

REPORT TO THE CITY COUNCIL



DATE: June 4, 2019

TITLE: Authorization of Future Credits for Community Development Applications and Permits

Prepared by: Rebecca Deming, Community Development Director

RECOMMENDATION

Approve a credit in the amount of \$60,000 for Community Development applications and permits, subject to the proposed conditions.

DISCUSSION

On November 22, 2017, Chris Ifeanyi submitted for Building Permit Plan Check for homes in the Rolling Hills Tract Map Project. These plans were reviewed by Planning Department staff and incorrectly approved. The Municipal Code requires these plans to be approved by the Planning Commission because they are a part of a Tract Map containing more than 4 homes.

Prior to issuance of the Building permit, staff became aware of the error and informed the applicant that the architectural plans required a Development Permit with approval by the Planning Commission. On November 13, 2018, the Planning Commission (at a duly noticed public hearing) heard the staff report, accepted testimony from the public and the applicant, and deliberated on the proposed project. At that hearing the Planning Commission voted 4-0-1 to DENY the project based on the finding that the proposed architectural design is not compatible with the existing homes in the tract.

The applicant appealed the Planning Commission decision and on December 12, 2018, the City Council heard the appeal and denied the appeal, upholding the Planning Commission decision. During the hearing the applicant discussed with Council the fact that due to staff's error that the applicant had expended a lot of money preparing the plans and site preparation. The Council authorized the applicant to work with staff to provide credits for building permits and planning applications to assist the applicant with the costs expended, that would not have been expended if the process had been completed correctly (Exhibit 1).

The applicant has provided a copy of the invoices for the costs incurred, including Title 24 preparation, foundations and forming, structural engineering, civil engineering, fire plan preparation, and architectural plans. Staff has reviewed the cost with the applicants and staff is recommending a \$60,000 credit for future permits and applications. Staff has meet with the applicants and they agree with the amount of credit. Staff recommends the following conditions:

- 1) The credit shall be used within two years.
- 2) The credit may be used on Building Permit fees, excluding Development Impact Fees.
- 3) The credit may be used for Building Plan Check Fees.
- 4) The credit may be used for Planning Applications.

FISCAL IMPACT

Once approved by the City Council, Staff will track the credit of \$60,000 applying it against future Building and Planning fees over time until the credit is exhausted thereby reducing future revenues.

EXHIBIT:

- 1) December 12, 2018 City Council Meeting Minutes