

OPEN CREEKS: Requirements for development within 30 feet of an open creek centerline

Structure	Activity	Regulation ¹	Berkeley Municipal Code Section	Permit Required by the City of Berkeley Creeks Ordinance ²
Roofed Structures	Repair / Maintenance / Interior construction	Allowed		None
	New Roofed Structures (houses, garages)	0 - 30' = prohibited	17.08.050.D	Variance
	Vertical Expansion of Roofed Structures (up or down)	0 - 30' = allowed	17.08.050.B	Creek Permit
	Horizontal Expansion of Roofed Structure	0 - 25' = prohibited	17.08.050.D	Variance
		25' - 30' = allowed	17.08.050.C	Administrative Use Permit
	Replacement of Roofed Structure after Involuntary ³ Destruction	Allowed	17.08.055	By-right for strictly residential buildings with up to 4 units; otherwise Use Permit
Replacement of Roofed Structure after Voluntary Destruction ⁴	Allowed	17.08.058	Use Permit	
Decks	Repair / Maintenance	0 - 30' = allowed		None
	New decks / Expansion of deck	0 - 10' = prohibited	17.08.052.C	Variance
		10' - 30' = allowed	17.08.052.A; 17.08.052.D	Creek Permit
	Rebuild (50% or more)	0 - 10' = allowed	17.08.052.B; 17.08.052.D	Administrative Use Permit
10' - 30' = allowed		17.08.052.A; 17.08.052.D	Creek Permit	
Paving	Impervious paving	0 - 30' = prohibited	17.08.053.A	Variance
	Pervious (permeable) paving	0 - 10' = prohibited	17.08.053.C	Variance; except for footpaths which are allowed by right
		10' - 30' = allowed	17.08.053.B	None
Bridges	Repair / Maintenance	Allowed		None
	New / Replacement	clear span to pass water in 1:100 year storm event	17.08.054	By-right; Variance to build bridge not meeting the standard
Walls, drains, etc.	No interference with the watercourse is allowed. Walls, culverts, drains, bulkheads, riprap, debris in any open creek, in the channel or on the banks may be permitted if no other reasonable means are available.	Prohibited unless there are no other reasonable means available	17.08.040; 17.08.060	Creek Permit

¹All distances measured horizontally from the creek centerline.

²All development is also subject to the City of Berkeley Building Code, Zoning Ordinance and any other applicable State and local regulations. Building Permits, Zoning Permits and State permits may be required for specific projects. Variance may be granted by the Zoning Adjustments Board in certain cases were the Creeks Ordinance cannot be met and all required Variance findings can be met (BMC Chapter 23B.44).

³Involuntary destruction includes fire, earthquake and flood.

⁴Voluntary destruction is the demolition of a building or structure under the authority of the property owner (e.g. they want to tear down and rebuild). This generally requires a Use Permit under the Zoning Ordinance (BMC 23C.04.090 and 23C.08.020)