



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Request for waiver of fees regarding Robert Beifuss Appeal (AP 08-002)

RECOMMENDED MOTION:

Approve the waiver of \$1,587.00 in appeal fees pursuant to Section 1.09.050 of the Municipal Code and direct the City Manager to issue a refund check for \$1,587.00 to Robert Beifuss.

BACKGROUND AND DISCUSSION

On June 15, 2009 an appeal was filed of the Planning Commission's decision to approve a Design Review Permit for a 904 square foot addition proposed by Vanya Akkraboff at 600A Locust (APN 064-211-27). The appeal and corresponding fee was filed by Robert Beifuss. On July 21, 2009 the City Council heard the appeal and remanded the project to the Planning Commission for a recommendation on the privacy issue. The project is scheduled to be heard by the Planning Commission on October 14, 2009 and it is anticipated that the appeal will return to the City Council for final action in early November.

On June 15, 2009 Mr. Beifuss submitted a total fee of \$2,791.48 for his appeal (appeal fee: \$2,587.00; noticing fee: \$175.00; postage: \$29.48). Pursuant to Section 1.09.050 of the Municipal Code, appellant Mr. Beifuss has requested the City Council to waive a portion of the appeal fees (see **Attachment**, Beifuss letter). Section 1.09.050 of the Municipal Code states:

"The city council may waive any fees required under this title for any non-profit organization, public body, district or agency of federal, state, county or municipal government or under other circumstances that the city council in its discretion justifies such a waiver."

On July 21, 2009, the same evening of the appeal hearing, the City Council approved an amendment to the Master Fee Schedule relating to Planning Fees (Resolution 5052). The fee for non-applicants for appeals of Planning Commission decisions was reduced from \$2,587.00 to \$1,000.00. Mr. Beifuss is requesting a refund in the amount of the difference between the appeal fee effective at the time of his appeal filing (June 15, 2009) and the appeal fee effective with the adoption of Resolution 5052 (July 21, 2009). The difference between the appeal fee paid (\$2,587.00) and what Mr. Beifuss would have paid if the appeal had been filed after the adoption of Resolution 5052 (\$1,000.00) is 1,587.00.

Staff estimates that 28 hours have been spent to-date on the appeal (meetings at the project site, preparing the staff report, preparing the meeting notices, presentation, and staff meeting attendance).

FISCAL IMPACT

A partial refund of the appeal fees in the amount of \$1,587.00. This fee is intended to pay for staff time to prepare the staff report, make presentations and for staff meeting attendance.

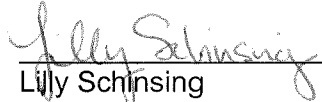
Item: 4B2
Meeting Date: 10-6-2009
Page: 1

RECOMMENDATION

Approve the partial waiver of \$1,587.00 in appeal fees pursuant to Section 1.09.050 of the Municipal Code and direct the City Manager to issue a check for \$1,587.00 to Robert Beifuss.

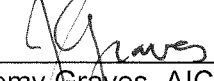
ATTACHMENT: Beifuss letter date-stamped August 13, 2009.

PREPARED BY:



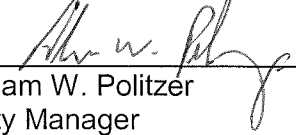
Lily Schinsing
Associate Planner

REVIEWED BY:



Jeremy Graves, AICP
Community Development Director

SUBMITTED BY:



Adam W. Politzer
City Manager

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Item: 4B2
Meeting Date: 10-6-2009
Page: 2

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AUG 13 2009

CITY OF SAUSALITO

Robert B. Beifuss
66 Marion Ave.
Sausalito, CA 94965

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AUG 24 2009

CITY OF SAUSALITO
COMMUNITY DEVELOPMENT DEPT

August 11, 2009

City of Sausalito
Adam Politzer
Jeremy Graves
420 Litho Street
Sausalito, CA 94965

Gentleman:

On July 21, 2009 I appeared before the Sausalito City Council regarding an appeal that I filed concerning a proposed new construction project at 600 Locust. As of July 21, 2009 the same date of my appeal, the rate for such appeals was reduced to \$1000.00. I was charge \$2,791.48.

I feel that this is an exorbitant amount of money for me or anyone to have to pay for assistance in resolving a neighborhood dispute. I did not receive any financial assistance or contributions towards this fee from any of the other neighbors that were also opposed to this project.

Furthermore, at this time the City of Sausalito is requesting me to replace my main sewer line at 85 Girard and this refund is needed in order to facilitate this repair.

Since this fee was reduced on the same date as my hearing I would appreciate a refund in the amount of the difference. Thank you for your consideration.

Sincerely,



Robert B. Beifuss

482
3