



## MEMORANDUM

April 23, 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:** Michael Martin  
Acting Executive Director

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*Michael Martin*  
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**SUBJECT:** Request approval of a Memorandum of Understanding with the Human Services Agency for use of approximately 3.4 acre portion of Seawall Lot 344 located generally in the Backlands at Pier 94 in support of the City's public health response to the COVID-19 crisis and waiving rent for such use. (Resolution No. 20-20)

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

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### **Executive Summary**

In the time since Mayor London Breed issued a declaration of emergency on February 25, 2020, the City and County of San Francisco (the "City") has been engaged in an escalating battle to slow the spread of COVID-19. Two key initiatives in this effort are the deployment of testing services and the establishment of temporary shelters to provide safe places for vulnerable populations to isolate themselves and receive medical and/or support services if their living situation does not allow them to do so.

In support of the City's efforts, Port staff has worked with City agencies and private parties delivering those initiatives to make Port land available on an urgent basis for a testing site and safe sheltering space for vulnerable populations. A portion of the Backlands/Seawall Lot 344 (SWL 344) is being proposed for temporary sheltering space as further described below.

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The Port has been asked to waive rent for these uses so that existing resources can be focused on the delivery of the needed health services. Port staff recommends that the Port Commission issue such a waiver and that the Port accounts for these waived revenues in an effort to recover relief funds reimbursing these costs.

### **Strategic Objective**

The proposed Resolution supports the Resilient goal of the Port's Strategic Plan by improving the Port and the City's response to natural and human-made risks. The proposed Resolution also supports the Stability goal by directing staff to take steps to seek external reimbursement sources for the amounts waived.

### **Background**

On February 25, 2020, Mayor London Breed issued the Proclamation by the Mayor Declaring the Existence of a Local Emergency (the "Mayor's Emergency Declaration") under Sections 8550 et seq. of the California Government Code, Section 3.100(14) of the San Francisco Charter, and Chapter 7 of the San Francisco Administrative Code, establishing the existence of an emergency within the City and County of San Francisco due to the ongoing spread of COVID-19.

Since the Mayor's Emergency Declaration, the City's public health response has ramped up considerably in a very short time and has impacted Port property in two primary ways. One major initiative designed to slow the spread of COVID-19 is the testing of frontline health and public safety workers whose public-serving duties require them to risk exposure. By testing these populations frequently, the City hopes to keep these essential health and safety services operating at a robust level by avoiding situations where asymptomatic carriers of the virus infect large numbers of their co-workers. This effort culminated in the establishment and operation of the Piers 30-32 CityTestSF site by the City Department of Public Health ("DPH") as of April 6, 2020.

A second major initiative is the establishment of temporary shelters and appropriate isolation locations for people who cannot safely isolate in their current living situations. Such locations will also provide medical services. The City Human Services Agency ("HSA") and DPH have been working with the California Office of Emergency Services to establish a 3.4 acre site for trailers and recreational vehicles for this purpose on a portion of SWL 344, in the Backlands area. During preparations for the SWL 344 site, the Port and the Giants agreed to stage the recreational vehicles at SWL 337 at the request of HSA.

In support of the City's efforts and at the direction of the City's Emergency Operations Center, Port staff have worked diligently to implement these urgently needed services in a safe manner that protects the Port from further liability. In each of these cases, the tenant is either a public agency or a private entity seeking to provide COVID-19 related health services at no charge to the public, and as such, the tenants have requested that the Port waive rent for these uses. The specific uses for SWL 344 are described in more detail below.

### **Agreement with HSA for Use of SWL 344**

HSA and DPH anticipate opening the site to guests in mid-May following the completion of some site improvements. Assuming full utilization, the temporary trailer/RV site will occupy 3.4 acres and will accommodate 91 trailers and 29 recreational vehicles, along

with trailers for administrative functions and other support facilities, including a medical trailer. Exhibit A shows a depiction of the site. Exhibit B shows the proposed layout of the RVs and trailers at the site.

Under authority delegated by the Port Commission for leases that pay parameter rents, Port staff have negotiated terms of a Memorandum of Understanding (the “SWL 344 MOU”) with HSA for use of a portion of SWL 344 and providing appropriate agreements to address regulatory concerns and limiting the Port’s liability. As required under such delegated authority, the SWL 344 MOU includes, among other terms, parameter monthly rent equaling \$52,520.30 over the one-year term, indemnities for the Port’s benefit and insurance and hazardous materials requirements in line with the terms approved by the Port Commission for routine leases. The SWL 344 MOU also incorporates an operation plan and a demobilization plan so that the parties have shared understanding of how the operations will be managed and demobilized. The parties assume that the site will wind down before the completion of the full term; accordingly HSA can terminate the SWL 344 MOU anytime with 30 days’ notice to the Port while the Port may terminate any time after the rescission of the Mayor’s Emergency Declaration with 30 days’ notice to HSA. The SWL 344 MOU is on file with the Port Commission Secretary.

#### Permitted Uses

HSA, in partnership with DPH and the Department of Homelessness and Supportive Housing (HSH), will manage and operate the site. Together, they will create a service plan for the shelter that will include medical and non-medical care services, 24/7 on-site monitors, as well as meals, animal care, and security.

#### SWL 344 Site Selection

Following the assessment of several public lands, the City selected this location for the RV and trailer deployment because it is on publicly owned land, is large enough to provide adequate acreage for fire suppression, and it falls within the jurisdiction of San Francisco law enforcement agencies.

The City continues to assess additional locations throughout the City and County of San Francisco to meet the needs of vulnerable populations in private and public facilities or lands.

#### Site Operating Plan

This new shelter location will provide an essential temporary housing resource for unhoused District 10 (D10) residents who are living on the street or in shelters and who are age 60 or older or who have underlying health conditions that make them extremely susceptible to COVID-19. Current guests at the Central Waterfront and Bayshore Navigation Centers would be eligible for placement at this site, as would vulnerable people living in encampments throughout the Bayview.

The temporary RV and trailer shelter site at SWL 344 is part of the larger City effort underway to provide temporary housing for people experiencing homelessness to mitigate the spread of the disease and to help ensure hospital beds are available for those who require acute care.

Earlier discussions with Port stakeholders and staff indicated the SWL 344 temporary shelter could be a potential location for people experiencing homelessness who were either COVID positive or following medical guidance to self-isolate following exposure to

the virus. That population is not currently considered a priority for this site. Current plans are to use this site to provide shelter-in-place opportunities for people experiencing sheltered and unsheltered homelessness in District 10, similar to the resource we are providing at Shelter-in-Place Hotels.

The final determination for the best use of the site will be guided by DPH and will be used to meet the City's most pressing needs. Such final determination will be accompanied by corresponding updates to the operations plan incorporated into the SWL 344 MOU so that the Port and its tenants have a durable, shared understanding of how these activities will be managed. Should an urgent health need warrant a population change, HSA will notify the Port Commission and stakeholders immediately and pursue operations plan updates accordingly as the urgent medical need allows.

The City has leased 29 recreational vehicles (RVs) and will receive a total of 91 residential trailers provided by the State of California Office of Emergency Services to provide indoor spaces for homeless individuals to protect them from COVID-19. Trailer delivery to the site began the week of April 20, 2020.

HSA will engage San Francisco law enforcement along with private security to provide patrols and round the clock oversight to ensure public safety within the shelter and surrounding community.

DPH will provide clinical support to the site; the Shelter Health and Street Medicine teams will have regular hours and be available as needed to address the health needs of guests. DPH will also provide training to site staff on how to screen for COVID-19 symptoms and how to monitor people with symptoms to make sure that they have access to the care they need. Guests at this site will be screened and anyone showing symptoms will be tested before moving in. Testing will be available throughout their stay based on the evolving citywide testing criteria.

Additionally, health and safety protocols in effect across the City's shelter programs operated by HSH to minimize the spread of COVID-19 will also be applied at this site. These actions include:

- Operating 24/7 with on-site meals to limit the need for guests to leave the site.
- Limiting the reasons staff can ask a guest to leave to high level safety related violations. This will help create greater stability at each shelter.
- Implementing health screenings that include temperature checks at all shelters, navigation centers, and transitional housing programs. This tool assesses the health of each shelter guest and provides guidelines on how to assist guests who are symptomatic.
- Implementing social/physical distancing and shelter-in-place protocols

The SWL 344 site is expected to open to guests in mid-May after utilities are brought to the site and all RVs and trailers are delivered. Given that this site will not open to guests for a few weeks and the situation remains fluid, the target population for this site may change based on emergent public health needs. The temporary shelter is anticipated to remain in operation throughout the duration of San Francisco's declared health emergency.

Exit planning for people using the RV or Trailer Shelter-in-Place accommodation will be handled on a case by case bases. HSH will be using their entire homeless response system to accommodate the increased number of people housed in shelter-in-place accommodations (hotels or RVs/trailers) including shelters, problem-solving, homeward bound, rapid rehousing, and permanent supportive housing. If people are coming from existing shelter programs, they will have the opportunity to return to a shelter for an additional 30 day stay following the emergency.

As the lead City Department for San Francisco's shelter planning, HSA is committed to taking every necessary precaution to protect both those who will be staying at the site and the surrounding neighborhood.

### Protecting the health of the public

From the onset of this crisis, Mayor Breed and the City have prioritized safeguards for populations most vulnerable to the coronavirus, including homeless residents. Protecting the health of people experiencing homelessness is essential to the health of all residents. By prioritizing people experiencing homelessness in D10, this site will help reduce the spread of COVID-19 in the neighboring community. All D10 residents will be healthier and safer when people living unsheltered have a safe alternative location to be.

As testing supplies have become available, San Francisco has been steadily expanding testing capacity and will continue to do so. Currently, anyone in San Francisco with any symptom of COVID-19 can be tested, for free. So can anyone without symptoms if they have had close contact with a confirmed case. Any guest with symptoms at the site will be tested and connected to care. Most people who develop symptoms of COVID-19 can safely isolate in place. Each RV and trailer at the site will provide ideal space for self-quarantine as needed. Staff will monitor the condition of guests and seek appropriate care for any guest requiring a higher level of care.

The City does not anticipate an increase in the number of people experiencing homelessness in the neighborhoods and areas near SWL 344. On the contrary, the city expects a modest reduction in the number of unsheltered people living in the neighborhoods and areas near SWL 344 as they will be prioritized for staying in RVs and trailers provided at the site. Further, access to the site will be by referral only and there will be no walk-in or drop-in services available at the site. Additionally, the City is not planning to move significant numbers of people from other parts of the city to this neighborhood. The program is designed to provide respite from homelessness for the local community, not exacerbate the challenge. However, as noted above DPH reserves the right to adjust the operations at the site to meet the most pressing public health needs.

### Community Outreach

San Francisco has prioritized vulnerable populations in its coronavirus response, including those 60 years of age or older, those with underlying health conditions, those experiencing homeless and those living in congregate settings. The City has been working with community leaders and supporting outreach to community in multiple ways.

Prior to the COVID-19 outbreak, the San Francisco Human Rights Commission (HRC) and the Office of Racial Equity were focused on making the City more equitable for low-income people, communities of color, and other underserved residents.

Following Health Order C19-07 (Shelter-in-Place) on March 16, HRC convened a weekly roundtable to identify community needs and minimize geographic, cultural, and racial impacts of the virus. Additionally, DPH opened the City's first Field Care Clinic in the Bayview to ensure that neighborhood residents have access to urgent care and primary care for the duration of the pandemic, no matter how full the hospitals get. The Field Care Clinic is also a COVID-19 testing site.

Before opening the SWL 344 site to guests, the City will engage and notify key stakeholders including the Port Commission, neighboring Port tenants, Supervisor Walton, and the Southern Waterfront Advisory Committee.

HSA will continue to provide the Port Commission and these stakeholders with updates as the City reaches critical milestones with site planning and operations. This will include notifications when the grounds are complete and prior to guests moving in as well as promptly upon any decision to change the target population at the site or substantial programmatic changes at the site.

### **Staff Analysis**

Use of a portion of SWL 344 to provide temporary shelter to highly vulnerable homeless people in D10 by HSA is essential to the City's overall response to the ongoing COVID-19 pandemic. Additionally, this new resource will help mitigate the impact of the virus in a high-risk community. HSA, the lead agency delivering the services, has requested that the Port seek required approvals to waive the rent due so that their resources can be conserved to address the urgent demands of the COVID-19 crisis. In view of the ongoing crisis, Port staff recommends that the Port Commission adopts the proposed resolution authorizing execution of the SWL 344 MOU under the terms described in this memorandum and waiving such rent requirements.

### **Port Staff Recommendation**

For the reasons set forth above, Port staff recommends approval of the attached Resolution.

Prepared by: Michael Martin  
Deputy Director  
Real Estate and Development

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

**RESOLUTION NO. 20-20**

- 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; and
- WHEREAS, On February 25, 2020, Mayor London Breed issued the Proclamation by the Mayor Declaring the Existence of a Local Emergency (as supplemented, the "Mayor's Emergency Declaration") under Sections 8550 et seq. of the California Government Code, Section 3.100(14) of the San Francisco Charter, and Chapter 7 of the San Francisco Administrative Code, establishing the existence of an emergency within the City and County of San Francisco (the "City") due to the ongoing spread of the virus that causes Novel Coronavirus 2019 Disease ("COVID-19"); and
- WHEREAS, The Mayor's Emergency Declaration, which was concurred by the Board of Supervisors, and subsequent COVID-19-related orders have sparked a number of coordinated public health actions in an effort to slow the spread of COVID-19 and safeguard the health of City residents during this pandemic; and
- WHEREAS, These COVID-19 efforts include the development and operation of a temporary sheltering site for vulnerable populations; and
- WHEREAS, As part of the City's response, DPH and the City's Human Services Agency ("HSA") have determined a need for a safe site to isolate, quarantine and provide medical services for persons potentially-exposed to COVID-19 with living situations that are not conducive to quarantine; and
- WHEREAS, In support of this effort, Port staff have negotiated a Memorandum of Understanding with HSA for use of a portion of Seawall Lot ("SWL") 344 that forms a part of the Pier 94 Backlands (the "SWL 344 MOU") on terms described in the memorandum accompanying this Resolution, which SWL 344 MOU is on file with the Port Commission Secretary; and
- WHEREAS, In order to keep funding available for further relief efforts, the City has requested that the Port waive the obligation for HSA to pay rent under the SWL 344 MOU; and

- WHEREAS, Under various state and federal relief programs, the Port may be eligible for disaster relief funds in reimbursement of the rent that is waived for these urgent public health-related activities; and
- WHEREAS, Port staff will be tracking the waived rent in each case noted above for purposes of filing a subsequent claim for reimbursement from available relief sources; now, therefore be it
- RESOLVED, That the Port Commission hereby authorizes the Executive Director to enter into a SWL 344 MOU that waives all rent payable to Port so long as all other terms of such agreement are substantially as described in the memorandum accompanying this Resolution; and be it further
- RESOLVED, That the Port Commission directs staff to track and account for all waived rent directly related to addressing the impacts of, or assisting in the response to, the COVID-19 pandemic, including the waived rent due Port under the SWL 344 MOU; and be it further
- RESOLVED, That the Port Commission directs staff to apply for and diligently work to obtain disaster relief funds from various state and federal relief programs the Port may be eligible for, in reimbursement of the rent that is waived for these urgent public health-related activities, including the for uses at SWL 344 under the SWL 344 MOU; and be it further
- RESOLVED, That the Port Commission authorizes the Executive Director to enter into any additions, amendments, modifications or ancillary agreements to the SWL 344 MOU that the Executive Director, in consultation with the City Attorney, determines, when taken as a whole, are in the best interest of the Port, do not materially increase the obligations or liabilities of the City or the Port, and are necessary or advisable to complete the transactions which this Resolution contemplates 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 such documents.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of April 28, 2020.***

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Secretary

# EXHIBIT A: DEPICTION OF THE PREMISES



