



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Joe DeVries
Deputy City Administrator

SUBJECT: Lake Merritt Parking Management
Plan

DATE: May 11, 2022

City Administrator Approval

Date: May 13, 2022

RECOMMENDATION

Staff Recommends The City Council:

- I. **Receive An Informational Report On Interdepartmental Efforts To Support Safe Access To And Use of Lake Merritt; And**
- II. **Adopt An Ordinance (1) Amending Oakland Municipal Code:**
 - (A) **Section 10.36.140 To Add The Following Streets To The List Of Approved Parking Meter Zones: Bellevue Avenue From Perkins Street To Grand Avenue, Lakeshore Avenue From Macarthur Boulevard To Lake Merritt Boulevard, Lake Merritt Boulevard From East 12th Street To Oak Street And Lakeside Drive From 17th Street To Jackson Street;**
 - (B) **Section 10.36.090 To Remove Sundays As Holidays In Support Of Districts That Would Benefit From All Week Parking Meter Management But Restricting Sunday Meters To Only Be Enforced After 12pm; And**
 - (C) **Sections 10.36.015 And 10.36.020 To Add Pay-By-Plate As An Allowed Meter Payment Method; And**
- (2) **Adopting Appropriate California Environmental Quality Act (CEQA) Findings; And**
- III. **Adopt A Resolution:**
 1. **Authorizing The City Administrator To Implement The Lake Merritt Parking Management Plan By Installing Parking Meters, Signs And Curb Paint On The Following Streets And Designating Them As Flexible Parking Zones: Bellevue Avenue From Perkins Street To Grand Avenue, Lakeshore Avenue From Macarthur Boulevard To Lake Merritt Boulevard, Lake Merritt Boulevard From East 12th Street To Oak Street And Lakeside Drive From 14th Street To Harrison Street And Appropriating \$250,000 Dollars For Materials And Labor;**

City Council
March 29, 2021

- (A) **Professional Services Agreement With ParkMobile USA, Inc. (“ParkMobile”) For Up To One Year In An Amount Not To Exceed Two Hundred Fifty Thousand Dollars (\$250,000) For The Reimbursement Of Transaction Fees Charged To Parkers;**
- (B) **Waiving The Competitive RFP/Q Selection Requirement And Local Business/Small Local Business Participation Requirements And Amending And Increasing The City’s Existing Contract With Conduent, Inc. (“Conduent”) For Parking System Services In The Amount Of \$876,000;**
- (C) **Affirming That The District Bordering Lake Merritt Would Benefit From Metering 8am-To-8pm, ~~Seven Days A Week~~, Monday through Saturday and 12pm-To-8pm Sundays; And**
- (D) **Adopting Appropriate California Environmental Quality Act (CEQA) Findings.**

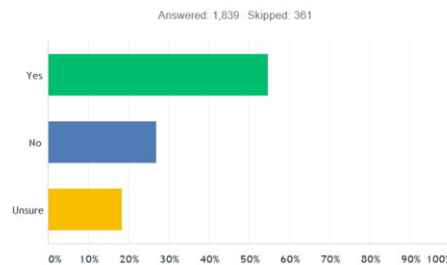
REASON FOR SUPPLEMENTAL

The City Council Public Works Committee voted to recommend approval of the Lake Merritt Parking Management Plan at the March 22, 2022 meeting with an amendment to only allow for Sunday meter enforcement after 12 noon and the new title, resolution, and ordinance have included the proposed amendment. Also, questions were raised about the ongoing outreach efforts to educate and receive feedback from the community and data supporting this shift to a Demand Response Parking Management System. Since the March meeting, staff have been able to conduct extensive outreach, identify additional concerns from several constituencies and perform equity analysis work to better inform Council’s decision.

Community Outreach and Input

In the fall of 2020 a community survey was conducted about issues at Lake Merritt with over 2200 respondents in which a question was asked about support for a parking benefit district at Lake Merritt in which meter revenue would be earmarked for Lake Merritt activities and maintenance. The results indicated strong support from respondents with 55% in favor, 27% opposed and 18% unsure (**see table below**). However, 91% of respondents were self-identified as either living or owning a business by the Lake. Although efforts were made to ask Lake visitors to submit surveys, those efforts did not net a significant uptick in respondents.

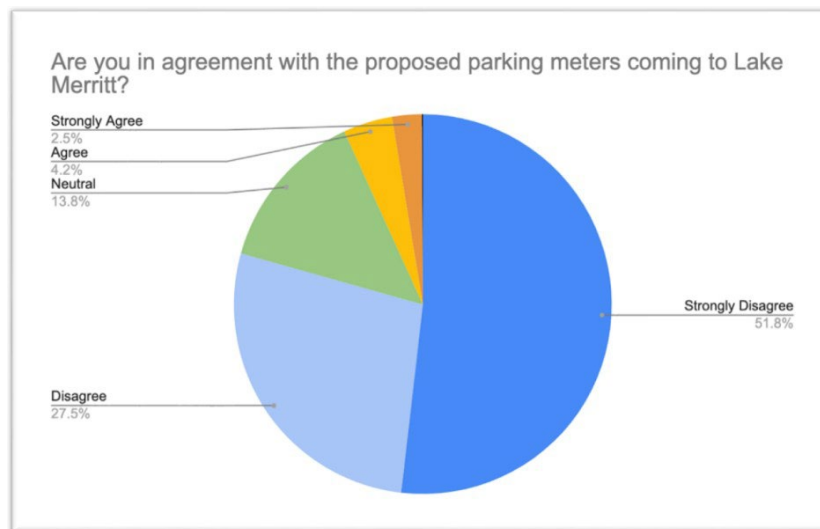
Q11 The City is considering creating a Parking Benefit District around Lake Merritt by installing metered parking on the lake side of streets with the revenue earmarked for Lake Merritt activities and maintenance. Would you support a program like this?



ANSWER CHOICES	RESPONSES
Yes	54.70% 1,006
No	26.92% 495
Unsure	18.38% 338
TOTAL	1,839

City staff engaged with several constituencies in the 18 months since that survey was conducted but did not launch a formal outreach effort specifically on this proposal until the Public Works Committee approval. Since that time staff did meet with the Lake Advocates and received strong support and the Cleveland Heights Neighborhood Council (NC) (this council covers the area where most of the new meters would be installed). At the Cleveland NC meeting the participants were generally supportive but also concerned about the impact on residents who already struggle to find parking in their neighborhood, especially on weekends. Several neighbors have asked about how a Residential Parking Program (RPP) could help ensure better access to parking for residents. Although an RPP is historically designed around BART Stations and doesn't exempt vehicles from metered parking, the City could consider an RPP for the small residential streets near the lake—this would be initiated through a petition process with OakDOT. Staff also made a formal presentation to the Parks and Recreation Advisory Commission and received unanimous support for the proposal with very specific recommendations that will be discussed later in the report. Also, the City asked its contracted outreach provider, Oakland Impact Center, to spend several weekends at Lake Merritt distributing a one page hand out (**Attachment A**) and surveying visitors with an emphasis on Black Indigenous People of Color (BIPOC) community members.

The results from the outreach conducted by Oakland Impact Center provides an insightful look at visitors' reactions as it includes a couple of simple questions as to whether people were aware of the proposal and their feelings about it. Additionally, the team captured a series of narrative responses that show how people feel about this proposal. Those results are included as **Attachment B** and show strong opposition to this proposal with 79% of respondents either disagreeing or strongly disagreeing with this proposal. Only 14% responded as neutral and 7% in favor (**see table below**). It also showed that over 43% of people were aware of the proposal.



Although strong opposition to converting free parking to paid parking is expected, the themes of the responses speak to the equity concerns this proposal raises. A common thread within the responses is a belief that the City is proposing this program only to extract money from residents, and in particular, black and brown residents who visit the areas of the Lake that have historically had free parking. Further, respondents feel that this is designed to *limit access* to Lake Merritt for black and brown Oaklanders as part of the larger trend of gentrification that Oakland has experienced in recent years.

This proposal was designed to increase access, not increase revenues to the City. There is a significant body of research to support that metered parking improves access in areas where there is high demand for parking. People who access the Lake via transit, who are disproportionately BIPOC, pay for that access. Expecting people with the means to have a car to pay to park in the public right-of-way is an equitable approach. And generally speaking, increasing public access to the Lake, which is the purpose of managing parking, advances equity as well. Nevertheless, the perception about a revenue-generation motive is an issue the City must take into consideration.

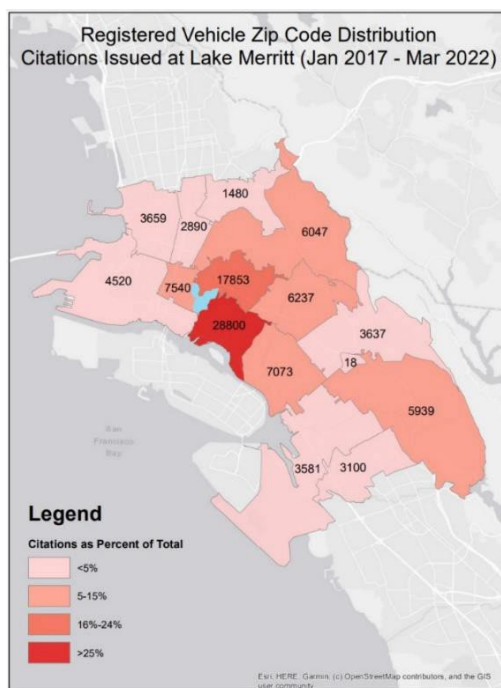
Older Oaklanders remember past efforts that impacted lake access such as the anti-cruising ordinance in the 1990's when OPD set up check points on Lakeshore and pulled over and sometimes detained people for driving down Lakeshore too many times. Others remember Festival at the Lake which was cancelled in 1997. Even though that event ended for a variety of management reasons, many feel the cancellation was due to complaints from predominantly white residents about the large crowds of people of color at the lake. More recently and on many people's minds, is the infamous "Barbeque Becky" incident that received national attention and occurred on Lakeshore. All of these historic events impact the perception of what is being proposed and need to be acknowledged by everyone involved in managing Lake Merritt.

Another important theme in the feedback received from a variety of constituencies is a distrust that the City will reinvest the revenue from this proposal into programs that will benefit the park system and programming. Staff have received several unofficial recommendations for how the revenue should be allocated and one very formal recommendation from the PRAC (**Attachment**

C) that will be discussed below. Those surveyed at Lake Merritt that showed neutrality or support for this proposal still indicated a desire to see the funds allocated to support the park system and its programming.

Equity Analysis

Staff submitted an Equity Pre-Analysis Worksheet to the OakDOT Equity Team leads to discuss the impact of this proposal. Also, OakDOT conducted an analysis of parking tickets issued over a five-year period to determine where people receiving tickets at the lake actually live. The analysis of parking ticket data shows that a strong majority of tickets are issued to vehicle owners that live in the zip codes surrounding the lake, not to visitors from other parts of Oakland (see table below).



This data suggests that lake visitors currently are not being disproportionately targeted with tickets and if this proposal is implemented, the new meter technology will make it even easier to see who is visiting the lake and utilizing the meters, something that staff is committed to evaluating on an ongoing basis.

As discussed earlier, there is a strong belief among BIPOC lake visitors, based on historic events, that this proposal is designed to limit their access to the lake. It must be stated that the imposition of paid parking will create a barrier for those low-income individuals that are already struggling with the high cost of living, especially during these inflationary times where gas prices have hit record levels. Having to pay anywhere from \$.50-\$4.00 per hour may not significantly impact residents with incomes over \$100,000 annually but the impact on visitors that have a median income in Oakland closer to \$30,000 annually is real, and that population is

disproportionately BIPOC. Also, the price of a parking ticket can be the difference between being able to make a rent payment in any given month for those living on the edge. For a working family, the calculation as to whether they can afford to take their children to the lake on the weekend will now include paying for parking and could discourage them from taking that trip.

Staff have considered mitigations that could ease this burden and improve lake access using some of the revenues generated by this proposal. One idea is to use revenue to create free bus service to Lake Merritt for Oaklanders on weekends. Several bus lines provide direct access to the lake from East Oakland, including Tempo, the Bus Rapid Transit Line that became operational in 2020. Another possible mitigation is to provide fee-free debit cards to Oakland residents who otherwise would be burdened with fees associate with pre-paid debit cards. This would allow residents who don't have bank cards to access the mobile pay-by-phone system without the extra associated fees.

Staff is also committed to directing people to free parking opportunities such as the parking lot under the 580 which is approximately 200 yards from the lake and most Sundays is completely empty. Signage directing people to that lot should be helpful. Although currently under construction and unavailable, the Henry J. Kaiser Convention Center parking lot, when opened, will be another opportunity to help ensure access to the lake.

Another mitigation staff is planning is extensive outreach to lake visitors prior to issuing tickets. This would be in the form of direct face-to-face contact, signage, and flyers that can be left on windshields. Last, Parking Enforcement Technicians will be directed to issue warnings to vehicles the first time the vehicle is found in violation of the meters, only issuing tickets on the second offense.

Another factor staff considered as part of its equity analysis is the impact of recent Lake Merritt operations during the past two summers. As mentioned in earlier reports, the City implemented measures to restrict parking on the lake side of the lake in 2020 and 2021 every weekend. This reduced access significantly but did help with traffic management. Second, during both summers, OPD was deployed to close El Embarcadero, Lakeshore southbound, a portion of Bellevue, and a lane on Grand Avenue. Not only did this reduce parking, it disrupted the bus lines that regularly travel down Lakeshore, preventing access to those transit riders, the majority of which are BIPOC residents.

Due to the staffing required to close portions of these roadways, OPD deployed an entire unit of Police Officers and several Police Service Technicians every weekend to ensure the street closures were adhered to. Do to threats of violence against Parking Enforcement Technicians and Municipal Code Enforcement Officers, OPD continues to provide support to these staff members each weekend at the lake. Although hard to quantify the impact, having a heavy police presence at the Lake can have a chilling effect on communities of color that historically have faced harassment and disparate enforcement by police. If this proposal is implemented, parking staff will be able to use technology to monitor the lake that will not require them to get caught up in confrontational situations. This means they will not have to rely heavily on OPD which will reduce the police footprint and allow the officers that are deployed to the lake to focus on more serious crime.

Revenue Allocation

The Lake Merritt Working Group unanimously proposed this measure as a way to ensure better and more manageable access to the lake, but the proposal will generate between \$1.5 and \$1.7 million annually. Parking meter revenue typically goes into the General-Purpose Fund and therefore staff is not recommending a specific allocation or earmarking of the revenue. However, the overwhelming feedback from all parts of the community is to earmark these funds to show that the City is committed to improving conditions at Lake Merritt and at all of the City's recreation facilities. As mentioned above, staff also see the possibility of using some revenue to mitigate the potential equity impact of this proposal by providing transit passes and fee-free debit cards.

The most detailed recommendation regarding the proposal and the allocation of funds was generated by the PRAC after significant consideration at recent ad hoc and full commission meetings.

Here is the PRAC's condensed recommendation, the full recommendation including data points is **Attachment C**:

Park renovation and maintenance

100% of net parking revenue shall go towards citywide park maintenance and programming with the following distribution:

- 36% toward park maintenance.
- 34% to install lighted pedestrian walkways on Lakeshore Ave at these locations: Beacon Street, Bolden Way (near Our Lady of Lourdes Catholic Church), Cascade stairs, and Wesley Ave.
- 30% toward the Park Stewards program; there is no dedicated funding stream and the public has consistently expressed support for Park "Stewards" to encourage a better experience for park visitors. Ideally these would be full time employees and deployed citywide.

Program Duration and Reporting

- Establish the program as a one year pilot with a six-month review that will include ongoing data analysis, reported out regularly to the PRAC to include: Ticket Data to determine who is parking at the lake, the revenue generated, and the high demand times. Traffic data that indicates whether roadways are blocked, whether there is still double and triple parking, and whether bus lines are delayed. Crime data to determine if the program has an impact on crime.

Demand-Responsive Parking Management System

Throughout the City's engagement efforts on this proposal, questions have been asked about data supporting the statement that this will improve access to Lake Merritt. Due to technological improvements, many cities are shifting from a one-size fits all approach to a Demand-Responsive Parking Management System that takes into consideration changing demand levels throughout the week, including the evening surrounding certain venues. Under the goBerkeley program, the City of Berkeley sets prices and time limits based on current and estimated future demand for parking. A link to its webpage for more details is here: <https://berkeleyca.gov/city-services/parking/parking-meters> In Sacramento, they use a similar system called SacPark and

in most areas do not have Sunday metering with an important exception: Old Sacramento, where meters require payment every day of the week from 10 a.m. - 10 p.m. Time limit restrictions are also in effect during those days and hours. They also utilize metering on evenings near the sports arena. For more information about the Sacramento Program go here: <http://www.cityofsacramento.org/Public-Works/Parking-Services/Street-Parking/Meters/Rates> In San Francisco, there is meter enforcement seven days a week as well and more information about their model can be found here: <https://www.sfmta.com/demand-responsive-parking-pricing> In short, Cities across the country are implementing Demand-Responsive Parking Management Programs to create greater access with particular attention to areas that have a high demand, such as Lake Merritt.

The staff is very aware of community concern about this proposal and specifically the equity issues that it raises. The Lake Merritt Working Group is involved in a number of measures designed to ensure a safe, equitable, and enjoyable experience at Lake Merritt for all Oaklanders and is still recommending this plan based on current best practices and the past two years of experience managing affairs at Lake Merritt.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends The City Council:

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 - (D) Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Joe DeVries, Director, Interdepartmental Operations, at 510-238-3083.

Respectfully submitted,



Joe DeVries
Deputy City Administrator, City Administrator's
Office

Attachments (3): **A: Lake Merritt One-Pager**
B: Lake Merritt Community Survey Responses
C: Lake Merritt Parking Management Plan PRAC Recommendations

