



SB 35 Development Application Submittal Requirements

The SB 35 Development Application Submittal Requirements packet describes all of the materials required to submit a complete SB 35 application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects; Sections 2-6 comprise a list of materials that may be required based on the project type or location. 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. Only complete applications will be accepted for review.

Section 1 – Required for all SB 35 Submissions

- A. Completed SB 35 Development Application
- B. Applicant Statement / Detailed Project Description
- C. SB 35 Eligibility Criteria Compliance Documentation
- D. Objective Zoning and Plan Standards Compliance
- E. Fees

Section 2 – Plan Set

- A. Site Plan
- B. Lot Coverage/Usable Open Space Plan
- C. Floor Plans
- D. Building Elevations
- E. Street Strip Elevation
- F. Grading Plan
- G. Boundary and/or Topographic Survey

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

- A. Tabulation Form
- B. Site Photographs
- C. Shadow Study
- D. Arborist Report
- E. Photo Simulations

Section 4 – Required for Projects Subject to Affordable Housing Requirements

- A. Housing Affordability Statement
- B. Anti-Discrimination Housing Policies
- C. Density Bonus Eligibility Statement
- D. Area of Potential Effects (APE) Statement



SB 35 Development Application Submittal Requirements

Page 2 of 12

Section 5 – Landscape and Green Building Requirements

- A. Landscape Requirements
- B. Natural Gas Prohibition, Berkeley Energy Code, and Berkeley Green Code
- C. Green Building Requirements

Section 6 – Strongly Encouraged Actions

- A. Pre-Application Neighborhood Meeting



SB 35 Development Application Submittal Requirements

Page 3 of 12

Section 1 – Required for All Submissions

A. SB 35 Project Application Form

Submit the completed form, available online at: <https://tinyurl.com/vkljtyl>

B. Applicant Statement / Detailed Project Description

Submit a written statement that describes the proposed project and how it satisfies the objective standards and regulations required by the Zoning Ordinance.

C. SB 35 Eligibility Criteria Compliance Documentation

Submit required documentation to verify eligibility for processing under SB 35. The Eligibility Criteria Compliance packet is available online at: <https://tinyurl.com/u6x9q7x>

D. Objective Zoning and Plan Standards Compliance

Submit required documentation to verify compliance with objective zoning and plan standards. The documentation may be submitted in any format that is legible on paper no larger than 8½” x 11”. For reference, a sample is available online at: <https://tinyurl.com/v8e6b62>

E. Payment of Application Fees

Submit the \$400 required deposit, which covers the cost of two hours of staff time. Additional time will be charged at the rate of \$200 per hour worked, plus any costs for outside consultant peer reviews (e.g. Arborist Report).

Section 2 – Project Plan Submittal Requirements

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.



SB 35 Development Application Submittal Requirements

Page 4 of 12

Section 2 – Project Plan Submittal Requirements

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

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 the site or building is too large to fit on sheets at minimum scale, provide one (1) additional larger set meeting minimum scale. 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.

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 **For further information, visit www.cab.ca.gov.**

A. Site Plan

Required for all projects.

The Site Plan must show the following:

- Property lines and lot dimensions
- Existing and proposed building footprint(s), dimensions, setbacks (required, existing and proposed), and projections such as eaves, balconies and bays. Show all accessory structures, including 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 complete dimensions, location of handicapped parking spaces, bicycle racks, and security gates
- Trash/solid waste storage area
- Utility meters
- Fences and retaining walls (indicate 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 and drip line), creeks (indicate banks or culvert outline), and prominent landforms.

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.



SB 35 Development Application Submittal Requirements

Page 5 of 12

Section 2 – Project Plan Submittal Requirements

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

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

B. Lot Coverage and Usable Open Space Plan

Required for all projects.

The Lot Coverage and Usable Open Space Plan, using the Site Plan as a base map, 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.

Sample Lot Coverage and Usable Open Space Diagrams are 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 Zoning Ordinance; see link below), finished floor elevations, and grade (within five feet of the building).
- Adjacent features such as fences, landscaping, and other buildings and property lines.



SB 35 Development Application Submittal Requirements

Page 6 of 12

Section 2 – Project Plan Submittal Requirements

- 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.

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.

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. 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.

G. Boundary and/or Topographic Survey

Required for a project creating any of the following:

- Any new main building; or
- 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 and signed by a licensed California surveyor or appropriately licensed civil engineer²
2. Minimum scale of 1/10" = 1'
3. Shows all property lines, curb and sidewalk, spot elevations, existing structures, building dimensions, and setbacks to all property lines

² Classification must be specified. Check with project planner.



SB 35 Development Application Submittal Requirements

Page 7 of 12

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

A. Tabulation Form

Required for all projects.

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

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

B. 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.

C. Shadow Study

Required for any new construction on the north side of University Avenue within the University Avenue Strategic Plan Overlay.

Submit a shadow study that verifies the building (or the base project for projects utilizing State Density Bonus) does not cast a shadow at noon more than 20 feet onto any lot in a residential district as calculated when the sun is at a 29 degree angle above the horizon (winter solstice).

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 measured 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 is available online at:** <https://tinyurl.com/txa8otz>



SB 35 Development Application Submittal Requirements

Page 8 of 12

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

E. 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>

Section 4 – 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 site.³

Submit a written statement describing the following:

1. How the project complies with the Inclusionary Housing Ordinance
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
4. Size and amenities (bedrooms, bathrooms, parking facilities) of any affordable units.

³ BMC Section 23C.12.020, Applicability of Inclusionary Housing Requirements



SB 35 Development Application Submittal Requirements

Page 9 of 12

Section 4 – Required for Projects Subject to Affordable Housing Requirements

B. Anti-Discrimination Housing Policies

Required for any project creating:

- 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:

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, which?
3. 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?
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) is yes, please provide a copy of that policy or policies as part of this application.

Note: 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 is unaffected by the applicant's response to this section.



SB 35 Development Application Submittal Requirements

Page 10 of 12

Section 4 – Required for Projects Subject to Affordable Housing Requirements

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 with 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.



SB 35 Development Application Submittal Requirements

Page 11 of 12

Section 5 – 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

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



SB 35 Development Application Submittal Requirements

Page 12 of 12

Section 5 – Landscape and Green Building Requirements

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/

Section 6 – Strongly Encouraged Action

A. Pre-Application Neighborhood Meeting

Contact all property owners, residents, and neighborhood organizations within 300 feet of the project site to advise them of your planned development. The steps to complete this requirement are:

1. Compile a list of all property owners, occupants/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
3. Hold the meeting and keep a record of attendance and topics discussed.