

## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Discussion of Vehicle Residency on City Rights-of-way  
**DEPARTMENT:** City Manager's Office  
**PRESENTED BY:** John Norris, Assistant City Manager  
**ACTION:**        ☐ Ordinance        ☐ Resolution        ☐ Motion  
                 ☒ Discussion        ☐ Public Hearing

**PROBLEM/ISSUE STATEMENT:**

On October 30, 2017, the City Council reviewed proposed changes to the City's Model Traffic Ordinance (MTO), and some Councilmembers expressed concerns about an existing provision in the MTO which states that it is unlawful to use a vehicle for human habitation on or in any public right-of-way or public parking area. Council subsequently adopted a motion to ask staff to work with community stakeholders to bring back options and a recommendation for addressing human habitation in vehicles in the City's rights-of-way and a consecutive time limit for parking on the City's rights-of-way.

Staff researched the issue further and met with housing and homeless advocates and representatives from the Shoreline faith community to better understand their thoughts on the issue of vehicle residency. Following that discussion, staff identified multiple options and a recommendation for Council consideration. Tonight, Council will have the opportunity to discuss these options and staff recommendations and ask questions of staff regarding this issue. While no formal action is anticipated tonight, staff is seeking direction from Council regarding which option Council is interested in pursuing, if any, and next steps regarding option implementation.

**RESOURCE/FINANCIAL IMPACT:**

This discussion has no direct financial impact to the City. However, depending on the option selected, there could be financial or resource impacts associated with that option.

**RECOMMENDATION**

Staff recommends that Council not change Shoreline Municipal Code (SMC) Chapter 10.05.030.B.5 which prohibits vehicle residency in the right-of-way and that Council adopt a consecutive parking hour limitation in the City's right-of-way (Option 1B). Staff would further recommend that the City explore partnerships with private entities or faith-based organizations for a safe vehicle residency parking lot (Safe Lot Option 1), with a specific focus on identifying funding strategies for management/support of the lot and development of permit regulations so that regulations are in place if a private or non-profit organization is interested in hosting a safe lot for vehicle residency.

Approved By:        City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

Chapter 10.05 of the Shoreline Municipal Code (SMC) codifies the City's Model Traffic Ordinance (MTO). The Washington State MTO provides the framework for common parking restrictions, however cities can amend this model ordinance to address issues specific to their city. On October 30, 2017, the City Council reviewed proposed changes to the MTO, and staff recommended that Council adopt language to:

- Prohibit parking within designated bike, bus, and/or turn lanes; and
- Define the maximum amount of consecutive time a vehicle can remain parked at a specific location within the City right-of-way, which was recommended to be 72 hours (three days). This time limit is consistent with most other jurisdictions in the region, and while some jurisdictions include in their regulations how far a vehicle must move in order to restart the 72 hour limit, staff did not recommend setting a specific 'move distance' during the October 30<sup>th</sup> discussion.

Also during this discussion, some Councilmembers expressed concerns about an existing provision in the MTO, which was not proposed by staff for any amendment. This provision currently prohibits vehicles in the right-of-way being used for human habitation, also known as vehicle residency. This code section (SMC 10.05.030.B.5) currently states:

*"It shall be unlawful to use a vehicle for human habitation on or in any public right-of-way or parking area. "Human habitation" means the use of a vehicle for sleeping, setting up housekeeping or cooking."*

On November 13, 2017, staff brought the proposed amendments to the MTO back to Council for adoption. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport111317-8b.pdf>.

At this meeting, staff recommended that Council adopt both proposed amendments and that Council not remove the existing provision in the code regarding the prohibition of human habitation in vehicles on the City's rights-of-way. Ultimately, Council adopted the amendment to prohibit parking within bike, bus and turn lanes, but did not adopt a parking limitation for the City's right-of-ways. Instead, Council adopted a motion to:

*"Ask staff to work with the Faith Community and other Human Service/Housing Providers to bring back options and a recommendation to the Council for addressing human habitation in vehicles and a consecutive time limit for parking on the City's rights-of-way by March 31, 2018."*

Since adoption of this Council motion, staff has been working to bring these stakeholders together and develop options and a recommendation for Council consideration.

## **DISCUSSION**

In addition to examining the prohibition of vehicle residency in the City's right-of-way, staff also viewed Council's November 13, 2017 direction as focused on exploring the concept of vehicle residency safe parking lots on public and private property. Therefore this staff report will look at options around addressing vehicle residency in both the right-of-way and on other property. Additionally, the staff report will look at how much vehicle residency is occurring in Shoreline, a cursory look at what other jurisdictions are doing and provide a synopsis of what staff heard from key stakeholders on this issue.

### **Magnitude of the Issue**

There is little question that on any given night, individuals are living in their vehicles on Shoreline streets. Unfortunately, the City does not have comprehensive data on the number of individuals living in their vehicles in either the City's rights-of-ways or on private property. Staff was able to collect the following data on vehicle residency in Shoreline:

- **Police Service Calls:** In 2017, Shoreline Police received a total of 16,309 Dispatched Calls for Service (DCS). Of those, 98 were in reference to potential use of vehicles for human habitation in the right-of-way or on private property, which accounts for less than 1% of the total DCS. In reviewing the 98 DSC, approximately four (4) incidents received multiple calls related to the same vehicle, while, 88 represented unique incidents. The distribution of calls were both from residential and commercially-zoned areas of the City, were distributed throughout the City, and were fairly evenly distributed throughout the year, although the first quarter of the year had approximately 50% less vehicle habitation DCS than the other quarters. Many of the calls were initiated because residents were concerned for safety, especially for children, or they had experienced a nuisance such as garbage related to the suspected human habitation in the vehicle. Based on a review of the calls, it does not appear that any citations were issued, but occupants were informed that the City does not allow human habitation in vehicles in the City's right-of-way and that they would need to move their vehicle along.
- **Customer Response Team Service Calls:** In 2017, the City's Customer Response Team (CRT) received a total of 11 complaints related to vehicle residency in the right-of-way. Staff confirmed that these complaints were all addressed through contact and discussion; no citations were issued. CRT also responded to six (6) complaints about vehicle habitation on private property in 2017.
- **One Night Count of the Homeless:** During the 2018 one night Count Us In count of unsheltered individuals in Shoreline, staff estimates that roughly 50 vehicles in Shoreline in both the right-of-way and on private property were being used for shelter. This is a gross estimate, and staff does not have specific numbers from this count.

### **Meeting with Faith Community and Housing/Homeless Advocates**

As directed by Council, on February 7, 2018, staff met with housing and homeless advocates and representatives from the Shoreline faith community, the agenda of which is attached (Attachment A). Individuals invited to this meeting included:

- John Thielke, Richmond Beach Congregational Church
- Reverend David Marshall, St. Dunstan's Episcopal Church
- Pastor Pam Russell, Prince of Peace Lutheran Church
- Pastor Kelly Dahlman-Oeth, Ronald United Methodist Church
- Corrine McKisson, Compass Housing Alliance
- Zachary DeWolf, King County All Home Vehicle Residency Lead
- Bill Kirlin-Hackett, Director for the Interfaith Task Force on Homelessness
- Sinan Demirel, Shoreline Community Advocate (former Exec. Dir of Shelter Organizations)

Unfortunately, Reverend Marshall, Pastor Dahlman-Oeth and Mr. DeWolf were not able to attend the meeting.

Feedback and themes gathered from the meeting included the following:

- Most participants have familiarity with vehicle residency occurring in Shoreline.
- There is no currently articulated policy from All Home King County regarding best practices for supporting and addressing vehicle residency.
- If vehicle residency is allowed within the right-of-way, the City should focus on allowing it in commercial/industrial streets and not on residential or retail-focused streets.
- Of those representing faith-based organizations who attended the meeting, they are already supporting homelessness through other interventions (winter shelter/hosting encampments), and do not have the capacity or availability to host a 'safe parking lot' for vehicle residency on their site.
- A public space (city or county land) could also be used for a vehicle residency safe parking lot. This would require partnership with faith community and/or non-profit to provide oversight and services. Sanitary services would need to be provided on-site.
- Policies should be focused on long-term solutions with the goal of assisting individuals and families to exit homelessness permanently.
- The City should also look at what supports should be provided for individuals living in their vehicles; most prominent suggestions are bathroom (port-a-potty) and garbage services; other supports were also suggested.
- A majority of meeting attendees felt that the City's current code language making vehicle residency unlawful should be amended.
- Other agencies that the City could also follow up with include the Shoreline School District and Hopelink to augment the City's data on the frequency of vehicle residency.

Ultimately, those in attendance did not have a unanimous or consensus recommended solution to the challenges of addressing vehicle residency. All acknowledged that this is a very difficult issue facing the region, and that the issue is much more acute in other areas, most notably in the City of Seattle. However, as noted above in the key themes, some meeting participants were concerned that the City's code stated that vehicle

residency is unlawful and felt that the code should be amended to remove this prohibition at least in parts of the City.

### **Other Jurisdictions' Right-of-way Regulations**

As previously shared with Council, during the October and November 2017 discussions on the MTO amendments, most cities do have a consecutive parking hour limitation for their right-of-way and many include a move distance requirement. Based on staff's research, the majority of cities have a consecutive 72-hour time limit for which vehicles can remain parked without moving, although the City of Bellevue has a consecutive 24-hour time limit. Those cities that have included a move distance requirement require that vehicles must move at least to another block. Many cities also have an additional provision for shorter consecutive parking periods for recreational vehicles (RVs) with the most frequent being a consecutive 24-hour period in the right-of-way.

Most of the codes of these same cities did not address vehicle residency/habitation in their municipal codes, although many have prohibitions on camping in public parks. The cities of Everett and Tacoma however do have codes that regulate vehicle residency. The City of Everett prohibits "camping" on any public street or public parking lot, where camping is shown by having camp facilities and camp paraphernalia, including vehicles if they are being used as temporary living quarters. The City of Tacoma prohibits the use of vehicles for human habitation in the right-of-way for a period exceeding 72 hours, with the exception of allowed use by permit for such things as special events or when a resident of the property adjacent to where a an RV is used for human habitation has obtained a permit and habitation is limited to a maximum of 14 days per calendar year.

In addition to these two cities, in November 2017, the City of Bellevue updated their regulations to include the following:

- Amended the prohibitions on public camping on non-residential public property (defined as any street, sidewalk, city park, public park or any other open area where the City or other governmental agency has a property interest, including easements), which is a misdemeanor, to include: *"A person is not guilty of unlawful public camping if, at the time the person is on public property, there is no available overnight shelter." "Available overnight shelter" means a public or private shelter, with available overnight space, open to individuals experiencing homelessness, at no charge."*
- Modified their city's parking code to require that vehicles parked in the right-of-way must move to a different street block every 24 hours to not be in violation of the consecutive 24-hour parking limitation.
- Upgraded the improper disposal of wastewater to a criminal infraction (previously was civil violation).

Some attendees of the February 7<sup>th</sup> faith community and other human service/housing providers meeting pointed to the City of Bellevue's updated regulations regarding public camping as an option for Shoreline to consider.

Staff also researched a few jurisdictions outside the State of Washington, and found that cities in California and Hawaii have made some provisions to either remove “sleeping” in a vehicle as part of their definition of human habitation in a vehicle or have further defined “sleeping for purposes of human habitation.” The City of Los Angeles allows people to use a vehicle as a dwelling between 6 am to 9 pm in most areas of the city (except within 500 feet from schools/parks/daycares), but only in non-residential zones between 9 pm and 6 am subject to compliance with parking regulations.

### **Street Outreach Worker Grant Submittal**

In November 2017, the King County Council approved King County Ordinance 18602, which included the addition of \$1,000,000 in funds over three years for cities outside the City of Seattle to fund new or expanded emergency shelters, services or programs for people experiencing homelessness. Community Services Division Manager Rob Beem has been working with Lake City Partners (LCP), who currently operate winter homeless shelters in North Seattle, Shoreline and Kenmore, regarding potential opportunities to make applications for these funds.

LCP submitted a proposal that would provide 0.5 FTE of a Street Outreach Worker to support, connect and offer service options to people experiencing homeless, whether on the street, in an authorized encampment, or living in their vehicle. The estimated cost of this service is \$50,000 per year for a total of \$150,000 for three years. If the grant is approved, King County would provide a total of \$120,000 and the City of Shoreline, as the funding partner, would provide \$30,000 for the three year period. The City’s agreement with LCP would outline the expectations of the Street Outreach Worker to include prioritization of both proactive and reactive service provision to Shoreline and the ability for “on call” availability to Shoreline Police, Parks, the City’s Customer Response Team (CRT), etc., when an encampment, homeless individual, or vehicle residency issue exists. LCP and City staff hope to hear soon about whether this grant application is funded by King County. If so, regardless of potential regulation change of vehicle residency in the right-of-way, the City will be able to better support individuals experiencing homelessness through this program.

### **Right-of-way Regulatory Options**

As directed by Council, staff has identified the following regulatory options available to the City Council to address vehicle residency in the right-of-way. These options fall into three general categories:

1. Continue to not allow vehicle residency on Shoreline streets, with some options providing exceptions to this.
2. Allow dispersed vehicle residency on all Shoreline streets, with a consecutive parking hour limitation and move distance requirement.
3. Allow concentrated vehicle residency on some Shoreline streets; there are multiple ways to do this.

The nine (9) identified options are as follows. Even with these nine options there are additional variations of the options that can also be explored.

- **Option 1A – Continue to Prohibit Vehicle Residency in the Right-of-way (Status Quo)**
  - This option would continue to prohibit vehicle residency on all City streets, and no code change would be contemplated for the MTO.
  - A consecutive parking hour limitation on the City's streets would not be added to the MTO (i.e., the '72-hour rule' would not be enacted).
  - When a call for service is received by the Police Department or CRT regarding suspected vehicle habitation, staff/police will work to educate the individual on City codes, explain that their vehicle must move along, and provide service resource information (shelter options, other services).
- **Option 1B – Continue to Prohibit Vehicle Residency in the Right-of-way and Adopt a Consecutive Parking Hour Limitation (*this was staff's recommendation on November 13, 2017 when the MTO amendments were initially scheduled for adoption*)**
  - This option would continue to prohibit vehicle residency on all City streets.
  - The MTO would be amended so that a consecutive parking hour limitation on City streets (the '72-hour rule') would be enacted.
  - When a call for service is received by the Police Department or CRT regarding suspected vehicle habitation, staff/police will work to educate individual on City codes, explain that their vehicle must move along, and provide service and resource information (shelter options, other services).
- **Option 1C – Continue to Prohibit Vehicle Residency in the Right-of-Way Except for Those Who Have Registered With the Street Outreach Worker (*If Funded by King County*)**
  - This option would continue to prohibit vehicle residency on all City streets but provide an exception for those individuals that have registered through the grant-funded Street Outreach Worker.
  - The Council would need to consider a time limit, location restrictions, etc. when amending regulation language for this exception.
  - Putting this regulation exception in place and codifying the registration program would likely necessitate longer-term funding of a Street Outreach Worker to continue to manage the registration program (unless the registration program ceases with the conclusion of the three year grant).
  - Staff would also need to coordinate with LCP to determine that the Street Outreach Worker would be able to perform vehicle residency registration and determine the administrative protocols to set up this program.
- **Option 1D – Continue to Prohibit Vehicle Residency in the Right-of-Way Unless No Shelter Beds Available (*City of Bellevue Model*)**
  - This option would amend the MTO to continue to prohibit vehicle residency *unless* there are no available shelter beds within proximity to Shoreline, and then the code would allow sleeping in vehicles (Council would need to determine how to define 'within proximity to Shoreline' in regards to this).
    - A variation could be to amend the definition of human habitation to allow for sleeping in vehicles for purposes of habitation if no shelter

beds are available, but potentially continue to prohibit cooking or other activities that may create garbage/waste issues or other issues.

- Staff would need to regularly monitor shelter capacity so that they could accurately enforce the code at any given time and have a way to communicate this to the Police Department and CRT.
  - When a call for service is received by the Police Department or CRT regarding suspected vehicle residency and shelter beds in proximity to Shoreline are available, Police and CRT would work to educate individuals on City codes, explain that their vehicle must move along, and provide shelter information where there is bed capacity.
  - Do not have a vehicle parking limitation on the City's streets (do not enact a '72-hour rule').
- **Option 2 - Remove Prohibition of Vehicle Residency in City Right-of-Way and Adopt a Consecutive Parking Hour Limitation with Move Requirement**
    - This option would remove the prohibition of vehicle residency from the MTO, which would allow vehicle residency to occur in the City's right-of-way on all streets.
      - A variation could be to amend the definition of human habitation to allow for sleeping in vehicles for purposes of habitation, but potentially continue to prohibit cooking or other activities that may create garbage/waste issues or other issues.
    - Amend the MTO to require that vehicles must move every 72 hours with a specified move distance (i.e., through an intersection, to a different block, etc.)
      - A variation could be to limit the time in which a vehicle can be used for vehicle residency (i.e., 9 pm to 6 am), or all three regulations could be put into place.
      - Another variation that could be explored is distance buffers from schools, pre-schools, daycare facilities or parks.
- **Option 3A - Amend the MTO to Prohibit Vehicle Residency on Local Streets and Collector Arterials and Adopt a Consecutive Parking Hour Limitation and Move Requirement**
    - This option would amend the MTO to prohibit vehicle residency on Local Secondary, Local Primary and Collector Arterial streets, but allow it on Minor and Principal Arterials where there is on-street parking available. The map in Attachment B shows where in the City vehicle residency would be allowed, with the potential of a greater concentration of vehicle residency in these areas.
      - A variation could be to amend the definition of human habitation to allow for sleeping in vehicles for purposes of habitation on these street classifications, but potentially continue to prohibit cooking or other activities that may create garbage/waste issues or other issues.



- Amend the MTO to require that vehicles must move every 72 hours with a specified move distance (i.e., through an intersection, to a different block, etc.)
    - A variation could be to limit the time in which a vehicle can be used for vehicle residency (i.e., 9 pm to 6 am), or all three regulations could be put into place.
    - Another variation that could be explored are distance buffers from schools, pre-schools, daycare facilities or parks.
- **Option 3B - Amend the MTO to Prohibit Vehicle Residency on Local Streets and Collector Arterials and Do Not Adopt a Consecutive Parking Hour Limitation or Move Requirement**
  - This option would amend the MTO to prohibit vehicle residency on Local Secondary, Local Primary and Collector Arterial streets, but allow it on Minor and Principal Arterials where there is on-street parking available.
    - A variation could be to amend the definition of human habitation to allow for sleeping in vehicles for purposes of habitation on these street classifications, but potentially continue to prohibit cooking or other activities that may create garbage/waste issues or other issues.
  - Similar to Option 3A, the map in Attachment B shows where in the City vehicle residency would be allowed, with the potential of more concentration of vehicle habitation in these areas.
  - Since there would be no consecutive parking hour limitation, this would enhance the necessity for accessible sanitation facilities. Explore non-profit service provision of garbage collection, port-a-potties and outreach support that would be supported by City funding.
  - Nightly vehicle residency time limit (i.e., 9 pm to 6 am) and distance buffers from schools, pre-schools, daycare facilities or parks could also be explored.
- **Option 3C – Amend the MTO to Prohibit Vehicle Residency on Streets in or Adjacent to Residential Zones and Adopt a Consecutive Parking Hour Limitation and Move Requirement**
  - This option would amend the MTO to prohibit human habitation on streets in or adjacent to residential zones, but allow it on streets in or adjacent to the Town Center (TC), Mixed Business (MB), Community Business (CB), Neighborhood Business (NB), Mixed Use Residential (MUR) or Campus (C) zones where on-street parking is available. The map in Attachment C shows where in the City vehicle residency would be allowed, with the potential of a greater concentration of vehicle residency in these areas.
    - A variation could be to also prohibit it in MUR zones given that these zones are still primarily residential zones. The map in Attachment D shows where in the City vehicle residency would be allowed in this scenario.
    - Another variation could be to amend the definition of human habitation to allow for sleeping in vehicles for purposes of habitation on these streets in or adjacent to the appropriate zones, but

- potentially continue to prohibit cooking or other activities that may create garbage/waste issues or other issues.
  - Amend the MTO to require that vehicles must move every 72 hours with a specified move distance (i.e., through an intersection, to a different block, etc.)
    - A variation could be to limit the time in which a vehicle can be used for vehicle residency (i.e., 9 pm to 6 am), or all three regulations could be put into place.
    - Another variation that could be explored are distance buffers from schools, pre-schools, daycare facilities or parks.
- **Option 3D – Amend the MTO to Prohibit Vehicle Residency on Streets in or Adjacent to Residential Zones and Do Not Adopt a Consecutive Parking Hour Limitation or Move Requirement**
  - This option would amend the MTO to prohibit human habitation on streets in or adjacent to residential zones, but allow it on streets in or adjacent to the Town Center (TC), Mixed Business (MB), Community Business (CB), Neighborhood Business (NB), Mixed Use Residential (MUR) or Campus (C) zones where on-street parking is available (Attachment C).
    - A variation could be to also prohibit it in MUR zones given that these zones are still primarily residential zones (Attachment D).
    - Another variation could be to amend the definition of human habitation to allow for sleeping in vehicles for purposes of habitation on these streets in or adjacent to the appropriate zones, but potentially continue to prohibit cooking or other activities that may create garbage/waste issues or other issues.
  - Since there would be no consecutive parking hour limitation, this would enhance the necessity for accessible sanitation facilities. Explore non-profit service provision of garbage collection, port-a-potties and outreach support that would be supported by City funding.
  - Nightly vehicle residency time limit (i.e., 9 pm to 6 am) and distance buffers from schools, pre-schools, daycare facilities or parks could also be explored.

### **Safe Parking Lot Options**

As was noted earlier in this report, staff also reviewed the concept of safe parking lots on public and private property to help ameliorate vehicle residency issues. Safe parking lots are parking lots, often located on church property or publicly-owned governmental property, but could be on private property as well, where vehicles and RVs that are used for habitation are allowed to park for certain periods of time (often many months) in a safe, supported and regulated environment.

Other cities have looked at safe parking lot solutions, most notably the City of Seattle, and have had varied success with them. Former Seattle Mayor Murray announced that the City of Seattle was going to open two City-managed safe parking lots in 2016, and after the opening of just one lot in the Ballard neighborhood that year, the City decided to not open the second planned lot and ultimately closed the Ballard lot in 2017 citing high costs to operate and support the lot.

In King County, four safe parking lots are currently housed on church property according to 211, the State resource network. Here is a link to the listing of Safe Parking Lots in King County:

[https://www.resourcehouse.info/win211/Search/Topics/BH-1800.8500-330/Homeless\\_Safe\\_Parking\\_Programs?&loc=King%20County+WA&geo=47.6114%2c-122.3305&reg=King%2C+WA](https://www.resourcehouse.info/win211/Search/Topics/BH-1800.8500-330/Homeless_Safe_Parking_Programs?&loc=King%20County+WA&geo=47.6114%2c-122.3305&reg=King%2C+WA). Staff has not done outreach to these safe lots to understand their costs or operational models.

In discussing this issue at the February 7<sup>th</sup> faith community and other human service/housing providers meeting, attendees believe that safe parking lots can provide benefit for those using their vehicles for habitation. None of the representatives who attended the meeting felt that their congregation or agency would be in a position to take on such a program as the work that they are currently doing to assist those experiencing homelessness was their focus. All agreed that safe parking facilities would require on-site sanitation facilities, an operating entity that would likely require funding from the City, such as a partnership of churches or non-profits, a set of rules and expectations for those using the site, and permit regulation (such as those for encampments). Attendees also thought it would be best to have a safe parking program in conjunction with services that would help those using their vehicles for residency to access building/longer-term shelter as vehicle residency should not be a long-term solution for those experiencing homelessness.

In looking at potential options for safe parking lot development in Shoreline, staff looked at a private/faith-based hosted safe lot model and a public safe lot model. Either of these options could happen in conjunction with the previous options focused on the right-of-way. As well, both of these options would potentially require City funding that could be considered during the 2019-2020 budget process.

- **Safe Lot Option 1 - Explore Private Property or Faith-Based Hosted Safe Parking Lot**
  - Identify private property or faith-based sites (churches) that are interested in hosting safe parking lots.
  - Partner with the church or non-profit organization to manage the safe parking lot, which could include the City providing funding for administration, sanitation facilities, etc.
  - Explore non-profit service provision of garbage collection, port-a-potties and outreach support.
  - Develop and adopt permit regulations for the safe lot on private property.
- **Safe Lot Option 2 - Create Safe Parking Lot on Publicly-Controlled Property**
  - Identify public entity controlled property (i.e., City, County, etc.) to locate a safe parking lot on.
  - Partner with a non-profit organization to manage the safe parking lot; this could include the City providing funding for administration, sanitation facilities, etc.
  - Explore non-profit service provision of garbage collection, port-a-potties and outreach support.

## **Options Analysis**

Rather than providing an analysis of each identified option in the staff report, staff has attempted to provide concerns and benefits of the general categories the options fall into. As many of the options share similar concepts and traits, analyzing the categories provides a more succinct way to provide the pros and cons of the vehicle residency options before Council. This analysis is as follows:

### **Allowing Vehicle Residency in the City Right of Way – *Benefits and Concerns***

On December 14, 2015, the City Council adopted Resolution No. 379 Supporting King County's Declaration of Emergency Due to Homelessness Affecting King County and Expressing the City of Shoreline's Commitment to Work with King County and Partner Agencies on Plans to Address Homelessness. The staff report for the discussion of the resolution spoke to the rise of homelessness that is occurring in the Puget Sound region and in Shoreline. The staff report for this discussion and Resolution No. 379 can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport121415-8d.pdf>.

Since that time, the City has been engaged in a number of activities to address homelessness in our community. These include:

- Funding eviction prevention and transitional housing through Hopelink and Solid Ground,
- Supporting the development of very affordable housing for formerly homeless persons at Ronald Commons and now at a City-owned site on Aurora Avenue N at N 198<sup>th</sup> Street in partnership with King County,
- Participating with other funders in All Home's activities,
- Developing updated regulations for transitional encampments in Shoreline, and
- As noted earlier in this report, joining with Lake City Partners to support a grant application for a part time street outreach worker.

While this work has been positive, there continues to be people experiencing homelessness in the City, including individuals residing in their vehicles. It could be argued that prohibiting an activity that is already occurring and will likely continue to occur until enough affordable housing is constructed may not be in keeping with the Council policy position as articulated in Resolution No. 379. While it is clear to staff and stakeholders that allowing vehicle residency in the right-of-way is not a long-term solution to address homelessness, given the magnitude of the problem in the region and in Shoreline, allowing vehicle residency in the right-of-way in the short term may provide the space and time for longer term solutions to be implemented.

Many of the concerns that the City has heard regarding vehicle residency occurring in the right-of-way relate to the creation of an unsafe and unhealthy environment (or the perception of one). As noted earlier in this report, many of the calls received in 2017 by Shoreline Police regarding vehicle residency related to feelings of safety concerns on residents' streets and in their neighborhoods. Others related to suspected criminal activity taking place within these vehicles. Some residents who contacted police were candid about the visual blight (eye sores) that individuals living in their cars/RVs may bring to a residential neighborhood. Other concerns that were posed regarded

environmental issues with trash, leaking oil, human waste, biohazards/sharps, and other refuse issues that create an unsafe/unhealthy environment that can accompany vehicle residency.

Another concern of allowing vehicle residency in the right-of-way is that Shoreline may become a magnet for individuals using their vehicles for habitation from other parts of the region, providing more pressure on the City's rights-of-way and on City services to support these individuals. It is difficult to know whether this type of issue would occur, but it is possible that as 'the word gets out' that vehicle residency is allowed in the right-of-way, that there is greater and greater levels of vehicle residency occurring in the City.

Another concern is the ability of the City to actively manage and enforce a parking hour limitation (see policy analysis discussion below) if vehicle residency is allowed in the right-of-way. With limited resources (three Customer Response Team members), the City will have a challenging time making sure that individuals who are using their vehicles for habitation are in fact moving every three days and not violating other health and safety laws. While these issues are occurring now even though vehicle residency is not currently allowed, a change in regulations may create a 'slippery slope' with more health and safety issues occurring and less motivation for individuals to periodically move their vehicles.

A final concern with allowing vehicle residency in the right-of-way is the inconsistency that it creates with the City's regulations regarding habitation on private property. Allowing vehicle residency in the right-of-way would create a conflict with other existing Shoreline Municipal Code sections including SMC 15.05.010, which establishes minimum criteria for human habitation including connection to an approved sanitary disposal system and hot and cold running water, and SMC 20.40.495, which restricts guests occupying RV's on private property to two 14-day periods in a calendar year, as long as the occupancy does not create a public health hazard or nuisance. Thus, by allowing individuals to live in their vehicles in the right-of-way, the same regulations that are required for private property would not be required in the right-of-way. Similarly, the City's Transition Encampment regulations also require adequate sanitary facilities, which would not be required in the right-of-way.

### **Adopting a Consecutive Parking Hour Limitation or Move Requirement for the Right-of-Way – *Benefits and Concerns***

The largest benefit of adopting a parking hour limitation or move requirement for vehicles in the right-of-way is to honor the traditional notion of what the appropriate use of the right-of-way is. Traditionally, the right-of-way has been defined as land that is publicly owned that everyone has a right to 'make a way over', or travel on. City streets are inherently part of the City's transportation network that provide for this travel way. City streets have also traditionally been used for parking and temporary storage of vehicles.

Allowing the public travel way to be used in certain locations in perpetuity as a location for private storage or a private dwelling is not congruent with the traditional definition of what the public right-of-way is for. While it is Council's prerogative to define what the best use of the right-of-way is within the City, staff believes that it is important to remember that the right-of-way is a public asset and that allowing individuals to store

their vehicles or reside in their vehicles in the right-of-way (whether in a dispersed or concentrated area) without moving and ‘freeing up’ the portion of the right-of-way that was just occupied theoretically causes the public asset to turn into a private asset.

Furthermore, the reason that a consecutive parking hour limitation was proposed initially by staff was to help the City manage the issue of vehicle inoperability and long-term vehicle storage in the right-of-way, regardless of whether those vehicles were being used for habitation.

The primary concern to adopting parking hour limitations for the right-of-way is that residents may leave their operable, licensed vehicles in the right-of-way without moving them while on vacation, or if they just don’t use their vehicle very often, and that in these instances, this action would be in violation of the code. While this code provision would be intended to address storage of vehicles in the right-of-way, there is clearly a difference between long-term storage (months/years) of inoperable vehicles that are typically the focus on code enforcement action, and short term storage (days) of operable vehicles that would still violate the 72 hour rule if the vehicles are in the right-of-way for 73 hours or more without moving, for instance. Finding this enforcement balance and being clear on the City’s enforcement philosophy has the potential to be a concern.

### **Dispersed and Concentrated Vehicles Residency in the City Right-of-Way – *Benefits and Concerns***

Right-of-way regulation Options 3A-3D look at variations of concentrating allowed vehicle residency on Shoreline streets using two methodologies (street classification and adjacent zoning), and at whether a consecutive parking hour limitation should also be utilized in this context. The primary benefit of concentrating vehicle residency is that it removes the concerns often associated with vehicle residency from residential areas and concentrates them in commercial areas or along City arterials. Similarly, it also allows for general parking in the right-of-way in residential areas for those residents that generally live in those areas, although no resident has the ‘right’ to park in front of their home or on their street. As noted earlier, the right-of-way is a public asset that is for everyone. The reality of concentrated vehicle residency was also acknowledged by stakeholders at the February 7<sup>th</sup> faith community and other human service/housing providers meeting, as one of the key themes heard by staff was to allow vehicle residency in the right-of-way in commercial/industrial streets and not on residential or retail-focused streets, as these locations had the least impact on residents and the business community.

The primary benefit of dispersed vehicle residency on the other hand, such as provided for in Option 2, is that the concerns that may accompany vehicle residency would theoretically be spread equitably throughout the community on various Shoreline streets, rather than just effecting those businesses or close neighbors to where the concentrated vehicle residency would be allowed.

Conversely, the concerns of concentrating and dispersing vehicle residency are the opposite of benefits. Both policy choices have the effect of impacting some constituency in the community, whether it is more residents to lesser degree, or fewer residents/businesses to a higher degree.

As Council is also aware, many of Shoreline's commercial streets are retail-focused, and there are no industrial areas where a concentration would likely make the most sense, as is the case in other communities in the region. In reviewing the attached maps that show where vehicle residency would be allowed using the two concentration methodologies, there are limited streets in the City that have parking available for this purpose. For instance, using the zoning methodology that does not include the MUR zones (Attachment D), Town Center and neighborhood commercial centers are disproportionately affected. Using the Principal and Minor Arterial Streets methodology (Attachment B), Dayton Avenue, Meridian Avenue, and 5<sup>th</sup> Avenue NE would be significantly affected. Engaging with the community and the direct neighbors in these areas may be challenging depending on if Council feels that concentrating vehicle residency makes the most sense, and depending on the concentration methodology used.

### **Private Property or Faith-Based Hosted Safe Parking Lot – *Benefits and Concerns***

The primary benefits of partnering with private property owners or faith-based organizations to host a safe parking lot is that they often have the space, experience, support network and ability to host and support these types of homeless services. This type of service also may align with the missions of these organizations. This can be seen in the faith community's gracious hosting on numerous occasions of both the Tent City 3 and Camp United We Stand transitional encampments in Shoreline. The City has had a good relationship with the church communities that have hosted transitional encampments, and generally, the hosting of the encampments has gone well.

The major concern of this option is that finding a private entity or faith-based organization that is willing to host a safe parking lot may not be viable given initial feedback received from some stakeholders. As heard at the February 7<sup>th</sup> stakeholder meeting, they are already supporting individuals experiencing homelessness through other interventions (winter shelter/hosting encampments), and do not have the capacity or availability to host a safe parking lot for vehicle residency on their site. Staff have not reached out to private property owners who have considerable-sized parking lots to understand their interest, ability or willingness to use their sites to host a safe lot.

The City is aware that if a safe parking lot were to be hosted by a private entity or faith-based organization, it would likely require support resources for garbage collection, port-a-potties and outreach support, as noted in the safe lot options. Funding for these support services, regardless of who provides the service, could also be a challenge to secure.

### **Publicly-Controlled Property Safe Parking Lot – *Benefits and Concerns***

The benefit of a publicly-controlled safe parking lot, specifically on City property, is that the decision to create the lot and implement the administrative and support components of the lot are completely within the control of the City; no willing partner or other external stakeholder would need to engage with the City to move the safe parking lot forward. Of course, the City would need to engage the public on any decision to create a safe parking lot, but that would also likely be the case for the development of a private safe parking lot.

As for concerns with this option, currently there is no easily-identified City-owned property that would work well for such a site. The City-owned Brightwater Portal site on Ballinger Way would be the most likely site for City-controlled property, but this property is currently under lease to the United States Postal Service for parking of their vehicles and this property is being studied for ability to serve as part of the City's long-term maintenance facility needs. Other City-owned property includes the City Hall campus, City maintenance facilities, and City Park property, all of which are heavily used.

As well, similar to a private safe parking lot, the provision of support services, which the City or other public entity would likely not provide directly but need to fund and contract for, could also be a challenge.

### **Analysis Conclusion and Recommendation**

Given the analysis of the option categories, staff believes that the concerns with the identified options that allow vehicle residency in the right-of-way, whether concentrated or dispersed, outweigh the benefits of the options. Therefore, staff is recommending that Council continue to prohibit vehicle residency in the right-of-way and maintain a reactive approach to addressing enforcement of this code provision. While staff agrees that this is both a practical issue and a moral one, trying to find a solution focused solely on the right-of-way has the potential to create unintended consequences in the right-of-way that could be challenging to address. As well, the City's efforts and focus have been on long-term solutions to address homelessness, and staff feels that the City's efforts should continue to be focused there.

To date, the City's enforcement of this code has been humane and supportive, with no tickets issued for violation of the MTO. As noted in Option 1B, when a call for service regarding vehicle residency is received by the City, staff or police will work to educate individuals on City codes, explain that their vehicle must move along, and provide service and resource information to them. If the City and Lake City Partners are successful in receiving the grant for a part-time street outreach worker, when vehicle residency calls for service are received, staff will coordinate with the street outreach worker for additional follow up. This will provide additional support to hopefully connect individuals who are living in their vehicles with resources and supports.

Also as noted in Option 1B, staff recommends that Council move forward with an additional amendment to the MTO to enact a consecutive parking hour limitation of 72 hours. As was originally proposed by staff, this would address vehicle storage in the right-of-way and the issue of vehicle inoperability. While this policy change could create some unintended consequences for short term storage of operable vehicles in the right-of-way, this code provision would generally be enforced reactively and staff enforcing this code would use good judgement with regard to when storage of vehicles in the right-of-way is truly a problem.

While options to only allow vehicle residency in the right-of-way if the vehicle owner registers with a street outreach worker or if there are no shelter beds available are potentially viable options, staff is concerned that they will be administratively challenging to implement and enforce and that there are currently too many unknown variables to state that these options would be achievable. For instance, given that a street outreach worker has not even been secured via the King County grant, it is unknown if using this



position in this role is viable. This was not a role that City staff discussed with Lake City Partners when collaboration on the grant application was provided. With this said, this could be an ongoing discussion with Lake City Partners; it is just difficult to know now if this potential program could support this additional function.

As well, in staff's cursory review of shelters in and around Shoreline (Mary's Place in Shoreline (40 beds), North Seattle (100 beds), and Kenmore (80 beds) and Lake City Partners Winter Shelter (30 beds) in various churches in north King County during the winter months), shelter space is often at capacity, although this can obviously vary on any given night. Given the realities of this near-by shelter capacity, the practical application of this option is that vehicle residency would likely be allowed at least some if not most of the time. Furthermore, it would also be challenging to determine on a daily/nightly basis if these shelters are full, and then disseminate that information to staff enforcing the code, especially if shelter capacity fluctuates throughout the day/night. While a set of protocols could be established determine what "full" means in this context, there are some real administrative challenges to implementing this option. Based on these considerations, staff would not recommend these options at this time, but are open to continuing to explore these options, especially if the grant for the street outreach worker is secured.

While staff does not feel that the City has available property to create a safe parking lot on City property, staff does recommend that the City explore partnerships that could result in an opportunity for safe parking lots on private property, with a specific focus on development of permit regulations so that regulations are in place if a private or non-profit organization is interested in hosting a safe lot for vehicle residency and identifying funding strategies for management/support of the lot.

These development code regulations could be similar to the permit process created for transitional encampments, but would require additional staff development and review and discussion with the community, Shoreline Planning Commission and City Council. If Council is in agreement to develop such regulations, then this item would be placed on the Planning Department and Planning Commission's work plan in 2019. This would allow the City time to continue to explore a private safe parking lot partnership. Council could also discuss potential funding for safe parking lot support services during the 2019-2020 biennial budget discussion that will happen later this fall. Both this funding discussion and regulation discussion would be undertaken to have the necessary supports in place should a private or faith-based safe parking lot site be identified.

### **RESOURCE/FINANCIAL IMPACT**

This discussion has no direct financial impact to the City. However, depending on the option selected, there could be financial or resource impacts associated with that option.

### **RECOMMENDATION**

Staff recommends that Council not change Shoreline Municipal Code (SMC) Chapter 10.05.030.B.5 which prohibits vehicle residency in the right-of-way and that Council adopt a consecutive parking hour limitation in the City's right-of-way (Option 1B). Staff would further recommend that the City explore partnerships with private entities or faith-

based organizations for a safe vehicle residency parking lot (Safe Lot Option 1), with a specific focus on identifying funding strategies for management/support of the lot and development of permit regulations so that regulations are in place if a private or non-profit organization is interested in hosting a safe lot for vehicle residency.

### **ATTACHMENTS**

- Attachment A: February 7, 2108 Faith Community and Housing/Homeless Advocates Meeting Agenda
- Attachment B: Map of Minor and Principal Arterials Where On-Street Parking is Available
- Attachment C: Map of Streets in or Adjacent to the Town Center (TC), Mixed Business (MB), Community Business (CB), Neighborhood Business (NB), Mixed Use Residential (MUR) and Campus (C) zones Where On-Street Parking is Available
- Attachment D: Map of Streets in or Adjacent to the Town Center (TC), Mixed Business (MB), Community Business (CB), Neighborhood Business (NB) and Campus (C) zones Where On-Street Parking is Available



Vehicle Residency Stakeholder Discussion  
February 7, 2018, 3:00-4:00 pm  
Shoreline City Hall, Conference Room 303

- I. Introductions
- II. Why are we here?
  - a. Ongoing City Council discussions on homelessness
  - b. City of Shoreline Model Traffic Ordinance discussion
  - c. City Council direction to staff
- III. What are your experiences with vehicle residency in Shoreline?
  - a. City of Shoreline's experience/data
  - b. All Home's direction/recommendations?
- IV. Ideas for Moving Forward/Policy Question Discussion
  - a. What are your thoughts on the City's current municipal code language regarding the prohibition of vehicle residency in the City's right-of-way?
  - b. What are the parameters you would suggest for allowing people to live in their vehicles in the right-of-way?
  - c. Are "safe parking lots" (allowed conglomeration of vehicle residency on private property) a solution that should be considered?
    - i. Would your organization/congregation be open/interested to hosting a safe lot?
    - ii. If so, would regulations around safe lots be helpful?
  - d. What other sort of supports could/should be provided to individuals residing in their vehicles?
- V. Next Steps/Final Thoughts











