



# Council Agenda Report

City Council Meeting  
05-26-20

## Item 4.A.

To: Mayor Farrer and Honorable Members of the City Council

Prepared by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: May 14, 2020 Meeting Date: May 26, 2020

Subject: Planning Appeal Fee

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**RECOMMENDED ACTION:** Hold a public hearing and determine whether to adopt Resolution No. 20-21 modifying the appeal fee for Planning development applications and amending item no. 3 (Appeal Fee) of the Planning fees in Exhibit A of Resolution No. 20-18 and finding the action to be exempt from the California Environmental Quality Act.

**FISCAL IMPACT:** There is no significant fiscal impact associated with the recommended action. The City receives approximately five to 10 appeals a year. On average, approximately \$8,000 in staff time is expended to process each appeal and the City does not recover the full cost of processing appeals.

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal year 2019-2020. This project is part of normal staff operations.

**DISCUSSION:** At the April 27, 2020 Regular Council meeting, the Council adopted the Fiscal Year 2020-2021 fee schedule and directed staff to return with an item to increase the fee for filing an appeal of a Planning Director or Planning Commission decision from the current amount of \$500 to \$750. The appeal fee has not changed since it was set in 2011 at \$500.

The Comprehensive Fee Study conducted in 2015 concluded that approximately 32 hours of staff time are spent processing each appeal (a conservative estimate, as appeals vary widely in their content) and the existing \$500 and proposed \$750 fee fall well short of covering that cost. The modest increase Council has proposed serves to reduce that subsidy.

Appeal fees vary in the coastal zone (refer to November 14, 2011 agenda report) as well as among cities in the Malibu-Las Virgenes Council of Governments. The following fees were obtained from current city websites:

- Agoura Hills - \$1,000 to 1,652 + noticing
- Calabasas - \$500 + noticing
- Hidden Hills - \$806
- Westlake Village - none listed

ENVIRONMENTAL REVIEW: This item is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty there is no possibility the action may have a significant effect on the environment and section 15064(e) which exempts purely economic regulations.

SUMMARY: City Council may direct staff to increase the fee, leave the fee as is, or provide other direction.

ATTACHMENTS:

1. Resolution 20-21
2. Notice of Public Hearing

## RESOLUTION NO. 20-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU MODIFYING THE APPEAL FEE FOR PLANNING DEVELOPMENT APPLICATIONS AND AMENDING ITEM 3 (APPEAL FEE) OF THE PLANNING FEES IN EXHIBIT A OF RESOLUTION NO. 20-18 AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does hereby find, order and resolve as follows:

### SECTION 1. Recitals.

A. On April 27, 2020, City Council adopted Resolution No. 20-18 adopting the 2020-2021 Schedule of Fees.

B. On May 26, 2020, a duly noticed public hearing was held to consider modifying the appeal fee for planning development application decisions. The City Council has reviewed the fee and finds that the fee for appeals does not exceed the reasonable costs of services directly conferred to the payer. The City Council further finds that the fee for costs of regulation does not exceed the reasonable cost of regulation by the City. The 2015 Comprehensive Fee Study demonstrated only 10% cost recovery at the current \$500 fee level. The increase to \$750 would remain well below full cost recovery.

SECTION 2. Fee item no. 3 (Appeal Fee) of the Planning Fees found in the 2020-2021 Schedule of Fees is hereby amended from \$500 to \$750.

### SECTION 3. Environmental Review.

The Council finds that the adoption and implementation of this resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment and section 15064(e) which exempts purely economic regulations.

SECTION 4. The City Clerk shall certify adoption of this resolution and shall cause the same to be processed in the manner provided by law. Pursuant to Government Code section 66017(a), the fee increases and new fees shall be effective 60 days from the date of adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 26<sup>th</sup> day of May 2020.

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KAREN FARRER, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

**APPROVED AS TO FORM:**

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  

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CHRISTI HOGIN, City Attorney

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
CITY COUNCIL**

The Malibu City Council will hold a public hearing on Tuesday, May 26, 2020 at 6:30 p.m. regarding increasing the Planning Department fee for filing an appeal to the Planning Commission or the City Council from \$500 to \$750 for Fiscal Year 2020-2021. The public hearing will be held via the Zoom application only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order (revised March 21, 2020).

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to [citycouncil@malibucity.org](mailto:citycouncil@malibucity.org) before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

If there are any questions regarding this notice, please contact Renee Neermann, Acting Finance Manager, at (310) 456-2489, ext. 222.



RENEE NEERMANN, Acting Finance Manager

Publish Date: May 7 and May 14, 2020