



Office of the Mayor

ACTION CALENDAR

March 10, 2020

To: Honorable Members of the City Council
From: Mayor Jesse Arreguín, Councilmembers Robinson and Harrison
Subject: Directing the City Manager to Lease Caltrans Property at University and West Frontage Road

RECOMMENDATION

Direct the City Manager to:

1. Negotiate a lease agreement with the California Department of Transportation (Caltrans) for the leasing of state property at University Avenue and West Frontage Road as indicated in Attachment 1. The property will be used for a temporary outdoor shelter with restrooms, hand washing stations and garbage service. The City Manager should also inquire about whether additional Caltrans parcels adjacent to those being offered are also available for lease. The City Manager should utilize funding previously allocated for an Outdoor Shelter program from Measure P tax receipts.
2. Concurrent with the lease negotiation, develop a plan and budget for the establishment and staffing of the Outdoor Emergency Shelter as further defined herein.
3. Immediately provide toilet and handwashing stations on the north and south side of University Avenue and under the overpass at University Avenue.
4. Immediately provide garbage receptacles and work with the residents to establish consistent weekly garbage collection on the north and south side of University Avenue and under the overpass at University Avenue.
5. Immediately schedule ongoing outreach from service providers including, but not limited to, mental health, health, and Coordinated Entry.

BACKGROUND

For the past year, a growing number of persons experiencing homelessness have camped on state and City property adjacent to the freeway on and off ramps at the intersection of University Avenue and Interstate 80. It is estimated that the number of persons camping there currently is close to 100. The location right at a freeway entrance is very dangerous for persons camping there illegally and for motorists. In addition, the lack of regular maintenance by Caltrans of their right of way has resulted in piles of trash and debris. One area for example has not been serviced since September 2019. Caltrans has a maintenance schedule that states that they will pick up trash at

this location every two weeks. This creates an imminent health and safety problem, as the growing amount of trash has created an environment where rodents and other vermin are harboring and sewage from trash is leeching into the ground. The lack of available restrooms and handwashing stations also poses a serious health risk to those individuals camping on Caltrans property. The status quo is dangerous not just for people camping but for the broader community and must be addressed immediately.

Caltrans has stated that the presence of people camping makes it difficult for them to clean and maintain their right of way. However, they do not want to enforce unless they have coordinated with the City and service providers on available social services and shelter options. Over the past 6 months the City has been engaged in direct conversations with Caltrans over how to help the growing number of people living on their property and manage the health and safety issues. Caltrans has offered to lease the city property for an outdoor shelter or navigation center. In response to my request to State Caltrans Director Toks Omishakin, Caltrans has provided the City of Berkeley several maps of locations along the Interstate 80 corridor available for lease. In addition, Governor Newsom's Executive Order N-23-20 directed state officials to develop a list of excess state land which can be used for emergency shelter and housing. In addition, Caltrans was directed to develop a model lease template that local governments can use to lease state land for homeless shelter or housing.

One of the parcels identified were two pieces of land on the entrance and exit of Interstate 80 at University Avenue and West Frontage Road in Berkeley. There are currently a large number of people camping on these parcels, however the lack of a structured, sanctioned encampment has made it difficult to manage the situation and has posed a growing health and safety risk to those living there. Until a more permanent location is identified that is not adjacent to a freeway, it is incumbent on the city to take advantage of this offer from Caltrans and work in partnership with them to develop a safer, more structured environment for people to shelter on the Caltrans right of way.

ESTABLISH AN OUTDOOR SHELTER

The City Manager shall provide Council with a plan and budget for the establishment and staffing of the Outdoor Emergency Shelter. Some elements of the shelter program should include partial fencing of the property to protect shelter clients and motorists, portable restrooms, hand washing stations, potable water, scheduled shower services and consistent, scheduled garbage collection to be paid for by the City.

The City Manager should explore the use of tents or other temporary structures to provide shelter. Structures should include one for community gathering for use for service provider meetings, meal service provide by volunteers and group meeting needs. Funding for the shelter should come from the \$615,000 allocated by Council in January. Also, state, county, private and philanthropic donations and grant funding should be explored by the City Manager. As part of the implementation of this Outdoor Shelter program, Caltrans will likely notice and request that people living on other parcels along the freeway move and make physical improvements to prevent re-camping. Those individuals will be invited to move into the Outdoor Shelter.

The City Manager shall provide regular progress reports to City Council during “City Manager Comments” until the lease has been executed and the outdoor shelter establishment, as defined herein, has been completed.

FINANCIAL IMPLICATIONS

Governor Newsom’s Executive Order N-23-20 allows local governments to lease excess state land for emergency shelter and housing. Caltrans has previously leased land to cities for short-term shelter at a rate of \$1. It is anticipated that the lease costs will be \$1 or a nominal amount.

In addition, the Council allocated \$307,000 in Fiscal Year 2020 and \$615,000 in Fiscal Year 2021 for an Outdoor Emergency Shelter. Funds from this budget allocation will be used to establish and operate a temporary shelter at this location, including portable restrooms, hand washing stations, potable water, shower services and ongoing garbage collection.

Providing immediate garbage receptacle and scheduled garbage collection, prior to the establishment of the outdoor shelter, shall come from currently allocated funds for encampment cleanup as authorized in the FY2019/2020 Budget.

Providing immediate portable toilets and handwashing stations, as described herein, shall come from funds currently allocated in the FY2019/2020 Budget and from carryover funding from the FY2018/2019 Budget.

Providing immediate service provider outreach should come from existing outreach contracts by simply adding this location to the current schedule.

Establishing and managing an outdoor shelter will offset the current City cost of garbage collection at the University Avenue/Interstate 80 on and off ramps and reduce health impacts and related costs.

ENVIRONMENTAL SUSTAINABILITY

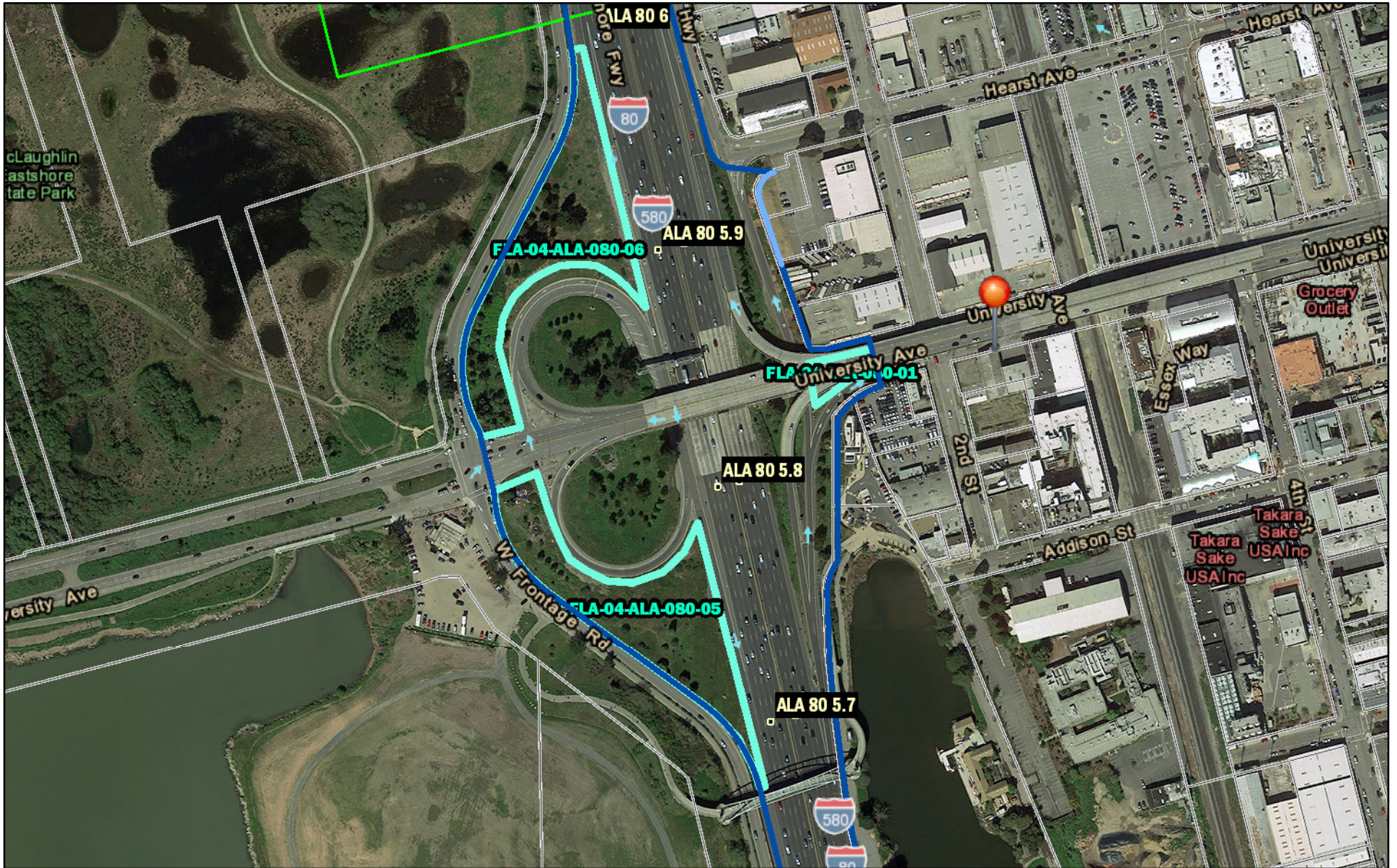
Leasing and establishment of an Outdoor Shelter will help the City and Caltrans better manage the growing health and safety problems at the University Avenue/Interstate 80 intersection, including managing trash and sanitation.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

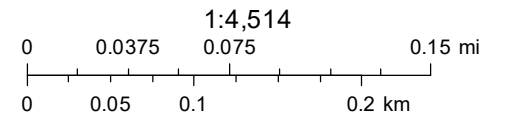
Attachments:

- 1: Map of Caltrans Leasable Property at University and West Frontage Road
- 2: Governor Newsom’s Executive Order on Homelessness, N-23-2



January 27, 2020

- Postmiles
- Traced
- Wireless Lease Sites
- Park and Ride
- Easement
- Right of Way Boundary
- Freeway Lease Areas
- Maintenance Facilities
- Fee - Not Recorded
- Easements - Not Recorded
- CAD
- Fee



Assessor_Parcel
Esri, HERE, Garmin, (c) OpenStreetMap contributors

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-23-20

WHEREAS California faces a severe housing crisis that has made housing unaffordable for too many Californians and, in turn, exacerbated the problem of homelessness; and

WHEREAS homelessness in California is not confined to urban corridors but is present in urban, suburban, and tribal and rural communities throughout the state; and

WHEREAS data released recently by the U.S. Department of Housing and Urban Development based on the 2019 Point-in-Time Count indicated that there were 151,278 individuals who were homeless in California, over 108,000 of whom were unsheltered, and that the homeless population has been steadily increasing; and

WHEREAS Californians driven into homelessness often develop significant health issues over time and, often experience significant morbidity and die sooner; and

WHEREAS it is estimated that a substantial proportion of individuals who are homeless experience chronic physical and mental health disorders, yet are not receiving regular and consistent medical or psychiatric care; and

WHEREAS California's homelessness crisis has put considerable stress on many public services including transportation, libraries, schools, health services and public safety, as well as created public health challenges; and

WHEREAS California's homelessness crisis has impacted certain business sectors throughout the state and is a top concern to many residents, businesses, communities, tribal governments, cities, and counties across the state; and

WHEREAS unauthorized encampments of people who are homeless are increasing in many areas of the state within the public right of way and near or on private or tribal property, resulting in traffic and fire hazards, crime, risk of injury and death, and other conditions detrimental to public health and safety, both for people who are homeless and people who are not; and

WHEREAS since 2018, almost 200 counties and cities have declared a shelter crisis, pursuant to Government Code section 8698 et seq.; and

WHEREAS over the past two years, the state has substantially increased its efforts to address street homelessness by providing more than \$2.7 billion in new funding, significantly increasing its support for safety net services, eliminating barriers to getting navigation centers and temporary housing built to allow homeless adults to receive services and stability in

order to find longer-term housing, enacting the most aggressive rent-gouging protections, launching a 100-Day Challenge Initiative to bring counties and cities together to more urgently address homelessness in their communities, and expediting funding allocations to local governments, including allocations to counties to reduce the number of families in the child welfare services system experiencing homelessness; and

WHEREAS solutions to homelessness require additional innovation, cooperation and urgency within the public sector, and among the public and private and tribal sectors; and

WHEREAS because reducing the population of homeless individuals in California is a matter of critical statewide importance, the state can and needs to do more to help local communities act with urgency to address street homelessness and the society-wide problems associated with the homelessness crisis.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this Order to reduce street homelessness, break down barriers to homeless individuals accessing health care and other critical services, and to increase housing options for those experiencing homelessness. This Order shall become effective immediately.

IT IS HEREBY ORDERED THAT:

1. All state agencies specifically referenced in this Order shall develop by no later than February 28, 2020 accountability metrics for state agencies and for local partners to assess the use of the state resources referenced in the following paragraphs and their impact on reducing street homelessness, breaking down barriers to homeless individuals accessing health care and other critical services, and increasing housing options for those experiencing homelessness. The metrics shall be published online and regularly updated. In carrying out this Order, state agencies shall consider the extent to which local partners regularly and publicly report data based on the local metrics.
2. The Department of Finance, pursuant to its authority under Government Code sections 11005, 11005.1, and 13306, shall immediately establish the California Access to Housing and Services Fund within the Department of Social Services, to receive future state appropriations, as well as donations from philanthropy and the private sector, and to provide much needed dollars for additional affordable housing units, providing rental and operating subsidies, and stabilizing board and care homes;
3. To rapidly increase housing options for those experiencing homelessness, the following actions shall occur by no later than January 31, 2020:

- a. The Department of General Services shall identify all properties from the digitized inventory of excess state land created by EO N-06-19 that can be used by local partners, including tribal governments, counties, cities, or non-profit agencies, on a short-term emergency basis to provide shelter for individuals who are homeless, so long as such usage will not delay affordable housing development on those properties.
 - b. The Department of General Services shall conduct an initial assessment of all state facilities to identify facilities that can be used by local partners on a short-term emergency basis to provide shelter for individuals who are homeless and in need of health and social services.
 - c. The Department of Transportation (Caltrans) shall develop and share a model lease template to allow counties and cities to use Caltrans property adjacent to highways or state roads in those jurisdictions on a short-term emergency basis to provide shelter for individuals who are homeless, building on recent partnerships with the cities of Los Angeles, San Jose, and San Francisco, and consistent with Streets & Highways Code section 104.30. Priority for future partnerships to make state land available to counties and cities for short-term emergency housing shall be given to jurisdictions where a shelter crisis declared pursuant to Government Code section 8698 et seq. is in effect.
 - d. The Office of Statewide Health Planning and Development shall work with local jurisdictions, tribal communities, and private entities to conduct an initial assessment of the appropriateness and availability of vacant and decommissioned hospitals and health care facilities for use by local partners on a short-term emergency basis to provide shelter for individuals who are homeless.
 - e. The Department of Food and Agriculture, in consultation with the Department of General Services, the Department of Housing and Community Development, the Department of Social Services, and the Office of Emergency Services, shall conduct an initial assessment of fairgrounds in or near jurisdictions where a shelter crisis is currently in effect, and, for those fairgrounds, determine the population capacity and space that would currently be available to local partners on a short-term emergency basis to provide shelter for individuals who are homeless.
4. The Department of General Services shall supply 100 travel trailers from the state fleet, and the Emergency Medical Services Authority shall supply complementary modular tent structures, to provide temporary emergency housing and the delivery of health and social services in communities across the state. The Department of General Services and the Emergency Medical Services Authority shall supply trailers and tents immediately and

end by September 30, 2020, unless the secretaries of the Government Operations Agency and the Health and Human Services Agency both concur on a case-by-case basis that the specific circumstances warrant the continued use of the trailers or tent structures. These trailers and tent structures shall only be used where the following criteria have been satisfied:

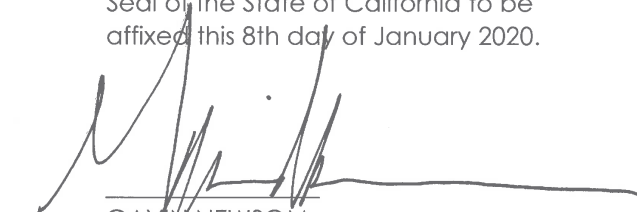
- a. A shelter crisis declared pursuant to Government Code section 8698 et seq. or its equivalent under the applicable laws governing the jurisdiction of a federally recognized tribe in California is in effect.
 - b. Local partners, including counties, cities, and non-profit agencies, have the capacity and resources to deploy, operate, secure, and maintain the trailers or tent structures.
 - c. Local partners make appropriate health, social, housing, and other appropriate services available to support the needs of individuals temporarily housed in the trailers or tent structures and transition them into permanent, safe and stable housing.
 - d. Local partners agree to regularly and publicly report data based on the accountability metrics referenced in paragraph 1.
5. To further assist local jurisdictions in addressing street homelessness, there shall be a multi-agency state strike team comprised of the Business, Consumer Services, and Housing Agency; the Government Operations Agency; the Health and Human Services Agency; the Labor and Workforce Development Agency; and the Transportation Agency. The strike team shall be coordinated by the Homeless Coordinating and Financing Council and provide technical assistance and targeted direct support to counties, cities, and public transit agencies seeking to bring individuals experiencing homelessness indoors and connect them with appropriate health, human, and social services and benefits.

FURTHERMORE, all counties, cities, public transit agencies, special districts, school districts, tribal governments, and non-governmental actors, including businesses, faith-based organizations, and other non-profit agencies, are requested to examine their own ability to provide shelter and house homeless individuals on a short-term emergency basis and coordinate with local authorities to provide shelter and house individuals.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order shall be filed with the Office of the Secretary of State and that widespread publicity and notice shall be given to this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its departments, agencies, or other entities, its officers or employees, or any other person.

IN WITNESS WHEREOF I have hereunto
set my hand and caused the Great
Seal of the State of California to be
affixed this 8th day of January 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

