



AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, OPW

SUBJECT: Informational Report on Stormwater
Trash Load Reduction Compliance

DATE: January 28, 2019

City Administrator Approval

Date:

[Signature]
2/5/19

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report On The Status Of The City's Compliance With The Municipal Regional Stormwater Permit's Trash Reduction Requirements.

EXECUTIVE SUMMARY

On October 24, 2017, Oakland Public Works (OPW) provided the Public Works Committee (PWC) an informational report regarding the updated status on compliance with the 70 percent trash load reduction requirement in the City's Municipal Regional Stormwater Discharge Permit (MRP). This report was subsequent to the initial informational report on April 25, 2017. The current report is provided in response to the PWC's request to return and report on the City's comprehensive trash reduction compliance strategy, including regulatory trash reduction compliance status, current trash reduction programs, and next steps to meet future requirements.

BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland is subject to the San Francisco Bay Regional Water Quality Control Board's (Water Board) National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP). Under Provision C.10 "Trash Load Reduction" of the MRP, the City is mandated to reduce trash and litter in its storm drain system and receiving water bodies. The trash load reduction requirements are:

- 70 percent by 2017
- 80 percent by 2019
- 100 percent by 2022

The trash load reductions are measured from a 2009 baseline generation rate (baseline) and are compared annually to current trash observations and reduction measures. Trash generation is a term used to describe the level of trash deposited onto land areas and available for transport to the stormwater conveyance system prior to removal via street sweeping or other

Item: _____
Public Works Committee
February 19, 2019

significant management actions. The City has identified very high, high, moderate, and low trash generating areas (see **Attachment A** - Baseline Trash Generation Map). The City is currently receiving trash reduction credit through:

- The extent of full trash capture systems installed in the City's storm drain system that capture trash;
- The volume of trash removed during volunteer cleanup events at creeks and shorelines;
- The implementation of source control bans on plastic bags and polystyrene foam food service ware; and
- The reduction in trash on the City's streets and sidewalks as measured by on-land visual assessments.

More information concerning the City's trash load reduction program, including purpose, permit requirements, and compliance status, is available in the City of Oakland Annual Report to the Water Board:

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/2018_AR/Alameda/Oakland_2017-18_MRP_AR.pdf

Compliance Status

The City reported to the Water Board in its FY 2017/18 Annual Report that the amount of litter and trash entering the City's municipal storm drain system has been reduced by 78.6 percent as of June 30, 2018 from the 2009 baseline level. The City has met compliance targets through key program efforts including the installation of new underground full trash capture systems in the City storm drain system, and above ground efforts to remove litter in the streets before it enters inlets and waterways including volunteer programs and events, the Excess Litter Fee Program, the Business Improvement Districts, street sweeping programs, and clean-up of illegal dumping sites and homeless encampments as described below.

Trash Reduction Programs

Trash reduction credits are taken in five established Trash Load Reduction Action categories: Full Trash Capture Systems, Creek & Shoreline Cleanups, Source Control Actions, Other Control Measures, and Direct Trash Discharge Controls. The following table shows a summary of Trash Load Reduction Action categories and corresponding reduction credits for Fiscal Years 2015-2016 (FY15/16), Fiscal Year 2016-2017 (FY16/17), and Fiscal Year 2017-2018 (FY 17/18).

Table 1: Trash Reduction Credit Summary

| Trash Load Reduction Action | FY 15/16 | FY 16/17 | FY 17/18 |
|---|--------------|--------------|--------------|
| 1) Full Trash Capture Systems | 10% | 12.4% | 12.4% |
| 2) Creek & Shoreline Cleanups | 3.3% | 10% | 10% |
| 3) Source Control Actions* | 8% | 10% | 10% |
| 4) Other Control Measures** | 23.3% | 42.3% | 46.2% |
| 5) Direct Trash Discharge*** | 0% | 0% | 0% |
| TOTAL | 44.6% | 74.7% | 78.6% |
| <p>* This category includes plastic bag and polystyrene product bans. ** This category includes Business Improvement Districts, Excess Litter Fee Businesses, street sweeping, illegal dumping and homeless encampment clean-up, Adopt a Spot and other on-land clean-up efforts. *** This category requires development of a Water Board approved Direct Discharge Plan. The City is developing a Direct Discharge Plan for approval by the Water Board in 2019.</p> | | | |

1. Full Trash Capture Systems

Full trash capture (FTC) systems are devices installed in storm drain infrastructure that collect trash prior to entering nearby waterways. The two main types of full trash capture devices are hydrodynamic separators (HDS) which are large underground units with a basket that capture trash as stormwater flows through the storm drain system, and connector pipe screens (CPS) which are screens installed in a storm drain inlet that traps trash and prevents it from entering the storm drain.

FTC devices are a very effective method for preventing trash from entering waterways and they ensure full trash reduction credit for the area treated, however, they can be expensive and because they are underground solutions, they do not address cleaner streets and neighborhoods, and quality of life issues.

Since FY 2015/16, over 100 new full trash capture storm drain inlet screens were installed or are currently under construction to treat over 1,300 acres of high and very-high trash generating areas resulting in a total of 12.4 percent reduction credit. The screens are being installed in conjunction with capital improvement and transportation projects (see **Attachment B** - Full Trash Capture System Maps).

2. Creek and Shoreline Cleanups & Shoreline Cleanups

The City receives the maximum total trash load reduction credit of 10 percent in this category through implementation of numerous trash removal/cleanup events in Lake Merritt and local creeks and on the Bay shorelines including the annual Earth Day and Creek to Bay Day events. Nearly 155,000 gallons of trash were removed from local waterways during FY 2017/18 through these efforts by City staff and volunteers. In FY 2015/16 the City only received a 3.3 percent reduction credit in this category. The increase in credit is due to improved data collection and tracking of volume of trash and litter removed from creeks and shorelines at the events.

3. *Source Control Actions*

For the past two years, the City has received an additional 2 percent for a total of 10 percent source reduction credit for the Alameda countywide plastic bag ban and the City of Oakland polystyrene food service ware ban. The additional 2 percent is for the recent expansion of the countywide single use plastic bag ban to include all retail facilities. The plastic bag ban is implemented through the Alameda County Waste Management Authority.

4. *Other Control Measures*

In FY 2017/18 the City received an additional 3.9 percent in trash reduction credit in this category for a total of 46.2 percent. This category measures the effectiveness of the majority of the City's above ground trash reduction efforts. These controls include:

- Continuing the City's street sweeping program, the most widespread trash control measure, that targets much of its efforts in very-high trash producing areas including downtown, business districts, and major arterials with 3 or more sweeping events per week. The City has posted signs on all routes, has a rigorous enforcement program, and spends more than \$6.6 million dollars on implementation annually.
- Implementing Oakland's award-winning Adopt-a-Spot program to support individuals, neighborhood groups, civic organizations, and businesses in ongoing cleaning and greening of parks, creeks, shorelines, streets, trails, and other public spaces. In FY 2017/18, citywide, volunteers contributed over 68,000 on-land clean-up volunteer hours at adopted spots and parks. The City estimates that these volunteers removed over 189,000 gallons of trash.
- Facilitating the Adopt-a-Drain program that enhances the cleaning of storm drains throughout the City. More than 1,200 of the City's estimated 13,000 storm drains have been adopted since the program began.
- Implementation of a citywide Illegal Dumping Abatement Program that removed more than 10,800,000 gallons of debris and litter from City streets, parks, and the right-of-way in FY 2017/18. The City addresses illegal dumping using three key strategies: 1) eradication of illegally dumped materials; 2) enforcement to catch and prosecute the perpetrators of illegal dumping; and 3) education of Oakland residents and businesses on proper disposal methods and opportunities to take ownership and pride in their community.
- Implementing a Homeless Encampment Management Program that resulted in the abatement of 294 homeless encampments and the removal of more than 470,000 gallons of trash in FY 2017/18, a 164 percent increase in gallons removed since FY 2015/16. The population of unsheltered residents has grown dramatically in the last several years and the City continues to invest greater resources into cleaning encampments and implementing long-term solutions such as more transitional and temporary housing.

- Conducting the City's Excess Litter Fee (ELF) Program at fast food businesses, convenience markets, gasoline station markets, and liquor stores. Fees collected provide funds for a contracted crew to clean up the trash around businesses that sell/provide large amounts of disposable materials to customers. Almost 79,000 pounds of trash were removed from more than 850 businesses by the ELF Program in FY 2017/18.
- Continuation of the City's 10 Business Improvement Districts (BIDs) in neighborhood commercial areas. The City's 10 BIDs and 1 Business Improvement Association cover about 650 acres. These organizations hire full-time staff to remove litter and dedicate funding to maintain trash containers and manage the number and capacity of trash containers needed; install and maintain cigarette butt receptacles, and install public anti-litter signage.
- Conducting an enhanced facility inspection program of more than 1,000 facilities that includes the identification of overflowing trash cans, trash conditions in ancillary properties, and compliance with the City's Polystyrene Foam Food Service Ware Ordinance.

To justify trash reduction credit in this category the City is required to conduct visual assessments of street segments using a protocol developed in 2015 by the Water Board. The protocol provides qualitative estimates of the amount of trash on the streets that may be transported into the storm drain system as observed through field assessments along randomly selected stretches of street. A category of trash condition, from low to very-high, is assigned to the area based on trash count and visual condition as recorded through photographs. The assigned trash condition determines trash reduction credit using the standardized formula in the protocol.

The past two years of visual assessments have demonstrated that in some areas of the City, trash reduction activities such as enhanced trash removal by the BIDs, Adopt-a-Spot volunteer efforts, and the three times or more a week of street sweeping in commercial areas and downtown have reduced the amount of trash found from very-high trash to moderate levels.

5. *Direct Trash Discharge*

The MRP allows Permittees to offset part of their trash load reduction requirements by implementing a comprehensive Direct Trash Discharge Control Plan (Direct Discharge Plan) to control direct discharges of trash to receiving waters from non-storm drain system sources. The City has prepared a draft Direct Discharge Plan that was submitted to the Water Board for review in January of this year (see **Attachment C** – Draft City of Oakland Direct Trash Discharge Control Plan). If accepted by the Water Board, the City could receive up to 15 percent trash reduction credit. Details of the Direct Discharge Plan are discussed later in this report.

ANALYSIS AND POLICY ALTERNATIVES

Future Actions

The City needs an additional 1.4 percent trash reduction credit by June 30, 2019 to reach the 80 percent trash reduction requirement for FY 18/19. Meeting the trash reduction requirements set forth in the MRP has always required a significant financial investment, however achieving the final reduction requirements will be even more difficult and costly as many of the easier projects and programs have already been implemented. The MRP will be renewed in 2020 and the City anticipates the possibility of new requirements and trash reduction targets. The City has a three-part plan to achieve future trash load reduction mandates including the 2019, 80 percent reduction requirement and the 2022, 100 percent reduction requirement:

- I. Installation of full trash capture systems
- II. Implementation of other control measures
- III. Program development

I. Installation of Full Trash Capture Systems

The City will leverage existing bond funding, transportation funding, existing capital projects, grants and private development projects to install full trash capture (FTC) systems. The City Council has provided direction to staff on several occasions to look for opportunities for FTC.

- On June 12, 2017, City Council approved Resolution No. 86773 C.M.S. for the identification of Capital Improvement Projects funded by the General Obligation Bond (Measure KK) including the adoption of a Trash Capture Transportation Map that provided locations for transportation projects in high trash generation areas to ensure that those transportation projects will incorporate FTC elements, as appropriate. The City has since completed a prioritization study to identify locations for FTC that will be the most cost-effective and will maximize trash reduction credits.
- On June 12, 2018, City Council approved Resolution No. 87238 C.M.S. authorizing the City to enter a cooperative implementation agreement with Caltrans for a full trash capture project in the Ettie Street watershed. Caltrans will provide up to \$1.9 million for the project. City and Caltrans staff are still identifying the optimal location to maximize trash reduction credit and meet engineering constraints.

The following FTC projects will be initiated or completed in FY 2018/19:

- 68 CPS units as part of the East Bay Rapid Transit Project (i.e., BRT Project);
- Additional 100 CPS units on the BRT Project corridor as part of the Pedestrian Lighting and Sidewalk Improvements on International Blvd. Project; and
- Approximately 30 CPS units as part of the Active Transportation Program 20th Street Project, Lakeside Green Streets Project, and 7th Street Streetscape Phase 2 Project.

II. Implementation of other Control Measures

The City will continue to implement the numerous trash control actions already underway to remove litter in the streets before it enters inlets and waterways including volunteer programs and events, the ELF Program, the Business Improvement Districts, street sweeping programs,

and clean-up of illegal dumping sites and homeless encampments. Moving forward, actions the City will explore and/or undertake include, but are not limited to:

- Develop, within existing resources, a new street sweeping routing approach (e.g., continue increasing sweeping frequency in high trash areas and reducing frequency in low trash generating areas).
- Expand the extensive volunteer cleanup and Adopt-a-Spot programs and improve the data collection on the volume of trash removed.
- Further discuss strategies to effectively implement: 1) eradication; 2) education; and 3) enforcement around illegal dumping through the internal Illegal Dumping Task Force. OPW declared illegal dumping as the number one priority and has empowered the Task Force to explore creative and effective solutions.
- Examine the fee structure, fee amount, and definition of ELF eligible businesses.
- Work with stakeholders to encourage the formation of BIDs in other areas (e.g., Piedmont Avenue, Chinatown, Embarcadero Cover Area, Coliseum Area, Oakland Airport Area).
- Analyze implementation of the existing polystyrene, plastic bag, and plastic straw ban ordinances and, as necessary, make improvements to inspection and enforcement including tracking of violations and referrals to City Administrator's staff for enforcement/citation.

III. Program Development - Direct Discharge Plan

As mentioned earlier in this report, the City has submitted a draft Direct Discharge Plan to the Water Board for review (see **Attachment C** – Draft City of Oakland Direct Trash Discharge Control Plan). If accepted, the City could receive up to 15 percent trash reduction credit as early as this fiscal year. The City modeled its Direct Discharge Plan on other plans that have already been accepted by the Water Board from agencies including the City of San Jose, the City of Fremont, and Contra Costa County.

The Direct Discharge Plan allows the City to leverage the enormous efforts already devoted towards illegal dumping and homeless encampment abatement. Through the Direct Discharge Plan, the City has proposed to monitor and track specific metrics of its existing programs, such as number of sites cleaned, volumes of debris removed, and number of citations issued, among others, with a specific focus on abatement activities that occur within 500 feet of an open waterway. The City will also report on the condition of receiving water bodies (such as creeks or Lake Merritt) that are impacted positively by trash management activities. This information is intended to demonstrate the significant beneficial impact that Oakland's programs have on lowering the levels of trash in its waterways. The metrics will be reported annually as part of the City's MRP report.

FISCAL IMPACT

No fiscal impacts are associated with this informational report.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

The Office of the City Attorney, Budget Bureau, and the City Administrator's Office were consulted for the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: The continued efforts to reduce trash and litter will assist in improving the physical appearance of the City of Oakland, which translates directly into attracting and retaining business and promoting civic pride.

Environmental: The continued efforts to reduce trash and litter entering the storm drain systems will improve the health of our creeks and waterways.

Social Equity: The enhanced efforts of collaboration and partnering between the City of Oakland, our residents, and business community improves the quality of life and public safety.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Public Works Committee receive an informational report on the status of the City's compliance with the Municipal Regional Stormwater Permit's trash reduction requirements.

For questions regarding this report, please contact Kristin Hathaway, Acting Watershed and Stormwater Management Division Manager, at 238-7571.

Respectfully submitted,



JASON MITCHELL,
Director, Oakland Public Works

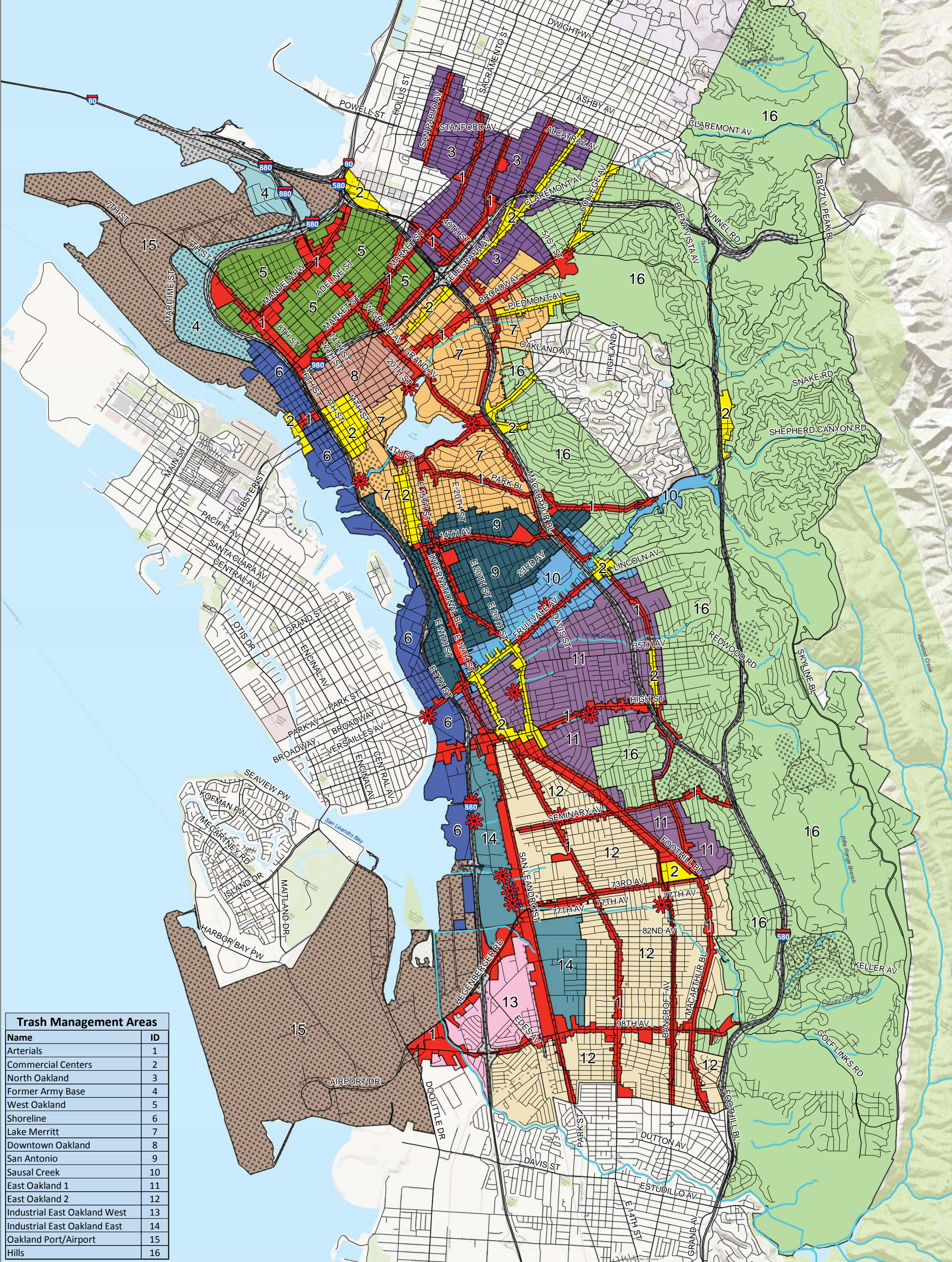
Reviewed by:
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Stormwater Management Division Manager
Watershed & Stormwater Management Division
Bureau of Design and Construction

Attachments (3):

- A – Baseline Trash Generation Map
- B – Full Trash Capture System Maps
- C – City of Oakland Direct Trash Discharge Control Plan (draft)

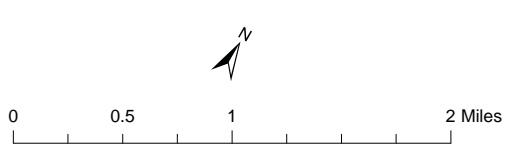
City of Oakland Trash Management Areas Map



| Trash Management Areas | |
|------------------------------|----|
| Name | ID |
| Arterials | 1 |
| Commercial Centers | 2 |
| North Oakland | 3 |
| Former Army Base | 4 |
| West Oakland | 5 |
| Shoreline | 6 |
| Lake Merritt | 7 |
| Downtown Oakland | 8 |
| San Antonio | 9 |
| Sausal Creek | 10 |
| East Oakland 1 | 11 |
| East Oakland 2 | 12 |
| Industrial East Oakland West | 13 |
| Industrial East Oakland East | 14 |
| Oakland Port/Airport | 15 |
| Hills | 16 |

Legend

- Trash Hot Spot/Assessment Area
- Non-Jurisdictional
- Streets
- Agency Boundary
- Creeks



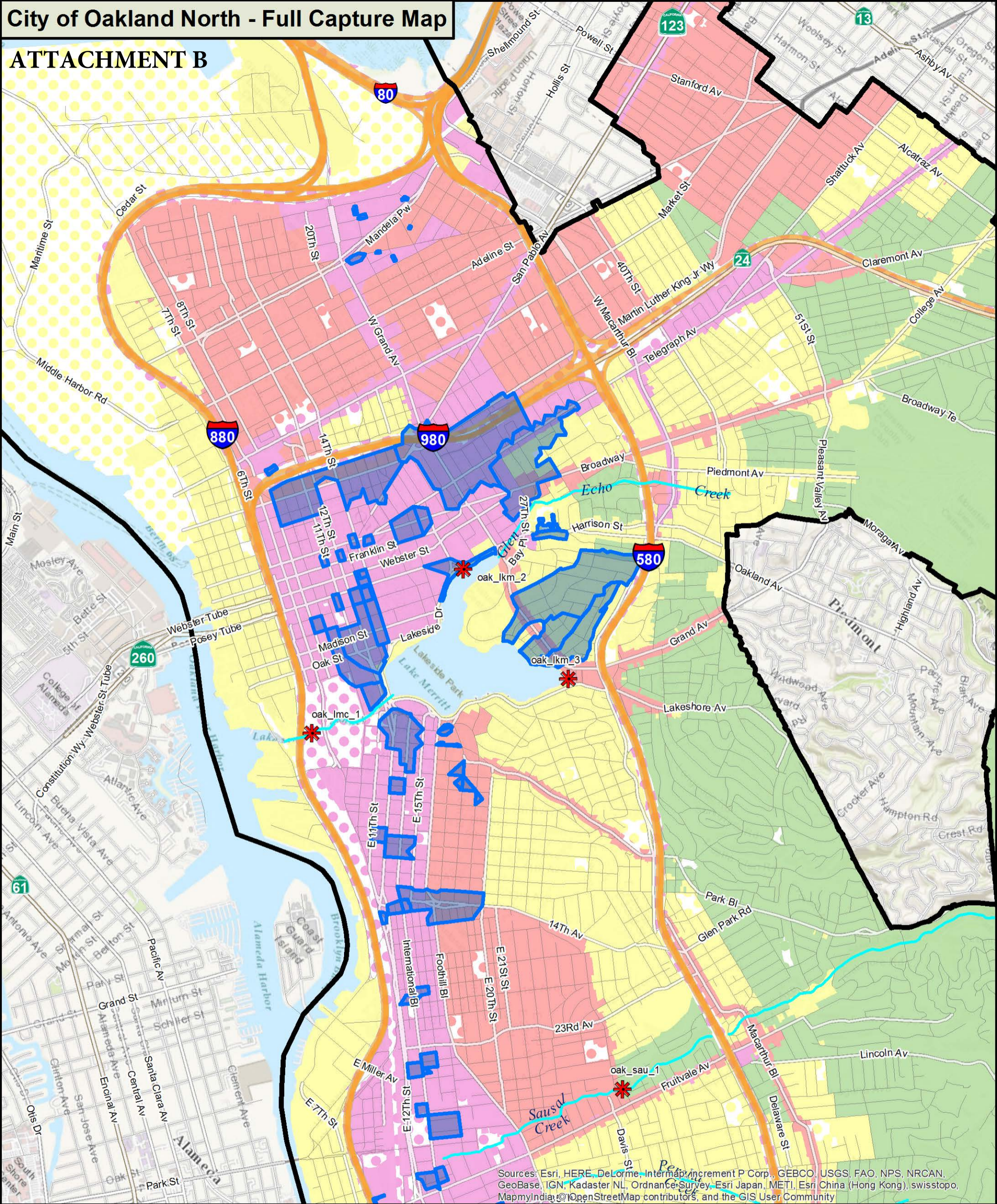
Data Sources:
 Roads: Alameda County
 City Boundaries: Alameda County
 Background: ESRI World Topographic Map

Map Created By:
 EOA, Inc.

Date:
 January 30th, 2014

City of Oakland North - Full Capture Map

ATTACHMENT B



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, ©OpenStreetMap contributors, and the GIS User Community

Legend

Trash Generation Category

- Low
- Moderate
- High
- Very High

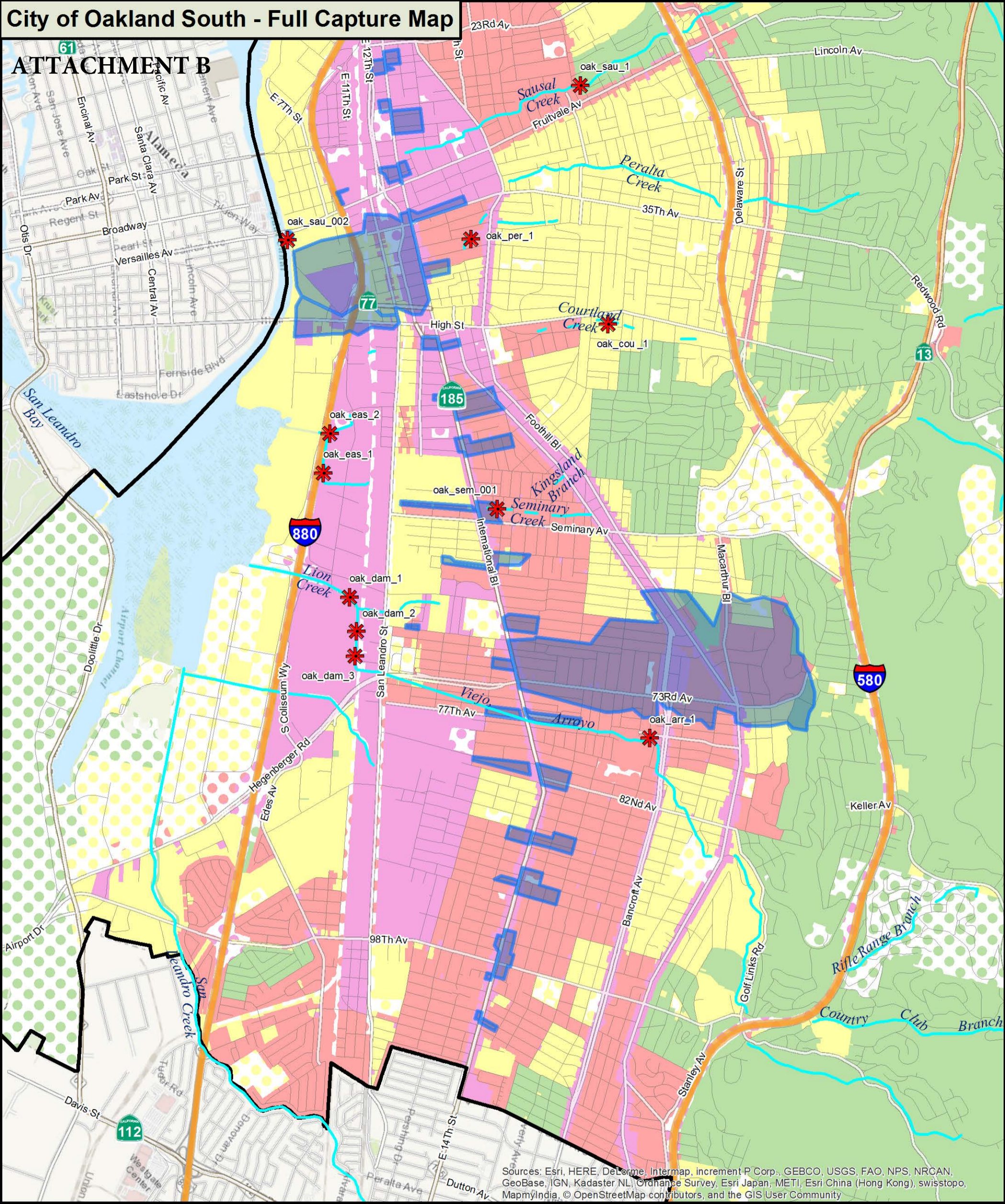
- Creek/Shoreline Hotspot
- Full-Capture Location
- Trash Full Capture
- Non-Jurisdictional (Dot color = Generation Category)

- Streets
- Freeway
- Creeks



City of Oakland South - Full Capture Map

ATTACHMENT B



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

Trash Generation Category

- Low
- Moderate
- High
- Very High

- Creek/Shoreline Hotspot
- Full-Capture Location
- Trash Full Capture
- Non-Jurisdictional (Dot color = Generation Category)

- Streets
- Freeway
- Creeks



CITY OF OAKLAND DRAFT DIRECT TRASH DISCHARGE CONTROL PLAN



January 7, 2019

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SECTION 1: PURPOSE

The purpose of this Direct Trash Discharge Control Plan (Direct Discharge Plan) is to document the City of Oakland's comprehensive program to control, to the extent practicable, the discharge of trash to receiving waters from non-storm drain system sources and request San Francisco Bay Regional Water Quality Control Board (Regional Water Board) Executive Officer approval for crediting this plan with up to a 15 percent (%) trash load reduction offset in accordance with the Provision C.10.e.ii of the Regional Water Board Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (NPDES Permit No. CAS612008, Order No. R2-2015-0049) (MRP).

The MRP allows Permittees to offset part of Provision C.10.a trash load percent reduction requirements by implementing a comprehensive plan, approved by the Executive Officer to control direct discharges of trash to receiving waters from non-storm drain system sources. The Provision sets a maximum of 15% offset credit and requires the plan to be submitted by February 1 of the first year in which offsets are to be reported in the Annual Report (i.e., fiscal year (FY) 2018-2019 Annual Report). This Direct Discharge Plan includes the following required elements:

- Description of sources of the directly discharged trash;
- Description of control actions that will be implemented during the permit term to prevent or reduce direct discharge trash loads in a systematic and comprehensive manner;
- Map of the affected receiving water area and associated watershed; and
- Description of how effectiveness of controls will be assessed, including documentation of controls, quantification of trash volume controlled, and assessment of resulting improvements to receiving water conditions.

This Direct Discharge Plan focuses on two main sources trash to receiving waters—illegal dumping and homeless encampments.

SECTION 2: BACKGROUND

2.1 CITY OF OAKLAND

Incorporated in 1852, the City of Oakland covers 36,749 acres in Alameda County, and has a jurisdictional area of 29,265.6 acres. According to the 2010 Census, Oakland has a population of 390,724, with a population density of 7,003.8 people per square mile,

and average household size of 2.49. Of the 390,724 people who call the City home, 21.3% are under the age of 18, 9.3% are between the ages of 18 and 24, 33.1% are between the ages of 25 and 44, 25.2% are between the ages of 45 and 65, and 11.1% are 65 years of age or older.

Top employers in the City include Alameda County, Kaiser Permanente, Oakland Unified School District, City of Oakland, United States Postal Service, and the Internal Revenue Service. In 2010, the median household income was \$49,721, with 18.7% of Oakland's population living in poverty. The City is comprised of seven primary land use categories. A summary of the land uses within Oakland depicted in Associate of Bay Area Governments' land use data layer (2005)¹ is provided below.

Table 1 Percentages of the City of Oakland's Jurisdictional Area within Land Use Categories

| Land Use Category | Jurisdictional Area (Acres) | % of Jurisdictional Area |
|-------------------------|-----------------------------|--------------------------|
| Commercial and Services | 1,545 | 5.4% |
| Industrial | 2,239 | 7.9% |
| Residential | 16,767 | 59.0% |
| Retail | 1,318 | 4.6% |
| K-12 Schools | 810 | 2.8% |
| Urban Parks | 602 | 2.1% |
| Other | 5,143 | 18.1% |

2.2 DIRECT DISCHARGE TRASH SOURCES

Trash is transported to creeks in the City through a number of different pathways other than the City's Municipal Separate Storm Sewer System (MS4) including: on-street litter blown by wind directly into waterways; trash dumped illegally by residents into or near creeks; and trash and debris left behind or dumped by homeless residents who camp in/near waterways.

The City's homeless population contributes trash from a lack of adequate sanitation and debris services at encampments. The 2017 Alameda County Homeless Census and Survey Comprehensive Report² estimated that in the City 2,761 individuals are experiencing homelessness, 1,902 of whom are unsheltered. The survey also revealed

¹ ABAG (Association of Bay Area Governments). 2005. Bay Area Land Use Geographical Information Systems Data Layer.

² Available online at: <http://everyonehome.org/wp-content/uploads/2016/02/2017-Alameda-County-8.1-2.pdf>.

that 82% of these individuals were residents of Alameda County prior to becoming homeless. The unsheltered population in the City has increased by 30% since 2015. The City's homeless encampment abatements increased over time as well from about 178,000 gallons in FY 2015-2016 to more than 470,800 gallons in FY 2017-2018. This is more than a 164% increase in total gallons removed since FY 2015-2016. The homeless epidemic is a crisis for Oakland, and the entire Bay Area, and every major city along the West Coast.

The long term and recent decreases in Federal and State funding for housing programs have resulted in an erosion of shelter options for the most vulnerable populations including the elderly, youth, victims of domestic violence, sexually exploited minors, and persons suffering from mental illness, HIV/AIDS, substance abuse and disabilities. The current number of homeless individuals in the City far outpaces the number of existing shelter beds, transitional housing, or permanent supportive housing units available. Unauthorized homelessness encampments have increased substantially across the City, within the public right of way, thus exposing homeless individuals to traffic hazards, increased vulnerability to crime, risk of death and injury, exposure to weather, lack of adequate sanitation and debris services, and other conditions that are detrimental to their health and safety. Oakland residents are being affected by the increasing number of unsheltered individuals with regard to traffic and pedestrian safety, lack of sanitation, and debris services.

Oakland has a severe, well-documented problem with illegal dumping throughout the City. Oakland Public Works Department (OPW) spends approximately \$5.5 million on eradication of illegal dumping annually. Crews remove the illegally dumped materials seven days a week and follow a performance standard of addressing 85% of the requests within three business days. Illegal dumping has increased over 100% over the last five years. FY 2017-2018 the City addressed over 40,000 work orders and removed more than 10,800,000 gallons of illegally dumped debris and litter from City streets, parks and right-of-ways. Yet even with this herculean effort in picking up material faster than weekly garbage service, the challenge of the illegal behavior persists. This unacceptable behavior that blights Oakland is devastating to the community, degrades local pride and impacts both residential and commercial property owners.

In spring 2017, the City contracted with Environmental Science Associates (ESA) to conduct a survey of illegal dumping sites to help staff better understand the materials found in the public right-of-way and to determine the sources of the materials including trash.³ ESA sampled 75 piles of material over a three-week period in March 2017, in all four operational areas of the City: 1) Durant Avenue to 82nd Avenue; 2) 82nd Avenue to High Street; 3) High Street to Lakeshore Avenue; and 4) Grand Avenue to the northern City border. ESA logged and photographed piles, recording size, shape, type of materials, source of material by jurisdiction, general condition of surrounding area, and

³ City Public Works Committee Agenda Report (September 12, 2017 meeting) summarizing findings of the study can be found here: <https://oakland.legistar.com/LegislationDetail.aspx?ID=3108761&GUID=91485569-0C10-4D75-B680-1C999F90AFBA>.

distance from nearest street light. In summary, the findings of the survey are as follows: (1) more than 55% of the piles found included illegally dumped materials from residential sources; (2) the geographic source of 29% of the piles was identified as from Oakland; and (3) 32% of the piles were found in areas where the infrastructure was moderately to severely neglected. The data from the ESA study has assisted the City in developing strategies for illegal dumping enforcement, education, and eradication strategies (see Section 4).

2.3 REGIONAL WATER QUALITY CONTROL BOARD RESOLUTION

On May 13, 2015, the Regional Water Board adopted *Resolution No. R2-2015-0024 Actions to Address the Adverse Water Quality Impacts of Homeless Encampments* to encourage local agencies to undertake efforts to eliminate and prevent adverse water quality impacts from homeless encampments. The resolution finds that discharges or dumping of trash and human waste from homeless encampments poses a significant threat to water quality and public health, and identifies the need for clear and measurable goals for protecting and restoring water quality. In addition, the resolution acknowledges the problem of trash and human waste discharges from homeless encampments is entwined with complex and challenging societal issues, including poverty, the Bay Area's high cost of living, under-employment and unemployment.

2.4 LONG TERM TRASH LOAD REDUCTION PLAN

On January 31, 2014, the City submitted to the Regional Water Board the "Long-Term Trash Load Reduction Plan and Assessment Strategy" plan (Long-Term Plan) in compliance with provision C.10.c of the MRP. The Long-Term Plan acknowledged the City's understanding that the achievement of clean waterways leads to a healthy city. The goal of the Long-Term Plan was to effectively manage and minimize the potential impacts of trash on receiving waters associated with discharges from the City's MS4 that are regulated by the MRP. The Long-Term Plan established a framework of short-term and long-term actions needed to reduce the City's MS4 trash load and continues to guide the City's efforts today. Per the Long-Term Plan, the City is pursuing further methods to meet the mandatory trash reduction targets associated with the City's MS4 that are outlined in the MRP. The City has a three-part plan to achieve future trash load reduction mandates for discharges from its MS4:

1. Installation of full trash capture devices;
2. Implementation of other control measures; and
3. Program development and research.

SECTION 3: HOMELESS PREVENTION, SUPPORT, AND MANAGEMENT PROGRAMS

3.1 PREVENTION AND SUPPORT PROGRAMS

The City, in partnership with Alameda County, is working to address the homelessness crisis in a number of different ways, from upstream interventions to prevent people from becoming homeless (e.g. \$2.2 million in funding for anti-displacement services; additional renter protections; increased relocation funding requirements), providing emergency shelter and street outreach services when people become homeless (e.g. Family Front Door, Housing First Support Network, temporary cabin communities) and finally, funding the construction of more affordable housing by leveraging Community Development Block Grants, Measure KK and County A-1 funds.

3.1.1 Shelter Crisis Declaration

The City has taken measures to expand the resources available for homeless encampment abatement activities. California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. In September of 2017, the Oakland City Council passed Ordinance Number 13456, which declared a shelter crisis in the City and, pursuant to California Government Code Section 8698.1, “authorized [the City Administrator] in her discretion to suspend the provisions of state and local regulatory statutes, regulations, or ordinances prescribing standards of housing, health, or safety as needed for the interim establishment of shelters for the homeless to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.”

California Government Code Section 8698.2 provides that, upon a declaration of a shelter crisis, a city may allow persons unable to obtain housing to occupy designated public facilities (including facilities leased by the city) during the duration of the crisis. In April of 2018, the Oakland City Council passed Resolution 87129 C.M.S which directs the City to support private organizations seeking to provide temporary shelter and sanitation services on their properties, identify funding sources and public land for these efforts, and ease requirements so more housing alternatives can be provided.

3.1.2 Permanent Access to Housing Strategy

The City’s Permanent Access to Housing Strategy (PATH) ⁴ is a roadmap for ending homelessness in the City over the next fifteen years. PATH is a companion to EveryOne Home, the Alameda Countywide Homeless and Special Needs Housing Plan. EveryOne Home is a coordinated and collaborative effort by Alameda County and the cities of

⁴ Available online at <http://www2.oaklandnet.com/oakca1/groups/dhs/documents/report/oak022659.pdf>.

Oakland and Berkeley to create a comprehensive plan for providing housing and supportive services to homeless people in Alameda County and to those people living with serious mental health illness, chemical dependency, HIV/AIDS and other disabling conditions.

PATH describes the challenge of homelessness in the City, identifies Oakland-specific outcomes to achieve the desired result of ending homelessness, and articulates strategies to achieve those outcomes that are aligned and coordinated with the strategies in Everyone Home. The overarching strategy articulated in PATH and Everyone Home is to shift the approach to the homelessness problem away from managing it and towards solving it. Key elements of this shift will include transitioning from emergency shelter and services towards the acquisition, development and operation of permanent affordable and supportive housing, and the restructuring and refinement of homelessness prevention activities, including new initiatives to prevent people from being discharged from publicly funded systems into homelessness and to ensure that people who do become homeless are re-housed as rapidly as possible. To end homelessness in Oakland over the next fifteen years (projected from 2007), the City needs:

- Approximately 7,000 units of affordable and supportive housing;
- Three sources of funding: capital dollars, service dollars and operations dollars;
- County, State, Federal and private funding to leverage Oakland's local dollars; and
- Political and business leadership.

3.1.3 Housing and Homeless Assistance

The City's Community Housing Services recognizes the tremendous need for services specific to the homeless population. Through the administration of contracts, the City partners with non-profit organizations to assist the homeless and near-homeless community with temporary shelter, hotel/motel vouchers, rental assistance, eviction prevention, transitional, supportive and special needs housing. Also provided are a continuum of other support services to the homeless such as food, employment, physical and mental health, drug abuse and domestic violence programs. Community Housing Services provides the following programs:

- Homeless Prevention – Programs that provide one-time rental assistance or move-in assistance help to people with a temporary financial crisis to prevent them from becoming homeless.
- Emergency Housing – Homeless shelters, as well as hotel/motel vouchers, are included in this program to provide temporary lodging for homeless persons.
- Transitional Housing – Several transitional housing programs provide housing with case management and support services to families for up to 24 months. Transitional housing programs are designed to assist those families who are

experiencing episodes of homelessness to sustain themselves and to bring about stability in the family unit and eventually to transition to independent living in permanent housing through services provided.

- Special Needs/AIDS/ – Housing facilities and services for special needs populations, particularly those with HIV/AIDS and their families, are provided through supportive housing programs and Housing Opportunities for Persons Living with AIDS throughout Alameda and Contra Costa Counties.
- Homeless Mobile Outreach Program – While committed to mitigating the public health and blight associated with homeless encampments, the City recognizes that homeless persons sleeping outside are in need of assistance in accessing homeless services and housing resources. In order to assist persons living in homeless encampments, the City has established a Homeless Mobile Outreach Program (HMOP). The HMOP provides humanitarian and survival assistance and encourages people in encampments to seek case management, income, health and housing assistance referrals with a goal of becoming permanently housed members of our community.

3.2 HOMELESS ENCAMPMENT MANAGEMENT

OPW Keep Oakland Clean and Beautiful Division (KOCB) implements the Illegal Dumping Abatement Program in response to citizen reports of litter and illegal dumping (see Section 4 for more information). The KOCB also removes illegally dumped material associated with homeless encampments. As reported in the City's MRP Annual Reports, homeless encampment abatements have increased over time with 10 abatements from 2010 to 2013, 91 abatements in FY 2014-2015, 193 abatements in FY 2015-2016, 390 abatements in FY 2016-2017, and 294 abatements in FY 2017-2018. Abatements resulted in an increase in trash and debris removal from about 178,000 gallons in FY 2015-2016 to more than 470,800 gallons in FY 2017-2018. This is more than a 164% increase in total gallons removed since FY 2015-2016.

3.2.1 Identification of Existing Encampments

OPW and the Department of Human Services (DHS) jointly maintain a master list of encampments considered for interventions in Oakland (e.g., removal, implementation of sanitation and trash removal). The list includes information about the encampments relating to the four criteria above: safety, health, location, size. Attachment 1 presents a heatmap of homeless encampment cleanups based on FY 2017-2018 data.

3.2.2 Homeless Encampment Task Force

Starting in 2011, the City initiated a multi-agency Homeless Encampment Task Force that meets bi-weekly to focus measures on areas subject to homeless occupation. The Task Force duties include: 1) prioritizing monthly homeless encampment clean-ups; 2) coordinating agency resources (illegal dumping crew, homeless social services and fire

department personnel) for the monthly clean-up efforts; 3) collaborating with adjacent landowners (such as Caltrans) on encampment prevention and trash removal; and 4) identifying physical barriers, such as fencing or boulder installations, to prevent encampment establishment at potential tent site locations.

3.2.3 Homeless Encampment Management Policy

There are currently four active interventions that the City may take in regards to an encampment. Alternatively, the City could take no action. The active interventions include:

1. Closure – removing the encampment and using enforcement to prevent re-encampment;
2. Cleaning – temporarily moving an encampment so that the location can be cleaned to resolve health and hygiene issues and then allowing the encampment residents to return;
3. Temporary Health and Safety Measures – providing services to address the immediate health and safety needs of persons at an encampment and surrounding neighbors such as barriers to protect campers from traffic, portable toilets and wash stations, regular garbage pickup; and
4. Debris Pick-up – scheduled collection of debris associated or near encampment.

The City has developed a standard operating procedure for the closures of homeless encampments with guidelines that must be followed to protect the constitutional rights of persons whose personal property remains at the locations prior to closure (see Attachment 2).

3.2.3.1 Criteria for Interventions

The following four sets of criteria (safety, health, location, size) will be applied when deciding if, and when, any of the actions listed above are warranted.

Safety

- Objective hazards to occupants of an encampment such as proximity to moving vehicles and steep slopes;
- Generating many calls for service to emergency responders, including Police response due to criminal activity;
- Difficulty in extending emergency services to the site due to factors such as location or density of the encampment itself; and
- Fire hazards, including potential and actual fire activity.

Health

- Excessive quantities of garbage, trash, or debris;
- Uncontrolled presence of needles, human waste, or other hazardous material
- Vector hazards (e.g. rats); and
- Other active health hazards to occupants or to the surrounding neighborhood.

Location

- The proximity of the encampment to community resources including but not limited to schools, health centers, senior centers, etc.;
- Preventing public access required by law, e.g. blocking a sidewalk
- Imminent work scheduled at the site for which the encampment will pose an obstruction;
- Damage to environmentally critical areas (e.g. direct discharges of trash to receiving waters);
- Neighborhood impacts;
- Length of time the encampment has been present at a location; and
- Damage to public infrastructure.

Size

- The size of the encampment is having a disproportionate impact on its surrounding neighborhood; and
- The size of the encampment is creating unsafe conditions for the occupants.

3.2.3.2 Sanitation Services

Sanitation services, which include porta-potties, hand-washing stations and garbage carts, have been installed at 12 locations. The porta-potties and hand washing stations are serviced regularly by the vendor. OPW staff picks up garbage and debris at these locations once per week (see Attachment 3 for example clean-up schedule; see Section 4 for information on illegal dumping abatement). Sanitation services are provided at the following locations:

- Wood Street between 24th Street and 26th Street
- San Pablo Avenue at Grand Avenue
- E. 12th Street and 23rd Avenue
- Martin Luther King Jr. Way at 36th Street
- Peralta Street at 35th Street
- Sycamore Street at Northgate Avenue
- 81st Avenue and San Leandro Street
- 77th Avenue near Hawley Street
- 45th Avenue between E. 12th Street and International Boulevard
- 5th Street between Adeline Street and Market Street
- Telegraph Avenue between 34th Street and 35th Street
- East 8th Street and Alameda Avenue/High Street

3.3 FUNDING AND PLANNED ACTIONS

The City has secured grant funding of over \$7 million for homeless services. Alameda County also included \$10 million in one-time funds for homeless programs in its recently

adopted FY 2018-2019 budget. The City's FY 2017-2019 Adopted Policy Budget⁵ provides ongoing funds to continue employ various strategies to provide shelter and services to the homeless population and compassionately mitigate health and safety impacts. An additional \$300,000 each year was dedicated in ongoing funds to address sanitation services at homeless encampments. Funding will allow for enhanced health and safety measures and expanded outreach services to encampments throughout the City, serving the over 1,400 individuals who live on the streets of Oakland. It will also enable the continued exploration of various innovative strategies to provide shelter and services to the homeless families and individuals.

In October, 2018 the City received an \$8.6 million grant from the State of California Homeless Emergency Aid Program (HEAP). The emergency funding will allow the City to:

- Open three new Community Cabin (Tuff Shed) sites, providing emergency shelter and services for up to 320 people per year.
- Open four managed RV sites that will provide up to 150 RVs (about 300 people) with secure parking, sanitary facilities, and garbage services.
- Increase the number of year-round shelter beds from 350 to 450, and operate the shelter at St. Vincent de Paul on a year-round basis

Once all the sites are up and running, the City of Oakland will have provided beds, shelter, and social services to an estimated 1,000 unsheltered residents within one year—roughly half of the population living outdoors in Oakland according to the 2017 Alameda County Homeless Census and Survey Comprehensive Report.

The City has also launched a \$9 million program—Keep Oakland Housed—intended to prevent residents from becoming homeless by providing legal representation, emergency financial assistance, and supportive services. The program is funded with \$3 million from the San Francisco Foundation through an anonymous donor and up to \$6 million from Kaiser Permanente. It will be run as a partnership between three local nonprofits: Bay Area Community Services; Catholic Charities of the East Bay; and East Bay Community Law Center. Keep Oakland Housed will distribute up to \$7,000 in financial assistance to each household in need of help. Funds are not distributed directly to the families in need but instead to their landlords or other third-party providers or vendors. The money is intended to help residents pay rent, cover moving costs, or handle an unexpected bill. Eligibility requirements are annual income up to \$40,700 for a one-person household or \$58,00 for a family of four (household income at or below 50% of the Alameda County median income).

Besides the ongoing efforts to address homelessness, the City has identified nine actions to focus efforts on. The September 11, 2018 Agenda Report *Response to*

⁵ Available online at:
<https://www.oaklandca.gov/documents/adopted-fiscal-year-2018-2019-midcycle-budget-amendments>.

Resolution No. 87129-C.M.S. Regarding Homeless Services provides updates on these planned actions (see table on pp. 2–3 in Attachment 4). These actions include:

1. Encourage and support private development of expanded housing options;
2. Pursue multiple strategies including leases with non-profits and faith based organizations;
3. Permitting the disposal of sewage through a temporary holding tank with a contract for regular pumping;
4. Ordinance amending the City's business tax ordinance to waive the first \$30,000 annually in residential rental property income from tax for property rented through Section 8 or other means-tested housing assistance programs;
5. Identify available public land for these efforts;
6. Call upon external funders including Alameda County and US Department of Housing and Urban Development to maximize funding;
7. Ask Alameda County, Oakland Unified School District, and Caltrans to identify available public land and/or fund support services;
8. Find funding sources to support these efforts; and
9. Identify options to deal with issues related to liability and insurance.

SECTION 4: ILLEGAL DUMPING ABATEMENT

The City addresses illegal dumping using three strategies: 1) eradicating illegally dumped materials from the streets; 2) enforcement to catch and prosecute the perpetrators of illegal dumping; and 3) educate Oakland residents and businesses on proper disposal methods and opportunities to take ownership and pride in their community. Attachment 5 presents a heatmap of illegal dumping cleanups based on FY 2017-2018 data.

4.1 AGENCY COORDINATION

In September 2017, the City formed an internal Illegal Dumping Task Force (IDTF). The IDTF meets biweekly to discuss strategies to effectively implement: 1) eradication; 2) education; and 3) enforcement around illegal dumping. One of the meetings held each month is attended by representatives from multiple city departments to receive updates and provide input on actions and goals to address the illegal dumping epidemic in the City. Staff of the IDTF also coordinates illegal dumping abatement activities with Caltrans, Union Pacific Railroad, and Alameda County Flood Control and Water Conservation District. This includes forwarding service requests, installation of fencing at key locations, and establishing procedures for joint cleanup efforts.

4.2 ERADICATION

Illegal dumping is one of the main sources of trash generated in Oakland. In FY 2017-2018 the City removed more than 10,800,000 gallons of illegally dumped debris and litter from City streets, parks and right-of-ways.⁶ Though dumping occurs citywide, it is concentrated in certain geographical areas around the City. Attachment 5 provides a heatmap showing the volume of illegal dumping material removed.

KOCB staff responds to citizen reports⁷ of litter and illegal dumping. The KOCB's Illegal Dumping Abatement Program operates 7 days per week. On the weekends, there are 4 full time crews in 4 garbage trucks. Monday and Friday there are 12 full-time crews that utilize 12 trucks (garbage, flatbed, overhead loader, and pickup). From Tuesday through Thursday there are 4 additional fulltime crews (for a total of 16 crews) that utilize the trucks. This work is accomplished by 38 staff including three supervisors, 10 crew leaders, and 25 workers. Materials are picked up and taken to the Davis Street transfer station. Starting in 2009, every call and clean-up activity for illegal dumping is tracked through the City's data tracking system, Cityworks. In 2009, the City established a performance standard that 85% of its illegal dumping requests will be cleaned up within three working days.

In March 2018, the City initiated a pilot Rapid Response Crew (RRC) project in Council District 6 (East Oakland). The RRC operate a large compactor truck (25 cubic yards) and a small compactor truck (6 cubic yard) and proactively remove illegal dumping from main thoroughfares, noted hotspots, and block-by-block (as opposed to responding only to dumping identified by work orders). In June 2018, the RRC was shifted to Zone 1 (west and north of Lake Merritt). Over four months the RRC completed 3,216 work orders and removed over 700,000 gallons of trash. The City has secured funding to continue the successful RRC into the future (see Section 4.6). Table 2 summarizes the volume of material removed and the number of work orders issued for the last several years.

⁶ Total gallons removed include the City's Illegal Dumping Abatement Program (including the Rapid Response Crew) and Waste Management of Alameda County.

⁷ Request are tracked online at: <https://data.oaklandnet.com/Infrastructure/illegal-dumping/dpba-izmw>.

Table 2: Illegal Dumping Abatement Totals

| Metric | FY 12-13 | FY 13-14 | FY 14-15 | FY 15-16 | FY 16-17 | FY 17-18 | FY 17-18 RRC | Additional WMAC in FY 2017-18 ⁸ | TOTAL FY 17-18 |
|---|-----------|-----------|-----------|-----------|------------|-----------|--------------|--|----------------|
| % of Sites Cleaned within 3 Days | 86% | 75% | 90% | 85% | 81% | 86% | NA | 100% | NA |
| # of Closed Illegal Dumping Work Orders | 15,692 | 17,346 | 17,848 | 21,899 | 32,758 | 31,322 | 3,216 | 6,159 | 40,697 |
| Volume of Material Removed (Gallons) | 7,305,053 | 7,603,767 | 6,888,389 | 7,303,841 | 11,320,682 | 8,167,626 | 713,695 | ~1,990,000 ⁹ | 10,871,321 |

4.2.1 Physical Deterrence

KOCB has implemented structural controls to help reduce illegal dumping. In 2009, KOCB identified 83 “high priority” illegal dumping sites and in 2010 the City launched a pilot video program that placed deterrence devices (live cameras and dummy cameras) at 46 of those locations (see Section 4.3 for more information). In addition, the City has installed physical barriers (logs, boulders, fences) at known dump sites to discourage dumping. In FY 2013-2014, physical barriers were installed at 3 sites (Golflinks Road and Glenly Road, 105th Avenue and Edes Avenue, 32nd Street and Hannah Avenue) and staff noted a decline in dumping at those sites. The City continues identifying opportunities to implement additional physical deterrence methods.

4.3 ENFORCEMENT

Starting in spring of 2013, the City launched an illegal dumping enforcement initiative. This effort is multi-pronged and has created a more effective mechanism for holding illegal dumpers accountable. The initiative includes: 1) creation of a multi-departmental task force; 2) modification of the City ordinance (Ordinance 13195 C.M.S.); 3) institution of administrative fines for illegal dumping incidents; and 4) creation of “sting operations.” The Ordinance modifications include, but are not limited to, the following elements:

⁸ The total gallons removed includes trash removed by the City’s Contractor, Waste Management of Alameda County (WMAC). In July 2015, as part of the new Mixed Material and Organics Franchise Agreement (MM&O) with WMAC, Oakland began assigning 25 illegal dumping service requests received per work day to WMAC. Beginning FY 2017-2018, Oakland now assigns up to 30 services requests per work day as provided in the MM&O Agreement. This provides approximately 6,000 collections per year with an additional, estimated 9,800 cubic yards (more than 1,990,000 gallons) collected and removed. These WMAC abatement sites and trash volume abated are NOT included in the illegal dumping heatmap (Attachment 5).

⁹ The City uses its own accounting data on illegal dumping to estimate the volume of trash collected per WMAC work order.

- Classify illegal dumping as a public nuisance;
- Make large commercial quantities of illegal dumping (one cubic yard or greater) a misdemeanor;
- Enhance administrative and civil remedies and penalties against persons for illegal dumping. The penalties include administrative citations, civil penalties, treble damages, and punitive damages;
- Provide a civil penalty up to \$1,000 per day for each large item or commercial quantity (one cubic yard or more) illegally dumped. For example, for each day an illegally dumped mattress remains on public or private property, a civil penalty up to \$1,000 is applicable. Dumping of more than three cubic yards (an amount requiring more than one pickup truck to remove) would be citable as two violations;
- Permit recovery of the City's and victim's costs from the perpetrator, including costs of investigation and recovery of attorney's fees and court costs;
- Allow community service in lieu of monetary penalties, in accordance with procedures developed by the City Administrator;
- Require landlords to disclose forwarding information for tenants who leave and illegally dump their belongings near their former residences; and
- Make landlords responsible for materials tenants illegally dump near their rental units.

In September 2014, the City Council appropriated funds to increase awareness and launched a reward program to encourage community members to provide info on illegal dumping. On September 16, 2017, the City Council made the reward program permanent and retroactive to January 1, 2017. Since initiation of this reward program, the City has granted over \$10,236 in awards. The program is prominently advertised in multiple locations on the City's website and through fliers distributed throughout the City at Neighborhood Crime Prevention Council meetings and other community meetings. In addition, the City makes it easy to report illegal dumping through the Call Center, via email, an online reporting form, and a mobile phone/web app. The City Administrator's Office's Nuisance Abatement Division issues administrative citations and warning letters based on evidence gathered from the City Attorney's Office after the initial referral of citizen information is made by the Call Center. The following table summarizes the number of citations and fines collected for the four fiscal years.

Table 3: Illegal Dumping Citation Totals

| Metric | FY 14-15 | FY 15-16 | FY 16-17 | FY 17-18 |
|----------------------------|-----------------|-----------------|-----------------|-----------------|
| Number of Citations | 71 | 83 | 31 | 30 |
| Fines Collected | \$17,160 | \$25,221 | \$10,426 | \$7,681 |

In 2016, the City Council allocated \$100,000 in funding for implementation and use of cameras for illegal dumping enforcement. These funds allowed the City to purchase four

sets of video cameras and license plate readers as well as a server at City Hall that receives the data from each camera site. The cameras are installed at undisclosed strategic locations. Camera systems are promising tools for gathering evidence and holding illegal dumpers accountable. Experience has shown that citizen's reports of illegal dumping frequently are limited to incidents citizens happen to observe and critical information is missing to hold the illegal dumpers accountable. City staff has been making adjustments to the use and deployment of the cameras and expects to improve their effectiveness over time. With the use of cameras staff can proactively document illegal dumpers in areas where illegal dumping occurs most frequently, gathering the needed information to take action.

The 2018 mid-cycle budget included funding to rebuild the former Litter Enforcement Officer Program that will now be called the Environmental Enforcement Officers (EEOs). Four EEOs and one Supervising EEO will assist with illegal dumping enforcement efforts starting in FY 2018-2019. EEO duties will include illegal dumping outreach, education, and enforcement; issuing citation; and carrying out investigations to identify individuals violating illegal dumping regulations.

4.4 EDUCATION

The City is taking steps to educate citizens on illegal dumping with the goal to: reset societal norms on personal responsibility for proper disposal of unwanted items; re-emphasize the laws and consequences for illegally dumping; and to remind residents and businesses of proper disposal options available to them.

The Digital Media Outreach Campaign for Illegal Dumping has focused on users of social media who are based in Oakland. It encompasses youth, young adults, and adults who use these platforms. For transparency and accountability, Cityworks data regarding illegal dumping is posted in a dashboard online¹⁰. The messaging has informed users on City activities to address illegal dumping, and how the City and community members can work together to make progress toward cleaner neighborhoods.

OPW has recently contracted with Aspire Visual Communications and Design, an Oakland-based consultant, to develop an outreach and marketing campaign to empower residents and reduce dumping. Per the contract scope, “the campaign, through messaging and outreach strategy/tools, will empower and build unity within the community by providing awareness, information, and guidance towards resources designed to promote behavioral change and reduce illegal dumping and its negative impacts.” Aspire is currently conducting a “research and development” phase of the campaign, gathering input from stakeholders in the community, the City, and other subject matter experts to help inform what the messaging goals and scope of the campaign will be to achieve measurable improvements. Future work will include

¹⁰ See <https://www.oaklandca.gov/services/oak311>.

message development, message testing and surveying of stakeholders, collateral development and rollout.

4.5 BULKY PICKUP SERVICE

Appointment style curbside bulky pickup service¹¹ is provided by Waste Management of Alameda County (WMAC) and has been available free of charge if used once a year to residents of 1-4-unit single family dwellings (SFD) since 2005, and to residents of 5-plus-unit multi-family dwellings (MFD) since July of 2015. OPW staff continues to promote use of the service to increase utilization by all residents, and particularly residents of MFD, through electronic distribution of ads and video content including Facebook, YouTube and Craigslist, and on television screens at both Oakland branches of the Department of Motor Vehicles. Printed promotional materials are distributed annually by mail to all Oakland households, and on an on-going basis at community fairs and events, at Oakland Library branches and Community Centers. OPW staff also provides on-site technical assistance, in collaboration with WMAC staff, to first-time MFD owners and managers to ensure successful outcomes that foster ongoing participation.

OPW and the Mayor's Office are also collaborating on "bulky block party" events to promote participation in the bulky pickup service. The first event was held on August 25 at the OPW Municipal Service Center at 7101 Edgewater Drive, and events also occurred on September 15th and 22nd, and November 24th of 2018. Events will continue the last Saturday of each month indefinitely. Oakland residents may bring bulky items including appliances, mattresses, tires, and other large items for free disposal or recycling, in addition to receiving information about and encouragement to use the bulky pickup service.

4.6 FUNDING AND PLANNED ACTIONS

OPW spends \$5.5 million per year on addressing illegal dumping and was allocated an additional \$690,000 for FY 2017-2018 and \$450,000 in FY 2018-2019 for additional illegal dumping staff. The FY 2017-2019 budget allocated an additional \$350,000 in one time funding to pay for one additional full size packer truck. The 2018 mid-cycle budget further added \$1.7 million to fund two street maintenance leaders and five maintenance workers and accompanying equipment. The plan for these additional resources is to create two more Rapid Response Crews to add to the one RRC created in early 2018. Also, included in the 2018 mid-cycle budget is funding to rebuild the Environmental Enforcement Officer Program (EEOs).

¹¹ More information available at www.oaklandrecycles.com.

SECTION 5: AFFECTED RECEIVING WATERS

Attachment 6 presents a map of the City's watersheds and receiving waters. Attachment 7 shows the illegal dumping and homeless encampment cleanups within 500 feet of a waterway. Attachment 7 is based on Cityworks cleanup data from FY 2017-2018.

SECTION 6: MONITORING AND REPORTING

The City monitors and reports on a variety of trash control metrics in its MRP Annual Report. In addition to the information reported in the MRP, the City plans to collect and report on data and information that are intended to demonstrate the trash reduction associated with actions described in this Direct Discharge Plan, and evaluate the effectiveness of control measures described herein. As described in Section 6.4, a separate report on the implementation of the Direct Discharge Plan will be annually submitted by the City to the Water Board as an attachment to its MRP Annual Report. Data/information that the City plans to collect and report in its Direct Discharge Report are summarized below and more fully described later in this section.

- **Homeless Encampment Abatement** - The City will document the annual number of abated homeless encampments; the gallons of trash removed in the public right-of-way and adjacent to creeks and waterways; the number of encampments within 500 feet of a waterway; and the number of encampments with weekly garbage and debris pickup. These data are collected by KOCB.
- **Illegal Dumping Abatement** – The City will document the gallons of trash and debris removed from City streets, parks and the right-of-way; the number of enforcement citations; and the number of sites where deterrence including surveillance devices or structural barriers were installed. Trash removal data for illegal dumping abatements are collected separately by the KOCB (including the RRC) and the WMAC. Deterrence measures are tracked by KOCB. The City Administrator's Office's Nuisance Abatement Division collects data on citations.
- **Load Reduction Offset Calculations** – Based on the data collected through its homeless and illegal dumping abatement programs, the City will report on the gallons of trash removed or prevented via these programs. The load reduction calculations that the City will use to report trash load reduction offsets associated with its Direct Discharge Plan will be consistent with those described in the MRP. Additional information is provided in Section 7 of this Plan.
- **Receiving Water Trash Monitoring** – The MRP requires Permittees (including the City) to develop and test receiving water trash monitoring methods during the term of the permit. In 2017, Bay Area Stormwater Management Agencies Association (BASMAA) developed a regional Trash Receiving Water Monitoring Plan that attempts to evaluate trash levels and sources in creeks, channels,

rivers lagoons, and shorelines throughout the Bay Area. The City was an active participant in the development of this Monitoring Plan, which identifies monitoring sites in Oakland and includes protocols for qualitative and quantitative trash assessments. Reporting is planned via BASMAA in 2019 and 2020. The City plans to utilize the findings from the regional trash monitoring reports to integrate receiving water monitoring into its Direct Discharge Program. A separate receiving water monitoring plan for the City's Direct Discharge Program will be developed and submitted to the Water Board with its September 2020 Annual Report. Additional details on the City's plans to evaluate and interpret trash data collected via the regional Monitoring Plan for receiving waters in the City is further described in Section 6.3 of this Direct Discharge Plan.

Management questions that will guide the City's monitoring and reporting include the following:

- What is the number of homeless encampment and illegal dumping sites present in the City?
- What is the number of homeless at encampment sites near waterways?
- What homeless encampment and illegal dumping prevention and/or abatement programs are being implemented by the City?
- What volume of trash that could be transported to receiving waters is removed from homeless encampment and illegal dumping sites by the City each year?
- Is the number of homeless and illegal dumping sites, and volume of trash associated with these encampment and illegal dumping sites changing over time?
- What is the extent of receiving water impacts associated with homeless encampments and illegal dumping?

The City makes the assumption that all trash on the City's streets, sidewalks, and parks has the potential to reach the MS4 and be transported and deposited in receiving waterbodies (e.g., creeks, creekbanks, channels, shorelines). For the purposes of reporting, the City will distinguish between both the total volume of trash removed and the volume of trash removed at sites within 500 feet of a waterway (see Attachment 7 for FY 2017-2018 example). The City will use the total volume of material removed (or prevented) from sites located within 500 feet of a waterway to calculate the Direct Discharge Program offset credit described in MRP Section C.10.e (see Section 7 for additional information on reduction offsets calculations).

6.1 HOMELESS ENCAMPMENT ABATEMENT

The City will track and report annually on the following metrics associated with homeless encampments located within 500 feet of waterways:

- Number of homeless individuals at encampment sites;

- Number of homeless individuals placed in shelters or long-term housing;
- Number of homeless encampment sites with weekly garbage pick-up;
- Number of homeless encampment sites with sanitation services, including portable toilets and health hygiene services;
- Number of homeless encampment sites cleaned;
- Number of homeless encampment abatements; and
- Volume of trash removed from homeless encampment sites.

The City will utilize existing monitoring results from its homeless encampment abatement program. Data gathered will assist in determining if the City's Direct Discharge Plan trash control actions are effectively preventing trash from discharging to receiving waters. Additionally, as a possible alternative to collecting data on the volumes of trash removed from encampment sites, the City will explore the use of a metric that assigns an equivalent unit of trash removed per homeless individual to track improvements in the amount of trash reaching waterways as the number of homeless individuals decreases.

6.2 ILLEGAL DUMPING ABATEMENT

The City will track and report annually on the following metrics associated with illegal dumping sites located within 500 feet of waterways

- Number of sites reported;
- Number of KOCB closed illegal dumping work orders;
- Number of citations issued;
- Fines collected;
- Percentage of sites cleaned within 3 days;
- Volume of trash removed.

Monitoring data corresponding to these metrics will be collected using the sources discussed in the introduction to Section 6. In addition to reporting on the metrics above, the City will also explore the use of a metric that attempts to account for the prevention of illegal dumping with areas in proximity to waterways. This metric would ultimately assist the City in tracking improvements in the amount of trash reaching waterways as the number of illegal dumping sites and associated volumes decreases within sites in proximity to waterways due to prevention actions included in the City's Direct Discharge Plan.

6.3 ASSESSMENT OF RESULTING IMPROVEMENTS TO RECEIVING WATER CONDITIONS

Both qualitative assessments that include a visual survey that documents the levels and sources/pathways (including illegal dumping and homeless encampments) of trash observed, and quantitative monitoring that includes the measurement of trash volumes

collected from within defined assessment areas in creeks, channels, rivers, and lagoons will be collected by the City in 2019 and 2020 via the regional receiving waters Monitoring Plan. In its 2020 Direct Discharge Report, the City will report on the following metrics associated with receiving water conditions associated with the City's Direct Discharge Plan:

- Number of receiving water sites in Oakland where qualitative assessment and/or quantitative monitoring was conducted;
- Qualitative scores and/or the quantity of trash observed/removed at each site; and
- The dominate trash pathways (stormwater, direct dumping, encampments) at each site.

Receiving water monitoring data for Oakland sites will be compiled and evaluated from the preliminary and final reports being developed regionally by BASMAA and due to the Water Board in July 2019 and July 2020. Once appropriate receiving water monitoring methods and sites are established to evaluate improvements in trash levels associated with illegal dumping and encampments, a separate monitoring plan for the City's Direct Discharge Plan may be developed as appropriate.

6.4 REPORTING AND ADAPTIVE MANGEMENT

A summary of trash controls implementation and corresponding data will be compiled in a report titled Direct Trash Discharge Control Report and included as an attachment to the MRP Annual Report. The Direct Trash Discharge Control Report will be submitted with the City's 2019 MRP Annual Report.

As data and information are collected and reported by the City, the City may choose to adaptively manage the control measures and monitoring approaches described in this Direct Discharge Plan. Should significant revisions or adjustments to the Plan be proposed and anticipated, the City will notify the Water Board of these proposed revisions and receive input. Those significant modifications Plan that are agreed upon by the City and the Water Board will be documented in the City's Direct Trash Discharge Control Report, which will be submitted annually to the Water Board while the program is in place and trash load reduction offset credit is claimed by the City.

SECTION 7: TRASH REDUCTION OFFSET

The City plans to claim the maximum of 15% trash load reduction offset in its 2019 Annual Report using the MRP Provision C.10.e.i formula for calculating the optional trash load reduction offset by applying an offset factor equal to (7.5×0.1) for the 2019 mandatory trash load reduction deadline, where 7.5 is the conversion from acres to gallons based on trash generation rates and 0.1 is the ten to one offset ratio.

ATTACHMENTS

Attachment 1: Homeless Encampment Cleanup Volume Heatmap

Attachment 2: Standard Operating Procedure Homeless Encampment Closure

Attachment 3: Example Homeless Encampment Cleanup Schedule

Attachment 4: September 11, 2018 Agenda Report *Response to Resolution No. 87129-C.M.S. Regarding Homeless Services*

Attachment 5: Illegal Dumping Cleanup Volume Heatmap

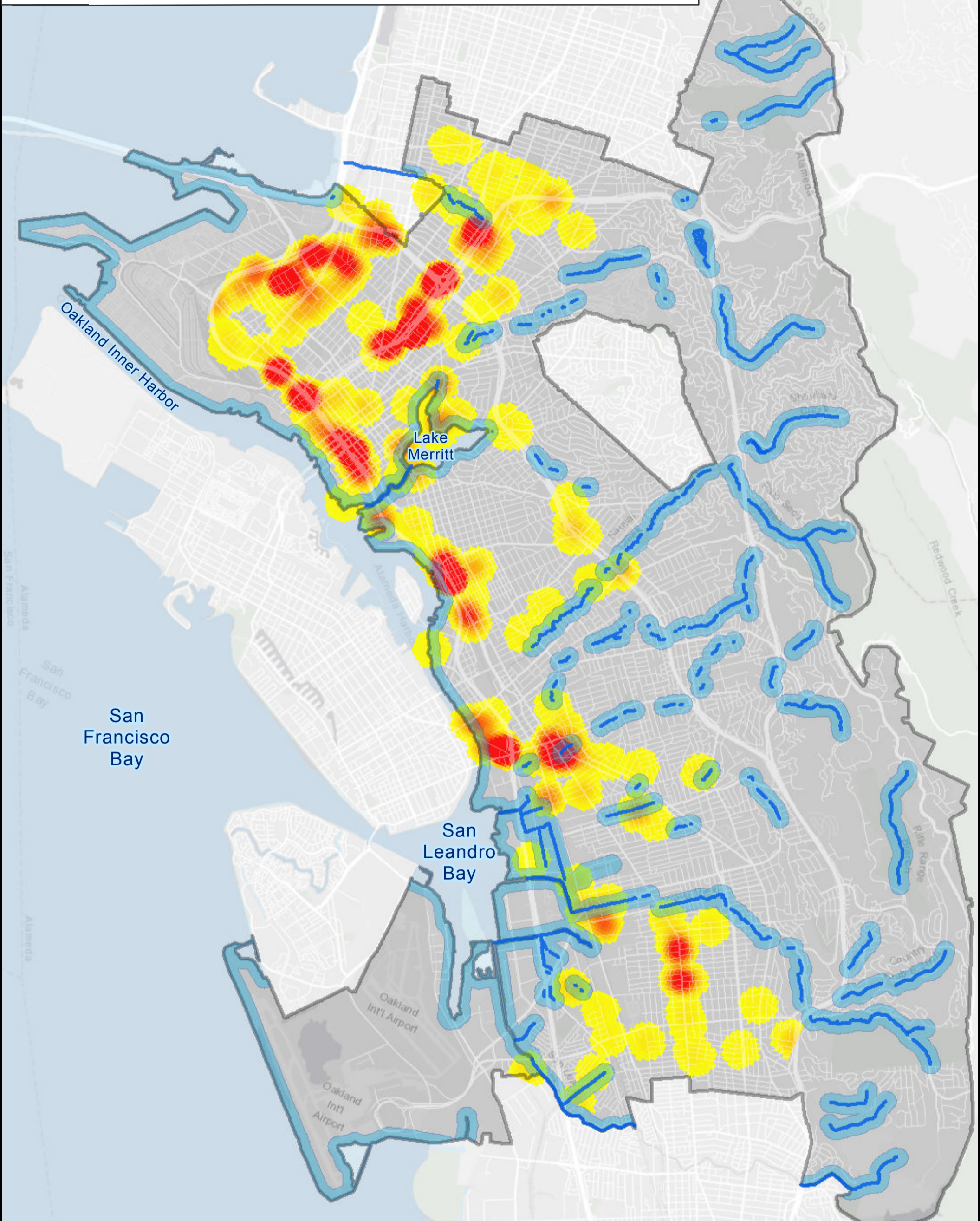
Attachment 6: City of Oakland Watersheds and Receiving Waters Map

Attachment 7: Illegal Dumping and Homeless Encampment Cleanups Within 500 Feet of a Waterway

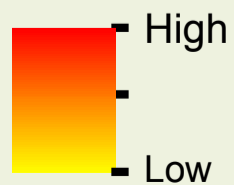
ATTACHMENT 1:




HOMELESS ENCAMPMENT CLEANUP VOLUME HEATMAP

City of Oakland Homeless Encampment Cleanups FY 2017-18



Volume of Trash Removed



-  Within 500' of Receiving Water
-  Creek/Channel (Receiving Water)
-  Oakland Boundary

Data Sources:

- Cleanups:** City of Oakland
- Roads:** Alameda County
- City Boundaries:** Alameda County
- Receiving Waters:** City of Oakland; NHD
- Background:** World Light Gray Canvas Base

0 0.3 0.6 1.2 Miles



ATTACHMENT 2:

STANDARD OPERATING PROCEDURE HOMELESS ENCAMPMENT CLOSURE



Public Works Agency
 Department of Facilities & Environment
 Keep Oakland Clean & Beautiful Division

Standard Operating Procedure

| | |
|-------------------------------|---|
| SUBJECT: | Policy for Removal of Homeless Encampments in the public right-of-way and on City owned property. |
| INTENT: | To remove homeless encampments from the public right-of-way, Parks and City Facilities. |
| RESPONSIBLE PERSON(S): | Frank Foster, Public Works Operations Manager Jim Ryugo, Building Services Manager |
| CRITICAL TIMING: | Year round |
| INVOLVED INDIVIDUALS: | Public Rights-of-Way: Dexter English and Robert Newman City Parks and Facilities: Brian Carthan PWA Call Center: Sabrina Jones OPD: As needed Community Housing Services: Susan Shelton and Mike Church |
| OBJECTIVES: | To Provide Public Health and Safety |
| REVIEW: | Review annually in October. |

Background

In an effort to provide public health and safety to the community at large, homeless encampments must be removed from the public rights-of-way, parks, and City-owned property. The following guidelines must be followed to protect the constitutional rights of persons whose personal property remains at these locations.

Procedure PWA Call Center

1. When the PWA Call Center is uncertain about the jurisdiction of a homeless encampment site, the matter will be elevated to the Call Center Supervisor for resolution and a request will not be generated until jurisdiction is clear. Due to the limitations of the database system, this does not apply to website or SeeClickFix service requests.
2. When a homeless encampment is reported to the PWA Call Center and the jurisdiction is clear, a service request is generated and forwarded to the KOCB Public Works Supervisor II of the Illegal Dumping section or the Parks Supervisor II of the Park/Facilities section.
3. If the encampment is on quasi-public property (i.e., Caltrans, BART, Alameda County, EBMUD, AC Transit, OUSD, Railroad, EBRPD, Peralta, Port, etc.) the PWA Call Center will refer the complaint to the appropriate agency.

Standard Operating Procedure

Removal of Homeless Encampments
Page 2 of 6

Procedure KOCB Public Works Supervisor II / Parks Supervisor II

1. The KOCB Public Supervisor II / Parks Supervisor II (Supervisor) will visit the site to verify that the encampment is on City-owned property or the public right-of-way.
2. If the encampment is on private property, the Supervisor will notify the PWA Call Center to forward the complaint to the appropriate agency.
3. If the encampment is on City of Oakland property or on the public right-of-way, the Supervisor will notify Operation Dignity at (510) 238-6590.
4. The Supervisor will create a work order and submit it to the appropriate crew for abatement of the homeless encampment after seventy-two (72) hours, or the next business day following the seventy-two (72) hour period.
5. PWA shall return to the site on the specified date to remove any belongings left at the encampment site, and request the assistance of the Oakland Police Department (OPD) if necessary.
6. City personnel shall not prevent occupants from retrieving their belongings before vacating the encampment site.
7. City personnel shall not confiscate or remove belongings from site when the occupant is present, absent a reasonable belief that the belongings are an immediate threat to public health and safety or are evidence of a crime or contraband.
8. PWA staff shall take photographs of the encampment site prior to the cleanup.
9. PWA staff shall immediately dispose of belongings that are considered to be clearly trash or are unsafe for storage, such as food or food wrappers, soiled items, or used personal hygiene items. See the list of examples of items that shall be immediately discarded attached hereto as Exhibit B.
10. PWA staff will collect, bag, and label personal belongings left at the site. A "Notice of Collected Property" will be posted where the original "Notice to Vacate" was previously posted, and will contain the PWA Call Center telephone number. See the sample notice attached hereto as Exhibit C.
11. PWA shall itemize the belongings collected and include the location, date, and time of collection on the itemization form.
12. The collected belongings will be stored at a PWA facility for at least ninety (90) days.
13. During the abatement process, if the Public Works crew notices hazardous materials or any other biohazards (such as blood, urine, human waste, etc.), they shall contact the PWA Call Center and report their findings. They are instructed to make the area safe when possible, and leave those items behind. The PWA Call Center will contact the Oakland Fire Department or Crime Scene Cleaners to remove hazardous materials.
14. Upon abatement of the encampment, the crew will fill in the proper information to complete the work order.
15. The Supervisor will review the completed work order, ensuring the correct data is entered, and close the work order.

Standard Operating Procedure

Removal of Homeless Encampments
Page 3 of 6

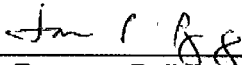
Procedure Operation Dignity

1. Operation Dignity will visit the site and attempt to contact the homeless person(s).
2. Operation Dignity will post the standard notice, in multiple visible locations at the area, to inform the person(s) (1) that it is unlawful to reside in the area, and (2) that their items will be removed after seventy-two (72) hours. See the sample notice attached hereto as Exhibit A.
3. Operation Dignity shall document the posting of the notices with photographs.
4. Operation Dignity will then notify Public Works within twenty-four (24) to forty-eight (48) hours that the area has been posted, and provide a copy of the posting to Public Works.
5. Prior to and during the cleanup, the OPD will verify that all occupants have left the encampment, or will have the remaining individuals leave.



Frank Foster – Operations Manager
Department of Facilities & Environment
Keep Oakland Clean & Beautiful Division
Contact: ffoster@oaklandnet.com
Or: [510] 434-5109

Date Issued: September 20, 2005
Date Re-Issued: October 21, 2009
Date Revised: December 13, 2010
Date Revised: February 26, 2013



Jim Ryugo – Building Services Manager
Department of Facilities & Environment
Park and Building Services Division
Contact: jryugo@oaklandnet.com
Or: [510] 615-5987

Attachments:
Exhibit A
Exhibit B
Exhibit C

NOTICE TO VACATE ILLEGAL ENCAMPMENT

DATE AND TIME OF POSTING: _____ LOCATION: _____

THE PUBLIC WORKS DEPARTMENT HAS DEEMED THIS SITE UNINHABITABLE AND ALL PERSONS ARE DIRECTED TO VACATE THIS SITE AND REMOVE ANY PERSONAL BELONGINGS.

PUBLIC WORKS DEPARTMENT WILL BE OUT TO CLEAN THIS SITE

ON: _____
DATE: _____

PUBLIC WORKS CREWS WILL ABATE ENCAMPMENT ON THE DATE SPECIFIED ABOVE, OR ON THE NEXT BUSINESS DAY. ANY PROPERTY LEFT AT THIS SITE AT THE TIME OF CLEANUP WILL BE REMOVED FROM THE SITE AND STORED BY PUBLIC WORKS. PROPERTY THAT IS UNSAFE OR HAZARDOUS TO STORE WILL BE IMMEDIATELY DISCARDED.

IF YOU HAVE ANY QUESTIONS AND/OR CONCERNS, PLEASE CALL OPERATION DIGNITY AT 510-844-0785.

SERVED BY: OPERATION DIGNITY

Guidelines for Property Identification

The Public Works Agency (PWA) will not search through piles or bags of items for valuables or personal property

Priority items to take to storage: *The following items are considered to have a good likelihood of being considered as valuable or personal property*

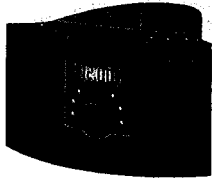
- ID/Social Security cards
- Medications*
- Photos/Photo Albums
- Tax/medical records
- Jewelry
- Eyeglasses
- Purses/backpacks/briefcases
- Suitcases
- Tents
- Phones
- Radios & Electronics
- Tools
- Stoves & Generators
- Bicycles

*All medications and controlled substances will be turned over to the OPD

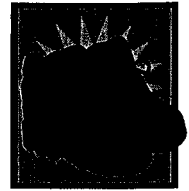
Items that will not be taken to storage: *The following items are considered to be trash or are unsafe for storage*

- **Dirty or Soiled:** items that smell or are stained with urine, bodily waste, or mud
- **Perishable:** open food or personal products that will spoil or rot in storage
- **Contaminated:** items used for hygiene or other risk of biohazard (i.e. used toothbrushes, hairbrushes, washcloths and underwear)
- **Hazardous or Explosive:** items that could corrode or burn in storage (i.e. car batteries, gasoline cans, and propane tanks)
- **Broken or Disassembled:** items broken, damaged or stripped of parts (i.e. electronics stripped for copper, flat tires, torn up clothes)
- **Weapons:** weapons will be turned over to the OPD
- Food/beverage wrapper
- Tissue/paper napkins
- Open household product containers
- **Bedding/Sleeping Bag**
- Pots & Pans
- Books

NOTICE OF COLLECTED



PROPERTY



(“NOCP”)

Please take notice that property was collected at this location on

_____ , _____

by City of Oakland Public Works Agency. To reclaim your property, please contact the Public Works Call Center at (510) 615-5566. The property will be stored for ninety (90) days from this date

_____ .

ATTACHMENT 3:
EXAMPLE HOMELESS ENCAMPMENT CLEANUP SCHEDULE

Homeless Encampment Clean-up Schedule

| Date | Day | Location | Intervention |
|--|----------------|---|---|
| 19-Jun-18 | Tuesday | 29th Ave. between E. 7th and Chapman | Clear and clean |
| | | Mosswood Park | Clear and clean |
| 20-Jun-18 | Wednesday | Oakport at Zhone Way; Oakport between 66th Ave. and High St. | Debris pick-up |
| | | Hegenberger Rd. at Hawley St. | Clear and clean |
| | | 102nd Ave. and International Blvd. | Clear and clean |
| | | Seminary Ave. and Harmon Ave. | Debris pick-up |
| 21-Jun-18 | Thursday | PILE REMOVAL: | Pile Removal (PR) and Garbage Cart (GC) |
| | | 1. Wood St. between (24th & 26th) St. | |
| | | 2. 35th & Peralta St. | |
| | | 3. 36th St. & MLK Jr. Way | |
| | | 4. 34th St. & Telegraph Ave. | |
| | | 5. Northgate Ave./27th St./Sycamore St. | |
| | | 6. 6th St. between Webster St. and Webster Place | |
| | | 7. VA | |
| | | 8. E 12th St. & 23rd Ave. | |
| | | 9. MLK between Grand & 24th St./23rd Street between MLK and San Pablo | |
| | | 10. Webster St. - Under Hwy 880 | |
| | | 11. 77th Ave. near Hawley | |
| | | 12. 81st Ave. and San Leandro Blvd. | |
| | | 13. 5th St. between Adeline and Market | |
| | | 14. E. 8th Street and Alameda Ave. / High St. | |
| | | 15. 45th Ave. between E. 12th St. and San Leandro St. | |
| 16. Hollis St. @ West MacArthur (corner near Home Depot) | Debris pick-up | | |
| Date | Day | Location | Intervention |
| 26-Jun-18 | Tuesday | Mosswood Park | Closure |
| 27-Jun-18 | Wednesday | 666 Bellevue Ave.; Playground perimeter | Closure |
| | | 558 Bellevue Ave; Junior Center of Art & Science perimeter | Closure |
| 28-Jun-18 | Thursday | PILE REMOVAL: | Pile Removal (PR) and Garbage Cart (GC) |
| | | 1. Wood St. between (24th & 26th) St. | |
| | | 2. 35th & Peralta St. | |
| | | 3. 36th St. & MLK Jr. Way | |
| | | 4. 34th St. & Telegraph Ave. | |
| | | 5. Northgate Ave./27th St./Sycamore St. | |
| | | 6. 6th St. between Webster St. and Webster Place | |
| | | 7. VA | |
| | | 8. E 12th St. & 23rd Ave. | |
| | | 9. MLK between Grand & 24th St./23rd Street between MLK and San Pablo | |
| | | 10. Webster St. - Under Hwy 880 | |
| | | 11. 77th Ave. near Hawley | |
| | | 12. 81st Ave. and San Leandro Blvd. | |
| | | 13. 5th St. between Adeline and Market | |
| | | 14. E. 8th Street and Alameda Ave. / High St. | |
| | | 15. 45th Ave. between E. 12th St. and San Leandro St. | |

* The schedule is created in advance and is subject to change at any time with out further notice.

ATTACHMENT 4:

September 11, 2018 Agenda Report



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2018 AUG 30 PM 3:15

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Joe DeVries
Assistant to the City
Administrator

SUBJECT: Response to Resolution No. 87129-
C.M.S. Regarding Homeless Services

DATE: August 20, 2018

City Administrator Approval

Date:

RECOMMENDATION

STAFF RECOMMENDS THAT THE CITY COUNCIL RECEIVE AN INFORMATIONAL REPORT RESPONDING TO RESOLUTION NO. 87129-C.M.S. REQUESTING INFORMATION CONCERNING A NUMBER OF DIFFERENT HOMELESS SERVICES AND PROGRAMS.

EXECUTIVE SUMMARY

Between 2015 and 2017 the number of homeless individuals in Oakland increased by 26%. The vast majority of people who are homeless in Alameda County – 82%- are not visitors but are our neighbors who lived here before they became homeless. In the past decade, the Bay Area added only one unit of housing for every eight jobs created, and very little of the housing built was subsidized enough to help people in need, especially those at very low income or receiving public assistance. Data also shows a disproportionate number of homeless individuals in the City of Oakland - nearly 70 percent - are Black/African American. This is a crisis for Oakland, and the entire Bay Area, and every major city along the West Coast.

The City of Oakland, in partnership with Alameda County, is working to address the homelessness crisis in a number of different ways, from upstream interventions to prevent people from becoming homeless (e.g. \$2.2 million in funding for anti-displacement services; additional renter protections; increased relocation funding requirements), providing emergency shelter and street outreach services when people become homeless (e.g. Family Front Door, Housing First Support Network, temporary cabin communities) and finally, funding the construction of more affordable housing by leveraging Community Development Block Grants (CDBG), Measure KK and County A-1 funds.

Item: _____
Life Enrichment Committee
September 11, 2018

The City Council adopted Resolution No. 87129-C.M.S. requesting more information related to homeless services and programs, including updates on funding, in nine different categories. The chart below outlines the items requested to be addressed by the Resolution. More detailed information will be provided in the Analysis and Policy Alternatives section of this report.

| Description | Responsible Dept. | Brief Status |
|---|---|---|
| 1. Encourage and support private development of expanded housing options | Planning and Building | Zoning text amendment under development for legal non-conforming motels |
| 2. Pursue multiple strategies including leases with non-profits and faith based organizations | Human Services | CalTrans considering lease for parcel on Mandela Parkway. Peralta Community College District considering proposal for use of a parking lot |
| 3. Permitting the disposal of sewage through a temporary holding tank with a contract for regular pumping | Oakland Public Works | Roto Rooter has confirmed they can provide this service; costs can be reduced by use of existing sewer lines. |
| 4. Ordinance amending the City's business tax ordinance to waive the first \$30,000 annually in residential rental property income from tax for property rented through Section 8 or other means-tested housing assistance programs | Finance | The Finance Department will submit a report for the September 25 th Finance Committee meeting addressing this request. |
| 5. Identify available public land for these efforts | Mayor; City Administrator; Real Estate Management | Henry J. Kaiser Convention Center parking lot planning underway for third community cabin site. CalTrans considering use of Mandela Parkway property |
| 6. Call upon external funders including Alameda County and US Department of Housing and Urban Development to maximize funding | Mayor; City Administrator | \$8.6 Million in State budget for Oakland through Homeless Emergency Assistance Program; \$16M for Alameda County through same. \$10M in Alameda County budget for homeless programs; additional funding under discussion by Board of Supervisors. HUD has offered Technical Assistance to 10 communities |

| | | |
|---|---------------------------|---|
| | | including Alameda County/Oakland to develop new approaches to service |
| 7. Ask Alameda County, OUSD and Caltrans to identify available public land and/or fund support services | Mayor; City Administrator | See report for description of written and verbal requests for assistance. AB 3139 (Bonta) recently approved for more flexible use of Caltrans lands |
| 8. Find funding sources to support these efforts | Mayor; City Administrator | Oakland mid-cycle budget includes \$800K for operation of "Second Henry" and extending Winter Shelter. The Mayor's advocacy resulted in a direct state allocation of \$8.6M to Oakland and an additional \$16M to Alameda County. |
| 9. Identify options to deal with issues related to liability and insurance | City Administrator | Consider a grant program to address additional funding needs |

A member of the public requested that the City assess the Square One housing program established by a non-profit in Oregon. Staff will return with that report for the September 25, 2018 Committee meeting.

Please note: the City recently launched a website to provide the community more information about what is and can be done to address this crisis. We encourage City staff and officials to refer community members to this resource: <https://www.oaklandhomelessresponse.com>

ANALYSIS AND POLICY ALTERNATIVES

1. Encourage and support private development of expanded housing options

Planning and Development modifications

The Planning and Building Department is currently developing a Zoning Ordinance text amendment to allow a small number of existing non-conforming motels in the CIX-2 zone to be renovated and approved with a Conditional Use Permit for permanent residency by formerly homeless and extremely low income persons. There is at least one motel conversion project currently under consideration by the Oakland Housing Authority for funding with Veterans Affairs Supportive Housing (VASH) vouchers that would result in 36 units becoming available in a very short period of time if the text amendment is approved.

Modular construction

The Planning Bureau is processing an application for a General Plan Amendment and rezoning to enable construction of a residential development on a lot formerly owned by CalTrans that would include units built with a modular construction approach. The applicant has indicated that approximately 50 of the modular units would be dedicated for use by formerly homeless individuals.

Emergency Housing Regulations

In May 2018, the State Housing & Community Development Department (HCD) issued Information Bulletin 2018-01 concerning two new voluntary appendices to the 2016 California Building Code and California Residential Code. The new provisions are intended to provide a consistent minimum standard by which local agencies may develop emergency housing or shelter ordinances. HCD will revisit these provisions as part of the Triennial Building Standards Code Adoption Cycle for the 2019 codes. However, in the interim, these appendices are available for local agencies' consideration. The City Council adopted its "Shelter Crisis Ordinance" in October 2017 as authorized under Government Code Section 8698. City staff is currently reviewing the new appendices described above to determine how they can complement the existing Shelter Crisis Ordinance; staff will bring a report to the City Council once that review is complete.

2. Pursue multiple strategies including leases with non-profits and faith based organizations

Outdoor emergency shelter facilities

The City has created two outdoor emergency shelter "community cabin" facilities since December 2017 serving 115 people, of which 41 have obtained transitional or permanent housing. The location at 6th and Castro is leased from a private party with the support of PG&E. The location at 27th and Northgate is leased from CalTrans for a nominal payment. A third community cabin location is currently in the planning stages for the City-owned parking lot at the Henry J Kaiser Convention Center. This facility will be focused on resolving encampments at Lake Merritt. A fourth location has been proposed to CalTrans for a lot on the west side of Mandela Parkway. That facility initially would be focused on resolving the encampments around 35th and Peralta. All of these programs are operated by non-profit partners under agreements with the City.

Safe Parking

The City is in discussion with the Peralta Community College District about use of one of their parking lots for a "safe parking" site that could include both RV's and vehicles. The site would be leased from Peralta and operated similarly to the community cabins programs with the intent of assisting people with locating permanent housing. Further discussion of Safe Parking at religious institutions is addressed in number 9 below.

3. Permitting the disposal of sewage through a temporary holding tank with a contract for regular pumping

The number of recreational vehicles (RV's) parking on City streets has increased significantly in the last year. With that increase, has also come an increase in complaints about human waste being dumped on City streets and sidewalks. Staff has been working to address this challenge by developing a Safe Parking Program as described in number 2 above. A critical element of that program was identifying a service provider who would provide mobile pumping services for "black water" from RV's. Roto Rooter, an existing City contractor, has confirmed that it can provide that service. Roto Rooter estimates that servicing a 25 RV site on a weekly basis would cost \$1,535 per week. These costs include a two-person crew working four (4) hours at a site that hosts approximately 25 RV's, plus the equipment and dump fees. At that rate, the cost is \$6,646 per month per 25 RV site. If a manhole with a sewer line is available at the location, and use of that line is approved, the costs could decrease by approximately 25% since the need to transport and dump the waste at an approved facility would be eliminated. This service can be pursued for any of the Safe Parking sites discussed above.

4. Ordinance amending the City's business tax ordinance to waive the first \$30,000 annually in residential rental property income from tax for property rented through Section 8 or other means-tested housing assistance programs

The Finance Department will submit a report for the September 25th Finance and Management Committee meeting addressing this request.

5. Identify available public land for these efforts

In addition to the sites identified in previous reports to the Life Enrichment Committee (some of which ultimately were used for other purposes), staff is actively developing a third Community Cabin project at the Henry J Kaiser Convention Center parking lot. The site is being developed to limit any conflicts with the renovation of the facility currently proposed by Orton Development. Additionally, staff is negotiating with CalTrans for use of a parcel on the west side of Mandela Parkway for a fourth Community Cabin location. This site is large enough that it could possibly offer two community cabin sites, or as community cabin site and a Safe Parking location, if sufficient service provider capacity is available to manage two programs. The City has also proposed a Safe Parking program to the Peralta Community College District for one of its parking lots and expects to receive information on the feasibility later in September.

6. Call upon external funders including Alameda County and US Department of Housing and Urban Development to maximize funding

Mayor Schaaf worked with a coalition of eleven mayors throughout California to request that the Governor release funds from the State's reserve to assist cities and counties in addressing the homeless crisis. That advocacy resulted in a \$500 million block grant program designed to provide direct assistance to cities and counties to address the homeless crisis throughout California; it generated a direct allocation to Oakland of approximately \$8.6 million, with an additional \$16 million to Alameda County. The City's application for its direct allocation will be submitted on the first day that funding is available in order to expedite distribution of the funds to

Oakland. With regard to the County portion of the funding, the City will advocate that a significant portion of the County funding be allocated to Oakland given that 50% of the County's homeless population resides in Oakland.

Additionally, the Mayor has been in direct communication, both verbally and in writing, with members of the Alameda County Board of Supervisors requesting their consideration of additional funding for specific needs in Oakland, including operational funding for the second Henry Robinson Center, more capacity for year-round emergency shelter, improved used needle collection, and additional street outreach and social services. The County has identified new funding from various sources, including the Mental Health Services Act (MHSA), that will be made available to support homeless programs and services. The County Board of Supervisors should be considering that funding in early fall.

The City submitted its application to the Continuum of Care for Alameda County, Everyone Home, in mid-August. This is an annual competitive funding cycle through which federal funds are allocated throughout the County. The City's application focused on maintaining funding to our current six CoC funded programs (transitional housing for families, singles and youth, rapid rehousing for families and youth) as well as a new application for partial (\$700,000) funding for the second Henry Robinson program. Local notification of funding will be announced on August 31, 2018. The County also included \$10 million in one-time funds for homeless programs in its recently adopted budget.

7. Ask Alameda County, Oakland Unified School District (OUSD) and Caltrans to identify available public land and/or fund support services

The City is currently leasing CalTrans property at 27th and Northgate for a community cabins site and is discussions with CalTrans for another site on the west side of Mandela Parkway. The legislature recently approved AB3139 (Bonta) which provides Caltrans more flexibility to lease its land for these types of uses.

8. Find funding sources to support these efforts

The mid-cycle budget adopted by the City Council in June 2018 added funding for homeless programs as follows:

- 1) Added \$300,000 in the General Purpose Fund (GPF) for homeless sanitation services;
- 2) Added \$500,000 in Fund 1870 for 2nd Henry Robinson/Winter Shelters (The prior 2-year budget for FY 2017-2019 already included \$300,000 in GPF that was transferred to 1870 for a total of \$800,000 for this use.)

As noted above, the City has submitted applications to the Continuum of Care for federal funding, to the state for Homeless Emergency Aid Program funding and is actively working with the County to identify additional funding from sources such as the Mental Health Services Act.

9. Identify options to deal with issues related to liability and insurance

Staff recommends that the Council re-allocate the \$300,000 GPF which was set-aside in the mid-cycle budget for sanitation services, to a grant program for organizations that wish to utilize their parking lots for a safe parking program. The San Francisco Foundation recently awarded a \$175,000 grant to the Interfaith Council of Alameda County (ICAC) for a two-year project including safe car parks on underutilized congregation properties. In order to leverage that grant, staff recommends that the City award a grant of \$300,000 directly to ICAC to work with the faith community to administer individual grants to operators of the safe parking sites. The grant funds could be used to pay for such things as porta potties and handwashing stations, site security, black water pumping services if RV's are accommodated and/or additional liability insurance costs. Staff proposes that the organizations would operate these safe parking sites for a minimum of six months. This program could be expanded if the City's application for state funding is approved.

PUBLIC OUTREACH/INTEREST

This report did not require public outreach other than the posting of this report on the website.

COORDINATION

Coordination has occurred between the Human Services Department, the Planning and Building Department, the Housing Department and the City Administrator's Office.

Additional Coordination has taken place between the City of Oakland Human Services Department and staff of the County Health Department and County Housing and Community Development Department as well as with Everyone Home.

SUSTAINABLE OPPORTUNITIES

Economic: The purpose of this report is to provide information about various ways the City is attempting to eliminate and prevent homelessness.

Environmental: The provision of housing for at-risk and homeless persons is intended to address the environmental degradation caused by homeless families and individuals precariously housed or living on the streets.

Social Equity: The programs described in this report are targeted to the most vulnerable and at-risk populations in the City and are focused on providing essential and basic human services, housing and support.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive an informational report responding to Resolution No. 87129-C.M.S. requesting information concerning a number of different homeless services and programs.

For questions regarding this report, please contact Joe DeVries, at 238-3083.

Respectfully submitted,

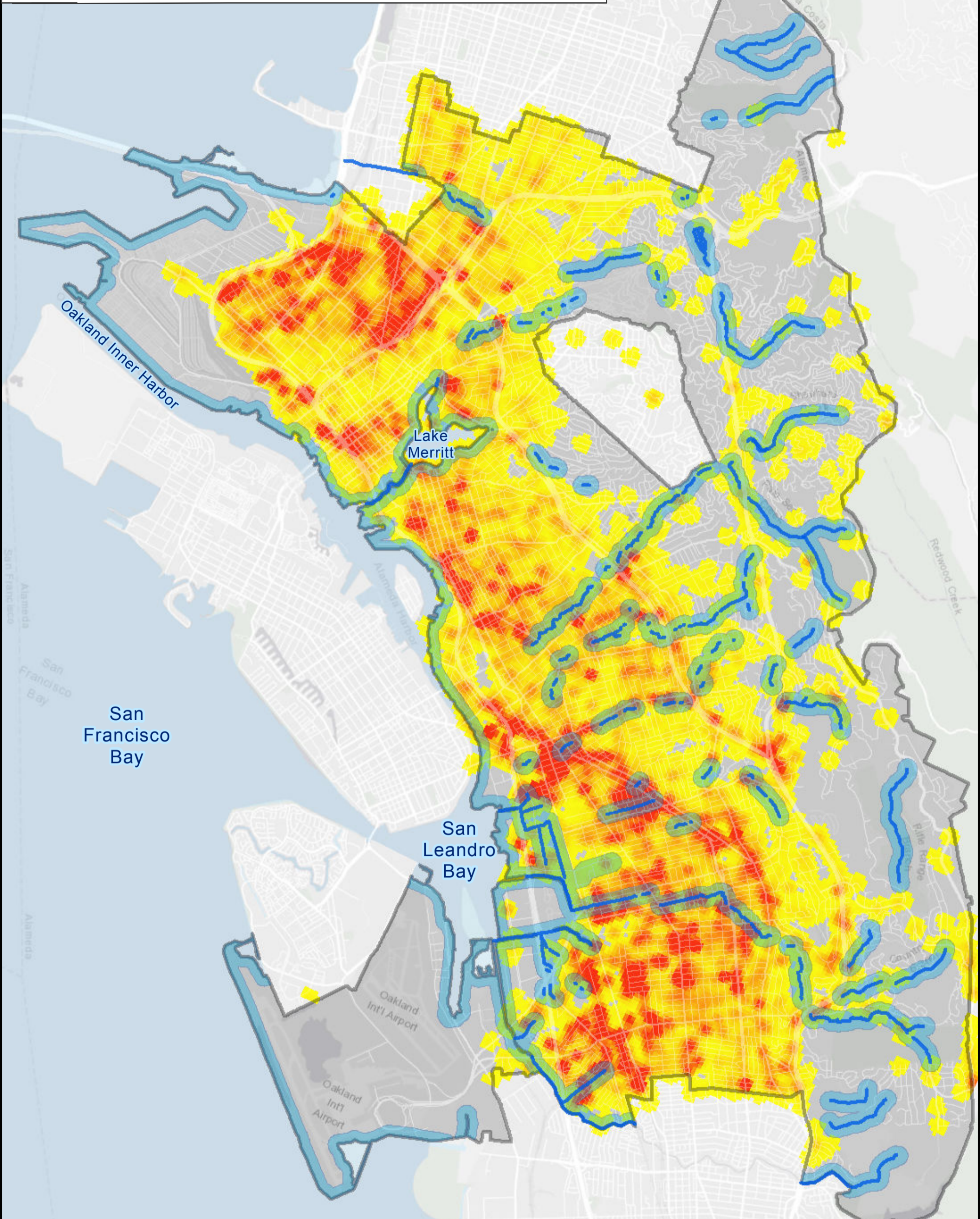


JOE DEVRIES
Assistant to the City Administrator

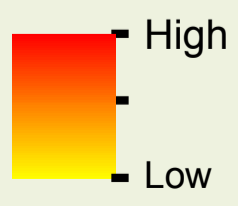
Reviewed by: Sara Bedford, Director;
Lara Tannenbaum, Community Housing
Services Manager; Katie Dignan, Assistant
Director, Planning & Building




ATTACHMENT 5:
ILLEGAL DUMPING CLEANUP VOLUME HEATMAP

City of Oakland Illegal Dumping Cleanups FY 2017-18

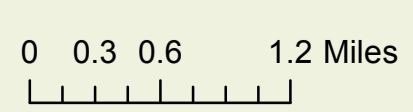


Volume of Trash Removed



-  Within 500' of Receiving Water
-  Creek/Channel (Receiving Water)
-  Oakland Boundary

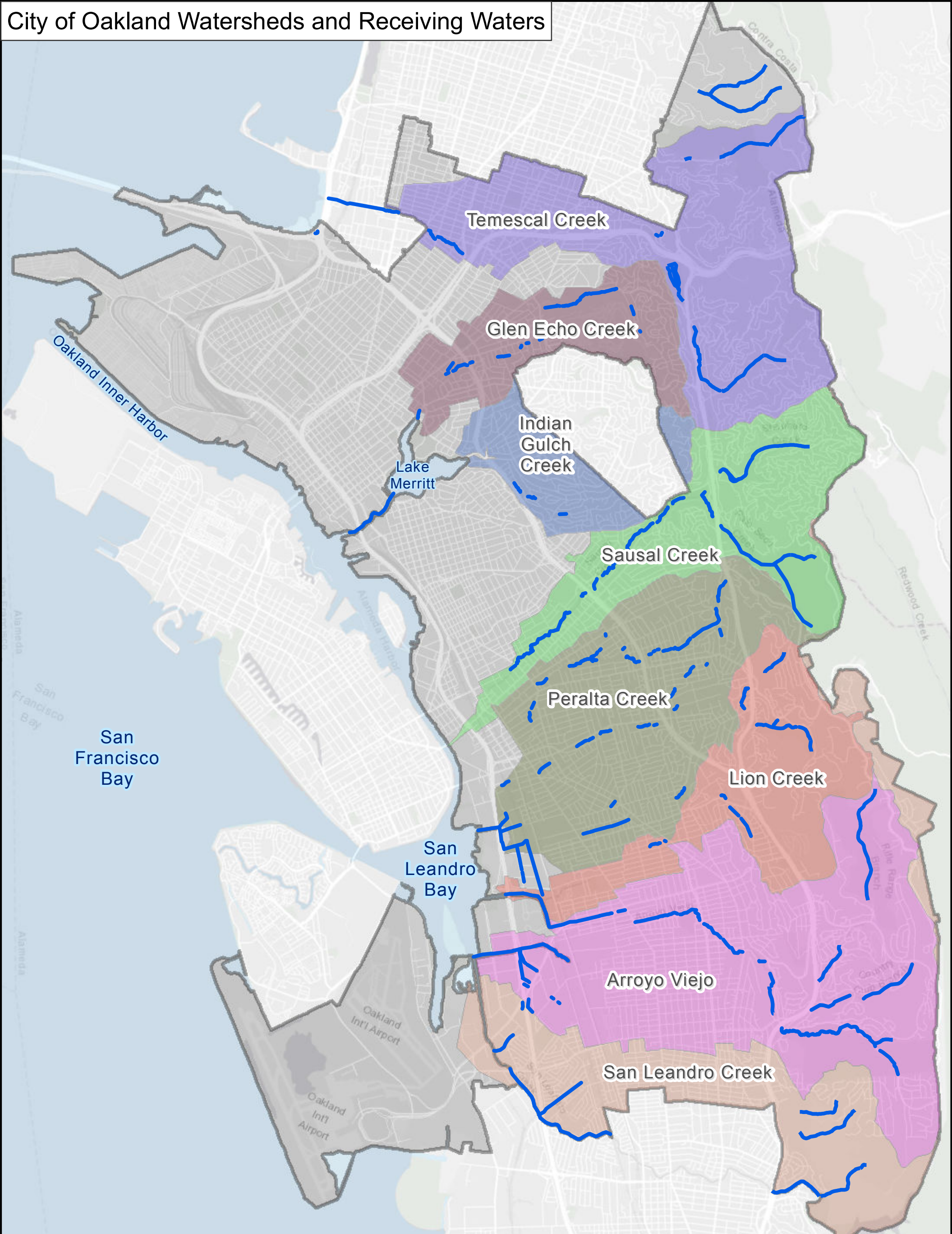
Data Sources:
Cleanups: City of Oakland
Roads: Alameda County
City Boundaries: Alameda County
Receiving Waters: City of Oakland; NHD
Background: World Light Gray Canvas Base





ATTACHMENT 6:

CITY OF OAKLAND WATERSHEDS AND RECEIVING WATERS MAP

City of Oakland Watersheds and Receiving Waters




 Creek/Channel
(Receiving Water)

 Oakland Boundary

Data Sources:
Roads: Alameda County
City Boundaries: Alameda County
Receiving Waters: City of Oakland; NHD
Background: World Light Gray
Canvas Base

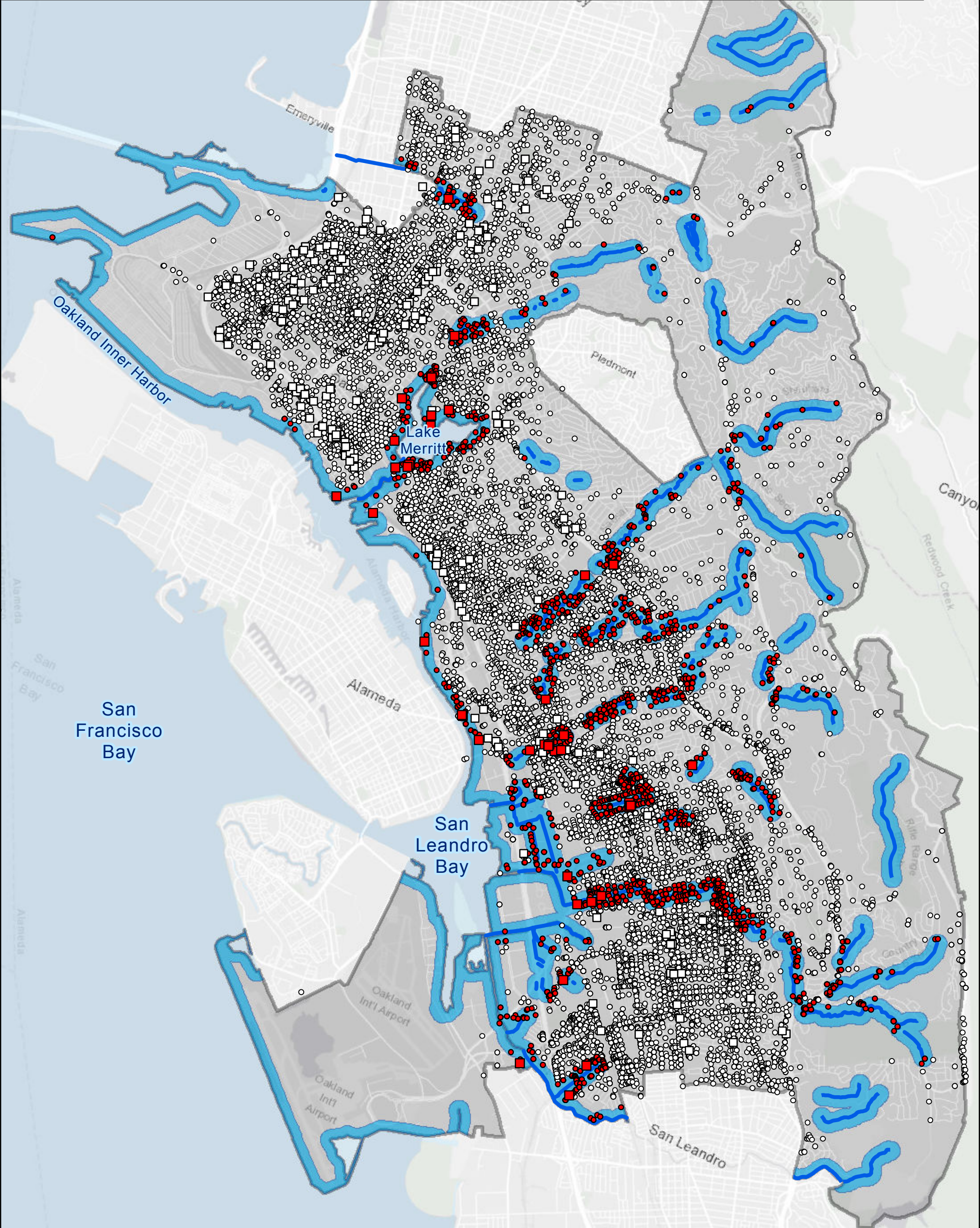
0 0.3 0.6 1.2 Miles



ATTACHMENT 7:

**ILLEGAL DUMPING AND HOMELESS ENCAMPMENT CLEANUPS
WITHIN 500 FEET OF A WATERWAY**

City of Oakland Homeless Encampment and Illegal Dumping Cleanups FY 2017-18



- Within 500' of Receiving Water
- Creek/Channel (Receiving Water)
- Oakland Boundary

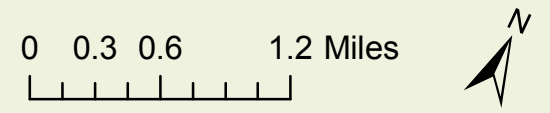
Homeless Encampment Cleanups

- Within 500' of Receiving Water
- >500' from Receiving Water

Illegal Dumping Cleanups

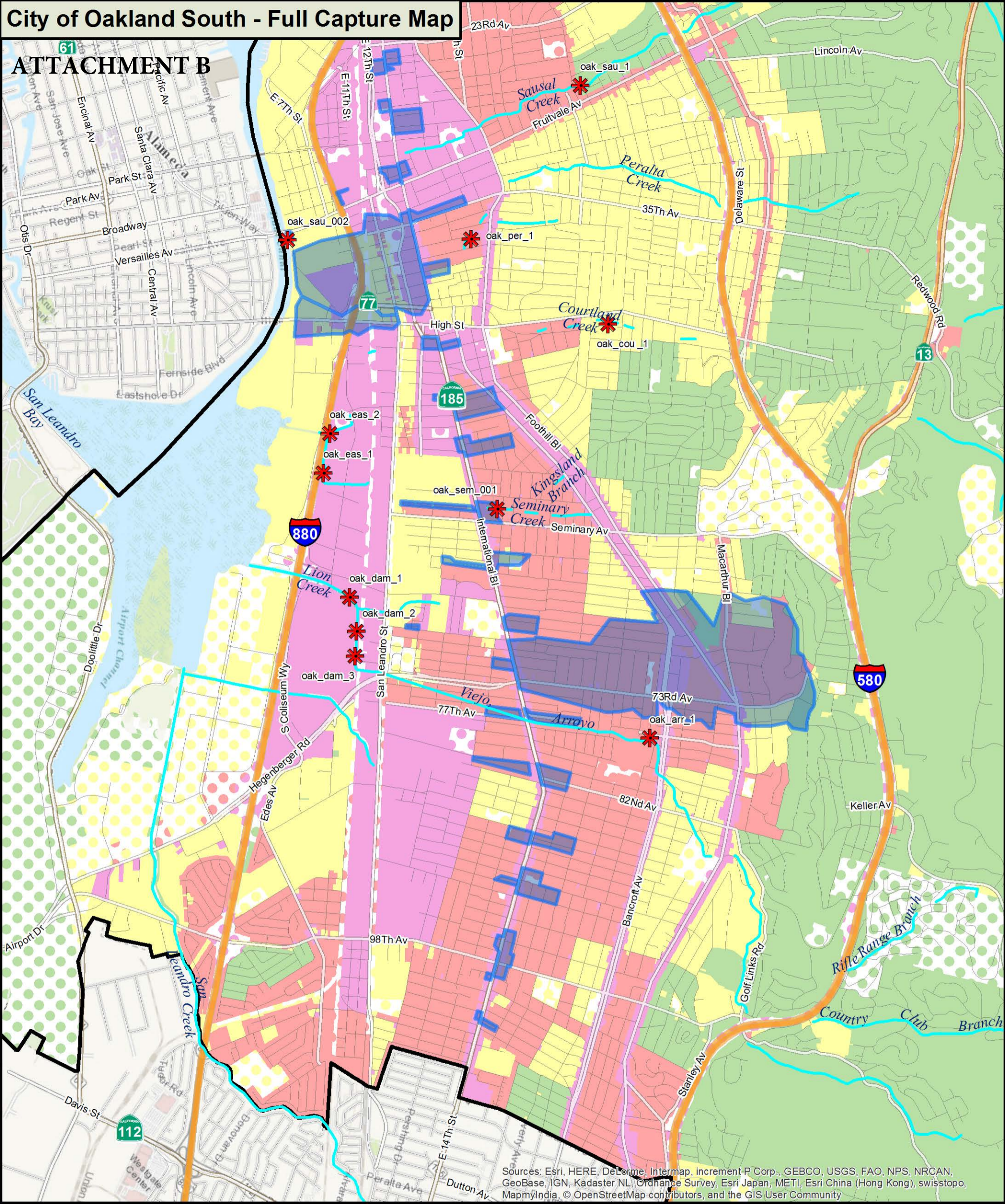
- Within 500' of Receiving Water
- >500' from Receiving Water

Data Sources:
Cleanups: City of Oakland
Roads: Alameda County
City Boundaries: Alameda County
Receiving Waters: City of Oakland; NHD
Background: World Light Gray Canvas Base



City of Oakland South - Full Capture Map

ATTACHMENT B



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

Trash Generation Category

- Low
- Moderate
- High
- Very High

- Creek/Shoreline Hotspot
- Full-Capture Location
- Trash Full Capture
- Non-Jurisdictional (Dot color = Generation Category)

- Streets
- Freeway
- Creeks

