



PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
Email: Planning@ci.berkeley.ca.us

I. ZONING PROJECT SUBMITTAL REQUIREMENTS

- For: Administrative Use Permits
 Use Permits
 Variances
 Administrative Use Permit MOD
 Use Permit MOD

Effective May 1, 2007

NOTE TO APPLICANTS:

- This document is intended to provide minimum requirements for most zoning projects. Some projects may require additional information not listed here, as determined by the project planner within 30 days of application submittal.
- 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 become the property of the City of Berkeley and are subject to public review.
- 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 information requirement listed below, staff has identified the types of projects for which it is required. For example, everything listed in Section I is required for all Zoning Project Applications; however, conceptual grading plans (Item III.A.2) are only required for projects involving more than 50 cubic yards of grading.

This detailed list of requirements is a companion document to the Zoning Project Application Form. We suggest you first complete that application form, answering “yes” or “no” to each question listed. For each question answered “yes”, note the “Application Requirements” indicated. Find the corresponding section of this document for a more detailed description of the information. This document also indicates where staff has prepared even more detailed Guidelines to help people prepare their applications.

I. Required For All Projects

_____ **A. Zoning Project Application Form**

Required for all projects
Submit Zoning Project Application Form

_____ **B. Fees**

Required for all projects
Submit fees to the cashier in the Permit Service Center

_____ **C. Applicant Statement –**

Required for all projects

Submit: On separate 8½" x 11" paper briefly describe the project; explain its purpose and how it satisfies the findings required by the Zoning Ordinance. For an application to modify a prior approval, please state the nature and basis for the change.

_____ **D. Neighbor Pre-Application Contact –**

Required for Residential Projects (in Residential Zones) with abutting or confronting residential uses –

Submit a copy of the project plans with signatures of abutting & confronting neighbors (owners and occupants) on the proposed plans. **Guidelines** available.

Required for Large Scale Development Projects¹ –

Submit: Prior to submittal of the application, notify residential properties (owners and occupants) within 300 feet of the proposed project and invite them to at least one neighborhood meeting to review the proposed plans and discuss the project. Provide evidence of the invitations, attendance at the meeting, and information discussed.

All other projects are strongly encouraged to follow the procedure required of Large Scale Development Projects, although it is not required.

_____ **E. Pre-Application Poster –**

Required for all projects

Submit a color photo of the pre-application poster installed at front of site, visible to passersby. See guidelines for full requirements.

Guidelines include requirements for installation and preparation.

_____ **F. Site Photographs –**

Required for all projects

Submit:

1. On 8½" x 11" sheets with captions or a key giving the location of each photo.
2. 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.
3. Grayscale preferred; for Use Permit and Variance applications with color photos; 15 copies are required to distribute to each ZAB member.

¹ 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 ≥ 2.00, or (4) at least 10,000 square feet gross floor area.

_____ **G. Vicinity Map –**

Required for all projects

Submittal structure:

1. Sanborn Map at Zoning Counter may be traced, but should be updated as necessary.
2. Minimum scale is 1" = 50'; must show north arrow, addresses, uses, property lines and zoning boundaries.
3. Present on 8 1/2 x 11" paper or on Plan Coversheet, showing footprints of all structures on the project site and surrounding areas (especially all structures on abutting and confronting properties).

_____ **H. Parcel Conditions Report and Zoning District –**

NEW April 1, 2007

Required for all projects

Submit online printout

1. Go to <http://www.ci.berkeley.ca.us/gis/PPP/> accept the disclaimer and then enter the project's address and print out the parcel conditions.
2. Review the Development Standards for your project's Zoning District available at:
<http://www.ci.berkeley.ca.us/bmc/default.asp?layout=contents>.

II. Required For All Projects Involving New Structures, Additions, Demolition, Exterior Alterations, or Changes of Use.

A. Plans – General Requirements –

_____ 1. All plans must include –

- Project address
- Scale (common architect's scales preferred),
- North arrow
- Dates of preparation and revision
- Legend describing all symbols and notations
- Name of person preparing the plans
- Building Code, Construction, and Occupancy Type
- Submit an electronic (pdf) copy of all plans

_____ 2. 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 assigned planner. ***For further information, visit www.cab.ca.gov.***

_____ 3. Numbers and sizes of Plans:

Applications for Administrative Use Permits, Use Permits, Modification Permits, and Variances, must include the following plan sets:

- Three (3) scaled plan sets, sized 11" x 17", with a minimum scale of 1/8" = 1',
- One (1) reduced plan set, sized 8½" x 11"
- For applications requiring a Public Hearing, submit fifteen (15) scaled 11" x 17" plan sets, two weeks prior to the hearing, as instructed by the Project Planner.
- Larger or additional plan sets may be required by the Project Planner, if necessary to facilitate project review.

B. Site Plan – Must show the following –

- _____ 1. Building footprint(s) for all buildings, dimensions, **the required setbacks**, and projections such as eaves, balconies and bays.
- _____ 2. Any portions of neighboring buildings within 20 feet of subject property.
- _____ 3. Driveways and parking spaces with dimensions, location of handicapped parking spaces, bicycle racks, and security gates.
- _____ 4. Fences and retaining walls (indicate height), decks, patios, hot tubs, and other similar features.
- _____ 5. Significant natural features such as trees (indicate species, trunk diameter and drip line), creeks (indicate banks or culvert outline), and prominent landforms.

C. Floor Plans – Must show the following:

- _____ 1. All floors, including mezzanines, basements, and attics.
- _____ 2. Uses of all rooms (existing and proposed), per the Uniform Building Code.

D. Building Elevations - Required only for projects with exterior changes

- _____ 1. Depict all exterior features and openings, including finishes and materials.
- _____ 2. Indicate building height (as defined in Zoning Ordinance & UBC), finished floor elevations, and grade.
- _____ 3. Where appropriate, show adjacent features such as fences, landscaping, and other buildings and property lines.

E. Tabulation Form-

- _____ 1. Complete Tabulation Form, provided by the Department, indicating dimensions of your property and structure, the number of units, number of parking spaces, etc.

F. Green Building Requirements

- **Green Building Consultation –**
Applicants for projects that (1) require a Use Permit or Administrative Use Permit and (2) involve demolition or construction are required to consult with a green building expert provided for by the Berkeley’s Best Builders Program **PRIOR TO** submitting the permit application. Call “Build It Green” to schedule this free consultation: 510-845-0472 ext. 2
- **Green Building Checklist –**
Large Scale Development Projects and new buildings with one or more dwelling unit are required to complete a Green Building Checklist and update it throughout the project.
- **Energy Conservation Analysis –**
Projects with over 10,000 square feet of new non-residential floor area are required to submit an Energy Conservation Analysis.

Refer to the Building Green Guidelines for more information.

III. Additional Requirements (Required As Noted Below)

A. Plans and Graphics:

_____ 1. **Boundary/Topographic Survey –**

ALL site surveys must meet the following standards:

- Wet-stamped and signed by a licensed California surveyor or appropriately licensed civil engineer.²
- Minimum scale is 1/10" = 1'.
- For projects in the "H" District, survey must be less than five years old.

Additional site survey requirements, as needed by project type, are as follows:

For expansion of a building footprint to less than two feet from, or within, a required setback -

Submit: A survey showing the distance from the expansion to all affected property lines and setback lines.

For a new building -

Submit: A survey showing all property lines, curb and sidewalk, and existing and proposed structures.

For new buildings and major residential additions in the 'H' District

Submit: A survey showing topographic contour lines with minimum 5-foot interval.

_____ 2. **Conceptual Grading Plan –**

Required for projects involving more than 50 cubic yards of soil (i.e., cut and fill), or as determined necessary by the project planner.

Submit: Plans (1) prepared by a licensed surveyor, architect or engineer (2) include estimate quantity and locations of cut and fill soil, and (3) showing existing and final elevation.

_____ 3. **Parking Survey –**

Required for projects requesting a waiver of any parking required under the Zoning Ordinance, or as requested by the project planner.

Submit: Parking Survey

Guidelines: See "Parking Survey" Instructions. Also consult project planner and Office of Transportation (981-7010) for further information.

² Classification needs to be specified. Check with Planner.

_____ 4. **Photo Simulations (Photo Montage) –**

Required for Large Scale Development Projects.³

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

_____ 5. **Section Drawings –**

Required for new buildings and stories in the “H” district, or as determined necessary by the project planner.

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.

³ 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.

_____ 6. **Shadow Study –**

Required for construction of two stories adjacent to dwelling units, or as determined necessary by the project planner.

Submit: A shadow study that meets the following requirements.

1. Provide diagrams showing shadows cast by the project prior to construction and after construction. Indicate shadows for each of three times of day (2 hours after sunrise, noon, and 2 hours after sunrise). Calculate shadows for three times of year – the winter solstice, the summer equinox, and the application date (or thereabouts).
2. Include a photo of the structures to be affected showing the existing shadows at the application date (or thereabouts) to corroborate the accuracy of the shadow study
3. Overlay (in the same diagram) the existing shadows and those projected for the proposed structure, for each scenario required in #1 above, indicating clearly the incremental shadow due to the proposed project.
4. Show all structures that the shadows from the proposed project will hit. Indicate in writing that all buildings being shadowed are shown on the diagram.
5. If a shadow (existing or future) hits the wall of an adjacent structure, (1) show where existing shadow hits the wall, and (2) indicate locations of windows on walls affected.
6. If increased shadowing caused by the proposed project would affect any windows on residential buildings, then Indicate the use of those windows (garage, bedroom, bathroom, living room, etc.).

Guidelines: See “Shadow Study Instructions.” Also, several computer programs are available to provide this information.

_____ 7. **Story Poles –**

Required for new buildings and stories in the “H” District, or as determined necessary by the project planner.

Submit: Story poles must be installed prior to completion of any Mitigated Negative Declaration for the project or at least one month prior to a scheduled public hearing date, which ever occurs first. [Work with assigned planner.]

_____ 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 projects subject to the Inclusionary Housing Ordinance, see Zoning Ordinance 23C.12. Include any project that would create (1) five or more units (including live/work units) or (2) additional units resulting in 5 or more units built after 1986 on the site.

Submit: Housing Affordability Statement. The statement should demonstrate (1) how the project complies with the Berkeley Inclusionary Ordinance Requirement, (2) the level of affordability that will be met, (3) whether the units are rental, or for sale; (4) the number and location of the affordable units, and (5) the size and amenities (bedrooms, bathrooms, parking facilities) of these units.

2. **Density Bonus Eligibility**

_____ a. **Required for** Density Bonus projects (authorized by State Law Section 65915 the State Density Bonus Law).

Submit information and plans that:

- i. Describe how the proposed project would satisfy the eligibility requirements of Section 65915(b): what level of affordability is being committed and the number of below market rate units involved; the number of base project units; and the density bonus percentage and numbers of units available to the project under State Density Bonus Law Section 65915.
- ii. Identify any waivers, reductions, or modifications in City of Berkeley Development Standards that would be necessary to accommodate the density bonus units to which the applicant is entitled under Section 65915. [For example, increased height; increased FAR; reduced setback; reduction in required number of parking spaces; etc.] For each waiver or modification, describe (1) why it would be needed to accommodate these units (2) how it would affect the success of the project, and (3) how the waiver or modification is necessary to make the housing units economically feasible.
- iii. Submit conceptual plans showing (1) the base project and (2) two alternatives for accommodating the density bonus units. Demonstrate how the base project complies with all applicable Zoning Ordinance requirements.

- iv. Pay the Density Bonus Preview Fee as required by planner for ZAB previewing the plans and information above in a public meeting prior to review by the Design Review.

— b. **Additional Incentives or Concessions**

Required for Projects Requesting “Incentives or Concessions” under the State Density Bonus Law, Section 65915.

Submit:

- i. Describe any incentives/concessions being requested. If the applicant has requested a density bonus, these incentives/concessions would be **in addition to** the Density Bonus Units and the waivers or modifications of development standards necessary to accommodate construction of the project. However, the applicant may still request incentives/concessions if he has foregone all or some of the density bonus units to which he is entitled under Section 65915.
- ii. For each incentive/concession being requested, demonstrate how it would be necessary to provide for the affordable housing costs or for rents for the targeted affordable units.
- iii. In addition, for projects requesting incentives or concessions that would exceed the hypothetical maximum building envelope, the applicant shall provide a financial pro forma statement, as directed by staff, demonstrating that the requested incentive/concessions are necessary to cover the cost of the affordable units.
- iv. Pay Financial Analysis Fee, number based on expected staff time, as determined by project planner.

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 tree with a **circumference** of at least 18 inches at 4 feet up from the ground (or at least 26 inches aggregate **circumference** for a multi-stemmed tree).

Submit: Report prepared by certified arborist with experience in evaluating and managing construction impacts on Coast Live Oak Trees. Submit name and qualifications of arborist to the City Forester for approval, prior to preparation of the report. The report must assess project impacts on the tree(s) and recommend preservation measures both during and after construction, as applicable.

— 2. **Phase I or II Assessment –**

Required for projects involving significant excavation in non-residential zoning districts, on sites with a history of soil and/or groundwater contamination, or within a Toxic Division's Environmental Management Area (EMA map shown at the Permit Service Center and on the City's Website www.ci.berkeley.ca.us/gis/maproom.htm).

Submit: Phase I or II Assessment

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

— 3. **Seismic Hazard Investigation –**

Required for all new buildings and additions in seismic hazard zones shown on the "Environmental Constraints Map,"⁴ except single-family, wood- or steel-frame dwellings not exceeding two (2) stories (as defined by the State Hazards Mapping Act) and additions not exceeding 50 percent of existing floor area.

Submit: Requires initial deposit of \$1,100 for peer review. For landslide and liquefaction zones, see "Special Publication 117."⁵ For fault zones, see California Geological Survey Note 49.⁶

— 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.

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

— 5. **Creek Information –**

Required for any project within the Creek Buffer Zone, for an open creek, as identified by the City; complete the steps identified in "III.C.5. Conformance with Creeks Ordinance, BMC 17.08" In some cases, a parcel may include a creek that meets the ordinance but the City has not yet identified it as such. In these cases, the applicant is also required to complete the steps identified in the "Guidelines" identified above.

Submit:

- a. Topographical Survey: With two-foot contours depicting topographic features, and the centerline of the open creek and its relationship to the existing development.
- b. Creeks Report: Report completed by licensed engineer or licenses geologist with expertise in hydrology or slope stability demonstrating the following:

⁴ Available in Permit Service Center or at www.ci.berkeley.ca.us/maproom

⁵ Available at gmw.consrv.ca.gov/shmp/SHMPPgminfo.htm.

⁶ Available at www.consrv.ca.gov/CGS/rghm/ap/index.htm.

1. The project will not create, exacerbate, or prevent the abatement of erosion and bank destabilization problems.
2. The project will not increase stormwater runoff into the creek.
3. The project's construction activities will not degrade water quality from increased sedimentation and particulates from disturbed soils; pollution from motor oil; or from the generally high level of toxics and trash around construction sites.
4. The project will not eliminate or degrade significant in-stream or riparian corridor habitat.
5. The project will not prevent establishing stable banks and/or headwall at a culvert intake or outflow or otherwise impeded or complicate access to a culvert for maintenance or repair.

If your property has any culverted creek, (even if it is in addition to an open creek), please see Public Works for additional information on requirements and procedure.

— 6. **Storm Water Controls –**

Required for projects that include one (1) acre or more of impervious surface collectively over the entire project site, including roof area and all paving.

Submit: Report that describes how the site design, source controls, and storm water treatment control measure reduce storm water impacts to acceptable levels. Also submit an engineering analysis, including hydraulic calculations, as required by the Public Works Department (510) 981-7451 or 7448).

D. Structural Information

— 1. **Structural and Pest Report –**

Required for all projects proposing demolition (as defined in the Zoning Ordinance) of 25% or more of the enclosing exterior walls and of the roof, EXCEPT those projects already requesting a Use Permit for demolition.

Submit: A pest and structural evaluation of the existing dwelling, completed by an independent, fully credentialed pest control operator. The evaluation shall address the structural integrity of a representative sample of the structural elements to be retained, shall indicate their structural integrity, and shall estimate the likelihood that the elements would need to be replaced during the proposed project. This evaluation may require exposure of structural elements expected to be saved so that they can be examined; in this regard, it exceeds the State requirements for pest reports conducted with the sale of a property.

This report must be reviewed and accepted by the Planning Department prior to approval of any Building Permit, and prior to a determination that an AUP or UP project is “complete.”

— 2. **Structure History –**

Required for Demolition or major alteration of a structure > 40 years old.

Submit: Provide any readily available information on the date of construction, the architect, and special historic significance of the site or existing structure. Work with the Project Planner for additional guidance.

E. Additional Analyses

— 1. **Area of Potential Effects (APE) Statement –**

Required for projects seeking federal funds 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 at 36 CFR Part 800. Contact Housing Department at 981-5400 for further information and requirements.

— 2. **Impervious Surface Questionnaire –**

Required for new buildings on sites of 10,000 square feet or greater.

Submit: Impervious Surface Questionnaire

— 3. **Zoning Use Questionnaire –**

Required for projects involving a new business or new commercial space with tenant already selected.

Submit: Zoning Use Questionnaire

— 4. **Design Review Submittal –**

Required for projects requiring Design Review.

Submit: Separate applications for this review must be filed simultaneously, in accordance with the Design Review Submittal Requirements. [Work with assigned planner.]

IV. Zoning Application Forms & Guidelines

See also the City's Website, www.ci.berkeley.ca.us/planning, which includes a copy of all required forms and the Guidelines listed below.

- I.A. Zoning Project Application Form
- I.B. Application Fees
- I.D. Neighbor Signature Instruction
- I.E. Pre-Application Posters Instructions

- II.B. Site Plan Samples
- II.D. Building Height Instructions
- II.E. Tabulation Form
- II.F. Green Building Consultation Guidelines and Checklists
 - 1. Green Building Resources
 - 2. Home Remodeling Form
 - 3. New Home Construction Form
 - 4. Multi-family Building Form
 - 5. Commercial Building Form

- III.A.3 Parking Survey Guidelines
- III.A.4 Photo Simulations (Photo Montage) Guidelines
- III.A.6 Shadow Study Guidelines

- III.C.5 Conformance with Creeks Ordinance, BMC 17.08
- III.E.2 Impervious Surface Questionnaire
- III.E.3 Zoning use Questionnaire

[Approved for use by D.R.Sanderson, 3/21/07.]