



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE

Amendment of Planning Division Fees

RECOMMENDED MOTION

Adopt the attached resolution which amends the Planning Division Fee Schedule (see **Attachment 1**).

BACKGROUND

On October 17, 2006, the City Council approved Resolution No. 4864 which established a fixed-cost fee schedule for the Planning Division's permit applications and services.

On June 24, 2008, the City Council approved Resolution No. 4957 which updated the fixed-cost fees for the Planning Division's permit applications and services.

On November 25, 2008, the City Council approved Resolution No. 4984 which instituted a time and materials (T&M)-based fee structure for the majority of the Planning Division's permit applications. The Council further directed that implementation of the revised fee schedule be postponed until the Finance Committee reviewed and approved the procedures for administering the T&M-based fees. With the upcoming purchase of the updated Springbrook accounting software, the Administrative Services Director and Community Development Director have determined that it would be most efficient to wait for rollout of the new accounting software before implementing the T&M-based fee structure. When the Finance Committee has approved the T&M-based administration procedures, staff will return to the City Council for re-activation of the T&M-based fee structure. However in the interim, there is a need to update the current fixed-cost fees to account for increased staffing costs due to cost-of-living adjustments and to establish fees for certain permits. This staff report addresses the update of various fixed-cost fees.

ANALYSIS

The fixed-cost fees which were updated on June 24, 2008 need to be revised to account for several factors as listed below. A comparison table of the current (i.e., June 24, 2008) fixed-cost fees and proposed fees is provided in **Attachment 2**.

- Cost of Living Adjustments. The fixed-cost fee schedule approved by the City Council on October 17, 2006, was based upon hourly staffing costs in effect at the time. Since that time SEIU cost-of-living adjustments have increased hourly staffing costs by 12.5%. On the basis of this change, the proposed fixed-cost fees reflect a 12.5% increase, except as noted below.

Item: 6D
Meeting Date: 7/21/09
Page: 1

- Condominium Conversion Permits. The Fee Schedule does not currently list a fee for Condominium Conversion Permits required by §10.66.020. As a result, staff has applied the Conditional Use Permit fee to Condominium Conversion Permits. In order to clarify the fee, staff proposes two levels of Condominium Conversion Permits fees – minor (\$2,405) and major (\$4,810) – which reflect the typical staff time necessary for the processing of Condominium Conversion Permits.
- Hotel Condominium Conversion Permits. Staff proposes a Hotel Condominium Conversion Permit fee of \$4,810 fee for permits required by the Council's recent adoption of Hotel Condominium Conversion regulations (§10.67.020). This fee is equivalent to the fee for a Major Condominium Conversion Permit.
- Non-Conformity Permit. Staff has applied the Conditional Use Permit fee to Non-Conformity Permits required by §10.62.070. In order to clarify the fee, staff proposes a \$2,405 fee which reflects the typical staff time necessary for the processing of a Non-Conformity Permit.
- Zoning Permit – Intermediate. The Fee Schedule does not currently list an intermediate fee for a Zoning Permit. Frequently it would be appropriate to charge an intermediate Zoning Permit fee for projects that fall in between the minor and major categories. The proposed fee of \$283 is equivalent to the midpoint between the minor (\$84-Revised) and major (\$482-Revised) Zoning Permit fees.
- Sidewalk Dining Encroachment Permit. This fee is charged to a restaurateur wishing to locate dining tables on public sidewalks. In addition to the Sidewalk Dining Encroachment Permit, the restaurateur also requires a Minor Use Permit (\$957-Revised) to address the outdoor dining aspect of their proposed project. The current Sidewalk Dining Encroachment Permit fee is \$1,197. The combined cost of the Minor Use Permit and Sidewalk Dining Encroachment Permit exceeds the typical staff time necessary for the project. As a result, staff proposes to reduce the Sidewalk Dining Encroachment Permit from \$1,197 to \$625.
- Historic Reviews. Currently additional fees are not charged for projects which are reviewed by the Historic Landmarks Board (HLB) in accordance with §10.46.060. Two levels of fees are proposed in recognition of the typical staff time necessary for the processing the HLB reviews: 50-Year Old Structures (\$400); and Historic Overlay District or Noteworthy Structures (\$600).
- Appeals of Planning Commission Decisions. The current fixed-cost fee for the appeal of a Planning Commission decision to the City Council is \$2,587. This would increase to \$2,910 based upon the 12.5% cost-of-living adjustments noted above. In recognition of City Council members' interest in making appeals of Planning Commission decisions more affordable to neighbors and other interested parties, staff proposes reducing the fees for appeals of Planning Commission decisions filed by non-applicants to \$1,000. Fees for appeals of Planning Commission decisions filed by applicants are proposed to increase to \$2,910. The reduction in the appeal

Item: 6D
Meeting Date: 7/21/09
Page: 2

fee for non-applicants would mean the typical staff time necessary to process an appeal would not be covered by the revised fee.

- Variance – Administrative. The Zoning Administrator is authorized to act upon certain variance applications by §10.80.040.B.2. The only fee currently listed in the Fee Schedule is for Variances reviewed by the Planning Commission (\$2,991-Revised). In recognition of the reduced staff time necessary for Variances considered by the Zoning Administrator, staff proposes a fee of \$1,746.
- Marinship Specific Plan Exception. The Fee Schedule does not currently list a fee for an Exception to Marinship Specific Plan (§10.28.050.F). In recognition that Exceptions require Planning Commission review and City Council approval at noticed public hearings, staff proposes a fee of \$4,800 to cover the typical staff time necessary for the review and processing of an Exception application.
- Wireless Compliance Review. The Fee Schedule does not currently list fees for the annual review (§10.45.070) and biannual electromagnetic field exposure review (§10.45.110) for wireless communication facilities. In recognition that these reviews require staff time for analysis, staff proposes a fee of \$500 to cover the typical staff time necessary for these Wireless Compliance Reviews.
- Admin Approval of Changes to Approved Project. The Fee Schedule does not currently list a fee for the administrative review and approval of changes to approved project, as authorized by §10.50.180. In recognition that these reviews require staff time for analysis, staff proposes a fee of \$482 to cover the typical staff time necessary for these reviews. This amount is equivalent to the Major Zoning Permit fee.
- Planning Commission Determination of Use. The Fee Schedule does not currently list a fee for a Determination of Use by the Planning Commission in accordance with §10.80.080. In recognition that a Determination requires staff time for preparation of a staff report, legal review, and presentation at a Planning Commission meeting, staff proposes a fee of \$1,200 to cover the typical staff time necessary for a Determination.
- Zoning Ordinance Interpretation. The current fee of \$255 listed in the Fee Schedule for a Zoning Ordinance Interpretation does not cover the staff time for research of the issue, consultation with the City Attorney, and preparation of a written interpretation. Staff proposes a fee of \$400 to cover the typical staff time necessary for a Zoning Ordinance Interpretation.
- Pre-Application Meeting. The Fee Schedule does not currently list a fee for a Pre-Application meeting between an applicant and staff. In recognition that Pre-Application meetings benefit applicants as well as the City, staff proposes a reduced fee of \$100/meeting. While this fee does not cover the typical staff time necessary for a meeting involving the CD Director, a planner, and possibly the City Engineer,

staff suggests this reduced fee will make the meeting more affordable to applicants and hence used more often.

- Notes – Penalties. The Fee Schedule does not currently list a penalty for work undertaken or use of property prior to obtaining proper permits. Most cities in Marin include double permit planning fees for such activities, and Sausalito had such a penalty in the 1990s. Staff proposes a penalty of 100 percent of the applicable planning permit fee(s). The penalty would be in addition to the applicable planning permit fee(s).

Staff has prepared the attached resolution which, if approved, updates the Planning Division Fee Schedule as described above (see **Attachment 1** for draft resolution).

FISCAL IMPACT

Approval of the proposed fees will result in a modest improvement in Planning Division revenues which will be generally commensurate with the increases in staffing costs due to cost-of-living adjustments since October 2006.

RECOMMENDATION

- Staff recommends the City Council adopt the attached resolution which amends the Planning Division Fee Schedule (see **Attachment 1**).


Alternatively, the City Council may take any of the following actions:

- Amend the attached resolution as appropriate and adopt the resolution; or
- Direct staff to provide additional information at a future meeting.

ATTACHMENTS

- 1 Resolution (Draft)
- 2 Comparison of Current and Proposed Fees (Table)

PREPARED BY:



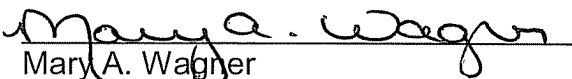
Jeremy Graves, ACIP
Community Development Director

REVIEWED BY:



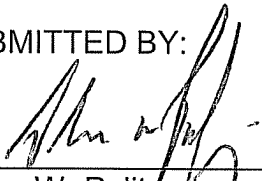
Charles Francis
Administrative Services Director

REVIEWED BY:



Mary A. Wagner
City Attorney

SUBMITTED BY:



Adam W. Politzer
City Manager

CDD\Finance\Fees\CCSR 07-21-09

Item: 6D
Meeting Date: 7/21/09
Page: 4

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING THE PLANNING DIVISION FEES OF THE 2008-09
REVISED AND RESTATED MASTER FEE SCHEDULE**

WHEREAS, on June 24, 2008, the City Council adopted Resolution No. 4957 which adopted the Revised and Restated Master Fee Schedule for 2008-09; and

WHEREAS, on November 25, 2008, the City Council adopted Resolution No. 4984 which established a time and materials-based Master Fee Schedule for the Planning Division; and

WHEREAS, by City Council direction on November 25, 2008, implementation of the revised fees established by Resolution No. 4984 was placed on hold until the procedures for administration of the time and materials-based fees were reviewed and approved by the Finance Committee; and

WHEREAS, the fees established by Resolution No. 4957 remain in effect until the procedures for the administration of the time and materials-based fees are approved; and

WHEREAS, the procedures for administration of the time and materials-based fees have not been approved by the Finance Committee and the City Council wishes to update the Planning Division fees adopted by Resolution No. 4957 to account for increased staffing costs and to establish fees for certain permits; and

WHEREAS, on July 21, 2009, the City Council held a public hearing on amending the Master Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sausalito does hereby:

Amend the Planning Division Fees of the Master Fee Schedule as provided in Exhibit A, attached hereto. This amendment shall be in effect until such time as the Finance Committee reports to the City Council that the procedures for administration of the time and materials-based fees established by Resolution No. 4984 have been reviewed and approved by the Finance Committee and the City Council takes action to reactivate Resolution No. 4984.

PASSED AND ADOPTED at a meeting of the City Council of the City of Sausalito on the _____ day of _____, 2009, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Jonathan Leone, Mayor
City of Sausalito

ATTEST:

Debbie Pagliaro
City Clerk

Exhibit A: Planning Division Fee Schedule

ATTACHMENT 1
(4 PAGES)

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION FEES

Resolution No. _____ -- Exhibit A

[Adoption Date]

General Plan / Specific Plan / Zoning Ordinance Amendments

General Plan / Specific Plan Map or Text Amendment	\$5,186
Rezoning	\$5,186
Zoning Ordinance Text Amendment	\$5,186

Design Review Permits

Administrative or Zoning Administrator	\$1,746
Modification*	\$1,065
Planning Commission – Addition - 500 sq.ft. or less	\$2,478
Modification*	\$1,814
Planning Commission - Addition - More than 500 sq.ft.	\$3,656
Modification*	\$2,338
Planning Commission - New Structure	\$5,297
Modification*	\$2,592

Permits

Conditional Use Permit	\$2,405
Modification*	\$1,212
Minor Use Permit	\$957
Condominium Conversion Permit	
Minor (≤4 units)	\$2,405
Major (5+ units)	\$4,810
Hotel Condominium Conversion Permit	\$4,810
Non-Conformity Permit	\$2,405
Occupancy Permit	
Within Marinship Specific Plan Area	\$84
Elsewhere	\$56
Signs	
Administrative Review	\$307
Planning Commission Review	\$1,680
Zoning Permit	
Minor	\$84
Intermediate	\$283
Major	\$482

Encroachment Agreements

Administrative and City Council review	\$1,308
Planning Commission and City Council review	\$2,433
Sidewalk Dining Encroachment Permit	\$625

Environmental Reviews

Categorical Exemption	\$450
Negative Declaration - Staff Preparation	\$2,597**
Mitigated Negative Declaration - Staff Preparation	\$4,332**
Mitigated Negative Declaration - Consultant Preparation	20% of contract amount**
Environmental Impact Report – Consultant Preparation	20% of contract amount**

Historic Reviews

50-Year Old Structures	\$400
Historic Overlay District or Noteworthy Structures	\$600

Subdivisions

Certificate of Compliance	\$2,982
Lot Line Adjustment	\$3,176
Lot Merger	\$3,176
Tentative Subdivision Map Application (5+ parcels)	\$6,551
Parcel Map Application (≤4 parcels)	\$4,787

Miscellaneous Fees

Appeals	
Community Development Director	\$861
Zoning Administrator	\$1,105
Planning Commission – By Applicant	\$2,910
Planning Commission – By Non-Applicant	\$1,000
Variance	\$2,991
Modification*	\$1,881
Administrative / Admin Modification	\$1,746
Marinship Specific Plan Exception (§10.28.050.F)	\$4,800
Wireless Compliance Review	\$500
Administrative Approval of Changes to Approved Project	\$482
Planning Commission Determination of Use (§10.80.080)	\$1200
Zoning Ordinance Interpretation	\$400
Pre-Application Meeting	\$100
Planning Commission Study Session	\$1,844

Administrative Fees

Residential Building Report	\$113
Contract Administration	15% of contract amount
Noticing	
100 foot radius	\$113 + Postage
300 foot radius	\$197 + Postage
Applicant-Requested Continuance	\$ 50 + Postage
Plan Retention	\$35
Photocopying	
8-1/2 x 11	\$0.25
11 x 17	\$0.50
Large Format (B/W)	\$2.00/sq. ft.

Printed Documents (e.g., General Plan, Zoning Ordinance, Marinship Specific Plan)	Actual costs to reproduce; \$10 for electronic copy on disc
Maps (e.g., General Plan, Zoning)	\$20
Duplication of Records/Research	Labor + photocopying
Audio Recording of Meetings***	\$10 + cost of media
Agenda Service	\$40/year
Finance Charge to be applied to account with past due balance (unpaid invoice)	0.8333% per month
Collection Service Fee	Actual cost to the City

Notes

Multiple Permits. The foregoing fees shall be collected for each application even if a project includes different permits (e.g., design review permit, conditional use permit, variance).

Fee Waivers. All or a portion of the foregoing fees may be waived by the City Council for a development project which provides marine-oriented industry or low or moderate income housing (as defined by HUD guidelines) considered desirable by the City Council and in so making an exception, the City Council may require special performance agreements.

Two Meeting Limit. The foregoing fees cover up to two meetings before the applicable decision-making body. If the project requires additional meetings beyond two, an additional fee equivalent to fifty percent of the original fee is due prior to scheduling the project for consideration at up to two additional meetings.

Refunds. Fees are refundable based upon the amount of staff work completed on the processing the application and subject to the approval of the Community Development Director.

Penalties. In event work is undertaken or use is made of property prior to obtaining proper permits, the applicant shall pay a penalty of 100 percent of the applicable permit fee(s). The penalty is in addition to the applicable permit fee(s).

* The "Modification" fee is applicable to applications filed within one year of approval of the original permit.

** The applicant is responsible for all consultant and supplemental report costs, as well as Department Fish and Game fees (if applicable).

*** No charge for ADA requests.

CDD\Finance\Fees\Table 07-21-09

60
8

Added wording is printed in Double Underline. Deleted wording is printed in ~~Strikeout~~.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION FEES
Comparison of Current and Proposed Fees

	<u>Current</u>	<u>Proposed</u>
General Plan / Specific Plan / Zoning Ordinance Amendments		
General Plan / Specific Plan Map or Text Amendment	\$4,610	\$5,186
Rezoning	\$4,610	\$5,186
Zoning Ordinance Text Amendment	\$4,610	\$5,186
Design Review Permits		
Administrative or Zoning Administrator	\$1,552	\$1,746
Modification*	\$947	\$1,065
Planning Commission – <u>Addition of 500 sq.ft.</u> or less	\$2,203	\$2,478
Modification*	\$1,612	\$1,814
Planning Commission - <u>Addition of more than 500 sq.ft.</u>	\$3,250	\$3,656
Modification*	\$2,078	\$2,338
Planning Commission - New Structure	\$4,708	\$5,297
Modification*	\$2,304	\$2,592
Permits		
Conditional Use Permit	\$2,138	\$2,405
Modification*	\$1,077	\$1,212
Minor Use Permit	\$851	\$957
<u>Condominium Conversion Permit</u>		
<u>Minor (<4 units)</u>	--	\$2,405
<u>Major (5+ units)</u>	--	\$4,810
<u>Hotel Condominium Conversion Permit</u>		
	--	\$4,810
<u>Non-Conformity Permit</u>		
	--	\$2,405
Occupancy Permit		
Within Marinship Specific Plan Area	\$75	\$84
Elsewhere	\$50	\$56
Signs		
<u>Administrative Staff Review</u>	\$273	\$307
Planning Commission Review	\$1,493	\$1,680
Zoning Permit Plan Check		
Minor	\$75	\$84
<u>Intermediate</u>	--	\$283
Major	\$428	\$482
Encroachment Agreements		
<u>Administrative and No Planning Commission or City Council review</u>	\$1,163	\$1,308
Planning Commission <u>and</u> or City Council review	\$2,163	\$2,433
Sidewalk Dining <u>Encroachment Permit</u>	\$1,197	\$625

ATTACHMENT 2
 (3 PAGES) 6D
 9

Added wording is printed in Double Underline. Deleted wording is printed in ~~Strikeout~~.

Environmental Reviews

Categorical Exemption	\$400	\$450
Negative Declaration - Staff Preparation	\$2,308	\$2,597**
Mitigated Negative Declaration - Staff Preparation	\$3,851	\$4,332**
Mitigated Negative Declaration - Consultant Preparation	\$3,398	20% of contract
Environmental Impact Report – Consultant Preparation	\$7,793	amount**

Historic Reviews

<u>50-Year Old Structures</u>	--	\$400
<u>Historic Overlay District or Noteworthy Structures</u>	--	\$600

Subdivisions

Certificate of Compliance	\$2,651	\$2,982
Lot Line Adjustment	\$2,823	\$3,176
<u>Lot Merger</u>	--	\$3,176
Tentative <u>Subdivision Map Application</u> (5+ parcels)	\$5,823	\$6,551
<u>Parcel Map Application</u> (≤4 parcels)	\$4,255	\$4,787

Miscellaneous Fees

Appeals		
Community Development Director	\$765	\$861
Zoning Administrator	\$982	\$1,105
<u>Planning Commission – by Applicant</u>	\$2,587	\$2,910
<u>Planning Commission – by Non-Applicant</u>	\$2,587	\$1,000
Variance	\$2,659	\$2,991
<u>Modification*</u>	\$1,672	\$1,881
<u>Administrative / Admin Modification</u>	--	\$1,746
<u>Marinship Specific Plan Exception (\$10.28.050.F)</u>	--	\$4,800
<u>Wireless Compliance Review</u>	--	\$500
<u>Administrative Approval of Changes to Approved Project</u>	--	\$482
<u>Planning Commission Determination of Use (\$10.80.080)</u>	--	\$1200
Zoning Ordinance Interpretation	\$255	\$400
<u>Pre-Application Meeting</u>	--	\$100
<u>Planning Commission Study Session</u>	\$1,639	\$1,844

Administrative Fees

Residential Building Report	\$100	\$113
<u>Contract Administration</u>	--	15% of contract amount
Noticing		
100 foot radius	\$100 + Postage	\$113 + Postage
300 foot radius	\$175 + Postage	\$197 + Postage
<u>Applicant-Requested Continuance</u>	--	\$ 50 + Postage
<u>Plan Retention</u>	--	\$35
Photocopying		
8-1/2 x 11	\$0.25	No Change
11 x 17	\$0.50	No Change
Large Format (B/W)	\$2.00/sq. ft.	No Change

65
10

Added wording is printed in Double Underline. Deleted wording is printed in ~~Strikeout~~.

Printed Documents (e.g., General Plan, Zoning Ordinance, Mariship Specific Plan)	Actual costs to reproduce; \$10 for electronic copy on disc	No Change
Maps (e.g., General Plan, Zoning)	\$20	No Change
Duplication of Records/Research	Labor + photocopying	No Change
Audio Recording of Meetings***	\$10 + cost of media	No Change
Agenda Service	\$35	\$40/year
Finance Charge to be applied to account with past due balance (unpaid invoice)	0.8333% per month	No Change
Collection Service Fee	Actual cost to the City	No Change

Notes

Multiple Permits. The foregoing fees shall be collected for each application even if a project includes different permits (e.g., design review permit, conditional use permit, variance).

Fee Waivers. All or a portion of the foregoing fees may be waived by the City Council for a development project which provides marine-oriented industry or low or moderate income housing (as defined by HUD guidelines) considered desirable by the City Council and in so making an exception, the City Council may require special performance agreements.

Two Meeting Limit. The foregoing fees cover up to two meetings before the applicable decision-making body. If the project requires additional meetings beyond two, an additional fee equivalent to fifty percent of the original fee is due prior to scheduling the project for consideration at up to two additional meetings.

Refunds. Fees are refundable based upon the amount of staff work completed on the processing the application and subject to the approval of the Community Development Director.

Penalties. In event work is undertaken or use is made of property prior to obtaining proper permits, the applicant shall pay a penalty of 100 percent of the applicable permit fee(s). The penalty is in addition to the applicable permit fee(s).

* The "Modification" fee is applicable to applications filed within one year of approval of the original permit.

** The applicant is responsible for all consultant and supplemental report costs, as well as Department Fish and Game fees (if applicable).

*** No charge for ADA requests.

CDD\Finance\Fees\Table – Comparison - 07-21-09