

December 7, 2021

R-38

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution redeclaring a shelter crisis, suspending applicable provisions of local law, including those contained in the City's Zoning Ordinances of the Long Beach Municipal Code and regulations; and, authorizing the operation of a Winter Shelter for the period of December 1, 2021 through March 31, 2022; and,

Authorize the City Manager, or designee, to execute a Lease Agreement, including any necessary documents and subsequent amendments, with the Volunteers of America Los Angeles, for approximately 5,400 rentable square feet of space at 1718-1722 Hayes Avenue, for use as a Winter Shelter. (District 1)

DISCUSSION

The County of Los Angeles (County) and the City of Los Angeles provide funding to the Los Angeles Homeless Services Authority (LAHSA) through a Joint Powers Agreement to oversee countywide homeless services and to operate the Winter Shelter Program (Program). The Program is a coordinated effort to increase the number of temporary emergency shelter beds available in the County during the period from December 1 through March 31 each year, when the region usually experiences its most inclement weather. As such, the County places winter shelters in each of the five Supervisorial Districts. To accommodate a location for Los Angeles County Supervisorial District 4, on November 17, 2020 the City Council adopted Resolution RES-20-0035 redeclaring a shelter crisis, pursuant to California Government Code Sections 8698.1 and 8698.2, which allows 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 of Long Beach (City)-owned, leased or maintained property. The 2020-2021 Program was operated at City-owned property at 5571 Orange Avenue; however, the property is planned for development of affordable housing necessitating the 2021-2022 Program to be relocated. For Los Angeles County Supervisorial District 4, the location identified is at 1718-1722 Hayes Avenue in Long Beach (Subject Property).

On October 19, 2021, the County Board of Supervisors extended the County's shelter crisis through November 1, 2022 and appropriated funding for continued operations. To provide consistency with the Program's operations period and allow operations at the Subject Property, redeclaration of the shelter crisis is recommended. The Subject Property requires this local declaration to ensure the Winter Shelter opens in a timely manner.

As the administrative authority, LAHSA, is responsible for selecting the Program providers through a competitive application process, contracting with providers, and overseeing Program operations. Subject to City Council approval, the Subject Property will be operated by LAHSA's selected provider for the 2021-2022 program year, the lessee.

The Program provider is required by LAHSA to furnish the following services: intake, nightly shelter for individuals, showers, and two daily meals. Overnight staffing will further provide security and case management services that link participants to additional programs aimed at establishing improved health and economic sufficiency.

The Program provides a significant benefit to the City. Historically, most individuals and families entering the program originate from within Long Beach, referred to by the City-operated Multi-Service Center (MSC). The Program provides increased engagement opportunities with individuals experiencing homelessness to encourage enrollment into case management services, or employment and housing programs through the MSC, and further maximizes the effectiveness of those services to reduce homelessness in Long Beach.

The Long Beach Department of Health and Human Services worked with LAHSA to determine the location of the subject property and will serve as liaison between the City and LAHSA to implement the program. The City may expand the hours of operation of the MSC to accommodate the volume of clients accessing services, including transportation to and from the subject property.

To facilitate the use of 1718-1722 Hayes Avenue for the Winter Shelter as a City-leased property, a Lease between the City and the lessee has been negotiated by the Economic Development Department. The proposed Lease will contain the following major terms and provisions:

Lessor: City of Long Beach, a municipal corporation.

Lessee: Volunteers of America Los Angeles, a California nonprofit organization.

Subject Property: Approximately 5,400 rentable square feet of industrial space at 1718-1722 Hayes Avenue.

Use: The Lease Premises will be used as a temporary winter shelter.

Term: The Lease will commence December 1, 2021 and terminate on March 31, 2022.

Rent: The Lessor will not charge rent.

Utilities and Incidentals: Lessee will be responsible for utilities and incidental costs for the Leased Premises.

Maintenance: Lessee will be responsible for all day-to-day maintenance including any repairs or damage caused by Lessee's use of the Subject Property.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on November 10, 2021 and by Budget Operations and Development Officer Rhutu Amin Gharib on November 15, 2021.

TIMING CONSIDERATIONS

City Council action to adopt a Resolution declaring a shelter crisis is requested on December 7, 2021, to execute the Lease in a timely manner.

FISCAL IMPACT

The Lessor will not charge the Lessee any rent for the use the Subject Property. Per the terms of the Lease Agreement, the Lessee will be responsible for utilities and incidental costs for use of the premises. Additionally, the Lessee will be responsible for all day-to-day maintenance of the facility, including any repair or damage caused by the Lessee's use. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN KEISLER
DIRECTOR OF ECONOMIC DEVELOPMENT



KELLY COLOPY
DIRECTOR OF HEALTH AND HUMAN SERVICES

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: RESOLUTION
ATTACHMENT A: LEASED PREMISES

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH REDECLARING 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 1718-1722 HAYES AVENUE, IN THE CITY OF LONG BEACH, BETWEEN THE DATES OF DECEMBER 1, 2021 AND MARCH 31, 2022

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 1718-1722 Hayes Avenue, in the City of Long Beach, between the dates of December 1, 2021 and March 31, 2021; and

WHEREAS, at its meeting of November 17, 2020, the City Council of the City of Long Beach adopted Resolution No. RES-20-0035 redeclaring a "shelter crisis" pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code Sections 8698.1 and 8698.2); and

WHEREAS, pursuant to Government Code section 8698.1 et seq., the City Council hereby finds and re-declares that there still 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:

1 Section 1. That the provisions of any state or local regulatory statute,
2 regulation or ordinance, including but not limited to the City’s zoning regulations
3 prescribing standards of use, housing, health or safety shall be suspended with respect
4 to the above-described winter shelter to the extent that strict compliance would in any
5 way prevent, hinder or delay the operation of the winter shelter during the declared
6 shelter crisis.

7 Section 2. Notwithstanding any other provisions of local law, the City
8 Manager is hereby authorized and directed to take all steps as may be reasonably
9 necessary or appropriate to facilitate the operation of a winter shelter between the dates
10 of December 1, 2021 and March 31, 2022, which shelter is to be located at 1718-1722
11 Hayes Avenue, in the City of Long Beach.

12 Section 3. Any and all provisions of the City’s Zoning Ordinance and
13 regulations, which otherwise might regulate, apply to or govern the continued operation of
14 the winter shelter, are hereby suspended and declared inapplicable to the proposed
15 winter homeless shelter.

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

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

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

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

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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 _____, 2021 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers _____

City Clerk

