

FREQUENTLY ASKED QUESTIONS**What building projects are required to pay developer fees?**

- **Residential:** Any new Residential development and additions to existing residential properties greater than 500 square feet.
- **Commercial/Industrial :** Any new Commercial or Industrial developments including additions of any size which create new space.

Are some building projects not subject to the fees?

- Yes, many types of projects such as alterations to existing residential, or commercial/industrial spaces are not subject to developer fees.
- Residential Additions which do not add more than 500 sq. ft. of assessable space are not subject to developer fees.
- Many common projects such as roofing, repairs, decks, site work, plumbing, electrical, mechanical upgrades are not subject to the fees.

Are there certain projects that are exempt from the fees?

- Yes, the following projects are exempt: Residential additions under 500 sq. ft.; Senior Housing; reconstruction of a structure destroyed by natural disaster; facilities used exclusively for religious purposes; facilities used exclusively as a private full-time day school; any governmental facilities—local, state or federal; state-owned housing for migrant farm workers; replacement of a mobile home in currently occupied mobile home space.

Where are the fees paid?

- Fees can be paid at the Berkeley Unified School District Facilities Office, 1005 Parker St. Berkeley, Monday-Friday between 8:30am and 4pm. Payment of fees is by appointment only.

How can I find out more information about the fees?

- Call BUSD Facilities at 510-644-8786 or send an email to developerfees@berkeley.net

When are the fees paid?

- The fees are paid at any point after your submittal of a City of Berkeley Building Permit Application and prior to issuance of the building permit.
- Developer fees must be paid prior to issuance of the City of Berkeley Building Permit – the City requires proof of a signed and completed Certificate of Compliance issued by the Berkeley Unified School District in order to issue the building permit.

What do I need to bring with me when I visit BUSD Facilities office?

- Bring your City of Berkeley Building Permit application form with the square footage of the proposed project as shown on the drawings.
- Bring a full sheet size copy of your site plan and floor plans as a verification for the square footage of the residential or commercial/industrial project being assessed the developer fees.

- Bring a check or a money order (if you have previously determined the amount due) made out to Berkeley Unified School District.

If I already have a project submitted for Building Permit as of June 8, 2017, do I still need to pay the fees?

- No, any project which has been submitted for a Building Permit prior to the effective date of the fees (June 8, 2017) is not subject to the fees.
- Permit application on subsequent phases submitted on or after June 8th 2017 for phased projects where a phasing request has been approved by Building and Safety and the first phase building permit application has been submitted prior to June 8th 2017 are not subject to the fees.

How much are the fees?

- **Residential:** All new Residential development and additions resulting in an increase of assessable space in excess of 500 sq. ft.: **\$3.48/sq. ft.**
- **Commercial/Industrial:** All new Commercial and Industrial development and additions of any size: **\$0.56/sq. ft.**

How is “assessable space” determined?

- **Residential – Assessable Space:** All of the square footage within the perimeter of a residential structure, not including any carport, covered or uncovered walkway, garage, overhang, patio, enclosed patio, detached accessory structure, or similar area. Assessable space includes the square footage of enclosed walkways, such as hallways inside the perimeter of a residential structure.
- **Commercial/Industrial – Chargeable Covered and Enclosed Space:** Square footage of the covered and enclosed space determined to be within the perimeter of a commercial or industrial structure, not including any storage areas incidental to the principal use of the construction, garage, parking structure, unenclosed walkway, or utility or disposal area.
- **Area Determination -** Area determination in square feet of Assessable Space is not the same as Area in square feet as determined for Building Code fire and life safety purposes.

What if the assessable space changes during the permit approval process?

- You may receive a refund by returning to the BUSD Facilities Office with verification that the project square footage has been reduced. District staff will recalculate the fees due and provide a refund as appropriate.
- Refunds will be processed through the District and may take up to a month to be received.
- You may owe additional fees if the project assessable space increases prior to the issuance of your building permit or any subsequent revisions to said permit.

What if I pay the fees and don't build the project?

- You may receive a refund by returning to the BUSD Facilities Office with verification that the project is not being built. District staff will recalculate the fees due and provide a refund as appropriate.

- Refunds will be processed through the District and may take up to a month to be received.

What if I don't agree with the calculated fees?

- Applicants may protest the fees, however, the fees as calculated must be paid by the applicant before initiating the process to protest the fees.
- The Certificate of Compliance contains a required notice to the applicant developer that the 90-day period in which to protest the fees has commenced.
- Any applicant may protest the imposition of developer fees as specifically allowed under Education Code Section 17621. This code section refers to Government Code Section 66020 for Residential appeals and Government Code Section 66021 which applies to Commercial and Industrial development.
- Copies of the appeals process regulations are available upon request from the BUSD Facilities Office.
- If your protest is successful, the District will provide a refund of the fees, or a portion of the fees, as confirmed through the appeals process.