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CONSENT CALENDAR
 November 27, 2018

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington and Councilmember Kate Harrison
 Subject: City Manager short-term Referral; Preliminary steps towards the expansion of the GoBerkeley Transportation Program to Increase Parking Efficiency

RECOMMENDATION:

City Manager short-term Referral; Amendment to the City of Berkeley municipal code regulating off-street parking lots in order to facilitate the expansion of the GoBerkeley Transportation Program to allow private parking vendors to charge adjustable rates for parking spaces.

BACKGROUND:

This revised proposal amends the June 26 referral by prioritizing immediate action on the first three issues and defers the fourth one to the Planning Commission and staff for later action. We are amending this in order to reduce the workload and speed up the whole process. The proposed revisions to the Berkeley private parking ordinance are primarily intended to achieve the four objectives described below. These objectives are designed to help further the goals of the GoBerkeley program by encouraging alternatives to driving and helping to create less congestion, cleaner air and safer streets through increased parking regulations and enforcement of parking policies. They will also improve existing parking and traffic conditions by making parking spaces more readily available in the city's commercial districts.

1. **Hourly charges for parking at privately owned and operated parking lots:** Subject to the restrictions contained therein, the revisions to Section 9.92.030 allow private parking operators to charge an hourly rate for parking at privately owned lots. Just like the increased rates and shorter time limits implemented by GoBerkeley, the increased cost of parking at private facilities will promote alternatives to driving and result in more available parking spaces with less congestion. Also, this will greatly reduce the number of unauthorized vehicles monopolizing parking spaces that are intended for customer parking only because it will be more difficult to take advantage of those spaces for extended periods of time.
2. **Parking fees for unauthorized parking:** Subject to the restrictions contained therein, the revisions to Section 9.92.030 also allow private parking operators to assess a parking fee for unauthorized parking at private parking facilities. Without the ability to charge fees for unauthorized parking, vehicles would essentially be able to park indefinitely because parking operators would have no means to enforce their parking policies. Furthermore, knowledge of the inability to enforce parking policies would rapidly spread, leading to further abuse of existing commercial parking facilities. Such monopolization of parking spaces leads to congestion and insufficient turnaround of parking spaces.
3. **Removal of vehicles for habitual parking violations and failure to pay parking fees:** Section 9.92.130 allows private parking operators to remove vehicles from private parking facilities in the event of multiple unpaid parking fees and when vehicles are parked in a manner that blocks, impedes, or restricts another vehicle's ability to enter or exit the facility. It is essential that parking operators have the ability to enforce parking regulations. Removal of vehicles provides a last

resort method for enforcement in cases where vehicle owners repeatedly ignore parking regulations and policies.

4. **Zoning Approval:** A requirement that private parking operators obtain Zoning Approval (permits and zoning certificates) prior to issuing any parking fees for unauthorized parking is problematic for private parking operators that have been in operation for many years. The assessment of parking charges and fees is a relatively new practice and is only now being specifically authorized by ordinance. As such, existing private parking facilities may not currently have all necessary Zoning Approval to impose such charges. Furthermore, the requirement of obtaining Zoning Approval could prohibit, for example, a parking facility zoned for bank parking only from being used for other purposes during non-business hours. For this reason, Sections 9.92.030 and 9.92.070 have been revised to remove the requirement that a private parking operator obtain Zoning Approval prior to issuing any parking fees for unauthorized parking and a clause was added as Section 9.92.150 to provide that all private parking facilities in operation prior to November 1, 2016 shall be deemed to be in compliance with the Zoning Ordinance and to have obtained all necessary Zoning Approval for operation and imposition of Parking Charges and Fees.

In order to apply for the state and regional funds necessary to expand the GoBerkeley Transportation Program, the City Council of Berkeley must adopt changes to the ordinance regulating off-street parking lots. Attached to this document is a proposed set of amendments to the current municipal code. This short term referral to the City Manager is expected to be re-introduced within 3 months or less, with two versions of the amended code attached: one that matches the supplemental below, and one that has been reviewed and recommended by the City Manager.

The City Council of Berkeley proposes an expansion of the GoBerkeley transportation program in an effort to improve overall private parking efficiency by offering private parking vendors the option to join the GoBerkeley program or an equivalent program. Coupled with increased public demand, this suggestion is further legitimized as this same proposal was not only submitted and garnered support one year prior but was also approved as a recommendation at the City Council Meeting on April 4, 2017.

With GoBerkeley, parking space vendors would not be required to provide free-parking, instead they would be able to charge adjustable rates for parking spaces, similar to the adjustable parking rates currently utilized by the city of Berkeley. Adjustable rates would permit parking vendors to help ensure that there will be parking vacancies available for motorists.

FINANCIAL IMPLICATIONS: Allowing private vendors to offer adjustable rates would have minimal financial implications.

ENVIRONMENTAL SUSTAINABILITY:

The environmental impact of diminishing the time motorists spend on searching for parking spaces will reduce carbon emissions, air pollution, and traffic congestion in the City of Berkeley. These tangible environmental benefits are consistent with the City of Berkeley's Climate Action plan.

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