

### **3.3 Proposed Ordinances Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones.**

#### **Recommendation:**

(a) Approve an ordinance amending Chapter 11.98 of Title 11 of the San José Municipal Code to add Section 11.98.025 authorizing the removal of large vehicles parked upon a street, or portions thereof, where the parking of large vehicles creates a safety hazard for pedestrians or vehicles; and amending Section 11.98.040 to require the posting of signage authorizing the removal of large vehicles parked in “No Large Vehicle Parking Zones.”

(b) Approve an ordinance amending Chapter 11.36 of Title 11 of the San José Municipal Code to add Section 11.36.255 to prohibit the overnight parking of vehicles upon a street, or portion thereof; and amending Chapter 11.56 of Title 11 of the San José Municipal Code to add Section 11.56.060 authorizing the removal of vehicles parked where the overnight parking of vehicles is prohibited.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT: SEE BELOW**

**DATE:** March 13, 2024

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**SUBJECT: PROPOSED ORDINANCES AUTHORIZING THE REMOVAL OF  
VEHICLES PARKED IN VIOLATION OF PROHIBITED LARGE VEHICLE PARKING  
ZONES AND NO OVERNIGHT PARKING ZONES**

## **RECOMMENDATION**

- A. Approve an ordinance amending Chapter 11.98 of Title 11 of the San Jose Municipal Code to add Section 11.98.025 authorizing the removal of large vehicles parked upon a street, or portions thereof, where the parking of large vehicles creates a safety hazard for pedestrians or vehicles; and amending Section 11.98.040 to require the posting of signage authorizing the removal of large vehicles parked in “No Large Vehicle Parking Zones;” and
- B. Approve an ordinance amending Chapter 11.36 of Title 11 of the San Jose Municipal Code to add Section 11.36.255 to prohibit the overnight parking of vehicles upon a street, or portion thereof; and amending Chapter 11.56.060 authorizing the removal of vehicles parked where the overnight parking of vehicles is prohibited.

## **BACKGROUND**

On January 30, 2024, City Council approved a memorandum coauthored by Mayor Mahan, and Councilmembers Jimenez, Cohen, Ortiz, and Doan (“Joint Memorandum”) directing staff to prepare two ordinances authorizing the removal of vehicles under certain the following circumstances.

1. Prepare an ordinance giving maximum flexibility to add other locations through Council resolution which prohibits the parking and authorizes the towing of oversized vehicles on public roadways within any area where an engineering assessment has identified that safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles exists.

2. Prepare an ordinance giving maximum flexibility to add other locations through Council resolution, which prohibits the parking and authorized the towing of vehicles parked within any area that prohibits parking between the hours of 10:00 p.m. and 6:00 a.m.

Chapter 11.98 of the San Jose Municipal Code (“Municipal Code”) regulates “oversized vehicles” but refers to them instead as “large vehicles,” which we recommend continuing to utilize. Chapter 11.98 regulates large vehicle parking and specifically permits the Director of Transportation to designate a street, or portions thereof, as a “no large vehicle parking zone” whenever the Director determines that parking of large vehicles upon such street, or portions thereof, creates a safety hazard for pedestrians or vehicles. However, Chapter 11.98 does not authorize the immediate removal of large vehicles parked in violation of the “no large vehicle parking zones.”

Similarly, Sections 11.36.250 and 11.36.260 of Chapter 11.36 of the Municipal Code prohibits the parking of vehicles during certain times in unmetered zones and where signs have been placed giving notice that the stopping, standing and parking of vehicles on certain streets or highways, or portions thereof, are prohibited during all or certain hours of the day. However, neither section authorizes the immediate removal of vehicles parked overnight.

## **ANALYSIS**

The proposed ordinances would authorize the removal of large vehicles parked in violation of “No Large Vehicle Parking Zones” and the removal of vehicles parked in violation of “No Overnight Parking Zones.” Additionally, the City Council to designate additional zones pursuant to California Vehicle Code (“CVC”) Section 22651(n) through resolution of the City Council.

1. Authority to Remove Large Vehicles Parked in Violation of “No Large Vehicle Parking Zone”

The proposed ordinance amends Chapter 11.98 of the Municipal Code by adding Section 11.98.025 which authorizes, pursuant to CVC Section 22651(n), the removal of large vehicles parked in violation of a no large vehicle parking zone. In order to conform to the notice requirements contained within the CVC, the proposed ordinance also amends Section 11.98.040 to provide the posting of signage which provides notice to the public that large vehicles parked in violation of the parking zone restrictions are subject to removal.

2. Authority to Remove Vehicles Parked in Violation of “No Overnight Parking Zone”

The proposed ordinance amends Chapter 11.36 of the Municipal Code by adding Section 11.36.255 which prohibits the overnight parking of vehicles in certain zones established by the City's Traffic Engineer. Additionally, the proposed ordinance amends Chapter 11.56 to add Section 11.56.060 which authorizes, pursuant to CVC Section 22651(n), the removal of vehicles parked in violation of a no overnight parking zone.

### **CONCLUSION**

The proposed ordinances conform to the direction from the City Council from January 30, 2024, as discussed above.

### **CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

NORA FRIMANN  
City Attorney

/s/\_\_\_\_\_

For questions, please contact Matthew Tolnay, Deputy City Attorney, at (408) 535-1900.

cc: Jennifer Maguire, City Manager





COUNCIL AGENDA: 4/9/24  
FILE: 24-76353  
ITEM: 3.3

## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Ristow

**SUBJECT:** SEE BELOW

**DATE:** March 25, 2024

Approved

Date

3/29/24

### SUPPLEMENTAL

**SUBJECT: PROPOSED ORDINANCES AUTHORIZING THE REMOVAL OF VEHICLES PARKED IN VIOLATION OF PROHIBITED LARGE VEHICLE PARKING ZONES AND NO OVERNIGHT PARKING ZONES**

### REASON FOR SUPPLEMENTAL

This supplemental memorandum is intended to provide additional background, context, and analysis for City Council consideration related to the draft large vehicle and overnight parking ordinances which will:

- Authorize the removal of vehicles parked overnight upon a street, or portions thereof, where overnight parking of vehicles is prohibited and posted as a tow-away zone; and
- Authorize the removal of large vehicles parked upon a street, or portions thereof, where the parking of large vehicles is prohibited and posted as a tow-away zone as deemed appropriate through an engineering assessment noting the parking of large vehicles creates a safety hazard for pedestrians, bicycles, or vehicles.

### BACKGROUND

In August 2023, the Rules and Open Government Committee (Committee) directed the City Manager to draft an ordinance prohibiting encampments and vehicle dwelling within 150 feet of K-12 schools and return to the City Council with a cost estimate to fully enforce the ordinance or phase in enforcement with existing resources. In September of 2023, the Committee further directed the City Manager and City Attorney to return with a framework for evaluation and discussion which should include:

- On-Street locations where oversized vehicles could be permitted to park.
- Street characteristics where restricting parking of oversized vehicles could be enforced.
- Phased implementation/enforcement of oversized vehicle ordinance restricting parking.
- Provide notice/maps to residents living in oversized vehicles with areas they can park.
- Understand ability to enforce existing laws/restrictions pertaining to oversized vehicles.
- Zoning Code amendments to streamline the creation of recreational vehicles safe parking sites.

In response to the above August and September 2023 Committee directions, staff brought forward two memos at the January 30, 2024 City Council meeting:

- **Item 8.1:** [Regulating Oversized Vehicles Citywide](#)
- **Item 8.2:** [Addressing Encampments and Oversized Vehicles Around Schools](#)

The City Council accepted the report and referred item 8.1 for discussion to the February 8, 2024, Neighborhood Services and Education Committee. Further consideration of the recommendations in the staff report was directed to the Fiscal Year 2024-2025 Budget process.

The City Council approved item 8.2 with additions and amendments<sup>1</sup>, which sought to expand flexibility to address oversized vehicle impacts citywide. The City Council directed the City Manager and City Attorney to:

- Prepare an ordinance giving flexibility to add locations through City Council resolution which prohibits the parking and authorizes the towing of oversized vehicles on public roadways within any area where an engineering assessment has identified that safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles exist.
- Prepare an ordinance giving flexibility to add locations through City Council resolution, which prohibits the parking and authorizes the towing of vehicles parked within any area that prohibits parking between the hours of 10:00 p.m. and 6:00 a.m.
- Initiate a pilot at three K-12 schools most impacted by the parking of oversized vehicles.

## **ANALYSIS**

The California Vehicle Code (CVC) establishes enforcement reach, authority, and methods that can be used by cities and law enforcement agencies to enforce parking regulations. The CVC's parking codes do not allow a city to regulate activities in and around vehicles. For example, living in a vehicle is not an activity contemplated by the CVC. Therefore, the activity cannot be regulated through parking restrictions. Additionally, the CVC does not provide a mechanism to

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<sup>1</sup> January 30, 2024, City Council Meeting, Item 8.2, Addressing Encampments and Oversized Vehicles Around Schools, memorandum co-authored by Mayor Mahan and Councilmembers Jimenez, Cohen, Ortiz, Doan: <https://sanjoseca.primegov.com/Portal/viewer?id=0&type=7&uid=d22b960b-c475-4268-8093-be07b4483b0a>

single out specific vehicle types—e.g., recreational vehicles, boats, trailers—for restriction and enforcement.

The CVC authorizes the issuance of a parking citation as the standard penalty for violating overnight and oversized vehicle parking restrictions. However, CVC Section 22651(n) allows agencies to designate existing parking regulations as towable offenses by adopting a local ordinance or resolution. The proposed amendments to the San José Municipal Code will introduce an enforcement option authorizing the towing of vehicles in violation of posted overnight or oversized restrictions to better achieve compliance within zones identified through the adoption of a resolution. Other areas within the City with existing overnight and oversized parking restrictions will remain enforceable via citation only. City Council may adopt additional overnight/oversized tow zones via resolution, including transitioning existing restrictions to tow zones.

The City Council approved three pilot areas to be absorbed with existing resources listed below:

- Independence High School (Council Districts 3 and 5)
- Shirakawa Elementary School (Council District 7)
- Challenger School – Berryessa (Council District 3)

Additional sites beyond the three pilot areas will introduce significant increases in workload and coordination to the Department of Transportation and partner departments. Additional tow zones require at least:

- Engineering analyses of proposed locations where the prohibition of towable overnight or oversized vehicle parking may be considered.
- Outreach to impacted schools, residents, businesses, and potentially vehicles owners.
- Drafting, in collaboration with the City Attorney’s Office, resolutions for City Council approval for each zone(s) where towable oversized and/or overnight parking restrictions are to be introduced.
- Conducting field visits, fabricating, and installing new parking restrictions and tow notification signage.
- Additional personnel and resource availability to support enforcement activities and tow coordination.

In addition to added workload and costs the Department of Transportation expects to occur as a result of any expansion of enforcement zones, it should be noted that there will be impacts on City departments functioning in program support roles. This includes San José Police Department, Parks Recreation and Neighborhood Services (BeautifySJ), and Housing personnel as they currently have little to no evening response capabilities to support overnight enforcement.

The implementation of posted parking restrictions, both citable and towable, consistently results in vehicles relocating just outside the restricted area or elsewhere in the City. It does not reduce the overall occurrence rate. For the subset of oversized vehicles that are lived in, supportive

HONORABLE MAYOR AND CITY COUNCIL

March 25, 2024

**Subject: Proposed Ordinances Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones**

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housing and services are vital tools to addressing the root causes of their needs. City departments will continue to implement and support the development of additional supportive parking sites and services.

### **COST SUMMARY/IMPLICATIONS**

Expansion of overnight and oversized parking restrictions beyond the three pilot areas would require significant investments and would need to be addressed through the Fiscal Year 2024-2025 or a future year budget process. City Council's approval of the Mayor's March Budget Message for Fiscal Year 2024-2025 directed the City Manager to "explore the allocation of one-time or ongoing funding, as appropriate, to pilot better citywide regulation of oversized vehicles, including using tow authority when appropriate to enforce prohibited "overnight" and "oversized" parking, facilitate enhanced street sweeping, and implement a 150-ft setback for our most impacted schools." While the Administration is currently in the process of preparing the 2024-2025 Proposed Budget to best meet this direction, given the structural/service level shortfall in the General Fund and other City Council priorities that will require service tradeoffs, it is likely that the funding ultimately recommended in the Proposed Budget to provide some level of additional enforcement capability will still be insufficient to implement the full implications of these ordinances.

Consistent with City Council direction at its January 30, 2024, meeting, a Manager's Budget Addendum will estimate the additional resource needs and major considerations for enforcement programs that achieve objectives approved for oversized vehicles, prohibited overnight and oversized parking, enhanced street sweeping, and setbacks for impacted schools. This information will further inform the City Council in its consideration of the Proposed Budget, as well as help inform potential investments that may be considered in future years.

### **COORDINATION**

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

/s/  
JOHN RISTOW  
Director of Transportation

For questions, please contact Heather Hoshii, Deputy Director, at [heather.hoshii@sanjoseca.gov](mailto:heather.hoshii@sanjoseca.gov).

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 11.98 OF TITLE 11 OF THE SAN JOSE MUNICIPAL CODE TO ADD SECTION 11.98.025 AUTHORIZING THE REMOVAL OF LARGE VEHICLES PARKED UPON A STREET, OR PORTIONS THEREOF, WHERE THE PARKING OF LARGE VEHICLES CREATES A SAFETY HAZARD FOR PEDESTRIANS OR VEHICLES; AND AMENDING SECTION 11.98.040 TO REQUIRE THE POSTING OF SIGNAGE AUTHORIZING THE REMOVAL OF LARGE VEHICLES PARKED IN “NO LARGE VEHICLE PARKING ZONES”**

**WHEREAS**, on February 15, 1988, the City Council adopted Ordinance No. 22736, authorizing the City to designate, on a case by case basis, streets where no large vehicles may be parked to prevent large vehicles from visually obstructing or impeding the flow of traffic or creating special safety problems for pedestrians and vehicle operators; and

**WHEREAS**, the City Council has determined that it is necessary to authorize the removal of large vehicles illegally parked or left standing in violation of “no large vehicle parking zones” to prevent large vehicles from visually obstructing or impeding the flow of traffic or creating special safety problems for pedestrians and vehicle operators; and

**WHEREAS**, Subsection (n) of Section 22651 of Article 1 of Chapter 10 of Division 11 of the California Vehicle Code authorizes the removal of vehicles parked or left standing where a local authority, by resolution or ordinance, has prohibited parking and signs have been posted giving notice of the removal; and

**WHEREAS**, pursuant to the California Vehicle Code, the City Council is authorized to designate by resolution the removal of large vehicles parked or left standing in violation of a “no large vehicle parking zone;” and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance do not constitute a project under File No. PP17-008; and

**WHEREAS**, the City Council is the decision-making body for this proposed Ordinance; and

**WHEREAS**, the City Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this proposed Ordinance;

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

SECTION 1. A new section 11.98.025 is added to Chapter 11.98 of Title 11 of the San José Municipal Code to be numbered, entitled and to read as follows:

**11.98.025 Authority to Remove Large Vehicles.**

Pursuant to authority under the California Vehicle Code Section 22561(n), as may be amended, vehicles parked in violation of Section 11.98.020 may be removed from designated no large vehicle parking zone(s) identified in a resolution of the City Council.

SECTION 2. Section 11.98.040 of Chapter 11.98 of Title 11 of the San José Municipal Code is amended to read as follows:

**11.98.040 Posting of zone.**

- A. If a zone is designated as a "no large vehicle parking zone," it shall be posted by signs or other markings which give notice that large vehicle parking is prohibited, and may be subject to removal.
- B. No such signs or markings shall be placed until fifteen days have elapsed from the date of the mailing of the director's notice of determination as required in Section 11.98.030.B.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 11.36 OF TITLE 11 OF THE SAN JOSE MUNICIPAL CODE TO ADD SECTION 11.36.255 TO PROHIBIT THE OVERNIGHT PARKING OF VEHICLES UPON A STREET, OR PORTIONS THEREOF; AND AMENDING CHAPTER 11.56 OF TITLE 11 TO ADD SECTION 11.56.060 AUTHORIZING THE REMOVAL OF VEHICLES PARKED WHERE THE OVERNIGHT PARKING OF VEHICLES IS PROHIBITED**

**WHEREAS**, the City Council has determined that it is necessary to authorize the removal of vehicles illegally parked or left standing overnight in violation of “no overnight parking zones” in order to provide for the public’s efficient use of affected contiguous properties and the free or unrestricted flow of traffic; and

**WHEREAS**, Subsection (n) of Section 22651 of Article 1 of Chapter 10 of Division 11 of the California Vehicle Code authorizes the removal of vehicles parked or left standing where a local authority, by resolution or ordinance, has prohibited parking and signs have been posted giving notice of the removal; and

**WHEREAS**, pursuant to the California Vehicle Code, the City Council is authorized to designate by resolution the removal of vehicles parked or left standing in violation of a “no overnight parking zone;” and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance do not constitute a project under File No. PP17-008; and



**WHEREAS**, the City Council is the decision-making body for this proposed Ordinance;  
and

**WHEREAS**, the City Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this proposed Ordinance;

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

SECTION 1. A new section 11.36.255 is added to Chapter 11.36 of Title 11 of San Jose Municipal Code to be numbered, entitled and to read as follows:

**11.36.255 Stopping, standing and parking – No Overnight Parking.**

- A. No person shall stop, stand, or park any vehicle on or along those streets or highways, or portions thereof that have been designated as a no overnight parking zone between 10:00 PM and 6:00 AM.
- B. Signs shall be posted to provide notice of the prohibition under this Section.
- C. No overnight parking zones may be designated by the traffic engineer on the basis of traffic engineering studies which address the need for efficient use by the public of affected contiguous properties taking into account available parking facilities.

SECTION 2. A new section 11.56.060 is added to Chapter 11.56 of Title 11 of San Jose Municipal Code to be numbered, entitled and to read as follows:

**11.56.060 Removal of vehicles parked in violation of no overnight parking zones.**

Pursuant to the requirements of California Vehicle Code Section 22561(n), the City Council may, by resolution, authorize the removal of vehicles parked in a no overnight parking zone defined by Section 11.36.255.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
MATT MAHAN  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

**FW: April 9, 2024 Council Agenda items 3.3 and 3.4**

City Clerk &lt;city.clerk@sanjoseca.gov&gt;

Mon 4/8/2024 7:43 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

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**From:** Patty McNeil [REDACTED]**Sent:** Friday, April 05, 2024 8:29 PM**To:** City Clerk <city.clerk@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Dang, Tara <Tara.Dang@sanjoseca.gov>**Subject:** April 9, 2024 Council Agenda items 3.3 and 3.4

[External Email]

Honorable Mayor Mahan, and City Council,

**Concerning Agenda Item 3.3 and 3.4-**

As a District 7 Community Member, I have first hand knowledge of the problems with RV's being parked on city streets.

In our Stonegate West neighborhood, we have 9 RVs parked on Umbarger Road between McLaughlin and Tuers Rd. After reading your April 9, 2024 Agenda items; 3.3 and 3.4, I have questions that I want you to think about and consider before approving these Proposed Ordinance Recommendations.

**3.3-"Proposed Ordinance Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones".**

Who determines how these Zones are chosen? San Jose already has areas that have signs for no parking over a certain length of vehicle. Our neighborhood has already asked our District 7 representative if we can have this signage on Umbarger. So far the answer has been "No" by default, nothing has happened.

**section (a) "...where the parking of large vehicles creates a safety hazard for pedestrians or vehicles..."**

Who will define safety hazards? Right now we are dealing with human waste from RV's. Although Bio-waste bags have been provided, not all the RV's are using them. I dread Summer when a walk in the park means the wafting of Bio-waste stewing in plastic bags for a week or two. The amount of trash or just their personal belongings stored on the park property is a hazard. Our two lane street (Umbarger Road) is really a one-way street because two cars can't pass each other at 9 different areas of Umbarger Road.

**section (b) The portion prohibiting overnight parking.**

Does that include us neighbors? We are a multi-generational neighborhood and we need overnight parking. Again, who determines these areas for "No" overnight parking, what is the criteria?

**3.4- "Proposed Ordinance Codifying the Existing Encampment Management Program around Schools and Establishing School Clearance Zones."**

Does the city really have an Existing Encampment Management Program? Where is this information? Who wrote it and when? How can I get my hands on it?

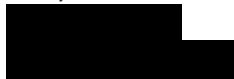
**"...prohibit certain obstructions within 150 feet of schools."**

What in the world are "certain obstructions"? That is so open to interpretation.

I believe parks should be included in the Clearance Zones. The children in our neighborhood are no longer riding their bikes along the Umbarger pathway because parents don't feel it is safe to do so.

Thank you for your Public Service, and consideration of my thoughts and questions.

Patty McNeil



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## FW: Letter in Support of Item 3.3 and 3.4-April 9th, 2024 Council Meeting

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 7:45 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Minh Pham [REDACTED]

**Sent:** Monday, April 8, 2024 5:14 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Re: Letter in Support of Item 3.3 and 3.4-April 9th, 2024 Council Meeting

[External Email]

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Honorable Mayor and Members of the City Council,

I write to you today to express my support for Items 3.3 and 3.4, the Encampment Management Program Around Schools and the Establishing of School Clearance Zones.

The areas around several school sites in the Alum Rock School District, such as Painter Elementary, Sheppard Middle, and Renaissance at Mathson Middle, have had issues with encampments.

Our students and staff have been negatively impacted. Many of those living in the encampments have threatened students as they walk to school, engaged in inappropriate behavior around yard duty staff, and have damaged school property. All of this has led to an unsafe environment around schools as well as additional costs to the district to repair damages to the facilities and replace stolen/damaged property.

It is for those reasons that I respectfully urge the Council to approve Items 3.3 and 3.4 in tomorrow's meeting in order to protect our children, our educators, and ensure a safe learning environment in our local public school.

Thank you for bringing these items onto the agenda and I hope that local schools can work together with the City to ensure that our community have safe schools for our children and educators.

Sincerely,

--

Minh Pham

Member, Board of Trustees

Alum Rock Union Elementary School District



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## FW: Public Comment - Supporting Items 3.3/3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 9:53 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Chris Copolillo <[REDACTED]>  
**Sent:** Tuesday, April 9, 2024 9:34 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Cc:** Moreno, Brisa <Brisa.Moreno@sanjoseca.gov>; Garcia, Sara <Sara.Garcia@sanjoseca.gov>  
**Subject:** Public Comment - Supporting Items 3.3/3.4

[External Email]

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Council,

KIPP Public Schools Northern California supports the passage of the proposed ordinance to codify the existing tent encampment management program around schools and establish a school clearance zone to prevent oversized vehicles from parking near them.

For KIPP San Jose Collegiate students and staff, the RVs and oversized vehicles parked directly outside of our campus have posed well-documented safety concerns. We urge the council to act today to ensure that the areas around San Jose schools are safe and accommodating to our students, while we simultaneously ask that you implement policy interventions that address the needs of residents who need housing support.

--

**Chris Copolillo** (he/him)  
Managing Director of Policy, Enrollment, Advocacy and Community Engagement

**KIPP:Public Schools**  
NORTHERN CALIFORNIA



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## FW: Agenda Item 3.3 and 3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 9:53 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (180 KB)

Proposed Ordinances 3.3 and 3.4.docx;

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**From:** Juan Cruz <[REDACTED]>  
**Sent:** Tuesday, April 9, 2024 9:30 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Agenda Item 3.3 and 3.4

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

Please accept my letter of support for Item 3.3 and 3.4.

Juan

--

**Juan Cruz**  
**Superintendent**  
Franklin-McKinley School District  
[REDACTED]

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# Franklin-McKinley School District

PREPARING ALL CHILDREN AS GLOBAL LEARNERS

April 8, 2024

Honorable Mayor and City Council of San Jose,

Subject: Letter of Support for Proposed Ordinances Establishing School Clearance

I am writing to express Franklin-McKinley School District's full support for the proposed ordinances that would authorize the removal of vehicles parked in violation of prohibited large vehicle parking zones and no overnight parking zones within 150 feet of schools. These ordinances, as outlined in the memorandums coauthored by Mayor Mahan and Councilmembers Jimenez, Cohen, Ortiz, and Doan, are crucial steps towards ensuring public safety and a safe path to and from schools for families and children.

The proposed ordinances address three significant issues: the parking of large vehicles in areas where they create safety hazards for pedestrians or vehicles, overnight parking of vehicles in zones where such parking is prohibited, and safety path to and from schools. By allowing for the removal of vehicles in violation of these regulations, the ordinances will help improve traffic flow, enhance pedestrian safety, and ensure that our students feel walking to and from school.

I appreciate the careful consideration and planning that has gone into developing these ordinances, including the flexibility to designate additional zones through Council resolution. This approach will allow the City to address emerging parking issues and safety concerns in a timely and effective manner.

In conclusion, I believe that the proposed ordinances are necessary measures to improve public safety and a safe environment for families in our city. I urge you to approve these ordinances and support their implementation for the benefit of our Franklin-McKinley School District community.

Thank you for your attention to this important matter.

Sincerely,

Juan Cruz  
Superintendent

Board of Education

Rudy Rodriguez

George Sanchez.

Marc Cooper

Steven Sanchez.

Milan Balinton



## FW: Concerning Agenda Items 3.3 and 3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 11:15 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 2 attachments (5 MB)

RV truck (2).jpg; Broken truck mirror.jpg;

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**From:** honolulubabee [REDACTED]

**Sent:** Tuesday, April 9, 2024 11:11 AM

**To:** City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Dang, Tara <Tara.Dang@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>

**Subject:** Concerning Agenda Items 3.3 and 3.4

[External Email]

Mayor Mahan and City Council members,

We have sent our concerns about the RVs, the associated vehicles, operable and nonoperable parked in our Stonegate West Neighborhood between McLaughlin Avenue and Tuers Road and to no avail. Since it is not specified, where "Large Vehicle Parking Zones and No Overnight Parking Zones" are located. We would ask that our neighborhood be included in these specified zones.

This past weekend is a prime example where 3.3 section (a) "...the parking of large vehicles creates a safety hazard for pedestrians or vehicles..." Our neighbor had his truck's side view mirror hit and broken due to the fact that sections of Umbarger have become too narrow for two passenger sized vehicles to pass by one another without having to yield to the oncoming traffic or coming dangerously close to damaging a parked vehicle. See attached photos, in one photo, you will notice how close the RVs and parked truck on the other side of street are; the second photo, you will see the damage to the side mirror.

Once the Encampment Management Program is implemented, unless it is already, the RVs and campers parked around Windmill Springs Elementary school and nearby park currently, will seek open spots nearby. Unfortunately, that will probably Umbarger, between McLaughlin and Tuers. Would love to see the city be proactive rather than reactive on parking restrictive signage in our neighborhood, also.

Sincerely,  
Joyce and Kerry Kimoto

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## FW: Agenda Item 3.3 – Proposed Ordinances Authorizing Vehicles Parked in Violation of Prohibited Parking Zones

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 11:23 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Giangreco Chris <[REDACTED]>

**Sent:** Tuesday, April 9, 2024 11:15 AM

**To:** City Clerk <city.clerk@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; d1@sanjoseca.gov; d10@sanjoseca.gov; Batra, Arjun <arjun.batra@sanjoseca.gov>; Gomez, David <David.Gomez@sanjoseca.gov>

**Cc:** Daphna Woolfe <[REDACTED]>; Chris Giangreco <[REDACTED]>; Barbara Emerson <[REDACTED]>; Katie Meitzler <[REDACTED]>; Bill Shaffer <[REDACTED]>; Dave Leslie Duquette <[REDACTED]>

**Subject:** Agenda Item 3.3 – Proposed Ordinances Authorizing Vehicles Parked in Violation of Prohibited Parking Zones

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

City Clerk, please attach this email / Word document to public comments for today's 09 APRIL 2024 Agenda Item 3.3 – Proposed Ordinances Authorizing Vehicles Parked in Violation of Prohibited Parking Zones

Vice Mayor Kamei, Councilmember Batra, here are some things you should consider for this agenda item.

It is encouraging to the public that the City of San Jose is taking these steps to manage the homeless RV problems plaguing our San Jose communities. There are other serious large vehicle roadway parking issues that the city must consider in this ordinance.

Large vehicles parked in the wrong place pose serious roadway safety issues that are Vision Zero issues.

There is no mechanism at City Hall which enables the public to report areas or conditions described in bullet point 1, that ensures action from any department / staff resulting in complete resolution of that particular roadway safety issue.

By not enforcing the California Vehicle Code over the last several years, the City of San Jose has allowed the problem of roadway homeless encampments to become uncontrollable.

By not enforcing provisions of the vehicle code upon roadway **inhabitants**, like the 72 hour parking limit, registration and insurance requirements, yet continuing to enforce these provisions upon roadway **users**, the city has not applied these laws equally.

After watching the 30JAN2024 Council Meeting, it fully appears that this council effort has everything to do with managing homeless roadway encampments and nothing to do with roadway safety and Vision Zero issues. This is extremely concerning for us in the Winchester Orchard Neighborhood, as for at least the last four years we've been asking the city to deal with and solve our large vehicle, line of sight roadway safety issue, by creating and enforcing a "No Large Vehicle Zone". Whenever this specific area of Stevens Creek Blvd. is used for large vehicle parking, it poses a serious roadway safety and Vision Zero problem. When somebody gets killed or seriously

injured as a result of this situation, the city will be unable to say they were not informed of the problem, as the D1 and City Manager's Offices, as well as D.O.T. have all been told many times.

A way to analogize the "large vehicle" problem is being two sides of one coin, with each side having equal value and equal weight.

One side, call it "heads", is the problem large vehicles pose to roadway safety when they are parked in ways that impinge upon lines of sight, or in ways that negatively impact safe entry or exit from driveways or side streets, or impact bike lanes, to name a few things. These are all roadway safety and therefore Vision Zero issues. They are life safety issues and should be given the highest levels of prioritization for correction by the municipality.

The other "tails" side deals with roadside homeless encampments. Although some of the problems associated with this side of the coin can be "heads" side problems as well, the vast majority of "tails" side problems are completely different. The communities negatively impacted by these problems know them all too well. Urban blight, garbage in the streets and on sidewalks and often spilling over onto private property, higher rates of property crimes, trespassing, burglary, drug use, public urination & defecation - often on private property, decreased property values and economic downturn are a short list of "tails" side problems. And as we heard from school children during the 30JAN2024 Council Meeting, even child safety, learning and safe learning environments, school property are all at risk with roadside homeless encampments.

The voting public has had enough.

One of the best ways the City of San Jose can bring new investment and economic vitality is to show developers and investors that the municipality is capable of and willing to clean up these problems. What investors or companies would be willing to build or bring new business into a blighted area with higher property crime rates and decreased employee safety?

One problem I see with this effort associated with this "large vehicle" ordinance is that there is nothing clearly stating what is a "large" or "oversize" vehicle. How is it to be determined? Will it be the physical dimensions of the vehicle – the length, width & height? Will it be the GVWR of the vehicle? Will it be how much the vehicle impinges upon an adjacent roadway? Will it be up to the discretion of the enforcer or official?

Question: Why has this problem not manifested itself in the same ways in Campbell, Los Gatos, Cupertino or Saratoga?

Answer: Because those municipalities have not tolerated the problem and have used existing laws to deal with it.

This is largely a problem of the of the City of San Jose's own creation by allowing vehicles to remain in the same spot on the public roadway for extended periods, as well as allowing unregistered vehicles on the roadway.

Found at

<https://www.youtube.com/watch?v=uiBCHclYAvQ>

during the 30JAN2024 Council Meeting, around the 4:40 & 5:10 minute marks, D10 Councilmember Batra got it right when he suggested using existing laws to deal with existing laws to solve the problem.

Simply by not upholding the California Vehicle Code, the City of San Jose has allowed itself to become a "Sanctuary City" for RV's used as dwelling units on the public roadways. Unfortunately, in every council district throughout the municipality, there are areas of the public roadway where these RV's have been allowed to park on the public roadway, with impunity and in violation of state laws like vehicle registration, 72 hour parking limits, and vehicle insurance requirement. Enforcement of these three things would require no addition costs or research.

The municipality holding the vast majority of residents accountable to adherence of these laws, while allowing one subset a pass to violate these laws is not equitable or equal protection under the law.

Chris Giangreco

Traffic & Transportation Liaison

Vice President

Winchester Orchard Neighborhood Association – W.O.N.A.

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FW: Item 3.3/3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 1:16 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** iq4rent sc <[REDACTED]>

**Sent:** Tuesday, April 9, 2024 1:12 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Item 3.3/3.4

[External Email]

As you know, the state audit of San Jose's homeless services is out and it is incredibly validating for all of the advocates who for so long have been saying much of what the audit says. I can not say that loudly or frequently enough. But, regarding 3.3/3.4, I have these notes from the audit:

**"Without a sufficient number of safe parking sites, the city increases the safety risks, such as physical or emotional threats, that people who sleep in their vehicles may face."**

What else is there to really say? This is why RV bans jeopardize people's lives and further stigmatize people who are themselves at risk. Read what it says, it doesn't say MAY increase, it says it says INCREASES. Your vote today will increase the safety risks of unhoused vehicles dwellers. 62 unhoused are listed on the coroner's dashboard, but others have died and have yet to be identified by next of kin. That's more than last year.

"Although interim housing serves an important purpose, around 40 percent of people exiting such placements returned to unsheltered homelessness." Oftentimes, they return to RVs and other vehicles you are trying to make it more difficult for them to seek refuge in.

"San José has not adequately evaluated its efforts to mitigate health and safety issues related to encampments...it has not developed performance measures to evaluate how well its programs are mitigating health and safety risks" This also speaks for itself.

Please vote no on 3.3 and 3.4. There needs to be a freeze on sweeps and all actions taken against unhoused people until metrics committees are formed that include unhoused people and advocates that will go through each program and address concerns brought forth in the audit and community. Clean ups can continue, but sweeps/relocations/bans should resume when issues related to vendors, processes and where people are being swept to, are resolved.

Regards,

Shaunn Cartwright

## FW: Items 3.3 and 3.4 on Council Agenda 4.9.2024 on RV Encampment

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 1:43 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>

**Sent:** Tuesday, April 9, 2024 1:21 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Cc:** Munguia, Emily <Emily.Munguia@sanjoseca.gov>

**Subject:** Items 3.3 and 3.4 on Council Agenda 4.9.2024 on RV Encampment

Please take a look at ticket [#43311](#) raised by Kevin McCoy [REDACTED]

On Tue, 9 Apr at 12:17 PM , Kevin McCoy <[REDACTED]> wrote:

[External Email]

Thanks Tara, you're a lifesaver.



**Kevin McCoy**

[www.cwiteam.com](http://www.cwiteam.com)

On Tue, 9 Apr at 11:58 AM , City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:  
Hi Kevin McCoy,

Thank you for reaching out to Mayor's Office. It is disheartening to see the damages that homelessness had caused to our city's small businesses, bread-and-butter for our city resources. I have included District 7 Office, BeautifySJ and SJPd in this email in hope of a regular cleanup schedule is in place and enforced, and more patrols will be for this area for public safety concerns.

In the future, you can download 311SJ app to report blights and for record keeping.

You also can use the following to report encampment:

**Union Pacific unhoused:** [https://c02.my.uprr.com/ui/rmc\\_ext/#/report-incident/8](https://c02.my.uprr.com/ui/rmc_ext/#/report-incident/8)

**Caltrans encampments:** <https://csr.dot.ca.gov/>

**Street encampments and trash:** <https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/report-an-encampment>

Once again, thank you and we will be in contact. Have a wonderful day.

Best regards,

Tara Dang  
Community Outreach Coordinator  
City of San Jose, Mayor's Office  
408.886.8996

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello Mayor Matt,

This is what we came to work to see today. Our small business pays a boatload of tax to the City of San Jose in license fees, sales tax reporting, property tax, and provides a good income to our associates. Please keep cleaning up Little Orchard Street with the goal of moving out the tenements on wheels. As I have said previously, the only recreation going on in these vehicles is drug use. They need to be gone in order for us to enter and exit our driveway safely.



creative  
window  
interiors

Kevin McCoy  
[REDACTED]

**From:** Mayor Matt Mahan <[mayormatt@sanjosecagov.ccsend.com](mailto:mayormatt@sanjosecagov.ccsend.com)>  
**Sent:** Sunday, April 7, 2024 7:17 AM  
**To:** Kevin McCoy <[REDACTED]>  
**Subject:** A Message from Mayor Matt

You don't often get email from [REDACTED] [Learn why this is important](#)



# Matt Mahan

== MAYOR *of* SAN JOSE ==

Dear Neighbor,

This week I met Sandy. I spoke to her at her home, about her home – Rue Ferrari Interim Housing Community.



I was there alongside our Congressman, Jimmy Panetta, to celebrate the \$1 million he brought home from the federal government to help expand this community to help more people in need.

Rue Ferrari is one of the first interim housing communities San Jose built to get our homeless neighbors off the streets and onto a better path. This site has already served over 300 people since it opened in 2021, and we hope that by 2025, we'll have capacity to serve 134 more.

Sandy told me about how she'd been experiencing homelessness for two years, and her home at Rue Ferrari gave her back what she had been missing for those two years – a sense of dignity, the recognition that her life mattered, and an understanding that there were people willing to help if she chose to accept that help.

She spoke about how close so many people are to falling into homelessness. One accident or health scare, a lost job or ailing relative is all that it can take to lose everything. Which is why places like Rue Ferrari change lives. They allow people to get back on their feet, get the counseling, addiction support or job training they need, and reconnect with loved ones – all of which is near impossible for our homeless neighbors while they live in unsafe, unsanitary conditions on our streets.

We have 700 additional interim housing units in the pipeline. We need to move faster to get these beds online so that we can give more people like Sandy a second chance and reclaim our public space for everyone.

But the truth is — we simply don't have the financial capacity to create units like Sandy's for the more than 4,000 people living on our streets today. And we certainly can't build every single one of them a brand-new apartment any time soon.

That's why my March Budget Message asks our city government to explore the creation of safe sleeping sites so that we can move people out of the dangerous, unmanaged conditions that have moral, fiscal and environmental ramifications for our entire community. While minimalistic, these sites would offer basic sanitation – regular trash pick up, porta potties, handwashing stations – and some basic rules and structure, and they would allow us to begin closing the unsafe and unmanaged encampments we see in far too many parts of our city and state today.

We need an all-of-the-above approach to solve the crisis on our streets. And we can't be afraid to invest in the immediate solutions that will make life better for all of us while maintaining a commitment to the end goal – a more affordable city for all of us.

We'll need help from all levels of government to end the era of encampments – which is why I am so grateful to Congressman Panetta for leaning in instead of checking out.

Sincerely,

A handwritten signature in black ink that reads "Matt Mahan". The signature is fluid and cursive, with the first name "Matt" and last name "Mahan" clearly distinguishable.

Mayor Matt

A graphic featuring a dark, textured background with a faint, repeating pattern of the word "Safer". Overlaid on this background is the text "Creating a Safer San Jose" in a large, white, sans-serif font. The text is centered and occupies the middle portion of the graphic.



I had the immense honor of chopping the ribbon on our brand new Fire Training Center and Emergency Operations Center! Our firefighters keep us safe — it's our job to give them the tools and training they need to keep themselves safe in the process.

This new facility will help us better respond and collaborate between different departments and agencies when disaster strikes. It will support our firefighters and the emergency personnel who serve our community. And I think it will provide all of us with a little peace of mind — knowing that we have so many dedicated people learning how best to protect us on our city's worst days.

**Let's Gooo  
BayFC!**



There is nothing more heartwarming than watching your children be inspired. And last week, at BayFC's first home opener in San Jose, Nina couldn't take her eyes off the field. She started playing soccer last year, and seeing the incredible women of BayFC excel on the pitch was almost more than she could handle. I am so excited that the only professional women's sports team in Northern California has chosen to call San Jose home. Nina and little girls across our city will have the opportunity to cheer on a team that looks like them and reminds them of all they are capable of. Can't wait for the next game!

# Mental Health Matters

California has declared treatment, not tents for our most vulnerable neighbors by passing Prop 1. We have a long way to go to fix decades of failed policy, but I'm glad to see us take a step in the right direction by mandating that counties across California use some of their mental health funding to get people indoors and connected to in-patient and residential treatment. We need to rebuild our mental health care system and ensure we have the treatment beds and supportive services required to turn the corner on homelessness and get our most vulnerable the help they need. Let's get to work! Read more [here](#).

# Keeping Our City Clean



Every person living in San Jose, housed or unhoused, has rules to follow that help us maintain a better quality of life for everyone. We have a code of conduct that establishes limits on how large encampments can be and we have laws against illegal dumping. And in this year's budget message, I asked that we dedicate resources to finally, actually and comprehensively enforce these rules while we continue to expand safe, dignified spaces for everyone living outdoors. If the June budget is passed by the entire council, this work can begin. We got a taste of what that might look like while joining PRNS to clean up an encampment in Alviso alongside Councilmember Cohen and Valley Water District Director Santos. If you'd like to help make sure our June budget passes, click [here](#).

## Coming Soon!

**Teatro Visión's La Mariposa and Breaking Through**

Thursday, April 11th — Sunday, April 14th

Mexican Heritage Plaza, 1700 Alum Rock Ave., San José, CA 95116

Teatro Visión presents Francisco Jiménez's *La Mariposa* and *Breaking Through*: two one-act plays that demonstrate the power of love, the importance of one's mentors, and the beauty of the American dream. *La Mariposa* is presented in Spanish and *Breaking Through* in English, with both plays including projected subtitles. To learn more and order your tickets, click [here](#).

**Great American Litter Pick-Up with BeautifySJ**

Saturday, April 20th at 9:00 AM to 11:30 AM

Multiple Locations

Celebrate Earth Day and help beautify your city! On Saturday, April 20th, BeautifySJ will be out across the city, picking up litter and inspiring community action. Join us in creating a cleaner San Jose! Find the full list of clean-up events in your neighborhood and sign up [here](#).

**Viva CalleSJ: SoFA to the Streets**

Sunday, April 21st at 10:00 AM to 3:00 PM

SoFA District (South 1st Street, San Jose, CA 95113), Santa Clara County Fairgrounds (344 Tully Rd, San Jose, CA 95111), and Martial Cottle Park (5283 Snell Ave, San Jose, CA 95136)

Explore San Jose like never before! Viva CalleSJ is a free program that temporarily closes miles of San Jose streets to bring communities together to walk, bike, skate, and play. Come out and explore the food trucks, vendors, live performances, family-friendly activities, and more along the route. Learn more [here](#).

**Tree Planting at Plata Arroyo Park**

Saturday, April 27th at 8:30 AM to 12:00 PM

Plata Arroyo Park, North King Road San Jose, CA 95116

We're working every day towards a safer, cleaner, greener city — but we need your help to do it! Join Team Mahan, Plata Arroyo neighbors, and volunteers from across San Jose to plant trees and beautify Plata Arroyo Park. Sign up and become part of the solution [here](#).





I had the privilege of joining Meals on Wheels to pack and deliver a meal to Michael, a life long San Jose resident. Meals on Wheels provides vital support to our vulnerable seniors and neighbors who may otherwise struggle to access food. To help them serve our seniors, click here to volunteer: <http://healthtrust.org/volunteer>.



We're creating a safer, cleaner city — one tree at a time! Last month, the Lone Bluff Senter Neighborhood Association and the SCC Sheriff's Office cadets rolled up their sleeves and planted 9 new trees. Lone Bluff Park is greener thanks to their hard work. And across the city, the Martin-Fontana Parks Neighborhood Association hauled several dumpsters worth of residents' unwanted junk, creating a cleaner community for everyone! Sign up here to join us at our next community clean-up: <http://bit.ly/cleansj>.



Last month, Councilmember Torres and I got to chat with some of our SJSU students for our Snack with Matt Spartan edition! It was so inspiring to hear from young people about the issues that matter to them most. In the months ahead I look forward to seeing these students continue to push for the change they want to see in local government. Join us at the next Snack with Matt town hall event and ask me your toughest questions: [qrco.de/SnackWithMatt-Interest](https://qrco.de/SnackWithMatt-Interest).

**Visit our Website!**



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## FW: April 9, 2024 Council Agenda items 3.3 and 3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 1:55 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>

**Sent:** Tuesday, April 9, 2024 1:23 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Cc:** Munguia, Emily <Emily.Munguia@sanjoseca.gov>

**Subject:** Fwd: April 9, 2024 Council Agenda items 3.3 and 3.4

Please take a look at ticket #43148 raised by Patty McNeil [REDACTED]

On Tue, 9 Apr at 9:25 AM , City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:  
Hi Patty McNeil,

Here is the response from Emily Munguia, our Policy Director. Please let me know if you have any questions. Thank you.

Tara Dqang  
Community Outreach Coordinator  
City of San Jose, Mayor's Office  
408.886.8996

Regarding Towing Authorization:

We understand the frustration regarding the lack of signage on Umbarger Road. The determination of zones for towing enforcement in areas with parking violations involves a comprehensive assessment process by engineers, ensuring parking restrictions are implemented where needed, prioritizing safety and traffic flow. Safety hazards, like human waste from RVs, are defined through a thorough evaluation process, considering factors such as pedestrian and vehicular safety. The Director of Transportation exercises discretion in designating areas for assessment for towing enforcement.

On Overnight Parking:

The intent isn't to inconvenience residents but to address parking issues. Areas with "no overnight parking" zones are designated a towing enforcement based on assessments by engineers and community input, ensuring fairness. If towing enforcement signs are posted, they apply to all vehicles, not just oversized ones.

On School Setback

The school clearance ordinance prohibits obstructing streets, sidewalks, bike lanes, or other public right-of-way by sitting within the 150 feet school clearance zone by sitting, laying, sleeping, or storing personal items.

Regarding the Encampment Management Program:

The program, initiated in 2020, results from interagency collaboration, aiming to address homelessness citywide. Information, including objectives and implementation, is available on the City of San Jose [website](#).

On Mon, 8 Apr at 10:39 AM , City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:  
Hi Patty,

Thank you for reaching out to Mayor's Office on your concerns of items 3.3 and 3.4 on the Council Agenda for tomorrow April 9. We will get back to you on addressing your concerns the earliest possible.

Have a wonderful day.

Best regards,

Tara Dang

On Fri, 5 Apr at 8:31 PM , Patty McNeil [REDACTED] wrote:

[External Email]

Honorable Mayor Mahan, and City Council,

**Concerning Agenda Item 3.3 and 3.4-**

As a District 7 Community Member, I have first hand knowledge of the problems with RV's being parked on city streets.

In our Stonegate West neighborhood, we have 9 RVs parked on Umbarger Road between McLaughlin and Tuers Rd. After reading your April 9, 2024 Agenda items; 3.3 and 3.4, I have questions that I want you to think about and consider before approving these Proposed Ordinance Recommendations.

**3.3-"Proposed Ordinance Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones".**

Who determines how these Zones are chosen? San Jose already has areas that have signs for no parking over a certain length of vehicle. Our neighborhood has already asked our District 7 representative if we can have this signage on Umbarger. So far the answer has been "No" by default, nothing has happened.

**section (a) "...where the parking of large vehicles creates a safety hazard for pedestrians or vehicles..."**

Who will define safety hazards? Right now we are dealing with human waste from RV's. Although Bio-waste bags have been provided, not all the RV's are using them. I dread Summer when a walk in the park means the wafting of Bio-waste stewing in plastic bags for a week or two. The amount of trash or just their personal belongings stored on the park property is a hazard. Our two lane street (Umbarger Road) is really a one-way street because two cars can't pass each other at 9 different areas of Umbarger Road.

**section (b) The portion prohibiting overnight parking.**

Does that include us neighbors? We are a multi-generational neighborhood and we need overnight parking. Again, who determines these areas for "No" overnight parking, what is the criteria?

**3.4- "Proposed Ordinance Codifying the Existing Encampment Management Program around Schools and Establishing School Clearance Zones."**

Does the city really have an Existing Encampment Management Program? Where is this information? Who wrote it and when? How can I get my hands on it?

**"...prohibit certain obstructions within 150 feet of schools."**

What in the world are "certain obstructions"? That is so open to interpretation.

I believe parks should be included in the Clearance Zones. The children in our neighborhood are no longer riding their bikes along the Umbarger pathway because parents don't feel it is safe to do so.

Thank you for your Public Service, and consideration of my thoughts and questions.

Patty McNeil  
[REDACTED]

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## FW: Banning RVs is Not About Street Safety - Item 3.3 - City Council 4/9

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 2:02 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (2 MB)

Banning RVs is Not About Street Safety — Silicon Valley Bicycle Coalition.pdf;

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**From:** Jordan Moldow [REDACTED]

**Sent:** Tuesday, April 9, 2024 1:28 PM

**To:** District1 <district1@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Banning RVs is Not About Street Safety - Item 3.3 - City Council 4/9

[External Email]

The below blog post greatly captures my thoughts on the topic of banning RVs from certain streets. It was written in 2021 with regards to Mountain View's RV banning efforts, but is just as applicable today for San Jose.

If street safety were truly the goal, the city would invest in:

- Improving sightlines specifically at intersections through daylighting. Parking within 20 feet of pedestrian crossings is now illegal at a state level, but San Jose needs to give teeth to this policy through the use of physical barriers or (less useful) paint.
- Enforcing that vehicles (of all sizes, not just oversized vehicles) cannot park within a certain distance of driveways. This would actually improve sightlines, and have other benefits, like having a dedicated space for residents to place trash without obstructing the roadway.
- Safe parking sites for RVs. I know the city is working on this. But every bit of staff time and money wasted on signs and enforcement for these RV bans, could have been used towards accelerating the buildout of safe parking sites and other projects that actually improve the lives of the unhoused.
  - The staff time and money for these signs would also be better spent on street sweeping parking restrictions, which are absent from large swaths of the city and prevent effective street sweeping.
- Enforcing existing parking violations, e.g, illegal parking/stopping on bike lanes and illegal obstruction of sidewalks.
- Removing parking altogether on high-volume / high-speed roads, grand boulevards, transit corridors, and important streets in the bicycle network.
- Reducing speed limits across the board.
- Adding many more No Right on Red restrictions.

In general, it would be great to see Council taking up more items, and allocating more budget, to initiatives that are known internationally to be good for street safety. Rather than initiatives like this one, which uses road safety as a convenient excuse to demonize and inconvenience those who are already in a state of vulnerability, and does not solve any underlying problems with homelessness.

Jordan

<https://bikesiliconvalley.org/news/2021/09/banning-rvs-is-not-about-street-safety>

## Banning RVs is Not About Street Safety

Last week my husband came in from a bike ride with the news: "Did you see they put up "no parking" signs in our neighborhood?" I hadn't, but neither of us were surprised to see signs.

Mountain View's city officials had been wrestling with whether to prevent "oversized" vehicles parking on city streets for years, finally punting the issue to voters in the November 2020 election. The final result was a ban on parking of any vehicle larger than 22 feet long, seven feet wide or seven feet tall on so-called narrow streets (defined as less than 40 feet in width). The city justified the ban with traffic safety concerns, and in particular, bicycle safety.

### **Spoiler Alert: It's not about the bikes**

The city didn't enforce size restrictions when bicycle safety was the only reason. We bike advocates had complained for years about the huge commercial vehicles parked on Shoreline Boulevard: dump trucks, delivery vans, tree trimming trucks. Even though the trucks and vans were parked well into the bike lane on a busy road, police and city officials told us they couldn't do anything about it. Nor were officials concerned about cars parked on much narrower, 26 foot wide stretches of the city's premier bike boulevard.

What the ban is really about is *whose* vehicles should be allowed to park on city streets.

When the price of rental housing skyrocketed over 50% in the last decade, more Mountain View residents turned to living in vehicles on city streets. Official counts have revealed up to 300 vehicles that serve as housing, primarily parked along non-residential streets. About two-thirds are the larger RVs that exceed the parking ban's size limits.

The majority of these residents previously rented apartments or homes in Mountain View, but couldn't afford an extreme rent hike. Some work low-wage jobs, some are retired, some are disabled, some have young children. Most have ties to the community: their jobs are here, their kids attend school here, or their support network of friends and family are here. And many ride bikes.

### **Bikes and RVs already co-exist without any problems**

You'll find bikes of all sizes are parked next to their vehicles. The most popular RV parking areas are an easy ride or walk to grocery stores, retail and restaurant jobs, local schools, recreational trails, and parks—just like the rental homes, they were priced out of.

Like many of my neighbors living in vehicles, bikes, transit, and walking are my main forms of transportation. Bicycling past RVs is not any more hazardous than bicycling past parked cars. Open car doors stick out further into traffic than RVs do, and RVs rarely have traffic-side doors.

The ban is not about protecting children, either. Relative to a kid's height, SUVs are just as obstructive as the so-called "oversized" vehicles. And the only children I see anywhere near the RVs are the kids who live in them. Two preschool-aged sweeties regularly wave at me when I ride by on my way to the train. I wave back because that's what neighbors do.

### **What cities can do instead of banning RVs**

Cities can make some straightforward changes to improve traffic safety around large parked vehicles. Where sightlines are a problem, they can remove parking spaces at the intersection. Where vehicles spill over into bike lanes, they can re-stripe to widen bike lanes by narrowing or removing travel lanes. That's what Mountain View recently did on Shoreline Blvd and it's much safer, with or without the large parked vehicles.

More importantly, all of the cities in our region need to address the root cause—a housing crisis that's driving residents out of homes and into vehicles. Mountain View has instituted rent control protections that have helped keep some residents in their homes. But we simply need to build more housing, both affordable and market-rate, to slow down the displacement of existing residents as employers draw more people into our area for the booming Silicon Valley industry.

To serve the immediate housing needs, we encourage cities to set up safe parking areas with bathrooms and garbage service near shopping, jobs, and schools, so that residents who live in RVs can continue to bike and walk for their daily trips. And not ban them from virtually every street in town.

It's up to us to push back when city officials or our neighbors try to use bicycle safety as an excuse to push residents out of town. Large parked vehicles aren't what makes our streets unsafe for bicycling and walking. It's the moving vehicles of any size, and the city, county, and state policies that prioritize vehicle speed and driver convenience over all of our safety.

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## Banning RVs is Not About Street Safety



*This is a guest blog by SVBC member and Policy Advisory Committee member Janet Lafleur @ladyfleur*

Last week my husband came in from a bike ride with the news: “Did you see they put up “no parking” signs in our neighborhood?” I hadn’t, but neither of us were surprised to see signs.

Mountain View’s city officials had been wrestling with whether to prevent “oversized”

vehicles parking on city streets for years, finally punting the issue to voters in the November 2020 election. The final result was a ban on parking of any vehicle larger than 22 feet long, seven feet wide or seven feet tall on so-called narrow streets (defined as less than 40 feet in width). The city justified the ban with traffic safety concerns, and in particular, bicycle safety.

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Bicycles are used as everyday transportation by

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Portable toilet facilities are provided for vehicle dwellers on Wentworth Street where parking large vehicles is now banned.



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on Mountain View streets.

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