



# RANCHO PALOS VERDES

## MEMORANDUM

**TO:** HONORABLE MAYOR & CITY COUNCIL MEMBERS

**FROM:** JOEL ROJAS, DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT

**DATE:** JULY 7, 2009

**SUBJECT:** REQUEST TO WAIVE THE PENALTY FEE FOR AN EXOTIC ANIMAL PERMIT AND SITE PLAN REVIEW (CASE NO. ZON2009-00154) ON A PROPERTY LOCATED AT 30822 VIA RIVERA

**REVIEWED:** CAROLYN LEHR, CITY MANAGER *CL*

Staff Coordinator: So Kim, Assistant Planner *SK*

### RECOMMENDATION

Deny the requested fee waiver.

### BACKGROUND

On March 26, 2009, the Code Enforcement Division received a call from a neighbor that the subject property has several chickens in the rear yard. Subsequently, after conducting a site investigation, the Code Enforcement staff mailed a letter to the property owner (Mr. Feygin), requesting code compliance by either removing the chickens from the property or submitting an application for an Exotic Animal Permit in an attempt to allow them to remain. On April 27, 2009, Mr. Feygin applied for an Exotic Animal Permit and a Site Plan Review application to keep his chickens along with an existing chicken coop. Per the City's Municipal Code §17.86.080 (Penalty Fees), Mr. Feygin was assessed double application fees because the application was submitted after the fact. As a result, Mr. Feygin paid the \$408 application fee and a \$408 penalty fee. On May 14, 2009, Mr. Feygin submitted an email requesting that the City Council waive the penalty portion of the fee.

### DISCUSSION

Pursuant to City's Code Section 17.78.010(B), the City Council may, in its discretion, grant a fee waiver if it can adopt one of the following three findings (findings in **bold font**, staff's comments in regular font):

1. **The applicant or the beneficiary of the use or activity proposed by the applicant is a nonprofit corporation registered with the State of California; or**

The property owner is not a nonprofit corporation registered with the State of California and thus this finding cannot be met.

2. **The use or activity proposed or the activities of the beneficiary of the use or activity proposed are charitable, educational or otherwise provide a substantial benefit to the public; or**

Mr. Feygin describes in his original email (attached) that the keeping of chickens serves as an educational project on sustainable living for his son and his schoolmates. In a subsequent email (attached), Mr. Feygin notes that his son attends Chadwick High School, which, according to the Feygins, consists of a large student population interested in the sustainability movement. Mr. Feygin indicated that he is planning to use the chickens and its coop to demonstrate how sustainability can be achieved by individuals. Although staff acknowledges that the proposed project may be educational for his son and some classmates, there is little evidence showing that keeping four chickens and the chicken coop provide a substantial benefit to the "public". As such, staff does not believe that this finding can be met.

3. **The applicant has demonstrated a financial hardship, as determined by the City Council, on a case by case basis.**

Mr. Feygin has not submitted any documentation that would demonstrate a financial hardship and thus this finding cannot be met.

### **CONCLUSION**

Staff believes that the applicant's request to waive the penalty fees associated with the Exotic Animal Permit and Site Plan Review (Planning Case No. ZON2009-00154) is not warranted, based upon the required findings under RPVDC Section 17.78.010(B). Therefore, staff recommends that the City Council deny the applicant's request to waive penalty fees totaling \$408.00.

### **ALTERNATIVES**

In addition to Staff's recommendation, the alternatives available for the City Council's consideration include:

1. Approve the requested fee waiver.
2. Grant a reduction in the application fee, in an amount to be determined by the City Council.

### **FISCAL IMPACT**

Denying the fee waiver request would have no fiscal impact. Waiving the penalty fee and refunding \$408 to Mr. Feygin would not result in a fiscal impact as the City's cost of processing the application is covered by the \$408 application fee, which is not the subject of the fee waiver request.

### **ATTACHMENTS**

- Subsequent Email from Mr. Feygin (dated May 26, 2009)
- Email from Mr. Feygin (dated May 14, 2009)

**From:** Michael Feygin  
**To:** So Kim;  
**cc:** Polina Feygin;  
**Subject:** RE: PETITION FOR A FEE WAIVER  
**Date:** Tuesday, May 26, 2009 11:49:24 AM

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Dear So Kim,

Thank you for your helpful involvement with our project. In my petition for the waiver I am referring to the article #2 of the code (The use or activity proposed or the activities of the beneficiary of the use or activity proposed are charitable, educational or otherwise provide a substantial benefit to the public). In our petition for the fee waiver I am stating that "We intend the coop as an education project on sustainable living for our son and his schoolmates". My son is attending high school at Chadwick which has a large part of its student population interested in sustainability movement. The project will be used for demonstrating how sustainability can be achieved by us as individuals.

Best regards,

Michael

**From:** Michael Feygin  
**To:** SOK@rpv.com;  
**cc:** Polina Feygin;  
**Subject:** PETITION FOR A FEE WAVER  
**Date:** Thursday, May 14, 2009 9:24:34 AM  
**Attachments:** PETITION FOR A FEE WAVER.docx

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Dea Ms. Kim,

Thank you for contacting us about our Chicken Coop application. I would appreciate it if you submit the attached petition for the penalty fee waiver along with our application. If you have any questions please, call me at 619-9541.

Best regards,

Michael Feygin

## PETITION FOR THE PENALTY FEE WAVER

We built a 3 x4 foot chicken coop in our back yard for four chickens in March 2009. At that time we were not aware that any permit application for such a small project was required. Later on we received a letter from the city of Rancho Palos Verdes requesting us to submit an Exotic Animal Permit application or remove the coop from our premises (please, see attached). A permit application form was enclosed with the letter. In relationship to the fees, the only items mentioned in the letter were the \$250 application fees. There was no mention that in order to apply we would also have to pay a penalty fee which would double our application costs. At the time of submitting our application and after going through the expense of acquiring the required zoning maps (\$350 cost) we were informed that, due to our initial code violation, our application fees would double and be equal to \$800! If the letter sent to us by the city informed us about this, we, most likely, would not have gone ahead with the project. I believe that it would be fair for all recipients of such letters to have penalty fees and their extent mentioned in the text of the letter prior to the applicant going through the expense of the application, like we ended up doing.

This is a very small project (4 chickens in a 3 x 4 Ft. coop). We intend the coop as an education project on sustainable living for our son and his schoolmates. Pursuant to the section of the municipals code 17.78.010 (B) we request the city council to wave of our penalty fees.

Best regards,

Michael Feygin