



# STATEMENT OF COMPLIANCE WITH THE OAKLAND CREEK PROTECTION ORDINANCE

Pursuant to the Creek Protection, Storm Water Management and Discharge Control Ordinance, Chapter 13, Article 16, of the Oakland Municipal Code, a Creek Protection Permit is required for any proposed construction activity occurring on a Creekside property. The extent to which your development will be regulated by the Creek Protection Ordinance depends upon the location and type of proposed work (see reverse).

Project Address: \_\_\_\_\_

Assessor's Parcel No. \_\_\_\_\_

(Please Print)

**I ATTEST THAT:** *(check as appropriate)*

- (1) I have reviewed the characteristics of the project site, as well as all relevant maps and plans, and based on the Creek Determination criteria provided on the reverse of this Statement, I certify that no Creek exists on or near the project site. ***I understand, however, that if the City determines that a Creek exists on or near the project site, a Creek Protection Permit is required.***
- (2) Based on the attached report prepared by a relevant licensed professional, I certify that no Creek exists on or near the project site. ***I understand, however, that if the City determines that a Creek exists on or near the project site, a Creek Protection Permit is required.***
- (3) I request a field inspection by the City of Oakland to determine if there is a creek on the proposed project site. I agree to pay a \$100 non-refundable Creek Determination fee to the CEDA cashier.
- (4) Based on the description of the Creek Protection Permit Categories provided on the reverse of this Statement, the proposed project site is subject to the Oakland Creek Protection Ordinance, and the location and type of work proposed will require, to the best of my knowledge, a Category 1 or Category 2 Creek Permit. ***I understand, however, that the City will determine that actual Creek Protection Permit Category required for the project at the time of application for a Creek Permit.***
- (5) Based on the description of the Creek Protection Permit Categories provided on the reverse of this Statement, the proposed project site is subject to the Oakland Creek Protection Ordinance, and the location and type of work proposed will require, to the best of my knowledge, a Category 3 or Category 4 Creek Permit. ***I understand, however, that the City will determine that actual Creek Protection Permit Category required for the project at the time of application for a Creek Permit.***
- (6) I am aware I am responsible for contacting and obtaining all required permits from the relevant state and federal permitting agencies (for Category 3 and Category 4 permits only).

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

Name: \_\_\_\_\_

Property Owner

Address: \_\_\_\_\_

Agent for Owner

Telephone: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Appeal of an Environmental Services Division Creek Determination may be submitted to the City of Oakland Planning Commission within 10 days of the date of a written decision from the Manager of the Environmental Services Division.

Appeal of decisions regarding a Creek Protection Permit may be submitted to the City of Oakland Planning Commission within 10 days of the date of a written decision from the Director of Building Services.

TO BE COMPLETED BY STAFF IF FIELD INSPECTION IS REQUESTED. (PTS CODE: 'PWCD')

Date forwarded to Field Inspector: \_\_\_\_\_ Inspector Name/Signature: \_\_\_\_\_

Field Inspector's Finding:  Creekside  Not Creekside

Zoning Permit No.: \_\_\_\_\_

Building Permit No.: \_\_\_\_\_



# APPLICANT'S STATEMENT OF COMPLIANCE WITH THE CREEK PROTECTION ORDINANCE

---

## WHAT IS A CREEK?

*"A **Creek** is a watercourse that is a naturally occurring swale or depression, or engineered channel that carries fresh or estuarine water either seasonally or year around."*

A creek must include the following two components:

1. The channel is part of a contiguous waterway. It is hydrologically connected to a waterway above or below the site or is connected to lakes, the estuary, or Bay. Creek headwaters, found at the top of watersheds, are connected in the downhill direction. Additionally, creeks in Oakland are often connected through underground culverts. Only the open sections of creeks are subject to the permit, and
2. There is a creek bed, bank and topography such as a u-shape, v-shape channel, ditch or waterway. (identified through field investigation, topographical maps, and aerial photos).

To help with identification in the field a creek may also have the following features (the absence of these features does NOT mean there is no creek):

- A riparian corridor: a line of denser vegetation flowing downhill, this is sometimes missing due to landscaping or vegetation removal practices, landslide or fire.
- The channel has a bed with material that differs from the surrounding material (i.e. more rocky, or gravelly, little or no vegetation).
- There are man-made structures common to waterways, for example bank retaining walls, trash racks, culverts, inlets, rip rap, etc.

## CREEK PROTECTION PERMIT CATEGORIES

The extent to which your development or construction will be regulated by the Creek Protection Ordinance depend on the location and type of work proposed. Each category has varying requirements for compliance.

**CATEGORY 1:** Interior construction and alterations including remodeling. *This is a no fee permit and only requires distribution of educational materials.*

**CATEGORY 2:** Exterior work that does not include earthwork and is located more than 100 feet from the centerline of the Creek. *This permit requires a site plan and distribution of educational materials.*

**CATEGORY 3:** Exterior work that is located between 20 feet from the top of the Creek bank and 100 feet from the centerline of the Creek; Exterior work that includes earthwork involving more than three (3) cubic yards of material, beyond 20 feet from the top of the Creek bank. *This permit requires site plan, creek protection plan and environmental review.*

**CATEGORY 4:** Exterior work conducted from the centerline of the Creek to within 20 feet from the top of the Creek bank. *This permit requires site plan, creek protection plan, environmental review and hydrology report.*