

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

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, on October 9, 2013, the California Coastal Commission approved the City's application to proceed with the Project; 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 and was completed in 2015; and

WHEREAS, on June 16, 2015, the Long Beach City Council adopted Resolution Nos. RES-15-0072 and RES-15-0073 to amend the Master Fee and Charges Schedule approving a new Public Seawall Mooring Lease Permit Fee and the Public Seawall Moring Lease Program; and

WHEREAS, the California Coastal Commission has subsequently required, upon completion of Phase Two, the City to expand application of the Lease Program, including the rental fee, to all future phases of the Project; and

WHEREAS, the California Coastal Commission requirement for the Lease Program and Permit Fee is based on Section 6 of Article XVI of the California Constitution, which requires the City of Long Beach to charge appropriate prices for the use of state tidelands; and

WHEREAS, the current fee of \$0.50 annual per square foot was created in

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1 2015 after evaluation of rental fees for submerged tidelands located adjacent to the
2 residential properties, fees charged in other coastal communities and extensive analysis
3 of services and the costs reasonably borne by the City is providing those services; and

4 WHEREAS, the Department of Parks, Recreation and Marine is
5 recommending a \$0.07 CPI increase of the Public Seawall Mooring Lease Permit Fee
6 and the application of future CPI adjustments on an annual basis using the fiscal year.
7 This coincides with the completion of Phase Two in August/September 2020 to recover
8 costs associated with services provided and reflect an appropriate price for the use of
9 state tidelands as is required by the California Coastal Commission;

10 NOW, THEREFORE, the City Council of the City of Long Beach hereby
11 resolves as follows:

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

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

22 Section 3. The City Council hereby adopts and approves the new,
23 increased, or adjusted fees and charges as set forth and described in Exhibit "A",
24 attached hereto and incorporated herein by this reference, as though set forth in full,
25 word for word. The fees and charges set forth in said Exhibit "A" shall thereafter be
26 incorporated into those fees and charges previously adopted and approved by the City
27 Council by Resolution and shall collectively be known as the Master Fee and Charges
28 Schedule of the City of Long Beach and may be made available to the public for its

1 information and review.

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

9 Section 5. All requirements of California Government Code Sections
10 66000, et seq., are hereby found to have been satisfied.

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

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

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

27 Section 9. This resolution shall take effect immediately upon its adoption
28 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 August 18, 2020,
by the following vote:

Ayes: Councilmembers: Zendejas, Pearce, Price, Supernaw,
Mungo, Andrews, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.



City Clerk

EXHIBIT "A"

Fee Title	Fee Description	Current Fee	Requested Fee	Per	Annual Revenue Change	Fund
PARKS, RECREATION, & MARINE						
TIDELANDS FEES						
MARINE BUREAU - TIDELANDS FUNDS						
Public Seawall Lease Permit Fee	The annual rent is charged on a per square foot basis for water space occupied by docks, floats, gangways, or piers, including berthing space surrounding the structures. Effective fee amount may be subject to CPI adjustments.	\$0.50 per square foot, charged annually	\$0.57 per square foot, charged annually, adjusted by CPI	Sq. foot	\$147,242	Tidelands