



CITY OF LONG BEACH

R-23

DEPARTMENT OF HEALTH AND HUMAN SERVICES

2525 GRAND AVENUE • LONG BEACH, CALIFORNIA 90815 • (562) 570-4000 • FAX: (562) 570-4049

November 18, 2008

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, 2008 and March 31, 2009; and

Authorize the City Manager to execute any and all documents necessary for a Lease between the Roman Family Trust (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 6,900 rentable square feet of industrial space at 2235 Lemon Avenue at the monthly base rent of \$5,175 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 the County of Los Angeles 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 one winter shelter in each of the five Supervisorial Districts. For Los Angeles County Supervisorial District 4, the site identified is at 2235 Lemon Avenue.

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 the County of Los Angeles during the winter months (December through March) each year.

As the capacity of providers has increased, the goals have expanded to include mainstreaming clients back into housing and jobs. The Winter Shelter Program is accessible to any individual or family that is homeless and resides in the County of Los Angeles.

What is the Los Angeles Homeless Services Authority?

One of the main milestones of the Winter Shelter Program was the creation of the Los Angeles Homeless Services Authority (LAHSA), in 1994. LAHSA is a joint powers authority comprised of the City of Los Angeles and the County of Los Angeles established to oversee homeless services throughout the County. 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 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).

The winter shelter provider is required to provide the following services: nightly shelter, two daily meals, restrooms and showers. When additional funds are available, case management services are also provided.

The role of the Long Beach Department of Health and Human Services is to coordinate with LAHSA and to continue as 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 transportation is provided to and from the winter shelter to the MSC. Winter shelter clients can access supportive services including case management, job training, life skills assistance, mail services, etc., through the MSC.

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. For the 2008-09 program year, in anticipation of the owner's and City Council consent, LAHSA has approved the selection of the site at 2235 Lemon Avenue for this year's winter shelter. Subject to the property owner's and the City Council's consent, the Long Beach Rescue Mission (LAHSA's current vendor) shall operate 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.

In an effort to facilitate the use of 2235 Lemon Avenue for the winter shelter, a Lease and Sublease between the property owner, the City and the Long Beach Rescue Mission have been negotiated. The proposed Lease shall contain the following major terms and provisions:

- Lessor: Roman Family Trust.
- Lessee: City of Long Beach.
- Leased Premises: Approximately 6,900 rentable square feet of industrial space located at 2235 Lemon 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, 2009. The term may be extended upon mutual agreement by both parties pending additional funding for continuation of the winter shelter for an extended period up to April 30, 2009.
- Rent: The monthly base rent shall be \$5,175 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.
- Heating, Ventilation and Air Conditioning (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 Deputy City Attorney Rich Anthony on October 28, 2008, and by Budget Management Officer Victoria Bell on October 31, 2008.

TIMING CONSIDERATIONS

City Council action is requested on November 18, 2008, to ensure the winter shelter is operational by December 1, 2008.

FISCAL IMPACT

The base rent for the term of the Lease is estimated to be \$20,700 for a four-month period, 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.

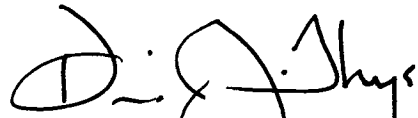
SUGGESTED ACTION:

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

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
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 2235
LEMON AVENUE, IN THE CITY OF LONG BEACH,
BETWEEN THE DATES OF DECEMBER 1, 2008 AND
MARCH 31, 2009, 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 2235 Lemon Avenue, in the City of Long Beach, for the purpose of a homeless shelter
between the dates of December 1, 2008 and March 31, 2009, 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; 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, 2008 and March 31, 2009, inclusive, which shelter is to be located at
7 2235 Lemon 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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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

OFFICE OF THE CITY ATTORNEY
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