

Agenda Report Reviewed by:  
City Manager: 

**CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM**

Meeting Date: November 5, 2019  
To: Honorable City Councilmembers  
From: Mayor Hinton  
Responsible Department: Police Chief James Conner  
Subject: Update regarding Vehicle Camping and Associated Issues  
Recommendation: That the City Council accept the Informational Report and Provide Direction if Any  
Funding: Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No  X  N/A  
Net General Fund Cost: \_\_\_\_\_  
Amount: \_\_\_\_\_

**INTRODUCTION:**

The City Council, City Manager, and Staff have received several community inquiries regarding the complex societal problems of homelessness and vehicle camping in general over the past few years, as well as specific inquiries regarding the Morris Street industrial area and surrounding streets. Additionally, the Police Department has received calls regarding vehicle campers parked in residential zones or near parks/schools.

At the request of Mayor Hinton, Staff provides this informational update for Council discussion.

**BACKGROUND:**

In July and September 2018, the City Council requested Staff provide a status report and then an update regarding vehicle camping and associated issues, specifically in the Morris Street industrial area. Copies of those staff reports and minutes are attached for reference.

As currently configured, there is approximately 1100 feet of non-continuous legal parking space (about 54 standard spaces) along the eastern curb of Morris Street, from the southern-most legal parking space to the south driveway of the Youth Annex; and there is approximately 1075 feet of non-continuous legal parking space (about 53 standard spaces) along the western curb of Morris Street, from the eastern driveway of the Corporation Yard water distribution tank to the southern-most legal parking space. None of the spaces are time or special-use restricted, nor are there "parking tees" to delineate individual spaces.

**DISCUSSION:**

A recent weekday count of vehicles used for camping, including RVs, trailers, and motor vehicles such as trucks, vans, or passenger cars, revealed there are between 20 and 25 vehicles that are normally occupied within the City limits. Some of the RVs and trailers also have associated vehicles

with them, for towing or transportation uses. From the count, it appears the majority of occupied RVs and trailers are already in the industrial area.

**OCCUPIED VEHICLES**

**School Zones**

Valentine Ave: 2 R.V.s (1 associated vehicle)

**Industrial Zones**

Morris St: 7 R.V.s including travel trailers (2 associated vehicles) and 2 lived in vehicles

Flynn St: 1 R.V. (1 associated vehicle)

Laguna PKWY: 2 R.V.s (2 associated vehicles)

**Residential Zones**

Pitt Ave: 1 lived in vehicle

Covert Lane: 1 R.V.

Palm Ave: 1 R.V. (1 associated vehicle) and 1 lived in vehicle

**Downtown Zone:**

S High Parking Lot: 2 lived in vehicles

Railroad Parking Lot: 1 lived in car

McKinley Ave: 1 lived in vehicle

**Misc.**

Redwood Market Place: 1 R.V.

1 roaming vehicle lived in. (moves daily but usually in downtown area or by Ives park)

**UNOCCUPIED PARKED VEHICLES**

**All located in Residential Zone**

Valley View Dr: 2 travel trailers

Walker Ave: 1 bus

Soll Ct: 1 travel trailer

Grav. Hwy N: 1 R.V. and 1 travel trailer

Ragle Ave S: 2 R.V.s

Huntley St: 1 R.V.

Orchard St: 1 junk trailer

Willow St: 1 fifth wheel and 1 Boat on trailer

Robinson Rd: 1 travel trailer and 1 R.V.

Jewell Ave: 1 travel trailer

Belle View Ave: 1 boat on a trailer

Pinecrest Ave: 1 R.V.

City staff and leadership from our various departments, including our police department, work to address specific complaints as they are brought to our attention – and we are constantly looking at different ways to address problems without creating larger unintended consequences, all with a mind toward complying with legal requirements. However, we must conduct our actions within the legal

framework established by the Constitution, enacted laws, and the myriad court case decisions that interpret what those laws mean and how to apply them. Those are factors over which neither the City nor the police have control. We do discuss these issues with other government agencies within our region, at the elected level, City Management level, and Police Chief level, in order to inform our discussions and considerations of best practices.

**RECOMMENDATION:** No changes or action recommended. Recommend the Council accept this informational status update.

**Attachment(s):**

Staff Report and Minutes from July 17, 2019 Council meeting, as reference.

Staff Report and Minutes from September 18, 2018 Council meeting, as reference.

**City Council Regular Meeting  
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6. Approval of Notice of Completion, for Contract number 2017-05, Sewer and Water Pipeline Replacement and Repairs (Engineering Manager)  
**City Council Action: Approved Notice of Completion, for Contract number 2017-05, Sewer and Water Pipeline Replacement and Repairs**  
**Minute Order Number: 2018-197**

**PRESENTATIONS/INFORMATIONAL ITEMS OF INTEREST: None**

**PUBLIC HEARING(s): None**

**REGULAR CALENDAR AGENDA ITEMS (DISCUSSION AND/OR ACTION):**

7. Discussion and Consideration of Potential Actions for Morris Street Camping Issues to Include Recommendation for Revision of Existing Ordinances (Police Chief)

Police Chief Conner presented the report to the City Council, provided history of the item, and recommended that the City Council discuss the recommendations as outlined by staff:

1. Consideration to Establish a "Parking Prohibited Midnight to 6:00 am." zone on both sides of Morris Street, between Sebastopol Avenue and Johnson Street; both sides of Johnson Street, between Morris Street and Sunset Avenue; and both sides of Laguna Park Way, between Morris Street and McKinley Street.
2. Enact a Municipal Code section prohibiting parking or storage of oversized vehicles on the public right-of-way in residential areas.
3. Rescind SMC section 10.40.090 TRAILERS, as it is unenforceable in current form.

Mayor Slayter opened for questions.

Councilmember Carnacchi commented as follows:

- Name of Street of Brookhaven (Valentine) – construction workers who have unlimited race cars - park on street
- Are those illegal

Chief Conner commented as follows:

- Stated it would depend and discussed the definition of oversized vehicles and stated that those cars on a flatbed trailer would probably in violation
- City street is not a parking lot

Mayor Slayter commented as follows:

- Restrictions for other municipalities
- Un-hitched trailers definition

Councilmember Gurney commented as follows:

- Motor boat on trailer unhitched
- Fifth Wheel trailer without truck
- Utility trailer
- Box trailer
- Winnebago/RV

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Chief Conner commented it would most likely fall under oversized vehicle definition depending on the municipality's definition. He also discussed complaints oversized vehicles for site distance, crowding, neighborhood aesthetic, etc.

Mayor Slayter discussed sizes/definitions from other jurisdictions.

Councilmember Carnacchi commented as follows:

- Discussed a permit process
- Allow to happen by permit to allow oversized vehicles
- Discussed the City Manager's street
- Residents notified of permit

Chief Conner commented as follows:

- Permit would be issued by police department
- No public hearing
- Similar to alcohol in park permit
- Not recommending that
- No ability to track that
- Discussed passes for parking
- Discussed obligation to enforce with permits
- Problem for the city to do – no staff

City Manager McLaughlin commented as follows:

- Discussed neighborhoods
- Most neighborhoods not designed for oversized vehicles for each house – would not fit
- Not know fairness of first come first serve for permit

Mayor Slayter opened for public comment.

Gregory Fearon commented as follows:

- Lives in Santa Rosa
- Alerted to issue
- Deeply involved with issue of people living on the streets
- Location in Santa Rosa has 31 RVs
- Define what city is and how it works
- People are change – figure out how to accommodate that
- Discussed people living on the streets
- A lot of people living in RVs full time
- Trying to find a place for them
- Failure of society to build housing
- Suggest Sebastopol entitled to \$12.1 million from County in next couple of months
- Discussed spending the money on homeless
- Encourage the City to go to newly formed CofC on October 18<sup>th</sup>
- Ask for money
- 9 people decide how those funds will be spent to address housing of homeless

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Yvette Morris commented as follows:

- Owns camper
- Lives in Sebastopol
- Been homeless
- Speak on their behalf
- Pitiful for people to want to make a law to where it is illegal for someone who is homeless to survive other than in the bushes
- Own a motorhome on Morris Street
- Not allowed to park
- Legally registered ensured vehicle
- Where do you expect the homeless people to go
- When homeless - Have no money – Destitute – need place to live
- Thanked WCCS
- A lot of people are homeless and are scared to come here
- Need to help not hurt the homeless
- Grateful someone helped her
- Trying to help the homeless
- Not going to go away
- Not going to get rid of them by doing this
- Creating more problems
- Need somewhere to live

Steve Dillan commented as follows:

- Lives on Taft Street
- Watching RVs coming into neighborhoods
- If make Morris Street illegal going to start distributing in the neighborhoods
- Request that concept be addressed prior to putting concrete poles in the ground
- Difficult problem
- Compassion
- Like to know who is living in his neighborhood

Colleen Fernald commented as follows:

- Quasi homeless
- Discussed just cause eviction
- Discussed seasonal camping at Park Village
- Discussed additional ways to help people survive losing their home
- Forced out of her home
- Tried to rescue herself from losing everything
- Negotiated for the RV she is in now
- Accommodate seasonal camping at Park Village
- Hard to move forward from being homeless
- Discussed social and environmental help needed
- Discussed County having park land for RVs
- Discussed tiny homes or RVs
- Safe place to be
- Does not have that

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- City not listening
- Problem escalating

A member of the audience commented as follows:

- Own business on Morris Street
- Intimate with homeless on Morris Street
- In middle of situation
- Heartbreaking
- Employed homeless
- In center of epicenter
- Now elevated
- No answers
- Community – how help them – what can we do
- See drug deals
- See people using the area as a restroom
- Saw a machete
- Police been fantastic
- Not asked anyone to leave – not been disrespectful – been phenomenal
- Have been trying to find solution
- Discussed porta potties
- Bike path dangerous for RVs, parking and bikes to go through
- Find solution as community
- Have compassion - not clean up, wipe out or move
- Offered jobs to the homeless

Gale Brownell commented as follows:

- Involvement with homeless and affordable housing
- Clear succinct staff report
- Experienced public safety and other staff compassionate and do best they can
- Ask to join hands and sing kumbaya
- Incredible housing problem
- No place for them to go
- Things can happen
- Sympathetic to residents and businesses
- Do not deny there are problems
- Solutions have not worked
- Discussed 9<sup>th</sup> court of appeals decision
- Deficiency before the fires of 10800 homes – shelters are filled with waiting lists
- Ask the City to tag along – expansion of October 18<sup>th</sup> item
- Invited people who are involved in the homeless count for 2018
- Suggested a study session
- Invite stake holders in the community
- Good way to go
- Discussed HEAP money
- Do in compassionate and tough love way

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ila Benavidez-Heaster commented as follows:

- See group formed to begin to address this
- Discussed homelessness – feel entitled – do not have it and will take it from you
- Not across the board
- Some do not feel safe on Morris Street
- Is a solution here – need to find it
- No facilities or services here
- Begin to look at something to form to address the issue
- People are shelter less
- Money coming through
- Need to put in boundaries

Council deliberations:

Mayor Slayter requested clarification on the safe parking program– update or explanation of program.

Chief Conner stated it no longer exists and provided an explanation of the program run by Catholic Charities and how it dissolved.

Mayor Slayter questioned if this is still on going in the County,

Chief Conner commented it is his belief that the program is not ongoing.

Mayor Slayter requested clarification on the following:

- Discussed League of CA Cities Conference
- 500 million in budget from State for homeless issues
- Money to Sonoma County – breaking news
- City on top of it
- Taking action to get out money that is due us – in process
- Will need agenda item to take formal action

Mayor Slayter commented as follows:

- Discussed recommendations from staff
- Item #3 – rescission of unenforceable ordinance

Councilmember Glass commented as follows:

- Makes sense
- Sets up expectation of enforcement when we cannot enforce

Councilmember Gurney questioned if this is the 72-hour rule. Chief Conner stated it is not; it is the no camping in vehicles ordinance.

Councilmember Gurney questioned if this affects the 72-hour ordinance. Chief Conner stated it does not.

Vice Mayor Hinton commented as follows:

- 5 camping vehicles a of hit scorning
- Noticed a lot less

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- Why less
- Discussed outreach

Chief Conner commented as follows:

- Not sure why there is less
- Discussed the history
- Discussed the vehicles currently there now
- One is parked there because of no where to store the vehicle
- Of the 5 – did not recognize them

Councilmember Carnacchi commented he would like to see whole ordinance before rescinding it.

City Manager McLaughlin commented as follows:

- Not asking for action tonight
- All have to come back to council on subsequent agenda

The Council was in consensus to return the rescission of the ordinance as an agenda item.

Item #1:

Councilmember Glass commented as follows:

- Appreciate the suggestion of Ms. Brownell about the idea of putting together a group to figure this out
- Bring all stakeholders together
- See businesses, police department, residents of RVs, homeless advocates, members of community – have a study session first
- Concerned this notion of creating the no parking hours
- Discussed unintended consequences
- In reading staff report, clear judicial decisions of unconstitutionality – create arbitrary laws
- Discussed enacting this in order for people to stop parking their vehicles there
- Clear in the public record
- Have legal problem if enacted
- Not go into world of unintended consequences
- Discussed personal experience when working at Board of Supervisors and dealing with a homeless person and his RV – everything was crushed – in jail for more than 90 days
- Situations happen to people who are homeless
- Discussed people who come out of those circumstances moving forward
- Some have mental, emotional, addiction issues
- Discussed dealing with behavior if destructive
- Issue is behavior, not where their home is
- Police Department does good job of community policing
- Not saying there are not problems
- How deal with those problems – kick the can down the road or look at how to better address these problems first
- Come together as community - form group – talk of proactive things we can do
- Use funds to effectively help with this problem
- Different homeless population living in RVs and those living outside

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- Help address the issues
- Have received letters from businesses on Morris Street who have not observed problematic behavior
- Form stake holders group
- Take further action after more thought

Councilmember Gurney discussed the group meeting on the homeless.

Gale Brownell commented as follows:

- That group meets at 6:00 Fourth Monday of Month at Senior Center
- Invited the Council to come to the meetings
- Work with group

Councilmember Gurney commented as follows:

- Group is in the community
- Thanked for the update
- Compassionate and understanding
- Safety net
- Volunteered for Laguna Clean Up Day
- Chose assignment to walk along Morris Street
- 7 vehicles on Saturday morning
- All working on this
- Watchful and proactive
- Looking for evidence that people were living there and trashing the area
- Got one piece of evidence
- Pleased to have that experience
- Appeared if living there, self-monitoring and keeping the area neat
- Concern of unintended consequences – if regulate this – not taking care of the issue – will move or creep elsewhere
- Discussed personal observances on her street
- Discussed more highly conflicted complaints
- Resolution that is effective for people
- Discussed parking hours – hard time with that recommendation
- Those times are backwards
- Heard concern of safety issues; public health issues witnessed at times when people are there
- Prohibiting at middle of night did not make sense
- Not know of way right now to set hours
- Find out way of who would participate if convened big stakeholder group or committee

Mayor Slayter commented as follows:

- Stated this would need to come back to the Council.
- Existing conditions seem to be well managed
- Law enforcement being social services
- Not fair to police or person needing social services
- Discussed timed parking
- Received correspondence for both sides of the item

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- Not seeing justification to take this type of action
- All for taking deeper look
- Empaneling sub-committee

Item #2

Mayor Slayter commented as follows:

- Sounds related to camping issues but it is not
- Protection of residential zones
- Private street not to provide parking for those oversized vehicles
- Parking for limited duration
- Not see looking at this would cause issue for homeless encampment living
- Not see as same issue

Councilmember Glass commented as follows:

- Talking of not storing oversized vehicles
- Addressing issue of parking/leaving any kind of large vehicle (boat, RV) for more than 72 hours

Chief Conner commented as follows:

- 72-hour parking is separate and distinct
- Discussed exceptions for parking large vehicles
- Not appropriate place to store or park that type of equipment
- Not related to hours
- In residential areas – define what are residential areas
- City would need to define

Councilmember Gurney commented as follows:

- Discussed ban of inhabiting vehicles
- Discussed unhitched rule
- Discussed vehicle and hitched trailer – can they stay there one night - is that illegal or roll down street in 72 hours in residential area
- How long can they stay

Chief Conner commented as follows:

- Discussed ban (working to rescind)
- Lawful to sleep in car
- Can stay for 72 hours

City Manager McLaughlin commented as follows:

- 72-hours in vehicle code
- Some cities have expanded that law
- Discussed combinations of exemptions applicable to cities
- Provided examples of exceptions
- Are extreme cases where streets that are not properly designed – created dangerous line of site situations
- Having to do with recreational vehicles in neighborhoods where neighbors are not designed to accommodate these vehicles

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Vice Mayor Hinton commented as follows:

- Discussed unintended consequences
- Stated this is about Morris Street
- May become issue if put rule on Morris Street
- May be pushed to neighborhoods
- Why establish anew rule to deal with something we have not heard about

Chief Conner stated he has received complaints of oversized vehicles and line of site issues.

Councilmember Carnacchi questioned if this is in the zoning code update.

City Manager McLaughlin commented as follows:

- Set to point to release staff report
- Not addressed in the zoning code update

Councilmember Gurney commented as follows:

- Have heard complaints
- Not uncommon in old parts of town
- Had complaint on Pleasant Hill Road – complaint of light from RV that was parked in one spot for days
- Benefit the City to take a look at this

Councilmember Glass commented as follows:

- Received complaints
- Look at other City ordinances
- See what is pertinent to this City
- Return to Council

Councilmember Carnacchi commented as follows:

- Discussed the CofC meeting
- Submit letter of situation and what working towards
- In interim use self-cleaning toilet that they could pay for
- One immediate ask
- Be heard and secure money
- Prepare letter to the CofC

The Council referred this item to staff and to have this item return to the City Council as discussed above.

**City Council Action: Directed staff as follows:**

- Review other jurisdiction regulations
- Review creation of sub-committee to involve stakeholders
- Council directed staff to proceed with the process necessary to rescind SMC section 10.40.090 TRAILERS
- Council also directed staff to study existing regulations at other municipalities regarding parking and storage of oversized vehicles in residential areas, in order to craft a similar ordinance appropriate to Sebastopol. The Council declined to enact overnight parking prohibition in the Morris Street industrial area.

CITY OF SEBASTOPOL  
CITY COUNCIL  
STAFF REPORT

Meeting Date: September 18, 2018  
To: Honorable Mayor and Honorable City Councilmembers  
From: Police Chief James Conner  
Subject: Parking Regulation Revision Considerations - Discussion and Consideration of Potential Actions for Morris Street to Include Recommendation for Revision of Existing Ordinances

Recommendation: That the City Council discuss the recommendations as outlined by staff:

1. Consideration to Establish a "Parking Prohibited Midnight to 6:00 a.m." zone on both sides of Morris Street, between Sebastopol Avenue and Johnson Street; both sides of Johnson Street, between Morris Street and Sunset Avenue; and both sides of Laguna Park Way, between Morris Street and McKinley Street.
2. Enact a Municipal Code section prohibiting parking or storage of oversized vehicles on the public right-of-way in residential areas.
3. Rescind SMC section 10.40.090 TRAILERS, as it is unenforceable in current form.

Funding: Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No X N/A

Net General Fund Cost: \_\_\_\_\_

Amount: \_\_\_\_\_

**INTRODUCTION:** This item is to provide the City Council with various options to amend or adopt parking regulations to enhance neighborhood safety and prevent diminished neighborhood aesthetics caused by the presence of oversized vehicles parked in the public right-of-way.

**BACKGROUND:**

As the Council is aware, there have been RVs and trailers legally parking in the Morris Street industrial area for at least the past two years, although the quantity of those vehicles has noticeably grown over the last year. Over the recent past, the City has received a number of complaints from community members and business representatives regarding the existence of RVs and trailers parked in the Morris Street industrial area. The complaints noted unsanitary conditions, incidents of theft and vandalism, and general feelings of reduced safety, especially in the early hours and during darkness.

On several occasions, community members and business representatives have requested enforcement of the City's current Municipal Code which bans inhabiting vehicles within the City, except in a campground or trailer park (SMC 10.40.090 TRAILERS.)

The City has also received complaints regarding over-sized vehicles parked within residential neighborhoods and school zones. Those complaints have noted reduced visibility, crowding on already-narrow roadways, and the negative impact on neighborhood aesthetics.

Court decisions have expressed that cities may not criminalize otherwise-lawful everyday conduct, such as eating or sleeping or camping in a vehicle, as it unfairly targets specific groups of people because of their status, nor may cities selectively enforce enacted regulations to target specific classes of people, thereby criminalizing their status (such as homelessness.)

**DISCUSSION:**

At the Council meeting of July 17, 2018, the City Council received a report out from the Police Chief on Issues related to Morris Street parking/camping and following discussion at that meeting, the Council directed Staff to return with recommendations for actions to address quality of life and perceived safety concerns.

To address the complaints regarding parking in the Morris Street industrial area (Morris Street, Laguna Park Way, and Johnson Street between Sunset Avenue and Morris Street), and complaints of the parking of oversized vehicles in residential areas, the Council could adopt parking restrictions via amendment of the City of Sebastopol Municipal Code, Chapter 10.40 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS.

Two common methods of restriction are: Timed Parking (i.e. 2-hour, 3-hour, 24-minutes, etc.), and Exclusionary (i.e. No Parking, No Parking Between 1:00 am and 6:00 am, etc.) Regardless which method is employed, parking restrictions must not be arbitrary or capricious – meaning they must be based on bona-fide governmental interest (i.e., timed parking zones because of limited parking availability in a commercial zone, restricted hours because of a school zone, etc.)

While timed parking restrictions in the industrial area would have a positive effect on reducing the length of time any vehicle may remain in the same regulated spot, the enforcement period would need to be supported by a legitimate reason. For example, it would be difficult to articulate a defensible reason for 2- or 3-hour Parking restrictions on Morris Street beyond the late afternoon – because: a) there is not normally a shortage of parking space which would necessitate space turnover, and b) we do not have the ability to regularly and routinely (non-selectively) conduct parking enforcement during those hours. A court could therefore reasonably conclude the parking restrictions were an attempt to circumvent the spirit of prior decisions.

In June 2014, a 3-judge panel of the U.S. 9<sup>th</sup> Circuit Court of Appeals decided that the Los Angeles city ordinance prohibiting living in vehicles was unconstitutionally vague and therefore unenforceable. Since the Los Angeles ordinance was functionally equivalent to ours, the Court's decision is controlling in our jurisdiction as well – rendering our corresponding Municipal Code section unenforceable. The remediation of that code section would require the City to identify an area wherein vehicle camping is permitted. The City of Los Angeles has identified the zoned industrial areas for that purpose.

The Morris Street industrial area is comprised of businesses that are normally closed and uninhabited by late evening, as well as a public park that is closed during hours of darkness. The community facilities and private business in the area that do remain open until late evening have sufficient off-street private parking for their purposes. As there are no public facilities open, and any private business that remains open already has sufficient off-street private parking available, it would serve a bona-fide public safety purpose to prohibit on-street parking

in the industrial area during hours wherein there is no legitimate business purpose for being there, such as "Parking Prohibited Midnight to 6:00 a.m."

In addition to the public safety reason for such a parking restriction, the actual regular and routine enforcement of the restriction would be possible because routine patrol through the area would immediately identify those in violation.

Staff communicated with some representatives of businesses in the Morris Street area and Barlow Center that previously addressed the Council regarding this item. The representatives did not believe a timed parking prohibition would have a negative impact on their interests, and were very supportive of the change.

Sebastopol's residential streets were designed and built for automobile travel into and out of neighborhoods. They are frequently narrow with limited on-street parking available. The streets were not designed nor built for on-street parking or storage of oversized vehicles (including boats, trailers, semi-trucks and RVs) which limit visibility and maneuverability, can take up three or four regular parking spaces, and negatively impact neighborhood aesthetics.

The City could prohibit parking or storage of oversized vehicles on the public right-of-way in areas zoned for the various residential-type purposes. There are many other municipal jurisdictions within California that have such regulations. Each of the ordinances provide a definition of an oversized vehicle by measurement; they also list exemptions for wheelchair accessible vans, as well as specific limited-time exceptions for activities such as cleaning, maintenance, loading/unloading, etc.

**RECOMMENDATION:** That the City Council consider 3 separate actions:

- 1) Establish a "Parking Prohibited Midnight to 6:00 a.m." zone on both sides of Morris Street, between Sebastopol Avenue and Johnson Street; both sides of Johnson Street, between Morris Street and Sunset Avenue; and both sides of Laguna Park Way, between Morris Street and McKinley Street.
- 2) Enact a Municipal Code section prohibiting parking or storage of oversized vehicles on the public right-of-way in residential areas.
- 3) Rescind SMC section 10.40.090 TRAILERS, as it is unenforceable in current form.

If the Council is in consensus with any of the recommended actions proposed, the Council should direct staff to return to a future City Council meeting for formal Council approval and adoption.

Attachments:

None

CITY OF SEBASTOPOL  
CITY COUNCIL MEETING  
AGENDA STAFF REPORT

Meeting Date: July 17, 2018  
To: Honorable Mayor and Honorable City Councilmembers  
From: Police Chief James Conner  
Subject: Vehicle Camping and associated issues  
Recommendation: Accept this informational report  
Funding: Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No X N/A  
Net General Fund Cost: \_\_\_\_\_  
Amount: \_\_\_\_\_

**INTRODUCTION:** This item is to provide the City Council background information regarding the presence of trailers and recreational vehicles in the Morris Street industrial area, and associated issues.

**BACKGROUND:** At the last City Council Meeting, City staff was directed to bring an informational item to the City Council discussing the issues and concerns raised by residents on the presence of trailers and recreational vehicles in the Morris Street industrial area.

**INFORMATION:**

For the last two years, there has been RVs and trailers legally parking in the Morris Street industrial area. However, the quantity of those vehicles has noticeably grown over the last year and the City has received a number of complaints from community members and business representatives regarding the existence of RVs and trailers parked in the Morris Street industrial area.

The lawful and Constitutional method for the City to address this condition is through the fair and impartial enforcement of State laws and local ordinances. The applicable State laws prohibit parking any vehicle on a public roadway in excess of 72 hours without moving or dumping of hazardous waste. The applicable Municipal Code prohibits camping in any vehicle within the City, except in a campground or trailer park.

In June 2014, a 3-judge panel of the U.S. 9<sup>th</sup> Circuit Court of Appeals decided that the Los Angeles city ordinance prohibiting living in vehicles was unconstitutionally vague and therefore unenforceable. Since the Los Angeles ordinance was functionally equivalent to ours, the Court’s decision is controlling in our jurisdiction as well – rendering our corresponding Municipal Code section unenforceable.

**DISCUSSION:**

Sebastopol Police Department (SPD) officers routinely conduct health and welfare or security checks of the area where the trailers are parked – as well as marking vehicles to ensure compliance with the 72-hour parking regulation. During the checks, the officers interact frequently with vehicle occupants.

Based on those interactions, our estimation is that about half of the vehicles that are routinely parked in this area are regular occupants that have used the Morris Street industrial area for a year or more. The majority of vehicles have a sole occupant, and none have families or children occupants.

The volume of trailers fluctuates, generally between 10 and 20. As of the writing of this staff report (Wednesday, July 11, 2018), there were 2 RVs legally parked on Morris Street and 8 RVs or trailers legally parked on the north end of Morris Street (both east and west sides of the street.) The volume of trailers tends to decrease during the weekends and increase during the weekdays. Our experience has been that the trailers are generally vacant during the daytime hours, although we have no data on where the occupants go during those times. With few exceptions, the occupants are not from the Sebastopol area. We have not encountered any occupants that claim to have been displaced by the October 2017 fires.

The California Vehicle Code prohibits storing vehicles on the public street, as defined as remaining unmoved for over 72 hours. The City is required to notify the vehicle owner and provide a reasonable time to abate the violation. We do that by placing a violation notice on the vehicle, marking the tire to confirm placement, and then returning after 72 hours has elapsed. If the vehicle remains after 72 hours, unmoved, it is subject to removal. If the vehicle has moved from the original parking space (no matter how slightly), it is no longer in violation and is not subject to removal or citation.

Another difficult consideration is that if these folks are homeless but living in their vehicle, and we tow it away, they become homeless and stranded in Sebastopol and living outside – so our preference is that they move it as there are no social services available here to assist them.

To complicate the matter, tow companies do not want to tow RVs and trailers. It takes equipment larger than a standard wrecker to tow them; they are filled with personal property; they are rarely redeemed from the tow company because of potential DMV fees and registration/title problems; and the waste systems require expensive haz-mat disposal processes (by law.) The result is tow companies are then left 'holding the bag' for potentially thousands of dollars of costs to dispose of the RV or trailer.

During the past year, the City experienced a single incident of hazardous waste spilled onto the roadway. In June, officers conducting parking compliance on Morris Street encountered a small amount of sewage spilled onto the roadway and running toward the storm drain. The Fire Department responded to contain and clean up the spill, which they estimated to be between 5 and 45 gallons. Public Works was notified of the spill but did not believe any waste reached the storm drain.

While there are a few area occupants with dogs, we have only had complaints of one particular animal. The complaints are of 'aggressive nature' and that the owner set up a make-shift dog run on the hillside adjacent to the east side of the Corporation Yard. When contacted, he was cooperative and removed the dog run.

Officers routinely visit the area looking for parking or criminal violations. When we encounter either, we take whatever lawful action we are able to take to abate the problem. If the City is notified of a problem by a community member (whether parking or behavior-related) we send officers to locate the offense and take action to abate the problem. We have encountered people with warrants for their arrest and

also those on probation for criminal convictions. Once identified as such by law enforcement, they generally leave the area to avoid future police contact.

In an effort to help occupants, the City of Sebastopol Police Department, as well as West County Community Services (WCCS), has been out interacting with the trailer occupants offering services. The City makes available to the occupants a comprehensive list of free and low-cost services to help people struggling with homelessness. Resources include shelter, food, health care, financial assistance, housing, employment, disability services, pet care and more.

As a result of the U.S. 9th Circuit Court of Appeals, the City of Los Angeles has replaced their ordinance but has chosen to merely restrict the activity rather than ban it: inhabiting vehicles may only be done in designated (industrial) areas now, rather than the previously contested prohibition. There have been recommendations to change the on-street parking on Morris Street to timed parking zones of various types (i.e., 3-hour parking, No Overnight Parking, etc.) This idea could potentially reduce RV and trailer parking in the Morris Street industrial area.

Some other entities have enacted oversized vehicle parking prohibitions on any public roadway or parking facility within their jurisdiction. However, the local ordinance provides exemption for those vehicles in industrial areas if there is not sufficient available storage/parking in that area.

Regarding the recommendation of using prohibited or time-restricted parking along Morris Street, I am not certain that would improve the problem. If we focus enforcement attention on the vehicles parked in that industrial area, the folks living in those vehicles will move to other areas that may be more problematic. For example, if the group moves north along Morris Street and around the curve to southbound Johnson Street parallel to the Analy High ball fields, or to more densely populated residential areas. The public complaints would almost certainly be greater and more frequent if that occurs.

Additionally, parking restrictions must not be arbitrary or capricious – meaning they must be based on bona-fide need (i.e., timed parking zones because of limited parking availability in a commercial zone, restricted hours because of a school zone, etc.) Enacting parking restrictions simply to exclude otherwise lawful behavior could be seen by the Courts as capricious, and an attempt to circumvent the spirit of case law.

In an effort to try to address the homelessness situation, Catholic Charities created a program in cooperation with local churches to allow overnight camping in vehicles in their private parking lots. Catholic Charities oversaw the program, including providing security for the sites. Participants were required to check-in, and follow rules, and were required to leave by 7am the next morning. That didn't work out for too long. So Catholic Charities stopped the program and most of the churches also stopped allowing camping. The Community Church here in town continued to allow it for a few months after Catholic Charities stopped, but they also stopped because of their experiences.

This issue is not unique to Sebastopol, or even to Sonoma County – it is occurring all over the State. In fact, that was one of the topics of discussion at a recent meeting of the Sonoma County Law Enforcement Chiefs Association, and also a recent meeting of the Abandoned Vehicle Abatement board. Although there are discussions going on at all levels of government, and have been for some time, no

one has yet come up with a lawful solution that doesn't make matters worse or cause unintended negative consequences.

There is no designated space for vehicle camping in the city of Sebastopol; there are several private campgrounds and trailer parks around Sonoma County; the Sonoma County Fairgrounds in Santa Rosa also has a camp ground, including RV utility hook-ups as well as a dump station (available for a \$10 fee.) I would be wary of creating or designating a place for sleeping in vehicles for a couple of reasons; first and foremost because it's not safe for the occupant, and the City has no ability to provide security to make it safe. Secondly, that would act as a magnet – attracting dozens, if not hundreds, of people to this community for the purpose of camping here. The associated problems would, I fear, overwhelm our ability to address them effectively.

**RECOMMENDATION:** That the City Council accept this informational Staff report.

Attachment(s):

None

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- River Road becoming like highway usage
- Usage of River Road is more highway like than 116
- More local traffic (116)
- Discussed regional signage

Mayor Slayter commented that he did not want to use hard earned dollars for regional signage.

Councilmember Gurney commented as follows:

- Not spending any dollars
- Working together with the County to come up with solutions

Councilmember Glass commented as follows:

- Not just River Road and 116 - Actually, Bodega Highway is used a lot also
- Narrow and unimproved road
- Goes through our town
- Problematic
- How dealing with that
- Thanked Supervisor Hopkins for working with the City

Mayor Slayter opened for public comment.

Linda Berg commented as follows:

- Great idea
- Discussed trails and busses
- Stated effects of microwave radiation of wireless devices are not being looked at
- Microwaves bounces off metal
- Raise awareness
- Educate people of wireless devices
- Need to have campaign to educate public

Mayor Slayter thanked Supervisor Hopkins for attending the meeting,

**City Council Action: None Required. Informational Only.**

**Minute Order Number: 2018-152**

7. Report out from the Police Chief on Request from the Council to Provide an Informational Report on Issues Related to Morris Street parking/camping (Police Chief)

Police Chief Conner presented the staff report recommending the City Council receive the report out from the Police Chief on Request from the Council to Provide an Informational Report on Issues Related to Morris Street parking/camping.

Mayor Slayter asked for questions of staff.

Vice Mayor Hinton commented as follows:

- Discussed towing of vehicles
- Prohibits if not stored within city limits
- Discussed a vehicle towed last week

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- Why so expensive to tow
- How does a vehicle get towed

Chief Conner commented as follows:

- Called Creams auto body to tow the vehicle
- They came and towed it away
- Discussed the abandoned vehicle abatement program
- Not aware a RV was towed until two days ago
- Not aware where it went
- Would be responsible for bringing it back to the City if owner wanted it

Councilmember Gurney commented as follows:

- Appreciate thoroughness of report
- Discussed concerns raised by Barlow
- Discussed enforcement of this area
- How much of area is industrial
- Community facilities from cement plant property to Analy field
- Part of the property on south end on east side is community facilities
- Perception industrial zoning

Vice Mayor Hinton commented as follows:

- Not think of it as light industrial
- Have retail, skate park, ballfield, community center, high school
- Bordering where kids hang out and retail of Barlow

Chief Conner commented as follows:

- Always been referred to Morris Street industrial area
- If not zoned as industrial, not know answer to the perception

City Manager McLaughlin commented as follows:

- Discussed potential parking in retail areas
- Limit areas where RVS can be parked – others may have directed them to industrial areas
- Perception of people that occupy these homes
- Discussed impact of Barlow
- Entire area not zoned industrial
- Perceived that way though
- If RVs were moved, would go to other areas of town – could be more problematic

Councilmember Gurney commented as follows:

- Barlow does not see themselves as industrial
- They see themselves as retail

Mayor Slayter commented as follows:

- Questioned if there is information from other communities that have sanctioned areas – prohibited action everywhere else
- Have other cities provided space for use

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Chief Conner commented as follows:

- Closest is encampment allowed on Sebastopol Road
- County did that
- Had to shut down due to problems
- Result – most moved to Joe Rodota trail

Mayor Slayter questioned if the City sanction this area, could other areas be banned.

Chief Conner commented as follows:

- Based on belief and ordinance of the City of Los Angeles, if sanctioned in specific place it could be done
- Discussed ordinance for not camping in the City
- May be able to do that

Mayor Slayter commented as follows:

- If City sanctioned modest number of spaces with two-night maximum stay and ban it everywhere else, does this open Pandora's box
- Food for thought

City Manager McLaughlin commented as follows:

- Two nights may be problem from legal perspective
- Would need to provide viable alternative

Vice Mayor Hinton commented on use of COTS or does the area need to be in City limits.

City Manager McLaughlin commented as follows:

- Stated that it would probably need to be located in City limits if the City had an adopted ordinance
- Could not utilize area that is not in the City if do as City ordinance – if no ordinance it cannot be enforced
- Existing ordinance has problem

Councilmember Carnacchi commented what about an ordinance that restricts oversized vehicles except by permits.

Vice Mayor Hilton stated that to park overnight in San Anselmo, a permit is required.

City Manager McLaughlin commented as follows:

- Discussed administration of a permit system
- Will have to look into that
- Would need to review City ordinances
- Discussed current ordinances on the books
- Not a good idea to drive RVs into residential areas- discussed parking issues
- Permit system could be workable if there is a place for vehicles to go

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Councilmember Carnacchi discussed a test of having no overnight parking and see where the vehicles would go.

City Manager McLaughlin stated that could be done but would have to deal with the areas where they move to and stated it could be more problematic.

Councilmember Glass commented as follows:

- Police Department doing a thorough job at policing the vehicles that are out there
- Checking license plates - Checking if have criminal records - Checking if predatory
- Taking actions that are driving problematic people out or else arresting them
- Taking pro-active actions
- Questioned what kind of problematic activities (other than spill) occurring because people are parked on our industrial looking street

Chief Conner commented as follows:

- Citizen calls (dog complaint)
- Owner did put up make shift dog run but took it down
- Problems mostly are on-view or officer discovered
- Discussed possible vandalism at Barlow
- Heard reports of employees finding needles in restrooms at Barlow
- People feeling fearful

Mayor Slayter opened for public comment.

Loretta Castleberry commented as follows:

- Long roots in Sebastopol
- Own Coaches Corner
- Discussed last meeting and list of problems identified
- Represent businesses from Highway 116 to here
- People dumping feces and pee onto property
- Women will not come to facility if cannot park on the hill – afraid
- Open at 4:00 am- dark
- Seen sex on street in the wide open
- Discussed sight distance issues from RVs parking
- 72 hours does not do it
- All businesses have had a problem
- Not industrial area
- Cement yard sold – may become businesses
- Effecting all businesses
- Employees afraid to park on street
- Teenagers do not want to leave businesses at night
- To say no crime happening is concerning
- Recommend no overnight parking

ila Benavidez-Heaster commented as follows:

- Clear that this has been well looked at

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- Looking at with depth
- Whatever decision is – please protect the children
- If weapons, needles, unsafe
- Got to be a solution
- Solution needs to be seen
- Safety is a genuine concern
- Appreciate work being done
- Tiny town
- Not have a whole lot of extra
- What is important here – sense of well-being as a community
- Assist the shelter-less as they do not have accommodations
- Keep our children safe
- Not want to feel anxious about walking
- Not like driving by there
- Not okay what she saw

Elaine Kozlowski commented as follows:

- Thanked work done for protecting the city
- Vehicle with leak is still out there
- That would not happen if that vehicle was not there
- Problem get worse before it will get better
- RVs parked on 116 North
- What can we do about it
- How has a resident can we help with this problem
- Area is not industrial anymore
- How often do they receive/use the resource pamphlets
- Can we install parking meters
- Discussed timed parking
- Discussed if that was the case RVs could move to residential areas
- Work on the problems that come up and not say they will not work
- City needs to try something
- If sanction is there a way to un-sanction an area

Judy commented as follows:

- Discussed being member of Coaches Corner
- Walked from home to the gym as part of aerobics
- Felt safe in the past
- When situation developed, tried to ignore it
- Creepy now
- Feeling at any moment someone could reach out and grab you
- Walk in middle of street now
- Husband said no more to her walking
- What about people in RVs hanging out with them
- Have they been checked
- Who knows who else is there
- May not be nice people

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Mayor Slayter commented as follows:

- Sense of unsafe condition
- Sense of anxiety over situation occurring out there
- Long time business owners who are reporting what they sense as dangerous situation
- Real situation for everyone
- Something not quite right about the situation
- Continue to figure out how to address this
- May need to go to outside counsel

Councilmember Carnacchi commented as follows:

- Part of zoning code update
- Can do as part of that item

Mayor Slayter commented as follows:

- Not sure potential solution would be vetted well enough in two weeks
- Would need to be separate agenda item

Vice Mayor Hinton commented as follows:

- Frustrated situation
- Involved with Park Village
- Could be an option
- Questioned if 2/3 is out of town – no attachment to Sebastopol
- Look at ordinance
- Look at change of towing vehicles
- Legally tow when have the opportunity

Chief Conner commented as follows:

- Two went to Sebastopol Tow
- Researching now what happened to the vehicles
- In State Law – store in jurisdiction

Mayor Slayter commented as follows:

- Address issues with current ordinances
- Be accelerated to clean up those ordinance

Councilmember Glass commented as follows:

- Discussed stuff rolling down hill
- Used to be taken care of by Federal, State, County and now City
- Look at what are we going to do here and not just move it down the street
- Not a constructive way of solving it
- Look at regionally
- How dealing with this as County
- Work with Supervisor Hopkins
- Part of ongoing large picture – homeless housing issue in County
- As City need to be engaging with rest of County on looking at real solutions

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- Not want to ban it and then have it roll somewhere else
- Need to look at this regionally
- Have staff collaborate with other cities and County
- City with limited resources – create in regional way with more resources

City Manager McLaughlin commented as follows:

- Working on Fire related issues recently
- Has discussed this with other City Attorneys and County Counsel
- Brought up at City Manager meeting as well
- Is a regional issue

Councilmember Gurney commented as follows:

- Helpful to do that
- Constructive
- Helpful to have a City Manager and City Attorney who can do that
- Addressed the fear of women - Discussed walking - Discussed women not feeling safe even in middle of the day
- Appreciate a woman being able to go out and about
- Need to address safety concerns - Children's safety
- Health concern
- Not ignore
- Regional issue that needs practical solutions
- Suggested Red curbing - Use city parking lots
- Fear cannot be ignored
- Want to be community where people can walk around
- Keep local hands on the issue
- Appreciate Chief and department doing so much
- Agenda Review Committee organize this to come back
- A lot of people to be responsible to
- Come back with suggestions to try
- Moving needle closer to safety rather than not doing anything

Councilmember Glass commented as follows:

- Not okay to feel fearful
- Used to work for Board of Supervisors
- Dealt with 5<sup>th</sup> District issues
- Discussed an incident that happened while she worked there – felt bad
- Discussed issues the person had to deal with
- Need to deal with people and take care of them
- Not all homeless use drugs and not all steal
- Some are just old and poor
- Need to be proactive
- As society we need to take responsibility

**City Council Action: None Required. Informational Only.** The Council accepted the Chief's report and heard community input. Following discussion, the Council directed Staff to return with recommendations for actions to address quality of life and perceived safety concerns.