

CONSENT CALENDAR
October 16, 2012

To: Honorable Mayor and Members of the City Council

From: Councilmember Jesse Arreguín

Subject: Referral to City Manager: RPP parking beyond 72 Hour Parking Limit

## **RECOMMENDATION:**

Refer to the City Manager and the Transportation Commission to develop an ordinance amending BMC Section 14.36.050 to allow vehicles with RPP stickers to park in RPP restricted parking beyond the 72 hour parking limit.

#### FISCAL IMPACTS OF RECOMMENDATION:

Unknown savings due to reduced need for enforcement and response to citizen complaints.

### **BACKGROUND:**

Berkeley Municipal Code (BMC) Section 14.36.050 prohibits a vehicle to be left standing or parked on any public street for more than 72 hours. This policy applies on all City streets, including those that are covered under the Residential Preferential Parking (RPP) program.

RPP limits parking on certain residential streets to 2 hours for non-RPP vehicles, unless a resident is issued an RPP sticker, which allows unlimited parking, except for street sweeping days and subject to the 72-hour restriction on parking in one location.

The 72 hour rule becomes problematic for RPP permit holders when they are unable to move their cars because they are out of town (vacation), have school or work schedules that do not allow frequent monitoring of completely parked-up areas to find new spots, or other factors, which results in their vehicles being red tagged.

One of the stated purposes of the RPP ordinance is to make available longer term parking for residents of the immediate area. Allowing RPP stickered vehicles in RPP zones to parking for more than 72 hours would create no new impacts on parking availability, since parking is already restricted and there is generally frequent turnover of short-term parkers, which makes other spaces available to people who live in the immediate area most of the time.

The 72 hour rule exists to assist residents and law enforcement in identifying abandoned (and occasionally stolen) or non operational vehicles from being stored on

the city streets. In RPP zones this rule serves no practical purpose. To apply for /be granted a permit, the vehicle owner must live in the RPP area and the vehicle must be registered. BMC Section 12.98 prohibits the storing or parking of any "abandoned, inoperative, or dismantled vehicle on public or private property." Any violation is a public nuisance subject to fines and abatement. This law prohibits leaving vehicles for extended periods of time on public streets or private property. The presence of an RPP sticker allows law enforcement to immediately determine that the vehicle is not abandoned and is registered. Enforcement of BMC Section 12.98 for non-permitted vehicles in RPP areas should provide the City the ability to deal with abandoned vehicles, to minimize blight and make available off-street parking.

Another purpose of the RPP program is "to promote the safety, health and welfare of all the residents of Berkeley by (a) reducing unnecessary personal motor vehicle travel, noise, and pollution, and (b) promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future." Requiring RPP permit holders to move their vehicles every 72 hours, simply to move them, is contrary to this purpose. Many residents do not use their vehicles on a daily basis, choosing to walk or use transit for their daily activates, and reserving their vehicles for weekly (or less frequent) errands or out of town trips.

This referral requests that the City Manager evaluate and develop an ordinance allowing RPP permitted vehicles to park beyond the 72-hour limit. This policy would be for RPP vehicles only in RPP Areas. All other vehicles parked beyond 72 hours would still be covered by the law. Most streets in RPP areas have street sweeping, requiring residents to move their vehicles to avoid ticketing. There should be a limit to parking even for RPP permitted vehicles to encourage turnover, but with flexibility so that individuals who cannot move their vehicle can continue to allow it to be parked without being subject to fines and towing. Non-operative or abandoned RPP vehicles (meaning vehicles parked beyond the limit to be established) could then be red tagged and towed if necessary.

Last, RPP permitted vehicles have a registrant on file with the City. It is existing practice that vehicles flagged in violation of the 72 hour rule are given a notice on the windshield. Under current practice and under any future relevant rule the City may adopt, the City should explore contacting owners of RPP permitted vehicles with information that is on file prior to towing so residents may avoid a costly inconvenience that may not serve the state goals of the RPP program.

## **CONTACT PERSON:**

Jesse Arreguin, Councilmember, District 4 981-7140

#### Attachments:

1. Berkeley Municipal Code Section 14.36.050 (Current 72-hour limit)

# 14.36.050 Seventy-two hour limit.

It is unlawful for any person to park or leave standing, or cause to be parked or left standing any vehicle upon any public street in the City for seventy-two or more consecutive hours. (Ord. 4006-NS § 1 (part), 1964: Ord. 3954-NS § 2, 1963)