



Office of the City Manager

PUBLIC HEARING
December 1, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director of Public Works
 Subject: Correction to Fee Increases for Traffic Engineering Hourly Rates

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 68,939-N.S. to include the rates discussed in the accompanying report in Chapter E of Attachment 1 that was inadvertently omitted during production of the agenda item.

FISCAL IMPACTS OF RECOMMENDATION

The previously adopted Engineering and Traffic Engineering rates are projected to generate an estimated \$230,000 in additional Permit Service Center revenue each fiscal year, assuming a similar level of permit and development application activity as has occurred recently.

The hourly rates are charged in a number of specific cases, all articulated in the respective sections of the Planning Department fee schedule, when direct work by staff is required.

CURRENT SITUATION AND ITS EFFECTS

The hourly rates for the Engineering and Transportation Divisions had not been increased since July, 2010. On May 28 2019, City Council conducted a Public Hearing and adopted the new rates (Attachment 2). Due to a clerical error, the Traffic Engineering Hourly Rate was not included as an attachment to the resolution.

BACKGROUND

The Permit Service Center Fund is an enterprise fund established to be self-supporting for functions related to building permits, land use entitlements, temporary use of the right of way, and utility permits. The Engineering and Traffic Engineering hourly rates were last updated in July, 2010. Since that time, staff hourly rates and overhead costs have increased. Hourly rates are established to only recover actual staff and overhead costs.

ENVIRONMENTAL SUSTAINABILITY

Many activities administered and services provided by Traffic Engineering support City goals for energy efficiency, reduced greenhouse gas emissions, improved storm water quality, and sustainable development.

RATIONALE FOR RECOMMENDATION

This Resolution corrects a clerical error that omitted the page of Traffic Engineering rates.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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Andrew Brozyna, Deputy Director of Public Works, (510) 981-6396
Farid Javandel, Manager of Transportation, (510) 981-7061
Sean O'Shea, Public Works Fiscal Services Manager, (510) 981-6306

Attachment:

- 1: Corrected Fee Schedule including Traffic Engineering
- 2: May 28, 2019 Berkeley City Council Meeting Item 41 Public Hearing; *Proposed Fee Increases for Engineering and Traffic Engineering Hourly Rates*
3. Public Hearing Notice

CHAPTER D - ENGINEERING

FEE TYPE / DESCRIPTION	FEE	REMARKS
I. Engineering Fees		
1. Engineering work required for review or preparation of sewer plans and specifications	\$ 190.00	per hour
2. Engineering work required in abandonment of easement	\$ 5,202.00	
3. Engineering work required in abandonment of streets, paths, walks, steps and similar public ways	\$ 8,918.00	
4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following:		
a. Review of plans and specifications other than for sewer.	\$ 190.00	per hour
b. Engineering work and inspection required for grading or regarding streets.	\$ 190.00	per hour
c. Engineering work and inspection required for concrete sidewalks, curbs and gutter.	\$ 190.00	per hour
d. Engineering work and inspection required for pavement in area of roadway.	\$ 190.00	per hour
e. Engineering work and inspection required for culverts and drainage.	\$ 190.00	per hour
f. Engineering work and inspection required for sewers.	\$ -	
g. Engineering work and inspection required for structures of masonry construction of either brick or concrete.	\$ 190.00	per hour
h. Engineering work and inspection required for construction storm water best management practices.	\$ 190.00	per hour
i. Engineering work and inspection required for post -construction storm water best management practices	\$ 190.00	per hour
(BMC 2.72.050)		
5. Moving and replacing street monuments, the charge will be the actual cost to the City.		
6. All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged.	\$ 190.00	per hour
7. Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged.	\$ 190.00	per hour
8 Field survey:		
One-person party	\$ 190.00	per hour/person (4 hours minimum)
Two-person party	\$ 190.00	per hour/person (4 hours minimum)
Three-person party	\$ 190.00	per hour/person (4 hours minimum)

FEE TYPE / DESCRIPTION	FEE	REMARKS
9. Public consultations or assistance rendered in records examination.	No fee	
10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays. (BMC 2.72.050)	Double the fee	

II. SIDEWALK CONSTRUCTION AND REPAIR

A. Fees - Streets, Sidewalks and Other Public Property

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.
2. Field Inspection: The charge for field inspection shall be as follows:

a. Curbing	\$	28.00	for each ten L.F. or fraction thereof
b. Curb and Gutter	\$	28.00	for each ten L.F. or fraction thereof
c. Sidewalks	\$	28.00	for each 100 sq. ft or fraction thereof
d. Driveway approach: Same charge as for sidewalks.	\$	28.00	per 100 sq. ft or fraction thereof

(BMC 16.04.110)

B. Permit - Cash Deposit or Bond in Lieu Required - Conditions

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.
3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.
4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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III. SANITARY AND STORM DRAIN SEWERS

A. Sewer and Storm Drain Construction Fees

1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:
 - a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement \$127.
 - b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main \$206 for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.
 - c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main \$190 per hour.
 - d. For engineering work and inspection required in establishing backline easements and re-use connections - \$190 per hour, two-hour minimum.
 - e. For sewer lateral capping, \$190 per hour, two-hour minimum.
 - f. For engineering work and inspection involved with mainlines and manholes, \$190 per hour, two-hour minimum.
2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.

(BMC 17.16.050)

B. Sewer Construction, Cash Deposit or Bond in Lieu of

1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of \$1,376 for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,306 may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

(BMC 17.16.050)

IV. EXCAVATIONS

A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes

Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.

The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of \$127 and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of \$190 per hour shall be charged for all inspections. (BMC 16.12.030)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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B. Compliance with Regulations Required
The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When
For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

<u>Type of Excavation</u>	<u>In -lieu Fee</u>
Trench (excluding new service connections)	\$4.20 per square foot of street area required to be resurfaced by the regulations
Bell hole/new service connection	\$676 /bell hole or new service connection

V. STREET AND SIDEWALK USE PERMIT

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.

- a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.
- b. House moving.
- c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.
- d. Debris boxes by contractors.
- e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$190 per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work.

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overweight, overweight or overwidth vehicle or any overweight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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C. Increased Fees for Work Performed or Operation of Vehicle Without Permit

For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)

D. Deposit - To Guarantee Removal of Materials or Equipment Required

As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of \$1,376 for each permit issued under the provisions of this chapter. (BMC 16.16.070)

E. Deposit - Surety Bond in Lieu When - Conditions

In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)

F. Waiver - Deposit and Bond

In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)

VI. NO PARKING SIGNS

No parking signs will be required in conjunction with all street use permits.

If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of \$34 and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of \$79 per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.

Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.

Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign

FEE TYPE / DESCRIPTION	FEE	REMARKS
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VII. ENCROACHMENT PERMITS

The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:

1. A non-refundable application fee in the amount of \$454 for each permit below.
 - a. Minor encroachment permit: \$1,228 paid upon approval of permit.
 - b. Major encroachment permit: \$1,774 paid upon approval of permit.
2. Decorative non-commercial installation in a public right-of-way: a permit fee of \$127
3. Above ground planter: \$153
4. Inspection when required by the Director of Public Works or his/her designee: \$190 per hour.
5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep \$ 2,100.00 per tieback or soil nail
6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep \$ 1,050.00 per tieback or soil nail
7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep \$ 525.00 per tieback or soil nail

(BMC 16.18.025)

VIII. SUBDIVISION FEES

A. Processing and Review

The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:

1. Lot line adjustmenst filing fee (BMC 21.32.040) \$ 1,743.00
2. Reversion to acreage filing fee (BMC 21.48.040) \$ 1,743.00
3. Parcel mergers (BMC 21.52.060)
 - Filing fee \$ 1,743.00
 - Public hearing fee \$ 633.00
4. Correction and amendment of a recorded map filing fee (BMC 21.56.050) \$ 1,445.00
5. Certificate of compliance filing fee (BMC 21.60.050) \$ 1,743.00
6. Tentative tract maps (BMC 21.16.043)
 - Filing fee \$ 4,820.00
 - Public hearing fee \$ 633.00
7. Vesting tentative parcel maps filing fee (BMC 21.18.070) \$ 5,316.00
8. Vesting tentative tract maps (BMC 21.18.070)
 - Filing fee \$ 5,316.00
 - Public hearing fee \$ 633.00
9. Minor amendment to approve tentative map (BMC 21.16.080)
 - Filing fee \$ 323.00
 - Records Management fee \$ 50.00
10. Major amendment to approved tentative map (BMC 21.16.080)
 - Filing fee \$ 1,003.00
 - Public Hearing fee \$ 633.00
 - Records Management fee \$ 50.00

FEE TYPE / DESCRIPTION	FEE	REMARKS
11. Final tract maps (BMC 21.20.020)		
Filing fee	\$ 376.00	
Map Checking fee	\$ 181.00	/lot, parcel or unit
12. Parcel maps filing fee (BMC 21.24.040)	\$ 4,820.00	
13. Office engineering fee (BMC 21.04.070)	\$ 190.00	per hour

B. Deposit - Refundable

A deposit in the amount of \$588 shall be paid at the time of filing and, in addition to the filing fees, for the following:

Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.

NOTE: Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.

IX. CREEK FEES

CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.

All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.

A. Creeks identification fee	\$ 495.00	
B. Creek permit base fee	\$ 988.00	
C. CEQA review fee for open creeks	\$ 741.00	
D. Public Works Commission hearing fee	\$ 741.00	
E. Additional fees: \$153 per hour x hours required	\$ 190.00	/hour
F. Records Management fee	\$ 50.00	

CHAPTER E - TRAFFIC ENGINEERING

A. Applications for residential, commercial, industrial and institutional projects (up to two rounds of plan checks)

Project Valuation	Per 100 value over \$3000
Up to \$200,000	\$90 flat fee
\$200,001 - \$300,000	\$0.18 + \$90
\$300,001 - \$400,000	\$0.30 + \$90
\$400,001 - \$500,000	\$0.42 + \$90
\$500,001 - \$2,000,000	\$0.55 + \$90
\$2,000,001 - \$5,000,000	\$0.60 + \$90
Over \$5,000,000	\$0.65 + \$90

B. Miscellaneous Fees

FEE TYPE/DESCRIPTION		FEE	REMARKS
1.	Pre-application consultation or walk-in requests for advice	\$ 200.00	/hour (\$50 minimum under 15 minutes or each additional 15 minutes or fraction thereof)
2.	Peer review of traffic impact studies and EIRs submitted by traffic engineering consultants for large development projects	\$ 200.00	per staff hour
3.	Construction traffic plan monitoring	\$ 200.00	per staff hour
4.	Post-construction traffic monitoring	\$ 200.00	per staff hour
5.	Administrative Use Permits (when Traffic Engineering review is required)	\$ 400.00	base fee for up to two staff hours
		\$ 200.00	per hour in excess of first two staff hours
6.	Use Permits (when Traffic Engineering review is required)	\$ 800.00	base fee for up to four hours
		\$ 200.00	per hour in excess of first four staff hours
7.	Plan checking in excess of two rounds	\$ 200.00	per staff hour



Office of the City Manager

PUBLIC HEARING

May 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Phillip Harrington, Director of Public Works

Subject: Proposed Fee Increases for Engineering and Traffic Engineering Hourly Rates

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the master fee schedule for the Planning and Development Department to increase the hourly rate for staff time not otherwise specified from \$153/hour to \$190/hour for the Engineering Division and from \$160/hour to \$200/hour for the Transportation Division for FY 2020.

FISCAL IMPACTS OF RECOMMENDATION

The recommendations in this report to adopt increased fees will generate funds to better cover City costs associated with their respective program activities. All fees collected under these recommendations are deposited into the Permit Service Center (PSC) Fund. Attachment 1 to this staff report presents the proposed new Planning Department fee schedule, with revisions shown in track changes format. Exhibit A to the resolution (Attachment 4) shows the proposed new fee schedule in clean format.

The proposed new hourly rates of \$190 for Engineering and \$200 for Traffic Engineering, up from the current rates of \$153 and \$160, respectively, would encompass only those fees which are based on staff time. The proposed new hourly rates would help the City to recoup more of the associated staff and overhead costs.

The detailed cost calculations to support these hourly rate increases can be found in Attachments 2 and 3 to this staff report, which show that full cost recovery, even at FY 2017 rates (the rates used in these attachments), could justify rates of up to \$191.82 per hour for Engineering and up to \$234.60 per hour for Traffic Engineering. The reason for not charging the full amount is to reduce the impact to applicants. A future fee study is anticipated to address the full range of fees in the fee schedule.

The proposed new Engineering and Traffic Engineering rates are projected to generate an estimated \$230,000 in additional PSC revenue each fiscal year, assuming a similar level of permit and development application activity as has occurred recently.

The hourly rates are charged in a number of specific cases, all articulated in the respective sections of the Planning Department fee schedule, when direct work by staff is required.

CURRENT SITUATION AND ITS EFFECTS

The hourly rates for the Engineering and Transportation Divisions have not been increased since July, 2010; however, City personnel costs have increased substantially in the intervening years. By definition, fees which are based on hourly rates are incurred in activities which are staff-intensive, such as applications requiring Administrative Use Permits, Land Use Entitlements, Building Permits, Temporary Use of the Right of Way, and Utility Permits.

BACKGROUND

The Permit Service Center Fund is an enterprise fund established to be self-supporting for functions related to building permits, land use entitlements, temporary use of the right of way, and utility permits. The Engineering and Traffic Engineering hourly rates were last updated in July, 2010. Since that time, staff hourly rates and overhead costs have increased. Hourly rates are established to only recover actual staff and overhead costs.

ENVIRONMENTAL SUSTAINABILITY

Many activities administered and services provided by Engineering and Traffic Engineering support City goals for energy efficiency, reduced greenhouse gas emissions, improved storm water quality, and sustainable development.

RATIONALE FOR RECOMMENDATION

Current hourly rates for Engineering and Traffic Engineering services do not fully recover staff hourly rates and overhead costs. The proposed rate increases would more fully recoup the City's actual staff and overhead costs.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered not increasing the Engineering and Traffic Engineering hourly rates, and in effect allowing the activities described to be subsidized by the City's general fund or via the existing PSC fund balance.

CONTACT PERSON

Phillip Harrington, Director of Public Works (510) 981-6303
Andrew Brozyna, Deputy Director of Public Works, (510) 981-6396
Farid Javandel, Manager of Transportation, (510) 981-7061
Sean O'Shea, Public Works Fiscal Services Manager, (510) 981-6306

Attachments:

- 1: Proposed new Planning and Development Department Fee Schedule, with changes tracked
- 2: Detailed cost calculation for Engineering hourly staff time rate
- 3: Detailed cost calculation for Traffic Engineering hourly staff time rate
- 4: Resolution
 - Exhibit A: Proposed new Planning Department fee schedule, in clean format
- 5: Public Hearing Notice

CHAPTER D - ENGINEERING

FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
I. Engineering Fees			
1. Engineering work required for review or preparation of sewer plans and specifications	\$ 153.00	\$ 190.00	per hour
2. Engineering work required in abandonment of easement	\$ 5,202.00		
3. Engineering work required in abandonment of streets, paths, walks, steps and similar public ways	\$ 8,918.00		
4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following:			
a. Review of plans and specifications other than for sewer.	\$ 153.00	\$ 190.00	per hour
b. Engineering work and inspection required for grading or regarding streets.	\$ 153.00	\$ 190.00	per hour
c. Engineering work and inspection required for concrete sidewalks, curbs and gutter.	\$ 153.00	\$ 190.00	per hour
d. Engineering work and inspection required for pavement in area of roadway.	\$ 153.00	\$ 190.00	per hour
e. Engineering work and inspection required for culverts and drainage.	\$ 153.00	\$ 190.00	per hour
f. Engineering work and inspection required for sewers.	\$ 153.00	\$ 190.00	per hour
g. Engineering work and inspection required for structures of masonry construction of either brick or concrete.	\$ 153.00	\$ 190.00	per hour
h. Engineering work and inspection required for construction storm water best management practices.	\$ 153.00	\$ 190.00	per hour
i. Engineering work and inspection required for post -construction storm water best management practices	\$ 153.00	\$ 190.00	per hour
(BMC 2.72.050)			
5. Moving and replacing street monuments, the charge will be the actual cost to the City.			
6. All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged.	\$ 153.00	\$ 190.00	per hour
7. Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged.	\$ 153.00	\$ 190.00	per hour
8 Field survey:			
One-person party	\$ 153.00	\$ 190.00	per hour/person (4 hours minimum)
Two-person party	\$ 153.00	\$ 190.00	per hour/person (4 hours minimum)
Three-person party	\$ 153.00	\$ 190.00	per hour/person (4 hours minimum)

FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
9. Public consultations or assistance rendered in records examination.	No fee		
10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays.	Double the fee		
(BMC 2.72.050)			
II. SIDEWALK CONSTRUCTION AND REPAIR			
A. Fees - Streets, Sidewalks and Other Public Property			

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.

2. Field Inspection: The charge for field inspection shall be as follows:

- | | | | |
|---|----|-------|---|
| a. Curbing | \$ | 28.00 | for each ten L.F. or fraction thereof |
| b. Curb and Gutter | \$ | 28.00 | for each ten L.F. or fraction thereof |
| c. Sidewalks | \$ | 28.00 | for each 100 sq. ft or fraction thereof |
| d. Driveway approach: Same charge as for sidewalks. | \$ | 28.00 | per 100 sq. ft or fraction thereof |

(BMC 16.04.110)

B. Permit - Cash Deposit or Bond in Lieu Required - Conditions

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.

3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.

4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)

FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
III. SANITARY AND STORM DRAIN SEWERS			
A. Sewer and Storm Drain Construction Fees			
1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:			
a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement <u>\$127</u> .			
b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main <u>\$206</u> for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.			
c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main <u>\$153 (\$190)</u> per hour.			
d. For engineering work and inspection required in establishing backline easements and re-use connections - <u>\$153 (\$190) per hour, two-hour minimum.</u>			
e. For sewer lateral capping, <u>\$153 (\$190) per hour, two-hour minimum.</u>			
f. For engineering work and inspection involved with mainlines and manholes, <u>\$153 (\$190) per hour, two-hour minimum.</u>			
2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.			
(BMC 17.16.050)			
B. Sewer Construction, Cash Deposit or Bond in Lieu of			
1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of <u>\$1,376</u> for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.			
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of <u>\$11,306</u> may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.			
(BMC 17.16.050)			
IV. EXCAVATIONS			
A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes			
Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.			
The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of <u>\$127</u> and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of <u>\$153 (\$190)</u> per hour shall be charged for all inspections. (BMC 16.12.030)			

FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
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B. Compliance with Regulations Required
 The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When
 For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

Type of Excavation	In -lieu Fee
Trench (excluding new service connections)	\$4.20 per square foot of street area required to be resurfaced by the regulations
Bell hole/new service connection	\$676 /bell hole or new service connection

V. STREET AND SIDEWALK USE PERMIT

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.

a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.

b. House moving.

c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.

d. Debris boxes by contractors.

e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$153 (~~\$190~~) per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work.

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overweight, overweight or overwidth vehicle or any overweight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
<p>C. Increased Fees for Work Performed or Operation of Vehicle Without Permit</p> <p>For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)</p>	<input type="text"/> <input type="text"/>		
<p>D. Deposit - To Guarantee Removal of Materials or Equipment Required</p> <p>As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of <u>\$1,376</u> for each permit issued under the provisions of this chapter. (BMC 16.16.070)</p>	<input type="text"/> <input type="text"/>		
<p>E. Deposit - Surety Bond in Lieu When - Conditions</p> <p>In lieu of the deposit required by this chapter, a surety bond in the amount of <u>\$11,306</u> may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)</p>	<input type="text"/> <input type="text"/>		
<p>F. Waiver - Deposit and Bond</p> <p>In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)</p>	<input type="text"/>		
<p>VI. NO PARKING SIGNS</p> <p>No parking signs will be required in conjunction with all street use permits.</p> <p>If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of <u>\$34</u> and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of <u>\$79</u> per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.</p> <p>Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.</p> <p>Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign</p>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		

FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
VII. ENCROACHMENT PERMITS			
The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:			
1. A non-refundable application fee in the amount of <u>\$454</u> for each permit below.			
a. Minor encroachment permit: <u>\$1,228</u> paid upon approval of permit.			
b. Major encroachment permit: <u>\$1,774</u> paid upon approval of permit.			
2. Decorative non-commercial installation in a public right-of-way: a permit fee of <u>\$127</u>			
3. Above ground planter: <u>\$153</u>			
4. Inspection when required by the Director of Public Works or his/her designee: <u>\$153</u> (\$190) per hour.			
5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep	\$ 2,100.00		per tieback or soil nail
6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep	\$ 1,050.00		per tieback or soil nail
7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep	\$ 525.00		per tieback or soil nail
(BMC 16.18.025)			
VIII. SUBDIVISION FEES			
A. Processing and Review			
The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:			
1. Lot line adjustmenst filing fee (BMC 21.32.040)	\$ 1,743.00		
2. Reversion to acreage filing fee (BMC 21.48.040)	\$ 1,743.00		
3. Parcel mergers (BMC 21.52.060)			
Filing fee	\$ 1,743.00		
Public hearing fee	\$ 633.00		
4. Correction and amendment of a recorded map filing fee (BMC 21.56.050)	\$ 1,445.00		
5. Certificate of compliance filing fee (BMC 21.60.050)	\$ 1,743.00		
6. Tentative tract maps (BMC 21.16.043)			
Filing fee	\$ 4,820.00		
Public hearing fee	\$ 633.00		
7. Vesting tentative parcel maps filing fee (BMC 21.18.070)	\$ 5,316.00		
8. Vesting tentative tract maps (BMC 21.18.070)			
Filing fee	\$ 5,316.00		
Public hearing fee	\$ 633.00		
9. Minor amendment to approve tentative map (BMC 21.16.080)			
Filing fee	\$ 323.00		
Records Management fee	\$ 50.00		
10. Major amendment to approved tentative map (BMC 21.16.080)			
Filing fee	\$ 1,003.00		
Public Hearing fee	\$ 633.00		
Records Management fee	\$ 50.00		

FEE TYPE / DESCRIPTION	FEE	PROPOSED FEE	REMARKS
11. Final tract maps (BMC 21.20.020)			
Filing fee	\$ 376.00		
Map Checking fee	\$ 181.00		/lot, parcel or unit
12. Parcel maps filing fee (BMC 21.24.040)	\$ 4,820.00		
13. Office engineering fee (BMC 21.04.070)	\$ 153.00	\$ 190.00	per hour
B. Deposit - Refundable			
A deposit in the amount of <u>\$588</u> shall be paid at the time of filing and, in addition to the filing fees, for the following:			
Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.			
NOTE: Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.			
IX. CREEK FEES			
CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.			
All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.			
A. Creeks identification fee	\$ 495.00		
B. Creek permit base fee	\$ 988.00		
C. CEQA review fee for open creeks	\$ 741.00		
D. Public Works Commision hearing fee	\$ 741.00		
E. Additional fees: \$153 per hour x hours required	\$ 153.00	\$ 190.00	/hour
F. Records Management fee	\$ 50.00		

Attachment 2, Chapter D - Engineering

**COST WORKSHEET: HOURLY COST OF ENGINEERING INSPECTION STAFF PROVIDING DIRECT SERVICES
FY2017**

This worksheet calculates the total hourly cost of providing engineering inspection services by attributing all associated costs to the professional staff providing direct services, such as reviewing permit applications for temporary use of the right of way, processing utility permits, and performing field inspections. Other staff and overhead are prorated to the direct service as part of their cost.

Direct Costs

Personnel Costs	Salary	FTE
Engineering Inspector	\$100,987.12	1.0
Total	\$100,987.12	1.0
Add Fringe Benefits (75.32%)	\$76,063.50	
Direct Personnel Costs	\$177,050.62	
Engineering Non-Personnel (excludes indirect costs)	\$272,887.00	
Engineering FTE	/	38.75
Non-Personnel Cost/FTE	\$7,042.25	
Direct FTE	:	1.0
Non-Personnel Costs	\$7,042.25	
Total Direct Costs (Personnel + Non-Personnel)	\$184,092.86	
Total Direct Costs	\$184,092.86	
Staff Hours	/	1634
Direct Staff Costs per Hour	\$112.66	

Indirect Costs

Indirect Costs (20.44%) x salary for Direct Labor	\$20,641.77	
Division Admin - Personnel Cost	+ \$105,035.71	
Department Admin & Rent prorated	+ \$3,762.12	Div rent / Div FTE x Relevant FTE (1.0)
Total Indirect Costs	\$129,439.59	
Direct Staff Hours	/	1634
Indirect Staff Costs per Hour	\$79.22	

Total Cost Per Hour (Sum of Indirect Costs) \$191.88

Admin Overhead			
Engineering Overhead	Amount	FTE	Salaries
City Engineer	\$7,981.68	0.05	\$159,633.55
Dep Director	\$8,435.70	0.05	\$168,714.00
Analyst	\$4,253.43	0.05	\$85,068.67
OSII	\$3,563.31	0.05	\$71,266.21
Super. Civil Engs (4)	\$29,421.23	0.2	\$147,106.13
	\$53,655.35	0.4	
Add Fringe (75.32%)	\$40,413.21		
Add Indirects (20.44%)	\$10,967.15		
Total Personnel	\$105,035.71		

Attachment 3, Chapter E - Traffic Engineering

COST WORKSHEET: HOURLY COST OF ASSOCIATE CIVIL ENGINEERING STAFF PROVIDING DIRECT SERVICES FY2017

This worksheet calculates the total hourly cost of providing traffic control plan review, field inspection, and other related services, by attributing all associated costs to the professional staff providing these direct services. Other staff and overhead are prorated to the direct service as part of their cost.

Direct Costs

Personnel Costs	Salary	FTE	
Associate Engineer	\$135,923.01	1.0	
	Total	\$135,923.01	1.0
Add Fringe Benefits (71.42%)	\$97,076.21		
Direct Personnel Costs	\$232,999.22		
Transportation Non-Personnel (excludes indirect costs)	\$351,645.00	Transportation 4000-5999 ele-ojb totals	
Transportation FTE	/	35	
Non-Personnel Cost/FTE	\$10,047.00		
Direct FTE	x	1.0	
Non-Personnel Costs	\$10,047.00		
Total Direct Costs (Personnel + Non-Personnel)	\$243,046.22		
Total Direct Costs	\$243,046.22		
Staff Hours	/	1634	
Direct Staff Costs per Hour	\$148.74		

Indirect Costs

Indirect Costs (20.44%) x salary for Direct Labor	\$27,782.66		
Division Admin - Personnel Cost	+ \$108,347.93		
Department Admin & Rent prorated	+ \$4,165.20	Div rent / Div FTE x Relevant FTE (1.0)	
Total Indirect Costs	\$140,295.79		
Direct Staff Hours	/	1634	
Indirect Staff Costs per Hour	\$85.86		

Total Cost Per Hour (Sum of Indirect Costs) \$234.60

Admin Overhead			
Transportation Overhead	Amount	FTE	Salaries
Transportation Manager	\$8,430.00	0.05	\$168,600.00
Dep Director	\$8,435.70	0.05	\$168,714.00
Analyst	\$4,253.43	0.05	\$85,068.67
Admin Secretary	\$3,990.60	0.05	\$79,812.00
Super. Traf Eng	\$31,365.60	0.2	\$156,828.00
	\$56,475.33	0.4	
Add Fringe (71.42%)	\$40,329.04		
Add Indirects (20.44%)	\$11,543.56		
Total Personnel	\$108,347.93		

RESOLUTION NO. ##,###-N.S.

FEES: DEVELOPMENT RELATED SERVICES PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT

WHEREAS, on May 16, 2017, Resolution No. 67,985-N.S. established fees for development-related services provided by the Planning and Development Department; and

WHEREAS, the hourly base rate for staff services provided by the Public Works Engineering and Transportation Divisions has not been increased since 2010; and

WHEREAS, the current staff time rates of \$153/hour for Chapter D - Engineering Division and \$160/hour for Chapter E – Traffic Engineering for hourly-based services has not kept up with staff hourly rates and overhead costs incurred to deliver services since the respective dates of the previous rate adjustments; and

WHEREAS, the Council of the City of Berkeley held a public hearing on May 28, 2019 to review the proposed changes to the fee schedule, attached hereto as Exhibit A to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the proposed fees for all development-related engineering services provided by the Planning and Development Department (Exhibit A) are adopted effective July 1, 2020, and that Resolution 67,985-N.S. is amended to incorporate the new fees.

Exhibits:

A: Fee Schedule

CHAPTER D - ENGINEERING

FEE TYPE / DESCRIPTION	FEE	REMARKS
I. Engineering Fees		
1. Engineering work required for review or preparation of sewer plans and specifications	\$ 190.00	per hour
2. Engineering work required in abandonment of easement	\$ 5,202.00	
3. Engineering work required in abandonment of streets, paths, walks, steps and similar public ways	\$ 8,918.00	
4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following:		
a. Review of plans and specifications other than for sewer.	\$ 190.00	per hour
b. Engineering work and inspection required for grading or regarding streets.	\$ 190.00	per hour
c. Engineering work and inspection required for concrete sidewalks, curbs and gutter.	\$ 190.00	per hour
d. Engineering work and inspection required for pavement in area of roadway.	\$ 190.00	per hour
e. Engineering work and inspection required for culverts and drainage.	\$ 190.00	per hour
f. Engineering work and inspection required for sewers.	\$ -	
g. Engineering work and inspection required for structures of masonry construction of either brick or concrete.	\$ 190.00	per hour
h. Engineering work and inspection required for construction storm water best management practices.	\$ 190.00	per hour
i. Engineering work and inspection required for post -construction storm water best management practices	\$ 190.00	per hour
(BMC 2.72.050)		
5. Moving and replacing street monuments, the charge will be the actual cost to the City.		
6. All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged.	\$ 190.00	per hour
7. Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged.	\$ 190.00	per hour
8 Field survey:		
One-person party	\$ 190.00	per hour/person (4 hours minimum)
Two-person party	\$ 190.00	per hour/person (4 hours minimum)
Three-person party	\$ 190.00	per hour/person (4 hours minimum)

FEE TYPE / DESCRIPTION	FEE	REMARKS
9. Public consultations or assistance rendered in records examination.	No fee	
10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays. (BMC 2.72.050)	Double the fee	

II. SIDEWALK CONSTRUCTION AND REPAIR

A. Fees - Streets, Sidewalks and Other Public Property

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.
2. Field Inspection: The charge for field inspection shall be as follows:

a. Curbing	\$	28.00	for each ten L.F. or fraction thereof
b. Curb and Gutter	\$	28.00	for each ten L.F. or fraction thereof
c. Sidewalks	\$	28.00	for each 100 sq. ft or fraction thereof
d. Driveway approach: Same charge as for sidewalks.	\$	28.00	per 100 sq. ft or fraction thereof

(BMC 16.04.110)

B. Permit - Cash Deposit or Bond in Lieu Required - Conditions

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.
3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.
4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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III. SANITARY AND STORM DRAIN SEWERS

A. Sewer and Storm Drain Construction Fees

1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:
 - a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement \$127.
 - b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main \$206 for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.
 - c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main \$190 per hour.
 - d. For engineering work and inspection required in establishing backline easements and re-use connections - \$190 per hour, two-hour minimum.
 - e. For sewer lateral capping, \$190 per hour, two-hour minimum.
 - f. For engineering work and inspection involved with mainlines and manholes, \$190 per hour, two-hour minimum.
2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.

(BMC 17.16.050)

B. Sewer Construction, Cash Deposit or Bond in Lieu of

1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of \$1,376 for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,306 may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

(BMC 17.16.050)

IV. EXCAVATIONS

A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes

Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.

The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of \$127 and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of \$190 per hour shall be charged for all inspections. (BMC 16.12.030)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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B. Compliance with Regulations Required
The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When
For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

<u>Type of Excavation</u>	<u>In -lieu Fee</u>
Trench (excluding new service connections)	\$4.20 per square foot of street area required to be resurfaced by the regulations
Bell hole/new service connection	\$676 /bell hole or new service connection

V. STREET AND SIDEWALK USE PERMIT

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.

- a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.
- b. House moving.
- c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.
- d. Debris boxes by contractors.
- e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$190 per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work.

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overweight, overweight or overwidth vehicle or any overweight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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C. Increased Fees for Work Performed or Operation of Vehicle Without Permit

For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)

D. Deposit - To Guarantee Removal of Materials or Equipment Required

As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of \$1,376 for each permit issued under the provisions of this chapter. (BMC 16.16.070)

E. Deposit - Surety Bond in Lieu When - Conditions

In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)

F. Waiver - Deposit and Bond

In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)

VI. NO PARKING SIGNS

No parking signs will be required in conjunction with all street use permits.

If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of \$34 and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of \$79 per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.

Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.

Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign

FEE TYPE / DESCRIPTION	FEE	REMARKS
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VII. ENCROACHMENT PERMITS

The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:

1. A non-refundable application fee in the amount of \$454 for each permit below.
 - a. Minor encroachment permit: \$1,228 paid upon approval of permit.
 - b. Major encroachment permit: \$1,774 paid upon approval of permit.
2. Decorative non-commercial installation in a public right-of-way: a permit fee of \$127
3. Above ground planter: \$153
4. Inspection when required by the Director of Public Works or his/her designee: \$190 per hour.
5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep \$ 2,100.00 per tieback or soil nail
6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep \$ 1,050.00 per tieback or soil nail
7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep \$ 525.00 per tieback or soil nail

(BMC 16.18.025)

VIII. SUBDIVISION FEES

A. Processing and Review

The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:

1. Lot line adjustmenst filing fee (BMC 21.32.040) \$ 1,743.00
2. Reversion to acreage filing fee (BMC 21.48.040) \$ 1,743.00
3. Parcel mergers (BMC 21.52.060)
 - Filing fee \$ 1,743.00
 - Public hearing fee \$ 633.00
4. Correction and amendment of a recorded map filing fee (BMC 21.56.050) \$ 1,445.00
5. Certificate of compliance filing fee (BMC 21.60.050) \$ 1,743.00
6. Tentative tract maps (BMC 21.16.043)
 - Filing fee \$ 4,820.00
 - Public hearing fee \$ 633.00
7. Vesting tentative parcel maps filing fee (BMC 21.18.070) \$ 5,316.00
8. Vesting tentative tract maps (BMC 21.18.070)
 - Filing fee \$ 5,316.00
 - Public hearing fee \$ 633.00
9. Minor amendment to approve tentative map (BMC 21.16.080)
 - Filing fee \$ 323.00
 - Records Management fee \$ 50.00
10. Major amendment to approved tentative map (BMC 21.16.080)
 - Filing fee \$ 1,003.00
 - Public Hearing fee \$ 633.00
 - Records Management fee \$ 50.00

FEE TYPE / DESCRIPTION	FEE	REMARKS
11. Final tract maps (BMC 21.20.020)		
Filing fee	\$ 376.00	
Map Checking fee	\$ 181.00	/lot, parcel or unit
12. Parcel maps filing fee (BMC 21.24.040)	\$ 4,820.00	
13. Office engineering fee (BMC 21.04.070)	\$ 190.00	per hour

B. Deposit - Refundable

A deposit in the amount of \$588 shall be paid at the time of filing and, in addition to the filing fees, for the following:

Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.

NOTE: Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.

IX. CREEK FEES

CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.

All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.

A. Creeks identification fee	\$ 495.00	
B. Creek permit base fee	\$ 988.00	
C. CEQA review fee for open creeks	\$ 741.00	
D. Public Works Commission hearing fee	\$ 741.00	
E. Additional fees: \$153 per hour x hours required	\$ 190.00	/hour
F. Records Management fee	\$ 50.00	

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

REVISIONS TO PLANNING DEPARTMENT FEE SCHEDULE

The Department of Public Works is proposing the following changes to the Department of Planning and Development master fee schedule:

1. Increasing the hourly rate for staff time from the Engineering Division, from \$153 per hour to \$190 per hour, for certain activities invoiced on an hourly basis.
2. Increasing the hourly rate for staff time from the Transportation Division, from \$160 per hour to \$200 per hour, for certain activities invoiced on an hourly basis.

The hearing will be held on May 28, 2019 at 6:00 p.m. in the School District Board Room - 1231 Addison Street, Berkeley, CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **May 16, 2019**.

For further information, please contact Sean O’Shea, Administrative and Fiscal Services Manager, at 510-981-6306.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: May 17 and May 24, 2018 – The Berkeley Voice
Published pursuant to Government Code 6062a

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on May 6, 2019.

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Mark Numainville, City Clerk





**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
REVISIONS TO PLANNING DEPARTMENT FEE SCHEDULE**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Public Works is holding a hearing to correct an omission to the Department of Planning and Development master fee schedule:

1. Increasing the hourly rate for staff time from the Transportation Division, from \$160 per hour to \$200 per hour, for certain activities invoiced on an hourly basis.

The hearing will be held on December 1, 2020 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor's Executive Order N-29-20.

For further information, please contact Farid Javandel, Transportation Manager, at 510-981-7061.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **November 19, 2020**.

Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** November 20 and 27, 2020 – The Berkeley Voice

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 19, 2020

Mark Numainville, City Clerk

