



Office of the City Manager

PUBLIC HEARING  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Approval and Levy of 2018 Clean Stormwater Fee in FY 2024

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2024.

FISCAL IMPACTS OF RECOMMENDATION

The Resolution would approve and order the levy of the 2018 Clean Stormwater Fee in Fiscal Year (FY) 2024. The fees are to be filed with the Alameda County Auditor and included in the County’s assessment roll. After collection by the County the total amount of the assessment minus a collection fee is paid to the City of Berkeley. The revenue is posted in the Clean Storm Water Fund (Fund 616). Approximately \$3.03 million is expected to be collected from the 2018 Clean Stormwater Fee in FY 2024. A summary of forecasted FY 2024 revenue and expenditures for Fund 616 is shown in the table below.

**Table 1 - FY 2024 Fund 616 Forecast**

<b>Clean Stormwater Program Expenditures</b>	<b>\$ 5,891,265</b>
<b>Revenue</b>	
Clean Stormwater Fee (1991)	\$ 1,921,318
2018 Clean Stormwater Fee	\$ 3,026,129
<b>Total Revenue</b>	<b>\$ 4,947,447</b>
<b>Deficit/Surplus</b>	<b>\$ (943,818)</b>

CURRENT SITUATION AND ITS EFFECTS

The 2018 Clean Stormwater Fee (“2018 Fee”) is subject to an annual adjustment tied to the Consumer Price Index - U for the San Francisco Bay Area as of December of each succeeding year (the “CPI”). Per the voter approved measure, any increase in the CPI in excess of 3% shall be cumulatively reserved as “Unused CPI” and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. To date there is a current “Unused CPI” balance of 1.24%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%; therefore

the annual adjustment for FY 2024 will be limited to the prescribed maximum of 3.00% and the excess CPI increase of 1.88% will be reserved as “Unused CPI” balance to be used in future years.

As approved by voters, the annual adjustment may be calculated by taking the sum of the 1991 Clean Stormwater Fee (“1991 Fee”) and the 2018 Clean Stormwater Fee, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1991 Fee adjustment as part of the annual 2018 Fee increase. The cumulative adjustment of the 1991 Fee and the 2018 Fee, result in 2018 Fee increases of approximately 5.35%.

The table below details prior year and proposed FY 2024 annual rates for the property-related fee.

**Table 2 - Summary of Annual Rates for 2018 Clean Stormwater Fee**

Rate Category	FY 2023 Fee	Proposed FY 2024 Fee	Unit
<b>Single-Family Residential</b>			
Small	\$ 42.01	\$ 44.25	parcel
Medium	\$ 52.51	\$ 55.32	parcel
Large	\$ 63.51	\$ 66.90	parcel
Condominium	\$ 42.01	\$ 44.25	parcel
Single-Family Residential parcels with multiple single-family residences pay 22% higher rate			
<b>Non-Single-Family Residential**</b>			
Multi-Family Residential	\$ 916.01	\$ 964.98	acre
Comm / Industrial / Parking	\$ 1,022.53	\$ 1,077.19	acre
Office	\$ 958.62	\$ 1,009.87	acre
Institutional / Church	\$ 873.41	\$ 920.10	acre
School / Hospital	\$ 798.85	\$ 841.56	acre
Recreational	\$ 617.78	\$ 650.80	acre
Park	\$ 63.91	\$ 67.32	acre
Vacant (developed)	\$ 53.25	\$ 56.10	acre
Open Space / Agricultural		exempt	

\* Single-Family Residential category also includes duplex, triplex and four-plex units.

\*\* Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof

Detailed calculations of the annual adjustment and the corresponding rate increases are included in the 2018 Clean Stormwater Fee - Fiscal Year 2024 Adjustment Report (Attachment 2). Adoption of the Resolution would approve and order the levy of the 2018 Fee in FY 2024 at the rates described in this report. Following adoption, the fees will be filed with the Alameda County Auditor and included on the County’s assessment roll for collection. Revenue from the Fee will provide needed funding for the Stormwater Program which includes flood management, compliance with clean water requirements, operations and maintenance, and major capital improvements, all of which advance the strategic goals of: 1.) Providing state-of-the-art, well-maintained infrastructure, amenities, and facilities; and 2.) Being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

**BACKGROUND**

In 1991, the City was required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board to improve the water quality of urban runoff and discharge storm water runoff to the City’s waterways. The permit requires that the City implement a stormwater control program and best management practices.

To meet the NDPEs permit requirements, the City implemented a Clean Storm Water Fee in 1991 for all residences and businesses in the City. The City has been collecting approximately \$2 million annually for this fee and rates have not been increased since the fee was established in 1991. Initially, collected revenues were sufficient to fund ongoing maintenance, operations, and capital improvements. However, beginning in Fiscal Year 2014, the program began operating at a deficit. In 2018, in an effort to increase revenues for the program, the City introduced the 2018 Clean Stormwater Initiative to establish a new property-related fee to be assessed separately and in addition to the existing 1991 Fee. Following a Proposition 218 process the initiative was approved by voters and the City Council adopted Resolution No. 68,483-N.S., ordering the levy. The assessment has been levied for the 2019 through 2023 fiscal years.

Provisions of the California Health and Safety Code Section 5473.1 require that a public hearing be held each year that the fees are to be collected on the property tax roll and that a notice be published in a local newspaper. A public notice has been published designating June 27, 2023 as the date for the public hearing.

**ENVIRONMENTAL SUSTAINABILITY**

The 2018 Clean Stormwater Fee provides a secure funding source for environmental protection related to the impacts of stormwater on creeks and the San Francisco Bay. The fee maintains operations and maintenance activities and reduces environmental impacts of flooding, sink holes, trash, and debris.

**RATIONALE FOR RECOMMENDATION**

The additional funding will allow the City to fund the operating deficit without the use of general funds, continue maintenance service levels, meet clean water regulatory requirements, and develop a long-term financial plan for capital projects, to continue improving water quality and minimizing the impacts of flooding in local areas.

**CONTACT PERSON**

Ronald Nevels, Interim Manager of Engineering/City Engineer, (510) 981-6439  
Ricardo Salcedo, Associate Civil Engineer, Public Works, (510) 981-6407

**Attachments:**

- 1: Resolution – Ordering the Levy of 2018 Clean Stormwater Fee in Fiscal Year 2024
- 2: 2018 Clean Stormwater Fee – Fiscal Year 2024 Adjustment Report
- 3. Public Hearing Notice

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

APPROVING THE LEVY AND COLLECTION OF THE CITY OF BERKELEY 2018  
CLEAN STORMWATER FEE IN FISCAL YEAR 2024

WHEREAS, on February 13, 2018, the Council adopted Resolutions No. 68,334-N.S. and No. 68,335-N.S., to initiate the property related fee process and establish the balloting procedures for the 2018 Clean Stormwater Initiative consistent with California Constitution Article XIII D; and

WHEREAS, on April 3, 2018, the council conducted a public hearing at which a majority protest was not achieved, and subsequently adopted Resolution No. 68,831-N.S. directing the mailing of fee ballots to all property owners of properties within the City subject to the fee; and

WHEREAS, on May 29, 2018, following tabulation of fee ballots and confirming voter approval of the 2018 Clean Stormwater Initiative, Council adopted Resolution No. 68,483-N.S. accepting the ballot tabulation and ordering the levy of the 2018 Clean Stormwater Fee; and

WHEREAS, pursuant to the authority granted by voters, the 2018 Clean Stormwater Fee is subject to an annual increase based on the San Francisco - U Consumer Price Index (CPI), not to exceed 3% per year; and any increase in excess of 3% shall be cumulatively reserved as "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. The maximum annual CPI adjustment for each property shall be calculated based upon the sum of the 1991 Clean Stormwater Fee and the 2018 Clean Stormwater Fee, and multiplying the sum by the CPI or 3% whichever is lower; and

WHEREAS, for the annual period ending in December 2022 the CPI increased by 4.88%, therefore the proposed annual adjustment can be applied at the maximum of 3.00%; and

WHEREAS, the proposed fee rate for FY 2024 of FIFTY-FIVE DOLLARS AND THIRTY-TWO CENTS (\$55.32) per single-family equivalent unit is in accordance with a City staff authored report dated May 2023 and titled "2018 Clean Stormwater Fee – Fiscal Year 2024 Fee Adjustment Report" ("Report"); and

WHEREAS, the rate increases and the methodology used in the calculation of the rates are described in the Report and are in accordance with the voter approved measure; and.

WHEREAS, provisions of California Health and Safety Code Section 5473.1, require a public hearing to be held each year that the fees are to be collected on the property tax roll and a notice to be published in a local newspaper; and

WHEREAS, the notice was published designating June 27, 2023, as the date for public hearing; and

WHEREAS, a public hearing was held on June 27, 2023 at a regular council meeting.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley authorizes the levy and collection of fees for FY 2024 at the rates specified in the Report.

BE IT FURTHER RESOLVED that shortly after the adoption of this Resolution, but in no event later than August 10th following such adoption, the City Clerk shall file a certified copy of this Resolution and a fee levy roll with the Auditor of Alameda County ("County Auditor"). Upon such filing, the County Auditor shall enter on the County's assessment roll opposite each lot or parcel of land the amount of fee thereupon as shown in the levy roll.

CITY OF BERKELEY

# 2018 CLEAN STORMWATER FEE

Fiscal Year 2024  
Fee Adjustment Report

May 2023

Prepared by

RONALD NEVELS, PE  
CITY OF BERKELEY  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

**TABLE OF CONTENTS**

**INTRODUCTION** ..... 1

*OVERVIEW* ..... 1

*CITY'S FACILITIES* ..... 2

*STORM DRAINAGE FUNDING* ..... 2

**FINANCIAL NEEDS SUMMARY** ..... 3

**2018 CLEAN STORMWATER FEE RATE STRUCTURE ANALYSIS** ..... 4

*SINGLE-FAMILY RESIDENTIAL PARCELS* ..... 4

*NON-SINGLE-FAMILY RESIDENTIAL PARCELS* ..... 5

*EFFECTS OF LOW IMPACT DEVELOPMENT* ..... 7

*STORM DRAINAGE FEE CALCULATION* ..... 7

LIST OF TABLES

**Table 1- FY 2024 Fund Forecast** ..... 3

**Table 2- Summary of Single-Family Residential Parcels** ..... 5

**Table 3 – Summary of Non-SFR Parcels** ..... 6

**Table 4 - Storm Drainage Fee Schedule** ..... 8

## INTRODUCTION

---

### OVERVIEW

In 1991, the City of Berkeley was required to obtain a national Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Bay Regional Water Quality Control Board to improve the water quality of urban runoff and discharge storm water runoff to the City's waterways. The permit requires that the City of Berkeley implement a stormwater control program and best management practices. The City adopted the Clean Stormwater Fee in 1991 to comply with clean water regulations and provide a secure funding source for stormwater operations, maintenance, and capital improvements. The program includes flood management, compliance with clean water requirements, operations and maintenance, and major capital improvements. Stormwater fees are paid by property owners and the fees have not been increased since the program's inception in 1991. The program has been running a deficit since 2014 attributable to basic operations, maintenance, and compliance with clean water regulations. The Stormwater program also faces a backlog in capital improvements, with more than \$208 million in project costs identified in the 2011 Watershed Management Plan<sup>1</sup>.

In order to increase revenues for the Stormwater program, the City adopted Resolutions No. 68,334-N.S. and Resolution No. 68,335-N.S., to initiate the property related fee process and establish balloting procedures for the 2018 Clean Stormwater Initiative consistent with California Constitution Article XIII D. A public hearing was conducted on April 3, 2018 at which a majority protest was not achieved, subsequently Resolution No. 68,381-N.S. was adopted ordering the mailing of fee ballots to all property owners of properties within the City subject to the fee. Following the tabulation of votes, and confirming approval of the measure, Council adopted Resolution No. 68,483-N.S., accepting the ballot tabulations and ordering the levy of the City of Berkeley's 2018 Clean Stormwater Fee.

As approved by voters, the 2018 Clean Stormwater Fee is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. Per the voter approved measure any increase in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. The maximum authorized rate is equal to the maximum rate in the first fiscal year the Fee was approved adjusted annually by the lower of either 3% or the increase in the CPI plus any Unused CPI as described above. In order for the City's dedicated storm drainage revenue sources to satisfy costs requirement into the future, the annual

---

<sup>1</sup> Watershed Management Plan: <https://berkeleyca.gov/your-government/our-work/adopted-plans/watershed-management-plan>



adjustment for property may be calculated based upon the sum of the storm drainage fee and the existing Clean Storm Water Fee.

This abbreviated fee adjustment report, has been prepared by City staff to document the annual adjustment of the 2018 Clean Stormwater Fee for Fiscal Year 2024. The report also includes an abbreviated description of the storm drainage system, the program's funding sources, and a five-year fund forecast.

## **CITY'S FACILITIES**

The City operates and maintains a storm drainage system, as it is empowered to do so per Government Code Sections §38900 and §38901. It is comprised of an integrated system of storm drain pipes, culverts and ditches. Local creeks are not considered part of the City's storm drain system, although they receive most of the urban runoff and are impacted by how the City's storm drainage system functions.

The Berkeley area began experiencing residential development over one hundred years ago. As the community grew, the storm drainage system was developed along with the neighborhoods and commercial areas while still maintaining many native creek segments. Although the City is highly urbanized, there are a large number of open creek segments that cross streets, private properties and roadways through numerous culvert sections.

In the early 1990s, in response to the federal Clean Water Act amendment of 1987, municipalities were, for the first time, required to obtain an NPDES<sup>2</sup> permit from the California Regional Water Quality Control Board to address urban storm drainage runoff pollution. Under this permit, the City works to reduce stormwater pollution, protect and enhance its watersheds, preserve beneficial uses of local waterways, and implement State and federal water quality regulations within the limits of its jurisdiction. Over the years, the range of actions taken by the City has greatly increased in response to evolving regulatory requirements and community needs.

## **STORM DRAINAGE FUNDING**

In response to the NPDES permit requirements, the City implemented a Clean Storm Water Fee in 1991 for all residences and businesses in the City. The City collects approximately \$2 million annually from this fee which has not been increased since its 1991 inception. Initially, revenues were sufficient to fund ongoing maintenance, operations and capital improvement projects. However, beginning in Fiscal Year 2014,

---

<sup>2</sup> NPDES stands for the National Pollutant Discharge Elimination System as specified in the Federal Clean Water Act. The City is one of the co-permittees named on the Alameda County NPDES permit issued by the Regional Water Board. The most recent MRP was issued in November 2015, however, these permits typically are renewed every five years, with each new iteration containing additional requirements.

the program began operating at a deficit. In response to this deficit, the City implemented the 2018 Clean Stormwater Fee.

**FINANCIAL NEEDS SUMMARY**

---

A Clean Stormwater Fund forecast for FY 2024 is provided below as Table 1.

**Table 1- FY 2024 Fund Forecast**

<b>Costs</b>	
<i>Personnel Costs</i>	<b>\$ 1,379,847</b>
<i>Non-Personnel Costs</i>	
<i>Capital Improvement Program</i>	\$ 2,005,455
<i>Non-Personnel</i>	\$ 2,505,963
<b><i>Subtotal Non-Personnel Costs</i></b>	<b>\$ 4,511,418</b>
<b>Total Costs</b>	<b>\$ 5,891,265</b>
<b>Revenue</b>	
<i>Clean Stormwater Fee (1991)</i>	\$ 1,921,318
<i>2018 Clean Stormwater Fee</i>	\$ 3,026,159
<b>Total Revenue</b>	<b>\$ 4,947,447</b>
<b>To (from) General Fund and/or Reserves</b>	<b>\$ (943,818)</b>

---

## **2018 CLEAN STORMWATER FEE RATE STRUCTURE ANALYSIS**

All properties which generate storm and urban runoff which flow into the City's MS4 are served by the system. The amount of use attributed to each parcel is proportional to the amount of storm and urban runoff flow contributed by the parcel, which is proportional to the amount of impervious surface area (e.g. building roofs, pavement, etc.) on a parcel.

In this Report, the median single-family residential parcel is used as the basic unit of measure, called the single-family equivalent, or "SFE." Accordingly, since the primary quantifiable attribute for this fee structure is impervious surface area, the amount of impervious surface area on the median SFR parcel serves as the basic unit of impervious area.

The basic unit of impervious area can be expressed by the following formula:

$$\begin{aligned} & \textit{Median SFR Parcel Area} \\ & \times \textit{Average SFR Impervious Percentage} \\ & = \textit{SFE Impervious Area} \end{aligned}$$

The median SFR parcel is 0.11 acres (4,792 square feet). Careful analysis revealed that the average percentage of impervious area ("%IA") of the medium class of SFR parcels is 44.82%. Therefore, the amount of impervious area for the SFE is 2,148 square feet. This becomes the basis for calculating the SFEs for all other types of land uses. In order to accomplish this, a representative sample of each land use category was studied through aerial photographs to measure the actual impervious area, which was, in turn, used to calculate the %IA for each land use category.

### **SINGLE-FAMILY RESIDENTIAL PARCELS**

Berkeley has a wide range of sizes of SFR parcels, which have varying levels of %IA. Generally, smaller parcels tend to have a higher proportion of impervious area than larger parcels, which tend to have a lower percentage of impervious area. (This can be best visualized by the fact that larger residential properties tend to have a larger proportion of pervious landscaping, and therefore less impervious area.) Therefore, the range of SFRs were broken into three size categories as shown in Table 4 below. Since the size of a parcel is considered in finite groups, the resultant SFEs were calculated on a per-parcel basis for each size category using the formula above.

It should be noted that the SFR category also includes multiplex parcels of two, three or four units, since their lot development characteristics do not vary significantly from the SFR parcels of similar size. In all, this includes the approximately 3,400 multiplex parcels in the City. Any residential structure with five or more units is categorized as multi-family residential ("MFR"), which is calculated separately. For parcels with multiple SFRs, analysis showed that those parcels contained 22% more impervious area than single-home SFRs within the same size category. Therefore, multiple-SFR parcels are computed separately.

### Special Notes On Condominiums

Condominium units are particularly difficult to categorize as they are often on very small individual parcels, yet share larger common areas that are made up of landscaped (pervious) areas; parking lots and shared roofs (impervious); and other recreational uses (either pervious or impervious). The data for these variables are not readily available, so it is assumed that overall their characteristics were most similar to the small lot make up. Overall, condominium units are smaller than the average SFR, and may include two or more stories of residences in some cases. When combined with the various common areas (which were exempted from the SFE process), the overall effect would be less runoff impact than the median size SFR. Thus, the Small SFR rate was used.

**Table 2- Summary of Single-Family Residential Parcels**

Lot Type	Parcel Size Range (sf)	Total Parcels	% Imperv Area	SFE per Parcel	
				Single Home	Multiple Homes
Small	Under 3,200	2,416	65.73%	0.80	0.98
Medium	3,200 to 7,200	16,385	44.82%	1.00	1.22
Large	7,200 and over	2,689	29.81%	1.21	1.48
Condos	n/a	2,490	n/a	0.80	n/a
<b>TOTAL</b>		<b>23,980</b>			

### NON-SINGLE-FAMILY RESIDENTIAL PARCELS

Unlike the SFR parcels, the non-SFR parcels can vary widely in size as well as characteristics. For this reason, the parcels have been grouped into land use categories according their %IA characteristics (as shown in Appendix B) so that SFE per acre can be computed for each category using the following formula:

$$\frac{(43,560 \text{ sf/acre}) \times \%IA}{2,148 \text{ sf/SFE}} = \text{SFE per Acre}$$

Where 2,148 square feet is the amount of the impermeable area in one SFE.

Table 3 below shows a summary of the non-single-family parcel SFEs for each non-SFR land use category.

Table 3 – Summary of Non-SFR Parcels

Land Use Category	Total Parcels	% Imperv Area	SFE per Acre
Multi-Family (Apartments)	1,471	86%	17.44
Commercial / Retail / Industrial	1,627	96%	19.47
Office	243	90%	18.25
Institutional / Church	282	82%	16.63
School / Hospital	27	75%	15.21
Recreational	27	58%	11.76
Vacant (developed)	571	5%	1.01
Open Space / Agricultural	93	Exempt	
	<b>4,341</b>		

Each individual parcel's SFE is then calculated by multiplying the parcel size (in acres<sup>3</sup>) times the SFE per acre for that land use category, as shown in the following formula:

#### Developed Vacant Parcels

Developed vacant parcels are distinguished from undeveloped vacant land by one of several characteristics. Typically, a developed vacant parcel has been graded to be ready for building construction (possibly as part of the original subdivision or adjacent street grading). In some cases, the parcel was previously improved, but the improvement has been removed. Although developed vacant parcels may have significant vegetative cover, the underlying soil conditions resulting from grading work can usually cause some rainfall to run off into the storm drainage system. The %IA for developed vacant parcels is conservatively assumed to be 5%. Vacant parcels that have significant impervious paving remaining from prior improvements may be classified as Commercial or some other classification best representing the %IA of the parcel.

---

<sup>3</sup> Parcel size for non-single-family residential parcels is calculated to the tenth of an acre or portion thereof.

### Open Space and Agricultural Parcels are Exempt

The City's MS4 was developed in response to land development over the past several decades. Tracts of land that have not yet been developed, or have been used primarily for agricultural purposes, have not created an impact on the drainage system beyond the natural condition, and are therefore considered to receive no service from the MS4. In practical terms, these parcels generate no additional storm runoff beyond the natural condition. For these reasons, open space and agricultural parcels are exempt from the storm drainage fee.

Berkeley is a City with some open space land, which can be situated on portions of developed parcels. For parcels that have a significant portion that is considered open space (or agricultural), those portions have been taken into consideration in the calculations of the %IA and SFEs. For SFR parcels, these open space lands have been included in the sampled lots size when calculating the average %IA, which produced a lower %IA for the large parcel category, and, thus, a lower SFE and Fee to accommodate the open space areas. For non- SFR parcels the fees are calculated on individual acreage. However, the open space portion has been deducted from the acreage prior to all analyses including %IA as well as SFE and fee calculation.

### EFFECTS OF LOW IMPACT DEVELOPMENT

The current NPDES Permit requires certain properties to construct storm drainage treatment and attenuation facilities, also known as low impact development ("LID"). These facilities often are designed to capture a portion of the storm flows, retain them, and enable them to infiltrate into the ground. While this is intended to help filter pollutants from the water, it also can reduce the parcel's storm drainage runoff quantity to some extent. However, LID is designed to capture, retain and treat frequent, but low intensity storms. Conversely, the MS4 is designed around the infrequent, high intensity storms, those storms which will typically overflow most LID facilities. For this reason, no discount in the storm drainage fees is made available for parcels with LID facilities.

### STORM DRAINAGE FEE CALCULATION

The primary metric in this analysis is the SFE as illustrated above. To arrive at the fee amount for the various land use categories, the total SFEs must be divided into the total revenue requirement to arrive at the rate per SFE. That calculation is represented by the following formula:

$$\frac{\text{Total Assessments to be Collected}}{\text{Total SFEs}} = \text{SFE Rate}$$

The total assessment to be collected in FY 2023, includes an allowable adjustment. As described in the Overview section of this report, the fee is subject to an annual adjustment calculated by taking the sum of the 1991 Clean Stormwater Fee and the 2018 Clean Stormwater Fee and multiplying the sum by the allowable CPI increase not to exceed 3%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%. As discussed in the Overview section

of this report, “Unused CPI” balance from previous years can be used to increase the annual adjustment in years with CPI increases less than 3%. The annual adjustment for FY 2024 is limited to the prescribed maximum of 3% and the excess CPI increase of 1.88% will be reserved as “Unused CPI” balance to be used in future years.

The SFE calculation can be rewritten as follows:

$$\frac{2018 \text{ Fee in FY 23} + (2018 \text{ Fee in FY 23} + 1991 \text{ Fee}) \times \% \text{ Increase}}{\text{Total SFEs}} = \text{SFE Rate in FY 24}$$

Or, using numbers from the analysis, the SFE Rate is:

$$\frac{\$2,882,029 + (\$2,882,029 + \$1,921,318) \times 0.03}{54,701.996 \text{ SFEs}} = \$55.32 \text{ per SFE}$$

This SFE rate amount is then multiplied by the SFE per parcel or SFE per acre for the various land use categories to arrive at the Storm Drainage Fee Rate Schedule shown in Table 4 below.

**Table 4 - Storm Drainage Fee Schedule**

Rate Category	SFE Rate	Proposed Fee	Unit
<b>Single-Family Residential</b>			
Small	0.79992	\$ 44.25	parcel
Medium	1.00000	\$ 55.32	parcel
Large	1.20933	\$ 66.90	parcel
Condominium	0.79992	\$ 44.25	parcel
Multiple SFR on a single parcel pay 22% higher rate			
<b>Non-Single-Family Residential**</b>			
Multi-Family Residential	17.44360	\$ 964.98	acre
Commercial / Industrial / Parking	19.47193	\$ 1,077.19	acre
Office	18.25493	\$ 1,009.87	acre
Institutional / Church	16.63227	\$ 920.10	acre
School / Hospital	15.21244	\$ 841.56	acre
Recreational	11.76429	\$ 650.80	acre
Park	1.21700	\$ 67.32	acre
Vacant (developed)	1.01416	\$ 56.10	acre
Open Space / Agricultural		exempt	
* Single-Family Residential category also includes duplex, triplex and four-plex units.			
** Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof			

The proposed \$55.32 SFE rate is well within the range of storm drainage rates adopted by other municipalities.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**LEVY OF 2018 CLEAN STORMWATER FEE FOR FY 2024**

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

NOTICE IS HEREBY GIVEN that at its meeting on Tuesday, June 27, 2023, the Berkeley City Council will conduct a public hearing to consider:

The levy of the 2018 Clean Stormwater Fee in Fiscal Year 2024.

The fee is collected through the property tax bill and collected revenue would fund operations, maintenance, and capital improvements of the City’s storm drain system. The table below details prior year and proposed FY 2024 rates for the property-related fee.

Rate Category	FY 2023 Fee	Proposed FY 2024 Fee	Unit
<b>Single-Family Residential</b>			
Small	\$ 42.01	\$ 44.25	parcel
Medium	\$ 52.51	\$ 55.32	parcel
Large	\$ 63.51	\$ 66.90	parcel
Condominium	\$ 42.01	\$ 44.25	parcel
Single-Family Residential parcels with multiple single-family residences pay 22% higher rate			
<b>Non-Single-Family Residential**</b>			
Multi-Family Residential	\$ 916.01	\$ 964.98	acre
Comm / Industrial / Parking	\$ 1,022.53	\$ 1,077.19	acre
Office	\$ 958.62	\$ 1,009.87	acre
Institutional / Church	\$ 873.41	\$ 920.10	acre
School / Hospital	\$ 798.85	\$ 841.56	acre
Recreational	\$ 617.78	\$ 650.80	acre
Park	\$ 63.91	\$ 67.32	acre
Vacant (developed)	\$ 53.25	\$ 56.10	acre
Open Space / Agricultural		exempt	

\* Single-Family Residential category also includes duplex, triplex and four-plex units.

\*\* Non-Single-Family Residential parcel size is calculated to the tenth of an acre or portion thereof

The 2018 Clean Stormwater Fee (“2018 Fee”) is subject to an annual adjustment tied to the Consumer Price Index - U for the San Francisco Bay Area as of December of each succeeding year (the “CPI”). Per the voter approved measure, any increase in the CPI in excess of 3% shall be cumulatively reserved as “Unused CPI” and shall be used to increase the maximum authorized rate in years in which the CPI is less than 3%. For the period beginning in December 2021 and ending in December 2022, the CPI increased by 4.88%; therefore the annual adjustment for FY 2024 will be limited to the prescribed maximum of 3.00% and the excess CPI increase of 1.88% will be reserved as “Unused CPI” balance to be used in future years.

As approved by voters, the annual adjustment may be calculated by taking the sum of the 1991 Clean Stormwater Fee (“1991 Fee”) and the 2018 Clean Stormwater Fee, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this



manner allows for the inclusion of a 1991 Fee adjustment as part of the annual 2018 Fee increase. The cumulative adjustment of the 1991 Fee and the 2018 Fee, result in 2018 Fee increases of approximately 5.35%.

**Public Hearing Information**

The hearing will be held on Tuesday, June 27, 2023, at 6:00 pm at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of June 15, 2023. **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.**

For further information, please contact Ronald Nevels, Interim Manager of Engineering/City Engineer, (510) 981-6439, or Ricardo Salcedo, Associate Civil Engineer, Public Works, (510) 981-6407.

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. 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 [council@berkeleyca.gov](mailto:council@berkeleyca.gov) for further information.

**Published:** June 16, 2023 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

~~~~~  
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 June 15, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk

