



SB 35 PRELIMINARY APPLICATION

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SB 35 Preliminary Application

California Senate Bill 35 (SB-35) applies in cities that are not meeting their Regional Housing Need Allocation (RHNA) goal. Codified in Government Code Section 65913.4, SB 35 requires local entities to streamline the approval of a housing development project¹ by providing a ministerial approval process.

Currently, Berkeley is not meeting the RHNA goal for affordable housing below 80 percent of the Area Median Income (AMI), therefore, projects providing a minimum of 50 percent of the project units on-site as affordable housing at 80 percent AMI are eligible for streamlining in Berkeley, provided they meet all of the eligibility criteria.

Additional Information

- [SB 35 Housing Development Application Submittal Requirements](#) (must accompany this application)
- [SB 35 Application Eligibility Requirements](#)
- [How to Submit a Zoning Project Application](#)

PROJECT INFORMATION

Project Address(es):

Unit(s)/Suite(s) #:

Assessor Parcel Number(s):

Project Description:

(include applicable demolition/removal, proposed use(s), total square feet of new/addition, height, number of units and very-low income units, and parking)

PROPERTY OWNER'S NAME:

Owner's Mailing Address:

Phone Number:

Email:

APPLICANT'S NAME (or enter "same."):

Applicant's Mailing Address:

Phone Number::

Email:

¹ A "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 with at least two-thirds of the square footage designated for residential use; (C) Transitional housing or supportive housing.



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With this Preliminary Application, Applicants state their intention to submit an SB 35 Housing Development Application, subject to the laws and codes in effect at the time of this submittal.

The SB 35 Preliminary Application also initiates a consultation process with California Native American tribes that are affiliated with the project site area. You will be notified of the outcome of the process, with a determination of whether the project is eligible to submit an SB 35 Development Application. Submittal of the Preliminary Application does not preclude the listing of a tribal cultural resource on a national, state, tribal or local historic register list on or after the date of submittal. For more information, please refer to the Governor’s Office of Planning and Research publication, [AB 168: Tribal Scoping Requirements for Projects Seeking Review Under the Streamlined Ministerial Approval Process](#).

SB 35 Preliminary Application Submittal Requirements (must accompany this application)

SB 35 Application Eligibility Requirements

DRAWINGS PROTECTED BY COPYRIGHT STATEMENT

Effective January 1, 2023, (State Government Code, Section 65103.5 (e), SB 1214), if an official copy of architectural drawings are submitted to the Land Use Division of the Planning and Development Department as part of a zoning permit application, the design professional (or the owner of the copyright if different from the design professional) may submit a separate “site plan” or “massing diagram” for posting online or for distribution to the public.

If a separate “site plan” or “massing diagram” is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

A massing diagram and a site plan are defined as follows per Government Code Section 65103.5 (f): “Massing diagram” means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

“Site plan” means a document for a project that is drawn to scale and displays all of the following: property lines, setback lines, topographic lines, easements, drainage, utilities, lighting, driveways, surrounding streets and traffic flow, parking lots and parking spaces, landscaped areas, setback distance between buildings and property lines, outline of existing and proposed buildings and structures, distance between buildings, and ground sign location.

PLEASE CHECK ONE OF THE FOLLOWING (required):

- My application includes a separate “site plan” or “massing diagram,” defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.
- Permission is granted to make publicly available the submitted architectural drawings without restriction to posting online or distribution to the public.

Under penalty of perjury, I certify that:

- (1) the application materials are true and complete to the best of my knowledge; and
- (2) if provided, the attached paper and electronic copies of this application are the same; and
- (3) I agree to pay all expenses associated with this application

(*Owner’s signature, or signed letter authorizing applicant to apply on owner’s behalf, is required for all applications)

APPLICANT’S SIGNATURE:

Printed Name:

Date:

OWNER’S SIGNATURE:

Printed Name:

Date: