

RESOLUTION NO. 2021-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING AN EXEMPTION FROM THE CITY-WIDE FEE SCHEDULE FOR APPEALS OF COASTAL DEVELOPMENT PERMIT DECISIONS OF THE PLANNING COMMISSION TO THE CITY COUNCIL AND AUTHORIZING THE FINANCE MANAGER TO UPDATE THE CITY-WIDE FEE SCHEDULE ACCORDINGLY

WHEREAS, on May 15, 2018, the City Council adopted Resolution No. 2018-51 approving the fee schedule for city services; and,

WHEREAS, since 2018, staff has identified certain fees that should be changed; and,

WHEREAS, the current City fee schedule contains S-051 Appeal to City Council - \$2,780 per appeal. This fee is utilized for appeals of Planning Commission decisions to the City Council. Since its adoption in 2018, it has been found that an exception to the Appeal to the City Council fee should be included in this broad category. The exception would be for Planning Commission decisions on Coastal Development Permits; and,

WHEREAS, Marina Municipal Code 17.40.090 provides for appeals of City decisions to the Coastal Commission under specified circumstances. Section F (3) states: Appeals to the Coastal Commission must follow at least one local action on the application. If Marina charges a local appeal fee, Coastal Development Permits approved by the Planning Commission may be appealed directly to the state.; and

WHEREAS, to ensure that local decisions are able to first be appealed locally, it is necessary to provide an exception to S-051 Appeal to the City Council fee and reduce the fee to zero for appeals of Coastal Development Permit decisions of the Planning Commission to the City Council.

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

1. Approve an Exemption for Coastal Development Permit Appeals from the S-051 Appeal to the City Council fee; and reducing the fee for any such appeal to zero.
2. Authorize the Finance Manager to update the City-wide fee schedule accordingly.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th day of June 2021, by the following vote:

AYES: COUNCIL MEMBERS: Burnett, Berkley, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Medina Dirksen

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

June 9, 2021

Item No: **8f(5)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 15, 2021

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2021-,
APPROVING AN EXEMPTION FROM THE CITY-WIDE FEE
SCHEDULE FOR APPEALS OF COASTAL DEVELOPMENT PERMIT
DECISIONS OF THE PLANNING COMMISSION TO THE CITY
COUNCIL AND AUTHORIZING THE FINANCE MANAGER TO
UPDATE THE CITY-WIDE FEE SCHEDULE ACCORDINGLY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2021-, approving an Exemption for Coastal Development Permit Appeals from the S-051 Appeal to the City Council fee.
2. Authorizing the Finance Manager to update the City-wide fee schedule accordingly.

BACKGROUND:

On May 15, 2018, the City Council adopted Resolution No. 2018-51 approving the fee schedule for city services. Since 2018, staff has identified certain fees that should be proposed for changes. Those changes are brought forward as they are identified.

ANALYSIS:

The current City fee schedule adopted through Resolution No. 2018-51 contains the following fee: S-051 Appeal to City Council - \$2,780 per appeal. This fee is utilized for appeals of all Planning Commission decisions to the City Council. Since its adoption in 2018, it has been found that an exception to the Appeal to the City Council fee should be included in this broad category. The exception would be for Planning Commission decisions on Coastal Development Permits.

Marina Municipal Code (MMC) Section 17.40.270 provides the follow: (D) Appeal. In case the applicant is not satisfied with the decision of the planning commission, he may, within ten days, appeal in writing to the city council. A copy of such appeal shall be submitted by the applicant to the planning commission. The city council shall render its decision within sixty days after receipt by said council and the planning commission of such appeal. Additionally, MMC 17.40.090 Administrative procedures for coastal permits provides for appeals of City decisions to the coastal commission under specified circumstances. Under Section F (3), it states that: Appeals to the coastal commission must follow at least one local action on the application. If Marina charges a local appeal fee, coastal development permits approved by the planning commission may be appealed directly to the state.

In order to ensure that local decisions are able to first be appealed locally, it is necessary to provide an exception to S-051 Appeal to the City Council. As noted above, if the City charges a local appeal fee, appeals can be made directly to the Coastal Commission. Therefore, staff is recommending that the City Council adopt a resolution providing for an exemption of the Coastal Development Permit Appeals from the S-051 Appeal to the City Council fee.

FISCAL IMPACT:

The current fee S-051 Appeal to City Council includes \$2,780 per appeal for all appeals of Planning Commission decisions to the City Council. The recommended action would remove the fee requirement for Appeals of Coastal Development Permit decisions to the City Council, but the City Council would retain the authority to review Planning Commission decisions on Coastal Development Permits.

CONCLUSION:

Adopting the attached resolution would exempt appeals of Planning Commission decisions of Coastal Development Permits to the City Council from the S-051 Appeal to City Council fee.

Respectfully submitted,

Matt Mogensen
Assistant City Manager
City of Marina

Reviewed and Concurred by,

Layne Long
City Manager
City of Marina