

**RESOLUTION NO. 74210**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE MASTER PARKING RATE SCHEDULE TO DISCONTINUE THE \$5 PILOT PROGRAM AFTER 10 P.M. ON THURSDAY, FRIDAY AND SATURDAY EVENINGS AND TO AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ACCELERATE THE ADJUSTMENT OF THE \$2 FLAT RATE FEE AFTER 6 P.M. AT CERTAIN DESIGNATED CITY PARKING FACILITIES TO A \$3 FLAT RATE FEE FROM JANUARY 1, 2010 TO JANUARY 1, 2009, WITH INCREASES TO THE FLAT FEE OF \$1 EVERY TWO YEARS UP TO A MAXIMUM OF \$5 BY JANUARY 1, 2013; AND REPEAL RESOLUTION NO. 74183 EFFECTIVE UPON COUNCIL APPROVAL**

**WHEREAS**, the City of San José (“City”) operates and maintains on and off-street parking facilities; and

**WHEREAS**, The City’s Department of Transportation (“DOT”) administers the Downtown Retail Validation Program, which was adopted on April 10, 1986; and

**WHEREAS**, DOT administers a Downtown Cinema Validation Program and a Downtown Library Validation Program, each of which was adopted in June 1992, and a Technology Museum Validation Program, adopted in June 1998; and

**WHEREAS**, the City administers a Hybrid Vehicle Purchase Incentive Program that entitles hybrid vehicles bought after January 1, 2003 from licensed auto dealerships within the City of San José to free parking at on-street and off-street municipal parking facilities; and

**WHEREAS**, on October 7, 2003 the City Council of the City of San José (“City Council”) amended the Master Parking Rate Schedule to implement a flexible Event Flat Rate structure and apply an Incremental Rate during non-events at the Convention Center Garage, added the Convention Center Garage to the Downtown Retail Validation Program when the Incremental Rate is utilized, and

expanded the Hybrid Vehicle Purchase Incentive Program to include new vehicles purchased at San José auto dealerships since January 2000; and

**WHEREAS**, on November 16, 2004, the City Council amended the Master Parking Rate Schedule to institute a three (3) year pilot program to allow fifty (50) total parking spaces in Municipal Off-Street Parking Facilities (excluding the Fourth Street Garage Facility) to be leased for free for a two (2) year period by eligible small start-up companies in the bio-tech and high-tech industries, limited to up to ten (10) free parking spaces for each eligible start-up company; and

**WHEREAS**, on April 26, 2005 the City Council amended the Master Parking Rate Schedule to allow the Director of Transportation to establish event parking rates ranging from \$5 to \$15 for the San José Grand Prix from 6:00 p.m. on July 29, 2005 through 12:00 midnight on July 31, 2005 at eleven (11) Municipal Off-street Parking Facilities in the City; and

**WHEREAS**, on September 20, 2005, the City Council amended the Master Parking Rate Schedule to include the establishment of an evening parking rate after 6:00 p.m. from Monday through Thursday at the 4<sup>th</sup> Street Garage; and

**WHEREAS**, on January 10, 2006 the City Council amended the Master Parking Rate Schedule to allow the Director of Transportation to implement a Flexible Event Rate structure for parking rates ranging from \$5 to \$15 at the "C" Lot and to allow the Director of Transportation to establish event parking rates ranging from \$5 to \$15 for the San José Grand Prix event from Friday at 6:00 p.m. through Sunday at 12:00 midnight at Municipal Off-Street Parking Facilities in the City; and

**WHEREAS**, on May 15, 2006 the City Council amended the Master Parking Rate Schedule to expand the Technology Museum Validation Program to enable patrons of the Technology Museum to park at both the Second/San Carlos Garage and the Convention Center Garage at the daily incremental rate up to a maximum of \$5 a day; and

**WHEREAS**, on June 12, 2007 the City Council amended the Master Parking Rate Schedule to institute a program that allows discounted monthly parking to new businesses and long term lease options for Class B and C building tenants and other businesses that do not have dedicated parking; establish an Office Building Long Term Lease Program; modify the Retail Validation Program to include social service providers; modify the current Pilot Program for Eligible

Small Start-Up Companies in the Bio-Tech and High-Tech Industries; and, modify the Free Parking Program to designate certain on and off street parking facilities as free on weekend days only, establish a six (6) month pilot parking rate of \$5 after 10 p.m. on Thursday, Friday and Saturday at designated garages, and establish a parking rate of \$2 every day after 6 p.m. beginning January 1, 2008, to increase by \$1 every other year up to a maximum of \$5; and

**WHEREAS**, the intent of each of the above-referenced parking programs is to stimulate and support economic growth and development among businesses in the downtown core; and

**WHEREAS**, on June 19, 2007 the City Council amended the Master Parking Rate Schedule to combine the City's existing Clean Air and Hybrid Vehicle Parking Validation Programs into one program entitled, "Clean-Air Vehicle Program", which will modify the terms of the existing Clean-Air and Hybrid Vehicle Parking Validation Programs so that they match the program requirements to meet those for the State of California Carpool Lane sticker requirements for a Single Occupancy vehicle, with the exception of including Neighborhood Electric Vehicles; provide that Clean-Air Vehicles must be purchased after January 1, 2000 from a licensed auto dealership in the City of San Jose; limit participation of City parking facilities to Third Street Garage, Fourth Street Garage, Market Street Garage, 2<sup>nd</sup>/San Carlos Garage, 2<sup>nd</sup>/St. James Lot, San Pedro/Bassett Lot, and San Jose Regional Parks and parking meters throughout the City of San Jose. and add an administrative fee of \$30 for new and replacement permits to cover the administrative costs of the program; extend the modified Clean-Air Vehicle Program through June 30, 2009 and authorize the Director of Transportation to extend the modified Clean-Air Vehicle Program annually thereafter, as long as the parking supply and demand supports continuation of the program; and, authorize the Director of Transportation to add or remove any parking facility from the modified Clean-Air Vehicle Program as necessary; and

**WHEREAS**, on October 30, 2007 the City Council directed staff to amend the Master Parking Rate Schedule to expand the Clean-Air Vehicle Program to include all Zero Emission Vehicles registered in the City of San Jose and make Zero Emissions Vehicles registered in the City of San Jose eligible to participate in the Clean-Air Vehicle Program; and

**WHEREAS**, on December 18, 2007 the City Council amended the Master Parking Rate Schedule to extend the six (6) month pilot parking rate of \$5 after 10 p.m. on Thursday, Friday and Saturday at various designated garages until January 8, 2008; and

**WHEREAS**, the City Council desires to further amend the Master Parking Rate Schedule to authorize the Director of Transportation to discontinue the \$5 pilot program after 10 p.m. on Thursday, Friday and Saturday evenings and to authorize the Director of Transportation to accelerate the previously approved January 1, 2010 adjustment of the \$2 flat rate fee to a \$3 flat rate fee after 6 p.m. at certain City parking facilities to January 1, 2009, with increases of \$1 every two years up to a maximum of \$5 by January 1, 2013;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1. DEFINITIONS**

- A. Municipal Off-Street Parking Facilities means the following off-street parking facilities owned and/or operated by the City:
1. The Almaden/Woz Lot, consisting of the Municipal off-street surface parking facility owned by BP Almaden Associates, LLP, situated in the block bounded by Almaden Boulevard, San Carlos Street, Woz Way and the Guadalupe River.
  2. The Auzerais Lot, consisting of the Municipal off-street surface parking facility owned by Caltrans, situated in the block south of Auzerais Avenue bounded by Delmas Avenue/Route 87 on-ramp and Woz Way.
  3. The Convention Center Garage, consisting of the Municipal off-street parking facility situated in the block bounded by Almaden Boulevard, Viola Avenue, Market Street and San Carlos Street.
  4. The "C" Lot, consisting of the Municipal off-street parking facility situated in the block bounded by San Pedro, Hedding, Mission and First Streets.
  5. The Fourth Street Garage, consisting of the Municipal off-street parking facility at the corner of East San Fernando Street and Fourth Street, which also contains retail space at street level and a Banquet Center on the top level.
  6. The I-280 Lot, consisting of the Municipal off-street surface parking facility owned by Caltrans, situated on the block bounded by Reed Street, Almaden Boulevard, Grant Street and the Guadalupe River.

7. The Japantown Lot, consisting of the Municipal off-street surface parking facility located at 575 North Sixth Street, situated on the west side of North Sixth Street, between East Empire Street and East Jackson Street.
8. The I-280/First Street Lot, consisting of the Municipal off-street surface parking facility owned by Caltrans, situated in the block bounded by First Street, Second Street, Reed Street and William Street.
9. The Market/San Carlos Lot (Block 8), consisting of the off-street surface parking facility owned by the Redevelopment Agency located at the northeast corner of Market Street and West San Carlos Street.
10. The Market/San Pedro Square Garage, consisting of the Municipal off-street parking facility situated in the block bounded by Santa Clara Street, Market Street, St. John Street and San Pedro Street.
11. The San Pedro/Bassett Lot, consisting of the Municipal off-street surface parking facility owned by the Redevelopment Agency situated in the block bounded by Julian Street, San Pedro Street, Bassett Street and Little Market Street.
12. The Second /St. James Lot (Oasis Lot), consisting of the off-street surface parking facility owned by the Redevelopment Agency located on the block bounded by North First Street, North Second Street, West St. James Street and West Devine Street.
13. The Second/San Carlos Garage, consisting of the Municipal off-street parking facility situated in the block bounded by Second Street, San Carlos Street, Third Street and the McAlister State Office Building.
14. The Second/San Fernando Lot (Block 2), consisting of the off-street surface parking facility owned by the Redevelopment Agency located on the south side of East San Fernando Street between First and Second Streets.
15. The First/St. James Lot, consisting of the Municipal off-street surface parking facility situated at the northwest corner of St. James Street and First Street.
16. The Third/San Fernando Lot (Block 3), consisting of the off-street surface parking facility owned by the Redevelopment Agency

located on the south side of East San Fernando Street between Second and Third Streets.

17. The Third Street Garage, consisting of the Municipal off-street parking facility situated in the block bounded by St. John Street, Second Street, Santa Clara Street and Third Street.
  18. The Woz/87 Lot, consisting of the Municipal off-street surface parking facility owned by Caltrans, situated on the southwest corner of Woz Way and the Route 87 (Guadalupe Expressway) off-ramp.
  19. The Almaden/Balbach Lot, consisting of the Municipal off-street parking facility owned by the Redevelopment Agency situated at the southeast corner of Almaden Boulevard and Balbach Streets.
  20. The New City Hall Parking Garage, consisting of the Municipal off-street parking facility situated in the block bounded by East Santa Clara Street, South Fourth Street, East San Fernando Street and South Sixth Street.
  21. The Fourth/St John Garage, consisting of the Municipal off-street parking facility situated in the block bounded by East Santa Clara Street, North Fourth Street, St. John Street and North Fifth Street
- B. The Autumn Street Parking Facility (Akattiff Lot) means the privately owned off-street parking facility consisting of 150 parking spaces located at 490 Howard Street, situated on the east side of Autumn Street, north of Old Julian Street. The parking rates set forth in this resolution for the Autumn Street Parking Facility shall apply only if the City has the right to use such facility pursuant to a parking agreement with the current owner, Michael G. Akattiff and Christy D. Akattiff, Trustees for the Michael G. Akattiff and Christy D. Akattiff Revocable Living Trust, or any subsequent owner. The current lease for the facility commenced on September 1, 2001 and will expire August 31, 2007. The City's authority to set and charge the parking rates at this facility shall be subject to the terms and conditions of any such parking agreement.
- C. The Arena A, B, C, & D Lots consists of the Municipal off-street surface parking facilities located adjacent to the HP Pavilion at San José ("Arena"). The parking rates set forth in this resolution shall apply only when the City has the right to utilize these facilities pursuant to the Arena Management Agreement, which are days when there are no Arena events scheduled. The Arena Management Agreement expires July 31, 2008 and has three (3) five-year extension options. The City's authority to set and charge parking rates at these facilities shall be subject to the terms and conditions of any such parking agreement.

- D. Clean-Air Vehicle means either one of the following types of vehicles: (1) vehicles that are eligible to apply for the State of California Carpool lane sticker for a Single Occupancy Vehicle; or (2) any vehicle to which the City of San José has issued a tag identifying it as a Neighborhood Electric Vehicle ("NEV").
- E. Single Occupancy Vehicle means a vehicle that is capable of High Occupancy use but is used and occupied by only one occupant.
- F. Neighborhood Electric Vehicle (NEV) means an electric, zero emission vehicle that is allowed on roads with posted speed limits of 35 MPH or less. NEVs are not eligible for the State of California Carpool Lane sticker because they are restricted from going over 35 MPH.
- G. Clean-Air Vehicle Program means a parking program which offers free parking at designated Municipal Off-Street Parking Facilities and On-Street Parking Meters throughout the City for Zero Emission Vehicles registered in the City of San Jose; and Clean-Air Vehicles purchased after January 1, 2000 from licensed auto dealership in the City of San Jose, and is established and operated as follows.
- The Clean-Air Vehicle Program shall commence on July 01, 2007 and expire on June 30, 2009. The program may be extended by the Director annually thereafter, as long as the parking supply and demand supports continuation of the program.
  - The Director shall institute an application process, to the satisfaction of the Director, to administer the program and distribute a Clean-Air Vehicle permit to qualified owners of Clean-Air Vehicles. The City shall charge a \$30 administrative fee for each new or replacement permit to cover the administrative cost of the program. The application for the Clean-Air Vehicle permit may require pertinent information from applicants such as, but not limited to, name of applicant, address, make, model, Vehicle Identification Number, Vehicle License Plate Number, point-of-sale receipts and copies of DMV registration.
  - Each Clean-Air Vehicle must display a Clean-Air Vehicle permit provided by the Director signifying that it is a Clean-Air Vehicle.
  - The Director is authorized to add or remove any Municipal Off-Street Parking Facility from the Clean-Air Vehicle Program as necessary.
- H. Director means the Director of the Department of Transportation, or the subsequent Director of the Department responsible for the City's Parking Program.

- I. Parking Administrator means the person on City staff responsible for supervising and administering the City's parking program.
- J. On-Street Parking means metered parking in the public right-of-way within Parking Meter Districts established by the Council.
- K. Off-Street Parking means public parking in facilities, not on the public right-of-way, which are owned, leased, or otherwise controlled by the City of San José and/or the Redevelopment Agency.
- L. Under-Utilized Municipal Off-Street Parking Facility means a Municipal Off-Street Parking Facility with excess monthly parking capacity when the Director determines that a facility meets the following criteria:
  - Fifty percent (50%) or greater of the parking spaces allocated in the facility for monthly parking are vacant according to City guidelines and are reasonably expected by the Director to remain vacant for six (6) months.

Based on the above criteria, the following Municipal Parking Facility(s) qualifies as an Under-Utilized Municipal Parking Facility on the effective date of this resolution:

- San Pedro/Basset Lot
- Almaden/Balbach Lot

Once a Municipal Off-Street Parking Facility no longer meets the criteria for being under-utilized, it shall automatically cease to be an Under-Utilized Municipal Off-Street Parking Facility.

- M. Eligible start-up bio-tech or high-tech company means a company that includes the following criteria:
  - Has received venture-backing.
  - Is either a newly incorporated start-up company, a new division of an established company, a graduating member of a participant of the Business Incubator Program, or is establishing or relocating a headquarter operation.
  - Is in one of the following "driving" industries: software, semiconductors, computers/communications, biosciences, innovation services or electronic components.

- Has between ten (10) and thirty five (35) employees, consistent with the definition of “small business” in the City Council approved Small Business Opportunities Program.
  - Has interest in a worksite that is located within the Downtown Core.
- N. Business Clusters means an organization that is comprised of business entities engaged in software and environmental business programs and development.
- O. Business Incubator Program has the following meaning:
- The Redevelopment Agency’s Downtown Business Incubator Program (“Business Incubator Program”) is a program approved by the Redevelopment Agency Board to provide office space and business development and support services to start-up companies.
  - Participants in the Business Incubator Program include business entities whose businesses are accepted in the Business Incubator Program and are tenants in either the Downtown Software Business Cluster (“SBS”) or the Environmental Business Cluster (“EBC”), currently located at 2 N. First Street, or tenants in the U.S. Market Access Center (“US MAC”), currently located at 111 N. Market Street.
- P. Class "A" Buildings are those buildings that provide on-site parking and meet their own parking needs based on the current parking requirements set forth in Title 20 of the San Jose Municipal Code.
- Q. Class "B" Buildings are those buildings that do not have their own dedicated on-site or off-site parking to meet their parking need based on the current parking requirements set forth in Title 20 of the San Jose Municipal Code.
- R. Class "C" Buildings are those historic buildings which have been renovated and do not have their own dedicated on-site or off-site parking to meet their parking need based on the current parking requirements set forth in Title 20 of the San Jose Municipal Code.

## **SECTION 2. RATES**

- A. Off-Street Parking. The rates for off-street parking at the Facilities described above in Section 1 are set forth in **Exhibit I**, attached hereto, and incorporated and made a part hereof as if fully set forth at length in this Resolution.

1. The Director shall have the authority to adjust the maximum daily and monthly rates within the specified ranges shown on **Exhibit I**. An advisory review by the Downtown Parking Board is required before any adjustment of these rates. The Director's decision shall be final. The Director shall prepare an informational memo to the City Council before implementation of rate adjustments.
  - a. The maximum daily and monthly parking rates may be adjusted downward to the lowest level in the rate range at a facility where occupancy during the weekday peak hours (between 10 a.m. and 2 p.m.) is less than seventy percent (70%) for an approximate three (3) month period.
  - b. The maximum daily and monthly parking rates may be adjusted upward to the highest level in the rate range at a facility where occupancy during the weekday peak hours (between 10 a.m. and 2 p.m.) is greater than ninety percent (90%) for an approximate three (3) month period.
  - c. The maximum daily and monthly parking rates may be set at mid-point of the rate range at a facility where occupancy during the weekday peak hours (between 10 a.m. and 2 p.m.) is between seventy percent (70%) and ninety percent (90%) for an approximate three (3) month period.
2. The Premium Monthly Rate shall be computed by multiplying 1.5 times the Monthly Rate, and the Reserved Monthly Rate shall be computed by multiplying 2.0 times the Monthly Rate.
3. The Director shall have the authority to adjust the Visitor Flat Rate within the ranges shown on **Exhibit I** at the Almaden/Woz, I-280/First Street, First/St. James, Almaden/Balbach, 2<sup>nd</sup>/St James (Oasis), Woz/87, Auzerais, I-280, San Pedro/Bassett, First/Julian, First/Bassett, Autumn Street (Akattiff), Arena Lots and any other off-street parking facilities added at the prevailing rate specified within the parking rate zones indicated on **Exhibit III** on a daily basis according to anticipated special event attendance, date of event, proximity of facility to event, and general parking supply and demands of the area.
4. Under the Clean-Air Vehicle Program, Zero Emission Vehicles registered in the City of San Jose and Clean-Air Vehicles purchased after January 1, 2000 from a licensed auto dealership in the City of San Jose shall be entitled to free parking at designated Municipal Off-Street Parking Facilities as shown in **Exhibit I**. Each

Clean-Air Vehicle must display a Clean-Air Vehicle permit provided by the Director signifying that it is a Clean Air Vehicle. All Clean-Air Vehicles parking at Municipal Off-street Parking Facilities shall adhere to the posted parking rules and regulations.

5. The Director is authorized to charge fifty percent (50%) of the Regular Monthly Parking Rate to San José State University ("SJSU") students desiring to purchase monthly parking permits at any facility that the Director determines is an Under-Utilized Municipal Parking Facility according to the definition in Section 1. SJSU students shall be eligible for this reduced monthly parking rate only upon providing proof, sufficient to the Director, that they are currently enrolled in six (6) or more units at SJSU. These discounted rates are offered on a month-to-month basis only and are based on occupancy. These rates are terminable within thirty (30) days by the Director. These reduced rates are intended to assist in managing SJSU's parking demands within the Downtown parking inventory.
6. The Director is authorized to charge fifty percent (50%) of the Regular Monthly Parking Rate to Downtown Merchants and their employees desiring to purchase monthly parking permits at any facility that the Director determines is an Under-Utilized Municipal Parking Facility according to the definition in Section 1. Merchants and their employees shall be eligible for this reduced parking rate only upon providing proof, sufficient to the Director, that their business or place of employment meets the criteria for the Downtown Retail Validation Program in Section 4.A.1. of this Resolution. These discounted rates are offered on a month-to-month basis only and are based on occupancy. These rates are terminable within thirty (30) days by the Director. These reduced rates are intended to manage retail employee parking demands within the Downtown parking inventory.
7. The Director shall publish a schedule of discounted rates for the programs in Sections 2.A.5. and 2.A.6. for those facilities meeting the definition of Under-Utilized Municipal Parking Facility. The schedule shall state the program under which the discount is being offered, the amount of spaces available at the discounted rate, the location of the parking spaces and the period of time the rate is valid. The schedule of discounted rates shall also state that the discount will not be applicable to any facility that no longer qualifies as an Under-Utilized Municipal Parking Facility according to the definition in Section 1.

8. The Director shall have the authority to add and/or remove parking facilities from the Master Parking Rate Schedule shown on **Exhibit I** as facilities are added or removed from the City's parking inventory. The rates charged at new parking facilities shall be the prevailing rate for other City-owned parking facilities in the parking rate zone in which it is located on **Exhibit III**.
9. The Director may reduce or increase the Event Flat Rate (and its accompanying Event In-Out Day Pass) within the specified range and the Incremental Maximum Daily Rate within the specified range at the Convention Center Garage as shown on **Exhibit I** for events if it is determined that a reduction or increase is necessary to:
  - a. optimize use of spaces in the Convention Center Garage; or
  - b. attract events that contribute to the economic vitality of San José.

When the Director considers a reduction of the Event Flat Rate from the normal rate, the Director shall assess the event's economic benefit, the projected number of parking spaces needed, and the demand for parking spaces at the Convention Center Garage.

10. Beginning on or after November 16, 2004 and ending November 16, 2007, the Director of the Office of Economic Development, or his/her designee, shall accept applications for the pilot parking program that will provide a free lease for up to a two (2) year term for parking spaces in Municipal Off-Street Parking Facilities (excluding the Fourth Street Garage Facility) for eligible start-up bio-tech or high-tech companies. A total of fifty (50) parking spaces will be allotted for the pilot parking for each year of its existence. Eligible companies must apply within three (3) months of showing evidence of an intention to locate to a site within the Downtown Core. Evidence of intention can include a letter of intent for a potential Downtown Core location or a letter from the company's CEO/CFO indicating the company's interest in a particular Downtown Core location. If chosen, the company must enter into a parking agreement with the City that will afford the company up to ten (10) parking spaces in a Municipal Off-Street Parking Facility. The Director of DOT shall retain the right to choose which Municipal Off-Street Parking Facility a company may use during the lease at any time. All company employees parking at Municipal Off-Street Parking Facilities under the pilot program shall adhere to the posted parking restrictions.

11. Beginning on November 17, 2007 and ending July 31, 2009, the Director of the Redevelopment Agency or his/her designee shall accept applications for a Parking Incentive Program to include Business Clusters and participants in the Business Incubator Program. Qualified applicants will receive a fifty percent (50%) discount off the current monthly parking rate for twenty four (24) months. If the incentive program is discontinued, the discount rate for existing participants will be continued for the full twenty four (24) months. Permits cannot be sub-leased or transferred at a marked up rate. The Director is authorized to extend the program, after July 31, 2009, on a year-to-year basis, if sufficient parking supply remains available to meet demand at the time of extension. If occupancy reaches eighty percent (80%) (either system wide or by facility) at any time during the program, the Director shall evaluate conditions including parking occupancy, office occupancy, and other related indicators to determine if the program can continue or should be discontinued.
12. Beginning on July 1, 2007 and ending July 31, 2009, the Director or his/her designee shall accept applications for New Business/Tenants that provide a monthly parking rate per space per month discount to \$75 for lease requests from 5 to 300 spaces for new businesses and tenants to the Downtown. The discounted rate is for twenty four (24) months regardless of the date the lease was initiated prior to July 31, 2009. To obtain the reduced rate a minimum six-month lease period is required and thereafter a month-to-month lease is required. Participation is restricted to tenants of Class "B" and "C" buildings or buildings without dedicated parking. The lease agreement is with the business/tenant and parking permits cannot be sub-leased or transferred. The Director of DOT or his/her designee shall retain the right to choose which Municipal Off-Street Parking Facility a company may use during the lease at any time and is authorized to extend the program, after July 31, 2009, on a year-to-year basis, if sufficient parking supply remains available to meet demand at the time of extension. If occupancy reaches eighty percent (80%) (either system wide or by facility) at any time during the program, the Director shall evaluate conditions including parking occupancy, office occupancy, and other related indicators to determine if the program can continue or should be discontinued.
13. Beginning on July 1, 2007 and ending on July 31, 2008, the Director of DOT or his/her designee has the authority to offer Class "B" and "C" Buildings, or buildings without dedicated parking the ability to lease one (1) parking space per 1,000 square feet of office

space, up to a maximum of 150 parking spaces per office complex (e.g. cluster of office buildings co-located). The lease rate is \$100 per space per month. If the building owner does not have a specific tenant to apply the long term parking lease, the building owner may secure the lease for \$25 per month per space while seeking a tenant and once the tenant is secured and the parking spaces activated the \$100 rate will be charged. The lease term is available for up to sixty (60) months regardless of the date the lease was initiated prior to July 31, 2008. The Director shall retain the right to choose which Municipal Off-Street Parking Facility a company may use during the lease and is authorized to extend the program, after July 31, 2008, on a year-to-year basis, if sufficient parking supply remains available to meet demand at the time of extension. If occupancy reaches eighty percent (80%) (either system wide or by facility) at any time during the program, the Director shall evaluate conditions including parking occupancy, office occupancy, and other related indicators to determine if the program can continue or should be discontinued.

14. The Director shall institute an Event Rate within the specified range indicated at Municipal Off-Street Parking Facilities listed on **Exhibit I** for the San José Grand Prix event. The Director shall set the Event Rate after a determination based on observations of parking requirements and the need to optimize the use of parking spaces for the San José Grand Prix event.
15. The Director shall institute a Flexible Event Rate Structure within the specified range indicated on **Exhibit I** for the "C" Lot. The Director shall set the Event Flat Rate after a determination based on observations of parking requirements and the need to optimize the use of parking spaces for the event.

B. **On-Street Parking**. The rates for on-street parking as defined in Section 1 are shown on **Exhibit II**, attached hereto and incorporated and made a part hereof as if fully set forth at length in this Resolution.

1. Under the Clean-Air Vehicle Program, Clean-Air Vehicles purchased after January 1, 2000 from a licensed auto dealership in the City of San Jose shall be entitled to free parking at all On-Street Parking Meters throughout the City. Each Clean-Air Vehicle must display a Clean-Air Vehicle permit provided by the Director signifying that it is a Clean-Air Vehicle. All Clean-Air Vehicles parking at On-Street Parking Meters shall adhere to the posted time restrictions.

### **SECTION 3. OFF-STREET RESIDENTIAL PARKING PROGRAM**

- A. There was previously established a Residential Parking Program which will now be referred to as the "Off-Street Residential Parking Program," to be administered by the Director pursuant to the requirements set forth herein.
- B. Upon proper application of an owner or tenant of a legal, residential unit that is located Downtown, the Director shall, subject to the requirements set forth herein, sell such person a Residential Parking Permit. The Residential Parking Permit shall authorize the permit holder to access the participating Municipal Off-Street Parking Facilities as follows: (1) between the hours of 5:00 pm to 8:00 am weekdays, (2) all day on weekends and official government holidays, and (3) up to twenty (20) weekdays per month from the hours of 8:00 am to 5:00 pm.
- C. The Director is authorized to determine which Municipal Off-Street Parking Facilities will participate in the Off-Street Residential Parking Program. For each Municipal Off-Street Parking Facility, the Director shall make this determination based upon the demand for the Off-Street Residential Parking Program at that Facility, the availability of parking spaces to accommodate the Off-Street Residential Parking Program, and the appropriateness of this type of parking at the Facility.
- D. For each Municipal Off-Street Parking Facility participating in the Off-Street Residential Parking Program, the Director shall make available only the number of Residential Parking Permits that can be accommodated at the Facility without impacting other parking uses.
1. The Director shall sell only one Residential Parking Permit for each residential unit. The Director shall sell the Residential Parking Permits on a first-come, first-served basis.
  2. Notwithstanding the foregoing, if the Director determines that the number of Residential Parking Permits available at a participating Municipal Off-Street Parking Facility exceeds the number of residential units for which permits are sought, the Director may sell multiple permits to each residential unit. However, any Residential Parking Permits in excess of one permit shall be subject to immediate termination and revocation by the Director in the event the Director determines such termination and revocation is necessary to accommodate a subsequent increase in demand.
- E. The cost of the Residential Parking Permits for the participating Municipal Off-Street Parking Facilities is set forth in **Exhibit I**, attached and incorporated herein. The monthly rate for the Off-Street Residential

Parking Permit Program shall be computed to be 0.5 of the Monthly Rate for the Municipal Parking Facility.

- F. The Director may terminate or revoke a Residential Parking Permit for any reason upon ninety (90) days' notice. The Director may terminate or revoke a Residential Parking Permit for cause upon thirty (30) days' notice. Notwithstanding the foregoing, the Director may terminate or revoke a Residential Parking Permit immediately for failure to pay or for the reason set forth in Section 3.D.2 of this Resolution. Residential Parking Permits shall be subject to renewal at the times specified by the Director, provided that such renewals shall occur within a maximum period of three (3) years after permit issuance.
- G. The Director is authorized to promulgate reasonable rules and regulations with regard to the administration of the Off-Street Residential Parking Program.

#### **SECTION 4. VALIDATION PROGRAMS**

- A. The Director shall administer the following parking validation programs:
  - 1. Downtown Parking Validation Program. This program provides a maximum of two (2) hours of validated parking for each customer on a 24 hours a day / 7 days a week basis.
    - a. Only businesses in the downtown core whose primary business is retail, restaurant, social service provider, nightclub or bar ("qualified business") may qualify to participate in this program.
    - b. Qualified retail, restaurant, social service provider, nightclub and bar businesses may purchase validation stamps/coupons in books of 100 stamps. Each stamp represents 20 minutes of validated parking at a participating parking facility. The cost of a book of 100 (20-minute) validation stamp/coupons is \$5.00 per book.

Each qualified business may acquire up to twelve (12) books of validation stamps/coupons per month. Additional books may be acquired upon request by the qualified business and the showing of sufficient need.
    - c. The parking facilities participating in the Downtown Parking Validation Program are as follows:

- Market/San Carlos Lot (Block 8)
  - Market Street/San Pedro Square Garage
  - Third/San Fernando Street Lot (Block 3)
  - Second/San Fernando Street Lot (Block 2)
  - Second/San Carlos Street Garage
  - Third Street Garage
  - Fourth Street Garage
  - Market/San Salvador Lot<sup>††</sup>
  - Fountain Alley Lot<sup>†††</sup>
  - Pavilion Garage
  - Convention Center Garage
- d. New qualifying businesses opening within the downtown core shall receive up to twelve (12) free validation books each month for the first six (6) months of business operation to encourage their participation in the Downtown Parking Validation Program. Requests for additional validation books beyond the initial twelve (12) free validation books will be honored at a cost of \$5.00 for each book.
- e. Downtown Parking Validations cannot be sold and/or distributed to any third party.
- f. Validation stamp/coupons are not accepted at Municipal Parking Facilities that charge a pre-paid rate at entry. Under special circumstances the Director has the authority to accept validations on a pre-arranged basis.
2. Downtown Cinema Validation Program. The Downtown Cinema Validation Program provides a maximum of three and one-half hours of free parking to patrons of cinemas in the downtown core area.
- a. Downtown Cinema Validations may be redeemed at participating parking facilities after the starting time of the first scheduled cinema/movie at any downtown cinema as determined by the Director.

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<sup>††</sup> This Lot is owned and operated by the Redevelopment Agency of the City of San José.

<sup>†††</sup> The Fountain Alley Surface Lot is an off-street parking facility owned by the Redevelopment Agency and located in the block bounded by Second Street, San Fernando Street, First Street and Fountain Alley. San José Parking, Inc. operates this facility for the Redevelopment Agency pursuant to an Exclusive Negotiations and Operating Agreement dated February 6, 1997. Subject to the terms and conditions of the Exclusive Negotiations and Operating Agreement, San José Parking, Inc. is required to accept up to 89,000 hours of validations per year from the Downtown Parking Validation Program.

- b. Downtown Cinema Validations are limited to redemption at parking facilities determined by the Director to serve the patron needs of the Downtown cinemas. The Director may add parking facilities to this list as they open and serve cinema/movie patron needs. Currently, the following parking facilities have been determined to serve patron needs, based on ease of access and capability to accommodate present usage by patrons of cinemas/movies:
- Fourth Street Garage
  - Market/San Pedro Square Garage
  - Pavilion Garage \*\*\*\*\*
  - Second/San Carlos Garage
  - San Fernando/Second Street Lot (Block 2)
  - San Fernando/Third Street Lot (Block 3)
  - Third Street Garage
- The Director may remove any of the above facilities from the Downtown Cinema Validation Program if they close, are developed into non-parking facilities or no longer meet cinema/movie patron needs.
- c. Downtown Cinema Validations are to be provided to patrons of downtown cinemas/movies for scheduled showings at no charge.
- d. The Downtown Cinema Validation Program shall not be effective at parking facilities that participate in the Downtown Free Parking Program.
- e. Downtown Cinema Validations shall not be distributed to cinema employees, secondary uses within a cinema (such as café or restaurant patronage), or sold and/or distributed to any third party.
3. Technology Museum Validation Program. The Technology Museum Validation Program enables patrons of the Technology Museum to park at the incremental rate at the Second/San Carlos Garage and the Convention Center Garage up to a maximum of \$5.00 a day.
4. Casa del Pueblo Validation Program. The Casa del Pueblo Validation Program enables visitors to the Casa del Pueblo Senior

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\*\*\*\*\* The Pavilion Garage is a parking facility subject to a special covenant with the Redevelopment Agency of the City of San José that is required to participate in any public parking program in effect by the City of San José from time to time, including the Cinema Validation Program.

Housing Center to park for up to two (2) hours at the Market/San Carlos Street Lot for a \$1.50 fee. A maximum of 990 discounted 2-hour parking validations are provided to the Casa del Pueblo Senior Housing Center on a monthly basis.

- B. The City, through the Director, may enter into written agreements with any person, corporation, association, organization or entity for the validation of customer or client parking so long as such agreements are pursuant to at least one of the above-mentioned validation programs.
- C. The Director is authorized to promulgate reasonable rules and regulations with regard to the administration of each of the validation programs.

### **SECTION 5. ALTERNATE USE OF PARKING FACILITIES**

Pursuant to the "Guidelines for Events Held on City-Owned and City-Operated Parking Facilities, including Redevelopment Agency Public Parking Facilities," adopted by the City Council on September 4, 2001 (hereinafter, "Guidelines"), events approved by the City's Chief Development Officer may be authorized on certain City-owned and/or operated parking facilities.

The daily rates for use of the parking facilities made available for events in accordance with the Guidelines are as follows:

- A. For parking facilities charging a flat daily rate, the daily fee will be twice the daily rate per space used.
- B. For parking facilities charging an hourly rate, the daily fee will be the established daily maximum rate per space used.
- C. For parking facilities during periods when a facility primarily provides free parking, the daily fee will be \$6 per space used.

### **SECTION 6. RULES AND REGULATIONS**

The Director is authorized to promulgate reasonable rules and regulations for operation of the parking facilities described in Section 1, including, but not limited to, collection procedures.

### **SECTION 7. PRIOR AGREEMENTS**

Agreements which the City entered into pursuant to the terms of any prior Resolution establishing rates and charges for the use of parking facilities

mentioned above shall remain in full force and effect until hereafter amended or terminated by the City.

**SECTION 8. EFFECTIVE DATE/REPEAL**

This Resolution shall become effective January 8, 2008, except for the Modified Free Parking Program, which became effective January 1, 2008. As of January 8, 2008, Resolution No. 74183 shall be repealed. Any other Resolution containing terms and conditions inconsistent with those contained herein are hereby repealed.

ADOPTED the 8<sup>th</sup> day of January, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,  
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk

## Exhibit I – Master Parking Rate Schedule – Off-Street

<u>Facility</u>	<u>Rates</u>
<b>Market/San Pedro Square Garage</b> <sup>c, d, f, g, i, j</sup> Monthly Rate <b>3<sup>rd</sup>/Street Garage</b> <sup>c, d, f, g, j</sup> Daily Incremental Rate <b>2<sup>nd</sup>/San Carlos Garage</b> <sup>c, d, f, g, j</sup> Maximum Daily Rate Evening Rate after 6PM Weekend Day Rate before 6PM ***Why are there two "i"s where I've highlighted?????????	\$100 <sup>a</sup> Specified Range (\$75-125) \$0.75 per 20 minutes \$15 <sup>a</sup> Specified Range (\$12-18) \$2. -5. Free
<b>First/St. James Lot</b> <sup>g</sup> Monthly Rate Daily Incremental Rate Evening Rate after 6PM Weekend Day Rate before 6PM	\$30 <sup>a</sup> Specified Range (\$15-60) \$3-7 \$2. -5. Free
<b>2<sup>nd</sup>/San Fernando Lot (Block 2)</b> <sup>c, d, g</sup> Monthly Rate <b>Central Place (Block 3)</b> <sup>c, d, g</sup> Daily Incremental Rate Maximum Daily Rate Evening Rate after 6PM Weekend Day Rate before 6PM	\$100 <sup>a</sup> Specified Range (\$75-125) \$1 per 20 minutes \$18 <sup>a</sup> Specified Range (\$12-18) \$2.-5 Free
<b>Market/San Carlos Lot (Block 8)</b> <sup>c, d</sup> Monthly Rate Daily Incremental Rate Maximum Rate Evening Rate	\$100 <sup>a</sup> Specified Range (\$75-125) \$1.25 per 20 minutes \$18 <sup>a</sup> Specified Range (\$12-18) \$7
<b>Convention Center Garage</b> <sup>c, g</sup> Monthly Rate Event Flat Rate Event In-Out Day Pass Daily Incremental Rate Weekend day before 6PM Incremental Rate Incremental Maximum Daily Rate Non-Event Evening Rate after 6PM	\$100 <sup>a</sup> Specified Range (\$75-125) \$10 <sup>b</sup> Specified Range (\$0-18) \$20 <sup>b</sup> (or posted Event Flat Rate x2) \$1.00 per 20 minutes \$.50 per 20 minutes \$18 <sup>b</sup> Specified Range (\$10-18) \$2. -5.
<b>Fourth Street Garage</b> <sup>d, g, h, i, j</sup> Monthly Rate Daily Incremental Rate Incremental Maximum Daily Rate Evening Rate after 6PM Banquet Center Visitor Rate	\$100 <sup>a</sup> Specified Range (\$75-125) 0.75 per 20 minutes \$15 <sup>a</sup> Specified Range (\$12-18) \$2. to \$5. Up to 2 hours: \$3 <sup>a</sup> Specified Range (\$3-4) 2-4 hours: \$6 <sup>a</sup> Specified Range (\$6-8) 4-6 hours: \$9 <sup>a</sup> Specified Range (\$9-12) 6-8 hours: \$12 <sup>a</sup> Specified Range (\$12-16) 8-10 hours: \$15 <sup>a</sup> Specified Range (\$15-18)
<b>Almaden/Woz Lot</b> <sup>c</sup> Monthly Rate Daily and Evening Flat Rate	\$75 <sup>a</sup> Specified Range (\$50-100) \$3-7 (why is this changing?)
<b>Almaden/Balbach Lot</b> <sup>c</sup> Monthly Rate Daily Flat Rate Weekend/Evening Rate Special Event Evening Rate	\$75 <sup>a</sup> Specified Range (\$50-100) \$3-7 Free \$3

## Exhibit I – Master Parking Rate Schedule – Off-Street

<u>Facility</u>	<u>Rates</u>
<b>2<sup>nd</sup>/St James (Oasis Lot)</b> <sup>c, d, g, i</sup> Monthly Rate Daily Flat Rate Evening Rate after 6PM Weekend Day Rate before 6PM	\$75 <sup>a</sup> Specified Range (\$50-100) \$3-7 \$2.00 -\$5???? Free
<b>Woz/87 Lot</b> <sup>c</sup> Monthly Rate Daily/Evening Flat Rate	\$30 <sup>a</sup> Specified Range (\$15-60) \$3-7
<b>Auzerais Lot</b> <sup>c</sup> Monthly Rate Daily/Evening Flat Rate	\$30 <sup>a</sup> Specified Range (\$15-60) \$3-7
<b>San Pedro/Bassett Lot</b> <sup>c, d, i</sup> Monthly Rate Daily/Evening Flat Rate	\$30 <sup>a</sup> Specified Range (\$15-60) \$3-7
<b>“C” Lot</b> <sup>e</sup>	\$5 = Specified Range (\$5-\$15)
<b>Japantown Lot</b>	Daily Incremental Rate \$0.50 per hour
<b>Autumn Street Lot (Akattiff Lot)</b> <sup>c</sup> <b>Arena Lots (Non-Arena Events)</b>	Monthly Rate Daily Flat Rate \$30 <sup>a</sup> Specified Range (\$15-60) \$3-7
<b>New City Hall Garage</b>	Daily Incremental Rate Maximum Daily/Evening Rate 0.75 per 20 minutes \$15 <sup>a</sup> Specified Range (\$12-18)
<b>4<sup>th</sup>/St John</b> <sup>g</sup> Evening Rate after 6PM Friday/Saturday Evening Rate 6pm to 10pm Sunday-Thursday	\$2.-5 Free
<b>I-280/First Lot</b> <sup>c, d</sup> Monthly Rate Daily Incremental Rate Weekend/Evening Rate after 6PM	\$30 <sup>a</sup> Specified Range (\$15-60) \$3-7 Free

- <sup>a</sup> The Director of Transportation, following a review by the Downtown Parking Board, may modify this rate within the specified range.
- Residential Parking Program Monthly Rate is computed at 0.5 times the normal monthly rate for any given facility.
  - Premium Parking Monthly Rate is computed at 1.5 times the normal monthly rate for any given facility.
  - Reserved Parking Monthly Rate is computed at 2.0 times the normal monthly rate for any given facility.
- <sup>b</sup> The Director may modify these rates within the specified range in accordance with Section 2.A.8 of this Master Parking Rate Schedule.
- <sup>c</sup> Some spaces in a Municipal Off-Street Parking Facility may be leased for free for up to a two (2) year period between November 16, 2004 and November 16, 2007, pursuant to an executed Parking Agreement with the Department of Transportation by an eligible company participating in the pilot program described in Section 2.A.11, and 12.
- <sup>d</sup> The Director shall establish Event Parking Rates for the San José Grand Prix event ranging from \$5.00 to \$15.00 from Friday at 6:00 PM through Sunday at 12:00 midnight.
- <sup>e</sup> The Director shall establish an Event Parking Rate for the “C” Lot ranging from \$5.00 to \$15.00.
- <sup>f</sup> Facility eligible for participating in the Parking Incentive Program for Business Clusters and the Business Incubator Program at 50% of the current parking facility monthly parking rate.
- <sup>g</sup> Evening rate after 6PM shall be \$3.00 effective January 1, 2009 and may, at the discretion of the Director, be increased every 2 years by \$1.00, up to a maximum of \$5.00 by January 1, 2013. All parking facilities not listed shall remain at the current rate structure.
- <sup>h</sup> First hour free after 6PM.
- <sup>i</sup> Facility eligible for participants in the Clean-Air Vehicle Program.

## Exhibit II – Master Parking Rate Schedule – On-Street

<u>Area</u>	<u>Rates</u>
<b>Parking Meter District 1</b> (Downtown Business & SoFA/University)	<b>\$1.00 per hour</b>
<b>Outside Parking Meter District 1</b>	<b>\$0.50 per hour</b>

