



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1

Meeting Date: May 19, 2026

Item Number: 29

Item Description: Zero Waste Plan Checks and Compliance Inspections Fees

Submitted by: Wahid Amiri, Interim Director, Public Works

The Resolution for this item was updated to include Exhibit A, a list of the Plan Check and Compliance Inspection Fees, as previously presented in the Staff Report. Additionally, an implementation date of July 1, 2026 (FY 2027) has been included in the Resolution.

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

ZERO WASTE PLAN CHECKS AND COMPLIANCE INSPECTIONS FEES

WHEREAS, the City has adopted the following ordinances into the Berkeley Municipal Code (BMC) to address State mandates such as the California State Building Code (CALGreen 4.408.2 and 5.408.1.1), as well as, SB-1383, AB-2176, AB-1826, and AB-341:

- Ordinance No 7,988-N.S. and Ordinance No 7,839-N.S Berkeley Green Code into BMC 19.37 on November 18, 2025 and November 11, 2022,
- Ordinance No 7,790-N.S. Organics Reduction and Recycling adopted into BMC 12.35 on July 28, 2021,
- Ordinance No 7,252-N.S, Curbside Refuse, Organics, and Recycling Collection adopted into BMC 12.34 on June 12, 2012,
- Ordinance No 6319-N.S Storage Collection and Disposal of Waste adopted into (BMC 12.32 on April 30, 1986,

And Council has adopted the following City specific ordinances:

- Ordinance No. 7,639-N.S. Single Use Foodware and Litter Reduction Ordinance adopted into BMC 11.64 on January 22, 2019,
- Ordinance No. 5625A-N.S. Recycling Policy adopted into the BMC 12.38 on January 1, 1984; and

WHEREAS, these inspections and enforcement requirements are unfunded mandates and place an additional burden on the Zero Waste Fund (601) to cover the cost of plan check and compliance monitoring; and

WHEREAS, required funding to perform these tasks is not included in Zero Waste Fund collections rates, and are not supported by Proposition 218; and

WHEREAS, staff have monitored time spent on plan check and compliance inspections from the start of Fiscal Year 2023 to the conclusion of Fiscal Year 2025, having completed 1,676 compliance related reviews and inspections and demonstrated the need to recover two hours of staff time per required review and inspection; and

WHEREAS, staff is proposing a flat fee of \$250 per activity (Exhibit A), which would generate approximately \$419,000 annually for the Zero Waste Fund (Fund 601)

WHEREAS, the previously referenced 1,676 compliance related reviews and inspections conducted from the start of Fiscal Year 2023 to the conclusion of Fiscal Year 2025, are associated with the following activities:

- Construction and Demolition Green Halo Plan Checks,
- New Construction Accela & Clariti Plan Checks,
- Zero Waste Events Plan Checks,
- Foodware Ordinance Compliance Inspections, and
- Food Recovery Agreement Inspections; and

WHEREAS, staff have no current cost recovery mechanism for staff time to conduct compliance reviews and inspections associated with permits issued and existing City ordinances; and have calculated a \$250 fee that would cover associated staff time; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the cost recovery fees for \$250; as outlined in Exhibit A; to cover staff time required to perform compliance reviews and inspections are adopted.

BE IT FURTHER RESOLVED that the City Manager is authorized to take all necessary administrative actions to update software and public notification materials accordingly to implement the fees effective July 1, 2026 (FY 2027).

Attachments:
Exhibit A

Exhibit A: Zero Waste Plan Checks and Compliance Inspections Fees

Fee Type	Proposed Amount
C&D Compliance Plan Check	\$250
Trash Room/Space Allocation Plan Check	\$250
SB 1383 Events Compliance	\$250
SB 1383 Food Recovery Inspections	\$250
Foodware Ordinance Inspections	\$250