

## MEMORANDUM

May 5, 2016

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Kimberly Brandon, Vice President  
Hon. Leslie Katz  
Hon. Eleni Kounalakis  
Hon. Doreen Woo Ho

**FROM:** Elaine Forbes  
Interim Executive Director

**SUBJECT:** Request approval for an extension of the Memorandum of Understanding (MOU) between the Port of San Francisco (Port) and the San Francisco Human Services Agency (HSA) from May 15 to July 1, 2016, for use of a portion of Pier 80 Shed A for temporary emergency winter shelter for homeless adults during El Nino 2015-16

**DIRECTOR'S RECOMMENDATION:** Approve Attached Resolution

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### EXECUTIVE SUMMARY

At its December 8, 2015 meeting, the Port Commission approved Resolution No. 15-46 approving a Memorandum of Understanding ("MOU") between the Port and the San Francisco Human Services Agency ("HSA") for emergency winter shelter during rain events at Pier 80 Shed A and Pier 29. This effort is part of a larger, Citywide effort to provide winter shelter during El Nino winter storms. The Port and HSA executed that MOU and HSA staff set up a shelter at Pier 80 which opened on February 5, 2016 under the supervision of the Deputy Director of Maintenance, Tom Carter. Permitting issues in the historic Pier 29 bulkhead prohibited establishing a tent in that facility for shelter purposes.

On April 12, 2016, Port and Mayor's Office of HOPE ("HOPE") staff briefed the Port Commission regarding the Pier 80 Winter Shelter, which has a daily census of approximately 165 people, with a capacity of up to 180. HOPE staff also presented

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proposed plans to locate an 80-bed Navigation Center<sup>1</sup> on Port property at 24<sup>th</sup> Street, between Michigan Street and Warm Water Cove Park.

At the April 12, 2016 Port Commission meeting, Port staff indicated its intention to return to the Port Commission for authorization to extend the MOU for emergency winter shelter at Pier 80 until July 1, 2016, following which this temporary shelter location will be removed to make way for planned maritime operations at Pier 80.

The Port Commission directed HOPE and Port staff to conduct further public outreach regarding the proposed Navigation Center. A public meeting in the Dogpatch Neighborhood is planned to discuss the proposed 24<sup>th</sup> Street site and alternative locations for a Navigation Center proposed by the Dogpatch Neighborhood Association at 654 Minnesota St. at 7PM on May 10.

### **PIER 80 WINTER SHELTER EXTENSION**

The attached resolution requests authorization to extend the term of the MOU for use of Pier 80 Shed A until July 1, 2016, with a two week period after to take down the tent inside the shed and associated facilities. HOPE staff indicated that in the period between May and July 1, 2016, HOPE staff will stop taking new reservations at Pier 80, and will initiate plans to transition Pier 80 residents to other locations.



*Pier 80 Shed A Winter Shelter*

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<sup>1</sup> A Navigation Center is the City's new, preferred approach to create access to housing and services for people living on the streets. See Port Commission Item 12B staff report:

<http://sfport.com/meeting/san-francisco-port-commission-april-12-2016-supporting-documents>

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

On November 24, 2015, the City Planning Department issued a Categorical Exemption under CEQA Section 15304 for the Pier 80 emergency shelter, a minor temporary use of land having negligible or no permanent effects on the environment. The Categorical Exemption covers the proposed two month time extension of the MOU for this temporary use.<sup>2</sup>

## **RECOMMENDATION**

Ports staff recommends that the Port Commission authorize an extension of the MOU between the Port and HSA for the Pier 80 Winter Shelter as described in this report.

Prepared by: Brad Benson  
Director of Special Projects

Tom Carter  
Deputy Director of Maintenance

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<sup>2</sup> The California Environmental Quality Act (CEQA) allows for certain exemptions from CEQA. CEQA Section 15304 exempts “[m]inor temporary use of land having negligible or no permanent effects on the environment.”

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 16-21**

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of the City and County of San Francisco (City); and
- WHEREAS, under Charter Section B3.581, leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, there are numerous homeless individuals present in and around Port property; and
- WHEREAS, by Resolution 15-46, the Port Commission authorized the use of Pier 80 Shed A for temporary winter shelter through a Memorandum of Understanding (MOU) between the Human Services Agency (HSA) and the Port; and
- WHEREAS, the current term of the MOU expires on May 15, 2016, and HSA and the Port wish to extend the MOU to July 1, 2016, with a two week period thereafter to take down the shelter facilities and vacate Pier 80; and
- WHEREAS, the permitted uses in the MOU are temporary in nature and a Categorical Exemption under CEQA Section 15304, which exempts minor temporary use of land having negligible or no permanent effects on the environment, was issued by City Planning on November 24, 2015 pursuant to the California Environmental Quality Act and this Categorical Exemption covers the proposed two month time extension of the MOU for this temporary use; now therefore be it
- RESOLVED, that the Port Commission hereby approves the extension of the MOU between the Port and HSA on terms substantially consistent with those described in the attached Memorandum; and be it further
- RESOLVED that following approval by the Executive Director of HSA, the Port Commission authorizes the Executive Director of the Port, or her designee, to execute the MOU extension on terms substantially consistent with those described in the attached Memorandum; and be it further

RESOLVED that the Port Commission authorizes the Executive Director to enter into any additions, amendments or other modifications to the MOU that the Executive Director, in consultation with the City Attorney, determines are in the best interest of the Port, do not materially increase the obligations or liabilities of the Port or materially decrease the public benefits accruing to the Port, and are necessary and advisable to complete the transaction and effectuate the purpose and intent of this Resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director of any such documents.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 10, 2016.***

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Secretary