

## CC-3 ADDITIONAL DOCUMENTS

WARRANT INFORMATION (01/15/19)					
Payment Ref.	Date	Remittance to:	Remittance ID:	Payment Amount	Explanation of payment
0216342	12/21/18	Wittman Enterprises LLC – Ambulance Transport Srvcs. – Nov.	0000026639	\$26,999.00	<b><i>What is this for? I thought we only contracted w/CARE. Who is Wittman? Willman Enterprises is tasked with billing &amp; cost recovery. CARE Ambulance is contracted for ambulance personnel staffing for ambulance transportation services.</i></b>
0216561	01/03/19	United Rentals – Back up generator	00000010121	\$3,196.62	<b><i>United Rentals – Why the generator rental, what for? The United Rentals payment amount of \$3,196.62 was for the rental of a temporary generator for the Communications Building during the repair and testing period for that buildings backup generator. The Communications building is vital to the City’s municipal operations and cannot be without a backup power source. Subsequently the Communications building generator has been repaired and is functioning at 100%. It passed a Load Bank Test and a real time Transfer Switch Test.</i></b>

## CC-6 AND CC-7 ADDITIONAL DOCUMENTS

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**From:** TELFORD, KELLY <[KELLY.TELFORD@costamesaca.gov](mailto:KELLY.TELFORD@costamesaca.gov)>  
**Sent:** Tuesday, January 15, 2019 9:10 AM  
**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>  
**Cc:** KING, JENNIFER <[JENNIFER.KING@costamesaca.gov](mailto:JENNIFER.KING@costamesaca.gov)>; LETOURNEAU, TAMARA <[TAMARA.LETOURNEAU@costamesaca.gov](mailto:TAMARA.LETOURNEAU@costamesaca.gov)>; GREEN, BRENDA <[brenda.green@costamesaca.gov](mailto:brenda.green@costamesaca.gov)>  
**Subject:** Item CC-6 and CC-7

### **PLEASE DO NOT REPLY ALL**

Mayor and City Council:

A few questions came up regarding the financial statements and I wanted to provide some clarification just in case others had similar questions. Tonight we will be presenting a number of financial statements, which include the Financing Authority and the Public Financing Authority. These are actually two separate legal entities that the City operates and were formed as a conduit for issuing debt. Most cities have one and often issue their bonds through it.

The Public Financing Authority (PFA) was formed a number of years ago as a joint powers authority between the City and the Redevelopment Agency. When the Redevelopment Agency (RDA) dissolved in 2012, the PFA could no longer issue bonds. This is because a joint powers authority **MUST** have two entities that form it and with the RDA dissolution, only the City existed. The PFA had debt outstanding when the RDA dissolution occurred so essentially it is just winding down and will dissolve once the 2006 bonds are repaid.

The Financing Authority was formed in 2017 when the City determined it needed to issue bonds to pay for Lions Park. Because the PFA could no longer issue debt, the City and the Housing Authority (also a City entity) formed the Financing Authority under a separate joint powers authority. Again, this was done for the sole purpose of issuing the bonds. In late 2017, the City issued bonds which show as debt in the Financing Authority. This entity will continue to operate and may be used in any future instance where the City needs to issue bonds.

Payments for both the 2006 and the 2017 bonds are paid for out of the General Fund so these are still City obligations, they are just issued under a separate entity. Think of it like a shell company...nothing really happens there, payments just flow through it.

I will go into more detail about the various legal entities the City operates at the orientation that we have scheduled later this month. Hopefully this will help shed some light on it in the meantime.

If you have any questions at all, please don't hesitate to reach out and we can discuss further.

Thanks,

*Kelly Telford, CPA*

Finance Director  
City of Costa Mesa  
(714) 754-5241  
[kelly.telford@costamesaca.gov](mailto:kelly.telford@costamesaca.gov)

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**Subject:**

RE: Answer to Question Re: Consent Calendar Item #9 - Street Rehabilitation

## **CC-9 ADDITIONAL DOCUMENTS**

**From:** LETOURNEAU, TAMARA <[TAMARA.LETOURNEAU@costamesaca.gov](mailto:TAMARA.LETOURNEAU@costamesaca.gov)>

**Sent:** Thursday, January 10, 2019 1:23 PM

**To:** CITY COUNCIL <[CITYCOUNCIL@ci.costa-mesa.ca.us](mailto:CITYCOUNCIL@ci.costa-mesa.ca.us)>

**Cc:** SETHURAMAN, RAJA <[RAJA.SETHURAMAN@costamesaca.gov](mailto:RAJA.SETHURAMAN@costamesaca.gov)>; GREEN, BRENDA <[brenda.green@costamesaca.gov](mailto:brenda.green@costamesaca.gov)>

**Subject:** Answer to Question Re: Consent Calendar Item #9 - Street Rehabilitation

**\*\*Please Do Not Reply All to this Email\*\***

City Council,

A councilmember asked a question regarding consent calendar items #9 – Street Rehabilitation Project. The question was when the project is expected to begin and when do we expect it to be complete. The project is expected to begin approximately 2 weeks following the award of the contract by the City Council. The estimated project completion date is the end of 2019.

Please let me know if you have any further questions.

Kind regards,

Tammy

*Tamara S. Letourneau, ICMA-CM  
Acting City Manager/Assistant City Manager  
City of Costa Mesa  
(714) 754-5122*

**NB-3 ADDITIONAL DOCUMENTS**  
**Approval of Bridge Shelter Project**

902 F.3d 1031

United States Court of Appeals, **Ninth Circuit**.

Robert **MARTIN**; Lawrence Lee Smith; Robert Anderson; Janet F. Bell; Pamela S. Hawkes; and Basil E. Humphrey, Plaintiffs-Appellants,  
v.  
CITY OF **BOISE**, Defendant-Appellee.

No. 15-35845

|  
Argued and Submitted July  
13, 2017—Portland, Oregon

|  
Filed September 4, 2018

**Synopsis**

**Background:** Homeless persons brought § 1983 action challenging city's public camping ordinance on Eighth Amendment grounds. The United States District Court for the District of Idaho, [Ronald E. Bush](#), United States Magistrate Judge, [834 F.Supp.2d 1103](#), entered summary judgment in defendants' favor, and plaintiffs appealed. The Court of Appeals, [709 F.3d 890](#), reversed and remanded. On remand, defendants moved for summary judgment, and the District Court, [Bush](#), United States Magistrate Judge, [993 F.Supp.2d 1237](#), granted motion in part and denied it in part. Appeal was taken.

**Holdings:** The Court of Appeals, [Berzon](#), Circuit Judge, held that:

[1] homeless persons had standing to pursue their claims even after city adopted protocol not to enforce its public camping ordinance when available shelters were full;

[2] plaintiffs were generally barred by *Heck* doctrine from commencing § 1983 action to obtain retrospective relief based on alleged unconstitutionality of their convictions;

[3] *Heck* doctrine had no application to homeless persons whose citations under city's public camping ordinance were dismissed before the state obtained a conviction;

[4] *Heck* doctrine did not apply to prevent homeless persons allegedly lacking alternative types of shelter from pursuing § 1983 action to obtain prospective relief preventing enforcement of city's ordinance; and

[5] Eighth Amendment prohibited the imposition of criminal penalties for sitting, sleeping, or lying outside on public property on homeless individuals who could not obtain shelter.

Reversed and remanded.

[Owens](#), Circuit Judge, filed opinion concurring in part and dissenting in part.

**Procedural Posture(s):** On Appeal; Motion for Summary Judgment.

West Headnotes (24)

**[1] Federal Courts****Summary judgment**

On appeal from grant of summary judgment for city on § 1983 claims against it, the Court of Appeals would review the record in light most favorable to plaintiffs. [42 U.S.C.A. § 1983](#).

[Cases that cite this headnote](#)

**[2] Federal Civil Procedure****In general;injury or interest****Federal Civil Procedure****Causation;redressability**

For plaintiff to have Article III standing, he must demonstrate an injury that is concrete, particularized, and actual or imminent, fairly traceable to the challenged action, and redressable by a favorable ruling. [U.S. Const. art. 3, § 1 et seq.](#)

[Cases that cite this headnote](#)

**[3] Federal Civil Procedure****In general;injury or interest**

While concept of “imminent” injury, such as plaintiff must demonstrate to establish his Article III standing, is concededly somewhat elastic, it cannot be stretched beyond its purpose, which is to ensure that the alleged injury is not too speculative for Article III purposes, i.e., that the injury is certainly impending. *U.S. Const. art. 3, § 1 et seq.*

[Cases that cite this headnote](#)

**[4] Constitutional Law**

 [Criminal Law](#)

Plaintiff need not await an arrest or prosecution to have constitutional standing to challenge the constitutionality of criminal statute. *U.S. Const. art. 3, § 1 et seq.*

[Cases that cite this headnote](#)

**[5] Constitutional Law**

 [Criminal Law](#)

Plaintiff should not be required to await and undergo a criminal prosecution as the sole means of challenging the constitutionality of statute, but will have standing to seek immediate determination on that issue, where plaintiff has alleged an intention to engage in course of conduct arguably affected with a constitutional interest but proscribed by statute, and where there exists a credible threat of prosecution thereunder. *U.S. Const. art. 3, § 1 et seq.*

[Cases that cite this headnote](#)

**[6] Federal Civil Procedure**


 [Want of proper parties](#)

To defeat a motion for summary judgment premised on alleged lack of standing, plaintiffs need not establish that they in fact have standing, but only that there is genuine question of material fact as to the standing elements. *U.S. Const. art. 3, § 1 et seq.*

[Cases that cite this headnote](#)

**[7] Federal Civil Procedure**

 [Civil rights cases in general](#)


Even assuming that homeless shelters within city accurately self-reported when they were full, genuine issues of material fact as to whether, due to limits on number of consecutive days on which homeless people could obtain housing at shelters, or due to deadlines by which people had to request accommodation at shelters, people might be without any available housing in city even on nights when not all shelters reported as being full, precluded entry of summary judgment for city on § 1983 claim that its public camping ordinance violated homeless persons' Eighth Amendment rights, on theory that homeless persons no longer had standing to pursue their claims once city adopted protocol not to enforce ordinance when available shelters were full. *U.S. Const. Amend. 8*;  42 *U.S.C.A. § 1983.*

[Cases that cite this headnote](#)

**[8] Constitutional Law**

 [Criminal Law](#)

**Municipal Corporations**


 [Prevention of improper use or obstruction](#)


Consistent with the Establishment Clause of the First Amendment, city could not, via the threat of prosecution under its public camping ordinance, coerce homeless individuals into participating in religion-based programs at city shelters. *U.S. Const. Amend. 1.*

[Cases that cite this headnote](#)

**[9] Civil Rights**

 [Criminal prosecutions](#)

Under  *Heck* doctrine, in order to recover damages for allegedly unconstitutional conviction or imprisonment or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid

by state tribunal authorized to make such determination, or called into question by federal court's issuance of writ of habeas corpus.  42 U.S.C.A. § 1983.


[1 Cases that cite this headnote](#)

**[10] Civil Rights**

 Criminal law enforcement;prisons

**Declaratory Judgment**

 Criminal laws



 *Heck* doctrine bars § 1983 suits even when the relief sought is prospective, injunctive or declaratory relief, if success in that action would necessarily demonstrate the invalidity of plaintiff's confinement or its duration.

 42 U.S.C.A. § 1983.

[2 Cases that cite this headnote](#)

**[11] Civil Rights**


 Criminal prosecutions


Homeless persons who not only failed to file direct appeal challenging, on Eighth Amendment grounds, their convictions under city's public camping ordinance, but also expressly waived right to do so as condition of their guilty pleas, were barred by  *Heck* doctrine from later commencing § 1983 action to obtain retrospective relief based on alleged unconstitutionality of their convictions. U.S. Const. Amend. 8;  42 U.S.C.A. § 1983.

[Cases that cite this headnote](#)

**[12] Civil Rights**

 Criminal prosecutions

 *Heck* doctrine had no application to homeless persons whose citations under city's public camping ordinance were dismissed before the state obtained a conviction, as the pre-conviction dismissal of citations meant that there was no conviction or sentence that could be undermined by grant of relief to these persons on their § 1983 claim that city's

criminalization of sleeping in public parks or on public sidewalks by persons, like them, who allegedly had no available shelter violated their Eighth Amendment rights. U.S. Const. Amend. 8;  42 U.S.C.A. § 1983.

[Cases that cite this headnote](#)

**[13] Sentencing and Punishment**

 Scope of Prohibition

**Sentencing and Punishment**

 Declaring Act Criminal

**Sentencing and Punishment**

 Proportionality

Cruel and Unusual Punishments Clause of the Eighth Amendment limits not only the types of punishment that may be imposed and prohibits the imposition of punishment grossly disproportionate to severity of crime, but also imposes substantive limits on what can be made criminal and punished as such. U.S. Const. Amend. 8.

[Cases that cite this headnote](#)

**[14] Sentencing and Punishment**

 Declaring Act Criminal

Cruel and Unusual Punishments Clause of the Eighth Amendment, by imposing substantive limits on what can be made criminal and punished as such, governs the criminal law process as whole, and not only the imposition of punishment postconviction. U.S. Const. Amend. 8.

[Cases that cite this headnote](#)

**[15] Sentencing and Punishment**

 Particular offenses

**Vagrancy**

 Nature and elements of offenses


In order for homeless persons to mount an Eighth Amendment challenge to city's public camping ordinance, on theory that it was cruel and unusual for city to criminalize the sleeping in public parks and on public sidewalks by those who had no alternative shelter,

homeless persons needed to demonstrate only initiation of criminal process against them, not convictions. [U.S. Const. Amend. 8.](#)

[1 Cases that cite this headnote](#)

**[16] Civil Rights**


 [Criminal law enforcement;prisons](#)

 *Heck* doctrine did not apply to prevent homeless persons allegedly lacking alternative types of shelter from pursuing § 1983 action to obtain prospective relief preventing enforcement of city's public camping ordinance against them on Eighth Amendment grounds. [U.S. Const. Amend. 8;](#) [42 U.S.C.A. § 1983.](#)

[Cases that cite this headnote](#)

**[17] Civil Rights**



 [Criminal law enforcement;prisons](#)

 *Heck* doctrine serves to ensure the finality and validity of previous convictions, not to insulate future prosecutions from challenge.

[Cases that cite this headnote](#)

**[18] Civil Rights**

 [Criminal law enforcement;prisons](#)

Claims for future relief, which, if successful, will not necessarily imply the invalidity of confinement or shorten its duration, are distant from the “core” of habeas corpus with which  *Heck* doctrine is concerned, and are not precluded by  *Heck* doctrine.

[2 Cases that cite this headnote](#)

**[19] Sentencing and Punishment**

 [Scope of Prohibition](#)

Cruel and Unusual Punishments Clause of the Eighth Amendment circumscribes the criminal process in three ways: (1) by limiting the type of punishment that government may impose; (2) by proscribing punishment that is grossly disproportionate to severity of crime;

and (3) by placing substantive limits on what government may criminalize. [U.S. Const. Amend. 8.](#)

[Cases that cite this headnote](#)

**[20] Sentencing and Punishment**

 [Declaring Act Criminal](#)

Even one day in prison would be cruel and unusual punishment for the “crime” of having a common cold. [U.S. Const. Amend. 8.](#)

[Cases that cite this headnote](#)

**[21] Sentencing and Punishment**

 [Declaring Act Criminal](#)

While the Cruel and Unusual Punishments Clause places substantive limits on what the government may criminalize, such limits are applied only sparingly. [U.S. Const. Amend. 8.](#)

[Cases that cite this headnote](#)

**[22] Sentencing and Punishment**

 [Declaring Act Criminal](#)

Under the Cruel and Unusual Punishment Clause of the Eighth Amendment, criminal penalties may be inflicted only if accused has committed some act, has engaged in some behavior, which society has an interest in preventing, or perhaps in historical common law terms, has committed some actus reus. [U.S. Const. Amend. 8.](#)

[Cases that cite this headnote](#)

**[23] Sentencing and Punishment**

 [Declaring Act Criminal](#)

Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one's status or being. [U.S. Const. Amend. 8.](#)

[Cases that cite this headnote](#)

**[24] Sentencing and Punishment**

 [Particular offenses](#)



Eighth Amendment prohibited the imposition of criminal penalties for sitting, sleeping, or lying outside on public property on homeless individuals who could not obtain shelter; while this was not to say that city had to provide sufficient shelter for the homeless, as long as there were a greater number of homeless individuals in city than the number of available beds in shelters, city could not prosecute homeless individuals for involuntarily sitting, lying, and sleeping in public on the false premise they had some choice in the matter. [U.S. Const. Amend. 8](#).

[1 Cases that cite this headnote](#)

### Attorneys and Law Firms

\***1035** [Michael E. Bern](#) (argued) and [Kimberly Leefatt](#), Latham & Watkins LLP, Washington, D.C.; [Howard A. Belodoff](#), Idaho Legal Aid Services Inc., [Boise](#), Idaho; Eric Tars, National Law Center on Homelessness & Poverty, Washington, D.C.; Plaintiffs-Appellants.

[Brady J. Hall](#) (argued), [Michael W. Moore](#), and [Steven R. Kraft](#), Moore Elia Kraft & Hall LLP, [Boise](#), Idaho; [Scott B. Muir](#), Deputy City Attorney; [Robert B. Luce](#), City Attorney; City Attorney's Office, [Boise](#), Idaho; for Defendant-Appellee.

Appeal from the United States District Court for the District of Idaho [Ronald E. Bush](#), Chief Magistrate Judge, Presiding D.C. No. 1:09-cv-00540-REB

Before: [Marsha S. Berzon](#), [Paul J. Watford](#), and [John B. Owens](#), Circuit Judges.

### OPINION

[BERZON](#), Circuit Judge

“The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread.”

— Anatole France, *The Red Lily*

We consider whether the Eighth Amendment's prohibition on cruel and unusual punishment bars a city

from prosecuting people criminally for sleeping outside on public property when those people have no home or other shelter to go to. We conclude that it does.

The plaintiffs-appellants are six current or former residents of the City of [Boise](#) (“the City”), who are homeless or have recently been homeless. Each plaintiff alleges that, between 2007 and 2009, he or she was cited by [Boise](#) police for violating one or both of two city ordinances. The first, [Boise](#) City Code § 9-10-02 (the “Camping Ordinance”), makes it a misdemeanor to use “any of the streets, sidewalks, parks, or public places as a camping place at any time.” The Camping Ordinance defines “camping” as “the use of public property as a temporary or permanent place of dwelling, lodging, or residence.” *Id.* The second, [Boise](#) City Code § 6-01-05 (the “Disorderly Conduct Ordinance”), bans “[o]ccupying, lodging, or sleeping in any building, structure, or public place, whether public or private ... without the permission of the owner or person entitled to possession or in control thereof.”

All plaintiffs seek retrospective relief for their previous citations under the ordinances. Two of the plaintiffs, Robert Anderson and Robert [Martin](#), allege that they expect to be cited under the ordinances again in the future and seek declaratory and injunctive relief against future prosecution.

In [Jones v. City of Los Angeles](#), 444 F.3d 1118, 1138 (9th Cir. 2006), *vacated*, 505 F.3d 1006 (9th Cir. 2007), a panel of this court concluded that “so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds [in shelters]” for the homeless, Los Angeles could not enforce a similar ordinance against homeless individuals “for involuntarily sitting, lying, and sleeping in public.” [Jones](#) is not binding on us, as there was an underlying settlement between the parties and our opinion was vacated as a result. We agree with [Jones](#)'s reasoning and central conclusion, however, and so hold that an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them. Two of the plaintiffs, we \***1036** further hold, may be entitled to retrospective and prospective relief for violation of that Eighth Amendment right.

## I. Background

[1] The district court granted summary judgment to the City on all claims. We therefore review the record in the light most favorable to the plaintiffs. [Tolan v. Cotton](#), 572 U.S. 650, 134 S.Ct. 1861, 1866, 188 L.Ed.2d 895 (2014).

**Boise** has a significant and increasing homeless population. According to the Point-in-Time Count (“PIT Count”) conducted by the Idaho Housing and Finance Association, there were 753 homeless individuals in Ada County — the county of which **Boise** is the seat — in January 2014, 46 of whom were “unsheltered,” or living in places unsuited to human habitation such as parks or sidewalks. In 2016, the last year for which data is available, there were 867 homeless individuals counted in Ada County, 125 of whom were unsheltered.<sup>1</sup> The PIT Count likely underestimates the number of homeless individuals in Ada County. It is “widely recognized that a one-night point in time count will undercount the homeless population,” as many homeless individuals may have access to temporary housing on a given night, and as weather conditions may affect the number of available volunteers and the number of homeless people staying at shelters or accessing services on the night of the count.

There are currently three homeless shelters in the City of **Boise** offering emergency shelter services, all run by private, nonprofit organizations. As far as the record reveals, these three shelters are the only shelters in Ada County.

One shelter — “Sanctuary” — is operated by Interfaith Sanctuary Housing Services, Inc. The shelter is open to men, women, and children of all faiths, and does not impose any religious requirements on its residents. Sanctuary has 96 beds reserved for individual men and women, with several additional beds reserved for families. The shelter uses floor mats when it reaches capacity with beds.

Because of its limited capacity, Sanctuary frequently has to turn away homeless people seeking shelter. In 2010, Sanctuary reached full capacity in the men's area “at least half of every month,” and the women's area reached capacity “almost every night of the week.” In 2014, the

shelter reported that it was full for men, women, or both on 38% of nights. Sanctuary provides beds first to people who spent the previous night at Sanctuary. At 9:00 pm each night, it allots any remaining beds to those who added their names to the shelter's waiting list.

The other two shelters in **Boise** are both operated by the **Boise** Rescue Mission (“BRM”), a Christian nonprofit organization. One of those shelters, the River of Life Rescue Mission (“River of Life”), is open exclusively to men; the other, the City Light Home for Women and Children (“City Light”), shelters women and children only.

\*1037 BRM's facilities provide two primary “programs” for the homeless, the Emergency Services Program and the New Life Discipleship Program.<sup>2</sup> The Emergency Services Program provides temporary shelter, food, and clothing to anyone in need. Christian religious services are offered to those seeking shelter through the Emergency Services Program. The shelters display messages and iconography on the walls, and the intake form for emergency shelter guests includes a religious message.<sup>3</sup>

Homeless individuals may check in to either BRM facility between 4:00 and 5:30 pm. Those who arrive at BRM facilities between 5:30 and 8:00 pm may be denied shelter, depending on the reason for their late arrival; generally, anyone arriving after 8:00 pm is denied shelter.

Except in winter, male guests in the Emergency Services Program may stay at River of Life for up to 17 consecutive nights; women and children in the Emergency Services Program may stay at City Light for up to 30 consecutive nights. After the time limit is reached, homeless individuals who do not join the Discipleship Program may not return to a BRM shelter for at least 30 days.<sup>4</sup> Participants in the Emergency Services Program must return to the shelter every night during the applicable 17-day or 30-day period; if a resident fails to check in to a BRM shelter each night, that resident is prohibited from staying overnight at that shelter for 30 days. BRM's rules on the length of a person's stay in the Emergency Services Program are suspended during the winter.

The Discipleship Program is an “intensive, Christ-based residential recovery program” of which “[r]eligious study is the very essence.” The record does not indicate any limit

to how long a member of the Discipleship Program may stay at a BRM shelter.

The River of Life shelter contains 148 beds for emergency use, along with 40 floor mats for overflow; 78 additional beds serve those in non-emergency shelter programs such as the Discipleship Program. The City Light shelter has 110 beds for emergency services, as well as 40 floor mats to handle overflow and 38 beds for women in non-emergency shelter programs. All told, **Boise's** three homeless shelters contain 354 beds and 92 overflow mats for homeless individuals.

#### A. The Plaintiffs

Plaintiffs Robert **Martin**, Robert Anderson, Lawrence Lee Smith, Basil E. Humphrey, Pamela S. Hawkes, and Janet F. Bell are all homeless individuals who have lived in or around **Boise** since at least 2007. Between 2007 and 2009, each plaintiff was convicted at least once of violating the Camping Ordinance, the Disorderly Conduct Ordinance, or both. With one exception, all plaintiffs were sentenced to time served for all convictions; on two occasions, Hawkes was sentenced to one additional day in jail. During the same period, Hawkes was cited, but not convicted, under the Camping Ordinance, and **Martin** was cited, but not convicted, under the Disorderly Conduct Ordinance.

\***1038** Plaintiff Robert Anderson currently lives in **Boise**; he is homeless and has often relied on **Boise's** shelters for housing. In the summer of 2007, Anderson stayed at River of Life as part of the Emergency Services Program until he reached the shelter's 17-day limit for male guests. Anderson testified that during his 2007 stay at River of Life, he was required to attend chapel services before he was permitted to eat dinner. At the conclusion of his 17-day stay, Anderson declined to enter the Discipleship Program because of his religious beliefs. As Anderson was barred by the shelter's policies from returning to River of Life for 30 days, he slept outside for the next several weeks. On September 1, 2007, Anderson was cited under the Camping Ordinance. He pled guilty to violating the Camping Ordinance and paid a \$25 fine; he did not appeal his conviction.

Plaintiff Robert **Martin** is a former resident of **Boise** who currently lives in Post Falls, Idaho. **Martin** returns frequently to **Boise** to visit his minor son. In March of 2009, **Martin** was cited under the Camping Ordinance for

sleeping outside; he was cited again in 2012 under the same ordinance.

#### B. Procedural History

The plaintiffs filed this action in the United States District Court for the District of Idaho in October of 2009. All plaintiffs alleged that their previous citations under the Camping Ordinance and the Disorderly Conduct Ordinance violated the Cruel and Unusual Punishments Clause of the Eighth Amendment, and sought damages for those alleged violations under 42 U.S.C. § 1983. Cf. *Jones*, 444 F.3d at 1138. Anderson and **Martin** also sought prospective declaratory and injunctive relief precluding future enforcement of the ordinances under the same statute and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

After this litigation began, the **Boise** Police Department promulgated a new “Special Order,” effective as of January 1, 2010, that prohibited enforcement of either the Camping Ordinance or the Disorderly Conduct Ordinance against any homeless person on public property on any night when no shelter had “an available overnight space.” City police implemented the Special Order through a two-step procedure known as the “Shelter Protocol.”

Under the Shelter Protocol, if any shelter in **Boise** reaches capacity on a given night, that shelter will so notify the police at roughly 11:00 pm. Each shelter has discretion to determine whether it is full, and **Boise** police have no other mechanism or criteria for gauging whether a shelter is full. Since the Shelter Protocol was adopted, Sanctuary has reported that it was full on almost 40% of nights. Although BRM agreed to the Shelter Protocol, its internal policy is never to turn any person away because of a lack of space, and neither BRM shelter has ever reported that it was full.

If all shelters are full on the same night, police are to refrain from enforcing either ordinance. Presumably because the BRM shelters have not reported full, **Boise** police continue to issue citations regularly under both ordinances.

In July 2011, the district court granted summary judgment to the City. It held that the plaintiffs’ claims for retrospective relief were barred under the *Rooker-Feldman*

doctrine and that their claims for prospective relief were mooted by the Special Order and the Shelter Protocol.

**Bell v. City of Boise**, 834 F.Supp.2d 1103 (D. Idaho 2011). On appeal, we reversed and remanded. **Bell v. City of Boise**, 709 F.3d 890, 901 (9th Cir. 2013). We held that the district court erred in dismissing the plaintiffs' claims under the *Rooker-Feldman* doctrine. **Id.** at 897. In so holding, we \*1039 expressly declined to consider whether the favorable-termination requirement from **Heck v. Humphrey**, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994), applied to the plaintiffs' claims for retrospective relief. Instead, we left the issue for the district court on remand. **Bell**, 709 F.3d at 897 n.11.

**Bell** further held that the plaintiffs' claims for prospective relief were not moot. The City had not met its "heavy burden" of demonstrating that the challenged conduct — enforcement of the two ordinances against homeless individuals with no access to shelter — "could not reasonably be expected to recur." **Id.** at 898, 901 (quoting **Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs. (TOC), Inc.**, 528 U.S. 167, 189, 120 S.Ct. 693, 145 L.Ed.2d 610 (2000) ). We emphasized that the Special Order was a statement of administrative policy and so could be amended or reversed at any time by the **Boise** Chief of Police. **Id.** at 899–900.

Finally, **Bell** rejected the City's argument that the plaintiffs lacked standing to seek prospective relief because they were no longer homeless. **Id.** at 901 & n.12. We noted that, on summary judgment, the plaintiffs "need not establish that they in fact have standing, but only that there is a genuine issue of material fact as to the standing elements." **Id.** (citation omitted).

On remand, the district court again granted summary judgment to the City on the plaintiffs' § 1983 claims. The court observed that **Heck** requires a § 1983 plaintiff seeking damages for "harm caused by actions whose unlawfulness would render a conviction or sentence invalid" to demonstrate that "the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal ... or called into question by a federal court's issuance of a writ of

habeas corpus." 512 U.S. at 486–87, 114 S.Ct. 2364. According to the district court, "a judgment finding the Ordinances unconstitutional ... necessarily would imply the invalidity of Plaintiffs' [previous] convictions under those ordinances," and the plaintiffs therefore were required to demonstrate that their convictions or sentences had already been invalidated. As none of the plaintiffs had raised an Eighth Amendment challenge as a defense to criminal prosecution, nor had any plaintiff successfully appealed their conviction, the district court held that all of the plaintiffs' claims for retrospective relief were barred by **Heck**. The district court also rejected as barred by **Heck** the plaintiffs' claim for prospective injunctive relief under § 1983, reasoning that "a ruling in favor of Plaintiffs on even a prospective § 1983 claim would demonstrate the invalidity of any confinement stemming from those convictions."

Finally, the district court determined that, although **Heck** did not bar relief under the Declaratory Judgment Act, **Martin** and Anderson now lack standing to pursue such relief. The linchpin of this holding was that the Camping Ordinance and the Disorderly Conduct Ordinance were both amended in 2014 to codify the Special Order's mandate that "[l]aw enforcement officers shall not enforce [the ordinances] when the individual is on public property and there is no available overnight shelter." **Boise** City Code §§ 6-01-05, 9-10-02. Because the ordinances, as amended, permitted camping or sleeping in a public place when no shelter space was available, the court held that there was no "credible threat" of future prosecution. "If the Ordinances are not to be enforced when the shelters are full, those Ordinances do not inflict a constitutional injury upon these particular plaintiffs ...." The court emphasized that the record "suggests there is no known citation of a homeless individual under the Ordinances for camping or sleeping on public property on any night \*1040 or morning when he or she was unable to secure shelter due to a lack of shelter capacity" and that "there has not been a single night when all three shelters in **Boise** called in to report they were simultaneously full for men, women or families."

This appeal followed.



## II. Discussion

### A. Standing

We first consider whether any of the plaintiffs has standing to pursue prospective relief.<sup>5</sup> We conclude that there are sufficient opposing facts in the record to create a genuine issue of material fact as to whether **Martin** and Anderson face a credible threat of prosecution under one or both ordinances in the future at a time when they are unable to stay at any **Boise** homeless shelter.<sup>6</sup>

[2] [3] [4] [5] [6] “To establish Article III standing, an injury must be concrete, particularized, and actual or imminent; fairly traceable to the challenged action; and redressable by a favorable ruling.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 133 S.Ct. 1138, 1147, 185 L.Ed.2d 264 (2013) (citation omitted). “Although imminence is concededly a somewhat elastic concept, it cannot be stretched beyond its purpose, which is to ensure that the alleged injury is not too speculative for Article III purposes — that the injury is *certainly* impending.” *Id.* (citation omitted). A plaintiff need not, however, await an arrest or prosecution to have standing to challenge the constitutionality of a criminal statute. “When the plaintiff has alleged an intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder, he should not be required to await and undergo a criminal prosecution as the sole means of seeking relief.” *Babbitt v. United Farm Workers Nat’l Union*, 442 U.S. 289, 298, 99 S.Ct. 2301, 60 L.Ed.2d 895 (1979) (citation and internal quotation marks omitted). To defeat a motion for summary judgment premised on an alleged lack of standing, plaintiffs “need not establish that they in fact have standing, but only that there is a genuine question of material fact as to the standing elements.” *Cent. Delta Water Agency v. United States*, 306 F.3d 938, 947 (9th Cir. 2002).

[7] In dismissing **Martin** and Anderson's claims for declaratory relief for lack of standing, the district court emphasized that **Boise's** ordinances, as amended in 2014, preclude the City from issuing a citation when there is no available space at a shelter, and there is consequently no risk that either **Martin** or Anderson will be cited under


such circumstances in the future. Viewing the record in the light most favorable to the plaintiffs, we cannot agree.

Although the 2014 amendments preclude the City from enforcing the ordinances when there is no room available at any shelter, the record demonstrates that the City is wholly reliant on the shelters to self-report when they are full. It is undisputed that Sanctuary is full as to men on a substantial percentage of nights, perhaps as high as 50%. The City nevertheless **\*1041** emphasizes that since the adoption of the Shelter Protocol in 2010, the BRM facilities, River of Life and City Light, have never reported that they are full, and BRM states that it will never turn people away due to lack space.

The plaintiffs have pointed to substantial evidence in the record, however, indicating that whether or not the BRM facilities are ever full or turn homeless individuals away *for lack of space*, they *do* refuse to shelter homeless people who exhaust the number of days allotted by the facilities. Specifically, the plaintiffs allege, and the City does not dispute, that it is BRM's policy to limit men to 17 consecutive days in the Emergency Services Program, after which they cannot return to River of Life for 30 days; City Light has a similar 30-day limit for women and children. Anderson testified that BRM has enforced this policy against him in the past, forcing him to sleep outdoors.

[8] The plaintiffs have adduced further evidence indicating that River of Life permits individuals to remain at the shelter after 17 days in the Emergency Services Program only on the condition that they become part of the New Life Discipleship program, which has a mandatory religious focus. For example, there is evidence that participants in the New Life Program are not allowed to spend days at Corpus Christi, a local Catholic program, “because it's ... a different sect.” There are also facts in dispute concerning whether the Emergency Services Program itself has a religious component. Although the City argues strenuously that the Emergency Services Program is secular, Anderson testified to the contrary; he stated that he was once required to attend chapel before being permitted to eat dinner at the River of Life shelter. Both **Martin** and Anderson have objected to the overall religious atmosphere of the River of Life shelter, including the Christian messaging on the shelter's intake form and the Christian iconography on the shelter walls. A city cannot, via the threat of prosecution, coerce an individual

to attend religion-based treatment programs consistently with the Establishment Clause of the First Amendment.

 *Inouye v. Kemna*, 504 F.3d 705, 712–13 (9th Cir. 2007). Yet at the conclusion of a 17-day stay at River of Life, or a 30-day stay at City Light, an individual may be forced to choose between sleeping outside on nights when Sanctuary is full (and risking arrest under the ordinances), or enrolling in BRM programming that is antithetical to his or her religious beliefs.

The 17-day and 30-day limits are not the only BRM policies which functionally limit access to BRM facilities even when space is nominally available. River of Life also turns individuals away if they voluntarily leave the shelter before the 17-day limit and then attempt to return within 30 days. An individual who voluntarily leaves a BRM facility for any reason — perhaps because temporary shelter is available at Sanctuary, or with friends or family, or in a hotel — cannot immediately return to the shelter if circumstances change. Moreover, BRM's facilities may deny shelter to any individual who arrives after 5:30 pm, and generally will deny shelter to anyone arriving after 8:00 pm. Sanctuary, however, does not assign beds to persons on its waiting list until 9:00 pm. Thus, by the time a homeless individual on the Sanctuary waiting list discovers that the shelter has no room available, it may be too late to seek shelter at either BRM facility.






So, even if we credit the City's evidence that BRM's facilities have never been “full,” and that the City has never cited any person under the ordinances who could not obtain shelter “due to a lack of shelter capacity,” there remains a genuine issue of material fact as to whether homeless individuals in **Boise** run a credible risk \*1042 of being issued a citation on a night when Sanctuary is full and they have been denied entry to a BRM facility for reasons other than shelter capacity. If so, then as a practical matter, no shelter is available. We note that despite the Shelter Protocol and the amendments to both ordinances, the City continues regularly to issue citations for violating both ordinances; during the first three months of 2015, the **Boise** Police Department issued over 175 such citations.

The City argues that **Martin** faces little risk of prosecution under either ordinance because he has not lived in **Boise** since 2013. **Martin** states, however, that he is still homeless and still visits **Boise** several times a year to visit his minor son, and that he has continued to seek shelter at Sanctuary


and River of Life. Although **Martin** may no longer spend enough time in **Boise** to risk running afoul of BRM's 17-day limit, he testified that he has unsuccessfully sought shelter at River of Life after being placed on Sanctuary's waiting list, only to discover later in the evening that Sanctuary had no available beds. Should **Martin** return to **Boise** to visit his son, there is a reasonable possibility that he might again seek shelter at Sanctuary, only to discover (after BRM has closed for the night) that Sanctuary has no space for him. Anderson, for his part, continues to live in **Boise** and states that he remains homeless.

We conclude that both **Martin** and Anderson have demonstrated a genuine issue of material fact regarding whether they face a credible risk of prosecution under the ordinances in the future on a night when they have been denied access to **Boise's** homeless shelters; both plaintiffs therefore have standing to seek prospective relief.

## B. *Heck v. Humphrey*

We turn next to the impact of  *Heck v. Humphrey* and its progeny on this case. With regard to retrospective relief, the plaintiffs maintain that  *Heck* should not bar their claims because, with one exception, all of the plaintiffs were sentenced to time served.<sup>7</sup> It would therefore have been impossible for the plaintiffs to obtain federal habeas relief, as any petition for a writ of habeas corpus must be filed while the petitioner is “in custody pursuant to the judgment of a State court.” See  28 U.S.C. § 2254(a);  *Spencer v. Kemna*, 523 U.S. 1, 7, 17–18, 118 S.Ct. 978, 140 L.Ed.2d 43 (1998). With regard to prospective relief, the plaintiffs emphasize that they seek only equitable protection against *future* enforcement of an allegedly unconstitutional statute, and not to invalidate any prior conviction under the same statute. We hold that although the  *Heck* line of cases precludes most — but not all — of the plaintiffs' requests for retrospective relief, that doctrine has no application to the plaintiffs' request for an injunction enjoining prospective enforcement of the ordinances.

### 1. The *Heck* Doctrine

A long line of Supreme Court case law, beginning with  *Preiser v. Rodriguez*, 411 U.S. 475, 93 S.Ct.

1827, 36 L.Ed.2d 439 (1973), holds that a prisoner in state custody cannot use a § 1983 action to challenge the fact or duration of his or her confinement, but must instead seek federal habeas corpus relief or analogous state relief. *Id.* at 477, 500, 93 S.Ct. 1827.

*Preiser* considered whether a prison inmate could bring a § 1983 action seeking an injunction to remedy an unconstitutional deprivation of good-time conduct credits. Observing that habeas corpus is the traditional instrument \*1043 to obtain release from unlawful confinement, *Preiser* recognized an implicit exception from § 1983's broad scope for actions that lie "within the core of habeas corpus" — specifically, challenges to the "fact or duration" of confinement. *Id.* at 487, 500, 93 S.Ct. 1827. The Supreme Court subsequently held, however, that although *Preiser* barred inmates from obtaining an injunction to restore good-time credits via a § 1983 action, *Preiser* did not "preclude a litigant with standing from obtaining by way of ancillary relief an otherwise proper injunction enjoining the prospective enforcement of invalid prison regulations." *Wolff v. McDonnell*, 418 U.S. 539, 555, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974) (emphasis added).

[9] *Heck* addressed a § 1983 action brought by an inmate seeking compensatory and punitive damages. The inmate alleged that state and county officials had engaged in unlawful investigations and knowing destruction of exculpatory evidence. *Heck*, 512 U.S. at 479, 114 S.Ct. 2364. The Court in *Heck* analogized a § 1983 action of this type, which called into question the validity of an underlying conviction, to a cause of action for malicious prosecution, *id.* at 483–84, 114 S.Ct. 2364, and went on to hold that, as with a malicious prosecution claim, a plaintiff in such an action must demonstrate a favorable termination of the criminal proceedings before seeking tort relief, *id.* at 486–87, 114 S.Ct. 2364. "[T]o recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal

authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus." *Id.*

*Edwards v. Balisok*, 520 U.S. 641, 117 S.Ct. 1584, 137 L.Ed.2d 906 (1997) extended *Heck*'s holding to claims for declaratory relief. *Id.* at 648, 117 S.Ct. 1584. The plaintiff in *Edwards* alleged that he had been deprived of earned good-time credits without due process of law, because the decisionmaker in disciplinary proceedings had concealed exculpatory evidence. Because the plaintiff's claim for declaratory relief was "based on allegations of deceit and bias on the part of the decisionmaker that necessarily imply the invalidity of the punishment imposed," *Edwards* held, it was "not cognizable under § 1983." *Id.* *Edwards* went on to hold, however, that a requested injunction requiring prison officials to date-stamp witness statements was not *Heck*-barred, reasoning that a "prayer for such prospective relief will not 'necessarily imply' the invalidity of a previous loss of good-time credits, and so may properly be brought under § 1983." *Id.* (emphasis added).

[10] Most recently, *Wilkinson v. Dotson*, 544 U.S. 74, 125 S.Ct. 1242, 161 L.Ed.2d 253 (2005), stated that *Heck* bars § 1983 suits even when the relief sought is prospective injunctive or declaratory relief, "if success in that action would necessarily demonstrate the invalidity of confinement or its duration." *Id.* at 81–82, 125 S.Ct. 1242 (emphasis omitted). But *Wilkinson* held that the plaintiffs in that case *could* seek a prospective injunction compelling the state to comply with constitutional requirements in parole proceedings in the future. The Court observed that the prisoners' claims for future relief, "if successful, will not necessarily imply the invalidity of confinement or shorten its duration." *Id.* at 82, 125 S.Ct. 1242.

The Supreme Court did not, in these cases or any other, conclusively determine whether *Heck*'s favorable-termination requirement applies to convicts who have no \*1044 practical opportunity to challenge their conviction or sentence via a petition for habeas corpus. *See*

*Muhammad v. Close*, 540 U.S. 749, 752 & n.2, 124 S.Ct. 1303, 158 L.Ed.2d 32 (2004). But in *Spencer*, five Justices suggested that *Heck* may not apply in such circumstances. *Spencer*, 523 U.S. at 3, 118 S.Ct. 978.

The petitioner in *Spencer* had filed a federal habeas petition seeking to invalidate an order revoking his parole. While the habeas petition was pending, the petitioner's term of imprisonment expired, and his habeas petition was consequently dismissed as moot. Justice Souter wrote a concurring opinion in which three other Justices joined, addressing the petitioner's argument that if his habeas petition were mooted by his release, any § 1983 action would be barred under *Heck*, yet he would no longer have access to a federal habeas forum to challenge the validity of his parole revocation. *Id.* at 18–19, 118 S.Ct. 978 (Souter, J., concurring). Justice Souter stated that in his view “*Heck* has no such effect,” and that “a former prisoner, no longer ‘in custody,’ may bring a § 1983 action establishing the unconstitutionality of a conviction or confinement without being bound to satisfy a favorable-termination requirement that it would be impossible as a matter of law for him to satisfy.” *Id.* at 21, 118 S.Ct. 978. Justice Stevens, dissenting, stated that he would have held the habeas petition in *Spencer* not moot, but agreed that “[g]iven the Court's holding that petitioner does not have a remedy under the habeas statute, it is perfectly clear ... that he may bring an action under 42 U.S.C. § 1983.” *Id.* at 25 n.8, 118 S.Ct. 978 (Stevens, J., dissenting).

Relying on the concurring and dissenting opinions in *Spencer*, we have held that the “unavailability of a remedy in habeas corpus because of mootness” permitted a plaintiff released from custody to maintain a § 1983 action for damages, “even though success in that action would imply the invalidity of the disciplinary proceeding that caused revocation of his good-time credits.” *Nonnette v. Small*, 316 F.3d 872, 876 (9th Cir. 2002). But we have limited *Nonnette* in recent years. Most notably, we held in *Lyall v. City of Los Angeles*, 807 F.3d 1178 (9th Cir. 2015), that even where

a plaintiff had no practical opportunity to pursue federal habeas relief while detained because of the short duration of his confinement, *Heck* bars a § 1983 action that would imply the invalidity of a prior conviction if the plaintiff could have sought invalidation of the underlying conviction via direct appeal or state post-conviction relief, but did not do so. *Id.* at 1192 & n.12.

## 2. Retrospective Relief



[11] Here, the majority of the plaintiffs' claims for retrospective relief are governed squarely by *Lyall*. It is undisputed that all the plaintiffs not only failed to challenge their convictions on direct appeal but expressly waived the right to do so as a condition of their guilty pleas. The plaintiffs have made no showing that any of their convictions were invalidated via state post-conviction relief. We therefore hold that all but two of the plaintiffs' claims for damages are foreclosed under *Lyall*.



[12] Two of the plaintiffs, however, Robert **Martin** and Pamela Hawkes, also received citations under the ordinances that were dismissed before the state obtained a conviction. Hawkes was cited for violating the Camping Ordinance on July 8, 2007; that violation was dismissed on August 28, 2007. **Martin** was cited for violating the Disorderly Conduct Ordinance on April 24, 2009; those charges were dismissed on September 9, 2009. With respect to these two incidents, the district court erred in finding that the plaintiffs' Eighth Amendment challenge was barred by *Heck*. Where there is no “conviction or \*1045 sentence” that may be undermined by a grant of relief to the plaintiffs, the *Heck* doctrine has no application. 512 U.S. at 486–87, 114 S.Ct. 2364; *see also Wallace v. Kato*, 549 U.S. 384, 393, 127 S.Ct. 1091, 166 L.Ed.2d 973 (2007).



[13] [14] Relying on *Ingraham v. Wright*, 430 U.S. 651, 664, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977), the City argues that the Eighth Amendment, and the Cruel and Unusual Punishments Clause in particular, have no application where there has been no conviction. The City's reliance on *Ingraham* is misplaced. As the Supreme Court observed in *Ingraham*, the Cruel and








Unusual Punishments Clause not only limits the types of punishment that may be imposed and prohibits the imposition of punishment grossly disproportionate to the severity of the crime, but also “imposes substantive limits on what can be made criminal and punished as such.”

 *Id.* at 667, 97 S.Ct. 1401. “This [latter] protection governs the criminal law process as a whole, not only the imposition of punishment postconviction.”  *Jones*, 444 F.3d at 1128.






[15]  *Ingraham* concerned only whether “impositions outside the criminal process” — in that case, the paddling of schoolchildren — “constituted cruel and unusual punishment.”  430 U.S. at 667, 97 S.Ct. 1401.


















 *Ingraham* did not hold that a plaintiff challenging the state's power to criminalize a particular status or conduct in the first instance, as the plaintiffs in this case do, must first be convicted. If conviction were a prerequisite for such a challenge, “the state could in effect punish individuals in the preconviction stages of the criminal law enforcement process for being or doing things that under the [Cruel and Unusual Punishments Clause] cannot be subject to the criminal process.”  *Jones*, 444 F.3d at 1129. For those rare Eighth Amendment challenges concerning the state's very power to criminalize particular behavior or status, then, a plaintiff need demonstrate only the initiation of the criminal process against him, not a conviction.

### 3. Prospective Relief

[16] The district court also erred in concluding that the plaintiffs’ requests for prospective injunctive relief were barred by  *Heck*. The district court relied entirely on language in  *Wilkinson* stating that “a state prisoner's  § 1983 action is barred (absent prior invalidation) ... no matter the relief sought (damages or equitable relief) ... *if* success in that action would necessarily demonstrate the invalidity of confinement or its duration.”  *Wilkinson*, 544 U.S. at 81–82, 125 S.Ct. 1242. The district court concluded from this language in  *Wilkinson* that a person convicted under an allegedly unconstitutional statute may never challenge the validity or application of that statute after the initial criminal proceeding is complete, even when the relief sought is prospective only

and independent of the prior conviction. The logical extension of the district court's interpretation is that an individual who does not successfully invalidate a first conviction under an unconstitutional statute will have no opportunity to challenge that statute prospectively so as to avoid arrest and conviction for violating that same statute in the future.

Neither  *Wilkinson* nor any other case in the  *Heck* line supports such a result. Rather,  *Wolff*,  *Edwards*, and  *Wilkinson* compel the opposite conclusion.

 *Wolff* held that although  *Preiser* barred a  § 1983 action seeking restoration of good-time credits absent a successful challenge in federal habeas proceedings,  *Preiser* did not “preclude a litigant with standing from obtaining by way of ancillary relief an otherwise proper injunction enjoining the prospective enforcement of invalid ... regulations.”  \*1046 *Wolff*, 418 U.S. at 555, 94 S.Ct. 2963. Although  *Wolff* was decided before  *Heck*, the Court subsequently made clear that  *Heck* effected no change in the law in this regard, observing in  *Edwards* that “[o]rdinarily, a prayer for ... prospective [injunctive] relief will not ‘necessarily imply’ the invalidity of a *previous* loss of good-time credits, and so may properly be brought under  § 1983.”  *Edwards*, 520 U.S. at 648, 117 S.Ct. 1584 (emphasis added). Importantly, the Court held in  *Edwards* that although the plaintiff could not, consistently with  *Heck*, seek a declaratory judgment stating that the procedures employed by state officials that deprived him of good-time credits were unconstitutional, he *could* seek an injunction barring such allegedly unconstitutional procedures in the future.  *Id.* Finally, the Court noted in  *Wilkinson* that the  *Heck* line of cases “has focused on the need to ensure that state prisoners use only habeas corpus (or similar state) remedies *when they seek to invalidate the duration of their confinement*,”  *Wilkinson*, 544 U.S. at 81, 125 S.Ct. 1242 (emphasis added), alluding to an existing confinement, not one yet to come.

[17] [18] The Heck doctrine, in other words, serves to ensure the finality and validity of previous convictions, not to insulate future prosecutions from challenge. In context, it is clear that Wilkinson's holding that the Heck doctrine bars a § 1983 action “no matter the relief sought (damages or equitable relief) ... if success in that action would necessarily demonstrate the invalidity of confinement or its duration” applies to equitable relief concerning an existing confinement, not to suits seeking to preclude an unconstitutional confinement in the future, arising from incidents occurring after any prior conviction and stemming from a possible later prosecution and conviction. *Id.* at 81–82, 125 S.Ct. 1242 (emphasis added). As Wilkinson held, “claims for future relief (which, if successful, will not necessarily imply the invalidity of confinement or shorten its duration)” are distant from the “core” of habeas corpus with which the Heck line of cases is concerned, and are not precluded by the Heck doctrine. *Id.* at 82, 125 S.Ct. 1242.

In sum, we hold that the majority of the plaintiffs' claims for retrospective relief are barred by Heck, but both Martin and Hawkes stated claims for damages to which Heck has no application. We further hold that Heck has no application to the plaintiffs' requests for prospective injunctive relief.

### C. The Eighth Amendment

At last, we turn to the merits — does the Cruel and Unusual Punishments Clause of the Eighth Amendment preclude the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter? We hold that it does, for essentially the same reasons articulated in the now-vacated Jones opinion.

[19] The Eighth Amendment states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. Const. Amend. VIII. The Cruel and Unusual Punishments Clause “circumscribes the criminal process in three ways.” *Ingraham*, 430 U.S. at 667, 97 S.Ct. 1401. First, it limits the type of punishment the government may impose; second, it proscribes punishment “grossly




disproportionate” to the severity of the crime; and third, it places substantive limits on what the government may criminalize. *Id.* It is the third limitation that is pertinent here.





[20] [21] “Even one day in prison would be a cruel and unusual punishment for the ‘crime’ of having a common cold.” *Robinson v. California*, 370 U.S. 660, 667, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962). Cases construing substantive limits as to what \*1047 the government may criminalize are rare, however, and for good reason — the Cruel and Unusual Punishments Clause's third limitation is “one to be applied sparingly.” *Ingraham*, 430 U.S. at 667, 97 S.Ct. 1401.



*Robinson*, the seminal case in this branch of Eighth Amendment jurisprudence, held a California statute that “ma[de] the ‘status’ of narcotic addiction a criminal offense” invalid under the Cruel and Unusual Punishments Clause. 370 U.S. at 666, 82 S.Ct. 1417. The California law at issue in *Robinson* was “not one which punishe[d] a person for the use of narcotics, for their purchase, sale or possession, or for antisocial or disorderly behavior resulting from their administration”; it punished addiction itself. *Id.* Recognizing narcotics addiction as an illness or disease — “apparently an illness which may be contracted innocently or involuntarily” — and observing that a “law which made a criminal offense of ... a disease would doubtless be universally thought to be an infliction of cruel and unusual punishment,” *Robinson* held the challenged statute a violation of the Eighth Amendment. *Id.* at 666–67, 82 S.Ct. 1417.


As *Jones* observed, *Robinson* did not explain at length the principles underpinning its holding. See *Jones*, 444 F.3d at 1133. In *Powell v. Texas*, 392 U.S. 514, 88 S.Ct. 2145, 20 L.Ed.2d 1254 (1968), however, the Court elaborated on the principle first articulated in *Robinson*.




*Powell* concerned the constitutionality of a Texas law making public drunkenness a criminal offense. Justice Marshall, writing for a plurality of the Court, distinguished the Texas statute from the law at issue in





 *Robinson* on the ground that the Texas statute made criminal not alcoholism but *conduct* — appearing in public while intoxicated. “[A]ppellant was convicted, not for being a chronic alcoholic, but for being in public while drunk on a particular occasion. The State of Texas thus has not sought to punish a mere status, as California did in  *Robinson*; nor has it attempted to regulate appellant’s behavior in the privacy of his own home.”  *Id.* at 532, 88 S.Ct. 2145 (plurality opinion).




[22] The  *Powell* plurality opinion went on to interpret  *Robinson* as precluding only the criminalization of “status,” not of “involuntary” conduct. “The entire thrust of  *Robinson*’s interpretation of the Cruel and Unusual Punishment Clause is that criminal penalties may be inflicted only if the accused has committed some act, has engaged in some behavior, which society has an interest in preventing, or perhaps in historical common law terms, has committed some actus reus. It thus does not deal with the question of whether certain conduct cannot constitutionally be punished because it is, in some sense, ‘involuntary’ ....”  *Id.* at 533, 88 S.Ct. 2145.

Four Justices dissented from the Court’s holding in  *Powell*; Justice White concurred in the result alone. Notably, Justice White noted that many chronic alcoholics are also homeless, and that for those individuals, public drunkenness may be unavoidable as a practical matter. “For all practical purposes the public streets may be home for these unfortunates, not because their disease compels them to be there, but because, drunk or sober, they have no place else to go and no place else to be when they are drinking. ... For some of these alcoholics I would think a showing could be made that resisting drunkenness is impossible and that avoiding public places when intoxicated is also impossible. As applied to them this statute is in effect a law which bans a single act for which they may not be convicted under the Eighth Amendment — the act of getting drunk.”  *Id.* at 551, 88 S.Ct. 2145 (White, J., concurring in the judgment).

[23] The four dissenting Justices adopted a position consistent with that taken \*1048 by Justice White: that under  *Robinson*, “criminal penalties may not be inflicted upon a person for being in a condition he is

powerless to change,” and that the defendant, “once intoxicated, ... could not prevent himself from appearing in public places.”  *Id.* at 567, 88 S.Ct. 2145 (Fortas, J., dissenting). Thus, five Justices gleaned from  *Robinson* the principle that “that the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.”  *Jones*, 444 F.3d at 1135; see also *United States v. Robertson*, 875 F.3d 1281, 1291 (9th Cir. 2017).

[24] This principle compels the conclusion that the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter. As  *Jones* reasoned, “[w]hether sitting, lying, and sleeping are defined as acts or conditions, they are universal and unavoidable consequences of being human.”  *Jones*, 444 F.3d at 1136. Moreover, any “conduct at issue here is involuntary and inseparable from status — they are one and the same, given that human beings are biologically compelled to rest, whether by sitting, lying, or sleeping.”  *Id.* As a result, just as the state may not criminalize the state of being “homeless in public places,” the state may not “criminalize conduct that is an unavoidable consequence of being homeless — namely sitting, lying, or sleeping on the streets.”  *Id.* at 1137.

Our holding is a narrow one. Like the  *Jones* panel, “we in no way dictate to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets ... at any time and at any place.”  *Id.* at 1138. We hold only that “so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters],” the jurisdiction cannot prosecute homeless individuals for “involuntarily sitting, lying, and sleeping in public.”  *Id.* That is, as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.<sup>8</sup>

We are not alone in reaching this conclusion. As one court has observed, “resisting the need to eat, sleep or engage in other life-sustaining activities is impossible. Avoiding

public places when engaging in this otherwise innocent conduct is also impossible. ... As long as the homeless plaintiffs do not have a single place where they can lawfully be, the challenged ordinances, as applied to them, effectively punish them for something for which they may not be convicted under the [E]ighth [A]mendment — sleeping, eating and other innocent conduct.” [Pottinger v. City of Miami](#), 810 F.Supp. 1551, 1565 (S.D. Fla. 1992); see also [Johnson v. City of Dallas](#), 860 F.Supp. 344, 350 (N.D. Tex. 1994) (holding that a “sleeping in public ordinance as applied against the homeless is \*1049 unconstitutional”), *rev’d on other grounds*, [61 F.3d 442](#) (5th Cir. 1995).<sup>9</sup>

Here, the two ordinances criminalize the simple act of sleeping outside on public property, whether bare or with a blanket or other basic bedding. The Disorderly Conduct Ordinance, on its face, criminalizes “[o]ccupying, lodging, or sleeping in *any* building, structure or place, whether public or private” without permission. **Boise** City Code § 6-01-05. Its scope is just as sweeping as the Los Angeles ordinance at issue in [Jones](#), which mandated that “[n]o person shall sit, lie or sleep in or upon any street, sidewalk or other public way.” [444 F.3d at 1123](#).

The Camping Ordinance criminalizes using “any of the streets, sidewalks, parks or public places as a camping place at any time.” **Boise** City Code § 9-10-02. The ordinance defines “camping” broadly:

The term “camp” or “camping” shall mean the use of public property as a temporary or permanent place of dwelling, lodging, or residence, or as a living accommodation at anytime between sunset and sunrise, or as a sojourn. Indicia of camping may include, but are not limited to, storage of personal belongings, using tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire in an unauthorized area, or any of these activities in combination with one another or in combination

with either sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping).

[Id.](#) It appears from the record that the Camping Ordinance is frequently enforced against homeless individuals with some elementary bedding, whether or not any of the other listed indicia of “camping” — the erection of temporary structures, the activity of cooking or making fire, or the storage of personal property — are present. For example, a **Boise** police officer testified that he cited plaintiff Pamela Hawkes under the Camping Ordinance for sleeping outside “wrapped in a blanket with her sandals off and next to her,” for sleeping in a public restroom “with blankets,” and for sleeping in a park “on a blanket, wrapped in blankets on the ground.” The Camping Ordinance therefore can be, and allegedly is, enforced against homeless individuals who take even the most rudimentary precautions to protect themselves from the elements. We conclude that a municipality cannot criminalize such behavior consistently with the Eighth Amendment when no sleeping space is practically available in any shelter.

### III. Conclusion

For the foregoing reasons, we **AFFIRM** the judgment of the district court as to the plaintiffs’ requests for retrospective relief, except as such claims relate to Hawkes’s July 2007 citation under the Camping Ordinance and **Martin’s** April 2009 citation under the Disorderly Conduct Ordinance. We **REVERSE** and **REMAND** with respect to the plaintiffs’ requests for prospective relief, both declaratory and injunctive, and to the plaintiffs’ claims for retrospective relief insofar as they relate \*1050 to Hawkes’ July 2007 citation or **Martin’s** April 2009 citation.<sup>10</sup>

Partial Concurrence and Partial Dissent by Judge **Owens**

**OWENS**, Circuit Judge, concurring in part and dissenting in part:



I agree with the majority that the doctrine of [Heck v. Humphrey](#), 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994), bars the plaintiffs' [42 U.S.C. § 1983](#) claims for damages that are based on convictions that have not been challenged on direct appeal or invalidated in state post-conviction relief. See [Lyll v. City of Los Angeles](#), 807 F.3d 1178, 1192 n.12 (9th Cir. 2015).

I also agree that [Heck](#) and its progeny have no application where there is no “conviction or sentence” that would be undermined by granting a plaintiff's request for relief under [§ 1983](#). [Heck](#), 512 U.S. at 486–87, 114 S.Ct. 2364; see also [Wallace v. Kato](#), 549 U.S. 384, 393, 127 S.Ct. 1091, 166 L.Ed.2d 973 (2007). I therefore concur in the majority's conclusion that [Heck](#) does not bar plaintiffs Robert **Martin** and Pamela Hawkes from seeking retrospective relief for the two instances in which they received citations, but not convictions. I also concur in the majority's Eighth Amendment analysis as to those two claims for retrospective relief.

Where I part ways with the majority is in my understanding of [Heck's](#) application to the plaintiffs' claims for declaratory and injunctive relief. In [Wilkinson v. Dotson](#), 544 U.S. 74, 125 S.Ct. 1242, 161 L.Ed.2d 253 (2005), the Supreme Court explained where the [Heck](#) doctrine stands today:

[A] state prisoner's [§ 1983](#) action is barred (absent prior invalidation)—no matter the relief sought (damages or equitable relief), no matter the target of the prisoner's suit (state conduct leading to conviction or internal prison proceedings)—*if* success in that action would necessarily demonstrate the invalidity of confinement or its duration.

[Id.](#) at 81–82. Here, the majority acknowledges this language in [Wilkinson](#), but concludes that [Heck's](#)

bar on any type of relief that “would necessarily demonstrate the invalidity of confinement” does not preclude the prospective claims at issue. The majority reasons that the purpose of [Heck](#) is “to ensure the finality and validity of previous convictions, not to insulate future prosecutions from challenge,” and so concludes that the plaintiffs' prospective claims may proceed. I respectfully disagree.

A declaration that the city ordinances are unconstitutional and an injunction against their future enforcement necessarily demonstrate the invalidity of the plaintiffs' prior convictions. Indeed, any time an individual challenges the constitutionality of a substantive criminal statute under which he has been convicted, he asks for a judgment that would necessarily demonstrate the invalidity of his conviction. And though neither the Supreme Court nor this court has squarely addressed [Heck's](#) application to [§ 1983](#) claims challenging the constitutionality of a substantive criminal statute, I believe [Edwards v. Balisok](#), 520 U.S. 641, 117 S.Ct. 1584, 137 L.Ed.2d 906 (1997), makes clear that [Heck](#) prohibits such challenges. In [Edwards](#), the Supreme Court explained that although our court had recognized that [Heck](#) barred [§ 1983](#) claims challenging the validity of a prisoner's confinement “as a substantive matter,” it improperly distinguished as not [Heck](#)-barred *all* claims alleging only procedural violations. [520 U.S. at 645, 117 S.Ct. 1584](#). In holding that [Heck](#) also barred those procedural claims that would necessarily \*1051 imply the invalidity of a conviction, the Court did not question our conclusion that claims challenging a conviction “as a substantive matter” are barred by [Heck](#). [Id.](#); see also [Wilkinson](#), 544 U.S. at 82, 125 S.Ct. 1242 (holding that the plaintiffs' claims could proceed because the relief requested would only “render invalid the state *procedures*” and “a favorable judgment [would] not ‘necessarily imply the invalidity of [their] conviction[s] or sentence[s]’ ” (emphasis added) (quoting [Heck](#), 512 U.S. at 487, 114 S.Ct. 2364) ).

[Edwards](#) thus leads me to conclude that an individual who was convicted under a criminal statute, but who did not challenge the constitutionality of the statute at the time of his conviction through direct appeal or post-

conviction relief, cannot do so in the first instance by seeking declaratory or injunctive relief under § 1983.

See *Abusaid v. Hillsborough Cty. Bd. of Cty. Comm'rs*, 405 F.3d 1298, 1316 n.9 (11th Cir. 2005) (assuming that a § 1983 claim challenging “the constitutionality of the ordinance under which [the petitioner was convicted]” would be *Heck*-barred). I therefore would hold that *Heck* bars the plaintiffs’ claims for declaratory and injunctive relief.

We are not the first court to struggle applying *Heck* to “real life examples,” nor will we be the last. See, e.g.,

*Spencer v. Kemna*, 523 U.S. 1, 21, 118 S.Ct. 978, 140 L.Ed.2d 43 (1998) (Ginsburg, J., concurring) (alterations and internal quotation marks omitted) (explaining that her thoughts on *Heck* had changed since she joined the majority opinion in that case). If the slate were blank, I would agree that the majority's holding as to prospective relief makes good sense. But because I read *Heck* and its progeny differently, I dissent as to that section of the majority's opinion. I otherwise join the majority in full.

#### All Citations

902 F.3d 1031, 18 Cal. Daily Op. Serv. 8859, 2018 Daily Journal D.A.R. 8871

#### Footnotes

- 1 The United States Department of Housing and Urban Development (“HUD”) requires local homeless assistance and prevention networks to conduct an annual count of homeless individuals on one night each January, known as the PIT Count, as a condition of receiving federal funds. State, local, and federal governmental entities, as well as private service providers, rely on the PIT Count as a “critical source of data” on homelessness in the United States. The parties acknowledge that the PIT Count is not always precise. The City's Director of Community Partnerships, Diana Lachiondo, testified that the PIT Count is “not always the ... best resource for numbers,” but also stated that “the point-in-time count is our best snapshot” for counting the number of homeless individuals in a particular region, and that she “cannot give ... any other number with any kind of confidence.”
- 2 The record suggests that BRM provides some limited additional non-emergency shelter programming which, like the Discipleship Program, has overtly religious components.
- 3 The intake form states in relevant part that “We are a Gospel Rescue Mission. Gospel means ‘Good News,’ and the Good News is that Jesus saves us from sin past, present, and future. We would like to share the Good News with you. Have you heard of Jesus? ... Would you like to know more about him?”
- 4 The parties dispute the extent to which BRM actually enforces the 17- and 30-day limits.
- 5 Standing to pursue retrospective relief is not in doubt. The only threshold question affecting the availability of a claim for retrospective relief — a question we address in the next section — is whether such relief is barred by the doctrine established in *Heck*.
- 6 Although the SAC is somewhat ambiguous regarding which of the plaintiffs seeks prospective relief, counsel for the plaintiffs made clear at oral argument that only two of the plaintiffs, **Martin** and Anderson, seek such relief, and the district court considered the standing question with respect to **Martin** and Anderson only.
- 7 Plaintiff Pamela Hawkes was convicted of violating the Camping Ordinance or Disorderly Conduct Ordinance on twelve occasions; although she was usually sentenced to time served, she was twice sentenced to one additional day in jail.
- 8 Naturally, our holding does not cover individuals who *do* have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. See *Jones*, 444 F.3d at 1123. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures. Whether some other ordinance is consistent with the Eighth Amendment will depend, as here, on whether it punishes a person for lacking the means to live out the “universal and unavoidable consequences of being human” in the way the ordinance prescribes. *Id.* at 1136.

- 9 In [Joel v. City of Orlando, 232 F.3d 1353, 1362 \(11th Cir. 2000\)](#), the Eleventh Circuit upheld an anti-camping ordinance similar to **Boise's** against an Eighth Amendment challenge. In [Joel](#), however, the defendants presented unrefuted evidence that the homeless shelters in the City of Orlando had never reached capacity and that the plaintiffs had always enjoyed access to shelter space. [Id.](#) Those unrefuted facts were critical to the court's holding. [Id.](#) As discussed below, the plaintiffs here have demonstrated a genuine issue of material fact concerning whether they have been denied access to shelter in the past or expect to be so denied in the future. [Joel](#) therefore does not provide persuasive guidance for this case.
- 10 Costs shall be awarded to the plaintiffs.

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End of Document

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**NB-3 Additional Documents**

**Approval of Bridge Shelter Project**

**IN SUPPORT**





January 15, 2019

Hon. Mayor Katrina Foley  
Hon. Mayor Pro Tem John Stephens  
Hon. Council Member Manuel Chavez  
Hon. Council Member Sandra Genis  
Hon. Council Member Allan Mansoor  
Hon. Council Member Andrea Marr  
Hon. Council Member Arlis Reynolds

RE: New Business Agenda Item 3, Approval of Bridge Shelter Project as a Component of a Westside Restoration Project

Mayor Foley and Honorable Council Members,

On behalf of the membership of the Orange County Young Democrats (OCYD), we support action by the Costa Mesa City Council to approve the purchase of the property located on 1040 West 17th Street to provide a bridge shelter for persons experiencing homelessness. We also support improving and expanding existing facilities for the homeless at Lighthouse CM Church of the Nazarene. Both long and short term solutions are needed to end chronic homelessness in Orange County.

Orange County is facing a housing crisis. This is not something new and it is absolutely crucial to build more housing in our backyards, especially for the most vulnerable in our communities. Homelessness can be solved, and a regional approach to permanent supportive housing is the key for a comprehensive solution across the county. The 2017 UC Irvine report on homelessness produced with Orange County United Way and Jamboree Housing cited several costs to our community driven by homelessness. We agree with Mayor Foley that housing the homeless would alleviate costs to taxpayers and improve the quality of life in the county we love, for all of its residents. A roof over your head changes everything from quality of life, access to services, employment stability, to public safety.

The proposed purchase, redevelopment, and community partnership before you all would be an extraordinary step for a city in South Orange County to take. We applaud your leadership and ask for your approval of New Business Agenda Item 3.

Sincerely,

Brandon Whalen-Castellanos  
OCYD Policy Director

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*Orange County Young Democrats ("OCYD") is an organization of young attorneys, legislative aides, graduate students, and business professionals from diverse backgrounds who share the common goal of advancing progressive and Democratic values in Orange County. OCYD strives to reach this goal through candidate endorsements, providing education on important local, state, and national issues, and organizing members around campaigns and advocacy efforts.*

---

**Subject:**

RE: Westside Costa Mesa Initiative

**From:** Carmen Saavedra [<mailto:carmen.saavedra07@gmail.com>]

**Sent:** Sunday, January 13, 2019 8:15 AM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** Westside Costa Mesa Initiative

Hello,

As a proud Costa Mesa (Westside) resident for many many years, I am well aware and have been following the homelessness issue surround our what can be a more “beautiful “ city . My family and I appreciate very much the initiatives that are being taken to improve our Westside neighborhoods and are very excited about the changes. I did, however, want to share something of major concern and I am curious to see how it can be addressed -is the maintenance of alleys around the city? The alley behind Center Street , between Placentia Ave and Monrovia is a nightmare. Residents realized only HALF of the alley was restored but the other half (closer to Placentia) remains a nightmare. People always concerned about their tires, walking and falling into a pothole, when it rains waters sits there for weeks and it just looks awful and dangerous. Price of living keeps increasing and I strongly believe all residents should be able to comfortably walk around the city. If you can take the time to please check it out and possibly include it with the initiative as to restore Westside Costa Mesa, it would be amazing. We deserve better. We appreciate and will be following this and all other issues.

Thank you for your time,

Most Kind Regards,  
Carmen Saavedra

---

**Subject:** RE: Homeless shelter

**From:** Alex Noyes [<mailto:missalexmissalex@gmail.com>]

**Sent:** Monday, January 14, 2019 5:49 PM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** Homeless shelter

Dear City Council Members,

Please approve the emergency shelter. I am 11 2/3 years old and I care about homeless people because they are just people who don't have homes. My mom and brother and I like to give stuff like peanut butter crackers, oranges, and toothbrushes to homeless people that we see in Costa Mesa. It makes me feel happy and like I'm doing something good, but I'm upset that I can't give them somewhere to live. I really hope that the City Council will consider how many homeless people there are and vote in their favor.

Thank you for your time and consideration.

Sincerely,  
Katya Noyes.  
(1073 Salvador St)

January 15, 2019



www.kennedycommission.org  
17701 Cowan Ave., Suite 200  
Irvine, CA 92614  
949 250 0909

Mayor Katrina Foley and City Council Members  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

**RE: Letter of Support for the Bridge Shelter Project**

Dear Mayor Foley and City Council Members:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing policies that has led to the new construction of homes affordable to lower income working families.

Ending homelessness by safely housing our chronically homeless and homeless Veterans has never been more urgent in Orange County. The continual rise of homelessness and how to best address the issue has been at the forefront of many discussions in Orange County. To end homelessness, the Commission believes one of the most effective solutions is to provide permanent and supportive affordable home opportunities with mental health services.

In the City of Costa Mesa, ending homelessness has been challenging, as there are really no places for the City's homeless to go. As the City moves forward in tackling this issue, the Commission commends the City's commitment to being part of the solution to reducing homelessness and preventing households who are at at-risk of being homeless. **The Commission supports the City's proposal to: 1) Purchase a property located at 1040 W. 17<sup>th</sup> Street to serve as the City's long-term bridge shelter site and; 2) Negotiating and utilizing the Church of the Nazarene/ Lighthouse Church as a temporary interim bridge shelter. In addition, to effectively end homelessness in the City, the Commission recommends the City move forward in creating policies and programs that encourages and facilitates the development of permanent and supportive homes with mental health services.**

The City's leadership in encouraging and facilitating the development of a bridge shelter is a major step towards the right direction towards ending homelessness and reducing homelessness in the City. The proposed shelter is an effective long-term strategy that will not only provide housing that is safer, but it will also provide much needed wrap-around services that will significantly improve the quality of life for many chronically homeless individuals. As stated in the staff report, the objective of the shelter will also "provide individuals with a fresh start so they may effectively pursue permanent housing opportunities."

Mayor Foley and City Council Members  
January 15, 2019  
Page 2 of 2

The need for housing affordable to low-wage earners in Orange County, California, is enormous. Ranked among the top ten least affordable metropolitan areas in the country<sup>1</sup>, Orange County is suffering from an affordable housing crisis. A resident must earn at least \$36.08 per hour to afford a two-bedroom apartment at a fair market rent of \$1,876 a month.<sup>2</sup> With soaring rents, housing has become out-of-reach for many lower income households especially for the homeless, who are on fixed incomes (i.e., disability, supplemental security income, etc.). In addition, as rents and the number of residents needing affordable homes have continually increased, the number of affordable homes being built for lower income households has not kept up with the demand. An additional 92,738 affordable rental homes are needed to address Orange County's housing needs for lower income renters.<sup>3</sup>

Burdened by the high cost of housing, on a single night in January 2017, nearly 4,800 people experienced homelessness in Orange County. The need to address this crisis is urgent, especially for homeless children. During the 2016 to 2017 school year, the Orange County Department of Education reported 27,119 homeless children and youth in the school districts.<sup>4</sup> The Newport-Mesa Unified School District identified 108 enrolled students were homeless.<sup>5</sup> In addition, the Cost Study of Homelessness reported that during 2014 to 2015, close to \$300 million was spent to address homelessness in Orange County.<sup>6</sup> Studies have shown that housing coupled with supportive services is a cost-efficient intervention that will safely house individuals experiencing chronic homelessness.

The Commission looks forward to continuing our partnership with the City to increase affordable home opportunities for chronically homeless individuals and lower income families. Please keep us informed of any updates and meetings regarding the proposed Bridge Shelter Project. If you have any questions, please free to contact me at (949) 250-0909 or [cesarc@kennedycommission.org](mailto:cesarc@kennedycommission.org).

Sincerely,



Cesar Covarrubias  
Executive Director

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<sup>1</sup> Out of Reach 2018- The High Cost of Housing, National Low Income Housing Coalition, p. 14, 2018.

<sup>2</sup> Out of Reach 2018- The High Cost of Housing, National Low Income Housing Coalition, p. 38, 2018.

<sup>3</sup> Orange County's Housing Emergency and Proposed Solutions, California Housing Partnership Corporation, p. 1, May 2018.

<sup>4</sup> Orange County Homeless Children and Youth to District Enrollment Ratios, Orange County Department of Education School, January 9, 2018.

<sup>5</sup> Orange County Homeless Children and Youth to District Enrollment Ratios, Orange County Department of Education School, January 9, 2018.

<sup>6</sup> Cost Study of Homelessness Executive Summary, Orange County United Way, Jamboree and University of California, Irvine, p. 2, March 2017.

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**Subject:**

RE: In support of the plans to address homelessness with bridge shelter plans

**From:** Linda K [<mailto:lkteamtalk@gmail.com>]

**Sent:** Tuesday, January 15, 2019 12:17 AM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** In support of the plans to address homelessness with bridge shelter plans

Thank you Mayor Katrina Foley, and City Council members for addressing our homeless population issues so expediently.

I am in support for the bridge shelter plans and temporary plans at the Lighthouse.

I read the published city report and am in favor of moving forward on the plans.

I appreciate the effort you've taken to find a comprehensive plan that allows the homeless a chance to get back on their feet, but also allows you to enforce the anti-camping laws, which I think are necessary to enforce for the good of the homeless and our community.

I think 50 beds will be helpful, and if plans appear to be working would support adding more in other parts of the city if needed, as I'm not sure 50 will be enough given the state of the homeless situation in our area.

Sincerely,

Linda Kraemer, MS  
Home Owner - District 4  
Maple Street, Costa Mesa  
[LKTeamTalk@gmail.com](mailto:LKTeamTalk@gmail.com)

---

**Subject:** RE: In support of homeless shelter

**From:** Beth Syverson [<mailto:bethuumusic@gmail.com>]

**Sent:** Monday, January 14, 2019 9:28 PM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

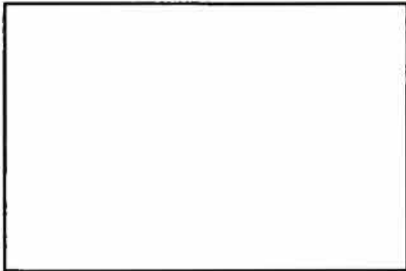
**Subject:** In support of homeless shelter

Hello -

I work at Orange Coast Unitarian Universalist Church in Costa Mesa, and I wanted to share my support of your proposed homeless shelter on 17th street. Our church has several homeless people knocking on our doors and sleeping in our courtyard. It seems like a city this affluent and diverse could support a homeless shelter. It seems like the compassionate and logical thing to do.

Sincerely,  
Beth Syverson

Beth Syverson  
714-376-6666  
[www.BethSyverson.com](http://www.BethSyverson.com)





January 15, 2019

Hon. Mayor Katrina Foley  
Hon. Mayor Pro Tem John Stephens  
Hon. Council Member Manuel Chavez  
Hon. Council Member Sandra Genis  
Hon. Council Member Allan Mansoor  
Hon. Council Member Andrea Marr  
Hon. Council Member Arlis Reynolds

RE: New Business Agenda Item No. 3, Approval of a Bridge Shelter Project as a Component of a Westside Restoration Project.

**Mayor Foley, Mayor Pro Tem Stephens, and Honorable Council Members,**

On behalf of nearly 28,000 undergraduate students at the University of California, Irvine, the Associated Students of UCI supports the action by the Costa Mesa City Council to approve plans for creating a bridge shelter facility located at the property on 1040 West 17th Street in addition to expanding existing facilities at the Lighthouse C.M. Church of the Nazarene to serve the homeless. These two steps, one temporary and one long-term, are both critical investments to end homelessness in our community.

The housing and homelessness crisis in Orange County affects families of all ages and backgrounds, hitting the most vulnerable first. We are excited to see the City of Costa Mesa embracing the proven housing-first approach to ending homelessness. A 2017 study on homelessness from UC Irvine and Orange County United Way highlights the immense costs for businesses, municipalities, and the County from chronic homelessness. By providing shelter and housing for homeless individuals, Costa Mesa can ease costs for taxpayers and businesses while providing real help to homeless individuals.

The proposed Bridge Shelter Project and temporary shelter at Lighthouse C.M. Church of the Nazarene represents the strongest commitment yet by any City in South Orange County to ending homelessness in our community. The Associated Students at UCI supports your leadership on this issue, and we urge you to approve New Business Agenda Item #3.

Sincerely,

Cassius Rutherford  
Chief of Staff, Associated Students of UC Irvine Office of the President

---

The Associated Students of the University of California, Irvine (ASUCI), is the officially recognized undergraduate student government at the University of California, Irvine. ASUCI advocates on behalf of nearly 28,000 undergraduate students at UC Irvine at a local, state, and national level representing student interests.



---

**Subject:**

RE: Homeless Shelter - please vote YES tonight

**From:** Scott Gayner <[scott@wchousing.org](mailto:scott@wchousing.org)>

**Sent:** Tuesday, January 15, 2019 10:07 AM

**To:** GREEN, BRENDA <[brenda.green@costamesaca.gov](mailto:brenda.green@costamesaca.gov)>

**Subject:** Homeless Shelter - please vote YES tonight

Hi Brenda,

I am a longtime resident of Costa Mesa (327 E. 18<sup>th</sup> Street, B, Costa Mesa, CA 92627) and would encourage the City Council to vote YES to buy the site at 1040 West 17<sup>th</sup> Street for the use of a Homeless Shelter.

My company is in the business of developing affordable housing in OC and the State of CA, we definitely need to do our share to help the Homeless in Costa Mesa.

Thank you,  
Scott

Garrett Scott Gayner, Senior Portfolio Manager and Director of Development

Western Community Housing, Inc.

Email: [scott@wchousing.org](mailto:scott@wchousing.org)

Orange County Office | 151 Kalmus Drive, Suite J-5 | Costa Mesa, CA 92626 | Tel: (714) 597-8305 | Fax: (714) 549-4600

Los Angeles Office | 523 West Sixth Street, Suite 601 | Los Angeles, CA 90014 | Tel: (213) 261-4830, Ext. 1 | Fax: (213) 239-5620

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**Subject:**

RE: Comments Regarding City's Developing Plan/Services for Homeless

**From:** Steven Gaitan [[mailto:steven\\_gaitan@yahoo.com](mailto:steven_gaitan@yahoo.com)]

**Sent:** Tuesday, January 15, 2019 10:46 AM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** Comments Regarding City's Developing Plan/Services for Homeless

Dear Council;

Thank you for the steps that you are taking to give the homeless a place to sleep. We strongly encourage that the City follow through with "1" (below) by considering the following:

(a) **Intensify/Expand Programs to Assist Recovery** – REQUIRE (not just offer) individuals (as a condition to sleep/stay in these facilities) to sign up to be assessed as to what their most pressing needs are (i.e. medical, psychological, addiction, poverty, hunger, jobless, etc.). Recovery programs setup/offered by the likes of Mercy House is what makes these services for the disadvantaged successful. The City's Homeless Solution program needs to be expanded to increase its "recovery" aspect.

(b) **Homeless Need to Help Take Care of Space** – Individuals staying in these shelters can help give back by taking care of small tasks (i.e. removing bedding, remaking beds, doing laundry, tidy up wipe down/vacuum/clean. The City is like a parent. For example, as parents, we realize that it is easier to get things done by doing it ourselves. However, what responsibility are we forming in our children if we don't expect our children to give back and take more ownership of caring for their surroundings. This also applies to the homeless.

What a gift of caring that the City is demonstrating with these people. However, if a more comprehensive recovery program is not included in the City's plan (with some of the tenets like in (a) and (b) above) homelessness will not go away.

Sincerely,

Steve & Terry Gaitan

2019 Monrovia Ave

(1) "Additionally, the purchase of this \$4 million facility would allow the council to create a bridge shelter, where unsheltered individuals could also receive job training and placement, mental health assessment, health and dental care, substance abuse treatment and connections to permanent housing".

---

**From:** Becks Heyhoe <becksheyhoe@gmail.com>  
**Sent:** Tuesday, January 15, 2019 11:44 AM  
**To:** CITY CLERK  
**Subject:** Support for Shelter Proposal

Dear Mayor, Mayor Pro Tem and City Council members,

I am a Westside Costa Mesa resident, and a former member of the original Homeless Task Force, and Network for Homeless Solutions. I am also the founder and former Director of the Trellis Homeless Initiative. I am writing to you today to urge you to move forward with the proposed emergency shelter and bridge shelter in Costa Mesa.

First, I would like to thank you for the work that this city has done, Costa Mesa has been a leader in terms of outreach and engagement, your staff and consultants have been working tirelessly for years to help people end their homelessness – and for that I sincerely thank you.

As you are well aware we need more emergency shelter across the county, cities like Santa Ana and Anaheim have been moving forward and making great strides in bringing more shelter beds online and I am delighted that Costa Mesa is taking the steps needed to address this issue and bring more beds online.

I remember one winter a few years ago when two of our Costa Mesa homeless residents passed away on our streets on the same night, a mere half a mile away from each other. It was a particularly cold night, both had significant health issues, both were elderly, and one was a veteran. Robert and Rita needed an emergency shelter that night, they needed a safe place away from the elements to rest for the night and to connect with case managers who could help them end their homelessness.

Last year 244 people experiencing homelessness died on our streets. This needs to end, and through opening this shelter you will help prevent needless deaths on the streets here in Costa Mesa and across Orange County.

I was delighted to see that the shelters will operate with a Housing First approach – this is a national best practice and I am thrilled to see that this will be implemented.

I would also like to take this opportunity to say that I hope you will and I urge you to continue looking at long-term solutions to homelessness. Shelter is needed, but it won't end anyone's homelessness, it can and should be a part of the solution, however in order to truly address homeless Costa Mesa will need to commit to developing Permanent Supportive Housing in our city.

Org.Code, one of your consultants on this project have done research into system flow and I would encourage you to read [this blog](#) that contains useful information. I am also happy to meet with you in person to discuss this further – I have been working addressing homelessness professionally for 12 years, and would gladly serve as a resource for you.

In conclusion, please vote yes on the emergency shelter/bridge shelter proposal, please ensure your chosen operator uses a housing first approach. As a Costa Mesa resident I support this proposal and I will support you in the future to bring Permanent Supportive Housing into existence in our community.

Warm regards,

Becks

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**From:** GENIS, SANDRA  
**Sent:** Tuesday, January 15, 2019 11:57 AM  
**To:** GREEN, BRENDA  
**Subject:** FW: Housing for the homeless

---

**From:** Ben [rockyshaw01@yahoo.com]  
**Sent:** Saturday, January 12, 2019 9:35 PM  
**To:** GENIS, SANDRA  
**Subject:** Housing for the homeless

I support the plan for housing the homeless that is proposed. I hope to be at the City Council meeting on Tuesday.  
Susan Shaw  
2870 Tabago Place  
Costa Mesa, CA 92626  
Rockyshaw01@yahoo.com

Sent from Mail for Windows 10

---

**Subject:** RE: Voicing support for the homeless shelter

**From:** Jonathon Murillo [<mailto:jonathon@fldwrk.io>]  
**Sent:** Tuesday, January 15, 2019 8:56 PM  
**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>  
**Subject:** Voicing support for the homeless shelter

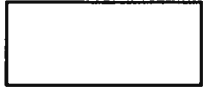
Dear members of the city council,

I am a proud Costa Mesa resident and I am writing to you to voice my support for the establishment of an emergency homeless shelter here in Costa Mesa. As this agenda comes before you for approval in tonight's city council meeting, I want to join the many other citizens in voicing my support for this initiative. I believe this shelter will be a significant step forward in our care for those most vulnerable in our city. This is the kind of city that Costa Mesa strives to be and one that I am proud to be a part of. I am excited to see the city's leaders, churches, non profits, businesses, and citizens rise to the occasion of caring more strategically and intentionally for those suffering in our midsts.

Kindly,  
Jonathon

--

Jonathon Murillo



[FLDWRK.IO](http://FLDWRK.IO) // 949.353.0270 // @FLDWRKTOGETHER

---

**Subject:** RE: Voicing support

-----Original Message-----

From: Cyndi Murillo [mailto:cyndiandjonathon@gmail.com]

Sent: Tuesday, January 15, 2019 8:57 PM

To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>

Subject: Voicing support

Dear City Council,

I am writing to you to voice my support for the establishment of an emergency homeless shelter here in Costa Mesa, as it is before you for approval in tonight's city council meeting. I believe this shelter will be a significant step forward in our care for those most vulnerable in our city. This is the kind of city that Costa Mesa strives to be and one that I am proud to be a part of.

Kindly,

Cyndi Murillo

Sent from my iPhone

---

**Subject:**

RE: Voicing Support for Emergency Homeless Shelter

-----Original Message-----

From: Lindsay Dumas [mailto:lindsaymdumas@gmail.com]

Sent: Tuesday, January 15, 2019 9:00 PM

To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>

Subject: Voicing Support for Emergency Homeless Shelter

To whom it may concern,

I am writing to you to state my support for the establishment of an emergency homeless shelter here in Costa Mesa. I have lived here for the last three years and would love to see our city open it's arms in this way to the most vulnerable.

I believe that by taking this step, our city will be able to provide help to those in need. I have worked with many students whose families would benefit from a shelter like.

Kindly, Lindsay Dumas

Sent from my iPhone

---

**Subject:**

RE: Emergency Homeless Shelter

-----Original Message-----

From: Jonathan Dumas [mailto:jonathan.dumas91@gmail.com]

Sent: Tuesday, January 15, 2019 9:06 PM

To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>

Subject: Emergency Homeless Shelter

Dear city council,

I first want to thank you for taking the time to read my email. I've lived in Costa Mesa for the past 9 years and have truly grown to love this city. One of the things that I have found to be true about my hometown is it's continuing passion and drive to do what's right. That being said, I am writing to you to voice my support for the establishment of an emergency homeless shelter here in Costa Mesa. This is an incredible step to caring for some of the most vulnerable in our city. It is no secret to in Costa Mesa resident that there are many homeless people around. I believe this is an incremental step to doing incredible things for the most overlooked populations in our city. This is the kind of city that Costa Mesa strives to be and one that I am proud to be a part of.

Kindly,  
Jonathan Dumas



---

**Subject:** RE: Emergency Shelter Support

-----Original Message-----

From: Sarah Nixon [mailto:sahruthnixon@gmail.com]  
Sent: Tuesday, January 15, 2019 9:32 PM  
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>  
Subject: Emergency Shelter Support

To Whom it May Concern,

My name is Sarah Nixon, and I have been a Costa Mesa resident for 5 years. I work as an Education & Employment Specialist with foster youth and transitional age young adults in Orange County.

In the fall of 2018, one of my former clients called me asking for help. She was living homeless in Costa Mesa as a vulnerable, 19-year old woman. Her situation became increasingly dangerous when men tried to take advantage of her by offering "a free place to stay." She called me pleading for help.

I called the 2-1-1 helpline and asked for housing resources. My husband and I called over a dozen housing resources and only one person picked up the phone. Their beds were full for the evening, and there was nowhere for my former client to go.

Out of desperation, I drove to a nearby church (The Lighthouse) and thankfully, I met Pastor Phil who put me in touch with some city employees. The four of us worked diligently on a Sunday night to find a place for this young woman to stay. It was truly a miracle when someone in Santa Ana opened their doors.

This is when my eyes were open to the desperate need for a local shelter. When I see my homeless neighbors trying to find shelter from the rain, I know we could do better as a community.

My friends and I would love to volunteer at this shelter! Thank you for all of your hard work to see this project through.

Sincerely,

Sarah Nixon  
(661) 466-7468

Sent from my iPhone

---

**Subject:** RE: Shelter

-----Original Message-----

From: Juan Castillo [mailto:jual.castillo@gmail.com]

Sent: Wednesday, January 16, 2019 8:16 AM

To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>

Subject: Shelter

Dear city council,

I am writing to you to voice my support for the establishment of an emergency homeless shelter here in Costa Mesa, as it was before you for approval in yesterday's city council meeting. I believe this shelter will be a significant step forward in our care for those most vulnerable in our cities. This is the kind of city that Costa Mesa strives to be and one that I am proud to be a part of.

Kindly,

Juan Castillo  
Costa Mesa CA

Sent from my iPhone

---

**From:** Karen Lund <klund56@gmail.com>  
**Sent:** Wednesday, January 16, 2019 6:57 AM  
**To:** CITY CLERK  
**Cc:** lisa.dabao@gmail.com; Shannon Whitman; Sylvia Worden  
**Subject:** Search for Bridge Shelter Location

Dear Council Members,

I wanted to share my thank you for your commitment to ending homelessness in Costa Mesa. Although I would have been impacted by the shelter on West 17<sup>th</sup> and came to voice that concern, I stayed to learn more about the challenges Costa Mesa faces in regard to providing services that will eventually reduce homelessness and its impact on our community.

Once I learned more about what a bridge shelter can be, I fully support the concept and only wish that the previous council had provided that information in a more timely manner, before placing a deposit on the West 17<sup>th</sup> Street location. I am encouraging all my neighbors to attend the January 30<sup>th</sup> meeting to inform themselves about what our city is doing to face this challenge.

Reopening your consideration of the Redhill property seems to be a more prudent site option. The interim site on Anaheim needs to have resident input and the immediate request for power washing the street should be strongly considered unless the heavy rains mitigate the problem, but please no *armed* security as requested by one resident. The Lighthouse Church is a needed part of the solution and investing in site improvements there will provide continued benefits to our community.

Transparency seems to be the new motto of our city council and informational meetings are a wonderful way to inform the citizens of Costa Mesa about the complex issues we face.

I would recommend an e-mail sign up where residents can received e-mails informing them of committee/informational meetings based on their areas of interest and/or expertise. Homelessness/Bike Path/Animal Shelter/Seniors. These e-mails might also solicit volunteers who might be hesitant to cold call an organization or committee.

Sincerely,

Karen Lund  
1816 Ocean Court  
Costa Mesa, CA 92627  
(949)278-0448

Sent from [Mail](#) for Windows 10

---

**Subject:**

RE: Support for Bridge Shelter Project (CC agenda 2019-01-15, NB-3)

-----Original Message-----

From: Mike Lingle [mailto:m\_lingle@yahoo.com]

Sent: Tuesday, January 15, 2019 2:11 PM

To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; FOLEY, KATRINA

<KATRINA.FOLEY@costamesaca.gov>; STEPHENS, JOHN

<JOHN.STEPHENS@costamesaca.gov>; CHAVEZ, MANUEL

<MANUEL.CHAVEZ@costamesaca.gov>; GENIS, SANDRA <SANDRA.GENIS@costamesaca.gov>;

MANSOOR, ALLAN <ALLAN.MANSOOR@costamesaca.gov>; MARR, ANDREA

<ANDREA.MARR@costamesaca.gov>; REYNOLDS, ARLIS

<ARLIS.REYNOLDS@costamesaca.gov>

Subject: Support for Bridge Shelter Project (CC agenda 2019-01-15, NB-3)

Dear Mayor Foley and members of the City Council -

I would like to express my strong support for the Bridge Shelter project as described in the City Council Agenda for January 15, 2019.

Homelessness and its effects can be seen all over Costa Mesa, but as a regular volunteer at Someone Cares Soup Kitchen, I have personally seen the special challenges of homelessness and its impact on areas of the Westside.

Costa Mesa has worked hard over the years to tackle the problem. Both public and private entities have done an outstanding job of outreach to homeless individuals and helping to reconnect them to families and housing; however, these efforts have been hamstrung by the lack of a permanent, publicly-operated shelter within City limits. Meanwhile, factors such as housing costs, the opioid epidemic, and the ruthless business practices of many sober-living homes in the City has meant that for every person who is helped off the streets, many more become homeless. With a permanent shelter, the City finally has a chance to get people off the streets quickly while working with them on their individual cases - a chance to get ahead of the problem.

City staff have done a careful job of site selection, clearly developing an objective set of criteria, considering eligible properties in all areas of the City and applying the criteria to identify the best choice. And they have a well-thought out plan for managing the facility, to minimize its impacts on the surrounding area.

My hope is that after the shelter opens, we will see a rapid reduction in the number of people on the street, without negative impacts on the neighborhood around the shelter. However, it may not work out that way. There should be a regular review at the City Council level, say every six months initially, of shelter operations and neighborhood impacts, to recommend improvements to shelter operations and to determine overall success (or failure) of the project. This review should be based on compiled data from sources such as public safety call logs and 3-1-1 / My Costa Mesa reports.

My other hope is that, as promised in the staff report, staff will continue to seek outside funding to replenish the General Fund and cover ongoing shelter operating costs. Based on reporting in the "Voice of OC", the County of Orange may have a sizable amount of money.

My thanks to the City Staff (particularly Muriel Berman Ullman and her team) for preparing this Bridge Shelter plan and for all their work over the years, and thanks also to the City Council for taking action at this time. Please approve the plan as described in the Staff Report.

Best regards,  
Mike Lingle  
Magnolia Street (Eastside)

---

**From:** Athena Balistreri <leftyinca@gmail.com>  
**Sent:** Tuesday, January 15, 2019 1:57 PM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter Agenda item for tonights council meeting

Hello,

I am in support of this shelter. Homelessness is in epidemic proportions and will likely get worse with the ever-increasing cost of living. Although supportive housing would be more beneficial to help the homeless population, this emergency shelter would help provide some emergency shelter for homeless folks instead of this population hanging out in front of businesses and other private property. I know that there are some bad eggs among any population and this is no different for the homeless population, however, there are families and individuals who are truly looking for a safe and clean place to sleep each night and shelter could possibly provide some of that support. As a resident of Costa Mesa I support this shelter and would hope that the council might actually additionally support permanent supportive housing as this is exponentially beneficial to reducing our homeless population and making this world better for everyone.

Thank You,  
Athena Balistreri  
Costa Mesa Resident.

---

**From:** Michelle wilson <costamesa4@yahoo.com>  
**Sent:** Tuesday, January 15, 2019 12:15 PM  
**To:** CITY CLERK; GREEN, BRENDA; TRAYLOR, MARIAN  
**Subject:** Michelle. F Wilson.ppt for CC meeting  
**Attachments:** Michelle. F Wilson.ppt; ATT00001.txt



# Requests from Westside Residents

## We want to be a part of this process

- Create a Westside Resident Committee
- Make lighthouse negotiations & contract open and transparent to the public
- Policy safeguards protecting Westside from future homeless services or facilities. It must include the powers to discontinue any component of this plan if it fails to achieve its objectives.
- Require Armed Security Guards.
- Pressure wash Anaheim Ave.'s sidewalks.

**NB-3 Additional Documents**

**Approval of Bridge Shelter Project**

**IN OPPOSITION**

---

**From:** Kyle Kamrooz <kylekamrooz@gmail.com>  
**Sent:** Saturday, January 12, 2019 5:19 PM  
**To:** CITY CLERK  
**Subject:** Against homeless shelter off 17th st

I am a homeowner at the new lighthouse community at the end of Whittier

Having a homeless shelter this close to our residents and our children that we walk outside our community is absolutely unacceptable for the safety of our kids in such close proximity .  
There are several other area in costa mesa not near residence so I plead that you do not move forward with the purchase of this building.

---

**From:** Suzanne Gignoux,Realtor <suzanne.gignoux@gmail.com>  
**Sent:** Sunday, January 13, 2019 10:56 AM  
**To:** CITY CLERK  
**Subject:** homelessness & Lighthouse Church

Hello,

I was looking forward to attending the meeting and cannot. Please share with council members.

I recognize the need to help homeless get off the streets and out of danger. I am excited to see Costa Mesa take the lead in this solution.

Here are some of my concerns with the Lighthouse location

- Who will be in charge of administration?
- Who do we contact when problems arise?
- What is the impact to our grassy areas after the gates are closed? We were monetarily impacted when the park locked down.
- What will happen to Lighthouse after the nine months?
- Will there be any restrictions on Lighthouses outreach after the 9 months?

I like the idea of moving this venture to an existing facility in an Industrial area.

- It is only a 15 minute walk to public transportation.
- Neighbors have already experienced the noise and traffic of a similar operation.
- What guarantees do we have that the renovations will only take 9 months?



SUZANNE GIGNOUX

REALTOR

BRE #0143607

949.500.1326

Suzanne.Gignoux@gmail.com

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California District 5 Vice President

[Women's Council of Realtors](#)

C:949-500-1326

---

**From:** Philip Grieco <pcgrieco13@gmail.com>  
**Sent:** Sunday, January 13, 2019 12:23 PM  
**To:** CITY CLERK  
**Cc:** GENIS, SANDRA  
**Subject:** No on Homeless Shelter Vote - Costa Mesa

Councilmen & Councilwomen of Costa Mesa,

I came across a disturbing article in the *OC Register* on January 11th about the city's discussion and vote to expand homeless efforts on West 17th Street. While I commend and respect the determination to find a solution to this epidemic, this is not the location for it.

As a tax paying and involved resident of this area, I'm very concerned as someone who is a home owner and parent in this direct vicinity. Considering the industrial property at 1040 West 17th Street in Costa Mesa is quite misleading, as within less than half a mile is a school (1,000 ft. away), playground (2,000 ft. away), and heavy pockets of residents (400 ft. away) with families with young children. We're already battling to keep our neighborhood safe and clean against the Needle Exchange Program, and other RVs using our neighborhood streets as an encampment (West 16th & West 17th Sts), with residents needing to make frequent phone calls to the police. Several residents have been attacked and/or harassed frequently, while also finding needles on the sidewalk and street which is an all too common issue right now. These are other issues that must be addressed, so this is a non starter for us.

You will see and hear us on Tuesday night at the next council meeting. All of our local residents are frustrated at the lack of local community involvement in this process and will not accept this as a solution. You are here to represent us and we're not on the same page. Please find an alternative location where the homeless cannot continue to wreak havoc with our neighborhood, homes and families. Vote NO to approve this renovation and plan. Thank you.

Philip Grieco  
The Lighthouse  
West Side Costa Mesa  
[pcgrieco13@gmail.com](mailto:pcgrieco13@gmail.com)

---

**From:** Rose Cameron <rose@eternalrecess.com>  
**Sent:** Sunday, January 13, 2019 12:28 PM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter Proposition

Councilmen & Councilwomen of Costa Mesa,

I came across a disturbing article in the OC Register on January 11th about the city's discussion and vote to expand homeless efforts on West 17th Street. While I commend and respect the determination to find a solution to this epidemic, this is not the location for it.

As a tax paying and involved resident of this area, I'm very concerned as someone who is a home owner and parent in this direct vicinity. Considering the industrial property at 1040 West 17th Street in Costa Mesa is quite misleading, as within less than half a mile is a school (1,000 ft. away), playground (2,000 ft. away), and heavy pockets of residents (400 ft. away) with families with young children. We're already battling to keep our neighborhood safe and clean against the Needle Exchange Program, and other RVs using our neighborhood streets as an encampment (West 16th & West 17th Sts), with residents needing to make frequent phone calls to the police. Several residents have been attacked and/or harassed frequently, while also finding needles on the sidewalk and street which is an all too common issue right now. These are other issues that must be addressed, so this is a non starter for us.

You will see and hear us on Tuesday night at the next council meeting. All of our local residents are frustrated at the lack of local community involvement in this process and will not accept this as a solution. You are here to represent us and we're not on the same page. Please find an alternative location where the homeless cannot continue to wreak havoc with our neighborhood, homes and families. Vote NO to approve this renovation and plan. Thank you.

Rose Cameron  
Resident & Business Owner

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**Subject:**

RE: Homeless shelter

From: Michael Bain, MD  
Sent: Sunday, January 13, 2019 1:02 PM  
To: CITY CLERK <[CITYCLERK@costamesaca.gov](mailto:CITYCLERK@costamesaca.gov)>  
Subject: Homeless shelter

To whom this may concern.

I am writing regarding my opposition to the placement of a homeless shelter at the end of 17th St. in Westside Costa Mesa. As a homeowner near that area, I'm concerned that you were drawing homeless to an area that does not have a great concentration of it.

Additionally, you are impacting two elementary schools and residential neighborhoods. This residential neighborhoods include senior living. This is unnecessary and will impact the neighborhood in untold ways.

I would recommend that the homeless shelter be placed near the airport where it does not impact residential neighborhoods and schools.

> Michael Bain

> CONFIDENTIALITY NOTICE: This communication, including any attachments, may contain confidential information and is intended only for the individual or entity to which it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete and destroy all copies of the original message.



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**From:** haroldlabonte@dolphinbdev.com  
**Sent:** Sunday, January 13, 2019 1:40 PM  
**To:** CITY CLERK  
**Subject:** Homeless shelter proposal 1040 w 17

Dear city clerk. We have home in sea breeze at w end 18th. Your proposal if approved would lower our property values and negatively impact our daily use of w 17 th negatively. We are opposed to homeless shelter at this address

Regards

Harold Labonte

1801 peninsula place

Costa Mesa.

760-277-3146

Get [Outlook for iOS](#)

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**From:** Lisa Dabao <lisadabao@me.com>  
**Sent:** Sunday, January 13, 2019 3:32 PM  
**To:** CITY CLERK  
**Cc:** Lisa D. Meyer  
**Subject:** NO HOMELESS SHELTER ON WESTSIDE!

I am a resident of SeaHouse in Costa Mesa's growing Westside.

I vehemently oppose the building of a homeless shelter a block from my home! We are trying to better our wonderful community and work hard to uphold our neighborhood values. This is not the area to introduce the homeless. We have two elementary schools within blocks from the proposed location, children play and walk these streets daily. My husband and i regularly go for afternoon /evening strolls in the neighborhood. I often report unsightly items, trash, homeless camps to the costa mesa app in an effort to keep my community clean and safe.

We purchased our first dream home a block away from proposed site. Such a facility would knock our property value potentially 12%. Please, I implore you to reconsider. Why not bus them to the vacant mental facility near the Costa Mesa Country club at Adams/Harbor? A family community is NOT the place for s homeless shelter.

Although empathetic, We do not want these people wandering our streets.

Warm Regards,

Lisa & Mike Meyer

Lisa Dabao Meyer  
310.283.3924

---

**Subject:**

RE: Regarding the Proposed Homeless Shelter Location

**From:** Kar Yung [mailto:doctorkwy@gmail.com]**Sent:** Sunday, January 13, 2019 4:23 PM**To:** CITY CLERK <CITYCLERK@costamesaca.gov>**Subject:** Regarding the Proposed Homeless Shelter Location

To the Costa Mesa City Council,

My name is Kar-Wai Yung, I am a resident of the Sea House community in Westside Costa Mesa.

I strongly object to the proposed location of the homeless shelter and urge you to consider alternative locations, such as the previously discussed Fairview Developmental Center.

My concerns include:

1. The location choice is in violation of "Jessica's Law."

The proposed shelter location, is less than 2000ft from Whittier Elementary School. Many homeless are good citizens whom have fallen on hard time, however, we must consider and be realistic that there will be some homeless that have prior sex offender and criminal histories.

We should not discriminate against those that need services, however, we also cannot sacrifice the safety of the children in the Westside.

Would you want for your children or grandchildren to go to school where they may be endangered?

Why is this option even being considered, when it may violate Jessica's law?

A different location needs to be selected.

2. It was said by our Mayor Foley,

"It is important that we all participate and, if we all participate and we do our fair share, it's a lot less of a burden and impact on every community."

The same idea needs to be applied when considering a potential location for the proposed homeless shelter. It is well-known that the density of sober living facilities in Costa Mesa, along with the well-known associated complications, are concentrated in the Westside.

Why would the same area be chosen for this shelter and to further concentrate the homeless population and these complications?

Is it not important in this proposal to consider what is the "fair share" for the Westside residents?

3. The proposed location is being called "primarily industrial," however this is untrue.

While there are business and industrial buildings in the neighborhood, within a less than one mile perimeter adjacent to the proposed shelter there are more residential than industrial buildings.

California Seabreeze, Sea House, Playport Mobile Home Village, Orange Coast Mobile Home Lodge, Lighthouse, as well as private residences, apartments, etc.

This will result in a dramatic decline in property value, which is unfair to all the constituents in these communities, and frankly unnecessary.

The Fairview Developmental Center is much more isolated from residential communities than the proposed location, for example.

4. The purchase of a privately held property is unnecessarily costly and a poor utilization of public funds when a publicly/government owned property is available and able to be converted for a shelter.

Funds could then be directly invested towards services and programs for the homeless, rather than private land purchase.

As a resident of the Westside, I implore you to consider the above concerns and choose an alternative to the currently proposed location for the homeless shelter.

I love living in Costa Mesa and hope you will make a decision on Tuesday that honors the trust we have placed in you as our elected officials and benefits all of our city, including the residents of the Westside.

Sincerely,  
Kar-Wai Yung

---

**From:** David Baker <dab.notary@gmail.com>  
**Sent:** Sunday, January 13, 2019 5:06 PM  
**To:** CITY CLERK  
**Cc:** playporthoa2017@gmail.com  
**Subject:** Homeless Shelter-location

As a tax paying, law abiding Costa Mesa citizen....we are hearing that the City is considering a permanent homeless shelter near our neighborhood I am very much opposed to that idea for numerous reasons-and safety is one of the top reasons! Senior citizens are easy targets and homeless people are homeless for a reason. California has lots of open space or land.....so, you don't need to squeeze homeless people inside our established neighborhoods. Use common sense please....

Sent by: Dave Baker's iPhone 📱

---

**From:** Sawako 📧 Agravante <sawako@cvgoc.com>  
**Sent:** Sunday, January 13, 2019 6:52 PM  
**To:** CITY CLERK  
**Subject:** West 17th Street Homeless Shelter opposition.  
  
**Importance:** High

Dear Mayor Foley, Councilwoman Reynolds and members of Costa Mesa City Council:

This email is regarding the City's acquisition to operate an interim homeless bridge shelter at 1040 W. 17th Street, Costa Mesa.

I vehemently oppose this location for several reasons:

### **1. THREAT TO SAFETY OF OUR COMMUNITY:**

**Personal Safety Threat:** I use Whittier Avenue daily, for my peaceful walk from California Sea Breeze (at the end of 18th Street) south towards the end of Wittier Avenue. I am a single woman and I will feel unsafe to have a homeless shelter where the City will be busing temporary homeless shelter which will bus folks. It's located in the middle of my walk, one block west.

**Established Homes:** There are several established homes (Greenleaf, Playport, Orange Coast Mobile Home Lodge, several single unit homes) plus brand new three story-homes off at the end of Whittier Avenue and Hampton Drive. Many of my neighbors in California Seabreeze walk the neighborhood.

#### **Whittier Middle School:**

Proposed property is .04 miles away from Whittier Elementary School. There's lots of children and parents in the area often, and it's just too close!

**Past History:** City of Costa Mesa used to operate a job center off 17th Street and Placentia few years back. Hopeful workers, most of them immigrants, gather at the same location even now. I am tired of the Westside used as a solution for unsightly "problem solving" ideas. That was a bad idea. This is also a bad idea. Busing people into Westside Costa Mesa on 17th is an experiment which doesn't work.

### **2. NEGATIVE FINANCIAL IMPACT:**

**Home Value:** I'm afraid having a temporary homeless housing in this neighborhood will negatively impact resale value of my home in California Seabreeze. I have owned my home for 12 years. During the recession, there has been lack of progress and improvement in the Westside neighborhood. After improvement funds were gone from the City budget, it was a rough dozen years. I believe it's time to move ahead in improving the Westside, not using it to push homelessness at the edge of the City.

You have already struck down our request to build a third story to improve our home values recently. To rub salt in our wound, you are proposing to bring a temporary shelter at stone's throw away from California Seabreeze. This is unacceptable.

### **3. RETHIKNING WESTIDE:**

**Desirable Location:** You may think of this area as industrial, but there are many established residential and new homes. In fact, the neighborhood was rezoned as residential + industrial when I purchased in 2006. There was high hope of attracting

businesses to revamp the neighborhood with upscale eateries, high tech companies, etc. In fact, I am finally starting to see yoga studios, eateries, and clothing companies popping up, replacing heavy industrial, pollution-causing businesses.

We are within 1.5 miles from Hoag Memorial Hospital, various senior homes, apartments and townhomes. We are next to Newport Beach, which is improving the area as they added Sunset Ridge Park nearby.

Costa Mesa is the home of Action Sports: Hurley, Volcom, RVCA, etc. We are close to Huntington Beach which is world known for surfing and its various events and surf stores.

Why aren't we improving the area with health care and action sports opportunities? Why did we rezone the area, only to fall back on seeing it as a dumping ground for human experiments which do not work?

#### **4. CITY COUNCIL PROMISE:**

There has to be a better model for helping homelessness rather than "bus" people into a temporary shelter near an Elementary School and established housing. **In particular, Mayor Foley states she is for permanent homeless solution for the County as a whole on her bio on City's Website.**

I voted trusting what was promised in the past, and tolerated canvassers during elections at my home at the end of 2018. I voted for City Council members, thinking you will help uplift the Westside from devastating dozen years of the recent recession.

According to a quote by Mayor Foley in The OC Register, *"Right now this is a location that's already an existing homeless hub, and we're going to try to restore the character and the safety of the neighborhood."* I have only seen one homeless person off Wittier Avenue, quietly sleeping in front of an industrial office at night, in the 12 years I have used this street. After a few days, the company installed a permanent light at night and the person left the area. I hardly call 17th and Whittier a homeless hub. In fact, there's homes on 3 of the 4 corners at this intersection, with an elderly lady who has owned her home for many decades on the northwest corner (couple doors west of the proposed temporary shelter location). On the other corner is a big office complex.

Please reconsider this location and go back to the drawing board. Permanent solution to improve homelessness does NOT include busing homeless people to temporary shelters in established neighborhoods and a Middle School.

Please don't use the Westside residential area as your dumping ground.

Respectfully,

Sawako Agravante  
1821 Peninsula Place  
Costa Mesa, CA 92627

---

**From:** Cathy Bone <cathybone11@gmail.com>  
**Sent:** Sunday, January 13, 2019 10:35 PM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter

I live at 1617 Somerton Drive in Costa Mesa and DO NOT want this homeless shelter near us!!!

We spent a lot of money on our home and should not have to deal with the homeless population near us!!!

We hate this idea!! Please do not allow us to worry about this issue near us!!

Cathy Bone

Sent from my iPhone



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**From:** Cathy Bone <cathybone11@gmail.com>  
**Sent:** Sunday, January 13, 2019 10:38 PM  
**To:** CITY CLERK  
**Subject:** Homeless shelter

We live on Hampton Drive in the Lighthouse development and do NOT want the homeless center within 1/2 mile of our house!

We walk the area a lot with our children and do not want to be subjected to the needles and crime associated with the homeless!!

Please do NOT put this shelter so close to our children!!!!

Sent from my iPhone

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**From:** michaeleterry@mac.com  
**Sent:** Monday, January 14, 2019 6:58 AM  
**To:** CITY CLERK  
**Subject:** Proposed Homeless Shelter

To whom it may concern:

For the record I am against the proposed homeless Shelter located @ 1040 West 17th Street.

The City of Costa Mesa has not done nearly enough to educate & discuss this proposal with it residence located in and around the proposed shelter.

Again, I am against the proposed homeless Shelter at this location for many reasons.

Michael Terry  
Concerned Resident

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**From:** Frank Christensen <fchris222@aol.com>  
**Sent:** Monday, January 14, 2019 9:29 AM  
**To:** CITY CLERK  
**Subject:** proposed homeless shelter - Extremely OPPOSED !

Dear Mr. City Clerk:

I am extremely disappointed to learn of the City of Costa Mesa's plans to open a homeless shelter at 1040 West 17th St. I am STRONGLY OPPOSED to this proposal. This is not only close to my home, but it is extremely close to several elementary schools in the immediate vicinity. Safety of our children is paramount and should be the first concern. This decision would not only negatively affect our property values, but it would definitely make my neighborhood less safe. Even now, every week when I go to a restaurant or business along West 19th Street, I am confronted by homeless people. It is very uncomfortable and stressful.

Why are you now proposing to attract even more homeless people to my neighborhood? I urge you to reconsider this proposal, and vote " NO ".

Please do not move forward on this homeless shelter on the West side of Costa Mesa.

Thank you.

**Frank Christensen**  
**XL Sports Marketing**  
**1805 Ocean Court**  
**Costa Mesa, CA 92627**  
**(949) 423-0073 Office**  
**(949) 933-4488 Cell**  
**(949) 423-0075 FAX**

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**Subject:** RE: 17th St Shelter

**From:** Kari Knudson [<mailto:karilynk@hotmail.com>]  
**Sent:** Sunday, January 13, 2019 9:56 PM  
**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>  
**Subject:** 17th St Shelter

City Council,

I highly object to the proposed homeless shelter at 1040 17th St. In Costa Mesa

I believe that a location in a less residential area is more suited as a site for a homeless shelter. A homeless shelter increases the risk of crime and creates a safety risk for the residents nearby including my family. Beyond this is the reputational damage to the neighborhood and the stigma of living near a homeless shelter.

This is a costly investment, and more input from Costa Mesa residents who are directly impacted should be heard.

Respectfully,

Kari Knudson

1013 Arbor Street  
949-701-6028

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**Subject:** RE: homeless to NEWPORT BEACH NOT COSTAMESA as the dumping ground

**From:** John F. Drake [<mailto:john.drake@barsco-llc.com>]

**Sent:** Sunday, January 13, 2019 6:36 PM

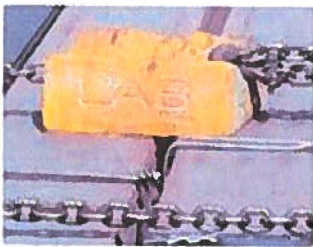
**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Cc:** [letters@OCRegister.com](mailto:letters@OCRegister.com)

**Subject:** homeless to NEWPORT BEACH NOT COSTAMESA as the dumping ground

We in Costa Mesa have absorbed more of the homeless than we should be expected... we have been the dumping ground of South Orange County for far too long... how about the Newport "nature Reserve" being converted in to a "temporary" or not, camp ground for the homeless... it has no useful economic purpose other than then offering the 2.5 M dollar houses a nice view. I say a definite "NO" to any more expansion, increase, or anything else that will draw more homeless to MY HOME.... I'm tired of asking them nicely to leave my living area. There are many curious children here to pick up their needles, and I fear if any of them are infected there will be multi-million dollar law suits against the city. I for one will be a witness for the plaintiffs, having personally witnessed what goes on in Lions Park. I will oppose financially any council member who supports any proposal to increase housing or sheltering of homeless in Costa Mesa. Let Irvine, Lake Forest, Laguna Woods, Mission Viejo, Laguna Hills, Cota De Casa, Trabuco Canyon, Aliso Viejo, Laguna Beach (and all the rest) finally take some responsibility. If what I've heard is true, that Costa Mesa has been accepting funds from the other cities to house the unfortunate homeless, stand by for the REVOLUTION. My name is clear below should any councilpersons care to contact me, please do so.  
John D.

**John Drake**



**President & Owner**

BARSCO LLC  
1845 Anaheim Avenue, Ste. 18-A  
Costa Mesa, California 92627

Ph. 949-400-9341

Fx. 949-646-9779

[john.drake@barsco-llc.com](mailto:john.drake@barsco-llc.com)

[www.barsco-llc.com](http://www.barsco-llc.com)

LOAD ASSIST BLOCKS for added load tie down safety

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**Subject:**

RE: Homeless coddling

**From:** Jeffrey [<mailto:magnumlawgroup2013@gmail.com>]

**Sent:** Sunday, January 13, 2019 7:38 AM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** Homeless coddling

Providing free services for the homeless population, mostly comprised of addicts, draws these people to Costa Mesa like flies to a warm steamy pile of shit, significantly exacerbating our problem.

You are endangering our families and eroding our quality of life by making our city homeless-friendly.

Please consider this.

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**Subject:** RE: Addressing Homelessness

**From:** Donald Haddock [<mailto:dhhaddock@yahoo.com>]

**Sent:** Saturday, January 12, 2019 12:04 PM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Cc:** [dhhaddock@yahoo.com](mailto:dhhaddock@yahoo.com)

**Subject:** Re: Addressing Homelessness

Proposal for Closure of Fairview (Partial Facility Recommended Use);

- 1) I propose that the City of Costa Mesa and the State of California create a partnership to address the critical "first 72 hours" for both the Drug and Alcohol addicted, and the Homeless population of our city, by providing the Professional, Medical, and psychological services needed by both populations before they can be placed in a group home within the City.
- 2) I propose that City officials and State representatives put together a Joint Task Force to evaluate the viability of acquiring ,through lease or grant, some of the unused residential housing units at Fairview Developmental Center.
- 3) I propose that the State Health and Human Services Department, and the City on Costa Mesa ,as well as other stake holders both Private and Public join together to provide funding for the full time staff and volunteer services that will be needed to provide these short term critical care services.
- 4) Finally, I propose that one of these residential units be set aside to house individuals that may need longer than 72 hours of medical and psychiatric services to acclimate themselves back into the general population in order to meet the community standards for a group home lifestyle within a neighborhood.
- 5) MOST IMPORTANT....Through working with Sacramento lawmakers, it is important to create new laws that allow court-ordered conservatorship of homeless individuals that appear to either be Beyond normal help, or obviously need longer-term restrictive care in a locked facility due to mental illness or drug addiction or both. Through the conservatorship model homeless patients could be court ordered to be held against their will for periods of 30, 60, 90 days or even longer depending on the Court's order and the expressed recommendations by professional psychologists and psychiatrists. Many of these homeless people need much longer time than the standard 5150 72-hour hold. The laws could be modified to allow these people to stay in locked facilities until they are able to prove that they can participate safely in the general population. This is critical to the model of homeless Outreach and success in developing and rehabilitating needy citizens who need more than a short term helping hand.

\*\*\*\*\*

I am sure there will be resistance from all sides as to why this partnership cannot be accomplished. But Costa Mesa and Fairview Developmental Center have over 50 years of cooperation and partnerships being formed for the betterment of all. Both the existing Golf Course ,and the Harbor Village Apartments surrounding Fairview were once vacant land owned by the State. Through mutual need and benefit , these lands have been developed to the betterment of Costa Mesa . In recent years, the City of Costa Mesa and Fairview Developmental Center partnered once again to develop a new Lighted Soccer practice facility on the grounds of the existing school at Fairview which is used by Costa Mesa youth soccer teams.. The social problems of poverty, addiction, and homelessness are not exclusive to our Community. They are a reflection of society as a whole. But, we cannot turn our backs on this issue and make it go away. As a City, we have a responsibility to provide safe harmonious neighborhoods. It is my hope that the City of Costa Mesa and our State leaders will take a look at this proposal as a way to possibly deal with the first critical days of contact with the most

needy members of our society. It is my hope that such a system could be used to augment the existing Sober Living group home model, and offer some possible options for addressing the issues of the Homeless population to the State and local agencies responsible for providing solutions/services.

sincerely,  
Donald H Haddock

[Sent from Yahoo Mail on Android](#)



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**Subject:**

RE: Homeless - Why Not Old Fairview Mental Hospital Property

**From:** Dawn Bowe [<mailto:dbowe9@att.net>]

**Sent:** Saturday, January 12, 2019 7:38 AM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** Homeless - Why Not Old Fairview Mental Hospital Property

Hello,

Instead of purchasing an old office building that has to be renovated to hold homeless (and won't be big enough), why not purchase the old mental hospital at the end of Fair Dr. off of Harbor Blvd.? It would be perfect not only because it's already set up to actually house people, but is so large that you could have male housing, female housing and safe housing for families. It has a park that would be good for families trying to get on their feet too. My husband and I, along with others, don't understand why the city isn't looking at that property. It would cost far less to renovate making it ready much quicker as well.

Thank you for your time.

Mark and Dawn Bowe  
Costa Mesa, CA Westside Residents

[Sent from Yahoo Mail on Android](#)

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**From:** lindsey smith <linz1951@yahoo.com>  
**Sent:** Monday, January 14, 2019 10:26 AM  
**To:** CITY CLERK  
**Subject:** Purposed Homeless Site

Although, I feel sad for the homeless and not all homeless are mentally unstable, still some are. I worry for the area and the safety of my home at Playport Mobil Home Park. Therefore, I am opposed.

[Sent from Yahoo Mail on Android](#)

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**From:** Spencer Smith <drbold1951@yahoo.com>  
**Sent:** Monday, January 14, 2019 10:38 AM  
**To:** CITY CLERK  
**Subject:** HOMELESS SHELTER

I am opposed to the city of Costa Mesa putting a homeless shelter at 1040 W 17th St. Our community has already had to be diligent to keep our property safe...I can only imagine what it would be like if the city busses in 50 more homeless souls a block from where we live.

Thank you, Sincerely,  
Spencer Smith  
903 W 17th Space 42  
Costa Mesa, CA 92627

[Sent from Yahoo Mail on Android](#)

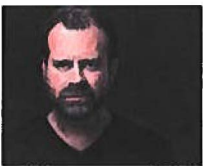
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**From:** John Glover <[john@johnglover.photography](mailto:john@johnglover.photography)>  
**Sent:** Monday, January 14, 2019 10:25 AM  
**To:** CITY CLERK  
**Subject:** Vote No on the Proposed West-Side Homeless Shelter

To whom it may concern:

I would urge my council members to vote no on the proposed homeless shelter in west side Costa Mesa. I'm a business owner operating just a block or two from there, and my child goes to school just a block or two from the proposed location. This is simply not the right solution to our homeless problem.

Thank you,



**John Glover** / Owner

[john@johnglover.photography](mailto:john@johnglover.photography) / 949.929.2513

**John Glover Photography**

(949) 432-5044

1835 Whittier Ave., Suite A2

Costa Mesa, CA 92627

<https://johnglover.photography>



**JOHN GLOVER**  
PHOTOGRAPHY

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**From:** Daman Farr <damanfarr@sbcglobal.net>  
**Sent:** Monday, January 14, 2019 10:43 AM  
**To:** CITY CLERK  
**Subject:** HOMELESS SHELTER AT 1040 West 17TH Street

To whom it may concern:

I would like to express my opinion about the proposed Homeless Shelter and do not like this idea at all.

I live near by and don't see how this will help my property value and will have a negative impact on my quality of life along with others that live near by.

There have to be other locations to consider!!!

Thanks for your time and consideration.

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**From:** Carden Hall Mrs. Bas <mrs.bas@cardenhall.net>  
**Sent:** Monday, January 14, 2019 11:11 AM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter

To Whom it May Concern,

I am employed by Carden Hall school at 1541 Monrovia Ave. I would like it to be known that I am not in support of a homeless shelter being built at 1040 W. 17th St. I believe that such a shelter would put our students at risk by having such a facility in such close proximity to our school but also to Pacifica Christian High School and Coastline Community College.

Thank you.  
Julie Bas  
Director of Lower Grades  
Carden Hall School

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**From:** Kristen Anderson <kanderson.crna@gmail.com>  
**Sent:** Monday, January 14, 2019 1:39 PM  
**To:** CITY CLERK  
**Subject:** Proposed 17th Street Shelter

Hello Costa Mesa City Council,

I am writing in response to recently discovering plans to build a 50 bed homeless shelter approximately 1/4 mile away from my 89 home residential community. I am shocked to learn of the city's decision to keep the selection of this location from the public until just days before the planned vote on the matter. While I understand the pressure being placed on the city to respond to lawsuits regarding offering shelters for the homeless in order to enforce anti-encampment laws, I ask you to please reconsider the location you have chosen. West side Costa Mesa is no longer the "industrial" area it was years ago. Residential complexes and development are booming in this up and coming area. The residents and families in the community care about what happens here. What a shame it would be to add such a blight to the community. Certainly there must be another area which can offer more services to the homeless than the area which is proposed. Additionally, while we do have some homeless people in our direct area (and already deal with theft and assaults on residents), it is not currently an area where large numbers of homeless currently congregate. I am extremely concerned that the addition of a shelter will increase the number of homeless in our community and make things more unsafe. I have read the staff report and the plans for security for the shelter, but I am highly skeptical of the ability to actually execute it. I understand that building a shelter will allow law enforcement to remove encampments, but I do not believe that they will be able to prevent homeless people from wandering around and through our neighborhood. Another area of concern is the proposed shelter's proximity to Newport Beach, which is nearly adjacent to the proposed site. As I understand it, Newport Beach does not currently have plans to build a shelter for the city's homeless, therefore rendering them unable to enforce anti-encampment laws. What is to stop people (who have be brought by bus to this area by our city) who don't wish to abide by the rules of the shelter from simply leaving, walking a few feet into what is now another jurisdiction and setting up camp there? Again, I beg you to consider an alternative location that is not in the middle of current and future residential communities, schools, and parks. West side Costa Mesa can no longer be the place where the city hides its problems. I plan to attend the council meeting this Tuesday along with members of my community to voice our opposition. Please vote NO on this proposal, and as a community we can work together to find another location.

Respectfully,

Kristen Anderson

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**From:** lynneramont45@gmail.com  
**Sent:** Monday, January 14, 2019 1:03 PM  
**To:** CITY CLERK  
**Subject:** Re: Proposed homeless shelter

I strenuously object to your putting a 50 bed homeless bridge shelter on West 17th St. 55+ Mobile home owners (not renters) have lived in the area - some for 30 years. The area is stable. Recent gentrification projects (Lighthouse - \$800k - \$1million homes), nearby elementary school with multiple crossing guards assisting families walking kids to school - a family area. Vivante assisted living home now adding a second building (\$8,000 - \$10,000 per month to include a theater) - upscale. Is this really the type of progressive, growing neighborhood you want to bus homeless people to - right minded people would think not. Homeless people live in vans and cars on Monrovia as it is - spewing trash, prophylactics and feces. Responsible home owners call police with minimal interdiction. Why would the city council elect to take an emerging neighborhood down by negatively impacting property values. How about Mesa Verde, whose housing prices are inflated and could easily take the hit?

Lynne Ramont  
903 W 17th St # 17  
Costa Mesa, CA 92627

Sent from my iPhone



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**From:** Sully <service@ragingbull-performance.com>  
**Sent:** Monday, January 14, 2019 1:07 PM  
**To:** CITY CLERK  
**Cc:** Frank Lopez  
**Subject:** Homeless shelter

Hello City Council,

We have been in business for 10 years at 17th and Whittier. We rarely see homeless people at this part of Costa Mesa. There is nothing to draw them here. First the needle exchange which we know was not a city thing but state. And now this proposal comes along. We feel it would be not only detrimental to the value of the properties but increase the risk of theft and cleanliness. We strongly appose this proposal and hope that the city would reconsider a differently location.

Respectfully,

Sully

Raging Bull Performance  
986 W17th st  
Costa Mesa, CA 92627

[www.ragingbull-performance.com](http://www.ragingbull-performance.com)

Office

949-646-1875

888-289-1588

Fax

949-646-1121

**RAGING BULL**  
P e r f o r m a n c e



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**From:** Lewis, Orlando <olewis@ea.com>  
**Sent:** Monday, January 14, 2019 3:14 PM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter Vote

Dear Councilmen and Councilwomen of Costa Mesa

I am a resident within the Lighthouse Community living with my wife and 2 year old daughter.

I am deeply concerned about the intention to approve the purchase of 1040 West 17<sup>th</sup> in Costa Mesa to support a homeless shelter:

<http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-01-15/NB-3.pdf>

While I appreciate the need to find solutions, it strikes me as extremely unthoughtful to position this within a flourishing residential community with schools and children.

The fact we (as residents within 0.4 mile) were not informed or consulted on this project is an issue. Without proper due diligence and communication, it is not in the interests of anyone to bulldoze through this decision. I learnt through media-outlets that the vote is occurring on Tuesday. Our community met with the Mayor (Foley) on Sunday evening for an informal chat that was prompted by residents here. This is simply not adequate enough to enforce such a high impact result. Furthermore, the steps taken to get to this point have so far been far from democratic.

Please reconsider.

Kind regards  
Mr. Lewis  
1037 Leece Dr, Costa Mesa.

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**From:** leslie light <leslielight@hotmail.com>  
**Sent:** Monday, January 14, 2019 3:28 PM  
**To:** CITY CLERK; FOLEY, KATRINA; STEPHENS, JOHN; CHAVEZ, MANUEL; GENIS, SANDRA; MANSOOR, ALLAN; MARR, ANDREA; REYNOLDS, ARLIS  
**Cc:** CITY CLERK  
**Subject:** Bridge Shelter Project

Dear City Council Friends,

This letter is in response to the City Council's current proposal to establish a bridge shelter on West 17th, a quiet business block closely surrounded by multiple residential communities and an elementary school.

I moved to the Westside nearly five years ago, and while at the time I had concerns, it was clear the area was in transition, and I was willing to take a chance on the neighborhood. Since moving here, we have seen the area make some major improvements allowing a wide variety of people to live together in harmony. And although the Westside still has a ways to go, I am proud to be a resident of this eclectic and burgeoning community. The proposed shelter site, from which I live about a block away, will completely undermine and reverse all progress made thus far.

As an active runner who regularly crosses the proposed shelter site, I have witnessed firsthand the impact of homelessness on our streets anywhere from recurring theft, people sleeping in the eaves of buildings or behind bushes, excessive litter, aggressive gestures/screaming while passing by, people rolling their luggage out of Northbound and down the street as they are no longer permitted to stay in the rehab facility, people sleeping/living in their cars/RVs, and most recently, a couple parked on Monrovia just outside Lighthouse - the passenger was passed out while the driver was shooting up. This was happening while a motorcycle cop casually drove by. These are just some of the things I have consistently been witness to and all during the daytime hours.

While immediately surrounded by a business park, the proposed site is also enveloped by residential communities on all developed sides. Furthermore, an elementary school is situated roughly one block away. Despite the Agenda Report's plan to require "appointments only", no loitering and 24 hour security, it will be impossible to properly contain the influx of transients to the area. As the shelter will be managed by a third party, the onus will be placed on CMPD to manage any loitering/trespassing in the vicinity, and if Lion's Park were to serve as an example, this method was horribly ineffective.

Data from a 2018 report regarding a San Diego bridge shelter shows that only 12% of homeless people were successfully relocated. The balance of occupants at the San Diego shelter either timed out or left the facility at their own will. This means that 88% of occupants walked out of the shelter with no clear destination creating a pool of homeless people in the immediate neighborhood. The dead end streets at the proposed Westside location and the exodus of most people at 5 pm create a perfect scenario for many people to go unnoticed as well as the opportunity for many illicit acts to take place. Furthermore, with "The Jungle" and Marina Park off 19<sup>th</sup>, the proposed shelter on West 17<sup>th</sup> will undoubtedly increase transient traffic between these primary locations, and consequently, crimes in between. As I am sure you are aware, the blocks in between encompass both an elementary school and multiple neighborhoods.

While I am sympathetic to the homeless and mental illness epidemic at hand, I am also highly concerned about the implications of such a shelter at this specific location. In fact, it is ill conceived and highly irresponsible to propose a shelter in such close proximity to both families and an elementary school. Years ago, I was the victim of a home invasion when a homeless man broke into our house. My boyfriend at the time barricaded me in a bedroom while he desperately tried to keep the man from coming into the room I was hiding in. When the cops arrived, it took three officers to wrestle the man to the ground and finally restrain him because he was high on PCP as we would later found out. This man was not much larger than me in stature or size, but he was able to skillfully grapple with three large, well trained law enforcement officers.

Roughly fifteen years later, this life altering experience is now becoming a very real possibility again based on the proposed shelter. This time around, however, I have newborn, and the stakes are much higher. As it currently stands, I am scared to walk my son outside of my immediate neighborhood. When I run alone, I have made sure to make friends with neighbors along the way just in case "something" happens. These are not things residents of the Westside should have to worry about on a daily basis. In fact, the City should first be looking to clean up and solve some of the referenced issues already impacting its residents instead of compounding the problem.

Should the proposed shelter measure pass, I would not be able to leave my immediate neighborhood, and even then, I would be in constant fear for my safety and the safety of my newborn baby within my own home. As a law abiding citizen and tax paying Westside resident, I am demanding you listen to your constituents and not pass this proposal. Despite essentially no warning of this action plan, the communities impacted have still banded together in opposition of this measure, and as representatives of people, it is the duty of the City Council to carry out the will of the people and vote no on this proposal.

Sincerely,

Leslie Light, a Westside Resident

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**From:** Audeen Balsamo <audeenb55@gmail.com>  
**Sent:** Monday, January 14, 2019 4:14 PM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter

Please reconsider moving this shelter over by Harbor and Newport. That is where most of the homeless hangout. Why put them all the way over here on the far, far west-side? Please, please don't do this.

Thank you,

Audeen Balsamo

903 W 17th St spc 27

Costa Mesa 92627

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**From:** Shannon C. Papazis <spapazis@ferruzzo.com>  
**Sent:** Monday, January 14, 2019 5:43 PM  
**To:** CITY CLERK  
**Cc:** FOLEY, KATRINA; STEPHENS, JOHN; CHAVEZ, MANUEL; GENIS, SANDRA; MANSOOR, ALLAN; MARR, ANDREA; REYNOLDS, ARLIS; HAUSER, JANET; CITY COUNCIL  
**Subject:** January 15, 2019 Council Meeting -- Item Number NB-3 Bridge Shelter Project

Dear Madam Clerk, Mayor Foley, and Councilmembers:

I am a Costa Mesa resident and homeowner, residing at the Sea House community at cross-streets of 18<sup>th</sup> Street and Whittier. Our community is less than half a mile from the proposed shelter. I am writing to voice my objection to Item NB-3 on tomorrow night's Agenda regarding the City's proposed purchase of 1040 W. 17<sup>th</sup> Street to be utilized as a long-term homeless shelter location. I strongly oppose this proposal for many reasons, of which a few are noted below:

1. While I appreciate the City's need to address the pending homelessness issue pervading Orange County, this proposal is rushed and will highly likely endanger the immediately neighboring residents. Most importantly, the proposed project location is less than 1 mile from **2 different elementary schools** – 1) Whittier Elementary; and 2) Carden Hall. Shockingly, the Staff Report does not even mention Carden Hall, and the “cons” of the project include no discussion of the potential danger and impact upon these young children. Unfortunately, it is a fact that the majority of the homeless persons whom would reside at this project likely suffer from mental illness, substance abuse issues, and/or are violent. As a parent and attorney, I am appalled that the City is even considering placing such a project within such a close distance of 2 schools, let alone within such a close distance to numerous homes containing young children and elderly persons (there are numerous mobile home parks and elder care facilities within very close range of the proposed location). These young children and elderly persons require utmost protection by our City, yet the Staff Report entirely fails to discuss the impact upon them, or reference this impact as a “con” of the proposal.
2. This home is the first for my husband and I. We chose to relocate from Irvine, and take a chance on Costa Mesa and specifically the West side with the understanding the City was revitalizing it to improve the residential area for homeowners to enjoy. We have an 18-month old daughter, are raising our family in this home, and have invested our life savings into it. Approving this measure will directly damage our families' financial future, and will convey to us as West-side Costa Mesa residents that the governing officials of this City do not really care about us or our families' safety. If this homeless shelter is approved, we will no longer feel safe to take our daughter on walks, to get morning breakfast at Outpost Kitchen, or walk to Trader Joes to get groceries, for example. Our family should not feel this unsafe in our neighborhood. As it is, we see questionable activity, but this will only exacerbate the issue.
3. To say this proposal is rushed would be an understatement. The Staff Report states the locations have only been under consideration since September of 2018, **for less than 4 months**. That is not sufficient time for meaningful discovery and consideration of the options available. Further research should be conducted.
4. What is the security proposal? What types of background checks will be performed on the shelter residents? Will any criminal history be ran, and will sex offenders be admitted? How can the City lawfully monitor or restrict these individuals movements outside of the facility? Once they leave the grounds, the negative impact is entirely borne by us as the neighboring residents. The City is concerned about the cost of the present litigation. It certainly will be vastly more expensive to defend against lawsuits stemming from criminal conduct perpetrated by these homeless persons.

5. Utilizing settlement of the pending litigation as a “key point” to consider in voting on this proposal is offensive. The lawsuit was filed only a year ago, and rushing a long-term resolution of the matter on the Costa Mesa residents just to settle the suit is terrible governance. The Plaintiffs just amended their complaint in July, but now we should be forced to immediately provide a resolution that permanently impacts our residents? The City needs to stand up for our residents and come up with an alternative proposal that is less impactful upon the West-side.
6. Why does the West Side have to bear the burden of all the City’s “clean-up”? Costa Mesa residents should be treated equally. Yet, here we are again, after sober living houses and the proposed needle handout project -- now we get to also bear the entire burden of the homelessness issue? It is my understanding that the City of Newport Beach is not making any concessions; why does Costa Mesa have to? And why all on the West side?
7. What happened with the previously considered Fairview Development Center? I understand it is owned by the State – why can this not be a State issue? The 9<sup>th</sup> Circuit ruling was a State opinion barring enforcement by Cities, so where is the push back to the State to create a more comprehensive resolution?

I urge the City to conduct further research before approving this project. I am confident there is an alternative real estate location that would be less impactful upon our children, elderly persons, and families. I realize this is a very difficult problem to solve, but it should be approached with sufficient contemplation to allow the most reasonable result to be achieved. 4 months is not enough time to answer this problem. Thank you for your time and consideration.

Respectfully,

**Shannon C. Papazis, Partner**  
Ferruzzo & Ferruzzo, LLP  
3737 Birch Street, Suite 400  
Newport Beach, California 92660  
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**From:** Kong Shyng <kongshyng@me.com>  
**Sent:** Monday, January 14, 2019 8:39 PM  
**To:** CITY CLERK  
**Cc:** Ryan Shyng  
**Subject:** Against 1040 West 17th Street Homeless Bridge Shelter

Mr. Mansoor ,

I'm writing to voice my objection against the purchase of 1040 West 17th Street to use as a 50-bed homeless bridges shelter.

This is a extremely poor planning. Costa Mesa Mayor Katrina Foley herself has recognized, "Right now this is a location that's already an existing homeless hub." This is not only a safety concern for the children from the several elementary schools in the immediate vicinity of this proposed shelter. We see how much child foot traffic is at play every day with these schools.

How is this fair to the citizens in this area already frustrated with the homeless activities, and Foley's claim of the shelter "going to restore the character and the safety of the neighborhood" going to happen, when it's at the expense of our Westside neighborhood, and when our property values are going down further with the shelter?

I'm not against Homeless Shelter, but the poor selection of the location. Property values is only one of the many problems with this proposal. Safety of our children should always be of utmost concern.

As our Councilwoman Arlis Reynolds, recognized "homelessness and related public safety issues were the No. 1 priority she heard from the residents". Put a shelter in the area worsens the problem instead of help.

Best regards,  
Kong & Ryan Shyng  
1810 Coastal Way  
Costa Mesa, CA. 92627



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**From:** David Brundage  
**Sent:** Monday, January 14, 2019 9:23 PM  
**To:** CITY CLERK  
**Subject:** 17th St Shelter Proposal

Hi,

My wife and I were really hoping to be able to make it to the meeting tomorrow to voice our concerns over the proposed shelter on 17th and Whittier, however we have a four month old with special needs and have been unable to get a sitter at the last minute.

It's also because of my son that I am adamantly opposed to this as the location for the shelter. To be a clear, I am not opposed to the idea of a shelter, but I don't think this is the correct location for it. My wife takes my son for walks every day as she is on leave from teaching to manage his special needs, and frankly I won't feel comfortable with them walking down Whittier when there is a homeless shelter right there. We live in the Lighthouse community and can literally see the proposed location from our window. Furthermore, the location is surrounded by mobile home parks which are predominantly elderly people whom I see walking their dogs etc all the time. I can only imagine how unsafe they'll feel.

I don't subscribe to the notion that the board engaged in subterfuge or did anything illegal, I'm sure the decision making process was legitimate and above board, however I vehemently disagree with this being the best location for what is a needed shelter. I know that the clock is ticking to get this done, but I don't think it's fair that the community tucked back over here should have to fall on our swords to get this proposal passed. We will feel less safe in our homes and our neighborhood.

Respectfully, please vote no on this proposal and seek out a better location for the shelter.

David Brundage

Sent from my iPhone

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**From:** Melany Aiken Brundage  
**Sent:** Monday, January 14, 2019 9:35 PM  
**To:** CITY CLERK  
**Subject:** Homeless Bridge Shelter

To all members of the city council -

I am writing to ask you to vote no on the current proposal for the homeless bridge shelter. I am unable to attend the meeting tonight because I have a 4-month old with special needs but I want to make sure you are aware of my stance.

We recently bought our home in this area because we were priced out of other parts of Costa Mesa. We are hoping this area adds more business and community services over time and the shelter will detour this growth in our neighborhood and discourage business owners and future home development in this area.

Additionally, this area is home to many low income seniors as well as an elementary school. These residents are the ones who would feel the negative impact of this shelter first. It is absolutely inappropriate to put a shelter so close to so many vulnerable groups.

Although the city has decided to put down earnest money on the location and forego other plans, it is in the best interest of residents in this area if you go back to the drawing board. I find the board's lack of community engagement in this project appalling and I will keep this in mind for the next election. I urge you to vote no on this proposal.

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Melany Aiken Brundage

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**From:** Marla Mohr <marla@mamohr.com>  
**Sent:** Monday, January 14, 2019 10:56 PM  
**To:** CITY CLERK  
**Subject:** Proposed Homeless Shelter

Dear Mayor Foley, Councilwoman Reynolds and members of Costa Mesa City Council:

I **oppose** the proposed location at 1040 West 17 Street for a homeless shelter.

Marla A. Mohr  
1800 Nantucket Place  
Costa Mesa, CA 92627

*Marla*  
[marla@mamohr.com](mailto:marla@mamohr.com)

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**Subject:** RE: No to Homeless Shelter Proposal

**From:** Vincent Lam [mailto:lam.vincentw@gmail.com]

**Sent:** Monday, January 14, 2019 11:03 PM

**To:** CITY CLERK <CITYCLERK@costamesaca.gov>

**Subject:** No to Homeless Shelter Proposal

To Costa Mesa City Council:

I am writing in regard to the recent proposal to acquire the 1040 W 17th street property for the purpose of creating a homeless shelter. I strongly object to this proposal for the following reasons.

1) The proposed location is within close proximity to many residential buildings/homes and is less than 2000 ft from Whittier Elementary School. Introducing a shelter here would mean that occupants of this facility would frequent the area, posing a risk towards the children that walk to and from the school daily.

- a. Is there any check on criminal background and mental health of the individuals housed in this facility?
- b. How can you guarantee the safety of the children and residents of the area? Private security is not acceptable as they have not the same powers as law enforcement.
- c. Who will ensure that creating a service here would not attract other homeless that are not referred? Who will ensure that this does not increase the presence of drugs, crime and illicit activities in the area?

2) Costa Mesa has the Fairview Developmental Facility that has been previously discussed as a possible solution to this ongoing issue. This location is much better suited for this type of operation and should be the first option for creating more space for the homeless. In my opinion it is fiscally irresponsible to utilize public funds to hastily purchase additional property to setup such a facility simply because it is more expedient and at the expense of the residents of the growing Westside of Costa Mesa.

3) I have heard on multiple occasions from residents of the Westside, real estate professionals, and even members of this council that the intent is to further revitalize and develop the Westside into a much desired area to live in. With the numerous housing projects in various stages of completion, I thought the idea was to attract potential buyers to make Westside Costa Mesa their home. Implementing a homeless shelter here is not conducive to this initiative and invariably detracts from achieving this goal. The presence of a homeless shelter would devalue property in this area and deter individuals from buying homes here (already excessive amount of inventory).

4) It has been said that we all must do our fair share in solving the homeless situation in Orange County. With that said, the Westside is home to majority of the city's sober living communities. If we are to adopt this philosophy of everyone doing their fair share, it would only be fair to have other districts within Costa Mesa help support the needy as well. Installing a shelter here would add to the already disproportionate number of support services placed in the Westside.

5) What is the criteria for selection of a qualified candidate for joining this shelter? Who will make the call of who is "worthy" of being a part of this 50 bed haven? Is the council saying that by putting up a 50 bed shelter in the midst of a growing residential area, then our homeless problem is solved? I would ask where the remainder of the homeless population would be sent? Does that mean we can remove all others that try to camp in public places? That would mean that all those that do not make the cut, such as homeless with histories of violence, sexual mis-conduct, and mental illness would be sent elsewhere. Why not find a place for a facility where there is no need to discriminate between those "worthy" or "not worthy" to be put up in said shelter?

I urge the council to vote no on this proposal because there are better ways to tend to this issue, one that does not cause harm to the residents and to-be residents of the Westside. The Fairview Developmental Facility is one such solution and should not be discounted simply because it is not the most expedient fix.

Best, Vincent Lam, Resident of Sea House

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**From:** Kimberly Shappley <kimshappley@googlemail.com>  
**Sent:** Tuesday, January 15, 2019 2:27 AM  
**To:** CITY CLERK  
**Subject:** Re: shelter proposal - set for vote 1-16-19

Dear Clerk:

As a resident of Costa Mesa, I am writing to express my objection and concerns to the Homeless Shelter Proposal which is set to be voted on at the City Council meeting on January 16, 2019. The proposed shelter location is at 1040 W. 17<sup>th</sup> Street, a location which I adamantly oppose due to the proposed large 50-person shelter population size and close proximity to residences (starting at 400 feet), including retirement communities, and Whittier Elementary School (1075 feet away).

While touted by City leaders as part of a commitment “to restore public safety and the character of Westside neighborhoods,” in reality it will not be doing anything to restore either of these things to the Westside neighborhood in which it will be located. At least 50 individuals from all over the City, and others from outside of it who “cannot be excluded,” will be transported to the location under the proposal. What if all 50 beds are filled with non-Costa Mesa residents as is technically possible? Our City’s homeless population will remain the same.

In describing historic experiences with the homeless in Costa Mesa, the Staff Report notes, “[m]any of the people encountered were mentally ill and/or suffering from substance abuse.” How is concentrating at least 50 people, some of which are on drugs and/or are mentally ill with an inability to reason with children and adults whom they encounter, into a residential area down the street from an elementary school beneficial to this neighborhood? It is not. The shelters should be spread out in different areas of the City, each of which should house less people and provide greater one-on-one assistance. If this large shelter is put in place, the homeless population is guaranteed to increase in the area as people will need to leave the shelter when they are finished with their stay, or to get out during the day.

Perhaps if there had been ANY notice to the community, or discussion of the plans with Costa Mesa residents prior to this past Friday and Saturday when those in the surrounding area learned about the proposal via news articles, actual discussion about the plans and helpful feedback could have been incorporated into the proposal. Mayor Foley met with my community on Sunday night after one of our residents reached out to express our understandable concerns and to find out more information. While she attempted to explain the project, it was clear that there are a lot of unanswered questions, and that many details aren’t yet figured out. This is alarming and concerning.

Supposedly the shelter will be “reservation only,” and people can’t just walk up to it or loiter outside if all 50 beds are full. What will happen when people do walk up to it? Is there an alternate facility to which they can be sent for help? Will they be turned away? Will they just camp in the street outside? Who will enforce this, and how?

Additionally, the Staff Report indicates that “full perimeter fencing and onsite security personnel (24/7) are *recommended*, as is coordinated roving patrol within a half mile radius of the facility by shelter operation staff.” Clearly there is a safety concern, and this brings up a whole slew of issues. Will there actually be security on and off-site, or is that just included in there for now in order to get the vote through? How will the shelter operation staff be trained for the roving patrol, if the recommendation is actually followed? What authority will they have? Will they just have to delay action/remedy and call them police themselves? Or can we get the actual police involved in a patrol?

Also, we have heard that individuals will be transported into the site since they won’t be able to just walk in. Where will they be transported to once they leave? What will they do during the day since there are only businesses, an elementary school, retirement communities, and other residential communities in the surrounding blocks? The Staff report “Discussion” section, point 5, lists a goal for the shelter as “getting the extremely vulnerable homeless population off of the streets and

sheltered/housed *should* reduce homeless-related public nuisance calls for service received by public safety personnel.” It would seem that public nuisance calls will increase in this area due to the large concentration of people being sent here. Why should kids, families, and retirees in the area be subjected to this?

Please vote no on this proposal. It has not been well thought out and the fact that there is a deposit on the location isn't sufficient justification to rush an uninformed vote on something that will greatly impact the surrounding neighborhood in a negative way. Just because there is pending litigation doesn't mean this needs to be rushed into without true, clear detailed planning and discussion with the community. The fact that the public was only made aware of the location a few days ago is unacceptable, and makes it appear as if it was purposefully kept secret in order to sweep the approval under the rug without any public debate. I am glad that people are challenging this, I just wish there was more time to inform others who haven't yet heard about the proposed change to their neighborhood. Other site options should be discussed, particularly those not within the vicinity of an elementary school or in such close proximity to a large amount of homes. A 50-bed shelter is too much.

Sincerely,

Kim Shappley  
Lighthouse Community resident

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**From:** Karen Lund <klund56@gmail.com>  
**Sent:** Tuesday, January 15, 2019 6:42 AM  
**To:** CITY CLERK  
**Subject:** 1040 W 17th Homeless Shelter

I am very disappointed in our elected city council members who just announced this purchase. Although I have mixed feelings about the project, and do hope the council is committed to mitigating the impact on the community, I see this announcement as sneaky.

The meeting tonight is a way for the council to solicit community input *after the fact*. The city stands to lose a \$20,000 deposit if they do not approve the purchase by midnight tonight, and that will obviously outweigh any citizen concerns.

One main concern I have, is not nighttime security, but what will be provided for residents to occupy themselves during the day. This proposal moves the homeless away from Lion's Park, and the new library where computers and other resources are located. There is also a high visibility Police Substation located in the area, a resource that is not proposed at the 1040 17<sup>th</sup> location.

Sincerely,  
Karen Lund  
1816 Ocean Court  
Costa Mesa, CA 92627  
(949)278-0448

Sent from [Mail](#) for Windows 10

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**From:** Luke Strosser <lstrosser@teamclark.com>  
**Sent:** Tuesday, January 15, 2019 8:16 AM  
**To:** CITY CLERK  
**Subject:** Strongly Oppose Homeless Shelter Westside Costa Mesa

I am writing this as a new home owner in the Lighthouse housing complex. I offer a lot of compassion to the homeless, but am asking the city to reconsider plans to put a homeless shelter in this area. In the last few years, there has been a lot of money invested into the West end of Costa Mesa to revitalize the area and market. There has been many new communities that have been built that habitat young families such as mine. The police are already continuously monitoring the streets due to the remnants of unclean living such as condoms, needles, etc being left on the sidewalks outside of our neighborhoods. Bringing in a homeless shelter will only amplify this situation. With my office near the wash in Anaheim, I am very familiar with what comes with a homeless environment. Unfortunately, it is an unsafe and threatened one.

Please reconsider this location.

Thank you,



Luke Strosser // VP of Sales // Clark & Associates  
Cell (949)290-7556 // Corp (562)483-5325 // Fax (562)483-5349  
[www.teamclark.com](http://www.teamclark.com)  
[www.onesolutionteam.com](http://www.onesolutionteam.com)



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**Subject:**

RE: Proposed development at 1040 w. 17 Street

**From:** Dennis Booher [<mailto:dennboo47@gmail.com>]

**Sent:** Tuesday, January 15, 2019 5:14 AM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** Proposed development at 1040 w. 17 Street

Greetings. I am opposed to the proposed development of a homeless shelter at 1040 W. 17th Street in Costa Mesa. My concern is that this will bring crime and congestion to an area of the city inhabited by many senior citizens who reside in mobile home parks nearby. Additionally, there is already a treatment facility at this location. The statement that this facility will enhance the west side somehow, seems ludicrous. A facility such as the one proposed in this mostly residential area could easily be very detrimental to the many elderly residents who reside here. Additionally, there is an elementary school one block from this proposed facility. Would any of you like this type of facility across the street from your residence or children's school. I am aware of the homeless problem in Costa Mesa and agree that it needs to be solved but putting a facility like the one proposed in the area is a very bad mix. Facilities such as this should be housed in an area where it can be closely monitored.

Thank you for your time and consideration of my concerns.

Dennis R. Booher  
Westside resident

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**From:** Carrie Berg <berg\_carrie@hotmail.com>  
**Sent:** Tuesday, January 15, 2019 8:09 AM  
**To:** CITY CLERK  
**Subject:** Homeless bridge shelter

To whom it may concern,

Please do not build a homeless shelter on W. 17th street in Costa Mesa. There are two elementary schools a high school and a junior college within a mile where kids walk to and from school. There are senior mobile home parks near and several other neighborhoods. It's too dangerous just like the needle exchange program. There are many other locations to build a shelter that are not near our kids. Please reconsider this location.

Sincerely  
Carrie Berg

Blessings to you ♥ Sent from my iPhone

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**From:** Sylvia Worden <sworden421@gmail.com>  
**Sent:** Tuesday, January 15, 2019 8:08 AM  
**To:** CITY CLERK  
**Subject:** Costa Mesa homeless shelter

Good morning,

This is to our city council members who are in the process of approving the new homeless shelter one block away from the home I own and occupy.

This project is getting fast-tracked through with little neighborhood input. While I recognize the need for a homeless shelter in Costa Mesa, I have no respect for the tactics the city council is using.

My questions are--what are these people going to do during the daytime, when the shelter is closed? Will there be increased police patrols in the neighborhood AT ALL TIMES? Who will we, the residents of the neighborhood, call when issues arise?

Thank you very much and I hope that my questions will soon be answered.

Sylvia Worden  
1815 Coastal Way  
Costa Mesa, CA 92627  
657-203-1052

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**From:** Robbie McKnight <robbie.mcknight9@gmail.com>  
**Sent:** Tuesday, January 15, 2019 9:02 AM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter

Hello,

I am emailing you as a new resident of Westside Costa Mesa in the Lighthouse community in regards to the proposed homeless shelter location. I ask that you please reconsider the location as it is in such near proximity of my home. I saw the Lighthouse community as a perfect place to raise a family and contribute to the growth of Costa Mesa as I have seen fantastic things happen over the years well I've been down in Laguna Beach. Again, please reconsider this proposed location.

Thanks you

To: Council Member Allan Mansoor, Council Member Andrea Marr, Mayor Pro Tem John Stephens, Mayor Katrina Foley, Council Member Arlis Reynolds, Council Member Manuel Chavez, and Council Member Sandra Genis.

Re: Opposition to the Purchase and Use of 1040 17th Street as a Homeless Shelter

As a resident of westside Costa Mesa and neighbor to 1040 17th street, I strongly and passionately oppose the purchase and use of this building for a homeless shelter.

Westside Costa Mesa is already burdened by the homeless and the issues they create and bring with them including crime, public nuisance issues, health issues, devaluation of property values. **NO homeless shelter should be allowed in this residential and elementary school neighborhood** - you cannot have public safety with a homeless shelter in this area no matter what you promise.

1. **Whittier Elementary School is just down the street from 1040 17th street - pre school and elementary students walk by sidewalks in front of the school that are already littered with needles and condoms. Multiple times the police are called weekly to remove the homeless from this area because they bother the elementary school students and residents in the area. A few months ago, police were called to remove a homeless man dressed in bra and panties parading up and down Whittier next to the elementary school with children outside.**
2. Residential neighborhoods surround 1040 17th street - try walking on these streets on any day and witness the needles, condoms, trash from the homeless. Homeless try to break into homes and steal whatever they can from nearby homes and businesses.
3. The facility at Fairview Developmental Center is in a better area to handle these issues. Police are active on 19th street. it is a public area where crimes are harder to go unnoticed, and elementary children and residential areas are far enough away. **Negotiate this facility with the judge as the solution.**

Bridges at Kraemer Place in Anaheim is in an industrial area away from elementary schools and residential areas - this is what should be done in Costa Mesa - use the Fairview facility or find another facility in east Costa Mesa away from schools and residential areas.

No City Council member will be re-elected if you approve the purchase of 1040 17th street for use as a homeless shelter.



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**From:** Andy Uphoff <abuphoff@gmail.com>  
**Sent:** Tuesday, January 15, 2019 9:45 AM  
**To:** CITY CLERK  
**Subject:** Put it in your neighborhood

Well now, some of the city council haven't been in office long enough to been involved in the "search" for a good place to put a homeless shelter. But they are on the street telling the residents that to cleanup the west side we just need to stick these people next door to us and magically they will become good citizens. They won't wander around. They won't bother people minding their business in their own neighborhoods just walking their dogs, going to the store, and trying to exist Within OUR OWN NEIGHBORHOOD.

Also, some city compliance officials have made the brilliant point that this is to make Costa Mesa Westside safer for residents. What are we? The people that live 100 yards from your proposed safe site are expendable? We were here first and now we don't count. Also look around we have schools that will be affected. Mobile home parks that are 55 and older and to top that we have three very close brand new neighborhoods where they have million dollar, yes MILLION DOLLAR HOMES.

Don't tell us that some lawsuit is forcing you to put this in our part of Costa Mesa. It is about time you told us the truth about this matter. We do not want to be your scapegoats. These are our homes and we will protect them... Andrew B. Uphoff

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**Subject:**

RE: STOP THE HOMELESS SHELTER AT 1040 WEST 17TH STREET

To Costa Mesa City Council and Mayor Foley,

As a resident of the West side of Costa Mesa, I am writing to express my outrage and vehement opposition to placing a proposed permanent homeless shelter in the Westside of Costa Mesa at 1040 west 17<sup>th</sup> Street. From a list of 30 potential sites, it appears that the City Council is prepared to select this one with little to no advance notice to nearby residents, which is only 0.4 miles from Whittier Elementary School, 0.9 miles from Carden Hall (a private elementary school) and immediately adjacent to several residential neighborhoods--the Greenleaf mobile home park (500 feet), the playport mobile home village (0.4 miles) the Orange Coast Mobile Home lodge (0.2miles), California Seabreeze community (0.4 miles) and the Sea House community (0.4 miles). I understand that a shelter needs to be built, but it needs to be built in an Industrial Area, NOT IN A LOCATION SO CLOSE TO ELEMENTARY SCHOOLS AND RESIDENTIAL NEIGHBORHOODS!

Why has the City chosen this location over 30 others when it is so close to 2 elementary schools and residential neighborhoods when I am sure other sites on the consideration list are not so close to schools and residential neighborhoods? Is it because these particular West Side neighborhoods are largely inhabited by low income seniors and Hispanic Immigrants? Is it because Whittier Elementary school students are minorities (almost 100% Hispanic immigrants and non-native speakers)? The fact that the City has chosen this location over 30 others smacks of RACISM and DISCRIMINATION against Hispanics and the low income Seniors who live and go to school immediately near the site. This population is the most vulnerable to crime and decreased property values. Homeless shelters reduce property values by 12%. Why are you subjecting low income seniors and Hispanics to lower property values? Why didn't you select one of the other 29 locations? Is it because White people lived near them? I believe the ACLU and the media may want to know about this.

The Mayor has compared this location to the shelters in Anaheim or other cities where she claims the shelters are working without adverse impact on the community. That is a false comparison. The shelters in Anaheim are NOT 0.4 miles from schools with children or 500 feet from a residential community. The sites that Anaheim and other cities like Tustin are selecting are purposely placed in industrial sites located away from schools and residential neighborhoods—look at these cities public websites.

The City claims that by building a shelter the City can then enforce camping ordinances and arrest the homeless people so they are not laying around the library for the benefit of Costa Mesa. WRONG! I work for a large retailer with a location in the City of Costa Mesa. We catch shoplifters who steal our merchandise in our store and we call the police to have them arrested. The police arrest them, but the thief is simply booked and immediately released. The same thief then steals from us again the next day or the same week--blatantly walking out of the store with a shopping cart full of merchandise because the thief knows he/she won't ever be incarcerated or punished or even charged with a crime. The Orange County District Attorney WILL NOT PROSECUTE OR INCARCERATE any thief who steals less than \$1,500 worth of merchandise per day. If the OCDA and the OC jail won't incarcerate proven thieves, do you really think they will prosecute or incarcerate people who violate a camping ordinance--a victimless crime? The Costa Mesa police officers may arrest the homeless, but I guarantee that same homeless person will be back out on the street or in the park the same day. It will be book and release, book and release, book and release, day after day after day. To make matters worse, since all the homeless person's "stuff" will be thrown away when they are booked, when they are released they will simply return to the park and adjacent neighborhood with no stuff, thereby forced to resort to crime to steal more

stuff. (bicycles, umbrellas, money, clothes, etc.) I implore the City to hear testimony from the OC District Attorneys office and OC jail before voting to approve this proposed shelter.

PICK A DIFFERENT LOCATION. Why has the city not considered the vacant former Ganahl Lumber building on Bristol St.? It is in an industrial area, far away from schools and residential neighborhoods. PICK A DIFFERENT LOCATION!! STOP DISCRIMINATING AGAINST HISPANICS AND LOW INCOME SENIORS!

Sincerely,

Anne B. A concerned Costa Mesa resident and your constituent



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**Subject:**

RE: Feedback for City of Costa Mesa

**From:** [webmaster@costamesaca.gov](mailto:webmaster@costamesaca.gov) [mailto:[webmaster@costamesaca.gov](mailto:webmaster@costamesaca.gov)]

**Sent:** Tuesday, January 15, 2019 10:06 AM

**To:** AZAD, ARZO <[arzo.azad@costamesaca.gov](mailto:arzo.azad@costamesaca.gov)>

**Subject:** Feedback for City of Costa Mesa

You have received this feedback from John A Moritz <[sallykmoritz@ca.rr.com](mailto:sallykmoritz@ca.rr.com)> for the following page:

<https://www.costamesaca.gov/city-hall/city-departments/city-clerk>

An opinion regarding the proposed placement of a Westside homeless bridge center in our neighborhood. We live in a senior mobile home park near the location chosen for this new center. We are people who are some of the residents who have a concern regarding the traffic, air quality and zoning in this area of the new proposed site. This busing of clients to the new facility in our area will cause foot traffic on already busy streets. It will have an impact on the traffic in our area, an already fearsome car racing scene in the late evenings. We would require more police presents into our area of town. Is this area zoned for this kind of operation. We live in a area mainly business or commercial area. Our concern is our safety being senior citizens. Thank you for your time.  
John and Sally Moritz

---

**Subject:**

RE: Homeless shelter on w 17th

-----Original Message-----

From: Goby Azarakhshi [mailto:goby2323@gmail.com]

Sent: Tuesday, January 15, 2019 11:23 AM

To: FOLEY, KATRINA <KATRINA.FOLEY@costamesaca.gov>; STEPHENS, JOHN <JOHN.STEPHENS@costamesaca.gov>; CHAVEZ, MANUEL <MANUEL.CHAVEZ@costamesaca.gov>; GENIS, SANDRA <SANDRA.GENIS@costamesaca.gov>; MANSOOR, ALLAN <ALLAN.MANSOOR@costamesaca.gov>; MARR, ANDREA <ANDREA.MARR@costamesaca.gov>; REYNOLDS, ARLIS <ARLIS.REYNOLDS@costamesaca.gov>; HAUSER, JANET <JANET.HAUSER@costamesaca.gov>

Cc: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>

Subject: Homeless shelter on w 17th

Hello,

I'm writing about the proposal of this shelter in west side Costa Mesa. Although I agree that homelessness is a problem around Costa Mesa and other neighboring cities, it seems that these issues always seem to be addressed in the same vicinity of west side Costa Mesa. In the last 4-5 years there have been pushes to bring buyers and money to the west side with homebuyers and developments to help improve the stigma of the area. As long as these proposals seem to come up and go through quickly in hopes of not much resistance is bad form and will discourage the current residents and possible future candidates from trusting the city council in hopes of keeping the area up to a certain standard. A 50 bed shelter isn't going to solve the homeless problem that reside along the river and the streets. There is an elementary school down the street from this proposed site as well which I would say is not the best idea. I don't see these projects being proposed on east side Costa Mesa which if in fact you see it as a problem, then the entire city should be doing their part. It just seems convenient to always focus on the west side for "solutions"...

Thank you,

Goby Azarakhshi  
Sea House

---

**From:** Michael Dougher <mad.one.50@gmail.com>  
**Sent:** Tuesday, January 15, 2019 11:34 AM  
**To:** CITY CLERK  
**Subject:** This City Council's Horrible Decision

I am fascinated that you think that this is a viable option in this location as a foregone conclusion

This is literally the last driveway before Banning Ranch. If Banning Ranch is ever developed - in any format - this will literally be the first thing folks coming from Banning Ranch see when coming to Costa Mesa. This will depress all including my property values, because I live in the Mobile Home park that is 400 feet from your proposed site.

This is an impactful decision, both financially and practically. It has received zero public input, and you're trying to wrap it up in a fake marketing scheme called the Westside Restoration Plan - and you want to limit public comment on the item.

Let's break this down - the city is proposing to put a 50 (or more - the staff report doesn't say!!) bed shelter one block from homes 2 Senior mobile Home Parks Small Business and blocks from a school, without any public input, with an annual operating cost of almost \$3 million, and you and your minion fully intend to shove it down our throats while preventing THE PUBLIC from making meaningful PUBLIC comments.

We do have a need for a shelter, we do need to enforce our laws, but everybody is sitting here acting like the laws will actually be enforced. They haven't been enforced to date, and we have not hired a whole bunch police officers. The AB 109/Prop 47/Prop 57 Dystopian nightmare politicians created is ongoing. The only thing this does is let is enforce anti-camping ordinances - nothing else.

You also plan to utilize private security and allegedly crack down on loitering. Private security can do nothing off the property. They cannot control loitering unless it is on the shelter property.

You keep referring to the area as industrial, comparing it to the Bridges shelter in Anaheim. The Bridges shelter in Anaheim is in a truly industrial area adjacent to the freeway with zero residential in the area. It's absolute nonsense, false equivalence, pure balloon juice.

Probably the most offensive thing about all of this is that the POLITICIANS who make noises about caring about homelessness are trying to force this giant steaming pile on the Westside. You're all doing so in a manner which is guaranteed to create public enmity.

Instead of a program where the PUBLIC has agency and is a partner, and where there is genuine support for a viable solution to local homelessness, You're seeking to shove this down our throats and hide you're ugly, disgusting, messy, drug addled, junkie problem back in the deepest darkest part of the West 40 of our City. Therefore dumping it on us to fend for ourselves, a bunch of old people some small business and family's, You're pissing everybody off and making sure that the only thing that anybody ever wants to do is get rid of it - further ostracizing the homeless.

I'm open to discussion about this, we do need a shelter, we need a shelter right now, but we still have weeks to go before the deadline, and this is not the right solution. This is not NIMBY, this is just plain common sense.

But if you think that this solution, in this location, brought about by this public process, is in any way acceptable, I think you all need to sit down with yourself and ask yourself where your priorities are.

--  
Thanks, Tony

---

**Subject:**

RE: FYI FW: Proposed development at 1040 w. 17 Street

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**From:** Dennis Booher [dennboo47@gmail.com]

**Sent:** Tuesday, January 15, 2019 5:13 AM

**To:** CITY COUNCIL

**Subject:** Proposed development at 1040 w. 17 Street

Greetings. I am opposed to the proposed development of a homeless shelter at 1040 W. 17th Street in Costa Mesa. My concern is that this will bring crime and congestion to an area of the city inhabited by many senior citizens who reside in mobile home parks nearby. Additionally, there is already a treatment facility at this location. The statement that this facility will enhance the west side somehow, seems ludicrous. A facility such as the one proposed in this mostly residential area could easily be very detrimental to the many elderly residents who reside here. Additionally, there is an elementary school one block from this proposed facility. Would any of you like this type of facility across the street from your residence or children's school. I am aware of the homeless problem in Costa Mesa and agree that it needs to be solved but putting a facility like the one proposed in the area is a very bad mix. Facilities such as this should be housed in an area where it can be closely monitored.

Thank you for your time and consideration of my concerns.

Dennis R. Booher

Westside resident

As a resident of Costa Mesa, and after reading the Staff Report, here are my concerns:

- 1) **No where does the Staff Report specify the # of beds proposed.**
- 2) Discussion #6 indicates “The bridge shelter will work on a reservation based system that will likely utilize transportation for entry and will not allow walk-up clients.” **It doesn’t say anything about exit transportation. It is not a prison, won’t participants be free to come & go?**
- 3) 1040 W. 17<sup>th</sup> Pros include “Sufficient parking area for employees, guests and HOMELESS”. **Homeless parking could VERY quickly get out of hand.**
- 4) Discussion #8 it states “While we may provide priority for Costa Mesa residents at a shelter, we may not exclude non-residents. Why not? **Do we really want other cities sending their homeless to Costa Mesa in lieu of funding their own shelters?**
- 5) Discussion #9 states “Once the site improvements are complete, the shelter operator, clients and staff will transfer to the long-term location”. Under 1885 Anaheim Street-Facts it states the city will propose to pay for unspecified capital improvements in return for a/o along with a long-term Shelter Lease Agreement. **Why a long-term lease agreement if clients are transferred to the proposed new shelter? Why isn’t there an estimate for site improvements? And why the need for \$800K-1M in Annual Operating costs for 1885 Anaheim Street?**
- 6) There was a groundswell of local homeowners, business owners and parents concerned over the needle exchange program that was proposed **IN THE VERY SAME BLOCK. Why does the council now view this same block as an acceptable homeless shelter site?**
- 7) The proposed shelter is being billed as a “Westside Restoration Project” to restore character & safety to the Westside. **Why? Isn’t homelessness a City of Costa Mesa issue? Have any sites been considered other than in the Westside? This Westside vs. Eastside mentality continues to divide our city.**
- 8) The City is hosting a Community Meeting Regarding the Bridge Shelter on January 30<sup>th</sup> at the CMSC from 6-7:30PM. Seriously? **Shouldn’t community meetings be held prior to voting this project? It’s possible that residents may come forward with better alternatives.**

As stated in the Staff Report, the City can use the 1885 Anaheim Ave. property as a temporary interim bridge shelter while exploring additional sites for long-term options. This option warrants my support.

Regards,  
Cindy Brahs

# Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law  
1900 Main Street, 5<sup>th</sup> Floor | Irvine, CA 92614-7321  
Telephone: 949.553.1313 | Facsimile: 949.553.8354  
www.allenmatkins.com

**Matthew R. Fogt**  
E-mail: mfogt@allenmatkins.com  
Direct Dial: 949 851 5453 File Number: 378203-00001/OC1207639

## VIA EMAIL

January 15, 2019

Katrina Foley, Mayor  
John Stephens, Mayor Pro Tem  
Manuel Chavez, Council Member  
Sandra Genis, Council Member  
Allan Mansoor, Council Member  
Andrea Marr, Council Member  
Arlis Reynolds, Council Member

Brenda Green, City Clerk  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
E-mail: cityclerk@costamesaca.gov

**Re: Opposition to Development of the Shelter Project at 1040 West 17th Street (Agenda Item No. NB-3)**

Ladies and Gentlemen:

This firm represents 17th Street Lockyer LLC ("**Lockyer**"), the owner of 1020 West 17th Street ("**Lockyer Property**"). We write this letter in opposition to the City of Costa Mesa's ("**City**") proposal to purchase a 0.81-acre property located at 1040 West 17th Street ("**Property**") in Costa Mesa for the purpose of developing a proposed bridge shelter ("**Shelter**"). The Property sits immediately adjacent to the Lockyer Property and is situated at the back end of an existing industrial complex ("**Industrial Complex**") containing five industrial buildings. The Property's sole access is via a limited shared access alley with the other four industrial properties ("**Adjacent Properties**") within the Industrial Complex.

The City's proposal is unacceptable because (1) the Property is not separable from the other industrial sites in terms of access and security due to the shared access, creating un-mitigatable impacts to the Adjacent Properties, (2) the Property is not zoned for the Shelter and would require extensive land use approvals and CEQA analysis (and the reference to a CUP in the staff report is inaccurate), and (3) no public notice was provided to the community and the City waited until it had narrowed the search to one property before notifying only eight (8) of the adjacent businesses (but not the owners) via email a few days before the City Council hearing to authorize the acquisition of the Property.

The City is allegedly modeling the Shelter after the Bridges at Kraemer Place in Anaheim ("**Kraemer Place**"), which is not yet fully operational and its impacts are still unknown and unclear. However, Kraemer Place has one very important key distinction in that it is a stand-alone

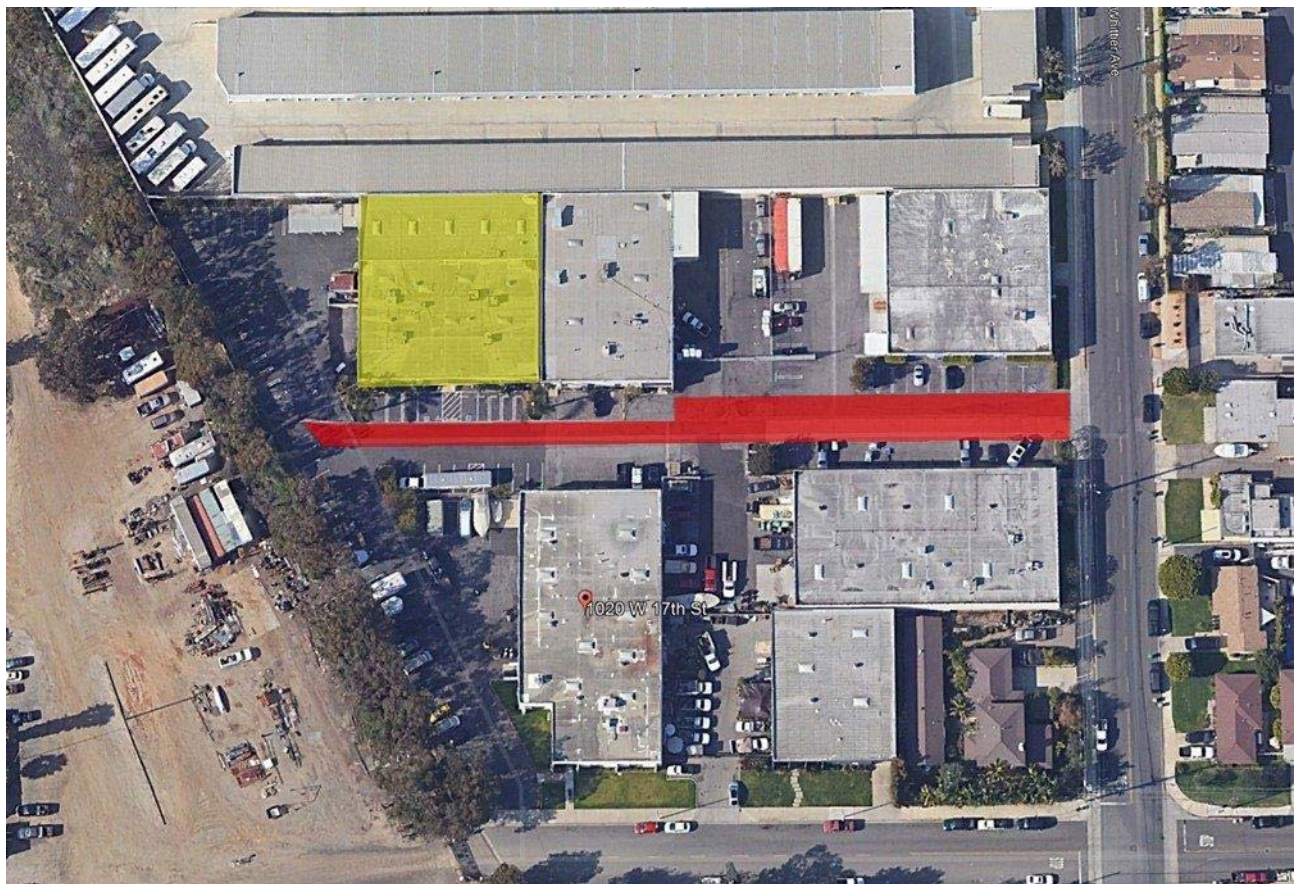


Katrina Foley, Mayor  
Brenda Green, City Clerk  
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Page 2

facility with no shared access with adjacent properties. As such, the properties adjacent to Kraemer Place can mitigate the impacts from Kraemer Place in ways that the Adjacent Properties cannot with respect to the Property due to the shared access and physical layout of the Industrial Complex. As such, we request the City Council to direct City staff to reject the Property and return to an alternative location without shared access to avoid un-mitigatable impacts to adjacent properties.

**1. The proposed Shelter is incompatible with surrounding industrial uses.**

As noted, the City's proposed Shelter (colored yellow below) would be located at the end of a tightly-packed Industrial Complex with shared access (colored red below) and no way to mitigate impacts to Adjacent Properties. The shared access creates un-mitigatable impacts to the Adjacent Properties. Based on the shared access and tight configuration, there is no way to physically gate off and secure the Adjacent Properties in a way that would be possible if the City chose a site without shared access.



Katrina Foley, Mayor  
Brenda Green, City Clerk  
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The City's proposal would locate a sensitive, residential-based use amidst tightly-packed industrial uses, forcing residents, visitors, and staff to share confined areas with trucks, fork lifts, and industrial uses, including noise, light, and smell impacts to the residents. This pairing of incompatible uses will create ongoing safety problems for Shelter visitors and security and operational problems for the Adjacent Properties, which is made worse by the fact that the Shelter will not have its own street access and there is no way to adequately separate and secure the Adjacent Properties. The existing tenants of the Adjacent Properties could also be forced to modify their operations to accommodate the residential uses.

## **2. The proposed Shelter will conflict existing land use regulations.**

Under the City's General Plan, the Property is designated Light Industrial and is located in the Westside District, the City's oldest industrial area. (General Plan, p. LU-7.) The Light Industrial designation does not authorize residential-related uses and provides for no dwelling units. (General Plan, p. LU-6.) Thus, the Shelter is not authorized in the Light Industrial designation.

Neither is the Shelter authorized under the Zoning Code. As noted in the City's staff report, the Property is zoned MG General Industrial under the Zoning Code. (Staff Report, p. 10.) The MG zone makes no allowance for residential-type uses, and – critically – emergency shelters are specifically prohibited. (Zoning Code §§ 13-20, 13-30.) The reference in the staff report to implementing the Shelter via a conditional use permit is inaccurate as the use is prohibited and a CUP could not override the prohibition. The Mesa West Bluffs Urban Plan similarly notes that any use prohibited in the base zoning district (i.e., MG-General Industrial) that is not identified on the land use matrix within the Urban Plan (emergency shelters is not listed) shall also be prohibited in the overlay zone. (Urban Plan, p. 18.)

Additionally, there appears to be an existing inconsistency between the City's General Plan and Zoning Code, which are required to be consistent per the Land Use Element of the General Plan (General Plan, p. LU-69.) Table LU-19 of the General Plan specifies which zoning designations are consistent with each General Plan land use designation. Importantly, the MG zoning designation does not match the General Plan's Light Industrial land use designation. (General Plan, p. LU-70.) Before the City could approve development of the Shelter, the City would need to fix this inconsistency.

## **3. The City has provided no notice of its plans to surrounding neighbors.**

Finally, we note that the City has sprung its plans for purchase of the Property and development of the Shelter on surrounding tenants at the last minute and never provided notice to the adjacent owners or the community at large. The staff report notes that it has considered the Property for at least two to three months, but first contacted the tenants late last week right before the hearing. Our client, the property owner, learned of the proposed Shelter through its tenant and



Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Katrina Foley, Mayor  
Brenda Green, City Clerk  
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Page 4

has had insufficient time to respond to City staff's plans and to point out the fatal flaw with the City's plans. This lack of notice runs contrary to open government policies and prevents effected property owners from being able to inform the City's decision making process before it effectively commits to a public project.

If the City proceeds with plans for the Shelter, the public will eventually get an opportunity to comment on the City's plans, but it will only be after the City has committed itself to the Shelter at this location by acquiring the Property. This undermines CEQA's policy supporting open disclosure and informed decision making. The City's decision to provide late and inadequate notice is contrary to the public's interest.

#### **4. Conclusion.**

We understand and support the City's obligation and desire to build transitional housing for the homeless, but the City's plan to pass on stand-alone properties and instead buy a site situate at the back corner of a tightly packed industrial project with shared access and no way to mitigate impacts to the Adjacent Properties makes no sense. The City needs to either deny or delay its decision, look at stand-alone properties, and receive more public input before it proceeds with acquiring a site for the Shelter. The City's desire to quickly settle the litigation has led it to a poor solution that will have long-term and un-mitigatable implications for the Adjacent Properties.

Very truly yours,



Matthew R. Fogt

MRF:slp

cc: Justin Martin, Parks and Community Services Director

---

**From:** Jim Roberts <robertsjh@yahoo.com>  
**Sent:** Tuesday, January 15, 2019 1:19 PM  
**To:** CITY CLERK  
**Subject:** Proposed Homeless Shelter on 17th St

Hello,

This is to object to the proposed plan to build a homeless shelter on 17th St due to (1) close proximity to Whittier Elementary school, (2) security/safety/health issues, (3) increase traffics, (4) availability of other more suitable locations, (5) economic impacts hence, tax base. The ideal location of a shelter should be away from the neighborhood, schools for the reasons listed above and should be in an industrial complex to lessen the adverse impacts on the lifestyle of the taxpayers.

Regards, . . . *Jim Roberts*

# Opposed to Proposed Shelter

**01/14/19:**

10:25am Judith Jones

10:35am Barbara Swane

10:35am Tony Doer (sp?), President Homeowner Assoc

10:45am Lindsay Smith

11:27am Resident

11:59am Linda Tobar

1:03pm Lauren, resident near Whittier Avenue

7:36pm Anita Viagranda (sp?)

**01/15/19:**

10:15am Resident

10:25am Steve Pineda

11:30am Henry Da Silva

12:46pm Doug Allison

1:20pm Jeff Tibbets

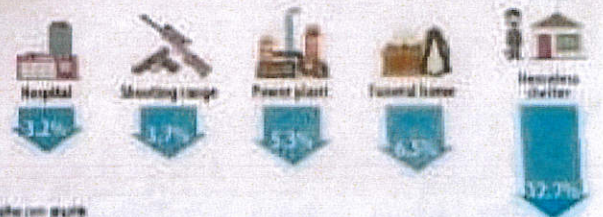




- Costa Mesa City Council is voting to approve the purchase of an industrial property at 1040 West 17<sup>th</sup> Street to use as a 50-bed homeless bridge shelter
- The city plans to bus homeless people in to the site
- The city claims this will "positively restore the character and safety of Costa Mesa," but this is at the expense of our Westside neighborhood
- If you voice your opinion to the City Council about this proposed shelter location now, they will be forced to consider other locations
- If you do nothing, this will impact your property value and quality of life

**Things That Drag Down the Value of Your Home**

The "drag" is calculated by comparing home prices in each facility (on the same ZIP code) with all homes in the same county.



**What You Can Do:**

1. Contact the City Council to Voice Your Opinion! Email to [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) or call 714-754-5107
2. Attend the City Council Meeting to Voice Your Opinion! Meeting is **TUESDAY January 15 at 6:00pm** at the Costa Mesa Senior Center, 695 W. 19th Street.
3. Read the City Council Agenda Report on the Homeless Shelter Proposal located at <http://ftp.costamesaca.gov/costamesaca/council/agenda/2019/2019-01-15/NB-3.pdf> (pages 8-10 are the most relevant to our community)

**The most effective community response will include doing all of the above!**



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**From:** webmaster@costamesaca.gov on behalf of City of Costa Mesa  
<webmaster@costamesaca.gov>  
**Sent:** Tuesday, January 15, 2019 8:29 PM  
**To:** CITY CLERK  
**Subject:** Homeless Shelter Plans on Whittier

Message submitted from the <City of Costa Mesa> website.

**Site Visitor Name:** Susan Herman  
**Site Visitor Email:** suziherman@aol.com

I am NOT in favor of the City's plan to install homeless shelter on Whittier Blv and w 17th st.  
Susan Herman

---

**From:** raegan payne <raeganpayne@yahoo.com>  
**Sent:** Tuesday, January 15, 2019 6:45 PM  
**To:** CITY CLERK  
**Subject:** OPPOSED TO 17th & Whittier HOMELESS Shelter!!!!!!

Hello City Council,

I am a resident in the new +40 million dollar Lighthouse Community at the end of Whittier in Costa Mesa. I did not sink +1 million into a Costa Mesa property for you to put a treatment facility at a ocean view property only a few hundred feet from my front door and a few blocks from an elementary school.

I have also worked extensively with the homeless and this location seems to be the worst of all possible worlds. It is not centrally located and has bad access to public transport which most homeless need for healthcare, job placement, post office, etc. There are many many other locations including around the fairgrounds that would be more appropriate.

If this passes you can expect a challenge and well publicized battle the likes of which you have never seen and I voted for all of you.

Raegan Payne  
92627

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**From:** Christopher Teaney <christeaney@gmail.com>  
**Sent:** Tuesday, January 15, 2019 4:50 PM  
**To:** REYNOLDS, ARLIS; CITY CLERK; CITY COUNCIL; FOLEY, KATRINA  
**Subject:** Concerned Resident of Lighthouse Community (RE: 17th Street Bridge Shelter Vote)

I am writing to oppose the proposed Homeless shelter at 1040 West 17th St

While I understand and agree with the need for these facilities/services, this location is far from appropriate and poses considerable risk to the community. The mere fact that it would be located feet from a school is reason enough to reject this proposed location. Not a risk we should introduce to the children at our community schools.

The residents of our community bought into a \$40+ million dollar (significant tax revenues for the city) ocean view development investing our life savings with the expectation that the area will continue to develop with parks, schools, community centers and local shops that will enhance the value of the area. The proposed facility will drop home valuations and quality of life as proven by other developments of this nature in residential areas.

A more appropriate location would be inland, near more commercial, non residential areas. A highly valued ocean proximity location adjacent to a school is wrong, disappointing and short cited. Keeping these facilities in non residential areas fully aligns with the City of Costa Mesa plan to “positively restore the character and safety of Costa Mesa”. The article today saying this is already an existing homeless hub is completely inaccurate! Let’s not make it one!

Finally, being blindsided at the 11th hour is inappropriate, disappointing and we expect more from our elected officials representing all the best interests of the people in this city/community.

Please reject this location tonight and seek one that is more appropriate.

---

**From:** Jimmy Pham <drjimmypham@eaglelental.com>  
**Sent:** Tuesday, January 15, 2019 4:46 PM  
**To:** CITY CLERK  
**Subject:** Homeless shelter Westside

I am writing to oppose the proposed Homeless shelter at 1040 West 17th St

While I understand and agree with the need for these facilities/services, this location is far from appropriate and poses considerable risk to the community. The mere fact that it would be located feet from a school is reason enough to reject this proposed location. Not a risk we should introduce to the children at our community schools.

The residents of our community bought into a \$40+ million dollar (significant tax revenues for the city) ocean view development investing our life savings with the expectation that the area will continue to develop with parks, schools, community centers and local shops that will enhance the value of the area. The proposed facility will drop home valuations and quality of life as proven by other developments of this nature in residential areas.

A more appropriate location would be inland, near more commercial, non residential areas. A highly valued ocean proximity location adjacent to a school is wrong, disappointing and short cited. Keeping these facilities in non residential areas fully aligns with the City of Costa Mesa plan to "positively restore the character and safety of Costa Mesa". The article today saying this is already an existing homeless hub is completely inaccurate! Let's not make it one!

Finally, being blindsided at the 11th hour is inappropriate, disappointing and we expect more from our elected officials representing all the best interests of the people in this city/community.

Please reject this location tonight and seek one that is more appropriate.

Dr. Jimmy Pham  
Lighthouse resident



---

**From:** Tim Bigalke <1cmc@sbcglobal.net>  
**Sent:** Tuesday, January 15, 2019 4:22 PM  
**To:** CITY CLERK  
**Subject:** Fw: 1040 W 17th st

Tim Bigalke

Costa Metals Inc  
1835 Whittier Ave A-1  
Costa Mesa, CA 92627  
T(949)646-2624  
F(949)650-4734  
[www.costametals.com](http://www.costametals.com) Website

E-mail 1cmc@sbcglobal.net

----- Forwarded Message -----

**From:** Tim Bigalke <1cmc@sbcglobal.net>  
**To:** cityclerk@costamesaca.us <cityclerk@costamesaca.us>  
**Sent:** Tuesday, January 15, 2019, 2:31:54 PM PST  
**Subject:** 1040 W 17th st

City council

Having been a business owner for close to 40 years on Brioso and currently on 1835 Whittier I have seen many changes. We have NEVER had problems with theft, trash, or misbehavior until the last couple years. It is now not the poverty that is the problem here but the drugs that are following our homeless from area to area. The homeless shelter would only add to this problem as we now have people at all hours of the day doing the most bizarre things. Drugs are a problem not only in the entire country but also in our local markets. I am extremely against this shelter being located here not only for the residential (my son lives directly across the street newly married and baby on the way). This would put this area in a huge jeopardy of safe clean living as it has been for the past 40 years

Tim Bigalke

Costa Metals Inc  
1835 Whittier Ave A-1  
Costa Mesa, CA 92627  
T(949)646-2624  
F(949)650-4734  
[www.costametals.com](http://www.costametals.com) Website

E-mail 1cmc@sbcglobal.net

---

**Subject:** RE: Opposition to Development of Shelter Project: 1040 W. 17th Street

**From:** Preston, Karrle

**Sent:** Tuesday, January 15, 2019 1:14 PM

**To:** [katrina.foley@costamesaca.gov](mailto:katrina.foley@costamesaca.gov); [john.stephens@costamesaca.gov](mailto:john.stephens@costamesaca.gov); [Manuel.Chavez@costamesaca.gov](mailto:Manuel.Chavez@costamesaca.gov); [sandra.genis@costamesaca.gov](mailto:sandra.genis@costamesaca.gov); [allan.mansoor@costamesaca.gov](mailto:allan.mansoor@costamesaca.gov); [Andrea.Marr@costamesaca.gov](mailto:Andrea.Marr@costamesaca.gov); [Arlis.Reynolds@costamesaca.gov](mailto:Arlis.Reynolds@costamesaca.gov); [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

**Cc:** [justin.martin@costamesaca.gov](mailto:justin.martin@costamesaca.gov); Fogt, Matthew <[mfogt@allenmatkins.com](mailto:mfogt@allenmatkins.com)>; Lee, Andrew <[ALee@allenmatkins.com](mailto:ALee@allenmatkins.com)>

**Subject:** Opposition to Development of Shelter Project: 1040 W. 17th Street

Good Afternoon,

Please refer to the attached correspondence sent on behalf of Matthew Fogt.

Thank you,

Karrle Preston

Legal Assistant to:

John C. Condas, Keith P. Bishop,

Michael S. Greger and Warren M. Klinger

Allen Matkins Leck Gamble Mallory & Natsis LLP

1900 Main Street, Fifth Floor

Irvine, CA 92614

(949) 553-1313 x22129

(949) 553-8354 (fax)

[kpreston@allenmatkins.com](mailto:kpreston@allenmatkins.com)

**Allen Matkins**  
CHALLENGE OPPORTUNITY SUCCESS.

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6

E La Mesa St

N Kraemer Pl

E La Palma Ave

N Kraemer Pl

Google Earth

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**From:** PHD <pdobbs10@gmail.com>  
**Sent:** Tuesday, January 15, 2019 3:42 PM  
**To:** REYNOLDS, ARLIS; CITY CLERK; CITY COUNCIL; FOLEY, KATRINA  
**Subject:** Homeless Shelter Proposal 1040 West 17th St Costa Mesa

I am writing to oppose the proposed Homeless shelter at 1040 West 17th St

While I understand and agree with the need for these facilities/services, this location is far from appropriate and poses considerable risk to the community. The mere fact that it would be located feet from a school is reason enough to reject this proposed location. Not a risk we should introduce to the children at our community schools.

The residents of our community bought into a \$40+ million dollar (significant tax revenues for the city) ocean view development investing our life savings with the expectation that the area will continue to develop with parks, schools, community centers and local shops that will enhance the value of the area. The proposed facility will drop home valuations and quality of life as proven by other developments of this nature in residential areas.

A more appropriate location would be inland, near more commercial, non residential areas. A highly valued ocean proximity location adjacent to a school is wrong, disappointing and short cited. Keeping these facilities in non residential areas fully aligns with the City of Costa Mesa plan to “positively restore the character and safety of Costa Mesa”. The article today saying this is already an existing homeless hub is completely inaccurate! Let’s not make it one!

Finally, being blindsided at the 11th hour is inappropriate, disappointing and we expect more from our elected officials representing all the best interests of the people in this city/community.

Please reject this location tonight and seek one that is more appropriate.

Peter Dobbelsteyn  
1038 Leece Drive  
Costa Mesa, CA  
92627

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**From:** Ruthe Lindley <rutheq38@icloud.com>  
**Sent:** Tuesday, January 15, 2019 3:29 PM  
**To:** CITY CLERK  
**Subject:** Homeless shelter

I DO not want a homeless shelter across the street from my home. Why wish this on us, surely there's a area with no homes or schools in Costa Mesa that would be more suitable. DO bus more homeless to our neighborhood!

Ruthe Lindley

Sent from my iPhone



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**Subject:** RE: The current proposal for the new homeless shelter in district 5 and the new location for the Orange County Museum of Art

**From:** Rebecca Trahan [<mailto:trahanforcitycouncil2018@gmail.com>]

**Sent:** Tuesday, January 15, 2019 2:49 PM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>

**Subject:** The current proposal for the new homeless shelter in district 5 and the new location for the Orange County Museum of Art

Dear Council,

I was hoping to address these matters to you at tonight's city council meeting but unfortunately am not able to attend due to a doctor's appointment. Did any of you see this touching article? To a certain extent I feel it represents the compassionate heart of many Costa Mesans. <https://www.today.com/food/little-caesars-pizza-fargo-posted-free-food-note-homeless-t139300> I too believe the homeless are people too and deserve a hand up to help them get back on their feet. However, the current proposal outlined in this article is not the longterm answer: <https://www.cityofcostamesanews.com/council-looks-to-take-historic-step-to-address-homelessness-in-costa-mesa/>

This should not be built in its current proposed location in district 5 but instead needs to be built in areas where there is more room for such a project. If I had my way I would send it back to the County but as you know legally that appears to no longer be an option. If you need specific suggestions on locations let me know because I do have some suggestions. Please do not approve this project to be built and developed in Costa Mesa. Please approve it elsewhere (as long as there is the appropriate security, mental health help, job training, and more).

Regarding the new location for the museum of art (<https://www.latimes.com/socal/daily-pilot/news/tn-dpt-me-ocma-master-plan-20190115-story.html>) so far I love this idea! So far this is the perfect new location and will be a great addition to our city. Provided it is a fiscally responsible project and will benefit and add to our city, please approve the planning commission's decision to support this new location.

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Best regards,

Rebecca Trahan

2018 Costa Mesa District 5 City Council Candidate

949-295-5260

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

Please participate in these polls!

<http://www.easypolls.net/poll.html?p=5b477c18e4b094aa41303749>

<http://www.easypolls.net/poll.html?p=5b4771ede4b094aa41303717>

<http://www.easypolls.net/poll.html?p=5b36720be4b094aa41301654>

<http://www.easypolls.net/poll.html?p=5b366606e4b094aa41301628>

<http://www.easypolls.net/poll.html?p=5b366b63e4b094aa4130162f>

<http://www.easypolls.net/poll.html?p=5b47ad93e4b094aa413037bf>

<http://www.easypolls.net/poll.html?p=5bd743e7e4b056f2fcd3c877#.W9dD5EJpULY.gmail>

<http://www.easypolls.net/poll.html?p=5bd74727e4b056f2fcd3c87f#.W9dHziFSzfo.gmail>



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**From:** Jami Wellington <jamidwellington@gmail.com>  
**Sent:** Tuesday, January 15, 2019 2:49 PM  
**To:** CITY CLERK  
**Subject:** Re: Homeless Shelter up for Consideration by Costa Mesa City Council

To All Concerned:

My husband and I received a flyer this past weekend regarding the possibility of the homeless bridge shelter being constructed that will be located at: 1040 West 17th Street, Costa Mesa, CA 92627 (our community).

We currently live in Playport Mobile Home Village located at 903 W. 17th Street, Costa Mesa, CA 92627 and we've been here for almost 10 years.

We have many concerns about the possibility of a homeless bridge shelter being built within blocks of us. We are senior citizens and we already see a lot of people that we don't know that walk through our park and up and down 17th St. We are against 50 plus people that may have mental issues, drug issues and their friends, etc. possibly roaming our park and passing by our home which is directly on 17th St. as our mobile home is right next to two entrances to our park directly on 17th St. We feel vulnerable and we don't want this type of shelter in our neighborhood or near school(s) in our community where children may be walking to and from school.

We have a heart for the homeless, but we don't think that our neighborhood which includes many elderly people along with school children is the appropriate place for this type of organization. We also know that homeless shelters bring down the value of our homes, which is also a concern.

Thank you for your consideration and if you should have any questions, please feel free to contact us.

Sincerely,

David and Jami Wellington  
(949)556-0914 Jami's Cell or [jamidwellington@gmail.com](mailto:jamidwellington@gmail.com)

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**Subject:** RE: No Shelter on the West Side!

**From:** Andrew Cunningham [<mailto:acunningham@hanleyinvestment.com>]

**Sent:** Tuesday, January 15, 2019 1:56 PM

**To:** CITY COUNCIL <[CITYCOUNCIL@costamesaca.gov](mailto:CITYCOUNCIL@costamesaca.gov)>; FOLEY, KATRINA <[KATRINA.FOLEY@costamesaca.gov](mailto:KATRINA.FOLEY@costamesaca.gov)>; CHAVEZ, MANUEL <[MANUEL.CHAVEZ@costamesaca.gov](mailto:MANUEL.CHAVEZ@costamesaca.gov)>; GENIS, SANDRA <[SANDRA.GENIS@costamesaca.gov](mailto:SANDRA.GENIS@costamesaca.gov)>; MANSOOR, ALLAN <[ALLAN.MANSOOR@costamesaca.gov](mailto:ALLAN.MANSOOR@costamesaca.gov)>; REYNOLDS, ARLIS <[ARLIS.REYNOLDS@costamesaca.gov](mailto:ARLIS.REYNOLDS@costamesaca.gov)>; HAUSER, JANET <[JANET.HAUSER@costamesaca.gov](mailto:JANET.HAUSER@costamesaca.gov)>

**Subject:** No Shelter on the West Side!

All,

I have been a resident of the West Side for the past 25+ years. I strongly oppose the council's proposal to put a shelter at 1040 W. 17<sup>th</sup> Street, or anywhere near a residential neighborhood. Over the years, I have seen the dramatic increase in homelessness in the West Side area and witnessed the deterioration of property values. I know firsthand how important it is to resolve this issue. The plan to revitalize the West Side does NOT begin with building a permanent homeless shelter in the neighborhood. Please consolidate these services away from residential, parks, retail, and schools.

Thank you for your service.

Sincerely,

**Andrew Cunningham, CCIM**

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