



CITY OF BERKELEY LAND USE PLANNING
LAND USE PLANNING FEES

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Effective July 1, 2024 by Council Resolution No. 71,357-N.S.

1 Application Fee <small>(if needed)</small>	+	2 Fee per task type	=	Total Fee
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Application Fee: Administrative Use Permit Use Permit Variance Modification	\$575²
Design Review Structural Alteration Permit (non-residential projects only) Condominium Conversions	\$500

Administrative Use Permits (AUP) are a discretionary permit approved by the Zoning Officer.
 See [BMC 23, Division 2, Zoning Districts](#) to see what permit type applies to your project.
 AUP fees are based on the type and/or complexity of your proposed project.

most complex	Tier 1 <ul style="list-style-type: none"> One or more new main buildings Creation of one or more dwelling units, Group Living Accommodations, and/or live/work units (does not include senior congregate housing) Change/establish nonresidential use 10,000 square feet or greater 	\$5,230¹ Add \$287.50 ² per hr in excess of 18-hrs of review
	Tier 2 <ul style="list-style-type: none"> Major residential additions Vertical or horizontal extension or alterations within a nonconforming setback Residential additions in the Hillside Overlay that exceed 14 or 16 feet in average building height (depending on the district) Modifications to height or setbacks in the Hillside Overlay Enclosed accessory structures or buildings (new or alterations) Wireless Telecommunications projects Temporary uses Alcohol Sales and Services Change of use to establish senior congregate housing 	\$4,080¹

¹ Includes 15% Community Planning Fee and \$55 Records Management Fee

² Includes 15% Community Planning Fee



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Administrative Use Permits (AUP)

<i>least complex</i>	Tier 3	\$1,780 ¹
	<ul style="list-style-type: none"> Residential additions that do not qualify as major residential additions (except as noted above) Fences or unenclosed accessory structures Decks and balconies over 14 or 16 feet in average building height (depending on the district), including the Hillside Overlay Hot tubs Uncovered parking in a required setback Class II Home Occupations Change/establish nonresidential use under 10,000 square feet 	
	Additional AUP on primary project	\$575 ²
	AUP Traffic Engineering Review	\$380
		Add \$190 per hr in excess of 2-hrs of review
	Modifications	\$1,780 ¹
	Transfer of AUP	\$250
	Demolition referral to the the Landmark Preservation Commission for nonresidential buildings 40 or more years old	\$1,320
	Additional Staff Hour (Tier 1)	\$287.50 ²
	Penalty for late filing	100% of applicable permit fees

Use Permit (UP(PH)) with public hearing is a discretionary permit approved by the Zoning Adjustments Board at a public hearing. See [BMC 23, Division 2, Zoning Districts](#) to see what permit type applies to your project.

Use Permit	\$7,630 ³
	Add \$287.50 ² per hr in excess of 22-hrs of staff time
Public Hearing Fee (all Use Permits and Modifications)	\$1,250
Additional Use Permit or AUP on primary project	\$575 ²
Demolition Review for nonresidential buildings 40 or more years old by the Landmark Preservation Commission	\$1,320
CEQA/NEPA Notice of Exemption and Notice of Determination filings with Alameda County	\$1,000

¹ Includes 15% Community Planning Fee and \$55 Records Management Fee
² Includes 15% Community Planning Fee
³ Includes 15% Community Planning Fee, \$1,250 Public Hearing Fee, and \$55 Records Management Fee



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Use Permit (UP(PH))

Use Permit Traffic Engineering review	\$760
	Add \$190 per hr in excess of 4-hrs of review
Use Permit Monitoring	\$250 per hour of staff time
Use Permit Modifications	
• Permit not exercised	\$4,755 ³
	Add \$287.50 ² per hr in excess of 12-hrs of staff time
• Permit exercised	\$7,630 ³
	Add \$287.50 ² per hr in excess of 22-hrs of staff time
Transfer of Use Permit	\$250
Penalty for late filing	100% of applicable permit fees

Variance is a discretionary approval that allows deviations from development standards and land use regulations based on a unique hardship due to unusual circumstances associated with the property.

See **BMC 23.406.050** Variances.

Tier 1: All Variances except inadvertent demolitions	\$7,630 ³
	Add \$287.50 ² per hr in excess of 22-hrs of staff time
Tier 2: Inadvertent Demolition of Residential Structure	\$12,230 ³
	Add \$287.50 ² per hr in excess of 38-hrs of staff time
Public Hearing Fee	\$1,250
Each Additional AUP, UP or Variance in addition to primary application	\$575 ²
CEQA/NEPA Notice of Exemption and Notice of Determination filings with Alameda County	\$1,000
Penalty for late filing	100% of applicable permit fees

² Includes 15% Community Planning Fee

³ Includes 15% Community Planning Fee, \$1,250 Public Hearing Fee, and \$55 Records Management Fee



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Modification of approved Administrative Use Permit or Use Permit is required when you make changes to an approved project.

See [BMC 23.404.070, Permit Modifications](#), or as otherwise permitted.

Administrative Use Permit Modification (to existing AUP, or modification to UP allowed with an AUP)	\$1,780 ¹
Use Permit Modification - Permit not exercised	\$4,755 ³ Add \$287.50 ² per hr in excess of 12-hrs of staff time
Use Permit Modification (Exercised Permit)	\$7,630 ³ Add \$287.50 ² per hr in excess of 22-hrs of staff time
Transfer of Administrative Use Permit / Use Permit	\$250
Public Hearing (per hearing, in addition to permit fees)	\$1,250

Zoning Certificate is a ministerial approval to confirm compliance with the Zoning Ordinance. If your project requires a building permit, the Zoning Certificate is often reviewed and issued as part of that application.

See [BMC 23, Division 2, Zoning Districts](#) to see what permit type applies to your project.

A. All Zoning Certificate (ZC) reviews (e.g. ZCs for Business License, Home Occupations, Short-Term Rentals, and Transfers), EXCEPT as noted below:	\$250
<ul style="list-style-type: none"> • Business License review - continuation of lawful existing use • Additional staff time (work performed beyond the time covered by the fees above) 	No Charge \$250 per hour of staff time
C. Accessory Dwelling Unit (ADU) / Junior ADU (building permit or standalone ZC)	
<ul style="list-style-type: none"> • Neighbor Notice • Plan Check / ZC Review 	\$500 \$250

¹ Includes 15% Community Planning Fee and \$55 Records Management Fee

³ Includes 15% Community Planning Fee, \$1,250 Public Hearing Fee, and \$55 Records Management Fee



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Zoning Certificate

C. Building Permit Review

• Project with Administrative Use Permit (including new main buildings)	\$500
• New main buildings (with a Use Permit or allowed by-right)	
» 1 to 19 residential units (Residential and/or Mixed-Use Residential)	\$500
» 20+ residential units (Residential and/or Mixed-Use Residential)	\$1,000
» Nonresidential building (no Residential Uses)	\$1,000
• In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)	\$125
• Additions, Tenant Improvements, projects not listed above	\$500
• Fourth and subsequent plan check submittal	\$250 per hour of staff time

Design Review is a discretionary process to ensure that exterior changes comply with the City of Berkeley Design Guidelines and other applicable City design standards.

See [BMC 23.406.070 Design Review](#) to determine if this is required for your project.

Administrative Design Review

• Project valued under \$50,000	\$1,555 ⁴
• Project valued at \$50,000 to \$2,000,000	\$2,555 ⁴
• Project valued over \$2,000,000	\$3,555 ⁴
• Signs/Awnings	\$500

Design Review Committee

• Project valued under \$50,000	\$3,805 ⁵
• Project valued at \$50,000 to \$2,000,000	\$4,805 ⁵
• Project valued over \$2,000,000	\$6,805 ⁵
	Add \$250 per hr in excess of 24-hr of staff time

Final Review with the DRC

• Project valued under \$50,000	\$1,430 ⁴
• Project valued at \$50,000 - \$150,000	\$1,705 ⁴
• Project valued over \$150,000	\$4,730 ⁴

⁴ Includes \$55 Records Management Fee

⁵ Includes \$1,250 Public Meeting Fee, and \$55 Records Management Fee



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Design Review

DRC Preview	\$4,055 ⁴
Additional Preview	\$500
Coordinated Sign Design Program	\$3,522 ⁵
Modifications - DRC Projects	\$1,055 ⁴
DRC Public Meeting (per meeting, in addition to permit fees)	\$1,250

Landmarks Preservation Commission Review (LPC) conducts the Design Review for projects that involve landmarks, structures of merit, or buildings within a historic district. They also review demolition of nonresidential buildings that are 40 or more years old, nominations for historic designation, and Mills Act applications.

See [BMC 23.402.050](#) and [BMC 3.24 Landmark Preservation Commission](#), and [BMC 23.326 Demolition](#).

Initiation	
• Structure	\$105 ⁴
• District	\$155 ⁴
LPC Design Review - Structural Alteration Permit	
Non-residential	
• Project valued under \$50,000	\$1,755 ⁴
• Project valued between \$50,001 and \$1,999,999	\$2,855 ⁴
• Project valued at \$2,000,000 or more	\$5,555 ⁴
	Add \$250 per hr in excess of 1-hr of staff time
Residential	\$55 ⁴ (Records Management Fee only)
LPC Design Review - Signs and Awnings	\$1,155 ⁴
Demolition Review of non-residential structures 40 or more years old	\$1,320
Mills Act Historical Contract Processing - payable upon application (one-time payment)	\$4,675 ⁴
Mills Act Historical Contract Monitoring	
• Payable upon contract execution to cover 5 contract years	\$2,750
• Assessed at the beginning of each subsequent 5 years	\$2,750

⁴ Includes \$55 Records Management Fee

⁵ Includes \$1,250 Public Meeting Fee, and \$55 Records Management Fee



LAND USE PLANNING FEES

Appeals can be filed against City decisions on discretionary permits and actions. The fees depend on the action and/or review authority of the decision being appealed and whether the appellant is the applicant.

Appeals of Zoning Officer and Design Review decisions are filed at the Permit Service Center. Appeals of ZAB or LPC decision must be filed with the City Clerk’s Office at 2180 Milvia Street. All appeals must be filed with the correct fees.

See [BMC 23.410 Appeals and Certifications](#) for more information.

AUP Zoning Officer Decision Appeals

- Non-Applicant \$500
- Reduced Fee for Non-Applicant \$200

Reduced fee if appeal is 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

- Applicant \$4,000

ZAB & LPC Decision Appeals⁶

- Non-Applicant \$1,500
- Reduced Fee for Non-Applicant \$500

Reduced fee 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

- Applicant \$6,000

Design Review Appeals

- Non-Applicant \$555⁴
- Applicant \$4,055⁴

Non-Applicant Appeals of all affordable housing projects (defined as projects which provide 50% or more affordable units for households at 80% or less of Area Median Income) \$500

Appeal to address processing error by staff Fee waived

⁴ Includes \$55 Records Management Fee

⁶ Appeals to City Council are filed with the City Clerk’s office (2180 Milvia Street)



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Environmental Review is required for discretionary permits. The following fees are required for environmental review of projects pursuant to the California Environmental Quality Act or the National Environmental Policy Act. In addition to the review, certain notices need to be filed with Alameda County after permit approval.

A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)

- Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration
- Environmental Impact Report (EIR)

\$6,000

OR cost of consultant contract plus \$250 per hr for staff time for contract management

\$10,000

OR cost of consultant contract plus \$250 per hr for staff time for contract management

B. Mitigation Monitoring

\$4,000

OR cost of consultant contract plus \$250 per hr for staff time for contract management

C. CEQA/NEPA Notice of Exemption and Notice of Determination filings with Alameda County

\$1,000

Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits are major policy and legislative changes that require City Council approval, as well as review by the Planning Commission and/or the Zoning Adjustments Board.

For Plan Amendment procedures, see [BMC Chapter 22.04.010](#); for rezoning procedures, see [BMC Chapter 23.412](#); and for Waterfront Master Development Plan permit procedures, see [BMC Section 23.208.020](#).

General Plan Amendment

\$10,055⁴

Add \$250 per hr in excess of 40-hr of staff time + direct cost for consultants

Specific Plan Amendment

\$10,055⁴

Add \$250 per hr in excess of 40-hr of staff time + direct cost for consultants

Rezoning / Reclassification Request

\$10,055⁴

Add \$250 per hr in excess of 40-hr of staff time + direct cost for consultants

Waterfront Master Development Plan Permit

\$10,055⁴

Add \$250 per hr in excess of 40-hr of staff time + direct cost for consultants

⁴ Includes \$55 Records Management Fee



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Condominium Conversion permits to convert existing residential units to condominiums are reviewed by Land Use. For condominiums associated with new construction, please reach out to Public Works.

See **BMC Title 21, Subdivisions**

Rent Board Review	\$125 per unit
Notice of Local Law Compliance	\$3,555 ⁴
Conversion to Condominiums - one to four units	\$5,555 ⁴ Add \$250 per hr in excess of 24-hr of staff time + direct cost for consultants
Conversion to Condominiums - five or more units	\$9,555 ⁴ Add \$250 per hr in excess of 40-hr of staff time + direct cost for consultants
Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by an Applicant	\$4,055 ⁴
Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant	\$6,055 ⁴
Appeal of Planning Commission Determination on Conversion to the City Council by a Non-Applicant	\$4,055 ⁴
SUBD: Rent Board Review (\$120 per hour)	\$125
SUBD: HHCS Project Application Fee	\$310
SUBD: HHCS Application Per Unit Fee	\$420
SUBD: HHCS Recording Documents Per Unit Fee	\$620

SB 35 Pre-Application establishes the intent to apply and determines project eligibility for SB 35 ministerial review. The SB 35 Housing Development Application (Full Project) is the application for SB 35 ministerial review and entitlements for an eligible project.

Preliminary Development Application Review	\$1,055 ⁴ Add \$250 per hr in excess of 4-hr of staff time
Full Project ministerial review	\$1,055 ⁴ Add \$250 per hr in excess of 4-hr of staff time

⁴ Includes \$55 Records Management Fee



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Preliminary Applications are project-specific and establish the intent to apply for a housing development project, determine project eligibility, or provide project feedback, depending on the type of request filed.

Zoning Research Letters provide site-specific land use information.

Preliminary Application

- Housing Development Projects (e.g. SB 9, SB 330, SB 684) \$1,055⁴
Add \$250 per hr in excess of 4-hr of staff time
- Staff-Level (e.g. project feedback) \$1,055⁴
- ZAB, DRC, LPC, or PC (at staff discretion & in consultation with the applicant) \$4,055⁴

Zoning Research

\$500
Add \$250 per hr in excess of 2-hr of staff time

Miscellaneous Fees

Penalty for Late Filing (When Administrative Use Permit, Use Permit or Variance is required for work already performed) 100% of applicable permit fees

Zoning Complaint Re-inspection

- First Re-inspection \$ 250
- Second Re-inspection \$375
- Third Re-inspection and all inspections thereafter \$500

Copies of paper documents (11"x 17" or smaller only) \$0.10 per page

Copy of audio tape or CD or DVD \$10 per tape or CD or DVD

Zoning Map - black & white (11"x 17") \$3

Zoning Map - color (11"x 17") \$20

Zoning Map - color (large poster format) \$36

Zoning Ordinance (text only) \$20

Records Management Fee \$55 per application

Letters Regarding Status of Properties \$500
Add \$250 per hr in excess of 2-hr of staff time

Housing Density Bonus Analysis - if separate from other permits \$250 per hr of staff time

⁴ Includes \$55 Records Management Fee



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Miscellaneous Fees

Zoning Research	\$500 Add \$250 per hr in excess of 2-hr of staff time
Arborist/ Tree Review	\$500 Add \$250 per hr in excess of 2-hr of staff time
Use Permit Monitoring	\$250 per hr staff time
Dedicated Project Review: 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 his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal.	Cost of contract + \$250 per hr in excess of 2-hr of staff time
Community Planning Fee for General Plan and Zoning Ordinance Maintenance	15% of base and hourly staff fees for AUP, UP(PH), Variances, and Modifications to those permits

NOTE: Base fees 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 any board, committee, commission or council consideration.