

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Teri Davis, Program Manager 

DATE: May 12, 2016 (CC Meeting of 05/18/16)

SUBJECT: Consider Resolution Updating the City's Permit Application Review and Processing Fees and Deposits to Include Fee Waiver for Business Registration and Home Occupation Permits Issued to Persons Under the Age of 18 and with an Annual Gross Income of Less Than Ten Thousand Dollars, and Rescinding Resolution No. 2015-3436, and Finding this Action Exempt from the California Environmental Quality Act

BACKGROUND AND DISCUSSION

The City's current Permit Application Review and Processing Fees and Deposits Resolution includes an Initial Business Registration Permit fee of \$90 and an Annual Renewal of Business Registration Permit fee of \$35, and a Home Occupation Permit fee of \$100. These fees may be considered prohibitive for persons under the age of 18 and with a gross annual income of less than \$10,000. Staff has drafted revisions to the Permit Application Review and Processing Fees and Deposits Resolution (see attached draft resolution) to provide qualifying persons under age 18 who are desirous of establishing and operating a business with the opportunity to do so without payment of these permit fees. It must be emphasized that waiving these permit fees is not synonymous with establishing exemptions to these permit fees. Persons under age 18 for whom these permit fees are waived would be required to comply with all other permit requirements, including but not limited to the type of business being conducted, and submit all necessary certification and documentation, including but not limited to providing a signed owner's statement that the proposed home occupation is allowed. If these persons wanted to go door to door or sell or solicit in a public place, a street vendor permit would be required for which the current cost is \$100. Staff is not recommending a reduction or waiver of this street vendor permit fee. The intent of reducing the Business Registration and Home Occupation Permit fees is that staff would expect these persons under age 18 to operate their business from their home and provide a product or service at identified customers' homes or businesses.

There is no delay in the effective date for the resolution adopting these fee waivers because these fees are not development project fees and are not subject to the notification or 60-day delay requirements per Sections 66076 and 66071 of the Government Code.

Should these permit fees be waived, the applicant would be subject to a \$1 business registration fee pursuant to Government Code Section 4467, which calls for a \$1 fee for every business license or equivalent to be collected from each applicant by the city issuing the permit, for the purposes of disability access and education. Government Code Section 4467 does not allow any portion or all of the \$1 to be waived by any city.

The proposed fee waivers may increase the amount of staff time necessary to process business registrations and home occupation permits for under age 18 applicants, and that time would not be offset by the collection of any other fee or deposit made to the City. Staff does not expect that more than one or two applications would be received annually.

FISCAL IMPACT

There will be minimal fiscal impact.

STAFF RECOMMENDATION ROLL CALL VOTE

Adopt Resolution No. 2016-_____ and rescinding Resolution No. 2015-3436.

Attachment: Draft Resolution

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, UPDATING THE CITY'S PERMIT APPLICATION REVIEW AND PROCESSING FEES AND DEPOSITS TO INCLUDE FEE WAIVER FOR BUSINESS REGISTRATION AND HOME OCCUPATION PERMITS ISSUED TO PERSONS UNDER THE AGE OF 18 AND WITH AN ANNUAL GROSS INCOME OF LESS THAN TEN THOUSAND DOLLARS, AND RESCINDING RESOLUTION NO. 2015-3436, 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, on May 18, 2016, the City Council authorized a revision to the Permit Application Review and Processing Fees and Deposits Schedule to waive the Business Registration and Home Occupation Permit fees for persons under the age of 18 and with a gross annual income of less than \$10,000, with the exception of the \$1.00 fee required by Government Code Section 4467, and determined that all such qualified persons shall be required to comply and adhere to all other Business Registration and Home Occupation Permit requirements; and

WHEREAS, the Community Development Director has determined that the update to fees and Deposits 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 fees and deposits 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. ADOPTION OF FEE SCHEDULE: The Schedule of Permit Application Review and Processing Fees and Deposits is adopted as shown in Exhibit A of this Resolution.

SECTION 3. EFFECTIVE DATE: This Resolution shall become effective immediately.

SECTION 4. Resolution No. 2015-3436 is hereby rescinded upon the effective date of this Resolution.

SECTION 5. 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 18th day of May, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment:

Exhibit A: Schedule of Permit Application Review and 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.

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.

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
Home Occupation Permit for Persons Under the Age of 18 with Annual Gross Income of less than \$10,000	\$0	
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	
Business Registration Permit to Persons Under the Age of 18 with Annual Gross Income of less than \$10,000	\$0	
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	