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March 25, 2019

Via Email

[councilmember.bonin@lacity.org](mailto:councilmember.bonin@lacity.org)

Mike Bonin, Chair  
Transportation Committee,  
Los Angeles City Council

Re: Revised Rules and Procedures for Preferential Parking Districts  
Transportation Committee Meeting, March 27, 2019  
Item No. 11 - Council File No. 15-0600-S62

Hon. Chair Bonin:

I am one of your constituents in District 11, and a resident of Preferential Parking District (PPD) 171. I write to OPPOSE the proposed Rules for Procedures and Preferential Parking Districts (PPDs), as well as the current Rules and Procedures. The current rules are illegal and discriminatory, and the Proposed Rules do not correct the legal problems.

I agree with the recommendation of LADOT dated February 27, 2019, and the attached Opinion of the California Attorney General (No. 14-304)<sup>1/</sup> that "local authorities may not distinguish among residents based on the type of dwelling in which they live." What the LADOT Report fails to address is that **both the Current Rules and the Proposed Rules already DO illegally "distinguish among residents based on the type of dwelling in which they live."** In particular, these Rules favor single family residences over apartment dwellers.

Los Angeles has provided for preferential parking districts under L.A. Mun. Code § 80.58, as last amended by Ordinance No. 171029, effective June 1, 1996 (Code). The Code itself does not provide the criteria or rules for preferential parking districts. This is provided in the "Rules and Procedures for Preferential Parking Districts", as approved by Ordinance No. 180059, effective August 30, 2008 (Current Rules). In this proceeding, LADOT has issued Proposed Rules which are before this Council for approval. Both the Current and Proposed Rules are illegal on their face, for the following reasons:

1/ A copy of this Opinion is enclosed.

Date: 3-27-19  
Submitted in Tran Committee  
Council File No: 15-0600-562  
Item No.: 11  
Deputy: Public

The Rules Discriminate in Favor of Single-Family Homes to Establish a PPD. Under Current Rules, Petitions must be signed “by residents of at least 67 percent of the number of dwelling units covering more than 50 percent of the developed frontage of the blocks” petitioning. Rules § C.2. The Proposed Rules change this to “75% of dwelling units covering more than 50 percent of the developed frontage” in each block. It is the “developed frontage” percentage requirement in both Current and Proposed Rules which makes it easier for residents of single-family homes (who tend to be richer, whiter, and have less need for street parking) to qualify, and more difficult for residents of denser apartment or cottage residences (who tend to be poorer, darker, and have more real need for street parking) to qualify.

There is No Rational Relationship Between the Criteria and the Need for a PPD. Section C.3 establishes criteria for determining whether parking is “excessively impacted.” However, there is no requirement that the blocks found to be excessively impacted be the ones petitioning for the district, or on which the restrictions are to be posted - any four blocks within the entire proposed PPD will do. So, as occurred in PPD 171, a PPD can be approved even without any finding of excessive impact on the blocks on which the limitations are posted, resulting in an even worse parking situation for the excessively impacted blocks.

The Rules Punish Residents Based on the Exercise of First Amendment Rights. Section B.10 of the Current Rules (§ C.7.b of the Proposed Rules) eliminates blocks from the posted restrictions who have not supported the PPD. Thus, those who were opposed to the PPD are punished by having the burdens of a PPD imposed on them without the benefits. Further, under Section B.11 of the Current Rules, a block which has not purchased sufficient permits may be eliminated from the district entirely, and thus lose the ability to park in the district, while bearing the burden of parking pushed out of the district on to their block.

The Rules Create an Apartheid System Within Each PPD. As described above, the Rules allow and encourage the establishment of a PPD with restrictions on the richer and whiter single-family (favored) blocks, without restrictions on the poorer, darker and denser (unfavored) blocks. This pushes the parking problems from the favored blocks to the un-favored blocks. The Rules further establish an apartheid system of different rights and burdens between these two parts of each PPD, without any rational basis. Under LAMC 80-58(m), only the favored blocks may purchase visitor permits. *See also* Current Rules § E.16, Proposed Rules § E.20. The impact of this rule is especially severe for the disabled within the un-favored blocks. Disabled persons who require assistance from either a family member or a professional, are unable to get a visitor permit for them. Because the favored blocks have pushed the parking problems onto the unfavored blocks, those caring for the disabled on un-favored blocks may not be able to park at all.

The Rules for Issuing Permits Discriminate Against Tenants and Certain Ethnic Groups. None of the notices to residents of the implementation and rules for the PPD are required to be in the language of those residents. This discriminates on the basis of ethnic groups who are not informed of what they need to do to get a permit. The requirements for a permit are



discriminatory and unnecessarily onerous. In addition to proof of registration of a vehicle, two different proofs of residence are required. Current Rules § E.3, Proposed Rules E.5. This is more difficult for renters, especially those in subsidized housing, who are more likely to be in the unfavored blocks. This also discriminates against recent immigrants, and those who otherwise have just moved into the area and do not yet have their vehicles registered at the new address. Those in the unfavored blocks are denied the mitigating provision in Rules § E.4 (Proposed Rules § E.6), which allows a visitor permit to be issued if they only have one proof of residency, because they are excluded from having a visitor permit entirely. Rules § E.16.

The Rules are not generally available to the Public. They are not posted on any of the City websites. I had to obtain a copy of the Current Rules from the Parking Division of the Los Angeles Department of Transportation (LADOT) through a Public Records Act Request.

There is No Procedure for Notice and an Opportunity to be Heard by Affected Residents. While there is a "public hearing" to obtain input, there is no requirement that the City pay any attention to those opposed to the PPD, and there is no procedure for persons affected by the proposed PPD to obtain notice of other proceeding, to comment directly to the decision-makers, or to appeal the decision as to a PPD. The publication of the intended City Council resolution in a newspaper is insufficient notice for those directly affected by the proposal, and there is no procedure for them to sign up for notice. There is also no requirement that any of the notices be in the language(s) used within the proposed district.

The Rules are Unconstitutionally Vague. While § B(3) of the Current Rules (§ B(5) of the Proposed Rules) provide that LADOT will verify signatures on petitions, the Rules do not specify how many, or which blocks must petition to establish a preferential parking district. (Section C.2 specifies how many signatures are required for each block, and Section B.12.a specifies how many blocks must petition to revise the district, but nowhere is it stated how many blocks must petition to establish a district). This vagueness in the criteria is what allows a few residents to manipulate the process in a discriminatory manner, contrary to the stated goals of a preferential parking district.

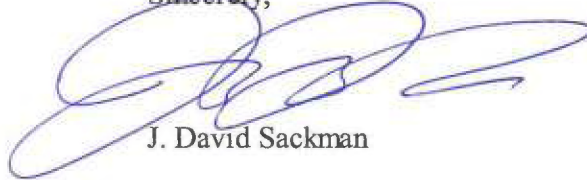
All of these legal infirmities of the Rules became manifest in my PPD 171. The blocks which petitioned for the PPD were composed entirely of single-family residences. They all have adequate driveway and/or garage space for their own vehicles, and so have little or no need for street parking. The parking survey verified that there was NO excessive impact on the blocks which petitioned, but there was already excessive impact on the adjacent, unfavored blocks, who will now bear the overflow created by the PPD restrictions. The net result is that PPD 171 has done the opposite of what PPD's are supposed to accomplish - those blocks with real parking problems are now worse.

I suspect that the disparities shown here in PPD 171 are repeated throughout the City. As explained above, the Rules encourage the use of PPD's as a means to exclude "those" people and create apartheid within neighborhoods.

Mike Bonin, Chair  
Transportation Committee  
March 25, 2019  
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**I therefore urge you to VOTE AGAINST ADOPTING THE PROPOSED RULES and direct the LADOT and City Attorney to go back to the drawing board and propose new rules, as well as amendments to LAMC 80-58, which are both legal and meet the actual purpose of PPDs.**

Sincerely,



J. David Sackman

encl: California Attorney General Opinion 14-304

cc: City Clerk (email [cityclerk@lacity.org](mailto:cityclerk@lacity.org))  
John A. White - Legislative Assistant (email [john.white@lacity.org](mailto:john.white@lacity.org))  
Seleta Reynolds, LADOT (email [seleta.reynolds@lacity.org](mailto:seleta.reynolds@lacity.org))  
Mike Feuer (email [lacityatty@lacity.org](mailto:lacityatty@lacity.org))

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March 26, 2019

Honorable Mayor Garcetti, Honorable Council President Herb Wesson, and  
Honorable Mike Bonin, Chair, Transportation Committee  
c/o City Clerk, Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

RE: Los Angeles City Clerk: Reference Council File 15-0600-S62

Dear Mayor Garcetti, Council Member Bonin and Council President Herb Wesson,

We petition the Los Angeles City Council to demand a new opinion from the current Attorney General, Xavier Becerra to examine the exclusion of new "Transit Oriented Community" developments that were granted parking reductions from Preferential Parking Districts and that the Department of Transportation follow the new, more current Opinion. The Opinion by former Attorney General Kamala Harris that was *relied upon by the Department of Transportation is easily distinguishable from our current situation and should not be held as applicable to the matter at hand.*

On February 29, 2019, the Department of Transportation referenced the 2016 Opinion of former Attorney General Harris that determined that apartment tenants *could not be excluded from Preferred Parking Districts ("PPD", hereinafter).* The Opinion was drafted about a year and a half before the Transit Oriented Community ("TOC," hereinafter) Guidelines were established, and before the City's acceptance of actual plans to build TOC units. The question before us is whether, from this year going forward, can tenants of TOC developments take advantage of an established PPD when the Developer intentionally constructed units with minimal or no apparent provisions for parking. If this is the case, it is a profoundly unconscionable decision that further exacerbates the situation experienced by the community that is already suffering parking pressure from its current residents.

The next question is, do the Members of the City Council wish to be on record that it enabled the destabilization of sensitive neighborhoods? Here, developers obtain



deep financial savings from construction incentives that result in bringing greater disadvantage to the community-crowding and strident residents as they experience the day to day struggle of finding a parking space after returning home from work. In short, the homeowners and established tenants will be deprived of the quiet enjoyment of their property. When residents have the foresight to work diligently to establish a PPD in order to preserve the peace and character of their neighborhood, their actions should be respected, not rendered void.

It follows that Attorney General Harris' opinion is strikingly off key because both homeowners and apartment dwellers together, have sought to establish PPDs such as in North Leimert Park, Historic Leimert Park Village and Crenshaw Manor. To restate, the issue is not homeowner versus tenant as weighed in by Ms. Harris--it is fairness versus unfairness.

In the case of Leimert Park, the City Council decided to create a new center of the City of Los Angeles-the intersection of Obama Boulevard/Rodeo Road and Crenshaw Boulevard, without bringing forth any mitigating factors to protect Leimert Park which is the center of African American culture and commerce for southern California including the City of Los Angeles. Thus, even if the Department of Transportation continues on its current track, Leimert Park and surrounding area, should be exempted from the application of the status quo.

Respectfully submitted,

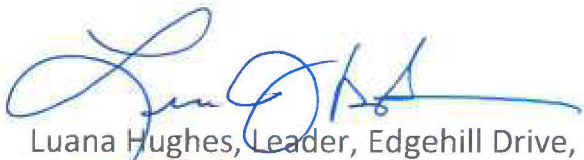
**The Western Quadrant of North Leimert Park**

  
Lynetta A.S. McElroy, J.D., Captain, Grayburn Avenue Block Club

  
Gina Fields, Captain, Bronson/McClung Block Club

  
Rico Cabrera, Captain, Norton Avenue North

  
Teri McQueen, Captain, Norton Avenue South



Luana Hughes, Leader, Edgehill Drive, North



Deborah Manson, Leader, Edgehill Drive, South



Crystal Riley, Leader, Degnan Avenue