

# R-1

March 24, 2020

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 and regulations, and authorizing the operation of a temporary shelter, for the period of April 1, 2020 through September 30, 2020, inclusive; and,

Authorize the City Manager, or designee, to execute a Lease, including any necessary related documents and amendments, with the United States Veterans Initiative (Lessee), or assignee, for City-owned property at 5571 Orange Avenue for use as a temporary shelter. (District 8)

## 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). As the administrative authority, LAHSA is responsible for selecting the Program providers through a competitive application process, contracting with providers, and overseeing Program operations. 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, when the region usually experiences its most inclement weather. As such, the County places winter shelters in each of the five Supervisorial Districts. For Los Angeles County Supervisorial District 4, the location identified is at 1718-1722 Hayes Avenue (Hayes Site) in Long Beach.

At its meeting on November 12, 2019, the City Council adopted Resolution RES-19-0178 declaring a shelter crisis, pursuant to California Government Code Sections 8698.1 and 8698.2, which allow 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 addition, the City Council authorized the City Manager to execute Lease No. 35431 with the United States Veterans Initiative, for its oversight of the Program at the Hayes Site. On March 17, 2020, the City Council authorized the First Amendment to Lease No. 35431 extending the Program at the Hayes Site until September 30, 2020.

In light of the recent COVID-19 pandemic and subsequent requirement for social distancing, the Hayes Site can no longer support the appropriate number of beds and maintain the recommended minimum distance of six feet between persons. The City has identified the former North Neighborhood Library at 5571 Orange Avenue (Orange Site) as a potential location to relocate a portion of the beds from the Hayes Site, allowing both locations to adhere to the appropriate social distancing requirements. The Orange Site remains vacant while development plans are being pursued and has recently been the subject of vandalism and dumping. Utilizing the Orange Site will not only help deter criminal activity, but also allow the Program to maintain its current bed count of 125. To facilitate the use of the Orange Site, a Lease between the City and the United States Veterans Initiative has been negotiated by the Economic Development Department. The proposed Lease contains the following major terms and provisions:

- Lessor: City of Long Beach, a municipal corporation.
- Lessee: The United States Veterans Initiative, a California nonprofit corporation.
- Leased Premises: The former North Neighborhood Library at 5571 Orange Avenue, which includes a 7,318-square-foot building and appurtenant parking.
- Use: The Leased Premises will be used for the relocation of a portion of beds from the winter shelter at 1718-1722 Hayes Avenue.
- Term: The Lease will commence April 1, 2020 and terminate on September 30, 2020.
- Rent: The City will not charge rent.
- Utilities and Incidentals: The City will pay for all costs associated with utilities and incidental costs for the Leased Premises.

This matter was reviewed by Deputy City Attorney Richard F. Anthony and Budget Manager Grace H. Yoon on March 19, 2020.

#### TIMING CONSIDERATIONS

City Council action is requested on March 24, 2020, to facilitate execution of the Lease.

#### FISCAL IMPACT

The Lessor will not charge the Lessee any rent for the use of this space and will pay for all costs associated with utilities and incidentals for the Leased Premises. Anticipated costs for utilities are estimated to be approximately \$20,000 per month, totaling an estimated \$120,000 for the life of the Lease. On February 18, 2020, as part of the Fiscal Year 2019 Year-End

Budget Performance Report, the City Council approved the staff recommendation to set aside \$120,000 to support the extension of the City's interim shelter. These funds were appropriated in the General Fund Group in the Health and Human Services Department on March 17, 2020 as part of the City Council-approved First Departmental and Fund Budget Adjustment letter. The Los Angeles Homeless Services Authority (LAHSA) has agreed to fund the extension program; therefore, staff are recommending utilizing the \$120,000 toward utility costs. 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

APPROVED:

  
THOMAS B. MODICA  
ACTING CITY MANAGER

KELLY COLOPY  
DIRECTOR OF  
HEALTH AND HUMAN SERVICES

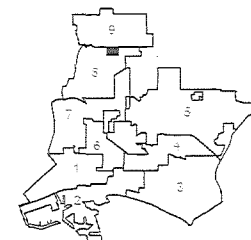
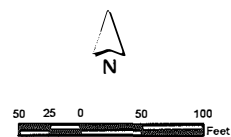


**Subject Property:**

**APNs: 7128-005-900, 901**

**Council District : 8**

## Exhibit A



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 AN INTERIM SHELTER AT 5571 ORANGE AVENUE, IN THE CITY OF LONG BEACH, BETWEEN THE DATES OF APRIL 1, 2020 AND SEPTEMBER 30, 2020, INCLUSIVE

WHEREAS, the purpose and intent of this resolution is to continue to provide shelter and supportive services for the homeless in the City of Long Beach by maintaining such services at, and allowing the use of, the real property located at 5571 Orange Avenue, in the City of Long Beach, between the dates of April 1, 2020 and September 30, 2020, inclusive; and

WHEREAS, at its meeting of November 12, 2019, the City Council of the City of Long Beach adopted Resolution No. RES-19-0178 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, and that the situation has resulted in, and will continue to result in, a threat to the health and safety of those persons; and

WHEREAS, at its meeting on March 17, 2020, the City Council authorized the City Manager to execute a Lease with the United States Veterans Initiative to operate

1 the shelter at 1718-1722 Hayes Avenue, in the City of Long Beach; and

2 WHEREAS, in light of the recent COVID-19 pandemic and subsequent  
3 requirement for social distancing, the Hayes site can no longer support the appropriate  
4 number of beds and maintain the recommended minimum distance of 6 feet between  
5 persons; and

6 WHEREAS, both locations are needed to adhere to the appropriate social  
7 distancing requirements;

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

10 Section 1. That the provisions of any state or local regulatory statute,  
11 regulation or ordinance, including but not limited to the City's zoning regulations  
12 prescribing standards of use, housing, health or safety shall be suspended with respect  
13 to the above-described interim shelter to the extent that strict compliance would in any  
14 way prevent, hinder or delay the operation of the interim shelter during the declared  
15 shelter crisis.

16 Section 2. Notwithstanding any other provisions of local law, the City  
17 Manager is hereby authorized and directed to take all steps as may be reasonably  
18 necessary or appropriate to facilitate the operation of an interim shelter between the  
19 dates of April 1, 2020 and September 30, 2020, which shelter is to be located at 5571  
20 Orange Avenue, in the City of Long Beach.

21 Section 3. Any and all provisions of the City's Zoning Ordinance and  
22 regulations, which otherwise might regulate, apply to or govern the continued operation of  
23 the interim shelter, are hereby suspended and declared inapplicable to the proposed  
24 interim homeless shelter.

25 Section 4. The City Manager, or his designee, is hereby authorized to  
26 develop such rules and regulations related to health and safety standards which the City  
27 Manager deems necessary and appropriate to protect the public health, safety and  
28 welfare of the residents of an interim shelter and those residents and/or businesses

1 which may be affected by the operation of said shelter. To the extent applicable to those  
2 homeless individuals who occupy the shelter, such rules and regulations may be posted  
3 in at least one conspicuous location on the site.

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

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

9 I hereby certify that the foregoing resolution was adopted by the City  
10 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2020  
11 by the following vote:

12  
13 Ayes: Councilmembers: \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 Noes: Councilmembers: \_\_\_\_\_

18 \_\_\_\_\_

19 Absent: Councilmembers: \_\_\_\_\_

20 \_\_\_\_\_

21 Recusal(s): Councilmembers: \_\_\_\_\_

22 \_\_\_\_\_

23  
24  
25 \_\_\_\_\_

City Clerk