

CITY COUNCIL ACTION REQUEST

Department(s): Transportation	CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273	Coordination: City Attorney’s Office; City Manager’s Budget Office; and the Planning, Building, and Code Enforcement Department	Dept. Approval: /s/ John Ristow
Council District(s): Citywide	Adjustment to Fees, Rates and Fares without changes to or expansion of services.		CMO Approval:  6/5/24

SUBJECT: ACTIONS RELATED TO THE SCHEDULE OF PARKING PENALTIES

RECOMMENDATION:

Adopt a resolution to repeal Resolution 79710 and set forth the Schedule of Parking Penalties which increases the following parking violation amounts by a range of \$5-\$15 effective July 1, 2024:

- Street sweeping;
- Parked out of space – metered;
- Expired/unpaid meter;
- Failure to pay at lot;
- Residential parking permit required; and
- Parked in bike path/lane.

BASIS FOR RECOMMENDATION:

During fiscal year 2022-2023, the City of San José issued at total of 189,173 parking citations Citywide. Roughly 128,000 of those citations were issued across key parking violations that impact the environment (street sweeping), quality of life (residential parking permit), economic vitality (metered parking), and safety (bike lane.)

Staff conducted a benchmark analysis of current parking violation fine amounts against other cities in Northern California (San Francisco, Oakland, Sacramento) that showed that the City’s current fine amounts were below average for the area. Additionally, as shown in the **table** below, the proposed fine amounts were last increased between the years 2011 – 2016.

VIOLATION CODE	DESCRIPTION	BENCHMARKED FINE AMOUNT RANGE	CURRENT CITY FINE AMOUNT*	PROPOSED NEW FINE AMOUNT*	LAST CHANGED
MC 11.36.190	Street Sweeping	\$ 66 - \$90	\$ 60.00	\$ 65.00	2015
MC 11.40.350	Parked Out of Space - Metered	\$ 45 - \$101	\$ 40.00	\$ 45.00	2011
MC 11.40.380	Expired/Unpaid Meter	\$ 45 - \$101	\$ 40.00	\$ 45.00	2011
MC 11.44.010	Failure to pay at lot	\$ 45 - \$101	\$ 35.00	\$ 45.00	2011
MC 11.48.300	Residential Parking Permit	\$ 40 - \$102	\$ 70.00	\$ 75.00	2016
CVC 21211 (b)	Parked in a Bike Path/Lane	\$ 50 - \$162	\$ 65.00	\$ 80.00	2015

*Fine amounts include a \$12.50 court administrative and infrastructure fees that is passed on to the County/State when each citation is paid by the violator.

BASIS FOR RECOMMENDATION CONTINUED:

The Department of Transportation's Parking Compliance Unit focuses on obtaining compliance with parking rules and regulations through education whenever possible, however, when compliance cannot be gained voluntarily, citations are issued in an attempt to correct and change driver behavior. Typically, parking citation fine amounts are reviewed approximately every three to five years. When citation issuance data indicates that driver behavior remains unchanged and benchmarking analysis identifies that San José parking fines have remained below average, fine adjustments are considered. Rather than institute blanket increases across all violation types, recommended adjustments center around violations impacting the environment, quality of life, economic vitality, and safety.

Prior to this recommendation, fines were most recently reviewed during the COVID-19 pandemic, but adjustments were not recommended at that time and instead a parking citation amnesty program was instituted.

Staff estimates that the increase in fine amounts will generate an additional \$800,000 in collected citation revenue in fiscal year 2024-2025.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

COST AND FUNDING SOURCE:

There are no cost implications associated with this action. The proposed revenue increases have been incorporated into the development of the 2024-2025 Proposed Operating Budget.

FOR QUESTIONS CONTACT: Heather Hoshii, Deputy Director of the Department of Transportation, at heather.hoshii@sanjoseca.gov.