

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director



DATE: April 1, 2015 (CC Meeting of 4/15/2015)

SUBJECT: Consider Resolution Updating Land Use Development Processing Fees and Deposits, Film/Photography Permit Processing Fees and Deposits, Open House Directional Sign Permit Fees, Abandoned Shopping Cart Prevention Plan Review Fees, Business Registration Permit Fees, and Special Business Permit Review Fees and Deposits, and Rescinding Resolution Nos. 96-1214, 2006-2503, 2006-2510, 2007-2597, 2008-2733, 2008-2777, 2009-2790, 2012-3139, and 2013-3154 and Finding This Action Exempt from the California Environmental Quality Act

BACKGROUND

Policy 5.7 of the City Council Policies Resolution No. 2015-3378 requires an annual review of all City fee resolutions to determine if an adjustment of any fee is appropriate in conjunction with the preparation of the next fiscal year budget. Resolution No. 2012-3139, adopted on November 7, 2012, set the current fees and deposits used for most of the permit applications processed by the Community Development Department. However, eight other resolutions adopted over the last 19 years include fees and/or deposits for various Community Development Department permits. On March 4, 2015, a draft resolution consolidating and updating these various fees and deposits was presented to the City Council. At that meeting, the City Council set a public hearing for April 15, 2015, to consider adoption of this resolution.

As a separate agenda item, consideration of a resolution updating staff billing rates is also requested. Those billing rates would be used for charging staff time against the deposits contained in this draft resolution. It has been separated from the Community Development fee/deposit schedule to allow for its use where staff time is charged by other departments.

DISCUSSION

The following resolutions, proposed to be rescinded in the attached draft resolution, reflect current adopted fees for processing of permits by the Community Development Department:

- Resolution No. 96-1214: Film/Photography Permit Review Fees and Deposits
- Resolution No. 2006-2503: Rental Authorization Permit
- Resolution No. 2006-2510: Encroachment Permit and Sign Storage Fees for Real Estate Open House Signs
- Resolution No. 2007-2597: Rental Authorization Permit Re-Inspection
- Resolution No. 2008-2733: Abandoned Shopping Cart Prevention Plan Annual Review Fees
- Resolution No. 2008-2777: Special Business Permit Fees
- Resolution No. 2009-2790: Special Business Permit Fees for Massage Establishments and Massage Therapists
- Resolution No. 2012-3139: Real Time Billing Rates and Fees and Deposits for Land Use Development Processing
- Resolution No. 2013-3154: Business Registration Fees

Staff is also proposing the consolidation of these fee resolutions into a single fee/deposit schedule for ease of use. A review of the fees and deposits indicates that most fees and deposits are still appropriate for covering the costs associated with permit processing, with the following notable exceptions:

- General Plan Amendment (GPA) Pre-Screening Applications – The deposit for reviewing and processing these applications is proposed to be increased from \$5,800.00 to \$7,600.00 to account for increased noticing and public participation required by changes in GPA Pre-Screening application processing procedures as adopted by City Council Resolution No. 2013-3242.
- Commercial Planned Development Permits – The special reduced deposit for conversion of residences to retail or office uses in the Downtown Specific Plan area is eliminated, since these conversions would require an Administrative Permit, not a Commercial Planned Development Permit.
- Conditional Use Permits – Deposits for Conditional Use Permits for relocating businesses are proposed to be raised from \$3,000 to \$3,500 to account for noticing costs. This is still a lower deposit from that for new Conditional Use Permits, where the deposit would remain at \$5,000. Staff is proposing applying this \$3,500 reduced deposit also to new restaurants with or without beer and wine when a Conditional Use Permit is required, as this has historically been sufficient to cover processing costs.
- Permit Modifications – The current deposit is 80% of the original permit deposit. For Planned Development Permits, this would be \$20,800 for larger projects. A

lower deposit of \$10,000 (not to exceed 80% of the original permit deposit) is recommended for modifications where no substantial changes are proposed to the site plan or architectural design. This would cover the review, notification, and public hearing costs for items such as changes to conditions of approval.

- Time Extensions – Deposits are proposed to be lowered for time extension requests and would be based on the decision-making authority. Time extension requests that would be considered by City Council or the Planning Commission would be lowered from the current maximum of \$2,600 to \$2,000 and time extension requests to be determined by staff would be lowered to a \$600 deposit. These lower fees are sufficient to cover the cost of review and processing such a request.
- Lot Line Adjustments and Reversion to Acreage – Currently a \$1,950 deposit is charged for a lot line adjustment or a reversion to acreage. Staff is recommending that this be a \$2,500 plus \$100 per lot flat fee. The lot line adjustment or reversion to acreage is typically a completely separate action and process from other development review applications. The \$2,500 plus \$100 per lot fee is sufficient to cover City and contract staff time in reviewing and processing these applications, since it is not a deposit.
- Film Permits – Fees for film permits have been updated from the current complex formula of fees and deposits to be flat fees reflective of actual costs associated with film permit application review and inspections. Deposits for additional staffing would be determined at the time of application review only for more complex productions where additional staffing is necessary to ensure the production does not adversely impact the community, and to provide for on-site monitoring if determined necessary.
- Condition Compliance Inspection Fee – This fee has been eliminated, as it is not used under the current permit processing structure. Projects that require entitlement deposits already include additional deposits for condition compliance inspections. Projects that only require a flat fee have time for an inspection built in to the cost of the fee.
- Street Vendor Permits – The current fee is \$65 for an applicant, with \$40 per additional permittee. The costs associated with conducting background checks and preparing photo identification cards warrant an increase to \$100 per street vendor permit, with the same fee applying to each additional permittee.
- Massage Establishment and Massage Therapist Permit Fees – These fees are no longer collected with 2011 amendments to Chapters 5.48 and 17.20 of the Moorpark Municipal Code that require State licensing for massage therapists, thereby eliminating special local massage permits. Staff will evaluate if any changes to permitting requirements are advisable based on recent revisions to State law. Until then, no fee is needed.
- Rental Authorization Permit and Re-Inspection Fees – These fees are being eliminated as the ordinance establishing the rental housing inspection program had been rescinded.

A public hearing is required under the California Government Code for the establishment or increase of development project application fees. This hearing was advertised by 1/8 page ad in the Ventura County Star on March 8 and 18, 2015, and the notice was sent by email to the Building Industry Association of Southern California and the Gas Company per their request. The California Government Code also provides that certain fees shall take effect no sooner than 60 days from the date of adoption. The attached resolution provides for the updated fees to take effect on July 1, 2015.

FISCAL IMPACT

The proposed fees are based on estimated time of the appropriate staff to process each application, using real staff billing rates as adopted by separate resolution. The proposed deposits would have actual time spent on the processing of the applications charged against the deposits using the real staff time billing rates adopted by separate resolution. As a result, no impact on the City General Fund is expected with the adoption of this resolution.

STAFF RECOMMENDATION (Roll Call Vote)

1. Open the public hearing, accept public testimony and close the public hearing.
2. Adopt Resolution No. 2015-_____.

ATTACHMENT:

Draft Resolution No. 2015-_____

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, UPDATING LAND USE DEVELOPMENT PROCESSING FEES AND DEPOSITS, FILM/PHOTOGRAPHY PERMIT PROCESSING FEES AND DEPOSITS, OPEN HOUSE DIRECTIONAL SIGN PERMIT FEES, ABANDONED SHOPPING CART PREVENTION PLAN REVIEW FEES, BUSINESS REGISTRATION PERMIT FEES, AND SPECIAL BUSINESS PERMIT REVIEW FEES AND DEPOSITS, RESCINDING RESOLUTION NOS. 96-1214, 2006-2503, 2006-2510, 2007-2597, 2008-2733, 2008-2777, 2009-2790, 2012-3139, AND 2013-3154, AND FINDING THIS ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Moorpark provides permit application review and processing services for land use development permits, film/photography permits, abandoned shopping cart prevention plans, business registration permits, and special business permits; and

WHEREAS, the City Council has determined that the cost of these services shall be fully offset by fees which accompany permit requests; and

WHEREAS, these fees are reviewed periodically to determine if any adjustments are necessary to reflect actual processing costs; and

WHEREAS, the costs for processing applications have increased since these fees were last updated; and

WHEREAS, the hourly billing rates for staff time for processing applications have been established by separate City Council resolution; and

WHEREAS, on March 4, 2015, the City Council scheduled a public hearing for April 15, 2015, to consider updates to permit application review and processing fees and deposits; and

WHEREAS, notice of the April 15, 2015 public hearing has been provided as required by Sections 6062a, 66016, and 66018 of the Government Code; and

WHEREAS, information on the costs required to provide the permit application review and processing services was made available to the public as required by Section 66016 of the Government Code; and

WHEREAS, on April 15, 2015, the City Council held a public hearing as required by Sections 66016 and 66018 of the Government Code to consider updates to permit

CC ATTACHMENT

application review and processing fees and deposits, took and considered oral and written presentations both for and against the proposed fees and deposits, and reached a decision on this matter; and

WHEREAS, the fees and deposits included in this resolution do not exceed the estimated reasonable cost of providing the service for which the fee is charged, as required by Section 66014 of the Government Code; and

WHEREAS, the Community Development Director has determined that the update to deposits and fees for permit processing is exempt from the provisions of the California Environmental Quality Act (CEQA), in that the action of the City Council does not involve the consideration of the approval of a project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council concurs with the Community Development Director's determination that the update to deposits and fees for development processing is exempt from the provisions of the California Environmental Quality Act (CEQA), in that the action of the City Council does not involve the consideration of the approval of a project.

SECTION 2. COST RECOVERY: City of Moorpark staff shall bill actual time spent on land use applications and other items eligible for cost recovery where a deposit is required at a real time cost accounting rate as established by City Council Resolution No. 2015-___ as may be amended from time to time. Additional deposits will be required when staff time charges are projected to exceed the deposit balance. Any remaining deposit amount left from entitlement processing shall be applied to condition compliance. Upon certificate of occupancy or final building permit, when all permit review and processing has been completed, any remaining condition compliance deposit shall be returned after all costs are deducted for final processing.

SECTION 3. COSTS FOR CONTRACT SERVICES: Contract services shall be billed at cost, plus fifteen percent (15%), including, but not limited to, City Attorney; geotechnical/geological services, traffic engineer services, landscape architect review and inspection services; lighting engineer review and inspection services and planning consultant services.

SECTION 4. ADOPTION OF FEE SCHEDULE: The Schedule of Permit Processing Deposits and Fees is adopted as shown in Exhibit A of this Resolution.

SECTION 5. REDUCTION OF DEPOSITS FOR PROJECTS WITH MULTIPLE PERMITS: The Community Development Director has the authority to reduce deposit amounts up to fifty percent (50%) per entitlement application, where the project involves multiple applications for the same project on the same property, to be

processed concurrently. The applicant retains the responsibility to pay for all costs associated with the processing of the applications at the adopted billing rates.

SECTION 6. EFFECTIVE DATE: This Resolution shall become effective on July 1, 2015, implementing those changes to the fees described herein immediately upon the effective date set forth herein. This date is at least sixty (60) days after adoption of this resolution as required by Section 66017 of the Government Code.

SECTION 6. Resolution Nos. 96-1214, 2006-2503, 2006-2510, 2007-2597, 2008-2733, 2008-2777, 2009-2790, 2012-3139, and 2013-3154 are hereby rescinded upon the effective date of this Resolution.

SECTION 7. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 15th day of April, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachments:

Exhibit A: Schedule of Development Processing Deposits and Fees

EXHIBIT A: CITY OF MOORPARK PERMIT APPLICATION REVIEW AND PROCESSING FEES AND DEPOSITS

APPLICATIONS REQUIRING DEPOSITS	DEPOSIT	NOTE OR ADDITIONAL AMOUNT
Pre- Applications and General Plan Amendment Pre-Screening		
Pre Application (Non GPA)	\$1,300	
General Plan Amendment Pre- Screening Application	\$ 7,600	
Entitlement Applications		
Specific Plan	\$39,000	
General Plan Amendments	\$ 5,200	
Zone Change	\$ 5,200	
Zone Ordinance Amendment	\$5,200	
Development Agreements	\$31,000	
Tentative Tract Map (Less than thirty (30) lots)	\$ 9,100	
Tentative Tract Map (Thirty (30) lots or more)	\$ 19,500	
Vesting Tentative Tract Map	\$ 26,000	
Tentative Parcel Map	\$ 7,150	
Commercial/Industrial Planned Development - New Const (Less than 50,000 sf) ♦ ♦	\$19,500	
Commercial/Industrial Planned Development - New Const (50,000 sf or more)	\$26,000	
Commercial Planned Development - Conversion of Residence to Retail or Office in Downtown Specific Plan Area where permitted by Specific Plan	\$5,000	
Residential Planned Development (Less than thirty (30) units)	\$19,500	
Residential Planned Development (Thirty (30) units or more)	\$26,000	
Conditional Use Permit	\$5,000	
Conditional Use Permit for a Restaurant Use with or without Beer and Wine, or for a Use Relocating from a Place within the City where an existing Conditional Use Permit has been granted for the use and there is no change in use, only location	\$3,500	
Variance	\$5,000	
Public Hearing Notice	\$1,200	
Appeal of Planning Commission Decision	\$2,600	
Environmental Documentation		
Initial Study & Negative Declaration	\$5,200	
Environmental Analysis	see note	100% of cost plus 15% administrative fee. Staff to provide estimated cost.
Environmental Impact Report Supplement or Addendum	\$ 6,500	
Special Studies and Reports		
Other Studies, Reports or Analysis as determined necessary by Director	see note	100% of cost plus 15% administrative fee. Staff to provide estimated cost.
Modifications/Extensions		
Modification-Commercial/Industrial/Residential with existing Planned Development Permit ♦ ♦	see note	80% of initial deposit amounts. \$10,000 deposit for Modifications if no substantial change to site plan or architectural design, not to exceed 80% of initial deposit.
Development Agreement - Annual Review	\$2,600	
Time Extension of Approval – Planning Commission or City Council Decision	\$ 2,000	
Time Extension of Approval – Staff Decision	\$600	

Miscellaneous		
Parcel Map Waiver, or Conditional Certificate of Compliance	\$ 6,500	
Condition Compliance		
Planning Condition Compliance Review	see note	100% of original Map/PD deposit to be paid within 30 days of project approval
Landscape Review & Inspection	see note	100% of cost plus 15% administrative fee. Staff to provide estimated cost.
Lighting Plan Review/Inspection	see note	100% of cost plus 15% administrative fee. Staff to provide estimated cost.
Violation (Penalty) Conditions of Approval	see note	100% of staff time for investigation and enforcement.

City of Moorpark staff shall bill actual time spent on land use applications and other items eligible for cost recovery where a deposit is required at a real time cost accounting rate as established by City Council Resolution No. 2015-___ as may be amended from time to time. Additional deposits will be required when staff time charges are projected to exceed the deposit balance. Any remaining deposit amount left from entitlement processing shall be applied to condition compliance. Upon certificate of occupancy or final building permit, when all permit review and processing has been completed, any remaining condition compliance deposit shall be returned after all costs are deducted for final processing.

APPLICATIONS REQUIRING FEES	FEE	NOTE OR ADDITIONAL AMOUNT
Planning and Zoning Permits		
Zoning Clearance	\$ 100	
Zoning Letter/Re-Build Letter	\$ 300	
Home Occupation Permit	\$100	Also requires Business Registration
Administrative Exception	\$ 650	
Administrative Permit - Residential	\$ 780	
Administrative Permit - Commercial/Industrial	\$1,300	
Administrative Permit – Relocation of a Business with an Existing Administrative Permit (not involving expansion of more than 50% of floor area, change in the nature of the business, or sale of alcoholic beverages)	\$390	
Administrative Permit – Relocation of a Permitted Business that did not Require an Administrative Permit when Established (not involving expansion of more than 50% of floor area, change in the nature of the business, or sale of alcoholic beverages)	\$650	
Lot Line Adjustment or Reversion to Acreage	\$2,500+\$100/lot	
Permit Adjustment - Residential	\$ 390	
Permit Adjustment - Commercial/Industrial	\$780	
Mobile Home Rent Increase Review	\$ 390	Applies to cost-of-living increases only.
Sign Permit	\$ 200	
Sign Permit for Change of Copy on Existing Permitted Sign	\$100	
Sign Program	\$780	
Temporary Sign and Use Permits		
Temporary Sign/Banner Permit	\$40	
Temporary Use Permit - Minor	\$150	Outdoor sales, temporary trailer during residential construction
Temporary Use Permit - Major	\$390	Parades, Car Shows, Parking Lot Sales
Appeals		
Appeal of Community Development Director Decision Requiring Public Notice	\$390	
Appeal of Community Development Director Decision without Public Notice	\$260	

Film Permits		
Film Permit – Private Property Only	\$500+\$100/day	A deposit may also be required for anticipated additional staff costs.
Film Permit – Involving City Property or Public Right-of-Way	\$800+\$150/day	A deposit may also be required for anticipated additional staff costs.
Film Permit – Still Photography Only	\$100	A deposit may also be required for anticipated additional staff costs.
Special Business Permit Review		
Annual Abandoned Shopping Cart Prevention Plan Review	\$50	
Annual Bingo Game Permit	\$50	
Annual Street Vendor Permit	\$100	
Annual Adult Business Permit	\$500	
Annual Adult Business Performer Permit	\$100	
Secondhand Dealer, Thrift Shop, and Pawnbroker Permit	\$400	\$4,000 deposit for police review expenses must be maintained and replenished on a monthly basis. Thrift shops owned and operated by 501(c)(3) non-profit organizations are exempt from providing daily police reports and the corresponding police review deposit.
Open House Directional Sign Permits		
Annual Encroachment Permit for Individual Owner/Seller or Real Estate Agent	\$100	5 sign stickers provided, 50% of annual encroachment permit fee if after July 1
Annual Encroachment Permit for Real Estate Office	\$300	60 sign stickers provided, 50% of annual encroachment permit fee if after July 1
Additional Sign Stickers	\$5	
Retrieved Sign Storage Fee	\$5 per day	Stored signs that are not retrieved within 30 calendar days will be destroyed in accordance with the law.
Business Registration Permits		
Initial Business Registration Permit	\$90	\$1 Annual State Mandated Surcharge for Certified Access Specialist required in addition to Business Registration fee pursuant to Government Code Section 4467
Annual Renewal of Business Registration Permit	\$35	
Annual Business Registration Permit Limited to Individual Vendor at City-Permitted Swap Meet or Farmers' Market	\$45	
Additional Vehicle Stickers (1 provided with Business Registration for Mobile Business)	\$2	
MISCELLANEOUS FEES (NOT A DEPOSIT)		NOTE OR ADDITIONAL AMOUNT
Records Imaging		
Building and Safety Drawing Sheets	\$2.00	Per Sheet
Engineering Improvement Plan Drawing Sheets	\$ 2.00	Per Sheet
Planning Drawing Sheets	\$ 2.00	Per Sheet
Final Map Sheets	\$ 2.00	Per Sheet
Building and Safety Permit Files	\$ 0.30	Per Sheet
Planning Entitlement Files	\$ 0.30	Per Sheet
Advance Planning		
Advance Planning Fee (Includes G P Updates and Traffic Model Maintenance)	see note	5% of Building Permit Fee for Valuation of \$10,000 or greater
Construction and Demolition Material Management Plan		
Review Fee for Projects where No Deposit Fund Exists (otherwise review will be charged to the project deposit fund based on actual time at existing billing rates).	\$145	