



Erik Soliván, Housing Director, City of San José;
Matthew Loesch, Director of SJ Public Works; and
Omar Passons, Deputy City Manager for Homelessness
via email, sent Aug. 8, 2024

Subject: Housing and the Homeless

Dear Sirs,

The District 6 Neighborhood Leaders Group (D6NLG) is an association comprised of officers, boardmembers, and involved community representatives from the various neighborhoods and associations across District 6 in San José. We are concerned for the safety and dignity of *all* residents in our city, and we advocate for San José to become an even more safe, sustainable, equitable, and inviting city. We have been discussing the housing and homeless issues for some time; at our July meeting we developed a list of questions and concerns; and in August we approved writing this letter in the hope that it may be useful in plotting a successful path forward.

District 6 Neighborhood Leaders recognize the city's severe homeless crisis, and we acknowledge the terrible conditions at many of the homeless encampments, both in terms of quality-of-life for their residents and in terms of the encampments' impact on the environment and the neighborhoods. We also acknowledge the deadlines imposed by the State Water Quality Control Board regarding encampments in the creeks. We know that state law now authorizes reduced CEQA protections and also authorizes the use of all public lands, including parks, to meet the officially declared housing emergency. We are aware that Council has granted you the authority to take ministerial actions to create new facilities for the homeless, but we also note that Council mandated that there be a robust outreach process for each proposed site.

As District 6 Neighborhood Leaders, we subscribe to the need for emergency facilities so that the residents of unsuitable homeless encampments can be relocated. The most recently released list of proposed emergency housing sites includes three sites within District 6 and one city park. We anticipate there may be more sites that are unknown at this time. We are conscious that many District 6 residents – neighbors of the proposed sites – are adamantly opposed to the locations of the announced sites.

Transparency – work with stakeholders and the community.

- **Inform:** The City must be transparent in its actions: educate and inform residents throughout the city of the issues and the proposed actions – tell us what's happening!
- **Process Planning:** Tent housing is but one piece of the puzzle. The County has traditionally been responsible for providing shelter and services for the homeless, but now the City also is getting involved, being tasked with the first step of quickly getting people out of the unsafe and unsanitary encampments and into temporary shelter. But it is not enough to simply set up some tents in a new location and then tell folks that they have to move: they will need various support services along the way. We urge you to coordinate with the County and other service providers to develop a plan for the steps to transition residents from “temporary/emergency” into “sober and stable” and finally into “permanent” housing. Engage a working group of diverse stakeholders: experts trained in working with the homeless, but also members of community and neighborhood groups, shelter residents, and representatives of “the lived experience”. Use “lessons learned” as feedback to improve the process.
- **Public Relations:** The City must create a critical mass of public support for these facilities if they are to be successful, and presently few of us are aware of the various mandates. This should start

immediately, with, for example, guest speakers at neighborhood association meetings and similar public events.

Site Criteria – points to consider when evaluating a potential site for a facility:

- **Site Evaluation:** The City’s evaluation of all sites should include at least a minimal CEQA-lite evaluation for toxics, flood risks, stream bank integrity, and habitat critical for endangered species such as the burrowing owl.
- **Riparian Setback:** All sites adjacent to a riparian (streamside) corridor should be designed to maximize the riparian setback, with at least a 100-foot setback as the goal. Lighting should be shielded and pointed away from the riparian habitat. Light fixtures with appropriate wavelengths that support riverine habitat should be used.
- **Service Impacts:** Services such as garbage pickup, water and food delivery and others should be designed to minimize the impact to normal traffic patterns. If service providers are expected to visit the site, on-site parking should be provided.

Considerations for the unhoused residents – how will the residents of the facility be treated?

- **Population Accommodations:** Please seek to develop facilities that are specific to populations – family, women and children, and youth (e.g. age 18 - 22). We are especially concerned about youth who tend to develop unhealthy co-dependencies with older persons, leading to homelessness as a lifestyle.
- **Safety:** Tents provide some shelter from the rain, but little protection from other people. Tiny homes provide a solid roof and a lockable door, which are very important for single women and young mothers.
- **Size:** We’ve heard of studies that show that facilities with roughly fifty units are manageable, but when they get much larger than that, problems arise. The unhoused will not want to leave their streamside encampments for a city-sanctioned facility if they do not feel safe.
- **Access to services:** We recommend siting facilities at locations with convenient access to public transportation. Some of the proposed sites are also within easy walking distance of grocery stores and other services. (Will there be safe crosswalks and pathways to reach these services?)
- **“Families”:** When relocating individuals, please be respectful of adult groups who have formed collaborative teams functioning as households.
- **Pets:** Please design relocation protocols and the site so that pets – dogs and cats – can be relocated with their owners. Please include protocols to work with the shelter and various animal rescue groups to get the animals spayed/neutered and their shots, or surrendered, as necessary.
- **Fencing:** Please have a fence around the perimeter of each site.
- **Security / Lock-boxes:** Would it be possible to provide “safety deposit boxes” (or the equivalent), either on-site or perhaps at some central location (e.g., City Hall) where residents could keep their “important papers”? If one has their birth certificate stolen, it can delay the sign-up for services by months while awaiting a new copy.
- **Options:** Will there be multiple sites with varying entrance criteria? For example, if a given site requires “clean and sober” living and a resident relapses, do they have to go back to the street or could they move to another site? Another consideration: some sites might be in “territory” claimed by a gang, and perhaps an unhoused resident from a rival gang would want to move to another shelter rather than having to move back out on the street.

Considerations for the housed residents – what are the impacts on the neighbors?

- **School Impacts:** Sites adjacent to schools should fall to the bottom of the list for evaluation. Sites that are proximate to schools, but not adjacent, should be evaluated in the context of walking paths and transportation patterns and age of students. Students should not be required as a normal routine to walk past a “no-bar” (“anyone accepted” / criteria-free) campground or to share a bus stop.

- **Residential Impacts:** To extent feasible, please select sites that are not adjacent to residential properties.
- **Avoid Spillover:** Sites and site management need to be designed to minimize encampment by others on adjacent right-of-way and nearby vacant property.

Accountability

- **Community Accountability:** For each site, please establish a Community Advisory Council, similar to that used for the Arena Hotel, so the problems can be proactively addressed. The Council should include facility residents, those with lived experience, representatives of the city and police, as well as local residents.
- **Outreach:** Please establish an outreach protocol for each site. This protocol should provide the community with information about what to expect; the profile of who will live at the site; the timing of construction, operation, and eventual dismantlement; and who will be responsive if there are problems. Community members will want to know, if encampments and RVs come to nearby streets, how they will be handled: they will want to know about policing and responsiveness. The outreach should also explain what, if any, increase in crimes to property or persons has historically been experienced near other tiny homes, bridge housing, safe parking sites or tent sites. Community members will want to hear about the experience of other cities with no-bar facilities and how problems were solved. They will want to know what department is responsible and accountable for the program – who do they contact in case of problems: PRNS? Housing? Beautify SJ? Public Works? San Jose Police? The Mayor’s Office?
- **Parks:** While we recognize that state law authorizes the use of parkland for emergency housing, parks are highly valued by community members – as evidenced by recent polling – and are enshrined in the City’s Charter. Most parks are located within residential neighborhoods and are heavily used by children. We think that parks should be among the last locations examined for tent housing. When evaluating a park site, please consider what programs will be detrimentally affected. For example, History San Jose and Christmas in the Park programming would have been crippled if the Phelan Avenue parking lot at Kelley Park had been approved by Council. In addition, when evaluating park sites, please compute cost estimates for restoring the site to a safe family-friendly condition after the tents are removed, and also provide information on which department(s) and funding source(s) will pay for this restoration. We are opposed to this burden being assigned to PRNS’s General Fund, the C & C tax fund, the Park Trust Fund, or any potential future parcel tax fund: there is already a significant backlog in needed maintenance and improvement of city parks, and the parks are unable to take on an additional burden.
- **Wind Down / Clean Up:** These facilities are all planned to be temporary solutions to a crisis, not a permanent solution to a chronic situation. As such, there need to be plans for how these facilities “close shop”. When will this be? Who pays to clean up the sites and restore them to their original condition?

We hope this input may prove useful. We hope to hear from you to get feedback on how the plans evolve. You have resources available: you do not have to make decisions in a vacuum.

We want to see our unhoused residents treated fairly and with dignity; we also want our housed residents treated fairly and with dignity – and we want it all done in an open and transparent process that minimizes impacts to the environment and to the community. We recognize that this is a tall order, and we look forward to supporting your efforts as best we can.

~Lawrence Ames, Chair, D6NLG.

cc: Jennifer Maguire, City Manager, City of San José