



AGENDA REPORT

Meeting Date: December 19, 2011

Item Number: D-1

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE SCHEDULE OF TAXES, FEES & CHARGES FOR THE FISCAL YEAR 2011/2012 IN CONNECTION WITH VIEW RESTORATION FEES.

Attachments: 1. Resolution

RECOMMENDATION

Staff recommends that the City Council adopt the fee resolution (Attachment 1), amending the comprehensive schedule of taxes, fees and charges to add fees for the following: View Restoration Permit application, appeal of a Planning Commission View Restoration Permit decision to the City Council, and City Advisory Opinion with regard to view restoration.

INTRODUCTION

The City Council adopted a Trousdale View Restoration Ordinance on December 6, 2011. The ordinance provides a process for Trousdale property owners to address the obstruction of views by foliage on private property. Adoption of the attached resolution will establish fees that would be paid by property owners who choose to take advantage of the City's View Restoration process.

DISCUSSION

The City Council directed staff to develop fees that would result in full cost recovery for the City. Each of the three proposed fees has been developed to achieve this goal.

Trousdale View Restoration Application Fee

Staff estimates that the City's cost to process each View Restoration Permit application would be approximately \$14,300 dollars. The application cost for a Trousdale R-1 Permit (\$8,465.00) was used as a baseline and increased to reflect the greater costs in processing a View Restoration Permit. The higher View Restoration application fee reflects review of a minimum of two properties (rather than the usual one property reviewed for R-1 permits), examination of required professional reports such as a view restoration property survey and a tree survey, and anticipated costs after a City decision is rendered to assist the parties in achieving compliance with the decision, prior to transfer to Code Enforcement (if necessary). It is noted that applicants would have the additional cost of obtaining the professional reports required by the application.

Appeal of a Trousdale View Restoration Decision to the City Council

Staff estimates that the City's cost to process an appeal to City Council of a Planning Commission View Restoration decision would be approximately \$12,200.00 dollars. The current fee to file an appeal of a Planning Commission decision to the City Council is \$5,062.00. Staff was directed to set an appeal fee for view restoration decisions that reflects full cost recovery which results in the higher fee. The proposed appeal fee is similar to, but a bit less than the cost to process the initial application as some costs are higher and others lower.

City Advisory Opinion

Staff estimates that the City's cost to provide a non-binding City Advisory Opinion would be approximately \$1,950.00 dollars. Because the objective of the Advisory Opinion is to provide a quicker and lower cost way for view owners to have the City provide feedback on a particular case of view obstruction, staff calculated the hours as minimally as possible to both cover City costs and meet the objective. Staff believes that use of this voluntary tool could save Trousdale property owners money and save staff time by providing additional information to neighbors earlier in the process, thereby encouraging early resolution of disputes.

FISCAL IMPACT

The proposed fees have been calculated to fully recover the City's cost in processing View Restoration Permit applications, although additional staff may be required to process applications. Staffing needs resulting from the View Restoration Ordinance are being evaluated and will be presented to the City Council during budget reviews. The cost to enforce view restoration decisions would be borne by the view owner as stated in the indemnification language in the ordinance. Pursuant to City Council direction, a City Council Ad Hoc Committee meeting will be held soon to consider how to reduce the burden of the indemnification obligation placed on the view owner.


Scott Miller

Chief Financial Officer
Finance Approval

Susan Healy Keene, AICP

Director of Community Development

Approved By



Attachment 1

RESOLUTION NO. 11-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS AMENDING THE SCHEDULE OF TAXES,
FEES & CHARGES FOR THE FISCAL YEAR 2011/2012 IN
CONNECTION WITH VIEW RESTORATION FEES.

The Council of the City of Beverly Hills does resolve as follows:

Section 1. As set forth in Resolution 11-R-12808, the City Council has established a "Comprehensive Schedule of Taxes, Fees & Charges" for fiscal year 2011-2012. The City Council now desires to add new fees in connection with the Trousdale View Restoration Ordinance.

Section 2. The City Council hereby adopts new fees as set forth in Exhibit A as follows: View Restoration Permit application, City Advisory Opinion with regard to view restoration, and appeal of a Planning Commission View Restoration Permit decision to the City Council.

. Said fees shall be included and incorporated into the City's Comprehensive Schedule of Taxes, Fees & Charges and shall go into effect 60 days after the effective date of the resolution.

Section 3. The City Council is taking action only on those fees as set forth in Exhibit A. The remaining taxes, fees, City service charges, and other fees, charges, extractions and required payments for municipal services, inspections, enforcement activities or for other indicated purposes set forth in the Comprehensive Schedule of Taxes, Fees & Charges remain in place at the current rates, and are not being readopted by this resolution.

Section 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Council of the City.

Adopted:

BARRY BRUCKER
Mayor of the City of Beverly Hills,
California`

ATTEST:

BYRON POPE
City Clerk

(SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



SUSAN HEALY KEENE, AICP
Director of Community Development



SCOTT G. MILLER
Director of Administrative Services/Chief
Financial Officer

EXHIBIT A

Fiscal Year 2011/2012 Trousdale View Restoration Fees (Effective 12:01 a.m. on February 17, 2012)

View Restoration Permit Application Fee

\$14,300.00

City View Advisory Opinion (with regard to View Restoration)

\$1,950.00

Fee for Appeal of a Planning Commission View Restoration Permit Decision to the City Council

\$12,200.00