

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director



DATE: July 29, 2015 (CC Meeting of 8/19/2015)

SUBJECT: Consider Scheduling a Public Hearing to Consider a Resolution Updating Permit Application Review and Processing Fees and Deposits to Include Flat Fees for the Cost of Police Department Review of Certain Permits and to Adjust Appeal Fees, and Rescinding Resolution No. 2015-3382, and Finding This Action Exempt from the California Environmental Quality Act

BACKGROUND/DISCUSSION

On April 15, 2015, the City Council adopted Resolution No. 2015-3382, which updated and consolidated the various permit application review and processing fees and deposits into one fee schedule. These fees took effect on July 1, 2015. The fees and deposits, which are based on cost recovery, did not include in their calculation the costs of Police Department review, except for film permit monitoring (after initial review), secondhand dealer permit monitoring, and Temporary Use Permit monitoring, where extra deposits are collected to recover the cost of Police Department services. The Police Department has also typically been involved in the review of Planned Development Permits, Conditional Use Permits, Administrative Permits, and Film Permit initial review to ensure that proposed building and site designs minimize opportunities for crime, and to ensure that conditions of approval are included when needed to minimize the need for additional Police services from certain uses, such as alcoholic beverage sales or service. The time spent on review by the Police Department for these permits has not been charged to the project.

Since the City pays for Police Services under contract with the Ventura County Sheriff's Office, the time spent on development review represents direct costs to the City which should be recovered from the applicant. Land use and development review by the Police Department has typically been conducted at the Senior Deputy level. The contract rate for this position, including a 15% charge for administration, is

approximately \$150.00 per hour, based on 2014-2015 fiscal year contract rates. Rates for the 2015-2016 fiscal year will not be available until March of 2016. The attached draft resolution with fee schedule includes adjustments to the Planned Development Permits, Conditional Use Permits, Commercial/Industrial Administrative Permits, Major Temporary Use Permit initial review, and Film Permit initial review to include an additional flat fee to reimburse the City for 2 hours of Police Department review, which is estimated for these permits. It is anticipated that this fee will increase as Police costs increase. Staff is requesting the City Council to schedule a public hearing for the September 16, 2015 City Council meeting for consideration of this resolution. The fee schedule has been reviewed and found acceptable by the Finance Director.

Also as part of the proposed fee schedule update, staff is proposing to increase the cost of appeals of Community Development Director decisions to bring them more in line with actual costs in processing an appeal. Community Development Director decisions are appealed to the Planning Commission. The current fees are \$260.00 for an appeal not requiring a public notice and \$390.00 for a fee requiring a public notice. Staff costs include analysis and preparation of a written report to the Planning Commission, and scheduling and presenting the report at a Planning Commission meeting. The City Attorney's office may also be involved in the review of the appeal, which adds direct costs. Staff is proposing \$780.00 for an appeal not involving a public notice and \$910.00 for an appeal involving a public notice, covering 6 and 7 hours of staff work respectively.

California Government Code Section 66014 provides for cities to charge fees that do not exceed the costs associated with processing land development zoning and use permit applications. Sections 66016, 66018, and 6062a set forth the notification and hearing process required prior to levying new fees or service charges, or prior to increasing an existing fee or service charge. Section 66017 provides that certain fees shall take effect no sooner than 60 days from the date of adoption. Notices will be provided in accordance with those requirements, and, if adopted, updated fees would take effect on November 16, 2015.

STAFF RECOMMENDATION

Schedule public hearing for consideration of Permit Application Review and Processing Fee and Deposit Updates for the regular September 16, 2015 City Council meeting.

Attachment: Draft Fee and Deposit Resolution

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, UPDATING PERMIT APPLICATION REVIEW AND PROCESSING FEES AND DEPOSITS TO INCLUDE FLAT FEES FOR THE COST OF POLICE DEPARTMENT REVIEW OF CERTAIN PERMITS AND TO ADJUST APPEAL FEES, AND RESCINDING RESOLUTION NO. 2015-3382, AND FINDING THIS ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Moorpark provides permit application review and processing services; 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 Police Department review need to be included in the fees for certain permit applications and the fees for Community Development Director appeals need to be adjusted to reflect actual costs; and

WHEREAS, on August 19, 2015, the City Council scheduled a public hearing for September 16, 2015, to consider updates to permit application review and processing fees and deposits; and

WHEREAS, notice of the September 16, 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 September 16, 2015, the City Council held a public hearing as required by Sections 66016 and 66018 of the Government Code to consider updates to permit 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. 2015-3383 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 November 16, 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 7. Resolution No. 2015-3382 is hereby rescinded upon the effective date of this Resolution.

SECTION 8. 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 _____ day of September, 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	\$300 flat fee for Police Department review also required.
Commercial/Industrial Planned Development - New Const (50,000 sf or more)	\$26,000	\$300 flat fee for Police Department review also required.
Commercial Planned Development - Conversion of Residence to Retail of Office in Downtown Specific Plan Area where permitted by Specific Plan	\$5,000	\$300 flat fee for Police Department review also required.
Residential Planned Development (Less than thirty (30) units)	\$19,500	\$300 flat fee for Police Department review also required.
Residential Planned Development (Thirty (30) units or more)	\$26,000	\$300 flat fee for Police Department review also required.
Conditional Use Permit	\$5,000	\$300 flat fee for Police Department review also required.
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	\$300 flat fee for Police Department review also required.
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.

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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	\$300 flat fee for Police Department review also required.
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	\$300 flat fee for Police Department review also required.
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	\$300 flat fee for Police Department review also required.
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	i.e. Outdoor sales, RV as dwelling during residential construction.
Temporary Use Permit - Major	\$390	i.e. Parades, concerts, carnivals, shows. \$300 flat fee for Police Department initial review also required. An additional deposit may also be required for anticipated additional staff and police monitoring costs.
Appeals		
Appeal of Community Development Director Decision Requiring Public Notice	\$910	
Appeal of Community Development Director Decision without Public Notice	\$780	

Film Permits		
Film Permit – Private Property Only	\$500+\$100/day	\$300 flat fee for Police Department review also required. An additional deposit may also be required for anticipated additional staff and police monitoring costs.
Film Permit – Involving City Property or Public Right-of-Way	\$800+\$150/day	\$300 flat fee for Police Department review also required. An additional deposit may also be required for anticipated additional staff and police monitoring 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	