



**PROCLAMATION  
CALLING A SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Thursday, February 28, 2019**

**6:00 P.M.**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:**

**Public Comment - Limited to items on this agenda only**

**Action Calendar – New Business**

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – New Business

### 1. Referral Responses: Managing Recreational Vehicle (RV) Parking

**From: City Manager**

**Recommendation:** Review options provided by City staff in the report and take one of the following actions:

1. Refer the recommendations in Option A (in the staff report), amending existing codes to limit RVs parking in the City of Berkeley for extended periods of time and developing an online RV Permitting system, to the City Manager.

**-AND/OR-**

2. Adopt the recommendations provided in Option B (in the staff report), prohibiting parking campers and RVs during certain hours and creating additional resources for people living in RVs, and adopt the first reading of two ordinances amending Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120 and refer any additional costs to the FY20-21 Budget process.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

### 2. Clean and Livable Commons Initiative

**From: City Manager**

**Recommendation:** Provide guidance on actions the City Manager should take to enhance livability in Berkeley.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000

## Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 21<sup>st</sup> day of February, 2019.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: February 21, 2019  
Mark Numainville, City Clerk

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via Internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.CityofBerkeley.info/CityCouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6908 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

Agendas and agenda reports may be accessed via the Internet at <http://www.CityofBerkeley.info/CityCouncil> and may be read at reference desks at the following locations:

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@CityofBerkeley.info](mailto:clerk@CityofBerkeley.info)

Libraries:  
Main - 2090 Kittredge Street  
Claremont Branch – 2940 Benvenue  
West Branch – 1125 University  
North Branch – 1170 The Alameda  
South Branch – 1901 Russell

#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.*

### **Item #1: Referral Responses: Managing Recreational Vehicle (RV) Parking**

1. Eric Friedman





Office of the City Manager

ACTION CALENDAR  
February 28, 2019

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Paul Buddenhagen, Deputy City Manager  
 Subject: Referral Responses: Managing Recreational Vehicle (RV) Parking

RECOMMENDATION

Review options provided by City staff in the report and take one of the following actions:

1. Refer the recommendations in Option A, amending existing codes to limit RVs parking in the City of Berkeley for extended periods of time and developing an online RV Permitting system, to the City Manager; and/or
2. Adopt the recommendations provided in Option B below, prohibiting parking campers and RVs during certain hours and creating additional resources for people living in RVs, and adopt the first reading of two ordinances amending Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120 and refer any additional costs to the FY20-21 Budget process.

SUMMARY

The City of Berkeley is experiencing an increasing number of RVs parking for long periods of time, impacting public safety, health, and the parking needs for Berkeley residents and businesses. On September 25, 2018, City Council approved a recommendation to “Refer to the City Manager to look into how other cities use permitting to manage RV parking and suggest a permit process that Council can consider to enable RV parking but place some sensible limits.” Additionally, on December 11, 2018 the City Council approved a recommendation to “Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, including consideration of method of pump out, cost, locations, and capacity, and refer costs associated with the facility to the FY 2020/21 Budget Process.”

In order to understand how other neighboring cities are responding to this regional challenge, City staff gathered information on other cities in the Bay Area (Oakland, San Francisco, Fairfield, Richmond, Albany, Emeryville, Alameda and Antioch) and their policies and laws regarding RV parking. The following table presents some findings.

City	Ban Against RV Parking	RV Permitting Process	Special Policies or Services
Oakland	Yes	No	Yes 150 space RV lot coming
San Francisco	Yes	No	Yes
Fairfield	Yes	No	No
Richmond	Yes	No	No
Albany	Yes	Yes/Residents	No
Emeryville	Yes	No	No
Alameda	Yes	No	Yes/Hygiene bus
Antioch	Yes	No	No

Currently, the City has few laws which can effectively address the persistent presence of RVs parking in the City of Berkeley, and no existing sanctioned pathway for RVs to affordably dispose of their effluent waste. In response to these needs, City staff have developed two possible options for Council consideration.

**Option A** would entail amending existing codes to prohibit RVs parking in the City of Berkeley for extended periods of time and developing an online RV Permitting system that limits the total amount of time any RV or registered owner of an RV parks their vehicle on the City’s right-of-way or City-owned off-street parking lots in a calendar year.

**Option B** would revise existing codes to prohibit parking oversize vehicles, including campers and RVs, in the City of Berkeley from the hours of 2 a.m. to 5 a.m. on any public right-of-way, as well as update existing BMC 12.76 which prohibits sleeping in house cars, and provide alternate resources for those living in RVs.

Adopting either Option A or B would include increased services for RV dwellers to support the transition from living in vehicles to living inside dwellings.

**RV dump/pump station** In considering the disposal of waste, staff explored installation of a City RV dump/pump station as well as contracting with a mobile pump contractor to

deliver and discharge the effluent waste to an existing nearby RV dump station. The City does have the capacity to absorb the additional waste into the existing sewer collection system. A consideration of the costs associated with each option is below, with the assumption of serving approximately 100 RVs per week. Regardless of the option selected, staff recommends that the implementation costs be recovered through the permitting process.

Option 1: City RV dump/pump station. While staff does not have a set estimate for the total cost of construction of a new RV dump/pump station, this option would require a feasibility study and a planning cost estimate, including long-term maintenance and operational costs, from a professional consultant. Staff also anticipates the need to pursue information from regulatory agencies, which may impact the overall cost of the station's construction and maintenance. No specific location has been identified for this option at this time. Alternatively, staff has learned of a pump station option which could be installed for approximately \$11,000, which would allow individuals to discharge directly into the City's sewer system. While this option would result in minimal staffing costs, other issues to consider include liability, maintenance, and replacement costs.

Option 2: Contract to deliver and discharge waste. Staff are gathering estimates for this type of service. Staff believe, however, this may be the lowest cost option because there is no need for new infrastructure and no additional cost for long term maintenance. Under this option, the mobile effluent waste contractor would visit a designated location and collect the waste from the RVs onsite, then could either dispose of the waste directly into the City's sewer collection system, or could haul the waste to an off-site location for disposal.

#### FISCAL IMPACTS OF RECOMMENDATION

Adopting Option B would require some additional as yet undetermined staffing costs to enforce the amendments to the BMC. Providing additional outreach and flexible funding for either option would cost up to approximately \$362,000 annually; this would include one outreach person and flexible funds in the amount of \$3,000 each for 100 vehicle dwellers. Council could choose to reallocate existing homeless outreach staff and/or reduce the flexible funds to lower the overall cost.

#### CURRENT SITUATION AND ITS EFFECTS

This report responds to a referral that originally appeared on the agenda of the September 25, 2018 Council meeting and was sponsored by Councilmembers Maio, Hahn, and Mayor Arreguin. At that meeting, the City Council approved a recommendation to "Refer to the City Manager to look into how other cities use permitting to manage RV parking and suggest a permit process that Council can consider to enable RV parking but place some sensible limits."

Additionally, this report responds to a referral from the December 11, 2018 Council meeting which was sponsored by Councilmembers Harrison and Davila. At that meeting the City Council approved a recommendation to “Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, including consideration of method of pump out, cost, locations, and capacity, and refer costs associated with the facility to the FY 2020/21 Budget Process.”

Currently, depending on the size, Recreational Vehicles (RVs) can park for three days at a time anywhere there is room and move continuously throughout the City. In practice, RVs often comply with the 72-hour rule by moving a very short distance – sometimes as little as three feet, to the opposite side of the street or around a corner – which results in the vehicles essentially occupying the same general area indefinitely.

The increase in the number of RVs parking in the City of Berkeley, and the subsequent impacts, may be quantified in multiple ways. In December 2018, Berkeley Police staff conducted a thorough citywide count of Recreational Vehicles on the City right-of-way. They counted 193 RVs, campers, converted busses, and vehicles that have been set up and/or designed for human habitation within the City’s borders. Of that number, over 100 were located west of San Pablo Avenue. These figures are consistent with a similar assessment which was conducted in November 2018.

Community residents contacted the City more than 1,500 times with requests to address the presence of and/or impacts from extended RV parking in 2018. These requests come via Berkeley Police Dispatch, the City’s BPD Direct Parking line, 311 service requests, and through emails directly to staff and council.

The types of issues raised through these calls for service include the loss of residential and customer parking for commercial businesses, and the illegal dumping of trash, debris, and human waste onto City streets, sidewalks, and waterways. The City has 1.5 FTE in Berkeley Police, and 0.85 FTE in Neighborhood Services that respond to these calls for service, as well as other similar service calls that are not RV generated.

One of the issues that is most often raised with regards to extended RV Parking is the alleged discharge of human waste in inappropriate locations. Runoff from the City’s storm sewer system is periodically tested as part of regional testing efforts, but not at a scale that would be able to quantify the environmental impacts under discussion. The Regional Water Board, however, has received reports of alleged dumping of human waste, and as a result City staff have been mandated to investigate all complaints. Warnings have been issued, but no citations have been issued to date. Any verified discharge of human waste into the storm sewer system would be considered a violation of the City’s Municipal Code (BMC 17.20); if left unaddressed, the City could be at risk of violating its National Pollutant Discharge Elimination System (NPDES) Municipal



Regional Permit, which would lead to enforcement actions by the Regional Water Board.

Currently, the City provides 25 portable toilets and nine hand washing stations at strategic locations throughout the City to help with this issue. There are also extended hours for the City's 181 permanent public restroom facilities.

### BACKGROUND

City staff gathered information on neighboring Cities in the Bay Area, in order to explore existing practices and to explore options the City of Berkeley may have in addressing the ongoing RV parking issues in our City.

Staff in the City Manager's Office, City Attorney's Office, and Public Works and Police Departments have collaborated to produce the proposed options. Option A includes amendments to Berkeley Municipal Code sections 12.76 and 14.40.120 (Attachments 1 and 2) that incorporate the principal points and purposes of the September 25, 2018 referral, and an RV permit process. Option B retains the amendments to Berkeley Municipal Code as noted in Attachments 3 and 4. Both options include the potential to provide outreach to people living in RVs to provide them with information and resources to establish a more stable living situation.

### **Option A**

Option A includes amending existing codes to clarify the prohibition against RVs parking in the City of Berkeley for extended periods of time and creating an online RV Permitting system that limits the total amount of time any RV or registered owner of an RV parks their vehicle on the City's right-of-way in a calendar year.

- *Existing and Possible Municipal Code Considerations:* Currently, the City has multiple Municipal and Vehicular Code sections which support some form of enforcement for RV Parking, or could be amended to do so.

Applicable statutes and laws regulating the parking of RVs on City streets include California Vehicle Code § 22651(k), and BMC 14.36.050, which makes it unlawful to park or leave standing a vehicle on "any public street in the City for seventy-two or more consecutive hours." This section is typically enforced based on complaints, and motorists are provided a warning before a vehicle is cited and/or towed.

BMC 12.76, which prohibits the use of "any house car or camper for human habitation within the City," has not been enforced since June 2014, when the United States Court of Appeals for the Ninth Circuit issued an opinion invalidating an ordinance that prohibited parking a vehicle being used as "living quarters" on Los Angeles streets. The Court held the Los Angeles ordinance was unconstitutionally vague because it failed to provide "fair notice" of what

was being prohibited. Berkeley's "house car" ordinance does not currently define "human habitation" with any specificity, although it could be amended to do so. Attachment 3 includes proposed language which would change the existing ordinance.

BMC 14.40.120 makes it unlawful to park any "heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m." for more than an hour. "Heavy duty commercial vehicle" is defined as a single vehicle or combination of vehicles that (1) has more than two axles, or (2) is 20 feet or longer, or (3) is wider than 6 feet, 6 inches. Examples in the ordinance "include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies." This section could be amended to clarify that it applies to oversized vehicles used for activities other than commercial purposes, including RVs. Attachment 4 includes proposed language which would make this clarification.

- *Proposed RV Permit System:* In response to the increase in extended RV parking throughout the City, City staff propose implementation of a permit system, modeled after the City's existing RPP visitor pass program, which grants a permit to a licensed vehicle, or a registered owner, a maximum of 14 days per calendar year to park an RV on the City right-of-way, streets, and off-street City-owned parking lots.

The online permit system would be accessible to the general public through Berkeley Public Libraries' free access to computers and the internet, through the City of Berkeley's Customer Service Counter, or through a City webpage.

Individual permits would be issued to a licensed vehicle and/or a registered owner. The permit would also specify an area or street for which the permit would be valid. The permit would also hold the permit holder accountable for the cost of removing any trash and debris left behind, following the conclusion of the permitted time period.

Anticipated costs for the RV permitting system include the cost to acquire and run the online permit platform, administration costs and the impact on existing staff to enforce the policy.

Option A provides all RV owners the ability to legally park on the City's right-of-way for a short time period, and supports residents and businesses who are negatively impacted by vehicular living for long periods of time.

## **Option B**

Option B would revise existing codes and provide outreach to people living in RVs to provide them with information and resources to establish a more stable living situation.

- *Amendments to Existing Municipal Code:* As outlined in Option A, the City would revise the BMC 14.40.120 (Attachment 1) to clarify that RVs are included in the prohibition of parking for oversized vehicles from 2 – 5 a.m., as well as update the language to BMC 12.76 as proposed in the revised ordinance (Attachment 2) regarding the use of house cars for human habitation. Without the inclusion of an RV permitting process, this would lead to a ban of RVs parking on Berkeley city streets.
- *Provide Alternate Resources and/or Locations outside of Berkeley:* City staff has learned of a multi-city collaborative effort, led by the City of Union City and involving the cities of Fremont, Hayward, San Leandro, and Alameda, to leverage use of state Homeless Emergency Assistance Program (HEAP) funding to establish safe parking sites which would be open to other cities. The goal for this effort is to avoid duplicating efforts (e.g. every city start a safe parking program) and to have complimentary programs that hopefully fill gaps (e.g. RV parking) since the issue is a regional one, with individuals often moving between cities in the Bay Area. Partnership in this program would be a substantial financial investment, and would likely require use of some Measure P or HEAP funding, allocated to the City to address the homeless crisis. Additionally, staff could explore partnering with the City of Oakland on RV safe parking.

By prohibiting RVs on the City's streets, Option B would clearly address the ongoing negative issues associated with the continued presence of RVs parking for extended periods of time in the City. Staff shortages and high workloads could compromise a robust enforcement strategy associated with Option B.

### **Both options**

*Provide Outreach to people living in RVs:* The City could expand outreach efforts to encourage people living in RVs to take advantage of any available shelter resources and, if resources are available, provide flexible funding to help people resolve their homeless situation. This could include housing problem solving and/or housing assistance. This approach would require additional resources for staffing and flexible funds. Providing additional outreach and flexible funding would cost up to approximately \$362,000 annually; this would include one outreach person and flexible funds in the amount of \$3,000 each for 100 vehicle dwellers.

### **ENVIRONMENTAL SUSTAINABILITY**

Environmental sustainability is a core value of the City of Berkeley and informs all City operations. Implementation of a City pump station to collect effluent waste would have the clear benefit of reducing the possibility of human waste entering the storm drain system and consequently the Bay. This is consistent with the goals and requirements set forth in the City's NPDES Municipal Regional Permit. Alternatively, prohibiting the use of public right-of-way for RV parking throughout the City of Berkeley would

accomplish a similar goal, as it reduces the likelihood of human waste entering the storm drain system.

#### RATIONALE FOR RECOMMENDATION

The approaches proposed by City staff includes the amendment of existing codes to prohibit RVs parking in the City of Berkeley for extended periods of time; and an online RV Permitting system that limits the total amount of time any RV or registered owner of an RV parks their vehicle on the City's right-of-way, streets, and off-street parking lots in a calendar year. These are coupled with increased services in an effort to increase the transition to more stable living for people living in RVs.

#### ALTERNATIVE ACTIONS CONSIDERED

City Staff considered the option of developing a sanctioned parking location within the City borders. However, there is insufficient space within the City to accommodate such a program. Additionally, there are several liability and logistical concerns which are raised by the City assuming responsibility for such a sanctioned environment.

One additional option would be to continue current City practices regarding RV parking, which includes enforcement of existing vehicle code as well as BMC 14.36, which restricts parking of any vehicle for longer than 72 hours on the public right-of-way.

If this option was preferred, and council desired, staff could come back with pump out costs, locations and timeline. In considering the disposal of waste, staff explored installation of a City RV dump/pump station as well as contracting with a mobile pump contractor to deliver and discharge the effluent waste to an existing nearby RV dump station. The City does have the capacity to absorb the additional waste into the existing sewer collection system. A consideration of the costs associate with each option is below, with the assumption of serving approximately 100 RVs per week. Regardless of the option selected, staff recommends that the implementation costs be recovered through the permitting process.

Option 1: City RV dump/pump station. While staff does not have a set estimate for the total cost of construction of a new RV dump/pump station, this option would require a feasibility study and a planning cost estimate, including long-term maintenance and operational costs, from a professional consultant. Staff also anticipates the need to pursue information from regulatory agencies, which may impact the overall cost of the station's construction and maintenance. No specific location has been identified for this option at this time. Alternatively, staff has learned of a pump station option which could be installed for approximately \$11,000, which would allow individuals to discharge directly into the City's sewer system. While this option would result in minimal staffing costs, other issues to consider include liability, maintenance, and replacement costs.

Option 2: Contract to deliver and discharge waste. Staff are gathering estimates for this type of service. Staff believe, however, this may be the lowest cost option because

there is no need for new infrastructure and no additional cost for long term maintenance. Under this option, the mobile effluent waste contractor would visit a designated location and collect the waste from the RVs onsite, then could either dispose of the waste directly into the City's sewer collection system, or could haul the waste to an off-site location for disposal.

CONTACT PERSON

Kristen Lee, Interim Assistant to the City Manager, 981-7017

Attachments:

1. Proposed revisions to BMC 14.40.120
2. Proposed revisions to BMC 12.76
3. Referral Report from September 25, 2018
4. Referral Report from December 11, 2018

ORDINANCE NO. -N.S.

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS; AMENDING BERKELEY MUNICIPAL CODE SECTION 14.40.120

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 14.40.120 is amended to read as follows:

**14.40.120 No parking between two a.m. and five a.m.**

A. It is unlawful for any person to park any oversize or heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m. for a greater length of time than one hour.

B. For the purpose of this section, oversize or heavy duty commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, a single vehicle or combination of vehicles 20 feet or more in length, or a single vehicle or combination of vehicles six feet six inches or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), campers.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

ORDINANCE NO. -N.S.

HOUSE CARS; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.76

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 12.76.010 is amended to read as follows:

**12.76.010 Definitions.**

A. "Camper" means a structure designed to be mounted upon or attached to a motor vehicle, ~~in order and~~ to provide facilities for human habitation or camping purposes.

B. "House car" means a motor vehicle originally designed or permanently or temporarily altered and equipped for human habitation, or to which a camper has been permanently or temporarily attached. A house car need not contain any plumbing or cooking facilities.

Section 2. That Berkeley Municipal Code Section 12.76.020 is amended to read as follows:

**12.76.020 Use for human habitation prohibited – Exception.**

A. No person shall use or occupy or permit the use or occupancy of any house car or camper for human habitation within the City, provided that not more than one house car may be placed, kept and maintained in the rear of any single-family or duplex residential building and used for sleeping purposes only for not more than three successive nights in any 90-day period. Such house car shall not be placed closer than five feet to any property line or closer than ten feet to any building, and the sanitary and cooking facilities therein shall not be used.

B. For purposes of this Chapter, "human habitation" means residing in or using any camper or house car for living accommodation, lodging, or sleeping purposes, as exemplified by remaining for prolonged or repeated periods of time not associated with ordinary use for transportation purposes, with one's possessions (including, but not limited to, clothing, sleeping bags, bed rolls, blankets, sheets, or other sleeping implements, luggage, cooking and eating utensils, cookware, food or beverages or toiletries). These activities constitute human habitation when it reasonably appears, in light of all of the circumstances, that a person is using a house car or camper as a living, lodging, or sleeping accommodation regardless of his or her intent, or the nature of any other activities in which he or she might also be engaged.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**LINDA MAIO**  
**COUNCILMEMBER**



**ACTION CALENDAR**  
 September 25, 2018

TO: Honorable Mayor and Members of the City Council

FROM: Councilmembers Maio, Hahn, and Mayor Arreguin

SUBJECT: Managing RV Parking Via Permit Process

**RECOMMENDATION**

Refer to the City Manager to look into how other cities use permitting to manage RV parking and suggest a permit process that Council can consider to enable RV parking but place some sensible limits.

**BACKGROUND**

The flatlands in Berkeley have become home to an increasing number of RVs parking for very long periods of time. District 1 residents, schools, and business have been reporting increasing numbers and also problems associated with long term parking. These concerns include taking up parking that is needed for residents and businesses. The most problematic of issues is public safety and health. Berkeley has no pump-out facilities and therefore reports of using garbage cans and storm drains for disposing of personal waste have come to our attention.

This Item asks the City Manager to look into what other cities have done to place reasonable limits on RVs. Here is a link to what Antioch as in place: <http://www.antiochca.gov/police/rv-permit>. This item requests consideration of a 2-week permit.

**ENVIRONMENTAL SUSTAINABILITY**

Positive impact on storm drain systems.

**FINANCIAL IMPLICATIONS**

Staff time for education and enforcement.

**CONTACT**

Office of Councilmember Linda Maio, District 1  
 510.981.7110 | [Imaio@cityofberkeley.info](mailto:Imaio@cityofberkeley.info) | [cityofberkeley.info/lindamaio](http://cityofberkeley.info/lindamaio)

Office of Councilmember Kate Harrison, District 4  
 510.981.7140 | [kharrison@cityofberkeley.info](mailto:kharrison@cityofberkeley.info) | [cityofberkeley.info/councildistrict4](http://cityofberkeley.info/councildistrict4)

Office of Councilmember Sophie Hahn, District 5  
 510.981.7150 | [shahn@cityofberkeley.info](mailto:shahn@cityofberkeley.info) | [cityofberkeley.info/district5](http://cityofberkeley.info/district5)

Office of Mayor Jesse Arreguin





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
December 11, 2018

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Harrison and Davila  
 Subject: Referral to City Manager to establish Recreational Vehicle Waste Discharge Facility on City Property and Referral to FY 2020/21 Budget Process

RECOMMENDATION

1. Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, and
2. Refer costs associated with the facility to the FY 2020/21 Budget Process.

BACKGROUND

A limited number of RV waste discharge facilities exist across the Bay Area; no such public facility is currently available in Berkeley. The nearest public facility appears to be miles away in San Leandro. The ability to discharge human waste into municipal sewers protects public health and meets a basic human need. It is in the interest of the City to prevent the improper discharge of untreated waste into the environment and to provide equitable and convenient access to municipal services.

The City's Parks, Recreation & Waterfront Department reported in June of 2018 that some 200 vehicle dwellers, including visitors, parked overnight in the Berkeley Marina. Vehicle dwellers also park in streets throughout Berkeley. Vehicles provide them with critical respite from the elements but vehicle dwellers lack basic sanitary services.

The Council established an informal Council-staff task force in June of 2018 to explore the feasibility of establishing a sanctioned vehicle dweller park with restrooms and potentially a discharge facility. The task force is making progress, but the long-term nature of the exploration process leaves RV dwellers without critical services. The City can reasonably establish a waste discharge facility on City property in the short term, while pursuing a comprehensive RV park over the long term.

Consultations with officials managing waste discharge facilities at the Central Marin Sanitation Agency and with the Contra Costa County Fairgrounds indicate that the cost of constructing a discharge facility would be relatively inexpensive as fees can be established to cover the cost. Both facilities consist of a sewer drain and RV tank connection equipment, as well as a clean water hose for cleaning. Central Marin reported that their facility cost \$150,000 and was completed ten years ago, which,

adjusted for inflation, is approximately \$176,000. Both Marin and Contra Costa charge \$10 for each use of the facility, report very low management costs, and serve an average of 10 users per month.

FINANCIAL IMPLICATIONS

Costs associated with building the facility, approximately \$150,000 – \$200,000, offset by fees, and staff time to collect fees. On average, an RV occupied by two people needs to discharge waste every week. Thus for every 50 RVs, 2,400 discharges annually could be expected, generating \$36,000 with a \$15 per use fee. Under this scenario, costs would be recouped in approximately 5 years and a small percentage of the fee could go towards subsidizing service for very low-income vehicle dwellers.

ENVIRONMENTAL SUSTAINABILITY

Reduces public health hazards, as well as environmental pollutants entering our waterways due to poor sanitation and/or a lack of sanitation services. Reduces travel time and resulting emissions.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140



Office of the City Manager

ACTION CALENDAR

February 28, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager

Subject: Clean and Livable Commons Initiative

RECOMMENDATION

Provide guidance on actions the City Manager should take to enhance livability in Berkeley.

SUMMARY

The City of Berkeley has, over the past few decades, invested significant resources for a city its size in homeless services designed to help people obtain permanent housing. Despite many homeless people being housed through these efforts, there are still a lot of people living unsheltered in Berkeley. A variety of community impacts have been attributed to the large number of unsheltered Berkeley residents. These impacts include accumulations of living structures and other items which sometimes spill into the public right-of-way and large amounts of garbage and human waste, creating health and safety problems.

The City Manager proposes the following actions to address this issue:

- Add lighting, cameras and signs at strategic locations in Berkeley to help deter illegal dumping;
- Create a Livable Commons Action Team, made up of new staff in the Public Works, Parks, HHCS and City Manager's office to increase the City's ability to quickly address debris and other negative impacts related to homeless encampments;
- Add portable toilets and a second homeless locker program near encampments; and
- Create a citizen awareness campaign to publicize these efforts and educate the public regarding illegal dumping and the best practices or ways to provide donations to homeless encampments.

City staff recommend that Council utilize a significant portion of new Homeless Emergency Aid Program (HEAP) funding to fund the actions listed above. HEAP is a flexible but time-limited and one-time source of funding from the State of California to address the homelessness crisis. Additional resources will be necessary, however, to create a more proactive response to the crisis. Berkeley voters passed Measure P in November 2018 which is expected to generate \$6 to \$8 million annually in revenues for homeless related services. A portion of these resources will be needed to sustain any of the efforts listed above.

#### FISCAL IMPACTS OF RECOMMENDATION

City staff will be bringing an item for Council consideration on the March 12, 2019 agenda, requesting approval of a contract with the Alameda County Housing & Community Development Department for \$4,032,711 in State HEAP funds. The item proposes funding key city priorities and minimizes risk of underspending by utilizing \$2,832,000 for the Pathways and Dorothy Day House shelters and \$100,818 for administration (2.5% - the maximum allowable). The remaining HEAP funds (\$1,099,894) would cover many of the actions outlined in this report:

- Partially fund two years of encampment servicing/trash removal: \$730,000;
- Fund two years (FY2020 and 2021) of portable toilet and handwashing stations at existing and expanded locations: \$270,000;
- Capital and services costs for one year (FY2020) of the pilot homeless locker program expansion to a second site: \$100,000.

Because HEAP funds must be spent by June 2021, additional resources will be required to continue these expenditures beyond June 2021 and fund other aspects of the recommendations included in this report.

#### CURRENT SITUATION AND ITS EFFECTS

The prevalence of unhoused people living on streets, sidewalks, parks and other open space has been increasing all over the Bay Area for many years. Despite the fact that many jurisdictions have made significant progress towards housing people, the number of people becoming homeless and living outside of shelters is higher than the rate at which communities are able to house them. There are significant community impacts related to large numbers of unhoused people who lack sufficient infrastructure to be able to survive unsheltered without also sometimes creating impacts to the surrounding community. These impacts are increasingly being felt in Berkeley.

The latest reliable data related to the number of homeless people living in Berkeley is from the 2017 Homeless Point-In-Time Count, undertaken by Alameda County with the help of local Berkeley volunteers (a new count was done in January 2019, but data will not be ready for several months). In January 2017, approximately 664 people were living unsheltered on Berkeley streets, sidewalks, in cars or RVs, and encampments.

This far exceeds to number of shelter beds – currently 286 -- that are available on any given night. As reported in a prior council report, over the course of a year, nearly 2000 people experience homelessness of some duration in Berkeley. This number has been steadily growing at an average rate of 10% every 2 years. In December 2018, Berkeley Police staff counted 193 RVs, campers, converted busses, and vehicles that have been set up and/or designed for human habitation within the City's borders.

The City of Berkeley has over the past few decades invested significant resources for a city its size in homeless services designed to help people obtain permanent housing. In addition, in just the past three years, the City more than doubled homeless resources by funding:

1. The Pathways STAIR center, a 45-bed, 24/7, service-rich shelter housed in a series of modular trailer buildings on 2nd Street between Cedar and Virginia Streets in West Berkeley has successfully housed 53 people<sup>1</sup> since it opened in late June 2018. The STAIR center also includes two outreach workers to specifically offer shelter and other services to people living in encampments;
2. Expanded homeless outreach, creating a four-person HOTT team using a combination of state Mental Health Services Act funding and City General Fund;
3. Expanded shelter for the street homeless population by allocating \$400,000 to and contracting with Dorothy Day House to open a shelter for 52 individuals in the basement of 1931 Center Street;
4. A Coordinated Entry System which focuses resources on people who have been on the streets for one year or more<sup>2</sup>;

In addition to investing more local funds in homeless efforts, the Berkeley Housing Authority applied for and received additional Section 8 housing vouchers, 30 of which will be dedicated to homeless people prioritized through the Coordinated Entry System. The City was also recently awarded \$1.5 million in federal Department of Housing and Urban Development funding for an expansion of an existing Shelter Plus Care program, which will provide supportive services and permanent housing vouchers for approximately 45 people beginning in January 2020.

Despite these efforts, there continue to be a significant number of people living on the streets and the impact to the surrounding community is high. The City Manager is committed to having a cleaner and more humane city that is enjoyable for everyone.

---

<sup>1</sup> For more details, see report and presentation from the October 19, 2018 Council worksession, located here: [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/10\\_Oct/City\\_Council\\_10-09-2018\\_-\\_Special\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/10_Oct/City_Council_10-09-2018_-_Special_Meeting_Agenda.aspx)

<sup>2</sup> For more information on the City's Coordinated Entry System, see [https://www.cityofberkeley.info/Clerk/City\\_Council/2017/03\\_Mar/City\\_Council\\_03-28-2017\\_-\\_Special\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2017/03_Mar/City_Council_03-28-2017_-_Special_Meeting_Agenda.aspx)

Therefore we have identified a variety of efforts to help mitigate the negative impacts that are often associated with encampments and have several recommendations for City Council to consider.

### **1. Illegal Dumping**

In calendar year 2018, reports of illegal dumping represented 33% of all code enforcement complaints. Thousands of complaints related to illegal dumping are currently received through the City's 311 system and forwarded to the Public Works Department, which removes dumped items from the public right-of-way. If more than three complaints are received related to an accumulation of debris related to private property, the City's Code Enforcement Unit is contacted to begin enforcement procedures. Property owners are responsible for the condition of their property, up to and including the sidewalk, landscaping strip and/or street. If a vehicle has been videoed or photographed in the act of illegal dumping, city staff refer the incident to the Berkeley Police Department (BPD) for enforcement. BMC violations are penalized through the issuance of an administrative citation. Penalties are \$100 per violation/per day for a first citation, \$200 per violation/per day for a second violation (within 1 year of previous issuance) and \$500 per violation/per day for third and subsequent violations.

There is a spike in complaints related to illegal dumping in May and June, which corresponds to the period when UC Berkeley students move out of their apartments. City staff currently partner with staff at UC Berkeley as part of the Move Out program<sup>3</sup>. Illegal dumping, especially of construction debris, is particularly problematic near the I-80 corridor in West Berkeley where there is easy on/off access and lighting is poor. City staff are currently working to encourage owners of private property to install additional lighting and share surveillance camera footage with the Berkeley Police Department.

The City can develop signs to warn potential violators about the consequences of illegal dumping. These signs could be placed throughout Berkeley at a nominal cost. The main hurdle to deterring illegal dumping, however, is enforcement.

Cameras could also be used as a deterrent and potential mechanism for tracking down illegal dumpers. The City's current surveillance policy was adopted on March 27, 2018 when City Council added BMC Chapter 2.99, the "Surveillance Technology Use and Community Safety Ordinance". This ordinance contains requirements regarding the procurement and use of Surveillance Technology that "carefully balances the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members". City Council could consider, as it did in San Pablo Park following a shooting last year, adding additional locations where cameras could be installed to act as a deterrent to illegal dumping. Reviewing camera footage to catch

---

<sup>3</sup> More information on this program can be found here:  
[https://www.cityofberkeley.info/Clerk/City\\_Council/2018/09\\_Sep/Documents/2018-09-25\\_Item\\_36\\_Referral\\_Response\\_Move\\_Out\\_Initiatives.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/09_Sep/Documents/2018-09-25_Item_36_Referral_Response_Move_Out_Initiatives.aspx)

illegal dumping would require additional staff time not currently available in the Berkeley Police Department. The cost of additional cameras and staffing to review footage may be outweighed, however, by the success rate at prosecuting violators. The City may want to consider additional dedicated patrol resources or a sting operation to make a dent in illegal dumping.

## ***2. Improved Lighting***

As part of existing capital replacement cycle, the City of Berkeley could upgrade existing lights or add installation of new lights in areas where there are reports of illegal dumping. Public Work staff was recently deployed to four locations on 2<sup>nd</sup> Street near the Pathways STAIR center to take light level readings and determine what the impact of increased wattage would be in these areas. There are several streets in this area of West Berkeley where additional lighting may help thwart illegal dumping. Additional lighting would require a range of actions, including evaluating whether additional low-voltage wiring would need to be installed in some locations. The cost of this work, until further defined, is unknown.

## ***3. Livable Commons Action Team***

When the City takes steps to enforce laws regarding camping in the public right-of-way, it is driven by concerns about a) accessibility issues related to path of travel on sidewalks and other access points, b) health and safety (including the risks of camping on street medians on busy arterial streets), c) persistent complaints from neighbors and businesses about illegal activities, or d) special events requiring that an area be temporarily made available for a specific purpose. In 2018 City staff picked up garbage at and required that 11 encampments be disbanded. From July to December 2018, 95 tons (190,000 pounds) of debris were collected.

City of Berkeley Public Works Department and Parks, Recreation and Waterfront departments spend significant amounts of time and money on intermittent homeless debris removal throughout the City. This effort displaces time and funding for maintenance of our existing infrastructure. City Council authorized \$400,000 in 2018 to fund garbage removal related to encampments. Additional resources will be needed, however, to increase the rate at which negative conditions near encampments can be abated. We are recommending \$1,000,000 per year, with \$370,000 of this coming from HEAP in FY 20 and 21, and the remaining portion from Measure P., for a Livable Commons Action Team. This funds:

- 1 FTE staff from Code Enforcement, 2 FTE staff from Public Works, and 1 FTE HHCS outreach staff to provide full-time, year-round encampment response;
- Costs for regular trash and debris removal service at encampments, storage, safe disposal, and protective equipment;

- Costs to cover contract(s) with outside agencies to assist with additional debris removal at encampments or encampment-impacted locations.

#### **4. Facility Improvements**

Staff have been working to implement Councilmember Davila and Droste's effort to bring a portable shower service, to Berkeley for a 6- to 8-week pilot. The mobile shower entity Lava Mae will operate two days per week for 6-8 weeks at a location or locations to be determined. Showers will be operational from 9 a.m. to 2:30 p.m. The City currently funds two shower programs, one at Willard School (2701 Telegraph) and one at the MASC (1931 Center Street basement). The Willard Shower Program is open Monday through Friday from 7:30 – 8:30 p.m. and Saturdays and Sundays from 9 – 10 a.m. The MASC shower program is open Monday through Sunday from 8 a.m. to 11:30 a.m. It is expected that the Lava Mae pilot will improve hygiene by bringing it closer to areas where there are larger numbers of people camping. Should the Lava Mae pilot prove successful, an extension may be possible depending on Lava Mae's continued capacity.

City staff expect to continue the provision of additional portable toilets and handwashing stations at various location throughout the City. This is an annual cost of approximately \$65,000. In addition, the City could add five additional portable toilets at \$6,500 per year for a total additional cost of \$32,500. This grand total amount (\$270,000) is expected to be covered by HEAP funds until June 30, 2021. Funding for this effort thereafter would need to be borne by the General Fund.

The City is expecting to continue piloting a homeless locker program, expanding the existing program, located in the basement of 1931 Center Street providing 60 lockers, to a second site for a one-time cost of \$50,000 and annual cost of \$50,000. The provision of lockers enables homeless residents a safe and secure space to store belongings. The lockers are integral to keeping city sidewalks, parks, and other public spaces more free of objects.

#### **5. Citizen Awareness**

City staff involved in encampment clean ups report that sometimes well-meaning residents donate their unwanted household items and food to encampment dwellers. This has the unintended impact of contributing to the overflow of items in encampments and uneaten food which lures vermin, exacerbating health and safety issues. The City Manager's office will develop a "good neighbor" campaign to publicize the efforts listed above and to urge Berkeley citizens to help mitigate environmental impacts by not leaving unwanted items out for people living in encampments. Staff will present the community with other ways to better support our unhoused community members, such as donating to nonprofits.



### BACKGROUND

The City of Berkeley currently directs millions of dollars in federal, state and local funds into a comprehensive constellation of services to help homeless people lead better lives. This includes direct services such as transitional and permanent housing, shelter, meals, mental health care and indirect services such as parks clean-up and 311 calls to name just a few. These programs are operated by City staff, nonprofit agencies, faith institutions, businesses and others, often in partnership. Despite the coordinated efforts and funds put towards reducing homelessness and helping people experiencing homelessness, there continue to be significant numbers of people living on the streets of Berkeley. This fact belies the significant efforts made to serve them.

In FY2019 the City allocated \$3.8 million across 16 agencies to address homelessness. These funds support 286 emergency shelter beds, 3 daytime drop-in centers, a shower program, three meal programs, 38 transitional housing beds, and other services including drug and alcohol treatment, domestic violence services, money management, benefits advocacy, employment services, and county-wide homeless coordination. The City also administers over \$4.5 million in federal HUD funding for the Shelter Plus Care program, keeping approximately 260 formerly people in housing.

Despite these efforts, on any given night in Berkeley, there are nearly 1,000 people experiencing homelessness and, for the past several years, homelessness has nonetheless steadily increased. The City of Berkeley has declared a homeless state of emergency in January 2016 and again in October 2017. The City of Berkeley has also approved sending a letter to Governor Newsom urging a statewide declaration of homeless emergency.

### ENVIRONMENTAL SUSTAINABILITY

Adopting this resolution will add \$729,847 to the budget for encampment trash and debris removal, which will positively impact the environment by removing many tons of debris, including hazardous and human waste, from encampments. This reduces the likelihood such waste will wind up in the city's creeks, wetlands, or other environmentally sensitive areas.

### RATIONALE FOR RECOMMENDATION

The obvious solution to homelessness is affordable housing. While we continue our efforts to create more housing opportunities in Berkeley, the City needs to invest more resources in improving conditions on our streets and sidewalks. To that end, we recommend that Council set aside additional resources for these recommended service augmentations described above.

### ALTERNATIVE ACTIONS CONSIDERED

Redirect staff from providing other city services to focus on debris abatement and a more livable commons.

CONTACT PERSON

Kristen Lee, Temporary Assistant to the City Manager, City Manager's Office, 981-5427



# Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

## **City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

## **Records Online**

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF