



# Councilmember Ben Bartlett

City of Berkeley, District 3  
2180 Milvia Street, 5<sup>th</sup> Floor  
Berkeley, CA 94704  
PHONE 510-981-7130  
EMAIL: [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

ACTION CALENDAR  
April 2, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Ben Bartlett  
Subject: Addendum to Councilmembers Harrison and Davila's proposal for a vehicle-dwelling permitting program

## RECOMMENDATION

Provide an addition to the vehicle dweller permitting program created by Councilmembers Davila and Harrison that will support efforts to reduce homelessness. This addition will establish a Governance Body for those dwelling in vehicles to engender propose and responsibility among participants, and build a community. Accordingly, the Governance Body will contain the following conditions:

1. All residents must be registered with Berkeley's Coordinated Entry Program.

1.2. At all times, vehicles must be registered and fully operable.

2.3. No illegal substances, alcohol, weapons, violence, or disruptive behavior will be tolerated either on site or in the immediate neighborhood.

3.4. Vehicle repairs are not to be performed on-site.

4.5. No property will be stored outside the vehicle, excluding two folding chairs, one folding table, not to exceed 6 feet in length, and one propane BBQ grill. Personal and immediate areas must remain trash free.

5.6. A noise curfew will be instituted from 8pm to 8am.

7. Participation ~~in power lunch~~ is mandatory. Residents are allowed to miss one in any calendar month. ~~Participation in roles designated by power lunch is expected.~~ Failure to do so endangers ability to stay.

6.8. All Residents are expected to pay monthly rent of no more than \$200 per month.

~~The Governance Body would be a self-governing, self-organized community. Every Saturday at 11AM a general assembly of all residents shall convene.~~ The Governance Body will convene weekly at set time, shall and act as the final decision making body and conflict resolution forum. All residents whether in attendance or not agree to comply with this Body's decisions.

Matters related specifically to drugs, alcohol, weapons, violence, and/or criminal activity will result in immediate termination of resident's' tenancy. ~~and=~~ The resident will be compelled to leave at that time. Such matters may be taken up at the discretion of the Governance Body at its convenience which may uphold, modify, or set aside termination.

In regards to conflict resolution not listed above, the following procedures will take place.

1. A complaint is filled by a resident to the Governance Body. The complaint will be heard at the Governance Body Meeting. A 72 hour notice of cease and desist will be issued by designated representative of the Power Lunch. The recipient will have 72 hours to comply or leave.
  2. The Governance Body investigates the complaint and makes a determination. Failure to comply will result in a 24 hour notice to comply or leave voluntarily.
  3. If the determination is that the complaint is legitimate, a notice of cease and desist is issued. The recipient of the cease and desist letter will have 72 hours to comply or leave. Further non-compliance will result in forced Immediate removal with resident paying all associated fees including but limited to towing and storage.
  4. If the recipient received a cease and desist letter, they may appeal the decision to the Governance Body. The Governance Body will have the ability to meet outside its normal weekly meeting schedule in case of an appeal.
  5. If the appeal is upheld, no further action will be taken and the recipient of the cease and desist letter can stay in the community. If the appeal is rejected, the recipient of the cease and desist letter has 24 hours to comply or leave. Governance Body decisions can only be appealed once.
- 3.—

~~Step 1 may be appealed to the Power Lunch by written request with at least 24 hours notice to that body.~~

~~Step 2 may be appealed at the discretion of the first power lunch. If that body declines to review recipient is required to either immediately comply with notice or leave~~

~~Step 3 is non appealable.~~

## **CURRENT SITUATION**

Berkeley has an estimate 200 RVs parking in areas in West Berkeley for long periods of time. This is in violation of a land grant and has caused local businesses to report safety complaints to the City. Berkeley City Council has expressed a desire to find a long-term solution which grants RV owners stability and a ladder to homeownership while ensuring the safety and prosperity of Berkeley's businesses.

## **BACKGROUND**

As the housing crisis continues, many California residents have transitioned to living in RVs as a cost-saving effort. Berkeley police have counted roughly 200 RVs throughout the city. In April of 2018, Berkeley PD distributed red warning notices to about 20 RVs parked across the DoubleTree Hotel after receiving safety complaints from marina visitors and the Hotel. The RVs then formed a group called Berkeley Friends on Wheels and moved to the former Hs Lordships parking lot. Berkeley then gave them a week's notice to move again. This violated a provision in a state land grant requiring Berkeley to use the marina for waterfront-related purposes only. Several dozen RVs moved to Eighth and Harrison streets nearby, lining several blocks.

In September 2018, City Council directed city staff to look into options for managing RV parking. On Thursday, March 7, City Council approved a ban on parking from 2-5 AM, effecting the RVs. Council also approved the creation of an online 14-day permitting system. Council also directed staff to seek out private lots like churches that might allow RVs to park for months at a time, with the conditions that RV owners be engaged in city homelessness services and attempt to procure housing. Council voted on these with the acknowledgement that it would come up with a more long-term solution to the issue of RV parking.

### **REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, LAWS**

Currently Berkeley is enforcing a ban on unpermitted parking from 2-5 AM. The city has no long-term RV policy, though Councilmembers Davila and Harrison have proposed a permitting program. This Item seeks to add on to that permitting program.

### **ACTIONS/ALTERNATIVES CONSIDERED**

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. Findings include:

Only Oakland and Alameda have special RV policies. Oakland is building a designated slot for RVs, and Alameda runs a hygiene bus to provide RV dwellers with services.

### **RATIONALE FOR RECOMMENDATION**

To add on to Councilmembers Davila and Harrison's proposal for a permitting program for the city of Berkeley. To include in a permitting program a governance body which will grant vehicle dwelling individuals in Berkeley a forum to resolve conflicts.

## **IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT**

To be determined.

## **FISCAL IMPACTS OF RECOMMENDATION**

To be determined.

## **ENVIRONMENTAL SUSTAINABILITY**

Providing longer-term solutions for vehicle dwellers in Berkeley discourages moving fossil fuel-burning vessels such as RVs, thereby positively impacting the environment. Greater stability for RV-dwellers could also reduce garbage and other waste by giving these individuals a more predictable lifestyle, enabling them to consume goods more efficiently and leading to less waste.

## **OUTCOMES AND EVALUATION** To be determined.

### **CONTACT PERSON**

Councilmember Ben Bartlett:

510-981-7130

Matthew Napoli

510-981-7131