



Rashi Kesarwani  
Councilmember District 1

ACTION CALENDAR  
January 28, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Rashi Kesarwani, Mayor Jesse Arreguin, and Councilmember Kate Harrison

Subject: Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Parking Lots During Overnight Non-Business Hours

RECOMMENDATION

Adopt a resolution to allow recipients of a three-month “Grace Period” permit for safe RV parking to park overnight during non-business hours in designated City-owned parking lots pursuant to California Vehicle Code Section 21107.8(a)(1).

The resolution authorizes the City Manager to determine appropriate City-owned parking lots, with consideration for safe ingress and egress, accessibility of restroom facilities, and other health and safety considerations.

FINANCIAL IMPLICATIONS

Staff time to determine appropriate City-owned parking lots for safe RV parking, prepare parking lots for use, and to allocate an initial 25 permits for safe RV parking under the three-month Grace Period Permit Program.

CURRENT SITUATION AND ITS EFFECTS

The number of people residing in RVs on the public right-of-way for extended periods of time has grown, according to the 2019 Homelessness Point-in-Time Count for Alameda County. In Berkeley, there is a high concentration of RVs located west of San Pablo Avenue, particularly in the commercial Gilman District and adjacent residential neighborhoods. The existence of RVs on the public right-of-way for extended periods of time without sewer, water, and electrical connections presents health and safety concerns for RV dwellers and other members of the community.

The City has received a wide range of health and safety complaints related to the high concentration of RVs, including, for example, improper disposal of human waste into storm drains, blocked sight lines on streets, and reduced availability of employee parking within a reasonable proximity to businesses during early morning and late-night hours creating concerns about personal safety. Further, the high concentration of RVs in the Gilman District for extended periods of time has prevented our Public Works Department from doing street sweeping in the area.

City of Berkeley staff have spent considerable time and energy over the better part of 2019 investigating options for a 24-hour off-street safe RV parking site for specified priority populations. Staff investigated numerous public and private options and enlisted the services of a real property specialist with a goal of identifying a suitable parking lot. To date, no viable site has been identified within city limits for 24-hour use due to a variety of issues such as expense, limited size, or being legally infeasible. In light of these challenges as well as the need to ensure the health and safety of our community in a manner that is sensitive to priority populations, this resolution is put forward as a means of addressing the urgent need for a viable solution. The resolution—required pursuant to California Vehicle Code Section 21107.8(a)(1)—would authorize the City Manager to (1) determine appropriate City-owned parking lots for the three-month Grace Period Permit for safe RV parking, with consideration for safe ingress and egress, accessibility of restroom facilities, and other health and safety considerations and (2) to determine appropriate hours of availability during overnight non-business hours.

Allowing overnight parking in City-owned parking lots during overnight non-business hours aligns with our Strategic Plan Priority Project of advancing our goal to create housing support services for our most vulnerable community members. It also helps us maintain our infrastructure and facilities by helping to keep our streets and storm drains clean and clear of hazardous material.

#### BACKGROUND

Homelessness in the Bay Area continues to rise with an increase in Alameda County of 43% from 2017 to 2019. As a result of this increase in homelessness, there has been an increase in the number of RVs parking for extended periods of time within the City of Berkeley without access to sewer, water, and electrical connections, creating a health and safety risk. In December 2018, City staff had identified 193 RVs and oversized vehicles parked on the public right-of-way, with 100 oversized vehicles concentrated in West Berkeley. Additionally, City staff had been contacted more than 1,500 times in calendar year 2018 with requests by community members to address the health and safety impact of RVs in residential and commercial areas, according to the February 26, 2019 referral response staff report.

The City has sought to balance the preservation of health and safety for all with our obligation to do as much as we can to help our most vulnerable. On February 28, 2019, the City Council approved the first reading of Ordinance No. 7,643- N.S. amending Berkeley Municipal Code Chapter 14.40.120 to add oversized RVs and campers to the list of vehicles not allowed to park overnight on the public right-of-way between the hours of 2 a.m. to 5 a.m. for more than one hour. The Council's motion specified that the enforcement of the ordinance would be preceded by notice, outreach, providing flexible funding and service referrals.

On March 26, 2019, the City Council adopted a second reading of Ordinance No. 7,643- N.S. with additional recommendations and guidelines to ensure that enforcement would not commence until outreach is conducted and a permit system is developed. Council also allocated \$50,000 in state Homeless Emergency Aid Program dollars for flexible funding to

assist RV dwellers, and authorized targeted outreach to RV dwellers in order to identify needs and determine if they meet the criteria for priority populations eligible for the three-month "Grace Period" Permit Program (with the possibility of renewal). The Council specified priority populations to include families with children, people who work or study in Berkeley, and persons who had a Berkeley home address within the past 10 years as well as consideration of health status, disability and self-care needs, age and household size (including the presence of children).

Further, on December 3, 2019, the City Council allocated \$100,000 for the current fiscal year (FY19-20) and \$100,000 for the next fiscal year (FY20-21) for funding such services as portable bathrooms and trash pick-up related to a safe RV parking program. We note that safe parking for individuals sheltering in vehicles is a model being used in other communities, including Santa Barbara, Los Angeles, East Palo Alto, Oakland, and San Francisco.

#### ENVIRONMENTAL SUSTAINABILITY

Providing access to designated City-owned parking lots for overnight use during non-business hours helps to address improper disposal of human waste and debris as the parking areas will be chosen with consideration for restroom facilities and trash service.

#### CONTACT PERSON

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#### Attachments:

1: Resolution

Exhibit A: Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Parking Lots During Overnight Non-Business Hours

RESOLUTION NO. ##,###-N.S.

Safe Recreational Vehicle (RV) Parking at Designated City-Owned Parking Lots During Overnight Non-Business Hours

WHEREAS, the Berkeley City Council adopted Ordinance No. 7,643- N.S. on March 26, 2019 amending Berkeley Municipal Code section 14.40.120 to add oversized RVs and campers to the list of vehicles not allowed to park overnight on the public right-of-way between the hours of two a.m. and five a.m. for a greater length of time than one hour; and

WHEREAS, the City Council also adopted “Implementation Guidelines for Managing RV Parking” on March 26, 2019 in order to ensure that enforcement of Ordinance No. 7,643-N.S. would not commence until outreach is conducted and a program is developed to enable specified priority populations to receive a three-month “Grace Period” Permit to park in a designated safe location with a possibility of renewal; and

WHEREAS, the population of individuals and families living in RVs and campers on the public right-of-way for extended periods of time is diverse, with some vehicles housing populations that the City Council has deemed priority populations including families with children, people who work or study in Berkeley, and persons who previously had a Berkeley home address within the last 10 years; and

WHEREAS, the proliferation of RV dwellers reflects the regional shortage of affordable homes and related homelessness crisis, with a need to prioritize supportive services based on consideration of health status, disability and self-care needs, age and household size (including the presence of children); and

WHEREAS, the City of Berkeley has contracted with a homeless services provider to conduct outreach to people living in RVs; and

WHEREAS, the City of Berkeley has conducted an exhaustive search for a 24-hour safe RV parking location within city limits, including discussions with numerous public and private entities, with no locations to date found to be viable due to a variety of issues such as expense, limited size, or being legally infeasible.

WHEREAS, the California Vehicle Code Section 21107.8(a)(1) establishes that a city may, by resolution, find and declare that there are off-street parking facilities that are available for a public vehicular parking use; and

WHEREAS, the City of Berkeley seeks to implement all laws and ordinances in a fair and humane manner.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that designated City-owned parking lots with appropriate ingress and egress shall be made

available overnight during non-business hours for individuals in receipt of a three-month Grace Period Permit for safe RV parking.

BE IT FURTHER RESOLVED that the City Manager is authorized to determine appropriate City-owned parking lots for the three-month Grace Period Permit for safe RV parking, with consideration for safe ingress and egress, accessibility of restroom facilities, and other health and safety considerations and to determine appropriate hours of availability during overnight non-business hours.

