

### **3.4 Proposed Ordinance Codifying the Existing Encampment Management Program Around Schools and Establishing School Clearance Zones.**

#### **Recommendation:**

Approve an ordinance amending Chapter 10.20 of Title 10 of the San José Municipal Code to add Part 6 to Chapter 10.20 to establish “School Clearance Zones” which would prohibit certain obstructions within 150 feet of schools.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney)



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann  
City Attorney

**SUBJECT:** SEE BELOW

**DATE:** March 25, 2024

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**SUBJECT: PROPOSED ORDINANCE CODIFYING THE EXISTING ENCAMPMENT MANAGEMENT PROGRAM AROUND SCHOOLS AND ESTABLISHING SCHOOL CLEARANCE ZONES**

## **RECOMMENDATION**

Approve an ordinance amending Chapter 10.20 of Title 10 of the San Jose Municipal Code to add Part 6 to establish "School Clearance Zones" which would prohibit certain obstructions within 150 feet of schools.

## **BACKGROUND**

The City maintains an Encampment Management Program, which includes a policy for the removal of homeless encampments and people that are in setback areas, including areas within 150 feet of schools.

On August 9, 2023, the Rules and Open Government Committee approved direction to the City Manager to expedite drafting an ordinance prohibiting encampments within 150 feet of the property line of licensed preschools, daycares, and K-12 schools. On January 30, 2024, City Council approved a memorandum coauthored by Mayor Mahan, and Councilmembers Jimenez, Cohen, Ortiz, and Doan ("Joint Memorandum") directing staff to draft an ordinance prohibiting encampments within at least 150 feet of K-12 schools, consistent with the Encampment Management Program.

## **ANALYSIS**

The proposed ordinance will amend Chapter 10.20 of Title 10 of the San Jose Municipal Code to add Part 6 to Chapter 10.20. Pursuant to the City's police power to regulate for the protection of the welfare, peace and comfort of the inhabitants, the City regulates offenses against property under Chapter 10.20. The proposed ordinance would codify the Encampment Management Program's school setback policy, by establishing "School Clearance Zones." The proposed ordinance prohibits obstructing a street

Mar. 25, 2024

**Subject: Proposed Ordinance Codifying the Existing Encampment Management Program Around Schools and Establishing School Clearance Zones**

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(including any storm sewer or natural outlet or channel), sidewalk, bicycle lane, or other public right-of-way by sitting, lying, or sleeping or by storing, using, maintaining, or placing personal property in a School Clearance Zone. A School Clearance Zone is defined as any area within 150 feet of the lot or parcel line for a real property with a licensed public or private preschool, elementary, middle, or secondary school on-site.

The prohibition would not apply to any person sitting or lying down due to a medical emergency, using a mobility device to move within the School Clearance Zone, operating under an encroachment permit, or sitting on a bench that is permanently affixed to the sidewalk at a mass transportation stop, plaza, paseo, or city park.

The proposed ordinance does not subject any violator to criminal enforcement, as a violation of the prohibition would only be punishable by an administrative citation. Administration intends to recommend setting the fine amount to \$0.

### **CONCLUSION**

The proposed ordinance conforms to the direction from the City Council from January 30, 2024, as discussed above.

### **CEQA**

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Attorney).

NORA FRIMANN  
City Attorney

/s/ \_\_\_\_\_

For questions, please contact Omar El-Qoulaq, Deputy City Attorney, at (408) 535-1900.

cc: Jennifer Maguire, City Manager



COUNCIL AGENDA: 4/9/24  
FILE: 24-76354  
ITEM: 3.4

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** John Ristow

**SUBJECT:** SEE BELOW

**DATE:** March 25, 2024

Approved

Date

3/29/24

## SUPPLEMENTAL

**SUBJECT: PROPOSED ORDINANCES AUTHORIZING THE REMOVAL OF VEHICLES PARKED IN VIOLATION OF PROHIBITED LARGE VEHICLE PARKING ZONES AND NO OVERNIGHT PARKING ZONES**

## REASON FOR SUPPLEMENTAL

This supplemental memorandum is intended to provide additional background, context, and analysis for City Council consideration related to the draft large vehicle and overnight parking ordinances which will:

- Authorize the removal of vehicles parked overnight upon a street, or portions thereof, where overnight parking of vehicles is prohibited and posted as a tow-away zone; and
- Authorize the removal of large vehicles parked upon a street, or portions thereof, where the parking of large vehicles is prohibited and posted as a tow-away zone as deemed appropriate through an engineering assessment noting the parking of large vehicles creates a safety hazard for pedestrians, bicycles, or vehicles.

## BACKGROUND

In August 2023, the Rules and Open Government Committee (Committee) directed the City Manager to draft an ordinance prohibiting encampments and vehicle dwelling within 150 feet of K-12 schools and return to the City Council with a cost estimate to fully enforce the ordinance or phase in enforcement with existing resources. In September of 2023, the Committee further directed the City Manager and City Attorney to return with a framework for evaluation and discussion which should include:

- On-Street locations where oversized vehicles could be permitted to park.
- Street characteristics where restricting parking of oversized vehicles could be enforced.
- Phased implementation/enforcement of oversized vehicle ordinance restricting parking.
- Provide notice/maps to residents living in oversized vehicles with areas they can park.
- Understand ability to enforce existing laws/restrictions pertaining to oversized vehicles.
- Zoning Code amendments to streamline the creation of recreational vehicles safe parking sites.

In response to the above August and September 2023 Committee directions, staff brought forward two memos at the January 30, 2024 City Council meeting:

- **Item 8.1:** [Regulating Oversized Vehicles Citywide](#)
- **Item 8.2:** [Addressing Encampments and Oversized Vehicles Around Schools](#)

The City Council accepted the report and referred item 8.1 for discussion to the February 8, 2024, Neighborhood Services and Education Committee. Further consideration of the recommendations in the staff report was directed to the Fiscal Year 2024-2025 Budget process.

The City Council approved item 8.2 with additions and amendments<sup>1</sup>, which sought to expand flexibility to address oversized vehicle impacts citywide. The City Council directed the City Manager and City Attorney to:

- Prepare an ordinance giving flexibility to add locations through City Council resolution which prohibits the parking and authorizes the towing of oversized vehicles on public roadways within any area where an engineering assessment has identified that safety hazards for pedestrians, bicycles, or vehicles caused by the parking of oversized vehicles exist.
- Prepare an ordinance giving flexibility to add locations through City Council resolution, which prohibits the parking and authorizes the towing of vehicles parked within any area that prohibits parking between the hours of 10:00 p.m. and 6:00 a.m.
- Initiate a pilot at three K-12 schools most impacted by the parking of oversized vehicles.

## **ANALYSIS**

The California Vehicle Code (CVC) establishes enforcement reach, authority, and methods that can be used by cities and law enforcement agencies to enforce parking regulations. The CVC's parking codes do not allow a city to regulate activities in and around vehicles. For example, living in a vehicle is not an activity contemplated by the CVC. Therefore, the activity cannot be regulated through parking restrictions. Additionally, the CVC does not provide a mechanism to

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<sup>1</sup> January 30, 2024, City Council Meeting, Item 8.2, Addressing Encampments and Oversized Vehicles Around Schools, memorandum co-authored by Mayor Mahan and Councilmembers Jimenez, Cohen, Ortiz, Doan: <https://sanjoseca.primegov.com/Portal/viewer?id=0&type=7&uid=d22b960b-c475-4268-8093-be07b4483b0a>

single out specific vehicle types—e.g., recreational vehicles, boats, trailers—for restriction and enforcement.

The CVC authorizes the issuance of a parking citation as the standard penalty for violating overnight and oversized vehicle parking restrictions. However, CVC Section 22651(n) allows agencies to designate existing parking regulations as towable offenses by adopting a local ordinance or resolution. The proposed amendments to the San José Municipal Code will introduce an enforcement option authorizing the towing of vehicles in violation of posted overnight or oversized restrictions to better achieve compliance within zones identified through the adoption of a resolution. Other areas within the City with existing overnight and oversized parking restrictions will remain enforceable via citation only. City Council may adopt additional overnight/oversized tow zones via resolution, including transitioning existing restrictions to tow zones.

The City Council approved three pilot areas to be absorbed with existing resources listed below:

- Independence High School (Council Districts 3 and 5)
- Shirakawa Elementary School (Council District 7)
- Challenger School – Berryessa (Council District 3)

Additional sites beyond the three pilot areas will introduce significant increases in workload and coordination to the Department of Transportation and partner departments. Additional tow zones require at least:

- Engineering analyses of proposed locations where the prohibition of towable overnight or oversized vehicle parking may be considered.
- Outreach to impacted schools, residents, businesses, and potentially vehicles owners.
- Drafting, in collaboration with the City Attorney’s Office, resolutions for City Council approval for each zone(s) where towable oversized and/or overnight parking restrictions are to be introduced.
- Conducting field visits, fabricating, and installing new parking restrictions and tow notification signage.
- Additional personnel and resource availability to support enforcement activities and tow coordination.

In addition to added workload and costs the Department of Transportation expects to occur as a result of any expansion of enforcement zones, it should be noted that there will be impacts on City departments functioning in program support roles. This includes San José Police Department, Parks Recreation and Neighborhood Services (BeautifySJ), and Housing personnel as they currently have little to no evening response capabilities to support overnight enforcement.

The implementation of posted parking restrictions, both citable and towable, consistently results in vehicles relocating just outside the restricted area or elsewhere in the City. It does not reduce the overall occurrence rate. For the subset of oversized vehicles that are lived in, supportive

HONORABLE MAYOR AND CITY COUNCIL

March 25, 2024

**Subject: Proposed Ordinances Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones**

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housing and services are vital tools to addressing the root causes of their needs. City departments will continue to implement and support the development of additional supportive parking sites and services.

### **COST SUMMARY/IMPLICATIONS**

Expansion of overnight and oversized parking restrictions beyond the three pilot areas would require significant investments and would need to be addressed through the Fiscal Year 2024-2025 or a future year budget process. City Council's approval of the Mayor's March Budget Message for Fiscal Year 2024-2025 directed the City Manager to "explore the allocation of one-time or ongoing funding, as appropriate, to pilot better citywide regulation of oversized vehicles, including using tow authority when appropriate to enforce prohibited "overnight" and "oversized" parking, facilitate enhanced street sweeping, and implement a 150-ft setback for our most impacted schools." While the Administration is currently in the process of preparing the 2024-2025 Proposed Budget to best meet this direction, given the structural/service level shortfall in the General Fund and other City Council priorities that will require service tradeoffs, it is likely that the funding ultimately recommended in the Proposed Budget to provide some level of additional enforcement capability will still be insufficient to implement the full implications of these ordinances.

Consistent with City Council direction at its January 30, 2024, meeting, a Manager's Budget Addendum will estimate the additional resource needs and major considerations for enforcement programs that achieve objectives approved for oversized vehicles, prohibited overnight and oversized parking, enhanced street sweeping, and setbacks for impacted schools. This information will further inform the City Council in its consideration of the Proposed Budget, as well as help inform potential investments that may be considered in future years.

### **COORDINATION**

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

/s/

JOHN RISTOW  
Director of Transportation

For questions, please contact Heather Hoshii, Deputy Director, at [heather.hoshii@sanjoseca.gov](mailto:heather.hoshii@sanjoseca.gov).

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE  
AMENDING CHAPTER 10.20 OF TITLE 10 OF THE SAN  
JOSE MUNICIPAL CODE TO ADD PART 6 TO  
ESTABLISH "SCHOOL CLEARANCE ZONES" WHICH  
WOULD PROHIBIT CERTAIN OBSTRUCTIONS WITHIN  
150 FEET OF SCHOOLS**

**WHEREAS**, the City's Parks, Recreation, and Neighborhood Services Department currently maintains an Encampment Management Program; and

**WHEREAS**, as part of the Encampment Management Program, the City maintains a policy of removing homeless encampments and people that are in setback areas, including areas within 150 feet of schools; and

**WHEREAS**, the City Council has directed the City Manager to codify this policy by drafting an ordinance prohibiting encampments within at least 150 feet of schools, consistent with the Encampment Management Program; and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance do not constitute a project under File No. PP17-008; and

**WHEREAS**, the City Council is the decision-making body for this proposed Ordinance; and

**WHEREAS**, the City Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this proposed Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A new Part is added to Chapter 10.20 of Title 10 of the San José Municipal Code to be numbered, entitled and to read as follows:

**Part 6**

**SCHOOL CLEARANCE ZONES**

**10.20.210 Prohibition on Obstruction In A School Clearance Zone.**

No person shall obstruct a street (including any storm sewer or natural outlet or channel), sidewalk, bicycle lane, or other public right-of-way by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, in a School Clearance Zone.

**10.20.220 School Clearance Zone Defined.**

For purposes of this Chapter, a School Clearance Zone shall be defined as any area within one hundred fifty feet of the lot or parcel line for a real property with a licensed public or private preschool, elementary, middle, or secondary school on-site.

**10.20.230 Exception to the Prohibition.**

The prohibition in Section 10.20.210 shall not apply to any person:

- A. Sitting or lying down due to a medical emergency.

- B. Using a mobility device such as a wheelchair, walker, crutches, canes, braces, and other similar device to move within the School Clearance Zone.
- C. Operating under a sidewalk café permit issued under previously existing provisions of Title 20 of the Code or an encroachment permit issued pursuant to Chapter 13.37 of the Code.
- D. Who sits on a chair on a sidewalk at a business with a sidewalk café permit issued under previously existing provisions of Title 20 of the Code or an encroachment permit issued pursuant to Chapter 13.37 of the Code.
- E. Sitting on a bench that is permanently affixed to the sidewalk at a mass transportation stop, plaza, paseo, or city park.

**10.20.240 Enforcement.**

- A. Any violation of this Chapter shall only be punishable by an administrative citation in accordance with the procedures set forth in Chapter 1.15 of Title 1 of this Code relating to the issuance of administrative citations, imposing of administrative fines, right to appeal, and the right to an administrative hearing.
- B. The amounts of the fines for violations imposed pursuant to this Chapter shall be set forth in the schedule of fines established by resolution of the City Council.

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PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**FW: April 9, 2024 Council Agenda items 3.3 and 3.4**

City Clerk &lt;city.clerk@sanjoseca.gov&gt;

Mon 4/8/2024 7:43 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

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**From:** Patty McNeil [REDACTED]**Sent:** Friday, April 05, 2024 8:29 PM**To:** City Clerk <city.clerk@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Dang, Tara <Tara.Dang@sanjoseca.gov>**Subject:** April 9, 2024 Council Agenda items 3.3 and 3.4

[External Email]

Honorable Mayor Mahan, and City Council,

**Concerning Agenda Item 3.3 and 3.4-**

As a District 7 Community Member, I have first hand knowledge of the problems with RV's being parked on city streets.

In our Stonegate West neighborhood, we have 9 RVs parked on Umbarger Road between McLaughlin and Tuers Rd. After reading your April 9, 2024 Agenda items; 3.3 and 3.4, I have questions that I want you to think about and consider before approving these Proposed Ordinance Recommendations.

**3.3-"Proposed Ordinance Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones".**

Who determines how these Zones are chosen? San Jose already has areas that have signs for no parking over a certain length of vehicle. Our neighborhood has already asked our District 7 representative if we can have this signage on Umbarger. So far the answer has been "No" by default, nothing has happened.

**section (a) "...where the parking of large vehicles creates a safety hazard for pedestrians or vehicles..."**

Who will define safety hazards? Right now we are dealing with human waste from RV's. Although Bio-waste bags have been provided, not all the RV's are using them. I dread Summer when a walk in the park means the wafting of Bio-waste stewing in plastic bags for a week or two. The amount of trash or just their personal belongings stored on the park property is a hazard. Our two lane street (Umbarger Road) is really a one-way street because two cars can't pass each other at 9 different areas of Umbarger Road.

**section (b) The portion prohibiting overnight parking.**

Does that include us neighbors? We are a multi-generational neighborhood and we need overnight parking. Again, who determines these areas for "No" overnight parking, what is the criteria?

**3.4- "Proposed Ordinance Codifying the Existing Encampment Management Program around Schools and Establishing School Clearance Zones."**

Does the city really have an Existing Encampment Management Program? Where is this information? Who wrote it and when? How can I get my hands on it?

**"...prohibit certain obstructions within 150 feet of schools."**

What in the world are "certain obstructions"? That is so open to interpretation.

I believe parks should be included in the Clearance Zones. The children in our neighborhood are no longer riding their bikes along the Umbarger pathway because parents don't feel it is safe to do so.

Thank you for your Public Service, and consideration of my thoughts and questions.

Patty McNeil



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## FW: Letter in Support of Item 3.3 and 3.4-April 9th, 2024 Council Meeting

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 7:45 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Minh Pham [REDACTED]

**Sent:** Monday, April 8, 2024 5:14 PM

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

**Subject:** Re: Letter in Support of Item 3.3 and 3.4-April 9th, 2024 Council Meeting

[External Email]

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Honorable Mayor and Members of the City Council,

I write to you today to express my support for Items 3.3 and 3.4, the Encampment Management Program Around Schools and the Establishing of School Clearance Zones.

The areas around several school sites in the Alum Rock School District, such as Painter Elementary, Sheppard Middle, and Renaissance at Mathson Middle, have had issues with encampments.

Our students and staff have been negatively impacted. Many of those living in the encampments have threatened students as they walk to school, engaged in inappropriate behavior around yard duty staff, and have damaged school property. All of this has led to an unsafe environment around schools as well as additional costs to the district to repair damages to the facilities and replace stolen/damaged property.

It is for those reasons that I respectfully urge the Council to approve Items 3.3 and 3.4 in tomorrow's meeting in order to protect our children, our educators, and ensure a safe learning environment in our local public school.

Thank you for bringing these items onto the agenda and I hope that local schools can work together with the City to ensure that our community have safe schools for our children and educators.

Sincerely,

--

Minh Pham

Member, Board of Trustees

Alum Rock Union Elementary School District

[REDACTED]

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## FW: Public Comment - Supporting Items 3.3/3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 9:53 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Chris Copolillo <[REDACTED]>  
**Sent:** Tuesday, April 9, 2024 9:34 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Cc:** Moreno, Brisa <Brisa.Moreno@sanjoseca.gov>; Garcia, Sara <Sara.Garcia@sanjoseca.gov>  
**Subject:** Public Comment - Supporting Items 3.3/3.4

[External Email]

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Council,

KIPP Public Schools Northern California supports the passage of the proposed ordinance to codify the existing tent encampment management program around schools and establish a school clearance zone to prevent oversized vehicles from parking near them.

For KIPP San Jose Collegiate students and staff, the RVs and oversized vehicles parked directly outside of our campus have posed well-documented safety concerns. We urge the council to act today to ensure that the areas around San Jose schools are safe and accommodating to our students, while we simultaneously ask that you implement policy interventions that address the needs of residents who need housing support.

--

**Chris Copolillo** (he/him)  
Managing Director of Policy, Enrollment, Advocacy and Community Engagement

**KIPP:Public Schools**  
NORTHERN CALIFORNIA



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**FW: Agenda Item 3.3 and 3.4**

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 9:53 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (180 KB)

Proposed Ordinances 3.3 and 3.4.docx;

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**From:** Juan Cruz <[REDACTED]>

**Sent:** Tuesday, April 9, 2024 9:30 AM

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

**Subject:** Agenda Item 3.3 and 3.4

[External Email]

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Please accept my letter of support for Item 3.3 and 3.4.

Juan

--

**Juan Cruz**

**Superintendent**

Franklin-McKinley School District  
[REDACTED]

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April 8, 2024

Honorable Mayor and City Council of San Jose,

Subject: Letter of Support for Proposed Ordinances Establishing School Clearance

I am writing to express Franklin-McKinley School District's full support for the proposed ordinances that would authorize the removal of vehicles parked in violation of prohibited large vehicle parking zones and no overnight parking zones within 150 feet of schools. These ordinances, as outlined in the memorandums coauthored by Mayor Mahan and Councilmembers Jimenez, Cohen, Ortiz, and Doan, are crucial steps towards ensuring public safety and a safe path to and from schools for families and children.

The proposed ordinances address three significant issues: the parking of large vehicles in areas where they create safety hazards for pedestrians or vehicles, overnight parking of vehicles in zones where such parking is prohibited, and safety path to and from schools. By allowing for the removal of vehicles in violation of these regulations, the ordinances will help improve traffic flow, enhance pedestrian safety, and ensure that our students feel walking to and from school.

I appreciate the careful consideration and planning that has gone into developing these ordinances, including the flexibility to designate additional zones through Council resolution. This approach will allow the City to address emerging parking issues and safety concerns in a timely and effective manner.

In conclusion, I believe that the proposed ordinances are necessary measures to improve public safety and a safe environment for families in our city. I urge you to approve these ordinances and support their implementation for the benefit of our Franklin-McKinley School District community.

Thank you for your attention to this important matter.

Sincerely,



Juan Cruz  
Superintendent

Board of Education

Rudy Rodriguez

George Sanchez.

Marc Cooper

Steven Sanchez.

Milan Balinton

## FW: Concerning Agenda Items 3.3 and 3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 11:15 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 2 attachments (5 MB)

RV truck (2).jpg; Broken truck mirror.jpg;

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**From:** honolulubabee [REDACTED]

**Sent:** Tuesday, April 9, 2024 11:11 AM

**To:** City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Dang, Tara <Tara.Dang@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>

**Subject:** Concerning Agenda Items 3.3 and 3.4

[External Email]

Mayor Mahan and City Council members,

We have sent our concerns about the RVs, the associated vehicles, operable and nonoperable parked in our Stonegate West Neighborhood between McLaughlin Avenue and Tuers Road and to no avail. Since it is not specified, where "Large Vehicle Parking Zones and No Overnight Parking Zones" are located. We would ask that our neighborhood be included in these specified zones.

This past weekend is a prime example where 3.3 section (a) "...the parking of large vehicles creates a safety hazard for pedestrians or vehicles..." Our neighbor had his truck's side view mirror hit and broken due to the fact that sections of Umbarger have become too narrow for two passenger sized vehicles to pass by one another without having to yield to the oncoming traffic or coming dangerously close to damaging a parked vehicle. See attached photos, in one photo, you will notice how close the RVs and parked truck on the other side of street are; the second photo, you will see the damage to the side mirror.

Once the Encampment Management Program is implemented, unless it is already, the RVs and campers parked around Windmill Springs Elementary school and nearby park currently, will seek open spots nearby. Unfortunately, that will probably Umbarger, between McLaughlin and Tuers. Would love to see the city be proactive rather than reactive on parking restrictive signage in our neighborhood, also.

Sincerely,  
Joyce and Kerry Kimoto

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FW: Item 3.3/3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 1:16 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** iq4rent sc <[REDACTED]>

**Sent:** Tuesday, April 9, 2024 1:12 PM

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

**Subject:** Item 3.3/3.4

[External Email]

As you know, the state audit of San Jose's homeless services is out and it is incredibly validating for all of the advocates who for so long have been saying much of what the audit says. I can not say that loudly or frequently enough. But, regarding 3.3/3.4, I have these notes from the audit:

**"Without a sufficient number of safe parking sites, the city increases the safety risks, such as physical or emotional threats, that people who sleep in their vehicles may face."**

What else is there to really say? This is why RV bans jeopardize people's lives and further stigmatize people who are themselves at risk. Read what it says, it doesn't say MAY increase, it says it says INCREASES. Your vote today will increase the safety risks of unhoused vehicles dwellers. 62 unhoused are listed on the coroner's dashboard, but others have died and have yet to be identified by next of kin. That's more than last year.

"Although interim housing serves an important purpose, around 40 percent of people exiting such placements returned to unsheltered homelessness." Oftentimes, they return to RVs and other vehicles you are trying to make it more difficult for them to seek refuge in.

"San José has not adequately evaluated its efforts to mitigate health and safety issues related to encampments...it has not developed performance measures to evaluate how well its programs are mitigating health and safety risks" This also speaks for itself.

Please vote no on 3.3 and 3.4. There needs to be a freeze on sweeps and all actions taken against unhoused people until metrics committees are formed that include unhoused people and advocates that will go through each program and address concerns brought forth in the audit and community. Clean ups can continue, but sweeps/relocations/bans should resume when issues related to vendors, processes and where people are being swept to, are resolved.

Regards,

Shaunn Cartwright

**FW: Items 3.3 and 3.4 on Council Agenda 4.9.2024 on RV Encampment**

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 1:43 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>  
**Sent:** Tuesday, April 9, 2024 1:21 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Cc:** Munguia, Emily <Emily.Munguia@sanjoseca.gov>  
**Subject:** Items 3.3 and 3.4 on Council Agenda 4.9.2024 on RV Encampment

Please take a look at ticket [#43311](#) raised by Kevin McCoy [REDACTED]

On Tue, 9 Apr at 12:17 PM , Kevin McCoy <[REDACTED]> wrote:

[External Email]

Thanks Tara, you're a lifesaver.



**Kevin McCoy**

[www.cwiteam.com](http://www.cwiteam.com)

[REDACTED]

On Tue, 9 Apr at 11:58 AM , City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:  
Hi Kevin McCoy,

Thank you for reaching out to Mayor's Office. It is disheartening to see the damages that homelessness had caused to our city's small businesses, bread-and-butter for our city resources. I have included District 7 Office, BeautifySJ and SJPD in this email in hope of a regular cleanup schedule is in place and enforced, and more patrols will be for this area for public safety concerns.

In the future, you can download 311SJ app to report blights and for record keeping.

You also can use the following to report encampment:

**Union Pacific unhoused:** [https://c02.my.uprr.com/ui/rmc\\_ext/#/report-incident/8](https://c02.my.uprr.com/ui/rmc_ext/#/report-incident/8)

**Caltrans encampments:** <https://csr.dot.ca.gov/>

**Street encampments and trash:** <https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/report-an-encampment>

Once again, thank you and we will be in contact. Have a wonderful day.

Best regards,

Tara Dang  
Community Outreach Coordinator  
City of San Jose, Mayor's Office  
408.886.8996

[External Email]

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

Hello Mayor Matt,

This is what we came to work to see today. Our small business pays a boatload of tax to the City of San Jose in license fees, sales tax reporting, property tax, and provides a good income to our associates. Please keep cleaning up Little Orchard Street with the goal of moving out the tenements on wheels. As I have said previously, the only recreation going on in these vehicles is drug use. They need to be gone in order for us to enter and exit our driveway safely.



creative  
window  
interiors

Kevin McCoy  
[REDACTED]

[REDACTED]

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**From:** Mayor Matt Mahan <[mayormatt@sanjosecagov.ccsend.com](mailto:mayormatt@sanjosecagov.ccsend.com)>

**Sent:** Sunday, April 7, 2024 7:17 AM

**To:** Kevin McCoy <[REDACTED]>

**Subject:** A Message from Mayor Matt

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

# Matt Mahan

== MAYOR *of* SAN JOSE ==

Dear Neighbor,

This week I met Sandy. I spoke to her at her home, about her home – Rue Ferrari Interim Housing Community.



I was there alongside our Congressman, Jimmy Panetta, to celebrate the \$1 million he brought home from the federal government to help expand this community to help more people in need.

Rue Ferrari is one of the first interim housing communities San Jose built to get our homeless neighbors off the streets and onto a better path. This site has already served over 300 people since it opened in 2021, and we hope that by 2025, we'll have capacity to serve 134 more.

Sandy told me about how she'd been experiencing homelessness for two years, and her home at Rue Ferrari gave her back what she had been missing for those two years – a sense of dignity, the recognition that her life mattered, and an understanding that there were people willing to help if she chose to accept that help.

She spoke about how close so many people are to falling into homelessness. One accident or health scare, a lost job or ailing relative is all that it can take to lose everything. Which is why places like Rue Ferrari change lives. They allow people to get back on their feet, get the counseling, addiction support or job training they need, and reconnect with loved ones – all of which is near impossible for our homeless neighbors while they live in unsafe, unsanitary conditions on our streets.

We have 700 additional interim housing units in the pipeline. We need to move faster to get these beds online so that we can give more people like Sandy a second chance and reclaim our public space for everyone.

But the truth is — we simply don't have the financial capacity to create units like Sandy's for the more than 4,000 people living on our streets today. And we certainly can't build every single one of them a brand-new apartment any time soon.

That's why my March Budget Message asks our city government to explore the creation of safe sleeping sites so that we can move people out of the dangerous, unmanaged conditions that have moral, fiscal and environmental ramifications for our entire community. While minimalistic, these sites would offer basic sanitation – regular trash pick up, porta potties, handwashing stations – and some basic rules and structure, and they would allow us to begin closing the unsafe and unmanaged encampments we see in far too many parts of our city and state today.

We need an all-of-the-above approach to solve the crisis on our streets. And we can't be afraid to invest in the immediate solutions that will make life better for all of us while maintaining a commitment to the end goal – a more affordable city for all of us.

We'll need help from all levels of government to end the era of encampments – which is why I am so grateful to Congressman Panetta for leaning in instead of checking out.

Sincerely,

A handwritten signature in black ink that reads "Matt Mahan". The signature is written in a cursive, flowing style.

Mayor Matt

A dark gray rectangular graphic with a faint, light-colored grid pattern in the background. The text "Creating a Safer San Jose" is centered in a large, white, sans-serif font. "Creating a" is on the top line, and "Safer San Jose" is on the bottom line.

**Creating a  
Safer San Jose**



I had the immense honor of chopping the ribbon on our brand new Fire Training Center and Emergency Operations Center! Our firefighters keep us safe — it's our job to give them the tools and training they need to keep themselves safe in the process.

This new facility will help us better respond and collaborate between different departments and agencies when disaster strikes. It will support our firefighters and the emergency personnel who serve our community. And I think it will provide all of us with a little peace of mind — knowing that we have so many dedicated people learning how best to protect us on our city's worst days.

**Let's Gooo  
BayFC!**



There is nothing more heartwarming than watching your children be inspired. And last week, at BayFC's first home opener in San Jose, Nina couldn't take her eyes off the field. She started playing soccer last year, and seeing the incredible women of BayFC excel on the pitch was almost more than she could handle. I am so excited that the only professional women's sports team in Northern California has chosen to call San Jose home. Nina and little girls across our city will have the opportunity to cheer on a team that looks like them and reminds them of all they are capable of. Can't wait for the next game!

# Mental Health Matters

California has declared treatment, not tents for our most vulnerable neighbors by passing Prop 1. We have a long way to go to fix decades of failed policy, but I'm glad to see us take a step in the right direction by mandating that counties across California use some of their mental health funding to get people indoors and connected to in-patient and residential treatment. We need to rebuild our mental health care system and ensure we have the treatment beds and supportive services required to turn the corner on homelessness and get our most vulnerable the help they need. Let's get to work! Read more [here](#).

# Keeping Our City Clean



Every person living in San Jose, housed or unhoused, has rules to follow that help us maintain a better quality of life for everyone. We have a code of conduct that establishes limits on how large encampments can be and we have laws against illegal dumping. And in this year's budget message, I asked that we dedicate resources to finally, actually and comprehensively enforce these rules while we continue to expand safe, dignified spaces for everyone living outdoors. If the June budget is passed by the entire council, this work can begin. We got a taste of what that might look like while joining PRNS to clean up an encampment in Alviso alongside Councilmember Cohen and Valley Water District Director Santos. If you'd like to help make sure our June budget passes, click [here](#).

## Coming Soon!

### **Teatro Visión's La Mariposa and Breaking Through**

Thursday, April 11th — Sunday, April 14th

Mexican Heritage Plaza, 1700 Alum Rock Ave., San José, CA 95116

Teatro Visión presents Francisco Jiménez's *La Mariposa* and *Breaking Through*: two one-act plays that demonstrate the power of love, the importance of one's mentors, and the beauty of the American dream. *La Mariposa* is presented in Spanish and *Breaking Through* in English, with both plays including projected subtitles. To learn more and order your tickets, click [here](#).

### **Great American Litter Pick-Up with BeautifySJ**

Saturday, April 20th at 9:00 AM to 11:30 AM

Multiple Locations

Celebrate Earth Day and help beautify your city! On Saturday, April 20th, BeautifySJ will be out across the city, picking up litter and inspiring community action. Join us in creating a cleaner San Jose! Find the full list of clean-up events in your neighborhood and sign up [here](#).

### **Viva CalleSJ: SoFA to the Streets**

Sunday, April 21st at 10:00 AM to 3:00 PM

SoFA District (South 1st Street, San Jose, CA 95113), Santa Clara County Fairgrounds (344 Tully Rd, San Jose, CA 95111), and Martial Cottle Park (5283 Snell Ave, San Jose, CA 95136)

Explore San Jose like never before! Viva CalleSJ is a free program that temporarily closes miles of San Jose streets to bring communities together to walk, bike, skate, and play. Come out and explore the food trucks, vendors, live performances, family-friendly activities, and more along the route. Learn more [here](#).

### **Tree Planting at Plata Arroyo Park**

Saturday, April 27th at 8:30 AM to 12:00 PM

Plata Arroyo Park, North King Road San Jose, CA 95116

We're working every day towards a safer, cleaner, greener city — but we need your help to do it! Join Team Mahan, Plata Arroyo neighbors, and volunteers from across San Jose to plant trees and beautify Plata Arroyo Park. Sign up and become part of the solution [here](#).





I had the privilege of joining Meals on Wheels to pack and deliver a meal to Michael, a life long San Jose resident. Meals on Wheels provides vital support to our vulnerable seniors and neighbors who may otherwise struggle to access food. To help them serve our seniors, click here to volunteer: <http://healthtrust.org/volunteer>.



We're creating a safer, cleaner city — one tree at a time! Last month, the Lone Bluff Senter Neighborhood Association and the SCC Sheriff's Office cadets rolled up their sleeves and planted 9 new trees. Lone Bluff Park is greener thanks to their hard work. And across the city, the Martin-Fontana Parks Neighborhood Association hauled several dumpsters worth of residents' unwanted junk, creating a cleaner community for everyone! Sign up here to join us at our next community clean-up: <http://bit.ly/cleansj>.



Last month, Councilmember Torres and I got to chat with some of our SJSU students for our Snack with Matt Spartan edition! It was so inspiring to hear from young people about the issues that matter to them most. In the months ahead I look forward to seeing these students continue to push for the change they want to see in local government. Join us at the next Snack with Matt town hall event and ask me your toughest questions: [qrco.de/SnackWithMatt-Interest](https://qrco.de/SnackWithMatt-Interest).

**[Visit our Website!](#)**



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**FW: April 9, 2024 Council Agenda items 3.3 and 3.4**

City Clerk <city.clerk@sanjoseca.gov>

Tue 4/9/2024 1:55 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>

**Sent:** Tuesday, April 9, 2024 1:23 PM

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

**Cc:** Munguia, Emily <Emily.Munguia@sanjoseca.gov>

**Subject:** Fwd: April 9, 2024 Council Agenda items 3.3 and 3.4

Please take a look at ticket #43148 raised by Patty McNeil [REDACTED]

On Tue, 9 Apr at 9:25 AM , City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:

Hi Patty McNeil,

Here is the response from Emily Munguia, our Policy Director. Please let me know if you have any questions. Thank you.

Tara Dqang  
Community Outreach Coordinator  
City of San Jose, Mayor's Office  
408.886.8996

Regarding Towing Authorization:

We understand the frustration regarding the lack of signage on Umbarger Road. The determination of zones for towing enforcement in areas with parking violations involves a comprehensive assessment process by engineers, ensuring parking restrictions are implemented where needed, prioritizing safety and traffic flow. Safety hazards, like human waste from RVs, are defined through a thorough evaluation process, considering factors such as pedestrian and vehicular safety. The Director of Transportation exercises discretion in designating areas for assessment for towing enforcement.

On Overnight Parking:

The intent isn't to inconvenience residents but to address parking issues. Areas with "no overnight parking" zones are designated a towing enforcement based on assessments by engineers and community input, ensuring fairness. If towing enforcement signs are posted, they apply to all vehicles, not just oversized ones.

On School Setback

The school clearance ordinance prohibits obstructing streets, sidewalks, bike lanes, or other public right-of-way by sitting within the 150 feet school clearance zone by sitting, laying, sleeping, or storing personal items.

Regarding the Encampment Management Program:

The program, initiated in 2020, results from interagency collaboration, aiming to address homelessness citywide. Information, including objectives and implementation, is available on the City of San Jose [website](#).

On Mon, 8 Apr at 10:39 AM , City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:

Hi Patty,

Thank you for reaching out to Mayor's Office on your concerns of items 3.3 and 3.4 on the Council Agenda for tomorrow April 9. We will get back to you on addressing your concerns the earliest possible.

Have a wonderful day.

Best regards,

Tara Dang

On Fri, 5 Apr at 8:31 PM , Patty McNeil [REDACTED] wrote:

[External Email]

Honorable Mayor Mahan, and City Council,

**Concerning Agenda Item 3.3 and 3.4-**

As a District 7 Community Member, I have first hand knowledge of the problems with RV's being parked on city streets.

In our Stonegate West neighborhood, we have 9 RVs parked on Umbarger Road between McLaughlin and Tuers Rd. After reading your April 9, 2024 Agenda items; 3.3 and 3.4, I have questions that I want you to think about and consider before approving these Proposed Ordinance Recommendations.

**3.3-"Proposed Ordinance Authorizing the Removal of Vehicles Parked in Violation of Prohibited Large Vehicle Parking Zones and No Overnight Parking Zones".**

Who determines how these Zones are chosen? San Jose already has areas that have signs for no parking over a certain length of vehicle. Our neighborhood has already asked our District 7 representative if we can have this signage on Umbarger. So far the answer has been "No" by default, nothing has happened.

**section (a) "...where the parking of large vehicles creates a safety hazard for pedestrians or vehicles..."**

Who will define safety hazards? Right now we are dealing with human waste from RV's. Although Bio-waste bags have been provided, not all the RV's are using them. I dread Summer when a walk in the park means the wafting of Bio-waste stewing in plastic bags for a week or two. The amount of trash or just their personal belongings stored on the park property is a hazard. Our two lane street (Umbarger Road) is really a one-way street because two cars can't pass each other at 9 different areas of Umbarger Road.

**section (b) The portion prohibiting overnight parking.**

Does that include us neighbors? We are a multi-generational neighborhood and we need overnight parking. Again, who determines these areas for "No" overnight parking, what is the criteria?

**3.4- "Proposed Ordinance Codifying the Existing Encampment Management Program around Schools and Establishing School Clearance Zones."**

Does the city really have an Existing Encampment Management Program? Where is this information? Who wrote it and when? How can I get my hands on it?

**"...prohibit certain obstructions within 150 feet of schools."**

What in the world are "certain obstructions"? That is so open to interpretation.

I believe parks should be included in the Clearance Zones. The children in our neighborhood are no longer riding their bikes along the Umbarger pathway because parents don't feel it is safe to do so.

Thank you for your Public Service, and consideration of my thoughts and questions.

Patty McNeil  
[REDACTED]

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