	ORD-34			
1	RED-LINED VERSION			
2	18.18.120 Exemptions			
3	The following uses and types of residential development are exempt from			
4	the payment of park fees:			
5	A. The replacement or rebuilding of a single-family dwelling (one unit per			
6	lot) on an existing lot of record, or the replacement of one mobile home with another			
7	on the same pad, or the moving and relocation of a single family home from one lot			
8	within the city to another lot within the city, or the legalization of an illegal dwelling			
9	unit existing prior to January 1, 1964, for which an administrative use permit is			
10	approved in accordance with Section 21.25.403D. This exemption shall not apply to			
11	tract development nor to the development of more than one unit per lot nor to the			
12	replacement of a single-family dwelling with more than one dwelling unit.			
13	A. The following actions shall be exempt from the fee:			
14	1. Replacement of existing dwelling units. If the			
15	applicant is proposing to replace an existing legal dwelling unit or units			
16	with a greater number of units on the same lot, then the fee will be paid			
17	only for the number of new dwelling units that exceed the number of the			
18	existing legal dwelling units on that lot. A dwelling unit shall be considered			
19	existing if it is a legal dwelling unit as defined in Section 21.15.910 of this			
20	Code (or any successor Section thereto) and it existed on the lot within			
21	twelve months prior to the application for a building permit for the			
22	replacement unit or units.			
23	2. The placement or installation of a replacement mobile			
24	home as defined in Section 21.15.1770 of this Code (or any successor			
25	section thereto) on a separate lot, mobile home park space or pad when a			
26	Park and Recreation Facilities Fee for such lot or space has been			
27	previously paid pursuant to this Chapter; or when a mobile home legally			
28	existed on such park space or pad within twelve moths prior to			

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	1	construction approval for the replacement mobile home.			
	2	3. The relocation of existing legal dwelling units from			
	3	one location in the City to another.			
	4	4. The legalization of an existing illegal dwelling unit			
	5	existing prior to January 1, 1964, for which an Administrative Use Permit is			
	6	approved in accordance with Section 21.25.403 D (or any successor			
	7	section thereto).			
	8				
	9	Section 2. Section 18.18.050 of the Long Beach Municipal Code is			
	10	amended by adding Subsection C to read as follows:			
ر م م	11	C. The fees established by this Chapter shall be revised			
DF THE CITY ATTORNEY E. SHANNON, City Attorney Dcean Boulevard, 11th Floor Beach, CA 90802-4664	12	annually by means of an automatic adjustment based on the average			
ATTC I, City ard, 1 0802-4	13	percentage change over the previous calendar year in the Construction			
FICE OF THE CITY ATTORN IERT E. SHANNON, City Atto West Ocean Boulevard, 11th I Long Beach, CA 90802-4664	14	Cost Index for the Los Angeles metropolitan area. The first fee			
DF TH ≞. SHA Dcean 3each,	15	adjustment shall not be made before September 15, 2008. The fees, as			
OFFICE (ROBERT I 333 West (Long E	16	adjusted annually, shall be compiled by the Parks, Recreation and Marine			
ROF 333	17	Department, and shall be included in an annual report to the City Council			
	18	pertaining to the Park and Recreation Facilities Fee. The annual report			
	19	shall be presented to the City Council by August 1st of each year, and fee			
	20	adjustments shall be effective on September 15th of each year. The			
	21	continued validity of the fee calculation methodology and the automatic			
	22	adjustment shall be evaluated by a Nexus Study which shall be presented			
	23	to the City Council for its consideration and action every 5 years,			
	24	commencing with the Annual Report due on or before July 15, 2012.			
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	07-02300; 00105873.DOC; 6/27/07				

1	ORDINANCE NO.			
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3	AN ORDINANCE OF THE CITY COUNCIL OF THE			
4	CITY OF LONG BEACH AMENDING THE LONG BEACH			
5	MUNICIPAL CODE BY AMENDING SUBSECTION (A) OF			
6	SECTION 18.18.120; AND BY ADDING SUBSECTION (C)			
7	TO SECTION 18.18.050, ALL RELATING TO PARK AND			
8	RECREATION FACILITIES FEES			
9				
10	WHEREAS, many cities and counties have adopted and imposed			
11	development impact fees on new development to pay for new development's fair share of			
12	infrastructure and services; and			
13	WHEREAS, on February 7, 1989, the City Council of the City of Long			
14	Beach adopted Ordinance No. C-6567 establishing a Park and Recreation Facilities Fee,			
15	which ordinance was incorporated into the Long Beach Municipal Code as Chapter			
16	18.18; and			
17	WHEREAS, the City conducted and prepared a nexus study entitled			
18	"Relationship between Residential Construction and Park Impact Fees" dated August 18,			
19	2005, for the City of Long Beach (the "Study") in accordance with Government Code $\$			
20	66000 et seq.; and			
21	WHEREAS, the Study has provided the City and the City Council with			
22	information and data regarding the nexus between needed recreation improvements and			
23	the benefiting land uses that would pay the impact fees at time of development; and			
24	WHEREAS, the Study provided data outlining the various recreation			
25	improvements and parkland which are required to meet the need generated by new			
26	residential development projects in the City; and			
27	WHEREAS, it is the City's policy that future new development should			
28	contribute its fair share to public facilities and services through the imposition of impact			
	00105545.DOC; 07-02300			

OFFICE OF THE CITY ATTORNEY ROBERT E. SHANNON, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach, CA 90802-4664 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

3 WHEREAS, Chapter 18.18 of the Long Beach Municipal Code (Park and Recreation Facilities Fees) recognizes that residential development within the City will 4 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

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

	Unit Type	Vacant Land	Developed Land
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

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

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27 NOW, THEREFORE, the City Council of the City of Long Beach ordains as28 follows:

OFFICE OF THE CITY ATTORNEY ROBERT E. SHANNON, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach, CA 90802-4664 Section 1. Subsection 18.18.120 (A) of the Long Beach Municipal Code
is amended to read as follows:

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 moths prior to construction approval for the replacement mobile home.

 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).

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.

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