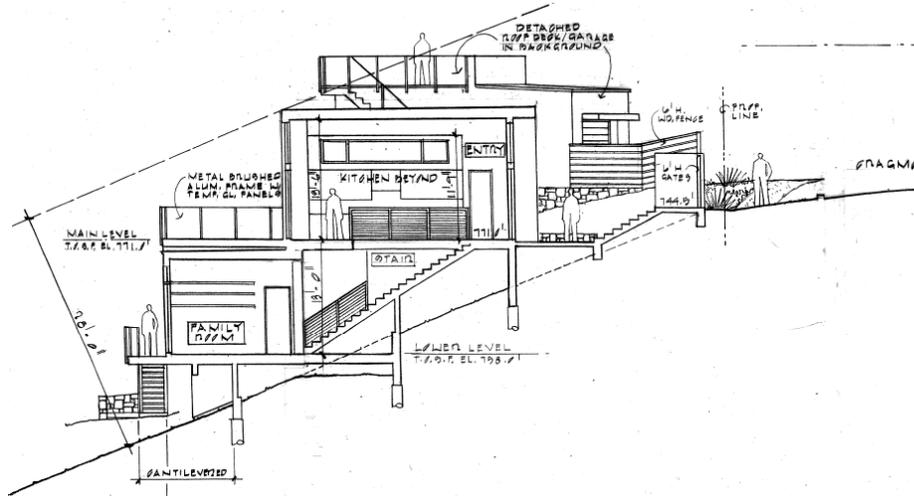


Figure 4: North Elevation

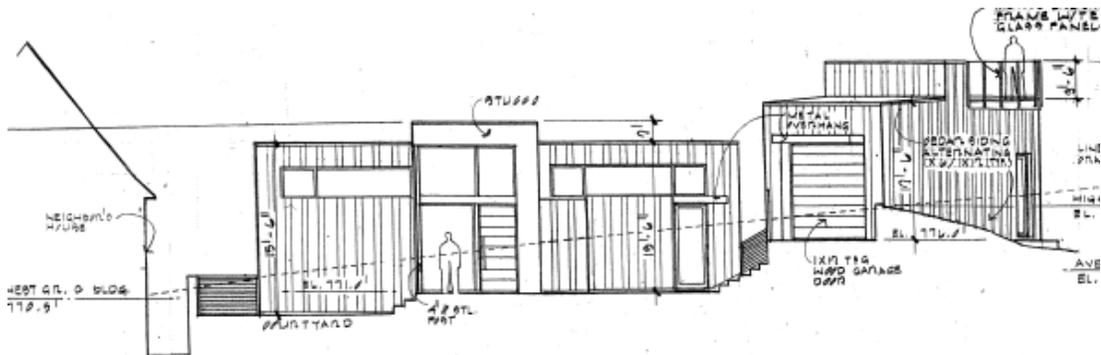
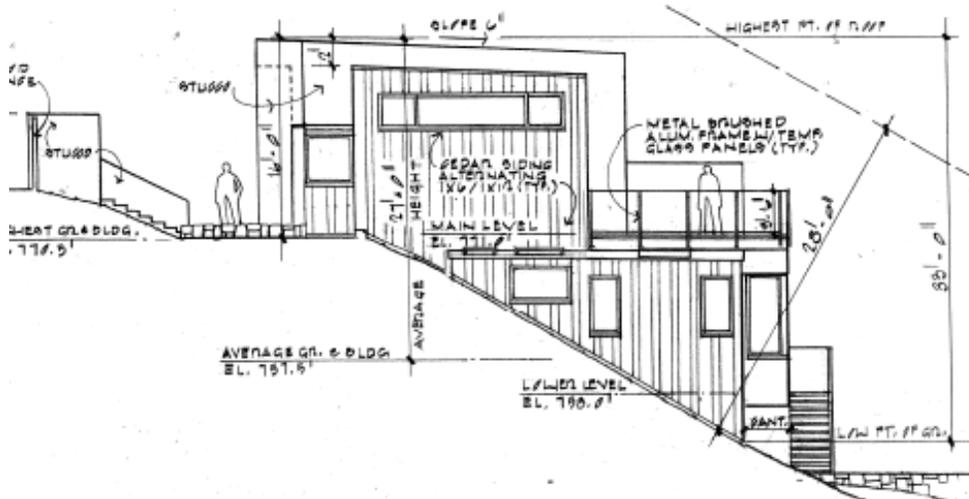


Figure 5: West Elevation



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant lot	R-1H	Low Density Residential (LDR)
Surrounding Properties	North	Single-Family dwelling	R-1H	Low Density Residential (LDR)
	South	Single-Family dwelling	R-1H	Low Density Residential (LDR)
	East	Single-Family dwelling	R-1H	Low Density Residential (LDR)
	West	Single-Family dwelling	R-1H	Low Density Residential (LDR)

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to projects with net new 7,500 square feet of non-residential floor area. The project involves only new residential floor area; therefore, this requirement does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This fee applies to projects that propose 5 or more rental dwelling units. This project does not propose rental units; therefore, this does not apply
Creeks	No	The project site is not within a creek buffer zone.
Density Bonus	No	The applicant has not applied for a State Density Bonus.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	The project is subject to the natural gas prohibition.
Historic Resources	No	The proposed project is located on a vacant lot
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	A "housing development project" means a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. Because the term "units" is plural, a development has to consist of more than one unit to qualify under the HAA (Gov. Code, § 65589.5, subd. (h)(2)). Therefore, HAA does not apply to this project.
Housing Crisis Act of 2019 (SB330)	No	A development has to consist of more than one unit to qualify under the HAA. The proposed project is a single residential unit only, and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) <sup>1</sup> . Therefore, SB 330 does not apply.

<sup>1</sup> Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.

Oak Trees	Yes	There are six protected Coast Live Oaks on the site. Tree Protection Measures for four trees within close proximity to the proposed project is provided by the City's Arborist as Conditions of Approval for this project, refer to Attachment 4.
Rent Controlled Units	No	The proposed project is located on a vacant lot
Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards (SHMA)	Yes	The project site is located within the California Geological Survey Alquist Priolo Earthquake Fault Zone. The applicant submitted a geotechnical investigation for the project (Alan Kropp & Associates 2021), which was peer reviewed by the City's peer reviewer who recommended geotechnical approval of the subject land use permit application subject to specific geotechnical conditions of approval.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites pursuant Government Code Section 65962.5), nor is it within the City's Environmental Management Area.
Transit	Yes	The project area is served by Alameda County Transit line 67. There is an existing bus stop within 0.1 miles to the southwest at the intersection of Spruce and Acacia Walk

**Table 3: Project Chronology**

Date	Action
August 11, 2021	Application submitted
September 23, 2021	Application resubmittal
January 21, 2022	Application resubmittal
February 14, 2022	Application Packet resubmittal
March 25, 2022	Application Deemed Incomplete
July 5, 2022	Application resubmittal
August 4, 2022	Application Deemed Incomplete
November 2, 2022	Application resubmittal
November 10, 2022	Application resubmittal
January 23, 2022	Application resubmittal
January 23, 2022	Application Deemed Complete
February 23, 2023	Public Hearing Notices mailed/posted
March 9, 2023	ZAB hearing

**Table 4: Development Standards**

Standard BMC Sections 23.202.050(D)		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		16,550	16,550	5,000 min
Gross Floor Area (sq. ft.)		N/A	2,095	N/A
Dwelling Units	Total	0	1	1 max
Building Height	Average (ft.)	N/A	27	35 max
	Maximum (ft.)	N/A	33	35 max
	Stories	N/A	3	3 max
Building Setbacks (ft.)	Front	N/A	20	20 min
	Rear	N/A	74	20 min
	Left Side	N/A	5	4 min
	Right Side	N/A	23	4 min
Lot Coverage (%)		N/A	13	40 max
Usable Open Space (sq. ft.)		N/A	5,628	400 min
Parking	Automobile	N/A	1	1 min
	Bicycle	N/A	0	0 min

## II. Project Setting

- A. **Neighborhood/Area Description:** The project site is a vacant parcel located on Cragmont Avenue, to the north of Marin Avenue between Euclid Avenue (to the east) and Spruce Street (to the west) in the north Berkeley hills. This is a residential area with a mix of one-, two-, and three-story single-family dwellings, with areas of open space in excess of what is typically required in the zoning district, and mature vegetation. Parcels in the neighborhood are generally rectangular in shape with some irregularities due to existing slopes and curved roadways. The neighborhood hills generally slope downwards from the northeast to the southwest and provide primary views westward towards the San Francisco Bay. Given the hilly terrain and limited availability of on-street parking, the dwellings in the neighborhood tend to include attached one- or two-car garages within front yards.
- B. **Site Conditions:** The project site is a 16,550 square feet lot that resulted from merging two adjacent vacant lots. The natural grade is down sloped towards the south-west with the higher grade at the street level (facing Cragmont Avenue). The site includes a variety of trees including six protected Coast Live Oaks, situated on the north-west and south of the lot. The proposed project incorporates the preservation of four of these Coast Live Oaks. The City will also require, Tree Protection Measures (Attachment 4) as conditions of approval for this permit.

### III. Project Description

The project includes the construction of a two-story (33 feet) 2,095 square feet single-family dwelling and a one-story (20 feet) detached garage with single parking stall and a roof deck. The proposed dwelling and detached garage are contemporary in style with rectangular building footprints, simple floor plans and flat roofs. The dwelling's upper story (with a 16-foot maximum height from the finished grade) includes the kitchen, dining and living areas and opens to a courtyard that is separated from the street by a 9 feet 6 inches-tall wood fence. This main level is situated about three feet lower than the street level. The building follows the natural grade to slope down to the lower level where the four bedrooms are located.

### IV. Community Discussion

**A. Neighbor/Community Concerns:** Prior to submitting this application to the City, a pre-application poster was installed on the project site by the applicant on January, 2022. On February 23, 2023, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.

**B. Committee Review:** This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not a use located in a residential district subject to design review, commercial or manufacturing district, and does not involve the demolition of a non-residential building, respectively.

### V. Issues and Analysis

**A. General Non-Detriment:** Pursuant to BMC Section 23.406.040 the Board may approve an application for a Use Permit if the proposed project meets the findings of non-detriment. A discussion of the project's potential impact to sunlight, air or views follows:

1. **Sunlight:** The proposed two-story single-family dwelling maximum height is about 33 feet. Shadow studies submitted by the applicant document the existing and proposed shadow angles during summer and winter solstice. The incremental increase on the neighboring property at 620 Cragmont Avenue are as follows:
  - During summer solstice, at two hours before sunset, all windows (except from one) along the east elevation of the abutting neighbor building at 620 Cragmont Avenue would be fully shaded due to the proposed project.
2. **Privacy:** The proposed dwelling would exceed the District minimum for all setbacks (see Table 4 above). It is located at 10 feet 6 inches from the closest neighbor property to the east at 620 Cragmont Avenue, over 75 feet from the neighbor property to the west and to the south.

3. Air: Staff believes the proposal would be consistent with the existing development and building-to-building separation pattern – or air – in this R-1H neighborhood because the buildings would meet the setback requirements; it would maintain adequate separation to abutting neighbor buildings on both sides; the lot coverage is below the maximum allowable 40 percent and the project would exceed the useable open space requirements.
4. Views: Per BMC Section 23.502.020 (Defined Terms), a significant view is a view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark or any other significant vista that substantially enhances the value and enjoyment of real property. As described above under Project Settings, substantial southwestward views are available from the area surrounding the project site, neighboring residences, and the residences uphill to the northeast of the project site. The residences further north and east are set higher in elevation than the proposed dwelling. Sightlines available from these residences occur over and beyond the proposed residence, and views of the San Francisco Bay would be maintained. Thus, given existing conditions, including existing trees that obstruct views and the existing slope in the neighborhood, and the proposed height of the new dwelling, staff believes the proposed project would not unreasonably obstruct views.

**B. Findings for Use Permit Approval in the R-1(H) District:** Pursuant to BMC Section 23D.16.030, a new single-family dwelling is allowed in the R-1 zoning district with a Use Permit, provided that its siting meets applicable development standards and subject to the non-detriment finding. As shown in Table 4, the proposed project would meet or exceed all development standards for the dwelling.

Staff believes the project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of residents or workers in the area because it would be consistent with the development pattern in the area. The applicant proposes to construct a single-family dwelling in a neighborhood of single-family dwellings and with a siting/design that would be compatible with the surrounding built environment. Staff believes that the proposed project would not unreasonably obstruct sunlight, privacy, air, or views as analyzed below.

**B. Administrative Use Permit to construct an enclosed accessory building that exceeds 24 feet in length and is located within the front half of the lot:** Pursuant BMC Section 23.304.060(C)(2)(b) the zoning adjustment board finds that the proposed structure would not be detrimental to the light, air, privacy, and view of adjacent properties. The proposed detached garage would be outside all the required setbacks and below the 24 feet maximum allowable height (approximately 20 feet).

1. Sunlight and Air. The average height of the proposed garage is 20 feet. Since the garage would not be taller than the proposed dwelling, and it would be placed outside all the required setbacks and over 50 feet from the closest neighbor building (610 Cragmont Avenue) to the west, there would not be a significant change to sunlight on abutting and confronting dwellings.

2. View. As described above substantial southwestward views are available from the area surrounding the project site, neighboring residences, and the residences uphill to the northeast of the project site. The residences further north and east are set higher in elevation than the proposed dwelling. Thus, given existing conditions, including existing trees that obstruct views and the existing slope in the neighborhood, and the proposed height of the new garage, staff believes the proposed project would not unreasonably obstruct views

- C. Fence and trellis exceeding six feet in height at the property line:** Pursuant to BMC Section 23.304.080(A) the Board may approve an Administrative Use Permit to allow a fence six feet in height subject to making the non-detriment finding. The project proposes to construct an 9-foot 6-inche high retaining wall and wood fence within the front setback.

Staff Analysis: the purpose of the fence is to provide adequate screening for the site and provide privacy within the front side yard. The height of the fence is lower than the dwelling itself; therefore, staff believe the fence would provide the intended privacy for the subject property and is not expected to create new impacts to sunlight, air, views or privacy and would be consistent with adjacent properties in the immediate vicinity of this site.

## VI. Other Considerations

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context.

- A. General Plan Consistency:** The 2002 General Plan contains several policies applicable to the project, including the following:
1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
  2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
  3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
  4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

5. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
6. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
7. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.
8. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
9. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The proposed project is an infill development that would add a new dwelling unit in a primarily residential neighborhood. The massing, proportions, design, and use of the buildings would be compatible with the surrounding neighborhood. As noted above, the project complies with all development standards in the R-1H district.

## VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board: **APPROVE** Use Permit ZP2021-0177 pursuant to Section 23.406.040.D and subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. Findings and Conditions
2. Project Plans, received January 23, 2022
3. Notice of Public Hearing
4. Tree Protection Zone Measures

**Staff Planner:** Nilu Karimzadegan, nkarimzadegan@cityofberkeley.info, (510) 981-7430



# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

MARCH 9, 2023

### **(0)612 Cragmont Avenue**

**Use Permit #ZP2021-0177 to construct a new 2,095 square-foot two-story (33 feet) single-family dwelling and a one-story detached one-car garage with a roof deck (20 feet) on a 16,550 square feet vacant lot.**

#### **PERMITS REQUIRED**

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- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.202.020(A) to add a new single-family dwelling
- Administrative Use Permit (AUP) pursuant to BMC Section 23.304.060(C)(2)(a) to add an enclosed accessory structure within the front half of the lot depth
- AUP pursuant to BMC Section 23.304.060(C)(2)(a) to add an enclosed accessory structure greater than 24 feet in length
- AUP pursuant to BMC Section 23.304.080(A) to construct a fence exceeding 6 feet in height

#### **I. 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 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
2. 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.

#### **II. FINDINGS FOR APPROVAL**

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1. As required by Section 23.406.040(E) of the BMC, 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:
  - A. The project will develop one two-story single-family dwelling unit;
  - B. The project is consistent with all R-1H objective development standards;
  - C. Because impacts to neighboring residences due to construction of one single-family dwelling will be limited to certain time of a year and during certain hours of a day, shading impacts will not be detrimental;
  - D. The proposal will be consistent with the existing development and building-to-building separation pattern;

- E. The proposed project will not result in additional obstruction of significant views (BMC Section 23.502.020 (Defined Terms) in the neighborhood because of the existing slope in the neighborhood, and the proposed height of the new buildings
- F. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental.

### **III. OTHER FINDINGS FOR APPROVAL**

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- 2. As required by Section 23.304.060(C)(2)(a) an enclosed accessory structure within the front half of the lot that exceeds 24 feet in length is allowable because it is outside all the required setbacks and below the 24 feet maximum allowable height.
  - 3. As required by Section 23.304.080(A) the Zoning Adjustments Board finds that the 9-feet, 6-inches retaining wall and wood fence within the front setback is permissible because it provides the intended privacy for the subject property and is not expected to create new impacts to sunlight, air, views or privacy and will be consistent with adjacent properties in the immediate vicinity of this site.
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#### **IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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. Compliance Required (BMC Section 23.102.050)**

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

**3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

**4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)**

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

**5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)**

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Indemnification Agreement**

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

**Coat Live Oak Trees Protection Measures:**

**10.** Install Tree Protection Zone (TPZ) fencing for the duration of construction.

**11.** Roots should be cut with a saw to provide a flat and smooth cut. Removal of roots larger than 2 inches in diameter should be avoided.

**12.** If roots 2 inches and greater in diameter are encountered during site work and must be cut to complete the construction, the Consulting Arborist must be consulted to evaluate impacts on the health and stability of the tree and recommend treatment.

- A. Where clearance pruning is required tree pruning must be completed by a Certified Arborist or Certified Tree Worker in accordance with the most recent editions of the Best Management Practices for Pruning (International Society of Arboriculture) and the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
- B. Branches extending into the work area that can remain shall be tied back. Where construction will occur close to trees, install temporary branch protection devices such as winding silt sock wattle around the branch.

**Prior to Submittal of Any Building Permit:**

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13. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

**Project Liaison** \_\_\_\_\_  
Name Phone #

- 14. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.
- 15. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.

**Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)**

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- 16. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
- 17. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
  - A. Environmental Site Assessments:
    - 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old\*) shall be submitted to TMD for developments for:
      - All new commercial, industrial and mixed use developments and all large improvement projects.
      - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
      - EMA is available online at: [http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)

- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
  - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
  - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
  - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.
- D. Hazardous Materials Business Plan:
- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

### **Prior to Issuance of Any Building (Construction) Permit**

18. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
19. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
20. Solar Photovoltaic (Solar PV). A solar PV system, on the solar zone specified in Section 110.10 of the 2019 Energy Code, shall be installed (subject to the exceptions in Section 110.10) as specified by the Berkeley Energy Code (BMC Chapter 19.36). Location of the solar PV system shall be noted on the construction plans.
21. Electric Vehicle (EV) Charging. Each dwelling unit shall install a listed raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation as specified by the Berkeley Green Code (BMC Section 19.37.040). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
22. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.
23. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
24. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
25. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

### **During Construction:**

26. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

- 27. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 28. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 29. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 30. 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, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - 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, 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 1947 Center 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.

- 31.** Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 32.** Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.

- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
  - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
  - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 33. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 34. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 35. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).**
- A. *Qualified Paleontologist.* The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
  - B. *Paleontological Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee

shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
  - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.

- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.
36. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
37. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
  - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
  - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
  - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
  - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

- F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
  - G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
  - H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
  - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - J. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
  - K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 38. Public Works.** 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 thick and secured to the ground.
- 39. Public Works.** 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.

40. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
41. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
42. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
43. Public Works. 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.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

44. Compliance with Conditions The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
45. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated January 23, 2023, except as modified by conditions of approval.
46. Green Building Certification. The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

**At All Times:**

47. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
48. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

- 49.** Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 50.** Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
- 51.** This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
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ADDRESS/PARCEL #	063-0992-025
ADDRESS	612 GRACEMONT AVE. BERKELEY, CA
OWNER'S NAME	GRACEMONT BERKELEY OPEN LLC
PROPOSED USE	SINGLE FAMILY RESIDENCE
ZONE DISTRICT	R1-H
SIZE OF LOT	16,550 sq ft
PROPOSED LOT COVERAGE	2,099 sq ft 12.6%
USABLE OPEN SPACE	441 sq ft 2.6%
PROPOSED FLOOR AREA	
MAIN LEVEL	998 sq ft
LOWER LEVEL	1,128 sq ft
TOTAL MAIN RESIDENCE	2,126 sq ft
DETACHED GARAGE	419 sq ft
AVERAGE BLDG. HEIGHT	
MAIN RESIDENCE	27'-0"
DETACHED GARAGE	19'-9"
IMPERVIOUS SURFACE	
ASPHALT DRIVE	252 sq ft
COURTYARD & ENTRY/STEPS	677 sq ft
STAIRS/POOLS/PATHS	175 sq ft
LOWER TERRACE/SPA	
BUILDING FOOTPRINTS	1,049 sq ft
TOTAL IMPERVIOUS SURFACE	2,153 sq ft 17%
INDICATED LANDSCAPE	864 sq ft
PLANTED OFF GRACEMONT	
AREA BTHN. ENTRY & DRIVEWAY	

\* THE BUILDING WILL NOT INCLUDE ANY NATURAL GAS IN INFRASTRUCTURE IN COMPLIANCE WITH BMS CHAPTER 12.83

\* THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMS CHAPTER 12.86) AND BERKELEY GREEN CODE (BMS CHAPTER 12.87) ADOPTED BY CITY COUNCIL ON DECEMBER 2ND 2021, INCLUDING SOLAR PV SYSTEM, ELECTRIC VEHICULAR CHARGING AND LOW CARBON CONCRETE REQUIREMENTS. THE BUILDING DESIGN WILL INCORPORATE ALL-ELECTRIC SYSTEMS.

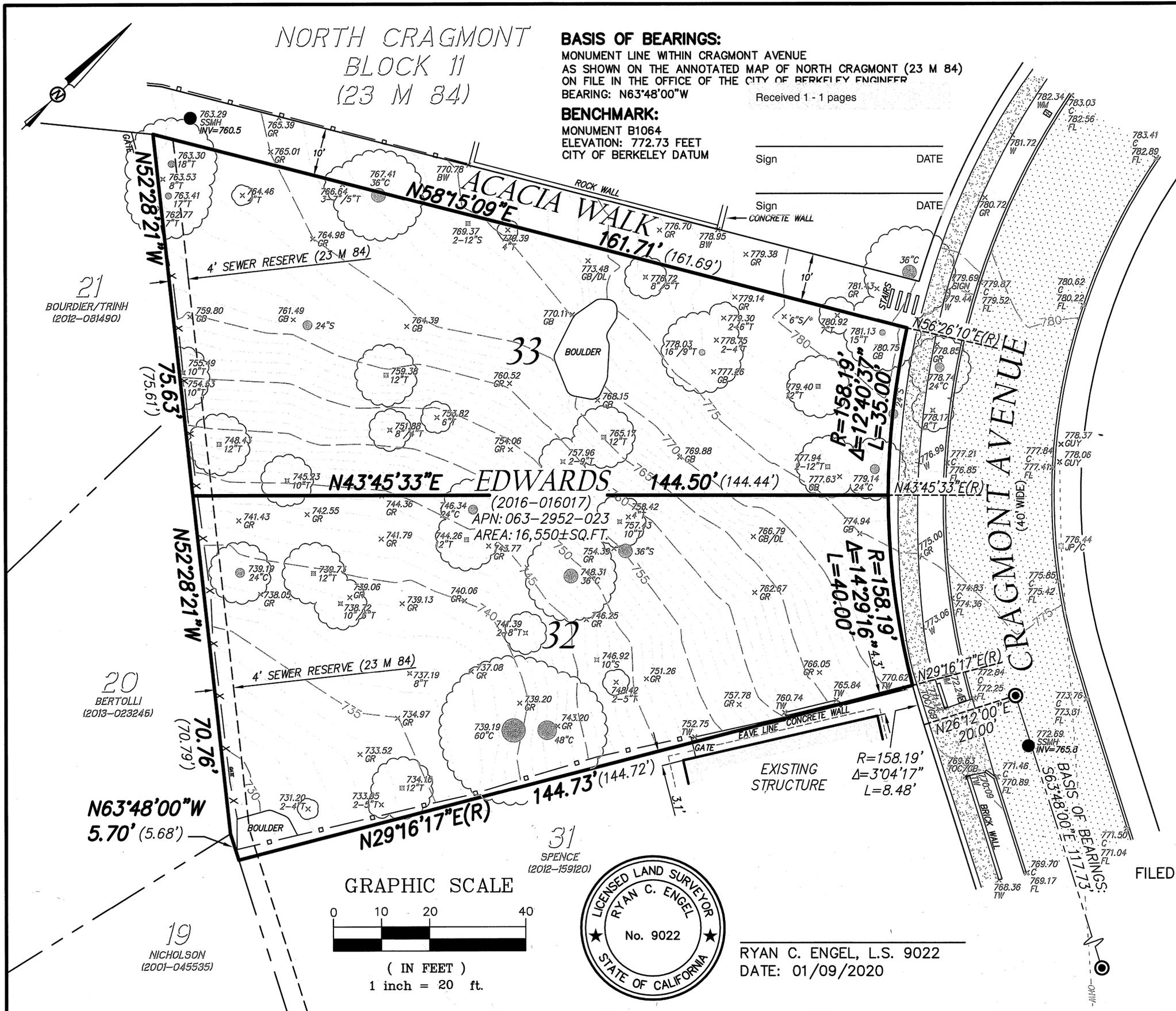
⊕ SITE PLAN  
1" = 10'

REVISIONS	BY

**Dotter & Solfeld**  
Architecture + Design  
4801 PARK BOULEVARD  
OAKLAND, CALIFORNIA 94602  
PHONE 510 530 9231 FAX 510 530 9233

GOHEN RESIDENCE  
612 GRACEMONT AVE., BERKELEY, CA

Date	11-21-22
Scale	
Drawn	
Job	
Sheet	A1
Of	1



**BASIS OF BEARINGS:**  
 MONUMENT LINE WITHIN CRAGMONT AVENUE  
 AS SHOWN ON THE ANNOTATED MAP OF NORTH CRAGMONT (23 M 84)  
 ON FILE IN THE OFFICE OF THE CITY OF BERKELEY ENGINEER  
 BEARING: N63°48'00"W  
 Received 1 - 1 pages

**BENCHMARK:**  
 MONUMENT B1064  
 ELEVATION: 772.73 FEET  
 CITY OF BERKELEY DATUM

LEGEND	
⊙	FOUND CITY MONUMENT
( )	RECORD DATA - SEE NOTE 1
—	BUILDING EDGE
▨	ASPHALT
▩	CONCRETE
#C	DIAMETER OF CLUSTER (INCHES)
#S	DIAMETER OF STUMP (INCHES)
#T	DIAMETER OF TREE (INCHES)
BW	BOTTOM OF WALL
C	TOP OF CURB
CONC	CONCRETE
DL	DAYLIGHT
FL	FLOW LINE
GB	GRADE BREAK
GR	GROUND SHOT
INV	INVERT
JP/C	JOINT POLE W/CONDUIT
OHW	OVERHEAD WIRE
SSMH	SANITARY SEWER MANHOLE
TOC	TOP OF CONCRETE
TW	TOP OF WALL
W	BACK OF SIDEWALK
WM	WATER METER

— SUBJECT PROPERTY  
 - - - ADJACENT PARCEL/LOT LINE  
 - - - RIGHT OF WAY LINE  
 - - - MONUMENT LINE  
 - - - HISTORIC PARCEL/LOT LINE  
 - - - TIE LINE

**OWNER:**  
 THOMAS W. EDWARDS AND REBECCA S. PARLETTE-EDWARDS  
 47 ALAMO AVENUE, BERKELEY, CA 94708

**LOT AREA:**  
 LOT 32: 8,345± SQ. FT. (GROSS)  
 LOT 33: 8,205± SQ. FT. (GROSS)  
 TOTAL: 16,550± SQ. FT. (GROSS)

**NOTE(S):**  
 1) RECORD DATA SHOWN PER ANNOTATED MAP OF NORTH CRAGMONT (23 M 84) ON FILE IN THE OFFICE OF THE CITY OF BERKELEY ENGINEER.

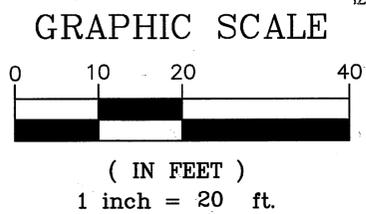
**SURVEYOR'S STATEMENT:**  
 THIS MAP CORRECTLY REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA LAND SURVEYORS ACT AT THE REQUEST OF THOMAS W. EDWARDS AND REBECCA S. PARLETTE-EDWARDS ON MAY 31, 2019.

# EXHIBIT A

## CERTIFICATE OF COMPLIANCE

LOTS 33 AND 32  
 AS SHOWN ON THE ANNOTATED MAP  
 OF NORTH CRAGMONT (23 M 84)  
 FILED IN THE OFFICE OF CITY OF BERKELEY ENGINEERING  
 BERKELEY, ALAMEDA COUNTY, CALIFORNIA  
 JANUARY, 2020 SCALE 1" = 20'  
 BAY AREA LAND SURVEYING INC.

3065 RICHMOND PARKWAY, SUITE 101  
 RICHMOND, CA 94806  
 (510) 223-5167



RYAN C. ENGEL, L.S. 9022  
 DATE: 01/09/2020

**EARTH QUANTITIES**  
APPROXIMATE EARTH QUANTITIES TO BE VERIFIED BY CONTRACTOR  
CUT 250± CU. YDS.  
FILL 50± CU. YDS.  
NOTE: EARTH QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL COMPUTE QUANTITIES INDEPENDENTLY TO VERIFY. ENGINEER IS NOT RESPONSIBLE FOR DISCREPANCIES.

BOURDIER/TRINH  
2012-081490  
APN 063 -2952-049-01

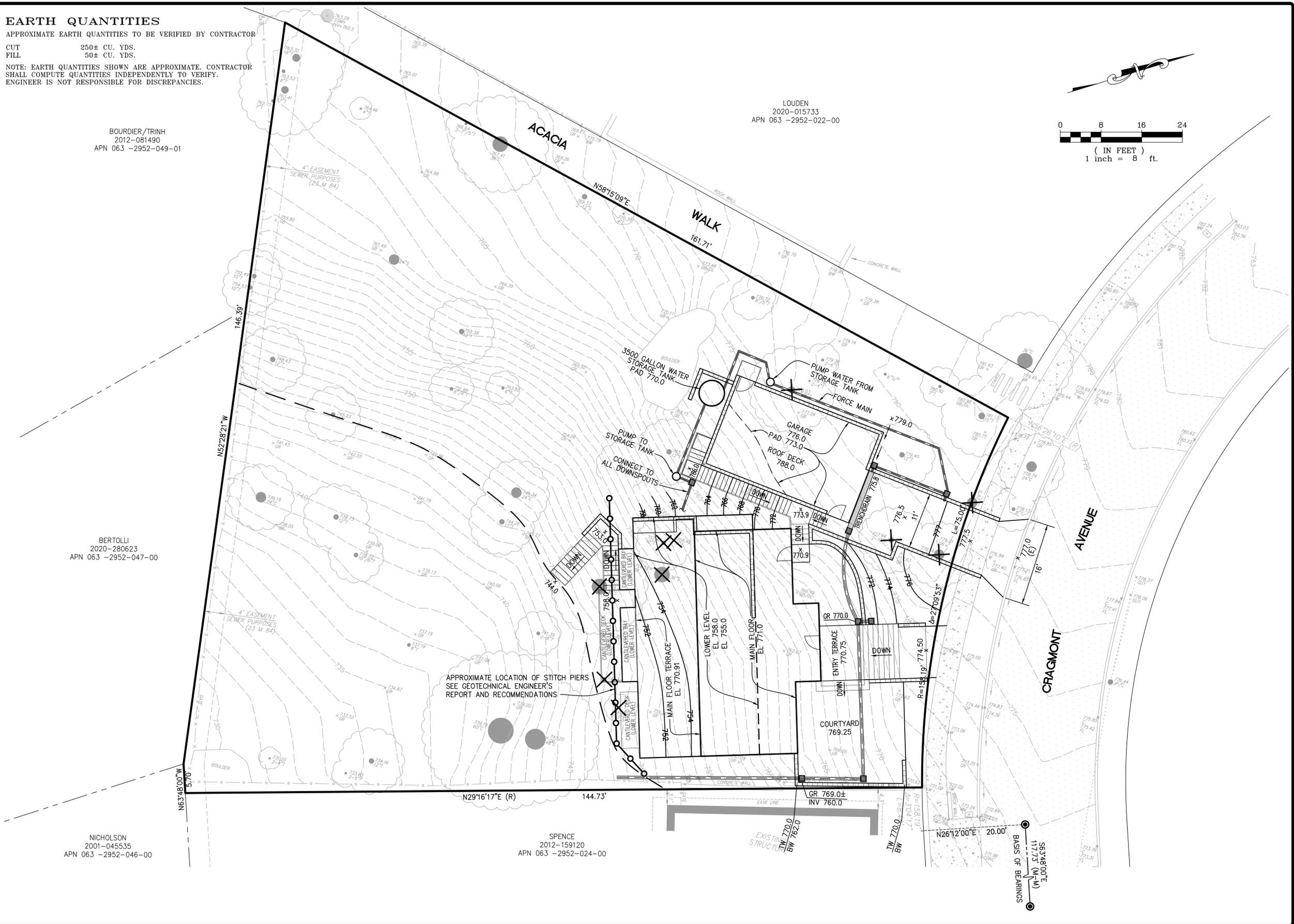
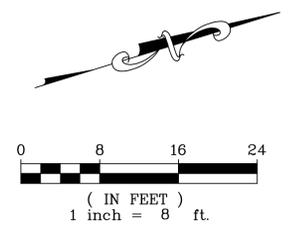
BERTOLLI  
2020-280623  
APN 063 -2952-047-00

NICHOLSON  
2001-045535  
APN 063 -2952-046-00

ACACIA

LOUDEN  
2020-015733  
APN 063 -2952-022-00

SPENCE  
2012-159120  
APN 063 -2952-024-00



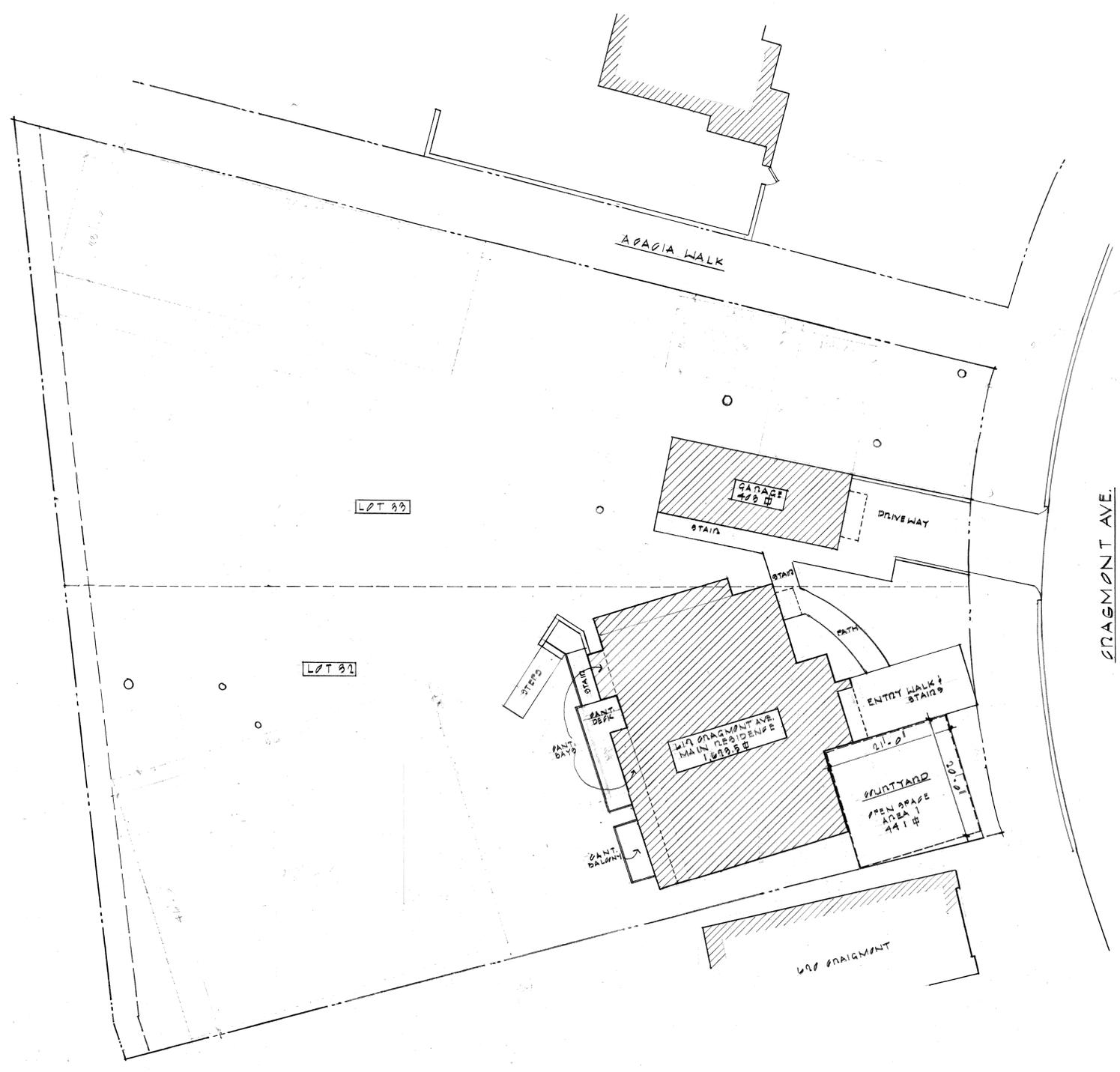
**PRELIMINARY GRADING AND DRAINAGE PLAN**  
CRAGMONT BERKELEY COHEN LLC PROPERTY  
CRAGMONT AVENUE (APN 063 -2952-023-00)  
BERKELEY ALAMEDA COUNTY CALIFORNIA

**HUMANN COMPANY INC.**  
ENGINEERING & SURVEYING  
1177 J ST. #100  
BERKELEY, CA 94704  
PH (925) 263-5000 FAX (925) 263-3578  
humann@pacbell.net

SHEET 1  
OF 1 SHEET  
JOB NO. 22066

REVISIONS	
SCALE	1" = 8'
DATE	10/31/22
DRAWN	PE
CHECKED	IN
JOB NO.	22066

Z:\PROJ\22066\GRAD-DRAIN\SAVE DATE: Monday, October 31, 2022 2:36:40 PM PLOT DATE: Monday, October 31, 2022 2:37:50 PM LAYOUT: grad-dr



LOT COVERAGE AND USABLE OPEN SPACE  
 1/8" = 1'

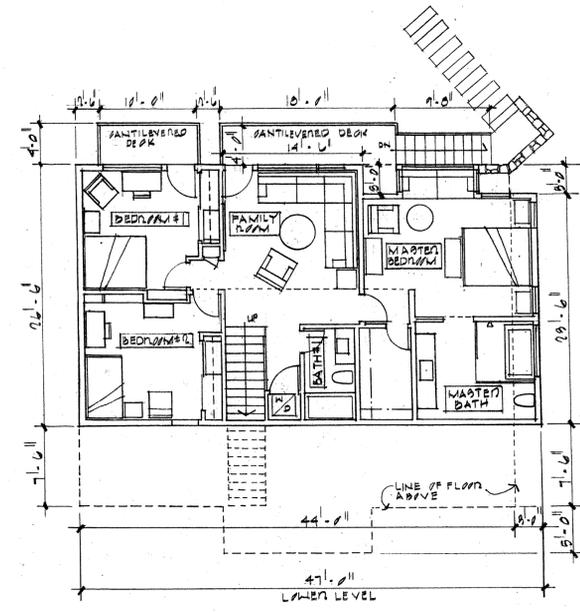
LOT COVERAGE & USABLE OPEN SPACE	
ADDRESS/PANEL NO.	060-0950-010
PROPERTY ADDRESS	612 GRAGMONT AVE. BERKELEY, CA.
PROPERTY OWNER	GRAGMONT BERKELEY WHEN LLC
<b>LOT SIZE</b>	<b>16,550 #</b>
LOT 32	8,345 #
LOT 33	8,205 #
<b>LOT COVERAGE</b>	<b>1,893 # 11.6%</b>
<b>USABLE OPEN SPACE</b>	<b>441 # .26%</b>

REVISIONS	BY

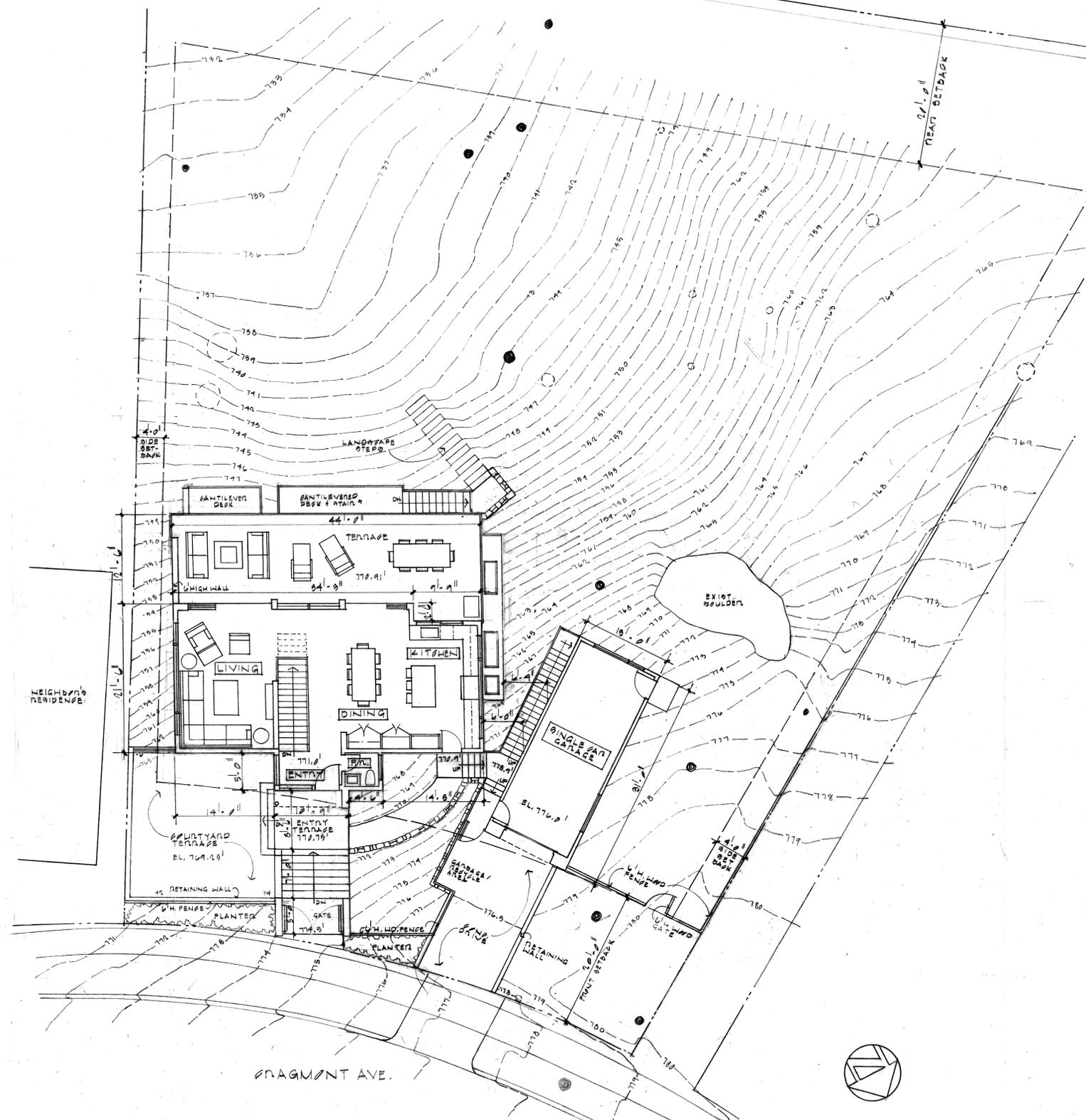
**Dotter & Solfield**  
 Architecture + Design  
 4801 PARK ROUTE, SUITE 94602  
 OAKLAND, CALIFORNIA 94602  
 PHONE 510 530 9231 FAX 510 530 9233

**COHEN RESIDENCE**  
 612 GRAGMONT AVE., BERKELEY, CA.

Date	11-01-22
Scale	
Drawn	
Job	
Sheet	A 2
Of	2 Sheets



LOWER LEVEL FLOOR PLAN  
 1/8" = 1'-0"



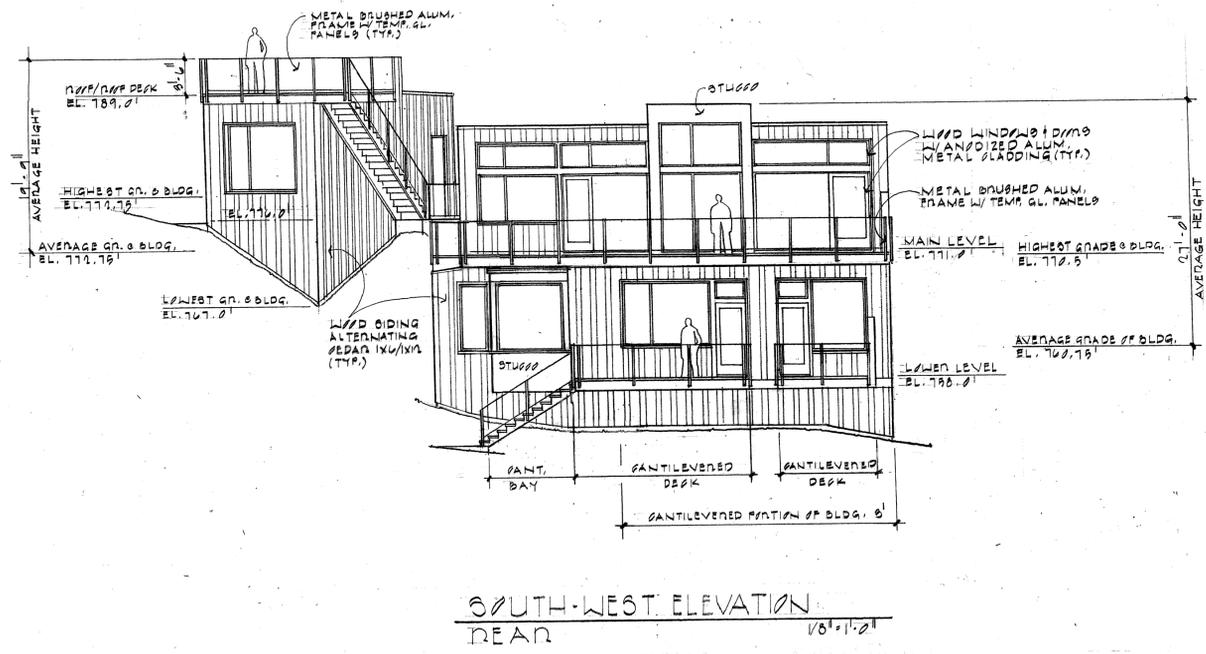
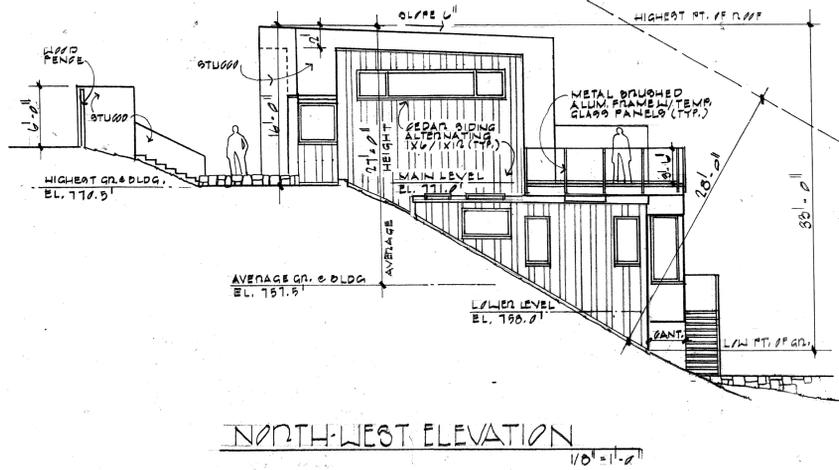
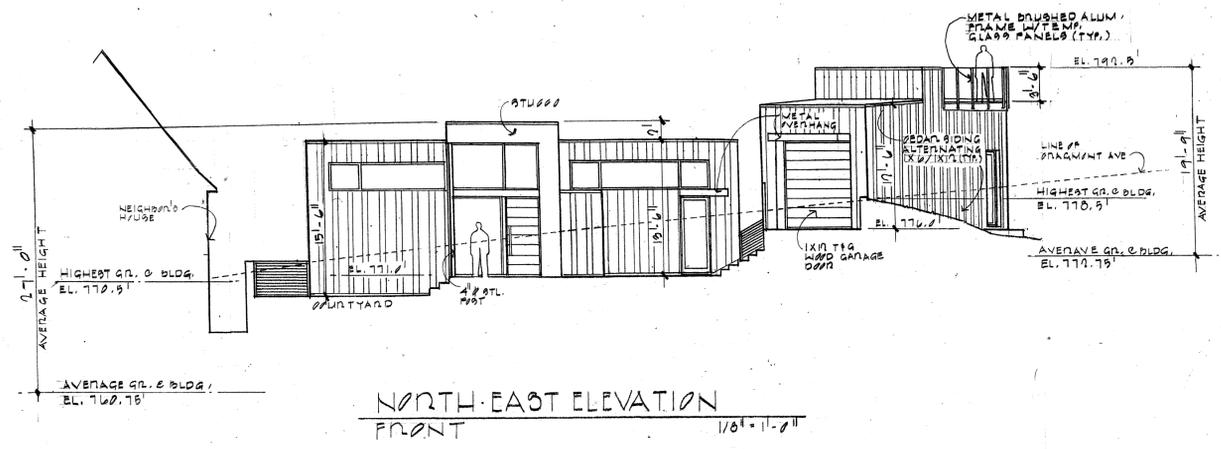
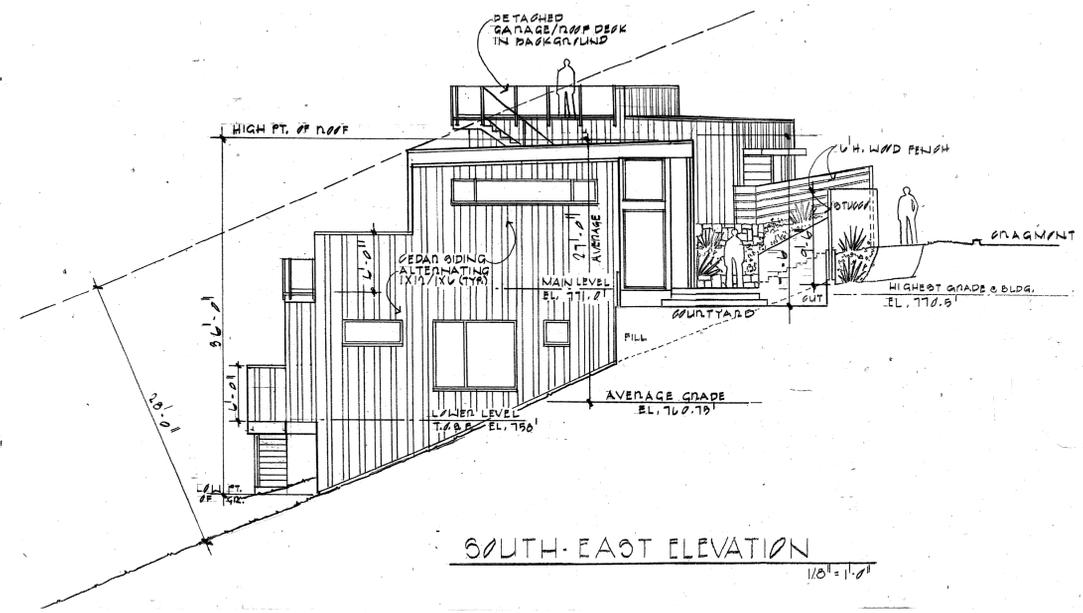
MAIN LEVEL FLOOR PLAN/PARTIAL SITE  
 1/8" = 1'-0"

REVISIONS	BY

**Dotter & Solfeld**  
 Architecture + Design  
 4891 PARK BOULEVARD  
 OAKLAND, CALIFORNIA 94602  
 PHONE 510 530 9231 FAX 510 530 9223

**COHEN RESIDENCE**  
 612 GRAGMONT AVE., BERKELEY, CA

Date	11.12.22
Scale	
Drawn	
Job	
Sheet	A3
Of	3

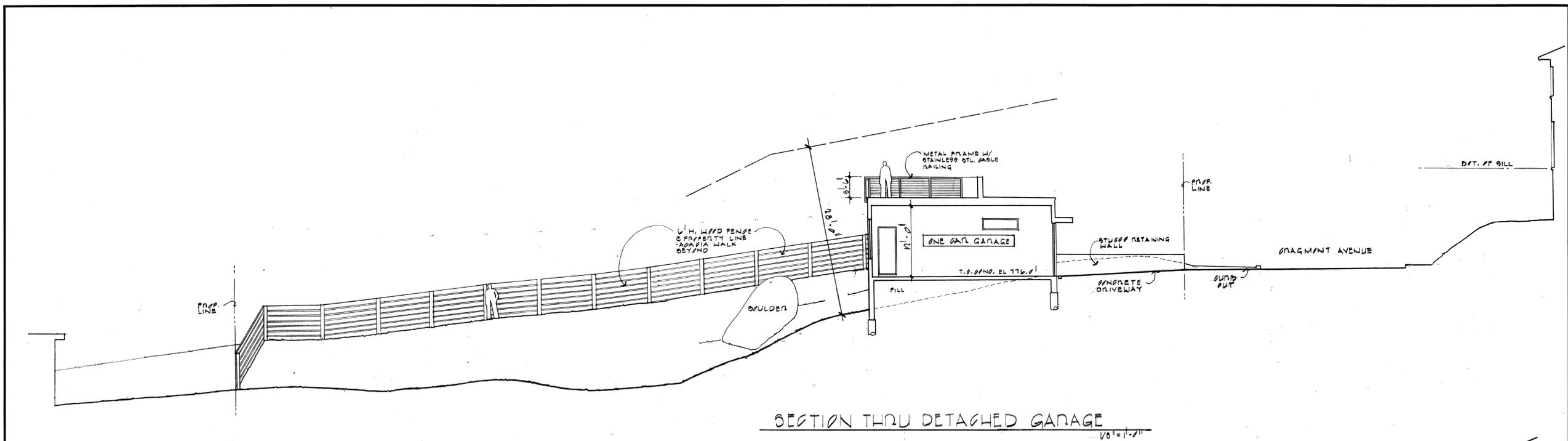


REVISIONS	BY

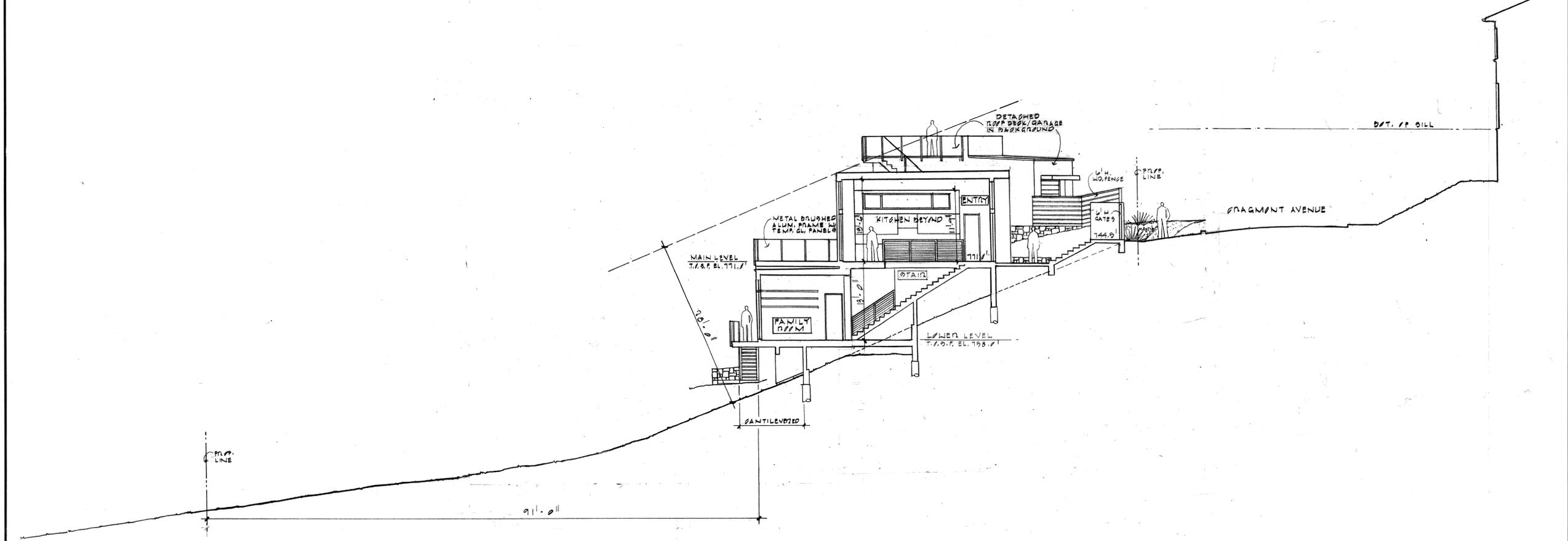
**Dotter & Solfeld**  
 Architecture + Design  
 4801 PARK BOULEVARD  
 OAKLAND, CALIFORNIA 94605  
 PHONE 510 530 9251 FAX 510 530 9225

**COHEN RESIDENCE**  
 600 BRAGMANT AVE., BERKELEY, CA.

Date	11-01-22
Scale	
Drawn	
Job	
Sheet	4
Of	Sheets



SECTION THRU DETACHED GARAGE  
 1/8" = 1'-0"



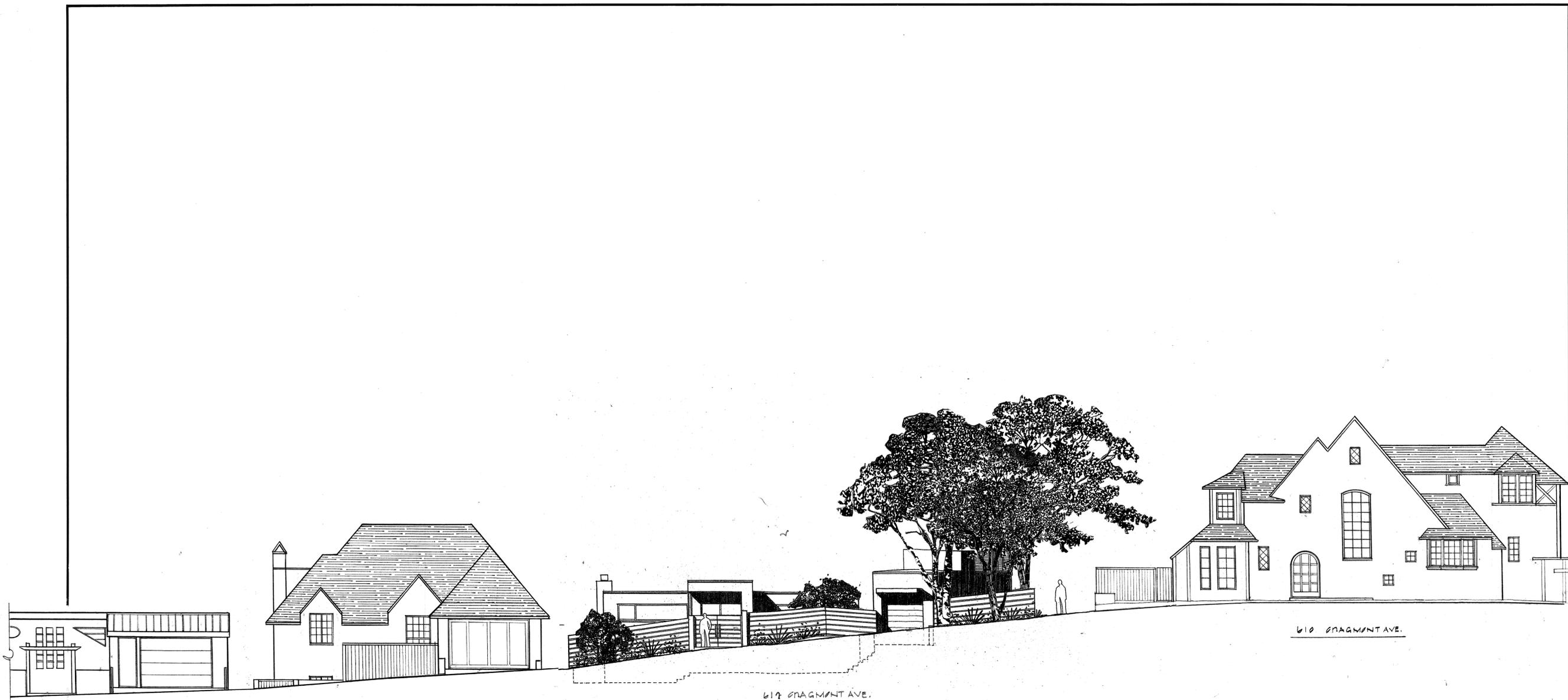
SECTION THRU ENTRY/STAIR  
 MAIN RESIDENCE  
 1/8" = 1'-0"

REVISIONS	BY

**Dotter & Solfield**  
 Architecture + Design  
 4801 PARK BOULEVARD  
 OAKLAND, CALIFORNIA 94602  
 PHONE 510 530 9251 FAX 510 530 9223

**COHEN RESIDENCE**  
 11 DNAGMONT AVE., BERKELEY, CA.

Date 07-01-22  
 Scale  
 Drawn  
 Job  
 Sheet  
 Of A5  
 Sheets



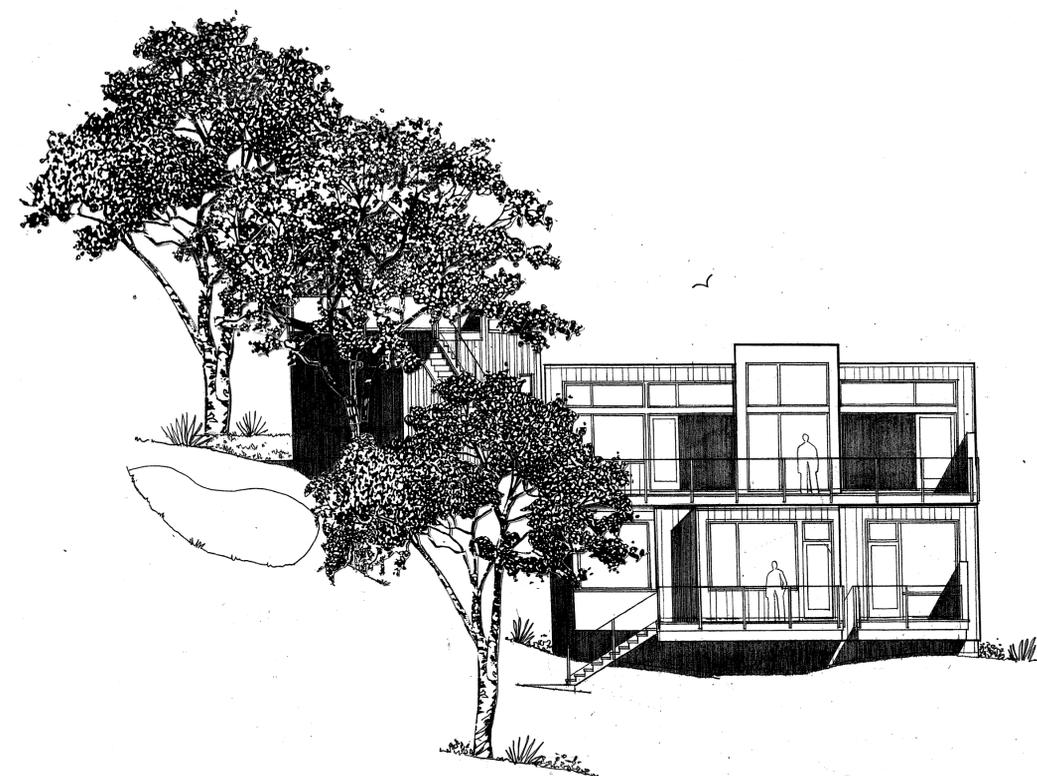
GRAGMONT AVENUE STRIP ELEVATION  
 1/8" = 1'-0"

REVISIONS	BY

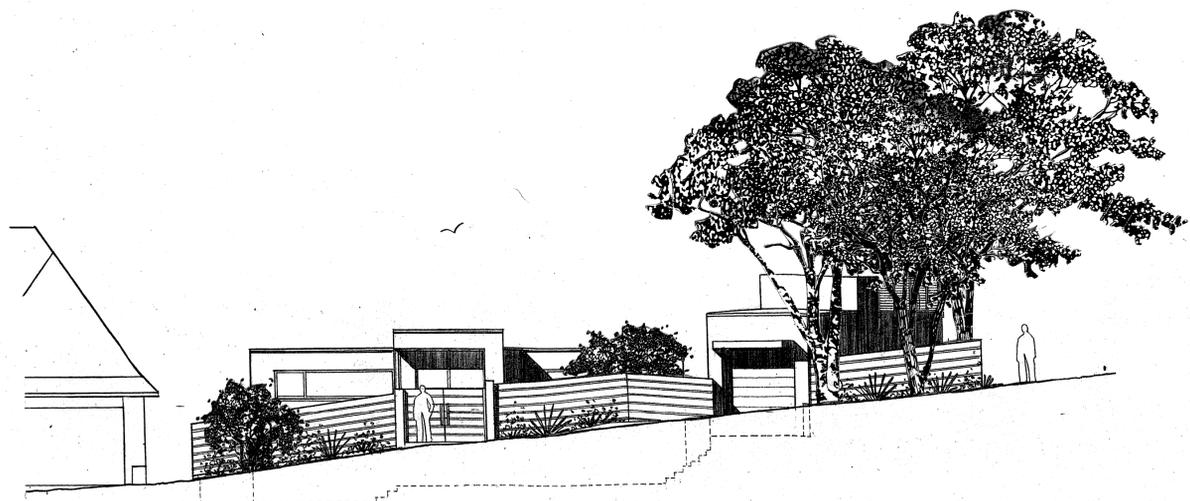
**Dotter & Soljeld**  
 Architecture + Design  
 4801 PARK BOULEVARD  
 OAKLAND, CALIFORNIA 94602  
 PHONE 510 530 9231 FAX 510 530 9223

**GOLDEN RESIDENCE**  
 696 GRAGMONT AVE., BERKELEY, CA.

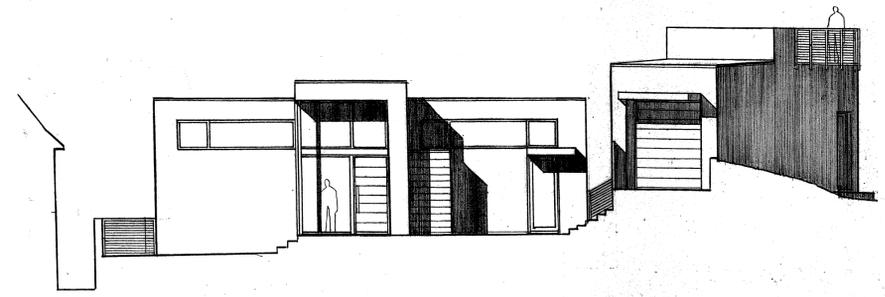
Date	11-21-22
Scale	
Drawn	
Job	
Sheet	AG
Of	Sheets



SOUTH-WEST ELEVATION  
 1/8" = 1'-0"



NORTH-EAST ELEVATION W/FENCE  
 1/8" = 1'-0"



NORTH-EAST ELEVATION  
 1/8" = 1'-0"

REVISIONS	BY

**Dotter & Solfield**  
 Architecture + Design  
 4801 PARK BOULEVARD, 94602  
 OAKLAND, CALIFORNIA  
 PHONE 510 530 9231 FAX 510 530 9233

COHEN RESIDENCE  
 117 STAGMONT AVE., BERKELEY, CA.

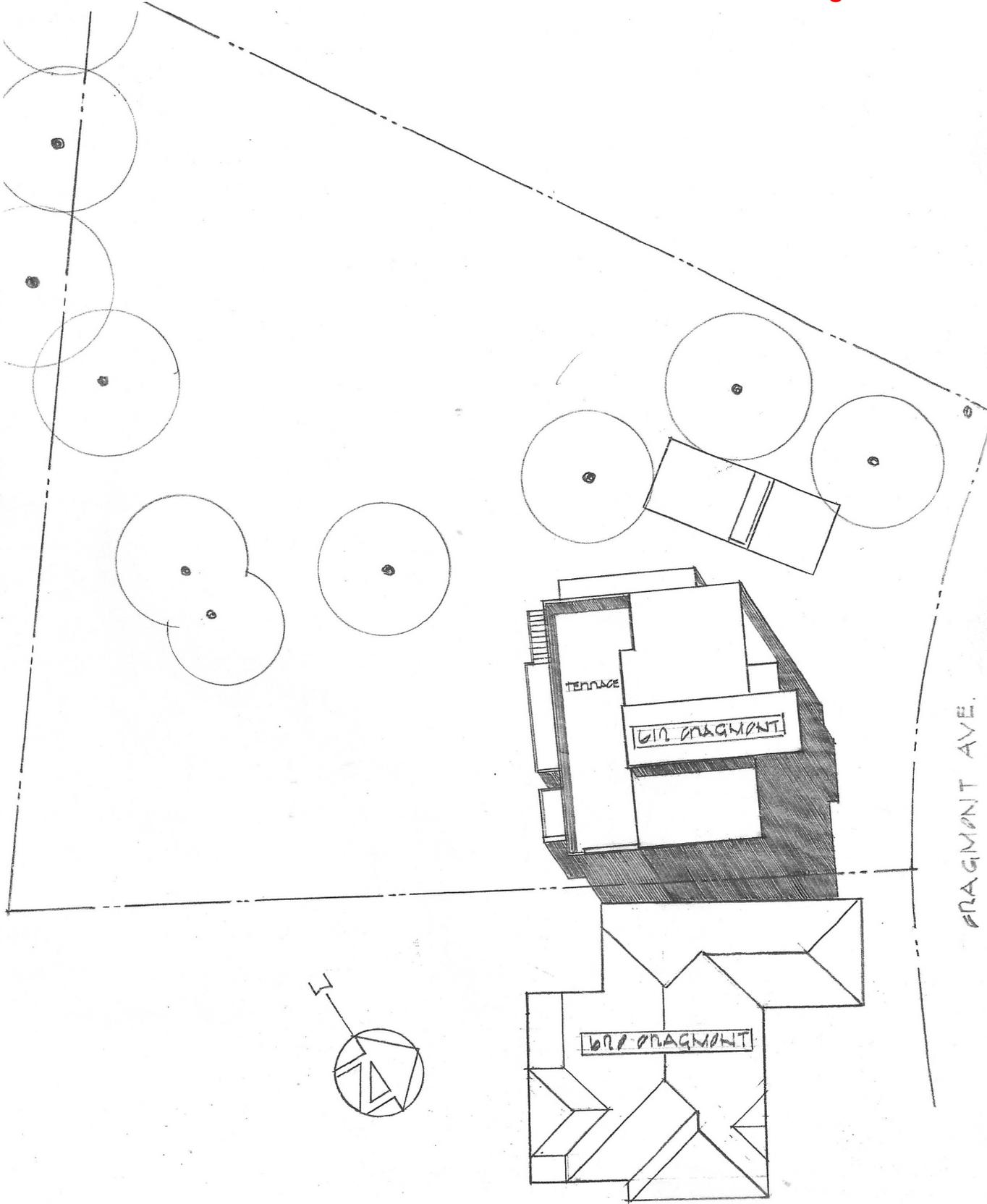
Date 11-01-22

Scale

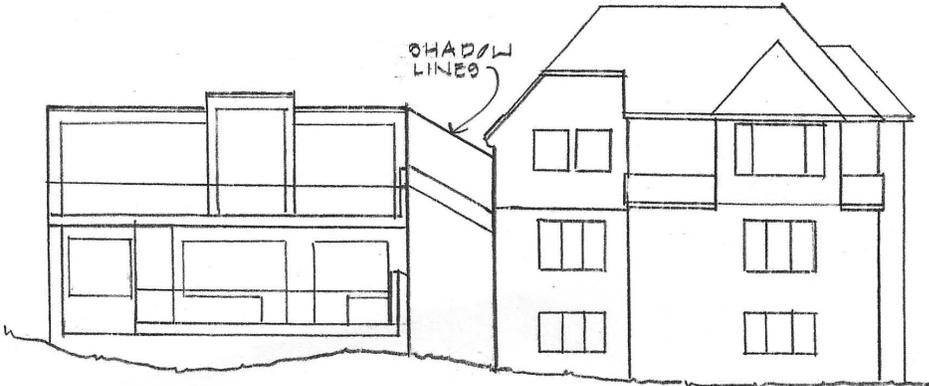
Drawn

Job

Sheet  
 A  
 Of 5 Sheets



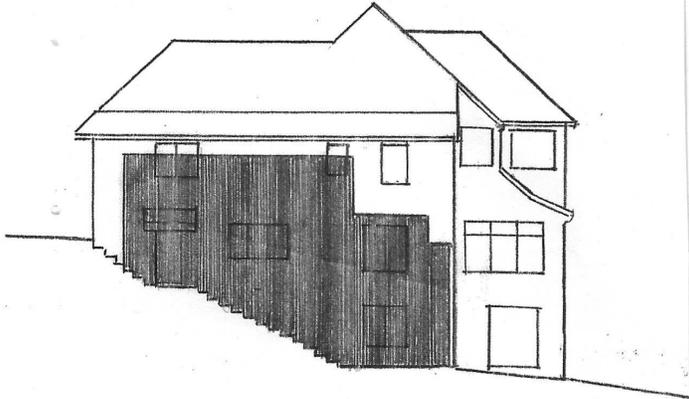
SHADOW STUDY - SUMMER SOLSTICE 2 HRS BEFORE SUNSET



619 FRAGMENT      620 FRAGMENT  
SOUTH-WEST ELEVATION

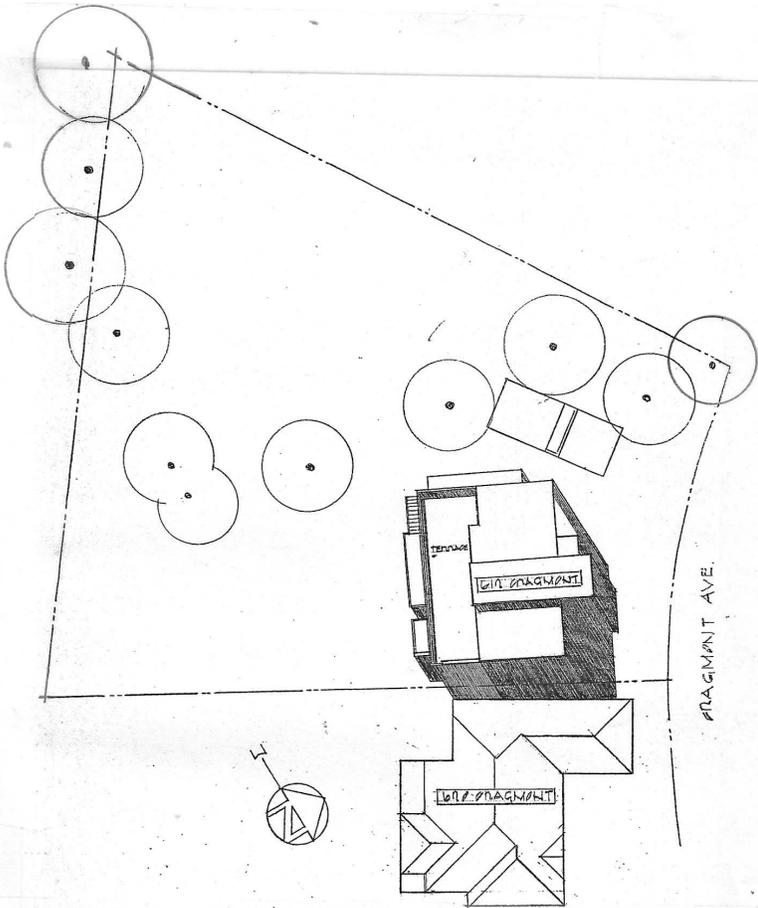


620 FRAGMENT - NORTH-WEST ELEV.  
EXISTING

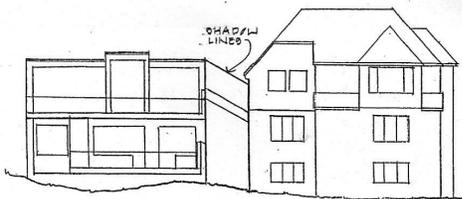


620 FRAGMENT - NORTH-WEST ELEV.  
PROPOSED

SHADOW STUDY - SUMMER SOLSTICE 2 HRS BEFORE SUNSET



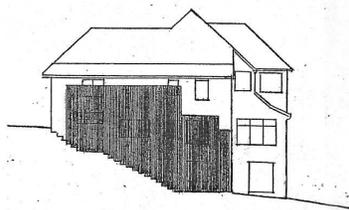
SHADOW STUDY - SUMMER SOLSTICE 2 HRS BEFORE SUNSET



619 FRAGMENT      620 FRAGMENT  
SOUTH-WEST ELEVATION

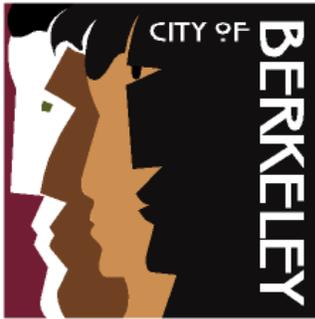


620 FRAGMENT - NORTH-WEST ELEV.  
EXISTING



620 FRAGMENT - NORTH-WEST ELEV.  
PROPOSED

SHADOW STUDY - SUMMER SOLSTICE 2 HRS BEFORE SUNSET



# Z O N I N G A D J U S T M E N T S B O A R D

## NOTICE OF PUBLIC HEARING

### (0)612 Cragmont Avenue

**Use Permit #ZP2021-0177 to construct a new 2,095 square-foot two-story (33 feet) single-family dwelling and a one-story detached one-car garage with a roof deck (20 feet) on a 16,550 square feet vacant lot.**

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.404.

**When:** Thursday, March 9, 2023, 7:00 pm

**Where:** Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

**Please see the Agenda for details:** [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-03-09\\_ZAB\\_Agenda.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-03-09_ZAB_Agenda.pdf)

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.**

*For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.*

*Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.*

#### A. Land Use Designations:

- General Plan: LDR- Low Density Residential
- Zoning: R-1H - Single-Family Residential District, Hillside Overlay Zone

#### B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.202.020(A) to add a new single-family dwelling.
- Administrative Use Permit (AUP) pursuant to BMC Section 23.304.060(C)(2)(a) to add an enclosed accessory structure within the front half of the lot depth.
- AUP pursuant to BMC Section 23.304.060(C)(2)(a) to add an enclosed accessory structure greater than 24 feet in length.

- AUP pursuant to BMC Section 23.304.080(A) to construct a fence exceeding 6 feet in height.

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

**D. Parties Involved:**

- Applicant Russ Dotter, 4801 Park Boulevard, Oakland
- Property Owner Cragmont Berkeley Cohen, LLC  
16 Queen Anne Ct., Millbrae, Ca. 94030

**Further Information:**

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Nilu Karimzadegan, at (510) 981-7430 or [nkarimzadegan@cityofberkeley.info](mailto:nkarimzadegan@cityofberkeley.info).

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info).

**Communication Disclaimer:**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**Written Comments, Communications, and Reports:**

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info). All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

**Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board.** Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.

**Accessibility Information / ADA Disclaimer:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

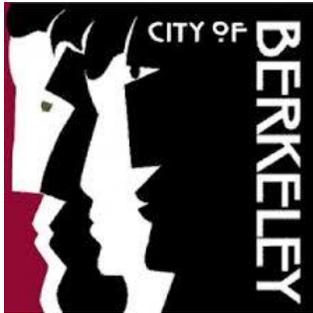
**SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

**Notice Concerning Your Legal Rights:**

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.



**MEMORANDUM**  
Planning and Development Department

**DATE:** January 26, 2023  
**TO:** Nilu Karimzadegan, Associate Planner  
**FROM:** Darya Barar, Consulting Urban Forester  
**SUBJECT:** Peer review plans – 612 Cragmont Avenue

---

I reviewed updated plans prepared by Dotter & Solfjeld Architecture and Design dated July 21, 2021 for a new residence located at 612 Cragmont Ave. and Tree Management Experts Arborist Report dated August 22, 2020. The design reviewed by the arborist is not the plan I reviewed. The plan now incorporates the preservation of coast live oaks (*Quercus agrifolia*) #8, 9, 11, and 12. The project arborist should develop site-specific Tree Protection Guidelines and monitor trees during construction.

I recommend that the following Tree Protection Measures be in place and the trees be monitored throughout construction by the project arborist. The calculated Tree Protection Zone (TPZ) for each protected oak is as follows:

Tag #	Diameter (in.)	Condition	Calculated TPZ radius
8	14	Fair	9.5 ft.
9	18,10	Good	12 ft.
11	3	Good	Fence entire dripline
12	13	Fair	8.5 ft.

1. Install TPZ fencing for the duration of construction.
  2. Roots should be cut with a saw to provide a flat and smooth cut. Removal of roots larger than 2 inches in diameter should be avoided.
  3. If roots 2 inches and greater in diameter are encountered during site work and must be cut to complete the construction, the Consulting Arborist must be consulted to evaluate impacts on the health and stability of the tree and recommend treatment.
    - a. Where clearance pruning is required tree pruning must be completed by a Certified Arborist or Certified Tree Worker in accordance with the most recent editions of the Best Management Practices for Pruning (International Society of Arboriculture) and the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
    - b. Branches extending into the work area that can remain shall be tied back. Where construction will occur close to trees, install temporary branch protection devices such as winding silt sock wattle around the branch.
-