



The Honorable Matt Mahan, Mayor of San José
and Members of the City Council
via email, March 4, 2024

RE: City Council Agenda March 5, 2024, Item 3.5: “Stormwater Permit Requirements, Homelessness and Neighborhood Considerations”

Dear Mayor Mahan and Councilmembers,

We in the District 6 Neighborhood Leaders Group (D6NLG), a decades-old association of involved community representatives of the numerous District 6 neighborhoods and associations, are dedicated to preserving and enhancing the quality of life in a sustainable and equitable San José. In addition to neighborhood leadership, some of our members have served on various City and County Commissions, and on the Boards and Advisory Boards of non-profits and government agencies. Several of us have served on City and Water District task forces and working groups.

The District 6 Neighborhood Leaders are generally in support of the Staff’s specific recommendation to continue encampment services to Neighborhood and Commercial Sites *in addition to* the California State Water Board’s mandate for increased services within 500 feet of a creek or an intake to the city’s waterways. *As residents and business owners*, we absolutely agree on the need to reduce the impacts of unhoused persons and RVs in our neighborhoods and business districts. *As environmentalists and lovers of nature*, our hearts ache at the destruction of the riparian habitat of our creeks and the risks to the San Francisco Bay from increasing algal blooms fueled by E. coli from human feces.

We are concerned about the size of the budget estimate: it appears to have been made without planning, without outreach to the greater community, without further analysis of the impact to the General Fund for quality of life services such as parks and libraries (which already are underfunded), and without quantified specifics on the risks associated with being out of compliance. Specifically, on page 11.

...the Administration will bring forward budget proposals to address the work described in Phases 1 and 2, dependent upon available resources, **trade-off considerations of other City core services**, and direction from the City Council’s approval of the Mayor’s March Budget Message for Fiscal Year 2024-2025.

Recommendation:

We encourage Council to give Staff guidance

- 1) to more fully develop a mixed plan of **both** stormwater **and** neighborhood homeless services and abatement;
- 2) to authorize additional professional staff and/or consultants to serve to develop a plan with more operational specifics and refined cost estimates;
- 3) to conduct outreach among a **full range** of community members, including a trade-off analysis;
- 4) and to explore California Water Board’s receptivity to a **phased** approach, involving supportive elected officials if necessary.

We ask Council to **defer** a final decision until budget hearings where the challenges and their impacts can be fully sunshined to the full community.

Discussion:

Develop a Plan First

After three drafts, there still appears to be no plan approved by the State Water Board. An acceptable plan should precede a budget ask. The plan should include where unhoused persons will relocate to and how services will be funded in their new location, as well as how to prevent new encampments from

forming in the neighborhoods when they are displaced from the creeks and surrounding buffer lands. The plan should be very thoughtful and strategic. We respect Senior Staff's experience at emergency operations and at standing up a new program – Beautify SJ. Their experience is invaluable. However, we find their timeline to be extremely ambitious and optimistic. What was the \$25 Million estimate based upon? How does that compare to other projects, such as the cost and timeline for clearing Guadalupe Gardens? Council should require more specifics before it accepts this estimate.

Personnel

We encourage Council to authorize additional staffing in this fiscal year to more fully develop a plan, to collect and report the data requested by the Water Board, to carry out budget and risk analyses of the various alternate specific scenarios, and to seek real estate for additional interim housing or parking sites.

Outreach

In light of Staff's statement about impacts to the City's other core services as well as Neighborhood Unhoused services outside the Water Board's Stormwater purview, we believe robust outreach to ***all*** stakeholders is necessary—beyond unhoused and housing advocates. Residents and business owners must be given an opportunity to shape the decision on whether further cuts to core services are acceptable. This must be prior to and in addition to the budget hearings.

Water Board Collaboration

The Water Board is mandated to enforce state laws; however, their senior management has some administrative flexibility. Just as the City discovered with the FAA over the encampments in Guadalupe Gardens, the threat to the Airport's TSA budget was not enforced in the context of progress. The intervention by support staff of Federal elected officials helped to smooth the relationship. We encourage the City to work with the highest State elected officers to develop a *phased* project in collaboration with the Water Board that more fully reflects the complexity of the problem.

Defer a budget decision

Staff's estimate of \$25 million additional budget does not appear to be rooted in specifics, as revealed in their proposed project development timeline. Further, the report does not reveal what portion of the \$31M grants from the Federal government can be retained with a mixed approach. Nor does the staff report reveal the size of the Water Board's threatened state fines. This estimate may be far too small or far too large. Any dollar amount should be linked to specific scenarios and budget impacts.

Summary

The problem is complex: meeting the needs of the unhoused and the difficulty of finding land, dollars and staff, balanced against the necessity to maintain the support of housed residents and the greater business community. ***This likely will be the most difficult decision Council will make: it should not be made in haste.*** The voters have been very generous in supporting Housing bonds and Beautify SJ. Residents and businesses have been vocal at wanting solutions for the homeless problem. However, their views have never been measured in the context of losing their own core services, such as parks, libraries, code enforcement, fire and police services. ***We encourage moving cautiously and with significant attention to the community's waning level of compassionate support when cuts are proposed to their own services.***

Sincerely yours,

Dr. Lawrence Ames, Chair, D6NLG