



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to consider adopting an ordinance and resolution amending the Planning and Development Fee Schedule to incorporate an Administrative Deviation Fee

**MEETING DATE:** September 18, 1996

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** Staff recommends that the City Council adopt an ordinance and resolution amending the existing Planning and Development Fee Schedule to implement a \$100 fee for the staff time associated with processing administrative deviations. Administration deviations, or administrative variances, are exceptions to certain zoning requirements which may be approved, or denied, by the Community Development Director or his designee. Currently, there is no fee for processing an administrative deviation request.

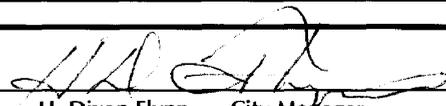
**BACKGROUND INFORMATION:** An ordinance instituting planning and development fees was adopted by the City Council in April of 1993. Among the planning items for which this ordinance specified a fee, was the preparation of a lot line adjustment, a tentative map, a general plan amendment, a home occupation, and others.

The discussion and ultimate adoption of the fee schedule served as a catalyst for the preparation of an amendment to Chapter 17 (Zoning) providing for an administrative deviation process. On May 5, 1993, the City Council adopted the amendment (the Administrative Deviation Ordinance) as recommended by the Planning Commission. At the same time, the Planning Commission recommended that a nominal fee be charged for the preparation of such administrative deviation requests. However, neither the adopted ordinance, nor the Planning and Development Fee Schedule, specifies a fee to be charged, or any other procedure for recovering the cost of processing these requests.

The original intent of the fee schedule prepared by David M. Griffith was to recover the costs of staff time devoted to various Community Development functions. Even though the Administrative Deviation Ordinance was adopted separately from the fee schedule, it is reasonable to argue that the intent to recover costs also applies. The Planning Commission agreed, evidenced by their request that a applicable fee be charged.

An administrative deviation takes approximately two to four hours to complete. Typically, staff will start by inspecting the property/item in question and researching any other relevant information, i.e., similar actions/requests, conditions of neighboring properties, etc. The request is applied to the conditions which constitute an administrative deviation and staff then makes a written determination, either approving or denying the request.

**APPROVED:** \_\_\_\_\_

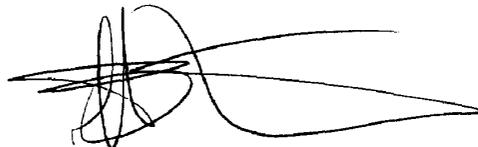
  
H. Dixon Flynn -- City Manager

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In order to help determine an appropriate fee for administrative deviations, staff looked at the fees charged in other cities in the region. The Griffith study did not provide comparable fees, so phone calls were made on August 2, 1996 to the cities of Galt, Tracy, Manteca, Stockton, and the County of San Joaquin. The way deviations are handled vary greatly. One city does not have a deviation process except for signs. One city has a deviation process similar to Lodi's and charges \$100. Still, other cities that we called charge \$1,000 to \$2,000 for "waivers" of certain zoning requirements.

Since the beginning of 1996, the Planning Department has processed five administrative deviations and has received inquiries about two more. Staff expects the volume of administrative deviation requests to continue to increase in the future. Based on the staff time required for processing deviations, and on the information gathered from the phone survey, a \$100 fee for an administrative deviation is being recommended.

FUNDING: None required



Konradt Bartlam  
Community Development Director

Prepared by Eric Veerkamp, Associate Planner

KB/EV/lw

RESOLUTION NO. 96-140

A RESOLUTION OF THE LODI CITY COUNCIL  
REPEALING RESOLUTION 93-46 AS CURRENTLY ENACTED, AND  
ADOPTING THIS RESOLUTION IMPLEMENTING AND ESTABLISHING  
CERTAIN PLANNING AND DEVELOPMENT FEES WITHIN THE CITY OF LODI

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. WHEREAS, the City Council of the City of Lodi wishes to recover those costs associated with providing specific services to individuals or firms requesting such services of the Community Development Department which are for the benefit of such individual or firm, as opposed to a benefit serving the community as a whole; and

WHEREAS, pursuant to Chapter 16 of the Lodi Municipal Code, the City Council from time to time may set such fees for certain development services by resolution; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby implement the following fee schedule, which shall take effect 30 days from the final adoption of Ordinance No. 1640, being November 2, 1996:

<u>ACTIVITY</u>	<u>PLANNING FEES</u>
Annexation	\$2,000
Development Plan Review	\$1,650
General Plan Amendment	\$ 500
Rezone	\$ 600
Lot Line Adjustment	\$ 175
Parcel Map	\$ 300
Tentative Map	\$ 500
Preliminary Environmental Assessment	\$ 50
Negative Declaration	\$ 600
Environmental Impact Report (EIR)	\$2,200
Mitigation Monitor	\$ -0-
Site Planning Architectural Review Committee	\$ 875
Landscape Review	\$ 175
Use Permit	\$ 500
Variance	\$ 350
Home Occupation	\$ 25
Zoning Plan Check	\$ 15
<b>Administrative Deviations Fee</b>	<b>\$ 100</b>
Code Complaint Received	\$ -0-
First Field Inspection	\$ -0-
Administrative Processing	\$ -0-
Compliance Inspection	\$ -0-
2nd Compliance Inspection	\$ 100
3rd Compliance Inspection	\$ 300

SECTION 2. Prior to the public meeting held on this matter on September 18, 1996, the City provided at least 14 days prior to such meeting written notice to all interested parties who had on file a written request for such mailed notice, pursuant to Government Code Section 66016. Such hearing was held on September 18, 1996 in compliance with Government Code Section 66018 and notice thereof was published in accordance with Government Code Section 6062a.

SECTION 3. All resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This resolution shall be published one time in the Lodi News Sentinel, a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days following the final adoption of Ordinance 1640, being November 2, 1996.

Dated: September 18, 1996  
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I hereby certify that Resolution No. 96-140 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 18, 1996, by the following vote:

- AYES: COUNCIL MEMBERS - Pennino, Sieglock and Warner (Mayor)
- NOES: COUNCIL MEMBERS - Davenport and Mann
- ABSENT: COUNCIL MEMBERS - None
- ABSTAIN: COUNCIL MEMBERS - None

  
JENNIFER M. PERRIN  
City Clerk

ORDINANCE NO. 1640

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING CHAPTER 17.74 OF THE LODI MUNICIPAL CODE  
BY ADDING THERETO SECTION 17.74.080, RELATING TO  
ADMINISTRATIVE DEVIATIONS FEE

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 17.74 - Administrative Deviations - is hereby amended by adding thereto a new Section 17.74.080, relating to a fee for processing Administrative Deviations to read as follows:

Section 17.74.080 - Administrative Deviations Fee:

The filing of an application for administrative deviation with the Community Development Director shall be accompanied by the payment of a filing fee as set and established from time to time by resolution of the City Council. No part of such filing fee is returnable.

SECTION 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 1996

\_\_\_\_\_  
DAVID P. WARNER  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1640 was introduced at a regular meeting of the City Council of the City of Lodi held September 18, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1996 by the following vote:

Ayes:            Council Members -  
Noes;            Council Members -  
Absent:          Council Members -  
Abstain:        Council Members -

I further certify that Ordinance No. 1640 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form:

RANDALL A. HAYS  
City Attorney



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: September 18, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**

City Clerk

Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

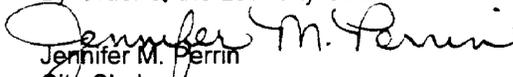
**NOTICE IS HEREBY GIVEN** that on **Wednesday, September 18, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Administrative Deviations fees.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

**Dated: August 21, 1996**

Approved as to form:

  
Randall A. Hays  
City Attorney