

# 3.5 STORMWATER PERMIT REQUIREMENTS, HOMELESSNESS, AND NEIGHBORHOOD CONSIDERATIONS

SAN JOSE CITY COUNCIL, MARCH 5, 2024



PRESENTED BY: Kip Harkness, Deputy City Manager  
Omar Passons, Deputy City Manager  
Kerrie Romanow, Director, Environmental Services Department

# ENHANCED NEIGHBORHOODS AND WATERWAYS APPROACH



IMPACTS



People



Businesses



Infrastructure



Water Quality



Ecosystem



Infrastructure

SHELTER & HOUSING



**U.S. EPA Clean  
Water Act**

**State Water Resources  
Control Board**

**Regional Water Quality  
Control Board  
(9 regions)**

**MS4s (NPDES)**

**Municipal Regional  
Stormwater Permit**

# MUNICIPAL REGIONAL STORMWATER NPDES PERMIT

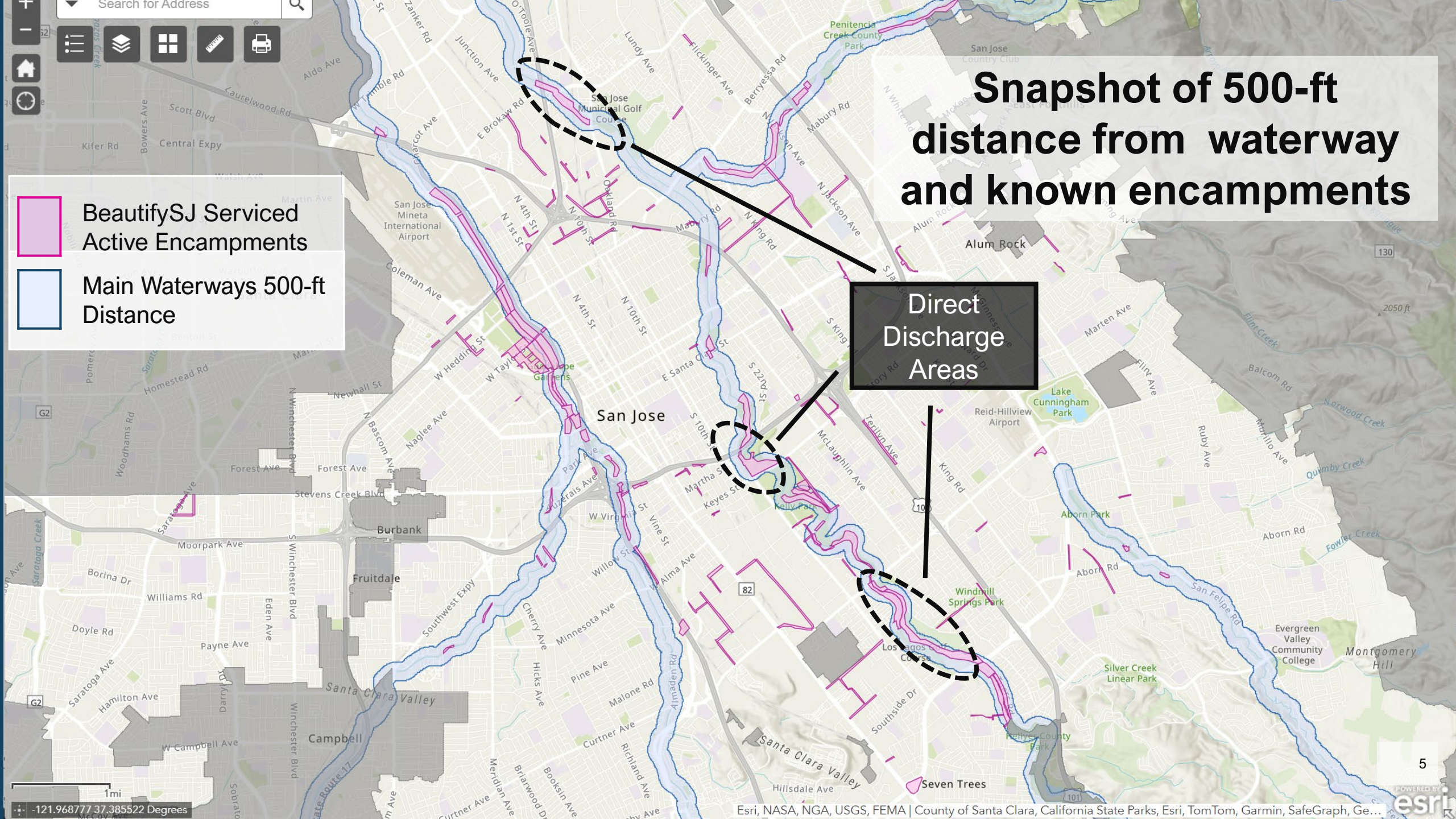
Permit Provision	City Departments Involved								
	ESD	DOT	HOUS	PBCE	PRNS	PW	AIR	FIRE	OED
C.2		+			+	+			
C.3		+		+		+	+		
C.4	+								
C.5	+	+							
C.6	+					+			
C.7	+				+				
C.8	+								
C.9	+	+			+	+	+		
C.10	+	+	+		+	+			
C.11, C.12, C.13	+	+		+		+			+
C.15		+		+				+	
C.17			+		+				
C.20	+	+	+	+	+	+	+	+	+
C.21	+	+	+	+	+	+	+	+	+
C.22	+	+	+	+	+	+	+	+	+



In its rejection of the City's Proposed Direct Discharge Plan, the Water Board stated,

*“To appropriately address direct discharges, the City needs to incorporate proximity to creeks and other receiving waters (within 500 feet) as a criterion for encampment abatement. In addition, the revised Plan needs to describe what steps the City is taking toward moving these encampments away from receiving waters.”*





# Snapshot of 500-ft distance from waterway and known encampments

- BeautifySJ Served Active Encampments
- Main Waterways 500-ft Distance

Direct Discharge Areas



EXISTING SERVICE DELIVERY **CANNOT**  
**SERVICE ALL KNOWN ENCAMPMENTS**  
**AND RVS WITH CURRENT RESOURCES.**



The Recreation Vehicle Pollution Prevention Program provides biowaste services to approximately 150 vehicles, but at least **650 recreation vehicles** and other lived-in vehicles are not resourced for regular service.



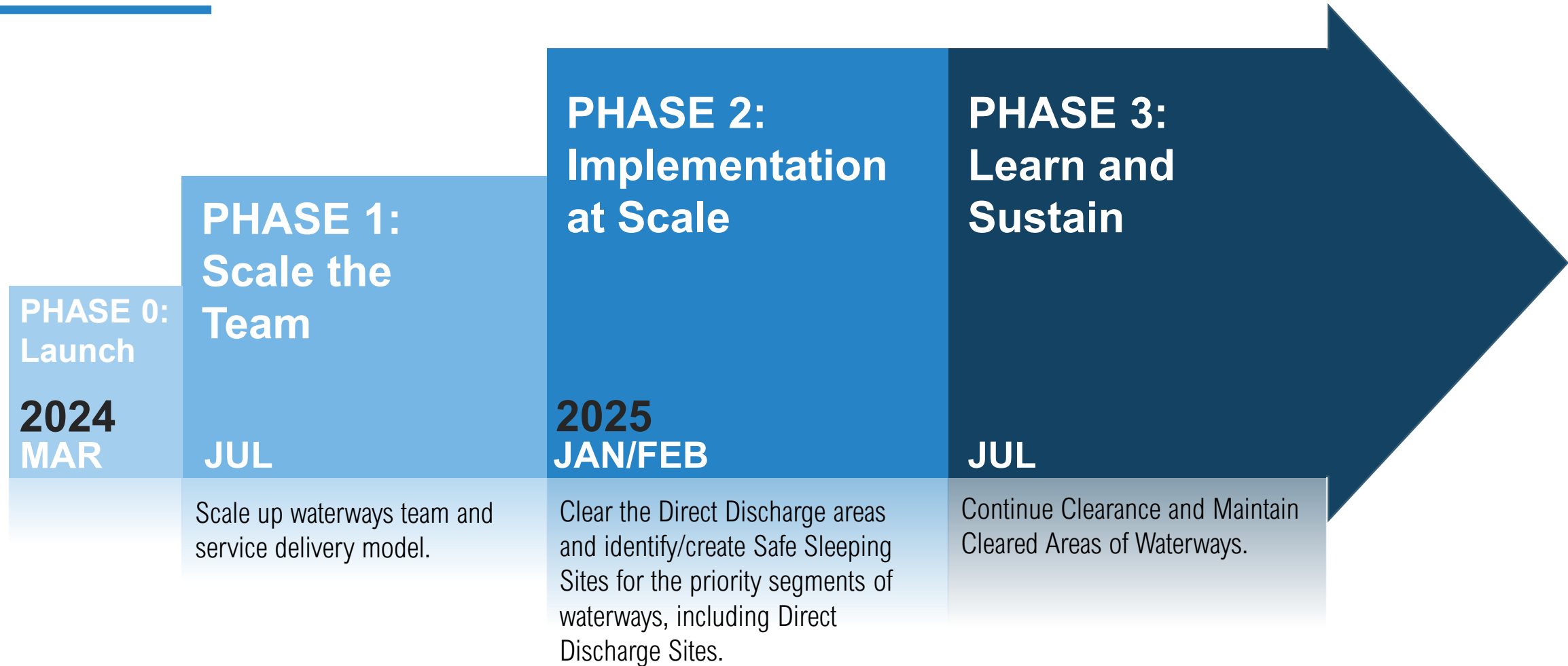
At least **47 encampments** across San José do not receive trash or other services because we do not have sufficient resources to provide them.





# A LOOK AHEAD AT OUR PROPOSED PHASES

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# RECOMMENDATION

Direct the City Manager to develop and implement **an Enhanced Neighborhoods and Waterways Approach to homelessness issues that ensures** compliance with the Municipal Regional Stormwater Permit and maintains acceptable levels of service in our neighborhoods:

- A. Resubmit a revised Direct Discharge Plan to the Water Board that fully addresses all identified deficiencies and appropriately prioritizes services to homeless individuals living within and adjacent to waterways;
- B. Identify and evaluate structural and operational changes within the City organization, as required, to comply with the Municipal Regional Stormwater Permit while addressing homeless individuals needs and maintaining acceptable levels of services in neighborhoods;
- C. Develop a plan to phase in implementation of any necessary no encampment zones in priority areas in and near waterways (e.g. the direct discharge areas), and return to the Council with any needed policy and ordinance changes;
- D. Include prioritization criteria for abatement along waterways within San José and include this prioritization in the Framework for Shared Public Spaces;
- E. Explore and pursue potential additional funding mechanisms and partnerships that can provide one-time and ongoing funds to support the work of complying with the Municipal Regional Storm Water Permit, homelessness needs, and neighborhood service levels; and
- F. Develop a recommended **Enhanced Neighborhoods and Waterways** program budget proposal for the Council Council's consideration as part of the 2024-2025 Proposed Budget that complies with the Municipal Regional Stormwater Permit while maintaining, to the extent feasible, acceptable levels of service in our neighborhoods.



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