



Office of the City Manager

PUBLIC HEARING
May 14, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Timothy Burroughs, Director, Planning and Development Department
Subject: Land Use Planning Permit Fee Amendments

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the fee schedule for Land Use Planning Fees to establish a new fee for land use applications that request streamlined approval, pursuant to Senate Bill 35 (approved by Governor in 2017).

FISCAL IMPACTS OF RECOMMENDATION

The fee increases will provide fees that are comparable to others of a similar nature elsewhere in the fee schedule, in order to recoup staff costs consistent with the department's obligations as an enterprise fund. The new fee includes a \$3,270 base fee (14 hours) plus \$200 per hour of staff time in excess of that covered by the base fee, and a \$30 community planning fee overhead charge. Fee revenues will equal expenses, as revenue will be collected based on actual staff costs.

CURRENT SITUATION AND ITS EFFECTS

The Land Use Planning Fee schedule was most recently adopted on May 16, 2017 by Council Resolution No. 67,985-N.S.

State law was amended in 2017 to provide for streamlined permit review of projects that include at least 50% affordable housing units and meet several other criteria. In reviewing these permits, there is no discretionary process, so the usual use permit and design review fees do not apply. However, cities are allowed to implement fees to recoup actual costs of reviewing the substantial documentation required to justify an SB35 project. This fee would recoup the cost of staff time to review non-discretionary permits under SB35, consistent with the fees charged for other complex development projects.

This fee, and the SB35 project review process it supports, furthers the City's Strategic Plan goal of creating affordable housing and housing support services for our most vulnerable community members.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

These amendments to the fee schedule would bring internal consistency to the fees and enable the City to recoup staff costs.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 981-7410

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

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

FEES: DEVELOPMENT RELATED SERVICES PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT; AMENDING RESOLUTION NO. 67,985-N.S.

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, Senate Bill 35 (SB35) allows Cities to recoup their actual costs of reviewing the substantial documentation required to justify a SB35 project fee and the proposed fee would recoup the cost of staff time to review non-discretionary permits under SB35; and

WHEREAS, the Council of the City of Berkeley held a public hearing on May 14, 2019 to review the proposed fee addition.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 67,985-N.S. is amended to add an SB35 analysis fee for all development-related services provided by the Planning Department to the existing fee schedule, effective July 1, 2019. The SB35 analysis fee shall be added to the Chapter B, Section IV. Zoning Certificates (ministerial permits) section of the Planning Department fee schedule and shall read as follows:

IV	Zoning Certificates (ministerial permits)	Fee	Remarks
	C SB 35 application analysis	\$3,270 Base Fee	Add \$200/hr of staff time in excess of base fee

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

Land Use Planning Permit Fee Amendments

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 Department of Planning Department is proposing to establish a new fee for SB35 applications, which includes a \$3,270 base fee (14 hours) plus \$200 per hour of staff time in excess of that covered by the base fee and a \$30 community planning fee overhead charge.

The hearing will be held on May 14, 2019, starting at 6:00 p.m. in the School District Board Room, 1231 Addison Street.

For further information, please contact Steve Buckley at 510-981.7411.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **May 2, 2019**

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 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 2, 2019.