

Zoning Project Application Submittal Requirements

(This box for staff use only.)

DATE STAMP HERE

ZP202 - _____

- Administrative Use Permit
- Use Permit
- Variance
- Modification to any of the Above

Intake Planner: _____

SUBMITTAL REQUIREMENTS DURING COVID-19 SHELTER-AT-HOME ORDER

Please note: While the City is following the County Health Official’s orders to shelter-at-home, this document has been modified to allow applicants to submit new Planning applications, while avoiding person-to-person contact. During this order, only the submittal requirements shown in RED will be required upon initial submittal of materials. Your project planner will review the submitted materials and contact you regarding any additional requirements for completion.

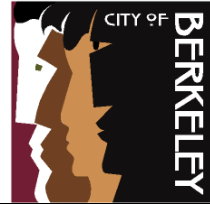
The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects; Sections 2-7 comprise a list of materials that may be required based on the project type or location. Other information not included on this checklist may be requested to address unique situations. All documents, reports and plans must be provided in hard copy and digital format.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description: 1) identifies whether an item is required, and 2) indicates how to prepare each document, drawing, material, and/or report.

Pages 1 and 2 of this packet must be completed and submitted with the Application. Staff will verify that the minimum submittal requirements have been included with your package during the application submittal appointment. Applications that are missing the materials in this checklist will not be accepted for review.

Section 1 – Required for all Projects

- A. Completed Zoning Project Application Packet comprised of the following individual sections:
 - 1. Zoning Project Application Form
 - 2. Completed copy of this Zoning Project Submittal Requirements Checklist (Pages 1-2)
- B. Applicant Statement / Waiver Request
- C. Payment of Application Fees (Please Refer to Current Fee Schedule)
- D. Hazardous Waste and Substances Statement
- E. Tabulation Form
- F. Zoning Use Questionnaire
- G. Pre-Application Yellow Poster
- H. Pre-Application Neighborhood Contact



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Section 2 – Required for All Development Projects

(Involving New Structures, Additions, Demolitions, or Exterior Alterations)

- | | |
|---|--|
| A. <input type="checkbox"/> Site Plan | E. <input type="checkbox"/> Street Strip Elevation |
| B. <input type="checkbox"/> Lot Coverage/Usable Open Space Plan | F. <input type="checkbox"/> Section Drawings |
| C. <input type="checkbox"/> Floor Plans | G. <input type="checkbox"/> Boundary and/or Topographic Survey |
| D. <input type="checkbox"/> Building Elevations | H. <input type="checkbox"/> Grading Plan |

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

- | | |
|---|--|
| A. <input type="checkbox"/> Site Photographs | F. <input type="checkbox"/> Parking Survey |
| B. <input type="checkbox"/> Shadow Study | G. <input type="checkbox"/> Traffic Impact Analysis Memorandum |
| C. <input type="checkbox"/> Story Pole Plan | H. <input type="checkbox"/> Photo Simulations |
| D. <input type="checkbox"/> Arborist Report | I. <input type="checkbox"/> Public Art Declaration |
| E. <input type="checkbox"/> Structural Evaluation | |

Section 4 –Environmental Review

- | | |
|---|---|
| A. <input type="checkbox"/> Creek Protection Documentation | D. <input type="checkbox"/> Seismic Hazard Investigation |
| B. <input type="checkbox"/> Historic Resource Evaluation | E. <input type="checkbox"/> State General Construction Permit |
| C. <input type="checkbox"/> Phase I or Phase II Site Assessment | F. <input type="checkbox"/> Stormwater Requirements Checklist |

Section 5 – Required for Projects Subject to Affordable Housing Requirements

- | | |
|--|---|
| A. <input type="checkbox"/> Housing Affordability Statement | C. <input type="checkbox"/> Density Bonus Eligibility Statement |
| B. <input type="checkbox"/> Anti-Discrimination Housing Policies | D. <input type="checkbox"/> Area of Potential Effects (APE) Statement |

Section 6 – Landscape and Green Building Requirements

- | | |
|---|---|
| A. <input type="checkbox"/> Landscape Requirements | C. <input type="checkbox"/> Green Building Requirements |
| B. <input type="checkbox"/> Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code | |

Section 7 – Related Land Use Planning Division Applications

- | | |
|---|--|
| A. <input type="checkbox"/> Design Review | B. <input type="checkbox"/> Structural Alteration Permit |
|---|--|

PLANNING & DEVELOPMENT

Land Use Planning Division, 1947 Center Street, 2nd Floor, Berkeley, CA 94704

Tel: 510.981.7410 TDD: 510.981.6903

Fax: 510.981.7420 Email: Planning@CityofBerkeley.info



Zoning Project Application Submittal Requirements

Section 1 – Required for all Projects

A. Zoning Project Application Packet

1. **Zoning Project Application Form** available at: <https://tinyurl.com/tu7v7rb>
2. **Zoning Project Submittal Requirements** (Checklist on pages 1 and 2)

Note: Please review the *Guide to Submitting a Zoning Project Application* for more information about the submittal process, available online at: <https://tinyurl.com/ye4jldt9>

B. Applicant Statement / Request to Waive a Submittal Requirement

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, as well as any request to waive a submittal requirement.

For applications to modify a prior permit, **submit** the following information:

1. Describe the proposed changes from the approved project
2. Clearly list and describe all changes from the approved project and the basis for the change.

C. Payment of Application Fees

Submit required fees to the cashier in the Permit Service Center immediately after your application intake appointment.

If supplemental technical studies are required, a Peer Review deposit will be required (e.g., Traffic Impact Analysis, Geotechnical Report, Arborist Report).

Fee schedule is 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)

D. Hazardous Waste and Substances Statement

Required for all projects, pursuant to [Government Code Section 65928](#).

Submit the form, which is available online at: <https://tinyurl.com/w2nu4j8>

E. Tabulation Form

Required for all projects.

Submit the form on 8½" x 11" paper, completely filling out each column, using the applicable development standards of the Zoning Ordinance as a guide.

The form is available online at: <https://tinyurl.com/yxxq47jt>



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Section 1 – Required for all Projects

F. Zoning Use Questionnaire

Required for projects that establish a new business or create a new commercial space with the tenant/operator already selected.

The form is available online at: <https://tinyurl.com/yx6pm9zt>

G. Pre-Application Yellow Poster – **ON-HOLD during Shelter-in-Place**

Install the poster prior to submittal, and submit color photos that clearly show the poster installed at the front of the site and that clearly show the sign content.

Instructions are available online at: <https://tinyurl.com/tu7xjlc>

Small Project Sample Poster is available online at: <https://tinyurl.com/yfwuk2nj>

Large Project Sample Poster is available online at: <https://tinyurl.com/yepcrgno>

H. Pre-Application Neighborhood Outreach – **ON-HOLD during Shelter-in-Place**

Required for the following projects:

1. All **residential projects located in a Residential District**, and all **non-residential projects that abut a Residential District** are **required to** contact all abutting and confronting residential occupants and residential property owners to advise them of the proposed development.
2. All **projects of community or neighborhood interest**, which consist of the following:
 - i. 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), or
 - ii. Any project in a Non-Residential District that involves three or more stories, a Density Bonus under Section 65919 of California State Law, or a Floor Area Ratio > 2.00, or more than 10,000 square feet gross floor area,
 - iii. **Are required to** contact all property owners, residents, and neighborhood organizations within 300 feet of the project site to advise them of the proposed development.
3. All **residential projects that propose to alter an existing dwelling unit or eliminate a dwelling unit that is subject to the Rent Ordinance** (BMC Chapter 13.76) through demolition, including elimination of a dwelling unit through conversion, **are required to** provide all sitting tenants notice of the application no later than the date the application is submitted to the City.

Instructions regarding Neighborhood Outreach are available online at:

<https://tinyurl.com/tvhbaos>



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Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

Plans – General Requirements

1. All plans must be fully dimensioned, and include:

- Name of person preparing plans (licensed architect required for certain projects, see Item 3 below)
- Dates of preparation and revision
- Project address
- Graphic scale (see Item 2 below for minimum scales)
- North arrow
- Legend describing all symbols and notations
- Building Code construction and occupancy types.

For applications to modify a prior permit, the plans must clearly show the approved and modified project, and you must “cloud” all changes from the approved project.

Note: *The City of Berkeley Community GIS Portal is an online resource indicating site features and characteristics listed above, which are required to be shown on the Site Plan:*
<https://www.cityofberkeley.info/gisportal/>

2. Number of Plan Sets / Minimum Scale (Hard Copies): **ON-HOLD during Shelter-in-Place**

Two (2) sets, drawn to scale, no larger than 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. Label the scale at full and reduced plan sizes (i.e., 1/4” at 24” x 36”, 1/8” at 12” x 18” paper). **Note that these plans are often released to the public on paper no larger than 8½” x 11”, and that you must format your plans so that all images and text are legible at this size.**

Additional plan sets may be required by the project planner, if necessary to facilitate project review. Also, **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.

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 (Business and Professions Code Sections [5537](#) and [6737](#)) shall bear the architect or engineer’s stamp and signature on each sheet.¹ 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**

¹ 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.



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Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

4. Changes of Use

Applications that **only** propose to **change the type of activity or use** occurring within the building must submit the following site-related information:

- Plans meeting the general requirements listed on page 5
- Site Plan showing the following:
 - i. Property lines and lot dimensions
 - ii. Existing and proposed building footprint(s), dimensions, **setbacks (required, existing and proposed)**, and projections such as eaves, balconies and bays. Show all buildings, including garages, sheds, etc.
 - iii. Driveways and parking spaces with dimensions, location of handicapped parking spaces, bicycle racks, and security gates.
- Floor Plans showing the following:
 - i. All floors, including mezzanines, basements, and attics
 - ii. Use of all rooms (existing and proposed), per the California Building Code
 - iii. For buildings with multiple commercial tenant spaces, label the use of each tenant space within the subject building.

Note: 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.

A. Site Plan

Required for all projects. A sample Site Plan is available online at: <https://tinyurl.com/w9k4umy>

The Site Plan must show the following:

- Property lines and lot dimensions
- Existing and proposed building footprint(s) (dimensioned), **setbacks (required, existing and proposed)**, and projections such as eaves, balconies, and bays. Show all accessory structures, such as garages, sheds, etc.
- Delineation of proposed additions, if any, with shading, hatching or another appropriate method
- Any portions of neighboring buildings within 20 feet of property lines, including the building-to-building separation (measured in feet)
- Pathway(s) from the residential structure to the public right of way
- Driveways and parking spaces with dimensions, location of ADA spaces, bicycle racks, and security gates
- Trash/solid waste storage area
- Utility meters
- Fences and retaining walls (materials and height), decks, patios, hot tubs, and other similar features
- All landscaping and all paved areas
- Significant natural features such as trees (indicate species, trunk diameter, drip line), creeks (indicate banks or culvert outline), and prominent landforms.



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Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

B. Lot Coverage and Usable Open Space Plan

Required for all residential projects (or the residential portion of a mixed-use project).

Submit the Lot Coverage and Usable Open Space Plan, using the Site Plan as a base map, which must show the following:

- Fully dimension all areas that qualify as existing and proposed Usable Open Space, in compliance with the applicable zoning district development standard and BMC Section 23D.04.050; and
- Fully dimensioned diagrams to depict existing and proposed lot coverage in compliance with the applicable zoning district development standard and BMC Section 23D.04.040.

A sample Lot Coverage and Usable Open Space Plan is available online at:

<https://tinyurl.com/toc8osp>

C. Floor Plans

Required for all projects.

The Floor Plan (s) must show the following:

- All floors, including mezzanines, basements, and attics
- Trash room pursuant to Public Works Department requirements
- Bicycle room, showing location of lockers or racks suitable for secure locks and subject to requirements listed in BMC Section 23E.28.070
- Use 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, use dashed lines for demolished features and solid lines for new features.

D. Building Elevations

Required for all projects.

The Elevations must show the following:

- All exterior features and openings, including finishes and materials
- Existing and proposed average building height (as defined in the Zoning Ordinance; see Instructions linked below), finished floor elevations, and grade (within five feet of the building). For projects in the “H” District, also indicate maximum building height
- Adjacent features such as fences, landscaping, and other buildings and property lines.
- For changes to existing buildings, provide separate elevations for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.



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Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

Height Instructions – Residential Average Height (all projects in residential districts) are available online at: <https://tinyurl.com/yx6cezyq>

Height Instructions – Residential Maximum Height (all projects in residential districts within the Hillside (H) overlay, or R-S District) are available online at: <https://tinyurl.com/vkmrs3b>

Height Instructions regarding Non-Residential Building Height (all non-residential projects) are available online at: <https://tinyurl.com/r94c6kw>

E. Street Strip Elevation

Required for any new buildings (except accessory buildings).

Submit a street elevation exhibit showing existing conditions on the parcel and the proposed project in elevation view; include at least two (2) parcels on either side of the subject parcel on a single sheet. Minimum scale is 1/8" = 1'.

F. Section Drawings

Required for the following projects:

- New main buildings in the "H" District
- Additions exceeding 14 feet in average height in the "H" District.

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

G. Boundary and/or Topographic Survey

Required for the following projects:

- 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.

Submit a survey meeting the following requirements:

1. Wet-stamped, signed by a licensed CA surveyor or appropriately licensed civil engineer²
2. Minimum scale of 1/10" = 1'
3. All property lines, curb and sidewalk, spot elevations, existing structures, building dimensions, and setbacks to all property lines
4. 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 Classification must be specified. Check with project planner.



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Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

H. Conceptual Grading Plan

Required for projects with more than 50 cubic yards of cut and/or fill.

Submit a grading plan meeting the following requirements:

1. Prepared by a licensed surveyor, architect or engineer
2. Estimated quantities and locations of cut and fill
3. Existing and final elevations

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

A. Site Photographs

Required for all projects.

Submit one set of exterior photos, that meet the following requirements:

1. Mount or copy photos on 8½" x 11" paper with captions or a key indicating the location (perspective) of each photo.
2. Provide an adequate number of photos to show entire project site and all adjacent buildings for context. Where possible, take wide-angle shots showing project site and adjacent buildings together.

B. Shadow Study

Required for the following projects:

- Buildings exceeding 14 feet in average height, located in or adjacent to a residential (R) district (excluding ADUs)
- Additions exceeding 14 feet in average height on sites adjacent to a residential use
- Projects in either the C-T or C-DMU District, requiring a Use Permit to increase the maximum building height/number of stories

Shadow Study Instructions are available online at: <https://tinyurl.com/sv8kkjo>

C. Story Pole Plan

Required for the following projects:

- New main buildings exceeding 14 feet in average height in the “H” District (excluding ADUs)
- Additions exceeding 14 feet in average height in the “H” District

Story Pole Instructions are available online at: <https://tinyurl.com/vqko4uf>



Zoning Project Application Submittal Requirements

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

D. Arborist Report

Required for projects involving any construction activity (including excavation, trenching, demolition, 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 affected tree(s) (tree may be located either on- or off-site) and recommending preservation measures both during and after construction, as applicable.

Tree Protection Instructions are available online at: <https://tinyurl.com/wqgocgo>

Oak Tree Ordinance are available online at: <https://tinyurl.com/txa8otz>

E. Structural Evaluation

Required for any project that is not a demolition, but is removing between 25% and 49% of a main building's exterior wall and between 25% and 49% of a main building's roof framing (including in-kind replacement of existing framing), in order to confirm the feasibility of retaining the remaining portions of any wall and roof. A Structural Evaluation is not required for projects requesting a Use Permit for demolition.³

Submit a demolition diagram that indicates the percentage of each wall and roof that is proposed to be replaced or removed, as well as a report by an independent, fully credentialed structural engineer that evaluates whether, in the operator's opinion, retention of structural elements not proposed for removal is actually feasible.

F. Parking Survey

Required for projects requesting a waiver of any required off-street vehicular parking spaces pursuant to the Zoning Ordinance, located in a Commercial or Manufacturing District (C, M, MM, or MU)⁴.

Parking Survey Instructions are available online at: <https://tinyurl.com/t8ry9gk>

³ Demolition: Destroyed in whole or in part. Destroyed in part means when 50% or more of the enclosing exterior walls and 50% or more of the roof are removed (BMC Section 23F.04.010)

⁴ BMC Section 23E.28.140 and 23E.28.145



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Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

G. Traffic Impact Analysis Memorandum

Required for projects creating any of the following:

- 10 or more dwelling units
- 5,000 square feet of more of gross floor area
- 25 peak hour or more vehicle trips (based on most recent version of the [ITE trip generation rates](#))

Submit a memo documenting the project's estimated number of peak hour vehicle trips, completed by a licensed professional with experience in traffic modeling and analysis. Consult the Transportation Division at (510) 981-7010 for further information and to discuss the level of analysis required.

H. Photo Simulations

Required for a project creating any of the following:

- Wireless telecommunications projects
- A "Large Scale Development Project," which consists of project located in a non-residential district that proposes **any** of the following:
 - Density Bonus under Section 65919 of California State Law,
 - Three or more stories in height,
 - Floor Area Ratio ≥ 2.00 , or
 - 10,000 sq.ft. or more of gross floor area.

Photo Simulation Instructions are available online at: <https://tinyurl.com/wcesqu8>

I. Public Art Declaration

Required for any of the following projects:

- A new commercial or industrial building
- A project that creates five or more dwelling units
- An addition of more than 10,000 square feet to any commercial or industrial building⁵

Submit a Public Art Allocation Declaration form, which is available online at:

https://www.cityofberkeley.info/uploadedFiles/City_Manager/Level_3_-_Civic_Arts/Allocation%20declaration%2009-18-18.pdf

⁵ BMC Chapter 23C.23.



Zoning Project Application Submittal Requirements

Section 4 – Environmental Review

A. Creek Protection Documentation

Required for any project within 40 feet of the centerline of an open creek, and/or within 25 feet of a culverted creek, that is protected by the Creeks Ordinance.⁶

Creek Protection Instructions are available online at: <https://tinyurl.com/u9gsce9>

***Note:** This requirement applies even if a protected creek or culvert has not yet been identified by the City.*

B. Historic Resource Evaluation

Required for:

- Demolition of a non-residential building > 40 years old, subject to referral to the Landmarks Preservation Commission in accordance with BMC Section 23C.08.050.C
- Demolition/Substantial Change of any building > 40 years old subject to environmental review pursuant to CEQA

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. Provide supplemental information in accordance with the Landmarks Preservation Ordinance criteria (BMC Section 3.24.110).

The Environmental Review Officer may waive this requirement for residential addition and alteration proposals after determining that the project complies with preservation standards and environmental practices **OR** that qualified sources other than an HRE can provide the relevant information.

California guidelines are available online at:
<http://ohp.parks.ca.gov/pages/1054/files/manual95.pdf>

C. Phase I or II Site Assessment

Required for any project that includes the following:

- Substantial excavation in non-residential zoning districts
- A site with a history of soil and/or groundwater contamination (see the Hazardous Waste and Substances Statement)
- A site within an Environmental Management Area (<https://www.cityofberkeley.info/gisportal/>)

Contact the Toxics Management Division (510) 981-7460 for more information.

⁶ BMC Chapter 17.08



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D. Seismic Hazard Investigation

Required for all development projects located in a State-designated Seismic Hazard Zone, as defined by the California Seismic Hazards Mapping Act and shown on the “Environmental Constraints Map”⁷.

Exemptions: Projects that propose to construct the following are exempt from this requirement:

- One – and two-family, wood- or steel-frame dwellings that are one to two stories in height, and are not part of development of four or more units
- An alteration/addition to an existing non-residential building where the total value of the work is less than 50 percent of the replacement value of the existing building and the added floor area is less than 50 percent of the floor area of the existing building
- Accessory buildings, including accessory dwelling units (ADU’s)
- Accessory structures (enclosed and unenclosed)
- Pools, hot tubs and decks
- Conversion of an existing apartment building into a condominium

Submit the following:

1. Geotechnical report satisfying the requirements of “Special Publication 117”⁸ (for landslide and liquefaction zones) and/or California Geological Survey Note 49⁹ (for fault zones); and
2. Deposit of \$1,500 for peer review of report (additional funds may be required for more complicated projects).

E. 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, and the Storm Water Pollution Prevention Plan (SWPPP) prior to building permit issuance.

Further information is available online at:

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

F. Stormwater Requirements Checklist

Required for projects creating or replacing 2,500 sq.ft. or more of impervious surface, including single-family dwellings. Includes new buildings, additions, and alterations to existing roofs that affect drainage; *does not include* maintenance/re-surfacing of existing impervious surfaces.

An overview of the requirements is available online at: <https://tinyurl.com/yh5w8ena>

⁷ Available in Permit Service Center or at <https://www.cityofberkeley.info/gisportal/>

⁸ Available at <http://www.conservation.ca.gov/cgs/shzp/webdocs/Documents/sp117.pdf>.

⁹ Available at https://www.conservation.ca.gov/cgs/Documents/SP_042.pdf



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Section 5 – Required for Projects Subject to Affordable Housing Requirements

A. Housing Affordability Statement

Required for a project creating any of the following:

- Five (5) or more new dwelling units and/or five (5) or more live/work units
- New dwelling units and/or live/work units on lots whose size and zoning designation is such to allow construction of five or more dwelling units (R-2, R-2A, and MU-R Districts)
- One (1) to four (4) new dwelling units and/or five (5) or more live/work units, which are added to an existing one (1) to four (4) unit property developed after August 14, 1986, and the resulting number of units totals five (5) or more
- Additional condominium units, resulting in five (5) or more condominium units converted and/or created after August 14, 1986 on the site¹⁰

Submit a written statement describing the following:

1. How the project complies with the Inclusionary Housing Ordinance¹¹
2. Level of affordability that will be provided and/or amount of in lieu fee that will be paid
3. Number and location of any affordable units provided
4. Size and amenities (bedrooms, bathrooms, parking facilities) of any affordable units

B. Anti-Discrimination Housing Policies

Required for a project creating any of the following:

- Five (5) or more new dwelling units and/or five (5) or more live/work units
- New dwelling units and/or live/work units on lots whose size and zoning designation is such to allow construction of five or more dwelling units (R-2, R-2A, and MU-R Districts)
- One (1) to four (4) new dwelling units and/or five (5) or more live/work units, which are added to an existing one (1) to four (4) unit property developed after August 14, 1986, and the resulting number of units totals five (5) or more
- Additional condominium units, resulting in five (5) or more condominium units converted and/or created after August 14, 1986 on the site

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

- 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?
- If the answer to (1) is yes, which?
- If the answer to (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?

¹⁰ BMC Section 23C.12.020

¹¹ BMC Section 23C.12.020



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Section 5 – Required for Projects Subject to Affordable Housing Requirements

- 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?
- If the answer to (3) or (4) is yes, please provide a copy of that policy or policies as part of this application.

The Land Use Division will not accept an application as complete unless the applicant provides a response to this section. The processing of and recommendations or determinations made by the Land Use Division regarding an application will be unaffected by the applicant's response to this section.

C. Density Bonus Eligibility Statement

Required for projects requesting a density bonus pursuant to [Government Code Section 65915](#).

Submit the following information

1. A written statement that includes the following information:
 - a. Number of “base project” units
 - b. Number and percent of affordable units and level of affordability
 - c. Percent density bonus requested and allowed pursuant to [Government Code Section 65915](#)
 - d. Waivers or modifications of development standards necessary to physically accommodate “density bonus” units (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” units
 - f. If the project is requesting an incentive or concession, describe each incentive or concession being requested **in addition to** (or instead of) waivers or modifications necessary to accommodate density bonus
2. Plans showing a “base project” that complies with all applicable Zoning Ordinance requirements, without any additional Use Permits to waive or modify development standards.

D. 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 the Housing Department at (510) 981-5400 for more information and requirements.



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Section 6 – Landscape and Green Building Requirements

A. Landscape Requirements

Required for projects with either:

- 500 square feet or more of new, or
- 2,500 square feet or more of renovated irrigated area.

These projects must comply with water efficient landscaping as specified in the [Model Water Efficient Landscape Ordinance \(MWELO\)](#) and [East Bay Municipal Utility District \(EBMUD\) Water Efficiency Review: Section 31 Regulations and MWELO Compliance](#), and all applicable measures in the [Bay Friendly Basics](#) checklist.

Submit the following:

1. MWELO-compliant landscape documentation including a planting, grading, and irrigation plan. Water budget calculations are also required for landscapes of 2,500 square feet or more. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8. For more information, visit:

[https://www.ebmud.com/index.php/download_file/force/6341/1167/?EBMUD -
_Water Efficiency Review - Outdoor Water Use Requirements.pdf](https://www.ebmud.com/index.php/download_file/force/6341/1167/?EBMUD_-_Water_Efficiency_Review_-_Outdoor_Water_Use_Requirements.pdf)

Further information is available online at:

https://www.cityofberkeley.info/Green_Building_Requirements/

B. Natural Gas Prohibition, Berkeley Energy Code, and Berkeley Green Code

Required for newly constructed buildings (buildings that have never before been used or occupied for any purpose).

Submit the following:

1. A statement that the building will not include any natural gas infrastructure in compliance with BMC Chapter 12.80, or documentation to support an application for an exception or public interest exemption to the Natural Gas Prohibition if the conditions of BMC Section 12.80.040A.1 or 12.80.050 are met.
2. A statement, and corresponding features on plans, that the proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37), adopted by City Council on December 3rd, 2019, including solar PV system, electric vehicle charging, and low-carbon concrete requirements. Building design must incorporate all-electric systems unless an exception or public interest exemption to the Natural Gas Prohibition is granted. Electric readiness and increased energy efficiency is required for any mixed-fuel building.

Note: Carefully consider the Building Code prior to submitting a Use Permit application. Per the standard Conditions of Approval for all development projects, only the Zoning Adjustments Board may approve a modification to the use or structure for which the Permit is issued, except



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that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with BMC Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

Further information is available online at:

https://www.cityofberkeley.info/Green_Building_Requirements/

C. Green Building Requirements

Required for newly constructed buildings and additions of more than 20,000 square feet for projects located in the Downtown area (Commercial-Downtown Mixed Use District, generally bounded by MLK Jr. Way to the west, Dwight Way to the south, Oxford Street to the east, and Hearst Avenue to the north).

Submit the following:

1. A completed [LEED Checklist](#) (typically for commercial projects), showing that the proposed project is on track for LEED Gold certification or above, or a completed [GreenPoint Rated \(GPR\) Checklist](#) (for residential and most mixed-use projects), showing that the proposed project is on track for GPR Silver certification or above.

Further information is available online at:

https://www.cityofberkeley.info/Green_Building_Requirements/



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Section 7 – Related Land Use Planning Division Applications

A. Design Review

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 form and one set of plans (11 x 17”), per the Design Review Submittal Requirements.

Form and submittal requirements available online at:

https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/DR_Basic_Submittal_Packet.pdf

B. Structural Alterations 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 and three sets of plans (two 11 x 17” and one 8.5 x 11”), per the Structural Alteration Permit & Design Review Submittal Requirements.

Form and submittal requirements available online at:

https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/LPCAlterationPermitDesignReviewSubmittalRequirements.pdf