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Sacramento County District Attorney's Office

**THIEN HO**  
District Attorney

November 14, 2023

Susana Alcala Wood, City Attorney  
City of Sacramento  
915 I Street, Room 4010  
Sacramento, CA 95814-2608

Mark E. Merin, Attorney at law  
Safe Ground Sacramento, Inc.  
1010 F Street, Suite 300  
Sacramento, CA 95814

RE: Property address: 2225 Colfax Street  
Parcel: 275-0072-001 & 275-0072-002

Ms. Alcala Wood and Mr. Merin,

As Sacramento's unsheltered population has exploded over the last six years with thousands of people living on our streets, the community has grappled to find an effective and compassionate approach to addressing this human crisis. Providing shelter is an important part of the solution, and I have consistently advocated for the establishment of additional "Safe Ground" sites. However, it is dangerous and deplorable to house the unsheltered on a toxic dumpsite where people are exposed to cancer-causing chemicals. To do so is not only inhumane but raises questions regarding criminal liability. Your decision to house the homeless at 2225 Colfax Street in the City of Sacramento raises these same concerns.

2225 Colfax Street is located in and owned by the City of Sacramento ("City"). This property is referred to as "Camp Resolution." On March 23, 2023, the City executed an agreement to lease this property to Safe Ground Sacramento, whose Executive Director is attorney Mark E. Merin. As such, the Sacramento County District Attorney's Office hereby directs this letter to the City of Sacramento and its agents and to its lessee, Safe Ground Sacramento, and their agents, which includes but is not limited to Mark E. Merin, Crystal Sanchez and Anthony Prince. Your actions expose the unhoused to toxic chemicals at Camp Resolution, present a public safety danger to the surrounding community of Del Paso Heights, and violate Measure O.

For decades the City used the “2225 Colfax Street” property as a vehicle maintenance yard, which included underground tanks that stored diesel and gasoline. Petroleum from the storage tanks seeped into the soil, polluting the air with toxic vapors, and contaminating the groundwater with benzene, trichloroethene (TCE) and tetrachloroethene (PCE). Health and Safety Code section 25260 designated these chemicals as hazardous materials. According to the Centers for Disease Control and Prevention (CDC), these chemicals cause cancer, birth defects and other debilitating long term health conditions. In fact, some of these chemicals are the same cancer-causing chemicals involved in the Camp Lejeune lawsuit, which resulted in claims of over \$3 trillion against the federal government.

As early as July 21, 2011, the City was notified by the California Regional Water Quality Control Board (Water Board) regarding the results of soil gas and groundwater sampling by Engeo Incorporated, a geology and environmental testing firm. Testing confirmed the presence of benzene, TCE and PCE in soil samples. 16 of the 19 shallow (8 to 10 feet below ground surface [ft-bgs]) soil gas samples collected from the Colfax property exceeded even the health screening level designated for *commercial* use, and all of the shallow soil gas samples exceeded the *residential* health screening level. Additionally, the Water Board informed the City that “based on the soil gas data presented, TCE and PCE concentrations in soil gas may pose a threat to indoor air for both residential and commercial receptors.” The Water Board ordered additional testing.

On September 28, 2011, the Westmark Group submitted an Indoor Air Risk Assessment for the Colfax property regarding the chemicals of concern (COC) – benzene, TCE and PCE. According to the report, “the cancer risk screening of the COC indicated that residential development of the Site would not be recommended because in-door air vapor intrusion exceeds the screening criteria. Commercial development of the Site is feasible.”

Due to the presence of cancer-causing chemicals at the Colfax property, the City Attorney, Interim Director of Public Works, and California Regional Water Quality Control Board signed a Land Use Covenant (“LUC”) to restrict the use of the property to industrial or commercial use only. (SEE attached LUC – dated April 17, 2017). The LUC specified that “residence for human habitation shall be prohibited” on the land. It also prohibited the construction of a school, hospital, senior center, or daycare facility on the site.

As the unhoused crisis spiraled out of control under his leadership, Mayor Darrell Steinberg finally released a list of possible homeless shelter locations, four years after he first assumed the office of Mayor. On August 4, 2021, Mayor Steinberg released his Comprehensive Site Plan to Address Homelessness, promising to spend \$100 million over a two-year period. The City touted the Comprehensive Site Plan as “the product of more than six months of intensive outreach and work by the Mayor’s Office, City Councilmembers and City Staff.” Mayor Steinberg identified the “toxic industrial dumpsite” located at 2225 Colfax Street as a safe place to house our vulnerable unsheltered population.

In blatant disregard of the toxic and carcinogenic chemicals that have made the Colfax site unfit for human inhabitation, Mayor Steinberg and the City decided that this area – Sacramento's

version of Camp LeJeune – should house the unsheltered. On October 14, 2021, the City applied for a variance of the Land Use Covenant from the Water Board, promising that the property would be fenced in with 24-hour monitoring. The City promised to pave the property to trap the poison in the ground and reduce the levels of toxins in the air. Furthermore, the City guaranteed that the property would only be used for “safe parking” of vehicles that were elevated off the ground to allow for a free flow of air underneath.

After intense lobbying by the City, the Water Board granted a variance on January 13, 2022, but set forth the following restrictions:

- “Safe parking” of no more than 50 vehicles;
- Parking could **only** take place on the **asphalt** portions of the property;
- “[A]ll resident use of the property is restricted to the pavement;”
- The Water Board specifically **prohibited any use of or shelter on the unpaved portion of the property to prevent direct contact with the toxic dirt;**
- **“Tents on the ground surface for sleeping or day use are not allowed,”**
- The use of tents sitting directly on the ground was specifically and explicitly prohibited because it increased the risk of benzene vapors becoming trapped inside the tent and exposing its occupants to dangerous poisons.

**(SEE Variance)**

Shortly thereafter, the unhoused started moving onto the Colfax property, renaming it “Camp Resolution.”

On February 8, 2022, the Central Valley Water Board staff inspected the site and found the City was in violation of the variance. Specifically, they found that people were camping on the unpaved portion of the property while others lived in tents sitting directly on the ground. On February 10, 2022, the Water Board spoke to the Director of the City’s Department of Public Works to explain the violations. **(SEE FEB 2022 Site inspection)**

The rampant and unabated safety violations underscore why the City’s plan of housing people on a toxic dumpsite was ill-conceived and ill-fated from the beginning. For over two months, the City was unable to ensure that the unhoused living at Camp Resolution followed the safety rules to avoid toxic exposure. Therefore, on April 21, 2022, the Sacramento Police Department cleared all the unhoused inhabitants off the property, securing it with a fence and a lock on the gate. **(SEE City Project Detail Report 4/21/2022)**

After the property had been cleared, members of the Sacramento Homeless Union schemed with the Wood Street homeless encampment from Oakland to re-take Camp Resolution. A group of unhoused individuals were transported from Oakland to Sacramento, where they joined up with unhoused people from Sacramento Homeless Union. A group of unknown homeless people rendezvoused outside the gates of Camp Resolution, cut the locks, stormed in, and illegally occupied the secured property on September 30, 2022. **(SEE Homeless in Sacramento Article by Crystal Sanchez)** After the occupiers broke in, took over, and refused to leave, they

created an autonomous self-governing zone where the rule of law does not apply. All the while, the City stood by, enabled, and at times, celebrated the occupiers' actions.

Concerned neighbors and residents of Del Paso Heights immediately called the police department. When the police responded to Camp Resolution, the occupiers told the police that "the Mayor is well aware of the site's use" and law enforcement allowed them to stay. On October 5, 2022, an Engineering Geologist from the Water Board emailed the City notifying them of the recent inspection triggered by a complaint that there were multiple violations of the variance occurring on the City's property. (See email to City 10/5/22)

Over the next few months, the City received numerous notices of safety violations at Camp Resolution. Armed with that information, the City did nothing to stop the exposure of the homeless to cancer-causing chemicals on the City's own property. On October 5, 2022, an Engineering Geologist from the Water Board emailed the City about multiple tents and pop-up sunshades sitting on the ground, which would trap poisonous vapors. (See email to City 10/5/22). Additionally, the property was no longer secured as people could come and go as they pleased. While the inspectors were on site, a woman opened the gate and freely entered the property. She told the inspectors that she had been living there for a week.

In response to the Water Board's letter, the City penned a letter to the Sacramento Homeless Union and Wood Street Encampment leaders, informing them of the toxic conditions of the soil on the property. "Due to soil contamination at the site and its potential effects on ground water, the City of Sacramento in June 2017 recorded a Land Use Covenant.... [S]amples from the site contained Benzene, trichloroethene (TCE) and tetrachloroethene (PCE)" above concentrations that may pose a human health risk.

The Sacramento Assistant City Manager also wrote that the "current occupation ... is both unsafe and out of compliance with the variance." He added that the City's Department of Community Response visited the site to offer outreach and services but received "antagonistic responses from advocates." He also instructed the encampment leaders to inform the residents of Camp Resolution that they "are putting their health and safety at risk and violating state and local law." This is a clear admission by the City that they knew of the dangerous conditions at Camp Resolution and the rampant safety violations. The letter also provided notice to Safe Ground Sacramento and its agents of the dangers associated with Camp Resolution. (See October 20, 2022, letter from City) And yet, the City continued to do nothing but issue empty promises.

In their October 20, 2022 letter, the City promised that future clearing of the site would be forthcoming. The City's promise to act was nothing more than a fantasy that left the unhoused living in Sacramento's version of Camp Lejeune exposed to poison. **The Sacramento Police Department made plans to clear Camp Resolution, but at the last minute, City officials instructed and ordered the police to stop all enforcement action. At the highest level of City government, officials purposely and directly facilitated the continual exposure of the unhoused to toxic chemicals and enabled violations of the law. This is not only a dereliction of duty that all officials take to uphold the Constitution, but also endangers the lives of vulnerable unhoused people.**



On December 20, 2022, the Water Board inspected the site again and found safety violations. But the City continued to look the other way – the City did nothing and said nothing.

As the chorus grew louder for them to act, the City became more concerned about its own interest rather than the safety of the unhoused at Sacramento’s version of Camp Lejeune. The City devised a plan to “look the other way,” “bury their heads in the sand” and “wash their hands.” Cloaked in compassion to house the unsheltered, the City devised a plan to limit their financial and civil liability while doing little to nothing for the Del Paso Heights community.

Despite the mounting safety violations at Sacramento’s version of Camp Lejeune, Sacramento City Attorney Susana Alcala Wood entered into negotiations to lease this toxic dumpsite to Safe Ground Sacramento, a “non-profit” whose Executive Director is attorney Mark E. Merin. After the City informed Mr. Merin of the chemicals located at this property, the City created lease terms that attempted to shield it from financial responsibility for exposing people to poison while presenting a false persona of compassion for the unhoused and the surrounding community. Several of the terms included the following:

- The property was leased for \$0.00;
- The lease automatically renews every 120 days;
- A release of liability to the City of any personal injury on the property;
- The lessee must obtain an insurance policy of at least \$2 million covering liability for the property;
- The lessee must agree to defend, indemnify and hold harmless the City;
- Any unhoused people staying at the property must sign a waiver against suing the City;
- Require implementation of a “Good Neighbor” policy and rules regarding maintenance and security for the site.

To run a “Safe Ground” site, the City would normally spend several hundred thousand dollars for a professional operator to ensure the safety of those in the encampment and the surrounding community. By leasing the property for \$0.00, the City eliminated its financial costs and passed it on to a non-profit. By requiring Mark E. Merin’s non-profit to buy a \$2 million insurance policy, the City tried to limit their civil liability for knowingly exposing people to poison. By requiring any unhoused person staying at Camp Resolution to sign a waiver against suing the City, the City forced the unhoused to choose between living on the streets or living on a toxic dumpsite. By requiring a “Good Neighbor” policy for Sacramento’s Camp Lejeune, the City wanted to appear as a good steward of public safety for the entire community. However, this lease term was inserted only for appearance as a “Good Neighbor” policy and rules regarding safety/maintenance have never been implemented or enforced.

The City and Mark E. Merin signed the lease on March 23, 2023, and it became effective April 4, 2023. (See Lease of 2225 Colfax Street) Sacramento City Attorney Susana Alcala Wood approved the lease and was listed as the project manager for the lease. At the time this lease was negotiated and signed, Measure O (Emergency Shelter and Enforcement Act) was the law in the City of Sacramento.

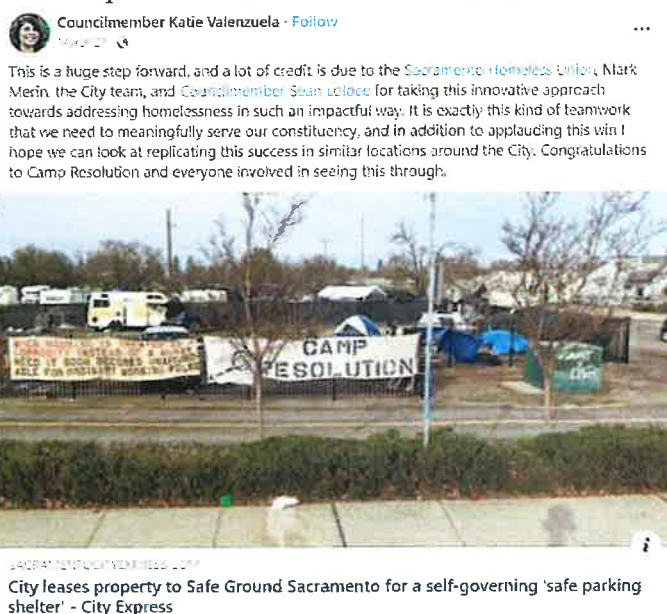
Measure O was adopted by the City Council in August of 2022. The measure was then approved by voters in November 2022, and became effective December 23, 2022. (Ordinance 2022-0011) Measure O provided authority to the City Manager to identify and authorize much needed areas for shelter space. Measure O required that the city manager authorize at least 605 new emergency shelter spaces. Measure O specifically prohibited shelter space to be located within “1000 feet of a K-12 school, public library, licensed daycare ... or playground; or locations within 500 feet of a stream or river.”

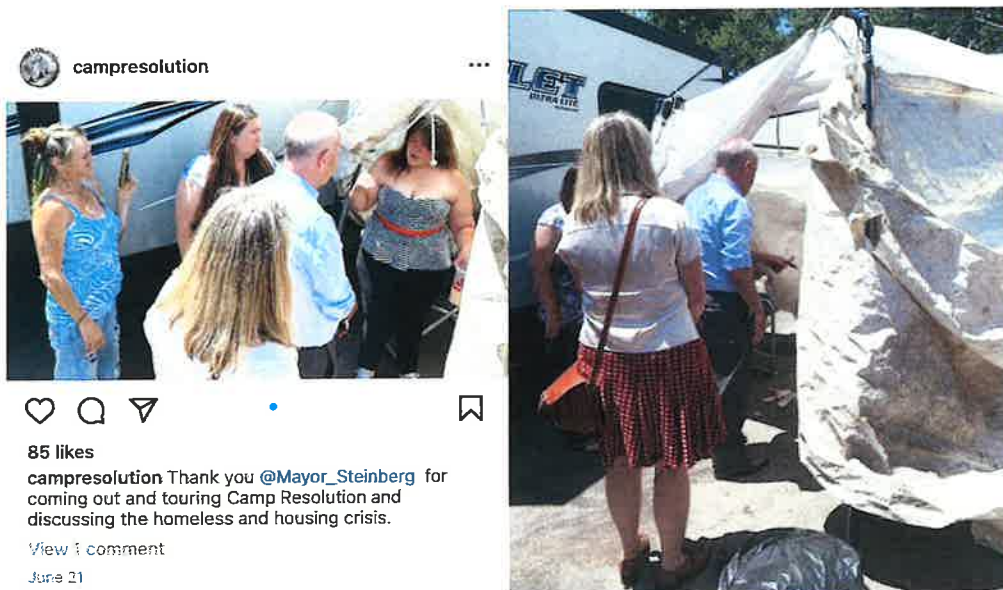
Camp Resolution is located within 1000 feet of *both* a licensed daycare and playground, which is in direct violation of Measure O. Sacramento City Attorney Alcalá Wood and the City of Sacramento approved and entered into a lease agreement that directly violates their own ordinance. At the highest level of its government, the City knowingly violated its own ordinance.

In March of 2023, the City issued a progress report identifying the number of shelter beds it added. Initially, the City identified the 50 shelter spaces at Camp Resolution in its progress report. (See March 2023 progress report) However, after Del Paso Heights community members notified the City that Camp Resolution was in violation of Measure O, the City removed the location from the shelter bed count. (See May 2023 progress report) The City can no longer claim ignorance that Camp Resolution is in violation of Measure O.

Once the lease was signed, safety rules consistent with the lease and the variance needed to be enforced. But none were. The variance, the lease, and the Land Use Covenant prohibited any tents sitting on the ground and anyone living on the unpaved dirt areas. RVs parked on the property must be elevated off the ground and the space underneath them cleared of any obstructions. These rules are necessary to prevent the accumulation of cancer-causing chemicals and direct exposure to them.

Inexplicably, City officials observed the violations firsthand and ignored them. Council Member Katie Valenzuela touted Camp Resolution as a “huge step forward” on social media. However, a photograph she included with her social media post documents tents on the ground and people living on the unpaved dirt area contaminated with cancer-causing chemicals.





On June 21, 2023, Mayor Darrell Steinberg visited Camp Resolution for a “photo op,” where he can be seen in this photograph speaking to an unhoused person in front of a tent sitting on the ground. This was three months after the lease was signed. It is inhumane to knowingly have homeless people living on a toxic waste dump. It is not compassionate to purposefully expose the unsheltered to poison. Under Mayor Darrell Steinberg’s leadership, the City purposely violated the law when signing the lease and continues to “look the other way” as they expose human beings to cancer-causing chemicals.

City Attorney Alcalá-Wood called Camp Resolution “a city sanctioned safe ground site” during a public city meeting. (City Council Meeting 6/27/23) As such, the City is sanctioning the poisoning of vulnerable unhoused people.

Since that time, the Water Board has *repeatedly* reached out to the City and Mark E. Merin regarding current and on-going safety violations at Camp Resolution. In a series of emails starting in August of 2023, the City denies responsibility for the property and directs the Water Board investigator to Mr. Merin. In turn, Mr. Merin directs the Water Board to members of the Sacramento Homeless Union and Mr. Merin’s non-profit - Crystal Sanchez and attorney Anthony Prince. The Water Board’s inquiries to Ms. Sanchez and Mr. Prince have been met with silence.

**As of last week**, there are still tents sitting on the ground at Sacramento’s version of Camp Lejeune. Additionally, people are still living directly on the dirt area where toxic chemicals contaminate the ground and air. The City, its leaders, its attorney and the non-profit tasked with protecting our unhoused continue to “look the other way” and shift blame.

I have been informed that the nuisance activity currently occurring at your property includes criminal violations, such as vandalism, domestic violence, drug sales, littering, and theft. These issues impact the Del Paso Heights community and negatively affect their sense of safety. The

City allowed, sanctioned, and facilitated the creation of Camp Resolution, which is located in Del Paso Heights. This is a traditionally underserved community. The people of Del Paso Heights feel as if their voices have not been heard at City Hall. It is time that Mayor Steinberg and the City of Sacramento respect the voice of this underserved, underrepresented and under resourced community.

By allowing the continued operation of Camp Resolution, despite the threats to the health of the occupants, the violation of city laws, and the significant negative impact on the comfortable enjoyment of life and property by the residents of the neighboring community, the City and its agents along with Safe Ground Sacramento have created and are maintaining a public nuisance.

Both the City, Safe Ground Sacramento and their agents are fully aware of the dangers present at Camp Resolution with continued habitation. They are choosing to recklessly overlook them. The City and Safe Ground Sacramento must abate this “public nuisance,” and relocate the unhoused at Camp Resolution to a safe place, one that is not contaminated by cancerous causing agents. The City is also in violation of its own ordinance (Measure O) by permitting the unhoused shelter to operate at Camp Resolution next to a children’s daycare center and a park. Our ask is simple – we demand that the City abide by its own voter-approved ordinance and protect the homeless from exposure to a toxic waste dump.

The City must create a safe space that does not pose an elevated health risk to the occupants, does not violate the law, and does not unduly burden the neighboring community. The City owns numerous properties within its jurisdiction, including a 102-acre property purchased with federal funds for addressing homelessness. This location, which is in Councilmember Mai Vang’s district, has remained unused. Perhaps the City can set aside one acre out of this 102-acre site to re-locate the unhoused off of Sacramento’s version of Camp Lejeune. Regardless of how the City chooses to abate this public health crisis and where they wish to relocate the unhoused from Camp Resolution, the City and Safe Ground Sacramento must abate this “public nuisance” forthwith.

Although you have been made amply aware of the multiple violations being committed at the site, it is due to your demonstrated lack of concern or unwillingness to correct this nuisance that this notice is being sent. Public safety is the core mandate of the District Attorney. This is about public safety – pure and simple. Our demand that the City and Safe Ground Sacramento abate this public health and safety disaster at Camp Resolution is compassion in action – an effort to protect those who don’t have a voice. Activists who are part of the homeless industrial complex claim to speak for the unhoused; the City claims to protect the unhoused; certain politicians on the Sacramento City Council and Mayor Steinberg all claim compassion for the unhoused. However, they have all chosen to ignore the safety of the unhoused by dumping them onto a toxic wasteland contaminated with cancer-causing poison in violation of the Penal Code section 370 and Measure O.

**To be clear, this matter is separate and distinct from the pending civil litigation between the Sacramento County District’s Office and the City regarding their handling of the unhoused crisis. Here, the underlying facts raise issues of *criminal liability* for individuals representing the City and Safe Ground Sacramento.**



**underlying facts raise issues of *criminal liability* for individuals representing the City and Safe Ground Sacramento.**

Pursuant to Penal Code section 373a this is your LEGAL NOTICE that nuisance activity is currently occurring at your property. It is your lawful obligation to abate the nuisance activity.


Penal code Section 373a reads: "Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice in writing from a... district attorney to remove, discontinue or abate the same has been served upon such person, is guilty of a misdemeanor and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and it is hereby made the duty of the district attorney...to prosecute state misdemeanors, to prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed." This letter constitutes legal notice pursuant to Penal Code § 373a.

I further direct your attention to the California Penal Code section that also addresses the problems occurring at your property. California Penal Code Section 370 defines a **criminal** public nuisance as, "Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons ... is a public nuisance."

I would like to meet and discuss these issues and the steps necessary to achieve complete abatement of the nuisance activities occurring at your property at the Sacramento District Attorney's Office, located at 901 G Street, Sacramento, CA. Please call my office at (916) 874-7000 to confirm your availability to meet in order to discuss this matter.

**Sincerely,**

**SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE**



**THIEN HO,  
DISTRICT ATTORNEY**

cc: Mayor Darrell Steinberg  
cc: Council Member Sean Loloee  
cc: City Manager Howard Chan  
cc: Director of Public Works Ryan Moore  
cc: Anthony Prince, Attorney at Law  
cc: Crystal Sanchez