

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DOCUMENTING THE CITY OF SAN JOSE'S EFFORTS TO NEGOTIATE A LEASE AGREEMENT WITH CALTRANS IN GOOD FAITH FOR THE PROPOSED BRIDGE HOUSING COMMUNITY LOCATED AT THE SOUTHWEST QUADRANT OF STATE HIGHWAYS 280, 101 AND 680, ADJACENT TO FELIPE AVENUE, AND CALTRANS' FAILURE TO MEET THE SPIRIT OF SENATE BILL NO. 519

WHEREAS, California Government Code Section 8698.1 provides that, upon a declaration of a shelter crisis, the provisions of any state or local regulatory statute, regulation or resolution prescribing standards of housing, health, or safety, as applied to public facilities, shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, California Government Code Sections 8698.2 and 8698.3 provide 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 of San José ("City")) during the crisis; and

WHEREAS, under the authority of Assembly Bill 2176, signed by the Governor of the State of California on September 27, 2016, the City is building emergency Bridge Housing Communities to temporarily house the City's homeless residents while they are matched to affordable permanent housing; and

WHEREAS, in September 2017, San José Mayor Sam Liccardo sent letters to several public agencies seeking to lease surplus land suitable to develop one or more Bridge Housing Communities; and

WHEREAS, on September 15, 2017, the California Department of Transportation (“Caltrans”) responded positively, offering the City eight properties as potential Bridge Housing Community sites. The Valley Transportation Authority and the Santa Clara Valley Water District, together with Caltrans, provided a combined total of 23 sites for the City to evaluate for potential BHC Pilot projects. After evaluating 122 potential sites, including the eight Caltrans properties, City staff identified the Caltrans property adjacent to Felipe Ave, in the southwest quadrant of Interstate 680/101 (the “Caltrans site”) as one of the top potential sites for one of San José’s Bridge Housing Communities; and

WHEREAS, between February 2018 and December 2018, the City began working with Caltrans and taking the necessary steps to develop the Caltrans site as a Bridge Housing Community, including completing the environmental review required under CEQA, drafting a site plan for Caltrans review and developing a project scope and budget in anticipation of starting construction of the Bridge Housing Community; and

WHEREAS, on September 17, 2018, the Governor of the State of California signed into law Senate Bill No. 519, which authorized Caltrans to lease certain property to the Cities of Los Angeles and San José for purposes of an emergency shelter and at a lease cost of \$1 per month; and

WHEREAS, on October 18, 2018, the City administration completed a comprehensive review of the lease provided by Caltrans and returned it with comments on several of the lease provisions; and

WHEREAS, on December 18, 2018, the City Council adopted Resolution No. 78927 declaring a homeless shelter crisis in the City of San José and designating the Caltrans site as one of the sites to be developed for and used as an Emergency Bridge Housing Community for homeless individuals during the crisis; and

WHEREAS, on December 18, 2018, the City Council adopted Resolution No. 78928 authorizing the City Manager to negotiate and execute an agreement with Caltrans for the lease of the Caltrans site; and

WHEREAS, between October 2018 and October 2019, the City negotiated in good faith and continued to pursue acceptable changes to the Caltrans lease, yet there remain major areas of concern which have yet to be resolved;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City of San José has been negotiating a lease in good faith with Caltrans pursuant to Senate Bill No. 519 for over one year.

BE IT FURTHER RESOLVED THAT although the City Council of the City of San Jose is committed to working with Caltrans, the City Council finds that Caltrans has not met the spirit and intent of Senate Bill No. 519.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk