

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
VARIOUS SECTIONS IN TITLES 9, 11, 17 AND 19 AND
ADDING A NEW CHAPTER 13.05 TO TITLE 13 OF THE
SAN JOSE MUNICIPAL CODE TO IMPLEMENT THE SAN
JOSE COMPLETE STREETS DESIGN STANDARDS AND
GUIDELINES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 9.10.1410 of Chapter 9.10 of Title 9 of the San José Municipal Code is amended to read as follows:

9.10.1410 Placement of Solid Waste Containers

No commercial solid waste container or rubbish container shall be kept or permitted to remain upon the public ~~parkway~~ Furnishing Zone/Parkstrip except during the twelve (12) hours immediately preceding the scheduled time of collection by the solid waste collector and during the six (6) hours immediately following collection. No commercial solid waste or rubbish container shall otherwise be placed, kept or maintained within or upon any public sidewalk, ~~parkway~~ Furnishing Zone/Parkstrip, curb, gutter, alley, street, or other public right-of-way.

SECTION 2. Section 9.12.100 of Chapter 9.12 of Title 9 of the San José Municipal Code is amended to read as follows:

9.12.100 Weeds or Refuse - Declared Public Nuisance When

Whenever weeds are growing, or refuse is situated upon any street, ~~parkway~~ Furnishing Zone/Parkstrip, sidewalk or private property, the ~~Ceity~~ Ceouncil may, by resolution, declare the weeds or refuse a public nuisance.

SECTION 3. Section 11.04.110 of Chapter 11.04 of Title 11 of the San José Municipal Code is amended to read as follows:

11.04.110 ~~Parkway~~ Furnishing Zone/Parkstrip

~~"Parkway~~ Furnishing Zone/Parkstrip" means that portion of the street between the curb and the sidewalk.

SECTION 4. Section 11.04.170 of Chapter 11.04 of Title 11 of the San José Municipal Code is hereby repealed.

SECTION 5. Section 11.16.060 of Chapter 11.16 of Title 11 of the San José Municipal Code is amended to read as follows:

11.16.060 Installation - Locations Designated by City Council

The ~~Ceity~~ Ceity traffic engineer is hereby directed to install and maintain official traffic ~~signals control devices~~ signals control devices at intersections and other places where ~~traffic~~ conditions are such ~~as to require that the flow of that traffic be alternately interrupted and released in order to prevent or relieve congestion or~~ must be managed to protect life or property from ~~exceptional~~ extreme hazard. The intersections or other places where official traffic ~~signals control devices~~ signals control devices are to be installed and maintained shall be designated by ~~a resolution or ordinance adopted by the city council~~ the City traffic engineer.

SECTION 6. Section 11.24.300 of Chapter 11.24 of Title 11 of the San José Municipal Code is hereby repealed.

SECTION 7. Section 11.24.350 of Chapter 11.24 of Title 11 of the San José Municipal Code is hereby repealed.

SECTION 8. Section 11.24.420 of Chapter 11.24 of Title 11 of the San José Municipal Code is hereby repealed.

SECTION 9. Section 11.24.450 of Chapter 11.24 of Title 11 of the San José Municipal Code is hereby repealed.

SECTION 10. Section 11.24.470 of Chapter 11.24 of Title 11 of the San José Municipal Code is hereby repealed.

SECTION 11. Section 11.32.020 of Chapter 11.32 of Title 11 of the San José Municipal Code is amended to read as follows:

11.32.020 Driving on Sidewalk Prohibited - Exception

The driver of a vehicle shall not drive within any sidewalk area or any ~~parkway~~ Furnishing Zone/Parkstrip except at a permanent or temporary driveway.

SECTION 12. Section 11.32.060 of Chapter 11.32 of Title 11 of the San José Municipal Code is hereby repealed.

SECTION 13. Section 11.36.060 of Chapter 11.36 of Title 11 of the San José Municipal Code is amended to read as follows:

11.36.060 Stopping or Parking in ~~Parkways Furnishing Zone/Parkstrip~~ Prohibited

No person shall stop or park a vehicle within any ~~parkway~~Furnishing Zone/Parkstrip.

SECTION 14. Section 11.36.070 of Chapter 11.36 of Title 11 of the San José Municipal Code is amended to read as follows:

11.36.070 No-Parking Areas - Designation Authority - Signs Required

The ~~C~~city traffic engineer is authorized to designate certain places as no-parking areas where, ~~on the basis of engineering and traffic surveys,~~ it is shown that such parking would be detrimental to the best use of the street by all users, or where such prohibition is necessary in order to facilitate the proper movement of traffic, or to prevent congestion. The no-parking areas shall be indicated by appropriate signs, or by painting the curb thereof red.

SECTION 15. The title of Chapter 13.04 of Title 13 of the San José Municipal Code is amended to read as follows:

Chapter 13.04

~~STREET AND HIGHWAY PLAN~~ TRANSPORTATION CIRCULATION ELEMENT

SECTION 16. Section 13.04.110 of Chapter 13.04 of Title 13 of the San José Municipal Code is amended to read as follows:

13.04.110 Variances - City Council Granting Authority

Upon receipt of such report, the Ccity Council shall, by resolution, make its decision upon the aforesaid application. If such decision shall approve the granting of an adjustment or variance, the permit applied for shall be issued, subject to the conditions designated by the Ccity Planning Commission, or such modification thereof as the Ccity Council shall approve. In all cases in which adjustments or variances are granted, the Ccity Council shall require such guarantees, upon recommendation of the Ccity Planning Commission, as it may deem necessary in connection with the granting of such adjustment or variance.

The Design Criteria for the street right of way – Geometric Cross sections are listed in Table 1 in Section 13.05.070. Each street designation shown has expected functional class and typology in conformance with City’s General Plan. Cross sections of each street designation showing right of way and traveled way widths are shown on Figures in the City’s Complete Streets Design Standards and Guidelines. All street design submitted on tentative maps and site plans that include City streets shall comply with design criteria in said guidelines.

SECTION 17. Title 13 of the San José Municipal Code is hereby amended by adding a Chapter to be numbered, entitled, and to read as follows:

Chapter 13.05

COMPLETE STREETS DESIGN

13.05.010 Purpose

The purpose of this Chapter is to establish the City of San José Complete Streets Policy as to achieve the goals and objectives of the City’s General Plan. This Chapter

provides for the implementation of Complete Streets Guiding Principles, improve safety of City roadways, protect the environment, and preserve community character by recognizing that transportation needs vary.

13.05.020 Complete Streets – Definition

The term “Complete Streets” describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families while protecting and preserving the community’s environment and character.

13.05.030 Complete Streets Requirement

The City shall, to the maximum extent practicable, plan for, design, construct, operate, and maintain an appropriate and integrated multi-modal transportation system for the safe accommodation of pedestrians, bicyclists, transit users, motorists, and users of all ages and abilities in new construction, retrofit, and reconstruction projects of public streets. The system’s design is to be supportive of the community, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost-effective manner.

13.05.040 Exceptions

The Director of the Department of Transportation for transportation capital operations and maintenance projects, and the City Engineer for all other projects, may determine that facilities for pedestrians, bicyclists, transit users, and/or persons of all abilities are

not required to be provided in compliance with the Complete Streets Design Standards and Guidelines in the following circumstances:

- A. When establishment would be contrary to public safety or to requirements of a grant or law;
- B. When the cost would be excessively disproportionate to the project, or probable future use;
- C. Where there is no identified probable future need, or is in conflict with adopted City transportation plans;
- D. The City cannot feasibly attain the additional right-of-way that would be needed;
- E. When routine maintenance of the transportation network is performed that does not change the roadway geometry or operations, designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal, or interim measures on detour or haul routes). If safety and convenience can be improved within the scope of pavement resurfacing such as grind and overlay and restriping, such projects shall implement Complete Streets as outlined in the adopted San José Bike Plan and other applicable plans to provide access and increase safety for all users. Grind and overlay and restriping projects shall be limited to striping elements as called for in the Complete Streets Design Standards and Guidelines. Signalization or signage changes shall not trigger additional Complete Streets elements; provided, that such improvements shall consider the needs of pedestrians and bicyclists, as well as motorists, including transit users;

- F. When the roadway is a limited access roadway, prohibiting by law either nonmotorized or motorized use;
- G. Where implementing Complete Streets standards in a small project would create a very short section of improvements with problematic transitions on either end or that are unlikely to be followed by similar improvements at either end resulting in little progress on implementing Complete Streets networks as provided for in the City's transportation plans; and
- H. The City Council has directed that Complete Street principles not be applied due to other special factors for a particular street or street segment.

13.05.050 Complete Streets Design

The Design Criteria for the street right of way – Geometric Cross sections are listed in Table 1 in Section 13.50.070. Each street designation shown has expected functional class and typology in conformance with City's General Plan. Cross sections of each street designation showing right of way and traveled way widths are shown on Figures in the City's Complete Streets Design Standards and Guidelines. All street design submitted on tentative maps and site plans that include City streets shall comply with design criteria in City's Complete Streets Design Standards and Guidelines.

To create an integrated transportation system accommodating each mode of travel that is consistent with and supporting of the community, recognizing that the needs of various users will need to be balanced in a flexible manner, the City's Complete Streets Design Standards and Guidelines establishes design criteria, standards, and guidelines for Complete Streets based upon recognized best practices and sound engineering principles in street design, construction and operations. Recognized best practices include, but are not limited to, the most current editions of guidelines, standards, and

practices developed by the American Association of State Highway Transportation Officials (AASHTO), the California State Department of Transportation, the Institute of Transportation Engineers (ITE), the Federal Highway Administration (FHWA), and the National Association of City Transportation Officials (NACTO).

13.05.060 Best Practice Criteria

The Director of Transportation shall modify, develop and adopt policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials (AASHTO), Institute of Transportation Engineers (ITE) and National Association of City Transportation Officials (NACTO) while reflecting the context and character of the surrounding built and natural environments and enhance the appearance of such.

13.05.070 Standard Right of Way

Right of way widths required for street right of way are listed in Table 1 in Title 13 of the San José Municipal Code. Right of way dimensions can be increased through City Council action that requires a wider right of way (e.g., sidewalk widths specified in Urban Village Plans adopted by City Council). The Director of Transportation defines and maintains the City's Functional Classification Diagram of roadways (e.g., Local, Collector, or Arterial) for engineering design purposes.

Table 1

Standard Right of Way (ROW) Widths			
Functional Classification	Street Designation	ROW Width (ft)	Minimum Centerline Radius (ft)
Local	Narrow Residential	40, 44, 46, or 48	150
	Minor Residential	50, 52, 54, 56, or 60	150
Collector	Neighborhood Collector	56, 60 or 64	300
	Neighborhood Collector	70	600
	Major Collector	80, 84, 96, or 90	600
Arterial	Minor Arterial	106	600
	Major Arterial	120 or 130	1000
Expressway		134 or 220	1000

13.05.080 Sidewalk Through Zone

The Sidewalk Through Zone serves the primary function of the sidewalk: pedestrian movement along the street. Generally, to comply with ADA regulations, the Sidewalk Through Zone shall be designed and maintained free and clear of any and all physical obstructions at all times.

SECTION 18. Section 13.28.065 of Chapter 13.28 of Title 13 of the San José Municipal Code is amended to read as follow:

13.28.065 Furnishing Zone/Park-Sstrip

"Furnishing Zone/Park-~~S~~strip" shall mean that area of the street lying between the face of curb and the ~~s~~Sidewalk Through Zone.

SECTION 19. Section 17.72.235 of Chapter 17.72 of Title 17 of the San José Municipal Code is amended to read as follows:

17.72.235 Furnishing Zone/Parkstrip

"Furnishing Zone/Parkstrip" means the area between the curb of a street and the sidewalk.

SECTION 20. Section 19.36.010 of Chapter 19.36 of Title 19 of the San José Municipal Code is amended to read as follows:

19.36.010 Freeways, Expressways and Streets - Location and Alignment

The location and alignment of freeways, expressways and streets shall substantially conform to the approved major thoroughfares plan of the Ccity, and every other approved element of the Ggeneral Pplan of the Ccity. The location and alignment of major, collector and minor streets shall conform to the requirements of the ~~director~~City Engineer.

SECTION 21. Section 19.36.030 of Chapter 19.36 of Title 19 of the San José Municipal Code is amended to read as follows:

19.36.030 Street Widths and Designs

All streets shall, subject to such exceptions as may be contained in this Title, ~~be designed to conform to Title 13, Chapter 13.05, the following-right-of-way widths, and Complete Streets requirements, roadway widths, sidewalk widths, planting strip widths and median widths:~~

~~(See diagrams following Title 19 provisions.)~~

SECTION 22. Diagrams following Title 19 provisions are repealed.

SECTION 232. Section 19.36.080 of Chapter 19.36 of Title 19 of the San José Municipal Code is amended to read as follows:

19.36.080 Cul-De-Sac Streets

Cul-de-sac streets shall not be longer than five hundred (500) feet, provided that the ~~director~~ City Engineer may permit certain cul-de-sac streets in a proposed subdivision to be of greater length if he or she finds that because of the proposed design and/or proposed improvements in such subdivision, such cul-de-sac streets of greater length are adequate in such subdivision. Turning circles at the end of cul-de-sac streets shall have a right-of-way radius of not less than forty-~~two~~ eight (48) feet and a roadway radius of not less than thirty (30) feet, provided that cul-de-sac streets four hundred fifteen (415) feet or less in length may, with approval of the ~~C~~ eity ~~F~~ ire ~~C~~ ehief, have a right-of-way radius of not less than thirty-eight (38) feet, and provided that the right-of-way radius for cul-de-sac streets located in hillside areas shall not be less than thirty-five (35) feet. All culs-de-sac shall be designed so that the stormwaters deposited on the said cul-de-sac shall flow to the entrance street, provided that the ~~D~~ irector may waive this requirement because of the proposed design or topography of the proposed subdivision upon recommendation by the ~~C~~ eity ~~E~~ ngineer that such requirement should be waived.

SECTION 24. Section 19.36.100 of Chapter 19.36 of Title 19 of the San José Municipal Code is amended to read as follows:

19.36.100 Special Streets

One-way streets, split-level streets, cul-de-sacs, and dead-end streets shall not be used unless the ~~director~~ City Engineer finds that their existence is justified by the topography, size, shape or location of the parcel of land to be subdivided.

PASSED FOR PUBLICATION of title this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk