

**Michele King**

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**Subject:** FW: Encampments on Penitencia Creek

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**Sent:** Thursday, June 6, 2024 10:05 PM

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**Subject:** Encampments on Penitencia Creek

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Dear Director Santos and Staff,

Several weeks ago, I learned that the Penitencia Neighborhood Association was sending letters in support of the Proposed Water Resources Protection Zones Ordinance to strengthen your stand on removing encampments located on Valley Water's property along the creek banks in San Jose.

While not a member of the Penitencia Neighborhood Association, our community is also near Penitencia Creek, and I would like to share some of the impacts the close proximity of campers have had on our residents. I am a volunteer board member of the Creekside Station at Berryessa Owners Association. Our community of 113 townhomes is located north of Penitencia Creek between North Capitol Avenue and I-680. Since abatements were halted in 2020, dealing with disruptions caused by the campers has taken a considerable amount of the board's time and the association's money.

Not all the campers who have caused problems for us are located on Valley Water's property along the creek. There are other jurisdictions where we have seen camper activity, but the creek seems to be a base that attracts people to the other surrounding properties.

These are some of the things we are experiencing:

#### **Fire Danger and Smoke**

In the past two years, we have had two grass fires that started between the creek and our community that very nearly reached one of our buildings. One of the fires singed some of our landscaping. Each spring and summer, I make calls or file online requests to the appropriate jurisdictions to have the tall grasses mowed before they dry out. I have made several calls in the past year to report fires that look like they are out of control or could easily spread. I've stood and watched brush fires burn, weighing whether to start knocking on neighbors' doors and trying to remain calm while waiting for the fire department to arrive.

We are concerned that an insurance inspector will make note of the camps, and our property/liability coverage will be cancelled.

On warm evenings when we want to open our windows and turn off the air conditioning, we are often unable to do so because of smoke from the campfires. We worry about the effects of frequently breathing in smoke from the fires, not only in our homes, but also while out in the community.

#### **Noise**

A number of residents have told me they have been awakened by people talking loudly, arguing, or ranting to no one in particular. Sometimes we hear loud music, and often, we hear fireworks or banging noises.

### **Trespassing**

People regularly pass through our community to get to the creek. We have found people sleeping on our front porches, and we've found clothing items, trash and drug paraphernalia in front of homes. A few people park their cars in the community while apparently living at the creek. One man walked into a real estate agent's open house wearing only shorts.

### **Electricity Theft**

Last year, some campers re-routed electricity from outdoor lighting along our sound wall to their camps. After paying several times to have the light fixtures that were damaged repaired, we ultimately chose to re-route the wiring to all the fixtures to make it more difficult to tap into the electricity. This cost our association over \$15,000, more than twice our annual budget for lighting maintenance.

I've had several reports of people coming here to use the electrical outlets located on the front porches of homes.

### **Use of Community Park and Playground**

Some residents recently called 911 when they witnessed a camper sitting on a bench next to the playground holding a machete. The same man has also been seen carrying an axe through the community.

Several people told me they saw a man relieving himself on the shrubs within clear sight of our playground, and I have witnessed this myself at least three times, even while there was a porta-potty a short distance away.

Parents visiting the playground with their children feel the constant need to be cautious and watchful, and they sometimes find themselves cutting their visits short due to uncomfortable situations either at the camps or with campers entering our property. Older children are rarely permitted to use the park while unattended.

We have a barbecue and gazebo for picnics that sit largely unused. The electricity and water have been shut off since 2020, and we no longer allow use of the propane grill. We installed a lock on the hose bib for a planting box in the park after campers left hoses with water spraying there several times.

### **Use of Public Trails**

Most residents of our community no longer feel comfortable or safe using the Penitencia Creek Trail between North Capitol Avenue and I-680, which is also our most direct pedestrian/bike route to Independence High School and the BART station.

### **Fence Replacement**

We are currently getting proposals to replace the fence between our community park and the County Parks property along the creek. There is nothing wrong with the fence, but residents feel we need a stronger, taller fence to make it more difficult for campers to enter our property from the creek area. From the initial proposals, this is looking like it could be a \$30,000+ project.

### **Security Patrols**

The board has periodically weighed getting security patrols in the community to prevent trespassing, but doing so would require an increase in homeowner dues, and we are unsure how much impact patrols would have.

I hope this gives you some idea of the kind of stress that those of us living near the camps are facing. We know that a relatively small number of campers account for most of these issues, but as we've seen the number of unhoused neighbors grow, the problems have become more frequent and serious. Thanks for your time and attention.

Sincerely,

*Susan Anderson Chen*  
*Creekside Station at Berryessa Owners Association*  
*San Jose*  
*408-771-6109*

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