



CITY OF LONG BEACH

H-2

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

August 12, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing and adopt the Resolution amending the Master Fee and Charges Schedule by updating Strong Motion Instrumentation and Seismic Hazard Mapping Fees. (Citywide)

DISCUSSION

As required by California Public Resources Code Section 2705, the City of Long Beach collects a Strong Motion and Seismic Hazard Mapping fee. The fee is collected from applicants during building permit issuance. The amount collected is based on the type and value of construction at rates established by State law. Ninety-five percent of the collected fee amount is remitted to the California State Department of Conservation (State Department) on a quarterly basis. The City is allowed to retain the remaining five percent to cover associated administrative costs.

The State Department recently notified cities and counties of approved legislation, SB 861, which increased this fee effective July 1, 2014. The table below provides a description of the fee change.

Building Type	Current Fee	New Fee
1-3 Story Residential Buildings	\$0.10 per \$1,000 Building Valuation or fraction thereof with a minimum of \$0.50	\$0.13 per \$1,000 Building Valuation or fraction thereof with a minimum of \$0.50
Commercial and Over 3-Story Residential Buildings	\$0.21 per \$1,000 Building Valuation or fraction thereof with a minimum of \$0.50	\$0.28 per \$1,000 Building Valuation or fraction thereof with a minimum of \$0.50

This matter was reviewed by Deputy City Attorney Kendra L. Carney on July 24, 2014, and by Budget Management Officer Victoria Bell on July 23, 2014.

TIMING CONSIDERATIONS

SB 861 increased the fee effective July 1, 2014. Because the fee is determined by approved State legislation that is already in effect, the fee change for Strong Motion and Seismic Hazard Mapping is being requested as a stand-alone fee change to the Master Fee and Charges Schedule on August 12, 2014 and will, therefore, not be included as a change when the FY 15 proposed fee changes are presented for City Council consideration as part of the FY 15 Budget adoption process.

FISCAL IMPACT

The City will continue to remit 95 percent of the fee revenue to the State as required. The remaining five percent currently results in approximately \$2,500 in annual revenue for the City. The fee increase should result in approximately \$750 of additional revenue in the Development Services Fund (EF 337) in the Department of Development Services (DV). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


AMY J. BODEK, AICR
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LAF:AA

Q:\Council Letters\Draft Letters\2014\8.12.14 SMIP Fee Changev3.doc

Attachment: City Council Resolution

APPROVED:


PATRICK H. WEST
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, 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 AMENDING THE MASTER FEE AND CHARGES SCHEDULE FOR INCREASING THE STRONG-MOTION INSTRUMENTATION AND SEISMIC HAZARD MAPPING FEES PURSUANT TO SENATE BILL 861

WHEREAS, the City Council of the City of Long Beach ("City") is required, pursuant to California Public Resources Code Section 2705, to collect a Strong-Motion Instrumentation and Seismic Hazard Mapping Fee; and

WHEREAS, Senate Bill 861 increased that fee effective July 1, 2014; and

WHEREAS, the City Council, at a duly noticed public hearing, took public testimony and input regarding certain proposed new service fees and charges; and

WHEREAS, in accordance with Government Code Section 66016, at least fourteen (14) days prior to the public hearing at which this Resolution is adopted, notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the City for mailed notice of meetings regarding new fees or service charges; and

WHEREAS, in accordance with the Government Code 66016, data regarding the estimated cost of the services and the revenue sources anticipated to provide the services was available for public review and comment for ten (10) days prior to the public hearing at which this Resolution was adopted; and

WHEREAS, publication of the notice of public hearing was given in accordance with the provisions of Government Code Section 6062a, ten (10) days in advance of the public hearing at which the adoption of this Resolution was considered;

NOW, THEREFORE, the City Council of the City of Long Beach hereby

1 resolves as follows:

2 Section 1. The facts set forth in the Recitals of this Resolution are true
3 and correct and are hereby incorporated by reference herein as though set forth in full.

4 Section 2. The City Council hereby approves publication of the Amended
5 Strong-Motion Instrumentation and Seismic Hazard Mapping Fee, as said fees are set
6 forth in Exhibits "A" which are attached hereto and incorporated herein by this reference,
7 increasing the Strong-Motion Instrumentation and Seismic Hazard Mapping Fee collected
8 from applicants during building permit issuance based on the type and value of
9 construction at a rate established by state law.

10 Section 3. Said revised Master Fee and Charges Schedule is hereby
11 directed to be made available to the public for its use for informational purposes, and is
12 not intended as a re-adoption, modification, or amendment of any existing fee or charge
13 previously established by resolution, or any previously adopted fee resolution that is not
14 in conflict with the provisions of this Resolution.

15 Section 4. Adoption of the new fee set forth and described in this
16 Resolution, and in Exhibit "A" attached hereto, is intended to be remitted to the State and
17 to recover costs necessary to provide the services within the City for which the fees are
18 charged. In adopting the new fee set forth in this Resolution, the City Council of the City
19 of Long Beach is exercising its powers under Article XI, Section 7 of the California
20 Constitution.

21 Section 5. All requirements of California Government Code Sections
22 66000, et seq., are hereby found to have been satisfied.

23 Section 6. The fees and charges set forth in Exhibit "A" attached hereto,
24 are required to be collected by the City in accordance with California Public Resources
25 Code Section 2705 as amended by Senate Bill 861.

26 Section 7. The fee and charge adopted and all portions of this Resolution
27 are severable. Should the fee and charge or any portion of this Resolution be adjudged
28 to be invalid and unenforceable by a body of competent jurisdiction, then the remaining

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 fees and/or Resolution portions shall be, and continue to be, in full force and effect,
2 except as to those fees and/or Resolution portions that have been adjudged invalid. The
3 City Council of the City of Long Beach hereby declares that it would have adopted each
4 of the fees or charges and this Resolution and each section, subsection, clause,
5 sentence, phrase and other portion thereof, irrespective of the fact that one or more of
6 the service fees, charges or sections, subsections, clauses, sentences, phrases or other
7 portions of this Resolution may be held invalid or unconstitutional.

8 Section 8. All provisions of prior City Council ordinances and resolutions
9 establishing the Strong-Motion Instrumentation and Seismic Hazard Mapping Fee are
10 hereby rescinded and repealed in part or in whole to the extent of any conflict between
11 said ordinances and resolutions and the provisions established by this Resolution.

12 Section 9. This resolution shall take effect immediately upon its adoption
13 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

14 I hereby certify that the foregoing resolution was adopted by the City
15 Council of the City of Long Beach at its meeting of _____, 2014, by the
16 following vote:

17
18 Ayes: Councilmembers: _____
19 _____
20 _____
21 _____

22 Noes: Councilmembers: _____
23 _____

24 Absent: Councilmembers: _____
25 _____

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28 _____
City Clerk

EXHIBIT A

List of Proposed Fee Adjustments for Fiscal Year 2014 (FY 14)

Fee Description (Fee)	Current Fee	Requested Fee	Per	Annual Revenue Change	Fund
Department: DEVELOPMENT SERVICES					
BUILDING					
PERMIT FEES					
Strong-Motion Instrumentation & Seismic Hazard Mapping Fee (1 to 3 Story Residential)	\$0.10 per each \$1,000 of valuation or fraction thereof with a minimum of \$0.50	\$0.13 per each \$1,000 of valuation or fraction thereof with a minimum of \$0.50	Application	\$250	Development Services
Strong-Motion Instrumentation & Seismic Hazard Mapping Fee (Over 3 Story Residential and all Commercial)	\$0.21 per each \$1,000 of valuation or fraction thereof with a minimum of \$0.50	\$0.28 per each \$1,000 of valuation or fraction thereof with a minimum of \$0.50	Application	\$500	Development Services
TOTAL DEVELOPMENT SERVICES				\$750	