



Standard Conditions of Approval (COAs) Amendment to BMC 23.406.020

Item 11a – Public Hearing, Planning Commission

March 5, 2025

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Agenda

- I. Standard Conditions of Approval
- II. BMC Amendment
- III. Recommendation
- IV. Questions & Discussion

I. Standard Conditions of Approval

What are Standard Conditions of Approval?

Berkeley Municipal Code (BMC) Chapter 23.404.050

- authority to place conditions on *discretionary* permits (AUPs and UPs).



Current Application and Administration

- Internal staff report checklist template that is reviewed for all discretionary projects;
- Included in all AUP and UP staff reports and entitlement approvals;
- Listed on plans reviewed and approved for building permit issuance.



What are Standard Conditions of Approval?

- **City requirements**, such as design review, noise reduction, construction phasing and times, toxics storage, and materials diversion;
- **County requirements**, such as environmental site clearance and discovery of human remains;
- **Regional requirements**, such as Bay Area Air District emissions regulations for construction equipment, and SF Bay Regional Water Quality Control Board regulations; and
- **State requirements**, such as Dept. of Toxic Substance Control compliance, affordable housing requirements for State Density Bonus, alcoholic sales and services rules, and Tribal Cultural Resources preservation.





Property Address:
Application Number:

Project Phase

CONDITIONS OF APPROVAL

Authority

Timing

Enforcement
Body

V. During Demolition/Construction A. Building & Safety		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/Monitoring</u>
1	Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal holiday.	City of Berkeley	During Demolition/Construction	Building & Safety
2.	Construction Hours Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The Project shall not be allowed more than 15 extended working days.	City of Berkeley	During Demolition/Construction	Building & Safety
3.	Project Construction Website. The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant: - Contact information (i.e. "hotline" phone number, and email address) for the Project construction manager - Calendar and schedule of daily/weekly/monthly construction activities - The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.	City of Berkeley	During Demolition/Construction	Building & Safety
4.	Construction / No Parking Permits. Contact the Permit Service Center at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and	City of Berkeley	During Demolition/Construction	Building & Safety

Archeology and Tribal Cultural Resources

Middle Housing General Plan Amendments Tribal Consultation (SB 18)

- Update of the City's Archeological Resources Map
- Revisions to conditions regarding:
 - Archeology
 - Paleontology
 - Tribal Cultural Resources
 - Human remains

II. Amendment

Conditions of Approval and Entitlements

BMC Chapter 23.404.050 (Public Hearings and Decisions)

H. *Conditions of Approval.*

1. The review authority may attach conditions to any **permit** as it deems reasonable or necessary to achieve consistency with the General Plan and Zoning Ordinance, and to promote the public health, safety, and welfare.
2. As a condition of approval, the City may require an applicant to provide adequate financial security to guarantee the proper completion of an approved project.
3. Any approval may be subject to time limits.

Proposed Middle Housing changes would permit residential projects with a Zoning Certificate, which *is not* a permit, but rather, a ministerial approval.

Conditions of Approval and Entitlements

BMC 23.406.020 (Specific Permit Requirements – Zoning Certificates)

E. Review and Action.

1. The Zoning Officer shall review a Zoning Certificate application to verify compliance with the Zoning Ordinance. If the project complies with all applicable requirements, the Zoning Officer shall approve the application.
2. The Zoning Officer may attach to the Zoning Certificate project plans and other information as needed to document project compliance with the Zoning Ordinance.
3. The Zoning Officer may attach to the Zoning Certificate any applicable uniformly applied Standard Conditions of Approval.

III. Recommendation

Recommendation

- Conduct a public hearing
- Adopt a resolution making a recommendation to City Council:
 1. Approve the amendment to BMC Section 23.406.020;
 2. Accept the Conditions of Approval document;
 3. Authorize staff to periodically amend the Conditions of Approval document without return to City Council.





IV. Questions & Discussion

Thank you!

E-mail questions to – Justin Horner, Principal Planner

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