



Office of the City Manager

PUBLIC HEARING  
September 30, 2025

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: Changes to the Planning and Development Fee Schedule

### RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 71,834-N.S. to make revisions to the Land Use Planning section of the Planning and Development Department fee schedule, effective November 1, 2025, to add new fees for Zoning reviews of Middle Housing projects and for arborist consultations when required.

### FISCAL IMPACTS OF RECOMMENDATION

The creation of new fees for projects to be reviewed under Middle Housing zoning regulations, and for arborist consulting services on any project type, will generate funds to cover costs which the City incurs for these services. These fees are paid by project applicants, and deposited into the Permit Service Center Fund 621.

Proposed Middle Housing projects will require a new kind of ministerial review, as such applications had previously required discretionary Use Permits (UPs) and Administrative Use Permits (AUPs). UPs and AUPs require significantly more staff time and thus charge higher fee rates, while the new ministerial reviews are expected to be more streamlined, requiring a new fee which is commensurate to the staff time expended. Staff propose a base fee rate of \$2,000 for each Zoning Certificate for Middle Housing (ZCMH) review, derived from eight hours of staff work at the department's \$250/hour rate. In addition, staff propose a neighborhood noticing fee of \$500 to cover City costs to inform nearby residents of such projects. This \$500 fee is the same as the City charges for similar neighborhood noticing of ADU projects.

Arborist consulting services have been part of certain project reviews for years, but have never been separately enumerated in the fee schedule, which to date has only included a fee specific to "Oak Tree Review." Staff propose to rename that fee line to encompass all arborist consulting services when required for any type of project, and to keep that fee rate at the base of \$250 per hour of arborist time spent, one hour minimum.

### CURRENT SITUATION AND ITS EFFECTS

Staff are proposing the new fees to be effective November 1, 2025, to help ensure that the costs of providing these services are covered by the fees charged. Please see **Attachment 2** for the Land Use Planning section of the Planning and Development Department fee schedule with all proposed changes tracked, including the new Middle Housing and arborist services fees, as well as a number of administrative corrections with no effect on fee rates.

### ZONING CERTIFICATES FOR MIDDLE HOUSING (ZCMH)

On June 26, 2025 the Berkeley City Council adopted the first reading of Ordinance 7,978-N.S., amending the Zoning Ordinance for the purposes of encouraging the development of Middle Housing project types in areas of the City previously zoned for low-density residential construction only. The term “Middle Housing” includes a number of development types, but is generally used to refer to small apartment buildings of eight or fewer units being allowed in Zoning districts which had previously been mostly limited to single-family homes and small apartments of four or fewer units. The Middle Housing changes also included provisions pertaining to residential additions and increased number of bedrooms within existing dwellings. The mechanism for encouraging such projects was to remove previous restrictions, and to instead allow Middle Housing projects to get Zoning approval through a ministerial review, so long as the projects meet objective Zoning standards.

Previously, if such a project was proposed at all, a costly, time-consuming process would ensue, requiring at least a Use Permit with Public Hearing (UP(PH)), and in many cases also requiring one or more AUPs to approve of other aspects of the project, all with no certainty of ultimate approval. Under the new Middle Housing rules, the City expects to receive more project applications, but with the review time for each taking substantially fewer hours than the previous discretionary approval process. To create a proper fee structure which recoups City costs, staff are proposing a base level fee of \$2,000, which assumes eight hours of staff review time per project. This is more time than most ministerial Zoning Certificate reviews, which staff believe is justified by the complexities of ensuring that a multi-story building within a built-out urban landscape complies with all objective Zoning standards. Staff are also proposing a \$500 fee for the noticing of proposed Middle Housing projects to nearby neighbors, in compliance with requirements adopted by the City Council.

Table 1 compares the fees which would be assessed on a Zoning application for an eight-unit, three-story apartment in a Residential Zoning District under the previous rules, versus the new ZCMH fee structure proposed once new Middle Housing regulations take effect November 1, 2025.

Table 1: Previous fees vs. ZCMH fees

|                             |   |                              |                |
|-----------------------------|---|------------------------------|----------------|
| Under old rules             | <b>UP(PH)</b> —previously required for multi-unit buildings within Residential Zoning Districts   | Application Fee              | \$500          |
|                             |   | UP(PH) Fee                   | \$5,500        |
|                             |   | UP(PH) Public Hearing fee    | \$1,250        |
|                             |   | Records Management Fee       | \$55           |
|                             |   | Community Planning Fee (15%) | \$1,096        |
|                             | <b>UP(PH) TOTAL</b>   |                              | <b>\$8,401</b> |
|                             | <b>Additional AUP (each)</b> —previously one or more often also required, in addition to UP(PH), for multi-unit buildings within Residential Zoning Districts | Application Fee              | \$500          |
|                             |   | AUP Fee                      | \$500          |
|                             |   | Records Management Fee       | \$55           |
|                             |   | Community Planning Fee (15%) | \$158          |
| <b>Each Additional AUP:</b> |   | <b>\$1,213</b>               |                |
| Under new rules             | <b>Zoning Certificate for Middle Housing (ZCMH):</b> Proposed fees under Middle Housing rules which become effective 11/1/25                                  | ZCMH Fee                     | \$2,000        |
|                             |   | Community Planning Fee (15%) | \$300          |
|                             |   | ZCMH Neighborhood Noticing   | \$500          |
|                             |   | <b>TOTAL</b>                 | <b>\$2,800</b> |

As with other fees in the Land Use section of the fee schedule that derive from multiples of the hourly staff time rate, when a project’s complexity requires more staff review time than the base eight hours the fee provides, the City will invoice the applicant for the costs of that additional time prior to approval of the project. After the first year that Middle Housing regulations are in effect, staff will review the time spent on all such projects to determine whether eight hours is the proper fee rate, or whether the fee needs to be adjusted.

ARBORIST REVIEW FEE

Many types of development project applications require review by the City’s consulting arborist. This can be when the property includes a protected coast live oak tree, or when a project proposes to remove and replace existing street trees, or when a project has other Zoning conditions which require preservation or replacement of specific trees on the subject lot. In the past, the City has not specifically enumerated arborist costs for the customer to pay, instead including such costs generically along with other project review consultations. Staff believe that the City will be better served by collecting fees and tracking arborist review expenses separately, for the sake of complete cost recovery, as well as for improved tracking of contract expenditures. The existing fee

schedule has a line which is specific to Oak Tree Review only, which staff are now proposing to rename more generally “Arborist Review services.” The fee itself will not change from the current \$250 per hour, with a minimum charge one hour, but by applying the fee to the more complete range of required arborist reviews, the City will be better able to recover its costs.

#### BACKGROUND

The costs of most of the work of the Planning and Development Department are covered through fees collected for services and deposited into dedicated enterprise funds, largely to the Permit Service Center Fund (621), which takes in all Building permit and Zoning permit fees. Many fees the Planning and Development Department collects are based on multiples of the hourly staff time rate, which is \$250 per hour for staff across all divisions of the department. That hourly rate was updated May 21, 2024 (Resolution No. 71,357-N.S); no further changes to this rate are proposed here.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Infill development as encouraged by the City’s Middle Housing Zoning changes is considered a best environmental practice for accommodating growing populations within already built-out urban centers, proximate to transit and job centers, without requiring the carbon-intensive automobile travel. Arborist reviews of development projects help to protect the existing urban forest and can promote planting and care for new trees.

#### RATIONALE FOR RECOMMENDATION

The City is expecting an increase in applications for Middle Housing projects when new regulations take effect. Adoption of the new Middle Housing fees will allow the City to cover the costs it will incur to review such applications, while being set at a rate substantially lower than the fees such projects would have had to pay in the past. If fees are do not keep pace with the costs which the City incurs, it has the effect of subsidizing current City service delivery through other means. The new fees proposed in this action would properly charge current project applicants for the Zoning review costs of their projects, without reducing the timeliness or efficiency of the services provided.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSONS

Jordan Klein, Director, Planning and Development Department, (510) 981-7534  
Jim Bondi, Associate Management Analyst, Planning and Development Department, (510) 981-7428

Attachments:

1: Resolution

Exhibit A: Land Use section of Planning and Development Fee Schedule, clean

2: Proposed New Planning Fee schedule, changes tracked

3: Public Hearing Notice

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

FEEES: REVISIONS TO THE LAND USE PLANNING SECTION OF THE PLANNING AND DEVELOPMENT DEPARTMENT FEE SCHEDULE

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, certain specific fee rates were amended on May 28, 2019 in Resolution No. 68,940-N.S., on July 27, 2021 in Resolution No. 69,989-N.S., on May 24, 2022 in Resolution No., 70,371-N.S., and on November 29, 2022 in Resolution No. 70,621-N.S.; and

WHEREAS, certain fees charged by the Public Works Department, Engineering and Transportation Divisions, were amended on April 18, 2006 in Resolution 63,262-N.S., on June 1, 2010 in Resolution 64,918-N.S., on May 15, 2012 in Resolution 65,721-N.S., and on December 1, 2020 in Resolution 69,640-N.S.; and

WHEREAS, the hourly base rate for staff services across all Planning and Development Department divisions, plus numerous other non-hourly fees, were comprehensively updated, and the entire schedule was re-adopted May 21, 2024 in Resolution No. 71,357-N.S.; and

WHEREAS, fees in the Planning and Development Department fee schedule were most recently updated in Resolution No. 71,834-N.S., adopted by the Berkeley City Council on June 17, 2025; and

WHEREAS, on June 26, 2025 the Berkeley City Council adopted the first reading of Ordinance 7,978-N.S., creating new Zoning regulations for “Middle Housing” projects, which once becoming effective on November 1, 2025 will require a new fee structure to ensure that the City can recoup the costs it will expend during the Zoning review of applications for such projects, and the neighborhood noticing thereof; and

WHEREAS, many project application types require review by the City’s on-call arborist, on lots which contain protected coast live oak trees, or on projects which propose to replace or relocate existing City street trees, or in other instances when conditions placed on proposed developments require maintenance or replacement of existing tree, and the City currently lacks an explicit fee structure for arborist services to allow the City to recover the costs it expends on such reviews; and

WHEREAS, the Council of the City of Berkeley held a public hearing on September 30, 2025 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 fees for Land Use Planning services provided by the Planning and Development Department

shall be as set forth in Exhibit A, attached hereto and incorporated herein, with an effective date of November 1, 2025.

BE IT FURTHER RESOLVED that Resolution No. 71,834-N.S. is hereby amended, effective November 1, 2025, to incorporate Exhibit A, the revised Land Use Planning section of the Planning and Development Department fee schedule.

Exhibits:

A: Fee Schedule

| CHAPTER B - LAND USE PLANNING   |  |  |             |  |
|---|--|--|-------------|--|
| FEE TYPE / DESCRIPTION  |  |  | CURRENT FEE | REMARKS  |
| <b>I. Application Fee: AUP, UP, VAR, MOD, DR, LM, Condo Conversion</b>  |  |  | \$ 500      | Application fee to cover intake and initial completeness review: Assumes 2 hours.    |
| <b>II. Administrative Use Permit (AUP)</b>  |  |  |             |  |
| 1.  | Tier 1 - Most complex projects   |  | \$ 4,500    | Base fee deposit assumes 18 hours. Add \$250 per each additional hour of staff time. |
| 2.  | Tier 2 - Intermediately complex projects   |  | \$ 3,500    | Assumes 14 hours   |
| 3.  | Tier 3 - Least complex projects  |  | \$ 1,500    | Assumes 6 hours  |
| 4.  | Each additional AUP required in addition to primary application                  |  | \$ 500      | Assumes 2 hours  |
| <b>III. Use Permit (UP) with public hearing</b>   |  |  |             |  |
| 1.  | Use Permit   |  | \$ 5,500    | Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time. |
| 2.  | ZAB Public Hearing (per hearing, in addition to permit fees).                    |  | \$ 1,250    | Assumes 5 hours; includes materials  |
| <b>IV. Variance</b>   |  |  |             |  |
| 1.  | Tier 1 - All Variances except inadvertent demolitions                            |  | \$ 5,500    | Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time. |
| 2.  | Tier 2 - Inadvertent Demolition of Residential Structure                         |  | \$ 9,500    | Base fee deposit assumes 38 hours. Add \$250 per each additional hour of staff time. |
| 3.  | Each additional AUP, UP or Variance in addition to primary application           |  | \$ 500      | Assumes 2 hours  |
| 4.  | ZAB Public Hearing (per project in addition to permit fees)                      |  | \$ 1,250    | Assumes 5 hours including materials  |
| <b>V. Zoning Certificate (ministerial permits)</b>  |  |  |             |  |
| <b>A. All Zoning Certificate (ZC) reviews (e.g. ZCs for Business License, Home Occupations), EXCEPT as noted below:</b> |  |  | \$ 250      | Assumes 1 hour   |
| 1.  | Business License review - continuation of lawful existing use                    |  | no fee      | No fee for continuation of existing legal use  |
| 2.  | Short-Term Rentals review  |  | \$ 375      | Assumes 1.5 hours  |
| 3.  | Accessory Dwelling Unit Neighborhood Notice                                      |  | \$ 500      | Assumes 2 hours for neighborhood notices and documentation                           |
| 4.  | Accessory Dwelling Unit Plan Check   |  | \$ 250      | Assumes 1 hour for review.   |
| 5.  | Zoning Certificate for Middle Housing (ZCMH)                                     |  | \$ 2,000    | Assumes 8 hours for review. The 15% Community Planning Fee will also be applied.     |
| 6.  | Middle Housing Neighborhood Notice   |  | \$ 500      | Assumes 2 hours for neighborhood notices and documentation                           |
| 7.  | Additional staff time (work performed beyond the time covered by the fees above) |  | \$ 250      | Per hour of staff time   |
| <b>B. Building Permit review</b>  |  |  |             |  |
| 1.  | Project with Administrative Use Permit (including new main buildings)            |  | \$ 500      | Assumes 2 hours  |
| 2.  | New main buildings (no Administrative Use Permit)                                |  | \$ 1,000    | Assumes 4 hours  |
| a   | 1 to 19 residential units (Residential and/or Mixed-Use)                         |  | \$ 500      | Assumes 2 hours  |
| b   | 20+ residential units (Residential and/or Mixed-Use)                             |  | \$ 1,000    | Assumes 4 hours  |
| c   | Nonresidential building (no Residential uses)                                    |  | \$ 1,000    | Assumes 4 hours  |
| 3.  | Additions, Tenant Improvements, projects not listed above                        |  | \$ 500      | Assumes 2 hours  |
| 4.  | Accessory Dwelling Unit Plan Check   |  | \$ 250      | Assumes 1 hour   |
| 5.  | Landmark review  |  | \$ 250      | Assumes 1 hour   |
| 6.  | In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)       |  | \$ 125      | Assumes half hour  |
| 7.  | Fourth and subsequent plan check submittal                                       |  | \$ 250      | per hour of staff time   |

| FEE TYPE / DESCRIPTION  |   | CURRENT FEE | REMARKS   |
|---|---|-------------|---|
| <b>VI. Modification / Transfer</b>  |   |             |   |
| 1.  | Administrative Use Permit Modification (to existing AUP, or modification to UP allowed with an AUP) | \$ 1,500    | Assumes 6 hours   |
| 2.  | Use Permit Modification (ZAB Review - Permit not exercised)   | \$ 3,000    | Base fee deposit assumes 12 hours. Add \$250 per additional hour of staff time.   |
| 3.  | Use Permit Modification (ZAB Review - Exercised Permit)   | \$ 5,500    | Base fee deposit assumes 22 hours. Add \$250 per additional hour of staff time.   |
| 4.  | Transfer of Administrative Use Permit / Use Permit  | \$ 250      | Per hour of staff time  |
| 5.  | Public Hearing (per hearing, in addition to permit fees)  | \$ 1,250    | Assumes 5 hours including materials   |
| <b>VII. Environmental Review</b>  |   |             |   |
| <b>A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)</b> |   |             |   |
| 1.  | Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration                 | \$ 6,000    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants              |
| 2.  | Environmental Impact Report (EIR)   | \$ 10,000   | Base fee Deposit assumes 40 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants              |
| <b>B. Mitigation Monitoring</b>   |   | \$ 4,000    | Base fee Deposit assumes 16 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants              |
| <b>C. Notices - NOE, NOD, etc.</b>  |   | \$ 1,000    | Assumes 4 hours. Fee applies when notices are filed by the City on behalf of the applicant / City after all appeals are heard |
| <b>VIII. Design Review</b>  |   |             |   |
| <b>A. Administrative Design Review</b>  |   |             |   |
| 1.  | Project valued under \$50,000   | \$ 1,500    | Assumes 8 hours   |
| 2.  | Project valued at \$50,000 to \$2,000,000   | \$ 2,500    | Assumes 12 hours  |
| 3.  | Project valued over \$2,000,000   | \$ 3,500    | Base fee deposit assumes 16 hours. Add \$250 per hour for staff time beyond 16 hours.   |
| 4.  | Signs/Awnings   | \$ 300      | Assumes 2 hours   |
| <b>B. Design Review Committee</b>   |   |             |   |
| 1.  | Project valued under \$50,000   | \$ 2,500    | Assumes 12 hours  |
| 2.  | Project valued at \$50,000 to \$2,000,000   | \$ 3,500    | Assumes 16 hours  |
| 3.  | Project valued over \$2,000,000   | \$ 5,500    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.  |
| <b>C. Final Review with the DRC</b>   |   |             |   |
| 1.  | Project valued under \$50,000   | \$ 1,375    |   |
| 2.  | Project valued at \$50,000 - \$150,000  | \$ 1,650    |   |
| 3.  | Project valued over \$150,000   | \$ 4,675    |   |
| <b>D. Additional Preview</b>  |   | \$ 550      |   |
| <b>E. Modifications - DRC Projects</b>  |   | \$ 1,000    |   |
| <b>F. DRC Public Hearing (per hearing, in addition to permit fees)</b>                            |   | \$ 1,250    | Assumes 5 hours, includes materials   |

| FEE TYPE / DESCRIPTION  |  |  | CURRENT FEE | REMARKS   |
|---|--|--|-------------|---|
| <b>IX. Landmarks Preservation Commission Review</b>   |  |  |             |   |
| <b>A. Initiation</b>  |  |  |             |   |
|   | 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>B. Design Review - Structural Alteration (non-residential only)</b>  |  |  |             |   |
|   | 1.   | Project valued under \$50,000                        | \$ 1,700    |   |
|   | 2.   | Project valued between \$50,001 and \$1,999,999      | \$ 2,800    |   |
|   | 3.   | Project valued at \$2,000,000 or more                | \$ 5,500    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.                                  |
| <b>C. Design Review - Signs and Awnings</b>   |  |  |             |   |
| <b>D. Demolition Review</b> (non-residential structures 40 or more years old as required under Section 23C.08.050C of the Zoning Ordinance) |  |  |             |   |
|   |  |  | \$ 1,320    |   |
| <b>E. Mills Act Historical Contract Processing</b> - payable upon application (one-time payment)  |  |  |             |   |
|   |  |  | \$ 4,620    |   |
| <b>F. Mills Act Historical Contract Monitoring</b>  |  |  |             |   |
|   | 1.   | Payable upon application to cover 5 contract years   | \$ 2,750    |   |
|   | 2.   | Assessed at the beginning of each subsequent 5 years | \$ 2,750    |   |
| <b>X. Appeals</b>   |  |  |             |   |
| <b>A. Non-Applicant Appeal of AUP</b>   |  |  |             |   |
|   |  |  | \$ 2,000    |   |
|   | <b>B. Reduced Non-Applicant Appeal of AUP:</b> 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                   |  |             | \$ 800  |
| <b>C. Non-Applicant Appeals of ZAB or LPC</b>   |  |  |             |   |
|   |  |  | \$ 3,000    |   |
|   | <b>D. Reduced Non-Applicant Appeals of ZAB or LPC:</b> 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 |  |             | \$ 1,000  |
| <b>E. Appeal of AUP by Applicants</b>   |  |  |             |   |
|   |  |  | \$ 4,000    | Assumes 16 hours  |
| <b>F. Appeal of ZAB or LPC by Applicants</b>  |  |  |             |   |
|   |  |  | \$ 6,000    | Assumes 24 hours  |
| <b>G. Appeal of DRSL or DRC by Non-Applicant</b>  |  |  |             |   |
|   |  |  | \$ 2,000    |   |
| <b>H. Appeal of DRSL or DRC by Applicant</b>  |  |  |             |   |
|   |  |  | \$ 4,000    | Assumes 16 hours  |
| <b>I. Appeal to address processing error by staff</b>   |  |  |             |   |
|   |  |  | Fee Waived  |   |
| <b>XI. Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits</b>                                       |  |  |             |   |
|   | <b>A. General Plan Amendment</b>   |  | \$ 10,000   | Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time, plus direct cost for consultants |
|   | <b>B. Specific Plan Amendment</b>  |  | \$ 10,000   |   |
|   | <b>C. Rezoning / Reclassification Request</b>  |  | \$ 10,000   |   |
|   | <b>D. Waterfront Master Development Plan Permit</b>  |  | \$ 10,000   |   |
| <b>XII. CONDOMINIUM</b>   |  |  |             |   |
|   | <b>A. Rent Board Review</b>  |  | \$ 125      | per unit  |
|   | <b>B. Notice of Local Law Compliance</b>   |  | \$ 4,000    | Assumes 16 hours  |
|   | <b>C. Conversion to Condominiums - <u>one to four units</u></b>  |  | \$ 6,000    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.                                  |
|   | <b>D. Conversion to Condominiums - <u>five or more units</u></b>   |  | \$ 10,000   | Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time.                                  |
|   | <b>E. Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by an Applicant</b>  |  | \$ 4,000    | Assumes 16 hours  |
|   | <b>F. Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant</b>  |  | \$ 6,000    | Assumes 24 hours  |
|   | <b>G. Appeal of Planning Commission Determination on Conversion to the City Council by a Non-Applicant</b>   |  | \$ 4,000    | Assumes 16 hours  |

| FEE TYPE / DESCRIPTION |  | CURRENT FEE                    | REMARKS  |
|------------------------|--|--------------------------------|--|
| <b>XIII.</b>           | <b>Miscellaneous Fees</b>  |                                |  |
|                        | <b>A. Penalty for Late Filing</b> (When Zoning Permit, Use Permit or Variance is required for work already performed)  | 100%                           | of applicable fees   |
|                        | <b>B. Zoning Complaint Re-inspection</b>   |                                |  |
|                        | 1. First Re-inspection   | \$ 250                         |  |
|                        | 2. Second Re-inspection  | \$ 375                         |  |
|                        | 3. Third Re-inspection and all inspections thereafter  | \$ 500                         |  |
|                        | <b>C. Agenda Subscriptions and Mailing Fees</b>  | Amount specified per A. R. 3.8 |  |
|                        | <b>D. Publications and Duplication of Records</b>  | Amount specified per A. R. 3.8 |  |
|                        | <b>E. Maps - large, color</b>  | \$ 36.00                       |  |
|                        | <b>F. Duplication of Zoning Adjustments Board, Landmarks Preservation Commission, and Design Review Commission meeting recordings</b>  | Amount specified per A. R. 3.8 |  |
|                        | <b>G. Microfilm Duplication Fee</b>  | Amount specified per A.R. 3.8  |  |
|                        | <b>H. Records Management Fee</b>   | \$ 55                          | per application  |
|                        | <b>I. Letters Regarding Status of Properties</b>   | \$ 250                         | per hour, 2 hour min.  |
|                        | <b>J. Housing Density Bonus Analysis - if separate from other permits</b>  | \$ 250                         | per hour of staff time   |
|                        | <b>K. Zoning Research</b>  | \$ 250                         | per hour, 2 hour min.  |
|                        | <b>L. Arborist Review services</b>   | \$ 250                         | per hour, 1 hour min.  |
|                        | <b>M. Use Permit Monitoring</b>  | \$ 250                         | per hour of staff time   |
|                        | <b>N. Pre-application Reviews</b>  |                                |  |
|                        | 1. Staff level review  | \$ 1,000                       | Assumes 4 hours  |
|                        | 2. Zoning Adjustments Board / Design Review Committee / Landmarks Preservation Commission / Planning Commission Review (at staff discretion in consultation with the applicant)  | \$ 4,000                       | Assumes 16 hours   |
|                        | 3. SB35, SB330, other Preliminary Development application reviews as required by State law   | \$ 1,000                       | Base fee Deposit assumes 4 hours. Add \$250 per additional hour for staff time, plus other cost recovery as expended |
|                        | <b>O. Dedicated Project Review:</b> 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 their designee, will be treated as a withdrawal without prejudice to the underlying proposal. | At cost                        |  |
|                        | <b>P. Community Planning Fee for General Plan and Zoning Ordinance Maintenance</b>   | 15%                            | Surcharge on all Applications for AUP, UP, Modification and/or Variance.   |
|                        | <b>Q. Coordinated Sign Design Program Fee</b>  | \$ 2,217                       | Sign program to cover multiple signs in one building or development  |

**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 their 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.

| CHAPTER B - LAND USE PLANNING  |   |  |             |   |
|--|---|--|-------------|---|
| FEE TYPE / DESCRIPTION   |   |  | CURRENT FEE | REMARKS   |
| <b>I. Application Fee: AUP, UP, VAR, MOD, DR, LM, Condo Conversion</b> |   |  | \$ 500      | Application fee to cover intake and initial completeness review: Assumes 2 hours.   |
| <b>II. Administrative Use Permit (AUP)</b>                             |   |  |             |   |
| 1.   | Tier 1 - Most complex projects  |  | \$ 4,500    | Base fee deposit assumes 18 hours. Add \$250 per each additional hour of staff time.  |
| 2.   | Tier 2 - Intermediately complex projects  |  | \$ 3,500    | Assumes 14 hours  |
| 3.   | Tier 3 - Least complex projects   |  | \$ 1,500    | Assumes 6 hours   |
| 4.   | Each additional AUP required in addition to primary application   |  | \$ 500      | Assumes 2 hours   |
| <b>III. Use Permit (UP) with public hearing</b>                        |   |  |             |   |
| 1.   | Use Permit  |  | \$ 5,500    | Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time.  |
| 2.   | ZAB Public Hearing (per hearing, in addition to permit fees).   |  | \$ 1,250    | Assumes 5 hours; includes materials   |
| <b>IV. Variance</b>  |   |  |             |   |
| 1.   | Tier 1 - All Variances except inadvertent demolitions   |  | \$ 5,500    | Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time.  |
| 2.   | Tier 2 - Inadvertent Demolition of Residential Structure  |  | \$ 9,500    | Base fee deposit assumes 38 hours. Add \$250 per each additional hour of staff time.  |
| 3.   | Each additional AUP, UP or Variance in addition to primary application  |  | \$ 500      | Assumes 2 hours   |
| 4.   | ZAB Public Hearing (per project in addition to permit fees)   |  | \$ 1,250    | Assumes 5 hours including materials   |
| <b>V. Zoning Certificate (ministerial permits)</b>                     |   |  |             |   |
| A.   | All Zoning Certificate (ZC) reviews (e.g. ZCs for Business License, Home Occupations), EXCEPT as noted below: |  | \$ 250      | Assumes 1 hour  |
| 1.   | Business License review - continuation of lawful existing use   |  | no fee      | No fee for continuation of existing legal use   |
| 2.   | Short-Term Rentals review   |  | \$ 375      | Assumes 1.5 hours   |
| 3.   | Accessory Dwelling Unit Neighborhood Notice   |  | \$ 500      | Assumes 2 hours for neighborhood notices and documentation ( <del>Plan check is billed separately, with Building Permit</del> ) |
| 4.   | Accessory Dwelling Unit Plan Check  |  | \$ 250      | Assumes 1 hour for review.  |
| 5.   | Zoning Certificate for Middle Housing (ZCMH)  |  | \$ 2,000    | Assumes 8 hours for review. The 15% Community Planning Fee will also be applied.  |
| 6.   | Middle Housing Neighborhood Notice  |  | \$ 500      | Assumes 2 hours for neighborhood notices and documentation  |
| 5. 7.  | Additional staff time (work performed beyond the time covered by the fees above)                              |  | \$ 250      | Per hour of staff time  |
| <b>B. Building Permit review</b>                                       |   |  |             |   |
| 1.   | Project with Administrative Use Permit (including new main buildings)   |  | \$ 500      | Assumes 2 hours   |
| 2.   | New main buildings (no Administrative Use Permit)   |  | \$ 1,000    | Assumes 4 hours   |
| a  | 1 to 19 residential units (Residential and/or Mixed-Use)  |  | \$ 500      | Assumes 2 hours   |
| b  | 20+ residential units (Residential and/or Mixed-Use)  |  | \$ 1,000    | Assumes 4 hours   |
| c  | Nonresidential building (no Residential uses)   |  | \$ 1,000    | Assumes 4 hours   |
| 3.   | Additions, Tenant Improvements, projects not listed above   |  | \$ 500      | Assumes 2 hours   |
| 4.   | Accessory Dwelling Unit Plan Check  |  | \$ 250      | Assumes 1 hour  |
| 5.   | Landmark review   |  | \$ 250      | Assumes 1 hour  |
| 6.   | In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)                                    |  | \$ 125      | Assumes half hour   |
| 7.   | Fourth and subsequent plan check submittal  |  | \$ 250      | per hour of staff time  |

| FEE TYPE / DESCRIPTION |  |  |  | CURRENT FEE | REMARKS |
|------------------------|--|--|--|-------------|---------|
|                        |  |  |  |             |         |

| FEE TYPE / DESCRIPTION  |   | CURRENT FEE | REMARKS   |
|---|---|-------------|---|
| <b>VI. Modification / Transfer</b>  |   |             |   |
| 1.  | Administrative Use Permit Modification (to existing AUP, or modification to UP allowed with an AUP) | \$ 1,500    | Assumes 6 hours   |
| 2.  | Use Permit Modification (ZAB Review - Permit not exercised)   | \$ 3,000    | Base fee deposit assumes 12 hours. Add \$250 per additional hour of staff time.   |
| 3.  | Use Permit Modification (ZAB Review - Exercised Permit)   | \$ 5,500    | Base fee deposit assumes 22 hours. Add \$250 per additional hour of staff time.   |
| 4.  | Transfer of Administrative Use Permit / Use Permit  | \$ 250      | Per hour of staff time  |
| 5.  | Public Hearing (per hearing, in addition to permit fees)  | \$ 1,250    | Assumes 5 hours including materials   |
| <b>VII. Environmental Review</b>  |   |             |   |
| <b>A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)</b> |   |             |   |
| 1.  | Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration                 | \$ 6,000    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants              |
| 2.  | Environmental Impact Report (EIR)   | \$ 10,000   | Base fee Deposit assumes 40 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants              |
| <b>B. Mitigation Monitoring</b>   |   | \$ 4,000    | Base fee Deposit assumes 16 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants              |
| <b>C. Notices - NOE, NOD, etc.</b>  |   | \$ 1,000    | Assumes 4 hours. Fee applies when notices are filed by the City on behalf of the applicant / City after all appeals are heard |
| <b>VIII. Design Review</b>  |   |             |   |
| <b>A. Administrative Design Review</b>  |   |             |   |
| 1.  | Project valued under \$50,000   | \$ 1,500    | Assumes 8 hours   |
| 2.  | Project valued at \$50,000 to \$2,000,000   | \$ 2,500    | Assumes 12 hours  |
| 3.  | Project valued over \$2,000,000   | \$ 3,500    | Base fee deposit assumes 16 hours. Add \$250 per hour for staff time beyond 16 hours.   |
| 4.  | Signs/Awnings   | \$ 300      | Assumes 2 hours   |
| <b>B. Design Review Committee</b>   |   |             |   |
| 1.  | Project valued under \$50,000   | \$ 2,500    | Assumes 12 hours  |
| 2.  | Project valued at \$50,000 to \$2,000,000   | \$ 3,500    | Assumes 16 hours  |
| 3.  | Project valued over \$2,000,000   | \$ 5,500    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.  |
| <b>C. Final Review with the DRC</b>   |   |             |   |
| 1.  | Project valued under \$50,000   | \$ 1,375    |   |
| 2.  | Project valued at \$50,000 - \$150,000  | \$ 1,650    |   |
| 3.  | Project valued over \$150,000   | \$ 4,675    |   |
| <b>D. Additional Preview (existing fee, relocated from Sec. VII.B above)</b>                      |   | \$ 550      |   |
| <b>E. Modifications - DRC Projects</b>  |   | \$ 1,000    |   |
| <b>F. DRC Public Hearing (per hearing, in addition to permit fees)</b>                            |   | \$ 1,250    | Assumes 5 hours, includes materials   |

| FEE TYPE / DESCRIPTION   |    |  | CURRENT FEE | REMARKS   |
|--|----|--|-------------|---|
| <b>IX. Landmarks Preservation Commission Review</b>  |    |  |             |   |
| <b>A. Initiation</b>   |    |  |             |   |
|  | 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>B. Design Review - Structural Alteration (non-residential only)</b>   |    |  |             |   |
|  | 1. | Project valued under \$50,000                        | \$ 1,700    |   |
|  | 2. | Project valued between \$50,001 and \$1,999,999      | \$ 2,800    |   |
|  | 3. | Project valued at \$2,000,000 or more                | \$ 5,500    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.                                  |
| <b>C. Design Review - Signs and Awnings</b>  |    |  |             |   |
| <b>D. Demolition Review</b> (non-residential structures 40 or more years old as required under Section 23C.08.050C of the Zoning Ordinance)  |    |  |             |   |
|  |    |  | \$ 1,320    |   |
| <b>E. Mills Act Historical Contract Processing</b> - payable upon application (one-time payment)   |    |  |             |   |
|  |    |  | \$ 4,620    |   |
| <b>F. Mills Act Historical Contract Monitoring</b>   |    |  |             |   |
|  | 1. | Payable upon application to cover 5 contract years   | \$ 2,750    |   |
|  | 2. | Assessed at the beginning of each subsequent 5 years | \$ 2,750    |   |
| <b>X. Appeals</b>  |    |  |             |   |
| <b>A. Non-Applicant Appeal of AUP</b>  |    |  |             |   |
|  |    |  | \$ 2,000    |   |
| <b>B. Reduced Non-Applicant Appeal of AUP:</b> 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                   |    |  |             |   |
|  |    |  | \$ 800      |   |
| <b>C. Non-Applicant Appeals of ZAB or LPC</b>  |    |  |             |   |
|  |    |  | \$ 3,000    |   |
| <b>D. Reduced Non-Applicant Appeals of ZAB or LPC:</b> 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 |    |  |             |   |
|  |    |  | \$ 1,000    |   |
| <b>E. Appeal of AUP by Applicants</b>  |    |  |             |   |
|  |    |  | \$ 4,000    | Assumes 16 hours  |
| <b>F. Appeal of ZAB or LPC by Applicants</b>   |    |  |             |   |
|  |    |  | \$ 6,000    | Assumes 24 hours  |
| <b>G. Appeal of DRSL or DRC by Non-Applicant</b>   |    |  |             |   |
|  |    |  | \$ 2,000    |   |
| <b>H. Appeal of DRSL or DRC by Applicant</b>   |    |  |             |   |
|  |    |  | \$ 4,000    | Assumes 16 hours  |
| <b>I. Appeal to address processing error by staff</b>  |    |  |             |   |
|  |    |  | Fee Waived  |   |
| <b>XI. Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits</b>  |    |  |             |   |
| <b>A. General Plan Amendment</b>   |    |  |             |   |
|  |    |  | \$ 10,000   |   |
| <b>B. Specific Plan Amendment</b>  |    |  |             |   |
|  |    |  | \$ 10,000   | Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time, plus direct cost for consultants |
| <b>C. Rezoning / Reclassification Request</b>  |    |  |             |   |
|  |    |  | \$ 10,000   |   |
| <b>D. Waterfront Master Development Plan Permit</b>  |    |  |             |   |
|  |    |  | \$ 10,000   |   |
| <b>XII. CONDOMINIUM</b>  |    |  |             |   |
| <b>A. Rent Board Review</b>  |    |  |             |   |
|  |    |  | \$ 125      | per unit  |
| <b>B. Notice of Local Law Compliance</b>   |    |  |             |   |
|  |    |  | \$ 4,000    | Assumes 16 hours  |
| <b>C. Conversion to Condominiums - <u>one to four units</u></b>  |    |  |             |   |
|  |    |  | \$ 6,000    | Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.                                  |
| <b>D. Conversion to Condominiums - <u>five or more units</u></b>   |    |  |             |   |
|  |    |  | \$ 10,000   | Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time.                                  |
| <b>E. Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by an Applicant</b>  |    |  |             |   |
|  |    |  | \$ 4,000    | Assumes 16 hours  |
| <b>F. Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant</b>  |    |  |             |   |
|  |    |  | \$ 6,000    | Assumes 24 hours  |
| <b>G. Appeal of Planning Commission Determination on Conversion to the City Council by a Non-Applicant</b>   |    |  |             |   |
|  |    |  | \$ 4,000    | Assumes 16 hours  |

| FEE TYPE / DESCRIPTION |  | CURRENT FEE                    | REMARKS  |
|------------------------|--|--------------------------------|--|
| <b>XIII.</b>           | <b>Miscellaneous Fees</b>  |                                |  |
|                        | <b>A. Penalty for Late Filing</b> (When Zoning Permit, Use Permit or Variance is required for work already performed)  | 100%                           | of applicable fees   |
|                        | <b>B. Zoning Complaint Re-inspection</b>   |                                |  |
|                        | 1. First Re-inspection   | \$ 250                         |  |
|                        | 2. Second Re-inspection  | \$ 375                         |  |
|                        | 3. Third Re-inspection and all inspections thereafter  | \$ 500                         |  |
|                        | <b>C. Agenda Subscriptions and Mailing Fees</b>  | Amount specified per A. R. 3.8 |  |
|                        | <b>D. Publications and Duplication of Records</b>  | Amount specified per A. R. 3.8 |  |
|                        | <b>E. Maps - large, color</b>  | \$ 36.00                       |  |
|                        | <b>F. Duplication of Zoning Adjustments Board, Landmarks Preservation Commission, and Design Review Commission meeting recordings</b>  | Amount specified per A. R. 3.8 |  |
|                        | <b>G. Microfilm Duplication Fee</b>  | Amount specified per A.R. 3.8  |  |
|                        | <b>H. Records Management Fee</b>   | \$ 55                          | per application  |
|                        | <b>I. Letters Regarding Status of Properties</b>   | \$ 250                         | per hour, 2 hour min.  |
|                        | <b>J. Housing Density Bonus Analysis - if separate from other permits</b>  | \$ 250                         | per hour of staff time   |
|                        | <b>K. Zoning Research</b>  | \$ 250                         | per hour, 2 hour min.  |
|                        | <b>L. Oak Tree Review</b> -Arborist Review services  | \$ 250                         | per hour, 1 hour min., plus consultant costs   |
|                        | <b>M. Use Permit Monitoring</b>  | \$ 250                         | per hour of staff time   |
|                        | <b>N. Pre-application Reviews</b>  |                                |  |
|                        | 1. Staff level review  | \$ 1,000                       | Assumes 4 hours  |
|                        | 2. Zoning Adjustments Board / Design Review Committee / Landmarks Preservation Commission / Planning Commission Review (at staff discretion in consultation with the applicant)  | \$ 4,000                       | Assumes 16 hours   |
|                        | 3. SB35, SB330, other Preliminary Development application reviews as required by State law   | \$ 1,000                       | Base fee Deposit assumes 4 hours. Add \$250 per additional hour for staff time, plus other cost recovery as expended |
|                        | <b>O. Dedicated Project Review:</b> 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 their his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal. | At cost                        |  |
|                        | <b>P. Community Planning Fee for General Plan and Zoning Ordinance Maintenance</b>   | 15%                            | Surcharge on all Applications for AUP, UP, Modification and/or Variance.   |
|                        | <b>Q. Coordinated Sign Design Program Fee</b>  | \$ 2,217                       | Sign program to cover multiple signs in one building or development  |

**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 their 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.

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

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

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 Planning and Development Department is proposing revisions to the Land Use Planning section of its fee schedule effective November 1, 2025, to create fees for a new type of Zoning Certificate for the review of Middle Housing projects, and for the neighborhood noticing thereof, to add a fee for arborist services when required for the review of a project application, and to make minor clarifications to language in the existing fee schedule

The hearing will be held on September 30, 2025 at 6:00 PM in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Jim Bondi, Associate Management Analyst, at (510) 981-7428.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of September 18, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) 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 (510) 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:** September 12, 2025 and September 19, 2025 – The Berkeley Voice

Published pursuant to Government Code Section 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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 18, 2025.

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Mark Numainville, City Clerk