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Bag Ban and Private Parking Enforcement at City Council

By Cathy Tyson

Two controversial subjects - should the city make its own rules on banning plastic bags and can private parking lots have meters - were discussed at the Oct. 14 Lafayette City Council meeting. Gov. Jerry Brown recently signed into law SB270, which prohibits larger stores from providing single-use plastic bags, and imposes a minimum 10 cent charge to purchase a recycled paper bag or compostable bag throughout California as of July 1, 2015. If Lafayette acts prior to Jan. 15, the deadline for the pre-emption provision, the city reserves the right to adopt its own, potentially stricter, rules.

Using Walnut Creek as a model, the Environmental Task Force has been monitoring the issue, and presented the options to the council: Do nothing and stick with the new state regulations, or like many other jurisdictions have done, adopt customized rules.

The key concern was whether to mandate that merchants charge a fee for providing bags, or leave it up to the 16 establishments that will be affected by the new rules - four grocery stores, 7-11, Wine Thieves and Jackson's Liquors, convenience stores located within gas stations and one restaurant, Chow - to decide to charge or not to charge.

Council Member Brandt Andersson suggested the state statute is "in-artfully worded." With only three of the five city council members in attendance, it was decided to draft a local ordinance following the Walnut Creek model, with two options - one with a minimum charge per bag and one without, and discuss the matter at the next council meeting when all are in attendance.

"Parkers are smart and desperate people," said Council Member Mark Mitchell discussing the next item on the agenda, Ordinance 636 - private parking facility regulation. With several successful businesses in and around La Fiesta Square, including The Cooperage, American Kitchen, Chow and Roam Burger, along with numerous other popular establishments, the parking situation is "untenable," said Steve Cortese of Cortese Investment Company, which owns the property.

The new ordinance, if adopted, would allow for 225 coin and credit card operated parking meters, and an enforcement mechanism for those who don't feed the meter - which would be in the form of an invoice. The word "citation" isn't an option because the infraction would be documented by a private company, not by the police.

The ultimate goal of the ordinance is to provide convenient, no-hassle parking for customers by increasing stall turnover and strongly discouraging employee and BART parking.

"We have reached a tipping point," said Chamber of Commerce executive director Jay Lifson, describing the popularity of businesses and the increasing pressure on parking. A petition was signed by 16 of the businesses at La Fiesta Square unanimously supporting the move.

Working with police chief Eric Christensen, research was completed to clarify what rules govern private property, and what options are available to land owners. Walnut Creek, Concord and Pleasant Hill all have this type of ordinance on the books.

A significant amount of oversight is included in the language of the ordinance, including dispute resolution, clearly defined hours of enforcement, and a reasonable invoice amount, \$25, along with a quarterly review of the situation.

The new ordinance passed on a unanimous vote; it will be continued to the Oct. 27 meeting for second reading and adoption. The ordinance will be effective 30 days after its adoption.

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