

ORDINANCE NO. 7,305–N.S.

REPEAL AND REENACT BERKELEY MUNICIPAL CODE CHAPTER 14.52 TO ESTABLISH POLICIES AND FEE SCHEDULE FOR ON-STREET PARKING METERS TO ENABLE THE GOBERKELEY PILOT PROGRAM

WHEREAS, the City of Berkeley has considered parking and travel demand management approaches for commercial districts in Berkeley for many years, and has adopted policies which support such efforts, including General Plan Transportation Element policies T-34C, T-35C, and T-35D and T-40, the Climate Action Plan, and others; and

WHEREAS, Council approved Resolutions No. 65,118-N.S. and No. 65,119-N.S. on December 7, 2010 which authorized the acceptance and expenditure of funding from the MTC Climate Initiative Grant and the FHWA Value Pricing Pilot Program Grant in preparation for the Berkeley Transportation Action Plan (also known as “goBerkeley”) for a parking pilot and transportation demand management program (Resolution No. 63,656-N.S.); and

WHEREAS, the City of Berkeley was selected by the FHWA and MTC as a model city for its size and resources to implement a demand-responsive parking management program, and

WHEREAS, the parking element of the goBerkeley Pilot Project will deploy parking strategies and technology in the Pilot Project Areas in the Downtown, Telegraph/Southside and Elmwood areas (Exhibit A); and

WHEREAS, the goBerkeley Pilot Program includes coordinated management of on-street meters and off-street City-owned parking garages and lots; and

WHEREAS, California Vehicle Code 22508 stipulates that a local authority shall not establish on-street parking meter zones or fix the rate of fees for those zones except by ordinance, and that the rate of fees may be variable, based upon criteria identified by the local authority in the ordinance; and

WHEREAS, the goBerkeley Pilot Program project has been granted a Categorical Exclusion under the California Environmental Quality Act.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Berkeley that the Berkeley Municipal Code Chapter 14.52 will be repealed and reenacted to authorize the City Manager to adjust parking rates for on-street meters within the goBerkeley Pilot Project Areas, in accordance with the goBerkeley Pilot Program Guidelines (Exhibit B) as follows:

1. Hourly parking rates at on-street meters shall be between \$1.00 per hour and \$4.00 per hour; and

2. Hourly parking rates at on-street meters may be either flat rates (same rate for a specified time period e.g. 1 hour, 4 hours, all day), or may be variable rates based on time of day, length of stay, or a combination of those pricing structures; and
3. Hourly parking rates at on-street meters shall be adjusted by increments no larger than \$0.50 per hour; and
4. Hourly parking rates at on-street meters shall be adjusted no more often than once every 60 calendar days; and
5. Adjustments to the hourly parking rates at on-street meters must be supported by published data on parking usage statistics with the goal of achieving 65-85% parking occupancy of spaces as calculated in the goBerkeley Pilot Program Guidelines; and
6. Adjustments to the hourly parking rates at on-street meters must be posted to the City's website no later than 30 calendar days prior to the adjustment.

BE IT FURTHER ORDAINED by the Council of the City of Berkeley that the Berkeley Municipal Code Section 14.52 is repealed and reenacted as follows:

Chapter 14.52 PARKING METERS

Sections:

- 14.52.010 Parking meter zones.
- 14.52.020 Manner of installation.
- 14.52.030 Time of operation of parking meters and pay-and-display stations.
- 14.52.040 Operational procedure to be followed.
- 14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.
- 14.52.060 Unlawful to extend time beyond limit.
- 14.52.063 No pay-and-display dispensing machine ticket displayed.
- 14.52.066 Improperly displayed pay-and-display dispensing machine ticket.
- 14.52.070 Improper use of meter and pay-and-display station.
- 14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.
- 14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.
- 14.52.100 Rule of evidence.
- 14.52.110 Use of money deposited in parking meters and pay-and-display stations.
- 14.52.120 Parking meter and pay-and-display station fees.

14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.

14.52.010 Parking meter zones.

A. Parking meter zones are those streets or portions of streets in the City hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters and/or pay-and-display stations, consisting of:

Acton Street, both sides, from 150 feet north of University Avenue to University Avenue.

Adeline Street, east side, from Ward to Stuart Street.

Adeline Street, both sides, from Stuart Street to Oregon Street.

Adeline Street, east side, from Oregon Street to Russell Street.

Adeline Street, both sides, from Russell Street to Ashby Avenue.

Alcatraz Avenue, south side, from 75 feet east of College Avenue to College Avenue.

Ashby Avenue, both sides, from Domingo Avenue to Claremont Avenue.

Blake Street, both sides, from Telegraph Avenue to 125 feet west of Telegraph Avenue.

Bonar Street, east side, from University Avenue to 150 feet south of University Avenue.

Bonar Street, west side, from University Avenue to Addison Street.

California Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Camelia Street, north side, from Ninth Street to Tenth Street.

Camelia Street, north side, from San Pablo Avenue to 100 feet west of San Pablo Avenue.

Claremont Avenue, east side, from Russell Street to Ashby Avenue.

Claremont Avenue, west side, from Russell Street to Claremont Boulevard.

Colby Street, west side, from Webster Street to South Hospital Drive.

College Avenue, east side, from 150 feet north of Alcatraz Avenue to Berkeley-Oakland city limits south of Alcatraz Avenue.

College Avenue, west side, from Alcatraz Avenue to Berkeley-Oakland city limit, south of Alcatraz Avenue.

Colusa Avenue, east side, from 225 feet south of Solano Avenue to Catalina Avenue.

Colusa Avenue, west side, from 180 feet south of Solano Avenue to Catalina Avenue.

Curtis Street, both sides, from 100 feet north of University Avenue to University Avenue.

Derby Street, north side, from 150 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.

Derby Street, south side, from 150 feet east of Telegraph Avenue to Telegraph Avenue.

Domingo Avenue, both sides, from Berkeley-Oakland city limit to Ashby Avenue.

Dwight Way, north side, from San Pablo Avenue extending 40 feet east of San Pablo Avenue.

Ensenada Avenue, east side, from 90 feet south of Solano Avenue, to 66 feet north of Solano Avenue.

Euclid Avenue, west side, beginning at Hearst Avenue and extending 130 feet north of Ridge Road.

Euclid Avenue, east side, beginning at Hearst Avenue and extending 135 feet north of Ridge Road.

Francisco Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.

Fresno Avenue, east side, from 69 feet south of Solano Avenue to Solano Avenue.

Grant Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Grayson Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.

Grove Street, both sides, from Allston Way to Berkeley Way.

Hearst Avenue, north side, from Scenic Avenue to LaLoma Avenue.

Hearst Avenue, north side, from Third Street to Fifth Street.

Hearst Avenue, south side, from Euclid Avenue to Gayley Road.

Hearst Avenue, south side, from Oxford Street to Arch Street

Hearst Avenue, south side, from Third Street to Fifth Street.

LaLoma Avenue, both sides, from Hearst Avenue to Ridge Road.

LeRoy Avenue, both sides, from Hearst Avenue to Ridge Road.

Lincoln Street, south side, from Shattuck Avenue to 150 feet west of Shattuck Avenue.

McKinley Avenue, east side, from approximately 110 feet from Allston Way to 155 feet, Monday through Friday, nine a.m. to six p.m.

Modoc Street, east side, from 90 feet south of Solano Avenue to Solano Avenue.

Modoc Street, west side, from 66 feet south of Solano Avenue to Solano Avenue.

Oregon Street, north side, from 75 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.

Oregon Street, south side, from 175 feet east of Telegraph Avenue to Telegraph Avenue.

Oregon Street, both sides, from Adeline Street to Shattuck Avenue.

Page Street, north side, from San Pablo Avenue to Tenth Street.

Pardee Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.

Parker Street, both sides, from 200 feet west of Regent Street to 100 feet west of Telegraph Avenue.

Peralta Avenue, both sides, from Solano Avenue to Capistrano Avenue.

Regent Street, west side, from Ashby Avenue to South Hospital Drive.

Regent Street, east side, from Ashby Avenue to 125 feet south of Webster Street.

Ridge Road, north side, beginning 120 feet west of Euclid Avenue and extending 100 feet east of Euclid Avenue.

Ridge Road, south side, from 180 feet west of Euclid Avenue to LeRoy Avenue.

Rose Street, north side, from 100 feet east of Shattuck Avenue to 100 feet west of Henry Street.

Rose Street, south side, from Walnut Street to Shattuck Place.

Russell Street, south side, from 75 feet east of Telegraph Avenue to 100 feet west of Telegraph Avenue.

San Pablo Avenue, both sides, from Hearst Avenue to Allston Way.

San Pablo Avenue, both sides, from Harrison Street to Gilman Street.

San Pablo Avenue, east side, from Gilman Street to Camelia Street.

San Pablo Avenue, both sides, from Camelia Street to Virginia Street.

San Pablo Avenue, both sides, from Virginia Street to Delaware Street.

San Pablo Avenue, both sides, from Delaware Street to Hearst Avenue.

San Pablo Avenue, both sides, from Allston Way to Channing Way.

San Pablo Avenue, east side, from Channing Way to Parker Street.

San Pablo Avenue, both sides, from Parker Street to Heinz Street.

San Pablo Avenue, east side, from Russell Street to Burnett Street.

San Pablo Avenue, west side, from Bancroft Way to Ashby Avenue.

Scenic Avenue, east side, from Hearst Avenue to Ridge Road.

Shattuck Avenue, both sides, from 100 feet north of Rose Street to Hearst Street.

Shattuck Avenue, east side, from Rose Street to Vine Street.

Shattuck Avenue, both sides, from Dwight Way to Blake Street.

Shattuck Avenue, west side, from 90 feet north of Parker Street to Parker Street.

Shattuck Avenue, east side, from Ward Street to Stuart Street.

Shattuck Avenue, west side, from 200 feet south of Ward Street to Stuart Street.

Shattuck Avenue, both sides, from Stuart Avenue to Oregon Street.

Shattuck Avenue, east side, from Oregon Street to Russell Street.

Shattuck Avenue, both sides, from Russell Street to Ashby Avenue.

Shattuck Avenue, west side, from Ward Street to Ashby Avenue.

Shattuck Place, west side, from Rose Street to Shattuck Avenue.

Solano Avenue, both sides, from Tulare Avenue to The Alameda.

Solano Avenue, north side, from 140 feet to 184 feet east of The Alameda.

South Hospital Drive, south side, from Colby Street to 75 feet west of Colby Street.

Stuart Street, south side, from 50 feet east of Telegraph Avenue to Telegraph Avenue.

Stuart Street, north side, from Adeline Street to 70 feet east of Shattuck Avenue.

Tacoma Avenue, both sides, from Solano Avenue to 66 feet north of Solano Avenue.

Telegraph Avenue, west side, from Dwight Way to Dowling Place.

Telegraph Avenue, east side, from Dwight Way to Woolsey Street.

The Alameda, east side, from Los Angeles Avenue to Solano Avenue.

Tenth Street, both sides, from Gilman Street to Camelia Street.

The Alameda, west side, from 220 feet north of Los Angeles Avenue to 90 feet north of Solano Avenue.

Tulare Avenue, east side, from 90 feet south of Solano Avenue to Solano Avenue.

University Avenue, both sides, from Martin Luther King Jr. Way to Third Street.

University Avenue, both sides, from Milvia Street to Third Street.

Vine Street, north side, from 75 feet east of Walnut Street to 100 feet east of Henry Street.

Vine Street, south side, from 100 feet east of Henry Street to 150 feet east of Walnut Street.

Virginia Street, north side, from 150 feet east of Shattuck Avenue to 150 feet west of Shattuck Avenue.

Virginia Street, south side, from Shattuck Avenue to 125 feet west of Shattuck Avenue.

Walnut Street, both sides, from University Avenue to Berkeley Way.

Walnut Street, west side, from Rose Street to 200 feet south of Vine street.

Walnut Street, east side, from 75 feet north of Vine Street to 125 feet south of Vine Street.

Webster Street, north side, from Bateman Street to Regent Street.

Webster Street, north side, from Colby Street to 150 feet west of Telegraph Avenue.

Webster Street, south side, from Colby Street to 100 feet west of Telegraph Avenue.

Fourth Street, east side, from Addison Street to Virginia Street.

Fourth Street, west side, from Addison Street to Virginia Street.

Fourth Street, west side, from Hearst Avenue to 300 feet north of Hearst Avenue.

Sixth Street, east side, Addison Street to University Avenue.

Seventh Street, east side, from University Avenue to 150 feet south of University Avenue.

Eighth Street, west side, from 100 feet north of University Avenue to 200 feet south of University Avenue.

Ninth Street, west side, from 75 feet north of University Avenue to 150 feet south of University Avenue.

Tenth Street, east side, from 100 feet north of University Avenue to 100 feet south of University Avenue.

B. goBerkeley Pilot Program parking meter zones are those streets or portions of streets in the City located within the goBerkeley Pilot Areas hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters and/or pay-and-display stations at fees set in 14.52.120(B):

Addison Street, north side, from Martin Luther King Jr. Way to 170 feet west of Martin Luther King Jr. Way.

Allston Way, both sides, from Harold Way to Shattuck Avenue.

Allston way, south side, from Oxford Street to Martin Luther King Jr. Way.

Ashby Avenue, north side, from College Avenue to Benvenue Avenue.

Ashby Avenue, south side, from Benvenue Avenue to Elmwood Avenue.

Ashby Place, east side, from Ashby Avenue to a point 80 feet north of Ashby Avenue.

Bancroft Way, both sides, from Piedmont Avenue to Fulton Street.

Bancroft Way, both sides, from Fulton Street to Milvia Street.

Benvenue Avenue, west side, from Ashby Avenue to 100 feet south of Ashby Avenue.

Berkeley Way, south side, from Oxford Street to 385 feet west of Shattuck Avenue.

Berkeley Way, north side, from Oxford Street to Henry Street.

Bonita Avenue, east side, from University Avenue to Berkeley Way.

Bowditch Street, east side, from Bancroft Way to Dwight Way.
 Center Street, north side, from Oxford Street to Martin Luther King Jr. Way.
 Center Street, south side, from Oxford Street to Martin Luther King Jr. Way.
 Channing Way, north side, from 200 feet west of Dana Street to College Avenue.
 Channing Way, north side, beginning 250 feet west of Shattuck Avenue to Shattuck Avenue.
 College Avenue, east side, from 75 feet south of Webster Street to 175 feet north of Russell Street.
 College Avenue, west side, from 140 feet north of Russell Street to Webster Street.
 College Avenue, east side, from Bancroft Way to 200 feet south of Dwight Way.
 College Avenue, west side, from Bancroft Way to Dwight Way.
 Dana Street, west side, between Bancroft Way and Channing Way.
 Dana Street, west side, from Haste Street to 150 feet south of Haste Street.
 Durant Avenue, north side, from Ellsworth Street to College Avenue.
 Durant Avenue, south side, from Ellsworth Street to College Avenue.
 Durant Avenue, both sides, from Milvia Street to Fulton Street.
 Dwight Way, both sides, from Milvia Street to Fulton Street.
 Dwight Way, south side, from Hillegass Avenue to Benvenue Street.
 Dwight Way, north side, from 300 feet east of Dana Street to 300 feet east of Telegraph Avenue.
 Dwight Way, south side, beginning 325 feet west of Telegraph Avenue and extending 125 feet east of Regent Street.
 Dwight Way, north side, from Bowditch Street to College Avenue.
 Fulton Street, both sides, from Bancroft Way to Kittredge Street.
 Fulton Street, west side, beginning at Durant Avenue and extending south for 80 feet.
 Fulton Street, east side, from Bancroft Way to Durant Avenue.
 Harold way, both sides, from Allston Way to Kittredge Street
 Haste Street, both sides, from Milvia Street to 250 feet east of Shattuck Avenue.
 Haste Street, north side, from College Avenue to Dana Street.
 Haste Street, south side, beginning 350 feet west of Telegraph Avenue to 300 feet east of Telegraph Avenue.
 Haste Street, south side, from Bowditch Street to College Avenue.
 Hearst Avenue, north side, from Oxford Street to Shattuck Avenue.
 Hearst Avenue, south side, from Shattuck Avenue to Oxford Street
 Kittredge Street, both sides, from Shattuck Avenue to Oxford Street.
 Martin Luther King Jr. Way, both sides, from Center Street to Addison Street.
 Milvia Street, both sides, from Berkeley Way to Addison Street.
 Oxford Street, west side, from Hearst Avenue to University Avenue.
 Russell Street, north side, from 85 feet east of College Avenue to 175 feet west of College Avenue.
 Russell Street, south side, from 200 feet west of College Avenue to 120 feet east of College Avenue.
 Shattuck Avenue, both sides, from Hearst Street to University Avenue.
 Shattuck Avenue, both sides, of the west roadway, from University Avenue to Addison Street.

Shattuck Avenue, both sides, of the east roadway, from University Avenue to Addison Street.

University Avenue, both sides, from Oxford Street to Martin Luther King Jr. Way

Webster Street, north side, from 125 feet east of College Avenue to 100 feet west of College Avenue.

Webster Street, south side, from 100 feet west of College Avenue to 125 feet east of College Avenue.

Addison Street, both sides, from Milvia Street to Oxford Street.

Allston Way, both sides, from MLK Jr. Way to Oxford Street.

Berkeley Square, both sides, from Addison Street to Center Street.

Center Street, both sides, from MLK Jr. Way to Oxford Street.

Harold Way, both sides, from Allston Way to Kittredge Street.

Kittredge Street, both sides, from Milvia Street to Shattuck Avenue.

Milvia Street, east side, from Kittredge Street to Center Street.

Milvia Street, both sides, from Center Street to Addison Street.

MLK Jr. Way, both sides, from Center Street to Allston Way.

Oxford Street, both sides, from University Avenue to Kittredge Street.

Oxford Street, east side, from Hearst Street to University Avenue.

Shattuck Avenue, both sides, from University Avenue to Bancroft Way.

Shattuck Square, both sides, from University Avenue to Addison Street.

University Avenue, both sides, from Milvia Street to Oxford Street.

C. The City Traffic Engineer shall cause parking meters and pay-and-display stations to be installed and maintained in all parking meter zones and goBerkeley Pilot Program parking meter zones.

14.52.020 Manner of installation.

A. Single space meters.

1. Parking meters shall be installed upon the curb or sidewalk area immediately adjacent to each parking space. Each meter shall be placed in such manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall indicate the limit of parking time in the parking space adjacent to the parking meter.

2. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time as indicated on the meter, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of the street upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired.

B. Pay-and-display stations.

1. Pay-and-display stations shall be installed upon the curb or sidewalk area within any designated meter zone. Each pay-and-display station shall indicate the limit of parking time in that particular designated meter zone.

2. Each pay-and-display station shall be set to dispense, after the operational procedure has been completed, a two-part windshield dispensing machine ticket indicating legal parking for that period of time conforming to the limit of parking time as indicated on the pay-and-display station or indicated by signage or curb markings.

14.52.030 Time of operation of parking meters and pay-and-display stations.

The provision of this chapter relating to the operation of parking meters and pay-and-display stations shall be effective between the hours of nine a.m. and six p.m. every day except Sundays, and as may be otherwise provided for specific locations in the sections of establishing parking meter zones.

14.52.040 Operational procedure to be followed.

A. Single space meters.

Immediately after occupancy of a parking meter space, the operator of a vehicle shall, if necessary, deposit a coin of the United States, or pay by debit card or credit card in said parking meter and if necessary, turn a crank, knob or handle, or make selections in accordance with the instructions posted on the face of the parking meter.

B. Pay-and-Display stations.

1. Immediately after occupancy of a pay-and-display station space, the operator of a vehicle shall, if necessary, locate the nearest pay-and-display station on the block and deposit a coin of the United States, credit card, debit card, or City epark card in said pay-and-display station and if necessary, make selections in accordance with the instructions posted on the face of the pay-and-display station.

2. Upon obtaining the printed dispensing machine ticket from the pay-and-display station, the operator of the vehicle shall return immediately to their vehicle and place the dispensing machine ticket face up on the street-side of the vehicle's dashboard in such a manner that the expiration time and date are readily visible from the exterior.

14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.

A. Single space meter.

It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that an operable meter is showing a signal indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking.

B. Pay-and-Display stations.

It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that pay-and-display station dispensing machine ticket is indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the original occupancy as is necessary to obtain a receipt from the pay-and-display station and to place said dispensing machine ticket face up on the street-side of the vehicle's dashboard to show legal parking.

14.52.060 Unlawful to extend time beyond limit.

A. Single space meter.

It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.

B. Pay-and-Display stations.

It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space which is indicated on the pay-and-display station dispensing machine ticket.

14.52.063 No pay-and-display dispensing machine ticket displayed.

A motor vehicle on which is properly displayed a valid pay-and-display dispensing machine ticket as provided for herein shall be permitted to stand or be parked in a pay-and-display zone for which the dispensing machine ticket has been issued for the period of time indicated on the dispensing machine ticket without being subject to parking penalties in effect for such area. However, any motor vehicle on which there is not displayed a valid dispensing machine ticket as provided herein shall be subject to parking regulations and consequent penalties in effect for such area.

14.52.066 Improperly displayed pay-and-display dispensing machine ticket.

A motor vehicle on which the pay-and-display dispensing machine ticket is not properly displayed as provided herein shall be subject to parking regulations and consequent penalties in effect for such area.

14.52.070 Improper use of meter and pay-and-display station.

It is unlawful to deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States, or to otherwise use any card or other device in a parking meter or pay-and-display station having alternative payment capability in lieu of a card or device lawful and appropriate to an alternative payment process at such parking meter or pay-and-display station, or for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or pay-and-display station.

14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.

A. Single space meter. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, debit card or credit card in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space immediately adjacent to said meter.

B. Pay-and-display stations. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, credit card, debit card, or epark card in any

pay-and-display station without the knowledge or consent of said owner or operator of the vehicle using the parking space.

14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.

A. Single space meters. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a parking meter or a parking meter standard.

B. Pay-and-display stations. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a pay-and-display unit or a pay-and-display standard.

14.52.100 Rule of evidence.

A. Single space meters. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

B. Pay-and-display stations. The parking or standing of any motor vehicle in a parking space, at which space the pay-and-display station dispensing machine ticket indicates illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

14.52.110 Use of money deposited in parking meters and pay-and-display stations.

Except as permitted under subdivision G below, all moneys collected from parking meters and pay-and-display stations in the City shall be placed in a special fund, which fund shall be used for the following purposes:

A. For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and policing of parking meters and pay-and-display stations in the City and for the payment of any and all expenses relating or incidental thereto.

B. For the purchasing, leasing, acquiring, improving, operating and maintaining of off-street parking facilities in the City.

C. For the installation and maintenance of traffic control devices and signals.

D. For the painting and marking of streets and curbs required for the direction of traffic and the parking of motor vehicles.

E. For the proper regulation, control and inspection of parking and traffic upon the public streets.

F. To be pledged as security for the payment of principal of and interest on off-street parking revenue bonds issued by the City.

G. Additional Revenue deemed to be generated by the goBerkeley Pilot Program will be used to fund goBerkeley Pilot efforts, pursuant to Section 1012(b) of Intermodal Surface Transportation Efficiency Act of 1991, as amended, as agreed in the 2012 Cooperative Agreement between the City of Berkeley, the California Department of Transportation and the Federal Highway Administration.

H. Surplus money not utilized under subdivision A through F above may be transferred to the general fund. The City Manager or his or her designee may make an annual determination as to what is surplus based on the needs and obligations of the special fund and transfer such surplus to the general fund.

14.52.120 Parking meter and pay-and-display station fees.

Parking meter and pay-and-display station fees for the parking meter zones hereinabove set forth shall be as follows:

A. For parking meter zones set forth in 14.52.010(A):

1. At pay-and-display stations and credit card enabled single-space meters, the parking fee shall be 30 cents (\$0.30) for each twelve (12) minute segment of parking time purchased.
2. At parking meters that accept coins only, the parking fee shall be five cents (\$0.05) for each two-minute segment of time purchased; 10 cents (\$0.10) for each four-minute segment of parking time purchased; and 25 cents (\$0.25) for each ten-minute segment of parking time purchased.

B. For parking meter zones set forth in 14.52.010(B) (goBerkeley Pilot Program Areas):

1. At single-space meters and pay-and-display stations within the goBerkeley Pilot Program parking meter zones:

1. The parking fee may vary between 20 cents (\$0.20) and 80 cents (\$0.80) for each twelve (12) minute segment of parking time purchased for the first hour of parking for an hourly rate between \$1.00 and \$4.00 per hour, as set by the City Manager.
2. The parking fee may be either flat rates (same rate for a specified time period e.g. 1 hour, 4 hours, all day), or may be variable rates based on time of day, length of stay, or a combination of those pricing structures, as set by the City Manager.
3. The City Manager may adjust the parking fee by increments no larger than 50 cents (\$0.50) per hour.
4. Adjustments to the parking fee must be supported by published data on parking usage statistics with the goal of achieving 65-85% parking occupancy of spaces as calculated in the goBerkeley Pilot Program Guidelines.
5. Adjustments to the parking fee at pay-and-display stations and parking meters must be posted to the City's website no later than 30 calendar days prior to the adjustment.
6. Parking rates may be adjusted no more frequently than once per 60 calendar days.
7. The parking fee shall revert to the rates described in Sections 14.52.120(A) 24-months following the adoption of Ord. 7,305-N.S.

14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.

A. Single space meters. Where parking meters are installed in the City, if the parking meter is inoperable for any reason, the time limits posted on the parking meter shall be enforced during the hours of operation of parking meters.

B. Pay-and-display stations.

1. Where pay-and-display stations are installed in the City, if the pay-and-display station is inoperable for any reason, the person seeking to purchase a dispensing machine ticket must locate a functional pay-and-display station on either side of the block in which they are parked, or on either side of a block immediately adjacent to the block in which they are parked.

2. If all pay-and-display stations on either side of the block in which they are parked, or on either side of a block immediately adjacent to the block in which they are parked are inoperable for any reason, the time limits posted on the pay-and-display station within the block that the vehicle is parked, or indicated by signage or curb markings shall be enforced during the hours of operation of the pay-and-display stations.

At a regular meeting of the Council of the City of Berkeley held on July 2, 2013 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Arreguin, Capitelli, Maio, Wengraf, Wozniak and Bates.

Noes: None.

Abstain: Anderson.

Absent: Moore and Worthington.

Exhibit A: goBerkeley Pilot Area Boundaries



Pilot Area Boundary

GUIDELINES FOR IMPLEMENTATION OF THE GOBERKELEY PILOT PROGRAM

1. Term of Guidelines

The guidelines specified in this document will sunset 24-months after the first goBerkeley parking rate adjustment.

2. Definitions

On-street metered spaces: Legal parking spaces on City of Berkeley roadways that are operated by Pay-and-Display stations or single space meters

City of Berkeley garages:

- Center Street Garage (2025 Center Street)
- Telegraph Channing Garage (2450 Durant Avenue)
- Oxford Garage (2165 Kittredge Street)

City municipal lots:

- Berkeley Way Parking Lot (Berkeley Way at Henry Street)
- Elmwood Parking Lot (Russell Street just west of College Avenue)

3. Areas Affected

These guidelines apply to on-street meters, City garages, and municipal lots within the goBerkeley pilot areas of Downtown Berkeley, the Elmwood, and Telegraph/Southside as defined below and shown in Figure 1.

- **Downtown Berkeley**, bounded by Martin Luther King Jr. Way to the west, Hearst Avenue to the north, Oxford Street to the east and Dwight Way to the south.
- **Telegraph/Southside**, bounded by Oxford Street to the west, Bancroft Way to the north, Piedmont Avenue to the east and Dwight Way to the south.
- **The Elmwood**, bounded by Benvenue Avenue to the east, Stuart Street to the north, Piedmont Avenue to the west and Woolsey Street to the south.

4. Target Parking Availability and Adjustment Criteria

These guidelines define optimal parking conditions as documented parking occupancy between 65% and 85% at on-street meters and off-street garages and lots based on the goBerkeley data collection and analysis program as defined in Section 6.0 below.

- Documented parking occupancy below 65%: Parking rates, time limits and policies will be adjusted to encourage increased usage of the on-street metered areas and off-street garages and lots where the condition is observed

- Documented parking occupancy above 85%: Parking rates, time limits and policies will be adjusted to discourage increased usage of the on-street metered areas and off-street garages and lots where the condition is observed
- Documented parking occupancy between 65% and 85%: No adjustments will be made to parking rates, time limits and policies.

5. Parking Rate Adjustment Parameters

Based on the criteria described in Section 4.0, parking rates, time limits and policies may be adjusted within the following parameters.

On-Street

A. Minimum and Maximum Hourly Rates

1. Rates at on-street meters may be no less than \$1.00 per hour and no more than \$4.00 per hour

2. Increments of Adjustment

First Hour

Rates at on-street meters may be adjusted by no more than \$0.50 per hour for the first hour of allow parking time at the frequency specified in 5.1.3.

Subsequent Hours

Rates at on-street meters in subsequent hours may be adjusted by no more than \$0.50 per hour when compared to the previous hour (ex: First Hour = \$1.50 per hour; Second Hour = \$2.00 per hour, Third Hour = \$2.50 per hour)

3. Frequency of Adjustment

Rates may be adjusted at on-street meters no more frequently than once every 60 days.

4. Public Notification Procedure

New rates must be posted on the goBerkeley pilot website and the City of Berkeley's website at least 30 days prior to the adjustment.

Off-Street

A. Minimum and Maximum Hourly Rates

1. Hourly Rates

Rates at City garages and municipal lots may be no less than \$1.00 per hour and no more than \$4.00 per hour

2. Regular Monthly Permits

Regular monthly rates at City garages may be no less than \$150.00 per month and no more than \$250.00 per month

3. Other Non-Hourly Rates

Rates other than hourly or regularly monthly rates are controlled by the policies and fee schedules, as established by Council.

B. Increments of Adjustment

1. Hourly Rates

First Hour

Hourly rates at City garages and municipal lots may be adjusted by \$1.00.

Subsequent Hours

Rates at on-street meters in subsequent hours may be adjusted by \$1.00 per hour when compared to the previous hour (ex: First Hour = \$1.00 per hour; Second Hour = \$2.00 per hour, Third Hour = \$3.00 per hour)

2. Regular Monthly Permits

Regular monthly rates at City garages may be adjusted by \$20 per month at the frequency specified in Section 5.

3. Other Non-Hourly Rates

Rates other than hourly or regularly monthly rates are controlled by the policies and fee schedules, as established by Council.

C. Allocation of Monthly Spaces

The allocation of spaces to monthly permit parkers shall be between 20 and 50% of total spaces at each City garage and may be adjusted by 10 parking spaces at the frequency specified in Section 5.

D. Frequency of Adjustment

Rates may be adjusted at City Garages no more frequently than once every 60 days.

E. Public Notification Procedure

New rates must be posted on the goBerkeley pilot website and the City of Berkeley's website at least 30 days prior to the adjustment.

6. Data Collection and Analysis Procedure

Adjustments to parking rates, time limits and policies in the goBerkeley pilot program must be accompanied by documented data on parking conditions. The goBerkeley pilot program must document data collection procedures to track the effectiveness of changes by defining the method of data collection, geographical analysis units and

Data Collection and Analysis Metrics

A. Units of analysis

1. Geographical Analysis Units

The geographical units of analysis may be defined as a:

- **blockface** - one side of one block e.g. north side of Center Street between Milvia Street and Shattuck Avenue
- **a block** - two opposite blockfaces e.g. Center Street between Milvia Street and Shattuck Avenue
- **a block group corridor** - a contiguous line of blocks e.g. Center Street from Martin Luther King Jr. Way to Oxford Street
- **block group area** - or a contiguous group of blocks e.g. blocks bounded by University Avenue to the north, Martin Luther King Jr. Way to the west, Kittredge Street to the south and Oxford Street to the east
- **facility** – parking spaces within the following facilities: Center Street Garage, Telegraph / Channing Garage, Oxford Way Garage, Berkeley Way Lot and Elmwood Lot

2. Time Analysis Units

The time analysis units may be defined as:

- **Average and specific 15, 30, 60 minutes:** a specific 15, 30 or 60 minute period e.g. Tuesday, May 15, 2013 4:00 – 4:15 pm or an average of based on a common metric e.g. Tuesdays from 4:00 – 4:15 pm
- **Average and specific time period:** a contiguous number of hours with beginning and end time specified e.g. AM period (9:00 am to Noon)

- **Average Day of the Week:** average statistics for Tuesdays
 - **Average Weekday:** non-holiday, non-special event Tuesday, Wednesday, Thursday
 - **Monthly:** monthly statistics with the month defined
 - **Yearly:** yearly statistics with the year defined
3. **Parking Occupancy**
Parking occupancy is defined as the number of legally parked vehicles divided by the number of legal spaces per geographical unit per time unit
4. **Parking Duration / Turnover**
Parking duration turnover is defined as the length of time of parking stay per geographical unit per time unit
5. **Public and User Feedback**
Public and user feedback may include, but is not limited to:
- Trip purpose
 - Origin and destination
 - Program awareness
 - Opinion of program

Data Collection Method

A. Manual Data Collection

Manual data collection during the goBerkeley pilot is the human observation and recording of Parking Occupancy and Parking Duration / Turnover. Manual data collection may be performed via observations made during walking routes, driving routes or via photos of parking conditions.

B. Parking Meter Transaction Records

Parking meter transaction records from on-street meter equipment or from the off-street garage automatic Parking Access Revenue Control System (PARCS) may be used to estimate paid parking occupancy. Parking meter transaction records will not reflect vehicles that have not paid or that have left before the end of the paid duration.

C. Questionnaire Surveys

Questionnaire surveys may be performed for groups including, but not limited to, business owners, employees, pedestrians and parkers. Questionnaire surveys may be performed via intercept by a human surveyor or via e-mail or website survey.

Public Notification Procedure

The geographical units and time units of data collection and analysis, as well as the planned data collection methods, must be defined and posted on the goBerkeley pilot website and the City of Berkeley's website at least 30 days prior to the adjustment.

7. Reporting Requirements

The City Manager shall provide a report on the results of each goBerkeley pilot program adjustment based on the data collection and analysis metrics specified in Section 6 no less than 5 months following each adjustment.

8. Pilot Evaluation and Recommendation

At the conclusion of the 24-month term of the goBerkeley pilot program and its guidelines, the City Manager shall provide a report on the overall results of the goBerkeley pilot program with a recommendation for its continuation, adjustment or termination.

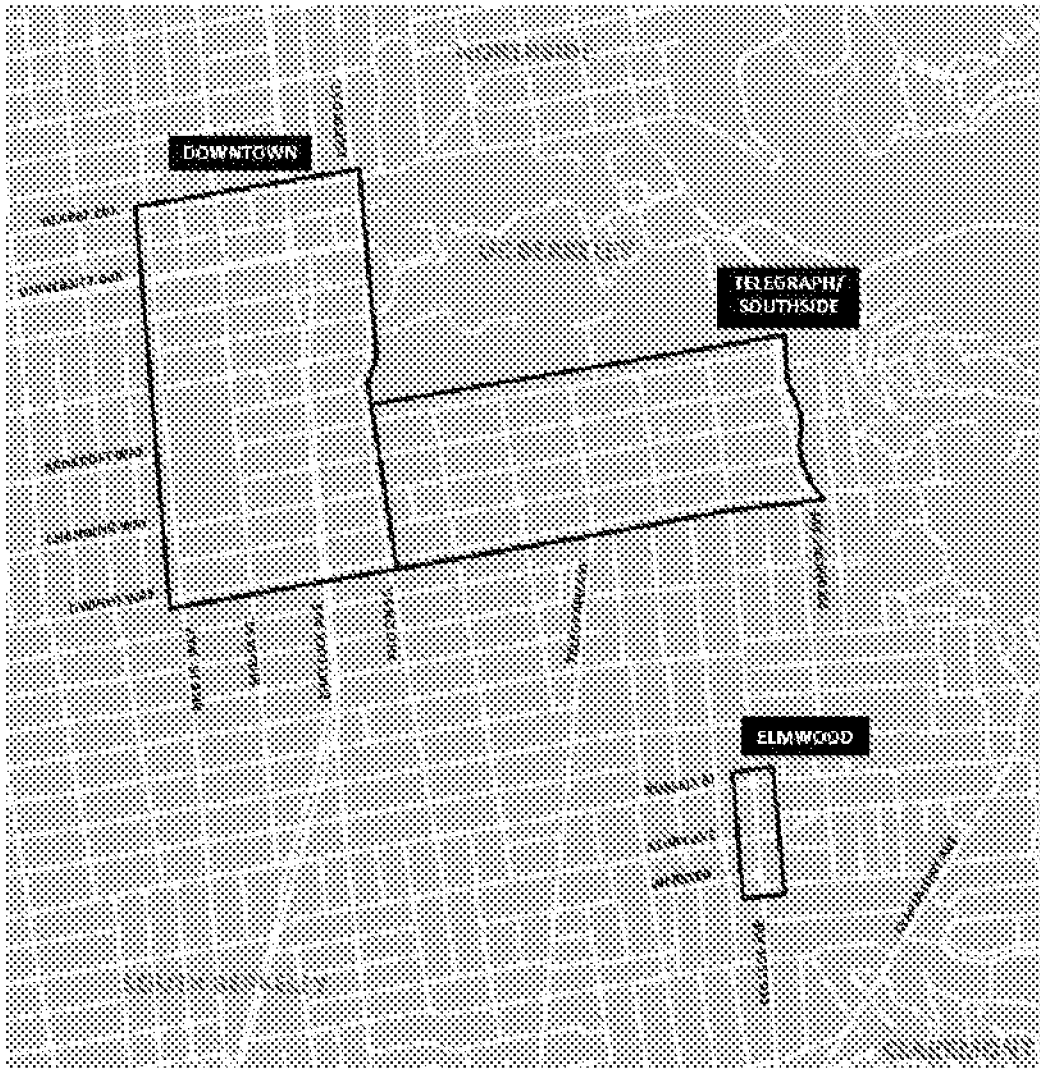


Figure 1 - goBerkeley Pilot Program Areas for Parking Changes

