

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

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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.

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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

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1 the following vote:

2 Ayes: Councilmembers:

5 Noes: Councilmembers:

7 Absent: Councilmembers:

10 _____
11 City Clerk

27 MJM:kjm 3/14/07 #06-04706

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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