



# CITY OF LONG BEACH

# NB-30

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

December 6, 2016

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Adopt a 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 7, 2016 and March 6, 2017, inclusive;

Authorize the City Manager to execute any and all documents necessary for a Lease between Eddie N. John #1, a limited liability company (Lessor), and the City (Lessee), and a Sublease between the City (Sublessor) and First to Serve, Inc., a California nonprofit organization (Sublessee), and any necessary amendments, at the discretion of the City Manager, for approximately 12,000 rentable square feet of industrial space at 6845 Atlantic Avenue, at the monthly base rent of \$6,750 plus utilities and incidental costs for use as a winter shelter; and,

Increase appropriations in the General Fund (GF) in the Health and Human Services Department (HE) by \$20,250. (District 9)

## DISCUSSION

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

LAHSA is a joint powers agency between the City of Los Angeles and Los Angeles County established to oversee homeless services county-wide. With the creation of LAHSA, the Winter Shelter Program has become a coordinated effort to increase the number of temporary emergency shelter beds available in Los Angeles County during the period of time in which the region usually experiences its most inclement weather: December 1<sup>st</sup> through March 1<sup>st</sup>, inclusive. 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 6845 Atlantic Avenue (Site) in Long Beach.

The County of Los Angeles and the City of Los Angeles provide funds to LAHSA to operate the Winter Shelter Program. As the administrative authority, LAHSA is responsible for selecting the winter shelter providers through a competitive application process, contracting with providers and overseeing the winter shelter operations. LAHSA provided notification to the selected winter shelter provider on November 21, 2016. Given the timing of the notification, the earliest the winter shelter can commence operations is December 7, 2016. Subject to City Council's approval, the Site shall be operated by LAHSA's selected provider for the 2016-2017 program year, First to Serve, Inc.

The winter shelter provider is required to furnish the following services: intake, nightly shelter for individuals, vouchers, showers and two daily meals. Overnight staffing shall further provide security and case management services that link participants to additional programs aimed at establishing improved health and economic sufficiency.

What is the Goal of the Winter Shelter Program and Who Does it Serve?

The Winter Shelter Program, managed by LAHSA, provides a significant benefit for the City of Long Beach (City). Historically, the majority of individuals and families entering the program originate from within the City, referred by the City-operated Multi-Service Center (MSC) and the Police Department. The Winter Shelter Program provides increased engagement opportunities with individuals experiencing homelessness to encourage enrollment into case management services, employment and housing programs through the MSC, and further 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 continue to be a 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 from the MSC to and from 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. The Site requires this local declaration in order to ensure the winter shelter opens in a timely manner.

As customary, in an effort to facilitate the use of 6845 Atlantic Avenue for the winter shelter as a City-leased property, a Lease and Sublease between the property owner, the City and First to Serve, Inc., has been negotiated by the Department of Economic and Property Development. The proposed Lease 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.
- Use: The Leased Premises shall be used as a temporary winter shelter.
- Term: The term of the Lease shall commence December 7, 2016 and shall terminate on March 6, 2017, inclusive.
- Rent: The base rent shall be \$6,750 per month.
- Utilities and Incidentals: The Lessee shall be responsible for reimbursement to Lessor for approximately \$12,750 for utilities and incidental costs for the Leased Premises.

The proposed Sublease 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 be responsible for any and all obligations of the Lessee under the terms of the Lease. Notwithstanding the foregoing, the Sublessee shall not be responsible for reimbursement to Lessee for utilities and incidental costs.

This matter was reviewed by Deputy City Attorney Linda T. Vu on December 1, 2016 and by Budget Management Officer Rhutu Amin Gharib on November 30, 2016.

#### TIMING CONSIDERATIONS

City Council action is requested on December 6, 2016, to adopt the Resolution declaring a shelter crisis and to execute the Lease and Sublease to ensure the winter shelter is operational by December 7, 2016.

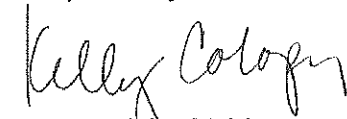
#### FISCAL IMPACT

The Sublessee shall pay base rent to the City in the estimated amount of \$20,250 for the term of the Lease. The rent will be deposited in the General Fund (GF) in the Health and Human Services Department (HE), and an appropriations increase in the same amount is included in the recommendation. The City will then pass through the same amount to the building owner. The \$12,750 for utilities and incidentals will be paid through Homeless Services' one-time funding that is already appropriated in the General Fund (GF) 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



KATHRYN MCDERMOTT  
ACTING 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 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

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 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 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.

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 7, 2016 and March 6, 2017, inclusive, which shelter is to be located at 6845  
7 Atlantic 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.

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing resolution was adopted by the City  
Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2016  
by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_  
City Clerk



**City of Long Beach Memorandum**  
Working Together to Serve

## REQUEST TO ADD AGENDA ITEM

**Date:** December 6, 2016  
**To:** City Clerk  
**From:** Patrick H. West, City Manager *T.M.*  
**Subject:** Request to Add Agenda Item to Council Agenda of December 6, 2016

---

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

**Adopt a 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 7, 2016 and March 6, 2017, inclusive;**

**Authorize the City Manager to execute any and all documents necessary for a Lease between Eddie N. John #1, a limited liability company (Lessor), and the City (Lessee), and a Sublease between the City (Sublessor) and First to Serve, Inc., a California nonprofit organization (Sublessee), and any necessary amendments, at the discretion of the City Manager, for approximately 12,000 rentable square feet of industrial space at 6845 Atlantic Avenue, at the monthly base rent of \$6,750 plus utilities and incidental costs for use as a winter shelter; and,**

**Increase appropriations in the General Fund (GF) in the Health and Human Services Department (HE) by \$20,250. (District 9)**

Council District	Authorizing Councilmember	Signed by
5	Stacy Mungo	<i>Stacy Mungo</i>
9	Rex Richardson	<i>Rex Richardson</i>
1	Lena Gonzalez	<i>Lena Gonzalez</i>

Attachment: Staff Report dated December 6, 2016

Cc: Office of the Mayor