

CITY OF LONG BEACH

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

December 8, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to 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, 2009 and March 31, 2010; and Authorize the City Manager to execute any and all documents necessary for a Lease between Discount Storage Facility LLC (Lessor) and the City (Lessee) and a Sublease between the City (Sublessor) and the Long Beach Rescue Mission (Sublessee) and any amendments at the discretion of the City Manager for approximately 12,000 rentable square feet of industrial space at 1405 Lewis Avenue at the monthly base rent of \$7,000 for use as a winter shelter. (District 6)

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 sites winter shelters in each of the five Supervisorial Districts. For Los Angeles County Supervisorial District 4, the site identified is at 1405 Lewis Avenue in Council District 6 in Long Beach.

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

LAHSA is a joint powers agreement between the City of Los Angeles and Los Angeles County to oversee homeless services Countywide. 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 1 - March 15).

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. This site would be operated by LAHSA's selected vendor, the Long Beach Rescue Mission, subject to the building owner and City Council consent. The winter shelter provider is required to provide the following services: nightly shelter for individuals, vouchers for families with children and two daily meals. Overnight staffing includes security, intake and case management services, linking participants to services to establish 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, respectively. The Winter Shelter Program provides increased engagement opportunities with homeless individuals to enter case management services, employment and housing programs through the MSC and 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 continues to be a liaison between the City of Long Beach and LAHSA. The City of Long Beach does expand the hours of operation of the Multi-Service Center (MSC) to accommodate the volume of clients accessing services and there is transportation to and from the winter shelter location to the MSC.

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.

In an effort to facilitate the use of 1405 Lewis Avenue for the winter shelter, a Lease and Sublease between the site's owner(s), the City and the Long Beach Rescue Mission have been negotiated. The proposed Lease will contain the following major terms and provisions:

- Lessor: Discount Storage Facility LLC.
- Lessee: City of Long Beach.
- Leased Premises: Approximately 12,000 rentable square feet of industrial space located at 1405 Lewis Avenue.

- Use: The Leased Premises shall be used as a winter shelter.
- Term: The term of the Lease shall commence upon full execution of the agreement and shall terminate on March 31, 2010.
- Rent: The monthly base rent shall be \$7,000 and shall be prorated for any partial month.
- Utilities: The Lessee shall be responsible for reimbursement to Lessor for all utilities for the Leased Premises.
- HVAC: The Lessee shall be responsible for any/all modifications to the HVAC system necessary for the Leased Premises. At the end of the term, the Lessee shall be responsible for returning the HVAC to its original configuration.

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

- Sublessor: City of Long Beach.
- Sublessee: Long Beach Rescue Mission.
- 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 Assistant City Attorney Michael Mais on December 4, 2009, and by Budget and Performance Management Bureau Manager David Wodynski on December 4, 2009.

TIMING CONSIDERATIONS

City Council action is requested on December 8, 2009, to adopt the Resolution declaring a shelter crisis and to execute the Lease and Sublease in an effort to expedite the operation of the winter shelter.

FISCAL IMPACT

The base rent for the three-month term of the Lease is estimated at \$21,000, not including additional costs for utilities and HVAC modifications. Sufficient funds are currently appropriated in the Health Fund (SR 130) in the Department of Health and Human Services (HE). The Sublessee, the Long Beach Rescue Mission, shall reimburse the City for all costs associated with the Lease including rent, utilities, HVAC modifications and any and all other obligations. There will be no fiscal impact associated with the requested action on the General Fund.

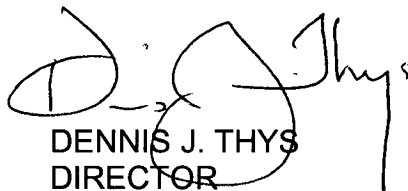
SUGGESTED ACTION:

Approve the recommendation.

Respectfully submitted,



RONALD R. ARIAS
DIRECTOR
HEALTH AND HUMAN SERVICES



DENNIS J. THYS
DIRECTOR
COMMUNITY DEVELOPMENT

APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachment

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH DECLARING A "SHELTER CRISIS";
5 SUSPENDING APPLICABLE PROVISIONS OF LOCAL LAW,
6 INCLUDING THOSE CONTAINED IN THE CITY'S ZONING
7 ORDINANCES AND REGULATIONS; AND AUTHORIZING
8 THE OPERATION OF A WINTER SHELTER AT 1405 LEWIS
9 AVENUE, IN THE CITY OF LONG BEACH, BETWEEN THE
10 DATES OF DECEMBER 1, 2009 AND MARCH 31, 2010,
11 INCLUSIVE

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13 WHEREAS, the purpose and intent of this resolution is to provide shelter
14 and supportive services for the homeless in the City of Long Beach during the winter
15 months by maintaining such services at, and allowing the use of, the real property located
16 at 1405 Lewis Avenue, in the City of Long Beach, for the purpose of a homeless shelter
17 between the dates of December 1, 2009 and March 31, 2010, inclusive; and

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

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

25 Section 1. That the provisions of any state or local regulatory statute,
26 regulation or ordinance, including but not limited to the City's zoning regulations
27 prescribing standards of use, housing, health or safety shall be suspended with respect
28 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; and

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, 2009 and March 31, 2010, inclusive, which shelter is to be located at
7 1405 Lewis 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