

RESOLUTION NO. 10-7777

**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 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 October 12, 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 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 12th DAY OF OCTOBER, 2010, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Kennedy, Kornder, Matthews, McLeod and Moore and Mayor Mahan
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
None