

November 17, 2020

R-68

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 six months from October 1, 2020 through April 1, 2021, inclusive, with the option to extend for one additional six-month period, if necessary, and terminate no later than November 1, 2021, inclusive; and,

Authorize the City Manager, or designee, to execute a Lease, including any necessary related documents and amendments, with the Volunteers of America Los Angeles (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). The Program is a coordinated effort to increase the number of temporary emergency shelter beds available in the County during the winter 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, the Long Beach City Council, at its meeting held on November 12, 2019, adopted Resolution RES-19-0178 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 2019-2020 Program was operated at City-owned property at 1718-1722 Hayes Avenue, from December 1, 2019 through March 31, 2020.

Due to the ongoing COVID-19 pandemic, the County extended the Program to allow shelters opened under the Program to continue operations through October 2020. As a result, the Program was relocated from 1718-1722 Hayes Avenue to 5571 Orange Avenue (Site) for the period covering April 1, 2020 through September 30, 2020. At its March 24, 2020 meeting, the City Council adopted Resolution RES-20-0038 extending the declaration through September 30, 2020 for the Site. The Site is planned for affordable housing and staff are in the process of engaging an architect to assess the premises to help vision its reuse.

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At a recent meeting held on October 13, 2020, the County Board of Supervisors extended the County's shelter crisis for one year and appropriated funding for continued operations through November 1, 2021. To provide consistency with the Program's extended operations period and allow continued operations at the Site, redeclaration of the shelter crisis is recommended.

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 Site will be operated by LAHSA's selected provider for the 2020-2021 program year, Volunteers of America Los Angeles. The Program provider is required to furnish the following services: intake, nightly shelter for individuals, vouchers, 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 by the City-operated Multi-Service Center (MSC) and the Long Beach Police Department. 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 visible homelessness in the City.

The Long Beach Health and Human Services Department coordinates with LAHSA for determining the location of the shelter site and access points, and serves as liaison between the City and LAHSA. 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 Site.

To facilitate the use of City-owned property at 5571 Orange Avenue for shelter operations, a Lease between the City and Volunteers of America Los Angeles 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 corporation.

Leased Premises: Approximately 7,318 rentable square feet at 5571 Orange Avenue (Attachment A).

Term: The Lease is for six months from October 1, 2020 through April 1, 2021, inclusive, with the option to extend for one additional six-month period, if necessary, and terminate no later than November 1, 2021, inclusive.

Option to Terminate: Both Lessor and Lessee can terminate with 30 days' notice.

Rent: The Lessor will not charge rent.

Utilities: Lessor will be responsible for all costs associated with utilities at the Leased Premises.

Incidentals: Lessor will contribute up to \$2,000 per month for maintenance costs at the Leased Premises. Lessee will be responsible for maintenance charges exceeding \$2,000 per month.

This matter was reviewed by Deputy City Attorney Richard F. Anthony and Budget Management Officer Rhutu Amin Gharib on October 9, 2020.

TIMING CONSIDERATIONS

City Council action is requested on November 17, 2020, to adopt the Resolution redeclaring a shelter crisis and execute the Lease to ensure continued shelter operations.

FISCAL IMPACT

The Lessor will not charge the Lessee any rent for the use of this space and will be responsible for utilities estimated to be approximately \$5,000 per month, totaling an estimated \$60,000 for the life of the Lease. Lessor will also contribute up to \$2,000 per month for maintenance at the Leased Premises. The Lessee will be responsible for any maintenance charges exceeding \$2,000 per month. Utilities and maintenance costs will be offset by Measure H grant revenue that is currently appropriated in the Health Fund Group in the Health and Human Services Department. 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.

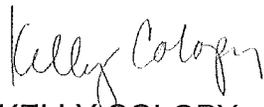
SUGGESTED ACTION:

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
A: LEASED PREMISES

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Lana Beach, CA 90802

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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 TEMPORARY SHELTER AT 5571 ORANGE AVENUE, IN THE CITY OF LONG BEACH, BETWEEN THE DATES OF OCTOBER 1, 2020 AND NOVEMBER 1, 2021, INCLUSIVE

WHEREAS, 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); and

WHEREAS, the Program is a coordinated effort to increase the number of temporary emergency shelter beds available in the County during the winter period from December 1 through March 31 each year, when the region usually experiences its most inclement weather; and

WHEREAS, to accommodate a location for Los Angeles County Supervisorial District 4, the Long Beach City Council, at its meeting held on November 12, 2019, adopted Resolution RES-19-0178 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-owned, leased or maintained property; and

WHEREAS, due to the ongoing coronavirus health pandemic, the County

1 extended the Program to allow shelters opened under the Program to continue
2 operations through October 2020; and

3 WHEREAS, as a result, the Program was relocated from Hayes Avenue to
4 5571 Orange Avenue (Site) for the period covering April 1, 2020 through September 30,
5 2020; and

6 WHEREAS, at the meeting held on October 13, 2020, the Los Angeles
7 County Board of Supervisors extended the County's shelter crisis for one year and
8 appropriated funding for continued operations through November 1, 2021. To provide
9 consistency with the Program's extended operations period and allow continued
10 operations at the Site, redeclaration of the shelter crisis is recommended; and

11 WHEREAS, the purpose and intent of this resolution is to continue to
12 provide shelter and supportive services for the homeless in the City of Long Beach by
13 maintaining such services at, and allowing the use of, the real property located at 5571
14 Orange Avenue, in the City of Long Beach, between the dates of October 1, 2020 and
15 November 1, 2021, inclusive; and

16 WHEREAS, to facilitate the use of City-owned property at 5571 Orange
17 Avenue for shelter operations, a Lease between the City and Volunteers of America Los
18 Angeles has been negotiated by the Economic Development Department;

19 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
20 follows:

21 Section 1. That the provisions of any state or local regulatory statute,
22 regulation or ordinance, including but not limited to the City's zoning regulations
23 prescribing standards of use, housing, health or safety shall be suspended with respect
24 to the above-described temporary shelter to the extent that strict compliance would in any
25 way prevent, hinder or delay the operation of the temporary shelter during the declared
26 shelter crisis.

27 Section 2. Notwithstanding any other provisions of local law, the City
28 Manager is hereby authorized and directed to take all steps as may be reasonably

1 necessary or appropriate to facilitate the operation of a temporary shelter between the
2 dates of October 1, 2020 and November 1, 2021, which shelter is to be located at 5571
3 Orange Avenue, in the City of Long Beach.

4 Section 3. Any and all provisions of the City's Zoning Ordinance and
5 regulations, which otherwise might regulate, apply to or govern the continued operation of
6 the interim shelter, are hereby suspended and declared inapplicable to the proposed
7 temporary homeless shelter.

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

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

18 Section 6. This resolution shall take effect immediately upon its adoption
19 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 _____, 2020 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
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