

ORDINANCE NO. ORD-07-0036

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SUBSECTION (A) OF
SECTION 18.18.120; AND BY ADDING SUBSECTION (C)
TO SECTION 18.18.050, ALL RELATING TO PARK AND
RECREATION FACILITIES FEES

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 February 7, 1989, the City Council of the City of Long
Beach adopted Ordinance No. C-6567 establishing a Park and Recreation Facilities Fee,
which ordinance was incorporated into the Long Beach Municipal Code as Chapter
18.18; and

WHEREAS, the City conducted and prepared a nexus study entitled
"Relationship between Residential Construction and Park Impact Fees" dated August 18,
2005, for the City of Long Beach (the "Study") in accordance with Government Code §§
66000 et seq.; and

WHEREAS, the Study has provided the City and the City Council with
information and data regarding the nexus between needed recreation improvements and
the benefiting land uses that would pay the impact fees at time of development; and

WHEREAS, the Study provided data outlining the various recreation
improvements and parkland which are required to meet the need generated by new
residential 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

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

<u>Unit Type</u>	<u>Vacant Land</u>	<u>Developed Land</u>
Single Family Units	\$8,402	\$25,043
Multifamily Units	\$6,773	\$20,186
Mobile Home Units	\$6,349	\$18,917
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.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as 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).

26
27 Section 2. Section 18.18.050 of the Long Beach Municipal Code is
28 amended by adding Subsection C to read as follows:

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

15
16 Section 3. The City Clerk shall certify to the passage of this ordinance by
17 the City Council and cause it to be posted in three (3) conspicuous places in the City of
18 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
19 Mayor.

20 I hereby certify that the foregoing ordinance was adopted by the City
21 Council of the City of Long Beach at its meeting of July 24, 2007, by the
22 following vote:

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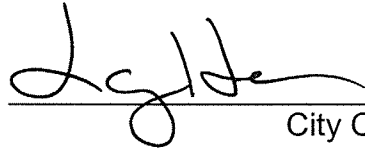
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Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,
O'Donnell, Schipske, Andrews, Gabelich,
Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: Reyes Uranga.


City Clerk

Approved: 2/25/07
(Date)


Mayor

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