



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: October 30, 2018

TO: Christine Daniel, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Adopting The Emeryville Parking Management Plan (CEQA Determination: Exempt Pursuant To CEQA Guidelines Section 15301(c) Which Applies To Operation And Minor Alteration Of Existing Streets, Sidewalks, And Similar Facilities)**

RECOMMENDATION

Staff recommends that the City Council adopt the Final Parking Management Plan, as modified by Council direction on July 24, 2018, by approving the resolution attached to this report as Exhibit A.

SUMMARY

This report summarizes the changes made to the Draft Parking Management Plan based on City Council direction received July 24, 2018. The staff report from July 24, 2018 is attached for reference (see Attachment 1). These changes are reflected in the attached revised Permit Area Map (Attachment 2), revised Parking Management Implementation Plan Map (Attachment 3), and the Final Parking Management Plan (Exhibit A of the attached resolution).

Key elements of the City Council's direction to staff relate to the inclusion of areas needing additional infrastructure improvements and revising areas from short-term to long-term parking and vice versa, to create contiguous areas of consistent treatment. Staff were also asked to address questions regarding:

- Technology to be utilized, particularly as related to the user experience
- Household income requirements for subsidized permits
- Policy for privacy protection for automated license plate reader data
- Methods for establishing business permit parking caps

BACKGROUND

Planning for parking management, including the introduction of paid parking in the public right of way and expansion of the City's residential and business parking permit programs,

has been considered since 2006. With recent affirmation of the City Council's priorities relating to parking policy, in Fall 2017 staff began conducting outreach to develop a Parking Management Plan. Efforts included four community workshops including 150 attendees, postcard notifications to every Emeryville address (10,000 piece mailing), four advisory committee meetings with review of the Draft Plan (40 attendees) and over 220 comments from phone, email and online forums.

On June 19, 2018, the City Council held a well-attended study session to consider the Draft Parking Management Plan and gave direction to staff for revisions to the Plan. These revisions were incorporated into the Draft Final Parking Management Plan that was presented to the City Council on July 24, 2018 for consideration of adoption. At that meeting, the City Council requested additional revisions and clarifications. To afford an opportunity for the new City Manager to provide input, the City Council's consideration of the Draft Final Parking Manage Plan was scheduled for October 30, 2018.

DISCUSSION

Geographic Changes

At the July 24, 2018 City Council Meeting, Council directed staff to make the following geographic changes to the Plan prior to adoption:

Residential and Business Permitting:

Expand locations with Residential and Business Permitting at the following locations:

- Both sides of Doyle Street between 61st Street and 64th Street
- The east side of Doyle Street between Ocean Street and 61st Street
- The north side of 53rd Street east of Spur Alley
- A small segment of the north side of 62nd Street west of Hollis Street previously not included

Additionally, staff noted that Residential Permit Area 4, adjacent to the Watergate residential development, needed to be mapped to include all of Watergate. This change, as well as the additional blocks providing business and residential permit access requested by the City Council, were revised as illustrated in Attachment 2: Residential and Business Permit Areas.

Short-term Meters:

Revise locations to include short-term meters on:

- Hollis Street between Powell Street and 62nd Street
- Horton Street between Stanford Avenue and Powell Street

Mid-term Meters with Permits:

As discussed further below, the City Council requested further evaluation of areas previously noted as industrial with no proposed parking controls because of lack of curbs. The revised Draft Final Parking Management Plan designates these areas for mid-term meters with a business permit overlay, to be installed at such time as curb, gutter and sidewalk improvements are made. These areas include:

- The east side of Hubbard Street between Sherwin Avenue and 40th Street
- The west side of Hubbard Street between Park Avenue and 40th Street
- Both sides of 67th Street between the railroad tracks and Hollis Street
- Both sides of 66th Street between the railroad tracks and Hollis Street
- The south side of 63rd Street between Overland Avenue and Hollis Street

Long-term Meters:

A small section of 64th Street just west of Hollis Street previously designated for no parking controls is now proposed for long-term meters, to be installed when curb, gutter and sidewalk improvements are made.

These changes to meter areas are illustrated in Attachment 3: Full Implementation.

Industrial Streets Lacking Curb/Gutter/Sidewalk

As directed by Council, staff confirmed that the public right of way on 67th, 66th, and 63rd Streets typically extends from building face to building face and most of the existing perpendicular parking is located entirely within the public right of way, despite signage indicating that these spaces are reserved and subject to towing. However, instituting City-enforced paid parking on these streets in advance of the installation of curb, gutter and sidewalk improvements raises the following concerns:

- Any parking-related improvements made in advance of curb, gutter and sidewalk installation would require demolition and/or removal later when such street improvements were installed.
- Without installation of sidewalks, there is no option for accessing parked vehicles other than walking in the street, which raises safety concerns.
- Because of the lack of sidewalks, the existing configuration does not provide an accessible path of travel to parked vehicles, pay stations or meters, which raises Americans with Disability Act (ADA) concerns.

Given these concerns, the Draft Final Parking Management Plan now proposes parking controls in these areas to be installed only at such time as curb, gutter and sidewalk improvements are made. This applies to the areas of Hubbard, 67th, 66th, and 63rd Streets described above which are now mapped as permit areas, as illustrated in

Attachments 2 and 3. Additionally, a small segment of 64th Street west of Hollis Street that lacks curb is now proposed for long-term meters concurrent with curb improvements, to match the remainder of the block.

Technology and User Experience

As directed by Council, staff met twice with Vice Mayor Medina to review parking technologies, particularly focusing on innovations that support low cost enforcement techniques and that use price to incentivize parking in ways that support adjacent land use. Some of the technologies reviewed include:

- Pay-by-Plate utilizing Automated License Plate Readers (ALPR)
- Pay-by-phone
- Virtual permits

These approaches will be explored further through a future Request for Proposals (RFP) from technology providers. The actual systems to be procured may vary based on the RFP responses and continued advances in integration and performance by innovative firms. Further, as the Draft Final Parking Management Plan seeks to use pricing as a means to ration a scarce resource, parking technologies that support this approach will be tested. The City of Sacramento has modeled a variable pricing program called ParkPlus that may offer relevant technology and signage options. The City of Berkeley is implementing a digital (i.e. “virtual”) permitting program with their ALPR system rollout next year. If using pricing in lieu of time limits is not found to perform adequately, time limits may be re-visited during the evaluation of the first and second phases.

Household Income Requirement for Discounted Permits

The Draft Parking Management Plan proposed a 50% reduction in permit prices for households falling below the income limits for Very Low-Income Households. The City Council requested additional information regarding these limits. The limits for Low Income Households are also provided, for reference:

| Income Category | 1-Person Household | 2-Person Household | 3-Person Household | 4-Person Household |
|------------------------|--------------------|--------------------|--------------------|--------------------|
| Very Low-Income | \$40,700 | \$46,500 | \$52,300 | \$58,100 |
| Low Income | \$62,750 | \$71,700 | \$80,650 | \$89,600 |

These income limits are based on the 2018 Housing Affordability Table adopted by the City Council on July 10, 2018.

Privacy Protection for Automated License Plate Reader Data

The City Council requested additional information regarding the City’s policy for capture, storage, and use of digital data obtained through the use of ALPR. Staff have confirmed

the compliance requirements for an adopted policy from the Electronic Frontier Foundation (EFF) which posts the policies of 160 jurisdictions. According to EFF, the law requires agencies to divulge several key policy points, including:

- The authorized purposes for using the ALPR system and collecting ALPR information.
- A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system, or to collect ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.
- A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.
- The title of the official custodian, or owner, of the ALPR system responsible for implementation of the system.
- A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and to correct data errors.
- The length of time that ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.

Emeryville's current ALPR policy is contained in Attachment 4, and is posted on the City of Emeryville Police Department website and is linked from EFF. It specifies that data will:

- Be used for identifying stolen or wanted vehicles, stolen license plates and missing persons.
- Be used for active warrants, homeland security electronic surveillance, suspect interdiction and stolen property recovery.
- Be administered by the Police Department Professional Services Division Commander and his/her designee under his/her direction.
- Only be stored for one year.
- Only be used for law enforcement purposes.
- Only be reviewed by trained personnel.

The current policy does not include parking enforcement. The policy will require revision, or a new, separate policy applicable to parking enforcement will need to be developed. In either case, this policy will be prepared concurrent with preparation of the ordinances and other policies for implementation of the Parking Management Plan.

Business Permit Parking Caps

A draft proposal for the allocation of business permits was previously included in the Draft Final Parking Management Plan. It included the following initial pricing for business

permits, which varied by both the size of the business and the number of permits requested. The draft proposed prices and caps were as follows:

- Businesses with 55 or fewer employees could purchase a total of 40 permits each. The first 25 permits would be priced at \$100 each per year, and an additional 15 permits (up to 40 permits total) would be priced at \$200 each per year.
- Businesses with 56 to 100 employees could purchase a total of 60 permits each. The first 25 permits would be priced at \$200 each per year, an additional 15 permits (up to 40 permits total) would be priced at \$300 each per year, and the final 20 permits (up to 60 permits total) would be priced at \$400 each per year.
- Businesses with more than 100 employees could purchase a total of 50 permits. All permits offered to these businesses would be priced at \$500 each per year.

The City Council requested the consideration of a percentage cap relative to the number of employees in addition to the total numeric cap. As variations in methodologies will affect each business differently, relative to the amount of alternative mode use of their employees, as well as availability and pricing of off-street and on street parking, staff proposes establishing the initial business permit program as indicated above, with review in six months to a year after implementation to evaluate occupancy and feedback from users. Modifications resulting from this review could include:

- offset of allocations based on off-street parking available and pricing variations,
- mode split by land use/business type as proxy for percent reduction of permits allowed per business, or
- a limit based on a percentage of total employment could be used to establish a broad per-business limit on permits.

Considering these potential caps, sometimes parking offsets will further restrict the number of permits issued, and sometimes the numeric or percentage of employment caps will matter more. Using them as alternate methods could allow for more flexibility versus considering one or the other exclusively.

The weighted average of this pricing scheme is approximately \$320 per permit per year, although if smaller businesses seek a majority of the permits, due to their lack of off-street parking, this average could be under \$300 per permit per year. Additionally, similar to the process proposed for residential permits, exceptions to criteria related to lack of availability of off street parking may be applied by staff with an appeal process to the Transportation Committee. This process will be defined in the procedures for implementing the business parking program.

ENVIRONMENTAL REVIEW

This project is exempt from environmental review under State CEQA Guidelines Section 15301(c) which applies to operation and minor alteration of existing streets, sidewalks, and similar facilities. The project involves minimal alteration to the existing paved street

and sidewalk areas of the City. Installations will conform with all applicable design standards for ADA access and roadway, pedestrian facility design.

FISCAL IMPACT

Capital Funding

The total available funding for planning and capital costs is \$2.13 million. However, \$1.2 million is restricted to the North Hollis Area due to grant requirements for which the currently estimated costs are \$1.04 million. The Plan, assuming costs associated with available technology at current prices, estimates total capital costs are \$3.32 million, leaving a short fall of approximately \$1.32 million. Planning and Phase 1 are fully funded, with an additional estimated \$122,450 available for cost overruns in the North Hollis area and another \$440,000 available for required matching funds for future grant funds, partial implementation of Phase 2 and Phase 3.

As the Measure B funds are only eligible for use in North Hollis and the required match is set at 77.5%, if the costs are, as estimated in the Plan, under the total grant award, there is potential for not all the grant funds to be expended and some matching funds to be available for a later Phase. This is modeled in the table below. Funding requirements of future phases will be clarified after bidding Phase 1 and technology selection.

| Sources | Planning | Phase 1 | Phase 2 & 3 | Total |
|---|------------------|--------------------|--------------------|--------------------|
| Measure B | | \$807,550 | | \$807,550 |
| Gen Capital - required Match North Hollis (22.5%) | | \$234,450 | | \$234,450 |
| Gen Capital | \$228,558 | \$297,000 | \$439,992 | \$965,550 |
| Total Sources | \$228,558 | \$1,339,000 | \$439,992 | \$2,007,550 |
| Expenditures | | | | |
| Phase 1A - N Hollis | | \$1,042,000 | | \$1,042,000 |
| Phase 1B - Triangle | | \$297,000 | | \$297,000 |
| Phase 2 Park Avenue and North Bayfront | | | \$1,680,000 | \$1,680,000 |
| Phase 3 Powell Street/Watergate | | | \$77,000 | \$77,000 |
| Plan | \$228,558 | | | \$228,558 |
| Total Expenditures | \$228,558 | \$1,339,000 | \$1,757,000 | \$3,324,558 |
| Surplus/Deficit | \$ - | \$ - | \$(1,317,008) | \$(1,317,008) |

Operations Funding

The Final Parking Management Plan assumes revenue of just over \$1.4 million per year, predominately from short-term meters, with support from long-term meters and just over one-tenth of total revenue provided from permit fees. In Phase Two, revenue would be expected to rise to just under \$2.6 million per year; however, this revenue is expected to decline, as various competing uses for curb spaces are assumed to remove an average of 2.5% of total revenue-producing curb space annually. Between 2019 and 2022, revenue is expected to decline to \$2.4 million annually. In 2023, as Phase 3 is added, the overall program experiences costs in excess of revenues. This is five years earlier than previously projected due to two key factors:

- Additional staff (1 FTE) is assumed in the revised plan
- Revenue is reduced due to removal of certain short-term meters in the revised plan

The financial model assumes labor costs for administration and enforcement as well as contract maintenance and collections costs, with these labor costs escalating 5% annually. Additionally, the model includes full amortization of all capital assets (i.e. meters, enforcement vehicles, etc.) over a ten-year period. These costs total \$1.53 million annually in the first phase, principally due to the hiring of five FTE for program management and enforcement, and two contracts for collections and maintenance. Expenses are expected to increase annually rising to \$2.6 million in 2024, the year the program is anticipated to run at a 10% deficit (the program launch year is also anticipated to require deficit spending for startup costs). At full implementation, costs are expected to rise to \$2.6 million annually. This structural deficit cannot be paid by reserves in the program from prior years as the revised assumptions have reduced these reserves to \$130,000, which will be depleted in 2022 and 2023 when they will be required to cover expenditures in excess of revenues. Options for addressing the eventual deficit include:

- Revising the capital equipment replacement schedule for the program, or paying for it from other, as yet unidentified, revenue sources
- Revising pricing assumptions for meter and permit revenues to reflect cost increases over the 5-year period – this might be done pursuant to the pricing policy as meters are adjusted annually for optimum parking occupancy levels
- Analyzing actual revenues versus actual expenses at a future date, and correcting projections based on assumptions that are proven to be too conservative. One example is the key assumption regarding expected occupancy levels at short-term meters.

STAFF COMMUNICATION WITH THE PUBLIC

Development of the Parking Management Plan involved extensive community outreach to the Public, which is summarized in the July 24, 2018 staff report (Attachment 1). No

public comment has been received since July 24, 2018, nor has any additional outreach been conducted since then.

CONCLUSION

Following City Council approval of the Final Parking Management Plan, staff will prepare the ordinances and policies necessary to implement Phase 1 as well as develop the RFP, specifications and other bid documents necessary to procure capital equipment and software. Once these tasks are complete, bidding for meter installation and maintenance can begin, with work anticipated to be complete in 2019. Two ordinances will be prepared as the meters on San Pablo Avenue will need to be installed pursuant to an ordinance reviewed and approved by Caltrans, as required by State law, which could delay installation. Separating that ordinance allows the rest of the improvements to proceed without delay and without risking ACTC funding.

Additional steps include:

- Update of Master Fee Schedule
- Update of Automated License Plate Readers Policy (if necessary)
- Solicit bids for management, integration of meters, permit software, signage and enforcement technology
- Hiring of parking management staff
- Public education and outreach (on-going)

PREPARED BY: Amber Evans, Community and Economic Development Coordinator II

REVIEWED BY: Chadrick Smalley, Economic Development and Housing Manager

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENTS

1. July 24, 2018 City Council Staff Report
2. Residential and Business Permit Areas
3. Full Implementation Map
4. Emeryville Automated License Plate Reader Policy
5. Draft Resolution including Exhibit A: Draft Final Parking Management Plan, October 12, 2018