



Memorandum

DATE: June 1, 2023

TO: Bristol Ellington, City Manager

FROM: Christina Arcidy, Management Analyst

RE: Richmond Beach Drive NW Neighbor Concerns

CC: John Norris, Assistant City Manager

On May 15, several residents of Richmond Beach Drive NW provided public comment during the City Council meeting about community safety, trespassing on BNSF property, street parking, and other concerns related to people visiting the Beach North of Point Wells, a known nude beach in Woodway that has been in existence by some accounts for over 100 years. After the Council meeting staff met with Pat Storrs and Carolina Cuevas on May 18 and followed up again with Pat Storrs on May 26 to further discuss these concerns. During these meetings staff also shared what actions the City has already and will take, as well as what actions the residents should continue to take. This memo outlines further information on this issue.

Beach North of Point Wells Property Ownership

The Beach North of Point Wells, as it is known to those who go there and even marked as such on [Google Maps](#), is located on two private property parcels on the west side of the BNSF corridor. The two private property owners have been contacted by both the City of Shoreline and the City of Woodway in the past to discuss the beach, but the property owners were not inclined to take any action for fear of retribution and because access was limited to illegal trespassing on BNSF property.

Shoreline City staff called the Woodway City Administrator and City Clerk after the recent public comment to discuss the current issue with people trespassing on BNSF property to reach these private properties in Woodway. Woodway staff recommended that anyone concerned about illegal trespassing in Woodway contact the Edmonds Police Department, which is who Woodway contracts with for police services.

Shoreline staff have shared this information with Mr. Storrs and Ms. Cuevas. Additionally, staff have sent a letter to each of the two property owners requesting action to prevent unauthorized access to their property and recommending they contact their attorney about potential liability for the activities on their property. Copies of these letters were forwarded to Council.

BNSF Trespassing Concerns

Due to the location of the Beach North of Point Wells, most of the people that travel to it park their cars in Shoreline along Richmond Beach Drive NW near Kayu Kayu Ac Park, trespass onto BNSF property, walk along the railroad tracks, and then access the private property known as the Beach North of Point Wells. Some people have been known to walk out around Point Wells at very low tide or park in Edmonds and walk down the BNSF tracks from there, but the majority of people park in Shoreline and follow the BNSF tracks north.

The City of Shoreline has made previous attempts to work with BNSF to take steps to secure their corridor to prevent trespassing. The City's reason for this has been related to pedestrian safety. Trains are incredibly difficult to hear when they are traveling at high speeds, and many people die every year in Washington, as noted in the [Washing State Crash Data](#), when they walk along rail corridors. The City's most recent concerted effort to work with BNSF to fence their corridor in this area of Richmond Beach was in 2021. At that time BNSF said they did not have funding for fencing and any grants the City would apply to would require a match from the City. Fencing on City property to prevent trespassing onto BNSF property would need to be included in the Capital Improvement Plan. Even if funding were not an issue, it would likely not completely solve the trespassing issue because there are other places in Woodway prior to Point Wells private property where trespassing is occurring. Woodway would need to secure these areas in order to prevent trespassing onto BNSF property.

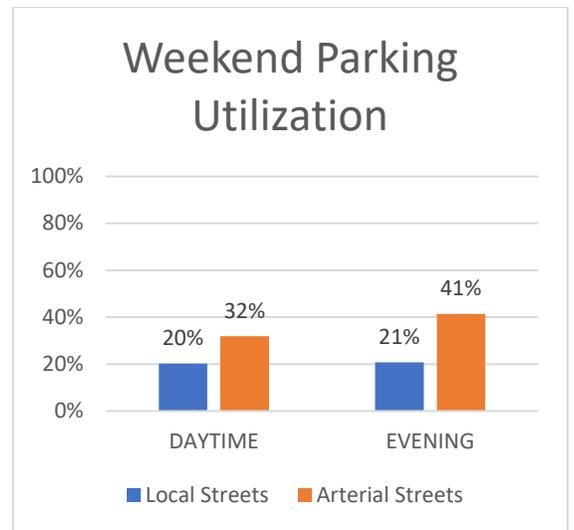
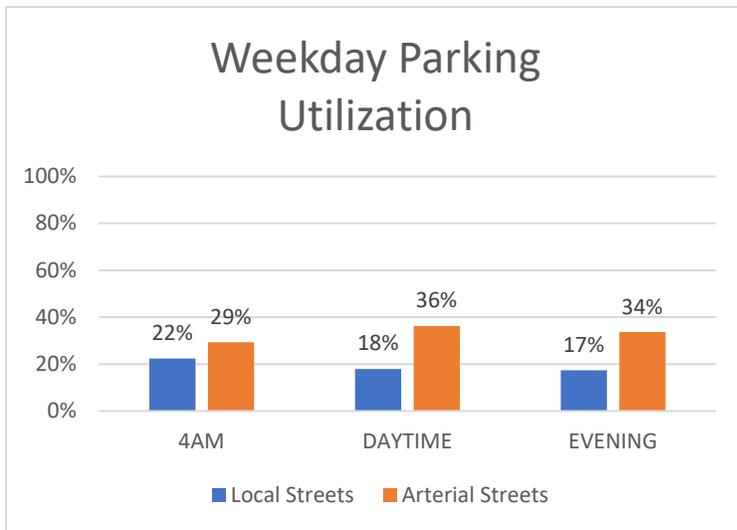
The City will be reaching out the BNSF and coordinating with Shoreline Police to determine if BNSF would be willing to conduct some special emphasis patrols this summer. While BNSF does not have funding for a capital solution, enforcement would include fining trespassers if the City can show there is a concern.

While staff is recommending enforcement, these efforts can come with community backlash. In 2001, similar enforcement efforts resulted in an article entitled [Shoreline says Gays not welcome](#) in the May 25, 2001, edition of the Seattle Gay News.

Traffic Engineer Response

The right-of-way is a public resource that may be used for parking. The Shoreline Municipal Code does not limit how long a car may park in the City right-of-way. A common complaint by residents all over the City is that people who do not live at their residence park in front of their property. This is not a violation according to the Shoreline Municipal Code and therefore there is no operational basis for no parking signs in residential areas with congested parking unless the parking is impacting traffic or meets the criteria of the City's restricted parking zone guidelines.

Residents of Richmond Beach Drive NW made complaints in 2021 to the City regarding the parking on this road on "nice days." The City Traffic Engineer responded by conducting a parking study on two different days in July 2021. One study day was during the week when it was sunny and over 80 degrees, while the other was on the weekend and 78 degrees. The study was to determine parking capacity. Parking utilization rates at different times of the day all showed less than 50% utilization on both days, as shown by the following graphs, which is well below the threshold of 75% where there would be open spaces and people would not be circling the block looking for parking:



The Traffic Engineer also determined that the parking resulted in no traffic impacts, meaning parking on the right-of-way was not constricting or otherwise impacting traffic in a way that increased the likelihood of a collision, blocked sightlines, or created other adverse traffic impacts. The Traffic Engineer made no recommendation to mitigate parking impacts at that time.

There have been no significant changes to the conditions of this roadway segment that would cause the City to conduct another parking study. There is still no recommendation by the Traffic Engineer to mitigate behavioral impacts with a tool such as no parking signs on this road segment. If a mitigation tool such as no parking signs were to be used, it would be ineffective, merely moving the issue from one area of the neighborhood to another because there is plenty of on-street available parking as shown by the parking study.

Shoreline Police Response

2022 Problem Solving Project: Residents shared concerns that people who park on Richmond Beach Drive NW are allegedly engaging in illegal or nuisance behavior, such as hanging out, drinking and using illegal substances, and generally making noise. Last summer, in response to these concerns, police conducted a problem-solving project in the neighborhood. Then-Captain Kelly Park and Detective Paula Kieland met with residents to hear their concerns and Deputy Thomas DeBartolo was assigned to make nightly checks on the neighborhood for proactive on-views instead of responding to neighborhood calls for service. Deputy DeBartolo make multiple contacts during this problem solving project.

2022 Calls for Service: The Shoreline Annual Police Report has not yet been completed yet, however Chief Park has been able to share some preliminary data to provide some context to this issue, though this data could still be updated for the final Annual Police Report. Preliminary data from 2022 shows that there were 14,950 dispatched calls for service in Shoreline, however only 169 of those calls were from this area in Shoreline, including all calls to Kayu Kayu Ac Park. Sixty (60) of those calls were from a single residence, which is one of the three individuals to bring this to City Council’s attention. The 169 calls represent about 1% of all dispatched calls for service in the City and is an even smaller percentage of police work when on-views are considered.

Calls for service are broken into four call types: Priority X, 1, 2, and 3. Priority X are the most critical calls that pose an obvious threat to the safety of persons, whereas Priority 3 are routine calls where time is not a critical factor, such as crimes that are not actively in progress. One call of the 169 calls was a Priority 1, 14 were a Priority 2, and the remaining 154 calls were Priority 3. The top three calls for service were area checks (84 calls/50%), suspicious activity (12 calls/7%), and noise (11 calls/7%). These call types are generally Priority 3 calls for service, though depending on the information shared they can be a Priority 2 call. Call for service volume rises in the warmer months. Over 60% of the calls for service occur during the months of May through August.

2020 Trespass Fatality: One of the residents making public comment at the May 15 Council meeting stated there was a homicide in the neighborhood related to activity at the Beach North of Point Wells. The death on September 8, 2020, was confirmed by Shoreline Police as a railroad trespass fatality and not a homicide. The individual died of blunt force injuries consistent with those from falling after riding a freight train.

Shoreline Fire

Shoreline Fire only had three calls they responded to for the area between Kayu Kayu Ac Park to the northern Shoreline border in 2022. All three reports were of bonfires on the beach in the evening or during the night.

Shoreline Fire previously responded to all calls for service related to any active fires regardless of if they were spreading or not in this area of Shoreline. Due to the volume of calls, they changed their dispatch protocols and now only go to calls where there is an active fire that is spreading or some other risk associated with the fire. Bonfires that are contained, even if not in a firepit, are no longer being responded to by Shoreline Fire. These calls are instead routed to Shoreline Police for response as a criminal matter and would be captured in the Police calls for service data.

Recommendation

After hearing from residents at the Council meeting and following up with residents in person, the concerns shared by residents are related to behavior by people parking on Richmond Beach Drive NW, not regarding the parking itself. There is plenty of parking in the neighborhood. Mitigating behavior with no parking signs does not work, as it simply moves the parking and behaviors to another area of the neighborhood.

Kayu Kayu Ac Park, points to see the water, and access to private property beaches are the main attractors during the nice weather. The Beach North of Point Wells has existed for over 100 years and well before the City was incorporated. The same reasons the private property owners of Richmond Beach Drive NW enjoy their neighborhood are the same reasons people frequent this area. Most of the calls for service have not resulted in any criminal findings, and a third of the calls have come from one address.

Staff recommends that no further new action is taken on this issue other than working with BNSF to coordinate possible special emphasis patrols. Instead, staff will continue to inform residents to call 911 when they see illegal or suspicious activity.