

CITY OF COSTA MESA, CALIFORNIA

DISCUSSION ITEM
FISCAL YEAR 2004-2005

APPEALS PROCESS - CITY MANAGER / DEVELOPMENT SERVICES (item #10 & #19)

PROGRAM/SERVICE DESCRIPTION:

The Costa Mesa Municipal Code provides for appeals of decisions by City staff and Commissions, and for rehearing of City Council decisions. Discretionary decisions on development permits may currently be appealed from Development Services staff and Zoning Administrator to the Planning Commission, from Planning Commission to City Council. A rehearing request may be submitted after a City Council decision. In the case of a rehearing, a hearing is first held to consider whether the request meets the criteria for rehearing. If so, a date is set for the actual rehearing at a later meeting. A Council Member may also call up a decision for review by the City Council or Planning Commission.

IMPACT ANALYSIS:

Service Delivery -- How will service delivery be affected? Identify alternative methods of service delivery.

To streamline the appeals process, the City Council may designate the Planning Commission as the final review authority on development permits, with no appeal provisions to City Council. Additionally, the rehearing process may be simplified by eliminating the first "hearing" to decide whether or not a rehearing should be conducted. If the request for a rehearing is filed, the Planning Commission would then hold a rehearing.

Other Departments -- Identify departments that will be affected by reducing or eliminating the service.

By modifying this process, staff time would be reduced in all affected departments. Those most often affected are Development Services, City Attorney's Office, Public Services, and the City Clerk's Office.

Gradients/Reductions

The recommended service delivery is a modification of the City's current appeal/rehearing process.

Other Organizations YES -- Please identify. NO

Grants YES -- Please identify. NO

Contractual Requirements YES -- Please identify. NO

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PROGRAM/SERVICE COSTS ANALYSIS:

Revenue	\$	7,940	Expenditure	\$	8,606
Direct Cost	\$	8,085	Indirect Cost	\$	521
Personnel - Full Time		0.01	Part Time (FTE)		0.00
			Check Box if Seasonal Part Time		<input type="checkbox"/>
Material/Equipment Costs	\$	2,640	Future Cost Avoidance	\$	0

This program is "revenue neutral" since a processing fee is charged to the applicant to cover the costs of processing the appeal and/or rehearing. However, if a Planning Commissioner or City Councilmember appeals on behalf of a resident or applicant, the City absorbs the costs. The current fee for an appeal/rehearing to the City Council is \$810, and the fee for an appeal to the Planning Commission is \$470.

The direct cost includes overtime for an Associate Planner and materials. Currently, for appeals at the Commission level only, the annual cost is \$4,144; for appeals/rehearings at the Council level, the annual cost is \$3,891.

The recommended modification has indirect cost savings to the applicant in terms of time and carrying costs, given that the final decision could be reached at the Planning Commission level.

TRANSITION COSTS ("Go-Away" Costs):

Modification of the City's appeal and rehearing process would require appropriate amendments to the City's Municipal Code. The City Attorney's Office, in conjunction with Development Services, would prepare the draft ordinance for City Council consideration. Staff time required for ordinance preparation is nominal. The estimated time frame for completion is three to four months.

RECOMMENDED ALTERNATIVES:

None.