

LUDC & Fee Resolution

- LUDC § 35.108.080 requires penalty fee for “after the fact authorization of development.”
- P &D Fee Resolution allows adjustment or waiver of fees if good cause.
- LUDC and Fee Resolution together allow Board to adjust, but not waive, penalty fee.
- Good cause exists to adjust additional penalty from \$617 to \$1 for each violation.
- Adjustment of penalty does not reduce full cost recovery for permit processing.

Recommended Action:

1. Determine there is good cause and adjust the penalty required under Planning and Development's Fee Resolution and the Land Use and Development Code (LUDC), Section 35.108.080, for permit fees assessed on Los Olivos sign violations reported on July 6, 2011, from \$617 to \$1;
2. Direct Planning and Development to process an amendment to LUDC Section 35.108.080 "Processing Fee Penalty Assessment," for review and recommendation by the Planning Commission, that would provide discretion to the P&D Director to waive or adjust the penalty based on specified guidance.
3. Direct P&D to include an update of the LUDC, Chapter 35.38 "Sign Standards," in its draft 2012-2013 Work Program for the Board's consideration.
4. Determine that the penalty fee adjustment is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3).