



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Hans F. Larsen

**SUBJECT: AMENDMENT OF RESIDENTIAL
PERMIT PARKING ORDINANCE**

DATE: 03-21-11

Approved

Date

3/25/11

COUNCIL DISTRICTS: 1, 3, 6

SNI AREAS: Burbank/Del Monte,
Thirteenth Street,
University

RECOMMENDATION

Approval of an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code (SJMC) to address the following:

- A. Establish a new residential permit parking (RPP) zone for the Century-Winchester neighborhood;
- B. Expand the Arena - Saint Leo's, South University Neighborhood, College Park, and Cahill Park RPP zones;
- C. Authorize the Director of Transportation (Director) to issue more than three residential parking permits to each group residence located in the Horace Mann and South University permit parking areas;
- D. Authorize the Director to charge an administrative fee to process cancellation of a parking citation issued for failure to display a valid RPP permit if the individual who received the citation can show proof that he or she had been issued a valid residential parking permit at the time the citation was issued; and
- E. Make administrative corrections to Chapter 11.48 as described in this memorandum.

OUTCOME

The recommended actions help to improve parking conditions in neighborhoods where parking intrusion exists, and will enable the City to recover administrative costs associated with the processing of parking citation cancellations for RPP permit violations.

BACKGROUND

The RPP program, governed under Chapter 11.48 of the SJMC, is a special City service intended to improve parking conditions in heavily impacted neighborhoods where standard parking restrictions are ineffective. RPP zones limit parking to residents and their guests during specified hours. This program helps to ensure that residents have reasonable access to parking near their residences. Vehicles parked in an RPP zone must display an RPP annual permit or daily pass on their windshield or they may be ticketed. Established guidelines to determine if residential permit parking is appropriate for a neighborhood include:

1. On-street peak parking occupancy at 75% or higher
2. Parking intrusion from outside the neighborhood at 50% or higher
3. Majority (50% + 1) support of the eligible households
4. Minimum of 150 households signed the petition

One new RPP zone to be established is the Century-Winchester zone. This neighborhood is in the vicinity of the Century Theatres and Santana Row and was annexed into the City from the County of Santa Clara (County) in October 2009. Prior to annexation, the County established the RPP zone as residential parking was often infringed upon by patrons of the movie theaters, retail shops and restaurants. Residents within the established RPP zone requested the City to continue providing the service.

As authorized by SJMC Section 11.48.200, the Director may designate a street or portion of the street for interim inclusion to an established permit parking zone based on the criteria outlined above. Per SJMC Section 11.48.210, permanent inclusion of the expanded zone requires City Council approval.

Currently, the penalty for failure to display a valid permit in an RPP zone is \$60 per violation. On May 10, 2010, the City Council approved the Fees and Charges Resolution No. 75442, which established a \$25 administrative fee related to dismissal of parking citations issued for failure to display a valid residential parking permit. The SJMC will be amended to include this authority.

ANALYSIS

It is important to note that the establishment of new RPP zones, or expansion of existing zones, is a very resource intensive process. With the adoption of the FY10-11 Budget, approximately 45% of the Neighborhood Traffic Management team in the Department of Transportation (DOT) was eliminated. Remaining staff are focusing on core safety related studies or those mandated by State law, and services related to new or expanded RPP zones have been eliminated. However, the following RPP zones were either established on an interim basis, or DOT staff was actively working with the neighborhoods, prior to approval of the FY10-11 Adopted Budget.

A. Establish New RPP Zone

As authorized by SJMC 11.48.200, the new Century-Winchester RPP zone was established on an interim basis to include the street segments on Spar Avenue, Hanson Avenue, Maplewood Avenue, and Rosewood Avenue as shown on Attachment A. The prior County signs have been changed to the City standard, and permits have been issued to the residents. The fee, renewal period, and the number of permits issued will be consistent with the majority of other City RPP zones.

B. Expand Existing RPP Zones

Arena - Saint Leo's RPP

The St. Leo's RPP zone was originally established due to its proximity to the HP Pavilion. In 2009, Parkinson Court was annexed into the City from the County. The street was previously included in the County's RPP Program before the annexation. After the annexation, the residents on Parkinson Court submitted a request to DOT to further expand the St. Leo's RPP zone to include Parkinson Court. As authorized by SJMC 11.48.200, the St. Leo's RPP zone was expanded on an interim basis to include the Parkinson Court street segments shown on Attachment B.

South University Neighborhood

The South University Neighborhood (SUN) RPP zone was established in 2002 and expanded in 2006 for the neighborhood south of San Jose State University (SJSU) due to parking intrusion by students. Between October 2008 and May 2010, the SUN Neighborhood Association and residents in several neighborhoods around the SUN RPP contacted DOT and conducted various petitions to add to the existing RPP zone the street segments on Seventh Street, Eighth Street, Ninth Street, Tenth Street, Eleventh Street, Reed Street, and Margaret Street as shown on Attachment C. With neighborhood's assistance, DOT staff processed two separate petitions. After receiving the required support votes, these street segments were incorporated into the SUN RPP zone on an interim basis.

Additionally, the following street segments should be removed from the SUN RPP zone: a) the south side of San Fernando Street between Third Street and Tenth Street that primarily serves SJSU, with a combination of time restricted, disabled and motorcycle parking; and b) the north side of San Fernando Street between Tenth Street and Eleventh Street as this street segment is part of the Horace Mann RPP zone.

College Park

College Park RPP zone was established in 2002 due to its proximity to the Bellarmine College Preparatory. In 2008, residents near the existing College Park RPP zone submitted a request to DOT to further expand the permit zone along a portion of Emory Street. As authorized by SJMC

11.48.200, College Park RPP zone was expanded on an interim basis to include the street segment on Emory Street as shown on Attachment D.

Cahill Park

The Cahill Park RPP zone was established in 2004 due to its proximity to the HP Pavilion and Diridon Caltrain Station. In 2007, residents south of this RPP zone submitted a request to DOT to further expand the permit zone along Laurel Grove Lane. As authorized by SJMC 11.48.200, the Cahill Park RPP zone was expanded on an interim basis to include the street segments on West San Fernando Street and Laurel Grove Lane as shown on Attachment E.

C. Authorize the Director to Increase Permit Distribution

SJMC Sections 11.48.500 and 11.48.510 limit the issuance of RPP permits to a maximum of three (3) residential and two (2) guest permits for the SUN and Horace Mann RPP zones. An exemption to this limit is needed to address multiple dwelling units, like that of sorority and fraternity residences (Greek Houses) and residential service facilities or similar type of group living arrangements located within these zones.

During the petition process of the SUN RPP expansion, DOT received a request from Delta Gamma, a 38 resident sorority house located at 360 East Reed Street, to accommodate its expanded needs due to a large number of occupants. Since some Greek Houses provide group living arrangements, it was impractical to adhere to the restrictions set forth in SJMC Sections 11.48.500 and 11.48.510 of three (3) residential and two (2) guest permits for each residence. DOT staff worked closely with the directors of the Greek Houses as well as neighborhood leaders to develop a scaled system based on the maximum occupancy allowed, and its on-site parking availability. This methodology was based on how other cities addressed Greek Houses in their RPP programs. Delta Gamma was issued 18 of the maximum allowed 24 permits. To date, staff is unaware of any concerns regarding the additional permits issued in this area.

Based on the experience with Delta Gamma, it is recommended that SJMC Section 11.48.500 be amended to authorize the Director to review the current or proposed land use and its on-site parking condition to determine if a variance from the permit limit is warranted for group living arrangements in the Horace Mann and SUN RPP zones, and to develop appropriate guidelines similar to the scaled system developed for Greek Houses in SUN RPP zone for distributing additional permits.

D. Administrative Fee for Cancellation of an RPP Parking Citation

California Vehicle Code (CVC) Section 22507(a) states that a local ordinance or resolution may contain "provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program." Staff recommends amending SJMC Section 11.48.300 to include the authority for the Director to dismiss parking citations issued for improperly displayed permits and/or for failing to display a permit if the individual who received the parking citation can

provide sufficient evidence of possession of a valid permit at the time the citation was issued. The administrative fee of \$25.00 provides for recovery of the costs associated with reviewing and processing the dismissal. Amending the ordinance will allow staff to dismiss parking citations in situations where the individual who received the citation had a valid permit, provide for recovery of staff costs associated with processing of dismissing the citation, and assist in the effectiveness of the RPP program.

E. Administrative Corrections to SJMC

During the RPP expansion process, staff conducted a thorough review of Chapter 11.48 as well as previous City Council memorandums, ordinances, the existing RPP database and installed permit parking signs in existing RPP neighborhoods. Based upon this review, various corrections are needed to Chapter 11.48 to provide consistency with prior Council action in the SJMC and with current operating conditions.

The corrections will address the following:

- Add several missing street segments that are currently in the RPP database as reflected in Attachments B through F.
- Reflect current restriction in the Cahill Park RPP zone to one (1) residential or guest permit by amending SJMC sections 11.48.500 and 11.48.510.

EVALUATION AND FOLLOW-UP

No follow-up actions are required as part of the recommendations in this memorandum.

POLICY ALTERNATIVES

City Council could choose to not approve the ordinance amendments. This is not recommended as it would negatively impact parking conditions in neighborhoods that are currently benefiting from the RPP program, and would involve revoking permits that have been issued to residents and require the removal of existing signs.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or

a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum will be posted on the City's website for the Council agenda. In addition, a majority of residents within the new and expanded RPP areas were contacted as part of the RPP petition process. For the SUN RPP, the SUN Neighborhood Association was actively involved with the expansion process.

COORDINATION

The proposed amendments to the SJMC have been coordinated with the City Attorney's Office, the City Manager's Budget Office, and the Planning, Building and Code Enforcement Department. The expansion of the SUN RPP zone and scaled permit issuance to the Delta Gamma Greek House was coordinated with the Council District 3 office.

FISCAL/POLICY ALIGNMENT

The permit and administrative fees align with the City Council-approved Budget Strategy to set fees that recover costs.

COST SUMMARY/IMPLICATIONS

The cost of implementing the new and expanded RPP zones has been absorbed within the existing resources of DOT. The permit fees collected will accrue to the General Fund and offset any added costs.

BUDGET REFERENCE

Not applicable

CEQA

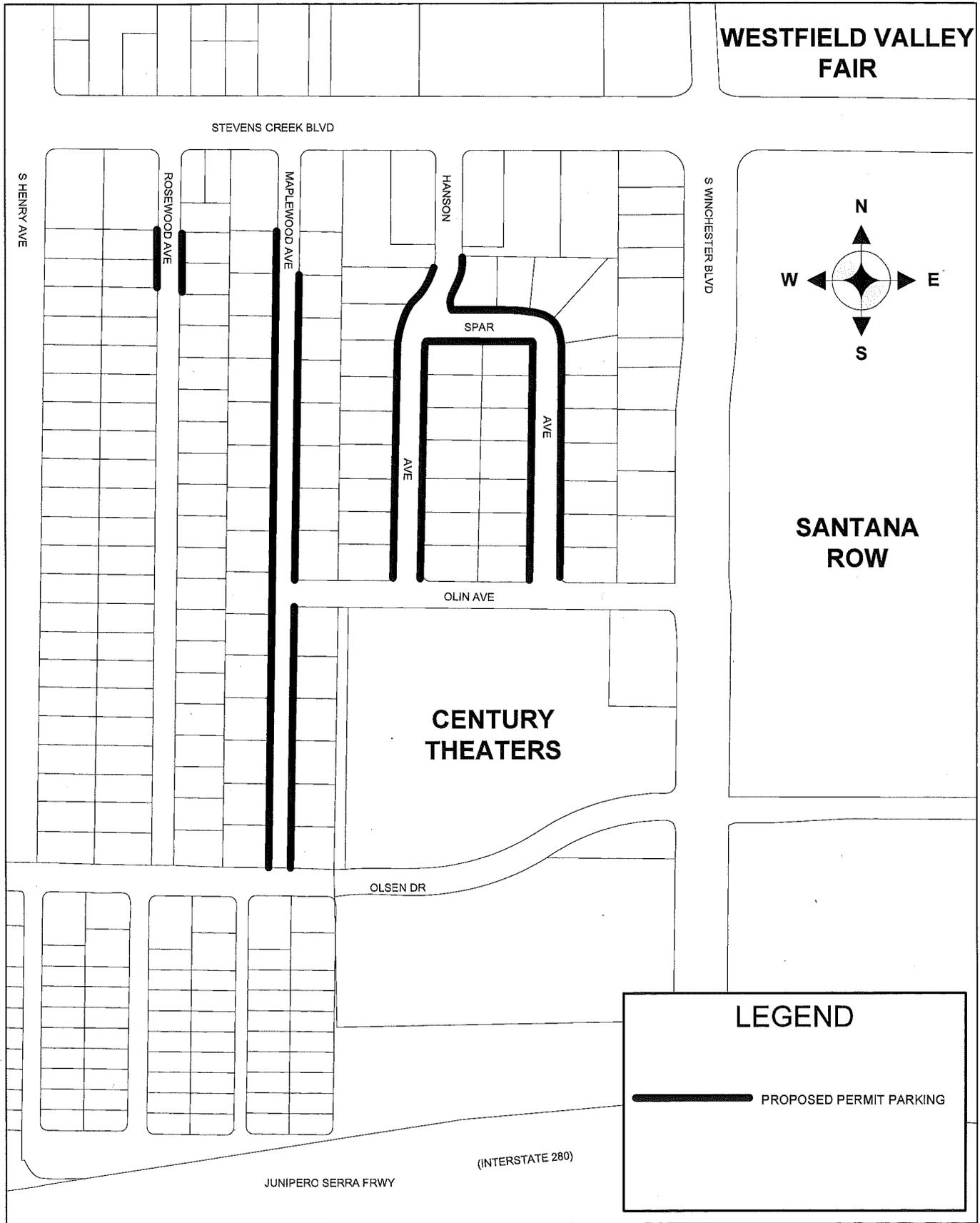
Exempt, File No. PP10-113

/s/

HANS F. LARSEN
Acting Director of Transportation

For questions please contact Lily Lim-Tsao, DOT Division Manager, at 975-3269.
Attachments

ATTACHMENT A CENTURY-WINCHESTER RPP



**WESTFIELD VALLEY
FAIR**

STEVENS CREEK BLVD

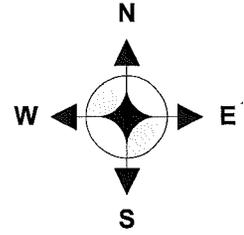
S HENRY AVE

ROSEWOOD AVE

MAPLEWOOD AVE

HANSON

S WINCHESTER BLVD



SPAR

AVE

AVE

**SANTANA
ROW**

OLIN AVE

**CENTURY
THEATERS**

OLSEN DR

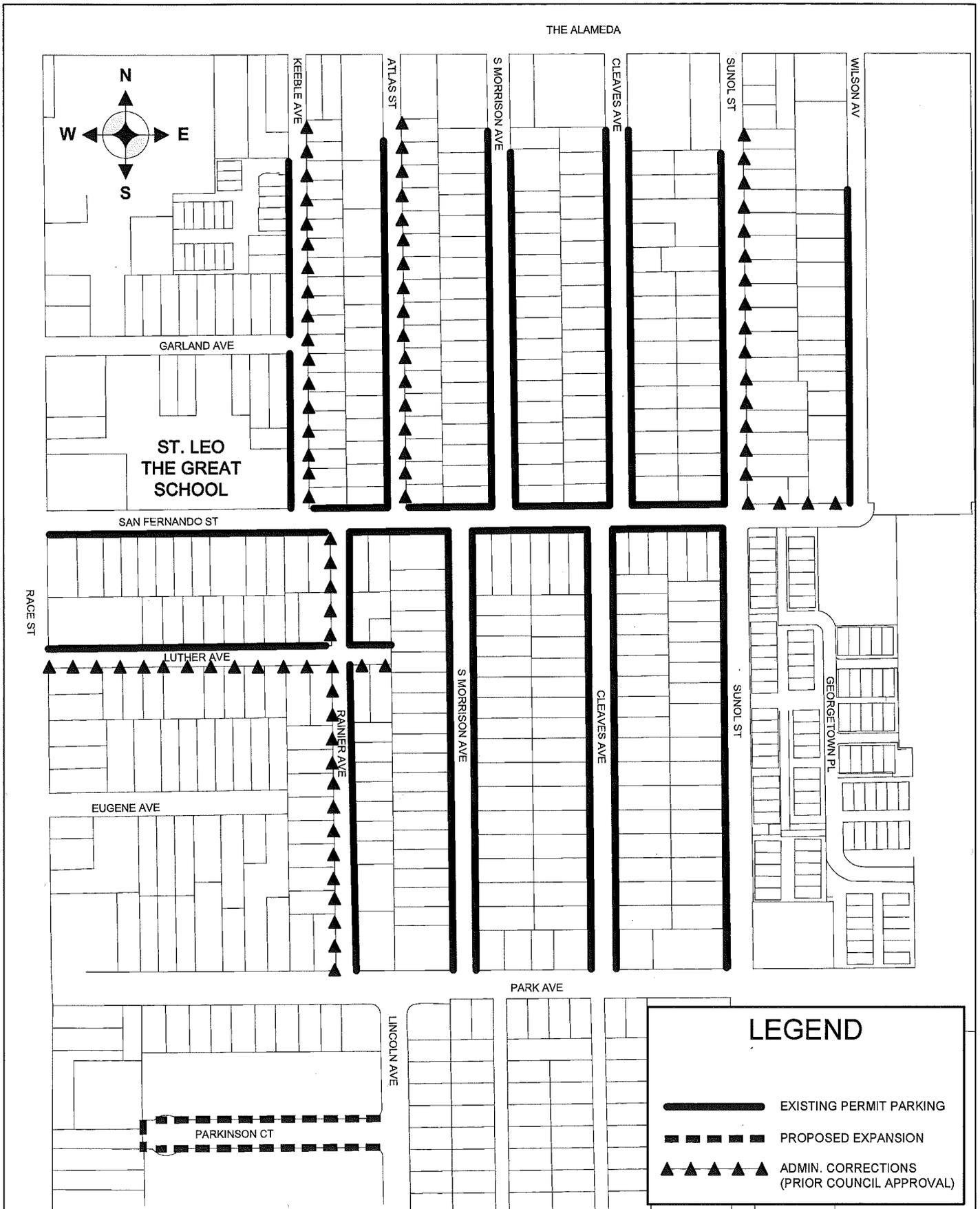
LEGEND

————— PROPOSED PERMIT PARKING

(INTERSTATE 280)

JUNIPERO SERRA FRWY

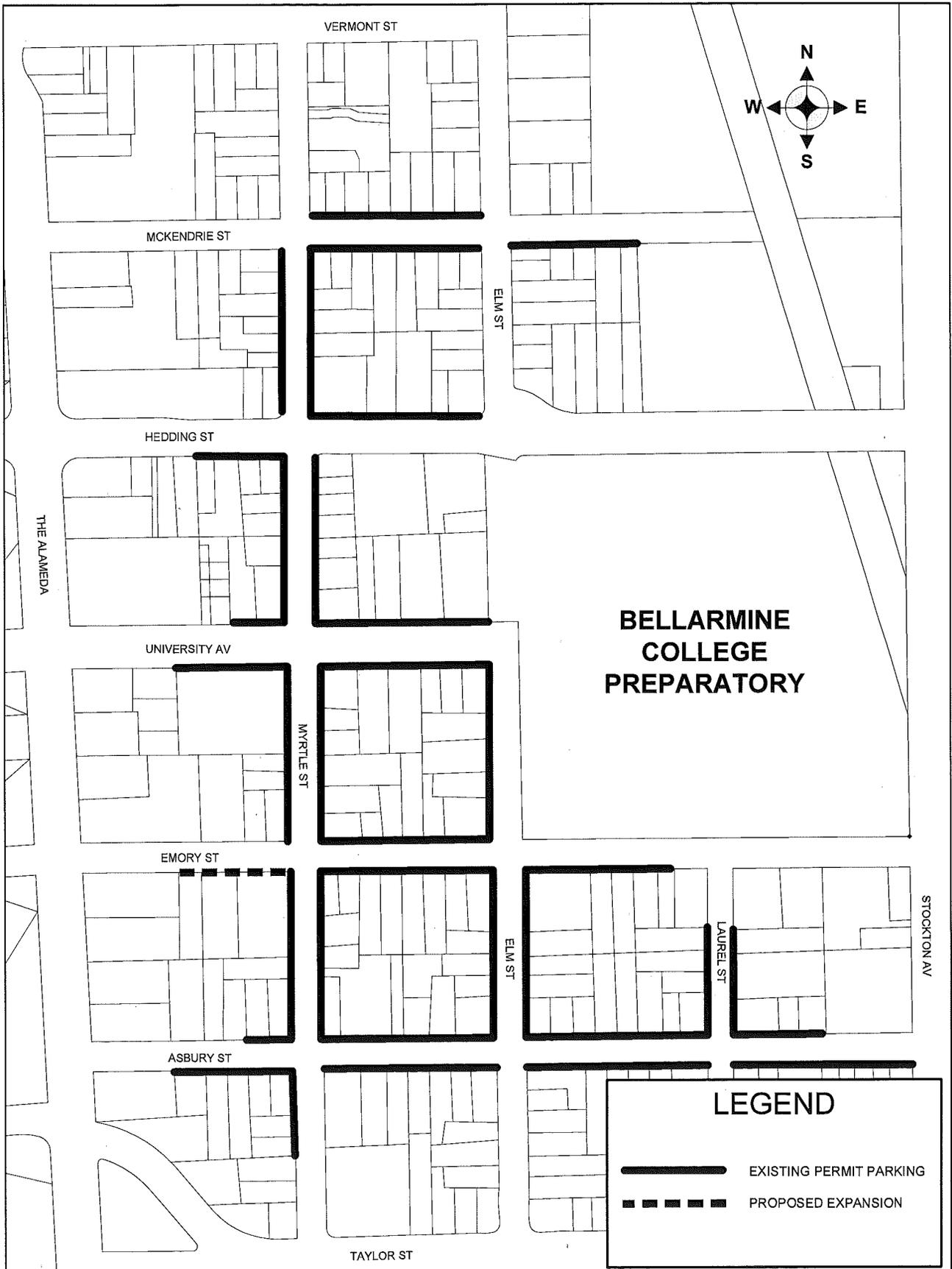
ATTACHMENT B ST LEO'S RPP EXPANSION



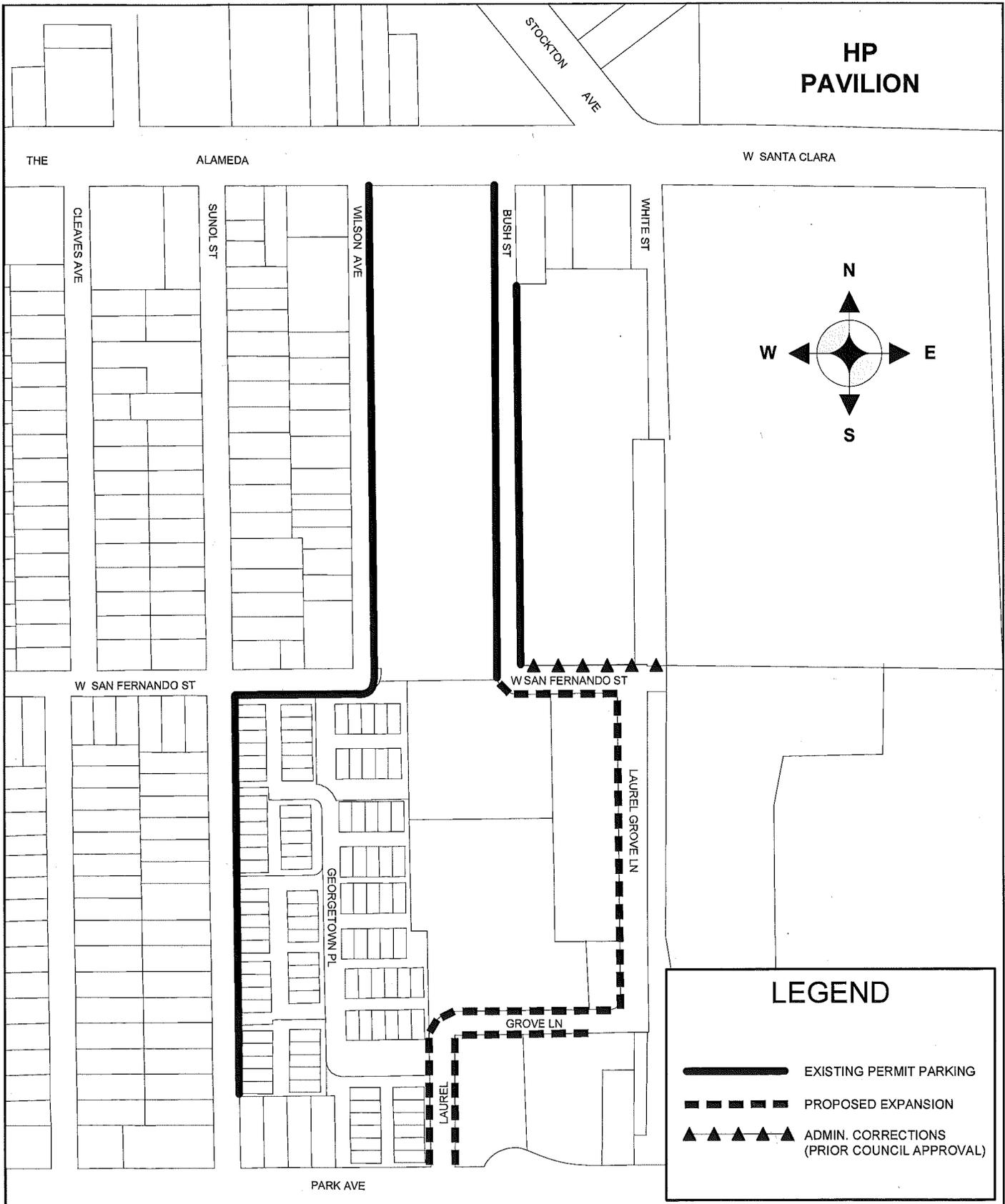
ATTACHMENT C SUN RPP EXPANSION



ATTACHMENT D COLLEGE PARK RPP EXPANSION



ATTACHMENT E CAHILL PARK RPP EXPANSION



ATTACHMENT F UNIVERSITY RPP

