



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

R-18

2525 GRAND AVENUE • LONG BEACH, CALIFORNIA 90815 • (562) 570-4003 • FAX: (562) 570-4066

November 19, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt the attached Resolution declaring a shelter crisis; suspending applicable provisions of local law, including those contained in the City's zoning ordinances and regulations; and authorizing the operation of a winter shelter between the dates of December 1, 2013 and March 15, 2014, inclusive; and

Authorize the City Manager to execute any and all documents necessary for a Lease between the Long Beach Rescue Mission Foundation and/or Eddie N. John, an individual, as successor-in-ownership (Lessor) and the City (Lessee), and a Sublease between the City (Sublessor) and the Long Beach Rescue Mission (Sublessee) and/or affiliated entities, and any necessary amendments at the discretion of the City Manager for approximately 12,000 rentable square feet of industrial space at 6845 Atlantic Avenue at the monthly base rent of \$6,000 for use as a winter shelter, and increase appropriations in the General Fund (GP) in the Department of Health and Human Services (HE) by \$21,000. (District 9)

DISCUSSION

Who Started the Winter Shelter Program and Why?

In the late 1980's, four homeless persons died on the streets of Los Angeles County due to inclement weather during the winter months. In response to the deaths, then Mayor Thomas Bradley started the first Los Angeles City and County Winter Shelter Programs. The City of Los Angeles and Los Angeles County operated two separate Winter Shelter Programs. The Los Angeles County Emergency Food and Shelter Program Local Board also assisted with planning and funding the Winter Shelter Program.

Today, the County places winter shelters in each of the five Supervisorial Districts. For Los Angeles County Supervisorial District 4, the location identified is at 6845 Atlantic Avenue (Site) in Council District 9 in Long Beach. The current owner is the Long Beach Rescue Mission Foundation, which is currently in escrow for its sale of the Site. The prospective purchaser is Eddie N. John, who has committed to leasing the Site for this year's Winter Shelter Program.

10/15/13 ON 3-22
CITY CLERK RECEIVED

What is the Los Angeles Homeless Services Authority (LAHSA)?

LAHSA is a joint powers agency between the City of Los Angeles and Los Angeles County established to oversee homeless services county-wide. With the creation of LAHSA, the Winter Shelter Program has become a coordinated effort to increase the number of beds available in Los Angeles County. The County of Los Angeles, the City of Los Angeles and the Los Angeles County Emergency Food and Shelter Program Local Board provide funds to LAHSA to operate the Winter Shelter Program. Starting in 2001, LAHSA changed the format of the Winter Shelter Program from weather activated days (approximately 85 per year) to a continuous shelter program that operates 105 days per year (December 1st - March 15th, inclusive).

As the administrative authority, LAHSA is responsible for selecting the winter shelter operators through a competitive application process, contracting with providers and overseeing the winter shelter operations. Subject to City Council's consent, the Site shall be operated by LAHSA's selected provider for the 2013-2014 program year, the Long Beach Rescue Mission.

The winter shelter provider is required to furnish the following services: nightly shelter for individuals, vouchers for families with children and two daily meals. Overnight staffing shall further provide security, intake, and case management services that link participants to additional programs aimed at establishing improved health and economic sufficiency.

What is the Goal of the Winter Shelter Program and Who Does it Serve?

The main goal of the Winter Shelter Program is to increase the number of emergency shelter beds available throughout Los Angeles County during the winter months (December through March) each year.

The Winter Shelter Program, funded and managed by the County of Los Angeles, provides a significant benefit for the City of Long Beach. Historically, the majority of individuals and families entering the program originate from within the City of Long Beach, referred by the City-operated Multi-Service Center (MSC) and the Police Department. The Winter Shelter Program provides increased engagement opportunities with homeless individuals to encourage enrollment into case management services, employment and housing programs through the MSC and further maximizes the effectiveness of those services to reduce visible homelessness in the City.

The role of the Long Beach Department of Health and Human Services is to coordinate with LAHSA and continue to be a liaison between the City of Long Beach and LAHSA. The City of Long Beach may expand the hours of operation of the MSC to accommodate the volume of clients accessing services including transportation from the MSC to and from the Site.

California Government Code Sections 8698.1 and 8698.2 allow local jurisdictions to declare a shelter crisis. In making such a declaration, State law enables local jurisdictions to suspend local laws and regulations "to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis" for any City-owned, leased or maintained property. The Site requires this local declaration in order to ensure the winter shelter opens in a timely manner.

As customary, in an effort to facilitate the use of 6845 Atlantic Avenue for the winter shelter as a City-leased property, a Lease and Sublease between the Long Beach Rescue Mission Foundation, the City of Long Beach and, the Long Beach Rescue Mission, and/or affiliated entities has been negotiated by the Asset Management Bureau of the Department of Public Works. The proposed Lease will contain the following major terms and provisions:

- Lessor: Long Beach Rescue Mission Foundation and/or Eddie N. John, an individual, as successor in ownership.
- Lessee: City of Long Beach.
- Leased Premises: Approximately 12,000 rentable square feet of industrial space located at 6845 Atlantic Avenue.
- Use: The Leased Premises shall be used as a temporary winter shelter.
- Term: The term of the Lease shall commence December 1, 2013 and shall terminate on March 15, 2014 inclusive.
- Rent: The monthly base rent shall be \$6,000 and shall be prorated for any partial month.
- Utilities: The Lessor shall be responsible for all utilities for the Leased Premises.

The proposed Sublease will contain the following major terms and provisions:

- Sublessor: City of Long Beach.
- Sublessee: Long Beach Rescue Mission, and/or affiliated entities.
- Responsibilities: The Sublessee shall be responsible for any and all obligations of the Lessee under the terms of the Lease.

This matter was reviewed by Deputy City Attorney Linda Vu on October 31, 2013 and by Budget Management Officer Victoria Bell on November 4, 2013.

TIMING CONSIDERATIONS

City Council action is requested on November 19, 2013, to adopt the Resolution declaring a shelter crisis and to execute the Lease and Sublease to ensure the winter shelter is operational by December 1, 2013.

FISCAL IMPACT

The Sublessee, the Long Beach Rescue Mission, shall pay base rent to the City in the estimated amount of \$21,000 for the three-month term of the Lease. The rent will be deposited to the General Fund (GP) in the Department of Health and Human Services (HE), and an appropriations increase in the same amount is included in the recommendation. The City will then pass through the same amount to the building owner resulting in a net zero fiscal impact to the General Fund. There is no local job impact associated with this action.

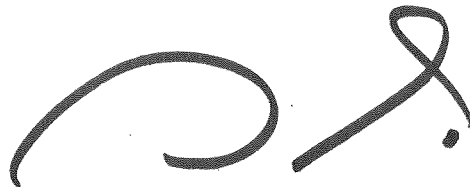
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

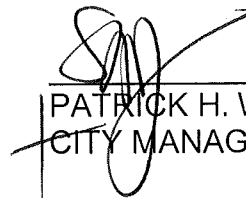


KELLY COLOPY,
DIRECTOR
HEALTH AND HUMAN SERVICES



ARA MALOYAN, PE
INTERIM DIRECTOR OF
PUBLIC WORKS

APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachment

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH DECLARING A "SHELTER CRISIS"; SUSPENDING APPLICABLE PROVISIONS OF LOCAL LAW, INCLUDING THOSE CONTAINED IN THE CITY'S ZONING ORDINANCES AND REGULATIONS; AND AUTHORIZING THE OPERATION OF A WINTER SHELTER AT 6845 ATLANTIC AVENUE, IN THE CITY OF LONG BEACH, BETWEEN THE DATES OF DECEMBER 1, 2013 AND MARCH 15, 2014, INCLUSIVE

WHEREAS, the purpose and intent of this resolution is to provide shelter and supportive services for the homeless in the City of Long Beach during the winter months by maintaining such services at, and allowing the use of, the real property located at 6845 Atlantic Avenue, in the City of Long Beach, for the purpose of a homeless shelter between the dates of December 1, 2013 and March 15, 2014, inclusive; and

WHEREAS, pursuant to Government Code section 8698.1 et seq., the City Council hereby finds and declares that there exists a "shelter crisis" in that a significant number of persons within the City are without the ability to obtain shelter during the months of inclement weather, and that the situation has resulted in, and will continue to result in, a threat to the health and safety of those persons;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. That the provisions of any state or local regulatory statute, regulation or ordinance, including but not limited to the City's zoning regulations prescribing standards of use, housing, health or safety shall be suspended with respect to the above-described winter shelter to the extent that strict compliance would in any

1 way prevent, hinder or delay the operation of the winter shelter during the declared
2 shelter crisis.

3 Section 2. Notwithstanding any other provisions of local law, the City
4 Manager is hereby authorized and directed to take all steps as may be reasonably
5 necessary or appropriate to facilitate the operation of a winter shelter between the dates
6 of December 1, 2013 and March 15, 2014, inclusive, which shelter is to be located at
7 6845 Atlantic Avenue, in the City of Long Beach.

8 Section 3. Any and all provisions of the City's Zoning Ordinance and
9 regulations, which otherwise might regulate, apply to or govern the continued operation of
10 the winter shelter, are hereby suspended and declared inapplicable to the proposed
11 winter homeless shelter.

12 Section 4. The City Manager, or his designee, is hereby authorized to
13 develop such rules and regulations related to health and safety standards which the City
14 Manager deems necessary and appropriate to protect the public health, safety and
15 welfare of the residents of the winter shelter and those residents and/or businesses which
16 may be affected by the operation of said shelter. To the extent applicable to those
17 homeless individuals who occupy the shelter, such rules and regulations may be posted
18 in at least one conspicuous location on the site.

19 Section 5. Pursuant to California Environmental Quality Act ("CEQA"),
20 Public Resources Code section 21000, et seq., the Council hereby finds that this project
21 is exempt from further environmental review under CEQA Guidelines 15301.

22 Section 6. This resolution shall take effect immediately upon its adoption
23 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__ by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk