



Rashi Kesarwani
Councilmember District 1

REVISED AGENDA MATERIAL for Supplemental Packet 1

Meeting Date: January 28, 2020

Item Number: 15

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

Submitted by: Rashi Kesarwani

This supplemental and revised material includes a correction to the California Vehicle Code that was incorrectly cited in the originally submitted Council item. It also includes a list of possible locations for overnight safe RV parking in City-owned lots, as well as the reasons for their selection.



Rashi Kesarwani
Councilmember District 1

CONSENT 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 2251921107.8(a)(1). Section 22519 states: “Local authorities may by ordinance or resolution prohibit, restrict or regulate the parking, stopping or standing of vehicles on any offstreet parking facility which it owns or operates. No such ordinance or resolution shall apply until signs giving notice thereof have been erected.”

This resolution ~~authorizes the City Manager to determine~~ identifies appropriate City-owned parking lots for overnight safe RV parking – selected in consultation with the City Manager and relevant City staff -- 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 pilot three-month “Grace Period” Permit Program with a possibility of renewal. Minimal costs associated with creating the necessary signage and providing portable restroom facilities and trash pick-up at each location.

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. At the same time, there is a recognition that the proliferation of RVs reflects the regional shortage of affordable homes and related homelessness crisis.

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. In addition, outreach by the homeless services provider Bay Area Community Services has so far identified about 20 RV households that meet Council-established criteria as a priority population eligible for a three-month Grace Period parking permit.

The resolution, —required pursuant to California Vehicle Code Section 22519, 21107.8(a)(1)— would authorize the City Manager to (1) designate specified ~~terme~~ 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; and (3) to develop a set of rules and regulations to promote neighborly conduct in the designated lots.

In the interest of proper notice and full transparency, the City-owned parking lots to be selected are listed below. Several factors were considered in selecting these City-owned parking lots, including: outright ownership by the City, proximity to resources such as public restrooms, ease of ingress and egress (including height clearance), geographical dispersal within City limits, and cost effectiveness. The sites listed below were chosen based on the overall benefits in meeting the above-named factors; not all of the sites were selected for the same reasons.

City-owned parking lots to be selected for safe RV parking during **overnight** non-business hours include the following:

1. The Harrison Street parking lot at the northeast corner of Harrison Street and the railroad tracks, which is 3rd Street.
2. The West Berkeley Senior Center parking lot at 1900 6th Street.
3. The parking lot behind City Hall at 2180 Milvia Street (entry on Allston Way).

4. The Corporation Yard at 1326 Allston Way in an area to be designated.
5. The South Berkeley Senior Center parking lot at 2939 Ellis Street.
6. Berkeley Animal Shelter parking lot at 1 Bolivar Drive.

In cases in which the City-owned parking lot selected is small in size, fewer RVs will be assigned to the lot in order to ensure safe ingress and egress.

Other locations were considered but were not selected for a variety of reasons. For instance, the municipal lots on Berkeley Way in downtown and on Russell Street in the Elmwood commercial district are both currently regulated pursuant to Berkeley Municipal Code (BMC) Section 6.24.170, which prohibits vehicles in excess of 5,999 pounds, and Section 6.24.180, which prohibits vehicles in excess of 21 feet in length. Many RVs exceed these specifications. To allow RVs to park overnight in the Berkeley Way or Elmwood lots BMC Section 6.24.170 limiting weight and BMC Section 6.24.180 limiting length must be amended to create an exception for certain permitted RVs parking overnight during non-business hours. Due to the time delay associated with adopting a first and second reading of a revised ordinance for use of the Elmwood parking lot and in light of the upcoming ground-breaking for the affordable housing project at Berkeley Way, these two City lots were removed from the selected list at this time. As noted in the annotated agenda for the March 26, 2019 Council meeting for Item #21, Referral Responses: Managing Recreational Vehicle (RV) Parking, staff has been directed to “quickly identify, secure and prepare temporary locations for priority permit holders to stay.” To date, it has been nearly 10 months since the City began its efforts to establish this pilot program, and there is an urgency to addressing this issue.

Other City-owned sites, such as the City’s three municipal parking garages (Center Street, Oxford, and Telegraph and Channing) and the parking lot behind the Veteran’s Building were eliminated for other reasons. The maximum height limits for vehicle clearance in the garages preclude RV access. The Oxford and Telegraph Channing garages specify a vehicle clearance of 6 feet, 8 inches, while the Center Street garage specifies a clearance of 7 feet, all below the height of many RVs. Further, these garages are also regulated by BMC Sections 6.24.170 and 6.24.180, prohibiting vehicles over a certain length and weight. Similarly, due to the oversize nature the RVs, the ingress and egress to access the lot behind the Veteran’s Building is insufficient to accommodate oversize vehicles.

It should be reiterated here that this Council Resolution addresses the City’s requirements to establish a pilot safe RV parking program for permitted RVs for three months, with a possibility for renewal. And, as noted, the City has been unable to find a more suitable location to accommodate up to 25 RVs in a designated off-street location. The Resolution attached herein enables up to 25 RV households in receipt of a three-month Grace Period parking permit the opportunity to have a safe place to park overnight with access to public restroom facilities and trash pick-up. Additional efforts will continue to find a suitable 24-7 safe RV parking site, possibly in a regional location given Governor Newsom’s recent Executive Order making state properties available for homeless services.

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 have been ~~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 due to their vulnerability and their historical ties with the City, which are including homeless persons with significant chronic health conditions, physical limitations, and similar vulnerabilities, homeless families with minor children, homeless persons who work or study in Berkeley, and homeless persons who previously had a Berkeley home address within the last 10 years; 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 City has an interest in providing temporary safe parking locations for RV dwellers; and

WHEREAS, the City also adopted and extended Resolution No. 68.206, declaring a homeless Shelter Crisis until January 2022; 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; and-

WHEREAS, the California Vehicle Code Section ~~22519 21107.8(a)(1)~~ establishes that a ~~City may by resolution regulate parking in any off-street parking facility which it owns or operates with signage; and 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 ~~the City Manager is hereby authorized to select any of the following City-owned lots to accommodate up to 25 permits for designated City-owned parking lots with appropriate ingress and egress shall be made available~~ overnight RV parking during non-business hours for individuals in receipt of a three-month Grace Period Permit; ~~for safe RV parking.~~

1. The Harrison Street parking lot at the northeast corner of Harrison Street and the railroad tracks, which is 3rd Street.
2. The West Berkeley Senior Center parking lot at 1900 6th Street.
3. The parking lot behind City Hall at 2180 Milvia Street (entry on Allston Way).
4. The Corporation Yard at 1326 Allston Way in an area to be designated.
5. The South Berkeley Senior Center parking lot at 2939 Ellis Street.
6. Berkeley Animal Shelter parking lot at 1 Bolivar Drive.

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

~~BE IT FURTHER RESOLVED that the City Manager is authorized to change which lots are originally selected by substituting one of the other above-listed six lots in place of an originally selected lot, and/or change the amount of space allocated in each lot for RV parking.~~

~~BE IT FURTHER RESOLVED that the City Manager is authorized to implement a parking permit system for the lots selected for overnight RV parking by developing a parking permit application and prioritizing the issuance of permits to homeless persons with significant chronic health conditions, physical limitations, and similar vulnerabilities, homeless families with minor children, homeless persons who work or study in Berkeley, and homeless persons who previously had a Berkeley home address within the last 10 years.~~

~~BE IT FURTHER RESOLVED that the City Manager should try to issue a total of 25 RV overnight parking permits or as close to 25 as is practical.~~

BE IT FURTHER RESOLVED that the City Manager is authorized to implement rules and regulations to promote neighborly conduct for RV overnight parking permit holders and can rescind a parking permit, if the rules are broken by the permit holder or persons associated with the permit holder.

BE IT FURTHER RESOLVED that the City is authorized to remove any RV or other vehicle that is parked in any of the above-listed lots without a permit or in violation of the rules governing use of the lot, if signage governing the allowed use of the lot and warning that vehicles may be towed is posted.