

From: [Bolla, Rhonda](#)
To: [City Council Public Comments](#)
Subject: FW: [EXTERNAL] sanctions
Date: Tuesday, August 8, 2023 7:33:22 AM

From: anita lafollette <[REDACTED]>
Sent: Monday, August 7, 2023 6:08 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] sanctions

Dear members of the city council

Please reconsider the idea to sanction the use of public sidewalks and structures for homeless people. The ordinance only criminalizes those without a home which includes those with mental illness. All their hospitals are closed now and those people have no where to live. If a homeless person is given a ticket then they do not show up in court the result is they end up in prison which has no room anyway. You are trying to solve the homeless problem in the wrong way. Give them homes. Apartments are too expensive and the services provided are inadequate. Anita LaFollette

From: [Bolla, Rhonda](#)
To: [City Council Public Comments](#)
Subject: FW: [EXTERNAL] Changing the cities camping ordinance
Date: Tuesday, August 8, 2023 7:34:09 AM

From: Vance Alkire <[REDACTED]>
Sent: Monday, August 7, 2023 7:53 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>; CMOOffice <CMOffice@srcity.org>
Cc: [REDACTED]
Subject: [EXTERNAL] Changing the cities camping ordinance

City Council Members,

I am unable to attend the 8/8/23 Council meeting where you will apparently discuss potential changes to the cities current camping ordinance. As a tax paying homeowner, I would like to voice my **strong objection** to any changes to the existing ordinance. Any changes will undoubtedly make camping for the unhoused easier (and legal) within areas of the City limits, regardless of the "safeguards" the authors would like to think they could build into a revised ordinance. Once this genie is out of the bottle, it will be impossible to undo and will do nothing but create future problems for residents, public safety and your successors.

While we all acknowledge this State and countrywide crisis, Santa Rosa has bent over backwards to accommodate the unhoused for years. This unfortunately at the expense of local residents (both residential and commercial) and it has directly affected the quality of life in our City. Especially for those of us that live in the core area of town.

Although I'm sure the theory behind this revision is well intentioned, it will without doubt create unforeseen problems and further complications to inevitable and on-going enforcement issues. This will further erode the quality of life in Santa Rosa at a time when we finally got a handle on the Joe Rodota Trail, Heroin Hill and Doyle Park to mention just a few.

Sorry to say, but metaphorically speaking, this will be a situation of "if you build it, they will come".

Please do not build it. We already have enough of an issue to deal with, have done more than our fair share as the county seat and do not need to court further homeless people to come to Santa Rosa, and that is EXACTLY what would happen.

PLEASE DO NOT TAKE US BACKWARDS, CREATE FURTHER PROBLEMS AND ALLOW THIS TO HAPPEN!

Thank you,

Vance Alkire

From: [Bolla, Rhonda](#)
To: [City Council Public Comments](#)
Subject: FW: [EXTERNAL] Item 16.1 (camping ordinance), 8/8/2023 City Council Meeting
Date: Tuesday, August 8, 2023 9:29:39 AM
Attachments: [2023_08.08_Comment_re_16.1_Camping_Ordinance.pdf](#)

From: Melissa A. Morris <mmorris@pilpca.org>

Sent: Tuesday, August 8, 2023 9:18 AM

To: Rogers, Natalie <NRogers@srcity.org>; _CityCouncilListPublic <citycouncil@srcity.org>; Alvarez, Eddie <EAlvarez@srcity.org>; Stapp, Mark <MStapp@srcity.org>; MacDonald, Dianna <dmacdonald@srcity.org>; Fleming, Victoria <VFleming@srcity.org>; Rogers, Chris <CRogers@srcity.org>; Okrepkie, Jeff <JOkrepkie@srcity.org>; Homeless <homeless@srcity.org>

Cc: [REDACTED]
[REDACTED]
[REDACTED]

Subject: [EXTERNAL] Item 16.1 (camping ordinance), 8/8/2023 City Council Meeting

Dear Mayor and City Councilmembers,

Please find attached correspondence regarding item 16.1 on today's City Council agenda.

Thank you,

Melissa A. Morris, Staff Attorney (she/her/hers)

The Public Interest Law Project

449 15th Street, Suite 301

Oakland, CA 94612

510-891-9794, ext. 111 (office)

408-692-4320 (remote)

Fax: 510-891-9727

mmorris@pilpca.org

www.pilpca.org

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CALIFORNIA RURAL LEGAL ASSISTANCE, INC.



**PUBLIC INTEREST
LAW PROJECT**

CELEBRATING 25 YEARS OF ADVANCING JUSTICE

August 8, 2023

SENT VIA EMAIL: nrogers@srcity.org; citycouncil@srcity.org; ealvarez@srcity.org; MStapp@srcity.org; dmacdonald@srcity.org; vfleming@srcity.org; crogers@srcity.org; JOkrepie@srcity.org; homeless@srcity.org.

Mayor Natalie Rogers
Santa Rosa City Council
Santa Rosa City Hall – 100 Santa Rosa Avenue
Santa Rosa, CA 95404

Re: August 8, 2023, City Council Agenda Item 16.1 (Camping Ordinance)

Dear Mayor Natalie Rogers and Members of the City Council:

California Rural Legal Assistance, Inc., and the Public Interest Law Project write on behalf of our clients regarding the proposed amendments to Chapter 11-22 of the Santa Rosa Municipal Code, regarding camping on public property. Our organizations represent the plaintiffs in *Vannucci et al. v. County of Sonoma et al.* (N.D. Cal. Case No. 3:18-cv-01955-VC), which challenges the City’s pattern and practice of punishing unhoused individuals for camping and sleeping in public spaces when there is not adequate, accessible shelter available to meet those individuals’ needs.

As the staff report for this item correctly notes, the City’s “current Camping Ordinance prohibits camping on public property and conflicts with *Martin v. City of Boise* (Martin), a 2019 decision by the United States Court of Appeals for the Ninth Circuit that prohibits cities from criminally enforcing camping restrictions on public property if there is no alternative shelter available for those facing enforcement.” Staff Report, p. 1. However, the proposed amendments will still effectively operate as a blanket ban on camping and will continue to criminalize homelessness; it will not bring the City into compliance with the Ninth Circuit’s holding in *Martin*, nor will it resolve the constitutional and statutory violations set forth in the *Vannucci* litigation.

1. The proposed ordinance’s definition of camping is too broad and makes clear the City’s intent to criminalize homeless status.

The proposed ordinance defines “camping” to include, not only erection of tents and other structures but also “sleeping” and “preparation or cooking of a meal,” and it absolutely bans camping in a number of locations, including in every City park. §§ 11-22-010, 11-22-020. Notably, this definition is far broader than the definition of “camp” set forth in section 11-22.010 of the existing City Code: “to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.”

The City “may not criminalize the state of being ‘homeless in public places’” or “conduct that is an unavoidable consequence of being homeless — namely sitting, lying, or sleeping on the streets.” *Martin*, 920 F.3d at 617 (internal citation omitted). However, the proposed ordinance makes setting up a tent or other structure, storing personal belongings, sleeping, and preparing food illegal “when it reasonably appears, in light of all the circumstances, that a person is using space on public or private property as a place of temporary or permanent living accommodation.” The City, presumably, does not intend to ban picnicking, napping, or using a shade canopy in parks or other public spaces.. By the ordinance’s own construction, the determinative factor for certain misdemeanor charges is not the time, place, or manner of the alleged activity but whether it appears that the suspect is homeless. Such a distinction violates the Eighth Amendment, raises equal protection concerns, and has a discriminatory effect on people of color and people with disabilities, as discussed in greater detail below.

2. The proposed ordinance will operate as a blanket ban on camping.

Nowhere in the proposed ordinance or staff materials is there information about where unhoused people *will* be allowed to camp on public property when shelter and housing are unavailable to them. And, indeed, a preliminary review of the proposed ordinance indicates that no such place exists. Under the proposed ordinance, camping is absolutely banned in all public parks, near public facilities, near schools, near creeks, under trees, near building entrances and exits, near driveways, near fire hydrants, and near transit facilities. Sleeping and camping would also be prohibited on all sidewalks “in a manner that impedes pedestrian passage on any sidewalk or walkway. § 11-22.020(B)(1). This vague language could conceivably be enforced anywhere where a pedestrian might have to alter their path of travel; the City has previously taken enforcement actions against unhoused individuals living on sidewalks even where there was adequate clearance for wheelchair-users and other pedestrians to pass without leaving the sidewalk. Taken together, all of these “place” limitations will leave nowhere in the City where unhoused people can camp.

Similarly, the proposed ordinance’s restrictions on the “manner” of camping—even when no shelter is available—appear to be drafted in such a way that they can be enforced against any unhoused person at any time. For example, proposed ordinance would also prohibit setting up “a tent, structure, or other form of shelter for purposes of camping on public property under a tree canopy *or* within vegetation that could aid in spreading a fire to a nearby structure as determined by the Fire Marshal or designee.” § 11-22.020(C)(11). As drafted, the proposed ordinance would prohibit camping under *any* tree. Camping under a tree is not per se a fire danger—after all, the state and county park campgrounds in the area are under and among trees. Rather than being narrowly tailored to address the concern of fire danger, the proposed ordinance is drafted in a way that allows for unlimited enforcement at the City’s discretion.

3. Enforcement of the proposed ordinance will disproportionately harm people of color and people with disabilities.

As the City noted in its Homelessness Solutions Strategic Plan “Black, or African American, American Indian or Alaskan Native, and Native Hawaiian or other Pacific Islander populations are disproportionately represented among the population experiencing homelessness

when compared to the general population or the population experiencing poverty.” City of Santa Rosa, *Homelessness Solutions Strategic Plan, 2023-2027*, available at <https://www.srcity.org/DocumentCenter/View/37088/Final-Santa-Rosa-Homelessness-Solutions-Plan?bidId=>, p. 6. Likewise, homelessness disproportionately impacts people with disabilities. See City of Santa Rosa, 2023-2031 Housing Element (adopted Feb. 14, 2023), available at https://www.santarosafoward.com/files/managed/Document/772/SANTA%20ROSA_2023-2031%20Housing%20Element_Adopted_2.14.23_revised_3.23.23_Tracked.pdf, pp. 4-55 to 4-56. The impact on unhoused people with mental health disabilities will be heightened by the City’s dearth of non-congregate shelter options because congregate shelters like Sam Jones hall are often not accessible to people with certain mental health symptoms. The City has indicated that it plans to step up enforcement against people living unsheltered on public property after passing the ordinance. See, e.g., <https://www.pressdemocrat.com/article/news/santa-rosa-to-consider-regulations-on-where-homeless-camps-can-be-set-up/>. Such increased enforcement will disproportionately impact Black, indigenous, and disabled City residents, raising further civil rights concerns.

4. Conclusion

Santa Rosa does not have adequate affordable housing and shelter to meet the needs of its unhoused residents; according to the 2022 point-in-time count, there were over a thousand people living unsheltered in the City. See Housing Element, p. 3-31. So long as there is not adequate, accessible shelter available, the City should not be enforcing camping bans against unhoused people living on public property. This draft ordinance, which expressly targets homeless people and effectively bans camping citywide, would not bring the City into compliance with *Martin*. Rather, adopting and enforcing this ordinance would continue the City’s pattern and practice of criminalizing homelessness, exposing the City to further liability. And, as the staff presentation emphasizes, the ordinance is “[n]ot a solution to homelessness.” Rather than criminalizing homelessness in public spaces, the City should focus on providing housing and shelter that are affordable and accessible to the people who need them.


This draft ordinance, which expressly targets homeless people and effectively bans camping citywide, would not bring the City into compliance with *Martin*. Rather, adopting and enforcing this ordinance would continue the City’s pattern and practice of criminalizing homelessness, exposing the City to further liability. And, as the staff presentation emphasizes, the ordinance is “[n]ot a solution to homelessness.” Santa Rosa does not have adequate affordable housing and shelter to meet the needs of its unhoused residents; according to the 2022 point-in-time count, there were over a thousand people living unsheltered in the City. See Housing Element, p. 3-31. So long as there is not adequate, accessible shelter available, the City should not be enforcing camping bans against unhoused people living on public property. Rather

than criminalizing homelessness in public spaces, the City should focus on providing housing and shelter that are affordable and accessible to the people who need them.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MA Morris'.

Melissa A. Morris,
Public Interest Law Project

A handwritten signature in blue ink, appearing to read 'Jeffery Hoffman'.

Jeffery Hoffman,
California Rural Legal Assistance, Inc.

cc: Santa Rosa City Attorney's Office
Homeless Action!

From: [Kuykendall, Kelli](#)
To: [Manis, Dina](#); [Bolla, Rhonda](#)
Subject: FW: [EXTERNAL] Re: Updating Camping Ordinance
Date: Tuesday, August 8, 2023 10:04:52 AM
Attachments: [image002.png](#)

See below comment on Camping Ordinance. Forwarding as public comment since I don't see that City Council was copied.

Kelli Kuykendall | Housing and Community Services Manager – Homeless Services

Housing and Community Services | 90 Santa Rosa Avenue | Santa Rosa, CA 95404
Tel. (707) 543-3315 | srcity.org/homeless



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From: Kuykendall, Kelli
Sent: Monday, August 7, 2023 10:24 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [EXTERNAL] Re: Updating Camping Ordinance

Emily and Brad,

I think there's some confusion about the draft ordinance on the City Council agenda for tomorrow 8/8. As drafted, it does NOT allow camping in City parks. I encourage you to read the full ordinance: <https://santa-rosa.legistar.com/LegislationDetail.aspx?ID=6304928&GUID=733D5E2C-6174-4728-A4F0-1E4208042D48&Options=&Search=>.

Thanks,

Kelli Kuykendall | Housing and Community Services Manager – Homeless Services

Housing and Community Services | 90 Santa Rosa Avenue | Santa Rosa, CA 95404
Tel. (707) 543-3315 | srcity.org/homeless



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From: Emily Winfield [REDACTED]
Sent: Saturday, August 5, 2023 11:34 AM
To: Robert Childs <[REDACTED]>
Cc: [REDACTED]

Subject: [EXTERNAL] Re: Updating Camping Ordinance

Don't EVER allow camping again in public parks! This allowance will result in families and children to NEVER come to parks.
Emily Winfield

On Aug 5, 2023, at 7:06 AM, Robert Childs <[REDACTED]> wrote:

James and Kelly,

I am more than disturbed to have ACCIDENTALLY found this information on NEXTDOOR.COM

There is NO WAY that I continue to pick up litter at Doyle Park or anywhere else should people begin to camp out there !

We taxpayers just spent \$400,000 in July of 2019 to clear the encampments at the park !!!

Tim and I and often times, Shane, have been present at the park 6 days a weeks, for FOUR years making certain that the park is clear of litter and other debris !

We have also alerted you and other departments of urgent matters requiring immediate attention.

You should be prepared for an onslaught of complaints and presence at this meeting and thereafter !

Brad Childs

<Camping Ordinance.pdf>

From: [davidwadams](#)
To: [City Council Public Comments](#)
Subject: [EXTERNAL] Homeless ordinance
Date: Tuesday, August 8, 2023 10:41:21 AM

As a resident of Santa Rosa & a homeowner, I have been concerned with the homeless problem for quite sometime.

For the past few years our neighborhood in Rincon Valley have been dealing with RVs, campers & trailers parked along Austin Creek on Prospect Avenue. The owners of those vehicles have left behind trash, human waste, needles etc. While parked there we have witnessed the occupants engaging in prostitution, drug use, theft & drug dealing. Their illegal actions have greatly affected the neighborhood children & our senior community.

Public streets & sidewalks were NOT designed for camping & therefore should NOT be allowed. We don't need less regulation & restrictions, we need MORE.

The City of Santa Rosa should provide designated areas where the homeless can park their vehicles & supervise their behavior. It's a matter of Public Safety for all.

Santa Rosa is a great place to live & we don't want it to become blighted & dysfunctional (for example) like Portland Oregon.

I want to thank the City of Santa Rosa & the Santa Rosa Police Department for all of your support in the removal of abandoned vehicles & the collection of the trash.

Sincerely
David W Adams

From: [Marie Galletta](#)
To: [City Council Public Comments](#)
Cc: [Cadance H. Allinson](#); [Ken Lafranchi](#)
Subject: [EXTERNAL] Camping Ordinance
Date: Tuesday, August 8, 2023 11:11:15 AM
Attachments: [Downtown Safety and Business Retention.pdf](#)

Dear Councilmembers,

Attached please find a recent letter to the City of Santa Rosa Economic Development Department (copied to the Police Chief) regarding Downtown business retention and Safety.

We wish to submit it for your consideration with respect to the Camping Ordinance that will be discussed by the Council on 8/8/2023.

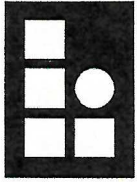
Thank you,

Marie Galletta

Administrative Assistant



Lafranchi ARCHITECTURE & DEVELOPMENT
100 E Street, Suite 204 | Santa Rosa, CA 95404
Direct: 707.528.2449 | Fax: 707.528.3229
Website: www.lafranchidevelopment.com



Lafranchi ARCHITECTURE & DEVELOPMENT

8/2/2023

City of Santa Rosa
Economic Development
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Re: Downtown Safety & Business Retention

To Whom it May Concern,

As a downtown business, we are writing to raise the complicated issue of the impact of transient individuals with addiction and mental health issues on the small businesses in downtown Santa Rosa.

Recently, we heard a few accounts of businesses on 4th street moving to other areas due to hardships like high rents as well as safety concerns, which stem from encounters with unstable individuals. As a business that owns and manages commercial buildings in Downtown Santa Rosa, we can attest to finding hypodermic needles in our parking lot on more than one occasion, and to tenants on our first floor experiencing direct harassment, as well as individuals yelling, throwing items, and occupying spaces in our parking area and landscaping with their belongings. This creates issues with tenant safety and retention as well as with leasing new spaces, especially on the first floor of our E Street building. Recently, we lost a long-time tenant who cited staff safety concerns as one of their main reasons for relocation.

We have distributed the contact information for the InResponse Team and SRPD to our tenants. We are thankful to be able to contact InResponse to de-escalate individuals who are in crisis, however, there are usually significant waiting times for more immediate circumstances.

While we know there are no easy solutions, we wanted to make the City aware of our perspective. We only wish for our tenants, their clients, and staff to be able to come to work and walk around downtown without fear for their personal safety. In the future, we hope that more resources can be dedicated to managing the downtown area and to help individuals who are in crisis.

Thank you for your time.


Ken Lafranchi, Owner
Lafranchi Architecture & Development

phone 707.528-2449
fax 707.528-3229

100 E Street, Suite 204
Santa Rosa, California 95404

cc: John Cregan, Police Chief

From: [Kevin Foster](#)
To: [Homeless](#)
Subject: [EXTERNAL] Tonight's hearing regarding Chapters 11-22
Date: Tuesday, August 8, 2023 7:39:24 AM

Hi Kelli,

I am very happy to see this matter being taken up and hopefully the proposed changes will be implemented. I do however think one item should be included.

I live next to the 7th Street garage and have been intimidated in the past by a couple of homeless people congregating around the elevator on the Mendocino Avenue side of the garage behind the church/temple. The camping behind these buildings seems to have lessened, but on Saturday and Sunday there are at least a dozen hanging out eating the meals provided by the two churches on Mendocino. I am fine with everyone getting fed, but unfortunately their presence scares many potential visitors to the downtown area and results in businesses seeing fewer patrons. Most of my neighbors with businesses or who live in the area and park in the garage have had their windows broken and cars ransacked. Mine has been broken into twice.

There should be an ordinance like what the County of Sonoma approved making it illegal to camp within 25' of public parking and further, the City of Santa Rosa needs a trespassing law/ordinance stating nobody who does not have a vehicle in the parking garages is trespassing if they enter the facilities.

We all want to see the downtown area utilized by families and visitors to the city, but it needs to be safe. I have attended meetings with building owners who now are having to provide security to employees of tenants and actually walking these employees to their cars in parking structures because they don't feel safe after dark.

Please consider this and pass it along to the appropriate agencies.

Thanks,
Kevin

Kevin Foster

Director

CA RE License #00915709

MERIDIAN REALTY

501 4th Street, Suite 216

Santa Rosa, CA 95401

Phone: 707.481.7592

Email: kevin@thekevinfoster.com

Website: www.thekevinfoster.com

From: aster_ascents.0s@icloud.com
To: [Homeless](#)
Subject: [EXTERNAL] Public Hearing 8/8 - camping ordinance
Date: Monday, August 7, 2023 10:44:23 PM

I am unable to attend the hearing due to work, but I want to take a moment to comment. I am concerned that the camping ban will be lifted and it will make our public spaces in Santa Rosa even more unusable than they are currently. Here are some of the issues/things that bother me:

- I already do not enjoy being downtown. The empty buildings are not very welcoming, but the odor of urine doesn't help. The Cancer Survivor's park was destroyed by campers during the pandemic. Besides being heckled when I walked by on a weekend, it was unsanitary and a visual disaster.

- I do not feel comfortable riding my bicycle on the Joe Rodota (and other) bike trails in town. They have become hang out spots for groups of people and encampments continue to be an issue.

- I won't even go to the shopping area on Santa Rosa Avenue if I can help it. The people camping at the entrances to shopping areas is not safe.

- I live near 101 and have had to deal with the people that camped beneath the overpass. It is not hygienic and it is not safe for passersby.

- There is also a sanctioned camp by my work and we are constantly having to clean up trash, waste, and clothing that is left by our front door and gate. We've had people urinating on our building, throwing things at our front door, and removing the bark from our planter beds.

I understand that something needs to be done, but I don't feel like relaxing camping restrictions will help. If people are allowed to camp on public land, it makes the public spaces unusable for the majority of city residents. No one wants to spend time in a park that is now an encampment. If we want to attract tourists to Santa Rosa, welcoming them to town with people camping in our public spaces isn't the way to do it.

Santa Rosa used to be great town with a fun and vibrant downtown. I don't feel like that is the case anymore. Downtown is now sad and the number of homeless people on 4th Street often seems to outnumber the people out to eat and shop. I know the pandemic gets blamed for changing things, but I feel like this change started well before then. I would hate to see it get worse with more permissible public camping ordinance.

Thanks,
Samantha
95401

From: [davidwadams](#)
To: [Homeless](#)
Subject: [EXTERNAL] Homeless ordinance
Date: Tuesday, August 8, 2023 5:08:36 PM

As a resident of Santa Rosa & a homeowner, I have been concerned with the homeless problem for quite sometime.
For the past few years our neighborhood in Rincon Valley have been dealing with RVs, campers & trailers parked along Austin Creek on Prospect Avenue. The owners of those vehicles have left behind trash, human waste, needles etc. While parked there we have witnessed the occupants engaging in prostitution, drug use, theft & drug dealing. Their illegal actions have greatly affected the neighborhood children & our senior community.

Public streets & sidewalks were NOT designed for camping & therefore should NOT be allowed. We don't need less regulation & restrictions, we need MORE.
The City of Santa Rosa should provide designated areas where the homeless can park their vehicles & supervise their behavior. It's a matter of Public Safety for all.
Santa Rosa is a great place to live & we don't want it to become blighted & dysfunctional (for example) like Portland Oregon.
I want to thank the City of Santa Rosa & the Santa Rosa Police Department for all of your support in the removal of abandoned vehicles & the collection of the trash.

Sincerely
David W Adams