

Meeting Date: 10-12-10

AGENDA REPORT

Agenda Item # 6B.1

City of Santa Clara, California



Date: October 6, 2010

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: PUBLIC HEARING To Adopt Resolution Setting Off-Site Parking Permit Fee As a Zoning Administrator Action At The Rates Established In The City's Municipal Fee Schedule

EXECUTIVE SUMMARY:

This public hearing is to request that the City Council consider and approve setting the fee for the new Off-Site Parking Permit at the same rate as for other Zoning Administrator Actions, already approved by the City Council on June 15, 2010, as part of the City's adopted 2010-2011 Municipal Fee Schedule. Most actions considered to be Zoning Administrator Actions are charged at the flat rate of \$273.00. This rate was derived from the City-wide user fee study conducted in 2009.

The City's consultant, MGT of America, Inc., a cost accounting and consulting firm, issued its report, "City of Santa Clara, Phase I, Cost of Services Study Findings, April 2009," that found that the flat rate of \$273.54 represented full cost recovery for Zoning Administrator Actions (except for single family detached/duplex permit fees). The actions that can be reviewed and approved by the Zoning Administrator include ABC or DMV license clearance, minor amendments to approved projects, and affidavits or zoning verifications. The study concluded that based upon the City's direct and indirect overhead, labor rates, and volume of Zoning Administrator Actions per year, \$273.54 represented the full cost recovery for these Zoning Administrator Action permit applications. During the budget approval process of 2009, the City Council approved a fee of \$273.00 for these types of planning permits.

The purpose of this hearing is to add a type of permit (Off-Site Parking Permit) to the list of Zoning Administrator Actions, thereby setting the permit fee to the already established \$273.00 rate.

Based on a staff analysis of the tasks, staff resources, and interdepartmental coordination anticipated for Off-Site Parking Permit applications, processing would require the same level of effort, and, therefore cost, as that associated with ABC and DMV license clearances. In addition, the adapted code identifies approval of Off-Site Parking Permits as a Zoning Administrator Action. For these reasons, the Zoning Administrator Action fee is appropriate.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

State law requires that zoning related permit fees not exceed the estimated reasonable cost of providing the service for which the fee is charged. Government Code § 66014(a). By holding a public hearing and setting the Off-Site Parking Permit Fee at the same rate as other Zoning Administrator Actions, the City will be in

compliance with applicable law. There are no disadvantages to conducting the public hearing and setting the fee.

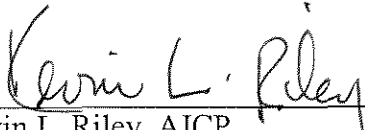
ECONOMIC/FISCAL IMPACT:

The implementation of this fee would bring City Planning services closer to cost recovery.

RECOMMENDATION:

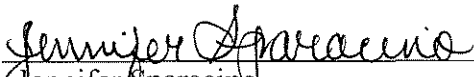
That the Council:

1. Conduct the October 12, 2010 public hearing to establish the fee for Off-Site Parking Permits at the same rate as other Zoning Administrator Actions, currently set at \$273.00 in the Municipal Fee Schedule.
2. Adopt the attached Resolution Setting Off-Site Parking Permit Fees As a Zoning Administrator Action At The Rates Established In The City's Municipal Fee Schedule.



Kevin L. Riley, AICP
Director of Planning and Inspection

APPROVED:



Jennifer Sparacino
City Manager

Documents Related to this Report:

- 1) *Resolution Setting Off-Site Parking Permit Fees As a Zoning Administrator Action At The Rates Established In The City's Municipal Fee Schedule*

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, SETTING OFF-SITE PARKING PERMIT
FEES AS A ZONING ADMINISTRATOR ACTION AT THE
RATES ESTABLISHED IN THE CITY'S MUNICIPAL FEE
SCHEDULE**

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

WHEREAS, California Government Code section 66014 provides that public entities may charge fees for the processing of planning and zoning related permits;

WHEREAS, the City of Santa Clara ("City") has by Resolution 10-7740 set a flat rate of \$273.00 for most Zoning Administrator Actions, which represent some of the permits processed in the Planning Department. These fees are set forth in the 2010-2011 Municipal Fee Schedule;

WHEREAS, the \$273.00 rate was derived from the City-wide user fee study conducted in 2009 by MGT of America, Inc., a cost accounting and consulting firm, and supported in its report, "City of Santa Clara, Phase I, Cost of Services Study Findings, April 2009";

WHEREAS, this report analyzed and calculated the direct and indirect overhead, labor rates, and volume of Zoning Administrator Actions per year, and concluded that the rate of \$273.54 represented the full cost recovery for each Zoning Administrator Action permit application. Following that study, the City adopted fees in conformance with it during its 2009-2010 budget approval process, and Zoning Administrator Actions are now set at \$273.00 in the City's Municipal Fee Schedule;

WHEREAS, the City adopted Ordinance No. 1862 on August 17, 2010, which added a new chapter to the City Code establishing a permitting process for the issuance of off-site parking permits;

WHEREAS, the new permit process will require staff time and resources, just as other permit applications, and has been identified as a Zoning Administrator Action;

WHEREAS, pursuant to the requirements of Government Code section 66016, the City made available to the public data, in the form of the report referenced above, indicating the amount of the cost required to provide the service for which the fee is charged and the revenue sources anticipated to provide the service, and a duly noticed public hearing was held on September 28, 2010, where the City Council invited and considered any and all verbal and written testimony offered in favor of and in opposition to the permit fee;

WHEREAS, based on the aforementioned report and the City's adoption of the new Off-Site Parking Permit fee as a Zoning Administrator Action, the City now desires to set the rate for such Off-Site Parking Permits at the Zoning Administrator Action rate (currently \$273.00); and

WHEREAS, based upon new administrative or overhead costs, the City Council may amend these rates from time to time by resolution.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, 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. That the City Council establishes the fee for Off-Site Parking Permits at \$273.00 since it is a Zoning Administrator Action. That rate is reasonably related to the costs of providing the permit review service and does not exceed the estimated reasonable cost of providing the service for which the fee is charged, as demonstrated by the report referenced herein.
3. That the City shall amend these rates from time to time by resolution based upon new administrative or overhead costs.
4. The effective date for the Off-Site Parking Permit fee shall be sixty (60) days from adoption, pursuant to Government Code section 66017(a).

5. 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, California, 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.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2010, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. None

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CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: 10/12/10

SUBJECT: PUBLIC HEARING To Adopt Resolution Setting Off-Site Parking Permit Fee As a Zoning Administrator Action At The Rates Established In The City's Municipal Fee Schedule

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 20__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

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

Federal Regulations:

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

City Regulations:

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

California Codes:

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

California Regulations:

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

City Code § _____

Reviewed and approved:

1. As to City Functions, by Kerri L. Reley
Department Head
2. As to Legality, by Justin
City Attorney's Office/CAO Assign. No 10.1192
3. As to Environmental Impact Requirements, by Kerri L. Reley
Director of Planning and Inspection
4. As to Substance, by Carol McCarty
City Manager