

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-15-0072

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE MASTER FEE
AND CHARGES SCHEDULE BY ADOPTING A PUBLIC
SEAWALL MOORING LEASE PERMIT FEE

WHEREAS, on June 16, 2010, the Long Beach City Council authorized \$9.5 million in funding for the Naples Permanent Seawall Repair Project ("Project"), in order to address the infrastructure concerns with the seawalls surrounding Naples; and

WHEREAS, the Project has been divided into six (6) phases; and

WHEREAS, the seawall repair work in the Phase One area of the Project, which is located in the Rivo Alto Canal from the Ravenna Bridge to the eastern portion of The Toledo Bridge, began in 2014 with an anticipated completion of summer 2015; and

WHEREAS, the California Coastal Commission ("CCC") requires that prior to the placement of any dock floats into the Rivo Alto Canal after the completion of the Phase One seawall repairs, the City of Long Beach ("City") shall institute a new lease program for private use of public waterways, at a minimum, in the Phase One area of the Project; and

WHEREAS, as required by the CCC, the City has developed the Public Seawall Mooring Lease Program for the charging of a rental fee for the limited-term private use and occupancy of public waterways upon tidelands to begin in the Phase One area of the Project; and

WHEREAS, the CCC may subsequently require the City to expand application of the lease program, including the rental fee, to future phases of the Project; and

WHEREAS, City staff has conducted an evaluation of rental fees for submerged tidelands located adjacent to the residential properties around Alamitos Bay

1 and Naples, the costs of renting a slip at private and public marinas, as well as the fees
2 charged in other coastal communities; and

3 WHEREAS, on May 14, 2015, at a Marine Advisory Commission meeting,
4 the City discussed the proposed rental fee for use of water space occupied by docks,
5 floats, gangways, and piers, including berthing space surrounding the structures; and

6 WHEREAS, on May 21, 2015, the City held a public outreach meeting to
7 solicit community input and participation in the review process and this meeting afforded
8 the public the opportunity to comment on this matter as well as allowing the City to
9 provide to the public information relating to this matter; and

10 WHEREAS, the City has conducted an extensive analysis of this matter, its
11 services, the costs reasonably borne by the City in providing those services, the
12 beneficiaries of those services, and the revenues produced by those paying fees and
13 charges for said services; and

14 WHEREAS, the City Council has considered all documents and comments
15 in the record in connection with this Resolution; and

16 WHEREAS, the City Council, at a duly noticed public hearing, took public
17 testimony and input regarding certain proposed new or increased fees and charges; and

18 WHEREAS, in accordance with the provisions of Government Code Section
19 66016, at least fourteen (14) days prior to the public hearing at which this Resolution is
20 adopted, notice of the time and place of the hearing was mailed to eligible interested
21 parties who filed written requests with the City for mailed notice of meeting regarding new
22 or increased fees or charges; and

23 WHEREAS, in accordance with the provisions of the Government Code
24 66016, data regarding the estimated cost of the services and the revenue sources
25 anticipated to provide the services was available for public review and comment for ten
26 (10) days prior to the public hearing at which this Resolution was adopted; and

27 WHEREAS, publication of the notice of public hearing was given in
28 accordance with the provisions of Government Code Section 6062a, ten (10) days in

1 advance of the public hearing at which the adoption of this Resolution was considered;

2 NOW, THEREFORE, the City Council of the City of Long Beach hereby
3 resolves as follows:

4 Section 1. The facts set forth in the Recitals of this Resolution are true
5 and correct and are hereby incorporated by reference herein as though set forth in full.

6 Section 2. The City Council finds that the fee provisions contained in
7 Exhibit "A" attached hereto and incorporated by reference, provide for the charging of
8 reasonable rent and that the rental rate in Exhibit "A" constitute reasonable rent for
9 seawall mooring located upon tidelands. The City Council further finds and determines
10 the rent for seawall mooring located upon tidelands, operating under an annual lease
11 permit, shall be set in accordance with said Exhibit "A". The fees established in this
12 Resolution shall only be applicable to permittees with a structure connected to a publicly
13 owned seawall located over tidelands.

14 Section 3. The City Council hereby adopts and approves the new,
15 increased, or adjusted fees and charges as set forth and described in Exhibit "A",
16 attached hereto and incorporated herein by this reference, as though set forth in full,
17 word for word. The fees and charges set forth in said Exhibit "A" shall thereafter be
18 incorporated into those fees and charges previously adopted and approved by the City
19 Council by Resolution and shall collectively be known as the Master Fee and Charges
20 Schedule of the City of Long Beach and may be made available to the public for its
21 information and review.

22 Section 4. Adoption of the new or increased fees and charges set forth
23 and described in this Resolution for the specified City services, as shown in Exhibit "A"
24 attached hereto and incorporated herein by this reference, are intended to recover costs
25 necessary to provide the services within the City for which the fees are charged. In
26 adopting the new or increased fees and charges set forth in this Resolution, the City
27 Council of the City of Long Beach is exercising its powers under Article XI, Section 7 of
28 the California Constitution.

1 Section 5. All requirements of California Government Code Sections
2 66000, et seq., are hereby found to have been satisfied.

3 Section 6. The fees and charges set forth in Exhibit "A" are reasonable
4 estimates of the costs incurred by the City in providing the services to those who request
5 them. The fees and charges for such services are necessary to recover the reasonable,
6 estimated cost of providing such services, including but not limited to being used to meet
7 operating expenses within the tidelands.

8 Section 7. All provisions of prior City Council ordinances and resolutions
9 establishing fees are hereby rescinded and repealed in part or in whole to the extent of
10 any conflict between said ordinances and resolutions and the provisions established by
11 this Resolution.

12 Section 8. The establishment of fees and charges herein is exempt from
13 the requirements of the California Environmental Quality Act (CEQA) pursuant to Public
14 Resources Code Section 21080(b)(8) and the adoption of this Resolution is for the
15 purposes of inter alia: (1) meeting operating expenses; (2) purchasing or leasing
16 supplies, equipment or materials; (3) meeting financial reserve needs and requirements;
17 or (4) obtaining funds for capital projects, necessary to maintain service within the various
18 areas of the City.

19 Section 9. This resolution shall take effect immediately upon its adoption
20 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of June 16, 2015

by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Price, Supernaw,
Andrews, Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Mungo, Richardson.


City Clerk

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EXHIBIT "A"

Exhibit A

List of Proposed Fee Adjustments for Fiscal Year 2015 (FY 15)						
Fee Description	Current Fee	Requested Fee	Per	Annual Revenue Change	Fund	
Department: CITYWIDE FEES & CHARGES						
GENERAL FEES						
Public Seawall Mooring Lease Permit Fee	NEW	\$0.50	Annual per Sq. Foot	\$11,000	TIDELANDS	
TOTAL				\$11,000		