

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 11.36 OF TITLE 11 OF THE SAN JOSE MUNICIPAL CODE TO ESTABLISH ON-STREET VALET PARKING ZONES, AND MODIFICATIONS TO CHAPTER 11.51 OF TITLE 11 TO REGULATE CURB MARKINGS FOR ON-STREET VALET PARKING ZONES

WHEREAS, the City of San José (“City”) operates and maintains an on-street parking program; and

WHEREAS, the City’s Department of Transportation (“Department”) administers the on-street parking program; and

WHEREAS, the Department currently administers parking and loading zones throughout the City; and

WHEREAS, the Director of Planning, Building and Code Enforcement has determined that this project is “Exempt” under the California Environmental Quality Act (CEQA) on April 6, 2004, file No. PP04-03-076.

WHEREAS, the Council desires to amend the San José Municipal Code to establish regulations for the creation and maintenance of On-Street Valet Parking Zones.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. Title 11 of the San José Municipal Code is hereby amended to be numbered and entitled to read as follows:

CHAPTER 11.51
CURB MARKINGS

11.51.010 Curb Marking.

The City Traffic Engineer is hereby authorized and required, subject to the provisions and the limitations of this Chapter and Chapters 11.52 and 11.54, to place the following curb markings to indicate parking or standing regulations:

- A. Red shall mean no stopping, standing or parking at any time except as permitted by the California Vehicle Code, except that buses engaged as a common carrier in local transportation are exempted from this restriction.

- B. Yellow shall mean no stopping, standing or parking at any time between the hours indicated on the sign adjacent to said yellow zone, on every day except as indicated on said sign, for any purpose other than the pick up or drop off of passengers or the loading or unloading of freight.

- C. White shall mean no stopping, standing or parking for any purpose except for pick up or drop off of passengers, or the pick up or drop off of vehicles as part of an approved valet parking zone, or depositing mail in an adjacent mail box. Any of these activities are limited to a time period of not more than five (5) consecutive minutes.

- D. Green shall mean no standing or parking for longer than the time and days specified on the sign adjacent to such green zone. If no time limitation is specified on the sign, no vehicle shall stand or park for longer than twelve (12) consecutive minutes.

SECTION 2. Title 11 of the San José Municipal Code is hereby amended by adding a Chapter to be numbered and entitled and to read as follows:

CHAPTER 11.36
RESTRICTIONS IN CERTAIN LOCATIONS

11.36.600 Approved Valet Parking Zones.

A valet parking operation may be conducted on the public right-of-way only at a location and during hours approved by the Director. Each Valet Parking Zone shall be designated by official valet parking signs installed by the City demarcating the authorized location and hours of operation. A Valet Parking Zone shall only be established when the Director, at his/her discretion, determines that a zone is necessary to address the need necessity and/or convenience of the public.

11.36.610 Designation.

The Director shall identify Valet Parking Zones by painting a white line upon the top and face of the curb within such zones, and by signs installed by the City placed at the beginning and end of the zone.

11.36.620 Use Prohibition.

No person shall stop, stand or park a vehicle in a space designated for valet parking for any purpose other than those related to accepting vehicles for valet parking or retrieval of a vehicle as part of a valet parking service.

11.36.630 Time Limit Restriction.

No person shall stop, stand or park any vehicle in a space designated as a Valet Parking Zone for a time period of not more than five (5) consecutive minutes, regardless of whether the vehicle is part of an authorized valet parking service.

11.36.640 Day And Time Limitations.

The Director is authorized to determine day and time limitations for Valet Parking Zones, and may require posting of signs limiting the applicability of such restrictions to certain days and/or times.

11.36.670 Valet Parking Permit Standards.

All permits issued pursuant to this chapter shall conform to the following requirements and any additional regulations as may from time to time be issued by the Director:

- A. All permittees must submit a valet parking traffic plan for each location, to include any elements determined by the Director to adequately and reasonably address any concerns for the use of the public right-of-way. The permittee shall be responsible for securing adequate automobile storage to accommodate all valet parked vehicles, without using streets or any other part of the public right-of-way.
- B. Permittees must display a sign during their operating hours at each location where they take possession of vehicles. The sign must identify the name, address and telephone number of the operator, the rates charged and the hours of operation. The sign must be approved in advance by the Director.
- C. The operator shall, upon the receipt of each motor vehicle accepted for valet parking, give a claim check to the driver of the vehicle. The claim check shall

explicitly state the terms and conditions under which the vehicle is being accepted.

- D. Use, occupation and obstruction of the public right-of-way which is permitted under this chapter may be temporarily suspended, without prior notice or hearing, when, at the discretion of the Director, the Chief of Police, or the Fire Chief, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, special events, construction activities, cleaning efforts or other similar activities, or with the health, safety and welfare of the public.
- E. The Director may, at his or her sole discretion, place additional conditions upon the issuance of any Valet Parking Zone permit in order to ensure the protection of the public right-of-way, the rights of all adjoining property owners and/or the health, safety and welfare of the public.
- F. Permits for the use of the public right-of-way shall be considered temporary and non-permanent in nature, and permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such Valet Parking Zone permit.
- G. Permits for the use of a portion of the public right-of-way as a Valet Parking Zone may be terminated by the City, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of, the permit or the permitted use.

11.36.590 Conformance with applicable laws.

- A. Nothing in this chapter is intended to authorize or authorizes the parking of motor vehicles by valet parking permittees in a manner contrary to, and all permittees shall comply with, applicable state laws and local parking and traffic regulations, including the San José Municipal Code.
- B. If a parking meter is present at the location designated as a Valet Parking Zone, the permittee, during the approved hours of valet parking operations at that location, is authorized to cover the parking meter in a manner approved by the Director.

11.36.630 Valet Parking Zone Fees

The City may charge fees for the use of city streets and public right-of-way designated as zones for valet parking operations, including, but not limited to the following, which shall be set by resolution of the City Council annually to reflect full cost recovery:

- A. For every parking space designated as a Valet Parking Zone on the public right-of-way, a fee shall be collected by the Director. This fee shall be paid annually in advance to the City.
- B. The City may charge a fee for parking meter covers utilized in an approved Valet Parking Zone, if applicable.

C. The City may charge a fee for the production and installation of valet parking-related signs, curb markings, and any other set-up activities associated with implementation of Valet Parking Zones.

PASSED FOR PUBLICATION OF TITLE this _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RON GONZALES
Mayor

ATTEST:

PATRICIA L. O' HEARN
City Clerk