

Meeting Date: 10-12-10

# AGENDA REPORT

Agenda Item # 6 B.2



City of Santa Clara, California



**Date:** October 5, 2010

**To:** City Manager for Council Action

**From:** Administrative Analyst to the City Manager

**Subject:** Adoption Of Resolution Establishing And Adopting A Fee For Off-Site Parking Facilities For Sports And Entertainment Venues North Of State Highway 101

## EXECUTIVE SUMMARY:

On August 17, 2010, Council adopted Chapter 18.86 of the Zoning Code, entitled "Off-Site Parking Provisions," which allows a property owner to use his or her property to provide parking for development on another property. This new Chapter establishes an administrative permitting process for the issuance of Off-site Parking Permits. Land use entitlements associated with any use needing off-site parking to meet parking requirements would include a condition of approval requiring that an Off-site Parking Permit be approved in a timely manner to support the operation of the permitted use generating the demand. The property owner of the property providing the off-site parking is responsible for obtaining the Off-site Parking Permit. In addition, if a property is used to provide off-site parking for events at sports or entertainment venues located north of State Highway 101, the property must be in compliance with the requirements of any City adopted parking program for the area north of State Highway 101, including payment of any fees necessary to mitigate the costs affiliated with the parking program.

The Environmental Impact Report (EIR) completed for the 49ers Santa Clara Stadium Project and certified by the City Council on December 8, 2009, indicated that the project would include the development of a parking overlay district or similar mechanism to regulate off-site parking for the stadium. Chapter 18.86 creates this mechanism, which will facilitate the safe, orderly use of more than 21,000 existing and planned parking stalls within an approximate 20-minute walk of the proposed stadium. As defined in SCCC Section 18.86.040, the adoption of the fee is intended to recover costs necessary to maintain services within the City and its existing service areas as analyzed in the EIR, and constitutes a further action to implement a regulatory measure of the same project that was carefully analyzed in the EIR and for the additional reasons set forth as follows, the EIR has served as the document for CEQA compliance in the consideration and approval of the proposed fee by the City Council, as authorized and required by 14 California Code of Regulations Section 15162 and Public Resources Code Section 21166.

As a result of using of properties north of Highway 101 to provide parking for events at sports or entertainment venues, the City will incur increased costs for transportation planning and management, public safety services and capital equipment related to providing these services. Section 18.86.060 of the City Zoning Code allows for a fee to be collected to cover the cost of these additional services and equipment. This proposed fee will be imposed on all property owners north of Highway 101 who obtain an Off-Site Parking Permit.

To: City Manager for Council Action  
Adoption Of Resolution Establishing And Adopting A Fee For Off-Site Parking Facilities For Sports And Entertainment Venues North Of State Highway 101  
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Appendix A to the resolution, "Fee for Off-Site Parking Facilities," calculates the increased costs the City will incur for public safety and code enforcement staffing, barricade services, and radio and other public safety-related equipment necessary to ensure event attendees are able to access available parking areas in a controlled, safe manner. The amount proposed for the fee to recover these costs is \$4.54 per parking stall per event. The fee will be collected at the time the Off-Site Parking Permit is issued, although the City Manager may allow deferment of payment to a later date if adequate security for payment of the fee is provided.

**ADVANTAGES AND DISADVANTAGES OF ISSUE:**

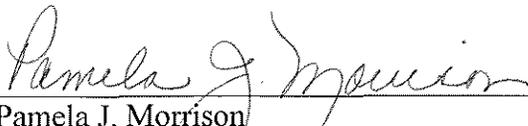
Adoption of the fee as specified in Chapter 18.86 of the Zoning Code will allow the City to recover reasonable costs associated with providing public safety services and equipment during events at sports and entertainment venues in the area north of Highway 101.

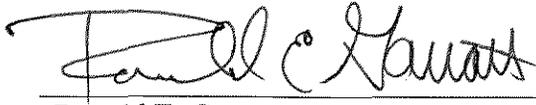
**ECONOMIC/FISCAL IMPACT:**

A fee of \$4.54 per parking stall per event at sports and entertainment venues in the area north of Highway 101 is expected to recover that portion of the City's public safety and other costs resulting from the use of off-site parking lots for event venues in the area north of Highway 101. The fee will be adjusted for inflation annually on July 1 of each year by applying the current Consumer Price Index – All Urban Consumers for the San Francisco-Oakland-San Jose area.

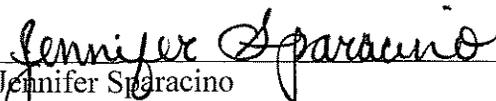
**RECOMMENDATION:**

That the Council adopt the Resolution Establishing And Adopting A Fee For Off-Site Parking Facilities For Sports And Entertainment Venues North Of State Highway 101.

  
\_\_\_\_\_  
Pamela J. Morrison  
Administrative Analyst to the City Manager

  
\_\_\_\_\_  
Ronald E. Garratt  
Assistant City Manager

APPROVED:

  
\_\_\_\_\_  
Jennifer Sparacino  
City Manager

***Documents Related to this Report:***

- 1) Resolution Establishing And Adopting A Fee For Off-Site Parking Facilities For Sports And Entertainment Venues North Of State Highway 101***
- 2) Appendix A to Resolution: Fee for Off-Site Parking Facilities, September 2010***

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, ESTABLISHING AND ADOPTING A FEE FOR OFF-  
SITE PARKING FACILITIES FOR SPORTS AND  
ENTERTAINMENT VENUES NORTH OF STATE HIGHWAY 101**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, Chapter 18.86 of the Zoning Code of the City of Santa Clara, entitled “Off-Site Parking Provisions,” allows a property owner to use his or her property to provide parking for development on another property, provided the property owner obtains an Off-Site Parking Permit;

**WHEREAS**, Chapter 18.86 further provides that in the case of property proposed to be used to provide off-site parking for events at sports or entertainment venues located north of State Highway 101 the property must be in compliance with the requirements of any City adopted parking program for the area north of State Highway 101 (section 18.86.040), including payment of any fees necessary to mitigate the costs affiliated with the parking program (section 18.86.060);

**WHEREAS**, the City will incur increased costs for transportation planning and management, public safety services and capital equipment related to providing such services as a result of the use of properties north of State Highway 101 to provide parking for events at sports or entertainment venues (hereafter “Public Safety Costs”);

**WHEREAS**, the purpose of this resolution is to establish and adopt the fee referenced in section 18.86.060 of the City Zoning Code;

**WHEREAS**, in order to fund such increased Public Safety Costs, the City Council hereby adopts a fee to be paid by owners of property north of State Highway 101 who obtain an Off-Site

Parking Permit from the Zoning Administrator to use or develop their property with off-site parking for events at sports or entertainment venues located north of Highway 101;

**WHEREAS**, the fee is imposed on such owners of property for the privilege of using their property for off-site parking, a form of property development authorized by Chapter 18.86. The fee is not imposed on any parcel of property nor on any person as an incident of property ownership;

**WHEREAS**, the City has prepared a report dated September 2010 and entitled “Fee for Off-Site Parking Facilities” (“Report”) that provides a generally accepted analysis of the Public Safety Costs;

**WHEREAS**, the Report concluded that a fee in the amount of \$4.54 per parking space per event does not exceed the reasonable cost of providing the services or performing the regulatory function for which it is charged, and is not levied for general revenue purposes;

**WHEREAS**, in adopting the fee and this Resolution, the City is exercising its powers under Article XI, Section 7 of the California Constitution, Section 50076 of the California Government Code, its Charter, Chapter 18.86 of the Zoning Code of the City of Santa Clara and other applicable laws;

**WHEREAS**, the Report was made available for public review and comment for ten (10) days prior to the public hearing at which this Resolution was considered and adopted;

**WHEREAS**, at least fourteen (14) days prior to the public hearing at which the City Council considered and adopted this Resolution, notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the City for mailed notice of meetings on new or increased fees;

**WHEREAS**, in accordance with Government Code Section 6062a, timely notice of the public hearing on this Resolution and its purpose were published in the *Santa Clara Weekly* on September 29, 2010, and October 6, 2010;

**WHEREAS**, the proposed fee is hereby determined to be reasonable in that it does not exceed the estimated reasonable costs of providing the public services proposed to be rendered; and

**WHEREAS**, the City of Santa Clara has certified the 49ers Santa Clara Stadium Project EIR that contemplates off-site parking arrangements that could include all or nearly all properties in the area north of State Highway 101, as defined in SCCC Section 18.86.040, and the adoption of the fee is intended to recover costs necessary to maintain services within the City and its existing service areas as analyzed in the EIR, and constitutes a further action to implement a regulatory measure of the same project that was carefully analyzed in the EIR and for the additional reasons set forth as follows, the EIR has served as the document for CEQA compliance in the consideration and approval of the proposed fee by the City Council, as authorized and required by 14 California Code of Regulations Section 15162 and Public Resources Code Section 21166. There have not been any of the following occurrences since the certification of the EIR that would require a subsequent or supplemental environmental document in connection with the adoption of the fee:

1. there have not been substantial changes in the improvements proposed to be developed on the Project site which would require major revisions in the EIR;

2. there have not been substantial changes with respect to the circumstances under which the proposed project is being implemented, which would require major revisions in the EIR; and

3. there has not been the appearance of new information which was not known and could not have been known as of the date of certification and approval of the EIR which is

relevant to the certification and approval of the EIR.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. A fee in the amount of \$4.54 per parking space per event, as described in the Report, is adopted and established for the purpose of funding the Public Safety Costs, to be called the Off-Site Parking Facilities Fee. The fee is imposed on and shall be collected from persons obtaining an Off-Site Parking Permit from the Zoning Administrator pursuant to Chapter 18.86 for the purposes described herein and not for general revenue purposes. The fee shall be due at the time the Off-Site Parking Permit is issued, provided the City Manager may defer payment to a later date provided adequate security for payment of the fee is provided.

3. This fee may from time to time be amended by Resolution of the City Council.

4. This fee shall be adjusted for inflation by the City Manager annually on July 1 of each year by applying the then current Consumer Price Index – All Urban Consumers for the San Francisco-Oakland-San Jose area, as calculated by the U.S. Department of Labor, for the month of April. The City Manager may round the adjusted fees up or down to the nearest whole dollars.

5. The City Council determines and finds as follows:

A. The purpose of the fee is to pay for the public services required by the use of the property for off-site parking pursuant to Off-Site Parking Permits issued to property owners who develop or use their property with off-site parking for events at sports or entertainment venues located north of Highway 101. The public services are described in the Report. The public services are needed to accommodate the off-site parking projected north of Highway 101 for sports and entertainment venues and such property owners who obtain Off-Site Parking permits

will pay their fair and proportional share of such public services with the implementation of this fee.

B. The fees collected pursuant to this Resolution will be used to finance the services described in the Report and referenced as the Public Safety Costs.

C. That there is a reasonable relationship between the fee's use (to pay for the Public Safety Costs) and the type of use and development for which the fee is charged in that all properties north of Highway 101 that obtain Off-Site Parking Permits will generate or contribute to the need for the public services described in the Report; and

D. That there is a reasonable relationship between the need for the public services and the development or use of properties north of Highway 101 for off-site parking for sports and entertainment venues in that such sports and entertainment uses will require careful planning to assure safe ingress and egress from such events as well as the provision of traffic and public safety services to assure the protection of persons and property.

6. Effective Date. This Resolution shall become effective immediately.

7. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,

CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010, BY THE FOLLOWING VOTES:

AYES: COUNCILORS

NOES: COUNCILORS

ABSENT: COUNCILORS

ABSTAINED: COUNCILORS:

ATTEST: \_\_\_\_\_  
ROD DIRIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:  
1. Fee for Off-Site Parking Facilities” dated September 2010

I:\RESOLUTIONS\Off-Site Parking Fee Resolution 09-30-10.doc

## APPENDIX A

### Fee for Off-Site Parking Facilities Off-Site Parking Permits for Sports and Entertainment Venues North of State Highway 101

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Chapter 18.86 of the City of Santa Clara Zoning Code allows a property owner to use his/her property to provide parking for another development on another property, provided the property owner obtains an Off-Site Parking Permit. Additionally, any property proposed to be used to provide off-site parking for events at sports or entertainment venues located north of State Highway 101 must be in compliance with the requirements of any City adopted parking program for this area. The fee imposed to comply with the parking program includes costs necessary to ensure the success of the parking program and allow event attendees to access available parking areas in a controlled, safe manner.

The cost components of the fee are described below:

Public safety staffing for event day control of streets and intersections:

60 Police Officers @ Step 4 overtime rate of \$82.36 (2009 rates) on 10 hour assignment = **\$49,416** per event

Barricade services to control streets, intersections and neighborhoods:

Pre-event installation and post-event removal = **\$23,300** per event

Radio communication equipment for control of traffic and attendee parking:

Leased radio equipment and service for command and control of traffic and parking = **\$15,000** per event

Patrol cars, golf carts, Segways and bicycles required to monitor and patrol traffic/parking areas:

Acquisition cost amortized over a 5-year replacement schedule = **\$10,680** per event

Code Enforcement staffing to monitor participating, permitted off-site parking lots:

1 Code Enforcement Technician @ Step 3 overtime rate of \$55.02 (2010 rates) on 10 hour assignment = **\$550** per event

Fee calculation per event:

Public Safety Officers	\$49,416
Barricade Services	\$23,300
Radio Equipment	\$15,000
Public Safety Equipment	\$10,680
Code Enforcement	<u>\$ 550</u>
Cost per Event =	\$98,946
Estimated number of vehicles/parking stalls in area =	21,790
<b>Fee per Parking Space =</b>	<b>\$ 4.54</b>

Information sources/date:

Santa Clara Police Department, March 2009.

Santa Clara Planning & Inspection Department, September 2010

City of Santa Clara Operating Budget, Fiscal Year 2010/11

July 2009 Draft EIR Parking counts, Section 2.3 Parking Counts.

Prepared by: City Manager's Office

Date: September 2010

CITY OF SANTA CLARA

AGENDA MATERIAL ROUTE SHEET

Council Date: October 12, 2010

SUBJECT: Adoption Of Resolution Establishing And Adopting A Fee For Off-Site Parking Facilities For Sports And Entertainment Venues North Of State Highway 101

**PUBLICATION REQUIRED:**

The attached Notice/Resolution/Ordinance is to be published 2 time(s) at least 10 days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for October 12, 2010.

**AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:**

**Federal Codes:**

Title \_\_\_\_\_ U.S.C. § \_\_\_\_\_  
(Titles run 1 through 50)

**California Codes:**

Code 6062 § a  
(i.e., Government, Street and Highway, Public Resources)

**Federal Regulations:**

Title \_\_\_\_\_ C.F.R. § \_\_\_\_\_  
(Titles run 1 through 50)

**California Regulations:**

Title \_\_\_\_\_ California Code of Regulations § \_\_\_\_\_  
(Titles run 1 through 28)

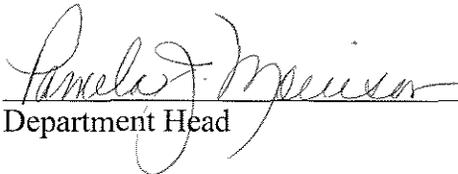
**City Regulations:**

City Charter § \_\_\_\_\_  
(i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

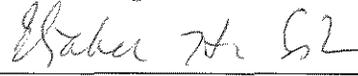
City Code § \_\_\_\_\_

**Reviewed and approved:**

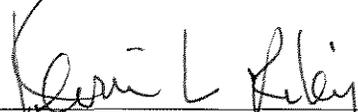
1. As to City Functions, by

  
Department Head

2. As to Legality, by

  
City Attorney's Office/CAO Assign. No 10. 1360

3. As to Environmental Impact Requirements, by

  
Director of Planning and Inspection

4. As to Substance, by

  
City Manager

**NOTICE OF PUBLIC HEARING ON RESOLUTION ESTABLISHING AND ADOPTING A CHARGE FOR OFF-SITE PARKING PROGRAM FOR SPORTS AND ENTERTAINMENT VENUES NORTH OF STATE HIGHWAY 101**

NOTICE IS HEREBY GIVEN that the City of Santa Clara has fixed October 12, 2010, at 7:00 P.M., in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California, or as soon as the matter may be heard, as the date, time and place of the Public Hearing on a resolution establishing and adopting a charge to mitigate the costs affiliated with any off-site parking program for sports and entertainment venues located north of State Highway 101, as authorized by Section 18.86 of the Code of the City of Santa Clara, including section 18.86.060(b) of such Code in particular.

The data indicating the amount of cost, or estimated cost, for the off-site parking program and any revenue sources available to fund the parking program will be available ten days prior to the hearing for viewing and/or copying in the Office of the City Clerk, City Hall, 1500 Warburton Ave., Santa Clara, California 95050.

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-800-955-3000. Sign language interpretation, translation into languages other than English, and interpretation for persons with visual impairments are available. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact City's ADA office at 408-615-3000.

Rod Diridon, Jr, City Clerk  
Pub.: 9/29, 10/6/2010