



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

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STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Patricia L. O'Hearn, City Clerk and Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 26356**", the original copy of which is attached hereto, was passed for publication of title on the **1st day of May, 2001**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **15th day of May, 2001**, by the following vote:

AYES: CAMPOS, CORTESE, DANDO, DIQUISTO, LeZOTTE,
REED, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CHAVEZ

DISQ: NONE

VACANT: NONE

Said ordinance is effective as of **June 15, 2001**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **25th day of May, 2001**.

(SEAL) Patricia L. O'Hearn
PATRICIA L. O'HEARN
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 26356

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING CHAPTER 11.52 OF TITLE 11 OF THE SAN JOSÉ MUNICIPAL CODE TO MODIFY THE REGULATIONS APPLICABLE TO REGULAR FREIGHT LOADING ZONES AND SPECIAL LOADING/UNLOADING PERMITS, AND TO AUTHORIZE THE ESTABLISHMENT OF SPECIAL FREIGHT LOADING ZONES TO ACCOMMODATE UNIQUE LOADING NEEDS; ESTABLISHING A NEW CHAPTER 11.51 OF TITLE 11 TO SET FORTH THE REGULATIONS APPLICABLE TO CURB MARKINGS WITH NO SUBSTANTIVE MODIFICATIONS TO SUCH REGULATIONS; AND ESTABLISHING A NEW CHAPTER 11.54 OF TITLE 11 TO SET FORTH THE REGULATIONS APPLICABLE TO PASSENGER LOADING ZONES, BUS ZONES AND TAXICAB ZONES WITH NO SUBSTANTIVE MODIFICATION TO SUCH REGULATIONS

WHEREAS, the City Council has reviewed, considered and approved information and conclusions contained in the Final Environmental Impact Report entitled "Downtown Strategy Plan" (and adopted Resolution No. 64273 on December 15, 1992) and in that certain Supplemental Environmental Impact Report (and adopted Resolution No. 68839 on April 27, 1999) and also has considered that certain Addendum to these previously adopted environmental impact reports dated April 24, 2001, under Public Project File No. PP-01-04-083, all prior to approving this Ordinance; and

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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 by adding a Chapter to be numbered and entitled and to read as follows:

**CHAPTER 11.51
CURB MARKINGS**

11.51.010 Curb Marking

The City Traffic Engineer is hereby authorized, subject to the provisions and the limitations of this Chapter and Chapters 11.52 and 11.54, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth.

- A. Red shall mean no stopping, standing or parking at any time except as permitted by the California Vehicle Code, except that buses 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 depositing mail in an adjacent mail box limited to a time period of not more than five (5) consecutive minutes.

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- 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 in the green zone.
- E. Blue shall mean no stopping, standing or parking except for vehicles which display a distinguishing license plate or placard issued to disabled persons pursuant to California Vehicle Code Section 22511.5 or issued to disabled veterans as specified in California Vehicle Code Section 9105.

11.51.020 Theaters

The stopping, parking or standing regulations applicable to such curb marking in front of a theater shall apply at all times except when the theater is closed.

11.51.030 Applicability of Restrictions

The City Traffic Engineer may determine that the stopping, parking or standing regulations applicable to a particular curb marking shall only be effective at certain times in certain zones and shall indicate any changes in time restrictions by a sign adjacent to the curb marking.

11.51.040 Obedience To Curb Markings Or Signs Required

When the City Traffic Engineer, as authorized under this Chapter, has caused curb markings to be placed, or signs to be erected, no person shall stop, stand or park a vehicle adjacent to any such curb marking, and/or sign, in violation of the curb marking and/or sign.

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SECTION 2. Chapter 11.52 of Title 11 of the San José Municipal Code is amended to read as follows:

CHAPTER 11.52
FREIGHT LOADING ZONES
Part 1
General Provisions

11.52.010 Definitions

The definitions set forth in this Chapter shall govern the application and interpretation of this Chapter.

11.52.020 Commercial Vehicle

“Commercial Vehicle” means a vehicle that has license plates identifying it as a commercial vehicle.

11.52.030 Director

“Director” means the Director of the Department with the authority for administering programs related to the operation and maintenance of public streets.

11.52.040 Loading Or Unloading

“Loading or Unloading” and “Loading and Unloading” means the active loading and/or unloading of Freight from a vehicle, and the execution of all activity connected with the loading or unloading of the Freight.

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11.52.050 Freight

“Freight” means goods, wares, merchandise, equipment, materials, or cargo.

11.52.060 Large Live Entertainment Venue

“Large Live Entertainment Venue” shall mean a business operating in a facility having a performance area, including a stage and assembly area, with an occupancy capacity of at least six hundred (600) people, where live amplified musical entertainment is provided two or more times per week.

Part 2

Freight Loading Zone

11.52.300 Authority To Establish

The Director is authorized to establish Freight Loading Zones consistent with the requirements of this Part 2.

11.52.310 Designating

The Director shall establish a Freight Loading Zone by a yellow paint line upon the top and face of the curb within such zone or by signs indicating such freight loading zone placed at the beginning and end of the zone.

11.52.320 Use Prohibition

No person shall stop, stand or park a vehicle in any Freight Loading Zone for any purpose other than the following:

- A. The pick up or drop off of passengers;

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- B. The Loading or Unloading of Freight to or from a Commercial Vehicle making a commercial delivery or pick up; or
- C. The delivery or pick up of express or parcel post packages or United States mail.

11.52.330 Time Prohibition

- A. No person shall stop, stand or park a vehicle in any Freight Loading Zone for the purpose of the pick up or drop off of passengers for longer than the time necessary to complete such activity, and in no event for more than five (5) consecutive minutes.
- B. No person shall stop, stand or park a Commercial Vehicle in any Freight Loading Zone for the purpose of Loading or Unloading Freight for longer than the time necessary to complete such activity, and in no event for more than one (1) consecutive hour, except in compliance with a Special Loading/Unloading Permit issued pursuant to Part 4 of this Chapter 11.52.
- C. No person shall stop, stand or park a vehicle in any Freight Loading Zone for the purpose of delivering or picking up express or parcel post packages or United States mail for longer than the time necessary to complete such activity, and in no event for more than one (1) consecutive hour.

11.52.340 Length

No Freight Loading Zone, combined with any zone established pursuant to Chapter 11.54, shall exceed more than one-half (1/2) of the total curb length in any block.

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11.52.350 Day And Time Of Restrictions

The Director may post signs limiting the applicability of the restrictions set forth in Part 2 to only certain days and/or times.

Part 3

Special Freight Loading Zones

11.52.500 Authority To Establish

The Director is authorized to establish Special Freight Loading Zones in the Central Traffic District consistent with the requirements of this Part 3.

11.52.510 Special Freight Loading Zone

The Director may establish a Special Freight Loading Zone upon the request of a business if each of the following conditions exist:

- A. The business requesting the Special Freight Loading Zone is a Large Live Entertainment Venue; and
- B. The business requesting the Special Freight Loading Zone is located on the side of the block immediately adjacent to the proposed zone; and
- C. An ongoing and regular part of the business requesting the Special Freight Loading Zone involves deliveries or pick ups at least two (2) days per week, with each delivery or pick up requiring the Loading or Unloading of Freight in excess of two (2) consecutive hours; and

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- D. The delivery needs of the business requesting the Special Freight Loading Zone can only be accommodated through the use of the immediately adjacent public street; and
- E. The establishment of a Special Freight Loading Zone would not result in inadequate on-street parking or inadequate Freight Loading Zones established pursuant to Part 2 to accommodate the needs of other businesses located on either side of the street on the city block upon which the proposed Special Freight Loading Zone would be established.

11.52.520 Length

- A. The Director shall not establish a Special Freight Loading Zone of a length greater than reasonably appropriate to accommodate the needs of any business to be served by the zone. The Director shall consider the on-street parking, and the Loading and Unloading needs of other businesses in determining the length of the Special Freight Loading Zone.
- B. Any block containing a Special Freight Loading Zone shall not be subject to the restriction set forth in Section 11.52.340.

11.52.530 Designating

- A. The Director shall designate a Special Freight Loading Zone by a yellow paint line upon the top and face of the curb within such zone and by signs indicating such Special Freight Loading Zone placed adjacent to the painted curb at the beginning and end of the zone.

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- B. The signs designating a Special Freight Loading Zone shall give notice that parking or stopping within the zone is prohibited except for vehicles displaying a Special Freight Loading Zone permit issued pursuant to this Part 3.
- C. The signs designating a Special Freight Loading Zone shall also give notice that parking or stopping in violation of the prohibition set forth in this Part 3 may result in removal of the vehicle.

11.52.540 Permit Issuance

Upon the proper application of a business, the Director shall issue the applicant business a Special Freight Loading Zone permit in the Central Traffic District if each of the following requirements exist:

- A. The business requesting the Special Freight Loading Zone permit is a Large Live Entertainment Venue; and
- B. The business requesting the Special Freight Loading Zone permit is located on the side of the block immediately adjacent to the proposed zone; and
- C. An ongoing and regular part of the business requesting the Special Freight Loading Zone permit involves deliveries or pick ups at least two (2) days per week, with each delivery or pick up requiring the Loading or Unloading of Freight in excess of two (2) consecutive hours; and
- D. The applicant business does not have sufficient on-site or off-site areas to accommodate the Loading and Unloading of Freight in excess of two (2) consecutive hours, and such Loading and Unloading needs can only be accommodated through the use of the immediately adjacent public street.

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11.52.550 Number Of Permits

The Director shall issue to each applicant business that qualifies to use a Special Freight Loading Zone no more than the number of permits needed by the business.

11.52.560 Permit Conditions

- A. The holder of a Special Freight Loading Zone permit is authorized to display the permit on any vehicle making a delivery or pick up of Freight to the permit holder.
- B. A vehicle properly displaying a Special Freight Loading Zone permit is authorized to park in a Special Freight Loading Zone for no longer than the time necessary to complete the Loading or Unloading of Freight to the permit holder.
- C. The holder of a Special Freight Loading Zone permit shall use only the Special Freight Loading Zone for all of its other Freight Loading and Unloading needs to the extent the zone is not occupied or needed for the Loading and Unloading of Freight anticipated to be in excess of two (2) consecutive hours.
- D. The holder of a Special Freight Loading Zone permit is authorized to use Freight Loading Zones for its other Loading and Unloading needs only to the extent the Special Freight Loading Zone is unavailable because of use by vehicles making deliveries or pickups in accordance with this Part 3. All vehicles parking in the Freight Loading Zone shall strictly adhere to the regulations applicable to Freight Loading Zones.
- E. A Special Freight Loading Zone permit is only valid in the Special Freight Loading Zone for which it is issued.

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- F. A valid Special Freight Loading Zone Permit does not guarantee or reserve to the permit holder a parking space within a Special Freight Loading Zone.

11.52.570 Prohibition

- A. No person shall park or stop a vehicle in a Special Freight Loading Zone without displaying, in the manner required by the Director, a valid Special Freight Loading Zone Permit and acting in compliance with the conditions set forth in Section 11.52.560.
- B. No person to which a Special Freight Loading Zone permit has been issued shall use the permit except as set forth in this Part 3.

11.52.580 Permit Duration

- A. The Director shall fix the period during which Special Freight Loading Zone Permits are valid, provided that no such permit shall be valid for longer than two (2) years.
- B. The Director will automatically renew a Special Freight Loading Zone Permit upon affirmative evidence showing that the same business use that formed the basis for the original permit issuance is continuing.
- C. Renewal of Special Freight Loading Zone permits shall be in accordance with the rules established by the Director.

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11.52.590 Prohibition On Sale Or Transfer

Except as otherwise provided in Section 11.52.560, no business that has been issued a Special Freight Loading Zone permit shall sell, transfer or allow another business to use the permit.

11.52.600 Fees

The fees for obtaining, renewing, and replacing a Special Freight Loading Zone Permit shall be as set forth in the schedule of fees established by Resolution of the City Council.

11.52.610 Permit Denial Or Revocation

The Director may deny an application for issuance or renewal of a Special Freight Loading Zone permit upon determining that the applicant or permittee has:

- A. Supplied the Director with incorrect information;
- B. Violated any conditions placed upon the Permit; or
- C. Otherwise failed to comply with the provisions of Part 3.

11.52.620 Appeal

- A. The Director shall notify an applicant or permittee, in writing, of the Director's decision to deny or revoke a Special Freight Loading Zone permit.

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- B. The notice of decision shall state the grounds for denial of the application or revocation of the Special Freight Loading Zone permit and shall notify the applicant or permittee of the opportunity and procedures for a hearing.
- C. The notice of decision shall become final unless a written request for hearing is received by the Director within ten (10) days after the date of the notice of decision.

11.52.630 Hearing

- A. Upon receipt of a timely written request for a hearing on a notice of decision to deny an application of a Special Freight Loading Zone permit or to revoke such a permit, the Director shall schedule a hearing. The Director shall promptly notify the applicant or permittee of the hearing date, time and location.
- B. The hearing with the Director shall be held within ten (10) business days after receipt of the written request for hearing.
- C. The hearing will be informal and the technical rules of evidence shall not apply. The permittee or applicant may be represented by any person.
- D. After closing the hearing, the Director shall give a decision sustaining, reversing or modifying the decision to deny or revoke a Special Freight Loading Zone permit. A written notice of final decision shall be hand delivered or sent by mail to the permittee or applicant within five (5) business days following the hearing.

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Part 4
Special Loading/Unloading Permit

11.52.700 Permit Scope

Upon proper application of a business, the Director may issue the applicant a Special Loading/Unloading Permit in the Central Traffic District authorizing one of the following activities:

- A. The backing of a vehicle to the curb for the purpose of Loading or Unloading Freight except as prohibited in the central traffic district in accordance with 11.52.140; or
- B. The parking of a vehicle in a Freight Loading Zone in excess of one (1) consecutive hour for the purpose of Loading or Unloading Freight.

11.52.710 Permit Issuance

To obtain a Special Loading/Unloading Permit, the applicant must demonstrate to the satisfaction of the Director that one of the following requirements exists:

- A. The backing of a vehicle to the curb is the only reasonable method by which the Loading or Unloading of Freight can occur; or
- B. The Loading or Unloading of Freight is anticipated to exceed one (1) consecutive hour and the applicant cannot otherwise comply with the requirements to obtain a permit for a Special Freight Loading Zone.

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11.52.720 Permit Duration

- A. The Director shall fix the period during which the Special Loading/Unloading Permits are valid, provided that such permit will be valid a minimum of one (1) day and shall be valid no longer than three (3) days as to be determined by the Director.
- B. The Director may renew a Special Loading/Unloading Permit upon a showing by the applicant that the same or similar business use that formed the basis for the original permit issuance is continuing.
- C. Renewal of Special Loading/Unloading Permits shall be in accordance with the rules established by the Director.

11.52.730 Prohibitions

- A. No person shall back a vehicle to the curb for the purpose of Loading or Unloading Freight without displaying, in the manner required by the Director, a valid Special Loading/Unloading Permit authorizing such Loading or Unloading in compliance with the conditions set forth in the permit.
- B. No person shall park a commercial vehicle in a Freight Loading Zone in excess of one (1) consecutive hour without displaying, in the manner required by the Director, a valid Special Loading/Unloading Permit authorizing the Loading and/or Unloading in compliance with the use and time conditions detailed on the permit and the restrictions posted at the Freight Loading Zone.

11.52.740 Prohibition On Sale Or Transfer

No business that has been issued a Special Loading/Unloading Permit shall sell, transfer or allow another business to use the permit.

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11.52.750 Fees

The fees for obtaining a Special Loading/Unloading Permit shall be set forth in the schedule of fees established by Resolution of the City Council.

SECTION 3. 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 11.54
OTHER LOADING ZONES
Part 1
Passenger Loading Zones**

11.54.010 Authorization To Establish

The Director is authorized to establish Passenger Loading Zones consistent with the requirements of this Chapter.

11.54.020 Designating

The Director shall indicate a Passenger Loading Zone by a white line upon the top and face of the curb within such zone, or by signs indicating such Passenger Loading Zone placed at the beginning and end of the zone.

11.54.030 Use Prohibition

No person shall stop, stand or park a vehicle in any Passenger Loading Zone for any purpose other than the loading or unloading of passengers or their personal baggage, or the depositing of mail in an adjacent mail box.

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11.54.040 Time Prohibition

No person shall stop, stand or park a vehicle in any Passenger Loading Zone for more than the time necessary to load or unload passengers or their personal baggage, or to deposit mail in an adjacent mail box, and in no event for more than five (5) consecutive minutes.

11.54.050 Day And Time Of Restrictions

The Director may post signs limiting the applicability of the restrictions set forth in Part 1 to only certain days and/or times.

Part 2 Bus Zone

11.54.200 Bus Defined

The word "bus" as used in this Part, means any motor bus, motor coach, or passenger stage used as a common carrier of passengers.

11.54.210 Establishment

The Director is authorized to establish bus zones opposite curb space for the loading and unloading of buses and to determine the location thereof, subject to the directives and limitations set forth in this Chapter.

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11.54.220 Designation

A bus zone shall be indicated by:

- A. A red paint line upon the top and face of the curb within the zone used in conjunction with a sign or signs designating a bus zone; or
- B. "No stopping" signs used in conjunction with signs designating a bus zone at the beginning and end of the zone.

Part 3

Taxicab Stands

11.54.300 Establishment

- A. A taxicab stand shall be established when the Director, in his/her discretion, determines that a stand is necessary for the need and convenience of the public.
- B. The Director's authority to establish a taxicab stand is limited to the extent that the Director of Aviation has authority to establish taxicab stands at San Jose International Airport.

11.54.310 Signs

Taxicab stands shall be indicated by authorized signs installed by the City in a manner designated by the Director.

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11.54.320 Conditions For Granting

Taxicab stands shall be granted only on the basis of public need and convenience, and it shall be the responsibility of the applicant to prove such public need and convenience to the satisfaction of the Director.

11.54.330 Fee

For every parking space occupied by a taxicab stand on streets outside of the parking meter district, a fee of five dollars (\$5) per month shall be paid. The fee shall be paid monthly in advance to the City.

PASSED FOR PUBLICATION OF TITLE this 1st day of May, 2001, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, DANDO, DIQUISTO, LeZOTTE, REED, SHIRAKAWA, WILLIAMS, YEAGER; GONZALES

NOES: NONE

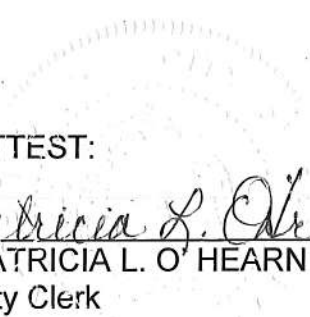
ABSENT: NONE

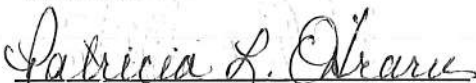
DISQUALIFIED: NONE



RON GONZALES
Mayor

ATTEST:




PATRICIA L. O' HEARN
City Clerk