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**SUPPLEMENTAL
AGENDA MATERIAL
for Supplemental Packet 2**

Meeting Date: January 16, 2024

Item Number: 28

Item Description: Consideration of Options for Berkeley High School Staff Parking

Submitted by: Sophie Hahn

Proposing additional solutions to the Berkeley High teacher and staff parking situation.



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After almost a full year of discussion about the Berkeley High teacher and staff parking situation at the 2x2 and with City Staff, and reviewing the Staff Memorandum for the January 16, 2024 Council Meeting, the Residential Preferential Parking (RPP) ordinance, letters received by Council, and advice from the City Attorney, the following action on this item is proposed:

1. Direct the City Manager to issue permits to Berkeley High School pursuant to Berkeley Municipal Code Chapter 14.72, which allows the City to issue a number of permits equal to up to 60% of the school's employees, in the same or other RPP Areas, in conformance with criteria found in Sections 14.72.080 and 14.72.105.
2. Direct the City Manager to issue such permits in RPP Area C, or in a combination of Areas C, J and/or E, in consultation with the Councilmember representing the majority of potentially impacted areas of RPP Areas C, J and E.
3. With respect to BMC Sections 14.72.080 (B) and 14.72.105(B)(1), (2), (3), and (6), the Berkeley City Council hereby takes the following actions:

Pursuant to BMC 14.72.105(B)(1), the Berkeley City Council finds that inadequate off-street parking for Berkeley High School exists and there is no financially feasible way of creating adequate off-street parking on the site of Berkeley High School. The cost estimated by BUSD is more than \$25 million to create such parking; this cost is deemed infeasible considering other more important uses of funds to support Berkeley's public schools and their students.

Pursuant to BMC 14.72.080(B), the Berkeley City Council finds that the following together satisfy the requirements that the "Department of Finance in consultation with the traffic engineering division" ensure permits issued "will not unduly be concentrated on a specific block front in any given residential permit parking area":

- Many BHS staff and teachers already park in areas adjacent to the school and therefore issuing permits will not substantially change the number of vehicles parking in these areas.
- The size of potentially impacted RPP Areas is very large.
- The City Manager will consult with the Councilmember representing the majority of potentially impacted areas of RPP Areas C, J, and E regarding issuance of permits.

The provisions of Section 14.72.105(B)(2) are satisfied with respect to the issuance of permits to Berkeley High School in light of the importance of the institution to the Berkeley Community and in light of severe constraints on BUSD and Berkeley High funds, which would result in the diversion of funds that otherwise are spent supporting students, teachers, and the uniquely important mission of Berkeley's largest public high school, rendering BUSD/Berkeley High School functionally unable to lease or rent parking.

With respect to BMC 14.72.105(B)(6), the Berkeley City Council finds that the requirement to consider the "degree of impact on parking conditions for residents and merchants in the area" is satisfied by the following:

- Requiring permits to be issued outside of RPP Area I, which includes the Downtown and South of Campus commercial districts.
- Many BHS staff and teachers already park in areas adjacent to the school and therefore issuing permits will not substantially change the number of vehicles parking in these areas.
- The size of potentially impacted RPP Areas is very large.
- The City Manager will consult with the Councilmember representing the majority of potentially impacted areas of RPP Areas C, J, and E regarding issuance of permits.

With respect to BMC 14.72.080(B)(3), the Berkeley City Council clarifies that the term "employee" includes all regular employees of Berkeley High School, whether full or part time, but does not include seasonal employees working less than four (4) months per year or independent contractors.

4. Refer to the 2x2 and City Manager to work with BUSD and Berkeley High School to explore needs, facilities, programs, and other options to increase use of alternative modes such as walking, biking, carpooling, and public transit by BHS employees and students.
5. Refer to the City Manager to study and explore needs, facilities, programs, and other options to increase use of alternative modes such as walking, biking, carpooling, and public transit by City of Berkeley employees, and the availability, cost, and equitable distribution of parking opportunities, if any, made available by the City of Berkeley to employees.
6. The City Council respectfully requests that BUSD consider formally withdrawing from planning for a garage facility to be constructed on BHS/BUSD property on Milvia Street in downtown Berkeley and consider other uses for the property that directly support educational, health, leadership, recreational and other needs of Berkeley High Students.

Attachments: [BMC Chapter 14.72](#); [Map of RPP Areas](#)

Chapter 14.72

PREFERENTIAL PARKING PROGRAM*

Sections:

14.72.010	Legislative purpose.
14.72.020	Legislative findings.
14.72.030	Definitions.
14.72.040	Permit parking exemption.
14.72.050	Designation of a residential permit parking area.
14.72.060	Modification after designation of a residential permit parking area.
14.72.070	Designation of campus zone--Special regulations.
14.72.080	Issuance of permits.
14.72.090	Residential parking permit.
14.72.100	Local business parking permits.
14.72.105	Neighborhood-serving community facility permits.
14.72.110	Senior event permits.
14.72.115	Visitor permits.
14.72.120	Posting of residential permit parking area.
14.72.130	Parking permit fees.
14.72.140	Penalties, liability and enforcement.
14.72.150	Administrative regulations.

* **Editor's Note:** This chapter was editorially renumbered from 14.08 to 14.72 during 1999 recodification.

14.72.010 Legislative purpose.

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of Berkeley by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. As set forth in more specific detail in Section [14.72.020](#), such long term parking by nonresidents threatens the health, safety and welfare of all of the residents of Berkeley. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the

opportunity for residents to park near their homes. Uniform parking regulations restricting residents and nonresidents alike would not serve the public interest, rather such regulations would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to nonresidents. For the reasons set forth in this chapter, a system of preferential resident parking is enacted hereby for the City of Berkeley (Ord. 5908-NS § I, 1989; Ord. 5803-NS § 2, (part), 1987)

14.72.020 Legislative findings.

A. *General Finding.* The City Council finds as a result of public testimony, evidence generated by both professional urban planning studies and derived from other sources, that the continued vitality of Berkeley depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that one factor that has detracted from the safety, health and attractiveness of neighborhoods and other residential areas of the City is the excessive and burdensome practice of nonresidents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in Berkeley at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete urban environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the City and thus promote the general public welfare.

B. *Specific Findings.* The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

1. The safety, health and welfare of the residents of Berkeley can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas.
2. A large portion of Berkeley residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences.
3. Certain neighborhoods and areas of Berkeley do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes. To the extent that such facilities do exist, the program set forth

herein is designed to encourage the maximum feasible utilization of off-street parking facilities.

4. Such areas as described in 3 above are often further burdened by influxes of motor vehicles owned by nonresidents which compete for the inadequate available on-street parking spaces.

5. There further exist certain parking "attractors" within Berkeley, such as hospital and university complexes, employment centers, BART stations and locations convenient for commute parking, which further exacerbate resident parking problems.

6. Unnecessary vehicle miles, noise, pollution, and strains on interpersonal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility and other values available in an urban residential environment.

7. If allowed to continue unchecked, these adverse effects on the residents of Berkeley will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within Berkeley, and consequent injury to the general public welfare.

8. The system of residential permit parking as enacted by this chapter will serve 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. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.030 Definitions.

A. "Designated residential parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

B. "Block front" means all of the property on one side of a street between two consecutive intersecting streets.

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- C. "Mixed use" means the use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, office or manufacturing, in a single structure of a group of physically integrated structures; in a neighborhood context, it means blocks containing single-use residences interspersed with other land uses, such as commercial or industrial.
- D. "Mixed Use-Residential" and "Mixed Use-Light Industrial" refer to the zoning designations so defined in Berkeley Municipal Code Chapters [23E.84](#) and [23E.80](#), respectively.
- E. "Assessor's Use Code" means the code used by the Alameda County Assessor to assess property for property tax purposes. These codes cover a range of building descriptions and uses, including a variety of residential uses.
- F. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for a local business parking permit, or any other parking permit the council shall designate.
- G. "Residential parking permit" means a permit issued under this chapter which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.
- H. "Local business parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.
- I. "Trapped resident" means: 1) any resident whose dwelling is on a block that may not legally opt-in because less than 80% of the block fronts are residentially zoned and either: a) whose address is on a block front adjacent to and/or surrounded by block fronts that are already included in the RPP program; or b) whose address is within the general boundary of a designated RPP area; or 2) any resident whose dwelling abuts controlled curb parking and either: a) whose address is on a block front adjacent to and/or surrounded by RPP areas; or b) whose address is within the general boundary of a designated RPP area.
- J. "Neighborhood-service community facility" means churches, schools and senior centers located wholly within the general boundary of an RPP designated area.

- K. "Neighborhood-serving business and establishment" means any business or establishment located in a neighborhood commercial district as defined in the Zoning Ordinance Section Cla, Clb, Clc, Clb(E).
- L. "One-day visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date indicated upon the face of said permit.
- M. "Two-week visitor permit" shall mean a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this chapter for a period of 14 consecutive calendar days, beginning upon the date indicated upon the face of said permit.
- N. "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/(RV), or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an RPP permit.
- O. "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, etc.
- P. "Schools" shall mean any school or other place of learning providing a pre-school, elementary or secondary level of study, and which regularly employs a staff of at least 15 certificated persons regularly employed as a classroom teacher.
- Q. "Senior centers" means the three senior centers affiliated with the City: North Berkeley Senior Center, South Berkeley Senior Center and the West Berkeley Senior Center. (Ord. 7654-NS § 1, 2019; Ord. 7589-NS § 2, 2018; Ord. 7391-NS § 1, 2015; Ord. 6762-NS § 1 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.040 Permit parking exemption.

- A. A motor vehicle on which is displayed a valid residential parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking areas for which the permit has been issued without being limited by time restrictions established

pursuant to this chapter or any resolution thereunder. Additionally, a motor vehicle displaying a valid local business parking permit or a valid neighborhood-serving community facility permit as provided herein shall be permitted to stand or park in a designated residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this chapter. Any vehicle which does not display a valid parking permit shall be subject to the preferential parking regulation and consequent penalties in effect for such area.

B. A residential or local business parking permit or any other permit as designated by council shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

C. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2, (part), 1987)

14.72.050 Designation of a residential permit parking area.

A. There shall be two alternative processes by which City Council could consider any area for designation as a residential permit parking area:

1. *Residents petition.* The City Council shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:

(a) Prior to obtaining signatures, neighborhood organizers shall consult with City staff to assure that the proposed area meets guidelines set in the administrative regulations for the establishment of permit parking boundaries.

(b) The petition shall contain a description or a map showing the proposed residential permit parking area.

(c) Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees.

(d) The statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 51% of the housing units within the area.

(e) For applicants in areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, a petition shall only be deemed valid if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

(f) All petitions shall be the same as the standard petition form developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

(g) In the proposed residential permit parking area, at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

(h) In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

2. *City Council initiation.* City Council shall consider for designation as a residential permit parking area any area for which the following requirements have been met:

(a) City Council shall initiate the area as a residential permit parking area.

(b) For areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, Council shall only initiate the area as a residential permit parking area if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

(c) In the proposed residential permit parking area at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested residential permit parking area.

(d) In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

(e) A notice of intent to establish permit parking shall be sent to all addresses within the proposed residential parking permit area.

B. Upon receipt by the City Council of a petition as described in subsection A.1 of this section, or after Council has initiated a residential permit parking area as described in subsection [A.2](#) of this section, the Council shall:

1. Undertake or cause to be undertaken such surveys or studies which it deems necessary.
2. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned proposal and studies, including all regulations and time restrictions determined by the Council to be reasonable and necessary in such area.

C. The Council shall thereafter conduct a public hearing on said draft resolution. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Following the hearing, the City Council may enact, amend or reject said draft resolution in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. In order to grant permit parking designation, Council shall find that the designation will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area of designation. In reaching this decision, consideration shall be given to the residents' support for residential permit parking, the existing parking conditions, the expected effectiveness of residential permit parking in improving parking conditions, and the location and size of the residential permit parking area. (Ord. 7654-NS § 2, 2019; Ord. 7589-NS § 3, 2018; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.060 Modification after designation of a residential permit parking area.

- A. After holding a public hearing with notice as provided in the Berkeley Municipal Code Section [14.72.050](#) the City Council may, by appropriate ordinance or resolution amendment, modify a designated residential permit parking area in any manner not inconsistent with this chapter.
- B. City Council may exclude blocks from a designated residential permit parking area for which a petition has been submitted which satisfies the following requirements:
1. All petitions submitted after adoption of this chapter shall be the current standard petition developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.
 2. The petition form shall include a signature, printed name, address and date of signing of the petition by a number of adult residents including at least 51% of the housing units within the area proposed for exclusion from residential permit parking designation. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.070 Designation of campus zone--Special regulations.

In the area designated by Council resolution as the Campus Zone Area I, the following provisions shall be applicable notwithstanding any provisions of the chapter to the contrary:

- A. Residents and trapped residents within the general boundary of the Campus Zone shall be eligible for a residential parking permit as set forth in Section [14.72.090](#) of this chapter.
- B. Monitoring and related actions shall be required as follows:
1. 90 days after permits go on sale the City shall conduct a parking occupancy survey of the zone during either the fall or spring academic session of the University of California. Such a survey shall also subsequently be conducted if directed by Council or upon receipt by the staff of a request for such a survey submitted by resident petition of at least 33% of the residential units of Area I. For the purposes of this section, the term "residential unit" shall include, but shall not be limited to, all residential rooms contained in group living

quarters. Such petition shall be on a form approved by the staff and shall state that the undersigned residents believe that the occupancy level in the zone exceeds 75%.

2. If the results of either the initial survey or a subsequent survey requested by resident petition indicate that parking occupancy within the zone exceeds 75%, the City Council shall implement programs to attempt to reduce such occupancy to below 75%. Such programs may include but are not limited to the following:

- (a) Expansion of the Sather Gate garage;
- (b) Incorporation of block fronts bordering the Oxford Tract into the Campus Zone Area I;
- (c) Conversion of unused bicycle lanes within the Campus Zone Area I to on-street, residential permit parking;
- (d) Implementation and enforcement of residential permit parking limits earlier in the day in the Campus Zone Area I;
- (e) Allowance of Campus Zone Area I residents to park without restrictions at meters;
- (f) Modification of the Zoning Ordinance to regulate the rental of off-street parking for residential projects; and
- (g) Reduction of the time allotted to non-permit holders to park in the Campus Zone Area I.

3. No sooner than 60 days after the completion of such programs, but not later than 90 days from completion of the survey under subsection [B.1](#), the City shall conduct a follow-up parking survey in the zone. The survey will be conducted during the fall or spring academic session of the University of California and will be delayed if necessary.

4. If the follow-up survey indicates a parking occupancy in the zone of over 75% at the beginning of the next permit year and each year thereafter, the City Council shall authorize the issuance of up to 350 permits in other zones to residents of the Campus Zone according to a method as the Council shall prescribe and according to the following distribution schedule:

Expanded MAGNA, Area C:	2.2%
Elmwood, Area D:	48.4%
Golden Bear District, Area E:	4.3%
Panoramic Hill, Area K:	4.5%
LeConte District, Area J:	40.6%

5. The Department of Finance and the traffic engineering division are authorized to establish rules and regulations consistent with the guidelines set forth in this section of the chapter on the Campus Zone Area I. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C.

1. No permits shall be issued to residents in newly constructed residential units. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Section [23.502.020](#) that are approved after January 1, 2012, unless the Zoning Adjustments Board specified otherwise when it approved the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the Public Works Transportation Division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation, except for vehicles belonging to individuals eligible for the City's Indigent Payment Plan. (Ord. 7854-NS § 1, 2023; Ord. 7751-NS § 1, 2021; Ord. 7240-NS § 1, 2012; Ord. 7225-NS § 1, 2012; Ord. 7210-NS § 1, 2011; Ord. 6762-NS § 2 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.090 Residential parking permit.

A. The City Manager and/or their designee shall issue residential parking permits with a term not to exceed one year to motor vehicles which comply with the requirements set forth in this section.

1. No more than three (3) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

2. In areas zoned Mixed Use-Residential (MU-R) or Mixed Use-Light Industrial (MULI), no more than two (2) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

3. The City Traffic Engineer is authorized to issue such rules and regulations necessary to grant waivers to the annual permit limits.

B. A residential parking permit may be issued for a motor vehicle only upon application of the following person:

1. The applicant must demonstrate that they are currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that they have ownership or continuing custody of the motor vehicle for which the permit is to be issued; and

3. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.

C. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking involved area, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

D. A residential parking permit may be issued for any vehicle utilized in the area by a nonresidential nonbusiness enterprise, such as a church, school, or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each permit area for a motor vehicle registered to or under the control of such an enterprise.

E. Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a permit holder. (Ord. 7654-NS § 3, 2019; Ord. 7589-NS § 4, 2018; Ord. 6762-NS § 3 (part), 2003; Ord. 5974-NS § 1, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.100 Local business parking permits.

A. The Department of Finance shall issue business parking permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A local business parking permit may be issued only to a person who owns or leases a commercial establishment located in a General Commercial Zoning District, in Zone C-1, and in a Neighborhood Commercial Zoning District, in Zones C-1A, C-1B, C-1C, C-1B(E) (not to exceed one such permit per commercial establishment). The permit is to be issued for a motor vehicle regularly used in the business activity of such commercial establishment for parking such motor vehicle in such designated local business parking subarea, provided that sale of local business parking permits has been authorized by the City Council pursuant to the provisions of this section the City Council finds that residents have reached a general consensus to allow for the sale of local business permits in the area. (Ord. 5974-NS § 1, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.105 Neighborhood-serving community facility permits.

A. The Department of Finance may issue neighborhood-serving community facility enterprise permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A neighborhood-serving community facility parking permit may be issued to representatives of the following neighborhood-serving community facilities: churches, schools, senior centers and alcohol and drug rehabilitation facilities. The issuance of permit can occur no sooner than 30 days after implementation of a residential permit parking area and the following criteria shall be used in establishing eligibility of an enterprise and the number of permits to be issued any enterprise:

1. An enterprise for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the enterprise;
2. An enterprise for which there is no off-street parking available nearby for lease or rental;

3. The total number of permits issued does not exceed the number representing 60% of the enterprise's employees;
4. The total number of permits issued to a Berkeley Unified School District (BUSD) school that is not within 1/2 mile of a Bay Area Rapid Transit (BART) Station, and not within 1/4 mile from a rapid transit bus stop, and not within 1/4 mile from two bus routes that run at a frequency of 20 minutes or less does not exceed 70% of the enterprise's employees;
5. Distribution of permits shall be through a designated representative of the enterprise who will be responsible for allocation of the permits to employees, or in the case of the senior centers, to users of the enterprise; and
6. Degree of impact on parking conditions for residents and merchants in the area. (Ord. 7764-NS § 1, 2021; Ord. 7580-NS § 1, 2017; Ord. 6762-NS § 4 (part), 2003; Ord. 5972-NS § 1, 1990; Ord. 5803-NS § 2 (part), 1987)

14.72.110 Senior event permits.

- A. The Department of Finance may issue senior event parking permits in accordance with this section and with administrative rules and regulations issued pursuant to this section.
- B. In addition to any permits which may be issued to senior center representatives pursuant to Section [14.72.105](#), senior event parking permits may be issued to representatives of senior citizen groups not affiliated with City of Berkeley-operated senior centers, but which meet on a regularly-scheduled basis at community meeting facilities, such as churches, recreation centers, and community meeting halls, which are located within boundaries of residential permit parking areas. No such permit shall be issued except under the following circumstances:
 1. 30 days have elapsed from the date of application; therefore
 2. The group applying for the permit is a senior event group for which there is inadequate off-street parking and no financially feasible way to either create adequate off-street parking at the site of the senior event group's regularly-scheduled meeting, or to rent same;
 3. The total number of permits issued does not under any circumstances exceed the number representing 60% of the group's membership; and

4. Distribution of permits shall be through a designated representative of the group who will be responsible for allocation of the permits to the group's membership. (Ord. 5974-NS § 2, 1990)

14.72.115 Visitor permits.

A. The Department of Finance shall issue visitor permits in accordance with this section. A visitor permit shall be of limited duration, but shall otherwise grant to the holder all the rights and privileges of a regular residential parking permit. Visitor permits shall be of two types:

1. One-day visitor permits; and
2. Two-week visitor permits.

B. A visitor permit shall clearly display the date(s) upon which it becomes effective, the license number of the vehicle for which it applies, and shall designate the particular residential permit parking area.

C. A one-day visitor permit shall, during the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

D. A two-week visitor permit shall, for the period of 14 consecutive days commencing upon the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

E. The Department of Finance is authorized to establish rules and regulations, consistent with this chapter, concerning the issuance and display of visitor permits to permit holders.

F. An eligible applicant for a visitor permit shall be any person eligible to obtain a residential parking permit pursuant to criteria set forth in Section [14.72.090](#) of this chapter, except those persons or enterprises specified in subsections C and D of Section [14.72.090](#). (Ord. 6762-NS § 5 (part), 2003; Ord. 5974-NS § 3, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.120 Posting of residential permit parking area.

Upon the adoption by the City Council of a resolution designating a residential permit parking area, the Director of Public Works shall cause appropriate signs to be erected in the area, indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.130 Parking permit fees.

The annual fee and renewal fee for residential parking permits, for visitor permits, for local business parking permits for neighborhood-serving community facility parking permit or any other permit designated by Council shall be established by Council resolution. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.140 Penalties, liability and enforcement.

- A. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter [1.20](#) of the Berkeley Municipal Code.
- B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

In addition, the following acts shall be punishable by a fine not exceeding \$500:

1. For any person to falsely represent themselves as eligible for a parking permit or to furnish false information in an application therefore.
2. For any person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit was issued.
3. For any person to copy, reproduce or otherwise bring into existence or counterfeit parking permit or permits without written authorization from the Department of Finance.

4. For any person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential permit parking area.
5. For any person to change dates on a visitor parking permit.
6. For any person to knowingly commit any act which is prohibited by the terms of this chapter or any ordinance enacted by authority granted by this chapter.

C. The remedies and penalties provided in this section are cumulative and not exclusive. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

14.72.150 Administrative regulations.

The Finance Department and the Public Works Department are empowered to issue rules and regulations consistent with this chapter. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

The Berkeley Municipal Code is current through Ordinance 7891-NS, passed December 12, 2023.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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