

From: Ortbal, Jim

Sent: Tuesday, January 23, 2018 12:48 PM

To: de casti; The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; McCahan, Margaret; City Clerk

Cc: Sykes, Dave; Doyle, Richard; Calegari, Jon; Wells, Laura

Subject: RE: Item 6.3, Actions Related to the Amendment of Residential Permit Parking Ordinance

Dear Ms. Castillo:

Thank you for including me on your email to the Mayor, Vice Mayor, and Council Members. City staff are aware of the provisions in the California Vehicle Code and the 2016 CA Attorney General Opinion regarding the establishment of residential permit parking zones and factored that into the development of the new permit guidelines. The Cadillac permit parking zones zone, approved by Council last May, was based on new permit parking guidelines that were developed to intentionally not distinguish and/or create barriers between single family and multi-family dwellings. For example, the boundaries of the Cadillac permit zone were specifically developed to not separate the households types within the permit zone. The threshold criteria in the City's new guidelines to determine if a neighborhood is potentially eligible for permit parking is based primarily on excessive street parking occupancies.

That being said, the number of permits that each household may obtain in a specific permit zone is unique to that zone, and can vary between zones. The number of issued permits is primarily based on the unique parking characteristics of each zone, including the parking-to-housing ratio, on-street parking capacity, and level of street parking occupancy, with the goal of making street parking more available to the residents that live in the zone, and less over-subscribed. Within a specific zone, each household in that zone is eligible to obtain the same number of permits that are being distributed in that zone, regardless of household type.

Lastly, please be assured that the new guidelines, the parameters of the Cadillac neighborhood RPP zone, and the proposal to establish an permit zone in the Eden neighborhood was reviewed by the City's Attorney's Office.

Jim Ortbal

Director of Transportation

City of San Jose

From: [REDACTED]

Sent: Tuesday, January 23, 2018 8:39 AM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Ortbal, Jim <Jim.Ortbal@sanjoseca.gov>; McCahan, Margaret <Margaret.Mccahan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Item 6.3, Actions Related to the Amendment of Residential Permit Parking Ordinance

Dear Mayor, Vice Mayor, and Member of Council:

If staff has not had the opportunity to analyze whether San Jose may limit parking permits by type of dwelling in which residents reside, I ask that Council direct staff to analyze this question before it votes on whether to amend its Residential Permit Parking Ordinance (RPP Ordinance). Last summer the Council approved the Cadillac Residential Parking Permit zone (Cadillac RPP). I am informed and believe that this parking zone consists of all or nearly all higher density residential uses, like apartments. The Cadillac RPP only allows each household or owner to purchase one (1) residential parking permit. Today the Council is considering amending the RPP Ordinance to create the Eden Parking Permit Area (Eden PP), which is across the street from the Cadillac RPP. As described in staff's January 3, 2018, memo, the Eden PP, which I am informed and believe consists of nearly all or mostly all single family dwellings, would allow each household to purchase one (1) residential and two (2) guest parking permits.

I am concerned that San Jose may run afoul of the California Vehicle Code and Attorney General Opinion if it approves the proposed Eden PP. In 2016, the California Office of Attorney General opined that Vehicle Code section 22507, which allows local jurisdictions to issue preferential parking permits, does not allow local jurisdictions to distinguish among residents based on the type of dwelling in which they live when they issue parking permits. (Opinion No. 14-304, April 14, 2016, available at: https://oag.ca.gov/system/files/opinions/pdfs/14-304_1.pdf.) Here, residents in the Cadillac RPP, apartment tenants, have much more limited access to on-street parking than is proposed for the Eden PP, single-family homeowners. Because San Jose may be on the verge of adopting different parking permit restrictions based on dwelling type, which may run afoul of State law and the Attorney General Opinion noted above, I ask that the Council direct staff to analyze whether the City may do so before it votes to amend the RPP Ordinance.

Thank you for considering my comments.

Diana Castillo

San Jose Resident

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