

REPORT TO CITY COUNCIL

DATE: SEPTEMBER 13, 2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR
JESSICA CLEAVENGER, PRINCIPAL PLANNER

SUBJECT: ADOPTION OF RESOLUTION NO. 23-2046, AMENDING RESOLUTION NO. 12-1672 TO REPEAL THE MINOR OAK TREE PERMIT PLANNING FEE AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

At the Goal Setting Workshop held on March 22, 2023, the City Council, directed staff to look into a way to reduce the application fees for Oak Tree permits based on feedback from members of the community. On April 20, 2023, at a Land Use/Economic Development Subcommittee (LU/EDC) meeting, staff proposed to eliminate the Planning fee for Minor Oak Tree permits, which is currently \$135. Work that may be performed under a Minor Oak Tree permit includes trimming, pruning, and removal of a dead oak tree that would not otherwise qualify for an Emergency Oak Tree permit. Minor Oak Tree permits require an arborist report to be submitted to the City and reviewed by the City's consultant Arborist.

On average, the City issues 15 Minor Oak Tree permits per year. Eliminating the \$135 Planning fee would benefit the City's residents and encourage more residents to obtain Oak Tree permits, which would reduce the number of code enforcement cases related to trimming Oak Trees without a permit. Based on the average of 15 Minor Oak Tree permits issued per year, the City estimates \$2,025 would be drawn from the General Fund to cover the reduction of the Planning fee. At the City Council meeting held on May 10, 2023, the City Council, directed staff to bring forth a resolution to reduce the application fees for Oak Tree permits.

This Resolution (Resolution No. 23-2046), does not modify the deposit fee associated with the City's consulting Arborist, but merely eliminates the administrative Planning fee of \$135 for each Minor Oak Tree permit issued. The fiscal impact to the City is estimated to be \$2,025 per year. The amended fee schedule is attached as Exhibit B.

The approval of the amended fee for Oak Tree permits in Resolution No. 23-2046 does not constitute a "project" under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4) because such actions address a government funding mechanism which does not involve any commitment to any specific

project which may result in a potentially significant physical impact on the environment. Furthermore, the approval of the amended fee for Oak Tree permits established in this Resolution is categorically exempt from CEQA under CEQA guidelines Section 15273(a)(1) because the approval of this Resolution is merely to reduce a previously established administrative fee.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution No. 23-2046, amending Resolution No. 12-1672 to repeal the Minor Oak Tree permit planning fee.

Attachments:

- Exhibit A: Resolution No. 23-2046
- Exhibit B: Amended Fee Schedule
- Exhibit C: Notice of Exemptions

EXHIBIT A

RESOLUTION NO. 23-2046

RESOLUTION NO. 23-2046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING RESOLUTION NO. 12-1672 TO REPEAL THE MINOR OAK TREE PERMIT PLANNING FEE AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on June 27, 2012, the City Council approved Resolution No. 12-1672 amending fees and charges for services rendered in relation to the Planning, Engineering, and Building and Safety Divisions, including Minor Oak Tree Permits Planning fees; and

WHEREAS, the City Council desires to reevaluate and, where appropriate, reduce Minor Oak Tree Permit Planning fees charged by the Planning Division; and

WHEREAS, this Resolution is consistent with the City General Plan Goal NR-4 of Natural Areas, which calls for the City to protect and enhance the open space resources, other natural areas, and significant wildlife and vegetation in the City as an integral component of a sustainable environment, and Policy NR-4.10, which encourages the City to sustain the City's Oak Trees and continue to plant and maintain these trees in a manner that will allow them to mature and thrive; and

WHEREAS, City Council desires to encourage residents to apply for Minor Oak Tree Permits and to make the cost of the Minor Oak Tree Permits less onerous to Agoura Hills residents; and

WHEREAS, the City Council has sufficiently considered the information presented to them in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Agoura Hills as follows:

SECTION 1. The City Council hereby amends the fees outlined in Resolution No. 12-1672 to repeal and remove only the Minor Oak Tree Permit Planning fee (\$135).

SECTION 2. The City Council is taking action only on the Minor Oak Tree Permit Planning fee (\$135), as set forth in Section 1 of this Resolution. All other fees in Resolution No. 12-1672 shall continue and remain in effect unless and until modified by resolution, motion or other action of the City Council.

SECTION 3. This Resolution is to take effect as of the date passed, approved, and adopted.

SECTION 4. CEQA. The approval of an amended fee established in this Resolution does not constitute a “project” under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15378(b)(4) because such actions address a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Furthermore, the approval of the amended fee for Oak Tree permits established in this Resolution is categorically exempt from CEQA under CEQA guidelines Section 15273(a)(1) because the approval of this Resolution is merely to reduce a previously established administrative fee.

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution, or any part hereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 6. Certification. The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED, this 13th day of September, 2023, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Chris Anstead, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

EXHIBIT B
AMENDED FEE SCHEDULE



PLANNING DEPARTMENT FEE SCHEDULE

Effective ~~May 22~~ September 13, 2017 ~~23~~

PLANNING APPLICATIONS	FEE	DEPOSIT
Acceptance Affidavit	\$147	
Affordable Housing Development	50% of fees	
Agoura Village Development Permit		
- Concept Review		\$4,000
- Formal Application		\$8,000
Amendment to Approved Application		
- Minor Amendment	\$2,085	
- Major Amendment	\$3,926	
Annexation		\$50,000
Appeals to Planning Commission		
- Hearing Fee	\$1,652	
- Plus Public Hearing Notification Fee		
Appeals to City Council		
- Hearing Fee	\$1,000	
- Plus Public Hearing Notification Fee		
Certificate of Compliance	\$632	
Conditional Use Permit		
- Commercial Use in Existing Building	\$2,220	
- Commercial/Multi-Family Addition	\$3,548	
- New SFD-S.E.A. – Hillside	\$6,732	
- New Commercial/Multi-Family	\$7,409	
- Addition (Residential)	\$2,239	
Day Care Permit	\$1,336	
Day Care Permit Hearing if Requested	\$1,259	
Development Agreement	\$4,729	
Environmental Assessment		
- Exempt Projects	\$812	
- Initial Study	\$3,375	
- Negative Declaration	Consultant + 20%	
- Mitigated Negative Declaration	Consultant + 20%	
- Environmental Impact Report	Consultant + 20%	
Fortune Telling Permit	\$704	
General Plan Amendment		
- Pre-Screen Review	\$2,112	
- Public Hearing	\$3,376	
Geological/Geotechnical Consultant Review		
- Planning Review Fee	\$535	
- Consultant Review Fee		\$5,000
Landscape Plan Check		
- Administrative Review	\$467	
- Consultant Review/Full Cost of Review		
Site Inspection Only		\$200
Single Family Residence		\$1,500
Other		\$3,000
Lot Line Adjustments	\$505	
Massage Establishment Permit	\$217	

PLANNING DEPARTMENT FEE SCHEDULE

Effective ~~May 22~~ September 13, 2017 ~~2023~~

PLANNING APPLICATIONS	FEE	DEPOSIT
Modification	\$1,237	
Oak Tree Permit		
- Administrative Review		
Single Family Residence		
Planning	\$371	
Consultant		
4 trees or fewer		\$525
5 trees or more		\$1,000
Commercial Review		
Planning	\$662	
Consultant		
4 trees or fewer		\$700
5 trees or more		\$1,200
- Public Hearing Review		
Single Family Residence		
Planning	\$371	
Consultant		
4 trees or fewer		\$2,000
5 trees or more		\$3,000
Commercial		
Planning	\$662	
Consultant		
4 trees or fewer		\$3,000
5 trees or more		\$4,500
- Minor Oak Tree Permit		
Planning	\$135	
Consultant		\$275
Occupancy Inspection (per Request)	\$203	
Outdoor Dining Permit	\$1,413	
Parade Permit	\$609	
Parcel Map		
- Tentative	\$1,552	
- Final	\$334	
- Minor Revisions	\$974	
- Major Revisions	\$2,689	
Plan Check (administrative)	\$68	
Plan Check (post Planning Commission Review)		
- Single Family Residence Addition	\$541	
- New Single Family Residence	\$4,963	
- Commercial/Industrial Addition	\$1,083	
- New Commercial/Industrial	\$5,513	
Pre-Application Review		
- Administrative Cost	\$3,537	
- Consultants Deposit		\$3,028

PLANNING DEPARTMENT FEE SCHEDULE

Effective May 22 September 13, 2017 2023

PLANNING APPLICATIONS	FEE	DEPOSIT
Public Hearing Notification		
- Site Plan/Architectural Review		
Developed Residential	\$821	
Other	\$1,061	
- CUP/VAR/TTM/TPM/WIRE		
Developed Residential	\$1,061	
Other	\$1,061	
- Modification		
Developed Residential	\$821	
Other	\$1,061	
- Day Care Permit (large family)	\$821	
Restrictive Covenant	\$740	
Right-of-Way Abandonment	\$882	
Sign Permit		
- Administrative Review	\$90	
- Planning Commission Review	\$1,417	
Site Check	\$293	
Site Plan/Architectural Review		
- Zoning Administrator	\$1,674	
- Planning Commission - New	\$7,607	
- Planning Commission - Addition	\$4,999	
Specific Plan Amendment		
- Pre-Screen Review	\$3,869	
- Public Hearing	\$6,137	
Temporary Use Permit	\$438	
Time Extension, Administrative Approval	\$185	
Time Extension, Planning Commission Approval	\$2,085	
Tract Map		
- Tentative	\$1,552	
- Vesting	\$1,552	
- Final	\$235	
- Minor Revisions	\$974	
- Major Revisions	\$2,689	
Variance		
- Existing Project	\$2,853	
- New Project	\$3,341	
Wireless Facilities		
- Admin permit under Section 6409(a) of Spectrum Act	\$2,853	\$5,000
- Admin permit within the BP-M zone	\$2,853	\$5,000
- Planning Commission	\$3,341	\$5,000
Zone Change	\$4,603	
Zone Ordinance Amendment		
- Pre-Screen Review	\$4,115	
- Public Hearing	\$5,089	

EXHIBIT C
NOTICES OF EXEMPTION

Notice of Exemption

To: [] Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

From: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

[] County Clerk
County of Los Angeles
Los Angeles County Clerk
12400 E. Imperial Hwy.
Norwalk, CA 90650

Project Title: A resolution of the City of Agoura Hills, California, amending the Fee Schedule to eliminate the Planning fee for Minor Oak Tree permits.

Project Location-Specific: Citywide

Project Location-City: City of Agoura Hills

Project Location-County: Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: This resolution establishes a reduced fee schedule for Minor Oak Tree permits issued by the City of Agoura Hills.

Name of Public Agency Approving Project: City of Agoura Hills

Name of Person or Agency Carrying Out Project: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

Exempt Status: (Check One)

- [] Statutory Exemption (14 Cal. Code of Regs. Sections 15260 et seq.);
- [] No Possibility of physical impact. (14 Cal Code of Regs. Section 15061 (b)(3));
- [] Ministerial (14 Cal Code of Regs. Sec. 15268);
- [] Declared Emergency (14 Cal Code of Regs. Sec. 15269(a);
- [] Emergency Project (14 Cal Code of Regs Sec. 15269(b),(c), (d) and (e));
- [] Categorical Exemption (14 Cal Code of Regs. Sections 15300 et seq.) State of California CEQA Guidelines Section 15301

Reasons why project is exempt: The City Council finds and determines that the approval of the resolution does not constitute a "project" under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4) because such actions involve the reduction of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Furthermore, the approval of the amended fee schedule established in the resolution is categorically exempt from CEQA under CEQA guidelines Section 15273(a)(1) because the approval of the resolution is merely to reduce a previously established administrative fee.

Lead Agency Contact Person: Jessica Cleavenger, Principal Planner

Area Code/Telephone/Extension: (818) 597-7342

Notice of Exemption
Outdoor Dining Ordinance Amendment
Page 2 of 2

Signature: _____ *Date:* _____ *Title:* _____

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