


Office of the City Manager

November 17, 2014

To: Eric Angstadt, Planning and Development Director
From: Christine Daniel, City Manager 
Subject: September 9, 2014, Council Agenda Item 45 – Creation of an LGBTQ Equal Housing Ordinance

On September 9, the City Council adopted Agenda Item 45, to “[r]efer to the City Manager to create and adopt an LGBTQ Equal Housing Ordinance.” Specifically, item 45 described a San Francisco ordinance that requires applicants for residential or mixed-use projects of ten dwellings or more to provide specified information about the applicant’s policies with respect to discrimination based on sexual orientation and gender identity in the provision of housing.

While California’s Fair Employment and Housing Act (FEHA) generally preempts local ordinances prohibiting housing discrimination¹, FEHA does not preempt local governments’ collection of information regarding applicants’ non-discrimination policies or investigation of discriminatory housing practices.² Accordingly, the City may collect this information and report it to the California Department of Fair Employment and Housing.

In Berkeley the information that must be submitted as part of an application for a development project is within the discretion of staff. (BMC § 23B.24.030.) Accordingly, I am directing Planning Staff to amend the City’s Zoning Project Submittal Requirements (**Attachment 1**) to include the provisions outlined below. In particular, Planning Staff shall re-label the existing Section III.B.1 (Housing Affordability Statement) as “Section III.B.1.a” and shall include the following “Applicant Anti-Discriminatory Housing Policies” language, or substantially similar language from the Planning and Development Director, as “Section III.B.1.b.” Section III.B.1.b shall be applicable to all applications to create five or more dwelling or live/work units, or additional condominium units resulting in five or more condominium units, on the site.

Section III.B.1.b

(b) Applicant Anti-Discriminatory Housing Policies

Required for any project creating:

1. Five (5) or more dwelling or live/work units, or
2. Additional condominium units resulting in five (5) or more condominium units built after 1986 on the site.

¹ “[I]t is the intention of the Legislature to occupy the field of regulation of discrimination in employment and housing encompassed by the provisions of this part, exclusive of all other laws banning discrimination in employment and housing by any city, city and county, county, or other political subdivision of the state” (Cal. Gov. Code, § 12993(c); 42 Op. Atty. Gen. 114, 10-14-63.)

² “Nothing in this part shall preclude the government from establishing programs to collect information relating to discriminatory housing practices.” (Cal. Gov. Code, § 12955.5.)

Submit a written statement answering the following questions and **provide** the requested documentation, if applicable:

- (1) Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in states or jurisdictions outside of California?
- (2) If the answer to (1) is yes, in which States?
- (3) If the answer (1) is yes, does the applicant or sponsor, as defined in (1), have policies in individual States that prohibit discrimination based on sexual orientation, gender identity, and/or gender expression in the sale, lease, or financing of any dwelling units enforced on every property in the state or states where the applicant or sponsor has an ownership or financial interest?
- (4) If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?
- (5) If the answer to (3) or (4) yes, please provide a copy of that policy or policies as part of the application to the Planning Department.

The Planning Department shall not accept an application as complete unless the applicant answers the application questions identified above. The Planning Department's processing of and recommendations or determinations regarding an application shall be unaffected by the applicant's answers to the questions presented.

In addition, I am directing Planning Staff to amend the Zoning Project Application Form (**Attachment 2**) to list in the right-hand column of Item #10, on page 2, that the new Section III.B.1.b is required of such project applicants, and I authorize the Planning and Development Director to make additional amendments as necessary to satisfy this Directive.

Attachments:

1. City of Berkeley Zoning Project Submittal Requirements.
2. City of Berkeley Zoning Project Application Form.

cc: Honorable Mayor and Members of the City Council
Zach Cowan, City Attorney
Mark Numainville, City Clerk
Matthai Chakko, Public Information Officer



PLANNING & DEVELOPMENT

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I. ZONING PROJECT SUBMITTAL REQUIREMENTS

- For: Administrative Use Permits
 Use Permits
 Variances
 Modification of any of the above
 Pre-Applications

Effective March 6, 2014

NOTE TO APPLICANTS:

- **Effective November 4, 2013, all application materials must be submitted electronically and in hard copy. For details, please review page 2 of this document.**
- This document is intended to provide submittal requirements for most zoning applications. However, additional materials may be required for some applications, depending on the nature of the proposed project. In such cases, the project planner will request this information within 30 days of application submittal. Additional materials may also be required in order to comply with the California Environmental Quality Act (CEQA).
- All application materials become the property of the City of Berkeley and are subject to public review.
- You are responsible for the accuracy and completeness of all application materials. Incorrect or incomplete information may result in delay or denial of your application.
- All application materials must be clear and legible. Faxes, poor reproductions, and cluttered or confusing drawings will not be accepted.

How to determine what information is required for YOUR application:

- For each requirement listed in this document, staff has identified the types of projects the requirement applies to. For example, all of the items listed in Section I are required for all projects, while surveys (Item III.A.1) are only required for new main buildings or expansion of existing buildings within two feet of required setback lines.
- This document is a companion to the Zoning Project Application Form (Item I.A). We suggest you first complete that form, answering "yes" or "no" to each question on pages 2 and 3. For each "yes" answer, note the requirement indicated in the right-hand column, and find the corresponding section of this document for a more detailed description of the requirement.
- For certain requirements, this document provides hyperlinks to required forms or guidelines with further instructions. All required forms and guidelines are available on the "Frequently Requested Forms" page at:

http://www.ci.berkeley.ca.us/Online_Service_Center/Home/Frequently_Requested_Forms.aspx.

Electronic Submissions

Submit all application materials in both paper and electronic format¹, according to the requirements stated below. The purpose of these requirements is to:

- Allow application materials to be more easily posted and reviewed online using the City's new permit database ("Accela Citizen Access").
- Reduce City staff expenses from having to scan application materials.
- Prepare customers for future on-line application submittal.
- Reduce electronic files to manageable sizes.

Requirements:

- Submission Format: All files must be submitted in PDF format on CD (not via e-mail or on USB drive).
- Electronic documents (i.e., created using a computer program such as Microsoft Word, Excel, or AutoCAD) and digital photographs shall be converted to Adobe PDF format using "Save As PDF" or "Print As PDF" commands.
- Non-electronic (e.g., typewritten or handwritten) documents shall be converted to PDF format by scanning.
- Resolution:
 - Text documents: 100 to 150 DPI/PPI. (If converting electronic document to PDF, use "standard" setting in Adobe Acrobat, or 144 DPI setting in Cute PDF Writer.)
 - Plans, photos, and other graphics: 300 DPI/PPI. (To reduce file size, disable editing capabilities, "flatten" all layers², and use "Reduced Size PDF" function when available.)
- Total Size:
 - If total size of all PDFs is 20 MB or less, combine all documents into a single PDF file.
 - If total size exceeds 20 MB, combine documents from Section I (e.g., application form, applicant statement, pre-application poster) into a single PDF, and submit all other documents as separate PDFs.

If you do not have access to software which allows multiple PDFs to be combined (e.g., Adobe Acrobat Pro), submit individual PDF files and City staff will combine them.

¹ For large documents (e.g. Phase I or geotech reports), but not including plans, the project planner may waive the requirement for a paper copy, on a case-by-case basis. Please consult with planner.

² "Flattening" the files means the individual "layers" that often comprise large architectural and engineering plan sets are reduced down to one layer. As a result, the PDF file becomes much smaller and therefore more easily managed. For more information on PDF "flattening", please visit <http://helpx.adobe.com/acrobat/kb/printing-complex-pdfs-acrobat.html>.

I. Required For All Projects

Submitted?

A. Zoning Project Application Form

Form available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Zoning%20Project%200App%20Form_03-04-2014.pdf

B. Fees

Submit required fees to the cashier in the Permit Service Center

Fee schedule available online at:

[http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Fee%20Schedule%202011-06-16\(1\).pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Fee%20Schedule%202011-06-16(1).pdf)

C. Applicant Statement

Submit a written statement (on separate 8½" x 11" paper) that briefly describes the proposed project and how it satisfies the findings required by the Zoning Ordinance. For applications to modify a prior permit, described the proposed changes from the approved project.

D. Neighbor Pre-Application Contact

Required for any residential project in the Residential Districts:

Submit signatures of abutting & confronting residential neighbors (owners and occupants) on a table on the first page of the plan set.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_ID_Neighbors_Signatures_Instructions.pdf

Required for Projects of Community or Neighborhood Interest³:

Prior to application submittal, the applicant must: (1) obtain from the Land Use Planning Division a list of all property owners, residents, and neighborhood organizations within 300 feet of the project site, (2) invite those on the list to at least one neighborhood meeting to review the project plans and discuss any questions or concerns, and (3) hold the meeting and keep a record of attendance and topics discussed.

Submit evidence of mailed invitations, attendance list, and meeting notes.

Other major non-residential projects are strongly encouraged, but not required, to follow this procedure.

³ Projects of Community or Neighborhood Interest: 1) Any project in a Residential District that would create 6 or more bedrooms on a parcel within ½ mile of the UC Campus (or the area confined by Grant Avenue on the west, Derby Street on the south, and Rose Street on the north); and 2) Any project in a non-residential district that involves three or more stories, a Density Bonus under Section 65919 of California State Law, a Floor Area Ratio ≥ 2.00, or more than 10,000 square feet gross floor area.

I. Required For All Projects

E. Pre-Application Poster

Submitted?

Submit a color photo of the pre-application poster installed at the front of the site in accordance with the following guidelines.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/E.Pre-AppSignInstructions.pdf

Sample signs available online at:

Small projects:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/E.Pre-AppSignSample_SmallProjects.pdf

Large projects:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/E.Pre-AppSignSample_LargeProjects.pdf

F. Site Photographs

Submit one set of exterior photos, as follows:

- Mount or copy photos on 8½" x 11" sheets with captions or a key giving the location of each photo.
- Provide adequate photos to show entire project site and all adjacent buildings. Where possible, take wide-angle shots showing project site and adjacent buildings together.
- Grayscale preferred.

II. Required For All Projects Involving Construction

(New Structures, Additions, Demolition, Exterior Alterations, and Changes of Use)

A. Plans – General Requirements

1. All plans must include:

- Name of person preparing plans (licensed architect required for certain projects, see Item 3 below)
- Dates of preparation and revision
- Project address
- Scale (see Item 2 below for minimum scales)
- North arrow
- Legend describing all symbols and notations
- Building Code Construction and Occupancy Types
- Tabulation form (see Item II.F)

II. Required For All Projects Involving Construction

(New Structures, Additions, Demolition, Exterior Alterations, and Changes of Use) Submitted?

2. Number of Plan Sets / Minimum Scale (Hard Copies):

- Two (2) sets at 11" x 17" or 12" x 18". Must meet minimum scale of 1/16" for site plan and 1/8" for all other drawings. If site or building is too large to fit on sheets at minimum scale, provide one (1) additional larger set meeting minimum scale.
- One (1) reduced set at 8½" x 11" (minimum scale not required).
- **For Use Permit applications only**, fifteen (15) additional 11" x 17" or 12" x 18" sets must be submitted at least two weeks prior to the hearing, or as requested by the project planner.
- Additional plan sets may be required by the project planner, if necessary to facilitate project review.

3. Architect or Engineer Required for Certain Projects

Plans that require preparation by a licensed California architect or engineer under the California Architects Practice Act shall bear the architect or engineer's stamp and signature on each sheet. Projects requiring an architect or engineer include construction, alteration, improvement or repair of (1) any non-residential or mixed-use building; (2) any residential building or group of buildings over 4 units; (3) any residential building over 2 stories or not of wood frame construction; and (4) any garage or other residential accessory structure over 2 stories. This requirement may be waived for projects involving only minor alterations or repairs; consult with a planner. **For further information, visit www.cab.ca.gov.**

B. Site Plan

Required for all projects, unless waived by planner. Must show the following:

- Property lines, with lot dimensions
- Building footprint(s), dimensions, **required setbacks**, and projections such as eaves, balconies and bays. Show all buildings, including garages, sheds, etc.
- Use shading, hatching or other appropriate method to indicate proposed additions.
- Any portions of neighboring buildings within 20 feet of property lines.
- Driveways and parking spaces with dimensions, location of handicapped parking spaces, bicycle racks, and security gates.
- Fences and retaining walls (indicate height), decks, patios, hot tubs, and other similar features.
- Significant natural features such as trees (indicate species, trunk diameter and drip line), creeks (indicate banks or culvert outline), and prominent landforms.

Example available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_IIB_Site_Plan_Samples.pdf

**II. Required For All Projects Involving Construction
(New Structures, Additions, Demolition, Exterior Alterations, and Changes of Use)** Submitted?

C. Floor Plans

Required for all projects with interior changes. Must show the following:

- All floors, including mezzanines, basements, and attics.
- Uses of all rooms (existing and proposed), per the California Building Code.
- For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.

D. Building Elevations

Required for projects with exterior changes. Must show the following:

- Depict all exterior features and openings, including finishes and materials.
- Indicate average building height (as defined in Zoning Ordinance; see link below), finished floor elevations, and grade. For projects in "H" District, indicate maximum building height also.
- Where appropriate, show adjacent features such as fences, landscaping, and other buildings and property lines.

A diagram showing how height is calculated under the Zoning Ordinance is available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline IID Building Height Instructions.pdf

E. Hazardous Waste and Substances Statement

Required for all projects (including residential).

Available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20II.E%20Hazardous%20Waste%20and%20Substances%20Statement.pdf

F. Tabulation Form

Required for all projects except commercial changes of use (unless determined necessary by the project planner). Incorporate the form into plan set (on cover sheet, if possible).

An example is available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Tabulation_Form.pdf

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

A. Studies, Plans, and Graphics:

1. Boundary/Topographic Survey

Required for:

- Any new main building
- Expansions of a building footprint or the creation of accessory building/structures less than two feet from, or within, a required setback
- Other projects as determined necessary by the planner.

Submit a survey meeting the following requirements:

- Wet-stamped and signed by a licensed California surveyor or appropriately licensed civil engineer.⁴
- Minimum scale of 1/10" = 1'.
- Shows all property lines, curb and sidewalk, spot elevations, existing structures, and setbacks to all property lines.
- For projects in the "H" District, survey must be no more than five years old and must show contour lines with minimum 5-foot intervals.

2. Conceptual Grading Plan

Required for projects with more than 50 cubic yards of cut and/or fill, or as determined necessary by the project planner.

Submit a grading plan meeting the following requirements:

- Prepared by a licensed surveyor, architect or engineer
- Provides estimated quantities and locations of cut and fill
- Shows existing and final elevations

3. Parking Survey

Required for projects requesting a waiver of any off-street parking required under the Zoning Ordinance, or as determined necessary by the project planner. Requirement may be waived for very small parking waivers on a case-by-case basis.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/IA3ParkingSurveyInstructions.pdf. Also consult Office of Transportation at (981-7010) for further information.

⁴ Classification must be specified. Check with project planner.

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

4. Photo Simulations (Photo Montage)

Required for Large Scale Development Projects.⁵

Submit photos of the site before and after project, from at least four angles that demonstrate maximum impact on views from surrounding properties.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_III4_Photo_Simulation_Instructions.pdf

5. Section Drawings

Required for:

- New main buildings in the "H" District
- Additions exceeding 14 feet in average height in the "H" District
- Other projects as determined necessary by the project planner

For projects that are otherwise subject to this requirement, the project planner may waive the requirement if he or she determines that no significant view or bulk/massing impacts would occur.

Submit: Drawings that show adjacent uphill or downhill buildings where views may be affected. Minimum scale is 1/8" = 1'. Show existing and proposed grades.

6. Story Poles

Required as noted above for Section Drawings.

Submit photos of erected story poles from multiple angles, in order to show potential impacts to neighbors' views. Poles must generally be erected prior to application submittal, in order to allow neighbors to provide input on view impacts; however, poles may be erected later if approved by the project planner.

⁵ Large Scale Development Project: Any project in a non-residential district that proposes any of the following: (1) three or more stories, (2) a Density Bonus under Section 65919 of California State Law, (3) a Floor Area Ratio \geq 2.00, or (4) at least 10,000 square feet gross floor area.

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

7. Shadow Study

Required for:

1. New main buildings
2. Additions exceeding 14 feet in average height on sites adjacent a residential use
3. Other projects as determined necessary by the project planner.

For projects that are otherwise subject to this requirement, the project planner may waive the requirement if he or she determines that no significant view or bulk/massing impacts would occur.

Submit a shadow study that meets the requirements listed in the "Shadow Study Instructions", available online at:

[http://www.cityofberkeley.info/uploadedFiles/Online Service Center/Planning/Guideline%20III.A%20Shadow%20Study%20Instructions.pdf](http://www.cityofberkeley.info/uploadedFiles/Online%20Service%20Center/Planning/Guideline%20III.A%20Shadow%20Study%20Instructions.pdf)

8. Street Strip Elevation –

Required for any new buildings (except accessory buildings)

Submit: show street elevations of existing parcel and proposed project; include at least two (2) parcels on either side of the subject parcel on single sheet. Minimum scale is 1/8" = 1'.

B. Projects Subject to Affordable Housing Requirements:

1. Housing Affordability Statement

Required for any project creating:

1. Five or more dwelling or live/work units
2. Additional condominium units, resulting in 5 or more condominium units built after 1986 on the site.

Submit a written statement describing the following:

- How the project complies with the Affordable Housing Mitigation Fee Ordinance (rental projects) or the Berkeley Inclusionary Ordinance (condo or live/work projects)
- Level of affordability that will be provided and/or fee that will be paid
- Number and location of any affordable units, and
- Size and amenities (bedrooms, bathrooms, parking facilities) of affordable units

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

2. (a) Density Bonus Eligibility Statement

Required for projects requesting a density bonus under Government Code Section 65915

Submit:

- A written statement with the following information:
 - a. Number of “base project” units
 - b. Number of affordable units and level of affordability
 - c. Percent density bonus requested and allowed under Section 65915
 - d. Waivers or modifications of development standards necessary to accommodate density bonus (e.g., increased height or FAR, reduced setbacks or parking, etc.)
 - e. Explanation of why each waiver or modification is needed to accommodate density bonus.
- Schematic plans showing a “base project” that complies with all applicable Zoning Ordinance requirements, without any additional Use Permits to waive or modify development standards.

(b) Request for Incentives or Concessions

Required for projects requesting incentives or concessions under Government Code Section 65915

Submit a written statement with the following information:

- Description of incentives/concessions being requested **in addition to** (or instead of) waivers or modifications necessary to accommodate density bonus.
- Financial pro forma statement, as directed by staff, demonstrating that the requested incentives/concessions are necessary to cover the cost of the affordable units.

C. Environmental Documents:

1. Arborist Report

Required for projects involving any construction activity (including paving, storage of materials, and parking of vehicles) within the drip line of a Coast Live Oak (*quercus agrifolia*) tree with a **circumference** of at least 18 inches at 4 feet above the ground (or at least 26 inches aggregate circumference for a multi-stemmed tree).

Submit a report by a certified arborist assessing the project’s impacts on the tree(s) and recommending preservation measures both during and after construction, as applicable. Arborist must be approved by City Forester prior to preparing report.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_IIIC1_OakTree_ordinance_and_diagram.pdf

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

2. Phase I or II Assessment

Required for projects:

- Involving substantial excavation in non-residential zoning districts
- On sites with a history of soil and/or groundwater contamination (see Item II.E)
- Within the Toxic Management Division's Environmental Management Area (EMA map shown at the Permit Service Center and on the City's Website <http://www.ci.berkeley.ca.us/maproom/>).

Contact Toxics Management Division (510) 981-7460 for further details.

3. Seismic Hazard Investigation

Required for all projects in seismic hazard zones shown on the "Environmental Constraints Map"⁶, except: (1) single-family, wood- or steel-frame dwellings not exceeding two stories (as defined by the State Hazards Mapping Act), and (2) additions not exceeding 50 percent of existing floor area or building value.

Submit:

- Geotechnical report satisfying the requirements of "Special Publication 117"⁷ (for landslide and liquefaction zones) and/or California Geological Survey Note 49⁸ (for fault zones).
- Deposit of \$1,500 for peer review of report (additional funds may be required for more complicated projects).

4. Traffic Impact Analysis

Required for:

- Projects creating 10 or more dwelling units, 5,000 square feet of more of gross floor area, or 25 peak hour or more vehicle trips (based on ITE trip generation rates)
- Other projects as determined necessary by the project planner and traffic engineer.

Contact Traffic Engineering Division (981-7010) to determine required scope of study.

⁶ Available in Permit Service Center or at www.ci.berkeley.ca.us/maproom

⁷ Available at <http://www.conservation.ca.gov/cgs/shzp/webdocs/Documents/sp117.pdf>.

⁸ Available at http://www.conservation.ca.gov/cgs/information/publications/cgs_notes/note_49/Documents/note_49.pdf.

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

5. Creek Information

Required for any project within 40 feet of the centerline of an open creek (or 25 feet for culverted creeks) that is protected under BMC Chapter 17.08. Note: This requirement applies even if a protected creek has not yet been identified by the City.

Submit:

- a. Topographical survey with two-foot contour intervals showing creek centerline and existing and proposed development.
- b. A report by a licensed engineer or geologist with expertise in hydrology or slope stability, which demonstrates that the project will not:
 1. Create, exacerbate, or prevent the abatement of erosion and bank destabilization problems
 2. Increase stormwater runoff into the creek
 3. Degrade water quality from construction activities (i.e., increased sedimentation and particulates from disturbed soils, pollution from motor oil, or other toxics and trash)
 4. Eliminate or degrade significant in-stream or riparian corridor habitat
 5. Prevent establishing stable banks and/or a headwall at a culvert intake or outflow, or otherwise impede or complicate access to a culvert for maintenance or repair.

For culverted creeks, please contact Taylor Lancelot in Public Works for additional requirements.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline%20III%20C%205%20Creeks.pdf

6. Stormwater Requirements Checklist

Required for all projects creating or replacing 2,500 square feet or more of impervious surface, including single-family dwellings. Includes new buildings, additions, and alterations to existing roofs that affect drainage, but does not include routine maintenance and re-surfacing of existing impervious surfaces.

Guidelines available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Stormwater%20Overview_10-23-13.pdf

7. State General Construction Permit

Required for projects disturbing one acre or more of soil (or less than one acre if part of a larger development plan that disturbs one acre or more).

Submit a copy of the Notice of Intent (NOI) submitted for the State General Construction Permit. A copy of the project's Storm Water Pollution Prevention Plan (SWPPP) must also be submitted prior to building permit issuance.

Further information available at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

8. Historical Resource Evaluation –

Required for Demolition/Substantial Change of building > 40 years old.

Submit: State of California Department of Parks and Recreation (DPR) 523 forms. Evaluation(s) to include references to development history documentation (including but not limited to photographs, building permits, Sanborn maps, and directory listings); completed by a qualified historian, architectural historian or historic architect;

Guidelines available online at:

<http://ohp.parks.ca.gov/pages/1054/files/manual95.pdf>

D. Green Building Requirements

1. Green Building Checklist

Required for projects:

- Adding one or more new dwelling units
- Creating or renovating 10,000 sq. ft. or more of non-residential floor area

Submit electronic copy of completed Green Building Checklist indicating project's green measures and update throughout construction. Select checklist applicable to your project at:

- Residential: <http://www.builditgreen.org/residential-guidelines/>
- Non-residential: <http://www.builditgreen.org/commercial-guidelines/>

Guidelines available online at:

[http://www.cityofberkeley.info/uploadedFiles/Online Service Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf](http://www.cityofberkeley.info/uploadedFiles/Online%20Service%20Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf)

2. Energy Efficiency Analysis (Savings By Design)

Required for projects creating or renovating 10,000 square feet of non-residential floor area.

- Apply for Savings by Design incentives and design assistance at:**
<http://www.pge.com/mybusiness/energysavingsrebates/rebatesincentives/inc/>
- Submit one of the following, signed by a representative from Savings by Design:**
 - **Whole Building Energy Analysis:**
[http://www.ci.berkeley.ca.us/uploadedFiles/Online Service Center/Planning/SavingsbyDesign_Whole%20Building.doc](http://www.ci.berkeley.ca.us/uploadedFiles/Online%20Service%20Center/Planning/SavingsbyDesign_Whole%20Building.doc)
 - **Systems Energy Analysis:**
[http://www.ci.berkeley.ca.us/uploadedFiles/Online Service Center/Planning/SavingsbyDesign_Systems.doc](http://www.ci.berkeley.ca.us/uploadedFiles/Online%20Service%20Center/Planning/SavingsbyDesign_Systems.doc)

Guidelines available online at:

[http://www.cityofberkeley.info/uploadedFiles/Online Service Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf](http://www.cityofberkeley.info/uploadedFiles/Online%20Service%20Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf)

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

3. Berkeley Water Efficient and Bay Friendly Landscape Requirements

Required for projects with 2,500 square feet or greater of new or renovated irrigated area.

These projects shall comply with water efficiency and planting best practices specified in the State Water Efficient Landscape Ordinance, East Bay Municipal Utility District (EBMUD) Section 31 Water Service Regulation for Outdoor Water Use, and all applicable measures in the Bay Friendly Basics checklist.

Submit the following:

- Outdoor water use section of *EBMUD Section 31 Water Service Regulations Checklist*. For more information, visit: <http://www.ebmud.com/for-customers/new-construction>
- *Bay Friendly Basics Checklist*. For more information, visit: <http://www.stopwaste.org/home/index.asp?page=952>

Guidelines available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf

E. Structural Information

1. Structural and Pest Report

Required for projects removing 25% or more of a main building's exterior wall and roof framing (including in-kind replacement of existing framing), except projects already requesting a Use Permit for demolition. (For non-wood-framed buildings, contact staff for further instructions.)

Submit a report by an independent, fully credentialed pest control operator that evaluates whether, in the operator's opinion, retention of structural elements not proposed for removal is actually feasible. This evaluation exceeds State requirements for pest reports in that it requires removal of exterior siding and/or interior drywall/plaster in order to allow examination of structural elements proposed to be retained.

F. Additional Materials

1. Area of Potential Effects (APE) Statement

Required for projects seeking federal funds (either directly or through the City of Berkeley Housing Trust Fund).

Submit a statement identifying the project's "Area of Potential Effects" as defined in federal regulations (36 CFR Part 800). Contact Housing Department at 981-5400 for further information and requirements.

III. Additional Requirements

(Required As Noted Below)

Required /
Submitted?

2. Zoning Use Questionnaire

Required for projects establishing a new business or creating a new commercial space with the tenant/operator already selected.

Submit: Zoning Use Questionnaire

Available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Zoning_Use_Questionnaire.pdf

3. Design Review Submittal

Required for:

- Projects with exterior changes in non-residential districts
- Non-residential projects in R-3, R-4, R-S and R-SMU Districts
- Other projects as required by the Zoning Officer

Submit separate Design Review application, per the Design Review Submittal Requirements. [Work with assigned planner.]

4. Structural Alterations Permit (Landmarks) Submittal

Required for exterior alterations to designated City Landmarks, Structures of Merit, and structures within a Historic District (or interior alterations to such structures if publicly owned).

Submit separate Structural Alteration Permit application, per the Structural Alteration Permit & Design Review Submittal Requirements. [Work with assigned planner.]

IV. List of Required Forms & Guidelines

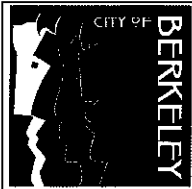
See also the City's Website,

http://www.ci.berkeley.ca.us/Online_Service_Center/Home/Frequently_Requested_Forms.aspx,
which includes a copy of all required forms and the Guidelines listed below.

- I.A. Zoning Project Application Form
- I.C. Fee Schedule
- I.E. Neighbor Signature Instruction
- I.F. Pre-Application Posters Instructions

- II.B. Site Plan Samples
- II.D. Building Height Instructions
- II.E. Hazardous Waste and Substances Statement
- II.F. Tabulation Form

- III.A.3 Parking Survey Guidelines
- III.A.4 Photo Simulations (Photo Montage) Guidelines
- III.A.7 Shadow Study Guidelines
- III.C.1 Oak Tree Guidelines
- III.C.5 Conformance with Creeks Ordinance, BMC 17.08
- III.C.6 Stormwater Requirements Checklist
- III.C.7 State General Construction Permit
- III.D Green Building Requirements
- III.F.2 Zoning Use Questionnaire



PLANNING & DEVELOPMENT

DATE STAMP HERE

Land Use Planning Division
 2120 Milvia Street, 2nd floor, Berkeley, CA 94704
 Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
 Email: Planning@ci.berkeley.ca.us
 Web: www.cityofberkeley.info/planning

I.A ZONING PROJECT APPLICATION FORM

(This box for staff use only.)

ZP201 - _____ :

PLN201 - _____ :

Intake Planner _____

(Complete Code Summary on pg. 4.)

 Administrative Use Permit Pre-Application AUP Modification Zoning Research Use Permit / Variance Use Permit / Variance Modification Expedite Request (for Use Permits/Variations only)

• **Project Address:** _____ **Unit/Suite #:** _____

Project Description: _____

• **Property Owner Name:** _____

Owner's Mailing Address: _____

Phone #: _____ Home Mobile Business **E-mail:** _____

• **Applicant Name (or write "same"):** _____

Applicant's Mailing Address: _____

Phone #: _____ Home Mobile Business **E-mail:** _____

For projects involving only the following four items and none of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column instead of filling out this form.

1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	Refer to the "Condominium Conversion Procedures: Guide for Applicants"
2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?	Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"
3. Application to designate a City Landmark, Structure of Merit or Historic District?	Refer to the "Landmark, Structure of Merit or Historic District Designation Form"
4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?	Refer to the Design Review Submittal Packet

Continued on Page 2

Submittal Requirements Checklist – Instructions

1. Complete the checklist below and **sign the bottom of page 3.** (*Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.*) *Not required for Zoning Research letters.*
2. For each question for which you check "yes", provide the item from the Zoning Project Submittal Requirements indicated in the right-hand column. (*For pre-applications, complete entire checklist but provide only items I.A through I.D, I.G, and all items in Section II.*)
3. Label each item with the project address and the number in the right-hand column (e.g., III.A.2).
- 4. Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**

Does the project include:	<u>No</u>	<u>Yes</u>	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input type="checkbox"/>	I. Required For All Projects *PDF of entire application required
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input type="checkbox"/>	II. Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.1 – Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.2 – Grading Plan
5. A request to waive or reduce required parking?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.3 – Parking Survey
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, OR (4) over 10,000 sq. ft. of gross floor area?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.4 – Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.5 – Section Drawings III.A.6 – Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.7 – Shadow Study
9. A new main building (except accessory buildings/structures)?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.8 – Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input type="checkbox"/>	<input type="checkbox"/>	III.B.1 – Housing Affordability Statement
11. Under Government Code Section 65915: a. A request for a Density Bonus? b. A request for any concessions or incentives in addition to a Density Bonus?	<input type="checkbox"/>	<input type="checkbox"/>	III.B.2.a – Housing Affordability Statement III.B.2.b – Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input type="checkbox"/>	<input type="checkbox"/>	III.C.4 – Traffic Impact Analysis

Continued on Page 3

Does the project include:	<u>No</u> <u>Yes</u>	Handout / Application Requirement
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input type="checkbox"/> <input type="checkbox"/>	III.C.6 – Stormwater Requirements Checklist
14. Soil disturbance exceeding one acre?	<input type="checkbox"/> <input type="checkbox"/>	III.C.7 – State General Construction Permit
15. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input type="checkbox"/> <input type="checkbox"/>	III.D.1 – Green Building Checklist III.D.2 – Energy Efficiency Analysis (<i>non-residential mixed-use only</i>)
16. 2,500 sq. ft. or more of new or renovated irrigated area?	<input type="checkbox"/> <input type="checkbox"/>	III.D.3 – Berkeley Water Efficient and Bay Friendly Landscape Requirements
17. Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)?	<input type="checkbox"/> <input type="checkbox"/>	III.E.1 -- Structural and Pest Report.
18. Demolition or substantial change of a building ≥40 years old? (Speak with a planner if unsure whether project is a "substantial change".)	<input type="checkbox"/> <input type="checkbox"/>	III.C.8 – Historic Resource Evaluation
19. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input type="checkbox"/> <input type="checkbox"/>	III.F.1 – Area of Potential Effects (APE) Statement
20. A new business, or a new commercial space with tenant/operator already selected? (Does not include home occupations.)	<input type="checkbox"/> <input type="checkbox"/>	III.F.2 – Zoning Use Questionnaire
You must disclose whether or not any of the following are true of the project:	<u>No</u> <u>Yes</u>	Handout / Application Requirement
21. Elimination of any dwelling units a. If known, are any of the dwelling units on the property controlled rental units?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.
22. Construction activity within the drip line of a Coast Live Oak tree with circumference over 18 in. at 4 ft. above ground (or 26 in. aggregate circumference for multi-trunked trees)?	<input type="checkbox"/> <input type="checkbox"/>	III.C.1 – Arborist Report
23. A new building in a non-residential zoning district, on a site with a history of soil and/or groundwater contamination or within Toxic Division's Environmental Management Areas	<input type="checkbox"/> <input type="checkbox"/>	III.C.2 – Phase I or II Assessment
24. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input type="checkbox"/> <input type="checkbox"/>	III.C.3 – Seismic Hazard Investigation
25. Construction on a parcel that is within 40 feet of an open creek or 25 feet of a culverted creek. See BMC 17.08 for creek definitions.	<input type="checkbox"/> <input type="checkbox"/>	III.C.5 – Conformance with Creeks Ordinance, Creeks Submittal

Under penalties of perjury, I certify that (1) the above information is true and complete to the best of my knowledge, and (2) the attached paper and electronic copies of this application are the same.

Applicant Signature: _____ **Date:** _____

Owner's Signature*: _____ **Date:** _____

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

LAND USE PLANNING – FOR INTERNAL USE ONLY

Zoning District(s):

Zoning Section	Description
1. 23_____	UP/AUP to
2. 23_____	UP/AUP to
3. 23_____	UP/AUP to
4. 23_____	UP/AUP to
5. 23_____	UP/AUP to
6. 23_____	UP/AUP to
7. 23_____	UP/AUP to
8. 23_____	UP/AUP to
9. 23_____	UP/AUP to
10. 23_____	UP/AUP to
11. 23_____	UP/AUP to
12. 23_____	UP/AUP to