



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
DISTRICT 2

ACTION CALENDAR
JULY 7, 2026

To: Honorable Mayor and Members of the City Council
From: Councilmember Taplin (Author), Councilmember Blackaby, Councilmember Humbert (Co-Sponsors)
Subject: Large Vehicle Parking Regulations in the Public Right-of-Way

RECOMMENDATION

That the City Council:

1. **Refer to the City Attorney and City Manager a Review of Amendments to the Berkeley Municipal Code (BMC) 12.98 to ensure the language** authorizes the abatement of abandoned vehicles creating public health and safety nuisances in the public right-of-way, clarify the definition of "abandoned" vehicle, and increase the City Manager's discretion in the establishment of abatement timelines.
2. **Refer to the City Manager** -the study of recently adopted legislation across the nine-county Bay Area regarding the management of long-term large vehicle parking in the public right-of-way. Based on this study, staff shall return to the City Council with draft policy and enforcement recommendations that are:
 - a. Regionally consistent;
 - b. Aligned with the City of Berkeley's environmental, housing, and transportation priorities;
 - c. Reflective of the City's ability to enhance the impact and scale of its coordinated alternative housing initiatives via participation in a county-wide RV parking program or joining a comparable program maintained in a neighboring jurisdiction; and

- d. Operationally feasible given available outreach, enforcement, financial constraints, and site capacity. Including an examination of geographically targeted parking restrictions in high-sensitivity areas such as:
 - a. Manufacturing and industrial zones designated by an “M” zoning classification; and
 - b. Environmentally sensitive water resources, including but not limited to open lagoons, riparian corridors, and critical stormwater infrastructure.
3. Request that the City Attorney and City Manager provide clarity and guidance on how the city’s encampment resolution policy intersects with the Berkeley Municipal Code in the absence of shelter availability.
4. Refer to the City Manager the drafting of an ordinance amending BMC Chapter 7.18.010 to authorize City Manager approval of contracts up to \$250,000 for the abatement of abandoned, dismantled, or inoperative vehicles pursuant to BMC 12.98.040(A).

POLICY COMMITTEE RECOMMENDATION

On February 11, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (O’Keefe/Taplin) to send item to Council with a qualified positive recommendation to more clearly articulate guidance on the intersection of the proposed amendments with applicable State law. Vote: All Ayes.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley continues to experience persistent long-term parking and habitation of oversized vehicles—particularly recreational vehicles (RVs)—in commercial, industrial, and residential rights-of-way. While often used as shelter in response to regional housing pressures, these vehicles frequently lack proper waste containment and maintenance, creating recurring public health, safety, and environmental hazards. Their sustained presence in proximity to sensitive infrastructure—such as storm drains, riparian corridors, freight routes, and schools—has revealed critical limitations in the City’s existing regulatory framework, particularly under BMC Chapters 12.98 and 12.96.

Chapter 12.98

[Chapter 12.98](#) is intended to authorize the abatement of abandoned, dismantled, or inoperative vehicles as public nuisances. However, two key structural issues constrain its effectiveness in addressing large vehicles in the public right-of-way:

- **Definitional Gap (§12.98.010):**

The current definition of “abandoned vehicle” applies only to those located on private property. As written, it excludes vehicles in the public right-of-way—precisely where the most acute nuisances now occur. This omission restricts the City’s ability to proactively classify and abate abandoned vehicles that obstruct emergency access, block industrial loading areas, or degrade environmental corridors. Amending the definition to include vehicles left in the public right-of-way, in alignment with State Vehicle Code provisions, would better reflect urban land use conditions and enforcement needs.

- **Procedural Delay (§12.98.040(F)):**

[California Vehicle Code §§ 22660–22669](#)

BMC Chapter 17.20

[BMC Chapter 17.20](#) prohibits the discharge of non-stormwater waste—including sewage, graywater, trash, and automotive fluids—into the City’s storm drain system, which ultimately flows untreated into San Francisco Bay. Long-term RV encampments often generate such discharges, resulting in violations that directly compromise the integrity of Berkeley’s stormwater infrastructure and ecological assets. Field observations have documented:

- Graywater and blackwater dumped into gutters and curbs;
- Oil and fuel leaks from inoperable vehicles;
- Accumulated trash and biohazardous waste near storm drains and creek edges.

These violations threaten the health of downstream environments such as Aquatic Park Lagoon, Codornices and Strawberry Creeks, and the Bay shoreline, and pose compliance risks under the City’s NPDES permit administered by the Regional Water Quality Control Board.

Enforcement Fragmentation and Strategic Limitations

In the absence of zoning-based parking regulations for oversized vehicles, enforcement remains largely reactive and complaint-driven, rather than anticipatory or risk-based. This patchwork response undermines the City’s ability to address overlapping concerns of public health, infrastructure degradation, and environmental compliance.

To effectively manage the externalities of long-term vehicular habitation in the public right-of-way, Berkeley requires a modernized vehicle enforcement protocol that:

- Recognizes the public right-of-way as a valid enforcement domain;
- Enables timely abatement based on environmental and safety risk;
- Complements stormwater protections under Chapter 17.20;

- And supports integrated policy responses that balance environmental justice, housing services, and infrastructure stewardship.

Encampment Impacts and the City's Resolution Framework

Berkeley continues to experience substantial overnight and long-term RV parking in mixed-use and residential districts, often adjacent to critical public infrastructure and ecological resources. While many individuals and families turn to RVs as a shelter in response to housing insecurity and market pressures, the vehicles' unregulated and prolonged presence in sensitive areas has triggered significant concern from residents, public health professionals, emergency responders, environmental advocates, and local business communities. Key impacts identified include environmental degradation from illegal waste disposal, obstruction of fire and emergency access routes, impeded access to schools, parks, and recreational areas, and unpermitted habitation adjacent to vulnerable ecological zones such as creeks, wetlands, and the shoreline.

[Resolution No. 71,513-N.S.](#)

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, BMC Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or
- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or
- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or
- The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair

Economic Profile of West Berkeley's Industrial and Commercial Sectors

The West Berkeley Plan Area remains one of Berkeley's most economically productive districts, home to a unique concentration of industrial, maker, commercial, and innovation-oriented uses.

This area has long served as a critical node for middle-wage employment, regional goods movement, and tax revenue generation—functions increasingly rare in the urban core of high-cost cities.

Recent trends in business activity and real estate markets reaffirm the strategic value of the West Berkeley economic ecosystem. According to the City of Berkeley’s FY 2023–24 Adopted Budget, the manufacturing and commercial sectors in West Berkeley contributed over \$6.2 million in business license tax revenues and more than \$9 million in direct and indirect sales tax. These figures represent a substantial share of the city’s general fund revenue, underscoring the fiscal importance of maintaining a viable industrial and commercial base. Furthermore, the area’s industrial real estate continues to exhibit high occupancy rates and steady demand across key sectors—including advanced manufacturing, logistics, and food production—despite volatility in the broader regional office market.

Zoning designations such as Mixed Use Light Industrial (MULI), Mixed Manufacturing (MM), Mixed Use Residential (MUR), and Commercial West Berkeley (C-W) support a dense and productive co-location of diverse economic activities. This regulatory framework has enabled a synergistic environment in which clean-tech firms, construction suppliers, artisan manufacturers, and logistics operators coexist with limited conflict. Comparative analysis of analogous industrial zones in nearby East Bay cities—including Emeryville, Richmond, and Fremont—reveals that Berkeley’s West Berkeley Plan Area remains one of the few urbanized industrial nodes that still integrates light manufacturing with residential proximity and multimodal infrastructure. However, these advantages are increasingly jeopardized by inconsistent public space management and emerging logistical barriers.

One of the most pressing threats to the vitality of West Berkeley’s economy stems from the proliferation of unmanaged, long-term RV encampments in the public right-of-way. These encampments compromise the area’s foundational infrastructure by obstructing freight access, diminishing the safety and cleanliness of commercial corridors, and deterring both workforce retention and customer access. Public health and environmental hazards—including uncontained waste, vector risks, and fire incidents—further compound the operational challenges facing businesses.

If unaddressed, these conditions are likely to catalyze disinvestment, commercial tenant attrition, and the relocation of growth industries to nearby municipalities with more stable and predictable industrial environments. As the East Bay’s life sciences and clean manufacturing sectors expand—with cities such as Richmond and Alameda actively courting firms through infrastructure investment and incentive alignment—Berkeley risks losing its competitive foothold in precisely those industries that align with its equity, sustainability, and climate goals.

From a policy perspective, the economic imperative is clear: to maintain and grow its commercial tax base, the City of Berkeley must ensure that industrial corridors remain

accessible, safe, and operationally viable. Addressing hazards in the public right-of-way is not merely a quality-of-life issue—it is a core requirement for sustaining economic development, protecting municipal revenue, and preserving employment opportunities for a diverse resident workforce.

Risks and Threats to Economic Activity in West Berkeley: Structural Impacts of Long-Term RV Encampments

The protracted presence of long-term recreational vehicle (RV) encampments within West Berkeley’s public rights-of-way introduces a complex array of structural threats to the region’s manufacturing and commercial sectors. These hazards not only impede day-to-day business operations but also undermine Berkeley’s regional economic competitiveness and fiscal sustainability.

1. Logistical Disruptions and Functional Erosion of the Public Right-of-Way

The spatial configuration of West Berkeley’s industrial zones—characterized by wide arterials, freight access corridors, and industrial loading infrastructure—was intentionally designed to support high-throughput logistical operations. Key economic sectors relying on this infrastructure include:

- **Advanced manufacturing and clean-tech enterprises** require predictable access for the movement of large-scale equipment and precision components.
- **Construction suppliers, warehousing operations, and logistics firms**, whose profitability hinges on just-in-time delivery and curbside loading efficiency;
- **Small- and medium-scale food producers and specialty manufacturers**, which are especially sensitive to last-mile delivery challenges.

Observed Impacts:

- **Encroachment on Freight and Loading Zones:** The occupation of curb space and loading areas by RVs, trailers, and associated structures has materially disrupted freight scheduling and operations, resulting in costly delays and rerouted deliveries.
- **Circulation Constraints:** Industrial vehicles face increased difficulty navigating narrowed lanes and compromised turning radii, particularly on arterials such as Ashby Avenue and Sixth Street.

- **Deterioration of Business Accessibility:** Employees, customers, and suppliers report decreased willingness to travel through or work in areas perceived as unsafe or congested.

These disruptions incrementally diminish the functional capacity of West Berkeley's industrial ecosystem, eroding a critical competitive advantage in the East Bay's economic geography.

2. Public Health and Environmental Degradation

The absence of sanitation infrastructure and regulatory oversight for long-term vehicle dwellings has precipitated a range of environmental and public health risks with direct spillover effects on commercial and manufacturing uses.

- **Sanitation and Waste Management Failures:** Illicit discharge of human waste, greywater, and solid refuse into the right-of-way has been frequently reported by adjacent businesses, exacerbating public health liabilities.
- **Fire and Vector Hazards:** Improvised power supplies, open-flame cooking, and uncontained waste create significant risks of fire and disease vectors. Fire department records have documented multiple incidents originating in or proximate to encampments, with some requiring industrial business evacuation.
- **Occupational and Traffic Safety Compromises:** Narrowed rights-of-way and unpredictable foot traffic patterns introduce elevated risk for industrial vehicle operators, particularly in facilities utilizing forklifts, cranes, and heavy-duty trucks.

The cumulative effect of these environmental hazards not only jeopardizes worker health and safety but also complicates compliance with occupational safety regulations and insurance underwriting standards.

3. Economic Displacement and Commercial Tenant Attrition

The prolonged visibility and unmanaged nature of encampments have materially affected market perception of the area's stability, diminishing the attractiveness of West Berkeley for new investment and business retention.

- **Tenant Flight and Lease Non-Renewals:** Property owners report increased vacancy rates and prospective tenant withdrawals linked explicitly to concerns over access, sanitation, and employee security.
- **Suppressed Capital Investment:** Several businesses have shelved capital improvements or expansion initiatives due to concerns about persistent public safety risks in the

surrounding area.

- **Depreciation of Asset Values:** The proximity of high-visibility encampments has demonstrably undermined commercial real estate valuations, with implications for both private investment returns and municipal property tax revenue.

These dynamics significantly impair the area’s ability to compete with peer cities such as Emeryville and Richmond, both of which are actively investing in the stabilization and enhancement of their industrial districts.

4. Fiscal and Strategic Opportunity Costs

West Berkeley constitutes one of the few remaining zones in the city capable of supporting high-value industrial and commercial activities that are aligned with Berkeley’s climate resilience and economic equity goals. These include:

- **Green technology manufacturers** and firms in the circular economy;
- **Food innovation and production enterprises;**
- **Craft and light manufacturing businesses** that generate stable, middle-wage employment.

The inability to safeguard the operational viability of these sectors entails steep opportunity costs, including:

- **Revenue Foregone:** Decreases in business license tax, sales tax, and property tax contributions from this area weaken the city’s overall fiscal health. West Berkeley’s commercial and manufacturing businesses generated over \$6.2 million in business license tax revenue and over \$9 million in direct and indirect sales tax contributions in FY 2023–24, representing a critical component of the general fund.
- **Employment Displacement:** Declining job stability in middle-skill, non-degreed career paths undermines citywide equity objectives.
- **Loss of Economic Multipliers:** Ancillary services, suppliers, and innovation networks suffer collateral impacts, further eroding the city’s economic resilience.

Comparative Market Dynamics in the East Bay

West Berkeley faces intensifying competition from nearby municipalities—such as Emeryville, Richmond, and Fremont—that are actively cultivating high-value industrial uses, particularly in

the life sciences, green tech, and advanced manufacturing sectors. These cities have made targeted infrastructural investments and streamlined permitting pathways to attract firms engaged in R&D-intensive or logistics-heavy operations.

For example, Emeryville has successfully repositioned former industrial parcels for biotech and life sciences uses, offering stable utilities, enhanced public realm amenities, and predictable regulatory frameworks. Richmond's South Shoreline Specific Plan explicitly promotes clean tech and blue economy clusters, complemented by strategic infrastructure upgrades. By contrast, Berkeley's lack of coordinated right-of-way management in industrial corridors may increasingly function as a disincentive to new and retained investment.

Infrastructure, Safety, and Access as Competitive Determinants

A central policy implication is the inextricable linkage between physical infrastructure maintenance—including the condition and accessibility of the public right-of-way—and economic competitiveness. Industrial enterprises require predictable and secure access for freight delivery, workforce commuting, and client interaction. The proliferation of long-term recreational vehicle (RV) encampments—absent sufficient regulation, enforcement, or service provision—has degraded these conditions in West Berkeley, producing significant spatial, logistical, and safety conflicts.

The resultant degradation in logistical efficiency and occupational safety exposes firms to heightened insurance costs, regulatory compliance challenges, and increased turnover risk. Moreover, perceived instability in the public realm discourages private sector capital investment, driving business migration to better-managed jurisdictions.

New Legislative and Regional Policy Context

In addition to local trends, emerging state and regional policies underscore the need for Berkeley to establish a consistent, enforceable framework governing long-term vehicular habitation in sensitive urban areas.

[San Francisco: Mayor Lurie's Executive Policy on RV Parking \(2025\):](#)

Mayor Daniel Lurie announced a new set of RV parking restrictions in May 2025 aimed at curbing long-term vehicular encampments near schools, parks, hospitals, and critical infrastructure. Under San Francisco's policy, RVs may not remain parked for more than 72 consecutive hours in designated sensitive zones, with signage and outreach teams deployed in advance of enforcement. In coordination with the Department of Homelessness and Supportive Housing (HSH), RV residents are offered relocation to designated safe parking lots operated by community-based organizations. The program emphasizes behavioral standards, vehicle operability, and compliance with public health guidelines. The City also expanded its vehicle

triage capacity to support relocation and case management. San Francisco’s approach mirrors many of Berkeley/s current policy approaches and affirms the legal and practical viability of a layered, service-first enforcement model.

In addition to San Francisco’s policy, recent municipal laws in neighboring East Bay cities demonstrate a regional trend toward regulated RV parking and associated encampment management:

San Jose

- In 2024, [San Jose adopted ordinances prohibiting RV parking and unsheltered encampments within 150 feet of K–12 schools](#), formally designating these areas as “School Clearance Zones.” The policy authorizes enforcement actions, including towing, following prior outreach and service offers by the City’s Housing Department and contracted outreach teams. This ordinance was part of a broader municipal strategy to mitigate health and safety impacts near educational institutions and aligns with San Jose’s citywide encampment management protocol
- In June 2025, the [San José City Council adopted a “vanlording” ordinance](#) prohibiting the rental or subleasing of unregistered, non-operational, or unsafe recreational vehicles to unhoused individuals. Under the ordinance, recreational vehicles used as dwellings may not be parked or inhabited on public streets or private property, regardless of lease arrangements. The law, codified as Ordinance No. 31226, will take effect in August 2025, and is designed to combat predatory rental practices and mitigate associated health and safety hazards.
- As part of its broader vehicle habitation response strategy, San José operates a \$3.3 million pilot enforcement program that establishes rotating tow-away zones and permanent no-parking areas in high-impact corridors. This program is coupled with the provision of 128 safe parking spaces, dispersed across municipal and nonprofit-managed lots.

Fremont

- In late 2024, the [Fremont City Council adopted an ordinance imposing a 72-hour parking limit for all vehicles citywide](#), coupled with a categorical ban on RV parking in residential neighborhoods and within proximity to schools and places of worship. Upon reaching the 72-hour threshold, vehicles must relocate a minimum of 1,000 feet to comply with the ordinance.
- [Fremont has enacted one of the Bay Area’s most stringent anti-camping ordinances](#)inances, which criminalizes unauthorized public camping and imposes penalties on third parties who facilitate or support encampments. While enforcement is

framed as a measure of last resort, it is preceded by documented outreach and service offers in alignment with the City's stated policy of compassionate compliance.

Oakland

- In November 2021, the Oakland City Council enacted [Ordinance No. E-13-011](#), ingrained in Chapter 5.72 of the Oakland Municipal Code. The ordinance authorizes the occupancy of one recreational vehicle (RV) on private undeveloped residential property, provided the property owner grants permission and the occupant obtains a Temporary RV Occupancy Permit:
 - The RV must be located in a zoning district that permits residential use and comply with residential setback requirements (e.g. typically 6 feet from structures and property lines).
https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/16308/1037956/pdf?utm_source=chatgpt.com
 - Only one RV per parcel is allowed.
https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/16308/1037956/pdf?utm_source=chatgpt.com
 - Residential safety, sanitation, and utility standards must be met: evidence of water supply and sewage disposal (e.g. a sewer hookup or regular sanitary pump service), electrical access (solar preferred), structural integrity, smoke detectors, and clean maintenance compliant with Oakland's blight code.
https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/16308/1037956/pdf?utm_source=chatgpt.com
 - Permits are valid for up to 12 months, renewable, and not considered permanent land-use entitlements.
 - At the same time, Oakland continues structured safe parking and managed encampment programs, enforcing restrictions near schools, parks, and hospitals through its Encampment Management Team.

San Leandro

- In San Leandro, [Municipal Code § 6-1-430](#) establishes a strict prohibition on overnight street parking of oversized motor vehicles—defined as those exceeding 20 feet in length, 7 feet in height, or 10,000 lb gross vehicle weight—within residential zoning districts from 2:00 a.m. to 6:00 a.m.. Off-street parking restrictions require oversized vehicles to be located at least 20 feet from front or street-side yards and fully clear of the public sidewalk, with no portion extending over the public way. Only one oversized vehicle is

allowed per parcel. The City may grant limited hardship exemptions (maximally 72 hours per instance), subject to annual caps, as authorized by the City Manager.

Policy Implications for Berkeley

Collectively, these municipal ordinances reflect a growing regional consensus on best practices for managing vehicle habitation in the public right-of-way. Core elements include:

- **Acknowledging impacts to sensitive zones** around schools, parks, and environmentally sensitive infrastructure;
- **Implementing time-limited parking regulations** with enforceable relocation and towing provisions;
- **Prohibiting predatory rental or subletting of unsafe or non-compliant vehicles** to unhoused individuals; and
- **Pairing enforcement with structured safe parking programs and service-linked outreach.**

For Berkeley, alignment with these regionally validated frameworks would enhance legal defensibility, operational consistency, and interjurisdictional coordination. A calibrated policy that blends environmental protection, economic stewardship, and compassionate enforcement can ensure both the ethical integrity and functional viability of the City's response

BACKGROUND

Berkeley's Evolving Program and Service Landscape

Berkeley's homelessness response system has undergone significant transformation over the past five years, marked by sustained investment, program diversification, and institutional coordination with county and state systems. According to the July 29, 2025 City Council Worksession report titled [*Comprehensive Summary of Berkeley's Homeless Response*](#), the City's homeless services network has significantly expanded its housing placement infrastructure, outreach capacity, and behavioral health partnerships.

Key highlights from the report include:

- **Housing Placements and Retention:** In FY 2024–25, the City supported permanent housing placements for over **610 individuals**, a 19% increase from the prior year. Among those placed, 85% remained housed after six months, suggesting durable support services

and appropriate housing matches.

- **Outreach and Coordinated Entry:** The Homeless Response Team (HRT) increased field engagement efforts, conducting more than **3,400 contacts** with unhoused individuals. Of these, **1,120 individuals** were assessed through the Coordinated Entry System (CES), resulting in targeted referrals to housing, medical respite, and substance use treatment programs.
- **Shelter and Non-Congregate Housing:** As of mid-2025, Berkeley maintains more than **400 shelter and interim housing beds**, including non-congregate units created through Project Homekey acquisitions (e.g., Rodeway Inn, Golden Bear Inn). These units operate at near full capacity, with most residents receiving on-site case management.
- **Behavioral Health and Substance Use Services:** The City's expanded partnership with Alameda County Behavioral Health has enabled embedded clinical staff within outreach teams and launched pilot initiatives connecting high-needs RV dwellers with substance use treatment.
- **Encampment Resolution Outcomes:** Under the City's Encampment Resolution Policy (Resolution No. 71,513-N.S.), the City facilitated the closure or stabilization of **11 encampments** between July 2024 and July 2025, with more than half of the residents offered services or shelter.

The work session report emphasized the importance of strategic enforcement that prioritizes harm reduction and housing connection. It also recommended improved data integration across City departments and greater regional coordination with Alameda County, particularly in the context of growing vehicle habitation.

Taken together, these developments signal both the capacity and institutional will to implement a more structured RV management framework that incorporates housing-first principles, targeted enforcement, and coordinated intake.

Unit Acquisition

From 2021 to 2025, the City of Berkeley has executed a targeted strategy to expand non-congregate interim and permanent housing through the acquisition and conversion of motel properties. These projects are central to the City's encampment resolution and vehicle habitation response, combining state funds—principally through Project Homekey and the Encampment Resolution Fund (ERF)—with local investments from Measure P, Measure U1, and institutional partnerships such as UC Berkeley.

Collectively, these projects account for 168 units of interim and permanent housing, with all sites integrated into the Alameda County Coordinated Entry System (CES) and supported by 24/7 case management, behavioral health access, and housing navigation services.

Summary of Housing Acquisition Projects

Site Name	Address	Year	Housing Type	Units	State Funding Source	State Amount	Local/Other Source	Local Amount
Golden Bear Inn	1620 San Pablo Ave	2021	Permanent	44	Project Homekey (Round 1)	\$16.2M	Measure P	\$7.3M
Rodeway Inn (Interim)	1001 University Ave	2022	Interim	43	Encampment Resolution Fund (ERF)	\$4.7M	UC Berkeley	\$2.2M
Berkeley Inn (Beyond the Horizon)	1720 San Pablo Ave	2023	Interim	29	—	—	Measure P	\$9.3M
Campus Motel	(Address not specified)	2023	Interim	23	ERF	\$4.9M	Measure P	\$5.0M
Rodeway Inn (Permanent Conversion)	1001 University Ave	2024	Permanent Supportive	31	Project Homekey (Round 3)	\$14.1M	Measure U1	\$8.5M
Capri Motel	1512 University Ave	2024	Interim	21	ERF	\$5.4M	Measure P	\$5.2M

Cumulative Impact

- **Total Units Created:** 191
- **Total State Investment:** \$45.3 million
- **Total Local/Institutional Investment:** \$37.5 million

These projects provide a spectrum of non-congregate housing interventions aligned with Berkeley's Encampment Resolution Policy (Resolution No. 71,513-N.S.) and California's housing-first mandates. Interim sites—Berkeley Inn, Rodeway (initial phase), Campus Motel, and Capri—prioritize rapid stabilization and decampment. Permanent supportive conversions—Golden Bear and the second phase of Rodeway—ensure long-term tenancy with embedded services.

Each site supports case-managed reentry into housing, employment, and health systems, contributing directly to the City's reduction in unsheltered homelessness and its broader coordinated strategy for public space management.

Concurrently, the City's Homeless Response Team (HRT) has expanded operational capacity. The team now conducts field-based assessments that directly interface with the Alameda County Coordinated Entry System (CES), enabling real-time placement into housing and services. In the preceding year, over 600 unsheltered individuals were engaged, with 34% successfully transitioning into shelter or permanent housing. Integrating behavioral health expertise, outreach navigation, and coordinated housing referrals has enhanced the city's capability to stabilize encampments and mitigate street-level homelessness.

However, the city remains a party to active litigation brought by advocacy organizations representing unhoused individuals and local property owners. These legal challenges invoke constitutional claims—including those under the Eighth and Fourteenth Amendments—as well as demands for more rigorous municipal enforcement of nuisance and safety codes. These parallel proceedings exemplify the broader legal and ethical tensions confronting municipalities throughout California as they attempt to enforce public space regulations in a manner that withstands judicial scrutiny.

The City of Berkeley dedicates over \$40 million annually to homelessness programs. Funding sources include voter-approved tax measures (P and U1), federal and state housing programs, and targeted local initiatives. These resources support emergency shelter operations, transitional housing, outreach and case management services, behavioral health initiatives, and permanent supportive housing. According to 2023 performance data, the city's homelessness response network achieved a 27% rate of permanent housing placements, with service users

predominantly identifying as chronically homeless, over 45 years old, and disproportionately from Black and Latino populations. These demographic insights underscore the intersectional challenges of race, aging, and health status in local homelessness policy.

Legal and Policy Context

The legal landscape for municipal encampment enforcement has shifted significantly following the U.S. Supreme Court’s decision in *City of Grants Pass v. Johnson* (2025). In a 6–3 ruling, the Court held that enforcement of local anti-camping ordinances—even in the absence of adequate shelter capacity—does not, in itself, violate the Eighth Amendment’s prohibition on cruel and unusual punishment. This decision effectively overturned precedent set by the Ninth Circuit in *Martin v. Boise* (2018) and grants municipalities broader authority to regulate the use of public space, including encampment abatement and vehicle habitation enforcement.

While *Grants Pass* clarified the constitutional permissibility of enforcement as it relates to the Eighth Amendment, it did not mandate any particular approach, nor did it exempt cities from potential liability under other legal doctrines, such as due process, equal protection, or state-level protections. As a result, California jurisdictions continue to navigate a complex policy environment—balancing enforcement discretion with service provision, environmental mandates, and public health responsibilities.

In this evolving context, municipalities have adopted a range of responses:

- **Fremont** operates a Vehicle Encampment Relocation Program alongside two designated safe parking sites. These are supported by coordinated entry pathways, sanitation services, case management, and structured compliance protocols.
- **San José** maintains a dedicated Encampment Management Team within its Housing Department. The team implements structured closure protocols, manages a real-time online dashboard of encampment conditions, and prioritizes enforcement near sensitive public infrastructure and waterways. The city also partners with Caltrans and VTA to manage encampments along state rights-of-way.
- **Oakland** enforces a “High Sensitivity Areas” framework, which restricts encampments near schools, parks, and hospitals. Its Encampment Management Team conducts proactive outreach, facilitates voluntary relocation, and oversees sanitation and waste removal efforts.

These models demonstrate varying degrees of integration between enforcement and housing-first principles, and provide important reference points as Berkeley calibrates its own approach in light of the *Grants Pass* decision.

Comparative Regional Models

Across the Bay Area, counties including Alameda, Contra Costa, and Santa Clara administer safe RV parking programs supported by a blend of state grant funding, local tax revenue, and philanthropic investment. These programs generally offer sanitation facilities, on-site security, case management, and clearly defined time limits. Intake prioritizes high-vulnerability populations—such as seniors, families, and individuals with chronic medical or behavioral health conditions—and typically operates within the Coordinated Entry System (CES) to ensure equitable distribution of housing resources.

A number of cities within these counties have adopted structured regulatory and service-based frameworks to address the complex challenges of RV habitation in the public right-of-way. These municipal models offer instructive precedents for Berkeley’s ongoing policy development:

- **Alameda County** operates a centralized Safe Parking Program located on the Fairmont Campus in San Leandro, designed to support community members experiencing homelessness who live in their vehicles. This program offers 24-hour access to designated parking areas both overnight and during the day, providing a safer alternative to roadway parking, especially in sensitive ecological and residential areas.

Participants are connected to critical services, including housing navigation, outreach engagement, and community re-integration support, through county-run channels like the Coordinated Entry System. Registration is required, and individuals can begin the process by calling the county’s dedicated line or visiting the program website. Key features include:

- **Location & Accessibility:** 24-hour program located at the Fairmont Campus in San Leandro.
 - **Support Services:** Participants are linked to case management, housing referrals, coordinated entry, and other supportive services via county intake staff.
 - **Registration Process:** Enrollees begin through telephone or online contact; intake protocols prioritize individualized support and fair access.
- **Santa Rosa** administers a [Safe Parking Program](#) that accommodates up to 50 RVs, operated in partnership with Catholic Charities. Services include intake assessment, case management, restrooms, handwashing stations, and waste disposal. Eligibility criteria

require vehicle registration and the absence of outstanding warrants. Participants must sign a code of conduct. The program operates at an estimated annual cost of \$1.2 million, funded through a combination of General Fund, Homeless Housing, Assistance and Prevention (HHAP), and Emergency Solutions Grant (ESG) funds. Parking enforcement is guided by a graduated response protocol that emphasizes outreach and voluntary compliance before issuing citations.

- **Mountain View** employs a dual approach combining a [Safe Parking](#) with active enforcement of oversized vehicle restrictions. The City provides approximately 80 parking spaces distributed across city-owned and nonprofit-operated lots, with contracted services delivered by MOVE MV, a local outreach provider. Services include sanitation, intake assessment, and case management. Program costs approach \$1.5 million annually. Enforcement efforts include a ban on oversized vehicle parking across 447 designated corridors, accompanied by signage and the authority to issue civil citations. To mitigate legal exposure, the City ensures the availability of alternative parking options and support services.
- **San Leandro** operates a permit-based Safe Parking Program supporting roughly 20 RVs, located on a city-owned lot adjacent to the Public Works Department. The program offers sanitation, electrical hookups, and regular outreach and is coordinated through a local nonprofit partner. Annual costs are approximately \$600,000. The City supplements its program with targeted parking restrictions near schools and in industrial zones, enforced by traffic officers in coordination with outreach teams.
- **Fremont** integrates its safe parking services within its Human Services Department and the Fremont Family Resource Center. The program provides rotating safe parking across municipal and faith-based lots, with intake conducted by Abode Services. Participants receive wraparound services, including mental health care and housing navigation. The City allocates approximately \$900,000 per year, drawing on Measure A1, HHAP, and other local funds. Fremont follows a "Compassionate Enforcement" model, prioritizing voluntary compliance and relocation assistance before issuing citations.
- **Oakland** manages RV habitation through a combination of managed encampment sites, a sanctioned "LakePoint" RV community pilot, and operations led by the [Encampment Management Team \(EMT\)](#). Services include sanitation, waste removal, enforcement, and service referrals. Oakland's enforcement practices have faced litigation and public scrutiny, prompting the development of more structured and transparent alternatives. The City spends more than \$4 million annually on RV site management, funded by the Encampment Resolution Fund, general fund revenues, and Measure Q. Abatement in environmentally sensitive areas is conducted only after multiple outreach attempts, in accordance with city policy.

These regional models underscore the importance of integrating enforceable parking regulation with safe parking infrastructure and service coordination, offering actionable frameworks for Berkeley's evolving approach to vehicle habitation and public space management.

RATIONALE

This recommendation advances multiple priorities articulated in the City of Berkeley Strategic Plan, directly supporting the City's commitments to:

- Environmental stewardship and climate resilience can be achieved by curbing illicit discharges into the stormwater system, preserving riparian and shoreline ecosystems, and mitigating public health risks associated with unregulated vehicular habitation.
- Housing equity and service delivery, by strengthening the City's homelessness response infrastructure and expanding pathways to transitional and supportive housing;
- Transparent and timely public service, through improved interdepartmental coordination, legal clarity, and access to clean, navigable public rights-of-way;
- Sustainable local economic development, by safeguarding West Berkeley's industrial corridors from logistical, environmental, and reputational degradation.

By concentrating enforcement efforts in geographically sensitive areas—such as near schools, parks, water bodies, and industrial freight corridors—the City can uphold public safety, ecological integrity, and economic functionality without defaulting to punitive or indiscriminate strategies. The proposed framework supports a targeted, service-oriented approach, ensuring that interventions remain both operationally feasible and legally defensible, particularly in light of the Supreme Court's *Grants Pass* ruling.

Failure to act risks accelerating the deterioration of public infrastructure, undermining regulatory compliance under the Clean Water Act and NPDES, and weakening public trust in municipal capacity. The prolonged presence of unmanaged RV encampments has already contributed to increased emergency response costs, impeded business operations, and eroded the habitability of adjacent residential neighborhoods.

At the same time, the proposal affirms Berkeley's commitment to upholding the dignity and rights of unhoused residents by embedding enforcement within a broader ecosystem of safe parking, outreach, and housing-first strategies. It avoids criminalization in favor of trauma-informed engagement, offering pathways toward stabilization while preserving equitable access to the public realm for all.

Ultimately, this recommendation reflects a necessary recalibration of policy—one that balances compassion with accountability, and equity with functionality. Without coordinated intervention, Berkeley risks disinvestment, declining tax revenues, and the loss of precisely those industrial and innovation sectors that align with its long-term climate and equity goals.

FINANCIAL IMPLICATIONS

The proposed recommendation does not authorize immediate implementation of parking restrictions or new programmatic enforcement, and thus carries no direct fiscal impact at this time. However, referring this item to the City Manager and City Attorney for a legal analysis and regional policy study will require moderate staff time across multiple departments, including the City Attorney's Office, Public Works, Transportation, and the City Manager's Office.

Preliminary analysis and interdepartmental coordination may be accommodated within existing operational budgets. However, should the Council act on future recommendations resulting from this study—such as enacting targeted RV parking restrictions, launching a permit program, or developing local safe parking infrastructure—substantial future allocations may be required.

These may include:

- Enforcement and signage (Public Works & Parking Enforcement);
- Civilian outreach staffing and case management;
- Safe parking facility acquisition or operations;
- Legal and administrative costs for permit or appeal frameworks.

Any future budgetary proposals would return to Council for consideration as part of subsequent action items or during the FY 2026–27 biennial or mid-cycle budget processes. Potential funding sources for implementation could include:

- **Measure P** (homeless services and outreach),
- **Measure U1** (affordable and transitional housing),
- **Alameda County Measure W** (homeless response infrastructure),
- **State grant programs**, such as HHAP and the Encampment Resolution Fund (ERF).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adopting the proposed ordinance is projected to reduce the incidence of ecological degradation stemming from unregulated RV habitation. Specifically, it is expected to curtail pollutants entering stormwater systems and enhance the environmental resilience of the Berkeley watershed and adjacent shoreline ecosystems.

ALTERNATIVES CONSIDERED:

- Maintaining the current regulatory and service framework,
- Implementing a citywide RV parking ban without locational differentiation,
- Establishing municipally operated safe parking zones exclusively within Berkeley,
- Augmenting law enforcement activity in the absence of additional safe parking infrastructure.
- Adopting a resolution clarifying that City Manager discretion and authority under City Council Resolution No. 71,155-N.S., "Extension of Declaration of Homeless Shelter Crisis," extends to the procurement of contracts pursuant to BMC 12.98.040(A) for vehicles formerly used as shelter by people experiencing homelessness who have moved indoors or who have otherwise discontinued using the vehicle as shelter.

CONTACT PERSON

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ATTACHMENTS

1. BMC Chapter 12.98 Revisions
2. BMC Chapter 7.18 Revisions

ATTACHMENT 1

BERKELEY MUNICIPAL CODE AMENDMENT

ORDINANCE NO. -N.S.

AMENDMENTS TO CHAPTER 12.98.010 TO ALLOW CITY MANAGER APPROVAL
OF CONTRACTS FOR NUISANCE ABATEMENT PURSUANT TO BMC 12.98

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

Section 1. That section 12.98.010 be amended to read as follows:

As used in this chapter.

A. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a roadway, except a device moved by human power or used exclusively upon stationary rails or tracks. Vehicle includes "part(s) thereof."

B. "Abandoned vehicle" means any vehicle which has been left unoccupied and stationary on public or private property for more than seventy-two hours, in such neglected fashion as to suggest its relinquishment on property that is neither open to the public for parking nor part of the public right of way, and without the consent of the person or entity that lawfully owns, controls or occupies that property.

C. "Inoperative vehicle" means any vehicle in such condition, as a result of mechanical and/or structural defects, however caused, that it cannot be driven under its own power.

D. "Dismantled vehicle" means a vehicle that has had, intentionally or unintentionally, one or more critical parts removed for sixty days or more. A critical part is any part that is needed to safely operate the vehicle, including but not limited to a wheel or tire, windshield, door, side quarter panel, trunk, hood, roof, steering wheel or transmission. A vehicle can be "dismantled" whether or not it is in a operative condition.

E. "Property owner" means the owner of the nonpublic land on which the vehicle is located, as shown on the last equalized assessment roll.

F. "Vehicle owner" means the last registered and legal owners of record, as shown by Department of Motor Vehicles records.

Section 2. That section 12.98.040(F) be amended to read as follows:

F. Removal of the vehicle. ~~Fifteen days a~~At any time after the ten day notice to abate or remove expires without a request for a hearing, or, if a hearing is requested and an order for the removal of a vehicle as a public nuisance is made pursuant to a hearing, after a period of time deemed reasonable by the administrative hearing officer, ~~thirty days after an order for the removal of a vehicle as a public nuisance is made pursuant to a hearing, if one is requested,~~ the vehicle shall be disposed of by removal to a scrap yard or automobile dismantler's yard. If the property owner or any lawful occupant of the property objects to the City's authorized

agent entering upon the property to remove the vehicle, the hearing officer or their agent shall obtain a warrant from the municipal court to authorize entry onto the property for the purpose of removing the vehicle.

Following removal, no vehicle that is dismantled or inoperative shall thereafter be resold, reconstructed, or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to California Vehicle Code Section 5004.

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.

ATTACHMENT 2

BERKELEY MUNICIPAL CODE AMENDMENT

ORDINANCE NO. -N.S.
AMENDMENTS TO CHAPTER 7.18.010 TO ALLOW CITY MANAGER APPROVAL OF
CONTRACTS FOR NUISANCE ABATEMENT PURSUANT TO BMC 12.98

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

Section 1. That section 7.18.010 be amended to read as follows:

- A. Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, which exceed the amount of \$50,000 shall require Council approval.
- B. Expenditures for specific improvements (public projects), including play area improvements and equipment in public parks which exceed the amount of \$200,000 shall require Council approval pursuant to Article XI, Section 67 of the Charter of the City of Berkeley.
- C. Expenditures for Community Development Block Grant funded Community Facility Improvement Projects which exceed the amount of \$200,000 shall require Council approval pursuant to Article XI, Section 67 of the Charter of the City of Berkeley.
- D. Expenditures for the purchase of supplies, equipment, and materials which exceed the amount of \$100,000 shall require Council approval.
- E. Expenditures for the acquisition and renovation of small multifamily rental properties through the Small Sites Program shall not require Council approval, but shall be approved by the City Manager. Expenditures will comply with the Small Sites Program guidelines, adopted by Resolution.
- F. Expenditures up to \$250,000 for the abatement of abandoned, dismantled, or inoperative vehicles pursuant to BMC 12.98.040 shall not require Council approval, but shall be approved by the City Manager.

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.