



CITY OF LONG BEACH

C-11

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

March 7, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution declaring a continued shelter crisis; suspending applicable provisions of local law, including those contained in the City's zoning ordinances and regulations; and, authorizing an extension of the operation of a winter shelter between the dates of March 7, 2017 and March 31, 2017, inclusive; and,

Authorize the City Manager, or designee, to execute any and all documents necessary for a First Amendment to Lease 34461 between Eddie N. John #1, a limited liability company (Lessor), and the City (Lessee), and a First Amendment to Sublease 34462 between the City (Sublessor) and First to Serve, Inc., a California nonprofit organization (Sublessee), for the continued use of industrial space at 6845 Atlantic Avenue as a winter shelter. (District 9)

DISCUSSION

On December 6, 2016, the City Council adopted Resolution 16-0121 declaring a shelter crisis and authorized the City Manager to execute Lease 34461 with Lessor and Sublease 34462 with Sublessee to operate a winter shelter at 6845 Atlantic Avenue (Site) between the dates of December 7, 2016, and March 6, 2017. Due to contract delays between the Los Angeles Homeless Services Authority (LAHSA) and the Sublessee, the opening of the winter shelter was delayed until December 23, 2016. Given the continued need for a winter shelter in Los Angeles County Supervisorial District 4, the County of Los Angeles and LAHSA have finalized negotiations to extend the Winter Shelter Program through March 31, 2017.

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 an extension of this local declaration to allow for the continued operation of the winter shelter. To continue to use the Site as a City-leased property, a First Amendment to both Lease 34461 and Sublease 34462 has been negotiated by the Department of Economic and Property Development.

The proposed First Amendment to Lease 34461 will contain the following major terms and provisions:

- Lessor: Eddie N. John #1, a limited liability company.
- Lessee: City of Long Beach, a municipal corporation.
- Leased Premises: Approximately 12,000 rentable square feet of industrial space located at 6845 Atlantic Avenue.
- Term: The Lease shall be extended through March 31, 2017, inclusive.
- Rent: The base rent shall continue to be \$6,750 per month and shall be prorated for any partial month.
- Utilities and Incidentals: The Lessee shall continue to be responsible for reimbursement to Lessor for approximately \$6,000 for utilities and incidental costs for the Leased Premises.

The proposed First Amendment to Sublease 34462 will contain the following major terms and provisions:

- Sublessor: City of Long Beach, a municipal corporation.
- Sublessee: First to Serve, Inc., a California nonprofit corporation.
- Responsibilities: The Sublessee shall continue to be responsible for any and all obligations of the Sublessor under the terms of the Lease. Notwithstanding the foregoing, the Sublessee shall not be responsible for reimbursement to Sublessor for utilities and incidental costs.

This matter was reviewed by Deputy City Attorney Linda T. Vu on February 13, 2017 and by Budget Management Officer Rhutu Amin Gharib on February 17, 2017.

TIMING CONSIDERATIONS

City Council action is requested on March 7, 2016, to adopt a Resolution declaring a shelter crisis and to execute the amendments to ensure the winter shelter remains operational.

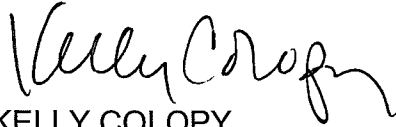
FISCAL IMPACT

The \$6,750 for March rent and the \$6,000 for utilities and incidentals will be paid through Homeless Services' one-time funding. Sufficient funds are currently appropriated in the General Fund (GP) in the Health and Human Services Department (HE). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



KELLY COLOPY
DIRECTOR
HEALTH AND HUMAN SERVICES

Attachment



JOHN KEISLER
DIRECTOR
ECONOMIC AND PROPERTY
DEVELOPMENT

APPROVED:


PATRICK H. WEST
CITY MANAGER

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH DECLARING A CONTINUED SHELTER CRISIS; SUSPENDING APPLICABLE PROVISIONS OF LOCAL LAW, INCLUDING THOSE CONTAINED IN THE CITY'S ZONING ORDINANCES AND REGULATIONS; AND AUTHORIZING AN EXTENSION OF THE OPERATION OF A WINTER SHELTER AT 6845 ATLANTIC AVENUE, IN THE CITY OF LONG BEACH, BETWEEN THE DATES OF MARCH 7, 2017 AND MARCH 31, 2017, INCLUSIVE

WHEREAS, on December 6, 2016, the City Council adopted Resolution No. RES-16-0121 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 7, 2016 and March 6, 2017, inclusive; and

WHEREAS, pursuant to Government Code section 8698.1 et seq., the City Council hereby finds and declares that there continues to exist 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 continue to be suspended

1 with respect to the above-described winter shelter to the extent that strict compliance
2 would in any way prevent, hinder or delay the operation of the winter shelter during the
3 declared shelter crisis.

4 Section 2. Notwithstanding any other provisions of local law, the City
5 Manager is hereby authorized and directed to take all steps as may be reasonably
6 necessary or appropriate to facilitate the extension of the operation of a winter shelter
7 between the dates of March 7, 2017 and March 31, 2017, inclusive, which shelter is to be
8 located at 6845 Atlantic Avenue, in the City of Long Beach.

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

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

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

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

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Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

		City Clerk