

Establishing a New Business Location in Berkeley

Permit and License Checklist

We welcome your new Berkeley business!

This Checklist is for new businesses entering existing buildings, and for existing Berkeley businesses moving to a new location. It focuses on the development review process, including business licenses, zoning review, and building permits. Our goal is to assist you in estimating the time needed to open a business, as well as potential costs. Please note that not all of these requirements apply to all businesses.

Additional information is available in the Resource Guide, "Starting a Business in Berkeley." www.cityofberkeley.info/businessguide or contact OED directly at 510-981-7530 or ecodev@cityofberkeley.info.

Overview: Key Requirements

Business License and Zoning Review	Requirements Potentially Triggered by Building Permit	Potential Requirements for Retail Food Facilities
<ul style="list-style-type: none">• Business License• Address Verification & assignment, if needed• Zoning Permits• Design Review (for signs & exterior construction)	<ul style="list-style-type: none">• Disabled Access• Commercial Energy Conservation Ordinance• Sewer Lateral Replacement• Construction and Demolition Debris Recycling• Gas Shutoff Valves	<ul style="list-style-type: none">• Review by City Environmental Health staff• Grease Removal Devices• Fire Department Permits• Sidewalk Seating Permits• Alcoholic Beverage Permit

BERKELEY BUSINESS LICENSE

Business License: You will need a new Business License if you are: starting a new business, the new owner of an existing business, opening an additional location for your current business, or moving your business to a new location. Steps include zoning review (to determine if a Zoning Certificate can be issued or if other zoning permits are needed), address verification, and may require inspections by the following agencies: Building & Safety, Fire Prevention, Toxics Management, and Environmental Health. If unpermitted construction is discovered, it must be legalized through the building permit process before the business license is approved.

- Time Frame: 2 – 10 days, unless Address Assignment is required (see below)
- Cost: \$51 – \$77, plus a one-time registration fee of \$25

Resources: Finance Department: www.cityofberkeley.info/businesslicense

Planning Department Information: www.cityofberkeley.info/blreview

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ZONING REVIEW AND PERMIT REQUIREMENTS

- Address Verification:** You can see if your proposed business address exists in the City’s Parcel Conditions Database by logging on to www.cityofberkeley.info/planning/ and click on “parcel conditions” on the left, or by speaking to a planner at the Zoning Counter at the Permit Service Center, 2120 Milvia Street. If the address is not listed in the database, see Address Assignment below and Business License resources, above.
 - Address Assignment:** If a business address is not in the City’s database, the legality of the tenant space (including suite addresses in commercial buildings with multiple businesses) must be verified by a building inspector and the database updated before any new business licenses can be approved for that address.
 - Time Frame: 4 – 6 weeks
 - Cost: \$340

- Zoning Permits:** Zoning review is needed prior to issuance of a business license or a building permit. The Zoning Ordinance specifies what level of zoning permit and design review is needed, depending on the type of use, location, and whether floor area is added. The three types of zoning permits are summarized below.

	<u>Zoning Certificate (ZC)</u>	<u>Administrative Use Permit (AUP)</u>	<u>Use Permit (UP)</u>
When used	For uses that are specifically listed in the Zoning Ordinance as <i>allowed by-right</i> in the Zoning District where the project is located, and interior remodeling that conforms to all Zoning Ordinance standards	For uses that the Zoning Ordinance states can be approved by the Zoning Officer with neighbor notification, and, in some cases, for the addition of floor area	For uses that the Zoning Ordinance requires be approved by the Zoning Adjustments Board (ZAB) after a public hearing, and, in some cases, for the addition of floor area
Time frame	Usually issued over-the-counter by Zoning Staff	2 – 4 months including review and decision; 20-day appeal period to ZAB after decision; additional time if appealed to City Council	4 – 8 months to public hearing, 14-day appeal period to City Council after decision; additional time if appealed to City Council
Cost	\$60- \$180 for business license, and \$180 - \$360 for tenant improvements when an AUP or UP is not required.	\$878 - \$2,948 or more depending on project complexity	\$4,631 or higher depending on project complexity

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Some types of businesses may only be permitted in certain Zoning Districts. There are many variables that should be reviewed with zoning staff to determine what type of zoning permit is required. The Zoning Counter is located in the Permit Service Center, 2120 Milvia Street. You can call 981-7410 to speak with a planner.

Some common issues are:

- ✓ The following business districts in Berkeley have “quotas” for specific types of use: Elmwood, North Shattuck, Solano Avenue, and Telegraph Avenue.
 - ✓ Modifications in an existing business to add new business lines (such as selling take-out beverages at a bakery, or adding tables in a take-out food establishment) may be considered a “change of use” according to the Zoning Ordinance and be subject to new permit and/or parking requirements.
 - ✓ In much of West Berkeley, certain uses are “protected” and changes to other uses are either not permitted or permitted with significant restrictions.
 - ✓ Any use of the sidewalk, including benches and planters requires approval of encroachment permit from the Public Works Department.
 - ✓ Proposed changes to off-street parking lots require review by Traffic Engineering staff.
 - ✓ Sidewalk Seating: Establishment of outdoor seating requires a permit from the Public Works Department. Feasibility depends on the width of the sidewalk and maintaining minimum requirements for disabled access. See “Sidewalk Seating Application Packet” under Forms at: <http://www.downtownberkeley.com/dba-documents-publications>
 - ✓ Alcoholic Beverages: A Use Permit is required for sale of alcoholic beverages. There are also requirements from the California Department of Alcoholic Beverage Control (ABC). Resources: <http://www.abc.ca.gov/>
- Design Review:** Design Review is required for any exterior changes to non-residential buildings, including new signs. If the proposed construction can be approved with a Zoning Certificate or Administrative Use Permit, design review approval can be granted by staff; however, approvals are subject to an appeals process. For more complex projects where construction requires a Use Permit and a public hearing by the Zoning Adjustments Board (ZAB), the Design Review Committee (DRC) conducts preliminary and final design review. The DRC makes a recommendation to the ZAB that is then considered as part of the overall project.
- Time Frame: Staff level: 1 – 2 months; DRC Preliminary: 2 – 4 months; DRC Final: 1 – 2 months
 - Cost: Cost is based on the construction cost (valuation) of the project, except the cost for design review for signs and awnings is \$582. Staff level: \$1,208 - 2,210; DRC Preliminary: \$1,788 - \$4,550; DRC Final: \$1,153 - \$3,734
- Resources: www.cityofberkeley.info/designreview

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If a project is located in a building that is a designated historic landmark and if exterior changes are proposed, additional requirements and processes apply.

BUILDING PERMIT REQUIREMENTS

Almost any construction work requires a building permit. This includes when a building is constructed, enlarged, altered, repaired, moved, improved, converted or demolished. Most interior tenant improvement/remodeling projects require a building permit; electric, mechanical, and plumbing permits may also be needed, depending on the proposed work. Exemptions to these requirements are described in Berkeley Municipal Code Section 19.28.090. <http://codepublishing.com/ca/berkeley/>

Applications for building permits are filed at the Permit Service Center. In most cases, plans must be prepared by a licensed professional. Submittal of incomplete plans that lack essential information and details necessary for plan review and construction can significantly delay plan approval. Guidelines and checklists have been prepared to assist applicants.

- Time Frame: approximately 15 working days for first review, 10 days for each subsequent review
- Cost: based on the value of the construction work

Resources: www.cityofberkeley.info/plancheck

Resources (fees): www.cityofberkeley.info/bpfees

Additional construction requirements regarding disabled access, sewer laterals, energy conservation, construction debris recycling, and others may be triggered depending on existing conditions and the type and value of construction work. These requirements are summarized below, with more detail provided at: www.cityofberkeley.info/constructiontriggers

Disabled Access: All building permit applications include review of compliance with State Building Code requirements for disabled access. The amount required to be spent to make required improvements depends on the value of the construction work. In general, key areas where disabled access compliance may be required involve path of travel to the area of the work, primary entrance, restrooms, drinking fountains and parking. However, applicants should consult with a professional to better anticipate the requirements.

Requirements triggered by valuation or additions: Several construction requirements are triggered when the value of construction work exceeds \$50,000 or \$100,000.

- ✓ **Energy Conservation Measures:** CECO (Commercial Energy Conservation Ordinance) requires that certain energy conservation measures be installed in commercial buildings when the value of construction work exceeds \$50,000 or floor area is increased by 10% or more. Resources: www.cityofberkeley.info/CECO

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- ✓ **Sewer Lateral Replacement:** Sewer lines on private property must be inspected and replaced or repaired when the value of construction work exceeds \$100,000 or costs more than \$50,000 and also involves replacing or relocating two or more plumbing fixtures. Resources: www.cityofberkeley.info/PSL
- ✓ **Construction and Demolition Debris Recycling:** A recycling plan must be submitted when the value of construction work exceeds \$100,000. Resources: <http://www.cityofberkeley.info/WasteDiversion>
- ✓ **Automatic Gas Shut Off Valves:** Installation of automatic gas shut off valves is required when remodeling exceeds \$50,000, with certain exceptions.
- ☐ **Retail Food Facility Requirements:** If your proposed business includes handling of food and/or beverages such as a restaurant, bar or food market, plans that are submitted with a building permit application must meet certain requirements. The Permit Service Center will distribute the plans that you submit to the City's Environmental Health Department for review, but early consultation can avoid problems. The cost for Environmental Health plan review for remodeling an existing building is \$647, although additional fees may apply. Contact: Environmental Health at (510) 981-5310 or send an email to envhealth@ci.berkeley.ca.us. Specific common issues are listed below. Resources: www.cityofberkeley.info/food and www.cityofberkeley.info/foodpc
- ✓ **Grease Removal Devices:** The East Bay Municipal Utility District developed a Fats, Oils and Grease (FOG) Control Program, designed to mitigate grease discharges that contribute to sanitary sewer overflows. Grease removal devices are required for all new food-handling facilities and remodeling that exceeds \$75,000. Resources: www.ebmud.com/our-water/wastewater-treatment/fats-oils-and-grease
- ✓ **Fire Department Requirements:** Installation of commercial cooking appliances which produce grease vapors must have a Type I Hood and an UL 300 Wet Chemical Fire Suppression System, which requires a separate fire permit and must be installed by a C-16 licensed contractor.
- ✓ **Solid Waste & Recycling:** If a business generates food waste, this material must be collected by the City of Berkeley, either as refuse or properly segregated for compost collection.

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OTHER POTENTIAL REQUIREMENTS

- Use of Hazardous Materials:** An applicant whose business stores or uses chemicals (such as oxygen, biodiesel, gasoline, oil, propane, etc.) or generates hazardous wastes (such as parts-cleaning solvents, used oil, etc.) is required to submit a list of quantity and name of chemicals and where they will be stored. This list and maps will be reviewed by Toxics Management and the Fire staff and may result in additional permit requirements. Resources: www.cityofberkeley.info/HMR and www.cityofberkeley.info/CUPA

- Employee Commute Benefits:** Business with ten or more employees are required to provide a commute program to encourage employees to use public transit, vanpools or bicycles. Options include payroll deductions for use of transit or vanpools, employer-paid transit/vanpool/bicycle benefits, or employer-provide transportation. For more information, contact Public Works Transportation Division at 981-7010 publicworks@cityofberkeley.info
Resources: www.cityofberkeley.info/commute

- URM:** A URM building is an unreinforced masonry building (generally brick, stone or some concrete block buildings). Most, but not all URM's in Berkeley have been seismically upgraded. If the building has not been upgraded, the building owner is responsible for completing seismic retrofit work.
Resources: <http://codepublishing.com/ca/berkeley/html/Berkeley19/Berkeley1938/Berkeley1938.html>

- Engineering permits:** Prior to doing any work in the public right-of-way, including the sidewalk, an engineering permit is needed. This also applies to repairs to the sidewalk for damages during construction.
Resources: http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/EngineeringPermitApplication.pdf

- Solid Waste Requirements:** All businesses must have adequate waste removal services. The City of Berkeley provides comprehensive waste services for refuse, recycling and compostables. Permitted, Franchised haulers are allowed to collect dry rubbish and recyclables only. Minimum refuse collection frequency is weekly. Businesses considering compactor service should be aware of this weekly service requirement, as well as access and clearance for the compactor. Per County Ordinance, all businesses that generate over 4 cubic yards of refuse a week must have recycling service for basic recyclables.
Resources: City of Berkeley Solid Waste Management website: <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=4034>
Or call City of Berkeley Customer Service at 311 (510-981-7270)

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We would like your feedback about this
checklist and the development review
process

Please send comments to:
planning@cityofberkeley.info