

District 1 — Roma Dawson (VC)  
District 3 — Barry Del Buono  
District 5 — Ruben Navarro  
District 7 — Victoria Partida  
District 9 — Vacant  
Mayor — Vacant  
Lived Experience (Mayor) - Vacant

(C) Alex Shoor — District 2  
Linh Vong — District 4  
Andrea Wheeler — District 6  
Huy Tran — District 8  
Roberta Moore — District 10  
Martha O’Connell — CAAC MR  
Ryan Jasinsky — CAAC ML

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Commissioners are appointed by corresponding Council Members, but do not need to reside in that Council District.

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### **REGULAR MEETING AGENDA**

5:45 PM

November 10, 2022

Virtual [Zoom Link](#)

Web ID: [940 5398 8541](#)

[888-475-4499 \(Toll Free\)](#)

### **\* COVID-19 NOTICE \***

**Consistent with AB 361 and City of San José Resolution Nos. 80659, 80685 and 80724, this meeting will not be physically open to the public and the Housing & Community Development Commissioners will be teleconferencing from remote locations.**

The Housing & Community Development Commission is meeting via teleconference from remote locations in accordance with State and local orders and measures taken as a result of the COVID-19 pandemic. Members of the public may view and listen to the meeting by following the instructions below. Additional instructions are provided below to those members of the Public who would like to comment on items on the agenda.

#### **How to attend the Housing & Community Development Commission Meeting:**

- 1) **Electronic Device Instructions:** For participants who would like to join electronically from a PC, Mac, iPad, iPhone, or Android device, please click this URL: [Zoom Link](#).
  - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
  - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
  - c. When the Chair calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
  - d. When called, please limit your remarks to the time limit allotted.
- 2) **Telephone Device Instructions:** For participants who would like to join on their telephones, please dial [888-475-4499 \(Toll Free\)](#) and when prompted, enter meeting Webinar ID: [940 5398 8541](#). You may also **press \*9 to raise a hand to speak**.
- 3) **Public Comments prior to meeting:** If you would like to submit your comments prior to the meeting, please e-mail [Luisa.Cantu@sanjoseca.gov](mailto:Luisa.Cantu@sanjoseca.gov) or call **(408) 535-8357 no**

**less than 90 minutes before the start of the meeting.** Comments submitted prior to the meeting will be considered as if you were present in the meeting.

*Commissioners are encouraged to log on by 5:30pm to ensure there are no technical difficulties – thank you!*

*Note that the times for items shown below are approximate and intended only to notify the Commission of the approximate amount of time staff expects each item might take.*

*Please note that items may be heard before or after the times shown, and plan accordingly.*

<b>APPROX. TIME</b>	<b>AGENDA ITEM</b>
<b>5:45</b>	<p><b>I. Call to Order &amp; Orders of the Day</b></p> <ul style="list-style-type: none"> <li>A. Chair reviews logistics for Zoom meetings</li> </ul>
<b>5:46</b>	<p><b>II. Introductions</b></p>
<b>5:50</b>	<p><b>III. Consent Calendar</b></p> <ul style="list-style-type: none"> <li>A. <b>Approve the Minutes for the Regular Meeting of October 13, 2022</b> ACTION: Approve the October 13, 2022 action minutes.</li> </ul>
<b>5:55</b>	<p><b>IV. Reports and Information Only</b></p> <ul style="list-style-type: none"> <li>A. Chair</li> <li>B. Director                             <ul style="list-style-type: none"> <li>i. Update on recruitment for open Commission seats</li> </ul> </li> <li>C. Council Liaison</li> </ul>
<b>6:10</b>	<p><b>V. Open Forum</b></p> <p><i>Members of the Public are invited to speak on any item that does <u>not</u> appear on today’s Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak during Open Forum; however, the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate due to a large number of speaker requests.</i></p>
<b>6:15</b>	<p><b>VI. Old Business</b></p>
	<p><b>VII. New Business</b></p>
<b>6:20</b>	<p><b>A. Measure E Transfer Tax Annual Report for Fiscal Year 2021-2022 (S. Bass, Housing Department)</b> ACTION: Review the Measure E Transfer Tax Annual Report for Fiscal Year 2021-2022 and provide possible recommendations.</p>

- 6:45**            **B. Housing Crisis Workplan Update**  
**(J. Ferguson, Office of Economic Development and Cultural Affairs)**  
**ACTION:** Review the final status report on implementation of the Housing Crisis Work Plan and the transition to a newly-established Housing Catalyst Team Work Plan aligned with the timeline and goals of the Housing Element, and make possible recommendations to staff or the City Council.
- 7:30**            **C. Commissioner-initiated Item on Encampment Locations**  
**(R. Jansinsky, Commissioner)**  
**ACTIONS:** Receive the report, form an ad hoc committee, authorize the ad hoc committee to conduct further research and draft a letter or report for the Commission’s consideration at a future meeting, and/or make possible recommendations to the City Council. (No memo –slides, attachment from Los Angeles, and three background City Council memos)  
**For more information, refer to these City Council items:**  
5/3/2022 - City Roadmap - Encampment Management and Safe Relocation Policy (item 22-612):  
<https://sanjose.legistar.com/LegislationDetail.aspx?ID=5559753&GUID=942D1854-066E-4E55-93C8-5722E76C1622&Options=&Search=>  
2/8/2022 - Guadalupe Gardens Fencing Project and Activation Alternatives (item 22-117):  
<https://sanjose.legistar.com/LegislationDetail.aspx?ID=5392201&GUID=80B94144-E274-4196-8039-45DDE5FE2E64&Options=&Search=>  
10/26/2021 - Status Report on Encampment Management Strategy and Safe Relocation Policy (item 21-2259):  
<https://sanjose.legistar.com/LegislationDetail.aspx?ID=5181212&GUID=C738C9EF-AB46-4454-BA18-D0F5A1D3FD16&Options=&Search=>
- 8:50**            **VIII. Open Forum**  
*Members of the Public are invited to speak on any item that does not appear on today’s Agenda and that is within the subject matter jurisdiction of the Commission (per [Section 2.08.2840](#) of the San José Municipal Code). Meeting attendees are usually given two (2) minutes to speak during Open Forum; however, the time limit is in the discretion of the Chair of the meeting, and may be limited when appropriate due to a large number of speaker requests.*
- 8:55**            **IX. Meeting Schedule**

The Commission will hold a Special Meeting on **Tuesday, November 15 at 5:00 p.m.** online. The topic of the meeting will be the Second Study Session for the Draft Sixth Cycle Housing Element.

The next Regular Meeting for the Commission is scheduled to be held on **Thursday, December 8, 2022, at 5:45 p.m. online.** Items tentatively expected to be heard are:

- Commendation for Commissioner O'Connell
- Rent Stabilization Program FY 2022-23 Q1 Reports

**9:00 X. Adjournment**

*The City's [Code of Conduct](#) is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.*

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Open Forum. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting. Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/hcdc>. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.

Correspondence to the Housing & Community Development Commission is public record and will become part of the City's electronic records, which are accessible through the City's website. Before posting online, the following may be redacted: addresses, email addresses, social security numbers, phone numbers, and signatures. However, please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the Housing & Community Development Commission, will become part of the public record. If you do not want your contact information included in the public record, please do not include that information in your communication.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14<sup>th</sup> Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the Commission meeting may not be the final documents approved by the Commission. Contact the Office of the City Clerk for the final document.

On occasion, the Commission may consider agenda items out of order.

The Housing & Community Development Commission meets every second Thursday of each month (except for July and sometimes December) at 5:45pm, with special meetings as necessary. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**To request translation or interpretation services, accommodation, or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events, or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

**Please direct correspondence, requests, and questions to:**

City of San José Housing Department  
Attn: Luisa Cantu  
200 East Santa Clara Street, 12<sup>th</sup> Floor  
San José, California 95113  
Tel: (408) 535-8357  
Email: [Luisa.Cantu@sanjoseca.gov](mailto:Luisa.Cantu@sanjoseca.gov)

**Para residentes que hablan español:** Si desea mas información, favor de llamar a Luisa Cantu al 408-975-4475.

**Tiếng Việt:** Xin vui lòng liên lạc Janie Le tại 408-975-4462.

**對於說華語的居民:** 請電 408-975-4450 向 Ann Tu 詢問詳細事宜。

**HOUSING & COMMUNITY DEVELOPMENT COMMISSION**

**MEETING ACTION MINUTES**

**October 13, 2022**

- MEMBERS PRESENT:** Martha O’Connell Commissioner (MR)  
 Ryan Jasinsky Commissioner (ML)  
 Roma Dawson Vice Chair (D1)  
 Alex Shoor Chair (D2)  
 Barry Del Buono Commissioner (D3)  
 Linh Vong Commissioner (D4)  
 Ruben Navarro Commissioner (D5)  
 Andrea Wheeler Commissioner (D6)  
 Victoria Partida Commissioner (D7)  
 Huy Tran Commissioner (D8)
- MEMBERS ABSENT:** Roberta Moore Commissioner (D10)  
 VACANT Commissioner (D9)  
 VACANT Mayor (CW)  
 VACANT Lived Experience (CW)
- STAFF PRESENT:** Kristen Clements Secretary, Housing Department  
 Luisa Cantu Assistant Secretary, Housing Department  
 Josh Ishimatsu Senior Development Officer  
 Ruth Cueto Planner IV  
 Elizabeth Guzman Senior Development Officer

- (I) Call to Order & Orders of the Day**  
 A. Chair Shoor called the meeting to order at 5:45 p.m. and reviewed logistics for Zoom meetings
- (II) Introductions** – Commissioners and staff introduced themselves.
- (III) Consent Calendar**  
 A. **Minutes for the Regular Meeting of September 8, 2022**  
 ACTION: Approve the September 8, 2022 action minutes.

**Commissioner Wheeler made the motion to approve the minutes for the meeting of September 8, 2022, with a second by Vice Chair Dawson. The motion passed 10-0.**

Yes	O’Connell, Jasinsky, Dawson, Shoor, Del Buono, Vong, Navarro, Wheeler, Partida, Tran (10)
No	None (0)
Absent	Moore (1)

**(IV) Reports and Information Only**

- A. Chair:** Chair Shoor reviewed logistics and guidelines for participation.
- B. Director:** Ms. Kristen Clements reported to the Commission that a successful open house had been held for the new Lived Experience with homelessness seat for the Housing & Community Development Commission. Ms. Clements stated that staff will continue to monitor applications for all three open Commission seats (Lived Experience, D9 and Citywide), with hopes that appointments for these plus the new Mobilehome Resident seat appointment would all go to the City Council in mid-December and be in place starting in January.
- C. Council Liaison:** Absent (no report).

**(V) Open Forum**

**(VI) Old Business**

**(VII) New Business**

**A. Study Session on the Draft 2023-2031 Housing Element  
(K. Clements, Housing Development)**

**ACTION:** Hold a study session on the Draft 2023-2031 Housing Element and give feedback to staff on draft Chapter 3, Housing Goals and Strategies.

**Commissioners asked clarifying questions and gave feedback to staff. No motions were made.**

**(VIII) Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Commission.*

**(IX) Meeting Schedule**

The next Regular Meeting for the Commission is scheduled to be held on **Thursday, November 10, 2022, at 5:45 p.m. online**. Items expected to be heard are (*updated*):

- Measure E Annual Report
- Housing Crisis Workplan Update
- Commissioner-initiated Presentation on Homeless Encampment Locations

(X) Adjournment

Chair Shoor adjourned the meeting at 9:32 p.m.

DRAFT





# Memorandum

**TO:** HOUSING & COMMUNITY  
DEVELOPMENT COMMISSION AS  
MEASURE E OVERSIGHT COMMITTEE

**FROM:** Rachel VanderVeen

**SUBJECT:** SEE BELOW

**DATE:** November 3, 2022

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Approved

Date

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**SUBJECT: MEASURE E TRANSFER TAX ANNUAL REPORT FOR FISCAL YEAR 2021-2022**

## **RECOMMENDATION**

Review the Measure E Transfer Tax Annual Report for Fiscal Year 2021-2022 and provide possible recommendations.

## **OUTCOME**

This Measure E Transfer Tax (“Measure E”) Annual Report provides the Housing and Community Development Commission with information on the Measure E funds collected and expended in Fiscal Year 2021-2022. Commissioners will be updated on the City Council-approved uses of Measure E.

## **BACKGROUND**

On March 3, 2020, San José voters approved Measure E which established a transfer tax on real estate transactions where the purchase price exceeds \$2 million. In June 2020, the City Council amended City Council Policy 1-18 to include a new Section 22 that specifies the spending priorities and percentage allocations for Measure E revenue, along with a process for amending the priorities. On April 19, 2022, the City Council adopted amendments to the spending priorities for Measure E revenues under Council Policy 1-18 (**Attachment A**).

On June 23, 2020, the City Council designated the Housing and Community Development Commission (“the Commission”) as the Oversight Committee for the City’s Measure E spending. The Commission assumed the following responsibilities as the Oversight Committee:

- a. Review and provide comments to be transmitted to the City Council of the annual spending plan of the Transfer Tax revenues as set forth in Council Policy 1-18;
- b. Review and provide comments to be transmitted to the City Council of any proposed amendments to the annual Spending Plan of the Transfer Tax revenues so that the Plan comports with Council-approved priorities and requirements under Measure E; and
- c. Review the expenditure of the Transfer Tax revenues for the prior fiscal year.

For Fiscal Year (“FY”) 2021-2022, the Measure E expenditure total allocated was \$110,000,000, as shown in **Table 1** below. Revenue generated by Measure E in FY 2021-2022 was disproportionately impacted by large commercial real estate transactions – for example, a property known as “HQ @ First” was sold for \$535 million in August 2021 and generated over \$8 million in Measure E real property transfer taxes.

**Table 1: Measure E Transfer Tax Spending Priorities, Budget and Funds Collected**

Spending Priority	% of Funds	Approved Spending Plan	Amount of Funds Allocated in FY 2021-2022
Administration (below percentage allocations are applied after the Administration cost is allocated)	5%	\$ 2,000,000	\$ 2,000,000
Creation of New Affordable Housing for Extremely Low-Income Households	40%	\$ 35,200,000	\$ 43,200,000
Creation of New Affordable Housing for Low-Income Households	30%	\$ 26,400,000	\$ 32,400,000
Creation of New Affordable Housing for Moderate-Income Households	5%	\$ 4,400,000	\$ 5,400,000
Homelessness Prevention and Rental Assistance	10%	\$ 8,800,000	\$ 10,800,000
Homeless Support Programs Including Shelter Construction and Operations	15%	\$ 13,200,000	\$ 16,200,000
<b>Total</b>		<b>\$ 90,000,000</b>	<b>\$ 110,000,000</b>

This memorandum serves as the Annual Report of expenditures of the Transfer Tax revenues for FY 2021-2022. This Annual Report is presented annually to the Commission as Measure E Oversight Committee but does not get reported to the City Council.

**ANALYSIS**

This memorandum provides a report on the expenditures of Measure E funds and associated outcomes in FY 2021-2022. It also provides an update on the strategy to spend these funds in FY 2022-2023.

**More than \$7 million spent in FY 2021-2022**

Last fiscal year, Measure E funds were spent on uses in the following approved spending categories: Homelessness Prevention and Rental Assistance, and Administration.

**Table 2** below summarizes the Measure E fund expenditures that occurred last fiscal year, and the outcomes from the expenditures.

**Table 2: Measure E Expenditures and Outcomes, FY 2021-2022**

<b>Expenditure Category</b>	<b>Use</b>	<b>Outcome</b>	<b>Spent in FY 2021-2022</b>
<b>Homelessness Prevention and Rental Assistance</b>	Homeless student housing - Bill Wilson Center	56 homeless students housed	\$62,652 (\$1,117 per student)
	Homelessness prevention - Destination: Home	928 households served	\$6,161,737 (\$6,307 per household)
	Homelessness prevention – Destination: Home - for victims of domestic violence.	49 households served	
<b>Administration</b>	Funding Underwriting for two new developments, creation and review of a Request for Proposals of six City-owned sites	Commitment for 160 affordable homes and review of applications resulting in the City entering into exclusive negotiation agreements that may result in up to 562 affordable homes	\$1,007,037
<b>Total</b>			<b>\$7,231,426</b>

Following is additional information on expenditures and outcomes from last fiscal year.

**Homelessness Prevention and Rental Assistance**

*Homeless Student Housing:* In FY 2020-2021, the City entered into a contract with the Bill Wilson Center to provide interim housing for homeless students. The contract utilizes an

agreement with Air BnB to house students. Under this contract, 56 eligible students were processed through this program and 85% obtained housing within one week of referral during FY 2021-2022. The goal for next fiscal year is to house 48 students.

*Homeless Prevention:* The Housing Department executed a contract with Destination: Home for \$3,800,000 for the Homelessness Prevention System. The agreement increases funding to support families at risk of homelessness to remain stably housed by providing supportive services and financial assistance. Support includes rental assistance, move-in costs or rental arrears, housing search, employment and benefits assistance, landlord mediation/dispute resolution, and information regarding tenant rights. The program is extremely effective, with 98% of households remaining stably housed 12 months after receiving assistance. In FY 2021-2022, 977 households, 49 of these households being survivors of domestic violence or sexual assault, were served under this program.

## **Administration**

Administration funds were used to support the Measure E program in three ways.

*Underwriting:* These funds were used to pay for staff time spent on underwriting feasibility analysis and the City Council approval request for The Charles and Alum Rock Multifamily developments. These Measure E-funded projects will provide 160 new affordable housing units in San José once constructed. (More information about these forthcoming developments is in the next section of this memorandum.)

*Request for Proposal on City-owned Sites:* Administration funds paid for staff time to create and evaluate the results of a Request for Proposal for several City-owned sites. The Request for Proposal for affordable housing development on six City-owned sites was published in December 2021. Of the 10 applicants, four developers were chosen to develop these sites proposing 554 affordable rental units, 8 affordable for-sale, and 200 market-rate units. The request for the Housing Director to negotiate and execute exclusive negotiating agreements (“ENA”) for these developments was <sup>1</sup>~~(OBI)~~. These agreements will include specific requirements for each site as well as milestones and timelines for the developers to meet. Expected next steps that the developers must complete, as outlined in the ENAs, include obtaining land use entitlements and financing for the construction of their developments. An ENA is an agreement to negotiate only with a specific developer regarding the development of the site which is to include affordable rental units at each location. An ENA also grants a right of entry to be used while the developer pursues entitlements on the site. Once the sites are entitled and the environmental reviews are complete, staff will return to the City Council for additional approvals regarding funding for these developments.

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<sup>1</sup> Council Memorandum Exclusive Negotiation Agreements For Affordable Housing Developments On City Owned Sites: <https://sanjose.legistar.com/View.ashx?M=F&ID=11246498&GUID=106B8FDD-28C8-4769-BDAB-5B733F75A414>

*Administration of Measure E:* Administration funds paid for staff time to produce the Measure E Spending Plan for FY 2021-2022, amendments to the Measure E Spending Plan presented to City Council on April 19, 2022, conducting Request for Proposals to execute predevelopment agreements for services such as environmental review, appraisals and financial consultants, and preparing this Measure E Annual Report for FY 2021-2022.

### **Measure E Funds available for future investment**

All remaining funds from FY 2020-2021 were rolled over into the spending categories for FY 2021-2022. In FY 2021-2022, \$7.2 million were spent and \$2.1 million were encumbered, leaving a balance of \$150.9 million of Measure E funding available to be spent and encumbered for qualified uses in FY 2022-2023. This amount reflects uncommitted revenue collected in FY 2020-2021 and FY 2021-2022.

### **Measure E Funding Commitments in FY 2021-2022**

The City has made commitments of future Measure E funds totaling \$41,770,671. While commitments of funding do not count towards the annual expenditure guidelines for the current year, major commitments of Measure E funds are provided as additional context for expenditures that will be apparent in future fiscal years.

### ***New Construction of Affordable Housing Commitments***

The Department released a \$150 million Notice of Funding Availability (“NOFA”) for new affordable housing development in December of 2021. The NOFA prioritized affordable multifamily rental housing developments that will provide housing for extremely low-, very low-, and low-income individuals and families, with 45% of the funding prioritized for extremely low-income housing. In response to the NOFA, the City received 19 applications from 12 developers. The Housing department recommended 11 developments with all projects anticipating construction starting by FY 2023-2024.

It takes multiple years for affordable housing developments to obtain City and other funding commitments, close construction, and finally disburse committed construction funds. On June 21, 2022,<sup>2</sup> the City Council approved loan commitments for four projects, two of which were funded with Measure E in a total commitment amount of \$17,175,885. These funds are anticipated to be drawn down starting in spring 2023.

- **Funding Commitment to The Charles Affordable Housing Development** – The City Council made a \$9,675,885 funding commitment to The Charles affordable housing development. This proposed development will provide 99 affordable apartments, 49

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<sup>2</sup> Council Memorandum Actions Related to The Loan Commitments For Four New Affordable Housing Developments: <https://sanjose.legistar.com/View.ashx?M=F&ID=10978248&GUID=B37644CB-2583-460F-8D60-19DF9DC8FED6>

apartments will be reserved for Rapid Rehousing (“RRH”) households. The development aims to support large families and includes 30 studios, 18 one-bedroom units, 23 two-bedroom units, and 26 three-bedroom units. 49 units will serve extremely low-income (“ELI”) households and 48 units will serve very low-income (“VLI”) households. The development will also contain two managers’ units. The City’s Measure E funding commitment utilized \$4,887,818 from the allocation for the creation of new affordable housing for extremely low-income households, and \$4,778,067 from the allocation for the creation of new affordable housing for low-income households. Together, the City’s per unit investment was \$97,736. Disbursement of these committed funds is expected shortly after construction closing, estimated to occur in April 2023. Construction is scheduled to complete in January 2025.

- **Funding Commitment to the 1860 Alum Rock Affordable Housing Development** – The City Council made a \$7,500,000 funding commitment to the Alum Rock Multifamily affordable housing development. This proposed development will provide 60 affordable apartments with 30 apartments reserved for RRH households. The development will support households at a range of sizes including large families. It will offer 10 studios, 19 one-bedroom units, 16 two-bedroom units (including one unrestricted manager’s unit), and 15 three-bedroom units. 30 units will serve ELI households and 29 units will serve VLI households. The City’s Measure E funding commitment utilized \$3,816,559 from the ‘Creation of new affordable housing for Extremely Low-income households’ allocation and \$3,686,441 from the allocation for ‘Creation of new affordable housing for Low-income households representing a \$124,188 per unit investment. The disbursements of these committed funds are expected to occur after construction closing, estimated to be March 2023. Construction is scheduled to start in April 2023 and complete in November 2025.

### *Project HomeKey Commitments*

On September 9, 2021, the California Department of Housing and Community Development (“HCD”), released its NOFA to announce the availability of approximately \$1.45 billion of Homekey grant funding through the Round 2 NOFA. This program is a significant investment and continues a statewide effort to sustain, and rapidly expand, permanent and interim housing by the acquisition of hotels for persons experiencing homelessness or who are at risk of homelessness, and who are inherently impacted by, or are at increased risk for, medical conditions due to the COVID-19 pandemic.

- **Arena Hotel** – At its June 21, 2022<sup>3</sup> meeting, City Council authorized the Department to accept \$25 million in Project HomeKey 2.0 funds from HCD, enter a purchase and sale agreement for the Arena Hotel located at 817 The Alameda, and commit \$20,857,436 in Measure E funds for the acquisition, rehabilitation, and operation of this property. The initial goal of the property is to provide immediate interim housing with services to 89

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<sup>3</sup> Council Memorandum Actions Related to The Project Homekey 2.0 Funds For The Arena Hotel Located At 817 The Alameda: <https://sanjose.legistar.com/View.ashx?M=F&ID=10978247&GUID=666775F0-9C1C-4AB1-82A4-35C7715C0C2A>

individuals or families experiencing homelessness or who are at high risk of becoming homeless. In the long-term, the City and Developer, Urban Housing Communities, will work together to convert the Arena Hotel to provide permanent supportive housing opportunities to individuals and families experiencing homelessness, or are at high risk of becoming homeless, either by adding additional units to the existing structure or by redeveloping the site.

- **Pavilion Inn** – At its September 20, 2022<sup>4</sup> meeting, the City Council granted the authority to the Director of Housing to enter into a construction grant agreement with Jamboree Housing for the rehabilitation of the Pavilion Inn located at 1280 North 4<sup>th</sup> Street. \$576,283 in Measure E funds was committed to Jamboree to assemble financing to convert the existing hotel to provide supportive housing to transitional aged youth. The Pavilion Inn project will provide 42 homes (30 studio and 12 one-bedroom units) for ELI households, plus one unrestricted manager’s unit. As the funding sources are secured, construction is expected to start in the third quarter of 2022 and complete in summer 2023.

### ***Other Significant Commitments***

- **Grant Funding to the African American Cultural Center** – The Mayor’s June Budget Message<sup>5</sup> presented to the City Council on June 7, 2022, directed the Council to approve the City Manager’s Proposed Budget incorporating the direction within the memorandum. The Mayor recommended allocating \$560,000 in Measure E funds from the ‘Creation of new affordable housing for ELI households’ allocation. Several African American community members have long sought to build a center that would serve, convene, and honor the City’s Black community. A new partnership with Momentum for Health—which has generously offered the use of their site for development—and Regina Celestin Williams, Executive Director of Silicon Valley @ Home, provides a promising fresh start. The revised mixed-use concept will include hundreds of affordable housing units, along with community-serving convening space, retail, and office for the provision of services by the African American Community Services Agency, Roots Clinic, and Ujima Family Services.
- **Tenant Improvements for Non-Profit Partners in Affordable Housing Development** – Via a Delegation of Authority dated January 27, 2022, the Housing Department increased the commitment for the construction/permanent loan for the Quetzal Gardens Apartments by \$2,601,067 sourced from Measure E funds. Quetzal Gardens is a 71-unit

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<sup>4</sup> Council Memorandum Grant Agreement with Jamboree Housing Corporation for the Rehabilitation of The Pavilion Inn Project: <https://sanjose.legistar.com/View.ashx?M=F&ID=11236193&GUID=66FD700B-7F39-4160-8D9F-8C4BD58A12E7>

<sup>5</sup> Council Memorandum June Budget Message for Fiscal Year 2022-2023: <https://sanjose.legistar.com/View.ashx?M=F&ID=10968564&GUID=2EEAF73C-A605-4886-B54A-7D769F2CB318>

development located at 1695 Alum Rock Avenue. 47 apartments are restricted to ELI households, and 23 are restricted to LI households with one unrestricted managers' unit. 28 of the units are reserved for permanent supportive housing units for the chronically homeless. The increase was utilized for tenant improvements of the 7,000 square feet of commercial space that occupies the first floor of the development. The full buildout would be all the interior finishes, building out the office spaces, drywall, and bathrooms. The tenants of this space include SOMOS Mayfair, a non-profit organization that provides leadership training, family resources and economic development programing, and Excite Credit Union, a not-for-profit lender that focuses on providing financial services, financial literacy, and lending to underserved communities. Excite's space also houses a small business incubator sponsored by the Latino Business Foundation. These improvements have been completed and the property hosted its grand opening on June 29, 2022. These funds are expected to be expended as the development converts to permanent financing by December 2022.

### **On the Horizon**

The Department continues to make strides to expend Measure E funds in the approved categories to increase affordable housing opportunities across the City of San José and to prevent homelessness. The following projects represent \$74 million the Department intends to commit Measure E funds to during FY 2022-2023 and beyond.

- \$28 million to create new affordable rental housing
- \$25 million to be made available for a small site Acquisition/Rehabilitation NOFA
- \$10 million reserved to assist in land acquisition for future affordable housing locations
- \$8 million reserved for homeless prevention
- \$3 million to be invested in tenant improvements for non-profit partners in affordable housing developments.

The FY 2022-2023 Adopted Budget includes an estimate of \$65 million in Measure E revenues. However, due to the high volatility of the real estate industry, projected revenue for FY 2022-2023 is currently tracking to underperform this estimate at approximately \$50 million. Future year projections are anticipated to be significantly lower than the unprecedented revenue of FY 2021-2022. The Commission will review the upcoming spending plan for FY 2023-2024 in spring 2023.

### **CONCLUSION**

The Commission's review of this Measure E Annual Report should enable commissioners to confirm that Measure E's expenditures and reporting requirements were met for FY 2021-2022.



### **EVALUATION AND FOLLOW-UP**

In its role as the Oversight Committee for Measure E funds, the Commission will review this Measure E Annual Report after the end of each fiscal year to ensure the source's uses were consistent with the approved Spending Plan. Each spring, the Commission will review the Measure E Spending Plan for the following fiscal year, prior to the City Council's consideration of the annual City budget. This report does not go to City Council.

### **PUBLIC OUTREACH**

This report will be posted to the City's website for the Housing and Community Development Commission meeting on November 10, 2022.

### **COMMISSION RECOMMENDATION/INPUT**

The Commission's acceptance of this report will conclude the reporting activities for FY 2021-2022. Recommendations from the Commission will be considered for incorporation into the Spending Plan for FY 2023-2024.

/s/  
RACHEL VANDERVEEN  
Deputy Director, Housing

The principal authors of this memorandum are Shelsy Bass, Senior Development Officer and Tascha Mattos, Development Officer. For questions, please contact Rachel VanderVeen, Deputy Director, at [Rachel.VanderVeen@SanJoseCA.gov](mailto:Rachel.VanderVeen@SanJoseCA.gov) or (408) 535-8231.

**Attachment A:** City Council Policy 1-18, Operating Budget and Capital Improvement Program Policy (revised April 19, 2022)

*City of San José, California*

**COUNCIL POLICY**

<b>TITLE</b>	<b>OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM POLICY</b>	<b>PAGE</b>	1 of 15	<b>POLICY NUMBER</b>	1-18
<b>EFFECTIVE DATE</b>	October 24, 2004	<b>REVISED DATE</b>	April 19, 2022		
<b>APPROVED BY COUNCIL ACTION</b> Revised 3/20/2007; 10/21/2008, Item 3.4(c), Res. No. 74627; 10/20/2009, Item 3.4(c), Res. No. 75134; 12/15/2009, Item 2.15(a), Res. No. 75229; 06/17/2010, Item 3.13(f), Res. No. 75444; 06/11/2013, Item 3.9(c), Res. No. 76664; 06/10/2014, Item 3.6(e), Res. No. 77021; 12/16/2014, Item 2.21, Res. No. 77252; 06/09/2015, Item 3.8(c), Res. No. 77383; 06/11/2019, Item 3.7(c), Res. No. 79139; 09/10/2019, Item 3.4(c), Res. No. 79230; 06/16/2020, Item 3.5(c), Res. No. 79581; 06/15/2021, Item 3.8(d), Res. No. 80094; 04/19/2022, Item 8.2(b), Res. No. 80472.					

**PURPOSE**

It is the purpose of this policy to set forth the guiding principles for the preparation and administration of the Operating Budget and Capital Improvement Program. This policy also includes the guiding principles on General Fund budget reserves and the ending fund balance in order to maintain our current level of budget performance, subject to the requirements of the San José City Charter and the San José Municipal Code. This Policy provides for general guiding principles and is not intended to supersede specific policies and procedures adopted by the City Council.

**POLICY**

The Operating and Capital Budgets and the Capital Improvement Program are prepared and administered in accordance with several sources of policy direction.

1. The City Charter requires that the budgets be balanced, include a complete financial plan for all City funds, and meet certain legal deadlines for submittal.
2. The City Council has established budget policies. These policies include guidelines, standards, and requirements for preparation and monitoring of both the Operating and Capital Budgets. The complete text of the adopted budget policies follows.
3. The budgets are developed in accordance with the Mayor's budget priorities and direction as approved by the City Council in March and June of each year.
4. Recommendations of special studies by Council-appointed task forces, boards, commissions, and committees may be considered upon the direction of the City Council.
5. Public input is considered throughout the process, with scheduled public hearings at key Council decision points.



# Memorandum

**TO:** HOUSING AND COMMUNITY  
DEVELOPMENT COMMISSION

**FROM:** Jacky Morales-Ferrand

**SUBJECT: HOUSING CRISIS WORK PLAN  
UPDATE**

**DATE:** November 3, 2022

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Approved

Date

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## **RECOMMENDATION**

Review the final status report on implementation of the Housing Crisis Work Plan and the transition to a newly-established Housing Catalyst Team Work Plan aligned with the timeline and goals of the Housing Element, and make possible recommendations to staff or the City Council.

## **OUTCOME**

The Housing and Community Development Commission (Commission) will be updated on the progress made toward addressing the housing production and policy items outlined in the Housing Crisis Work Plan.

## **BACKGROUND**

On September 28, 2017, Mayor Sam Liccardo issued a memorandum entitled “Responding to the Housing Crisis.” The memorandum identified a number of items to address the housing crisis. Many items from this initial proposal were prioritized at the October 17, 2017, Council Priority Setting Session. On June 12, 2018, staff first brought forward a Housing Crisis Work Plan (work plan), which proposed strategies and policy actions to enable the facilitation of 25,000 new housing units by 2023 that included 15,000 market-rate units and 10,000 affordable units.

Since 2018, staff has provided biannual work plan updates in the spring and fall to the Community and Economic Development (CED) Committee and the City Council. Whenever possible, staff also presents these updates to the Commission. These updates provide housing production reports that show progress made toward the City’s goal of 25,000 new housing units as well as status reports on work plan items.

On May 12, 2022, the Commission last received an update on the work plan, followed by staff's update on May 23, 2022 to the CED Committee. This report included an update on the implementation of the Commercial Linkage Fee; recommended changes related to commercial space requirements for affordable housing developments; and consideration of underutilized business corridors to allow the integration of housing. Staff also provided an assessment of the impact of completed items, and a prioritization of future work items based on this assessment.

## ANALYSIS

### *Housing Crisis Work Plan Completed Items and Final Production Report*

Numerous items on the Housing Crisis work plan are complete and have opened new opportunities for both market-rate and affordable housing development across the city. Additionally, the exercise of compiling the work plan itself has been useful to organize and align the work being done across the City's departments. It also provided an opportunity for regular updates to City Council and the public on all the individual policy work related to housing production. The dynamic nature of the work plan has allowed staff to evaluate items over time. Items are removed if no longer relevant and other items are added as new priorities emerge. This dynamic nature has greatly contributed to its value to staff, City Council, and the public.

All current and completed work plan items are detailed in **Attachment A (Housing Crisis Work Plan)** of this memorandum. At the time of this final report, over 20 work items have been completed and additional work has been done associated with ongoing work items. The completed work has facilitated new housing production through a variety of approaches, including making new residential capacity available in Urban Villages, reducing fees on affordable housing, and improving or streamlining approval processes for new housing.

Since its inception, the work plan has contained an evolving list of strategies and policy work intended to encourage housing production, or in some cases to preserve existing affordable units, with the overall goal of delivering 25,000 new housing units by 2023, with 15,000 market-rate and 10,000 affordable. The City is currently approaching the end of the timeline to achieve the goal of 25,000 housing units. Based on the latest production report detailed in **Attachment B (Housing Production Report)**, the City has met its goal for market-rate units with over 15,000 units with planning approval, under construction, or completed. Although the 15,000 market-rate unit goal was met, the City will continue to complete further policy work to encourage the production of market-rate and affordable housing entering 2023.

Implementation of the work plan is managed through the *Housing Catalyst Team*. The team meets biweekly and is composed of staff from the Office of Economic Development and Cultural Affairs, Business and Economic Development Team; Planning, Building, and Code Enforcement's Citywide Planning Division; the Housing Department's Policy and Planning and Residential Development Divisions; and Parks, Recreation, and Neighborhood Services' Strategic Planning Team. The creation of the interdepartmental Housing Catalyst Team has led

to greater collaboration and a way to pool knowledge and resources around individual issues. Staff recommends that the interdepartmental team approach and unified work plan are important elements that should continue.

### ***Transition from the Housing Crisis Work Plan to the Housing Catalyst Team Work Plan***

Staff proposes that the current work items from the Housing Crisis Work Plan be transitioned to a new *Housing Catalyst Team Work Plan* starting in January 2023. The new *Housing Catalyst Team Work Plan* would be aligned with the City's updated Housing Element. Strategies and policies identified within the Housing Element will be included in the *Housing Catalyst Team Work Plan* as work on those items are initiated. The new *Housing Catalyst Team Work Plan* would also serve as a place to identify additional policies and strategies not included in the Housing Element or that may emerge in the future. Staff will provide an annual report to the Commission, CED Committee, and the City Council on the Housing Element and the *Housing Catalyst Team Work Plan*. As a part of the annual update, the team will report on progress made toward the City's Regional Housing Needs Allocation. The City's Regional Housing Needs Allocation identifies the number of housing units needed across all income levels in the City for an eight-year period. The next eight-year cycle begins in 2023. The City's Regional Housing Needs Allocation will serve as the new unit goal for housing production related to the *Housing Catalyst Team Work Plan*. The team will establish the *Housing Catalyst Team Work Plan* in calendar year 2023. As part of its development, the team will undertake a new prioritization of the work items at that time. The prioritization of work plan items will be focused on the level of staff effort required to complete the work compared to the estimated impact of the policy change or program.

### ***Cost of Development Context***

The updated report on the Cost of Residential Development<sup>1</sup> presented to City Council on November 1, 2022 shows that the cost of construction remains a significant barrier to the construction of new housing. Unlike reports in previous years, no scenarios assessed were feasible under current market conditions. The report's results are confirmed by the low number of new multifamily developments starting construction in San José since 2020. The results of this analysis are significant because they show that site availability and the City's land use framework are not the primary impediments to new construction. Rather, the most significant impediment is the cost of construction. This is also in the number of units that have received planning approval but have not moved yet to construction.

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<sup>1</sup> Cost of Development Report: <https://www.sjeconomy.com/how-we-help/programs-and-services/city-of-san-jose-housing-development-initiatives/cost-of-residential-development-report>

### *Cost of Affordable Housing Development and Increase to City Subsidy*

In June 2018, the City Council approved the current Affordable Housing Investment Plan,<sup>2</sup> which included a cap on the per unit funding amount for affordable housing at \$125,000 per unit. This limit was established to clearly define the City's contribution to affordable housing developers and to spread funding across a larger number of affordable homes. In August 2018, City Council adopted the Underwriting Guidelines<sup>3</sup> (Resolution No. 78761) setting standards for funding affordable housing developments, which included the construction and permanent per unit funding amount of \$125,000. For over four years, the Housing Department has used this guideline to determine the amount of construction and permanent funding invested in affordable housing developments.

On November 1, 2022, staff presented to City Council a study conducted by Century | Urban which highlighted the recent impact of market conditions on the cost and feasibility of constructing affordable housing. The report emphasized several factors that have had a significant effect on affordable housing development costs as well as funding needs:

- i. Total development costs increased by approximately 6% year-over-year in 2020 and also in 2021.
- ii. San José development costs are approximately 17% higher than those in other cities. Developments with a higher percentage of extremely low-income homes have a higher development cost.
- iii. Financing costs increased by approximately 7% in 2020 and 2021 for San José developments. Developments in this area averaged approximately six funding sources per project and therefore added costs due to extended financing timelines.

Development costs continued to increase further in 2022, which has had material consequences for the supply of new affordable housing as increased public subsidies are needed to fund higher development costs. In June 2022, staff obtained City Council approval for four development subsidy awards totaling \$53,050,885 in City funding commitments. In early 2023, staff anticipates recommending three more Notice of Funding Availability awarded developments for funding commitments to the City Council. These developments have on average requested 21% more funding than in their original December 2021 Notice of Funding Availability applications due to the impact of the factors mentioned above.

At the same time, the County of Santa Clara has depleted the Measure A funds allocated for investment in the development of new affordable housing in San José. Since the passage of Measure A in November 2016, the County of Santa Clara has invested over \$520 million to fund more than 4,000 new housing units throughout the county, with the majority located in San José. In many of the affordable housing developments funded by the City over the past four years, the

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<sup>2</sup> <https://sanjose.legistar.com/LegislationDetail.aspx?ID=3514660&GUID=626965A7-2F4B-4F88-A328-EFC2A387EAF3&Options=&Search=>

County of Santa Clara has also provided funding. For Measure A developments, the County of Santa Clara held a goal of averaging \$200,000 per unit for their subsidy. This means that each development received up to \$325,000 per unit from the City and County contributions combined. Over the last few months, County of Santa Clara staff has met with the Housing Department and affordable housing developers to clarify its Measure A funding is depleted and is only available in small portions for new developments. Because of increased costs and depleted Measure A funds, per unit construction and permanent funding requests have increased. In response to these increasing funding requests, Housing Department staff will recommend to the City Council that it approval an update to its [City Council approved March 2021 Multi-Family Underwriting Guidelines](#) Sections 4.3 and 4.4 to increase the per unit funding for the construction and permanent loans from \$125,000 to \$320,000 per unit in order to provide support to developments in need of additional subsidy gap financing. See **Table A** for breakdown of requests.

**Table A - Total Funding Commitments and Development Costs in 2022**

Project Name	City Initial NOFA Loan (dd. 12/2021)	City Loan Request	% Increase in Funding Request	Total No. of Units	Per Unit Allocation	Total Dev Cost	Cost/Unit
Tamien Station	\$ 14,125,000	\$ 16,750,000	19%	135	\$ 124,074	\$ 118,898,418	\$ 880,729
The Charles	\$ 9,675,885	\$ 9,675,885	0%	99	\$ 97,736	\$ 84,921,550	\$ 857,793
1860 Alum Rock	\$ 7,500,000	\$ 7,500,000	0%	60	\$ 125,000	\$ 48,399,504	\$ 806,658
777 W. San Carlos	\$ 19,125,000	\$ 19,125,000	0%	154	\$ 124,188	\$ 137,877,137	\$ 895,306
797 S. Almaden	\$ 12,250,000	\$ 21,240,000	73%	99	\$ 214,545	\$ 96,813,708	\$ 977,916
Parkmoor Community Apartments	\$ 9,875,000	\$ 10,175,000	3%	81	\$ 125,617	\$ 57,303,815	\$ 707,455
Dry Creek Crossing	\$ 9,450,000	\$ 14,650,000	55%	64	\$ 228,906	\$ 53,986,800	\$ 843,544
<b>Total</b>	<b>\$ 82,000,885</b>	<b>\$ 99,115,885</b>	<b>21%</b>	<b>692</b>			
<b>Average</b>	<b>\$ 11,714,412</b>	<b>\$ 14,159,412</b>			<b>\$ 148,581</b>	<b>\$ 85,457,276</b>	<b>\$ 852,772</b>

The recommended change to the funding amount per unit to \$325,000 will reduce the overall number of affordable homes funded by the City over time. For example, in prior Notice of Funding Availability rounds, \$100 million was able to fund nearly 1,000 new affordable apartments. With the proposed change, the number of units funded by \$100 million will be reduced to 300-400 (not all developments utilize the full amount per unit). At the same time, working with one gap funder, rather than both the City and the County, may streamline the financing process resulting in faster development while making larger investments. The cost of time and resources for developers to secure multiple funding sources will be reduced by this policy change. In the coming months, the Housing Department will analyze the impacts of larger subsidies on the pipeline of affordable housing and available sources of funding. An updated Affordable Housing Investment Plan will be brought forward for City Council consideration to strategically determine the investment of limited resources in much-needed affordable housing.

### *Updates on Continued Work Plan Items*

**Attachment A** contains the entire Housing Crisis Work Plan with status updates. More detailed updates on selected items are provided below.

#### *Update on the Housing Element*

The City's Planning Division and Housing Department are leading the work on the Draft Housing Element update for the 2023-2031 cycle. The Draft Housing Element<sup>4</sup> was submitted to the State's Housing and Community Development Department (HCD) on September 16, 2022, commencing HCD's 90-day review period. A written response from HCD is expected in mid-December of this year. The City held the required 30-day public review period of the draft Housing Element prior to sending it to HCD. It is now conducting a second 90-day public review period while HCD reviews the draft, during which time members of the public can provide feedback on the posted second draft document.

On October 13, 2022, Housing Department staff held the first study session with the Commission on proposed programs and policies to be included in the document. Housing Department staff expects to hold its second study session for the Commission on November 15, 2022, and one final study session before the end of 2022 to complete its review. Staff from the Planning Division plans to hold a study session for the Planning Commission on November 16, 2022. The final draft Housing Element is expected to go to Commissions and then City Council for adoption in spring 2023.

#### **Amend the Zoning Ordinance to Allow for 100% Affordable through a Site Development Permit**

Staff will bring forward updates to the Zoning Ordinance to allow 100% affordable mixed-use projects in the Commercial Pedestrian and Commercial Neighborhood Zoning districts in Urban Villages with a Site Development Permit—which is less costly and more streamlined—than the current Special Use/Conditional Use Permit requirement. Parks, Recreation, and Neighborhood Services staff has begun to develop a schedule to complete this work, with a hearing targeted for spring 2023.

#### **Explore Temporary Suspension of Construction Taxes for Affordable Housing**

At the March 8, 2022 City Council meeting, staff provided an overview of outreach conducted to affordable housing developers and summarized governmental and non-governmental barriers described by developers during that process. Based on that feedback, City Council approved the staff recommendation to explore a temporary suspension of residential construction taxes. Staff plans to return with an analysis of the forecasted tax revenue over the next five years and provide

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<sup>4</sup> See [www.sanjoseca.gov/housingelementupdate](http://www.sanjoseca.gov/housingelementupdate)



a recommendation to the City Council on the adoption of a temporary suspension of residential construction taxes for affordable rental housing in spring 2023.

## **CONCLUSION**

Since its adoption in 2018, the Housing Crisis Work Plan has resulted in the completion of over 20 individual work items intended to help facilitate affordable and market-rate housing production in the city. The goal of 15,000 market-rate units approved, under construction, or completed by 2023 was met. However, the continued challenges related to the cost of construction have presented problems for projects looking to initiate construction. The goal of 10,000 affordable units approved, under construction, or completed by the end of 2023 will not be met due to the inherent challenges in financing affordable housing and obtaining subsidies from state-administered sources.

Given the successes of the Housing Crisis Work Plan, staff recommends that the effort be transitioned to a new *Housing Catalyst Team Work Plan* to be brought forward in 2023 that will be closely aligned with the City's updated Housing Element.

## **EVALUATION AND FOLLOW-UP**

The acceptance of this report will mark the final report on the *Housing Crisis Work Plan*. The existing team will establish the *Housing Catalyst Team Work Plan* in calendar year 2023. Work in the plan will align with strategies outlined in the City's Housing Element. The Commission and the City Council will consider the final Housing Element in spring 2023 and will receive an annual report on the progress of implementing this plan in subsequent years.

## **PUBLIC OUTREACH**

This memorandum will be posted on the Commission's agenda website for the November 10, 2022 City Council meeting.

**COMMISSION RECOMMENDATION/INPUT**

The Commission's motions and feedback at its November 10, 2022 meeting, if any, will be reflected to the City Council for its hearing of this item on November 15, 2022 .

/s/

JACKY MORALES-FERRAND

Director, Housing

For questions, please contact Jerad Ferguson, Housing Catalyst, Office of Economic Development and Cultural Affairs, at (408) 535-8176 or [jerad.ferguson@sanjoseca.gov](mailto:jerad.ferguson@sanjoseca.gov); Rachel Vanderveen, Deputy Director, Housing Department, at (408) 535-8231 or [rachel.vanderveen@sanjosecagov](mailto:rachel.vanderveen@sanjosecagov); or Michael Brilliot, Deputy Director, Planning, Building and Code Enforcement, at (408) 535-7831 or [michael.brilliot@sanjoseca.gov](mailto:michael.brilliot@sanjoseca.gov).

**Attachments:**

Attachment A – Housing Crisis Work Plan

Attachment B – Housing Production Report

ATTACHMENT A

**Housing Crisis Work Plan**

<b><i>I. Work Items Completed</i></b>				
	<b>Item</b>	<b>Lead Department</b>	<b>Month Completed</b>	<b>Notes</b>
1.	Transition Traffic Analysis from LOS to VMT	DOT/PBCE	Feb 2018	
2.	Continue to implement Urban Villages: a. Implementation Framework: b. Prioritize Horizon II Light Rail Villages into Horizon I	PBCE/ OEDCA	May 2018 Dec 2018	
3.	Update the Accessory Dwelling Unit and Garage Conversion ordinance	PBCE	Jun 2018	
4.	Complete the Downtown Vision and EIR	PBCE	Dec 2018	
5.	Move-up Tri-Village Urban Villages to Horizon I	PBCE	Dec 2018	
6.	Engage CASA on regional housing production – CASA Compact Report	Housing	Jan 2019	<a href="https://mtc.ca.gov/sites/default/files/CASA_Compact.pdf">https://mtc.ca.gov/sites/default/files/CASA_Compact.pdf</a>
7.	Co-living Ordinance	PBCE	Feb 2019	
8.	Created a Cross-departmental Housing Catalyst Team and Established Biweekly Team Meetings	OEDCA /PBCE/ Housing/ PRNS	Nov 2019	
9.	New Housing Webpage	PBCE/ OEDCA / Housing	Aug 2020	Webpage: <a href="#">link</a>
10.	Explore Options for a Commercial Linkage Fee	CMO /OEDCA/ Housing	Sep 2020	

ATTACHMENT A

**Housing Crisis Work Plan**

<b><i>I. Work Items Completed</i></b>				
	<b>Item</b>	<b>Lead Department</b>	<b>Month Completed</b>	<b>Notes</b>
11.	Develop Anti-Displacement Strategy	Housing	Sep 2020	<a href="https://www.sanjoseca.gov/your-government/departments-offices/housing/resource-library/housing-policy-plans-and-reports/citywide-anti-displacement-strategy">https://www.sanjoseca.gov/your-government/departments-offices/housing/resource-library/housing-policy-plans-and-reports/citywide-anti-displacement-strategy</a>
12.	Explore Interim Housing Solutions on Caltrans Sites	Housing	Jun 2020	
13.	Refine General Plan Policy H-2.9 (the "1.5-acre rule")	PBCE/ Housing	Feb 2021	
14.	Updates to Inclusionary Housing Ordinance (IHO)	Housing	Feb 2021	<a href="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4793396&amp;GUID=2BE0B32F-2679-4073-9EBD-163E2D33E9FA&amp;Options=&amp;Search=">https://sanjose.legistar.com/LegislationDetail.aspx?ID=4793396&amp;GUID=2BE0B32F-2679-4073-9EBD-163E2D33E9FA&amp;Options=&amp;Search=</a>
15.	Parks Fee Credit for Moderate Income Housing satisfying IHO	PRNS	Mar 2021	Ordinance No. 30541 and Resolution No. 79913 adopted during 3/2/21 City Council meeting (expires January 1, 2026)
16.	Housing Land Acquisition Sites Database and Mapping Tool - "SJ Housing Site Explorer"	Public Works/ PBCE/ Housing/ OEDCA	Aug 2021	<a href="https://san-jose-housing-ca.tolemi.com/">https://san-jose-housing-ca.tolemi.com/</a>
17.	Explore changes to Commercial Space Requirements for Affordable Developments	OEDCA/ PBCE/ Housing	Dec 2021	
18.	Reimagine Underutilized Business Corridors to Allow for the Integration of Housing	PBCE	Dec 2021	
19.	Further implementation of Commercial Linkage Fee	Housing/ OEDCA	Mar 2022	
20.	Updated Downtown Residential High-rise Program	OEDCA/ Housing	Nov 2022	Staff will make recommendations to the City Council on the future of the Downtown Residential High-Rise Program at the November 15, 2022 City Council meeting.

ATTACHMENT A

**Housing Crisis Work Plan**

<i><b>I. Work Items Completed</b></i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Month Completed</b>	<b>Notes</b>
21.	Make Additional Residential Units Available in North San José	DOT/ OEDCA/ Planning/ Housing	May 2022	The City Council approved actions in May 2022 to effectively retire the North San José Area Development Policy. Further housing strategies for North San José are the subject of a City Council item at the November 15, 2022 City Council meeting and are included in the City’s second draft sixth cycle Housing Element.
22.	Establish Regular Coordination Meetings to Communicate Affordable Housing Timelines	OEDCA/ PBCE/ Housing	July 2022/ Ongoing	Regular meetings have been established between OEDCA, the Housing Department, the Building Division, the Public Works Department, and Fire Department to review projects in the process of obtaining construction permits and that will soon apply for tax credits. This process will be aided once the Affordable Housing Navigator position is hired in the Office of Economic Development and Cultural Affairs.
23.	Cost of Residential Development Study Update	OEDCA	November 2022/ Ongoing	An update report was completed in September 22, 2022, and a City Council Study Session held on November 1, 2022. A future update is planned in 2023. This item is included in the City’s second draft sixth cycle Housing Element.

ATTACHMENT A

Housing Crisis Work Plan

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	Housing Element Update	PBCE/ Housing/ OEDCA	Spring 2023	Staff submitted the second version of its Draft Housing Element to the State's Housing and Community Development Department (HCD) on September 16, 2022, commencing HCD's 90-day review period.
	Assessment of Fair Housing (AFH)	Housing	Spring 2023	AFH work has been integrated fully into the Housing Element (see above). The Housing Department plans to seek City Council approval of an AFH Plan at the same time as the Housing Element. This item was included in the second draft sixth cycle Housing Element submitted to HCD on September 16, 2022.
	Align Zoning with the General Plan	PBCE	Spring 2024	Five thousand rezonings, out of 13,000 total rezonings needed, will be completed by the end of 2022. This item is included in the second draft sixth cycle Housing Element.

**ATTACHMENT A**

**Housing Crisis Work Plan**

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	Work with the Bay Area Housing Finance Authority (BAHFA) on Moderate-income Financing Strategy	Housing/ OEDCA/ Finance	Winter 2023	As directed by the City Council, the Housing Department was able to hire staff to work on moderate-income housing strategies in fall 2022 after a long recruitment process. Staff also hopes to meet with the new BAHFA executive director by the end of 2022 to discuss the possibility of BAHFA creating a new regional Joint Powers Authority to issue bonds to achieve moderate-income housing with sufficient public benefit. If BAHFA is interested in developing this product, staff would need to ascertain its timeline and priority. This item is included in the second draft sixth cycle Housing Element.
	Amend the Zoning Ordinance to Allow for 100% Affordable	PBCE	Spring 2023	Staff will bring forward updates to the Zoning Ordinance to allow 100% affordable mixed-use projects in the Commercial Pedestrian and Commercial Neighborhood Zoning districts in Urban Villages with a Site Development Permit, rather than a Special Use Permit or Conditional Use Permit.

**ATTACHMENT A**

**Housing Crisis Work Plan**

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	Allow Affordable Housing on Assembly Use Sites	PBCE/ Housing	Spring 2023	This General Plan policy change would enable any site containing assembly uses (including but not limited to houses of worship) with a Public/Quasi Public General Plan designation to allow 100% deed-restricted affordable housing to be developed as a secondary use in conjunction with the primary use of the property for assembly uses. City Council directed staff on September 22, 2020, to work on this as resources become available as part of its Citywide Residential Anti-Displacement Strategy (Recommendation 8). Outreach to developers has occurred and development of this policy continues. This item is included in the second draft sixth cycle Housing Element.
	Develop Impact Fee Registry	OEDCA	Winter 2023	Staff has developed a draft webpage that it anticipates publishing at the end of 2022 or early 2023. The webpage will be a unified place listing all fees and taxes for residential development. It will include a point of contact for each that is responsible for providing information and estimates. This item is included in the second draft sixth cycle Housing Element.
	Explore Temporary Suspension of Construction Taxes for Affordable Housing	OEDCA/ Housing	Spring 2023	Staff has started work to analyze the fiscal implications of a construction tax suspension and will bring forward a recommendation to the City Council in early 2023.



**ATTACHMENT A**

**Housing Crisis Work Plan**

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	General Plan Amendment to Fully Implement Removal of Commercial Requirements for Affordable Housing	PBCE	Fall 2022	Staff will bring forward a General Plan Amendment to implement the City Council direction from December 2021 to remove commercial requirements for all affordable housing throughout the City. The commercial requirement was removed from Policy IP-5.12 that allows affordable housing in unplanned Urban Villages. This item is included in the second draft sixth cycle Housing Element.
	Implementing Zoning Ordinance to allow Housing in Business Corridors	PBCE	Fall 2023	As a part of the General Plan Four-Year Review, the City Council approved allowing the construction of housing in certain business district corridors. Staff will bring forward a Zoning Ordinance update to implement this item and it has been added as a new work item. This item is included in the second draft sixth cycle Housing Element.

**ATTACHMENT A**

**Housing Crisis Work Plan**

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	Explore the creation of a Land Trust	Housing	Spring 2023	Staff recently issued a support letter to the South Bay Community Land Trust (SBCLT) for its application for organizational capacity building funds. Staff plans to procure consulting help to prepare a feasibility study to support the South Bay CLT’s development. This work has been deprioritized given Housing Element work, but staff expects to complete work in 2023. In addition, the City has engaged HR&A Advisors to develop a Notice of Funding Availability (NOFA) to make Measure E funds available for acquisition/ rehabilitation developments, with CLTs as possible recipients. The NOFA is expected to be released in spring 2023.
	Moderate-income Housing Strategy	Housing/ OED/Finance	Fall 2023	This work remains on the City Council’s Roadmap waitlist. Housing finally was able to hire staff in fall 2022 after a long recruitment process to refresh the pre-COVID draft moderate-income housing analysis. This item is included in the second draft sixth cycle Housing Element.

**ATTACHMENT A**

**Housing Crisis Work Plan**

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	Update Downtown Zoning to eliminate parking requirements	PBCE	Fall 2022	Through the American Cities Climate Challenge (ACCC), staff has comprehensively evaluated the City's parking requirements. City Council gave staff direction in June 2022 to prepare parking ordinance amendments and a TDM policy that eliminates parking requirements citywide and applies a TDM framework citywide. Staff will bring a proposed ordinance and policy framework to City Council for its consideration on November 29, 2022.
	Explore Policy for Housing on Public School Lands	PBCE	Re-Initiate Work once #10 is Complete	As directed by City Council in February 2021, explore policy changes for public school land conversions that could provide more opportunities for housing and revenue for public school districts. Staff has met with most school districts to discuss the proposed policy. Due to a recent and significant loss of staff this item is currently on hold. Staff anticipates returning to this work once the work item related to Affordable Housing on Assembly Use Sites is complete. This item has been included in the second draft sixth cycle Housing Element.
	Consider Strategies to Eliminate Incentive to Use Outside Bond Issuers	OEDCA/ Housing/ Finance	Fall 2023	Staff has conducted a preliminary analysis of its bond issuance fees and policy. Staff will consider potential strategies and bring forward any recommendations in 2023.

ATTACHMENT A

**Housing Crisis Work Plan**

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	Develop an Affordable Housing Siting Policy	Housing	Fall 2022	This item will be discussed at the November Community and Economic Development Committee then is expected to be referred to the City Council in December. This item is included in the second draft sixth cycle Housing Element.
	Explore the Creation of a Land Acquisition Loan Fund	Housing	Spring 2024	Creating a source for rapid site acquisition financing is part of the Citywide Residential Anti-Displacement Strategy’s Recommendation 3, Explore a Community Opportunity to Purchase Program/Ordinance (COPA). After a pause to focus on Housing Element work, Housing staff has resumed meetings with developers and lenders on preservation acquisition financing needs. If a partner external entity is required to offer rapid acquisition loans to expedite closings faster than the City could, the City must issue an RFP. Staff plans to finalize this determination and issue the RFP in early 2023. This item has been included in the second draft sixth cycle Housing Element.
	Complete the PDO/PIO Fee Study	PRNS/CMO	Spring 2023	The Department of Parks, Recreation, and Neighborhood Services is completing a Fee Study of park development impact fees. A status report about this effort was provided to the Community and Economic Development Committee on August 22, 2022. A report on the completed results of the Fee Study is anticipated to be considered by the City Council in spring 2023. Information is available online <a href="#">here</a> .

ATTACHMENT A

**Housing Crisis Work Plan**

<i>II. Work Items Initiated and Underway</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Completion</b>	<b>Status Update</b>
	Update to Council Policy 5-1: Transportation Analysis Policy	DOT	Fall 2022	This item is scheduled for the November 29, 2022 City Council meeting.
	Explore Reducing Signature Project Size Threshold	PBCE	Fall 2022	This item will be considered at the October 24, 2022 Community and Economic Development Committee, cross-referenced to City Council on December 6, 2022.
	Apply the Mobilehome Park Land Use Designation through City-initiated General Plan Amendments to the Remaining 56 Mobilehome Parks	PBCE	Ongoing	The City Council received an update on this item at the <a href="#">October 18, 2022 City Council meeting</a> . Six mobilehome parks determined to have the greatest risk for redevelopment will be prioritized to receive the Mobilehome Park and Use Designation based on the funding received through the FY2022-2023 budget process. Through the mid-year budget process, staff will request additional money to complete the redesignation of seven additional parks identified by City Council, for a total of 13. As part of the FY 2023/2024 budget process, staff will then submit a budget request to redesignate all of the remaining mobilehome parks. This work is included in the second draft sixth cycle Housing Element.

**ATTACHMENT A**

**Housing Crisis Work Plan**

<i>III. Work Items To Be Initiated</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Initiation</b>	<b>Status Update</b>
	Modify Martha Gardens Specific Plan	PBCE	Staffing Resources Dependent	The Martha Gardens Specific Plan predates the current General Plan and needs to be updated to reflect current development standards including height and density. This may also include exploring expanding the boundaries of the Plan area. Staff has started background work, but initiation of the public process is TBD due to significant staff departures on the Citywide Team including the project manager on this item.
	Updated Feasibility Study for Commercial Linkage Fee	OEDCA/ Housing	Leasing activity or Summer 2023	As directed by City Council in March 2022, start the process to initiate an updated feasibility study in either 18 months or once there are one million square feet in executed leases of new construction over 100,000 sq. ft. in the Downtown over more than one building, whichever happens first. This item has is included in the second draft sixth cycle Housing Element.

**ATTACHMENT A**

**Housing Crisis Work Plan**

<i>III. Work Items To Be Initiated</i>				
	<b>Item</b>	<b>Lead Department</b>	<b>Planned Initiation</b>	<b>Status Update</b>
	Explore Allowing Senate Bill 9-Type Housing on Additional Properties	PBCE	Staffing Resources Dependent	In December 2021, City Council directed staff to cease work on Opportunity Housing and instead develop comprehensive standards to implement Senate Bill 9, including standards that would allow some Senate Bill 9-type projects on properties zoned R-2 Two Family and properties listed on the Historic Resources Inventory. Timing is TBD due to significant staff departures on the Citywide Team. Staff is working on a scope of work for a consultant to begin work on this item in 2023. This item is included in the second draft sixth cycle Housing Element.
	Explore Opportunities for High-density Residential Development in Areas Surrounding San José State	PBCE/ Housing	Fall 2023	Staff intends to add this work as an action item in the Housing Element work program, which means the work would be initiated at some point following certification of the Housing Element next year.

# Housing Production Report

	<b>Units Receiving Development Planning Approvals</b>	<b>Units Receiving Building Permits</b>	<b>Units Receiving Occupancy</b>
<b>2018</b>	Market Rate: 361 Affordable: 81	Market Rate: 2,827 Affordable: 146	Market Rate: 797 Affordable: 30
<b>2019</b>	Market Rate: 2,864 Affordable: 702	Market Rate: 2,248 Affordable: 134	Market Rate: 620 Affordable: 217
<b>2020</b>	Market Rate: 2,660 Affordable: 1,702	Market Rate: 717 Affordable: 663	Market Rate: 963 Affordable: 259
<b>2021</b>	Market Rate: 972 Affordable: 649	Market Rate: 1,081 Affordable: 609	Market Rate: 960 Affordable: 135
<b>2022 Jan-Sept</b>	Market Rate: 878 Affordable: 590	Market Rate: 1,418 Affordable: 351	Market Rate: 1,385 Affordable: 0
<b>Total</b>	<i>Market Rate: 7,735</i> <i>Affordable: 3,724</i>	<i>Market Rate: 8,291</i> <i>Affordable: 1,903</i>	<i>Market Rate: 4,725</i> <i>Affordable: 641</i>

**2018**



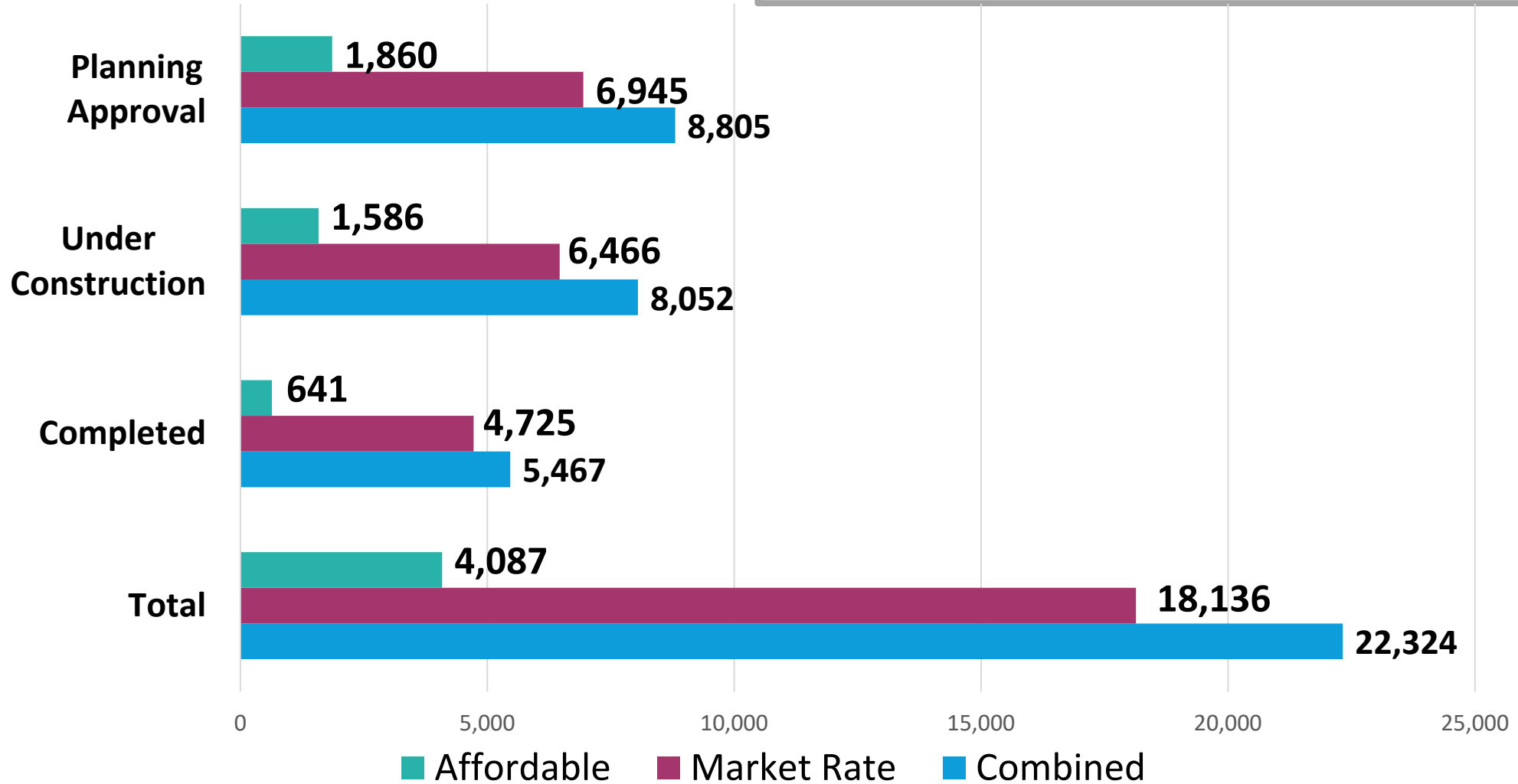
**2023**



# Overall Progress

2018 → 2022 Q3

**25,000 Housing Units by 2023**  
**Entitled, Under Construction, or Completed**  
15,000 Market Rate Units  
10,000 Affordable Units



# Homeless Encampments Near Mobilehome Communities, Schools & Daycare Centers



PRESENTED BY:  
RYAN JASINSKY  
AND  
MARTHA O'CONNELL

# What is a manufactured home?



A manufactured home (formerly known as a mobile home) is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.

# Mobilehome Building Standards



- Mobilehomes built prior to June 15, 1976, even with modifications, **do not meet the HUD standards** and cannot be accepted as compliant with the HUD Code.
  - **FHA does not insure mortgages** on manufactured homes built prior to June 15, 1976. Most other mortgage insurance firms follow FHA's policy.
- Mobilehomes built prior to June 15, 1976 are subject to **less regulatory construction materials** and therefore residents are more vulnerable to damages.

# MOBILE HOME FIRES

## 4 Surprising facts about mobile home fires

**12,000**

The average mobile home fires per year



**206**

Average deaths per year as a result of mobile home fires.

**3x**

More likely to have a fire if your mobile home was built before 1980



**57% Lower**

Today mobile homes have a drastically lower death rate than pre-hud standards.

### Resources Used

\*<http://www.nfpa.org/news-and-research/fire-statistics-and-reports/fire-statistics/fires-by-property-type/residential/manufactured-home-fires>

\*<http://www.fireengineering.com/articles/print/volume-157/issue-4/features/mobile-home-fires-part-1-problems-and-prefire-planning.html>

# How long does it take a Mobilehome to burn?



- Pre-1976 trailer/mobile homes averaged **10 minutes or less to become a total fire loss**
- Modern “manufactured” (all types: mobile/double-wide/modular) homes still average 10 minutes or less to become a total fire loss

## Why do Mobilehomes burn so quickly?

- Old wood tends to dry out and burn faster than wood in newer homes.
- Metal siding, if it doesn't melt, holds the heat more and burns faster

Source: <https://www.nosubjectlosangeles.com/how-long-does-it-take-a-mobile-home-to-burn-down/>

# Manufactured Home Building Standards



- Manufactured homes constructed on or after June 15, 1976, are subject to federal laws and regulations.
- Federal regulations governing manufactured housing built on or after June 15, 1976, are located in [Title 24, Code of Federal Regulations, beginning with Section 3282.1](#). Construction standards for manufactured homes manufactured on or after June 15, 1976, are found in [Title 24, Code of Federal Regulations, Chapter XX, Part 3280](#).
- These construction regulations are designed to provide **reasonable safety standards** to the mobilehome industry.

# San Jose Fire Department Response Times



- **Response time depends upon the severity of the reported incident** as determined through the Fire Priority Dispatch System or Medical Priority Dispatch System.
  - The standard is to arrive **within 8 minutes to all Priority 1 emergencies and within 13 minutes to all Priority 2 emergencies**, measured from the time that a relevant emergency is reported (includes call processing time).
  - This is to be achieved on **80% of incidents**.
- The response time starts when a Communications call taker confirms that the incident address is within San Jose's jurisdiction and determines that there is an emergency requiring a Fire Department resource. This is the "notification" time.
- The response time stops when the first fire department emergency resource arrives on scene. This is the "on scene" time.



# Mobilehome Communities in San Jose



- San Jose contains 58 mobilehome communities totaling 10,735 spaces
- All Age Communities: 46 total
- Older Persons Communities (55+ years of age or older): 12 total

# Homeless Encampment Concerns



- Health and Safety Issues:
  - Fire
  - Blight
  - Hypodermic needles
  - Human and animal waste
  - Vermin
  - Crime



## Fire danger

### San Jose Sees Spike In Fires at Homeless Encampments.

Article from September 2020

The San Jose Fire Department says it's now responding to an average of three fires per day believed to be caused by homeless residents.

A fire burned near other homeless camps along Coyote Creek, and another one just days before.

**From July of 2018 to June of 2019, San Jose firefighters responded to almost 92,000 calls. Of those, 8,000 were all homeless incidents, including medicals, and almost 1,200 were just fires.**

Source: <https://www.cbsnews.com/sanfrancisco/news/san-jose-sees-spike-in-fires-at-homeless-encampments/>



# Fire danger



7-11-19

A fire started in a homeless encampment across the street from Colonial Mobile Manor, a Senior Park in D9.



# Fire danger



The encampment near Colonial Manor located between the sound wall and the cyclone fence, which was cut to allow total access.

**This location was reported to the City and Cal-Trans for at least five months and was not abated until after a fire occurred.**



## Fire danger

While putting out the fire, firefighters threw debris from the encampment onto the sidewalk across the street from Colonial Mobile Manor.

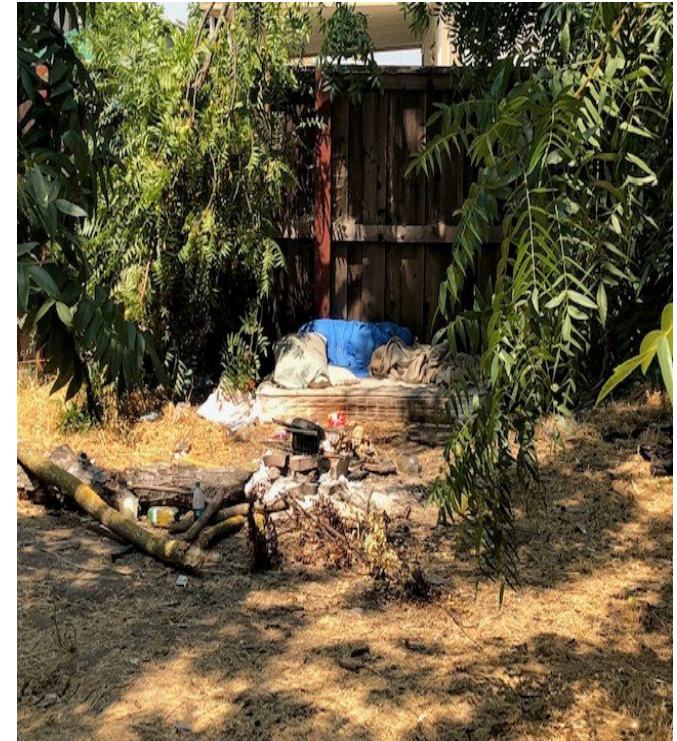
One driver had to slam on their brakes as the items came sailing over the cyclone fence into Narvaez Ave, which was being used at the time by traffic.

The debris was left on the sidewalk.





# Fire danger



June 27, 2018, Spanish Cove Community

The fire resulted from homeless encampment, due to cooking.

The fire came dangerously close to some residents' mobilehomes. Residents were using hoses to assist with putting out the fire.

**Multiple attempts for the City to remove the homeless encampment, which is directly behind the community fence and still no action was taken.**



## Continuation of Spanish Cove fire

Fire danger







# Fire danger

Pepper Tree fires

Dates: 4/8/19, 10/23/19, 10/24/19, and 11/26/19





# Fire danger

## Pepper Tree Fire Continued





# Fire danger

## **June 14, 2022, Stockton, CA**

- Multiple units have burned in a fire at a Stockton mobile home park
- Reports of the fire first came in just before 3 p.m
- Friendly Village Mobile Home Park.

- Five units were damaged and three are uninhabitable
- Five people were displaced by the fire.
- The cause of the fire is unknown.

## **June 25, 2022 Bay Point, CA**

- Two-alarm fire involving three mobile homes
- The fire was first announced at 5:30 p.m..
- Northbound Bailey Road was shut down and the mobile home park was evacuated





# Fire danger

Shaunn Cartwright, co-founder of the Unhoused Response Group, and Kelana Kelly L'Amora, founder of nonprofit Hello Angels Foundation, are **distributing a number of crucial resources to help bring down the numbers**. Including:

- Headlamps,
- fire extinguishers
- opioid overdose treatments like Narcan

*“The (fire extinguishers) we are handing out are crucial to preventing what could be dangerous to not only the unhoused at the encampments, but also close-by neighbors,” L'Amora told San José Spotlight.*

Fire extinguishers are also an essential tool at homeless encampments. The camps have seen [propane explosions](#) and other [fire-related dangers](#). For [some unhoused residents](#), it's their primary concern.

*“It is lifesaving. There's always a fire around here,” Velasquez told San José Spotlight. “When I first moved out here, I literally was gone for not even five minutes and I come back and my camp was (burned) to the floor.”*

Fire danger,  
blight, crime,  
hypodermic  
needles,  
human and  
animal waste



Millpond property along Curtner Ave.

**After months of complaints** submitted by residents and the community office to Cal-Trans and the City this area was eventually cleared.

There was over a ton of trash including but not limited to: hypodermic needles, buckets with feces, stolen bicycles and cooking equipment in the back of our community, which created a small fire.



# Fire danger, blight, crime, on private property



## Quail Hollow Community

The City of San Jose, San Jose Homeless Response and the police were contacted by residents in the single-family home neighborhood and the Quail Hollow office for **over a year**, but none of these actions resulted in a response.

We were advised that this person couldn't be removed even though he was located on private property.

# Hypodermic needles

Both Park residents and the Park manager called the City and the police.

No help was forthcoming so the bush the homeless were using to tether their tarp was cut down and the area flooded.

Hypodermic needles were found in the trash left by the homeless.



# Crime



On or about 6-10-19, Colonial Mobile Manor

Two of the homeless moved from the sound wall encampment and set up right outside Colonial Mobile Manor, **sleeping against the Park wall** behind the bush.

We have experienced these individuals entering onto private property scouting areas for potential theft of others belongings.



# Crime



Bikes are a prime example of these thefts that are transpiring.

When the encampment was abated and articles tossed over the fence by the firefighters, there were numerous bikes and bike parts.

# Obstruction of sidewalks

In September of 2022 Residents of Portland, Oregon with physical disabilities have filed a lawsuit accusing the city of violating the Americans with Disabilities Act by failing to clear homeless encampments from city sidewalks.

The lawsuit states city officials are leaving sidewalks **'inaccessible, dangerous, and unsanitary'** because they are 'blocked by tent encampments and attendant debris.'

**The City continues to fail to maintain its sidewalks clear of debris and tent encampments**, which is necessary to make its sidewalks readily accessible to people with mobility disabilities



© US District Court



© AP

# Encampments near Schools

March 23, 2021

San Jose City Council voted on Item 8.2 Homeless Annual Report & Address Homeless During COVID-19 Pandemic: Encampment and Abatement the City Council **with a 10-1 vote, passed a measure to resume sweeping homeless encampments in the City**, paying special attention to encampments near schools, day care facilities, or child serving locations if people are leaving waste or refuse near these locations or engaging in disruptive or illegal behavior.





# City's Precedent

## October 14, 2021–Status Report on Encampment Management Strategy and Safe Relocation Policy

### Strategy Objectives

#### Encampment Management – City Roadmap Objectives

**Clean the City's Public Spaces:** Optimize encampment trash removal services and disposal systems through increased service frequency to ensure reliable removal of trash, biowaste, metals, vehicles, and hazardous materials.

**Create Setbacks for Priority Locations:** Enforce restricted areas along priority locations to reduce risks and ensure the safety and quality of life for all residents.

**Identify Sites that Promote Safety and Belonging:** Recognize 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.

**Connect People to Social Services and Meet their Basic Needs:**  
Bridge access to human services and systems that create stability through outreach and assistance, including the social infrastructure to address employment, mental health, addiction, and violence as well as basic needs such as food, water, and equipment.



## City's Precedent

October 14, 2021–Status Report on Encampment Management Strategy and Safe Relocation Policy

### **Continued:**

In addition to current practices and protocols to abate within the 150 feet school setback and along public Right-of-Ways, the following is a list of future setbacks for encampments that staff are analyzing for Council to consider:

- City park playgrounds;
- Mobile home fencing;
- Residential fences that are adjacent to City property;
- Hospitals including trauma and behavioral settings; and
- Areas near waterways.



# City's Precedent

## April 29, 2022–City Roadmap –Encampment Management and Safe Relocation Policy

Table 2: Setback Guidelines

Locations & Conditions	Definition
School Buffer Zone	Tents, built structures, or other belongings that are erected or stored within 150' of an elementary, middle, or high school property.
Blocking Public Right-of-Way	<ul style="list-style-type: none"><li>▪ Sidewalks</li><li>▪ Streets</li><li>▪ Trails</li><li>▪ Medians</li><li>▪ Permitted events at City facilities</li><li>▪ City facility (park restroom, playground, community center, library, fire station, etc.)</li></ul>
Health and Safety Conditions	<ul style="list-style-type: none"><li>▪ Fire danger</li><li>▪ Vehicle or Pedestrian Danger</li><li>▪ Unauthorized access to electrical</li><li>▪ Potential for drowning if flooding occurs</li><li>▪ Significant reoccurring or unresolved unsanitary conditions</li><li>▪ Severe vector control issue occurs</li></ul>
Obstruction to Critical Infrastructure	<ul style="list-style-type: none"><li>▪ Infrastructure Degradation</li><li>▪ Public Operations and Maintenance</li><li>▪ Construction project (on land or waterways)</li><li>▪ Hospital and Trauma Centers</li></ul>

Based on these setback guidelines, 72 abatements were conducted between October 2021 and January 2022. Primarily these abatements were based on the 150-foot school zone buffer setback and right of ways.



# City's Precedent for Columbus Park Abatement

September 28, 2022 –City Memorandum Columbus Park Abatement

As the Guadalupe Gardens abatement is nearing the September 30, 2022 completion date, many encampment residents have moved into nearby Columbus Park, which is also located under the airport flight path. Although not part of the 40-acre FAA-funded land, multiple City departments are collaborating on a plan to clear Columbus Park by Friday, November 18, 2022, and prevent re-encampment of the surrounding areas.

Significant fire and safety hazards created by this new encampment are extraordinarily difficult to mitigate. There are also the same safety hazards to inbound aircraft and people on the ground that prompted the FAA-directed Guadalupe Gardens abatement.

# Los Angeles Municipal Code Section 41.18



- The amendment expands locations where camping and sleeping are banned, regardless of whether the areas have been designated for enforcement.
- Those areas include within 2 feet of any fire hydrant or fire plug; within 5 feet of any operational or utilizable entrance or exit; within 10 feet of a loading dock or driveway; in a manner that interferes with any activity for which the city has issued a permit or restricts accessible passage as required by the Americans with Disabilities Act; or anywhere within a street, including bike paths.
- The law also already protected the public right of way within 500 feet of schools, day care facilities, parks and libraries -- but only if each specific location is designated by the council for enforcement.
- The amendment is a blanket ban on encampments within 500 feet of all schools and daycare centers.
- The city ordinance also prohibits encampments and sleeping within:
  - Up to 500 feet of a designated overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash or spreading ground, railroad track or where lodging unsheltered or in tents is unhealthy, unsafe and incompatible with safe passage.
  - Up to 1,000 feet of a facility opened after Jan. 1, 2018, that provides shelter, safe sleeping, safe parking or navigation centers for persons experiencing homelessness.
- The ordinance also allows the city to prevent encampments for a period of no longer than one year in areas that are deemed an ongoing threat to public health or safety, including due to:
  - Death or serious bodily injury of any person at the location due to a hazardous condition.
  - Repeated serious or violent crimes or threats of serious or violent crimes, including human trafficking.
  - Fires at the location.
- People who violate the ordinance face an infraction or citation.



# Los Angeles Municipal Code Section 41.18



- **SEC. 41.18. SITTING, LYING, OR SLEEPING OR STORING, USING, MAINTAINING, OR PLACING PERSONAL PROPERTY IN THE PUBLIC RIGHT-OF-WAY.**
  - (a) No person shall obstruct a street, sidewalk, or other public right-of-way:
    - by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection;
    - sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a property designated as a sensitive use. For a property to be designated as a “sensitive use,” the property must be a School, Day Care Center, Public Park, or Public Library, as those terms are defined in Section 105.01 of this Code;
- **Sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution and based on specific documentation, that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location poses a particular and ongoing threat to public health or safety. Such circumstances may include, but are not limited to:**
  - (i) the death or serious bodily injury of any person at the location due to a hazardous condition;
  - (ii) repeated serious or violent crimes, including human trafficking, at the location;
  - (iii) the occurrence of fires that resulted in a fire department response to the location. For each such location, a prohibition pursuant to this subdivision shall be effective for a period of time specified in the resolution, but not to exceed one year.

# Recommendation



- Recommend adoption of Los Angeles Municipal Code Section 41.18 and include an encampment exclusionary zone of 500 feet around mobilehome communities.

**ORDINANCE NO. \_\_\_\_\_**

An ordinance replacing Section 41.18 of the Los Angeles Municipal Code to specify the particular times and locations where it shall be unlawful for a person to sit, lie, or sleep, or to store, use, maintain, or place personal property in the public right-of-way.

**WHEREAS**, the homeless crisis has reached epic proportions across the City of Los Angeles;

**WHEREAS**, in order to sustainably address street homelessness, a trauma-informed approach that requires street engagement by trained professionals and offers appropriate interim and permanent housing, storage, and specialized services in the form of a Street Engagement Strategy must be suitably applied across the City;

**WHEREAS**, it is the obligation of the City to keep its public rights of way clean and available for public use, and to protect the public health, safety, and access by City constituents; and

**WHEREAS**, the City should seek to accomplish the aforementioned objectives in a manner that preserves the dignity and safety of all residents and exhausts alternative models to promote compliance.

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Section 41.18 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

**SEC. 41.18. SITTING, LYING, OR SLEEPING OR STORING, USING, MAINTAINING, OR PLACING PERSONAL PROPERTY IN THE PUBLIC RIGHT-OF-WAY.**

(a) No person shall obstruct a street, sidewalk, or other public right-of-way:

(1) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L, No. 101-336, 104 Stat. 328 (1990), as amended from time to time;

(2) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within ten feet of any operational or utilizable driveway or loading dock;

(3) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within five feet of any operational or utilizable building entrance or exit;

(4) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within two feet of any fire hydrant, fire plug, or other fire department connection;

(5) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.

(b) No person shall obstruct any portion of any street or other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way, as specified.

(c) Except as limited by Subsection (d), no person shall:

(1) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a property designated as a sensitive use. For a property to be designated as a "sensitive use," the property must be a School, Day Care Center, Public Park, or Public Library, as those terms are defined in Section 105.01 of this Code;

(2) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a designated overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash, spreading ground, or active railway, where the City Council determines, in the designating resolution, that the public health, safety, or welfare is served by the prohibition, including, without limitation, by finding that sleeping or lodging within the stated proximity to the designated area is unhealthy, unsafe, or incompatible with safe passage;

(3) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way, within the distance stated on the posted signage (up to a maximum of 1,000 feet) of a designated facility, opened after January 1, 2018, that provides shelter, safe sleeping, or safe parking to homeless persons, or that serves as a homeless services navigation center;

(4) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution and based on specific documentation, that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location poses a particular and ongoing threat to public health or safety. Such circumstances may include, but are not limited to: (i) the death or serious bodily injury of any person at the location due to a hazardous condition; (ii) repeated serious or violent crimes, including human trafficking, at the location; or (iii) the occurrence of fires that resulted in a fire department response to the location. For each such location, a prohibition pursuant to this subdivision shall be effective for a period of time specified in the resolution, but not to exceed one year.

(d) No person shall be found to be in violation of any prohibition set forth in Subsection (c), unless and until: (i) the City Council has taken action, by resolution, to designate a specified area or areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way; (ii) the City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution, and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way will be allowed; and (iii) at least 14 calendar days have passed from the date on which the signage is posted at the designated area or areas.

(e) Violations of this section involving a person who willfully resists, delays, or obstructs a City employee from enforcing this section or who willfully refuses to comply after being requested to do so by an authorized City employee shall be subject to the penalties set forth in Los Angeles Municipal Code (LAMC) Section 11.00. All other violations of this section shall be enforceable only as infractions pursuant to LAMC 11.00(m) or issuance of a citation pursuant to City's Administrative Citation Enforcement Program pursuant to LAMC Section 11.2.01, *et. seq.*

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  for  
VALERIE L. FLORES  
Senior Assistant City Attorney

Date July 2, 2021

File No. CF 20-1376-S1

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

\_\_\_\_\_

\_\_\_\_\_

Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_

COUNCIL AGENDA: 10/26/2021

FILE: 21-2259

ITEM: 7.1



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jon Cicirelli

**SUBJECT: STATUS REPORT ON  
ENCAMPMENT MANAGEMENT  
STRATEGY AND SAFE  
RELOCATION POLICY**

**DATE:** October 14, 2021

Approved

*Jon Cicirelli*

Date

10/15/2021

## **RECOMMENDATION**

Accept the staff report on the status of the development of the City Roadmap priority - Encampment Management and Safe Relocation Policy, including priority objectives, encampment trash service performance, and the 3S (Setbacks, Services, & Sites) work plan timeline for implementation.

## **OUTCOME**

The Council will receive an update on the implementation of the City Roadmap Priority – Encampment Management and Safe Relocation Policy for Fiscal Year 2021-2022.

## **EXECUTIVE SUMMARY**

Through the adoption of the 2021-2022 Adopted Operating Budget, programs and services to manage the cleanliness of homeless encampments were consolidated into the Department of Parks, Recreation and Neighborhood Services (the Department or PRNS) with an investment of \$11.0 million from the American Rescue Plan Fund to develop a Citywide infrastructure including increased staffing and contract resources. This new investment is meant to increase the frequency of waste removal services at approximately 220 encampments, develop performance and policy goals and formalize the transition from an emergency response model to an organized structure of protocols and systems.

During the March 23, 2021 City Council meeting, staff received 14 referrals related to encampment management as described in Attachment A. At this time, eight (8) are complete and six (6) are in progress and embedded in current work plan activities. Overall, staff was directed to develop an Encampment Management and Safe Relocation Policy (the Protocol) which will dictate where encampments cannot be located (Setbacks), what areas remain where

encampments can be managed (Sites), and the necessary services and service levels (Services) available, such as the Encampment Waste Program and SOAR (Services, Outreach, Assistance and Resources) program.

As a Roadmap priority, the hiring of new staff and transitioning oversight and functional teams from the Emergency Operations Center (EOC) to the PRNS and Housing Departments is of critical importance. This memorandum outlines four main objectives to drive key results on a quarterly basis and progress toward increasing encampment waste services from every two weeks to weekly and final development of site protocols. Discussion of service gaps and system challenges are provided for the full context of the complex and interdependent situation at hand. Staff intends to return to Council in April 2022 with recommendations for Setbacks, Sites, and Services for the Encampment Management and Safe Relocation Policy and Protocols, based on the Council's previous directive.

## **BACKGROUND**

On March 23, 2021, staff presented the EOC BeautifySJ Branch's current efforts to support public health and safety at encampments. The staff report outlined current encampment services including trash pickup activities, and escalated activities (e.g., abatements and escalated debris removal) addressing public Right-Of-Way (ROW) issues, health and safety, or other unacceptable conditions.

On June 15, 2021, the Council approved the Fiscal Year 2021-2022 Budget which contained actions to consolidate various BeautifySJ-related programs into one Department and included a \$14.0 million budget — \$11.0 million of new resources from the American Rescue Plan and \$3.0 million of existing resources from the General Fund for encampment waste pick-up, and 35 new full time equivalent positions in PRNS. The funding will support abatements and increase trash services to once per week at encampments. The Council also approved two City Roadmap priorities: The Encampment Management and Safe Relocation Policy and Encampment Waste Program for implementation in Fiscal Year 2021-2022.

On June 29, 2021, the Department published an Informational Memorandum<sup>1</sup> providing the Council with an update on implementation of the 150-foot buffer in school zones, the approach to define where encampments cannot be located, and increasing encampment abatements where encampments cannot be located.

## **ANALYSIS**

Since July and the demobilization of the BeautifySJ Branch of the EOC, the Department has taken over the leadership of the Encampment Management strategy, operations, and data systems

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<sup>1</sup> <https://www.sanjoseca.gov/Home/Components/News/News/3049/5167>



through the consolidation into a new Community Services Division. In addition to the Mayor’s Gang Prevention Task Force and Project Hope, this new Division includes the Illegal Dumping program (RAPID) previously operated by the Environmental Services Department and is the home to other long-standing PRNS BeautifySJ programs unrelated to encampments, such as Anti-Graffiti, Anti-Litter/Dumpster Days, Neighborhoods Commission, as well as coordination with BeautifySJ grantees and neighborhood clean-ups throughout the City. Previously, the Housing Department managed abatement programs before the COVID-19 pandemic, but this program has now transitioned to PRNS. Housing maintains the outreach and assistance contracts with service providers and mental health partners. This memorandum is focused on the encampment waste program and other encampment management components within the BeautifySJ purview.

In Table 1, the four Encampment Management Strategy objectives for this Fiscal Year are described. Key results for each objective will be developed on a quarterly basis and will include work plan items outlined in Table 3 in addition to potentially new or emerging results expected to be achieved.

**Table 1 – Strategy Objectives**

<b>Encampment Management – City Roadmap Objectives</b>	
<b>Clean the City’s Public Spaces</b>	Optimize encampment trash removal services and disposal systems through increased service frequency to ensure reliable removal of trash, biowaste, metals, vehicles, and hazardous materials.
<b>Create Setbacks for Priority Locations</b>	Enforce restricted areas along priority locations to reduce risks and ensure the safety and quality of life for all residents.
<b>Identify Sites that Promote Safety and Belonging</b>	Recognize 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.
<b>Connect People to Social Services and Meet their Basic Needs</b>	Bridge access to human services and systems that create stability through outreach and assistance, including the social infrastructure to address employment, mental health, addiction, and violence as well as basic needs such as food, water, and equipment.

**Setbacks and Sites**

The City’s approach to where encampments cannot be located has shifted twice. Prior to the COVID-19 pandemic, the City utilized a complaint driven abatement approach. During the COVID-19 pandemic, an encampment management strategy that maintained unhoused residents in their encampments for contact tracing purposes was employed. Currently, the post-Statewide reopening (June 15, 2021) response, seeks to maintain encampment management through

development of location perimeters. These perimeters are considered setbacks – or buffer zones –where encampments cannot be located.

In addition to current practices and protocols to abate within the 150 feet school setback and along public Right-of-Ways, the following is a list of future setbacks for encampments that staff are analyzing for Council to consider:

- City park playgrounds;
- Mobile home fencing;
- Residential fences that are adjacent to City property;
- Hospitals including trauma and behavioral settings; and
- Areas near waterways.

In preparation for the opening of in-person instruction at schools, there were 18 abatements conducted in compliance with the school buffer zone between May 2021 and August 2021. Beginning in May 2021, staff worked proactively with encampment residents to reduce the number of encampments within the school buffer zone, thereby reducing the number of abatements needed as the new school year began in August.

The budgeted level of service for managing encampments provides trash services to encampments along waterways. In addition to other obligations along the waterways, staff is enhancing current encampment trash services to ensure consistent service along the three main creek areas in compliance with the 2016 Direct Discharge plan: 1). Interstate 280 to Story Road; 2). Tully Road to Capital Expressway; and 3). Interstate 880 to Hazlett Way and ~50 smaller sites.

Recreational vehicles (RVs) and other lived-in vehicles can be subject to these setbacks but, in some cases, may remain on City streets in acceptable sites whether operable or inoperable. Currently those residing in vehicles are allowed to remain parked in areas along streets if they comply with keeping the right of ways next to their vehicle free of debris and there are no safety risks. Additionally, RVs and other lived-in vehicles within the school buffer zone often house children who attend the neighboring school. Being parked within walking distance provides convenient access for these families. Other instances include cancer patients who have formal letters from their doctors specifically requesting that they not be subject to abatement. Bi-weekly trash services are provided to those who reside in RVs and other vehicles.

Consideration of additional setbacks where encampments are not allowed to congregate will be analyzed and will illustrate what areas remain that may be deemed as acceptable places where encampments can be managed. These remaining sites may include areas near streets, as well as parking lots and other locations not yet determined, and would need to demonstrate that heightened health and safety risk factors are not present. In alignment with the Community Plan to End Homelessness's Pillar 3 which seeks a quality of life for both housed and unhoused residents, as well as the policy approach that the City of San José does not criminalize homelessness, sites where services can be provided will be identified. The types of services are

discussed further below. As with all residents whether housed or unhoused, applicable laws, rules and regulations will be expected to be followed.

With the lifting of COVID-19 health orders by the State and County on June 15, 2021, there has been an increased expectation from residents, businesses, and interagency partners to perform abatements. The limited supply of temporary shelter, safe parking, drug and alcohol treatment facilities, and affordable housing options are all current constraints. There is broad acknowledgement that abatements without identified housing options do not result in fewer encampments or an increase in housed individuals, but rather abatement can lead to an increase in resources needed to respond to the abatement of encampments which have simply relocated or returned. Additionally, abatements are traumatizing experiences for those members of our community that are the most vulnerable and in daily crisis. Better defining where encampments cannot be located and where they can be managed may help address expectations of both housed and unhoused residents. This analysis will require dedicated staffing resources that are currently in the process of filling through prioritized hiring.

### **Services Offered to those Living in Encampments**

#### **SOAR Expansion Update**

On March 16, 2021, the City Council approved the Mayor's March Budget Message, which included direction to expand the Service Outreach Assistance and Resource (SOAR) program. The SOAR program, originally funded with federal Emergency Solutions Coronavirus Relief funds (ESG-CV), provides comprehensive street-based services at 16 homeless encampment sites, including hygiene, sanitation, laundry, trash pickup and dumpsters, housing outreach, and shelter for encampment residents. The Mayor's March Budget Message recommended expanding this program using American Rescue Plan funds and was approved in June as part of the City budget with an allocation of \$3.0 million. Per the Mayor's March Message, the expanded SOAR program will focus on the Guadalupe River Park area.

The Housing Department has started contract negotiations with the nonprofit vendor for SOAR expansion, until recently bandwidth was limited. Over the summer, the Housing Department lost three grant analysts and capacity is limited for contract development until those vacancies are filled. In addition, there are two vacancies on the homeless response team. In June and July, the homeless response team was focused on demobilizing South Hall and during August the team was focused on large encampments at Guadalupe Gardens and N. First and Component Drive. It is expected that a new contract will be in place for SOAR expansion by end of the calendar year 2021.

#### **Encampment Trash Pick-up**

BeautifySJ and its partners continues to pick-up trash from ~220 active encampments every two weeks through a tiered approach that identifies encampments in terms of their propensity for low to medium to high service needs. Goodwill continues to provide trash collection at Tier 1 or low touch sites. San Jose Conservation Corps is collecting trash at Tier 2 encampment sites, mainly

located along trail areas. City staff along with vendors manage trash services at Tier 3 sites, which tend to be larger, have more encampments and people, and have complex service needs.

All sites include intense on-the ground rapport-building with encampment residents to ensure cooperation and compliance with rules for keeping a person's encampment to a 12' X 12' area, free of debris and other hazards. The greatest challenge is the City's limited ability to address non-compliant, disruptive behaviors impacting surrounding neighborhoods and businesses. These behaviors often stem from co-occurring mental health and substance abuse disorders that the current continuum of care through the collaboration with Housing, outreach contractors, and County Behavioral Health Services is unable to manage to levels that effectively serve the person in crisis. This is a pain point in our service workplan that is a priority to resolve.

From January through August 2021, a total of 1,689 tons of debris (trash, bio-waste, household hazardous waste) has been picked-up and disposed of by BeautifySJ from City streets, sidewalks and creeks. The source of the trash and debris includes, but is not limited to, an average of 220 encampment sites that are serviced through a tiered<sup>2</sup> approach to provide an equitable response by reaching the most significant encampments.

The Department is working with Human Resources Department to accelerate the hiring timeline to implement weekly service more rapidly by filling the Maintenance Worker IIs, Community Coordinators and Community Activity Workers that were added during this fiscal year. As of October 14, 2021, there are a total of 30 vacancies stemming from the 26 new budgeted positions and the nine positions shifted to PRNS from other departments such as the Illegal Dumping team from Environmental Services Department. Of the 30 vacant positions, 12 are temporarily filled through interim higher class opportunities until the positions can be permanently filled through the competitive process. Once new staff is hired and trained on protocols, equipment standards, and data collection methods, additional teams will come online leading to an increase in trash removal at encampments to the frequency of residential service. After a sustained increase to weekly service, the Department expects to see improvements in cleanliness through increased service, education and expanded cooperation of our encampment residents.

In addition to the 1,689 tons of debris collected by City staff this year, our partners have also increased trash and debris removal at encampments. Integral to the BeautifySJ strategy is the collaboration with inter-jurisdictional partners such as Caltrans, Santa Clara Valley Water and Union Pacific Railroad to address trash and debris at encampments. These inter-jurisdictional partners have removed a substantial amount of trash and debris since January 2021. For example, Caltrans has removed over 23,800 tons of trash and debris within the Southwest Zone, with most of that trash being located within San José. Union Pacific Railroad has removed over 400 tons of trash and debris from along their rail line during the same period.

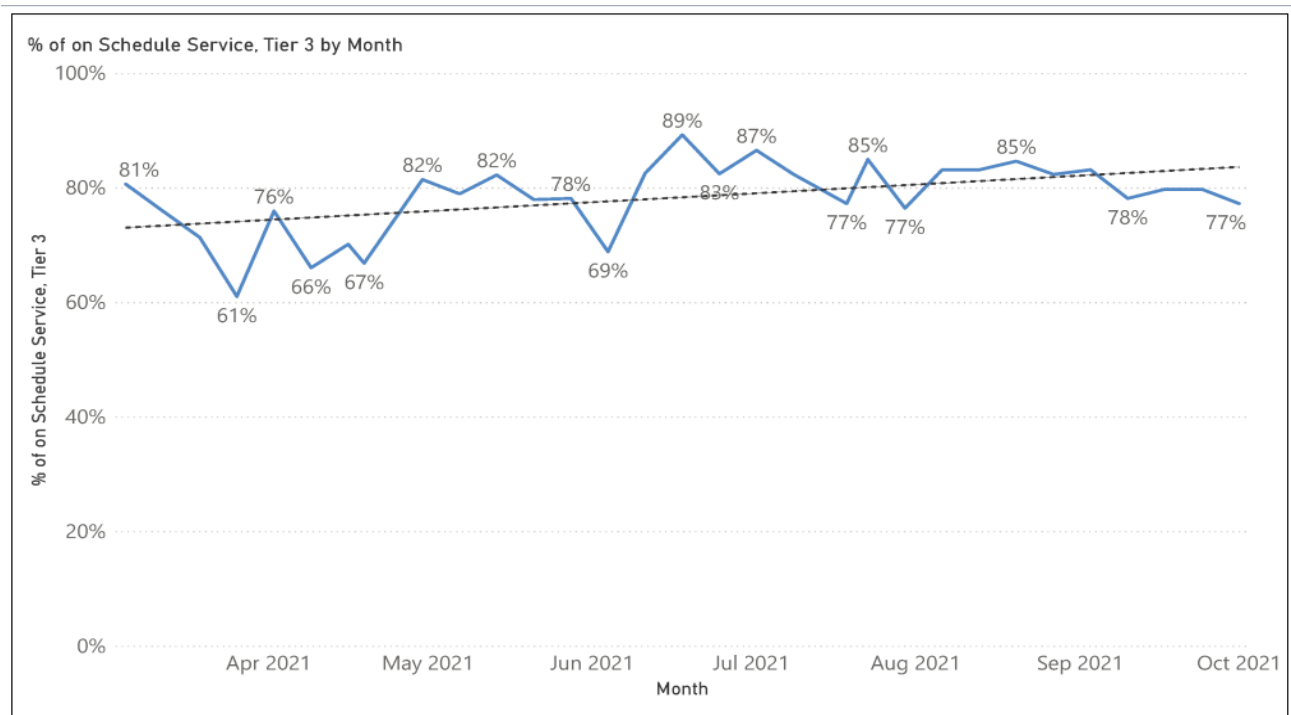
The BeautifySJ Teams implemented an internal performance target of 75% to deliver trash pickup services at Tier 3 encampment sites. Meaning that Tier 3 encampments sites would

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<sup>2</sup> [BeautifySJ Presentation - Tiered Approach to Service Delivery](#)

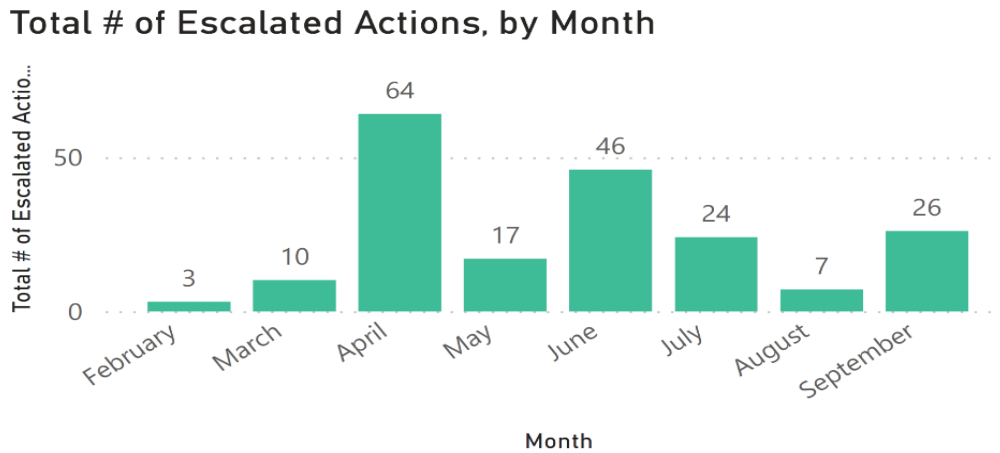
receive services on schedule and at the right location, 75% of the time. The following Tier 3 *On Schedule Service* Chart 1 illustrates the challenges that the team can have in delivering consistent services due to both internal and external factors. These factors can include large abatement projects, inter-jurisdictional cleanups, and internal staffing and equipment challenges. Once new staff is hired and trained the program anticipates that the service level at Tier 3 sites will be consistent. The BeautifySJ Program Management will continue to analyze performance data collected through the end of the calendar year, to develop overall program performance and outcome measures.

Chart 1 – Tier 3 On Schedule Service



There are four levels in the encampment protocols which were developed during the EOC activation and still employed today - 1) cooperation, 2) intensive engagement, 3) escalated interventions or clean-ups, and 4) encampment abatement. As active encampments are identified and if they reside outside an existing buffer zone, then these protocols are followed with the goal of maintaining a clean, safe, dignified space for the unhoused resident and surrounding area. When there is a lack of cooperation with regular trash service and/or non-compliance with the 12' x 12' footprint rule that does not rise to the level of abatement, an escalated clean-up is done to removal abundance of trash/debris. Chart 2 below includes escalated clean-ups and abatements undertaken to ensure that school buffer zones were clear, right of ways were accessible, and safety issues at encampments were addressed.

Chart 2 – Escalated Actions by Month



Staff continue to refine the encampment trash pickup model and implement Council direction and recommendations, including analyzing illegal dumping throughout the City, to better understand its nexus with encampments. In FY 2020/2021, the program experienced a 37% increase in illegal dumping collected from the previous year. Additionally, PRNS is employing strategies to better align ancillary programs such as Cash for Trash, the Anti-Litter Program and Neighborhood Dumpster Days to address trash/illegal dumping which reduces debris at encampment locations. Table 2 below highlights program performance over the last three quarters of 2021.

**Table 2 – Program Performance Highlights**

<b>Program</b>	<b>Quarter 3 (January 2021 – March 2021)</b>	<b>Quarter 4 (April 2021 – June 2021)</b>	<b>Quarter 1 (July 2021 – September 2021)</b>
Number of encampment locations	219	208	220
Tier 3 Performance Measure	72%	77%	82%
Total Cash for Trash Program Participants	174	259	300
Illegal Dumping – service requests/tonnage	5,942/687	7,744/748	6,816/674
Total trash pickups at encampments	3,007	3,085	2,665

**Setbacks, Sites and Services Timeline for Fiscal Year 2021-2022**

The BeautifySJ Unit within the PRNS Community Services Division will continue further development of protocols and enabling actions that determine setbacks and areas for encampment sites including RVs and lived-in vehicles. Consideration of the impacts and implications beyond the existing Council prioritized zones such as schools may include communities of concern with saturation of existing quality of life issues, businesses struggling through COVID-19 recovery, and environmentally sensitive locations such as direct discharge locations in creek channels. Remaining sites where encampments can be managed will be identified through geographic mapping analysis and presented to Council as part of the April 2022 report.

The timeline in Table 3 below outlines key activities for the fiscal year.

**Table 3: Timeline for Encampment Management Strategy Work**

(1) <b>Now</b> Oct. – Dec. 2021	1.1 Create Objectives and Key Results (OKRs) with City Manager’s Office for City RoadMap process.	In Process
	1.2 Develop performance management system to assess Encampment Management objectives and outcomes.	Upcoming
	1.3 Conduct Phase 2 outreach, clean-up and abatement activities at Guadalupe Gardens Airport land, monitor expenses.	By 11/25/2021
	1.4 Begin weekly encampment trash pickup at sites, upon completion of accelerated hiring Community Coordinators and Maintenance Worker IIs.	Upcoming
(2) <b>Next</b> Jan. – March 2022	2.1 Deliver annual report on BeautifySJ including proposed performance metrics, logic model with outcomes.	Feb. 2022 to NSE March 2022 to Council
	2.2 Formalize a technical team and policy team of system providers and partners with Housing Dept to assess, respond and determine disposition of non-compliant, high risk encampment residents.	Next
	2.3 Implement SOAR site expansion in coordination with Housing to develop services for residents residing in RVs and vehicles.	Next
(3) <b>Later</b> April – June 2022	3.1 Return to Council with Encampment Management and Safe Relocation protocols and, any enabling actions for consideration and adoption.	April 2022
	3.2 Conduct final phase of abatement at Guadalupe Garden.	June 2022

**Program Challenges and Resource Gaps**

Through the first quarter of the fiscal year, the transition from an EOC Branch to a new Department and new Division while simultaneously ensuring continuity of services has proven challenging. Unanticipated large-scale abatements such as Guadalupe Gardens and other special projects have consumed management, staff and vendor resources. The acceleration of the hiring

process should assist in bringing needed operational enhancements online. When staff is hired, the Department will use quantitative data (counts) and qualitative (what people think) to understand if the size of the problem, which is always changing, and the scale of service delivery models and systems are meeting expectations. In addition, the following service gaps and systems challenges have been identified for addressing encampment management through partnerships, and procurements:

- Coordinating and delivering direct services to remove and dispose of bio-waste and household hazardous waste;
- Removing and disposing of grey water and bio-waste from RVs and other lived-in vehicles;
- Addressing response times to illegal dumping to prevent those items from being moved to encampment locations;
- Responding to unaddressed behavioral health issues at encampment sites that need immediate action for the health and safety of unhoused residents and to reduce burden in neighborhoods;
- Ensure adequate staffing to maintain and expand potential setbacks/buffer zones;
- Managing and responding to inter-agency requests to coordinate clean-up plans and actions;
- Promotion and coordination of existing internal debris removal programs; and
- Lack of enforcement, education, and social-marketing campaign to combat blight.

The unique and unprecedented nature of the COVID-19 pandemic allowed for the City to take risks, and urgently seek opportunities with on-demand program development to address real-time and long-term crises. The ability to apply the successful lessons of the EOC COVID-19 response – allowing staff to iterate, assess and then scale – is now needed to address the increase in encampments, and address hiring challenges.

Some immediate actions staff are exploring:

- Increase use of third-party vendors for trash removal consistent with City requirements;
- The use of State funding for Youth Workforce Development (ages 16-30) to enhance clean-up of waterways;
- Redeployment of City staff to City Roadmap Priority: Encampment Management and Safe Relocation Policy, Encampment Waste Project;
- Expediting procurement opportunities as allowed in the City Charter and Municipal Code;
- Creating new position classifications that include the skill set necessary for work in the BeautifySJ Unit; and
- Suspend or update some minimum qualification requirements for existing position classifications to accelerate hiring.
- Funding an additional team that focuses exclusively on inter-agency clean-up projects.



To meet both health and safety cleanliness standards and the expectations of our residents, innovative and emerging approaches outside of existing programs and services are continually considered for implementation. While many cities across the nation look to San José for innovations such as Cash for Trash, the San José staff also looks to other jurisdictions to identify best practices. To capitalize on these ideas, program management needs the flexibility to quickly implement innovative approaches to addressing trash at encampments throughout San José.

## **CONCLUSION**

There is urgency to achieve a cleaner city with a well-managed encampment waste removal system centered in a compassionate approach to improve the quality of life for unhoused and an equitable approach that addresses the burden that some neighborhoods experience more than others. The waste removal challenges, coupled with the human condition, will remain the focus of the City's collective efforts and partnerships. Quarter 2 and Quarter 3 will be focused on the Setbacks and Sites analysis, and staff will return to Council with a proposed set of Encampment Management and Safe Relocation protocols and enabling actions in April 2022.

Per the timeline for the Encampment Management and Safe Relocation City Roadmap Priority, the Department will continue to pursue the following objectives and develop key results for Quarter 2, 3, and 4 in FY 2021-2022:

- Cleaning the City's Public Spaces - Implement operational enhancements funded in the Adopted Fiscal Year 2021-2022 Budget including accelerated hiring to implement weekly encampment trash pickup;
- Create Setbacks for Priority Locations - This will include analysis and recommended protocols for Council consideration in the spring of 2022;
- Identify Sites that Promote Safety and Belonging - Through identification of where encampments cannot be located, remaining sites will be vetted for consideration for providing services; and
- Connect People to Social Services and Meet Their Basic Needs - Enhance the human services and systems response with partnerships.

## **EVALUATION AND FOLLOW-UP**

To ensure progress in implementing the City Roadmap Priority - Encampment Management and Safe Relocation, staff will develop quarterly OKRs related to the work plan and return to the City Council in April 2022 to recommend protocols and administrative policies. The City Council is scheduled to consider recommended modifications to the City's COVID-19 Pandemic Response and Community and Economic Recovery Budget on November 2, 2021, which will include an assessment of funding needs for the BeautifySJ-related programs referenced in this memorandum.

HONORABLE MAYOR AND CITY COUNCIL

October 14, 2021

**Subject: Status on Encampment Management Strategy and Safe Relocation Policy**

Page 12

### **CLIMATE SMART**

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's website for the October 26, 2021, City Council meeting.

### **COORDINATION**

This memorandum was coordinated with the Housing Department, the Environmental Services Department, the City Attorney's Office, City Manager's Budget Office, and the City Manager's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

/s/

JON CICIRELLI  
Director, Parks, Recreation, and  
Neighborhood Services

For questions, please contact Andrea Flores Shelton, Deputy Director of Parks, Recreation, and Neighborhood Services, at [andrea.floresshelton@sanjoseca.gov](mailto:andrea.floresshelton@sanjoseca.gov).

Attachment A: Council Recommendations from March 23, 2021 City Council Meeting

## Attachment A: Council Recommendations from March 23, 2021 City Council Meeting

CM Memo	Recommendation	Encampment Location Prohibitions	Potential Locations for Encampments	Services & Support for Unhoused Residents & Neighborhoods	Status
Mahan	1. Direct the City Manager to advocate to the County’s Public Health Department for substantial, targeted vaccine outreach to unhoused residents and outline any support the City may offer to provide in this effort.			X	<b>Complete</b>
Mahan	2. In line with Council approved 2021-2022 priority nominations NP10 and NP20, direct the City Manager to accelerate the study of a potential encampment setback ordinance that takes an incremental and iterative approach to identifying and reducing impacts on sensitive areas, such as starting with schools only. Return to Council with a proposed initial ordinance by May 1, 2021.	X			<i>In Progress</i>
Mahan	3. Direct the City Manager to analyze and return to Council through the budget process recommendations for expanding SOAR-like on-street services for encampment residents, including, but not limited to consistent hygienic services, trash removal, mental health consultation, and housing placement.			X	<b>Complete</b> <a href="#"><u>(Mavors March Budget Message)</u></a>
Mayor	1. Require unhoused individuals—after substantial outreach that includes an offer of services and shelter—to relocate any time their encampment is located near a school, day care facility, or other child-serving location, at a substantial distance that accommodates the high-frequency walking routes of children to and from school.	X			<b>Complete</b>
Mayor	2. Similarly mandate relocation of RVs near child-sensitive locations if the occupants are: a. Illegally leaving waste or refuse near child-sensitive locations; or b. Engaging in disruptive or illegal behavior.	X			<i>In Progress</i>
Mayor	3. Decline to follow the public health guidance regarding encampments where the City has determined that pragmatic concerns of public safety outweigh public health objectives near schools and other child-sensitive locations.	X			<b>Complete</b>

CM Memo	Recommendation	Encampment Location Prohibitions	Potential Locations for Encampments	Services & Support for Unhoused Residents & Neighborhoods	Status
Cohen/ Foley	1. Direct City Staff to clarify guidelines for abatements and develop a set of criteria that ensures abatement is a <del>last resort</del> , [added prioritizes public safety], used in cases of encampments that are in the public right of way, or that are in locations that pose a hazard to the health of the unhoused or to the residents living near the encampment. The proposed guidelines should also take into account environmental concerns around hard-to-reach encampments on creeks and waterways when considering encampments for abatement.	X			<i>In Progress</i>
Cohen/ Foley	2. Direct City Staff to expand the current SOAR program to other large encampments as a means of centralizing services, improving quality of life for the unhoused and for San José residents, and connecting unhoused individuals with transitional/interim housing. Encourage city staff to increase funding to the SOAR program through potential federal, state, or local funds to improve outreach and provide services and resources to as many unhoused individuals as possible.			X	<b>Complete</b> <a href="#"><u>Mayor's March Message</u></a>
Cohen/ Foley	3. Direct staff to seek new avenues of dedicated funding for transitional and interim housing, using Bridge Housing Communities as a model, and to seek further funding through the state's Project Roomkey program that is not limited to COVID-19 response. For those locations already identified for new sites, we should make sure we are maximizing use of the space and building as many units as our community partners have capacity to serve.			X	<i>In Progress</i> <b>Housing Department</b>
Carrasco	1. Direct Housing staff to define "substantial" outreach, including an offer of services and shelter in that definition.			X	<b>In Progress</b> <b>Housing Department</b>
Carrasco	2. Direct staff to report back to council with an update on efforts in connecting unhoused individuals with the opportunity to receive a vaccination.			X	<b>Complete</b>
Peralez	1. Advocate to the County's Public Health Department to make available COVID-19 vaccinations along with outreach services to unhoused individuals at campsites,			X	<b>Complete</b>

<b>CM Memo</b>	<b>Recommendation</b>	<b>Encampment Location Prohibitions</b>	<b>Potential Locations for Encampments</b>	<b>Services &amp; Support for Unhoused Residents &amp; Neighborhoods</b>	<b>Status</b>
Peralez	2. Following implementation of 1, immediately resume pre-pandemic encampment management and abatement procedures, prioritizing high impacted locations utilizing reporting data and in coordination with the Council Offices	X			<i>In Progress</i>
Peralez	3. Accept staff recommendation and per my February 4 memorandum, immediately identify temporary sanctioned encampment locations on publicly owned sites for the duration of the Local State of Emergency.		X		<b>Complete</b> <a href="#"><u>Housing Department City Council Memo</u></a>

COUNCIL AGENDA: 02/08/22

FILE: 22-117

ITEM: 3.6



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Aitken  
Matt Cano  
Jon Cicirelli  
Jacky Morales-Ferrand

**SUBJECT: GUADALUPE GARDENS  
FENCING & ACTIVATION  
ALTERNATIVES**

**DATE:** January 27, 2022

Approved

*[Handwritten signature: Jeffrey S. Maguire]*

Date

01/28/22

**COUNCIL DISTRICT: 3 & 6**

## RECOMMENDATION

- a. Accept the report on Guadalupe Gardens Fencing & Activation Alternatives including protective and activation measures and authorize the City Manager to:
  1. Receive feedback on the Prototype Park Concept Plan and Vehicle Prevention Project; and
  2. Identify ongoing operating, programming and stewardship costs needed to implement the Prototype Park Concept Plan with the Guadalupe River Park Conservancy or through a Request for Proposals process.
  
- b. Adopt a resolution authorizing the Director of Public Works to:
  1. Award and execute a contract for the construction of the 9821 – Guadalupe Gardens Fencing Project, to the lowest responsive, responsible bidder in an amount not to exceed \$1,500,000;
    - a. In the event that not all of the \$1,500,000 is utilized, reallocate any remaining funding for protecting the land and other mitigation solutions to secure the space;
  2. Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
  3. Establish a construction contingency of up to 10% percent of the amount of the construction contract for the Project

## **OUTCOME**

The City Council and community will be aware of actions taken to comply with the Federal Aviation Administration (FAA) mandate to ensure there are no residential uses on the 40 acres of Guadalupe Gardens area by June 30, 2022. Council will provide direction to staff on a comprehensive activation approach and provide staff with flexibility to secure the Guadalupe Gardens area either through a perimeter fence or through the activation plans such as fencing for dog park, community gardens, etc.

## **EXECUTIVE SUMMARY**

This memorandum addresses a path forward for the Guadalupe Gardens 40-acre area (Project Site), and itemizes actions taken based on Council direction to secure and activate the Guadalupe Gardens area through human presence rather than fencing. Analysis includes proposed interim uses for the Prototype Park Plan and design considerations that align with the FAA passive use restrictions within the 40 acres of Guadalupe Gardens based on results of outreach, staff analysis and associated costs. By approving the recommendations in this memorandum, Council will give the City Administration direction for the activation plan and provide needed flexibility to secure the site and ensure compliance with FAA direction that no residential uses occur while activities are prepared for implementation.

In response to the FAA directive to clear the encampment from the Project Site, the City developed a year-long, three stage approach. The City identified the following set of goals to guide the work in this area:

1. Honor City Commitment to FAA Grant Funding
2. Optimize Use of City Funding
3. Protect the Health and Safety of the Unhoused Population
4. Protect the Natural Environment
5. Prevent Future Re-encampment of the Area
6. Protect Businesses in Area

Attachment A is the extensive background of the work done over the last four months. Initial plans to erect a perimeter fence to secure the area from re-encampment after the clearing was completed have been reconsidered based on Council direction and current conditions. The funding for the initial perimeter fencing project, based on Council direction, can be utilized for funding other protective measures such as K-rail purchasing and placement, and to enclose the land for future programming options.

Measures to prevent re-encampment in the Stages 1 and 2 areas have, to date, been effective. Daily monitoring by BeautifySJ and Parks staff from the Department of Parks, Recreation and Neighborhood Services (PRNS) and K-rail installed by the Airport Department (Airport) resulted in six documented attempts to re-encamp. Challenges outside of Stages 1 and 2 continue to be

present, including overcrowding in Stage 3 area, illegal dumping in adjacent areas, fires in Columbus Park, and the presence of vehicular traffic along Guadalupe River Trail.

In preparation for the clearing of the Stage 3 area east of Spring Street between West Hedding Street and Taylor Street, PRNS commenced outreach efforts to seek input for interim recreation uses and other activities that meet community needs, follow FAA mandates, and align with the Guadalupe Gardens Master Plan.

At this time, funding in the amounts of \$1.5 million from the Airport and \$150,000 from PRNS are available for implementation of protection and activation measures. Other funds are already allocated for trash/debris removal and encampment removal. This memorandum will outline the anticipated expenses in 2022-2023 for the proposed Prototype Park and Trail Vehicle Prevention Project which will be considered as part of the development of the 2022-2023 budget, based on the condition of the General Fund and City Council direction.

## **BACKGROUND**

See Attachment A for information about the FAA’s directive to the City related to ensuring there are no residential activities in the 40-acres of Guadalupe Gardens and brief history of the Guadalupe Gardens Master Plan.

## **ANALYSIS**

Table 1 outlines the direction staff received from Council on October 19, 2021 and through the *Restoration of Guadalupe River Park and Gardens*<sup>1</sup> memorandum.

**Table 1 – Summary of Council Direction Addressed in Memo**

<b>Direction from Council and the <i>Restoring Guadalupe River Park and Gardens</i> Memorandum</b>	<b>Lead Department/Team</b>
<b>HOUSING:</b> Status of linking Guadalupe Gardens residents to housing options, plans for housing solutions for people in Stage 3	Housing
<b>SECURING THE SITE:</b> Results of Stage 1 and 2 abatement, re-encampment activities, current conditions of Stage 3 and next steps towards the June 30, 2022 deadline for full abatement per the FAA directive.	PRNS/BeautifySJ
<b>SECURING THE SITE:</b> Actions and timeline to limit vehicular access to trail	PRNS/Capital Improvement Team

<sup>1</sup> <https://sanjose.legistar.com/View.ashx?M=F&ID=9894632&GUID=31995F23-75B2-49B5-99FD-662DAB71A794>



<b>SECURING THE SITE:</b> Options to secure the site that align with PRNS recommendations based on current Request for Proposal and availability of K-rail	Airport
<b>ACTIVATION:</b> Recommendations for passive recreation activities and infrastructure needs based on community input, compatibility with FAA regulations, ability to implement upon clearance of Stage 3, and funding feasibility	PRNS/Capital Improvement Team
<b>ILLEGAL DUMPING:</b> Actions to deter illegal dumping in the area including Columbus Park	PRNS/BeautifySJ
<b>HUMAN PRESENCE:</b> Capacity of law enforcement to deter illegal activity along the Guadalupe River Park & Gardens trail from Arena Green to Airport	SJPD/PRNS
<b>HUMAN PRESENCE:</b> Expansion of SJ Bridge for weekly cleanup	Housing
<b>HUMAN PRESENCE:</b> Trainee Program for park rangers and maintenance positions	PRNS
Status of Beautify SJ recruitment and hiring of 28 new positions allocated in Approved Fiscal Year 2021-22 Budget	Human Resources/PRNS

**Housing**

The Housing Department and its contracted outreach partner, Home First, are consistently connecting with the unhoused residents of Guadalupe Gardens to provide health and social services and to engage in housing problem solving. Families with children have been a priority group to house as well as any other residents whose vulnerability index score facilitates housing options. The number of residents in Guadalupe Gardens is a fluid number and estimates have fluctuated from ~250 at its peak during the summer of 2021 to a more current number of ~ 120. As of January 7, 2022, 49 people have accepted housing solutions and moved out of Guadalupe Gardens. Table 2 is the status of service to the unhoused population.

**Table 2 – Unhoused Population Serviced in Guadalupe Gardens Area**

<b>Housing Solutions Between September – December 2021</b>	<b>Number of People Served</b>
Permanently Housed	5
Interim Housing Placement	23
Rapid Rehousing or Permanent Supportive Housing	17
Recreational Vehicle or Vehicle Repair	4
<b>Total</b>	<b>49</b>

In preparation for Stage 3, the City is engaging in multiple housing solution strategies. Some people need financial assistance to transition them into a permanent home, whereas other people need additional time to find a housing solution. The City will begin construction on the Guadalupe Emergency Interim Housing (Guadalupe EIH) site, located on the Police Administrations Building Parking E Lot, in January 2022. The site will have 14 prefabricated units that will house up to 76 persons and will include parking for residents and staff, offices,

security, shared kitchen and laundry facilities, community space, a dedicated dog run, and a smoking area. It is anticipated that site construction will be completed in fall 2022. In addition, possible locations for operable lived-in vehicles are being identified and analyzed for consideration by Council and the community. While the initial estimated completion date for Stage 3 was June 30, 2022, because it is the City's intent to offer Lot E units to the unhoused population at Guadalupe Gardens, the completion of Stage 3 has been pushed back to align with the estimated completion timeline of Lot E construction – fall 2022. As a result, Airport staff is notifying the FAA that there will a delay in the abatement of Stage 3. Final abatement will occur in coordination with the availability of the housing being built in Lot E. In the meantime, sanitation and social services will continue at this location.

### **Securing the Site**

The abatement of the Stage 1 and Stage 2 areas occurred between September and October 2021. The cleanup efforts included a phased approach: notification, cooperation, abatement. Notification of the forthcoming actions and dates in three languages were distributed by hand with staff seeking to speak directly with every resident when possible. Notices were posted on trees, tents, inoperable/abandoned vehicles and structures. A-Frame notices were placed in various high traffic locations. Staff and vendors removed over one million pounds of trash and debris from the Stage 1 and 2 areas of the Guadalupe Gardens. Additionally, thirty-four (34) inoperable or abandoned vehicles were towed from the area.

Since the conclusion of the abatement of the Stage 1 and 2 areas, BeautifySJ has abated six attempted re-encampments. Those individuals who re-encamped were noticed and abated within 24 hours because the previous abatement indicated that re-encampment would result in immediate abatement. Staff also monitors the area regularly to address illegal dumping, this monitoring has led to reduced re-encampment of the area.

Currently, many residents from the Stage 1 and Stage 2 areas of Guadalupe Gardens have moved to the Stage 3 area, as well as areas further along the Guadalupe River and trail. This has led to increased density of encampments and lived-in vehicles within a more circumscribed area resulting in impacted access to the Guadalupe River Trail and an overall increase in trash and debris that needs to be managed. Staff has planned a phased cleanup of the Stage 3 area with initial actions beginning in January 2022. The cleanup will include removing trash/debris, clearing abandoned, encampments, burned structures, addressing inoperable/operable vehicles located along the streets and trails, and in the final phase removing remaining encampment residents and structures.

Staff has developed a plan to reduce or limit vehicular use along the Guadalupe River Trail. The purpose of the Trail Vehicle Prevention Project is to prevent vehicle trespassing and at a minimum will include reinstallation and securing of bollards at 8 trail entrances, including Taylor Street, West Hedding Street, Coleman Avenue and Seymour Street. Fencing will be installed along Irene Street and Asbury Street to act as barriers to access between the Gardens and the riparian corridor as depicted in Attachment B. Up to three gated entries would be installed to permit access for emergency services and maintenance vehicles. Additional bollards

or physical barriers will be considered for installation at the trail's entrance at Airport Parkway, north of Highway 880. The preliminary estimate for the Trail Vehicle Prevention Project as depicted in Attachment B is \$827,850 with up to \$150,000 funded at this time with American Rescue Plan funds for physical deterrents citywide allocated to BeautifySJ.

As directed by the City Council, the Public Works Department put out to bid the fencing portion of this project to determine the per linear foot pricing for a basic chain-link fence and for a more decorative fencing option (similar to the existing fence around the Community Gardens on Asbury Street). A fence could also provide controlled access points to preserve and protect the land and activity outlined in the activation plan at Guadalupe Gardens. The linear foot pricing provides the City with flexibility to fence all or only portions of the area as Council determines is appropriate. Bids were received on January 20. Staff is currently in the bid evaluation period and further information will be available prior to the City Council meeting.

Staff is evaluating the need for any perimeter fencing and on a parallel track, the activation plan such as fencing for dog park, community gardens, etc. As discussed below, both options would require physical barriers or other security deterrents. As a result, staff recommends delegating authority to the Director of Public Works to award and execute the contract to allow for the City to protect all or parts of the 40 acres of Guadalupe Gardens to maintain compliance with the FAA accepted Corrective Action Plan.

### **Activation**

One of the key strategies to ensure no future re-encampments is the expeditious development of interim recreational amenities within the Guadalupe Gardens space. Currently the Guadalupe River Park Conservancy (GRPC) is PRNS Department's management partner to support management of the entire Guadalupe River Park, which this portion of Guadalupe Gardens is a part of. As such staff and GRPC conducted outreach efforts to engage the surrounding community and stakeholders to identify temporary recreational uses (compliant to FAA regulations) to activate the Prototype Park and funding sources. Activities completed include:

- Determined that "purple pipe" (i.e., recycled water) service exists currently on Spring, West Hedding and Asbury Streets. The cost to extend the service for specific uses within the Guadalupe Gardens area will be included in cost estimates for improvements.
- Met with four potential partners: Veggielution, Valley Verde, Garden2Table and Our City Forest.
- Considered interim and passive recreational opportunities for this site including disc golf, dog parks, nature-based programming and others. Partnerships for permanent passive recreational activities will be explored as the mid- and long-term plans for the space are developed.

*Partnership Opportunities* - In recent years, several potential non-profit partners have approached the City about potential long term uses of the Guadalupe Gardens area. Developing these partnerships has been challenging due to requirements from the FAA that any uses at the site must pay Fair Market Value to lease the land.

As part of this current work, GRPC, working with staff, coordinated with potential partners (Our City Forest, Valley Verde, Veggielution and Garden2Table) about use of the space. These groups expressed interest in using a portion of the Gardens for programming but, acknowledged that there are unanswered questions that need to be addressed. The following are some of the issues that need to be addressed in considering opportunities for partnership:

- Will lease fees be required and, if so, how much would they be?
- What infrastructure will the City build to support the operation (e.g., irrigation, electricity, storage sheds, etc.)?
- Will funding sources be provided for engagement and workforce development with unhoused community?
- What are City's expectations for use of the space and programming requirements?

This is a partial list of items that staff will continue to explore. Staff would need to coordinate this potential partnership with the FAA and address the issue of lease fees for this area. If FAA can support the concept of this type of use of the space, then PRNS will work toward establishing the partnerships, based on the condition of the General Fund and City Council direction.

*Interim and Passive Recreational Uses* - Staff was directed to explore options for interim use of Guadalupe Gardens area in partnership with the community and stakeholders and to report back to Council on development options. Staff was also directed to evaluate potential partnership opportunities for this space specifically for urban agriculture opportunities. Staff, in coordination with GRPC, completed community outreach regarding potential interim and passive recreational amenities and will continue to partner with GPRC and other key stakeholders to look for opportunities for long-term permanent and passive development of the Guadalupe Gardens area beyond this initial interim amenity development phase.

Attachment C shows the layout of a proposed Prototype Park that offers the following:

- The proposed plan is generally consistent with the 2002 Master Plan;
- The amenities proposed are supported by community interest and that would foster stewardship of the area; and
- The emphasis is on low capital cost activities and assumes soil conditions are suitable for recreational use.

The intent of the Prototype Park is to introduce new or large-scale recreational attractions at low cost to gauge public interest and identify operational issues or needs. Currently the Department's Strategic Plan, ActivateSJ, has a goal to create a one-acre site to test new products (Stewardship Measure, S5d), however in this instance, staff proposes taking the opportunity to prototype at a larger scale. This will enable the Department to document park user preferences with a range of recreational attractions that would not be feasible at existing neighborhood park sites. The lessons learned from this effort will help

guide future capital and operational investment in development of long-term/permanent improvements.

As shown in Attachment C, specific uses proposed for immediate implementation (as a result of the community outreach) include a 5.5-acre dog park, a 15.8-acre disc golf course, and approximately nine acres for wildflower plantings and meadows in the interim period, with that space set aside for future community gardens and/or urban agriculture. The preliminary one-time costs for a Prototype Park – excluding costs associated with developing the site for urban agriculture discussed below – are estimated at \$2,925,000. This also does not include any potential soil remediation.

Costs for implementation of urban agriculture will depend on the needs of the selected partners. Electrical service, water supply, irrigation, shade structures and raised garden beds are anticipated. Based on recent construction projects staff expects this cost of providing this infrastructure to range from \$4,366,000 and \$5,714,000. This is a preliminary opinion, not based on a plan and not reviewed by the Public Works Department.

The proposed uses align with the goal to build out lower-cost and more immediate solutions to activate the space quickly. Community input was also strongly in favor of roller-skating spaces and pickleball courts. However, the interim nature of Prototype Park cannot accommodate roller-skating or pickleball. In the future Spring Street might accommodate roller-skating, but it is not feasible at this time because the 2002 Master Plan calls for the removal of Spring Street, so retention of the roadway requires amendment of the Master Plan and its associated environmental analysis. In addition, the roadway would need to be repaved to safely support roller skating. Staff will continue to pursue broader/long range amenities, but do not recommend these items in a short-term implementation strategy.

The proximity of the airport influences park development and operations of the Gardens. Land use around the airport is defined by the City of San José General Plan (*Envision 2040*) and the *Comprehensive Land Use Plan* for Norman Y. Mineta San José International Airport adopted by the County of Santa Clara Airport Land Use Committee (ALUC). The ALUC plan provides the following guidance for lands within the Gardens area located north of Seymour Street (the Inner Safety Zone):

- Land use must be non-residential with a maximum density of 120 persons per acre.
- No structures within 100 feet of the extended runway centerlines.
- Thirty percent of the land area must be open space.

The ALUC conditions generally preclude construction of buildings, restroom structures, gazebos, pavilions, large numbers of sport fields and bleachers within Guadalupe Gardens. The land use restrictions are less stringent south of Seymour Street, but some restrictions do remain. The proposed park development as conceived in the 2002 Master Plan for Guadalupe River Gardens was intended to propose land uses consistent with the ALUC conditions.

A collection of pickleball courts would exceed the population density requirement for this site. Four pickleball courts are already proposed with renovation of Columbus Park and is not impacted by the ALUC plan.

The Prototype Park concept also calls for potential commercial land uses along Coleman Avenue. Development in this area has long been of operational interest to the Airport for its revenue potential. PRNS recognizes that activation of this edge of the park with land uses that are compatible with the park use (e.g., cafés, bike shops, etc.) could bolster use of the park amenities. In making the proposal for commercial use here staff assumes that this will help alleviate the need for the FAA to require Fair Market Value lease fees for the remainder of the community-benefit park space.

*Path to Implementation* - Regulatory coordination and environmental considerations need to be addressed before implementation of interim recreational improvements or partnerships. Additional outreach to the community and partners is also recommended. Any proposed activities at this location must be deemed consistent with the standards set by the FAA. Staff discussions with the FAA are ongoing.

Soil conditions at the site are currently being evaluated through Phase I and Phase II Environmental Site Assessments. There is no record of the area having been contaminated, but there is also no record of any past sampling. In addition, recent activities at the site may have left contamination in select areas. Before opening the property for recreational or agricultural use the condition of the soils must be known and, if necessary, remediation completed.

Additional outreach is recommended to share this plan, and confirm proposed direction framed by Council input and availability of resources to advance an interim Prototype Park's planning and development.

### **Illegal Dumping**

The closure of access to Spring Street to/from West Hedding Street has stopped through traffic and shifted illegal dumping to other areas near Taylor Street. The dumpsters along Spring Street and at Irene Streets have been removed to reduce the illegal dumping occurring in front of the dumpsters. Unfortunately, the dumpsters were placed for the unhoused residents to use but ended up attracting significant illegal dumping. The vendor, Green Waste was routinely unable to service the dumpsters because of the debris in front of the dumpsters. BeautifySJ has increased encampment trash service since the dumpsters were removed.

One set of cameras (video plus license plate reader) is proposed to be installed near Hedding and the trail entrance in February. Seven 'No Illegal Dumping' signs have been installed in the area – two on West Hedding Street, two on Asbury Street, and three near Taylor Street. The cost of monitoring these existing cameras is currently included within the BeautifySJ budget. Staff will continue to monitor the area for further interventions.

### **Human Presence Instead of Fence**

*Police & Park Rangers* – The Guadalupe River Trail from Arena Green (Santa Clara Street) to the Airport (Brokaw Road) is approximately three miles. The Police Department recently began providing overtime staffing for a trail of a similar distance that runs along Coyote Creek from William Street to Tully Road. Two overtime positions (1 officer and 1 sergeant) are assigned on a daily basis to patrol the trail on bicycles during a ten-hour shift. This pilot program is funded by an agreement with Valley Water, with each agency contributing \$400,000 for a total annual amount of \$800,000. There is also a potential need for some police presence along the Guadalupe River Park and Trail including the creek. While additional analysis would be needed to determine the most appropriate level of patrol presence, staff has included an \$800,000 cost for Trail Safety Patrol for reference in Table 3.

Hiring of Park Rangers continues to be challenging. The last recruitment resulted in the two candidates selected withdrawing during the background check process. A new recruitment will start at end of January 2022 which could result in Rangers being on solo patrol by fall of 2022. Also, PRNS continues to develop a Ranger Apprentice Program so there is a greater pipeline of candidates who gain full qualifications while already employed with City.

*Guadalupe River Park & Trail Maintenance and Safety* – In addition to the Ranger Apprentice program, the Parks Division of PRNS is developing a similar Trainee Program with Office of Employee Relations and Human Resources Department for maintenance positions to create a pipeline from Resiliency Corps, SJ Bridge and other apprenticeships. In the meantime, there is a critical need to enhance Guadalupe River Park maintenance as a companion to the interim uses being proposed. Park maintenance solely dedicated to Guadalupe Gardens and the clearing of the trails to restore them back to an acceptable level and maintaining landscaping include tree raising, vegetation management and fire prevention maintenance will be required to ensure the viability of the new interim uses at the gardens and safety of the trail system. Subject to the condition of the General Fund and City Council direction, the Administration will consider as part of the 2022-2023 budget development process an option to increase human presence with the addition of positions and non-personnel/equipment resources for Guadalupe River Park and Trail maintenance, preliminarily estimated to be \$950,000.

*Expansion Update of San José Bridge Program (SJ Bridge)* The SJ Bridge program is an employment program, established in 2018 with local non-profit organizations under PRNS to create part-time job training positions for homeless individuals to collect litter and debris. On March 16, 2021, the Council approved the March Budget Message which expanded SJ Bridge participants to 100 and transferred the program to the Housing Department to ensure that participants were linked to housing options. In August 2021, the Housing Department released a Request for Proposals (RFP) for potential operators of SJ Bridge and the Guadalupe Emergency Interim Housing Programs with intent for the two programs to work in collaboration by employing homeless individuals, assisting in job training, and providing interim housing while working to find permanent homes for individuals in the program. The Request for Proposals closed in October 2021. Staff is finalizing contract negotiations and will return to Council on February 15, 2022 to award a new contract to the selected operator. The contract will include

American Rescue Plan Act funding that was recently approved by Council on November 30, 2021 that will allow for an expansion to serve a total of 150 individuals. Participants for the program will come from both the Columbus Park and Guadalupe Park River areas where their work will focus on cleaning up these areas. Outreach for new team members will begin shortly after the City Council approves the contract.

### **BeautifySJ Hiring Update**

At the October 25, 2021 Council meeting, Council directed staff to report back on the status of 28 new approved positions allocated to BeautifySJ. These positions range from management classifications for the creation of a new division and field classifications to expand encampment trash services, with the majority being budgeted ongoing positions, and some temporary positions. At this time, 16 of the 28 positions (57%) were filled on the dates below:

December 26, 2021	Division Manager (1), Community Coordinators (3)
January 10, 2022	Community Coordinators (1)
January 23, 2022	Community Active Workers (5), GIS Specialist (1), Maintenance Worker II (4), Public Information Representative (1)

The recruitments for the remaining twelve (12) vacancies from the original 28 positions closed on January 14, 2022. New staff are anticipated to start in March 2022. An additional 11 limited-dated positions approved through June 2023 were approved at the November 30, 2021 Council meeting to enhance the capabilities to address blight from illegal dumping and encampments in waterways and highways; recruitments for these positions are expected to begin in March 2022.

### **CONCLUSION**

Because the \$1.5 million for perimeter fencing can be flexibly used to support efforts to secure the location through use of barriers such as K-rails, bollards or other physical deterrents, and based on the relative success of daily monitoring and use of K-rail to prevent re-encampment of Stages 1 and 2 of Guadalupe Gardens, staff recommends a combination of activation and security measures in a multi-phased approach to achieve the City's goals and secure the full 40 acres at the conclusion of Stage 3 to comply with the FAA mandate.

Pending results of conversations with the FAA, the results of soil sampling, and additional public outreach staff recommends development of the Prototype Park concept as an interim measure. At the point where Stage 3 is cleared continued use of K-rail will be necessary while interim uses are planned. K-rail will be a key step in the Trail Vehicle Prevention Project and full implementation of the Trail Vehicle Prevention Project will be considered based on available funding.

Outreach completed in December 2021 suggest the community would use this space, creating a lively and inviting public realm if vehicular trespassing, dumping and other negative factors can be resolved and prevented from reoccurring. While the interim plan is implemented, staff



will continue to pursue opportunities with non-profit partners and eventually develop a Request for Proposals for use of portions of this space. Continued monitoring of the site through enhancing the human presence will be crucial and best delivered through programming and park maintenance activities.

Together, these measures will create the enhanced human presence and environmental restoration and stewardship sought by Council. Departments and partners will continue to coordinate on interim and long-term strategies for creating a safe, vibrant public space in Guadalupe Gardens and along Guadalupe River Park.

### **EVALUATION AND FOLLOW-UP**

Staff will continue to implement direction on Guadalupe Gardens encampment management strategy including exploration of partnerships and activations. Staff will report back on progress to Council through an Information Memorandum or at Council in the Spring of 2022.

Recommendations to protect and activate Guadalupe Gardens, including capital improvements and identifying stewardship partnerships, and park and trail maintenance and safety will be considered as part of the 2022-2023 budget development process, based on the condition of the General Fund and City Council direction.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

Staff developed and executed Phase I of an outreach plan to assess community interest in Guadalupe Gardens. An English language survey was developed and received 588 responses between December 7 and December 20, 2021. A community meeting was held via Zoom on December 8, 2021, with approximately 54 people in attendance. A video of the meeting can be viewed here: <https://grpg.org/guadalupe-gardens-improvement-plan/>

The Phase I Outreach showed that:

- 26% of respondents consider access to nature and open space the most important aspect of the space.
- Improvements on paths and trails (41%), the addition of restrooms (38%) and lighting (34%) would increase use of the space even without additional improvements.

- Landscaping improvements (30%), increased patrols (22%) and trail maintenance (19%) ranked as the most impactful projects.
- There is strong interest in activities such as roller-skating, disc-golf, and pickleball.
- Dog park, disc golf course, open space and urban farming rated the most favorable among all the suggested improvements.

## **COORDINATION**

This memorandum was coordinated with the City Manager's Office, City Attorney's Office, City Manager's Budget Office, Department of Public Works, Fire, and Police Departments.

## **COMMISSION RECOMMENDATION/INPUT**

The Airport Commission received a report on the current activity around the three-staged abatement process at their November 8, 2021 meeting. The Commissioners requested that they be kept apprised of the ongoing progress the City is making towards completing the Corrective Action Plan that was sent to the FAA. They expressed concern about the size and scope of the encampment and were pleased with the progress that was made in Stages 1 and 2. They were sympathetic to the complexity and difficulty of the situation and supportive of the City fulfilling its obligation in a humane way.

## **FISCAL/POLICY ALIGNMENT**

There are two City Enterprise Priorities – **Safe, Vibrant Neighborhoods and Public Life** and **Creating Housing and Ending Homelessness** that drive the City Road Map Priority aligned with this project, the *Encampment Management and Safe Relocation Strategy*<sup>2</sup>. City departments seek to maximize City resources with a humane, compassionate approach as we address the ongoing housing crisis by providing social and sanitation services to unhoused residents of San José.

## **COST SUMMARY/IMPLICATIONS**

A total of \$1,125,000 is budgeted in the American Rescue Plan Fund for the BeautifySJ program to clean-up Guadalupe Gardens (\$975,000) and physical deterrents to limit access to unauthorized areas city-wide (\$150,000). The total \$150,000 citywide budget for the physical deterrents is expected to be used for Guadalupe Gardens. Recommendations for protection and activation of Guadalupe Gardens, including capital improvements and identifying stewardship partnerships, and park and trail maintenance and safety will be considered as part of the 2022-

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<sup>2</sup> [October 26, 2021: Council Memo: Encampment Management Strategy and Safe Relocation Policy](#)

2023 budget development process, based on the condition of the General Fund and City Council direction.

Funding in the amount of \$1.5 million is budgeted in the Airport Renewal and Replacement Fund based on the engineer’s estimate for appropriate enclosures at the Guadalupe Gardens. This funding is available for any protective features such as purchasing needed K-rail to install after Stage 3 abatement and while park concept plans are developed. Authorization of Recommendation 2 above does not obligate the City to spend \$1.5 million on fencing and has been recommended to allow flexibility to install the perimeter fence as initially proposed or to be used for any potential fencing needs for the various projects associated with the activation.

There are no budget actions proposed at this time. A summary of preliminary estimated costs is shown in the table below. Depending on City Council direction, recommendations for recreational uses to activate Guadalupe Gardens, including capital improvements and identifying stewardship partnerships, and park and trail maintenance and safety will be further evaluated and considered as part of the 2022-2023 budget development process.

**Table 3 – Summary of Current Allocations and Preliminary Costs**

<b>Expenses</b>	<b>Current Allocations FY21-22</b>	<b>Preliminary Estimate of Needed One-time Costs</b>	<b>Potential Ongoing Costs FY22-23</b>
PRNS: Clean-up	\$ 975,000		
Airport: Protective Measures	\$1,500,000		
PRNS: Physical Deterrents	\$ 150,000		
PRNS: Prototype Park (Dog Park, Disc Golf, and Meadow with paths, k-rail and signage)		\$ 2,925,000 <sup>3, 4</sup>	
PRNS: Trail Vehicle Prevention Project		\$ 825,000	
PRNS: Guadalupe River Park & Trail Maintenance			\$ 950,000
SJPD: Trail Safety Patrol			\$ 800,000
<b>TOTALS</b>	<b>\$ 2,625,000</b>	<b>\$ 3,750,000</b>	<b>\$ 1,750,000</b>

<sup>3</sup> Costs for implementation of urban agriculture will depend on the needs of the selected partners. Electrical service, water supply, irrigation, shade structures and raised garden beds are anticipated. Based on recent construction projects staff expects this cost of providing this infrastructure to range from \$4,366,000 and \$5,714,000. This is a preliminary opinion, not based on a plan and not reviewed by Public Works.

<sup>4</sup> All costs exclude soil remediation.

**Table 4 – Pricing of Decorative and Chain Link Fence**

Fence Type	Approximate Pricing per Lineal Foot	Fencing Quantity Purchased at the Unit Rates Provided
Chain Link – 8' tall	\$167.43*	5,250 LF*
Montage 2 Rail 6' tall - (Decorative Fencing similar to existing fence surrounding community garden in the Guadalupe Gardens)	\$202.47*	5,250 LF*

\*Apparent low bidder proposal is for 5,250 LF of either type of fence. Actual fencing quantity and type will be determined based on Council input; the contract is able to accommodate more or less fencing (as needed), protest period for bidding closes on 1/28/2022.

**CEQA**

Categorically Exempt, File No. ER21-005, CEQA Guidelines 15303(e). New Construction or Conversion of Small Structures and PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body.

/s/  
 JOHN AITKEN, A.A.E.  
 Director of Aviation

/s/  
 MATT CANO  
 Director of Public Works

/s/  
 JON CICIRELLI  
 Director of Parks,  
 Recreation & Neighborhood Services

/s/  
 JACKY MORALES-FERRAND  
 Director of Housing

For questions, please contact Andrea Flores Shelton, Deputy Director, Parks, Recreation, & Neighborhood Services at [andrea.floresshelton@sanjoseca.gov](mailto:andrea.floresshelton@sanjoseca.gov) or (408)535-3571.

- Attachment A: Background
- Attachment B: Bollard Placement Plan
- Attachment C: Prototype Park Plan

## ATTACHMENT A

### **BACKGROUND**

#### **FAA Directive**

In February 2021, the Federal Aviation Administration (FAA) wrote to the City to voice safety concerns about a homeless encampment located on the Guadalupe Gardens area and stated that this encampment violated the City's grant assurances with the FAA. This land was bought with FAA funds for runway approach protection purposes and noise mitigation for the Airport. In the letter the FAA expressed the desire that the Airport and City avoid "any situation which may compromise applicable airport design surfaces, for continued safe operations at this airport facility."

In response to the directive issued by the FAA, staff from the Airport, PRNS, Housing, and Police Departments collaborated to recommend a viable plan to address the current condition at Guadalupe Gardens. Staff acknowledge that the conditions at this location are concerning, not just from an airplane safety perspective, but from a humanitarian and public health perspective as well. To address the numerous concerns in this area, staff identified the following goals of the proposed project:

1. Honor City Commitment to FAA Grant Funding
2. Optimize Use of City Funding
3. Protect the Health and Safety of the Unhoused Population
4. Protect the Natural Environment
5. Prevent Future Re-encampment of the Area
6. Protect businesses in area

Initially, the Departments of Airport, PRNS, and Housing recommended erecting a perimeter fence at a cost of \$1.5 million after all encampments were cleared.

On September 28, 2021 the Council took the following actions:

- Directed staff to develop other options for preventing re-encampment, deferring approval of the fence due to costs.
- Approved the placement of low-lying concrete barriers (i.e., K-rail) around the abated property of Stages 1-2 to prevent vehicles from re-entering after abatement was complete.

On October 19, 2021, staff returned with a supplemental memorandum laying out near-term, interim, and long-term plans for securing and activating the Guadalupe Gardens site. In addition, the Council took the following actions:

- Held a public hearing and adopted a resolution to authorize the temporary closure of Spring Street between West Hedding Street and Asbury Street, and Asbury Street between Walnut Street and Irene Street, and Irene Street.
- Approved the *Restoring Guadalupe River Park and Gardens* Memorandum dated October 19, 2021 directing the City Manager to carry out actions described below related to Housing, Securing the Site, Human Presence Instead of Fence, Illegal Dumping,

Activation, and Funding. Direction included the staff recommendation to evaluate and consider recreational improvements.

- The Airport's fencing options were also directed to return if activities in the area called for such a solution.

From September 7<sup>th</sup> through October 2021, the City implemented a plan to notify people, clear the area, and secure Stages 1 and 2 of a 3-Stage area encompassing the 40 acres of Guadalupe Gardens between Coleman Avenue, West Hedding Street, Asbury Street and the Guadalupe River trail. To date, the areas known as Stage 1 (Coleman Avenue to Walnut Street) and Stage 2 (Walnut Street to Spring Street) have concluded. The area is secure through daily monitoring by BeautifySJ staff and the using K-rail around the perimeter.

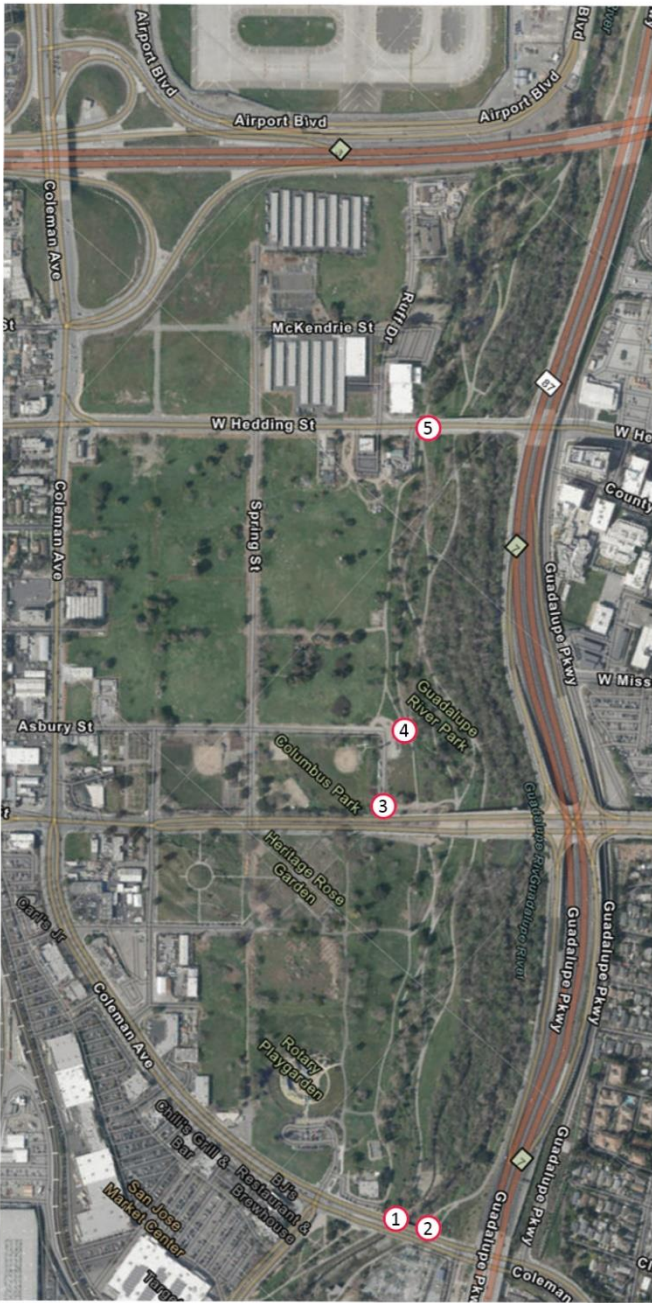
On November 19, 2021, staff closed the north-end of Spring Street at West Hedding Street and two other outlets to West Hedding Street from Stage 3 with K-rail. In addition, No Parking signs on the east side of Spring Street were removed to alleviate overcrowding in Stage 3 and facilitate vehicles to move onto street without penalties. The creation of a long dead-end street eliminated the significant cut through traffic with the intent of temporarily providing more street area for lived-in vehicles and to discourage illegal dumping and further entry into Stage 3. Pedestrian and vehicle access to Stage 3 remains along Spring and Irene Streets, and the trail side.

### **Activation of Guadalupe Gardens**

The approximately 40 undeveloped acres of Guadalupe Gardens generally bounded by Asbury Street, Coleman Avenue, Hedding Street and Guadalupe River Trail from Coleman Avenue to Interstate 880 is the subject of the activation discussed in this memorandum. A Master Plan for Guadalupe River Gardens was approved in 2002. While portions of Guadalupe Gardens were developed (e.g., the historic orchard, Heritage Rose Garden, Rotary PlayGarden, etc.), the area north of Asbury Street remains undeveloped due to lack of funding for construction and maintenance.

The Guadalupe River Trail, from Coleman Avenue to Interstate 880 is the subject of the trail improvement plan discussed below. In the past two years, there have been increasing concerns about safety along this reach of the regional trail system. This stems from the presence of unhoused individuals and, more recently, the presence of motor vehicles operating on and along the trail. Annual Trail Count data shows a significant decrease in use of this trail, with 479 users counted in 2020, down from a peak of 1,269 in 2016. This is due, in part, to changes in work schedules and commute patterns, but also in part due to users feeling unsafe.

# ATTACHMENT B – Bollard Placement Plan

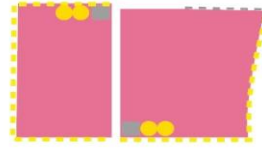
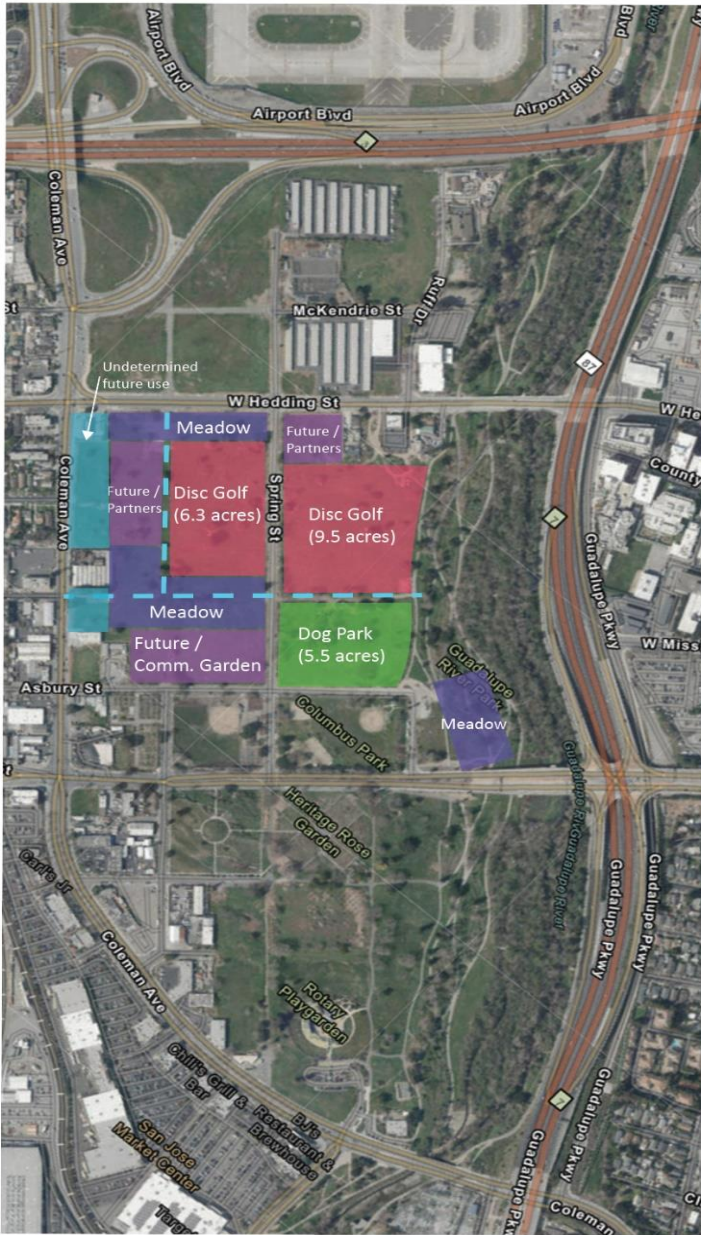


Trail Entry	Proposed Improvements	Photo (Simulation*)
① Guadalupe River Trail W	Restore bollard	
② Guadalupe River Trail E	Add one center bollard and two "shoulder" bollards	
③ Irene St. x W. Taylor St.	Add three bollards at vehicle entry, frame entrance with one K-rail unit on W. Taylor St. side and two K-rail unit on Irene St.	
④ Irene Street Parking Lot	Add bollards along edge of planting	
⑤ Hedding St. - South	Add three bollards at vehicle entry, frame entrance with two K-rail units on each side	
Hedding St. - North	Add three bollards at vehicle entry, frame entrance with one K-rail units on each side	

\*Visual simulation of intended improvements, subject to change during design development



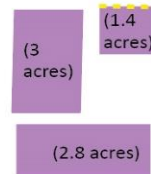
# ATTACHMENT C – For Discussion Purposes Prototype Park at Guadalupe Gardens



- Disc Golf (15.8 acres)**
- - - - 3' (height) chain link fence
    - 310 linear feet
  - - - - 20' k-rail
    - 140 k-rail (2,800 linear feet)
  - 500 sqft concrete / park entrance
    - 2 entrances = 1,000 sqft concrete
  - 18 disc golf holes
    - 1 pole with 2 park signs
    - 4 poles & 8 park signs



- Dog Park (5.5 acres)**
- - - - 4' (height) chain link fence
    - 2,400 linear feet
  - 500 sqft concrete / park entrance
    - 2 entrances = 1,000 sqft concrete
  - vehicle gates / pedestrian gates
  - 1 pole with 2 park signs
    - 4 poles & 8 park signs



- Future / Partners / Community Garden (7.2 acres)**
- 8lb wildflower seed mix / acre
    - 57 lb wildflower seed mix
  - - - - 20' k-rail
    - 14 k-rail (277 linear feet)



- Meadow (9 acres)**
- 8lb wildflower seed mix / acre
    - 72 lb wildflower seed mix



- 10' Interim Walking Path**
- 2,450 linear feet
  - 1 pole with 2 park signs
    - # poles - TBD





COUNCIL AGENDA: 05/03/22

FILE: 22-612

ITEM: 7.1



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jon Cicirelli  
Jacky Morales-Ferrand

**SUBJECT: CITY ROADMAP - ENCAMPMENT  
MANAGEMENT AND SAFE  
RELOCATION POLICY**

**DATE:** April 29, 2022

Approved

Date

04/29/22

## REPLACEMENT

### REASON FOR REPLACEMENT

This memorandum corrects the timeframe when the Stormwater Permit will come to the Transportation and Environment Committee on page 9 and a mathematical error in Table 9 on page 18.

### RECOMMENDATION

- (a) Accept the staff report on the status of the City Roadmap - Encampment Management and Safe Relocation Policy and direct the City Manager to:
  - (1) Maintain the Encampment Management strategy to provide sanitation and human services including the recommended setback guidelines and services, outreach, assistance, resources program criteria;
  - (2) Approve implementation of a Coyote Creek bi-weekly trash pickup program for Fiscal Year 2022-2023 to align with the Direct Discharge focus areas; and
  - (3) Explore the need to scale services to remove discharge/human waste from recreational vehicles and other lived-in vehicles.
- (b) Accept the update on the Guadalupe Gardens encampment abatement and rapid rehousing efforts and approve the extension of the Guadalupe Gardens cleanup to no later than September 30, 2022 to align with opening of relocation opportunities.
- (c) Accept the update on the Guadalupe River Trail Vehicle Prevention Project and work associated with development of the Prototype Park.

## **OUTCOME**

City Council will be provided an update on the Encampment Management Strategy, implementation of a Coyote Creek bi-weekly trash pick-up program, and the need to scale services for lived-in vehicles. In addition, an update on staff's ability to rapidly rehouse individuals for full abatement of the Guadalupe Gardens encampment will be provided and, if approved, the no later than September 30, 2022 date for the full abatement of Guadalupe Gardens will be communicated to the Federal Aviation Administration. Also, City Council will understand the timeline, workplan and budget needs for the Vehicle Prevention Project and Prototype Park.

## **EXECUTIVE SUMMARY**

During the COVID-19 pandemic emergency response, the City of San José (City) began implementing an encampment management strategy seeking to maintain encampment locations that were clean and offered sanitation, hygiene, and social services. New services such as the Encampment Trash Program and Services, Outreach, Assistance, Resources (SOAR) Program started at this time. In July 2021, the responsibility for encampment abatement shifted from the Housing Department to the Parks, Recreation and Neighborhood Services (PRNS) Department's BeautifySJ Program, including the new Encampment Trash Program and the encampment management process.

The principles of an equitable, effective, and efficient Encampment Management Strategy presented to City Council in December 2020<sup>1</sup> still apply today. Abatements are minimized to limit impacting the most vulnerable people in our society – those who are living a harsh existence outside at risk of sickness and death. Cleanliness through cooperation and timely trash service is emphasized for the health of the unhoused and to maintain a quality of life for all residents. This program is designed to support the unhoused where they are and keep the City clean while complementary policies and practices to house them are put into place.

There is an urgency for solutions. One of the solutions is accepting that there are some locations and conditions that our diverse unhoused community will live in, that housed residents may not understand or want to accept, yet it is our obligation to find common ground to serve everyone in San José.

BeautifySJ staff has continued the process of developing and refining the Encampment Management Strategy including analyzing existing and additional setbacks, increasing trash pickup at encampment sites, and implementing best practices to manage blight at encampment locations. The Housing Department has focused efforts on expanding street-based services and

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<sup>1</sup> [December 2020 City Council Memorandum: BeautifySJ – Programs and Strategies to address Trash, Debris and Blight Across the City](#)

April 29, 2022

**Subject: City Roadmap - Encampment Management and Safe Relocation Policy**

Page 3

emergency programs, including the expansion of the SOAR Program and establishing two safe parking<sup>2</sup> sites.

This memorandum provides an update on the City Council Roadmap Priority: Encampment Management and Safe Relocation Policy and seeks Council feedback and direction on the following issues divided into two sections – Encampment Management Strategy and Guadalupe Gardens Project Update:

- Encampment Management Strategy
  - Setback guidelines
  - Encampment assessment decision process
  - Waterways approach in support of the Direct Discharge Trash Control Program
  - Interagency efforts with existing and new partners
  - Approach to services such as encampment trash performance, lived-in vehicles, SOAR expansion criteria
  
- Guadalupe Gardens Project Update

## **BACKGROUND**

In Fiscal Year 2021-2022 there were several actions to consolidate and expand various BeautifySJ-related programs into one department to improve the delivery of services. This included budget actions in the amount of \$14 million from the American Rescue Plan and over \$2.8 million in the General Fund.

On October 26, 2021<sup>3</sup>, staff presented a status report on City Council Roadmap Priority: Encampment Management and Safe Relocation Policy that included the 3S protocol system used to manage encampments throughout the City. This protocol outlines where encampments cannot be located (setbacks), what areas remain where encampments can be managed (sites), and the necessary services and service levels (services) available. Staff also presented on the status of current setbacks, future setbacks that staff would analyze, and information on the expansion of the SOAR Program.

On February 8, 2022<sup>4</sup>, staff presented a status report on the Guadalupe Gardens Fencing and Activation Alternatives which provided an update on the encampment abatement and alternatives to fencing the Guadalupe Gardens property. The presentation also provided information on the Guadalupe Gardens Prototype Park concept, and a Vehicle Prevention Project to address impacts of vehicles located on a segment of the trail. Council directed staff to provide additional

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<sup>2</sup> “Safe parking,” funded by the City, is a parking program, operated on property located outside of the public right-of-way and typically managed by a social service provider that provides individuals and families with vehicles a temporary place to park overnight while working towards a transition to permanent housing. Other services may include restrooms, shower facilities, security and controlled access for entry and exit.

<sup>3</sup> October 26, 2021: Council Memorandum, Status Report on Encampment Management and Safe Relocation Policy

<sup>4</sup> [February 8, 2022: Council Memorandum, Guadalupe Gardens Fencing and Activation Alternatives](#)

information on the ability to rapidly rehouse unhoused residents to meet the current June 30, 2022 deadline per the Federal Aviation Administration Corrective Action Plan.

## **ANALYSIS**

Beginning July 2021, the BeautifySJ Program began an expansion, consolidation, and alignment of programs and services aimed to engage residents in clean neighborhoods, streets, and creeks. The consolidation included transitioning the Encampment Abatement Program from the Housing Department and the Illegal Dumping Program from the Environmental Services Department to the PRNS Department. The expansion also included the creation of the new Community Services Division in the PRNS Department; adding 39 new positions as part of 2021-2022 budget actions; shifting nine staff members from other departments to PRNS; launching the encampment management strategy; and consolidating and aligning long-standing PRNS BeautifySJ programs unrelated to encampments, such as Anti-Graffiti, Anti-Litter, Neighborhood Dumpster Days. These consolidation and expansion efforts grew the BeautifySJ Program from 16.5 positions to 64.5 positions in 2021-2022.

Currently, the PRNS Department is in the implementation phase of the BeautifySJ consolidation plan which includes hiring and training new staff. While the shifting of the Illegal Dumping Program from the Environmental Services Department to PRNS was straight forward, the transition of encampment management from the Housing Department has been more complex. Much of the complexity is due to BeautifySJ and the Housing Department using two different data systems to manage services at encampments and the bifurcation of services that are housed in two different departments but must work together. For example, BeautifySJ collects data that tracks the amount of trash and waste at encampment locations, while the Housing Department collects data from the Outreach program that works with unhoused residents to provide access to social services and housing and sheltering options. BeautifySJ has coordinated initial meetings with the Information Technology Department to discuss using technology to improve processes, including data integration, refining the intake process, and developing a comprehensive workflow system, and as part of the 2022-2023 Proposed Operating Budget, the Administration will be recommending new funding for this purpose.

The PRNS and Housing Departments are using a new Encampment Management Collaborative and working with several critical partners – such as the County of Santa Clara to address policy, system and priority issues and day-to-day operations with clear communication, coordination, and decision-making channels.

The Encampment Management Collaborative will provide multiple forums to discuss, and problem solve various system and service gaps, leverage resources and expertise, plan and implement equitable policies, and effective and efficient services across agencies and among numerous stakeholders.

**SECTION 1: ENCAMPMENT MANAGEMENT STRATEGY**

Table 1 outlines and describes the four Encampment Management Strategy objectives for this fiscal year which reflect the third pillar of the Community Plan to End Homelessness adopted by the City to improve the quality of life for unsheltered individuals and create healthy neighborhoods for all. Key results for each objective are developed on a quarterly basis and include work plan items outlined in Attachment A (Timeline for Encampment Management Strategy Work).

**Table 1: Strategy Objectives**

<b>Encampment Management – City Roadmap Objectives</b>	
<b>Clean the City’s Public Spaces</b>	Optimize encampment trash removal services and disposal systems through increased service frequency to ensure reliable removal of trash, biowaste, metals, vehicles, and hazardous materials.
<b>Create Setbacks for Priority Locations</b>	Enforce restricted areas along priority locations to reduce risks and address the safety and quality of life for all residents.
<b>Identify Sites that Promote Safety and Belonging</b>	Recognize 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.
<b>Connect People to Social Services and Meet their Basic Needs</b>	Provide access to human services and systems that create stability through outreach and assistance, including access to employment training or opportunities mental health services, substance abuse treatment as well as basic needs such as food, water, and equipment.

Setbacks – Areas Where Encampments are Not Allowed

Setbacks are enforced areas or locations where living structures and personal belongings are not allowed, and where people cannot live outside. These setbacks prohibit built structures or tents for the purposes of living within the public right-of-way (sidewalks, streets, medians, paved trails, City facilities) and within 150 feet of a school property. Table 2 below outlines the significant risk factors that guide the setbacks for encampment locations developed in coordination with internal departments. An encampment may be subject to abatement because the location presents risk factors or due to certain conditions that create risk factors regardless of the location.

**Table 2: Setback Guidelines**

<b>Locations &amp; Conditions</b>	<b>Definition</b>
<b>School Buffer Zone</b>	Tents, built structures, or other belongings that are erected or stored within 150’ of an elementary, middle, or high school property.
<b>Blocking Public Right-of-Way</b>	<ul style="list-style-type: none"> <li>▪ Sidewalks</li> <li>▪ Streets</li> <li>▪ Trails</li> <li>▪ Medians</li> <li>▪ Permitted events at City facilities</li> <li>▪ City facility (park restroom, playground, community center, library, fire station, etc.)</li> </ul>
<b>Health and Safety Conditions</b>	<ul style="list-style-type: none"> <li>▪ Fire danger</li> <li>▪ Vehicle or Pedestrian Danger</li> <li>▪ Unauthorized access to electrical</li> <li>▪ Potential for drowning if flooding occurs</li> <li>▪ Significant reoccurring or unresolved unsanitary conditions</li> <li>▪ Severe vector control issue occurs</li> </ul>
<b>Obstruction to Critical Infrastructure</b>	<ul style="list-style-type: none"> <li>▪ Infrastructure Degradation</li> <li>▪ Public Operations and Maintenance</li> <li>▪ Construction project (on land or waterways)</li> <li>▪ Hospital and Trauma Centers</li> </ul>

Based on these setback guidelines, 72 abatements were conducted between October 2021 and January 2022. Primarily these abatements were based on the 150-foot school zone buffer setback and right of ways. (See Figure 1 on page 12).

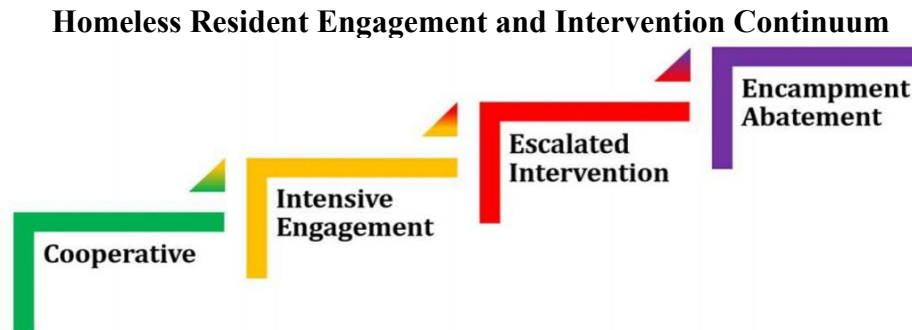
Encampment Assessment Process

Prior to the COVID-19 pandemic, the City’s approach to encampment management was a complaint-driven, abatement-focused strategy. While this approach addressed the immediate location of an encampment, it rarely led to an outcome of fewer encampments, and often the encampment moved to a new location. The new Encampment Management Strategy seeks to manage encampments by using a variety of tools and approaches to better manage sites and reduce the need for abatements overall.

Currently, the Encampment Management team educates encampment residents on the “Good Neighbor” guidelines which include, bagging their trash; confining the space to a 12x12 area; storing personal items within their tent/structure/vehicle; and ensuring that the right-of-way is accessible. Encampments that do not adhere to the Good Neighbor guidelines are subject to additional escalated cleanup actions which may include abatement.

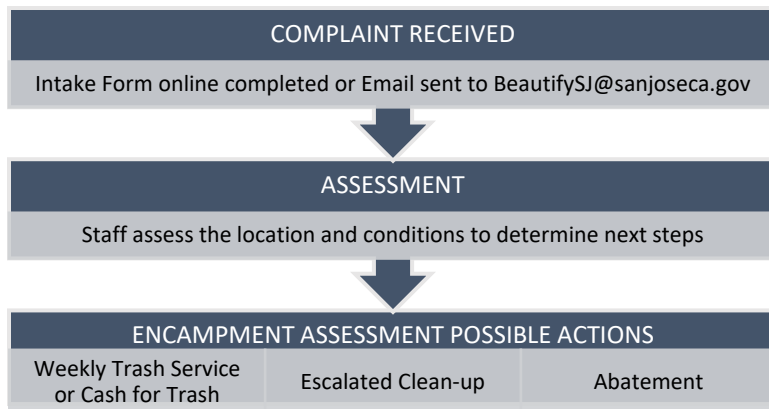
The chart below outlines the process used to manage engagements with residents at encampment locations. Providing trash service to our unsheltered population who reside in encampments does not follow the same linear process that residents in homes experience. The Encampment Management team uses the intervention continuum as a method to first work cooperatively with

encampment residents to maintain their encampment area. An ongoing or chronic lack of cooperation may lead to escalating actions including removal of agreed upon trash, dismantling of an oversized encampment and up to the full removal of people from a location known as an abatement.



The chart below outlines the Encampment Assessment Process.

1. Intake of new or non-compliant encampment received.
2. Assess the site to determine the location and conditions that guide the next steps.
3. Once the assessment is complete, the following may happen:



- a. Determination that no abatement or escalated cleanup is needed, and the encampment is to be managed and receive weekly trash service.
- b. Determination that site is not orderly and in need of an extensive removal of trash and debris, but the people are allowed to stay and reconfigure the encampment size. The encampment may need to shrink its footprint which may mean that some structures are dismantled.
- c. If the need for an abatement (removal of encampment from a location) is determined, the City's abatement protocol will be followed, which includes, but is not limited to: posting for cleanup and removal; providing a minimum of 72 hours-notice prior to abatement; and requesting that outreach visit the site to offer shelter options.

Waterways

The sheer scale and complexity of issues in the waterways calls for a comprehensive approach to address the potential relocation needs of the people living in the waterways, the trash and vehicle removal, and the assessment of re-encampment prevention tools and resources. The principles of equity, effectiveness, and efficiency are needed to drive a plan of this magnitude and will require a comprehensive intra-departmental and intra-jurisdictional strategy.

San José has 26 distinct rivers and creeks and approximately 136 miles of waterways. In 2016, the California State Water Resources Control Board approved the City’s Direct Discharge Trash Control Program (Direct Discharge) which focused on approximately 27 miles of waterways (Coyote Creek - 10.7 miles, Guadalupe River – 11.6 miles and Los Gatos Creek – 4.4 miles). Under the program, staff provides services such as encampment trash program, Cash for Trash, portable bathrooms and creek cleanups with non-profit partners and volunteers within the three established Direct Discharge Focus Zones<sup>5</sup>.

For a snapshot of current situation in these zones, the data below in Table 3 was reported in December 2021 by PATH (People Assisting the Homeless) within the Coyote Creek current Direct Discharge program zones:

**Table 3: Outreach Data – December 2021 Snapshot**

<b>Zones</b>	<b>People</b>	<b>Structures/ Tents</b>	<b>Vehicles</b>
Hwy 280 to Story Road: Coyote Meadows to S. 12 <sup>th</sup> Street	22	33	1
Tully Road to Capitol Expressway	74	75	23
Hwy 880 to Hazlett: ‘Corie Court’	34	50	28
<b>Total</b>	<b>130</b>	<b>157</b>	<b>52</b>

The Environmental Services Department secured a grant for \$1.54 million from the Environmental Protection Agency which will be distributed over the next four years (2021-2025) to support non-profit partners and fund additional creek cleanups, including \$37,500 annually or \$150,000 over a four-year period to install structural barriers to minimize impacts to waterways. Santa Clara Valley Water has also provided grant funding to support creek cleanups in Council District 7 (\$200,000), funding to expand the Cash for Trash Program to waterways (\$180,000) grant over a three-year period) and supported fifty percent of the cost for Coyote Creek Trail Patrol Pilot Program (\$400,000).

Currently, BeautifySJ coordinates efforts with creek cleanup partner organizations (South Bay Clean Creeks Coalition, Keep Coyote Creek Beautiful) to remove trash and debris from Coyote Creek and the Guadalupe River. This fiscal year our partners and creek volunteers have filled over 7,700 litter bags with litter and trash which is equivalent to 135 tons of debris (270,000

<sup>5</sup> 2106 Direct Discharge zones: (1) Interstate Hwy 280 to Story Road; 2) Tully Road to Capital Expressway; and 3). Interstate Hwy 880 to Hazlett Way)



pounds) from waterways. In 2021-2022 these partners each received \$50,000 in funding to conduct these cleanup efforts. The City Council approved Mayor's March Budget Message for Fiscal Year 2022-2023 directed the continuation of funding for volunteer driven waterways cleanup efforts.

Effective July 1, 2022, the California State Water Resources Control Board will be issuing a new municipal regional permit. The most recent draft permit requires the City to submit an updated Direct Discharge Trash Control Plan by September 1, 2022, and an updated Long-Term Trash Load Reduction Plan by September 30, 2023 that will address 100% trash removal by June 30, 2025. The Environmental Services Department will report to the Transportation and Environment Committee in the fall with more information on the Municipal Regional Stormwater Permit and associated costs.

The Coyote Creek weekly encampment trash service will be based on current resources for fiscal year 2022-2023 with the option of adjusting based on incoming data, such as the February 2022 Point-in-Time (PIT) count of unhoused residents scheduled to be available in the summer of 2022. Several City departments collect encampment data in addition to the PIT count, and these quarterly assessments from outreach partners, Environmental Service Department reports, and the BeautifySJ team should be the basis to inform decision-making relating to the City's priorities in the waterways and assist in the preparation of an updated Direct Discharge plan.

At the November 30, 2021<sup>6</sup> City Council meeting, BeautifySJ was allocated funding from the American Rescue Plan Act to support trash pickup efforts near waterways. For 2022-2023 BeautifySJ will prioritize a waterways specific encampment trash program route. The new route will be in the three Direct Discharge focus zones along the Coyote Creek and would receive trash services every other week. With the current funding, BeautifySJ is able to conduct limited quarterly escalated clean ups with interagency partners near waterways and in the creek channel but will be extremely challenged to keep creeks free of vehicles or abandoned and vacant encampment structures. Staff will continue to evaluate this new program to determine the effectiveness and will re-examine the funding for this program should there be more than expected escalated clean ups or if the clean ups are more costly and complicated than anticipated.

### Interagency Efforts

The BeautifySJ Interagency Team is the lead team for coordinating contracts and services to maintain clean waterways, highways and neighborhoods with four interagency partners. This Interagency Team was added as part of the November 30, 2021<sup>5</sup> *Pandemic Response and Community and Economic Recovery Budget Adjustments*. The team is expected to be fully operational in late April 2022 and below is a summary of activities and the status of current agreements.

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<sup>6</sup> [November 30, 2022: Council Memorandum, COVID-19 Pandemic Response and Community and Economic Recovery Budget Adjustments.](#)

**Caltrans, California Department of Transportation** – Caltrans staff meets with BeautifySJ management twice per month to prioritize, coordinate and leverage resources to address areas with ongoing, reoccurring trash from encampments. This has led to better coordination to address areas most impacted by blight, including the McKee Road and Alum Rock Avenue off-ramps, the Meridian Way roundabout, and areas along Highway 101.

In February 2022, Caltrans announced Clean California Beautification Project funding for three City projects listed in Table 4 and agreed to partner with the City on Neighborhood Dumpster Day events. Unfortunately, the City was not awarded the competitive grant that was specific to implementing an education campaign to reduce trash related blight; park improvements to increase use in equity priority neighborhoods; projects to reduce the heat island effect; and a creek cleanup/community engagement project.

**Table 4: Caltrans – Clean California Beautification Projects**

Project location	Description
<b>San José Almaden Beautification (D3)</b>	Install improved and new sidewalks, fencing, buffer planting areas between the sidewalk and street including street trees, and infrastructure features to facilitate creation of community gardens and storage for unsheltered individuals.
<b>San José Havana-Midfield Park (D7)</b>	The City will develop this unused Caltrans space into a pocket park for the community and Caltrans has implemented an airspace lease for this parcel with the City.
<b>San José Art</b>	Clean up, modification or beautification of existing structures, lighting, enhanced paving, fencing, walls, inert material, green street elements, planters, planting/irrigation, signage or displays, public art installations such as murals or sculptures, improvement of public spaces in underserved communities, safety measures or alternative mode uses (ZEV Charging, transit stops, bike parking).

**Union Pacific Railroad (UPRR)** – The City established a ten-year Memorandum of Understanding (MOU) through 2030 and continues to work proactively with UPRR by leveraging resources to address areas with ongoing blight. The MOU states that a minimum of eight coordinated cleanups per year will be conducted; however, UPRR has continued to provide additional cleanups to support the City’s efforts to reduce blight.

**County of Santa Clara, Roads and Airports Department** – While the Emergency Operation Center (EOC) was mobilized and operating to address the pandemic emergency, the County contacted the City to coordinate trash and debris removal at encampment sites that are on County jurisdiction such as Mervyn’s Way in District 5. These coordinated efforts have resulted in negotiating a process to formalize this partnership to ensure continued trash removal at encampment sites near county expressways and unincorporated areas within the city.

**Santa Clara Valley Water** – The City and Santa Clara Valley Water have a long-standing Memorandum of Agreement (MOA) to coordinate the cleanup of trash, debris, and removal of encampments along waterways through June 2024. The City transferred responsibility of the

agreement from the Housing Department to the PRNS Department after the EOC was demobilized and based on the new BeautifySJ consolidated model. Amendments to the current MOA are not being sought at this time given the extensive operational workload with a focus on standing up new and expanded service delivery models. Coordination and communication efforts are the focus of the relationship with Santa Clara Valley Water and include quarterly joint projects planned and executed for mutual benefit. PRNS will be monitoring expenses to ensure fair, equitable resource distribution to joint projects.

### Services Offered to those Living in Encampments

#### **Encampment Trash Program Performance**

In 2021, a total of 4,595 tons (9.2 million pounds) of trash and debris were collected (trash, dumping, bio-waste, household hazardous waste) and disposed of from encampments, streets, sidewalks and along waterways by the BeautifySJ team. The collection of the trash and debris comes from services such as encampment trash, Cash for Trash, illegal dumping program, and dumpster days. PRNS anticipates a significant increase in trash collection as expansion of these programs continue. The City's Mabury Yard, where there is a weight scale, has been greatly impacted by this influx of trash and debris. After sorting takes place at City yards, the Department of Transportation (DOT) coordinates the hauling of the trash from City yards to the dump. The Mayor's March Budget Message for Fiscal Year 2022-2023, as approved by the City Council, includes direction to engage current haulers to negotiate reduced dumping fees and explore ways to reduce costs, streamline cleanup operations and improve coordination with departments to optimize the use of transfer stations and maintenance yards. This system infrastructure and the costs for hauling and ensuring that procurement timelines are met are crucial to the overall effectiveness of services and the objectives of a cleaner city.

For example, the amount of trash deposited at Mabury Yard and other service yards has significantly increased in the span of a year, exhausting capacity in existing hauling purchase orders. In January 2022 the Mabury Yard was closed until a new purchase order was approved and issued.

The closure of the Maybury Yard in January contributed to some service issues. BeautifySJ operations regularly make 2-3 trips a day to Mabury Yard, but, during this period, BeautifySJ had to make daily trips to Newby Island in Fremont to empty trucks and compactors. The result was a 70% decline in meeting frequency targets for encampment trash removal during January 2022. With the increase in scale of BeautifySJ programs, comes the necessary companion support for trash disposal in the downstream parts of the system infrastructure.

In addition, two other service impacts during Q2 (October 2021 – December 2021) and in Q3 (January 2022 – March 2022) reduced the ability to fully implement the Encampment Management Strategy. First, nearly half of the BeautifySJ team was impacted by COVID-19 (Omicron) beginning in December 2021 through January 2022 which led to many staff absences. Second, due to the PIT count from February 8 to February 26 of this year, BeautifySJ halted

abatement and some escalated cleanup actions to ensure that encampment locations were not disrupted.

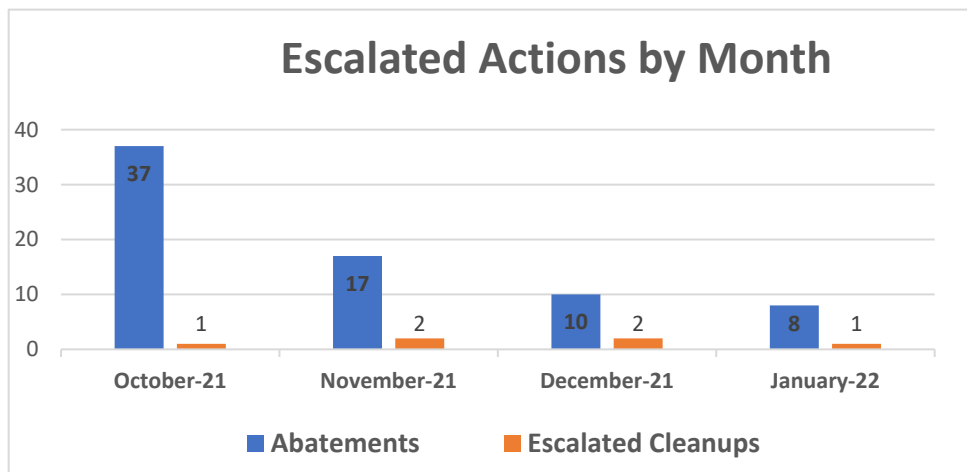
Please see Table 5 below for program performance highlights on a quarterly basis from January through December 2021.

**Table 5 – Program Performance Highlights**

<b>Program</b>	<b>Quarter 3 (January – March 2021)</b>	<b>Quarter 4 (April – June 2021)</b>	<b>Quarter 1 (July – September 2021)</b>	<b>Quarter 2 (October – December 2021)</b>
Number of encampment locations	219	208	220	224
Tier 3 On Time Pick-up (goal is 75%)	72%	77%	82%	74%
Total Cash for Trash Participants	174	259	300	320
Illegal Dumping – Service requests	5,942	7,744	6,816	4,316
Illegal Dumping – Tons Collected	687	748	674	509
Total trash pickups at encampments	3,007	3,085	2,665	2,432

Figure 1 below compares escalated clean-ups to abatements where people are moved from locations. The decline in abatements may be attributed to greater awareness of the locations where encampments are not allowable, weather, and staffing capacity.

**Figure 1- Escalated Actions by Month**



## **Lived-In and Recreational Vehicles**

BeautifySJ is continuing to coordinate with departments to develop a plan to address recreational and other lived-in vehicles that are parked in neighborhoods, business corridors, and parking lots.

DOT manages the Vehicle Abatement (VA) Program which addresses vehicles located within the public right-of-way that are inoperable, a safety hazard, or an extreme blight concern. DOT receives over 60,000 VA service requests each year (pre-pandemic). Since 2018, when investigating service requests, the VA Program has identified 200-300 vehicles annually as being occupied. Recreational vehicles (RVs) account for 40-60% of the VA Program identified occupied vehicles.

Currently, the City's VA Program is not authorized nor resourced to address vehicle habitation situations. Parking and Traffic Control Officers (PTCOs) respond to VA service requests, but it is important to note that PTCOs are not sworn officers, have narrow enforcement authorities, and have limited actions they can take when investigating vehicles. Additionally, PTCOs are not able to tow vehicles that are occupied. When encountering vehicle habitation, PTCOs refer the reported vehicles and associated issues to the Housing Department for follow up so services can be provided and BeautifySJ is engaged when trash and sanitation services are needed.

Although BeautifySJ distributes and collects litter bags from individuals living in vehicles, there are challenges to providing services related to 'black water' or biological waste disposal. Currently, there are no services available to properly address this type of waste which has led to complaints from neighborhoods and businesses. BeautifySJ currently provides limited, inconsistent services to address bio-waste for lived-in vehicles. BeautifySJ has one vendor that services encampments that can provide limited bio-waste disposal services for lived-in vehicles with a focus on addressing waste in buckets/containers or other soiled trash. In the past BeautifySJ has coordinated services on weekends with support from DOT to address waste disposal for lived-in vehicles. The lack of funding for a dedicated program to address black water and biological waste from lived-in vehicles has led many to simply dispose of this waste in the street.

## **SOAR Expansion Update**

The Community Plan to End Homelessness prioritizes expanding street-based services for the unsheltered. In alignment, the Housing Department developed the SOAR program. The program provides proactive street outreach and case management, portable restrooms and trash services, and housing and shelter referrals for encampment residents. At the beginning of the COVID-19 pandemic, the Housing Department assessed homeless encampments throughout the City to identify SOAR sites for targeted services. The identifying criteria was size, as the primary objective was to reach the greatest number of people. Sixteen of the City's largest encampments were selected, and they are listed in Table 6 below.

**Table 6: SOAR Sites Phase One**

<b>SOAR Sites</b>	<b>Council District</b>	<b>Status</b>	<b>Provider</b>
Corie Court/Coyote Creek	3	Current site	PATH
Guadalupe/87/Woz/Park	3	Current site	PATH
Virginia/Guadalupe River Trail	3	Current site	PATH
Brokaw/Old Oakland/Coyote Creek	3	Current site	PATH
Spring/Hedding/Coleman	3	Current site	HomeFirst
Roosevelt Park/Coyote Creek	3	Current site	HomeFirst
Olinder/Williams/16 <sup>th</sup> /Coyote Creek	3	Abated	HomeFirst
St. James Park	3	Current site	PATH
Willow/Lelong/Guadalupe	6	Current site	HomeFirst
Felipe Avenue	7	Abated	HomeFirst
Roberts/Coyote Creek	7	Abated	HomeFirst
Tully/Capitol/Coyote Creek	7	Current site	PATH
Coyote Meadows/Remillard Court	7	Current site	PATH
Stone/Cimino	7	Current site	HomeFirst
Aborn/Thompson Creek	8	Current site	HomeFirst
87/Branham/Narvaez	10	Abated	HomeFirst

The Housing Department contracted with PATH to provide outreach and housing services to individuals residing in seven encampment SOAR sites, most of which had more than 25 people living in them.

PATH service highlights between January and June 2021 include:

- Assisted 72 individuals with case management and/or housing and completed 54 new assessments for housing;
- Placed 12 individuals in permanent housing, of those 12, 90% were placed in housing using “Housing Problem Solving” or one-time financial assistance; and
- Placed 44 individuals in shelter or temporary housing.

PATH reported that the combination of a lack of shelter beds and maintaining staff capacity during the COVID-19 pandemic due to illness and turnover were the primary obstacles to meeting all of their outcomes. PATH’s SOAR program provided enhanced case management services at these locations, such as Housing Problem Solving, to find permanent housing solutions for unsheltered participants within 30 to 45 days of initial contact. Housing Problem Solving is a person-centered and housing-focused approach to explore creative solutions to quickly house an individual rather than refer them to shelter.

The Housing Department also contracted with HomeFirst to target outreach and housing services to individuals residing in nice encampment SOAR sites.

HomeFirst service highlights between January 2021 and June 2021 include:

- Assisted 345 individuals with case management and/or housing services and completed 187 new assessments for housing; and
- Placed 11% of individuals in temporary housing or permanent housing (goal is 12%).

Many participants refused shelter referrals as they were concerned they would contract COVID-19 in a group setting. HomeFirst also reported staff capacity as a primary reason for not meeting outcomes due to staffing shortages, employees impacted by COVID-19 illness, and staff turnover.

In the City Council approved Mayor’s June Budget Message for Fiscal Year 2021-2022, staff was directed to expand the SOAR program and \$3 million was allocated for this purpose. The Housing Department developed a set of criteria to guide the new SOAR site selection. The criteria were based on the encampment management principles of equity, effectiveness, and efficiency and developed from lessons learned from operating the program during the pandemic, input from community, BeautifySJ staff, community advocates, and those with lived experience of homelessness.

**Table 7: SOAR Program Expansion Criteria**

<b>Criteria</b>	<b>Description</b>
<b>Encampment Size</b>	Size was the sole criteria when the original sites were selected at the start of the pandemic. It is still an important factor, as large encampments can impose other public health concerns such as sanitation and disease.
<b>Point in Time Count Census Data</b>	The PIT count, or census count, conducted every two years provides data per Council District. The 2019 count found that Council Districts 3, 6 and 7 have the highest concentrations of homeless residents. SOAR locations should, to the extent possible, be based on the level of concentrated locations.
<b>Service Level Needs</b>	Some locations may have higher levels of acute service needs. For example, sites may require close coordination with County Behavioral Health, Valley Homeless Healthcare or County Re-entry where an increased level of support through SOAR is beneficial.
<b>City Jurisdiction</b>	A lesson learned from SOAR during the pandemic is that it is important that the sites be on City controlled land, particularly if the goal of the SOAR program is to manage an encampment, provide services and is a low priority for abatement. Some SOAR sites not on City property were abated last year making it difficult to provide services.
<b>Alignment with Encampment Setback Guidelines</b>	It will be important to select sites that are not in encampment setback areas, as these sites are higher priority for abatement, such as the school buffer zones.

<b>Public Projects</b>	Another lesson learned from implementing SOAR in the first year was that some sites were abated as they were in locations that were in construction project areas. For example, a site along the Coyote Creek trail was abated to make way for a trail project.
<b>Physical layout/location</b>	A critical service of the SOAR program is onsite portable restrooms, handwashing stations and dumpsters. An encampment must have accessible areas to place equipment and be serviced regularly by trucks.

Based on these criteria, the Housing Department and BeautifySJ are analyzing sites and developing a list of approximately 10 new sites for the SOAR expansion. The Housing Department is also working on contract amendments with nonprofit providers to offer services for the expansion. An update will be provided to City Council when those contracts come for approval later this spring.

**SECTION 2: GUADALUPE GARDENS PROJECT UPDATE**

Below are responses to the direction given to staff at the City Council meeting on February 8, 2022<sup>7</sup>, related to the Guadalupe Gardens Fencing Project and Activation Alternatives.

**1. Comply with FAA direction to ensure there are no unhoused residents in the Guadalupe Gardens area by June 30, 2022, by accelerating rehousing efforts.**

Over seven months, HomeFirst has provided housing to 71 individuals and repaired 9 vehicles. Table 8 provides detail.

**Table 8: Housing Placements and Vehicle Repairs**

<b>Housing Solutions September 2021 – February 2022</b>	<b>Number of People Served</b>
Permanently Housed/One-Time Financial Assistance	8
Interim Housing Placement	36
Rapid Rehousing or Permanent Supportive Housing	27
Recreational Vehicle or vehicle Repair	9
<b>Total</b>	<b>80</b>

HomeFirst continues providing daily services to individuals encamped at the Guadalupe Gardens. A by-name list of individuals living there has been created and outreach teams are working with the Housing Department and County Office of Supportive Housing (OSH) to accelerate housing of individuals that qualify for Permanent Supportive Housing and Rapid Rehousing based on their vulnerability assessment scores. OSH and County Behavioral Health

<sup>7</sup> [February 8, 2022: Council Memorandum, Guadalupe Gardens Fencing and Activation Alternatives](#)



are also reviewing the client list to determine who is eligible for outpatient services, who is connected to service providers, and who needs to be reconnected to their provider. HomeFirst and Veteran Affairs services are also being connected when a veteran is identified.

With the assistance of a community volunteer, HomeFirst has secured a mechanic who is willing to work onsite at Guadalupe Gardens doing minor repairs as well as work on cars at the owner's shop that need more complex repairs. HomeFirst is completing an assessment of all the cars in the area to determine what level of service is needed. They will prioritize the cars that need minimal and slightly more complex (parts need to be ordered, requires tools that are not mobile, etc..) repairs first. Vehicle owners must also work with HomeFirst on housing plans to ensure the repair of the vehicle is moving the person toward securing housing.

- 2. Identify the outstanding need for housing and safe parking solutions by working with HomeFirst to compare the latest census count conducted in the Guadalupe Gardens and along the river against the number of unhoused residents who:**
  - a. Have accepted and moved into housing;**
  - b. Have been referred to a housing solution and are awaiting placement;**
  - c. Are unlikely to accept housing, but willing to accept safe parking, shelter, or a drug rehabilitation program.**

The Guadalupe Gardens site still has approximately 131 people living in the Stage 3 area including a section of Guadalupe Trail, between Hedding and Taylor St, that is not technically within the 40 acres of FAA concern. The Housing Department and OSH have developed a Housing Plan for the 131 households to move to permanent housing. (The Housing Plan does not include providing a housing solution for the 43 people who are living on the trail from Taylor to Santa Clara). Interim or temporary housing will be needed while staff works with households on moving them to their permanent housing location.

People will be relocated as quickly as possible to either a housing placement or to an interim housing solution once a slot or bed becomes available. Vacancies at all City interim housing sites will prioritize residents living in the Guadalupe, in addition to residents staying at Surestay, for placement as beds become available until the site has been vacated. The Housing Department will also explore using limited motel stays if an operator can be identified or if a HomeKey motel site becomes available. No more than ten people will be placed in any one interim housing community. Housing solutions that will be offered and led by the City include Rapid Rehousing and Housing Problem Solving. The City funded Rapid Rehousing program will provide a time limited rental subsidy with case management support to house 24 people. The City funded outreach team led by HomeFirst will immediately assist the four people who appear to need one-time financial help to locate a suitable home. Housing Problem Solving involves engaging the person in identify solutions that will result in a housing placement. The City cannot implement the Housing Plan without the partnership of OSH.

The Housing Plan relies on resources from both OSH and the Housing Authority of Santa Clara County (Housing Authority). OSH receives federal and state funds that are dedicated to housing

and providing services to people experiencing homelessness. There are 26 people who qualify for housing programs administered by the County through the Coordinated Entry Program. An additional 44 people can be assisted with either an existing subsidy or through a Housing Choice Voucher. While OSH has shifted some of their resources to assist the City in developing this plan; they have identified both a funding gap and the need for additional Housing Choice Vouchers. OSH has requested \$100,000 in ongoing funding to provide a housing solution for 70 people. OSH has agreed to place people, who qualify for County programs, in their interim housing communities as beds become available. They will deploy a County outreach team in May to begin the enrollment process. If the City Council approves this memorandum, the Housing Department will return with a modification of the existing County contract before the end of the fiscal year. The Housing Department, with the support of OSH, has also submitted a request to the Housing Authority for 60 Housing Choice Vouchers. Final approval has yet to be received and the timing on when the vouchers will become available has yet to be determined. Table 9 below provides a summary of the Housing Plan.

**Table 9: Housing Plan**

<b>Housing Option</b>	<b>People Served</b>	<b>City Lead</b>	<b>City Cost</b>	<b>County Lead</b>	<b>County Cost</b>	<b>Timing</b>
Coordinated entry plus services	26			26	\$880,800	May
Rapid Rehousing plus services	24	24	\$776,400			April
Housing Choice Vouchers plus services	50		\$566,900	50	\$1,664,600	TBD
Housing Problem Solving	4	4	\$127,600			TBD
Unknown	27					ongoing
<b>Total</b>	<b>131</b>	<b>28</b>	<b>\$1,470,900</b>	<b>76</b>	<b>\$2,545,400</b>	

The Housing Department estimates that it may take until the end of the September to relocate all 131 people from the Guadalupe site and the people living on the trail from Hedding to Taylor. To the extent that additional interim sites become available earlier – the timeline will be shortened.

- 3. Return through the budget process with a dedication of Measure E funding to ensure housing solutions (e.g., rapid rehousing dollars, hotel/motel vouchers) and priority within the coordinated entry system are available to all unhoused residents listed in the latest census count:**

- a. Once funding is allocated, disaggregate the construction timeline for Lot E from the abatement schedule;**
- b. Confirm that a portion of funds from the recent Safe Parking RFP is set aside to open a safe parking site on public or private land for the operational cars and/or RVs currently parked in the Guadalupe River Park and Gardens area.**

On February 15, 2022, the City Council held the first of two public hearings to initiate the process for approving changes to the spending priorities for Measure E Property Tax Revenue. A second public hearing, held on April 19, 2022, changed the spending priorities. The revised priorities allow for expanded funding for homeless programs and services, including any housing options for those individuals at Guadalupe Gardens, as described in Item (1) above. The Housing Plan no longer relies on Lot E as the primary interim site to relocate people. The Housing Department will return to City Council on May 17, 2022 with a funding plan for Measure E funds that will provide the necessary resources to successfully implement the Housing Plan outlined in this memorandum. The proposed budget outlined in Table 9 only provides funding for the people who have completed a housing assessment, however an additional \$1 million will be included in the Measure E funding plan to address the housing needs of the people who have yet participated in a housing assessment.

Finally, the Housing Department is using American Rescue Plan funds and state Housing and Homeless Assistance Program funds to operate a safe parking site with priority given to vehicles and RVs from Guadalupe Gardens.

**4. Return to Council by April 2022 with a clear timeline to open the safe parking site and refer residents from Guadalupe River Park.**

The Housing Department is also working on establishing two safe parking programs, one site focused on RVs to be operated by LifeMoves, and a second site focused on vehicles to be operated by Amigos de Guadalupe. For the first site, the Housing Department is in negotiations with Santa Clara Valley Transportation Authority (VTA) for the use of one of their parking lots in south San José to serve RV occupants. The Housing Department has submitted a preliminary application to VTA and is awaiting approval. The Housing Department and VTA have met several times and have come to an agreement on the general terms of use. The Housing Department recommends the site for RVs and estimates the lot can accommodate 60 RVs. The parking lot will need site preparation – specifically fencing, temporary electrical, signage and striping. Public Works is in the process of developing the plans and specifications for the site preparation project and anticipates the site will be ready by Fall 2022, pending any bid protests or significant construction related delays. Resources previously allocated in the American Rescue Plan Fund for homeless sheltering and support are expected to be sufficient to facilitate this work. In the meantime, the Housing Department will finalize an agreement with VTA and execute a contract with LifeMoves for services. The Housing Department is also working with Council District 10 to host a community outreach meeting in mid-June.

The City Manager's Office and Housing Department are also working on identifying a second site that will be operated by Amigos de Guadalupe for vehicle safe parking. A potential City site is currently under evaluation. Additionally, in response to a Board of Supervisors referral, OSH is identifying sites across the County for either safe parking or emergency interim housing. If a site is identified in the city, OSH will develop a community outreach plan and coordinate with the City Administration.

- 5. Implement direction from the October 15, 2021 memo to clear all vehicles from parkland by June 30, 2022 in Phase 3 and along the river by:**
  - a. Prioritizing clearing vehicles that are on the trail;**
  - b. Directing operable vehicles to move to Spring Street (or a safe parking site);**
  - c. Working with residents to repair inoperable vehicles that need minor fixes or assisting with administrative issues, such as expired registration; and**
  - d. Allowing for the towing of inoperable vehicles from parkland.**

In February 2022, the BeautifySJ team began the process of informing residents with operable vehicles located on the trail between Hedding and Taylor to relocate vehicles from the trail area to the transitional parking located along Spring Street. Inoperable and stripped vehicles that have not been removed by the end of March 2022 will be tagged for towing. BeautifySJ is prioritizing the removal of both operable and inoperable vehicles from the trail area.

The process of removing all vehicles from the trail will take place over a three-month period as the City will need to coordinate with the City-contracted tow operators to remove and store the anticipated volume of vehicles without impact to other City-Generated tow operations. BeautifySJ is coordinating with the Code Enforcement Division (who administers the City-Generated Tow Agreements) to ensure proper communication and coordination with tow operators on the scope, timelines, equipment, and resources required to support this project. Ideally, the removal of the vehicles will be followed by the installation of deterrents funded by the Vehicle Prevention Project.

- 6. Ensure by June 30, 2022 there will be unhindered public use of the creek trail from West Hedding to West Santa Clara.**

Staff is developing plans for the Guadalupe River Trail Vehicle Prevention Project from Santa Clara Street to Hedding Street. Design development is underway, and staff believes construction bidding could occur in September 2022. The City Manager's Budget Office and PRNS anticipate that the approximately \$1.2 million estimated for implementation of the vehicle prevention program can be reallocated from either current year PRNS departmental savings and/or savings from the current year budget for BeautifySJ within the American Rescue Plan Fund. The cost of project design and construction is currently being refined. Without additional monitoring or enforcement during the time between removal of the vehicles and installation of the deterrents, staff may not be able to adequately prevent re-encampment or illegal dumping, thus as part of the development of the 2022-2023 Proposed Operating Budget, in addition to bringing forward a recommended budget allocation for the Guadalupe River Trail Vehicle Prevention Project

(approximately \$1.2 million), staff will also determine the feasibility of adding funding for patrols along the creek and deterrents.

The Housing Department worked with HomeFirst and PATH to conduct an initial census of the area, counting tents, vehicles and individuals. Table 10 below summarizes the findings.

**Table 10: Census Count Guadalupe River Trail**

	<b>Hedding to Taylor</b>	<b>Taylor to Coleman</b>	<b>Coleman to Julian</b>	<b>Julian to Santa Clara</b>	<b>Parking lot under 87 – San Fernando</b>	<b>Total</b>
<b># of people</b>	17	13	12	12	6	<b>60</b>
<b># of tents/structures</b>	35	13	19	16	15	<b>98</b>
<b>Operable vehicles</b>	19	2	0	0	0	<b>21</b>
<b>Inoperable vehicles</b>	10	0	0	0	1	<b>11</b>

The individuals encamped in the trail stretch from Hedding to Taylor will be housed as part of the Housing Department’s efforts for Stage 3. The remaining 43 individuals that live between Taylor and Santa Clara have not all been assessed for their housing need and are not included in the Housing Plan outlined in Table 9. If the City Council provides direction to house the individuals in this area, the Housing Department will need to conduct housing assessments (VI-SPDAT) for each individual and then bring forward for City Council approval a project scope that includes, housing needs, budget, and timeframe for completion.

**7. Return during the Encampment Management discussion on April 12 to determine if an extension of the June 30 date is needed or not.**

Based on the timelines for housing and safe parking opportunities and to minimize increased encampments in the waterways, parks and neighborhoods across the city, the recommendation by the Airport, PRNS Department and the Housing Department is to fully abate Stage 3 of Guadalupe Gardens no later than September 30, 2022. To effectively manage the site through September 2022, BeautifySJ plans to implement weekly dumpster days in addition to the current twice weekly trash pick-up, starting in April 2022. Staff strongly recommends that the focus of operations continue between now and June 30, 2022 on the abatement of inoperable vehicles and the intense work of downsizing large, expansive encampments and the subsequent debris removal through monthly ongoing escalated clean ups.

**8. Receive feedback on the Prototype Park Concept Plan and Vehicle Prevention Project and Identify ongoing operating, programming and stewardship costs needed to implement the Prototype Park Concept Plan with the Guadalupe River Park Conservancy or through a Request for Proposals Process.**

During the February 8, 2022 City Council meeting, staff heard support for the idea of a dog park at the Guadalupe Gardens area. Staff is conducting a follow up survey to solicit additional public feedback on all the Prototype Park uses (i.e., dog park, disc golf, urban agriculture, walking paths and meadows, community gardens) and a community meeting was held on April 4, 2022.

Future uses of the Prototype Park area will be informed in part by the condition of soils at the site. A Phase I Environmental Site Assessment has been completed, and a Phase II Assessment is underway with results expected in late spring 2022. Uses of the site will be re-evaluated based on the results of that work.

In anticipation of favorable soil sampling, staff is working on the design of a prototype dog park. Funding for portions of this work are coming from Airport Capital Funds, in alignment with preventing re-encampment at the site. Work is ongoing with Silicon Valley Disc Golf and they continue to be an interested partner for this site. Use of this site for urban agriculture and community gardens will be explored after results of soil samples are available, and site conditions can be more fully assessed. Depending on soil conditions, use of above ground agricultural methods may be recommended.

Finally, the Administration will recommend resources as part of the 2022-2023 Proposed Budget to increase the level of maintenance activities for Guadalupe River Park to improve the availability and accessibility of this important City asset to the public.

## **CONCLUSION**

The PRNS and the Housing Departments have made significant progress in planning, operating, expanding and evolving the City's Encampment Management Strategy. Looking ahead, this strategy will continue to evolve as we identify and respond to emerging challenges such as increasing demand for vehicle towing related to BeautifySJ efforts, and the need for expanded access to trash hauling sites to keep up with the increasing volume of trash collected. We will continue to grow our Encampment Management Collaborative and involve key internal staff and include community stakeholders to normalize our standard operating procedures, and to facilitate inter-department and inter-jurisdictional communication, planning, and problem solving. In addition, communication efforts are underway to build understanding and tolerance of the Encampment Management Strategy as opportunities to relocate unhoused residents are identified.

Work continues on the Guadalupe Gardens encampment abatement and rapid rehousing efforts, but an extension of the Guadalupe Gardens cleanup to no later than September 30, 2022 to align with opening of relocation opportunities is needed. Work associated with the Guadalupe River Trail Vehicle Prevention Project and development of the Prototype Park continues and additional resources for this work will be recommended in the 2022-2023 Proposed Budget.

Attachment A is the work plan for the next six months (April – September 2022).

### **EVALUATION AND FOLLOW-UP**

The Housing Department will return to the City Council in May with a funding plan for Measure E that includes funding to implement the Housing Plan as detailed in this memorandum. If the City Council approves the staff recommendations and the Measure E funding plan in May, the Housing Department will return before the end of the fiscal year with an amendment to the County contract to increase their award so the Housing Plan can be implemented. To ensure progress in implementing the City Council Roadmap Priority - Encampment Management and Safe Relocation Policy, staff will report quarterly Objectives and Key Results related to the work plan through the City Manager's Office and return to the City Council in fall 2022 with outcomes of the Guadalupe Gardens activities.

### **CLIMATE SMART**

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's website for the May 3, 2022, City Council meeting.

### **COORDINATION**

This memorandum was coordinated with DOT, the Environmental Services Department, the City Attorney's Office, the City Manager's Budget Office, and the City Manager's Office.

### **COMMISSION RECOMMENDATION/INPUT**

This item will not be presented at a City commission.

HONORABLE MAYOR AND CITY COUNCIL

April 29, 2022

**Subject: City Roadmap - Encampment Management and Safe Relocation Policy**

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**CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memorandums that involve no approvals of any City action.

/s/  
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Director, Housing Department

/s/  
JON CICIRELLI  
Director, Parks, Recreation, and  
Neighborhood Services

For questions, please contact Andrea Flores Shelton, Deputy Director of Parks, Recreation, and Neighborhood Services, at [andrea.floresshelton@sanjoseca.gov](mailto:andrea.floresshelton@sanjoseca.gov) or [Ragan.Henninger@sanjoseca.gov](mailto:Ragan.Henninger@sanjoseca.gov), Deputy Director, Housing Department.

Attachment A: Timeline for Encampment Management Strategy Work



**Attachment A: Timeline for Encampment Management Strategy Work**

(Q2) Oct. – Dec. 2021	2.1 Create Objectives, Key Results (OKR) with CMO for City RoadMap process.	Completed
	2.2 Develop performance management system to assess Encampment Management objectives and outcomes.	Ongoing
	2.3 Conduct Phase 2 outreach, clean-up, and abatement activities at Guadalupe Gardens Airport land, monitor expenses.	Completed
	2.4 Begin weekly encampment trash pickup at sites, upon completion of accelerated hiring Community Coordinators and Maintenance Worker IIs.	Q4
(Q3) <b>Now</b> Jan – March 2022	3.1 Deliver annual report on BeautifySJ including proposed performance metrics, logic model with outcomes.	Moved to August 2022
	3.2 Formalize technical and policy teams of system providers and partners with Housing Department to assess, respond and determine disposition of non-compliant, high risk encampment residents.	Moved to Q1 (1.3)
	3.3 Implement SOAR site expansion in coordination with Housing Department to develop services for residents residing in RVs and vehicles.	Moved to Q4
(Q4) <b>Next</b> April – June 2022	4.1 Begin weekly encampment trash pickup at sites, upon completion of accelerated hiring Community Coordinators and Maintenance Worker IIs.	On track
	4.2 Return to Council with Encampment Management and Safe Relocation protocols and, any enabling actions for consideration and adoption.	May 2022
	4.3 Update plan to remove inoperable vehicles from Guadalupe River Trail. Conduct final phase of abatement at Guadalupe Garden pending Council direction.	By June 30, 2022
	4.4 Coordinate Guadalupe Gardens resident relocation efforts with several workstreams.	Ongoing
	4.5 Launch the Encampment Management Collaborative with various coordination and implementation teams	By June 30, 2022
	4.6 Complete the scope of work for the BeautifySJ program evaluation	June 2022
(Q1) <b>Later</b> <b>FY 22/23</b> July – September 2022	1.1 Implement dedicated bi-weekly trash service for waterways in Direct Discharge focus zones.	August 2022
	1.2 Assess service modality with DOT including bio-waste needs for RVs and lived-in vehicles and address procurement funding.	July/Aug 2022
	1.3 Bid out the BeautifySJ Program Evaluation Scope.	July/August 2022
	1.4 Continue to develop partnership agreements with Interagency partners to address blight citywide.	September 2022
	1.5 Select sites for SOAR Program expansion and program implementation.	August 2022