

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: October 21, 2010

To: Harbor Commissioners

From: John N. Bridley, Waterfront Director

Subject: **Anonymous Request from the Public—Sleeping in Vehicles in Harbor Lots**

RECOMMENDATION: That Harbor Commission:

- A. Receive a request from the public from an anonymous boat owner and slip permittee, Jane Doe, to consider establishing a program allowing certain harbor users to be able to sleep in vehicles in the Main Harbor Parking Lot, if they have a situation with their boat that causes them the need, and
- B. Deny the request to establish a program allowing boat owners and/or slip permittees permission to sleep in vehicles parked overnight in Waterfront parking lots.

BACKGROUND:

At 7:10 a.m. on September 22, 2010, Harbor Patrol contacted Jane Doe, a slip permittee and live-aboard permittee, sleeping in her vehicle in the main harbor parking lot (Attachment 1). The slip permittee was warned that camping in her vehicle was not permitted per the Santa Barbara Municipal Code. She was not cited for this offense. Jane Doe subsequently met with the Harbor Patrol Supervisor, Harbor Operations Manager and Waterfront Director, seeking special consideration to sleep in her vehicle, owing to a breathing disorder that renders her sensitive to mold aboard her vessel, and thus unable to sleep there. She was denied permission to continue sleeping in her vehicle. She then asked to have her request heard by the Harbor Commission.

DISCUSSION;

Sleeping or camping in vehicles in Waterfront lots is prohibited per Sections 15.16.070 and 15.16.080 of the Santa Barbara Municipal Code (Attachment 2). This activity can be associated with drug use, lewd acts, illegal discharges of human and non-human waste and unauthorized marina and marina restroom access, illegal liveaboard activities and use of RV's or other vehicles in camping at the waterfront. It also generates complaints from other members of the public and harbor community who do not want people sleeping in vehicles, utilizing spaces intended solely for parking.

Harbor Patrol monitors Waterfront parking lots on a daily basis, consistently enforcing prohibitions against sleeping in vehicles. Officers issue several warnings and/or citations for this violation each year. Most people contacted for this offense cease their activity with a warning and depart the harbor lots.

Allowing slip permittees and/or boat owners to sleep in vehicles would make enforcement of illegal liveaboard policies more burdensome, because any slip permittee or their guest may legally stay on his or her vessel three nights out of any seven. If they relocate to the parking lot following three days on their boat, tracking who is legally staying aboard a vessel and who isn't would be near-impossible. This type of program or privilege would require a huge time commitment from Harbor Patrol, which has many other pressing responsibilities, with few, if any, results.

Allowing approved individuals to sleep in vehicles would also send a tacit invitation to others who are not approved to do the same, leading to the perception that sleeping in cars, vans and recreational vehicles is allowed by the City at the Waterfront. Again, this would create administrative and enforcement challenges that could likely not be addressed with existing resources. It would also likely create a situation where current liveaboards would abandon their permits and begin to sleep some days on their boats and others in RV's, vans or cars in the Main Harbor Lot. This not only sends the wrong message, but could reduce Department revenues and promote more illegal liveaboard activities and impacts on facilities.

Finally, Although MC 15.16.090 (Attachment 2) provides for lawful, posted, areas to camp, this is a rarely used code section designed for organized events like the Wine and Roses Charity Regatta (Attachment 3), not people sleeping in cars, vans or recreational vehicles. Staff does not believe it should be used for individual, "special case" requests, as this would set an ill-advised precedent and reflect poor public policy.

Attachments:

1. Harbor Patrol Log, 9/22/10
2. SBMC, Sections 15.16.10 through 15.16.120
3. 7/15/10 Harbor Commission Staff report, Special Event Camping Permit—
Catamaran Regatta

Prepared By: Mick Kronman, Harbor Operations Manager