



Office of City Manager

CONSENT CALENDAR

June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager
Farimah Faiz Brown, City Attorney

Submitted by: Eleanor Hollander, Economic Development Manager

Subject: Contract: Amira Jackmon Attorney at Law, for Lorin and Gilman
Parking Benefit District Formation Services

RECOMMENDATION

Adopt a Resolution authorizing the City Attorney, acting on behalf of the Office of Economic Development to execute a contract and any necessary amendments with Amira Jackmon, Attorney at Law, for an amount not to exceed \$70,000 for the development of parking benefit districts in the Lorin business district of South Berkeley and the Gilman district in West Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

The \$70,000 contract will be funded through the General Fund (Fund Code 011-21-208-251-0000-000-446-612990-).

CURRENT SITUATION AND ITS EFFECTS

Staff has completed a procurement process to engage professional consultant services to develop the required documents and framework to create two parking benefit business improvement districts in Berkeley. A Request for Proposals (RFP Specification No. 24-11650-C) for *Lorin and Gilman Parking Benefit District Formation Services* was released on January 24, 2024 and was open through February 22, 2024 (Attachment 1). A selection panel, comprised of two economic development professionals and a Senior Transportation Planner from the Department of Public Works reviewed the proposal responses and recommended Amira Jackmon for an interview. The selection panel evaluated the respondent’s professional references and recommends that the City Council authorize a contract with Amira Jackmon, Attorney at Law, for an amount not to exceed \$70,000 to complete this work. Although the funds would not come from the City Attorney’s Budget, the contract would be executed by the City Attorney, because Amira Jackmon is a licensed attorney and contracts for legal services must be made through the City Attorney’s Office.

BACKGROUND

On March 23, 2021, Councilmembers Bartlett (D3) and Kesarwani (D1) advanced *Agenda Item Number 9: Establish a Parking Benefits District (PBD) in the Adeline Corridor Fiscal Year 2022 Budget Referral, Supplemental 1* which was amended to include the Gilman District and updated to reflect the cost of consulting services for the formation of two parking business improvement districts, passed unanimously was funded in the FY 2022 budget process. In preparation for drafting an effective RFP (Attachment 2) and bringing a consultant on board to form the parking benefit districts, Office of Economic Development (OED) staff with the assistance of a UC Berkeley graduate student intern developed existing conditions reports for both districts, engaged in preliminary research evaluating regional parking benefit district (PBD) policies, and put forth recommended best practices compatible with Berkeley's local context (Attachment 3). It is anticipated that by establishing Parking Benefit Districts in both areas, the City will be able to help support both the Lorin and Gilman Districts by funding supplemental commercial district improvements, providing expanded programming, and increased safety protections with the parking revenue generated through the PBDs. A likely future step in this process, after the establishment of the PBDs, will be the establishment, purchase and installation of additional district parking pay stations and/or meters and increased parking enforcement in these areas.

The Lorin District of South Berkeley is a diverse, artistic, and transit accessible commercial district in the City of Berkeley. The Lorin is home to the South Berkeley Farmers' Market and Berkeley Flea Market, two live theater companies, and a thriving arts and antiques scene. The Lorin Business Association includes businesses, nonprofits, artists, and property owners located along Adeline Street from Ashby Avenue to the Oakland border. The Association seeks to promote economic vitality by promotion of positive business and commercial activity, streetscape improvements and the arts. Outlined in the adopted Adeline Corridor Specific Plan (2020) and in Lorin Business Association's *Vision for South Berkeley* is the goal to establish a Business Improvement District (BID).

The Gilman District of West Berkeley is home to a wide range of businesses, services and amenities that attract visitors from across the Bay Area. The Gilman District, situated in the northwest section of Berkeley, is a dynamic mix of manufacturing, light industry, art studio space, retail, and food establishments. It is also home to recreational sports fields, and an urban farm, that hosts various family and community programs. District events including the annual Gilman Street Fair are supported by the volunteer members of the Gilman District Association.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The proposal by Amira Jackmon, Attorney at Law, was selected based upon the following criteria: project approach, expertise, references, cost, and sustainable business practices.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Kieron Slaughter, Office of Economic Development, (510) 981-2490

Attachments:

1: Resolution

2: Selected Pages: *Request for Proposals (RFP) for Lorin & Gilman Parking Benefit District(s) Formation Services*, January 2024

3: Client Report: *Adeline Corridor Parking Benefit District, prepared for the City of Berkeley*, Pierce Abrahamson, UC Berkeley Masters in City Planning, September 2021

RESOLUTION NO. ##,###-N.S.

CONTRACT WITH AMIRA JACKMON FOR LORIN AND GILMAN PARKING BENEFIT DISTRICT FORMATION SERVICES

WHEREAS, the Adeline Corridor Specific Plan (2020) calls for the establishment of a Business Improvement district (BID); and

WHEREAS, the Lorin Business Association's *Vision for South Berkeley* includes the establishment of a BID; and

WHEREAS, the Adeline Corridor Specific Plan (2020) seeks to ensure private and public realm improvements and programming enhance the identity of the Adeline Corridor and the pedestrian and retail environment; and

WHEREAS, the Council Item: *Establish a Parking Benefit District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral* (March 23, 2021) called for the establishment of a Parking BID for the Lorin District to support the Lorin Business Association to implement a goal of the Adeline Corridor Specific Plan and to finance and support neighborhood improvements in South Berkeley; and

WHEREAS, the same Council Item, revised: *Establish Parking Benefit Districts in the Adeline Corridor and Gilman District and Refer Funding to the Fiscal Year 2022 Budget Process* (March 23, 2021) called for the establishment of a similar Parking BID for Gilman district in Northwest Berkeley in order to finance and support neighborhood improvements including but not limited to landscaping, cleaning, events, marketing and promotion of the commercial areas, and other potential enhancements in South and West Berkeley; and

WHEREAS, a Request for Proposals (RFP) for Lorin and Gilman Parking Benefit District Formation Services was released on January 24, 2024 and was open through February 22, 2024; and

WHEREAS, a selection panel, reviewed the qualifications and references for the RFP respondents and recommends Amira Jackmon, Attorney at Law to complete the formation of two parking BIDs in both the Gilman and Lorin Districts; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Amira Jackmon, Attorney at Law, for *Lorin and Gilman Parking Benefit District Formation Services* for amount not to exceed \$70,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

REQUEST FOR PROPOSALS (RFP)
Specification No. 24-11650-C
FOR
LORIN & GILMAN PARKING BENEFIT DISTRICT(S) FORMATION SERVICES
PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY

Dear Proposer:

The City of Berkeley is soliciting written proposals from qualified firms and or individuals specializing in the formation of Parking Benefit Districts (PBDs) for the Lorin and Gilman business districts pursuant to Section 36600 et seq. of the California Streets and Highways Code, also known as the Property and Business Improvement District (PBID) Law of 1994 (the “Act”). The City seeks to contract with a consultant that reflects, understands and values the diversity of the City’s constituency and values. The study area is inclusive of commercial, mixed-use residential, residential, industrial, transit and municipal parcels including and adjacent to the Ashby BART Station in the Adeline Corridor Specific Plan area and in the Gilman District near I-80 and San Pablo Avenue (see Reference Exhibits A&B, *Proposed District Map*). As a Request for Proposal (RFP), this is not an invitation to bid and although price is very important, other factors will be taken into consideration.

I. INTRODUCTION

The City of Berkeley is considering proposals from firms specializing in the formation of Parking Benefit Districts (PBDs) for the Lorin Business District and Gilman Business District (“the Districts”) pursuant to Section 36600 et seq. of the California Streets and Highways Code, also known as the Property and Business Improvement District (PBID) Law of 1994 (the “Act”). Parking Benefits Districts (PBDs) are defined geographic areas, typically in commercial areas or along commercial corridors in which a majority of the revenue generated from on and off-street City owned parking facilities within the district is returned to the district to finance neighborhood improvements, programing and activities. In Parking Benefit Districts, a Parking District Board or Advisory Committee can utilize a percentage of parking revenues generated within the district to make neighborhood improvements that improve quality of life, implement or maintain infrastructure and increase neighborhood safety. The study areas consist of various commercial, residential and light industrial parcels as outlined in the attached Lorin Business District map (Exhibit A) and Gilman Business District map (Exhibit B). In December 2020, the Berkeley City Council adopted the Adeline Corridor Plan which includes the goal to “...*explore the potential to establish Business Improvement District(s) [in the study area]*”.

The purpose of this request for proposal document is to work with the City of Berkeley to establish two separate Parking Benefit Districts (PBDs). Tasks will include:

- a. Development of detailed PBD boundary maps, in both PDF, GIS shapefiles and other formats required by the city Engineering Department.
- b. Accompanying preparation of an “Engineering Report” for each district produced in accordance with Section 36600 et seq. of the California Streets and Highways Code, also known as the Property and Business Improvement District (PBID) Law of 1994 (the “Act”).
- c. Estimate of Revenue (annual) for each district, based on current and projected parking capacity and revenues
- d. Recommendation of initial establishment term (5 or 10 years), management structure, and organizational implementation plan and relevant by law creation for each PBD’s governing body.
- e. Production of two separate Management District Plans (one for Gilman and one for the Lorin), with the method and basis of assessment for each articulated in accordance with Section 36600 et seq. of the California Streets and Highways Code, also known as the Property and Business Improvement District (PBID) Law of 1994 (the “Act”).
- f. Accompanying drafting of PBD establishment documents, including council resolutions, and public hearing materials including public notification documents (including mailing lists) in accordance with relevant regulations.

II. SCOPE OF SERVICES

The goal of this contract is to retain professional services to assist in the research, document preparation, and legislative efforts required to establish two new parking benefit districts in Berkeley starting in calendar year 2025.

Tasks & Preparation:

The specific tasks may include (but are not limited to, and may not necessarily include all of) the following phases and activities:

Phase I:

- Phase I reflects the initial assessment of creating the PBD. This will include, but is not limited to, reviewing meeting materials, touring site areas, developing a project timeline with tasks and associated costs.

Phase II:

- Phase II reflects the analytical work, reviewing and understanding the services, budget development, parking areas to be assessed, and quantifying the general and special benefits, drafting the management district plan for review and consideration by the Lorin Business Association and Gilman District Association respectively.

Phase III:

- Phase III reflects the legal process to establish the PBD. This will include, but is not limited to, the development of ordinances, the Management Plan, the Engineer's Report, and then concluding with the City Council Agenda Report and associated public hearing documents.

Preparation

- Proposers are encouraged to review relevant reports, plans and policies, both those in process and adopted.
- Proposers are encouraged to propose any additional phasing, or project elements they believe will improve the desired project outcome.
 - Phasing in the Lorin District should be closely aligned with the development of the Ashby BART station and the closure of the two existing BART owned public parking lots at the Ashby BART station (anticipated Fall 2025).
- Proposers shall analyze a strategy that retains revenue from Residential Parking Permits and long-term parking passes within the plan areas.
- Proposers are expected to prepare for and attend public hearings and make presentations as needed (not to exceed 8 public meetings).
- Provide final relevant documents, including native file formats including the Management Plan, Engineer's Report, revenue projections, mailing lists, etc. All documents relevant to the establishment of each district should also be packaged in a binder (one per district) and provided in a packaged PDF (print digital format).

In order to promote competition and increase the number of eligible bidders, the RFP should avoid imposing unnecessary requirements or qualifications that unfairly restrict the competition.

Term:

The contract term shall be for a period of 12 months with an option to extend for an additional 12 months at the sole discretion of the City of Berkeley.

Funding Availability:

Up to \$70,000 for the creation of both parking benefit districts.

Client Report: Adeline- Corridor Parking Benefit District

PREPARED FOR THE CITY OF BERKELEY, SEPTEMBER 2021
PIERCE ABRAHAMSON, MCP CANDIDATE, UC BERKELEY 2022

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CHAPTER 1: INTRODUCTION

1.1 OVERVIEW OF PROJECT

As part of the City of Berkeley *Adeline Corridor Specific Plan* (adopted 2020) and by recommendation of the Lorin Business Association (LBA) and other community members, the Berkeley City Council has directed the City Manager to:

“Establish a Parking Benefits District (PBD) in the Adeline Corridor to finance and support neighborhood improvements--such as landscaping, lighting, cleaning, pedestrian, and transit infrastructure, and more--in South Berkeley and refer to the Fiscal Year 2022 budget process \$50,000 for city staff to hire and manage a consultant to assist in the formation and establishment of the PBD (City of Berkeley, 2021).”

In addition to undertaking the above action, another district (Gilman) was added to the referral along with \$25,000 additional dollars to fund the exploration of the development of a companion PBD in the Gilman commercial area, located in Council District 1.

As a first step to satisfy City Council’s direction, the City of Berkeley’s Office of Economic Development (OED) has collaborated with UC Berkeley to enlist the help of a graduate student to research relevant case studies and best practices in establishing a PBD. The findings provided by the student are intended to offer recommendations to the Office of Economic Development and do not express the views of the city of Berkeley.

1.2 OBJECTIVES

The objectives of the student’s research and resulting report are as follows:

- Provide educational background on Business Improvement Districts, Parking Benefit Districts, and the creation of a proposal for the Adeline and Gilman Business districts.
- Propose PBD boundaries based upon recommendations by the LBA and the *Adeline Corridor Specific Plan* of 2020 and the Gilman District council referral of March 23, 2021.
- Present a composite map that includes all existing BID boundaries in the city of Berkeley as well as the proposed PBD boundaries for the Adeline Corridor and Gilman District.
- Consult primary and secondary documentation on the local context of the Lorin neighborhood and Gilman District.
- Research case studies, academic literature, and other sources to acquire a comprehensive understanding of best practices of PBDs in communities comparable to Berkeley.
- Propose preliminary recommendations to the Office of Economic Development to review and consider for their own recommendations to City Council.

1.3 RESEARCH APPROACH

The research for this report was conducted between June 2021 and September 2021. Sources such as academic literature, informational interviews, and primary government documents were prioritized in establishing the factual foundation for this report. Sources such as business improvement district (BID) and business association websites, relevant blogs, social media, local publications were also consulted to provide a nuanced understanding of the socio-political climate surrounding PBDs. While community engagement was not conducted as a part of this research, extensive engagement efforts have been pursued prior by the City of Berkeley on this subject during the drafting (2014-2020) of the *Adeline Corridor Specific Plan* of 2020. The findings of these engagement efforts were heavily drawn upon in the writing of this report's community context and recommendation chapters.

CHAPTER 2: BACKGROUND

2.1 BUSINESS IMPROVEMENT DISTRICTS (BIDs)

Since the 1970s, business improvement districts have become popular public-private organizations leveraged by city and local businesses to promote economic development within a designated geographical zone (Elmedni, 2018). These districts are often funded by property assessment fees or a mix of public and private revenues streams to support business improvement services such as street beautification and area marketing. Cities such as New York City have over 75 BIDs, underscoring the popularity and success of the concept. These organizations already exist in Berkeley, such as the Downtown BID managed by the Downtown Business Association (DBA), Telegraph Business Improvement District (TBID), and the Elmwood Business Improvement District. Residents and visitors alike often recognize their services in venues such as festival sponsors, frequent sidewalk power washing, holiday decorations, or the presence of street ambassadors within these districts.

Policy experts and academics have argued that BIDs are often successful in increasing property values and business sales, beautifying spaces, and creating economic benefits for the community at large (Campagna, 2016). Notwithstanding, some have also noted that BIDs may adversely affect area affordability for low-income residents and small businesses absent appropriate anti-displacement measures and other policy interventions pursued by the city. Moreover, the Policy Advocacy Clinic at Berkeley Law published a report in 2018 that documented BIDs across California often "enact, maintain, and strengthen anti-homelessness laws" in a manner that excludes homeless people from public space (Selbin et al., 2018). Consequently, one of the primary objectives of this report is to provide recommendations for establishing a benefit district that is both responsive and accountable to community needs and disadvantaged groups.

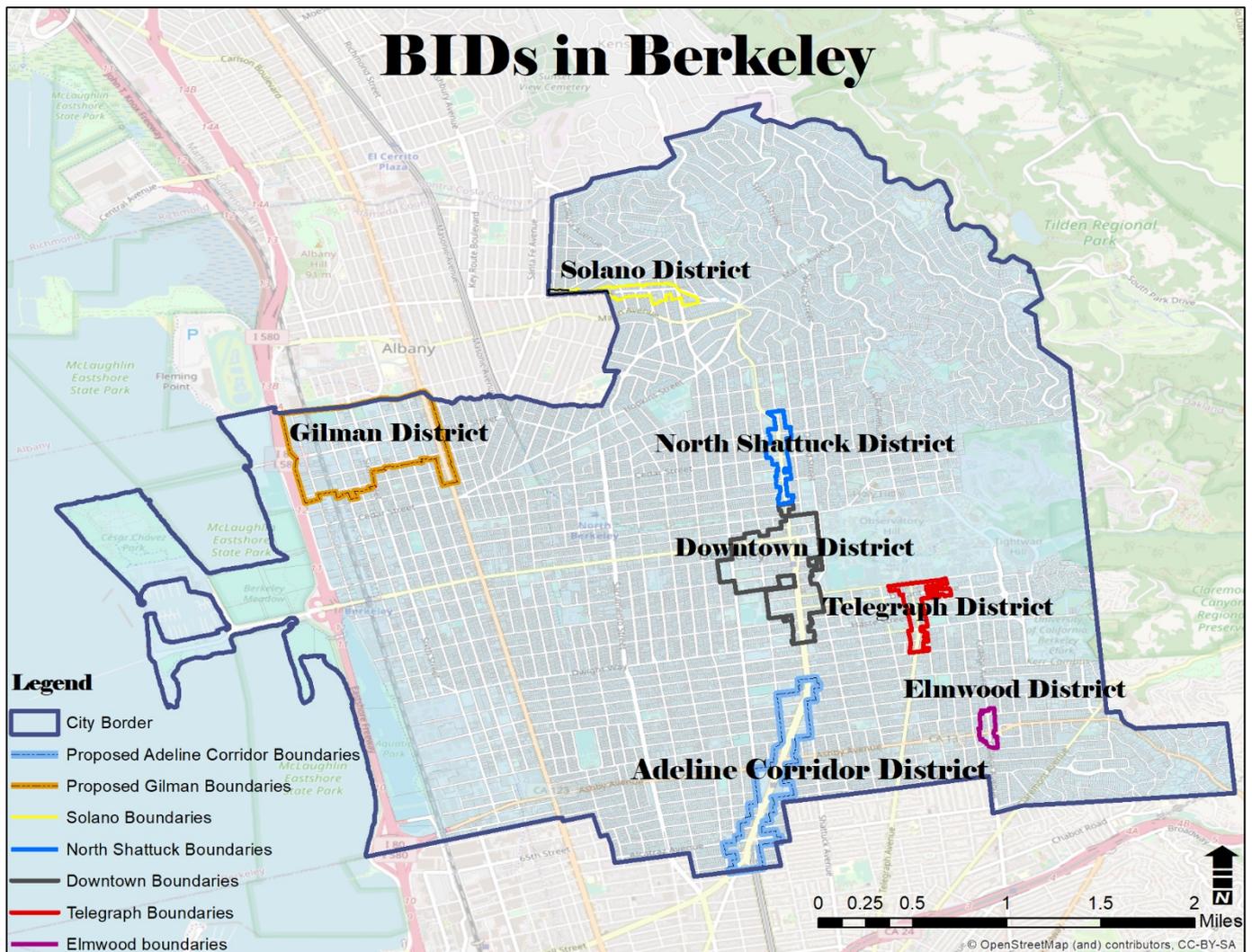
2.2 BIDS IN BERKELEY

There are currently five BIDs in the City of Berkeley. These BIDs are listed below with their corresponding business association (if appropriate):

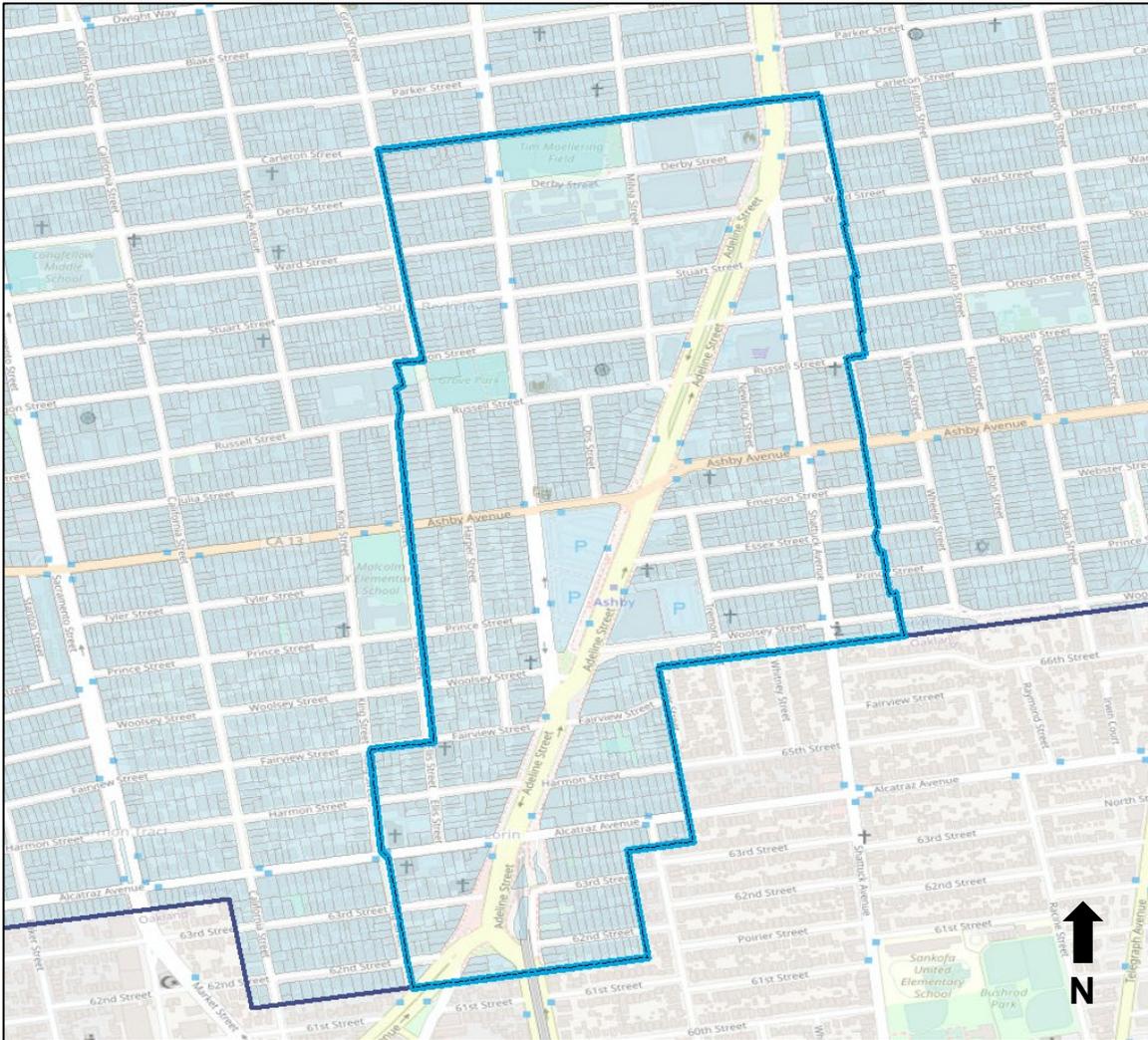
- Downtown Business Improvement District / Downtown Berkeley Association (DBA)
- Telegraph Business Improvement District (TBID)/Telegraph Property and Business Management Corporation (TPBMC)
- North Shattuck Business Improvement District (NSBID)/ North Shattuck Association
- Elmwood Business Improvement District / Elmwood Merchants Association
Solano Avenue Business Improvement District / (Solano BID Advisory Board (fiscal agent is TPBMC)
- Tourism Business Improvement District (Citywide)/ Visit Berkeley

The DBA, NSBID, and TBID are the largest and most well-known BIDs in Berkeley, representing some of the densest and heavily trafficked commercial corridors near UC Berkeley. All five BIDs have played influential roles in shaping the marketing and beautification of their districts and contributed to their areas' success. The map below indicates their locations, as well as the proposed boundaries of the Lorin and Gilman Parking Benefit Districts.

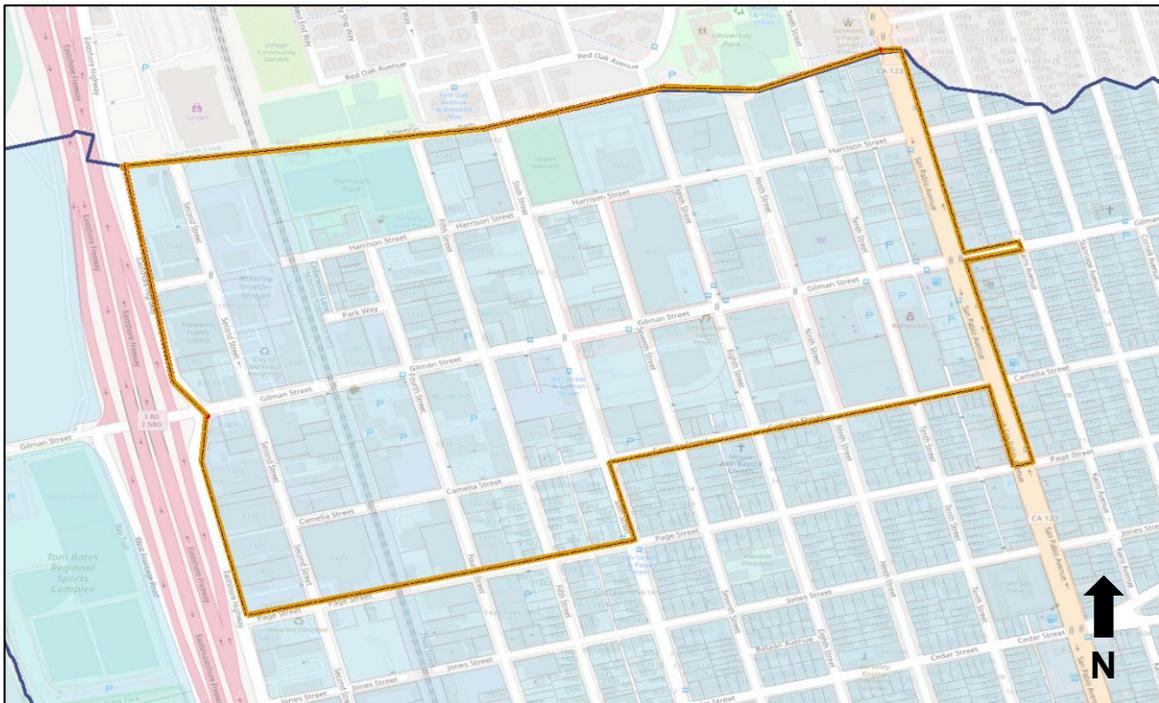
Map of Business Improvement Districts in the City of Berkeley



Proposed Lorin Parking Benefit District Boundary █



Proposed Gilman Parking Benefit District Boundary █



All BIDs in Berkeley are funded by either business license fees (Elmwood/Solano) or property assessment fees (North Shattuck, Downtown, Telegraph) or lodging tariffs on properties with five or more rooms for nightly rental (Toursim), which means that property owners, business license holders, or lodging establishments within the district parameters pay a supplemental fee to support the operations of the business improvement district. This configuration is the most popular across cities in the United States for districts that operate independently from the city. Since the 1990s, however, some cities have implemented and found success with alternate or hybrid BID configurations that provide numerous advantages over the traditional form.

2.3 PARKING BENEFIT DISTRICT (PBD)

One alternative benefit district structure that has become increasingly popular in the last fifteen years is the Parking Benefit District (PBD). PBDs are a flexible tool that combine the benefits of a traditional BID with parking congestion management and revenue generation typical of a parking management district. The initial start-up costs are significantly less than a business license or property-based BID. A PBD often retains the organizational structure and economic development objectives of a BID while administering and collecting a percentage of metered parking revenue in a designated geographical area (Shoup, 2016). This allows PBDs to fund in-demand district projects through parking meter revenues while promoting parking turnover and efficient parking management. For these two primary benefits, the PBD variant of a BID is recommended for both the Gilman and Lorin districts.

The most well-known PBD in California is in Old Pasadena, which has since 1993 been celebrated for its success in revitalizing a once unattractive commercial district into one of the premier shopping and recreational destinations in Southern California. The case study of Old Pasadena is described in detail in chapter 4, alongside other successful examples of PBDs from cities such as Austin, TX and Redwood City, CA.

One of the great advantages of PBDs is that they are flexible and responsive to the local context. Not surprising then, many PBDs look quite different in organizational structure and scale as they are not one-size-fits-all. Most PBDs, such as Old Pasadena and West Campus in Austin, are largely independent non-profit organizations that take a collaborative approach to governance with the city. Others, however, such as Ventura, CA, limit the decision-making authority and governing power of the PBD board to an advisory role.

Likewise, some PBDs are authorized to collect the total revenue generated by parking meters, while some are required to split the revenue with the city or with a capital reinvestment fund. These differences are useful for investigating which elements from each of these case studies would be most appropriate for a future PBD in the Lorin and Gilman district in Berkeley.

CHAPTER 3: CURRENT CONDITIONS

3.1 COMMUNITY CONTEXTS AND NEEDS

The Lorin neighborhood, and its broader urban context, commonly referred to as South Berkeley, is bounded by Sacramento Street to the west, Martin Luther King

Jr. (MLK) Way and Adeline Street to the east, Ashby Avenue to the North, and the Berkeley-Oakland city border to the south on 62nd street. The community is well-known for its diversity, history of activism, and a flourishing arts and theater scene. It is also commonly frequented by visitors due to a thriving food scene, the Berkeley Flea Market, and an annual Juneteenth Festival. With the Ashby BART Station at its center, it is very accessible via mass transit to the greater Bay Area.

The Adeline Corridor, which extends 1.3 miles from the Oakland-Berkeley border on Adeline Street to a portion of Shattuck Avenue, is considered the commercial core of the Lorin District. For over five years, the volunteer Lorin Business Association (LBA) has advocated for establishing a BID for this corridor. The LBA argues that a BID would help bring equitable economic and community development for a neighborhood whose community has been historically neglected and marginalized. LBA members have expressed that a BID could be an opportunity to bridge the gap between the Lorin District and areas of the city with pre-existing BIDs such as neighboring Downtown Berkeley. Furthermore, they indicated it could fund street and neighborhood festivals, beautification efforts, street cleaning, placemaking projects, unhoused outreach, marketing, technical assistance for local businesses, and transit and pedestrian infrastructure enhancements.

Lorin residents during the community outreach processes for the Adeline Corridor Specific Plan have expressed similar sentiments in surveys conducted by city staff. The top three areas survey respondents indicated needing improvement in the Adeline Corridor area are as follows (City of Berkeley, 2017):

1. Enhanced opportunities for affordable housing (37%)
2. Retail, restaurant, and entertainment opportunities (35%)
3. Enhanced public spaces (30%)

During community workshops, residents expanded upon points 1 and 3 above to voice concerns about street cleanliness and additional services for unsheltered residents. Residents expressed support for establishing a BID to meet these needs on the condition that it aligns with community values of equity and compassion for unsheltered/unhoused residents and draws from a representative group of stakeholders such as black business owners and local non-profits.

3.2 PARKING MANAGEMENT

The City of Berkeley operates both a traditional metered parking program and a data-driven, demand-responsive program known as goBerkeley in five commercial districts. The Lorin district is presently in a non-goBerkeley program area, in which parking rates are a flat rate irrespective of localized demand. Furthermore, time limits are short and highly variable, ranging from 30-120 minutes. A sizeable portion of the Adeline Corridor area is unmetered, which provides no incentive for parking turnover nor revenue collection opportunity. Moreover, parking meter revenue that is generated in the area simply goes to solely fund parking enforcement operations.

The Adeline Corridor lacks many of the efficiencies and benefits obtained in goBerkeley areas. In goBerkeley program areas, parking is easier to find, rules are easier to understand, and vehicle cruising and congestion emissions reduced. This is made possible by implementing data-driven, demand-responsive parking rates for an intended 80-85% parking occupancy rate. Parking prices are raised or lowered

according to parking availability patterns by block face such that prices are adjusted until an optimal 10-15% space vacancy rate is achieved. Time limits are simplified by creating uniform two zones (premium and value) and lengthening limits to 2-8 hours to accommodate a variety of users.

The result of such a program is that parking is regularly available at a variety of different price points according to needs, visit purpose, and willingness to walk. This is highly desirable for a commercial district, for those who are shopping or dining can easily find proximate parking at higher-turnover but more expensive spaces. At the same time, workers and commuters can secure long-term, lower-cost parking further out on the off-streets. This contrasts to the typical problem that plagues commercial districts: parking is free but often in frustratingly short supply due to confusing time limits rules or high-occupancy rates by long-term parkers who are successful at playing the “90-minute shuffle (Shoup, 2016).”

The Berkeley City Council has recently approved the authorization of goBerkeley to be expanded to the rest of Berkeley with implementation to follow an incremental, neighborhood-by-neighborhood approach to establish reliable parking demand data and community consultation. As of the time of this report, no such process has yet been conducted for the Adeline Corridor.

3.3 FUTURE PLANS

In December 2020 the city of Berkeley adopted the final *Adeline Corridor Specific Plan* that establishes a new vision for the community over the next twenty years. The plan was developed in collaboration with community stakeholders to work towards creating affordable housing, preventing displacement, facilitating equitable economic opportunity, and improve public spaces. The plan projects a net gain of 1,450 housing units with a target goal of making 50% of these affordable. New housing development in the corridor is expected to be aligned with the city’s mixed-use, transit-oriented goals and thus is likely to be sited near existing local businesses in the Adeline Corridor.

These adopted changes outlined in the Adeline Corridor Specific Plan are pertinent to address as they speak to the necessity of a BID for the district. Projected increases in population and visitor traffic to the neighborhood will require proactive efforts to ensure parking and traffic congestion impacts are mitigated and existing businesses have the resources they need to thrive. In fact, the plan explicitly proposes a “Business Improvement District(s) or similar entity” for such a task. Furthermore, as development at the Ashby BART station gets closer to reality, and demands for parking increase, it’s an opportune time to implement additional parking regulations around the station area to minimize impacts to residents and business owners. Given the neighborhood context, expressed needs, and lessons learned from case studies documented in the next chapter, the Adeline Corridor would greatly benefit from a Parking Benefit District.

CHAPTER 4: CASE STUDIES

4.1 REDWOOD CITY, CA

Downtown Redwood City is a popular location to work, eat, shop, and attend events in Silicon Valley. The city also has been a long-time leader in cutting-edge

parking management, with paid parking meters dating back to the 1950s. In the early 2000s, Redwood City became one of the first to implement a parking benefits district. Their Redwood City Improvement Association (RCIA) and Downtown Redwood City Parking Management Plan are notable for introducing demand-responsive parking rates, eliminating time limits, and continually innovating with advanced wayfinding systems.

The RCIA is an example of a parking benefit district with considerable independent governance. RCIA advisory board has the authority to make expenditure decisions, vote on projects, and manage their own budget. The board consists of business owners, property managers, and city staffers. The district is required to hold public meetings, conduct public outreach during project proposals, and produce annual and financial reports for city council.

The parking district project originated from the conclusions drawn from occupancy surveys carried out by city staff to understand parking patterns, problems, and future impacts and trends in the downtown area (Redwood City, 2005). The city conducted three community engagement workshops with downtown stakeholders during the planning process. The first workshop informed stakeholders about current conditions and the need for a solution and provided a Q&A opportunity. The following workshop introduced a handful of potential proposals to the attendees and discussed the benefits and disadvantages. This workshop included a “game” involving members forming groups and plotting ideas they thought would be best regarding time limits, meter location, pricing, employee permits, etc. In the last workshop, city staff presented their project recommendations and provided an opportunity for idea refinements and suggestions.

The benefit district boundaries grew out of a study conducted during the Downtown Precise Plan, which guides all the development and business activities downtown.

The downtown business association, the chamber of commerce, and other local organizations provided input into this process.

Over the past fifteen years, the RCIA has become recognized as a model parking benefits district, realizing financial success and widespread approval. During the 2018 fiscal year, the RCIA had an operating budget of approximately \$900,000 and collected property assessment revenue in addition to metered parking revenue (RCIA, 2019). With the funds generated, the district has been able to pay for sidewalk operations and beautification (54% of annual budget), district identity and signage (20%), parking management (7%), administrative functions (15%), and other fees (4%). Specific examples of improvements made in the district include LED tree lighting, art installations, a new cutting-edge wayfinding system, bike racks, and more.

When asked about best practices, city staff stressed the importance of managing money/fiscal expectations with stakeholders. When stating return on investment (ROI) figures over a long-term period, it is vital to remind stakeholders that the first few years of operation will not generate ample revenue for major projects. Moreover, they caution against committing money based on projections, as this could create unnecessary tension and distrust if the funds end up not becoming available.

Regarding homelessness programs, city staff recommend “striking a balance”

between business' needs to conduct business and customers' safety with that of the needs of the unsheltered population in the neighborhood. On the one hand, it is necessary to provide outreach solutions that connect unsheltered individuals with social services and build trustful relationships. On the other hand, they state that there will be pressure by businesses to take immediate action on the issue that some in the city may not agree with. They thus advise managing expectations in this regard to find workable solutions for everyone.

Concerning current and future projects, The RCIA and Redwood City are currently implementing a new on-street parking guidance system called Clevercity, following a successful pilot for their parking garages (Clevercity, 2021). This parking guidance system leverages smart sensors and digital signs to provide real-time parking guidance for vehicle travelers. During the pilot study, the city has found that the wayfinding system has effectively distributed occupancy rates across the downtown parking garages. Previously, the most impacted garage would be near max capacity during peak hours, while garages merely a block away would be at 20% occupancy, contributing to visitor complaints of parking space shortage. Both garages now average a 60%-70% occupancy rate. The city expects similar results for their on-street parking occupancy rates once the new system goes live by late august.

4.2 VENTURA, CA

Downtown Ventura is a lively beachside neighborhood with a variety of local retailers, restaurants, and breweries. Its parking benefit district has been live for over a decade. As in Redwood City, parking is mandated by city ordinance to be market rate with an 85% target occupancy rate, and profits generated are required to be utilized only for expenditure within the district's boundaries. Improvement projects funded by the program include street beautification, downtown security, parking lot and alley improvements, sidewalk cleaning, landscape lighting, and area marketing.

The Ventura program is an example of a parking benefit district that is largely operated by the city itself. City council retains final approval over expenditures, advisory board appointments, and decision-making. Furthermore, the district's finances are managed within the city's budget ledgers. However, the Ventura program does feature a Downtown Parking Advisory Committee (DPAC) that provides policy, management, and expenditure recommendations. The board includes seven members from within the district (Ventura, 2008):

- One city resident
- Two business owners or managers
- One commercial proprietor
- One resident recommended by a downtown organization
- Two city residents at large

There are no term limits for board members. However, they are appointed for four years in a staggered fashion.

In the district's formation, the city conducted two community outreach workshops and has made over ten presentations to over a hundred stakeholders. In the beginning, there was a sizeable opposition block to metering the downtown area out of fear of driving away business. The city took the following actions to gain

public buy-in:

1. Marketed the program as a city effort to find money for neighborhood investment and emphasizing that all profits generated will be used within the district boundaries. One example includes printing a list of improvements the revenues fund on the back of each paid parking ticket.
2. Launched a kick-off campaign during launch week. City employees and officials were stationed downtown to guide visitors and businesses and hand out free parking vouchers and brochures.
3. Set initial parking rates below market rate; pricing was gradually increased to market rate over time. The city made this choice believing that it would help get the public habituated to paying for parking.

The program as a result has been broadly popular and accepted by neighborhood residents and businesses.

Initially, the district borrowed \$875,000 from other city programs to pay for parking meters and wayfinding signage (Ventura, 2008). This number was determined by a fiscal impact analysis that considered fixed and variable costs such as meter installation, operating expenses, and estimated annual revenue. According to city reports, it took five years for the district to pay off this loan. For the next five years, the parking district has been profitable, generating on average \$50,000 per month. Since the COVID-19 pandemic, however, the district has lost money, generating only \$80,000 for the entire fiscal year (Ventura, 2021).

Although revenues have somewhat recovered in recent months, city staff have indicated that forecasting remains a difficult task. They state that besides the volatile nature of the pandemic, questions that have a significant bearing on the profitability and availability of premium parking space, such as the future role and place of street closures and parklets remain unanswered. As a result, the parking district is deliberating whether to push the premium price map outwards towards additional side streets and parking structures to stabilize revenues and afford a new parking structure.

4.3 PASADENA, CA

Old Pasadena is one of the most successful and well-known parking benefit districts. Since the founding of its PBD in 1993, it has transformed into a cherished public space and regional shopping destination thanks to metered parking. The Old Pasadena Business Improvement District (OPMD) of 21 square blocks has been able to increase sales tax revenues for the city, increase foot traffic for businesses, and fund street beautification and marketing projects such as tree plantings, historic lights, and special events (Streeter, 2004).

During the 2015 fiscal year, the OMPD brought in \$1.7 million in revenue and had a budget of \$1.3 million. 71.2% of overall spending went towards beautification and safety features, 13.6% on marketing, and 15.2% on administration (OMPMD, 2016). Over half of the revenue collected came from property assessments (over \$1 million), though contract revenue from the city and parking management fees were also considerable revenue sources. The district sets aside around 12% of its operating revenue for emergency reserves.

Like the Redwood City RCIA, The OMPD operates as a non-profit organization with independent decision-making and budgetary authority. The OMPD must produce annual reports, financial statements and be renewed by ballot measure every ten

years. The OMPD also has a 17-representative advisory board that includes property owners, business owners, and residents within the district boundaries (Pasadena, 2015). The BID boundaries are subdivided into separate districts according to each area's specific characteristics and needs, which affect how much assessment is collected and which services are provided. Some of the higher-need services include more frequent power washing of streets and trash collection, the number of street ambassadors, and additional security. The district currently employs five staff members.

Relative to other PBDs and BIDs, the OMPD invests a considerable amount in programs for unsheltered persons. In addition to holding numerous fundraising drives for unsheltered persons, the OMPD contracts with Block by Block to provide outreach services. According to one training brochure, the organization has the following goals: relationship building, earning trust, and connecting persons to social service providers. Block by Block (BBB) outreach specialists are expected to attend community meetings and follow through with service providers to ensure the persons they've connected with receive the support they need. They also provide immediate support through referral guides, hygiene kits, and transportation assistance. Notwithstanding, BBB has a mixed history on delivering long-term beneficial services according to homeless feedback surveys (Selbin et al., 2018). Likewise, BBB is often criticized for violating privacy rights and aggressive reporting of panhandling and instances of sidewalk blocking to the police.

4.4 AUSTIN, TX

The city of Austin has experienced remarkable success with parking districts, with over four in total to date. During year one, the city's first PBD pilot program in West Campus was able to measurably reduce traffic congestion, generate over \$163,000 in revenue, fund over \$40,000 in street and beautification enhancements. After five years as a pilot program and earning substantial popularity and dollars, city council passed ordinances to render the parking district permanent and allow other neighborhoods to apply for their own program (Austin, 2015).

The city utilizes two different parking management programs: Parking Benefit Districts (PBD), and Parking and Transportation Management Districts (PTMDs). Per city ordinance, PBDs have a 96-parking space minimum requirement and must be operated by an independent non-profit. Additionally, they have a limited selection of what money can be spent on. PTMDs, in contrast, have less stringent parking space minimum requirements, provide more flexibility to earmark money for transportation services, but must be managed by the city. There is currently one PBD in Austin and three PTMDs.

Parking districts in Austin take a collaborative governance approach with the city and are permitted a certain degree of independence in decision making and reporting. Parking district advisory boards are led by local businesses and residents and can make budgetary decisions up to a \$61,000 threshold without council approval. Furthermore, annual reports are not required unless requested by council. Notwithstanding, finances are still managed within the city's books, and the parking districts gain only 51% of parking meter revenues after operating expenses.

The city typically reaches out to neighborhood associations, local business organizations, and core establishments to solicit feedback to establish BID

boundaries. City staff often leverage GIS services to determine who they should reach before engaging in such discussions. In the downtown Austin program, the local business association submitted a BID boundary application that, with a few adjustments, became the official BID boundary for the district.

Austin parking districts feature a split profit model, where 51% of the revenue goes to the parking benefit district and 49% goes into a capital investment fund. While an “all profits remain in the district” model is more often pursued, city staff has expressed that the Austin model provides additional financial stability and the capacity to fund essential parking programs that aren’t profitable. Through the capital investment fund, the city has been able to appropriate over 2 million dollarsworth of new sidewalk for the West Campus district, 3 million dollars in “Great Street” funds, and pay for essential staff and services such as engineers and rentals. The West Campus PBD currently employs two part-time staffers and one full-time.

During the pilot program for the west campus PBD program, the city successfully applied for a \$43,000 grant from the EPA’s Mobile Source Outreach Assistance Program for reducing car emissions in 2005. While the EPA no longer offers this specific grant, it serves as a reminder to never discount shopping around for grant funding to help offset initial program startup costs.

When asked about best practices, city staff provided similar advice to that of Redwood City, underscoring the importance of managing the financial expectations of stakeholders. Important lessons include, “the bank account needs building time; the need for city staff during the first few years will be minimal.” Furthermore, big projects on the scale of what is being accomplished by more established districts will not be possible in the first few years, and thus it is critical to communicate this with the public clearly.

CHAPTER 5: RECOMMENDATIONS

5.1 PRIORITIZE GoBERKELEY IMPLEMENTATION IN THE ADELINE CORRIDOR AND THE GILMAN DISTRICT

Implementing a sophisticated parking management strategy such as goBerkeley that would include sufficient metered parking with a demand-responsive pricing structure is a prerequisite for establishing a PBD. Without the installation of additional meters and flexible dynamic market-rate pricing, the financial health of the proposed PBD will be compromised. This report recommends prioritizing an expedited timeline for incorporating the Adeline Corridor including the Lorin District and Gilman District into the goBerkeley program prior to a go-live date for the proposed PBD.

5.2 IDENTIFY FORMATION COST OF THE PBD AND ONGOING CITY STAFF ENGAGEMENT LEVEL

Identifying how much and where the initial seed money will be sourced is a crucial preliminary step for establishing a PBD. This should include conducting a fiscal impact analysis that includes considerations such as procurement and installation

of additional parking meters, signs, administrative costs, ongoing maintenance costs and lifecycle management, and revenue forecasting. Likewise, determining where money will be appropriated from and in what form (i.e. loan) is an important decision likely to involve considerable deliberation. The city should also consider how many city employees and hours to allocate as a liaison to the PBD, once it is established.

5.3 CREATE A PARKING BENEFIT DISTRICT

This report recommends establishing a parking benefit district (PBD) in the Adeline Corridor and Gilman District. PBD suggested boundaries are indicated in the map below:

5.4 ESTABLISH A NINE-PERSON EXECUTIVE BOARD THAT IS REFLECTIVE OF THE DIVERSE COMMUNITY IT REPRESENTS

The PBD in the Adeline Corridor and Gilman District is recommended to be governed by a nine-person executive board that reflects the diverse community it represents. Prior community engagement efforts indicate that Lorin residents believe voices from black business owners, local non-profits, and non-business or property-owning residents should be particularly elevated. The same approach and goals are suggested for the Gilman District as well. The city and PBD should strive to make every effort possible to ensure diversity in governance is achieved. Moreover, the 9-person board seating is recommended as follows:

- One city staff member
- Two business owners or managers from the district
- One commercial proprietor from the district
- One non-managerial worker from a local business
- One person employed by or recommended by a PBD district non-profit
- Two residents from the Lorin and Gilman District neighborhood (up to ½ mile from the PBD boundary)
- One city resident at large

The city should additionally consider whether term limits shall be implemented as well as term duration. Term limits are not universally common; board appointments tend to range from four to five years at a time for BIDs.

5.5 STIPULATE FINANCIAL, GOVERNANCE, AND EQUITY ACCOUNTABILITY MEASURES

Given that PBDs and other BID-like entities receive and provide similar benefits as ones, they should be held to comparable standards of a public agency. Scholars such as Briffault (1999) and Becker (2012) have argued that it is possible to hold BIDs politically accountable when their host city stipulates appropriate requirements to ensure democratic and transparent outcomes. As such, this report recommends the following criteria for the Adeline-Corridor and Gilman District PBD:

- Hold open meetings that are accessible to the public with reasonable notice Meeting agendas and minutes must be made readily available online
- Board members must be appointed by a City Councilmember. Exception for the city employee member, who is instead appointed by the City

Manager

- The PBD must include board members from underrepresented communities comparable to what is mandated by SB 826 and AB 979
- Publish annual budget and financial statement
- Follow civil service rules and public purchasing regulations
- Publicly post jobs, pay scales, and public notice of procurements
- Disclosure of pay levels for employees and public procurement processes
- The PBD is prohibited from financing public advocacy. This includes the financing or endorsing of public candidates and ballot measures.
- Contract with the city of Berkeley must be renewed every ten years

5.6 INSTITUTE A 70-30 PROFIT-SHARING MODEL

This report recommends instituting a 70-30 profit-sharing model, in which 70% of total revenues after accounting for maintenance costs are left to the discretionary spending of the PBD for local district improvements. The other 30% should be split two ways: 20% for a capital reinvestment fund administered by the city, and the remainder 10% for emergency reserves. This allocation scheme is informed by substantial research and informational interviews regarding long-term sustainability of PBDs and common financial liabilities for host cities. The 20% capital reinvestment fund allows the city to recuperate costs on critical infrastructure investments, including the lifecycle management of the parking meters. Meanwhile, the 10% emergency fund, as modeled by the city of Pasadena, protects the financial health of the PBD during emergencies such as natural disasters or global pandemics. This is especially critical given metered parking revenues are highly variable.

5.7 EXPLORE ALTERNATIVE FINANCING OPPORTUNITIES

Metered parking fees and the possibility of collecting property assessment fees are not the only two avenues for revenue generation. Some cities such as Austin have successfully secured EPA grant money for their PBDs because of their emission reduction objectives. While the specific grant program they applied to is no longer active, other federal and state funding sources likely exist as potential revenue sources for the city to explore.

Another potential avenue for PBD funding in the future could be paid EV charging stations. EV charging stations on parking spaces seldom charge a user fee for such a service, despite using city utility resources. The city of Berkeley and the proposed PBD could pioneer such a shift as a source of revenue generation for ongoing PBD revenue. While conversations with hypothetical vendors indicate that such a technology is still conceptual, it may be an opportunity worth exploring in the years to come.

5.8 EARN COMMUNITY TRUST THROUGH FREQUENT ENGAGEMENT, EDUCATION, AND EXPECTATION MANAGEMENT

The City of Berkeley and the proposed PBD leadership should make every effort to earn community trust through frequent educational efforts, stakeholder engagement, and transparent dialogue that manages expectations. The advantage of a PBD, after all, is to provide hyper-local governance opportunities and targeted service

delivery to district stakeholders who understand the on-the-ground needs, so community members must be offered frequent input opportunities to shape the vision of the program. Likewise, many residents and some businesses may not become aware of the formation and objectives of a PBD. Educational efforts should be made to ensure engagement efforts are fruitful.

One particular point stressed by all the case study interviewees is that the city needs to manage stakeholders' expectations of what a PBD can and can't do. For example, city staff should clearly outline the difference between initial and long-range ROI projections with the public to avoid misunderstandings about financially feasible projects during the initial years. Such misunderstandings can prove fatal for public opinion and trust in the PBD.

5.9 PROHIBIT DISCRIMINATORY AND EXCLUSIONARY PRACTICES AND POLICY ADVOCACY

Feedback provided by residents during the Adeline Corridor community engagement sessions signaled that diversity, inclusion, and compassion are treasured values of the Lorin District and greater Adeline Corridor community. Concerns about discrimination and exclusionary practices of marginalized peoples, especially those who are unsheltered, were especially elevated during talks of a potential BID for the Adeline Corridor. City council, staff members, and future BID board members should take such concerns seriously.

This report recommends the city to deny PBD proposals that include provisions for policy advocacy and policing activity. Such activities not only create legal liabilities if the PBD decides to pursue property assessment fees (Golden Hill Neighborhood Assn. v. City of San Diego, 2011), but often contribute to the exclusion and harassment of unsheltered persons from public spaces. State law allows cities to disestablish BIDs if a "misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district" is to be found (AB944, 1994). The city should establish expectations within contracts with the PBD's non-profit entity and restrict inter-agency collaboration with the PBD that would result in discriminatory and exclusionary practices.

5.10 EXPLORE MORE INTUITIVE WAYFINDING STRATEGIES FOR PARKING

The City of Berkeley has a long-standing reputation as a challenging place to secure parking. This reputation has endured irrelevant of actual parking availability figures and investments in additional parking spaces and garages. While a significant contributor of this is the result of the slow adoption of a demand-responsive parking management program such a goBerkeley program citywide, a confusing wayfinding system for drivers is also a sizeable part of the story. This report recommends the city and proposed PBD to explore wayfinding strategies such as those modeled by Redwood City to assist drivers in locating some of the less obvious available parking spaces. This will more evenly distribute parking occupancy across zones and parking infrastructure and reduce congestion and the emissions resulting from vehicle cruising.

CHAPTER 6: CONCLUSION

A Business Improvement District in the Adeline Corridor has been long-awaited by Lorin businesses and residents alike. Not as long in the making, but still very much desired, the Gilman district could also benefit from a PBD. Considering the economic opportunities and general benefits generated by BIDs in neighboring commercial corridors such as Downtown Berkeley, it is not hard to see why. This report advocates for the PBD variant of a BID as it can fund district projects without financial burden to small businesses and provide parking management to accommodate the neighborhood's projected growth.

This report would not be complete without restating that a PBD is a relatively recent tool that has been criticized in some pioneering cities for falling short on financial, governance, and equity accountability. Substantial effort has been made to investigate both the causes and potential mitigating solutions documented in the academic literature and case studies. The recommendations in chapter five are therefore shaped by this engagement to provide a blueprint for a PBD that better satisfies the shared values and objectives of the Lorin and Gilman District communities. While a first step, these recommendations are expected to be continually refined with active engagement of community stakeholders over time as each district's needs adapt and evolve.

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