



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 W. Ocean Blvd. - Long Beach, CA 90802 - 562/570-6651 - FAX 562/570-6205

Administration

March 20, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing and:

1. Declare Ordinance establishing a Police Facilities Impact Fee read the first time and laid over to the next regular meeting of the City Council for final reading (Attachment A);
2. Adopt a Resolution establishing the amount of the Police Facilities Impact Fee (Attachment B);
3. Declare Ordinance establishing a Fire Facilities Impact Fee read the first time and laid over to the next regular meeting of the City Council for final reading (Attachment C); and
4. Adopt a Resolution establishing the amount of the Fire Facilities Impact Fee (Attachment D). (Citywide)

DISCUSSION

To mitigate the impact new development places on existing public safety services and to ensure that new development pays its fair share of the cost of capital facilities and related costs necessary to accommodate such development, the Police Facilities Impact Fee and Fire Facilities Impact Fee are recommended for adoption.

On June 7, 2005 the City Council requested that a nexus study be prepared to begin the process of establishing a public safety impact fee for new development. New development increases the demand for public safety facilities and impact fees help defray the cost for these facilities.

Development impact fees are one time fees imposed on new development projects as a condition of project approval. Such fees are commonly imposed on developers by local governments in order to lessen the impacts of increased population or demand for services that are generated by that development. The "Mitigation Fee Act" (Government Code Sections 66000-66025) requires the agency imposing an impact fee to demonstrate that the amount of the fee does not exceed the proportional cost of the facilities needed to mitigate the impact of the development project paying the fees. This is sometimes referred to as "nexus". Normally, the nexus requirement is met by preparing a study showing the cost of facilities needed to serve the new development and the

method by which those costs are allocated to various types and amounts of development. It is important to note that impact fees may not be used to correct existing deficiencies, or to subsidize capital facilities that benefit existing residents or businesses. The consulting firm of MuniFinancial conducted the "nexus" study and submitted the *Public Safety Impact Fee Study* report for the City's consideration (Attachment E).

On September 12, 2006, the City Council directed the City Attorney to draft ordinances establishing Police and Fire Facilities Impact Fees based upon staff recommendations and the information contained in the *Public Safety Impact Fee Study* report. The Study recommends that impact fees be imposed on all development involving the construction of new single and multi-family residential dwelling units, mobile home pads, and new commercial, office and industrial construction exceeding 3,000 square feet. Construction involving hospitals and affordable housing would be specifically exempted from the payment of fees. Any development not having a valid building or construction permit at the time the impact fee ordinance becomes effective (60 days after adoption) would be required to pay the fee.

The nexus study proposed the following fee schedule, which identifies the maximum justifiable public safety fees by land use. Calculation of the fee for residential developments will be based on per dwelling unit, while non-residential developments will be based on square footage.

Table 1 - Police and Fire Facilities Impact Fee Schedule

Land Use	Fire	Police	Total
Residential (per dwelling unit)			
Single-Family Unit	\$ 496.	\$ 703.	\$ 1,199.
Multi-Family Unit	378.	537.	915.
Nonresidential (per square ft)			
Commercial	\$ 0.267	\$ 0.442	\$ 0.709
Office	0.325	0.538	0.863
Industrial	0.132	0.218	0.350

Source: Public Safety Impact Fee Study Report, August 18, 2006

This report was reviewed by Assistant City Attorney Michael Mais on March 8, 2007 and Budget and Performance Management Bureau Manager David Wodynski on February 28, 2007.

TIMING CONSIDERATIONS

City Council action on this item is requested on March 20, 2007, in order to ensure that new developments, which will impact public safety resources, are assessed their proportionate share of the cost for capital facilities and related costs necessary to accommodate such development.

FISCAL IMPACT

Based on the maximum fee recommendation, it is projected that \$566,000 of fee revenues annually can be collected to fund public safety facilities that serve new

development. Fire Facilities Impact Fees would yield approximately \$228,000, while Police Facilities Impact Fees would generate \$338,000 of revenue annually. Fire Facilities Impact Fee revenues will be deposited in the Fire Facilities fund (to be created).

Police Facilities Impact Fee revenue will be deposited in the Police Facilities account (to be created). A portion of all revenues collected in each fund will be set aside to cover administration costs from the Department of Planning and Building (PB) who will be collecting and administering the public safety impact fees.

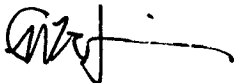
These fees would be applied to current multi-family projects that have not yet obtained a valid building permit; the fees would also apply to approximately 3,000 residential units that are either in process or have obtained planning permits. Depending on the effective date of the fee and when these multi-family projects obtain building permits, approximately \$2,730,000 in total revenue associated with these projects could be generated for public safety facilities serving new development.

Revenue collected from the impact fees is restricted to funding public safety facilities that will serve new development. Any existing public safety facilities deficiencies must be funded by non-impact fee funding sources. Unless other revenue sources are identified, current General Fund resources will be required to provide funding for police and fire services for new development and fund existing public safety facilities deficiencies.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

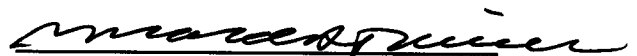


SUZANNE FRICK
DIRECTOR OF PLANNING AND BUILDING

SF:NM
PS Impact Fee Ord-Reso_Council Ltr

- Attachments:
- A. Ordinance - Police Facilities Impact Fee
 - B. Resolution - Police Facilities Impact Fee
 - C. Ordinance - Fire Facilities Impact Fee
 - D. Resolution - Fire Facilities Impact Fee
 - E. Public Safety Impact Fee Study prepared by MuniFinancial, August 18, 2006

APPROVED:



GERALD R. MILLER
CITY MANAGER

1 ORDINANCE NO.

2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY ADDING CHAPTER 18.22 TO
6 ESTABLISH A POLICE FACILITIES IMPACT FEE

7
8 The City Council of the City of Long Beach ordains as follows:

9
10 Section 1. The Long Beach Municipal Code is amended by adding Chapter
11 18.22 to read as follows:

12 Chapter 18.22

13 POLICE FACILITIES IMPACT FEE

14
15 18.22.010 Legislative findings.

16 A. The state of California, through the enactment of Government
17 Code Sections 66001 through 66009 has authorized the City to enact
18 development impact fees.

19 B. The imposition of development impact fees is one of the
20 preferred methods of ensuring that development bears a proportionate
21 share of the cost of capital facilities and related costs necessary to
22 accommodate such development. This must be done in order to promote
23 and protect the public health, safety and welfare.

24 C. That the continuing increase in the development of residential
25 and non-residential construction in the City has created an urgency in that
26 funds are needed for the increased demand for Police services and the
27 facilities that support those services which are required to serve the
28 increasing residential and workforce population of the City.

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City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 D. The fees established pursuant to this Chapter are derived from,
2 are based upon, and do not exceed the costs of providing additional
3 Police services attributable to new residential or non-residential
4 construction, including: master planning to more specifically identify
5 capital facilities to serve new development; the acquisition of additional
6 property for Police facilities; the construction of buildings for Police
7 services; the furnishing of buildings or facilities for Police services; and the
8 purchasing of equipment and vehicles for Police services.

9 E. The fees collected pursuant to this Chapter shall be used to
10 finance the Police facilities and equipment identified in Subsection D.

11 F. Detailed study of the impacts of future residential and non-
12 residential construction in the City, along with an analysis of the need for
13 new Police facilities and equipment has been prepared. This study is
14 included in the "Public Safety Impact Fee Study" for the City of Long
15 Beach dated August 18, 2006 which is incorporated herein by reference
16 as though set forth in full, word for word.

17 G. There is a reasonable relationship between the need for the
18 Police facilities and equipment set forth in Subsection D and the impacts
19 of the types of development for which the corresponding fee is charged.

20 H. There is a reasonable relationship between the fee's use and
21 the type of development for which the fee is charged.

22 I. There is a reasonable relationship between the amount of the
23 fee and the cost of the facilities and equipment or portion thereof
24 attributable to the development on which the fee is imposed.

25
26 18.22.020 Purpose.

27 A Police Facilities Impact Fee is hereby imposed on residential and
28 non-residential development for the purpose of assuring that the impacts

1 created by said development pay its fair share of the costs required to
2 support needed Police facilities and related costs necessary to
3 accommodate such development.

4
5 18.22.030 Definitions.

6 A. "Accessory use" is as defined in Section 21.15.060 of this Code.

7 B. "Applicant" means the property owner, or duly designated agent
8 of the property owner, for which a request for building permit or
9 construction approval for a mobile home pad is received by the City.

10 C. "Building permit" means the City permit required for new
11 building construction and/or additions which add square footage pursuant
12 to Title 18 of this Code. Neither a grading permit nor a foundation permit
13 shall be considered a building permit for purposes of this Chapter.

14 D. "Calculation" means the point in time at which the City
15 calculates the Police Facilities Impact Fee to be paid by the applicant.
16 Calculation will generally occur at the time of issuance of the applicable
17 building permit or construction approval for a mobile home pad but may
18 occur earlier in the development approval process.

19 E. "City Manager" means the City Manager of the City of Long
20 Beach or other municipal officials he/she may designate to carry out the
21 administration of this Chapter.

22 F. "Collect" or "collection" means the point in time at which the
23 Police Facilities Impact Fees are paid by the applicant. Collection will
24 occur on the date of final inspection or the date a certificate of occupancy
25 or temporary certificate of occupancy, whichever occurs first, or in the
26 case of a mobile home pad or pads, collection will occur at or on the date
27 of construction approval is issued.

28 G. "Development" means the addition of new dwelling units and/or

1 new nonresidential square footage to an undeveloped, partially developed
2 or redeveloped site and involving the issuance of a building permit and
3 certificate of occupancy for such construction, reconstruction or use.
4 Development also includes the approval and construction of new mobile
5 home pads in existing or new mobile home parks or sites, but not
6 including the following so long as no additional dwelling units or gross
7 floor area is added:

- 8 1. a permit to operate,
- 9 2. a permit for the internal alteration, remodeling,
10 rehabilitation, or other improvements or modifications to an existing
11 structure,
- 12 3. the rebuilding of a structure destroyed by an act of God
13 or the rehabilitation or replacement of a building in order to comply with
14 the City's seismic safety requirements,
- 15 4. parking facilities, or
- 16 5. the rehabilitation or replacement of a building destroyed
17 by imminent public hazard, acts of terrorism, sabotage, vandalism,
18 warfare or civil disturbance except where said destruction was caused or
19 in any manner accomplished, instigated, motivated, prompted, incited,
20 induced, influenced, or participated in by any persons or their agents
21 having any interest in the real or personal property at the location.

22 H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of
23 this Code.

24 I. "Fee setting resolution" means and refers to the City resolution
25 specifying the Police Facilities Impact Fee per dwelling unit or mobile
26 home pad for residential development and per gross square foot of floor
27 area for nonresidential development, by type and by location. The Police
28 Facilities Impact Fee set forth in the fee-setting resolution may be revised

1 pursuant to Section 18.22.130 and applicable state law.

2 J. "Gross square feet" or "gsf" means the area of a nonresidential
3 development measured from the exterior building lines of each floor with
4 respect to enclosed spaces but excluding parking spaces whether or not
5 enclosed. For purposes of this ordinance, the term "enclosed spaces"
6 specifically includes, but is not limited to, an area available to and
7 customarily used by the general public and all areas of business
8 establishments generally accessible to the public such as fenced, or
9 partially fenced in areas of garden centers attached to and serving the
10 primary structure.

11 K. "Mixed use" is as defined in Section 21.15.1760 of this Code.

12 L. "Mobile home" is as defined in Section 21.15.1770 of this Code.

13 M. "Nonresidential development" means a development
14 undertaken for the purpose of creating gross floor area, excluding dwelling
15 units, but which includes, and is not limited to, commercial, industrial,
16 retail, office, hotel/motel, and warehouse uses involving the issuance of a
17 building permit for such construction, reconstruction or use.

18 N. "Police Department" means the Police Department of the City of
19 Long Beach.

20 O. "Principal use" is as defined in Section 21.15. 2170 of this
21 Code.

22 P. "Residential development" means a development undertaken
23 for the purpose of creating a new dwelling unit or units and involving the
24 issuance of a building permit and certificate of occupancy for such
25 construction, reconstruction or use, or the construction approval for a
26 mobile home pad or pads.

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18.22.030 Fund established.

A Police Facilities Impact Fee fund is established. The Police Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of police facilities and equipment related to new residential and non-residential construction as described in this Chapter.

18.22.040 Police Facilities Impact Fee.

There is imposed a Police Facilities Impact Fee on all new residential and non-residential development as those terms are defined in this Chapter.

18.22.050 Fee imposed.

A. Any person who, after the effective date of this ordinance, seeks to engage in residential or non-residential development including mobile home development as defined in this Chapter by obtaining a building permit or construction approval for a mobile home pad or pads is required to pay a Police Facilities Impact Fee in the manner and amount as set forth in the then current fee-setting resolution. The Police Facilities Impact fee imposed pursuant to this Chapter shall not apply to applicants who have a valid building permit or construction approval for a mobile home pad or pads on the effective date of this ordinance codified in this Section.

B. No certificate of occupancy, temporary certificate of occupancy, final inspection approval or construction approval for a mobile home pad or pads, as applicable, for the activities listed in Subsection A of this Section shall be issued unless and until the Police Facilities Impact Fee required by this Chapter has been paid to the City.

1 18.22.060 Calculation of Police Facilities Impact Fee.

2 A. The Director of Planning and Building shall calculate the
3 amount of the applicable Police Facilities Impact Fee due as specified in
4 the then current fee-setting resolution.

5 B. The Director of Planning and Building shall calculate the
6 amount of the applicable Police Facilities Impact Fee due by:

7 1. Determining the number and type of dwelling units in a
8 residential development or mobile home pads in a mobile home park or
9 site, and multiplying the same by the Police Facilities Impact Fee amount
10 per dwelling unit or pad as established by the then current fee setting
11 resolution;

12 2. Determining the gross square feet of floor area, type of
13 use and location in a nonresidential development, and multiplying the
14 same by the Police Facilities Impact Fee amount as established by the
15 then current fee-setting resolution;

16 3. Determining the number and type of dwelling units and
17 the nonresidential number of gross square feet of floor area, type of use
18 and location, in a structure containing mixed uses which include a
19 residential use, and multiplying the same by the Police Facilities Impact
20 Fee amount for each use as established by the then current fee-setting
21 resolution;

22 4. Determining the gross square feet of floor area, type of
23 use and location in a structure containing mixed uses which include two or
24 more nonresidential principal uses, and multiplying the same by the Police
25 Facilities Impact Fee amount as established by the then current fee-
26 setting resolution. The gross square feet of floor area of any accessory
27 use will be charged at the same rate as the predominant principal use
28 unless the Director of Planning and Building finds that the accessory use

1 is related to another principal use.

2
3 18.22.070 Payment of fee.

4 A. The City shall collect from the applicant the Police Facilities
5 Impact Fee prior to the issuance of a certificate of occupancy, temporary
6 certificate of occupancy, final inspection or construction approval for
7 mobile home pad or pads, whichever occurs first.

8 B. Except for an administrative charge that shall be allocated to the
9 Department of Planning and Building, all funds collected shall be properly
10 identified and promptly transferred for deposit in the Police Facilities
11 Impact Fee fund and used solely for the purposes specified in this
12 Chapter.

13
14 18.22.080 Use of funds.

15 A. Funds collected from the Police Facilities Impact Fee shall be
16 used to fund the costs of providing additional Police services attributable
17 to new residential and non-residential construction and shall include:

18 1. The acquisition of additional property for law enforcement
19 facilities;

20 2. The construction of new buildings for law enforcement
21 services;

22 3. The furnishing of new buildings or facilities for law
23 enforcement services;

24 4. The purchasing of equipment and vehicles for law
25 enforcement services;

26 5. The funding of a master plan to identify capital facilities to
27 serve new Police Department development.

28 6. The cost of financing (e.g., interest payments) related to

1 Items 1-5, inclusive.

2 B. Funds shall not be used for periodic or routine maintenance.

3 C. In the event that bonds or similar debt instruments are issued for
4 advanced provision of capital facilities for which Police Facilities Impact
5 Fees may be expended, impact fees may be used to pay debt service on
6 such bonds or similar debt instruments to the extent that the facilities
7 provided are of the type described in Subsection A of this Section.

8 D. Funds may be used to provide refunds as described in Section
9 18.22.090.

10
11 18.22.090 Refund.

12 A. Any applicant who has paid a Police Facilities Impact Fee
13 pursuant to this Chapter may apply for a full or partial refund of same, if,
14 within one (1) year after collection of the Police Facilities Impact Fee the
15 development project has been modified, pursuant to appropriate City
16 ordinances and regulations, resulting in a reduction in the number of
17 dwelling units, a change in the type of dwelling units, a reduction in square
18 footage, or the applicability of an exemption pursuant to Section
19 18.22.100 of this Chapter. The City shall retain a sum equaling twenty
20 percent (20%) of the impact fee paid by the applicant to offset the
21 administrative costs of refund. The applicant must submit an application
22 for such a refund in accordance with Chapter 3.48 of this Code. In no
23 event shall a refund exceed the amount of the Police Facilities Impact Fee
24 actually paid.

25 B. Any funds not expended, encumbered or obligated by issued
26 indebtedness by the end of the calendar quarter immediately following five
27 (5) years from the date the Police Facilities Impact Fee was paid shall,
28 upon application of the then current landowner, be returned to such

1 landowner with interest at a rate equal to the rate of interest earned by the
2 City from the time the fee was paid, provided that the landowner submits
3 an application for a refund within one hundred eighty (180) calendar days
4 from the expiration of the five-year period.

5
6 18.22.100 Exemptions and credits.

7 A. Exemptions. Any claim of exemption must be made no later
8 than the time of application for a building permit or mobile home
9 construction approval. The following shall be exempted from payment of
10 the Police Facilities Impact Fee:

11 1. Alterations or expansion of an existing residential building
12 where no additional dwelling units are created and where the use is not
13 changed;

14 2. The replacement of a building or structure destroyed by
15 fire, flood, earthquake or other act of God, with a new building or structure
16 of the same size and use;

17 3. The installation of a replacement mobile home on a lot or
18 other such site when a Police Facilities Impact Fee for such mobile home
19 site has previously been paid pursuant to this Chapter, or where a mobile
20 home legally existed on such site on or prior to the effective date of the
21 ordinance codified in this Chapter;

22 4. Nonresidential Development: Construction or occupancy
23 of a new nonresidential building or structure or an addition to or expansion
24 of an existing nonresidential building or structure of three thousand
25 (3,000) gross square feet or less;

26 5. Residential Development: Construction, replacement or
27 rebuilding of a single-family dwelling (one unit per lot) on an existing lot of
28 record, or the replacement of one mobile home with another on the same

1 pad, or the moving and relocation of a single-family home from one lot
2 within the City to another lot within the City, or the legalization of an illegal
3 dwelling unit existing prior to January 1, 1964, for which an Administrative
4 Use Permit is approved in accordance with Section 21.25.403D. This
5 exemption shall not apply to tract development, to the development of
6 more than one unit per lot nor to the replacement of a single-family
7 dwelling with more than one dwelling unit;

8 6. Affordable Housing for Lower Income Households.

9 Property rented, leased, sold, conveyed or otherwise transferred, at a
10 rental price or purchase price which does not exceed the "affordable
11 housing cost" as defined in Section 50052.5 of the California Health and
12 Safety Code when provided to a "lower income household" as defined in
13 Section 50079.5 of the California Health and Safety Code or "very low
14 income household" as defined in Section 50105 of the California Health
15 and Safety Code. This exemption shall require the applicant to execute an
16 agreement to guarantee that the units shall be maintained for lower and
17 very low income households whether as units for rent or for sale or
18 transfer, for the lesser of a period of thirty years or the actual life or
19 existence of the structure, including any addition, renovation or
20 remodeling thereto. The agreement shall be in the form of a deed
21 restriction or other legally binding and enforceable document acceptable
22 to the City Attorney and shall bind the owner and any successor-in-
23 interest to the real property being developed. The agreement shall
24 subordinate, if required, to any state or federal program providing
25 affordable housing to lower and very low income households. The
26 agreement shall be recorded with the Los Angeles County Recorder prior
27 to the issuance of a Certificate of Occupancy. The City's Housing
28 Services Bureau shall be notified of pending transfers or purchases and

1 give its approval of the purchaser's qualifying income status and purchase
2 price, prior to the close of escrow. The City's Housing Services Bureau
3 shall be notified of pending rentals and give its approval of proposed
4 tenant's qualifying income status and rental rate, prior to the tenant's
5 occupancy. Applicant or any successor-in-interest shall be required to
6 provide annually, or as requested, the names of all tenants or purchasers,
7 current rents, and income certification to insure compliance. Voluntary
8 removal of the housing restriction or violation of the restriction shall be
9 enforced by the City's Housing Services Bureau and shall require the
10 applicant or any successor-in-interest to pay the then applicable Police
11 Facilities Impact Fee at the time of voluntary conversion or as imposed at
12 the time of violation on the unit in violation, plus any attorneys' fees and
13 costs of enforcement, if applicable;

14 7. Hospitals as that term is defined in Section 21.15.1370 of
15 this Code.

16 B. Credits. Any applicant whose development is located within a
17 Community Facilities District (CFD), and is subject to the assessments
18 thereof, shall receive an offset credit towards the fees established by this
19 Chapter to the extent that the assessments fund improvements within the
20 CFD which would otherwise be funded by the development impact fees
21 established by this Chapter.

22
23 18.22.110 Appeals.

24 A. An applicant may appeal, by protest, any imposition of the
25 Police Facilities Impact Fee by filing a notice of appeal with the City Clerk
26 within ninety (90) days after the applicant pays the required fee.

27 B. A valid appeal by protest of the imposition of the Police
28 Facilities Impact Fee shall meet all of the following requirements:

1 1. Tendering in advance of the appeal any required
2 payment in full or providing assurance of payment satisfactory to the City
3 Attorney;

4 2. Serving written notice on the City including:

5 a. A statement that the required payment has been
6 tendered under protest or that required conditions have been satisfied;

7 b. A statement informing the City of the factual
8 elements of the dispute and the legal theory forming the basis of the
9 protest;

10 c. The name and address of the applicant;

11 d. The name and address of the property owner;

12 e. A description and location of the property;

13 f. The number of residential units or nonresidential
14 gross square footage proposed, by land use or dwelling unit type, as
15 appropriate; and

16 g. The date of issuance of the building permit.

17 C. The City Council shall schedule a hearing and render a final
18 decision on the applicant's appeal within sixty (60) days after the date the
19 applicant files a valid appeal.

20 D. The City Council hearing shall be administrative. Evidence shall
21 be submitted by the City and by the applicant and testimony shall be
22 taken under oath.

23 E. The burden of proof shall be on the applicant to establish that
24 the applicant is not subject to the imposition of the Police Facilities Impact
25 Fee pursuant to the express terms of this Chapter and applicable state
26 law.

27 F. If the Police Facilities Impact Fee has been paid in full or if the
28 notice of appeal is accompanied by a cash deposit, letter of credit, bond

1 or other surety acceptable to the City Attorney in an amount equal to the
2 Police Facilities Impact Fee calculated to be due, the application for the
3 building permit or mobile home construction approval shall be processed.
4 The filing of a notice of appeal shall not stay the imposition or the
5 collection of the Police Facilities Impact Fee calculated by the City to be
6 due unless sufficient and acceptable surety has been provided.

7 G. Any petition for judicial review of the City Council's final
8 decision shall be made in accordance with applicable state law and
9 pursuant to Section 18.22.120.

10
11 18.22.120 Judicial review.

12 A. Any judicial action or proceeding to attack, review, set aside,
13 void or annul the ordinance codified in this Chapter, or any provision
14 thereof, or resolution, or amendment thereto, shall be commenced within
15 ninety (90) days of the effective date of the ordinance codified in this
16 Chapter, resolution, or any amendment thereto.

17 B. Any judicial action or proceeding to attack, review, set aside or
18 annul the imposition or collection of a Police Facilities Impact Fee on a
19 development shall be preceded by a valid appeal by protest pursuant to
20 Section 18.22.110 hereof and a final decision of the City Council pursuant
21 thereto and shall be filed and service of process effected within ninety (90)
22 days after the hearing on appeal regarding the imposition of a Police
23 Facilities Impact Fee upon the development.

24
25 18.22.130 Annual report and amendment procedures.

26 A. Within 180 days after the last day of each fiscal year, the Police
27 Chief of the City of Long Beach shall evaluate progress in implementation
28 of the Police Facilities Impact Fee Program and shall prepare a report

1 thereon to the City Council in accordance with Government Code Section
2 66006 incorporating among other things:

- 3 1. The police facilities and equipment commenced,
4 purchased or completed utilizing monies from the Police Facilities Impact
5 Fee fund;
- 6 2. The amount of the fees collected and the interest earned;
- 7 3. The amount of Police Facilities Impact Fees in the fund; and
- 8 4. Recommended changes to the Police Facilities Impact
9 Fee, including but not necessarily limited to, changes in the Police
10 Facilities Impact Fee Chapter or fee-setting resolution.

11 B. Based upon the report and such other factors as the City
12 Council deems relevant and applicable, the City Council may amend the
13 ordinance codified in this Chapter or the fee-setting resolution
14 implementing this Chapter. Changes to the Police Facilities Impact Fee
15 rates or schedules may be made by amending the fee-setting resolution.
16 Any change which increases the amount of the Police Facilities Impact
17 Fee shall be adopted by the City Council only after a noticed public
18 hearing. Nothing herein precludes the City Council or limits its discretion
19 to amend the ordinance codified in this Chapter or the fee-setting
20 resolution establishing Police Facilities Impact Fee rates or schedules at
21 such other times as may be deemed necessary.

22
23 18.22.140 Effect of Police Facilities Impact Fee on zoning and subdivision
24 regulations.

25 This Chapter shall not affect, in any manner, the permissible use of
26 property, density/intensity of development, design and improvement
27 standards and public improvement requirements or any other aspect of
28 the development of land or construction of buildings, which may be

1 imposed by the City pursuant to the City's zoning regulations, subdivision
2 regulations or other ordinances or regulations of the City, which shall be
3 operative and remain in full force and effect without limitation with respect
4 to all residential and nonresidential development.

5
6 18.22.150 Violation--Penalty.

7 A violation of this Chapter shall be prosecuted in the same manner
8 as misdemeanors are prosecuted; and upon conviction, the violator shall
9 be punishable according to law. However, in addition to or in lieu of any
10 criminal prosecution, the City shall have the power to sue in civil court to
11 enforce the provisions of this Chapter.

12
13 18.22.160 Severability.

14 If any section, phrase, sentence, or portion of this Chapter is for
15 any reason held invalid or unconstitutional by any court of competent
16 jurisdiction, such portions shall be deemed a separate, distinct, and
17 independent provision; and such holding shall not affect the validity of the
18 remaining portions thereof.

19
20 18.22.170 Effective date.

21 The ordinance codified in this Chapter shall become effective sixty-
22 one (61) days following the date of its adoption.

23
24 Sec. 2. The City Clerk shall certify to the passage of this ordinance by the
25 City Council and cause it to be posted in three conspicuous places in the City of Long
26 Beach, and it shall take effect on the sixty-first day after it is approved by the Mayor.

27 I hereby certify that the foregoing ordinance was adopted by the City Council of
28 the City of Long Beach at its meeting of _____, 2007, by the

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 following vote:

2 Ayes: Councilmembers: _____

3 _____

4 _____

5 _____

6 Noes: Councilmembers: _____

7 _____

8 Absent: Councilmembers: _____

9 _____

10 _____

11 _____ City Clerk

12 _____

13 Approved: _____

14 _____ Mayor

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MJM:kjm 3/13/07 #06-04380
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ESTABLISHING A POLICE
FACILITIES IMPACT FEE AND ADOPTING A
COMPREHENSIVE IMPACT FEE (NEXUS) STUDY FOR THE
CITY OF LONG BEACH

WHEREAS, many cities and counties have adopted and imposed
development impact fees on new development to pay for new development's fair share
of infrastructure and services; and

WHEREAS, on _____, 2007, the City Council of the City of
Long Beach adopted Ordinance No. _____, establishing a Police Facilities
Impact Fee in the City of Long Beach; and

WHEREAS, the City retained the consulting firm of MuniFinancial to
prepare a nexus study entitled "Public Safety Impact Fee Study" dated August 18, 2006
for the City of Long Beach (the "Study") in accordance with Government Code §§ 66000
et seq.; and

WHEREAS, the Study provided the City with information and data
regarding the nexus between the public facilities and services and the benefitting land
uses that would pay the fees at time of development; and

WHEREAS, the Study provided data outlining the various public facilities
and services which are required to meet the need generated by new development
projects in the City; and

WHEREAS, it is the City's policy that future new development should
contribute its fair share to public facilities and services through the imposition of impact
fees which will be used to finance, defray or reimburse the City for the appropriate
portion of the cost of public facilities which serve such development; and

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 WHEREAS, Chapter 18.22 of the Long Beach Municipal Code (Police
2 Facilities Impact Fee) recognizes that residential and non-residential development
3 within the City will result in additional growth and that such growth will place additional
4 burdens on various public safety facilities, infrastructure, and services. Chapter 18.22
5 further recognizes the types of land development that will generate those impacts
6 necessitating the acquisition of land, the construction of public safety facilities and the
7 expansion of services and infrastructure needed to meet and accommodate them; and

8 WHEREAS, the City Council has held at least one duly noticed public
9 hearing on the proposed development impact fees with an opportunity for the public to
10 be heard, pursuant to the provisions of Government Code §§ 66016 – 66018; and

11 WHEREAS, the Study prepared has been available for public review and
12 comment pursuant to the provisions of Government Code § 66016; and

13 WHEREAS, pursuant to the provisions of Ordinance No. _____,
14 the City Council of the City of Long Beach desires to impose and adopt the Police
15 Facilities Impact Fee in accordance with the nexus calculations and recommendations
16 in the Study; and

17 WHEREAS, imposition of fees to finance public safety facilities and
18 service improvements is necessary in order to protect the public health, safety and
19 welfare of the citizens of the City of Long Beach.

20 NOW, THEREFORE, the City Council of the City of Long Beach does
21 hereby find and resolve as follows:

22 Section 1. The City Council of the City of Long Beach finds that the
23 purpose of the impact fees hereby established is to prevent new development from
24 reducing the quality and availability of public safety services provided to residents of the
25 City of Long Beach by requiring new development to contribute its fair share to the cost
26 of additional capital assets and services needed to meet the needs of growth.

27 Sec. 2. That the City Council of the City of Long Beach finds and
28 determines that the "Public Safety Impact Fee Study" dated August 18, 2006 prepared

1 by MuniFinancial (the "Study") complies with California Government Code § 66001 by
2 establishing the basis for the imposition of the fees on new development. This finding is
3 based on the fact that the Study:

- 4 A. Identifies the purpose of the fees;
- 5 B. Identifies the use to which the fees will be put;
- 6 C. Shows a reasonable relationship between the use of the fees
7 and the type of development project on which the fees are imposed;
- 8 D. Demonstrates a reasonable relationship between the need for
9 the public facilities and services and the type of development projects on which the fees
10 are imposed; and
- 11 E. Demonstrates a reasonable relationship between the amount of
12 the fees and the cost of the public facilities and services or portions thereof attributable
13 to the development on which the fees are imposed.

14 Sec. 3. That the City Council hereby determines that the fees collected
15 pursuant to this Resolution shall be used to finance the public facilities, equipment and
16 services described or identified in the above referenced ordinance and Study.

17 Sec. 4. That the City Council finds that the projects and fee methodology
18 identified in the Study are consistent with the City's General Plan and Capital
19 Improvement Plan.

20 Sec. 5. Based on analysis presented in the above referenced Public
21 Safety Impact Fee Study, the City Council of the City of Long Beach finds that there is a
22 reasonable relationship between:

- 23 A. The use of the fee and the development type on which it is
24 imposed;
- 25 B. The need for the public safety facilities, infrastructure and
26 services and the type of development on which the fee is imposed; and
- 27 C. The amount of the fee and the cost attributable to the
28 development project.

1 Sec. 6. The adoption of the Study and the Police Facilities Impact Fee
2 are statutorily and categorically exempt from the requirements of the California
3 Environmental Quality Act ("CEQA"), because the setting of development impact fees
4 merely establishes a funding mechanism for the provision of future projects, and as
5 such, the Resolution is not an essential step culminating in action which may affect the
6 environment, and environmental review required under CEQA will be performed when
7 projects funded by the development impact fees are chosen and defined. (*Kaufman &*
8 *Broad South Bay, Inc. v. Morgan Hill* (1993) 9 Cal.App.4th 464).

9 Sec. 7. That the City Council adopts the Development Impact Fee
10 schedule attached hereto as Exhibit "A."

11 Sec. 8. That the Public Safety Impact Fee Study dated August 18, 2006,
12 and prepared by MuniFinancial is hereby adopted and incorporated herein by reference
13 as though set forth in full, word for word.

14 Sec. 9. That the fees specified in the attached Exhibit A shall become
15 effective sixty (60) days following the adoption of this Resolution by the City Council,
16 and the City Clerk shall certify to the vote adopting this Resolution.

17 I hereby certify that the foregoing Resolution was adopted by the City
18 Council of the City of Long Beach at its meeting of _____, 2007, by

19 //

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Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
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the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

NEW - DEVELOPMENT IMPACT FEES

Police Facilities Impact Fee

DEPARTMENT: PLANNING AND BUILDING

Fee Name	Description	Fee	Per
NEW FEES			
DEVELOPMENT IMPACT FEES			
Police Facilities Impact Fee	To mitigate the impact new development places on existing police facilities.		
	Residential - Single Family Unit	\$703.00	Dwelling Unit
	Residential - Multi-Family Unit (two or more dwelling units)	\$537.00	Dwelling Unit
	Nonresidential - Commercial	\$ 0.442	Square Ft
	Nonresidential - Office	\$ 0.538	Square Ft
	Nonresidential - Industrial	\$ 0.218	Square Ft

1 D. The fees established pursuant to this Chapter are derived from,
2 are based upon, and do not exceed the costs of providing additional Fire
3 services attributable to new residential or non-residential construction,
4 including: master planning to more specifically identify capital facilities to
5 serve new development; the acquisition of additional property for Fire
6 facilities; the construction of buildings for Fire services; the furnishing of
7 buildings or facilities for Fire services; and the purchasing of equipment,
8 apparatus, and vehicles for Fire services.

9 E. The fees collected pursuant to this Chapter shall be used to
10 finance the Fire facilities, equipment, and apparatus identified in
11 Subsection D.

12 F. Detailed study of the impacts of future residential and non-
13 residential construction in the City, along with an analysis of the need for
14 new Fire facilities and equipment has been prepared. This study is
15 included in the "Public Safety Impact Fee Study" for the City of Long
16 Beach dated August 18, 2006 which is incorporated herein by reference
17 as though set forth in full, word for word.

18 G. There is a reasonable relationship between the need for the
19 Fire facilities, apparatus and equipment set forth in Subsection D and the
20 impacts of the types of development for which the corresponding fee is
21 charged.

22 H. There is a reasonable relationship between the fee's use and
23 the type of development for which the fee is charged.

24 I. There is a reasonable relationship between the amount of the
25 fee and the cost of the facilities, apparatus and equipment or portion
26 thereof attributable to the development on which the fee is imposed.

27 18.23.020 Purpose.

28 A Fire Facilities Impact Fee is hereby imposed on residential and

1 non-residential development for the purpose of assuring that the impacts
2 created by said development pay its fair share of the costs required to
3 support needed Fire facilities and related costs necessary to
4 accommodate such development.

5
6 18.23.030 Definitions.

7 A. "Accessory use" is as defined in Section 21.15.060 of this Code.

8 B. "Applicant" means the property owner, or duly designated agent
9 of the property owner, for which a request for building permit or
10 construction approval for a mobile home pad is received by the City.

11 C. "Building permit" means the City permit required for new
12 building construction and/or additions which add square footage pursuant
13 to Title 18 of this Code. Neither a grading permit nor a foundation permit
14 shall be considered a building permit for purposes of this Chapter.

15 D. "Calculation" means the point in time at which the City
16 calculates the Fire Facilities Impact Fee to be paid by the applicant.
17 Calculation will generally occur at the time of issuance of the applicable
18 building permit or construction approval for a mobile home pad but may
19 occur earlier in the development approval process.

20 E. "City Manager" means the City Manager of the City of Long
21 Beach or other municipal officials he/she may designate to carry out the
22 administration of this Chapter.

23 F. "Collect" or "collection" means the point in time at which the
24 Fire Facilities Impact Fees are paid by the applicant. Collection will occur
25 on the date of final inspection or the date a certificate of occupancy or
26 temporary certificate of occupancy, whichever occurs first, or in the case
27 of a mobile home pad or pads, collection will occur at or on the date of
28 construction approval is issued.

1 G. "Development" means the addition of new dwelling units and/or
2 new nonresidential square footage to an undeveloped, partially developed
3 or redeveloped site and involving the issuance of a building permit and
4 certificate of occupancy for such construction, reconstruction or use.
5 Development also includes the approval and construction of new mobile
6 home pads in existing or new mobile home parks or sites but not including
7 the following so long as no additional dwelling units or gross floor area is
8 added:

- 9 1. a permit to operate,
- 10 2. a permit for the internal alteration, remodeling,
11 rehabilitation, or other improvements or modifications to an existing
12 structure,
- 13 3. the rebuilding of a structure destroyed by an act of God
14 or the rehabilitation or replacement of a building in order to comply with
15 the City's seismic safety requirements,
- 16 4. parking facilities, or
- 17 5. the rehabilitation or replacement of a building destroyed
18 by imminent public hazard, acts of terrorism, sabotage, vandalism,
19 warfare or civil disturbance except where said destruction was caused or
20 in any manner accomplished, instigated, motivated, prompted, incited,
21 induced, influenced, or participated in by any persons or their agents
22 having any interest in the real or personal property at the location.

23 H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of
24 this Code.

25 I. "Fee setting resolution" means and refers to the City resolution
26 specifying the Fire Facilities Impact Fee per dwelling unit or mobile home
27 pad for residential development and per gross square foot of floor area for
28 nonresidential development, by type and by location. The Fire Facilities

1 Impact Fee set forth in the fee-setting resolution may be revised pursuant
2 to Section 18.23.130 and applicable state law.

3 J. "Fire Department" means the Fire Department of the City of
4 Long Beach.

5 K. "Gross square feet" or "gsf" means the area of a nonresidential
6 development measured from the exterior building lines of each floor with
7 respect to enclosed spaces but excluding parking spaces whether or not
8 enclosed. For purposes of this ordinance, the term "enclosed spaces"
9 specifically includes, but is not limited to, an area available to and
10 customarily used by the general public and all areas of business
11 establishments generally accessible to the public such as fenced or
12 partially fenced in areas of garden centers attached to and serving the
13 primary structure.

14 L. "Mixed use" is as defined in Section 21.15.1760 of this Code.

15 M. "Mobile home" is as defined in Section 21.15.1770 of this Code.

16 N. "Nonresidential development" means a development
17 undertaken for the purpose of creating gross floor area, excluding dwelling
18 units, but which includes, and is not limited to, commercial, industrial,
19 retail, office, hotel/motel, and warehouse uses involving the issuance of a
20 building permit for such construction, reconstruction or use.

21 O. "Principal use" is as defined in Section 21.15. 2170 of this
22 Code.

23 P. "Residential development" means a development undertaken
24 for the purpose of creating a new dwelling unit or units and involving the
25 issuance of a building permit and certificate of occupancy for such
26 construction, reconstruction or use, or the construction approval for a
27 mobile home pad or pads.
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18.23.030 Fund established.

A Fire Facilities Impact Fee fund is established. The Fire Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of fire facilities, apparatus and equipment related to new residential and non-residential construction as described in this Chapter.

18.23.040 Fire Facilities Impact Fee.

There is imposed a Fire Facilities Impact Fee on all new residential and non-residential development as those terms are defined in this Chapter.

18.23.050 Fee imposed.

A. Any person who, after the effective date of this ordinance, seeks to engage in residential or non-residential development including mobile home development as defined in this Chapter by obtaining a building permit or construction approval for a mobile home pad or pads is required to pay a Fire Facilities Impact Fee in the manner and amount as set forth in the then current fee-setting resolution. The Fire Facilities Impact fee imposed pursuant to this Chapter shall not apply to applicants who have a valid building permit or construction approval for a mobile home pad or pads on the effective date of this ordinance codified in this Section.

B. No certificate of occupancy, temporary certificate of occupancy, final inspection approval or construction approval for a mobile home pad or pads, as applicable, for the activities listed in Subsection A of this Section shall be issued unless and until the Fire Facilities Impact Fee required by this Chapter has been paid to the City.

1 18.23.060 Calculation of Fire Facilities Impact Fee.

2 A. The Director of Planning and Building shall calculate the
3 amount of the applicable Fire Facilities Impact Fee due as specified in the
4 then current fee-setting resolution.

5 B. The Director of Planning and Building shall calculate the
6 amount of the applicable Fire Facilities Impact Fee due by:

7 1. Determining the number and type of dwelling units in a
8 residential development, or mobile home pads in a mobile home park or
9 site, and multiplying the same by the Fire Facilities Impact Fee amount
10 per dwelling unit or pad as established by the then current fee setting
11 resolution;

12 2. Determining the gross square feet of floor area, type of
13 use and location in a nonresidential development, and multiplying the
14 same by the Fire Facilities Impact Fee amount as established by the then
15 current fee-setting resolution;

16 3. Determining the number and type of dwelling units and
17 the nonresidential number of gross square feet of floor area, type of use
18 and location, in a structure containing mixed uses which include a
19 residential use, and multiplying the same by the Fire Facilities Impact Fee
20 amount for each use as established by the then current fee-setting
21 resolution;

22 4. Determining the gross square feet of floor area, type of
23 use and location in a structure containing mixed uses which include two or
24 more nonresidential principal uses, and multiplying the same by the Fire
25 Facilities Impact Fee amount as established by the then current fee-
26 setting resolution. The gross square feet of floor area of any accessory
27 use will be charged at the same rate as the predominant principal use
28 unless the Director of Planning and Building finds that the accessory use

1 is related to another principal use.

2
3 18.23.070 Payment of fee.

4 A. The City shall collect from the applicant the Fire Facilities Impact
5 Fee prior to the issuance of a certificate of occupancy, temporary
6 certificate of occupancy, final inspection or construction approval for
7 mobile home pad or pads, whichever occurs first.

8 B. Except for an administrative charge that shall be allocated to the
9 Department of Planning and Building, all funds collected shall be properly
10 identified and promptly transferred for deposit in the Fire Facilities Impact
11 Fee fund and used solely for the purposes specified in this Chapter.

12
13 18.23.080 Use of funds.

14 A. Funds collected from the Fire Facilities Impact Fee shall be
15 used to fund the costs of providing additional Fire services attributable to
16 new residential and non-residential construction and shall include:

17 1. The acquisition of additional property for Fire Department
18 facilities;

19 2. The construction of new buildings for Fire Department
20 services;

21 3. The furnishing of new buildings or facilities for Fire
22 Department services;

23 4. The purchasing of equipment, apparatus, and vehicles for
24 Fire Department services;

25 5. The funding of a master plan to identify capital facilities to
26 serve new Fire Department development.

27 6. The cost of financing (e.g., interest payments) related to
28 Items 1-5, inclusive.

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B. Funds shall not be used for periodic or routine maintenance.

C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Fire Facilities Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Subsection A of this Section.

D. Funds may be used to provide refunds as described in Section 18.23.090.

18.23.090 Refund.

A. Any applicant who has paid a Fire Facilities Impact Fee pursuant to this Chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Fire Facilities Impact Fee the development project has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units, a change in the type of dwelling units, a reduction in square footage, or the applicability of an exemption pursuant to Section 18.23.100 of this Chapter. The City shall retain a sum equaling twenty percent (20%) of the impact fee paid by the applicant to offset the administrative costs of refund. The applicant must submit an application for such a refund in accordance with Chapter 3.48 of this Code. In no event shall a refund exceed the amount of the Fire Facilities Impact Fee actually paid.

B. Any funds not expended, encumbered or obligated by issued indebtedness by the end of the calendar quarter immediately following five (5) years from the date the Fire Facilities Impact Fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at a rate equal to the rate of interest earned by the City from the time the fee was paid, provided that the landowner submits an

1 application for a refund within one hundred eighty (180) calendar days
2 from the expiration of the five-year period.

3
4 18.23.100 Exemptions and credits.

5 A. Exemptions. Any claim of exemption must be made no later
6 than the time of application for a building permit or mobile home
7 construction approval. The following shall be exempted from payment of
8 the Fire Facilities Impact Fee:

9 1. Alterations or expansion of an existing residential building
10 where no additional dwelling units are created and where the use is not
11 changed;

12 2. The replacement of a building or structure destroyed by
13 fire, flood, earthquake or other act of God, with a new building or structure
14 of the same size and use;

15 3. The installation of a replacement mobile home on a lot or
16 other such site when a Fire Facilities Impact Fee for such mobile home
17 site has previously been paid pursuant to this Chapter, or where a mobile
18 home legally existed on such site on or prior to the effective date of the
19 ordinance codified in this Chapter;

20 4. Nonresidential Development: Construction or occupancy
21 of a new nonresidential building or structure or an addition to or expansion
22 of an existing nonresidential building or structure of three thousand
23 (3,000) gross square feet or less;

24 5. Residential Development: Construction, replacement or
25 rebuilding of a single-family dwelling (one unit per lot) on an existing lot of
26 record, or the replacement of one mobile home with another on the same
27 pad, or the moving and relocation of a single-family home from one lot
28 within the City to another lot within the City, or the legalization of an illegal

1 dwelling unit existing prior to January 1, 1964, for which an Administrative
2 Use Permit is approved in accordance with Section 21.25.403D. This
3 exemption shall not apply to tract development, to the development of
4 more than one unit per lot nor to the replacement of a single-family
5 dwelling with more than one dwelling unit;

6 6. Affordable Housing for Lower Income Households.

7 Property rented, leased, sold, conveyed or otherwise transferred, at a
8 rental price or purchase price which does not exceed the "affordable
9 housing cost" as defined in Section 50052.5 of the California Health and
10 Safety Code when provided to a "lower income household" as defined in
11 Section 50079.5 of the California Health and Safety Code or "very low
12 income household" as defined in Section 50105 of the California Health
13 and Safety Code. This exemption shall require the applicant to execute an
14 agreement to guarantee that the units shall be maintained for lower and
15 very low income households whether as units for rent or for sale or
16 transfer, for the lesser of a period of thirty years or the actual life or
17 existence of the structure, including any addition, renovation or
18 remodeling thereto. The agreement shall be in the form of a deed
19 restriction or other legally binding and enforceable document acceptable
20 to the City Attorney and shall bind the owner and any successor-in-
21 interest to the real property being developed. The agreement shall
22 subordinate, if required, to any state or federal program providing
23 affordable housing to lower and very low income households. The
24 agreement shall be recorded with the Los Angeles County Recorder prior
25 to the issuance of a certificate of occupancy. The City's Housing Services
26 Bureau shall be notified of pending transfers or purchases and give its
27 approval of the purchaser's qualifying income status and purchase price,
28 prior to the close of escrow. The City's Housing Services Bureau shall be

1 notified of pending rentals and give its approval of proposed tenant's
2 qualifying income status and rental rate, prior to the tenant's occupancy.
3 Applicant or any successor-in-interest shall be required to provide
4 annually, or as requested, the names of all tenants or purchasers, current
5 rents, and income certification to insure compliance. Voluntary removal of
6 the housing restriction or violation of the restriction shall be enforced by
7 the City's Housing Services Bureau and shall require the applicant or any
8 successor-in-interest to pay the then applicable Fire Facilities Impact Fee
9 at the time of voluntary conversion or as imposed at the time of violation
10 on the unit in violation, plus any attorneys' fees and costs of enforcement,
11 if applicable.

12 7. Hospitals as that term is defined in Section 21.15.1370 of
13 this Code.

14 B. Credits. Any applicant whose development is located within a
15 Community Facilities District (CFD), and is subject to the assessments
16 thereof, shall receive an offset credit towards the fees established by this
17 Chapter to the extent that the assessments fund improvements within the
18 CFD which would otherwise be funded by the development impact fees
19 established by this Chapter.

20
21 18.23.110 Appeals.

22 A. An applicant may appeal, by protest, any imposition of the Fire
23 Facilities Impact Fee by filing a notice of appeal with the City Clerk within
24 ninety (90) days after the applicant pays the required fee.

25 B. A valid appeal by protest of the imposition of the Fire Facilities
26 Impact Fee shall meet all of the following requirements:

27 1. Tendering in advance of the appeal any required
28 payment in full or providing assurance of payment satisfactory to the City

1 Attorney;

2 2. Serving written notice on the City including:

3 a. A statement that the required payment has been
4 tendered under protest or that required conditions have been satisfied;

5 b. A statement informing the City of the factual
6 elements of the dispute and the legal theory forming the basis of the
7 protest;

8 c. The name and address of the applicant;

9 d. The name and address of the property owner;

10 e. A description and location of the property;

11 f. The number of residential units or nonresidential
12 gross square footage proposed, by land use or dwelling unit type, as
13 appropriate; and

14 g. The date of issuance of the building permit.

15 C. The City Council shall schedule a hearing and render a final
16 decision on the applicant's appeal within sixty (60) days after the date the
17 applicant files a valid appeal.

18 D. The City Council hearing shall be administrative. Evidence shall
19 be submitted by the City and by the applicant and testimony shall be
20 taken under oath.

21 E. The burden of proof shall be on the applicant to establish that
22 the applicant is not subject to the imposition of the Fire Facilities Impact
23 Fee pursuant to the express terms of this Chapter and applicable state
24 law.

25 F. If the Fire Facilities Impact Fee has been paid in full or if the
26 notice of appeal is accompanied by a cash deposit, letter of credit, bond
27 or other surety acceptable to the City Attorney in an amount equal to the
28 Fire Facilities Impact Fee calculated to be due, the application for the

1 building permit or mobile home construction approval shall be processed.
2 The filing of a notice of appeal shall not stay the imposition or the
3 collection of the Fire Facilities Impact Fee calculated by the City to be due
4 unless sufficient and acceptable surety has been provided.

5 G. Any petition for judicial review of the City Council's final
6 decision shall be made in accordance with applicable state law and
7 pursuant to Section 18.23.120.

8
9 18.23.120 Judicial review.

10 A. Any judicial action or proceeding to attack, review, set aside,
11 void or annul the ordinance codified in this Chapter, or any provision
12 thereof, or resolution, or amendment thereto, shall be commenced within
13 ninety (90) days of the effective date of the ordinance codified in this
14 Chapter, resolution, or any amendment thereto.

15 B. Any judicial action or proceeding to attack, review, set aside or
16 annul the imposition or collection of a Fire Facilities Impact Fee on a
17 development shall be preceded by a valid appeal by protest pursuant to
18 Section 18.23.110 hereof and a final decision of the City Council pursuant
19 thereto and shall be filed and service of process effected within ninety (90)
20 days after the hearing on appeal regarding the imposition of a Fire
21 Facilities Impact Fee upon the development.

22
23 18.23.130 Annual report and amendment procedures.

24 A. Within 180 days after the last day of each fiscal year, the Fire
25 Chief of the City of Long Beach shall evaluate progress in implementation
26 of the Fire Facilities Impact Fee Program and shall prepare a report
27 thereon to the City Council in accordance with Government Code Section
28 66006 incorporating among other things:

1 1. The Fire facilities, apparatus, and equipment
2 commenced, purchased or completed utilizing monies from the Fire
3 Facilities Impact Fee fund;

4 2. The amount of the fees collected and the interest earned;

5 3. The amount of Fire Facilities Impact Fees in the fund; and

6 4. Recommended changes to the Fire Facilities Impact Fee,
7 including but not necessarily limited to, changes in the Fire Facilities
8 Impact Fee Chapter or fee-setting resolution.

9 B. Based upon the report and such other factors as the City
10 Council deems relevant and applicable, the City Council may amend the
11 ordinance codified in this Chapter or the fee-setting resolution
12 implementing this Chapter. Changes to the Fire Facilities Impact Fee
13 rates or schedules may be made by amending the fee-setting resolution.
14 Any change which increases the amount of the Fire Facilities Impact Fee
15 shall be adopted by the City Council only after a noticed public hearing.
16 Nothing herein precludes the City Council or limits its discretion to amend
17 the ordinance codified in this Chapter or the fee-setting resolution
18 establishing Fire Facilities Impact Fee rates or schedules at such other
19 times as may be deemed necessary.

20
21 18.23.140 Effect of Fire Facilities Impact Fee on zoning and subdivision
22 regulations.

23 This Chapter shall not affect, in any manner, the permissible use of
24 property, density/intensity of development, design and improvement
25 standards and public improvement requirements or any other aspect of
26 the development of land or construction of buildings, which may be
27 imposed by the City pursuant to the City's zoning regulations, subdivision
28 regulations or other ordinances or regulations of the City, which shall be

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operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

18.23.150 Violation--Penalty.

A violation of this Chapter shall be prosecuted in the same manner as misdemeanors are prosecuted; and upon conviction, the violator shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Chapter.

18.23.160 Severability.

If any section, phrase, sentence, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

18.23.170 Effective date.

The ordinance codified in this Chapter shall become effective sixty-one (61) days following the date of its adoption.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the sixty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2007, by

//
//

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 the following vote:

2 Ayes: Councilmembers:

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Noes: Councilmembers:

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Absent: Councilmembers:

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City Clerk

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Approved: _____

Mayor

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MJM:kjm 3/13/07 #06-04706

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1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH ESTABLISHING A FIRE FACILITIES
5 IMPACT FEE AND ADOPTING A COMPREHENSIVE IMPACT
6 FEE (NEXUS) STUDY FOR THE CITY OF LONG BEACH
7

8 WHEREAS, many cities and counties have adopted and imposed
9 development impact fees on new development to pay for new development's fair share
10 of infrastructure and services; and

11 WHEREAS, on _____, 2007, the City Council of the City of
12 Long Beach adopted Ordinance No. _____, establishing a Fire Facilities
13 Impact Fee in the City of Long Beach; and

14 WHEREAS, the City retained the consulting firm of MuniFinancial to
15 prepare a nexus study entitled "Public Safety Impact Fee Study" dated August 18, 2006
16 for the City of Long Beach (the "Study") in accordance with Government Code §§ 66000
17 et seq.; and

18 WHEREAS, the Study provided the City with information and data
19 regarding the nexus between the public facilities and services and the benefitting land
20 uses that would pay the fees at time of development; and

21 WHEREAS, the Study provided data outlining the various public facilities
22 and services which are required to meet the need generated by new development
23 projects in the City; and

24 WHEREAS, it is the City's policy that future new development should
25 contribute its fair share to public facilities and services though the imposition of impact
26 fees which will be used to finance, defray or reimburse the City for the appropriate
27 portion of the cost of public facilities which serve such development; and
28

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1 WHEREAS, Chapter 18.23 of the Long Beach Municipal Code (Fire
2 Facilities Impact Fee) recognizes that residential and non-residential development
3 within the City will result in additional growth and that such growth will place additional
4 burdens on various public safety facilities, infrastructure, and services. Chapter 18.23
5 further recognizes the types of land development that will generate those impacts
6 necessitating the acquisition of land, the construction of public safety facilities and the
7 expansion of services and infrastructure needed to meet and accommodate them; and

8 WHEREAS, the City Council has held at least one duly noticed public
9 hearing on the proposed development impact fees with an opportunity for the public to
10 be heard, pursuant to the provisions of Government Code §§ 66016 – 66018; and

11 WHEREAS, the Study prepared has been available for public review and
12 comment pursuant to the provisions of Government Code § 66016; and

13 WHEREAS, pursuant to the provisions of Ordinance No. _____,
14 the City Council of the City of Long Beach desires to impose and adopt the
15 Development Impact Fees (Fire Facilities Impact Fee) in accordance with the nexus
16 calculations and recommendations in the Study; and

17 WHEREAS, imposition of fees to finance public safety facilities and
18 service improvements is necessary in order to protect the public health, safety and
19 welfare of the citizens of the City of Long Beach.

20 NOW, THEREFORE, the City Council of the City of Long Beach does
21 hereby find and resolve as follows:

22 Section 1. The City Council of the City of Long Beach finds that the
23 purpose of the impact fees hereby established is to prevent new development from
24 reducing the quality and availability of public safety services provided to residents of the
25 City of Long Beach by requiring new development to contribute its fair share to the cost
26 of additional capital assets and services needed to meet the needs of growth.

27 Sec. 2. That the City Council of the City of Long Beach finds and
28 determines that the “Public Safety Impact Fee Study” dated August 18, 2006 prepared

1 by MuniFinancial (the "Study") complies with California Government Code § 66001 by
2 establishing the basis for the imposition of the fees on new development. This finding is
3 based on the fact that the Study:

- 4 A. Identifies the purpose of the fees;
- 5 B. Identifies the use to which the fees will be put;
- 6 C. Shows a reasonable relationship between the use of the fees
7 and the type of development project on which the fees are imposed;
- 8 D. Demonstrates a reasonable relationship between the need for
9 the public facilities and services and the type of development projects on which the fees
10 are imposed; and
- 11 E. Demonstrates a reasonable relationship between the amount of
12 the fees and the cost of the public facilities and services or portions thereof attributable
13 to the development on which the fees are imposed.

14 Sec. 3. That the City Council hereby determines that the fees collected
15 pursuant to this Resolution shall be used to finance the public facilities, equipment and
16 services described or identified in the above referenced ordinance and Study.

17 Sec. 4. That the City Council finds that the projects and fee methodology
18 identified in the Study are consistent with the City's General Plan and Capital
19 Improvement Plan.

20 Sec. 5. Based on analysis presented in the above referenced Public
21 Safety Impact Fee Study, the City Council of the City of Long Beach finds that there is a
22 reasonable relationship between:

- 23 A. The use of the fee and the development type on which it is
24 imposed;
- 25 B. The need for the public safety facilities, infrastructure and
26 services and the type of development on which the fee is imposed; and
- 27 C. The amount of the fee and the cost attributable to the
28 development project.

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1 Sec. 6. The adoption of the Study and the Fire Facilities Impact Fee are
2 statutorily and categorically exempt from the requirements of the California
3 Environmental Quality Act ("CEQA"), because the setting of development impact fees
4 merely establishes a funding mechanism for the provision of future projects, and as
5 such, the Resolution is not an essential step culminating in action which may affect the
6 environment, and environmental review required under CEQA will be performed when
7 projects funded by the development impact fees are chosen and defined. (Kaufman &
8 Broad South Bay, Inc. v. Morgan Hill (1993) 9 Cal.App.4th 464).

9 Sec. 7. That the City Council adopts the Development Impact Fee
10 schedule attached hereto as Exhibit "A."

11 Sec. 8. That the Public Safety Impact Fee Study dated August 18, 2006,
12 and prepared by MuniFinancial is hereby adopted and incorporated herein by reference
13 as though set forth in full, word for word.

14 Sec. 9. That the fees specified in the attached Exhibit A shall become
15 effective sixty (60) days following the adoption of this Resolution by the City Council,
16 and the City Clerk shall certify to the vote adopting this Resolution.

17 I hereby certify that the foregoing Resolution was adopted by the City
18 Council of the City of Long Beach at its meeting of _____, 2007, by

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the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

NEW - DEVELOPMENT IMPACT FEES

Fire Facilities Impact Fee

DEPARTMENT: PLANNING AND BUILDING

Fee Name	Description	Fee	Per
NEW FEES			
DEVELOPMENT IMPACT FEES			
Fire Facilities Impact Fee	To mitigate the impact new development places on existing fire facilities.		
	Residential - Single Family Unit	\$496.00	Dwelling Unit
	Residential - Multi-Family Unit (two or more dwelling units)	\$378.00	Dwelling Unit
	Nonresidential - Commercial	\$ 0.267	Square Ft
	Nonresidential - Office	\$ 0.325	Square Ft
	Nonresidential - Industrial	\$ 0.132	Square Ft

CITY OF LONG BEACH

PUBLIC SAFETY IMPACT FEE STUDY



AUGUST 18, 2006



Oakland Office

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Seattle, WA
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www.muni.com

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Executive Summary

This report summarizes an analysis of the need for public safety facilities and capital improvements to support future development within the City of Long Beach through 2025. It is the City's intent that the costs representing future development's share of these facilities and improvements be imposed on that development in the form of a development impact fee, also known as a public facilities fee. The public facilities and improvements included in this analysis of the City's public facilities fee program are divided into the fee categories listed below.

- ◆ Fire Protection Facilities
- ◆ Police Facilities

Background and Study Objectives

The primary policy objective of a public facilities fee program is to ensure that new development pays the capital costs associated with growth. The primary purpose of this report is to complete a comprehensive fee study and determine the maximum justified public facilities fee levels to impose on new development to maintain the City's facilities standard. The City should review and update this report and the calculated fees once every five years to incorporate the best available information.

The City imposes public facilities fees under authority granted by the *Mitigation Fee Act*, contained in *California Government Code* Sections 66000 *et seq.* This report provides the necessary findings required by the *Act* for adoption of the public facilities fees presented in the fee schedules contained herein.

Demographic Assumptions

To estimate facility needs, this study uses residential and household population data provided by the California Department of Finance and the U.S. Census. The population projection for 2025, an expected increase of roughly 56,000 residents, is from the Southern California Association of Governments (SCAG). Current and future employment estimates are also from SCAG. Current and future dwelling unit estimates, categorized by single and multi-family units, are from a land use model generated by the Los Angeles Metropolitan Transit Authority. The development projections used in this analysis are summarized in **Table E.1**.

Table E.1: Demographic Assumptions

	2005	2025	Increase	% Increase
Residents ¹	491,600	547,900	56,300	11%
Dwelling Units ²				
Single Family	78,600	80,100	1,500	2%
Multi-family	93,100	97,900	4,800	5%
Total	171,700	178,000	6,300	4%
Employment ³	192,600	238,400	45,800	24%

¹ 2005 estimate is from the California Department of Finance. 2025 estimate is from the Southern California Association of Governments (SCAG).

² Los Angeles Metropolitan Transportation Authority, 2005 Development Impact Fee Study.

³ Southern California Association of Governments (SCAG).

Sources: California Department of Finance; Southern California Association of Governments (SCAG); Los Angeles Metropolitan Transportation Authority; MuniFinancial.

Facility Standards and Costs of Growth

This fee analysis uses standards based on the City’s policy to determine the cost of facilities required to accommodate growth for public facilities. A standard for each facility category considered in this study is derived from the City’s existing inventory of facilities as well as the City’s capital facility plans for 2025, where available. Depending on the facility standard, the City currently may or may not have sufficient facilities to serve existing development. If the City’s existing facilities are below standard, a deficiency exists. In this case, the portion of the cost of planned facilities associated with correcting the deficiency must be allocated to non-fee funding sources. Public facilities fees can only fund future facilities needed to accommodate new development at the adopted standard.

Therefore, this study distinguishes between the share of future facilities needed to accommodate growth and the share that serves existing residents and businesses. New development can only fund its fair share of planned facilities. To ensure compliance with the law, this study ensures that there is a reasonable relationship between new development, the amount of the fee, and facilities funded by the fee.

Fee Schedule Summary

Table E.2 summarizes the schedule of maximum justified public safety fees based on the analysis contained in this report. The City may adopt any fee up to those shown in the table. If the City elects to adopt a lower fee, it should consider reducing the fee for each land use by the same percentage. This approach would ensure that each new development project would fund the same proportionate share of public facilities costs.

Table E.2: Proposed Public Facilities Fee Summary

Land Use	Fire		Total
	Protection	Police	
<i>Residential (per dwelling unit)</i>			
Single Family Unit	\$ 496	\$ 703	\$ 1,199
Multi-family Unit	378	537	915
<i>Nonresidential (per thousand square feet)</i>			
Commercial	\$ 267	\$ 442	\$ 709
Office	325	538	863
Industrial	132	218	350

Sources: Tables 3.6 and 4.6.

1. Introduction

This report presents an analysis of the need for public facilities to accommodate new development in the City of Long Beach. This chapter explains the study approach and summarizes results under the following sections:

- ◆ Background and study objectives;
- ◆ Public facilities financing in California;
- ◆ Public facilities planning and financing in Long Beach;
- ◆ Organization of the report; and
- ◆ Facility standards approach.

Background and Study Objectives

The primary policy objective of a public facilities fee program is to ensure that new development pays the capital costs associated with growth. The primary purpose of this report is to complete a comprehensive fee study and determine the maximum justified public facilities fee levels to impose on new development to maintain the City's facilities standard. The City should review and update this report and the calculated fees once every five years to incorporate the best available information.

The City imposes public facilities fees under authority granted by the *Mitigation Fee Act*, contained in *California Government Code* Sections 66000 *et seq.* This report provides the necessary findings required by the *Act* for adoption of the public facilities fees presented in the fee schedules contained herein.

Public Facilities Financing In California

The changing fiscal landscape in California during the past 30 years has steadily undercut the financial capacity of local governments to fund infrastructure. Three dominant trends stand out:

- ◆ The passage of a string of tax limitation measures, starting with Proposition 13 in 1978 and continuing through the passage of Proposition 218 in 1996;
- ◆ Declining popular support for bond measures to finance infrastructure for the next generation of residents and businesses; and
- ◆ Steep reductions in federal and state assistance.

Faced with these trends, many cities and counties have adopted a policy of "growth pays its own way." This policy shifts the burden of funding infrastructure expansion from existing taxpayers onto new development. This funding shift has been accomplished primarily through the imposition of assessments, special taxes, and development impact fees also known as public facilities fees. Assessments and special taxes require approval of property owners and are appropriate when the funded facilities are directly related to

the developing property. Development fees, on the other hand, are an appropriate funding source for facilities that benefit all development jurisdiction-wide. Development fees need only a majority vote of the legislative body for adoption.

Public Facilities Planning and Financing In Long Beach

The City of Long Beach will need to construct and acquire additional public safety infrastructure and facilities to meet the demands of community growth. The Long Beach Fire Department, in 2002, commissioned a Facilities Assessment Report, prepared by 3D/International which details the state of existing facilities and provides some general information of future needs. The police department has no such planning document at this time but has identified a need to construct new East Division and Fifth District buildings to replace facilities that are presently leased by the Department. Preliminary facility needs are described in the “Facility Inventories, Plans & Standards” section of each chapter.

A suggested use of initial fee revenues would be to fund master planning to more specifically identify capital facilities necessary to serve new development. Fee revenues can fund the portion of master plan costs associated with facilities to serve growth. Upon completion of the master planning effort and the identification of capital facilities needed to accommodate growth, the City should update its public facilities fee program to include these new projects and any financing costs that may be required to construct facilities when needed.

Through the process of preparing master plans, the City may choose to raise its facilities standards above the existing levels. These increased facility standards would then be documented in the fee update. In this situation, new development would pay a fee based on this higher standard. However, using a facility standard that is higher than the existing inventory standard creates a deficiency for existing development. The City would have to secure non-fee funding for that portion of planned facilities required to correct the deficiency caused by this higher standard.

By nature, cash flow from public facilities fee revenues are constrained by rates of growth and the timing of revenue collection. Since public facilities fees represent a pay-as-you-go system, cities may confront the problem of only being able to partially fund large projects with fee revenues at the time of project implementation. Therefore, facilities needs may require alternative financing options in order to implement projects in a timelier manner. The cost of financing (e.g. interest payments) can legitimately be included into the public facilities fee.

By using fee revenues to fund a master planning effort and updating the fee to reflect the identified projects and possible financing costs, the City will maximize its ability to maintain its facilities standard and fund the capital facilities necessary to serve new development.

Finally, all fee-funded capital projects should be programmed through a 5-year Capital Improvement Plan (CIP). Using a CIP can help the City of Long Beach identify and direct its fee revenue to public facilities projects that will accommodate future growth.

By programming fee revenues to specific capital projects, the City of Long Beach can identify the use for fee revenues as expressly required by the *Mitigation Fee Act*.

Organization of the report

The determination of a public facilities fee begins with the selection of a planning horizon and development of projections for population and employment. These projections are used throughout the analysis of both fire protection and police facilities, and are summarized in Chapter 2.

Chapters 3 and 4 are devoted to documenting the maximum justified public facilities fee for the following facility categories:

- ◆ Fire Protection Facilities
- ◆ Police Facilities

Chapter 5 details the procedures that the City must follow when implementing a development impact fee program. Impact fee program adoption procedures are found in *California Government Code* Section 66016.

The five statutory findings required for adoption of the proposed public facilities fees in accordance with the *Mitigation Fee Act* (codified in *California Government Code* Sections 66000 through 66025) are summarized in Chapter 6.

Facility Standards Approach

A facility standard is a policy that indicates the amount of facilities required to accommodate service demand. Examples of facility standards include building square feet per capita and park acres per capita. Standards also may be expressed in monetary terms such as the replacement value of facilities per capita. The adopted facility standard is a critical component in determining new development's need for new facilities and the amount of the fee. Standards determine new development's fair share of planned facilities and ensure that new development does not fund deficiencies associated with existing development.

Types of Facility Standards

Facility standards can be categorized into three main "types": demand, design, and cost standards. The following describes each of these types.

- ◆ *Demand standards* determine the amount of facilities required to accommodate growth – for example, park acres per 1,000 residents, traffic level of service, and gallons of water per day per dwelling unit
- ◆ *Design standards* determine how a facility should be designed to meet expected demand – for example park improvement requirements, street intersection design, and water storage needs.

- ◆ *Cost standards* determine the cost per unit of demand based on the estimated cost of facilities – for example cost per capita, cost per vehicle trip, or cost per gallon of water per day.

Determining Facility Standards

The most commonly accepted approaches to determining a facility standard are described below.

- ◆ The **existing inventory method** uses a facility standard based on the ratio of existing facilities to the existing development. Under this approach new development funds the expansion of facilities at the same rate that existing development has provided facilities to date. By definition, the existing inventory method does not consider facility deficiencies attributable to existing development. To increase facility standards the jurisdiction must secure funding in addition to development fees.
- ◆ The **system plan method** calculates the standard based on the ratio of all existing plus planned facilities to total future demand (existing and new development). This method is used when (1) the local agency anticipates increasing its facility standard above the existing inventory standard discussed above, and (2) planned facilities are part of a system that benefit both existing and new development. Using a facility standard that is higher than the existing inventory standard creates a deficiency for existing development. The jurisdiction must secure non-fee funding for that portion of planned facilities required to correct the deficiency.
- ◆ The **planned facilities method** calculates the standard solely based on the ratio of planned facilities to the increase in demand associated with new development. This method is appropriate when planned facilities only benefit new development, such as a sewer trunk line extension to a previously undeveloped area.

The Types and Approaches Used In This Study

The type of facility standard calculated in this study is primarily the cost standard. This study uses the existing inventory approach to determine facility standards for fire protection facilities. Under the existing inventory approach, new development would contribute to the cost of improvements in proportion to the level of investment made to date by existing development for facilities.

Police fees are based on the system plan method. The fees, therefore, are based on the projected facility standard for the year 2025. Because the facility standard for police facilities is projected to increase, a component of the cost of planned facilities has been identified as existing development's fair-share responsibility.

2. Demographic Assumptions

To assist in determining the appropriate fee structure, existing development estimates and new development growth projections are used. Projected new development is estimated using the existing service population in 2005 as a base year with a planning horizon through the year 2025.

Service Population

Different types of new development use public facilities at different rates in relation to each other, depending on the services provided. In Chapters 3 and 4, a specific service population is identified for each facility category to reflect total demand. The service population weights residential land use types against nonresidential land uses based on the relative demand for services between residents and workers.

Land Use Types

To ensure a reasonable relationship between each fee and the type of development paying the fee, growth projections distinguish between different land use classifications. The land use types used in this analysis are defined below.

- ◆ **Single family:** Attached and detached one-family dwelling units; and
- ◆ **Multi-family:** All attached single family dwellings such as duplexes and condominiums, plus mobile homes, apartments, and dormitories.
- ◆ **Commercial:** All commercial, retail, educational, and hotel/motel development.
- ◆ **Office:** All general, professional, and medical office development.
- ◆ **Industrial:** All manufacturing and warehouse development.

Some developments may include more than one land use type, such as an industrial warehouse with living quarters (a live-work designation) or a planned unit development with both single and multi-family uses. In these cases the public facilities fee would be calculated separately for each land use type.

The City should have the discretion to impose the public facilities fee based on the specific aspects of a proposed development regardless of the zoning designation where project will be located. Should the project be located in an area that is not zoned as any of the above stated land use types, the guideline to use is the probable occupant density of the development, either residents per dwelling unit or workers per building square foot, to determine which fee will be charged. The fee imposed should be based on the land use type that most closely represents the probable occupant density of the development.

Occupant Densities

Occupant densities ensure a reasonable relationship between the increase in service population and amount of the fee. Developers pay the fee based on the number of additional housing units or building square feet of nonresidential development, so the fee schedule must convert service population estimates to these measures of project size. This conversion is done with average occupant density factors by land use type, shown in **Table 2.1**.

The residential occupant density factors are derived from the 2000 U.S. Census Bureau's Tables H-31 through H-33. Table H-31 provides vacant housing units data, while Table H-32 provides information relating to occupied housing. Table H-33 documents the total 2000 population residing in occupied housing. The US Census numbers are adjusted by using the California Department of Finance (DOF) estimates for January 1, 2005, and the most recent State of California data available. The nonresidential density factors are based on the *Employment Density Study Summary Report*, prepared for the Southern California Association of Governments, October 2001 by The Natelson Company. For example, the industrial density factor represents an average for light industrial, heavy industrial, and warehouse uses likely to occur in the City.

Table 2.1: Occupant Density

Residential

Single Family	3.17	Residents Per Single Family Unit
Multi-family	2.43	Residents Per Multi-family Unit

Nonresidential

Commercial	2.01	Employees per 1,000 square feet
Office	2.45	Employees per 1,000 square feet
Industrial	1.00	Employees per 1,000 square feet

Sources: United States 2000 Census (Tables H-31, H-32, H-33); California State Department of Finance E-5 report for City of Long Beach Jan. 1, 2005; The Natelson Company, Inc., *Employment Density Study Summary Report*, Los Angeles County Region, prepared for the Southern California Association of Governments, October 31, 2001; MuniFinancial.

Demographic Assumptions for City of Long Beach

Table 2.2 summarizes the demographic assumptions used in this analysis. The base year for this study is the year 2005, which represents the latest year for which detailed

statistics were available at the time the research for the study was conducted. The existing facilities in 2005 are used to calculate the existing facilities standard in our study.

The base year residential estimate is calculated using the California Department of Finance (DOF) January 1, 2005 estimates. The population projection for 2025, an expected increase of roughly 56,000 residents, is from the Southern California Association of Governments (SCAG). Current and future employment estimates are also from SCAG. Current and future dwelling unit estimates, categorized by single and multi-family units, are from a land use model generated by the Los Angeles Metropolitan Transit Authority.

Table 2.2: Demographic Assumptions

	2005	2025	Increase	% Increase
Residents ¹	491,600	547,900	56,300	11%
Dwelling Units ²				
Single Family	78,600	80,100	1,500	2%
Multi-family	93,100	97,900	4,800	5%
Total	171,700	178,000	6,300	4%
Employment ³	192,600	238,400	45,800	24%

¹ 2005 estimate is from the California Department of Finance. 2025 estimate is from the Southern California Association of Governments (SCAG).

² Los Angeles Metropolitan Transportation Authority, 2005 Development Impact Fee Study.

³ Southern California Association of Governments (SCAG).

Sources: California Department of Finance; Southern California Association of Governments (SCAG); Los Angeles Metropolitan Transportation Authority; MuniFinancial.

3. Fire Protection Facilities

The purpose of the fee is to ensure that new development funds its fair share of fire protection facilities. A fee schedule is presented based on the existing standard of fire protection facilities in the City of Long Beach facilities to ensure that new development provides adequate funding to meet its needs.

Service Population

Fire protection facilities serve both residents and businesses. Therefore, demand for services and associated facilities are based on the City’s service population including residents and workers.

Table 3.1 shows the estimated service population in 2005 and 2025. To calculate service population for fire protection facilities, residents are weighted at 1.00. The use of a worker demand factor of 0.85 for workers in the City of Long Beach is based on a MuniFinancial analysis of calls for service, categorized by land use, in the City during the 2005 calendar year. MuniFinancial divided total calls to residential areas by the residential population to yield an annual calls-per-capita factor. Dividing total calls to nonresidential areas by total employment in the City yielded a comparable per-capita factor. The ratio of the worker per capita factor to the resident per capita factor is the worker demand factor shown in Table 3.1.

Table 3.1: Fire Facilities Service Population

	A	B	C	D = A+(B*C)
	Residents	Workers	Worker Demand Factor ¹	Service Population
Existing (2005)	491,600	192,600	0.85	655,300
New Development (2005-2025)	56,300	45,800	0.85	95,200
Total (2025)	547,900	238,400	0.85	750,500

¹ Based on MuniFinancial analysis of Long Beach Fire Department call data by zoning type for the 2005 calendar year.

Sources: Table 2.2; City of Long Beach Fire Department; MuniFinancial.

Facility Inventories, Plans & Standards

This study uses the existing facilities standard to calculate fees for fire protection facilities. Fire protection services in the City of Long Beach are presently based out of an Emergency Communications and Operations Center (ECOC), which was constructed in

2003 and is jointly operated by both the police and fire departments. The Fire Department also operates 21 additional stations and several supplementary facilities including an extensive training center.

The unit value for land in Long Beach was provided by the City of Long Beach Property Bureau Manager. The unit costs for most buildings are based on a Risk Management insurance valuation completed on January 23, 2006 and provided by City staff. The unit value for the ECOC is based on actual costs.

Table 3.2 shows the existing building and land values by facility. The ECOC is assumed by the City to be evenly split between the Fire and Police departments and land and building square footage have been allocated accordingly. For facilities are located on land owned by the Port of Long Beach. Because the department controls the facilities in but does not own the land, only the buildings have been valued in this inventory.

Table 3.2: Existing Inventory - Fire Facilities Land & Buildings

Facility	Address	Land			Buildings		
		Sq. Ft.	Unit Cost	Value	Sq. Ft.	Unit Cost	Value
Emerg. Comm. Op. Center ¹	2290 Redondo Ave.	45,000	\$ 22.50	\$ 1,012,500	21,000	\$ 456	\$ 9,580,000
Fire Station 2	1645 E. 3rd St.	10,733	22.50	241,500	4,932	156	769,000
Fire Station 3	1222 Daisy Ave.	12,410	22.50	279,200	6,214	202	1,255,000
Fire Station 4	411 Loma Ave.	14,174	22.50	318,900	5,864	156	915,000
Fire Station 5	7575 E. Wardlow Rd.	56,000	22.50	1,260,000	4,221	164	692,000
Fire Station 6 (POLB) ²	330 Windsor Way	-	22.50	-	2,160	117	253,000
Fire Station 7	2295 Elm Ave.	12,022	22.50	270,500	6,183	147	909,000
Fire Station 8	5365 E. 2nd St.	8,015	22.50	180,300	5,229	183	957,000
Fire Station 9	3917 Long Beach Blvd.	5,919	22.50	133,200	5,548	148	821,000
Fire Station 10 (+ Equip Bldg)	1417 Peterson Ave.	44,801	22.50	1,008,000	9,182	138	1,267,000
Fire Department Museum ³	1445 Peterson Ave.	-	22.50	-	6,000	120	720,000
Storage Shed #1 ³	1465 Peterson Ave.	-	22.50	-	4,780	181	865,000
Fire Alarm Building ³	1475 Peterson Ave.	-	22.50	-	4,770	151	720,000
Fire Station 11	160 E. Market St.	18,750	22.50	421,900	7,135	133	949,000
Fire Station 12	6509 Gundry Ave.	12,000	22.50	270,000	3,879	151	586,000
Fire Station 13	2475 Adriatic Ave.	10,402	22.50	234,000	6,214	202	1,255,000
Fire Station 14	5200 Elliot St.	29,000	22.50	652,500	7,481	160	1,197,000
Fire Boat Station 15 (POLB) ²	Pier F Ave., Berth 202F	-	22.50	-	2,010	56	113,000
Fire Station 16	2890 E. Wardlow Ave.	33,000	22.50	742,500	8,932	221	1,974,000
Fire Station 17	2241 Argonne Ave.	16,000	22.50	360,000	6,214	202	1,255,000
Fire Station 18	3361 Palo Verde Ave.	16,000	22.50	360,000	2,251	187	421,000
Fire Station 19	3559 Clark Ave.	21,000	22.50	472,500	5,262	165	868,000
Fire Station Boat 20 (POLB) ²	1980 Pier D St.	-	22.50	-	2,010	103	207,000
Fire Boat Station 21 ^{4,5}	225 Marina Way	10,831	22.50	243,700	2,412	103	248,000
Fire Station 22	6340 Atherton St.	23,958	22.50	539,100	5,216	110	574,000
Fire Station 24 (POLB) ²	611 Pier T Ave.	-	22.50	-	1,440	117	168,000
Department Training Center	2249 Argonne Ave.	197,000	22.50	4,432,500	7,856	111	872,000
Fire Training Drill Tower	2249 Argonne Ave.	-	22.50	-	3,200	464	1,485,000
Search and Rescue Facility ⁵	2241 Argonne Ave.	-	22.50	-	5,280	95	502,000
Beach Operations	2100 E. Ocean Blvd.	4,000	22.50	90,000	2,000	-	-
Warehouse/Workshop ^{4,5}	6204 E. 2nd St.	39,093	22.50	879,600	8,706	72	627,000
Marine Safety Division	72 Place	2,600	22.50	58,500	1,200	220	264,000
Total		642,708		\$ 14,460,900	174,781		\$ 33,288,000

Note: All cost estimates based on RM insurance valuations updated 1/23/06 unless otherwise noted.

¹ Building value based on actual construction costs, less the remaining principal owed (\$1,991,000) and does not include the cost of financing. Jointly owned by Police and Fire departments. Square footage assumed split 50/50. Includes Fire Station #1.

² Located on land owned by the Port of Long Beach.

³ Same land parcel as 1417 Peterson.

⁴ Located on land owned by the Long Beach Marina.

⁵ Exact square footage of land parcel unknown. Value used is an estimate based on average floor area ratio of known fire facilities.

⁶ Same land parcel as 2249 Argonne.

Sources: City of Long Beach; Long Beach Fire Department; MuniFinancial.

Because the fire fees are based on the existing facility standard, the value shown for the ECOC in Table 3.2 represents only the portion of the total ECOC value that has been paid off thus far. This ensures that the inventory accurately accounts for the present investment that has been made in fire protection facilities.

The Facilities Assessment Report prepared for the Department by 3D/International identified 11 stations that will need to be replaced in the coming years. Overall, the Fire Department's stock of facilities is quite dated, with a number of stations that are several decades old. While the replacement of existing facilities is not, on its own, a legitimate use of impact fee revenues, a portion of the project costs may be eligible for impact fee contributions if they expand or intensify the current facility service levels. For example, if a replacement station is built larger than the original to accommodate additional vehicles and/or staff to serve a growing service population, the portion of the project costs

devoted to the expansion can be funded with fee revenues. This type of expansion will likely be a significant use of fee revenues through 2025. Additionally, fee revenues can be used to fund new stations, along with any associated equipment and apparatus.

Table 3.3 details the current inventory of vehicles used for fire protection services. Where appropriate, vehicle and equipment values have been accounted for separately. For the remainder of the vehicles there either is no additional equipment, or it was not possible to separate the vehicle and equipment costs.

Table 3.3: Existing Inventory - Fire Apparatus

Description	Qty.	Vehicle Cost ¹	Equipment Cost	Replacement Cost
<i>Vehicles</i>				
Sedan CNG	1	\$ 25,000	\$ -	\$ 25,000
Electric Cart	2	10,000	-	20,000
Fire Solids	15	29,000	-	435,000
Utility Vehicle - Large	7	68,000	-	476,000
Beach Pickup	4	26,000	-	104,000
Utility Vehicle - Compact	16	21,000	-	336,000
Step Van	2	22,000	-	44,000
Mini Van	9	27,000	-	243,000
Van 3/4 Ton	1	23,000	-	23,000
Van 1 Ton CNG	3	24,000	-	72,000
Mini Pickup	1	14,000	-	14,000
Pickup 1/2 Ton	5	24,000	-	120,000
Pickup 3/4 Ton	1	26,000	-	26,000
Pickup 3/4 Ton CNG	1	26,000	-	26,000
Pickup 1 Ton	1	28,000	-	28,000
3/4 Ton Service Truck	1	35,000	-	35,000
Flat-bed Diesel	1	68,000	-	68,000
Truck - Tractor	3	175,000	-	525,000
Forklift - Light	1	47,000	-	47,000
Forklift - Heavy	1	68,000	-	68,000
Paramedics	19	110,000	-	2,090,000
Aerial Ladder (Tiller and Platform Trucks)	9	700,000	145,000	7,605,000
Pumper	47	335,000	140,000	22,325,000
Airport Crash 1 Ton	1	100,000	-	100,000
Airport Crash Rescue Unit	4	900,000	-	3,600,000
Fire Rescue Boat	5	350,000	-	1,750,000
Rescue Boat	3	350,000	-	1,050,000
Trailer	7	15,000	-	105,000
Generator	6	18,000	-	108,000
Misc. Construction	1	15,000	-	15,000
Search and Rescue Unit	10	52,000	-	520,000
Total	188			\$ 42,003,000

¹ The unit replacement cost is an average cost based on the most recent replacements in FY 2006 dollars.

Sources: City of Long Beach Fire Department; MuniFinancial.

Table 3.4 lists additional fire protection equipment owned by the Department and used in the ECOC. Where appropriate, an allocation factor is used to allocate value between the Fire and Police departments.

Table 3.4: Fire Equipment Inventory

Description	Replacement Cost ¹	Fire Dept. Share ²	Fire Dept. Value
<i>Joint ECOC Equipment</i>			
System Monitor	\$ 634,444	50%	\$ 317,222
Nortel Option 11- PD Switch	1,132,797	0%	-
Nortel Option 11- FD Switch	1,132,797	100%	1,132,797
Equipment Room Cabinets	191,016	50%	95,508
Stratus Computer CAD	1,930,254	50%	965,127
Stratus Extension Cabinet CAD	1,031,378	50%	515,689
1 Lot of Keyboard Arbitrators (44 Units-31 PD, 13 FD)	110,252	30%	32,574
1 Lot of Watson Console Furn. (52 Units-37 PD, 15 FD)	835,030	29%	240,874
Building Cable	225,581	50%	112,791
1 Lot of Dispatcher Chairs (57 UNITS-37 PD, 20 FD)	43,775	35%	15,360
Audio Visual Equipment (LG Displays & Projectors)	1,708,706	50%	854,353
Communications Tower	242,634	50%	121,317
Logging Recorder	322,369	50%	161,184
Dispatch Radios	1,055,426	50%	527,713
ECOC Radio System	422,969	50%	211,484
Voting Comparator	159,884	50%	79,942
Plasmon G238 Series Optical Jukebox Library	79,557	50%	39,779
ECOC-Misc Equip/Computers & Furn.	3,956,225	50%	1,978,113
ECOC-Misc Equip/Computers & Furn.	195,086	50%	97,543
ECOC-Misc Equip/Computers & Furn.	56,037	50%	28,018
Nortel Option 11- Admin Switch	360,036	50%	180,018
LAN/WAN	316,804	50%	158,402
Master Time Base	177,158	50%	88,579
Fire Station Alerting	148,416	100%	148,416
Notification System	145,092	50%	72,546
Mapping - ECOC	591,119	50%	295,560
Subtotal, ECOC Equipment			8,470,900
<i>Additional Fire Equipment</i>			
Self-contained Breathing Apparatus/Air Tanks			\$ 1,400,000
Zoll Monitors			312,000
Defibrillators			127,800
Subtotal, Additional Fire Equipment			1,839,800
Total Equipment Value			\$ 10,310,700

¹ The unit replacement cost is an average cost based on the most recent replacements in FY 2006 dollars.

² Replacement costs for ECOC equipment assumed to be split evenly in value between Fire and Police Department unless specified otherwise.

Sources: City of Long Beach; MuniFinancial.

The existing per capita standard for fire facilities is detailed in **Table 3.5**. These values are calculated by dividing the total value of current facilities inventories by the current service population shown in Table 3.1.

Table 3.5: Fire Facilities Standards

	A	B	C = A/B	D	E = C x D
	Facilities	Service Population	Cost per Resident	Worker Demand Factor	Cost per Worker
Existing Inventory Facilities					
Land	\$ 14,460,900				
Buildings	33,288,000				
Apparatus	42,003,000				
Equipment	10,310,700				
Total	\$ 100,062,600	655,300	\$ <u>153</u>	0.85	\$ <u>130</u>

Sources: Tables 3.1-3.4; MuniFinancial.

Fee Schedule

Table 3.6 shows the fire protection facilities fee schedule. The cost per capita is converted to a fee per unit of new development based on dwelling unit and building space densities (persons per dwelling unit (“DU”) for residential development and workers per 1,000 square feet (“KSF”) of building space for non-residential development).

Table 3.6: Fire Facilities Fee Schedule

Land Use	A Per Capita Cost	B Occupancy ¹	C = A x B Base Fee	D = C x 0.02 Admin. Charge ²	E = C + D Total Fee ³
<i>Residential (per dwelling unit)</i>					
Single Family	\$ 153	3.17	\$ 486	\$ 10	\$ 496
Multi-family	153	2.43	371	7	378
<i>Nonresidential (per 1,000 sq. ft.)</i>					
Commercial	\$ 130	2.01	\$ 262	\$ 5	\$ 267
Office	130	2.45	319	6	325
Industrial	130	1.00	129	3	132

¹ Persons per dwelling unit or employees per 1,000 square feet.

² 2% Development Impact Fee Program administration costs including: A standard overhead charge for legal, accounting, and other departmental and citywide administrative support; Capital planning, programming, project management costs associated with the share of projects funded by the impact fee; and Impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, public hearings, and fee justification analyses.

³ Fee per dwelling unit or per 1,000 square feet.

Sources: Tables 2.1 and 3.5; MuniFinancial.

4. Police Facilities

The purpose of the fee is to ensure that new development funds its fair share of police facilities. A fee schedule is presented based on the planned standard of police facilities in the City of Long Beach to ensure that new development provides adequate funding to meet its needs.

Service Population

Police facilities serve both residents and businesses. Therefore, demand for services and associated facilities are based on the City's service population including residents and workers.

Table 5.1 shows the estimated service population in 2005 and 2025. To calculate service population for police facilities, residents are weighted at 1.00. The use of a worker demand factor of 0.99 for workers in the City of Long Beach is based on a MuniFinancial analysis of calls for service, categorized by land use, in the City during the 2005 calendar year. MuniFinancial divided total calls to residential areas by the residential population to yield an annual calls-per-capita factor. Dividing total calls to nonresidential areas by total employment in the City yielded a comparable per-capita factor. The ratio of the worker per capita factor to the resident per capita factor is the worker demand factor shown in Table 4.1.

Table 4.1: Police Facilities Service Population

	A	B	C	D = A+(B*C)
	Residents	Workers	Worker Demand Factor ¹	Service Population
Existing (2005)	491,600	192,600	0.99	682,300
New Development (2005-2025)	56,300	45,800	0.99	101,600
Total (2025)	547,900	238,400	0.99	783,900

¹ Based on MuniFinancial analysis of Long Beach Police Department call data by zoning type and priority for the 2005 calendar year.

Sources: Table 2.2; City of Long Beach Police Department; MuniFinancial.

Facility Inventories, Plans & Standards

This study uses the planned 2025 facilities standard to calculate fees for police facilities. Police services in the City of Long Beach are based out of the Emergency Communications and Operations Center (shared with the Fire Department), three

division substations, and a Public Safety Building. **Table 4.2** shows the existing building and land values for police facilities in Long Beach.

The unit value for land in Long Beach was provided by the City of Long Beach Property Bureau Manager. The unit costs for most buildings are based on a Risk Management insurance valuation completed on January 23, 2006 and provided by City staff. The unit value for the ECOC is based on actual costs.

The value shown for the ECOC in Table 4.2 represents only the portion of the total ECOC value that has been paid off thus far. This ensures that the inventory accurately accounts for the present investment that has been made in fire protection facilities. The full value of the facility is reflected in the 2025 facility standard shown later in this chapter.

Table 4.2: Existing Inventory - Police Facilities Land and Buildings

Facility	Address	Land			Buildings		
		Sq. Ft.	Unit Cost	Value	Sq. Ft.	Unit Cost	Value
Emerg. Comm. Op. Center ¹	2290 Redondo Ave.	45,000	\$ 22.50	\$ 1,012,500	21,000	\$ 456	\$ 9,580,000
Public Safety Building	400 W. Broadway	123,000	22.50	2,767,500	121,878	599	72,944,000
North Division	4891 Atlantic Blvd.	116,895	22.50	2,630,100	21,505	465	10,000,000
East Division ²	4800 Los Coyotes	-	22.50	-	7,500	-	-
Firearms Training Facility	7380 E. Carson	386,000	22.50	8,685,000	1,548	164	254,000
West Division	1835 Santa Fe Ave.	108,838	22.50	2,448,900	24,084	212	5,103,000
Police Helo Facility ²	3501 Lakewood Blvd.	-	22.50	-	24,068	-	-
Police Evidence Storage ²	1400 Canal St.	-	22.50	-	17,400	-	-
Police Athletic League Bldg. ³	1205 Freeman	17,900	22.50	402,800	3,780	153	578,000
Police Athletic League Bldg. ^{3,4}	1401 W. 9th St.	142,200	22.50	3,199,500	30,000	47	1,404,000
Police Athletic League Bldg. ²	2311 South St.	-	22.50	-	25,640	-	-
Youth Services Facility ²	1957 Pacific Ave.	-	22.50	-	11,073	-	-
3 Leased Warehouses ²	1439 Cota Ave.	-	22.50	-	12,832	-	-
Total		939,833		\$ 21,146,300	322,308		\$ 99,863,000

Note: All cost estimates based on RM insurance valuations updated 1/23/06 unless otherwise noted.

¹ Building value based on actual construction costs, less the remaining principal owed (\$1,991,000) and does not include the cost of financing. Jointly owned by Police and Fire departments. Square footage assumed split 50/50.

² Facility is leased, not owned, by the Department.

³ Exact square footage of land parcel unknown. Value used is an estimated based on average floor area ratio of known police facilities.

⁴ Located on land owned by the Port of Long Beach. Police department has a revocable permit to use the land at no charge and assumes all liability.

Sources: City of Long Beach Police Department; MuniFinancial.

Because the facility standard is based only on the facilities that are owned by the City of Long Beach, leased facilities are listed in Table 4.2 but not valued. The sole exception to this rule is a Police Athletic League facility located on land owned by the Port of Long Beach. Because the Department has an agreement to use the land for an indefinite time period, pays all property taxes for the parcel, and provides all necessary maintenance, this parcel is assumed to be essentially “owned” by the Police Department for the purposes of this study.

Table 4.3 details the current inventory of vehicles used for police services. Because the Department has outstanding debt on two helicopters, their value has been discounted accordingly.

Table 4.3: Existing Inventory - Police Apparatus

Description	Qty.	Vehicle Replacement Cost ^{1,2}	Total Replacement Cost
Motorcycle	50	\$ 15,600	\$ 780,000
All Terrain Vehicle	8	4,000	32,000
3 Wheel Truckster	13	21,000	273,000
Sedan	5	25,000	125,000
Sedan CNG	1	25,000	25,000
Police Solids	148	29,000	4,292,000
Park-Marine Patrol Solids	4	32,000	128,000
Police Black & Whites Dual Fuel	12	32,000	384,000
Police Black & Whites	176	32,000	5,632,000
Police Black & Whites K9	9	36,000	324,000
Utility Vehicle - Large	3	68,000	204,000
Police Utility Vehicle - Large Police	11	46,000	506,000
Police Utility Vehicle - Ex-Large Police	2	46,000	92,000
Utility Vehicle - Compact	7	21,000	147,000
Step Van	3	22,000	66,000
Mini Van	11	27,000	297,000
Van 1/2 Ton	1	22,000	22,000
Van 3/4 Ton	2	23,000	46,000
Van 3/4 Ton CNG	1	23,000	23,000
Van 1 Ton	5	24,000	120,000
Van 1 Ton CNG	7	24,000	168,000
Pickup 1/2 Ton	3	24,000	72,000
Pickup 1 Ton Crew-cab	2	30,000	60,000
3/4 Ton Service Truck	1	35,000	35,000
Forklift - light	3	47,000	141,000
Paramedics PD	1	65,000	65,000
Patrol Boat	2	158,800	317,600
Trailer	12	15,000	180,000
Generator	5	18,000	90,000
EC-130B4 Helicopter ³	2	1,800,000	2,136,700
L-Car	144	21,000	3,024,000
Total	654		\$ 19,807,300

¹ The unit replacement cost is an average cost based on the most recent replacements in FY 2006 dollars.

² Vehicle costs include installed equipment.

³ Total value has been reduced by the remaining principal (\$1,463,000) owed on the helicopters.

Sources: City of Long Beach Police Department; MuniFinancial.

Table 4.4 lists capital equipment owned by the Police Department. This includes communications equipment associated with the ECOC.

Table 4.4: Police Department Equipment Inventory

Description	Replacement Cost ¹	Police Dept. Share ²	Police Dept. Value
<i>Joint ECOC Equipment</i>			
System Monitor	\$ 634,444	50%	\$ 317,222
Nortel Option 11- PD Switch	1,132,797	100%	1,132,797
Nortel Option 11- FD Switch	1,132,797	0%	-
Equipment Room Cabinets	191,016	50%	95,508
Stratus Computer CAD	1,930,254	50%	965,127
Stratus Extension Cabinet CAD	1,031,378	50%	515,689
1 Lot of Keyboard Arbitrators (44 Units-31 PD, 13 FD)	110,252	70%	77,678
1 Lot of Watson Console Furn. (52 Units-37 PD, 15 FD)	835,030	71%	594,156
Building Cable	225,581	50%	112,791
1 Lot of Dispatcher Chairs (57 UNITS-37 PD, 20 FD)	43,775	65%	28,415
Audio Visual Equipment (LG Displays & Projectors)	1,708,706	50%	854,353
Communications Tower	242,634	50%	121,317
Logging Recorder	322,369	50%	161,184
Dispatch Radios	1,055,426	50%	527,713
ECOC Radio System	422,969	50%	211,484
Voting Comparator	159,884	50%	79,942
Plasmon G238 Series Optical Jukebox Library	79,557	50%	39,779
ECOC-Misc Equip/Computers & Furniture	3,956,225	50%	1,978,113
ECOC-Misc Equip/Computers & Furniture	195,086	50%	97,543
ECOC-Misc Equip/Computers & Furniture	56,037	50%	28,018
Nortel Option 11- Admin Switch	360,036	50%	180,018
LAN/WAN	316,804	50%	158,402
Master Time Base	177,157.89	50%	88,579
Fire Station Alerting	148,415.89	0%	-
Notification System	145,092	50%	72,546
Mapping - ECOC	591,119	50%	295,560
Subtotal, ECOC Equipment			\$ 8,733,900
<i>Additional Police Equipment</i>			
Communication Console 911 Comm Ctr			\$ 11,206
Recorder, Magnasync 40 CH			19,700
Reproducer, Magnasync Portable 40 CH			5,897
Holga Smart Space Decking, Overhead Anti-Tip Device			6,085
Crimescope 400			10,746
Crimescope 400			10,746
Computer Processor XA/R 911Communication Ctr			25,416
Proxima 9250 XGA Projector			7,031
Employee Risk Management System Software			62,083
Police Crime Lab Information Management System			42,000
RMS/CMS Software (fed grant funded) ³			-
RMS/CMS Software W/TSR 36217 Web-browser Enhancement			76,935
Mobile Command Trailer 30 FT, Model #26			23,482
225 Horsepower Outboard Engine (4 x \$18,541 each)			74,164
Boat Trailer			6,766
Police Channel Equipment (Video)			21,210
Subtotal, Additional Police Equipment			\$ 403,500
Total Equipment Value			\$ 9,137,400

¹ The unit replacement cost is an average cost based on the most recent replacements in FY 2006

² Replacement costs for ECOC equipment assumed to be split evenly in value between Fire and Police Department unless specified

³ Funded by a federal grant.

Sources: City of Long Beach; MuniFinancial.

Two planned police facilities are shown in **Table 4.5**. Though the new East Division and Fifth District buildings will be replacing existing facilities, they are treated as essentially new in this report because they will be replacing facilities that are currently leased. Both new facilities are expected to be fully owned by the Department. Size and cost assumptions have been modeled after the recently completed North Division building.

Table 4.5: Planned Inventory - Police Facilities Land and Buildings

Facility	Land			Buildings		
	Sq. Ft.	Unit Cost	Value	Sq. Ft.	Unit Cost	Value
New East Division Facility	116,895	22.50	2,630,100	21,505	465	10,000,000
Fifth District Facility	116,895	22.50	2,630,100	21,505	465	10,000,000
Total, Planned Facilities	233,790		\$ 5,260,200	43,010		\$ 20,000,000

Note: Both planned facilities will be modeled after the recently constructed North Division facility.

Sources: City of Long Beach Police Department; MuniFinancial.

Table 4.6 shows the existing and planned facility standards for police facilities in the City of Long Beach. Because the ECOC and the Department’s two helicopters will be fully paid off by 2025, the full value of these facilities is reflected in the 2025 standard. The amount that has been paid thus far is reflected in the existing inventory and the remaining debt service is presented as planned projects.

Table 4.6: Police Facilities Standards

	A	B	C = A/B	D	E = C x D
	Facilities	Service Population	Cost per Resident	Worker Demand Factor	Cost per Worker
<i>Planned Facilities</i>					
Land	\$ 5,260,200				
Buildings	20,000,000				
Debt Service for ECOC	2,150,200				
Debt Service for Helicopters	1,540,900				
Subtotal, Planned Facilities	\$ 28,951,300				
<i>Existing Inventory Facilities</i>					
Land	\$ 21,146,300				
Buildings	99,863,000				
Vehicles	19,807,300				
Equipment	9,137,400				
Subtotal, Existing (2005) Facilities	\$ 140,816,600	682,300	\$ 206	0.99	\$ 204
Total 2025 Facility Inventory	\$ 169,767,900	783,900	\$ 217	0.99	\$ 215

Sources: Tables 4.1-4.5; MuniFinancial.

As shown in Table 4.6, the per capita value of police facilities is projected to increase by 2025. New development, therefore, cannot be held responsible for the entirety of the costs of planned facilities. In addition to providing the necessary capacity to serve new development, the new police facilities will provide a higher level of service to existing residents and workers. **Table 4.7** details the portion of planned facility costs that must be funded through non-fee revenue sources.

Table 4.7: Allocation of Planned Police Facility Costs To New Development

	Total
2025 Facilities Value per Capita	\$ 215
Service Population Growth (2005-2025)	<u>101,600</u>
New Development Contribution to Planned Facilities	\$ 21,844,000
Total Cost of Planned Facilities	<u>28,951,300</u>
Non-Fee Revenues to be Identified	\$ 7,107,300

Sources: Tables 4.1 and 4.6; MuniFinancial.

Fee Schedule

Table 4.6 shows the police facilities fee schedule. The cost per capita is converted to a fee per unit of new development based on dwelling unit and building space densities (persons per dwelling unit (“DU”) for residential development and workers per 1,000 square feet (“KSF”) of building space for non-residential development).

Table 4.8: Police Facilities Fee

Land Use	A Per Capita Cost	B Occupancy ¹	C = A x B Base Fee	D = C x 0.02 Admin. Charge ²	E = C + D Total Fee ³
<i>Residential (per dwelling unit)</i>					
Single Family	\$ 217	3.17	\$ 689	\$ 14	\$ 703
Multi-family	217	2.43	526	11	537
<i>Nonresidential (per 1,000 sq. ft.)</i>					
Commercial	\$ 215	2.01	\$ 433	\$ 9	\$ 442
Office	215	2.45	527	11	538
Industrial	215	1.00	214	4	218

¹ Persons per dwelling unit or employees per 1,000 square feet.

² 2% Development Impact Fee Program administration costs including: A standard overhead charge for legal, accounting, and other departmental and citywide administrative support; Capital planning, programming, project management costs associated with the share of projects funded by the impact fee; and Impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, public hearings, and fee justification analyses.

³ Fee per dwelling unit or per 1,000 square feet.

Sources: Tables 1.1 and 4.6; MuniFinancial.

5. Implementation

The City should implement the following in establishing a public facilities fee program:

Impact Fee Program Adoption Process

Impact fee program adoption procedures are found in the *California Government Code* section 66016. Adoption of an impact fee program requires the City Council to follow certain procedures including holding a public meeting. Fourteen day mailed public notice is required for those registering for such notification. Data, such as an impact fee report, must be made available at least 10 days prior to the public meeting. Legal counsel can inform the City of any other procedural requirements and provide advice regarding adoption of an enabling ordinance and/or a resolution. After adoption there is a mandatory 60-day waiting period before the fees go into effect. This procedure must also be followed for fee increases.

Identify Non-Fee Revenue Sources

The use of the system plan method for calculating facility standards can identify revenue deficiencies attributable to the existing service population. As fees are only imposed under the Act to fund new development's fair portion of facilities, the City should consider how deficiencies might be supplemented through the use of alternative funding sources. This applies to police facilities for the City of Long Beach because these fees were calculated using the system plan standard. Potential sources of revenue include existing or new general fund revenues or the use of existing or new taxes. Any new tax would require two-thirds voter approval, while new assessments or property-related charges would require majority property-owner approval.

Inflation Adjustment

Appropriate inflation indexes should be identified in a fee ordinance including an automatic adjustment to the fee annually. Separate indexes for land and construction costs should be used. Calculating the land cost index may require the periodic use of a property appraiser. The construction cost index can be based on the City's recent capital project experience or can be taken from any reputable source, such as the *Engineering News-Record*. To calculate prospective fee increases, each index should be weighed against its share of total planned facility costs represented by land or construction, as appropriate. Each update requires adoption by the City Council.

Reporting Requirements

The City should comply with the annual and five-year reporting requirements of the Act (*California Government Code* 66001 (d) (1) through (4)). For facilities to be funded by a

combination of public fees and other revenues, identification of the source and amount of these non-fee revenues is essential. Identification of the timing of receipt of other revenues to fund the facilities is also important.

Fee Accounting

The City should deposit fee revenues into separate restricted fee accounts for each of the fee categories identified in this report. Fees collected for a given facility category should only be expended on new facilities of that same category.

Programming Revenues and Projects with the CIP

The City should consider adopting a Capital Improvements Program (CIP) to adequately plan for future infrastructure needs. The CIP should also identify fee revenue with specific projects. The use of the CIP in this manner documents a reasonable relationship between new development and the use of those revenues. Fee revenues can legitimately be used to fund master planning to further identify needed facilities.

With or without a CIP, the City may decide to alter the scope of the planned projects or to substitute new projects as long as those new projects continue to represent an expansion of the City's facilities. If the total cost of facilities varies from the total cost used as a basis for the fees, the City should consider revising the fees accordingly.

For the five-year planning period of the fee program, the City should consider allocating existing fund balances and projected fee revenue to specific projects. The City can hold funds in a project account for longer than five years if necessary to collect sufficient monies to complete a project.

6. Mitigation Fee Act Findings

Fees are assessed and typically paid when a building permit is issued and imposed on new development projects by local agencies responsible for regulating land use (cities and counties). To guide the imposition of facilities fees, the California State Legislature adopted the Mitigation Fee Act with Assembly Bill 1600 in 1987 and subsequent amendments. This chapter does not apply to the parkland dedication fees, which are imposed under the Quimby Act. The Mitigation Fee Act, contained in *California Government Code* §§66000 – 66025, establishes requirements on local agencies for the imposition and administration of fees. The Act requires local agencies to document five statutory findings when adopting fees.

The five findings in the Act required for adoption of the maximum justified fees documented in this report are: 1) Purpose of fee, 2) Use of fee Revenues, 3) Benefit Relationship, 4) Burden Relationship, and 5) Proportionality. They are each discussed below and are supported throughout the rest of this report.

Purpose of Fee

- ♦ *Identify the purpose of the fee (§66001(a)(1) of the Act).*

We understand that it is the policy of the City that new development will not burden the existing service population with the cost of facilities required to accommodate growth. The purpose of the fees proposed by this report is to implement this policy by providing a funding source from new development for public safety capital improvements to serve that development. The fees advance a legitimate City interest by enabling the City to provide municipal services to new development.

Use of Fee Revenues

- ♦ *Identify the use to which the fees will be put. If the use is financing facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in §65403 or §66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the facilities for which the fees are charged (§66001(a)(2) of the Act).*

Fees proposed in this report, if enacted by the City, would be available to fund expanded public safety facilities to serve new development. Facilities funded by these fees are designated to be located within the City. Fees addressed in this report have been identified by the City to be restricted to funding fire protection facilities and police facilities.

Benefit Relationship

- ◆ *Determine the reasonable relationship between the fees' use and the type of development project on which the fees are imposed (§66001(a)(3) of the Act).*

We expect that the City will restrict fee revenue to the acquisition of land, construction of facilities and buildings, and purchase of related equipment, furnishings, vehicles, and services used to serve new development. Facilities funded by the fees are expected to provide a citywide network of facilities accessible to the additional residents and workers associated with new development. The fees calculated in this report will fund only the expansion of fire protection and police facilities similar to those currently owned by the City and listed in Chapters 3 and 4. Under the Act, fees are not intended to fund planned facilities needed to correct existing deficiencies. Thus, a reasonable relationship can be shown between the use of fee revenue and the new development residential and nonresidential use classifications that will pay the fees.

Burden Relationship

- ◆ *Determine the reasonable relationship between the need for the public facilities and the types of development on which the fees are imposed (§66001(a)(4) of the Act).*

Facilities need is based on a facility standard that represents the demand generated by new development for those facilities. The service populations are established based upon the number of residents and workers, which correlates to the demand for public safety facilities.

For both fire protection and police facilities, demand is measured by a single facility standard that can be applied across land use types to ensure a reasonable relationship to the type of development. Service population standards are calculated based upon the number of residents associated with residential development and the number of workers associated with non-residential development. To calculate a single, per capita standard, one worker is weighted less than one resident based on an analysis of the relative use demand between residential and nonresidential development.

Chapter 2, Demographic Assumptions provides a description of how service population and growth projections are calculated. Facility standards are described in the *Facility Inventories, Plans & Standards* sections of in each facility category chapter.

Proportionality

- ◆ *Determine how there is a reasonable relationship between the fees amount and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (§66001(b) of the Act).*

The reasonable relationship between each facilities fee for a specific new development project and the cost of the facilities attributable to that project is based on the estimated

new development growth the project will accommodate. Fees for a specific project are based on the project's size or increases in service population. Larger new development projects can result in a higher service population resulting in higher fee revenue than smaller projects in the same land use classification. Thus, the fees can ensure a reasonable relationship between a specific new development project and the cost of the facilities attributable to that project.

See *Chapter 2, Demographic Assumptions*, or the *Service Population* section in each facility category chapter for a description of how service population is determined for different types of land uses. See the *Fee Schedule* section of each facility category chapter for a presentation of the proposed facilities fees.