

MEMORANDUM

March 18, 2020

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Willie Adams, Vice President
Hon. Gail Gilman
Hon. Victor Makras
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Executive Director

SUBJECT: Request approval of a resolution authorizing the Executive Director to amend a Memorandum of Understanding between the Port and the Department of Homelessness and Supportive Housing to expand the bed capacity of the Embarcadero SAFE Navigation Center due to the need for additional beds during the Coronavirus outbreak.

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution

EXECUTIVE SUMMARY

As part of the Mayor's initiative to open 1,000 new shelter beds for homeless residents by 2020, at the April 23, 2019 Port Commission Meeting, the Port Commission authorized a Memorandum of Understanding (MOU) between the Port of San Francisco and Department of Homelessness and Supportive Housing (HSH) allowing HSH to open and operate a temporary 200-bed SAFE Navigation Center on a portion of the property at Seawall Lot 330 (corner of The Embarcadero at Beale Street) for an operational term of two years, that may be renewed once for an additional two year operational term. SAFE Navigation Centers provide 24/7 access for homeless residents, allow partners, pets, and personal belongings, and provide support services to connect residents with permanent housing.

While the Embarcadero SAFE Navigation Center has the capacity to serve 200 people at a time, the MOU between the Port of San Francisco and HSH provides limits on occupancy levels during the first year. The parties agreed that HSH would start with 130 people and ramp-up to 200 over seven months. The ramp-up was intended to add bed capacity gradually.

THIS PRINT COVERS CALENDAR ITEM NO. 5A

Due to the increased need for shelter beds for people experiencing homelessness during the Coronavirus Pandemic, the Port and HSH are seeking to amend the MOU to allowing HSH to expand bed capacity beyond the existing ramp up limit to accommodate the citywide emergency Coronavirus response.

This staff report summarizes the City's community outreach efforts conducted before and after the opening of the Embarcadero SAFE Navigation Center, the terms of the MOU and the proposed amendment to the MOU.

STRATEGIC PLAN

The City's objective to expand shelter for homeless residents and provide a pathway to permanent housing is aligned with the Port Commission's Strategic Plan Livability strategy:

"Livability: Work with City and community partners to ensure that Port improvements result in advances in the environment, social equity and San Francisco's livability."

BACKGROUND

San Francisco faces persistent and significant challenges regarding homelessness. The 2019 Point-In-Time count estimates that 9,035 people experience homelessness in San Francisco on any given night, including 5,180 unsheltered individuals living on the streets. Based on data gathered by HSH, there are currently approximately 1,000 individuals waiting for shelter beds in San Francisco each night.

San Francisco began operating Navigation Centers in 2015. Navigation Centers are a shelter model that provides 24/7 access, allows residents to bring their partners, pets, and belongings with them, as well as connect residents with services and housing. The City currently operates seven Navigation Centers, including two temporary sites on Port property, the Central Waterfront Navigation Center and the Embarcadero SAFE Navigation Center.

- Civic Center (112 beds)
- Central Waterfront/Dogpatch (64 beds)
- Division Circle (186 beds)
- Bayshore (128 beds)
- Bryant (84 beds)
- Hummingbird Navigation Center (29 beds)¹
- Embarcadero SAFE Navigation Center (currently 130 beds to be expanded to 200 beds)

¹ Hummingbird Navigation Center is funded and operated by the San Francisco Department of Public Health

In October 2018, Mayor London Breed announced a plan to open 1,000 new shelter beds for homeless residents by 2020; the City has expanded capacity at existing Navigation Centers and opened new programs including:

- Bryant (84 beds)
- Bayshore (128)
- Buena Vista Horace Mann Elementary School (60 beds)
- Hummingbird (14 new beds)
- Civic Center expansion (20 new beds)
- Division Circle expansion (60 new beds)
- Jelani House (17 new beds)
- Embarcadero SAFE Navigation Center (130 new beds – currently)

The City also has three new programs in the pipeline, including:

- The Transitional Age Youth Navigation Center at 888 Post (75 beds)
- The Upper Market SAFE Navigation Center at 33 Gough (200 beds)
- The Bayview SAFE Navigation Center at 1925 Evans (~200 beds)

In April 2019, the Port Commission approved a MOU between the Port of San Francisco and HSH to open and operate the Embarcadero SAFE Navigation Center on a portion of Seawall Lot 330. The Embarcadero SAFE Navigation Center was constructed in the summer and fall of 2019 and opened to guests on December 29, 2019.

While the Embarcadero SAFE Navigation Center has the capacity to serve 200 people at a time, it was agreed that occupancy would start with 130 people and gradually increase to full capacity of 200 over seven months. The ramp-up schedule as outlined in the MOU between the Port of San Francisco and HSH states:

1. The Embarcadero SAFE Navigation Center will operate at a capacity not to exceed 130 beds for the first three months of operation (December 29, 2019- March 30, 2020).
2. The bed count shall not exceed 165 beds during months 4-6 of the operation term (March 31-June 30, 2020)
3. The Embarcadero SAFE Navigation Center shall operate at the maximum capacity of 200 beginning in month seven (July 1, 2020)

CORONAVIRUS AND HOMELESSNESS

The Coronavirus outbreak represents a significant health risk for people experiencing homelessness. Because they do not have homes and reside in public spaces and congregate shelters, they have high exposure to the virus. They have limited access to the preventive measures being recommended, including handwashing, home isolation, avoiding high touch surfaces, and rapid access to health care. People who are homeless and unsheltered are far more likely to have chronic underlying health conditions, making them even more vulnerable to Coronavirus.

Due to the increased need for shelter beds for people experiencing homelessness during the Coronavirus Pandemic, the Port and HSH are seeking an amendment to the MOU to allow HSH to expand bed capacity beyond the existing ramp up limit to accommodate the citywide emergency Coronavirus response.

CORONAVIRUS AND HOMELESSNESS: STEPS BEING TAKEN TO REDUCE RISK

On Tuesday, February 25, Mayor Breed declared a local emergency in order to better-prepare for confirmed cases of novel Coronavirus in San Francisco. The emergency declaration allows the City to mobilize resources, accelerate emergency planning, streamline staffing, coordinate agencies across the City, allow for future reimbursement by the state and federal governments, and raise awareness throughout San Francisco about how to prepare for and respond to the novel Coronavirus. The City is in regular contact with all hospitals and health facilities in San Francisco, and our health system is working to prepare to deliver care to everyone in need and provide a coordinated response as additional cases of the novel Coronavirus are confirmed.

The San Francisco Department of Public Health began testing for cases of novel Coronavirus on Monday, March 2 and continues conducting tests seven days a week in cases that meet the CDC criteria. On Friday, March 6, the Mayor issued aggressive recommendations by the Department of Public Health to reduce the spread of Coronavirus that is now circulating in the community.

On March 9, 2020, the City announced new investments and a Public Health order to protect vulnerable populations who are at risk of becoming ill or dying if they contract the new Coronavirus. This emergency fund and order will focus on reducing the risk of exposure to the virus for the many marginally housed seniors, people with underlying health conditions, and individuals experiencing homelessness, living in shelters, single-room occupancy hotels (SROs), and permanent supportive housing.

These initiatives include expanded cleaning in shelters, resource centers, and SROs; increased meal offerings and extended shelter hours for the few shelters that are not already 24/7 to encourage homeless individuals to remain in shelters; enhanced meal delivery programs for individuals in SROs who have been previously advised to limit their outings in the community; and funding to support cleaning in privately owned SROs. This funding will be released in conjunction with a Public Health Order issued by the Health Officer of the City and County of San Francisco to establish required cleaning and contagion mitigation protocols in SROs and other congregate settings.

These newly established protocols will be enforced by the City to ensure that our most vulnerable populations are protected. As this situation is dynamic and guidance from public health officials may evolve, the City is working with providers of services to homeless individuals and other owners of SROs to continually evaluate their needs based on public health guidance.

The City will fund roving cleaning crews to provide rigorous cleaning in congregate settings. Additional janitors will move amongst the City's shelters, Navigation Centers, resource centers, and Permanent Supportive Housing that contract with the City. These

cleaning crews will ensure that City-owned and City-contracted housing and shelter meets the requirements in the Public Health Order.

Based on current recommendations from the Department of Public Health, the City is taking proactive steps to make it possible for people living in shelters to stay indoors and in compliance with the shelter-in-place order. These steps include expanding meal service and expanding hours where possible and in collaboration with shelter providers and where shelters are not already operating 24/7. As these recommendations from the Department of Public Health may evolve, the City is also preparing alternative approaches.

City and nonprofit homeless outreach teams have been providing information about the virus to people living unsheltered. Outreach teams are providing recommendations for staying healthy and are offering hand sanitizer, in addition to conducting standard outreach for access services and shelter.

Many people experiencing unsheltered homelessness are high-risk individuals, including seniors and people with pre-existing conditions. By expanding shelter capacity, we can invite more high-risk people into shelters and off of the streets.

The City has also deployed 30 handwashing stations to augment those already operated through Pit Stops (public restrooms). The Department of Public Health and outreach teams will provide information on the location of handwashing stations for use by all San Franciscans including those living unsheltered and the general public.

EMBARCADERO SAFE NAVIGATION CENTER: SERVICES AND OPERATION OF THE FACILITY

Services

The Embarcadero SAFE Navigation Center is built on the concepts and lessons learned from existing Navigation Centers, to create a place that provides a safe, nurturing, and welcoming environment for unsheltered individuals.

The Embarcadero SAFE Navigation Center offers a place to sleep and also provides meals, facilities for personal hygiene, and access to City services, including counseling, community services, and medical and mental health services. The Embarcadero SAFE Navigation Center is not intended to provide permanent housing but provides a temporary location for people to stay off of the streets, while they work on their individualized service and housing plans.

All guests are assessed for housing and enrolled in the City's ONE System, the centralized database for all homeless services in San Francisco. The ONE System allows HSH to coordinate referrals to housing, and to track program utilization and client outcomes.

Facility operations

Five Keys Schools and Programs (Five Keys) is the nonprofit 501(c)(3) selected by HSH to operate and manage the Embarcadero SAFE Navigation Center. Site staff includes an on-site site manager, program manager, shift supervisors, service coordinators, case managers, and janitorial staff for 24/7 operations. In addition, there is 24/7 on-site security.

Five Keys is contractually bound by a Good Neighbor Policy. The Good Neighbor Policy is attached as Exhibit B. The Good Neighbor Policy requires that the facility operator:

- Collaborate with neighbors and city agencies to address neighborhood concerns;
- Attend community meetings;
- Provide the 24/7 phone number of the SAFE Navigation Center to residents and area businesses;
- Minimize client impacts upon the neighborhood by prohibiting walk-ins;
- Discourage noise and loitering; on all sidewalks adjacent to the Premises;
- Inform residents and area businesses about SAFE Navigation Center services;
- Ensure that staff and clients maintain the site and the immediate surrounding area in a safe and clean manner.

Failure to adhere to the Good Neighbor Policy is cause for a default under the MOU, and, if not cured, could result in termination of the MOU.

PUBLIC SAFETY

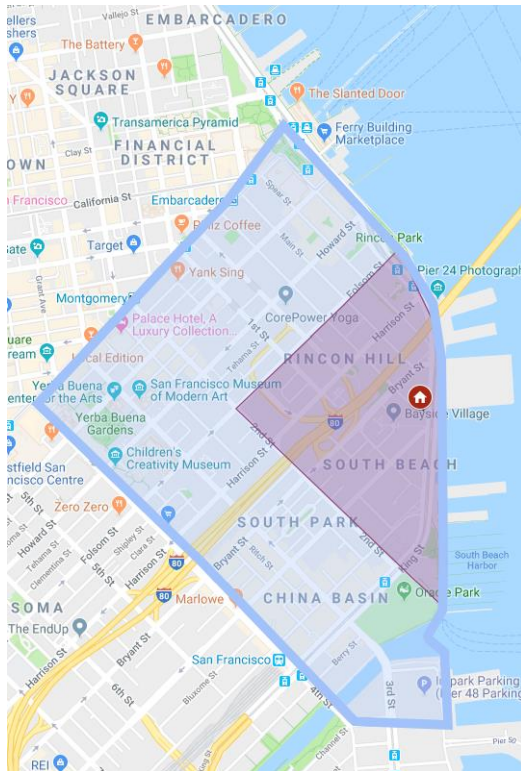
To improve public safety in the area:

- SFPD has created and maintained a safety zone surrounding the Embarcadero SAFE Navigation Center, bounded by Folsom Street, Harrison Street, Second Street, the Bay, and extending up along the Embarcadero to the Ferry Building (the "Safety Zone" depicted below).
- SFPD has assigned beat officers to patrol the Safety Zone each day (7 days per week) and focus on loitering, drug use/sale, and tents enforcement within the Safety Zone. Specific hours to be determined.
- SFPD partners with on-site security at the facility to ensure coordination on any issues that arise.

- The on-site security personnel has direct contact with the Healthy Streets Operations Center to report loitering, drug use/sale, and tents. In the event of criminal activity, security alerts SFPD via 911.
- SFPD regularly monitors crime statistics for the area surrounding the SAFE Navigation Center to ensure that crime is not rising in the area. If crime statistics indicate an increase in crime, SFPD will seek to implement enhancements to the current safety plan.

The facility initially focused on serving the unsheltered homeless population in or near the waterfront: near Market Street, Fourth Street, and the Bay (the “Outreach Zone” depicted below).

Outreach Zone



Safety Zone



COMMUNITY OUTREACH

In August 2019, the Port launched a formal Embarcadero SAFE Navigation Center Advisory Group (ESNCAG), which hosts monthly public meetings. The purpose of the ESNCAG is to advise the Port on the impact of the Embarcadero SAFE Navigation Center on the community and to hold a space for problem-solving among community members, City departments, and the nonprofit service provider to address any community concerns that arise. The ESNCAG is also the forum where City departments including HSH and the San Francisco Police Department provide regular updates on the data they are tracking as outlined in the MOU, including:

- The quarterly count of people experiencing unsheltered homelessness in the outreach zone
- Crime statistics
- Program utilization and outcomes
- Cleaning efforts
- Compliance with the Good Neighbor Policy

The ESNACAG has met monthly since August.

PROPOSED MOU AMENDMENT

In light of the heightened need to provide safe shelters to people experiencing homelessness during the Coronavirus pandemic, the Port and HSH propose amending the current MOU to allow HSH to expand bed capacity beyond the existing ramp up limit to accommodate the citywide emergency Coronavirus.

Current Capacity and Ramp Up Schedule: Initially, the facility serves up to 130 people and is intended to gradually ramp-up until it reaches the maximum capacity of 200 individuals. Capacity will increase up to 165 starting in month 4 (March 31, 2020) and grow up to 200 starting in month 7 (July 1, 2020).

The amendment would allow HSH and its provider, Five Keys, to expand bed capacity beyond the existing ramp up limit to accommodate the citywide emergency Coronavirus response, therefore providing additional shelter beds, therefore providing shelter beds for up to 70 additional people.

No other changes to the existing MOU are proposed.

EMBARCADERO SAFE NAVIGATION CENTER MOU

The MOU set forth the terms of use for the Premises, including payment of fair market rent for an initial term of up to 32 months (5 months for construction and set up 24 months of operations and three months for site cleanup), with the option to extend the MOU for a second 24 months of operations.

While residential use of Port property is not typically allowed without the authorization of the California Legislature, the proposed shelter use is an acceptable interim use of Port property, because this segment of Seawall Lot 330 is not needed for public trust purposes and the Port will receive fair market value for the use as required by State law.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Planning Department determined that the project is categorically exempt from CEQA as a Categorical Exemption Class 32, Infill Development.” The project description contemplated 200 beds. The determination is posted on the Planning Department website and is on file with the Secretary of the Port Commission).”

RECOMMENDATION

Port staff recommends that the Port Commission approve the resolution authorizing the Executive Director to amend the MOU between the Port and HSH, allowing HSH to expand bed capacity beyond the existing ramp up limit to accommodate the citywide emergency Coronavirus response, therefore providing additional shelter beds.

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Communications Director

Kimberley Beal
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Exhibits

- A. Premises
- B. Sample Good Neighbor Policy

EXHIBIT A: Premises

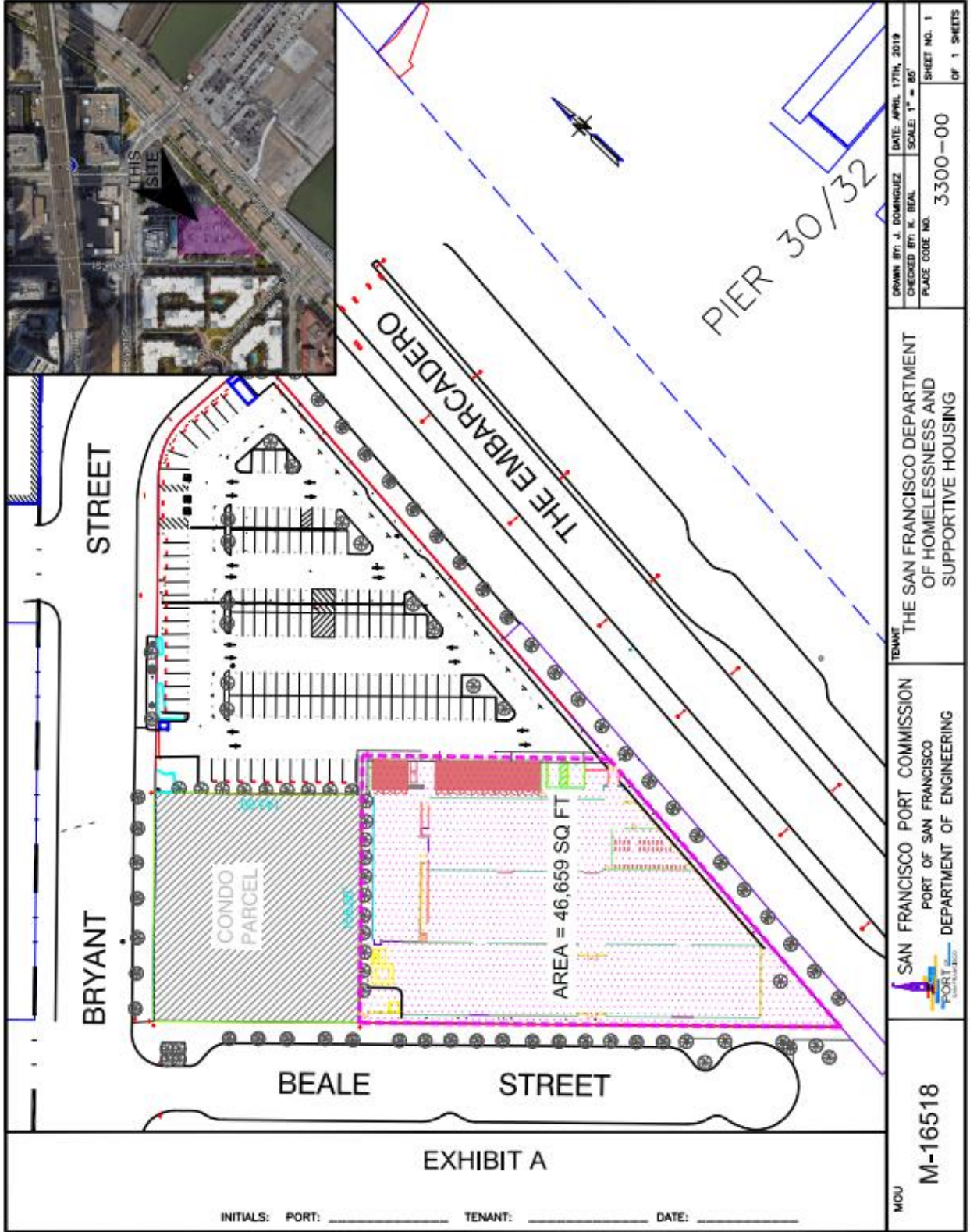


Exhibit B: Good Neighbor Policy

Good Neighbor Policy:

1. Grantee shall work with neighbors, HSH, SFPD, Department of Public Works (DPW), Department of Public Health (DPH) and other relevant city agencies to ensure that neighborhood concerns about the facility are heard and addressed.
2. Grantee shall assign a director, manager, or representative to participate in and attend appropriate neighborhood and community meetings.
3. Grantee shall provide a phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to respond to complaints and issues at the Embarcadero SAFE Navigation Center as they arise.
4. Grantee shall minimize the impact on the neighborhood of Embarcadero SAFE Navigation Center guests entering, exiting, or waiting for services. The Embarcadero SAFE Navigation Center will do this by limiting referrals, not allowing walk-ins, and having 24/7 access to the site for registered guests.
5. Grantee shall actively discourage and address excessive noise from program participants and others who may be just outside the program site.
6. Grantee shall actively discourage loitering in the area immediately surrounding the program. Coordinate with other service providers and City agencies, as necessary, to address this issue.
7. Grantee shall, in conjunction with HSH and other City agencies, inform neighborhood businesses and residents of the services available at the Embarcadero SAFE Navigation Center and how individuals are referred.
8. Grantee shall implement management practices necessary to ensure that staff and participants maintain the safety and cleanliness of the area immediately surrounding the facility and do not block driveways of neighboring residents or businesses.
9. Grantee shall take all reasonable measures to ensure the sidewalks adjacent to the facility are not blocked.

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

RESOLUTION NO. 20-16

WHEREAS, California Government Code Sections 8698 through 8698.2 authorize the governing body of a political subdivision, including the San Francisco Board of Supervisors, to declare the existence of a shelter crisis upon a finding by the governing body that a significant number of persons within the jurisdiction are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons; and

WHEREAS, In April 2016, the Board of Supervisors enacted Ordinance No. 57-16, declaring a shelter crisis in the City and County of San Francisco (the "City"), finding that in January 2015, there were 6,686 individuals in San Francisco who were homeless. Since that time, the shelter crisis has grown; and

WHEREAS, On January 15, 2019, Mayor London N. Breed introduced legislation to affirm that a shelter crisis still exists in San Francisco, which legislation allows the City to take more immediate action to address the homelessness crisis; and

WHEREAS, On April 4, 2019, Mayor London N. Breed signed legislation to declare a shelter crisis and to amend the San Francisco Administrative Code and Planning Code to streamline contracting for and siting of homeless shelters (Ordinance 61-19); and

WHEREAS, According to the January 2017, Point in Time Homeless Count administered by the Department of Homelessness and Supportive Housing (HSH), there were approximately 7,500 individuals experiencing homelessness in San Francisco on a single night; and

WHEREAS, On April 23, 2019, the Port Commission approved a resolution authorizing the Port Executive Director to execute a Memorandum of Understanding between the Port and the Department of Homelessness and Supportive Housing for temporary use of a portion of Seawall Lot 330 for the Embarcadero SAFE Navigation Center; and

- WHEREAS, In June, 2019, HSH and the Port signed the Memorandum of Understanding (the “Embarcadero MOU”) for use of a portion Seawall Lot 330 (the “Property”) for the Embarcadero SAFE Navigation Center for a period of up to 56 months; and
- WHEREAS, HSH, and the Port successfully partnered in 2016 to develop and construct a Navigation Center, known as the Central Waterfront Navigation Center on Port property located on a portion of 25th Street as described in Memorandum of Understanding No. M-16161; and
- WHEREAS, San Francisco 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
- WHEREAS, There are numerous homeless individuals present in and around Port property; and
- WHEREAS, The permitted uses in the Embarcadero MOU are temporary in nature. On April 19, 2019, the Planning Department issued a determination that the permitted uses described in the Embarcadero MOU are categorically exempt from CEQA as a Categorical Exemption Class 32, Infill Development; and
- WHEREAS, Under the proposed MOU, the Port is paid rent consistent with the Port’s Parameter Rent Schedule and lost revenue from parking operations; and
- WHEREAS, The City and County of San Francisco, along with the rest of the world is preparing for and responding to the Coronavirus pandemic; and
- WHEREAS, The Coronavirus outbreak represents a significant health risk for people experiencing homelessness; because they do not have homes and reside in public spaces and congregate shelters, they have high exposure to the virus; they have limited access to the preventive measures being recommended including handwashing, home isolation, avoiding high touch surfaces, and rapid access to health care; people experiencing homelessness are far more likely to have chronic underlying health conditions, making them even more vulnerable to coronavirus; and

WHEREAS, San Francisco does not have the emergency shelter capacity to offer every person living unsheltered on the streets a safe place to be and access to the hygiene resources needed to keep themselves safe and healthy; and

WHEREAS, There are currently 70 unused, empty beds at the Embarcadero SAFE Navigation Center that could be immediately activated to provide temporary shelter to people experiencing homelessness; now, therefore, be it

RESOLVED, That the Port Commission hereby authorizes the Executive Director of the Port to amend the Embarcadero MOU between the Port and HSH to allowing HSH to expand bed capacity beyond the existing ramp up limit to accommodate the citywide emergency Coronavirus response, therefore providing additional shelter beds; and be it further

RESOLVED, That following approval by the Director of HSH, the Port Commission authorizes the Executive Director of the Port, or her designee, to execute an amendment to the Embarcadero MOU on terms substantially consistent with those described in the staff report on file with the Secretary of the Port Commission; and be it further

RESOLVED, That the Port Commission authorizes the Executive Director to enter into any additions, amendments or other modifications to the Embarcadero MOU or any other agreement necessary to effectuate the purpose of the Embarcadero MOU and this resolution 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, 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, or her designee, of any such documents.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 19, 2020.

Secretary