



Office of the City Manager

PUBLIC HEARING
May 24, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Alene Pearson, Acting Director, Planning and Development Department

Subject: Changes to the Land Use Planning Division Fee Schedule / Hourly Rate

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to adopt revisions to the fee schedule for the Land Use Planning Division of the Planning and Development Department, effective July 1, 2022, to increase the hourly rate for staff time from \$200 to \$230 per hour, increase related deposits and fixed-rate permit application fees to reflect the new rate and to more accurately reflect the staff time required to process various permit types, adopt new fees for new permit types, and clarify the existing fee descriptions.

FISCAL IMPACTS OF RECOMMENDATION

The recommendations in this report to adopt increased fees and hourly rates will generate funds to cover costs which the City incurs for development permit review activities. All fees collected are deposited into the Permit Service Center (PSC) Fund and are used to pay for personnel and associated costs of operating the Land Use Planning (LUP) Division's permit services.

The LUP budget is also supported by the General Fund for citywide, policy-oriented programs, which is not the subject of this report. Staff assigned to those activities are not included in the calculations for this fee increase, and overhead expenses are divided proportionally among the permit and policy work to properly account for those expenses.

CURRENT SITUATION AND ITS EFFECTS

Hourly rates for LUP staff were most recently adjusted in 2017, from \$180 to \$200 per hour. Since then, various measures of inflation indicate that prices for goods and services have risen by 10 to 20 percent¹. Most pertinently, average salaries in the LUP

¹ California Construction Cost Index increased 11%. Buying power of a US Dollar decreased 15%. Consumer Price Index (Urban) increased 19%.

Division have risen 17 percent. The proposed hourly fee increase is 15%, from \$200 to \$230 per hour.

The proposed rate has been validated based on the actual staffing levels, salary ranges, benefits, and overhead of the LUP permit division. This rate includes the 20 full-time equivalent (FTE) staff that perform the permit services plus overhead. The average salary and benefits package is \$92 per hour. The LUP projects group is also supported by the overall department management, plus non-personnel costs (rent, utilities, and other expenses), which were allocated proportionally. These costs were then divided by an assumed number of billable hours per year for a typical employee providing these services.

Exhibit A to the Resolution shows the proposed amendments to the LUP Division's section of the Planning Department fee schedule. Attachment 2 to this report presents the proposed new section of the fee schedule, with additions, revisions and clarifications shown in underline/strikethrough format. Most of the fee adjustments were calculated to merely reflect the increased hourly cost of providing the services. Some additional adjustments are proposed for rezoning and General Plan amendments, Variances, certain appeals, and CEQA review, to 1) standardize fees; and 2) better reflect the level of effort expended on these complex projects. Some fees are reestablished as "deposits" rather than "base fees" because, for projects that do not require the number of assumed hours used in setting the fee, applicants may request a refund of any unexpended fee amount. Clarification is also provided regarding the applicability of hearing fees that are incurred by applicants, which were previously listed only for Zoning Adjustments Board (ZAB) hearings, but are equally applicable to Design Review Committee (DRC) and Landmarks Preservation Commission (LPC) hearings. Finally, new fees are established for Accessory Dwelling Units (ADUs) and other new expedited permit types that were not previously listed in the schedule.

These fee adjustments would further the City's Strategic Plan goal to provide an efficient and financially-healthy City government.

BACKGROUND

The PSC Fund is an enterprise fund established to be self-supporting for functions related to building permits and land use entitlements. From the fund's inception in 1997 through 2005, the City Council contributed a total of \$8.1 million in General Fund subsidy (rather than increasing Planning fees), after which the fund was made wholly self-sustaining. In addition to LUP fees, the PSC Fund includes revenues from the Building and Safety Division, Public Works Inspections and Transportation, and Fire Department plan check and inspection services, for which dedicated staff resources are made available. No changes are recommended to any of those fees.

Permit review fees are charged to project applicants based on the time required to deliver the service or an estimated typical cost based on the average time taken on

similar projects. Some nominal fees are set for simple tasks such as business license review, to encourage economic development and simplify the permit intake process. The new LUP Division staff hourly rate would help the City recoup the actual costs of delivering such services.

The proposed changes will increase the cost of development applications that require LUP review, such as Use Permits, Administrative Use Permits, and Variances, as well as Design Review and Landmarks Preservation review. These projects are charged on a “tiered” basis according to the level of complexity and valuation. Fees for routine projects are charged at a fixed cost based on a typical level of effort. Larger projects are charged a deposit, against which staff “bill” their hours and assess monthly invoices for any additional costs for staff time. Consultants are also hired for some large projects, the costs of which are passed through directly to the applicants.

The proposed \$230 hourly staff time rate in Berkeley is comparable with rates in other nearby jurisdictions. For example, Albany charges \$198 per hour, Richmond charges \$231 per hour, and Oakland charges \$265 per hour.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Many development project review activities support City goals for energy efficiency, reduced water usage, and sustainable development.

RATIONALE FOR RECOMMENDATION

Increasing hourly rate fees for services provided by the LUP Division staff will allow the City to recoup more of its actual costs spent on staff-intensive services such as review of development proposals.

ALTERNATIVE ACTIONS CONSIDERED

Fees could be adjusted less or more, if justified by an analysis of actual costs. Staff believes the proposed rate is the most reasonable to recoup actual costs.

CONTACT PERSON

Alene Pearson, Acting Director, Planning and Development, (510) 981-7489
Steven Buckley, Land Use Planning Manager, Planning and Development, (510) 981-7411

Attachments:

- 1: Resolution
Exhibit A: Proposed new Land Use Planning Division section of Planning Department Fee Schedule
- 2: Tracked Changes Version of Proposed new Land Use Planning Division section of Planning Department Fee Schedule
- 3: Public Hearing Notice

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

FEES: DEVELOPMENT RELATED SERVICES PROVIDED BY THE LAND USE
PLANNING DIVISION OF THE PLANNING AND DEVELOPMENT DEPARTMENT

WHEREAS, on May 24, 2017, Resolution No. 67,985-N.S. established fees for development-related services provided by the Planning and Development Department; and

WHEREAS, on July 27, 2021, Resolution No. 69,989-N.S. added certain new fees to the Land Use Planning section of the Department Fee Schedule, but did not change the hourly base rate for staff services; and

WHEREAS, the hourly base rate for staff services provided by the Land Use Planning Division has not been increased since 2017; and

WHEREAS, the current staff time rate for the Land Use Planning Division does not reflect current staff and other departmental costs; and

WHEREAS, the current fee schedule does not accurately reflect the typical amount of staff time required to process certain types of projects; and

WHEREAS, clarifying the applicability of certain fee schedule items would provide greater public understanding of City fees and services; and

WHEREAS, new permit types require the establishment of an applicable fee; and

WHEREAS, the Council of the City of Berkeley held a public hearing on May 24, 2022 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 Resolution No. 67,985-N.S is amended to incorporate fees for all development-related services provided by the Land Use Planning Division, as set forth in Exhibit A, attached hereto and incorporated herein, with an effective date of July 1, 2022.

BE IT FURTHER RESOLVED that the remainder of the fee schedule of the Planning and Development Department, as set forth in Resolution No. 67,985-N.S., remains in effect with no changes.

Exhibits:

A: New Land Use Planning Division section of Fee Schedule

CHAPTER B - LAND USE PLANNING				
FEE TYPE / DESCRIPTION			FEE	REMARKS
I. Administrative Use Permit (AUP)				
1.	Tier 1 - Most complex projects in or adjacent to a Residential district		\$ 3,680	Assumes 16 hours
2.	Tier 2 - Intermediately complex projects in or adjacent to a Residential district		\$ 2,760	Assumes 12 hours
3.	Tier 3 - Least complex projects in or adjacent to a Residential district including Class II Home Occupation Permits		\$ 1,840	Assumes 8 hours
4.	Tier 4 - Other activities (residential or commercial) NOT in or adjacent to a Residential district		\$ 5,520	Assumes 24 hours
II. Use Permit (UP) with public hearing				
1.	Level 1 - Use Permit (projects not listed below)		\$ 5,520	Assumes 24 hours
2.	Level 2 - Include the following:		\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
a.	Non-residential projects in a Residential district			
b.	Mixed-use buildings creating more than 20,000 gross sq. feet			
c.	New construction or "major" renovation of a Landmarked building or site or Structure of Merit			
d.	Any new main building			
e.	Master Use Permit or Development Permit required by a Specific Plan			
f.	Class III Home Occupation Permits			
3.	ZAB Public Hearing (per hearing, in addition to permit fees). Fee already exists; copied here form		\$ 1,025	
III. Variance				
1.	Tier 1 - Yard or Height, Useable Open Space, Lot Coverage, Parking		\$ 3,680	Base fee Deposit assumes 16 hours. Add \$230 per hour for staff time beyond 16 hours.
2.	Tier 2 - Inadvertent Demolition of Residential Structure		\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours.
3.	Tier 3 - All others not in Tier 1 or 2		\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
4.	Each Additional AUP, UP or Variance in addition to primary application		\$ 460	Assumes 2 hours
5.	ZAB Public Hearing (per project in addition to permit fees)		\$ 1,025	
IV. Zoning Certificate (ministerial permits)				
A. All projects except as noted below				
1.	Business License review - continuation of lawful existing use		\$ 115	
2.	Accessory Dwelling Unit review		\$ 460	Assumes 2 hours for neighborhood notices and documentation (Plan check is billed separately, with Building Permit)
3.	SB35, SB330, other pre-application review		\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours, plus direct cost for consultants
4.	Additional staff time (work performed beyond the time covered by the fees above)		\$ 230	Per hour of staff time
B. Building Permit review				
1.	Project with Administrative Use Permit		\$ 230	Assumes 1 hour
2.	Project with Use Permit and/or Variance		\$ 460	Assumes 2 hours
3.	In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)		\$ 115	Assumes half hour
4.	Fourth and subsequent plan check submittal		\$ 230	per hour of staff time
V. Modification / Transfer				

FEE TYPE / DESCRIPTION		FEE	REMARKS
1.	Administrative Use Permit Modification	\$ 1,840	Assumes 8 hours
2.	Use Permit Modification (ZAB Review - No Public Hearing)	\$ 3,680	Assumes 16 hours
3.	Use Permit Modification (ZAB Review - Public Hearing Required)	\$ 5,520	Assumes 24 hours
4.	Transfer of Administrative Use Permit / Use Permit	\$ 230	Per hour of staff time
5.	Public Hearing (per hearing, in addition to permit fees)	\$ 1,025	
VI. Environmental Review			
A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)			
1.	Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours, plus direct cost for consultants
2.	Environmental Impact Report (EIR)	\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours, plus direct cost for consultants
B. Mitigation Monitoring		\$ 3,680	Base fee Deposit assumes 16 hours. Add \$230 per hour for staff time beyond 16 hours, plus direct cost for consultants
C. Notices - NOE, NOD, etc.		\$ 920	Assumes four hours. Fee applies when notices are filed by the City on behalf of the applicant / City after all appeals are heard
VII. Design Review			
A. Administrative Design Review			
1.	Project valued under \$50,000	\$ 1,840	Assumes 8 hours
2.	Project valued at \$50,000 to \$2,000,000	\$ 2,760	Assumes 12 hours
3.	Project valued over \$2,000,000	\$ 3,680	Base fee Deposit assumes 16 hours. Add \$230 per hour for staff time beyond 16 hours.
4.	Signs/Awnings	\$ 460	Assumes 2 hours
B. Design Review Committee			
1.	Project valued under \$50,000	\$ 2,760	Assumes 12 hours
2.	Project valued at \$50,000 to \$2,000,000	\$ 3,680	Assumes 16 hours
3.	Project valued over \$2,000,000	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
C. Final Review with the DRC			
1.	Project valued under \$50,000	\$ 1,250	
2.	Project valued at \$50,000 - \$150,000	\$ 1,500	
3.	Project valued over \$150,000	\$ 4,250	
D. Additional Preview (existing fee, relocated from Sec. VII.B above)		\$ 500	
E. Modifications - DRC Projects		\$ 750	
F. DRC Public Hearing (per hearing, in addition to permit fees)		\$ 1,025	

FEE TYPE / DESCRIPTION		FEE	REMARKS	
VIII. Landmarks Preservation Commission Review				
A. Initiation				
1.	Structure	\$ 50	As set by the Landmarks Preservation Ordinance, BMC 3-24-340 A	
2.	District	\$ 100	As set by the Landmarks Preservation Ordinance, BMC 3-24-340 B	
B. Design Review - Structural Alteration (non-residential only)				
1.	Project valued under \$50,000	\$ 2,000		
2.	Project valued between \$50,001 and \$1,999,999	\$ 3,000		
3.	Project valued at \$2,000,000 or more	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.	
C. Design Review - Signs and Awnings				
D. Demolition Review (non-residential structures 40 or more years old as required under Section 23C.08.050C of the Zoning Ordinance)				
		\$ 1,200		
E. Mills Act Historical Contract Processing - payable upon application (one-time payment)				
		\$ 4,200		
F. Mills Act Historical Contract Monitoring				
1.	Payable upon application to cover 5 contract years	\$ 2,500		
2.	Assessed at the beginning of each subsequent 5 years	\$ 2,500		
G. LPC Public Hearing (per hearing, in addition to permit fees)				
		\$ 1,025		
IX. Appeals				
A. Non-Applicant Appeal of AUP				
		\$ 500		
B. Reduced Non-Applicant Appeal of AUP: Fee reduced if signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less				
		\$ 200		
C. Non-Applicant Appeals of ZAB or LPC				
		\$ 1,500		
D. Reduced Non-Applicant Appeals of ZAB or LPC: Fee reduced if appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less				
		\$ 500		
E. Appeal of AUP by Applicants				
		\$ 3,680		
F. Appeal of ZAB or LPC by Applicants				
		\$ 5,520		
G. Appeal of DRSL or DRC by Non-Applicant				
		\$ 500		
H. Appeal of DRSL or DRC by Applicant				
		\$ 3,680		
I. Non-Applicant Appeals of all affordable housing projects (defined as projects which provide 50% or more affordable units for households at 80% or less of Area Median Income)				
		\$ 500		
J. Appeal to address processing error by staff				
		Fee Waived		
X. Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits*				
A. General Plan Amendment				
		\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours, plus direct cost for consultants	
B. Specific Plan Amendment				
		\$ 9,200		
C. Rezoning / Reclassification Request				
		\$ 9,200		
D. Waterfront Master Development Plan Permit				
		\$ 9,200		
XI. Miscellaneous Fees				
A. Penalty for Late Filing (When Zoning Permit, Use Permit or Variance is required for work already performed)				
		100%	of applicable fee(s)	
B. Zoning Complaint Re-inspection				
1.	First Re-inspection	\$ 230		
2.	Second Re-inspection	\$ 345		
3.	Third Re-inspection and all inspections thereafter	\$ 460		
C. Agenda Subscriptions and Mailing Fees				
		Amount specified per A. R. 3.8		

FEE TYPE / DESCRIPTION		FEE	REMARKS
D.	Publications and Duplication of Records	Amount specified per A. R. 3.8	
E.	Maps - large, color	\$ 36.00	
F.	Duplication of Zoning Adjustments Board, Landmarks Preservation Commission, and Design Review Commission meeting recordings	Amount specified per A. R. 3.8	
G.	Microfilm Duplication Fee	Amount specified per A.R. 3.8	
H.	Records Management Fee	\$ 50	per application
I.	Letters Regarding Status of Properties	\$ 230	per hour, 2 hour min.
J.	Housing Density Bonus Analysis - if separate from other permits	\$ 230	per hour of staff time
K.	Zoning Research	\$ 230	per hour, 2 hour min.
L.	Oak Tree Review	\$ 230	per hour, 1 hour min., plus consultant costs
M.	Use Permit Monitoring	\$ 230	per hour of staff time
N.	Pre-application Reviews		
	1. Staff level review	\$ 920	Assumes 4 hours
	2. Zoning Adjustments Board / Design Review Committee / Landmarks Preservation Commission / Planning Commission Review (at staff discretion in consultation with the applicant)	\$ 3,680	Assumes 16 hours
O.	Dedicated Project Review: In addition to all required fees, applicants may request (or the City may require) dedicated project review in which the applicant pays the City for staff overtime or to contract with a consulting firm with particular relevant expertise to review the application. In such instances, the applicant shall remit a deposit equal to the total amount of the contract, based on the bids received by the City pursuant to its purchasing procedures. Progress billings will be made if charges are expected to exceed deposit; prompt payment of bills will assure continued project review. Failure to remit a progress payment within an appropriate time frame, as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal.	At cost	
P.	Community Planning Fee for General Plan and Zoning Ordinance Maintenance	15%	Surcharge on all Applications for AUP, UP, Modification and/or Variance.
XII. CONDOMINIUM			
A.	Rent Board Review	\$ 120	per unit
B.	Notice of Local Law Compliance	\$ 3,680	Assumes 16 hours
C.	Conversion to Condominiums - <u>one to four units</u>	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
D.	Conversion to Condominiums - <u>five or more units</u>	\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours.
E.	Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by an Applicant	\$ 3,680	Assumes 16 hours
F.	Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant	\$ 5,520	Assumes 24 hours
G.	Appeal of Planning Commission Determination on Conversion to the City Council by a Non-Applicant	\$ 3,680	Assumes 16 hours
<p>NOTE: The minimum deposits listed are intended to reflect typical project costs. Progress billings will be made during review of a project if charges exceed the deposit: prompt payment of bills will assure continued project review. Failure to remit a progress payment within the appropriate time frame as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal. All fees are required to be paid prior to scheduling the item for Council consideration.</p>			

CHAPTER B - LAND USE PLANNING				
FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE	REMARKS
I. Administrative Use Permit (AUP)				
1.	Tier 1 - Most complex projects in or adjacent to a Residential district	\$ 2,800	\$ 3,680	Assumes 16 hours
2.	Tier 2 - Intermediately complex projects in or adjacent to a Residential district	\$ 1,800	\$ 2,760	Assumes 12 hours
3.	Tier 3 - Least complex projects in or adjacent to a Residential district including Class II Home Occupation Permits	\$ 800	\$ 1,840	Assumes 8 hours
4.	Tier 4 - Other activities (residential or commercial) NOT in or adjacent to a Residential district	\$ 1,600	\$ 5,520	Assumes 24 hours -- e.g. "Use Not Listed" in C District
II. Use Permit (UP) with public hearing				
1.	Level 1 - Use Permit (projects not listed below)	\$ 3,600	\$ 5,520	Assumes 24 hours
2.	Level 2 - Include the following:	\$ 4,800	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
a.	Non-residential projects in a Residential district			
b.	Mixed-use buildings creating more than 20,000 gross sq. feet			
c.	New construction or "major" renovation of a Landmarked building or site or Structure of Merit			
d.	Any new main building			
e.	Master Use Permit or Development Permit required by a Specific Plan			
f.	Class III Home Occupation Permits			
3.	ZAB Public Hearing (per hearing, in addition to permit fees). Fee already exists; copied here form Section III below	\$ 1,025	\$ 1,025	Administrative costs including staff time, mailings, postings, hearing room, etc.
III. Variance				
1.	Tier 1 - Yard or Height, Useable Open Space, Lot Coverage, Parking	\$ 1,000	\$ 3,680	Base fee Deposit assumes 16 hours. Add \$230 per hour for staff time beyond 16 hours.
2.	Tier 2 - Inadvertent Demolition of Residential Structure	\$ 4,000	\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours.
3.	Tier 3 - All others not in Tier 1 or 2	\$ 7,241	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
4.	Each Additional AUP, UP or Variance in addition to primary application	\$ 400	\$ 460	Assumes 2 hours
5.	ZAB Public Hearing (per project in addition to permit fees)	\$ 1,025	\$ 1,025	Administrative costs including staff time, mailings, postings, hearing room, etc.
IV. Zoning Certificate (ministerial permits)				
A. All projects except as noted below				
1.	Business License review - continuation of lawful existing use	\$ 200	\$ 230	Assumes 1 hour
		\$ 60	\$ 115	
2.	Accessory Dwelling Unit review	--	\$ 460	Assumes 2 hours for neighborhood notices and documentation (Plan check is billed separately, with Building Permit)
3.	SB35, SB330, other pre-application review	--	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours, plus direct cost for consultants
4. 2.	Additional staff time (work performed beyond the time covered by the fees above)	\$ 200	\$ 230	Per hour of staff time
B. Building Permit review				
1.	Project with Administrative Use Permit	\$ 200	\$ 230	Assumes 1 hour
2.	Project with Use Permit and/or Variance	\$ 400	\$ 460	Assumes 2 hours
3.	In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)	\$ 60	\$ 115	Assumes half hour
4.	Fourth and subsequent plan check submittal	\$ 200	\$ 230	per hour of staff time

FEE TYPE / DESCRIPTION				CURRENT FEE	PROPOSED FEE	REMARKS
V. Modification / Transfer						
	1.	Administrative Use Permit Modification	\$ 400	\$ 1,840	Assumes 8 hours	
	2.	Use Permit Modification (ZAB Review - No Public Hearing)	\$ 1,200	\$ 3,680	Assumes 16 hours	
	3.	Use Permit Modification (ZAB Review - Public Hearing Required)	\$ 3,600	\$ 5,520	Assumes 24 hours	
	4.	Transfer of Administrative Use Permit / Use Permit	\$ 200	\$ 230	Per hour of staff time	
	5.	Public Hearing (per hearing, in addition to permit fees)	\$ 1,025	\$ 1,025	Administrative costs including staff time, mailings, postings, hearing room, etc.	
VI. Environmental Review						
A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)						
	1.	Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration	\$ 2,897	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours, plus direct cost for consultants	
	2.	Environmental Impact Report (EIR)	\$ 5,068	\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours, plus direct cost for consultants	
	B. Mitigation Monitoring		\$ 200	\$ 3,680	Base fee Deposit assumes 16 hours. Add \$230 per hour for staff time beyond 16 hours, plus direct cost for consultants	
	C. Notices - NOE, NOD, etc.		--	\$ 920	Assumes four hours. Fee applies when notices are filed by the City on behalf of the applicant / City after all appeals are heard	
VII. Design Review						
A. Administrative Design Review						
	1.	Project valued under \$50,000	\$ 1,158	\$ 1,840	Assumes 8 hours	
	2.	Project valued at \$50,000 to \$2,000,000	\$ 1,883	\$ 2,760	Assumes 12 hours	
	3.	Project valued over \$2,000,000	\$ 2,160	\$ 3,680	Base fee Deposit assumes 16 hours. Add \$230 per hour for staff time beyond 16 hours.	
	4.	Signs/Awnings	\$ 532	\$ 460	Assumes 2 hours	
B. Design Review Committee						
	1.	Project valued under \$50,000	\$ 1,738	\$ 2,760	Assumes 12 hours	
	2.	Project valued at \$50,000 to \$2,000,000	\$ 2,608	\$ 3,680	Assumes 16 hours	
	3.	Project valued over \$2,000,000	\$ 4,500	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.	
	Additional Preview-		456			
C. Final Review with the DRC						
	1.	Project valued under \$50,000	\$ 1,103	\$ 1,250	Inflationary adjustment	
	2.	Project valued at \$50,000 - \$150,000	\$ 1,286	\$ 1,500	Inflationary adjustment	
	3.	Project valued over \$150,000	\$ 3,684	\$ 4,250	Inflationary adjustment	
	D. Additional Preview (existing fee, relocated from Sec. VII.B above)		\$ 456	\$ 500	Inflationary adjustment	
	E. Modifications - DRC Projects		\$ 547	\$ 750	Inflationary adjustment	
	F. DRC Public Hearing (per hearing, in addition to permit fees)		\$ 1,025	\$ 1,025	Administrative costs including staff time, mailings, postings, hearing room, etc.	

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE	REMARKS	
VIII. Landmarks Preservation Commission Review					
A. Initiation					
	1. Structure	\$ 50	\$ 50	As set by the Landmarks Preservation Ordinance, BMC 3.24.340 A	
	2. District	\$ 50	\$ 100	As set by the Landmarks Preservation Ordinance, BMC 3.24.340 B	
B. Design Review - Structural Alteration (non-residential only)					
	1. Project valued under \$50,000	\$ 1,738	\$ 2,000	Inflationary adjustment	
	2. Project valued between \$50,001 and \$1,999,999	\$ 2,608	\$ 3,000	Inflationary adjustment	
	3. Project valued at \$2,000,000 or more	\$ 4,500	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.	
C. Design Review - Signs and Awnings					
		\$ 818	\$ 1,000	Inflationary adjustment	
D. Demolition Review (non-residential structures 40 or more years old as required under Section 23C.08.050C of the Zoning Ordinance)					
		\$ 1,055	\$ 1,200	Inflationary adjustment	
E. Mills Act Historical Contract Processing - payable upon application (one-time payment)					
		\$ 3,600	\$ 4,200	Inflationary adjustment	
F. Mills Act Historical Contract Monitoring					
	1. Payable upon application to cover 5 contract years	\$ 2,160	\$ 2,500	Inflationary adjustment	
	2. Assessed at the beginning of each subsequent 5 years	\$ 2,160	\$ 2,500	Inflationary adjustment	
G. LPC Public Hearing (per hearing, in addition to permit fees)					
		\$ 1,025	\$ 1,025	Administrative costs including staff time, mailings, postings, hearing room, etc.	
IX. Appeals					
A. Non-Applicant Appeal of AUP					
		\$ 200	\$ 500		
B. Reduced Non-Applicant Appeal of AUP: Fee reduced if signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less					
		\$ 75	\$ 200		
C. Non-Applicant Appeals of ZAB or LPC					
D. Reduced Non-Applicant Appeals of ZAB or LPC: Fee reduced if appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less					
		\$ 100	\$ 500		
E. Appeal of AUP by Applicants					
		\$ 2,500	\$ 3,680		
F. Appeal of ZAB or LPC by Applicants					
		\$ 2,500	\$ 5,520		
G. Appeal of DRSL or DRC by Non-Applicant					
		\$ 95	\$ 500		
H. Appeal of DRSL or DRC by Applicant					
		\$ 1,734	\$ 3,680		
I. Non-Applicant Appeals of all affordable housing projects (defined as projects which provide 50% or more affordable units for households at 80% or less of Area Median Income)					
		\$ 500	\$ 500		
J. Appeal to address processing error by staff					
		Fee Waived	Fee Waived		
X. Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits*					
A. General Plan Amendment					
		\$ 2,500	\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours, plus direct cost for consultants	
B. Specific Plan Amendment					
		\$ 10,900	\$ 9,200		
C. Rezoning / Reclassification Request					
		\$ 2,500	\$ 9,200		
D. Waterfront Master Development Plan Permit					
		\$ 10,900	\$ 9,200		
XI. Miscellaneous Fees					
A. Penalty for Late Filing (When Zoning Permit, Use Permit or Variance is required for work already performed)					
		100%	100%	of applicable fee(s)	
B. Zoning Complaint Re-inspection					
	1. First Re-inspection	\$ 200	\$ 230		
	2. Second Re-inspection	\$ 300	\$ 345		
	3. Third Re-inspection and all inspections thereafter	\$ 400	\$ 460		
C. Agenda Subscriptions and Mailing Fees					
		Amount specified per A. R. 3.8	Amount specified per A. R. 3.8		
D. Publications and Duplication of Records					
		Amount specified per A. R. 3.8	Amount specified per A. R. 3.8		
E. Maps - large, color					
		\$ 36.00	\$ 36.00		

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE	REMARKS
F.	Cassette Tape Duplication of Zoning Adjustments Board, Landmarks Preservation Commission, and Design Review Commission meeting recordings	Amount specified per A. R. 3.8	Amount specified per A. R. 3.8	
G.	Microfilm Duplication Fee	Amount specified per A.R. 3.8	Amount specified per A.R. 3.8	
H.	Records Management Fee	\$ 50	\$ 50	per application
I.	Zoning Burn Letters Regarding Nonconforming Status of Properties	\$ 200	\$ 230	per hour, 2 hour min.
J.	Housing Density Bonus Analysis - if separate from other permits	\$ 200	\$ 230	per hour of staff time
K.	Zoning Research	\$ 200	\$ 230	per hour, 2 hour min.
L.	Oak Tree Review	\$ 200	\$ 230	per hour, 1 hour min., plus consultant costs
M.	Use Permit Monitoring	\$ 200	\$ 230	per hour of staff time
N.	Pre-application Reviews			
	1. Staff level review	\$ 750	\$ 920	Assumes 4 hours
	2. Zoning Adjustments Board / Design Review Committee / Landmarks Preservation Commission / Planning Commission Review (at staff discretion in consultation with the applicant)	\$ 3,000	\$ 3,680	Assumes 16 hours
O.	Dedicated Project Review: In addition to all required fees, applicants may request (or the City may require) dedicated project review in which the applicant pays the City for staff overtime or to contract with a consulting firm with particular relevant expertise to review the application. In such instances, the applicant shall remit a deposit equal to the total amount of the contract, based on the bids received by the City pursuant to its purchasing procedures. Progress billings will be made if charges are expected to exceed deposit; prompt payment of bills will assure continued project review. Failure to remit a progress payment within an appropriate time frame, as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal.		At cost	
P.	Community Planning Fee for General Plan and Zoning Ordinance Maintenance	15%	15%	Surcharge on all Applications for AUP, UP, Modification and/or Variance.
XII. CONDOMINIUM				
A.	Rent Board Review	\$ 120	\$ 120	per unit
B.	Notice of Local Law Compliance	\$ 2,978	\$ 3,680	Assumes 16 hours
C.	Conversion to Condominiums - <u>one to four units</u>	\$ 6,748	\$ 5,520	Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
D.	Conversion to Condominiums - <u>five or more units</u>	\$ 10,121	\$ 9,200	Base fee Deposit assumes 40 hours. Add \$230 per hour for staff time beyond 40 hours.
E.	Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by an Applicant	\$ 842	\$ 3,680	Assumes 16 hours
F.	Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant	\$ 842	\$ 5,520	Assumes 24 hours
G.	Appeal of Planning Commission Determination on Conversion to the City Council by a Non-Applicant	\$ 102	\$ 3,680	Assumes 16 hours
<p>NOTE: The minimum deposits listed are intended to reflect typical project costs. Progress billings will be made during review of a project if charges exceed the deposit: prompt payment of bills will assure continued project review. Failure to remit a progress payment within the appropriate time frame as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal. All fees are required to be paid prior to scheduling the item for Council consideration.</p>				

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
BERKELEY UNIFIED SCHOOL DISTRICT BOARD ROOM,
1231 ADDISON STREET**

The public may participate in this hearing by remote video or in-person.

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 Land Use Planning Division of the Department of Planning and Development is proposing the following changes to its fee schedule, to become effective July 1, 2022:

1. Clarifying the applicability of certain existing fees for services.
2. Increase the hourly rate for staff time from \$200 per hour to \$230 per hour for certain activities invoiced on an hourly basis.
3. Increasing certain deposits and fixed fees to better reflect the new hourly rates and the typical time spent on various permit types.

The hearing will be held on May 24, 2022 at 6:00 p.m. in the School District Board Room, 1231 Addison Street. The public may participate in this hearing by remote video or in-person.

For further information, please contact **Steven Buckley, Land Use Planning Manager, at 510-981-7411.**

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **MAY 12, 2022. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704 or emailed to council@cityofberkeley.info 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.

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.

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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 May 12, 2022.

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Mark Numainville, City Clerk