

Item 7.1 on the 5/3/22 City Council Agenda

Kris Cameron [REDACTED]

Tue 4/26/2022 12:02 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Michele Lew [REDACTED]

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Honorable Sam Liccardo and Members of the City Council
City of San José
200 E. Santa Clara Street
San Jose, CA 95113

Re: Item 7.1 on the 5/3/22 City Council Agenda

Dear Mayor Liccardo and City Council Members:

The Health Trust supports item 7.1 on the 5/3/22 City Council Agenda, the Encampment Management and Safe Relocation Policy. As a nonprofit operating foundation focused on building health equity in Silicon Valley, we believe that our unhoused residents, who are disproportionately people of color, deserve safe, clean, and considerate encampment management.

Whilst The Health Trust continues both our efforts and hopes for a future in which every resident is housed, we appreciate the City of San Jose's work to accommodate those residents who currently reside in encampments. The Health Trust supports staffs' recommendation to extend the Guadalupe Gardens cleanup to October 31, 2022 to allow for well-planned, well-executed relocation for unhoused residents. Further, by providing more frequent trash service, the City of San Jose will not only improve the appearance of the city, but also the health and wellbeing of its residents, both housed and unhoused.

Finally, The Health Trust requests that the San Jose City Council explore further harm reduction partnerships, including but not limited to medically assisted treatment, to allow for more inclusive enrollment into housing programs.

We welcome continued collaboration on both this and future initiatives to address homelessness in our community. Please do not hesitate to contact us if we might be of assistance.

Sincerely,

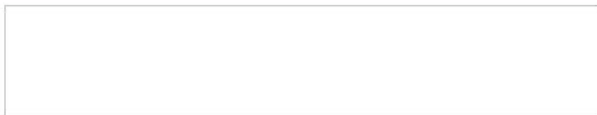
Michele Lew
Chief Executive Officer

Kristense Cameron
Policy and Communications Associate

Kris Cameron, MPH

Pronouns: she, her, hers

Policy and Communications Associate



Because everyone's health matters.

NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individual named as a recipient in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

 Secured by Paubox - HITRUST CSF certified Secured by [Paubox](#) - HITRUST CSF certified

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



Advancing Justice
Housing | Health | Children & Youth

May 2, 2022

Via Email Only to:

Sam Liccardo, Mayor; mayoremail@sanjoseca.gov;
Charles Jones, Vice Mayor, District 1; District1@sanjoseca.gov;
Sergio Jimenez, District 2; District2@sanjoseca.gov;
Raul Perez, District 3; District3@sanjoseca.gov;
David Cohen, District 4; District4@sanjoseca.gov;
Magdalena Carrasco, District 5; District5@sanjoseca.gov;
Devora Davis, District 6; District6@sanjoseca.gov;
Maya Esparza, District 7; District7@sanjoseca.gov;
Sylvia Arenas, District 8; District8@sanjoseca.gov;
Pam Foley, District 9; District9@sanjoseca.gov;
Matt Mahan, District 10; District10@sanjoseca.gov;

City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

Re: Agenda Item 7.1 City Roadmap - Encampment Management and Safe Relocation Policy and related policies

We write to urge against the adoption of the City Roadmap - Encampment Management and Safe Relocation Policy. Although the City recognizes its “obligation to find common ground to serve everyone in San Jose,” the City Roadmap fails to meaningfully serve the urgent needs of San Jose’s unhoused communities.¹ As currently stated, the recommendations conflict with the City’s plan to improve the quality of life for unsheltered individuals and will instead lead to further criminalization of homelessness in San Jose. .

The Law Foundation of Silicon Valley is a nonprofit legal services organization that advocates for the rights of historically excluded and marginalized individuals and families in Santa Clara County, including unhoused communities. Through our medical-legal partnership with the Valley Homeless Healthcare Program (VHHP), we engage in regular outreach at encampments with VHHP’s backpack team. We also offer legal and technical assistance to organizations regarding unhoused advocacy issues. Most of our clients are low-income people who identify as

¹ City Roadmap - Encampment Management and Safe Relocation Policy, Memo to Honorable Mayor and City Council, April 20, 2022, pg. 2 (“City Roadmap”).

people of color and people with disabilities. Many of our clients are experiencing homelessness, living in encampments, or sheltering in their vehicles. According to the 2019 Homeless Census, there were 5,117 unsheltered people in San Jose and only 980 people receiving shelter.²

The City Roadmap raises alarming legal and health equity issues for unhoused communities in San Jose. The City's encampment management strategy includes four strategy objectives: (1) Clean the City's Public Spaces; (2) Create Setbacks for Priority Locations; (3) Identify Sites that Promote Safety and Belonging; and (4) Connect People to Social Services and Meet their Basic Needs.³ For reasons below, the City's strategy to accomplish these objectives will further destabilize the health and lives of unhoused people in San Jose and should not be adopted.

I. An Increase in Sweeps from the City's Trash Removal Optimization Plan is Contradictory to the Needs of Unhoused People.

To clean public spaces, the City has recommended to "optimize encampment trash removal services," and "lack of cooperation" with trash removal at an encampment "may lead to escalating actions...up to the full removal of people from a location known as an abatement."⁴ Although the City Roadmap's language focuses on trash removal, this strategy has the potential to ultimately lead to more sweeps. Encampment sweeps are dangerous to public health, even without the added trauma of a public health crisis such as COVID-19. The City's plans to manage trash removal should not serve as a pathway to encampment sweeps.

A recent study on the effect of street sweeps found that sweeps have negative consequences for the physical and mental health of people experiencing homelessness.⁵ In the study, healthcare providers noted that sweeps result in the loss of medical items such as prescriptions, walkers, crutches and wheelchairs which are difficult and costly to replace.⁶ Sweeps also lead to instability, community fragmentation, and less effective management of chronic health conditions, infectious diseases, and substance abuse disorders.⁷ Notably, a separate study conducted in Santa Clara County from 2018-2020 found that the number of unhoused people dying in Santa Clara County increased from 60 deaths in 2011 to 203 deaths in 2020.⁸

² See City of San Jose Homeless Census & Survey: Comprehensive Report 2019 p. 7 at <https://www.sanjoseca.gov/home/showdocument?id=38890>.

³ City Roadmap at 2.

⁴ City Roadmap at 2-6.

⁵ Qi, Diane et al. "Health Impact of Street Sweeps from the Perspective of Healthcare Providers." *Journal of General Internal Medicine*, March 16, 2022, <https://pubmed.ncbi.nlm.nih.gov/35296981/#:~:text=Key%20results%3A%20Street%20sweeps%20may.and%20loss%20to%20follow%20Dup>.

⁶ *Id.*

⁷ *Id.*

⁸ Chang J.S., Riley P.B., Aguirre R.J., Lin K., Corwin M., Nelson N. & Rodriguez M., Harms of encampment abatements on the health of unhoused people, SSM – Qualitative Research in Health, <https://doi.org/10.1016/j.ssmqr.2022.100064>.

The City Roadmap's objective to "Clean the City's Public Spaces" includes alarming opportunities for more encampments sweeps. For example, "significant reoccurring or unresolved unsanitary conditions" may contribute to creation of a setback (described further below), and these setback guidelines led to 72 sweeps between October 2021 and January 2022.⁹ In the same time period, only 6 escalated cleanups occurred.¹⁰ Although sweeps are listed as the last resort of a continuum of encampment management options, the City Roadmap indicates that the City pursues sweeps at much higher rates compared to lower-level interventions.

While trash removal is important for the City's public spaces, this should not be pursued through methods that are contradictory to the needs of unhoused communities. Because the City Roadmap provides more opportunities to escalate the City's trash removal procedures and consequent sweeps, the City's plan will only further destabilize unhoused communities and the public health of the city.

II. The Creation of Buffer Zones Through Setbacks Violates the Constitutional Rights of Unhoused People.

Additionally, part of the City's Encampment Management Strategy includes creating setbacks, or areas where encampments cannot be located. The City Roadmap states that "setbacks are enforced areas or locations where living structures and personal belongings are not allowed, and where people cannot live outside."¹¹ This type of restriction is, in essence, a buffer zone ordinance. Buffer zones like the ones the City outlines are restrictions on where unhoused people can live and potentially an illegal restriction on where someone has the right to live, since the City does not have other housing available.¹² In particular, the City Roadmap states that neither interim nor temporary housing—let alone permanent housing—have been secured for the 131 residents at the Guadalupe Gardens Stage 3 area due to lack of availability and funding.¹³

A buffer zone ordinance would violate the Eighth and Fourteenth Amendments (as discussed below). It would also subject San Jose's unhoused individuals to increased police harassment and criminalization simply because the city lacks affordable housing. Pushing people out of stable encampments will disrupt their ties to their communities and service providers and may exacerbate the spread of COVID-19. Dr. Mudit Gilotra, the Medical Director at the Valley Homeless Healthcare Program tells us that when people in encampments "are relocated, it takes significant resources for us to find them and continue their medical care. Those resources are significantly limited due to competing demands in the time of COVID."¹⁴

⁹ City Roadmap at 6.

¹⁰ *Id.* at 12.

¹¹ *Id.* at 5.

¹² City of San Jose Homeless Census & Survey.

¹³ City Roadmap at 18.

¹⁴ Letter from Law Foundation of Silicon Valley to Santa Clara Valley Water District and City of San Jose, March 16, 2021, pg. 2.

Additionally, any buffer zone ordinance may have a discriminatory impact on people of color and people with disabilities. People experiencing homelessness are disproportionately groups who are historically excluded/marginalized such as Latinx and Black individuals. Although 27% of Santa Clara County is Latinx, they make up nearly 44% of the homeless population. Similarly, only 2.5% of the county's population is black, but they account for nearly 17% of people experiencing homelessness."¹⁵ Among the Santa Clara County unhoused population, 42% report psychiatric/emotional conditions and 24% have physical disabilities.¹⁶

a. Buffer Zone Policies Would Violate the Eighth Amendment's Protection Against Cruel and Unusual Punishment.

The Eighth Amendment prohibits the government from imposing excessive fines or cruel and unusual punishment. In *Martin v. City of Boise*, the Ninth Circuit held that prosecuting people for sleeping outside on public property when those people had no other shelter violated the Eighth Amendment's prohibition on cruel and unusual punishment.¹⁷ Specifically, "the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter."¹⁸

At least one California court has cited *Martin* in support of its order directing the City of Los Angeles to protect individuals experiencing homelessness by providing shelter or alternative housing options rather than simply criminalizing their presence in public spaces.¹⁹ San Jose's buffer zone ordinance would force people to relocate or face criminal sanctions in violation of *Martin*. There is a lack of alternate housing including shelter beds to accommodate the number of people in our community living without shelter. Additionally, there have been several outbreaks of COVID-19 in shelters which increases people's reluctance to relocate to shelters even if there is availability.²⁰

San Jose's buffer zone ordinance, disguised as a "setback", criminalizes homelessness. It would force people experiencing homelessness out of where they are currently living and cause those people to lose not only their homes but their sense of security. These individuals would likely lose their personal belongings including clothing, hygiene items, food, and sentimental items since they would be forced to relocate to an unknown area without any support. This would be cruel and unusual punishment as they would have nowhere to go due to the lack of available shelter space.

¹⁵ David Alexander, *Report: Minorities in Santa Clara County are overrepresented in homeless population*, San Jose Spotlight, Feb. 18, 2022.

¹⁶ Comprehensive Report, Homeless Census and Survey, City of San Jose (2019).

¹⁷ *Martin v. City of Boise*, 920 F.3d 584, 603, 617 (9th Cir. 2019).

¹⁸ *Id.* at 616.

¹⁹ See *LA All. For Human Rights v. City of Los Angeles*, 2020 U.S. Dist. LEXIS 85999, at *7-10 (C.D. Cal. May 15, 2020).

²⁰ For example, almost 15% of residents at the Julian Street Inn in downtown San Jose tested positive in January 2022. <https://sanjosespotlight.com/san-jose-homeless-shelter-sees-covid-outbreak-as-omicron-spreads/>. The Georgia Travis House and the Boccardo Reception Center have also reported COVID-19 outbreaks. <https://www.montereyherald.com/2022/01/05/covid-surge-outbreaks-hit-multiple-bay-area-homeless-shelters/>.

A buffer zone ordinance would reduce available options and push individuals into more remote, dangerous locations.

b. The Proposed Buffer Zone Ordinance Violates the Fourteenth Amendment.

The Fourteenth Amendment provides that states cannot “deprive any person of life, liberty, or property, without due process of law.”²¹ San Jose’s proposed buffer zone ordinance violates both procedural due process rights and substantive due process rights of the Fourteenth Amendment.

i. Procedural Due Process Rights

To satisfy due process requirements, a law must be defined well enough to both (1) provide adequate notice of the conduct it prohibits, and (2) prevent arbitrary and discriminatory enforcement.²² This requirement is greater when the law imposes criminal penalties or implicates constitutionally protected rights.²³ It would be nearly impossible to draft a buffer zone ordinance clear enough for people to know if they were in violation of the ordinance.

Indeed, several Supreme Court cases have found city and state ordinances unconstitutionally vague because they failed to provide adequate notice of the prohibited conduct thus making it difficult for individuals to comply with such ordinances. In *City of Chicago v. Morales*, the U.S. Supreme Court held that a Chicago ordinance prohibiting “loitering,” defined as “remain[ing] in any one place with no apparent purpose,” violated the Fourteenth Amendment because it lacked fair notice of what is forbidden and what is permitted.²⁴ As written it was “difficult to imagine how any citizen . . . standing in a public place with a group of people would know if he or she had an ‘apparent purpose.’”²⁵ Therefore, the Court held that Chicago’s ordinance was impermissibly vague and invalid on its face.

In *Kolender v. Lawson*, the U.S. Supreme Court invalidated a California statute that required loitering individuals to account for their presence and provide “credible and reliable” identification when requested by a peace officer.²⁶ The Court held that the statutory language was unconstitutionally vague and because it granted the police complete discretion to determine whether a suspect had satisfied the statute’s requirement for “clear and reliable” identification. There was no clear language to determine what would violate the statute. In *Papachristou v. City of Jacksonville*, the Supreme Court held that a city ordinance²⁷ prohibiting “vagrancy” was

²¹ U.S. Const. amend. XIV, § 1.

²² *Tobe v. City of Santa Ana*, 9 Cal. 4th 1069, 1106 (1995).

²³ *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 498-99 (1982).

²⁴ *City of Chicago v. Morales*, 527 U.S. 41, 60 (1999).

²⁵ *Id.* at 56-57.

²⁶ *Kolender v. Lawson*, 461 U.S. 352, 357, 361 (1983).

²⁷ The Jacksonville ordinance stated that “Rogues and vagabonds, or dissolute persons who go about begging, common gamblers, persons who use juggling or unlawful games or plays, common drunkards, common night walkers, thieves, pilferers or pickpockets, traders in stolen property, lewd, wanton and lascivious persons, keepers of gambling places, common railers and brawlers, persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers, disorderly persons, persons neglecting all lawful business and

unconstitutionally vague.²⁸ Despite providing a long list of punishable conduct, the Court held that the ordinance failed to give people fair notice of the conduct forbidden.²⁹

Our understanding is that San Jose’s proposed buffer zone ordinance would be impermissibly vague because it would fail to provide adequate notice of prohibited conduct. Further, the ordinance would grant unfettered discretion to law enforcement officers such that individuals would not be able to comply with the ordinance, and the adequacy of individuals’ compliance would be left to law enforcement officers’ interpretation. This is unacceptable. Indeed, we cannot envision any version of San Jose’s buffer ordinance that would not violate individuals’ constitutional rights.

ii. Substantive Due Process Rights

It has long been established that the Fourteenth Amendment guarantees substantive due process rights and bars “certain government actions regardless of the fairness of the procedures used to implement them.”³⁰ Substantive due process “forbids the government from depriving a person of life, liberty, or property in such a way that ‘shocks the conscience’ or ‘interferes with rights implicit in the concept of ordered liberty.’”³¹ Here, San Jose seeks to implement a buffer zone ordinance with deliberate indifference to individuals experiencing homelessness. Specifically, San Jose’s proposed ordinance would displace hundreds of individuals without providing any alternate housing options or any effort to alleviate the potentially grave consequences to our most vulnerable population. Such action shocks the conscience and, therefore, violates substantive due process rights.

c. Buffer Zone Ordinances Are Dangerous for Public Health Especially During a Pandemic.

The California Welfare and Institutions Code provides that every city and county “shall relieve and support all incompetent, poor, indigent persons, and those incapacitates by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions.”³² This provision is intended “to provide for protection, care, and assistance to the people of the state in need thereof, and to promote the welfare and happiness of all of the people of the state by providing appropriate aid and services to all of its needy and distressed.”³³ Such aid and services

habitually spending their time by frequenting houses of ill fame, gaming houses, or places where alcoholic beverages are sold or served, persons able to work but habitually living upon the earnings of their wives or minor children shall be deemed vagrants and, upon conviction in the Municipal Court shall be punished as provided for Class D offenses.”

²⁸ *Papachristou v. City of Jacksonville*, 405 U.S. 156, 163 (1972).

²⁹ *Id.* at 161-171.

³⁰ *Daniels v. Williams*, 474 U.S. 327, 3331 (1986).

³¹ *Nunez v. City of Los Angeles*, 147 F.3d 867, 870 (9th Cir. 1988) (quoting *United States v. Salerno*, 481 U.S. 739, 746 (1987)).

³² Cal. Welf. & Inst Code § 1700.

³³ *Id.* § 10000.

shall be “provided promptly and humanely, with due regard for the preservation of family life and without discrimination.”³⁴

A buffer zone ordinance would have a destabilizing impact upon unhoused residents of the community, even without the added trauma of a public health crisis such as COVID-19. The Center for Disease Control (CDC) has recognized that homelessness is closely connected to declines in physical and mental health; homeless persons experience high rates of health problems such as HIV infection, alcohol and drug abuse, mental illness, tuberculosis, and other conditions which can weaken a person’s immune system making that person highly susceptible to communicable diseases.³⁵ Forced relocation of homeless encampments while there is a public health crisis could lead to the loss of an unhoused person’s medications and other belongings, as well as the potential loss of contact with outreach workers and service providers, which could make it harder for them to get medical help.

III. The City’s Objective to Identify Sites that Promote Safety and Belonging May Further Criminalize Homelessness.

As its third City Roadmap objective, the City proposes to “identify sites that promote safety and belonging.” The City states that it will accomplish this by “[recognizing] areas deemed manageable where encampments may remain with protocols that enable people who are unhoused to live in clean, healthy places and are empowered to organize and self-manage.”³⁶

While we do not deny the importance of “safety and belonging” for unhoused individuals, the City’s strategy fails to incorporate the actual needs of unhoused individuals and may instead further criminalize homelessness. The City’s objective vaguely states that the sites will be “areas deemed manageable” but does not indicate how this determination will be made and whether the voices of unhoused individuals will be centered or respected. The emphasis on “clean, healthy places” indicates that rather than the promotion of safety and belonging, encampments sweeps would occur instead. Furthermore, the City already lacks sufficient and “manageable” space to house those displaced from sweeps. For example, the City currently does not have any safe parking area for people in San Jose, particularly those who will be displaced from Guadalupe River Park.³⁷ The City cannot identify sites that promote safety and belonging if no available sites currently exist.

Fundamentally, the Law Foundation believes that unhoused individuals can experience safety and belonging when they also have shelter, dignity, and autonomy. By recognizing only certain “manageable” areas for unhoused individuals to live, the policy seems to encourage increased sweeps, stigmatization of encampments, and criminalization of homelessness.

³⁴ *Id.*

³⁵ <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/plan-prepare-respond.html>.

³⁶ City Roadmap at 5.

³⁷ *Id.* at 19.

IV. We Urge the City to Reinvest Resources from Policing Unhoused People into Housing Alternatives.

We urge the Mayor and City Council to not adopt the City Roadmap recommendations. As it currently stands, the City Roadmap fails to address the needs of unhoused individuals and has the potential to further destabilize and criminalize unhoused communities. Although the City Roadmap's fourth objective to "connect people to social services and meet their basic needs" has potential to improve the quality of life and public health of unhoused individuals, the plan moves unhoused people away from their basic needs at every other recommendation. Instead of adopting the City Roadmap, we recommend that the city focus its efforts on reducing existing barriers to housing, including investing in non-congregate, no barrier shelters and permanent supportive housing resources.

Sincerely,

Natasha Domek
Attorney
Health Program

Joanna Xing
Attorney
Health Program

Abre' Conner
Directing Attorney
Health Program

Becky Moskowitz
Supervising Attorney
Health Program

05/03 CC Meeting 7.1 Support CM Peralez's Memo on Encampment Management & Strategy

Marilee Jennings <[REDACTED]>

Mon 5/2/2022 4:43 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov> Di trict1 <di trict1@sanjoseca.gov> Di trict2 <Di trict2@sanjoseca.gov> Di trict3 <di trict3@sanjoseca.gov> Di trict4 <Di trict4@sanjoseca.gov> Di trict5 <Di trict5@sanjoseca.gov> Di trict 6 <di trict6@sanjoseca.gov> Di trict7 <Di trict7@sanjoseca.gov> Di trict8 <di trict8@sanjoseca.gov> Di trict9 <di trict9@sanjoseca.gov> Di trict 10 <Di trict10@sanjoseca.gov> Agendadesk <Agendadesk@sanjoseca.gov>

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Dear Mayor and Councilmembers,

On behalf of the Board of Directors of Children's Discovery Museum of San Jose, I am writing in support of Councilmember Peralez's memorandum requesting an update to how the City addresses encampments, especially around sensitive areas like the Children's Discovery Museum. The Museum experience begins for most families in the surrounding parking lots, light rail stop and/or Discovery Meadow, and these recommended changes will help the City maintain a positive and safe space that encourages learning and exploring for our children.

We also are in favor of Councilmember Peralez's recommendation for improved coordination between homeless outreach services and mental health service delivery to ensure that the unhoused receive the services they need.

Sincerely,

Marilee Jennings

Marilee Jennings | Executive Director | Children's Discovery Museum of San Jose

[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Agenda Item number 7

Richard Sellen [REDACTED]

Tue 5/3/2022 8:18 AM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

[External Email]

Good morning,

As a business owner in San Jose, I am very concerned about the state of our city. The homeless encampment situation is getting out of control. Just around the corner of my business I have witnessed drug busts involving ppl who are sleeping in their cars on the streets. Numerous people are living along the Los Gatos Creek trail. Many of whom have built entire living structures with furnishings, etc.

As a taxpayer in the city, this is very disappointing. Not only has the city become utterly disgusting but it has become rather unsafe. I often have to think twice about which parks I take my kids to. Your plan to eliminate the Guadalupe Gardens encampment is great in theory but do you have a plan in place for these displaced people or are they simply going to pick up and relocate to a different location? We taxpayers demand more from our elected officials and we expect changes to occur.

Thank you for your time,

Richard Sellen, DDS
[REDACTED]
[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

May 3, 2022

San José City Council
City of San José
200 E. Santa Clara Street
San José CA 95113

Comments for Item 7.1 File 22-612 – City Roadmap – Encampment Management and Safe Relocation Policy

Dear Mayor Liccardo, Vice Mayor Jones and Councilmembers:

SPUR submits this letter in response to city staff's report and update on the status of the City's Encampment Management and Safe Relocation Strategy ahead of an FAA deadline to comply with regulations. The City's encampment management strategy includes four strategy objectives: (1) Clean the City's Public Spaces; (2) Create Setbacks for Priority Locations; (3) Identify Sites that Promote Safety and Belonging; and (4) Connect People to Social Services and Meet their Basic Needs.

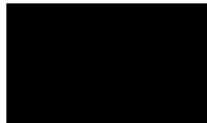
We believe that encampment abatements should be considered as a last resort instead of a solution, and that the City must continue working alongside the County to house vulnerable populations in permanent supportive housing and provide aligned social and behavioral health services. Given the FAA's deadline to comply with regulations in Guadalupe River Park, we appreciate that city departments are working collaboratively, and between other local county and state agencies, to address the housing, behavioral and mental health, and other basic needs of unhoused residents in the park. We are hopeful this will lead to a strategy that is rooted in an equitable approach that addresses the current need, and believe the call for a month-by-month work plan is appropriate given the complexity of the situation.

The underlying forces that cause homelessness are deeply rooted in housing, economic, and racial inequity. Homelessness is just the tip of the iceberg – a symptom of broader economic and social

forces and experiences that include rising housing costs, systemic racism, unstable employment, mass incarceration, physical and mental health challenges, income inequality, discrimination, and domestic abuse. While homelessness is a current condition that park managers and stewards must work with, the city, county, and state must continue addressing the housing shortage, income inequality, and other structural causes of homelessness.

Further, we recognize that cleaning, oversight, upkeep, and public space activation are just as important as initial capital investments in our parks. Operations and maintenance include repairs, landscaping, cleaning, and waste management that are critical to the success of a public space. SPUR will continue to engage with the city and county to address these needs for the long-term success of all parks and for the well-being of all residents in San José.

Sincerely,



Fred Buzo
San José Director



Erika Pinto
San José Planning Policy Manager



May 3, 2022

San Jose Mayor and City Council
200 E Santa Clara Street
San Jose, CA 95113

**Re: 5/3/2022 Council Item 7.1 City Roadmap - Encampment Management and Safe Relocation Policy
Guadalupe Gardens & Guadalupe River Trail Vehicle Prevention Project**

Dear Mayor Liccardo, Members of the City Council, and City Clerk,

The Guadalupe River Park Conservancy (GRPC) is the City's non-profit partner providing community leadership for the active use and development of the Guadalupe River Park. We believe in and pursue the vision for the Guadalupe River Park and Gardens as identified in the San Jose Envision 2040 General Plan, Guadalupe River Park Master Plan, and Guadalupe Gardens Master Plan. It is with this lens that GRPC submits this letter for the following:

1. Support Staff's Recommendation regarding the update and deadline extension of the Guadalupe Gardens cleanup to September 30, 2022, and the update on the Vehicle Prevention Project and Prototype Park.
2. Support the Memorandum by Mayor Liccardo, Vice Mayor Jones, and Councilmembers Cohen, Davis, and Peralez regarding an ongoing work plan and additional rehousing resources for the 40+ individuals living along the Guadalupe River Trail.
3. Support the Memorandum by Councilmember Davis regarding including Columbus Park as an element of the broader Guadalupe Gardens compliance plan, resources to connect housing and services to residents currently living in the Columbus Park and Phase 3 area, additional mechanics, aligning the construction of Prototype Park with the clean up deadline, and find temporary parking options for the Guadalupe Community Garden volunteers.

We appreciate the thoughtfulness and collaboration by City staff to align clean-up efforts with upcoming housing opportunities, and the additional resources City Council is willing to direct to ensure long term solutions to providing housing. We also share concerns held by City Council and staff on the imperative need for recreation and programming at Prototype Park and Columbus Park. We hope City Council can provide the support needed for staff to succeed, as we believe there may be financial and administrative obstacles to meet the shared goals for rapid rehousing, clean environment, and a vibrant park.

We look forward to hearing the discussions at City Council around these strategies and we urge City Council to support the items highlighted in this letter.

Sincerely,

A black rectangular box redacting the signature of Marguerite Lee.

Marguerite Lee
Board President