



INFORMATION REPORT

DATE: July 9, 2015

TO: Mayor and Members of the City Council

DEPARTMENT: City Manager

SUBJECT: Review of Options to Abate Illegal Dumping and Other Community Impacts Related to Oversized Vehicles (RVs)

APPROVED:

DATE:

SUMMARY

This memo serves as an update to City Council on staff's review and analysis of oversized/recreational vehicles (RVs), including their impacts to the community, public safety, and environment, and potential abatement measures to minimize these impacts. There has been some delay in returning to the City Council since the Transportation and Public Works Commission (Commission) reviewed the topic in November 2014 and made recommendations for City Council consideration. Staff has been focused on other priorities, and the issue has evolved since the Commission review. This issue deserves special attention given its complexities and evolution. As such, the City Manager's Office has concentrated efforts over the past month to prepare this comprehensive review for Councilmember review during the July recess.

This memo begins with an overview of recent City Council and advisory body action taken regarding RVs. It then delves into existing parking regulations, enforcement efforts, and staff analysis of RV impacts on the community, including illegal sewage and greywater discharge, parking impacts, nuisance behaviors, and perceptions of public safety. The report concludes with a discussion of options to abate the environmental, parking, and safety impacts.

In summary, effectively addressing RV impacts through local governmental regulations is difficult given the involvement of numerous departments, legal and financial considerations, and proposed legislation moving through the State regarding overnight sleeping in vehicles. Regulatory efforts are further complicated for coastal cities, such as Santa Cruz, given the interplay of parking regulations with the California Coastal Act. No single and simple solution exists that adequately abates the impacts. A successful mix of solutions would be required; however, that combination may not be free of legal and regulatory hurdles that many coastal cities have failed to overcome in their pursuit of RV parking regulations. Nevertheless, the City Council will have the opportunity to weigh the pros and cons of the particular options and combinations, as staff is prepared to bring this item forward for City Council consideration in the fall.

CITY COUNCIL AND ADVISORY BODY ACTION

At its April 9, 2013 meeting, as part of a Cowell Beach Water Quality Update presentation, the City Council adopted a motion to direct the Commission to review and make recommendations to reduce illegal discharges into City storm drains through educational outreach, RV parking permit programs, or new disposal sites. In directing this review, the City Council was

particularly interested in understanding the degree to which illegal dumping (of sewage and greywater) from RVs contributed to the high bacteria levels at Cowell Beach, and which regulations and educational efforts the City should pursue to prevent future occurrences of such dumping.

Subsequently, in late 2013, the Public Safety Citizen Task Force (Task Force) recommended that the City review and implement strict parking ordinances related to RVs parking on City streets, and called for additional enforcement of existing parking restrictions. This recommendation was developed in response to concerns of Task Force members that RVs created neighborhood and City park nuisance issues. Those issues included increased criminal activity in close proximity to long-term parked RVs, such as drug dealing, prostitution, and instances of public intoxication.

Finally, the Commission reviewed potential programs to curb illegal dumping and ordinances to restrict RVs parking in impacted areas during its November 17, 2014 meeting. Staff presented several programmatic options to reduce dumping, including a voucher program to encourage legal dumping at nearby private businesses, to accompany educational outreach to RV owners. The Commission unanimously supported the concept and requested a staff update sometime in 2015. In addition, the Commission reviewed two proposed RV parking ordinances: the first is designed to manage oversized vehicle parking in targeted areas, and the other is a citywide RV parking permit program, based largely upon the City of San Diego's program. The Commission unanimously recommended moving those proposed ordinances forward to the City Council for its consideration. Both of the RV sample parking ordinances and the voucher program are discussed at length below.

SUMMARY OF ISSUES

In researching the issues, staff found that RVs are not a problem in and of themselves, and the City is host to many RV owners and renters, both those visiting and living in Santa Cruz. As a major tourist destination, Santa Cruz accommodates visitors traveling into the community via many forms of transportation, including oversized vehicles. Further, many Santa Cruz residents own and store their RVs on their premises. In most cases, RV owners abide by State and City laws related to vehicles and their waste and do not create issues. Unfortunately, there is a subset of RV owners who create environmental and nuisance concerns for the community.

The issues are generally related to the behaviors of oversized vehicle owners. Staff has confirmed a small number of cases (approximately four in the past few years) of illegal discharge into storm drains; however, they occurred on the far Westside and did not directly affect Cowell Beach. Nonetheless, staff has recognized a need to educate residents, service providers, and visitors alike about responsible stewardship of our City's resources, especially our waterways and beaches.

In addition to illegal discharges, staff identified other issues related to RV parking, including occupants' criminal and illegal activities. A report from the Police Vehicle Abatement Officer estimated at least 400 notices of illegal parking were placed on RVs and makeshift RVs from July 2013 to July 2014. It should be noted that the 400 notices are the result of proactive parking violation abatement and does not reflect calls for service necessitating patrol officers to respond to RV complaints. The vehicle abatement officer routinely receives complaints about refuse, bicycle theft, pirating of private water connections, gasoline theft, and wastewater leaking onto

the pavement in close proximity to parked RVs. The officer also receives concerns about increased foot traffic to and from these vehicles consistent with drug activity.

Community members regularly complain about larger RVs limiting available public parking along West Cliff Drive. The issue is particularly acute near Lighthouse Field, home to popular surf breaks (Steamer Lane and Indicators). There is limited parking in the area, with various user groups (surfers, swimmers, pedestrians, beach goers, etc.) competing for those spaces. Community complaints are typically aimed at single RVs occupying multiple coastal parking spaces for hours on end, limiting opportunities for other vehicles. The most egregious cases include instances where two RVs park parallel and in line with each other (one parked in front of the other), simultaneously taking up four to five public parking spaces, thus impacting residential and visitor coastal access. Nuisance behavior complaints are frequently lodged for these same vehicles.

The City also receives complaints from residents regarding RVs that remain in their neighborhoods for long periods of time, seemingly for the purpose of human habitation. City streets are not designed for long-term camping or residence. Long-term RV parking in neighborhoods limits available parking for residents and their visitors. Such uses further raise issues of sanitation, and according to complaints received from residents, long-term RV parking and habitation impacts the ability of residents to feel secure in their neighborhoods. This particular concern could be exacerbated by the proposed California State Assembly Bill (AB) 718. AB 718, which passed out of the Assembly, and is currently under review by the State Senate, would allow a person or persons to “rest” within a vehicle, as long as it is lawfully parked, for an undisclosed amount of time. The bill may prohibit a police officer from asking the person to move or issuing a citation if they do not comply. If made into law, AB 718 may increase the number of RVs in the City used for human habitation.

In responding to community complaints and direction provided by the City Council, the Task Force, and the Commission, City Manager’s Office staff consulted with relevant internal departments (Public Works, Police, Parks and Recreation, Planning, and the City Attorney’s Office) to understand the current regulatory approach, reviewed best practices of similar coastal cities, and reviewed recent case law surrounding parking restrictions. These efforts were undertaken in order to develop solutions that effectively abate related environmental and nuisance impacts within the existing legal, City resource and regulatory constraints.

CURRENT REGULATIONS AND ENFORCEMENT

The City currently addresses RV environmental and parking impacts through a host of City and State laws. Here is a summary of existing regulations utilized by the City to abate the impacts, per Santa Cruz Municipal Code:

- The use of streets for storage of vehicles is prohibited and no person may park any vehicle upon any street or any alley for more than a consecutive period of 72 hours.
- RVs cannot be parked or stored on private property in any front or exterior side yard for more than 48 consecutive hours unless the motor vehicle is in fully assembled condition and parked on a paved surface.
- The City has a preferential permit parking zone program, which applies to any vehicle type. Residents may opt-in to residential permit zones via a “Qualified petition” that

represents 67% of the households or occupants on a block segment. Each household gets one vote whether owner or renter occupied. Once established, non-permitted vehicles are prohibited from parking on City streets in that neighborhood (during the prescribed hours). Neighborhoods within the Coastal Zone are subject to Coastal Commission review prior to approval of a permit parking zone designation.

- The parking permit fees for all City permit parking programs can be established by a City Council resolution. Separate rates may be established for different permit types and/or permit locations.
- The use of public parking lots for storage of vehicles is prohibited.
- Littering or depositing any solid waste or recyclables upon any City right-of-way, street, or other public place except for the purpose of collection is prohibited.
- Camping (including sleeping in a vehicle) is prohibited anywhere in the City, whether on public or private property, except as expressly permitted.
- Commercial vehicles with a manufacturer's gross vehicle weight rating of ten thousand pounds or more are prohibited in residential districts.

Additionally, California Health and Safety Code stipulates that any person who dumps, or allows overflowing of, sewage upon a street or public property is guilty of a misdemeanor. The City's municipal code further prohibits the discharge of non-storm water runoff to enter the storm drain, including greywater from recreational vehicles. These State and municipal codes are enforceable by City personnel, including police officers, within the City.

These restrictions are enforced through the Public Works and Police Departments. Public Works manages the daytime parking enforcement from 8:00 a.m. to 8:00 p.m., through routine patrols and complaints. Police assumes parking restriction enforcement duties after 8:00 p.m. and operates largely on a complaint basis, given the large volume of calls for service for other safety issues at that time.

Despite consistent City enforcement of existing parking and environmental regulations, RV impacts persist. Increasing parking enforcement efforts may temporarily improve conditions in impacted areas. However, it is staff's understanding that the limited number of regulatory tools available to the City inhibits the effectiveness of enhanced enforcement. Reviewing new regulatory approaches, therefore, is critical if the City desires to abate persistent community impacts related to RVs.

POTENTIAL SOLUTIONS AND OBSTACLES

After analyzing the available options, staff developed a proposed two-pronged plan for Commission review back in November 2014. The Commission supported both prongs of the plan: programmatic efforts to minimize illegal dumping and ordinance revisions to increase coastal access and abate nuisance and parking impacts. Both aspects of the plan are discussed below.

1. Programs to Reduce Illegal Dumping

Although the documented number of illegal RV discharges is relatively low, protecting our environment against any pollution is important, and this area rises as a key consideration in RV management. Possible programs to reduce illegal dumping include:

- a. **Enhanced Water Quality Public Information.** Develop an informative flyer regarding water quality, the City's storm drain system, and legal RV wastewater discharge locations. The flyer would be distributed to RV owners when contact is made by City parking enforcement (Public Works or Police) and will be made available at local nonprofit service provider locations.
- b. **Voucher Program for RV Wastewater Dumping.** Develop and fund a voucher program with a partial or full subsidy of the \$15 dump fee. Coordinate with local nonprofit service providers to distribute and track the vouchers. Continue with efforts to identify and build a suitable dumping site within City limits.
- c. **Reward for Reporting Illegal Dumping.** Develop a reward program for citizens that report illegal discharges which result in a conviction. Staff does not expect that a small reward will be effective in increasing reporting, but it clearly demonstrates that reporting of illegal RV dumping is a priority for the City. The reward could be 50% of the fine collected, resulting in no significant financial impact to the City.

Educational materials and illegal dumping mitigation programs could be funded through the Clean River, Beaches, and Ocean Special Parcel Tax (Measure E Fund).

Following the November 2014 Commission meeting, staff consulted with the only neighboring gas station (located just outside City limits) that provides legal dumping services to the public, in order to garner its support to participate in a voucher program. Unfortunately, the facility owner was not interested in participating in the program. Public Works has also attempted to identify potential dumping sites within City limits, which has yielded negative results to date. The Commission further reviewed a program concept to reward individuals who report instances of illegal dumping with a portion of the citation fees collected for those specific violations. However, the Commission did not support the concept, given the complicated administrative nature of the program. Finally, staff can develop educational material for RV owners to encourage environmental stewardship through the proper discarding of waste, and further explore the reward program upon Council's request.

2. RV Parking Regulations to Improve Coastal Access and Abate Nuisance Issues

An overwhelming percentage of complaints regarding RVs stem from their blocking access to parking spaces along the coastal cliffs and beaches, camping in vehicles overnight, illegal activities in neighborhoods, and littering concerns. The ability of the City to address these issues through new regulations is limited by the cost to implement and manage new programs, concerns with installing a copious amount of new signage, and creating regulations that could be acceptable to the California Coastal Commission.

The City must be careful in designing new regulations, so that they target illegal behaviors and not any one class of people. Additionally, the regulations must not be arbitrary or vague. The following options have been utilized by other cities, but each of them carry a specific set of concerns, they must comply with the City's Local Coastal

Program, and could be subject to Coastal Commission review if implemented in a coastal zone.

- a. **Parking Changes to Limit Vehicles to Single-Space Parking.** Current parking citations are issued only when a vehicle's *tires* exceed a marked parking spot, irrespective of additional length of the vehicle that may protrude into other parking spaces. A change to require the entire vehicle to fit in a single space would ensure a greater number of parking spaces available, especially along stretches of West Cliff Drive where oversized vehicles routinely occupy multiple spaces for long periods of time, thereby limiting others from using the spaces and blocking coastal views. Further, the City could create additional marked spots in targeted areas, such as on Pelton Avenue, to avoid spillover parking.

This option would require signage, as a notice is required before citations can be issued. These signs would be similar to the parking permit notification signs and could be installed in impacted areas as issues arise. It would also require that parking spaces be painted, and increased funding would be needed to enforce the single-space parking regulation overnight and in non-monitored areas during the day. This option would not impact smaller RVs, but could be implemented in locations prone to complaints of blocking public coastal views, occupation of multiple parking spots, and traffic safety concerns. The City may need to include an appeal process, similar to the Residential Permit Parking Program, in the ordinance. Staff will review this component further prior to bringing it forward to the City Council.

- b. **RV Permit Program.** Many communities have instituted oversized vehicle permit programs; however, there is no best-practices model that has been approved by the Coastal Commission for coastal communities. Most permit programs regulate overnight parking and allow unregulated daytime parking, allow an exception for loading/unloading activities, and require an oversized vehicle to park near its registered address.

There are many variations of RV permit programs statewide, but they generally fall under two categories: citywide and neighborhood-by-neighborhood permitting. The City could implement a citywide RV parking permit program, like the City of San Diego, which limits the number of days for on-street RV parking, and to City residents only. Unpermitted RVs are initially warned for parking on City streets between the hours of 2:00 a.m. to 6:00 a.m., and cited for each subsequent violation. Owners of unpermitted RVs would need to seek on-street parking for their vehicles outside City limits. Conversely, the City could pursue an incremental approach, where neighborhoods petition the Public Works Department for RV permit status in their area. RVs would be prohibited in those enforced areas between the hours of 2:00 a.m. to 6:00 a.m. Additionally, this program would mirror the City's existing neighborhood parking permit program in terms of application, appeal, and approval process (noted above). Under either option, permit exceptions could be made for RV owners traveling to Santa Cruz.

Permit program benefits:

- i. **Removes loophole in 72-hour parking restriction.** Current vehicle code regulations require movement of vehicles after 72 hours, as City streets are not designed for vehicle storage. Violators receive a warning for their first violation (notice placed on vehicle). Warned owners must move their vehicles to a new location within another 72 hours to avoid a citation. Each subsequent violation from the initial warning will lead to a citation. Often repeat offenders move their vehicles ahead of the 72-hour cap from one location to the next to avoid citations, which leads parking enforcement staff to chase the same vehicles around the City. Only permitted RVs would be allowed to park on City streets, thus eliminating the 72-hour loophole (for non-permitted RVs).
- ii. **RV Definition.** It is possible to create a definition that will include any sized RV, camp trailer, camper, trailer coach, house car, bus, or any towed recreational vehicle. Clear definition of RVs would help eliminate legal concerns about vagueness (as has been experienced in the other communities that have more general definitions of RVs).
- iii. **Enforceable Citywide.** Either requiring no RV permits or enacting limited permit zones in known areas with RV problems, may lead to spillover into neighborhoods not currently experiencing problems. The City Council could choose a citywide permit program, which would allow for enforcement throughout the City, thereby limiting the potential of the RV issues moving from one neighborhood to another.
- iv. **Limited Signage Needed to Enforce.** Signage at the City's entrances and warning notices (with educational materials regarding permit registration and proper wastewater dumping) would be sufficient prior to a citation being issued. However, in order to avoid or limit complaints, it may be necessary to sign wherever the permit program is enforced. Signage is an added cost to the City.

Permit program concerns:

- i. **Significant Staff Impact.** Implementation, management, and enforcement of a citywide permit program will entail a significant level of ongoing administration and tracking. Additional staffing may be necessary.
- ii. **Visitors Must Register.** Most communities with a permit program require visitors to register with the Police Department, and visitors may have privacy concerns. This may be impractical given the span of hours visitors arrive in Santa Cruz and providing sufficient access to obtain permits during non-office hours. An online system may diminish this concern, but would not be free of technological and administrative costs.

- iii. **Local Address Requirements.** Most permit programs require that an oversized vehicle park near its local, registered address and allow a limited amount of guest/visitor permits per local address. This would greatly impact visitors without family or friends in Santa Cruz and may not support the City's desire to encourage tourism.
- iv. **May Appear To Target Populations.** Most communities with a permit program were asked to consider an exception for homeless individuals using oversized vehicle parking. No jurisdiction has included such an exception for two main reasons: 1) this would present an inequity in the regulation by applying the code to certain population segments based on their socioeconomic status, and 2) determining the housing status of a parked/stored vehicle's owner prior to citation is not feasible.
- v. **Permit Programs Are Not Self-Supporting.** Permits are typically free of charge or provided for a minimal amount of less than \$5.00. Citations are typically a base fee and increase with each subsequent citation. Citations are typically ignored, but vehicles are subject to towing after a number of citations. With a no-cost or low-cost permit and limited citations being paid, permit programs are not self-supporting and will require subsidy from the City's budget.
- vi. **Difficult To Enforce.** Police report that overnight parking citations are typically ignored. It is expected that citations for lack of permit will also be ignored. The towing of oversized vehicles is difficult due to a lack of local towing businesses capable of towing oversized vehicles. It may take weeks to organize a tow for a RV and should not be considered an effective enforcement technique.

NEXT STEPS

The Commission unanimously recommended that staff bring the two parking restriction ordinances to the City Council for its consideration. Staff has attached the sample ordinances for advance City Council review. The first sample ordinance would allow the City to implement the regulation for a vehicle to fit entirely within a marked parking spot. Approval of such an ordinance would be particularly useful in coastal areas, where the City receives numerous complaints of single RVs occupying multiple highly desired spots along West Cliff Drive for hours on end. Restrictions of this nature will require staff review of the proposed implementation areas and signage prior to enforcement. Spatial restrictions along West Cliff and adjoining areas are expected to result in increased coastal access, as a greater number of smaller vehicles can park in those areas, in the place of one or just a few oversized vehicles. Instituting single vehicle/single space restrictions may lead RV owners to seek parking in the adjacent neighborhoods. Further, all vehicle types would be subject to this restriction, which may lead to a substantial increase in citations issued.

The second attachment is a duplication of the recently implemented City of San Diego RV ordinance, and it only serves as an example. This ordinance was approved by the City of San Diego in August 2013, but not implemented for over a year to allow for Coastal Commission

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review. The Coastal Commission declined to review the matter, thus this ordinance may be acceptable to implement in Santa Cruz. An RV permit ordinance could be applied citywide with proper signage (as in the case of San Diego) and accompanied by additional enforcement staff. Alternatively, the ordinance could be implemented neighborhood by neighborhood to address nuisance issues as they arise and are sufficiently documented. Incremental implementation may be more manageable and is better suited for existing staffing levels.

FISCAL IMPACT

In terms of ease of implementation and management, the least expensive program for increased RV parking regulations is the single-space limitation. However, the single-space limitation will not abate all problems associated with unregulated RV parking, and is a tool better suited for impacted areas. A modestly scaled RV permit program will have wider impact but will require initial start-up costs for signage and permit issuance. Such an approach would create a new on-going program to manage and enforce, and staffing costs may escalate over time depending on the number of neighborhoods requesting permitting in their area.

Finally, any new program is recommended to be balanced against the Council's Strategic Plan, City budget and staff capacity.

Submitted by:

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Attachments:
Sample Single Parking Space Ordinance
Sample Recreational Vehicle Permit Parking Ordinance