



**Berkeley City Councilmember**  
**Mark Humbert, District 8**  
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## **TIME CRITICAL AGENDA MATERIAL**

**Meeting Date: May 14, 2014**

**Item Description: Staff direction and budget referral for Practical Interventions to Clear and Keep Using Parking Spaces (PICKUPS)**

Rationale for time critical item: The City Council meeting on May 14, 2024 represents the final opportunity to submit budget referrals for the FY2025-2026 biennial budget cycle. This item seeks to secure funding for implementation during that timeframe and thus must be included on the May 14, 2024 agenda for further consideration as part of the FY25-26 budget process. Submitting at this time has also allowed for the consultation and inclusion of Councilmember Lunaparra who was just seated in District 7, which would be affected by the item.

**Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or Council Member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. **Per BMC 2.06.060 (D), Time Critical items must be accompanied by complete reports and statements of financial implications.**

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar



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CONSENT CALENDAR

May 14, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Humbert (Author), Councilmember Taplin (Co-Sponsor),  
Councilmember Lunaparra (Co-Sponsor)

Subject: Staff direction and budget referral for Practical Interventions to Clear and  
Keep Using Parking Spaces (PICKUPS)

RECOMMENDATION

Refer to City Manager the potential creation of evening/nighttime 10- and/or 15-minute parking/loading zones along portions of one or both sides of the roadway for the following blocks:

- Shattuck Avenue between Berkeley Way and Addison Streets
- Durant Avenue between Dana and Bowditch Streets
- University Avenue between Milvia Street and Shattuck Avenue
- Telegraph Avenue between Blake Street and Bancroft Way
- Other potential areas as may be recommended by staff

Refer to the FY 2025-2026 budget process the following preliminary allocations for implementation and enforcement:

- \$50,000 for revised signage and curb striping.
- \$75,000 for targeted nighttime enforcement operations

Refer to the City Manager evaluation of the feasibility of increased fines for double parking/obstructing travel lanes and have staff return to Council with a report on maximum and recommended potential fine amounts.

FINANCIAL IMPLICATIONS

This item anticipates \$125,000 in direct costs for changes to parking signage and curb striping and for initial enforcement to kick off implementation of proposed changes. Because paid parking in the affected locations does not currently extend past 6 pm, it is anticipated that this proposal would not affect meter revenues. Some unknown portion of the costs of this item may be recouped through increased parking fines.

## BACKGROUND

Parking is not a public good; it is a limited resource that should be managed for the maximum benefit of residents, visitors, businesses, and the public at large.<sup>1</sup> This typically necessitates appropriately pricing parking to ensure sufficient availability, address negative externalities, and at least partly recoup opportunity costs from other potential uses of the space.

Nevertheless, there are times and locations where the costs of parking monitoring and enforcement would so far exceed the revenue generated by metered parking that it does not make sense to price the parking or impose time limits on its use. This is part of why many parking spaces in Berkeley are unmetered and allow overnight parking after 6 pm.

However, this calculus changes in the event that unmetered overnight parking is unintentionally contributing to significant impacts to traffic flow, public transportation, and pedestrian/bicycle safety

## CURRENT SITUATION AND ITS EFFECTS

Restaurant take-out pickups along key commercial corridors in Berkeley are leading to widespread double parking, resulting in traffic congestion, obstruction of public transit, and reduced safety for other road users. These issues are particularly acute along the blocks listed above (with the areas of most severe impact being listed first).

App-based food delivery services experienced a dramatic increase in use during the COVID-19 pandemic and continue to increase in popularity. Such services offer Berkeley restaurants valuable opportunities to expand their markets and revenue.

However, the need for drivers to stop to pick up orders has resulted in untenable levels of double parking, which has in many cases effectively reduced the number of available travel lanes from two or three to one. And at times, all travel lanes may be blocked by stopped vehicles.

The existing legal parking spaces along these streets are typically only metered until 6 pm, after which vehicles may park in these spaces for free and for an unlimited amount of time until meter operation resumes. At the same time, parking enforcement tends to be limited or nonexistent after 6 pm for both fiscal and logistical reasons.

Additionally, court decisions have limited the ways in which the City can enforce and collect fines resulting from parking violations. In 2023 the California Court of Appeals ruled that multiple unpaid parking tickets were insufficient justification for towing

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<sup>1</sup> Stromberg, Joseph. *Why free parking is bad for everyone*, Vox, 2014 Jun 27.  
<https://web.archive.org/web/20140629212355/https://www.vox.com/2014/6/27/5849280/why-free-parking-is-bad-for-everyone>

vehicles.<sup>2</sup> This removed a key mechanism for motivating violators to pay tickets, and therefore significantly reduced the ability of parking tickets to discourage bad behavior.

### RATIONALE FOR RECOMMENDATION

Berkeley's restaurants are an integral part of our commercial districts, a major draw for visitors, and an important source of jobs and tax revenue. Ensuring that restaurants can reasonably maximize their sales is mutually beneficial for business owners, residents, and the City. Facilitating to-go and pickup orders should therefore be a shared goal.

Nevertheless, the way orders are currently being picked up is causing unacceptable impacts on traffic, pedestrian/bicycle safety, and AC Transit buses. The City therefore needs to strike a balance to enable smooth and safe operations of delivery services. Existing legal parking spaces along these roadways are currently occupied by vehicles freely using them for long-term or even overnight parking. This does not represent the most effective use of these spaces, given their proximity to busy restaurants.

This proposal therefore recommends converting these spaces to 10- and/or 15-minute parking after 6 pm in order to give delivery drivers a viable alternative to double parking. Additionally, this proposal recommends allocating funds for potential temporary, targeted enforcement efforts to firmly establish new approaches to parking and pickups.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Current double parking results in traffic congestion, obstruction of public transit, and safety hazards for people walking and biking which all contribute to worsened air pollution and increased greenhouse gas emissions.

Increased traffic results in greater vehicle idling and time spent on the road. While delays for public transit and threats to the safety of those not in cars tends to discourage walking, biking, and transit use.

By discouraging the double parking that is resulting in all the above effects, this proposal would serve to improve environmental sustainability and lessen climate impacts.

### CONTACT PERSON

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<sup>2</sup> Renne Public Law Group. *Court of Appeal Rules that Cities Cannot Tow Cars for Unpaid Parking Tickets* <https://web.archive.org/web/20240425223309/https://rennepubliclawgroup.com/court-of-appeal-rules-that-cities-cannot-tow-cars-for-unpaid-parking-tickets/>