



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 4, 2015

ITEM NUMBER: NB-3

SUBJECT: REQUEST FOR REFUND OF APPEAL FEE FOR ZA-15-01

DATE: July 27, 2015

FROM: CHIEF EXECUTIVE OFFICER'S OFFICE

PRESENTATION BY: COUNCIL MEMBER SANDRA GENIS

**FOR FURTHER INFORMATION CONTACT: Brenda Green, City Clerk, (714) 754-5221
Richard Francis, Assistant CEO, (714) 754-5688**

RECOMMENDATION:

Staff recommends that the City Council:

Provide direction responsive to the request for a refund of the appeal fee in the amount of \$690.00 to Ms. Ann Parker.

BACKGROUND:

On April 23, 2015, ZA-15-01 was approved by the Zoning Administrator, subject to compliance with conditions of approval. On April 20, 2015, Ms. Ann Parker filed an appeal and paid the \$690 fee. On June 8, 2015, the appeal was considered by the Planning Commission. Based on the evidence presented by the appellant and testimony presented at the hearing, the Planning Commission reversed the Zoning Administrator's approval on a 5-0 vote. Subsequently the Planning Commission decision was appealed by the applicant and the Planning Commission decision was upheld by the City Council on a 4-0 vote, with Council Member Foley absent.

On June 16, 2015 Ms. Parker submitted a written request for a refund for the \$690.00 fee paid to appeal ZA-15-01 (Attachment 1). Council Member Sandra Genis requested that the item be placed on the agenda.

ANALYSIS

The appeal fees are intended to provide for staff time in preparing for the item to be reviewed by the respective body. The fees are also to cover the costs of required public noticing pursuant to State Law. Staff notes the fee rarely covers actual staff time and costs for the preparation. The costs are borne irrespective of the decision.

In 2012 City Council authorized a refund of appeal fees in the amount of \$1,220 to Mr. Morelli pertaining to the appeal of DR-99-22 A2. In 2013 City Council authorized a

refund in the amount of \$1,220 to Catalina Shores Homeowners Association, pertaining to the appeal of PA-13-04.

ALTERNATIVES

City Council may consider the following alternatives:

1. Direct staff to review the amount of the appeal fees to ensure recovery of costs “reasonably borne” by the City for preparation of appeals.
2. Direct staff to review the policies and procedures relating to appeals.

FISCAL REVIEW:

Fiscal Review is not required for this item.

LEGAL REVIEW:

Legal review is not required for this item.

BRENDA GREEN
City Clerk

RICHARD FRANCIS
Assistant Chief Executive Officer

Attachment 1: [Written request from Ann Parker](#)