


**From:** [Albert Jeans](#)  
**To:** [City Council](#)  
**Subject:** Item 6.2, Amendments to City Code 19.72  
**Date:** Saturday, February 11, 2023 1:58:35 PM  
**Attachments:** [72-hour parking.doc](#)

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Please read the attached comments on the proposed revision to City Code Section 19.72.

Thanks,  
Albert Jeans



What is the 72-hour parking limit inherently trying to accomplish?

Parking areas on the sides of streets or in public lots are meant to be available to everyone. No one person can claim an area for themselves and use it as their own storage area or campsite. Therefore, parking in public areas is intended to be temporary, and 72 hours has been chosen as the time limit.

The city expects residents to park their cars on the street. It would probably be impossible for Mountain View to follow Menlo Park's example and ban all overnight street parking. The presumption is that people use their cars regularly so that their cars leave their parking spots at least once every 3 days, giving others a chance to use that spot (in areas where parking is scarce).

The current law is flawed because it only requires a vehicle to *move* 1000 feet to reset the clock, so a driver could just circle the block and park back in the same place. Under the new law, that person, if warned, would appear to have to park 1000 feet away for 24 hours before returning to the same parking spot. But the new law has its own flaw. The 24-hour no return rule only applies if the driver wants to return to the *same* parking spot. If the driver is willing to park next to the spot or across the street, he is free to do so and need not wait the 24 hours. Therefore, the requirement that the vehicle be parked at least 1000 feet away from the original parking spot for 24 hours is impossible to enforce because we cannot know ahead of time if the driver intends to return to the original parking spot. In addition, if the vehicle is moved *any* distance before 72 hours elapses, then the parking clock gets reset. A vehicle could be pushed just far enough to move the tire marks and this would satisfy the requirement that the vehicle be moved. Therefore, under the new law, it is still fairly easy for someone to monopolize a space on a public street. A stricter version of the new law would specify a minimum distance a vehicle must be moved to reset the clock (Palo Alto requires a vehicle to be driven half a mile every 72 hours), and not allow a vehicle to return within 1000 feet of the former parking spot for 24 hours.

Both the current and proposed laws allow people with multiple vehicles to freely store their vehicles (including boats and trailers) on public streets so long as they move them every 3 days or until someone complains.

Enforcement of either 72-hour parking law is extremely problematic. With thousands of cars parked on Mountain View's streets, it is impossible for the police to actively monitor which cars exceed the 72-hour limit, and so enforcement is driven by complaints. This is inherently unfair and subject to abuse, leading to unequal enforcement of the law depending on who your neighbors are and how well you get along with them. Even in the case of obvious violators, the police must confirm that the vehicle hasn't moved for 72-hours (using tire chalk marks), and that after the vehicle has been cited, that it's been moved at least 1000 feet away using the odometer, which is not visible on modern cars. Does that mean the police have to look everywhere within a 2-block radius to make sure the car isn't there? Imagine having to do this for dozens if not hundreds of vehicles. Are they also going to continuously monitor the parking space for 24 hours to make sure the vehicle doesn't return? However, since the vehicle is allowed to park anywhere else after

having moved 1000 feet way from the original parking space, I think that few drivers will go to the trouble of waiting 24 hours to park in the same space.

The city needs to decide what it's trying to do with parking ordinances. If the objective is to give all residents equal and fair access to a limited number of parking spaces, then a free city-wide residential parking permit system seems like the only solution.

Albert Jeans



**From:** [Lenny's Sonic](#)  
**To:** [Alison Hicks](#); [Showalter, Pat](#); [Emily Ann Ramos](#); [Ramirez, Lucas](#); [Kamei, Ellen](#); [Abe-Koga, Margaret](#); [Matichak, Lisa](#)  
**Cc:** [City Council](#)  
**Subject:** 72-hour Parking Rule  
**Date:** Saturday, February 11, 2023 4:21:31 PM

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Mayor Hicks and Members of the Council:

On Tuesday, February 14, you will be considering the City Attorney's recommendations to modify the 72-Hour Parking Ordinance. It appears that one of the objectives of the new language is to bring the ordinance closer to the Police Department's current enforcement practice of requiring vehicles to move and STAY 1,000 feet from their original parking spots.

Note that this ordinance applies to all vehicles, not just vehicle residences. Hundreds of Mountain View residents park in front of their homes for days at a time. Even more park, drive, and return to the same spot on a daily basis. Thus, I and several of my neighbors are confused.

If I park a car in front of my house for more than 72 hours, and I drive to a location more than 1,000 feet away, can I legally park in my original spot? Can I park in front of my neighbor's house, or directly across the street? Or must I remain more than 1,000 feet away for at least 24 hours?

If I park a car in front of my house for less than 72 hours— even 71.9 hours - and I drive to a location 500 feet away, can I legally park in my original spot for another 72 hours?

How will the Police Department know how far I have driven? In fact, if I park in front of my house every night and morning, how will the Police Department know if I've moved my car at all?

If this ordinance is to be equitably enforced, then please consider these and other scenarios before modifying the ordinance.

Indeed, before modifying the ordinance I would suggest that you consider its purpose. The fact that other cities have such rules and that state law allows such restrictions does not explain why we devote police time to enforcing this ordinance.

If the purpose is to keep abandoned vehicles off our streets, then perhaps you should exempt vehicle residences from the restriction. Vehicles in which people regularly sleep are clearly not abandoned.

The new language is likely to create neighborhood antagonism by requiring people park in front of others' houses.

At a time when we are encouraging people to drive less – that is, to walk, bike, or take transit – why are we doubling down on parking restrictions which, if enforced equitably, would force people to inconveniently relocate their cars with no benefit to the community?

Lenny Siegel, [REDACTED]

—

Lenny Siegel

[REDACTED]

<http://lennysiegel.users.sonic.net/web/>

Author: *DISTURBING THE WAR: The Inside Story of the Movement to Get Stanford University out of Southeast Asia - 1965–1975* (See <http://a3mreunion.org>)

**From:** [Serge Bonte](#)  
**To:** [Hicks, Alison](#); [REDACTED]; [Kamei, Ellen](#); [Ramirez, Lucas](#); [Abe-Koga, Margaret](#); [Showalter, Pat](#); [Matichak, Lisa](#)  
**Cc:** [City Council](#); [City Attorney](#)  
**Subject:** re: 2/14/23 Agenda Item 6.2 Amendments to Mountain View City Code Section XYZ .....  
**Date:** Sunday, February 12, 2023 6:45:57 AM

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Honorable Mayor and City Council Members:

When introducing or amending an ordinance, the Mountain View City Council typically carefully looks at the data and the need to pass that ordinance, engages with stakeholders, neighborhoods and residents and encourages public comments by clearly noticing what the ordinance is about and its benefits for Mountain View.

None of this seems to be happening for that ordinance amendment. First the agenda item only lists the section code to be amended, why not mention "72 hours parking rules" alongside the code section?

Second, the only reason provided for amending the City code is:

"the 72-hour parking limit and its requirements for compliance have been a source of confusion for Mountain View residents and visitors"

However, the council report is devoid of any data about that "confusion" nor the current enforcement of the 72 hours parking ordinance since it was resumed late last year. The report also doesn't mention any sort of outreach to stakeholders/neighbors/residents on how best to clarify that alleged confusion. Nor does the report mention any input provided by any of the City Advisory Commissions.

Without corroborating data or community outreach, the Council Report posits that the confusion is with the term "move" despite the current ordinance clearly defining it as being measured by one's odometer "For the purposes of this section, the mileage reflected on the odometer of the subject vehicle shall be presumed to be an accurate indication of the distance that the vehicle has or has not been moved."

What's confusing with an odometer? And why is reading an odometer only becoming a challenge in 2023 - decades after the 72 hours ordinances were passed-?

As to the proposed change from measuring movement via an odometer to a 24 hours no return rule, it seems to be even more convoluted and costly to enforce. For starters, the vast majority of parking spots in Mountain View are not marked, how do you precisely define the contours of a specific parking spot?

Since the ordinance applies to all residents and vehicles in Mountain View, consider also these examples of unintended consequences:

Residents who routinely park in front of their homes might have to repark for 24 hours in another street ....in front of a neighbor's house. Should Residential Permit Parking programs

start in Mountain View, a resident with a permit parking for their street might have to repark for 24 hours in another street....they might not be permitted to park in. Residents who work from home and park in front of their home might now have to drive at least twice (1,000 feet x 2) as much to abide by the 72 hours + 24 hours rule.

In conclusion, I urge you to not take any action on that agenda item until you better define the problem you're trying to solve, fully assess the consequences of any changes and perform the necessary outreach with the community.

Sincerely,

Serge Bonte

 Mountain View

**From:** [Ross S. Heitkamp](#)  
**To:** [City Council](#)  
**Subject:** Amendments to MV City Code Section 19.72  
**Date:** Sunday, February 12, 2023 10:18:49 AM

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Dear Mayor Hicks and honorable Council Members,

I understand the goal for revisions to this code section, but I fear that one proposed element is flawed.

The “24-Hour No-Return Requirement” would mean that If I were to take a 3 day weekend and leave my car parked in front of my house and I got tagged, then I drove to work and back, I would be in violation and unable to park at home again for 24 hours. I know this is not the intent and that un-even enforcement of the law means I surely wouldn’t be ticketed, but counting on that just means this is a badly written requirement that could be wielded to target specific people of lesser means. Well, I know that is actually the city's goal, but you need to do it properly, in a way that applies equally to all.

Since this ordinance is originally intended (and supported) to deal with abandoned and non-operational vehicles, a shorter time period and maybe driving distance are sufficient to accomplish that. As to using this regulation to target people living out of their cars, I think you need to find a different way.

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Ross Heitkamp

[Redacted signature block]



**From:** [Ron Schafer](#)  
**To:** [City Council](#)  
**Subject:** 72 hour rule  
**Date:** Sunday, February 12, 2023 4:00:11 PM

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To Members of the MV City Council:

The subject of the enforcement of the “72 hour rule” will be a topic of your meeting on February 14. As you make decisions, we urge you to consider the following comments.

Enforcing the 72 hour parking rule on RVs without applying it uniformly to all vehicles parked on the streets of Mountain View is selective enforcement of an ordinance, which to us seems to be at the least, discriminatory, and probably illegal, if not unconstitutional.

If this ordinance is applied to all vehicles, fair enforcement is impractical. Many homeowners want, and may need, to park their car in front of their homes without moving it every 72 hours. Asking the police to fairly enforce such an ordinance leads inevitably to selective enforcement.

We have already spent over \$1M on signs and law suits over this matter. Why not take a more positive approach? You’ve already defined places where RVs can park. What about offering a permit to park more than 72 hours in one spot? This would be available for a fee to any MV resident and would be required to avoid a ticket even in front of their own home. Each vehicle would need to display a sticker much like in other cities where on-street parking is restricted in some neighborhoods to residents with a permit. While the issue of how to generally enforce the 72 hour rule would still be problematic, requiring such a permit would provide a formal avenue for all MV residents to be treated equally, while providing some funds that could be applied to enforcement and administration.

We find it particularly ironic that Mountain View encourages its citizens to walk, bike, and take public transport while legislating against parking cars for extended periods.

Sincerely yours,

Ronald and Dorothy Schafer



**From:** [Steve Chessin](#)  
**To:** [City Council](#)  
**Subject:** Amendments to Mountain View City Code Section 19.72 (item 6.2)  
**Date:** Sunday, February 12, 2023 10:02:53 PM

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CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Dear Councilmembers:

I am writing to express my opposition to the proposed amendments to Mountain View City Code Section 19.72 that you will be considering under agenda item 6.2 at your meeting on February 14th. The proposed amendments seem to serve no purpose other than to punish people who forget to move their vehicles every 72 hours. The existing Code Section 19.72 is sufficient to keep the streets clear of abandoned and inoperable vehicles. Besides, the proposed amendments have a flaw that is big enough to drive a truck, or maybe I should say a recreational vehicle, through it.

As I understand it, the purpose of Code Section 19.72 is to enable the City, in accordance with California Vehicle Code Sections 22651(k) and 22651.05(a)(1), to remove vehicles that are left parked or standing on a public road for more than 72 \*consecutive\* hours. (The word "consecutive" is important.) Presumably such vehicles are either abandoned or inoperable. To show that such a vehicle is neither abandoned nor inoperable the owner is required to drive it at least 1000 feet within a 72 hour period, and once they do so can return it to the same place. The important part is not to leave it in one spot for more than 72 consecutive hours. Once the vehicle is driven for 1000 feet and returned to the same spot, a new period of 72 consecutive hours begins.

The amendments would do nothing to help identify abandoned or inoperable vehicles. Instead, it would punish people by requiring them to park at least 1000 feet away from their original location if they forget to move their vehicles every three days. The City should not be punishing people for this.

Besides, the proposed amendments are easily subverted. All an owner of a vehicle has to do is drive it a distance of 1000 feet and return it to the same spot before 72 consecutive hours have elapsed. Once it has returned to the spot, that will start a new period of consecutive hours.

With vehicles that have mechanical odometers it will be easy for someone charged with enforcing Code Section 19.72 to determine if the vehicle has been moved at least 1000 feet every 72 hours. All they have to do is look through the window to see the odometer. But with vehicles with electronic odometers this will be very difficult. The owner of the vehicle will have to be found and asked to turn on the vehicle so the odometer can be observed. I do not know if it is even legal to require the owner to do so. Also, many electronic odometers do not display tenths of miles, so driving a vehicle only 1000 feet might not advance the odometer. I do not know how the City will be able to prove that such a vehicle has NOT been driven at least 1000 feet.

If the City is going to presume that a vehicle in the same spot as it was 72 hours previously is in violation of Code Section 19.72 (a presumption that may not be legal), then this is easily subverted as well.

Consider, for example, two vehicles, A and B, parked next to each other on a street where not much parking is available. Just before the 72 hour period ends the owners each drive a distance of 1000 feet and then return to their original locations, except that A parks where B was parked and B parks where A was parked. They will have complied with the letter of the law, as they will have driven their vehicles at least 1000 feet, and since their vehicles are not in the same spot as they were 72 hours previously, the City will not be able to presume that they have not been moved for 72 consecutive hours.

All the proposed amendments would do is force people to play such games. It accomplishes no other purpose. I urge you to vote No on the amendments.

Sincerely,  
--Steve Chessin



**From:** [David Sanchez](#)  
**To:** [City Council](#)  
**Subject:** Parking law comment.  
**Date:** Monday, February 13, 2023 8:27:31 AM

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Hello.

The below seems like a bad loophole. 72 hours plus 36 hours? So a resident will arguably have to wait 5 days before a tow? And this is if they call it in as soon as the person parks. Most people are humane and wait 72 hours. So now we are looking at a week, in a worst case scenario.

This is a problem in my community where we have 4 families living in a house and parking is already limited. My neighbors will park their work trucks when they are not working and leave them there for many days. This makes it hard for a working man like me. The whole point of the 72 hour rule is to create parking availability, just like a meter. This is how cities across America do it.

Mr Sanchez

the City Attorney's Office recommends adding a pre-tow notice requirement to Section 19.72 that provides vehicle owners and occupants 36 hours to comply with the requirements of the 72-hour parking limit before they are towed.