

**Fw: SCLP SCVAS Joint letter to San Jose March 1 2024 RE: Agenda item 3.5 on March 5 agenda**

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

Fri 3/1/2024 2:35 PM

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

 1 attachments (32 KB)

SCLP SCVAS letter to San Jose March 1 2024.pdf;

**Office of the City Clerk | City of San José**200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

---

**From:** Dashiell Leeds <[REDACTED]>**Sent:** Friday, March 1, 2024 2:32 PM**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Webmaster Manager <webmaster.manager@sanjoseca.gov>**Cc:** James Eggers <[REDACTED]>; Shani Kleinhaus <[REDACTED]>; Mike Ferreira <[REDACTED]>; Wils Cain <[REDACTED]>; Barbara Muir <[REDACTED]>**Subject:** SCLP SCVAS Joint letter to San Jose March 1 2024 RE: Agenda item 3.5 on March 5 agenda

[External Email]

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

Dear Mayor Mahan and Councilmembers,

The Santa Clara Valley Audubon Society and the Sierra Club Loma Prieta Chapter support staff recommendations to develop and implement an Enhanced Neighborhoods and Waterways approach to addressing homelessness issues that ensures compliance with the NPDES Stormwater Permit and maintains acceptable levels of service in San Jose neighborhoods.

Please see the attached letter for our full comments.

Sincerely,

James Eggers  
Chapter Director  
Sierra Club Loma Prieta Chapter

Shani Kleinhaus  
Environmental Advocate  
Santa Clara Valley Audubon Society

Email sent from account of  
Dashiell Leeds  
Conservation Coordinator  
Sierra Club Loma Prieta Chapter

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



**SIERRA CLUB**  
LOMA PRIETA CHAPTER



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

March 1, 2024

San Jose City Hall  
200 E Santa Clara St  
San Jose, CA 95113

**Re: Item 3.5 on March 5 Agenda: Stormwater Permit Requirements, Homelessness and Neighborhood Considerations.**

Dear Mayor Mahan and Councilmembers,

The Santa Clara Valley Audubon Society and the Sierra Club Loma Prieta Chapter support staff recommendations to develop and implement an Enhanced Neighborhoods and Waterways approach to addressing homelessness issues that ensures compliance with the NPDES Stormwater Permit and maintains acceptable levels of service in San Jose neighborhoods.

Together our organizations represent tens of thousands of supporters in Santa Clara County, including San Jose. Our members care deeply about natural ecosystems, wildlife, and protecting our environment. For decades we have been advocating for the integrity, environmental health and biodiversity of riparian and aquatic ecosystems in Santa Clara County and especially in San Jose.

In recent times, impacts of homeless encampments along San Jose waterways have been accumulating with trash, toxic debris and human waste, as well as erosion and denuding of riparian vegetation. The impacts have devastated ecosystems along the creeks and impaired water quality locally, downstream, and in the Bay. Clean-up efforts have removed millions of tons of trash, and yet the problem persists.

The people experiencing homelessness in these conditions and our waterways deserve better, and so do San Jose residents in all city neighborhoods.

We agree with the direction provided by the San Francisco Bay Regional Water Quality Control Board that asks the City to prioritize abatement and cleanup efforts within a 500-foot buffer from

waterways. We also appreciate the concern for the safety and quality of life in San Jose neighborhoods. For all of these reasons we support the staff recommendation.

Sincerely,

James Eggers  
Chapter Director  
Sierra Club Loma Prieta Chapter

Shani Kleinhaus  
Environmental Advocate  
Santa Clara Valley Audubon Society

**FW: March 5, 2024 Council Item 3.5 Stormwater Permit Requirements, Homelessness**

City Clerk <city.clerk@sanjoseca.gov>

Mon 3/4/2024 8:36 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

---

**From:** Aurelia Sanchez [REDACTED]  
**Sent:** Saturday, March 02, 2024 9:16 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Cc:** Torres, Omar <Omar.Torres@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District8 <district8@sanjoseca.gov>  
**Subject:** March 5, 2024 Council Item 3.5 Stormwater Permit Requirements, Homelessness

[External Email]

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

Honorable Mayor and Council members,

The Mercury News printed a story where District 7 has been selected to open up a site that will be host to 1,000 shelter beds. Please note District 7 borders my neighborhood and already has numerous shelters, supportive housing and affordable housing and large encampments along the Tully Library, The Plant Shopping Center, schools like Yerba Buena etc. There has been no community discussion on exactly what is planned or where. I have also heard that this will be a pilot program and other districts might have shelters too but the Mercury was very clear on 1,000 beds. Our city cannot manage Second Street and I cannot imagine 1,000 shelter beds that just seems unmanageable.

Please inform District 7 and District 3 communities on exactly what is planned and details. I hope to attend the meeting to learn more and comment.

Aurelia Sanchez  
District 3

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**FW: March 5,2024 Council Meeting:Item 3.5 Stormwater Permit, Homelessness**

City Clerk <city.clerk@sanjoseca.gov>

Mon 3/4/2024 8:33 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

---

**From:** Aurelia Sanchez [REDACTED]  
**Sent:** Sunday, March 03, 2024 8:07 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Cc:** District5 <District5@sanjoseca.gov>; Districtt3@sanjoseca.gov  
**Subject:** March 5,2024 Council Meeting:Item 3.5 Stormwater Permit, Homelessness

[External Email]

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

Honorable Mayor and Council members,

I am a resident of District 3 and live in the Spartan Keyes Neighborhood. After reading the memo dated 02/29/2024 by Council members Bien Doan and Arjun Batra , I have some grave concerns on the proposed SJ Luv plan to address the State mandate to clear encampments along creeks and waterways.

1)My chief concern is District 3 needs to be in this pilot program. The data cited from police and fire show District 3 has the highest calls for the unhoused cad events. Example, total cad events for District 3 : 70101. District 2 : 28630.

The pilot program should be based on data and clearly there is no reason District 3 was left out. Please correct this.

2)The memo states residents of these shelters have no curfews or are required to attend training programs etc. Services will be offered but again these residents can continue drug use, alcohol consumption in the named sites or outside the sites. No mention of extra security for neighborhoods near these sites which will impact Spartan Keyes and Naglee neighborhoods. No mention of services to control the population in these planned sites from loitering near liquor stores, shopping centers or bars near my neighborhood. Our schools and parks will be impacted and again there is no discussion on how Kelly Park, The Plant Shopping Center, and nearby schools and youth centers will be addressed.

There are more concerns but again the purpose of this email is that the council and mayor need to consider the data and facts and not favoritism or politics.

Aurelia Sanchez  
District 3

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## FW: Comment re: Item 3.5 at tomorrow's Council meeting

City Clerk <city.clerk@sanjoseca.gov>

Mon 3/4/2024 2:17 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (152 KB)

MRP and encampments comment Save The Bay.pdf;

---

**From:** Hayley Currier <[REDACTED]>

**Sent:** Monday, March 04, 2024 2:09 PM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

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

**Subject:** Comment re: Item 3.5 at tomorrow's Council meeting

[External Email]

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Good afternoon,

On behalf of Save The Bay, I am sending the attached letter regarding item 3.5: Stormwater Permit Requirements, Homelessness, and Neighborhood Considerations.

**Hayley Currier**  
POLICY MANAGER

[www.saveSFbay.org](http://www.saveSFbay.org)

Pronouns: she, her

# SAVE THE BAY

*Protect and Restore San Francisco Bay*  
*For People and Wildlife*



March 4, 2024

Mayor Mahan and Council  
City of San José  
San José City Hall  
200 East Santa Clara St.  
San José, CA 95113

**RE: Item 3.5 Stormwater Permit Requirements, Homelessness, and Neighborhood Considerations**

Dear Mayor Mahan and members of the City Council:

On behalf of Save The Bay, I am writing to thank you for taking pollution prevention and public health seriously in San José by proposing an approach to addressing the pollution impacts of unhoused communities living in waterways. We are pleased to see the City taking a balanced and nuanced approach to addressing this complex issue. We support the proposal to develop a plan for meeting Municipal Regional Stormwater Permit (MRP) requirements, reducing pollution discharge into the Bay, and taking care of our community members who live along waterways. **As you develop this plan to protect our waterways, please work with homeless service providers, advocates, and people with lived experience to ensure all actions taken prioritize the health and wellbeing of unhoused community members as well as the Bay.**

Save The Bay has worked with dozens of cities around the Bay Area to ensure a safe, clean Bay, and we have been working with San José for the past several years on stormwater management, flooding, and pollution reduction. The City's staff have been diligent in working with key stakeholders and community partners to inform policy approaches, and we trust they will take the same thoughtful approach here.

Creek beds and waterways are not healthy or safe places to live, for our unhoused neighbors or for the environment, and we strongly support the proposal in the staff memo to create a comprehensive plan that addresses both needs. As homeless encampments and illegal dumping along creeks are leading sources of pollution in waterways in San José, it is essential to provide healthy and safe alternatives that are part of a citywide approach to addressing homelessness.

Following the lead of homeless advocates, such as Sacred Heart's Survivors of the Street team, who have been working on this issue and with unhoused communities for decades, we support providing services first and primarily, and ensuring that abatement activities are not conducted without providing every community member a safe place to



go, with every opportunity to safely relocate with all of their belongings. Not only is this the best approach for the well-being of these community members, it is the most cost-effective. Removing people and belongings without a plan or alternative place to sleep simply encourages camping in other undesirable locations, moving the problem to more difficult to manage areas where it is harder to provide services and more costly to police, leading to yet more costly encampment sweeps. Given the cost of meeting MRP requirements, it is essential that City funds are used strategically and effectively, addressing the root cause as much as possible. Helping people stay in their homes through tenant protections, building affordable housing, and providing safe places for people to sleep will lead to positive water quality outcomes.

Most importantly, when developing a no-encampment policy, abatement criteria and approach, and encampment removal plan as proposed in the staff memo, the City should consult those with lived experience, such as through the Survivors of the Street program. Those who have experience living outside are the best able to ensure the City's plans effectively and permanently help people leave waterways, prioritize the health and well-being of these community members, while also ensuring a clean and healthy ecosystem.

Through strong partnerships with environmental and homeless advocates, we believe San José can be a model for how cities can balance pollution prevention and unhoused community welfare. We look forward to working with the City on the proposed planning effort, and we strongly commend this thoughtful, comprehensive approach.

Thank you,



David Lewis  
Executive Director  
Save The Bay

## FW: City council general public comment 3-5-2024

City Clerk <city.clerk@sanjoseca.gov>

Tue 3/5/2024 10:28 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

---

**From:** Debra Townley [REDACTED]  
**Sent:** Tuesday, March 05, 2024 10:08 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** City council general public comment 3-5-2024

[External Email]

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

Honorable Mayor and City Council Members,

Please halt ALL SWEEPS of the unhoused.

The City does not have a place for people to go in spite of the false representation to the public that people are being referred to shelters or services when their survival gear is ultimately stolen from them by the city. The other false narrative is that people are being connected to case management. Absolutely untrue that sweeps are providing shelter and services! It is basically destroying morale, leaving folks without supply and scattering people about the city to other locations or ultimately contributing to their demise and killing them by leaving them emotionally devastated and physically more vulnerable without supplies. And at a wastefully high cost!

The money spent conducting sweeps is better spent creating:

Affordable housing!  
Overnight Warming and cooling shelters!  
Services and clean ups at existing encampment sites!  
Safe Parking!

STOP THE SWEEPS!!!

Thank you,

Debra Townley


This message is from outside the City email system. Do not open links or attachments from untrusted sources.

# FW: City Council Agenda March 5, 2024, Item 3.5: "Stormwater Permit Requirements, Homelessness and Neighborhood Considerations"

City Clerk <city.clerk@sanjoseca.gov>

Tue 3/5/2024 7:45 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (865 KB)

D6NLGtoMayor&Council-Waterways&Homeless.pdf;

---

**From:** Lames <[REDACTED]>

**Sent:** Monday, March 04, 2024 11:01 PM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Rios, Angel <Angel.Rios@sanjoseca.gov>; Passons, Omar <Omar.Passons@sanjoseca.gov>; Harkness, Kip <Kip.Harkness@sanjoseca.gov>

**Subject:** City Council Agenda March 5, 2024, Item 3.5: "Stormwater Permit Requirements, Homelessness and Neighborhood Considerations"

[External Email]

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

Attached please find a letter from the District 6 Neighborhood Leaders Group (D6NLG) to the Mayor and City Council regarding Agenda Item 3.5: "Stormwater Permit Requirements, Homelessness and Neighborhood Considerations".

Thank you.

~Lawrence Ames, Chair, D6NLG.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



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

## FW: Agenda Item 3.5

City Clerk <city.clerk@sanjoseca.gov>

Tue 3/5/2024 7:45 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (508 KB)

Item 3.5.pdf;

---

**From:** Steve Holmes <[REDACTED]>  
**Sent:** Monday, March 04, 2024 3:52 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Agenda Item 3.5

[External Email]

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

Please add this letter to the Agenda Item for tomorrow's meeting.

Thanks!

Steve



**Steve Holmes | Founder, Executive Director**

a: South Bay Clean Creeks Coalition

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

 [facebook icon](#)  [youtube icon](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



3/5/24

Subject: Agenda Item 3.5

To: Mayor Mahan and Councilmembers

From: South Bay Clean Creeks Coalition

South Bay Clean Creeks Coalition is in favor of the City's strategy to create a Neighborhoods and Waterways Program. Our organization has spent the past 11 years conducting 429 cleanups and removing 709 tons of trash supported by 29,436 volunteer hours along local waterways. This effort has placed us directly in the encampment areas where we see the total devastation to our natural environment. One could ask, "what are we leaving to the next generation". The volume of trash collected at our events is trending in the wrong direction, we are losing this struggle. We can't clean our way out of the place we now find ourselves in.

Our organization stands firm in support of the City's efforts to achieve Clean Healthy Creeks.

Sincerely,

A black rectangular box redacting the signature of Steve Holmes.

Steve Holmes  
Executive Director