

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE SETTING FORTH THE MASTER PARKING  
RATE SCHEDULE FOR MUNICIPAL ON AND OFF-  
STREET PARKING FACILITIES TO ADJUST PARKING  
RATES AND PROGRAMS AND TO REPEAL RESOLUTION  
NO. 78787**

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

**WHEREAS**, on September 18, 2018, the City Council adopted Resolution No. 78787, repealing Resolution No. 78634 and amending the Master Parking Rate Schedule for Municipal On and Off-Street Parking Facilities; and

**WHEREAS**, the City desires to further amend the Master Parking Rate Schedule to update various parking rates and programs and City owned or operated locations; and

**WHEREAS**, this new Master Parking Rate Schedule repeals Resolution No. 78787;

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

**SECTION 1. DEFINITIONS**

- A. Municipal Off-Street Parking Facility(ies) means the following off-street parking facilities owned and/or operated by City:
1. The Almaden/Balbach Lot, consisting of the off-street surface parking facility owned by the Successor Agency to the Redevelopment Agency of the City of San José situated at the southeast corner of Almaden Boulevard and Balbach Street.

2. The Almaden/Woz Lot, consisting of the 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.
3. The City Hall Parking Garage, consisting of the 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.
4. The Convention Center Garage, consisting of the off-street parking facility situated in the block bounded by Almaden Boulevard, Viola Avenue, Market Street and San Carlos Street.
5. The Environmental Innovation Center Lot, consisting of the off-street surface parking facilities located at 1608 Las Plumas Avenue and bounded by Las Plumas Avenue and Nipper Avenue.
6. The Fourth Street Garage, consisting of the 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.
7. The Fourth/St. John Garage (The Employee Garage), consisting of the off-street parking facility situated in the block bounded by East Santa Clara Street, North Fourth Street, St. John Street and North Fifth Street.
8. The I-280/First Street Lot, consisting of the 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 Pedro Square Garage, consisting of the off-street parking facility situated in the block bounded by Santa Clara Street, Market Street, St. John Street and San Pedro Street.
10. The Second/San Carlos Garage, consisting of the off-street parking facility situated in the block bounded by Second Street, San Carlos Street, Third Street and the McAlister State Office Building.
11. The South Hall Lot, consisting of the off-street parking facility situated in the block bounded by Market Street, Balbach Street, South Almaden Avenue and Viola Avenue.
12. The Third/Santa Clara Garage (The Globe), consisting of the off-street parking facility located south of East Santa Clara Street between Second Street and Third Street.

13. The Third Street Garage, consisting of the off-street parking facility situated in the block bounded by St. John Street, Second Street, Santa Clara Street and Third Street.
  14. The Woz/87 Lot, consisting of the off-street surface parking facility owned by Caltrans, situated on the southwest corner of Woz Way and Route 87 (Guadalupe Expressway) off-ramp.
- B. The Arena A, B, C, & D Lots consists of the Municipal Off-Street surface parking facilities located adjacent to the HP Pavilion in 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 June 30, 2025 and has one (1) fifteen-year option to extend. 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.
- C. Car Sharing Program is a City program that authorizes Car Share organizations to reserve public parking spaces, as approved by the Director, to provide car sharing services, as further set forth in Section 6 of this Resolution.
- D. Car Share Organization is an organization that provides members with access to shared-use vehicles at geographically distributed locations with hourly or daily rates that include insurance.
- E. Car Sharing Permit is the revocable permit issued by the Director authorizing a Car Share Organization to park its vehicles in designated and reserved car sharing On-Street and Off-Street spaces. Individual permits are issued by the City by car sharing space. Permit(s) must be displayed as directed by the Director.
- F. Car Share Vehicle means a two axle motor vehicle holding no more than seven (7) passengers that is owned and operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service. Car Share Vehicle shall not include any recreational vehicles, commercial trucks, buses, limousines or other vehicles designed to accommodate more than seven (7) persons, or vehicles having more than two (2) axles, or trailers.
- G. Class "A" Buildings are those buildings in the Downtown 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 José Municipal Code.

- H. Class "B" Buildings are those buildings in the Downtown that do not have their own dedicated on-site or off-site parking to meet their parking needs based on the current parking requirements set forth in Title 20 of the San José Municipal Code.
- I. Class "C" Buildings are those historic buildings in the Downtown which have been renovated and do not have their own dedicated on-site or off-site parking to meet their parking needs based on the current parking requirements set forth in Title 20 of the San José Municipal Code.
- J. Clean-Air Vehicle means either one of the following types of vehicles: (1) Zero Emission Electric; (2) Plug in Hybrid; (3) other leading technology vehicles that are eligible to receive a Green or White State of California Carpool lane sticker for a single occupancy vehicle; or (4) any vehicle to which the City of San José has issued a tag identifying it as a Neighborhood Electric Vehicle ("NEV"). Effective July 1, 2011, hybrid vehicles will no longer qualify as a Clean Air Vehicle, unless it meets one of the criteria set forth above.
- K. Clean-Air Vehicle Program means the parking program which offers free parking at designated Municipal Off-Street Parking Facilities and On-Street Parking Meters throughout the City for Zero Emission Electric, Plug in Hybrid, and other leading technology vehicles as identified by the California Air Resources Board as eligible for the Green or White State of California Carpool lane sticker, Neighborhood Electric Vehicles (NEV) registered in or purchased from a licensed auto dealership in the City of San José; and established and operated as follows:

The Clean-Air Vehicle Program commenced on July 1, 2007 and shall expire on June 30, 2012. 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 administer an application process for 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, applicant's name, 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.

- L. Director means the Director or designee, of the Department of Transportation, or the subsequent Director of the Department responsible for the City's Parking Program.
- M. Downtown and Downtown Core refer to the areas highlighted on **Exhibit I**.
- N. Downtown Employee Discounted Permit Parking Program means the discounted monthly permit program providing a 50% discount off the regular monthly rate for employees working at businesses located within the City's Meter Districts and earning a wage no greater than 30% over the City's current minimum wage.
- O. Electric Vehicle (EV) Charging Station(s) means a municipal On-Street or Off-Street Parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in a plug-in electric vehicle.
- P. Existing Business/Tenant for purposes of the 50% Discounted Parking Incentive Program means an individual or entity with an existing fully executed written lease agreement for a Downtown office or commercial retail building space entered into on or before January 1, 2010 and has been purchasing at least one monthly parking permit in a City facility at the time of application; and that 1) relocates and enters into another written lease agreement for a different Downtown office or commercial retail building on or after January 1, 2010; or 2) executes a lease extension in their current Downtown office or commercial retail building on or after January 1, 2010.
- Q. Free Parking Period means the initial incremental period of parking at eligible off-street garages which is free of charge, and after which the daily incremental and maximum rates apply.
- Effective July 1, 2020, the Free Parking Period shall be set at 90 minutes.
  - Director has the authority to set the Free Parking Period between 60-90 minutes and shall consider the fiscal status of the General Purpose Parking Fund and the economic need for the incentive program in the Downtown when considering an adjustment to the Free Parking Period.
  - An advisory review by the Downtown Parking Board is required before any adjustment of the Free Parking Period. The Director's decision shall be final. The Director shall prepare an informational memo to the City Council before implementation of any adjustments.

- Free Parking Period is not applicable at facilities when a Special Event and/or a Flat Rate is in effect
- R. Major Holidays include New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- S. Neighborhood Electric Vehicle (NEV) means an electric, zero emission vehicle that is allowed on roads with posted speed limits of 35 MPH or less.
- T. New Business/Tenant means either a business/tenant that is locating into a Class "B" or "C" building in Downtown for the first time or a business/tenant that is relocating from an existing Downtown location and entering into a new lease in a Class "B" or "C" building at a different Downtown location.
- U. New Business/Tenant for purposes of the Free Parking Incentive Program means an individual or entity that has entered into a fully executed written lease agreement for a Downtown office or commercial retail building space on or after January 1, 2010 and did not occupy a Downtown office or commercial retail building space for at least three (3) months prior to January 1, 2010.
- V. 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.
- W. On-Street Parking means designated metered parking in the public right-of-way within parking meter districts established by the City Council.
- X. Owner Occupied Business for the purposes of the Free and 50% Discounted Parking Incentive Programs means those businesses which have acquired a building or portion of a building on or after November 1, 2011 and operates its own business in the acquired building.
- Y. Parking Administrator means the City staff person responsible for supervising and administering the City's parking program.
- Z. Parking Incentive Program refers to various discounted monthly parking programs provided to qualified software and environmental companies, New, Relocating and Existing Business/Tenants, Owner Occupied Business.
- AA. Pavilion Garage refers to a privately owned and operated parking facility that is required through an agreement with the Redevelopment Agency or SARA to participate in any public parking program in effect by the City of San José, including the Downtown Cinema Validation Program.

- BB. Relocating Existing Business/Tenant for purposes of the Free Parking Incentive Program means an individual or entity with an existing fully executed written lease agreement for a Downtown office or commercial retail building space entered into before January 1, 2010 and has not been purchasing monthly parking in a City facility at any time during the twelve (12) months prior to application, and that 1) relocates and enters into another written lease agreement for a different Downtown office or commercial retail building space on or after January 1, 2010; or 2) executes a lease extension in their current Downtown office or commercial retail building space on or after January 1, 2010.
- CC. Special Event means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, festival or athletic competition.
- DD. Under-Utilized Municipal Off-Street Parking Facility means a Municipal off-street facility with excess monthly parking capacity when the Director determines that fifty percent (50%) or more of the parking spaces allocated for monthly parking are vacant according to City guidelines, and are reasonably expected by the Director to remain vacant for six (6) months. Once a facility no longer meets the criteria for being under-utilized, it shall automatically cease to be an Under-Utilized Municipal Off-Street Parking Facility.

## **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 II, 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 II, unless explicitly stated otherwise. 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 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 is greater than ninety percent (85%) 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 is between seventy percent (70%) and ninety percent (85%) for an approximate three (3) month period.
  - d. The maximum daily rate, the daily flat rate or evening flat rate may be set at zero during the hours and on the days where the City determines that the operating costs for a particular facility are more than the potential revenue.
- 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. Under the Clean-Air Vehicle Program, Clean-Air Vehicles shall be entitled to free parking at designated Municipal Off-Street Parking Facilities as shown in **Exhibit II**. 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. The Director of DOT is authorized to extend the program, after June 30, 2012, 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.
- 4. The Director is authorized to charge the following discounted monthly and semester parking rates to San José State University ("SJSU") students. SJSU students shall be eligible for these reduced parking rates only upon providing proof, sufficient to the Director, that they are currently enrolled in six (6) or more units at SJSU.
  - a. Fifty percent (50%) of the Regular Monthly Parking Rate at any facility that the Director determines is an Under-Utilized Municipal Parking Facility according to the definition in Section 1. These discounted rates are offered on a month-to-month basis only and are based on occupancy. The Director is authorized to suspend the program for any facility that is no longer an Under-Utilized Municipal Parking Facility or if the Director determines the program should be suspended because of parking occupancy, office occupancy, and other related financial or parking indicators.



- b. Semester Permit Parking rate at the Second/San Carlos Garage or Fourth Street Garage. The discounted semester permit parking rate would be offered in the \$150 to \$250 range as determined by the Director prior to the beginning of each semester. The Director is authorized to suspend the program system wide or by facility if occupancy reaches 80% (system wide or by facility) or if the Director determines the program should be suspended because of parking occupancy, office occupancy, and other related financial or parking indicators.
5. The Director is authorized to charge fifty percent (50%) of the Regular Monthly Parking Rate to Downtown 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. 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 Employee Discount Parking Permit Program. These discounted rates are offered on a month-to-month basis only and are based on occupancy availability. After acceptance of employee's permit application there will be ongoing required bi-annual renewal verifications (June & December). These rates are terminable with thirty (30) days' notice by the Director.
6. The Director shall publish a schedule of discounted rates for the programs in Sections 2.A.4 and 2.A.5 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; and 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.
7. The Director shall have the authority to add and/or remove parking facilities from the Master Parking Rate Schedule shown on **Exhibit II** as facilities are added or removed from the City's parking inventory. The rates charged at new parking facilities shall be similar to the prevailing rate for other City-owned parking facilities
8. The Director shall have the authority to adjust the Special Event Rate within the ranges shown on **Exhibit II** at the designated off-street parking facilities on a daily basis according to anticipated special event attendance, date of event, proximity of facility to event, and the area's general parking supply and demands.

9. The Director or Team San José, as applicable and in accordance with the written agreement between the City and Team San José executed on June 17, 2014, may set, reduce or increase the parking rates at the Convention Center Garage, including the Special Event Rate, Event In-Out Day Pass, Reserved Daily Parking Rate, and the Incremental Maximum Daily Rate within the specified ranges as shown on Exhibit II for events if it is determined that a reduction or increase is necessary to:
  - a. optimize use of spaces in the Convention Center Garage; and/or
  - b. attract events that contribute to the economic vitality of San José.

When the Director or Team San José, as applicable, considers a reduction of the Special Event Rate, Reserved Daily Rate, and the Incremental Maximum Daily Rates from the normal rate, the Director or Team San José 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. New Business/Tenant Parking Incentive Program – Beginning on July 1, 2007 and ending on June 30, 2012, the Director shall accept applications from New Business/Tenants to participate in the City's Parking Incentive Program. Qualified new businesses/tenants will receive a parking rate per space discount and pay \$75 per month (per space) for requests from 5 to 300 spaces for new businesses and tenants to the Downtown. The discounted rate is for a maximum twenty-four (24) months regardless of the date the parking agreement was initiated prior to June 30, 2012. To obtain the reduced rate a minimum six-month parking agreement period is required and thereafter a minimum of a month-to-month agreement is required. Participation is restricted to tenants of Class "B" and "C" buildings or buildings without dedicated parking. The parking agreement is with the business/tenant and parking permits cannot be assigned or transferred. The Director shall retain the right to choose which Municipal Off-Street Parking Facility a company may use during the parking agreement at any time and is authorized to extend the program after June 30, 2012, 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.

11. Beginning on July 1, 2007 and ending on June 30, 2012, the Director has the authority to offer Class “B” and “C” Buildings, or buildings without dedicated parking the ability to use 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 parking rate is the current monthly parking rate as established by the Director and shown in **Exhibit II**. If the building owner does not have a specific tenant to apply the long term parking agreement, the building owner may secure the agreement for \$25 per month per space while seeking a tenant and once the tenant is secured and the parking spaces activated the current monthly parking rate will be charged. The parking term is available for up to sixty (60) months regardless of the date the parking agreement was initiated prior to June 30, 2012. The Director shall retain the right to choose which Municipal Off-Street Parking Facility a company may use during the parking agreement and is authorized to extend the program, after June 30, 2012, 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. Free Parking Incentive Program for New Business/Tenant, Relocating Existing Business/Tenant, or new/relocating Owner Occupied Business (“Applicant”) – Beginning on April 6, 2010 and ending on June 30, 2012, Director shall accept applications from the following for the Free Parking Incentive Program:
  - a. New Business/Tenant; or
  - b. Relocating Existing Business/Tenant; or
  - c. New or Relocating Existing Business/Tenant’s building owner/property manager; or
  - d. Existing business that has expanded their Downtown office or commercial retail building space by a minimum of 10,000 square feet on or after November 1, 2011; or
  - e. New or relocating Owner Occupied Business where the Downtown office or commercial retail building space was acquired on or after November 1, 2011, and the parking would be used by the Owner Occupied Business’ employees.

Each qualified Applicant will receive free parking in a Downtown Municipal Off-Street Facility, as determined by the Director, for a maximum of fifty (50) parking permits and up to a maximum of twenty-four (24) months. The actual number of months of free parking will be equal to one-half the length of the parking agreement that is executed between the Applicant and City as set forth below. For example, each qualified Applicant that fully executes a forty-eight (48) month Downtown building/office lease and a separate forty-eight (48) month parking agreement with City would be eligible to receive twenty-four (24) months of free parking and required to pay the regular monthly rate for the remaining twenty-four (24) months. The Director has the authority to negotiate and execute parking agreements, along with any amendments, with qualified Applicants for up to a six (6) year term; however, the maximum term for the free parking portion of the agreement is twenty-four (24) months. A detail summary of the program is set forth in **Exhibit IV**.

- a. In order to be eligible for the program, Applicant shall sign a parking agreement provided by the City that establishes the length of term, the number of months of free parking, the number of months of paid parking at the City's regular established rate, a one month deposit per parking permit at the regular monthly parking rate, penalties for early termination, and additional fees assessed as set forth in detail in **Exhibit IV**.
- b. Director shall assess which Municipal Off-Street Parking Facility each qualified Applicant will use during the duration of the parking agreement. Director is authorized to extend the program, after June 30, 2012, on a year-to-year or month-to-month basis, if sufficient parking supply remains available to meet demand at the time of extension. Other factors that will be considered by the Director in determining whether to extend the parking incentives include the fiscal status of the General Purpose Parking Fund and the economic need for the incentive programs in the Downtown. Additionally, if occupancy reaches eighty percent (80%) (either system wide or by facility) at any time during the program, Director shall evaluate conditions including parking occupancy, office occupancy and other related indicators to determine if the program can continue or should be discontinued. If the program is discontinued, the terms and conditions of existing parking agreements will remain in full force and effect.

13. **50% Discount Parking Incentive Program** for Existing Business/Tenant or Owner Occupied Business – Beginning on April 6, 2010 and ending on June

30, 2012, Director shall accept applications from the following for the 50% Discount Parking Incentive Program:

- a. Existing Business/Tenant; or
- b. Existing Business/Tenant's building owner/property manager; or
- c. Existing Owner Occupied Business where the Downtown office or commercial retail building space was acquired on or after November 1, 2011 and the parking would be used by the building owner's employees.

Each qualified Applicant will receive a 50% discount on parking off the regular established monthly rate in a Downtown Municipal Off-Street Parking Facility, as determined by the Director, for a maximum of fifty (50) parking permits and up to a maximum of twenty-four (24) months. The actual number of months of the 50% discounted parking will be equal to one-half the length of the parking agreement that is executed between the applicant and City as set forth below. For example, qualified Applicant that fully executes a forty-eight (48) month Downtown building/office lease agreement and a separate forty-eight (48) month parking agreement with City would be eligible to receive twenty-four (24) months of 50% discounted parking and required to pay the regular monthly rate for the remaining twenty-four (24) months. The Director has the authority to execute parking agreements for up to a six (6) year term; however, the maximum term for the 50% discounted parking portion of the lease is twenty-four (24) months. The Director is authorized to negotiate and execute parking agreements, along with any amendments, with qualified Applicants for a maximum of 500 parking permits system-wide. A detailed summary of the program is set forth in **Exhibit IV**.

- a. In order to be eligible for the program, Applicant shall sign a parking agreement provided by the City that establishes the length of term, the number of months of free parking, the number of months of paid parking at the City's regular established rate, a one month deposit per parking permit at the regular monthly parking rate, penalties for early termination, and additional fees assessed as set forth in detail in **Exhibit IV**.
- b. Director shall assess which Municipal Off-Street Parking Facility the qualified Applicant will use during the duration of the parking agreement. Director is authorized to extend the program, after June 30, 2012, on a year-to-year or month-to-month basis, if sufficient parking supply remains available to meet demand at the time of

extension. Other factors that will be considered by Director in determining whether to extend the parking incentives include the fiscal status of the General Purpose Parking Fund and the economic need for the incentive programs in the Downtown. Additionally, 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. If the program is discontinued, the terms and conditions of existing parking lease agreements will remain in full force and effect.

14. Effective November 1, 2011, the Director shall have the authority to provide businesses up to two and one half (2 ½) years of Free or fifty percent (50%) discounted parking for up to one hundred (100) parking permits when it is determined that the enhanced terms of the parking agreement between the business and City would be an overriding factor in the relocation or retention of a business in Downtown and the business meets one of the following conditions on or after November 1, 2011:
  - a. New business enters into a new Downtown office or commercial retail building lease for a minimum of 10,000 square feet; or
  - b. New business enters into a new Downtown office or commercial retail building lease and executes a parking agreement with the City for a minimum of thirty (30) parking permits for the duration of the parking agreement; or
  - c. Existing Downtown business enters into a new office or commercial retail building lease and:
    - expands their operation Downtown by a minimum of 5,000 square feet; or
    - executes a parking agreement with the City for a minimum thirty (30) parking permits for the duration of the parking agreement if they are relocating their parking from a private parking facility to a City facility; or
    - executes a parking agreement with the City for a minimum additional thirty (30) parking permits for the duration of the parking agreement if they are already purchasing parking in a City facility.

A key factor the Director will use to determine if parking is an overriding factor in the decision of a business to locate or remain Downtown is whether the business has requested enhanced parking incentives from the City prior to executing their new Downtown office or commercial retail building lease.

All other terms and parameters of the Free and 50% Discounted Parking Incentive Programs set forth in this Resolution will be applicable to businesses that execute a parking agreement under the above enhanced terms.

15. Introductory Monthly Parking Rate – Businesses or individuals that have not purchased a monthly permit to park in a City facility for at least three (3) months prior to relocating to a City facility, are eligible for a 25% discounted monthly parking rate for a period of up to six (6) consecutive months at an Underutilized Municipal Parking Facility as determined by the Director. The Director is authorized to suspend the program system wide or by facility if occupancy reaches 80% (system wide or by facility) or if the Director determines the program should be suspended because of parking occupancy, office occupancy, and other related financial or parking indicators. If the introductory rate is suspended, the discount rate for existing participants will be continued for the full six (6) months.

Any parking permits issued by the City pursuant to this Resolution shall not be assigned, leased, or sold to any third party, except as specified herein.

- B. On-Street Parking. The rates for on-street parking as defined in Section 1 are shown on **Exhibit III**, attached hereto and incorporated and made a part hereof as if fully set forth at length in this Resolution. Within the range of charges authorized for each Parking Meter Zone, the Director of Transportation is authorized to determine the rate to be charged at any particular meter at any particular time. Factors the director will consider in setting meter rates will include on-street occupancy levels, posted time restrictions, and proximity of off-street parking facilities and associated off-street parking rates.

Under the Clean-Air Vehicle Program, Clean-Air Vehicles registered or purchased in San José from a licensed auto dealership 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.

The Director is authorized to set the on-street parking rates at zero dollars or at rates specified in this resolution during the proclamation of an emergency. This authorization shall end when the City Council terminates the emergency.

- C. EV Charging Stations. The City Manager is hereby authorized to set and adjust rates for the use of EV Charging Stations as defined in Section 1 within the range of zero dollars (\$0.00) up to five dollars (\$5.00) per hour. The City Manager shall consider the following factors in setting the rates: the City's cost in providing, operating, and maintaining the EV Charging Stations, the number of monthly users and level of use of the EV Charging Stations, and the rate charged by other municipalities and third-party operators of EV Charging Stations.

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

- A. The "Off-Street Residential Parking Program," shall 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 p.m. to 8:00 a.m. weekdays, (2) all day on weekends and official government holidays, and (3) up to twenty (20) weekdays per year from the hours of 8:00 a.m. to 5:00 p.m.
- 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 (1) 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 II**, attached and incorporated herein. The monthly rate for the Off-Street Residential Parking Permit Program shall be 50% 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 Cinema Validation Program. The Downtown Cinema Validation Program provides a maximum of three (3) hours and thirty (30) minutes of free parking to patrons of cinemas in the Downtown Core area, and cannot be combined with any other discounted parking rate or program.
    - 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.
    - 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 cinema

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 Street Garage,
- Third/Santa Clara Garage (The Globe), and
- 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. Downtown Cinema Validations shall not be distributed to cinema employees, secondary uses within a cinema (such as café or restaurant patronage, or live theater performances), or sold and/or distributed to any third party.
2. 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. The Director is authorized to suspend acceptance of the Technology Museum Validation at the Convention Center Garage during times when a special event flat rate is being charged to event attendees.
3. Market Rate Validation Program. Any individual or business may purchase validation at the then current market rate for their customers or employees in either time or value increments as requested by the purchasing individual or business.
- 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, adopted by the City Council on September 4, 2001 (hereinafter, "Guidelines"), events approved by the City via the execution of a Property Use Agreement 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 all parking facilities the daily fee will be twice the daily rate per space used.

## **SECTION 6. CAR SHARE PROGRAM**

- A. The Director may designate On-Street and Off-Street parking spaces City-wide for the exclusive parking privilege of Car Share Organization vehicles. The designation of On-Street parking spaces shall comply with California Vehicle Code Section 22507.1 including the requirement for the placement of signs and markings giving adequate notice of the exclusive parking privilege for the Car Share Vehicles.

- B. Criteria for Participation: The Car Share Vehicle shall be owned and operated by the Car Share Organization in a manner that features all of the following characteristics:

1. Member-based service, where such service is available to members only. Demonstration of membership may include daily, monthly, or annual membership fees, or issuance of membership card to each member.
2. Car Share Vehicles are accessible to members at all times, 24 hours per day, seven days per week, on a self service basis.
3. Car Share Vehicles are available by reservation only. Reservations may be made by automated systems, such as by telephone, on the Internet, or on smart phone applications.
4. Car Share applicant must provide insurance, fuel and vehicle maintenance as part of the company's standard membership or usage fees.

City may require supporting information or documents from applicant to demonstrate that applicant meets the criteria set forth above to City's satisfaction.

- C. As of March 14, 2016, interested and qualified Car Share Organizations may apply for an On- or Off-Street Parking Permit, on a form approved by Director, to reserve public parking spaces in the City. The applicant shall specify on the application the number and proposed location of the requested On-Street or Off-Street parking spaces for exclusive parking privilege. The requested locations shall not include any current red, green, white, yellow or blue curb zones, or otherwise currently

restricted zones. The City will not reopen previously designated spaces for application, unless the current occupant elects to relinquish the space. Additionally, the following facilities will not be a part of the Car Share Pilot Program: City Hall, Convention Center, Fourth Street, and Fourth/St. John. The Director shall have the final determination of where Car Share Vehicle parking spaces will be located, and which spaces will be allocated to each Car Share Organization.

- D. If the Director approves the application, the Director will require each Car Share Organization to enter into a written agreement with the City setting forth the terms and conditions of the program, including, but not limited to, (1) authorizing the issuance of a parking permit for each Car Share parking space approved by the Director for each Car Share Organization; (2) requiring applicant to maintain general liability and automobile insurance coverage in amounts approved by City's Risk Manager for the duration of the agreement; (3) requiring indemnification of the City for any loss or damages arising out of or occurring from applicant's participation in the car share program, (4) maintenance responsibilities of applicant; (5) rules and regulations on the use of City parking garages and On-Street parking spaces; (6) requiring applicant to provide non-proprietary data requested by City periodically to assist City to determine the effectiveness of the Car Share Program ; and (7) other terms and conditions deemed relevant by Director for the use of City property. The Director is authorized to negotiate and execute any written agreements or amendments with each Car Share Organization for their participation in the program, and execution of the agreement will be required prior to the City's distribution of parking permits under the program. The Director shall also have the authority to terminate the agreement at the Director's discretion. If the agreement is terminated during a period that has already been paid for by a Car Share Organization, the City will refund an appropriate amount to the Car Share Organization.
- E. The Car Share Organization will be required to pay a parking permit fee, based on the location of the designated parking space, as well as a one-time set-up and sign installation fee as follows:

Parking Permit	\$100 per month per Car Share Vehicle parking space in Downtown; \$50 per month per Car Share Vehicle parking space elsewhere in the City.
Signs/Markings	\$225 per sign installation and parking space markings for each location.

All required payments shall be made to the City prior to the final approval of any application and issuance of parking permits.

- F. Each parking space will be allocated for a two-year term. To include any new car sharing organizations in the City and to accommodate new street uses over time,

after two years all spaces will be reviewed and reallocated if necessary. The City will not reopen previously designated spaces for application until two years after the commencement of this program, unless the current occupant elects to relinquish the space.

- G. Any signs installed as part of this pilot program shall comply with California Vehicle Code Section 22507.1, City's Sign Ordinance and applicable City Council policies, including but not limited to Council Policy 9-2, entitled "Off-Site Directional Signs for Public or Quasi-Public Facilities" and subject to the approval of the Director. The Director shall have the authority to remove any signs at the Director's discretion.
- H. Each Car Share Vehicle shall prominently display the issued parking permit on the front windshield at all times while parked in their designated parking space. The parking permits are non-transferable and shall not be sub-leased, transferred, or assigned in any manner to any other company, organization, entity or individual, and shall only be used for the Car Share Vehicle to which it has been assigned to park in the specific assigned space. Failure to comply with the requirements of this provision may be subject to a parking citation and immediate termination of the written agreement with the City.
- I. The Director is authorized to promulgate reasonable rules and regulations with regard to the administration of the Car Share Parking Pilot Program.

## **SECTION 7. 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 8. 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 expiration or hereafter amended or terminated by the City.

## **SECTION 9. REPEAL**

Resolution No. 78787 is hereby repealed. Any other resolution containing terms and conditions inconsistent with those contained herein are hereby repealed.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

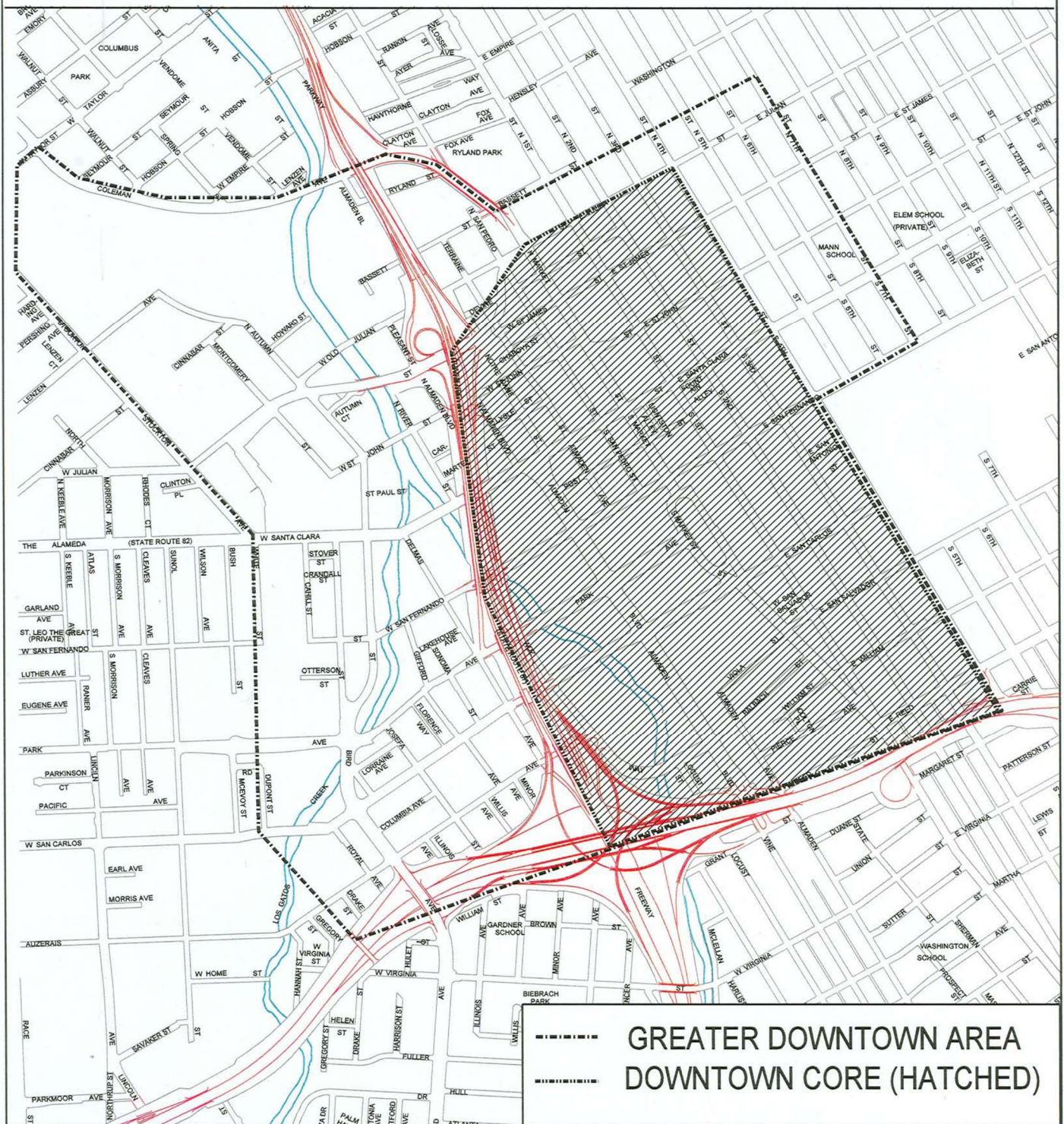
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TONI J. TABER, CMC  
City Clerk



## EXHIBIT I – DOWNTOWN AND DOWNTOWN CORE

### EXHIBIT I - DOWNTOWN AND DOWNTOWN CORE



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T-16428.025 / 1722074\_3  
Council Agenda: 06-23-2020  
Item No.: 5.4(c)

EXHIBIT I - 1

**DRAFT—Contact the Office of the City Clerk at (408)535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

## EXHIBIT II – MASTER PARKING RATE SCHEDULE – OFF-STREET

<u>Facility</u>	<u>Rates</u>
<b>Market/San Pedro Square Garage</b> <sup>a, c, e</sup> Monthly Rate <b>3<sup>rd</sup>/Street Garage</b> <sup>a, c, e</sup> <b>2<sup>nd</sup>/San Carlos Garage</b> <sup>a, c, e</sup> Nighttime Monthly Rate (50% of Monthly Rate) Daily Incremental Rate Maximum Incremental Daily Rate Evening Entry after 6PM Maximum Incremental Rate Sat/Sun and Major Holiday Maximum Incremental Rate Special Event Flat Rate	Range (\$75 - 125)  Range (\$37.50 – 62.50) \$1.00 per 15 minutes \$25 Range (\$15 - \$25) \$10 \$10 \$5 - \$15
<b>Convention Center Garage</b> <sup>a, d</sup> Monthly Rate Daily Incremental Rate Maximum Incremental Daily Rate Special Event Rate Event In-Out Day Pass Non-Event Evening Flat Rate Entry after 6PM Daily Flat Rate for Reserved Parking Space	Range (\$75 - 125) \$1.00 per 15 minutes \$25 Range (\$10 - 25) Range (\$0 - 25) \$10 - \$30 \$10 Range (\$10 - \$15) \$0 - \$50
<b>Fourth Street Garage</b> <sup>a, c, e</sup> Monthly Rate <b>Nighttime Monthly Rate (50% of Monthly Rate)</b> Daily Incremental Rate Maximum Incremental Daily Rate Evening Entry after 6PM Maximum Incremental Rate Sat/Sun and Major Holiday Maximum Incremental Rate Special Event Flat Rate Banquet Center Visitor Rate	Range (\$75 - 125) \$37.50 - \$62.50 \$1.00 per 15 minutes \$25 Range (\$15 - \$25) \$10 \$10 Range (\$10 - \$25) Up to 2 hours: \$3 Range (\$3 - \$4) 2-4 hours: \$6 Range (\$6 - \$8) 4-6 hours: \$9 Range (\$9 - \$12) 6-8 hours: \$12 Range (\$12 - \$16) 8-10 hours: \$15 Range (\$15 - \$18)
<b>Third/Santa Clara Garage (The Globe)</b> <sup>e</sup> Monthly Rate Daily Incremental Rate Maximum Incremental Daily Rate Evening Entry after 6PM Maximum Incremental Rate Sat/Sun and Major Holiday Maximum Incremental Rate	\$110 \$1.00 per 15 minutes Range (\$15 - \$25) \$10 \$10
<b>Almaden/Woz Lot</b> <sup>a</sup> Monthly <b>South Hall Lot</b> Maximum Daily/Evening Flat Rate Special Event Rate Daily Flat Rate for Reserved Parking Space Non-Parking Use Flat Rate	Range (\$50 - \$100) \$3 - \$10 \$3 - \$25 \$3 - \$50 \$20 per parking space
<b>Almaden/Balbach Lot</b> <sup>a</sup> Monthly Rate Special Event Rate Maximum Daily/Weekend/Evening Flat Rate	\$75 Range (\$50 - \$100) \$3 - \$25 \$3 - \$7
<b>Woz/87 Lot</b> <sup>a</sup> Monthly Rate Special Event Rate Daily/Evening Flat Rate	Range (\$15 - \$60) \$3 - \$25 \$3 - \$ 7
<b>City Hall Garage</b> <sup>b</sup> Daily Incremental Rate Maximum Incremental Daily Rate Special Event Rate Maximum Daily/Evening Flat Rate	\$1.00 per 15 minutes Range (\$15 - \$25) \$3 - \$25 \$25



## EXHIBIT II – MASTER PARKING RATE SCHEDULE – OFF-STREET

<u>Facility</u>	<u>Rates</u>
<b>4<sup>th</sup>/St John</b> Evening Flat Rate after 6PM Friday/Saturday Evening Rate 6pm to 10pm Sunday-Thursday	\$2 - \$5 Free
<b>I-280/First Lot <sup>a</sup></b> Monthly Rate Daily Flat Rate Weekend/Evening Rate after 6PM	Range (\$15 - \$60) \$3 - \$7 Free
<p><b>a</b> The Director of Transportation, following a review by the Downtown Parking Board, may modify the monthly rate within the specified range.</p> <ul style="list-style-type: none"> <li>• Residential Parking Program Monthly Rate is computed at 0.5 times the normal monthly rate for any given facility.</li> <li>• Premium Parking Monthly Rate is computed at 1.5 times the normal monthly rate for any given facility.</li> <li>• Reserved Parking Monthly Rate is computed at 2.0 times the normal monthly rate for any given facility.</li> </ul> <p><b>b</b> The City Hall Garage is not included in the programs described in Section 2.A.10 through 2.A.15.</p> <p><b>c</b> Facility eligible for participants in the Clean-Air Vehicle Program.</p> <p><b>d.</b> Not eligible for 90 minutes free parking when Special Event Flat Rate is in effect.</p> <p><b>e.</b> Facility eligible for Free Parking Period</p>	

## EXHIBIT III – MASTER PARKING RATE SCHEDULE – ON-STREET

<u>Area</u>	<u>Rates</u>
<b>Parking Meter District 1a – Downtown</b> (as defined in Municipal Code Section 11.40.200B)	<b>\$2.00 per hour</b> <b>As specified at Meter</b> <b>9:00 AM – 6:00 PM</b> <b>Monday – Saturday</b> <b>Except Sundays and Holidays</b>
<b>Parking Meter District 1b – South First Street/University</b> (as defined in Municipal Code Section 11.40.210B)	<b>\$0.00-\$25.00</b> <b>Flat Rate or</b> <b>\$ 2.00 per hour</b> <b>As specified at Meter</b>
<b>Parking Meter District 2 – East Santa Clara Neighborhood</b> (as defined in Municipal Code Section 11.40.220B)	<b>\$2.00 per hour</b> <b>As specified at Meter</b> <b>9:00 AM – 6:00 PM</b> <b>Monday – Saturday</b> <b>Except Sundays and Holidays</b>
<b>Parking Meter District 3 – Japantown Neighborhood</b> (as defined in Municipal Code Section 11.40.230B)	<b>\$2.00 per hour</b> <b>As specified at Meter</b> <b>9:00 AM – 6:00 PM</b> <b>Monday – Saturday</b> <b>Except Sundays and Holidays</b>
<b>Parking Meter District 4 - First and Younger Neighborhood</b> (as defined in Municipal Code Section 11.40.240B)	<b>\$2.00 per hour</b> <b>As specified at Meter</b> <b>9:00 AM – 6:00 PM</b> <b>Monday – Saturday</b> <b>Except Sundays and Holidays</b>
<b>Parking Meter District 5 - Arena/Diridon Area</b> (as defined in Municipal Code Section 11.40.250B)	<b>\$0.00-\$25.00</b> <b>Flat Rate or</b> <b>\$2.00 per hour</b> <b>As specified at Meter</b>

## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

### New and Relocating Existing Business/Tenant, and Owner Occupied Business

Program	Free Downtown parking to New Business/Tenant, Relocating Existing Business/Tenant or Owner Occupied Business.
Qualified Businesses/Tenants	New Business/Tenant, Relocating Existing Business/Tenant or Owner Occupied Business as defined in this Resolution.
Parking Term	Equivalent to the new or extended building lease term, or less than the new or extended building lease term where applicant submitted application after commencement of the new or extended building lease term. Business/Tenant, Tenant's building owner/property manager, or Owner Occupied Business may execute the parking agreement with City to participate in the program.
Parking Monthly Rate	<p>Free period (first half) of parking agreement is free (maximum of two years)</p> <p>Paid period (second half) is at the regular parking rate set forth in this Resolution (100% rate), e.g.:</p> <p>6 year building lease: 2 years free; &amp; 4 years @ 100%</p> <p>4 year building lease: 2 years free; &amp; 2 years @ 100%</p> <p>3 year building lease: 18 months free; &amp; 18 months @ 100%</p>
Deposit	<p>One month deposit is required for each parking permit at the current regular rate for all free parking permits (e.g. 25 permits x 1 month x \$100 = \$2,500).</p> <p>Deposit will be applied to the last month payment under the parking agreement or used to offset any assessed fee. Deposit(s) required prior to execution and amendments of agreement.</p>

## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

If the parking agreement is terminated prior to the end of the term, or if the business utilizes on average more free parking permits during the free period of the parking agreement, than the purchase of full priced permits during the paid period, a fee will be assessed as follows:

### Early termination of Parking Agreement, or Reduction in Parking Permits

1. 50% of the value of the free parking utilized if the lease is terminated during the free period.
2. 50% of the difference between the average number of free parking permits used during the free period and the number of permits purchased at the commencement of the paid period, at the then regular rate, for the remaining months of the parking agreement.
3. 50% of the value of the remaining months on the parking agreement or the remaining value of the parking spaces, at the then current rate, if the agreement is terminated, or the number of parking spaces purchased is reduced, during the paid period.

### Adding Parking Permits

Parking permits may be added during the term of the parking agreement as follows:

1. Permits added during the free period of the parking agreement will be free for up to a maximum of 50 permits through the end of the free period.
2. Permits added in excess of 50 permits during the free period of the parking agreement, or added during the paid period, will be separate from the parking agreement and paid at 100% of the then regular rate.

### Maximum Free Monthly Permits

Each New Business/Tenant or Owner Occupied Business may receive up to a maximum of 50 free monthly permits.

### Transfers

Parking agreement and parking permits are non-assignable and non-transferrable.

## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

Eligible Parking Facilities	With the exception of the Fourth & Street Garage, all Municipal Off-Street Parking Facility are eligible at the discretion of Director.
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Approval	Director shall review all applications and approve all businesses eligible for the parking incentive program and administer the parking incentive program as set forth in this Resolution.
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### Existing Business/Tenant and Owner Occupied Existing Business

Program	50% discounted Downtown parking for Existing Business/Tenant and Owner Occupied Existing Business.
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Qualified Businesses/Tenants	Existing Business/Tenant or Owner Occupied Business as defined in this Resolution.
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Parking Term	Equivalent to the new or extended building lease term, or less than the new or extended building lease term where applicant submitted application after commencement of the new or extended building lease term. Business/Tenant, Tenant's building owner/property manager, or Owner Occupied Business may execute the parking agreement with the City to participate in the program.
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## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

Parking Monthly Rate	<p>Discounted period (first half) of parking agreement is 50% of the regular parking rate set forth in this Resolution (maximum of two years);</p> <p>Paid period (second half) is at the regular parking rate set forth in this Resolution (100% rate), e.g.:</p> <p>6 year building lease: 2 years @ 50% discount; &amp; 4 years @ 100%</p> <p>4 year building lease: 2 years @ 50% discount; &amp; 2 years @ 100%</p> <p>3 year building lease: 18 months @ 50% discount; &amp; 18 months @ 100%</p>
Deposit	<p>One month deposit is required for each parking permit at the current regular rate for all free parking permits (e.g. 25 permits x 1 month x \$100 = \$2,500).</p> <p>Deposit will be applied to the last month payment under the parking agreement or used to offset any assessed fee. Deposit(s) required prior to execution and amendments of agreement.</p>
Early termination of Parking Agreement, or Reduction in Parking Permits	<p>If the parking agreement is terminated prior to the end of the term, or if business utilizes on average more discounted parking permits during the discounted period of the parking agreement, than the purchase of full priced permits during the paid period, a fee will be assessed as follows:</p> <ol style="list-style-type: none"><li>1. 50% of the value of the discounted parking utilized if the agreement is terminated during the discounted period.</li><li>2. 50% of the difference between the average number of discounted parking permits used during the discounted period and the number of permits purchased at the commencement of the paid period, at the then regular rate, for the remaining months of the agreement.</li><li>3. 50% of the value of the remaining months on the parking agreement or the remaining value of the parking spaces, at the then current rate, if the agreement is terminated, or the number of parking spaces purchased is reduced, during the paid period.</li></ol>

## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

Adding Parking Permits	<p>Parking permits may be added during the term of the parking agreement as follows:</p> <ol style="list-style-type: none"><li>1. Permits added during the discounted period of the parking agreement will be at a 50% discount for up to a maximum of 50 permits through the end of the discounted period.</li><li>2. Permits added in excess of 50 permits during the discounted period of the parking agreement, or added during the regular rate paid period, will be separate from the parking agreement and paid at 100% of the then regular rate.</li></ol>
Maximum Discounted (50%) Monthly Permits	Each New Business/Tenant or Owner Occupied Business can receive up to a maximum of 50 discounted monthly permits.
Transfers	Parking agreement and parking permits are non-assignable and non-transferrable.
Eligible Parking Facilities	With the exception of the Fourth Street Garage, all Downtown Municipal Parking Facility are eligible at the discretion of Director.
Approval	Director shall review all applications and approve all businesses eligible for the parking incentive program and administer the parking incentive program as set forth in this Resolution.

### Non-City and Non-Redevelopment Agency Incubators

Program	Free Downtown parking for Non-City and Non-Redevelopment Agency Incubators.
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## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

Qualified Entities	Non-City and non-Redevelopment Agency operated or funded Incubators supporting the concurrent development of 5 or more start-up companies.
Parking Term	Equivalent to the new building lease term, or less than the new building lease term where applicant submitted application after commencement of the new building lease term.
Parking Monthly Rate	<p>Free period (first half) of parking agreement is free (maximum of three years)</p> <p>Paid period (second half) is at the regular parking rate set forth in this Resolution (100% rate), e.g.:</p> <p>6 year building lease: 3 years free; &amp; 3 years @ 100%</p> <p>4 year building lease: 2 years free; &amp; 2 years @ 100%</p> <p>3 year building lease: 18 months free; &amp; 18 months @ 100%</p>
Deposit	<p>One month deposit is required for each parking permit at the current regular rate for all free parking permits (e.g. 25 permits x 1 month x \$100 = \$2,500).</p> <p>Deposit will be applied to the last month payment under the parking agreement or used to offset any assessed fee. Deposit(s) required prior to execution of parking agreement or amendments thereto. Any unused portion of the deposit will be returned to the applicant at the end of the parking agreement term.</p>



## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

Early Termination of Parking Agreement, or Reduction in Parking Permits	<p>If Incubator terminates the parking agreement prior to the expiration, or utilizes on average more free parking permits during the free period of the parking agreement than the purchase of full priced permits during the paid period, <u>and</u> has not maintained its office space in San José for the full duration of the parking agreement, a fee will be assessed as follows:</p> <ol style="list-style-type: none"><li>1. 50% of the value of the free parking utilized if the agreement is terminated during the free period.</li><li>2. 50% of the difference between the average number of free parking permits used during the free period and the number of permits purchased at the commencement of the paid period, at the then regular rate, for the remaining months of the agreement.</li><li>3. 50% of the value of the remaining months on the parking agreement or the remaining value of the parking spaces, at the then current rate, if the agreement is terminated, or the number of parking spaces purchased is reduced, during the paid period.</li></ol>
Early release from Requirement to Purchase Parking Permits	<p>Fees set forth above for early termination or reduction in parking permits will not apply if Incubator requests to be release from purchasing parking permits during the paid period and provides written documents to demonstrate that it maintains office space in San José through the entire term of the parking agreement.</p>
Adding Parking Permits	<p>Parking permits may be added during the term of the parking agreement as follows:</p> <ol style="list-style-type: none"><li>1. Permits added during the free period of the parking agreement will be free for up to a maximum of 50 permits through the end of the free period.</li><li>2. Permits added in excess of 50 permits during the free period of the parking agreement, or added during the paid period, will be separate from the parking agreement and paid at 100% of the then regular rate.</li></ol>
Maximum Free Monthly Permits	<p>Each Incubator may receive up to a maximum of 50 free monthly permits.</p>

## EXHIBIT IV – PARKING INCENTIVE PROGRAMS

Transfers	Parking agreement is non-assignable and non-transferrable, except Incubator may assign parking permits to start-up companies locating within Incubator's office space.
Eligible Parking Facilities	With the exception of the Fourth Street Garage, all Downtown Municipal Parking Facility are eligible at the discretion of Director.
Approval	Director shall review all applications and approve all entities eligible for the parking incentive program and administer the parking incentive program as set forth in this Resolution.