

03/23/19

**MEMORANDUM**

FC 14 (01-02-07)

**TO:** Board of Directors**FROM:** Homeless Encampment Ad Hoc Committee Meeting**SUBJECT:** Homeless Encampment Ad Hoc Committee Meeting Summary for March 18, 2019**DATE:** March 26, 2019

This memorandum summarizes agenda items from the meeting of the Homeless Encampment Ad Hoc Committee Meeting held on March 18, 2019.

**ACTION ITEMS****4.1. REDUCING TOXINS, HAZARDS AND CONTAMINANTS IN LOCAL WATERWAYS.**

Ms. Kirsten Struve presented the following agenda item:

**Summary:**

The Santa Clara Valley Water District's (Valley Water) mission is to "provide Silicon Valley safe, clean water for a healthy life, environment, and economy." Valley Water's responsibilities are laid out in the Legislative Act establishing the agency and includes the responsibility to "enhance, protect, and restore streams, riparian corridors, and natural resources." Valley Water's regulatory obligations include compliance with stormwater permits to keep pollution out of streams. Furthermore, the Safe, Clean Water and Natural Flood Protection Program, which was developed through community collaboration and passed by voters with an overwhelming majority, provides special tax funding for Valley Water to undertake various projects to reduce toxins, hazards and contaminants in local waterways.

According to the 2017 Santa Clara County Homeless Census and Survey, there are over 7,000 homeless individuals living in the County, with over 4,000 living in San José. Of the individuals experiencing homelessness, 74 percent are unsheltered and a portion is living in the riparian areas along urban streams. Santa Clara County urban streams are unique as many are densely vegetated. These areas offer habitat to wildlife and recreational opportunities to the public. Impacts of encampments on the riparian environment include trash and debris, excavation, vegetation removal, erosion, fire, hazardous materials and bio-waste, and impacts to fish and wildlife through poaching and habitat destruction. In addition to pollution, accumulation of trash and debris can block the flow of water and activities associated with these encampments can erode streambanks, resulting in an increased risk of flooding.

More recently, there has been a growing concern about the safety for Valley Water staff, contractors and volunteers working in and along streams. Safety hazards include firearms and other weapons, pathogens from human waste and needles, hazardous waste, and aggressive dogs.

To carry out its obligations, Valley Water undertakes various efforts and many of these are conducted in partnership with other public agencies, volunteers and non-profit organizations. Some of these efforts to improve water quality by reducing trash and other pollutants entering local waterways, protect riparian habitat and reduce flood risks, are described below:

Engaging the community to address homeless encampments - In 2016, Valley Water Board of Directors convened a Homeless Encampment Ad Hoc Committee to discuss homelessness and encampment issues and bring discussion and recommendations back to the Valley Water's Board. Over the years, the Ad Hoc Committee has had held meetings to identify solutions to homelessness encampments, heard from experts and the community, and brought recommendations to the Board. Ad Hoc Committee recommendations have led to the Board taking various actions, including:

- Directing staff to give municipalities with housing authorities the first right to purchase Valley Water surplus lands to support the development of permanent housing;
- Authorizing investing \$350,000 to fund an extension of the City of San Jose's Downtown Streets Team program to remove trash and debris at encampments along local waterways;
- Valley Water Board Chair sending letters to 15 local city mayors and Santa Clara County Sheriff, requesting increased police and security during encampment cleanups in the creeks; and

- Approving a new homeless encampment cleanup operational approach to address funding challenges.

Encampment Abatement - Valley Water works in partnership with cities to conduct cleanups along waterways. In San José, Valley Water partners with the City Housing Department on encampment abatement in the City under a Memorandum of Agreement (“MOA”). Under the MOA, the City provides notice to encampment residents via required posting, coordinates with outreach and social services, ensures safety via police escort, sorts and stores belongings of encampment residents as required, and pays for waste disposal, while Valley Water conducts the clean-up and transports the trash, biological, and hazardous wastes and handles permitting under its Stream Maintenance Program. This MOA established a model for partnering with other cities to work jointly on encampment clean-up efforts. In fiscal year 2018, Valley Water cleaned 582 encampment sites and removed more than 1,200 tons of trash and debris. Removal of encampment trash accounts for approximately 90 percent of trash removed from creeks by Valley Water. Other efforts include management of trash booms, trash monitoring, and removal of trash at litter hot spots and trash accumulation points in creeks.

Enforcement partnerships - Valley Water has funded San José park rangers and California Department of Fish and Wildlife Wardens to prevent re-encampment of areas that have been cleaned. While initially successful, staffing shortages in both agencies have resulted in a significant reduction in patrols. As a result, Valley Water is currently pursuing an agreement with the San José Police Department to address safety issues in the creeks. Valley Water is not currently funding Park Ranger positions; however, Valley Water staff has participated in the Park Ranger working group led by the City to help determine the future of the Park Ranger program. Park Rangers are currently conducting joint patrols with San José Police.

Cleanup partnerships - To assist in addressing the needs of the homeless population, Valley Water also has a partnership agreement with the City of San José to fund the Downtown Streets Team, which is a nonprofit, addressing homelessness by having homeless volunteers pick up trash along creeks, while providing necessities including a stipend, health services and case management.

Furthermore, Valley Water is working to partner with the City of San José on its effort to provide homeless residents with trash bags to bag their trash and reduce pollution of local waterways.

The City currently distributes transparent blue trash bags to its creek cleanup partners, Downtown Streets Team and homeless service providers to encourage homeless individuals to bag their trash. Homeless individuals use the bags and leave them along trails and sidewalks. The filled bags are then picked up by various City departments, creek partners and Downtown Streets Team. Under this proposal, Valley Water will assist the City with purchasing bags for distribution as well as picking up filled bags along certain stretches of local waterways, including Guadalupe River and Coyote Creek.

Grants - Valley Water provides grants directly to various non-profits and volunteer groups, such as the Downtown Streets Team, to reduce impacts of homeless encampments on local waterways.

Additionally, to develop a shared understanding, the issue of homelessness along waterways has been discussed at joint meetings of the Valley Water Board with the City of San Jose, Cities of Gilroy and Morgan Hill councils, and the County of Santa Clara Board of Supervisors.

Finally, Valley Water staff formed a Homeless Response Task Force to better coordinate among Valley Water units and lead staff homelessness response focused on the homeless population living in encampments along waterways to address the pollution and habitat impacts, safety issues, and infrastructure impacts caused by homeless encampments.

**The Committee took no action.**

## **4.2 SANTA CLARA COUNTY PROPOSAL TO TEMPORARILY RELOCATE HOPE VILLAGE ON VALLEY WATER PROPERTY**

Ms. Melanie Richardson presented the following agenda item:

### **Summary:**

In February 2019, Santa Clara County (County) staff had approached Valley Water staff about the possibility of relocating Hope Village, a sanctioned homeless encampment in San José, to Valley Water-owned property located at Willow and Lelong streets between the Guadalupe River and State Route 87. The property is part of

the Guadalupe River Flood Protection Project and will be required once project construction begins. In response, Valley Water staff requested a formal proposal that it could evaluate and present to the Board for consideration. Staff also provided a list of 11 conditions that the proposal would need to address.

1. The properties were purchased by the District for construction of the Upper Guadalupe River Flood Protection Project. Any use of the properties will be temporary, with the property restored to the original condition before March 1, 2021 to allow for construction of the flood protection improvements to begin on June 1, 2021.
2. A clear description of the proposed temporary use, including all improvements proposed to support this use needs to be provided.
3. A discussion regarding how the site will be managed on a day-to-day basis, including security and liability concerns for the proposed temporary use needs to be provided.
4. Both sites (north of Willow Street and south of Willow Street) are subject to flooding per FEMA's flood maps. The site on the north side of Willow Street has a Special Flood Hazard Zone A mapped along the river, with the remaining portions of the site designated as Zone D, areas where flood hazards are undetermined but possible. The site to the south of Willow Street also has a mapped Special Flood Hazard Zone A along the river and a Special Flood Hazard Zone AO, with a depth of 2 feet, on the remaining portions of the site. The proposal needs to include a discussion how structures and improvements will be protected from flooding. Additionally, any improvements within the floodplain must not increase flooding.
5. An appropriate riparian corridor setback needs to be provided to protect the riparian habitat as well as a slope stability setback, as defined in the District's Water Resources Protection Manual.
6. Information regarding how the County plans to communicate the proposed use to the surrounding community prior to the use as well as how concerns during use of the site will be handled needs to be provided.
7. Use of the site will require CEQA compliance, with the District as a responsible agency. CEQA analysis would be the responsibility of the County.
8. A clear description of the exit plan that includes as to how the County will manage closing down or relocating the village.
9. Assurance that the County will assume full responsibility for all the closing of the village within the time period we request, all the relocation costs, including obtaining a new site, associated with the proposed temporary use of the site needs to be provided.
10. A trash management plan is needed to ensure that trash is managed at all times at the site and that trash does not enter the river. This includes management of areas not in active use.
11. Description of roles and responsibilities for site management for health and safety of site occupants and general public safety.
12. Finally, the proposed schedule and the budget for use of the site while addressing all the above needs to be provided.

On February 26, 2019, the County Board of Supervisors directed County staff to continue the discussion with Valley Water on the proposed relocation. Subsequently, Valley Water staff met with County and City of San José staff and requested a formal proposal, which the County staff said they would provide. Meanwhile, the Ad Hoc Committee Chair Richard P. Santos and Valley Water staff visited the existing Hope Village site that is owned by the City and the Valley Water project site that the County is interested in leasing to relocate the sanctioned encampment.

As a result of the site visits, on March 11, Valley Water staff communicated additional conditions that the County would need to address in the proposal being developed. The additional conditions provided were:

- 1) The District would like to see City Sewer and Water connections re-established to this site, as this would eliminate truck traffic for the delivery of water, collection of sewage, and discharge of grey water.
- 2) The site needs fencing improvements to make the site secure.
- 3) The site should accommodate parking for residents and emergency vehicle access through the site. How many cars will be needing parking? Also, how will others be prevented from parking here?
- 4) We recently spent 3 days cleaning garbage and encampments from around the current Hope Village, so there needs to be an established surrounding area that is to be maintained by the City or County.

At the time of publishing this agenda on the evening of March 12, Valley Water CEO Norma Camacho received a property use request from County Executive Jeff Smith for the use of the Willow/Lelong property. Valley Water staff is currently reviewing the proposal which is attached to this memo.

San Jose City Representative Ms. Ragan Henninger, Deputy Director of Housing and County's Office of Support Housing Representative Ms. Michelle Covert shared a powerpoint presentation.

Several Members of Willow Glen Neighborhoods and other concerned community members spoke on the Willow St/Lelong property along with homeless issues.

**The Committee took the following action.**

It was moved by Director Tony Estremera, seconded by Director John L. Varela and unanimously carried, to:

1. Have staff facilitate and assist a meeting with the FAA in requesting that the City extend the Hope Village's time,
2. Have staff investigate Valley Water properties that are more amenable for a sanctioned Encampment site, discuss with Mr. Miron Conk and work with the City and County to identify additional sites.
3. Have staff continue to analyze the County's proposal and come back to the committee with recommendations, and
4. Have the 3 HEAH Committee Members (Directors Tony Estremera, Richard P. Santos and John L. Varela) meet with the elected(s) in the respective areas (example: City Council Member Dev Davis or others in the impacted areas) and bring back the information to share with the Community

**4.3 PRESENTATION BY THE SOUTH BAY CLEAN CREEKS COALITION ON THE IMPACTS OF ENCAMPMENTS**

Mr. Steve Holmes, Executive Director of South Bay Clean Creeks Coalition presented the following agenda item:

**Summary:**

Mr. Steve Holmes, Executive Director of South Bay Clean Creeks Coalition, will share a brief PowerPoint presentation showing the current state of trash along local waterways after the recent storms and the strategies to address the problem.

**The Committee took no action.**

Mr. Holmes was requested to return to give an update on his presentation!

**4.4 DOWNTOWN STREETS TEAM UPDATE**

Chair Richard P. Santos continued this item for next meeting

#### **4.5 HOMELESSNESS ALONG WATERWAYS SUMMIT**

Chair Richard P. Santos presented the following agenda item:

**Summary:**

This agenda memo provides the Committee with the opportunity to discuss a Homelessness Along Waterways Summit and forward any Committee recommendations to the Valley Water Board of Directors for their consideration.

**The Committee took the following action.**

It was moved by Director John L. Varela, seconded by Director Tony Estremera and unanimously carried: For Board consideration in proceeding with a Homelessness Along Waterways Summit with an open discussion and a collaborative forum with the Electeds, County, City, San Jose State University, Water Retailers and other respective agencies.

If you have any questions or concerns, you may contact me at, [gbrambill@valleywater.org](mailto:gbrambill@valleywater.org) or 1.408.630.2408.

Thank you.

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