

City Council: 03/05/24

Item: 3.5



# Memorandum

**TO:** City Council

**FROM:** Councilmember Bien Doan

**SUBJECT:** SEE BELOW

**DATE:** March 5, 2024

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**APPROVED:**

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**SUBJECT: STORMWATER PERMIT REQUIREMENTS, HOMELESSNESS AND NEIGHBORHOOD CONSIDERATIONS**

## **RECOMMENDATIONS**

1. Accept the staff recommendation with the following addition:
  - i. Direct the City Manager to analyze the use of pre-engineered congregate shelter as a method for sheltering people living in the discharge areas of waterways in San José with the methodologies in item C.1. of the March 6, 2024, Rules and Open Government Committee Agenda.

## **DISCUSSION**

I am surprised that this report is being submitted after the deadline and that staff only briefed my office on the day it was supposed to be due. The council should have been made aware of these issues as soon as the second submittal was rejected so staff could receive appropriate direction. Presenting a “take it or leave it” memorandum with no ability to modify with our input until after the submission date is irresponsible at best and negligent at worst.

San José has been facing an unsheltered crisis for years. It is clear through our current situation that the programs and strategies we are running are too slow, too expensive, and financially unsustainable. Additionally, we see through this memorandum that San José must act quickly to rectify the egregious homelessness crisis in our waterways.

Our San José homelessness crisis has been the result of multiple levels of government failing to quickly act and uphold their covenants to the people. Our City is responding with EIH and tiny home shelter solutions without being reimbursed by the County, because the County has failed to adequately shelter our homeless neighbors and the state has failed to appropriately address our mental health epidemic.

For the City of San José to bear the full responsibility, and fines, associated with this crisis is inappropriate as we are one of the few California cities actively pursuing solutions and getting people sheltered at the municipal level. I have confidence our City Attorney's Office will look into this issue and provide more information in the near future.

Councilmember Batra and I have crafted a pilot proposal called SJ LUV with input and collaboration from the City Manager, City Attorney, ESD, SJPD, PBCE, and more, that demonstrates a viable and sustainable plan by using pre-engineered congregate shelter as is done in other parts of the Bay Area and the world, at an estimated construction savings of 98.9% over PSH and 93.1% over EIH.

The City should immediately prioritize the use of pre-engineered congregate shelter as a viable option for the Direct Discharge Plan and for unsheltered persons citywide. For more information and analysis please view our ROGC memo which details the implementation strategy. The SJ LUV proposal will be heard before the Rules and Open Government Committee on March 6, 2024. Bearing in mind it's current standing, I urge that it be considered as a tool to aid the City into good standing with the San Francisco Bay Regional Water Quality Control Board.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*