



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 1, 2015

ITEM NUMBER: NB-4

SUBJECT: REQUEST FOR REFUND OF APPEAL FEE FOR ZA-15-01 AND PA-14-41

DATE: August 12, 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 fees in the amount of \$690.00 to Ms. Ann Parker and in the amount of \$1,220.00 to Ms. Carrie Renfro.

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 and 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).

On June 8, 2015, the Planning Commission held a public hearing to consider the Conditional use Permit (CUP) for an outdoor farmer's market at 183 E. Bay Street (St. John the Divine Episcopal Church). The Planning Commission, by majority vote (3-1, Commissioner Andranian opposed, and Commissioner Sesler recused), approved the CUP with modified conditions of approval. On June 12, 2015, Ms. Renfro filed an appeal and paid the \$1,220.00 fee. On August 4, 2015 the City Council approved Resolution No. 15-46 reversing the Planning Commission's approval of PA-14-41. On August 9, 2015 Ms. Renfro submitted a written request for a refund for the \$1,220.00 fee paid to appeal PA-14-41 (Attachment 2).

Council Member Sandra Genis requested that the items be placed on the agenda for consideration.

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. Staff conducted a survey of surrounding cities and the result are as follows:

Appeal Fee Survey

City	Appeal to Planning Commission	Appeal to City Council
Newport Beach	\$4,575	\$4,289
Santa Ana	\$3,751	\$3,751
Huntington Beach	\$2,501	\$3,383
Irvine	\$128 / hourly (varies from \$3,000 to \$10,000)	\$128 / hourly (varies from \$3,000 to \$10,000)
Anaheim	\$181 / hourly	\$2,300 min. deposit
Mission Viejo	\$2,000	\$2,000
Orange	\$1,000	\$1,000
Costa Mesa	\$690	\$1,220

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