

14-1303

TRANSPORTATION

MOTION

The recent development of new "predatory" parking apps, which allow mobile phone users to squat on public parking spaces and auction them off to the highest bidder, threatens to further reduce the availability of street parking in many Los Angeles neighborhoods that already suffer from too few parking options. Already these mobile apps have been used in other cities to sell off valuable public parking spaces in the private marketplace, and by rogue companies that hire "spotters" to drive around parking-impacted areas, occupy prime parking spaces, and sell them.

The City of San Francisco, where these startup companies began the launch of their mobile parking apps, is fighting back. The San Francisco Police Code specifically prohibits the buying and selling of public street parking spaces. This allowed the city to issue cease and desist letters to offending software companies, arguing that the apps created "a predatory private market for parking spaces" and encouraged drivers to pay attention to bidding wars taking place on their phones instead of keeping their eyes on the the road. Since the letters were issued, all predatory parking app companies have halted operations in San Francisco.

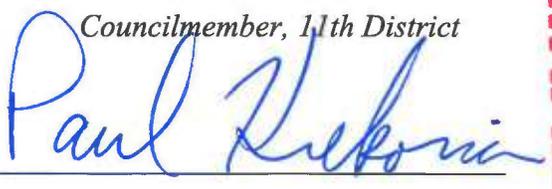
Recently, MonkeyParking, one of the predatory parking app companies, has announced plans for a relaunch in the City of Santa Monica and the City of Beverly Hills, with further plans to expand to other parts of Los Angeles County.

Over the past several years, the City of Los Angeles has spent millions of dollars on new technology, particularly through the installation of smart parking meters, to expand access to and construct a demand based pricing system for on-street parking. The use of predatory parking apps that auction public parking spaces undermines the work the City has done to create a more equitable parking system for all users, and acts to further reduce the availability of parking spaces in neighborhoods throughout Los Angeles. The City should not allow private individuals to profit from selling off on-street public parking spaces, and should act now to protect Angelenos from this predatory practice.

I THEREFORE MOVE that the Council request the City Attorney to prepare and present an ordinance amending the Los Angeles Municipal Code to expressly prohibit the buying and selling of public parking spaces in the City of Los Angeles.

PRESENTED BY 
MIKE BONIN

Councilmember, 11th District

SECONDED BY 


SEP 24 2014

ORIGINAL

TRANSPORTATION COMMITTEE REPORT relative to prohibiting the buying and selling of public parking spaces in the City of Los Angeles.

Recommendation for Council action, as initiated by Motion (Bonin – Krekorian):

REQUEST the City Attorney to prepare and present an ordinance amending the Los Angeles Municipal Code to expressly prohibit the buying and selling of public parking spaces in the City of Los Angeles.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

On September 24, 2014, Council considered Motion (Bonin – Krekorian) relative to prohibiting the buying and selling of public parking spaces in the City of Los Angeles. Motion states that the recent development of new predatory parking apps, which allow mobile phone users to squat on public parking spaces and auction them off to the highest bidder, threatens to further reduce the availability of street parking in many Los Angeles neighborhoods that already suffer from too few parking options. Already these mobile apps have been used in other cities to sell off valuable public parking spaces in the private marketplace, and by rogue companies that hire spotters to drive around parking-impacted areas, occupy prime parking spaces, and sell them. Motion makers believe that the City should not allow private individuals to profit from selling off on-street public parking spaces, and should act now to protect motorists from this predatory practice. Council referred Motion to the Transportation Committee for consideration.

At its meeting held October 8, 2014, the Transportation Committee recommended that Council approve Motion's recommendation to request the City Attorney to draft an ordinance to prohibit the selling of on-street public parking spaces for private profit.

Respectfully Submitted,

TRANSPORTATION COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
BONIN:	YES
KORETZ:	YES
LABONGE:	YES
PARKS:	YES
KREKORIAN:	YES

jaw

-NOT OFFICIAL UNTIL COUNCIL ACTS-

ORDINANCE NO. _____

An ordinance adding a new Section 80.73.3 to Chapter VIII, Division N of the Los Angeles Municipal Code to prohibit the selling, leasing, reserving or facilitating the reserving of any street, way, alley, highway, road, parkway, parking space or other public space in the City of Los Angeles without authorization from the City.

The City finds and declares the following:

WHEREAS, the use of mobile technology has increased in recent years and is now widely used for everyday transactions, including parking transactions;

WHEREAS, the City welcomes the use of innovative technology to improve residents' and visitors' experiences in using public ways in the City;

WHEREAS, the Los Angeles Department of Transportation and the Los Angeles Police Department have the authority to regulate street traffic and movement, stopping or standing of vehicles on, and their exclusion from, any and all public ways, including parking spaces, under the control of the City;

WHEREAS, the City must ensure that all residents and visitors have equal and fair access to the use of public ways; and

WHEREAS, the City has determined that the selling, leasing, reserving or facilitating the reserving of any portion of the public ways, including parking spaces, under the City's control by any person or entity not authorized by the City could impede such equal and fair access.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 80.73.3 is added to Chapter VIII, Division N of the Los Angeles Municipal Code to read as follows:

**SEC. 80.73.3. SELLING, LEASING, RESERVING OR FACILITATING THE
RESERVING OF PUBLIC WAYS – PROHIBITED.**

(a) No person or entity other than the City of Los Angeles and any of its departments or designees shall have the authority to sell, lease, reserve or facilitate the reserving of any street, way, alley, highway, road, parkway, parking space or other public space in the City of Los Angeles without written authorization from the City.

(b) **Penalties.** Any person violating this section shall be subject to the following penalties:

1. **First violation.** A first violation of this section shall be an infraction punishable by a fine in the amount of \$250.

2. **Second and subsequent violations.** A second violation and all subsequent violations shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including prosecution as an infraction punishable by a fine in the amount of \$500, or prosecution as a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. **Violations.** The following constitutes a violation for purposes of this section: a conviction for violation of this section, a conviction under Penal Code Section 853.7 for failure to appear in court to contest a citation for violations of this section, or a forfeiture of bail.

4. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this section is committed, continued or permitted by that person, and shall be punishable accordingly.

(c) **Severability.** If any subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Michael D. Nagle
MICHAEL D. NAGLE
Deputy City Attorney

Date 11/3/17

File No. _____



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 3 9 9

NOV 0 3 2014

REPORT RE:

**DRAFT ORDINANCE ADDING A NEW SECTION 80.73.3 TO CHAPTER VIII,
DIVISION N OF THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT THE
SELLING, LEASING, RESERVING OR FACILITATING THE RESERVING OF ANY
STREET, WAY, ALLEY, HIGHWAY, ROAD, PARKWAY, PARKING SPACE OR
OTHER PUBLIC SPACE IN THE CITY OF LOS ANGELES WITHOUT
AUTHORIZATION FROM THE CITY**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance adds a new Section 80.73.3 to Chapter VIII, Division N of the Los Angeles Municipal Code to prohibit the selling, leasing, reserving or facilitating the reserving of any street, way, alley, highway, road, parkway, parking space or other public space in the City of Los Angeles without authorization from the City.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Transportation with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael D. Nagle at (213) 978-8141. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:MDN:ac
Transmittal