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OFFICE OF THE CITY CLERK  
OAKLAND

2009 JUN 11 PM 4:00  
**CITY OF OAKLAND**  
**AGENDA REPORT**

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Department of Human Services  
DATE: June 23, 2009

RE: **Supplemental Report Responding To Questions Raised By The Life Enrichment Committee Regarding The Establishment Of Parking Permits For Users Of The Veterans Memorial Building, And The Potential For Generating Parking Fee Revenue At The Facility During Evening And Weekend Hours**

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**SUMMARY**

At the Life Enrichment Committee (LEC) meeting on May 12, 2009, the Committee had several questions about the Ordinance to restrict parking at the Veterans Memorial Building. Staff has prepared the following responses to the issues raised in Committee. This report also provides an analysis of the parking usage at the Veterans Memorial Building, discusses the administrative costs associated with the proposed issuance of permits, and addresses opportunities for generating parking revenue at the facility during evening and weekend hours.

**FISCAL IMPACT**

There are no General Purpose Fund revenue impacts associated with this Supplemental Report.

**RESPONSES TO QUESTIONS RAISED BY PUBLIC SAFETY COMMITTEE**

**Analysis of current usage**

In 1981, the Veterans Memorial Building was transferred by Alameda County to the City of Oakland (Resolution No. 19186 C.M.S., Oct. 20, 1981). The Oakland City Council gave approval to the transfer six weeks later (Resolution No. 60119 C.M.S., Dec. 3, 1981). In the Resolution approving the transfer, the City Council agreed to "assure the rights of veterans to continue to use the Veterans Memorial Building." In the "Agreement for Operation of the Oakland Veterans Memorial Building" entered into by the City and Veterans associations subsequent to the transfer, the City agreed to "operate and manage the Building for the benefit of the residents of the City and for Veterans, ... and to provide for such other uses not inconsistent with the continued use thereof by Veterans associations." The rights of the Veterans associations to use the Veterans Memorial Building is also authorized by the section 1264 of the Federal Military and Veterans Code, which further provides that the building may be used by other

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persons or organizations “when such use would not unduly interfere with the reasonable use of the facilities by veterans associations.”

Four Veterans associations currently have staffed offices at the Veterans Memorial Building: The American Legion, the Disabled American Veterans, the Veterans of Foreign Wars (VFW), and the Vietnam Veterans of America. All four of the associations utilize the Veterans Memorial Building and park vehicles in the parking lot during weekday, evening and weekend hours. The American Legion and the VFW host weekly evening meetings, and monthly Saturday meetings. The Disabled American Veterans also have Saturday meetings. The VFW and the Disabled American Veterans have auxiliary groups who use the Veterans Memorial Building for their monthly Saturday meetings.

In 1985 the Downtown Oakland Senior Center was established at the Veterans Memorial Building. This was the first senior center to be operated by the City of Oakland and it was welcomed by the members of the Veterans associations. The Senior Center membership has grown steadily in the past 20-plus years, and is at 934 today. The seniors who come to the Veterans Memorial Building for classes, subsidized nutrition programs, computer learning, special events and other activities may park in the parking lot if space is available. The operating hours for the Downtown Oakland Senior Center are Monday through Friday from 8:30 a.m. to 5:00 p.m. The Senior Center often hosts special events during evening and weekend hours.

As the Downtown Oakland Senior Center grew it became known for a ballroom dance program utilizing the large ballroom and other large rooms at the Veterans Memorial Building. In 2006, the Department of Human Services entered into a Memorandum of Understanding with the Lake Merritt Dance Center to manage and run the ballroom dance program on nights and weekends. The Lake Merritt Dance Center is a non-profit 501(c)(3), “dedicated to promoting dance for adults of all ages,” which was established to run the program.

Lake Merritt Dance Center has an average of between 800 and 900 dancers a week in the Veterans Memorial Building. During weeknights, from 5:00 pm to midnight, the Lake Merritt Dance Center sponsors dance classes and free Ballroom dancing. On weekends, from 12 noon to 12 midnight, there are Lake Merritt Dance Center classes and dances. All of the nighttime and weekend activities involve use of the parking lot for the dancers, as well as for the delivery of equipment and refreshments. Adjacent street parking is limited and at night security is an issue. Most of the dance participants drive to the Veterans Memorial Building rather than take public transit or walk because of safety concerns.

The Downtown Oakland Senior Center and the Veterans associations share oversight of the facility through a Building Committee, which was established by the “Agreement for Operation of the Veterans Memorial Building.” The Lake Merritt Dance Center also participates in the Building Committee, and the Lake Merritt Dance Center manages an on-line schedule of activities, with information about all of the various activities at the Veterans Memorial Building.

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### Cost of Implementing the Proposed Permit Program

The Downtown Oakland Senior Center has had a parking permit program in place for several years. Enforcement relies on signage advising that vehicles without a permit are not permitted to park in the Veterans Memorial Building lot. The proposed Ordinance to amend chapter 10.32 of the Oakland Municipal Code will provide the City of Oakland Parking Enforcement Division with the authority to cite vehicles who park in the lot without a valid parking sticker.

There are currently 934 members of the Downtown Oakland Senior Center; as of May 22, 803 of those members had been issued parking permits. The parking permits are stickers which are adhered to the vehicle bumper. Parking permits are issued by Center volunteers under the oversight of the Senior Center Director. Senior Center members in good standing, who have paid their annual \$12 fee, may purchase a parking permit for an additional \$3. Before the permit is issued, the member must present a valid DMV Vehicle Registration showing the member's name. The make and model of the vehicle, and the vehicle license plate information are recorded and kept on file. The annual cost of the parking stickers is about \$400.00, which is expensed to the Senior Center fundraising account. Each time a parking sticker is issued, the revenue is deposited back to the fundraising account. The net revenue to the Senior Center for the distribution of 800 parking stickers is \$2000, which is used for Senior Center activities, including classes, travel and special events.

### Potential for Charging a Fee to use the Lot During Evening and Weekend Hours.

For the purposes of this analysis, it must be noted that the previously cited Agreement between the City and the Veterans associations, established in 1981 by Resolution, would preclude facility "uses ...inconsistent with the continued use thereof by Veterans associations..." The Agreement between the City and the Lake Merritt Dance Center gives that organization use of the Veterans Memorial Building "during weekday hours between 5:30 pm and 12:00 am, and weekend hours between 12:00 p.m. and 12:00 a.m. provided there are no other City-sponsored activities taking place at those times." Unless amended, the Agreements with the Veterans' associations and the Lake Merritt Dance Center would preclude the use of the facility for non-City-sponsored activities, including a revenue-producing parking program, during night and weekend hours.

There would be an annual loss of revenue to the Senior Center of \$2000 to \$3000 if the Agreement with the Lake Merritt Dance Center were terminated. The revenue from the Lake Merritt Dance Center supplements Oakland General Purpose Fund appropriations and is primarily used for maintenance, security and capitol improvements. In 2008, the revenue generated by the Lake Merritt Dance Center allowed the Senior Center to undertake an upholstery cleaning project, paint several offices, and purchase floor cleaning equipment. The funds were also used to pay for a security guard at the Senior Center.

Finally, in order to use the parking lot at the Veterans Memorial Building for non-affiliated parking, the City would have to develop a structure for charging of fees and monitoring the lot. At this time there are no other Oakland City building parking lots that charge fees to the public. Lakeside Park charges fees of \$2 on weekends to vehicles that enter. There is a kiosk with an attendant at the entrance to the park where the fees are collected. Other municipal parking lots are operated by contractors.

The Veterans Memorial Building parking lot is not gated and there are no barriers to parking. In order to establish an automated fee collection system the installation of a gate and an automated vending structure would be required. The costs of those machines would likely be far more than the potential revenue that could be generated.

### **ACTION REQUESTED OF THE CITY COUNCIL**

The Veterans Memorial Building is a facility that is used during weekday, weeknight and weekend hours by participants in senior center activities, service veterans, ballroom dancers, and many other community members. The Veterans Memorial Building parking lot is a resource for the City of Oakland, and is currently utilized extensively by the patrons of the facility programs and organizations.

Making the Veterans Memorial Building parking lot available for non-facility users may not be possible according to the requirements of the Federal Military and Veterans Code which gives access to the facility to specified Veterans associations. In addition, it would be necessary to amend or terminate the Memorandum of Understanding between the City and the non-profit Lake Merritt Dance Center 501(c)(3) in order to eliminate that Organization's authority to use the parking lot during night and weekend hours.

Because the City does not currently have systems in place for fee collection at any public buildings, there would have to be procedures, policies and a fee schedule approved. There would be capital expenditures associated with configuring the Veterans Memorial Building parking lot to prevent non-paying vehicles from utilizing the space during hours when City of Oakland parking rules are not enforced. In order to generate revenue during night and weekend hours, it would be necessary to install barriers and gates. Also required would be either a manual or electronic fee collection system. It would take some time for expected revenue to cover the costs associated with securing the parking lot and paying for either an automated kiosk or a parking attendant.

In drafting this Report staff considered the potential loss of goodwill from the Veterans associations and the clients of the Lake Merritt Dance Center if their agreements were amended, and the various costs associated with establishing a system to collect fees for parking at the Veterans Memorial Building. Those costs far outweigh the potential benefits from establishing a fee parking system at the Veterans Memorial Building.

Therefore, staff recommends that the City Council make it unlawful to park at the Veterans' Memorial Building without a permit and approve the Ordinance amending chapter 10.32 by adding section 10.32.165 to the Oakland Municipal Code.

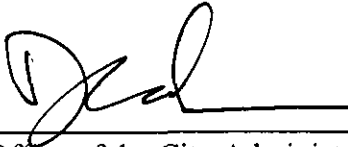
Respectfully submitted,



ANDREA YOUNGDAHL, Director  
Department of Human Services

Prepared by:  
Tracy Jensen  
Senior Services Administrator  
Department of Human Services

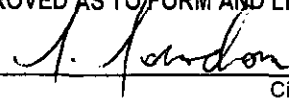
APPROVED AND FORWARDED TO THE  
LIFE ENRICHMENT COMMITTEE:



Office of the City Administrator

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
INTRODUCED BY COUNCILMEMBER \_\_\_\_\_  
2009 JUN 11 PM 4:10

APPROVED AS TO FORM AND LEGALITY



City Attorney

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 10.32, TO ADD SECTION 10.32.1605, MAKING IT UNLAWFUL TO PARK AT THE DOWNTOWN OAKLAND SENIOR CENTER/VETERANS MEMORIAL BUILDING PARKING LOT WITHOUT A PERMIT**

**WHEREAS**, the Veterans Memorial Building located at 200 Grand Avenue serves seniors through the Downtown Oakland Senior Center (DOSC) and veterans of the armed services through a number of veterans' service organizations (VSOs); and

**WHEREAS**, to ensure the availability of parking at the site, it is necessary to place restrictions on the parking lot and allow for ticketing and/or towing of vehicles without City permits.

**WHEREAS**, the Department of Human Services will make available annual parking permits upon request to members of the DOSC who have paid an annual membership fee as provided in the City of Oakland Master Fee Schedule. Department of Human Services will also make available parking permits without charge to City of Oakland staff and to the staff of veterans' organizations with offices in the Veterans Memorial Building. Department of Human Services will also make available temporary daily parking permits senior center visitors, senior center instructors, maintenance or other contractors, and clients of the VSOs.

**WHEREAS**, California Vehicle Code Sections 21113 and 22519 permit local authorities to restrict or regulate the parking, stopping or standing of vehicles on any off street parking facility which it owns or operates or a municipal parking facility; and

**WHEREAS**, Sections 21113 and 22519 require the posting of signs giving notice of parking restrictions in off street parking facilities or municipal parking facilities before enforcement may be undertaken; and

**WHEREAS**, the City Council finds and determines that the herein-referenced ordinance and amendments are reasonable and necessary;

**NOW THEREFORE**, the Council of the City of Oakland does hereby ordain as follows:

Section 1. Oakland Municipal Code is amended to add Section 10.32.060 as follows:

**10.32.1650 Parking of vehicles in Downtown Oakland Senior Center/Veterans Building municipal parking lot**

It is unlawful for any person to park, or attempt to park, any vehicle in any municipal parking lot or area, without displaying a current parking permit to park in the parking lot adjacent to and immediately east of the Veterans Memorial Building at 200 Grand Avenue, lying between Grand Avenue and Bay Place, and accessible by driveways from Grand Avenue and Bay Place and by access road from Harrison Street, together with said driveways and access roads and all adjacent unimproved areas.

Section 2. Oakland Municipal Code 10.48.010 is amended to add the following underscored language:

**10.48.010 Schedule of parking fines.**

A. The following schedule sets specific fines for Oakland Traffic Code violations:

<b>Oakland Traffic Code Section</b>	<b>Description</b>	<b>Fine</b>
<u>10.32.160</u>	<u>Parking At The Downtown Oakland Senior Center/Veterans Memorial Building Parking Lot Without A Permit</u>	<u>\$43.00</u>

Section 3.

The City shall post a signs at Veterans Memorial Building parking lot at 200 Grand Avenue not less than 17 by 22 inches in size with lettering not less than one inch in height which clearly and conspicuously states the following:

Unauthorized vehicles parked in this lot not displaying a City of Oakland Senior Center/Veterans Building Permit will be cited and/or towed away at the owner's expense. Towed vehicles may be reclaimed at:

\_\_\_\_\_ (Address)

or by telephoning

\_\_\_\_\_ (Telephone number of local law enforcement agency)

The sign(s) shall be posted, at minimum, in a conspicuous place at each entrance to the offstreet parking facility.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland, California

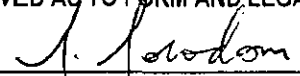
DATE OF ATTESTATION: \_\_\_\_\_



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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
2009 JUN 11 PM 4:10



City Attorney

**ORDINANCE No. \_\_\_\_\_ C.M.S.**

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**WHEREAS**, the City Council finds and determines that the herein-referenced ordinance and amendments are reasonable and necessary;

**NOW THEREFORE**, the Council of the City of Oakland does hereby ordain as follows:

Section 1. Oakland Municipal Code is amended to add Section 10.32.060 as follows:

**10.32.165 Parking of vehicles in Downtown Oakland Senior Center/Veterans Building municipal parking lot**

It is unlawful for any person to park, or attempt to park, any vehicle in any municipal parking lot or area, without displaying a current parking permit to park in the parking lot adjacent to and immediately east of the Veterans Memorial Building at 200 Grand Avenue, lying between Grand Avenue and Bay Place, and accessible by driveways from Grand Avenue and Bay Place and by access road from Harrison Street, together with said driveways and access roads and all adjacent unimproved areas.

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**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the  
Council of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_