

RED-LINED VERSION

18.18.120 Exemptions

The following uses and types of residential development are exempt from the payment of park fees:

A. The replacement or rebuilding of a single-family dwelling (one unit per lot) on an existing lot of record, or the replacement of one mobile home with another on the same pad, or the moving and relocation of a single family home from one lot within the city to another lot within the city, or the legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Section 21.25.403D. This exemption shall not apply to tract development nor to the development of more than one unit per lot nor to the replacement of a single-family dwelling with more than one dwelling unit.

A. The following actions shall be exempt from the fee:

1. Replacement of existing dwelling units. If the applicant is proposing to replace an existing legal dwelling unit or units with a greater number of units on the same lot, then the fee will be paid only for the number of new dwelling units that exceed the number of the existing legal dwelling units on that lot. A dwelling unit shall be considered existing if it is a legal dwelling unit as defined in Section 21.15.910 of this Code (or any successor Section thereto) and it existed on the lot within twelve months prior to the application for a building permit for the replacement unit or units.

2. The placement or installation of a replacement mobile home as defined in Section 21.15.1770 of this Code (or any successor section thereto) on a separate lot, mobile home park space or pad when a Park and Recreation Facilities Fee for such lot or space has been previously paid pursuant to this Chapter; or when a mobile home legally existed on such park space or pad within twelve months prior to

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construction approval for the replacement mobile home.

3. The relocation of existing legal dwelling units from one location in the City to another.

4. The legalization of an existing illegal dwelling unit existing prior to January 1, 1964, for which an Administrative Use Permit is approved in accordance with Section 21.25.403 D (or any successor section thereto).

Section 2. Section 18.18.050 of the Long Beach Municipal Code is amended by adding Subsection C to read as follows:

C. The fees established by this Chapter shall be revised annually by means of an automatic adjustment based on the average percentage change over the previous calendar year in the Construction Cost Index for the Los Angeles metropolitan area. The first fee adjustment shall not be made before September 15, 2008. The fees, as adjusted annually, shall be compiled by the Parks, Recreation and Marine Department, and shall be included in an annual report to the City Council pertaining to the Park and Recreation Facilities Fee. The annual report shall be presented to the City Council by August 1st of each year, and fee adjustments shall be effective on September 15th of each year. The continued validity of the fee calculation methodology and the automatic adjustment shall be evaluated by a Nexus Study which shall be presented to the City Council for its consideration and action every 5 years, commencing with the Annual Report due on or before July 15, 2012.

1 fees which will be used to finance, defray or reimburse the City for the appropriate portion
2 of the cost of public facilities which serve such development; and

3 WHEREAS, Chapter 18.18 of the Long Beach Municipal Code (Park and
4 Recreation Facilities Fees) recognizes that residential development within the City will
5 result in additional growth and that such growth will place additional burdens on various
6 park facilities, infrastructure, services and recreation improvements. Chapter 18.18
7 further recognizes the types of residential land development that will generate those
8 impacts necessitating the acquisition of land, the construction of park facilities, and
9 recreation improvements, and the expansion of services and infrastructure needed to
10 meet and accommodate them; and

11 WHEREAS, the Study has concluded that the actual current Park and
12 Recreation Facilities Fees necessary to maintain an adequate level of parkland and
13 recreational facility service levels are as follows:

<u>Unit Type</u>	<u>Vacant Land</u>	<u>Developed Land</u>
15 Single Family Units	\$8,402	\$25,043
16 Multifamily Units	\$6,773	\$20,186
17 Mobile Home Units	\$6,349	\$18,917
18 Work/Live Units	\$3,389	\$10,093

19 However, that it is not the intent of the City to impose, at this time, the full projected
20 amount of the Impact fees set forth above, but rather, to establish an automatic annual
21 fee adjustment for a five year period, based upon the average percentage change over
22 the previous calendar year, as determined by the Construction Cost Index for the Los
23 Angeles Metropolitan area, which increase shall not, in total, exceed the amounts set
24 forth above per dwelling unit, by type, without the preparation of a further Nexus Study
25 and due consideration by the City Council.

26
27 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
28 follows:

1 Section 1. Subsection 18.18.120 (A) of the Long Beach Municipal Code
2 is amended to read as follows:

3 A. The following actions shall be exempt from the fee:

4 1. Replacement of existing dwelling units. If the
5 applicant is proposing to replace an existing legal dwelling unit or units
6 with a greater number of units on the same lot, then the fee will be paid
7 only for the number of new dwelling units that exceed the number of the
8 existing legal dwelling units on that lot. A dwelling unit shall be considered
9 existing if it is a legal dwelling unit as defined in Section 21.15.910 of this
10 Code (or any successor Section thereto) and it existed on the lot within
11 twelve months prior to the application for a building permit for the
12 replacement unit or units.

13 2. The placement or installation of a replacement mobile
14 home as defined in Section 21.15.1770 of this Code (or any successor
15 section thereto) on a separate lot, mobile home park space or pad when a
16 Park and Recreation Facilities Fee for such lot or space has been
17 previously paid pursuant to this Chapter; or when a mobile home legally
18 existed on such park space or pad within twelve months prior to
19 construction approval for the replacement mobile home.

20 3. The relocation of existing legal dwelling units from
21 one location in the City to another.

22 4. The legalization of an existing illegal dwelling unit
23 existing prior to January 1, 1964, for which an Administrative Use Permit is
24 approved in accordance with Section 21.25.403 D (or any successor
25 section thereto).

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27 Section 2. Section 18.18.050 of the Long Beach Municipal Code is
28 amended by adding Subsection C to read as follows:

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C. The fees established by this Chapter shall be revised annually by means of an automatic adjustment based on the average percentage change over the previous calendar year in the Construction Cost Index for the Los Angeles metropolitan area. The first fee adjustment shall not be made before October 1, 2008. The fees, as adjusted annually, shall be compiled by the Parks, Recreation and Marine Department, and shall be included in an annual report to the City Council pertaining to the Park and Recreation Facilities Fee. The annual report shall be presented to the City Council by August 1st of each year, and fee adjustments shall be effective on October 1st of each year. The continued validity of the fee calculation methodology and the automatic adjustment shall be evaluated by a Nexus Study which shall be presented to the City Council for its consideration and action every 5 years, commencing with the Annual Report due on or before August 1, 2012.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) 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 the following vote:

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
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Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

GJA:bg/ MJM:kjm 6/27/07