



September 24, 2019

Mountain View City Council
500 Castro Street
Mountain View, CA 94041

RE: Agenda Item 7.1: Oversized Vehicle Parking Restrictions

Dear Mayor, Vice Mayor, and Councilmembers:

People who work hard to make ends meet and provide for their families deserve a fair chance to live in and contribute to our community. Unfortunately, this opportunity is a luxury in Mountain View, where median rents are accessible only to those making six-figure salaries. Facing these extreme costs, many long-term residents of Mountain View have been forced – some to stay close to medical facilities, others to keep their jobs or ensure their kids can stay in school – to remain in the City by living in an oversized vehicle.

After extended public testimony from these residents and local service providers regarding the impact that an oversized vehicle ban would have on their families, City Council backed away from a 24-hour, citywide ban on oversized vehicle parking. Unfortunately, staff now proposes two ordinances – an oversized vehicle parking ban on narrow streets and an oversized vehicle parking ban on streets with Class II bike lanes – that would have the very same effect.

We, the Law Foundation of Silicon Valley, American Civil Liberties Union of Northern California, and Disability Rights Advocates, are prepared to challenge the proposed ordinances in court should Mountain View City Council approve them. In short, the proposed ordinances would impose a city-wide ban on oversized vehicle parking that is just as unconstitutional as a ban implemented with a single ordinance. Additionally, the lack of factual support offered for the restrictions suggest that they are not genuinely intended to address health and safety concerns and instead aim to force out those who cannot afford to rent or own a home in Mountain View.

I. The proposed ordinances would enact a city-wide oversized vehicle parking ban.

Transposing the maps of where the proposed ordinances would apply, it appears there are only tiny pockets of city streets that are not covered by the restrictions. Excluding from those

tiny pockets spaces where parking is prohibited because of restricted public access or commercial activity leaves only a handful of spaces throughout the City. Taking into account existing parking restrictions on those streets not covered by the ordinances (such as two-hour parking zones or no-overnight parking zones) shows that if enacted, the proposed ordinances would leave virtually no spaces to park in the entire City of Mountain View for oversized vehicle residents.

Therefore, prohibiting the parking of oversized vehicles on narrow streets and adjacent to Class II bike lanes will have the same effect as a citywide ban. We remain prepared to challenge such a ban, if enacted, because it would be unlawful for the same reasons set forth in our May 7, 2019 letter.

II. The rationale offered in support of the ordinances is pretextual.

The staff report betrays the idea that the proposed ordinances are needed to protect the health and safety of Mountain View residents. It speculates that oversized vehicles create safety concerns on streets equal to or wider than 40 feet but fails to provide any evidence for this assertion. In fact, Mountain View already has an ordinance restricting parking on narrow streets, but this ordinance defines “narrow” as less than or equal to 30 feet.¹ Without further factual findings, and particularly without findings from a traffic expert, it is impossible to understand the health and safety concerns behind this arbitrary cut-off. Indeed, the only reason offered as to why 40 feet was selected for the ordinance is that this width typically captures all residential streets.² This is pretext, pure and simple – Council cannot avoid liability for civil rights violations by offering facially neutral rationale for harmful practices.

The rationale offered for the restrictions on oversized vehicle parking adjacent to Class II bike lanes is similarly confused. The staff report suggests that the ordinance is needed to address “safety impacts related to oversized vehicle *width*,”³ and the ordinance restricts vehicles over seven feet in width, but this number seems to have been chosen arbitrarily. The only rationale offered for the limitation is that *some* on-street parking in Mountain View is only seven feet wide. The staff report further explains, however, that eight feet is generally sufficient for on-street parking because it maintains the minimum acceptable bicycle lane width. By the reports’ own numbers, then, there are many streets – those with between seven and eight feet of parking space – where vehicles over seven feet in width can park without impeding the bike lane or other traffic. In our experience, vehicle residents are conscientious of where they park and take time to seek out such spaces.

¹ Mountain View Municipal Code Sec. 19.81.

² See COUNCIL REPORT: OVERSIZED VEHICLE PARKING RESTRICTIONS, CITY OF MOUNTAIN VIEW PUBLIC WORKS DEP’T ET AL., at 4 (September 2019).

³ *Id.* at 3. (emphasis in original).

Rather than provide an opportunity for vehicle residents to park on City streets safely by more carefully crafting a parking restriction to target those instances in which the right of way would actually be impeded, the proposed ordinance uses an unnecessarily broad criteria that instead targets vehicle residents themselves. Again, although seven feet is a facially neutral criterion, the pretextual and poorly-reasoned rationale for this restriction suggest that it was not grounded in objective health and safety concerns.

III. Mountain View should not force vehicle residents to choose between leaving the city and living on the streets.

As we have previously explained, the vehicle residents of Mountain View include a broad swath of the city's population. They are long-time residents; families with children enrolled in Mountain View Unified School District; community college students; people who work full-time in Mountain View as security guards, bus drivers, day laborers, and grocery store clerks; and people with disabilities some who work and some who may not be able to work and have called Mountain View home for decades. These are people who contribute to the Mountain View community. If an oversized vehicle ban is enacted, they would be forced to choose between abandoning the city they call home altogether or foregoing the safety that a large vehicle can provide in order to remain in the City by living in a car or on the street.

Nobody should have to make this choice, regardless of their life circumstances. Yet, this is the reality that vehicle residents will face if the proposed ordinances are approved because there are zero shelter beds available on a walk-in basis in Santa Clara County. Of course, continuing to live in an oversized vehicle in Mountain View would not be an option as this would subject a vehicle resident to towing and impound fees, which if unaffordable to the vehicle resident, would lead to the complete loss of the vehicle and everything inside.

We are prepared to challenge the proposed ordinances and the de-facto ban they would implement because it would violate state and federal law and be devastating to hundreds of Mountain View residents. We therefore respectfully urge the Council to reject the proposed ordinances.

Sincerely,



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