



Office of the City Manager

PUBLIC HEARING

May 26, 2015

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted By: Kelly Wallace, Acting Director, Health, Housing &amp; Community Services

Subject: Environmental Health Division Fee Schedule

RECOMMENDATION

Adopt a Resolution adopting a revised fee schedule for Environmental Health permit and inspection fees to remove the plan check column from the Fixed Units Annual Fees Table and add a fee to reissue duplicate annual permits of \$44 dollars, effective July 1, 2015 until subsequently modified, and rescinding Resolution No. 66,727-N.S.

FISCAL IMPACTS OF RECOMMENDATION

The changes in the fee schedule will generate less than \$1,000 dollars in additional revenue from the proposed duplicate annual permit issuance fee of \$44. There is no anticipated change in revenue from plan check fees resulting from the proposed change in the fee schedule. Fees for these services are dependent on demand for the service.

<b>Environmental Health Fees</b>	<b>Proposed Fee 2016</b>	<b>Without Fee 2016</b>
<b>Fee Generated Revenue</b>	\$ 809,081	\$ 808,201
<b>Program Expense</b>	\$1,037,640	\$1,037,640
<b>Subsidy</b>	\$ 228,559	\$ 229,439

CURRENT SITUATION AND ITS EFFECT

Environmental Health Division fees, adopted on July 8, 2014 and made effective on July 9, 2014 (FY 2015), pursuant to Resolution No. 66,727-NS will remain unchanged with the exception of a new fee to cover the cost of issuing a duplicate annual permit and eliminating plan check fees that are no longer in use but are still listed in the Annual Fees Table. The fee for issuing duplicate permits will recover costs for staff time to enter data in the Envision system, set up and custom print permits and review and authorization by the Environmental Health Supervisor. Issuing duplicate permits is additional work for Division and the cost is not included in the original issuance fee. The proposed change to the fee schedule eliminates Plan Check fees from the Annual Fees Table. The fees for plan check services are found under the Demand Services Table

of the fee schedule. The Division has been using the Demand Service fee schedule for the past several years without a resulting decrease in revenue for plan check services. Actual year-to-date revenue for the Environmental Health Division is trending consistent with staff revenue projections. In addition, strict adherence to budgetary expenditure controls will enable the Environmental Health Division to meet projected FY 2016 program costs within projected FY 2016 revenues.

### BACKGROUND

The Environmental Health Division administers several local state-mandated public health programs such as the Retail Food Safety Inspection Program, the Public Pool and Spa Inspection Program, the Tattoo and Body Piercing Registration program - State mandated programs that depend primarily upon fees for their operation. In addition, the Environmental Health Division administers or participates in several local programs required by the Berkeley Municipal Code such as the Vector Control Program, the Community Noise Ordinance, Styrofoam Ban, Abandoned Vehicle Abatement Program, Restaurant Stormwater Protection Inspection Program, Sewer Emergency Response Program and Tobacco Licensing Program (services funded by grants, assessment district proceeds, or City special revenue funds). The Division also provides other inspection services to protect public health, such as the waste tire enforcement grant program. Adjusted annually, the permit and inspection fees are collected from each regulated facility in the City of Berkeley each calendar year.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

Approval of the recommended action will maintain the Fee Schedule for the Environmental Health Division consistent with anticipated revenues in balance with projected program expenses. The previously approved fee is broadly aligned with the range of fees charged by other Bay Area Environmental Health jurisdictions.

### CONTACT PERSON

Manuel M. Ramirez, Manager of Environmental Health, HH&CS (510) 981-5310

### Attachments:

1. Resolution  
Exhibit A. Fee Schedule
2. Public Hearing Notice

RESOLUTION NO.        –N.S.

FEE SCHEDULE FOR ENVIRONMENTAL HEALTH REGULATIONS AND INSPECTIONS EFFECTIVE JULY 1, 2015 UNTIL SUBSEQUENTLY MODIFIED, AS REQUIRED BY THE BERKELEY MUNICIPAL CODE AND THE CALIFORNIA HEALTH AND SANITATION CODE; AND RESCINDING RESOLUTION NO. 66,727-N.S.

WHEREAS, the Environmental Health Division requires a fee for issuing a duplicate annual permit to recover cost; and

WHEREAS, the annual fee schedule needs to be modified to eliminate fees no longer used for plan check services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Fee Schedule for Environmental Health Services is hereby adopted, until subsequently modified, to cover the costs of regulations and inspections required by the Berkeley Municipal Code and the California Health and Sanitation Code (Exhibit A).

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect on and after July 1, 2015.

BE IT FURTHER RESOLVED, that Resolution No. 66,727–N.S. is hereby rescinded effective July 1, 2015. A record signature copy of said Resolution to be on file in the office of the City Clerk.

Exhibit:

A. Fee Schedule for Environmental Health Services

**EXHIBIT A**

<b>FIXED UNITS</b>	<b>ANNUAL FEES</b>					
<b>ESTABLISHMENT</b>	<b>0-1000 Sq. Ft</b>	<b>1001-2500 Sq. Ft.</b>	<b>2501-5000 Sq. Ft.</b>	<b>5001-7500 Sq. Ft.</b>	<b>Over 7500 Sq. Ft.</b>	
Bakery	\$704	\$870	\$1,171	\$1,461	\$1,738	
Bed and Breakfast	\$432					
Boarding House	\$432					
Cocktail Lounge	\$463	\$649	\$914	\$1,227	\$1,516	
Confectionery	\$245					
Food Market	\$355	\$519	\$813	\$1,109	\$1,409	
Food Market-Commissary	\$355					
Food Processing/Catering	\$519	\$704	\$980	\$1,319	\$1,571	
In Plant or Employee Food Establishment	\$407					
Licensed Health Care	\$704					
Meat Market	\$406	\$594	\$870	\$1,171	\$1,461	
Meat and Food Market	\$519	\$704	\$980	\$1,280	\$1,571	
MFF - Full Cooking/or Limited Food Prep	\$704					
MFF - Pre-packaged Food (PHF)	\$406					
MFF - Pre-packaged Food (Non-PHF)	\$131					
Restaurants	\$704	\$870	\$1,171	\$1,461	\$1,738	
Restaurants-Commissary	\$704					
Schools - Public	\$0					
Schools - Private	\$432					
TFF - Temporary Event - Full or Limited Food Prep	\$546					
TFF - Temporary Food Facility Prepackaged Food (PHF)	\$406					
TFF - Temporary Food Facility Prepackaged Food (Non-PHF)	\$182					
Certified Farmers Market (CFM)	\$182					
Flea Market Event Coordinator for TFF&MFF	\$182					

<b>FIXED UNITS</b>	<b>ANNUAL FEES</b>					
<b>ESTABLISHMENT</b>	<b>0-1000 Sq. Ft</b>	<b>1001- 2500 Sq. Ft.</b>	<b>2501- 5000 Sq. Ft.</b>	<b>5001- 7500 Sq. Ft.</b>	<b>Over 7500 Sq. Ft.</b>	
Vending Machines	\$52					
POOL - Public Spas	\$182					
POOL - Public Swimming Pools	\$704					
TOBACCO -Retail Tobacco License	\$498					
Cottage Food Class A	\$170					
Cottage Food Class B	\$425					
Body Art – Facility (Tattoo, Body Piercing & Perm. Cosmetic)	\$366					
Body Art – Practitioner (Tattoo, Piercing & Perm. Cosmetic)	\$85					

<b>DEMAND SERVICES</b>	<b>FEES</b>	<b>Multiple Day**</b>
*Amplified Sound Permit/Application & Processing	\$44	\$75
*Amplified Sound Permit Variance Application & Processing	\$182	\$182
Enforcing Noise Ordinance Permits	\$182	\$182
Enforcing Noise Ordinance at Open Air/Special Events where Permits Issued (Hourly Rate)	\$170	\$170
Sound Survey (2-hour minimum)	\$340	N/A
*Accelerated Plan Check of Food Facilities (2-hour minimum) Plan review within 10 working days at 100% over standard costs.	\$340	N/A
Plan Check Remodel (hourly rate of \$170 with 2-hr minimum)	\$340	N/A
Plan Check New Construction (hourly rate of \$170 with 4-hour min.)	\$680	N/A
Investigation of Food Facility (Work or Operation without Permit)	\$182	N/A
Food Facility Consultation/Pre-permit Inspection	\$182	N/A
New/Change in Ownership	\$182	N/A

<b>DEMAND SERVICES</b>	<b>Fees</b>	<b>Multiple Day**</b>
Duplicate Annual Health Permit Issuance	\$44	N/A
Reopening of Food Facility Following Non-Compliance Closure	\$182	N/A
Hourly Rate	\$170	\$170
Inspection of Food Service at Fundraisers	\$182	\$182
Inspection/Processing of Temporary Special Event Food Booth Operation	\$182	\$250
Inspection/Processing of Temporary Special Event Food Booth Pre-packaged Food	\$44	\$75
Temporary Special Event - Event Coordinator for 2 or more vendors	\$182	\$250
Sales and Promotional Sampling Pre-Packaged Non Potentially Hazardous Food (PHF) at Special Event (per event)	\$44	\$75
Sales/Food Demonstration/Promotional Sampling Pre-Packaged of PHF and Beverage Sampling at Special Event (per event)	\$98	\$150
Investigation of Food Facility (Hourly Rate)	\$182	N/A
Food Handler Training (Non-Certificate) (2-hr minimum)	\$340	N/A
Food Handler Training Certificate Program	\$180	N/A
Mechanical Ear Piercing Notification	\$44	N/A
Valid Smoking and Noise and Styrofoam Complaints	\$182	N/A
Property Inspection Fee	\$182	N/A
Administrative Hearing--2-hour minimum)	\$340	N/A
Compost Sanitary Requirements	\$182	N/A
Demolition Site Inspection	\$182	N/A
Interdepartmental Service Charges	\$182	N/A
Storm water Follow-up	\$182	N/A
Potable Water Sampling	\$182	N/A
VGB Pool Plan Check (2-hour minimum)	\$340	N/A
Greywater or Rain Catch basin (4-hour minimum)	\$680	N/A
*No refund **City Sponsored Special Events		

**NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL  
HEALTH AND SANITATION PERMIT AND FEE SCHEDULE ADJUSTMENTS**

The City of Berkeley Department of Health, Housing and Community Services, Environmental Health Division, is proposing that current fees pursuant to Resolution No. 66,727 will remain unchanged with the exception of removing the plan check column from the Fixed Units Annual Fees Table and the addition of a fee to reissue duplicate annual permits of \$44 dollars.

These fees will be in effect until subsequently modified. Fees in the Environmental Health Division were last adjusted effective July 2014.

The hearing will be held on, MAY 26, 2015 at 7:00 p.m. in the City Council Chambers, 2134 Martin Luther King, Jr. Way.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **May 14, 2015**.

For further information please see the attached fee schedule for Fiscal Year 2016 or call Manuel M. Ramirez, Manager of Environmental Health at (510) 981-5310.

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

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

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 14, 2015.

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Mark Numainville, City Clerk